

SPECIAL REPORT

ROBUST CONSTITUTIONS

LATHAM & WATKINS' MAYA STEINITZ

By MATT MILLER

MAYA STEINITZ CONCEIVED and oversaw one of the most ambitious international pro bono undertakings ever by a commercial law firm, a more-than-yearlong effort to assist the Southern Sudanese in drafting federal and regional interim constitutions. The effort harnessed the energies of about 50 Latham & Watkins LLP lawyers in multiple offices around the world. It established a model for law firms wading into pro bono development of international rule of law.

"We've got big projects, but this was unique," says James Kearney, a New York partner who at the time of the Southern Sudan initiative headed Latham's pro bono program. Steinitz, he says, "combined extraordinary organizational capabilities necessary to pull a team of lawyers together with an understanding of local matters and history and an enormous energy to help the people of Southern Sudan."

What made the effort even more unusual: Steinitz accomplished all this as a second-year associate. "It was incredible that they let me do it," Steinitz still marvels, more than two years later. Then, she quickly adds: "When associates bring pro bono projects that are good projects, they get the backing to carry them out."

Kearney responds: "Latham has a commitment that associates take ownership of a project, whether pro bono or commercial. Boy, did Maya do it."

Now a fifth-year associate and 34 years old, Steinitz sits in a Latham conference room in mid-Manhattan. It's a long way from Nairobi, where

she first met members of Southern Sudan's government-in-exile and convinced them that Latham could help in the daunting task of drafting multiple constitutions.

Steinitz's story actually begins in Israel, where she was born and raised. Her father is a genetics researcher, her mother an art curator. Steinitz herself wanted to become a law professor. After a law degree from Hebrew University in Jerusalem and work in human rights and women's issues, she entered a legal doctorate program at New York University School of Law. Her academic work took her to Africa and the United Nations International Criminal Tribunal for Rwanda, which is actually in Tanzania and where she eventually interned.

In 2003, while she was writing her dissertation on the tribunal, Steinitz joined Latham for the most prosaic of reasons: She needed to pay off law school debts. By her own admission, she expected to stay only a year and then hightail it back to human rights work and academe. (She earned her doctorate in 2005.)

A lunch with Kearney helped change all that.

Steinitz knew about the plight of the Southern Sudanese and its Sudan People's Liberation Movement through Nathan Miller, an NYU classmate and at the time an adviser to the South Sudanese. At the lunch, Kearney exhorted associates to develop pro bono projects that could use the firm's European lawyers.

"When I heard that, a bell went off, 'ding, ding, ding,' maybe this would

work," Steinitz recalls.

On her own dime, Steinitz traveled to Nairobi in October 2004. Through Miller, she met the Southern Sudan leaders, who, after more than 20 years of civil war, were wrapping up a comprehensive peace agreement with Northern Sudan and the government in Khartoum. The peace accord mandated an odd kind of federalism, in which the north would be governed at the national and state levels, while the south would be governed by national and state governments as well as a subnational, semiautonomous regional government. That required a new, interim national constitution as well as brand-new constitutions for Southern Sudan and the states. "I tried to understand their needs and explained to them what I thought Latham may be able to provide," she says.

Steinitz wrote a memo on the background to the plight of the Southern Sudanese, on the upcoming constitutional process and on Latham's possible role. She presented it to Kearney. "I thought if I'm really lucky, he would take a little slice and say, 'Let's do that.' And Jim, being the amazing personality that he is, looked at it and said, 'Let's do it-the whole thing.'"

A few weeks later, the project was up and running.

It isn't unusual for Western lawyers to assist in such exercises. Nonprofit institutions are at work all the time in the world's troubled areas. Rule-of-law development is an increasingly important aspect of this assistance.

Where Latham broke ground, Steinitz believes, was in contracting

with the SPLF just as it would any other client. Steinitz explains the approach: "They need to articulate what they want, and then we'll execute. They're the client. They matter. We're a service provider."

Steinitz contrasts this with aid agencies or human rights-oriented, nongovernmental organizations. "There are crusades," she says. "There are causes. There's the beautiful aspect of causes. There's the shadow side of causes, but there are causes and not clients."

Citing attorney-client confidentiality, Steinitz declines to give specifics on the extent of Latham's involvement, instead using generalized words such as "advice," "research," "background," "ideas." Latham attorneys, she says, provided perspective on what happened when other federalist systems, say, in Nigeria and South Africa, used certain language for certain situations.

Steinitz made one trip to Kenya during the course of the project. Miller's nonprofit organization, Rule of Law International, provided on-the-ground contact and support. That was essential, considering the law firm couldn't rely on modern-day corporate firm tools of the trade with its client such as e-mail or conference calls. Besides, Steinitz says, the Sudanese are a "face-to-face culture."

However, Latham's global reach and its prowess proved to be a godsend. Kearney enthuses over the time the firm had 48 hours to turn around some work critical to the peace process. Lawyers in 12 offices, including Hamburg, London, New York and San Diego, all pitched in, with handoffs from one time zone to another to keep the work going day and night.

While Steinitz and Kearney look back at their effort as an unqualified-and unequaled-success, Sudan remains mired in intractable problems. The peace accord, itself, faces an uncertain future, with elections scheduled by July of next year. Necessary preliminary preparations like a census have yet to take place. "It's a troubled region," Steinitz sighs. "We lawyers tend to think that



the law is the most important thing. It's just one factor."

Since the completion of the Sudan project around the beginning of 2006, Steinitz has dialed back the scope of her own pro bono activities and is involved primarily in asylum cases. She works on a variety of commercial litigation work including international commercial arbitration. She continues her academic writings. Her newest interest is the role of sovereign wealth funds. (She's also focused these days on her 15-month-old daughter, Romy.)

Latham's Europe-based lawyers have participated in a few other rule-of-law-oriented efforts including appearances before the European Court of Human Rights. But the firm hasn't undertaken an international project of similar size and scope to Sudan. Neither, for that matter, have many

others. "It's very difficult to do," says Kearney. "The demand is there. The resources are there. Connectivity [between the firm and the people who need the help] is hard." That, he adds, was what Steinitz accomplished.

Steinitz has rethought her own work and her life within a big, commercial law firm. "Latham has been incredibly accommodating of my other interests in international human rights and academia. And I've been doing both to a degree that, in terms of impact and output, not the amount of hours I've been able to put into it, are probably more than I would have done if I was either a full-time academic or a full-time human rights lawyer," she says, breaking into a smile. "In addition, I found to my surprise and with something of an identity crisis that I actually enjoy the [commercial] work." ■