

## LETTER TO A YOUNG PUBLIC INTEREST ATTORNEY

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*Hector Villagra*\*

I am so honored to write this letter, but writing it is somewhat disconcerting because I so vividly remember my law school years even though so much time has passed. It's probably because that

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\* Hector Villagra is Executive Director of the ACLU of Southern California. He joined the ACLU in 2005 as Director and co-founder of the Orange County office. Mr. Villagra won dismissal of a lawsuit aimed at getting rid of the LAPD's Special Order 40, which prohibits officers from using immigration status to initiate investigations. He also settled a lawsuit against San Bernardino County that won the right for Muslim women to wear head scarves in jail. And under his leadership, the Orange County office won a legal victory that enabled a Buddhist congregation to move forward with building a new temple after a dispute with the city of Garden Grove over unconstitutional enforcement of its zoning regulations.

Before joining the ACLU, Mr. Villagra served as Regional Counsel from 2001 to 2005 for the Los Angeles Regional Office of the Mexican American Legal Defense and Educational Fund (MALDEF), where he was a Staff Attorney from 1999 to 2001. At MALDEF, Mr. Villagra served as counsel in civil rights cases involving such issues as educational equity, employment discrimination, and language and voting rights. As Regional Counsel, he supervised MALDEF legal staff serving the western United States. In 1999 and 2000, he was MALDEF's lead counsel in *Godinez v. Davis*, the successful challenge to California's system for distributing Proposition 1A new school construction funds; as a result of the settlement, LAUSD received approximately \$650 million to build desperately needed new schools and reduce overcrowding. Between 2000 and 2004, he served as MALDEF's lead counsel in *Williams v. California*, which successfully challenged unconstitutional conditions prevailing in large numbers of schools throughout the state, focusing specifically on school overcrowding.

Mr. Villagra earned his B.A. in Philosophy from Columbia University in 1990, and earned his J.D. from the Columbia University School of Law in 1994. At graduation, he received the Jane Marks Murphy Award for excellence in clinical work. He began his professional career as a law clerk for the Honorable Robert N. Wilentz, Chief Justice of the New Jersey Supreme Court, and the Honorable Stephen Reinhardt, a judge on the United States Ninth Circuit Court of Appeals.

was a difficult period for me. Putting aside the anxiety of law school, I felt disconnected for such a long time. I knew I wanted to be a public interest lawyer, but found so little in law school that spoke to me and my career plans. I had always prided myself on swimming upstream, as it were, but I wasn't prepared for the strength of the stream I was swimming against and seriously wondered if law school was for me. When October and November of my first year rolled around, I was not busy sending my resume out to dozens of law firms; I was focused on a few public interest organizations that would help see different aspects of public interest law. I didn't participate in on-campus recruiting, so I stuck out like a sore thumb as 99% of my classmates buzzed around in their dark blue interview suits. These were key points that highlighted my difference, but it was there on a daily basis. I had gone to law school to help people, but there wasn't much talk of that. It wasn't until my first summer, which I spent at Puerto Rican Legal Defense and Education Fund (PRLDEF), and my second year, when I took a fair housing clinic, that I became convinced to stick with law school, because I now knew that once I completed my studies on the other side of it I could put my degree to good use.

Looking back, I think so much of the difficulty I experienced was that I didn't know what to expect from law school. I didn't really know any lawyers; my family's circle of friends didn't include any, and I don't think my family had ever even consulted an attorney. A lawyer who spoke during my high school career day was so sour about the practice of law that I essentially wrote it off as a potential career. I interned with the City Attorney's office the summer after college graduation, so that I could gain some exposure to the practice of law. I remember saying then that I wanted to know if people 5, 10, and 15 years out of law school were still happy, and that was a major focus for me because I didn't know much about

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what the practice of law was actually like. I had the incredible good fortune during that summer to help put on an event honoring Antonia Hernandez, then the Executive Director of Mexican American Legal Defense and Education Fund (MALDEF), and to learn about her and MALDEF, and I was hooked. It was the professional calling equivalent of love at first sight: a lawyer and an organization dedicated to serving those most in need.

When I graduated from law school, I clerked for two years – first for the late Robert Wilentz, the Chief Justice of the New Jersey Supreme Court, and then for Stephen Reinhardt of the Ninth Circuit Court of Appeals. I clerked because after three years of law school I felt that my legal research and writing skills needed real refinement. I can probably count on two hands the number of research memos I wrote while in law school, and most of those occurred early my first year. It almost seemed that actual research and writing experience was to be gained over the course of summers, not in law school. I was not disappointed with my time clerking, particularly during the year with Judge Reinhardt. It was virtually non-stop researching and writing – the “virtually” in this sentence is carrying little weight. Whatever questions or doubts I had about my skills disappeared, mostly under the press of work, as I pushed myself and was pushed by others to do better and to do more – to be more precise in my language, to be more comprehensive in my research, to be more direct in my arguments.

