

## BigLaw PACs Continued Giving To GOP Dissenters In 2021

<https://www.law360.com/pulse/articles/1463418>

By **Justin Wise**

Law360 (February 10, 2022, 4:51 PM EST) -- In the days following the Jan. 6, 2021, riot at the U.S. Capitol, some large law firms, driven by what they said were violent attacks on democracy, imposed freezes on political spending. Two said they would stop donating to Republicans who objected to the 2020 election's certification.

But by and large, the legal sector's top political spenders continued in 2021 to financially back lawmakers who were among the 147 Republicans to vote against certifying President Joe Biden's electoral victory. The spending habits align with how businesses across many industries have acted over the past year, an apparent reflection of the narrowly divided Congress and the prospects of Republicans retaking both chambers this fall.

The list of firms that gave to Republican objectors includes multiple BigLaw firms that paused their spending in the immediate aftermath of the Jan. 6 riot. Holland & Knight LLP and Hogan Lovells **each had announced** spending freezes to reevaluate their practices and policies.

### Law PAC Contributions to GOP Dissenters in 2021

by the numbers

44

firms donated to Republicans who objected to the 2020 election certification

\$387,150

in donations to GOP dissenters

Source: Center for Responsive Politics.

Among the 15 law firms that spent the most through their political action committees during the 2020 election cycle, 12 gave to at least one member of the bloc of Republican objectors in the House and Senate, according to data the Center for Responsive Politics shared with Law360 Pulse. The data is based on candidates' end-of-year filings submitted to the Federal Election Commission through Jan. 31.

Overall, more than 40 firms, many of them BigLaw and mid-sized shops, contributed nearly \$390,000 to Republican dissenters in 2021 through their PACs, which are funded by employee and shareholder contributions, the data show. Most of the firms did not make pledges to suspend or reevaluate their spending.

Holland & Knight resumed donations in the second quarter, including making 25 donations totaling \$29,000 to Republican dissenters, the second-most spent among law firms. Hogan Lovells has made one such donation — a \$1,000 payment to Rep. Jodey Arrington of Texas in October.

Both firms continued to donate to the National Republican Congressional Committee and National Republican Senatorial Committee, the GOP campaign arms that distribute funds to its various members.

Holland & Knight declined to comment.

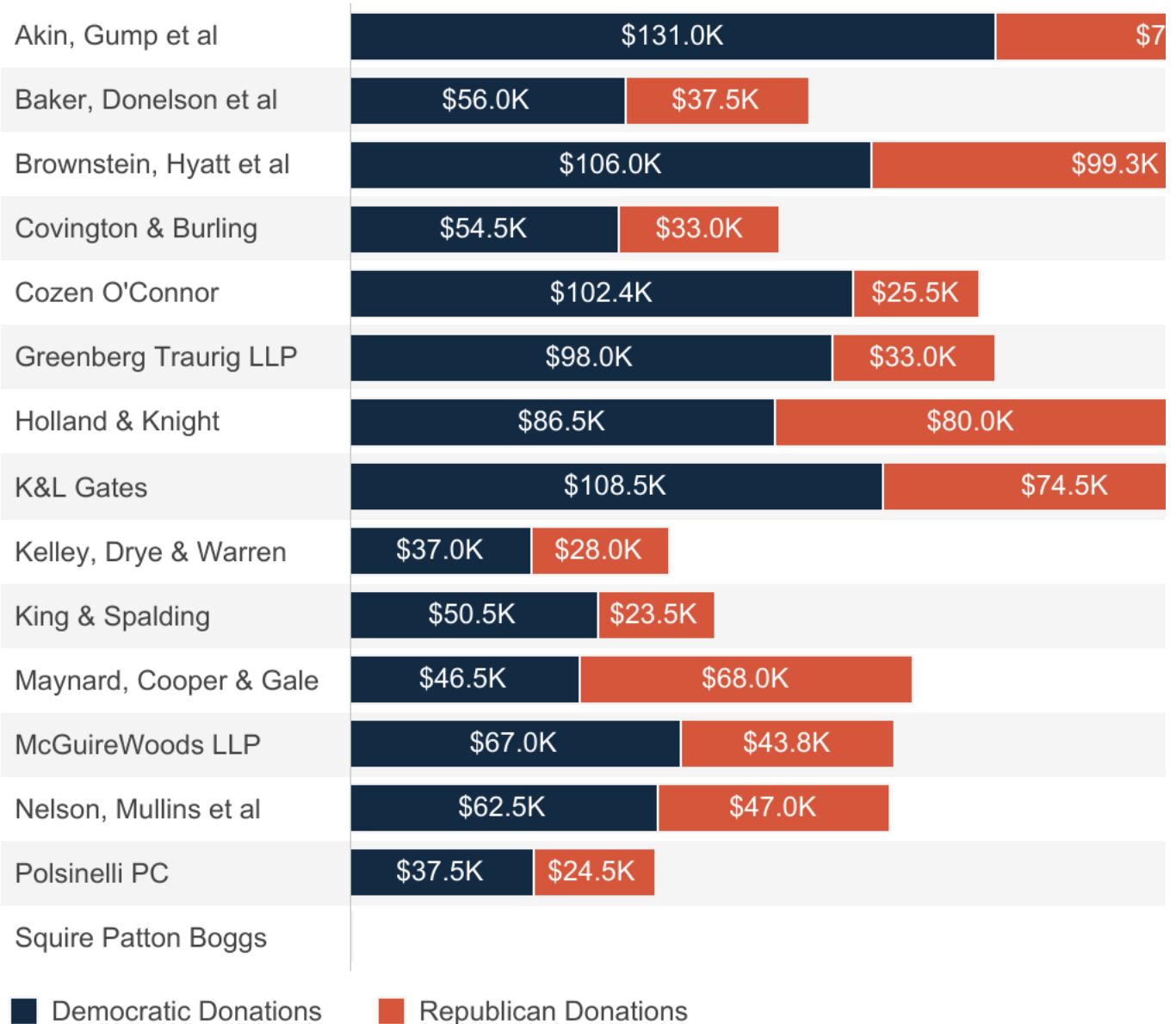
Ivan Zapien, Hogan Lovells' head of government relations and public affairs, said in a statement to Law360 Pulse that "while we paused PAC donations at the beginning of last year, as a bipartisan firm, we have resumed PAC donations to party committees on both sides of the aisle to represent the collective needs of our clients." He did not address the specific candidate donation.

