

2013 Update

Center Events Discuss the Impact of Globalization, Technology, and the Economy on the Future of the Legal Profession

Last year's hot topic was the crisis of legal education, and this year the refrain seems to be that the entire profession is in crisis. Recent books are titled *The Lawyer Bubble*, *The American Legal Profession in Crisis*, and *Declining Prospects*. Increasing competition, globalization, technological innovation, and access to information have transformed the daily realities of law firm life. Corporate clients facing heightened pressures in their own markets have become more sensitive to price and efficiency, often resisting payment for the training of junior associates. Firms are also facing growing competition from non-U.S. law firms, as well from legal process outsourcers and other professionals. And advances in technology have shifted many functions formerly performed by lawyers to computers or paralegals. Competition inside law firms has also intensified. The increase in

size, geographic dispersion, and preoccupation with short term profits has brought less collegiality and more external and internal rivalry. The economic downturn that began in 2007 accelerated all of these trends, and the consensus seems to be that increased price competition and pressure for efficiency will remain even after the economy recovers.

Throughout the year, the Center welcomed some of the most respected and well known scholars and commentators on the legal profession to reflect on its future in face of the crisis -- or more optimistically the opportunities -- presented by recent trends in globalization, information technology, and the economy. Guest speakers discussed how the global economy is changing, how law firms and legal careers are evolving, how current and future lawyers can adapt, and how innovation can play a key role in solving the legal crisis.



Professor David Wilkins of Harvard Law School discusses "The Future of Law Firms in the Global Age of More for Less."

The Evolving Law Firm Model

In the Fall of 2012, the Center on the Legal Profession hosted an interactive discussion on the changing law firm model with Professor William Henderson, Director of Indiana Law School's Center on the Global Legal Profession, and Professor Marc Galanter of University of Wisconsin. Henderson and Galanter, both leading figures in the empirical study of the legal system, are co-authors of the article "The Elastic Tournament: The Second Transformation of the Big Law Firm," an update to Galanter and Thomas Palay's much cited 1991 book *Tournament of Lawyers: The Transformation of the Big Law Firm*. The "elastic tournament" (Continued on Page 2)

Center Welcomes the Creators of *The Good Wife* for its Annual Pop Culture and the Legal Profession Conference

On May 18, 2013, the Center featured Robert and Michelle King, creators and executive producers of the popular and critically acclaimed CBS drama, *The Good Wife*, in its third annual Pop Culture and the Legal Profession Conference. With the assistance of SLS visiting professor Michael Asimow, we followed on the success of the first two programs, *Channeling Justice: Television and the Legal Profession*, which featured David E. Kelly, creator and producer of many legal dramas, and Emmy-winning actress Camryn Manheim; and *Talking About The Lincoln Lawyer*, featuring novelist Michael Connelly and screenwriter John Romano.

This marked the first of our pop culture and the



Cast of the Good Wife (credit: Justin Stephens / CBS)

law events introduced by the new Stanford Law School Dean, Elizabeth Magill. She welcomed the Kings and the audience and promised to keep her remarks brief because she realized that she was "standing between the audience and an episode of *The Good Wife*."

Asimow then provided an introduction about the importance of the academic study of pop culture and the issues to be highlighted in the episode from season three, entitled "Executive Order 13224." Asimow remarked, "Historically, scholars focused on high culture like great literature, poetry, or classical music and shunned" (Continued on Page 5)

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From the Director



It is with mixed feelings that I report the major event in the life of the Center on the Legal Profession this past year. Amanda Packel is leaving her position as Executive Director to join the Rock Center on Corporate Governance. Amanda has had major responsibility for everything good about the Center over the past four years, and she will be deeply missed.

I am, however, consoled by the fact that she will continue to play a role in joint programming with the Center and the Rock Center, and that we have hired a terrific successor. Lucy Buford Ricca practiced white collar criminal defense, securities litigation, and general commercial litigation with Orrick, Herrington & Sutcliffe LLP for five years.

Lucy received her B.A. in history from Dartmouth College and her J.D. from the University of Virginia School of Law. She recently completed a clerkship with Judge James P. Jones of the Western District of Virginia. Lucy looks forward being a part of the Center's important work going forward.

On other fronts, we have had a highly successful year. Our programming has attracted large audiences and we have partnered with other centers in sponsoring cutting edge workshops on issues involving the legal profession. Our advisory forum continues to play a critical role in linking theory with practice and in guiding the direction of the Center. We are deeply grateful to all its members, as well to our policy board and the participants in Center programs. I very much hope that the Center will continue toward its fifth anniversary on such a promising path and look forward to working with all of you to that end.

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

Globalization, Tech, and Econ (Continued from Page 1)

described the more complex and elongated model resulting from systemic changes in the corporate legal services market that broke down the traditional promotion-to-partnership tournament and allowed for expanded numbers of permanent associates and non-equity partners. This new model reportedly has compromised the ability for firms to pursue objectives such as diversity, retention, professional development training, and mentoring that do not directly improve the bottom line.

