

“WATERSHED MOMENTS: CATALYST FOR ADVOCACY”

By: Noël M. Ferris, Esquire

**THE INTERNATIONAL ACADEMY OF TRIAL
LAWYERS DEAN’S ADDRESS**

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Good morning. Mr. President, Madam First Lady, Fellows, spouses, significant others, dear friends, family:

It is a tremendous thrill and honor to be standing before you here today. I have been so proud to be your Dean for the last year. And let me tell you, having a year to figure out a speech, is a long time. In that time I have received a lot of advice. Last year in Hawaii when it was announced I would be Dean, Bobbie Pichini, our first female Dean, came up and gave me a big hug and looked at me and said, “You will think about it every day for a year.” She was exactly right.

We had dinner with Sherry and Peter John, and Peter said, “Speak about something you are passionate about, speak from your heart.” So, I talked to Dicky Grigg and said, “Dicky, I’m actually really passionate about quilting.” He looked at me really seriously and said, “You know, I’d be real interested in a talk on quilting... I’m just not sure the rest of the Academy shares my enthusiasm.” Finally there is the strange but compelling desire to seek the approval of Rod Phelan. Early on, he sent me the Gettysburg Address. Thanks, Rod, that was a big help.



I can truly say that this is an honor that I did not anticipate or ever dream of. I consider it to be the greatest honor of my career. Mark Twain said the two most important days in your life are the day you were born and the day you figure out why. No, I never expected to be standing here before you, but I can tell you the exact moment that led me here.

I was at a stoplight in Sacramento in my VW Squareback. It was 1975, I was 26, divorced, the manager of an apartment complex and a mother of a three year old. Abbie was in the back seat and while we were waiting there for the light to change she said in a quiet voice:



“Mommy, I really don’t like it when you talk about me in front of other people.”
I looked around and said, “Really, Why?”

“Because it is very embarrassing.”

“Well, honey, I don’t think you know what that word means.”

“No, but I know what that word feels like.”

Whoa. Light is still red. I have a little genius sitting back here. My father always said the most important thing you can offer a child is education. This child will be able to go to any university she wants. (The light is still red) I’d better become a professional. I’ll be a doctor. No, I would have to take biology and chemistry before I even apply. I’ll go to law school. The light turned green. I drove home and called McGeorge School of Law and figured out how to get in and started that fall.

That **watershed** moment led me to a profession I love and the privilege to advocate for clients and help to make a difference in their lives. More importantly, that moment led me to a study group with a cute guy named Parker White who shared his outlines and explained concepts of duty and proximate cause to me. Most importantly, to Parker White who is the best thing that ever happened to me, who loved Abbie as his own, and with whom we have had two more incredible daughters, Caroline a lawyer in NYC and Hilary a psychotherapist in Oakland. So I can say this, in a family of four lawyers, you need at least one psychotherapist.

The **watershed** moment: that critical point that marks a change of course. The day you figure out why you were born.

Today I want to talk to you about two people whose watershed moments were life changing and led to a life of advocacy and left a lasting impact on the world. Often it is that moment that fuels a passion for change. Their stories are an inspiration to me as an advocate, and I want to share them with you.



Elizabeth Glaser was a school teacher who married a Hollywood star. Paul Michael Glaser was in a TV show called *Starsky and Hutch*. In 1981 they had a baby who they named Ariel. The delivery was complicated by post-delivery bleeding and Elizabeth received a transfusion of seven units of blood.

Just two months before, the Center for Disease Control reported on a cluster of cases of a rare type of pneumonia in five gay men in Los Angeles. This type of pneumonia had only been seen in patients with depressed immune systems. At the same time a report of a rare type of skin cancer (Kaposi Sarcoma) was reported in 26 gay men in New York.

This report was the beginning of a general awareness of what became known as AIDS (Acquired Immuno Deficiency Syndrome). Little was known about the transmission of this new disease and fear, ignorance and misinformation were the rule. Public anxiety began to grow. It occurred predominately in gay men and IV drug users.

