

What I Wish I Knew Then: Jeh Johnson

This is the first in a series of interviews conducted by Steve Cohen in which he asks each participant what they wish they had known when they were younger. Or, put another way, what they want their young associates to do or know today. In this edition, he interviews Jeh Johnson, the Paul, Weiss partner who was Secretary of Homeland Security under President Obama.

By Steve Cohen

There were three advantages (and a few disadvantages) to going to law school at age 58. My first leg-up was that the stakes were different.

I'd had a moderately successful career as a publisher and author, and if law school didn't work out, I could slink back into a more familiar role. (It might be with my tail between my legs, but I could probably fake that.) The second advantage was that I had a reasonable sense of how the world worked. I understood business, had been involved in politics, knew about the media, had been an adjunct professor for years, and had even served in the military—briefly and long ago. I didn't consider myself an expert about anything, but I had far more exposure to most things than my classmates, and often recognized the events described in the cases we were reading.

But the most significant advantage was that I wasn't afraid to admit it when I didn't understand something. I would often raise my hand—not as a gunner volunteering an answer to a professor's question, but to say,

“Sorry, I don't understand. Could you please explain it again?” I would hear a collective sigh of relief from about a third of the class, and the occasional muttered comment, “Thank God the old guy doesn't get it either.”

When I became an attorney, however, I realized that I would undoubtedly suffer from a combination of impatience and an awareness of my own mortality: I didn't have years to “learn the ropes” as an associate, to be slowly and properly trained and mentored. So, instead I'm again using that same willingness to admit what I don't know—I'm asking experienced, successful attorneys for advice, for insights, for some guidance. I've called the project, “What I Wish I Knew Then” and it is both a personal journey and an attempt to share this learning with young lawyers. It will be a series of interviews with experienced attorneys who have achieved ... something. That may be a partnership in big law, the satisfaction of a sole proprietorship, a career in public service, or a path I haven't yet been exposed to. Some of the people I have interviewed—or will interview—have spent their careers as trial lawyers; others have navigated the boardroom;



Photo: Ryland West/ALM

Jeh Johnson, partner at Paul, Weiss and former Secretary of Homeland Security, photographed in his Manhattan office.

some stood at the front of a classroom; and still others sat on the bench in the front of courtrooms.

No two interviews have been—or probably will be—the same. I ask each of them what they wish they had known when they were younger. Or, put another way, what they want their young associates to do or know today. As I conduct these interviews, I'm regularly thrilled, energized, and sometimes surprised by what I hear and learn. I hope others will be too.

A bit about my methodology (although that may be too grandiose a word). I started by writing a few questions—the answers to which I

personally wanted to hear. Then I approached people and sent them the questions in advance. I asked if we could have a 15-minute chat on Zoom. I advised everyone that I'd start with my prepared questions, but that the conversation could obviously move in unexpected directions, based on what folks were telling me. There were no "gotcha" questions, but conversations did occasionally veer off into interesting alleys. Most of them did the interviews on Zoom, but some were camera-shy. Occasionally a conversation proceeded with orderly—some might say lawyerly—precision. Other times, what started out as an interview devolved into an unpredictable journey, with the destination more often a pub than a shrink's couch.

My first attempt to structure this column floundered. My initial thought was to organize the article by the questions I had sent to each interviewee, and then excerpt their answers. It didn't work. The interviews turned out to be far more free-wheeling and the insights not easily correlated to specific questions. So, I've decided to share all the questions up-front, and try to capture the essence of the conversation. Does it work? You'll decide. But here's a suggestion: After you read the excerpts in print, check out an edited [video](#) of the interview.

My Initial Questions

(1) What are the three specific pieces of advice do you wish you had when you were starting out in your career?

(2) What would you have done differently early in your career?

(3) What do you wish young attorneys working for you would do differently?

(4) What is the best piece of advice you were ever given?

(5) What was the worst personal mistake you made in your career; and how did you recover from it?

Interview with Jeh Johnson, partner at Paul, Weiss, and former Secretary of Homeland Security

Jeh Johnson is a partner at Paul, Weiss, and a 2021 recipient of The American Lawyer's Lifetime Achievement Award as "[a]n American statesman [who] has devoted his career to the public interest." He served as Secretary of Homeland Security, General Counsel of the Department of Defense, General Counsel of the Department of the Air Force, and as an Assistant United States Attorney for the Southern District of New York. He is a graduate of Morehouse College and Columbia Law School.

I graduated from Columbia Law School in 1982. Our graduation speaker was Andrew Young, the civil rights leader and icon, who had just become mayor of Atlanta and had been ambassador to the UN. He said something I will never forget, in that graduation address. He said—talking to a bunch of 25-year-olds—in your lifetime you will see and do things beyond your current comprehension. And he was absolutely right, looking back on it now 40 years later. Because in May of 1982, at that moment when I sat in that graduation, there was another kid on the Columbia campus named Barack Obama, who was going to become president of the United States. He was going to be the first black president of the United States, something I never thought I would see in my lifetime, and I was going to be in his cabinet as the Secretary of Homeland Security, a department that didn't even exist in 1982. And if you had told me those things then, or for example that there would be something called an iPhone that lets you hold the entire world in

your hand, I couldn't have gotten my head around that.

