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MAGAZINE®



## Features:

Berman Fink Van Horn P.C.

○ Attorneys of the Month

Taylor, Feil, Harper, Lumsden & Hess, PC

○ Law Firm of the Month



## Berman Fink Van Horn P.C.: Built to Win

By Jan Jaben-Eilon

L-R: Jeff Berman, Chuck Van Horn, Bill Piercy, Ken Winkler, Tom Sowers. Front: Benjamin Fink

**T**he vibe in this law firm is like no other. From the start of the meeting, shareholders of the highly respected firm, Berman Fink Van Horn P.C., enthusiastically complete each other's sentences. The brotherhood among the close-knit group is evident. When Ben Fink says, "We're like brothers," Chuck Van Horn immediately adds, "brothers without the sibling rivalry."

More so, they deliver conviction as they describe their law practice, which represents a wide range of business matters, including business litigation and dispute resolution; labor and employment, non-compete, trade secrets and unfair competition litigation; insurance and real estate transactions and litigation; and corporate matters, including mergers and acquisitions.

Indeed, as each of the attorneys explains his area of specialty, he is interrupted by another who embellishes the story or pays his colleague a compliment. It's definitely a supportive group and the attorneys take special note of the culture they have created. The name partners have practiced law together for 16 years and they take pride in a culture where both attorneys and staff are long-termers.

It is the collaborative and entrepreneurial environment that differentiates this law firm from the rest. In addition, it is hard

not to notice that they genuinely like each other. As Jeff Berman explains, "We use a personality assessment in our hiring process to help ensure that we maintain a positive and enjoyable working environment. We want to focus our day on solving clients' problems, rather than our own." This extra measure helps to ensure that clients will feel comfortable using the firm for all of their business needs. "If a client knows and likes one of us, there is a very good chance they will like all of us," says Berman.

Yet, in their hiring they are not looking for cookie-cutter attorneys. "We're not all the same," Berman notes. Fink graduated from Duke University and Berman from the University of North Carolina at Chapel Hill, he notes, illustrating strong rivalries at least in some areas. "But there are certain things that are similar, such as the way we deal with people. We are not willing to sacrifice our culture for the sake of growth." Still, the firm has grown as its reputation has expanded.

### Corporate Law

Berman grew up in a family business, enabling him to see all the challenges inherent in a family-owned enterprise. This background empowers him with the ability to understand both the business and the legal side of a matter, a perspective that has

earned him great accolades from his clients.

With a general corporate background, Berman along with Shareholder Tom Sowers, is all things corporate. “In the M&A world, for example, we have dealt with a lot of serial and seasoned entrepreneurs,” he says. “My team and I are smart people who work fast. We have clients that move along pretty quickly, and we keep up. I get calls and emails at odd hours and from odd locations. There was one client who was concluding a deal in Eastern Europe and I had to get documents to them immediately. If I could not respond right away, they might have lost the deal.” This scenario is typical for many of Berman’s clients. He also goes on to discuss his frequent role in representing lawyers and law firms, a great testament to his reputation. Oftentimes, says Berman, an attorney will call him to sell or merge his or her own firm. It is also common for family law attorneys to seek Berman’s thoughtful approach to ensure that their client’s corporate interests and assets will not be compromised by a divorce.

Fink says that finding solutions, a cornerstone of the firm, is most important. He noted that one client credited Berman with saving his company through an incredibly unique approach to a problem that threatened the client’s company. According to Fink, Berman’s forte is giving excellent legal advice, but not getting in the client’s way of making a deal. “[Jeff is] good at coming up with solutions and getting deals done,” says Fink. Humbled, but confident, Berman replies, “Some attorneys look at problems. We have solutions.”



Bill Adler Photography

## Employment/Business Litigation: Non Compete, Trade Secrets and Unfair Competition

While Fink’s practice includes litigating a wide range of employment and other business disputes, Van Horn enthusiastically says that “Ben has earned a reputation as the go-to attorney for non-compete, trade secret and other competition-related disputes in Georgia.” Fink says, “In my more than 20 years in practice, it seems as if I have seen it all in this arena. Other lawyers often call me to pick my brain on these issues and I am always happy to provide my perspective on both complex and simple issues. This is part of our culture.”

Aggressive when necessary, but always the consummate professional, Fink considers litigation a game of chess, not hand-to-hand combat. Fink adds pragmatically, “I work hard to prevent my clients from winning the battle, but losing the war. I bring a strategic mindset to every representation, keeping the big picture with respect to my client’s business in the forefront. I work hard to help my clients make good business decisions—rather than emotional ones—that are in the long-term in the best interest of their businesses. In some cases, the best advice is not to file a lawsuit — advice you wouldn’t always expect from a litigator.”

