

TOP BOUTIQUES IN CALIFORNIA 2016



Sam Attal / Special to the Daily Journal

From left, Anna-Rose Mathieson, Bill Hancock, Audra Ibarra, Charles M. Kagay, Ben Feuer and Susan K. Horst.

APPELLATE LAW

California Appellate Law Group LLP

Ben Feuer and the 10-attorney appellate boutique he chairs, the California Appellate Law Group LLP, have found a novel way to structure the delivery of appellate services to clients. A former 9th U.S. Circuit Court of Appeals clerk and appellate lawyer with Quinn Emanuel Urquhart & Sullivan LLP and other firms, Feuer was 34 when his colleagues selected him to run the firm in 2015. At the time, he was the youngest member by a wide margin, and today he is one of the youngest leaders of a law firm of that size in the state.

One way the firm has been able to grow is its unusual model: the firm hires no associates. Rather, its attorneys are either partners like Feuer and

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Anna-Rose Mathieson, or act in an of counsel role where income is tied to collections. "Appeals can be very complicated and nuanced," Feuer said. "They require both innate writing talent and judgment borne of experience. We can do superlative work at boutique prices in part by avoiding the high fixed costs of training associates in those hard-to-learn skills."

The firm's model received positive mention in a 2015 Harvard Business Review article discussing so-called "New Law." It reallocates the usual law firm balance of risk and reward: the firm's attorneys take home a larger piece of each hour they bill than under

a traditional firm model, but the firm doesn't necessarily guarantee it will offer them work, which in turn helps encourage business development. "Our eventual goal," Feuer said, "is to build a firm considered among the most elite not just in California but across the nation."

In the two years since he became chairman, Feuer has added seven lawyers to the firm's high-end appellate practice. They include Mathieson, a former clerk to U.S. Supreme Court Justice Ruth Bader Ginsburg with a decade of appellate experience at O'Melveny & Myers LLP and Williams & Connolly LLP; Susan K. Horst, who served as writs attorney on the 1st District Court of Appeal for more than 30 years and is one of the few lawyers in the state who specializes primarily in appellate writs; Julia G. Partridge, a former chambers attorney to California Supreme Court Associate Justice Kathryn M. Werdegar; Sarah K. Hofstadter and Maureen B. Dear, former career research attorneys on the state appellate courts; Polly J. Estes, a former

career law clerk on the 9th Circuit; and Charles M. Kagay, an appellate specialist and former U.S. independent counsel. They joined Bill Hancock, another former Court of Appeal research attorney and the original founder of the firm in 2012, and Audra Ibarra, a former supervising assistant U.S. attorney and the leader of the firm's criminal appellate practice.

Feuer said the firm intentionally seeks attorneys with clerkship-type experience on the specific appellate courts in which the firm primarily appears.

In January, the prominent family law appellate attorney Robert Alex Roth will join the firm, bringing the number of attorneys to 11. When he does, two-thirds of the firm's attorneys and half the partnership will be female. "That's a fact I'm quite proud of," Feuer said.

The young firm has won some high-profile appeals. In August, Mathieson won a reversal in a trademark infringement case she argued before the 9th Circuit on behalf of Trader Joe's Co. The defendant had bought Trader Joe's branded goods, took them to Canada and resold them in a store called Pirate Joe's. The panel voted 3-0 in favor of Mathieson's client. *Trader Joe's Co. v. Hallatt*, 14-35035 (9th Cir. August 26, 2016).

Last November, Feuer won affirmance at the 3rd District Court of Appeal in an important case involving an insurance company's refusal to pay Feuer's client, a private trust, after a bonded trustee stole assets. "The trustee was a crook," Feuer said, "and the surety tried to get out of paying the bond. We got around that problem." *Dykier v. Platte River Insurance Co.*, C07706 (Cal. App. 3rd Dist. Nov. 30, 2015).

In addition, the firm's clients include corporations like Georgia-Pacific LLC, Union Pacific Railroad and Fidelity National Title Insurance Co. as well as individuals with high-value appellate issues. The firm also filed two pro bono U.S. Supreme Court amicus briefs last year; one received mention in *The Economist*, and the other was discussed by *The New York Times*.

—John Roemer