

Katie Wolf: I'm sitting down today with Rocky Anderson. Rocky was the mayor of Salt Lake City for eight years. He founded his own party, the Justice Party, and he ran for president in 2012. He then created a nonprofit to fight for human rights and address the climate crisis around the world but I'm here today in Rocky's office to talk about his life as an attorney. It may not be as glamorous of a job title as others that he's held, but his commitment to the law has been a consistent shaping force throughout his work. Listen in. We hope you learn new ways that attorneys can leverage their power to shape their city, their country, their world. I'm Katie Wolf and this is the Filevine Fireside. Thank you so much for talking with us today, Rocky.

Rocky Anderson: Really my pleasure. Thank you.

Katie Wolf: No, it's such a treat to get to meet you in person. So in addition to all that you've done, you have practiced law for decades. You've been listed among the best lawyers in America. You've received consistently high ratings. How has your legal experience shaped the work that you do with your life?

Rocky Anderson: Well, I think my values have shaped what I have done in the law. I went to law school for a very specific reason, and that was to try to promote justice, try to promote change and it turned out practicing law exceeded any of my expectations in being able to do that. I've seen that we can impact our individual clients' lives but we can also in doing that, bring about major societal changes and better protections and opportunities for people.

Rocky Anderson: So there are a lot of frustrations, a lot of obstacles along the way. Sometimes you don't win. Sometimes it takes a lot more than you thought it would take to get through a case, but all in all it's been a very rewarding thing for me and perfectly suited to my values and my temperament.

Katie Wolf: Do you still believe that if there are others listening in who wanted to make a difference, would you encourage them to go into law? Do you believe that that's one of the best ways to do that?

Rocky Anderson: I always encourage young people who have great values, to go into law. We need more lawyers who are committed to doing justice. I'm afraid law has become so inaccessible. Access to the courts has been so difficult to obtain for so many people and it's so incredibly expensive. Lawyer's fees, I think, are off the charts. I don't think most lawyers were worth what they get paid, frankly. Although it is a tough job and there's a lot of stress that comes along with it, and there's a lot that you have to go through even to get to the point of practicing law. There are a lot of lawyers, probably most, who tell young people who ask them, "Don't do it, go to something else." And to me, that's more of a reflection that these lawyers didn't pursue or do whatever it took, remained tenacious enough to accomplish what they sought out to do or to approach it in the way that they thought they were going to. My experience has been very different from that. I've had a lot of cases that maybe didn't mean a lot to me in terms of the cause one way or the other. But it all helped me gain the skills and the experience so that when I have those cases that I think make a huge difference or have the

capacity for making huge difference, I know that I've got the tools to do it because of my training. I had great mentors along the way and they were people that politically in terms of our values we may have differed a great deal, but I was able to learn so much from them and get the training and I hope to be able to pass that on. I've trained a lot of young lawyers myself and a lot of them have done really great things along the way. So yeah, I would say to anybody that wants to bring about progressive social change, that wants to use their skills and their time and energy to help not only individuals, but perhaps to bring about changes in their communities or even the nation, perhaps even internationally, I would encourage anybody to take a look at a career in the law.

Katie Wolf: So you practice mostly plaintiff's side civil law, correct?

Rocky Anderson: Yes.

Katie Wolf: But in a lot of breadth within that. Do you want to lay the framework of the sort of law that you have practiced?

Rocky Anderson: Yeah. Most of what I do is in the context of litigation and that means one party suing the other. And almost all of that has been plaintiff's work where we see that somebody, their rights have been abused by their corporate entity, a governmental entity, employee. Perhaps just a wealthy or powerful person, including professionals that have let people down in terms of their exercise of due care. So I've done cases that range from plaintiff's antitrust work to securities fraud. A lot of civil rights litigation including abuses by police, abuses by

jail personnel. Abuses by our legislature in passing unconstitutional legislation. And I've also done a lot of professional malpractice work and some just flat out commercial litigation where people have their disagreements and I represent one side or the other. And again, they're not always cause cases, but some of the work helps finance everything else we do because I would say, especially among our civil rights practice, we probably get paid for less than half of the work we do, ultimately.

Katie Wolf: That was one of my questions about the logistics of doing the work. Do you need to take on cases in order to pay for your habit of caring about human rights, or is there a way to make it profitable or sustainable?

