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Why Boies Schiller's New Chair Maintains a Busy Trial Practice

By Ross Todd

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Trial lawyers only have so much control over their own calendars.

Between now and the end of this year, **Matt Schwartz**, the chair of **Boies Schiller Flexner**, has three potential trial dates landing back-to-back-to-back.

First, there's a pro bono trial matter the firm took on for a pro se plaintiff at the request of judges in the Eastern District of New York. "Of course, when the judges ask, you answer," Schwartz said. Then, later in the month and stretching into October, he's set to handle the third in a series of trials the firm has taken on for Almaty, the largest city in Kazakhstan, and BTA Bank, bringing fraud and money laundering claims in the Southern District of New York. Then, in December, just before he's set to preside over the firm's annual meeting in Florida, he has a trial scheduled in Colorado in a case that has tested the boundaries of a contract consummated by text message.

Schwartz, who took on the role of chairman at Boies Schiller at the turn of the year, told me that he averages a couple of trials a year, along with a "regular diet" of appellate arguments, depositions and motions hearings. The day we chatted last week, he had already been in a discovery hearing.

Now, as he and I discussed, a trial date on the calendar isn't a guarantee of a trial. Trial dates sometimes nudge parties toward settlement and



Courtesy photo

Boies Schiller Flexner chairman Matthew Schwartz.

other times they get moved. But Schwartz's potentially busy stretch prompted me to ask him why he and the firm have stuck with the model established by **David Boies**, in which the chair of the firm maintains a robust trial practice.

"I think there are two questions, right? How do you do it, and why do you do it?" said Schwartz, adding that he thinks the "why" supports the "how."

For one, he said that being a firm of trial lawyers is central to Boies Schiller's identity. "I think it would be a little bit bizarre to have a firm of trial lawyers that was led by a former trial lawyer," he said.

But more importantly, Schwartz said, he's energized by being a practicing lawyer who goes before

judges, juries and agencies. He said he thinks that was David Boies' primary reason for adopting the practicing chairman model as well.

"I think I would suffer a lot if I left that behind," he said.

He also said that he thinks it's important to show junior lawyers at the firm that being a Boies Schiller lawyer is not just about doing great work for your clients in interesting cases, but also having a lot of fun while doing it.

"Look, sometimes it is logistically difficult, and there are some weeks out of the year when the management responsibilities are really consuming, like when we have our formal meetings," he said. "And in some weeks, the practice of law is all-consuming—like when I'm on trial."

But Schwartz pointed out that his duties as chairman center on strategy. The firm's three managing partners—a role he shares with co-managing partners **Sigrid McCawley** and **Stuart Singer**—handle the day-to-day management of the firm.

"When one of us is on trial or otherwise consumed with the practice of law, or, for that matter, goes on vacation and gets some much-needed time to unplug, then the others of us pick up the slack," he said. He said the firm's executive committee also helps "steer the ship."

One of those executive committee members is Boies himself, whom I profiled last year after *The American Lawyer* named him a Lifetime Achievement honoree. Boies founded the firm in 1997 after client conflict issues arose at his prior firm, **Cravath, Swaine & Moore**. He referred to himself in that story as "a trial lawyer, first, a firm administrator by accident and necessity."

Schwartz's transition to leadership at the firm has been a bit more gradual and intentional. He joined Boies Schiller from the U.S. Attorney's office for the

Southern District of New York more than 10 years ago. "It was an incredibly steep learning curve to go from not even having to record my time to thinking about the business of law," said Schwartz of that initial transition. But when he was asked to sit on the firmwide management committee a half dozen years ago or so, it seemed like "a logical step." He said the same about being asked to be a co-managing partner almost six years ago, and being tapped by partners as chair-elect the year before last. "It seems like a logical step, because I've come to love the institution that all these other people have built, and I think we are all stewards of the institution."

With about three dozen new hires starting in the next month, the firm's lawyer headcount is set to grow to around 240. Rather than managing toward any number, Schwartz said the firm is targeting growth in certain practices and geographies. He mentioned intellectual property, particularly patent litigation and distressed debt structuring, on the practice side, and California and Europe, particularly London, in terms of geography.

"One of the things I'm most mindful of—as we grow and as we bring people on—is maintaining our identity: both number one, the top-to-bottom excellence of our lawyers, but number two is the culture of the firm," he said. "It's a place where people enjoy the practice. They enjoy each other. We are friends. We are a bunch of trial nerds, and we sit around the lunchroom and pick each other's brains about an issue of the rules of evidence that has come up, and some hearing that we're doing."

"Growth, while maintaining our identity, is a critical measure of success. I think recruiting and bringing people into the firm is amongst the most important things that we do, because, after all, a law firm is nothing more than the sum of its people and its clients."