

## CHICAGO: RISING FROM THE PRAIRIE



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By Richard Cahan

It is fitting that the law offices of Bartlit Beck Herman Palenchar & Scott LLP are housed in Courthouse Place, the historic, Romanesque-style landmark that served as the Cook County Criminal Courts building for 35 years. The firm, which has been ranked one of the top 10 firms in the United States by *International Commercial Litigation* after only six years in business, is poised to become a part of Chicago law history itself.

Within the same building in which Clarence Darrow defended Leopold and Loeb and the Black Sox scandal unfolded, the partners of Bartlit Beck Herman Palenchar LLP & Scott have established a law firm that operates unlike most others. From the firm's billing methods, use of technology in the courtroom and structure of the business to the office's regulation-height basketball hoop and playing floor (complete with 3-point line), there is nothing conventional about Bartlit Beck Herman Palenchar & Scott LLP, and that is intentional.

The firm's founding partners—Fred H. Bartlit Jr., Philip S. Beck, Sidney (Skip) N. Herman, James L. Palenchar, Donald E. Scott and Mark E. Ferguson—and 12 other attorneys left the 400-lawyer firm of Kirkland & Ellis in 1993 to create an intimate and energetic work setting that was free from the slow-moving and committee-laden practices of larger firms. They wanted to practice law in a way they felt was more efficient and cost-effective for their clients, and which would contribute to more courtroom victories. "I felt the practice of law should be one of the most satisfying ways to spend your life-chances to work with very small groups of very talented people," says Bartlit. "But for many, it was turning into a miserable existence. Most lawyers are simply high-paid serfs; cogs in timekeeping machines with no training, leadership, mentoring or feedback."

The decision to start Bartlit Beck Herman Palenchar & Scott LLP with a clean slate and fresh approach was not motivated by the desire for money or prestige. The founding partners had enjoyed lengthy and prosperous careers with Kirkland & Ellis. Bartlit, for example, had spent 33 years there, and was 61 when he left. Instead, the new firm was an opportunity to put into place the disciplines, practices and work conditions under which the partners felt they performed at their best. "Working together in small teams . . . we usually set up tables in a big room, and all worked in that one open space, amidst the din of other conversations and debates, copiers and printers whirring and other distractions," Says Ferguson, who practiced at Kirkland & Ellis for 10 years. "We fed off one another and did things that we never would have been able to do from the solitude of our individual quiet offices."

To create an energetic and creative work environment, the partners of Bartlit Beck Herman Palenchar & Scott LLP designed their offices to include a "Forum"-an open work area with movable desks where the lawyers can shoot baskets under 19-foot ceilings and brainstorm on clients' cases. "I'm not the kind of person who gets ideas sitting by myself," says Bartlit.

In addition to creating a functional workplace, the partners instilled a set of practices that would ensure Bartlit Beck Herman Palenchar & Scott LLP would not fall into the pattern of the large firms that previously held them back. These practices would also allow for greater success with clients.

First, the partners agreed that the firm's roster would never grow into hundreds of lawyers; today, the firm employs 38. By keeping the firm small, the partners turn away a large number of potential clients. However, Bartlit says, by staying small, the firm is able to assemble a crack team of lawyers that puts forth 100 percent of its clients on each case. Bartlit says managing partner Skip Herman is able to assemble a team of lawyers with varied skills that mesh and complement each other. "Skip knows the strengths and weaknesses of everybody," says Bartlit. "Everybody does what they're best at. As our basketball court reminds us, forwards play forward; guards play guard. Skip is our Phil Jackson who puts it all together."

Another vital practice for the firm is its billing method -one that is based on expertise, experience and results rather than traditional hourly billing. Clients pay a flat fee to the firm for its services, and a bonus is paid for a courtroom victory. Bartlit says this result-based billing ensures that the legwork and research for each case is done by experienced lawyers, not inexperienced associates. The founding partners of Bartlit Beck Herman Palenchar & Scott LLP are not ones to rest on their laurels. They participate in their cases at every level, from reviewing documents and interviewing witnesses to writing closing arguments. As Herman puts it, if he is unable to assemble a team of lawyers he believes can get a job done, the founders will do the job themselves.

This non-competitive hierarchy allows for a unique work environment that motivates all employees to work together and creates mutual respect. "There is a desire and a motivation to work together," says one employee. "From the mailroom up to the top, this place operates as a team."

A third practice of the firm is the extensive use of technology in the courtroom. Bartlit, who has only become computer savvy in the past 10 years, says the firm's non-hourly billing structure creates incentives for extensive use of technology, which provides experienced lawyers with an efficient tool to research and prepare for cases. Larger firms, however, he says, have no incentive to embrace technology since it cuts down on the number of hours spent on a case. "Seventy percent of what hourly lawyers spend their billing time for, computers can do

faster and better," says Bartlit. Co-founder Beck agrees. "Not only do computers help us work faster, they also help us work better. We have seen tremendous improvements in the quality of work as we have become more computer proficient."

Through specially tailored computer programs and digital presentations, Bartlit and his fellow partners provide jurors a clear view into their courtroom argument. Past jurors have cited the computer presentations as effective, stimulating and helpful in understanding a case. In addition, the Fred Bartlit Center for Trial Strategy has been established at Northwestern University School of Law to provide a consistent, national focus on increasing both quality and efficiency in litigation.

The strides taken by Bartlit Beck Herman Palenchar & Scott LLP to excel in the law profession have paid off considerably. The *National Law Journal* has labeled the firm "the nation's hottest defense boutique, with a roster of litigation stars; the attorneys at Bartlit Beck try cases all over the country, often of the bet-your-company variety, with an unparalleled record of success."

Through mid-1999, the six founding partners have a combined trial record of 85-8-1 and try cases throughout the United States in diverse areas such as antitrust, securities, product liability and patent infringement, among others. In their short history they have racked up more top defense verdicts (as selected by *The National Law Journal*) than any firm of any size in the country. Receiving nationwide recognition and being in such high demand is something usually enjoyed by firms that have been established for more than 100 years. But Bartlit Beck Herman Palenchar & Scott LLP has reached that level in under 10.

Bartlit points out that his firm is unique in that most of its litigation is outside Chicago. Clients located all over the world are selecting his firm for trials outside Chicago solely on merit, quality and experience. "They are not selecting us because we are the home firm or know the judges, but solely because they are convinced we are the best firm in the U.S."