

# Paradigm™

An aerial photograph of a boat's wake in the ocean, with a semi-transparent globe overlaid on the water. The wake is a large, white, foamy trail that curves across the dark blue water. The globe is positioned in the lower-left quadrant, showing the Americas. The overall image is set against a red background.

President's Podium:

What makes Primerus™ special is on display for all of us to see

Making Waves

Costly Endeavor

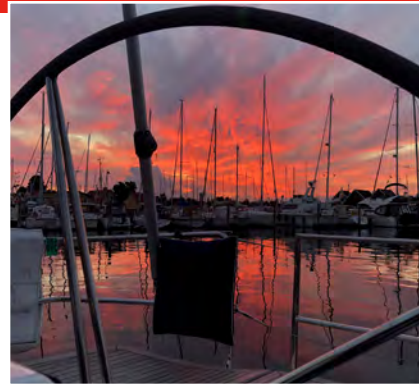
**P** PRIMERUS™

The World's Finest Law Firms™



# The Primerus Paradigm™

Spring 2023



## Making Waves:

Boaters let their dreams set sail on the open waters

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## President's Podium:

What makes Primerus™ special is on display for all of us to see

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Every lawyer in Primerus™ shares a commitment to a set of common values known as the Six Pillars:

- Integrity
- Excellent Work Product
- Reasonable Fees
- Continuing Legal Education
- Civility
- Community Service

For a full description of these values, please visit [primerus.com](http://primerus.com).



### About Our Cover

A love of the open water is a tie that binds many in the world of Primerus™, as they revel in the joy of sailing, fishing, and exploring the depth of a leisure time passion.

Articles in this publication are intended for informational purposes only and do not convey or constitute legal advice.

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# Making Waves

## Boaters let their dreams set sail on the open waters

By Brian Cox

Sunset through the helm of Primerus™ Member Eckart Brödermann's sailboat "Gefion"

Life on the water is another world.

For some Primerus™ attorneys, it is a well-earned, weekend refuge from the complex and consequential responsibilities of a demanding law career. For others, it is an opportunity for thrilling adventure or intense competition that tests the limits of the human spirit. For still others, it is a lifestyle comprised of family, tradition, and community.

For all of them, life on the water is a source of rejuvenation that they cherish and an enduring point of pride, passion, and pursuit. ▣



# The Cruiser



Marina and downtown view from Longfellow Bridge, Massachusetts, USA

**E**very first-time guest aboard attorney Jim Rudolph's 48-foot sailboat "Forever Young" is offered a ballcap emblazoned with the name of the boat and the burgee of the Boston Yacht Club. Rudolph offers the hat in a range of colors.

In a strong sense, his boat's name is reflective of Rudolph's sentiment toward sailing and the gift of the hat can be seen as a gesture, welcoming guests to share in that youthful enthusiasm while on the boat and, perhaps, carry it away with them when they leave.

Rudolph, who grew up in Beverly, Mass., a Boston suburb near the water, has been sailing since he was 7 years old. He owned his first boat at the age of 8 — a 9-foot, 11-inch Turnabout that he raced against friends every Saturday and Sunday at the local junior yacht club.

"It was a great way to grow up," says the managing partner at Rudolph Friedmann LLP.

When he was a little older, he raced an International 110, which is a 24-foot racing keelboat. It was competitive; there were more than 15 boats in the fleet.

He christened his first boat "TGISA," which stood for "Thank God It's Saturday Again." His second boat, which he owned in his later teen years, he named "Seaduced," a name he says his mother didn't much like.

After years of racing, he was a little burned out and stepped away from the competition during his college education at the University of Denver, though he continued to own a sailboat. He named it "Bouboulina," after a Greek naval commander and war heroine considered to be the first woman to attain the rank of admiral.

It was after he returned to his home stomping grounds and graduated from Boston College Law School that Rudolph purchased a 25-foot sailboat and became passionate about cruising. His wife, Susan, also grew up sailing and the couple actually became engaged during an overnight sail to Nantucket.

As Rudolph's career advanced and his reputation flourished, so did the size of his boats. He says he has owned more than a dozen sailboats over his life.

"They seem to have grown over the years," he says with a wry smile, adding that a few years ago he bought a 48-foot boat and that "I think that's as far as I'm going to go."

For a time, as a younger lawyer, he took to naming his boats after legal terms: "Variance," "Preference," "Mandamus."

But several years ago, he was attending a Bob Dylan concert with a friend after just purchasing a new boat and he mentioned he was looking for a name. The next song Dylan sang was "Forever Young," and Rudolph took it as a sign. The name has now carried over to his current boat.

Since they got married, each summer, Susan and he, and usually other family members, spend at least a week sailing in New England, going to Maine, Cape Cod (and its islands Martha's Vineyard and Nantucket) or Newport, Rhode Island. He has also chartered, as the captain, boats several times in the Caribbean.

A business lawyer, Rudolph has managed to blend his passion for boating with his law practice. About 20 years ago, he bought a 42-foot boat from a Beneteau dealer that he became friends with and eventually began representing. Over the years, he has represented, on a variety of matters, a number of developers, lenders, boat dealers, and owners of marinas and boatyards.

"I managed to make it into a moneymaking proposition sort of accidentally," he says. "It wasn't something I set out to do, but I get a lot of calls."

In addition to the purchase and sale of boats of all sizes, and marina and boatyard issues, he also handles warranty and insurance claims.

Rudolph also has a power boat, a Regulator 34, which he "drives" to work somedays

in order to beat rush-hour traffic. From the Boston Yacht Club in Marblehead where the boat is moored, it is about a 25-minute trip to Rowes Wharf in Boston, which is only a 5-minute walk from the firm's offices. He usually keeps his boat in Boston for at least a week each summer so he can entertain law firm clients.

And, of course, he gives them each a hat. 🧢



A lifelong sailor, Boston attorney Jim Rudolph stands at the helm of his 48-foot sailing boat "Forever Young."



# The Romantic



This is the love story Hamburg attorney Eckart Brödermann's children retold as a theatrical skit at their parents' 25th wedding anniversary:

Toward the end of Brödermann's legal studies, he was clerking at the Hamburg Appellate Court when he received an invitation from his father to accompany him on a sailing trip aboard the "Statsraad Lehmkuhl," a Norwegian three-masted steel barque built in 1914 as a training ship for the German merchant navy. The ship has a well-established sail training program and trainees are encouraged to take part in all aspects of running the ship, including manning all watch posts, climbing the rigging, sail handling, and ship maintenance.

At the same time, Brödermann's future wife, Silke, decided to take a rejuvenating break between finishing her engineering exams and completing her thesis by signing up for a cruise aboard the "Statsraad Lehmkuhl."

Brödermann remembers first seeing Silke at 7:20 on the first morning when the boat was loading. As it happened, Brödermann was chosen to be the assistant sergeant in charge of putting watches together. He saw his opportunity and seized it.

"So everybody had to pass by me and I put them in the watches and I put my wife in my watch," says Brödermann, noting that the pair were required to stand together at the front of the ship to watch for debris and other potential hazards.

"We did a lot of 'watching,'" says Brödermann with an impish grin. "My father didn't get much time to spend with me."

**Eckart Brödermann and his wife, Silke, sail at least four or five weeks every year to Sweden or Denmark or the former East Germany.**



At the end of the 10 days, three people asked the young pair when they were going to get married. Brödermann proposed after six months, and they were married within the year.

“That’s how I met my wife,” says Brödermann. “With my wife, I met a real sailing woman, who had started from childhood to sail on cruises with her father. And ever since we’ve been sailing together.”

Sailing has been a part of Brödermann’s life for as long as he can remember.

“Ever since I have memories, water is there and sailing is there,” he says.

He remembers sailing along with fishermen in then-Yugoslavia, which is Croatia today. He started sailing at age 10 in an Optimist, which is a small, single-handed sailing dinghy intended for use

by young people. It is one of the two most popular sailing dinghies in the world.

At 14, Brödermann started racing 45-foot sailboats, but his racing years were interrupted by studies and traveling abroad as he pursued degrees from the University of Paris, Harvard Law School, and the University of Hamburg, where he is now a professor of law for his lifetime.

He and Silke continued to sail when they had the opportunity, most often on her father’s sailboat on trips to Sweden. They introduced their four children to sailing, and in time they bought their own sailboat—a 39-foot vessel with a 62-foot mast named “Gefion” after a female Danish goddess. The Brödermann family began taking sailing trips across Europe.

When Silke was pregnant with their first child, she enrolled at a university for seaman and passed exams to qualify to sail worldwide.

“She is by now the better seaman,” says Brödermann. “So, she is the captain. In the end, on a sailing boat, one has to be the boss.”

Every weekend since their children were grown, Brödermann and his wife have sailed starting at around Easter through early October. Every year they sail at least four or five weeks – to Sweden or to Denmark or to former East Germany.

Brödermann, the founding partner of Brödermann Jahn, draws clear comparisons between operating a sailboat and managing a law firm: both require trust and teamwork.

“Sailing is a very nice parable for working as a team,” he says. “And I think clients are better served and, in the end, more happy if they get full-team service like on a sailboat.”

Brödermann, who is currently Senior Vice President, International, of Primerus™, has spent his career concentrating both on international transactions and on international litigation and arbitration. In his teaching at Hamburg University and in his publications, Brödermann concentrates on international contract law (including risk management) and on international arbitration.

He recently completed the second edition of his book “UNIDROIT Principals of International Commercial Contracts.” The book provides article-by-article comments on a balanced and neutral set of rules restating an international understanding of global contract law.

“If you have a sailor’s mind, thinking globally, internationally, it’s kind of obvious that we have to look for the common ground,” says Brödermann. “I mean, we all sail internationally and get along better with joint rules rather than with distinct rules.”

Brödermann’s children have continued the family tradition of sailing.

“They still sail with us,” he says. “We let them know when we travel, and they can join whenever they want.”

A couple of years ago, the family was sailing and received an invitation from friends to join them for dinner in Sweden. Initially Brödermann and Silke thought they should decline. It was too far to travel and would be too stressful to make it in time. But his children persuaded them otherwise and they decided to sail through the night.

“It’s nice when you can go to sleep at midnight and you know you’re safe because your children continue to sail the boat,” he says. ▣

“Sailing is a very nice parable for working as a team,” says Brödermann. “And I think clients are better served and, in the end, more happy if they get full-team service like on a sailboat.”

Eckart Brödermann has displayed a passion for sailing since he was a boy.





# The Fisherman



Attorney Mark Warzecha proudly displays a tuna caught off the Florida coast.

**T**he distinctive whirr of the reel signaling a strike produces a jolt of adrenaline that attorney Mark Warzecha says cannot be truly described to anyone who hasn't experienced it.

The anticipation of the hunt and the thrill of the catch have never tired for Warzecha, who has been fishing since childhood. The New Jersey native spent untold summer weekends with his father and brother on a boat in Raritan Bay, fishing for fluke, striped bass, or speckled trout. Other times they went crabbing for blue crab crabs.

"I can't think of anything more relaxing than fishing," says Warzecha, who is the director of Widerman Malek's Intellectual Property Litigation and Prosecution Department in Melbourne, Fla. "It is the ultimate enjoyment for me."

Warzecha actually came to his position with Widerman Malek in part because

of his love for fishing. After graduating from Rutgers University with a degree in administration of justice and earning his JD at California Western School of Law, San Diego, Warzecha practiced for a time in Manhattan as an entertainment lawyer. In 2002, circumstances led him to starting a solo practice in landlocked Indiana — the farthest from an ocean he'd ever been.

To satisfy his fishing bug, he got a 16-foot Bass Tracker and took up fishing in reclaimed strip mines and old coal mines called stripper pits that had been reclaimed and stocked.

"Not being out on the ocean was something I truly missed," he says. "It's hard to describe."

Then, during a fishing trip to Panama, he had an encounter that would change his life. He became friends with a fellow fisherman who had a 54-foot Hatteras that he kept in Ft. Lauderdale. He invited Warzecha to come down whenever he wanted to go fishing.

That was all Warzecha needed to hear.



"I had a solo practice at the time," he relates. "I'd look at my checkbook – have I made enough money this month to go fishing? And I'd just go."

Before long, he realized that he was either in Florida fishing, wishing he was in Florida fishing, or planning to go to Florida for fishing. What was he doing in Indiana?

He decided he should look for in-house counsel opportunities in Florida. He called a colleague that he knew from New York who practiced at Widerman Malek in Florida to see if he had any leads. Instead, the friend said, "We can hire you."

Eight months later, Warzecha had shut his practice down, sold his house, and moved to Melbourne, a city on Florida's Space Coast, an hour east of Orlando.

"I started looking for a position literally because I wanted to fish more," he laughs.

One of the first things he did when he arrived in Florida was to purchase a 27-foot Pursuit, an offshore boat with twin engines. He now he has a 35-foot Cabo Express and gets out whenever he can make the time.

"I don't need an alarm clock," he says. "You tell me I'm going fishing the next morning, I am up every hour on the hour until it's time to go. It's like Christmas Eve for me."

Warzecha describes offshore fishing as a hunt. The fish could be hundreds of miles apart and the first task is finding them, which requires running more than 25 miles out to search the edge of the Gulf Stream, a strong ocean current that brings warm water from the Gulf of Mexico into the Atlantic Ocean.

"Mahi, tuna, wahoo, sailfish relate to temperature, color and seagrass," he explains. "If you get all three of those



Warzecha holds a colorful mahi caught during a recent deep-sea outing.

"They say a marlin will look into your soul," says Warzecha. "It was the most eerie feeling. There's this connection to a beast of a fish. It felt like it could read my mind. I can still picture that eye as clear as day, like it happened yesterday."

together in the right combination, you've hit the jackpot."

The IP attorney has achieved a lifetime grand slam in fishing, having caught a black marlin, a blue marlin, and a sailfish, the three most highly sought-after bill fish.

He caught his first black marlin at Tropic Star Lodge in Panama. The black marlin, known as "his majesty," has a reputation for being the "biggest and baddest" of bill fish. Warzecha's fight with his first black marlin lasted 45 minutes. The fish approached 700 pounds.

He brought in his first blue marlin in the Bahamas. Warzecha says he will never forget looking over the transom and gazing into the enormous eye of the fish.

"They say a marlin will look into your soul," says Warzecha. "It was the most eerie feeling. There's this connection to a beast of a fish. It felt like it could read my mind. I can still picture that eye as clear as day, like it happened yesterday."

He keeps the 300-pound test line and the hook used to catch that fish in his office. Warzecha has traveled to Costa Rica to catch Pacific sailfish and the best tuna fishing he's ever experienced was off the Outer Banks in North Carolina.

He says the excitement of catching a saltwater fish is second to none. He hopes to one day travel to a fishing lodge called Casa Vieja in Guatemala and would like to fish Cabo, Mexico, for sailfish in the winter.

For Warzecha, fishing is more than an adventure. It is a way to recharge.

"Being in a high-stress, competitive field as a litigator, it is few and far between where I can just turn my brain off and disconnect and mentally shut down in terms of work," he says. "But fishing does it every single time, whether that be on a bass boat in a stripper pit or on a river or 30 miles offshore. It clears my mind." ■



# The Liveaboards

Sheila Buchanan serves as scout as Jack Buchanan searches for a slip in Harbor Springs, Mich., which is located on the north shore of Little Traverse Bay on Lake Michigan.

anchor, like Mary Ann's Cove and Portage Cove."

The Buchanans particularly enjoy traveling to the end of Baie Fine and then hiking to Topaz Lake where they marvel at the clearness of the water.

"It's pretty to just take a lunch up there and enjoy the day," says Sheila. "The water in there is just perfectly clear, aqua water like you'd find in the Bahamas."

"It's perfectly clear water, but no fish because of the chemical content," Jack adds. "A beautiful swimming lake. You can jump off rocks."

Despite decades spent boating around the northern Great Lakes, the Buchanans' love for the landscape and enchantment with the quaint towns that have grown up along the shoreline has not dimmed.

"In effect what we're doing with our boat is having a cottage and a boat in a new city that is full of fun," says Jack.

They enjoy visiting ports along Lake Michigan such as Charlevoix, Harbor Springs, Northport, Traverse City, Petoskey, Elk Rapids, Suttons Bay, and Leland.

When the Buchanans bought their second Slickcraft, they struck up a friendship with Leon Slikkers, who was just starting the company and was making 14- and 16-foot runabouts with outboards. Slikkers later started making Tiara Yachts and hired Jack as his lawyer to work on any product liability

is known as one of the world's best freshwater cruising grounds.

There are places that resemble Norway and its fjords, says Sheila, describing Baie Fine in Ontario, one of the largest freshwater fjords in the world.

"It's a beautiful channel with mountains on each side," she says. "There are some coves where you can

"One of our favorite places is going up past Mackinac, which is a great place to go," says Jack. "And then continue on through the North Channel into Lake Huron."

The Buchanans made their first trip to the North Channel in 1972 and they have been enthralled with the area ever since. The North Channel connects to Georgian Bay at the north shore of Lake Huron. It is filled with hundreds of islands and

With that in mind, they bought a 21-foot Slickcraft that featured additional living accommodations. And a few years later, they acquired a 24-foot Slickcraft with even more facilities.

"I think northern Michigan is a wonderful place to boat," says Sheila. "We gave up our permanent slip quite a while back so that we could go to different ports all the time."

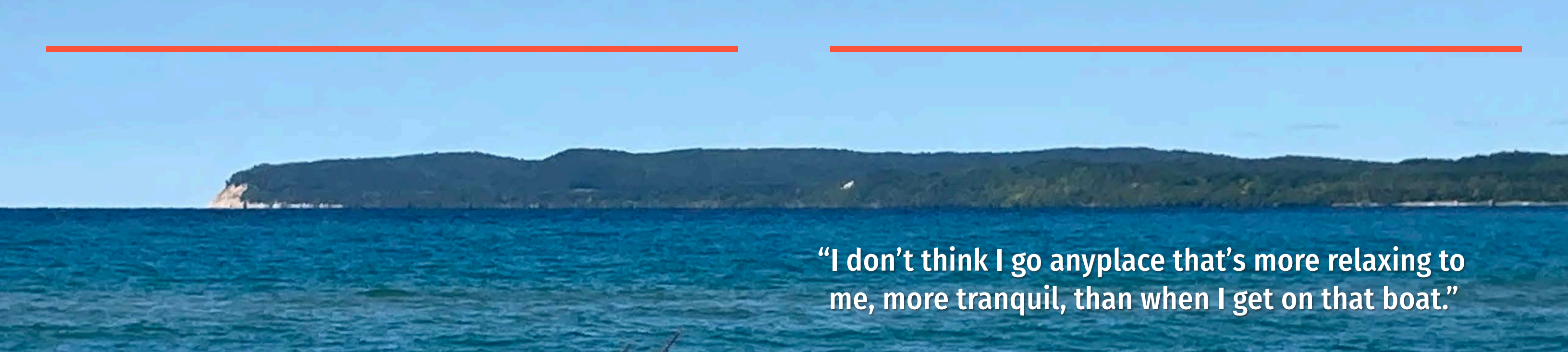
boat that they essentially used as a camper, packing it with tents and heading off every Friday to spend the weekend in northwest Michigan. They would set up camp and enjoy water skiing and swimming at Glen Lake, which is in the southwestern Leelanau Peninsula near Sleeping Bear Dunes National Lakeshore.

"We started liking that lifestyle," says Jack, "so instead of camping, we started living on the boat."

Jack and Sheila Buchanan have boated together for more than half a century. The couple's love affair with boating has endured nearly as long as their marriage – which in June will mark 62 years.

The Buchanans bought their first boat in 1964, three years after getting married. In a short time, however, they purchased a larger





“I don’t think I go anyplace that’s more relaxing to me, more tranquil, than when I get on that boat.”

claims, though Jack says there were only a few.

In 1981, Slikkers designed a new boat he called the Pursuit and he offered to customize one for Jack. He made a magnificent, beautiful 31-foot Pursuit that was more of a fishing boat and converted into more of a Tiara. It featured a white bottom, a blue hull, a customized interior with camper top over a

lounge in back. With a twin engine it cruised about 24 knots, which was pretty fast for a boat its size. Slikkers delivered the boat to the Buchanans personally. They named it “Charisma.”

“What was unique about that boat, in those days you either were buying speedboats for water skiing and water sports or you’d buy a displacement hull cruising boat

for living aboard,” explains Jack. “There really was no mix. Leon did something beautiful.”

