

2017 Litigation Finance Survey Shows Continued Growth



Burford's [2017 Litigation Finance Survey](#) shows that litigation finance continues to achieve dramatic growth, finding that the use of litigation finance in the United States grew by 28% from last year, to 36%. And it has grown 414% since 2013.

Among respondents in the US, UK and Australia, a majority of users (59%) say their use of litigation finance has increased in the last two years.

A strong majority (72%) of all respondents agree that litigation finance is a growing and increasingly important area of the business of law—and, notably, 40% of US companies report having foregone claims due to the cost of litigation.

Pointing to continued growth on the horizon, among all respondents whose organizations have not yet used litigation finance, a majority of law firm respondents (57%) and nearly half of in-house respondents (49%) are likely to consider its use in the next two years.

Some early concerns about litigation finance have evaporated. For example, in the US, the number of in-house respondents with concerns about litigation finance leading to unnecessary litigation fell to 10% from 81% five years ago. Among all respondents, ethical concerns rank dead last among obstacles to use, at 9%.

Only 7% of all respondents are unfamiliar with litigation finance, and only 4% of law firm respondents.

Christopher Bogart, Burford's CEO, commented: "Burford's latest research affirms our own experience: More and more

often, clients and law firms are turning to litigation finance as a solution to some of the intractable challenges and pressures of managing legal cost and risk, and that strong demand is driving dramatic growth.”

Burford’s 2017 Litigation Finance Survey was conducted by ALM Intelligence, the research arm of ALM Media, publisher of The American Lawyer, from May 17 to June 16, 2017. The full report is [available online](#).

[Join Our LinkedIn Group](#)

[Squire Patton Boggs Fights for Domain Name With Chinese Imitator](#)

International law and lobbying firm Squire Patton Boggs hit another roadblock in its fight with a Chinese entity when a panel concluded that the current trademark holder in China maintained rights in the domain and dismissed the complaint.

[World Trademark Review](#) reports that a Chinese company appears to be practicing law using the same name and logo as that of the established firm Squire Patton Boggs, promoting its practice on a website located at squirepattonboggs.net.

“Delving deeper, we discovered the Chinese company is the same one that had previously used the brand of another international law firm, Norton Rose Fulbright (we reported on

this a year prior),” writes Tim Lince. “Much of the text used on the Chinese company’s website was lifted from other law firm sites, and many of the images were either stock images or taken from movie posters, including those on the staff page.”

[Read the World Trademark Review article.](#)

[Join Our LinkedIn Group](#)

[Which Biglaw Firms Are Doing Right By Their Staff?](#)

Above the Law follows up on an earlier report on the disparity of benefits offered to staff members of big law firms, compared to those offered to lawyers, this time with a [focus on family leave](#).

“There’s a reason, grounded in scarcity and specialization, to pay attorneys more than the staff,” writes [Joe Patrice](#). “But there’s not much reason why an attorney needs more time to bond with a newborn than someone in human resources would. Perhaps the firm knows that its associates are so socially dysfunctional they need an extra several weeks to seem human? That’s certainly a colorable argument.”

The article points out that some firms avoid the attorney-staff disparity by making benefits equal.

[Read the Above the Law article.](#)

[Join Our LinkedIn Group](#)

[Is Your LinkedIn Profile Compliant with State Bar of Texas Rules?](#)



Texas lawyers are bound by the Texas Disciplinary Rules of Professional Conduct, which covers advertising, which includes social media, which includes LinkedIn. Compliance, or non-compliance, with those rules is monitored by The State Bar of Texas' Advertising Review Committee, points out Amy Boardman Hunt of [Muse Communications](#).

She discusses ethical rules as they pertain to ad review issues.

The two most important rules, she explains, are: 1. Never publish anything false or misleading, and 2. Make sure your goal is to educate your audience, not to market yourself.

She goes on to discuss the best practices for staying out of trouble.

[Read the article.](#)

Examine Trends in Spin-Off Activity



Bloomberg BNA will host [an event](#) in San Francisco dedicated to understanding, preparing for, and benefiting from spin-offs.

The complimentary event will be Tuesday, Oct. 10, 2017, 1:30-6 p.m., in Bloomberg's San Francisco office at 3 Pier #101.

With a record \$250.9 billion of spin-offs completed globally in 2015 and fairly steady activity since then, understanding this type of corporate restructuring and the hidden challenges to overcome are essential for senior executives.

Participants will hear in-depth conversations about:

- Trends in spin-off activity and important market perspectives
- Investor engagement opportunities to consider
- Cross-functional challenges and opportunities

The event is sponsored by Baker McKenzie.

