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A FIRM WITH A MISSION

Obama spent his early years as a lawyer at Miner, Barnhill & Galland

*Left to right: Charles Barnhill, Judd Miner and George Galland
of Miner, Barnhill & Galland*

Cut from the same cloth



*Left to right: Judd Miner, Charles Barnhill and George Galland of Miner, Barnhill & Galland
Photos by Callie Lipkin*

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A 2004 photo of Judd Miner, his wife Linda, and Barack Obama

By Olivia Clarke

Before the national speeches, the best-selling books, and the presidential campaign, Barack Obama was a young associate making his way in a Chicago law firm.

Obama worked as an associate and then of counsel at what is today Miner, Barnhill & Galland — a small, idealistic law firm that has developed a national reputation for its civil rights and employment discrimination litigation, and community development work.

While its civil rights work has remained at the heart of the firm, throughout the years it has expanded its practice to also include a

wider variety of plaintiff’s work in such areas as whistleblower cases, real estate and corporate work, and sexual harassment claims; and it represents such entities as hospitals, not-for-profits and community development organizations.

Just as Obama talks about using his presidency to bring about change, many of the lawyers at this firm have similar goals in their own careers.

Since its founding in 1971, the firm’s leaders say it has continued to attract idealistic lawyers who believe in using the law to help correct society’s wrongs.

The 17-lawyer, two-office firm continues to be a laid-back place — where lawyers don’t wear suits every day, and many ride their bikes to work.

The firm’s lawyers come from such top law schools as Michigan, Harvard, and Stanford.

They work, often on contingency, in a three-story brownstone reminiscent of a converted apartment building with creaky, yet charming, green-carpeted stairs and a basement conference room. The offices have exposed brick and fireplaces, and framed posters from the Lyric Opera and World’s Fair decorate the hallways.

"Folks who are attracted to this firm are people looking to make a difference, looking to do good," said partner Bob Libman, who has been with the firm five years. "We're not typically attractive to folks coming out of law school simply looking for a job with a law firm. We care about people's orientation and attraction to public interest work. Law is a tool to bring about social change."

The birth of a firm

Judd Miner and Charles Barnhill were awarded Reginald Heber Smith Fellowships in 1968 to do legal aid and civil rights work. They met in Philadelphia at a training session, and both worked in the appellate division of the Legal Aid Society in Chicago.

Miner and Allison Davis knew each other since high school, when Miner attended Francis Parker, and Davis attended Hyde Park.

"We had stayed in touch and I knew Judd when he was working as a Smith Fellow," Davis said. "I was kind of practicing by myself, which wasn't a lot of fun."

Miner founded the Chicago Council of Lawyers, and was practicing out of that office when Davis contacted him about sharing office space.

Miner and Davis practiced together informally in offices on North Dearborn, which Davis said he often called a Xerox room because it was pretty much two offices and a copy machine.

They decided to formally start a law firm, and flipped a coin to see whose name would go first — Davis won. Barnhill helped start the firm with them, so it became Davis, Miner & Barnhill.

They moved into slightly bigger offices on Huron, which was unusual because most litigation firms did not venture to the other side of the river, Miner said. But they didn't want to practice in the heart of the Loop.

"We decided at the time that there were virtually no law firms with women and minorities," Miner said. "We would start a litigation law firm, but our practice would focus on non-traditional cases that we would treat as seriously as law firms treated their business cases."

"And we would also be committed to building a law firm that was diverse," he said. "We would invest whatever it took to go out and recruit to make sure we found minorities and

women who we wanted to hire, and that's what we did."

"Our goal was to help community groups and bring civil rights lawsuits," Barnhill said. "The Civil Rights Act was just beginning to be fleshed out. Those were exciting times, and we didn't make much money. We actually got to know the lawyers on the other side who were just starting out."

Davis remembers them signing an agreement to do plaintiffs, civil rights, community development, and union work.

Miner said they agreed that everyone should take a six-month sabbatical every so many years, and everyone was entitled to as much vacation as they could get away with.

