

MONDAY, AUGUST 10, 2020

## Parsing Partnerships

*Brown & Charbonneau's niche practice is focused on litigating business and family breakups.*

**By Henrik Nilsson**  
Daily Journal Staff Writer

There are more similarities between business litigation and family law than one might think. Both types of litigation are personal, and often involve hurt feelings. “Business partnerships disputes can be just as difficult as a divorce because it doesn’t matter what kind of partnership it is,” explained Michele M. Charbonneau, co-founder of Brown & Charbonneau LLP. “If you’re two owners in a company and you’ve worked together for 20 years, just like if you’re partners in a marriage and you’re together for 20 years and then split up, there’s a lot of emotion. A lot of it gets very personal.”

For Charbonneau and Gregory G. Brown, founding partners of Brown & Charbonneau LLP in Irvine, the goal was to create a niche firm focused on trials in those two practice areas.

The two partners left their old firm, Kring & Brown (now Kring & Chung Attorneys LLP), to open their firm in 2002.

Initially, the firm faced several challenges. The two partners were involved in a major jury trial and did not have a proper work space.

“I’m already working 16 hours a day in the middle of a trial,” Brown said. “We had to temporarily work out of somebody’s house until we got an office. So I think it was two weeks in a living room before we had secured a building that we could move into.”



Thomas Kurtz / Special to the Daily Journal

From left, Gregory G. Brown, Mark M. Higuchi and Michele M. Charbonneau of Brown & Charbonneau LLP

Despite having been a lawyer since 1987 and having clients who followed them into their new firm, Brown said it was still nerve-racking.

“There’s certainly unknowns,” Brown said. “It’s new and different, although it was exciting at the same time. Then adding the whole layer of being in the middle of jury trial added to the overall chaos.”

The firm still has to pull all-nighters and work long weekends from time to time, especially during trials, but they have also been able to find stability. They’re keeping the firm small on purpose since it has allowed them to give their clients a particular focus, Charbonneau said. Today the firm has four fulltime attorneys and one of counsel, Ashley M. Rader.

“We have a very hands-on,

opendoor policy,” Charbonneau said. “Because we’re small, team effort is everything. When cases are in trial, we all work together.”

With Brown being a trial specialist, many of their clients have trusted the firm to handle multi-million dollar disputes. In one case, the firm had four public entity clients at once.

The clients were South Orange County Water Authority, City of Laguna Beach, South Coast Water District and the Emerald Bay Service District. Brown’s clients sued Moulton Niguel Water District for not paying invoices for improving a water facility which the defendant shared with Brown’s clients. *South Orange County Water Authority, et al. v. Moulton Niguel Water District*, 1721240, (Riverside Super. Ct., filed May 30, 2017).

Moulton Niguel Water District

had to pay \$4.8 million in a settlement.

“We had to work with other lawyers and law firms representing the various clients,” Brown said. “I was brought in to try the case to be the trial lawyer. There were other lawyers and law firms involved already. We had to integrate with them, which I thought might be a challenge, but it turned out great. We got along really well with everyone.”

In dealing with large public entities, the firm also had to handle the media attention that comes with it, Brown said.

“Every strategic move had a legal analysis, but then also a PR and public perception analysis,” Brown said. “It added a different dynamic. Every decision had to run through the public entity process, which makes everything take a little bit longer.”

Major factors in the firm’s success in that case and in other disputes are the team effort and preparation for every kind of scenario, said the third partner, Mark M. Higuchi, who joined in 2014.

“A big part of the success comes from the paralegals all the way through the senior partners,” Higuchi said. “But obviously preparation and always preparing and hope for the best, but plan for the worst in every case. Also, the firm has always looked at client communication as being an important aspect of the job.”

Jeremy N. Jungreis, a partner at Rutan & Tucker, said Brown & Charbonneau attorneys are able to jump on a case and

integrate quickly with the other legal team.