Squire Patton Boggs LLP is the **only law firm that announced** a freeze on federal political spending that did not resume giving in 2021. Holland & Hart LLP and Cozen O'Connor were the only large law firms that said they'd cut off direct donations to Republican dissenters. Both have followed through on that pledge.

Cozen O'Connor, like several other firms, has continued to donate to the House and Senate GOP campaign arms. The firm did not return a request for comment.

# Democrats Get Larger Piece of Law PAC

The 15 BigLaw firm PACs that gave the most to federal candidates during the 2020 election cycle have directed more of their donations to Democrats in 2021.



Source: Center For Responsive Politics

Note: Squire Patton Boggs on Jan. 12 2021 announced it indefinitely suspended all PAC spending.

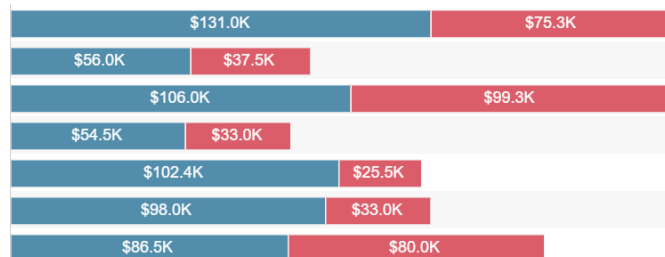


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Source: Center For Responsive Politics

Law360 Pulse  
 Law firm PAC spending on Jan. 12 2021 announced it indefinitely suspended  
 Baker Donelson

Brownstein Hyatt  
 Covington  
 Cozen O'Connor  
 Greenberg Traurig  
 Holland & Knight  
 K&L Gates  
 Kelley Drye  
 King & Spalding  
 Maynard Cooper  
 McGuireWoods  
 Nelson Mullins  
 Polsinelli  
 Squire Patton



The donations reflect the political realities of the day, said Caleb Burns, a Wiley Rein LLP partner who advises corporate PACs. More than 60% of House Republicans, for example, voted against certifying the election, including members who may be leading influential committees should the GOP take back the House in the upcoming midterm elections.

It's not just any bloc of Republicans that businesses could be cutting off ties to.

"It's the leadership of the U.S. House of Representatives that you may be cutting out of your political plans, which could be very nearsighted," Burns said.

Republican dissenters who raked in the most money from law firm PACs overall included Rep. Mike D. Rogers of Alabama, the ranking member of the House Armed Forces Committee, at \$19,500; Rep. Robert Aderholt of Alabama, the ranking member of the House Appropriations' Subcommittee for Commerce, Justice, Science and Related Agencies, at \$17,500; and Sen. John Kennedy of Louisiana, who is seeking reelection to a six-year term in 2022, at \$16,000.

Sen. Tommy Tuberville of Alabama took in \$12,000, while Rep. Mario Diaz-Balart of Florida, who sits on the House Appropriations Committee, took in \$9,000.

Still, year-end spending reports indicate that a larger piece of the pie is going to Democrats. Republicans took home 40% of the top 15 law firm PACs' donations in 2021, compared with 51% in 2019 and 53% in 2017, the first year of the two most recent election cycles. Among those 15 firms, just 10% of their money was directed to GOP election dissenters.

The 10 lawmakers who reported the most money from law PACs, which include nonlaw firm PACs such as lawyer trade associations, were all Democrats. Senate Majority Leader Chuck Schumer, D-N.Y., received the most, with more than \$150,000 from law PACs. Sen. Joe Manchin, D-W.Va., ranked second, hauling in \$58,900.

