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FORMIDABLE Force

Keller Anderle LLP is a SWAT Team of Trial Lawyers-Led by Women

by Jennifer Hadley

“We’re unique among law firms. The two name partners are women. We have more than 250 jury trials to verdict between us, in an era when many lawyers have never seen a jury except on TV. We try bet-the-company cases against some of the nation’s largest law firms—and win them,” says Jennifer Keller, Founding Partner of Keller/Anderle LLP. Moreover, according to Co-Founder Kay Anderle, “There are only 14 lawyers at Keller/Anderle, yet our cases have billions at stake. Our attorneys went to the finest law schools and trained at some of the most prestigious firms in American but choose to be here. We represent both plaintiffs and defendants in a wide variety of litigation, from business disputes to intellectual property to bad faith to securities to white collar defense. In short, if it’s headed to trial, we’re the ones you want.”

HIGH PROFILE, HIGH RISK CASES YIELD HUGE RESULTS

Keller and Anderle are in no way exaggerating the successes of their firm, as evidenced by the enormous cases they’ve taken on, and far more often than not, won. Some of the many civil and criminal cases the firm has tried to verdict and won, include the famous *Mattel v. MGA* “Barbie v. Bratz” retrial, which Keller took on as lead counsel just twelve days before the jury trial began, and captained MGA to achieve what Reuters called an “astonishing loss for Mattel.” Similarly, the *LA Times* called the victory a “stunning reversal of fortune for MGA.” Keller would go on to win the California Lawyer of the Year Award (CLAY) from *California Lawyer Magazine* as the result.

In another amazing victory, Keller/Anderle represented the plaintiff in *Auerbach v. Daily*, winning a jury verdict of \$350 million for its venture capitalist client—the largest business verdict of the year in California in 2009. Keller and Anderle have also obtained a slew of multi-million dollar settlements for their clients. As Anderle says, “You want to settle on the best possible terms? Bring a great trial lawyer with you. No one’s afraid of a lawyer who never tries cases. With us, our opponent knows we’re not bluffing.”

With these and countless other victories to their credit, it’s no wonder that Keller/Anderle’s calendar is booked solid, including plenty of headline-making cases. According to Anderle, “We are looking forward to an August trial for our plaintiff developer client on his breach of partnership and fiduciary duty case, which involves the development of the largest luxury shopping mall in Beijing.” After that, the firm is planning a successful defense of their client MassMutual in a bellwether class action jury trial. Later in the fall of 2016, the firm is scheduled to try a billion-dollar real estate partnership case. In late October, Keller will defend another developer in an alleged \$100 million “pay-to-play” white-collar jury trial.

If all of that weren’t enough, the firm will defend super-agent Michael Ovitz—founder of the Creative Arts Agency and former chair of the Walt Disney Company—against allegations made by a reporter who claims Ovitz hired Anthony Pellicano to intimidate her. In that case, the reporter is seeking more than \$30 million in damages. Following that, Keller/Anderle will be defending its client AIG in a high-stakes bad faith action,



which the firm has deemed unfounded. Beyond that, Keller and Anderle are looking forward to prevailing in their defense of billionaire Broadcom co-founder Henry Nicholas against a \$60 million “palimony” claim by an ex-girlfriend.

So, what is it about these two powerhouse women attorneys that keeps them on the short list of trial attorneys to whom some of the nation’s biggest companies, most powerful corporations and high-profile individuals come to for help?

Certainly the list of awards they have amassed, and their membership in elite, invitation-only trial lawyer’s associations, is testament to their trial skills. But beyond the headline victories and national recognition, what lies beneath is a fairly simple philosophy that the women share, about the way law should be practiced.

RECIPROCAL RESPECT

By the time she was just 12 years old, Orange County native Jennifer Keller had made the decision to pursue a career as an attorney, regardless of the fact that the profession was overwhelmingly dominated by men. “I was addicted to debating and to *Perry Mason*,” she says with a laugh. Meanwhile, fellow

Orange County native Kay Anderle had been nurturing a lifelong competitive streak, distinguishing herself as a championship tennis player before pursuing her career as a trial attorney. She too acknowledges that as a woman, she would undoubtedly be viewed as a proverbial ‘underdog’ in a male-dominated profession. But for someone who relishes competition as much as Anderle, her underdog status only made her all the more determined to go toe-to-toe with her opponents, and emerge victorious.

Though driven to become trial attorneys for different reasons, both Keller and Anderle astutely recognized that the best and fastest way to get trial experience, was to begin their careers in criminal law. As such, for 8 years Keller served as a Deputy Public Defender, while Anderle honed her chops as a prosecutor with the District Attorney’s office for 12 years. “We both liked the fast-paced, action-packed atmosphere of the criminal courts, where you’re in the middle of news as it’s breaking,” says Keller.

