

From Prosecutor To Firm Owner, Attys Start From Scratch

By **Rachel Rippetoe**

Law360 (March 14, 2024, 2:41 PM EDT) -- Starting your own firm is a gamble for any lawyer, but it can feel particularly daunting for federal prosecutors, for whom leaving a job in the U.S. attorney's office can often feel like starting over completely.

Being a lawyer for the government is steady and reliable work, and can be an invaluable opportunity to get hands-on experience in the courtroom, attorneys told Law360 Pulse.

But it does not offer very much education in building a book of business.

"How to do business is not something that you learn or are taught in a prosecutor's office," said Rena Paul, a former federal prosecutor who **co-founded legal consultancy** Alcalaw LLP in 2021. "It certainly doesn't have the same predictability as a prosecutor's office, but you don't start your own firm to be handed a regular paycheck and benefits. In the end, it's a business, and you have to make your own magic."

Despite the hurdles, many former federal prosecutors have hung their own shingles recently.

Brian Feldman, a former assistant U.S. attorney for the Southern District of New York, announced on March 7 that he was **co-founding a firm** with BigLaw alum Laura Schwalbe called Aurelian Law PLLC. Feldman told Law360 Pulse last week that he was partially inspired by other former federal prosecutors who have recently launched boutiques, including his former boss at the U.S. attorney's office, Andrew Schilling, whose own firm opened last year in New York City.

For prosecutors who have spent years representing just one entity — the U.S. government — they can leave that role rather empty-handed when it comes to client interface. So they lean instead on prestige and the network of attorneys they've built while working within the U.S. Department of Justice.

But having to promote oneself is certainly an adjustment, according to Eric Rosen, who was a lead prosecutor in the "Varsity Blues" college admissions case in the U.S. attorney's office in Boston and now **runs his own firm**, Dynamis LLP.

Rosen said he'd always had an entrepreneurial bent, so having a firm where he could create the culture and build up its reputation was appealing. But doing it immediately after spending eight and a half years at the DOJ, where he served as an assistant U.S. attorney in Pittsburgh and Boston, didn't seem feasible.

"Not many people go out on their own right after leaving," he said. "I think a lot of it is for monetary reasons. You don't need to go out and get clients when you're in the government — there's never a lack of work. So it's always a fear when you go out on your own, like, 'Oh my god, who's gonna hire me?' People want the security and income of BigLaw for a while before they decide to do something else or start a smaller firm."

So when Rosen left in 2020, he jumped to the already established boutique litigation firm Roche Freedman LLP, where he could begin building a robust client base before striking out on his own. He kicked things off with a high-profile case: a racketeering and fraud suit brought against baseball great Alex Rodriguez. Rosen worked on a trial team representing Rodriguez's brother-in-law, who brought

the case in 2014 under different lawyers. The firm took over representing him in late 2020.

Where he might have been lacking in long-standing client relationships, Rosen said he made up for with his reputation as a prosecutor who had taken on complex and high-profile cases.

"The Varsity Blues stuff is sort of paying off," he said. "It's not like there's all these new people bribing universities now, but it gives you a certain credibility. Everybody's heard of it. It helps you get your foot in the door. Whether you can keep that door open is a separate set of circumstances."

After nearly three years at Roche Freedman, Rosen said he knew it was time to leave when his workload was growing increasingly busy. And he had a colleague at the firm, Constantine Economides, who was willing to make the jump with him. The pair opened Dynamis last July.

Having someone to share the workload was also an important factor for Paul Krieger, who founded Krieger Lewin LLP in 2017 after coming straight out of the U.S. Attorney's Office for the Southern District of New York. Krieger **co-founded the firm** with fellow prosecutors Nick Lewin and Edward Kim.

"I think a big part of my decision was about being excited to start something with Ed and Nick and hoping that doing this together would capture, in part, what made it special to be a prosecutor," Krieger said. "The autonomy, the sense of team, the ability to build our own culture and build our own brand, that all excited me."

Krieger had been at the Southern District of New York for almost a decade, serving as co-chief and deputy chief of the Complex Frauds and Cybercrime Unit and previously as chief and deputy chief of the Narcotics Unit. He said there's a natural life cycle inside a federal prosecutor's office, and that, after having been a supervisor of several different units, he was ready for a new challenge.

