

10 Boutiques Giving BigLaw A Run For Its Money

By Jacob Fischler

Law360, Washington (July 8, 2015, 3:07 PM ET) -- In a trend that has been developing for years, top boutiques continue to encroach on big firms' territory by blending the same high level of skill and expertise with a lower rate structure and greater client accessibility, analysts say.

The ideal boutique attorney has years of big firm experience, but is less expensive and easier for clients to get on the phone. And the best boutiques — whether specializing in a niche or providing a range of practice areas — have adhered to a strategic vision of growth based on where the firm fits in the legal market, industry watchers say.

"Just trying to collect lawyers to be a boutique is not enough," said Carey Bertolet, a managing partner at recruiting firm Laurence Simons International Group Ltd. "If they can say, 'We want partners, and here is how partners are going to fit in with what we're already doing and here's how we're all going to benefit' — now you're cooking with gas."

As the results of this year's U.S. Supreme Court term showed, boutiques are capable of competing with — and beating — the best big firms at the highest level. Here, Law360 looks at 10 boutiques that have established brands on par with the biggest firms.

Hand Baldachin & Amburgey LLP

HBA, a New York-based corporate boutique whose principals all previously worked at Shearman & Sterling LLP, has had success building on its BigLaw reputation.

"I think that level of pedigree is something that gives them a sort of legitimacy and gives clients confidence that they're able to handle whatever they need," Bertolet said. "They're used to being in a fast-paced, high-stakes environment."

But the firm also reaps the boutique rewards, gaining clients by offering more flexible rates and greater availability than bigger firms.

"There's also an immediacy that you may not get at a big firm," Bertolet said. "You've got your lawyer that you can get on the phone."

With clients in the entertainment, sports and fashion industries — among others — the firm won summary judgment in April for Sony Music in a suit accusing rapper Ghostface Killah of stealing another composer's song.

Kelly IP LLP

Intellectual property boutique Kelly IP was formed in 2013 by five former members of Finnegan Henderson Farabow Garrett & Dunner LLP's booming IP practice area. Headed by David Kelly, the former chair of Finnegan's trademark and copyright practice group, the firm fits a boutique archetype.

Only 2 years old, the Washington, D.C.-based firm has won accolades and high-profile clients, like The Walt Disney Co., Aston Martin Lagonda Ltd. and Twentieth Century Fox Film Corp. In March, Kelly and fellow-founding partner Linda McLeod won a Federal Circuit ruling to invalidate a trademark that had prevented Disney from trademarking its Playdom social media game developer.

The founders' reputations as big players at a big firm allowed the new boutique to become an instant power. Kelly IP followed a proven route to boutique success: they "have partners that used to be leaders at big firms who intentionally made the jump when they didn't have to make the jump," said Dan Binstock of recruiting firm Garrison & Sisson Inc. "Those are the [firms] that tend to be the most threatening."

Skiermont Puckett LLP

Skiermont Puckett, another relatively new IP boutique, opened in July 2011 with two lawyers: Paul Skiermont, a former partner at Bartlit Beck Herman Palenchar & Scott LLP — a renowned boutique itself — and Donald Puckett, a former partner at the Ware Firm in Dallas. Four years later, the firm boasts a national practice with 12 lawyers.

The firm has made a strategic effort to pivot from full-time district court litigation to spending about half its resources on Patent Trial and Appeals Board cases, said Jack Hopper, a recruiter with Texas-based Kinney Recruiting.

"They're being very specific and strategic in how they grow," he said. "These guys stick to what they know best and what they're good at and that's IP."

In one high-profile case, one of the firm's clients is accusing Apple Inc. of infringing a patent with its Siri personal assistant feature.

To Hopper, the firm's success is also evident in the legal talent they have attracted, bringing on former Gibson Dunn and Akin Gump Strauss Hauer & Feld LLP attorneys.

"They can hire cream-of-the-crop lawyers and have hired cream-of-the-crop lawyers because of their reputation, the kind of work that they're doing," Hopper said.

Bancroft PLLC

Bancroft, the premier appellate boutique in a city teeming with appellate specialists, has a roster full of George W. Bush administration veterans with extensive experience at the top levels of appellate practice. Founding partner Viet D. Dinh was an assistant attorney general during Bush's tenure, while partners Christopher Bartolomucci and Paul D. Clement were associate White House counsel and solicitor general, respectively.

Bancroft won only one of its three Supreme Court cases this term, but Clement was the most successful litigator the year before, winning four of five. Since 2000, Clement has tried more cases before the Supreme Court than any other attorney in or out of government, including 21 in the past three years, according to the Bancroft website.

Bancroft fits the classic boutique mold of top-tier talent freed from the constraints of bigger firms, Binstock said.

"I think, obviously, they have absolute top-tier attorneys who could be at any firm of their choosing," he said. "They may be charging less, but they also don't have the overhead of bigger firms, so they may be able to keep a higher percentage of what they bill."

