

Not Tired of Winning

June 29, 2022

The title of a *Wall Street Journal* op-ed by lawyers Paul Clement and Erin Murphy, “The Law Firm That Got Tired of Winning,” is not strictly accurate.

As reported there and in an accompanying *Journal* editorial (“You Won Your Gun Case. You’re Fired”), the law firm Kirkland & Ellis did tell Clement and Murphy to quit their Second Amendment clients or quit the firm. But not because it was



Paul Clement

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pushed past the edge of exhaustion when these attorneys won a major U.S. Supreme Court decision affirming the Second Amendment right to carry a concealed firearm.

Of course, the op-ed title is ironic.

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agreement. In 2016, when the firm recruited Clement, he required as a term of employment that he be able to retain clients involved in Second Amendment litigation.

Clement and Murphy write that it is no novelty for lawyers to represent controversial clients and no virtue to abandon them for light and transient causes. Moreover, the Constitution “isn’t self-executing”; it depends on lawyers willing to take on controversial cases and judges willing to hear the best arguments for both sides.

So, rather than abandon clients of long standing, they’ve left Kirkland & Ellis.

Kirkland & Ellis has every right to run its affairs this way. But prospective clients should think thrice before entrusting their fate to such a firm.

This is Common Sense. I’m Paul Jacob.