

## New England And Boston – Law Firms

# Large Firm Expertise In Northern New England: Verrill & Dana, LLP

The Editor interviews David E. Warren, Managing Partner, Verrill & Dana, LLP of Portland, Maine.

**Editor:** Please tell us about your background.

**Warren:** After graduating from Columbia University, I began my law practice in Boston with the firm then known as Hutchins & Wheeler, now part of Nixon Peabody. I worked there for several years and eventually returned to my home state, Maine. I worked as an assistant attorney general and then as law clerk to a newly appointed federal magistrate judge. I moved to Verrill & Dana in 1989 as a corporate lawyer and became managing partner in 1994.

**Editor:** Your firm is among the top northern New England firms. How did the firm achieve this status?

**Warren:** Verrill & Dana is one of the largest and most prominent firms in northern New England partly as a result of longevity and partly as a result of the quality of its lawyers. The firm was founded in 1862, which makes us the oldest firm in Portland. Like many law firms in Portland, it remained small until the 1970's when it grew beyond its roots as a small family law firm. In the 1980's it grew substantially, departmentalizing into several concentrations as the law became more complex and the needs of our clients became more sophisticated. In the 1980's and through the 1990's we started to add lawyers who began their careers in major firms in larger cities: New York, Boston, and Washington, DC in particular. We also added lawyers with expertise in specialty fields, such as securities law, environmental law, intellectual property and patent law, and employee benefits. Today we have nearly 90 lawyers in our five offices – Portland, Augusta, Kennebunk in Maine, Kansas City and Washington, DC.

**Editor:** Has the firm's total quality management program (TQM) contributed to its success?

**Warren:** I believe so. We have committed ourselves to a process of TQM that is focused on maintaining and continuously improving the quality of services that we provide to our clients. We take advantage of the contributions that everyone in our firm can make, both lawyers and members of our support staff. I think we have done something that is quite unusual among law firms by embracing the principles of TQM and creating a program that has been in place for 10 years. It has great vitality in the firm and provides opportunities for everyone here to work collaboratively to ensure that we are providing the highest quality service we can to our clients.

**Editor:** What metrics do you use?

**Warren:** We identify areas in which our firm can be improved, and we strive to make both qualitative and quantitative improvements in our service. Metrics vary according to the subject area but we are very attentive to ensuring that there is, in fact, a measurable improvement by whatever the metrics may be in a particular area of activity that we are focusing on. For example, we have made identifiable improvements in the way we provide communications services to our clients. Clients are assured that they will have prompt and effective contact with our lawyers. We have had dramatic results in improving the accessibility of our lawyers to clients through the changes that we implemented after a TQM study of this issue.



David E. Warren

**Editor:** Could you describe your practice groups in greater detail?

**Warren:** We continue to broaden our expertise by adding discrete practice areas such as construction law, a collegiate and professional sports law practice, healthcare law, patent law, and certain concentrations under the general umbrella of labor and employment law.

Our largest practice area is our litigation department which does mostly corporate and commercial litigation, representing business clients. Our second largest practice is our corporate and securities law practice area which is quite large for a firm in Portland, Maine. Unlike most firms in smaller communities like Portland, we have securities lawyers who began their practice in New York and other large cities so they have a great deal of experience and expertise in representing publicly traded corporations. Our employee benefits practice is among the largest in all of New England, even counting the large firms in Boston. I should also mention our commercial financing practice which is a large and important part of our firm. It is not based exclusively in Maine. In fact, our largest client in this field has been in Atlanta for several years, and we continue to do work on the national stage in that area.

In addition, another important practice concentrates on construction project labor issues, including project labor agreements. That is conducted mostly on the west coast and is supervised by Brad Coupe who came to us several years ago after 25 years of experience in the New York and Washington, DC offices of a major national firm. He has been able to conduct the same practice that he had conducted before with many of the same clients in the area of project labor agreements and construction project labor work. Finally, our bankruptcy and commercial law practice is among the leading practices in northern New England. We tend to become involved in the most difficult and complicated bankruptcy matters, and we are in the midst of wrapping up the largest and most contentious bankruptcy matter to come up in the history of bankruptcy work in Maine. We also do work outside of Maine in that field as well.

**Editor:** Which of these areas will have the greatest growth prospects for the future?

**Warren:** I think that there is opportunity for growth in all of those areas. We think that our corporate and securities law practice may be poised to grow as we work increasingly toward making our services available to clients outside of Maine. Clients in Boston and other metropolitan areas are looking for quality representation at more affordable rates, which we can provide. I would say that

our bankruptcy and commercial law practice is another area that is well poised to grow because of the vigor of our lawyers in that practice area. We have experienced rapid growth in our bankruptcy group over the past few years with lawyers who have developed a great deal of experience in relatively short periods of time and who are able to practice alongside the highest quality bankruptcy practitioners anywhere in the country.

