

# DAVID BRIAN WILKINS

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## ACADEMIC APPOINTMENTS:

### Harvard Law School

#### **Professorships**

Lester Kissel Professor of Law, 2008- Present  
Kirkland and Ellis Professor of Law, 1996-2008  
Professor of Law, 1992-1996  
Assistant Professor of Law, 1986-1992

#### **Principal Courses**

Legal Profession; Future(s) of the Large Law Firm; Legal Education for the Twenty-First Century: Global Perspectives on Preparing Lawyers for Global Careers; Cause Lawyers; Globalization and Diversity

#### **Program Directorships**

Faculty Director, Harvard Law School Center on Lawyers and the Professional Services Industry, 2004 - Present

Faculty Director, Harvard Law School Program on the Legal Profession, 1991-Present

#### **Executive Education**

Principal Faculty, Leadership in Law Firms, 2007 – Present

Principal Faculty, Leadership in Corporate Counsel , 2009 - Present

### Harvard University

Faculty Associate, Harvard University Edmond J. Safra Foundation Center for Ethics, 1990 - Present

Fellow, Harvard University's Center in Ethics and the Professions, 1989-1990

### **Visiting Professorships**

Visiting Professor of Law, University of Chicago Law School, Fall 1995

### **American Bar Foundation**

Senior Researcher, 1997-Present

Visiting Researcher, Fall 1995

### **WORK EXPERIENCE:**

Nussbaum, Owen & Webster, Washington, D.C., Associate specializing in Civil Litigation, 1982-1986

Supreme Court of the United States, Law Clerk to the Honorable Thurgood Marshall, 1981-1982

United States Court of Appeals for the Second Circuit, Law Clerk to the Honorable Chief Judge Wilfred Feinberg, 1980-1981

### **PUBLICATIONS:**

#### **Books**

Problems in Professional Responsibility for a Changing Profession, Carolina Academic Press (5<sup>th</sup> edition forthcoming 2009) (with Andrew Kaufman).

#### **Chapters in Books**

*Team of Rivals? Toward a New Model of the Corporate Attorney/Client Relationship*, Current Legal Problems Series, Colm O'Conneide, ed., Oxford University Press (forthcoming 2009).

*Valuing Diversity: Some Cautionary Lessons from the American Experience*, in Managing the Modern Law Firm: New Challenges New Perspectives, Laura Empson, ed., Oxford University Press (2007).

*Law Firms*, in International Encyclopedia of the Social and Behavioral Sciences, Neil J. Smelser and Paul B. Baltes, eds., Pergamon, Oxford (2001).

*Beyond 'Bleached Out' Professionalism: Defining Professional Responsibility for Real Professionals*, in Ethics in Practice: Lawyers' Roles, Responsibilities, and Regulation, Deborah L. Rhode, ed., Oxford University Press (2000).

*Everyday Practice Is the Troubling Case: Confronting Context in Legal Ethics*, in Everyday Practice and Trouble Cases, Austin Sarat, Marianne Constable, and David Engel, eds., Northwestern University Press (1998).

*Social Engineers or Corporate Tools? Brown v. Board of Education and the Conscience of the Black Corporate Bar*, in Race, Law and Culture: Reflections on Brown v. Board of Education, Austin Sarat, ed., Oxford University Press (1997).

*Introduction: Race in Context*, in Color Conscious: The Political Morality of Race, K. Anthony Appiah and Amy Gutmann, Princeton University Press (1996).

### Articles

*'If You Can't Join 'Em, Beat 'Em!' The Rise and Fall of the Black Corporate Law Firm*, 60 **Stan. L. Rev.** 1733 (2008).

*Urban Law School Graduates in Large Law Firms*, 36 **Southwestern U. L. Rev.** 433 (2007) (with Ronit Dinovitzer and Rishi Batra).

*Doing Well by Doing Good? The Role of Public Service in the Careers of Black Corporate Lawyers*, 41 **Houston L. Rev.** 1 (2004).

*From 'Separate is Inherently Unequal' to 'Diversity is Good for Business': The Rise of Market-Based Diversity Arguments and the Fate of the Black Corporate Bar*, 117 **Harv. L. Rev.** 1548 (2004).

