

TLL Maia Goodell

Intro/Outro Voiceover: [00:00:00] Welcome to This Lawyer's Life, a podcast of the New York City Bar Association. Your host, Gregory Binstock, is the City Bar's Director of Professional Development. Today, he sits down with Maya Goodell, a partner at Vladeck, Raskin, and Clark. Maya shared the story of her path from U. S. Navy officer to civil rights advocate.

Maia Goodell: Employment discrimination was the field where there are strong equality laws and you have the opportunity to go to court and to, tell people stories to translate their stories into this is why this is a legal violation. This is why it's discrimination.

Intro/Outro Voiceover: She unpacks what she's learned about navigating relationships with clients when the stakes are at their highest.

Maia Goodell: Maintaining the relationship maintaining the trust, which means respecting what a client has to say, even if it's not what I would do.

Intro/Outro Voiceover: Greg and Maya also talked about building litigation teams and the right litigation mindset.

Maia Goodell: You need to be able to think about, what did the court say? What's the language of the statute? What's the [00:01:00] evidence that's in the case?

Intro/Outro Voiceover: Opinions expressed are those of the speakers, and not necessarily of the City Bar. Here's Gregory Binstock.

Gregory Binstock: Welcome to This Lawyer's Life, a professional development podcast where we talk with lawyers about seizing opportunities, learning lessons the hard way, and about what makes them tick. I'm Gregory Binstock, Director of Professional Development here at the New York City Bar Association, and today I have the pleasure to chat with Maia Goodell.

Maia Goodell, you're a partner at Vladeck, Raskin Clark, P. C., where you establish and led your firm's disability rights and justice practice. You were a U. S. Navy officer and one of the first female U. S. Navy officers to serve aboard combatant ships. You created the Workplace Safety and Health Initiative at Mobilization for Justice to help low wage and immigrant workers, and you have successfully sued the MTA over its compliance with the New York [00:02:00]

City Human Rights Law, among many other actions, and now you're here with us.

Welcome, Maya, and we are so glad to have you join us. Thank you for being here.

Maia Goodell: Oh, it's my pleasure. And thank you for that flattering introduction.

Gregory Binstock: Maya, I want to begin with the beginning of your legal career. What led you to the law?

Maia Goodell: So, as you mentioned, I joined the Navy after college and, this was the 1990s. They were just integrating women onto combat ships. And that caused me to really feel drawn to questions of equality, equal status. Equal dignity, for myself, but also as I went through that five year experience looking at how different people were affected, like enlisted women didn't have the same experience as I did as an officer and really thinking about the multidimensional aspects of equality and how to change that in society, I did a series of informational interviews with people in all kinds of different fields, I talked with people who were in philosophy or [00:03:00] sociology, but I came to feel like the law was really kind of where theory meets reality and you can make some change in the world. And that dovetailed with my experience in the Navy of seeing how important the structure and enforcement of rules was to kind of feeling like I had equal status.

Gregory Binstock: Was there an experience that crystallized for you the difference between being an enlisted person and an officer in the Navy?

Maia Goodell: I did have an enlisted woman who reported to me who described her experiences first to her chain of command, to the senior enlisted people that worked for her, and then they brought it to me, and I was just really struck by the fact that it was so different for her because she was junior, she felt very powerless when men were looking at her. It was sort of like she didn't have any authority to say anything to them, right?

Because they're senior to her. She's below everybody on the food chain. And I think [00:04:00] also because I came from a place where I felt just kind of more privileged in my life to be able to say like, hey, back off. The one time that, the only time that I had any kind of a bad experience actually the other officers my male colleagues gathered around me and basically told the guy back off, you're out of line. And it was very different for her. And that was one of the first things

that started me thinking about, it's not as easy as just saying, this is the experience women have.

Gregory Binstock: And how did law school come into play as opposed to, for example, government service or other options that might have interrelated here?

Maia Goodell: I really felt like It was really kind of about the rules and being able to translate people's stories into a violation of the rules, a violation of the law to be able to do that work in a way that would have a concrete outcome was important to me, as opposed to, the really important work of theorizing, but then, kind of [00:05:00] how does that end up in the world?

Gregory Binstock: You started your career in the private sector. And then you spent almost 10 years doing public interest law and in the nonprofit world. And then you returned to firm life. Can you tell us how you navigated those shifts? What that was like?

Maia Goodell: I did. I did. But it was really all kind of pursuit of that equality piece. So after I did my LLM at Yale decided to go into employment discrimination law because I realized that I was really kind of a litigator at heart. And again, that was that interest in kind of doing something that had a concrete outcome.

