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## **Rich Talent Pool, Ample IP Work Drew Law Firms to Open Up Shop in DC in 2021**

Washington is home to some of the best legal talent in the country, which is a big draw for many firms looking to bolster their ranks.

By Bruce Love | December 22, 2021



(Credit: Africa Studio/Shutterstock.com)

The popularity and profitability of the Washington market was proven time and again in 2021, with a significant number of office openings in the calendar year.

Known locally as the DMV, the D.C.-Maryland-Virginia region is home to the myriad departments and agencies that make up the federal government, including large swathes of the judicial branch and the many enforcement bodies and tribunals that clients come up against. It is also home to some of the best legal talent in the country, which is also a big draw for many firms looking to bolster their ranks. Little wonder the market was hot with arrivals this year.

Chicago-based upstart litigation boutique Keller Lenkner continued its meteoric rise (<https://www.law.com/nationallawjournal/2021/08/10/growing-plaintiffs-boutique-keller-lenkner-plants-flag-in-dc/>) by opening its latest office in Washington in August.

Founders Ashley Keller and Travis Lenkner both have close connections in the nation's capital—they both clerked for U.S. Supreme Court Justice Anthony Kennedy, and Lenkner was an associate at Gibson, Dunn & Crutcher in Washington at the beginning of his legal career. The D.C. office is managed by Warren Postman, whom Lenkner and Keller both knew from their clerking days; Postman clerked for Justice David Souter at the same time.

By August, the national plaintiffs firm more than doubled in size during the COVID-19 pandemic, opening a second office in Austin before its entrance to the nation's capital.

In the past four months alone, Keller Lenkner's D.C. office has grown from five to nine lawyers—a pace that means it already has to move offices.

"We've already outgrown our new space," Lenkner quipped.

And Lenkner said more growth is on the horizon.

"What people are looking for in lateral opportunities right now means that what we're offering as an alternative to big law is particularly attractive," said Lenkner. "It's hard for Large Defense Firm A to meaningfully differentiate itself from Large Defense Firm B, so they're left to do it with special bonuses and snacks."

Instead, what Keller Lenkner is offering, said Lenkner, is "a close-knit working environment, job satisfaction, visibility to senior leaders, an entrepreneurial culture, the ability to get more opportunities sooner, all while getting as many of the good parts of big law practice as we can import—quality of colleagues and quality of work."

A big reason for entering the D.C. market, said Postman, was access to the legal talent that Washington provides. New starters have arrived recently from Federal Court of Appeals and District Court clerkships, as well as topflight litigation firms in the Beltway, he said.

"The D.C. market, in particular, is a legal market that attracts a lot of young lawyers who graduated at the top of their classes at top law schools, and then come here to work as clerks and then the top national firms, often on long briefings or appellate matters," Postman said.

The pull of the Beltway was also irresistible for firm McKool Smith—a major player in the intellectual property and litigation practice areas.

Dallas-based McKool opened a Washington office in May (<https://www.law.com/nationallawjournal/2021/06/02/mckool-opens-in-dc-expecting-ip-client-demand-from-biden-policy-changes/>), headed by trial attorney Blair Jacobs, who left Paul Hastings. Last December McKool began executing its D.C. plans, bringing in Nicholas Matich, a former Trump adviser and acting general counsel of the U.S. Patent and Trademark Office. In June, Blair voiced ambitions to reach about a dozen lawyers in the D.C. office. As of early December, Jacobs said the office had grown to 10 lawyers, with plans to double that number in 2020.

"We'd like to double the office with lateral hirings and bring some younger people in during the next year or two," said Jacobs. "Once we do that, we're going to look to do it again. Then we'll start to have a size and energy, and be a more notable part of the D.C. community."

The office has been kept busy not only servicing existing McKool clients, but also generating new clients and new cases for existing clients, largely in the Western District and the Eastern District of Texas.

"It has been a beautiful thing for us to come to McKool and help on D.C.-centric issues as well as grow and generate work for other people throughout all of our offices," Jacobs said.

In June, Los Angeles-based Irell & Manella revealed it had plans to open an office (<https://www.law.com/nationallawjournal/2021/07/07/irell-to-open-dc-office-with-plans-to-recruit-more/>) in D.C. by the fall. By then it had already lured back Andrei Iancu, former U.S. Patent and Trademark Office director and Irell managing partner from 2012-18, to lead the new office. In July, the firm brought on Philip Warrick as counsel. Warrick was an associate solicitor at the USPTO and an IP counsel detailee to Sen. Chris Coons, D-Delaware. Michael Fleming, a former chief administrative patent judge for the Patent Trial and Appeal Board of the USPTO, had been at the firm since 2015 and took up residency in its new D.C. office.

Iancu said the new office is doing a "significant" amount of work.

"We were able to do what we thought we were going to do from the beginning, which is a very interesting combination of litigation work, appellate work, and policy work," he said, adding that "there is no question" that having a presence in D.C. is worthwhile for national firms. "Number one, for the amazing legal talent in Washington, and also having a physical presence here helps with our ability to do policy work."

Iancu says Irell's policy is to grow organically, and that is exactly what he intends the D.C. office to do in the next year.

"I very much suspect that us being here in D.C. will attract other very talented lawyers who want to live and work here," he said.

Another heavy hitter in the IP world that landed in Washington this year was Fenwick & West (<https://www.law.com/nationallawjournal/2021/08/31/fenwick-enters-washington-market-to-strengthen-antitrust-regs-and-trade-capabilities/>). The Southern California-born firm Fenwick & West brought its technology and life sciences skills and expertise to the nation's capital in August—a development that represented an expansion of Fenwick's regulatory capabilities, Richard Dickson, Fenwick firmwide chair, said at the time.

"We haven't had regulatory lawyers in D.C., but we do have regulatory lawyers and antitrust practitioners in the Bay Area, as well as people that can help with things like export control," said Dickson. "But a lot of the regulatory talent exists in Washington, so it was a natural move to help serve our technology and life sciences clients, especially at this time."

George Brown Ross' entrance (<https://www.law.com/nationallawjournal/2021/10/07/former-white-house-lawyers-cipollone-philbin-open-dc-office-for-california-firm/>) into the Washington market came with a name change for the California-based litigation boutique. The firm tapped a handful of former White House attorneys to launch its D.C. office—among them, former White House Counsel Pat Cipollone. The firm is now Ellis George Cipollone.

Cipollone arrived in October with four other Trump administration colleagues. Also joining were Pat Philbin, the former deputy counsel to the president, and ex-Deputy White House Counsel Kate Todd, who both arrive as partners. Trump's ambassador to Mexico, Chris Landau, joined as counsel, and Liz Horning, Trump's special assistant in the counsel's office and policy adviser, joined as a nonattorney senior adviser for communications strategy. Katherine Petti of Williams & Connolly also joined the team as a partner, while Richard Klingler of Sidley Austin arrived as counsel.

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