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Beachtown Boutique

Tranquil seaside surroundings belie Bienert Katzman's litigation power and national reach.

By **Meghann M. Cuniff**
Daily Journal Staff Writer

SAN CLEMENTE — From intricate bankruptcies to complex civil cases and high-profile criminal defense, Bienert Katzman PC's 13 attorneys share a broad range of litigation skills that can make any case ripe for trial.

The firm is led by two former federal prosecutors who met in the U.S. attorney's office of the Central District of California, but the firm's national reach is bolstered by the decades of courtroom experience their colleagues bring to the Orange County boutique, now in its 19th year.

"This is a trial firm. We try cases, and every single attorney — and there's some real talent in this firm — is an experienced trial lawyer," said James D. Riddet, the firm's of counsel.

A longtime criminal defense lawyer, Riddet joined the firm five years ago at the invitation of name partners Thomas H. Bienert Jr. and Steven J. Katzman.

Bienert set off on his own in 2000 from Irell & Manella LLP, which he joined after leading the U.S. attorney's office in Orange County and working with independent counsel Kenneth W. Starr during the investigation of President Bill Clinton.



Courtesy of Bienert Katzman PC

Back Row: Anne A. Uyeda, Ali Matin, James D. Riddet, Karen P. Miller, David M. Guess, John L. Littrell, Whitney Z. Bernstein, Anthony R. Bisconti, Nathan W. Reinhardt
Front Row: Michael R. Williams, Thomas H. Bienert, Jr., Steven J. Katzman, Ariana Seldman Hawbecker

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- Thomas H. Bienert Jr., partner

Katzman joined him in 2008 after 21 years in private practice and government work, including nine years as an assistant U.S. attorney in Los Angeles and Ohio, and five years as U.S. trustee for five bankruptcy jurisdictions.

Nineteen years later, their firm has cases across the country, including a major role in the college admissions scandal in Boston federal court and a health fraud case set for trial in Puerto Rico that's part of a large whistleblower practice.

Last year, Bienert, partners Michael R. Williams and Ariana Seldman Hawbecker, and associate Ali Matin secured a \$280 million settlement against drug maker Celgene Corp. in the second largest recovery in a non-intervened federal False Claims Act case.

Associate Whitney Z. Bernstein also persuaded the 9th U.S. Circuit Court of Appeals to overturn a conviction for illegally re-entering the United States after deportation in a published decision that for the first time addressed one

"domino effect" that a specific due process violation in immigration proceedings has on future criminal proceedings.

In May, a U.S. magistrate judge in Alaska ordered three federal prosecutors referred to the U.S. Department of Justice's Office of Professional Responsibility after finding "flagrant government misconduct" through the defense presented by Bienert, Hawbecker and partner John L. Littrell of their client, an oncologist in a tax evasion case. And last week, Littrell and partner

Anthony R. Bisconti secured a defense verdict in a personal injury jury trial in Los Angeles County Superior Court against professional basketball star James Harden.

“We can handle literally any type of litigation matter,” Bienert said. “We have a real good assortment of experienced lawyers with backgrounds as former prosecutors, former public defenders, partners at civil firms, lawyers from major national firms, and a bunch of bankruptcy experts, and it just really gives us the depth to take any type of case, from small to large.”

John C. Hueston of Hueston Hennigan LLP sometimes refers cases to Bienert Katzman, mostly white-collar defense cases and some commercial disputes.

“Bienert Katzman has a deep and formidable white-collar defense practice and an emerging top-flight civil practice group,” Hueston said. “They’re located in Orange County, but they’re really more than an Orange County firm.”

The firm is located in San Clemente, a beach city halfway between Los Angeles and San Diego. Bienert opened his office here when he left the U.S. attorney’s office because he lived in the city and wanted to work close to his five children.

“I recognized that because people come to us for our trial skills, it wasn’t required that my office be in the middle of L.A. or in the middle of Newport Beach and Santa Ana,” Bienert said. “Clients and people needing lawyers seek out good lawyers, and you don’t have to be in the hub of downtown for that to happen.”

Katzman called it a “dream existence.”

“We’re working on high-level cases, and we get to live in such a comfortable environment,” Katzman said. “If you’re a good enough firm, you can be based wherever you want.”

A third name partner, Kenneth M. Miller, left last year to open his own practice and have more time to get his pilot’s license, but the firm con-

tinues to grow as Katzman recently moved to Los Angeles to open a new office there. It’s an expansion that gives the firm a downtown footprint in a city where he and Bienert started their careers and have long drawn steady business.

“A lot of different opportunities came to them, and they just did all of them, and they did them well,” said Debra Wong Yang, a partner at Gibson, Dunn & Crutcher LLP who worked with Katzman and Bienert at the U.S. attorney’s office.

Yang sometimes refers them cases, including from the fallout of the Bernie Madoff Ponzi scheme. A boutique firm with someone of Katzman’s bankruptcy background is rare, she said.

“They’re a small powerhouse firm that packs a lot of punch and swims way above their size level,” Yang said.

Recently, Bienert Katzman attorneys briefly represented lawyer Michael J. Avenatti in his Central District criminal case, and they’re currently representing one of the defen-

dants in the nationwide college admissions case.

Last summer, Williams settled a longstanding legal malpractice, fraud and RICO case on behalf of a lawyer who worked at Berger Kahn LLP, then Buchalter APC, and was accused of fraudulently managing a dairy family heir’s estate.

Alan A. Greenberg, managing partner of Greenberg Gross LLP, led the successful defense of Buchalter in a trial that began just after the settlement. He said Bienert Katzman’s work was critical to the case, including depositions conducted by Bienert that were played for jurors.

“Tom is not only a great trial lawyer, but a brilliant strategist,” Greenberg said.

Katzman credits the firm’s casual atmosphere and emphasis on teamwork, which he said extends to paralegals and clerical assistants.

“Everyone is feeling empowered to be part of the team and part of the group,” Katzman said. “And I think that makes us more successful in what we do.”