

Alexis Robertson:

Welcome to The Path & The Practice, a podcast dedicated to sharing the professional origin stories that the attorneys at Foley & Lardner LLP, a full service law firm with over 1000 lawyers and 24 offices across the US and abroad. I'm your host, Alexis Robertson, director of diversity and inclusion at Foley. In each episode of this podcast, you'll hear me interview a different Foley attorney. Through our one-on-one candid conversations, you'll learn about each guest's unique background, path to law school and path to Foley & Lardner. Essentially, you'll hear the stories you won't find on their professional bio, stories of obstacles and triumphs with some funny moments in between. And of course, you'll learn a bit about their practice. Now let's get to the episode.

Alexis Robertson:

Today, I'm speaking with Marcella Jayne. Marcella is a litigation associate in Foley's New York office. Going into our discussion, I knew that she had managed to navigate and excel at Fordham Law School as a single mother to two young children. But I had no idea just how long, and winding and just difficult her path to law school and to Foley truly was. The story you were about to hear is really the story of how Marcella pulled herself out of poverty. The bulk of our discussion focuses on about a 10 year period in which Marcella dropped out of high school, got her GED, eventually returned to community college and was exposed to a lawyer. And as a single mother, working as a cook in restaurants, she was eventually able to go from public housing project to Foley & Lardner.

Alexis Robertson:

As you listened to this conversation, you will be struck by Marcella's determination and self awareness. She shares some incredibly profound observations and insights that I hope resonate with you as much as they did with me. It's truly an honor to be able to share Marcella's story, and I hope you enjoy our conversation. Hi, Marcella, welcome to the show.

Marcella Jayne:

Thanks for having me.

Alexis Robertson:

All right. I'm going to have you start the way I have everybody else start. Could you please give me slash our listeners that, I don't know, 30 to 90 second intro you do when you're at a networking event or maybe you're on a panel and you get that tell me about yourself question.

Marcella Jayne:

I'm a second year litigation associate at Foley & Lardner. I went to Fordham Law School. And before that I went to Mount Holyoke College for undergrad and majored in politics. I was very, very motivated to be a public interest attorney and even so in law school, I was the president of the Public Interest Association, which is called the Stein Scholars there. And I ended up at Foley & Lardner, but public interest is still near and dear to me.

Alexis Robertson:

You gleefully ended up at Foley & Lardner.

Marcella Jayne:

Fullfilling without apology, without a single apology to anyone about it. And that's where I am. I enjoy being a litigator.

Alexis Robertson:

Well, as you may or may not know, I'm so excited to have you on this podcast because I think, well, like so many others, but you also have a really unique, I think an interesting story in terms of your path to law school and your path to Foley. But before we get there, let's start at the beginning, where did you grow up? Where were you raised?

Marcella Jayne:

Well, I think even this could be a boring question and a boring answer, but for me, it's actually... For me, that sounds really arrogant. But I think it's interesting because people don't really have the patience for a nuance complex story or narrative I find.

Alexis Robertson:

I'm excited for this and we have the time and the patients right now let's do it.

Marcella Jayne:

We do, we do. So people want something easy to digest. You're from a poor community, you're from a wealthy community, you're this or you're that. And my story and where I'm from is complicated and it informs who I am as a person. Because I grew up in Amherst, Massachusetts until about the age of 17, pretty much. And Amherst it's where I'm staying now in South Orange, New Jersey, it's a fairly affluent college town. It's very intellectual. It's in many ways, a great place to grow up. Even though it's a small town, it has that because of the influx of students there so much cross pollination of ideas and thoughts, and it's very intellectually stimulating. There's lots of old bookstores, which I love and could pretty much waste the day noodling around in. But then when I was 17, I moved to another area of Massachusetts, which is geographically really close. And that's about it.

Alexis Robertson:
Interesting.

Marcella Jayne:
It's literally a different world. And it's sort of, well, I guess a lot of places throughout the country have these neighborhoods or these cities and towns that are so close to each other, but are just stratified so differently.

Alexis Robertson:
Absolutely.

Marcella Jayne:
And the way that informs the people who grow up in one of these communities and never go to the other one, have a very singular view of the world. And I live for maybe 10 years leading up to law school. I lived in Holyoke, Massachusetts, which is a very economically depressed city.

Alexis Robertson:
And I'm assuming it's only within a couple of miles, perhaps of Amherst?

Marcella Jayne:
Yeah. They're very close geographically. Mount Holyoke College where I went as smack dab in the middle and that's in a town which borders Holyoke. I think it was on Mount Holyoke's website for visiting families that give you directions on how to drive to Mount Holyoke. And the quickest way to drive off if you're coming up from New York is to go through Holyoke. And I looked at the directions once and they actually have you go...

Alexis Robertson:
Avoid it.

Marcella Jayne:
They have you drive past Holyoke and then you get off in North Hampton and then backtrack up.

Alexis Robertson:
Turn around just to avoid the area.

Marcella Jayne:

So you don't have to drive through Holyoke. And I had a friend in college and she actually, her dad just plugged the address and his GPS. And he said, "You can't go to Mount Holyoke." After he drove through downtown Holyoke, he said, "You can't go here because it's too crime written. It's too unsafe." You drove through the downtown. It was like five o'clock, every business is closed. There's people loitering, there's garbage everywhere. Or I don't know, maybe today is a little bit better, and he said, "You can't go there." And then I said, "Well, that's why the website directs parents to drive around it."

