

**IT IS A GREAT PRIVILEGE TO BE HERE WITH ALL OF YOU  
TO REMEMBER BARBARA McDOWELL**

**AND TO HONOR THE BARBARA McDOWELL  
FOUNDATION'S WORK CARRYING FORWARD HER GREAT  
LEGACY IN THE LAW AND IN LIFE.**

**WINSTON CHURCHILL ONCE SAID:**

**“WHAT IS THE USE OF LIVING, IF IT BE NOT TO STRIVE  
FOR NOBLE CAUSES AND TO MAKE THIS MUDDLED  
WORLD A BETTER PLACE FOR THOSE WHO WILL LIVE IN  
IT AFTER WE ARE GONE?”**

**BARB McDOWELL BROUGHT THOSE WORDS TO LIFE.**

**I FIRST MET BARB WHEN WE WERE ASSISTANTS  
TOGETHER IN THE SOLICITOR GENERAL'S OFFICE.**

**ACTUALLY, I SHOULD SAY THAT I FIRST BECAME IN AWE  
OF BARB WHEN SHE JOINED THAT OFFICE.**

**I HAD BEEN MAINLY A CAREER GOVERNMENT LAWYER.  
AND IN WALKED THIS BRILLIANT PARTNER FROM A  
MAJOR LAW FIRM WHO HAD A STERLING RESUME AND  
INCOMPARABLE SKILLS AS AN APPELLATE LITIGATOR.**

**SHE POSITIVELY GLOWED WITH KINDNESS.**

**AND SHE WAS BEAUTIFUL INSIDE AND OUT.**

**IT WOULD BE EASY TO FEEL SMALL WHEN IN THE COMPANY OF SOMEONE SO ACCOMPLISHED.**

**BUT NO ONE COULD EVER FEEL THAT WAY AROUND BARB BECAUSE SHE LIFTED UP AND EMBRACED EVERYONE WITH WHOM SHE WORKED—COLLEAGUES, FRIENDS, AND CLIENTS ALIKE.**

**YOU SEE, BARB WAS A LEGEND EVERYWHERE SHE WORKED. IN HER EARLY COLLEGE YEARS, SHE MANAGED GEORGE MCGOVERN'S PRESIDENTIAL CAMPAIGN IN FRESNO COUNTY, CALIFORNIA.**

**MCGOVERN DIDN'T WIN MUCH OF ANYWHERE, BUT HE WON IN BARB'S FRESNO COUNTY.**

**MAYBE HE SHOULD HAVE HAD BARB RUN THE NATIONAL CAMPAIGN.**

**WHILE WORKING AS A JOURNALIST, SHE EARNED AN APPEARANCE ON THE MERV GRIFFIN SHOW.**

**FOR ANY MILLENIALS OUT THERE, MERV GRIFFIN WAS A BIG DEAL TALK SHOW HOST. AND THE CREATOR OF JEOPARDY.**

**BARB WAS A SUPERSTAR IN LAW SCHOOL.**

**HER ASSISTANCE WITH PROFESSOR GRAETZ'S TREATISE ON FEDERAL INCOME TAXATION WAS SO CRITICAL THAT RATHER THAN ACCORD HER THE ROUTINE FOOTNOTED THANKS, PROFESSOR GRAETZ DEVOTED A FULL PARAGRAPH OF GRATITUDE TO HER.**

**HE CREDITED HER WITH MAKING "CRUCIAL" CONTRIBUTIONS TO VIRTUALLY EVERY PAGE OF THE TREATISE, AND ADDED:**

**"SHE HAS BEEN IMAGINATIVE, DEDICATED AND THOROUGH, AND THROUGHOUT THE ENTIRE PROCESS HAS MAINTAINED REMARKABLE GOOD HUMOR. IT IS IMPOSSIBLE FOR ME TO IMAGINE HOW THIS EDITION COULD HAVE BEEN COMPLETED WITHOUT HER AID."**