Speakers will be Sergio Letelier, Vice President, Office of the General Counsel's Corporate, M&A and Ventures Group, Hewlett Packard Enterprise; and Jeff Marks, Managing Director, Corporate Finance Advisory, J.P. Morgan.

[Register for the event.](#)

Gruber Hail Attorneys Honored in Best Lawyers, Super Lawyers Publications

Attorneys at Gruber Hail Johansen Shank have been recognized multiple times with the publication of the latest Best Lawyers in America and Texas Super Lawyers listings. The publications use comprehensive surveys, peer evaluations, blue-ribbon committees and independent research to select the honorees each year.

Name partners G. Michael Gruber, Brian N. Hail, Mark L. Johansen and Mark A. Shank again are recognized among the top five percent of attorneys in the state on the Texas Super Lawyers list, along with partners Tricia R. DeLeon, Orrin L. Harrison III, Michael J. Lang, and Anthony J. Magee.

In addition, Shank is named among the Top 100 attorneys in Texas, and joined by Gruber among the Top 100 attorneys in Dallas/Fort Worth.

[Read the article.](#)

Law Firm Sex-Bias Cases Will Turn on Key Question: Can Partners Be Employees?



[Alison Frankel](#) reports for [Reuters](#) that briefing wrapped up this week on Proskauer's motion to end a sex bias suit by an anonymous partner in its Washington, D.C., office.

She writes that Proskauer's motion for summary judgment, the woman simply can't sue the firm under federal and state anti-discrimination laws because those laws protect employees and she's an equity partner – not an employee.

"The woman, who is represented by Sanford Heisler Sharp, tells a different story in her brief opposing summary judgment," Frankel writes. "According to her, Proskauer's rank-and-file partners have effectively no control over the firm. All important decisions about hiring, firing, governance and compensation are delegated to Proskauer's seven-member executive committee, which she depicts as the power center of the firm."

[Read the Reuters article.](#)

Some Houston Big Law Firms Spared Worst of Harvey's Damage

While Big Law firms with Houston offices are still in recovery mode from Hurricane Harvey, many firms with downtown offices were spared the worst of the record-breaking storm's damage, reports [Bloomberg Law](#).

Reporter [Stephanie Russell-Kraft](#) quotes Kenneth Broughton, managing partner of Reed Smith's Houston office: "I would say a fairly high percentage of attorneys live either downtown or within 15 or 20 minutes from downtown, and most of those areas were not flooded."

Broughton said he has been in the office for most of the week, and the Houston office will be re-opened on Tuesday.

The report also covers storm response at Baker Botts and Andrews Kurth.

[Read the Bloomberg Law article.](#)

[Join Our LinkedIn Group](#)

As Hurricane Shuts Down

Houston, Law Schools and Firms Respond



Students and faculty at South Texas College of Law-Houston – and Houston’s legal community at large – have bonded in response to the overwhelming humanitarian need created by the storm, reports [Bloomberg Law](#).

“Law firm partners have opened their houses to clients and associates, according to Gibson Dunn staff. Firms that are fiercely competitive in the court room have banded together to determine how to effectively provide legal services, explained a partner at Holland & Knight,” writes [Max Siegelbaum](#). ” And members of the legal community – from law students to big law partners – have donated time, energy and resources to helping to house, clothe and feed people displaced by the storm. Big Law Business heard from 15 people during Monday and Tuesday following the disaster.”

[Read the Bloomberg article.](#)

Just Released: 2017 Law Firm Benchmarking Report



A survey of 125 law professionals reveals that 94 percent of law firms are focused on being more efficient, but the findings within this survey indicate that only a small group of opportunistic law firms are actually executing on this focus, leading to new business opportunities for their practices.

The Exterro survey is available for [downloading](#) at no cost.

This benchmarking report discusses how this small subset of innovative law firms are beating their competition by redefining their legal processes to increase client satisfaction and revenue.

The report includes:

- 36-page comprehensive report filled with key insights on how law firms are currently managing their business.
- Insight into key topics which include how law firms are managing their legal processes, the future of legal operations and more...
- Example of one interesting stat: Compared to 5 years ago, 51% of law firms are more focused on legal project mgmt. principles and technology.

[Download the report.](#)

Law Firm Boots Partner Who Owned Neo-Nazi Record Label



Aaron Davis, a partner in the Minneapolis law firm Patterson Thunte, was placed on leave after the firm learned that Davis owned a neo-Nazi record label.

Minneapolis [City Pages](#) lists some of the albums and songs on Davis' Behold Barbarity Records and Distro, including "Kill the Jews" and "At the Dawn of a New Aryan Empire."