Alexis Robertson:

Avoids it yes. Well, and what precipitated or what caused your move? But then also I'm curious if you could reflect on what you learned having spent 17 years, and like you said, a starkly different place that was only miles away from Mount Holyoke.

Marcella Jayne:

I think, well, the reason I moved is, despite growing up in Amherst, which is fairly affluent, we lived in public housing in Amherst. So mostly public housing. So I had a single mother, she had four kids. My mother did union organizing, but she did not make enough money to really live in Amherst. The idea is that, and there were a lot of families like ours in Amherst, where people would go on housing lotteries forever and just wait to get into the town in hopes that they could get their kids into this school system. Even if you're paying 90% of your income toward rent, and you're really living lean, the idea is that if you get your kids into this school system, you're going to give them a tremendous opportunity.

Marcella Jayne:

So that's kind of when we first moved to Amherst, we lived in a really rural, poor, more like white town in Western Mass. And then we moved to Amherst at first paying almost all of our income toward rent and then living in public housing. So when I started working, I was 17, I dropped out of high school. I had a GED, I was working in restaurants. And it gets so far. I know I can't afford to live in Amherst.

Alexis Robertson:

Right.

Marcella Jayne:

You can't work in restaurants and make minimum wage and live in this town. So where can you live? You can live in Holyoke. I mean, my first department there, and I had a roommate, you won't believe this, but it was 4.75 a month.

Alexis Robertson:

[inaudible 00:08:31]. And you're like, and we needed to split it because it was a lot of money.

Marcella Jayne:

We splitted it. I mean, [crosstalk 00:08:33]. Now I'm like, "Oh my God, I blow that much on Amazon without even knowing what I bought."

Alexis Robertson:

Right.

Marcella Jayne:

[inaudible 00:08:41].

Alexis Robertson:

My husband will tell you about me. I [inaudible 00:08:43] yes. You stated it, but just to make sure people heard, you mentioned that you dropped out of high school, and you got your GED, and you started full time waitressing.

Marcella Jayne:

No, I'm not waitressing am cooking.

Alexis Robertson:

Cooking?

Marcella Jayne:

Yeah. I worked in restaurants. And so in Amherst High School, there was a program where you could go to community college for the last two years of high school. And I wanted to do that program, but I was a very defiant student and I often skipped school. And so I went to the guidance counselor, whoever, and I was like, "Listen, I want to do this program." They're like, "You are absolutely not a candidate for this." So I just kind of turned up my nose. I was like, "Fine. I'm dropping out. I'll [crosstalk 00:09:27]. I'll just get a GED. And I can go to community college with a GED. I don't need to be in your stupid program."

Alexis Robertson:

And then were your sights set on the culinary?

Marcella Jayne:

No. [crosstalk 00:09:40].

Alexis Robertson:
Okay.

Marcella Jayne:
It's just a way to make a living, right?

Alexis Robertson:
Got it.

Marcella Jayne:
That's the jobs cater to the college population.

Alexis Robertson:
It's true.

Marcella Jayne:
So it's basically a service industry driven economy that all revolves around the colleges. And that's one of the reasons I go back now. I'm like, "It's so beautiful here." And my kids are like, "Could we live here?" I'm like, "No." I mean, where would I work? There's nothing to do.

Alexis Robertson:
Right. Cause it's [crosstalk 00:10:03]

Marcella Jayne:
In this industry.

Alexis Robertson:
And [inaudible 00:10:05] I even know Amherst is because of the schools. I don't think I would know the name for any other reason.

Marcella Jayne:
It's a great place to visit, I think.

Alexis Robertson:
Yeah.

Marcella Jayne:

And also a great place to go to college, but to live full time, I think that's a lot harder.

Alexis Robertson:

And you mentioned there's this 10 year period between, I guess, around the ages of 17, between that and law school.

Marcella Jayne:

Yeah.

Alexis Robertson:

So can you tell me about those 10 years, what you did in that 10 year period?

Marcella Jayne:

Yeah. And I mean, I think that's the darkest point of my life in many ways, but also I think I experienced the most growth from that period in my life.

Alexis Robertson:

Those two things usually go together, difficulty and growth.

Marcella Jayne:

They do. So moving to Holyoke introduced me to, I guess, poverty and disparity in a way I did not understand before. I thought I did because I grew up poor. We were very poor, but we lived in an affluent neighborhood. But in that type of poverty, I mean, everyone in my family can read and write. There's no one in my family that can't read or write. It doesn't matter how poor you are, we can all read and write. It doesn't matter if I had a GED, but I could read and write, I could read at a college level. I've read. I grew up in a house with books.

Marcella Jayne:

I had a very different upbringing than my neighbors, when I moved to Holyoke. And a lot of the little kids in the neighborhood would come over to our apartment a lot of the time. And we got to see the world through their eyes. And it was such a different world. It was also a very violent place in a way that I had not seen, ever seen violence before. And the desperation was so different. There were families where, what would happen, a lot of people, a lot of friends and people I knew weren't really illiterate in English, but they weren't really literate in Spanish, because you learn one language and then you come here, you don't get any further education in Spanish and you never really get caught up with English. So you can kind of speak and read a little bit of both to get by but-

Alexis Robertson:
Right.

Marcella Jayne:
-you're not really fluent. There's so many moments I can remember, but there was just getting the apartment and the landlord, my friend and I were like, "Oh." We're young, we're single. We're like Cowboys. We'll go anywhere, right? We're just trying to get somewhere cheap. We don't care, right?

