

# RESIDENT

## Objections Overruled – Court is in session with Legal powerhouse, Brian Glasser

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By Rory Winston

"See you in court," I heard myself yelling, the hackneyed phrase tumbling from my mouth without practical purpose. Admittedly, my minor altercation hadn't warranted litigation but there it was—the words rolling off my tongue like the recurring hook to a hit song. See you in court. So gratifying to invoke the world of law in daily vernacular.

Was I being hyperbolic? "So sue me," I thought to myself, delighting in the inherent potency of yet another courtroom simile. In the precedent law-based society in which we live—where law itself is a constantly evolving if amorphous creature—legal language has the power of an incantation; it is a prayer in a foreign tongue, an integral part of a passed on tradition in which only the initiated can help save souls. The select few mortals who are skilled in such rites are mysterious beings, intermediaries to the gods capable of altering our destiny: lawyers.

Whether the punchline of a joke or an answer to a Jewish mother's prayers, the word lawyer itself elicits a strong emotional response. It evokes myriad artistic renderings and a variety of archetypes. From the ambulance-chasing attorney (Paul Newman) in *The Verdict* to the well-meaning shyster (Bob Odenkirk) in *Better Call Saul*, to the homespun philosopher Matlock and the aphoristic "Hang together and you'll hang separately" classic Perry Mason, lawyers are either a reminder of the perpetual rift that exists between legality and morality, or they represent our best hopes for bridging that gap.



Though a contemporary Clarence Darrow might be less involved in a Scopes Monkey trial than in a savings and loans scandal or taking down the likes of Bernie Madoff, there is little doubt that the idea of the sophisticated country lawyer who is capable of leaving his mark on the nation still exists. Case in point: Brian A. Glasser.

As John Grisham wrote, "It takes just one...One big case." For Glasser, that one big case came in the form of the renowned Yellowstone Mountain Club fraud case in Montana, where Glasser obtained a \$41 million verdict against property developer and former owner, Tim Blixseth.

With a smile warm enough to momentarily distract one from his piercing gaze, Glasser enters the room, taking in the situation while acknowledging that the interview will be on the record. As a partner in the now highly prestigious law-firm Bailey & Glasser LLP, Brian begins his introduction by talking less about himself than the company he represents.

## Opening Statement

“We have 44 attorneys, 90 employees in our firm. And my partner [Benjamin L. Bailey] is a first-tier lawyer who, like myself, simply loves being in a courtroom. Brilliant litigator; just owns the experts. He was one of the lead counsel on the Toyota Sudden Acceleration case that ended in getting a \$1.6 billion settlement. Anyway, he spent eight years in public service, two as a federal prosecutor and four as Counsel to the Governor of West Virginia. In 1999, he and I formed Bailey & Glasser LLP. Since then we’ve been trying cases and growing.

“Mostly we concentrate on complex commercial cases, plaintiff or defense. Our typical client is a wealthy entrepreneur with a serious problem.”

Although Glasser is from a prominent Jewish family that probably has as much to do with an authentic West Virginian mindset as Tony Kushner’s family has to do with Louisiana (where the playwright’s family relocated during his formative years), when queried about his background, Glasser doesn’t hesitate to admitting to his West Virginian roots: “That’s right, West Virginia; I even went to West Virginia University. It’s where I finished. Of course, I was lucky enough to get a Rhodes Scholarship, which allowed for me to attend Oxford for three years. It was there that I studied economics and politics. From Oxford, it was straight to Harvard Law. You could say I spent my formative years in West Virginia and my reformative ones at Oxford and...” Glasser trails off, giving way to a smile as he notices me laughing.

## Cross-examination

Like a witness being cross-examined by some unseen attorney, Glasser pivots in his chair, lurches forward, and recounts “I went back to West Virginia after I finished school. It was there I started my own law firm with Ben and we started to focus basically on what you’d call ‘deals gone bad.’”

“By deals gone bad, I mean commercial disputes,” clarifies Glasser, in a way that makes me envision a judge asking him to be more specific. “Generally it was in the energy industry: coal, oil, gas, or timber deals...Because those are the types of deals that typically go bad in West Virginia.”

