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Generational Gumption

By **America Hernandez**

LOS ANGELES - In 1985, when the West Coast office of the Virginia firm then known as Wickwire Gavin & Gibbs PC broke away to found its own practice, Kenneth C. Gibbs and Joseph M. Giden led 15 lawyers with a vision: quality construction counsel where the clients' needs inform the service above all else.

Since then, an expansion borne of careful growth has nurtured two new generations of leaders and partners, most of whom began as law clerks in the firm and rose through the ranks. Gibbs has transitioned to working as a neutral, while Giden retired last year before passing away in September. Their legacy firm, however, continues to thrive.



From left, William Locher, Theodore Senet, Richard Wittbrodt and Glenn Turner of Gibbs Giden Locher Turner Senet & Wittbrodt

"Of the 31 attorneys we now have, about nine of them have been with us their entire legal career, myself included," said Richard J. Wittbrodt, who after being hired right out of law school is now the managing partner of Gibbs Giden Locher Turner Senet & Wittbrodt LLP. "It's really a testament to Ken and Jo, who provided great guidance and showed confidence in me, and these three gentlemen who let me grow both professionally and as a person," he added, gesturing to senior partners Bill D. Locher, Glenn E. Turner III, and Ted L. Senet.

That focus on growing its own talent has led the firm to stellar successes as well as an intense bond among colleagues, they said. When the group aren't taking associates wakeboarding or prepping for the next Landau Lawyers League basketball game, they are busy cleaning out the competition courtroom-side on behalf of both contractors and cities.

"Our partner Marion Hack just this past fall succeeded in getting a complete defense verdict for the city of Huntington Beach after a monthlong trial," said Turner, whom his colleagues call the firm's premiere litigator. "To represent a public entity against a contractor on an extra work claim and then box them out completely [at trial] is just a phenomenal result."

Hack and Turner also won the city of Victorville a \$54 million award at trial in 2011 after the city paid contractor Carter & Burgess Inc. to build a power plant, a project that was abandoned due to cost ineffectiveness and alleged contractor mismanagement. The case represented one of the largest awards in Riverside County's history and marked the first time a California jury found an engineering company guilty of breaching a fiduciary duty.

"They have earned my trust," said Paul C. Drecksel, general counsel for the national builder Layton Construction Co., which hired the firm to litigate for four years before settling confidentially with Universal Health Services of Palmdale Inc. in a dispute over unpaid monies after the contractor built an acute care facility.

"I work with law firms all over the country and Gibbs Giden compares favorably with other skilled construction firms and is refreshingly cost effective for the Los Angeles market," Drecksel added. "They are extremely responsive and oriented towards solving problems rather than writing bills."

Many clients have stayed loyal to the firm for more than 30 years, and the practice has expanded to fit their needs - offering labor and employment counsel, for example, when clients asked for the firm's help with those disputes.

When an inventor wanted to sell all of his international construction company's assets, including a portfolio of 17 patents, Locher handled the nearly \$130 million cross-border transaction. The sale to the publicly traded Aegion Corp., which handles

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California Supreme Court Pharmaceutical company's agreement could violate Cartwright Act

The California Supreme Court ruled Thursday that Barr Laboratories Inc. may have violated the state's antitrust law when it accepted \$400 million from Bayer Corp. to delay the sale of its generic version of a popular antibiotic.

Administrative/Regulatory State Bar president's plans tangled by controversy of executive director's firing

State Bar presidents typically tour the state spreading the gospel of court funding, legal services or other high-flying goals. Craig Holden has had other issues to focus on.

Law Practice

Mediation confidentiality concerns
Should we weaken the legislative promise of mediation confidentiality and, if so, in what way?
By **Rebecca Callahan**

Discipline

Disciplinary Actions
Among lawyers disbarred recently, four got in trouble for mortgage modification and foreclosure rescue schemes - including one young lawyer ordered to pay more than \$140,000 in restitution.

Solo and Small Firms

Generational Gumption
Gibbs Giden Locher Turner Senet & Wittbrodt was built from two generations of lawyers, and its leaders attribute most of their courtroom success in construction matters to an intense bond among colleagues.

