



Ep. 22: Somil Trivedi (LAW'09), ACLU Staff Attorney

Host: Jeff Murphy (Questrom'06), BU Alumni Relations

Are we living in a renaissance for criminal justice reform? **Somil Trivedi (LAW'09)**, Staff Attorney at the ACLU Trone Center for Justice and Equality, joins Proud to BU to explore his unique perspective on this prescient topic. Somil traces the origins of his passion for social justice and shares the prominent role BU played in scaffolding his platform as a public-minded lawyer.

Podcast Transcript:

- Jeff Murphy: I'm Jeff Murphy from Boston University Alumni Relations, and I'm your host for an interview series showcasing the career paths of our most interesting and accomplished alumni. Welcome to the Proud to BU podcast. My guest today is Somil Trivedi, Staff Attorney at the Trone Center for Justice and Equality at the ACLU. Somil earned a degree from BU School of Law in 2009 and since then he's worked in criminal defense and as a trial attorney at the Department of Justice and US Attorney's office. At the ACLU, Somil now works closely with the campaign for smart justice, focusing on litigation, policy, and advocacy. As you'll hear, we explored his dynamic legal career, balancing work and family, and how networking taught him that taking risks can really pay off. Somil, thank you so much for joining us on the Proud to BU podcast.
- Somil Trivedi: Thank you.
- Jeff Murphy: I know you attended Georgetown as an undergrad and went to BU Law for your graduate degree. Are you originally from the DC area or where did you grow up?
- Somil Trivedi: No, actually I grew up all over the Midwest and South. My dad is in oil and gas, and so we moved from Kansas to Oklahoma, to Louisiana, to Texas. So he sorta finally made it to the holy grail of oil and gas. And I then moved to DC and then up to Boston.
- Jeff Murphy: What did you study at Georgetown?
- Somil Trivedi: Government and Math, which is not a common combination, but to me taught me how to think in a rigorous way, so it made a lot of sense. And then made a lot of sense that I went to law school too, cause rules appeal to me, as they do to most nerdy lawyers.
- Jeff Murphy: Uh, you, you mentioned your dad was in energy. Did you have other lawyers in your life as a kid or high school? And at what point did you sort of decide that becoming a lawyer was going to be the right path for you?
- Somil Trivedi: I actually come from a family of scientists and early on I realized I wasn't smart enough to be one of them, so that was probably the biggest factor in becoming a lawyer. But also we grew up all across the Midwest and South and those places really make you attuned to sort

of the deep-lasting segregation that exists in America, the inequality of opportunity that still exists in America. And so that was a big influence on deciding to go to law school.

Jeff Murphy: So law school. Walk us through the process of finishing up your undergrad. I know that you had at least one position before going to law school. Tell us how you found your way up to Boston.

Somil Trivedi: Sure. So I stayed in DC after college, I worked in sort of typically DC jobs, consulting at the World Bank and working on campaigns for the last year that I went to BU. And I knew, DC got its hooks in me pretty early, and I knew that I eventually wanted to be working in the intersection of law and policy. And when I went up to visit BU, I felt a strong sense of public service, from the professors who had all worked in really fascinating areas of the law related to public policy. I think the students that they got represented a sort of diverse background of folks, many of whom had really interesting public-facing jobs or majors. So it was really that sense of giving back from the BU community that that helped make my choice for law school.

Jeff Murphy: Well, tell us more about your academic experience at BU. You mentioned some professors, things like that, some of the other students that had an impact on you. Are there specific classes or projects or professors that really stand out in your mind as having that tremendous impact?

Somil Trivedi: Yeah, for sure. I will say, Tracey Maclin is our sort of professor emeritus of constitutional law and criminal procedure. And walking into his class day one changed my entire life and perspective on the law. I knew after taking his Con Law class that I wanted to do something in the area of constitutional law later in my career. For at least the law students listening, you'll know that he is a hardass for lack of a better term, and he makes you stick to your guns. And that was an invaluable experience for me, learning how to not only express my principles, but support them in the law. And that's how I do it today. But I'll say that an experience that really helped me along was during my one L year, we took a service trip down to New Orleans, which was still reeling from Katrina. And me and some friends of mine went down to FEMA trailers on the outskirts of the city and sort of collected information for use in later legal claims. And sort of marrying the in-class experience in professor Maclin's and other classes with real human faces and real struggle in the wake of that storm, that sort of solidified it for me, that the law is both something that you do on paper and something that you do on the ground with real people. And that all happened my one L year and after that I was hooked.

