

# MAKING THE LAW: LAWYERS IN PUBLIC POLICYMAKING



## WORLD DOMINATION

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## When most students enter law school, they more than likely anticipate careers in litigation, transactional work, criminal law, or some other traditional area of the practice of law.

But how many students consider that one day, they will actually be crafting the laws that lawyers and the public at large live by? Legislative work and other facets of policymaking are fields that are becoming more sought after as students couple their dreams of being lawyers with their desire to play a role in setting policy—whether arising out of administrative regulation, a legislative statute, or think tank guidance—that will benefit broad sectors of society. We will examine the role that lawyers play in impacting local, national, and international policymaking.

### Different Practices, Similar Skills

According to the ABA's website article on "Using Litigation Skills in the Public Policy Arena", although the practice of law and policymaking are completely different areas of law, they require the development of similar skill sets of quality writing, advocacy, and networking. Correspondingly, policymaking can also be achieved in the course of litigation by way of submitting amicus briefs in support of one side or another in a policy-outcome dispute.

Just as various law firms and in-house general counsel managers seek attorneys who are trained in a specialized area of law, so too, private think tanks, Capitol Hill, local government, and lobbying firms look for certain types of specialists to help formulate policy in the policymaking realm. Whether it be in the field of education, the environment, social welfare, trade policies, defense, or any other field where public policy is being shaped, opportunities exist for lawyers wishing to use their practice skills for policy development.

### Opportunities While Still A Student

One does not have to wait until receiving their law degree and license to contribute towards policymaking. Most law schools offer various fellowship programs

whereby a student can work as a fellow for any number of public policy institutes. For example, New York University School of Law sponsors their Institute for Policy Integrity, Harvard Law School offers the Animal Law & Policy Academic Fellowship, and Temple University's Law School, along with the Department of Public Health in the College of Health Professions offers a program in health policy through which a student can earn a combination J.D. and M.P.H. degree.

In addition, Congress offers numerous legal internships and law-related positions for law students in the DC area, as do non-profit organizations engaged in social as well as political policymaking.

### From Law Practice to Policymaking

An attorney who started her career as a prosecutor representing victims of sex crimes decided that her skill set could better be applied to lobby for change in state and federal criminal laws pertaining to sex trafficking. She left her prosecutor's position and became national director of a non-profit lobbying organization in order to play a crucial role in affecting criminal law policy change.

Attorneys also use their legal analysis skills to work for legislators, where they take on the crafting of new laws in support of policies that they believe in.

### Executive Summary

#### > The Issue

How does the practice of law intersect with public policymaking?

#### > The Gravamen

Although it is not necessary to be a lawyer in order to work in policymaking, lawyers are in great demand in that sector due to the legal skill set they bring with them.

#### > The Path Forward

As more law students search for ways to combine their legal training with their desire for social, economic, and environmental advocacy, policymaking offers a platform for satisfying both goals.

Regulatory agencies recruit lawyers to draft the rules and regulations that govern so many of our interactions with administrative bureaucracies and compliance with agency requirements.

## Lobbying and Consulting

Advocating for political, social, economic, and other causes can also be undertaken by working for a lobbying organization or trade association. Although one does not have to be a lawyer to work as a lobbyist—or as a policymaker in any field for that matter—lawyers are often preferred due to their training and expertise in analytical skills and in professional level writing.

Both for-profit consulting groups, as well as non-profit think tanks are regularly called upon to draft guidance for policymakers, and that guidance can, in fact, end up being the very policy that is ultimately adopted by both government and private foundations. But getting hired by some of the most well-known think tanks, such as Brookings Institute, the American Enterprise Institute, and the Cato Institute, for example, has become quite competitive, and those who gain entry to such august policymaking entities must come with considerable experience either in government, industry, or academia.

## International Influence

The importance of a policymaker's role is not just limited to local or national laws. Global organizations ranging from the World Economic Forum to the United Nations also employ lawyers to shape the policies that can help alleviate

poverty, hunger, disease, and conflict around the globe.

And White House policy is also not limited to domestic impact. Whether addressing global water quality issues, nutrition, or global development, what comes out of White House policy has a tremendous impact internationally. As noted by an Institute for Legal Reform study, 'the doors to the White House and federal agencies are eagerly held open for those representing America's lawsuit industry.'

**"I HONESTLY BELIEVE THAT MY LEGAL BACKGROUND IS ESSENTIAL TO THE POLICY WORK THAT I DO. I THINK THERE'S SUCH AN OVERLAP BETWEEN LAW AND POLICY, AND I THINK IT IS REALLY BENEFICIAL TO BE ABLE TO ACTUALLY READ A LAW AND UNDERSTAND THE WORDING AND UNDERSTAND THE INTENT AND UNDERSTAND THE LEGISLATIVE HISTORY AND UNDERSTAND ALL THE COMPONENTS."**

**—LAUREN HERSCH, NATIONAL DIRECTOR OF WORLD WITHOUT EXPLOITATION**

## Action

### 1 Start As a Student:

A plethora of fellowships and internships abound for those law students seeking a career in policymaking.