Jack describes Slikkers as a pioneer in the development of fiberglass boats. Using fiberglass, which was strong and yet light compared to wood, and crusader engines, Slikkers took the 31-foot boat and made it equivalent to a water ski boat.

“We were one of the first to get one of those boats,” says Jack. “It would draw a crowd as we water skied.”

When they took “Charisma” to the North Channel the following year, people thought it was a Riva, a famous French powerboat.

The Buchanans kept that boat for a long time. But then in 2003, they decided it was time for a bigger boat and they purchased a 36-foot Tiara Sovran – the boat they have now. The boat features a spacious stateroom in front, a big middle lounge with a dining area, a walk-in lavatory, a full galley, and a large

area back of the cockpit that is covered with a Sunbrella top. It has air conditioning and satellite TV. Jack, who founded Primerus™ in 1992, and Sheila, who organizes Primerus™ events, can easily conduct business while aboard.

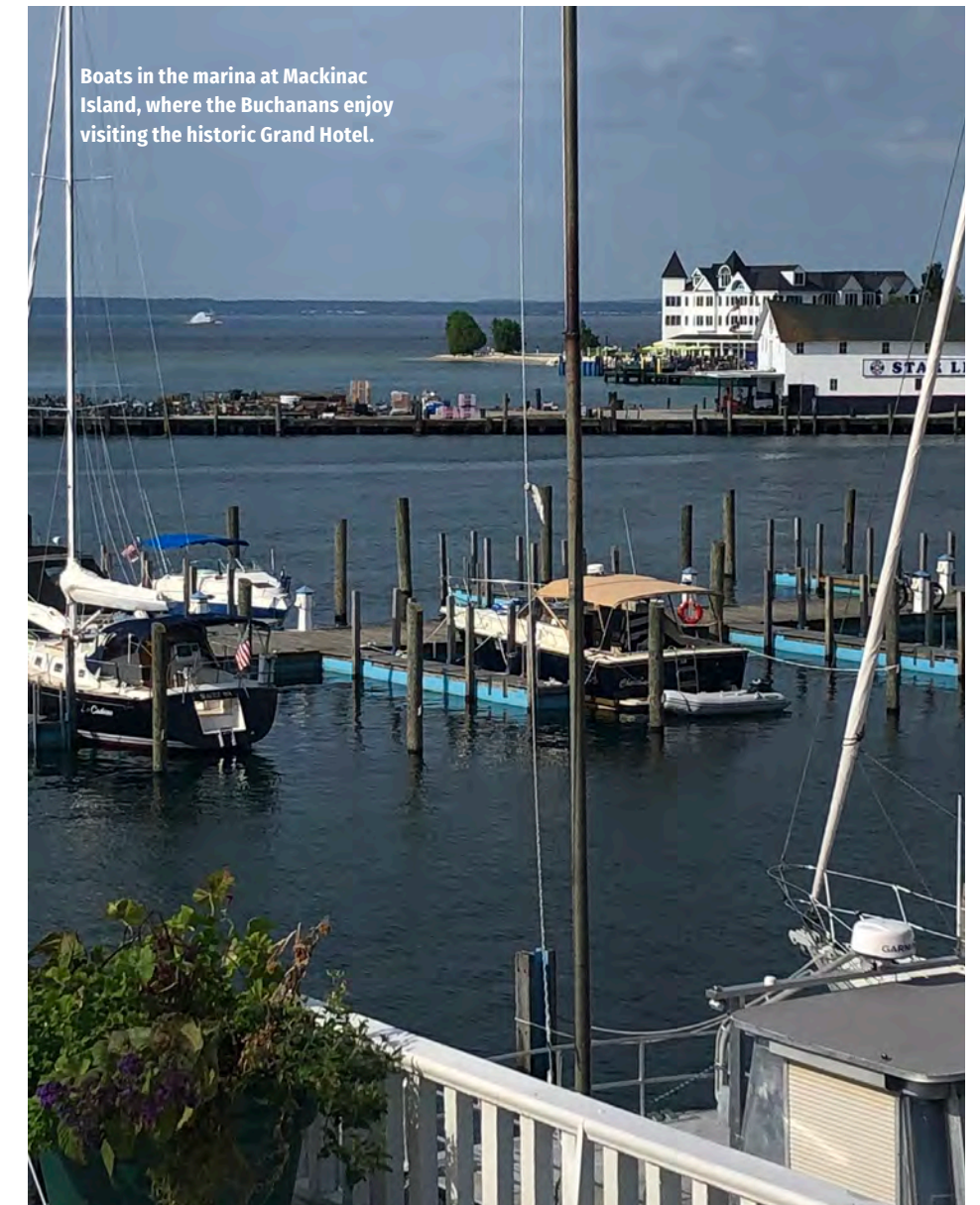
They named the new boat “Tranquility.” Despite being bigger, it is nearly identical to “Charisma.”

“The two boats are like twins,” says Jack.

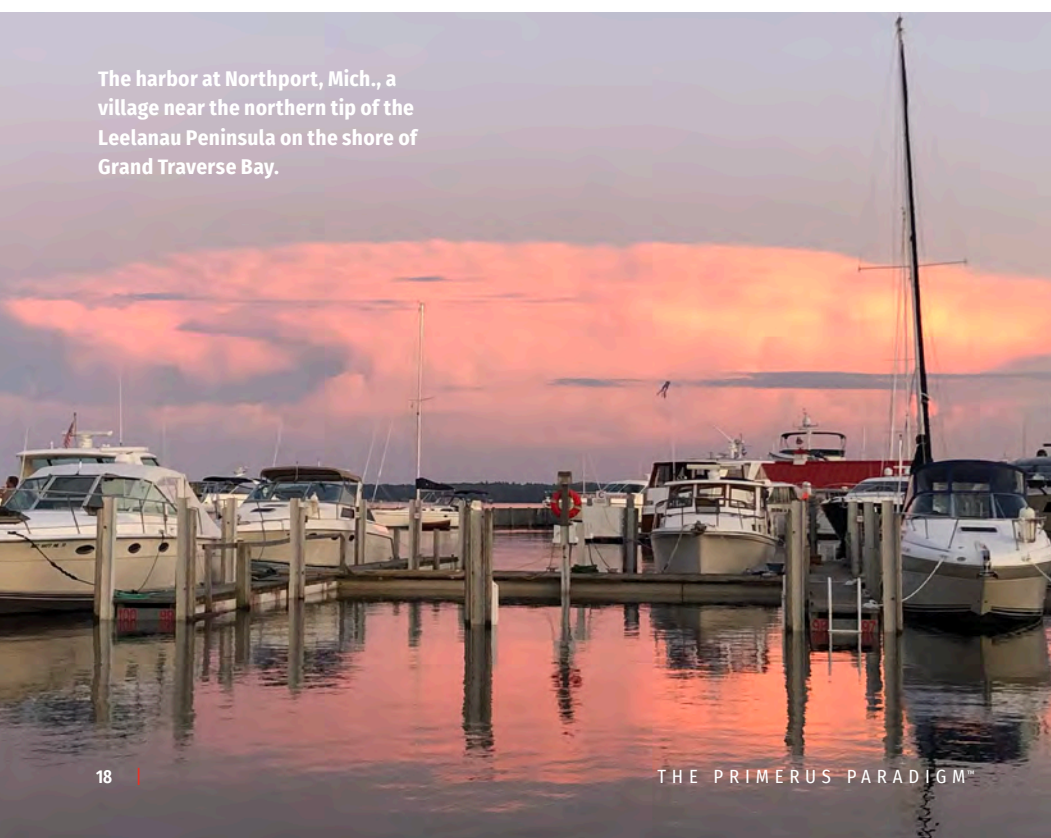
“Charisma” is still in the family, though. The Buchanans’ daughter bought it and restored it with new fiberglass, new engines, and teak interior. The family now often sails both boats together.

The Buchanans named their boat “Tranquility” because of the effect it has on them.

“I don’t think I go anyplace that’s more relaxing to me, more tranquil, than when I get on that boat,” Jack says. “Where I really stop working is when I get on ‘Tranquility.’ I go to another world.”



Boats in the marina at Mackinac Island, where the Buchanans enjoy visiting the historic Grand Hotel.



The harbor at Northport, Mich., a village near the northern tip of the Leelanau Peninsula on the shore of Grand Traverse Bay.



# The Racer



New York attorney John Crutcher (right) crews the Fife Yacht “Mariella” in a race in Scotland in 2022.

**A**ttorney John Crutcher once won gold in a rowing race literally blinded by the effort. He finished the last 50 yards unable to see, relying solely on his training and muscle memory to get him to the end.

He has sailed solo across vast expanses of ocean — sunburned, exhausted,

subsisting on powdered and canned foods, and with no one else to rely on.

The New York attorney’s experiences rowing and sailing have pushed him to existential edges.

Crutcher has won two gold medals, a silver, and a bronze in the US Rowing National Championships. When he first began applying to law firms, he included the accomplishment on his resume. When he was asked, “What’s with this rowing thing?”

he tended to respond that it was the most intellectual thing he’d ever done.

“That was true for me,” he says, “because to perform at that level requires a full engagement of all factors.”

It is, in part, the demand of “full engagement” that has continued to draw Crutcher back out onto the water to test himself physically, mentally, and spiritually. The water, he says, is honest — not only in a brutal, apathetic way, but

in a way that mandates a person to be honest with himself. Particularly when sailing solo.

“There is a fixed set of resources, including oneself, and matters must be solved,” says Crutcher. “There is no deferral, no Home Depot, no junior or senior lawyers, no taxis or skyhooks, and no crying. Goal orientation is a hard fact.”

The business transaction attorney with Barton LLP has a long personal and family history with both sailing and the law.

His first ocean sail was with his father in a race from Hong Kong to Manila in 1978. He was in the 7th grade and was elated to miss school and avoid the cotillion spring dinner-dance. The father-and-son duo won the race in their class. It was the first of many wins on the water for the young Crutcher.

Crutcher’s father was a geologist who worked in Alaska and then in the Outback of Australia. During his time in Australia, he fell in love with Southeast Asia and ended up getting a job with the U.S. government as a China specialist. The family lived in Vietnam for two years and later in Taiwan. They also spent four years in Hong Kong where Crutcher’s father served as commodore of the Aberdeen Boat Club.

Crutcher’s roots in the field of law run even deeper. His great-grandfather and grandfather were both attorneys with Gibson Dunn and Crutcher, an international law firm established in Los Angeles in 1890.

Though he ultimately followed in the footsteps of his ancestors, Crutcher first got involved in Silicon Valley, co-founding a digital imaging start-up. When he did turn his attention to law, it was because he decided a law degree was a “valuable tool set” and that the practice of law was “intellectually invigorating.”

Little invigorates Crutcher more, however, than sailing. The passion has taken him around the world, and he is pressed to give any kind of brief overview of his experiences because there are so many it can be difficult to cull through them to choose only a few.

He sailed with the crew of the “Princess Taiping,” a boat that was a replica of a Ming Dynasty Chinese junk built for a sailing

trip from China to the United States and back. Crutcher was brought on as the navigator for the return leg to China. Most of the crew spoke Mandarin.

“It was a bizarre boat to sail, but also fascinating and exciting,” he says. “The great bulk of the matters to be addressed and the manners of addressing them were fundamentally the same. We’re still trying to solve the same problems.”

He got the boat to Hawaii before having to leave after breaking his ribs in a friendly wrestling match with one of the crew. The “Princess Taiping” later sank after being rammed by a chemical tanker only 30 or so miles from the end of its return voyage.

During the race from Hong Kong to Manila with his father, Crutcher had the opportunity meet Jim Kilroy, the owner of the famous racing yacht “Kialoa III.” Kilroy offered to have one of his crew show the boy around the boat that had won the 1975 Sydney-Hobart race with a record time that stood for 21 years.

“It was like being invited to do a tour of the Space Shuttle,” recalls Crutcher.

**Crutcher makes sail adjustments on the fly during a trip to Portugal.**





Years later, when Crutcher was racing in the West Indies, he pulled in next to “Kialoa III” and there was Kilroy, who remembered meeting him years earlier. Crutcher ended up sailing with Kilroy up to Rhode Island.

“You meet some amazing people,” says Crutcher, who once raced with the Earl of Cathcart, a descendant of the royal clan. “Racing top level sailboats in Antigua is not accessible to everybody.”

In 2010, Crutcher took his father along on a double-handed race from San Francisco to Hawaii. His father died nine years later, never making another race. As his father

took him on his first race, Crutcher took his father on his last.

Crutcher does his best to describe the experience of sailing solo for someone who hasn’t done it, but he knows words fail to convey the breadth and depth of it.

He speaks of the awe that comes at night from seeing stars extend to the horizon all around you. He talks about the “weird” sensation he’s experienced when he’s had to climb to the top of the rig for repairs — which is done under sail and is physically demanding — and looked out on a full, open horizon and then down at the boat, sailing along with no one on deck.

“When you’re solo sailing offshore, you can focus on a train of thought for several days without interruption,” he says. “You can also get a pesky song stuck in your head without something jarring it from your attention.”

He tells of how the stark reality of being by yourself, three weeks from land, knowing you could die if you fail to execute certain tasks serves to reorder your priorities and your sense of urgency.

Fatigue becomes one of the greatest threats and the ability to withstand it one of the greatest tests.



Crutcher is as at ease on a sailboat as he is at the negotiations table.



Crutcher on a race to Hawaii. The attorney’s passion for sailing has taken him around the world.

Your head, he says, is your own. You own it.

Sometimes people ask if he gets lonely and he laughs at the idea.

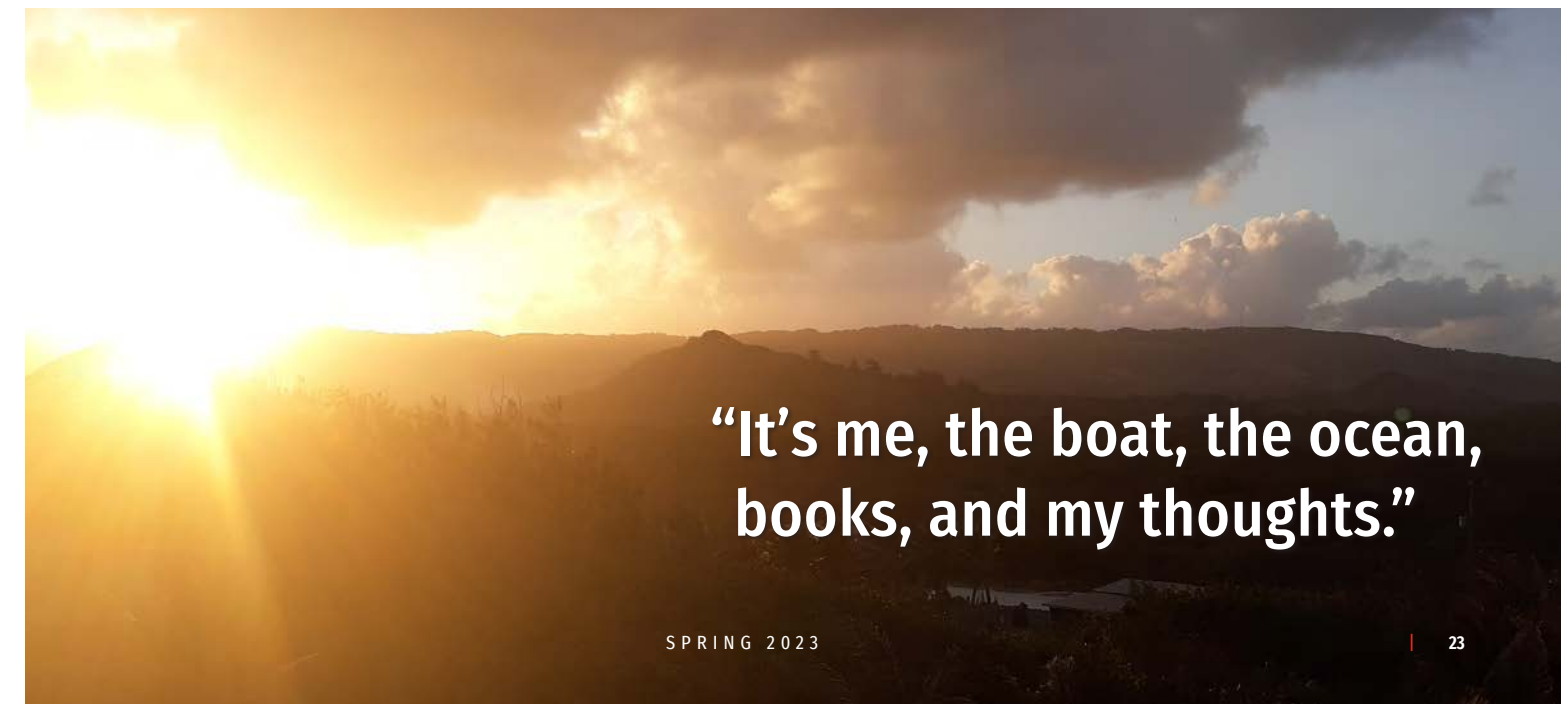
“I have a shortwave radio, but no music,” he says. “It’s me, the boat, the ocean, books, and my thoughts.”

He explains that a first indication of landfall, before any sighting, is often the smell of soil and plants.

“Some of the detection of this is due to the partial sensory isolation of being offshore,” he says. “It is a concentrated crucible where many elements have been removed, thus increasing the focus upon those at hand.”

After more than three decades of sailing, including two prior Pac Cups and races in Asia and the Atlantic, Crutcher still has places he hopes to go. He’d like to raft down the Mississippi and sail to Iceland.

“It’s so neat to get somewhere by going somewhere as opposed to just going to the airport,” he says. ■



“It’s me, the boat, the ocean, books, and my thoughts.”



President's Podium

John C. Buchanan



# What makes Primerus™ special is on display for all of us to see

There is a certain mystique about Primerus™ that goes far beyond the traditional bounds of membership in a professional, charitable, or social organization.

It has been a point of pride for members since we adopted our Six Pillars more than 30 years ago, guiding principles that have come to define our role and our standing in the legal profession.

This aura was particularly evident at the spring meeting of the Primerus™

Defense Institute, which held its 2023 Convocation at the Wild Dunes Resort in the Isle of Palms, South Carolina, a beautiful community located between the Atlantic Ocean and the Intracoastal Waterway just a few miles from the historic city of Charleston.

As has become custom at such Primerus™ gatherings, members began the annual get-together with a special purpose in mind – to give back to the community by volunteering time for a worthy cause.

In this instance, it was to work in teams of three to sweep the beach of unsightly and potentially environmentally harmful debris, collecting it in scores of bags to be later examined by local officials interested in determining what trash reveals about us. It is an environmental exercise known as “contemporary archaeology” and speaks all too truthfully and informatively about the lives that litterers lead.

On the other hand, what we discovered while conducting our

sweep was something we've known for years – working in unison for a meaningful purpose is a bonding experience that fosters friendships and promotes understanding.

In other words, there can be no pretense when you are marching up and down the beach with trash bag in hand. Everyone – no matter their age, experience, professional standing, or financial place in life – is an equal when assigned the task of picking up garbage. Suddenly, trash collecting had become the great equalizer, the ultimate icebreaker for those who were unacquainted with each other.

Which ranks among the chief reasons why we engage in such team-building activities on the opening day of each major Primerus™ event, setting a positive tone that invariably resonates throughout our summits, conferences, and convocations.

It was in evidence again in early May at the Primerus™ International Summit in New York. There, we spent the opening hours of the gathering packing food boxes for Crossroads Community Services, a Manhattan-based nonprofit that provides nutritious meals and safe shelter for New Yorkers in need.

It was an enriching experience that further cemented our commitment to the Sixth Pillar of Primerus™ – community service.

The importance of giving back, of course, is at the heart of Primerus™, and reflects our desire to uphold the five other Pillars, which include Integrity, Excellent Work Product, Reasonable Fees, Continuing Legal Education, and Civility. Like each link in an unbreakable chain, each Pillar is tied to another, forming the foundation for an

“In other words, there can be no pretense when you are marching up and down the beach with trash bag in hand.”



organization that is welcoming, diverse, and inclusive.

