

🖨 [Click to print](#) or Select 'Print' in your browser menu to print this document.

Page printed from: <https://www.law.com/dailybusinessreview/2018/04/10/competitive-edge-for-clarke-silverglate-comes-in-part-from-continuity/>

Competitive Edge for Clarke Silverglate Comes in Part From Continuity

The Miami litigation boutique is celebrating its 25th anniversary.

By Catherine Wilson | April 10, 2018

Spencer H. Silverglate, the managing shareholder at Clarke Silverglate, offers an overview of the Miami boutique litigation firm.

How big is your firm, where is it located and what are its primary areas of practice and focus?

Clarke Silverglate is a Miami-based business litigation boutique, which hovers around a dozen legal professionals. Mercer “Bud” Clarke and I started the firm in 1993 as a spinoff of Kelley Drye & Warren. This year, Clarke Silverglate is celebrating its 25th silver anniversary.



Spencer Silverglate, managing shareholder with Clarke Silverglate, in Miami.

Please explain your firm's governance structure and compensation model.

Clarke Silverglate is governed by me as president, Frank Ramos as managing partner and Craig Salner as administrative partner. We three have worked together for almost 20 years and have an extremely close working relationship.

The firm's compensation model is nonformulaic. We reward financial performance such as business generation, client and case responsibility, and individual production. As importantly, we also reward nonfinancial contributions, including teamwork, marketing efforts and community involvement. Our lawyers lead local, state, national and international bar associations and charitable organizations, all of which benefit not only the law firm but the community at large. And as a smaller firm, we have the flexibility to reward outstanding performance by paying bonuses at any time, not just at year-end.

What do you view as the two biggest opportunities for your firm, and what are the two biggest threats?

Our mission is to provide clients unmatched value in resolving their legal disputes on their terms by combining big-firm capabilities and technology with small firm attention and efficiency. The combination has proven successful over the years. As law firms have followed Corporate America in the merger trend, we have decided, despite repeated offers, to remain autonomous. Our large-firm capabilities, technology, small-firm attention and efficiency are our competitive advantages. The model has allowed us to remain nimble, profitable and free of client conflicts.

The threats we face are not unique to our law firm, namely increasing competition and commoditization of legal services. To meet these challenges we maintain competitive rates by driving efficiencies in every manner, including through technology.

After the recession hit, the prevailing theory was that midsize firms would start to see more work come their way from large clients who could no longer justify paying Big Law rates. What has been your experience?

We definitely have seen this theory play out. Since the recession we have enjoyed an influx of new business from clients who no longer can justify paying Big Law rates. As a litigation-only boutique, we can deliver the same quality of work as Big Law but at more competitive rates. And by operating the firm conservatively and efficiently — limiting headcount, maintaining a single office in Miami, staying out of debt, investing in technology — we have not had to sacrifice profitability.

Are your clients pushing for more alternative fee arrangements and, if so, what types? Is your firm amenable to those requests?

We were an early adopter of AFAs. As a small firm, we have the flexibility to tailor fees to meet the needs of a given engagement. We have used standard hourly rates, reduced or blended hourly rates, contingency fees, flat fees, capped fees, task-based flat and capped fees, fixed fees plus incentive bonuses and frequently some combination of the foregoing.

There is much debate around how law firms can foster the next generation of legal talent. What advantages and disadvantages do midsize firms have in attracting and retaining young lawyers, particularly millenials?

Smaller firms like ours tend to have lower attorney turnover than do large firms. Young attorneys in smaller firms enjoy greater responsibility and client contact than their large firm peers, and their contributions have a more meaningful impact on client engagements and on the law firm in general. Smaller firms also tend to provide greater flexibility in working arrangements, leading to a better quality of life.

A law firm, like any organization, is only as good as the people it employs. Our firm values its professionals and staff as its greatest asset, and we endeavor to provide them the best possible environment, tools, technology and training to perform their jobs. Feedback is not limited to a year-end performance evaluation; it occurs daily. Decision-making is transparent and merit-based. We hold each other accountable to high standards. We learn from setbacks and continually improve our capabilities and client service. Most importantly, we care for one another.

We also go to great lengths to provide mentoring. In fact, we don't limit mentoring to our own attorneys. We have a long tradition of training young lawyers outside our firm. For example, I recently served as director of the International Association of Defense Counsel's Trial Academy held at Stanford Law School, a "learn by doing" trial advocacy boot camp led by some of the best trial lawyers in the country. All Clarke Silverglate associates are required to attend the Trial Academy at the firm's expense. Another of our partners, Frank Ramos, posts daily tips for young lawyers on LinkedIn, where he has over 30,000 followers. Frank has written six books and edited four others on law practice, marketing and leadership. Frank makes all of his work available free of charge.

Does your firm employ any nonlawyer professionals in high-level positions (e.g., COO, business development officer, chief strategy officer, etc.)? If so, why is it advantageous to have a nonlawyer in that role? If not, have you considered any?

Yes, we have nonlawyers who head three critical functions of the firm: director of administration and human resources, director of finance and director of information technology. We appreciate the need for specialists in these areas. Our firm operates more efficiently when nonlawyer specialists do what they do best and allow our attorneys to focus on practicing law.

What, if any, technology advancements have you made in your firm in recent years? What are the challenges in implementing tech changes?

Our firm was an early adopter of the paperless law office. For well over a decade we have stored files and documents electronically and have done away with all but a few hard-copy papers and books. That requires us to take stewardship of our clients' electronic information to ensure that it remains safe and secure.

We currently are undertaking a top-down audit of all hardware and software to ensure that we remain out in front of the latest best practices in technology. For example, we recently adopted a mobile time-entry application which permits timekeepers to input time on their cellphones while they're away from the office. We also are in the process of overhauling the firm website to make it current and give it state-of-the-art functionality.

What would you say is the most innovative thing your firm has done recently, whether it be internal operations, how you work with clients, etc.?

We are working diligently to expand the firm's reputation as one of the preeminent business litigation boutiques in the state of Florida. Everything we do as a firm is geared toward that vision. Our new website will display the firm's updated mission, vision and core values, but the real test will be breathing life into the words through real-time application. The firm's leaders are committed to making the vision a reality. This summer we will host a gala celebrating the firm's 25-year anniversary. Clients, judges, luminaries of the bar, friends and of course current and former firm attorneys and staff will be in attendance. The new website will be rolled out in connection with the event.

Does your firm have a succession plan in place? If so, what challenges do you face in trying to execute that plan? If you don't currently have a plan, is it an issue your firm is thinking about?

Our firm considers loyalty and longevity as core values. Many lawyers and staff have been with the firm for decades. Many clients have been with the firm equally as long. In an age in which transition is the norm, we believe that loyalty, continuity and longevity provide the firm a competitive advantage. Of course, the reality is that lawyers don't work forever. We are actively developing the next generation of Clarke Silverglate attorneys who will lead the firm for the next 25 years and beyond.

Copyright 2018. ALM Media Properties, LLC. All rights reserved.