

THE FIRM

BRIEFS

LAUDERDALE ATTORNEY NAMED FIRM'S MANAGING PARTNER

Insurance defense attorney Michael J. Fitchel has been named managing partner of Kelley Kronenberg Gilmartin Fitchel Wander Bamdas Eskalyo & Dunbrack.

Fitchel, a shareholder who focuses his practice on workers compensation claims and client services, has been with the firm since 1987. He is the first firmwide managing partner at Kelley Kronenberg and will report to the managing partner's committee from his base in Fort Lauderdale.

Fitchel has been instrumental in expanding the firm's liability and commercial litigation practice and creating criminal and family law practices, and he sees more expansion ahead.

"We are in the negotiations of acquiring a group of five lawyers from a larger firm," he said. "We are not looking to become a particular size. We are also considering the opportunity to open one more office in Florida and thereafter outside the state."

The firm has hired six attorneys in four practice areas within the last few months. The latest include husband and wife Adam Swickle and Dana Rosenhaus Swickle, and Joe Costello. Adam Swickle will lead the family law and criminal law practice.

The firm now has 46 attorneys in eight Florida offices. **(Deborah C. España)**

FIRM WINS \$1.7 MILLION ARBITRATION AWARD

If you're going to negotiate an alternative fee arrangement with your outside counsel, make sure that you're clear on the terms. That's what the Belstar Group learned from an arbitration that didn't go its way.

An arbitration panel ruled in March that the private investment firm owed \$1.7 million in fees to Schulte Roth & Zabel. Belstar claimed it didn't owe anything because it had a contingent fee deal with the firm.

Based in New York and Seoul, Belstar manages more than \$1.5 billion for financial institutions around the world. According to court papers, Schulte entered into an alternative fee deal with Belstar CEO Daniel Yun. The fee was tied to Schulte's work on the so-called Lynt project, a transaction stemming from the Term Asset-Backed Securities Loan Facility.

The transaction was potentially worth \$62.5 million. Belstar claimed the fee agreement said it would owe Schulte nothing if the transaction didn't close. However, Schulte would be entitled to a percentage of the value of the deal if it did.

The Lynt transaction never closed. But the arbitration panel found Belstar owed Schulte anyway because the engagement letter between the two sides contained

"no language that would suggest that any aspect of the arrangement is contingent on future events." **(Corporate Counsel)**

\$38 MILLION AWARDED IN TRADE SECRETS ARBITRATION

After 21 days in arbitration, lawyers from Alston & Bird have landed a \$37.9 million award plus a continuing royalty stream for their client in a trade secrets dispute that the losing company spent more than \$27.4 million to litigate.

Alston's client is Norit Americas, a large manufacturer of activated carbon products used to control pollution.

Norit alleged in a suit that a business partner-turned-competitor, ADA-ES, which specializes in clean-coal technology for the power plant industry, paid two former Norit employees to disclose proprietary manufacturing techniques and business plans.

"This is a great win for Norit," said Alston's Douglas G. Scribner, who represented Norit Americas, a Georgia corporation whose principal manufacturing plant has been in Marshall, Texas, since 1922. It is a subsidiary of Netherlands-based Norit.

Scribner said he couldn't estimate the dollar amount of the royalties awarded his client because of strict confidentiality obligations connected with the arbitration.

Scribner and Grant said the arbitration is not final they are still litigating whether Norit will recover attorney fees. **(Daily Report)**

REED SMITH RECRUITS TEAM FROM K&L GATES

A few weeks after announcing the addition of former K&L Gates partner David Cohen in Pittsburgh, Reed Smith is adding a 14-member group of his former colleagues to the firm's new electronic discovery and records practice group.

The K&L Gates group is made up of 11 lawyers and three staffers. Cohen was hired earlier this month to build and head Reed Smith's new group after spending 28 years at K&L Gates, where he built that firm's e-discovery, analysis and technology group.

The team headed to Reed Smith is led by senior manager Beth Wurzel and will provide document review services, along with other support to lawyers and clients working on discovery matters and investigations. In the past, Wurzel concentrated on e-discovery matters in such areas as insurance coverage, pharmaceutical claims, intellectual property construction, and government agency investigations.

Cohen said he approached Reed Smith about joining the firm. Cohen said he was interested in finding ways to cut costs for clients and was attracted to Reed Smith's flexible billing structures.

Reed Smith is the latest in a small group of firms to make formal e-discovery practice groups. Other Am Law 200 firms who have taken similar steps include Morgan Lewis & Bockius, Cozen O'Connor and Pepper Hamilton. **(The American Lawyer)**