Meanwhile, three years after Ariel was born, the Glasers had a second child, a son they named Jake.

When Ariel was four she was beginning to fail with mysterious ailments. It was 1985 and a new test for the recently discovered virus, HIV, felt to cause AIDS, was available. Ariel's doctor decided to test her based on some abnormal blood values in previous tests. After she was tested, twice, the doctor asked the entire family to be tested. Called into the office, their



doctor gave them the terrible news: Ariel had developed advanced AIDS and Elizabeth and Jake were HIV positive. Only Paul Glaser was free of the virus.

Elizabeth had acquired HIV during a blood transfusion and passed it on to Ariel through her breast milk and to Jake in utero. When the doctor gave this devastating news to the family he told them, "You can't tell anyone. The world is not ready for this news." Indeed it was not. Can you imagine more devastating news? As a mother, you have a certain death sentence and you have passed it on to your children. And, you can't talk about it to anyone. And while you are living, you may lose your insurance, your children will not be allowed to attend school, and you will be ostracized.

Elizabeth's watershed moment came two years later, late in Ariel's illness. The family was told that her condition was critical and she was not expected to live. For the first time, she realized her daughter would not be spared and her son's life was in danger. In her book entitled *In the Absence of Angels* she wrote:

"If Ari dies, then Jake is going to die. I can't keep sitting here in Santa Monica making a cozy life for my family if we are all going to die. No one cares if we die of AIDS. Something is very wrong. I am a white heterosexual woman from their social economic class and from Hollywood. There are still many political people who are not paying attention to the epidemic. Maybe, just maybe I can help change their views."

In a race against time, Elizabeth used her contacts with the Hollywood community and arranged a private meeting with President and Mrs. Reagan and later, with Barbara Bush. She explained there was no research, no treatment and no approved medication for children infected with HIV. While they were very sympathetic, still nothing happened. Many still believed AIDS was isolated to communities with little clout or power: gays and IV drug users, poor people. “People say they care, but actions are what change lives.”

Ariel died a few months later just days after her seventh birthday in 1988.



Realizing that her government would take no action, and fearing for her son’s life, Elizabeth sprang into action with two of her friends, Susie Zeegan and Susan De Laurentis. She defined her watershed moment: “Sometimes in life there is that moment when it is possible to make a change for the better. This is one of those moments.”

Literally around the kitchen table they established the Pediatric AIDS Foundation to raise awareness, urge research into the disease and its transmission to children. 90% of children who are infected with the HIV virus acquire it from their mothers. Susan De Laurentis described this watershed moment: “We went to join the team, only we found out there was no team. There was no captain. We were the only players.”

They had immediate fundraising success, they brought the leading scientists who were previously each ensconced in their own University research labs to meet, to collaborate and share their data. They handed out grants and oversaw the research into treatment, mother to child HIV transmission, and into the differing effect of AIDS on children.

During this time, the Glaser family’s tragedy was still not public. When she lobbied Congress, Elizabeth would say “Don’t remember my name, just remember my story.”

They remained in the shadows until 1989 when the National Enquirer was about to publish an article about the Glaser family, and the cause of Ariel’s death the year before. They decided to preempt the story and came forward to the *LA Times*. Soon they were on the cover of *People Magazine* and the world began to take notice.

However it was not until two years later that the conversation really began to change. On November 7, 1991 Earvin Magic Johnson announced he was HIV positive. This was another watershed moment.

(Video clip inserted)

MAGIC JOHNSON: You know, we go to get the love, hug, you know, hit the hands like you used to and everybody like, they don't know if they could touch me. I wasn't Magic, you know. I was this guy who was just so devastated that he gave up on life.

COOKIE JOHNSON: He really didn't know what to do with himself. And so, finally, you know, I walked in one day and I said, "You need to just get up off the couch and go do something."