"I guess at that time no firms were doing what we do, and that was having civil rights and non-traditional litigation as their principal practice," Miner said. "In those days litigation was not nearly as expensive as it is now."

George Galland worked part-time for Chicago's department of development and planning while attending the University of Chicago Law School.

Davis worked on a project the department had involving the model cities program, and Galland met him.

After Galland graduated from law school in 1973 he joined their firm. He started the day that Carol Moseley Braun, then an associate, quit.

His office was a broom closet because that's all the space they had. He said they made him a partner three years later because it was cheaper than paying his salary.

What drew him to the firm was its "interesting and off-beat practice" and lawyers who were "young and energetic."

Galland said that was the heyday of judicial activism. The courts were taking on every possible social problem, and being a civil rights litigator had a glamour that was enticing.

"I think one thing that's helped us in a firm like this is, none of us have been greedy," Galland said. "You don't have people jostling for position of who gets what. You don't have to watch your back. ... There is sort of still that leftover feeling that we are using the law for the right purposes, which I think will always be with us."

"One reason I came here was, I didn't care if I left a law firm as a monument. I don't know

what will happen to us. Maybe somebody knows. People can think what they want about us. People that know us know we are very good, and we are decent people."

Davis, who left the firm in 1997 and is now managing member of Davis Associates Managers, said the practice remains special because it's never merged or been gobbled up by a larger firm.

"We are essentially the same group of lawyers that started together," Miner said. "Lawyers have left to teach or do other things, but not to start their own firms. And we are all married to the same spouses."

"I think we are all good friends," Barnhill said. "We always wanted to keep the firm small to keep that level of friendship, and we've succeeded, for better or worse."

A certain type

Associate Nancy Maldonado graduated from Harvard College with ambitions to go to law school.

She didn't know what lawyers exactly did, but she wanted to do something involving social justice and public interest law. She sent résumés to 40 different firms, and Miner responded to her résumé.

She worked as a paralegal at the firm for about a year, and then went to Columbia Law School. She came back there as an associate in 2003.

She said she could have worked for a much larger salary at a much larger firm, but she liked how younger lawyers got to work right away in the trenches.

"I wrote a brief my first week here. I had an argument probably three months into my career," she said. "I received the opportunity to develop and do the kind of work and be around the kind of people I wanted to surround myself with; and be happy with my career and stay true to the reasons I went to law school."

Maldonado often handles cases involving Title VII, the False Claims Act, sexual harassment, race discrimination, wage and hour, and failure to pay overtime.

"I knew I really wanted to do work that I believed in," she said. "I think that everyone here is really committed to the principles of the firm. Equal opportunity is really, I think, the keystone of all the work we do."

Partner William Miceli, who has been with



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the firm for 19 years, said it was very important to him that his work reflect his belief system and values. Coming from a Jesuit education, he learned early on the importance of service.

He wanted to work in community development on behalf of clients who were trying to make a difference in blighted areas. His work includes assisting 501(c)(3) groups who either themselves or in partnership with other entities deliver healthcare, economic development or some form of housing.

Miceli said he knows lawyers in large firms likely earn larger incomes, but he thinks many of the firm's lawyers, including himself, give that up for the chance to do the work they do. The firm's lawyers are tremendously principled, and they take their work, but not themselves, seriously, he said.

Miceli described an early lesson he learned at the firm.

"I was a young associate and I hadn't been

there longer than six months and I was very eager to make a good impression," he said. "I remember Judd coming into my office and telling me I shouldn't forget that I have a family. I thought, 'well, this is a place that I think I could remain for a long time if they will have me.'"

When partner Jeff Cummings attended Northwestern University School of Law, the focus was on preparing students for the practice of law in large law firms. But he wanted to work at a smaller firm that allowed him "to get into the action a bit more quickly." He also hoped to help protect people's rights.

He started at the firm in 1989.

The type of lawyer attracted to this firm, he said, "would be people with big hearts, and typically it would be optimists. A lot of times the sorts of cases we bring most lawyers would say, 'no way, we couldn't take that.'

