

2009 Update

Stanford Launches Center on the Legal Profession

Can associates working at large firms find a decent work/life balance? What have globalization and merger-mania done to the traditional law firm? How can the profession increase access to legal services? These are just a few of the questions with which the new Stanford Center on the Legal Profession will be grappling.

Adapted from SLS Press Release, January 29, 2009, and *Stanford Lawyer* article, Fall 2008

Led by Deborah L. Rhode, Ernest W. McFarland Professor of Law, the Center is dedicated to advancing research, teaching, and policy on crucial issues facing the legal profession.

"The last generation has brought profound changes to the legal profession, raising concerns about the culture of legal practice, the effectiveness of bar regulation, the delivery of legal services, particularly to low-income consumers, and the role of lawyers in public policy, public service, and corporate governance," said Deborah L. Rhode, the Center's founding director. "Yet these issues have received far too little focus in academic institutions. There are only three other centers on the legal profession at major law schools. Stanford's new center will be unparalleled in its scope and focus, supporting research, curricular initiatives, policy work, and public programs on a wide

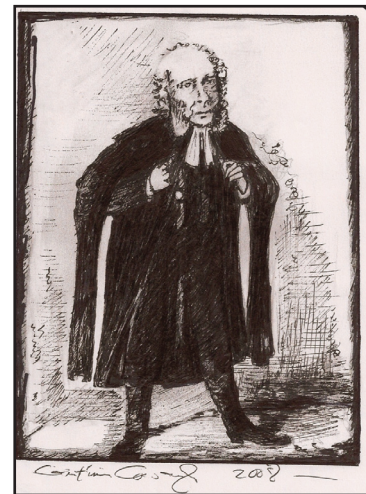
range of issues affecting the profession."

"The Center on the Legal Profession comes at a time when the need to develop alternative ways to practice law and to structure a legal practice is critically important to the future of the profession," said Larry Kramer, Richard E. Lang Professor and Dean. "As a great research university Stanford is uniquely positioned to play a path-breaking role in studying the issues and promoting reform."

The mission of the Center is to stimulate new research and teaching, expand public understanding, and promote policy reforms in three key areas:

Professional Responsibility

Among other issues of professional responsibility, the Center will study ways to address inequalities in legal assistance and



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From the Director



Could Stanford have picked a better moment to launch a new Center on the Legal Profession? From a programmatic standpoint, surely not. At no time in recent memory has the bar faced greater challenges. The current economic climate brings new urgency to longstanding concerns about the conditions of legal practice, the structure of law firms, the role of pro bono service, the adequacy of legal aid, and related issues. With so much in flux and so much at stake, the rationale for a Center on the Legal Profession could not be clearer.

We are off to a strong start. Through the efforts of an exceptionally talented and dedicated staff, Amanda Packel and Dena Evans, the Center has sponsored an impressive array of research, programs, and teaching initiatives. Several publications are already out or in press, concerning access to justice, ethics in the non-profit sector, and pro bono programs. We have developed a new course on ethics in public interest and public service practice, and are launching another on leadership for lawyers next year. Our Roadmap to Justice project, cosponsored by the Sokolove Charitable Fund, held two national forums, developed a clearinghouse on access to justice, and is working on a white paper with the Center on Law and Social Policy.

Over the next year, we have a similarly ambitious agenda. We will continue work on access to justice and public service, with the support of our incoming fellow, Dmitry Bam. We have a number of collaborative projects in progress. One is an empirical study of how managers of law firm pro bono programs are handling new economic challenges and attempting to assess the cost-effectiveness of contributions. Another involves a survey of the ethical infrastructure of law firms and how well risk management policies translate into daily practices. And we are working with other centers, bar commissions, and research organizations to develop data on gender equity and diversity initiatives.

On the programming front, we have two major events already scheduled for the upcoming year. In the fall, we are cosponsoring, with the Rock Center on Corporate Governance, the California State Teachers' Retirement System, and the California Public Employees' Retirement System, a national conference and related publication on diversity on boards. And in July, we will be the first American host of the International Conference on Legal Ethics.

