

# Legally Speaking for 100 Years

## Evansville Firm Embraces Values, Successfully Adapts

By Candace Gwaltney

**T**he story is legendary at Evansville law firm Kahn, Dees, Donovan & Kahn (KDDK): The federal income tax was approved five years after Isidor Kahn started his practice in 1908. He saw opportunity and promptly memorized the entire Internal Revenue Code (mind you, it was much shorter then).

While tax law is still hallmark at KDDK 100 years later, the impact of its founders resonates even louder. That *carpe diem* spirit demonstrated by Kahn continues to spur new developments at the 29-attorney firm – such as adding new areas of practice and embracing a principled negotiation style.

### Lasting influence

While the three founders – Isidor Kahn, Harry Dees and Arthur Donovan – have since passed away, their influence continues. Isidor Kahn started the firm in 1908 and hired Dees in 1935. Donovan joined in 1946, bringing labor law experience, an area that is still practiced at the firm. Though no one now at the firm worked directly with Isidor Kahn, his foundation is still intact (the second Kahn in the name refers to Isidor's son Robert, who practiced at the firm until 1965 – two years after his father died).

Co-managing partner Tom Magan outlines the firm's three key principles that stemmed from observations of the founding partners (primarily Isidor Kahn):

1. Represent clients effectively
2. Make it a good place to work for everyone through the ranks, not just senior partners
3. Contribute to the community

“Hopefully we’ve maintained some old-fashion tradition,” co-managing partner Alan Shovers says. “A lot of law students go now to make money, but we used to go not for that reason, but to help somebody in a crisis moment of their lives.”

That tradition can be seen not only in the firm's guiding principles, but in the way the office operates. Attorneys note the collegial atmosphere.

Partner Brian Williams points out the open door atmosphere – meaning staff and attorneys can ask questions or talk to anyone “from top of the letterhead to the bottom.” That was the case with Dees and Donovan too, he observes. Williams remembers anyone could walk into their offices to talk.

The values and business practices of founders (from left) Arthur Donovan, Isidor Kahn and Harry Dees continue to guide the firm 100 years after Kahn started his law practice.





Co-managing partners Alan Shovers and Tom Magan value group effort among lawyers—a principle established by the firm’s founders.

People are free to offer their opinions without fear that someone won’t take it well, and everyone is addressed by first name, partner John Hegeman offers. That environment keeps things relaxed and avoids any separations between staff and attorneys, he comments.

Hegeman recalls any new attorney had to meet with Donovan when he still held an office (even after he stopped taking cases). That discussion detailed the importance of representing clients, the long hours the job entailed and that KDDK attorneys should not shortchange their families.

Donovan served as a mentor to now partner Larry Downs, teaching him the value of hard work and how to interact with clients. As a young lawyer who joined the firm in 1974, Downs recalls observing Donovan working long hours and that he followed suit. The hard work didn’t go unnoticed, with acknowledgment from Donovan.

When the firm remodeled and Donovan got a new desk, Downs decided to hold on to the old one.

“I said, ‘I think someday after you’re long gone when I am sitting there wondering what I am going to do about something, I’ll talk to my desk,’ ” Downs told his mentor. Donovan worked until 1992 when an illness forced him to retire at age 81.

Dees’ legacy rests in his uncanny knowledge of law and his ability to quickly navigate the volumes of case books. Partner G. Michael Schopmeyer recalls someone would look for a particular case for days, but Dees could quickly find “that silver bullet you were looking for.”

Diligence must have been the secret to Dees’ vast knowledge.

“I remember him emphasizing to me that as a young lawyer my job was to find the right answer,” Downs recalls. “The time it took wasn’t the issue.”

Dees also worked through the last years of his life. Though he technically had retired, he came to the office almost daily until he died at age 91 in 2004.

### Values for the future

KDDK fosters a sense of community and teamwork among its employees. While lawyers are recognized for individual work, everyone benefits by doing well.

“We all share in the work of others,” Shovers remarks. “It’s not eat-what-you-kill. While individual effort is important, of course, (we’re) measuring really the group effort and are rewarded on the group effort, not on an individual effort.”

When someone does well, everyone celebrates because everyone benefits. This also cultivates mentoring to help others add to the successes. (Shovers notes individual efforts do not go unnoticed, though, and are taken into consideration in the long run).