Jeff Murphy: So it hasn't been that long since you finished at BU Law, would your law student version of yourself be at all surprised to see where you are 10 years later with the ACLU?

Somil Trivedi: I think no in some ways, right. I studied a lot of Con Law and now I'm a constitutional lawyer. That's fantastic. I'm sure he would be surprised to see me with two kids living out in the burbs in DC. I'm sure he'd be very disappointed in my lack of edginess as an older lawyer. But I will say that the one thing that I always saw myself being was a lawyer for the government. And while I was for a brief time in the Department of Justice, and I hope to be again one day, obviously the events of 2016 and the ways that government can be shown to really thwart the will of the people and to undermine the constitution, proves that we need equal parts resistance from the outside and principled folks working on the inside. And so right now I happen to be on the outside providing a check and balance on the executive branch. And if and when I ever go back in, I think it's just as vitally important to be principled from within.



Jeff Murphy: I'm gonna change gears on you for a second here. One of the things that I think that we don't talk enough about on the Proud to BU podcast is the ability to balance a career and a family. And since you sort of brought it up, I feel like you're probably being a little bit hard on yourself for saying that you don't have enough edginess as a lawyer, but you've obviously made a decision to have a couple kids. Can you talk a little bit about how you've been able to balance those two things, raising kids and also having a successful career?

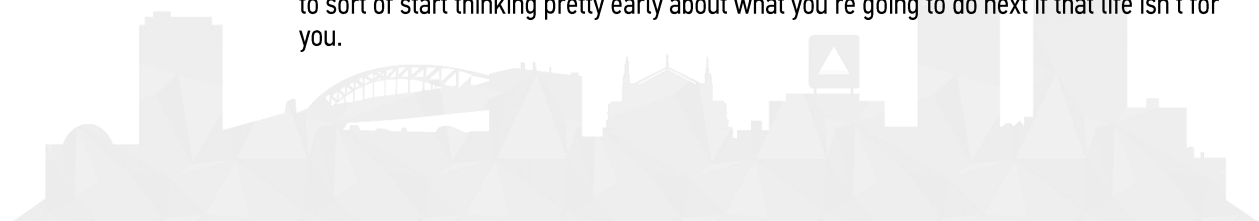
Somil Trivedi: Yeah. Well, you'd have to ask my wife whether I'm balancing them very well at all. But I think what having a family can do is reorient your perspective and give you priorities, right? It's very easy, particularly for a lawyer, but for any graduate, coming out of a school like BU, you're going to have a lot of opportunities, first for great high impact, but high pressure jobs to sort of put your head down and work for 5 or 10 years. Right? And to win that rat race. And I think what having a family can do is give you a second to pause. Now that sounds insane, because my life is much more insane with a toddler and a newborn. But it does give you some sort of mental and existential space to decide what you really want your life to be. What you want to save your kids that you do. And whether you want your professional output to be about sort of quantity or quality, right. And if you're lucky enough to have those kinds of choices when you graduate, then just taking that step back and viewing your life sort of holistically rather than only professionally, I think can be really useful and kids are a great catalyst for that.

Jeff Murphy: So you mentioned sort of feeling like that there was this expectation for the first 5 to 10 years, that's when you're really putting your head down and doing 120% on your career. Am I hearing you right? Do you feel like the pressure is more on sort of younger lawyers in your field to be so focused and not be able to have a family? Or are you still feeling that pressure now?

Somil Trivedi: Well, I won't lie to your listeners and say that being a lawyer ever becomes like a low pressure job? There's no question that, again, we're sort of lucky to be positioned to take jobs that matter, but those jobs are hard. But I think within the legal profession there is a tendency to sort of chew up and spit out young, ambitious lawyers, and it's easy to get caught up in it. I think tyranny of choice is a real problem, right? Indecision can be our biggest enemy, especially while you're working so hard and in a lot of cases making a lot of money and working on prestigious cases, right? It can all be very intoxicating. But it's important also to find some balance, and that's I think a little more possible the more senior you get.

Jeff Murphy: So I know from talking with you before that even though you've always had this passion for public service, that after finishing law school, that wasn't all necessarily a straight line for you. Can you talk about those first couple of years after becoming a lawyer?