Starting with their own firm right off the bat, Krieger said he and Lewin and Kim had to manage their expectations, understanding that work wouldn't be coming in immediately after they stepped out the Southern District of New York's doors.

"The early days were exciting, I think, because we gave ourselves the time and space to build something we all could feel proud of," he said. "The feeling wasn't anxiety and stress around, 'Oh my god, are we going to get enough cases to keep the lights on?' It was more forward looking and focused on trying to build something durable and special."

Still it was a daunting question, Krieger said: "How do you go from being a prosecutor to getting and representing clients?"

He said they spent a lot of time getting the word out to a wide network of attorneys who had once been in the public sector.

"We're networking among former prosecutors, former regulators, folks who are in-house with whom we have a relationship, lawyers we faced on the other side when we were prosecutors, and lawyers and clients we've worked with over the past six-plus years," he said. "When we started, it wasn't like we had 10 cases on day one. It was a process of building our client work and base."

For Krieger, the new firm's focus was on what prosecutors know best: civil and criminal disputes and investigations. Rosen's firm focuses on this, too, but he's also expanded the firm's capabilities, as well as honed in on his expertise in cryptocurrency and securities disputes.

"I do quite a bit of white collar, but I also did a huge case in consumer arbitration. We have a trust and estates case," Rosen said. "Everything from arbitration to civil defense to civil plaintiffs' to contingency. That's how you sort of get out there and meet people. You don't just pick up business from other white collar people but from people who don't have that practice and need someone, so they reach out to you."

Paul and fellow Alcalaw LLP co-founder Margaret Gandy said that they benefited from a more unique approach to the legal practice when they opened their own firm.

Paul and Gandy had worked together for more than a decade, first as attorneys in the Manhattan District Attorney's Office and then as federal prosecutors in the Eastern District of New York. They focused primarily on street and organized crime and white collar crime, so they felt they were in a unique position when they decided to start a firm for themselves.

"We were handling hundreds of cases with really difficult fact patterns," Paul said. "Each of those cases involved people: witnesses, the accused, police officers, law enforcement, each with a different life experience and in a heightened state of stress. And this experience gave us a unique skill set, which was how to relate to people in moments of crisis."

The pair decided to center this skill set in their new firm, branding Alcalaw's practice as "a humanistic approach to law and investigations." They sought out individuals who were dealing with sensitive matters, but Gandy said they were equally excited to work with organizations on in-depth internal investigations and their response to crises.

This kind of branding helped to differentiate the firm, Gandy and Paul said, which was useful as they gained their bearings in the world of self-promotion — something no one has to do as a prosecutor.

"It's really critical that we put ourselves out there in a way that is honest and allows our clients to really get to know us as people authentically," Gandy said. "We are not part of a bigger system or machine like we were as prosecutors. Here we are showing up as individuals, and partners to each other, and doing so as authentically as possible so that our clients know where we come from, and what we have to offer."

This authenticity is something Krieger said has worked for his firm, as well. Brandishing the skills that play such a vital role in government practice gives his firm a unique kind of credibility.

"I thought we could bring some of the ethos of the SDNY into private practice, a very hands-on approach to the investigations and cases," he said.

As the firm took on many cases defending clients against the DOJ, it even prompted many of Krieger's attorneys to depart for public practice. Since the firm started in 2017, he said several young lawyers have left for roles in the Southern District of New York, and even Kim announced at the end of last year that he was returning to that office to serve as chief counsel to U.S. Attorney Damian Williams.

The turnover has been tricky, but Krieger said it also allowed him to attract even more talent to the firm, which currently has 13 lawyers along with several research analysts.

"I think the fact that we've had these younger lawyers leave to go to the DOJ, other lawyers who are interested in that path take notice of that. So, we receive many applications from lawyers who want to do public service," he said. "Hands-on experience and exposure to federal prosecutors and judges provide our lawyers with substantial experience, which serves them well when applying to jobs in the DOJ."

Having personal connections in the government can be a huge draw to potential clients, as well, Rosen pointed out. He said that he'll sometimes take meetings inside the DOJ and someone will say, "Weren't you just working here like an hour ago?"

"They know that you know how it works," Rosen said. "They don't have to explain everything. You know how the process works from the inside, which I think clients find most valuable. What do you do? What's going to happen next? Those are harder to answer if you haven't been in the U.S. attorney's office before."

--Editing by Nicole Bleier.