

## SMALL FIRM FOCUS

# Trial Ready

Designed with a big-firm feel, the 25-attorney Yukevich Calfo & Cavanaugh has become a leading contender in defense litigation in California and nationwide.

By Susan McRae  
Daily Journal Staff Writer

**L**OS ANGELES — The way James J. Yukevich sees it, there are two kinds of litigation defense firms.

There are the ones that prepare cases for trial and then tell clients how weak their case is and that they should settle it. Then there are the firms that prepare cases for trial and are determined to follow through.

"We're the second one of those," Yukevich, 57, founding partner of Yukevich Calfo & Cavanaugh, said. "We're the stoppers."

"If you want to keep it fair between the plaintiffs and the defendants, somebody from the defense has to say, 'Let's go. Let's take a verdict. We can win.' Because if you don't, the other side gets so out of control that you can't deal with them."

Since setting up shop in 1995, the 25-lawyer boutique, with a branch office in San Diego, has become a leading contender in defense litigation in California and the nation.

Recent trials include an unusual win in a wrongful death asbestos case against Ford Motor Co. and a hard-fought victory for Honda Motor Co. Inc. in a rollover accident that left a man a quadriplegic. The success in the rollover case paved the way for what roof-crush cases may look like in the future.

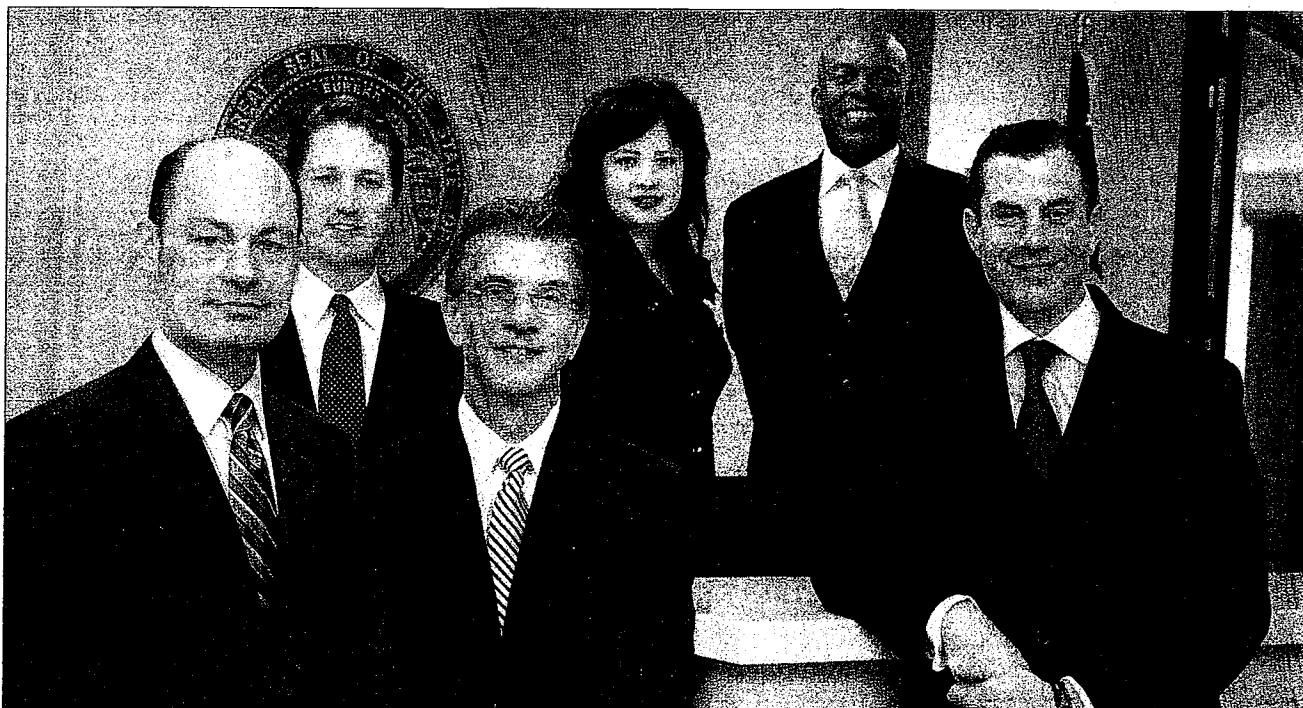
Designed with a big-firm feel (it houses its own moot courtroom) but at half the size and fees, the firm often parachutes in at the last minute to take trial work that big firms refer out or that large companies prefer to send to boutiques.

"One of the reasons we're good at trying cases on pretty short notice is that my experience of trying cases was in the DA's office," Yukevich said. "You'd be walking down the hallway, and the bureau chief would walk up to you with a file about this high and say, 'There's a jury waiting in Courtroom No. 3. Go try the case.'"

"You don't know what it is. So you go over to a corner and read the folder, which gives you about 5 minutes to get ready. You walk into the courtroom and say you're ready for trial."