Somil Trivedi: Sure. So I went to a fantastic law firm in New York, Wilmer Hale, whose headquarters is in Boston. And I worked in white collar investigations. Really high profile, super interesting government investigations of our clients. And that is where I want it to be. That is the kind of law that I wanted to be doing and I loved it. I have not a bad thing to say about that firm or that life for young associates. Many of my best friends in law school still do it and do it well, but it was hard. There's no question about it. You're billing 2,500 hours a year. You're getting emails from partners at 3 in the morning. You're living off sushi that you ordered to your desk because you're working until midnight and then getting back up and coming in at 8, it's a hard life. It's great training and you make valuable connections, but again, you have to sort of start thinking pretty early about what you're going to do next if that life isn't for you.



Jeff Murphy: So with 10 years of professional experience under your belt now, and having made sort of a switch from Wilmer Hale to public service, what advice do you feel like you have now? What lessons did you learn those first few years out that you could share with other young lawyers about how to navigate those long hours and the pressure of doing a good job?

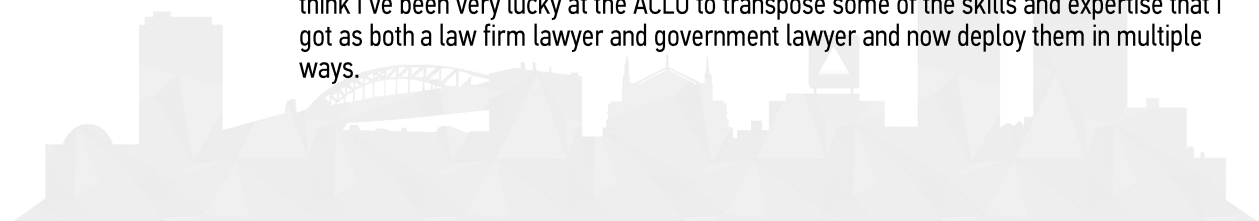
Somil Trivedi: Yeah. Well, I'll say there's no substitute for being good in your work, right? And so working at a law firm is an excellent crucible in which to hone your skills to become a fantastic writer, a fantastic researcher. And so being good is always a great ticket. The other thing that working in our field can do is expose you to a lot of different areas of the law. You can go to all kinds of lunches and galas and presentations, you have access to those things. You have access to other incredible lawyers, who have had really fascinating careers. And so my advice would be: A. Do a great job, and B. Take advantage of the opportunities to meet folks who have had different paths, and realize that you can have those paths too.

Jeff Murphy: So I know if I have my timeline right, you were at Wilmer Hale for around 7 years before making a pretty big decision. And that's when you went to the US Department of Justice. We talk a lot on this podcast about making those kinds of decisions. Can you tell us a little bit about what went into your thinking process and how you decided to make that move?

Somil Trivedi: Sure. Well, like I said, I was working in white collar investigations at Wilmer. So on the flip side, we were often defending folks in investigations brought by the government. And you work closely enough with them, you start wanting to be one. And so many of my mentors at the law firm were former federal prosecutors and they couldn't have spoken more highly of that period in their lives where they were serving the government, trying cases, protecting victims. It's a fascinating and satisfying job, so I thought I'd try my hand at it. And when I got there, it was in fact, all of those things and more, I think. I met some really incredible trial lawyers who were doing the people's work as prosecutors. However, it didn't sit with me personally, especially within the confines of the larger government. And there are things about prosecution that I still think need fixing. I think there are reforms that are much needed to balance the playing field between prosecution and defense.

Jeff Murphy: Have you found that you've been able to work on some of those very specific reform issues that you're interested in? Or what can you tell us about the kinds of projects that you're doing for the ACLU?

Somil Trivedi: Sure. So I work in the criminal law reform project, and particularly in an initiative to reform the practice of prosecution and bring awareness to Americans about just the power that prosecutors have, and how they can wield that power for evil or for good. And so that's a combination of litigating, which I do a lot of, with some writing advocacy, legislative work, electoral work, whatever we can find to again, raise awareness and create better incentives for prosecutors to reduce mass incarceration ultimately, and sort of end the scourge of racial disparities that still taints our criminal justice system today and has for hundreds of years. And so it's a really fantastic opportunity to move beyond sort of core litigation, which is what a lot of BU Law graduates do, right? They go to a law firm, they litigate cases, they go to the government and they litigate cases. Going to a place like the ACLU gives you the chance to exercise other brain muscles. To advocate to the public through op eds and to advocate to legislators through model bills. Because we're not going to sue our way out of mass incarceration or any of the other problems that we've got in America right now. It's going to take an all of the above approach. But lawyers are really well-suited to do that because they're subject matter experts and they're good at making arguments. And so I think I've been very lucky at the ACLU to transpose some of the skills and expertise that I got as both a law firm lawyer and government lawyer and now deploy them in multiple ways.