For these and other projects, we welcome your ideas and support. If these are the best of times from a programmatic standpoint for a center like ours, they are clearly the worst of times from a funding perspective. The economic downturn has meant that all areas of the University are being asked to do more with less. So too, many of the logical external sources of financial support are facing similar constraints. In these challenging times, we depend on all of you for thoughts about the direction of the Center and ways to keep it on secure economic footing. We have an enormous opportunity to make Stanford a leader in the field. Only a few other law schools have centers on the legal profession and none with such a diverse set of projects and distinguished faculty involvement. With your insights and support, we look forward to making Stanford's Center a key player in strengthening the American legal profession.

Sincerely,

Deborah L. Rhode
Director, Stanford Center on the Legal Profession
E.W. McFarland Professor of Law

Access to Justice Initiatives

Equal justice under the law is one of America's most proudly proclaimed and widely violated legal principles. It embellishes courthouse entries, ceremonial occasions, and an occasional constitutional decision. But it comes nowhere close to describing the justice system in practice. Millions of Americans lack any access to the system, let alone equal access. It is a shameful irony that our nation, which has the world's greatest concentration of lawyers, also has one of the least adequate systems for legal assistance. It is more shameful still that the inadequacies attract so little concern.

Roadmap to Justice Project

Improving access to justice is a major focus of the Center on the Legal Profession's research and programming. The Center has received its first major grant from the Sokolove Charitable Fund to address this concern. Through its Roadmap to Justice Project, the Center is working with other key players to chart a national agenda that will increase access to legal assistance for those who need it most.

Forums held in October 2008 at the Suffolk University School of Law and in March 2009 at Stanford Law School brought together experts from a range of backgrounds, including representatives from the bar, the courts, law schools, law firms, corporate counsel, research and policy centers, and legal aid and public interest organizations. The discussions provided a starting point for an ongoing effort to turn the tide on this increasingly significant issue. Over the last year, an already underfunded structure faced new stresses from cutbacks in state and local funding, the erosion of support from IOLTA (Interest on Lawyers Trust



Jim Sokolove of the Sokolove Charitable Foundation

“It is a shameful irony that our nation, which has the world’s greatest concentration of lawyers, also has one of the least adequate systems for legal assistance.”
Deborah L. Rhode

Accounts), and the growing need for services. With insights from Forum participants, the project is developing a website that will include links to all relevant resources and organizations working on these issues, and a policy paper that will identify promising reform strategies for legislatures, bar associations, state access to justice commissions, and service providers. Only through this kind of partnership are we likely to make major progress on an increasingly urgent social problem.

Indigent Criminal Defense in the Financial Meltdown

In March 2009, the Center on the Legal

Profession and the Stanford Criminal Justice Center co-hosted a panel discussion in which leaders of the criminal defense bar discussed Providing Indigent Criminal Defense in the Financial Meltdown. Even before the recent economic crisis, many public defenders and court-appointed counsel programs were unable to come anywhere close to providing effective representation for all those constitutionally entitled to assistance. As state and local governments now grapple with massive budget shortfalls, the challenge is even greater.



Jeff Adachi, Public Defender of San Francisco, speaks about the challenges faced by public defenders across the country

Jeff Adachi, Public Defender of San Francisco, presented opening and concluding remarks. The panel, moderated by Professor Robert Weisberg, included Bennett Brummer, Former Miami-Dade County Public Defender; Nancy S. Forster, State Public Defender, Maryland; Mark Stephens, District Public Defender, Knox County, Tennessee; John Stuart, State Public Defender, Minnesota; and Commentator Erin Becker, Senior Deputy Prosecuting Attorney, King County, Washington. The panelists laid out the harsh economic realities of the current situation and the impact of crushing caseloads on the quality of representation. Only through more proactive efforts by courts, defense lawyers, and funders, can the criminal justice system translate constitutional rights into daily realities.