During the CLP event, Henderson and Galanter described how the law firm model has continued to evolve as a result of technological advances, the economic crisis, and client demands. They also discussed how the new model may affect career paths, work-life balance, and diversity. Henderson believes that law firms will need to embrace innovation because competitors from outside the profession have already done so and will continue to find new ways to provide cost-effective solutions for the needs of corporate legal departments. Henderson advised law students to learn about how the profession will change, with a particular focus on the intersection between law and technology, and to get ahead of it.

The Global Age of More for Less

In a February 2013 CLP lunch presentation,

"The Future of Law Firms in the Global Age of More for Less," Professor David Wilkins, Director of Harvard Law School's Program on the Legal Profession, gave a wide-ranging overview of trends in globalization and information technology that are having profound and permanent effects on the market for corporate legal services.

Wilkins noted that "[t]here is a big debate about whether we are witnessing the 'death of Big Law' or just a temporary blip," and offered his opinion that "it is too early to tell, but it is unlikely to be either." Rather, what is currently happening in the profession is "the accentuation of macro forces that began before the recent crash – forces that are likely to accentuate the transformation of the market for legal services already taking place." These changes have profound consequences for the economy as a whole, and particularly for law firms, putting pressure on the historic law firm business model.

Whether or not the profession is in crisis, these are challenging times for law firms. Wilkins described how large firms are facing a "triple squeeze." Firms are "squeezed vertically by increasingly sophisticated and price conscious clients demanding 'more for less.'" The rising importance of in-house legal departments "has helped shift the metric for legal services from inputs toward outputs." More and more clients are looking at outcomes measured by metrics designed to gauge what has been provided rather than the number of

hours billed.

Firms are also being "squeezed horizontally by multiple competitors seeking to take pieces of the firms business, including global firms at the high end and new providers [from throughout the world, including emerging economies] competing on price and efficiency for the low end." Law firms also face a great deal of competition from other types of providers who can deliver sophisticated legal services at a lower margin.

Lastly, firms are being "squeezed internally by the 'war for talent' for associates and partners in high demand." Nevertheless, Wilkins is optimistic that the challenges in the legal market will also create opportunities for future lawyers. The global competitiveness is driving a new partnering model between companies and firms "that will place a premium on human capital development and retention." Incoming associates can greatly benefit from this model, but they "must understand the changing dynamics of the market and of careers."

Preparing For Future Careers in Law Firms

In October 2012, the Center hosted Steven Harper, a former Kirkland & Ellis partner and commentator on the legal profession through his new book *The Lawyer Bubble* and his widely read *Belly of the Beast* blog. Harper participated in a CLP-sponsored lunch discussion, "Everything You Never Wanted to Know About Large Law Firms." One of Harper's main critiques of the current state of big law firms is that "every

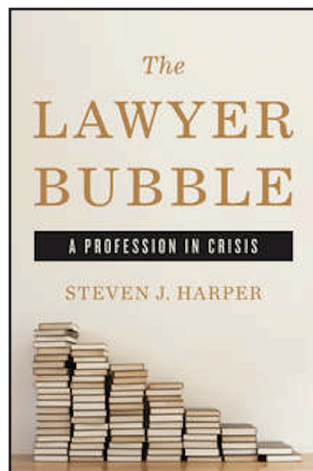
year becomes an exercise in self-justification." So, just as Henderson and Galanter have described, partners are forced to focus only on short-term metrics. Harper stated, "Among many ills, the focus on short-term profits exacerbates internal incivility, fosters the fear of partner defections, and contributes to institutional instability. As long as the prevailing big-firm business model persists, what goes around will come around ..."

Center advisory forum member William Abrams, partner at King and Spaulding, moderated the discussion. When Abrams asked Harper what he did as a partner to fight against this short-term focus and incivility, Harper responded, "... [A]ll you can really do as these institutions become so large is lead by example." Harper added, "It's very hard when you are inside these organizations to feel comfortable doing too much about it." But as a "free agent," Harper now feels free to discuss the issues he faced more candidly.

Harper predicted, as most commentators on the profession have, that there will be more large law firm failures in the near future. Harper found it hard to define what makes a firm successful because even within one's own firm, it is difficult to get transparency. But, he added, "At the end of the day you have to trust people." Firms will need to invest in changes to survive by "decid[ing they] don't need to practice this way," and "having people willing to say, 'I don't need every last dollar this year'."

Harper offered some practical advice to young lawyers as well: "Find a role model." An interesting test is to "look around and make sure there is someone among the senior ranks whose life you would want if you got it." He also warned

students that, "There's going to be so much about your ultimate success that is beyond your control – things that happen that you can't influence but will determine outcomes. Develop a kind of healthy indifference to that." Harper further suggested that students should learn as much as they can about a place before they decide to work there, but also to "be prepared to think differently" if it turns out not to be what they had hoped.



Ending on an optimistic note, Harper stated that "the best part of the story is that you really are in a far better position to control your own destinies than you might think. ... You will be in a position to change the profession. There are things that people take for granted about the way big firms do business that really don't need to be taken as given."

