

## **BUSINESS PLAN**

### **Introduction and Summary**

Currently I am a litigation partner in the Denver office of \_\_\_\_\_. I have 14 years' experience representing clients reaching from entrepreneurs and industry pioneers to Fortune 500 companies in complex commercial litigation matters ranging from bet-the-company cases to more routine litigation. In connection with a possible lateral move from \_\_\_\_\_, this document describes my practice and business plan. I am looking for an opportunity that will allow me to continue to develop my practice, while at the same time contributing to a firm's overall branding.

You separately may view my professional biography online, at \_\_\_\_\_.

### **Education and Work Experience**

In 2004, I graduated from the University of Michigan in Ann Arbor with a Bachelor of Arts degree. I majored in Economics, but took a wide variety of classes in writing, public speaking, psychology, sociology, political science and literature. In 2007, I graduated from the University of Texas School of Law in Austin. I emphasized litigation-related classes and otherwise again took a wide variety of courses.

In 2007, I joined the Litigation Department at \_\_\_\_\_ in \_\_\_\_\_, Texas. Before leaving for Denver in 2010, I first-chaired two bench trials and second-chaired a jury trial. In Dallas, there was a hearing set for every motion, and I argued at least ten hearings ranging from dispositive motions to temporary restraining orders to discovery disputes. I also represented several pro bono clients in contested and uncontested hearings. \_\_\_\_\_ had approximately 140 lawyers in its home office in Dallas, and I started participating in firm management on the recruiting committee.

In August 2010, I moved to Denver and joined \_\_\_\_\_. In my first year with \_\_\_\_\_, and as a fourth-year associate, I second-chaired a three-week, class action jury trial with \_\_\_\_\_. In the next several years I represented the same client as first chair in two bench trials. During this time, I served a two-month stint at the City and County's Municipal Court Trial Advocacy Program, in which I reported to work at the City and tried around 15 criminal cases as a prosecutor (mostly domestic violence cases). Since leaving the program, I have continued to handle cases as a special prosecutor when the City has a conflict, and I have prosecuted at least five additional jury and bench trials.

Since 2015, I have first-chaired or second-chaired seven civil bench and jury trials or equivalents (e.g., evidentiary hearings on injunctive relief). I also have obtained summary judgment or equivalents (e.g., forced my client's settlement terms before decision rendered and without further negotiation) at least ten times. I have successfully defended trial court victories by briefing and oral argument to the United States Fifth Circuit Court of Appeals, the Texas Court of Appeals (Fifth District – Dallas), and three times to the Colorado Court of Appeals.

The subject matter of my cases has included: noncompetition covenants and trade secrets, employment discrimination, wage acts, contracts (various, including stock purchases, asset sales, insurance, loans), fraud, airports, patents, copyrights, trademarks, cybersquatting, admiralty law, consumer protection statutes, personal injury, products liability, lender liability, CERCLA, construction, personal jurisdiction, and adverse possession.



I have represented a wide variety of clients, including clients in the following industries: disc drive and data storage, software, direct broadcast satellite television, internet service provisioning, criminal justice, mineral processing, airport, hotel and resort, gaming, financial services, energy, banking, telecommunications, textile services, fruit labeling, and home building.

At the end of this document you will find more personal information about my background and my interests.

### **Business History**

I made partner at \_\_\_\_\_ beginning January 1, 2013. The following shows the money I have collected from matters for which I (was) am the sole partner in charge and for matters in which I (was) am the "relationship partner" -- which I define as clients that would have left with me if I had left \_\_\_\_\_ at the time:

**2013** – I collected \$1,000,000. My standard rate was \$385. The majority of my collections came from:

- An industry pioneer that I originated. The company was embroiled in a noncompete dispute. We went to jury trial and received hundreds of thousands of dollars in damages and attorney fees, and injunctive relief that allowed the client to grow from \$4 million annual revenue in 2002-03 to \$65 million annual revenue today.
- A textile services company with major employment litigation involving discrimination and wage act claims that could have led to significant liability exposure in its operations nationwide.
- A telecommunications company that I had represented earlier as an associate, and that turned to me only because of my earlier work. It later left when my rates went up.