Center Celebrates Launch with Inaugural Lecture by Aric Press

Editor in Chief of *American Lawyer* discusses future changes in the world of the large law firm

To celebrate its establishment, the Center hosted its inaugural annual lecture and welcomed Aric Press, editor in chief of *The American Lawyer*, to discuss the possibilities for significant change in the large law firm world. His address, *Challenges & Change in the Legal Profession*, was followed by a question-and-answer period with the audience.

During his introductory remarks, Dean Larry Kramer stated: "Our profession is at a crossroads. Many of us believe it is at a crisis point. The legal profession has undergone massive change in the past generation—change that is quite probably without parallel in the profession's history." In discussing the future of law firms, Aric Press stated that "even before the . . . economic tsunami struck across the world's markets, a variety of warning signs were gathering, suggesting that serious dangers might be in the offing for a sector notable for two seemingly insurmountable traits—relentless success and an ability to dodge, co-opt, or defeat genuine rebellion."

Press stated that "despite the daily drum-beat of grim news about the large firm world, much of it that comes from [the *American Lawyer*], the large law firm world is not about to shrivel up and die." But he noted that "there are real challenges ahead, both short-term and structural" that may eventually "change the shape of the landscape dramatically." Press cautioned that "like the financial analysts who've predicted eight of the last three recessions,



Aric Press delivers remarks on the future of large law firms

we've been down this road before." He mentioned four factors that may lead to some real changes in the way law firms do business: the influx of venture capital into legal services in the UK and Europe, the efforts of corporate counsel to take action instead of just complaining about high firm billing rates, challenges to the way that law firms hire, retain, and promote attorneys, and the advent of new technologies that may replace some of the services currently provided by law firm attorneys.

"This change agenda boils down to... examining what firms do...and developing new systems...for doing this work more cheaply and efficiently," Press stated. "If change happens, it will come from the customers insisting on it, inventing it, and buying it."



Center Steering Committee

Ronald J. Gilson

*Charles J. Meyers
Professor of Law and
Business*

Deborah R. Hensler

*Judge John W. Ford
Professor of Dispute
Resolution and Associate
Dean for Graduate
Studies*

Lawrence C. Marshall

*Professor of Law, David
and Stephanie Mills
Director of Clinical
Education, and Associate
Dean for Public Interest
and Clinical Education*

Paul Oyer

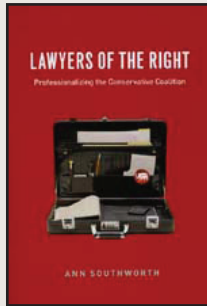
*Associate Professor of
Economics, Graduate
School of Business*

Norman W. Spaulding

*Nelson Bowman Sweitzer
and Marie B. Sweitzer
Professor of Law*

Featured 2008-09 Programs

Public Interest and Public Service



Public Interest Spotlight Lunch Speaker Series

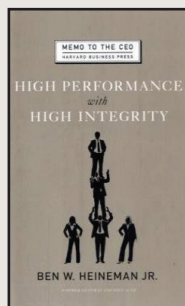
This speaker series, cosponsored by the John and Terry Levin Center for Public Service and Public Interest Law, brought scholars, public interest practitioners, and government lawyers to Stanford Law School to discuss their careers and perspectives on public interest law with students. Speakers included Diane Chin, Director of Equal Justice Works/West, Jamiene Studley, President of Public Advocates, Ramon Arias, Executive Director of Bay Area Legal Aid, Luke Cole, Founder of the Center on Race, Poverty and the Environment, Avinash Kar, Attorney / Policy Advocate at the Natural Resources Defense Council, and Ann Southworth, Visiting Professor at UCLA School of Law, and author of a new book on the conservative public interest law movement, *Lawyers of the Right: Professionalizing the Conservative Coalition* (University of Chicago Press, 2008). (Fall 2008)