Then, by way of a character testimony, “Nowadays I live in Georgetown, D.C. with my wife and kids, but the part that’s remained the same is the focus on deals heading south, even if our company has steadily been heading northeast.”



The compass set, it took Bailey & Glasser LLP no more than a few years to hit New York; and when they did, they couldn't have made a more dynamic entrance. "Right, you mean the Refco bankruptcy...yeah, that was a big case," confirms Glasser.

In truth, prior to the Lehman Brothers bankruptcy subsequent scandal, the Refco case was one of largest Ponzi schemes of all time. Fake bonds; the CEO Phillip Bennet successfully hiding his debts by issuing himself loans to temporarily cover the losses. "Bennet ended up going to prison together with some other people from the group," Glasser reaffirms.

Recounting the events with the accuracy of an affidavit, Glasser continues, "The law firms Milbank and Quinn were having conflicts on one or another aspect of the case, and our firm competed for handling certain functions and won the job on a strictly competitive basis." By way of explanation, Glasser states, "It was our first nationwide exposure, our first case of real import, and working for a prominent bankruptcy trustee named Marc Kirshner, we got noticed after doing an excellent job. So we parleyed that into a lot more similar work—deals gone sour. All this in the early 2000's."

### **Corroborating Evidence**

Glasser takes a slight pause, less for effect than for quick mental review. Then, after clearing his throat, he reboots and proclaims: "It was then that I became lead counsel in the case that would garner the most publicity for our firm, the Yellowstone Mountain Club fraud case in Montana, where we obtained a \$41 million verdict against property developer and former CEO, Tim Blixseth."

That the renowned case was featured in Forbes and made the global news circuit was clearly gratifying, in the sense that Blixseth was subsequently judged to owe over \$200 million and later found in contempt and fined an additional \$13 million. "Since then," explains Glasser, "we've been trying to figure out where he's stashed the money and run him to ground. I mean, this is the guy who emptied out the coffers of the private resort club, and a lot of it still has to be out there somewhere."



## A Bill of Particulars

Besides these headline-grabbing cases, Glasser has a most impressive list when it comes to protecting the personal and business interests of high-profile billionaires, such as Christopher Burch of Tory Burch, or Chris Cline.

“Locally, my most high profile case was the Chris Burch divorce. It wasn’t a lengthy assignment, but it was a really interesting one because I got to look after Chris Burch’s interests on the board of Tory Burch until it was all solved. Successfully for both parties, I might add.”

Recently, for Chris Cline, Glasser helped take down an extortionist who had threatened to kill members of the family. That assignment also garnered nationwide press, mainly because the extortionist had also threatened the family of movie mogul Harvey Weinstein.

When asked what he’s been up to lately, Glasser nonchalantly reveals, “Well, most recently I just won a \$20 million verdict in a fight between two government contractors over the split up of their business in front of Judge Pauley here in Manhattan [William H. Pauley III, Southern district judge], who’s pretty well known through the NSA case because he was just in the news with the ‘collection of data’ issue. Anyway, it was a fun case.”

## Due Diligence

“We’ve done lots of work with debt fund and hedge fund owners and with those who had issues that are a little more esoteric and personal, but still involve lots of money,” admits Glasser, after being asked what kind of work they’ve recently pursued in New York. “You have to understand our typical client—well, typical, so who’s typical, right? Nevertheless, I’d say our typical client is an entrepreneur, an individual, a self-made man—someone who’s probably already got a slew of lawyers working for his company, but then he’s got one or two matters that, well, let’s just say, they demand the kind of special attention we can give to things.”

“We’re in New York a lot. We have an office in Rye and in New York most of our work is negotiations and trials. This city’s got excellent courts, excellent lawyers...the best practitioners, really, which makes it challenging, and since our niche is ‘deals gone bad,’ well, I’m kind of confident New York has plenty of those as well,” says Glasser, with a smirk that soon gives way to a beaming smile whose confidence is bound to both “please the court” and overrule any objections anyone may have had to yet another lawyer making a name in the big apple.

Walking from the meeting, all I can think is: On behalf of this city, the *Resident* finds in favor of Bailey & Glasser.

*Photos shot on location at Hudson Malone (www.hudsonmalone.com); all photography by Dave Kotinsky.*

About the author

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