Mary Jo White

February 8, 2013; March 1, 2013; July 7, 2015

Recommended Citation


Attribution

The American Bar Association is the copyright owner or licensee for this collection. Citations, quotations, and use of materials in this collection made under fair use must acknowledge their source as the American Bar Association.

Terms of Use

This oral history is part of the American Bar Association Women Trailblazers in the Law Project, a project initiated by the ABA Commission on Women in the Profession and sponsored by the ABA Senior Lawyers Division. This is a collaborative research project between the American Bar Association and the American Bar Foundation. Reprinted with permission from the American Bar Association. All rights reserved.

Contact Information

Please contact the Robert Crown Law Library at digitalprojects@law.stanford.edu with questions about the ABA Women Trailblazers Project. Questions regarding copyright use and permissions should be directed to the American Bar Association Office of General Counsel, 321 N Clark St., Chicago, IL 60654-7598; 312-988-5214.
ABA Senior Lawyers Division
Women Trailblazers in the Law

ORAL HISTORY

of

MARY JO WHITE

Interviewers: Mary Beth Hogan
Barbara Jones

Dates of Interviews:
February 8, 2013
March 1, 2013
July 7, 2015
MARY BETH HOGAN: I'm here with Mary Jo White for the
women Trailblazers Program interview. This is tape 1 and we
are going to begin now.
Marry Jo, you were born in Kansas City, Missouri, can
you --
MARY JO WHITE: What I remember most about it is just
kind of the physical plant of our house and where I went to
school and played. I was there until the middle of fifth grade
and then we moved to McLean, Virginia.
I have recently gone back to Kansas City for the first
time since I left there when I was 10 to see the All-Star game
and I didn't recognize a whole lot other than my house which I
did go back to and see, and see my old school. So, most of my
childhood memories that I really remember date a little bit
later after we moved to McLean, Virginia.
MARY BETH HOGAN: Do you know why your family moved to
McLean, Virginia?
MARY JO WHITE: Yes.
My father was a lawyer for what was then known as the
Health Education and welfare Department in the Social Security
Administration and he got a promotion basically to be on the
appeals council of the Social Security Administration which is
based in or was based in Washington, D.C., which McLean is a
suburb of Washington.
MARY BETH HOGAN: You said you went to school through
fifth grade; was it a public school or a private school?
MARY JO WHITE: It was the middle of fifth grade, we
left in the middle of fifth grade or a third of the way through
the fifth grade. It was public school. It was a school that
was about three blocks from our house. I suppose my most
distinct memories of that school was there was a school
carnival every year and I met Roger Maris when he played for
the Kansas City -- I guess Athletics then -- who came to that
carnival and autographed a baseball.
MARY BETH HOGAN: And did you have any brothers or
sisters?
MARY JO WHITE: I have one brother, Carl Monk, who is
five years older than I am.
MARY BETH HOGAN: Did he go to that same school?
MARY JO WHITE: He did go to that same school. He was
in high school when we left there but he did go to that same
school.
MARY BETH HOGAN: And did he go to a public high
school as well?
MARY JO WHITE: He did. He did. He went to what was
known as Central High School and I think it was in the era of
desegregation and he actually had to ride a bus to that school
because of the efforts of the school system to integrate the
schools in Kansas City.
MARY BETH HOGAN: So did you live in a white
neighborhood?
MARY JO WHITE: Yes. I am just trying to think --
MARY BETH HOGAN: Yes.
MARY JO WHITE: -- but I think it was probably exclusively white, actually.
MARY BETH HOGAN: And was your grammar school all white?
MARY JO WHITE: I think it was all white. I can't tell you for sure, actually, but I think it probably was all white. You know, it pulled from the surrounding neighborhood which was, I'm pretty sure, all white. I don't have -- I would like to think I wouldn't remember if it was integrated but I think it was probably all white.
MARY BETH HOGAN: And you mentioned that your father is a lawyer?
MARY JO WHITE: Right.
MARY BETH HOGAN: And at what stage in his career did this promotion occur?
MARY JO WHITE: He would have been -- let me think about that, fairly -- I would say he possibly would have been a lawyer for the government in Kansas City for probably about eight or 10 years and I think that was probably his -- I should know this but probably his first job out of law school. He was in the Navy in World War II and then he went to George Washington University Law School. I think his first job was
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300
Mary Jo White - Trailblazers interview (corrected version)

MARY BETH HOGAN: Was he in combat in World War II?
MARY JO WHITE: He didn't see much combat. I think he was based in Italy. I think the ships he was on were shot at a time or so but he was not in actual active combat that I know of. He didn't talk much about those experiences in the war so it could be that he was.
MARY BETH HOGAN: And how about your mom? Did she work outside the home?
MARY JO WHITE: She worked outside the home. Before she was married she worked at the -- in fact I think she met my father in Washington, D.C. when they both were in Washington, D.C. She worked for the Commerce Department as some kind of an assistant to a researcher, I think, for about a year. And then when my father went off to the war which would have been, I guess, 1942, my mother moved back to Fayette, Missouri, where she was brought up and went to college actually there too, Central College there. And then my brother arrived at some point in the sequence and so she really stayed there for the duration of the war until my father came back. And then they moved to Kansas City.
MARY BETH HOGAN: So your mom also went to college?
MARY JO WHITE: She did.
MARY BETH HOGAN: And your father, you mentioned he went to GW Law School. Where did he attend college?
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300
Mary Jo White - Trailblazers interview (corrected version)

MARY JO WHITE: The University of Oklahoma. Both of my parents were actually born in Oklahoma.
MARY BETH HOGAN: But they didn't meet in Oklahoma?
MARY JO WHITE: No.
MARY BETH HOGAN: They met in D.C.?
MARY JO WHITE: They met in D.C. They met in D.C. My mother decided to go -- I think this is right -- with one her girlfriends, after they graduated from Central College, to see
the world, and went to Washington, D.C. and got jobs and then she met my father there.

MARY BETH HOGAN: She sounds like she was adventurous. Was she?

MARY JO WHITE: I think then she was at least. I mean, she didn't -- you know, she -- after my brother was born and I was born she did not work, she took care of us until we were grown and then worked from time to time and got part-time jobs in the library in McLean, Virginia and so forth. As a young woman, girl, whichever, both, I guess. She was a very popular cheerleader, tennis player. Think she had a very happy life in Fayette, Missouri, actually. And, you know, obviously struck out for Washington, D.C. from Fayette. Fayette is a tiny, tiny town, 2,000 people maybe. So, pretty adventurous then.

MARY BETH HOGAN: Did you know your grandparents?

MARY JO WHITE: I knew my grandmothers, both.

Mary Jo White - Trailblazers interview (corrected version)

My mother's mother lived in Fayette, Missouri which we were just talking about. She actually lost her husband and my mother lost her father in the plague of the flu epidemic of 1918. So, my grandmother, who also went to college, then became a school teacher and she, you know, was obviously part -- at the time it was during the depression and so she would sometimes be paid in furniture and food and things like that. She had four children including my mother, actually lost a baby also in the 1918 flu epidemic at the same time. So, my mother never knew her father at all.

MARY BETH HOGAN: Your mother never knew her father.

MARY JO WHITE: Right.

MARY BETH HOGAN: So she was just a tiny baby when --

MARY JO WHITE: I think she was five days old when he died so she never did. And my father's father, who was a lawyer and actually a prosecutor at one point in his life, was killed in a car accident when my father was 15. So, I never knew him.

MARY BETH HOGAN: When you think about your grandmothers do you think about any influence they had over your life?

MARY JO WHITE: I was closer to my mother's mother and I always thought -- my mother used to always say that I -- I don't know if this is true -- that I got my brains from my grandmother. I don't know how many brains I have or don't have.

MARY BETH HOGAN: When you think about your grandmother do you think about any influence they had over your life?

MARY JO WHITE: I was closer to my mother's mother and I always thought -- my mother used to always say that I -- I don't know if this is true -- that I got my brains from my grandmother. I don't know how many brains I have or don't have.
Mary Jo White - Trailblazers interview (corrected version)

she saw all of those. And one thing that I remember --

MARY BETH HOGAN: In one game?
MARY JO WHITE: In one game. One game.
And how she knew this from listening on the radio I
have never known but I remember that game very distinctly
because I sort of took it with me thereafter. You know how
fans think the ball is going out of the park? And I would
think oh, it is going out of the park, and the fans did too.
she said no, no, no, watch the fielder, then you will know how
far the ball is going?
MARY BETH HOGAN: And you've taught me that.
MARY JO WHITE: I've taught you that. And many other
people, actually. It may reduce the excitement I guess but it
is good to know.
MARY BETH HOGAN: I've taught my children that.
MARY JO WHITE: Right.
MARY BETH HOGAN: Thanks to your grandmother. What
was her name?
MARY JO WHITE: Ruth. Ruth King.
MARY BETH HOGAN: King was her last name?
MARY JO WHITE: Yes.
MARY BETH HOGAN: Yes.
Now, what year was it that your family moved to
McLean?
MARY JO WHITE: 1958.

Mary Jo White - Trailblazers interview (corrected version)

I remember one trip in particular, probably about 1957
or 1958 going to California. We traveled frequently between
Kansas City and Fayette where my grandmother was. We traveled
to Oklahoma where my father's relatives were. We took a trip,
probably the same trip and saw the Grand Canyon and so we had a
lot of driving vacations. It tended to be to the west but we
also visited my father's sister who actually lived in the
Washington, D.C. area. She was married to a general in the
Army based in the Washington, D.C. area so every summer we
would take car trips.
MARY BETH HOGAN: As a girl do you recall thinking
about what you wanted to be when you grew up?
MARY JO WHITE: My most distinct recollection is when
I was five years old it occurred to me that my father left the
...
Mary Jo White - Trailblazers interview (corrected version)

MARY BETH HOGAN: And did you ever feel any restrictions or a sense of limitation because you were a girl in terms of thinking about your profession later on?

MARY JO WHITE: No.

MARY BETH HOGAN: No.

MARY JO WHITE: Actually, I did not. I mean I -- you know, you have to think back on that because surely the answer to that should be yes, right? But I can't --

MARY BETH HOGAN: Not necessarily.

MARY JO WHITE: -- but I can't think that I did.

One surprising thing occurred I guess in that vein which was my father always commented to relatives what a great lawyer I would be. And then after I got married in 1970 my husband and I came to New York, I was in graduate school for a year in psychology and then the went to Columbia Law School. So, my father was still living then and so when I decided to go to law school I decided to call him up. I figured he would be thrilled that I was going to law school. And what he said -- what he said was something like well, that's great, but you'll never practice, meaning that he assumed I would be in the home, raise children and never practice. And he was probably the most supportive person in my whole life of me in terms of my self-image and self-worth and all that. But it was still kind of a: Gee. Okay. Kind of a real revelation to me because he...

Mary Jo White - Trailblazers interview (corrected version)

was very insistent that we both, really my brother and I, get all As. A B-plus would be a disaster.

I did pretty well in school and when I finally bit the bullet and went to law school I figured, oh, he is going to be really happy about this. And he was not unhappy but it was like, I'd never practice. So, it was kind of an interesting lack of understanding and insight on his part that I was surprised by.

MARY BETH HOGAN: How that could be?

MARY JO WHITE: Right, how that could be.

MARY BETH HOGAN: Yeah.

MARY JO WHITE: Right.

MARY BETH HOGAN: Do you know whether he worked with women in his government jobs?

MARY JO WHITE: He did. And the women really liked working for him. I mean, he was very, I think, supportive of the careers of young women and older women. I mean, I am not distinguishing young from old. Some of his better work friends, he had many -- actually he had many work friends, men and women, but a number of them were women but my guess is that he was a very good boss for women. I don't know that he ever had a woman boss but I know that he was very good in working with professional women.
MARY BETH HOGAN: Right, so he was used to having
professional women around but that is very interesting that --
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)
MARY BETH HOGAN: -- to think of you in that way.
MARY JO WHITE: It could be he more identified me with
what my mother had done. You know, I guess if I had to reason
it might be that.
MARY BETH HOGAN: And were your parents together until
one of them passed away?
MARY JO WHITE: Yes. My father died in 1989 and so
they were married from 19, I think 41 or 42, until then.
MARY BETH HOGAN: How old was he when he died?
MARY JO WHITE: 73.
MARY BETH HOGAN: And your mother passed away more
recently?
MARY JO WHITE: Yes, I think in 2010. She was almost
92.
MARY BETH HOGAN: Now, think back to when you were
growing up, and I know it is hard going back before 10 years
old but think now maybe middle school, high school you were
obviously doing well in school academically; what else excited
you when you were that age?
MARY JO WHITE: Sports. Football. Rabid baseball fan
always.
Something I didn't mention, my father had a second job
in Kansas city selling tickets to the Kansas City Blues which
was the New York Yankees farm team. So, I became not only a
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)
I still am a rabid Yankee fan.
MARY JO WHITE: We will get to more of that.
MARY BETH HOGAN: Yes, but basically, you know, I was a
very good student. I didn't -- I wasn't an obsessive student,
however. I mean, I would be really -- through college I would
study the night before and cram, I wasn't sort of what I call a
do-gooder student who sort of kept up every day and so forth.
I enjoyed school but it was a pain, too, so it wasn't my whole
life. And mostly it was really just sports. I was both
playing them and watching them.
I suppose the most vivid memory I have of outside
activities I follow, because my parents were very interested in
politics -- not being in politics but very outward looking
about, cared who became president a great deal. You know, I
remember them, I suppose one of my earliest memories and this
has really got to go way back, are two memories about Harry
Truman. I think we had a TV and that would have been one of
the first TVs that existed probably in whatever it was, 1952 I
guess, when Eisenhower was elected and Truman was finishing his
term as president. I remember how proud my parents were.
Truman was actually from Independence, Missouri which was
actually -- we lived first in Kansas City and then Independence
which was kind of a suburb of Kansas City. And then the other
memory I have from back then was when he came back from
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Page 6
Mary Jo white - Trailblazers interview (corrected version)
Washington, by train, to the Independence depot, and we went to
greet him there along with a lot of other people from the area.

So, I paid attention to politics, who was president.

Kind of interested in a history, really, of the presidents, not
so much the history of the country because I was not a big
history buff in that way. I was interested in the people that
made the country and, in particular, presidents.

MARY BETH HOGAN: Did you have a favorite president
when you were growing up?

MARY JO WHITE: John F. Kennedy. You know, obviously
in what, it would be tenth grade I guess when he was
assassinated but clearly I was in the Kennedy-mania. I think a
lot of people -- children were as well as adults. I think he
really excited the country.

I remember when he was nominated, that would have been
from McLean after we moved there and how close that was. My
parents were sort of hanging on every balloting that went
around and so, but obviously John F. Kennedy was eventually
ominated.

MARY BETH HOGAN: You mentioned you played sports.

MARY JO WHITE: Yes.

MARY BETH HOGAN: So this would have been pre Title 9?

MARY JO WHITE: Right.

MARY BETH HOGAN: And I'm curious about what kinds of
sports programs the schools had at that time.

Mary Jo White - Trailblazers interview (corrected version)

MARY JO WHITE: None I would say, basically, for
women.

MARY BETH HOGAN: Did you not play on school teams?

MARY JO WHITE: I didn't play -- let's see if I can
remember this. In grade school I did not play on school teams.
In high school I played on the basketball team and the tennis
team. I did not play on the softball team because I had sort
of one year of what I would call excessive femininity in my
life and the uniforms were ugly and so I didn't play softball.
I played softball on my college sorority team but I would have
played, I think, had I been allowed to, in little league.

We had a little league in McLean. There was a little
league field a quarter of a mile from our house where I would
watch games and was quite, quite frustrated that girls then
were not allowed to play. I think little league opened to
girls in 1970 -- which is the year. I think that's right.

MARY BETH HOGAN: I think a little later.

MARY JO WHITE: A little later?

MARY BETH HOGAN: Right around there, yes?

MARY JO WHITE: Right around then, yes. So, after I
was out of college, basically. So.

MARY BETH HOGAN: Did your brother play little league?

MARY JO WHITE: No. My brother did teach me to throw
a baseball and, as I say, I throw a baseball not like a girl
because of him and I am very grateful to him. But, in our

Mary Jo White - Trailblazers interview (corrected version)

family the athletic genes were on the women's side, not the
men's side. My father and my brother -- my brother played
tennis and does play tennis but they were the opposite of
athletic, and my mother and I were pretty athletic.
MARY BETH HOGAN: Sometimes I think about the impact of playing sports on girls growing up and whether that's helpful later on in life and I am wondering if you have any thoughts about that.

MARY JO WHITE: I think it is enormously helpful not just to play sports but to actually, genuinely love sports and care about them as a spectator as well and I think it's -- and I say this when I, you know, talk to women, professionals, that one of the things I think has made my life the easier in an often male-dominated professional world is how much I love sports and know about sports and it just makes for very easy conversation, it is an ice breaker and it is all genuine and sincere, it is not a contrived answer. So, I don't feel impure about that, it is just I feel like I am fortunate that I happen to be a real sports lover.

