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LAW FIRM BUSINESS

Long History

Four partners at Irvine-based Umberg Zipser LLP worked together at both Morrison & Foerster LLP and Manatt, Phelps & Phillips LLP before starting a general litigation boutique in January 2014.

By Deirdre Newman
Daily Journal Staff Writer

The four partners who comprise Umberg Zipser LLP, a general litigation boutique, had a long history together before starting their own enterprise last year.

They all worked at Morrison & Foerster LLP in Orange County in the 1990s. Then they all moved to Manatt, Phelps & Phillips LLP's Orange County office in 2008.

Then Umberg Zipser opened its doors in January 2014 in Irvine with a commitment to offer lower billing rates and broaden their scope of clients. While the firm prefers to be nimble and autonomous, it prides itself on its ability to work with large law firms, including MoFo and Manatt, based on the combined expertise of all the partners.

They are name partner Thomas J. Umberg, a former federal criminal prosecutor and state legislator; name partner Dean Zipser, former president of the Orange County Bar Association; Carole E. Reagan; and Adina W. Stowell.

The firm's practice areas include commercial litigation, class actions, intellectual property, white collar investigations & defense, and government. It also takes on some pre-litigation counseling on a case-by-case basis.

"There is not another group of lawyers with the same experience and expertise in crafting and executing a litigation strategy that is both successful in court and in ensuring our clients achieve their overall business goals," Umberg said.

Mark W. Danis, a partner with Morrison & Foerster, commended Umberg and Zipser, who were both managing partners at MoFo at various times. Their depth of character and breadth of experience is noteworthy, he said.



Alexander Drecun / Special to the Daily Journal

From left: Thomas J. Umberg, Adina W. Stowell, Dean Zipser, Carole E. Reagan, partners at Umberg Zipser LLP, and associate Brent Colasurdo

"They have deep connections in the bench, bar, and government, and are consummate statesmen — always willing to lend a hand even if it involves no business for their firm," Danis said. "They take the high road in dealings with opposing counsel, and command incredible respect among peers and judges. If I ever needed a lawyer, I'd hire them in an instant."

Jeffrey H. Reeves, managing partner of Gibson, Dunn & Crutcher LLP's Orange County office, is one local attorney who's sent work to Umberg Zipser based on his faith in their abilities and their collective expertise.

He and his colleagues at Gibson Dunn were representing a large international IT company, headquartered in Aliso Viejo, in a complex contract dispute. When one of the senior executives required individual counsel, Reeves called on the firm. The case is now on the verge of a mutually satisfactory resolution, Reeves said.

"Umberg Zipser was the obvious choice," Reeves said. "They are not only seasoned courtroom specialists, but the client was based locally and

... I knew they would be a good fit and they have been."

Umberg Zipser takes a slow and cautious approach to growth because the partners want to be sure whom-ever they hire fits in with such a small firm. Their only new hire since starting the firm is associate Brent S. Colasurdo, who joined after a two-year clerkship for U.S. District Judge Cormac J. Carney.

"He knew them both and was gung-ho about me joining this firm," Colasurdo said.

In keeping with its entrepreneurial spirit, the firm takes on plaintiffs' cases, something that Umberg said is not typical at larger firms. The firm also offers a variety of billing options, including contingency, flat-fee and hourly.

One of the cases the four partners brought with them from MoFo to Manatt to Umberg Zipser is the representation of Toshiba in a class action against the company over alleged issues with some of its computer models. The case settled quickly but one of the attorneys representing the class demanded \$24 million in fees, which spawned years of litigation, according to Zipser.

Kelly v. Toshiba America Information Systems Inc., BC 328556 (L.A. Super Ct., filed Feb. 9, 2005).

The case was sent back to the original trial court for a determination of the attorney fees and the court awarded \$3,200, which was appealed. Umberg Zipser recently filed a responding brief.

In another case, which exemplifies continued collaboration between Manatt and the Umberg Zipser team, both firms share co-counsel responsibilities in representing the state controller's office against SAP, an international provider of business software.

The case involves allegations of faulty implementation of a new payroll and human resources system. The trial is scheduled to start next spring.

"We have developed a seamless working relationship and have the highest regard for the caliber of the Umberg Zipser lawyers," said Phillip R. Kaplan, a partner with Manatt.

A priority the Umberg Zipser attorneys brought with them from working at bigger firms was a commitment to pro bono.

"That was wonderful about Morrison and Manatt," Reagan said. "Both firms put a high value on doing pro bono. At a smaller firm, it's sometimes more difficult to support that, but we all really want to try to continue and do that."

One pro bono case that Reagan has handled involves IP, a practice area that doesn't typically generate pro bono work, she said. But she was able to help HomeAid America, which builds and renovates homeless shelters, protect its name in a trademark dispute.

The firm also is a staunch supporter of the Public Law Center, an Orange County pro bono law firm. Reagan has been on its board of directors for 15 years.