

Academic Affiliate Eugene Volokh Adds “Pro Bono Counsel” To Lengthy List of Titles

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Newspaper readers know him for the strong opinions he has expressed in a range of publications, including the *Wall Street Journal*, the *New York Times* and the *Washington Post*. Attorneys recognize him as one of the leading constitutional scholars in the United States. Regular visitors to the “blogosphere” think of him as the man behind The Volokh Conspiracy, a popular and highly influential group weblog that he founded in April 2002. While his students at the UCLA School of Law, where he holds the Gary T. Schwartz Chair, appreciate him for the enthusiasm and passion he shares along with his deep understanding of the law.

Now, through his academic affiliation with Mayer, Brown, Rowe & Maw, Eugene Volokh is coming to be known as a practicing attorney, which includes working with the firm’s Pro Bono practice. “I serve as a scholar, teacher, public commentator and practicing lawyer because all are important and interesting to me,” Volokh said. “As an academic, you are often arguing about what the law ought to be. As a lawyer, your goal is problem solving: your clients come to you with results they want to achieve, and ask you how they can do it.”

As part of the firm’s ongoing Seventh Circuit Project, which has seen it accept appointments in more than 100 appellate cases encompassing more than 35,000 hours of pro bono work, Volokh has been appointed to represent appellants Edmund Ingram and Malcolm Rush in a pair of consolidated cases, *Ingram v. McCann* and *Rush v. Kingston*, to appeal the denial of writs of habeas corpus. The appointment is currently limited to the matter of appellate jurisdiction under Fed. R. App. P. 4(c)(1), governing the timeliness of notices of appeal deposited in an institution’s internal mail system. Both Ingram and Rush failed to put first-class postage on the notices they deposited for mailing.

The 39-year-old Volokh took a rather uncommon route to the legal profession. When he was seven, his family emigrated from the Ukraine to the United States to escape the Soviet system. His keen intelligence led to rapid educational advancement, and he earned his bachelor degree in math and computer science from UCLA at age 15.

After founding a software company that continues to operate to this day, Volokh found himself wanting to move on to other challenges. “I wanted to lead a semi-public life,” he commented. “I wanted to participate in public debates. I wanted to write op-eds. I wanted to give legislative testimony and participate in constitutional controversies. Rightly or wrongly, in America it really helps to be a lawyer if you’re going to do these things.” To that end, Volokh made the decision to attend law school at UCLA, and was awarded his J.D. in 1992.

Upon completing clerkships for Justice Sandra Day O’Connor of the U.S. Supreme Court and Judge Alex Kozinski of the Ninth Circuit Court of Appeals, Volokh joined the faculty of the UCLA

School of Law in 1994. But while he was satisfied with his wide range of endeavors, he recently came to feel the desire to add practice to his theorizing. “As a law professor, you spend many years writing some article, and then many more waiting for some evidence that people are paying attention and being influenced. While there’s a great deal of gratification to be had, it’s far from instant,” he said. “In practice, you can get results much more quickly. It’s a very different kind of excitement and intellectual stimulation.”

To quench this new thirst, several years ago Volokh began looking for a firm that he could partner with in a mutually beneficial manner. “When I decided that I was interested in practicing some law, I naturally thought about Mayer Brown because it has a long tradition of top scholars, far more illustrious than I am, who have been academic affiliates,” he offered. “The best examples are Paul Bator, before his untimely death, and Michael McConnell, one of the two leading scholars of religion clauses in the country who is now a federal judge on the Tenth Circuit. In particular, I’ve long known Judge McConnell, respected him, and in a sense tried to model my academic career after him. So when I wanted to choose a firm to work with, Mayer Brown was naturally at the top of the list.”

Since formally joining the firm’s litigation practice as an academic affiliate in early 2006, Volokh has provided his unique insight by consulting on a range of matters with colleagues across the United States. “An academic perspective often provides a slightly different view of the matter, and sometimes that different view will be helpful,” he commented.

“We all have our blinders; the trick is to be conscious of them and to team up with other people whose blinders are a little different,” Volokh concluded. “And then between your field of vision and their field of vision, you’ve got a better view of things.” Volokh also added that he hopes to work on other pro bono cases in addition to *Ingram v. McCann* and *Rush v. Kingston*.

A proud history of association with academics

As Stephen Shapiro, founding member of the appellate practice at Mayer, Brown, Rowe & Maw, noted upon the January 2006 naming of Eugene Volokh as the firm’s newest academic affiliate, “Professor Volokh is part of a rich tradition of leading academics affiliating with Mayer Brown, joining such legal giants as the late Paul Bator, now-Tenth Circuit Judge Michael McConnell, Harvard Law School Professor Arthur Miller, now-Stanford Law School Dean Larry Kramer, Northwestern Law School Professor Martin Redish, and Vanderbilt Law School Professor John Goldberg.”

While Redish and Volokh are the firm’s sole current officially named academic affiliates, the firm continues to work with a range of other academics in a variety of capacities. Morgan Cloud, the Emory School of Law Charles Howard Candler Professor of Law, assists the firm with litigation training. David Scheffer holds an endowed professorship as the Mayer, Brown, Rowe & Maw/Robert A. Helman Professor of Law at Northwestern University. Additionally, incoming Mayer Brown Chairman James Holzhauer joined the firm from the faculty of the University of Chicago Law School.