Both women would go on to become star attorneys in their offices, and continue to count their time serving the public while gaining extensive trial experience as absolutely invaluable. But beyond that, their experience as opposing counsel in the public sector would bring them together more than once, and would

ultimately serve as the catalyst for the two women to join forces.

“Jennifer and I were on opposite sides of a case years ago. I was the prosecutor, and she was defense counsel. I folded on the case, because quite frankly, my evidence was weak and I knew she would tear apart the complaining witness on cross and ultimately win the trial, so I settled it for greatly reduced charges. If I were facing any other defense attorney I would have taken it to trial. But Jennifer was well-known for winning almost every case she tried.” The two attorneys soon became friends, and after years in public service, both decided to explore other options. “I had left the DA’s office, and was working in another area of law, which wasn’t particularly interesting,” Anderle recalls, although Keller’s recollection of the event was different. “Kay wasn’t using her considerable skills to her best ability, and although she was financially successful, she was in a field that was not challenging enough for her.”

It wasn’t long before Keller and Anderle’s burgeoning friendship and mutual respect prompted them to begin associating into cases together. By 2008, the two had developed a partnership of respect, based on reciprocal admiration for the other’s strengths. More importantly though, they recognized that as partners, they could create a firm whose clients would benefit by their vast trial experience, they could take the cases they wanted, control their own destinies, and practice law the way they both agreed it should be practiced. “We see law as a profession first, and a business second,” says Keller.

Thus the firm would no longer focus exclusively on criminal matters, but would begin seeking out—and then winning—massive civil trials. Defending murder and other serious criminal cases in Orange County against seemingly insurmountable odds and finding ways to win them or greatly mitigate the damage had given Keller the confidence to believe she should easily prevail in most civil trials as well. “A trial is a trial. The rules of evidence are the same. The rules of persuasion are the same. It’s about telling a story, and simplifying complex information, without talking down to the jury,” she says.

Anderle’s experience was similar. Prosecuting serious felonies had not only honed her trial skills but gave her great sympathy for victims of crime. This would evolve into compassion for those accused of crimes, and the ensuing havoc that can be caused by a single, momentary mistake. Together the two realized that with few exceptions, their respective experiences would make them a formidable force, whether they were representing plaintiffs in civil matters, or defendants in criminal matters.

“We saw we had something unique to offer. There was a niche that needed to be filled by attorneys with our extensive trial experience,” says Keller. “Most of the civil litigation bar is comprised of lawyers who don’t try cases. We also knew we were up to the intellectual challenge of transitioning from exclusively criminal cases to far more complicated business trials.” The two formalized their partnership in 2008.

GREAT MINDS THINK ALIKE

From the firm’s very start, Keller and Anderle got along wonderfully. “We agree on almost all decisions about the firm and our cases,” says Keller. However, that doesn’t mean that they don’t have distinctive roles at Keller/Anderle.

“This firm would fall apart without Kay,” Keller states earnestly. “She is constantly in the courts, handling our white-collar criminal matters, and is the face people in the legal community see most often. Kay also knows everything that is going on in this office. She assigns the teams for each case. She is the go-to person on everything. She knows what is in progress on every case. She answers our clients’ questions. She manages the budget, the vendors, the billings, manages the lawyers and supervises the law clerks. She just handles things,” Keller says. “As a matter of fact, we would be broke if it weren’t for her, because I am a terrible business woman,” she adds with a laugh.

Anderle is equally enthusiastic about singing her law partner’s praise. “Jennifer is the most talented trial lawyer I’ve ever seen. She is unrivaled when it comes to cross-examination. During one of our particularly high-profile cases, the judge actually invited other judges in to watch her cross. Her ability to think on her feet is remarkable. Jennifer connects with jurors of all types and has a deep understanding of people. The bottom line is that she and I are not what our friend John Keeker calls ‘conference-room lawyers.’ We relish battle, know our way around a courtroom, and have a great deal of respect for the jury system.”

What the two won’t do, however, is resort to chest-pounding, intimidation, or dirty tricks. “We prize civility,” says Anderle. “We have both been in too many cases to engage with anyone trying to push our buttons. We don’t engage in posturing or bluster, which is normally a sign of tremendous insecurity. Jurors don’t like a nasty attorney. They want to hear the story from someone who is honest, doesn’t twist facts, hide things or trade in sarcasm. We’d rather be collegial with our colleagues. And we don’t take ourselves too seriously,” she says.

“We take our cases and our clients seriously, but we don’t go around acting self-important. I’ve seen some lawyers who could give Donald Trump a run for his money, and we’re the anti-that,” she jokes.

