

FRIDAY, APRIL 22, 2016

LAW FIRM BUSINESS

Relishing the Pressure

Veteran attorneys at Farmer Brownstein Jaeger LLP enjoy tackling tough antitrust litigation.

By Joshua Sebold
Daily Journal Staff Writer

SAN FRANCISCO — The attorneys at litigation boutique Farmer Brownstein Jaeger LLP enjoy handling high-stress cases.

William S. “Buck” Farmer literally lost all of his hair while prosecuting Columbian drug cases with the Department of Justice in 1982, a product, he said, of the death threats being lobbed at him and his family.

His hair came out in clumps, falling off of his head as if he’d undergone chemotherapy. Even his eyebrows.

The harrowing experience, however did not persuade him to pursue less stressful work. Farmer and his colleagues are still pursuing high-stakes litigation in a boutique he recently formed with several partners specializing in antitrust, securities, white collar, partnership disputes and corporate governance.

Farmer moved into private practice in 1989. In 2012, after 23 years with the same firm, he was ready for a change.

Soon after he had a chance meeting with an attorney who’d made an impression on him while they were representing different defendants in a massive multi-district antitrust case involving computer memory devices.

David C. Brownstein had the civil experience to balance Farmer’s expertise in the criminal side of antitrust law. Brownstein spent 19 years at Heller Ehrman LLP, learning from great trial lawyers such as M. Laurence Popofsky and Stephen V. Bomse.

The pair were soon joined by one of Brownstein’s former colleagues from Heller. Charles R. “Chuck” Jaeger served as co-chair of Heller’s national securities litigation practice and its San Francisco litigation practice. He also has experience in partnership disputes, corporate governance and served as a Certified Public Accountant for a few years before he became a lawyer.

Heller left an indelible imprint on the two partners’ careers and their



Joshua Sebold / Daily Journal

From left: Charles R. Jaeger, William S. Farmer and David C. Brownstein of Farmer Brownstein Jaeger LLP

lives. Brownstein’s wife is another former Heller attorney.

The man to whom Brownstein and Jaeger ultimately reported, legendary litigator Larry Popofsky, swelled with pride when asked about his former charges.

“Both were exceptionally able litigators,” he said. “These two young men were in the trenches.”

Popofsky, now senior counsel at Orrick, Herrington & Sutcliffe LLP, said Jaeger’s financial acumen and accounting credentials were rare, especially when he initially joined Heller. He added that Brownstein “had a special talent with people, a jury-friendly type of guy.”

Farmer also brought a colleague with him, one of the partners from his most recent firm. Jacob P. Alpren fits the firm’s litigation-heavy focus, he started his career at Quinn Emanuel Urquhart & Sullivan LLP.

Alpren bring his own unique set of talents to the table. He’s spent six years in China and is fluent enough in Mandarin to understand subtle meanings and nuance, whether spoken aloud or in legal documents. Before law school he was the Shanghai bureau chief for the Associated Press and Dow Jones News Service.

He has spent the last year in Taiwan

and is likely to spend the next year there as well. Having a man in Asia is advantageous for the firm, due to the litany of antitrust work in San Francisco focusing on overseas technology manufacturers.

“When we pitch work his presence there on some cases is actually quite valuable and our presence here is very valuable to him,” Brownstein said.

“When you do work that crosses borders where you have clients or adversaries from overseas, you’re not only dealing with a legal regime but you’re dealing with cultural differences and having someone that sophisticated and clued-in there is a rare talent,” he added.

The firm has a unique array of talents and minds, but Farmer’s storybook-like life is difficult to compete with.

In 1987, U.S. Attorney General Edwin Meese III described Farmer’s successful prosecution of a former Navy radioman who turned out to be a spy for the KGB, as “one of the most important national security prosecutions in our nation’s history.” Jerry Alfred Whitworth was convicted after a four month trial. Farmer was an assistant U.S. attorney at the time.

Whitworth and a co-conspirator were stationed in crucial aircraft carrier “battle groups” where they

had access to the equipment used to scramble and decode naval communications. They fed information about the equipment, instruction manuals and the process the Navy used to change up the codes every day to KGB.

“The algorithms for scrambling them were the most highly classified thing in the government at that time,” Farmer said. “There are about 5,000 secret messages per day that go to a single battle group.”

The partners were reticent to discuss recent work in detail, as their practice areas focus on keeping disputes out of the media, but they’ve represented or advised major clients such as Bank of America Corp., Blue Cross of California, Ernst & Young LLP, Intel Corp. and Pacific Gas & Electric Co.

Jeremy J. Calsyn, a partner at Cleary Gottlieb Steen & Hamilton LLP, said the small litigation boutique “has a consistency of quality throughout the firm.”

Calsyn said the boutique is Cleary’s go-to small firm to refer cases to for antitrust cases when conflicts occur and he would recommend them on anything related to Department of Justice investigations.

Calsyn says he often taps Farmer when Cleary is representing companies and needs someone to advise individual defendants in the same cases.

“We would involve Buck on the most important individuals with the most challenging issues,” he said. “They have a lot of credibility with the Justice Department at all levels.”

Farmer Brownstein’s small roster allows the attorneys to take on more of this work that other firms have to turn down, whether due to conflicts or free structure flexibility, keeping them focused on the part of the business they prefer, litigation.

Cleary and the boutique are both currently representing clients in a massive multi-district litigation pending in Detroit that spans around 30 different auto parts and an even larger list of defendants.