Rocky Anderson: I think you can make it sustainable doing solely civil rights work, but you have to be winning cases and do it fairly frequently or they've got to somehow bring a lot of money in. And we've had some really good successes, both during my first 21 years practicing law and now in the second iteration, because I started practicing about just over three years ago again. I activated my bar license after about a 15 year hiatus when I was doing a lot of other things. And frankly, I didn't know if I'd ever come back to the practice of law but there were a couple of cases that I was approached about taking and I couldn't turn them down and I jumped back into it and now it feels almost like I've never left.

Katie Wolf: Yeah. How has that been to get back into the law after all that time?

Rocky Anderson: It has been really great but there have been some major adjustments, especially technology. When I first came back after reactivating my license, I was preparing a pleading to file with the court and my legal assistant typed my name /S/ and then typed my name. I said, "You can't just type my name on there." And she just smiled at me and said, "Actually you can because we electronically file." I said, "You do what?" And she said, "We file online electronically." I said, "Well, anybody can type my name." And she said, "Well, actually it's not just on pleadings, it's also on affidavits and declarations." And to me that just seemed like such a total sacrilege, but now I'm used to it after more than three years and it all makes a lot of sense actually, in terms of we save a lot of paper and we also save a lot of expense. I mean, with the law firm I was with before, we had a full-time runner who did nothing but delivered papers around and filed papers with the court and of course you don't have to do that anymore.

Katie Wolf: Wow. So you've seen that change happen throughout your practice?

Rocky Anderson: Yeah. I feel like a dinosaur sometimes but fortunately I've got good help, and that's the advantage of hiring young people because I think a lot of them are just born with that gene that I certainly don't have.

Katie Wolf: So I know several famous civil rights cases that you've worked on. There's the case of protecting the First Amendment rights of the students at the university who were protesting apartheid. There's the case of the young, mentally ill man who died in prison because of the restraint tactics

corrections officers were using. As you look over your practice, what has been the work that's been the most rewarding or important that you've done as an attorney?

Rocky Anderson: Well, so many of those cases I look back. Now you mentioned the treatment of the mentally ill young man. He was a schizophrenic. He was doing great when he was at the Utah State Hospital following the commission of the crime that was a result of his mental illness. As long as he was properly medicated and treated, he was working, he had great friends. In fact, the director of that school or hospital said that, "He was not only his patient but his good friend." But Michael ended up going to prison because his time at the state hospital wasn't being counted against his term under his conviction. Although he was severely mentally ill, when he wasn't on medications and his crime was a product of that, he was sentenced to quite a long prison sentence. But once he got to prison he started doing very badly. In terms of medications, he'd get off his medications. They didn't force medicate him as they absolutely should have. You don't leave that decision in the hands of somebody who is decompensating and severely schizophrenic, but they just left him alone. One day he was unresponsive. He put a pillowcase over his head. He'd been unresponsive actually to prison personnel for several days before that. But now that he had a pillowcase over his head and he wasn't responding when they told him to take it off, the SWAT team came in forcibly into his cell, threw him to the floor and I had videotape of this. They took him outside of cell, cut all of his clothing off. He's standing there stark naked. They march him over to a restraint chair, tied

him down as tightly as they could. You see that also on the video. And they left him there at the orders of a psychiatrist who never offered any treatment, never even went to see Michael while he was in the chair for 16 hours. By the time they let him out to take him to a shower, he had had blood clots in his extremities, as will happen to almost anybody who doesn't move their extremities for 16 hours and he threw a blood clot, had a pulmonary embolism and died. He was the only child of my client, Angela Armstrong. So we sued the prison personnel and we put an end to the use of the restraint chair and there was a monetary settlement as well. So we took care of it here, but what's happening around the rest of the country, there was just a death. It was within, I believe, the last year in Los Angeles, almost identical circumstances. A mentally ill man put in a restraint chair, tied down and he threw a pulmonary embolism. This was especially true, a hundred Gary DeLand when he was executive director and his successor, Elaine McCotter at the Utah State Prison. It was an inhumane place run by people who had no regard for inmates, had total disdain for the idea of rehabilitation. So that case and a lot of the other prison condition cases that I handled, I think, helped bring about major changes.

