

Perspective

What I Wish I Knew Then: Jeff Robbins

INTERVIEWED BY STEVE COHEN

Jeff Robbins has had a remarkably diverse career, serving as an Ambassador, Senate Counsel, Assistant US Attorney, and Big Law partner—for many years at Mintz Levin and for the last five years at Saul Ewing. His insights, sensitivity, and wit are evident in this interview, but also benefit his students at Brown University (his alma mater) where he is an adjunct professor. Jeff is also a graduate of Boston University Law School.

Beginnings ... and an Unscripted Career Path

Back in 1982, after working as a summer associate, I joined Mintz Levin in Boston as an associate. (The firm has now been rebranded “Mintz.”) I practiced there for five years, until I went into the U.S. Attorney’s Office, as an Assistant U.S. Attorney. I did that for three years, and then—as we had agreed before I went off to the U.S. attorney’s office—I returned to Mintz Levin. I became a partner in 1991, and was there until the spring of 1997, when I got a phone call from my friend Nick Littlefield, may he rest in peace.

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Nick was a key aide to the late Sen. Ted Kennedy. And it emerged that there was an investigation going on in the Republican controlled Senate into the Clinton-Gore campaign, into fundraising practices. There had been some staff changes in the Senate Committee, and the Deputy Chief Counsel had been made Chief Counsel. And they needed a new Deputy because the investigation was heating up. They hoped to have somebody who had some experience as an Assistant U.S. Attorney, and I was invited to interview with Sen. John Glenn, who was the Committee’s rank-

ing member. Sen. Fred Thompson from Tennessee—who went on to greater fame playing District Attorney Arthur Branch in Law & Order—was the Committee chairman.

I was hired to be Deputy Chief Counsel for the Democratic Senators in the Committee’s investigation, and simultaneously served as Chief Counsel for the Democratic senators on something called the Permanent Subcommittee on Investigations. PSI, as it is called, has a kind of an interesting past. It was actually the subcommittee that Joe McCarthy used to do his work, so to speak. Since that time it has been pretty much a bipartisan, or nonpartisan, oasis in a Congress that is increasingly vitriolic.

I did that for six months. And why six months? My family was back in Boston, and my agreement with Mintz Levin was that I would come back as soon as the hearings were over. My partners at Mintz Levin were enormously understanding—in fact, indulgent would be a better word. In 1999 I was appointed as a U.S. delegate to the UN Human Rights Commission in Geneva. And I did that for six weeks in the spring of 1999, and again for six weeks in 2000. And I don’t want to brag, but I need to say

this: I consumed more hors d'oeuvres than anyone in the history of the State Department in the six-week category. And then I broke that record in 2000. So you're talking to somebody with some serious credentials here.

I returned to Mintz Levin and was there up through 2018 when, in an uncharacteristic burst of adventurousness, I accepted a more or less out-of-the-blue offer to join the Boston office of Saul Ewing as a partner. Which is really quite a change: Mintz has more than 500 lawyers and Saul Ewing has more than 400 in offices around the country, but it has fewer than 20 lawyers here in Boston. So it's a whole new experience for me.

A Practice That Is Impossible To Pigeonhole

My practice is pretty much the same as it was Mintz Levin—which is to say that while it is a litigation practice, no one has ever been able to pigeonhole it. There are people who argue that it's lucrative to try to specialize in an area, and I'm sure they're right. That never was my path. I've done a complete variety of different things. For example, at the moment I'm representing the mayor of a Massachusetts city in a defamation case. I represent a law firm being sued for legal malpractice. I'm representing shareholders in various different disputes. I'm representing a trustee in a family dispute. I represent a former public official in the Commonwealth of Massachusetts in a matter. I represent the Boston Herald; I've been representing them continuously for 12 years.

The Best Advice Ever Received ... and Not Appreciated for Years

Perhaps the best piece of advice I ever got—but I didn't appreciate fully until the years went by—I got from my men-

tor in the law, a wonderful man named Bob Popeo. He was a very senior partner at Mintz Levin, and its Chairman. Bob told me that in some ways you have an adversary relationship with your client. What he meant to convey, and the way I took it, was that you have to maintain a certain distance. I do think that there are clients who will seek to use you and exploit you, and who will not tell you the truth. They may have you do things that they assume you will do only because they tell you they want it done. So, I think that having a very healthy skepticism right from the beginning serves one well.

I remember hearing the advice, and at the time thinking, "That makes sense." But reality informs and educates. There is a tendency and a desire to want to be liked and appreciated by clients. And that sometimes means being less blunt than one should be. It is both wise and difficult to be blunt with clients. But if something is a bad idea, say it. Don't be afraid to say it, and say it clearly and immediately. That's hard not just for young lawyers to do—for obvious reasons—but for most of us. I think that some of the stress of being a lawyer—and sometimes that stress is considerable—can be diluted by coming to terms with the need to say, "No. That's a bad idea, even if that's not what you want to hear."

