

## Litigation Leaders: Goulston & Storrs Litigation Co-Chair Jennifer Furey On What It Means to Be ‘Intensely Practical’

By Ross Todd  
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Welcome to another edition of our *Litigation Leaders* series, featuring the litigation practice leaders at some of the biggest and most innovative law firms in the country.

Meet **Jennifer Furey**, co-chair of the litigation group at **Goulston & Storrs**, which ranked 200th in the United States in the *National Law Journal's* most recent ranking of law firms by headcount and 158th on *The American Lawyer's* 2022 Am Law 200 list. Furey, who is based in Boston, handles a mix of IP and commercial litigation across a variety of industries including media, retail, manufacturing and medical devices.

**Lit Daily: Tell us a little about yourself—perhaps even a thing or two your partners would be surprised to learn about you.**

Jennifer Furey: My partners would be surprised to learn that I am a former Division 1 collegiate tennis player. The years have taken a toll on my game, but my competitive spirit and positive energy remain. These core attributes drive me in the courtroom today. I always believe that there is a strategy for winning, and keenly appreciate that hard work is the key ingredient to getting there. I am also centered around the concept of team. Collaborating with one another is the key to our competitive advantage and approach to clients. It is also the most rewarding part of the job.

I am honored to be a trustee and past president of the Women's Bar Foundation (WBF), a non-profit committed to providing legal assistance to low-income women and their families. The WBF changes the lives of many women who face challenges with domestic violence, housing and reentry from prison.



Courtesy photo

**Jennifer Furey, co-chair of the litigation group at Goulston & Storrs.**

After graduating from law school, I moved to Washington, D.C. where I worked at the largest litigation firm in the District. Five years later, my husband and I moved back to our shared hometown to be closer to our family. Although we loved living in D.C. and enjoy traveling, we have embraced the philosophy of growing where you are planted. I am grateful to have so many people around me that I have known my entire life.

**I know the answer to this question probably varies by when I ask it, but what's the breakdown of how much of your working time is spent on IP litigation matters, commercial matters and management tasks?**

Most of my time is spent on IP litigation matters, including patent, trademark and trade secret disputes. I love handling IP cases because they are inherently strategic, with critically important business considerations to tackle. Resolving IP litigation

is rarely as simple as agreeing on a damages number. It often involves out-of-the-box thinking by both sides to come up with agreeable, ongoing business terms that allow the parties to coexist in the marketplace.

I also spend a fair amount of time on commercial matters, including employment litigation and counseling. These matters provide invaluable opportunities to master the client's business and culture, which make me a better advocate. Learning about a client's business from the inside out is one of the best parts of my job, especially when it helps me achieve the client's business goals.

Over time, my responsibilities as part of firm management have steadily increased. In addition to being co-chair of our litigation group, I also serve on the firm's executive committee, which gives me a deeper understanding of the firm as a whole and an appreciation of the talents and needs of my colleagues outside of litigation. I also help lead the firm's Equity Initiative, which promotes diversity, equity and inclusion throughout the firm.

One of the roles I most enjoy is mentoring younger women lawyers. It took me some time to realize that I had experience and wisdom to offer the next generation of women leaders. My mentors were all men, which is fine, but women professionals do walk a different path and face different challenges. Sharing those challenges and life decisions is important for the future success of all women in this profession.

**How big is the litigation department at Goulston & Storrs, and where are most of your litigators concentrated geographically?**

We have over 50 attorneys in our litigation group. The majority are based in Boston, with about 20% in New York and Washington, D.C. We are currently focused on deepening our bench in New York because we handle a significant amount of high stakes litigation in New York courts. Many of our major clients also have a New York presence.

**What do you see as hallmarks of your firm's litigators? What makes you different?**

Experience, collaboration and practicality.