Right. As opposed to being in academia, being in policy work, which I think is actually really important to your point, but just wasn't how my mind worked, the litigation and legal analysis was something I was very drawn to, and it was a good match for my particular skill set. Employment discrimination was the field where [00:06:00] there are strong equality laws and you have the opportunity to go to court and to, tell people stories to translate their stories into this is why this is a legal violation.

This is why it's discrimination. I started at a civil rights law firm and I've come back to the same civil rights law firm. In between I did want to explore non profit work. And I'm really glad I did that. That was a great experience. I went to first a direct services non profit mobilization for justice.

They do some impact work, but largely, it's just, the really kind of on the ground, roll up your sleeves experience of serving hundreds of clients. And I think that just gave me a lot of perspective and grounding and contact with clients that I, didn't have before. And then Disability Rights Advocates recruited me just sort of out of the blue.

I was going to go back into private practice. And DRA recruited me and I discovered this [00:07:00] area and I had gotten interested in disability law before that for both sort of personal and professional reasons. MFJ had a big disability project but I discovered this world of like the ADA, which, even though we're 25 now, 30 years after the ADA, there's just a lot of work to do around black and white enforcement of the ADA.

Just black letter law violations. And that seemed again, like a really great match for my skillset and interest in litigation.

Gregory Binstock: So I wanted to ask you on your firm page, you speaking of equality, which you mentioned a few times, you include that you believe equality is a human right. And that you recognize that disability equity is intertwined with racial and other forms of injustice. And I have to say that fascinated me. Can you help unpack that for our listeners?

Maia Goodell: You may have seen these pictures. They've been circulating. Some people have been circulating them around [00:08:00] the Supreme Court affirmative action case. Where we see three people lined up trying to look over a fence and the, the first person is a tall person and they're standing on the ground.

They can see over standing on the ground. The second person is a short person. They can't see over. They're standing on the ground. They can't see over. And the third person is sitting in a wheelchair and can't see it. So, the idea of equity is that equity is for all three people to be able to see over the fence, which means you get, the first person stands on the ground. The second person, you give a small step. The third person needs a ramp and a platform to see over the fence. I think that. And I think that's really a good summary of my deep seated belief in equity and equal human dignity, which is, it's really a spiritual belief for me the piece of it's being intertwined with other forms of injustice. You could maybe think of as looking at [00:09:00] that fence and saying, how did it get there? Like, why am I sitting in an office here in Midtown Manhattan on Lenape land? Like, how did that happen? Right? And looking at Our country at its founding that literally placed a dollar value on certain kinds of bodies, certain minds, certain abilities, right?

And tracing that through to, really through to today. And saying, we can see in the barriers and in people's experience of the barriers, those other kinds of inequality. One of the things that really highlighted it for me was when I got to law school. And I had this experience of being being a woman on combat ships and sort of was very familiar with those forms of inequality. I got to law school

and there were all these student affinity groups that were working on [00:10:00] really similar issues, which was trying to get a more diverse faculty in terms of their discipline, in terms of their scholarship. And. I sort of came to realize that there are all these people that have other experiences of inequality, right, that it's sort of, that it's not just me, that it doesn't just work one way or like it does for me.

Gregory Binstock: I wanted to ask you, how do you wake up every day with that renewed passion? How do you fill that glass every day after all these years?

Maia Goodell: I do spend some time sort of consciously recharging. I do a lot of biking. I love bike riding. I love around New York City there are so many beautiful rides you can do along the water, down to the Rockaways, Staten Island the Palisades. I think it, it does take my mind a little bit. Out of the [00:11:00] everyday, you're often in nature, and of course, it's great exercise and I usually do it with friends. I do make room for spirituality because as I say that's kind of a grounding for me. I go to church every week. I meditate every day.

Gregory Binstock: Would you say a little more about what your spiritual and your meditation practices do for you?

Maia Goodell: So I'm a practicing Episcopalian I go to church once a week and I really do ground my practice and kind of the ability to avoid burnout, right? In that coming back to the bigger picture, coming back to something beyond myself. And I find like during the pandemic when I wasn't doing that, that I can kind of get burnt out or frazzled. And I, I, for similar reasons, do a daily meditation practice. I'll sometimes even stop by the Episcopal Church down the block on my way into work just for like a five [00:12:00] minute check in. Just, okay, big picture. Okay, we got the big picture. Now we I think another thing that's really important for me is to stay connected to my clients and to remember that the cases ultimately are about, they're my client's cases, not mine.

