

BENJAMIN CIVILETTI



THE SATISFACTION OF SERVING

When the phone rings, it could be the president of the United States, the governor of Maryland or a frightened family about to lose their house. Benjamin Civiletti has answered every call.

BY GINNY COOK





BLITZ THOUGH

KEVIN WEBER

During more than three decades as a practicing attorney, Civiletti, chairman of Venable, Baetjer and Howard, has never hesitated to return service to his country, the community or to help those who need it, even if they cannot afford the legal fees.

The 1961 graduate of the School of Law has successfully bridged a commitment to public service with personal and financial success as a litigator in private practice. Colleagues portray a man with intellect and natural talent as a trial lawyer who also conveys a personal commitment to pro bono work.

In private practice, Civiletti has conducted numerous product liability cases, and successfully prosecuted and defended claims in hospital care and privacy rights litigation. It was his leadership as the new managing partner in 1986 that stabilized Venable, Baetjer and Howard when it was rocked by the savings and loan crisis.

Yet this is the same man who says "an unwritten social obligation comes with the license that gives lawyers a near monopoly to render legal advice."

Even a brief overview of a career packed with accomplishments shows Civiletti practices rather than just preaches his belief. He chaired a two-year task force under Governor Hughes that resulted in a \$600 million increase for public education, was the founding chairman of Maryland Legal Services Corporation and an original director of the National Institute Against Prejudice and Violence. Most recently, Governor Schaefer tapped him to chair a 20-member commission to reform Maryland's welfare policy.

While often credited with requiring his firm's lawyers to devote 5 percent of their time to pro bono cases, Civiletti says, he "is simply stimulating them to live up to the history of a firm long known for its

community service."

Following the riots in 1968, Civiletti spent two to three days in municipal court defending people who were "mostly erroneously charged with curfew violations," he says.

Now when he recruits associates, they learn about the firm's commitment to public service. If they don't share similar values, "they should go to another law firm," he says. "Even if they are successful at Venable, they would resent the time others devote to pro bono work."

Protecting the rights of others and giving a priority to pro bono cases emanates from Civiletti's early years, explains Herb Belgrad, chairman of the Maryland Stadium Authority and Civiletti's classmate at the School of Law. Born in upstate New York to working parents, Civiletti won a scholarship to prep school based on academics and athletics. "From the beginning he had to earn his own way," Belgrad says. "So he always appreciated and understood the difference between the haves and the have nots."

For Civiletti that difference translates into need. The poor need legal help and lawyers should provide it, he says. What's more, their motivation should not hinge on a huge legal issue nor should it attempt to ease the animosity of a lawyer-hating public. "Lawyers should perform services because it makes them feel good—more idealistic, more human," he says.

Civiletti remembers a case early in his career when a husband left his handicapped wife, taking their two children

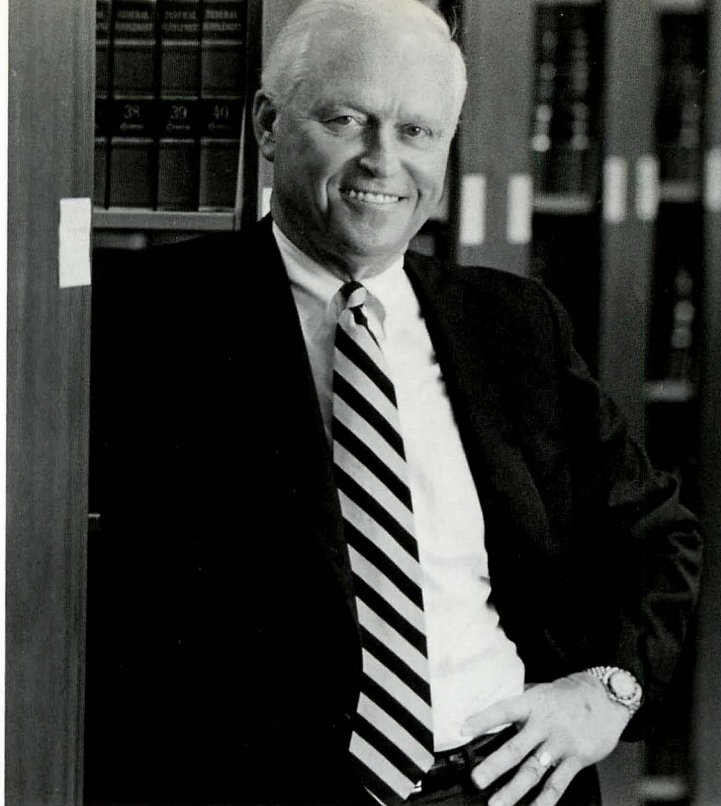
with him. She was left with nothing and wanted her children back. The pro bono case would do little to advance the career of a young attorney struggling to rise within a major law firm. Yet it was the kind of case Civiletti could never ignore.

