

## The Legal Intelligencer

# Why 'Morally Ambitious' Lawyers Should Join Plaintiffs Firms—Now More Than Ever

By Zac Arbitman, George A. Donnelly and Cassidy Gruber Baruth

July 31, 2025

“A lawyer is either a social engineer or a parasite on society.” These famous words are attributed to Charles Hamilton Houston, the NAACP’s first general counsel, whose work on the legal strategy in *Brown v. Board of Education* earned him the moniker “The Man Who Killed Jim Crow.” Hamilton’s emphasis on the role of lawyers during the civil rights era proves just as applicable today—as civil rights, along with the rule of law more generally, continue to be the subject of constant and persistent assault.

Being a social engineer requires lawyers to embrace a model of success focused on social betterment, not just personal triumphs. Rutger Bregman, a Dutch historian and founder of the nonprofit School for Moral Ambition, coined the term “moral ambition” to capture the ethos of individuals and organizations that aspire to do not just well in their careers, but to also do good. Bregman has recently taken to calling upon those with financial, academic, and other privileges to use these advantages for the good of society writ-large.

Moral ambition first requires a willingness to shift one’s labor away from firms built on moral foundations that do not align with one’s own values. Increasingly, lawyers across the country seem to be waking up to this reality.

But finding an appropriate workspace can be daunting. The public interest world is the obvious



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(l-r) Zac Arbitman, George A. Donnelly, and Cassidy Gruber Baruth of Feldman Shepherd Wohlgeleinter Tanner Weinstock Dodig.

option for lawyers interested in effecting change through high-impact litigation, but public interest attorneys and legal professionals are often overworked and underpaid. Legal nonprofits must balance conflicting demands from external and internal partners while operating with limited financial resources. So, when push comes to shove, many legal professionals—often saddled with significant debt—are drawn to the financial stability and security of the private sector. However, the line in the sand between the public interest world and the private sector is not as definitive as many attorneys think. Movement lawyering can include those working in a traditional law firm setting. In fact, the extreme need of the times we live in requires such a sweeping definition of the term.

This need continues to intensify on a day-to-day basis. In *Trump v. Casa*, for example, the

U.S. Supreme Court recently removed the ability of lower courts to issue nationwide injunctions. There is no doubt that the decision will have a tidal-wave-sized impact not only on the question of birthright citizenship, but on every single attempt to challenge the legality of executive orders, irrespective of who sits in the White House. Practically, the effect of the decision is such that, in order to obtain universal relief, plaintiffs must now turn to alternative forms of litigation—namely, class actions.

Anyone familiar with class actions knows that they can be lengthy, expensive, and challenging in many ways. If the Supreme Court has decided that class actions will be the primary avenue through which basic rights are affirmed, that could present significant challenges. But at the same time, it also offers an opportunity for morally ambitious plaintiffs-side firms to step into the ring and bring their expertise and resources to the fore in the fight for justice.

But this is not the only way in which private firms can rise to the occasion. Indeed, for those interested in making the world a better place, the present moment offers almost endless opportunities. Bregman lauds Ralph Nader's fight for consumer rights in the 1960s and '70s, and the ambition and advocacy of a movement that led to the creation of landmark legislation like the Clean Water Act, the Consumer Product Safety Act, and the Freedom of Information Act. But those important pieces of legislation have been whittled down over the years. And while litigation is not a replacement for such legislation, it can often plug holes left open by under-regulation. Private law firms, especially firms with long and established track records representing plaintiffs, are in the unique position of having both the experience and financial resources to dedicate to impact litigation, as well as the freedom to pursue a variety of meaningful cases at both the state and federal level.

At a firm like ours, for example, advocacy takes many forms. Our class action practice aims to hold corporations to account for dangerous products, privacy intrusions, environmental hazards, and other instances of corporate misconduct. Our whistleblower practice provides support to clients who are exposing fraud and misdoing in the healthcare, financial, and technology spaces, just to name a few. And successes in our personal injury practice, including in cases involving medical malpractice, product liability, and roadway defects, have transcended our individual clients and played a crucial role in identifying and rectifying safety issues. Our goal is twofold: to obtain meaningful compensation for our clients and, where appropriate, deter future misconduct.

At this moment in history, and in the legal realm in particular, there is much to be done. Current cases must be vigorously litigated. The next generation of morally ambitious lawyers must be fostered, whether by supporting existing organizations, such as the burgeoning National Plaintiffs' Law Association, and its various branches, or the Pennsylvania Association for Justice Diverse Mentoring Initiative, which pairs first-year law students with plaintiff firms in Pennsylvania. Experienced attorneys must also take an inventory of their own values and, if warranted, change their career path or advocate within their workplace accordingly. It will require firms to be willing to expand their practice areas and pursue imaginative and brave legal strategies to protect the rights that are being threatened. Above all else, it will require vision, empathy, and most crucially, action.

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