*A New Framework for Law Firm Discipline*, 16 **Geo. J. Legal Ethics** 335 (2003) (with Elizabeth Chambliss).

*The Emerging Role of Ethics Advisors, General Counsel, and other Compliance Specialists in Large Law Firms*, 44 **U. Ariz. L. Rev.** 559 (Fall/Winter 2002) (with Elizabeth Chambliss).

*Promoting Effective 'Ethical Infrastructure' in Large Law Firms: A Call for Research and Reporting*, 30 **Hofstra L.J.** 691 (2002) (with Elizabeth Chambliss).

*Professional Ethics for Lawyers and Law Schools: Interdisciplinary Education And the Law School's Ethical Obligation to Study and Teach About the Profession*, 12 **Legal Ed. Rev.** 47 (Australia) (2001).

*What Law Students Think They Know About Elite Law Firms: Preliminary Results of a*

*Survey of Third Year Law Students* 69 **U. Cin. L. Rev.** 1213 (2001) (with G. Mitu Gulati).

*Why Global Law Firms Should Care about Diversity: Five Lessons from the American Experience*, 2 **Eur. J. L. Reform** 415 (2000).

Reprinted In: The Internationalization of the Practice of Law, Jens I. Drolshammer and Michael Pfeifer, eds., Kluwar Law International Press (2001).

*Partners Without Power? A Preliminary Look at Black Partners in Corporate Law Firms*, 2 **J. Inst. Stud. Legal Ethics** 15 (1999).

Reprinted In: Lawyers and the Legal Profession, Tanina Rostain, ed., Vol. 1 Ashgate Publishing Company (2008).

*The Professional Responsibility of Professional Schools to Study and Teach About the Profession*, 49 **J. Legal Educ.** 76 (1999).

*Reconceiving the Tournament of Lawyers: Tracking, Seeding, and Information Control in the Internal Labor Markets of Elite Law Firms*, 84 **Va. L. Rev.** 1581 (1998) (with G. Mitu Gulati).

*Fragmenting Professionalism: Racial Identity and the Ideology of "Bleached Out" Lawyering*, 5 **Int'l J. Legal Prof.** 141 (1998).

*Identities and Roles: Race, Recognition, and Professional Responsibility*, 57 **Md. L. Rev.** 1502 (1998).

*Do Clients Have Ethical Obligations to Lawyers? Some Lessons from the Diversity Wars*, 11 **Geo. J. Legal Ethics** 855 (1998).

*Why Are There So Few Black Lawyers in Corporate Law Firms?: An Institutional Analysis* 84 **Cal. L. Rev.** 493 (1996) (with G. Mitu Gulati).

Reprinted In: Lawyers: A Critical Reader, Richard Able, ed., The New Press (1997).

*Redefining the 'Professional' in Professional Ethics: An Interdisciplinary Approach to Teaching Professionalism*, 58 **Law & Contemp. Probs.** 241 (1995).

*Race, Ethics, and the First Amendment: Should a Black Lawyer Represent the Ku Klux Klan?*, 63 **Geo. Wash. L. Rev.** 1030 (1995).

*Two Paths to the Mountaintop? The Role of Legal Education in Shaping the Values of Black Corporate Lawyers*, 46 **Stan. L. Rev.** 1981 (1993).

Reprinted In: Lawyers: A Critical Reader, Richard Able, ed., The New Press (1997).

*Making Context Count: Regulating Lawyers After Kaye*, Scholer, 66 **S. Cal. L. Rev.** 1145 (1993).

*Who Should Regulate Lawyers?*, 105 **Harv. L. Rev.** 801 (1992).

Reprinted In: Professional Responsibility Anthology, Thomas Metzloff, ed., Anderson Publishing Co. (1994); Lawyers' Ethics and the Pursuit of Social Justice, Susan D. Carle, ed., New York University Press (2005); Lawyers: A Critical Reader, Richard Able, ed., The New Press (1997).

*Legal Realism for Lawyers*, 104 **Harv. L. Rev.** 469 (1990).

### **Reports**

*Preliminary Report, After the JD: Wave II* (with Terry Adams, Ronit Dinovitzer, Bryant Garth, Robert Nelson, Gabriele Plickert, Joyce Sterling, Gita Wilder, and Rebecca Sandefur) (forthcoming 2009).