MAGIC JOHNSON: I said, "Look, I need to find somebody who is living with HIV, and so they could help me understand what I would have to look forward to and what I have to deal with. Remember the TV show, Starsky and Hutch? Well, Paul Michael Glaser was on the show and his wife Elizabeth had become a spokesperson for AIDS. She had gotten it from a blood transfusion while giving birth. The Glasers had a daughter who died from AIDS. And now their son had HIV.

LON ROSEN: Elizabeth Glaser was dying. She sort of told Earvin, "This is what you are going to be up against, but you are going to help me save my son's life."

ELIZABETH GLASER: Before he came out and shared with the world his medical reality, a lot of people didn't feel like they knew anyone who had HIV. Everybody knows Earvin Johnson and now everyone knows someone who has HIV because of that.

MAGIC JOHNSON: She said to me, "the only thing I want from you is to be the face of this disease. They need -- this disease needs a face." Elizabeth inspired me.
(End of videoclip)

Magic Johnson did become the face of HIV/AIDS just as he promised Elizabeth that he would.

Elizabeth died of AIDS three years later in December 1994.



ELIZABETH GLASER PEDIATRIC AIDS FOUNDATION
www.pedaids.org

Her vision changed the world. Research and advancements in the treatment of HIV now mean that an infected person has a near normal life expectancy. A protocol now exists to prevent the transmission of HIV from mother to baby. In fact, in the U.S. the incidence of maternal fetal transmission has been reduced by 90%. We have the science, we have the medication, and pediatric AIDS can be eliminated.

However, worldwide, the challenge remains to eradicate transmission. In 1999 the Foundation entered the global arena joining forces with multiple world organizations to combat maternal-fetal transmission. Sub-Saharan Africa represents 91% of pediatric AIDS cases in the world today. There are nearly 1,200 children infected with HIV around the world every single day. Every single one of those infections is preventable. To date the Foundation has made enormous inroads into testing, treatment and education in Africa in over 7,000 centers in 15 countries.

- 20 million women educated on prevention
- 17 million women tested for HIV
- 2.2 million in HIV care and treatment.
- 1.2 million on Anti retroviral treatment (ART)

In a desperate moment, a determined mom started a movement. What started as three mothers around the kitchen table is now an international foundation saving lives in 15 countries.



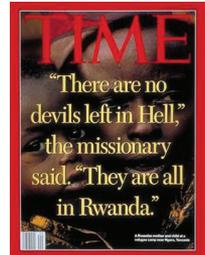
I am happy to report that Jake Glaser is alive and well and he turned 30 in November. He is involved in the Foundation and when asked what he thought his mother's reaction to his work would be, he replied, "She would tell me: 'Do more.'"

RWANDA

1994, the year of Elizabeth's death, was the year of the Rwandan genocide which gives rise to the next watershed moment I want to talk about.

In the East African nation of Rwanda, one million ethnic Tutsi people were slaughtered in a genocide by their Hutu countrymen while the international community looked on and did nothing.

In his book *We Wish to Inform You that Tomorrow We Will Be Killed With our Families*, Philip Gourevitch describes the genocide:



“Decimation means the killing of every tenth person in a population and in the spring and early summer of 1994 a program of massacres decimated the republic of Rwanda. Although the killing was low tech, performed largely by machete, it was carried out at dazzling speed: of an original population of about 7.5 million, at least 800,000 people were killed in just 100 days. Rwandans often speak of a million deaths and they may be right. The dead of Rwanda accumulated at nearly three times the rate of Jewish dead during the Holocaust. It was the most efficient mass killing since the atomic bombings of Hiroshima and Nagasaki.”

Eleven years later a woman named Anne Heyman was at a dinner at Tufts University. Heyman was a 44 year old mother of three. A lawyer by profession, she had been a DA in NYC. She was deeply involved in her Jewish community. She lived by the principles of her faith: *Tikun Olam*, Hebrew for “repair the world.”