Innovation and Entrepreneurship

After many events focused on the need for the profession to adapt, the Center hosted a discussion focused on how lawyers around the globe can come together to solve the profession's most pressing problems, where millions are without access to legal services while thousands of attorneys are unemployed. In March 2013, CLP welcomed law professors Renee Knake and Michele DeStefano to discuss Solving the Legal Crisis: Innovation and Entrepreneurship. In this provocative presentation, Knake began by reviewing challenges facing the legal profession, including the under- and unemployment of law school graduates, and the inability of the bar to make law accessible and affordable to a large group of American consumers. These challenges make necessary a faster pace of innovation in the delivery of services, which will require more multidisciplinary collaboration.

Knake and DeStefano described a range of efforts along these lines, including the pioneering program of Law without Walls. This program, sponsored by the University Miami School of Law, brings together students, academics, and practitioners in virtual classrooms across 19 time zones to work on projects relevant to reimagining the legal profession. Stanford students who have participated in the program have given it glowing reviews, and the discussion by Knake and DeStefano challenged the audience to think more creatively about what other projects might be nurtured at this law school to meet the challenges of contemporary legal practice.

Center Hosts Events Focusing on Using Legal Frameworks to Foster International Social Change

International Human Rights Symposium: Advancing Gender Equality Through Human Rights

In October 2012, the Center co-hosted the Levin Center for Public Service and Public Interest Law's first in a biennial series of symposia on international public interest lawyering, *Advancing Gender Equality Through Human Rights*. The event, which was also co-sponsored by the Stanford Program in International and Comparative Law, the Center on Democracy, Development and Rule of Law's (CDDRL), and The Clayman Institute for Gender Research, brought together litigators of human rights cases in international tribunals, lawyers deploying international human rights frameworks to advance legal reform goals, and public policy advocates pressing for legal reforms more protective of individual rights.

The panelists included Executive Directors or Presidents of innovative human rights and international justice organizations and public interest attorneys from leading public interest



Deborah Rhode and panelists Nancy Northrup, Zainah Anwar, and Krishanti Dhamaraj discuss gender equality and human rights.

legal organizations in Nigeria, China, South Africa, Malaysia, Palestinian Territories, China and Chile. The panelists reflected on their own experiences to discuss the power of human rights ideas for transnational and local social movements. After examining the Committee on the Elimination of Discrimination Against Women (CEDAW) as a case study, the second panel, moderated by CLP Director Deborah Rhode, discussed whether human rights have created a political space for reform in particular countries and identified the key challenges. The third panel outlined some of the lessons learned from the global gender equality movement and how they can be applied to resolve other human rights struggles. A concluding panel discussed key challenges and opportunities for more strategic collaboration between the movement for gender equality and other aspects of the human rights movement.

One of the keynote sessions featured the Honorable Judge Patricia Wald, who served on the International Criminal Court, reflecting on her career and her experience in the international tribunal. The session was structured as a conversation with SLS Professor Jenny Martinez, a human rights scholar who clerked for Judge Wald on the ICC.

Martinez and Wald discussed the role of women judges and the continuing underrepresentation of women on courts in the U.S. and many other countries. Wald noted that the ICC statute makes a reference to the gender makeup of the court, requiring those selecting judges "to take into account the need, within the membership of the court, for ... a fair representation of female and male judges." Wald stated that the ICC has been successful in maintaining a good ratio of female judges, with women judges sometimes comprising a majority. Wald noted that, in contrast, women still make up only about a quarter of state and federal judges. On the state level, many judges come through the district attorney's office or a recommendation from the bar association. And in Wald's experience, women do not seem to have as much access to these networks as men do.

Judge Wald answered emphatically in the affirmative when asked if (Continued on Page 6)

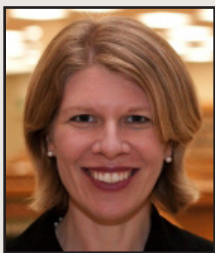
Featured 2012-2013 CLP Programs

Legal Ethics

Bay Area Legal Ethics Forum, Professor Deborah Rhode on Legal Education. The Center is a co-sponsor, along with Hastings and Berkeley and Golden Gate law schools, of this new series, which convenes academic thought leaders in legal ethics twice a year. Deborah Rhode presented the first paper on Legal Education. (October 24, 2012)

Bay Area Legal Ethics Forum, Professor Norman Spaulding on Compliance, Creative Deviance, and Resistance to Law: A Theory of the Attorney Client Privilege. CLP partnered with Hastings, Berkeley and Golden Gate law schools to co-sponsor the second session of this forum convening academic thought leaders in legal ethics. CLP Steering Committee member Professor Norman Spaulding presented his paper, "Compliance, Creative Deviance, and Resistance to Law: A Theory of the Attorney Client Privilege." (March 19, 2013)

Lawyer Lending: Costs and Consequences, CLP Works-in-Progress Lunch with Nora Freeman Engstrom. CLP hosted a faculty workshop with Professor Engstrom, who discussed her paper, which addresses the booming lawyer lending industry. The article questions whether personal injury attorneys who choose to take out loans to cover case costs and litigation expenses ought to be allowed to offload associated interest charges to clients, discusses the implications of this issue for the quantity and intensity of tort litigation, and identifies deficiencies in the current strands of legal analysis. (April 4, 2013)



