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Boston Tech, Life Sciences Scene Spurs BigLaw Expansion

By **Justin Wise**

Law360 (July 22, 2021, 10:21 AM EDT) -- An influx of BigLaw firms entering the Boston legal market has continued in 2021, as Husch Blackwell LLP, Barnes & Thornburg LLP and Withers LLP join the many that in recent years have stretched their footprint to the New England hub for tech, life sciences and venture capital.

Firms that already had a presence in the region are growing as well. Morrison & Foerster LLP, which set up shop in Boston in 2019, on Monday hired away Anthony Fiotto from Goodwin Procter LLP to get the office's litigation department off the ground. Silicon Valley-based Cooley LLP in May also hired a team of Boston-area life sciences patent attorneys to deepen its East Coast bench.

The developments fit a yearslong trend. More than 20 firms, including Kirkland & Ellis LLP, Hogan Lovells and Orrick Herrington & Sutcliffe LLP, have established a foothold in the region since 2017, according to Boston-based Major Lindsey & Africa recruiter Kimberly Donlon. Husch Blackwell **became the newest arrival** Tuesday, through a merger with 11-attorney Summit Health Law Partners.

A driving force is the city's vibrant life sciences and tech scene. The biotech sector, which includes major firms Moderna and Biogen, may emerge from the pandemic as the region's most dominant and visible industry, according to a June report in The Boston Globe. And the companies in those industries are creating plenty of work for lawyers in transactions and intellectual property practices.

"Law firms tend to go where the money is flowing and the deals are happening," said Kent Zimmermann, a law firm consultant at The Zeughauser Group. "And Boston is one of those places, especially in hot sectors like tech and life sciences, where a large percentage of [mergers and acquisitions activity] happens today."

It's not just the deals activity — firms are also seeing considerable IP patent and licensing work. David Ephraim, Boston managing partner for Morrison & Foerster, said IP is now its second biggest practice in the city.

Firms with deep IP and corporate practices are looking to take advantage. In April, U.K. firm Withers **expanded its tech practice** with the hiring of three Boston-area attorneys and a patent specialist focused on life sciences, IP and venture capital. The move was followed in June by Indiana-based Barnes & Thornburg **launching a Boston office** with a team of intellectual property specialists experienced in patent disputes related to medical devices and pharmaceuticals.

Local players are also scaling up. Boston-based Nutter McClennen & Fish LLP in June acquired corporate boutique BRL Law Group LLC, bringing over four attorneys in the area to its transactions practice.

Husch Blackwell, meanwhile, identified the region's "huge health care marketplace" and medical research community, on top of its life sciences landscape, as a draw.

"In addition to health care, it's got a lot of academic medicine, which is a strong area for us," said Curt Chase, the leader of Husch Blackwell's health care industry group. "We have a strong higher ed practice and do a lot of academic medicine work, so that is a huge opportunity for us to really grow."

For those who have practiced in Boston, the factors behind firms' rush to establish a presence in the market are clear.

"Boston is the life sciences hub," said Ephraim, who joined Morrison & Foerster in 2019 with a group of attorneys from boutique finance firm Riemer & Braunstein. "There are patents being created here every day, companies being created every day, and mergers within the life sciences industry are happening constantly within this area."

Ephraim said those industries were core reasons behind the Bay Area-founded firm's move. He noted that much of the Boston office's work revolves around tech and life sciences, but that it's not restricted to a few transactional practices.

"They bleed through many other practice areas," he added, pointing to finance and intellectual property.

Morrison & Foerster began its foray into Boston exclusively focused on transactions work, but the hiring of Fiotto is the first step in its hopes to build a complex litigation and disputes group, Ephraim said. Fiotto, who spent 30 years at Goodwin, focuses on commercial and securities litigation, as well as partnership, shareholder and M&A disputes, and has represented venture and private equity firms.

With his hire, the office now has about 40 attorneys, marking a roughly 30% increase since it opened. It is aiming to be at around 50 lawyers by later this year.

"Our transactions practice is extremely busy and our clients' needs are that we have a skilled litigation group," Ephraim said.

Firms' efforts to continue growing in Boston show that national players are no longer just dipping their toes in the market, said Mary Rosenfeld D'Eramo, vice president of operations at attorney placement firm Mestel & Co.

"Where we really saw significant commitment from the national market was in 2017," she said. "And from that point, we saw the tides change with firms coming into Boston and truly committing to it."

Like other markets, the demand for associates this year in Boston is unprecedented, recruiters said. Lateral partner activity in the city also shows firms have been particularly active in their search for corporate and IP attorneys. From 2018 to 2020, lateral partner movement in Boston in those practices outpaced national trends, according to MLA data.

Donlon noted that there can be "considerable overlap" between firms' corporate and IP practices.

More firms based outside the region are likely to continue to move in, Rosenfeld D'Eramo said, as they see the market as a place to further build out core national practices in tech and private equity.

Some are also paying attention to the financial success that Boston-based firms are experiencing, Zimmermann noted. And as they look to scale, he said, they're identifying it also as a place where they can maintain their billing rights.

"Most firms want to continue to grow their scale, and as they grow they want to get more profitable," Zimmermann said. "Boston for many firms is on a shortlist where they can grow and [maintain] their rates."

--Additional reporting by Chris Villani, Emily Lever and Brian Dowling. Editing by Marygrace Murphy and Alyssa Miller.

Corrections: This story originally misstated the date of Husch Blackwell's expansion to Boston and misstated how Morrison & Foerster Boston managing partner David Ephraim joined the firm. The errors have been corrected.