
Of Counsel *Interview* ...

A Decade after Leaving BigLaw, Two Partners Continue to Lead a Thriving Boutique

Not many lawyers do what Jim Bennett and Edward Dowd did in 2006: Leave a well-known, highly profitable firm that dominates its regional market, has a stellar reputation for its broad national practice, and reaches into Europe and Asia with offices that serve many big-name global clients—to set up their own two-person litigation boutique.

But they did just that, saying goodbye to their partners at St. Louis-based megafirm Bryan Cave to found Dowd Bennett. While they hired two other lawyers shortly after launching, Dowd and Bennett operated their practice for several months with just four attorneys. This year, with 26 attorneys and a bustling practice that handles high-stakes litigation cases for high-profile clients across the country, from their St. Louis office, the firm celebrates its 10th anniversary.

Over the last decade, the partnership has done very well, racking up an impressive won-loss record, sailing through the recession without a hitch, contributing to the community with more than one-third of the attorneys sitting on commission and non-profit boards, and winning many distinctions, including “Best Places to Work” and highest starting salary. Recently, the firm received the largest reported verdict in the history of St. Louis County Circuit Court, nearly \$78 million, when they represented Barbara Burton Morriss in a case against Wells Fargo bank.

The underpinnings of their success come from the experience and expertise Bennett and Dowd offer clients. Bennett clerked for Supreme Court Justice Anthony Kennedy before going into private practice at Bryan Cave. Dowd served as a United States

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Attorney, and in 1999–2000 he assisted Sen. John Danforth in the headline-grabbing investigation into the government’s actions in the Branch Davidian disaster in Waco, Texas; he, too, went on to private practice after his service in the government.

Danforth, who also worked for Bryan Cave after leaving the Senate, joined Dowd Bennett last year, further enhancing the firm’s depth and reputation. “Dowd Bennett is a wonderful place to work,” Danforth says. “These lawyers are excellent at what they do and the record shows that. And, Jim and Ed are excellent law firm leaders and have built a very collegial culture that’s more like a partnership and less like the type of business enterprise you often see at some large firms.”

Recently, *Of Counsel* spoke with Dowd and Bennett about their careers and their firm. What follows is that excerpted interview.

Taking Cases to Trial

Of Counsel: Jim and Ed, what was the impetus for both of you leaving Bryan Cave, a large prestigious law firm, to form your own firm?

Ed Dowd: Jim and I had worked together on a number of cases and enjoyed working together. Although we loved Bryan Cave and still have a tremendous number of friends there and do a fair amount of work with them, we thought it would be fun to have our own law office, hire everybody, and make major decisions ourselves.

Jim Bennett: I also wanted to have a firm that was focused on litigation in a more narrow area and have more specialty than trying to be a full-service firm across the country.

OC: I know that you both work on high-stakes litigation, as do your partners and associates. If you’re at a cocktail party and someone asks you about your law firm—and let’s say they know at least a little bit about the legal profession—what do you tell him or her?

JB: I think that our law firm handles a wide variety of cases in a lot of different areas of litigation, mostly ones where the client has an interest in actually trying the case. We attempt to be involved in cases that matter a lot to our clients, where they’re paying close attention to the cases, where there can be creative strategies and decisions made collaboratively with them, where the cases are not commodities or are of the type that the client routinely faces.

OC: Ed, how would you characterize your firm?

ED: Well, I agree with what Jim said. We do frequently represent companies that have other lawyers as well, and they will bring us in if they’ve got a particularly interesting, significant case.

OC: When you opened your firm 10 years ago, what did you find was the most challenging aspect of hanging out your own shingle and running a law firm?

JB: Happily, the major challenge we faced was simply getting the infrastructure of the firm up and running, finding a leased space, making sure that we complied with our obligations to our clients and partners at our old firm, getting the place hooked up to communicate, and then contacting clients in the agreed-upon way with our former firm. Once we got set up, things really took off the moment that we opened up the door, with clients choosing to have us continue to help them out. So we did not have a big lag time once the office was opened, but Ed and I did have a hard time in the months leading up to it, figuring out how to get it set up.

