

Where Do Good Lawyers Go When They Need a Good Lawyer of Their Own?

“People can be brilliant attorneys, but when it comes to their own issues, smart lawyers recognize that they need counsel with the specific expertise necessary to help them present their case,” said Clifford Robert.

BY BRUCE LOVE

What You Need to Know

- When Perkins Coie’s Michael Sussman was indicted by the DOJ, he called Latham Watkins.
- Latham is one of a number of firms well known as the lawyer’s lawyers, as is Gibson Dunn, Steptoe and boutique Robert & Robert.
- Lawyers looking for representation want not just top-flight litigators but also people with good connections and understanding of the judiciary and investigators.

Like anyone facing charges from the federal government, last week Michael Sussman needed a lawyer—fast.

Yet unlike the average person who often has no understanding of where to go to find a good attorney, Sussman—a lawyer himself—knew exactly who to call.

On Sept. 15, the Perkins Coie partner was [indicted by Department of Justice special counsel John Durham](#) for allegedly lying to the FBI during a September 2016 meeting about Russian hacking of the Hilary Clinton presidential campaign’s servers.

He went where a lot of lawyers go when they’re in need of a lawyer: Latham & Watkins partners Sean Berkowitz and Michael Bosworth.

Berkowitz and Bosworth went immediately to their client’s defense, [telling press](#) that Sussman is a “highly respected national security and cyber security lawyer, who served the U.S. Department of Justice during Democratic and Republican administrations alike. ... [He] has committed no crime. Any prosecution here would be baseless, unprecedented, and an unwarranted deviation from the apolitical and principled way in which the Department of Justice is supposed to do its work.”

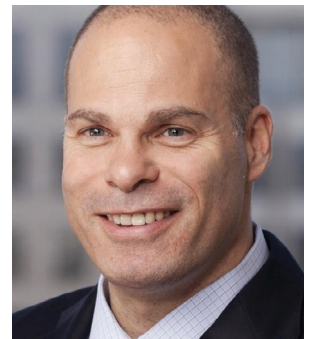
The statement was aimed squarely at Durham—one of the last remaining Trump appointee holdouts at the DOJ—suggesting his motives for going after Sussman were political.

Berkowitz, based out of Chicago, is the global chair of the firm’s complex commercial litigation practice, while Bosworth co-chair Latham’s New York litigation and trial department.

The two lawyers have a reputation as top-flight trial attorneys in a wide range of litigation areas—white-collar crime, civil and criminal defense, complex commercial litigation, securities litigation and corporate governance.

They are also, as people in the know say, “seriously hooked up”—meaning they have good connections in the halls of power.

Before joining private practice, first at MacAndrews & Forbes and then Latham & Watkins, Bosworth was deputy counsel to President Barack Obama and a special counsel to the director of the FBI. He also spent five years in the U.S. Attorney’s Office for the Southern District of New York, rising to the ranks of co-chief of the complex frauds unit. Early in his career, Bosworth did three highly sought-after clerkships—U.S. District Judge Jed S. Rakoff in the Southern District of New York, U.S. Circuit Judge Robert A. Katzmann of the U.S. Court of Appeals for the Second Circuit and Associate Justice Stephen Breyer of the U.S. Supreme Court.



Sean Berkowitz, partner at Latham & Watkins.

One lawyer with knowledge of Bosworth's career said, as well as being a "superb" litigator, there were few people at Justice and the federal courts that Bosworth did not know.

Pre-Latham days, Berkowitz was deputy chief of the general crimes section for the U.S. Attorney's office in the Northern District of Illinois. He was a director of the special task force that investigated Enron and lead prosecutor against Enron execs Kenneth Lay and Jeffrey Skilling.

For many Big Law litigators, it's no surprise Sussman—himself a formidable litigator—asked Bosworth and Berkowitz in particular, and Latham generally to represent him in the upcoming matter. Over the years, Latham has gained a reputation as one of the go-to firms that lawyers themselves use when caught in a bind.

Recently, Latham has represented other firms including Brown Rudnick in a [malpractice suit](#).

Bosworth and Berkowitz declined to comment for this article.

Another firm at the top of the list is Gibson Dunn, who in the Sussman indictment has apparently been hired by Perkins Coie. Joe Warin, a partner in the firm's D.C. office, is said to be a go-to for many lawyers and law firms in need of counsel.

Warin chairs Gibson Dunn's 200-person litigation department in Washington, D.C., as well as the firmwide white-collar defense and investigations practice group. Early in his career as an assistant U.S. attorney, Warin prosecuted more than 50 jury trials.

Yet like Bosworth and Berkowitz, Warin does not specialize in representing other lawyers. In fact, he is

more likely to appear in high-stakes securities and RICO claim lawsuits, hostile takeovers and commercial disputes. Yet his skill and deep contacts are what bring other law firms to his door when they themselves need legal counsel.

Gibson Dunn did not reply to requests for comment prior to publication.

One New York-based lawyer contacted for this article said that there are usually three reasons other lawyers or law firms themselves need lawyers. The first is, like in Sussman's case, they need to defend themselves against criminal charges. The second is when they are defending against sanctions or other professional allegations, such as malpractice. The third is when, during the course of a trial, they run up against problems with a particular judge and need someone to help them out of a fix.

"Whatever their practice area, lawyers who represent other lawyers usually have one thing in common: They're well connected," said one lawyer who requested to remain anonymous because he often represents other lawyers. "Representing other lawyers is about being a good litigator. But it's also about knowing the venue and the players—whether that's a particular bench, or the way a certain agency or department's investigators operate. Lawyers need an inside track."

Arnold & Porter were in just such a situation last month when the firm was [facing civil contempt charges](#) in one of the ongoing civil matters against opioid-makers. In that case, court documents reveal that, at various times during the proceedings, Arnold & Porter hired James Catterson of Pillsbury Win-



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throp and Clifford Robert of Robert & Robert—two storied New York litigators known to be able to help other lawyers out of a jam.

Catterson declined comment for this article.

Along with Gibson Dunn, Robert & Robert and Latham & Watkins, Steptoe & Johnson is another firm known for representing lawyers in trouble. Steptoe has professional liability practice run by the firm's former chair, Roger Warin. Warin, along with Steptoe colleagues Charles Michael and John O'Connor, represented Arnold & Porter last month, and the practice has made a name for itself as a go-to for lawyers in trouble.

Steptoe did not reply to requests for comment for this article.

For Clifford Robert, representing other lawyers is now about 75% of his practice. Robert started out as a personal injury lawyer and is known in the New York plaintiffs bar as a top litigator. He said representing other lawyers is both challenging and rewarding.

"People can be brilliant attorneys, but when it comes to their own issues, smart lawyers recognize that they need counsel with the specific expertise necessary to help them present their case," said Robert. "One of the things that we are very good at is understanding our clients' businesses and how that intersects with the unique challenges facing attorneys and law firms when they are parties, rather than advocates."