

# Daily Journal

OCTOBER 26, 2016

## TOP BOUTIQUES IN CALIFORNIA 2016



From left, Peter K. Stris and Brendan S. Maher.

Courtesy of Stris & Maher LLP

### COMPLEX BUSINESS LITIGATION

## Stris & Maher LLP

LOS ANGELES, DALLAS, NEW YORK AND TALLAHASSEE

Four friends graduated from Harvard Law School and launched successful careers in private practice, government, academia and corporate America. Years later, they reunited to forge a firm partnership — now with eight additional lawyers — that litigates high-stakes lawsuits around the country, including three major business cases last year before the U.S. Supreme Court.

Coming up at the high court: Founding and managing partner Peter

K. Stris' oral argument on behalf of a potential class of millions of consumers suing Microsoft Corp. over alleged defects in its Xbox 360 game console, a case that presents significant questions about class action procedure. The firm filed its merits brief in May; an argument date has yet to be announced. *Microsoft Corp. v. Baker*, 15-457. It will be Stris' seventh argument before the high court.

"We had a very big year in the Supreme Court," said the firm's cofound-

er, Brendan S. Maher. "We represented clients, including the state of Vermont, in three of the court's most significant business cases. And Peter was one of only four private attorneys in the nation to argue and win two cases before the court."

In one of those cases, the firm represented investors who lost more than \$50 million after several major financial institutions allegedly engaged in short-selling practices deemed improper under New Jersey law. The defendants argued federal securities laws required the case to be decided in federal court. "We argued that longstanding principles of jurisdiction entitled state courts to hear disputes concerning their own laws," Maher said.

The vote was 8-0 for the firm's clients, holding that the suit could proceed in New Jersey state court. *Merrill Lynch, Pierce, Fenner & Smith Inc. v. Manning*, 578 U.S.\_\_(2016).

The firm's Supreme Court work has not gone unnoticed. In July, University of Southern California political scientist Adam Feldman of *empiricscotus.com*, explained that, "The two most successful attorneys for the [2015] term were Paul Clement [a former solicitor general] and Peter Stris."

But appellate work is a small part of the firm's practice. "The vast majority of what we're paid to do is trial court litigation, arbitration, and litigation avoidance," Stris said. "That work is quite varied. Last year, for example, we obtained important victories for clients who were defendants." Those included summary judgment for Barnes & Noble Inc. in a copyright case in New York and summary judgment for Smashwords Inc. in a right of publicity case in Ohio.

"During that time, we also obtained significant recoveries for our plaintiff-side clients," Stris said. Those included a trial court judgment that now exceeds \$16 million in a long-running Employee Retirement Income Security Act case against Xerox Corp. as well as a \$3.8 million settlement with Transamerica Corp. in a pension class

action in Iowa. The firm also provides strategic consulting to the California Department of Managed Health Care.

"After spending fifteen years developing complementary skills, we consciously decided to build a small firm to handle big cases," said Stris, who with Elizabeth I. Brannen won the National Debating Championship as University of Pennsylvania undergraduates, defeating Maher and his Stanford University debate partner. At Harvard Law School, they met Daniel L. Geysler.

Brannen, who leads the firm's intellectual property practice, began her career with a clerkship for former Judge Arthur J. Gajarsa at the U.S. Court of Appeals for the Federal Circuit. Prior to reuniting with Stris & Maher, she served for three years as director of intellectual property at Barnes & Noble and, immediately prior to that, as corporate counsel in Oracle Corp.'s litigation group.

Geysler, who now leads the firm's Supreme Court and appellate practice, began his career with a clerkship for Judge Alex Kozinski at the 9th U.S. Circuit Court of Appeals. He went on to serve under current Senator Ted Cruz in the office of the Texas Solicitor General.

As law partners, the quartet have been practicing together for less than two full years. Prior to that, Maher became a tenured law professor at the University of Connecticut School of Law where he also serves as director of the school's preeminent Insurance Law Center. Along with Geysler, Maher works out of the firm's Dallas offices.

According to Brannen, Stris is a born entrepreneur, business generator and leader. "He orchestrated this merger of old friends," said Brannen. "He also recruited our partner, Dana Berkowitz." She is another graduate of Harvard Law School who leads the firm's health care litigation practice. "And he's relentless about making sure that we each focus on our unique strengths and lean on one another whenever necessary."

—John Roemer