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IN NEW YORK

California dreaming?

Does London really need another West Coast law firm? Heller Ehrman certainly hopes so. This month Heller opens its new London office in the Gherkin tower, after a year of scouting for talent. Three tech lateral hires from WilmerHale, and an antitrust associate from Slaughters, made up to partner, will complement a trio of senior Heller partners transferred from California. The focus is limited to corporate/tech, real estate and antitrust. The first hires are savvy – WilmerHale's Richard Eaton, in particular, is a venture capital expert of great repute in London.

Carving a niche in London's over-lawyered market, where Californian firms such as Latham, Gibson Dunn, MoFo, and Orrick have already been fighting for several years, is Heller chairman Matt Larrabee's big challenge. 'We're well aware that we're late to the London table,' he told *Legal Business*. 'So extra effort is going on being tightly focused on just the three practices, where we can service existing client demand.'

That demand stems mostly from Heller's 2003 acquisition of Silicon Valley's Venture Law Group, which had blazed the trail for venture capital-backed tech companies. The merger led to Asian expansion and greater emphasis on developing links in New York. London was a logical next step.

'It will be a conduit to Europe in the short term,' Larrabee said. 'But mid-term we'll need to be on the Continent.' First things first – he's rented space in the Gherkin that he hopes will be filled by 'up to 25 lawyers by the end of the year'. By taking lawyers from another US law firm, the crowded London market is not so much intensifying, as re-allocating. Better late than never, is the Heller mantra.

Lawyers unite in disgust at Guantánamo controversy

State Department official resigns after pro bono attack

President George W Bush's 'war against terror' returned to haunt a State Department official who lambasted large corporate law firms for their pro bono representation of Guantánamo Bay detainees accused of terrorist activity.

On 2 February, Charles 'Cully' Stimson, a lawyer, resigned his position as Deputy Assistant Secretary for Defense (Detainee Affairs) following a radio interview in which he named 12 major US law firms involved in such work, and questioned whether corporate clients would want to 'subsidise' these activities. His list included WilmerHale, Weil, Gotshal & Manges,

importantly, the change in the political and legal climate'.

The question of whether or how to promote pro bono work that may be unpopular in some quarters garners different responses from law firms. Clifford Chance immediately went on the record with a staunch defence of its Guantánamo work, although Allen & Overy received some criticism in the UK trade press for allegedly staying quiet on the matter. When *Legal Business* spoke to A&O in New York recently, two of its lawyers were actually in Guantánamo, working with their clients. A

senior litigation partner and former federal prosecutor, Pamela Chepiga, leads the pro bono efforts.

A&O US senior partner Dan Cunningham confirmed that not a single client had raised any issue with his firm's pro bono activities in this area. Addressing accusations of a perceived lack of publicity on the matter, he said: 'I personally prefer litigators who are



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Eric Lewis, Baach Robinson & Lewis

Covington & Burling and Fulbright & Jaworski. Other known firms involved include international giants Clifford Chance, Allen & Overy, Shearman & Sterling, Sullivan & Cromwell, and Debevoise & Plimpton. Stimson's remarks caused outrage in the US legal community, which in turn drew the ire of right-wing columnists, suspicious of such well-heeled liberalism.

Stimson later apologised for his remarks, but the die had been cast. His superiors washed their hands of him, and his resignation soon followed.

Eric Lewis, a renowned Washington, DC litigator and name partner of litigation boutique Baach Robinson & Lewis, said that Stimson's comments were 'so crude and over the top that the reaction was inevitable'. However, Lewis pointed out that 'what is different is that the Pentagon has been doing this kind of thing for a while and has never backed off'. He saw the apology and Pentagon disavowal as 'a sure sign that the world has changed, both in terms of the exit of [former Defense Secretary Donald] Rumsfeld, but most

aggressive in court as opposed to in the press.'

It is a feeling shared by other senior lawyers, who have indicated to *Legal Business* that they'd rather stay out of politics, and get on with upholding the rule of law. Lewis added: 'I think there has been enough breast-beating by the lawyers and we need to go back to focusing on the detainees, not on the lawyers.'

Lewis is representing four British men who were released without charge after two years in Guantánamo, during which time they allege they were tortured, and are suing Rumsfeld and senior military officials. He observed that 'when we first became involved, there were not that many firms willing to take on the Bush-Rumsfeld "you're with us or you're with the terrorists" machine. Now much of the mainstream bar has become involved because this is perceived as fundamental to the rule of law.' He concluded: 'CEOs want quality legal work, and other than perhaps in the defence sector, I don't think clients would find it problematic. I've had terrific feedback from my UK clients and legal colleagues.'

Tom Freeman