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LAW FIRM BUSINESS

## Nimble Does It

Sauer & Wagner added just three attorneys over the course of 17 years, even as it litigated matters for big names like Sony, Mattel and Michael Jackson. And that's the way the founders like to keep it.

By Jason Pafundi  
Daily Journal Staff Writer

**L**OS ANGELES — When partners Gerald L. Sauer and Eve H. Wagner launched their Century City-based civil litigation firm in 1997, they wanted to keep the operation as small as possible.

So much so that the pair, both former attorneys at Greenberg Glusker Fields Claman & Machtinger LLP, did not even hire a bookkeeper or an accountant.

Seventeen years later, their size — and their philosophical commitment to nimbleness and efficiency — has not changed much.

Sauer & Wagner LLP is now a five-attorney firm with a focus on entertainment, intellectual property, business, employment and real estate litigation. Despite their small size, the firm has litigated on behalf of some big names, including toy and game maker Mattel Inc. and Sony Corp.

Wagner represented Michael Jackson for more than a decade and won defense verdicts for the pop star in three copy-right infringement cases.

Sauer recently won summary judgment for Warner Bros. Pictures, Alcon Entertainment LLC and Cube Vision, the actor Ice Cube's production company, in a matter involving the film "Lottery Ticket." An author claimed that the idea for the movie was taken from one of his books without permission and without compensation. Sauer said he has filed a motion seeking approximately \$300,000 in attorney fees and expenses.

Sauer and Wagner said that the types of cases they handle — from both the plaintiff and defense side — make each day in the office interesting.

"It is one of the wonderful things about not being at a big firm," Wagner said. "There is no politics so you can take the cases you want, and you can actually fire a client if they're horrible. It has only happened twice since we started, but it can happen.



Alexander Drecun / Special to the Daily Journal

Gerald L. Sauer, right, and Eve H. Wagner founded their boutique after leaving Greenberg Glusker.

You don't have to go to a management committee."

The biggest change since he opened his firm, Sauer said, is the way in which law is being practiced these days.

"More attorneys on the opposite side seem to be interested in delays and driving up cost as a mechanism to win the lawsuit, rather than looking toward a resolution," he said. "We are not and have not been interested in trying to make sure that a lawsuit goes on forever. We are about trying to resolve the dispute."

The firm's small numbers allow the attorneys the ability to work efficiently toward resolutions, rather than dragging cases out to pad a client's bill. In fact, Sauer said, there are no required minimum billable hours at the firm at all.

Jill Thomas, assistant general counsel and vice president at Mattel, said her company has enjoyed its relationship with Sauer & Wagner for more than a decade thanks to the size of the firm, which lends itself to streamlined case management practices.

"[The firm] tackles legal problems efficiently and drive disputes to practical resolution," Thomas said. "Their boutique-firm billing rates allow us

to pursue matters in a cost-effective manner."

Wagner said their goal in coming from a big firm was to keep litigating cases for major corporations and entertainment clients they had been handling at Greenberg Glusker — but without having to grow the firm's ranks to keep pace with such complex, high-ticket litigation.

"Our cases are not cookie-cutter," Sauer said. "The hard part is that because the cases are not cookie-cutter, we really have to think about all the different issues that can come up."

The firm has kept busy thanks to the long list of clients and relationships that were developed while at Greenberg Glusker. Sauer said a client chooses the firm because of the personal attention given to each case.

The technological revolutions of recent years, which Sauer and Wagner credit as being a big part of what helped the firm get off the ground quickly early on, have removed some of the more personal aspects of client service, however.

It's a challenge that can come to the fore, Wagner said, when dealing with younger clients.

"They want to communicate via

text message," she said. "You cannot get across certain nuances in a case over text or in an email. Sometimes I just have to ask if we can pick up a phone. It's funny."

The firm also mediates cases and handles arbitration. Retired judge Diane Wayne, now a neutral with JAMS, said she also knew that if she saw Sauer & Wagner on one side of an arbitration that it would be a smooth process.

"They are as good as it gets as lawyers, they are unbelievably diligent and know what they are doing," Wayne said. "I would recommend them on any case because they are so professional. I cannot be more emphatic about them. I do not say that lightly."

Since the firm does often represent high-profile clients, one wonders if some clients could cause more trouble than a small firm can handle.

Wagner recalled one instance when she was representing Jackson, she needed him to sign a document. She said he refused to accept a fax, so she flew to New Jersey and was picked up at the airport in a limousine.

"I was driven to the house, spent 15 to 20 minutes with him discussing the document, and then stayed in Manhattan and flew home the next morning," Wagner said. "It was absurd."

Sauer said you do not have to be an entertainer to be difficult. He said he tells his attorneys that regardless of whether they like the client or not, the same effort is required.

"We are trying to help you as a client help get something resolved and reign in expectations," he said. "The best part is the client that appreciates the effort regardless of the outcome. Which is rare, nowadays, because everyone expects to win their case."

But whether Sauer and Wagner win or lose a case, Sauer said their mentality as attorneys and partners in a small general litigation firm has remained the same over the last 17-plus years.

"We have hung true and try to treat the firm like a small family," he said.