Gregory Binstock: And how do you share wins or losses with clients? How do you express that to them and how do you share in those?

Maia Goodell: I think the key is to remember that it's the client's case in either. Way. So one time I had a really big win, and I was really excited about it. And I let the client know, but we hadn't had a chance to connect and talk about it. And, really sort of for her to process it and claim the win. And meanwhile, I sort of went out and told the world, and she let me know when she talked to me, she was very kind about it, but she sort of let me know when she talked to me, like,

It [00:13:00] wasn't great to see that, in a public format before, I had even had a chance to see it. Right. On the law side, I think, it's probably the standard wisdom of maintaining the relationship maintaining the trust, which means respecting what a client has to say, even if it's not what I would do. And of course, being straight with people, managing expectations, not getting so excited about a legal theory that you don't say the, what you need to say in every case to every client, which is, I cannot predict what a court will do.

Gregory Binstock: And how do you go about handling a big loss? Like, how do you experience those emotions both for you as a lawyer and for your clients?

Maia Goodell: I think one of the most important things is not to be alone with it. I mean, I can't control that for clients. I do, suggest to them. Not as a legal advice, but as sort of [00:14:00] what I've seen in my experience is that it really is good not to be alone with it and not to just be sharing it with your lawyer.

It gets tricky from a privilege perspective. But whatever they can do to kind of take care of themselves and get the support they need, I think is really important. And to move on with their life. And this is true sort of before and after there's an outcome that as much as possible, to have help people to understand that a lawsuit is not going to get you justice, no matter how good the outcome is. And therefore, you need to make your life about your life and the lawsuit about the lawsuit. For myself I definitely think it's important not to be alone with it, and to, to have colleagues you can talk with, to have friends you can talk with, to the extent that's consistent with privilege.

Gregory Binstock: I guess I'm surprised to hear you say that a lawsuit doesn't necessarily support [00:15:00] justice. Tell me more about that.

Maia Goodell: I think a lawsuit can be a tool in the toolbox toward a broader goal. But a lawsuit... Is going to be limited to, what they're standing to challenge to what the law does to the outcome that you attain in that case, even in the best case scenario. And of course. There's always a risk of loss. So, I think an ideal situation for a lawsuit is that you are offering a tool to a broader social change movement.

Gregory Binstock: And how do you communicate that, to a non legal audience, to your clients? How do you let them understand that's... Something that they're going to have to invest in if they want to be a part of it.

Maia Goodell: Well, I think that [00:16:00] as I say, sort of being straight with people about what are the outcomes going to be, and now sort of being able to

say, well, I've had this much experience and I don't think that, this goal that you have is going to be consistent with what's likely to happen in a lawsuit. Right. And I turned down a lot of clients for that reason.

Gregory Binstock: Are you able to offer any anecdotes, maybe of cases you felt you had to turn down or what it's like to reject a case outright?

Maia Goodell: So I do. Very often, like many times a week, turned out cases sometimes because there's not a legal claim and sometimes because I don't think that the client's goals will be accomplished in the litigation. So, for example, after we brought the case against Yale for mental health policies, a lot of people reached out with individual situations about, [00:17:00] concerns that they had about their higher education experience. And in some cases, that was something I could be helpful with. And in other cases, it wasn't just because. Their goal really was to, like, get money for a bad experience that their university had put them through, for example. And there just aren't a lot of legal tools, at least that I know about, that I'm good at, that would allow that to be accomplished.

Gregory Binstock: You mentioned, in reference to handling losses, that the most important thing is not to be alone with it. Have you had any experiences of noticing, maybe, colleagues who are doing that, people who are taking something badly, or have any experience supporting colleagues who have asked for help in a situation like that, or supporting colleagues who seem to need help and are not asking for help?

Maia Goodell: Well, I was very impressed. One of the things that I learned when I went to direct services at Mobilization for Justice [00:18:00] is that there's this concept of vicarious trauma, and they were very thoughtful trainings on it, but You know, even more than kind of the formal trainings, I think was the very intentional, weekly one on ones team meetings, really structured ways of staying in touch.

And later, when I moved into doing impact work, I noticed a colleague who I thought was experiencing vicarious trauma with a very difficult case that had some very difficult facts and, was kind of on the front lines of talking to the clients about these really tough experiences. And I just said let's just meet weekly.

Let's just meet every week and. Just taking an hour to talk over whatever it is that you're seeing, even if there's nothing that I need to do, as a senior lawyer. Let's just talk through what you're seeing, what you're hearing, what you're experiencing.

Gregory Binstock: Shifting gears for a minute, who have been some of your most [00:19:00] surprising mentors as far as mentorship is concerned?

