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Volume 96 | Issue 2

Article 4

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January 1994

## Practicing Public Interest Law: Minority Voices in a Dominant Culture

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### Recommended Citation

Charles R. DiSalvo, *Practicing Public Interest Law: Minority Voices in a Dominant Culture*, 96 W. Va. L. Rev. (1994).

Available at: <https://researchrepository.wvu.edu/wvlr/vol96/iss2/4>

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# WEST VIRGINIA LAW REVIEW

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Volume 96

Winter 1993-94

Number 2

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## **PRACTICING PUBLIC INTEREST LAW: MINORITY VOICES IN A DOMINANT CULTURE**

CHARLES R. DISALVO\*

Law schools do a terrific job of training security guards for the status quo. They don't do so well at teaching people to challenge the established order of things. No, it is the established order that controls the environment of most law schools.

Why is this? The reasons are legion. One basic reason, however, is that law schools run on two basic fuels: money and prestige. In an era of declining governmental support for education, private money becomes essential—even for state schools—to stock libraries, pay competitive salaries to faculty, and to pay the light bill. All schools, not just private schools, place an enormous emphasis on private fund-raising. And from whom is the money raised? It is no more difficult for us to answer this question, than it was for Willie Sutton. We raise it from established interests, because that's where the money is. Law firms, banks, corporations, and families with a long history of wealth

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have the money. When we solicit money from them, we silently sign a pact with them not to disturb their interests. Their interest in the status quo becomes our interest.

A similar story can be told with regard to prestige. Law schools rarely find a legal aid lawyer as prestigious as a law firm partner. Society recognizes the status of the law firm partner; it doesn't even know what a legal aid society is. The law school banquets held and the law school awards given are for the "big shots." Little people, please use the back door.

Thankfully, the West Virginia University College of Law is different from most law schools and the bar in West Virginia is different from most bars. Here, we make an effort to honor lawyers out of the mainstream for their good work, we actively solicit public interest employers to interview our students, and we have an atmosphere in which all segments of the bar recognize the importance and value of public interest work. In West Virginia, a spirit of community thrives. It is a special place.

Nonetheless, it is sometimes difficult to hear other voices and appreciate varying models of practice. Established voices are easy to hear, established practices are easy to emulate. The articles that follow offer the reader something different—the personal, inside views of individuals who practice law in the public interest. The authors of these articles give voice and shape and life to public interest law. As such, they convey more than information. They convey a message to lawyers and law students alike that a life in public interest law is both challenging and rewarding.

The first voices are those of Debra Katz and Lynne Bernabei who have their own public interest law firm in Washington, D.C. There they employ a broad arsenal of strategies to represent clients in matters ranging from gender discrimination at NIH to the treatment of AIDS patients in local hospitals. Their practice, which is entirely private, teaches us that lawyers and law students need not look to work for a formal organization to represent the public interest. It can be done privately and done well.

Several hundred miles and many worlds away from Washington, D.C., is the town of Prestonsburg, Kentucky. In Prestonsburg, as in all

of central Appalachia, coal has reigned supreme for many decades. Coal interests heavily influence the legislative and political process in Appalachia and usually succeed in keeping taxation of natural resources at a minimal level. As a result, public services—education, road building, public health, to name a few—suffer greatly—and efforts to control environmental degradation meet serious resistance. For more than twenty years, John Rosenberg has made Prestonsburg his home, Appalachia his workshop, and these problems his own. As the executive director of the Appalachian Research and Defense Fund of Kentucky, he has had more influence on public issues in Appalachia than any other single lawyer. In his piece, John Rosenberg details the growth of public interest law in Eastern Kentucky and the success he and his staff of attorneys have had in promoting the well-being of Eastern Kentucky's otherwise voiceless poor. John Rosenberg, the finest lawyer I have ever been privileged to know, recently won the highly-prized Kutak-Dodds award as well as the ABA's John Minor Wisdom award for his public service work.

john a. powell's<sup>1</sup> story represents the story of a generation of public interest lawyers whose lives have been forever influenced by their having coming of age during the late 1960s and the Vietnam War. As john powell states, we thought we could do everything—including re-making the world and achieving perfect, lasting satisfaction in the practice of law. Then we lived through a time—the 1980s—when it appeared nothing was possible. powell's journey through a variety of public interest settings reminds us that social change and personal satisfaction in the practice of public interest law are both still possible.

Finally, Wendy Smith and Cheryl Terai, attorneys with Kirkpatrick and Lockhart, provide an example how a large law firm can squarely face and discharge its obligation to return something to the community. The story of the firm's key involvement with Project Challenge in Pittsburgh and its provision of free legal services to indigent victims of domestic violence stands as a shining demonstration of the good that

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1. No, our editors didn't make a mistake here. Professor powell spells his name with all lower case letters.

can happen when the power of a private law firm is brought to bear on the problems of the poor.

The *West Virginia Law Review* presents these personal accounts of public interest advocacy for no dry academic purpose. It presents these accounts as a witness to all of us—practitioners, students, and professors—that our lives in the law can be enriched when we enrich others. For it is in service to those who lack power and money that we find our best selves.