### 2 Career Shift:

Having already begun a legal career is not at all a detriment and can, in fact, be a major benefit for those seeking to move out of the traditional practice of law and into policymaking.

### 3 Networking and Credentials:

Networking among think tanks, trade associations, lobbyists, and other advocacy forums is essential, and the opportunity to join in-demand organizations is greatly enhanced the more one builds their resume in a particular field of public advocacy.

### 4 Think Globally:

Beyond the domestic possibilities are the international forums and associations that advocate for change and development on a more global scale.

## Further Reading

1. <https://www.americanbar.org/groups/litigation/committees/minority-trial-lawyer/practice/2017/using-litigation-skills-in-the-public-policy-arena/>
2. <https://www.weforum.org/agenda/2015/01/how-lawyers-can-help-promote-development/>
3. <https://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2017-08-14/policy-careers-an-option-for-law-school-graduates>
4. <https://www.jstor.org/stable/1192377>
5. <https://www.whitehouse.gov/get-involved/internships/white-house-internship-program/internship-departments/>





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After receiving his Juris Doctor degree from The John Marshall Law School in Chicago, Mr. Brochin served as an Administrative Law Judge with the Illinois Department of Labor for six years where he presided over cases dealing with job separation issues and matters pertaining to contested Unemployment Insurance claims. He also co-wrote the agency's administrative rules, and periodically served as a 'ghost writer' for Board of Review decisions.

Following that position, he was Director of Development for a Chicago-area non-profit college where he was responsible for High Net Worth donations to the institution. For the next eighteen years he practiced as a solo practitioner attorney with an emphasis in the fields of Real Estate law and Commercial Contracts transactions, and was an agent for several national title insurance agencies.

In 2003 he was recruited to head up a U.S. title insurance research office in Israel, a position he held for four years, and between 2007-2017 he participated in litigation support for several high-profile cases. He has taught Business Law as a faculty member of the Jerusalem College of Technology, and has authored a wide variety of legal White Papers and timely legal articles as a professional legal content writer for GPL clients. Separate from his legal writing, he has co-authored academic articles on Middle East security topics that have been published in peer-reviewed publications.



### **William H. Anderson, Esq.**

MANAGING DIRECTOR

William Anderson is Managing Director and Head of Law & Compliance. He leads the GreenPoint practice in providing regulatory, legal, and technology solutions to law firms, legal publishers, and in-house law departments around the world, overseeing our team of experienced US attorneys and data and technology experts. Will has over 25 years' experience working with corporations to improve the management of their legal and corporate compliance functions. Will began his legal career as a litigator with a predecessor firm to Drinker, Biddle LLP. He then served as in-house counsel to Andersen Consulting LLP, managing risk and working with outside counsel on active litigation involving the firm.

Will has leveraged his legal experience interpreting regulations and appearing before federal (DOJ, SEC, FTC) and state agencies (NYAG) to oversee research and other areas at Bear Stearns. In this capacity, he counseled analysts on regulatory risk and evolving compliance requirements. Will also consulted on the development of a proprietary tool to ensure effective documentation of compliance clearance of research reports. Will then went on to work in product development and content creation for a global online compliance development firm pioneering the dynamic updating of regulated firms' policies and procedures from online updates and resources. Will holds a Juris Doctorate with High Honors from the Washington University School of Law in Saint Louis and is admitted to state and federal bars. He lives in Pawling, NY, with his wife and daughter.



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## GreenPoint> ESR

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- By virtue of our unique methods and a proven history of providing top-tier legal services to our clients, the GPESR team is capable of supporting a diverse client base both in the US and globally. From solo practitioners to AmLaw 100 firms, legal publishers, Fortune 1000 companies, and in-house law departments, our team offers legal staffing solutions to suit any business needs. GPESR provides skilled attorneys in either permanent placements or temporary contracts through a selective recruiting process. Adherence to quality, value, and flexibility are hallmarks of our offerings.
- Ensuring privacy and security of client data is a critical component of our business. GreenPoint has instituted rigorous physical, administrative, and technical safeguards to protect the integrity, security, and privacy of client data, all of which comply with the most stringent US and global standards and regulations.

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### About GreenPoint Law & Compliance

- GreenPoint Global was founded in 2001 and since that time has faithfully served an expanding roster of clients. GreenPoint leverages a unique combination of US-trained attorneys and proprietary technology to deliver a unique offering of skill and flexibility to meet client needs.
- Our core team of experienced US attorneys is based in Israel and works US hours. The breadth of experience of our attorneys ensures high-quality, cost-effective results across a wide range of legal, compliance, and regulatory matters.
- GreenPoint's methodology and proven track record of achieving client objectives has resulted in a broad base of clients in the United States, ranging from Fortune 500 insurance companies to solo practitioners, law firms, in-house law departments, and legal publishers. GreenPoint attorneys are selectively recruited and deployed based on possessing demonstrable subject matter expertise covering a broad spectrum of substantive US laws and regulations. The work product of our attorneys is thoroughly vetted internally before delivery to client. Adherence to quality, value and flexibility is at the core of our foundation.

