

A DEDICATION TO SERVICE: AN INTRODUCTION TO ACTING DEPUTY ATTORNEY GENERAL GARY G. GRINDLER'S COMMENCEMENT ADDRESS

Lucian E. Dervan*

It was a great honor for Southern Illinois University School of Law to welcome Acting Deputy Attorney General of the United States Gary G. Grindler as our 2010 commencement speaker.

The Office of the Deputy Attorney General was created by Attorney General J. Howard McGrath in 1950 with the intent that the Deputy Attorney General serve as the Department of Justice's Chief Operating Officer. As such, the Deputy Attorney General supervises twenty-five components of the Department of Justice, including the Criminal Division, FBI, DEA, ATF, Bureau of Prisons, and Solicitor General's Office, ninety-three U.S. Attorneys, and thirteen additional components which report through the Associate Attorney General, including the Civil, Antitrust, and Civil Rights Divisions. Along with these many responsibilities, the Deputy Attorney General advises and assists the Attorney General in formulating and implementing Departmental policies and programs. Mr. Grindler's career is one of exemplary service and commitment to the ideals of the law, making him well suited to the challenges of his office.

Born and raised just a short drive from Southern Illinois University in St. Louis, Missouri, Mr. Grindler attended Northwestern University for his undergraduate and law degrees. In fact, as many Southern Illinois University School of Law students have done, Mr. Grindler interned at the United States Attorney's Office in St. Louis after his second year in law school; an early prelude to his eventual leadership in the Department of Justice.

Following law school, Mr. Grindler moved south to Atlanta, Georgia, where he served as a litigation associate in the firm of Powell, Goldstein, Frazer, & Murphy. Several years later, he opened his own firm, Chilivis & Grindler, where he focused on civil litigation and white collar criminal defense.

I came to know Mr. Grindler during his time as a partner on the King & Spalding Special Matters and Government Investigations team in Atlanta. The

* Assistant Professor, Southern Illinois University School of Law.

Special Matters team was established by former United States Attorney General Griffin Bell in 1989 to represent corporations and individuals in complex federal and state criminal investigations, internal investigations, and Congressional investigations, as well as in related civil and regulatory proceedings.

Working for Mr. Grindler as an associate on the Special Matters Team was my first legal position after law school, and he taught me much about the practice of law and the dedication necessary to be a successful advocate for one's clients. I recall he once likened a career in the law to a marathon, a challenging and fulfilling endeavor made all the more exciting by the fact that though much is learned in law school to prepare one for the undertaking, significant lessons also come during the race itself. More than just a mentor with regard to the skills necessary to be a successful lawyer, Mr. Grindler encouraged all of us on the team to set aside time in our busy schedules for service and pro bono activities. True to his own challenge, Mr. Grindler took on many significant pro bono cases during his time with King & Spalding and lent his experience and resources to those who might otherwise go without legal representation.

Consistent with his career-long dedication to service, in 2009, Mr. Grindler left King & Spalding to accept appointment as Deputy Assistant Attorney General in the Department of Justice's criminal division. It was not, however, his first time serving in government during his career. Mr. Grindler has had several tours of service in the Department of Justice, including as Principal Associate Deputy Attorney General and Counselor to the Attorney General, Deputy Assistant Attorney General in the Civil Division, and as an Assistant United States Attorney in the Southern District of New York and the Northern District of Georgia. He also represented the President of the United States in his official capacity when depositions were taken in two Independent Counsel prosecutions arising out of the Whitewater investigation.

In 2010, Mr. Grindler was appointed Acting Deputy Attorney General of the United States, making him the second highest official in the Department of Justice and responsible for supervision of critical U.S. law enforcement missions. Southern Illinois University was honored that Mr. Grindler would take time from his many obligations to share his experience and knowledge with the graduating class of 2010. His discussion of the importance and rewarding nature of giving back through service throughout one's legal career is a message that is of great significance to all 2010 law school graduates and, in fact, everyone in the legal profession. Mr. Grindler has demonstrated a continual commitment to public service throughout his career, and it is fitting that a Law School dedicated to serving the public interest turned to an exemplary public servant to deliver its Commencement Address.