Katie Wolf: You have also done a lot of work on making legal services more accessible. Do you want to talk a bit about what you've done and why you think accessibility to justice is an important issue?

Rocky Anderson: Yes. Well, I think as in so many other areas including access to medical services, and this is part of why we have one of the highest maternal mortality rates in the

industrialized world, as well as one of the highest infant mortality rates and that is because there are certain categories of people that have no access. And the same is true in the legal system. You may qualify. You may be so economically destitute that you can qualify for Legal Aid or legal services, but those who make enough money that they can't qualify for those services, also there's no way that they're going to be able to walk into a law office and pay what lawyers are going to want to be paid.

Katie Wolf: So there's people stuck in the middle.

Rocky Anderson: Exactly. And so when I was chair of the litigation section, that's one thing that I wanted to see us do was get lawyers to sign up on a sliding fee scale basis. And so when somebody approached the Bar Association and said, "I've got this legal problem but I can't qualify for Legal Aid or legal services and I also can't afford a lawyer. Can you find me somebody?" They would have a list of lawyers who on an occasional basis, would take the case based upon not their usual billing rate, but based upon the capacity of the client to pay. I don't know what's being done in regard to that now, but I think it was a really tremendous program and something that was not just innovative but unprecedented in the state.

Katie Wolf: So you were doing all of this great work and then you decided to run for office.

Rocky Anderson: I did. First, I decided to run for Congress actually, in 1996.

Katie Wolf: Yeah. Without any backing from the Democratic Party, right?

Rocky Anderson: Right, not a nickel. I was too radical. I was told by people with whom I worked to form Utahans For Choice and was on the Planned Parenthood board. And they'd written to me thanking me for my service as president of the ECLU board here, my work at Guadalupe schools or whatever. But now that I wanted to run as a candidate they said, "Oh, no, you're too liberal." I was shocked to hear this. You advocate a woman's right to choose. You oppose the death penalty. You've been with the ECLU. You you've done this work with Planned Parenthood. And I just look at them like they're the greatest hypocrites on the planet. But they said that their pollsters told them they needed a white, male, Mormon conservative. So sex, religion, conservatism and race were their criteria and I said, "I find that really disgraceful. But if you want to throw principal away just for the pragmatics of what some BYU pollster tells you, you need go ahead, have at it, go get your own candidate." And they did and I trounced him in the primary and then I lost in the general election for two reasons. One, I didn't get any financial support from the Democratic Party. In fact, the state Democratic Party wouldn't even state my name in their fundraising letters during that campaign. But I think the major reason I lost that race was I was advocating for marriage equality and it was 1996, which is pretty early for that. We'd made a lot of progress when you see how quickly we've come to the point of marriage equality in this country but it was a very foreign, seemed like a very radical idea in 1996. In fact, Jim Dabakis who's now

married to his husband, came to me on behalf of many of the people in the LGBT community and said, "Don't do this, don't advocate. It's so far out there, you don't have to do this." Which I appreciated that he wanted me to win, but on the other hand I said, "I have to. If I don't win, at least I've got to look myself in the mirror at the end of the day. And if we don't all take a stand on this and provide the leadership we're never going to see that kind of change." I look back. First of all, I'm glad I didn't get elected to Congress because I would have lasted no more than two years and I would have hated doing all the fundraising. It's a criminal enterprise, really. They're all on the take and a lot of what they do is being legally on the take, but they're back there doing the bidding of their campaign contributors rather than doing the right thing. And that's why we're in the fix we're in in this country, and that's why and at the end of 2011, I co-founded the Justice Party because without Democratic Party we wouldn't have been in Iraq. Without Democratic Party we wouldn't have had the economic devastation we saw in this country. I mean it was Bill Clinton that got rid of Glass-Steagall and got rid of regulation for derivatives. So I think that people are pretty simple minded when it comes to electoral politics in this country, frankly, because they divide up into teams and they say, "Well, I'm on this team, and so I don't like the other team at all." Look where we are because of both of these teams and in the most important areas that impact our lives, they after day and especially in the justice system it's both the party's fault. Why do we have minimum mandatory sentences? Name five national Democrats who are willing to take a principled stand tenaciously to fight against minimum mandatory sentences.

