

### In Depth with Selendy and Gay on Their New Firm— and Leaving Quinn Emanuel

Star litigators Philippe Selendy and Faith Gay open up about their new firm and what it means to 're-imagine the law firm from the ground up.'

By Jenna Greene  
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On Feb. 15, star litigators Philippe Selendy and Faith Gay formally launched Selendy & Gay, the first spin-off from litigation powerhouse Quinn Emanuel Urquhart & Sullivan.

Eight partners from Quinn Emanuel made the move with them to their new offices at 1290 Avenue of the Americas in New York—a departure that triggered a blistering email from John Quinn to Gay. (“I can tell you that virtually all of the attorneys you name here are pretty angry with you. There must be a poem about deception or ingratitude that would be more apposite?” he wrote.)

It’s not surprising the departure might sting. Selendy, who has recovered \$35 billion for his clients, is a four-time winner of Litigator of the Week. In 2015, he was anointed Litigator of the Year by *The American Lawyer*. Gay co-chaired Quinn Emanuel’s national trial practice.

I spoke with them Wednesday about their new venture. The transcript has been edited for clarity and length.

**Jenna Greene:** *In founding Selendy & Gay, you said you want to “re-imagine the law firm from the ground up.” What does that mean?*

Philippe Selendy: Fundamentally, we want to take as our focus the excellence of our practice and the character and culture of the firm, rather than metrics such as profits per partner. What that does—if we shift our focus here to a new firm where we have complete control and autonomy in how we build it—is allow us to rethink every aspect of the firm.



Faith Gay, left, and Philippe Selendy, right, partners with Selendy & Gay.

Our desire is to work with our clients and in-house counsel as our partners, in collaboration with them, where we are deeply committed to learning all about their business and industry. That includes investing our own time at our own expense in trying to get a deeper level of understanding than is typical.

I think one thing that differentiates great lawyers from very good lawyers is the ability to understand fundamentally, at such a deep level, the nature of the case and the client, and be able to build your case, whether on the plaintiff or defense side, coming from that core understanding.

So part of it is how we approach our clients, and part of it is how we approach our people. In this respect, we may be a little bit retrograde, because we think that for associates in particular, we should have a long-term commitment and relationship, where we are very deeply invested in training every element of

professional development as well as the business of law.

Our associates will learn not just the fundamentals of trial advocacy and brief writing and the like, but also how to manage large projects, how to work with clients, how to develop business, how to think strategically about the development of the firm. We will be building this together with our associates, and we have a long-term vision in mind.

The culture of the firm here is profoundly collaborative, where we get rid of some of the traditional impediments to people working in a collegial way together. So partners are not going to be compensated based on origination. Associates will be recognized and rewarded for their work not just on their own cases, but in helping associates on other cases. We'll have a very tight-knit, single-office culture, where we're all present and working together.

***How many associates do you have now, and how many do you anticipate hiring in the coming weeks?***

Philippe Selendy: We have accepted offers from 10 or 11 associates, many of whom are here with us today. Some are coming online in the coming weeks. I would say that our goal is within the next two to three months to have about 30 associates, plus a significant number of staff attorneys.

***What qualities and level of experience are you looking for in associates?***

Faith Gay: We're looking all across the board in terms of age levels, and we've been incredibly excited about the response we're getting from all over the place. We've had many unsolicited responses from the minute that our project went live.

What we're seeing are people who are dedicated to litigation, who know what they want to do, who are self-starters, who want to have a place at the table early on, who are very interested both in being entrepreneurs and also being holistically involved in creating the practice here. That's everything from responding to our clients' stated needs to innovating. We hope to spend some time not only working on the matters that we have, but being forward-looking participants with our clients in what their future needs may be and what the industry's future needs may be.

Philippe Selendy: To add to that a little, our primary focus in terms of the level of associates are first through fifth years. That's partly because we think we'll have a great deal to add to their professional development. We would like to have folks who are coming out of clerkships, for example, or who have achieved superlative results academically and in their early career, and who are interested in being part of, as Faith said, what we're building here.

Faith Gay: We want folks who are committed to excellence, no matter whom the client is—whether it's a multinational corporation or an indigent client. We are attracting folks who are interested in excellent legal service to all types of clients.

***Will pro bono be an important part of your firm's work?***

Faith Gay: Absolutely. There's no question. For us, that's the baseline of a successful firm. That is a leg of the table that is treated with dignity, with appropriate time and resources, not only as a skill-building exercise, but also as our commitment to who we are and the practice and what our resources can bring to bear to change the outcomes in those cases.

Philippe Selendy: It's something we all agree with here. It's one of the responsibilities of success. We are responsible to practice in a way that reflects our character and our commitments. That includes not just pro bono, but also public impact litigation or public-private work that can make effective use of our talents. We're absolutely looking for that as a compliment to the core commercial litigation that we've always done.

Faith Gay: That is very much following what is happening with government and corporations in modern life in the 21st century. Government of all sizes—state, federal, municipalities—are offloading all sort of functions. They are making public-private partnerships with all sorts of players—individuals, NGOs, etc. Corporations are also offloading a lot traditional functions. Litigation and concerns that grow out of litigation will follow that to some extent as well. We're trying to study and respond to that trend.

***What is your approach to fee structuring? Will being at a smaller firm lower your overhead and impact your hourly rates?***

Philippe Selendy: With respect to your point about overhead, we have modeled our operations and we have adopted some structural improvements, including having our entire non-legal function managed by a COO whom we recruited out of the hedge fund world.

We suspect that we can operate much more productively and efficiently and that will allow us both to support our immediate investment in state of the art technology, our longer term investments in our associate development and in other matters such as contingency cases, and fundamentally allow us some flexibility in how we work with clients.