Southern Illinois University School of Law 2010 Commencement Address

Gary G. Grindler
Acting Deputy Attorney General of the United States

May 15, 2010

Chancellor Goldman; President Poshard, Dean Houdek; Distinguished Members of the Faculty and Staff of the SIU School of Law; Families and Friends of the Graduates and, most important, the Law School Class of 2010.

Thank you very much, Professor Dervan, for that kind introduction; and thank you Dean Houdek for the invitation to join you today for this Commencement ceremony. It's a true pleasure to be here and a privilege to join the faculty, families, and friends in honoring the law school class of 2010.

As a father of four boys, one of whom went to law school, I've attended a number of commencement ceremonies over the years. When my outspoken sons heard that I was giving this commencement address they reminded me that the best commencement addresses they remember were brief—they also mentioned two speeches they did not like—one titled “Are You a Fool” and one titled “What Kind of Burrito Are You.” Humbled by these statements and advice, I'm going to endeavor to be brief, but hopefully provide you with some positive words that you will remember.

First, and if you remember nothing else, remember this—you are each to be congratulated for your accomplishments and for the hard work that it took to make it here today. This milestone in your life is something you should take the time to savor.

I also want to recognize and pay tribute to all of the families, administrators, faculty, and staff who are with us today. They have played an instrumental role in helping the graduates reach this important, challenging goal. The Class of 2010 is a great credit to all of you.

When each of you decided to study law at Southern Illinois University, when you sent in that deposit and checked “I enroll”—you chose a school founded on a simple but powerful idea that sets this school apart: “serving the public good.” Legal training can open many doors. But for you, your Southern Illinois University legal training is rooted in the principle and tradition that, with these opportunities, comes this great—and life-long—obligation. This tradition began under your founding Dean Hiram Lesar and that is reflected in the continued commitment of Barbara Lesar to the law school and its vitality.

Southern Illinois University's alumni are federal judges and state judges. They include a United States Attorney, Courtney Cox, who I met with

yesterday, and prosecutors and public defenders. They are civil rights advocates, state bar association leaders, victim advocates, and community leaders. They marshal the resources of their law firms to bring important pro bono lawsuits; they mentor students in their communities; they fight to bring justice to victims of domestic violence; and they protect the rights of children and the elderly.

In other words, Southern Illinois University's historical commitment to service—in the public trust and for the public good—are not only words on paper. They represent a vision that for decades has become a reality for graduate after graduate. They are the legacy you inherit today.

And not a moment too soon. You are graduating at an extraordinary time in history. A time where lawyers are playing an increasingly greater role in addressing the enormous challenges facing our Nation and the world. Consider some of the challenges you and others will be facing:

- We must protect our national security while safeguarding our fundamental constitutional values;
- We must address the economic crisis and revamp our financial and regulatory systems;
- We must combat crime—whether it's perpetrated by sophisticated white collar criminals, violent drug cartels or internal predators engaged in child exploitation;
- We must safeguard the environment;
- We must ensure that civil rights are respected—and these are just a few of the items that should be on our “to do” list.

These significant challenges and many others will require legal analysis, law based solutions and sound decision making. These issues implicate the basic functions of our democracy, and they are, at their core, some of the hardest and most consequential of legal and policy questions facing us today. So it is indeed an extraordinary as well as exciting time to be entering the legal profession.

The legal skills you have developed and the training you have received—through participation in Southern Illinois University's professional development workshops, through your studies, through clinics and externships—have provided you with the tools to serve, with great success, the public good.

So what does it mean to serve the public good as a lawyer in this era? This is no easy question, and it is one that you no doubt will grapple with over the course of your career. Let me offer a few thoughts.

First, serving the public good is about doing justice. But justice is a process as much as it is a goal. To do justice means more than getting a just result; it is about pursuing a chosen profession with absolute integrity, civility, and adherence to ethics and the rule of law—plus a deep commitment to preserve the integrity and fairness of the system.