Perceptive and plainspoken, Fink uses understandable language, rather than legalese, to help his clients make good decisions quickly—which usually saves them time and money. “Ben is incredibly comfortable in the court room. He knows how to take control of a courtroom without being obnoxious. He gets results in a professional manner,” says Berman. As one judge’s staff attorney recently stated to Fink: “It makes our job so much easier when lawyers are pleasant, professional and well-prepared, as you always are.”

While speaking in “plain English” is another commonality among this team, Fink reflects back to the courtroom and says, “The greatest compliment is that we get a lot of referrals from lawyers who were formerly opposing counsel. We can litigate effectively for our clients, yet remain civil with the other side.”

## Employment Law: Compliance, Discrimination and Litigation

Ken Winkler’s practice ensures companies are compliant with ever-changing employment laws, allowing companies to focus on the revenue-generating matters of their business.

Winkler represents both emerging and long-established companies in various aspects of employment law. In particular, he enjoys helping his clients establish policies and practices that will build an infrastructure for growth.

“I emphasize proactive measures,” says Winkler. “I work closely with management on how to recognize red flags and deal with conflicts in the work place to avoid litigation. Whether a company has a sophisticated human resources department or not, personnel issues often involve conflicts that if not addressed can lead to extraordinary liability.” By providing an experienced eye, Winkler helps his clients deal with complex problems.

Executives are often referred to Winkler to negotiate agreements or to address non-competes while in transition. Because he represents employees, employers also seek Winkler because he is known to provide a deep understanding of employment disputes, from all sides.

## Real Estate Transactions and Litigation

Van Horn’s specialty is real estate, primarily dealing with disputes. “Real estate deals gone bad,” as he puts it. To illustrate the broad thinking and resources of his practice area, he tells of one case in which he was hired to end a real estate partnership. “I partnered with Jeff for a non-litigation solution that required complicated corporate maneuvering. In the end, we avoided litigation and the client received most of his money back. It was a joint approach that brought great results. That was more than a decade ago,” said Van Horn. “And I’ve served as this client’s general counsel ever since. So you can see why it’s necessary – and beneficial – for us to rely on each other sometimes.”

“That’s not an uncommon happening,” reinforces Berman.

Another key collaborator to the team is Shareholder Bill Piercy. Through litigation, arbitration, mediation and negotiation, Piercy helps clients end unproductive business relationships. These issues frequently involve breach of contract, fraud, misappropriation of trade secrets, breach of fiduciary duty, tortious deprivation of corporate interest and conspiracy and related claims.

Indeed, these attorneys are very comfortable in the courtroom.

“While we always try to avoid going to trial, jury trials are one of my favorite things to do,” says Van Horn. “I take complex legal issues and explain them to people with non-legal training. I don’t like talking in legalese.”

“We rely on each other, and part of the [hiring] assessment is that we know we can help and rely on each other,” said Berman. According to Winkler, “[Our employees] have to demonstrate integrity in how we work and how we get along.” It’s most important, adds Fink, “that we are able to be highly responsive to our clients as well as to each other.”

That doesn’t mean the attorneys are all work and no play. They each have families and volunteer in the community. Berman is general counsel for Learning on the Log and is on the board of the William Berman Jewish Home. Fink is an officer of the labor & employment section of the Atlanta Bar and vice chairman of the American-Israel Chamber of Commerce, Southeast Region. Van Horn is the alumni recruitment network coordinator for Georgia on behalf of his alma mater, Villanova University, and is involved with Briarlake Elementary School and

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“ We genuinely like practicing law – and delivering results ”

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his church. Winkler is a vice president of the Marcus Jewish Community Center and serves on the advisory board of Georgia State University School of Hospitality. In addition, in 2013, Fink, Piercy, Van Horn and Winkler – and several other attorneys in the firm - have again been named to the Super Lawyers list as top attorneys in Georgia. (Fink and Van Horn were just named to the list of top 100 Attorneys in Georgia).

Attaining prominence in the legal profession wasn’t ordained for these attorneys. They have built the practice to be responsive to clients and have chosen to remain close to the business operations of this thriving firm. “Other law firms,” explains Fink, “have managing partners to run the firm. But we run our business; we all participate in it.” Van Horn adds, “We built this firm and want to remain involved.” In fact, running their own business allows the partners in the firm to be able to relate directly to many of their clients’ problems, having often dealt with similar issues for the firm.

“We take our work very seriously; though, we don’t take ourselves too seriously. We’re just good at what we do and clients, colleagues and business associates recognize that,” states Van Horn. Berman adds, “We genuinely like practicing law – and delivering results.”

“The best story is that we have had many of our clients with us for years,” says Berman. “We must be doing something right.”

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