

Setting an Example: The Midsize Firm Opposing Trump's War on the Legal Industry

By Amanda O'Brien

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What You Need to Know

- San Francisco-based litigation firm Keker Van Nest & Peters has been at the forefront of the criticism against the Trump administration's war against the legal industry.
- From a guest essay in the New York Times to a broadcasted interview on '60 Minutes', the firm and its leaders have garnered media attention for their stance against the administration's executive orders.

President Donald Trump's attacks on Big Law have proven that not even law firms are immune to the trauma responses of fight, flight, fawn, and freeze. A fair number of firms, and especially the larger members of the Am Law 200, have opted for the freeze response, unwilling to offer commentary that might provoke the president's wrath and impede the inflow of work.

Keker Van Nest & Peters, a midsize litigation firm based in San Francisco, has taken the opposite approach. The firm and its name partners, John Keker, Robert Van Nest, and Elliot Peters, have come out swinging against the administration, making the rounds across the media condemning the Trump administration's actions against the legal industry and urging peers and larger law firms to unify in defense of the rule of law.

It's a daring move, especially for a litigation firm known for trying an abundance of its cases in federal court. Yet the firm's name is now more well-known than ever, and feedback from the legal community and beyond has been largely positive,



Courtesy photo

Bob Van Nest, with Keker, Van Nest & Peters.

according to Van Nest and the firm's managing partner Laurie Carr Mims.

"Our firm is now known more broadly than it's ever been known in the legal community and even beyond the legal community," Mims said, describing hundreds of thank you notes coming from individuals across the country in the wake of John Keker's '60 Minutes' interview condemning the administration's actions against law firms.

Clients and potential clients were also impressed by the firm's public response.

"We have had clients and potential clients say to us sometimes, on a confidential basis, that they are particularly looking at us for matters because of how we've responded to what they at least personally agree with as attacks on the rule of law," Mims noted.

Keker Van Nest & Peters, founded originally as Keker & Brockett in 1978, has expanded from its two founders, John Keker and Bill Brocket, to encompass just under 140 attorneys. The firm specializes in intellectual property and litigation work; it also operates out of a single office in San Francisco, despite boasting a national workload.

That centralized presence played a key role in the firm's quick decision to speak out against the administration.

"Because we're in one location, we all have a very good sense of what the partnership feels and believes," Van Nest said. "Things finally boiled over in mid-March after Trump attacked Perkins and attacked all lawyers doing asylum and immigration work. That touched a raw nerve. We do a lot of immigration and asylum work, it's righteous work. It was an easy decision for us [to speak out]."

The unity behind the firm's decision has proved to be a prescient factor for responses amongst the larger legal community. Partnerships at firms such as Perkins Coie, Jenner & Block, Wilmer Cutler Pickering Hale & Dorr, and Susman Godfrey, all of whom received an executive order from the president, were reportedly unified in their firms' decision to sue the administration.

Firms that chose to make deals with the administration, which tended to lean more towards transactional work than litigation, had a more divided partnership when it came to deciding how to deal with the administration. While some attorneys at deal-making firms understood the business case behind striking a deal with the president and avoiding the perils of a crippling executive order, others were less pleased with their firms' risk-averse decisions.

That division has led to some firm departures, especially among associates.

"We [were] willing to take on the risk. We've had a history of taking on the government when we see unconstitutional acts. We did so in the first Trump administration, we did so in the Biden administration," Mims said. "We stand up against the government. We currently have actions where we're adverse to the government. We want to continue that and we will continue that and continue to be vocal."

While the next stage of Trump's war against Big Law remains uncertain now that the administration has been subjected to permanent injunctions against executive orders targeting Perkins Coie, Jenner, and Wilmer, Mims and Van Nest indicated that the firm will remain vigilant.

Van Nest in particular emphasized the firm's focus on performing pro bono work, including work opposing the administration, now that a group of large law firms has offered a total of nearly \$1 billion in pro bono work to causes the president supports in order to avoid an executive order.

"We are here to support our colleagues in continuing to do pro bono work including suing the administration when necessary, defending undocumented people, and defending and representing asylum seekers," Van Nest said. "What we want to counter is the Trump administration's efforts to intimidate lawyers into backing off. We don't want anyone to back off."

In continuing to oppose the administration, Van Nest continued, the firm hopes to inspire other attorneys to stand up for the rule of law.

"We are trying to set an example for others of continuing to do the pro bono work that's necessary to defend the Constitution and represent folks who can't afford to represent themselves otherwise."