ROADMAP TO JUSTICE

Roadmap to Justice Forums

In collaboration with James Sokolove and the Sokolve Charitable Fund, the Center hosted an East Coast and West Coast forum of experts on access to justice. (October 2008 and March 2009, see article p. 3)

Ethical Challenges During the Financial Crisis



How Corporations Respond to the Current Crisis in Capitalism

In collaboration with the John and Terry Levin Center for Public Service and Public Interest Law, the Center hosted a lecture by Ben Heineman Jr., former General Counsel of General Electric and author of *High Performance with High Integrity*, on leadership and integrity during the financial crisis. (October 2008)

Providing Indigent Criminal Defense in the Financial Meltdown

Co-sponsored by the Stanford Criminal Justice Center, leaders of the criminal bar examined the challenges in providing the constitutionally guaranteed right of counsel to criminal defendants in an era of increasing budgetary constraints. (March 2008, see article p. 3)



International Perspectives on the Legal Profession

The United Kingdom's New Regulatory Structure for Legal Services

Osama Rahman, Chief Economist of the United Kingdom's Ministry of Justice, Economics and Statistics Division, addressed the new regulatory structure for the legal profession in Great Britain. (November 2008)

Ethical Infrastructure in Australian Law Firms

Christine Parker, Associate Professor at the University of Melbourne Law School, discussed innovative Australian models of coregulation of the profession, with authority shared between the bench, bar, and government. (February 2009)



The State of Play: Public Interest Litigation in Australia

Gary Cazalet, Senior Lecturer at the University of Melbourne Law School discussed the differences between public interest litigation in the United States and Australia. (April 2009)

Legal Profession Works in Progress

Lawyers, Legalism, and Liberalization

Robert Gordon, Visiting Professor from Yale Law School, presented a draft paper on the role of the legal profession in building liberal societies. (April 2009)

Moral Freaks: Academic Theory Meets Lawyers' Ethics

William H. Simon, Visiting Professor from Columbia Law School, discussed his essay criticizing interdisciplinary efforts to defend a familiar version of legal ethics that minimizes the lawyer's responsibilities to nonclients and the public. (June 2009)

Selected Outreach Events 2008-09

Center staff participated in the a wide array of events during 2008-09 , including:

International Legal Ethics Conference
Keynote Address , Brisbane, Australia,
July 2008

ABA Program on the 100th Anniversary
of the Canons of Ethics – From Canons
to Codes to Rules: 1908-2008 and
Beyond, New York, August 2008

“Rethinking the Public in Lawyers’ Public
Service: Pro Bono, Strategic
Philanthropy, and the Bottom Line,”
Fordham Law School Symposium: The
Lawyer’s Role in Contemporary
Democracy, New York, September 2008

“Ethics in the Nonprofit Sector,”
Nonprofit Management Institute,
Stanford University, September 2008

“Quality and Quantity: Beyond the
Bottom Line,” UCLA Conference:
Rethinking Pro Bono, Los Angeles,
October 2008

Judge William A. Ingram Memorial
Symposium on Civility in the Legal
Profession, Santa Clara University,
October 2008

“Whatever Happened to Access to
Justice?,” Loyola Law School Symposium:
Access to Justice: It’s Not For Everyone,
Los Angeles, February 2009

Stanford Journal of Civil Rights and Civil
Liberties Symposium: Gender, Parenting
and the Law, Stanford, February 2009

“Leadership Challenges: Ethics and
Diversity,” Stanford University Leadership
Academy, February 2009

“Public Interest Litigation: Lessons from
Theory and Practice,” Fordham Urban
Law Journal Symposium: The Future of
Public Rights Litigation, New York, March
2009

Testimony at ABA Hearing on Diversity
in the Legal Profession, San Francisco,
March 2009

“Challenges for the Legal Profession:
Diversity and Access to Justice,”
Matthews Lecture, University of
Mississippi Law School, Oxford,
Mississippi, April 2009