Alexis Robertson:
Right. The wild wild west, let's figure it out.

Marcella Jayne:
Yeah. And my best friend and I we both had that part of your brain that eventually develops where you do risk analysis as an adult?

Alexis Robertson:
Yup. But that takes until you're about 25.

Marcella Jayne:
Yeah.

Alexis Robertson:
So that's some time between 17 and 25.

Marcella Jayne:
It was very, very underdeveloped. Intellectually I could assess risk, but it just never factored into a decision. So we didn't care where we were, "All right, great. We got this apartment we can afford." And the apartment wasn't bad in and of itself and we were asking the landlord, "What's the hardest part about being a landlord in Holyoke?" And he said, "Oh, definitely cleaning up after the murders."

Alexis Robertson:
Oh my gosh. I did not expect you to say that.

Marcella Jayne:
Yeah, you heard that.

Alexis Robertson:
Okay.

Marcella Jayne:
We were like, "But none in our building?" And he said, "Well, what building are you guys going into?" And we're like, "[inaudible 00:13:36]. The yellow brick building in [inaudible 00:13:38]." And he said, "Oh yeah, definitely I've done that there." That was sort of normal. There were times I walked up that hallway and there was just blood just sticking on the floor.

Alexis Robertson:
Oh my gosh. Oh, my gosh.

Marcella Jayne:
And I remember one time it getting on, I had white tennis shoes and wiping the shoes off 'cause there was blood sticking to the bottom. It was such a different world and I saw poverty in a way I did not know it or understand it. I saw it in a way where it affected the ability of people to engage with the court system-

Alexis Robertson:
Absolutely.

Marcella Jayne:
-the education system to be completely stifled, because the poverty I knew was different. My parents were poor, but they could read and write. And my mother was a union organizer. So she knew how to navigate things in a way and she could figure out resources for certain things.

Alexis Robertson:
It's very different. So I had never had necessarily longterm exposure to that level of poverty. But when I was in college, I went to American University in DC for undergrad and I was an investigative intern for the public defender service there.

Marcella Jayne:
Oh wow.

Alexis Robertson:
I mean, they literally have college students doing the investigation for their criminal defense work, which at the time felt super normal, but in retrospect it's not.

Marcella Jayne:
No.

Alexis Robertson:
And so that would send me to parts of DC to talk to the complaining witness who frequently would give the statement, as you know, Washington DC and many big cities, they definitely have areas with just extreme poverty. And it made it very clear to me that I did not know this world, and for me to judge that world by whatever my standards, by whatever I saw in the news, by whatever I had read was wildly unacceptable and not okay. And so for me, it was afternoons two days a week for about a year, that gave me some exposure, probably still not at the level of which you're talking about, but it definitely was a part of society that I had up until that point really been privileged to not have as a part of my day-to-day.

Marcella Jayne:
I mean, it is this heaviness, this sinking heaviness and this sense of doom that it's once you learn it, you can't ever really...

Alexis Robertson:
Getting out of it is it becomes...

Marcella Jayne:
Right.

Alexis Robertson:
We can have these theoretical conversations, but when you're, like you said, you're walking upstairs and there's blood in the hallway and people who they can't functionally really read or write well in either language it's a very long, long road. Although I'm going to push forward a little, because when I would do two and a half hour podcasts if I could.

Marcella Jayne:
No, no, it's fine. It's fine.

Alexis Robertson:
Because there's still a lot to talk about here.

Marcella Jayne:
Yeah.

Alexis Robertson:

When we talked the past you had mentioned for a lot of that time, you'd worked in restaurants.

Marcella Jayne:

Yes.

Alexis Robertson:

And I'm curious as to when the seed, and I realized a number of other intervening things happened in life as well.

Marcella Jayne:

Yes.

Alexis Robertson:

So as much as you'd like to elaborate on, but I'm curious about kind of what you were doing, when the seed of law school was planted, but also what happened in life, between then and going to law school.

Marcella Jayne:

Well, when I was in community college and it took me six years to get a two year degree. 'Cause it's you work and you go to school and you work, then you stopped going to school for awhile and focus on work and whatever. But I took a civil liberties class and the professor was a lawyer. And that's sort of in a way, all that really takes. I mean, I didn't know any lawyers growing up and this guy had the right values and the right motivations, and he was representing Guantanamo Bay detainees. And he was teaching this class at community college. Can you imagine? It's like an act of charity or whatever. But he was a well-established attorney and he was doing these huge civil rights cases and getting people out of Guantanamo. And I thought it's almost like voodoo or magic what you could do with a law degree, that's what I saw. And also being around that extreme poverty, that juxtaposition. You see people's lives are turned upside down and sideways because of pieces of paper, and because of writing and language.

Alexis Robertson:

Right. That they can't interpret and they don't know how to navigate. And I love what you said, it was like magic or voodoo if you could understand and navigate these laws.

Marcella Jayne:

You basically have a superpower.

Alexis Robertson:

Yeah. That's so powerful what you just said. That's really, really powerful.

Marcella Jayne:

So that's when I started to get that idea because also, well, I also wanted to make money because I didn't want to be poor and I didn't want to work in restaurants. And it's funny now, 'cause I think my billing rates higher than his. But when he was teaching our class he said something about, "I charge \$300 an hour." I was like, "Whoa."

