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Balancing **Doing Good** and **Doing Well**

BY ERIC LEWIS

We as lawyers have a unique skill set that distinguishes what we do and how we do it from investment bankers or corporate executives. We have the professional autonomy to advocate on behalf of a wide variety of clients, including those who desperately need our services. As the economic imperatives of the profession evolve year after year toward a more corporate, profit-maximizing model, we have built our law firm, Lewis Baach Kaufmann Middlemiss in a different, perhaps more traditional way, that permits us to practice law at the highest levels, not only for leading international commercial clients, but also for the indigent and despised in our society.

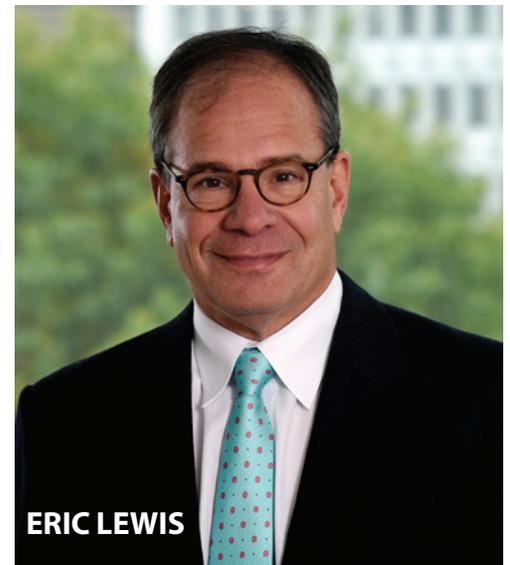
The evolution of law from profession to business is reflected daily in the pages of the New York Law Journal. Law firms duly

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report profits-per-partner and revenue-per-lawyer; successful law firms, like Wall Street's favorites, show double digit growth. Firms with bearish results see the exodus of their best talent; lawyer mobility, once anathema, is endemic. Law firms that would once weather downturns while keeping associates and staff intact, cut numbers at the first signs of slowdown. White shoe firms maintain satellite offices in smaller cities or abroad to do discovery at reduced rates. Lawyers have always been well paid, but now the top business getters receive

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income guarantees and bonuses like top draft picks; but like their sports analogs, they view themselves as free agents, ready to sell their talents to the highest bidder.



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As we have recently seen with Dewey & LeBoeuf, these artificially constructed behemoths sometimes end in disaster as expectations are not met or cultures collide.

Given these pressures to operate "more like a business," it is no surprise that giving away free legal work has to fit into a prescribed but clearly limited framework. As public interest lawyers note, it is too often the case that firms structure their pro bono programs principally to provide training to young lawyers who otherwise would never get to

stand up in court. The business model requires that public interest advocacy remains a high profile but economically insignificant piece of the business. And while Big Law is more profitable than ever, there remains a huge justice gap in our society, where the poor, the near-poor and unpopular outsiders remain grossly underserved.

Our law firm, Lewis Baach Kaufmann Middlemiss, which has about 40 lawyers in New York and Washington, works on a very different model, which we think works better for the lawyers, better for the clients and better for the profession. We trace our origins back to an earlier age, through the inspiration of our long time late partner, Bob Wald who started the

somewhat similar Wald Harkrader & Ross in the 1970s, as well as that icon of public service, Robert Morgenthau, who mentored more than a half dozen of our partners who grew up in the law as Assistant District Attorneys during “The Boss’” legendary tenure. Bob Wald, who famously fired his tobacco clients after the Surgeon General’s report came out, helped us get involved with Guantanamo detention in 2002. Our lunches with Morgenthau rarely end without a new death row case or immigration project that he would like us to take on. So public service is in our DNA,



not as a sideline but as a central part of our practice.

Our firm is an international disputes and compliance boutique, with particular experience in the Middle East and Latin America. We do work for international financial institutions, foreign liquidators, foreign sovereigns, family conglomerates, companies and individuals all over the world. In addition to civil and criminal litigation, we advise on sanctions, compliance and anti-corruption work. We coordinate complex international fraud cases with tentacles in more than

a dozen jurisdictions. Our lawyers have taken testimony and appeared in fora from Pakistan to Argentina, from New York to Nicosia. We are partner-heavy, go to court a lot, and have multiple multilingual lawyers. For our commercial clients, we charge commercial rates, but contain costs with very small teams that have real depth of experience in the areas in which we practice.

But the same senior lawyers who have done major credit crunch litigation and the liquidation of Madoff International, also represent Guantanamo and Bagram detainees as

well as journalists placed on Kill Lists. We have litigated against torture and religious abuse and indefinite Law of War detention. We have advocated for Egyptian political prisoners. We have written about the law of child sexual abuse. We have done capital case litigation and sued to prevent the use of unauthorized pharmaceuticals for lethal injections. It may be that some clients stay away because of our public interest work. [Justice] Gorsuch and others in the Bush Administration took the view that corporate clients should crack down on those who defend some of these folks. I have always found that international clients, in particular, respect what we do. But we have never turned down a client because our other clients might have political qualms; that is not a conflict policy, it is a failure of courage and a disservice to the profession.

To be sure, we don't guarantee our partners that profits will be up 15 percent this year over last year; they might be down 15 percent. We have had great years financially, but even our down years are just fine. But all of us in private commercial practice get paid far more than we ever anticipated in law school. We get paid far more than Big Law partners did at the time we came out of law school, even adjusted for inflation. We can buy houses and put our kids through

school, but our kids will have to work, as they should.

Some folks like things more predictable and want to be sure they are deriving all the fruits of their labors at full market rates. And a few of our lawyers have gotten antsy and left during slower years. But by and large, we have been able to recruit and retain lawyers who are willing to take on some uncertainty and give up the earnings stratosphere so that they can go to court, work hard but see their kids' little league games, and feel like they are making a difference. Many of our lawyers have been here for decades, and our staff for even longer (we pay our staff well). As I often say, it is not like playing centerfield for the Yankees, but it is pretty darn good for the practice of law.

We take pride in work well done, working with people we know and respect, getting good results for clients, and doing well financially. But there are some other feelings you can have in the practice of law: You can call a mother who has not seen her son at Guantanamo in more than a dozen years and tell her that her boy is coming home. You can hug a political prisoner on hunger strike in Egypt, tell him you are working for his release, and then hug him again when he is released and comes to visit you in your office. You can tell a client in a high profile

capital case that, after your presentation, the government has dropped its request for the death penalty. Those are experiences that simply can't be reflected in utilization rates or collection reports.

We think that the legal profession has been separated into too many boxes. Private sector and public interest; big law and boutique; domestic and international; academic and practitioner. Good lawyers don't get stuck in boxes. They are problem solvers who bring judgment and experience to their clients' issues, whoever those clients may be. They try to prevent economic interests from affecting their service to clients. They earn trust. Our model may not create jaw-dropping PPP figures. But neither does the firm live and die by that measure of success. For us, satisfaction in the law can be, and should be, measured in more than one way. We have found the balance of doing good, and doing well, that suits us. It is a model that works.

