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▼ EXECUTIVE PROFILE

KENNETH A. SWEDER

Business practice

Sweder tackles city's high-profile cases

BY E. DOUGLAS BANKS
JOURNAL STAFF

Many of Boston's law firms are clearly attempting to follow the corporate footsteps of the Big Five accounting firms—think locally, grow globally.

But not all partners among Boston's law firms are thinking this way. Clearly, several small firms have concentrated on the middle market and found lucrative business there. Others become so-called "boutiques," focusing on specific areas, like intellectual property and litigation. Rather than attempt to be all things to everyone, these firms handle just one slice of the corporate pie.

Boston lawyer Kenneth A. Sweder's core business has come from litigating high-profile cases, most recently those disputes arising from mergers, acquisitions and partnerships—which, coincidentally, occur most often during times of consolidation like the last couple of years.

Earlier this summer, Sweder, who has represented the rock group Boston and NBA center and Cambridge native Patrick Ewing, left the Boston office of

FROM THE FILE

Position: Founding partner

Firm: Sweder & Ross LLP

Age: 55

Education: juris doctorate, New York University, 1968; bachelor's degree in history and political science, Muhlenberg College, Allentown, Pa.

Quote: "If you have a client-referral base, you don't need a large law firm supplying the work. You can have a satisfying experience practicing law."

the renowned Wall Street giant Stroock & Stroock & Lavan LLP—which itself had merged with Boston law firm Kaye, Fialkow, Richmond & Rothstein LLP—to open a firm of his own.

Litigation boutique Sweder & Ross LLP opened on Custom House Street in mid-July with Sweder's partner Mitchel R. Ross and an associate-level

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REBECCA DAWSON / BUSINESS JOURNAL

Kenneth A. Sweder sits in his firm's new digs on Boston's Custom House Street. He and his partner formed Sweder & Ross LLP after leaving Stroock & Stroock & Lavan LLP in July.

Sweder: Business-savvy litigator

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lawyer, Luis Cruz. Ross and Cruz specialize in real estate and corporate transactions and litigation.

"Smart clients don't hire law firms, they hire lawyers," said Ross.

In the case of Sweder & Ross, they'll be hiring someone who's made a name for himself in several high-profile cases in the Bay State—from a school-prayer case in 1980 to the Legal Sea Foods Inc. family feud.

"You hope never to need a litigator, but he's No. 1 on my list," said Roger Berkowitz, president and chief executive officer of Legal Sea Foods, speaking of Sweder recently.

Sweder represented Berkowitz and his family in the highly publicized court battle against Marc Berkowitz, Roger's younger brother. The two sides settled the case after a two-and-a-half year dispute in the headlines of Boston's newspapers.

Roger Berkowitz said Sweder's ability to understand corporate enterprise served him well.

"You want someone like Ken who understands business and the intricacies of business," Berkowitz said.

For outspoken Harvard law professor Alan Dershowitz, a colleague and pal of Sweder's, seeing the litigator in action was enough to convince him.

Back in 1980, Dershowitz was waiting to try a case before the Massachusetts Supreme Judicial Court and Sweder was arguing against a proposed state law introducing prayer into schools, according to Dershowitz.

"I said, 'Who the hell is this guy?' (He was) a commercial litigator arguing a constitutional case so passionately," Dershowitz said.

Dershowitz had his own opinion of the Legal Sea Foods case as well.

"The way he resolved the Berkowitz matter could not have been done by many others. He understands when to use the carrot and when to use the stick, when to use the smile and when to use the frown," said Dershowitz, who worked with Sweder this summer to settle a defamation claim against radio talk show host Don Imus on behalf of Katherine Carr, wife of Boston Herald columnist and WRKO talk-show host Howie Carr.

And while his discursive skills will come in handy in a courtroom while representing various businesses, Sweder

now must focus on running a business of his own. He said the key to his \$350-an-hour entrepreneurial effort will be client referrals.

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Alan Dershowitz

Professor,
Harvard Law School

"If you have a client-referral base, you don't need a large law firm supplying the work," Sweder said. "You can have a satisfying experience practicing law. You also need to have an independent reputation and a niche, which will provide an ongoing flow of business."

What also is expected to help is Sweder & Ross' strategic alliance with the 10-

lawyer firm McDermott, Quilty & Miller, which shares the same office floor as well as resources when they're needed, Sweder said.

Being able to use lawyers from McDermott Quilty has already helped. It enabled Sweder to file a major lawsuit within weeks after he left Stroock & Stroock against PricewaterhouseCoopers LLP. He filed on behalf of a group of Framingham shareholders who charged the consulting firm with fraud and negligence in connection with the acquisition of their cellular telephone and calling card companies by an Ohio company, which has since filed for bankruptcy.

Because Stroock & Stroock's California office represents PricewaterhouseCoopers in a number of other matters, it could have been a conflict to take the case had Sweder still been with the Wall Street firm, he said.

"We are able to have the flexibility to take on matters we would be more restricted from taking otherwise," Sweder said of the alliance.

And Sweder's partner Ross said, "It's somewhat ironic that it's an advantage, but we don't have the burden of a large infrastructure. While every firm is proud of its history, we're proud of our lack of history because it doesn't come with the burdens of history."