Nearly 30 years later, he recalls "the satisfaction of being able to convert a desperate situation into some form of normality." Within two days, he had reunited the mother with her children and had a court order requiring financial support from her husband.

"Our aspirations must be raised in law school, in public offices, in large and small private practices to fulfill our role in society," he told a 1989 symposium of the International Franchise Association. "We can compete, succeed and provide a comfortable living for our families without worshipping as individuals or institutions the 2,000-billable-hour year or a \$250 hourly rate."

This is not philosophical lipservice. In fact, Civiletti has sometimes left friends and colleagues bewildered by his career decisions. When he went to work for the Carter administration as assistant attorney general in charge of the criminal division of the Justice Department, the job came with a sharp salary cut.

"I told him not to take the job," says Belgrad. "I didn't see the advantages and



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advocated he stay at Venable. Yet he has always felt a calling to public service and followed that direction.”

“There was a universal view that it was not worthwhile to take a salary reduction,” says Civiletti. “Many believed this was not a forward move in my career. The truth is, I was somewhat bored with private practice after 13 years and this sounded like fun.”

Frivolity aside, it was his revulsion over Watergate and the episode in the Department of Justice that “left me with a feeling we ought to do better,” he says. While Civiletti helped the Carter administration restore the public’s faith in elected institutions, his own career took a fortuitous leap. In a little more than a year he would become deputy attorney general—the second-ranking post in the Justice Department—and in August 1979 Civiletti was sworn in as the 73rd attorney general of the United States.

His credits as attorney general include arguing before the International Court of Justice on behalf of the hostages in Iran and petitioning the Supreme Court for the government’s right to denaturalize Nazi war criminals. He was also responsible for the publication of *Principles of Federal Prosecution*, guidelines that based prosecution on reason and standards rather than unwritten diverse philosophies.

It was an era aimed at recapturing the confidence of the American people in the independence and integrity of the justice system. Then, as now, with President Clinton’s new ethics rules, there could be a rebirth of the civil servant.

“Anytime there is a fairly dramatic change in administration you have a renewed enthusiasm for public service—for making government responsible or closer to people,” Civiletti says. “This is

especially true with an administration that has a fundamental emphasis on diversity, equal opportunity, access to justice and human rights. It stimulates people to try to do their best.”

Civiletti’s return to private practice at Venable, Baetjer and Howard in 1981, coincided with the beginning of the Maryland Legal Services Corporation, designed to distribute legal assistance to the poor. He was the person with the stature and reputation selected as its head.

“As busy as he was returning to private practice, Civiletti was responsible for the early success of the corporation,” says Michael Millemann, professor of law at the University of Maryland, who dubs Civiletti “the George Washington of the Legal Services Corporation. He did a marvelous job developing it and encouraging private lawyers and banks to join.”

Civiletti created a system of generating income to fund groups that provide legal services for the poor. Known as IOLTA (Interest on Lawyers Trust Accounts), it pooled together assets that by themselves were too small to justify the expense of setting up an account. Millemann explains, “Ben set up the quasi-public program and encouraged voluntary participation by lawyers and banks. He set up the rules and regulations and administered the program for several years.”

During his tenure, the Legal Services Corporation pushed IOLTA through the General Assembly making lawyers’ participation mandatory. Assets now total about \$5 million according to Millemann.

Since 1989, Civiletti has been part of a select group of legal experts assembled by the Center for Public Resources to settle cases out of court. “I’m very much interested and encouraged in the administration of justice, access to justice and quicker, cheaper justice through

alternative dispute resolutions,” Civiletti says.

When parties agree to alternatives such as mediators, mini-trials and negotiating, 90 percent of cases are settled before trial, and 95 percent are resolved in less than six months, he explains. The result is equality of justice and huge savings in corporate legal costs.

He also advocates litigation reform in criminal cases because there is “not enough discrimination when it comes to incarceration.” Save the jails for violent offenders and imprison nonviolent criminals at work or home through the use of monitoring devices, Civiletti explains. “They wouldn’t be a drain on the community—it costs \$30,000 to keep someone in jail for a year—and we wouldn’t have to release the murderers and rapists from jail to make space for the nonviolent offenders,” he says.

As head of a commission to reform welfare benefits, Civiletti has proposed making work more rewarding than welfare and tied welfare benefits to getting and keeping a job. The state would also act much like a supportive parent, providing money for one-time expenses such as car repair or home improvements.

In the future, Civiletti is looking at how the area can provide jobs. His service on corporate boards, including Bethlehem Steel, MBNA and the Maryland Business Council, “has given me information and insight into some of the frustrations faced by businesses and workers alike. We must help integrate the public need for employment opportunities and income, with the growth of the private sector.” Solutions will have to be creative and wide-ranging, he says, and “I hope to make a small contribution to the employment climate.”

Ginny Cook is a Baltimore-based writer.