

ROLL CALL

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Big Day Looms for a Rookie

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Just a year out of law school, young lawyers like Elizabeth Getman typically are still angling for their first shot before any judge, let alone the nine who preside over the Supreme Court.

And 27-year-old lawyers across Washington, D.C., certainly will not spend today refreshing their Internet browsers, wondering whether Thursday, June 19, 2008, will be the day the high court decides their case.

But Getman will.

By next week, the Supreme Court is expected to rule on the “Millionaires’ Amendment,” a legal challenge co-authored by Getman, who along with lead attorney Andrew Herman is fighting a provision of the Bipartisan Campaign Reform Act of 2002 on behalf of wealthy factory owner and Congressional candidate Jack Davis (D).

How the court will rule remains to be seen. How Getman muscled her way to the front of the line to argue perhaps the most important election law case of the year, however, is another story altogether.

Davis, who is running in New York’s 26th district for the third time this year, hired Herman in 2006 to challenge the law while he was attempting to knock off Rep. Tom Reynolds (R-N.Y.).

Around the same time, Getman, then a law student at Catholic University, was working for then-Rep. Benjamin Cardin (D-Md.), who was running against real estate investor Josh Rales — and all of his money — in the Free State’s Democratic Senate primary.

Rales dumped \$4 million of his own into his doomed primary race. And Getman was smitten with a cause.

“All of a sudden we were able to raise \$12,600 from donors from whom we’d only been able to raise \$2,100 before,” Getman told Roll Call in an interview. “I became interested in campaign finance, which I had never been exposed to before.”

Not just any area of campaign finance, she said, but specifically the Millionaires’ Amendment, a complicated formula that could become her meal ticket by the end of the week. Getman later decided to write her law school thesis on the provision and eventually called up Herman for some advice.

“It’s such a complicated statute that I really wanted an attorney to walk me through the basics,” she said.

Herman obliged and said his apprentice quickly showed an unusual intensity for the subject matter.

“You don’t meet a lot of law students that are fired up about election law,” Herman said. “It was clear that this is what she was interested in.”

With Getman’s thesis in and graded, she and Herman pledged to keep in touch about the case. In August 2007, the U.S. District Court for the District of Columbia ruled against Davis.

Getman was vacationing in Maine when the three-judge panel made its ruling. Her phone soon rang. It was Herman.

"I remember sitting on the back steps of my mother's bakery with a copy of the opinion in my hand, and on the phone with Andrew, getting all worked up about the decision," she recalled.

Davis then decided that he should bring his case to the Supreme Court. Herman, who had never argued a case before the high court, had a month to assemble his argument. A few days before it was due, however, it was time for the mentor to ask the student's advice "to see if she had any last-minute suggestions," Herman recalled.

She did. Many.

"She must have spent a significant amount of time looking at it because she sent me back a laundry list of things," Herman said. "Not only had she looked at it for typos and grammar, but also for content."

Herman continued that "it then sort of clicked." He said he was largely flying solo on the case then and could really use some help writing the brief.

"I told her that if the court takes it, I really want you to think about working on this," Herman said. "I can't pay you with money, but I can pay you in other ways — involving you in the process, from the beginning to the end."

But there was just one problem. By then, Getman was working at the election law firm of Sandler, Reiff & Young. But to their credit, Herman said, the firm's partners agreed to let her work on the case.

"There are some law firms that would say, 'Hey, we're not going to share the energy and effort of our associate — and take away from their ability to bill for us,'" he said.

At the time, Herman also said his phone was ringing off the hook with prominent election lawyers who said he should share billing with a seasoned expert, not a green 20-something lawyer.

Herman balked.

"To me, that was a little ridiculous because Supreme Court arguments are in English," Herman said. "And anything you need to know is written in a rule book or treatise somewhere."

Neil Reiff, Getman's boss, said his firm is "very proud" of its prominent associate. He also joked that Getman, who graduated from high school the same year he started the firm, may have even bested him in riding shotgun on the case.

"There were incredibly prestigious law firms all over town wanting to be [Herman's] co-author on the brief and here comes Elizabeth right out of law school," Reiff joked. "And I can't even get my name on the brief?"