

# JOSHUA A. LEWIN

By Jack Dew

jack.dew@lawyersweekly.com

Joshua A. Lewin had to come between his clients and their attorney.

His clients in *Landry v. Haartz* had long used a trusted lawyer for their legal needs, so when they decided to sell their share of a family business, they turned to that attorney to represent them in the deal. He responded by drawing up an unprecedented contingency agreement, earning \$300,000 for his role in the \$20 million transaction.

When the couple balked at paying the full fee, the lawyer sued. That's when Lewin and his colleague Richard D. Glovsky entered the scene to defend them.

"We searched up and down, East Coast to West Coast, and we have been unable to find a circumstance where a lawyer represented a client on a contingency basis in a corporate transaction," Lewin says.

The case turned into an ugly piece of litigation. "He really dragged these people unfairly through the mud," Lewin says, "and this was a case that became, in the end, not about money but about principle. Our clients were really motivated by the fact that they had suffered a breach of trust."

Lewin and Glovsky were able to win a substantial

amount of money for their clients, convincing the court that the fee agreement violated Chapter 93A.

The case embodies what Lewin says he loves about litigation: figuring out the best way to tackle a problem, developing a strategy and then executing it.

"When you have a client in a case where the issues matter in a very personal way, it is so easy to get motivated to push the client's interests," Lewin says.

Outside of court, Lewin volunteers with Big Brothers Big Sisters of Massachusetts. His "little brother" has shown an interest in the law, and Lewin helped him get a job at Prince Lobel as a file clerk. Meanwhile, over the past seven years, he has helped raise \$165,000 for the program.

Lewin, a former ski bum who spent a year driving a bus in Vail, Colo., has embraced litigation with zeal and was picked by the Suffolk County district attorney as a special assistant DA in the Special Prosecutions Bureau to try complex white-collar cases on a pro bono basis. Lewin says he hopes the appointment will give him more trial experience.

"Every case is very different from the last case," Lewin says. "For me, that is what makes it fun — getting cases with some

obscure subject matter and getting totally immersed in some field or industry that I have no previous knowledge about."

**"Every case is very different from the last case."**

AGE: 32

GRADUATED: Boston College Law School, 2003

POSITION: Associate, Prince, Lobel, Glovsky & Tye, Boston

One thing about him that might surprise people: "I am licensed to drive a bus in Massachusetts."



ELLEN SHUB



MERRILL SHEA

# CHRISTOPHER B. MARSTON

By Eric T. Berkman

After spending a post-college year as CFO of a small Boston-area technology company, Christopher B. Marston decided to boost his business credentials with dual law and finance degrees at Suffolk University. But he never planned on becoming a revolutionary.

When talking to friends at large law firms, however, he was struck by their misery. When he deconstructed their unhappiness, it all came down to the billable hour. Then he had a "Eureka" moment: Overworked, unfulfilled attorneys paired with clients sick of a running meter would make for a great business model.

So, fresh out of law school, Marston took a leap of faith and established Exemplar Law Partners, reportedly the nation's first full-service business law firm to operate strictly on a "value-based," flat-fee model.

After five years, his brainchild has legs. Exemplar now boasts 26 professionals, offices in Boston and Los Angeles, and consulting and capital fundraising divisions for clients ranging from start-ups to mid-size corporations.

Meanwhile, Marston, who splits his time 60-40 between executive and legal work, says it's been no problem adapting the flat-fee model — typically associated with a volume practice — to sophisticated work such as mergers and acquisitions, IPOs and complex litigation.

"It all starts with what the customer values," says Marston, who re-

jects the term "client," explaining that it was first used by ancient Romans to imply a relationship of dependency. "Regardless of [the work's] complexity, most customers value certain things about getting the work done. You have the conversation about pricing before you begin working and agree on a price that's a match for the value you're providing."

Despite its success, it's too early to tell whether Exemplar is an outlier or a window into the future. Marston says he's heard a lot of noise about other firms adopting the model, but on closer inspection, they use it on commodity work as a hook, only to switch over to hourly billing for other work.

**"It all starts with what the customer values."**

AGE: 33

GRADUATED: Suffolk University Law School, 2004

POSITION: Chief executive officer, Exemplar Law Partners, Boston

One thing about him that might surprise people: "I'm a lifelong writer of pop ballads."

Of course, he never expected industry transformation to happen overnight. He says most traditional firms have their entire systems, from IT infrastructure to the mindset of professionals within their walls, hardwired to the billable hour. And when change does come, he adds, it will have to be from a new generation of big-firm leadership.

"[Big firms] recognize their model is broken, but the solution can't be done incrementally," Marston says. "Meanwhile, the [large-firm] leadership demographic is within five or 10 years of retirement. This is a risk-averse population, so systemic change is not in the cards."

Eric T. Berkman, an attorney and formerly a reporter for Massachusetts Lawyers Weekly, is a freelance writer.