

Of Counsel Interview ...

Trusted Leader Helps Boston Firm Succeed—and Take a Stand

It's no secret, and to a large degree it's understandable, that most law firms work hard to avoid controversy—sometimes to the point where they fail to take a position on any sort of issue, sentiment, or event when maybe they should. Recently, Boston-based Goulston & Storrs took a clear, bold, and important stance when it was most needed.

In the aftermath of the violence ignited by white supremacists in Charlottesville this summer, and the subsequent reactions by President Trump and others, G&S partners issued a public, online statement that served as both a condemnation of the hatred and violence and a demonstration of “our unwavering support for diversity and inclusion,” according to “Goulston & Storrs Statement in Response to Recent Events.”

Of course, the partners could have just stayed quiet and gone about their business. But they felt the need to speak out. “In light of the divisiveness and distrust that is currently polarizing much of our country, this is no time to be silent,” according to the statement posted as a GoPetition. “Goulston & Storrs is proud of our inclusive spirit, a spirit that was a driving force in the creation of our firm more than 115 years ago.” (To read the entire statement, visit <https://www.gopetition.com/petitions/goulston-storrs-statement-in-response-to-recent-events.html>.)

One of the people instrumental in formulating and presenting the statement was Martin Fantozzi, a litigator with the firm and

its co-managing partner, although he's quick to deflect credit for the move, which seems typical of his effective and inclusive leadership style.

Fantozzi is known among his partners for his “raw intellect and selflessness,” says Goulston's other co-managing partner, Barry Green. “Marty has earned [his colleagues'] trust through his extraordinary commitment to the firm and his ability to refract everything through a lens to see what best advances the enterprise in a manner that we can be proud of,” Green says. “He doesn't think, ‘How does this affect me?’ His selfless approach is a hallmark of his leadership. Also, he doesn't take himself too seriously and has the ability to laugh at himself.”

Recently *Of Counsel* talked with Fantozzi about the statement, his career, and the firm, which is the only place he's practiced, and the legal profession.

Of Counsel: Marty, I'm sure our readers would like to hear about your firm's response this past summer to the events in Charlottesville and elsewhere. But first let's talk about your career. What made you want to become a lawyer?

Martin Fantozzi: It was something that evolved over time rather than occurring from a specific event. When I entered college I thought of the legal profession as a possible road I might go down. But it was by no means the only road I was considering.

I thought about journalism as a career. I thought about getting a PhD, and all kinds of different things.

OC: Of course you did decide to go to law school, at Harvard, and then you chose to focus on litigation and business practice areas. You now serve such clients as financial institutions, property management companies, and brokerage firms, among others. What led you in this career direction?

MF: A combination of things happening in different moments in time led to this. I found myself becoming a summer associate at Goulston & Storrs after my first year at law school. I was strikingly impressed by the culture of the firm, the caliber of the attorneys, and the way they interacted with each other. I worked in a different firm, a very fine firm, during my second summer, but I came to the realization that the characteristics of Goulston and the way its people interacted was very attractive to me personally. It led me to join the firm.

At that point, I started to build an evolving practice in certain areas. Still, when I was right out of law school, my ideas of the particular road I would take were not fully formed.

OC: Did you join Goulston right after you graduated?

MF: I literally started working here part-time the day after my last law school exam. And, I've been here ever since.

Opportunities & Engagement

OC: Of course, that's not typical. Many lawyers work at different law firms during their career. I'm guessing that's a testament to the culture at Goulston, but I don't want to simply assume that. What was it that kept you at the firm?

MF: I think there were a few things. First of all, one of my law school classmates, Steve Schwartz, joined me on my first day at Goulston, and he is still here as well. We joked at our 25th law school reunion that there weren't many of our classmates who had such a singular experience that we had of working in one place.

For me, and probably for most lawyers, the question is: How do you find the right environment that creates opportunities for you to grow in a way you imagine you want to? I was very fortunate that when I was a young lawyer here a lot of very talented lawyers took a personal interest in me, my career, and my development. They gave me opportunities to do things that I might not have were it not for their personal commitment to me.

