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LEGAL

Ulmer & Berne rolls up Cleveland-based litigation firm Kaufman & Co.

BY JEREMY NOBILE

Ulmer & Berne is rolling up the Cleveland-based boutique trial firm of renowned Northeast Ohio litigator Steven Kaufman in what is likely the first full acquisition of another firm in Ulmer's 111-year history.

Ulmer, the ninth-largest law firm in Northeast Ohio by number of in-market attorneys, announced Dec. 3 the acquisition of Kaufman & Co., effective Jan. 1. Terms of the deal were not disclosed.

Founded in 2011, the Kaufman firm has 10 lawyers — all of whom are joining Ulmer, bringing its bench to approximately 170 lawyers — and small offices in Cleveland, Chicago, New York and Washington, D.C. The Cleveland and Chicago offices will combine with existing Ulmer locations, while the New York and D.C. offices offer new physical presences for Ulmer, bringing that firm to offices in seven markets.

The expanded footprint in key legal markets, particularly New York, is a major development for Ulmer's growth strategy.

But the value of a team bolstered by the addition of Kaufman — who's had a hand in a variety of Cuyahoga County and Cleveland-specific projects, and whose firm placed in the 2018 Weatherhead 100 list of the region's fastest-growing companies — can't be understated, said Ulmer managing partner Scott Kadish.

"I think we are unmatched if you look at the trial attorneys we have now," Kadish said.

"And New York is a very strategic location for us," he added. "We have several matters going on in and around New York having to use local counsel there. Having a presence in New York, with attorneys on the ground there, is strategically a huge benefit for us."

Some of the recent high-profile cases Kaufman worked on locally include representing the city of Cleveland in its five-week trial against Brook Park in the latter's efforts to take the I-X Center by eminent domain to stymie city plans to expand Cleveland-Hopkins International Airport; serving as lead counsel for the Cuyahoga County Port Authority in an eminent domain trial against 18 defendant property owners to take land for the Flats East Bank project; serving as lead counsel for Flats East Bank developers, winning a preliminary injunction that prevented the project architect from interfering in the close of the \$330 million financing for the project, which represented the largest public-private development in Cleveland in the last 30 years.

The combination was spurred through Michael Ungar, chair of Ulmer's litigation department and a past adversary of Kaufman's in the courtroom. Both are also past presidents of the Cleveland Metropolitan Bar Association.

Eyeing growth prospects, Kaufman approached Ungar about a possible combination to achieve faster growth than could come organically over time. Kaufman's firm last expanded in spring 2018, when it opened its Chicago office.

"I've been looking the last couple years for a long-term runway that would allow us to continue to grow what is now a pretty sizable business litigation practice," Kaufman said, adding that Ulmer piqued his interest because of his familiarity with both the firm and Ungar himself. He said he liked that Ulmer also had a reputable bench of first-chair trial attorneys.

Kaufman described the deal as executing on (at least) a five-year plan in one move.

"With organic growth not going fast enough, my concern was we wouldn't have the right platform for the long term," he said. "That factor motivated me to look at this kind of combination."

"At the end of the day, this is about client service," Ungar said, describing the deal with Kaufman as a "once-in-a-professional-lifetime opportunity."

"I'm really fired up about the future," he added. "I think there will be a wealth of opportunities for us."

Kadish said the deal presents exponential growth opportunities.

The New York presence could help support a health care practice with multiple clients in New Jersey, for example, while the added litigation expertise in Chicago will be meaningful for grabbing more work in a growing legal market. The Chicago market is one Kadish said he is particularly motivated to see grow with additional attorneys next year.

"I'm also thinking about opportunities in immigration areas and (intellectual property), two areas where there might be opportunities in D.C.," Kadish added. "We are just scratching the surface now and trying to figure out that best ways to do things like that."

In general, Ulmer aspires to grow bigger not just for growth's sake, Kadish said, but in response to client needs. Some practices will benefit from simply being larger. But Kadish also specifically cited clients whose



Michael Ungar, Steven Kaufman, Patricia Shlonsky and Scott Kadish.

general counsel may find additional comfort in lining up a firm with premier litigators, especially those in tow with Kaufman.

"It's opportunities like this that help us compete and support those practices," Kadish said.

Ulmer has hired a wide range of lateral attorneys in recent years, but has so far kept its bench steady compared to this point last year with roughly 160 attorneys — which grows to about 170 when Kaufman and Co. roll in.

While the first firm acquisition for Ulmer, the deal follows some other notable law firm mergers in this market this year. The most recent deals involved Cleveland-based Walter | Haverfield buying up Hurtuk & Daroff, a real estate and finance firm in Mayfield Heights, and Nardone Ltd., a tax planning and business services firm in Columbus. Those mark WH's first acquisitions since the firm was founded in 1932.

Law firm mergers across the U.S. "exploded" in the third quarter of this year, with 38 combinations announced. That comes after otherwise little activity through the first half of the year, according to Altman Weil MergerLine.

A handful of Ohio deals played into that merger frenzy, including Frantz Ward (Cleveland headquarters, 56 lawyers at the time of the deal) acquiring Kadish Hinkel & Weibel (Cleveland, 11 lawyers) in July; Taft Stettinius & Hollister (which was founded in Cincinnati, but lists Indianapolis as its main office, 474 lawyers) acquiring Briggs and Morgan (Minneapolis, 135 lawyers) in August in the largest deal of the quarter; and Green and Spiegel (Toronto, 34 lawyers) acquiring Ritter Halliday (Beachwood, four lawyers) in September.