**DON'T WE ALL RECOGNIZE BARB IN THOSE COMMENTS?**

**AS JUDGE JOSE CABRANES EXPLAINED IN HIS REMARKS AT THE FIFTH ANNIVERSARY CELEBRATION, BARB WENT ON TO BECOME A FAVORITE AND INDISPENSABLE LAW CLERK FOR HIMSELF, FOR JUDGE RALPH WINTER ON THE SECOND CIRCUIT, AND FOR JUSTICE BYRON WHITE.**

**BARB WENT ON TO JOIN JONES DAY WHERE SHE MADE PARTNER IN THE ISSUES AND APPEALS GROUP.**

**BARB QUICKLY BECAME A SUPERSTAR IN THE SOLICITOR GENERAL’S OFFICE. SHE ARGUED 18 CASES BEFORE THE SUPREME COURT—CEMENTING HER LEGENDARY STATUS BY ARGUING TWO CASES IN ONE DAY.**

**NO ONE WORKED HER CASES ANY HARDER THAN BARB MCDOWELL. SHE LEARNED THE LAW AND RECORD SO THOROUGHLY THAT IT WAS NOT UNCOMMON TO HEAR HER GENTLY CORRECTING THE JUSTICES AT ORAL ARGUMENT ABOUT THE FACTS OF CASES AND LEGAL RULINGS.**

**TO WHICH THEY WOULD RESPOND: “AH, YES, YOU ARE RIGHT.”**

**BARB ALSO ALWAYS UNDERSTOOD THAT THE LAW IS NOT A STERILE INTELLECTUAL PROFESSION.**

**THE REAL LIVES OF REAL PEOPLE ARE AFFECTED BY EVERY CASE.**

**SO BEFORE ARGUING *MINNESOTA V. MILLE LACS BAND OF CHIPPEWA INDIANS*, BARB WENT TO VISIT THE MILLE LACS BAND IN MINNESOTA. AND SHE JOINED THEM IN SMOKING A PEACE PIPE AT DAWN AS TRIBAL LEADERS PRAYER FOR HER SUCCESS.**

**OF COURSE, BARB WON.**

**YET BARB REMAINED UNFAILINGLY GENEROUS WITH HER TIME WHEN I AND OTHER COLLEAGUES IN THE SOLICITOR GENERAL'S OFFICE NEEDED HELP, AND SHE WAS ALWAYS SPOT ON WITH HER ADVICE.**

**BARB'S POWERFUL BRAIN CAME ALONGSIDE A HEART OF GOLD.**

**SO OF COURSE, WE DIDN'T ALWAYS TALK ABOUT LAW.**

**WE SPENT A NUMBER OF YEARS DISCUSSING WHEN THIS BOYFRIEND—JERRY—WOULD PROPOSE AND WHAT WE COULD DO TO HASTEN THAT PROCESS.**

**WE WERE ALL RATHER PROTECTIVE OF OUR PRECIOUS BARB. SO WE INSISTED ON DETAILS AND VETTING JERRY.**

**HE PASSED THE TEST.**

**BARB ALSO GRACIOUSLY ORGANIZED A BABY SHOWER FOR ME FOR MY SECOND CHILD. WHEN MY DAUGHTER UNGRACIOUSLY SHOWED UP FIVE WEEKS EARLY, BARB KINDLY RESCHEDULED THE SHOWER AND INVITED MY LITTLE ELIZABETH TO COME TOO!**

**AND IN THE CRUELEST OF IRONIES, MY BROTHER WAS DIAGNOSED WITH BRAIN CANCER WHILE I WAS IN THE SOLICITOR GENERAL'S OFFICE. BARB PROVED TO BE A**

