
Of Counsel Interview ...

Keker & Van Nest's Taylor Takes the Wheel of a Firm That Likes the "Risk and Reward" of Trying Cases

Often it's the big-name magafirms that tackle the most complex, bet-the-company cases—and for good reason. After all, these firms usually have vast resources, deep talent, and rich experience. That's why clients seek them out when they need help with litigation that carries crucial consequences.

But increasingly, it seems, clients are turning to litigation boutiques to handle such weighty matters. And none may be better at litigation than the 78-attorney partnership of Keker & Van Nest, which is based in San Francisco but tries cases across the country.

Take a trip to its web site and you'll see attorney profiles that contain a litany of awards and news reports that mention the work they've done for the types of top-shelf clients that any firm would be proud to represent. The accolades Keker & Van Nest have received are glowing and impressive and include this one from Chambers USA: "Regarded as a fearsome litigation outfit, the firm excels at taking on cases for individuals and corporations that require a robust and uncompromising approach."

For several years the firm was adroitly led by managing partner Christopher Kearney but in January, Steven Taylor (not to be confused with the author of this piece) took over in this leadership role, and it seems he's got the rock-solid trust of his partners, including co-founder John Keker.

"Steve Taylor is the next generation of leadership at Keker & Van Nest," Keker says. "We had a terrific managing partner in Chris

Kearney, and now we're fortunate to have Steve. He's a leader, big thinker and planner. The only regret I have is that his duties will keep him from being as involved in the cases he had handled; he's a great trial lawyer and team player on a litigation team. So we miss him there but we get him in management and he's already doing a terrific job."

Recently, *Of Counsel* talked to Taylor about his career, some of his cases, his rise to the managing partner position, and other topics. The following is that excerpted interview.

Of Counsel: Let me start by telling you what a great name you have. [laughter] What led you into the legal profession? What made you want to become a lawyer?

Steve Taylor: You know I can't really think of a moment when I thought, "That's what I want to do." It just always seemed like a career that would be interesting. My dad was a lawyer. We always had friends who were lawyers so it seemed like a job that people who I knew and liked did. But to get more specific, I liked the idea of somebody standing up in court and defending a person in front of judge and jury. That was always an appealing thought.

OC: So you got your law degree from University of Michigan Law School and then you went right to Pillsbury, Madison and Sutro for a short stint. When did you move over to Keker & Van Nest and what made you want to go to the smaller firm of Keker as opposed to staying with the large Pillsbury partnership?

ST: I came to Keker right after my clerkship with the Honorable Samuel Conti [in U.S. District Court, Northern District of California] in June of 2001. It wasn't so much that Keker was smaller, although that certainly helped. I liked the people at Pillsbury and enjoyed what I was doing there but I didn't like the big-firm [culture] about it. It seemed to have a lot of bureaucracy and I felt that I would do better in a smaller place where individuals can shine a little bit more easily.

But more specifically, I picked Keker because it had, and still has, a great reputation locally and nationally and the people who I knew there and those I met were all great people who liked what they did and who they did it with. You spend a lot of your time in this world in your office; you want to like the people you work with. And, when they all have a commitment and passion for the job they're doing, it can't help but rub off on you.

A Practice That Mirrors the Firm's

OC: I'd like to talk with you about your rise to the role of managing partner and your thoughts about leading the firm but first could you talk about a case or two that you've handled that come to mind as the most important or most satisfying?

ST: My practice here has in many ways mirrored what the firm does. We're solely litigation and beyond that a trial-focused firm. I've done a number of criminal defense and securities cases, a fair amount of IP, including patent and trade secret matters, some legal malpractice, and a bunch of general civil cases. One of the reasons why I was well-suited to management is because my practice is sort of like the whole firm's practice.

This past summer, we represented, and I was heavily involved in the trial, [a Citibank employee] who was being charged by the SEC with securities fraud, coming out of the financial meltdown. It was really a rewarding experience to defend an individual when the weight of the government seems to be

crashing down upon him. We won. It wasn't criminal but it felt criminal. We won the defense verdict all in his favor, and to see his face after he took on the SEC, and to support him to show that he didn't do anything wrong—that was incredibly rewarding. It was a great experience.