Early in my career, in 1983, as an Assistant United States Attorney, I prosecuted a case involving an assault in a penitentiary and obtained a conviction against the inmate who perpetrated the assault. The case involved an inmate housed in the federal penitentiary in Atlanta who made a knife that he used to injure a fellow inmate.

A number of months after the conviction, a separate investigation revealed that one of the guards who had testified in my case was providing illegal drugs to the very inmates he was charged with guarding.

I prosecuted that guard on drug-related charges. When I did this, I sent a letter to the inmate's defense counsel to inform him of my prosecution of a key witness against his client even though it created a risk that the conviction would be challenged. I did this because I believed it was the right thing to do. This is something you should strive to do throughout your career no matter what pressures are brought to bear on you. And I can assure you that pressures will be brought to bear on you during your career.

Now you may think at this point in your career that true justice can only be pursued on one side of a case or—in one part of the bar. Not true. I have vigorously represented clients on both sides of the justice system—as a federal prosecutor and as a criminal defense lawyer, in the Civil Division defending the federal government, and as a private attorney bringing and defending commercial and tort lawsuits.

These experiences have given me a great respect for the role each side must play in the justice system.

For example, beginning about three years ago when I was with a private law firm, I, along with a number of young associates, represented pro bono an inmate on death row during the final stages of his habeas litigation where we challenged the imposition of the death penalty. Through the diligent efforts of these associates who were only a year or two out of law school, we identified dramatic mitigation evidence not presented at trial that the defendant had been beaten by his father and stepfather on a weekly if not a daily basis starting when he was two years old.

The hearing in federal court was dramatic with compelling and emotional testimony from two key witnesses and, if I may say so, piercing cross-examination of the attorneys who represented the defendant at trial. Just a month ago the court granted the writ, and in my view, justice was done. My former client is no longer on death row.

As Acting Deputy Attorney General it is now my duty and privilege to vigorously enforce and defend the laws of the United States.

My pursuit of justice defending the individual on death row was as vigorous as my pursuit of justice prosecuting cases as an Assistant United States Attorney and in defending and enforcing the laws of the United States as Acting Deputy Attorney General. All of the work, in my view, was and is in the service of the public good; both are required for the system of justice to thrive.

Second, serving the public good means that we have an obligation to do what we can to ensure that the doors of the courts are open to and accessible by all—that those less fortunate are not less able to seek justice.

Many of you may have already endeavored to use your legal training to serve the public good while here at the University, whether by participating in a clinic or assisting in pro bono initiatives designed to serve critical needs of certain underserved segments of individuals within your community. I applaud your efforts and encourage you to continue to seek out those opportunities in your professional life.

At the Justice Department, we are also committed to serving the public good. Although we typically are seen solely as the enforcer of the law, our paramount goal is the fair administration of the law.

To that end, Attorney General Holder has launched a landmark Access to Justice Initiative, and created a permanent office within the Department to focus on improving access to the courts and ensuring a fair system of justice.

Creating this office marks a permanent commitment to the idea that equal justice requires qualified indigent defense; and that ensuring equal access is all of our responsibility in the service of justice.

Equal access to justice also means that victims of crime must be heard and treated with respect.

All of this underscores the importance of what many refer to as the "rule of law" something that is truly global in scope. But what does it mean to have the Rule of Law? The Rule of Law requires that a comprehensive system of justice exist in the first place; a system that people of every Nation can rely on and have confidence in.

The Rule of Law means having a system where (1) fair laws are enacted; (2) where there are skilled investigators and police operating free from corruption; (3) where skilled prosecutors are able to bring charges in court; (4) where there is an independent judiciary; and (5) where there is a professional corrections system.

In post-conflict and fragile states around the globe, the Department of Justice is working with our foreign partners to help them build enduring legal institutions that will ensure access to justice in countries that have been

deprived of the stable legal structure that we take for granted here in the United States.

In saying this I must add that there are some communities in the United States where corruption and unchecked violence has weakened the rule of law and resulted in citizens no longer feeling safe. Just this week in Newburgh, New York, seventy-eight gang members were indicted by the United States Attorney's Office in New York City for drug distribution and gang violence. The reaction by the community to this strong effort to make these neighborhoods safe again was overwhelming.

