Mikva Retires from Clinic Service

The career of Abner Mikva, ’51, is laid out on the walls of his Clinic office. There he is shaking hands with Jimmy Carter, the President who appointed him to the DC Circuit, in a photo signed, “To my good friend Ab Mikva.” In another frame, he’s giving a press conference as White House Counsel, with then-President Bill Clinton smiling behind him. A little further down the wall is a picture of Speaker of the House Tip O’Neill swearing him in as a congressman from Illinois. There are portraits of Mikva’s role models—Justice Arthur Goldberg, Mikva’s former law partner, and Mahatma Gandhi, who Mikva says was “someone who was able to effectuate change without drawing blood.”

Mikva, once described as having “made a shambles of the doctrine of separation of powers,” had quite a career before retiring from the Clinton White House in 1995. But to the Law School community—and to Mikva himself—his most important work may have taken place after he “retired.”

In 1995, Mikva was nearing his seventieth birthday, and he was working for a president who was in his forties. “It was a great job, but not for someone my age,” says Mikva. He and his wife, Zoe, decided it was time to move back to Chicago, and then-Dean Douglas Baird suggested Mikva begin teaching at the Law School. He taught a course in Legislative Process for several years. “Being around students keeps you young—or at least younger. You learn some of the things they’re interested in, and what makes them tick.” But Mikva says that he couldn’t keep doing “stand up teaching” because his stories and references were getting dated. At that point, Norval Morris asked Mikva to join the Clinic.

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Mikva moved into the role of Senior Director of the Clinic under Dean Saul Levmore. He brought in the Appellate Advocacy Project, which had been started by students under the tutelage of Mikva and Professors Bernard Harcourt and Tracey Meares, ’91, but had been outside the Clinic’s umbrella. Mikva says that his project gets assigned six to eight cases a year—the most hopeless cases. Students must struggle to find questions worthy of appeal, and only in the most dire circumstances may the students declare the case unworthy. Mikva is proudest of a set of cases the Project worked on involving the overturning of the mandatory nature of criminal sentencing guidelines—a rare win for the Clinic students.

Mikva is pleased that his Clinic work has awakened an interest in appellate law for his students, but his influence goes far beyond that. Jessica Romero, ’04, one of the first students in the Appellate Advocacy Project, says, “I consider it both a privilege and an honor to have had Judge Mikva as my clinical instructor during my third year of law school. His passion for and daily commitment to all aspects of public service inspired me even during times when the excitement

Mikva poses prior to a Seventh Circuit argument with Melissa Mather (left), then a Clinical Instructor, and Kathryn Wycoff, ’06.
of becoming a lawyer was drowned by the immediate prospect of student loan repayment, bar preparation courses, and billable hour requirements. As a result, my clinical educational experience has greatly impacted my career choices and I am grateful just for having crossed paths with such a great teacher and lawyer.” Julie Avetta, ’05, relates, “Judge Mikva is my hero. I had the great fortune to be the first person invited into the clinic solely to argue sentencing remands. Seventh Circuit sentencing law was coming into being right before my eyes. Under Judge Mikva’s tutelage, I had the opportunity to help define it. And I hadn’t even graduated law school yet.”

Even beyond his work at the Law School, Mikva has been quite busy since his retirement. In 2001, he was a founding member of the American Constitution Society and continues to serve on the advisory board. In November 2004, he was an international election monitor of Ukraine’s contested presidential election, and in July 2006 he was named chair of the Illinois Human Rights Commission. He was cochairman of the Constitution Project’s bipartisan Constitutional Amendments Committee. He also engages in arbitration and mediation work with JAMS, a national dispute resolution firm. He even continues to write—from journal articles to casebooks to op-ed pieces.

But all it takes to spark conversation with Mikva these days is to ask him about the Mikva Challenge, a civic leadership program for Chicago youth he and Zoe started in 1997. When his “alumni association” of former staffers and clerks wanted to do something for him, Mikva asked them to help him create an organization to involve young people in politics. The resulting nonpartisan organization works with over 3,500 Chicago public school students per year, who experience the democratic process as election judges, volunteering on campaigns, and creating local activism projects to improve their schools and communities. This year more than 1,000 high school seniors served as election judges, and the Challenge sent more than 100 students to New Hampshire for the 2008 Democratic and Republican primaries. “It is such a spark for them to continue involvement in politics,” says Mikva. “We’re still waiting for our first alum to run for public office, but several have already served as campaign managers for local campaigns.”

Abner Mikva has decided it is time to retire again, and will leave the Clinic at the end of the school year. He made the decision so that his current schedule of spending the winter months in Florida does not interfere with the cases of the Appellate Project. “When I think about leaving the Law School completely, I get a little panicky,” says Mikva, “because the Law School has been a part of me since 1948 and I don’t know that I can just say, ‘That’s it.’ But just what I will do from here—besides writing complaining letters to the Dean—I can’t say,” Mikva’s former student Avetta says, “To this day I keep a photo of hizzoner and me at my graduation. I hear he’s about to retire, but a part of me can’t even believe that. I mean, he’s Abner Mikva. He’s immortal.”

Daniel Burstein, ’06, a student in the Appellate Advocacy Project, waits with Mikva before an argument at the Dirksen Federal Building.