

LIFETIME  
ACHIEVEMENT  
HONOREE

W. NEIL EGGLESTON  
KIRKLAND & ELLIS



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**—Neil Eggleston**

**W.** Neil Eggleston, a partner at Kirkland & Ellis, always hoped for a legal career that included a significant stint in public service. And if he’d just pursued a lucrative job in private practice, after clerking for the U.S. Supreme Court, working as an assistant U.S. attorney in the Southern District

of New York and ultimately becoming that office’s top appeals lawyer, you’d have to admit he made good on that dream.

But Eggleston outdid himself. His stretches in government would span another 30 years beyond his role as a prosecutor; he would go on to take jobs with the U.S. House of Representatives and then the White House, and his personal path

would cross with some of the defining names, moments and controversies in the United States in the 1980s, 1990s and the 21st century: Iran/Contra, Monica Lewinsky and the protests in Ferguson, Missouri, to name a few.

It's the breadth of that experience and expertise that makes his career remarkable, says Covington & Burling's Dana Remus, a former White House counsel for President Joe Biden.

"He has just served in so many different places, within the government, which I think is part of what makes him spectacular," says Remus, whom Eggleston hired as deputy counsel for ethics in the Obama administration. "He brings to each role the perspective of coming from very different roles, and I say that about his time in private practice, too. He certainly has specialized expertise, but he also has breadth of expertise."

Eggleston says practicing law "at the highest possible level" was one of his north stars. But he also wasn't really looking to leave the U.S. attorney's office in the mid-1980s. That's when the public found out the Reagan administration had sold weapons to Iran in order to fund a rebel group in Nicaragua, and when Eggleston's trajectory shifted toward Washington, D.C. He landed as deputy chief counsel for the Select Committee Investigating the Iran/Contra Affair in 1987.

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Eggleston, who now focuses on enforcement defense at Kirkland, had particular influence on ethics matters, foreign policy, judicial nominations, immigration and justice issues. He spearheaded Obama initiatives on justice and police reform, overseeing a push that resulted in the most ever grants of clemency by a president (1,700) and supervising a task force after the 2014 shooting of Michael Brown in Ferguson that called for better data and the end of certain policies that incentivize arrests and convictions.

He is perhaps THE expert on executive privilege, the legal doctrine that generally protects presidential communications. It was codified after Watergate and articulated in a 1974 decision by Eggleston's old boss, Chief Justice Warren Burger and has gained additional currency this decade, as

former President Donald Trump has asserted the privilege in investigations related to the Jan. 6, 2021, attack at the U.S. Capitol.

The doctrine was stress-tested during the Clinton years—expanded in a case Eggleston argued to include communications by presidential advisers while preparing advice for the president. He also argued on the topic in litigation against Ken Starr over subpoenas tied to the Lewinsky investigation.

Those matters, Eggleston reflects, with the swirl of scandal surrounding Clinton's second term, were probably the most memorable, and most complex and high pressure, of his career.

"I was in court on a variety of matters, for weeks and weeks, and the media had more money back then, so the plaza in front of the courthouse was just jam-packed with TV trucks and reporters," Eggleston says. "There was so much going in and out. There was no way for witnesses to go in and out without going through the front door, so every time I went in, they asked me what was going to happen. Every time I left, they asked me what just happened."

These days, Eggleston is keeping a (comparably) lower profile. He is chair of the appeal committee for FIFA, the international governing body for professional soccer, overseeing disciplinary and other matters.

In addition to his private practice at Kirkland, he has taught on presidential power and executive privilege at Harvard and Yale law schools. He says he finds it "enormously rewarding," helping aspiring lawyers.

"I didn't just let them talk and then move to the next student. I'd push them and have them push back, the way it might happen in a court of appeals or district court argument ... I'd try to create, not unpleasant tension, but tension, because I want to develop them as lawyers, which is more important than any one particular topic."

Eggleston says he plans to continue his practice, to write and to teach but wouldn't close the door on another stint in public service, particularly if Biden wins a second term.

"If the right opportunity came up, I'd go back into government," he says. ■