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NEWS

Phila. Defense Litigators Find New Homes Serving the Other Side of the 'V'

In the last week, attorneys left Fox Rothschild and Swartz Campbell for plaintiffs firms, and at least two others have made similar moves since the start of 2024.

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Law Firm Hiring



Amanda O'Brien



What You Need to Know

- Defense litigators are beginning to eye life on the other side of the "v," as four notable names in defense have moved to plaintiffs-side firms in the past four months.
- According to Copo Strategies founder Wayne Pollock, defense attorneys consider moving to the plaintiffs bar based on the nature of the work as well as differences in business models and compensation.

With two well-known defense litigators with Philadelphia ties making the jump to the plaintiffs side in the last week and at least two others having done so since the start of the year, there's a growing sense that such switches are no longer as atypical as they once were.

At the beginning of the year, Dechert's former technology committee chair [Benjamin Barnett](#) left to join [Seeger Weiss](#). More recently, litigator [Jeremy Abay](#) left Pietragallo Gordon Alfano Bosick & Raspanti to jumpstart Boston-based Lichten & Liss-Riordan's South Jersey office, Fox Rothschild's Stephan Cornell jumped to Eisenberg, Rothweiler, Winkler, Eisenberg & Jeck's Philadelphia office, and veteran Swartz Campbell litigator Gregory Stokes moved to Green & Schafle's Philadelphia outpost.

Copo strategies founder Wayne Pollock attributed the uptick in interest in switching sides to two factors: the nature of the work itself and the differing business models.

"What I'm seeing is people who perhaps have started to look at the work they're doing for their corporate organizations and clients differently," he explained. "Attorneys are more and more understanding that they have been mercenary and now they want to become missionaries. ... Either they get tired of beating up on individuals or someone in their family or network ... had some kind of personal injury, and they see how much they're struggling ... to get the care they need because their claims are being vigorously contended."

Abay said his move was rooted in his moral compass, aligning with Pollock's assessment, and Stokes felt similarly, emphasizing relationships with plaintiffs as factors in their decisions to leave defense work.

"I wanted to get back to plaintiffs work full time," Abay said in a prior interview. "My moral compass aligns more so with fighting for workers, whistleblowers and the proverbial little guy."

Stokes, who spent nearly 17 years at Swartz Campbell before a move to Green & Schafle that was announced earlier this week, called his move an opportunity for a refocus.

"Even on the other side of the 'v' you get to know the plaintiffs as individuals and you really developed a sympathy for them, their spouses, children, and family," he said. "The opportunity to switch sides to represent those individuals and families really was appealing to me."

Cornell, who was a partner at Fox Rothschild, meanwhile, highlighted two other elements of plaintiffs work that drew him to move.

"Claims, when you're a plaintiffs lawyer, are assets. On the defense side, they're a liability," he explained. "On the plaintiff's side, you're telling judges, juries, factfinders that they should say yes. I like that positive, proactive approach."

Cornell further described plaintiffs-side litigation as "really the final frontier of trial work," given the growing popularity of alternative dispute resolution.

A Business With a Different 'Vibe'

Pollock also highlighted how the differences in business model between defense and plaintiffs-side work are also appealing to folks looking to switch sides.

"Even though many plaintiffs attorneys work as hard as defense attorneys, there's a different vibe," Pollock said. "There's not a billable hours requirement. The attorneys who are efficient get penalized for it at their firms by getting more work or getting done early and not charging as much as they could have because they just move faster."

"They look at plaintiffs firms that don't have the billable hour, they have more freedom," Pollock continued, acknowledging a more entrepreneurial bent in plaintiffs firms that Stokes linked with the "eat-what-you-kill" model.

"The 'eat-what-you-kill' model is appealing," Stokes said. "You're only worth what your results are. ... Coming from the defense side where, absolutely, results mattered and myself and my team took a lot of pride in the results, at the end of the day, it's a different payment situation."

"It's the billable hour," he continued. "If you're not getting those bills out, then the payments are not coming in. ... On this side, it's really just about the results."

Despite the recent surge in moves between defense and plaintiffs-side litigation, moves such as these still remain relatively rare, according to Stokes and Cornell, simply due to the risk of starting to practice with a fresh slate.

"I had 17 years and was able to develop a very strong client list and clients," Stokes recalled. "To put 17 years and all the clients I had [aside] ... and to walk away from the comfort and security of it is a big risk."

Cornell reached a similar conclusion.

"As you get far into your career, a decade plus, there's just too much security," he said. "You're too comfortable in most cases to leave to do something new, and that's fair ... I could afford the risk a little more."

Yet anecdotal evidence suggests that moves such as these might not be as rare as expected. Both Todd Schoenhaus and Michael Schafle, leaders at Eisenberg Rothweiler and Green & Schafle, did defense work prior to moving over to plaintiff's litigation. Schoenhaus spent 10 years at Blank Rome doing defense work before pivoting to the plaintiffs side, while Schafle started his career doing defense-side work at Post & Schell before joining Anapol Schwartz, now known as Anapol Weiss.

An Anomaly or a Trend?

In addition to boasting about their new hires from the defense side, Schoenhaus and Schafle both offered insights into the possibility of switching sides growing as a local trend.

"It's certainly a trend for us," said Schoenhaus. "'Prior to Stephan, we have an associate, Jessica Colliver, also from Post & Schell, and before that, it was me ... the last three hires the firm has made, in terms of attorneys, have all been defense lawyers first."

All of the attorneys at Green & Schafle, meanwhile, are experienced solely in plaintiffs-side work, with Schafle unsure whether the trend of defense litigators pivoting to plaintiffs work would continue in the future.

"It's dependent on the needs of the plaintiffs bar in general," he speculated. "If there's enough cases there to support people to switch to opposite sides of the aisle ... then why not?"

Fox Rothschild did not return a request for comment.

"We wish [Greg] luck in his new endeavor," said Jeff McCarron, leader of Swartz Campbell's Philadelphia office.

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