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Walking the public service path

Skadden lawyer brings experience gained at Supreme Court, White House to pro bono work

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Michael Y. Scudder clerked for U.S. Supreme Court Justice Anthony Kennedy in his first year out of law school. He served as a legal adviser in the George W. Bush White House for three years.

But the first large influence on Scudder's interest in public service came at Northwestern University School of Law during the early days of the Medill Innocence Project.

"I was a big admirer of the professor who was in the middle of all that," Scudder said about Lawrence C. Marshall, the then-Northwestern professor who co-founded the Center on Wrongful Convictions in 1998, the year Scudder earned his J.D.

He recalls a day during his first year of law school, sitting in the Thorne Auditorium at Northwestern in 1995 to watch a press conference about the exoneration of Rolando Cruz, an Aurora man who spent a decade on death row after being convicted of the murder of a 10-year-old DuPage County girl.

"It was a very moving event," said Scudder, now a partner at Skadden, Arps, Slate, Meagher & Flom LLP and one of 25 recipients in May of the Award of Excellence in Pro Bono and Public Interest Service, presented by the U.S. District Court for the Northern District of Illinois.

"Sitting there, hearing firsthand how (the soon-to-be Medill Innocence Project) resulted in a definitive determination that an individual like Rolando Cruz did not commit the crime for which he received the death sentence had a very profound impact on me," he said.

When the day was over, that

impact was unmistakable.

"I went through law school and developed an increasing commitment to working in the public interest for meaningful portions of my career," he said.

Role models

Scudder's Midwestern roots began in Indiana — where he was born and attended college — and continued at Northwestern. In 2009, he joined Skadden so that he and his wife could raise their four children in the Midwest.

In between, his career took him to the East Coast. He spent two years clerking in the federal courts, first for Judge Paul V. Niemeyer of the 4th U.S. Circuit Court of Appeals, then for Kennedy at the nation's highest court.

"I probably took away, more than anything, from Justice Kennedy an appreciation for just how hard he works and the amount of effort that he puts into deciding cases," Scudder said.

Kennedy's preparation process, Scudder said, was to discuss cases out loud after reading all the relevant material. His clerks then argued the case in front of him.

"Your thinking gets sharper," Scudder said. "You see and you hear and you understand what factors are important to him, what arguments are working and not working. It helps you as a lawyer when you've got to advocate a position."

After a year with Kennedy, Scudder spent four years in New York as an assistant U.S. attorney before taking a position as a legal adviser in the White House in 2007. After



Michael Y. Scudder

10 months as associate counsel to Bush, Scudder became general counsel for the National Security Council.

"The weight of the responsibility that sits on the shoulders of the president of the United States after Sept. 11, it's fair to say, is staggering," Scudder said. "I learned how tough decisions are made, and it's not with the benefit of hindsight."

Bush's process, Scudder said, was to gather information from different perspectives, make a decision and move on.

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"The lesson learned is to make sure you're thinking about the answer from multiple perspectives," he said, "making sure that the client understands the pros and cons from that perspective and resisting any initial instincts you might have."

Along with tools for solving problems and making decisions, Scudder's interest in public service grew under the tutelage of Niemeyer, Kennedy and Bush.

"One of (Bush's) core beliefs is grounded in the truth that to whom much is given, much is expected," Scudder said.

"Anybody that knows President Bush has heard him say that and

knows that it's coming from the heart."

From lessons to practice

Scudder's time in the White House ended when Bush's did. His next stop was at Skadden, where he had worked as a summer associate in 1996 following his first year at law school.

"He was a bright, hard-working fellow," said Skadden's Charles W. Mulaney Jr.

When Scudder reached out to Skadden in 2008 to look for a new job, Mulaney saw that Scudder was largely unchanged.

"Besides a resume that's outstanding and hard to duplicate, Mike is an amazingly humble and nice human being with no manifestation of the type of ego you might think a resume of his sort could justify," Mulaney said.

"He manifests a quiet competence — but not an ego."

Along with a practice focused on commercial litigation, white-collar crime, government and accounting, Scudder has used his skills as a pro bono attorney at St. Leo's Campus for Veterans in Chicago — part of the Catholic Charities of the Archdiocese of Chicago, where he serves on the board of directors. He also represents criminal defendants through the Federal Defender Program.

"He treats pro bono cases like any other case we have," said Skadden associate Britany D. Parling.

"He thinks carefully about them. He's always willing to sit down and talk with me about the law and the issues in the case and, I think, also always willing to sit down with clients and talk to them about their case."

His public service extends to his teaching at Northwestern, which he says is "a form of service."

It's an extension of Scudder's view on public service: It's more than just legal assistance, even with clients.

"Listening to somebody's ideas about what they want to do in life (is important)," he said. "A business idea they have or debating between a couple of jobs. Personal problems."

"They appreciate an ear and a perspective."

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