

A professional portrait of Philippe Selendy and Faith Gay. They are seated on a wooden bench in a city setting, likely New York City, with a busy street and buildings in the background. Philippe is on the left, wearing a dark suit and a patterned tie. Faith is on the right, wearing a grey and black dress and red heels. The background shows a street with yellow taxis and a building with a 'RADIO CITY' sign.

Philippe Selendy & Faith Gay
SELENDY & GAY (NEW YORK)

PHILIPPE SELENDY AND FAITH GAY

BY JOHN RYAN

IT'S ALWAYS NEWS WHEN PERENNIAL

Lawdragon 500 members leave their long-held positions at prominent institutions to start their own firms. Early in 2018, two such renowned partners decided to make the jump together when Philippe Selendy and Faith Gay departed the New York office of litigation powerhouse Quinn Emanuel Urquhart & Sullivan. They and their initial stable of lawyers plan to make Selendy & Gay “a different type of spinoff” for both clients and the lawyers they continue to attract.

Selendy developed a national reputation at his former firm for excelling in complex financial litigation, most notably as lead counsel for the Federal Housing Finance Agency (FHFA) in claims against Wall Street banks after the financial crisis. Gay co-chaired Quinn Emanuel’s national trial practice and is relied on by Fortune 500 companies and individuals for their most important cases and sensitive investigations. The partners expect Selendy & Gay to have a balanced blend of plaintiff and defense work covering “every conceivable substantive area” that may interest the firm’s lawyers, with public interest and pro bono work serving as one of the foundations.

Lawdragon: How did you come to realize that you shared a similar philosophy and should start your own firm?

Faith Gay: Philippe and I first worked together over a decade ago, and I recognized immediately that he was a shining star. His diligence, deliberation, creativity, moral compass and emotional intelligence made me sit up and take notice. As our careers developed, our friendship and mutual respect grew even as we concentrated on different areas of substantive law, and as we built practices on offense and defense that complemented each other and exhibited a high degree of symmetry.

We discovered, quite organically, that our views on how one might organize a professional community, the areas of substantive expertise that excited us and the values that informed our approach to law practice were a close match. The essence of what we hoped to create, and are creating, is an immersive and collaborative partnership that privileges service, legal excellence and purposeful diversity over the traditional metric of profits per partner and growth for growth’s sake. At the same time, we are devoted to nurturing the aspirations of each of our attorneys, and to creating career paths that maximize their success.

Philippe Selendy: What makes Selendy & Gay a different kind of spin-off is, in part, that we launched with ten star partners; we are now twelve. We share a foundational conviction that, in this dark era, we can do better. Our partnership has a very long vision that is rapidly becoming concrete: to reinvent law firm practice; to collaborate with, teach, and learn from our associates and each other; to build a strong professional community within the firm, with our clients, and more broadly; and to take responsibility to ensure that the character of the firm reflects our own character and values. Faith and I saw the creation of our firm as inevitable, and she is an ideal partner for me – an extraordinary talent with a very different practice, history, and approach, whose goals are still singularly aligned with my own.

LD: What types of associates and staff have you been hiring?

FG: We are fortunate that there is a high level of interest in our firm among law students and clerks. We are not only looking for the best and brightest, but for applicants who are deeply interested in the craft of trial and appellate practice, who see litigation as a service opportunity, and who are committed to using the law to add positive value rather than merely churning out hours at high rates. We want committed advocates, not just highly trained global knowledge workers. We also want applicants to be interested in building a close-knit law firm community in which they will be active participants and thought leaders.

PS: We want brilliant associates who love and respect the practice of law, and who understand the special privileges and responsibilities of lawyers in a country that is still governed by the rule of law.

LD: What about on the client side?

FG: We have a robust mix of litigation and investigations for existing and new clients in a wide-range of substantive areas. We already have the depth to take on the most complex matters, and we are absolutely committed to maintaining quality control even if it means we have to occasionally turn away matters we would love to take on.