"The heart of our litigation work is still contingent work, even though we have some

clients that pay by the hour," he said. "We have to pick good cases, and win them in order to keep going. That's not for everyone."

The practice

Cummings handled a lot of voting rights work in the '90s. His work now includes representing whistleblowers, and handling matters involving the False Claims Act, and employment discrimination.

He's been a hearing officer for the city's Commission on Human Relations since 1995.

"I have a tremendous respect and regard for our clients," Cummings said. "A lot of time we get people who have just put up with some ridiculous, appalling conduct and still have enough strength to keep fighting and challenge a situation where a lot of people are trying to keep their heads down and just move on. And that's one of the things that helps me do the things we need to do. It's a lot of work and a lot of our cases take years."



Both of the African-American Democratic senators that America has had since Reconstruction have worked at the firm.

For example, he worked on a Voting Rights Act case, *Barnett v. City of Chicago*. The initial phase of the trial started in February 1996 and ended in August 1996, with 48 days in court. The remand proceedings took another three days in court. Cummings said he believes it was the longest Voting Rights Act trial in history.

He also worked on a False Claims Act case, *U.S. ex rel. Yannacopoulos v. General Dynamics and Lockheed Martin Corp.*, filed in 1996, which was under investigation by the U.S. Department of Justice until 2003. The firm picked it up in 2002, and it's still being litigated.

"For the most part these are big fights, and you have to also be patient," he said. "We don't have the luxury of having layers of review. Everyone who comes in, within the realms of their experience, must be able to carry their own weight right from the very beginning."

Partner Laura Tilly worked as a paralegal at the firm out of college in 1980, and then went to the University of Michigan Law School.

"When I joined the firm in 1984 it was largely a civil rights practice," she said. "That's still a component of the practice, but it's diversified since then. There is a larger community development-oriented practice, an area I practice in."

Tilly's practice involves handling mostly transactional work. She has represented for several years the Hispanic Housing Development Corp., a large not-for-profit housing organization, she said.

"I've been working primarily in their preservation of affordable housing strategy, which involves purchasing and operating and managing affordable housing that could lose its affordable status. I really enjoy that work," she said about the Hispanic Housing Development Corp. "The financing that we have to put together to accomplish these transactions is often very complex and interesting; and I feel good at the end of the day that I've helped provide a decent place for people to live even if they don't have high incomes."

The firm acts as outside counsel to the Near North Health Service Corp., a non-profit federally qualified health center that's one of the largest providers of community-based primary care in Chicago. This work allows her to touch on many areas, such as corporate, real estate and employment, she said.

"It's a truly unique and wonderful collection of individuals who practice here in a very informal environment that embraces diversity and offers a fascinating practice," Tilly said. "And it also includes some of the best attorneys in the city of Chicago."

Libman said changes in the civil rights division of the U.S. Department of Justice that accompanied the new administration in 2000 led him to conclude that he could better do what he wanted to do outside the division. He decided the firm was the right fit for him.

"The firm, to me, is unique in three respects," Libman said. "It's unique because of the nature of the work it does. There are few firms that do the kind of work that requires

not just expertise, but doggedness and determination to see these cases through. The outstanding quality of people, and the environment are very unique.”

It strikes a good balance between large cases of national importance, and representing individuals, he said.

Libman said he and other lawyers at the firm were hired by seven states to work with their attorneys general to bring claims against drug manufacturers claiming they submitted false prices for prescription drugs, which caused states to overpay primarily pharmacies when they dispense drugs to Medicaid programs by hundreds of millions of dollars.

When asked about Miner, Barnhill & Galland’s future, Libman said it must “be careful and wise about the cases we select to do, but continue to be aggressive and determined, and not refuse to do [these cases] because they’re difficult. As long as there is injustice there will be a need for work like the firm does.”

The making of a president

Barnhill said many of the lawyers attracted to their firm are those with larger societal goals.

Some go into teaching or run not-for-profits, and others go into politics.

One firm alumnus who sticks out is President-elect Barack Obama.

Miner had returned to private practice after working for the city as corporation counsel from 1986 to 1989.