Nora Freeman Engstrom

Big Law on the Small Screen; Creating The Good Wife, with Creators and Executive Producers Robert and Michelle King. CLP featured Robert and Michelle King, creators and executive producers of *The Good Wife*, in its third annual conference on pop culture and the legal profession. After a screening of an episode, the Kings and Archie Panjabi discussed the process and challenges of bringing the law firm of Lockhart Gardner to the small screen and then participated in a question and answer session. The second panel included SLS Professors Michael Asimow, Deborah Rhode, and Robert Gordon discussing legal ethics issues that have been encountered on the show. (May 18, 2013) (see article on page 1)

Legal Ethics Schmooze 2013. The Stanford Center on the Legal Profession partnered with Harvard and Georgetown Law Schools, the

Touro Law Center, and the Stein Center for Law and Ethics to co-host this biannual event at Fordham Law School bringing together leading scholars in legal ethics to discuss new directions in research. Approximately twenty senior and junior scholars from around the country came to Fordham to discuss future scholarship on the legal profession. (June 17-18, 2013)

The Current State and Future of the Legal Profession

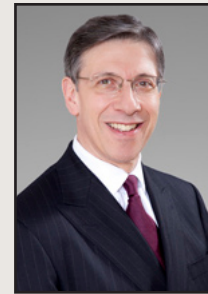
Everything You Never Wanted to Know About Big Law Firms: A Discussion with Steven Harper. CLP hosted a session with Steven Harper, former partner at Kirkland and Ellis and a commentator on the legal profession, who provided an insider's perspective on surviving big law firm life. Harper is the author of the *Belly of the Beast* blog and the recently released book, *The Lawyer Bubble: Portrait of a Profession in Crisis*. The discussion was moderated by CLP Advisory Forum member Bill Abrams, a partner at King & Spalding in the Intellectual Property Practice Group who has also handled a number of high-profile pro bono matters. (October 1, 2012) (see cover story on page 1)



Steven Harper

The Changing Law Firm Model: A Discussion with William Henderson and Marc Galanter. CLP hosted an interactive discussion with William Henderson, Professor of Law and Director of Indiana Law School's Center on the Global Legal Profession, and Marc Galanter, the John and Rylla Bosshard Professor of Law and South Asian Studies at the University of Wisconsin - Madison and LSE Centennial Professor at the London School of Economics and Political Science, about how the law firm model continues to evolve as a result of technological advances, the economic crisis, and client demands, and how the new model may affect career paths, work-life balance, and diversity. (November 15, 2012) (see cover story on page 1).

What Aspiring Associates Need to Know: Survival Skills for a Challenging Environment, Discussion with Anthony Davis of Hinshaw & Culbertson. CLP hosted an interactive discussion with Anthony Davis, a member of Hinshaw's Lawyers for the Profession practice group who focuses on the laws that govern lawyers and advises attorneys and law firms on legal profession and ethics issues. He shared his perspectives on avoiding ethical issues and surviving the current challenges facing law firm associates. (January 24, 2013)



Anthony Davis

The Future of Large Law Firms in the Global Age of More for Less: Discussion with Professor David Wilkins. In this discussion co-sponsored by the Program for Law and Society, Professor Wilkins examined the large-scale forces reshaping the global market for corporate legal services, and how these changes are likely to reshape law firms and legal careers in the coming decades. (February 12, 2013) (see cover story on page 1)

Solving the Legal Crisis: Innovation and Entrepreneurship. A Discussion with Renee Knake and Michele DeStefano. Professors Renee Knake, Michigan State University College of Law, and Michele DeStefano, University of Miami School of Law, discussed how innovation and entrepreneurship offer tools to solve the current crisis in the legal profession in America, where millions in need of legal services go without while thousands of attorneys are unemployed. (March 7, 2013) (see cover story on page 1)



Michele DeStefano and Renee Knake

The Future of Legal Education and the Legal Profession Symposium. CLP and Building a Better Legal Profession co-sponsored this Stanford Law and Policy Review symposium, which brought together law school deans, judges, practitioners, and scholars from around the globe to share new perspectives on longstanding questions about how well law schools are preparing students for the challenges of today's increasingly globalized legal market. CLP Director Deborah Rhode delivered the opening remarks, and Faculty Steering Committee members Nora Freeman Engstrom and Robert Gordon participated in discussion panels. SLS Professor Barbara Babcock delivered the keynote address, "Women's Entry into the Profession and the Difference it Makes." Other guest speakers

included the Honorable Michael Simon, United States District Judge, District of Oregon; Stephen Denyer, Allen & Overy Partner; Neil Dilloff, DLA Piper Partner; Deanell Tacha, Dean, Pepperdine University School of Law; and Professors Carole Silver, Indiana University Maurer School of Law; Paul Campos, University of Colorado Law School; Bryant Garth, Southwestern Law School; Alex Johnson, University of Virginia Law School; and Julian Webb, University of Warwick. (April 26, 2012)