ED: The interesting thing about that is, when you leave your old firm, you’re not

allowed to talk to any of your clients. You can't mention that you're considering leaving. So when you tell your friends and management at your old firm that you're leaving you actually don't know if you have a single client. That's always kind of entertaining [chuckling]. Then we sent the letter out to our friends [clients] at Bryan Cave and every client came with us. So we were, as Jim said, running as fast as we could, and we tried a four-month case very shortly after we opened.

OC: I know that each of you have great reputations, both regarding your work in government and in private practice. So I'm guessing that your collective reputation is what brought those clients that you serviced at Bryan Cave to Dowd Bennett. Did any of the clients say that they were looking forward to working with you in a small firm that was, perhaps, more nimble? Did they say anything like that, or was it simply the pull that you had as experienced attorneys?

ED: We have quite a few clients who select us when they have a case that they anticipate will be tried. A lot of lawyers litigate for two or three years but hardly ever try a case. We've tried a lot of cases here, and we've had a lot of success.

JB: When we started off, we only had two lawyers for few days and then four lawyers for a few months. So it didn't take that much to keep us all busy. I think the clients were looking for us to be able to direct our efforts in what we specialize in, in a smaller environment, and nimble might be the right word, or might not be. Certainly, we are highly focused on their particular issue and not with any issues surrounding the firm or internal law firm politics. We've never had that here.

OC: During the recession I talked to a lot of attorneys at midsized or smaller firms who talked about how their workload picked up, primarily because clients wanted to find better value than what the large firms offer. How did the recession treat you?

JB: I don't think that we were ever adversely affected by the recession. We had cases that started before the recession and ended after the recession so we were able to continue running without a hitch. I do think that the recession caused a lot of law departments to take a fresh look at who they were using and I think we've benefited tremendously from that. We feel that, if we get the chance to be considered on an even basis, we'll often get hired for cases, even if our competition is a big firm. I think that the whole idea [of inside counsel asking], "Are we getting value for what we are paying?" caused a lot of clients to decide to go with us.

OC: Ed, you worked with Sen. John Danforth and of course he's with your firm now. To what extent does hiring him benefit your firm?

ED: Well, you know, I was Jack's deputy on the Waco investigation back in 1999 and 2000 when we were investigating the government for what happened [regarding the Branch Davidians in their Waco compound]. Of course, we worked with him at Bryan Cave, Jim and I both did, and we've been close ever since. He's just a great guy to have here and I think he's really enjoying it. He loves being around our lawyers, most of whom are fairly young, at least from my perspective and Jack's perspective. I think he loves the energy level here and we love having him here. He's been great in every respect, for morale and in attracting new business. He's a great guy and a fantastic lawyer.

Experience Appeals to Clients

OC: Jim, how does your service clerking for Justice Kennedy attract clients? I have a second question that may be even bigger and that is: What did you draw from that experience that you use every day?

JB: For clients, I think it is an item on your biography that gives them tremendous comfort, especially many of our clients who are not from St. Louis and wonder if a St. Louis

law firm can handle their cases around the country. There are also, obviously, a group of people who have similar experience and have gone on to do things in the legal profession, which puts them in the position to refer cases to me and hire us for cases. So I think it's a little bit of a security blanket for clients who aren't from here and don't necessarily know me right away.

I really enjoyed clerking for Justice Kennedy, and I learned a lot from him in terms of taking your time, using judgment, and having truly independent thinking in how you look at cases. I try to keep that with me and not jump to any sort of conclusion. I'll look at everything closely and ask myself, "Am I thinking this just because it's the easy thing to think about, or am I thinking this because I considered all of the ramifications and different positions and have reached what I think is the right one?"

In addition, the main thing I remember about my job as a clerk was being paranoid that I was going to screw something up, [laughter] and that there'd be a petition for reconsideration that would point out my mistake. So I think I also picked up quite a bit of attention to detail.

OC: Thank you, Jim. I want to ask you something similar, Ed. To what extent does your experience and your success as a US Attorney bring in clients?