Alexis Robertson:

At the time you're right, You're probably like, "Oh my God."

Marcella Jayne:

I was, "So he can get... People are being tortured, they're being tortured and in prisons." And also it was significant because part of my family is Syrian too. So after 911, there was a lot of anti-Arabic sentiment going on. So that sort of resonated with me. And then seeing that he was getting people out to work and making money, he was making, and for me it was never about being rich or anything, but he's making enough money to dress well...

Alexis Robertson:

And to champion these causes.

Marcella Jayne:

Right.

Alexis Robertson:

So that penetrated, that resonated with you?

Marcella Jayne:

Absolutely. But the road there was still complicated. And in between this period, I was in a very, very abusive relationship. And I ended up having to go to a women's shelter. And at that point I was pregnant with my first daughter. And I had about half, I mean, I don't know how many, I had credits at community college, but I didn't have anything else. It was I had that and I was in this shelter and then I knew exactly then I was going to be a lawyer. And I made that decision. And I didn't even know what the LSAT was. And I didn't even know anything about bar exams or US news rankings, I just didn't know anything about any of that. But I knew I was going to be a lawyer and I didn't tell anyone because I thought they were...

Alexis Robertson:

Right. They [inaudible 00:20:19] you really, how are you going to do that?

Marcella Jayne:

Oh, that's true. That's true.

Alexis Robertson:

Good luck with that.

Marcella Jayne:

Right. So how are you going to do it? It's you're just going to do one step after the other and know that I know my path, you don't need to know it and I'm going to get there. And all during this time I was in the shelter, putting in housing applications every day, no income, very pregnant, about to have this kid and we got a unit in this public housing project. That was when they showed me the address, "You gotta be kidding me. I know that place. I'm not living there." But you're like, "Well, what am I going to do? I have no other assets. No one's going to rescue me. No one's going to come and rescue me."

Alexis Robertson:

Sorry, what you just said, no, one's going to come and rescue me is such an important thing to learn in life. I know it's really easy just, but when you have that fundamental understanding that at the end of the day...

Marcella Jayne:

No one.

Alexis Robertson:

Right? And hopefully people do assist. And I know later on there's some people who definitely supported you in getting you to law school.

Marcella Jayne:

Absolutely.

Alexis Robertson:

But understand that, this is me right now.

Marcella Jayne:

It's freeing. And I think about this sometimes when I'm having a hard time, but when I'm alone, I'm with someone I perfectly trust. I'm with someone who's never let me down.

Alexis Robertson:

Oh, my gosh, yes. Oh, God you're killing me with it. But your words are just so... That's right. That's absolutely right. And I know for some people, the no one's going to rescue me can be depressing, but like you said, it's powerful, it's actually empowering to not go too far off into the, I don't know if it's life coaching sort of thing, but the relationship with the self and to deeply trust yourself, and to be with yourself when there's no one else to be with that's everything.

Marcella Jayne:

Yes, it is everything. And so that's what I said. It's the most painful period, but also the most growth. So I'm going to live in these crazy projects that are run down, they're the oldest standing projects in the US.

Alexis Robertson:

Wow.

Marcella Jayne:

They were slated for demolition a decade ago, but they're still standing.

Alexis Robertson:

Raise a baby. You're going to have a baby.

Marcella Jayne:

I don't know how I'm going to do it, but I'm going to go back to community college, I'm going to finish all of my credits. And also, I don't know how I'm going to do it, but I'm also going to graduate close to the top of my class as possible.

Alexis Robertson:

Mm-hmm (affirmative).

Marcella Jayne:

And I also don't know how I'm going to do it, but at that time too, I started to say, "I'm going to go to Mount Holyoke. And I don't know how I'm going to get in and I'm going to get a scholarship." And that was sort of my plan, and it did work, but it's not like it worked seamlessly, it was painful.

Alexis Robertson:

And over many, many years as you've been saying.

Marcella Jayne:

Right. So it was just you have those blinders on that horses have, or you just looking ahead and things are... There are setbacks, there's complications. And one of them in Holyoke, which is absolutely crazy when I talk about the level of poverty that I saw there is, landlords are not required to furnish fridges, refrigerators.

Alexis Robertson:

In the apartments?

Marcella Jayne:

Yeah. So imagine you're moving into public housing because your...

Alexis Robertson:

There is no refrigerator.

Marcella Jayne:

And you're escaping domestic violence and you don't have a refrigerator. Now you've been referred to a caseworker because of the domestic violence. So the caseworker is, "If you don't get a refrigerator, I'm going to file a neglect report."

Alexis Robertson:

Right. 'Cause you can't live here without, right.

Marcella Jayne:

Right. And you don't have money to buy a refrigerator. So you have to think.

Alexis Robertson:

How do I get.

Marcella Jayne:

How I'm going to get a refrigerator?

Alexis Robertson:

Right.

Marcella Jayne:

And so those years is every day is pivoting 16 ways. Seeing a spiderweb, every decision you make, how is this going to play out? How am I going to get around this and that? How am I going to get a refrigerator? If you don't have a bed, I might file, I might have to [inaudible 00:24:20].

Alexis Robertson:

Great, how am I going to get a bed?

Marcella Jayne:

Are you going to get a bed? How are you going to get childcare to go back to school? You have to be enrolled full time. And then the childcare only covers the time of the class. So you're going to have to do your schoolwork with the kid. So it was just constant onslaught of logistical challenge.

