

## Leap of Faith

Five-attorney litigation boutique Lewis & Llewellyn LLP in San Francisco started two years ago with no work and now boasts a client list nearing 100, ranging from small tech companies to large corporations.

By David Ruiz / Daily Journal Staff Writer

**S**AN FRANCISCO — When Paul T. Llewellyn and Marc R. Lewis set up Lewis & Llewellyn LLP in 2012, they had zero clients. But that changed on the first day they went to work at their new firm, when an energy software developer Opower Inc. called about an unlawful detainer matter.

“It was very much a leap of faith,” Llewellyn said, who originally served as a barrister in London, practicing civil and criminal law. But, “within two hours we had our first client.”

The work flow has continued and the San Francisco-based firm now boasts of a client list of close to 100, with roughly two dozen active matters currently on the table.

Now a five-attorney shop, Lewis & Llewellyn represents both plaintiffs and defendants in civil litigation, arbitration and mediation across a variety of industries, including anti-trust, insurance coverage, breach of contract and business and commercial matters. The firm’s client roster includes small, entrepreneurial tech companies, high net worth individuals and large corporations including Oracle America Inc., Yelp Inc. and Tesla Motors Inc.

Even though the firm is just two years old, it already sees itself as the next Keker & Van Nest LLP, Lewis said.

“Anybody who was up against Keker in the ’80s could understand that they were a great law firm then,” Lewis said. “We like to think we’re the same.”

Lewis previously worked as a speechwriter in the Clinton administration, jumping to Latham & Watkins LLP in 2004 to practice complex commercial litigation with a focus on antitrust, white collar and securities. He met Llewellyn there in 2007. The two found that they both loved going



Marc R. Lewis and Paul T. Llewellyn of Lewis & Llewellyn LLP.

to trial on high-stakes “bet-the-company” type cases, but not enough of these cases were going to trial.

“It was because the stakes are too high, right? The litigation will last for five or six years and then it will settle before there’s a trial,” Lewis said. He left Latham to become a deputy city attorney for San Francisco in 2010, and reconnected with Llewellyn in 2012 to finally get a chance to “litigate cases the way that we want to litigate.”

Lewis and Llewellyn approach every matter as though it will go to trial, the two said. The firm has a lean staff and lower billing rates and only takes the most necessary steps in preparing a case.

“Whether that’s making sure we take the right depositions or focusing on the right witness interviews, we have a laser-like focus on what it’s going to take to win at trial,” Lewis said. “We don’t do things just for the sake of doing them.”

Llewellyn explained that large-scale trials can get bogged down by unnecessary discovery disputes. The firm tries its best to avoid that.

Last week, the firm received a summary judgment in favor of its

client Plantronics Inc. in a matter against the client’s insurer, American International Group Inc. In the case, AIG claimed that it did not have a “duty to defend” — or pay out — the Santa Cruz-based wireless and Bluetooth headset manufacturer, should Plantronics lose in class actions for alleged hearing loss that were filed in 2007. The summary judgment could have a significant impact moving forward, Llewellyn said.

“It could expand the duty to defend and the circumstances under which other insurers are obligated to provide a defense in similar lawsuits,” he said. “It could expand insurance coverage throughout the country.”

Plantronics general counsel Richard R. Pickard said he was delighted with the outcome and impressed with the firm’s work. He even sat in on the argument, where he got to see Llewellyn practice firsthand.

“This young man is a terrific, terrific litigator,” Pickard said. “There was very little doubt as I left the courtroom that he successfully argued the motion.”

Pickard said he took a chance on the firm. Llewellyn was suggested to him by ex-Latham partner Stephen

Stublarec, who had been the main point of contact for Plantronics at the firm. Llewellyn was an associate on Plantronics’ account under Stublarec when the two worked at Latham.

Lewis & Llewellyn tries to give its associates the time and resources they need to build a practice and a brand. They’re looking for lifelong partners, both said.

Associate Matthew Dickman, who joined the firm in February also from Latham, said he can now work more closely and substantively on cases. He was quickly put on the Plantronics case when he joined.

“I was very involved in that and I attended the oral argument and helped draft the briefs,” he said. “It’s very engaging to be involved in that process at such a fundamental level.”

Dickman said that part of his move out of Latham was in finding a shop that he could be at for a long time.

“That’s certainly my plan here,” he said.

Pickard said he appreciates the firm’s billing rates, too — which he estimated at half of what he’d pay for large law firms.

That’s the kind of feedback the firm looks for, Lewis said.

“We always hear ‘We like you guys because you keep us updated, you send drafts and briefs that are ready to be filed and you often bring things in underbudget,’” Lewis said. “If we’re not hearing those things then we know something is amiss.” Llewellyn said the firm tries to send briefs to clients weeks ahead of time, not days. He said the firm has never gotten a complaint about a single item on any of its bills, which the firm prides itself in.

“It’s a way we communicate with our clients,” Lewis said. “Partner, associate and client are all on board with what the strategy is, so the invoice is just a memorialization of something we’ve already agreed upon.”