MARY BETH HOGAN: And have you found that teamwork aspects of sports to be relevant or transferable to the professional setting?

MARY JO WHITE: I certainly believe in teamwork in the professional setting and I think people need to be very careful that their jobs don't become too much about them no matter what the job is but it is about the team, it is about the client, it is about, you know, the product that you produce together. I don't know that I would trace that to playing sports or not. I'm not so sure, but maybe.

MARY BETH HOGAN: Now, when you moved to McLean did you attend public schools there as well?

MARY JO WHITE: Yes.

MARY BETH HOGAN: Do you recall what schools you went to in McLean?

MARY JO WHITE: Yes. I went to elementary school or what was called elementary school then, at Kent Gardens Elementary School, it was, you know, basically five blocks from our house so I walked to school. Then I went to Longfellow Intermediate School for, I guess seventh and eighth grade, and that required a very short bus ride from our house. And then I went to McLean High School. All public schools, all co-ed, and that was within walking distance of our house as well.

My most distinct memory of moving to McLean and the school system was that as good a school system as I think Kansas City actually had also, I was about two years behind when I went to the McLean public schools having moved from Kansas City public schools. And I remember just, you know, I didn't know what a fraction was, right, and everybody else was like -- I think I got my first and only F on a test when I first moved to McLean, Virginia. My father then taught me fractions and the next test I think I got a hundred on actually because he was a pretty good teacher of fractions, I guess. But it was a very -- that was a tense time for a little while because you basically had to -- I had always been a very good student and then I am two years behind, basically, in the fifth grade. And I think I caught up in a half year and then you know, everything was fine but it was kind of probably the best thing that ever happened to me in one sense because I think the school system was superior and stayed that way.
think the public schools in McLean were extraordinarily strong. MARY BETH HOGAN: Did your brother have that same experience? MARY JO WHITE: My brother was -- he was in high school when he came to McLean and he didn't do as well in school. He -- obviously he graduated but he was not -- he was never quite the student I was in terms of grades, I think in part because my father would harangue him for not getting all As and I watched that as a young child and thought, no, I think I'll avoid that criticism and I think that transition was hard for him. I mean, he was older. I assume McLean High School was at least two years ahead of central High School and so he did not do that well academically then. When he went to college, law school, he did much better. MARY BETH HOGAN: Did your brother have that same experience? MARY JO WHITE: My brother was -- he was in high school when he came to McLean and he didn't do as well in school. He -- obviously he graduated but he was not -- he was never quite the student I was in terms of grades, I think in part because my father would harangue him for not getting all As and I watched that as a young child and thought, no, I think I'll avoid that criticism and I think that transition was hard for him. I mean, he was older. I assume McLean High School was at least two years ahead of central High School and so he did not do that well academically then. When he went to college, law school, he did much better. MARY BETH HOGAN: How was it, do you recall, socially? Moving? was that difficult for you? SOUTHERN DISTRICT REPORTERS, P.C. (212) 805-0300

Mary Jo White - Trailblazers interview (corrected version) MARY JO WHITE: I think I was young enough so the answer is no. I mean, there were kids in my neighborhood my age in Kansas City and Independence and there were kids my age in McLean. So, I don't recall that being difficult at all, actually. MARY BETH HOGAN: When you mentioned the school earlier you mentioned you made a point of saying that they were all co-ed. Is that something that you think has had an impact on you, you went to co-ed schools? MARY JO WHITE: Well, having never gone to a non co-ed school it is a little hard to say. Our son has gone to both co-ed and all boys schools and I guess that when we moved to New York and sort of went through the -- once he was born and thinking about schools for him I certainly had a bias for co-ed schools. I think I thought it was more like the real world. I certainly have read about and can credit that there are a lot of advantages to same sex schools but I never attended one so I can't really say. MARY BETH HOGAN: So, before we leave high school is there anything else about your childhood that sort of stands out in your mind as being influential to you in your later decisions of career? MARY JO WHITE: I was a bit of a politico in high school. I was officer of the class and was in something called Keyettes, that was all women, kind of a -- it wasn't a sorority SOUTHERN DISTRICT REPORTERS, P.C. (212) 805-0300.

Mary Jo White - Trailblazers interview (corrected version) but a service organization but kind of prestigious. I ran for office and won running for office each time and then I kind of gave that up. I don't know whether I soured on it or whatever but that was a phase of my life that I didn't come back to, I think. Let's see. Otherwise, no, I think I still, you know, to this day probably dating from when I was 5 I have always thought it was very important for me to work and I have always enjoyed work. When I was younger I always thought I would do something kind of good because I had a pretty positive self-image I think from my parents but not -- you can't sort of point to where you would say I was ambitious for something in particular, I don't think. But I wanted to do well, be well thought of, and always work.
I had a theory -- still have the theory -- women in my family, really both sides and going back at least to my -- and this is unusual, my great grandmother also went to college and that's really unusual and --

MARY BETH HOGAN: What year would that have been?
MARY JO WHITE: I don't even know. Obviously the 1800s sometime.

MARY BETH HOGAN: Do you know where she went?
MARY JO WHITE: I think she went to a place called Jefferson City College in Missouri but I'm not positive about that. And essentially my grandmother, when she had to work after her husband died, none of them worked after they were married and this is of course my father's sister and others who went to college. And I think they always had difficulties sort of adjusting to that life exclusively. You know, they would have kind of depression problems and things of that sort that I decided when I was, you know, a child, that maybe one can avoid all of that and have more fun by working. So, that sort of continued through, I think, my high school years as well.

MARY BETH HOGAN: And this is getting a little ahead in our interview but I am wondering whether that sort of strength of vision around working ever wavered for you. Like, for example, there came a time when you had a child, became a mother. There came a time when you were certainly financially secure? Did you ever think about not working?
MARY JO WHITE: No. You know, do I look back and think did I make a mistake in that regard? I think everybody has to decide this for themselves. When our son was born I was 38 years old, I think, so I had been working a long time then, I was a partner at Debevoise & Plimpton and it was so much of my identity that I was afraid I would, you know, drop my son out the window one day if I stayed home exclusively. Not really, but. But I never really entertained the idea of not working and I still don't, actually, and I'm 65, so.

MARY BETH HOGAN: That's good to hear.

Mary Jo White - Trailblazers interview (corrected version)
on.?

MARY JO WHITE: Good.
MARY BETH HOGAN: So, Mary Jo, you finished high school and you applied to colleges. Did you go straight to college?
MARY JO WHITE: Yes.
MARY BETH HOGAN: How many colleges did you apply to?
Do you recall?
MARY JO WHITE: I think I applied to two; William & Mary where I went, and Radcliffe where I didn't go. But I guess I should add I didn't want to go to college at all.
MARY BETH HOGAN: Why is that?
MARY JO WHITE: Well, I was actually very seriously dating my now husband, John White, in high school.
MARY BETH HOGAN: You met him in high school?
MARY JO WHITE: I met him in intermediate school.
MARY BETH HOGAN: What grade?
MARY JO WHITE: Eighth grade but I started dating him in ninth grade. And I dated him for thereafter basically.
But, in any event, I thought I'd work one Christmas at the Hecht's Department Store in the suburb of Washington selling clothes or something, teenage girl clothes as I recall it. I was quite good at it actually because I was an honest broker. At least that's my theory. But anyway, and I thought, you know, I want to get married and just, you know, work, like...

Mary Jo White - Trailblazers interview (corrected version)
in a department store.

Mary Beth Hogan: Like in a department store?

Mary Jo White: Like in a department store.

My father thought that that was not a good idea because he had always had a mind that I would go to college and I was -- you know, I was a very good student so I could get into college and so he, in effect, filled out my college applications. And then you know William & Mary was a state school, obviously much less expensive, closer to home.

Yes. I think I probably would have gone to the University of Virginia in Charlottesville because, again, my husband to be, John White, was going there, but in 1966 it was not a co-ed school. It actually became co-ed in 1970 which is actually the year I graduated from William & Mary.

Mary Beth Hogan: Now, one of the things you said in describing your choice of school was you mentioned that William & Mary was a state school and it was more affordable. Did you sense economic pressure when you were growing up in terms of how much money your family had?

Mary Jo White: No. I mean, we were clearly, I guess, middle class but not wealthy middle class at all. I suppose the only time I noticed anything about money was when on one of those trips I mentioned we took by car and we stopped for lunch on vacation and I wanted to order french fries or something in addition to the hamburger or whatever we were having. My father didn't -- he said we don't need french fries, that's more money. Now whether that was really because it was for more money or for other reasons but I didn't think of that as therefore we had to scrimp on anything, so no. The answer is no. I didn't think about the decision to go to William & Mary because we couldn't afford someplace else but I think it was less expensive because it was state supported so that's a benefit, obviously, to the family. My parents did pay for me to go to college.

Mary Beth Hogan: And was staying in Virginia a priority because John was at UVA?

Mary Jo White: I think that's true too. It was about an hour and a half drive between the two schools and that obviously made it easier. We dated almost all throughout college.

Mary Beth Hogan: So, William & Mary actually had a long history of co-education, much longer than many other schools, I think actually since 1918 they were a co-ed school. Was it about 50/50 men and women when you attended?

Mary Jo White: I think the answer to that is yes. It was kind of an interesting mix of men and women. I thought because you essentially had, I think, a group of women from out-of-state and from Virginia who were kind of off the charts academically and the men tended not to be at least that...
Mary Jo White - Trailblazers interview (corrected version)

some other school if they were. So, you had some really,
really smart women, maybe not quite as smart men but they were
all gorgeous jocks and it seemed to work very well, actually,
that combination. And obviously there were a lot of smart men,
too. I'm not suggesting anything by that but it was kind of a
noticeably different pool, I would say, between the men and the
women.

MARY BETH HOGAN: And were a lot of couples marriages
formed during those years between William & Mary students?
MARY JO WHITE: Yes. Quite a few. Quite a few.
MARY BETH HOGAN: I think I have heard somewhere that
maybe even earlier today that you were in a sorority?
MARY JO WHITE: Yes.
MARY BETH HOGAN: From what year?
MARY JO WHITE: I guess that's -- I'm trying to
remember whether it was your freshman or your sophomore year.
It was Tri Delta. I actually lived in the sorority house both
my junior year and my senior year. I graduated in January of
my senior year and it was a very much Greek campus. I mean,
you know, for fraternities and sororities the whole social life
centered around the fraternities and the sororities there.
Williamsburg, Virginia is the town that William & Mary is in.
They used to call it The Colony because of Colonial
Williamsburg. It was a town that was a little too small for my
tastes because I loved New York City but I didn't know that
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)
then so the social life did center around the sororities and
fraternities. I didn't really partake in the social life of
Williamsburg very much at William & Mary because I was
commuting back and forth to Charlottesville to see John on the
weekends but, you know, the school was probably the best school
I have ever attended actually in terms of academics and was an
extremely strong school, really, across the boards. And, like
I said, I did it in three and a half years which I think was a
good thing to do.

MARY BETH HOGAN: Why is that?
MARY JO WHITE: To get married earlier. And I was
about to say it was a good thing to do in three and a half
years because I felt a little stifled in Williamsburg,
Virginia. I found that a little too confining. Women had to
wear dresses to class. My English class was in the Wren
Building in Williamsburg, Virginia. The tourists would come
through, I used to refer to them as touri.
so, the town of Williamsburg and me perhaps were not
as compatible. As you know, we didn't have cars then and so
forth so I felt that, yes, I needed more freedom and space.
So, the reason I graduated early was to get married earlier.

MARY BETH HOGAN: Where did you get married?
MARY JO WHITE: In Washington, D.C. in the chapel of
the church where my parents were actually married, too.
MARY BETH HOGAN: So then did you move to
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300
MARY JO WHITE: I moved to Charlottesville for John's last semester and then I worked at the HEW, actually, but it was the office of Public Health in Charlottesville. I was really a student loan processor. I also played on the women's softball team.

MARY BETH HOGAN: At UVA?

MARY JO WHITE: No, at Charlottesville.

MARY BETH HOGAN: Back in --

MARY JO WHITE: I don't know if it was the office's team but it was a -- and I had been used to always being like first or second best. I was about ninth best on this team and it was terrific. I had a great team and it was really pretty high level softball team and everybody came out to watch it in the community. It was kind of a big deal. And my fondest memory of that is that some pitcher on the other team was pitching a no hitter against us so I decided to bunt and successfully bunted. And I was not the most popular person with the opponents and when I was going to second base they deliberately threw the ball at my head but it missed.

MARY BETH HOGAN: Did you wear batting helmets then?

MARY JO WHITE: Did we wear betting helmets then? I don't think so.

MARY BETH HOGAN: so this league was a women's league, not a student's league?

MARY JO WHITE: Yes, a women's league.

MARY BETH HOGAN: It was which was pretty unusual at that time?

MARY JO WHITE: I guess so. Yes.

MARY BETH HOGAN: You would have teams to play, obviously?

MARY JO WHITE: Yes. You know, again, I don't -- it probably was unusual. I mean, I heard about the team and I was asked to, you know, tryout for the team and so I did. And they took it pretty seriously though. Men and women came to watch these games in Charlottesville. It was kind of a big deal.

MARY BETH HOGAN: Now, you mentioned what a good education you thought you got in college. Are there any professors or mentors that stand out as having an impact on you now?

MARY JO WHITE: No. I'm not a mentor person, I'm afraid. I mean I didn't really -- you know, it was a great education. I didn't always keep up with the reading. I crammed for exams. I was elected early or whatever it is to Phi Beta Kappa and had a couple of psychology professors who I think probably, you know, might qualify as mentors. I think they would probably think they were mentors. They were certainly interested in my going to graduate school in psychology and so forth but it was not a -- I enjoyed the subject matter of what I was being taught. I was not plugged into individual professors when I was at William & Mary and probably not thereafter, either, in law school or graduate school.

MARY BETH HOGAN: Now, you said something that I thought was interesting. You said you are not a mentor person ...
and I am wondering what you mean by that. I am wondering whether that's a nomenclature issue for you or whether in fact you didn't have people in your life as you were growing up who watched out for you and gave you advice. That sort of thing.

MARY JO WHITE: Well, because you are always asked that question now: Who were your mentors? so you get asked this question a lot. And I have always given it a lot of thought and so I have sort of canvassed my life in answering that question and I can't point to anyone I would consider a mentor meaning someone who took a particular interest in me, gave me advice about what to do, took me under their wing kind of thing until after I was a partner at Debevoise & Plimpton and then back into the government as the Chief Assistant United States Attorney to U.S. Attorney Andy Maloney who was the U.S. Attorney in Brooklyn. I considered him a mentor. Now, I would have been 42 years old or whatever it was at the time. And I had the very good fortune to, in effect, function nearly as the U.S. Attorney for two or three years under his tutelage and I have considered that to be -- both I consider him a mentor and to have been invaluable to me, frankly, in the rest of my career, but before that I can't say that. I can't point to anyone who I consider to be a mentor.

MARY BETH HOGAN: What about someone like Bob Fiske who hired you, I think, to be an assistant U.S. Attorney in the Southern District earlier?

MARY JO WHITE: Right, Bob. Bob, by the way, also hired a lot of women to the U.S. Attorney's office and some of my very best friends are still among those women from when he deliberately went out and hired women for the U.S. Attorney's office, really transformed it, I think. And he has certainly always been extremely supportive of me in private practice as well but I was only in the U.S. Attorney's office at that time in the Southern District for three and a half years and then I came back to Debevoise. So, I went through the office in kind of a whirlwind. He left before I did because there was a change in administrations and John Martin came in. So, I didn't have that much contact with him, I guess. And I certainly benefited from his leadership of the office and all he did for women in the office but I wasn't really close to him in the office.

MARY BETH HOGAN: Have you stayed connected at all to William & Mary or many of your friends from there?