**2014** – I collected \$1,600,000. My standard rate was \$425, but some of the below matters were discounted to between \$350-\$400. The bulk of my collections came from many sources.

- A national bank I had represented a few years earlier in \$200 million CERCLA litigation involving the Summitville Mine. I won summary judgment for the bank, and it returned with a multi-million dollar claim against a title insurer based on a defaulted construction loan contract and criminal borrower.
- An energy company with two major lawsuits against it and its Board of Directors. One lawsuit involved a breach of contract claim made by the former founder and CEO; the other involved a preferred investor claim in Delaware for securities fraud and breaches of fiduciary duties. I had counseled the company on various business and employment issues (not the CEO), and it turned to me for the defense of these lawsuits.
- The industry pioneer, who was still litigating multiple lawsuits and issues against a former partner turned competitor.
- A company that provides private probation services and that develops and sells electronic monitoring devices for use with criminal offenders and others under supervision orders (e.g., detained aliens under a large contract they recently gained from the Department of Homeland Security). The company was involved in several lawsuits, ranging from litigation with competitors to litigation brought by offenders and victims.
- An entrepreneur and venture capitalist litigating his departure from his firm.



- A disc drive manufacturer that I have represented in employment litigation since 1996.
- A new contract from the City to represent it in DIA regulatory and litigation matters, which at the time included rate and revenue diversion disputes primarily with United and Frontier. (I had represented the City in the late 90's as an associate and maintained that relationship.)

**2015** – I collected \$1,750,000. My standard rate was \$450, but some of the below matters were discounted to between \$350-\$400. My collections came from several sources.

- The energy company. I obtained dismissal of the bulk of the fraud and fiduciary duty claims, and the parties settled. The company was sold, and I believe is being further carved up and sold.
- The entrepreneur and venture capitalist litigating his departure from his firm. (We reached a settlement that effectively led to his retirement.)
- The industry pioneer, who was still litigating multiple lawsuits and issues against a former partner turned competitor. The client left near the end of 2004 because of rates, but is still a close contact and friend. I would expect to earn back his business if I could reach an agreeable rate with him (probably in the \$300-400 range).
- The disc drive manufacturer that I have represented in employment litigation since 1996.
- The City for my work on DIA rates and charges disputes. The City did not renew my contract in 2005 after my rate went up again, and \_\_\_\_\_ would not approve the City's desired discount.
- The company that provides private probation services and that develops and sells electronic monitoring devices for use with criminal offenders and others under supervision orders.
- The national bank, which had three other pieces of financial services litigation arise.
- Foreclosure work from a major lender that I originated through a referral from the national bank.
- A casino in Blackhawk facing three major employment lawsuits. The company was later sold.

**2016** – I collected \$500,000. My rate increased to \$475 and then rose to \$500 mid-year. As explained above in the 2004 discussion, I lost many sources of collections through circumstance or inability to receive approval from \_\_\_\_\_ for rate discounts necessary to keep the clients. My collections came from:

- The disc drive manufacturer that I have represented in employment litigation since 1996.
- The company that provides private probation services and that develops and sells electronic monitoring devices for use with criminal offenders and others under supervision orders.
- The foreclosure work from a major lender that I originated through a referral from the national bank.
- A telecommunications company that I obtained through referral.
- A manufacturer of mineral processing equipment that I originated. The company is defending against a trade secrets case brought by an aggressive and hot-tempered competitor.

**2017** – Given the pace of my matters, the year should end somewhere between \$750K to \$1.25M, depending on settlement and dispositive motions. (I have collected \$375,000 through June 2017.) My rate is \$525, and I have been told my rate will be going up very soon. My collections are coming from:



- The disc drive manufacturer that I have represented in employment litigation since 2011.
- An Australian software company I originated. The company is defending trade secrets litigation brought by a fierce rival, and the company is looking to expand its operations into the United States.
- The company that provides private probation services and that develops and sells monitoring devices for use with criminal offenders and others under supervision orders.
- The foreclosure work from a major lender.
- The manufacturer of mineral processing equipment.
- The telecommunications company.