Katie Wolf: I want to ask you more about criminal justice reform, because that was a big part of the work you did as mayor as well as in institute this idea of restorative justice. Do you want to talk a little bit about that?

Rocky Anderson: Yes. Ever since first reading about restorative justice, it just makes so much sense to me from every direction. If you're a fiscal conservative, that's the way to go. Retribution and punishing people for the sake of punishment is incredibly expensive. And it's also devastating to people's lives, not just the inmates life, but those of his loved ones who are on the outside and they're not working, they're not paying taxes, they're not supporting their kids. It's insane just from a fiscal point of view. Now from the point of view of somebody who cares about the social aspects, you're depriving children of their parents. In Weldon's case, he had three kids who were without their dad for over 12 years. His father, dearest man around, I went to his father's funeral. Weldon wasn't able to because he was so dangerous having sold three small amounts of marijuana that they had to keep him in a federal penitentiary rather than go to his beloved father's funeral. This is just so wrong on every level, our approach to criminal justice, especially in the area of drugs. We have more people in this country in prisons and jails for drug related offenses than all of Western Europe has in their prisons for everything. Isn't that amazing? So, yeah, restorative justice is about restoring any victims if there are victims, about restoring the community, and about helping to restore the offender. Find out what's really behind it. So we had probably the most

comprehensive restorative justice program in the country when I was mayor.

Katie Wolf: So I can see ways that your values are this common thread throughout your work as an attorney and your work as a mayor. But I want to ask a logistics question, which is if there are other attorneys listening in who want to take that leap from practicing law to getting involved in the political system, logistically how do you do that because you're so busy as an attorney, there's always people coming to you wanting you to take their cases. At a certain point do you just have to say, "No, I'm done. I'm not doing this anymore and instead I'm going to throw myself into this campaign." How did that work for you?

Rocky Anderson: Well, when I look back, for instance, when I first decided to run for Congress, I look back and think, how did I ever dare do that because I committed to a year. I left my law practice. I contributed some substantial money and I didn't have a lot of money at the time, but I put a substantial amount of money in to get things started. Then we raised money at the grassroots. Like I said, we didn't get any money from Democratic Party but we, I think, generated enough enthusiasm at the grassroots level that we were able to pull it off. And I debated over 100 times in both, well, the primary and general election combined. So we were getting the word out and that in large part is why I was doing this, was just to try to raise awareness and take on the establishment in terms of this nation's politics and I think doing that helped me get elected as mayor. I don't think there's any question about it because I did win a majority of the voters in Salt Lake City's votes when I ran for

Congress. So then when I decided to run for mayor, again, I took a year off work, no income and said, "If I'm going to do this, I'm going to do it to win." And we pulled together a great crew of people, including my sister who worked for my campaign, from day one until right at the end. She was standing there with me on the night we won that election. You just have to basically make a leap of faith and say, "This is so important to me that I be in a position where I can help raise awareness, that I can take on politics as usual and perhaps even win." Sometimes it takes people like that rather than just the folks who are paid by the moneyed and powerful interests to keep going on with business as usual.

Katie Wolf: Rocky, I heard that you were once upon a time, the lead guitarist in a rock and roll band.

Rocky Anderson: I was.

Katie Wolf: I know that to be an outspoken public servant, you've got to have some of that rock star moxie. Did you use any of that as an attorney?

Rocky Anderson: No. I played lead guitar as a pretty humble guitarist when I was in high school. And I was never that great on the guitar but we played really well as a team. And that provided really good lessons to me in life, that when you can collaborate and work well with others and build a good team. And one of the last things we did, we won a Battle Of The Bands at Lagoon, which was a big deal.

Rocky Anderson: Lagoon used to be the venue for the Doors. Of course, Jim Morrison didn't like Utah audiences because there

was so dull, but he walked off after a few songs actually, when he played Lagoon. But the Beach Boys, it was a big venue so when we won there ... but no, I was never a stage guy really. I mean, the most colorful thing I did was probably put my guitar behind my head and played a few licks behind my head.

Katie Wolf: Good for you. It's not about being the big rock star, it's about finding a really sharp team and knowing how to work together.