MARY JO WHITE: The answer to that is no. William & Mary has reached out to me a few times. I was on, from a distance, a policy committee for William & Mary some years back.
MARY BETH HOGAN: Had it changed a lot in the years?
MARY JO WHITE: There were more buildings. Certainly.
it is -- I mean Busch Gardens is there. All of Williamsburg
has been built up. Women don't wear dresses to class and
students can have cars. So, it had opened up, was more
bustling, had more things that I am sure I would have partaken
of when I was there before but I'm a New York City person.
MARY BETH HOGAN: Yes.
Speaking of New York City, when did you move here?
MARY JO WHITE: 1970, I guess. September/August of
1970? My husband and I were accepted into a number of graduate
schools -- in my case -- and law schools in both of our cases,
and we were deciding where to go including perhaps staying in
Charlottesville. The University of Virginia has a very good
law school. And I sort of made the case for moving to New York
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300
Mary Jo White - Trailblazers interview (corrected version)
because the Yankees were here. And then it was love at first
sight for me. I mean, I thought everybody is up all night.
You can get a Nathan's hot dog. The news doesn't go off. I
mean this -- and I actually remember you had to physically --
or I did anyway and I assume this is true of anybody who lived
here -- you had to physically adjust to the bombardment of the
stimuli in New York. We lived in Greenwich Village the first
year which is where NYU Law School is and it is just constant
motion, constant lights flashing in your eyes. Very, very
different. And I remember we visited my parents in McLean a
couple months after we were in New York and I couldn't go to
sleep at all because it was so quiet, you know, no sirens, no
lights. And so after a period of adjustment to all the tall
buildings and all the stimuli it seemed to me to be and still
seems to me to be the perfect place for me.
MARY BETH HOGAN: You didn't go to law school right
after college?
MARY JO WHITE: I didn't.
MARY BETH HOGAN: What did you do?
MARY JO WHITE: I had something called a Woodrow
Wilson fellowship which was basically something you competed
for. And it wasn't a moneyed scholarship or a funded
scholarship but it was a category of scholarship that would
help you get college teaching jobs. And if you didn't go to
graduate school the next year after you graduated from college
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300
you would lose that. So, I applied to both graduate schools in
psychology and law school at the same time but decided to go to
graduate school instead of law school first because I wanted to
keep that woodrow Wilson Fellowship title because it would help
me if I ended up teaching college. And I was accepted into
Columbia's program, I think.
We came up here, looked at the school, and as I
remember it there were rats running around and skinneria in
boxes and I thought, eh, I'm not sure this is the greatest
thing. So, somehow I got steered to The New School for Social
Research which at the time had and perhaps still does have one
of the most impressive faculties anywhere in the country and
particularly in psychology. So, all the people that I knew
from having majored in psychology at William & Mary who were
the great authorities of the country were teaching at The New
So, The New School had open admissions which means you didn't have to have majored, basically, in what you went to graduate school in, although I did major in psychology and I sort of walked in the door and they sort of saw that I majored and did pretty well at William & Mary and so they, on the spot, accepted me and offered me a National Science Foundation Scholarship that paid for the whole thing. I decided there were some odds that I would go to law school the next year but I didn't know and so I kind of

Mary Jo White - Trailblazers interview (corrected version)

bludgeoned them into letting me take enough courses that one year so that if I did decide to go to law school I would have enough credits for a masters degree in psychology. So, I ended up taking a lot of classes. I had a great time that year. It mean it was basically we lived eight blocks away on Washington Square. Classes were at night so I had all day to wander around New York. Since I had majored in psychology the classes were not that hard so that helped. I ended up working for really just, you know, renowned researchers in young adult schizophrenia. I worked at the Psychiatric Institute for one of the leading therapists for young schizophrenics. It was a great year. It was a great year.

MARY BETH HOGAN: What made you decide then to go into the law after that year?

MARY JO WHITE: Once in a while I would attend, I think, even a class or two that John was attending at NYU in law school, their moot court competitions, and I decided what he was studying was more interesting things than what I was studying. Pure and simple. I then decided to go to Columbia instead of NYU. I had been accepted into both, but for the sake of the marriage, I didn't think we should go to the same law school.

MARY BETH HOGAN: And you ended up enjoying Columbia?

MARY JO WHITE: Yes. I loved Columbia. I especially loved the first year of law school. I was -- it is one of those sort of points in my life where I thought this is where I belong, after resisting it for awhile. And I loved the first year in law school so much so that I actually, when I talk to applicants, ask that question. Did you love your first year in law school? And not many people do and probably some won't admit it because it is kind of embarrassing that you loved your first year in law school, but I think if you loved your first year in law school you are going to be pretty happy and successful as a lawyer thereafter.

MARY BETH HOGAN: And why do you think that is?

MARY JO WHITE: Because I think you get the kind of the core courses that, you know, I think sort of tap into what I would call sort of the pure legal analysis of the profession so that you are not taking the chichi courses of medicine and whatever, you are taking contracts and taking civil procedure. And if you like that analytic that is being presented to you, love that analytic that is being presented to you, you find that you can do it successfully and it is very energizing and I think that carries over into whatever you do in the law. If you are good at that and you love that you are going to be very
successful and I think very happy in the legal profession which
is not an easy one.

MARY BETH HOGAN: Did the professors at Columbia in
your first year typically use the Socratic method?
MARY JO WHITE: Some of them did, yes.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)

MARY BETH HOGAN: Did you enjoy that?
MARY JO WHITE: No. I always sat in the back row. I
was called on from time to time I guess. I must have been.
And I responded however I responded. But, no, I never -- I
don't like to stick my hand up any place probably, you know, in
that kind of setting. I think some people -- I mean, I was
sort of a popular student as I got into the second and third
year because I was known to have done very well but I wasn't a
show-off in class and once in a while when someone in a class
would say something and I would be in class in the back row I
would put up my hand and say, you know, I think that is really
kind of the dumbest thing I have ever heard -- maybe slightly
more polite than that. So, I was quite popular with my fellow
students for doing that. So, I would get a kick out of that
because, you know, I don't like people to get puffed up.

MARY BETH HOGAN: Were there noticeable gender
disparities in your Columbia class?
MARY JO WHITE: Certainly I know this because I gave
the commencement speech once and I used the statistic, I think
the women were 17 percent of the class. I guess it is a class
of two hundred something. Certainly you knew there were more
men than women.

MARY BETH HOGAN: Which was different from college?
MARY JO WHITE: Yes.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)

MARY BETH HOGAN: You remember thinking that at the
time?
MARY JO WHITE: No.
MARY BETH HOGAN: No.
MARY JO WHITE: Because I don't -- I mean it didn't
actually -- there were enough women that it didn't bother me
that there was that disparity. I think the big issue in my
years at Columbia -- my first year -- was that the women's
bathrooms were smaller than the men's bathrooms, and in my
usual midwestern way I would say, well, that's not really the
problem. I said we have plenty of stalls for the women here,
we need more women and then we can lobby for the bigger
bathroom. So, you know, it was noticeably a disparity which
was not a good thing but it didn't make my life miserable
because I like men and women.

The other thing that I distinctly remember, however,
is that the women were disproportionately represented on Law
Review which meant the women were doing better than the men,
you know, given their small numbers. I mean, I would guess Law
Review was at least 50/50 men and women and it might have been
60/40 women to men so you had a higher bar, seemingly, for the
women to get into Columbia Law School. So they were smarter
and they were better in some ways on average, obviously. And
that seemed to me -- I mean, it was great because I enjoyed
working with the women on the Law Review but it also kind of
Mary Jo white - Trailblazers interview (corrected version)
told you something about there should be more women in the
class. And now Columbia -- and I am on the Board of
Visitors -- is about 50/50.
MARY BETH HOGAN: Is the Board of Visitors like
trustees?
MARY JO WHITE: Yes.
MARY BETH HOGAN: How many are there?
MARY JO WHITE: Quite a few. I would say there are
probably 30, 35.
MARY BETH HOGAN: How long have you been on the Board
of Visitors?
MARY JO WHITE: Over 10 years, I think.
MARY BETH HOGAN: Now, do you have a lot of contacts
from law school still? Has that been an important part of your
network as you've proceeded in your profession?
MARY JO WHITE: I certainly have a couple of friends.
I don't see them very often and once in a while you get hired
by your law school classmates for different things. I mean
they remember you. But, in terms of friends that continue, I
would not say that happened to me until Debevoise and the U.S.
Attorney's office. I don't look back much, I look forward
other than the friendships I made in the U.S. Attorney's
office. Those lasted. And the friends in Debevoise last at
Debevoise. That is at the present as well, yes.
MARY BETH HOGAN: Now, was there anything in law
school that particularly got your interest, any particular
courses?
MARY JO WHITE: You know, I tended to like almost all
of them, actually. The ones that I -- you know, I guess if I
was to say what I liked best it was probably contracts and
antitrust. So, I don't know how one puts that together with
anything but contracts I considered to be the most basic, the
purest course that you take. It is both common law and the UCC
so it is a bit statutory as well as common law and it is, I
think, the most analytic course you take. I just loved
contracts. That was sort of what ignited my interest in the
first year the most, I think. But I really liked all of it,
especially all of the classes. But I didn't have a sense of,
gee, I want to do this or that on taking those law school
classes. I just loved studying them.
MARY BETH HOGAN: So no inkling when you were in law
school that you would maybe someday become a prosecutor?
MARY JO WHITE: No.
MARY BETH HOGAN: No. When did that first enter into
your mind?
MARY JO WHITE: Probably not until I went to the U.S.
Attorney's office to become one. I think like a lot of law
students you think of yourself, if you think you are a
litigator you are Perry Mason but you're a defense attorney,
you are not a prosecutor. At least in our era that tended to
MARY JO WHITE: be where you would place yourself, you don't think of yourself

Page 18
as the prosecutor.

And so, but -- actually, let me say first, when I
became an Assistant U.S. Attorney in 1978 it was another of
those moments where I thought why wasn't I here before? You
know, you sort of hit the ground running and are totally
energized the whole time you were there. You had your own
docket of cases, you were trying cases. It was just a very
exhilarating experience.

MARY BETH HOGAN: Going back now, the one typical path
is you work maybe for a Judge or an internship after your first
summer and then maybe a summer associate in a firm your second
summer. What did you do during your summers?

MARY JO WHITE: I worked at three different law firms
after each of my three years in law school. I worked at Casey,
Lane & Mittendorf, it was a small firm downtown after my first
year. I did corporate work. I don't think I knew what a
dividend was at the time so I decided I should be a litigator
instead, although I did learn what a dividend was, I think, the
next year. Whatever. And then I worked at Debevoise after my
second year and I worked at Paul Weiss after my third year
before I took the bar exam.

When I was applying for essentially the year that you
really become a summer associate is after your second year. I
decided I didn't want to work downtown. I had worked down
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)
there just as a physical matter, I wanted to be a litigator and
that sort of made my top two choices Debovise and Paul Weiss.
And I opted for Debovise. The Paul Weiss folks were great
about it and they said why don't you come here after your third
year. So, I ended up working only five weeks I think at both
Debevoise and Paul Weiss once because I had to go back to Law
Review, the other time because I was taking the bar exam.

MARY BETH HOGAN: Why those two firms? What was it
that you learned that led you to those two firms?
MARY JO WHITE: I mean, the choices you make tend to
be based on very little information, actually -- midtown and
litigation. Probably the first being more important than the
second. Obviously I wanted to do litigation, I knew it pretty
much from first or second year in law school. I also had
terrific summers at both of the firms, actually, and I think
the people at both are very talented lawyers and actually have
friends from both of those experiences that I still have today
and they were both great experiences. Different experiences in
some ways but both great.

MARY BETH HOGAN: Both of them obviously led you to
think that you wanted to work at a big firm, at least for some
time?

MARY JO WHITE: Yes. I think that is fair to say. I
love working in -- I actually love also working which was a
relief, I think, to my parents, because they thought I would
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300
My husband and I -- my husband graduated one year earlier than I did and he clerked for a year, and then when I graduated we decided I was not going to clerk that year, I was going to maybe clerk the following year, which I did, ultimately. But, we wanted to take a trip across the country and so my parents and we had split the cost of a camper, a mini Winnebago, and we shared its use. And so, John and I took a trip beginning in whenever the bar exam was over, that month.

MARY BETH HOGAN: July?

MARY JO WHITE: July I think, and we were going to stay out as long as -- the entire year. And we went to I think 46 of the 48 continental United States, moved every day, and then I think we got tired and it got cold and so we, around December-ish, came back, in maybe January. And then I actually went to Debevoise and worked at Debevoise as a litigation associate before I clerked. But, it was a great trip. And the theory was we will never have this kind of time again, let's take it right now. And, guess what? We never have.

MARY BETH HOGAN: You were right.

Mary Jo White - Trailblazers interview (corrected version)

MARY JO WHITE: Yeah.

MARY BETH HOGAN: You were right.

Mary Jo White - Trailblazers interview (corrected version)

MARY JO WHITE: First, I loved moving every day. It fit my 5-year-old attention span, we are going again so I loved that. The Grand Canyon piece sort of stands out. It is going to impress you whenever you are there, I think.

MARY BETH HOGAN: Was that the first time you had seen it?

MARY JO WHITE: No, it was the second time. I had seen it on one of our trips when I was a child again so it was very interesting to see it again when you were an adult but it is still very impressive. I remember going into the campgrounds, the KOA campgrounds every night and you talk to very different kinds of people every night and it was fun. I remember one memory I have is we sort of caught our dinner in the pond, you know, trout, and you would wrap it in a corn husk and cook it in a fire. It was like you pretended you were roughing it anyway. We saw relatives that we haven’t seen ever again, I think, you know. So, it was just fun.

MARY BETH HOGAN: Yes.

MARY JO WHITE: I mean nothing sort of stands out -- we went to some baseball games, went to different things. Went to Las Vegas and sort of parked the camper in the parking lot

MARY BETH HOGAN: How did you support yourselves through this trip? How did you fund it?

MARY JO WHITE: John’s mother had actually passed away shortly after we were married in 1970 and so what that meant, she left really a pretty modest sum but nevertheless a sum of...
money to John which meant we did not have to work in law school and had enough -- just enough -- to support this trip. And then, after that, we both worked and we are both still working.

MARY BETH HOGAN: So did you have kind of a strict budget during the trip?

MARY JO WHITE: We didn't spend much.

MARY BETH HOGAN: Right.

MARY JO WHITE: We didn't spend much.

MARY BETH HOGAN: Gas was probably the biggest and most expensive. Once in a while we would stay in a motel or hotel or something but it was really, you know, I mean obviously we stayed out.

MARY BETH HOGAN: This is tape 3.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)
We were talking about a trip that Mary Jo took with her husband John the year after she finished law school and the trip ended in around December or January. Do you want to tell us why you decided to come home?

MARY JO WHITE: Yes. I think we had headed east I think in the fall, really, so that meant that it was getting cooler and cooler to colder, so I think a combination of the weather and also we were not at the end of our money to have us stay out there but getting there. I think we were running out of money to stay out too much longer, but a combination.

MARY BETH HOGAN: Had you told Debevoise you were coming back after your summer associate time?

MARY JO WHITE: No. I don't think I did. I think I told them I was taking this trip and then I was clerking the next year, and so when we got back to New York in January or February of 1975 I called up, I think Andy Hartzell or Asa Rountree who were I think in effect co-chairs of the litigation department at the time, and I said I'm back and explained where I had been and if they didn't know in terms of the trip and that I would like to come to work at Debevoise as a litigation associate before I clerked. And so they were happy to have me come, and so I did.

MARY BETH HOGAN: Is that right?

MARY JO WHITE: Yes.

MARY BETH HOGAN: Do you recall what you first worked on as a lawyer?

MARY JO WHITE: Wow.

MARY BETH HOGAN: Do you recall any of the matters that you worked on before you left for your clerkship?

MARY JO WHITE: I think I worked on a grand jury subpoena in a case where we represented an energy uranium...
company and at the time I had not yet -- my parents were afraid of flying all their lives, hardly ever flew and I hadn't sort of shed that trepidation about flying at the time. Now I totally have shed that trepidation about flying. And so, I had to go to Denver to respond to this subpoena and so my first plan was to take the train from New York to Denver and back. Somehow either that trip got cancelled -- I think it did and got postponed for a month or so and about a month or so later I was flying all over the world and enjoying it a great deal.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)

MARY BETH HOGAN: And were you flying with other Debevoise lawyers?
MARY JO WHITE: Not initially. Not initially. I was going myself. And it was the same kind of thing. It was basically, I think, collecting documents and so on. And I learned then I wasn't really good at collecting documents. My eyes would glaze over and my attention span was very hard to keep up in the process.

MARY BETH HOGAN: Is that why you had to leave the firm?
MARY JO WHITE: Actually, no. But I did tell Andy Hartzell who was -- I guess was he co-chair? He was my supervisor anyway and a great lawyer I worked for far too many years, that I didn't think I was the best person to respond to subpoenas. I do remember that.

MARY BETH HOGAN: Did you know when you first started as a lawyer what area you wanted to practice in?
MARY JO WHITE: Litigation. I knew that. I mean, I worked after my first summer at a firm called Casey, Lane & Mittendorf and did corporate work and I didn't know much about it at the time, I hadn't even had corporations in law school so it was a little bit foreign territory but it was also, I thought, very passive in terms of the subject matter. It didn't light me up, so to speak. So, I concluded after my first summer that I wanted to be in litigation. Nothing more specific than that.

MARY BETH HOGAN: Right. So you didn't know going into law school or starting after three years of law school that you wanted to be a white collar lawyer?
MARY JO WHITE: No. Not at all.