Alexis Robertson:

Right. Over and over and over for years and years.

Marcella Jayne:

Right. And interfacing with bureaucracies who frankly, I mean, this is the perspective that I think I have that I'm grateful for is I know the level of competency and strategy it takes for women just to survive like this. So if that could be acknowledged and valued a little bit more in our culture, women like these should be running companies.

Alexis Robertson:

Right.

Marcella Jayne:

Because the level of executive function you need, and there are people who did do it better than me and are still doing it better than me. So I know that they are out there and I hope someday I'm in a position...

Alexis Robertson:

All of that though, well, the grit, the savvy, the perseverance, keep listing all the attributes it takes to navigate any of that. You're absolutely, absolutely right. And we don't have a way to assess that, capture that, to even recognize or notice it, frankly.

Marcella Jayne:

Exactly.

Alexis Robertson:

And by the way, what you said about the refrigerator, that's not something that's occurred to me because most people want to, like you said, when you're not in public housing above a certain place in society, if you rent a place...

Marcella Jayne:

It comes with a refrigerator.

Alexis Robertson:

That's the expectation.

Marcella Jayne:

Yeah, no, I mean, these are the little things. And then imagine this, I'm still living in these public housing projects. By the way, there's this whole other backstory that while I'm living there, they're trying to demolish the projects. So then I got involved politically and now they've actually revitalized them. So when I go back there, I see Lyman Terrace housing projects, which were going to be demolished and everyone was going to be displaced. And there was a professor in undergrad who helped me basically wage this war to keep this neighborhood intact. But while I'm in college, while I'm waging this war to protect our housing, to protect this community, I'm in these classes, politics classes, urban development, politics of poverty, Marx and Marxism, all this stuff. And my classmates are like, "Well, there are daycare vouchers, so I don't understand why that's a problem. Oh, there is public housing or there is section." And I'm like, "Okay, did you know the wait list for section eight is 10 years?"

Alexis Robertson:

Right, back to what you said, did you know that daycare only covers the time in school? So if you plan to study, you're doing it with a child on your lap?

Marcella Jayne:

Right. So they well-meaning, my peers.

Alexis Robertson:

But the disconnect.

Marcella Jayne:

Exactly. And the challenge for me and what I'm grateful for that experience is that I had to cut out my emotion and just bring facts. I'm grateful for that. I had a classmate who was a nontraditional student and she was from Fall River, which is a pretty economically depressed town in Massachusetts. She was older. And she said to me after class one time, and it was our politics or poverty class where well-meaning classmates would say these things, which just show that they weren't malicious, but they were just ignorant of these actual struggles. And she would say, "I don't know how you keep your composure. I don't know how you don't lose it. And you just say the truth of the fact that you don't make it..." I never said as a...

Alexis Robertson:

Right. And to get emotional. 'Cause it's personal. She's like, "Why aren't you getting emotional about it?"

Marcella Jayne:

I mean, imagine waking up in this neighborhood where the walls are sweating with your speckled linoleum floor, that hasn't been updated in 50 years where the freezing because the wind is blowing through the cracks and the door, working as hard as possible and then have someone saying to you it's easy. I mean, it's turns your blood into lava.

Alexis Robertson:

Go get the [inaudible 00:28:25] and you can be here with me right now.

Marcella Jayne:

Yeah. Oh yeah, exactly.

Alexis Robertson:

Oh my gosh. Well, there is some level of, back to the things you learned in the way you had to push yourself, the composure you had to gain. I don't know. I guess it's compartmentalizing at some extent because you're like, "I'm also focused on my goal here."

Marcella Jayne:

Right.

Alexis Robertson:

And I don't have the energy even to give in, in this right now.

Marcella Jayne:

That's a weird blessing, right? To be so exhausted in one way that you're like, "Whatever."

Alexis Robertson:

I can't, I can't, I need this energy [inaudible 00:28:55]. You said it took some time to finish six years, to finish college. And I know when we talked in the past, you've mentioned, there's also a bit of a gap between finishing that and even kind of starting that application process to law school. So what happened next?

Marcella Jayne:

Well, I had another partner, we had another kid and we were going to move to New York or wherever. I ended up going to law school together and that was going to be the plan. And then we broke up and then suddenly it was a daunting and horrifying prospect of being a single parent, again, now with two kids, three and six, or at the time two and five. How on earth can you possibly relocate and go to law school? And I think about this all the time, because this is something had I not had this experience I would take for granted. Right now I could afford to relocate, first and last fine. At that time, that was absolutely not on the table.

Alexis Robertson:

So much money.

Marcella Jayne:

It was not on the table in any way. I did not have money for first and last, I didn't even have money for a moving truck. And it was all people in my community who cared. And a lot of people from the legal community in Western Mass.

Alexis Robertson:

And by the way, where were you? Were you already working somewhere at this...?

Marcella Jayne:

Yeah, I was working part time at a few different... I worked for non-profits that did anti-foreclosure work. And we worked with a lot of attorneys doing limited appearance representation where we refer that. And this was in the aftermath of the foreclosure crisis, which hit Springfield, Massachusetts really, really bad. And through that work, which was an excellent introduction to litigation and excellent work in terms of really helping people, but also very beneficial for me, for someone who didn't really know any attorneys [crosstalk 00:30:57] because so many attorneys. And we worked together and it was baptism by fire. We were in court, every Thursday was eviction day.

Alexis Robertson:

My gosh, wow.