ED: I was an Assistant US Attorney for five years, and I handled every kind of case you can imagine, from extortion and murder to mail fraud and drug conspiracies. I think I really learned how to put cases together, and as Jim said, look at all of the facts, and then reach my conclusion about where I'm going with the case—not jump to conclusions and try to twist the evidence to fit that conclusion.

That [experience] combined with being a US Attorney for six years and doing the Waco investigation as Jack Danforth's deputy does give people a certain confidence

level, especially if they're from the East Coast or California or really anywhere that's not here. It helps show that I know what I'm doing and know how to do it. I think that gives clients a sense of comfort.

OC: What about the legal skills that you gained during your government experience that now apply to help clients in private practice?

ED: The biggest thing, of course, if you're in the Department of Justice and in the US Attorney's Office is trying to be fair to everybody and not just trying to defeat other lawyers. Here, that comes into play in terms of determining what the right result is: Should this case be tried? Should it be settled? You're obviously doing everything you can for your client, but you're making suggestions to them about what would be fair in each situation. That's something you think about regularly and becomes part of how you analyze everything.

Key Attributes in New Hires

OC: I want to shift gears here a little bit. A lot of our readers are managing partners, practice group leaders, people who are decision-makers at their law firms. Of course, one of the things law firm leaders have to do is hire people, the right people. What is it that you two look for when you bring on either a lateral or a young attorney? Of course, you're looking for smart attorneys, but is there anything in particular at Dowd Bennett that you want in your hires?

JB: I'll answer first, I guess, from the perspective of being more involved in hiring the younger lawyers. When we're looking at law school graduates, or recent law school graduates, we of course need for the person to have the academic brainpower to do the job. That's a minimum qualification. We work very hard to find the right people, which is one thing you can't coach or mentor or teach.

But after that I think we're looking for people who really give a collaborative effort

at the firm and chip in and do what it takes. We don't keep track of statistics at all and we don't have any bonuses or measurement that's based on anything other than the overall performance of the firm. We want to have a culture where everyone will chip in and do the work, from menial tasks like making sure that the trial supply box is properly filled up to the most sophisticated legal work in the case—and not really care which one they're doing for the team. So I spend a lot of time trying to make sure that we're not going to have anybody here who looks down on certain jobs or doesn't totally jump in and help with whatever's happening in the office that needs to get done.

ED: We also look for people who have clerked for judges, Missouri Supreme Court judges, court of appeals judges. The vast majority of our lawyers have either clerked for a federal district court judge or a court of appeals judge. Jim and one of our other lawyers clerked for a Supreme Court Justice; Mo Blase [Rosemarie "Mo" Blase] clerked for Justice Rehnquist. Or they have been Assistant US Attorneys. We have another former US Attorney here, Jim Martin, who was a US Attorney for 20 years. We have a lot of people who have done [government work] as well as worked at large firms and have a distinctive work ethic.

I never in my life ever asked anybody who worked with me or for me to work harder than I do. The people who we hire are self-starters and really want to do the best job they can for the client. We hire people who are really smart and have a great work ethic, but we also want to have people who we can really have fun with. You literally will spend

two months at 15 hours a day, every day of the week, and weekends while you're getting ready to try a case and you really want to be careful who you're going to hire because you're going to be spending that much time with them. That's worked out beautifully here.

OC: Is there anything that you wanted to add about Dowd Bennett?

JB: I think that the last 10 years have taught us that practicing law can be a lot of fun if you have really nice clients who you have a partnership relationship with and if you manage to attract to your law firm people with the same collegial attitude.

ED: I think one thing that's different here than at a lot of firms, particularly large firms, is that there's no competition among the lawyers here. We're all on the team, working together. Everybody, I think, loves being here and working on our cases for clients. They're not judged on how much business they bring in. It's just strictly a matter of doing the best job for your clients on every case. If we do that, we'll have a lot of fun here and do a good job of practicing law.

One more point. One of our focuses here from the very beginning has been to be very diverse. We are both committed to that. I was taught that by my father and that was a focus of the US Attorney's Office and everywhere I've been. We do have a lot of women lawyers here, women partners, and other minority representation, both as partners and associates. We're proud of that. ■

– Steven T. Taylor