

# The Washington Post

MONDAY, FEBRUARY 17, 2014

## CAPITAL BUSINESS

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### Boies law firm takes 'vigorous focus' to D.C.



Jeffrey MacMillan/Capital Business

#### ATTORNEYS WITH STAR POWER

Firm adds White House, FTC lawyers, and crisis and government group

By CATHERINE HO

**T**he law firm run by David Boies — the star lawyer who helped strike down bans on same-sex marriage in California and Virginia — is raising its profile in Washington.

Boies Schiller & Flexner has added a new crisis management and government response group and a trio of lawyers from the Obama administration, including the Federal Trade Commission's top antitrust enforcer.

The national litigation firm, founded in 1997, is no stranger to Washington. Boies famously represented Al Gore in *Bush v. Gore*, the Supreme Court case that decided the outcome of the 2000 presidential election. Co-founder and managing partner Jonathan Schiller, known for representing Barclays in the bank's

**ON BOARD:** Jim Denvir, from left, Karen Dunn, Mike Gottlieb, Heather King and Rich Feinstein at the Washington office of Boies, Schiller & Flexner. The firm is seeking to grow its presence here with a crisis management and government response group.

LIBOR settlement and the Lehman Bros. bankruptcy, spent the first three decades of his legal career here before moving to New York in 2002.

The firm's top leadership and biggest office is in New York, but its leaders say Washington is playing an increasingly critical role in their clients' matters because of the growing need to interact with the federal government. Since late last year, the firm has been adding star power to its D.C. office, starting with former White House associate counsel Michael Gottlieb who joined in October. He was followed by Rich Feinstein, who led the Federal Trade Commission's Bureau of Competition from 2009 until last December. And last week, former White House lawyer Karen Dunn, who was part of Obama's debate prep team in 2012, signed on as well.

Boies Schiller is known as the go-to law firm for high-stakes, high-profile litigation — what executives and corporate lawyers call “bet the company” cases. Its renewed focus on Washington is a sign they recognize that corporations —

especially the financial institutions the firm represents — increasingly have to deal with government agencies and congressional investigations as part of their legal skirmishes.

“It is a renewed and vigorous focus,” Schiller said. “Under the president, the regulatory enforcement activity has increased across the board, and that requires greater understanding and representation in Washington.”

“It's very hard to imagine a big piece of litigation these days that doesn't have interplay with a government regulatory agency or government investigation or congressional inquiry,” Dunn said.

Schiller cited the seminal case against Microsoft as an example of where the firm plays, at the intersection between the courts, the media and the government. Boies represented the Justice Department when the government in 1998 brought its case against Microsoft, alleging the company used its monopoly in operating system software to quash competition.

“That was a major case that involved a variety of important fora, including

the media,” he said. “He would emerge from courthouse each day and describe the trial from the government standpoint and how it was going.”

Schiller said the crisis management and government response group is not a sign the firm is moving toward becoming a broader professional services firm, but rather about coordinating a consistent message for clients across multiple platforms. The firm's work will remain rooted in litigation, he said.

“When we're talking to a court and articulating our client's position, that is an explanation and analysis that applies across the board,” he said. “When you get a subpoena from the government and you're called to a congressional committee, when your client is called by analysts or investors asking what happened, when the media calls ... it can't be answered with independent silos of expertise. It needs an integrated approach. We help prepare that framework for our clients as lawyers, not as consultants or lobbyists.”

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