Marcella Jayne:

It was writing and trying to draft documents. They would use the jury room became the defacto legal assistance room. And I would also know the standard to get free legal aid, you have to be so unbelievably poor. So we'd have a lot of people who could never afford an attorney, but they'd be over that threshold. So then you have to figure out, you have to know that from the jump and get them at the right person, or you could help someone do pro se discovery requests because someone made a great form where they basically just have to check things off. But sort of very intense work, got to meet a lot of really incredible attorneys.

Alexis Robertson:

And I'm guessing, meanwhile, they know you want to go to law school?

Marcella Jayne:

Yes.

Alexis Robertson:

They maybe know you've applied to law school. Maybe they wish they knew what the plan was supposed to be life changed. And I believe when we talked before you said at some point it was, "I have applied and I want to go, but I can't possibly."

Marcella Jayne:

I was getting acceptance letters and I had no way of going. And an attorney named, because I think she deserves props, Madeline Weaver [inaudible 00:32:11], who is a family attorney. I think she does criminal law as well. She sent me a message and was like, "You just got to do a GoFundMe type thing and I will donate. I will pester everyone I know to donate because we are going to be so upset if you've worked this hard, we can't let this happen."

Alexis Robertson:

Right. She's like, "You're going, we're figuring this out."

Marcella Jayne:

You're going, we're going to figure it out. And people shared it. And the legal community really put their money where their mouth was. And people that I didn't even know made donations that were... Someone I didn't know at all made a \$2,000 donation because they read the story and they just said, "This is ridiculous." I've been trying hopefully pay that forward to someone else in

my life, because that level it's breathtaking. To think that someone said, "We cannot let this be end of the story here."

Alexis Robertson:

And then it wasn't. And by the way, just to pause for a moment to give everyone else some context. So we spoke for the first time, maybe like two, three months ago, I'm doing attorney outreach. I'm new to the firm. I want to check in on the lawyers. I have this whole idea. I considered doing a podcast for the firm maybe. And then I talked to Marcella and you share a bit of your story. And I'm just like, "Oh, I'm doing a podcast for the firm."

Marcella Jayne:

That's awesome.

Alexis Robertson:

Because we tend to think there's this prototypical path to law school, there's a prototypical lawyer.

Marcella Jayne:

And also that [inaudible 00:33:37] see it's kind of the same cloth. It's this type of person, partners are all that type of person.

Alexis Robertson:

Yes. And I'm so focused on exploring the individual stories. And then for you, that is such an incredible story because after, I mean, at this point we're probably at the six to eight year mark, if not longer of, like you said, "I knew this was my goal. There's a lot of impediments in the way. I'm literally getting acceptance letters." And it hits that back to the... You've identified it as I need to rely on myself. But you hit the point where I've done that all that I can do. And I'm so close. And then, so for others and the community that you've been working with to support you, I just find... I won't tear up. We will keep going, but it's really such a profound story. And then I know you mentioned, so you're able to go, you have first and last month, you're able to go to New York because you've been accepted to Fordham, but you still have the childcare issue.

Marcella Jayne:

I mean, everything, I can't even. It's all by a shoe string. So by the skin of my feet. It's like every moment for even getting the apartment denied and denied. And then at the, literally it was the second week into orientation, my friend says, friend from undergrad, "My mom wants to co-sign for your apartment." And I moved into the apartment without ever visiting it. And it was a broker who just went above and beyond and he had been an attorney too. He was an angel, she was

an angel. To get this into these apartment, I did the first week of law school couch surfing with a girl I found on the expected students page on Facebook.

Alexis Robertson:

And your kids at this point you said, are they three and five?

Marcella Jayne:

No, there are three and six.

Alexis Robertson:

And so, okay, you're couch surfing first week of law school, did you find childcare for them by that point? Or how did that work?

Marcella Jayne:

A friend of mine watched them for the week for me to do orientation. And in my view, this was, I mean, I can't even believe how stressful this is, but I gave my notice to my apartment and I had nowhere else to go. So I was like, "We're like running up to a cliff. I'm packing up my stuff and I don't know where I'm taking it."

Alexis Robertson:

Right. Leap and the net will appear. I guess.

Marcella Jayne:

But, well, that's exactly what it is. It's, all right, well, it's so anxiety provoking that the chemicals burn off after a little bit. You're just...

Alexis Robertson:

Keep going.

Marcella Jayne:

Oh, whatever's going to happen is going to happen. So we get this apartment, we moved there and I heard that New York had just implemented a universal pre-K. And I don't know how to register my kid. I mean, New York is crazy. It's not anywhere I live or you just...

Alexis Robertson:

It's a huge city. How does that work?

Marcella Jayne:

It's a huge bureaucracy to navigate for any little thing. And I run into a neighbor outside and I'm like, "How did you register your kids for school?" 'Cause I see she has kids and she's like, "Oh, I was going to do that tomorrow. Let's go together." It's all these people you just come across so randomly. She was this woman in this Jewish Orthodox community was exiled because she got divorced because she had breast cancer. Her husband left her. So she's there with these kids. She just moved to the neighborhood. She's registering her kids. I happened to run into her and we just start talking for whatever reason. So we go there together the next day to register kids and Valencia, my daughter who's three at the time gets literally the last slot-

Alexis Robertson:
Wow.

Marcella Jayne:
-for the universal pre-K. And it was just, I don't know, whatever. I just feel very lucky.

