



They Didn't Just Survive; They Thrived

How San Diego's "homegrown" firms built lasting success

By George Brewster Jr. and Edward McIntyre

As Los Angeles, San Francisco and Silicon Valley firms flooded San Diego during several decades, some indigenous firms passed to oblivion — with merger; or shuttering doors; or slow attrition as talent drifted to other firms. But not all. Other firms not only survived, but have grown more robust and today thrive. To find out why, and how, we talked to the managing partners or firm leaders of a few.¹ Here — from them — is what we learned.



Casey Gerry Schenk Francavilla Blatt & Penfield LLP

In 1947, just out of the Navy, David S. Casey Sr. set up a solo shop in Pacific Beach with a focus on criminal defense, family law and personal injury litigation. He then shared space with Norman Seltzer in the Bank

of America building (see Seltzer Caplan summary). They were two of the 400 or so attorneys working in post-war San Diego (there are over 16,000 today). George McClenahan joined Casey in the 1950s, and the firm turned toward a full-time plaintiff personal injury firm. (It took on its current firm name in 2005.) Now 70 years later, the Casey firm is managed by David S. Casey

Jr., a nationally known and respected trial attorney, and is the oldest and largest homegrown plaintiff personal injury firms in San Diego.

Casey said his father, who during his career handled over 700 jury trials, built their San Diego office on First and Laurel in 1961, and Casey had it overhauled (and updated with the latest technology) eight years ago

¹ Because of space constraints, we were limited to the firms we could speak with.

“to accommodate a modern-day practice.” He says that for the foreseeable future, the firm “will continue playing a major role in personal injury litigation, and will remain a San Diego-based practice.” The firm has recently joined in the complex litigation surrounding the Volkswagen emissions scandal (and notably, the firm obtained a \$3 million verdict against VW in 1985, arising out of a motorcycle/VW crash), but Casey himself will long be remembered nationally for his pivotal role creating the 9/11 Victims Compensation Fund mandated by Congress.

“We are in a service industry, so we make every effort to meet the needs of those who contact us,” said Casey, describing the firm culture as “client first,” handling each case at the highest professional level.

The firm now has 16 lawyers, with practice areas ranging from aviation, products liability, maritime and pharmaceutical/medical devices to class actions, automobile and premises liability, among many others. During his years in practice, Casey has seen two consequential challenges to the profession: expansive and aggressive lawyer marketing, and “keeping the courtrooms open” in light of (or despite) tort reform efforts.

The firm celebrated its 70th year in a big way — renting out part of the San Diego Zoo for a huge party. Keep an eye out for an invitation to the firm’s 75th



Higgs Fletcher & Mack

Steve Cologne took over the managing partner reins of San Diego’s oldest, “home-grown” firm in 2017, when John Morrell became chairman emeritus. Higgs Fletcher & Mack has a storied history.

“Dutch” Higgs and “Ferd” Fletcher faced each other on opposite sides of a 1938 courtroom. The outcome? A 1939 partnership in the old Bank of America building at Sixth and Broadway, only one of three major office buildings at the time that housed lawyers. Then, Henry Pitts Mack left Gray Cary Ames & Frye, joined the firm and added his name.

Today, Higgs has 75 lawyers and 23 practice groups — a full-service firm, with significant depth and the ability to deliver high-quality services to meet a multitude of

client needs. It finds itself at the Columbia Center, 401 West A Street. An earlier satellite office in Escondido closed in 1996 after 24 years.

According to Cologne, a turning point in the firm’s history was the firm’s 1999 merger with McInnis Fitzgerald Rees and Sharkey, itself founded in 1941. Higgs had transactional strength, McInnis, trial-lawyer depth; both shared San Diego legal community culture. As discussions matured, the fit seemed natural. All of McInnis’ 21 lawyers joined Higgs; many, like Cologne himself, remain. One testament to the success of the blending is that a former McInnis partner is now Higgs’ managing partner. In 2014, to celebrate the firm’s 75th anniversary and its commitment to San Diego, Higgs contributed more than 7,500 hours of community service.

One key, according to Cologne, to Higgs’ success — and an integral part of the firm’s culture — is its ability to adapt to change, and to engage in creative problem-solving geared toward client success and client expectations.

Another is that the firm allows its lawyers to work within their own culture and to achieve work-life balance. Yes, Higgs’ lawyers work hard, but with room for individuality. As he put it, “They work to live, not live to work.” Finally, the firm tries to provide a culture that allows each lawyer to fulfill her or his dream. “To be what you want to be.”

Cologne anticipates that during the next five years, the firm will continue to recruit top talent, by attracting lateral experience from other firms but also by recruiting young lawyers who can grow up within the firm and spend their careers there.

Higgs started a cyber security and privacy practice in 2015. Cologne sees that practice growing in depth and expanding, as well as other aspects of intellectual property, while the firm continues to reinforce its strength in real estate, tax and corporate law. As managing partner, Cologne is focused on “succession planning,” attracting the ideas of young lawyers who may have new ways of looking at things, so that the genius of tomorrow continues to contribute to the firm’s future.

