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—LAW FIRM BUSINESS—

Work and Friendship

Camaraderie and winning go with the territory at Roxborough, Pomerance, Nye & Adreani.

By Melanie Brisbon
Daily Journal Staff Writer

Nicholas P. Roxborough and Drew E. Pomerance became friends during their freshman year at UC Berkeley.

Both became lawyers, though they had no plans to practice law together until Roxborough asked his friend to help him try cases.

“We worked together and tried cases together and not only did we win, but we actually laughed and had fun,” Roxborough said. “The big issue for us joining as a firm over 20 years ago was how is it going to affect our friendship, because we valued our friendship and our kids were really close friends.”

The pair put their reservations aside and started the firm now known as Roxborough, Pomerance, Nye & Adreani LLP in 1996. The firm handles complex insurance, business litigation and transactions along with labor and employment matters. Name partner Gary A. Nye joined in 1999, while Michael B. Adreani was elevated to partnership in 2004 and became a name partner five years later.

“As the years went on, I now feel that we can weather whatever issues that occur and not lose the friendship,” Pomerance said. “And we’re doing some pretty good work.”

Roxborough, Pomerance, Nye & Adreani mostly represents employers. One of the firm’s specialties is handling complex issues employers face with their insurance providers. Attorneys at the firm made new case law with respect to how insurers handle workers’ compensation claims.

In *Schaefer Ambulance v. State Fund*, the firm represented a class of employers who alleged the California State Compensation



Alex Drecun / Special to the Daily Journal

From left, Michael Adreani, Gary Nye, Nicholas Roxborough, Drew Pomerance of Roxborough, Pomerance, Nye & Adreani LLP.

Insurance Fund misallocated medical legal costs, which increased employer losses and resulted in higher premiums.

State Fund argued that it was immune from suit and that only the Department of Insurance could regulate insurance rates.

The state Supreme Court disagreed, finding that the case pertained to the State Fund’s conduct and how it allocated expenses. *State Compensation Insurance Fund v. Superior Court* (Schaefer Ambulance), 24 Cal.4th 930 (Feb. 1, 2001).

“Before we got involved, insurance companies felt they had discretion to handle California employers’ workers’ compensation claims any way they wanted to,” Roxborough said. “We see our job as holding insurance companies accountable to employers throughout the country.”

The firm was counsel to Children’s Hospital of Los Angeles in a three-judge arbitration against its liability insurance carrier for breach of contract.

The hospital alleged the insurer canceled the policy in contravention of the contract.

The arbitrators awarded Children’s Hospital more than \$3 million in damages, plus attorney fees.

Roxborough, Pomerance, Nye & Adreani also represents employees in class actions.

“Because we represent a lot of companies, we have to be careful about conflicts,” Adreani said. “Because we are not simply a plaintiff’s firm, we don’t need to take every case that comes in, so in some sense it’s a luxury to be able to only take cases that we think are very good and worthwhile, not just financially for us but for the class.

“We’re also very picky in terms of what the issues are,” he added.

One of the biggest wins in the firm’s history came when it secured for a class of security guards a \$110 million settlement that stemmed from a precedent-setting state Supreme Court decision.

The firm represented nearly 14,700 current and former guards against employer ABM Security Services in litigation that lasted a dozen years.

The firm handled the case from its start at the trial court until it ended with a 5-2 state Supreme Court opinion in December that reversed a 2nd District Court of Appeal decision and held that employers cannot interrupt workers’ rest breaks. *Augustus v. ABM Security Services* (2016) 2 Cal.5th 257.

Along with its achievements, the firm has also faced challenges.

“Some of the challenges were just seeing how we each work together, settling into our various roles here, because we feel it is ultimately more productive and more efficient to not have two people doing the exact same thing,” Pomerance said.

Another challenge for the firm is succession planning, though attorneys won’t be retiring anytime soon.

“The challenges that I think the firm faces is succession as we grow older, how to bring first-rate associates to the next level so that they can gradually take over the practice over time,” Nye said. “We are working on having the right mix of talent in our office, that they’re able to handle all aspects of our business.”

The firm promoted Marina N. Vitek and Joseph C. Gjonola to the partnership this summer.

“One of the things that we never wanted to do is add lawyers and then have to fire lawyers when the work slows down, so we’re very conservative when it comes to adding lawyers,” Pomerance said. “For instance, when the recession hit in 2008, we didn’t fire anybody and we also didn’t cut anybody’s salary.

“We weathered it and we came out really strong and we felt really good about it because lots of other law firms closed their doors during the recession and they let people go,” he added.

The firm’s attorneys say they have worked hard to build the reputation of Roxborough, Pomerance, Nye & Adreani and they are seeking other lawyers who are willing to do the same.

“Sometimes people don’t share that importance of what it means when they walk out that door into the community,” Roxborough

said. “So we talk to people about that and I try to talk to them about it in the interview process, to say the hardest thing in the world to do is get clients.

“The easiest thing in the world to do is keep them because all you have to do is work hard and do a good job and if they know you did a good job, they’re going to stay with you,” he said.

R. Timothy O’Connor, staff counsel at State Compensation Insurance Fund, first met firm attorneys over a year ago when he opposed them in a case.

“You definitely have to bring on your A game because they’re a formidable opponent,” O’Connor said. “They’re not blind to the realities of the considerations that come up in litigation.

“We were both able to accomplish the goals of our clients in a way that you sometimes can’t with less sophisticated law firms,” O’Connor added.

Attorneys at the firm say they are still close friends despite having a robust legal practice.

“The practice of law is stressful and difficult so it ought to be done with people that you care for, love, respect and trust,” Pomerance said. “Luckily we’ve been able to do that and I think that goes a long way to our success.”