The dinner at Tufts was one she organized for a group called Moral Voices. The night's topic was genocide and a speaker from Rwanda was to make the keynote presentation. Anne's husband asked him: “What is the biggest problem facing Rwanda today?”

He responded: “In a country with 1.2 million orphans, with no systemic solution to the orphan problem, there is no future for the country.”

Anne stated: “A thought popped into my head. Israel had a Holocaust problem with thousands of orphans and they solved it with youth villages.

They have no orphan problem.” In her watershed moment she asked, “Why not set up youth villages?”

That’s a great idea, pass the salt. How many good ideas do we share at a dinner party only to have them evaporate by the morning light? Not Anne Heyman.

She dove into research of the youth villages in Israel and studied the most successful one run by Chaim Perri. Although she did not know him, she emailed him and told him of her idea. He agreed to meet her for coffee in a visit to NY. She pitched her idea and he loved it. He invited her to come to Israel with her “team.” Little did he know her team was herself and a friend, Tina Wyatt. Like Elizabeth Glaser, she and Tina sat at the kitchen table determining how they could make a reality out of Anne’s idea.



Tina explained: “A youth village is not an orphanage. The idea behind it is to recreate the rhythms of these young lives. We teach the kids that what happened to them in the past does not have to be their legacy.”

They formulated a presentation and traveled to Israel to meet with Dr. Perri and his staff. The night before, Anne asked her teenage daughter to come up with a name - she found *Agahozo* which is a Kinyarwandan word for “where tears are dried.” It was named the Agahozo Shalom Youth Village.

The following day the presentation to Dr. Perri and his staff was very well received and Anne was asked “When can we go to Rwanda?” Anne had never been to Rwanda, did not speak a word of the language and knew no one. She looked at them and said: “three weeks.” She and Tina returned to NY and called and emailed everyone and anyone with a contact and three weeks later went on their first visit.

The Rwandans were enthusiastic. Anne began raising funds, found 144 acres to purchase, hired a Rwandan architect, contractor, and staff. They developed a curriculum for 125 students in each class in high school level. The students were chosen from 30 provinces in Rwanda, four from each, the most vulnerable cases. These kids had very tough lives. When they showed up at the Village, most of them just had the clothes on their backs. Many had no memory of their parents, did not know their given names or birthdates.

These orphans were not the only product of the genocide. During those 100 days, thousands of women were brutally raped, impregnated and infected with HIV. 20,000 children were born to those women and many lost their mothers to AIDS.



In 2008 the first class of 125 students moved into Agahozo: 32 individual homes where 16 students lived with a house mother. The Village offered a high school education, counseling, a necessary component to healing, and activities such as sports, music and dance.

The gates of the Village state “If you see far, you will go far.”



The Minister of Education commented: “On these hills where there had been such sorrow, there is now planted seeds of hope.”

Since 2011 when its first class graduated, the Village has had tremendous success. 99% of the students pass the state equivalency exam and many go on to higher education.



Tragically, Anne Heyman died last January 2014 in a Masters horse jumping competition. Her son created this tribute to her. (Video clip inserted)

ANNE HEYMAN: If you'd ask my mom what I wanted to be when I grew up –if you asked when I was three, I would say a horse jumping lady. It is hard to beat this. In all honesty, I have the best of everything.

We were at a dinner that was related to another program that I'm involved in, and we had a speaker who was talking about the Rwandan genocide. You know, Matthew, my husband was making conversation and said, “What is the biggest problem facing Rwanda today?” And the response was in a country where you have 1.2 million orphans – this is in November of 2005 -- with no systemic solution to the orphan problem, there is no future for the country. This thought popped into my head that, you know, Israel

had a Holocaust, had thousands of orphans, doesn't have an orphan problem today. There is a systemic solution. And literally, the words just came out of my mouth. "Well, you should build youth villages."

I look at these kids and as a Jewish woman, I say 60 years ago, those could have been my kids. They were left devastated. There but for the grace of God, you know, this could be any of us.

