

**ABORTION LAWYER'S FIRING SPAWNS A NEW TIFF: LEAVITT VS. GRAHAM
LEAVITT, GRAHAM AT ODDS IN ABORTION FIGHT**

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Utah Atty. Gen. Jan Graham's firing of abortion-law attorney Mary Anne Wood is under heavy criticism from Gov. Mike Leavitt and anti-abortion forces.

The governor had high praise for Wood and seemed irate Graham did not consult him. "I was not notified of the attorney general's decision to terminate her contract, which I find troubling because I am the client in the lawsuit," he said Thursday.

Moreover, Graham fired Wood because the attorney general is pro-choice and wants to sabotage Utah's 1991 anti-abortion law that Wood was defending in court, says the country's leading anti-abortion legal firm.

"Absolutely, it's got to be the driving force" behind Wood's ouster, said Clarke Forsyth, director of the Chicago-based Americans United for Life.

The public-interest law firm has provided legal counsel in dozens of abortion cases across the country and been involved in virtually every abortion case before the U.S. Supreme Court since *Roe vs. Wade* legalized abortion 21 years ago.

Late Thursday, Graham vehemently denied the allegation that she fired Wood because Graham is pro-choice. "The very accusation is ludicrous, it's silly," Graham said. "I don't play politics with lawsuits."

Forsyth said Thursday he does not believe Graham's stated reason for terminating Wood's services -- that she wanted to cap legal bills by bringing the case into the attorney general's office.

Added Leavitt: "This decision is not in the best interests of the state -- financially or legally. The state has a great investment in Mary Anne Wood's expertise on this issue."

Before she was removed, Wood was appealing the state's loss of an outright ban on elective abortions and Utah's spousal-notification requirement.

At the same time, pro-choice plaintiffs are appealing U.S. District Judge J. Thomas Greene's dismissal of their claims, including the state's prohibition against fetal experimentation and the argument that Utah's anti-abortion law violated free speech and religious liberties.

Graham said she tried to contact the governor while he was out of town last week, but could not reach him. "I did not recognize how important this was to him."

Graham insisted she removed Wood due to "abominable" legal costs. Graham said she has a duty to keep down costs.

The first-term attorney general also believes she will have more control over the case if it is handled by her staff and not Wood, a private attorney.

However, Wood said an analysis of the numbers do not support Graham's claim.

Wood submitted an estimate a few years ago that projected she could defend the federal lawsuit against the statute for \$1.05 million. Yet her records show she and attorney Paul Durham have done the job for considerably less -- \$625,000.

Said Wood: "So when people tell me they're letting me go because of costs, I know that's not it. I know Jan's pro-choice, but I can't speculate whether that's involved here."

Wood said she told Graham she would continue to defend the law for as little as possible -- even for free. And in three letters to the attorney general in early 1993, she repeated that offer.

Graham's public-relations specialist, Palmer DePaulis, said Graham never took the offer seriously.

Free legal work is not unheard of. In fact, Forsyth's group donated some 400 hours of free legal services in helping Wood defend the 1991 statute.

Asked why Graham did not terminate Wood when the attorney general took office more than a year ago, DePaulis said it was "in deference to" Leavitt.

Indeed, abortion politics have divided the state's highest officeholders before.

When the American Civil Liberties Union (ACLU) and others sued over the 1991 law, then-Gov. Norm Bangerter, a Republican, directed then-Atty. Gen. Paul Van Dam, a Democrat, to find a private law firm to defend the state because Van Dam is pro-choice.

Now Leavitt also has drawn a clear line between himself and his pro-choice attorney general.

Graham was a top Van Dam aide and her former law firm, Jones Waldo Holbrook & McDonough, was retained to defend the state's anti-abortion law. Wood then replaced Jones Waldo when it was learned the latter firm had a conflict of interest.

Graham's successful 1992 attorney-general campaign was financed heavily by pro-choice interests, and she was endorsed by EMILY's List, a national fund-raising network for Democratic pro-choice women candidates. Annette Cumming, founder of Utahns for Choice, was a prominent financial backer and adviser to candidate Graham.

Some of Graham's top aides, including Solicitor General Carol Clawson, have pro-choice leanings.

Wood and Forsyth fear Graham's firing of Wood has hurt the state's chances in the appeal before the 10th U.S. Circuit Court of Appeals in Denver. Wood and her team amassed 40 boxes of records in defending against the ACLU challenge and there is concern that Graham's staff will not have time to become steeped in all the facts and arguments.

"It's a recipe for disaster," said Forsyth. "It threatens all the achievements made to date."

When pro-choice interests filed a later suit over the 1993 abortion statute requiring a 24-hour waiting period, Graham assigned the case to her staff rather than hiring an outside law firm.