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After 25 Years, Houston Trial Boutique Hicks Thomas Preps for Another 25

Trial boutique Hicks Thomas, founded in 1997 by 10 litigators who left Andrews & Kurth is giving younger partners more responsibility to ensure the firm has staying power.

BY BRENDA SAPINO JEFFREYS

What You Need to Know

- Houston trial boutique Hicks Thomas is marking 25 years in 2022.
- The firm, founded by litigators who left Big Law in Houston, is planning for the future by giving younger lawyers more responsibility.
- The firm has grown to 30 lawyers in five offices, with the longstanding goal of having enough lawyers to handle any size of lawsuit.

The trial lawyers who left a big Texas firm in 1997 to form Houston trial boutique Hicks Thomas sought more flexibility in fees, lower overhead, avoidance of client conflicts and greater use of technology. The firm has achieved those goals in spades, partner John Thomas said, and 25 years later, the partners are now focused on the future.

“We are grooming our younger generation to step into the roles of guiding the firm,” he said.

The founding group’s departure in 1997 from Andrews & Kurth (now Hunton Andrews Kurth) was a “leap of faith,” according to Thomas, but he said the firm has lasted due to loyal clients, expansion into new markets, and courtroom successes, despite some significant challenges, such as the recession and the COVID-19 pandemic.

While the pandemic created uncertainty, Thomas said, the trial firm ended up “terribly busy” during that period, because among several matters, the firm represented Mattress Firm, the largest bedding retailer in the country, in disputes with landlords around the country.

The litigation for the longtime client involved hundreds of retail lease disputes in 36 states.

The trial boutique, in fact, wasn’t slowed by the pandemic and moved into a new space in Houston in May 2021, partner Stephen Loftin said.



Courtesy photo

Hicks Thomas offices.

“We didn’t let anybody go. We didn’t reduce staff,” he said.

After the firm launched as Hicks Thomas & Lilienstern in 1997 with a group of 10 litigators from Andrews & Kurth, the firm grew to 30 lawyers over 25 years and over the years added offices in Austin, Beaumont and Amarillo, Texas, and Sacramento, California.

Instead of targeting any size or network of offices, the firm “just evolved” over time, Thomas said. The goal, he said, was “a number of lawyers that could handle a big case for a client, so we wouldn’t get frozen out.”

The firm, Loftin said, has survived some ups and downs by “doubling down and hustling and finding more clients.”

And now, Loftin said, the focus is to keep the firm going even as the “old group” of partners, including Thomas, Loftin and Gregg Laswell, eventually retire. To do that, the firm is attracting and retaining younger talent, Loftin said.

“We want this firm to continue long after this,” he said.

A prime example of the firm’s recruiting success, Thomas said, is partner Courtney Ervin, who was a partner at Andrews Kurth Kenyon in February 2018 when she moved to Hicks Thomas.

“She’s really grown in her practice, a real leader in the law firm,” Thomas said. “You’ve got to remember we don’t have a lot of formality in terms of management structure, so within the firm and within that consensus, Courtney is taking on a great leadership role and so we are encouraging and fostering that.”

Thomas said the firm puts the younger lawyers in important roles so they can learn the business of law, in areas such as what kind of work the firm should do, what kind of clients the lawyers should represent, and how the firm will transition clients from the more senior partners to younger partners.

“We like to joke that if somebody comes in and says, ‘Hey. Why don’t we do this or do that, they rapidly become appointed chairman of that committee,’” he said.

The firm is looking to hire, but seeks young lawyers interested in being trained and mentored by senior trial lawyers, and are expected to take the lead on cases in the courtroom, Thomas said.

“If somebody wants to come here and get out front, we bring them in and [they] sink or swim,” he said.

Unlike formalized management structures at larger firms, Thomas said the firm is largely managed by IT and accounting administrators who have been at the firm for more than 20 years who “take a lot of pressure off the lawyers to do the day-to-day management of the firm.” While Thomas said he is nominally the managing partner—without the title—issues are decided by consensus among the firm’s 11 partners.

“We’ve never voted on anything in my 25 years. We just talk it through,” he said.

Things the partners talk about include hiring and promotion decisions, and business decisions such as whether to take on a client matter, Thomas said.

Even the firm’s expansion with new offices wasn’t the result of a strategic plan to move into targeted markets. For example, Thomas said, the firm opened its Sacramento office 17 years ago, because the firm had environmental litigation in California and needed local counsel, and Eric Grant joined the firm as a partner. And five years ago, Thomas said, the firm added Austin and Beaumont offices when Jay Old and five others from Jay Old & Associates joined the firm.

The trial firm does some contingency fee work, but also many other variations of alternative arrangements, he said, as part of the entrepreneurial culture the lawyers sought when forming the firm.

The firm’s client roster includes Enterprise Products Partners, Apache Corp., Noble Corp., and Marathon Petroleum Corp. Among others, Thomas said the firm continues to represent Mattress Firm. Another longtime client, dry cleaning equipment manufacturer R.R. Street, walked through the firm’s door in February 1998, he said, and has been a client ever since, including in a long-running lawsuit with dry cleaning company Pilgrim that ended with a unanimous Texas Supreme Court decision in 2005 in R. R. Street’s favor.

Loftin said the firm is built to survive, and points to the fact that several lawyers and staff departed over the years for new challenges and have returned, including senior counsel Kasi Chadwick, who came back in August after several months as a litigator at Landry’s in Houston; Grant, who returned in 2021 after nearly four years as a deputy assistant attorney general and the Department of Justice in the environment and natural resources division; and Houston partner Stewart Hoffer, a onetime associate at the firm who returned in 2011 after more than a decade at other firms.

The firm values the returning lawyers so much, Loftin said, that a “boomerang award” is being designed for the 10 lawyers or staff who qualify.