

# Center Advocates for State and Local Governments

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Buffer zones are not just for abortion clinics. That is the message the State and Local Legal Center wants to convey to the Supreme Court as it considers *McCullen v. Coakley*, set for argument on Jan. 15.

The case asks whether a Massachusetts law imposing 35-foot buffer zones around abortion clinics violates the First Amendment rights of anti-abortion protesters. But local governments use similar tools in a range of settings, from a 20-foot zone that bars panhandling near ATMs in Kansas City, Mo., to a 10-foot zone that keeps animal rights protesters from disrupting circuses in Oakland.

A [brief coordinated by the center](#) argues that, especially in a time of shrinking budgets and police forces, such zones are necessary to maintain public safety and shouldn't be swept away in the name of free speech. “Many time/place/manner regulations are at risk of being declared unconstitutional,” the brief asserts, offering examples gleaned from a survey conducted by the International Municipal Lawyers Association, one of the center's member organizations.

That local perspective is what the State and Local Legal Center has been providing the Supreme Court for 30 years. “Buffer zones tend to be the stuff of local ordinances,” executive director Lisa Soronen said. “This case shows how real-world and practical our briefs are. Our people are concerned about how to rewrite buffer zone ordinances.”

The center will celebrate its 30th anniversary on March 4 at Georgetown University Law Center, with speakers including Solicitor General Donald Verrilli Jr., followed by a reception at Jones Day's D.C. office.

The center was formed after several justices dropped hints that state and local governments often were not well represented before the court. The justices referred primarily to elected state attorneys general, who sometimes offered oral arguments that resembled political stump speeches. Co-founder Stewart Baker, now at Steptoe & Johnson LLP, wrote at the time that government representation at the Supreme Court was “as varied as the number of state and local governments in existence.”

The National Association of Attorneys General took the hint and has, by all accounts, vastly improved that representation—aided by the increased number of expert state solicitors general, who have made arguments more professional and less political.

With a somewhat lower profile and a focus mainly on civil rather than criminal cases, the State and Local Legal Center has been a key part of the effort to ramp up government advocacy before the court. In addition to filing eight to 10 amicus briefs a year, written by pro bono attorneys, the center hosts moot courts for advocates preparing to argue on the side of state and local entities.

Its members include the National Governors Association, the National League of Cities and the U.S. Conference of Mayors, although not all members join all the briefs. Several state organizations sat out the *McCullen* brief on abortion clinic buffer zones, either to avoid the hot-button topic or because some of their members took a different view. Eleven states filed a [brief in support](#) of the protesters and against the Massachusetts law.

“The center has had a definite influence in the areas of federalism and government authority,” said Bill Pound, executive director of the National Conference of State Legislatures and chairman of the center’s board. “The center was set up to improve the quality of local representation and shed more light on the concerns of state and local government. I think things have improved a great deal.”

Pound also said that Soronen has “reinvigorated” the center in her two years as executive director. She arrived after 10 years with the National School Boards Association.

In addition to increasing the number of briefs the center produces, Soronen has moved the center into new areas of the law, as exemplified by its [brief earlier this term](#) in *Sprint Communications v. Jacobs*. It is the center’s first foray into the so-called *Younger* abstention doctrine—an obscure but important element of the relationship between state and federal courts.

“We have a niche,” said Soronen, who describes herself as a “one-woman band” running the center. “We get involved in cases that only governments are interested in. That’s our sweet spot—the lone voice in the wilderness.”

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