**STALWART SUPPORT, A SYMPATHETIC EAR, AND AN EVER-READY SHOULDER TO CRY ON THROUGH THAT TIME.**

**BARB MCDOWELL WAS THE SALT OF THE EARTH.**

**YOU SEE, WHAT MADE BARB SO EXCEPTIONAL IS THAT SHE COMBINED HER FIERCE INTELLECT AND UNPARALLELED ADVOCACY SKILLS, WITH AN EQUALLY FIERCE CARE AND CONCERN FOR THE PEOPLE WHOSE PATHS SHE CROSSED.**

**YOU COULD HAVE NO GREATER FRIEND THAN BARB MCDOWELL.**

**AND YOU COULD HAVE NO GREATER ADVOCATE IN YOUR CORNER THAN BARB MCDOWELL.**

**WHEN BARB DECIDED TO LEAVE THE SOLICITOR GENERAL'S OFFICE, SHE COULD HAVE HAD JUST ABOUT ANY JOB SHE WANTED AND AT ANY SALARY.**

**BUT BARB'S EXCEPTIONALISM SHONE THROUGH AGAIN.**

**BARB PUT FLESH ON THE WORDS OF WOODROW WILSON, WHO SAID:**

**"YOU ARE NOT HERE TO MAKE A LIVING. YOU ARE HERE IN ORDER TO ENABLE THE WORLD TO LIVE MORE**

**AMPLY, WITH GREATER VISION, WITH A FINER SPIRIT OF HOPE AND ACHIEVEMENT. YOU ARE HERE TO ENRICH THE WORLD, AND YOU IMPOVERISH YOURSELF IF YOU FORGET THE ERRAND.”**

**BARB TURNED DOWN THE MONEY AND STATUS TO START THE APPELLATE ADVOCACY PROGRAM OF THE LEGAL AID SOCIETY OF WASHINGTON, DC.**

**SHE STROVE BOLDLY INTO UNCHARTED WATERS, AND SHE TOOK ON A GREAT PROFESSIONAL CHALLENGE AND RISK.**

**BECAUSE BARB MCDOWELL WAS NEVER ONE JUST TO TALK THE TALK OF JUSTICE FOR ALL.**

**SHE WALKED THE WALK.**

**SHE DEVOTED HER SKILL AND TALENTS TO PROVIDING ORDINARY PEOPLE EXTRAORDINARY JUSTICE.**

**IN HER TOO SHORT CAREER AT LEGAL AID, BARB WON IMPORTANT VICTORIES ON ISSUES OF HOUSING, PROTECTING VICTIMS OF DOMESTIC VIOLENCE, AND PRESERVING PUBLIC BENEFITS.**

**BARB GAVE THE POOR AND DOWNTRODDEN OF THE DISTRICT A LEGAL WARRIOR OF THE HIGHEST CALIBER.**

**YOU SEE, BARB KNEW THAT JUSTICE IN OUR LEGAL SYSTEM IS NOT AN ABSTRACT IDEAL.**

**BARB KNEW THAT JUSTICE WILL HAPPEN—OR NOT—IN HOW LAWYERS APPLY THEIR SKILLS TO EACH CASE EACH DAY.**

**BARB KNEW THAT JUSTICE WILL HAPPEN—OR NOT—IN HOW LAWYERS CHOOSE TO SHARE THEIR TALENT WITH THOSE IN DESPERATE NEED OF REPRESENTATION AND FAIR ACCESS TO JUSTICE,**

**BARB KNEW THAT JUSTICE HAPPENS WHEN LAWYERS AS MUCH AS JUDGES MAKE THE JUDICIAL PROCESS WORK ITS VERY BEST, WHEN THEY ZEALOUSLY REPRESENT EVERY SINGLE CLIENT, WHEN THEY STAND UP AND FIGHT FOR THE OUTCAST, THE HELPLESS, THE PERSON WHO HAS NO ONE ELSE TO HELP THEM.**

**BARB KNEW THAT THERE IS NOTHING ABSTRACT ABOUT JUSTICE. IT HAPPENS WHEN A LAWYER TAKES THE TIME TO LOOK IN A CLIENT'S EYES AND LEARNS WHAT IT FEELS LIKE TO BE ON THE RECEIVING END OF**



