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Schiff Hardin to Merge With S.F. Litigation Boutique

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After nearly 25 years of going it alone, San Francisco litigation firm Morgenstein & Jubelirer will combine with Chicago's Schiff Hardin.

The merger, announced Thursday, is effective in January.

Serving clients such as the now-defunct firm Brobeck, Phleger & Harrison and companies like glass container manufacturer Owens-Illinois Inc. and Newell Rubbermaid Inc., Morgenstein is known for its top-notch trial lawyers who deliver at lean rates.

In 2003, the firm reported an hourly range of between \$170 and \$365, or about half of what many top Bay Area litigators charged at the time. Founder Eliot Jubelirer said the firm's rates have since gone up to keep pace with inflation and associate salaries, and top partners now bill up to \$425 per hour.

But despite this business strategy, Jubelirer said his 35-lawyer boutique was missing out on larger litigation.

"Sometimes you get overlooked by companies," he said. "Either they don't know about us, or we don't get considered because we are thought of as a regional firm."

Schiff is a general practice firm with 360 attorneys who handle everything from commercial litigation and intellectual property to sports and entertainment, product liability, environmental and international law.

In the past five years, Schiff opened offices in New York and Atlanta. Its profits per partner have gone up from \$555,000 in 2003 to \$685,000 last year, a 23 percent increase.

According to Schiff managing partner Ronald Safer, the West Coast has been a gap in the firm's growing national presence and Morgenstein, with its "broad-based litigation experience," was too attractive to pass up. Morgenstein focuses on general commercial litigation, asbestos defense, labor, intellectual property, construction and antitrust cases.

"M&J was such a desirable firm to join with that we went where they were," Safer said. "These are litigators of the highest quality with a stellar reputation."

Morgenstein will take Schiff Hardin's name and the combined firm will have offices in Chicago, Lake Forest, Ill., New York, Washington, D.C., and Atlanta, as well as San Francisco.

Safer said that there are no plans to relocate Schiff attorneys to the San Francisco office. Instead, the Bay Area beachhead will expand through recruitment of local talent, he added.

The two firms have a long history of co-counseling and share a number of clients, including Owens-Illinois and Newell Rubbermaid. The firms' leaders also say they share a management philosophy built on consensus and a no-debt financial policy.

"The biggest hurdle was the loss of our independence," Jubelirer said.

Although smaller firms sometimes merge to stay alive in a market that seems to favor larger firms with recognizable names, observers say Morgenstein's marriage likely is based on an opportunity to grow, rather than mere survival.

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John Bartko, partner at 37-attorney litigation and real estate boutique Bartko, Zankel, Tarrant & Miller, said he's not surprised Morgenstein has been snapped up. "I know they're a good small local firm with good clients and they'd be attractive," particularly to national firms looking for an entree into the Bay Area market, Bartko said.

Keker & Van Nest managing partner Christopher Kearney voiced a similar notion.

"Rather than suggesting that small firms can't survive in this market, it may be an example of a trend of larger firms from outside the area seeking to establish a presence here and a local firm taking advantage of that," he said. "In other words, a merger more out of strategic opportunity than necessity."

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