Jeff Murphy: So if you had your Harry Potter magic wand and could make one big change to the criminal justice system to impose the kind of reform that you'd like to see, what specifically would you want to fix with that magic wand?

Somil Trivedi: I think we want to shrink the criminal justice system entirely and rely much more heavily on the kinds of social services and support systems that will keep folks from the criminal system in the first place. And so right now we're seeing a wave across the country of "progressive prosecutors" getting elected, right? There's one right in your backyard in Suffolk County, Massachusetts. And one of the hallmarks of these progressive prosecutors is choosing to exercise discretion, not to charge people. Particularly for low level drug offenses, but also for a wide range of crimes or conduct that we currently call crime, that doesn't need to be called crime at all. And that could be better addressed by shoring up the mental health system in America, shoring up substance abuse, education, housing. Right? So if I could wave my magic wand, I would shrink the power of the prosecutor and of the state criminal apparatus, and move those resources into non-criminal systems, that will save money, that will help people with underlying problems and therefore keep us much safer than simply a really short-sighted addiction to prosecution and incarceration. It might make people feel good. It might serve a retributive function, but it's not really serving the long-term goal of keeping everybody safe and giving people opportunity such that they don't have to turn to crime and misconduct in the first place.

Jeff Murphy: That's a really interesting idea. I'm wondering if you have specific resources within the ACLU or other places that people might go to read more about that exact topic. Anything to recommend to folks that might want to dig a little deeper on this issue?

Somil Trivedi: Sure. Well, the ACLU has an advocacy wing in their Criminal Justice Apparatus called the Campaign for Smart Justice and you can look it up online and we outline right there all of the different ways that the criminal justice system could be smarter. Many of the things that I just talked about, but also things like bail reform, sentencing reform. All of the individual elements of the criminal justice system that right now pretty much conspire to put people in jail for as long as possible, and hope that that serves the sort of larger public safety goals that we want out of the criminal justice system, but that have failed miserably. And so I would start there. There are also many, many groups out there doing this kind of smarter justice work. So if BU students want to go look for organizations to work at, obviously I'll rep the ACLU, but also the Vera Institute, the Civil Rights Corps, Just leadership USA, Color of Change. There are no shortage of organizations bringing really unique, really cutting edge thinking to this space right now. I think we're really living in a renaissance and we're making real change. It's bipartisan change as you saw with the First Step Act at the federal level. It is cross ideological. You have libertarians supporting criminal justice for their reasons. You have conservatives and Christian conservatives supporting it for their reasons and you have liberals and progressives supporting it for their reasons. And whatever your reason, the end goal ought to be, let's severely shrink the size of the criminal system and support other parts of our society that have been ignored for way too long.

Jeff Murphy: I know that you've mentioned during your time at BU Law, sort of finding your tribe of people becoming lawyers who are really passionate about public service, public interest. But the reason you and I were introduced is cause you've got a really neat story about having a really strong BU network just within the ACLU, and specifically a couple other lawyers that you're connected to at other ACLU offices. Can you tell us about that?

Somil Trivedi: Yeah, we are rolling deep at the ACLU these days. Two of my very good friends from law school who are a class above me, Josh Tom is now the Legal Director at the ACLU of Mississippi. And Jared Keenan is a Staff Attorney at the ACLU of Arizona. And not only have

we now been reunited under the same ACLU umbrella, but we all work on criminal justice issues together, which has been so fun for a million reasons, but really also underscores how BU creates public-minded lawyers. And now we're all here and it's fantastic.

Jeff Murphy: We talk a lot about the importance of having a BU network, but just a network in general. Any comments about the importance of networking has played in your career?

