

SPOTSWOOD LLC

## Spotswood LLC

### Main office:

940 Concord Center  
2100 Third Avenue North  
Birmingham, Alabama 35203  
**Tel:** 205/986-3620  
**Fax:** 205/986-3639

**Web:** www.spotswoodllc.com

**Managing Partner:** Robert K. Spotswood

**Number of partners:** 1

**Number of associates:** 3

**Total number of attorneys:** 4

**Total number of support staff:** 1

### Areas of Practice/Names of Practice Area Heads:

Litigation/Robert K. Spotswood

### Firm Overview:

Spotswood LLC is a litigation boutique that focuses on complex commercial matters involving established corporate clients. Though based in Birmingham, Alabama, Spotswood LLC has the technological capability to assist in litigation in venues throughout the United States. Spotswood LLC provides a unique combination of top-notch legal talent, wide-ranging experience, and regional rates, allowing it to staff matters leanly and with attention to its clients' budgetary needs. Because of these structural elements, Spotswood LLC stands at the nexus of a coming wave of change in the provision of legal services.

This change, like most changes in corporate America, is driven by the bottom line. Because of the recent economic downturn, more and more corporations in America have been faced with budgetary strains. Paradoxically, corporations are spending increasing amounts on outside counsel to address equally pressing litigation needs.

But, while the costs of litigation have been mounting in the face of rising budgetary pressures, a model for reducing these costs has slowly been developing. This cost-reducing model—the use of smaller law firms, in non-traditional locations, to handle complex litigation matters—was described in “Changeable Partners,” an article published in the December 2002 edition of *Corporate Counsel*.

Corporations have typically avoided the use of smaller law firms for three basic reasons—information costs, location and lack of talent:

**Information Costs.** Because of their size, smaller law firms rarely have the extensive name recognition that some larger firms have. Therefore, in-house counsel may have difficulty identifying small firms

that deliver high-quality services and results. In many cases, though, corporations pay a significant premium for the “brand” in “brand-name” services.

**Location.** Many smaller firms are located in non-traditional legal markets. For this reason, those firms are often ignored in favor of larger law firms in traditional legal markets. However, with offices in major metropolitan areas, many firms in traditional legal markets face increased costs of living and of overhead, which are passed on to the client in the form of higher rates.

**Lack of Talent.** Smaller firms in non-traditional legal markets tend to pay lower salaries than larger firms in major metropolitan areas. For this reason, many smaller firms have been unable to attract the most talented lawyers. Nevertheless, life in many larger firms is becoming less hospitable and information about alternative choices is becoming more available to dissatisfied lawyers.

While information costs, location, and lack of talent have led corporations to avoid smaller firms, the tide is beginning to turn. Technology is changing the practice of law in ways that will allow corporations to reduce litigation costs by relying on smaller firms. Name recognition is slowly losing importance in the face of increasingly available information about law firms, including smaller law firms that have the expertise necessary to serve corporate clients. Location is becoming less important as electronic communications allow lawyers and clients to communicate, and participate in litigation, anywhere. And, finally, talented lawyers who are dissatisfied with traditional legal paths are seeking out new places to practice law. Many of them are turning to smaller firms in less traditional markets.

Because the vast changes in technology driving these trends are relatively recent, the use of smaller firms continues to be the exception rather than the rule. But Spotswood LLC is one such exception, and it has been privileged to represent Federal Express Corporation, and other major corporations, in litigation matters nationwide. Some of the recent matters in which Spotswood LLC has participated include:

- *On the House Syndication, Inc. v. Federal Express Corp.*, 2003 WL 22071278 (9th Cir. 2003): Spotswood LLC was part of a team that successfully defended a class action against a carrier of expedited cargo. This action arose out of delayed deliveries resulting from a 1997 strike by one of the carrier's competitors. The appeal reversed a judgment by the district court in excess of \$70 million.
- *Good v. Broybill Furniture, Inc.*, 2003 WL 21760027 (Cal. Ct. App. 2003): Spotswood LLC was part of a team that successfully defended unfair competition and false advertising claims against a major furniture manufacturer. The plaintiff brought its claims in a representative action under California's unfair competition law (commonly known as the “UCL”), and this case is one of the only UCL cases dealing with internet advertising.
- *Dugan v. FedEx Corp.*, 2002 WL 31305208 (C.D. Cal. 2002): Spotswood LLC was part of a team that successfully disposed of a putative class action on the pleadings using federal preemption defenses. The plaintiffs filed an action under California's UCL alleging that a carrier's declared-value practice constituted the unlawful sale of insurance. The court held that all of the plaintiffs' claims were preempted by the Airline Deregulation Act of 1978.

