

GCs Name Cream Of The Crop Litigators

By **Natalie Rodriguez**

Law360, New York (February 7, 2016, 3:27 PM ET) -- More than 100 litigators were pinpointed by corporate counsel in a recent report as their top picks for delivering stellar client service while working tough cases.

The litigators were among 312 attorneys nominated by their clients in the 2016 BTI Client Service All-Stars report from BTI Consulting Group. With the year seeing an increase in complex litigation, the cream of the crop were often those that were good at understanding business risks and at doing early prep work, according to Michael Rynowecer, BTI's president.

"What we heard is that the Client Service All-Stars were quicker to come in and help with very early case assessment, and they develop strategies sooner than they have in the past," Rynowecer said.

Several of the attorneys who made this year's list also pointed to the importance of preparation and getting to know your client's business, as well as several other themes that play a factor in good client service.

For James F. Jorden of Carlton Fields, on top of having "good courtroom demeanor and instincts," litigators must have a certain depth of knowledge when it comes to their client, such as knowing their products and industry and the legal and regulatory environment in which the company works.

Both Vito A. Costanzo, a Los Angeles partner with Holland & Knight LLP, and Ron Rothstein, a Chicago partner with Winston & Strawn LLP, echoed this sentiment, noting that understanding a client's business environment and objectives will help you work with them to resolve their legal issues.

"If you want to be successful, you can't be purely thinking about legal things," said Carmine R. Zarlenga, a Washington, D.C., partner with Mayer Brown LLP.

For one, it helps with giving more specific counsel to your client about how a lawsuit might impact their business down the road.

"Getting your corporate client to focus not so much on the specific issues of a lawsuit, but where the lawsuit fits into their business goals and their risk management, that's a really important part of their client service," said Robert D. Phillips Jr., a California-based partner with Reed Smith LLP.

Being able to pinpoint potential business impacts goes to another recurring theme among the all-stars: avoiding surprises.

“We owe clients our honest evaluation of the case ... Clients will tell you over and over they don’t want any surprises,” said Paula E. Litt, a Chicago partner with Honigman Miller Schwartz and Cohn LLP who has about three decades of experience on both the plaintiff and defense side.

Litt notes that it's important to give clients constant updates on the development of cases and options for how to proceed.

“There are certainly clients and cases where it's pedal to the metal, no holds barred ... but to me, that is the rarer case and rarer client. Most clients are extremely concerned about what their exit plans will be and how much it's going to cost them to get there,” she said.

Along the “no surprises” line of thinking, Phillips has a rule that anything important that happens in a piece of litigation gets reported to the client within 24 hours, if not earlier.

And David A. Elliott, a Burr & Forman LLP partner in Alabama, always tries to respond to a client within the hour of any inquiry. “Correspondingly, it's vital to provide the clients with timely updates regarding matters. Clients hate surprises, particularly last-minute ones, and we pride ourselves on avoiding those situations,” said Elliott.

Responsiveness in general and direct communication are key to working with litigation clients, said Douglas W. Sullivan of Crowell & Moring LLP.

“If you’re the lead on the team, they want to hear from you,” said Sullivan.

One of the corporate counsel that nominated Dentons partner James B. Manley to the BTI list noted that “he never leaves us guessing with what is going on,” according to the report.

For Laura Leigh Geist, a San Francisco partner at Dentons, another element of delivering good service to clients is to treat every case like it’s your first.

“Even if the case looks like the one you just worked on, make sure to re-evaluate and see all the issues,” said Geist, noting that this tactic helps with providing fresh and innovative solutions.

Getting creative and tailoring solutions was also echoed by her colleague Douglas A. Scullion, another Dentons partner, who rounded out the trio of All-Star litigators coming from the firm.

“Each client and each case has its own definition of success. I try to remember that and stay engaged, responsive and creative — and never stop problem-solving until the issue is resolved,” said Scullion.

It’s also important to keep in mind that sometimes what clients want more is an efficient end to a dispute, rather than a win in court that comes at too high a price.

“Clients want litigators to resolve disputes — not perpetuate them. Avoiding expensive and distracting sideshows, and focusing instead on the issues that are most important to the client and [that] really move the case forward, are the hallmarks of an effective litigator,” said Tom Clare, a founding partner of Clare Locke LLP.

Several attorneys, including Zarlenga, noted that it takes a strong team behind them to produce effective

client service.

For Paul A. Zevnick, a Washington, D.C., partner at Morgan Lewis & Bockius LLP with more than 40 years of experience, this point was highlighted for him last year when he was part of a large cross-practice litigation management and funding project, as well as a separate nationwide product liability docket, which both required tight deadlines.

“We achieved immediate results, with no surprises and within the budget ... Client service has to be a team effort,” said Zevnick.

Some noted that successful client service in litigation also requires being able to push through the daunting and difficult hurdles by putting in sheer sweat equity.

“Whatever hours it takes, whatever time of day, you do what needs to be done for your client in litigation,” said H. James Wulfsberg, a California partner with Burke Williams & Sorenson.

Joshua G. Vincent of Hinshaw & Culbertson LLP also noted that he believes “the recipe for great client service in the litigation arena is self-sacrifice — outworking your opponent to achieve the client’s goals, but without billing the client for every minute you have to spend to make that happen.”

You can’t just approach litigation work like a nine-to-five job where you’re just clocking in and out, nor can you treat working with your client like a cash-register transaction, noted Jeremy Sacks, an Oregon partner at Stoel Rives LLP.

And you have to personalize your approach to each client. “There are some clients that are very savvy, and some, because their background is completely corporate, have almost no experience, and you have to be able to adjust in walking them through,” said Nicki Locker, a Wilson Sonsini Goodrich & Rosati PC partner.

You also have to make sure you work within the company’s needs and expectations, especially when it comes to costs.

“Clients want the litigation expense to be proportional to the goal,” said Michael A. Kahn, senior counsel at Crowell.

At Valorem LLP, which All-Star Patrick Lamb helped start up eight years ago, the firm goes a step further with its non-hourly billing model, where every bill includes a value adjustment line that allows clients to alter the amount of the bill if they don’t think the firm delivered as was expected.

“It helps us view our client as a strategic ally, a teammate, and we try as hard as we can to treat them that way,” said Lamb.

And ultimately, it's the connections that litigators form with clients that really set the All-Stars apart.

“In litigation, budgets, expectations and good results are the bottom line. But the client service can be as important as these bottom lines — indeed, good client service can be essential to establishing and maintaining good client relations to get you through tough times in those other areas,” said Alan Wingfield, a Troutman Sanders LLP partner.

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