Public Service and Social Justice

Advancing Gender Equality Through Human Rights, International Public Interest Lawyering Symposium. CLP co-sponsored this symposium, organized by the Levin Center for Public Service and Public Interest Law. The event featured a keynote address by The Honorable Judge Patricia Wald reflecting on her career and life's work, as well as panelists discussing the power of human rights ideas for social movements and the opportunities, challenges, and lessons learned from the global gender equity movement. (October 12-13, 2012) (see article on page 3)

Lunch Discussion with Kate Kendell of the National Center for Lesbian Rights. CLP and the Levin Center, the Women of Stanford Law, and OUTLAW co-sponsored a discussion with Kate Kendell, Executive Director of NCLR. Kendell provided a snapshot of LGBT issues and why this time in our history is so important. She discussed how, through direct litigation and advocacy, NCLR works to change discriminatory laws and to create new laws and policies benefiting the LGBT community. (October 31, 2012)



Kate Kendell

Using Legal Frameworks to Foster Social Change: A Panel Discussion with the Fall 2012 Social Entrepreneurs in Residence at Stanford. The Levin Center and CLP co-hosted a panel discussion with the three Social Entrepreneurs in Residence at Stanford (SEERS), fellows visiting Stanford as part of the Program on Social Entrepreneurship at the Center on Democracy, Development, and the Rule of Law (CDDRL). The fellows discussed their own career paths and experiences in applying legal frameworks to promote social change and protect the rights of gays and lesbians, Islamic women, people living with HIV, and refugees. (November 14, 2012) (see article on page 3)

A Discussion on Domestic Violence Law. CLP and the Women of Stanford Law co-hosted a

preliminary conversation to further our community's informed understanding of some of the issues involved in the complex topic of domestic violence law. Panelists The Honorable Mike Clark, Santa Clara County Family Court Judge; Terry Harman, Santa Clara County Assistant District Attorney; and Julie Saffren, Family Law Professor at Santa Clara, discussed the role of the law (and its limitations) in addressing and abating domestic violence. (November 29, 2012)

Barbara J. Parker and Dianne Millner of the Oakland City Attorney's Office on Career Paths. The Levin Center, CLP, the Black Law Students Association, and the Women of Stanford Law welcomed Oakland City Attorney Barbara J. Parker, the first African American woman elected to city-wide office in Oakland, and Deputy City Attorney Dianne Millner, SLS '75, for an interactive discussion about their career paths and experiences in both the private sector and public service. (February 21, 2013)

Public Service and Private Gain are Not Incompatible: How to Make a Life in Business and Law and Still Promote Good. CLP joined the Levin Center in sponsoring a discussion with Harsha Murthy, SLS '84, on his vision for combining public service with a private sector legal career. Mr. Murthy has had a distinguished career investing in pharmaceuticals and biotech while also serving in leadership roles on many nonprofit boards, including Duke University Libraries, Planet Habitat LLC, Asian American Justice Center, Asian American Legal Defense and Education Fund, and SLS Board of Visitors. (April 25, 2013)

Governance and Grass Roots Justice in Rural Africa: A Panel Discussion with the Spring 2013 Social Entrepreneurs in Residence at Stanford. The Levin Center and CLP co-hosted a panel discussion with the three spring quarter Program on Social Entrepreneurship fellows, who are leaders in advancing social, economic, and political change in Africa. This cycle's fellows include Simeon Koroma, who founded an organization to promote justice throughout Sierra Leone; Gemma Bulos, who is promoting clean water and sanitation solutions in the Philippines and East Africa; and Maxwell Matewere, whose organization advocates for child victims of forced marriage, child labor, abuse, and sexual exploitation in Malawi. (May 15, 2013) (see article on page 3)

Leadership

Styles and Characteristics of Leadership, Workshop for Student Organization and Journal Leaders. In collaboration with the Office of Student Affairs, Professor Deborah Rhode led a discussion to help students become more effective leaders by understanding and utilizing the different styles and characteristics of leadership. (October 23, 2012)

Please check our website for streaming video and audio of past and recorded events, as well as information about these programs and upcoming events. <http://law.stanford.edu/program/centers/clp>

Center Continues to Its Partnership to Revitalize Access to Justice Research

Building on its past forums on access to justice, the Center on the Legal Profession continued its partnership with Harvard Law School's Program on the Legal Profession and the American Bar Foundation to promote research on access to justice issues by cohosting a workshop in Chicago in December 2012. As those familiar with CLP's history may recall, in 2009 and again in 2011, CLP convened a small group of researchers, law school clinicians, and members of nonprofit groups to discuss steps to promote access to civil justice.

During the March 2011 meeting, co-hosted by Harvard Law School, the American Bar Foundation, and the Department of Justice, the attendees identified the lack of a research capacity as an important problem. There is no network connecting scholars and practitioners around research questions, and there is an absence of high quality data and interdisciplinary inquiry that can serve as the foundation for theory and policy in the field. The group decided that a good first step would be to seek funding for a workshop bringing together researchers and practitioners to kickstart a sustainable access to justice research agenda.