**Editor:** Is there any one practice group that stands out as having a unique capability?

**Warren:** Our employee benefits group is one of the leading groups of its type in the country. We have developed a large and sophisticated ERISA practice through a combination of lawyers who have begun their practice in Portland and others who have joined us after practicing with firms in Washington, DC, the center of employee benefits practice in this country. Our benefits lawyers practice at the absolute highest level of quality and expertise in an area that is very technical and difficult.

**Editor:** Are clients who are non-public companies coming to you for advice on Sarbanes-Oxley?

**Warren:** Yes, they are. Even if the Act does not apply to them, we are finding that a number of clients are quite interested in Sarbanes-Oxley and what it portends for the future of corporate practice. Interestingly, even nonprofit corporations are looking at Sarbanes and the law developing around the Act as the gold standard for the field of corporate governance. One of our lawyers, Greg Fryer, is an expert in this field and has been called upon to make presentations to the boards of colleges and smaller local banks who are looking at the Act for what it teaches about best practices in corporate governance.

**Editor:** Would you describe the firm's role as general counsel to in-state companies?

**Warren:** We do serve as general counsel to hundreds of companies, most of which are Maine-based companies, ranging from publicly traded companies to small organizations. We also serve as local counsel to many large non-Maine-based companies and clients that have transactions in Maine or need legal assistance with litigation matters.

**Editor:** Do you see a lot of cross-border transactions as a result of being close to Canada?

**Warren:** We do. We share a long border with Canada, and we see a fair amount of business transacted between Maine-based companies and Canadian interests. This is an area where I think our practice is likely to expand. Cross-border business seems to be expanding as the economy in the Maritime Provinces begins to improve and companies in French Canada look to the south for potential markets. We take pride in our ability to transact business in Quebec in the native language and are well equipped to handle matters on behalf of our clients in Quebec and vice-versa. We have many natural business and cultural relationships with our Canadian neighbors, and the governors of the New England states and their counterparts, the premiers of the Eastern Canadian provinces, meet regularly to discuss matters of common interest – a matter that has not gone unnoticed on the part of the business community.

**Editor:** What challenges do you face in building the firm's future practice?

**Warren:** Our greatest challenge is communicating to the outside world and the rest of the country the capabilities of a firm based in Portland, Maine. One does not think of Portland as a center of sophisticated legal representation, but we have many of the capabilities of larger urban firms and have lawyers who came from those firms with all of the experience and capabilities of their counterparts. We think that we can provide high quality sophisticated legal service at rates that are substantially less than clients confront when working with larger firms in major cities.

**Editor:** Do you plan to grow your firm to other cities or to grow organically?

**Warren:** I would say both. We do expect to grow organically as we have over the past 10 years when we grew by approximately 50 percent. We will continue to attract to Portland experienced lawyers from other firms, both within and outside Maine, as well as new lawyers beginning their practices. We are also very alert to opportunities to open offices in other cities that make sense to us and our clients. For example, the Washington, DC office, which opened in the early 1990's, and the Kansas City office, which was opened more recently, are both examples of our willingness to open offices where there are opportunities for our firm or when we need new offices to meet the needs of our clients.

**Editor:** Are they both full service offices?

**Warren:** No, they are both very focused offices. The Washington, DC office has two areas of practice: one is lobbying and legislative work, primarily in support of our professional sports law practice although we do lobbying and legislative work in other areas as well. The other is an outreach of our environmental practice.

Our Kansas City office is very small and is focused exclusively on a collegiate sports practice. That office was opened because of an opportunity that presented itself when the NCAA decided to move from Kansas City to Indianapolis. Janet Justus, an experienced lawyer, who had spent her career with the NCAA, decided that she did not want to relocate to Indianapolis and wanted to affiliate with a law firm where she could continue her work in the area of Title IX and pay-equity as well as other NCAA regulatory areas. When she searched for a law firm that was practicing in that area, she found that Verrill & Dana had one of the leading national practices, and she asked if we were interested in opening an office in her community.

**Editor:** Do you encourage your attorneys to donate time to pro bono or public service activities?

**Warren:** We encourage all of our lawyers to become engaged in both pro bono services and other community service roles. I think that we are recognized widely as a leader among Maine law firms in that area. One of our partners, Bill Harwood, who several years ago received the ABA Pro Bono Publico Award, is the leading example of the type of commitment that our lawyers have displayed over the years towards pro bono service. With the support of the firm, I have had the opportunity to become engaged on a large number of boards of nonprofit organizations and have had a chance to serve as chairman of the local United Way campaign. We find that our lawyers have many opportunities to become active in public service which is one of the advantages of living in a smaller community.

Please email David Warren at [dwarren@verrilldana.com](mailto:dwarren@verrilldana.com) with any questions about this interview.