



Surviving *the* Shipwreck

Former Heller, Thacher, and Thelen
lawyers offer advice and comfort to
Howrey associates. By VICTOR LI

Illustration By MICAH LIDBERG

Some Howrey associates were more fortunate than others. This winter, there were near constant reports in the legal press and the blogosphere (It's Howrey Doody Time, anyone?) about the firm's slumping financial performance and its steady stream of partner defections. Finally, in mid-March, the troubled firm decided to dissolve.

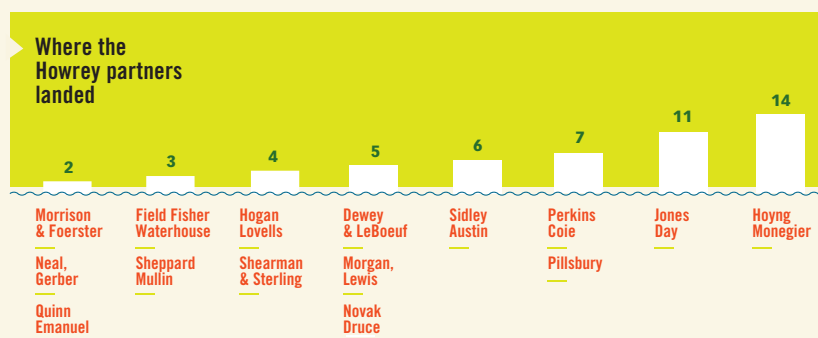
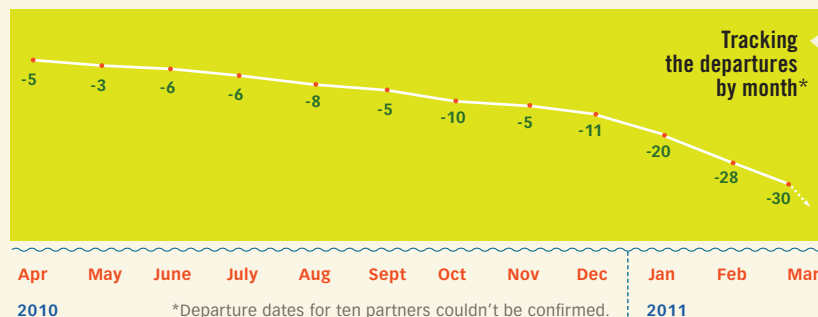
But one Washington, D.C.-based fourth-year associate who asked not to be named ignored the Sturm und Drang. He says he kept calm and didn't return calls from headhunters.

The associate hoped that his strong ties with the Howrey partners in his practice group would pay off, and that when they found jobs, they'd bring him along. He was right. After an Am Law 200 firm agreed to take on several Howrey partners in early March, that firm made an overture to him and other associates

WHERE HAVE ALL THE PARTNERS GONE?

IN APRIL 2010, Howrey had 297 partners and of counsel, according to an internal firm document provided to *The American Lawyer*. By the time the firm voted to dissolve, at least 147 of those attorneys had left. The charts below

examine, respectively, how the departures accelerated over time and which firms gained the most Howrey refugees. (The tally runs through March 9.) For a complete breakdown on who went where and when, go to americanlawyer.com/howreyscorecard.



Sources: *The American Lawyer* research and firm press releases

of young lawyers to find themselves in such a challenging situation. Their predicament mirrors the one faced by associates at Heller Ehrman, Thacher Proffitt & Wood, and Thelen, former Am Law 100 firms that went under between late 2008 and the end of 2009. What can this new group of associates learn from them?

First, say veterans of previous big-firm break-ups, it's important to determine whether following a partner to another firm is an option. It's "not always the partner's decision," warns Scott Andrews, a former litigation associate at Heller Ehrman who went, on his own, to Farella Braun + Martel, a midsize San Francisco-based firm focusing on transactional and litigation work. "If the firm [the partner is] going to already has underutilized associates, then that firm will be reluctant to absorb additional associates."

But it never hurts to ask. Christopher Lewis, a former Thacher structured finance partner who was at the firm until it disbanded in December 2008, tells the Howrey associates, "Now is the time to swallow your nervousness and have that conversation with the partner." Lewis adds, "You have to ask yourself: 'What is more important? Being nervous or being out of a job?' Once you look at it that way, then you usually find your inner strength pretty quickly." Lewis used his firm connections to look for—and land—a new position. A former Thacher partner who had moved to Edwards Angell Palmer & Dodge invited Lewis to a Christmas party. At the party, the ex-coworker introduced Lewis to his brother, the CEO of Alaric Compliance Services, LLC. The two hit it off, and Lewis is now Alaric's general counsel. He tells the Howrey associates, "Make a list of everyone you've ever worked on a deal with, everyone you went to school with, everyone you know, and reach out to them. You want to rely on your armada of skills. Maybe you can rediscover a practice area that you had drifted away from. Maybe you can look at nonlaw jobs."

One junior Howrey partner who took a job at a new firm right before Howrey's March dissolution vote says that he was introduced to his new firm by a client. "I got very comfort-

in his practice group. The fourth-year started at his new firm on March 16.

Still, it was a long winter. "By mid-February, when it seemed like things were changing by the hour," the fourth-year says, "I definitely wished that I had taken a few headhunter calls to have a more definitive Plan B." How did he remain so calm? "I had faith that it would all work out," he says. "Maybe it was naive, but I felt like I'd be okay."

count, the firm had 345 associates.) Peter Gilhuly, the Latham & Watkins bankruptcy and restructuring partner advising Howrey on its dissolution, says that the firm is making every effort to help associates and staffers find new jobs.