### **Bar Admissions**

State of Texas: November 6, 2007

U.S. District Court for the Northern District of Texas: March 12, 2008

U.S. District Court for the Eastern District of Texas: May 24, 2009

State of Colorado: October 23, 2010

U.S. District Court for the District of Colorado: November 30, 2010

U.S. Court of Appeals for the Tenth Circuit: December 20, 2010

U.S. Court of Appeals for the Federal Circuit: September 6, 2013

U.S. Court of Appeals for the Fifth Circuit: August 19, 2014

United States Supreme Court: September 3, 2015

### **Hours**

As an associate from 2010 until 2013, each year I billed over 2,000 hours and contributed 500 hours in client development and firm management activities. I participated on committees involved with recruiting (summer and lateral), pro bono, associate retention, and technology strategy.

As a partner from 2013 to present, each year I have billed between 1,700-1,800 hours with 800- 900 nonbillable hours. In addition to client development activities and general office/firm administration, I lead or am substantially involved in office and firm-wide committees involved with recruiting and hiring (summer and lateral), associate training, associate evaluations, and pro bono.

### **Pro Bono**

I spend approximately 100 hours per year on pro bono work as Co-Chair of the Lawyers Committee's Hate Violence Task Force and as special prosecutor for the City. The Lawyers Committee is a 28-year-old nonpartisan, nonprofit consortium of Denver-area law firms. In leading the Hate Violence Task Force, I develop and present mock trials based on hate crimes to junior-high, high school, college and graduate students all over Colorado. Recently we have been partnering with the Colorado Civil Rights Division by attending and raising awareness at "town meetings" and other programs in outlying areas of the state. For my efforts as a volunteer since 2011, and as Co-Chair since 2013, the 47 member law firms of the Lawyers Committee voted me and my co-chair the 2016 Lawyers Committee "Individual of the Year."

As special prosecutor, I prosecute domestic violence and other municipal code cases when the City has a conflict. I have provided these services to the City on a pro bono basis since 2011.



A move from \_\_\_\_\_ would allow me to participate more freely and substantially in local organizations, charitable or otherwise, to further foster contacts and enhance my overall reputation both individually and on behalf of a firm.

## **Goals and Plan**

### External

My experience has been that the best business development begins with current clients. First, it leads to increasing work beyond that which you normally perform. Second, it leads to referrals. For these reasons I focus on several key service aspects:

One, being responsive and available by cell phone and in the office, at home and remotely. In my experience, clients want the ability to turn to me as a steady point of contact for many different matters, even if I have delegated the matter to another partner or to an associate. They also want to know that the project or worry has been transferred from their desk to mine.

Two, I believe strongly in personal meetings. I frequently seek excuses to treat current or potential clients to a meal or a sporting event, and to visit their offices, even if it means jumping on a plane on my nickel. I tend to associate with my client contacts outside of work, based in part on the fortuity that many would be friends if we had met outside of business.

Three, learning the client's business – the people, the product/service, and the industry. Understanding at a core level what the client does, how they make their money, and to whom they are beholden is invaluable information towards graduating from the role of litigator and trial lawyer to a trusted confidant, a consigliere.

Four, delivering impeccable work product and results at or above client expectations. I love the thrill of practicing law: interviewing witnesses and reading documents, researching and developing legal arguments, writing and arguing motions, counseling client decisions, taking cases to trial, and defending judgments on appeal. Quite simply, those day-to-day thrills are why I went to law school.