In Afghanistan, Department of Justice prosecutors and agents are providing mentoring and training for Afghan prosecutors and investigators to build their capacity to investigate and prosecute corruption and narcotics violations.

In Iraq as well, we have coordinated extensive rule of law assistance programs, working closely with our Iraqi partners to build an enduring judicial and corrections system.

I meet with many of the Justice Department prosecutors who have bravely served in Iraq and Afghanistan when they return from their deployments. This is one of my most important tasks because these men and women provide one of the most compelling examples of public service, that is building a world that is committed to the rule of law and access to justice for people in all nations.

These attorneys have met the challenge by Horace Mann in his commencement address at Antioch in 1859 where he said, "Be ashamed to die until you have won some victory for humanity."

Third, to serve the public good, you must never lose sight of the law's effects on humanity. The law is a powerful instrument that can have profound, irreversible effects on people's lives. And the law can also serve as a powerful instrument to improve people's lives and protect their livelihoods.

The Attorney General and I recently dispatched a number of Justice Department attorneys to New Orleans to monitor the British Petroleum oil spill in the Gulf of Mexico and to work with the Coast Guard, the Governors of Mississippi, Alabama, Louisiana, and Florida, and the Departments of the Interior and Homeland Security in dealing with this tragic incident. This is because we at the Department recognize the role of the law in protecting the individuals who work and live near the gulf, as well as its wildlife and the environment.

Also, under the Attorney General's leadership, I am spearheading a broad law enforcement initiative to disrupt and dismantle the drug cartels that terrorize communities along the Southwest Border and funnel drugs and violence onto our streets throughout this country. The recent murder of three

individuals associated with the United States Consulate in Juarez serves as a chilling reminder of what needs to be done to protect this Nation.

While these initiatives are about deploying Department of Justice attorneys and agents in the pursuit of justice, they are, at their core, about improving the quality of life for all Americans.

Fourth, as a lawyer serving the public good, one of the most important things you must offer your client is good judgment. This includes knowing when to tell your client no—no matter who your client is. Your job as a lawyer is to advise as to the bounds of the law, and the rule of law means that there are indeed boundaries. You must be a vigorous advocate for the client's interests, but you must remember that you are also, always, an officer of the court.

Finally, as your career moves forward, you must take the time to mentor others and to give them responsibility in cases or projects that will enable them to grow to become better attorneys and to develop the sound judgment needed to serve others in an effective way.

When I was just two years out of law school, I had the privilege to work for a great attorney, who had been practicing law for 23 years, in a matter that garnered intense national attention. We filed a motion for a hearing on leaks from the grand jury just months before our client was indicted. We were denied the hearing, but took the case to the U.S. Court of Appeals in New Orleans. Because this attorney had argued many cases in the courts of appeals and I had argued none, he asked me to conduct the oral argument. It was a learning experience I will never forget.

I hope these thoughts provide opportunity for further reflection as you embark on promising careers in the law. Your opportunities to serve the public good are great, and varied. Be deliberate in your journey, and make your mark in this great profession.

But also try to remember to enjoy your work and bring to it a sense of humor. As lawyers we can all too often take ourselves too seriously because we face tough questions and difficult decisions, but I ask that you remember that you are part of an amazing profession and one that allows you the opportunity to work on these challenging and important matters and cases.

Trust me, in your first few years after law school, you may have many long nights, early mornings, and non-existent weekends, and a good sense of humor will help to get you far.

Let me close by leaving you with the words that Justice Benjamin Cardozo—then still on the New York Court of Appeals—offered to the graduating Albany Law School Class of 1925:

"[I]t is a wonderful and inspiring opportunity that confronts you in this year of grace as you turn your backs upon the law school to take your places at the bar. The process of justice is never finished, but reproduces itself, generation after generation, in ever-changing forms, and today, as in the past, it calls for the bravest and the best You know its ideals. You have said that they are yours. You will be as good as your word, and as proud as your heritage."

To the class of 2010, the path before you is filled with great opportunities—I wish you all the best as you set out on your journey. Thank you again for this opportunity to speak with you today.