With funding from the National Science Foundation Law and Social Sciences Program, a coalition of experts in access to civil justice in the United States convened the two-day workshop in Chicago. The Workshop opened with a town hall meeting, held in conjunction with the National Legal Aid and Defender Association annual meetings. On the following day, the Workshop convened a smaller, closed session to push forward the work of revitalizing access to justice research.

The goal of the workshop was to open a conversation that may lead to partnerships on specific research projects and to the beginnings of a durable, national, access to justice research program that will ultimately generate information that can inform policy. The Workshop's participants tried to identify key unanswered questions in access to civil justice that are central to both practice and scholarship; considered opportunities and challenges faced in working to answer these questions; and devised ways to move forward. As a result of the workshop, conveners are working on several NSF grant applications to create a national network of researchers and to fund specific projects.

Good Wife (Continued from Page 1)

popular culture, but today there are countless scholars in universities all over the world concentrating on popular culture in their teaching and research. This conference concerns one little corner of the popular culture movement—law and pop culture.”

Asimow explained that, while television shows such as *The Good Wife* are highly entertaining, there are several reasons that we should take them seriously. First, “Most people learn everything they know (or think they know) about law, lawyers and legal institutions from consuming pop culture. So if pop culture is the vehicle for how ordinary people learn about law and lawyers, it’s worth taking it seriously.” Second, “Pop culture often deals with serious issues and can teach us important lessons. Some of these lessons concern legal ethics and the nature of the legal profession.” For example, the episode of *The Good Wife* we screened, “like every episode of that show—is loaded with ethical and professional issues. Some of those issues concern the role of lawyers in cases involving national security and terrorism.” The episode demonstrated, “how accepted ideas of lawyer-client confidentiality are being threatened in this age of concern about terrorism.”

The episode selected by the Kings, entitled “Executive Order 13224,” included many legal ethics issues, including attorney-client privilege and conflicts of interest, in the context of post-9/11 national security rules. The main character, Alicia Florrick, faces the choice of either providing one branch of the federal government confidential and possibly incriminating

information about her client, who is being prosecuted by another branch, or going to prison for refusing to comply with a government order. The government pursues Alicia for information about the client, until she hires an attorney who finds a creative way out of the dilemma by invoking a conflict of interest with another client.

After the audience watched the episode, the Kings participated in a question and answer session moderated by David Ginsburg, Executive Director of the UCLA School of Law’s Entertainment and Media Law and Policy Program. The second panel featured Stanford Law School Professors Deborah Rhode and Robert Gordon, two legal ethics experts, discussing some of the issues confronted in the episode screened, such as prosecutorial misconduct, sex in the workplace, and issues in lawyer-client relations when the client is suspected of terrorist-laden offenses.

Ginsburg first asked how two non-lawyers came up with the premise for this show filled with drama about case law and legal workplaces. Michelle King explained that they “were both fortunate and unfortunate to see in 2009 that there had been a bunch of politicized sex scandals.” They focused on “the wife stuck in that horrible press conference ... so resolute,” and observed that “many of the wives were also attorneys and chose to stay in the marriage. So the idea of one of these wives returning to work under these circumstances after so many years out of the profession seemed like a very nice in for a new way to do a law show.” Despite the show’s genesis in the headlines, Robert King noted that the show tries to shy away from “the big splashy legal issue of the day,” because it has

usually played out by the time the show airs.

Robert King agreed with Ginsburg that the show was really about having to make choices in ethical contexts. But King added, “We did not want [Alicia] to face ethical dilemmas where there was one clear way to go.” Michelle King added that the main character “started out as having a certain set of ideals but ... has become more pragmatic” as she has gained more experience in the business of being a lawyer. When the show began, Alicia was really very “naïve about the purity of the law.” When Ginsburg remarked that “pragmatism is a character in the show,” Robert King responded that pragmatism “was the only hero in the show – whoever is effective is good.”



Robert King on *The Good Wife* set

Although the Kings are not trained as lawyers, they have a staff of seven writers, including three lawyers. They also use a technical advisor who is a criminal defense attorney and a former prosecutor in Cook County, Illinois, where the show takes place. Robert King stated that any errors in the legal issues presented on the show are theirs as sometimes they tell the lawyers that while something may be correct, it is not sufficiently dramatic. For example, Alicia recently made partner as a fourth-year associate.

International Social Change (Continued from Page 3)

it makes a difference to have women judges. She noted that in the three major breakthrough cases on sexual offenses in the tribunal, there was always a female judge on the panel. Wald believes that the ICCs have been very important and have contributed “a bank of jurisprudence, some of which ... should be very helpful to women, admittedly coming out of an atrocity venue but still ... with some replications for jurisprudence generally...”