Maia Goodell: So I've had, so much great direction from so many people, but in terms of things that people might not think of, I would say my clients, right. I think that really listening to people's stories over the years in private practice, in direct services, sometimes just, Of the thousands and thousands of people I've spoken with about their experiences of the world or people that I've met at a legal services desk, just seeing the world through their eyes is, I think, really invaluable.

Gregory Binstock: Excellent. I think you're the first person we've had that's answered that way, but that makes sense. It's part of the circular nature of what we do as lawyers. Let me ask you about team building. You have been a part of. Large scale, long scale litigations. So I'm curious about team building when you're interviewing someone either for a [00:20:00] job or to be part of your team, to be part of the litigation, what are you looking for?

How do you approach that

Maia Goodell: I've found works best over the years in job interviews for lawyers. Is to figure out how they think about legal issues, because, as I say, what I do is this kind of very specific field of litigation. So I don't care whether they have. Kind of this or that specific technical legal knowledge, usually.

I mean, if they're, interviewing for a relatively junior position, they'll gain that. But what I do want to hear and what I often ask is, tell me about a recent legal issue that you've thought through. Tell me how you thought about it. Tell me what your analysis is. Can they answer questions?

Can they explain their thinking about it? Whether it's their writing sample or their note or, something they've worked on. At an internship or a job, I think some people are really smart people and really great lawyers and they [00:21:00] care a lot about the issues, but the way that their minds work tend to be more say, to think about things from a policy perspective, and that's great, but it's going to mean that being on a litigation team is going to be more of a struggle because. You need to be able to think about, what did the court say? What's the language of the statute? What's the evidence that's in the case? Not, how is this going to affect the world, right? Which is something we, we all think about, but that's not how we argue. That's not the briefs we write.

Gregory Binstock: spinning off of the team building? How do you find that you can surround yourself with the right people?

Maia Goodell: One of the things that's exciting about the disability impact cases is that I often work with co counsel. And, find ways to bring in actually co counsel and clients who are nonprofit organizations, who have, as I say, a lot of commitment to the [00:22:00] issue, right. That they're working on kind of this whole world.

They have a lot of expertise and commitment, and I'm kind of working on this little piece of it for them. And. With the bigger cases, you can bring in, we're working with Bazelon Center for Mental Health Law on the case against Yale University about mental health policies. I'm working with a small law firm that's done a lot of transportation cases on a case about the bike lanes and access to the curb for people with disabilities.

In the District of Columbia in D. C. So you get a chance to kind of, work with different people. I'm working with Brittany Wilson at New York Law School on a case about Accessory, the New York City paratransit. And she has a long history of doing a lot of interesting civil rights, economic justice litigation and is herself an Accessory user. So I think that [00:23:00] when you're doing somewhat bigger cases, there's an opportunity to kind of go outside of, who's at your firm. We also have great too.

Gregory Binstock: Have you ever found yourself in a position where you've needed to, let's say, politely adjust your team and shave someone off of it?

Maia Goodell: I have seen lawyers who... Are not cut out for litigation which is one of the reasons why I try to sort of get a sense of how people are going to think and what their qualifications are just to do that particular, very specific skill at the outset, because I think it, it is hard when somebody is just sort of hitting a brick wall in terms of how their mind works and what, courts are looking for.

Gregory Binstock: So we've talked about some affirmative action issues. Can I ask you just for [00:24:00] your general reaction to this summer's Supreme Court decision?

Maia Goodell: I was actually at the University of Michigan Law School when that case was being litigated, when Goudreau v. Bollinger was being litigated. So I was... I was very aware of both the arguments that the university was making and the arguments that the interveners were making because the

interveners in that case argued that really, the problem is that the standards of merit themselves that the universities are applying are biased. And I think if there's a silver lining to the Supreme Court's action, it is that it may force us to confront that question. Justice Sotomayor in her dissent pointed out that when the 14th Amendment was passed, they rejected language that would have said you can't make distinctions on the basis of [00:25:00] race. Right. That's sort of, everybody stands on the ground. And if you can see over the fence, great. Right. Because we're, we haven't treated anybody differently. And the 14th amendment instead requires equal protection of the laws. And I love that kind of thinking about it, which of course, how many times have I read it, but I never really thought about it in that way. Do I wish the outcome were different? Yes, but we are where we are, and we're still civil rights lawyers, and we're going to move forward.

Gregory Binstock: Is, like, the next fantasy case that you would love to take on, is there some issue that you see out there that you're burning to work on?

