

PARTNERS IN CRIME



THINKING

SMALL: Miles Ehrlich is giving up a job in the U.S. attorney's office, and Ismail Ramsey is leaving a big firm, for the chance to start a more focused, community-oriented practice in the East Bay.

JASON DOY

Ex-prosecutors
cross Bay to start
defense practice

By Justin Scheck
RECORDER STAFF WRITER

Miles Ehrlich could be cashing in now.

Like several assistant U.S. attorneys who've preceded him out the door of the Northern District office in recent years, he could probably get a high-paying partnership at a big firm like Shearman & Sterling or Jones Day.

Or, like former assistant U.S. attorney Ismail "Izzy" Ramsey, Ehrlich could look to join a high-profit litigation boutique like Kecker & Van Nest.

Instead, Ehrlich — current chief of the U.S. attorney's white-collar division — and Ramsey are going to take a leap of faith.

In January, they plan to hang a "Ramsey & Ehrlich" shingle outside a Berkeley office rented from top criminal defense attorney Cristina Arguedas. And they're not expecting to rake it in just yet.

"We want to build a special kind of prac-

tice, specifically representing individuals, and being a trial firm," Ehrlich said. "We think we can offer a lot of what you get in big firms, but much more economically."

They don't know what their rates will be yet — "What do you think?" Ehrlich replied when asked Thursday — but, as Ramsey puts it, "The billables at Kecker are significantly higher than what we'll bill."

The pair expects most of their initial business to come from referrals, from other lawyers and the federal defense panel — on which Ramsey sits — as well as the state panel. They hope to then branch out into civil work, focusing on cases bound for trial.

"The reality is that as former AUSAs we're used to going to trial," Ehrlich said.

Taking that experience to the private sector results in a loss to the U.S. attorney's office, which has seen an exodus of nearly a dozen experienced lawyers over the past three years.

"It's not good for the office," said Martha

Boersch, a former AUSA who's now a partner at Jones Day. "Miles is a good attorney and everybody likes him."

Other former assistants had similar praise for Ehrlich and Ramsey.

"Miles was an extremely effective, smart prosecutor. He was also a very good supervisor," said Jeffrey Bornstein, who left the U.S. attorney's white-collar division in June to become a partner at Kirkpatrick & Lockhart Nicholson Graham. "It's unfortunately another hardship that the office is going to face in prosecuting white-collar crimes."

But unlike the undercurrents of several earlier departures, there's no hint of discontent with Ehrlich's exit; several sources in the U.S. attorney's office said he was a favorite of both staff lawyers and supervisors.

"He is thoughtful, sharp and creative in his legal reasoning," U.S. Attorney Kevin Ryan told *The Recorder* via an e-mail Thursday. "His considerable legal skills led to many notable successes in the courtroom." Ehrlich said his decision to leave came after a restless couple of years.

"I was sort of lamenting the idea that I liked the job, but didn't expect to be a prosecutor forever," Ehrlich said.

He and Ramsey had talked on and off for a couple of years about starting a

practice, and recently sat down over pizza with U.S. Northern District Senior Judge Thelton Henderson to get his advice.

They agreed that one of the benefits of starting their own practice would be the opportunity to bring an idealism not often associated with big firms.

"What makes you excited about it is making sure people are treated fairly," Ramsey said. "It might sound corny, but it's the truth."

Ehrlich said he had always envisioned doing defense work, and had not expected to spend 11 years as a prosecutor.

Ramsey, on the other hand, had been immersed in the criminal justice system his entire life — his father is retired Alameda County Judge Henry Ramsey.

"I was a bit of a geeky kid, watching trials my dad had done," he said, adding that he eventually ended up prosecuting a man in federal court whom he saw tried in his father's courtroom.

With such a long personal history with the law, Ramsey said, he wanted to establish a practice that would become a part of the community.

Robert Van Nest, a partner at Kecker & Van Nest, said his goal should be no problem.

"Izzy's a great standup lawyer in the courtroom," he said. "And he's got a lot

of political savvy. He's a very savvy guy, very good at navigating San Francisco and the East Bay."

Steven Gruel, a former AUSA who left the office last year to go into private practice, agreed. "They've earned their reputations with their colleagues and with the bench." But there are drawbacks to forsaking big firms, Gruel added. "No longer, like when you're with the government, can you not worry about those Lexis-Nexis bills."

Bornstein agreed. "You've got financial security [in a big firm.] There's already an infrastructure to help you along the way." For many lawyers, he added, going solo is a tempting proposition that they'll never achieve. "Not many of us are in a position to take that kind of risk," he said.

But that risk, said Arguedas, is worth it for lawyers who want to focus on representing individuals in trial-bound cases.

"They're excellent trial lawyers and they're making the choice to be trial lawyers and you can really only do that in your own firm," she said.

Ehrlich and Ramsey add that while what they're doing is relatively rare, they've encountered no shortage of expertise. "We get a lot of unsolicited advice," Ehrlich said.

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