I've had the good fortune to be involved with a number of cases of high stature and great importance and where we got pretty good results as well.

OC: What about one that was particularly challenging, that really put you through the ringer but in the end it all worked out?

ST: We represented Broadcom against Qualcomm back when the two of them were fighting in what was the precursor to the smart phone wars. We got involved in an International Trade Commission matter, representing Broadcom. Their counsel had been WilmerHale, with Bill Lee and Jim Quarles. They had been conflicted out of the remedy portion of the proceeding, where Broadcom was seeking to exclude from importation all of the 3G phones coming to the United States based on an infringing Qualcomm chip. So we came in to represent Broadcom and that led to the first all-ITC hearing in about 30 years and resulted in a landmark ruling from the commission. It was a very intense, short time—I think we had less than four months to put together a case that was against about nine different parties. That was a case that was particularly challenging.

Another one that comes to mind was the representation of an individual of a family member of one of the founding families of the Oakland Raiders. It was a partnership dispute against Al Davis. That might not have been as legally challenging but the personalities were certainly very difficult [laughing].

OC: [laughing] I would imagine so.

ST: Mr. Davis, may he rest in peace, was not the easiest person to deal with, nor were his people.

OC: From what you said earlier it's clear that you have a lot of enthusiasm for working the courtroom. But what keeps you up at night about being a litigator? What do you not like?

ST: What I don't like about the practice is some of the petty bickering between counsel over discovery and other things. I think some people feel like they have to fight for every last measure of insignificant matters—that somehow it's helpful to their case. I think this approach is conflict-laden and brings out the worst in some people. That's what I don't like, although it doesn't really keep me up at night.

What keeps me up at night is making sure that I put my best foot forward for my client and myself, and that we show the jury and the judge the case that we've got in the hopes that we can convince them that we're right. What keeps me up is wanting to win. In terms of management, a whole host of other things keep me up.

Be Bold but Listen

OC: Yes, let's talk about your elevation to managing partner. What was the succession like for you and what advice did you get?

ST: So Chris Kearney was our previous managing partner and he had been doing it for about 15 years. He has taken on the role as the president of the Bar Association of San Francisco. In the early part of last year he thought that he'd been doing the job for a quite a while, and it was time for some new blood, some new voices, and he knew that he'd be working a lot with the bar association. It seemed like a good time for him to step down. There wasn't any sort of official process [for succession]. We're a pretty informal group over here. We do most decisions by consensus, even as our partnership has grown. We get together and talk to each other a lot.

Chris approached me and asked me if I was interested and told me he thought it would be good for me and the firm. We talked about it with other people at the firm and eventually it just sort of came to be.

OC: And what did Chris tell you in terms of advice?

ST: Advice, oh yes. The advice he gave me and that others like John Kecker and Bob Van Nest gave me was that I should be sure that I'm not tied to any traditions or feel like just because we've done things in the past we have to do them in the future. They suggested that I question and challenge what we're doing and not be afraid to make some bold decisions and take us in bold directions.

That was some of the advice. The other advice was to always listen to everybody out there. People have become successful in this firm for good reason and it's almost always better to listen to them than to talk to them.

OC: So how's it going now that you're several months into your tenure? What have you learned so far?

ST: I've learned that a whole lot more goes into running a law firm than you'd think if you were just a partner in the law firm. There are a lot of decisions to be made on a daily basis, on an hourly basis, that never rise to level of the rest of the partnership, that need to be dealt with and are very important, even if they don't seem important on the surface.

It's going well. You'd have to ask my partners to see if they agree. But the sense I get is that they're pretty happy about it. We're doing well and pointed in the right direction. I've been happy with the move personally, and I've been happy with it professionally. We're on good footing.

Staying the Course

OC: So in what direction are you steering the firm?