Maia Goodell: Oh, I've thought of a lot of different things. Of the things that I think is somewhat untapped here in New York City is that the New York City human rights law, you mentioned the subway case, right? So in the case about the New York City subway system, we were able to apply the New York City human rights law to go beyond the ADA. [00:26:00] So the ADA was an amazing law, right? It was a bipartisan law. It was negotiated in 1990. It was signed by a Republican president, George H. W. Bush, but there were a lot of compromises, right? A lot of loopholes. The New York City human rights law doesn't have that. It's broader. And so there's a chance now that we're, 30 years later and some of those compromises don't make sense anymore to go back and expand the understanding where some of these loopholes, either the ADA, the Fair Housing Act which has certain loopholes for buildings that were not in residential use at the time. So all the loft conversions, for example, in New York City think that they're exempt. I think that it would be really exciting to use the New York City Human Rights Law to expand some of those understandings.

Gregory Binstock: is there a case that comes to mind where you did feel that sense of excitement about the matter at hand?

Maia Goodell: The MTA [00:27:00] case was a really exciting experience for me, I think, especially in feeling like I was doing true community lawyering, I was standing up in front of a courtroom arguing to a judge with packed courtroom. Full of people directly affected by the issue behind me, really kind of telling their story, giving them a voice working together, and before that we were outside the courtroom and they were the ones talking to the media and so

forth. So that was definitely an exciting case and probably my first experience. That really felt like this is true community lawyering. The class action cases that I've worked on before were great, but they were working with just sort of a group of named plaintiffs, not necessarily a whole community, organized community.

Gregory Binstock: Are you able to seek out that sort of work, or is it just sort of nice when a case goes [00:28:00] that way?

Maia Goodell: It's definitely something that I look for when I screen cases is. What is the momentum behind this? Is this, one person, but then there are other people that feel other ways, what what else has been done, what has been tried before litigation, what will go on after litigation? I wouldn't say it's all of my cases have a very strong element of outside organizing, but it's definitely something I look for.

Gregory Binstock: I have no special understanding of the ADA, but I jokingly, say, Oh, this is an ADA violation, point something out to my friend when I see a strange stairway, a ramp that appears to me to be too steep, etc. Because they're all over New York City, you look.

The more strange things seem to appear. Is there sort of a pet peeve that you have when you walk around New York or you see something that drives you nuts?

Maia Goodell: I think my friends get a little tired of me being [00:29:00] like, how can this newly renovated restaurant have three stairs up to the entrance?

Gregory Binstock: right.

Maia Goodell: Yeah, and then I listened to a lot of music. I go out and hear friends play and bands. And it's just astonishing how many new venues just obviously haven't even thought about disability access and. That's an ADA violation, right, as well as a city law violation.

Gregory Binstock: So are you more on the, let me get very personal now. Are you more on the side of bikers or pedestrians? For me, I feel that it's a binary choice. You have to be on one side or the other.

Maia Goodell: Well, I am a card carrying member of Transportation Alternatives, which is a biking advocacy group. And they have a great quote, which is, Bikers and pedestrians are natural allies, right? So I'm bringing this

case. on behalf of people in Washington, D. C., who are challenging the protected bike lanes there, because the particular way that they're going in is, [00:30:00] blocking access to the curb for people that get around the city in other ways. And that's, to go back to the issue of how does that intersect with other forms of injustice, the studies show that The bikers are whiter, wealthier, and younger, and the people who are commuting or getting around by bus, by car, in ways that they need to be able to get from a vehicle to the curb, to be from the more remote areas, tend to be less wealthy, tend to be older, and tend to be African Americans, and, close to 50 percent of the population in the District of Columbia is African American. 75 percent of the disabled population is African American. So, there's really a disproportional impact and I think a different voice. [00:31:00] In what's getting heard politically in the commitment to blast through miles and miles of bike lane without thinking about how are other people getting around.

Gregory Binstock: So it strikes me that perhaps lawyers have a bigger role to play and. And enhancing the harmony, at least in New York City, between all the different modalities that people are using the city streets.

Maia Goodell: I think that lawyers have a role to play in cases like this District of Columbia case, like the subways, where what's happening is a reflection of who has the power, who has the voice and not, What are the rights of marginalized groups to have that equal status? And because these are civil rights, the law gives us a tool to make those marginalized voices more heard than they would be in [00:32:00] the political process.

Gregory Binstock: Maya Goodell, it's been so wonderful to have you. Thank you so much for chatting with us on This Lawyer's Life...

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This podcast was produced and edited by [00:33:00] Eli Cohen.