In [a post](#) on the Above the Law site, [Elie Mystal](#) offers some commentary: "There are a lot of things you can do while being a neo-Nazi. You can start your own record label. You can buy tiki torches, freely and without prior restraint. But a private employer has no duty to hire you so you can menace the people you work with your genocidal views."

[Read the City Pages article.](#)

[Read the Above the Law article.](#)

Rule #1 for Dealing with the

Media: Assume You're On the Record



Some high-profile members of the Donald Trump circle found out the hard way recently that they somehow had missed one of the basic rules for dealing with the media.

In a post on the website of [Muse Communications](#), Amy Boardman Hunt offers a reminder about the First Rule of Dealing with the Media: Assume you are on the record.

“If you want your discussion to be off the record, i.e. the information can't be used or attributed to you, you must establish that *by mutual agreement before the information is relayed*. If the reporter doesn't agree to make the information off the record, it's not off the record,” she explains.

[Read the article.](#)

Biglaw Leaders Denounce

Trump's Rhetoric On Charlottesville

Several large law firms have spoken out against President Trump's remarks following the Charlottesville violence, denouncing the president for casting blame on both sides and making a moral equivalency between Nazis and those who opposed them, reports [Above the Law](#).

Reporter [Staci Zaretsky](#) writes that those firms include Skadden Arps, Paul Weiss, Lowenstein Sandler, Wachtell Lipton, WilmerHale, Polsinelli, Arnold & Porter Kaye Scholer, Crowell & Moring, Latham & Watkins, Hogan Lovells, Akin Gump, and Greenberg Traurig.

[Read the Above the Law article.](#)

10th Annual Law Department Operations Survey

The [10th Annual Blickstein Group Law Department Operations Survey](#), in cooperation with Consilio, is the oldest research specifically covering law department operations. It is designed solely for the professionals who manage complex legal department operations for their companies.

The LDO survey was first created in 2008 to give law departments a consistent platform to benchmark themselves and

shed light on the then-emerging profession of law department operations. In addition to being the original of its kind, as the industry has grown exponentially the LDO survey remains the most respected benchmarking tool in the space.

Participants are being sought for the survey. Only survey participants will receive a copy of the proprietary results.

The report will cover such topics as:

- Compensation
- Legal Service Delivery Models
- Artificial Intelligence
- Technology and Cybersecurity
- Change Management

[Participate in the survey.](#)

[Amplification Works for Women Lawyers Beyond Meetings](#)



It's no secret that gender parity is lagging in the legal profession, with women making up just 18 percent of equity partners, according to the National Association for Law Placement, writes Amy Boardman Hunt for [Muse Communications](#).

In the article, she discusses the practice of amplification: when a woman makes a key point, other women repeat it, giving

credit to its author.

She writes that amplification is like a team sport: “Even better, for women who are reluctant to promote themselves, you can rest easy knowing that amplification isn’t tooting your own horn. Instead, you’re promoting *other* women (who, per your agreement, are promoting you in return).

[Read the article.](#)

[A Step Backwards for Financial Transparency in BigLaw](#)



[David Lat](#) of [Above the Law](#) writes about a BigLaw firm’s move back from providing financial transparency.

“K&L Gates, a firm that has long prided itself on financial transparency, is now moving in the opposite direction. After four consecutive years of publicly posting its financial statements, the firm has closed the gates on such disclosure,” he explains.

He reached out to the firm, which responded that K&L Gates did not issue a press release about its 2016 financial results, but instead provided that information directly to Am Law for its rankings. Lat points out that the AM Law 100 report is not as comprehensive as full financial statements.

[Read the Above the Law article.](#)

[Ex-FCPA Prosecutor Returns to Foley's Litigation Department in D.C.](#)

[Foley & Lardner LLP](#) announced that former federal prosecutor Rohan Virginkar is returning to the firm as a partner in its Government Enforcement, Compliance & White Collar Defense Practice. Virginkar most recently served as a trial attorney in the U.S. Department of Justice's Foreign Corrupt Practices Act Unit. He also served as counsel to the Assistant Attorney General of the Criminal Division.

At Foley, Virginkar will advise corporations and executives on government and regulatory actions; conduct internal investigations; lead corporate compliance matters; and defend individuals and corporations in white collar matters, the firm said in a release.

The release continues:

During his tenure as a federal prosecutor, Virginkar led some of the Justice Department's most sophisticated white collar criminal investigations, focusing particularly on violations of the FCPA, health care fraud and securities fraud laws. Virginkar led numerous global investigations of complex, international, white collar criminal matters involving major international companies spanning countries on six continents. He also prosecuted a major global pharmaceutical company, which resulted in over \$280 million in combined penalties and fines – the largest ever against a healthcare company for violations of the FCPA.

