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—LAW FIRM BUSINESS—

Fighting the Right Battles

Litigation boutique Schiffer & Buus APC offers sophisticated services with a small-firm touch.

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NEWPORT BEACH — Keeping a new law firm afloat — especially during the worst economic downturn in recent memory — doesn't require a huge caseload starting out, say Schiffer & Buus APC shareholders. One case that's big enough will do.

Founded in the economically dark year of 2009, Schiffer & Buus got a boost from a client embroiled in litigation with the Vietnamese government stemming from a failed telecommunications deal. The case went to trial in Los Angeles County Superior Court in June 2010, resulting in a verdict that shareholder William L. Buus said was "favorable" to his client.

"Because of how much work that was needed to be done in the case, it was a pretty good source of income for us," Buus said.

"You don't have to have a lot of cases to keep your firm afloat," he added, "but you do need to have a steady stream of these cases coming in."

"When you're small, the good news is it doesn't take a lot to eat," said Eric M. Schiffer, the firm's co-founder and shareholder.

Since its inception, Schiffer & Buus has expanded to six attorneys, including one associate and three of counsel lawyers. The firm focuses on representing small- to mid-sized businesses in corporate litigation, intellectual property, title insurance and mortgage lending litigation.

The firm also won a \$1.35 million jury verdict in a qui tam lawsuit under the federal False Claims Act, representing a client who worked for a dermatologist who allegedly submitted false Medicare claims. The case was in trial this month in Riverside federal court.

Another client is a man suing under a right of publicity claim, alleging the History Channel failed to conceal his identity when it aired a television show about street gangs, entitled "Gangland."

Working primarily as business and intellectual property litigators, Schiffer and Buus say they do some cases on a contingency fee basis but charge an hourly rate roughly 75 percent of the time.

"We gotta keep the [office] lights on," Buus said.

Classmates at Southwestern University School of Law, both men became experienced civil litigators, and each of them arrived at their present position from different places in their careers.

Buus' resume includes insurance defense work and a job at Oswald & Yap LLP. He had set up a previous small law firm, Buus, Kim, Kuo & Tran LLP, in 2006, but it had dissolved



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amid philosophical and fiscal differences between the partners.

Schiffer worked at the Irvine office of mid-sized firm Wolfe & Wyman LLP but wanted more of a leadership role in his career.

"I was becoming part of the woodwork and part of the operations of the firm, which is an important part, but I felt like it was equally important to have some kind of visible presence and be on the front line," he said.

Nevertheless, his decision to bolt was somewhat sudden.

"I was sort of a wild card coming out," Schiffer said. "Frankly, I never had any intentions of going on my own until maybe a month or two before I left my old firm."

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— William L. Buus

A neophyte to the ways of starting a new law firm, Schiffer said it takes more than simply doing one's job well as a lawyer. It also takes a level of marketing, networking — or as he put it jokingly, "All the things that are uncomfortable and intrinsically awkward."

Building a successful law firm also takes endurance, he said.

"I'm not a patient person by nature, but you really have to be patient with this as a process," Schiffer said. "It takes time to ramp up."

Buus, being the more experienced of the two men at setting up a small practice, said he wants to build the firm by having a reputation for sophisticated business litigation — and for choosing its battles wisely.

"It may sound corny ... but I am so dedi-

cated to that that I actually created a list of directives," Buus said. "I've been exposed to my fair share of big law firms. I've seen what they do to their clients."

Part of his list of directives to the firm stem from what he believes it shouldn't do.

"We don't engage in law and motion where it doesn't have any ultimate impact on the case and/or where you don't think you're going to actually win," Buus said.

He also denounced "letter-writing campaigns" between opposing counsel as "a bunch of chest-pounding blather that doesn't amount to anything."

John H. Thomas of Thomas & Karceski PC tried a hard-fought patent infringement case against Buus in federal court in Nevada last year. Thomas described Buus as a "confident, smart" lawyer who won't back down from a battle.

Stephen W. Berger, who once was Buus' opposing counsel in a real property dispute, said that despite their "spats," Buus was a "gentleman" who let him borrow audio-visual equipment for the trial.

So far, each man — along with the assistance of their associate, Leslie F. Vandale, and their of counsel attorneys, Lana J. Feldman, Quan L. Nguyen and Thomas E. Walling — said communication and a willingness to exit their comfort zones is a key to keep the firm in business.

Buus said that although Schiffer and he don't always see eye to eye, "If I know he's got my back and I've got his, we're good."

"This is like a marriage," Schiffer said. "Your name is on the dotted line together, and you're making decisions together, and you're trying to grow together."

"A lot of times, people are just looking to have another body to start things with, and I don't think there's a long-term success rate with that."