As an organization, we take collective pride in living up to the standard of “Good People Who Happen to Be Good Lawyers™.” For us, it is more than just a catch phrase, but instead is indicative of a willingness to “do good” simply because it has become ingrained in our culture.

While we believe in the concept of inclusivity, we also insist that every Primerus™ firm is thoroughly vetted to ensure that they meet standards of excellence in terms of honesty, integrity, accountability, and work product. These are standards that can't be compromised, ignored, or violated, otherwise we run the risk of breaking a trust and sully a reputation that we have spent years methodically building.

This edition of the Paradigm™ that you are about to read is an important part of our commitment to excellence. It is one of the instruments we use to engage readers in somewhat of an ongoing dialogue that can take many forms in today's internet-driven world.

We hope that it will further your sense of belonging, developing a publishing kinship with you that highlights the best of the Primerus™ community. 📖

Best regards,

Jack Buchanan, President



# Sights to Behold

## Versailles, Paris to serve as magnets for 2023 Primerus™ Global Conference

By Tom Kirvan

The grandeur of the Palace of Versailles, a monumental structure that dates to the reign of King Louis XIV, is one of Europe's most popular sight-seeing attractions.

O

ne of the most storied and glorious venues in the world will be the setting October 26-29 for the 2023 Primerus™ Global Conference, an in-person event for just the second time since the word “pandemic” became part of our daily lexicon in the spring of 2020.

The magnificent Le Louis Versailles Château in the historic city of Versailles, France will be the site of the Global Conference, which is expected to attract an exceptional turnout of Primerus™ attorneys and clients from all corners of the world, according to organizers.

“This will be a unique Global Conference because Primerus™ in the past year has been expanding rapidly, particularly in Africa and Asia where we have added a number of new firms,” said Jack Buchanan, president and founder of Primerus™.

The growth of the Primerus™ organization, according to Buchanan, also presents “tremendous opportunities” for its member firms to expand their international reach.

“Our partnership with the ACC (Association of Corporate Counsel) is strong and connects us with an organization that supports the global in-house community in more than 85 countries,” said Buchanan.

The theme of this year's event will be a continuation of the “Opportunities and Challenges” program of the 2022 conference in California, Buchanan indicated, highlighting some of the technological changes that have unfolded over the past two years.

“Artificial Intelligence will be a hot topic, as well as issues surrounding cybersecurity,” said Buchanan. “We also will discuss our expanded marketing opportunities

available through our YouTube channel, our new website, and other social media platforms.

“Those who come to the conference will have the opportunity to participate in a series of roundtable discussions on marketing, attracting and retaining legal talent, and developing the future leaders of your law firm,” he added. “We especially encourage young lawyers to attend the conference, to learn from those who have the benefit of years of experience in the legal profession and how best to navigate it. We strongly encourage each member firm to send a representative to the conference, and to enjoy the added opportunity to explore the many sights of Versailles and Paris at a time when the summer crowds are gone and the weather is very pleasant.”

Versailles, a chic city of nearly 90,000 inhabitants, is located 11 miles west of Paris, and served as the de facto capital of France from 1682 to 1789 before being stripped of its exalted status during the French Revolution.

It was during the 17th century reign of King Louis XIV that the landmark Palace of Versailles was built. The palace, with its lavish gardens and fountains, is a spectacular example of French classical architecture while also serving as a beacon of hope when the peace treaty that formally ended World War I – the “war to end all wars” – was negotiated and signed in June 1919 by the Allies and Germany.

In 1783, nearly 140 years before the end of World War I, Versailles also was the site of another peace treaty with world-wide consequences. It was then that the Treaty of Paris was signed, officially ending the American Revolutionary War with the United Kingdom. Among the American signatories was Benjamin Franklin, the legendary diplomat and inventor



A Paris landmark for more than a century, the Eiffel Tower is a French architectural wonder.



who served as the first U.S. ambassador to France.

Yet, for all of the city's historical significance on the world stage, its biggest draw is the Palace of Versailles, the former French royal residence that is now a national landmark and a "must-see" tourist attraction.

"Perhaps the most-famous room in the palace is the Hall of Mirrors," according to an overview appearing in Britannica.com. "The gallery extends more than 230 feet and is characterized by 17 wide arched mirrors opposite 17 windows that overlook the gardens below. Glass chandeliers adorn the arched, ornately painted ceiling, upon which Le Brun depicted a series of 30 scenes glorifying the early years of the reign of Louis XIV. Gilded statues and reliefs border its marble walls. The hall is

flanked on opposite ends by the equally striking Salon of Peace and Salon of War."

Another feast for the eyes are the gardens of Versailles, which were designed by Andre Le Notre, widely regarded as the most famous and influential architect in French history.

"Behind the palace, the ground falls away on every side from a terrace adorned with ornamental basins, statues, and bronze groups," according to a summary offered by Britannica.com. "Directly west of the terrace is the Latona Fountain, designed by Le Notre and sculpted by Gaspard and Balthazard Marsy. The fountain depicts the events of Ovid's 'Metamorphoses.' The Royal Walk extends westward from the palace. A broad avenue centered on the grass of the Green Carpet, it is flanked by rows of large trees and ends at the spectacular Fountain of Apollo. Beyond the

fountain, the line of walk is continued by the Grand Canal, a 200-foot wide one-mile-long waterway. During Louis XIV's tenure at Versailles, Venetian gondolas traversed the Grand Canal, and modern visitors to the palace can ply the same waters in small rowboats."

While Versailles overflows with sight-seeing opportunities, its more celebrated neighbor – Paris – is in a European class by itself when it comes to tourist attractions.

•Topping the list, literally and figuratively is the world-renowned Eiffel Tower. Designed by architect Gustave Eiffel, the so-called "Iron Lady" opened in the spring of 1889 as the centerpiece of that year's World Fair and stands 1,083 feet at its tip.

•Equally impressive in stature is the Cathedral of Notre Dame, the iconic structure that was built in the late 12th and 13th centuries, as an estimated 1,000 carpenters, masons, metalsmiths, and other laborers worked on its construction. After a devastating fire in 2019, a massive reconstruction project began, which is projected to cost nearly \$900 million and will take nearly five years to complete, hopefully opening in time for the 2024 Summer Olympics in Paris.

•Another city jewel is the Champs-Elysees. The most famous boulevard in Paris is a shopper's mecca, stretching more than a mile from the glittering obelisk at Place de la Concorde to the foot of the Arc de Triomphe. The arch was commissioned by Napoleon to honor the French army and is the largest of its kind in the world.

•For art lovers, there is the Musee du Louvre, which features more than 35,000 treasured works, including Leonardo da Vinci's "Mona Lisa" and

"The Raft of Medusa" masterpiece by Theodore Gericault.

•The Seine River, which flows directly through the heart of Paris, ranks as one of the most famous waterways in the world, dividing the city into the Left Bank and Right Bank. For tourists, it most often serves as a favorite photo backdrop, while doubling as a romantic route for those who prefer to cruise through the City of Lights.

•The Sainte-Chapelle, a chapel that dates back to the 13th century, is another Paris landmark known for its incredible stained-glass windows depicting 1,113 scenes from the Old and New Testaments of the Bible in vivid color.

•Another architectural wonder to see is the Palais Garnier, the Paris opera house that was the inspiration for "The Phantom of the Opera" musical that has delighted audiences around the world for decades.

•The Luxembourg Gardens is a 60-acre urban oasis that explodes in color during warm weather months and also features more than 100 eye-catching sculptures, including a replica of the Statue of Liberty.

•The Louis Vuitton Foundation is among the city's most popular art museums, attracting more than a million visitors each year to view its impressive collections of modern and contemporary art. The museum building itself is a work of art, boasting curved panels of glass that reach to the sky in free-spirited ways. The daring design was the work of American architect Frank Gehry, the mastermind behind the Walt Disney Concert Hall in Los Angeles.

•Those looking for a taste of the Parisian nightlife will want to visit the Moulin Rouge, the legendary cabaret club that opened in the late 19th century, showcasing dazzling dancers, lively music, and the ultimate in fine dining. 🇫🇷

The Cathedral of Notre Dame has undergone a massive restoration following a devastating fire in 2019.





# Costly Endeavor

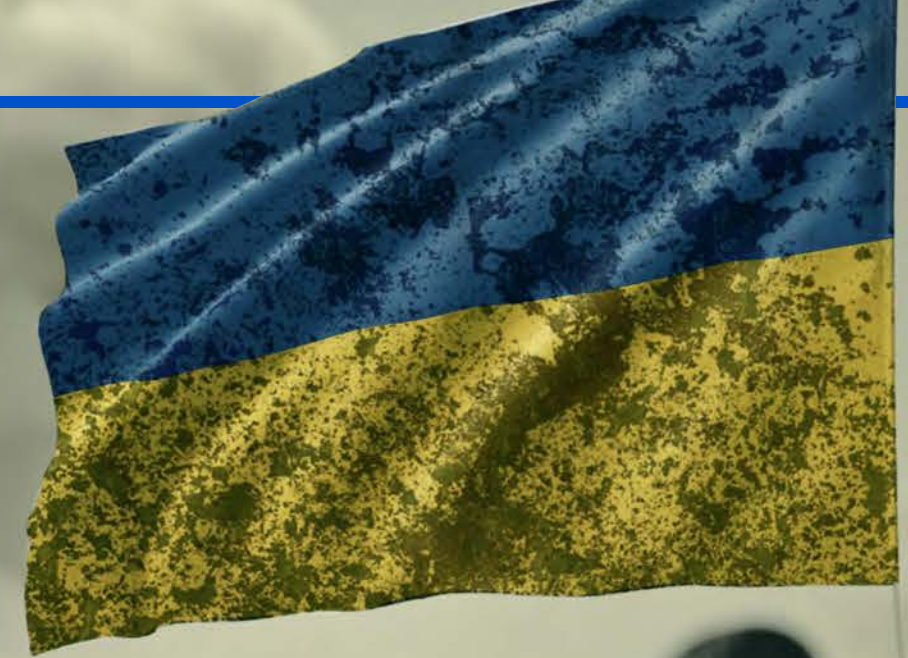
## War in Ukraine takes exacting toll in ways that defy the imagination

By Tom Kirvan

As history has taught us, war is costly and its reverberating effects can last for decades, causing death and destruction that goes far beyond the battlefields.

In economic terms, the cost of rebuilding war-torn Ukraine is projected to top more than \$400 billion over the next 10 years, according to a recent report from the World Bank. Even more staggering, a German agency estimates that the war has cost the global economy more than \$1.6 trillion since Russia unleashed its invasion nearly a year-and-a-half ago.

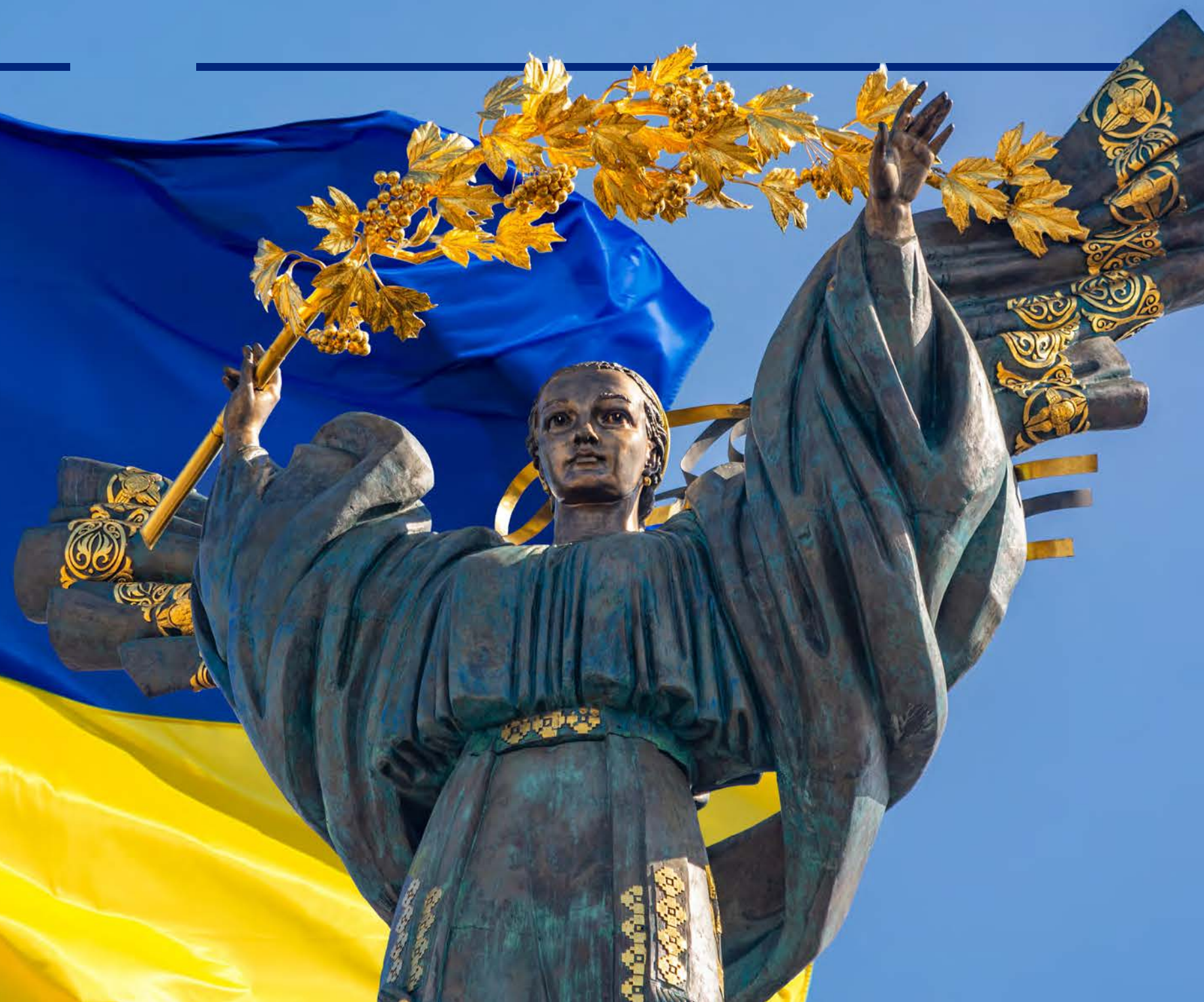
Those figures, of course, are heading upward with each passing day but don't begin to address the human toll that the war has taken on Ukrainians worldwide – those residing in the nation of 40 million people, those who have taken refuge in neighboring countries, and those who have lived elsewhere for years and yet will forever embrace their ancestral homeland.





# A museum fundraiser by day, a tireless volunteer by night

By Tom Kirvan



Just seconds into a May 4 video interview from her office in Kyiv, Iryna Bilan had to take a momentary pause from the proceedings.

And for good reason, as an air raid alert flashed across her cell phone, warning of the possibility of incoming Russian missiles that have targeted military and civilian sites on a daily

basis since an unprovoked war escalated between neighboring countries in late February 2022.

“So, I’m not going to leave at the moment, but I will be keeping my eye on the updates in case anything happens,” said Bilan, who earned a master’s degree in public administration from Grand Valley State University in west Michigan before returning to her native Ukraine in 2019.

“For now, this is the period when our air defense forces are working pretty well, intercepting Russian drones and rockets, missiles . . .,” she said of the nightly attacks that have terrorized Ukrainians for the past 15 months. “But for now, I can stay in here. Unless I hear something outside, then I leave.”

Such is the unsettled life that the 33-year-old art museum executive leads,

never knowing when her day might be interrupted by the prospect of a war appearing on her doorstep.

Bilan admits that it’s hard to recall a sense of normalcy in her day-to-day life, which in recent years has been disrupted by the COVID-19 pandemic followed by the February 24, 2022 Russian invasion that has caused hundreds of thousands of casualties and unleashed a flood of

Ukrainian refugees across the Asian and European continents.

She was among those who fled Kyiv just days after the war began, heading 550 kilometers west to Lviv, a city of 720,000 residents known as the “soul” of Ukraine where it boasts Gothic, Renaissance, and Baroque influences. It also is where she was raised and where her parents still live.

“At the very beginning, we did have a lot of missiles and explosions hitting Kyiv,” said Bilan, who spent the first night of the war trying to sleep in the corridor of her apartment building. “So, the second day of the full-scale invasion, I left Kyiv and went to Lviv, and I spent two-and-a-half months there. I stayed there until May 16 and then I returned back to Kyiv. But when I was in Lviv, there were several



bombings that had casualties and they also hit petroleum plants.

“They hit such facilities in order to break the energy infrastructure, so that the Ukrainian army wouldn’t have enough resources to continue to withstand the (Russian) aggression and attacks,” she added, noting that the region also is home to a large military training center. “We have one of the largest military fields in Europe. It’s really huge. . . So, the very first two months that area was also under attack . . . they destroyed several buildings where soldiers reside.”

The systematic and sustained bombing, Bilan indicated, has reduced cities on the front line to rubble.

“They are trying to make everything possible so they can move forward,” Bilan said of the Russian military strategy. “They cannot do it, so they use as many rockets as possible . . . to destroy everything,” she added, making all of Ukraine “unsafe.”

Some eight years ago, Bilan lived an altogether different life, far from the hazards of a war zone. She was nearly 5,000 miles from Ukraine, working in Grand Rapids, Mich. as an intern for the internationally acclaimed ArtPrize festival.

Her 14-month stay working overseas, which she admitted was punctuated early on by a serious case of homesickness, would eventually lead to an opportunity to return to the U.S. to pursue a master’s degree at

Grand Valley State, a public university with campuses in Grand Rapids and nearby Allendale that boasts a total enrollment of 24,000 students. It was while pursuing her master’s degree that Bilan honed her English writing skills.

“I had a lot of language practice (at ArtPrize) because I was working with volunteers and I was helping in one of the festivals managing the volunteer hub,” she related. “But then during studies at Grand Valley, it was really helpful for my written English at the writing center they have. I would come with my paper and sit down with an American student and then we would discuss the edits.”



From the onset of the war with Russia, Iryna Bilan (pictured center) has volunteered for the Group 35 Charity Fund in support of Ukrainian military forces.

Photo by Rait Tuulas  
Head of the Fundraising Department for the Mystetskyi Arsenal, Iryna Bilan is pictured at the recent opening of an exhibition at the Kumu Art Museum in Tallinn, Estonia.



Futuristide kunstibekog näiteks tehti koostööd Verbiika külas. 1915. aastal koostööd tegema Oles ikkmed. 1915. ja 1917. aastal näitusel. Ka kunstnike tööde põhjal kujutati Moskva näitusel Venemaa kollektisioon 2007. aastal tehti a kunstnike originaalide doktor Tejana Kara-Vi Dekoratsioonid ja Di  
Among the various art traditions, including one of the Verbiika artist in some of them have been. In 2007, a project of sketches by avant-garde a Ph.D. in art history. Ti Mykhailo Balchuk Kyiv.  
Серед різноманітних інтуїтивних народних талантів Давидової у селі Вербіка стала Ніна Іванівна Малевица та інші. У 2007 році з'явилися оригінали творів до понад 400 робіт виставки. Відтоді проект — документальна та дизайнерська інста-

Upon her return to her native land, Bilan landed a job with the Mystetskyi Arsenal National Art and Culture Museum in Kyiv, recently earning a promotion to head of its newly created Fundraising Department. The country’s flagship art and culture center resumed hosting exhibitions in June 2022, Bilan indicated, and has expanded its fundraising efforts due to the war’s impact on government funding resources.

In addition to her daytime responsibilities at the art museum, Bilan has spent countless hours volunteering for the Group 35 Charity Fund, which was created within days of the Russian invasion to initially purchase protective equipment for members of the Territorial Defense Forces in Kyiv and other cities on the front line.

“But then we moved a little bit from providing them with equipment to providing special units with drones or with other equipment that would help them be more successful,” said Bilan. “And now we are working on software development

for different military purposes and R & D in some cases.”

Sadly, she also fills her spare time by attending funerals, whether they be for military or civilian victims of the tragedy.

“I went to one last week,” Bilan said of the funeral procession. “It was for the brother of my friend . . . giving the last honor to the soldier. It repeats everywhere throughout Ukraine, whether it is the small town, whether it is Lviv, or whether it is the capital of Ukraine. I personally went to two or three funerals of soldiers whom I never met before, but I heard about their leadership within the military unit or active public position, and I wanted to show my gratitude for their sacrifice. We all became one big family now.”