Every young lawyer, especially litigators, need senior lawyers to open doors for them, to tell the client, "Yes they've never done this before, but trust me. They're going to do a great job." I was very fortunate that I had a number of mentors here who opened those kinds of doors for me.

That was one piece of the puzzle. The second piece was that I always felt very comfortable with the environment of the firm. It has had an informal collegiality to it from the day I arrived. We have 200 lawyers and 200 nonlawyer professional staff. When I walk around the building, I kick myself if I don't know everybody by their first name. People make it a point to engage each other personally. In a stressful environment, which the practice of law inevitably is, the idea that you're a part of a shared enterprise with other people helping you with the burden of the practice and celebrating the good things together is a real sustaining force for keeping people fulfilled. From the very beginning, that's been one of Goulston's characteristics.

OC: And the firm has been recognized for that by various rating agencies, including The Vault, which is not an easy endorsement to win.

MF: One of the things I tell people is that [Goulston has always been successful at lawyer-retention]. For example, two years ago we made six people partners and every one of them has spent their entire career at Goulston.

So while it's true that the nature of the world is such that more and more people change jobs, it's also true that we've always had [a very good retention rate]. It's equally true that we have been a home for a lot of people who had been in larger and different environments and saw this as a better opportunity. More than half of our lawyers are laterals. I think a lot of people see Goulston as an environment that's more consistent with what they had imagined a partnership would be.

The traditional partnership model, which has changed in scale and in other ways, is more difficult to maintain and manage. But we still have regular monthly partner meetings, where our chief financial officer goes through the month's financials and compares them to the plan and tells every partner how we're doing. We have a completely open compensation system. We don't bring a partner on board without convening an all-partner meeting. I think those were all norms within the profession a generation or two ago, but as firms have grown in scale and geography often you can't manage the enterprise that way. But I believe there's a strength in that collective consensus-oriented approach, where people feel that they are real stakeholders, and they're working to build something bigger than themselves.

Satisfaction in Problem-Solving

OC: Marty, what brings you satisfaction in your practice?

MF: I think every person who's a litigator by training and has the experience of trying cases finds it fulfilling. Honestly, if you don't feel a charge when you walk into that courtroom, then you're in the wrong part of

the business. What's most satisfying is that people come to us with problems that are very important to them and their business, and our job is to identify solutions and work to execute them. To me, being a problem-solver, someone who helps people to be better off after their experience with me, is the satisfaction that I derive. You're not in the courtroom every day, but you are working with clients to help solve problems every day. Even though we work with very big institutions, it's ultimately a human business.

OC: Let's turn that around now. What's particularly challenging about the practice of law? What do you not like about the legal profession?

MF: I think there's no doubt that the legal profession is in a point of transition. A lot has changed since 2008. There's just more dynamism in the business, more disruption. I don't think that process has fully worked its way out even though we're now nearly coming up on the 10-year anniversary of the financial crisis.

What I worry about is: Will the profession lose certain characteristics of being a profession as result of some of those changes? For example, how do we attract talented young people to come into the profession? Can you offer them the opportunity that is more attractive than a host of other opportunities, whether it's in consulting, technology, or the many innovative [sectors] of the economy?

I think a trait of this business is that it's a profession where you have obligations. Pro bono is an obligation, for example. We have obligations to the court, to other lawyers. One of the things I enjoy about this business is that, even though I'm a litigator and the vast majority of my cases involve disputes with another lawyer, I, as well as my colleagues here, have a lot of respect for most of the lawyers we work against. And most of them are very fine lawyers.

I had a conversation this morning where a lawyer on the other side missed a deadline

yesterday. I called him up this morning and I said, “Hey, I don’t know if you know this, but you had something due on your appeal yesterday.” And he said, “Oh, shoot. I’m going to get that to you today. Thanks.” I said, “No problem.” If the profession ever loses the characteristic of mutual regard for the other people in the profession, it would be a real loss, and I think it would cause some people to withdraw from the profession.

OC: That’s a great anecdote. I noticed on your bio on the firm’s Web site that you just barely mention that you’re the firm’s co-managing director, as you and your partners call the position. Is there a reason why it’s not more prominently mentioned?

