

The Interview

By Ali Haque

From the author: Steve Nolder made national headlines earlier this year when he resigned his position as the lead federal public defender in the Office of the Public Defender for the Southern District of Ohio. He did not make headlines because he resigned, but because of his rationale for doing so. Mr. Nolder explains his reasoning, and his new career with Scott & Nolder Law Firm, in his own words below.

“I am a lawyer. I mean that is one thing I never lost sight of whenever I was in a federal office. I was in a manager role and you wear two hats – you wore a hat as a manager and a hat as a lawyer and I always wanted to wear that lawyer hat first. I never wanted to be a manager or bureaucrat or anything like that.

I don’t really like heroes because I don’t really think anyone is so perfect that they are entitled to that status. You know, you certainly would always like to be Gregory Peck in *To Kill A Mockingbird*. I mean, what trial lawyer wouldn’t want to be Gregory Peck?

You are sitting across the desk from the luckiest guy in the world. And I have been able to run into people throughout my life that really were transformers in my legal career in ways that I must only imagine.

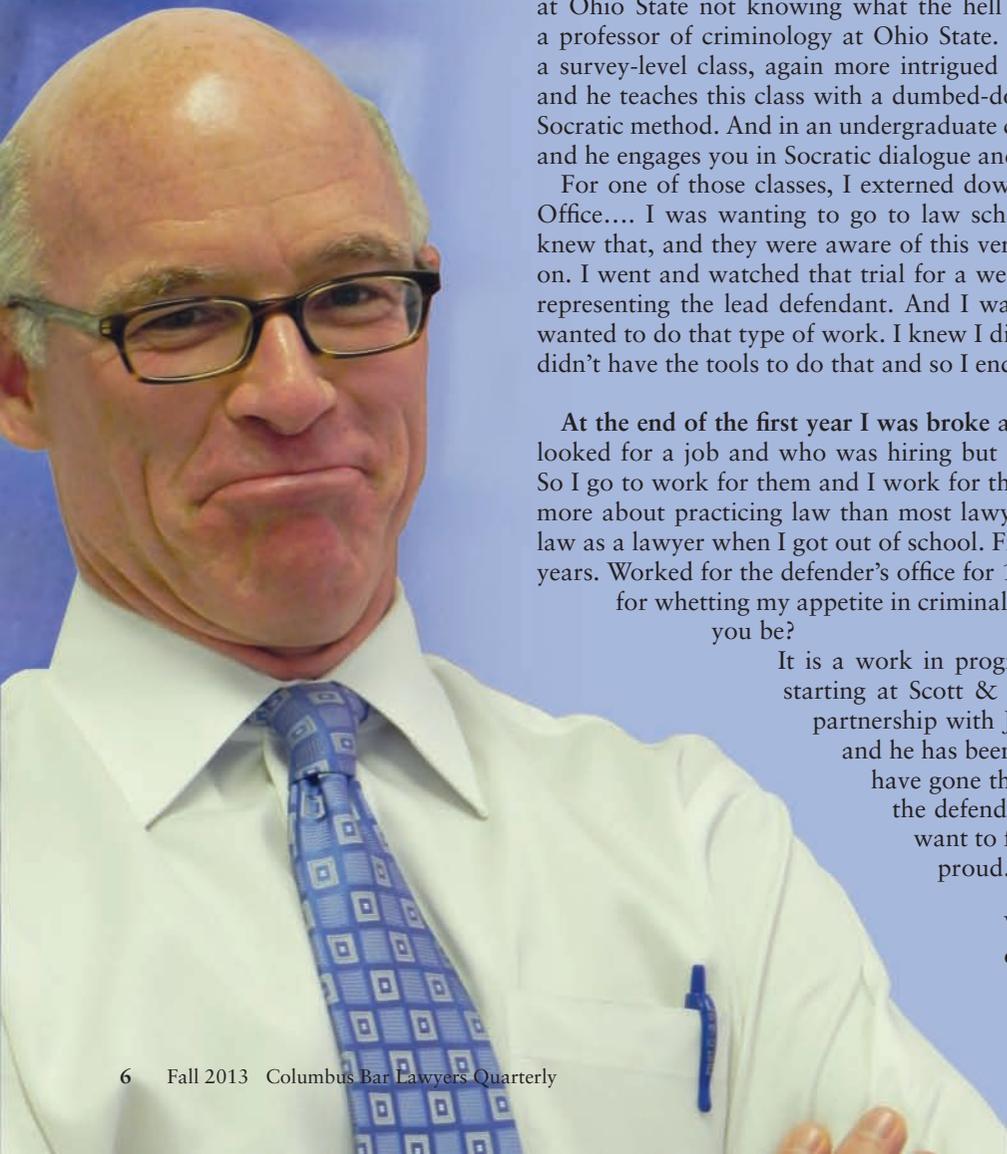
The fellow with whom I am in a partnership now – I walk in as an undergraduate at Ohio State not knowing what the hell I wanted to do with my life, and he was a professor of criminology at Ohio State. And so I walk into this criminology class, a survey-level class, again more intrigued with the concept, not knowing what it is, and he teaches this class with a dumbed-down case for undergraduates and using the Socratic method. And in an undergraduate class he is pulling your name out of the box, and he engages you in Socratic dialogue and that just fascinated me.