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Procopio, Cory, Hargreaves & Savich LLP

Tom Turner is now in the 17th year of his two-year term as Procopio’s managing partner. Two lawyers, recently out of the Navy at the end of WWII — Alex Cory and Ed Schwartz — decided to team together in 300 square feet of the San Diego Trust and Savings building. Procopio, Hargreaves and Savich came along later.

Today, Judge Schwartz’s name now graces the federal court building; the San Diego Historical Society treasures its trove of Alex Cory memorabilia. The firm has 160 lawyers, of whom 42 are equity partners, with offices in downtown — five floors of Procopio Tower at 525 B Street — and Del Mar, Silicon Valley, Phoenix and Austin; it has just joined AMLAW 200, where it is ranked sixth in diversity. For example, 28 percent of its lawyers are women; 26 percent, diverse (women, and racial and sexual orientation minority groups); 20 percent, women partners.

Turner, who joined the firm in 1993 from Brobeck, Phleger & Harrison, singles out a critical point in the firm’s history. Some 25 years ago, the firm faced a substantial tension between older partners, including founders, and younger, rising stars — the kind of rift that has caused other firms to split asunder. The firm, then about 40 lawyers, worked through the issues, both financial and cultural, and not only survived, but grew — four-fold in the intervening years.

One move Turner attributes to the firm’s success is its engagement 20 years ago of a non-lawyer chief operating officer, Jim McPerkins, with both a Ph.D. and MBA.

Working closely with the managing partner and six-member management committee, Perkins' portfolio includes finance, human resources, administration, marketing and business development, information services and knowledge management, and with the firm's general counsel, he serves as co-chair of the firm's Office of Risk Management and Compliance.

For Turner, a key to Procopio's success is its ability to attract and retain "top drawer talent." About 90 percent of lawyers who join the firm laterally remain and thrive; the national average, on the other hand, is 50 percent or less. Turner attributes this both to financial attractiveness — the firm has managed effective cost and overhead control, contributing to partner profits — and to the firm's culture: it is warm and friendly; lawyers can develop a sense of themselves.

Procopio has also been able to deliver reasonable and cost-effective services to its clients, allowing it to compete with some of the largest and best-known firms in the country.

Another key is the firm's constant forward focus that Turner described as "dynamic" and "opportunistic" — looking for organic growth when the right opportunity presents itself. An example was the health care practice of Foley & Lardner that joined Procopio in 2007, now fully integrated and prospering.

Although the firm does not have a "summer associate" program, it continues to pursue young talent; it just hired six associates last month. Looking ahead five years, Turner sees the firm's growth plan as "strategic" — looking for opportunities that may present themselves — but also coherent with its existing practice areas and organic. Although its space will likely expand, Procopio will not pursue growth for its own sake, nor plant a flag in another city just to have an office there. The firm is committed to remain "Procopio," with its own distinct culture; it will not become the San Diego or West Coast office of some other firm. It sees its future in San Diego as "Procopio."



**Seltzer Caplan
McMahon & Vitek**

Three generations of lawyers, in the same firm, at the same time. As Seltzer Caplan's president Bob Caplan observed, unique

among San Diego firms — likely firms anywhere — they had Norman Seltzer, a founder; his son, Brian; and grandson, Matt, practicing together. Brian and Matt remain shareholders — Brian, the firm's Chief Operating Officer. Continuing the tradition, David Dorne, Business Department Chair, and his daughter, Hillary, also practice together.

Sixty-nine years ago, in 1948, Ben Rubin teamed up with Norman Seltzer and the firm began. Its early emphasis — and expertise — focused on real estate and land use law. Herb Solomon — later of Solomon Ward — joined them for a while. In 1960, Caplan was brought in; 1965, Jerry McMahon, chairman and litigation department chair — and long-standing leading light of San Diego's trial bar. Reg Vitek came a bit later. In 2000, the firm changed to its current name.

"Since the beginning, our keys to success and longevity in San Diego have been integrity, professionalism and stability."

As the firm grew, so did its practice — to include family law (a Norman Seltzer favorite); litigation; business; estate planning and tax law; intellectual property law; and cross-border issues. Housed in several buildings on Fourth Avenue — always built too small, according to McMahon, so that the firm found itself continually running out of space — in 1991 it moved to Symphony Towers where it remains.

McMahon remarked that the firm's many distinguished alumni include Judge Irma Gonzalez, former chief judge of the District Court for the Southern District of California — her husband, Bob Brewer, is currently of counsel to the firm; Superior Court Judge Patricia Garcia; and Jan Goldsmith, former City Attorney.

Key to the firm's success, Caplan notes, is that it provides its lawyers with the freedom to grow up and mature in their practices

at an early age and display their talent. Seltzer Caplan lawyers respect each other and, as McMahon added, many enduring friendships bind firm members, who strive to be as good a lawyer as each can be.