MARY BETH HOGAN: Okay. When do you think that that sort of kicked in, that special interest?
MARY JO WHITE: Well, it didn't really kick in until I was in the U.S. Attorney's office. And when I went to the U.S. Attorney's office I very seriously considered going to the civil division because I considered myself a civil lawyer, not a criminal lawyer. But, I figured that incorrectly, that I would never do the criminal law again and so I decided to go to the criminal division. And so, that's where I got the interest in doing the criminal side, although when I returned to Debevoise in 1981 I did as much civil as I did white collar work at my choice. really. And I still do, actually.

MARY BETH HOGAN: You still do?
MARY JO WHITE: Right. Right.

MARY BETH HOGAN: You continue to do a mixture your whole career?
Mary Jo White - Trailblazers interview (corrected version)
younger lawyers coming up?
MARY JO WHITE: I think it depends on which direction
and what sequence you do it. I think the transition from civil
to criminal is hard. I think criminal is a different -- more
of a different animal that, you know, you need to be steeped in
early on, I think, to keep that as a speciality. I think you
can go from criminal to civil much more easily. The strategic
calls are the same. I remember when I came back to Debevoise,
although obviously I had been a civil practitioner before I
went to the U.S. Attorney's office, but the first thing I did
was to read the Rules of Civil Procedure from beginning to end.
The first thing I did when I went to the U.S. Attorney's office
was to read the Rules of Evidence from beginning to end because
they were most pertinent but also the Rules of Criminal
Procedure beginning to end. And they're not frankly all that
difficult to master but if you have never seen them before you
are operating on a different planet.

So, I think you can do both but I think you need to,
early on, have had the criminal experience to make it an easy
ting to do both.
MARY BETH HOGAN: Let's talk a little bit about your
clerkship.
MARY JO WHITE: Right.

MARY BETH HOGAN: You clerked; after about nine months
at Debevoise you left four your clerkship?

MARY BETH HOGAN: Why was that?

MARY JO WHITE: Because I thought clerking on the
Circuit was more like another year on Law Review and I wanted
something that was new and where the learning curve would be
steeper. And I got a fair number of arguments against my doing
that but that's what I did.
MARY BETH HOGAN: Did Columbia encourage you to do a
clerkship?

MARY JO WHITE: Yes. Definitely. Definitely. And
couraged me to do a Circuit clerkship.

MARY BETH HOGAN: Did you think about doing both?

MARY JO WHITE: No. No.
experience but about nine months into the 12-month clerkship I was ready to leave to have my own job. And I did have a possible opportunity to clerk again, actually at the Supreme Court level, and I didn't because I wanted to have my own job.

MARY BETH HOGAN: For what justice?

MARY JO WHITE: Brennan. It was basically -- I didn't ever interview with him but it was kind of a rotating seat at Columbia that Columbia had made known to me that, you know, I might be eligible for or whatever.

MARY BETH HOGAN: Judge Frankel, you said he was a brilliant jurist and a great writer. When you think back about the impact he had on you as a young lawyer, what do you think about?

MARY JO WHITE: I think for a year after I left the clerkship I was actually a decent writer. I write like a truck driver and so -- but once you are exposed to someone who is as eloquent as he was -- not as clear a writer as I am but just a beautiful writer for at least about a year I was a very, very good and eloquent writer. Beyond that I think he gave us -- he was at the point in his career where he was tired of the bench and was about to leave, actually, and so our clerkship I think was different than the prior clerks for him in that he gave us much more responsibility because he was at that phase of his career.

So, what I remember most about the experience in terms of its carryover was that you decided a massive number of motions and issues and learned what was persuasive and not.

MARY BETH HOGAN: From the briefing you read and the advocates who appeared before the Court?

MARY JO WHITE: Well, what you really learned was how to decide things and what, in the process of your making the objective right decision in your mind was persuasive and not. And so, some firms briefs you would skip almost because they would be all advocacy and you couldn't rely on even the statement of facts. Some firms would be absolutely the opposite and so I always took that lesson away I think in terms of what's persuasive and not, and I think because I functioned for a year as the decision-maker, really, on so many things, I think at least that that has always helped me be persuasive as a lawyer. I learned what would be persuasive. And you would think you would know that sort of intuitively but I always anchor it to that experience that I think has made me a fairly persuasive advocate after that.

MARY BETH HOGAN: So what is it, just to drill down on that a little bit because there will be a lot of people listening to this interview over the years who want to become a better lawyer, want to become a better writer; what is it that you learned that year about what is a persuasive brief? How do you persuade someone in Court of your position?

MARY JO WHITE: Well, the first thing you do is you want your brief to have credibility. So, when you are reciting the facts, don't shade them because you may lose your audience...
before you get started even.

You know, you need to know your audience. I think that is very important because for some Judges you may decide not to take on the most difficult issue that is out there and may be difficult for you to win. With other Judges you had better address that. So, I think it is sort of a combination of doing a credible, very honest product and usually dealing with all the nuances and the complexities. I mean, there is also the school of thought that you don't argue your opponent's best points, and that's true, but you also can't be naive about thinking that your fact finder is going to miss those. So, if you were doing a brief for Marvin Frankel who was a genius, you wouldn't leave out something that is hard for you. You would analyze it credibly, head-on, and as persuasively as you can.

MARY BETH HOGAN: Do you recall any particular case during your clerkship that was something that sticks with you even today, either a very difficult decision or something that was particularly interesting to you?

MARY JO WHITE: I think that the two that I remember best, I guess one was the sentencing of Bernard Bergman who was convicted in connection with a fraud involving nursing homes. It was a very highly publicized case, it was long before the sentencing guidelines were in effect, and so basically the Judge had the discretion to sentence from probation to several years in jail and I remember how difficult that decision was for Judge Frankel to make.

MARY BETH HOGAN: Why was that?

MARY JO WHITE: Because -- and I can't remember all the details of this but there were some very persuasive, sympathetic health reasons, all the good that Bernard Berkman had done in addition to this fraud that made the issue for Judge Frankel really whether there should be jail or not. And Judge Frankel was an expert on sentencing and he actually advocated the sentencing guidelines because he didn't think it was good for the system to have such inconsistency among judges and so forth. But the issue for him really was does he go to jail or not. And he eventually sentenced -- usually the law clerks had nothing to do with sentences. Given that was his job, he did it, no consultation with the clerks. But he brought me into this one because he really wanted to know, you know, what I thought. And I remember advising him that I thought it had to be jail. But after that I was not -- and nor was he, I think -- sort of attuned to how much jail does it really need to be, sort of jail or not jail. And I think the sentence was six months and strong views on both sides, but really he was excoriated for it being too short a sentence. And there were abuses in the nursing home. They weren't given enough funding and so forth so it wasn't just a matter of tax fraud or something, it was also the kind of fraud that actually caused harm to the elderly so it was a very highly charged case. Watching the agony of the Judge having to come to that decision -- that I remember.

The other case I remember was a case called Aspira which was a racial discrimination case involving the New York
City public schools. I remember having to go through lots and
lots of data, lots and lots of analysis and coming up with a
decision that would comport with the 14th amendment and
Title VII but wouldn't sweep too broadly so as to paralyze the
school system.

MARY BETH HOGAN: Sounds very challenging --
MARY JO WHITE: Very.
MARY BETH HOGAN: -- for someone a year out of law
school.
MARY JO WHITE: Very. That was probably the most
challenging case. That was a very challenging case.
MARY BETH HOGAN: Yes.
MARY JO WHITE: And I remember when I went in to say
to Judge Frankel on some issue and somewhere in the case was an
issue about having to cut certain classes or resources that the
argument was being made that if you cut it equally across
racial lines then the percentages for minorities represented in
that particular program would be even less. And so I remember
saying to the Judge, I said, you can't cut equally when you
start from a baseline of inequality. And he turned to me, he
looked at me and he said, that's "as subtle as hell." So, I
took that as a compliment.
MARY BETH HOGAN: From a genius?
MARY JO WHITE: From a genius, right. He did call me
a hoodwinked genius once or twice, whatever that means. But,
anyway...
MARY BETH HOGAN: So, I know you know some law
students today or you are in touch with current law students
and you also speak with young associates all the time. Do you
recommend that they try for clerkships as an experience that
you think helps people in their professional development?
MARY JO WHITE: Yes. No question about it. I think
it is also fun which should not be forgotten when one decides
what jobs to do.
MARY BETH HOGAN: Now, you started a year after you
graduated which I take it was a little unusual at the time.
MARY JO WHITE: Started in law school you mean?
MARY BETH HOGAN: Your clerkship.
MARY JO WHITE: Oh.
MARY BETH HOGAN: You started a year --
MARY JO WHITE: Yes, but that was so we could take
that trip.
MARY BETH HOGAN: I know, but where I am going with
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

this is the process has changed since you and I were in law
school and most people, their track was to finish law school,
you clerk for a year and then you go and do what you are going
to do. Now, it is quite different and judges are looking for
people one or two years, sometimes even three years out of law
school as a routine matter, not as an exception. What are your
views on that from both the perspective of the students
and also do you have a perspective as a law firm partner about
that?
MARY JO WHITE: Also -- well, I think it is very good
for the judges because I think the more experienced, the clerks
are the more useful they are. They have the same brain that
you would hire them for out of law school and they have
experience besides and that is only useful for the judge. I
think the market is more flexible now. I think that is good.
Law firms are more flexible. I believe very strongly in all
lawyers grabbing as many slices of legal life whenever they
come your way that are very interesting to you. You have a
long time to be a lawyer. I think fortunately now the law firm
marketplace allows more flexibility so if your clerkships come
later in your life a little bit, that's fine. I mean, you just
have to have a longer-term view. I wouldn't do that today if
it were up to me as the student.

MARY BETH HOGAN: Why is that?
MARY JO WHITE: Because as great a job as the
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300
Mary Jo white - Trailblazers interview (corrected version)
clerkship job is, and I think it is one of the best you ever
have, it is the Judge's job, not yours. And so, I was one of
those people who wanted my own job as quickly as possible.
MARY BETH HOGAN: I could see that. I can see that.
Okay, so you finished up your clerkship, it was a one
year stint and I think you went right back to Debevoise at that
time?
MARY JO WHITE: Yes, I did.
MARY BETH HOGAN: So now we are talking about 1976 and
I believe you were at Debevoise that time for about two years?
Is that right?
MARY JO WHITE: A little less.
MARY BETH HOGAN: A little less than two years.
So, what do you remember from that period? You are
now I guess a third year associate?
MARY JO WHITE: Or -- yes, something --
MARY BETH HOGAN: Something like that?
MARY JO WHITE: Right.
MARY BETH HOGAN: You came back, you were in the
litigation group?
MARY JO WHITE: Right.
MARY BETH HOGAN: How big was the group at that point?
Do you recall?
MARY JO WHITE: I would guess a dozen partners maybe
and, you know, 50 or so associates, maybe. I mean, I am not
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300
Mary Jo white - Trailblazers interview (corrected version)
sure that is right. That is my guess.
MARY BETH HOGAN: Ballpark?
MARY JO WHITE: Yes, ballpark.
MARY BETH HOGAN: Any other women -- well, first let's
start with partners. Any women partners at that time at
Debevoise?
MARY JO WHITE: Barbara Robinson was the only woman
partner at the firm.
MARY BETH HOGAN: And she was the first?
MARY JO WHITE: She was the first. And I was the
second so that may fast forward, but.
MARY BETH HOGAN: We haven't gotten to that part in
the chronology. You are still an associate?
MARY JO WHITE: I am still an associate. Right.
Okay. I didn't stay in those roles very long.
MARY BETH HOGAN: What about associates in the
litigation group? Were there other women with you?
MARY JO WHITE: I don't recall that there were, actually. There may have been one or two. I remember other associates but they were women associates but they were corporate: Siri Marshall comes to mind as a peer, for example. MARY BETH HOGAN: So, when you came back to Debevoise did you have it in your mind that you wanted to be a partner at Debevoise? MARY JO WHITE: Not necessarily. If I stayed I wanted to be a partner rather than not be a partner, but it was not like a life goal by any means. MARY BETH HOGAN: Who did you work with? MARY JO WHITE: I worked with Standish Medina. I worked with Asa Rountree. I worked with Andy Hartzell. Those are the ones that come to mind. I did a little matter for Sam Gates I think. MARY BETH HOGAN: And did you get good experiences? MARY JO WHITE: I got great experiences, actually, and probably one of the reasons I went to the U.S. Attorney's office was because I was given -- actually I was on two trials, one my own which was a labor dispute of some kind, I can't remember all the particulars now but I was allowed to handle it myself, and then I did a jury trial with Standish Medina, like a breach of a plumbing contract at his condo or something but it was in Brooklyn, you know, it was rough and tumble. MARY BETH HOGAN: Brooklyn Supreme Court? MARY JO WHITE: Yes. And I loved it. So, from a taste of that experience unlike after right after I clerked when I was not attracted to apply to the U.S. Attorney's office then at least, I then decided I really wanted to get more trial experience so I applied to the U.S. Attorney's office. MARY BETH HOGAN: How did you get your own trial as a third year associate -- third or fourth year associate? How did that come about? That is not very typical. Today anyway.

MARY JO WHITE: No. And it clearly was in terms of who gave it to me. It might have been Standish, actually, I don't know, but it was given to me because they wanted to make me happy. MARY BETH HOGAN: Meaning you wanted the responsibility? MARY JO WHITE: I wanted the responsibility. I think they thought I did a good job and they wanted to keep me here so they tried to give me very good assignments. MARY BETH HOGAN: Yes. MARY JO WHITE: I mean I don't mean to say that -- MARY BETH HOGAN: No. MARY JO WHITE: -- in an obnoxious way. MARY BETH HOGAN: No. I am asking because I am thinking of young people today who are ambitious and want to do things in the law, women in particular, and strategies that they can use to get more responsibility earlier in their career so that they can really shine and I am just curious how that came about. Did you say to the senior -- Standish Medina was probably not a senior partner at that point but probably had been a partner for 10 years or so at that point; is that right? MARY JO WHITE: Yeah. That sounds about right. That
23 sounds about right.

MARY BETH HOGAN: I mean, did you just come out and say: Standish, I would love a trial?

SOUTHERN DISTRICT REPORTERS, P.C. (212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)

Mary Jo White: You know, I don't think so. I think I was on the trial with him that I mentioned before, the plumbing trial, the jury trial, and he knew I loved that and he always took an interest in my career here at Debevoise and so he gave me that opportunity. I didn't say find me a trial or anything like that. But he, when it came up he thought I could handle it and gave it to me and I think it's -- look. I think you have to -- I don't think I was a squeaky wheel at the time about getting a trial but I think you have to be a squeaky wheel. You have to express your ambition and show that you are able to function autonomously and that may not be so easy because you may not be given the opportunity to have your own responsibility early enough. I mean, obviously I got it because of the plumbing trial. I mean, we sort of split the trial and I could then demonstrate that to Standish, at least, that I could handle something on my own. So, he basically gave it to me. As I said, what it did is whet my appetite for more trials which meant I left to get more trials because it is hard to get trials in these firms. It was hard then, it is hard now.

MARY BETH HOGAN: You said you loved it. What is it about a trial that you love?

MARY JO WHITE: Well, trials to me -- well, I am older now and I have had more trials, they're your highest highs and lowest lows. But, on those two trials there weren't many lows.

SOUTHERN DISTRICT REPORTERS, P.C. (212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)

so I hadn't experienced the lows of trial at that time. I actually like, again, sort of figuring out what is persuasive. I like the people aspects of it. When you have a jury there is that aspect of it and translating it, whatever the subject matter is, into something that laypeople, for the most part, can understand. There is nothing like the drama of a jury verdict, particularly a criminal jury verdict but also a civil jury verdict.

You have to distill things down to their essence which is one of the reasons that I love the law anyway. I mean, I like that exercise, that mental exercise and you have an audience that will vary that you have to present that to in a way that they decide with you. And it is competitive.

MARY BETH HOGAN: And you like to compete?

MARY JO WHITE: Yes.

MARY BETH HOGAN: So, you had great experiences it sounds like, you were very fortunate it sounds like --

MARY JO WHITE: Very.

MARY BETH HOGAN: -- in those couple years. Were there any times during those couple years as an associate where you didn't have such a great experience or questioned your decision to be at a firm and be a lawyer?

MARY JO WHITE: I don't remember any particularly bad experiences. One thing that I do remember is concluding that I didn't have the right mindset to pretend I was the last person
Mary Jo White - Trailblazers interview (corrected version)
on the line of something, whether it is a brief or any other
task when I actually wasn't.

So, what you do as a young associate is you draft the
brief and then it gets edited 19 times by several other people
maybe. I could do two drafts, maybe three, but I'm not going
to do eight when I know it is going to go through that process
and I'm not the last person on the line. So, I do remember
concluding that to fully grow as a lawyer I needed to leave the
law firm context in order to have my own docket of cases where
I was truly the last person on the line.