*The State of Black Alumni: Final Report of the Harvard Black Alumni Survey* (with Elizabeth Chambliss, Lisa Jones, and Haile Adamson) (2002).

### **Review Essays & Commentaries**

*Partner, Schmartner!:* *EEOC V. Sidley Austin Brown & Wood*, 120 **Harv. L. Rev.** 1264 (2007).

*A Systematic Response to Systemic Disadvantage: A Response to Sander*, 57 **Stan. L. Rev.** 1915 (2005).

*Class not Race in Legal Ethics: Or Why Hierarchy Makes Strange Bed Fellows*, 20 **Law & Hist. Rev.** 147 (2002).

*Rollin' On the River: Race, Elite Schools, and the Equality Paradox*, 25 **L. & Soc. Inquiry** 527 (2000).

*On Being Good and Black*, 112 **Harv. L. Rev.** 1924 (1999) (reviewing Paul M. Barrett, The Good Black: A True Story of Race in America (1999)).

*Straightjacketing Professionalism: A Comment on Russell*, 95 **Mich. L. Rev.** 795 (1997).

*Afterword: How Should We Determine Who Should Regulate Lawyers? -- Managing Conflict and Context in Professional Regulation*, 65 **Fordham L. Rev.** 465 (1996).

*In Defense of Law and Morality: Why Lawyers Should Have a Prima Facie Duty to Obey the Law*, 38 **Wm. & Mary L. Rev.** 269 (1996).

*Practical Wisdom for Practicing Lawyers: Separating Ideals from Ideology in Legal Ethics*, 108 **Harv. L. Rev.** 458 (1994) (reviewing Anthony T. Kronman, The Lost Lawyer: Failing Ideals of the Legal Profession (1993)).

*Presumed Crazy: The Structure of Argument in the Hill/Thomas Hearings*, 65 **S. Cal. L. Rev.** 1517 (1992).

### **Newspaper & Magazine Articles and Editorials**

*Big-Firm Associates: Why They Go and How to Keep Them*, **American Lawyer Magazine** and **Corporate Counsel Magazine** (2008) (with Ben Heinemann).

*Bridging the Diversity Gap: Five Lessons from the US Experience*, **Diversity League Table**, 16 (2007).

*Lessons from Legal History*, 51 **The European Lawyer** 25 (September 2005).

*Good Work: On professional norms and the treacherous temptation of 'moral freedom'*, **Harvard Magazine** (2004) (reviewing Fischman, et al., Making Good: How Young People Cope with Moral Dilemmas at Work (2003)).

*Affirmative Action's Real Value to a University*, **The Boston Globe**, (February 13, 2001 at A11).

*The Affirmative-Action President's Dilemma*, **Chicago Tribune**, (February 7, 2001 at 17).

*Five Reasons Why Law Firms Are Not Making Progress on Diversity*, 13 **Chicago Bar Record** 20 (1999).

"*Each One, Teach One*" (Law School Class Day Speech), **Harvard Magazine** (July – August 1998).

*Charles Hamilton Houston and the Nobler Tradition of the Harvard Law Review*, 49 **Harvard Law Bulletin** 17 (1998).

## **Tributes**

*In Memoriam: Albert M. Sacks*, 105 **Harv. L. Rev.** 20 (1991).

*Justice as Narrative: Some Personal Reflections on a Master Storyteller*, 6 **Harv. BlackLetter J.** 68 (1989) (Tribute to Thurgood Marshall).

## **Works in Progress**

*The Black Bar: The Legacy of Brown v. Board of Education and the Future of Race and the American Legal Profession*, Oxford University Press (forthcoming).

*Cause Lawyers for the Disabled*, **Harv. L. Rev.** (forthcoming 2010) (with Michael Stein).

*The New Social Engineers in the Age of Obama*, Howard Law School (forthcoming 2010).

*How Corporations Purchase Legal Services* (with John Coates, Ashish Nanda, Michele Beardslee, and Young-Kyu Kim).

*Offshoring Legal Services to India* (with Swethaa Ballakrishnen, Shaun Mathew and Vikram Thomas).

