

## Perspective

# What I Wish I Knew Then: Robert Blecker and Julia Davis

BY STEVE COHEN

**Robert Blecker** is an Emeritus Professor at New York Law School, where he taught criminal law and Constitutional history. He is the author of *'The Death of Punishment'*, which grew out of the hundreds of hours of interviews he did with death-row inmates at some of the nation's most notorious prisons. (That research also led to him being the subject of the feature film *'Robert Blecker Wants Me Dead'*, as well as the star of the recent Amazon documentary *'Four Games in Fall'*—about Deflategate and Tom Brady.) Blecker's play about the ratification of the Constitution, titled *'Vote No'*, opened at the Kennedy Center in Washington, D.C., and is headed back to New York for its Off-Broadway opening. A graduate of Harvard Law School, Blecker started out his career as a Special Prosecutor in New York, which is the



Robert  
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Davis

context for the initial part of our conversation.

What do I wish I knew when I was starting out, that I know now? It is an excellent question. Oddly, it's not one that I'm hearing for the first time. It's one that I'm hearing for the second time. I didn't ask it the first time. It was restated from a question I did ask. So I'd like to tell you that story. I was a student at Harvard Law School, but I took a course from a professor at the Kennedy School of Government, a man named Richard Neustadt, who became well known for a book called *Presidential Power*. He

was part of the Kennedy administration. If I recall, he was in the State Department, and he had held a number of positions. And he just exuded wisdom, to me. He taught us how to negotiate a bureaucracy, gave me some very good advice, then. And that was always treat the assistants as if they're the bosses. They may not get the salary, they may not have the title, but they know what's going on, and they have the boss's ear. And don't just treat them as a functionary and have them make appointments to speak to the boss. Speak to them as if they're the boss.

I had gotten a job in New York as a special assistant attorney general, to prosecute corruption—principally corrupt judges, lawyers, and cops. Neustadt was full of wisdom and insight, so I went to see him and said, "I'm just about to start out as a special prosecutor and I'm curious: What

do you wish that somebody had told you, before you were starting out in your career?”

And he looked at me and he said, “I wish I had gotten the message not to be cynical.”

I responded, “Well, I appreciate that, but that doesn’t apply to me. Because the reason I’ve taken this job and turned down so many others—Wall Street, etc.—is precisely because I think it’s unambiguously right and moral to prosecute corrupt judges, lawyers, and cops. So I’m not at all cynical.”

It was clear to Neustadt that that was not an answer that I would be satisfied with. And so he then rephrased my question, almost exactly as you just asked it. He said, speaking to himself aloud, “What do I wish I knew when I was starting out, that I know now?”

That struck me as a fine rephrasing. And I waited for the answer, obviously nodding and interested. And he said, “I wish I knew that in order to do good, you have to do bad. You’re going to be invested with the public power. And you’re going to find yourself in situations, inevitably, in which you’re going to have to make choices for the public good. And either choice that you make is going to hurt innocent people. You can’t avoid it. And you have

to realize that that’s what’s going to happen, and you have to be willing to do it, all for the public good.

So I began as a special prosecutor. And I can’t tell you how many times Neustadt’s voice came back to me, in haunting refrain. And I came to realize the wisdom of that statement.

Age is supposed to bring wisdom. I know many, including my wife, would dispute that in my case that applies, but it’s supposed to. I know, trite, it’s a cliché, but it is so wise in and

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of itself. It’s the AA prayer, the Serenity Prayer. I’ve modified it somewhat. I say, God give me the strength to accept what I must, change what I can, and the wisdom to know the difference. Anybody who’s mastered that, it seems to me, is well on the road to living a very good life. I think that really is an essence of the good life, of the wise life, of humane life.

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**Julia Davis** is administrative law judge at New York City’s Office of Administrative Trials and Hearings. Prior to recently

*assuming this position, she was the Director of Research and Investigations in the NYC Comptroller’s Office, was Inspector General in the New York City Department of Investigation, and held senior positions in the NYC Conflicts of Interest Board and Business Integrity Commission. Following her graduation from Smith College and the American University Washington College of Law, she became an Assistant District Attorney in Brooklyn.*

I think the most important piece of advice I wish I had earlier in my career was: actively develop mentors. Not just, “I’ll call my former supervisor when I need something,” but people I could actually talk to—lawyers and non-lawyers. It is important to get feedback—about a possible career move, an issue in the office, about how to deal with a colleague—before whatever the issue is becomes critical.

As attorneys, you hear often about the need to be prepared. Not only for the questions you think you’re going to be asked, but the questions that you don’t know you’re going to be asked. It’s inevitable. The corollary to that is that when you write, you don’t need to show every single thing you know in the world. But answer the question that’s asked,

especially if you're dealing with somebody who wants to just cut to the chase.

Recently, I was thinking about some advice I received from a friend who was not a lawyer, with no advanced degree at all, but who is very street smart. He used to say, "Pay it no mind." You have to figure out what are the things that are worth getting angry about, fighting about, and the things that it just doesn't matter. For example, if you're in a position—like I was in a former job—where you get complaints, leads, suggestions, coming in all the time. But you only have limited resources and you can't address every complaint that comes in. Some you can refer to another agency that's going to be better able to handle it, but some you're just not going to be able to address at all. It is triage, in some respects. You're 'paying it no mind', just separating it out. Because otherwise, you're just driving yourself crazy.

When I think about the bosses I've had—good and bad, or really the bad aspects of bosses—one lesson that comes to mind is that the bad ones had a common denominator: They were not paying attention both to managing up and managing down. They were bosses who managed one way—either up or down, but not both.

They missed half of what was going on. What were the common characteristics of good bosses? The good bosses were the ones who let you do your job and supported you when you did well; but also supported you when you made mistakes.

One of the most important things I want to convey to young lawyers is have a life outside the law. The lawyers I know who play in orchestras or sing in choirs, or have some crafting hobby or ride century bike rides for charity, are generally happier. But perhaps surprisingly, not only will it make you a happier person, whatever else you do outside is going to make you a better lawyer. Inevitably someone will say something, and you will understand it better or appreciate the context, and your having experienced it will make a difference.

I think it is very important for young people—for all of us—to expose themselves to finding out about people who don't think like they do; and then truly trying to understand how they think and why. You can't be in an echo chamber. You need to meet and experience people who are not like you, who don't think like you. All of us tend to be friends with people who think like we do; we read publications we already agree; listen to podcasts that

reinforce our biases. You have to be able to have some understanding of who others are, how their experiences and values shaped them. You need to recognize there are other perspectives and interpretations and approaches that may be just as valid as your own. You may conclude that you are right and they are wrong. But if you don't recognize that other perspectives and interpretations may be valid—and at least listen to them, be open to them—you won't be successful.

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