

The Governor's Go-To Guys

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By Cheryl Miller

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SACRAMENTO — Quick, name the Sacramento firm whose past and present clients include Gov. Arnold Schwarzenegger, Johnny Cash and Smith Barney.

Try Mennemeier, Glassman & Stroud, a five-lawyer litigation boutique with a high-powered client list and a low public profile. Over the last 10 years, the three name partners, all former colleagues at Orrick, Herrington & Sutcliffe, have developed a niche handling matters for private companies and public agencies that the big-name firms can't or won't take on.

They haven't cracked the Am Law 100, and with their current rates structured to accommodate public clients, they won't any time soon. Their expansion plans call for hiring perhaps one additional lawyer in the near future. Their unassuming office a few blocks from the Capitol probably couldn't handle many more.

"We like it that way," said partner Andrew Stroud. "Ken [Mennemeier], Eric [Glassman] and I decided we wanted to control our own destiny. We don't want to become a national firm."

They may not have the national name, but they do have a client with national interest. Schwarzenegger hired Mennemeier earlier this year to represent him in the upcoming state Supreme Court hearing on California's gay marriage ban.

Since 2005, Mennemeier, Glassman & Stroud has become something of a go-to law firm for Schwarzenegger in cases where the governor has a conflict with his usual counsel, the attorney general's office.

The relationship took off last year after two powerful public labor unions representing California's prison guards and teachers sued the governor, alleging that he used his official government Web site to campaign for four ballot initiatives. Schwarzenegger's legal advisers didn't have to look far when they sought a private lawyer. Legal Affairs Secretary Andrea Hoch knew the three partners from working with the firm on energy litigation during her tenure in the attorney general's office.

"They're excellent lawyers," said Schwarzenegger spokesman Bill Maile. "Their billings are reasonable, and they have always done competent and professional work."

Stroud got the prison guards' suit dismissed. Later that year, Schwarzenegger turned to the firm again when he and Attorney General Bill Lockyer disagreed over the interpretation of Proposition 83, the initiative known as Jessica's Law that limits where convicted sex offenders can live. Mennemeier



Sacramento attorney Ken Mennemeier
Image: Jason Doiy / The Recorder



Governor Arnold Schwarzenegger
IMAGE: Jason Doiy/The Recorder

successfully argued that three related challenges to the law should be tossed out.

Mennemeier drew even more attention earlier this year when his name suddenly appeared in case filings as the governor's new counsel in the consolidated gay marriage cases now before the state Supreme Court.

Attorney General Jerry Brown had taken a new, more liberal tack in urging the court to uphold California's ban on same-sex marriage while at the same time inviting justices to declare gays a protected class. Schwarzenegger wanted his own lawyer to continue the arguments of Brown's predecessor, Bill Lockyer, which sought the ban on more straightforward grounds. Once again the governor's office turned to Mennemeier, who submitted a narrowly tailored brief on behalf of Schwarzenegger.

Advocating strict scrutiny in a gay-marriage case is something new for Mennemeier, who is often sought by clients for his proficiency in securities litigation. But the firm's lawyers say they've built a reputation for nimbly handling complex constitutional issues.

"Familiarity breeds confidence," Mennemeier said.

Other state clients include the Department of Corrections and Rehabilitation, the Office of Park Management, the Infrastructure and Economic Development Bank and the Department of Water Resources.

"Sacramento is a big city, but it's also a small town," Stroud added. "People who work in the state know us. They're comfortable with us. And I think the people who we work with on the governor's staff and in the attorney general's office, they know who we are."

The partners' ties to Orrick help, too. Sacramento's sixth-largest law firm has become a sort of fraternity for lawyers in the capital region, peppering private practices, government agencies and the bench with attorney alumni well-grounded in government and financial law. Christopher Krueger, the deputy attorney general handling the gay-marriage cases for Brown, formerly worked for Orrick. So did Dan Maguire, the governor's deputy legal affairs secretary, according to Norman Hile, the partner in charge of Orrick's Sacramento office.

"They are excellent lawyers and excellent litigators," Hile said of the Mennemeier partners. "They were able to cut their teeth on the type of cases we do here."

Hile said that the two firms' leaders remain friendly and sometimes refer clients to one another.

Stroud said "there's no doubt" that working at Orrick "was a huge benefit for us." But he, Glassman and Mennemeier decided to leave a decade ago because "we felt like we could do the same things on a smaller scale. And we've been right."

The firm's recent contracts with the state, as provided by the Department of General Services, show modest flat-rate fees: \$60,000 for the prison guards' case and \$230,000 to defend the governor in the Prop 83 lawsuits.

While Orrick is a major player in state politics, sprinkling campaign donations liberally to candidates, Mennemeier, Glassman & Stroud largely eschews political ties. While records show that Mennemeier has, as an individual, made a couple of contributions to federal-level Democratic candidates, the firm itself has represented state office holders on both sides of the aisle.

"Both Ken and I, when we're handling a matter for a state agency, we try to stick to the legal issues," Stroud said. "The policy issue is set by" the clients.

Another difference between the Mennemeier firm and Orrick: Orrick lawyers probably couldn't hang a photo on the office wall of Johnny Cash flipping the bird at a San Quentin concert. But Stroud did. It's a memento from copyright actions that Stroud pursued to protect the work of Jim Marshall, the photographer who captured iconic shots of rock stars in the 1960s and 1970s. One retailer, Urban Outfitters, tried to sell T-shirts with co-opted prints of the one-fingered Cash until Stroud got the company to stop.

"They're not real lucrative cases," Stroud said, "but they're fun."

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