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And the Light Got In: From Habeas Volunteer to Full-Time Capital Writs Attorney

Gretchen Sween[1]

Ring the bells that still can ring
Forget your perfect offering
There is a crack in everything
That's how the light gets in.

— Leonard Cohen, "Anthem"

Singer-songwriter Leonard Cohen released *The Future* on November 24, 1992. Since my husband was a long-time fan, he commenced playing it obsessively shortly thereafter, much to my dismay. But one song in particular, "Anthem," resonated with me—then and now. "Anthem" reminds the listener that perfection is illusory; everything has a crack in it, yet, in the end, the crack is "how the light gets in." In other words, the vessel that delivers the prospect of real progress is also damaged goods.

This essay describes how a decision to take on a pro bono appellate matter allowed the light to get in—thereby changing the course of my professional life rather dramatically.

I could take some poetic license and insist that the story begins when Cohen's song inspired me to abandon my self-absorbed dreams of leading an experimental theater revolution in the wilds of Dallas, Texas and go to law school. After all, I should have recognized back then that I could effect social

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change and improve lives more easily with a law degree than performing shows in Deep Ellum basements before audiences the size of the Luckenbach public school system. But in truth, I continued to beat my head against a decidedly artsy wall for several more years, devoting most of my energy to quixotic theatrical endeavors while earning a meager living juggling part-time jobs as a teacher and freelance writer. I only decided to throw in the towel and head to law school nearly eight years after "Anthem" was released. I was then thirty-six.

Also, I cannot claim that I decided at last to head to law school because I'd finally recognized that I wanted to be a public interest lawyer. I was instead motivated by the basest of motives: the desire for a steady paycheck. I was tired of combatting the unstated assumption that seemed to follow me around—that I must be a deeply flawed individual considering my failure to parlay so much liberal arts education into an annual income barely above the federal poverty level.

As a neurotic Bohemian misfit, self-conscious about having achieved so little by "a certain age," I entered law school with a discernible chip on my shoulder. In commencing my time at The University of Texas School of Law, I felt that I'd made a wrong turn in Albuquerque and thus found myself trapped in halls full of enterprising youngsters well-schooled in the ways of white-shoe firms. My disorientation did not, however, mean that I successfully resisted the urge to mouth off in class about what I saw as the irrational presumptions underpinning so many core legal concepts—like the notion that juries can be instructed to apply an objective "reasonable man" standard to assess whether someone, serving as a stand-in for a corporation, had been negligent in leaving macaroni salad on a grocery store's floor.

I found our introductory Criminal Law class particularly unbearable. Even developments that were considered progressive—such as the attempts to distinguish among different degrees of culpability through concepts like first- and second-degree murder—seemed so retrograde. When it came to crime and punishment, the law appeared to afford little

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