The hope that literally pulsates in the village:

I once had a visitor say to me, you know, I now know what hope feels like, and it truly is that way. These kids are going out. They are building houses for people that don't have houses. They are growing food for people that don't have food. They are doing and teaching computers and English -- and just extraordinary things. That is what I appreciate about these kids. Is that they will tell me how much they love me and appreciate what I have done for them, and how they are going to do it for others. It is always part of the same thing. You know, these are the positive change makers of the future.

Having an idea in and of itself doesn't accomplish anything. "Don't wait for opportunity to find you. You make your own opportunity in life. Each and every one of you is special and each and every one of you has a lot to offer the world."

I have always told my children that you can be anything you want in life. You can do anything you want in life. You can achieve anything you want in life if you want to achieve, you are just going to have to work hard. And I think many of us tell our kids that, and I'm not sure that many of us really believe that. The existence of this village is proof that one person with a good idea can really change the world.

ANNE HEYMAN: "I have heard very much thank you to me, thank you to me. And I just want you to know that nobody in this world, and I hope that you know this because I say this to you all the time, nobody does anything alone. With the help of your family, at Agahozo Shalom you will be able to see far. I know that in your life's journey, you will go far. I am so very proud in everything that you have accomplished."
(End of videoclip)

The impact of Agahozo School has and continues to be profound. This is Vanessa Uwase: She doesn't know where she was born, has no memories of her family and has never met a blood relative. She was a baby when her family was killed in the Genocide and she was found alone in the street by a nine year old girl who brought her home. While she was allowed to live with the girl's family, she never felt truly welcomed or loved. "I was a burden. This caused me to feel desperate about my future." When she came to the Youth Village she began to change. She began to eat and sleep regularly. "I started to feel love and felt what it meant to be happy." For the first time in her life she felt like a normal teenager with dreams and the means to achieve them. "I now have a better future. The Village gave me everything I need to continue living in this world."



Elizabeth Glaser and Anne Heyman. These two women are an inspiration to me. Although they are both gone, the lives they led continue to speak to us and give me hope.

We are all advocates. Whether in the courtroom or in our daily lives, we all have unique and powerful voices. Whether we affect one person or a nation of people, our voices can be heard, one word at a time. I am in awe of all of you. You inspire me.

I am inspired by Fellow Nancy Sher Cohen who, with two partners, spent five long and contentious years compelling European life insurance carriers to pay on policies of Holocaust victims.

I am inspired by Deborah Carruthers, wife of Fellow barrister Colin Carruthers of New Zealand, who as a member of Parliament and now as a journalist, uses her eloquent voice in support of children and against their abusers.

I am inspired by Eva Marszewski, wife of Canadian Fellow Chris Paliare, whose sensitivity and ingenious program in Toronto have brought healing and hope to children who are on the brink of being swept into the criminal justice system.

I am inspired by our Executive Director Linda Scher whose passion, energy and optimism in our fight against human trafficking knows no bounds.

I am inspired by your voices.

By your desire to repair the world.

By your indifference to recognition.

I will end this address where it began. With that little girl in the VW. I was right about her. Abigail Dillen graduated from high school Summa Cum Laude, from Yale and from UC Berkeley, Boalt Hall, Order of the Coif and became a public interest lawyer for Earth Justice. Because the earth needs a good lawyer. Abbie has devoted herself to this cause for the last 15 years and currently is vice president in charge of climate change. Personally I cannot think of a more pressing or urgent cause.

So Abbie, thanks for having that conversation with me 40 years ago. No doubt I am continuing to embarrass you. I dedicate this address to you and your generation of advocates.



INTERNATIONAL ACADEMY OF TRIAL LAWYERS

EXECUTIVE OFFICE 5841 Cedar Lake Road, Suite 204
Minneapolis, MN 55416

TOLL FREE 866-823-2443
PHONE 952-546-2364
FAX 952-545-6073
WEB www.iatl.net