“Pro Bono and the Economic Crisis: The
Impact on Education and Practice,”
National Law Journal/AALS Roundtable
Building a Better Legal Profession
National Conference of Student Leaders,
April 2009

Women’s Power Summit on Law &
Leadership, Plenary Panel, University of
Texas School of Law, April 2009

“Pro Bono Service: Opportunities and
Constraints,” Annual Meeting of the Law
& Society Association: Law, Power, and
Inequality in the 21st Century, Denver,
May 2009

Ukrainian Broadcast Network STB,
Documentary on the United States
Justice System. (U.S. Department of
State, Office of Broadcast Support TV
Co-ops) June 2008

“Ethics in Practice,” International
Association of Defense Counsel Trial
Academy, Stanford, July 2009

Center Launch (Continued from
Page 1) The center has received a major
grant from the Sokolove Charitable Fund to
support the Roadmap to Justice Project—an
initiative to develop a national agenda for
expanding access to legal services for low-
and middle-income individuals. (See article
below for additional information.) The
Center is also supporting two empirical
research projects designed to improve the
quality and evaluation of pro bono service
and to understand and enhance ethical
infrastructures in large firms. In 2008,
Professor Rhode taught the first course
designed by the Center, Public Interest,
Public Service, and Professional Ethics,
which featured several government and
public interest attorneys discussing ethical
issues they faced during their careers. In
July 2010, the Center will also be the first
American sponsor of the International Legal
Ethics Conference.

The Lives of Lawyers

As the business of law evolves, issues such
as escalating billable hours and competitive
pressures have had enormous—and often
negative—effects on practicing lawyers. The
Center will focus on the conditions of legal
practice, with special attention to issues

related to the quality of life and diversity.
Plans call for empirical research on legal
workplaces, including a study of organiza-
tions that have developed alternative
workplace structures governing compen-
sation, client service, and work/life
balance.

Leadership Development

Another priority is leadership develop-
ment, a practice that has received little
attention from law schools even though
many JDs go on to fill leadership posi-
tions in firms, nonprofits, and the public
sector. In addition to developing interdis-
ciplinary courses, the Center intends to
create continuing education offerings to
help lawyers sharpen their leadership
skills and address competitive and ethical
challenges. The Center developed
Professor Rhode’s presentation and case
study materials for Leadership Challeng-
es: Ethics and Diversity, a session of the
year-long Stanford Leadership Academy
attended by the University’s deans and
leaders. When Professor Rhode teaches
the Leadership course in 2010, Stanford
will become one of only a handful of law
schools offering leadership as part of the
curriculum.

Across all three areas, the Center plans to
support research by Stanford professors
and students, develop collaborative
projects with experts at other institutions,
and encourage new courses, conferences,
and continuing education opportunities.

To achieve its goals, the Center will draw
on the expertise of several Stanford Law
faculty, including professional responsibil-
ity expert Norman W. Spaulding, Nelson
Bowman Sweitzer and Marie B. Sweitzer
Professor of Law and associate dean for
curriculum, and Michele Landis Dauber,
professor of law and Bernard D. Bergreen
Faculty Scholar, who has advocated for
workplace reforms in large law firms.
Other likely collaborators include
Stanford’s Graduate School of Business,
the Rock Center for Corporate Govern-
ance , the Levin Center for Public Service
and Public Interest Law, and Stanford’s
Bowen H. McCoy Family Center on Ethics
in Society.

Center Faculty and Staff



Deborah L. Rhode
Director,
E.W McFarland
Professor of Law

Deborah L. Rhode is a graduate of Yale College and Yale Law School, and served as a law clerk to Justice Thurgood Marshall. She is a former president of the Association of American Law Schools, a former chair of the American Bar Association's Commission on Women in the Profession, the former founding director of Stanford's Center on Ethics, and a former director of Stanford's Institute for Research on Women and Gender. She also served as senior counsel to the Minority members of the Judiciary Committee, the United States House of Representatives, on presidential impeachment issues during the Clinton administration. She is the most frequently cited scholar on legal ethics and a fellow of the American Academy of Arts and Sciences. She has received the American Bar Association's Michael Franck award for contributions to the field of professional responsibility, the American Bar Foundation's W. M. Keck Foundation Award for distinguished scholarship on legal ethics, and the American Bar Association's Pro Bono Publico Award for her work on expanding public service opportunities in law schools.