*Harvard Law School Career Study* (with David Nersessian and Gabriele Plickert)

## **NAMED LECTURES:**

Commencement Address, University of Iowa College of Law, 2009.

Judge Alvin B. Rubin Lecture, New Orleans, 2009.

Distinguished Visitor and Lecturer, University of Stockholm, 2009.

Centennial Lecturer on Legal Education, University of Iceland Faculty of Law, 2009.

Mawhinney Lecture, University of Vancouver Faculty of Law, 2009.

Ryan Lecture, Georgetown Law Center, 2008.

Order of the Coif Lecture, Chicago Kent Law School, 2008.

Order of the Coif Lecture, University of California at Hastings College of Law, 2008.

Charles Hamilton Huston Lecture, Amherst College, 2008.

Current Legal Problems Lecture, University College London, 2008.

Nichols Foundation Lecture, Stetson University College of Law, 2008.

The Dean's Lecture on the Legal Profession, Yale University Law School, 2008.

The Louis W. & Edmund J. Kahn Liberal Arts Institute Lecture, Smith College 2004.

Thurgood Marshall Lecture, Roger Williams School of Law, 2004.

Pope & John Lecture, Northwestern Law School, 2004.

Frankel Lecture, University of Houston Law Center, 2003.

Wythe Lecture, William & Mary School of Law, 2002.

Martin Luther King Day Lecture, Seattle Bar Association, 2002.  
Van Arsdell Lecture, Univ. of Illinois School of Law, 2002.  
Allen Siegel Lecture, Duke Law School, 2002.  
Arthur W. Fiske Lecture, Case Western Reserve School of Law, 2001.  
Martin Luther King Lecture, Vanderbilt Law School, 2001.  
Iredell Lecture in Law and History, Lancaster University, England, 2000.  
W.M Keck Lecture, Georgetown Law Center, 1998.  
Stuart Rome Lecture, University of Maryland, 1997.  
Francis X. Reilly Lecture on Professionalism, 1997.  
Tanner Lecture (Commentator), Stanford University, 1995.  
The Robert D. and Leslie Kay Raven Lecture Series, Boalt School of Law, 1995.  
W.M. Keck Lecture, University of Texas Law School, 1995.  
Lynn J. Gould Memorial Lecture, University of Vermont, 1994.  
Charles L. Ihlenfeld Lecture on Public Service and Ethics, Third Annual, West Virginia Law School, 1993.

## **TEACHING AWARDS AND HONORS**

Order of the Coif Distinguished Scholar, 2008.

Albert Sacks-Paul Freund Award for Teaching Excellence, 1998.

## **EDUCATION:**

1977-1980    HARVARD LAW SCHOOL, J.D. with Honors  
                  Harvard Law Review (1978-1980)  
                  Supreme Court Officer (1979-1980)  
                  Harvard Civil Rights Civil Liberties Law Review (1977-1978)  
                  Harvard Black Law Students Association (1977-1980)  
                  Dwight D. Eisenhower Scholarship (1979-1980)  
                  Legal Methods Instructor (Fall 1978 and Fall 1979)

1973-1977    HARVARD COLLEGE, B.A. with Honors  
                  John Harvard Scholar (1974-1975)  
                  Harvard College Scholar (1973-1974, 1975-1977)  
                  Dean's List (1973-1977)

1969-1973    UNIVERSITY OF CHICAGO LABORATORY HIGH SCHOOL

**PROFESSIONAL ASSOCIATIONS AND BOARDS:**

After the JD, Research Steering Committee, 1997 - Present  
Open Society Institute, Program on Law & Society, Advisory Board  
Chair, 1999-2000; Member 1998-2000  
Law and Society Association, Board of Directors, 1994-1997  
American Association of Law Schools  
Civil Procedure Section; Executive Committee 1991-1993; Chair 1992-1993  
Professional Responsibility Section; Executive Committee 1991-1992  
American Bar Association, Litigation Section  
Member of the Judicial Conference of the United States Court of Appeals of the Second  
Circuit (1988)  
Member of the Judicial Conference of the United States Court of Appeals for the  
District of Columbia Circuit (1984)

**BAR MEMBERSHIPS:**

District of Columbia  
United States District Court for the District of Columbia