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After 35 Years, Litigation Boutique Kornstein Veisz to Close

Christine Simmons, New York Law Journal

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Facing an expiring lease and a senior partnership in their 60s, prominent litigation boutique Kornstein Veisz Wexler & Pollard is dissolving and its partners are moving to new firms next week.

Daniel Kornstein, who founded the nine-attorney firm in 1980, will become a partner at litigation firm Emery Celli Brinckerhoff & Abady.

Meanwhile, Duane Morris is bringing on board six attorneys, including senior partners Marvin Wexler and William Pollard.

"We've been practicing law for 40-plus years, and we were not going to make a commitment for another 10-year lease," Pollard said.

Kornstein Veisz, which is closing at the end of this month, has represented large insurance companies such as Chubb Corp. and hospital clients such as Beth Israel Medical Center, part of the Mount Sinai Health System. The firm has represented actors Kirk Douglas, Harvey Keitel and Tommy Tune.

It also represented American author Rachel Ehrenfeld in challenging a default English libel judgment. Although the New York Court of Appeals denied jurisdiction, it invited the state lawmakers to change its long-arm statute, prompting the Legislature to pass a law in 2008 making a foreign defamation judgment unenforceable in certain cases.

In the last two weeks, in a victory for Wexler's client Beth Israel, a Manhattan Surrogate Court ruled the estate of a heiress Huguette Clark was time-barred from claiming that the hospital manipulated Clark into making donations.

The firm grew to about 26 attorneys by the 1990s. It trimmed down in the last decade, and co-founder Howard Veisz retired in 2010.

In recent years, partners began considering their options, facing an October 2015 lease expiration at their 757 Third Ave. office.

Pollard and Wexler, both 68, said they are considering retiring within the next 10 years but will

give their full attention to Duane Morris.

Kornstein, 67, said he has no plans to retire or slow down. He said he chose Emery Celli after his friend, Emery Celli partner Hal Lieberman, suggested he consider joining.

"When it became clear his firm was going to cease operations and close up, we said, 'Here's an opportunity for us to get the person who is a quintessential Renaissance lawyer,'" founding partner Andrew Celli said, noting Kornstein's litigation expertise and research on Shakespeare and other writers.

Celli said Kornstein is bringing with him defamation and constitutional law cases for Emery Celli's civil rights practice, but Kornstein will primarily focus on commercial litigation.

Besides the two named partners, Duane Morris' addition from Kornstein Veisz includes partners Lawrence Fox and Kevin Fee and associates Amy Gross and David McTaggart.

When it came time to move, Pollard said the attorneys talked with about eight other firms. They chose Duane Morris—a firm with more than 700 attorneys worldwide—because they liked the people, culture and would have a broad footprint to develop their practice.

Pollard said it was time to go to a large firm. "If I was going to be a small firm, this was the firm I was going to be in," he said about Kornstein Veisz, adding that with only a few exceptions, "You don't really survive any more in mid-size firms."

Pollard will focus on commercial litigation, white-collar defense and Securities and Exchange Commission enforcement matters at Duane Morris. Outside his practice, Pollard is a part-time judge for the U.S. Court of Military Commission Review, which hears appeals from military commission trials at Guantánamo Bay.

Wexler, whose monthly poetry readings to nursing home residents have made newspaper headlines, will continue to focus on commercial litigation, including on behalf of Mount Sinai.

Michael Grohman, a Duane Morris partner who leads its New York office, said the group's addition will grow the office to more than 100 attorneys. He said the group is a nice fit because Duane Morris can provide services such as in health care, immigration, labor and employment to their hospital and insurance clients that Kornstein Veisz could not.

The partners said the firm split was amicable. In remarks forwarded to the Law Journal, Wexler said the firm "was a partnership that was governed and held together not by a partnership agreement—we never had one—but instead by friendship, by mutual respect ... not greed. Not grab the bucks. Not do it the easy way. Not crack the whip. Not wield the axe. Not sharp elbows. Not public relations and marketing."

Christine Simmons can be reached [via email](#) or on Twitter [@chlsimmons](#).