MARY BETH HOGAN: Do you think that it is different in
any way for people coming out of law school today who are going
to what I will call a big law firm which Debevoise was at the
time --

MARY JO WHITE: Right.
MARY BETH HOGAN: -- a big law firm, and is still
considered a big law firm --
MARY JO WHITE: Right.
MARY BETH HOGAN: -- although there are mega law
firms now.

MARY JO WHITE: Right.
MARY BETH HOGAN: But, do you -- you know, the
industry has changed a fair amount since the 1970s and I think
law firms have changed a fair amount. How different do you
think it is for somebody coming out of law school in 2013, for
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)
example, and starting at a big law firm than it was in '76,
'77?

MARY JO WHITE: First, I think it is a lot harder.
The jobs aren't as plentiful but once you get to the law firm I
think it is probably tougher just the way the marketplace is
structured and the firms are structured to get the kind of
experience I had. I don't know if I started today I would get
two trials. It is more hierarchical, I think to some degree,
which is unfortunate.

I mean, I remember when I was recruiting associates
for Debevoise earlier on I would distinguish Debevoise by
saying that, look, you are not going to have to go through
three layers of associates to get to me, you know, as the
partner. We have a much more collapsed structure so that you
get that kind of one-on-one experience with the partners. And
I think that's much rarer now. I think you try to do that, at
least on some cases you have but I think it is much rarer. I
think it is harder to get a rich experience in these law firms
now. I still think it is excellent experience, however, in
ways that are not necessarily intuitive.

There is the whole Zeitgeist to do the best job you
possibly can on everything and you usually have the time and
resources to do that; a little less so today I think than in
1975 or whatever, and that sticks with you when you are in
settings where you don't have the time or the resources. You
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)
still have that sort of this striving for excellence, probably
striving for perfection as law firms get hit over the head for.
It is an enormously important mindset to acquire and I think
you acquire that uniquely in these large law firms, actually.
So, I think it is an excellent experience in that respect.
MARY BETH HOGAN: Now, you are a great strategist and
you mentioned how it is different to be in a big law firm today
than it was back then and it may be harder to get the different
kinds of experiences but I want you to try to think of yourself
as a first year law student now, say, starting at Debevoise or
another large firm. You would figure out how to succeed and
how to get good work experiences and I just wonder what you
would do, given the world as it is now, and the firms as they
are now.
I think what I would do is, well, figure out what work
there is that I find particularly interesting. If you are
motivated, if you are doing things that you find very
interesting. And kind of on an equal level I would figure out
which partners are particularly interested in giving me maximum
responsibility and who run their cases in a way that are not so
hierarchically run so that I would have the --

JUDGE BARBARA JONES: This is July 7, 2015, and we are
continuing the interview of Mary Jo White for her oral history
and we are at Debevoise & Plimpton between 1976 and 1978.
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300
Mary Jo white - Trailblazers interview (corrected version)
Mary Jo, you mentioned that you didn't remember any
particular female associates in the litigation department or
any, and I wonder if there was anything that struck but
Debevoise at the time about the lack of women or whether you
thought this was just a normal occurrence.
MARY JO WHITE: I probably thought it was a normal
occurrence and not having sort of been out in the world until I
went to Debevoise. I think Debevoise was a place, although
there weren't in numbers that many women, that was quite
encouraging of women. To some degree I think the firm didn't
know what to expect of women either and so I always felt like
in my case that they just thought that's how women were,
however I was, and that was a good environment for me because
that allowed you to be yourself.
JUDGE BARBARA JONES: Were there more women in
non-litigation departments at Debevoise or do you remember?
Was litigation shied away from by women?
MARY JO WHITE: No question there were more women in
corporate and also trusts and estates. Those, I think
traditionally, not just at Debevoise, have been thought of as
more conducive to women lawyers. It certainly wasn't a
requirement that you not go into litigation but I think at that
point in time I don't think that many women were attracted to
litigation and I think there was an assumption that corporate
and trust and estates, maybe tax were better places for women
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300
Mary Jo White - Trailblazers interview (corrected version)
to work.
JUDGE BARBARA JONES: Do you remember whether any of
the women attorneys at that point in time in Debevoise had
children or were having children and whether there were any
issues about that?
MARY JO WHITE: The only woman that I recall having
children, there may be others but the one I recall was Barbara
Robinson who was the first woman partner at Debevoise and she
actually took, I think, two years off and then came back to the firm. One consequence of her having a family, though, at that point in time, was she switched from corporate to trusts and estates I think with some encouragement from the firm thinking that would have been easier for her to manage. I remember when I learned about that, which is actually the day after I became a partner at Debevoise, I was taken aback by it at the notion that someone who had chosen corporate as their area to practice in had made that big an adjustment which I didn't think would necessarily be required because you had children.

JUDGE BARBARA JONES: I know that Debevoise has a part-time policy for women who are mothers and I want to skip forward to when you went back to Debevoise and I assume there were more women there. Did you see growth in sort of recognizing the issue of women having children and figuring out ways for their firm to accommodate that and not harm the woman's career?

MARY JO WHITE: No question about that. Tremendous progress in a pretty short period of time. I think before I left Debevoise to go into the government, or perhaps it was when I first came back from the government, I did have a hand in actually establishing the first part-time program for then women lawyers -- now any lawyers -- so that they could better accommodate family responsibilities. One thing that is still unique about Debevoise, it is not by itself but it certainly at the time was, that you could actually become a part-time partner after being a part-time associate. That was a huge sea change for the major New York Law firms and made a huge difference, I think, in terms of keeping the very talented women in the firm.

JUDGE BARBARA JONES: And I gather that men are also permitted to go part-time?

MARY JO WHITE: Yes, and some have done that. That's a more relatively more recent phenomenon but that's occurred as well.

JUDGE BARBARA JONES: And you think part-time partners has worked?

MARY JO WHITE: I think it has worked very well. I mean I think -- you know, I wasn't a part-time partner. I was actually once encouraged to become a part-time partner to give the program more credibility early on and I didn't do that because I knew I wouldn't work part-time so I -- you know, I would work full time but be called part-time and be paid part-time so I didn't think that made sense, frankly.

It is not easy. I mean, look. You always have bumps in the road about do you get the same quality of work or not and can you balance it and it is not an easy balance, it never is and it always has bumps in the road, but I think because they've been doing it long enough and successfully enough that I think you find everybody declaring it a real success.

JUDGE BARBARA JONES: Did you have any particularly good or bad experiences as a young associate?

MARY JO WHITE: Well, I think in the good column I would certainly point to the early trials that I was involved...
in, just tremendous experiences. I think when I came back to
Debevoise before I became a partner I was there about a year, I
came back from the U.S. Attorney's office before I became a
partner and I was on a major criminal matter for a client and I
do remember there being some concern about essentially my being
in charge of this major international criminal investigation
about how the client would react to having a woman,
particularly a young woman in charge of the matter. I put this
in the good column, not in the mixed column even, and I
remember being on the phone with the most senior partner, in
fact I think it was the presiding partner at the time in his
office on the speaker phone with the most senior litigation
partner who didn't know, I think, I was sitting in the room and
there was some discussion about my surfacing -- this had been
early on in the representation -- my surfacing with the client.
And the presiding partner, the most senior partner said, you
know, I think it is beyond time that the client sees the person
who is actually doing their work and they'll just have to get
used to it. So, I thought that was pretty -- it is too bad
that exchange had to occur in order to have a woman surface
with a major client on a criminal matter in particular but the
fact that it did occur and the firmness with which the lead
partner in the entire firm said no, no, no, she's doing the
work, she is going to surface with the client.

JUDGE BARBARA JONES: That's a pretty great story.
Would you consider that lead partner a mentor?
MARY JO WHITE: No. But I would consider him
extraordinarily important.

JUDGE BARBARA JONES: All right. We are going to move
now to the period of time when you were the U.S. Attorney or
went to the U.S. Attorney's office which was 1978 to exactly
when did you leave, Mary Jo?
MARY JO WHITE: June 1981.
JUDGE BARBARA JONES: June 1981. First of all, when
did you decide you wanted to go to U.S. Attorney's office?
MARY JO WHITE: I probably decided I wanted to go to
the U.S. Attorney's office in early 1978, probably sometime
mid-1977 which would mean I was basically back at the firm
about a year and a half or more, almost two years, and decided
to -- I mean, I didn't want to go to the U.S. Attorney's office
right out of my clerkship because I thought at the time it was
a little bit of an old boys' network, fraternity-like
atmosphere. For whatever reasons, went back to the firm, had a
very good experience. Enjoyed the trials tremendously which
made you want more of the trials and I also concluded that --
and this isn't true of everyone -- that I couldn't grow as much
as a lawyer, certainly not as quickly, if I wasn't the last
person on the line responsible for my own caseload. I couldn't
sort of pretend that there weren't eight other people reviewing
my brief. And so, I really looked at it as extraordinarily
interesting work, I would get more trials and I would grow
faster and further as a lawyer.

JUDGE BARBARA JONES: Was there anyone who strongly
advised you to go to the U.S. Attorney's office or was
particularly influential with you in making that decision?
MARY JO WHITE: No. I think I decided that on my own. I obviously knew the kind of work they did from my clerkship days. I certainly heard everyone say it is the best job they ever had so there was no reason for me to doubt that, a sort of collective response to working in that position, but I don't actually remember any discussion with them -- I may have had it but I don't remember discussion with anybody in particular.

JUDGE BARBARA JONES: Were there former assistants at Debevoise at the time?

MARY JO WHITE: There were former assistants at Debevoise; Bob King and Bob Geniesse, I think Charlie Updike might have been there as well. So they were older than me but, you know, they had been assistants and obviously talked very glowingly about the experience.

JUDGE BARBARA JONES: And who was the U.S. Attorney who hired you?

MARY JO WHITE: Bob Fiske.

JUDGE BARBARA JONES: How was it switching from Debevoise where you did have a lot of responsibility including trials, your own trials, to the U.S. Attorney's office?

MARY JO WHITE: I got one trial and I participated in another trial. Look. It was like why didn't I do this sooner? A died-and-gone-to-heaven reaction. Literally it was your own caseload. I was in the criminal division. In those days in the first year there in the General Crimes Unit, you know, the cases were relatively small, they varied but you could easily get your arms around a lot of cases which is what I did and you had full responsibility for them from investigating them to indicting them, to trying them if they went to trial and to doing the appeal. And so, I felt like I was sort of meant for this job. I mean not in an arrogant way but I enjoyed it instantly.

JUDGE BARBARA JONES: I have heard that you indicted more cases than any other Assistant U.S. Attorney in the general crimes unit in your first year.

MARY JO WHITE: I believe that was true. I don't know if it is still true. Yes. I mean, look, I loved the job. High energy. I think I am a pretty efficient person and so I could kind of figure out how to get from A, to B, to C. Most of the cases pled, in other words the defendant pled guilty to the cases. I regarded the cases differently in terms of how much work needed to be done before bringing the indictment. Once in a while I would be surprised like in a tax case and they would go to trial and then I had to scramble a bit to be sufficiently prepared to take them to trial but, you know, again, things are a reflection of just mainly how much I liked the job.

JUDGE BARBARA JONES: So who were your supervisors in general crimes and did you go to them for help?

MARY JO WHITE: Sure. Three deputies; Shirah Neiman, Don Buchwald and Tom Engel. In the U.S. Attorney's office then and now I believe the first three trials you have a second seat. I had both Tom Engel and Don Buchwald as two of my second seaters, so obviously I relied heavily on them during...
those trials. And when I had a question I would go to the supervisors but I think, again, making sure the job, at least I was told by the supervisors that I generally didn't have all that many questions but when I did I went without any hesitation.

JUDGE BARBARA JONES: So, how did you learn, when you got to the U.S. Attorney's office and had never done any criminal work, to do a bail hearing? To present something to a grand jury? And you have sort of told us how you learned to try a case but maybe you can tell us a little bit more about that.

MARY JO WHITE: The first day I was there Peter Sudler was my person and he wanted me to go that day to the bail hearing and do it. I did decline to do that because I had not a clue what to do. So, I had some modicum of thinking, I needed to know a little bit more than nothing before I showed up in federal court. But when I had a proceeding, that's when I would ask questions. I would say, okay, this is a bail hearing, this is a grand jury, what is it you do? So, what are the various elements of what you need to know? Then I would learn everything I could possibly learn about those elements and then do it.

You learn by talking to people about what was involved in the proceeding and I did a lot of them. I did a lot of those different proceedings. Trials are different. I mean trials you always, you know -- well, in everything you are always learning but you are particularly always learning in trials, no two are alike and, you know, that was a much more intensive discussion with the senior assistants to learn how to do that both during the trial and before the trial.

JUDGE BARBARA JONES: How many hours a day did you put in, typically, in the U.S. Attorney's office?

MARY JO WHITE: Hard to tell. I would say 16? 14, 16 hours a day.

JUDGE BARBARA JONES: And you slept also at some point?

MARY JO WHITE: Yes. I always slept about four hours a night and so, you know, that came in handy.

JUDGE BARBARA JONES: In the general crimes unit did you work together with other assistants or was that not something that occurred in those days?

MARY JO WHITE: Not as much as I think later on when you typically had multiple assistants, at least two on trials and major investigations. It was more solo in those days but you clearly -- it was like a college-like atmosphere. It was terrific. I mean, everybody helped everyone else when you couldn't -- you know, when you were on trial and other matters had to be covered, people did it willingly. That was part of the experience. If there was ever an outlier among the assistants who didn't do that they sort of had the brand on their head and, you know, you weren't really a true Southern District of New York AUSA. So, it was very collegial, lots of
talking to each other but the work was fairly solo.

JUDGE BARBARA JONES: How many other women AUSAs were there in general crimes at the time? If you remember.

MARY JO WHITE: I don't remember but I would say there were probably, I would say about six -- six to eight maybe,
eventually; Sarah Moss was there, Mary Ellen Kris was there,
Ronnie Mann was there, Denise Cote was there, Barbara Jones was not there, she was on the strike force. And Bob Fiske made a point of, which is to his undying credit, of making a decision when he became U.S. Attorney to seek out and hire women because it wasn't an issue, there were qualified women to hire because there were many, many, but to hire, if you could, about 50 percent women in the criminal division. And he, by and large, did that and it transformed the U.S. Attorney's office in that way.

JUDGE BARBARA JONES: This may be a difficult question to answer but you were pretty much the solo woman litigator at Debevoise and then in the U.S. Attorney's office there were several women in just your general crimes class and other women in the U.S. Attorney's office as well. Did that affect you in any way?

MARY JO WHITE: I am sure it did. I mean, I think the numbers matter. I think you are more comfortable in a setting where you are not the only woman or one of two. I think you may not even know that when you are in that setting because you just -- it is what it is. But then you get to another setting where there are more women with similar outlooks to you in terms of you're all litigators, obviously, or one thing, and I think it makes a sea change of difference in terms of your comfort level. And, frankly, I think it makes it easier to succeed when that's the environment that you are in and I think to this day and I think you find almost a person, if not to a person every woman, Assistant United States Attorney from that era and probably after that, saying that they're best friends for life were made in the U.S. Attorney's office. That was very different.

JUDGE BARBARA JONES: Let's switch to judges for a minute. This is pretty early on for the profession and seeing a lot of women or any women in court. What did you think was the reaction or what was the reaction of judges when you came into court?

MARY JO WHITE: They thought I was short. I don't really, know, this may just be earth to me, I didn't sense any resistance to that. And there had been women before me in the U.S. Attorney's office and obviously from the private sector as well. I don't recall at all, frankly, any sort of inappropriate remarks or any barrier that I thought was there. I may not have perceived it from my being, you know, the prosecutor happened to be a woman. I think to some degree you had judges who may well have taken it upon themselves to be extra encouraging of women actually, if anything.

JUDGE BARBARA JONES: You mentioned that you met some of your best women friends during the time you were an assistant and you have already named many of them. Could you...
tell us about a few of them and what they went on to do?

MARY JO WHITE: Yes. No, it was a remarkable group. I mean they -- Barbara Jones, I mentioned before, obviously she already established herself in the Strike Force, later became the first woman head of the Organized Crime Unit in the U.S. Attorney's office, went on to become a Federal District Judge. Sarah Moss, another of my best friends to this day also was, had a number of general counsel's jobs. She is the general counsel of Estée Lauder and one of the women leaders in the bar. Denise Cote became a Judge. Mary Ellen Kris went on to not only law firm experience but all kinds of other different jobs and made her mark.

JUDGE BARBARA JONES: You know, you have already talked about why you think it is good, was good for women to be not just the one or only woman at some place but to have other women around them. Is that what made the U.S. Attorney's office such a great breeding ground for successful women or were there other attributes?

