

## Filling the gaps

Smaller firms playing at Big Law levels

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[Christopher Esbrook](#) spent more than a decade at [Kirkland & Ellis](#). But he had a dream to launch his own firm and thought there was a viable path to follow.

“I saw what I thought was a hole in the market,” he said. “I didn’t think (a firm) existed that was a truly sophisticated firm that can do the most complex cases in the country that had a good rate structure.”

After seven years and substantial growth, [Esbrook P.C.](#) is meeting its founder’s goals while being a complementary piece to Big Law firms like his former employer.

“I’m not wooing clients from Kirkland,” Esbrook said. “We are another tool in the belt, depending on what the (legal) issue is. You should have Kirkland and you should have us (in your tool kit).”

Smaller trial boutique firms, especially those that work with high-profile clients, believe they can stand out by not prioritizing the profitability of billable hours to the detriment of the client experience. [Alan Littmann](#), the Chicago managing partner of [Goldman Ismail Tomaselli Brennan & Baum](#), notes some big firms do a cost-benefit analysis on all their cases by tracking hours despite offering alternative rate options.

“They might say, ‘Well, this case wasn’t profitable for us because we charged X amount per month, but we internally, we tracked our billing, and we billed X hours per month, and that makes it not profitable,’” he said. “We don’t have any of that kind of weird disconnect. We’re billing the client in the same way we judge ourselves, and that really aligns everything much more effectively.”

Esbrook added: “The really important thing is for clients — companies and individuals — when the matter justifies hiring Kirkland, you hire Kirkland. Full stop. When it doesn’t, hire a firm like ours and not because it’s a boutique. It is the fact that you have truly top-tier lawyers in a place where the economics allow us to give lower rates.”

CREATING ‘OWNERSHIP’

Littmann said Goldman Ismail is strategic about how many attorneys are hired in a year. He said the high-water mark is six attorneys, but who they hire is critical.

“It actually hasn’t been a real challenge to find people,” he said. “(There’s) always a chance we have to turn down great people.”

Littmann said the firm must make new attorneys “feel ownership” in the firm from day one.

“When we hire somebody, we’re hiring them because we want them to become a partner at our firm. We’re not hiring them because we expect to leverage them for five years and then cut them,” Littmann said. “That is what we have in mind for every single (hire). (We) give them the tools, not just to be wonderful (lawyers), but also to be partners and fuel ownership in our firm. It is an important aspect of making sure people know that they have a place here.”

Littmann said that getting buy-in immediately is critical, because working at a smaller firm means there’s going to be a lot of long hours with the same people every day.

“When you are spending that much time and you’re so dedicated to the job, you also want to work with people and for an organization that you feel like you have an impact,” he said. “(We’re) giving them that opportunity and hopefully inspiring people to create an environment (they) want to remain in.”

## TIGHT-KNIT GROUPS

Littmann started with the firm 15 years ago and its clients including Major League Baseball and [3M](#), among others. Today, the Chicago office has around 40 attorneys. He said the firm likes to keep everyone involved in their cases at all stages.

“It allows our case teams to be our entire case debate team, to be completely knowledgeable about the case overall,” he said. “That means our associates, our staff, our partners, all understand what’s going on with the strategy for the whole case. We (all) have a responsibility within that case. If the client wants to call up or email somebody everybody knows the answers and how to approach the case. That’s something that really cannot be replicated by nearly any other firm.”

Littmann said since Goldman Ismail doesn’t bill by the hour, the firm can bring everyone into the fold for their litigation.

“Everybody can take the time to make sure they understand what all the key aspects of the case are,” he said. “(It) allows our junior associates to get the experiences that they wouldn’t get at a big firm. (The work) builds upon itself.”

“I really like smart, young men and women that just want to be good lawyers,” Esbrook said. “We have such a flat structure so young lawyers get to take on responsibility that they wouldn’t ordinarily get. That’s one of the selling points for when I try to recruit at the junior levels. You can get a witness to try, take a deposition or defend (a) deposition. You can actually do the stuff that made you want to become a lawyer.”

Esbrook said the current economic climate has created more opportunities for him and his staff. The firm — which works on both the plaintiff and defense side — has opened offices in Washington D.C. and Wilmington, Delaware. These offices were not part of Esbrook’s initial plans for his firm in 2018. But with an increasing amount of work in private equity, matters involving the False Claims Act and commercial litigation with companies established under Delaware law, he had to jump at the expansion.

“(There’s) a lot of litigation at the fund and portfolio level,” he said. “It is truly just complex commercial litigation. (It can be done) wherever (and) wherever.”

Esbrook expects his firm — and others in his arena — to be “tracking” climate change matters and lots of complex commercial litigation in the near future. One area of law that he sees confusion is in arbitration cases. Esbrook highlights instances where the arbitrator is actually an accountant and not an AAA arbitrator, a lawyer might not be able to force arbitration on old claims.

“You could have an arbitration for the calculation of an earnout pending while simultaneously there’s litigation in court for suppression of that earnout,” he said. “That seems crazy to me. But that’s what the law says in Delaware. That is an issue for merger and acquisition drafting everyone’s going to have to pay attention to.”

Winning over clients — both new and old — requires attorneys to stay on the gas.

“It’s true at every level of the law, from the biggest firm in the world to a one-person job,” Esbrook said. “Client retention begins with every communication. Every email, every brief. You know what I’m trying to build here is the best boutique in the country. That is the goal.”

Esbrook said it hasn’t been hard to let go and allow his fellow firm partners and associates to run their own show.

“The other day I saw a deposition happening in one of our conference rooms and I didn’t know what (it was for) or what the case was,” he said. “It was so amazing to me. For the first couple of years, I knew every case, witness, and deposition. Now we’re growing and maturing. It’s really cool.”

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