“But then they’re also very client- focused and willing to work with the clients and with other lawyers who are part of the overall effort to come up with an approach that makes the most sense for that client,” Jungreis said. “They’re flexible in how to achieve the clients’ needs in the most cost-effective way possible.”

Charbonneau leads the firm’s family law practice. She went into family law after going through the process of adopting her two children.

“I started working on some adoption cases and then that mushroomed into the whole family law practice,” Charbonneau said.

Many of her clients have businesses, property, or stock, which have to be valued and taken into account in divorce proceedings or other family law matters.

“I believe that if you can resolve a case out of court in family law, you should always explore that option,” Charbonneau said. “Because in family court, we don’t have any juries, only judges. You’re letting this person you don’t know, in a black robe, make all the decisions. And that includes your life, your kids, everything you own. I’d say 95% of the family cases settle. And I

think most people that know me in the legal community know that I’m settlement minded.”

Brian M. Hess, executive vice president at Niagara Bottling LLC, has worked with the firm for over 20 years, especially with Brown. But he said he would recommend Charbonneau to his family members.

Brown has been Niagara Bottling’s lead trial counsel in California since the early 1990s. The company has also utilized Brown as a legal advisor for complex out-of- state cases.

“Simply put, Greg is the best trial attorney I’ve ever seen,” Hess said. “I consider him to be a very rare talent and someone that I’d put up against any of the big name trial attorneys in the U.S. He has a unique ability to connect with people and communicate complex information in a way people understand. There is nobody more dedicated to his craft or the cases he’s working on. He is passionate and truly cares about his clients. Greg is one of a kind.”

Lawyers whom the firm has faced in court said that even though they were adversaries in the courtroom, outside opposing counsel could ask for advice on cases.

“When we were on a break from a deposition, or a trial, Brown was personable and we

had a good relationship,” said Kevin A. Day, shareholder at AlvaradoSmith. “There were times I did not like Greg as a lawyer, but never as a person, and he and I went to lunch after a month-long trial and he was complimentary and provided good guidance even though we were battling each other for months.”

Day said that when he faced Brown and Higuchi, the firm effectively distilled vast amounts of information.

In 2007, Sherman M. Spitz, shareholder at Berger Kahn, faced Brown in one of the most intense cases of Spitz’s career. But afterward, Spitz and Brown managed to move forward from a hotly contested trial.

“I appreciate the fact that when the whistle was blown and the game was over, Greg could move forward, as did I, and that’s what I expect it to be, so I consider him to be a competent professional,” Spitz said.

In another hotly contested family dispute case, Jeffrey F. Gersh, partner at Stubbs, Alderton & Markiles, said that knowing he would go into court facing the Brown & Charbonneau firm made him nervous.

“I was nervous every day because I thought Brown did such a good job,” Gersh said. “That’s not a place I like to find myself in, which is why I have

such great respect for him.”

Attorney Joseph M. Dankert joined Brown & Charbonneau last year, transferring from a multistate litigation firm, where he defended large auto manufacturers in cases litigated under California’s consumer protection statutes, unfair competition law and fraud. He graduated *magna cum laude* from University of Missouri Kansas City School of Law in 2017. The firm’s leaders said he is known for his tireless work ethic, meticulous attention to detail, and emphasis on providing premium client service.

While the firm’s successes in the courtroom have helped build its reputation, the partners said that mediation is the next arena they are trying to expand.

“I think mediation is a definite thing of the present,” Charbonneau said. “And it’s something in the future that’s going to be important. So I’m focusing a lot of my attention on mediation.”

But ultimately, the firm wants to continue to be a force that their clients can trust, whether in the courtroom or mediation conferences. Brown said it’s especially relevant today.

“I just hope the firm stays solid and stable so we can continue to assist our clients who need our help right now,” Brown said. ■

[henrik\\_nilsson@dailyjournal.com](mailto:henrik_nilsson@dailyjournal.com)

Reprinted with permission from the *Daily Journal*. ©2020 Daily Journal Corporation. All rights reserved. Reprinted by ReprintPros 949-702-5390.