MARY JO WHITE: I mean, I think that helped for sure but I think it was really -- it was the nature of the job because I think once you have had that experience not only is it a great experience when you have it, it sticks with you for life. It is an incredible foundation for whatever else you do later and so I think it is really a combination of having other terrific women around you doing the same thing but it is also just the nature of that job which is why I think what Bob Fiske did was just so important.

JUDGE BARBARA JONES: So there is no interview that can be complete without asking you about your role on the women's basketball team with a bunch of other women obviously from the U.S. Attorney's office. Any particular memories about that team?

MARY JO WHITE: Yes. I took Barbara Jones' starting position on the team which she has never let me forget. I could shoot from a far distance, I had what was called a rocket shot. I was terrific if I wasn't guarded but I'm 5 feet tall. So, finally when the opponents woke up to the fact that they put two people on me I couldn't possibly shoot because I was completely overwhelmed height-wise but it was a terrific experience. It was a great group of people, great group of women. We did very well for a couple of years there. Again, I think it is part of the bonding experience, I guess it would be called today, among women.

JUDGE BARBARA JONES: Just for the sake of editorial truth, I gather that when the success of that team occurred there were some ringers on the team?

MARY JO WHITE: Yes, there were some ringers on the team. I think that is only appropriate if you want to win then you have ringers and it was allowed. I wasn't one of the ringers, I was one of the regular people.

JUDGE BARBARA JONES: Let's go back for a minute to the U.S. Attorney's office and its structure. Were there any senior women in leadership positions when you got there?
MARY JO WHITE: Sure. Neiman I mentioned, who was one of the deputies of the Criminal Division and I think if not the first one of the first women in the Criminal Division in the U.S. Attorney's office. Pat Hynes was in the office, she started in the civil division and was in the criminal division at an executive position. Both of them are just tremendous, gifted lawyers and mentors so that was very important.

JUDGE BARBARA JONES: Could you tell us about, just pick a couple of your favorite cases or trials as a young assistant?

MARY JO WHITE: Well, I guess my first trial is the one -- everybody remembers their first trial -- which was in front of Irving Ben Cooper who was his own force of nature. The defendant was Edith DeJesus and essentially what she had done is to weigh the cocaine for her husband who was obviously the major defendant in the case. She made the mistake of weighing the cocaine in front of their 10-year-old son which, rightly, deeply offended the trial judge and so he was basically of a mindset that was helpful to the government I would say -- not inappropriately -- but really wanted to make sure that all of the evidence did come in. I remember I was feeling -- a little bit guilty overstates it, but had some sympathy which I kept and I frankly sort of kept and I think it is a good thing to keep some sympathy for your defendants, or most of them, until she took the stand and then lied to me as I was asking her questions. Then my attitude hardened a bit. She was convicted. I remember that I would not move to remand her and so the senior assistant from whom I had gotten the case came over to do that. Why wouldn't I do that? Because I thought the 10-year-old goes into foster care. She was remanded. And I remember to this day the way the courtroom was arranged and the prosecution table is in the front, the defense table was behind you and I remember hearing the handcuffs clicking on her wrists to this day.

I think what that brings home is just I caused this to happen in some sense and how serious this business of criminal trials is, any criminal trial. So, that's one that is probably the most memorable in some way.

I guess the other -- you know there are a lot. Everybody has all kinds of war stories about every trial they've had. I guess the other was probably when I convicted the, at least self-proclaimed propaganda minister of Omega 7, the Cuban terrorist group, for perjury for lying about two Christmas cards that he had sent that were rather threatening to a journalist and that was -- I had to call the teenage daughter of the defendants -- something you obviously don't do lightly -- in order to prove, in effect, chain of custody of the typewriter that typed the message on the Christmas cards. The presiding judge in that case, Judge Palmieri, was not happy with me for having done that, he just thought that that was a step too far until I explained it in the summation that one had to do that in order to prove chain of custody. And then afterwards he said -- actually I think he said it to the jury, that he was glad to hear that there really was a compelling reason to do that. And so, he was convicted, sentenced to
you know, it is a perjury case, two years, three years, something like that, but it was the first Omega 7 terrorist that had been convicted.

JUDGE BARBARA JONES: I think you had one trial where you created an exhibit that became a story that went around the U.S. Attorney’s office. Do you remember that?

MARY JO WHITE: Yes, I remember that one. That was Matty Benjamin who was a stock swindler and I was chief of appeals at the time I think I tried that case. It was a case someone else investigated and the case was really, I believe, a criminal contempt charge because he was being tried on

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)

more serious pending securities fraud charges in the case, and he had been enjoined from moving money out of various bank accounts. He proceeded to take $100,000 out of one of these accounts, that was the contempt of Court we were trying. We had the money in a big baggie or whatever. I had been taught by Don Buchwald actually, my first second seat in trials, that you want your exhibits and the way you number them to actually convey a message. So, I marked the exhibit Government Exhibit 100,000 which I think took the Judge a bit aback, Judge Haight. He moved on, but so that’s the story there.

JUDGE BARBARA JONES: YOU touched on the notion of a prosecutor using their discretion when you discussed your not wanting to remand first the woman defendant in the first case you talked about. When you got to the U.S. Attorney’s office, did you already have discretion? Did you learn discretion? What did you figure out when you were there?

MARY JO WHITE: That’s hard to say. I think it is hard to learn discretion and judgment beyond a certain point. You learn it to a degree. I think some of it you come with or you don’t, to some degree. When I later became U.S. Attorney the most important quality I felt like I was interviewing for -- I mean, there are highly qualified applicants across the boards grade-wise, experience-wise, but how is that person going to use that discretion? Are they going to be a cowboy? Bad thing. Because there is, I think, nothing uglier than

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)

seeing prosecutorial discretion abused. And so, I think you certainly learned more about it. I mean, I mentioned the Edith de Jesus story -- it never leaves you that you are causing this person to serve time in jail. That is sobering and I think if you think about it, you know, it makes you think harder about your exercise of discretion but I think, you know, in an office that typically has relatively most people relatively young lawyers, I think the senior lawyers including the U.S. Attorney for that matter need to be quite vigilant for making sure everybody in the office, not just those that come with it naturally, exercise good judgment and discretion.

JUDGE BARBARA JONES: So when you got there, as opposed to being a Debevoise, did you have a sense of the tremendous power that you have? Did you think of it that way?

MARY JO WHITE: I certainly in a cause and effect way thought of it that way and certainly I thought of it in the way these are, you know, my own cases and so that’s, I guess, you know, a feeling of power in a sense, certainly more a feeling
So, I think, yes, is the answer to that but I think the recognition of having that power also brings with it, okay, I need to wield this power with discretion, with compassion, as well as with appropriate aggressiveness.

JUDGE BARBARA JONES: Last question in this area.

MARY JO WHITE: It is hard to say you weren't because I think you would be being naive if you said you weren't but, again, I go back to I could not point to any instance where I could say, you know, I am being treated differently. I think a lot of that is also for women, how you react to the first sign of being treated differently, particularly if you think it is negatively differently that you just kind of roll with that punch and go on and do your job and you sort of get past that point. But, you know, I remember when I was in the private sector once sort of playing a little bit to that to a jury. So, you are certainly aware that you may be having a different reaction on your audience because you are a woman.

JUDGE BARBARA JONES: You know, I forgot one area. You did become chief of Appeals. How would you compare that to being a trial lawyer?

MARY JO WHITE: One of the things I had to be sort of -- I don't want this to be taken the wrong way but I had to be dragged into being chief of Appeals because I had really come to the U.S. Attorney's office to investigate and try cases and I wanted to continue to do that. So, what I did was I sort of conditioned my acceptance into going to appeals on the understanding that I would continue to try cases, which I did.

They tended to be relatively important targets but small cases. I mentioned that Matty Benjamin was one of those cases and I had a couple of others. But, look. I loved being chief of Appeals as well. I think it is a -- I loved arguing in the Court of Appeals which, you know, you typically argue your own cases and, you know, I certainly didn't reach out and take people's cases in the Court of Appeals but probably I didn't like -- there is nothing I enjoyed more my whole career than arguing the Court of Appeals in the circuit, even though later on in my career I almost never did appeals by happenstance.

JUDGE BARBARA JONES: Including trying cases?

MARY JO WHITE: Including trying cases. No, really, I very much enjoyed -- and those were the days of Henry Friendly and judges like that. You were asked difficult questions. I always felt like -- I mean, you can always get a left field question but really I had already thought of the questions and how to answer them. I just found that a very challenging, satisfying, however nerve-racking experience.

The other story I tell about being chief of Appeals, I did that last before I went back into the private sector. And when I left Debevoise & Plimpton I was known as the second worst proof reader next to Francis Plimpton and when I came back I was known as the best proof reader at Debevoise & Plimpton. Why? Because you are the last person on
the line and your name goes on every brief. So, that was a
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)

side benefit.

JUDGE BARBARA JONES: Now, it is true that you are
short. I believe you were also short at the Court of Appeals
when you got up to the podium?

MARY JO WHITE: Yes. Yes.

JUDGE BARBARA JONES: Is there any particular event
you recall about that?

MARY JO WHITE: No. Not about being short other than
you had to see over the podium, obviously. I do recall it
during one particularly long argument where we lost the -- I
lost the appeal, Patrice Mespolde was the case. Irving
Kaufman was the presiding judge and it was a double jeopardy
kind of question where I was having to argue Henry Friendly's
decision either was wrong or didn't apply in these
circumstances. And I had some, you know, minor illness that I
was just coming back from so I was sort of holding myself up at
the podium and let the judges know that I, indeed, was doing
that. But it was one of the best arguments I had, frankly.

JUDGE BARBARA JONES: Despite your disposition.

MARY JO WHITE: Despite my disposition.

JUDGE BARBARA JONES: Now, you left after three years
I think?

MARY JO WHITE: Three and a half.

JUDGE BARBARA JONES: Three and a half; yet you had
loved the office. Was there a reason you felt you should leave
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)
after three and a half years?

MARY JO WHITE: In those days the average tenure was
about three to four years. That's not the whole answer for
that. Debevoise had tried to get me to come back earlier and I
had declined because I was having such a great time. You know,
I think I -- you know, again, I went to appeals with about a
year left in that three and a half years, did continue to try
cases but I, you know, undoubtedly incorrectly but had decided,
given the course of my trajectory in the U.S. Attorney's
office, I learned an awful lot from that experience and really
was ready to move on. If I had stayed I would have needed to
figure out the next phase in the U.S. Attorney's office which
is not always obvious or so easy to do once you have tried a
lot of cases and been the Chief of Appeals.

JUDGE BARBARA JONES: You went right back to
Debevoise. Was there any other thought in your mind about
going anywhere else?

MARY JO WHITE: I had a couple firms reach out to me.
The one that I really considered again was Paul Weiss where I
had also been a summer associate but, you know, Debevoise I
have always thought is a special firm.

JUDGE BARBARA JONES: So, when you went back to
Debevoise, I think that was 1981, how soon after you went back
did you become a partner?

MARY JO WHITE: I think I became a partner -- I think
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)
Page 41
I became a partner effective January 1, 1983 and was voted to become a partner sometime in 1982.

JUDGE BARBARA JONES: What was it like to be, I guess the second woman partner at the firm after Barbara Roberts?

MARY JO WHITE: I think at that time there were about 75 partners at Debevoise, there were two of us. You notice that in the partnership lunch every week. I didn't attend all that often but I did attend and you notice that. I remember one story that -- and I guess this is responsive, when I was nine months pregnant which I was in 1986 -- 1985-1986 that I was -- I think I was in charge of associate salaries or something so I was presenting it to the partners, whatever recommendation was on raising salaries, whatever, and the presiding partners, George Lindsay said: Mary Jo, would you stand? And I said: George, I am standing. So, that sort of broke up the moment. I am not sure that is a woman-related question or just a height-related question but I do think it brings home in any group how supportive they are of women, however principled, high-minded they are that in, you know, a group of two women and 75 men the men are more comfortable in that setting than the two women and occasionally there can be an off-color joke or somebody that nobody thinks anything of but hits you differently when you are a woman and particularly when you are one of two women in that group of 80 men.

JUDGE BARBARA JONES: Well, let me ask you this: Do you have any advice for women who still find themselves in that position today? There still aren't that many women partners, as I understand.

MARY JO WHITE: No, but it is better when it is more than two. 10 is better than two. And there is a stubborn 17 percent ceiling of sorts that seems to have settled in on the big firms for how many women partners there are.

First, get more women. Do everything you can to promote the young women in your firms so that there are more women. If you find yourself in a situation where you are the only -- and I still have situations today where I have, you know, the only woman or I am one of two out of 40 or whatever may be but yourself, I don't know how else to say it. I don't know how you have gotten where you have gotten without a lot of skill, a lot of hard work, presumably you have a fair amount of confidence, you need to relate to the situation on the merits, as I would say, and do your thing.

JUDGE BARBARA JONES: Let's switch this for a minute to you as a partner who will have both male and female associates working for you. Did you feel any differently supervising women as opposed to men?

MARY JO WHITE: I actually -- no is the answer to that. I think it is probably a failing on my part. I think there were others of my woman partners at Debevoise, Barbara Robertson we have mentioned, Lorna Schofield is now a U.S. District Judge, Mary Beth Hogan now who is the co-chair of litigation at Debevoise who I think made more special efforts to bring along, mentor the female associates not to the exclusion of the men but nevertheless really made a special effort. I made some effort, I don't mean to suggest I didn't,
but I think I basically regarded male and female associates the
same.

(Pause)

JUDGE BARBARA JONES: Mary Jo, do you want to finish
that answer?

MARY JO WHITE: Yes. One of the things I remember
doing, I did a fair amount of internal investigations for
clients in the '80s now and I was partner and when we were
doing most of them anyway I actually made a point of having
male and female associates who did the interviews because I was
concerned about the audience, you know, in other words I wasn't
concerned about having two women do the interviews from my
point of view whatsoever but I was concerned about those -- the
clients and the third-party witnesses might have an adverse
reaction to women. And so, I don't think Barbara Robinson and
Mary Beth Hogan and Lorna Schofield employed that kind of MO
because the thought is to get used to two-women, three-women,
an all-woman team. I was probably a little bit slower to come
there kind of waiting for society to catch up.

JUDGE BARBARA JONES: Now, you mentioned that you had
your son at the same time that you were a partner at Debevoise
and that would have been in 1986. Did you ever -- first of
all, how much time did you take off and did you ever work
part-time either before or after that birth?

MARY JO WHITE: I never worked part-time. I do
remember when I knew I was pregnant which would have been 1985,
I spoke to one of my women associates, Barbara Woodhouse,
brilliant lawyer, clerked at Supreme Court, taught at Penn
State I think, she came back to the law after she had her kids,
she already had 5-year-old, 10-year-olds at the time and I
remember what she said when I told her. She said:
Congratulations. You no longer do anything well. And what she
meant by that obviously is you are never at home as much as you
would like to be, you are never able to work as much as you
would like to because you are having to balance things.
I also remember very clearly, I was 38 I think at the
time, and I was partner and I remember thinking it would be
easier to be a mother as an associate and take advantage of
part-time or more easily take advantage of part-time but it is
better to be a partner when you are pregnant because you just
say -- and I did -- I'm not flying, I'm not going to whatever,
and totally in that period of time did the work I thought I
wanted to do. Did not travel. Explained to my male partners
I'm not going to Cleveland because I'm not flying while I'm
pregnant.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

And then, afterwards, I didn't know how long I would
stay out. I ended up staying out only six weeks. The reason
for that was that my husband and I -- I don't know if it was a
mistake or not, probably not, but we hired a baby nurse after
our son was about 5 weeks old. As soon as that happened it was
like I was on the third wheel so I think that had me go back to
work sooner than I would have otherwise. I lived very close to
the firm and so I came home at noon and came home early and
that kind of thing but I never worked part-time.

JUDGE BARBARA JONES: So, let me ask you this at the
risk of being indelicate: Did you decide to start your family when you were a partner or did it just all happen that way?

MARY JO WHITE: I think it all happened that way. I mean I certainly, you know, there is a lot of discussion about people waiting until they're partners. I am absolutely not conscious of that at all. It doesn't mean it wasn't operating in some unconscious way, I suppose.

JUDGE BARBARA JONES: We talked before about the part-time program which I think you said you were instrumental in starting up and administering. How did most of the partners at the firm react to that? Was it generally accepted? Were there a few people who didn't like it? Some of the male partners, some of the female partners? Did it take a while for it become accepted at the firm?

MARY JO WHITE: I think it took a while in some corners to be accepted. I think the principle was accepted pretty much from the beginning. Again, as I mentioned, I think at least Debevoise was a firm that they didn't know exactly what to expect with more and more women and senior women in particular coming into the work force and so they responded quite constructively to whatever the demand characteristics of more women in the firm really dictated, I think, but certainly there was skepticism on the part of some. I think there is no question that you have to work very hard at making sure the quality of the work stays as high as it can. I think you have to work very hard to make sure you are not, in effect, violating the agreement as to how many hours, how many days a week. Work has a way of kind of overtaking that so I think it is a challenge at both ends for the firm, really all ends -- the clients, the firms and also the person who is on the part-time program. But over time I think it, you know, I mean it took time but really was quite successful.