Morvillo LLP

New York-based Morvillo focuses on financial matters, including U.S. Securities and Exchange Commission investigations and white collar defense. The firm was launched in May 2012 by three sons and the brother of late defense attorney Robert G. Morvillo, who took on a slew of high-profile cases during a distinguished career, representing clients like Martha Stewart and former American International Group Inc. CEO Maurice "Hank" Greenberg.

The boutique has successfully traded on its namesake's reputation, and continued his legacy to become a premier litigation firm. Gregory Morvillo went toe-to-toe with hard-charging U.S. Attorney Preet Bharara to win a landmark Second Circuit decision in December that raised the bar for prosecuting individuals who are one or more layers removed from sources of confidential information and overturned the conviction of his hedge fund manager client.

"I think they've just done really headline-grabbing work," Bertolet said.

Crone Hawxhurst LLP

Los Angeles and Austin, Texas-based Crone Hawxhurst's founders left Quinn Emanuel Urquhart & Sullivan LLP and Simpson Thacher & Bartlett LLP and retained their big-firm prestige at the smaller firm.

"It seems to me that when you get a big firm spinoff, you've got prominent background, you've got good academics," said Delia Swan of Swan Legal Search. "That's a good way to kind of leapfrog into it."

In December, the firm won reversal in the Ninth Circuit of a \$1.7 million judgment in an age bias suit against Dr Pepper Snapple Group Inc. In January, Crone Hawxhurst attorneys won dismissal of most claims in a false advertising multidistrict litigation against the makers of 5-Hour Energy drinks.

Barton LLP

Barton has not let its size of less than 25 attorneys hamper it from offering well-rounded services in a number of practice areas. With diverse practice areas including corporate and securities transactions, intellectual property, privacy and cybersecurity, immigration, real estate and wills, trusts and estate administration, the firm "has had a real vision in what a smaller firm can do," Bertolet said.

"They have specialties across a variety of subject areas, which I think is one reason they're doing as well as they're doing," she added. "I think it's a mistake to be so specialized that it's impossible to service a client in a variety of areas."

The firm's current clients include a former contractor for Waterscape Resort LLC in an ongoing \$11 million bankruptcy dispute and a shoemaker defending itself from allegations that it copied Converse Inc.'s trademarked Chuck Taylor sneaker.

Ahmad Zavitsanos Anaipakos Alavi & Mensing PC

AZA, a Houston-based litigation boutique focusing on energy and intellectual property, built on an

already strong reputation by securing a \$16 million jury verdict in February against Samsung Electronics Co. Ltd. on behalf of Rembrandt Wireless Technologies LP. The win increased its strong trial reputation, which also got a boost last year from an \$11.4 million verdict for client Function One Consulting Group LLC.

Other clients of the 33-attorney firm include Halliburton Co., Apache Corp. and Liberty Mutual Insurance Co. The firm's success has Hopper believing the trend toward boutiques will continue in the Lone Star State.

"If you can get the same or better quality lawyering in a more nimble environment with less bill rate pressure, why wouldn't it continue?" he said.

Bird Marella Boxer Wolpert Nessim Dooks Lincenberg & Rhow PC

One way to spot an established boutique: a BigLaw firm turns to it for its own representation.

Such was the case for Bird Marella, when plaintiffs in a proposed class action accused Locke Lord LLP of authoring an allegedly misleading and inaccurate opinion letter on the legality and tax implications of a welfare benefit plan. The Los Angeles-based litigation boutique is representing the law giant in the Ninth Circuit case.

Coincidentally, Bird Marella attorneys are familiar with that court of appeals, having served prestigious clerkships there, said Swan, who credits the firm's success to "good, quality people."

"They've got all those Ninth Circuit clerks, a lot of Harvard graduates," she said. "U.S. News & World Report ranked them as one of the top law firms. Not bad for a firm with less than 40 attorneys."

Bartlit Beck Herman Palenchar & Scott LLP

With 80 attorneys spread between offices in Chicago and Denver and a nearly 22-year track record, Bartlit Beck is one of the most established — and best-regarded — complex litigation boutiques in the country.

"I think there are a lot of boutiques out there, and very few really rise to the level of reputation that Bartlit Beck has," said Amy McCormack, president of Chicago-based recruiting firm McCormack Schreiber. The firm has had success practically since its founding in 1993, thanks in part to its founders' already-established national reputation for excellent litigation work, she added. "That's hard to replicate."

But the firm has cemented its prestigious status by taking on — and winning — high-stakes, high-profile litigation. Just in the past year, its lawyers have won reversal of a \$664 million False Claims Act judgment against United Technology Corp.-owned Pratt & Whitney in the Sixth Circuit, an affirmation of a successful \$80 million defense of Sikorsky Aircraft Corp. in the Federal Circuit and a jury finding no liability for Whirlpool Corp. in a long-running class action.

--Editing by Katherine Rautenberg and Emily Kokoll.