

Former Supreme Court Clerks Find Their Groove at New York Boutique Firm

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Two former U.S. Supreme Court law clerks who went to big law firms have jumped ship and landed where few have gone before—a New York litigation boutique.

The law firm Holwell Shuster & Goldberg launched in 2012 by former U.S. District Court judge Richard Holwell and two fellow alums from White & Case, Michael Shuster and Daniel Goldberg.

“If you were to do a tally there’s probably not that many former Supreme Court law clerks who are at three-year-old litigation boutiques in New York,” said Daniel Sullivan, 33, who clerked for Justice Antonin Scalia in 2009 and 2010 and then went to Gibson, Dunn & Crutcher before joining Holwell Shuster as an associate last year.

“There aren’t that many who go to New York at all,” said Vincent Levy, 37, who clerked for Justice Ruth Bader Ginsburg the same term as Sullivan. Levy, an associate, worked at Wachtell, Lipton, Rosen & Katz until recently.

New York firms only recently have taken interest in former Supreme Court clerks, in part because high court litigation is usually not a major revenue producer. Even though the level of interest has changed, smaller New York firms are not where the clerks have tended to go, especially after being at a big firm. And many former clerks remain in Washington to work for firms or government agencies, or they fan out to universities and firms closer to their hometowns.

“The opportunity to get Supreme Court clerks to come to New York is not that open,” said Holwell, who served for nine years as a judge in the Southern District of New York. “We jumped on Dan and Vince. We hope to build a pipeline.”

Co-founder Shuster said hiring two former Supreme Court clerks meant adding “extremely well-trained lawyers” to the founding generation of the firm. “We are building the firm together, and associates are involved in business development. At pitch meetings, they are present.” Among partners, associates, of counsel and staff attorneys, the firm has grown to include 39 lawyers.

The prospect of working for a new enterprise with an entrepreneurial spirit was a big draw, Sullivan and Levy said.



Daniel Sullivan, left, and Vincent Levy, right, associates at Holwell Shuster & Goldberg in NYC.

Diego M. Radzinski

“It is exciting to be in a place where it wasn’t here three years ago. I don’t know where it’s going to be three years from now and that’s exciting,” Sullivan said.

Levy said the firm’s partners “made a concerted effort to build a place that’s highly collegial, that’s flat, that’s not hierarchical, and that is something that comes through in the firm culture.”

Both have worked on a range of commercial cases, for plaintiffs as well as defendants. “One of the advantages of a small litigation boutique like ours is that you don’t have some of the conflicts issues that can arise,” Sullivan said.

Having a former federal judge at the helm of Holwell Shuster was also a factor for Sullivan and Levy—and the 18 other lawyers at the firm who have clerked at other courts, including the supreme courts of Canada and Israel.

“Judge Holwell has a judicial temperament, and it influences the place,” Sullivan said.

Unlike some New York firms, Levy and Sullivan said there is no “eat what you kill” culture at Holwell Shuster. In part, that term is shorthand for a compensation system that encourages lawyers to keep and build their own cases so their billing credits pile up—rather than sharing the work and burnishing the firm.

“It is very hard to build a collegial environment in a startup and to involve other people if you have an eat-what-you-kill mentality,” Levy said. “If a partner brings in work he is going to have every incentive to share that work with everybody else. If an associate brings in work, the same thing, as opposed to trying to hoard the work.”

Five years after their clerkships, Sullivan and Levy still stay in touch with their justices, and they have watched the improbable Scalia-Ginsburg friendship become legendary—and the subject of an opera that debuted July 11.

“At the time and now, to me it’s just a reflection of the fact that it doesn’t have to be personal,” Sullivan said. “They are friends, they have similar interests.”

Levy said of Ginsburg, “Since my clerkship the RBG bobblehead came out and now all this.” Asked if either justice is likely to retire soon, neither would make predictions. But, Levy said, “I think they both love their jobs.”

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