Rep. Cathy McMorris Rodgers, R-Wash., the ranking member on the House Energy and Commerce Committee, reported raising \$41,250, the most among GOP lawmakers. Rodgers did not vote against the election's certification.

Political spending traditionally slows in the year following an election, but the Jan. 6 riot caused an even more dramatic cool-down in the months after. A survey released in December from the Public Affairs Council found that 80% of corporate PACs froze contributions to federal candidates and that nearly half used that pause to reevaluate their giving criteria.

By the spring, spending largely began to resume, attorneys who advise PACs **told Law360**, as legislative activity on Capitol Hill picked up and the relaxation of COVID-19 restrictions allowed for more in-person fundraising events.

Data from CRP indicates that major firms' PAC spending generally dipped in 2021 compared with recent election cycles. Some firms, however, such as **lobbying giants** Akin Gump Strauss Hauer & Feld LLP and Brownstein Hyatt Farber Schreck LLP, continued to keep close pace with their historical rates. Both firms gave more than \$200,000 to federal candidates.

Brownstein Hyatt's contributions included 26 donations totaling \$26,000 to Republican election dissenters. Akin Gump, which said the "riotous events" of Jan. 6 would be factored into its giving decisions, made one contribution to a Republican election dissenter: a \$1,000 donation to Rep. Tom Rice of South Carolina in late November, according to an FEC filing from the firm.

CRP data did not account for that donation because it did not appear on Rice's report, which can be a product of candidates sometimes reporting contributions weeks after a donor does, the organization said.

McGuireWoods LLP, which previously told Law360 that it made no donations in the first quarter of last year, neared its spending totals from 2017 and 2019, giving more than \$110,000, including five donations to Republican objectors totaling \$6,500.

K&L Gates LLP, Covington & Burling LLP, Maynard Cooper & Gale PC, Nelson Mullins Riley & Scarborough LLP, Kelley Drye & Warren LLP, Polsinelli PC, Baker Donelson Bearman Caldwell & Berkowitz PC and Greenberg Traurig LLP were also among the top 15 law firm PACs that contributed to at least one Republican election dissenter in 2021, according to CRP data. None of the firms made pledges to suspend or evaluate spending.

Alabama-based Maynard Cooper handed out the most money, sending 18 donations worth \$50,000.

The law firms did not respond to requests for comment from Law360 Pulse.

Donations from PACs represent a fraction of the money spent on politics today. Even as businesses imposed spending freezes at the beginning of 2021, many candidates on both sides of the aisle continued to rake in huge sums, triggered in part by a sustained surge in individual donations.

Super PACs, which can raise and spend an unlimited amount of money but are not allowed to coordinate directly with candidates, also continue to play an increasingly powerful role in campaigns.

At the same time, a \$5,000 cap on donations PACs can give to candidates per election places a significant limit on how much influence they wield, said Timothy Werner, a University of Texas at Austin professor who studies corporate political activity. Corporations in general put far more investments into vehicles like lobbying, he added, a reason PAC freezes felt largely symbolic.

A demonstration of the relatively small influence PACs hold compared with individuals is in the legal industry. In the 2020 election, law PACs donated about \$13.8 million, according to CRP data, compared with contributions from individuals totaling nearly \$300 million, the vast majority of which went to Democrats.

Many less-prominent members of Congress, however, still continue to rely on PAC donations for a solid chunk of fundraising, **campaign finance experts note.**

Attorneys and law firm leaders have noted to Law360 that PACs still serve an important purpose when it comes to representing their business clients. Political contributions are often used as a way to convey support and gain face time with candidates. And for law firms, it can mean establishing relationships with lawmakers who may hold sway in a certain practice area or region.

"We want to develop good relationships with key members of Congress who are relevant to the clients' interests," K&L Gates partner Tim Peckinpaugh, who manages the firm's PAC, **told Law360 in 2018.**

Many large law firms continue to deploy their PAC money in traditional ways, directing money to both Democratic and Republican members and committees. But the notion that some of them are simply being realistic by donating to Republican election dissenters fails to recognize the damage that was done to democratic institutions, some advocates say.

It's no longer "politics as usual," said Bruce Freed, president of the Center for Political Accountability, a nonprofit that works to expose corporate political activity.

"As you continue to see the revelations from the [Jan. 6 House select committee], you had an attempted insurrection," said Freed. "This has gone above and beyond political disagreements. It's a real crisis. It's a moment of truth for how corporations and law firms are approaching political spending."

--Additional reporting by Aebra Coe. Editing by Orlando Lorenzo and Kelly Duncan. Graphics by Jason Mallory.

*\* Note on data: Two donations originally included in the data from the Center for Responsive Politics were removed after firms reported to Law360 Pulse the donations were made in the last quarter of 2020 and were included in the 2021 data due to administrative errors or delays in reporting.*