Amanda K. Packel
Associate Director

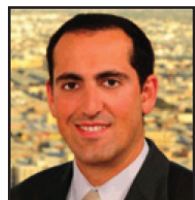
As the Associate Director, Amanda K. Packel coordinates all aspects of the Center's activities, including developing the direction and goals for the Center and overseeing operations, publications, programs, research, and other inter-disciplinary activities. She joined Stanford Law School in 2008 after practicing white collar criminal defense and conducting corporate investigations as an associate at Covington & Burling and at Orrick. Packel has also worked in a research capacity at the Office of the Federal Public Defender in Northern California and in the Economic Studies Program at the Brook-

ings Institution. She received her B.A. in Economics from Princeton University and a J.D. from the University of California at Berkeley School of Law in 2001, where she was an Articles Editor of the California Law Review. After graduating from law school, Packel served as a law clerk to Judge Marsha S. Berzon of the U.S. Court of Appeals for the Ninth Circuit.



Dena Evans
Project Coordinator

As Project Coordinator for the Center on the Legal Profession, Dena Evans handles the planning and public relations for Center events and ongoing initiatives. Most recently, she served in a similar capacity for the Stanford Center on Ethics. Evans is a 1996 Stanford graduate in American Studies, and holds an MA in Secondary Education from the Stanford Teacher Education Program. Evans spent six years as on the cross country / track & field coaching staff at Stanford, where she earned 2003 NCAA Women's Cross Country Coach of the Year and 2004 USTCA Assistant Track Coach of the Year honors.



Dmitry Bam
Fellow

Dmitry will be joining the Stanford Center on the Legal Profession in August 2009 as its first Fellow. His research will focus on access to justice. Bam received a B.S. in psychology and a B.A. in political philosophy, summa cum laude, from Syracuse University. He is a graduate of Stanford Law School, where he was an Articles Editor on the Stanford Law Review. After graduation, Bam clerked for Judge Barry G. Silverman on the United States Court of Appeals for the Ninth Circuit. He then practiced law at Morrison & Foerster and Jones Day.

Visit the
Center
Website for
Streaming
Video and
Audio of
Past and
Recorded
Events

[http://law.stanford.edu/
program/centers/clp/
#recorded_past_events](http://law.stanford.edu/program/centers/clp/#recorded_past_events)



Center on the Legal Profession Upcoming Events 2009-10



Diversity on Corporate Boards: When Difference Makes a Difference

(cosponsored by The Rock Center for Corporate Governance, CalSTRS and CalPERS)

September 10, 2009

With cosponsorship from the Rock Center on Corporate Governance, the California State Teachers' Retirement System (CalSTRS) and the California Pension Employees Retirement System (CalPERS), the Center will cosponsor a conference on September 10, 2009 to examine racial, ethnic, gender, and cultural diversity on corporate boards of directors. The conference will bring together some of the nation's most distinguished leaders and scholars to identify best practices and policy initiatives on corporate governance.



International Legal Ethics Conference IV

July 15-17, 2010

Stanford Law School and the Center on the Legal Profession will be the first American hosts of the International Legal Ethics Conference. Under the theme of "Legal Ethics in Times of Turbulence," the Conference will bring together scholars and regulators from across the globe to explore challenges facing the contemporary legal profession.

Contact the Center

The Center Newsletter is designed and produced by the staff of the Stanford Center on the Legal Profession. Unless specifically noted, all articles are written by staff.

To be added to our mailing list, to receive our newsletter by email, or to find out more about the Center's programs and initiatives, please write us at:

legalprofession@law.stanford.edu.

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