Spotswood LLC believes that corporations will increasingly use smaller firms to serve their litigation needs. Smaller firms, like Spotswood LLC, can team with their clients to litigate important matters

more efficiently and economically than larger firms—and with equal or greater success. Maximum efficiency can often be achieved when routine tasks—such as document review and production—are outsourced or otherwise staffed at reduced rates, and outside counsel is paid primarily to craft litigation strategy with in-house counsel, draft important documents, write briefs, argue before courts and try cases. Smaller firms have the flexibility to entertain such innovative arrangements and make them succeed. This flexibility extends to fee structures, as smaller firms are often willing to provide alternative billing arrangements when such arrangements fit their clients' needs.

To effectively serve its corporate clients, Spotswood LLC has assembled a talented group of lawyers who combine intellectual capability with practical knowledge. Robert K. Spotswood founded Spotswood LLC in 2001 after over twenty years of experience at one of Birmingham's largest law firms. Since then, Spotswood LLC has been consistently listed as one of corporate America's go-to law firms. Mr. Spotswood received both his B.S. and his J.D. from the University of Virginia, and he has appeared in numerous judicial forums, from trial courts in rural Alabama to the United States Supreme Court.

Spotswood LLC invites the assistance of in-house counsel in forging a better way to litigate commercial matters.

**Industries Represented:** Airline, Furniture, Insurance, Oil & Gas

**Diversity Efforts:** Spotswood LLC actively recruits talented lawyers to provide unique perspectives on complex legal problems. To support this effort, Spotswood LLC seeks lawyers from a variety of backgrounds, including those that have been historically underrepresented in the legal profession.

**Languages:** German

**Technical Capabilities:** Fully-Integrated Electronic Communications, Document Imaging

**Selected Practice Groups:**  
**Litigation**

Spotswood LLC specializes in the litigation of complicated and high-stakes legal matters. Based in Alabama, which was once among the nation's most plaintiff-friendly jurisdictions, the lawyers of Spotswood LLC have fought and won difficult cases in some of the nation's toughest venues.

Spotswood LLC has extensive experience in state and federal courts in a variety of jurisdictions, from California to Massachusetts and numerous points in between. Its lawyers have successfully defended clients in a full-range of complex commercial disputes, including nationwide class actions, contract suits, and major employment matters.

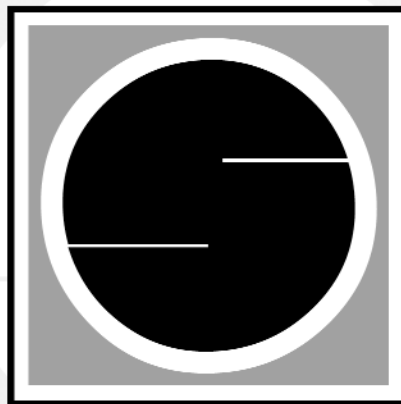
Spotswood LLC has also served as counsel in matters involving securities law, insurance rescission, and environmental regulations.

Spotswood LLC appreciates that the in-house counsel with whom it works can often provide experience and expertise in the litigation of commercial matters. Spotswood LLC seeks to optimize both its own resources and the resources of its clients in bringing about the best result possible in the most efficient manner possible.

As an integral part of its approach to litigation, Spotswood LLC also counsels its clients on avoiding litigation, advising them both on methods to ensure the early disposal of litigation and to prevent litigation in the first instance.

# SPOTSWOOD LLC

## Complex Litigation for Business



940 Concord Center, 2100 Third Avenue North, Birmingham, Alabama 35203

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