After working as a prosecutor in Massachusetts and New York, Yukevich spent nine years as a partner at New York-based Lester Schwab Katz & Dwyer, a 100-lawyer litigation defense firm, where he represented various manufacturers, including Honda North America in defense of its all-terrain vehicle. In 1991, the firm lent Yukevich out to Honda at its Torrance headquarters to serve as assistant general counsel. Over the next 18 months, he directed Honda's defense in 14 trials.

Yukevich had just left the in-house position in 1993 when the automaker asked him to serve as lead attorney in an ATV rollover trial in San Francisco. He remembers thinking how the outcome of what would become a six-month, \$30 million trial would determine the course of his career in California.



SUSAN MCRAE / Daily Journal

From left, Todd A. Cavanaugh, Steven D. Smelser, James J. Yukevich, Cristina M. Ciminelli, Delmar S. Thomas, Alexander G. Calfo in their law office's mock courtroom. The seventh partner, Thomas Borncamp, was unavailable for a photo that day.

ATV that a driver flipped over on a mountaintop, rendering him quadriplegic. The question was whether the vehicle was stable enough and had sufficient warning labels to keep Honda from becoming responsible for the accident. The jury returned a verdict for Honda.

ter Schwab and subleased space in a downtown Los Angeles high-rise that Chadbourne & Parke had been using for storage. Soon after, Alexander G. Calfo and Todd A. Cavanaugh signed on.

Calfo, 45, came in 1996 from Minneapolis-based Bowman and Brooke,

38th floor of the 53-story skyscraper at 6th and Flower streets in the heart of Los Angeles, formerly known as the Sanwa Bank Plaza.

Like all the lawyers who have hired on since, Calfo started as an associate. The firm now has seven partners, all promoted from within,

best thing you can do in a small firm is to have an effective administrative staff that worries about things like bills and making sure the mortgage gets paid," Yukevich said. "I've always said, if you're in the file room counting the paperclips you already have a huge problem."

"Other firms may have strength in numbers," Calfo said. "Our business model, and I think one of the reasons for our success, is that we have case teams that work on the case from beginning to end, and they have knowledge of the whole case."

"They know what the client wants to do. They know what various witnesses have said in depositions. They've got the domain of knowledge of everything that has happened up to the point that the case gets to trial."

Recently, the firm has begun branching out from product liability into other areas. Last year, it successfully defended National Union Insurance Co. in a \$65 million damages claim at trial in Brownville, Texas, in one of the biggest insurance bad faith cases in the nation. Earlier this year, the firm took the plaintiff's side, with Calfo representing a 12-year-old schoolboy who claimed administrators used him as a decoy in a school drug sting. The case is pending.

And in a business dispute, Yukevich and partner Cristina M. Ciminelli successfully defended a Japanese roller coaster manufacturer in a dispute with Knott's Berry Farm.

"We handle everything from asbestos work to automotive work to roller coaster companies," Yukevich said. "Everybody has an opportunity to do work that is interesting."

"When work is interesting, the clients are good and the cases are high exposure, it's the kind of work litigators like to do."

**'From a business point of view, the best thing you can do in a small firm is to have an effective administrative staff.'**

JAMES J. YUKEVICH  
YUKEVICH CALFO & CAVANAUGH

"One of the biggest things you have to overcome in this business in starting a firm and trying cases is fear," Yukevich said. "Everybody has it. The fear of whether you're going to have enough cases, the fear of whether the clients are going to like you, the fear of whether you are going to win the cases you have."

"It's the way you overcome that fear that decides whether you are going to be successful. For us, the way to overcome the fear of trying cases is to try the cases."

After winning that six-month trial, Yukevich tried to persuade his New York firm there was enough work in California to invest in a Los Angeles office. The firm wasn't interested. Yukevich decided if it was such a good idea, he should do it himself.

With Honda as a client, he left Les-

a 150-lawyer litigation defense firm specializing in product liability. Cavanaugh, 41, followed in 1997, from the 700-lawyer, Seattle-based Perkins Coie, where his practice focused on defense of aircraft manufacturers.

Calfo had interviewed earlier with Yukevich, while he still was manning a branch office for Lester Schwab. But he declined the offer, he said, because he didn't feel Yukevich was getting the resources he needed from New York. Later, when Yukevich struck out on his own, Calfo said he was convinced to join him after hearing his vision of a firm model focused on delivering quality work and client satisfaction.

"I knew it was going to be a great place," Calfo said. "So we got together, and I took the job."

After four years, the firm outgrew its 17th floor suite and moved upstairs, where it took over the entire

no lateral hires. Yukevich said the practice tends to create a cohesive atmosphere and agreement among the partners, who have known each other for a long time and grown up together from associates.

The firm doesn't designate one person as managing partner. If something needs to be done, the partners talk it over and get it done. They meet as a partnership whenever they can. If an issue requires immediate attention, they confer via their Blackberrys.

One reason Yukevich believes the firm didn't have to make cuts during the economic downturn is because the partners make decisions fast, allowing them to maximize their time. Another reason is the firm's office manager, Vivian Powers, who came on eight years ago and who, Yukevich said, makes sure everything runs smoothly on the administrative side.

"From a business point of view, the