Faith Gay: I would certainly say for myself, I love flat fees and success fees because it gives us more flexibility in figuring out staffing that makes real sense. I believe it gives our younger lawyers opportunities do things earlier, and it also makes for a much less fraught relationship with clients over time.

We're deeply experienced in alternative fee structures and think we can take it even further by all being in one place and having the flexibility of lower costs and better technology.

Philippe Selendy: We have conviction that if we focus on the excellence of our practice, the character of our firm and the value to clients that issues such as profits per partner will take care of themselves.

***What specific areas of litigation do you see as the firm's greatest strengths?***

Faith Gay: I'd start by saying that certainly we are generalist trial and appellate lawyers, and have all kinds of experience with every kind of investigation.

We are handling a number of investigations, whether it's antitrust, data breach investigations, consumer fraud—all on the defense side, that have components that reach very aggressively across government structures, and sometime the governments aren't working together ... plus to add a kicker, an international component.

It's no longer appropriate or sophisticated to silo oneself in one subject matter area and say 'Oh, I'm a white-collar lawyer or a products lawyer.' You've got to be able to do it smoothly across the board. We think that we have deep experience in that.

Philippe Selendy: We have general complex commercial litigation and appellate practice with a whole series of areas where by virtue of our prior experience and history we have specializations, including antitrust, financial litigation, securities, insurance, products and so on.

One of the things we thought about a fair amount in forming the firm was to try to ensure we had complimentary practice areas so we can handle the wide array of issues our clients may face.

Faith Gay: It's a complete delight to be able to choose our clients, figure out which areas we want to emphasize, and to tightly control conflicts—and that includes positional conflicts as well. It's another advantage of all being together in one office.

***Long term, do you see remaining a one-office firm? Is there an important value in all being in the same place?***

Faith Gay: There's a huge value in it. I don't think it keeps us from being international in scope. We are in a world of global knowledge workers, where everyone is moving around constantly. But I think having us together in a central office is a huge ideal and important leg of the table for us.

We have a very big investigations practice which will naturally make us consider whether we need a presence at some point in D.C. That would be the natural place for us to consider going but at the moment, those plans are inchoate.

Philippe Selendy: Part of our focus on culture is this commitment to being essentially a single office where we expect everyone to be present and to contribute critically to the development of the practice. We thought about the different ways in which to really benefit from all of our shared expertise and ideas, and that fact of physical presence, as well as the way in which we're structuring our compensation and the like makes this single office very valuable for us.

Faith Gay: Our sense for our more junior lawyers in the last four, five, six years is that technology has made people a little bit lonely. ... We find people want this community, not only because it helps them innovate and come up with interesting ideas and serve the clients

better and faster—a lot of time is sometimes wasted on ping-ponging on emails—but it also makes for a happier set of employees if there's actual face-to-face time. Particularly for the younger generation, who spend so much alone time on devices, it's been not only lonely but detrimental to their development as litigators and people who can resolve conflicts.

Philippe Selendy: Faith raises an excellent point. Litigation is all about this type of critical inquiry and collaboration. You do need to have a community. It does help to be together, so internally you can attack and develop and modify and refine each other's ideas in a way that is collegial and creates the strongest possible position, no matter whether you're on the plaintiff or defense side.

Faith Gay: Let me temper that by saying it has been revolutionary for the law and for women in the law that people haven't been tied to their desks. They can get home for dinner, they can do things that technology lets them do. We're certainly investing heavily in technology that lets people be mobile. But we are emphasizing having substantive, material time together every week. It's not a sense of checking into the office and never leaving your desk. It's a sense of having communication that is direct. Off the email, off the device.

***Hearing you talk about the value of one office, it reminds me of conversations that I've had with lawyers at Williams & Connolly. Are there firms like W&C that you see as role models in how to shape your firm?***

Philippe Selendy: I think your example of Williams & Connolly is a good one. Wachtell is another. Maybe the difference is that these firms to my knowledge are essentially structured around the old-scale model of how law firms operate. We do intend to have our associates carrying much more responsibility, including in the strategic development of our practice.

Faith Gay: One thing that's a point of real pride for Philippe and myself is that we began this partnership not only with five men and five women, but also owned 50 percent to the nickel by women and men. We think it is noteworthy in the world of Big Law.

Philippe Selendy: It happened very naturally. Between us, we thought about who were the best people to bring together, and perhaps it was no surprise that when it's completely meritocratic, it turns out to be 50/50.

***It's a bold move to leave the security of a well-known firm. Especially for the Selendy family, since Jennifer Selendy is the firm's managing partner. You've got all your eggs in one basket, so to speak. What makes it worth the risk?***

Philippe Selendy: This group of 10 partners is at the top of its game. This was an opportunity that was very unusual for us to build and create something new and we think better.

For my part, I've always wanted to create my own firm. I think Faith feels the same way. We both were instrumental in building up the platform at [Quinn Emanuel] in New York and to some extent in D.C. In some ways, this takes everything to another level, where we have extraordinary freedom to take the lessons learned from not just other law firms but other industries.

***John Quinn seems really mad at you for leaving. What's your reaction to his email?***

Faith Gay: First of all, this is QE's first experience with a spin-off. I think naturally it would cause some anxiety. It is extremely clear to me that many folks at QE completely understand what we're doing. They're entrepreneurial. We're entrepreneurial. We are working day to day with them on many, many matters, and we intend to continue that and look for opportunities to use them in the future.

In terms of John's email to us, that is in the past. Our strong feeling is that we did exactly what was required under the Quinn Emanuel partnership agreement, that we were extraordinarily faithful to our former partners and to our clients. We would have had it no other way, because we helped build that practice and we want it to succeed now and in the future.

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