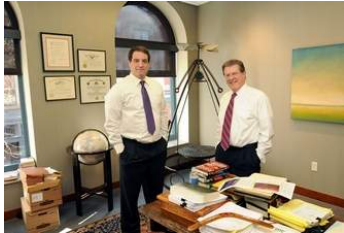


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Bailey and Glasser: a different kind of legal powerhouse

By Zac Taylor



Chris Dorst

Brian Glasser (left) and Ben Bailey formed the firm Bailey and Glasser in 1999 out of an office on Capitol Street. They have since created seven offices in five states.

CHARLESTON, W.Va. -- Brian Glasser's jovial "hyuh-hyuh-hyuh" chuckle echoed through the corridors of his Capitol Street law firm as he showed off his partner Ben Bailey's collection of local art. Bailey, Glasser joked, is in charge of the firm's "aesthetic sensibilities." Indeed, their office in the old McCrory Building is a veritable museum of West Virginia artwork that Bailey has collected over the years from artists around the state. Fish sculptures smile at clients waiting in the lobby. Paintings, sculptures and other pieces, all of which are properly cataloged and labeled, adorn the hallways, nooks, and meeting rooms of the firm. "I'm sensitive to my surroundings. I like working in a place I like being in," Bailey said. "In my next life, I'll be an architect." An ornate table from blacksmith designer Jeff Fetty sits just before the elevator. The piece is Bailey's favorite because it was given as a gift in exchange for legal services, Bailey said, evoking another round of Glasser's distinctive guffaws. The firm, Bailey and Glasser, has been around for more than a decade, and is known around town, according to Glasser, as Charleston's premier "boutique" practice -- meaning that the types of cases the firm handles vary so drastically that it doesn't make sense to label it as specializing in one particular area. The business model is apparently working. What started with just three lawyers and an investigator in 1999 has blossomed into an interstate litigation powerhouse. Bailey and Glasser now boasts seven offices and 35 lawyers in five different states -- their most recent addition being an office in Boston, which opened late last month.

Bailey graduated from Harvard School of Law in 1980 and went to work first as a law clerk to U.S. District Judge John T. Copenhaver, then as a federal prosecutor. After that, he served as counsel to Gov. Arch Moore before eventually joining law firm Bowles Rice, where he met Glasser. Glasser, a Rhodes Scholar who did graduate work at Oxford, received his law degree from Harvard in 1994. After passing the bar, Glasser also clerked for a federal judge -- the late Judge M. Blane Michael. Bailey and Glasser worked together on several cases at Bowles Rice, and in March 1999, impressed with each other's legal prowess, decided to open their own firm. At the start, there were four: Bailey, Glasser, lawyer Jennifer Fahey and former IRS agent and U.S. Marshal nominee for West Virginia's Southern District, Chuck Little, who served as the firm's office administrator and investigator. The firm's first "shot in the arm" came just a month after its creation, when the state Department of Environmental Protection conscripted Bailey and Glasser to defend the agency against a federal lawsuit filed by environmentalists who wanted to curb mountaintop removal mining. Bailey and Glasser settled most of the allegations against DEP, which agreed to start enforcing the law and writing tougher regulations. The two lawyers prefer handling cases on the opposite sides of the legal spectrum. Glasser, for instance, loves working on cases involving commercial deals gone bad, or cases where lawyers are left to wade through the murky waters of multi-million dollar corporate bankruptcy proceedings. Though perhaps dry to the outsider, the cases are complex and interesting to the teams of litigators who must form intricate strategies to outwit each other, Glasser said. "Every big case starts with a colossal error in poor judgment, and it's your job to sort it out," he said. "If that's not fun, what could be?" Bailey prefers defending

clients accused of white-collar crime. Most recently, he defended ex-Logan County Delegate Joe C. Ferrell on federal racketeering and tax fraud charges. He's also handled a number of high-profile murder cases, including the trial of Larry Hess, who was acquitted of murder charges after Fayette County prosecutors say he shot and killed his son-in-law in his funeral home. * The expansion law firms, Bailey and Glasser said, though found in big cities like Washington D.C., and Boston, are not located in those areas because of some kind of "big business connection." The other beauty of the firm is because of it's "boutique" nature, Bailey and Glasser do not take on "commoditized" clients, or big businesses who contract with law firms to handle all of their lawsuits for a given time frame. Eliminating commodity does a lot to eliminate monotony, Bailey and Glasser said. Unfortunately, those two elements also breed some degree of security. "We are definitely a more risky place to work than a more institutionalized law firm," Glasser said, adding that the firm's risky nature prohibits it from growing to the definition of a "big law firm" by major city standards. "Our goal is not to be big. It's to be excellent," he said. At the moment, the current model is helping the lawyers in the firm gain experience working on a wide variety of cases. The employees are happy, the two say, and they don't mind if it stays that way. "We're really proud of what we're doing here and what we've built," Bailey said. *Reach Zac Taylor at Zachary.Taylor@wvgazette.com or 304-348-5189.*