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LAW FIRM BUSINESS

Splintering Off

Founders of Kesselman Brantly Stockinger LLP, antitrust attorneys, previously worked together.

By Justin Kloczko
Daily Journal Staff Writer

Big law experience, small firm perspective. That's the pitch from Kesselman Brantly Stockinger LLP, who have been practicing for almost a year and a half now specializing in antitrust litigation and unfair competition.

Attorneys at the Manhattan Beach boutique fronted by David W. Kesselman, Amy T. Brantly and Trevor V. Stockinger decided to go rogue after essentially operating as a firm within a firm at Goldberg, Lowenstein & Weatherwax LLP, where they headed an antitrust unit. Also joining them as a partner was Majed Dakak, who had a similar background at Blecher, Collins, Pepperman.

"We're a boutique, but we think we punch above our weight," said Stockinger, who previously worked at Irell & Manella LLP. Seizing on a window of opportunity, the four partners decided there was a niche in the marketplace for mid-sized to smaller firms to represent clients who want complex legal assistance without the price tag that comes with big-ticket law firms.

"You're gonna get the same quality and I would argue potentially better in some cases. And we're not charging for all the overhead," said Kesselman.

In a whistleblowing case that started at their previous firm, Kesselman and Stockinger represented a doctor who claimed a skincare supplier and one of his competitors tried to ring him into their vertical price fixing scam. The doctor, who also sold skincare products, sued the companies. Kesselman and Stockinger eventually got the defendant's motion to dismiss the case denied. The judge's decision was a signifi-



Courtesy of Kesselman Brantly Stockinger LLP

From left: Amy Brantly, Trevor Stockinger, David Kesselman and Majed Dakak, partners at Kesselman Brantly Stockinger LLP

cant one for California state law, the attorneys said, because it was one of the first published opinions that said California would not follow federal law, which dictated a stricter view of bringing a claim. The case was eventually settled.

"It's harder to bring a claim now and prove it and win in federal court. In California they still take a stricter view of what amounts to anti-competitive behavior," said Stockinger.

Kesselman and Stockinger also sued the county of Ventura for not paying social workers. "That case we took to the eve of trial and then the county decided to resolve it," said Stockinger. The parties settled for \$3.8 million.

In a pending case, the firm was able to get a business tort lawsuit dropped against a client at the trial court level who was accused of not sharing commission profits. The company claimed to have been entitled to commission because it introduced O-TA Precision Industry Co. Ltd., which makes golf products, to a Chinese company that sold titanium. An appeal is forthcoming. Tom

Crane, a representative of O-TA, called David Kesselman, "without a doubt a leading national expert on sports law." He added the firm's attorneys are "fierce advocates. They're very sharp."

"[We] make sure we're doing everything we can to have the best outcome for our clients and also have a quick and efficient resolution. We're all pretty collaborative. We all jump in and help each other," said Brantly.

But like any new firm, there are challenges of getting clients to trust a small, unknown practice.

"I think talking to clients you have to make them comfortable that a firm of our size can handle major litigation. Once they get to know us and they get to know the quality of our work and our backgrounds and experience, I think they are normally assured," said Kesselman.

The firm has had a steady flow of loyal clients, including a downtown Los Angeles homeowners association that sued a developer for breach of contract and a company that sued over the rights to author John Steinbeck's plays.

"There is a market, but I would describe it as declining. There are still good cases out there but to survive as a plaintiff's contingency fee lawyer, you need to be very selective with what you take," said Maxwell Blecher, who mentored Kesselman and Dakak at his firm, Blecher, Collins, Pepperman. Kesselman said the firm does do contingency work, but is very careful in what it selects. It also does alternative fee arrangements, a combination of hourly and contingency fees.

Brian Hennigan, who worked with Stockinger at Irell & Manella LLP, said Stockinger brought a sense of "tranquility" and "serenity" to the job as well as an attention to detail. That could be chalked up to the fact that Stockinger is informed by Buddhism.

"Buddhism helps with the practice of law by providing a philosophical framework of how to remain aware of one's emotional and mental state, as well as that of others, so that we can do the best job we can for our clients," he wrote in an email.

Part of the draw for the partners has also been the opportunity to work with different kinds of industries, from private entities like manufacturers to public entities like health care districts. Dakak said he's enjoyed working for public entities because he's learned how to handle the client relationships on a public end where there is much more scrutiny. "Both have their unique challenges. Both are rewarding," he said.

For now, the firm's long term goal would be to grow a little bit bigger, but not too much where conflicts emerge and intimacy is lost. "We wanted to have a real culture where we are all intimately working together and know each other," Kesselman said.