

As the Central Valley Emerges as a 'Hotbed' for Litigation, Tyson & Mendes Plants Flag in Fresno

Plaintiffs attorneys are increasingly turning to courts in the Central Valley, which is driving demand for defense attorneys in the region, according to office managing partner Dave Frankenberger.

By Jessie Yount

What You Need to Know

- Tyson & Mendes opened an office in Fresno with a six-attorney team from Ericksen Arbuthnot.
- The move completes Tyson & Mendes' coverage in California, as litigation in the Central Valley picks up.
- Plaintiffs attorneys are increasingly turning to the Central Valley to secure a courtroom/speedy trial date.

Tyson & Mendes, a midsize, San Diego-born insurance defense firm, opened an office in Fresno last week with a six-attorney team from regional midsize firm Ericksen Arbuthnot.

The team is led by Dave Frankenberger, the former managing partner of Ericksen Arbuthnot's Fresno and Bakersfield offices, and includes partners Michael Lehman, Brett Runyon, and Carol Ann Seita and two additional attorneys, as well as eight staff members.

Tyson & Mendes was actively looking to plant a flag in the Central Valley. The firm already had offices in Los Angeles, San Diego, Orange County and Northern California, but "when you don't have something between Sacramento and Bakersfield, you're missing out on a big part [of the state]," Frankenberger said.

"The firm wanted to finish its coverage in California," he said.

That's been the motivation for several firms that have moved into the Central Valley in recent years. Am Law 100 firm Gordon Rees Scully Mansukhani opened its 73rd office in Fresno last year, and midsize firm Fennemore Craig merged with Central Valley's Dowling Aaron in 2020.

The Central Valley has become "a hotbed for litigation" in recent years, according to Frankenberger.

Courts in the Central Valley were far less impacted pre-pandemic compared with many



Courtesy photo

Dave Frankenberger of Tyson & Mendes.

other state trial court locations in California, and the state courts in the region reopened for in-person jury trials much sooner than other parts of the state, he said.

"I got a case to trial before an in-person jury on April 12, 2021," he recalled. "We wore masks but got through that trial without incident ... jury rendered its verdict on May 1, 2021. [That was] one of the very first civil jury verdicts in [California] post-pandemic."

Another factor, Frankenberger said, was that Southern California plaintiffs attorneys got

frustrated with the backlog in Los Angeles, Orange, Ventura and other nearby counties, and started advertising more in the Central Valley to combat the backlog in Southern California.

“We’ve seen heavy-hitter plaintiffs attorneys [increasingly] crossing over the mountains, filing bigger cases here,” he said.

Frankenberger said he’s seen more activity from plaintiffs attorneys in his own practice, which focuses on motor vehicle accident and trucking defense, including traumatic brain injury defense.

Lehman focuses on cases involving torts, employment law and products liability, while Runyon represents plaintiffs and defendants in mass tort actions, industrial fire cases and environmental and industrial contamination cases. Seita, who previously worked for the U.S. Attorney’s

Office in Fresno, focuses on personal injury, premises liability and employment law.

Frankenberger said that he was drawn to the 200-attorney firm’s “aggressive growth” strategy and an opportunity to broaden its client base and attract more talent, especially associates, to the team.

By contrast, Ericksen Arbuthnot struggled throughout the pandemic as primarily an in-person firm that hadn’t embraced technology and was used to doing things the way it had always been done, he said.

The firm had about 38 attorneys when the Fresno team gave notice, down from about 50 attorneys pre-pandemic, and Ericksen Arbuthnot is now closing its Central Valley office, according to Frankenberger.

Once people started working remotely, Ericksen Arbuthnot

started shedding head count, particularly among associates that got poached to work remotely for bigger firms in Los Angeles or San Francisco, he said.

Tyson & Mendes was also “ahead of the curve” pre-pandemic, having already adopted a flexible work model, and continues to invest in technology, including data analytics, for better client service, he said.

“It’s got a great reputation as an insurance defense firm,” Frankenberger said. “It’s small enough to offer a family environment, but big enough to dictate better rates, and attract better talent.”

Ericksen Arbuthnot did not immediately respond to a request for comment on the departures or the Fresno office closure. The firm no longer lists a Fresno office on its website.