

Law Firm Profile: Banner & Witcoff Ltd.

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Friday, November 03, 2006 --- Many law firms claim to make efforts to understand the business of their biggest clients, but Banner & Witcoff Ltd. goes beyond understanding—the firm learns clients’ histories, entrenches itself within clients’ communities and builds up meaningful long-term relationships.

The 86-year-old IP firm, which employs more than 90 attorneys in four offices across the United States, has set itself apart by emphasizing client relationships.

“One of the things that we concentrate on, and we’ve been doing this for years to stay ahead of our competitors, is we make our best effort to know our client’s business,” said Joe Potenza, a partner in Banner & Witcoff’s Washington, D.C. office.

“We join their retreats, help plan their retreats, have our lawyers work in-house at our clients companies...so we understand their long-term planning and it helps our long term planning. Our firm becomes an extension of their company,” Potenza said.

The firm goes as far as sending lawyers into the offices of companies for long stretches of time. Christopher Renk, a partner at the Chicago office and one of Banner & Witcoff’s past presidents, once spent 6 months entrenched with mega-sized footwear company Nike Inc.

“It’s a tremendous opportunity to establish relationships and learn about our clients’ businesses,” said Renk. “Our business is a relationship business, and having spent [the time] at Nike, I established a lot of them and learned more about their business... it made us better suited to serve Nike’s legal needs.”

Potenza recalled one instance where the firm knew more about its client than the client did.

“When a client had changed their corporate structure, the new management and the old one called on us to explain the history [of the company]. We knew where things were buried, we have that corporate memory...” Potenza said.

The firm has won numerous landmark intellectual property cases, including several before the United States Supreme Court.

Its successful representation on behalf of Amgen Inc. in the late 1980s helped launch a small, unknown lab into the world's largest biotechnology company.

In another case, *Mazer v. Stein*, the firm's lawyers proved that inventions could be both patented and copyrighted, changing the landscape of IP law for the last half-century.

The firm continues to stay on the cutting-edge of IP law by ensuring that nearly all of its attorneys have a technological background that can be called upon to help the multitude of industries it represents.

"Nearly every attorney in our firm has a degree in either engineering or science," said Pieter van Es, president of Banner & Witcoff.

"When our clients have a question, we've got close to 90 lawyers with different science and engineering degrees that we can call on to answer that question," said Peter McDermott, a partner at the Boston office and a former Banner & Witcoff board member.

"We think it is essential to our success and our growth that we are so broad in our experience scientifically, and in law. We don't think we can do what we do unless we keep a very broad view of what's going on," McDermott explained.

However, a firm's connection to its clients is only as stable as its roster of lawyers. In an effort to buck the trend of lawyers hopping from company to company—all the while taking their clients with them—Banner & Witcoff tries to guarantee that each lawyer meshes well with the firm's culture.

"We place a significant premium on our summer associate program. It allows us to potentially evaluate new lawyers," said van Es. "In fact, we do most of our hiring through our summer associate program which allows us to work with law students and ensure that they're a proper fit within our firm."

van Es also pointed to the supportive and noncompetitive culture within the firm. "We have many opportunities for competition outside of the firm, such that we place a premium on our lawyers working well within the office, that's a very important part of our firm culture. Everyone here is very proud to be a member of Banner & Witcoff"

"It's been exciting for me. I've been with the firm for close to 30 years," said Potenza. "This is the first job I ever had."

The firm relies on its reputation, as well as visibility from its lawyers teaching at IP conferences, speaking at IP forums and writing on IP issues to draw in new clients.

"We're not knocking on doors, people are knocking on our doors," said Potenza.

Renk recalled a conversation with one client: “The client said, ‘When I was interviewing law firms, I heard horror stories about how law firms are only concerned about their bottom lines. But you guys have made it clear that our business is your business. You really care.’”