Virginkar also was a member of the DOJ's Deepwater Horizon Task Force, where he investigated crimes related to the deadly 2010 disaster and resulting oil spill. For his work on the Deepwater Horizon investigation, which included helping to secure the largest criminal settlement in U.S. history, Virginkar earned the Attorney General's Award for Exceptional Service, the highest award in the Department of Justice, as well as the FBI Director's Award for Excellence, one of the FBI's most prestigious honors.

"We are thrilled to have Rohan return to Foley," said Scott Fredericksen, managing partner of Foley's Washington, D.C. office. "Rohan is a perfect fit for our culture of providing excellent service to our clients as they navigate the increasingly complicated and international landscape of enforcement activity by criminal and civil authorities."

"Rohan's experience investigating and prosecuting complex international cases, along with his unique insights into the approach taken by government enforcement authorities, will enhance our team's widely recognized expertise in anti-corruption compliance and internal investigations," said Mike Gay, chair of Foley's Litigation Department.

Before entering public service, Virginkar practiced at Foley from 2004 until 2011. He is a 2004 graduate of The George Washington University Law School and a 2001 graduate of the

University of California, Los Angeles.

[Join Our LinkedIn Group](#)

[Firm Wants Former Employee's Millions From Recent Settlement; 'Absurd,' He Replies](#)

Forbes tells [the story](#) of a plaintiffs lawyer who worked on a long-running class action for the past 13 years, and now his former firm wants nearly all of his \$2.45 million in fees from a settlement, even though he resigned from the firm in 2004.

“On June 5, the Pittsburgh law firm Specter Specter Evans & Manogue filed a lawsuit against [R. Bruce] Carlson, who left the firm long ago to create Carlson Lynch in 2004,” explains John O’Brien, *Forbes* contributor and editor of Legal Newsline. “The Specter firm alleges Carlson owes it nearly all of his \$2.45 million in fees gained in a recent \$24 million settlement regarding fees imposed on those who took out second mortgages from Community Bank of Northern Virginia.”

The firm cites a separation agreement, but Carlson says the firm was only entitled to a percentage of his fees if the original 2003 settlement was approved. An appellate court rejected that settlement, and the case went on for another 11 years.

[Read the Forbes article.](#)

[Making the Most of Top Lawyer Lists](#)



Legal rankings were previously limited to only a handful of outlets such as Martindale-Hubbell and The Best Lawyers in America, but that roster has expanded rapidly in the past two decades, writes Bruce Vincent for [Muse Communications](#).

“Today, the glut of top lawyer lists and top law firm rankings makes it difficult to determine which of them mean anything at all,” he warns.

He explains that there are many tasteful ways to let the world know about a lawyer being selected to one of the lawyer lists.

The article discusses the tips: buy an expanded online profile, update the “online you,” be smart when advertising, don’t forget social media, and issue a press release.

[Read the article.](#)

[Join Our LinkedIn Group](#)

Bailey Brauer Ranked Among Top Firms in U.S. for Client Relationships

Dallas-based litigation boutique [Bailey Brauer PLLC](#) has been selected to BTI Consulting Group's 2017 ranking of the top 10 law firms in the country with the best client relationships within the consumer goods industry.

BTI's inaugural guide, Industry Power Rankings: The Law Firms with the Best Client Relationships, is based on a survey of corporate counsel and executives at the world's largest organizations representing 18 different industries.

"When we started this firm in 2013, it was with the understanding that client relationships would be the foundation for everything we did," said co-founder Alex Brauer. "To earn this recognition from BTI is an indicator that we have been successful in maintaining that focus."

To achieve the "Clientopia" status given Bailey Brauer, a firm must earn top rankings in two crucial areas of client service: The client must consider the firm as its primary legal provider and spend the bulk of the organization's legal dollars with that firm; and the firm must be one the client recommends to peers in an unprompted manner.

"To fully earn the trust of a client you have to be dedicated to putting their needs first, and you have to fully understand

what those needs are,” said firm co-founder Clayton Bailey. “The only way to accomplish that is to develop the type of personal, one-on-one relationships we have with our clients.”

Though Bailey Brauer is among the smallest and youngest firms to be selected to this list, it is not the first time the firm has earned recognition from BTI. Earlier this year, Bailey Brauer was selected among law firms with the “best brand standing” in the country, an indicator of how likely it is to be considered for new work. BTI also previously selected Bailey Brauer among the nation’s “most feared” law firms.

[Join Our LinkedIn Group](#)