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LAW FIRM BUSINESS

Local Knowledge

San Jose-based litigation boutique Bergeson LLP focuses on handling a variety of lawsuits in Silicon Valley, charging lower fees than some of their larger competitors.

By Banks Albach
Daily Journal Staff Writer

SAN JOSE — In the Silicon Valley legal arena, a small law firm with a deep, local knowledge can be a big shoulder to lean on when litigation arises.

The San Jose firm Bergeson LLP, founded by Daniel J. Bergeson in 1990, holds some of that weight.

“I don’t hesitate to call him,” said Larry W. Sonsini, founding partner at Wilson Sonsini Goodrich & Rosati PC, in an email. “I refer business to him often, particularly business matters, such as private venture-backed enterprises and members of management.”

Roughly 70 percent of the firm’s practice anchors in Santa Clara County Superior Court and the Northern District. The rest is in nearby counties and as far away as Delaware.

For Bergeson and his team of seven other attorneys who handle the gamut of legal conflicts — from intellectual property litigation to internal company investigations — the excitement of facing a judge and possibly a jury is what drew them into their particular line of work.

“It takes a certain personality,” Bergeson said. “But it’s very rewarding to see the impact our work can have on a company or individual when we guide them toward a successful resolution, be it through trial or settlement.”

Partners Vincent I. Parrett and Sara P. Graves are defending a case brought by real estate devel-



Courtesy of Bergeson LLP

oper Mircea Voskerician against Mark Zuckerberg and some of his associates. *Voskerician v. Zuckerberg et al.*, 14-CV264667.

Cooley LLP partner Patrick P. Gunn is representing the Facebook Inc. founder in the case and Bergeson LLP is defending Iconiq Capital LLP and Divesh Makan, Zuckerberg’s financial advisers. Gunn could not be reached for comment.

Voskerician alleges that Zuckerberg reneged on a verbal promise to promote and refer his real estate business to power brokers in Silicon Valley in exchange for a discount on property Zuckerberg wanted to purchase behind the Facebook founder’s Palo Alto home.

After multiple trial date continuances and the plaintiff’s attorney, David B. Draper of Terra Law LLP, withdrawing from the case in September, Parrett said he and his firm are going forward.

“We now have a clear path to

trial on April 25,” Parrett said. Draper could not be reached for comment and Guyton N. Jinkerson, a San Jose attorney, has since picked up the case for Voskerician.

Bergeson LLP has six partners and two attorneys who work as counsel. Their billing rates this year range from \$580 to \$720 per hour, which is a competitive 70 percent of what larger firms charge, said John D. Pernick, of counsel with the firm and a former litigator with Bingham McCutchen LLP.

“We’re all doing everything,” Pernick said. “We don’t have five associates that are grinding through the documents, doing the basic discovery and then passing it up for review. We’re doing the initial draft on discovery, which is more cost-efficient.”

Managing partner Caroline McIntyre teamed up with Bergeson in 2000 after a stint with a Morrison & Foerster LLP spinoff. They both said the firm’s

culture relies on a “horizontal” relationship with the firm’s attorneys, rather than a hierarchy.

“We all work together as a unit — the eight of us,” McIntyre said. From the outset of Bergeson’s desire to launch a tightly knit litigation firm, he’s pursued a business model that has paid off and that clients find handy.

During the process of any case, Bergeson said he and his firm scan the company for vulnerabilities, be it possible employment issues, potential shareholder disputes, or a simple property conflict.

“They provide a lot of different services,” said Mike Abbott, a partner with venture capital fund Kleiner Perkins Caufield & Byers. “They’ve been very helpful on the corporate side and on the personal side. I’ve referred dozens of clients to them because of how highly I view them.”

The model also extends to a pragmatic search for business. Large Silicon Valley law firms not only partner with Bergeson LLP because of their local courtroom knowledge and ability to analyze potential threats with clients.

The firm also understands that their bottom line can grow from the ground up, especially in the active and volatile Silicon Valley landscape of small private companies.

“They’re all having disputes, they’re all having fights,” said Pernick. “On a \$25,000 or \$50,000 legal-cost matter, for a firm like Bingham, it costs more to open the file. Here we can do that effectively and also build a relationship.”