He was reading all kinds of newspapers, and read an article in 1991 about Obama, then the president of the Harvard Law Review. He learned that he had an interest in civil rights, and wanted to work in Chicago.

He tried calling Obama, but the person at the Law Review office asked if it was a recruitment call, and she joked that he was number 643 on the list, Miner said.

He went home that day and went on a bike ride with his children.

When he got back his youngest child said a man with a funny name called that afternoon, but she had no idea where she wrote his number. She eventually found the number and Miner called Obama.

They agreed to meet for lunch. They talked for about two hours at lunch, and after the meeting Miner called his wife to say that he had lunch with one of the most impressive

young people he’s ever met.

They talked about their values, and whether being a civil rights lawyer was gratifying. Obama asked Miner if he thought he could have accomplished more by coming at it from a different way.

“He was really trying to figure out what he was going to do,” Miner said. “It was a conversation about how we got into the practice we got into.”

They met for four or five lunches, before Obama agreed to visit the firm. And he eventually decided it would be a good fit for him, Miner said.

Obama joined the firm in 1993 and remained there first as an associate, and then as of counsel until his election into the U.S. Senate in 2004, when he ended his affiliation, as law requires, according to the firm.

During his time there, Obama was enormously thoughtful, a wonderful writer, and a very clear thinker, Miner said. He often became preoccupied with the fact that their opponents could have made a much better argument. He was concerned with whether to focus on the argument the opponents made or the argument they should have made.

Obama’s time was spent working on civil and workers’ rights cases.

For example, he worked with other lawyers on behalf of African-Americans who sued under the Voting Rights Act to obtain equal electoral opportunities in Illinois and elsewhere; minority mortgage seekers who claimed they were subjected to “redlining,” or mortgage credit discrimination, when they sought mortgages from a major national bank; workers who experienced discrimination in the workplace; and whistleblowers who exposed fraud that was being perpetrated against the U.S. government, according to the firm.

He also worked with other firm attorneys in the representation of not-for-profit clients devoted to community redevelopment and the expansion of affordable housing. He devoted roughly 86 percent of his litigation work hours to the firm’s employment discrimination, civil rights, and whistleblower cases.

“He was just like any other associate,” Miner said. “There’s nothing flashy or glitzy about Barack. He was just a hardworking, diligent person. Everybody enjoyed being with him.”

Galland said he has not detected a molecule

of change in Obama’s personality from then to now. He has always been even-keeled, with a very understated sense of humor.

“He always had a million balls in the air at the same time, and he didn’t seem to have any trouble keeping them up there,” he said. “He sort of sprang fully formed at some point. The usual lawyer starts out pretty raw and ignorant, but I think Barack always had a sense of where he was going, which I don’t think I’ve ever seen in any other person.”

Cummings and Obama were associates together at the firm. He said he never saw Obama get agitated, upset or nervous. He’s a steady, thoughtful, and unflappable person, he said.

“He has the ability to relate to people at any station in life,” Cummings said. “He can talk to anyone and develop a connection with them. He was able to develop relationships with everyone, every person, from the biggest intellectual to someone who might read the *National Enquirer*, like myself. He can deal with us all. It’s been interesting to watch and see that he’s very much like the guy who used to work here that I’ve known over the years.”

Cummings said he remembered one unusual example of how Obama can keep his cool.

The law offices used to have a problem with rats. Obama was in the basement conference room on the phone with a client when one of the rats got on his pants leg, Cummings said.

Rather than putting the phone down or putting the client on hold, Obama calmly continued the conversation and shook the rat off his leg, he said.

“You’ve got someone who has got that kind of cool and calmness under unexpected duress,” he said. “It really shows through as he moved through the political process.”

Galland said he thinks it’s great that their firm is associated with Obama.

“When we started we had four [lawyers], and yet we have employed both of the African-American Democratic senators that America has had since Reconstruction,” he said. “I really don’t care why it is people look favorably at us. If they look favorably at us because we’re great lawyers, that’s good. If they look favorably at us because we employed Barack Obama, we are proud to have employed Barack because he could have worked anywhere in the country and world. ... He chose to work for us.” ■