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## LITIGATION *Boutique* OF THE YEAR



• **HONORABLE MENTION** •  
**YETTER, WARDEN & COLEMAN**



PHOTOGRAPHS BY  
DEBORAH FEINGOLD

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# LITIGATION *Boutique* OF THE YEAR

PRACTICING AT A LITIGATION boutique is different from practicing at an Am Law 200 firm. To be clear: We are not referring to the quality of the boutiques' cases or the level of their advocacy. The firms we considered for Best Litigation Boutique honors—which ranged in size from 11 to 96 lawyers—are involved in some of the highest-profile, highest-stake cases in the country, in both the civil and criminal arenas. Their clients are banks, accounting firms, airlines, energy companies, tobacco and pharmaceutical giants, hedge funds—a list that any big firm might aspire to.

The clients of these firms told us that the boutiques, in the main, deliver what they promise: They are nimble, efficient, flexible, and smart. They're also often a lot less expensive than their big-firm competitors—a quality that clients now appreciate more than ever. Several boutiques even told us that they turned away work in the last year. How many big firms can say the same?

Excerpted from the 2008 Methodology



GREG COLEMAN (LEFT) AND PAUL YETTER  
PHOTOGRAPH BY TOM CALLINS



# And Four More

These firms showed that the plaudits they won in our last boutiques contest were no accident.

By David Bario, Drew Combs, and Alison Frankel

## YETTER, WARDEN & COLEMAN

In 2006 Yetter, Warden & Coleman defended General Electric Capital Corp. in a fraud and breach of contract trial in federal district court in Houston. It was a big case—\$1 billion in actual damages and another \$1 billion in punitives were at stake in the dispute with GE's erstwhile energy development project partner. Trial lawyer R. Paul Yetter had the bad luck to run into a judge unsympathetic to his client's arguments. The jury found for GE on just five of nine counts, but hit the company with \$136.1 million in actual damages and \$700,000 in punitives.

In September 2008 the firm's newest name partner, Gregory Coleman, argued GE's appeal at the U.S. Court of Appeals for the Fifth Circuit. Five weeks later the appellate court gave Yetter, Warden & Coleman and its client a complete victory: It reversed the jury verdict and directed a take-nothing judgment in GE's favor.

The GE case is emblematic of Yetter, Warden & Coleman's work. It shows the sort of clients that come to this Houston-based firm: not just those based in Texas, such as the City of Houston and The Methodist Hospital, but global businesses like GE, ExxonMobil Corporation, and American Airlines, Inc. "It's a very smart group of people," says American's general counsel, Gary Kennedy, for whom Yetter, Warden & Coleman is handling a contract dispute with Sabre Holdings. "If they weren't, a company our size wouldn't be using them."

The GE case also shows the expanded reach of the firm since the March 2007 arrival of Coleman, a former U.S. Supreme Court clerk, Texas state solicitor general, and Weil, Gotshal & Manges appellate group head. "With the addition of the appellate group," says Roland Schroeder, senior litigation counsel at

### HONOR ROLL

#### YETTER, WARDEN & COLEMAN

Partners .....	10
Associates .....	13
Other .....	4
Offices .....	Houston Austin

GE, "they're a dynamic combination."

A Baker Botts spin-off founded in 1997, Yetter, Warden & Coleman had only 15 lawyers four years ago. Now it has 27, including an Austin office headed by Coleman.

And as the firm has grown in size, it also has expanded in scope, juggling such major cases as The Methodist Hospital's split from Baylor College of Medicine; posttrial efforts to knock down a \$327 million verdict against The Williams Companies, Inc.; and Wilmer Cutler Pickering Hale and Dorr's defense against fraud allegations in connection with legal fees for a former McAfee, Inc., CFO.

In each instance Yetter, Warden & Coleman got the results its clients wanted. It matched the effort of larger opponents through what Jeh Johnson of Paul, Weiss, Rifkind, Wharton & Garrison—who represented Citigroup Inc. in an arbitration against a Yetter, Warden & Coleman client—calls unparalleled tenacity.

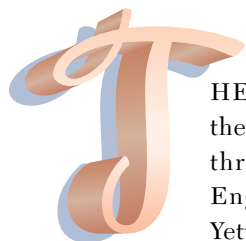
"I have never seen a boutique generate so much paper in such a short period of time," says Johnson. "It is a terrific law firm." ■



# Little Shops of Power

Excerpted from the methodology to “Litigation Boutique of the Year, Honorable Mentions,” *The American Lawyer*, January 2005

BY HEATHER SMITH



HERE ARE BOUTIQUES, and then there are boutiques. These three firms—Robbins, Russell, Englert, Orseck & Untereiner; Yetter & Warden; and Eimer Stahl Klevorn & Solberg—are not only young (the oldest, Yetter & Warden, opened in 1997), they’re tiny. Really tiny. Both Robbins, Russell and Eimer Stahl have just seven partners. Yetter & Warden has four.

The three share more than youth and short rosters. The founders all fled Am Law 200 firms for the freedom to pick and choose their cases and specialties.

Small even by boutique standards, these firms still manage to win big-ticket cases.

[C]lients, co-counsel, and even opposing counsel rate them as the best at what they do...

*Yetter & Warden* wins over judges and juries by breaking complex issues into bite-size portions.

They don’t try to meet a client’s every need. But clients, co-counsel, and even opposing counsel rate them as the best at what they do: Robbins, Russell spins courtroom losses into U.S. Supreme Court wins; Yetter & Warden wins over judges and juries by breaking complex issues into bite-size portions; and Eimer Stahl resolves sticky cases for big-name clients.

# Trial Seekers

Excerpted from *The American Lawyer*, January 2005

PAUL YETTER loves to argue in court. He urges clients to pay a blend of hourly fees and success fees to reward jury wins. Depending on the year, 25–75 percent of his cases follow this model. In July 2003 Yetter had his biggest jury win: \$137 million in damages for Australia’s Equatorial Mining Limited from an engineering company, the second largest ever awarded by a Nevada jury. Former Equatorial chairman Stephen Gerlach interviewed firms from Los Angeles, New York, and Houston. Other firms “wouldn’t put together a plan to go to trial, only to settle,” Gerlach says.

Yetter wrote a 50-page memo laying out his court strategy. Gerlach was persuaded that Yetter & Warden could handle the case. “Size was not an issue,” Gerlach says. “The fundamental issue was

the quality and the presentation of the principal who was going to be involved.”

Some clients, like the Bre-X shareholders and AMR Corporation, parent to American Airlines, have been with Yetter since Baker Botts. In March 2003 Yetter won an injunction for American blocking discount-ticket search engine FareChase, Inc., from using fare information posted on American’s website for travel agents, prompting a settlement with FareChase.

Most of the firm’s clients, however, come through referrals from clients or other lawyers rather than Baker Botts ties. Southwest Airlines contacted American’s associate general counsel for intellectual property, Kathleen Soled (now general counsel for American Eagle Airlines), about its own problems with online search engines. One thing led to another, and Southwest retained the firm too. (FareChase settled; the suit against Outtask, Inc., is set to go to trial later this year.)

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