PS: We designed our firm and selected our partners to ensure that we would have deep and complementary areas of expertise in virtually all areas of complex litigation. While we have taken a highly disciplined approach to growth, including setting extraordinary requirements for our associate applicants, we are now large enough

to run multiple trials and appeals at the same time. Our clients are a strong mix of new and long-term relationships, and we are fortunate in being able to select the cases we believe in.

LD: What you are doing with firm management and operations to promote efficiency and innovation?

PS: Our starting premise is that litigators are often good students of their clients, but rarely turn their analytical skills to their own profession. We have designed our firm from the ground up to allow our lawyers to practice at the highest levels, with upfront investments in technology and the training of all personnel, compensation structures that reward strategic thinking and collaboration, transparency of planning, data, and management, and relentless self-criticism to test how we can advance further.

LD: What did you learn at Quinn Emanuel that helps you predict where litigation business will come from in the future? What mix of work do you see shaping up now?

FG: The breadth and sophistication of matters we are attracting exceeds my prior experience at QE and elsewhere. My view is that we will continue to have an almost even split of plaintiff and defense work, and that it will be spread across every conceivable substantive area including those where we had not anticipated a deep portfolio of cases in our first year such as intellectual property and bankruptcy.

LD: How about with the fee structuring for clients so far, or what you expect to happen with that going forward?

PS: We are open to any structure of interest to our clients.

LD: The firm is starting out with a 50/50 gender split in name partners and management. Do you think this will enable you to avoid the gender disparity found at other firms and is this an important goal for the firm?

FG: It is a significant goal of our firm, and one that we think evolves naturally when we focus on merit and the qualities I have outlined above. We have a deep commitment to gender parity, and we intend to devote the resources necessary to meet that goal now and in the future. Our clients want it, the courts want it, and we want it. Without it, a firm cannot function at the highest level of excellence.

PS: I believe that one of the more direct ways to overcome bias is to share power. Our partnership and firm management is, and will be, egalitarian and fair.

LD: How would you describe your style as a trial lawyer and what advice do you have for younger lawyers?

FG: Much of my career has been devoted to making a way out of no way in handling allegedly unwinnable

cases. When inheriting a case in distress or on life-support, I know when to insist on perfection, and when not to make the perfect the enemy of the good. I also try to shut off the received learning in my own head and to resist the urge to quickly offer a clever solution in favor of really listening to my clients' hopes, dreams, priorities and deep knowledge of the facts. That matters more than almost anything else in quickly setting the stage to amplify the best narrative and to achieve the best possible result.

PS: I would encourage younger lawyers not to underestimate what is possible, what can be learned, and what can be won. Extraordinary results require extraordinary commitment at many levels, but if you are willing to play a very long game – and systematically develop your talent, experience, and critical assessments of market developments and litigation opportunities – the landscape will open up before you. Trials are uniquely demanding because so many elements are in play. My own approach is to ask for very high levels of critical thinking from everyone on the trial team, to work together on a radical simplification of themes and points while mapping out every element of the case, to develop multiple parallel lines of attack and defense, and to ensure the integrity and credibility of every part of our proof. Of course, everything we do, from the first steps of preparing or answering a complaint onward, is shaped by the expectation of taking our cases to trial.

LD: Did either of you have a particularly important mentor early in your career?

FG: I didn't have a single mentor. I did have a variety of adults – both in and outside law – who took an interest in me. Some of these folks were peers or just a few years ahead of me. Some were icons of the bar. I can't think of a single person I've encountered that I haven't learned from although I treasure examples of moral leadership over and above the fabulous tutoring I received in the substance and craft of trial law. Valerie Caproni, Nate Eimer and Rosemary Barkett all influenced my approach to the practice of law, and I still learn from them every time we cross paths.

PS: I am still a student. Like Faith, I find that I continuously learn from others – something that I hope will never change. Paul Dodyk, Frank Barron and my wife Jennifer Selendy, who always loved the law, were important early mentors to me when I was a young associate at Cravath figuring out what I would make of this profession. (Jennifer Selendy also departed Quinn Emanuel and is managing partner of Selendy & Gay.)