Environmental

Oil companies settle with state over alleged gas tank violations
Two oil companies will pay the state of California a combined \$11.5 million to settle alleged violations of state environmental laws.

Law Practice

OC environmental lawyer strikes out on her own
Attorney Kimberly L. Bick wanted to offer high-caliber legal services at lower rates than bigger law firms charged, so she opened her own boutique environmental law firm in Newport Beach.

Corporate

Novel blood test company hires former Clinton aid as GC
Heather King joins Theramos Inc. from Boies, Schiller & Flexner in Washington, D.C.

Environmental

State oil regulators sued over wastewater injection rules
Environmental groups claim state regulators are failing to protect groundwater by allowing the oil industry to continue injecting waste underground while it addresses concern the practice may be harming drinking water.

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pipeline and infrastructure protection through its nine subsidiaries, was widely reported on.

But most often, said Senet, "the other side doesn't even know we're there, working behind the scenes, giving clients guidance, and crafting correspondence in a way that resolves disputes in a nonadversarial manner." The firm is also not afraid to head toward an early settlement if it feels the client is best served by doing so, he added.

Senet primarily handles insurance matters in addition to counseling on construction projects, and his goal is to keep clients out of litigation during the lengthy building process, which can often take a decade or more to complete and run into complications when building codes change mid-project. He counseled the contractor for Frank Gehry's Walt Disney Concert Hall, one of the first buildings to be fully designed using digital software and whose dual-curved walls represented a risky undertaking for builders.

"There's been a general move in the industry to be more sustainable, and Richard and I are both LEED-accredited, which means we pass an exam and stay current on building technologies that address environmental responsibility and energy use," Senet said. The Leadership in Energy and Environmental Design certification program is run by the U.S. Green Building Council.

The firm is also well versed in hospital construction and their seismic requirements post-Northridge earthquake. "We've been doing hospital construction for over 25 years, and the scope of disputes is significant because it costs between \$500 million and \$1 billion or more to build," Turner said.

The firm represented San Bernardino County during the construction of the Arrowhead Regional Medical Center, which required a complex, revolutionary-for-its-time design because it sat between two earthquake fault lines: The facility can be self-sufficient for three days after a minimum 8.3 quake. Gibbs Gidden obtained more than \$6.5 million for the county in post-construction settlements with the architect and contractors over defects in the construction.

The partners have nothing but optimism for the years ahead. "Looking forward, I see this next group of associates and junior partners, and they are just stars," Turner said. "They keep me coming to work every morning."

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Senators push patent litigation reform

After two years of fruitless negotiations, U.S. Senate leaders from both political parties are bullish that Congress will pass a new law to cut down on frivolous patent infringement lawsuits this term.

Law Practice

Irell snags powerhouse litigators from O'Melveny

Irell & Manella LLP snatched up a pair of entertainment litigation rainmakers from O'Melveny & Myers LLP Thursday. Many observers viewed the move as a major step solidifying the firm's position as a full service outfit.

Alternative Dispute Resolution

Mediator utilizes psychotherapy background to help resolve probate disputes

Bette Epstein has something unusual but fitting for a probate mediator: a degree in psychotherapy.

Law Practice

Privileged bills

A court recently addressed whether attorney billing statements are covered by the attorney-client privilege. By **Emily H. Wood**

Alternative Dispute Resolution

Be careful whom you choose to represent

Carefully screening your clients is an important first step for attorneys and mediators. By **Paul Fisher**

Judges and Judiciary

Judicial independence

Confidence in the judiciary is hard won and easily lost. A recent Supreme Court case should help with the former. By **Daniel Brenner**

Judicial Profile

Thomas J. Nixon

Commissioner Alameda County (Alameda)

Criminal

Home monitoring and its toll on youth

Sam was arrested for stealing a two pairs of flip flops from a department store. He was placed on probation, and had to wear a GPS monitor on his ankle. Taking his dog for a walk led to three days in juvenile hall.

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