The American Lawyer contacted more than 40 current Howrey associates for comment. Almost all declined to be interviewed. But the Howrey lawyers can take a small measure of comfort in knowing that they aren't the first group

More than 100 Howrey partners and of counsel have found new professional homes in the last several months [see "Where Have All the Partners Gone?" above]. But dozens more are still looking. Howrey associates also have a long road ahead of them. When the dissolution vote was taken March 9, 155 associates were still with the firm, according to a Howrey spokeswoman. (In September 2009, at its peak head

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able [quickly with the new firm] and decided to move," he says. The junior partner says that he has been approached by a few Howrey associates hoping to follow him to his new firm.

The Howrey associates have a host of other issues to deal with. One pressing question: How do you spin the fact of having a failed firm on your resume? "Law firms are very practical institutions," says former Thelen partner Lewis. "I think they understand that associates are innocent here. It's like how you can't blame children for the sins of the parents. I don't know of any partner that would hold it against the associate. If a firm has needs, then it will see this as an opportunity to add good associates to their ranks."

Florence Frey, an Alexandria, Virginia-based legal recruiter and co-owner of Frey & Sher Associates, Inc., agrees, saying that midlevel associates with good training in practice areas for which firms are hiring will have the same chances as they would if they were coming from another firm. "Firms know that Howrey dissolved and that associates need to find jobs," says Frey, adding that she is helping a few Howrey associates in their job search.

Adam Bergman, a former Thelen tax associate, notes that while finding new jobs is obviously a priority for the Howrey associates, they shouldn't forget other practical matters. For example, Bergman believes that when Thelen laid him off, it violated the federal Worker Adjustment and Retraining Notification Act (WARN), which requires employers to pay employees for 60 days following notice of a mass layoff or dissolution. Bergman sued Thelen, its partners, and several firms that took on Thelen lawyers in November 2008, alleging that he wasn't compensated for lost vacation time and was paid for only 30 days. The suit was dismissed in November 2009, though a claim for money owed is pending in Manhattan bankruptcy court.

Bergman also has another bit of advice for those who find themselves in the position he was in not so long ago: Watching your job evaporate offers an opportunity for taking stock. The death of Thelen led Bergman to realize that he simply didn't want to be a lawyer anymore and led him to open his own tax and financial consulting firm in New York and Miami Beach. "Who knows? If Thelen didn't go under, I might be sitting in a law firm now, doing tax research and working all night," says Bergman. "Instead, I'm doing something I like."

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A Stan the Man Fan

IN FEBRUARY, PRESIDENT BARACK OBAMA presented baseball great Stan Musial with the presidential Medal of Freedom. It was Musial's second White House visit—and DLA Piper of counsel John Zentay was there both times. In 1962, Zentay was a 30-year-old aide to Missouri senator Stuart Symington, assigned to show Musial around the nation's capital—a tour that included an impromptu stop at 1600 Pennsylvania Avenue. Bar Talk spoke with Zentay, 78, who attended this year's event thanks to his DLA colleague, former U.S. senator Tom Daschle, about his ties to "Stan the Man." What follows is an edited transcript. —Ross Todd



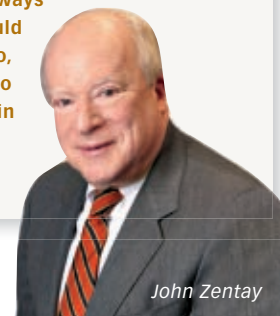
I GREW UP IN ST. LOUIS. My grandfather, who owned a minor league baseball team when he was a young man, started taking me to baseball games when I was probably 5 years old. So I saw the old St. Louis Cardinals, the last of the "Gashouse Gang," and of course I saw Stan Musial many times. I got to know him a little bit in St. Louis because my uncle and my cousin were friends of his.

The All-Star game was held in Washington in July 1962. Stan Musial was a friend of Senator Symington, and he had given the office about eight or ten tickets for the game, so a group of us went. Stan got a hit as a pinch hitter, as I recall. The next morning I was sitting at

my desk between 9 and 9:30. The senator's secretary called and said, "Can you come to see the senator?"

I walked in, and there was Stan Musial and his wife, Lil, and his daughter. The senator threw me the keys to his convertible and said, "Take Stan around town for the day, would you?" And I said, "I think I can fit that in." And [the senator] said, "Your first appointment is with Bob Kennedy." So we went down to the Justice Department. We had senatorial license plates, so it was pretty easy to park anywhere. We parked down at the Justice Department, saw Bob Kennedy, then got an FBI tour. As we were leaving, Bob said, "Would you like to see my brother down at the White House?" And Stan Musial, being the typical Stan Musial, said, "Oh no, no, no. We can't bother him." And I said, "Stan, we're going to the White House."

At three o'clock we were ushered in to the White House, and we were sitting in the Cabinet Room, and in walked Jack Kennedy. We walked into the Oval Office and the photographers came in. I had known Jack Kennedy from the Hill a little bit. Our offices were nearby, and he had worked with Symington on a few things. One of the things I've always remembered is that the president said, "John, would you like to be in the picture with me?" I said, "Oh no, no, no, no. I'm one of those shy, retiring staffers, so I'm not in that picture. This is one of those things in life that you wish you could redo."



John Zentay