The courage and resiliency that her countrymen have displayed is “remarkable,” said Bilan, and gives her hope that “we are going to fight until the very end, until all of the Ukrainian territories are free of Russian soldiers,” noting that most

Ukrainians believe the war really started in 2014 when Russia began its occupation of Crimea and parts of the Donetsk and Luhansk regions.

Said Bilan: “Many public figures talk, and we in general – meaning Ukrainian society – also feel that this is only a continuation of the 300-years-long oppression from Russians and that this war now is our decisive moment to end this lasting oppression for good. We do see it more globally than it could look from afar, considering our history and the sufferings of many generations of Ukrainians. Additionally, the outcome of this war is definitely going to have a large impact on the global power balance and relationships between the ‘global power’ countries and what they can allow themselves to do or not – here, I refer to China as well.”



# Attorneys at Ukrainian law firm carry on with resilience and resolve

By Tom Kirvan

Dusseldorf, Germany has served as a temporary home for Primerus™ member attorney Dmytro Marchukov and his family.

The raging war in Ukraine against Vladimir Putin's invading forces is not deterring the attorneys at the INTEGRITES law firm in Kyiv from successfully carrying out business.

From day one of the full-scale war, the firm resolved to keep its offices open, according to Dmytro Marchukov, who is head of Cross-Border Litigation for the firm.

Despite the economic disruption of the war, the firm refused to make personnel or salary cuts, choosing instead to retain its core team and to continue hiring new attorneys. The firm completed annual performance evaluations. It secured independent electricity and internet sources during heavy blackouts and provided financial support to any staff whose home came under shelling as well as to those who lost family members. It launched a War Help Desk on its website, a free resource with FAQs from clients during martial law.

Attorneys participated in various war-related charity causes and dedicated more than 200 hours of pro bono advice to Ukrainian military personnel over the course of 2022. To further help the war effort, the firm has purchased, imported, and donated protective vests, helmets, boots, gloves, drones, night-vision devices, medicines, minesweepers, vans, off-roads, and numerous other essential items.

The law firm is determined to reflect the resilience of the Ukrainian people, says Marchukov.

A positive byproduct of the COVID-19 pandemic, it turns out, is that the firm adapted to working remotely. That adaptation has proved useful now in the midst of war. Some members of the firm who relocated abroad with their families continue to work remotely.

"There was initial disruption, albeit a partial one, in our operation because our main focus in the first weeks after the Russian invasion was the safety of our employees and their

families, as well as assistance to the army, to the government, and to the ones in need," said Marchukov, who is currently living with his family in a rented apartment in Dusseldorf, Germany.

For more than a year, Marchukov, his wife Natasha, and their three children – ages 12, 8, and 4 – have resided in Dusseldorf, a cosmopolitan city located on the Rhine River.

The German city of some 620,000 residents is just one of many stops on their continuing odyssey that began ironically enough when the family was on a winter vacation in Austria two weeks before the Russian invasion upended life in Ukraine for the nation of more than 40 million people.

"When we began our vacation, the threat of war was in the air, as the Russians and Belarussians were conducting military drills along our borders," said Marchukov. "We took all of our documents with us on vacation in case we couldn't get back. Many foreign embassies were being evacuated at the time. Nothing good was going on."

Despite that backdrop, Marchukov and his wife made the decision to continue with their vacation plans, hoping that all the Russian saber-rattling would turn out to be nothing more than idle threats.

"It was not a regular happy holiday, especially not knowing what would be happening when we returned," Marchukov said in a Zoom interview April 28 from his family's current apartment in Dusseldorf, which they are renting. "Our friends who moved to Vienna were begging us not to go back to Kyiv, fearing for our safety."

Marchukov and his wife actually considered renting a place in Vienna for a week in hopes that the menace of war back home would subside, but they ultimately abandoned the idea, choosing not to run from a war that had not yet started. Upon their return to Kyiv on the last Lufthansa flight before the war



broke out, Marchukov said he harbored “such a bad feeling” about what appeared ready to happen to his native homeland.

Their situation was a somewhat risky one since their home is located near a Ukrainian military base and is not far from the U.S. Embassy, two potential Russian targets should the war escalate.

After the war started, it only required spending a single night with the sound of bombs exploding in the distance for Marchukov and his wife to decide to join countless other Ukrainians on a cross-country trip west to the city of Lviv near the Polish border. What was normally a 6- to 7-hour drive, took 21 hours instead, according to

Marchukov, who said the roads were clogged with thousands of vehicles and were lined with military checkpoints.

They eventually crossed the border into Hungary en route to Vienna where they would be reunited with some of their Ukrainian friends. Marchukov said that despite crossing the border out of their homeland, it was still impossible “to escape the feeling of war.”

Marchukov was granted the opportunity to leave Ukraine under a special governmental provision for fathers of three or more dependent children.

After a short stay in Vienna, the Marchukov family made their way to the Bavaria region

of Germany, where they encountered some unexpected hospitality. A woman who owned a country house allowed them to stay there and refused to accept any payment.

“We did leave her some money when moving out,” said Marchukov, expressing his family’s gratitude for the willingness of the woman to let them temporarily live in a “dream like setting” of a Bavarian village.

Marchukov and his family then made the trek to Dusseldorf, where his wife – who speaks seven languages – once worked more than a decade ago.

“We arrived on a Tuesday at 10 p.m. with nowhere to live,” he recalled, figuring that

their plan was purely to head to the info point at the train station where a flood of other refugees had landed in search of shelter.

“A woman there took us in, putting up all five of us in one of her rooms,” related Marchukov, once again expressing his thanks for “all the help we and many other Ukrainians received in Germany from day one.”

In several weeks, the family had found a suitable place to live, an apartment where Marchukov was able to conduct in a more proper setting his busy international legal practice as a Ukrainian law counsel and legal expert witness. Last year, Marchukov was – yet again – recognized by all the core legal directories, including being selected among the five best practitioners in Ukraine by the international guide “Who’s Who Legal Thought Leaders: Commercial Litigation 2022.” In particular, he boasts nearly 20 years of experience in local and cross-border litigation, transnational insolvency and receivership matters, asset tracing and recovery, and fraud investigation.

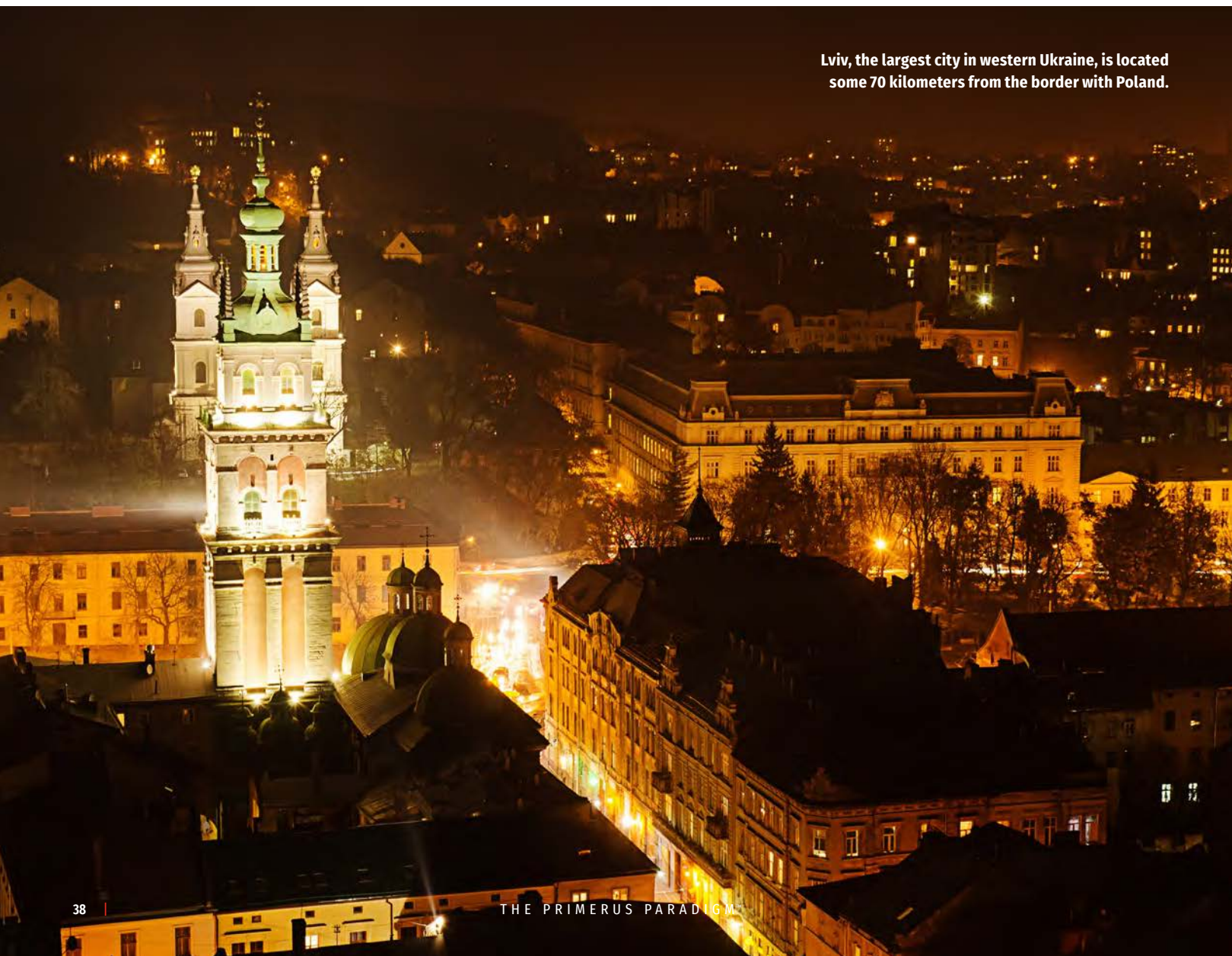
“This is the worst evil in Europe since 1945,” Marchukov said of the war with Russia. “This is not just about Russia and Ukraine. It is about evil and righteousness.”

Marchukov has been particularly heartened by the continuing support for Ukraine from countries across the free world. He said he takes special delight in seeing the blue and yellow flag of Ukraine flying throughout Germany and many other countries with messages such as “Ukraine – We Are with You.”

Added Marchukov: “Putin has made Ukraine very popular in the world. It is only that a sane president is supposed to be achieving that for his own country.”



Attorney Dmytro Marchukov has continued to maintain a positive legal outlook despite the challenges posed by the ongoing war with Russia.



Lviv, the largest city in western Ukraine, is located some 70 kilometers from the border with Poland.



# Founder of Kyiv law firm keeps wary eye on future

By Tom Kirvan

The year before the Russian invasion, life was exceedingly good for Timur Bondaryev, a founding partner of the Arzinger law firm in the now embattled city of Kyiv.

A native of the eastern region of Ukraine, Bondaryev was basking in the glow of a record year for the firm, where he serves as managing partner and head of Transactions, Projects, and Antitrust.

“The year preceding the war was the best in our history,” said Bondaryev of the firm that marked its 20th anniversary last year and had three offices (Kyiv, Lviv, Odessa) and a staff of around 130 at the time.

“We were one of the largest firms in Ukraine in terms of head count,” he said during a Zoom interview in April.

And then Russian President Vladimir Putin decided in February 2022 that it was time

to join history’s long list of warmongers, satisfying his neo-imperial fantasies in a way that has the potential to cripple certain countries for years to come.

For Bondaryev, the Russian aggression and the ongoing bloodshed that ensued brought deep-seated emotions to the surface.

“It doesn’t hurt me to hate Russians, perhaps even more than any other Ukrainians do,” he said in matter-of-fact terms.

But as the head of a prominent law firm, Bondaryev also knew the importance of keeping emotions in check, especially during the early days of the war when Russian bombs and missiles were raining down on key cities across Ukraine.

“You can’t really prepare for war, but the signals were there that it could take place. On February 24 (2022), we woke up to

explosions,” said Bondaryev, whose firm leased properties in western Ukraine that would offer somewhat of a safe haven for those seeking refuge from the Russian shelling. “Our Plan B started to work, and it was a very good strategy for the safety of our employees and their families.”

Still, said Bondaryev, there was understandable concern among the Ukrainian citizenry about the stability of the country’s banking system and the accessibility of fuel supplies for those leaving Russian occupied areas.

“The worst-case scenario was that everything would collapse,” he said of the uncertainty that was prevalent during the early days of the war. “But logistically, everything went well, even though there was huge traffic for those headed west. Normally, it could take as little as 5-1/2 hours to go from Kyiv to Lviv. But with all those from Kyiv and the central part of

Ukraine headed west, the trip was taking 27 to 28 hours instead.”

Shortly after the invasion, Arzinger temporarily closed its office in Kyiv, relocating some of its staff to the firm’s outpost in Lviv. Bondaryev also was upfront with everyone on staff, telling them that he wasn’t sure at the time whether the firm would “survive the war” since Russian tanks were within “17 kilometers of our office in Kyiv.”

Simultaneously, he was busy trying to find other job opportunities for members of Arzinger, eventually placing nearly 40 of its team-members with law firms that it had developed business relationships with around the globe, including in such countries as Germany, Austria, Poland, Hungary, Canada, and the U.S.

“We were able to keep our core people and expertise,” said Bondaryev, while noting how “very painful” it was to see

others leave because of the war’s impact on everyday life in Ukraine.

By June of last year, the ranks of Arzinger had dropped to 60 from the high-water mark of 130 just four months earlier. And of those, the majority are working remotely, according to Bondaryev, who indicated that the firm continues to welcome back some former employees who have returned to Ukraine.

“We’re now back to 80 people and the firm continues its operations on all three locations,” he said, due in part to the firm’s expanded caseload in sanctions and damage-related work sparked by the ongoing war. “The turnover of the firm is very much down, but our strategy is to dive through and keep the firm running until victory because we understand that once the war is over, we will have plenty of work . . . in claiming damages against Russia.”

Bondaryev, who has a wife and two teenage children, moved his family to Austria in

March 2022 after coming perilously close to a missile attack in Lviv. He asks those in the Primerus™ global community to keep Ukraine uppermost on their mind.

“First thing I ask is to not forget about Ukraine, because the war we are fighting is not just for Ukraine, but it is for global peace and for global security,” he stressed. “If Ukraine fails, then tomorrow Russian tanks and rockets will end up in the streets of Vienna and Warsaw, etcetera, etcetera.”

“And please, constantly keep Ukraine on your minds when talking to politicians, while talking to businesses,” Bondaryev said. “And keep donating. There are a lot of opportunities for donating and for charities to support. Because it’s not just about Ukraine – you are supporting yourself as well when you do it.”







# A refugee from a different Ukrainian era reflects on a trying time of survival

By Tom Kirvan

**P**ain, disbelief, and a profound sense of helplessness are just a few of the feelings that Larisa Levy has experienced on a daily basis since Russia invaded her native Ukraine 15 months ago, causing a cascade of refugees to flee across neighboring countries in search of safety.

By last count, the number of Ukrainian refugees has surpassed 8.1 million, a figure that doesn't begin to tell the tale of suffering that has spread through parts of the Asian and European continents since Russian President Vladimir Putin unleashed an unprovoked attack on the country of more than 40 million residents in late February 2022.

"My heart breaks every time I watch the news or see pictures of those who have been impacted by the war," said Levy, who fled her Ukrainian homeland under altogether different circumstances decades ago. "It is absolutely sickening to see the amount of despair that has been caused by the Russian invasion – and to consider how many people have been killed or injured, or who have had to leave

everything in hopes of finding a safe place to live."

Levy, whose husband Peter is a partner with the New Jersey law firm of Mandelbaum Barrett PC in Roseland, is far removed from the daily dangers and uncertainties that currently engulf Ukraine. She now is a longtime naturalized U.S. citizen and serves as Vice President of Operations and Client Relations for

Jersey Staffing Solutions, a staffing and recruiting firm.

She also is happily married and the mother of two grown children (Zach and Angie) with successful careers of their own, one as a dentist and the other as a Senior Contract Specialist at a prominent aerospace and defense corporation.

Yet, Levy knows the refugee journey all too well, making an at times frightening seven-month odyssey to the United States with her parents, brother, and paternal grandmother in the late 1970s.

Their travails were not sparked by war, but instead were the product of a decision by the former Soviet Union to allow a mass immigration of Jews to Israel, offering an unexpected opportunity to escape anti-Semitic discrimination while improving their educational and economic outlooks. While the vast majority of the Soviet Jews emigrated to Israel, others opted for the United States instead, applying for U.S. refugee visas while waiting at transit centers in Austria and Italy.

"It was our desire to go to the United States, if possible," said Levy, whose family began their difficult immigration journey by way of Austria.

They made their way to the land-locked country by train, arriving there with little money, few belongings, and no grasp of the foreign language.

"My mom [Inna] knew it was going to be tough, so she packed enough food that would last and would help sustain us in the days to come," Levy said. "We were taken to a hotel, where we had one room with no kitchen and a communal bathroom for the five of us to use with others. It was a very challenging time during the next month before we were sent to Ladispoli, Italy, a city near Rome on the Mediterranean."

The city, which served as a way station for Jews from the USSR as they awaited asylum in Western countries (mostly the U.S., Canada, and Australia), would be their home for the next six months as they did their best to survive.

"We had no money or any way to make money," said Levy, who was overcome



with emotion as she recounted her family's story. "It was just a matter of survival for us – day by day."

She and her 11-year-old brother Oleg (now Alan) aided the family cause by hawking souvenirs on the streets of Ladispoli, hoping to convert into cash a suitcase full of items they had brought from their home in Ukraine.

"My parents couldn't sell them because they would have been arrested, but we figured that the police wouldn't bother two children and would take pity on us," Levy explained. "We didn't make much money from what we sold, but it was something that we could use for food or other necessities."

The sudden hardship the family experienced was in stark contrast to the lifestyle they enjoyed in Kyiv, the capital of Ukraine.

There, according to Levy, her family led a comfortable life.

"We were well off, as my father [Yuri] ran a very prestigious shoe manufacturing facility that produced custom-made shoes for famous and wealthy people," Levy related.

But the opportunity to be free from the shackles of Soviet repression and

**In a precious photo ravaged by time, a young Larisa with her brother Oleg and their parents, Yuri and Inna. Nearly 5 years after the photo was taken in Ukraine, the family would begin a new life in the United States.**



**Some four decades after arriving in the U.S., Larisa Levy and her family posed for a keepsake photo.**

religious persecution was the driving force behind the family's decision to seek a new life in the West, said Levy.

"My parents wanted to go where there was freedom, where there would be opportunities to better ourselves financially, educationally, and socially," she indicated.

Somehow, whether by luck or divine providence, the family received the much-desired visas to the U.S., arriving in New Jersey in May 1979, where they found temporary housing in a single hotel room before being resettled to an apartment

in a public housing project in Newark, the largest city in the state.

"We received support from a local organization, HIAS (originally known as the Hebrew Immigrant Aid Society), that was tremendously helpful to us," said Levy, who fought back tears as she recalled the difficulties her family experienced during their first few years in the U.S. "Many of our clothes came from trash cans, while we also were fortunate to have received donations from Jewish families who provided dishes, furniture, and other household items we needed. We were so grateful for any help we received."

Her father soon began work helping clean stores at a local shopping center, doing whatever he could to earn enough money to put food on the family table, according to Levy.

"We had so little that I very much remember having to split an apple with my brother because one was all we could afford," said Levy. "We only got strawberries or bananas on special occasions like birthdays."

Despite the struggles, within a few years, her parents had saved enough money to buy a small shoe repair business, a shop where each member of the family pitched in to help out. Success eventually followed, providing her father with the funds to purchase a local jewelry store.

"My father is larger than life," Levy said of the family patriarch, who now at age 82 has assorted business and real estate holdings in New Jersey and Florida. "His mind is always working, and it seems like he is buying or selling something every day."

Fittingly, his son now operates the jewelry store where the family's fortunes took an upward turn. Even more remarkable, Levy's dad now owns shopping centers similar to those he once cleaned.

"We've all come a very long way," said Levy.

But not so far that she can overlook the current suffering in Ukraine.