Dealing With Stress

You want to protect your client, you want to win, you want to defend, you want everything to go right. There is a direct line, unfortunately, unless you're a genius, between neurosis and excellence. Neurosis doesn't necessarily guarantee excellence. But excellence usually requires neurosis. You generally can't have excellence without the neurosis. Somehow I think that incorporating

that understanding will lessen the self-beration that we all engage in.

It's stressful being a lawyer; I mean it's really stressful. Especially being a litigator. I think, frankly, because stuff is coming at you all day long—between clients and opposing parties and opposing lawyers and judges and the law and the facts and witnesses and documents—it's stressful. Now, I think there's probably some value in knowing that reality early on so that, as you see yourself being stressed, and you see others being stressed, you at least come to terms with the fact that it's normal. And it also may make you more inclined to do the kinds of things that you should do to reduce the stress. Exercise, eating well, sleep, family, friends. And if possible, stopping—as an act of self protection.

On the Pressure To Bill

I don't want people to bill 2,000 hours. I am very concerned about the pressure that associates and partners are under to bill. I think it's a prescription for wrong conduct. I think that the pressure that people feel to bill hours leads to inflating of bills. And a sloppiness about it. A lack of efficiency. A dereliction of what I think is a fiduciary obligation to be as efficient as possible.

Years ago, at my old firm, I remember seeing a time entry from a paralegal: 4.0 hours; "coordinated three-hole punching." He didn't even do the three-hole punching himself. He coordinated the three-hole punching. You know, that kind of stuff is really wrong. It's deeply wrong. It's offensive to me. And I fear that pressure to bill hours incentivizes conduct that is not right. Now that's easier said than done. They're under pressure: Associates are evaluated and paid on the basis of hours. So I'm not sure there's a solution except that I really think it's a prescription for the kind of conduct of lawyers shouldn't permit.

Internalizing Clients' Problems

In retrospect, I sometimes wish that I had managed not to internalize my clients' problems quite so intensely. It is good for clients when you internalize their problems: The clients' problems are your problems. It is part of what made, and makes, firms like Mintz Levin and Saul Ewing so successful. They will leap through fire for their clients. And I really admire that. I love it. I do think, though, that a certain five or ten percent distancing yourself is probably a healthy thing. And I wish that I had done that a little bit. I didn't.

Advice to Young Associates: Own the Case

The best young associates are the ones who, early on, think of the case as their own. They think of themselves as obliged to worry. They don't leave it to other people to worry. If you really want to be valuable, maximally valuable, worry about the case, think about the case. Make it your own. Think about, Okay, the other side is going to do X. If they do X, we could do Y. Take the initiative to look at materials, whether it's evidence or pleadings or motions of the law, or the personalities involved. And think of yourself as the partner, rather than thinking of yourself as the minion. It's better for you in terms of your development, and it's surely better for the client, and it's surely better for the senior lawyers on the team, that you are someone who is not just executing tasks, but making the case your own; that they think of themselves as stakeholders.

Learn How To Write Clearly and Effectively

I also think that most legal writing is not as good as it should be. I see a lot

of word processing, or non-editing. Sentences that are bloviated, words that are big but don't mean anything. Syntax that is wrong. As a partner, I don't want to be the highest paid proofreader in the history of the planet.

I once gave a fifth-year associate an assignment to write a brief opposing a motion to compel. I took them through my five reasons for our position, and two days later got back the draft. It began: "So and so's motion to compel was a mean and nasty thing to do." I don't think enough time is spent on training people how to write. I was very lucky when I was a young lawyer: I had people who I worked for who took out a red pen and who, line by line, commented on or edited stuff that I had written. And did it in a very non-judgmental, humane way. And they took time to do that. I'm afraid I spend less time doing that than people spent with me.

I'm not talking about merely crafting sentences with proper syntax and spelling and grammar. (Although that's a problem.) I am talking about advocating in a clear, crisp way. It's not enough to just bang out 20 pages and call it a day. The idea is to grab a judge's attention, I believe, in the first page—or by page two at most. One of the wonderful lawyers I learned from was Jack Connolly who said to me, "If I don't tell the judge, she's not going to know it."

Be Mindful of Pressure Points, Both Those of the Other Side And Those of Your Client

There is the book stuff, the evidence stuff, the law stuff, and that is not the end of the story. There are egos. There is face-saving. There is a need, frankly, to understand pressure points. And then, once the pressure points have been identified, to identify the right way to capitalize on the pressure points on

the other side and to deal with those on your side.

On Being a Lawyer

Would I recommend being a lawyer? I've been doing this for exactly 40 years now. And I get asked that a lot, typically from Brown students. And I begin by apologizing and saying: Listen, I hate to be one of those fuddy-duddies who drones on about the virtue of practicing law. Because anybody who thinks that lawyers spend every day going, "God, I made the right decision, this is as much fun as a human being could possibly have," ought to have their head examined. That's just ridiculous. It's awfully tough. But having said that, it does give you the opportunity—not that one takes advantage of it as much as one should—to do good. Now, you don't need to be a lawyer in order to have the opportunity to do good, whether it's in education, or business, or the practice of law, or government, or politics, or foundations, or you name it. But being trained as a lawyer does give you some skills with which you can do some good, when you're in a position to do so, and when you have the wit to realize that you should.