Time and changing practice have affected the firm and it has adapted. When once its litigation department was dominant, now its non-litigation practice — real estate; land use; environmental law; trust and estate; tax and business — predominate. This has come about because litigation itself has declined somewhat and, in particular, because of the ascendance of the firm's family law practice, with six lawyers now devoted full time to that practice. Caplan added, "Jerry pulls others in as he needs them."

Caplan sees steady growth for the firm, both through lateral acquisition as well as hiring new associates, including from its summer associate program. He sees the firm continuing to focus its practice in the areas where it has achieved expertise as it heads toward its 75th anniversary.



**Solomon Ward
Siedenwurm &
Smith, LLP**

The firm celebrated its 40th anniversary this year. On January 1, 1977, Herb Solomon (who at 85 remains an active partner) and four others (the late Bill Ward, retired attorneys Rick Seidenwurm and Paul Smith, and now-solo practitioner Gary Aguirre) located downtown and have stayed there, increasing from six (with the early addition of Norman Smith, substituted in as the "Smith" partner upon Paul Smith's retirement) to 33 lawyers today. Other noteworthy partner alumni include Edward McIntyre, Jeff Silberman, Hon. Bill McCurine (Ret.), Jerry Solomon, Michael Levinson, Cindy Eldred, Murray Bankhead, Jeff Schneider and former managing partner Miguel Smith. So, if your last name is Smith ...

According to current managing partner Dan Gardenswartz, the firm has increased its practice diversity to now include family law, intellectual property and technology, and electronic discovery and ESI services. Through the firm's support, partner Bill Kammer puts on regular ESI seminars for the legal community. The firm received the Law Technology News National Innovation Award in 2013, in recognition of its work to integrate technology into the legal

profession. "Even more important to the firm is our growing reputation for providing high-level legal services at a competitive cost," said Gardenswartz, citing the firm's investment in technology as one of the main routes to cost efficiency. "Also, the best way to compete with the largest firms is to be at least as good, if not better, with technology."

Gardenswartz, an employment litigator, says the days of paper-filled binders are numbered. "Everything is going electronic, and in the near future, jurors will have more electronic access to documents during trial, maybe sending questions to the judge. But the biggest change is the one I have no idea is coming. We just have to stay ahead of the curve and not be behind the eight ball."

When asked what the three long-term keys to the firm's success have been, Gardenswartz listed the high caliber and quality of lawyers and staff, loyalty to clients, and a vibrant and flexible business model, which minimizes partnership disputes and maximizes partnership profitability. He noted the clear path for associates to obtain partnership, saying that all of the firm's current leadership started as associates with the firm.

"In the next 10 years, and beyond, the firm will continue to provide outstanding legal advice to the next generation of entrepreneurs and businesses, while providing a winning balance of income and quality of life to our growing team," said Gardenswartz.

Wingert Grebing Brubaker & Juskie LLP

The origin of the firm starts 55 years ago, in 1962, as Carstens & Todd, and by 1974 evolved into Todd, Wingert & Grebing. In that year—with lawyers Ed Chapin and Mike Anello having come on board—William Todd was interviewing Alan Brubaker for a student law clerk position when Governor Ronald Reagan called to offer Todd a Superior Court judgeship. Todd took the position, and Brubaker became a firm law clerk, later a lawyer and now partner with the firm. According to managing partner Steve Grebing (whose father, Charlie, is the firm namesake "Grebing" and also a previous firm managing partner), law clerking was a pretty good path to take, as six of the current partners with the firm all

started as student law clerks.

The firm has also been a pretty good breeding ground for the judiciary. Besides Todd (Superior Court and then to the Fourth District Court of Appeals), other appointments include Mike Anello (Superior Court and Federal District Court), Tom LaVoy (Superior Court), Mike Orfield (Superior Court) and Jim Mangione (Superior Court).

There have been father/son pairings as well — both William Todd and his son (and firm partner) Chris Todd have been presidents of the SDCBA (they are one of multiple sets of father/son bar presidents) and are members of the American Board of Trial Advocates (ABOTA); and Charlie Grebing and son Steve are also both members of ABOTA (along with John Wingert and Alan Brubaker). According to Chris Todd, Bill Carstens left the firm and went on to become a successful real estate developer; more memorable to Chris was the fact that Carstens owned his own helicopter. No, Chris never got to ride in it.

Since its inception, the firm's primary focus has been and remains on civil litigation. The implementation of Fast Track in the 1980s

caused the firm to rapidly double in size, peaking with 48 lawyers in 1998 and adding a satellite office in Las Vegas. A steady downsizing, particularly with the departure of partners with certain specialty areas (notably construction defect and probate), brought the firm down to 13 lawyers.

"Since the beginning, our keys to success and longevity in San Diego have been integrity, professionalism and stability," said Steve Grebing. When asked where does he see the firm in 10 years, he replied, "Here and thriving."

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The firms that were contacted for this article were established in San Diego, have more than 25 attorneys and have been in business for over 20 years. The SDCBA highlights other large firms throughout this issue, in "Big Firms, Big Impact" on page 23, and in an article spotlighting our Diversity Fellowship Program on page 35.

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