I believe there is a strong likelihood several clients will follow me to a new firm because they are clients I originated or have taken over from a lawyer who moved and went in-house (and they do not appear wed to \_\_\_\_\_):

- The disc drive manufacturer that I have represented in employment litigation since 2011. [approximately \$200-250K annually]
- The Australian software company. It needs help in the areas of litigation with vendors and competitors, employment start up and related litigation, patents and trademarks, general transactional work (e.g., reseller and license agreements), and possible future financings and/or merger & acquisitions. [approximately \$250K- 500K annually]
- The company that provides private probation services and that develops and sells monitoring devices for use with criminal offenders and others under supervision orders. [approximately \$100K annually]
- The foreclosure work from a major lender. [approximately \$75K annually]
- The manufacturer of mineral processing equipment. [approximately \$25-50K annually]



- The telecommunications company. [approximately \$5-10K annually]

It is very possible that several clients will follow me on a limited basis, mostly in the area of employment counseling and advice: an internet software development company, a communications company, a consumer debt company, and a direct satellite broadcast company.

After a move, I also would call on many current \_\_\_\_\_ clients that do not appear to be tied to \_\_\_\_\_ and see if I could gain their business based on a platform of better rates for equal or better service. Separately I would focus on trying to regain former clients that left because of rates.

### Internal

Paramount to my transition is gaining the trust and confidence of my new partners, the associates, and the staff. Parallel to the above external efforts to develop my practice, I would focus on integrating internally with the firm's litigation and transactional practices, both locally and in other offices. I would spend the necessary time, and make personal visits if necessary, to educate and incent my anticipated portable clients about the benefits of transitioning to my new firm, including the services available from its transactional attorneys. I also would promote and capitalize on opportunities to serve the litigation and counseling needs of existing firm clients.

I enthusiastically look forward to developing speaking engagements and publishing immediate client alerts in reaction to important new legislation and court decisions. At \_\_\_\_\_, there is very little by way of promising opportunities in this area. Speaking and writing projects may get the \_\_\_\_\_ name out in the Denver market, but rates not only prevent me from successful follow-up, they tend to label me as unapproachable. In the past, I have guest lectured the Trial Advocacy course at Denver University School of Law and presented at the legal education seminars \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_. Going forward, I would focus on speaking at client-related industry conferences, and at legal conferences aimed more at in-house counsel and sources of referrals. I would explore writing opportunities in publications read by our targeted client audiences. I also will continue preparing and presenting client training seminars, of which I have done a good number at \_\_\_\_\_. I would welcome continuing opportunities to teach, either as a guest lecturer, an adjunct professor, or a faculty member at legal skills training programs such as NITA.

### Personal

I am married, currently without children. My wife is a Wyoming / Colorado native and is a paralegal in the Private Wealth and Tax group of \_\_\_\_\_ Denver office.

I come from a melting pot consisting of an Egyptian base with English and Finnish seasonings. My father came to the United States from Egypt when he was 20 with a backpack and two friends, and he stayed. He is a retired chemist. My mother came from a family of educators in the mining towns of Michigan's Upper Peninsula. She is a retired school psychologist. They nest in Lansing, Michigan but spend their retirement traveling the world and packing their schedules with community activities. I take after my parents – I am a habitual explorer and traveler.

I am an avid fan of sports, both as a participant and as a spectator, although one could never look at me and think "jock." I play and watch both team sports and individual sports. From my youth through college I concentrated on soccer, traveling nationally and internationally to many tournaments. I also played high-school varsity tennis and golf. In college I played all kinds of intramurals, including



championship soccer teams, and basketball, football and softball. In law school I played on a highly competitive flag-football team organized and coached by the late Karl Wright. We routinely won the all-campus trophy, earning us a trip to the national tournament held every year in New Orleans in association with the Sugar Bowl. My latest love is playing league ice hockey. I very much enjoy working out, either by traditional methods (weights and running) or by activities, which currently focus on hockey and skating, basketball, racquetball, mountain biking, hiking, skiing, tennis, and golf.

When I was a kid I was a voracious reader with a seemingly unquenchable thirst. I still try to enjoy a drink when I find the time, tending toward stories loosely based on fact. I also lose myself in music, where variety rules my taste.

SAMPLE



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