

LA Recruiter Scores Litigation Win Against Manatt Over Laterals

Scott Flaherty, The Am Law Daily

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A California jury ordered Manatt, Phelps & Phillips to fork over \$335,000 to a legal recruiter who sued the firm for allegedly breaching an oral contract related to its [2013 hires](#) of financial services partners Donna Wilson and John McGuinness.

Following a weeklong trial in Los Angeles Superior Court, legal staffing agency Gregg Ziskind & Associates Inc. secured a favorable [verdict in the contract case](#) against Manatt. Ziskind—represented by lawyers from Gerard Fox Law—claimed that he helped place Wilson and McGuinness in Manatt's Los Angeles headquarters but that the firm paid a rival legal recruiter instead.

After less than a day of deliberations, a jury on Tuesday found that Manatt had breached an oral contract with Ziskind and that the recruiter was owed \$335,000 in damages. Morgan Pietz, a partner at Gerard Fox who served as second chair at trial alongside the firm's [namesake and managing partner](#), said that his client was happy with the outcome, which followed nearly four years of litigation.

"Mr. Ziskind was very pleased with the verdict," Pietz said. "It's been a long road and I think he will be pleased to move on."

A Manatt spokesman said Thursday that the firm still believes in its side of the dispute.

"We are disappointed by the decision because we continue to believe that we paid the recruiting fee to the right recruiter, and we are evaluating our options," the firm said in a statement. Roman Silberfeld, the managing partner of Robins Kaplan's Los Angeles office, led Manatt's defense at trial.

The litigation dates back to [September 2013](#), shortly after Manatt's hires of McGuinness and Wilson. The crux of the dispute was whether Ziskind or a rival recruiter—Roberta "Bobbie" McMorrow of [McMorrow Consulting](#), who was not a party in the suit—deserved credit for placing both partners at Manatt.

The partners involved, Wilson and McGuinness, both [joined Manatt's Los Angeles office](#) in the summer of 2013 after leaving their former firm, Buckley Sandler. Wilson—now chair of Manatt's privacy and data security practice and [co-chair of the firm's financial services group](#) and financial services litigation and enforcement practice—joined Manatt first, in July 2013, and was followed the next month by McGuinness and two associates.

Ziskind argued that he met with Manatt in April 2013 to discuss convincing Wilson to leave Buckley Sandler and join Manatt. That discussion, according to the suit, constituted an oral contract. Since

Wilson did eventually join Manatt, and was later followed there by McGuinness, Ziskind alleged that he should have recouped a finder's fee.

Manatt, on the other hand, denied that an oral contract ever existed and claimed that Wilson had refused to work with Ziskind, meaning that the recruiter could not have submitted Wilson as a candidate for a job at the firm. Manatt also argued that Wilson's eventual hire took place not because of anything Ziskind did, but entirely because of efforts by McMorrow, the rival legal recruiter.

The jury sided with Ziskind. According to his lawyer, Pietz, it came out during the trial that McMorrow had not approached Manatt until about a month after Ziskind had his meeting with the firm.

Earlier this month, a Philadelphia-based legal recruiter [sued over a \\$350,000 fee that it allegedly failed to receive](#) from Memphis-based Baker, Donelson, Bearman, Caldwell & Berkowitz as a result of the [latter's merger in January](#) with Baltimore-based Ober Kaler.

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