

LITIGATION BOUTIQUES

HOT LIST

A Special Report

With this issue, *The National Law Journal* inaugurates our Litigation Boutiques Hot List, featuring 10 small firms that take second place to no one in courtroom skill. These are the firms important clients turn to for state-of-the-art advocacy in bet-the-company cases. They are carving out specializations in products liability, international trade, intellectual property and other areas of the law. They also represent an avenue to practice high-end law on a more human scale than perhaps is offered by larger firms.

Tragedy took the wind out, but not for long

Yetter Coleman suffered a key partner's untimely death, but came back swinging.

BY LISA HOLTON

The confirmation arrived just before Thanksgiving 2010: Gregory Coleman, a former Texas solicitor general who'd become a name partner at Houston-based Yetter Coleman, had died in a plane crash along with two family members.

Coleman had arrived at the firm only three years earlier and had built a very solid appellate and U.S. Supreme Court practice. His loss came as a tremendous personal and professional blow. "Obviously, you don't replace a star litigator and a good friend—ever, really," said name partner R. Paul Yetter. "It's been a year of transition and renewed growth, but we were lucky to have a very deep bench that Greg helped build."

The firm was forced to regroup, and quickly. It named former King & Spalding

partner Reagan Simpson to lead the 13-member appellate team and later former Locke Lord partner Charles Parker to run the complex-business and securities-litigation practice. Among its peers, former clients and co-counsel, the consensus is that Yetter Coleman remains an aggressive firm with great intelligence and an impressive bench, but without the Texas-sized swagger.

"You don't see big egos, hams or whiners there. In many ways, [the attorneys] are all clones of each other," said Haynes and Boone partner Lamont Jefferson. "They have a terrific sense of humor, all seem to highly value family life, and all have impressive academic and professional credentials."

Now with 32 attorneys and 25 support staff, Yetter Coleman was launched in 1997 when Yetter and fellow partner David Warden left Baker Botts and

opened their own firm, which became Yetter, Warden & Coleman in 2007 with Coleman's arrival. Warden left this year to join Houston-based Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing.

Yetter Coleman, with a strong technology outpost across the state in Austin and its unusual Supreme Court practice, is involved in several high-profile cases. It represents American Airlines Inc. in antitrust litigation with vendors; 12,000 children in a case against the Texas foster care system; and shareholders suing BP PLC in the aftermath of the 2010 Gulf of Mexico oil spill. The firm represents the Texas Republican Party in that state's redistricting battle.

Yetter Coleman secured some significant wins during the past year, including a successful defense of International Business Machines Corp. in a \$1 billion antitrust case filed by Austin-based Neon Enterprise



Yetter Coleman's Senior Partners: Reagan Simpson (seated left), Paul Yetter (standing), Charlie Parker (seated right).

Software charging that IBM had disparaged its zPrime software and employed illegal tactics to prevent customers from purchasing it.

The firm recovered nearly \$2 billion in so-called "stranded costs" for CenterPoint Energy Inc. against the Gulf Coast Coalition of Cities in a successful appeal to the Texas Supreme Court. One of the key victories within the case, Yetter said, was the team's ability to win an arcane tax argument that became a major piece of the overall victory in the client's effort to recover costs lost as a result of industry-wide energy deregulation. The team included appellate partner Chris Ward, Autry Ross, Marc Tabolsky and Dori Kornfeld Goldman.

KNOTTY PROBLEM

"There was a very knotty depreciation issue that CenterPoint had lost at every stage. When you lose an issue every time, you think about whether you want to push it," Yetter said. "But Scott Rozzell [CenterPoint's executive vice president, general counsel and secretary] had convinced us we were right, and working together, we were finally able to describe it in a more digestible way that no one had tried before. After 10 years, perseverance is very critical."

The case underscored one of the keys to Yetter Coleman's success—the ability to craft storylines.

"One of the things a litigation-only law

firm has to do best is bring simplicity to complexity," Yetter said. "Every case we handle—some are head-hurtingly complicated—and on the appellate and trial side, we have to deliver an effective story to laypeople" and judges who may not be experts in the subject at hand. "Every case is a story."

The firm also gets points for good manners. Jefferson noted his work in 2010 with Yetter Coleman on a case involving the South Texas Project, an nuclear energy initiative. "We represented the project owner and Yetter Coleman was brought in to represent the parent company, also a named defendant," he said.

"Since we were answering to essentially the same client, [Yetter Coleman] might have been incented to make themselves look good by disagreeing or pointing out flaws in our work product," he said. To the contrary: "The firm could not have been more gracious, which started at the top. The litigation was stressful, and in that environment there are always things that could be handled better. We always felt like they had

our back, and we had theirs."

James Kimbell of Strasburger & Price worked as co-counsel with Yetter in a case on behalf of Dallas-based Doctors Hospital and GE Healthcare Financial Services Inc. against Beazley Insurance Co., winning an award last year of \$35 million. Paul Yetter led the team.

"Paul is the finest trial lawyer I've ever worked with," Kimbell said. "When he puts together a team to work on a case, it's very much a team effort. He made sure he let his partners take a witness or two. You don't always see that. He's a gentleman even when he's an adversary, and his whole firm is like that."

Lisa Holton is a freelancer reporter in Chicago.

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