

# Unafraid of Bigger Calif. Groups, Crowell & Moring Celebrates 10 Years in SF

By Xiumei Dong

It's been exactly 10 years since Crowell & Moring launched its San Francisco office after acquiring a 29-lawyer group from litigation boutique Folger Levin & Kahn.

A decade later, that group hasn't grown by much—it currently has 32 lawyers—but it has managed to earn a place in the crowded Bay Area legal community by taking on high-profile lawsuits against large institutions.

"We were known to the community as a civil litigation firm who could litigate cases, try cases, and clients came to [us] because we were known for that," said Tom Koegel, head of Crowell & Moring's San Francisco office. Koegel took on that role in 2017, replacing his long-time colleague Gregory Call.

Koegel added, "We were a group of people who had been working together for a very long time. We were not, so to speak, cobbled together at the last minute to accommodate a perceived need."

Koegel and Call have been working together since the late 1980s. They were both hired by **Michael Kahn**, a well-recognized San Francisco litigator who formed Folger, Levin & Kahn with his two friends after joining their firm, Folger & Levin, in 1979.

"We liked each other, so we stayed together," Kahn said. "I totaled it up, at one point, [and] the seven lawyers who work with me, who I hired ... we've all been together for over 200 years."

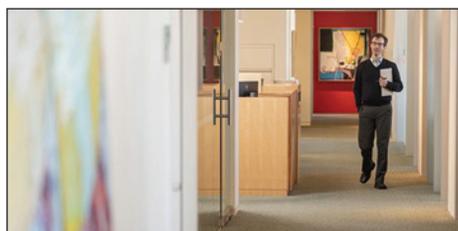
That relationship longevity also extends to the clients who turn to



At Crowell & Moring the firm's unofficial rubber duck mascot has migrated to the City by the Bay to help the firm kick off its 10-year anniversary on the West Coast.



Partners Art Beeman and Joel Muchmore chat in the lobby of Crowell & Moring's San Francisco office.



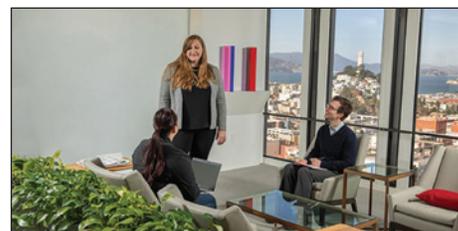
Associate Ethan Simonowitz at Crowell & Moring in San Francisco.

them for legal counsel. According to Crowell, the San Francisco-based team's clients have included The Regents of the University of California, Mozilla Corp., Microsoft, AT&T, McAfee, Baidu, Linden Lab, Perfect World Entertainment, POW! Entertainment, Kleiner Perkins and Enterprise Rent-A-Car.

"We took cases on because the client very much trusted us with our long relationship," Koegel said.



(L to R) Kristin Madigan, Dan Sharp, Michael Kahn, Marisa Chun and Thomas Koegel, of Crowell & Moring.



Associate Austin Sutta leads a meeting with Molly Jones and Ethan Simonowitz at Crowell & Moring in San Francisco.



Michael Kahn, Crowell & Moring senior counsel.

"Clients stuck with us notwithstanding the fact that you had a very substantial firm on the other side, certainly with a bigger name in the California litigation market than the relatively quiet Crowell & Moring."

## Up Against Bigger California Players

Even after a decade, the vast majority of the original group that came from Folger Levin still practices

together in Crowell's San Francisco office, Koegel said, adding that none of the partners went to practice law elsewhere. Over the years, they have scored a number of victories for their clients in California courts, oftentimes going up against much larger California teams.

For example, J. Daniel Sharp, who has been working with Koegel and Call since 1989, recently helped The Regents of the University of California obtain a \$50 million settlement and **public apology** from the University of Southern California for the tactics it allegedly used to poach an Alzheimer's researcher from the public university's San Diego campus.

For its defense, the University of Southern California brought in John Quinn from Quinn Emanuel Urquhart & Sullivan. According to Sharp, they had to "fight long and hard" to get a favorable result in that case.

Quinn Emanuel is a "big, well-financed law firm for whom money was no object," he said. "The key to success was just being persistent in pursuit of the client's rights, and [the] vindication [offered by] the preliminary injunction that been issued by the San Diego Superior Court." Sharp noted that his team ultimately reached a settlement because his client had the right to ownership of the research assets.

In another recent case, Call, who led the San Francisco office from 2009 to 2017, secured a confidential settlement for Mozilla Corp. in a lawsuit against Yahoo over alleged breaches of the default search engine agreement for the Mozilla Firefox Browser.

Call said his team tends to represent "underdogs" in cases against big institutions. "We actually do represent the good guys," he said.

### What's Next?

The Washington D.C.-based law firm, which spun off from Jones,

Day, Reavis & Pogue in 1979, **celebrated its 40th anniversary** over the summer. According to Crowell & Moring chair Phil Inglima, the firm has already set its sights on growth in major U.S. markets, including California.

The California lawyers "have been terrific at doing what has been a hallmark of our firm, and that is maintaining deep institutional relationships with clients who come to view them as their go-to people, especially in the area of litigation," said Inglima, who is also a white-collar litigator.

The San Francisco office, which moved to a new space at 3 Embarcadero Center in 2016, is Crowell's third office in California. The firm opened its Orange County office in 1991, and in 2008 it launched a Los Angeles office with a group of white-collar and securities litigators from Lightfoot Vandeveld Sadowsky Crouchley Rutherford & Levine.

"We've always viewed California as extremely important to us from the standpoint of litigation, but we also want to make sure that we're growing our transactional capacity on the West Coast," Inglima said, noting that the San Francisco office added its first corporate partner, Jeffrey Selman, from Nixon Peabody in 2011.

In terms of litigation, the San Francisco team has also expanded beyond general business litigation and moved into more specific areas such as health care, intellectual property licensing, regulatory and white-collar investigations.

He explained that members of his team, and law firms in San Francisco generally, are also in the process of passing business onto younger lawyers.

"A lot of law firms in San Francisco are in a transitional phase where their leadership and the lawyers who

have been traditionally affiliated with the clients are passing the business [on to] our younger lawyers," Kahn added. "We're definitely in that mode and it's a very exciting time."

As part of that transition, Crowell & Moring added former DOJ lawyer **Marisa Chun** to its San Francisco office earlier this year. Chun joined the firm from McDermott Will & Emery, where she served as head of the Bay Area litigation group.

With the recent additions, Crowell & Moring has grown to a total of 104 lawyers in California, including 32 in San Francisco, 45 in Los Angeles and 27 in Orange County.

"In terms of the lateral partner market, this San Francisco, the Bay Area, is a very dynamic market where folks with strong skills strong client relationships are going to be highly in demand," Koegel said. While the firm's Bay Area head count hasn't grown by much, he said, he has been more focused on growing organically.

With more competitors trying to grow and compete in the market, Koegel said, "Crowell, I think having the base structure of a group of folks who have practiced together for a very long period of time, offers a stable environment here. That may not be the case in firms that are just sort of leaping in and pursuing the perceived litigation opportunity."

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