Part of taking their clients seriously, however, means that Keller and Anderle are selective about their cases, and truthfully, they can afford to be. With a business that is 100% referral based, Anderle explains what the firm looks for in a new case. “We’ve resisted taking bread-and-butter, template-based cases from institutional clients, because we don’t want to be pigeonholed in a particular field or do boring work. We’re old-fashioned barristers who enjoy trying all kinds of matters. Our specialty is jury trials. We love that 20% of our practice is white-collar criminal defense, and the other is a diverse array of major commercial cases. On the civil side we represent both plaintiffs and defendants, and take only what we believe to be meritorious cases. We like to make a difference,” she says.



With roughly one-third of their cases involving collaboration with other firms or attorneys, Anderle says, “We respect attorney referrals and would never interfere with the underlying relationship the attorney has with that client. We’re good partners. We don’t overbill and are scrupulously honest. If there’s an easy way or an expensive way to accomplish the same thing, we find the way that saves the client money. We use alternative fee arrangements all of the time, and tailor them to the case.”

Keller agrees, saying, “We like to have ‘skin in the game’ so our interests are fully aligned with our clients’ interests, especially on plaintiff cases. We frequently enter into hybrid fee agreements where the firm charges a reduced hourly rate in return for a success bonus. We know our way around a courtroom and are unafraid without being arrogant. We understand how judges think and enjoy great credibility with them. Our cases are thoroughly litigated and prepped, and if we can win with great pretrial motions, that’s even better. Our young lawyers are the best and the brightest, and their credentials are impeccable.” Anderle confirms this, jesting, “Jennifer and I often joke about how we’re so selective, we couldn’t even get hired at our own firm.”

FUTURE OF THE FEMALE OWNED POWERHOUSE FIRM

Keller and Anderle have clearly established themselves as a force to be reckoned with, but both confirm this is the result of sheer determination and hard work. “We have no typical client. We represent individuals, closely-held companies, and some of the nation’s largest corporations. Several of our clients are billionaires, but we also represent on pro bono matters people who have nothing. There is no one type of case we try, and there is no one-size-fits-all approach for our clients,” says Anderle. “We want to find out what their goals are, and achieve them.”

Furthermore, their well-deserved recognition and reputation makes them an anomaly in the legal field as a whole in yet another way. “Most firms handling major litigation are not headed by women. There are still very few women first-chairing major business trials. There is no other firm in the country that I know of, featuring two women name partners who have tried over 250 cases to jury verdict between them, and have won over \$850 million in judgments in seven years,” she adds.

Make no mistake however, these successes are hard-fought by hard-working attorneys. Along with a non-negotiable work ethic, Keller explains that those who seek to become standout



trial lawyers should begin to earn their stripes early on, as she and Anderle did. “Young people who aspire to be trial attorneys almost have to begin their careers in the criminal justice system—there is simply no other way to get substantial trial experience these days. But to build a reputation they also need to become involved in the legal community, by joining bar associations, meeting other attorneys, serving on committees and giving back as a volunteer. No great lawyer or law firm can be made out of a 40-hour work week. If lifestyle is a major concern, you’ll never become even a good trial lawyer, let alone a star.”

For their part, Keller and Anderle donate considerable time, money and resources to practically too many organizations to name. Anderle is particularly devoted to working with BEADS for Education, Inc. Through this organization Keller/Anderle LLP proudly sponsors two young Kenyan women to attend boarding high schools, in an effort to “educate the women who can then take their education back to their villages.” Other causes close to the hearts of Keller and Anderle include education (to date they have endowed four university or law school scholarships, and Keller is a Trustee of Chapman University), politics (Keller serves on the board of the Democratic Foundation of Orange County), local bar charities (Keller was President of the OCBA, and Kay served on the board of its Charitable Fund), the arts (including Segerstrom Center, LA Opera, South Coast Repertory Theater), women’s associations (such as the International Women’s Forum and Orange County Women Lawyers), and organizations that serve the poor (including The Catholic Worker). In addition, the firm annually adopts two local families in need through Share Ourselves, for which the firm does all holiday shopping.

With such success already to their credit, just where do Keller and Anderle intend to go from here? According to Keller, “I have worked with many lawyers over the years who toiled behind the scenes to provide me with support and sterling legal work. I must say however, that I have never worked with as brilliant a group of young minds as surround us now. They are fabulously talented. Our terrific trial consultant, Lee Meihls of Trial Partners, has also been an integral part of our success on our biggest cases.”

So, it’s safe to say that Jennifer and Kay more or less intend to stay the course for the foreseeable future. Says Keller, “We have no interest in merging with another firm, although opportunities have presented themselves. We don’t want to lose control of the autonomy we enjoy. We’re not interested in growth for growth’s sake, or having a steady stream of cookie-cutter cases. We could easily be two to four times our current size if we did. Instead, what we really want for the future is to continue taking high-stakes, bet-the-company jury trials, equally balanced between plaintiff and defense, against the biggest firms out there. That’s where the challenges lie, and that’s where we can make the critical difference to a client.” ■

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