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## The Best Public Defenders Are Anarchists

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# The Best Public Defenders Are Anarchists

Rachel Van Cleave and Peter Keane, The Recorder

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After decades in criminal defense and in legal education, Golden Gate University School of Law Dean Emeritus [Peter Keane](#) is retiring. In addition to serving as dean and leading the San Francisco Public Defender's Office, Keane has also taken on leadership roles with the State Bar and with numerous task forces and commissions. He sat down recently with Rachel Van Cleave, the current dean of GGU Law, to reflect on his career.

## **Van Cleave: Tell us a little bit about your upbringing in Brooklyn, New York.**

Keane: Brooklyn in the 1940s and '50s was a polyglot of ethnic, working-class neighborhoods. My parents were Irish immigrants, so our neighborhood was mostly Irish with Italians and Jews generously sprinkled in. I was the youngest of seven kids and we all got lessons in basic Irish folk wisdom, practicality and tolerance from my mother. She had very little education but was the smartest, hardest and most insightful person who ever lived. My father was a longshoreman whose hero was Franklin Roosevelt.

## **What prompted you to pursue a career in criminal defense?**

In the early 1960s, when I was in college, there was a television program called "The Defenders." It was about a father-and-son legal practice in Manhattan. It was lowkey and had none of the Hollywood glitz of contemporary shows, but the writing and acting, in my opinion, have never been equaled. Each episode had the two lawyers dealing with a compelling, totally believable criminal case they were defending. I wanted to do what they did.

## **Why did you decide to contribute a This I Believe piece to National Public Radio about your career as a public defender?**

My daughter Lauren was a journalist for the Washington Post and she also did newscast contributions to NPR. As a youngster, Lauren watched me try several murder cases, including a couple of death penalty cases. She convinced me that it was important to tell people why it is essential for democracy that a criminal defense attorney vigorously and uncompromisingly defend the most unpopular people who committed the worst possible crimes.

## **Why did you agree to begin teaching law? How do you think this influenced your practice?**

In 1981 I got a frantic call from the academic dean at Hastings. A week before the semester

was to begin, the professor slated to teach criminal procedure pulled out. I signed on as an adjunct and taught during my public defender lunch periods. This expanded over the years to teaching night courses at Golden Gate and USF which included evidence, trial advocacy, constitutional law and professional responsibility. Teaching was a healthy balance to criminal trial practice. Constant immersion in the subject matter of law and dealing with students fresh and eager to learn from someone with firsthand experience kept me from getting stale or burning out. It was often a form of therapy for me during the intense events and times which a criminal defense attorney experiences.

**You were the first person from the public sector to serve as the president of the San Francisco Bar Association. How did that come about? What were your priorities in this role and of which accomplishments are you most proud?**

I first ran for a seat on the Board of Directors of the Bar Association of San Francisco because the then-executive director told me those seats were only for big firm lawyers and certainly not for lowly public defenders. I wound up being the top vote-getter in that board election. From there, I worked and politicked my way into being president. My priorities were to expand Bar Association participation to traditionally unrepresented lawyers. The proudest accomplishment was that we established a set of goals and timetables for hiring women and minorities which all of the major firms signed on to. During my presidency in 1988, BASF was the first major mainstream entity to endorse same-sex marriage, when that was something unheard of.

**After having served as the dean at GGU Law you wrote a short article comparing that position to your experience leading the public defender's office—are there overlapping leadership lessons in each of those positions?**

As chief assistant public defender of San Francisco for 20 years, I was the administrator managing 70 line public defenders working in the criminal courts. The ideal courtroom public defenders we hired were anti-authoritarian iconoclasts; the best were anarchists just short of the bomb-throwing variety. Administration of them was as challenging as walking 70 pit bulls. By comparison, when I became a law school dean, managing law professors was a piece of cake. If I made a mistake administering public defenders, a client could go to the penitentiary or even death row. If I made a mistake as dean, some professor might get mad at me. I'll take the latter every time.

**What is different about leading a law school?**

The main jobs of a law school dean are raising money and marketing the school. I had a lot of experience in political fundraising before becoming dean and this was helpful. I had also done a lot of television and had two radio shows in the past. So I tried to use those skills to the best advantage. But being dean of a law school is a tough job, particularly in this age of declining enrollment. I worked hard at it, but I was nowhere near as good a dean as Rachel Van Cleave. She is the best.

Near the end of my five-year term as dean, the university offered me a second five-year term which I initially accepted. But as I considered it further, I decided that my real love was teaching law. I declined the second term and stepped down into full time teaching in 2003. The past 13 years of teaching have been a delight.

**Of which accomplishment as dean are you most proud?**

When George W. Bush became president, the federal government threatened to cut off all federal funding to law schools that would not allow military recruiters because of the "Don't Ask Don't Tell" policy. A number of law professors back east sued in federal court. I had not heard of the suit, but one day I was contacted by the lead lawyer in New York. They were facing summary judgment on standing, because they could not get any law school in the country to sign on publicly as a plaintiff. I immediately agreed and Golden Gate University Law School was the sole named law school plaintiff, which saved the case of *Rumsfeld v F.A.I.R.* from being thrown out at its inception.

**Given the significant depth and breadth of your career, what advice do you have for current law students? What about advice for leaders in the profession and in legal education?**

To law students: Constantly stay alert for opportunities in your career. Don't be afraid to take risks or to vary from whatever path you are on. Get involved in professional activities. Make connections and hustle.

To leaders in the profession: Change is occurring very rapidly. The State Bar as we know it is disappearing. Design the entities now that will best serve to take its place. Don't allow events to shape the legal profession without your being the authors of those changes.

To leaders in legal education: Accelerate changes to legal education which emphasize turning out practically trained lawyers who can serve the public's need for legal services. The old model of law professors as cloistered monks of scholarship without practical experience is dying. Adapt.

***Peter Keane is dean emeritus of Golden Gate University School of Law and was the chief assistant public defender of San Francisco for 20 years. Rachel Van Cleave is the current dean of GGU Law.***

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