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Newsroom

'Fireside Chat' With Solicitor General

Solicitor General Donald Verrilli met students, faculty and alumni of RWU Law in a candid "Fireside Chat": "I have the best lawyer job on the planet!"



Roger Williams University School of Law last week welcomed **Donald B. Verrilli, Jr., 46th Solicitor General of the United States**, for a "Fireside Chat" with **Professor Jared Goldstein**, a one-time Bristow Fellow in the Solicitor General's Office.

Professor Goldstein began the conversation by asking if those who address the Solicitor General as "General" are incorrect. "I'm not a general," Verrilli replied. As with the term "Attorney General," he explained, the term goes back to England in the time of Henry VIII. "It means I'm a solicitor with 'general' responsibilities."

Verrilli said he never aimed to become Solicitor General, noting that his early work handling pro bono death penalty cases seemed like "about the last thing in the world to do if you wanted to be Solicitor General" – but that he could not imagine having attained the position without that transformative experience. "Pursue what matters to you, and things will progress in the right way," he advised.



Verrilli and Goldstein then discussed the duties of the office. The Solicitor General is first and foremost the lawyer appointed to represent the U.S. government

before the Supreme Court of the United States, but Verrilli said that – while this was by far his most visible role – it is “only a small portion of the job.”

The Solicitor General’s office currently consists of Verrilli plus four deputy SGs and 16 assistant SGs – that is, 21 lawyers in all to brief and argue in virtually every case to which the United States is a party; in all, around 2,000 cases per year, he said.

“We shape the litigation disposition of the U.S. government,” Verrilli said, determining not only the legal position that the United States will take in the Supreme Court, but also filing amicus curiae briefs in cases where the federal government has a significant interest. It’s “not a cookie-cutter process,” he stressed.



Most of the time, that “litigation disposition” is “pretty clear, and doesn’t vary much from administration to administration,” Verrilli noted. But occasionally, making a determination can be a fraught process, particularly when two departments – Defense and State, for example – have opposite views on the topic. Failing to consult all government stakeholders in a given issue can metaphorically result in a “thermonuclear explosion” of offended feelings, he said.

Asked whether he ever worried about public opinion, Verrilli said no, explaining that the Justices of the U.S. Supreme Court are ultimately the only opinions that matter for the SG. “My audience consists of nine people – that’s the whole universe. Nothing else exists.” Sometimes, however, he confided, that “we have taken positions that I felt was right for the U.S. government,” even though “if I was a judge, I would rule against it.”

Verrilli minimized the current court’s conservative/liberal divide, arguing that “each Justice has his or her own judicial philosophy” and that “they tend to follow where their judicial philosophies lead.” (He later smiled wryly, however, as he declined to analyze the politically charged case of *Bush v. Gore*, which happened well before his tenure in office. “That was a unique case,” he said. “Hopefully, there will never be another one [like it].”

Among the high profile cases he has handled, Verrilli insisted he was not surprised by his high-stakes victory in *National Federation of Independent Business v. Sebelius*, decided on June 28, 2012, in a 5-4 ruling to uphold the Affordable Care Act (ObamaCare). His “biggest and bitterest loss,” on the other hand, was *Shelby County v. Holder*, in which the Court effectively struck down the heart of the Voting Rights Act of 1965 by a 5-to-4 vote, freeing nine states, mostly in the South, to change their election laws without advance federal approval.

Verrilli told Goldstein that he and his team prepare for Supreme Court arguments through “brutal, high-intensity” moot court rehearsals. “The only way to make the points you want to make is to effectively fend off questions about the hardest questions” underpinning your case, he said.

Through it all, he remains inspired and motivated by the fact that “I have the best lawyer job on the planet – it’s hard *not* to be motivated! I’m appreciating it every single day.”

Sometimes referred to as the "tenth justice" of the U.S. Supreme Court, the Solicitor General is among the most influential and knowledgeable members of the legal community with regard to Supreme Court litigation other than the justices themselves.

Before being sworn in as Solicitor General in 2011, Donald Verrilli served as Deputy Counsel to President Obama and as an Associate Deputy Attorney General in the U.S. Department of Justice. Prior to his government service, he was a partner for many years in the law firm of Jenner & Block, co-chairing its Supreme Court practice. He handled numerous cases in the Supreme Court and the courts of appeals, and maintained an active pro bono practice throughout his career in private practice, receiving several awards for his efforts. He also taught First Amendment law as an adjunct professor at Georgetown University Law School from 1992 through 2008.

Verrilli received his undergraduate degree from Yale University and his J.D. from Columbia Law School, where he served as editor-in-chief of the Columbia Law Review. He served as a law clerk to the Honorable J. Skelly Wright of the United States Court of Appeals for the D.C. Circuit and to the Honorable William J. Brennan, Jr. of the United States Supreme Court.

On January 26, 2011, President Obama nominated Verrilli to succeed Elena Kagan as Solicitor General after she was sworn into the position of Associate Justice of the Supreme Court of the United States. On June 6, he was confirmed by the Senate in a 72–16 vote. Verrilli was sworn in as Solicitor General of the United States on June 9, 2011.