

LITIGATION BOUTIQUES **HOT LIST**

SPECIAL REPORT | At the 10 law firms spotlighted here, it's all about skill, not size. The lawyers at these litigation shops, all of which have fewer than 51 attorneys, are as clever at practicing on paper as they are at wooing a jury. Many of these lawyers have honed their craft at the biggest and best firms in the nation and have opted, once they've gained crucial work experience, for a small-firm career. We've highlighted the special strategies and creative approaches they used in 2013 to help set precedent, right wrongs and save the day for the client.

BIRD MARELLA

Legal Team Throws Out the Usual Playbook

The experienced litigators at Bird, Marella, Boxer, Wolpert, Nessim, Drooks & Lincenberg knew just when to use unusual trial strategies last year to catch their courtroom opponents off guard.

In March, partner Ekwan Rhow secured a \$3 million jury verdict in a trade secrets case in part because he went directly to trial without conducting full-blown discovery. Rhow knew he had access to better information from his client, Elite of Los Angeles Inc., and he could catch defendant Summa Consulting LLC off guard.

"He thought he was able to make a ton of headway in terms of really surprising them with cross-examination at trial, which they did not get a free preview of during deposition," firm co-managing partner Paul Chan said. "That's what we do. We're open to thinking about how do we win a trial.

The strategy is not in the playbook if you go to a large firm, which typically recommend "a scorched-earth discovery," Chan said.

In a securities fraud case against Vitesse Semiconductor Corp.

executive Eugene Hovanec, partner Gary Lincenberg, as lead trial counsel, used an overlooked legal venue argument to help trip up the prosecutorial juggernaut mounted by U.S. Attorney Preet Bharara in the Southern District of New York.

"We got to closing arguments and we whaled on this issue, that they had not proven there was sufficient incidents related to this offense in New York," Lincenberg said. Working with Morrison & Foerster, Lincenberg got six of seven charges against Hovanec dismissed during the first trial. The jury hung on the remaining charge and again during the second trial. Prosecutors agreed this year to accept a plea to a less serious charge that bound them to recommend probation and no restitution, Lincenberg said.

Bird Marella, founded more than 30 years ago, appeals to clients because people in the legal community know the firm has extensive trial experience and litigators who went to top law schools, Lincenberg said. "When performing, we're marketing at the

same time," he said.

In a high-profile California case, the American Civil Liberties Union of Southern California turned to partner Benjamin Gluck as co-lead counsel to challenge policies of the Los Angeles County Sheriff's Department and District Attorneys' Office, which concealed exculpatory evidence in hundreds of cases.

The sheriff's office changed its policy right away, and in June the district attorney's office issued special directives to prosecutors that affect every criminal case filed in the county. Beong-Soo Kim of Jones Day, who represented the Los Angeles County District Attorney's Office in the case, praised the talents of Bird Marella's lawyers.

"I thought they were very professional throughout the case, and they did a great job representing their client, and I think as a result of their professionalism and their reasonableness we were able to reach a resolution that was positive for both sides," Kim said. "And that I think was positive for the larger community."

—TODD RUGER

TRIAL TIPS

- Treat voir dire as if it's the most important part of the case.
- As plaintiff, consider calling defendant and defendant-affiliated witnesses right out of the box.
- Take a shot early in a trial at making an aggressive evidentiary objection—and learn from the judge's inclinations at that point.
- Pick your witnesses based on likability and trustworthiness as much as involvement in the merits; the jury needs relatable witnesses.

—PAUL CHAN

FIRM FACTS

Founded: 1981 ■ **Based:** Los Angeles ■ **Total No. of Attorneys:** 40 ■ **Partners:** 18
■ **Associates:** 22