

# Tyson & Mendes: 'We Are Trying to Change the Entire Defense Industry'

By Xiumei Dong

**Firm Name:** Tyson & Mendes

**Firm Leader:** Bob Tyson, Founding Partner

**Head Count:** 150 attorneys; 300 total employees

**Locations:** San Diego, CA; Los Angeles, CA; Orange County, CA; San Francisco, CA; Phoenix, AZ; Las Vegas, NV; Seattle, WA; Denver, CO; Ft. Lauderdale, FL; New York, NY

**Practice Areas:** Insurance defense

**Governance structure and compensation model:** Firmwide and branch managing partners, compensation based on attorney productivity and professional successes

**Do you offer alternative fee arrangements?** Yes. We have several successful AFAs in place with a few long-standing clients, however our predominant fee structure is hourly.

*\*\*The answers were provided by Tyson and edited lightly for style.\*\**

**What do you view as the two biggest opportunities for your firm, and what are the two biggest threats?**

One of our biggest opportunities is to lead the national movement on

preventing runaway jury verdicts at trial. We have developed what we believe to be universally applicable, novel defense methods we have put to the test in numerous trials with tremendous success.

We also have continuous opportunities for growth, both geographically and in breadth of expertise. Every office we have opened has been in response to client demand. We have also welcomed practice area leaders who are attracted to our growth model and firm culture.

Our two biggest threats are related to our growth. There is a very real hiring challenge in the legal industry today. Candidates have more options now than ever, making it difficult for firms to recruit and retain quality attorneys. As a firm with a heavy demand for our services, we have therefore taken steps to differentiate ourselves. Our firm offers a variety of rich benefits to our employees, including a guaranteed, non-discretionary bonus system and a parental leave policy for both birthing and non-birthing parents. Most recently, we launched student loan assistance



Bob Tyson of Tyson & Mendes

and 529 savings programs to assist attorneys in paying off their student loans years well before they would otherwise. We are taking real steps to support the physical, emotional and financial health of all our employees and make every effort to communicate this to potential hires.

Another threat many growing firms face is the potential for unstable or unsustainable growth. Sustainable growth does not happen overnight or without long-term planning. Accordingly, we consult an organizational expert to help identify and regularly assess strengths, weaknesses, opportunities and threats

in all departments of the firm. In addition, we have implemented a mandatory, firmwide training program to ensure every attorney in every office is trained on our methods and provides consistently high service to our clients.

**The legal market is so competitive now—what trends do you see, and has anything, including alternative service providers, altered your approach? Is your chief competition other mid-market firms, or is your firm competing against big firms for the same work?**

While we share the market with all size firms, we do regularly find ourselves in the same space as larger firms these days. Frankly, we believe there are an abundance of opportunities in the market for any firm prioritizing client service and success in the courtroom.

I do believe our approach to marketing distinguishes us from other midsize and large firms. Attorneys at many large firms are often incentivized to market themselves at the individual level. At Tyson & Mendes, we focus on marketing the entire firm, aiming our firmwide training at ensuring we consistently deliver excellence across every office and practice group. This is both a challenge and an advantage of being a midsize firm.

**There is much debate around how law firms can foster the next generation of legal talent. What advantages and disadvantages do**

**midsize firms have in attracting and retaining young lawyers, particularly millennials?**

As a firm whose workforce includes a comparatively high percentage of millennials in both employees and leadership, we have several opportunities available to us because of our size. First, we are big enough to offer a significant benefits package, including health care, an employee assistance program, and our student loan assistance program. Yet, we are not so big as to drown out the ideas and concerns of individual employees. We also only require an 1,800-hour minimum billable requirement, which is likely the lowest in our space. We believe this gives us a leg up with regard to offering a manageable work-life integration.

But we are not a lifestyle firm. Our attorneys are under a lot of pressure to win some of the biggest tort cases in America. We work extremely hard for our clients and to be the best defense firm in America. If the next generation of talent does not want to be the best, Tyson & Mendes is not the place for these newer lawyers. We give all of our attorneys a clear path to partnership, in writing, that is faster than any other firm. But our leadership works extremely hard and that is what we expect of all attorneys. The rewards of hard work by attorneys are faster and better in our firm.

**Does your firm employ any non-lawyer professionals in high-level**

**positions (e.g. COO, business development officer, chief strategy officer, etc.)? If so, why is it advantageous to have a nonlawyer in that role? If not, have you considered hiring any?**

We employ a nonlawyer Chief Financial Officer, who is responsible for a large portion of our expansion efforts. We also work with a management consultant. While he is not technically an employee of the firm, our work with this expert has been integral in helping us grow strategically and sustainably. Consulting an organizational expert was critical to help us create and implement a strategic growth plan.

**What would you say is the most innovative thing your firm has done recently, whether it be technology advancements, internal operations, how you work with clients, etc.?**

To be blunt, we are trying to change the entire defense industry. Runaway juries and nuclear verdicts are an ever-increasing problem across the country. The defense industry has not changed at all in the last 15 years. Our firm has changed. The way we try cases is different than any firm in America. We have a solution. We have a formula, in writing, that will avoid runaway jury verdicts. And we are preparing to share it with the world in a new book entitled "Defending Justice." We will be giving our playbook to the defense industry to try to take back justice

from creative and opportunistic plaintiffs lawyers. But we are not stopping there.

People tell us, "I hire lawyers, not law firms." We nod in agreement. But why is that? If you are critically sick and your doctor sends you to the Mayo Clinic, you do not show up in Cleveland with your patient file and tell them, "I hire doctors, not health systems." No, the Mayo Clinic is the best health-care system in America, and they put together a team of specialists to treat your life-threatening condition. That is exactly what we are trying to do. We are trying to be the best defense firm in America. We are developing the best trial lawyers who can implement a proven approach to controlling damages and winning jury trials.

How are we doing this? We have created a program to train every one of our lawyers, called T&M University. We teach all of our attorneys, of every experience level, how to handle their cases consistent with our unique methods. Our firm utilizes a team structure

for case handling, in which one senior Team Leader oversees a multi-attorney litigation team. In recent years, we have rolled out a "Team Leader in Training" program, to teach high-performing associates the additional skills they will need to become successful team leaders. This program has proven extremely beneficial as we have grown. We hope to be the Mayo Clinic of defense firms.

**Does your firm have a succession plan in place? If so, what challenges do you face in trying to execute that plan? If you don't currently have a plan, is it an issue your firm is thinking about?**

Yes. As important as it is to grow strategically and sustainably, part of that strategy needs to include a succession plan. Initially, we have expanded our equity partnership to further democratize participation and decision-making among our leadership. In addition, we train future leaders at every level of management to ensure the firm operates consistently and with longevity.

One of our core values as an organization is transparency. We regularly share our mission and vision firmwide, and attorneys receive clear partnership criteria. We also host a biweekly meeting, where attorneys throughout the firm's 10 nationwide offices discuss specific legal issues, firm news and war stories with the managing partner. In addition, we recently implemented a mentorship program, in which more experienced attorneys and staff are paired up with newer professionals to share insight and provide support. While these practices are not directly considered part of our succession plan, they serve to advance the competencies of each attorney in the firm.

We have found using these modern management techniques helps remove the "mysteries" often associated with the business aspects of a law firm and eliminates many impediments to success for young attorneys. As our attorneys grow and succeed, so too does the firm.