"Back when we lived there, the Russians and the Ukrainians were one people," said Levy, who speaks fluent Russian. "The divide now just doesn't make sense. If only those who started this war would remember our common bond, then there would be a chance at peace and an end to all the death and destruction." □



# Summit Place

## Attorney has made her way to top of Colorado's 14ers

By Tom Kirvan

**B**efitting an avid mountain climber, Denver attorney Erica Payne has experienced her share of highs and lows since embarking on her "14er journey" nearly 20 years ago.

Her first quest to reach the summit of one of Colorado's 58 peaks topping 14,000 feet nearly ended in disaster. At the time of the 2004 climb, Payne was a

law student at the University of Colorado (CU) in Boulder.

The Labor Day weekend trip began unceremoniously enough when Payne and her law school friend, Katie Stone, borrowed a Jeep Grand Cherokee to traverse a rugged 6-mile-long road to the South Colony Lakes trailhead where they would launch their planned climb to the top of the Humboldt Peak, a spectacular 14,068-foot mountain in south central Colorado.

"Humboldt is in Sangre de Cristo Range of the Rockies and is generally considered one of the 'easiest' of the 14ers in that area to climb," said Payne, who grew up in a suburb of Boston.

But "easiest" is a relative term, which Payne would eventually discover while attempting to make her way to the summit, a nearly 4,200-foot imposing climb from the trailhead.

"I probably should have figured that it was going to be a tough day based on

Displaying nerves of steel, Erica makes the final ascent to the top of the Northwest Pole, a particularly harrowing 13,660-foot peak. During a winter climb of 14,171-foot Kit Carson Peak near the town of Crestone in Colorado, Erica somehow escaped serious injury on the way down when she slid off a steep cliff, miraculously landing feet first in snow after falling 20 feet.

how shockingly bad the road was to get to the trailhead," Payne said with a chuckle. "It took us two-and-a-half hours to go 6 miles on this incredibly gnarly road. We just hoped that our friend whose Jeep we borrowed would never find out how bad that road really was."

From the trailhead, the 10.7-mile out-and-back hike was expected to take around 7 to 8 hours, depending on weather conditions and the caliber of the climber.

"As we climbed to about 12,000 feet, which was about a mile-and-a-half from the summit, I began to feel like I was going to pass out," Payne recalled. "It was the first and only time in all my climbing experiences that I had serious altitude sickness. It was scary, and obviously can be life threatening."

Which is why Payne and her climbing cohort cut short their ascent, methodically making their way down the mountain to ward off a serious case of high-altitude pulmonary edema or HAPE.

"It was a very humbling experience to not make it anywhere near the top, but it also gave me an appreciation for the fact that climbing mountains is a whole new ball game when it comes to planning and conditioning," said Payne, senior counsel with Zupkus & Angell, P.C. in Denver. "It gave me time to marinate about goal-setting and wanting to experience the sense of accomplishment of making it to the top, even if I wondered why anyone would want to go through the kind of discomfort that mountain climbing can sometimes bring."

Displaying a new-found determination, Payne decided to give Humboldt a second try, this time by herself.

"Happily, I made it in around six hours," Payne said proudly. "It gave me a tremendous amount of confidence that

I could do all the 14ers and could challenge myself to go higher."

Her goal of reaching the top of all of the state's 14,000-foot peaks took some 17 years to complete when she stood at the summit of Culebra Peak in January 2021, less than a year after the pandemic upended life as we had come to know it.

"I would have accomplished my goal sooner, but I lived overseas for a couple of years and that kind of slowed my climbing momentum," said Payne.

But those years in Singapore and Australia were treasured times for Payne, who accompanied her late husband, Chris Walter, on his work assignments overseas.

"He was an exceptional person and a wonderful husband and was a graduate of the Leeds School of Business at CU," Payne said of Walter, who died of complications from lymphoma at the age of 35. "Losing him was devastating, especially just three years into our marriage."

While their time together was tragically cut short, Payne will forever cherish one of its most memorable moments.

"He proposed to me in 2009 at the top of Holy Cross," she said of the 14er in the northern Sawatch Range of the Rocky Mountains. "He'd already climbed it with his brother years before, and he knew I hadn't climbed it yet, so he climbed it again with me. That was a beast of a climb, and I remember that he grumbled in a good-natured way about re-doing it, but it turned out the grumbling was all a ruse to throw me off the proposal and make it more of a surprise."

Now, a decade after her husband's passing, Payne recently became engaged to Josh Morton, a Navy veteran



Attorney Erica Payne has been a member of the Women Lawyers Section of Primerus™ since 2015.



who works for Jacobs Engineering in Denver. The engagement happened on a mountain, of course.

“Interestingly, Chris’s brother and his wife introduced me to Josh,” Payne said of how she met her fiancé. “The universe is funny like that.”

The two share a love for travel and the outdoors, further cementing their bond by running together as Payne trained for the Paris Marathon earlier this spring.

“Growing up in the Boston area and attending BU (Boston University), the marathon always was something I considered trying, especially knowing the rich history of the Boston Marathon,” Payne related of the 26.2-mile event that she finished in 2008.

Her parents, Phyllis and Richard, are among her marathon supporters and helped inspire Payne’s passion for all things connected to the outdoors.

“As a family, we had many happy times hiking in the White Mountains of New Hampshire, including climbing Mount Washington,” said Payne, whose 43-year-old brother Tyler is a woodworker in Massachusetts. “We also regularly enjoyed hiking in the mountains of Maine and Vermont.”

Payne’s parents met as students at Clark University in Worcester, Mass., eventually raising their family in a neighborhood near the Charles River, the 80-mile-long waterway that flows from Hopkinton to Boston before reaching the Atlantic Ocean. Her mom has spent the past 53 years as a catalog librarian at Boston University,

while her father – a lawyer – is retired after working for more than 30 years as a high school English teacher and 12 years as an adjunct professor of English at Newbury College.

“The fact that my mom worked at BU was the principal reason that I went to college there, since tuition was free for children of BU employees,” indicated Payne, who graduated cum laude with a degree in English and environmental biology at the renowned private research institution. “I was fortunate to receive a great education there.”

After spending two years working as a veterinarian technician, Payne headed to law school out west, spurred by a lifelong desire to experience life in the mountain states.



Payne has climbed all of the 14ers in the Collegiate Peaks, including Harvard, Princeton, Yale, and Columbia. Here, she is pictured making her way to the top of Vestal Peak (13,870 ft.) in the Needle Mountains of southwest Colorado.

Almost immediately, she developed a professional bond with Bob Zupkus, the firm’s founding partner who also had lost his spouse to an unexpected death.

“We both understood the emotional aspect of it and the grief we were dealing with,” said Payne, who found that the support she received from within the firm helped her get back on solid footing.

Now, in her ninth year with the firm, Payne has a busy practice focusing on commercial and civil litigation, including premises liability, construction defect, insurance defense, and appeals.

“Insurance defense law wasn’t on my radar initially, but I have come to find it incredibly fascinating because the work is diverse and the stakes are high,” said Payne, as she was preparing to present

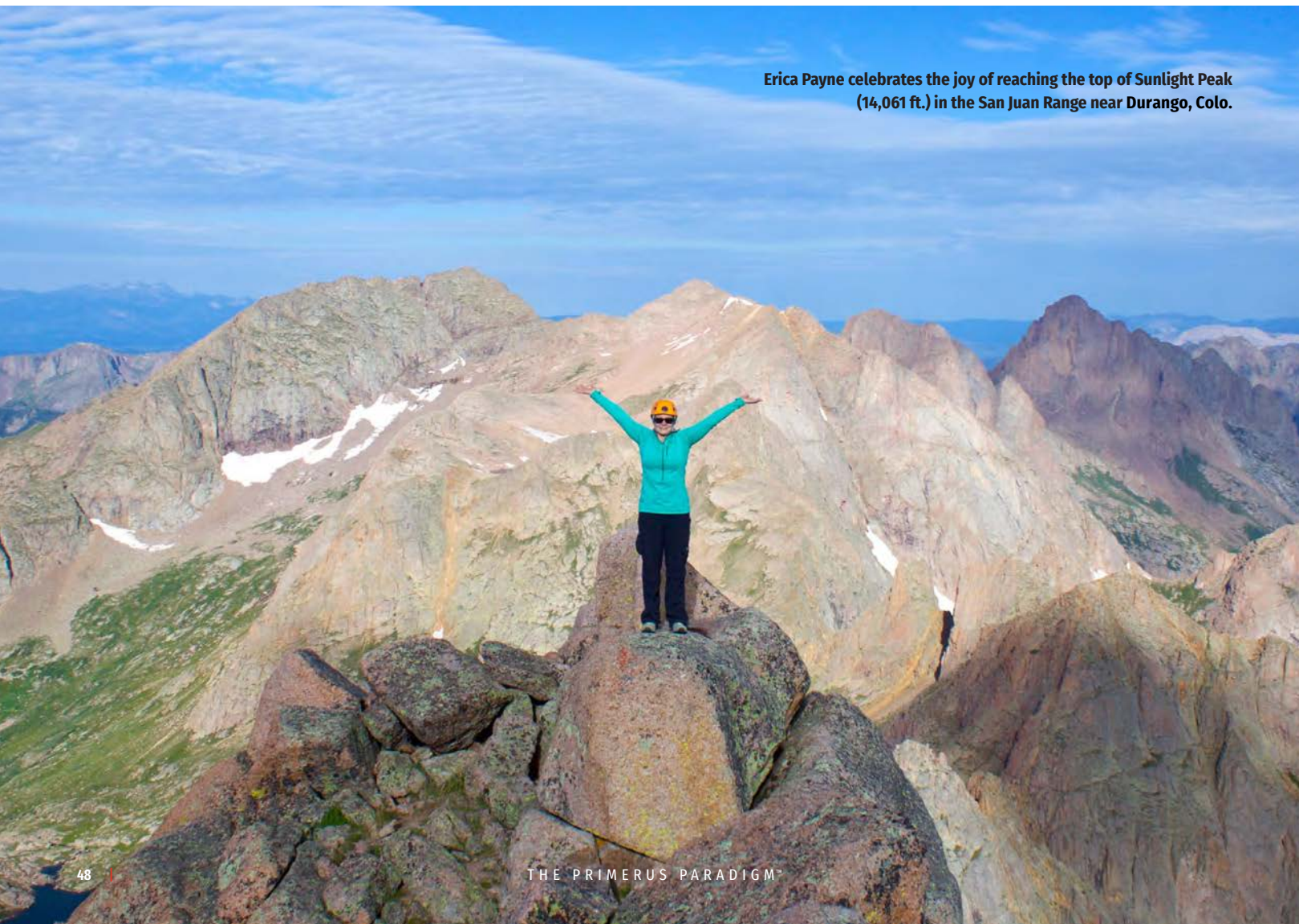
oral arguments before the U.S. Court of Appeals for the 10th Circuit. “I love the challenge and the intensity of appearing in court.”

Such zeal should come as no surprise to those who marvel at Payne’s passion for scaling mountain heights, including 14,505-foot Mount Whitney in California, the highest peak in the contiguous United States.

She also has reached the summit of two of Ecuador’s top peaks, 19,000 and 18,000 feet, respectively.

And yet, with now more than 90 climbs beyond the 14,000-foot level, Payne figures to keep going higher and higher.

“It’s definitely in my blood,” she said with a smile. ■



Erica Payne celebrates the joy of reaching the top of Sunlight Peak (14,061 ft.) in the San Juan Range near Durango, Colo.

“It soon became clear to me that I probably would have had a lot more fun at CU if I had gone to undergrad there,” she said, wincing at the thought of being in the law library and gazing out the windows at the free-spirited ways of those pursuing their bachelor’s degrees.

Among her early jobs after graduating from law school, where she served as an editor of the Law Review, was with the Colorado Water Trust, a nonprofit organization dedicated to the health of the 600 miles of rivers and streams across the state.

“It tied in with my degree in environmental biology, but then when we moved overseas, I didn’t begin practicing law again until we returned home,” said Payne, who joined Zupkus & Angell in 2014.



Erica and her fiancé, Josh Morton, reached the summit of California’s Mt. Whitney on May 21, 2022 after training extensively together on Colorado peaks.



# Gordon Arata

## On land and at sea, New Orleans firm goes the extra mile for an array of clients

By Tom Kirvan

It seems only fitting that the name of its blog is “Drill Deeper,” an apt label applied by a New Orleans law firm that has a history of representing clients in the energy, maritime, chemical, and construction industries.

Yet, the legal reach of Gordon, Arata, Montgomery, Barnett, McCollam, Duplantis & Egan, LLC extends far beyond those four industries, and includes among others, finance, banking, real estate, telecommunications, and public utilities. All that thanks to a 2017 merger of two prominent Louisiana-based law firms that now includes satellite offices in Lafayette, La. and other locations.

By way of history, the firm traces its origin to 1895 when Montgomery Barnett was formed. Over the course of the next century, the firm developed a global reputation in the admiralty and maritime areas, while also handling commercial litigation, real estate matters, and other practice areas. Relatedly, in 1970 Gordon Arata was born, methodically establishing a legal niche representing clients in the energy and petrochemical industries before becoming known for its high stakes work on energy regulatory issues and business litigation.

In 2017, the two firms became one and now boasts a team of 40 attorneys with plans “to grow that number” in the years ahead, according to Sam Masur, who is part of a

three-member management committee for Gordon Arata that includes Marion Weinstock and Greg Duplantis.

“Sharing management responsibilities is a little unusual in how most law firms operate, but it works well here and allows each of us to maintain a regular caseload while we devote probably 20 percent of our time to administrative matters,” said Masur, who is based in the firm’s Lafayette office, located 135 miles west of New Orleans.

A University of Georgia alum who earned his law degree from Louisiana State University, Masur is marking his 35th anniversary with Gordon Arata this year

and is bullish about its prospects for continued growth.

“We have assembled an extremely dedicated and talented legal team over the years, which has afforded us the opportunity to expand into other practice areas that make sense to us,” said Masur, whose practice is mainly focused on oil and gas litigation as well as general commercial litigation.

Masur noted that the firm also has a vibrant commercial litigation practice and that the firm was instrumental in helping settle class action claims related to the sale of defective drywall manufactured in China.

Litigation comprises approximately half of the body of work at the firm, with the other half being acquisitions and divestitures, financings, contract work, title work, and employee-related matters, according to attorney Marion Weinstock, chair of the Commercial Transactions Section for Gordon Arata.

“Some of our recent acquisition transactions have involved the brick manufacturing and ready-mix concrete businesses, as well as the purchase

of a saltwater disposal facility and the acquisition of an ethanol plant that will be converted to a biodiesel jet fuel plant in Illinois,” said Weinstock. “A significant portion of our transactional and acquisition work involves the oil and gas industry and we are currently working on carbon capture projects and renewable energy projects.

“We expect that working with clients in the alternative energy area will be a growing part of our business, as we are currently representing a group of international lenders providing construction financing for four different solar developments in Louisiana and a solar energy developer who is active in both Louisiana and Texas,” Weinstock added.

Philosophically speaking, the firm’s increased presence representing clients in cutting-edge business ventures dovetails neatly with its management culture, which values fresh ideas, an upbeat work environment, and a long-held commitment to serving its clients and the community at-large. A stuffed shirt Wall Street firm it is not.

In fact, the firm’s leaders say as much on the Gordon Arata website, “The firm’s

culture – we do serious work, but don’t take ourselves too seriously – is a point of pride. It sets the firm apart. It promotes better accessibility and responsiveness, and it sets the stage for what has been and always will be our most important product – our clients’ trust.”

The trust has been built by a singular focus on “achieving success for our clients,” according to longtime attorney John Pearce, a 1976 alum of the LSU Law School.

“Our commitment to doing the best job we possibly can is evident in our very active environmental practice, where we are defending a series of cases against oil and gas industry clients accused of causing erosion in the coastal parishes in Louisiana,” said Pearce. “All of the cases are pending and, following several years of jurisdictional controversy, are just now getting to the discovery stage. Those are just some examples of the host of environmental areas we are involved in with clients.”

Now in his 44th year as a lawyer, Pearce had an early interest in becoming a doctor, a profession where his father,



**John Pearce**  
Member  
Gordon Arata



**Marion Weinstock**  
Member  
Gordon Arata



**Michael Botnick**  
Member  
Gordon Arata



**Samuel Masur**  
Member  
Gordon Arata



Charles W. Pearce, distinguished himself as a cardiovascular surgeon. Career plans, however, took a back seat to the draft during the Vietnam War era, where Pearce served two years of active duty in the U.S. Army.

"I then used the G.I. Bill to go to college and law school after I decided that I was better suited for the legal profession," said Pearce, who was the lead singer in a rock 'n' roll band during his formative years.

His musical interest may have been sparked when he served as an altar boy for Cardinal Francis Spellman at the renowned St. Patrick's Cathedral in New York.

"I was his bell-ringer," said Pearce with a smile.

A past president of the New Orleans Bar Association, Pearce began his legal career as a law clerk for the Louisiana State Mineral Board, using it as a springboard into private practice where he has engaged in a general civil practice concentrating in the energy, environmental, and real estate fields. In 2008, Pearce was the recipient of the Arceneaux Professionalism Award from the New Orleans Bar in recognition of his dedication in practicing law with integrity, honor, and civility.

He and his wife, Susan, have two children and five grandchildren, and now have made Destin, Fla. their home, where he primarily works remotely as a partner for Gordon Arata.

Marion Weinstock, who is in her 35th year with Gordon Arata, has been a trailblazer at the firm, pioneering the work-from-home practice after the birth of her fourth child.



"I never really had a maternity leave, so I began working from home in 2002 and I found that I'm more productive and efficient," said Weinstock, a summa cum laude graduate of Tulane Law School. "Working remotely just sort of evolved for me."

She began her career as a law clerk for Justice Walter Marcus of the Louisiana Supreme Court, moving into private practice where she now handles a wide range of commercial transaction matters and complex real estate work involving land purchases and developments.

"We've always had female representation on the management and compensation committees, and I'm now in my sixth year on the management committee," said Weinstock, whose father was an anesthesiologist and her mother a civil engineer specializing in bridge building. "I was fortunate to have had very strong female role models at the firm, including Cynthia Nicholson who is still here."

Legal blood runs through the veins of her family, as her husband, Andy, is a lawyer, as was her grandfather, and now several of her children.

"Three of our four kids will be lawyers and even my mother was one, going back to law school even though she never practiced," said Weinstock, who is an accomplished tennis player and avid downhill skier.

Attorney Michael Botnick, a Mississippi native, has more than 40 years of experience in commercial transactions, litigation, and construction matters, spending the last 20 years with the firm. He also is a certified mediator and is admitted to the American Arbitration Association National Roster of Arbitrator and Mediators.

Also a graduate of Tulane Law School, Botnick is the son of a World War II vet and was encouraged by his father to attend law school.

"Dad got involved in the civil rights movement and strongly encouraged me to get into the practice of law to help expedite change," said Botnick, who from 1994 to 2003 served as Deputy City Attorney for the City of New Orleans. "I credit my parents for instilling in me a desire to help others."

Botnick, who earned his bachelor's degree from the University of New Orleans, joined Gordon Arata in 2003, two years before the Crescent City was devastated by Hurricane Katrina.

"The city was on its back after Katrina, and FEMA (Federal Emergency Management Agency) began pumping billions of dollars into New Orleans to rescue it from disaster," said Botnick, whose contacts with city officials proved beneficial to the firm during the rebuild.

Like thousands of other Louisiana residents, Botnick and his family suffered a heavy personal toll from Katrina.

"We had eight feet of water in our house and lost everything," he said, recalling the pain his family experienced. "Everybody had problems because of Katrina, and mine, in the scheme of things, probably would rate as minute compared to others who were injured or lost loved ones. It was a very dark time."

The aftershocks from Katrina forced Gordon Arata to close its New Orleans office for six months, during which Botnick relocated his family to Florida, where his wife, Jill, owns and operates a Pilates studio while he makes a weekly commute to work in New Orleans.

"I'm married on the weekends and single during the week," he said with a chuckle.

The Botnicks have five children and five grandchildren, "all of whom bring great joy into our lives," he said.

Two of their grandchildren, interestingly enough, they "share" with one of his law firm partners, Sam Masur.

"My son is married to Sam's daughter, hence the fact that we share grandchildren," Botnick explained.

Masur, who is marking his 40th year in the law, grew up in Monroe, La., but decided to head out of state for college, earning his bachelor's degree in 3-1/2 years from University of Georgia.