I thought that coming out of my clerkships, I would go straight into public interest work, and I was really anxious to get started. I applied for fellowships through Skadden, and what was then National Association of Public Interest Law (NAPIL) and is now Equal Justice Works (EJW) I was encouraged to apply, and ultimately applied, for a relatively new fellowship – the MALDEF/Fried Frank Fellowship – but I was focused on making my way directly into public interest, so working at a firm for two years, even if it would place me at MALDEF, was not my first choice. Of course, I did not receive either a Skadden or NAPIL fellowship. I struggled in deciding what to do at that point. I had been counseled by many people in public interest, for a variety of reasons, not to work at a firm. When one of them, my good friend Nina Perales, whom I met at PRLDEF, advised me that I would benefit greatly, if nothing else, by being able to pay off my law school debt, I asked her

(and I am sure she still remembers), “But when do I get to start my life?” I didn’t want to postpone the day when I would start representing people and helping them. Plus, I feared that I would lose ground by not developing knowledge of civil rights law for two years. I worried that I’d learn more about document review and privilege logs than about litigation, and I wondered if I’d have anybody to talk to.

I ultimately took this fellowship, and I am glad I did, because I learned a lot about litigation in my time at the firm. I was very well prepared to hit the ground running when I arrived at MALDEF. I wasn’t fazed by assignments calling upon me to draft a complaint or write a motion or take a deposition. I emphasize this to make two points: one, that it’s impossible to predict all the turns your professional life will take and, two, that there are no hard and fast rules. I was the last person anyone would have thought would ever work at a firm, even for a short time – I still remember a partner looking at me quizzically when I admitted that I hadn’t taken corporations or tax – but I did. And I benefitted from it immensely. So don’t listen to the advice that says there is only way or path to get into public interest.

The beginning of my public interest career at MALDEF was critical in so many ways – I worked with wonderful people, I was lucky enough to work with and learn from Antonia, Nina, Tom Saenz, Vibiana Andrade, and Maria Blanco – but mostly because it opened my eyes to what was possible. In law school, I steeled myself to the harsh realities of judges increasingly unsympathetic or hostile to civil rights claimants and of legislators bent on narrowing civil rights protections. I thought then that victories would be few and far between, and that the possibility of reform might be more illusion than reality. I don’t know if this was a defense mechanism, the result of reading too many existentialist philosophers, or the result of some other influence, but I guess I’d resigned myself, at a subconscious level, to believing that relentlessly pushing the rock up the hill was all I could legitimately expect to achieve.

One early case changed this for me. MALDEF and the Advancement Project challenged the distribution of new school construction funds under a statewide proposition that had been designed to help the children most in need, those whose districts and schools were experiencing the most severe overcrowding. Long

story short, Los Angeles Unified School District (LAUSD), which was by far the most severely overcrowded district in the state, was going to lose and receive virtually nothing although by any objective measure it should have received about \$1 billion in funds. Statewide, our analysis showed that low-income students and students of color, through disproportionately attending overcrowded schools, were not likely to receive anything close to a fair share of the funds. I looked at one point for a firm to co-counsel on this case and was told that we had less a legal complaint than a good op-ed piece. We filed this case in 1999, and settled it a year later, having agreed to a system that would ensure a more rational distributions of funds, one that would eventually distribute about \$700 million to LAUSD to build desperately needed new schools and reduce overcrowding. The day the case settled, I cried, overwhelmed with emotion, because a handful of us had done something that eventually would help thousands of kids receive a more equal education, and that I must never have consciously thought possible. Whatever cynical defenses I had built up, they were gone. Good riddance, too, because I don't know how long I could remain fully committed without the fundamental belief that change can be achieved.

I remained at MALDEF for six years, and I'm soon going to celebrate six years at the ACLU of Southern California. I feel so fortunate that I've been able to grow professionally in organizations where I'm surrounded, supported, and inspired by people wholeheartedly and earnestly committed to helping others. It's truly a privilege to be able to bring your whole person – all your values and beliefs – into your work. So all I can say is take heart in the notion that it gets better – that there is a tight-knit community of like-minded people out there waiting to welcome you into their ranks, and with them you will be able to accomplish things you never thought possible.

Hector Villagra