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LAW FIRM BUSINESS

The Benefits of the Generalist's Approach

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SAN FRANCISCO — In an era when many lawyers tout the sanctity of narrow specialization, Paul M. Gordon and Jonathan Polland remain proudly defiant of any efforts to pigeonhole their complex commercial litigation practice.

With decades of experience between them culled from handling a broad array of business disputes, the Gordon & Polland LLP partners say they leverage the entirety of their litigation acumen in every case they take.

Specialization, said Gordon, “is really good for marketing purposes but I don’t know that it’s so good in terms of one’s work life or work experience, and maybe ultimately whether you get in a rut in your thinking if you only do one kind of thing.

“And I think it’s good for the clients because somehow or another I believe my experience doing legal malpractice cases helps out when we’re doing a real estate case, which helps out when we’re doing a civil rights case, which helps out when we’re working on a guarantee case.

“We don’t specialize, and that’s a choice,” he said.

Polland said it’s not just a good strategy for the client, but for business generation, too.

“You handle a matter for a client and you get a good result and that client might be in the real estate business, but they also have radio stations and the next thing you know you’re litigating about radio stations. Frankly, my specialty is business litigation. It’s broad, but ... that’s the reason I love doing this.”

Variety, the partners say, helps foster their ability to approach cases with a fresh perspective, something that they brought to bear in helping the city of Morgan Hill put an end to a convoluted, years-long dispute with a former city resident and attorney, Bruce Tichinin.

Things looked bleak for the city following a 6th District Court of Appeal decision in 2009 that found that Tichinin could, in fact, sue Morgan Hill for



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Jonathan Polland, left, and Paul M. Gordon of Gordon & Polland LLP in San Francisco.

violating his civil rights. The city had passed a resolution condemning Tichinin’s hiring of a private investigator to shadow city officials whom he suspected of being romantically involved. Their suspected relationship, he claimed, constituted a conflict of interest.

Tichinin represented a real estate developer whose proposed building project the city had previously rejected — a product, he claimed, of an inappropriate relationship between the city attorney and city manager at the time.

Gordon and Polland were brought on after the case had been remanded to the trial court. After poring over the evidence, they found a clue in the appellate ruling indicating that Tichinin had planned to reveal what information he found from his investigation privately to the Morgan Hill city council to avoid embarrassing the targets of his investigation.

“To go to public officials privately and say, ‘Hey, I’ve got some dirt on some people, but I don’t want to make it public; I just think you should know about this and maybe reconsider a decision you made’ is, if you think about it, kind of like extortion,” Gordon said.

The case ended up settling on the courthouse steps with terms that, the partners said, were favorable for the city.

Gordon and Polland first crossed paths while at Shartsis Friese LLP, where they both cut their teeth as

commercial litigators. Gordon was a partner when Polland joined the firm as an associate.

“We view them as having grown up at Shartsis Friese,” said name partner Robert C. Friese. “They have been excellent since their earliest days and are super smart, super diligent, gentle persons.” Gentle, he said, “in the sense of not beating you over the head with the brilliance of their toughness.”

“If they ever want to come back,” Friese joked, “just tell them to just let me know.”

They quickly realized they shared a set of core beliefs about litigation after handling a number of cases together, Polland said, and the two kept in contact after leaving Shartsis Friese to pursue other opportunities. They reunited — this time with their own names on the door — in 2008.

Collaboration permeates nearly every aspect of the practice, the partners said, right down to the firm’s office space, a wide, sparsely furnished expanse of a room that facilitates a near-constant stream of debate over ideas and case strategy.

“We’re constantly testing each other and testing new ideas and playing devil’s advocate and it is a really important process to go through,” said Gordon. “The arguments that we’re going to make to a judge get vetted in here a lot, long before they ever find their way to a

printed page or into an oral argument.”

The firm’s embrace of diversity in commercial disputes has also allowed it to handle some cases usually reserved for specialists, like property tax litigation, where the firm has represented companies as large as Time Warner Cable Inc. and NextEra Energy Inc., one of the largest renewable power companies in North America.

Most of the firm’s cases, which include some appellate work largely concentrated on property tax disputes, are handled jointly by both partners, but not always in a way that shows up on a client’s bill.

Polland recalled a successful arbitration he handled before the Financial Industry Regulatory Authority. He tested out his closing argument with Gordon the night before he delivered it.

“He tore it apart pretty successfully,” Polland said, “so I ended up giving a much different and better closing argument the following day.

“Having that input from someone who’s doing the same thing I do is invaluable. And because we have this ability to communicate, it’s not necessary that every time Paul comes up with an idea that he bills time for it. It helps clients that don’t have quite the litigation budget still get the same level of service if they had a much bigger budget,” he added.

In person, Gordon and Polland are coolly affable and self-effacing, a demeanor, the firm’s clients say, that belies the tenacity with which they approach their cases.

John McNellis, a commercial real estate developer who’s known Gordon since childhood, recalled Gordon’s handling of a real estate contract dispute.

“After Paul got through deposing the owner of the [company] that was trying to sue us, they called and said, ‘We’ll settle for free.’ They wanted \$5 million, but after Paul got through roasting them they said, ‘We’ll drop the lawsuit and each side bears its own legal fees.’”

The firm, McNellis said, “looks at cases exclusively for what’s best from the client’s standpoint.”