"It's one of my regrets in life," he said sarcastically of graduating a semester early and short-changing the full college experience. "I'm not sure what I was thinking at the time."


Perhaps law school was on his mind, helping him launch a successful legal career that has been focused on oil and gas litigation, general commercial litigation, and general business acquisitions and divestitures. He also is a member of the American Arbitration Association National Roster of Arbitrators and, in addition, is listed by the American Arbitration Association and the Institute for Energy Law as an energy arbitrator.

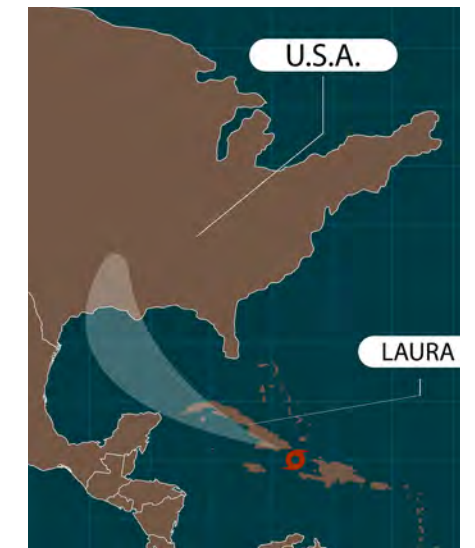
Masur and his wife, Holly, have two children, a son who works in finance in Charlotte and a daughter who is a lawyer in New Orleans.

"We also have three grandchildren with one on the way," said Masur, whose mother was

a broadcast journalist and whose father owned and managed a men's clothing store and sold commercial real estate.

Away from work, Masur enjoys the pleasures of reading, golf, fishing, and the company of his best friend – his wife.

"She is a terrific person and had the principal responsibility of raising our kids, in which she did an absolutely wonderful job," he said. 



**Staff members at Gordon Arata pitched in to help out with relief efforts in the aftermath of Hurricane Laura, a 2020 Category 4 storm that packed 150 mph winds and claimed 30 lives throughout the state when it made landfall in Louisiana. Pictured front row (left to right) are Karen Veazey, Amy Gautreaux, and Samantha O'Brien; (back row) Bryan Dupree and Sam Masur.**

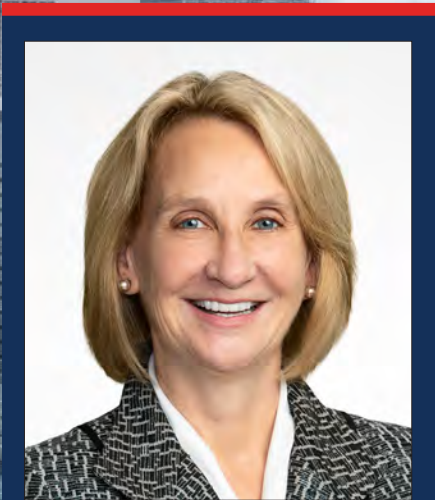




# Mindset

## An unending love for learning fuels growth of Texas attorney

By Tom Kirvan



Houston attorney Juli Fournier has served as managing partner of Stephenson Fournier for nearly a decade.

**A**

s a student at the University of Wisconsin some four decades ago,

Juli Fournier said she quenched her educational thirst by “drinking from a firehose for learning,” immersing herself in all academic subjects to become equipped as an independent thinker.

It was a path she elected to take after growing up in the proverbial school of hard knocks as the only child of parents beset by lifelong mental health problems.

“My childhood, and my upbringing in general, was difficult, to say the least,” said Fournier, whose parents divorced when she was 2 years old. “My father was a paranoid schizophrenic, while my

mother was what I would term a high-functioning crazy person who would go on to have five more marriages.

“Coming from that kind of family background, I was determined to be self-sufficient, so I absolutely poured myself into my studies in order to give myself a chance at success,” she said.

Her smarts and determination helped Fournier earn a bachelor’s degree in political science with distinction from the renowned Big Ten school, setting the stage for her to graduate with honors from the University of Texas School of Law in 1986.

“I seriously considered many potential career paths, ranging from medicine to

computer science to engineering and, of course, law,” said Fournier in explaining her academic journey. “The common denominator was that I loved learning about nearly everything – still do. During high school, as I was pondering a future in science or law, I spent one summer seriously evaluating the possibilities. I shadowed doctors, lawyers, and scientists

and took on-campus college courses at Harvard in biology and government.

“But, the more powerful influence that summer was an inspirational professor in my government class,” she indicated. “Even now more than 40 years later, I have such vivid memories of some of his lessons that I could quote them. It was not until a couple of years into



law school that I finally honed in on my true goal, a sophisticated business transactions practice, but that high school summer was the turning point when I realized I loved law.”

That love continues to blossom for Fournier, who has served as managing partner of Stephenson Fournier in Houston for the past nine years. The firm, which includes eight attorneys, offers a broad-based and business-oriented practice, focusing on business law, complex transactional work, real estate, and estate matters.

“Not many small firms have a vibrant M & A practice, and those that do tend to focus on small dollar deals,” Fournier indicated. “But, over the years our firm has been able to consistently attract clients with deals that are challenging and rather large. Providing top quality legal advice and getting acquisitions and

divestitures closed for clients continues to be my greatest joy professionally.”

Fournier, who grew up in Milwaukee, developed a strong work ethic at an early age, paying her way through both college and law school by “waitressing and working in pizza joints,” noting that she began her legal career with just “\$5,000 in debt and a new car.” Her desire to forge ahead was in full view three years earlier when she began her law school studies one day after obtaining her bachelor’s degree from Wisconsin, foregoing her commencement ceremony so that she could jumpstart life at the University of Texas School of Law.

“I like to keep things moving so that I don’t ever feel stagnant,” Fournier admitted, noting that “I’ve always been a pretty active person and don’t sit still well.”

She worked at more than a dozen different law firms during law school, absorbing as much knowledge as she could before landing a coveted job with Akin Gump in Dallas, spending five years there handling virtually all aspects of corporate law.

“I learned a lot there since it came at a time before corporate law got divided up like it is now,” said Fournier.

She eventually moved to Houston, joining her current firm in 1992 to handle all the firm’s securities law and merger/acquisition matters.

In 2015, Fournier became the sole owner of the firm, buying out its founder, Jim Stephenson, who still has a full-time practice.

“I’m only 61 right now and I love what I do. I don’t think I’ll ever fully retire,”

Pictured (l-r) in a favorite family photo are Kylie’s partner Kit Pavlekovsky, Kylie, Juli with their cat Logan, Randy, and Danielle.



Downhill skiing at such resorts as Deer Valley in Utah and Jackson Hole in Wyoming is a wintertime passion for attorney Juli Fournier.

said Fournier, who is proud of the legal team she has helped assemble over the past decade, describing her leadership style as that of a “benevolent dictatorship.”

Said Fournier: “We are a tribe, where each person is highly valued and their well-being is deeply important to the group.”

The firm became a part of Primerus™ in 2019 after Fournier began a search for an attorney in Lagos, Nigeria to help with a construction project in the West African country.

“We were representing with a client planning to build a plant there and I needed to find local counsel who could assist with the project,” Fournier explained. “I went looking for a high-quality firm to work with and Primerus™ came up on my radar since they had an established network of top law firms around the world. After meeting with Jack [Buchanan] in Chicago and then talking with other Primerus™ members by phone, I was convinced that we needed to belong since our practice was becoming more and more international in scope.”

And ever since, Fournier regularly attends the organization’s Global Conference, International Summit, and various other meetings, serving as co-host of a regional event last year. She also chairs the Primerus™ International Practice Committee’s Mergers and Acquisitions Section.

“Primerus™ is very much about the relationships you develop and the people you get to know on a personal and professional level,” said Fournier, who said she gets “my money’s worth” by attending each breakfast get-together and enjoying the camaraderie often until the “bar closes” after the dinner program each night. “The magic of Primerus™ is getting to know members from around the globe. It’s also been great to meet other managing partners and to learn from them. I absolutely love to keep learning.”

Fournier expanded her personal horizons when she married her husband, Randy, in 1990, several years after reluctantly agreeing to go out on a date with him. Her hesitation stemmed solely on the fact that she was 25 and he was 30, and she had erected a block about “dating someone whose age began with the number 3.”

After she was convinced to think otherwise, Fournier found true love in a man who graduated from the Culinary Institute of America, studied cooking in France, and was honored as “Chef of the Year” by the worldwide Marriott hotel chain. For the past 29 years, he has been in charge of the global food service and food safety operation for one of the major oil companies.

Fournier and her husband have two daughters, Kylie (30) and Danielle (27). Kylie, a software engineer, lives in the San Francisco Bay area, while Danielle is a strategic supply chain analyst for Accenture in Chicago.

The Windy City will be the site this fall of Fournier’s first marathon experience, where she has set a goal of finishing the 26.2-mile race in under 4 hours and 30 minutes.

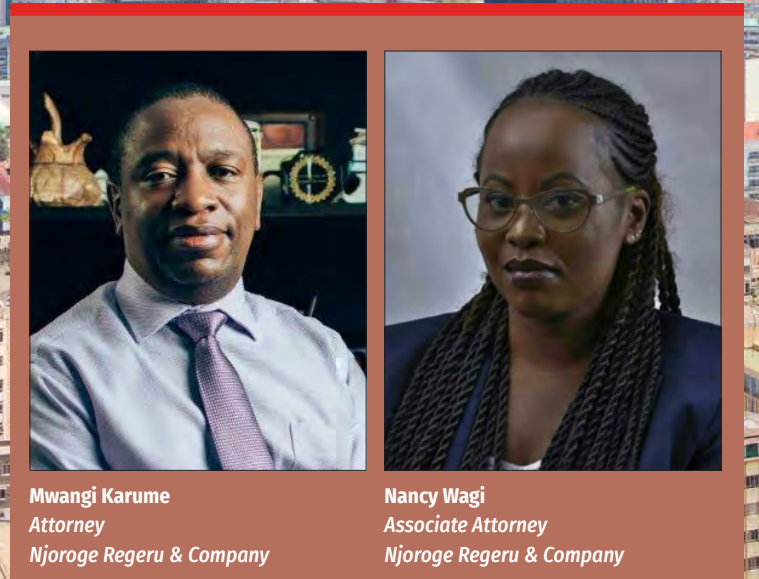
“I like to set a big goal for myself every year and this definitely ranks as one of those,” said Fournier, who may well lean on her daughter Danielle for advice as a veteran of the event that annually attracts more than 40,000 runners and wheelchair participants. “Finishing is my primary goal, although running a good time would be a bonus.”



# Global Outlook

## Kenyan law firm develops wide-ranging legal practice

By Brian Cox



**A**ttorney Mwangi Karume's path to attaining national influence and international persuasion began in a rural Kenyan village where he was born on a coffee farm on which his mother once worked.

By contrast, associate attorney Nancy Wagi is a city girl, born and raised in Nairobi, not far actually from the law offices of Njoroge Regeru & Company where the two lawyers practice.

The pair represent the ambitions, opportunities, and future of Kenya, which is the third largest economy in Sub-Saharan Africa with aims to transform into a middle-income country by the end of this decade.

A partner at the firm, Karume heads up the Corporate, Commercial, and Conveyancing law department (referred to as "triple-C") while Wagi's practice centers around Dispute Resolution (referred to as "DR"). The two departments occupy separate floors in the office building not far from the Nairobi Arboretum and Karume jokes that "the DR team tends to breathe fresher air because they are up there and we are down here."

Since its formation in 2002, Njoroge Regeru and Company Advocates has forged a reputation for representing diverse legal interests ranging from individuals and small businesses to government institutions and multi-national corporations.

Karume joined the firm shortly after it was formed and though he had

received most of his legal training as a young lawyer in Dispute Resolution, after only five months with the firm he was asked to take over the Corporate and Commercial law department when a colleague left to study in the United States.

"It was baptism by fire," he recalls.

He immersed himself in a crash course of learning about conveyancing, the corporate sector, mergers and acquisitions, banking, and capital markets. At the time, the entire department comprised of only him and his assistant.

Since those early days 20 years ago, the department has grown under Njoroge Regeru and Karume's leadership and now the law firm has 10 attorneys practicing in a host of

fields, including Energy, Constitutional Petitions, Arbitration, Project Finance and Infrastructure Development, Securities, and more.

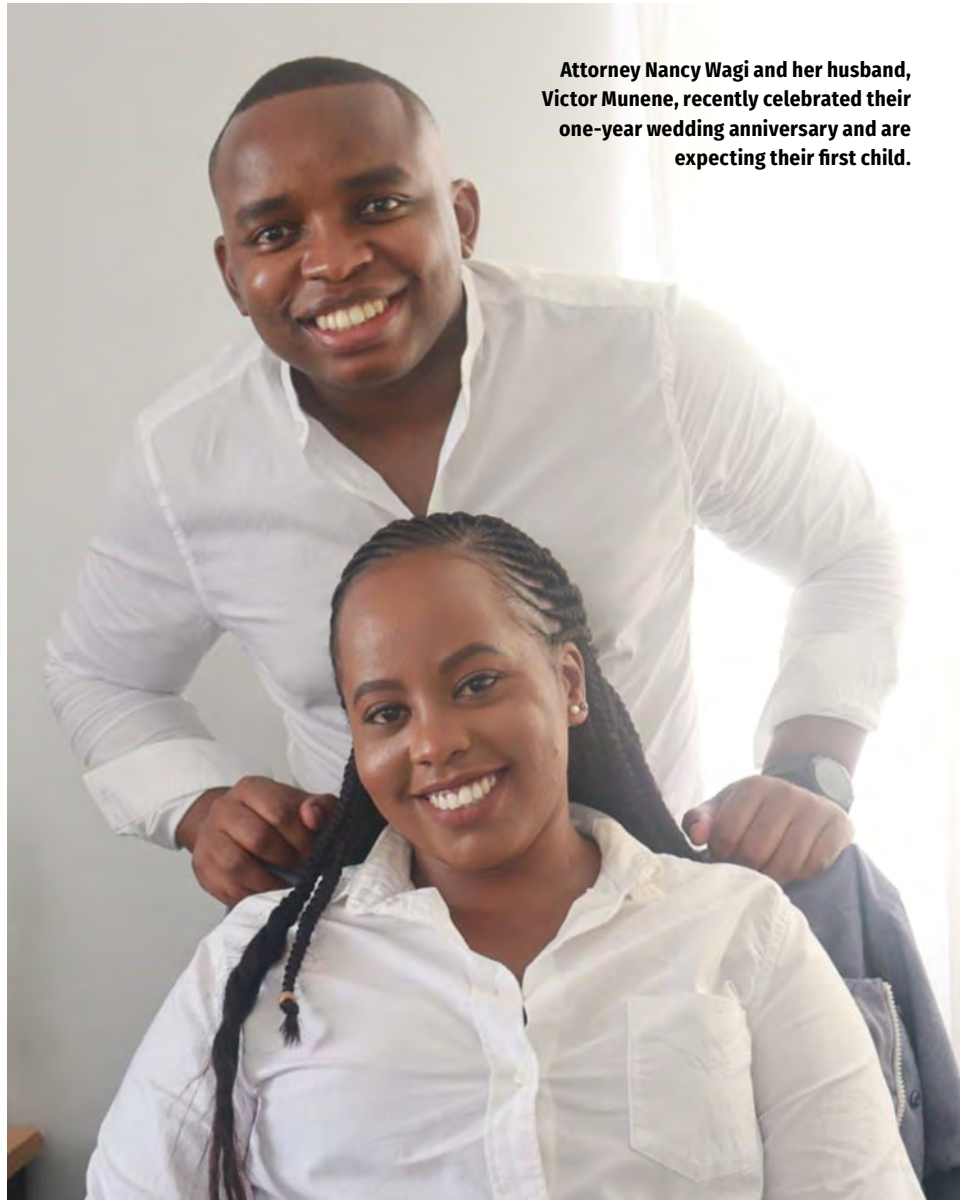
"The word we try to use here is 'efficiency,'" says Karume of the firm's philosophy. "Are you efficient? Do you utilize resources in an optimal way?"

A 2015 graduate of Kenya School of Law, Wagi served her pupillage at another firm following law school and worked there for three years before joining Njoroge Regeru and Company Advocates two years ago.

She is the first lawyer in her family, but she says law was not her first consideration. Her interests initially lie in the science fields which she undertook in high school. But when she was deciding on a career path, it







**Attorney Nancy Wagi and her husband, Victor Munene, recently celebrated their one-year wedding anniversary and are expecting their first child.**

was soon after Kenya had adopted a new constitution, and she felt drawn to help ensure its success.

“I thought I would like to come into this field where I can be part of upholding and honoring the supreme law of the land,” she says. “That is how I found myself in law school.”

Karume did not first plan on a career in law either. His early ambition was to study dental surgery.

Although admitted to study law at the University of Nairobi, Karume applied to change the course of study to obtain a Bachelor of Dental Surgery at the same university. He abandoned that dream fairly quickly after interaction with just a single medical class. After earning a Bachelor of Law degree from the University of Nairobi and earning his Post Graduate Diploma in Law from Kenya School of Law, Karume received a scholarship from KAAD, an organization of the Catholic Church in Germany, to obtain his master’s degree (LL.M.) in European and International

Law from the University of Bremen. He was 26 then.

It was an opportunity that would transform the breadth of his career and broaden the focus of his life. He recalls having to travel to Germany on his own.

“No one was waiting for me on the other side in Bonn,” he recalls of his arrival in the former capital of Germany. “This is someone who had not left the country and not flown before that.”

He remembers arriving where he was to stay in Bonn at around midnight, somewhat bewildered and exhausted, having travelled through Egypt and taken a train from Frankfurt to Bonn.

“After I took dinner and slept, when I woke up I had forgotten I had traveled to Germany,” Karume says with a laugh. “It was January. The trees had no leaves. Everything looked grey, I asked myself, ‘Okay, what am I doing here?’ Second question, ‘Which direction is the village I came from?’”

It was his first experience with snow and he remembers wondering if the flakes would hurt if they hit him and if he should perhaps take an umbrella. It was a strange new world, but he adapted quickly and during the studies in Bremen he had occasion to travel to different areas including Strasbourg, Luxembourg, Brussels, and Amsterdam. The experience exposed him to different cultures and “how different people approach different issues.”

When he returned to practice law in Kenya, Karume became active in helping influence the future of his

nation and in volunteering with the Catholic Church in recognition of the opportunities it had presented him.

“Since the Catholic Church gave me a chance, I have tried to give back through service,” says Karume, who sits on several high school boards as a way of supporting the church’s educational programs.

In 2005, he participated in the G-8 Alternative Conference in Edinburgh, Scotland advocating for the cancellation of debt in poor countries. Though committed to guiding national policy, however, Karume has no interest in seeking political office.

“What I’ve tried to do is distinguish between power and influence,” he explains. “The two of them are very, very different. One is temporary, one lasts.” Karume has interests in influencing policy in the agriculture, energy, financial, and national security sectors.

Wagi, too, is committed to influencing Kenya’s future, particularly with children. She is active with Lughia Ishara, a community-based organization that seeks to empower deaf children and their parents and pushes for wider inclusivity. She also is a co-founder of Waweza Boy Child Initiative, which collects resources such as clothes, food, and books for boys between the ages of 3-14.

Wagi and her husband, Victor, recently celebrated their one-year wedding anniversary and the couple is expecting their first child.

Karume and his wife, Anne, on the other hand, are way ahead in terms of parenting. They have five children, ranging in ages up to 14. The youngest are 1-year-old twins.

While headquartered in Nairobi, Njoroge Regeru & Company Advocates has a broad-based clientele across Kenya and around the world. The firm represents major banks, insurance, telecommunication companies, businesses dealing with Fast Moving Consumer Goods (FMCG), regulatory authorities, among others. In addition, the firm also represents several American corporations, including Cargill, Citigroup, and Del Monte Foods.

Njoroge Regeru & Company is one of only a few Primerus™ law firms in Sub-Saharan Africa. Karume

hopes to encourage Primerus™ to recruit additional law firms in Africa, perhaps in Uganda, Zambia, Zimbabwe, or the Democratic Republic of Congo.

“We are quite excited by this partnership and the values that Primerus™ espouses,” says Karume. “We look forward to continued engagement and commitment to Primerus™.”



