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LAW FIRM BUSINESS

Nuanced Approach

The former government lawyers who comprise Berkeley boutique Kane+Kimball LLP represent individuals who have come under investigation by their former agencies.

By Banks Albach
Daily Journal Staff Writer

BERKELEY — With decades of experience as prosecutors and defenders, William H. Kimball and Miranda B. Kane bring a nuanced approach to white-collar defense in their tiny Berkeley boutique.

Launched just a year ago, Kane+Kimball LLP primarily represents individuals who have come under investigation by a government agency, such as the Securities and Exchange Commission and the Department of Justice.

Their clients could be a controller or assistant controller at a public company who has come under the SEC's microscope for alleged accounting fraud or a law enforcement official facing corruption charges by the DOJ.

Both Kane and Kimball spent years at larger firms defending companies. But defending individuals offers a different set of challenges and satisfaction, they both said.

"If someone needs our expertise, things typically aren't going very well for them," Kane said. "So you can connect and engage on that level."

Kimball said a civil settlement for a company might be in the tens of millions, while an individual might be facing \$50,000.

"The effect on the person in front of you is much more direct," Kimball said. "It's their job and livelihood. If it's an SEC enforcement and a potential debarment, all of a sudden someone who's been a CPA all their life isn't going to be able to do that anymore."

Kane and Kimball rely on one contracted attorney and plan on



William H. Kimball and Miranda B. Kane, both veterans of government agencies, have joined forces at defense boutique Kane+Kimball LLP.

hiring their first associate later this year. "We're busy enough that we do need that support," Kane said.

The two met in 2000 while Kane was in the San Francisco U.S. attorney's office. Kimball moved there after leaving the SEC. Kimball left in 2004 to join Morgan, Lewis & Bockius LLP and eventually went solo around 2011.

Kane started as a prosecutor in Los Angeles County and moved to the Department of Justice in 1995. She joined a small litigation firm in 2003 and also practiced solo five years before rejoining the U.S. attorney's office in 2010 as criminal chief.

She moved to Munger, Tolles and Olson LLP in 2014 and joined Kimball last year.

Cristina C. Arguedas, a partner with Arguedas, Cassman & Headley LLP, said Kane and Kimball's resumes speak for themselves.

"They really have a collection

of experience that is unusual and very high quality, in government, private practice, and they know the courtroom," she said.

Kane and Kimball's 803 Hearst Ave. location is also home to Arguedas' firm, Ramsey & Ehrlich LLP, as well as two solos, all of whom practice white-collar law.

With roughly 15 attorneys, the building operates like an incubator rather than a competitive environment, Kane and Kimball both said.

"You'd think that we'd be rushing down to the lobby in some cut-throat competition for clients," Kane said. "But it's really not like that."

"All of the firms collaborate, almost everyday," Kimball said.

Kane and Kimball were hesitant to mention any clients by name for this article, as the majority of their roughly 30 cases are ongoing and not public record. Only a small percentage of their cases go to trial and most of their time is spent negotiat-

ing with government investigators on behalf of clients before formal charges are brought.

"It's certainly not uncommon for governmental investigations to go on for a period of years," Kimball said.

Harry S. Stern of Rains Lucia & Stern PC, a firm that represents peace officers in administrative and criminal investigations, some civil actions, and labor and workers' compensation, recalled the successful outcome reached by Kane in the referral of a senior federal investigator.

"The client was under criminal and administrative investigation," Stern said. "Through her tenacity and legal acumen with the federal system, she is often able to present a complete defense or mitigating factors that stop cases right in their tracks.

"Referrals are a leap of faith, but I never hesitate to send people to Miranda and Bill," he added.

Their practice area touches on insider trading, antitrust, environmental cases, the Foreign Corrupt Practices Act and general criminal defense. Kane and Kimball also run internal company investigations by request from boards and special committees.

Jerome C. Roth, a San Francisco-based partner with Mungers, Tolles & Olson LLP, has an ongoing case with Kane that's continued since she left the firm. Roth said it's a big federal investigation into the conduct and employees of a company. Kane is working as co-counsel, he said.

"I collaborate with her the same way I would with a partner in my firm," Roth said. "As soon as I have a case involving an individual, I will not hesitate to call Kane."