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Sophisticated Work

Close-knit lawyers at LA firm Stris & Maher seeking to grow with big cases and high stakes.

By Nicolas Sonnenburg
Daily Journal Staff Writer

LOS ANGELES—In 1996, Peter K. Stris and Elizabeth Brannen represented the University of Pennsylvania in the national collegiate debate finals. Stris and Brannen made it to the final round of debate where they went toe to toe with Brendan S. Maher, a Stanford man.

Stris and Brannen ultimately prevailed over Maher's Stanford team, but any bitterness over the victory dissipated when the three competitors became friends two years later as classmates at Harvard Law School.

"Debate was a lot of fun, I'm not going to lie," Stris commented, chuckling in his firm's Los Angeles office. "A lot of people run away from it as they get older as a silly kind of club from when they were younger. For us, it was a lot of fun." They're still arguing together, but the stakes are a bit higher. The three lawyers, along with several other colleagues, run a highly successful appellate boutique with a national presence.

Currently, Stris & Maher LLP — which will have argued seven cases before the U.S. Supreme Court between the 2015 and 2017 terms — is in the throes of several high profile appellate cases. The most recent of them is ongoing litigation between VidAngel, Inc., a tech startup that filters mature content out of movies, and several major Hollywood studios, among them 20th Century Fox, The Walt Disney Co. and Warner Bros. Entertainment Inc.

In June, Stris argued before a 9th U.S. Circuit Court of Appeals panel to reverse a district court's decision to enjoin the startup's business model and technology. His opponent was the inimitable former solicitor general, Donald B. Verrilli Jr., now of Munger Tolles & Olson LLP. *Disney Enterprises, Inc. v. VidAngel, Inc.* 16-56843 (9th Cir., filed June 9, 2016).

"Peter is a very talented appellate advocate and I thought that we needed that. He is very good at seeing big picture issues, very good at framing problems in a way that resonate with appellate judges," said David Quinto, VidAngel's general counsel. "I'm sure that there's some element to preaching

to the converted, but everyone on our side felt that he out performed Verrilli at the 9th circuit level." The 9th Circuit panel has not handed down its decision.

Quinto is not the only client to recognize the firm's ability look at the big picture when grappling with complex issues.

David Berberian Jr., president and CEO of Droplets Inc., has been especially impressed with Dallas partner Daniel L. Geysler's representation of the Texas technology company. He said the firm's lawyers have an exceptionally clear understanding of the intricate patent and intellectual property issues at stake in two ongoing appellate matters.

"They were able to get their heads around it and really come up with some excellent arguments," he said. "This IP stuff is so intricate, you have to focus on the issue that'll make the most difference. They're not going to challenge every single legal issue. They were very skilled at finding a broader theme or argument that would be dispositive. I was just shocked at how well they could get it."

The cases, which present challenges to Droplets' patented web browser refresher technology, are both before federal appellate circuits. *Droplets Inc. v. E Trade Bank et al*, 16-2504 and *In re: Droplets Inc*, 16-2140.

Right now the firm is relatively small, with 14 lawyers in Los Angeles, Dallas, New York, Tallahassee and Montpelier, Vermont. But the firm is respected on a national level.

"Peter Stris is a brilliant lawyer and a gracious opposing counsel," said Neal Katyal, a Washington, D.C. partner at Hogan Lovells US LLP who preceded Verrilli as U.S. solicitor general. "I always love when we are working on a case — either together or against each other."

This year, the firm was ranked by Chambers and Partners in two categories, appeals and ERISA litigation. Stris himself was listed as a top appeals attorney by the ranking organization. The firm was also named by the National Law Journal on its 2016 Appellate Hot List.

The firm prevailed over Katyal before the U.S. Supreme Court during its 2015 term in a case that determined whether



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Peter K. Stris of Stris & Maher LLP at his office in downtown Los Angeles

ERISA-plan fiduciaries could bring a suit under the Employee Retirement Income Security Act. The court found Stris' argument persuasive, and held in an 8-1 decision that the fiduciaries could not. *Montanile v. Board of Trustees of the National Elevator Industry Health Benefit Plan*, 14-723 U.S. ___ (2016).

Not all cases are wins for Stris & Maher. This term, it lost two before the Supreme Court. *Microsoft Corp. v. Baker*, 582 US ___ (2017) and *Midland Funding, LLC v. Johnson*, 581 US ___ (2017). But that doesn't deter Stris.

"One thing that we're very proud of on a very broad level is getting hired to handle very difficult cases or situations. Obviously, that affects your win-loss rate, but frankly it's a lot more fun," Stris said of the firm's track record.

Stris plans to grow the firm to as many as 40 lawyers in the next few years. With the growth, the firm expects to take on bigger clients. Already, the firm has done significant work for Barnes & Noble Inc.

Stris emphasized he doesn't want the firm to lose its tight-knit culture, though. The lawyers at the firm are friends who like the ease with which they can choose clients and cases, even cases with a political bent. Recently, the firm helped the NAACP Legal Defense Fund with its amicus brief in the Supreme Court case regarding a Virginia transgender student, Gavin Grimm, pursuing a right

to use the bathroom of his choice under the 14th Amendment and Title IX of the U.S. Education Amendments of 1972. *Gloucester County School Board v. G. G.*, 16-273 (filed Jul. 13, 2016).

Looking to the near future, the boutique is set to argue two cases before the nation's high court during its 2017 term. Geysler will argue a bankruptcy case that will determine the appropriate standard of review for determining non-statutory insider status — in *U.S. Bank National Association v. Village at Lakeridge*, 15-1509 (filed Jun. 13, 2016). He'll also argue a case that will determine whether individuals who have not reported alleged misconduct to the Securities and Exchange Commission are protected whistleblowers under the anti-retaliation provision in the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, in *Digital Realty Trust, Inc. v. Somers*, 16-1276 (filed Apr. 25, 2017).

The firm also has several petitions pending before the high court.

"We started the firm to do really sophisticated work where we thought we could really add value," Stris said, noting that the firm refers nine out of 10 potential cases to other firms. "For us, the bigger challenge is not getting work. The challenge is being vigilant about only accepting things that are consistent with our culture and our mission."

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