Our litigation partners are all experienced trial attorneys. Our collective trial experience allows us

to approach each case with an eye towards the end game. We focus on early case assessment and trial strategy from the very beginning of each matter. This early trial preparation provides better opportunities for a pretrial victory or a favorable settlement, when that is the client's goal. Our breadth and depth of trial experience and pretrial preparation has led dozens of AmLaw 100 and AmLaw 200 law firms to retain us to handle their high stakes professional liability claims. We consider it the highest compliment to defend these firms when their own reputations and quality of legal work are on the line.

Collaboration and teamwork are also key elements of our success. Many law firms pay lip service to the notion of collaboration, but we live it every single day—not just in our litigation group but throughout the entire firm. It is reflected in the high level of work and service we deliver to our clients. We jump in to help one another immediately, without ever considering "what's in it for me?" and we truly enjoy practicing law together. Our mutual respect for each other, and for our clients, drives open discussions, inspired ideas and innovative solutions.

Last, but definitely not least, we are intensely practical. We focus with laser-like precision on providing results-driven advice, and not litigating for the sake of litigating. Oftentimes, clients are not looking to vanquish an opponent, especially if that opponent is a person or entity the client is likely to encounter again out of business necessity, so we look for creative, "win-win" solutions whenever possible. We are known for being formidable, but reasonable, adversaries with a reputation for professionalism. When a settlement is not possible and a client needs a definitive victory in court, our trial attorneys are as tough as they come, while still being unrelentingly professional and practical.

**The firm touts a relatively low associate-to-partner ratio for a firm of its size. What's the philosophy behind that approach?**

Our litigation partners genuinely enjoy litigating and want to be actively involved in every aspect of a case, rather than simply supervising others. We believe that this involvement benefits our clients by providing expert trial preparation from the outset of

the case, along with more meaningful supervision of associates. Partners working closely beside associates, with each owning different roles, is part of our team approach to each case.

Our low partner to associate ratio also allows us to build effective teams quickly and nimbly. We have seasoned trial lawyers who know and manage each case, while our associates are leanly staffed in order to avoid duplicative and unnecessary litigation tasks—which is cost effective for our clients. In the end, we believe this model is in the client's best interest.

**Does that associate-to-partner ratio provide any limitations in terms of the types of litigation the firm is capable of handling?**

No. We routinely handle large complex commercial litigation and professional liability cases in which hundreds of millions of dollars are at stake. Our team approach to litigating extends to staffing where we call upon each other to help out in particular busy times.

**In what three areas of litigation do you have the deepest bench? (I know it's hard, but please name just three.)**

Professional liability litigation, real estate litigation and commercial litigation.

Our professional liability litigation team is, without question, one of a very small group of "go-to" firms nationwide that elite AmLaw 100 and 200 firms turn to when confronted with their own thorny legal and professional problems. We have defended hundreds of malpractice and related cases for our prominent law firm clients—all of which pose significant reputational and financial risk. Helping other lawyers who are facing their most difficult professional liability cases requires us to constantly innovate, as law firms increasingly find themselves the targets of bet-the-firm cases, including many claims brought by non-clients. This work is particularly interesting because every litigation literally involves a "case within a case" in which a court or jury is asked to decide what would have happened if the law firm had provided different advice in the underlying lawsuit or transaction. We need to become a subject matter expert on our client's original matter—whether it be

a patent prosecution, a merger and acquisition transaction or a mass tort case.

Our real estate litigation team builds upon the strength of our firm's well-known, international reputation as a real estate powerhouse. We have handled almost every conceivable type of real estate matter, and we represent real estate developers and owners in litigation across the country. With our deep experience and track record in this area, clients know we are among the best of the best in developing novel strategies to win and settle the most complex real estate disputes.

Our commercial litigators have extensive experience representing corporations, LLCs and individuals in every conceivable type of business dispute, including class actions. We approach every commercial litigation from a holistic business perspective, making sure we understand each client's unique business and industry background so that our proposed arguments and resolutions are consistent with the client's larger business goals beyond the case at hand. This aspect of our litigation practice enjoys a broad geographic reach, as we are currently litigating in courts all across the United States and even in the U.S. Virgin Islands.