MF: The philosophy of governance at Goulston is a little bit different than it is at other firms. For instance, we’ve always had a governing structure that has two individuals with the title of co-managing director. While there are multiple reasons for this, one reason is that we always wanted the people in this role to have the time to continue to practice law.

Secondly, we’ve tried to identify people relatively early in their professional career and give them these responsibilities. I was in my mid-40s when I started doing this in 2009, as was the other co-managing director, and I was replacing somebody who was in his late 50s. Goulston has always had this model that we want our leadership team to be invested in the future and so we tend to look for people who will serve their role as managing partners but that it won’t be the last chapter in their career at Goulston & Storrs. It’s just one chapter here at the firm. So in order to get young people early in their career or people in midcareer invested in this nonpermanent role, we’ve had this co-managing director model where you can continue to practice and, at some point, you will reenter practice full-time.

We don’t have a big hierarchical structure built around the managing partner role, although it is a key role. So I think when I

put my biography together and placed it at the bottom of the overview, it was intentional on my part because there are other places on the Web site where I’m identified as the co-managing director. In other words, we’re not an organization that features a lot of titles so we probably under-emphasize that more than other firms do.

Doing the Right Thing

OC: Let’s shift gears here and get to the response that you all put out after the violence in Charlottesville this summer. It’s powerful and it’s not typical. As you know, it’s unusual for a law firm to take such a stand, one that might be considered political. Now in my opinion it was not necessarily political; I think it’s more humane than anything. I really like it. Could you talk about the decision to put out this message of peace and stability, and the discussion you had as a partnership about it?

MF: In the immediate aftermath of what happened in Charlottesville and the way the president addressed it, one of our partners sent me an email saying, “I think we should consider doing something about this.” And then I quickly reached out to Barry Green, my fellow co-managing director, and he agreed. We did some very informal surveying and quickly came to a consensus from people that, while we are not a political organization, and we have attorneys with many different political persuasions, there are certain values that we unabashedly support. I don’t think it’s a matter of being liberal or conservative. This country is built on certain principles, and one of those principles is that we are a diverse society of people from many different backgrounds.

Like every other firm, Goulston has its own history. Our firm was founded at the turn of the 1900s by an individual who was of what we call a Yankee family, a sea-faring family in Boston, and that was Leslie Storrs. His partner, Leopold Goulston, was a German Jew at a time when people were just beginning

to practice in professional businesses across ethnic lines. For years, Goulston & Storrs regarded their firm has a welcoming environment for people who might not be welcome in some other environments. We try to uphold that commitment today.

We felt that the people who were demonstrating in Charlottesville, that is, the people who organized the protest, not the counter-protesters, were promoting hate and divisiveness. We felt that we as an organization, particularly an organization in the legal profession, could proudly stand against that without being perceived as political. Now whether we are right or wrong about that, time will tell. But the support across our organization for that statement was very high. It was an unusual decision to do what we did but it was not a hard decision.

OC: Did you get anyone who raised his or her eyebrows and said, “I don’t know about this; it might not be a good idea” and objected to the statement? And, what has been the reaction from clients?

MF: We had a couple of people in the firm who raised some cautious concern about how it may be perceived. There were just a few people. The overwhelming sentiment, including emails I got from our nonlawyer staff, was terrific. And, the overwhelming

sentiment we’ve gotten from clients has been supportive. They thought it was a great thing. There is a mechanism on the statement where anybody can sign up to indicate their support. A number of our clients have done that. We haven’t received a single negative comment from anybody.

OC: I know you didn’t do it for this reason, but it seems that perhaps an ancillary benefit has been that it’s served as a morale booster or even a public-relations bonus. Again, I want to state clearly that I know that’s not why you did it. But those are two side effects that have worked in your favor, right?

MF: I would certainly say that a statement of our principles to our community, meaning the people who work here every day, was an important audience for the statement. I think the public relations aspect is, as you say, an incidental benefit. It was never the driving consideration for us. It was, however, a consideration that with respect to hate, it is important that we speak out against it. We feel that there is something insidious about silence in the face of hate because silence in the face of hate could be read as acquiescence. We didn’t want there to be any confusion about that. ■

—Steven T. Taylor