

# Small law firm competes by thinking big

*Richmond law firm DurretteBradshaw PLC may be small, but that hasn't stopped it from tackling major issues in high-profile cases. In addition to its main office in Richmond, the firm has offices in Farmville, Fredericksburg and Midlothian. Recently, four of its directors sat down with Publisher Doug Forshey to discuss the firm's involvement in cases that could have far-ranging effects, including one that challenges prescription drug pricing.*

**R**emember the little engine that could? Or maybe the classic story of David and Goliath? Several metaphors come to mind with DurretteBradshaw PLC, a Richmond-based law firm with 14 lawyers that has ambitions to practice on the global stage. Having a relatively small legal staff hasn't prevented the firm from working on cases that, at first glance, might appear out of its league.



Durrette



Pope



McArthur



Terry

DurretteBradshaw concentrates on four practice areas: commercial and complex litigation, bankruptcy, health, and business law. The firm is currently engaged in one of the largest antitrust actions in U.S. history (In Re Brand Name Prescription Drugs Antitrust Litigation).

The outcome of these consolidated cases could affect the way drugs are priced throughout the country. DurretteBradshaw clients are among nearly 4,000 small businesses suing the nation's major drug companies in an effort to end the "retail class-of-trade" prices that drug makers charge pharmacies. The plaintiffs contend the practice has contributed to the high cost of consumer prescriptions. "We are representing a very large pool of small companies in this antitrust case, including about 200 small community pharmacies from all parts of Virginia," says Ken McArthur, a director at DurretteBradshaw and frequent consultant to the health-care industry.

Last year, the drug companies filed several motions attacking the plaintiffs' price discrimination claims. In a New York federal court, two DurretteBradshaw attorneys (Wyatt Durrette and McArthur) argued against those motions alongside attorneys from Boies, Schiller & Flexner, the firm of celebrated litigator David Boies. On the other side were lawyers from White & Case, one of the largest law firms in the world.

McArthur serves in a dual capacity in this litigation. In addition to representing his clients, he has been retained by the plaintiffs' attorney team as a consulting expert on the pharmaceutical industry.

The judge's rulings on these motions are expected soon. Within two weeks of the rulings, several DurretteBradshaw attorneys will travel to New York to work with Boies, Schiller & Flexner attorneys on the next

phase of the massive 12-year-old litigation.

The antitrust case is not the firm's only project with possible wide-ranging consequences. Roy Terry, chairman of the firm's Bankruptcy Practice Group, is involved in an international \$100 million securities fraud litigation that's linked to a Charlottesville defendant. The firm is working through a cooperative agreement with lawyers in the United Kingdom. The Royal Court of Guernsey recently handed down a decision that named Terry the receiver of assets for the Vavasseur Corp., a Bahamas company allegedly used to funnel the sale of fictitious securities. "Our job is to put the pieces together in a complicated international Ponzi [pyramid] scheme and recover about \$30 million for the investors," says Terry. "Our co-op agreement with the U.K. courts is the first of its kind, and so far we have identified and returned nearly \$10 million."

Meanwhile, DurretteBradshaw's Commercial Litigation Practice Group is trying to break new ground in class-action jurisprudence. The group is working with a coalition of law firms on a class-action suit based solely on Virginia law on behalf of consumers in the state who indirectly purchased dynamic random access memory chips. "We have litigated in many federal courts, working on large business disputes," says Director Barrett E. Pope. "Many are 'breach of contract' cases that have included business conspiracy-type rulings." In some cases DurretteBradshaw represents the defendant, and in others it is on the side

**Organization:** DurretteBradshaw PLC  
**Headquarters:** Richmond  
**Number of attorneys:** 14  
**Years in business:** 20  
**Key players:** Wyatt B. Durrette Jr., *director*  
 Barrett E. Pope, *director*  
 Kenneth D. McArthur Jr., *director*  
 Roy M. Terry Jr., *director*

of the plaintiff.

Leading the firm is elder statesman Wyatt B. Durrette Jr., whose career began at a Northern Virginia law firm before he returned to Richmond to start his own practice. Along with his legal career, Durrette is active in Virginia politics. He was elected to the Virginia House of Delegates in 1971 and served three terms. Durrette ran as the Republican candidate for attorney general in 1981 and for governor in 1985, losing both times to Gerald L. Baliles. Recently, Durrette served on Gov. Timothy M. Kaine's "Moving Virginia Forward" Transition Committee.

His work focuses on complex litigation, including antitrust cases. He is quite comfortable with the size of DurretteBradshaw. "I love the relationships in a small firm and the lack of complicated law firm politics," says Durrette.

Three years ago the firm was invited to join Integrated Advisory Group International, a worldwide association of business service providers, lawyers, accountants and tax advisers. The association affords the attorneys at Durrette-



Wyatt B. Durrette Jr. (far right), a director at DurretteBradshaw PLC, leads a meeting.

Bradshaw a worldwide presence and involvement with cases in a variety of countries.

"You may wonder how our small firm can lock horns with much larger firms," says Durrette. "Well, when you get right

down to it, any given case is about three lawyers and a paralegal. We'll match our talent with anyone in the country, or in the world, for that matter. We don't shy away from complex and challenging cases."

## Quick Stats - provided by DurretteBradshaw PLC for this reprint

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### **Fredericksburg**

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### **Farmville**

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More than half of DurretteBradshaw's attorneys have been selected by their peers to be included in *Virginia Business* magazine's "Legal Elite":

- Wyatt B. Durrette, Jr.
- Bruce M. Marshall
- Roy M. Terry, Jr.
- Kenneth D. McArthur, Jr.
- William J. Seidel
- John B. Russell, Jr.
- Peter E. Broadbent III
- Harlan L. Horton

DurretteBradshaw is "AV-rated" by the Martindale-Hubbell Legal Directory.

Martindale-Hubbell is the facilitator of a peer review rating process. Ratings reflect the confidential opinions of members of the Bar and the Judiciary.

The Ratings fall into two categories – legal ability and general ethical standards.

An "AV-rating" is the highest of the rankings.



To learn more about DurretteBradshaw, visit [durrettebradshaw.com](http://durrettebradshaw.com).