JUDGE BARBARA JONES: Do you recall during this time period discussions where maybe it was a discussion for whether someone was potentially partnership material or just evaluation of an associate where discussion of a part-time came up, the fact that they had worked part-time?

MARY JO WHITE: I don't recall it. It might well not have come up in those words if it did come up just because the idea is that, you know, it is something that the firm has established and certainly should not ever be considered a negative and we did have, as I mentioned, Debevoise, the ability to become a part-time partner as well as part-time associate. And you always have discussions in partnership meetings about commitment -- commitment to the work of the firm -- and I think one always had to question whether negative comments on someone's commitment sometimes didn't relate to that.

JUDGE BARBARA JONES: So, let's go back to your having your son and you went back to work after six weeks. What was it like, though? Was it different once you had your son, working?

MARY JO WHITE: It is different. Sure it is different because your emotional grounding is different. Your time is split so it becomes kind of harder to do both jobs as Barbara...
Woodhouse said and you have to just figure out the best strategy for you to be able to be comfortable with the balance you strike. I mean, I still continued to work very hard. Again, I sleep four hours a night so I had a few extra hours on some people in trying to effect that balance. You know, I never, going forward, I think.

--- flip tape ---

JUDGE BARBARA JONES: Mary Jo I think you wanted to go on with that last answer.

MARY JO WHITE: One of the things that my husband John and I did after our son was born was to sort of make an informal pact that while he was young we wouldn't travel -- we would try not to travel at the same time so one of us would always be home. And I remember when he was -- David was nine months old, literally nine months old. We were both, for the first time, scheduled to be away the same night; John was on business somewhere, I think I was supposed to interview at Harvard for the firm and at the last minute I cancelled so I would be home and that night David walked for the first time. So, you know, we would have both missed that moment if we hadn't kept that pact.

The point of the story is just to show you can't get back the time you are not there.

JUDGE BARBARA JONES: well, we have talked a lot about your being a working mom during this period at Debevoise from 1983 to 1990, let's talk a little bit about the work you were doing. Do you have any cases in particular, memorable cases, pro bono cases that you particularly enjoyed or were challenged by?

MARY JO WHITE: I had actually an early trial, very early trial, actually breach of an oil contract and we actually represented Clark Oil, a corporation which was the plaintiff. The whole case sort of turned on these very obscure accounting regulations and the case was assigned to Judge Edward Weinfeld, one of the most thoughtful, thorough, painstaking Judges. I remember this: He, two weeks before Christmas, decided and called up the parties and said we are going to trial on December 23rd or something like that which obviously wasn't the most welcome news someone got. We scrambled around to prepare. Last minute he -- as he often did, actually, I'm told -- reassigned the bench trial, reassigned the case to Irving Ben Cooper who in terms of judicial temperament and how he went about his job could not have been more different to try a case in front of. So, one had to sort of completely redo strategy, etc.

I ran the trial. We won the trial as I remember but what I remember most about it was we were losing the case, I felt with the Judge, until I had done something with the notes of the CEO of the defendant to show that he was not being truthful or that he otherwise was doing what made our client made the defendant liable. And so, I walked the Judge through these handwritten notes and his eyes just lit up because he kind of saw how it was pieced together and sort of saw it as a mystery unfolding before his eyes, if I can say it that way.

And then after that he was totally on board with the plaintiffs
side of the case, our side of the case. So, that one I remember.

I did a number of investigations, internal investigations, major ones of different kinds. Those are all important and memorable. I also participated in the Brenda SOUTHERN DISTRICT REPORTERS, P.C. (212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)  
Berkman pro bono case which is basically a case, pro bono case against the fire department trying to deal with the physical exam portion of the test to make it more possible for qualified women firefighters to get in the fire department. That was successful and quite memorable.

JUDGE BARBARA JONES: So, you leave Debevoise again in 1990, is that right?

MARY JO WHITE: Yes.

JUDGE BARBARA JONES: And was that part of your plan?

MARY JO WHITE: No. It wasn't part of the plan although I do remember when I became a partner, and this is no commentary on Debevoise or partnership in general but I do remember kind of going into my office and not coming out for two days thinking my life was over, I was going to be a partner for life and I like to move around so, you know, there was the thought that I would be anything for my whole life is not that attractive to me but, nevertheless -- nevertheless -- the assumption is you do it until maybe forever or until something else.

Andy Maloney, who I went to work for was U.S. Attorney, a great U.S. Attorney in the Eastern District of New York, needed to replace his chief assistant and so we were put together and the chemistry worked. He did have to ask me three times before I agreed to go. The thought was I might become his successor. You never know about those things. President SOUTHERN DISTRICT REPORTERS, P.C. (212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)  
Bush was the president at the time and so you know, after saying no three times, I said yes.

JUDGE BARBARA JONES: And you were willing to go to the Eastern District rather than the Southern District?

MARY JO WHITE: Yes, although I got a lot of, you know, comments about that. I think in some ways it was a little -- I liked the edginess of that. Believe it or not that is edgy in New York. Attractive. Kind of part of the attraction of the job.

JUDGE BARBARA JONES: Just to go back for one moment to your relatively long time period at Debevoise before you left to become Andy Maloney's chief assistant, were you doing mainly white collar?

MARY JO WHITE: It was a mixture of civil and white collar. White collar meaning any kind of enforcement work -- SEC, Department of Justice -- but there was also just a fair amount of civil litigation. I did a lot of work actually for the accounting firms, Price Waterhouse in those days, in particular Arthur Andersen. Actually, a jury trial that I participated in at Debevoise as a lawyer I represented Arthur Andersen in and accountants liability case that was pure civil, not enforcement. So, it was a real mixture.

THE JUROR: Did you feel qualified because of doing that work or more qualified, should we say, to take over as chief assistant in the U.S. Attorney's office because of that...
Mary Jo White - Trailblazers interview (corrected version)

MARY JO WHITE: Yes is the answer. I also answer the question yes that I was better qualified to be a partner at Debevoise because I was at the U.S. Attorney's office. I think that's the mix of your experience. I had great and I think deep and broad experiences in both the private and public sectors and I think each sector and myself benefited tremendously from that.

JUDGE BARBARA JONES: Was it as much fun being the chief assistant in an office as it was being a line assistant?

MARY JO WHITE: I don't think anything is as fun as being a line assistant including being U.S. Attorney in the Southern District of New York which I was for nine years. Although a fantastic job, Chief Assistant and Acting U.S. Attorney in the Eastern District fantastic job, but I don't think anything quite matches doing your own criminal cases as a line assistant. But, it is a terrific job and there were terrific cases in the Eastern District when I was over there that I was quite involved in. Eastern Airlines was indicted while I was there, I was very involved in that case. Very involved behind the scenes in the John Gatti case as well.

JUDGE BARBARA JONES: So, how different was it being a chief assistant with, arguably, Andy Maloney and a couple other executives as your partners than being a partner in a large firm such as Debevoise?

MARY JO WHITE: Well --

JUDGE BARBARA JONES: How different is the role?

MARY JO WHITE: Personally, I don't think there is anything as satisfying as being in the public sector. I don't think there is anything as being satisfying as being in the U.S. Attorney's office at least in New York when you compare that to even other public sector jobs. I think partnerships at certainly large law firms you operate at the partnership level relatively autonomously. Sometimes there is more than one partner on a case, obviously. In the U.S. Attorney's office, you know, it is more collegial. It is more collegial, I don't mean that in a negative way vis-a-vis the law firms, it is just the nature of the job as you are discussing with more people the major cases than I think happens in a law firm.

JUDGE BARBARA JONES: Let me go back to Andy Maloney for a minute. He asked you to become his chief assistant. How did you know Andy Maloney?

MARY JO WHITE: Andy Maloney -- as he would say but he deserves it: A legend in his own time. A fantastic trial lawyer in the Southern District of New York, actually. My friends Barbara Jones and Gary Naftalis knew him very well and I think both of them recommended me to him as a possible Chief Assistant.

JUDGE BARBARA JONES: So you talked about being behind the scenes certainly with strategy and, in particular, you mentioned the Gotti case. Did you miss not being the trial
MARY JO WHITE: Yes and no. I think I like trials. I think they have the highest highs and lowest lows as I have said before. I love the strategic part of trials whether I am doing it or not myself but, sure, anybody would give their right arm and a few other parts to try the John Gotti case.

JUDGE BARBARA JONES: Now, you eventually became the interim U.S. Attorney when Andy Maloney left. Did that change your day-to-day existence at the U.S. Attorney's office? Was it more stressful?

MARY JO WHITE: Actually, yes, it was more stressful. I mean, it actually came as a surprise to me the difference when he left because we were really doing everything together. The joke around the office -- it was a joke but I was kind of running the office as chief assistant and then when you all of a sudden are the last person on the line making all the major decisions you see how different that is than it is being; however active a chief assistant is, you are still the chief assistant, not responsible ultimately for anything that happens in the office. And so, you know, I was surprised by the difference in my life. Terrific job. I was there only six months actually as the acting U.S. Attorney. Good experience and transition to when I became the Southern District U.S. Attorney.

JUDGE BARBARA JONES: Now, in the Eastern District of New York were there a lot of female Assistant U.S. Attorneys in the leadership when you came in as both Chief Assistant and then Interim U.S. Attorney? What was the reaction in terms of you being a woman? I don't know, you may have been the first woman --

MARY JO WHITE: I think I was the first woman as Chief Assistant but you had a lot of senior women in the U.S. Attorney's office in the Eastern District when I came in; well established, among them Cathy Palmer who had tried major, major drug cases, very well known. Leslie Caldwell who later became involved in the Enron task force and is now the Assistant Attorney General of the Criminal Division in the Justice Department, very well established there. Loretta Lynch, both a young assistant when I came into the Eastern District, obviously now the Attorney General of the United States. I did, while I was there, have a hand in promoting her to a supervisory position. I think some people were surprised that Andy Maloney would pick a woman as his Chief Assistant U.S. Attorney which he took a lot of pleasure in, frankly, I think. You know, considering himself or others considering him kind of a bit of a chauvinist kind of late in the game chose a woman. We had a terrific relationship and friendship. But, I think I was well accepted pretty much from the beginning other than the fact I came from the Southern District of New York. There was a, you know, pretty strong rivalry between the two districts.

JUDGE BARBARA JONES: So you talked about your great relationship with Andy Maloney and how closely you worked together when you were there. I gather you would describe him as a mentor?
MARY JO WHITE: Yes. And I would describe him as possibly the only mentor I ever had. Again, it is a function of the times when I came into the profession. Now I think mentors both take their jobs much more seriously to function as mentors and there are more of them for women lawyers and other lawyers but, yeah, basically he stayed longer than he thought he would as U.S. Attorney and so I was there with him for two and a half years and watching him function as the U.S. Attorney in a major U.S. Attorney’s office with major cases and he was an exceptionally strong U.S. Attorney.

JUDGE BARBARA JONES: So, throughout your career and now we are up to the Eastern District portion of it, you must have experienced stress whether at Debevoise or in public service. What do you do to handle stress?

MARY JO WHITE: Sometimes it gets beyond thriving on it entirely. You know it is a reality of the job you have chosen which mostly has positive energizing qualities about it. You do have outlets with friends, you have outlets with, in my case running, going to Yankee games. You get away from it a little bit but I think you don’t do the jobs I have done unless you certainly can handle stress but I think beyond that thrive on it a fair amount.

JUDGE BARBARA JONES: All right. So, the job of the United States Attorney in the Southern District of New York comes up in 1993 and there had never been a woman as U.S. Attorney in the Southern District of New York. Tell us a little bit about how you decided you were going to throw your hat in the ring and what the process was like.

MARY JO WHITE: Well, I mean, again, I went to the Eastern District with some expectation that I might be appointed if I was lucky enough by President Bush —

JUDGE BARBARA JONES: To the Eastern District.

MARY JO WHITE: To the Eastern District, yes. A couple of things happened. Andy Maloney stayed longer than I thought he was going to and he thought he was going to. President Bush lost the election to President Clinton and so whatever plan there may have been for me to be U.S. Attorney in the Eastern District under President Bush, obviously that wasn’t going to pan out.

I wanted to be U.S. Attorney. I applied to Senator Moynihan’s selection committee and that’s kind of how the appointment process worked, the Senator and the party of the president recommended to the president who the U.S. Attorney would be and by and large the recommendation was taken. So, I applied to the committee to be U.S. Attorney in the Eastern District, not Southern District. I certainly had some people saying I should apply for the Southern District U.S. Attorney’s job but I felt, frankly out of loyalty to the Eastern District and I had been doing the job for two and a half years, that was the office I should apply to. And so I went through that process and ultimately, the forces being what they were there was lots of talk about my perhaps applying to the Southern District instead. Zach Carter, who ultimately became the U.S. Attorney in the Eastern District, was a well thought of, rightly so candidate for the Eastern District; he was from...
the Eastern District, I was from the Southern District. I mentioned that rivalry before. But, I resisted those efforts for quite some time although Andy Maloney would say I suffered a flesh wound only as a result of resisting those efforts.

So, at the end of the process Senator Moynihan called me to say I have good news for you. We want you to be U.S. Attorney but we want you to come across the bridge and become the U.S. Attorney in the Southern District of New York. You have that white collar experience that is so important in the Southern District. And I had already spoken to my husband anticipating this call because I had gotten some heads up on it and he said don't you dare turn down the Southern District of New York and I didn't turn down the Southern District of New York and obviously was thrilled to be nominated.

MARY JO WHITE: I could say two things about that. One, in this instance I was probably advantaged by being a woman in terms of being selected to be U.S. Attorney in the Southern District. I think the Clinton Administration was very focused on diversity. Obviously Zach Carter became the U.S. Attorney in the Eastern District of New York, an African American. A woman? Obviously. So, I think that feature was probably quite helpful to me in that process. I think I am qualified as a number of other people are qualified for the job.

Once I was appointed, look, I am sure that because there had never had been and guess still hasn't been another woman as the U.S. Attorney in the Southern District of New York that, yes, I think among sort of the old school there would be like, How can a woman do this job? I think the FBI is a pretty traditional organization. Was there some resistance there? Maybe they didn't show it to me and I think, you know, again, I think the key for women in those kinds of positions is just do your job. I mean, understand you may have some skepticism out there that is not vocalized related to gender and you just do your job and go forward. I do remember two or three years into the position, Milton Gould, one of the brahmas of the legal community at some function coming up to me saying, you know, you are just doing a fantastic job and none of us thought a woman could do that. So, obviously that prejudice was out there or that skepticism was out there.

JUDGE BARBARA JONES: At that point in time, though, that was the old, old boys network?

MARY JO WHITE: That was the old, old boys network, absolutely right. So, I didn't feel that. I was surprised to get the comment so that shows you how much I did not think it was a factor.

JUDGE BARBARA JONES: So, if you can, would you describe your leadership style when you were the U.S. Attorney? A lot of U.S. Attorneys would like to try the one case while they're U.S. Attorney. I don't think you tried cases.
MARY JO WHITE: No, I didn't try cases. You know, I
had thought about trying either a small case which I think
in some ways kind of strange for the U.S. Attorney to try if
you are the defendant in a small case you don't welcome that
either, and I also actually seriously thought about trying,
leading the trial team in the big terror trial, the blind
Sheikh Abdel Rachman. It turned out to be a nine-month trial
so it is very good that I didn't do that because I mean, look,
The U.S. Attorney's office of the Southern District of New York
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)
is extraordinarily busy with very high-profile, high-priority
cases. It is very hard to justify taking yourself out of
circulation for certainly nine months but for any significant
period of time.
I wish in some ways I had been able to try some cases
while I was there but really from before I got there we had had
the bombing of the World Trade Center. One of the unexpected
priorities of my tenure at U.S. Attorney was international
terrorism and probably spent 60 percent of my personal time
doing that. I, in effect, was the supervisor of what became
our Terrorism Unit, actually the first terrorism unit before
9/11 in any U.S. Attorney's office.

Leadership style, first I think the Southern District
had been well served by having its alumni come back and being
the U.S. Attorney more often than not. They know the office.
That helps tremendously. It helps their credibility within the
office. I am very hands on. I believe in taking the bullets
for the staff in the office whenever you can and pitching in
wherever you can on what I used to call the "bet the office"
cases. There would be 10 a year I would get particularly.