Alexis Robertson:
But also just the marathon. So for many people law school is the hardest part. And you've really detailed so many things in and of themselves that just to get the opportunity to go to law school that you still had to do three years of law school after all that we've walked through. But in some ways I could imagine that law school itself is a lot easier in context with everything you had dealt with, figured out over the years prior.

Marcella Jayne:
Yeah. I mean, in a way I think it is, in a way. And in a way you can give yourself these pep talks, right? And which I did all the time. And which I shamelessly solicited from other people. And they would say, "Have you ever let yourself down before? Have you ever not come through?" Because I need a fact based argument. Don't give me any, woo, woo, you got this girl that doesn't mean anything at all to me. Tell me something that I can hold. And that's what I would hold on to. But law school was also... I didn't like it. I didn't enjoy the experience of being there. And I had a lot of really dark times because I really wanted to be at the very top of my class, and it seemed like no matter what I did, I couldn't be. And it was every time I got a B+ it was a lashing. I mean, my ego was so just shredded. And also law school was so different. I loved undergrad. I love debating.

Alexis Robertson:
It is very different.

Marcella Jayne:

I loved getting to know my professors and having coffee with them. And law school was so different.

Alexis Robertson:

Yes. And you are also holding yourself up to incredibly high standards, which is great, but as you said, "My goal is the top, not near the top. The top." Yes.

Marcella Jayne:

So then I feel perpetually disappointed in myself the entire time I'm there. But actually I was talking to my aunt about this, 'cause my grandfather can be really pretentious and he's really status obsessed. And he was disappointed I didn't get into Harvard Law School or something. And I was really offended by that because I know how hard it took to get where I got anyway.

Alexis Robertson:

Mm-hmm (affirmative). Get where you go, yes.

Marcella Jayne:

And my aunt said, "But if you look at it in the other side, he thinks you're capable of that." So then I say to my internal tyrant, who's just the most relentless and devilish entity you could think of. My internal tyrant is ruthless, but she always believes I can do it. So that something to hold on to too. There's some part of me that believes I can reach that limit. That's the same part that beats me up when I don't.

Alexis Robertson:

Yes. Well, and it's also kind of forgiving that part and valuing it for what it is.

Marcella Jayne:

Great, exactly.

Alexis Robertson:

Yes. Yes. And by the way, if you don't mind, we're going to go a little bit longer than some of the other podcasts. 'Cause I still have a few other things.

Marcella Jayne:

Okay, sure.

Alexis Robertson:

And I will say spoiler alert, I've heard you still did pretty well at Fordham.

Marcella Jayne:

No, I did. I did. Well, here's another spoiler alert you kind of have to to end up at Foley.

Alexis Robertson:

So that's rumor has it.

Marcella Jayne:

Yeah, no I did.

Alexis Robertson:

But I will say I do hear you when you say, and unfortunately we can't go through each of the three years there that it wasn't easy.

Marcella Jayne:

No.

Alexis Robertson:

It still wasn't easy. It wasn't, Oh, fast forward through the next three years. There was still a lot of work. And I can only imagine navigating law school with a three and a five year old because law school is hard regardless, let alone, when there's children that have to be cared for, fed, given attention to every day, apparently.

Marcella Jayne:

They grew up on that campus.

Alexis Robertson:

They went with mom where they needed to go.

Marcella Jayne:

All the free pizzas in the basement that would get brought to the public interest.

Alexis Robertson:

That is funny.

Marcella Jayne:

I mean, they were living off those pizzas. They were going to cocktail parties.

Alexis Robertson:
And they had to.

Marcella Jayne:
They did. And so I felt bad 'cause I didn't always get to give them the attention that I wanted. But I was, "Look, I could be a waitress at Denny's and never see you."

Alexis Robertson:
Yup. Let's get the work done to get... Yes. So when does Foley & Lardner come on the scene? How do you hear about Foley?

Marcella Jayne:
So I'm really gung ho about being public interest. And I did an internship at the SEC and the FTC and I started to think maybe government regulation or enforcement regarding financial stuff and consumer protection stuff is the way that I can make a good living and really promote public interest in my career. That's where I'm going in my mind. And then at the time it looks like Trump wins the election also. So all these government jobs are really not...

Alexis Robertson:
Right. Not as appealing?

Marcella Jayne:
Yeah. So I'm trying to figure this out. And I have a mentor at Fordham and he's a public interest guy too, and we're having one of our breakfasts and he's like, "I hate to do this, and I know I'm your public interest advisor, but OCI is coming up and I want you to bid."

Alexis Robertson:
He's, "You should just consider it, just go try OCI out." And for others who aren't familiar, it's on campus interview. For any non lawyers who listen to this. Yes, the opportunity to be in law firms.

Marcella Jayne:
So that's where the big law firms are going to recruit at OCI. If you go the public interest route, public interest places typically don't have the money to even hire you until after you graduate and pass the bar. So basically the deal was if you get hired through OCI, through a firm, you'd summer there. I mean, obviously I know you know this, but I figured since you pointed out [inaudible 00:43:09].

Alexis Robertson:

Yeah, absolutely.

Marcella Jayne:

You summer there, you make pro-rata salary. So you get a taste of what it would be financially and work-wise as well. And they typically give you an offer, so you know right out of law school, you got to a place to go. And they'll also help with bar expenses, et cetera.

Alexis Robertson:

Right. He's like, "What's the downside? Go try."