Wald remarked, however, that simply having female judges does not equate to better jurisprudence on gender issues, as some of the female judges in the U.S. “were far more conservative on women’s rights” than the male judges. But Wald does believe “the gender experience is a valuable one that needs to be put into interpretation” by judges. Whatever one believes about gender equality, Wald believes that “it is different to be a woman than a man.” Although these “are not differences that should be reflected the way they have been in cultures,” they should “reflect [one’s] perception of an experience.”

Panel Discussions with Fellows from the Program on Social Entrepreneurship

This year, in addition to her role as Director of CLP, Professor Rhode became the Faculty Director of the Program on Social Entrepreneurship in the Center for Democracy, Development, and the Rule of Law (CDDRL). In this new role, Rhode was able to help bring several leaders in advancing justice and social change to the law school to participate in a new course in Fall 2012 on “Law,

Social Entrepreneurship, and Social Change.” CLP also partnered with the Levin Center and the CD-DRL to host panel discussions with the Fall and Spring quarter social entrepreneurship fellows, who spend the quarter in residence at Stanford connecting to the students and the academic community, pursuing their own research agenda, and reflecting on their work and next steps.

The Fall quarter fellowship focused on using legal frameworks to foster social change and brought three accomplished social entrepreneurs to discuss their career paths and experiences advancing the rights of women, minority groups, and refugees from around the world.

Zainah Anwar has been recognized for her work to help change domestic laws in Malaysia and to promote the rights of women in Islam globally. She discussed her experiences in founding two civil society organizations, Sisters in Islam, a Malaysian-based NGO that works on women’s rights in Islam, and Musawah, a global movement advancing equality and justice in the Muslim family. A social justice activist, Mazibuko Jara described his work to support sustainable rural development for communities in South Africa and his role in founding the Ntinga Ntaba ka Ndoda organization, which protects the practice of customary law and the interests of rural African women. As a spokesperson for the Democratic Left Front, Jara also works to bring together anti-corporate social justice movements in South Africa challenging the government and powerful interest groups. Emily Arnold-Fernández, a lawyer based in the Bay Area, has worked to defend rights of refugees around the world and to transform the lives of refugee communities in Africa,

Asia, and Latin America. She discussed her work as the founder and leader of Asylum Access, an international organization dedicated to securing refugees’ rights by integrating individualized legal assistance, community legal empowerment, policy advocacy, and strategic litigation.

The Spring quarter fellows included three leading social entrepreneurs working to advance social, economic, and political change in Africa through victim advocacy, community empowerment, and increasing access to justice. In May 2013, CLP, The Levin Center, and the CDDRL hosted Governance and Grass Roots Justice in Africa, a panel discussion with the spring fellows.

Maxwell Matera, who founded the organization Eye of the Child, discussed his experiences in advocating for children in Malawi who are victims of forced marriage, child labor, abuse, and sexual exploitation. Gemma Bulos, a self-described “accidental social entrepreneur,” co-founded A Single Drop of Safe Water, based in the Philippines, after witnessing the water crisis firsthand while traveling the world. Bulos learned to empower local communities to plan, implement, and manage community-driven water and sanitation solutions by actively listening to the needs of the locals and learning from their experiences. Simeon Koroma explained the problems in Sierra Leone, where the formal justice system has not reached much of the country’s rural population who continue to pursue customary legal systems of representation. To address the justice gap, Koroma co-founded Timap (which means “Stand Up” in the national Krio language) for Justice, which draws on the best of both formal and customary law.

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, the American Bar Association's Pro Bono Publico Award for her work on expanding public service opportunities in law schools, and has been recognized by the White House as a Champion of Change for a lifetime's work on increasing access to justice.



Lucy Buford Ricca
Executive Director

As Executive Director, Ricca 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 projects. Ricca joined Stanford Law School in June 2013, after clerking for Judge James P. Jones of the United States District Court for the Western District of Virginia. Before clerking, Ricca practiced white collar criminal defense, securities, antitrust, and complex commercial litigation as an associate at Orrick, Herrington & Sutcliffe. Ricca received her B.A. in History from Dartmouth College and her J.D. from the University of Virginia School of Law.



Dena Evans
Project Coordinator

As Project Coordinator for the Center on the Legal Profession, Dena Evans assists the Executive Director in producing Center publicity materials, maintaining the website, and other ongoing projects. Most recently, she served as a program

coordinator for the Stanford Center on Ethics. Evans is a 1996 Stanford graduate in American Studies, and holds an M.A. in Secondary Education from the Stanford Teacher Education Program. She spent six years 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.

2013 CLP Research Fellows

Supported by a generous grant from the Sidley Austin Foundation, CLP is hosting four research fellows who are participating in a multi-year study on the state of the legal profession, which seeks to understand trends and emerging developments in the profession, develop policy recommendations to help law firms adapt their business models to better meet the needs of their clients and of a rapidly changing legal market, and consider the implications of these changes for legal education.