**What were some of the firm's biggest in-court wins in the past year, and can you cite tactics that exemplify your firm's approach to success?**

After a 10-day bench trial, our IP litigation team secured a complete defense verdict for our client, an investor in a startup company who was sued for breach of a trademark settlement agreement and fraud. We were retained late in the game as successor counsel to try the case. After taking a fresh look at the case file and witnesses, we developed a new case theory and interpretation of the applicable agreement that ultimately led to the defense verdict.

Our professional liability team recently prevailed on a motion to dismiss a high-stakes legal malpractice case against a prominent, global AmLaw 100 firm. The case arose out of a transaction in which the seller of stock in a startup company retained the right to share in the proceeds of a future resale of the stock. The seller eventually relinquished his right to future

proceeds in exchange for a settlement payment. Shortly after the settlement was consummated, the original buyer achieved a highly profitable resale of the entire company, realizing a large profit. The trial court found that our law firm client did not have any duty to disclose the impending resale to the plaintiff, which was not its client, during the settlement negotiations. An appellate court affirmed the decision in 2023.

In another recent legal malpractice case, we obtained summary judgment on behalf of our AmLaw 100 client based on the expiration of the statute of limitations. There had been prior litigation between two shareholders arising out of a stock purchase agreement under which one had bought the other's 50% interest in a closely held company. After the buyer prevailed in the underlying case, the seller filed a malpractice claim, alleging that the law firm failed to adequately protect his interests in the sale transaction. The court dismissed the case, holding that the seller was on notice during the pendency of the underlying litigation that he had a potential claim against the firm, and waited too long to bring it.

Our real estate litigation team obtained summary dismissals of two lawsuits in Massachusetts Superior Court which sought to annul city and state approvals granted to our real estate developer client. The approvals had been granted in connection with our client's \$700 million mixed-use hotel, office tower, and retail complex to be built in air rights over the Massachusetts Turnpike. Our real estate team led this 2020 deal to build this first-of-its-kind in 40 years air rights development in Boston. After our victory in court, the plaintiffs in both court cases and in a related building permit appeal decided to forgo any appeal or further litigation—an important outcome given that the client had proceeded with the development at risk during litigation. The development is nearing completion.

In another high-profile real estate case, we successfully defended client Iovino Enterprises in one of the largest bid protest actions in New York City. The case involved multiple challenges to an Iovino joint venture's winning bid of over \$1.2 billion for the

East Side Coastal Resiliency Project that will protect Lower Manhattan from flood risk due to coastal storms. Our litigation team defeated multiple applications for temporary restraining orders and preliminary injunctions sought in separate proceedings by a losing bidder and by community groups at both the trial court and the New York State appellate courts.

### **What does your firm's coming trial docket look like?**

Our trial docket for 2023 is busy.

In the professional liability area, our litigators are currently preparing for summary judgment and a possible trial in a "bet-the-firm" case against one of our AmLaw 100 firm clients. The firm was sued for alleged malpractice in connection with its negotiation and drafting of complex transactional documents, the nature of which we are not at liberty to disclose.

Our real estate litigation team recently concluded a three week confidential arbitration of a complex commercial contract dispute involving one of Boston's premier properties. The lawsuit involves a claim for tens of millions of lost profits and other damages. The parties anticipate a ruling later this year.

Our employment litigators will be leading two jury trials and an arbitration for a large retail client with more than 35 locations and 3,000 employees.

We also are trying cases in Jackson County Probate Court in Missouri in February and in Anchorage Superior Court in Alaska in April. In the latter case, our fiduciary litigation team represents a co-trustee and beneficiary of an Alaska-based trust that indirectly holds interests in international joint ventures with substantial value. The litigation concerns our client's claims that information about the trust's assets has been concealed and that he has been effectively frozen out as a co-trustee.

Our IP litigation team is preparing to try an over \$100 million trade secrets case in federal court in New Jersey against a Spanish pharmaceutical company related to its theft of confidential information and interference with an exclusive license, allowing it to obtain FDA approval of a drug to treat a rare disease endemic in South America.