**Attorney Mwangi Karume and his wife, Anne Wambui, have five children, ranging in ages up to 14. The youngest are 1-year-old twins.**



# Vienna attorney displays philosophical approach to his global experience

By Brian Cox

# A

ttired in a grey, well-tailored three-piece suit while sitting

at his desk in his home office in Vienna, Austria, attorney Klaus Oblin bears an undeniable resemblance to Paul Newman in “The Verdict.”

Oblin laughs at the comparison to the American actor.

“I have been told that only once before,” he says, “by an old woman we were renting a home from while on vacation in Tuscany.”

With his straight posture and folded hands, Oblin presents a composed, confident air that seems part professorial and part aristocratic. The founder of OBLIN Rechtsanwalte GmbH, Oblin has been an attorney for decades, but he does not define himself by his profession.

“Probably what I am — if there is any tag to it — I would dare to refer to myself as a philosopher,” he says.

Born in Vienna to parents who were teachers, Oblin cites reading the novel Radetzky March when he was 16 as the first book that opened his eyes to a broad new world of ideas. Considered one of the best German novels of the 20th Century, Radetzky March by Joseph Roth is a saga that chronicles the decline and fall of Austria-Hungary through the story of three generations of the Trotta family.

Possibly the most influential writer in the development of Oblin’s worldview, however, is the Nobel Prize laureate Thomas Mann, who introduced Oblin to German philosophers such as Arthur Schopenhauer, Friedrich Nietzsche, and Immanuel Kant, as well as the poet Wolfgang von Goethe.

“[Mann’s] books showed me that I essentially had no education compared to what used to be taught a hundred years ago,” says Oblin. “This is when I started going to college for philosophy.”

Oblin says that when he isn’t thinking about the practice of law, he is reading and writing in an ongoing exploration to better define his personal creed and moral system.

“Being a lawyer and living up to your own standards is an interesting and challenging way of life,” he says. “You have to keep asking yourself, ‘is this action in line with my way of thinking and can I justify what I’m doing?’”

It is a career choice Oblin made early on in life, once he knew he was not likely to make a living as a novelist, actor, artist, or athlete. He found friends in school would on occasion ask him to speak or make an argument for them and he was flattered by the recognition and responsibility.

“Today, I know it’s an honor if somebody comes up to me and says, ‘I have a problem. Take care of it, and I’ll dance away happily because Klaus and his team are on it.’”

Though he had an uncle who was a judge, he had no significant role models in the legal field who could provide him guidance down a career path.

“What I knew very early was that I wanted to be an attorney, but not what kind of attorney,” he says.

Finding the answer to that question would take some trial and error.

After he completed his mandatory military service, Oblin pursued a law degree from the University of Vienna. Although he had “no clue where to start” when he graduated law school, Oblin accepted a position at a well-respected Vienna law firm that primarily focused on corporate and transactional work.

Oblin quickly discovered the work did not align with his aspirations. He wanted to be in the courtroom; that was what really energized him. Litigation and arbitration

called upon a range of his interests and abilities.

“Looking back, it makes perfect sense,” he says, ticking off the reasons on his fingers. “I read a lot. I like to write and to plead. There’s the competition aspect. And, in the courtroom, once in a while, you have to take center stage.”

After two years with the Vienna firm, Oblin decided to get his LL.M. He considered two Ivy League schools, but his first choice was the University of San Diego (USD) because he was familiar with the city. His mother was an English teacher who established and ran an exchange program between her Austrian high school and a high school in San Diego for 20 years. Oblin’s first backpack trip to the U.S. concluded in San Diego where he spent time with friends of his mother.

Oblin jokes that when he tells colleagues that he did his post-graduate legal studies at San Diego, they call him “surfer boy” and suggest he must have had fun at all the beach parties.

“They had this saying work hard, party hard, but there was not too much partying going on,” says Oblin. “We worked hard.”

When he graduated, he placed his doctoral thesis and Ph.D. graduation certificate under his parents’ Christmas tree as a surprise.

Oblin was approached while finishing his degree at USD by a representative of Freshfields Bruckhaus Deringer, an international law firm headquartered in London. He was put in touch with the firm’s Vienna office and flew home over Christmas break to interview. He was offered a position in commercial litigation and arbitration, and he’s been practicing in the field ever since.



He is now known for his ability to concurrently lead teams from multiple jurisdictions and has a reputation for expertise in cross-border proceedings where politically sensitive issues meet commercial matters.

In 2005, Oblin decided to start his own firm – “to give it a shot and fly solo,” he says. It was a bold move for someone who had no experience or education running a business, but at the same time it was the inevitable next step for Oblin.

“I was not totally aware of what having my own firm meant,” he admits. “And making money is first. If you are 110 percent responsible for the income, you approach things differently than being a partner or a salaried partner or an employed lawyer. You don’t think only law. From the beginning, you have to pay your invoices. That changes everything.”

He says he learned how to run a successful firm step by step and through learning by doing. Much of it, he says, was instinct and common sense. He says it is no different from a locksmith who sets up his own shop or a chef who opens her own restaurant. It requires talent, hard work, making smart choices about building a team, and a little bit of luck.

There’s no recipe, he says to young lawyers looking to start their own firm, though it did help having worked in Big Law.

“You see what they’re doing there,” he says. “It’s not a miracle.”

Today, OBLIN Rechtsanwälte has 16 lawyers licensed to practice in six different countries. The firm specializes in cross-border disputes, commercial litigation, and arbitration. Oblin has worked diligently to concentrate the firm’s work on cases involving litigation and arbitration. His success is reflected in how the cases he’s



Attending law school in the United States helped shape the worldview of Austrian attorney Klaus Oblin.

handled have grown in complexity and claim value over the years.

“It has always been about money in court,” he says. “It’s about contracts and breach of contracts and damages and performance, and, at the end, it’s about money.”

Oblin strives to maintain a high standard of performance and ethics across the firm through leading by example, he says. He looks for attorneys who share his performance expectations.

“I’d rather stop my colleagues and teammates than have to push them,” he says. “They are all determined and eager to work. You can win the title and be number one, but the art is in keeping the level and being top 10 for years. That’s the challenge.”

As part of establishing the firm’s long-term viability, Oblin became a Primerus™ member in 2021. He says he “clicked” with the Primerus™ membership at his first conference, which was held in Hamburg. He later hosted a conference in Vienna and attended last year’s Global Conference in San Diego — “that was a no-brainer,” he says. He enjoyed taking his wife, Angelika, on a tour of the USD campus and showing her where he used to live.

Oblin says that while he is pleased with the Primerus™ mission, he would like to see the addition of more non-U.S. members.

“There is a lot of room to truly become international,” he says. “Lots of work is still ahead of us.”

Skyline with St. Stephen’s Cathedral, Vienna, Austria



Oblin and Angelika, who is a cardiologist, have two sons. One son is in high school and the other started law school in October — and someday Oblin would love to have him join the firm.

“To me what is important is that they are more than best friends,” he says of his sons. “They are very close. That’s something as a father, it’s a relief and a joy.”

In addition to playing tennis on the weekends and attending the opera and soccer matches when he has time, Oblin says his Roman Catholic faith has an important role in his life. While his parents were religious and he and his brother served as altar boys for a few years, religion

was not a central focus when he was growing up. Years later, however, he chose to make a stronger commitment to his faith.

“When I started getting involved again, it was clear to me very soon that this is not just another subject I’m interested in,” he says. “It’s either do or don’t. You either practice or you don’t if you take it seriously. That’s an important process.”

While Oblin has no plans to retire any time soon, he has tried to be more conscientious about integrating work with other passions in his life. His goal is to blur the distinction between “work time” and “leisure time.” Finding that balance has proved difficult over the years, he says, because being self-

employed makes demands on your time that can overwhelm any other concerns. But Oblin says he is getting closer to achieving the balance he seeks.

“It’s a challenge, always,” he says, “but it’s something worth aspiring to.”

At some point, he may even find the time to write a novel himself, one that combines compelling storytelling, a layer of psychological aspects, and characters who debate difficult philosophical issues. But before he does that, he says he might “first put my memoirs down.”

His life has provided him with plenty of rich material. ■



# No Bad Days

## Florida charity lives up to name that says it all

By Tom Kirvan

It's a foundation with a name that should serve as an object lesson about the power of perseverance and positivity in life.

The No Bad Days Foundation, a Florida-based nonprofit that aids children with medical disabilities in the Space Coast community of Brevard County, was the brainchild of Melbourne intellectual property attorney Mark Warzecha with a special assist from its first beneficiary, a now 12-year-old boy by the name of Owen Johnson.

"When Owen was 2 years old, his parents' car was rear-ended by a drunk driver, killing his 4-year-old sister and leaving him with a severe spinal cord injury that rendered him a quadriplegic," said Warzecha, who over the next decade would become the father of three children of his own. "It was a devastating loss for the family – and the community at-large. There are really no words to describe it."

The loss would soon be compounded by word that insurance would not cover the cost of a much-needed piece of medical

equipment that would help keep Owen's muscles from atrophying, according to Warzecha.

"It cost \$35,000 and when the insurance company denied its purchase, that's when I decided we had to do something to help come up with the money for Owen's long-term health in the hope that someday there will be a cure for spinal cord injuries," Warzecha related.

So, Warzecha and his colleagues at Widerman Malek in Melbourne hatched

plans for a fund-raising event in the form of a youth kickball tournament, rallying community support in a most remarkable way by generating \$40,000 in proceeds.

"We were really winging it that first year, since none of us had ever really been involved in a charitable activity of that type," he admitted. "You'd think that a bunch of attorneys would know how to follow all the rules, but everyone knew that our hearts were in the right place. I think all of us at the firm would agree that it was the most rewarding experience we'd

ever been involved in. It was magical to see a community come together like that for a family in need."

After such a great start, Warzecha, employees of Widerman Malek, and friends decided to build upon the momentum by creating the "Kickin' It for Hope Foundation," a 501(c)(3) charity that could help other children in need of life-changing medical devices.

"The beauty of what we've been able to accomplish is that 100 percent of the

money we raise at the annual kickball tournament goes directly to a fund to purchase medical equipment," said Warzecha. "Our firm has been there from the start to cover the expenses of the event."

Among the equipment purchased by the foundation are all-terrain wheelchairs, power lifts, special car seats, sturdy strollers, safety sleeper beds, and much more. Some specialty purchases, said Warzecha, can run into the thousands of dollars, while others cost far less.



Mark Warzecha is the director of the Intellectual Property Litigation practice at Widerman Malek, P.L.



"I particularly remember a family whose son suffers from epileptic seizures and oftentimes would bang his head against the wall because of them," Warzecha related. "Insurance denied the purchase of a soft-sided helmet, deeming it "unnecessary" even though it cost just \$95. When we stepped in and funded the purchase, the boy's mom was absolutely overjoyed."

In 2020, the foundation supplied the family of a young girl with an Early Intervention Therapy Kit – a positioning device – to assist her with sitting by herself.

"We are so excited to have something that is tailored to our daughter's needs and will provide her the opportunity to further grow developmentally in ways we haven't been able to safely do at home," the girl's mother wrote in a testimonial to the foundation's

mission. "We are also thankful to have something that we believe will foster more awareness and inclusion for the medically complex/special needs community both within our home and in other people's.

"More often than not we have to fight for even the most basic medically necessary things our daughter needs. We experience more denials, resources

**The catalyst for the creation of the No Bad Days Foundation, young Owen Johnson shares a smile with attorney Mark Warzecha at the 10th anniversary of a recent kickball tournament that helps supply funding for the charitable organization. Those interested in supporting the foundation can visit [NoBadDaysFoundation.com](http://NoBadDaysFoundation.com)**



Orlando serves as the annual host of the Celebration Exotic Car Festival, a fund-raiser for several nonprofit organizations.

being taken away, and being told we do not qualify," the mother added. "Our eyes have been opened to how broken things actually are since we ourselves became immersed into a community we knew very little about before our daughter was born."

Several months ago, on February 4, the 10th anniversary of the fund-raiser took place on a glorious sun-splashed day in Melbourne, generating another \$15,000 or so for the foundation, which was renamed several years ago thanks to the inspiring attitude of its original recipient.

"One of Owen's teachers was going around the room asking each student about what qualified as a 'bad day' in their mind," Warzecha said. "When she got to Owen, he said, 'There are no bad days.' After hearing

that story from Owen's mother, we decided to change the name of the foundation. It seemed especially fitting."

The countless hours spent by Warzecha and his team inside the firm organizing the event is evident through the outpouring of donations, sponsors, and volunteers from the community.

"We are incredibly grateful to have the community inside our firm and throughout Central Florida who work to make this world a better place through small acts of kindness," said Warzecha. "These people are the embodiment of no bad days."

This year, additional funding support for the No Bad Days Foundation has been supplied by the annual Celebration Exotic

Car Festival near Orlando, according to Warzecha.

"It's an amazing car festival, founded by my law partner Jim Ippoliti, that draws thousands of car-lovers each year and supports the Make-a-Wish Foundation," he said of the event that took place March 31 through April 4. "They have been kind enough to allow us to hold a silent and live auction at their event to help raise funds for us." ■



# Battle Tested

## Virginia lawyer helps veterans navigate complexities of the VA

By Tom Kirvan



Fluent in Spanish, attorney Nancy Foti represents a number of Puerto Rico residents who have served in the U.S. military.

It has been said, by Mahatma Gandhi no less, that “to lose patience is to lose the battle.”

The saying reflects legal words to live by for attorney Nancy Foti, a partner in the Veterans Benefit Group at Goodman Allen Donnelly in Virginia, whose patience is tested daily as she juggles a caseload that regularly tops 200 at any given time.

“We have to display a lot of stamina and determination to see most cases to a successful conclusion,” said Foti, who has devoted her entire legal career to veterans’ benefits law. “We have a number

of cases that date back to the Vietnam War era and the effects of Agent Orange, which is still very much a thing that we are dealing with on behalf of some of our clients.”

Foti, who earned her law degree from Brigham Young University in 2000, joined the firm’s Veterans Benefit Group in 2004 after spending two years as a law clerk to Judge Ronald Holdaway of the U.S. Court of Appeals for Veterans Claims followed by a two-year stint as a staff attorney with the National Veterans Legal Services Program.

“Judge Holdaway, who was a one-star [brigadier] general in the Army before

becoming a judge, helped develop my interest in the field of veterans law and taught me a lot about its intricacies,” said Foti, who received her bachelor’s degree from the University of Texas at Arlington. “It was an eye-opening experience to see all the issues that could arise on appeal from a denial of a claim. Then, working at the National Veterans Legal Services Program really demonstrated how important the need is to help vets receive the benefits to which they are entitled.”

Goodman Allen – which is headquartered in the state capital of Richmond with offices also in Norfolk and Charlottesville

– formed its Veterans Benefit Group in 1998, and has “represented more than 2,000 veterans, retired military, and their widows and children living in all 50 states and several foreign countries (including Puerto Rico, Afghanistan, and Iraq), helping them get the Department of Veterans Affairs (VA) benefits they deserve,” according to the firm’s website, [www.veteransbenefitgroup.com](http://www.veteransbenefitgroup.com).

The legal causes the firm handles range from “post-traumatic stress disorder, to low back conditions, to cancer caused by radiation exposure to asbestos-related diseases and everything in between,” the

firm notes on its website. “We also help our clients get unemployability benefits, non-service-connected pensions, increased ratings, earlier effective dates, widow’s benefits, and education and home loan benefits to name a few.”

Foti said each case is akin to a giant jigsaw puzzle, typically containing scores of pieces to be put together before a clear picture of its scope can be seen and understood.

“There is a lot of investigative work that needs to be done in most cases before we can begin formulating an appeal,” Foti said of the legal process. “Our involvement

begins when the VA denies a claim, thereby setting in motion the appeal procedure. The challenges we face can be particularly great when medical records are missing, witnesses have died, and memories have faded over the course of time. Sometimes we have to turn to photos, diaries, and other pieces of lay evidence to develop a case.

“For a number of our clients, there was no thought at the time of their military service that there would be a need to preserve records, as many believed that responsibility rested with the VA or elsewhere,” said Foti. “In many respects,





University law alum who joined Goodman Allen as a partner in 2008. Also part of the group are attorneys Krystle Waldron, Keenan Danehey, and Sydney Kotalik.

“We prepare our clients for the long haul when dealing with the VA,” said Foti. “I think that most of them know going in that it can be a frustrating system to deal with, particularly since they came to us after having the VA deny their claims. It’s our job to help them navigate the system successfully – and hopefully as quickly as possible.”

In 2017, Congress passed the Veterans Appeals Improvement and Modernization Act to provide a more expedient resolution to disability appeals and to address the enormous backlog of claims, according to Foti.

“In my opinion, it has been a game-changer,” said Foti of the legislative initiative. “Appeals are taking less time to resolve, and the whole process has become more efficient and effective. But for cases that drag on, our clients know

this can be the most interesting part of the case for us, trying to see where the holes are in their claim and to help them fill in the gaps.”

Foti recalled one case in particular that took nearly 15 years to resolve. It involved the widow of a World War II vet who had been exposed to hazardous material during his years of service.

“The VA kept maintaining that he was not exposed to any hazardous material that would have caused his death, while we submitted evidence that he was,” said Foti. “In VA cases where the evidence is determined to be ‘equal,’ the claimant will get the benefit of the doubt, which turned out to be the situation in this case that took several appeals. It was so gratifying when we received the ruling for our client,

who was able to use the proceeds to buy a house after a very long wait.”

Similarly, Foti recounted the legal travails of a Vietnam vet, a “very nice southern gentleman” who was a mail carrier when he fell off a truck and injured his back.

“He didn’t have any of his medical treatment records, but with his help we were able to track down a clerk in his military unit who had documented what happened to him in the incident,” Foti indicated. “It was enough for us to build a case that resulted in a successful outcome after six years of our involvement.”

Such victories are especially heartening for Foti and the four other attorneys who comprise the Veterans Benefits Group headed by Daniel Krasnegor, an Emory



With a busy law practice, Nancy Foti places special value on the time that she spends with her two children, Sofia and Stephen. Also in her leisure time, Foti enjoys reading, cooking, and playing the violin, a musical passion she has pursued since childhood.



that we will continue to be tenacious in pursuing their claims while also displaying the compassion they deserve for the suffering they’ve endured.”

Foti is a native of El Salvador, the Central American country of 6.5 million people that is bordered on its south by the Pacific

Ocean. At the age of eight, Foti emigrated to the Pacific Northwest with her Spanish-speaking family, settling in the city of Vancouver, Wash.

One of four children, Foti has two youngsters of her own, 14-year-old Sofia and 11-year-old Stephen.

“They are great kids who keep me busy and keep me grounded,” said Foti, a resident of Chesapeake, Va., a community that traces its roots to 1620 when the first English settlement began.

Her daughter, who will be a high school freshman next fall, is getting an early start on a possible career in public service, working as a page in the Senate of Virginia, the upper chamber of the state legislature.

“She was one of 350 applicants, of which only 34 were selected,” said Foti with a special sense of pride. “She is working there over a seven-week session, Monday through Friday, before coming home on the weekends. It’s a great program to give students exposure to the legislative process and to instill some civic-mindedness in them. I’m very proud of her for wanting to do it, which is in addition to her school responsibilities. She is a busy girl.”

San Salvador, El Salvador





# Staying Power

## Denver attorney found an early, yet lasting home at litigation firm

By Tom Kirvan



The joy of learning inspires attorney Nicole Quintana, a partner in the Denver law firm of Ogborn Mihm, LLP, which celebrated its 10th anniversary this year.

**S**ome people cringe when Denver attorney Nicole Quintana mentions that she sues lawyers for a living.

Or, more accurately, part of her living.

Quintana readily acknowledges that it's an understandable reaction, especially considering a historical reluctance by members of the legal profession to target one of their own.

And yet, Quintana rightly professes to have no qualms about going to bat for clients

who have suffered damages on account of a lawyer's negligence.

"To some, it might be a matter of degree, but in the area of legal malpractice, it's not about splitting hairs," said Quintana, a partner in the Colorado-based firm of Ogborn Mihm, LLP. "Actually, it's more about upholding the high standards of the legal profession that clients have a right to expect when they hire a lawyer."

With that in mind, Quintana over the past few years has watched her caseload grow in the field of legal malpractice, a trend that began when attorney Michael Mihm became a co-founder of the firm a decade ago.