Marcella Jayne:

Right. So he's saying, "Look, you can get in now. Your grades are good enough. You can get in now. But if you don't take the opportunity now there is absolutely are no guaranteeing you will ever get it again." He said, "If you hate it, you can quit. If you only want to stay there for two years and just pay down some debt, fine, pay down some debt and guess what? You're going to be better situated and trained to go anywhere you want to go public interest wise." And also I knew from interning at the SCC, which I absolutely loved in then enforcement division, it was so fun. And I had a great supervisor there and he said, "Look, we don't hire out a law school." So it's okay [inaudible 00:44:09].

Alexis Robertson:

Right. Go get some experience please.

Marcella Jayne:

Yeah. And that was what they did. They'd say, "Go out, get your experience and come back." So my public interest mentor was basically saying, "You have to take this opportunity, just try it out." And it turns out that he knew one of our partners, Doug Heifer, who had been his student. So he gave Doug heads up, "Watch out for this one or whatever." And I had just a great interview with Doug for my OCI interviews. I mean, you just do marathon after marathon.

Alexis Robertson:

Yes. So many meetings, so many meetings.

Marcella Jayne:

And also funny story. I remember I needed an outfit for OCI, just these stories. I swear by the skin of my teeth over and over. So I didn't have any decent suits that fit well then, and I just went to store after store until one store was foolish enough to give me a store credit card. And then I just bought some for it.

Alexis Robertson:

This is concern though. I had that same thing. I was like, "What does one wear to a law firm interview?"

Marcella Jayne:

Yeah.

Alexis Robertson:

If you have not been in that world, you don't just have like a closet full of suits for interviews. It's not how that works.

Marcella Jayne:

Exactly. In my public interest internships, that's a different wardrobe, right? And you've been dressed kind of business casual, and it's fine, but I've really needed a good suit. And I remember it was just so hot and sweaty and the suits are just stinking and then you're like, but I can't really afford dry cleaning. It was just I can't wash them,

Alexis Robertson:

Just got to keep wearing them.

Marcella Jayne:

Let them dry out in the bathtub, put the suit on again.

Alexis Robertson:

Oh, my gosh. But so, and I'm going to fast forward a bit more.

Marcella Jayne:

Yeah, sure.

Alexis Robertson:

But you connect with Foley and OCI. You're a summer associate with us in New York. You joined the firm and based on everything you've ever said, I'm not surprised you settle on litigation.

Marcella Jayne:

Oh yeah, absolutely. Absolutely. There was never any other thing.

Alexis Robertson:

For you, there's no, but I still have to say it out loud that I was like, "Clearly you've become a litigator."

Marcella Jayne:

Yes.

Alexis Robertson:

And now as a litigator, what are the type of matters that you've been able to work on in your first years with the firm?

Marcella Jayne:

Well, in terms of the types of cases, they are a lot of, well, I've done some trademark stuff, which I surprisingly that, I never would have guessed that. Soft IP, and I like that term. I don't know anything about a patent, but you want to argue about the use of a color, we can do that all day.

Alexis Robertson:

Let's do it.

Marcella Jayne:

We can do that. So those are fun. And a lot of business disputes, which turns out businesses are disputing everything all of the time among each other. I've done a lot of work for insurance brokers, clients who are insurance brokers.

Alexis Robertson:

I did that as well in a former life. I can relate to that.

Marcella Jayne:

Yeah. And they're fun, they're fun cases.

Alexis Robertson:

Well, we're going to wrap up, but I want to give you a moment to reflect because in addition to hopefully lots of people from Foley & Lardner listening to this podcast to learn more about the attorneys at the firm, I'm also hoping law students, or college students, or anyone who's interested in pursuing the legal path listens. So I'm not sure if it's easiest to frame this as advice to your 17 year old self, knowing the very long road she had ahead, or for anybody who looks

and is like, "I could never. How could I possibly become a lawyer, go to law school?" What are some tips or some way wisdom to share?

Marcella Jayne:

Well, first off I would direct my, if I was going to make a message, I would direct it to the people who have really struggled and navigated a lot of BS bureaucracies and been pushed down over and over. And what I would say to those people, many of my friends back home is you don't even know how competent you are. If you can walk through these obstacles every day, then you are so competent. The spirit of a litigator, the spirit of advocacy, I didn't learn that in law school nor do I think I could or would have. I didn't learn that in undergrad either. I learned that through my life and having to always go to war for myself and for my kids.

Marcella Jayne:

So I would say to especially to the single moms or moms who are trying to go back to school, who have to deal with all this constant BS, making sure you have enough credits to get the childcare voucher, to get the you can't earn a penny over this, or they shut off that, you are so highly competent. You have executive functioning skills that CEOs of fortune 500 companies wish they had. And you have an endurance that they wish they had and you already have it. And all you have to do is put one foot in front of the other and keep your blinders on. That's what I would say.

Alexis Robertson:

Thank you so much. I don't litigate anymore, but I used to, and I learned to know when to stop. So that is a great note for us to end on. The only other thing I'll add is if people want to reach out, how can they find you?

Marcella Jayne:

They can find me at my full email. M-J-A-Y-N-E@folley.com.

Alexis Robertson:

Thank you so much, Marcella. I would not be surprised if people demand a part two with you, but for now that's all we've got.

Marcella Jayne:

Thank you so much for inviting me.

Alexis Robertson:

Of course. Appreciate it. Bye.

Marcella Jayne:
Bye.

Alexis Robertson:

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