Rocky Anderson: I think that's right and providing principal leadership because it does appeal to people. I heard from so many people when I was mayor. People say, "You know, I disagree with a lot of the things you do and you say, but at least we know we're getting the truth. You're not bought off. You're not trying to please anybody, obviously." And it's true. I mean, I did things during my first term that I thought would cost me reelection and I ended up getting reelected anyway. And I think a lot of it was because people respected the authenticity. And they could see that what we were doing, not just me, not the things that I said but the things we actually accomplished made a big difference in this community.

Katie Wolf: I have a personal question, which is as you described the cases you've been involved in, you clearly have a deep connection with a lot of your clients. You've also worked on human rights issues around torture and genocide, and really big, heavy, heavy issues. You've been supporting people who have seen terrible things in prisons. Does that wear on you and how do you keep your hopes up or keep from burning out?

Rocky Anderson: It does wear on me, but it would wear a lot more on me if I knew that I was aware of those things and I wasn't doing anything about it. So I come in here every day to work, with the intention of doing absolutely everything I can on as many levels to try to bring about greater justice. Especially for those who really can't fend for themselves, who don't have a lot of power on the outside. One of the most heartening memories I have about being a lawyer was in a strip search case where a woman had been abused in Salt Lake County Jail for minor violations and was subjected to very humiliating searches. We got a consent decree, and on the basis of that consent decree, I went into federal court and said, "These police officers have violated the consent decree because they arrested this young gay man for being a minor in a tavern. And they took him into a room, three of these cops. Made him stand on a table and drop his pants, laughing about they had to see what his genitals were." He was obviously a man but he was gay and because he was gay, they put him through that kind of humiliation. So that formerly violated the terms of this consent decree. So I go into federal court, have this one young man next to me who had virtually no power at the hands of these men who would oppress him, who add all of the power under those circumstances. And you walk in the courtroom and especially with the judge like Judge Jenkins who understands his role in our constitutional system, you walk in and all of a sudden it's equal. They don't have that disparity of power in their favor anymore. Now they have to answer for their abuses of power and I've seen that over and over and over again. When I sue the top guy at the Department of Corrections who was Gary DeLand at the time,

he's the one who's trying to hide all the regulations now, the standards, the policies, because he says he's copyrighted them. So even though the policies are governing our jails, nobody can get to them. Yeah, it's that outrageous. So anyway, so I have him on the stand and I've got a guy next to me that I'm representing, salt of the earth, he'd been an inmate. Never should have been in prison to begin with, it was ridiculous that he was there, but he had been there. His medical needs were ignored for a period of weeks. It almost killed him, sent him into end-stage renal failure. He's now had two kidney transplants, was on dialysis for a long time but we won that case. And I got a personal verdict against Gary DeLand, who is the most powerful person in the Department Of Corrections on behalf of one of these former inmates that while he was an inmate, Gary DeLand had as much disdain and hatred toward as anybody I've ever known. I've once said about Gary DeLand and I would say this about a lot of people in our corrections system and also our legislature, especially when they pass these outrageous sentencing laws, that if you could quantify human misery, human tragedy in justice, that they're responsible for far more than just about anybody that's behind bars in this country.

Katie Wolf: The greater crime is theirs?

Rocky Anderson: It certainly is and they need to be held accountable. I just filed an action, a lawsuit for the parents of a young woman who died a horrible death from peritonitis. If you read about peritonitis it is always a horrific death if it's not timely diagnosed and treated. She was in the Salt Lake County Jail dying a horrific, torturous death crying out for help. Other

inmates crying out for help. Other inmates saying, "If you don't get her help she's going to die." One inmate told me that listening to her the night before she died, she knew she was listening to a woman dying and those people did nothing for her. They need to be held accountable. They're acting for us. This is in the Salt Lake County Jail and we as moral actors, we as citizens have to stand up for change. And you don't have to be a lawyer, you don't have to be in ministry. You don't have to be a business executive or a politician. Any one of us can provide the kind of leadership and be agents for change, and sometimes it takes just getting out of your comfort zone and doing whatever it takes if you care enough.

Katie Wolf: Rocky, thank you so much for sharing those powerful words, for taking this time to talk with us.

Rocky Anderson: Thank you, it's been a real pleasure.

Katie Wolf: You've been listening to the Filevine Fireside. Join us next time.