

# Stoll Berne seeks 'conflict' with new ads

## Law firm starts formal campaign to lure new clients

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Portland law office Stoll Berne is touting a specialty service that's seldom publicly acknowledged.

The firm is promoting its willingness to accept clients that other firms can't represent because of potential conflicts. Attorneys are prohibited from representing a company that files suit against one of the firm's existing clients.

The ads began running in two Oregon law publications this month.

Stoll Berne is known for its class action work on the Exxon Valdez case, among other accounts. However, the firm also performs business law work. More than half of its business clients came to the firm via referrals from other attorneys.

While it's generally accepted that firms accepting short assignments from referrals won't poach any clients, Stoll Berne actually spells it out. Its ads promise to "take your conflicts. Not your clients."

The approach turns a common law firm practice into a formal, and publicly stated, marketing tool. Law firms typically make conflict-based referrals to other firms through unofficial channels. The work might go to old law school classmates or social acquaintances who might be a good fit.

"Portland is a small town, and there are a number of referral networks in place historically," said Steve English, a Perkins Coie LLP partner. "What (Stoll Berne is) doing by advertising is taking it to another level by putting it in writing."

Legal industry analysts believe Stoll is the first Oregon firm to promote conflict-related services to other law offices. The firm doesn't pay referral fees to colleagues who send them clients.

"We're not a full-service firm, we're not going to represent a big company in all aspects of their business because we're really a boutique litigation and real estate transaction firm," said Scott Shorr, Stoll's managing partner.

"We're also not going to steal the client or represent the client in other areas."

Oregon's law scene is comparatively scant compared to other states with major



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**Partner Scott Shorr vows that Stoll Berne won't steal other firms' clients.**

metropolitan areas. Whereas the Washington State Bar Association has around 29,000 members, the Oregon State Bar Association counts 14,675 members.

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**Jon Stride**  
Tonkon Torp LLP

With fewer attorneys to go around, many lawyers find themselves working either for or against larger companies. Attorneys say they often face conflicts involving such large organizations as Oregon Health & Science University and Nike Inc.

Randy Foster, a Stoel Rives LLP business attorney who regularly refers cases to Stoll Berne, himself encounters between one and two potential conflicts a week.

Oregon attorneys are also exploring more unusual marketing and branding options as they bill fewer hours. The 2012 Oregon State Bar Economic Survey, released last week, reports that Oregon attorneys bill an average of 99 hours a month. That's down from 105 in 2007, the last year the survey was taken.

An April survey by Atlanta-based Managing Partner Forum also indicates that 51 percent of firm leaders are nervous about the 2013 economy. To improve their financial performance, managing partners are

twice as likely to increase marketing efforts than they are to boost hourly rates or cut operating expenses.

Shorr said Stoll Berne's hourly litigation and transaction work dropped immediately after the recession started in 2008. However, its hourly billings will increase over last year's figures.

The conflict-related marketing strategy "is another opportunity to keep our name out there for important business litigation cases before a market — other attorneys — that knows us really well, but may occasionally forget that we do both plaintiff and defense work in complex business and intellectual property cases," he said.

Foster and Tonkon Torp LLP's Jon Stride have referred clients to Stoll and received good results. Stride said it's more important to him whether an attorney helps a referred client as to whether that firm will steal an account.

"The client has the right to choose whatever lawyers they want," he said. "If we refer a client elsewhere because of a conflict, we're sending them there because they have an expertise and the client is well-served."

Micah Buchdahl, past chair of the Chicago-based American Bar Association's law practice management section, said other firms nationally advertise conflict-based referral services. Buchdahl, of Moorestown, N.J.-based HTM Lawyers, prefers to choose his own referral partners based on past working experiences, as opposed to ads.

"It's easier to do it that way. I know who I'm sending them to," Buchdahl said.