JUDGE BARBARA JONES: Tell us what you did when you
had one of those cases.
MARY JO WHITE: Not always welcomed by the staff.
When we had one of those cases I would -- well, in the
case of terrorism trials I tended to be there in the courtroom
SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)
most of the time but in some of the other trials I would
basically read the Min-U-Script at night and offer suggestions
saying, look, here is what I think we need to shore up. Here
is the point that the defense was trying to make that might not
have been so obvious that I wanted to be sure the assistants
were focused on it. I tried to do it in an unobtrusive way. I
think it is -- one has mixed feelings if you are the assistant
receiving the personal attention of the of the U.S. Attorney.
As people would say, perhaps not the highlight of your day or
year or week is having the U.S. Attorney take a special
interest in your case but I tried to be and I think I was
regarded as adding some value and, you know, trying to be very
supportive.

JUDGE BARBARA JONES: In the terrorism cases would you
say that you took an even stronger role?
MARY JO WHITE: I did take a stronger role in
terrorism cases, some of the white collar cases as well which,
obviously, is a major staple and high priority of the Southern
District and I think extraordinarily important from a
deterrence point of view. But the terrorism cases, no question
about it. I really perceived from if not before, from the day
I arrived in the office what I thought was a long-term lethal threat from fundamental Islamist terrorists who were bent on destroying the United States, attacking Americans in the United States and abroad and that is a very heavy responsibility. I mean, it really came about for the southern District and for me because the Trade Center was bombed and at the same time there was the plot -- fortunately foiled plot to blow up the bridges and the tunnels connecting New York and New Jersey, the U.N., the FBI building in Manhattan. The combination of what we learned from those two trials convinced me that this was an extraordinarily dangerous long-term situation and so after that second trial, the day of terror trial and they were both very -- and the bombing of the Trade Center in 1993, they were both very early on in my tenure. So, in 1995 I formed the first Terrorism Unit, as I mentioned, in any U.S. Attorney's office really not thinking of having another terrorism case but because I did not want to lose the knowledge we had gained from those two cases and I wanted to follow that evidence, really threat information as well as evidence wherever it took us in order to, in part, to share it with other authorities in other parts of the government.

JUDGE BARBARA JONES: So did this unit, the terrorism unit function as an intelligence gathering unit as much as a prosecutorial unit?

MARY JO WHITE: I think it was certainly both, I think appropriately done, because I think investigation does involve gathering intelligence and we ended up, sadly, doing more terrorism cases. We did the Manila Air plot case, a horrific plot to blow up jumbo jets coming back from Southeast Asia that Ramsey Yousef, one of the masterminds of the World Trade Center also was involved in. We did the east Africa bombing cases that occurred in 1998. We indicted Osama Bin Laden twice and, really, the entire al Qaeda leadership was indicted in the East African Embassy bombing case.

JUDGE BARBARA JONES: And to explain, when you indicted Osama Bin Laden it was obviously before the World Trade Center bombing and I --

MARY JO WHITE: Before 9/11.

JUDGE BARBARA JONES: Before 9/11, right. And was that indictment under seal?

MARY JO WHITE: We indicted him -- yes. We indicted him in 1998, I think June of '98 -- '96 or '98, I will have to figure that out. And again, Bin Laden came on our radar screen as a result of the Investigations we continued to do out of this Terrorism Unit. We had some information suggesting -- I think the way we came to know about him was he supplied or was there some evidence that he supplied some of the money for the Manila Air plot? So, we found some information suggesting he supplied some of the money to Yousef and those plotting the Manila Air bombing, that's how we learned about him. I mean, it is also, by the way, how we learned about Khalid Sheikh Mohammed, the later mastermind of 9/11. We did indict him also in Manila Air plot. Sadly, never captured before 9/11. So, we didn't know much about Bin Laden, we just knew...
he was involved. Our philosophy was, our strategy was we would bring into this net to prosecute, if necessary, any player in the terrorist network really on theory of neutralizing as many dangerous terrorists as we could. We indicted him again. That indictment was under seal because there were efforts made to figure out how to capture him. Sadly, that never happened before 9/11. We indicted him also for the East African Embassy bombings later in 1998 and he remained a fugitive in that case.

JUDGE BARBARA JONES: What we haven't talked about in terms of your leadership role and style was your relationship with law enforcement agencies; FBI, Secret Service, IRS. Could you talk a little bit about that?

MARY JO WHITE: I mean I think that I had actually JUDGE BARBARA JONES: Mostly male by the way?
MARY JO WHITE: Mostly male. Not all, but mostly male. I think I had excellent relationships with the other agencies. I mean, look. I think it is all -- we are all on the same team, really, and I think I am as much of an investigator as I am lawyer so I was always, hopefully, in a good way involved in discussing investigations with law enforcement agencies. After 9/11 I was in the command center for weeks on end.

JUDGE BARBARA JONES: Didn't you go to the command center virtually within hours?
MARY JO WHITE: Yes. I went to the command center within hours of 9/11. Yes, I did. And I also, you know when Ramsey Yousef when he was captured -- he fled after the 1993 bombing of the Trade Center. Manila Air plot occurred, fortunately foiled for the most part. He was later, right in that time frame, captured in Pakistan, flown back to the United States, went over to the command center then he was brought into FBI headquarters. So, I had an extraordinarily close relationship with the FBI.

JUDGE BARBARA JONES: Now, we talked a lot about the terrorism cases. What about the political corruption cases, were they different in any way? Was there some pressure, more pressure, more stress? How did you handle those?
MARY JO WHITE: I don't think there is any sort of category of crime that's more important than corruption cases because it corrupts the whole system, obviously. And so -- and the pressure is -- I mean it is -- you know, I think they are some of the most difficult cases to make. We did a number of really significant cases in the northern counties actually in the Southern District of New York as well as some cases in Manhattan and the Bronx too, but I think that they always have to be at the top of the priority list, I think, of the U.S. Attorney's office and they obviously are today.

JUDGE BARBARA JONES: You had a lot of media attention in this job, presumably there was a lot of media attention in the Eastern District when they had high profile case --

MARY JO WHITE: Certainly Gotti. Did you have any special way that you handled the media?
MARY JO WHITE: You know, no. I think I handled the media in a very straightforward, honest way. I also was known as "No comment white," I think by the media, not so fondly known as. I mean, I believe in not leaking. I think it is very important to those you are investigating. You may well find no violation of law. It can compromise an investigation to have it leaked but I think you also need to understand the press' job and that they need information. So, one of the greatest things I think I did for myself, the office and the media, was to hire Marvin Smilon who had been a long time reporter for The Daily News, The Times and The New York Post and understood what was needed and also understood what couldn't be discussed. And so, we tried to be as responsive as we could be within the bounds of what we were allowed to do.

JUDGE BARBARA JONES: Let me go back for a minute to pressures, even if you don't want to use that word, but can you give any general advice for prosecutors on how to deal with political pressure which happens from time to time in the history of every certainly sitting prosecutor?

MARY JO WHITE: I think it kind of goes back to that discretion, that judgment, but I also call it the moral compass that I think you have to have as a prosecutor or, frankly, any kind of lawyer but any public sector kind of lawyer and you have to get pressures, you are going to get other pressures to do whatever the agenda is of those trying to pressure you and you should know they're there because I think you need to know that for purposes of the criticisms the office is receiving -- it impugns the credibility of the office but you must stick to what you think the right thing to do is and do it. So, somebody had asked me before how do you do that, right? The answer is I don't know. It has to be something in your genes or upbringing I guess but I never felt like I couldn't tell what the right thing to do was and I hope I have always done what I think the right thing to do is irrespective of pressure but you must know it is out there, you must know it can have an influence on you and guard against it.

JUDGE BARBARA JONES: Now, when you were U.S. Attorney in the Southern District of New York there were many women there because certainly in large part because of Bob Fiske's efforts but were there any issues relating to women that popped up when you were there?

MARY JO WHITE: You know, I think we expanded the part-time program which was there already in the Southern District. I gave a lot of advice, if it was solicited, to women assistants who had children and I don't know if it is ironic or not ironic, but my basic advice to young mothers in the office was, look, if your instinct is telling you fairly strongly you want to stay home for a while, stay home, because you will never get that time back. And so, I did a fair amount of, you know, that kind of counseling in the office. But in terms of the, you know, the day-to-day work load, I mean the women were terrific. The men were terrific. Cathy Seibel and Deirdre Daly were two of the women who were there when I was there, Deirdre is the U.S. Attorney in the Connecticut today,
Cathy Seibel is a U.S. District Judge.
So, the tradition of strong women in the Southern District certainly continued when I was there. Shirah Neiman is also someone who left the office after I left, actually, one of the finest lawyers anywhere, and now she's gone into the private sector and by and large is doing monitorship work which she is exceptional at.

JUDGE BARBARA JONES: She was your chief assistant.
MARY JO WHITE: She was our chief assistant, absolutely, and invaluable as chief assistant. She was involved in everything we did.

JUDGE BARBARA JONES: Mary Jo, let me just ask this one last question. What was your proudest accomplishment as U.S. Attorney? A hard question.
MARY JO WHITE: That's very hard. That's very, very hard. And I don't kind of think in those terms actually. I mean, clearly we have talked about the terrorism cases. There were a number of, you know, indictments of major financial institutions on the white collar side that I thought were extraordinarily important but I think if you asked of which case I am the proudest of, it would probably be the Francis Livoti case, the civil rights case. It involved a fairly high-ranking NYPD officer -- I mean high ranking in the PBA, had a history of a number of civilian complaints and then one Christmas Eve in the Bronx he was on duty in his patrol car. Anthony Baez and his brothers were, at about midnight, in the street throwing a football around, really totally innocent activity, just burning some energy before the holiday, and their football hit the hood of Livoti's patrol car. He, you know, having a temper I guess, got upset about that and it eventually escalated into putting Anthony Baez under arrest, used a choke hold to subdue him; he had asthma and he died.

There was a state trial first for manslaughter and Livoti was acquitted of that. And so, we investigated and ultimately brought a civil rights case, he was convicted and I think spent about six and a half, seven years in jail as a result of that conviction. And I remember very clearly Fred Virella who was the Executive U.S. Attorney, Hispanic, being extraordinarily emotional both at the time we indicted Livoti and when he was convicted, and really thanking me for having brought the case. And to me it was the right thing to do which is my job, but it really brought home just how extraordinarily important it was to have done that.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)
institutions on the white collar side that I thought were extraordinarily important but I think if you asked of which case I am the proudest of, it would probably be the Francis Livoti case, the civil rights case. It involved a fairly high-ranking NYPD officer -- I mean high ranking in the PBA, had a history of a number of civilian complaints and then one Christmas Eve in the Bronx he was on duty in his patrol car. Anthony Baez and his brothers were, at about midnight, in the street throwing a football around, really totally innocent activity, just burning some energy before the holiday, and their football hit the hood of Livoti's patrol car. He, you know, having a temper I guess, got upset about that and it eventually escalated into putting Anthony Baez under arrest, used a choke hold to subdue him; he had asthma and he died.

There was a state trial first for manslaughter and Livoti was acquitted of that. And so, we investigated and ultimately brought a civil rights case, he was convicted and I think spent about six and a half, seven years in jail as a result of that conviction. And I remember very clearly Fred Virella who was the Executive U.S. Attorney, Hispanic, being extraordinarily emotional both at the time we indicted Livoti and when he was convicted, and really thanking me for having brought the case. And to me it was the right thing to do which is my job, but it really brought home just how extraordinarily important it was to have done that.

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Mary Jo White - Trailblazers interview (corrected version)
JUDGE BARBARA JONES: All right. And then you went back to Debevoise in 2002 and stayed for quite a while. What was it like to get back into private practice after, I guess, more than 10 years in public service?
MARY JO WHITE: It was about 12 years actually I had been away. Little things had changed. I think the law firm practice in general had become more of a business, not in all positive ways although I think Debevoise maintained itself as a profession where people practiced law for the right reasons and in the right way. I have always liked the private sector. The challenges are tremendous, the resources available to you are tremendous so that you can really do the best job you can on
almost every matter.

I came back as chair of the litigation department but
had a wonderful co-chair, John Kiernan, who did most of the
work. I really practiced and supervised the partners and
associates in various cases. I did, you know, again the gamut
of cases. I did a lot of enforcement work. I did a lot of
internal investigations. Civil work as well. I even
represented Rosie O'Donnell in her magazine dispute. She
actually talked me into representing her. Amazing person,
brilliant person. And on the pro bono side I sort of full
circle became the monitor overseeing the fire department's
entry exam which a judge in the Eastern District had found to
be discriminatory. And so, you know, that was a very
satisfying thing to do.

JUDGE BARBARA JONES: So, two questions. Once you
got back to Debevoise did you notice any difference in, I
don't know, either the amount of time or the amount of
attention that you could spend on being a mother? Did it make
any difference or are you full tilt in any job that you are at?

MARY JO WHITE: Well, I have to say I probably am full
tilt at any job that I have. That's from when people ask me:
So, what is your answer to the life balance question? And I
always say do as I say, not as I do, because it is very
difficult for me to sort of turn off the work gene that I have.
But, I think you do, as you become more senior, get more
control over your life and therefore more time that you can
decree for yourself to spend with your children, your family.
I certainly, you know, did that when I went back and clearly
when you are U.S. Attorney it is very time consuming not only
the workday but also the number of functions that you have to
attend or feel like you need to attend in that capacity. One
pledge I did make when I went back to the private sector is I
was no longer going to attend things I didn't want to attend so
that I could spend more time with my family and I pretty much
kept that pledge.

JUDGE BARBARA JONES: What about defending in white
collar cases after 12 years of being prosecutor?

MARY JO WHITE: Well, remember I started the private
sector so I went from defending to prosecuting to defending to
prosecuting to defending in that sense of the word. I have
actually not found that transition to be difficult and the
reason I have not found it to be difficult, first of all in the
private sector you decide who you represent to a large degree
and so there are some defendants who I would just decline to
represent. I don't have to be available to be hired by anybody
who wants to hire me. So, you have some control in that way.
And I think otherwise when you are a private sector lawyer you
have an ethical duty to represent your clients obviously
appropriately within the bounds of ethics and the law and, you
know, that's your duty. And so, I have never had a problem
doing my duty whether I am in the private sector or in the
public sector. I also think having been in the private sector
has always made me a much tougher, better prosecutor because I
kind of know the tricks of the trade and what to be skeptical
of and what the pressure points are but I think a combination
of selecting your clients and carrying out your duty in the private sector has not been a problem or issue for me or for anyone else. Now, there are some people who can't leave the government. I think there are some people who can't leave the defense bar because they really --it sort of consumes their psyche. I never felt like that's been the case with me.

JUDGE BARBARA JONES: Now, in the '80s and '90 and maybe into the 2000s this were very few women in the white collar bar. Has that changed and why has it changed?

MARY JO WHITE: It certainly has changed. I think it is still dominated by men, certainly at the most senior levels, but what has changed it is the old girl network from the Southern District and other places so women on the outside and in the private sector, general counsel positions, law firms are supportive of each other. You have had -- I mean, Denise Cote was I guess the first woman to be -- she is on the bench -- but then also Karen Seymour under Jim Comey, was to be the Chief of the Criminal Division there. Karen has certainly become a leader of the white collar bar, as have others.

So, I think it is really the numbers of highly qualified women and the old girls' network which exists as well as the old boys' network and I think it is quite supportive of women. I do remember one program I was on when I was in the private sector about the issue of some of the barriers still in the private sector for women lawyers and I remember saying, with a woman general counsel of a major company sitting in the audience and just looking at this person from the dais and saying we all -- women -- have a responsibility to help each other in this field -- enforcement, internal investigations, whatever, but particularly in that field, and that women general counsel have a responsibility to hire qualified women for those positions even if they think perhaps their board would be happier with a male who is equally or almost as qualified as the woman. And within, I would say, two to three weeks I was hired by that general counsel in a major white collar matter.

So, the point of is that story is we have to remind ourselves that it is still tough out there for women in the enforcement arena and we need to help each other out.

JUDGE BARBARA JONES: Now, after being at Debevoise for 12 years you made a decision to become the chairman of the Securities Exchange Commission, to accept that appointment from President Obama. Certainly you must have had other options to going into public service before that. Why did you choose that one?

MARY JO WHITE: Well, I guess a couple reasons. One, I think -- I love New York. I think Washington is certainly a harder place to do your public service although that is where most of the good public service jobs are -- not all of them, obviously. I think obviously the best one there is is the U.S. Attorney in the Southern District but there is also nothing as satisfying and as important as public service. The SEC is an agency I became very familiar with from being U.S. Attorney. We worked very closely with the SEC for many, many years in the white collar securities fraud area, big admirer of the SEC.
One of its attractions for me is not only the subject matter or subject matters it is involved in but it is an independent agency and takes seriously -- and I think again the pull of public service, great agency, very important responsibilities, and I was 65 years old when I was asked to do it. So, as much as I had said earlier about overtures about getting back into public service, move the building to New York and I will consider it. I decided, you know, I had been back at Debevoise for what, 11 years. Public service is always, a very strong pull my life.