

Search Top Stories:

Register for Law.com Newswire | Legal Blogs | Newsletters | RSS Feeds

Bingham McCutchen Finalizes Swidler Berlin Acquisition Agreement

Anna Palmer
Legal Times
03-01-2006



Bingham McCutchen's
Jay Zimmerman
Image: Jason Doiy / The Recorder

Boston-based Bingham McCutchen completed an agreement Tuesday to acquire Washington, D.C.'s Swidler Berlin, a month earlier than expected.

"It was just an easy deal," says Jay Zimmerman, chairman of Bingham McCutchen, of the timing. "We encountered no problems. Everyone was really enthusiastic and wanted to start working together as soon as possible."

The merger almost triples Bingham's D.C. head count, adding 115 Swidler lawyers to the firm's 60-lawyer Washington shop. It also expands Bingham's D.C. practice areas, from primarily Securities and Exchange Commission-related issues to telecommunications and lobbying.

Firm representatives say Barry Drenfeld, managing partner of Swidler Berlin, and Neal Sullivan, managing partner of Bingham's Washington office, will act as co-managing partners of the combined D.C. office. The Swidler Berlin name will not be part of Bingham's Washington operation.

"Barry and Neal developed a great relationship during this process. ... They bring very complementary strengths," says Zimmerman.

Drenfeld and Swidler telecom guru Andrew Lipman will also occupy two new seats on Bingham's now 18-partner firm committee, which functions as a board of directors.

The deal, which had been in the works since October, ended up conflicting out two of Swidler's most lucrative practice groups, which left the firm earlier this month. The 10-person bankruptcy group went to Orrick, Herrington & Sutcliffe, and the 12-person insurance group joined Heller Ehrman.

Swidler's two-partner merger arbitration practice, which advises clients on potential merger risks, also opted not to join the combined firm. Robert Jacobs and Thomas Belles opened their own firm, Rock Creek Partners, earlier Tuesday.

"It's a great deal for the firm, a great transaction. We personally considered long and hard if we should go over," says Jacobs, former chair of Swidler's arbitration practice. "There were some business conflicts, and [we] decided this practice can stand alone."

Jacobs and Belles say they expect to work jointly with Swidler lawyers for a couple of clients but will mainly continue advising clients separately on antitrust and corporate regulatory issues.

The Harbour Group, a wholly owned subsidiary of Swidler Berlin since 2001, will also be spun out on its own. The consulting shop has shared lucrative lobbying clients, including the Asbestos Study Group and the Major League Baseball Players Association, with Swidler, but now plans to focus solely on public relations.

"Our fundamental practice for the last 15 months has been the communications piece," says Richard Marcus, managing director of the Harbour Group. "The lobbying thing was narrowly focused in terms of the work Thurgood [Marshall Jr.] was doing."

Swidler partner Marshall became co-managing director at the Harbour Group in early 2005 after Joel Johnson, a former Bill Clinton aide, left to start the Glover Park Group, taking with him \$1.3 million in lobbying business and four of the Harbour Group's midlevel

Top Stories From Law.com

Legal Technology

[Blogging Profs Assault Ivory Tower](#)

In-House Counsel

[In-House SEC Gatekeepers Should Watch Their Backs](#)

Small Firm Business

[The Growing Pains of an IP Practice](#)

ADVERTISEMENT

Free Articles
Free White Papers
Free Downloads

Register for **FREE Newsletter**
Legal Technology Bulletin
Exclusively from Law.com

LexisNexis
Martindale-Hubbell[®] Lawyer Locator

Last Name

First Name

Select State/Province

Select a Country

Select Practice Area

[Help](#) | [About Lawyer Locator](#)

lobbyists.

The merger ends the final chapter in Swidler's tumultuous 24-year history. Formed in 1982 by Joseph Swidler and Edward Berlin, the firm hemorrhaged badly in the years after the tech bubble burst, going from 233 lawyers in 2001 to 171 lawyers in Washington, D.C., in 2004. More recently, the firm has been plagued by mass defections, most notably losing its entire New York office to Dechert in January 2005. That loss came after merger negotiations with Orrick stalled and a 14-lawyer energy group jumped to Alston & Bird.

Despite opening a D.C. office in 1981, Bingham has remained a small-time player in Washington. In recent years the firm has focused on hiring laterally, adding SEC lawyers and a four-partner intellectual property group.

The deal to get Swidler is in keeping with Bingham's acquisition-based growth strategy under Zimmerman, who has engineered the takeover of six firms since 1997. Zimmerman says he doesn't expect the firm to slow down anytime soon.

"We plan on and need to grow in New York and expect some reasonable growth in London," says Zimmerman.

But digesting the merger in Washington is a top priority for Swidler's Drenfeld.

"The challenge is to really become one [firm] as fast as possible," Drenfeld says, "to really understand one another, work together, and really understand resources and talent already embedded."

[Ads by Goooooogle](#)

[Advertise on this site](#)

[M&A Integration Strategy](#)

Leading practices in transactions. Sign up for the E&Y webcast today!
webcast.ey.com

[The M & A Process](#)

How to Sell for the Most Profit Selling is a Process not an Event
www.gwequity.com