When I interview somebody, I'm always looking for strengths that are not reflected on the piece of paper. You see a résumé, you see a GPA, you see law review, but I'm always looking for strengths in-person that are not apparent on the piece of paper. And I will ask the applicant about a legal topic that is reflected on the résumé. "So what did you find so interesting about that?" And then I'll ask a question and try to envision this person explaining the answer to a complex legal question in 5 minutes or less to my most impatient partner at this law firm. And if that person can do that in a concise, coherent way, you have my vote.

What I tell associates now is: It is most important for you to work hard and be thorough. Make sure the I's are dotted with the correct type of dot and the T's are crossed with the correct type of cross. And pay attention to the details. Because we look to our younger lawyers to pay attention to the details while we focus on what's going on at 30,000 feet just below the clouds. And a lot of younger lawyers don't quite understand that point.

I also tell them that it is critical not just to identify all of the issues in the law school exam, to find all the issues and spot them, but to figure out which ones are really important. Which ones are red flags versus which ones are simply yellow flags? Very smart lawyers are frozen by legal risk. They cannot tolerate any legal risk. They'll find 18 problems and be frozen by all 18. And therefore, the client is frozen by all 18 problems. The really great lawyers are those that can say, "Alright 16 of these 18 problems are manageable, or with a slight course

correction we can work through, and the other two are true red lights you just simply can't deny."

Lawyers, particularly in large organizations, are most prized when they can spot the legal problems, anticipate the thorny issues, but also help the client work to a constructive solution without undermining the entire initiative. I think that's so important to have that practical pragmatic approach and to be able to, as Bob Gates would say, talk English. Speak plain truth without getting caught up in all of the legalese. And be able to communicate clearly—to a client, to a judge, to a jury—your point of view.

With respect to what young lawyers should watch or read: Don't watch crime shows. Crime shows give you a distorted picture of what goes on in criminal justice. History. Legal history. I'm a big fan of history. You can't know where you're going unless you know where you've been. I like to read legal history, political history, military history. I think that there are lessons to be learned from reading about our past. If you don't know your past, you're bound to repeat it; if you don't know the mistakes of history, you're bound to repeat them too.

I have made mistakes in my legal career; I've made mistakes in my public office life, which maybe will go into my book one day, published when I die. But every mistake has been a learning experience. And every mistake should be an opportunity to be extra careful in the future about that particular issue. Many people will ask me questions like, "If you knew in 2016 what you know now about Russian hacking into our election, what would you have done differently? Wouldn't you have done it differently?" And I have to say, I remember very clearly

the circumstances at the time and what we knew at the time. And based upon what we knew at the time and the circumstances at the time, I think the way we handled it was correct, based upon what we knew. But you don't get the benefit of a crystal ball. If we did, we'd all be multi billionaires in the stock market. But we're not. So that's not how life works.

I approach every new encounter on the assumption that somewhere deep below the surface are some better instincts. And if we can appeal to those you can win them over, in my experience. Whether it's somebody on the other side of the political spectrum who calls me a lawless criminal. If I'm able to appeal to that person's better angels, I have found the ability to develop a professional relationship.

The ability to build professional mentor-mentee relationships is critical in my judgment, in terms of personal development, growth, and avoiding mistakes and taking advice from others. Sometimes you have to make your own mistakes. Sometimes you have to experience on your own things that will lead to personal growth and lessons learned. There are very few things that I would do differently if I had a chance to turn back the clock. Because everything that I did that was probably not my best decision was a growth experience and a learning experience.

You should have asked me about my personal hobbies. Everyone needs a hobby. I'm a huge HO train fan.

The other thing I will say, particularly if my audience is a group of young lawyers: Be prepared to consider and accept exciting opportunities that you didn't anticipate, that might be a little bit out of your comfort zone.

A lot of people come to me and

say, "I want to be a lawyer in public service." I typically ask them, "And so, what are you thinking of?" Their answers are typically something like "Well, I want to be in the White House counsel's office," or "I want to be in The Department of Justice."

That's very conventional thinking. There are many, many fascinating legal positions in the United States government that most young lawyers don't know about. You have to be willing to entertain a possibility that we did not anticipate, and maybe never even heard of. In 1998 when I was asked if I would be general counsel for the Department of the Air Force, I had no idea what that job was. I had never set foot in the Pentagon; I had never been in the military. I didn't know what the responsibility was for that job. I could have said, "That's outside of my comfort zone, no thanks," and waited for something that I heard of.

But I went to the Pentagon, I investigated it, and became very interested. And in retrospect, 24 years later, that was my pathway into national security. And so I tell young lawyers all the time: Be prepared to seriously consider and entertain the possibility of an opportunity that comes along that you didn't quite anticipate.

See a video of Jeh Johnson's interview [here](#).

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