

Katten Muchin Rosenman LLP

Monday, February 5, 2007 — There are benefits to being the small fish in the big pond. Katten Muchin Rosenman LLP's Labor & Employment Law practice group, for example, has been able to establish itself as a leader in its field thanks to the firm's resources and clientele, while remaining a small, tight-knit group of attorneys.

"We are a boutique practice within a big firm," said James Gecker, a partner at Katten and the employment practice chair.

Even though the practice group is a small department in a large firm — Katten boasts over 650 attorneys working out of seven offices in the U.S. and one in London — it offers clients plenty of bang for their buck.

"We're a very cohesive department, and really a brain trust," explains Julie Gottshall, another employment partner. "Not a day goes by when we don't go into each others' offices and ask each other, 'What do you think about that? What's your reaction to that?' There is added value to the client in that sort of teamwork."

The employment practice is based out of Chicago, the office that Gecker, Gottshall and six other attorneys call home. A few other attorneys work in the various Katten offices around the country: There are three in California, one in New York, and two in Washington, D.C. And two attorneys work on employment matters in Charlotte, N.C., though it is not their full time focus.

Gecker said one of the main benefits to working in such a small group is the ability to mine, recruit and retain talent.

"One of the things that I love about the practice is that we have a group of lawyers that have worked together for a significant amount of time," Gecker said. "All of the associates are homegrown associates. They've been with us since they were summer associates."

Gecker himself joined Katten in 1994 from the firm Ross & Hardies, which merged with McGuireWoods LLP in 2003. Before that, he graduated from the University of California at Berkeley and the University of Wisconsin Law School.

Not long after joining the firm, Gecker recruited another partner, James A. Burns Jr., and Gottshall from Ross & Hardies. Burns and Gecker have practiced together for over 20 years, while Gottshall has worked with the team since 1994.

As a smaller department under the larger Katten umbrella, the employment group works to support the larger Corporate and Litigation departments. Thanks to the runoff from the Corporate group,

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Katten's Employment group has many financial services clients.

"We do the full range of labor and employment work but we have been moving the practice in recent years to other areas that are not just litigation based, that have a broader business focus," Gecker explained. "Much of what we do involves executives, like executive contracts, disputes between companies and executives, noncompete agreements and restrictive covenant matters. We also do counseling and advising our clients on ways to avoid litigation."

The group spends about 60% of its time on litigation. Restrictive covenant cases have grown in popularity in recent years, said Gottshall, and they now make up about half of the group's litigation practice.

"Recently, there has been an increase in the number and sophistication of noncompete agreements," Gottshall said. "I think that represents the way corporations are changing and adapting in the new millennium. Ten years ago we were hardly asked to draft these kinds of agreements and now I hardly work with an employer who doesn't ask me to draw them up."

The large amount of time spent working on litigation has made Katten employment attorneys proficient litigators. Gecker has represented employers in some important cases since joining the firm, including the sexual harassment case *Jansen v. Packaging Corp. of America*.

The case was eventually consolidated with *Ellerth v. Burlington Industries Inc.*, which was heard before the Supreme Court. The case was a seminal decision in the U.S. Court of Appeals for the Seventh Circuit, and laid the groundwork for sexual harassment case law.

Other important Katten clients include the Chicago Mercantile Exchange, Aeropostale and the Career Education Corporation and its online division. Many of the group's clients are based in Chicago or have some tie to the city, but have offices or business across the country.

And thanks to Katten's corporate nature, new companies are always finding their way to the group, although not all clients are referred from other departments.

"We're a very entrepreneurial firm," Gecker said. "In the dot-com era of the early 90's, we had lots of start-up companies jumping onboard. Now we tend to see more hedge funds, financial services clients and investor-backed companies."

No matter whom they are representing, it's clear the Katten employment attorneys just enjoy their job.

"I find that dealing with the topics that come up every day is endlessly interesting," Gottshall said.

"Our work is very fast-paced, but our work is also very fun," Gecker said. "We all really enjoy working together and enjoy our work."

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