



## Education Lawyers in Demand

[by Chris Mahon]

Picture this: there are 200 applicants for one position in the legal world. If you think those odds only apply to getting into top-tier law schools, think again. They also apply to some positions in education law, says Mike Smith, campus counsel at the University of California, Berkeley.

Mr. Smith and others say this is a growing area in the legal community. "I get lots of calls now by lawyers interested in getting into the field. Anytime there's an opening, I see lots of applications," he said.

Nor are the applicants for positions in Mr. Smith's office fresh out of law school. "I get people who are very well established that want to get away from the rat race. They are people who've made their money in the past, and now salary isn't that important."

Mr. Smith has held the position at Berkeley since 1973. When asked how he got the job, he replied with a laugh, "Total serendipity." After attending Berkeley's Boalt Hall for his law degree, Smith joined the Peace Corps. After that, he worked in Washington, DC, for the U.S. Commission on Civil Rights.

That experience was helpful, since universities deal with a broad array of civil rights issues. Mr. Smith mentions Affirmative Action, the First Amendment, and Title IX as issues he constantly deals with. "The big-ticket item has been with the ADA, improving accessibility to buildings," he says.

But Mr. Smith and his office deal with a range of issues beyond those that may appear in the media. His office deals with employment law and real estate transactions as well.

As a major research university, Berkeley also has contracts with federal government institutions such as the National Science Foundation. Such contracts bring compliance

issues, he said, adding, "Any campus that has a hospital also has a whole bunch other problems."

Beyond that, Mr. Smith said that education lawyers also work as policy makers. He often works with school administrators. "I'm a member of chancellor's cabinet and get involved in policy issues with legal implications. Lawyers who are staff attorneys do a lot of crossing the line into policy work."

For students interested in policy work, education may be the way to go. Sarah Greenberger is a law student at the University of Pennsylvania and is headed down that path herself.

Before going to law school, she was a teacher. Her experiences in the classroom compelled her to work with education on a larger level. For those who wish to pursue a career in education law, she says, "it helps to have a sense of the classroom and the problems schools and teachers and administrators deal with." Greenberger is interested in primary and secondary education and policy.

"I was a teacher in the Peace Corps and then at a charter school in the South Bronx," she said. Teaching in those places gave her "a sense of how much wasted potential there is."

The more Greenberger talks about what drove her in the direction she's headed, the more passionate she becomes. "It's possible to teach these kids; it's not like they can't learn."

She uses the school she taught at in the South Bronx as a case in point. "At the charter school I taught at, the kids' scores went up from 29 percent to 71 percent on a standardized math test. This year the eighth graders took a citywide test and did as well as the kids in Westchester County. That puts them in the top-ten percent of New York City public schools."

Last summer, instead of a typical summer clerkship, Greenberger worked at an organization in New York City called New Visions for Public Schools. The group works to improve the city's public schools through a variety of means, such as advocating for policy change.

In terms of future policy she'd like to help implement, Greenberger is interested in "initiatives that blend charter schools and traditional frameworks," she said. "Charter schools are a great thing, but they're very vulnerable. They're small and don't have a lot of institutional support."

Expanding the number of success stories like her school in the Bronx is important to her. "It's not like there's a mystery to good education. It's a matter of will," she said.

While some people may choose to work in one particular school district or university, others choose to work in the federal government. Steve Winnick is one of the deputy general counsels at the U.S. Department of Education.

"This is a fantastic place to work if you're interested in policy," Mr. Winnick said. He was



initially attracted to the department because of his interest in education policy.

Unlike the other two deputy general counsels in his office, Winnick's position is not a political appointment. "I've been here for almost 34 years," he said. "I'm the career guy. I've been here from administration to administration."

"We're the in-house counsel to people that administer the department. We give advice on interpreting statutes, enforce civil rights laws, help draft laws, and interpret laws," he said. "We also give advice on Constitutional issues like in the church-state area."

Like Mike Smith of the University of California, Berkeley, he is seeing growth in this area as well. "In the FDA and IRS, there's a revolving door. You go work for them, then go into private practice. Historically there hasn't been an education bar out there," he said. But he notes the change even among firms in Washington.

"It is a growing area. I've seen a couple of firms in D.C. develop education practices that weren't there a few years ago. It's heading in the direction of growth."

"We have an incredibly stable office, and I think the reason is that people come here with strong interest in education. The work is fascinating, and that's what keeps them here," he said.