LD: Can you name someone you've come up against in court that you admire, and why?

PS: I like having intelligent and formidable adversaries, and there are many lawyers I respect and admire in our singular profession. A fair list would be a long one! Two great examples from the last few years are Sharon Nelles at Sullivan, and Brad Karp at Paul Weiss, who both proved to be highly agile, thoughtful, and honest opponents in our FHFA wars.

FG: Bruce Zimet, one of the deans of the criminal defense bar in Florida. Bruce is the best “cold” cross-examiner I’ve ever seen. He can read a witness he’s never seen before and for whom he has little or no evidentiary clues. He knows exactly how far to go and how much risk to take simply by focusing exclusively on the essence of the person. He manages to convey respect for the witness on the stand while examining them within an inch of their life. He also reads the room so that he always leaves the jurors wanting more rather than dying of boredom or overkill.

LD: What is the firm’s philosophy for pro bono work? Has a vision materialized, or do you imagine any particular types of emphasis?

FG: We see public interest litigation and pro bono service as a cornerstone of the profession and of our firm. More to the point, the opportunity to provide world-class service to all is the reason many of us practice law. Our lawyers will have the opportunity to serve the clients and interests that inspire their brilliant and creative advocacy. My particular interests are indigent and immigrant defense, access to education and health care, workplace equality, religious freedom and LGBT rights.

PS: The need is greater than ever for private, profitable law firms to make major contributions through pro bono work. We have been taking on certain significant pro bono matters already, since our February 15 launch, but we will greatly expand our efforts as we complete the project of building the foundations of the firm. We are open to all areas of pro bono of interest to our associates and partners, and we are particularly interested in public-impact litigation and related ways in which we can meaningfully leverage our power to advantage the public good.

LD: Faith, how did you come to help launch the American Immigration Representation Project? Can you share any information on how that is going in terms of being able to meet the demand that is out there?

FG: I read that U.S. District Court Judge Shira Scheindlin was leaving the bench and returning to private practice. I suggested to my friends and former partners Sheila Birnbaum and Kathleen Sullivan that we invite Judge Scheindlin to lunch to explore how we might work to-

gether in the private sector. During lunch, one of the things we discussed was how the private bar might help detained immigrants who are facing deportation without the assistance of counsel. That became AIRP, which is thriving in large part due to the dogged efforts of Judge Scheindlin. As I’m sure you know, the need is endless. Only a tiny fraction of detained immigrants have counsel to assist them in navigating one of the most complex areas of law. Having counsel in detention proceedings almost always produces a more positive and humane outcome.

LD: Philippe, it seems like some of your public interest work has had an environmental flavor, including your work for Vote Solar, which advocates for clean-energy policies and programs. Can you discuss how these interests emerged?

PS: Yes, I have a strong interest in environmental litigation, including work that advances sustainable energy; I see this as the foundation for our future. Equally, I would like to advance, through pro bono litigation or otherwise, cases that serve related public interests: for example, to help our democracy remain stable and renew itself with each generation, to protect educational opportunities and healthcare for children, to strengthen our middle class, and to keep our country’s historic but challenged openness to immigration.

LD: Do you think the demand for Selendy & Gay will overcome the one-office goal? Do you see a tension there and how do you plan to manage it?

FG: I won’t speak in absolutes but I can share our aspiration: We want to be in one place as a professional and intellectual community practicing law together. We think that better serves clients and makes for a much more satisfying professional life. My vote would be to constrain demand before I would materially alter that model.

LD: When thinking about the one-year anniversary of your launch, what are some benchmarks you need to hit to say: “This has been a true success”?

FG: First and foremost, satisfaction by all of our clients that we have fully addressed their needs and added value to their most treasured enterprises. Separately, I want every lawyer in our firm to develop personally and professionally in ways they could not have imagined before joining our firm. If we can accomplish these two objectives all other metrics will follow.

PS: I would like our clients, associates, and partners to agree we are redefining state-of-the-art as well as professional responsibility with a litigation shop that we are all proud to call our own.