"Michael is regarded as one of the top legal malpractice attorneys in the country and heads our legal malpractice group," said Quintana of the team that also includes James Fogg, Elizabeth Hyatt, Susan Jacks, and Leigh Horton.

"What I find particularly fascinating about the field is that the cases are invariably complex and can touch on virtually any area of the law," noted Quintana. "In effect, they involve a case within a case, the one in which the alleged negligent action occurred and then the other regarding the improper conduct itself. With each case that I handle, I generally get an education on a different

area of the law, which is why I have come to love it."

Quintana also practices in the areas of commercial litigation and catastrophic personal injury, finding that the root of any practice area is storytelling.

"We are here to connect with our clients, to listen, and to ensure that their experience and their damages are conveyed to a jury, to a mediator or arbitrator, or to an opposing counsel or adjuster," she said.

Now in her 13th year of practice and her 20th year with the firm, Quintana came to the law via a winding route, earning a degree

in English from the University of Colorado at Boulder in 2003. She spent her youth bouncing from the West Coast to the East Coast as the youngest child of a U.S. Coast Guard officer.

"I actually was born in Hawaii, but only lived there a matter of months before our family moved because of my dad's job," said Quintana, who has yet to return to her native state.

Her father, James S. Carmichael, spent 32 years in the Coast Guard, rising to the rank of admiral and serving as a military liaison to Tom Ridge, the first secretary of the Department of Homeland Security, before retiring. Carmichael, who earned his juris doctor from the University of Miami School of Law while in the Coast

Guard, then enjoyed a second career as a lawyer in private practice before retiring for good.

Quintana's mother, Lea, also retired after spending her career as a registered nurse and nursing manager in various hospital intensive care units.

Her parents, who celebrated their golden wedding anniversary last year, now live within minutes of Quintana and her husband, and their two children.

"It's great to have them close by and to have them be such an important part of their grandchildren's lives," said Quintana,



who has two older brothers, Chris, a film scorer in California, and Jeff, a manager in the construction industry in Colorado.

“My mother raised three kids, went back to get her master’s degree, and worked a full-time job with a husband who was out at sea for six months at a time,” Quintana said. “Both of them were beacons of strength, perseverance, and balance. My father taught me about loyalty, dedication, and attention to detail – which you either love or hate about me.”

After earning her college degree, Quintana obtained her paralegal certificate and began working for her future law partners, trial attorneys Murray and Mike Ogborn.

“After undergrad, I knew the legal field was where I wanted to be, but I didn’t want to dive back into law school just yet,” said Quintana, who spent four years as a paralegal before enrolling in the night program at the University of Denver Sturm College of Law while working full time.

She eventually switched to the traditional day program at the law school, completing her degree within the normal three years despite keeping a full-time work schedule in addition to excelling as a member of the law school trial team.

Quintana said she was “very fortunate to find my work family right away,” crediting the father-son duo of Murray and Mike Ogborn in particular for their support and encouragement.

“They taught me about trial work, compassion, and storytelling,” she said. “Michael Mihm taught me about the business of lawyering and encouraged me to own my space. All the lawyers with whom I work exemplify brilliance and collaboration.”

When Quintana launched her legal career, the Denver firm had just four or five lawyers. It now has 23 combined with a like number of

Smiles almost always abound when the Quintana family of Nick, Nicole, Grey, and Avery are together.



staff members. She became a partner in 2018, a milestone that she continues to treasure.

“I’ve essentially grown up here, and to be asked to be a partner with the people I learned from, love, and admire meant a whole hell of a lot,” said Quintana, who is a past chair of the Young Lawyers Section for Primerus™ and currently serves on the Leadership Committee of its Personal Injury Institute. She also serves as an ambassador to new members and as a member of the Quality Assurance Board Quality of Life subcommittee, taking lessons learned in her own practice and sharing them with others involved in Primerus™.

In a few years, Quintana and attorney Clayton Wire are in line to become the next set of co-managing partners of the firm in a strategic succession plan the firm has put in place.

Her importance to the future of the firm came into full view when Quintana was part of the team that represented a Colorado flight nurse who was severely burned in a 2015 helicopter crash in which the pilot was killed, and another flight nurse was critically injured.

Flight nurse David Repsher suffered burns over 90 percent of his body when the helicopter

exploded shortly after crashing during a failed takeoff near the city of Frisco in Summit County, Colo.

Investigators from the National Traffic Safety Board (NTSB) traced the cause of the crash to pilot error, while also indicating that the helicopter wasn’t equipped with a crash-resistant fuel system that likely would have prevented the post-impact blaze from engulfing the aircraft.

The result, according to Quintana, was one fatality and two lives unalterably changed.

For her client, a veteran flight nurse whose wife, Amanda, worked as a critical care nurse, the crash would be just the beginning of a medical saga that was awash in staggering numbers.

- A 397-day stay in the University of Colorado Hospital.
- A weight loss of nearly 100 pounds, from a muscular 180 to a mere 89.
- And 53 surgeries and care involving 47 different medical specialties.

“Despite going through all of that, Dave not only survived, displaying an incredible will to live, but he’s back to his old hobbies and taking on new projects with the goal of saving the lives of first responders,” said Quintana. “He is a walking miracle.”

After filing suit against the helicopter operator, manufacturer, and distributor, the trial team eventually reached a monumental \$100 million settlement with the trio of defendants on behalf of Repsher, who four years after the crash spoke to a class of students at the University of Colorado Anschutz Medical Campus about the life-saving medical care he received during his harrowing ordeal.

“His story, and that of his wife Amanda, are truly remarkable in respect to the strength and courage they displayed and continue to demonstrate,” Quintana said. “They are the most incredible human beings I’ve

ever known. I was honored to be a part of telling their story, and that story will live with me forever.”

It also has made her deeply grateful for the love of her own family, which includes husband Nick and their children, Avery and Grey.

Nick, a Colorado native who obtained his bachelor’s degree from Metro State University of Denver, works for Bank of New York Mellon, a financial firm where he is vice president of Wealth Solutions. They met shortly after Nicole graduated from college with plans to head back east to begin the next chapter in her life.

Instead, a mutual friend invited them both to a Beck concert at the famed Red Rocks Amphitheater. They stayed in touch daily for the next few months even after she moved to the east.

“After being out east for three months, I turned back around and came right back,” said Quintana, happily married for the past 18 years.

The couple’s daughter, Avery, 11, is in fifth grade, while 7-year-old Grey is in first grade.

“I’m not very objective, but Nick and I have two pretty amazing kids,” Quintana said emphatically. “They bring so much laughter into our home and keep us active with all their interests. They are fun to be around, both have a command of sarcasm beyond their years, and are both kind spirits.”

They also are quite skilled at the art of negotiating, according to their mom.

“Especially when it is about dessert or what time they need to go to bed,” she said with a hint of a smile. ☑

**Nicole is pictured (l-r) with Amanda and Dave Repsher and her legal colleague Mike Ogborn at a fund-raiser for Dawg Nation, the hockey league that Dave played in prior to the injuries he suffered in a helicopter crash. “His nickname was DRep, and when he got hurt, some friends created the logo and handed out beanies and sweatshirts in a show of solidarity for Dave while he was in the hospital,” said Nicole.**





# Scarred by the war, parents of Australian attorney gave their son a gift of a lifetime

By Tom Kirvan



Attorney Selwyn Black is a member of the executive committee of the Asia Pacific Group for Primerus™. He and his wife – who is a social worker by training, but now has gone on to management, consulting, and education roles – have three children, two of whom are in the IT field while the other is an attorney.



**H**e was born and grew up in Sydney, the most populous city in Australia, but Selwyn Black's life there was the byproduct of a harrowing family experience due to the horrors of the Holocaust.

"Both my parents were refugees from Europe, my mother, Dasia, having been orphaned at age 5 in the Holocaust, and my father having escaped at the beginning of the war," said Black, an attorney with Carroll & O'Dea Lawyers in Sydney. "Their experience was that if you have to flee, the only thing you can take with you is your education, so that education – including higher education – was always a priority."

Following the deaths of her parents at the hands of the Nazis in 1943, Black's mother began an odyssey that lasted eight years before she landed in Australia in 1951.

"She had lived as a stateless person and refugee, including spending several years in a refugee camp in Germany before a visa came for Australia," Black recounted of his mother's early upbringing. "She survived because her parents left her at age 4 with a Christian lady. She was later raised by some distant relatives, including her stepfather Wello who had qualified and practiced as a lawyer in Poland, but who was unable to practice in Australia because his qualifications were not recognized. He ended up working in a women's fashion store."

At that time, Australia was in the throes of recovery from the war and had launched a massive immigration

program. The country's leaders, believing that after narrowly avoiding a Japanese invasion during the war, Australia must "populate or perish." As Prime Minister Ben Chifley would later declare, "a powerful enemy looked hungrily toward Australia."

Black's parents would be part of the first wave of wartime and post-war migration, which began with "displaced persons," a term that barely described the life-and-death journey that had been thrust upon them due to the Nazi tyranny that engulfed Europe from 1939-45. From 1947-53, the Australian government reportedly assisted more than 170,000 war refugees in coming to the South Pacific continent, affording them the opportunity to build a new life free from the shackles of a fascist regime.

"Wello died when I was about two years old and my mother went on to become a successful educationalist and academic, including obtaining a Ph.D. and becoming a senior lecturer at an Australian Catholic university," Black related. "Her academic work included studies of how and when children may learn prejudice and on techniques that might avoid this."

For Black, who was Australian born and raised, it initially was difficult to comprehend his mother's continuing concern about her family's future.

He was 17 years old when the time came to choose the university course that would define his career track. He had always thought that the law would be the career for him after developing an early interest and gift

A Holocaust survivor, Dasia Black-Gutman holds a treasured picture of her parents, who saved her life by smuggling her out of a Jewish ghetto into the care of a Polish woman. Young Dasia then took on a new identity under a Christian alias, Stasia. In late 1943, news reached her that both her parents had been killed.







In a keepsake photo from her childhood, Dasia Black-Gutman is pictured watering a garden in the Stuttgart “displaced persons’ camp,” where she would spend five years before immigrating to Australia. In retirement, she continues to write books as well as to present programs to schools and the Sydney Jewish Museum “in relation to the lessons from the Holocaust, as well as being an inspiring grandmother,” according to her son.

for public speaking at age nine. His mother, on the other hand, was not so sure, saying, “What if we have to flee again?”

That question would prove to be a lingering concern as she wrestled with her son’s interest in pursuing a legal career.

“She understood how life could be suddenly upended, and from the experience of her stepfather Wello, she understood that law was not easily transferable (between countries),” explained Black.

Before long, mother and son would reach a compromise that proved satisfactory to both.

“I would at the same time study for law and accounting degrees because accounting at least was internationally transferable,” indicated Black, noting the undeniable and universal truth that numbers add up in any country.

“This turned out to be an excellent combination, as the accounting degree gave me a great understanding of business, including for transactional and disputes work, and cases involving calculations or valuation,” said Black, who graduated from the University of South Wales with a Bachelor of Commerce (Accounting and Financial Management) and a Bachelor of Laws degree.

Black, who earned his Master of Laws from the University of Sydney, now heads up the Business Lawyers Group at Carroll & O’Dea, the Australian Primerus™ firm with offices in Sydney, Canberra, Newcastle, and many other cities. In his legal role, Black derives special

enjoyment “working with Primerus™ colleagues in the APAC (Asia Pacific) region and round the world on cross-border issues.”

Over the course of his legal career, Black has earned a reputation as one of Australia’s most experienced and respected commercial law partners with a particular expertise in the establishment, sale and/or purchase and restructuring of companies, trusts, and businesses. He has worked in the pharmaceutical, food, media, information technology, engineering, and transport industries, and provided advice on drafting and enforcing cross-border agreements.

“I have dual focuses, commercial including advisory and transaction

work, along with dispute work,” Black said of his law practice. “I have sub-specialties in trust and fiduciary issues, including drafting advices and disputes. I have always found that the dispute work helps inform negotiation and drafting, and that my commercial and transaction work informs dispute resolutions, as the context for many commercial disputes.

“I find that problems often cover more than one area and that broader expertise is useful,” he noted. “Whilst the tools have changed, the basic skills of listening, analyzing, and looking for solutions have not.”

Along with his work responsibilities, Black serves on the board of St. Vincent’s Curran Foundation, which

supports St. Vincent’s Hospitals and Facilities in New South Wales. He also performs pro bono work for various charities.

“I head the audit committee for the Sydney hospital charity that raises over \$30 million a year,” said Black, whose late brother was a cardiologist. “I really enjoy being able to make a difference through that role.”

The University of Sydney Quadrangle Clock Tower is a historic landmark on the campus.





# Steering the way

## Transportation attorney offers wise counsel to bussing clients

By Tom Kirvan

t's a call no one wants to receive.

Word was relayed that a 6-year-old boy was dead, his life cut short after being hit by a school bus while he gave chase

into the street for a ball that got loose in his front yard.

By the time New York attorney Tom Dargan was summoned to the scene on Long Island, the school bus driver was in handcuffs as police investigators tried to determine how the tragedy unfolded on what should have been just another care-free day for the young boy.

As it was, Dargan was immediately witness to a cordoned off street engulfed in grief, trauma, and confusion as he tried to make sense of it all from a legal perspective.

Dargan, after all, had a job to do – to best represent the interests of his client, the bus company that suddenly had become front and center in a story laden with tragic consequences.

“By all accounts, it became pretty clear that the bus driver was not at fault, that he was driving slowly and not recklessly when the accident occurred,” Dargan said in recounting a case emblazoned in his memory. “But that didn’t erase what had just happened. A little boy was killed. His parents were suddenly without their son. And the bus driver was traumatized about his part in all of it.”

As the father of two children, Dargan knew he had to remain emotionally detached from what was swirling around him.

“It’s hard to imagine the grief the family was experiencing,” said Dargan, currently the co-managing partner of Lewis Johs Avallone Aviles, LLP, an insurance defense firm based on Long Island. “In a situation like that, there are no winners. Everyone suffered some form of loss that day, some obviously to a greater degree than others. It was my job to express a profound sense of empathy over what happened and to help determine our client’s extent of responsibility.”

Given the circumstances of a little boy’s death, Dargan advised executives at the bus company to promptly pay death benefits to the family and to cover all funeral expenses as a show of good faith.

“I actually showed up at the funeral home with a check in hand, which I think went

a long way toward resolving the case,” said Dargan, noting that the legal matter was settled on a “pre-litigation basis.”

Dargan, now in his 24th year with Lewis Johs, said that he has been “involved in a number of wrongful death cases” over a legal career that has spanned 27 years.

“Too many to count,” he said, reflecting on all of the “heartbreak” he has seen in cases tried and settled for clients in the transportation and trucking industries. “There is nothing easy about defending a case where death or serious injuries have occurred. Obviously, there is an emotional element to each case, which is why it’s so important to approach the facts with objectivity and an open mind.”

He currently is working on a wrongful death case involving a 68-year-old man who was hit by a bus at night while he was on an unlit crosswalk.

“It was dark, and the bus driver acknowledged that he just didn’t see the man as he was crossing the street,” Dargan indicated of the fatal accident that occurred in November 2020.

What is at stake, Dargan said, is the extent of liability and damages, which has been clouded by proposed state legislation called the “Grieving Families Act” that may add another dimension to any damage claim.

Mitigating damages and avoiding claims altogether have been at the heart of Dargan’s legal work since he began his career in 1996 after graduating from Hofstra University School of Law in Hempstead, N.Y. He spent the first three years of his career with a pair of insurance defense firms in metro New York before seizing upon an opportunity to join Lewis Johs.

“It was a golden opportunity for me to join a firm that was young and growing,” said Dargan, who grew up in the Nassau County city of Baldwin.

The firm was founded in 1993 with three named partners eventually building



A member of the Executive Committee of the Primerus™ Defense Institute, attorney Tom Dargan was among the featured speakers at the annual PDI Convocation in April at the Wild Dunes Resort in Isle of Palms, S.C.



a team of more than 60 attorneys over the next three decades. Based in the city of Islandia on Long Island, the firm also has two other New York offices. Among its specialty areas are Commercial Litigation, Real Estate, Insurance and Risk Transfer, Transportation and Trucking Law, Medical Malpractice, Municipal Law, Labor Law, Personal Injury Defense, and Property Damage.

“We’ve grown methodically and organically, and I expect that will be our pattern in the years ahead as we build upon our practice areas,” said Dargan, a 1993 cum laude graduate of Providence College.

A systematic approach has served Dargan and the firm well, as they have developed a reputation for excellence in guiding

clients through the legal thicket of civil litigation claims.

“We like to be proactive and to get out ahead of issues before they become legal problems,” said Dargan.

Accordingly, Dargan regularly presents lectures and programs “to corporate clients and insurance organizations on a variety of topics, including transportation losses, employment law, crisis communications planning, and investigation procedures for significant casualties.”

Additionally, according to the firm’s website, Dargan serves as “regional counsel to an international insurer for the trucking industry as part of their catastrophic loss response team,” while also specializing in counseling clients

“with respect to crisis management and communications strategies.”

To aid clients, Dargan was instrumental in developing a detailed Catastrophic Loss Manual for them to follow in case of accidents and disaster situations, while also publishing a handy Triage Unit sheet for phone numbers to call in the event of an emergency involving their business.

In an article published by The Transportation Lawyer magazine, Dargan and his legal colleague Adam Silverstone spelled out the importance for bus companies to implement a program of “best practices” to follow.

“Bus contractors that ‘go through the motions’ when it comes to safety will be exposed and discovered in the event of a catastrophic incident,” Dargan and

Silverstone wrote. “Discovery proceedings conducted by personal injury attorneys are conducted with microscopic attention to detail. In addition, if a given driver is no longer employed by the bus company at the time of his or her deposition two or three years after the accident (as is often the case), that driver is often willing to implicate the bus contractor with respect to their inattention to safety and training.”

Added Dargan and Silverstone: “Preparation, vigilance, and due diligence is the key toward best practices for transporting children. Representatives of a school district or a bus contractor do not want to be featured in headlines indicating that the school district and/or bus contractor performed the bare minimum with respect to safety.”

Dargan developed a healthy respect for safety from an early age as the son of a New York City police officer. His father, Tom, spent more than 20 years on the force before retiring, dying several years later of pancreatic cancer at age 62.

“He was a great dad who had a wonderful sense of humor,” Dargan said.

Dargan’s mother, Claire, worked as a registered nurse for more than 30 years at a local hospital before retiring in 2019, some 14 years after her husband passed away.

“My mom now splits time between New York and Florida,” said Dargan, who also has a younger sister, Elizabeth, a Seton Hall alumna and special ed teacher in Oceanside, Calif., near San Diego.

A four-year wrestler in high school, Dargan said the sport taught him life lessons about “discipline, hard work, and sacrifice.” His introduction to the sport arose out of a sense of disappointment after he failed to make his junior high basketball team.



“The coach told me that I should think about going out for wrestling, which turned out to be a great move for me,” said Dargan. “It’s always interesting to see how certain low points in life can lead to something good in the long run.”

While in law school at Hofstra, Dargan had the great fortune of meeting his future wife, Mariflor, who now is an attorney with Rebores Thorpe & Pisarello in East Farmingdale, N.Y.

“We met in 1994 and were married in 1999 and are the proud parents of two terrific children (Kate and Michael),” said Dargan. “I am extremely lucky she said ‘yes’ when I proposed.”

Their daughter recently graduated with honors from Miami University in Oxford,

Ohio, where she won a special \$2,500 literary prize for post-graduate studies.

“She won the award for her short story and poetry writings, and was published in a literary magazine,” Dargan said proudly. “She plans to attend law school this fall.”

The couple’s son is a freshman at the College of Holy Cross in Worcester, Mass., where he plans to study economics.

“He made the dean’s list his first semester, which my wife and I were delighted to hear,” Dargan said. “We hope it continues.”



The Dargan family includes Tom and his wife, Mariflor, and their two children, Michael and Kate.



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Alphabetical by Country/Province/State

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Carroll & O’Dea Lawyers

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HJM Asia Law & Co LLC  
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Magliona Abogados

Colombia  
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**Hargrove, Smelley & Strickland**  
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**Thomas Paschos & Associates, P.C.**

New Mexico

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Oregon

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**Earp Cohn P.C.**  
**Robb Leonard Mulvihill LLP**  
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Texas

**Donato, Brown, Pool & Moehlmann**  
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