Somil Trivedi: Yeah, it's been invaluable. I think anybody can tell you that there are jobs that are posted online, and there are jobs you get through the people you know, and the latter far outstrips the former. And so I think networking gets a bad rap and we all get exhausted going to cocktail parties and trotting out the same five talking points, trying to hustle out there and get a job. But like I said before, I think we can view it in a slightly better light, which is getting to meet people who have dared to do fascinating things with their careers. It is very easy as a lawyer or any kind of professional to sort of follow lockstep in a sort of standardized career. Because especially as a lawyer, you're going to get paid pretty well no matter what. And you're going to have job security and you're going to be comfortable, at least more so than a lot of professions. But what networking does is show you that risks can pay off, right? And it can introduce you to people who at some point were in exactly your position, stuck at a fork in the road and who took the leap. And it gives you the confidence to take leaps yourself. So I think if we view networking through that lens, and I have, I think it's been an invaluable tool to get me where I am today.

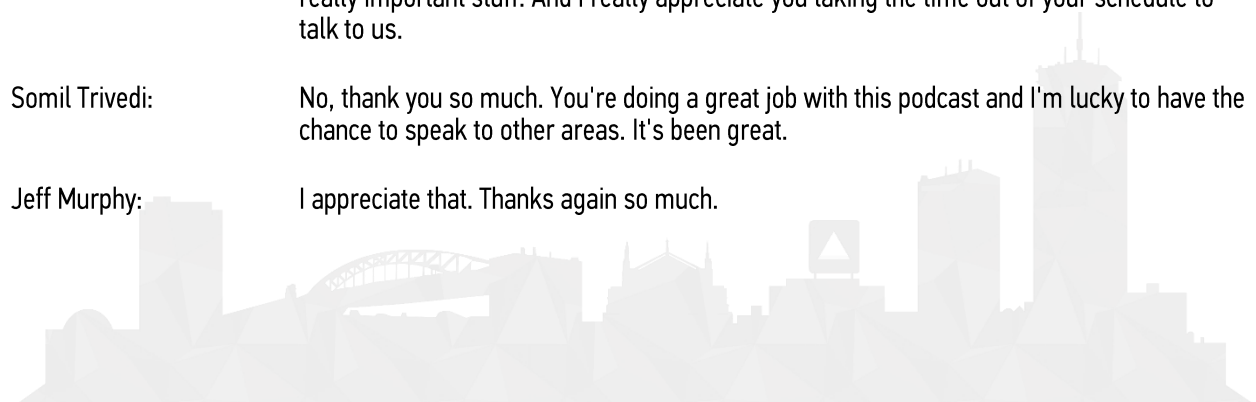
Jeff Murphy: I love that idea that networking can help show you that risks can be taken. I'm really glad that you shared that with us. So you haven't been at the ACLU for a terribly long time, I think just coming up on two years or so. Not that you've indicated you have plans to move on, but what does the future hold for you? What do you hope to accomplish with the rest of your career?

Somil Trivedi: You know, I would like to systematize the kinds reforms that we're currently making in the courts and sort of one by one at the state level. I think it's fantastic what we're doing in the criminal justice space and elsewhere at the ACLU, but it's still from the outside in. And so I mentioned that I could see myself in government down the road, and I still believe in government service, and I still believe that government can be a force for good for people. So if I had the opportunity to take the lessons that I've learned in the private sector, in government, and now in the nonprofit sector and nationalize them and really make them lasting, and really to lead by example, right? The US Department of Justice at the federal level doesn't actually control much of the criminal justice system. Over 80% of folks who are behind bars today are there in a state system. But you can lead by example. And I think being in a position like that to espouse values from a national stage, and to make change at a national level could be really impactful. So while I love my job right now, I could see that as a possible landing place later.

Jeff Murphy: Well, Somil, I'm so glad that my colleague at the law school connected us. It's been great to chat with you, and thank you for the work that you're doing through the ACLU on some really important stuff. And I really appreciate you taking the time out of your schedule to talk to us.

Somil Trivedi: No, thank you so much. You're doing a great job with this podcast and I'm lucky to have the chance to speak to other areas. It's been great.

Jeff Murphy: I appreciate that. Thanks again so much.



Somil Trivedi:

Thank you.

Jeff Murphy:

Thanks again to Somil for joining me on the podcast. If you're interested in learning more about the ACLU's criminal justice reform efforts, visit aclu.org/smartjustice. And if you'd like to connect directly with Somil, I know he'd be happy to have you reach out to him on LinkedIn.

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