Manuel Gomez

Manuel Gomez is an associate professor at Florida International University College of Law. His academic interest covers a broad range of issues pertaining to Latin American jurisdictions, most notably: cross border and complex litigation, international arbitration, legal and institutional reform, private ordering, social networks, innovations in legal education and the globalization of the legal profession. Together with Lawrence M. Friedman and Rogelio Pérez-Perdomo, Gomez is undertaking a multi-country study geared to explore the trends affecting the development of the legal profession and its impact on the training of future lawyers in Latin America and Latin Europe. Gomez and colleagues are interested in exploring the penetration of "big law" in the different Latin American and Latin European markets, what strategies they have relied on, what type of clients they serve, and how they have coped with the rising competition from increasingly strong local firms, including their alliances and partnerships. They are also exploring the growth of non-US law firms, and will compare how foreign firms evolved vis-à-vis their US counterparts, and the impact of non-US law firms on the growth and transformation of the global market for legal services.



Patrick M. Hanlon

Patrick M. Hanlon received a doctorate in political science from Harvard University in 1974 and a JD from Harvard Law School in 1976. After a year clerking for Chief Judge Irving R. Kaufman of the U.S. Court of Appeals for the Second Circuit, he joined Shea & Gardner in Washington DC. For the next 30 years he practiced as a litigator at

Shea & Gardner and (after a merger in 2004) Goodwin Procter, concentrating in complex litigation, class actions, and mass toxic and environmental torts. From 2008 through 2011 he was on the faculty of Boalt Hall, where he taught torts and professional responsibility. In 2012 he joined Stanford as a Research Fellow at the Center on the Legal Profession, where he is studying the impact of globalization and technology on the world of "Big Law." Hanlon has a special interest in examining the forces that have led to an unprecedented number of law firm failures in recent years.



Sergio Puig

Sergio Puig is a Lecturer in Law, Teaching Fellow in the Stanford Program in International Legal Studies (SPILS), as well as a Research Fellow at the Center on the Legal Profession. Prior to joining Stanford, Sergio taught International Investment Law and International Trade Law at Duke Law School. Sergio also worked for over three years in the young professionals program for lawyers and scholars at the World Bank Group and ICSID, and has practiced international law and arbitration in Mexico and the United States. Sergio graduated cum laude from the ITAM in Mexico with an L.L.B., and earned a JSM in International Legal Studies and a JSD in International Economic Law from Stanford University. His main academic interests include topics related to the legal profession and arbitration, international economic law, law and society, and interdisciplinary legal scholarship in general.



Molly Selvin

Molly Selvin serves as Assistant Dean for Interdisciplinary Programs and an Adjunct Professor at Southwestern Law School, where she oversees the JD/MBA program with the Drucker School at Claremont Graduate University and the Certificate Program with the Pardee RAND Graduate School. She is associate editor of the Journal of Legal Education; and teaches courses in media and the history of public policy. Just prior to joining Southwestern, Selvin served as Interim Dean of the Frederick S. Pardee RAND Graduate School (PRGS) where for 25 years she has taught courses on the U.S. Constitution, the uses of history in policy analysis, and the role of the media in public policy. From 1990 to 2008, she was on the staff of the Los Angeles Times, as an editorial writer and news reporter, focusing on civil and criminal justice, the legal profession, local government, land use, and reproductive rights. Selvin has also been a Senior Fellow in UCLA's School of Public Affairs for several years. In 2012, she became a research fellow at the Stanford Center on the Legal Profession, where her research focuses on changes in the market for corporate legal services.

Selected Outreach Events 2012-13

"Diversity and Gender Equity in the Profession," Buck Colbert Franklin Memorial Civil Rights Lecture, University of Tulsa College of Law, Tulsa, Oklahoma, September 2012.

Ethics and the Legal Profession, McCoy Family Center for Ethics in Society Ethics and the Professions Series, Stanford University, October 2012

On Activism and Academia: A Graduate Student Conference, Humanities Center, Stanford University, October 2012

Access to Civil Justice: Re-Envisioning and Reinvigorating Research, American Bar Foundation Workshop, Chicago, Illinois, December 2012

Global Engagement and the Legal Academy, Association of American Law Schools Annual Meeting, New Orleans, Louisiana, January 2013

"Gender Equity in Law Firms," Ark Group and Managing Partner's West Coast Women Legal 2013, San Francisco, California, January 2013

Diversity and Leadership, Stanford University Leadership Academy, Stanford, California, February 2013

"When Law Firm Leaders Fail," Teaching Leadership Competencies in Law School and in the Profession: Why It Matters, Fifth Annual Leadership Roundtable, Santa Clara University School of Law, March 2013

"From Platitudes to Priorities: Diversity and Gender Equity in the Legal Profession," Robert S. Marx Lecture, University of Cincinnati College of Law, Cincinnati, Ohio, March 2013

"Connecting Talent to Need and Increasing Pro Bono Work in Law Schools," Toward a Civil Gideon: The Future of Legal Services, Harvard Law and Policy Review Symposium, Harvard Law School, Cambridge, Massachusetts, April 2013

Center Advisory Forum

William F. Abrams, *King & Spaulding*

Ralph Baxter and Neel Chatterjee, *Orrick*

Mark Chandler, *Cisco*

Gordon K. Davidson, *Fenwick & West*

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Contact the Center

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