ST: We're not really changing course very much. Just like before, we want to continue to be the top-flight trial law firm that we are—both on the local and national levels. We are called when the stakes are the highest

and trials are the nearest and people have the biggest to lose. One of the things that I'm so impressed by with the attorneys here is that every one of us has a desire and passion for what we're doing and we take on the hardest cases even if they aren't always the ones that are in the press—although a lot of them are. If you look at the last two years, 80 percent of our partners have been to trial.

So we don't just say we like to go try cases; we actually do try cases. That success breeds upon itself. It's hard because there are not as many trials out there as there used to be. Within the legal community, both with the courts and the clients, most people tend to want to settle. And any time a client can get what they want out of a settlement it's better than putting it up to a jury. But if you asked everybody, we'd tell you we like the risk and the reward of being in front of a jury or judge and getting to put forward our case.

OC: What percentage of your time is spent managing the firm and what percentage is spent on your practice?

ST: My practice side is a little lower than where I'd like it. I spend about 25 percent of my time with my practice. As the year goes on and I get a little more comfortable with the goings-on here and my role as managing partner—when I feel I've got the managerial job at least somewhat under control—then my practice will ramp up so it's a 50-50 ratio. But we'll have to see what's best for the firm as we go forward.

OC: Steve, what's been the most challenging part about being the managing partner?

ST: Every day is a new challenge, which is part of it—the unexpected. When you haven't done the job before what comes up that you don't know about regarding personalities or issues, that's challenging because you don't have the frame of reference of having done it before. But then, that's part of the interest and excitement. You get to problem-solve on a micro level and a macro level the whole day and the whole week.

The challenging thing is that there are times when you want to change something or address problems quickly but they can't always happen quickly because of institutional history or personal history or what-have-you. Sometimes you have to remember that change is a process. It's like the proverbial turning of the ship. You can't just turn it on a dime. And that's not just for big-picture things but for small things. Sometimes change goes a little slower than I'd like.

OC: To what extent do you and your partners market your practice? Obviously, you're talking to me and that's one form of marketing. But what else do you do?

ST: We do a lot of things. But I must say, marketing has not always been our forte nor our focus. I don't mean that in a negative way. We started and have always been a firm that has had a lot of success, which, as I mentioned earlier, breeds further success. So that success has done a lot of the marketing for us. I think we have realized more recently that we need to be more active in making sure that our success is well known and that people hear about it, and not just the names of some of the more senior people who have established their reputations, but our mid-level or junior attorneys who have been doing some fantastic work. We need to make sure that they get recognition too so that clients know that we're a firm full of a lot of really good lawyers.

We have a very good marketing director, Barbara Abulafia; she does a great job in making sure that when people think of big disputes, trials, and cases where you need the best that they think of Kecker & Van Nest, that we're on the short list.

Fostering a Diverse Culture

OC: To shift gears here a little—are you planning to grow the firm with new hires or will you remain steady?

ST: We hire new lawyers all the time, every year. It's a good thing that we hire new

lawyers. Sometimes it's because people leave to do other things. We have a pretty conservative leveraged model. I think our numbers are one partner to one point two associates. That's where we've always felt our sweet spot has been. We hire and manage to that leverage model, or thereabouts. That's where we feel the most comfortable with how we provide the services we provide, how we staff the cases we do, and how we feel about the growth of the firm.

But we do have to grow and we have some great people here who we want to make partner and share even more in our success. The best way to say it is this: We grow no more than is necessary but we certainly have grown, including during the economic downturn. I'm very proud of the fact that when a lot of other firms had to cut lawyers and lay off people and put off classes we continued

to grow. It's another way in which our firm has been successful.

One of our keys to success is our unique culture, which binds us. We are very driven but we're also very collegial. We have lunches every Tuesdays and Thursdays; all of the attorneys get together for lunch then just so everyone sees each other. It's a place where everyone knows one another and gets along very well. We have an extraordinary group of very diverse people. Diversity is very important to us. I think 20 percent of our partners are minority partners and 25 percent are women. The associate numbers are actually higher than those numbers on both fronts and our diversity makes us a better place. I've been very happy to be a part of this firm and I'm proud to be its managing partner. ■

—Steven T. Taylor

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