For one of those classes, I externed down at the Franklin County Adult Probation Office.... I was wanting to go to law school, and the fellows for whom I externed knew that, and they were aware of this very high-profile criminal trial that was going on. I went and watched that trial for a week and it was Paul Cassidy and Bill Meeks representing the lead defendant. And I watched that unfold and from that I knew I wanted to do that type of work. I knew I didn’t have the capacity to do that – I knew I didn’t have the tools to do that and so I ended up going to Capital Law School.

At the end of the first year I was broke and I needed to get a job and so I went and looked for a job and who was hiring but Paul Cassidy and Bill Meeks. A full circle. So I go to work for them and I work for them for three and a half years and I learned more about practicing law than most lawyers could imagine. I was ready to practice law as a lawyer when I got out of school. From there I was a sole practitioner for eight years. Worked for the defender’s office for 18 years and the guy that I hold responsible for whetting my appetite in criminal law is now my law partner. How lucky can you be?

It is a work in progress to go from one office for 18 years to starting at Scott & Nolder Law Firm on July 15. I formed a partnership with Jeff Scott and he has been very good to me and he has been very understanding about the things that I have gone through – and I am going through in leaving the defender’s office – but it is something that I don’t want to forget. It is something that I hope makes me proud.

When I took over the lead in the defender’s office, my goal was to hire good people, give them the tools to succeed, be there, be available to help them if they



needed it, but don't micromanage them. And so that was my management style. And whenever I would hire somebody new – to get along with me was pretty easy.

One: Be at work on time. Two: Don't lie to me. And three: If there is anything that I can do to help, my door is open; come to me and we can get through this together.”

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In the spring of 2013, Attorney Nolder was faced with the unenviable task of cutting 11% of the budget from the defender's office. His hand forced by the mandatory cuts from sequestration, Mr. Nolder's ultimate solution to the budget problem made national headlines.

“One school of thought would be that the last people in are the first to go. In other words, the most recently hired are the first that you fire – and there are lot of people that feel that that is the proper way to approach the problem. And I certainly looked to solving the problem in that way.

One of the things that troubled me the most was whenever I looked at those people – which would probably be about the last five lawyers that I had hired – there was a common thread in the fabric, and the thread would be that all of those people were very, very good lawyers. And none of them came to the office from Ohio. They all came from outside of the state of Ohio...they had been practicing in federal court exclusively and they did not have to be a member of the State of Ohio bar. And so whenever I looked at eliminating their positions, I thought about what could become of them if their jobs were eliminated.

I looked at the options I had in the Columbus legal market, and I figured that based on the reputation that I had developed – and my level of practice of law – that I had far more options available than they did. So I decided I would avail myself of the option of leaving, in hopes of at least helping the office to survive.

You can only ask so much of somebody if you are not willing to give to them as the manager. So for me, it just seemed unfair if I had options that they didn't have – that I would be so selfish to simply eliminate their positions knowing that I could leave and hopefully they could continue to thrive and survive in the office.

Right now it is very uncertain as far as what the defender's office is going to look like. Right now they have appointed the defender from northern Ohio to be the acting defender. And there is some room for some discussion as to whether or not the two districts would be combined under the public defender system if we were only having one manager over all of Ohio.

I don't know that it is workable, because if we had one person right now based in Cleveland who would be responsible for managing offices in Toledo, Cleveland, Akron, Youngstown, Columbus, Cincinnati and Dayton – that's an undertaking. Ultimately, however that plays out is a circuit decision.

Right now for fiscal year 2014 they are talking about cutting the budget another 22% in addition to the cuts they have already signed off. That's pretty substantial. It's tragic.

The mission of the defender's office is to provide effective representation to those who are indigent. The mission won't change.

The public defender's office – their mission is to provide services for the damned – for people that the public would rather forget about. But yet, our constitution says you cannot forget about them. The constitution says you have to provide these folks lawyers when you are going to take their liberty.

One of the things I fear is that the target of this sequestration, intended or not, would be services that indigent people rely upon.... Why are they depriving indigent people who need lawyers when they go to federal court to not be provided highly trained lawyers?

It is going to take people to grow up in Congress, it is going to take people who care about what the fabric of our nation means that stand up and say “No, this isn't right. We're going to have an adversarial system of justice; both sides have to be properly funded.”

I gave probably a 90-days' notice to the circuit court of appeals of my decision and the last 90 days were – it was like dying a slow death and you knew that at the end of June you were done.

I had a lot of cases that I was responsible for that I didn't want to dump on the lawyers that I was leaving in the office so I needed to get through those things – work through those cases as much as I possibly could by the end of June.

My practice here is still criminal law, that is all that I know to do but you know I mastered something. I mastered something. And that was practicing in federal court.... I need to master an entirely different domain and that is state practice – and that will come.

The actors in state court that we have in the federal court system and the criminal justice system whether it is the U.S. Attorney's office, whether it is probation, pretrial, the clerk's office, the judges, you have really, really good people across the board that care about outcomes and care about the process and procedure and I miss not having my hand in that to the extent that I had.”



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