**THE JUDICIAL SYSTEM; AND WHEN THEY TAKE RESPONSIBILITY FOR THEIR CLIENTS' FEARS, WORRY, CONCERN, HEARTACHE, WOUNDEDNESS, AND CONFUSION.**

**JUSTICE IS SOMETHING THAT BARB MCDOWELL MADE HAPPEN EVERY DAY.**

**BARB DEDICATED THE LAST YEARS OF HER LIFE TO DELIVERING JUSTICE TO THOSE WHO COULD PAY HER ONLY WITH WORDS OF GRATITUDE AND TEARS OF THANKS.**

**THE GREATEST TESTAMENT TO BARB MCDOWELL IS NOT THAT WE GATHER AT EVENTS LIKE THIS TO REMEMBER HER. ALTHOUGH THAT IS GOOD TO DO.**

**BUT OUR LEGAL SYSTEM NEEDS MORE THAN REMEMBRANCES.**

**WE NEED MORE BARB MCDOWELLS.**

**SO THE GREATEST TESTAMENT TO BARB IS WHAT SHE HERSELF WOULD HAVE MOST WANTED:**

**THAT WE PICK UP HER SWORD AND CONTINUE THE FIGHT FOR JUSTICE FOR THOSE MOST IN NEED.**

**THROUGH THE CONTINUED WORK OF THE BARBARA MCDOWELL FOUNDATION AND THE HIGH IMPACT PRO BONO LITIGATION PROJECT, AS WELL AS THE CONTINUED WORK OF THE LEGAL AID APPELLATE ADVOCACY PROJECT, SCORES OF LAWYERS HAVE BECOME BARBARA'S HANDS AND FEET IN THE BATTLE FOR EQUAL JUSTICE.**

**THE FOUNDATION HAS CONTRIBUTED TO VITAL LITIGATION EFFORTS ENFORCING THE RIGHTS OF IMMIGRANTS, COMBATTING RACIAL DISPARITIES IN POLICING, PROTECTING CHILDREN IN FOSTER CARE, EQUALIZING OPPORTUNITIES FOR STUDENTS WITH DISABILITIES, AND EXPANDING TENANTS' RIGHTS.**

**SO I AM HAPPY TO HAVE THIS OPPORTUNITY TO THANK THE FOUNDATION AND LEGAL AID FOR KEEPING BARB'S SPIRIT ALIVE AND THRIVING IN OUR JUSTICE SYSTEM.**

**YOU HAVE MADE IT POSSIBLE—TO BORROW PRESIDENT LINCOLN'S WORDS—FOR A LEGION OF LAWYERS TO FOLLOW IN BARB FOOTSTEPS AND BE THE BETTER ANGELS OF OUR JUSTICE SYSTEM.**

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**IN CLOSING, I WOULD LIKE TO READ AGAIN THE BIBLE READING THAT JERRY ASKED ME TO READ AT BARB'S MEMORIAL SERVICE.**

**IT IS FROM PAUL'S LETTER TO THE PHILLIPIANS:**

**“FINALLY, BROTHERS AND SISTERS,**

**WHATEVER IS TRUE,**

**WHATEVER IS NOBLE,**

**WHATEVER IS RIGHT,**

**WHATEVER IS PURE,**

**WHATEVER IS LOVELY,**

**WHATEVER IS ADMIRABLE—**

**IF ANYTHING IS EXCELLENT OR PRAISEWORTHY—**

**THINK ABOUT SUCH THINGS.**

**I MEAN NO DISRESPECT TO THE THEOLOGICAL SIGNIFICANCE OF THOSE WORDS, WHEN I SAY THOSE WORDS DEFINE THE ATTRIBUTES OF BARB MCDOWELL TO A T.**

**.... SO WHEN THE FIGHT FOR JUSTICE GETS HARD,  
THINK ABOUT BARB MCDOWELL.**