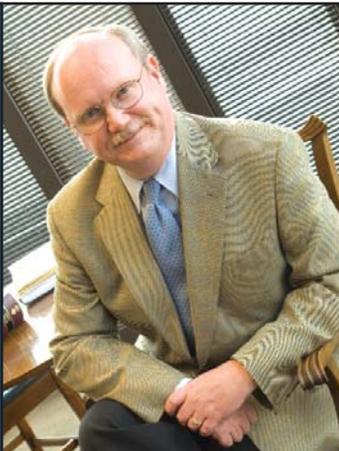
He adds: “It encourages us to pass work along to the person who’s best able to do it, not to hang on to things.”

The first partnership agreement among the founders was similar: Each got a percentage of the profits however well they did, rewarding the group effort, Magan explains.

As the firm looks to the future and considers what will keep it intact for another 100 years, partner Jon Goldman notes the need to continue

**“We trace our roots back to being tax and labor attorneys since the beginning, and part of that labor portion of course has been negotiations. As we began to study and understand what they were doing at the Harvard negotiation school and ‘Getting to Yes,’ (it) fit well with our roots.”**

*Brian Williams, partner*



KDDK attorneys are introduced to the principled negotiation style when they are hired. While the method isn't foolproof, lawyers are encouraged to find win-win solutions.



that collaborative tone.

"We want to continue to foster an approach whereby it is in everyone's best interest that everyone else here succeeds, which sometimes requires individual lawyers to subordinate their egos in the best interest of the client and in the best interest of the firm," he asserts.

Teamwork will also be a mainstay in the future, adds Schopmeyer. He is someone pegged by the co-managing partners as the future of the firm, considering his skill and experience.

By working as a team, no one is penalized for taking a lighter caseload and focusing on developing an expertise "in an area of law that might be immolating or becoming an expert in an area of law where a lawyer may be retiring," he shares.

That opportunity came to Schopmeyer in the mid-1980s. He took on environmental law (already an interest of his) as the Clean Water Act and air and soil regulations were enacted. Now, KDDK has several attorneys specializing in that discipline.

"You see emerging areas, and our firm is set up to work in those areas," Schopmeyer asserts.

Through teamwork and the firm's financial structure, KDDK has the ability to retool – a benefit to clients, he adds.

"We've got a good base of young attorneys here in the office that will one day be partners and are poised to maintain the firm for a long time to come," Hegeman offers.



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*G. Michael Schopmeyer, partner*

## Negotiating success

In finding new ways to best serve clients, the firm embraced "Getting to Yes," a book that offers ways to achieve win-win negotiation. First printed in 1981, the book was written by Roger Fisher and William Ury – two Harvard Law School professors who co-founded its Program on Negotiation.

The discovery of "Getting to Yes" could almost be described as a fluke. Magan decided to study negotiation more closely after 11 years in labor law. He wondered what exactly made some negotiations work well and others flop. He (like many attorneys) had learned the more manipulative, sometimes unpredictable game-like approach.

He wanted a better way.

Magan stumbled upon the book while browsing a bookstore in Elkhart and found the approach to negotiation he had been looking for.

Since that discovery, many KDDK attorneys have attended the corresponding weeklong course at Harvard Law School.

"To me what's important (about the "Getting to Yes" style) is there's something very ethical," Shovers explains. "When you get into a negotiation where you try to beat the other guy up, there's

nothing ethical about it. It is win versus lose – and when you can avoid the losing you've done something at a little higher plane. I think that is particularly meaningful to me if I am going to practice law for the purpose of making the world a little better."

There's nothing "sneaky" about the principled negotiation method. In fact, Magan is known to buy "Getting to Yes" by the dozen so he can distribute copies to his counterparts during pre-negotiation meetings.

While the "Getting to Yes" book is distributed to all new attorneys and is part of the KDDK culture, its principled negotiation philosophy isn't foolproof. Attorneys can give principled advice, but sometimes an agreement won't be reached, Goldman surmises. In those cases, the best alternative may be to litigate and clients are assured the firm is prepared either way, he adds.

On May 1, KDDK hosted Daniel Shapiro, a Harvard Law School faculty member and associate director of the Harvard Negotiation Project, for a public lecture in Evansville. The event was part of the firm's 100th anniversary celebration.

### INFORMATION LINK

**Resource:** Kahn, Dees, Donovan & Kahn at [www.kddk.com](http://www.kddk.com)