

MONDAY, MAY 4, 2020

## ‘Fight Club’

*Santa Barbara’s Cappello & Noël has just 7 attorneys but its litigation prowess is fearsome.*



A. BARRY CAPPELLO



LEILA J. NOËL



LAWRENCE J. CONLAN



Photos courtesy of Cappello &amp; Noël LLP

DAVID L. COUSINEAU

**By Henrik Nilsson**  
Daily Journal Staff Writer

At the time of the 1969 Santa Barbara oil spill, A. Barry Cappello was city attorney and it was one of the major pieces of litigation he was involved in. The spill spurred the creation of Earth Day and it had a personal impact on Cappello, who saw the ruined beaches in his hometown.

**“A word of advice to those that dare enter the arena against [the Cappello & Noël] team. Come prepared for a 15-round heavyweight bout, and only after you have had your team watch the movie, ‘The Fight Club.’”**

— Thomas J. Nolan

Cappello saw there weren’t enough firms in Santa Barbara that handled complex busi-

ness litigation in the 1960s and 1970s and decided to take action.

“Most of the business litigation and complex litigation was going to Los Angeles law firms who took Santa Barbara clients,” Cappello said. “Santa Barbara was basically more of a sleepy town.”

In 1977, he started Cappello & Noël LLP. It has grown into a powerhouse in California and has been involved in major cas-

es, taking on big banks and corporations. And another oil spill in Santa Barbara.

In 2015, a pipeline running along the coast broke and, according to multiple lawsuits pending in state and federal courts, caused major damage to properties, decimated the fish catch, harmed other marine life and forced hundreds of offshore oil workers out of their jobs. Cappello & Noël, with other law firms, represents some of the plaintiffs in seeking compensation from Plains All American Pipeline LP. *Keith Andrews et al. v. Plains All American Pipeline LP*, 2:15- CV-04113 (C.D. Cal., filed April 17, 2018).

The firm’s attorneys are part of the Santa Barbara community and as one of few litigation boutiques in the city, they know the people impacted by the oil disaster.

“We didn’t just take the case on in the sense that other lawyers take on cases,” explained

partner Leila J. Noël. “It really is something we feel very strongly about.”

Noël explained that while the firm at one point had more attorneys, being more compact allows them to invest in the cases that they choose to tackle. The firm has deliberately remained small in size throughout the years. Today it has seven attorneys. Noël joined in 1986 and became partner in 1994.

“We like to keep a size where we’re just the size of the boutique litigation department of a larger firm,” Noël said. “So, we could go up against the larger firms and their litigation departments or fight the big corporations. We can take on those things. But we’re not so big that we lose the collegiality and the teamwork.”

Both Cappello and Noël have donated money to their

respective alma mater. UCLA School of Law has a courtroom named after Cappello as well as the A. Barry Cappello Program in Trial Advocacy, which allows students to specialize in trial practice. Over the years, he has donated more than \$3 million.

Noël has endowed a \$250,000 scholarship fund for minority and disadvantaged students at William and Mary School of Law.

David L. Cousineau joined the firm in 2014 from Kaye Scholer LLP and became a Cappello & Noël partner last year. He has achieved significant victories lender liability, landowner and inheritance disputes, racial discrimination and constitutional disputes, according to the firm's web site.

Another partner, Lawrence J. Conlan, moved to Santa Barbara to join the firm in 2010, after working at Paul Hastings LLP in New York City. While some firms handle big cases that take a long time before eventually settling, Conlan said, Cappello & Noël drives all of its cases to trial. Since his first year at the firm, several cases went to trial and it hasn't slowed down since he joined.

"We've got to be efficient and got to be very smart," Conlan said. "We have to be very aggressive and that's one of the reasons we have a strong reputation, but it's also one of the constant challenges in our business."

But the pandemic brought several cases to a halt. One of those involves the Thomas Fire, which ravaged the Ventura and Santa Barbara counties, spurring hundreds of lawsuits against Southern California Edison Co. for alleged negligence. *Southern California Fire Cases*, Case No. JCCP 4965 (L.A. Sup. Ct.).

Two law firms were appointed lead counsel to handle the lawsuits and an executive committee was formed. Cappello & Noël sits on the individual plaintiffs' executive committee, tasked with defending all the 32 bellwether case depositions from Edison officials.

The firm managed to get through 12 depositions before the pandemic hit. According to Noël, Edison has opposed the idea of doing the depositions remotely.

Brian J. Panish, of Panish Shea & Boyle LLP, is one of

the lead counsels for plaintiffs on the Thomas Fire case and said of Cappello & Noël, "The reason they are such a success is their passion and commitment to their clients."

Panish added in an email. "Barry Cappello is one of the

bank for discrimination against minority borrowers. Cappello & Noël represented the plaintiff. *Jones v. Wells Fargo Bank NA* (2015) 2015 WL 662081.

Nolan said he couldn't recall having faced a more creative or aggressive opponent in a jury

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top trial attorneys in California and has been for many years. I like to refer to him as the best lawyer you have never heard of. For the last 30 plus years the firm has won at trial a myriad of cases from lender liability to environmental to wrongful death and many more. Real trial lawyers can try any type of case and that is what they do as well as anyone."

Thomas J. Nolan, at the time with Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates and now a trial counsel at Pearson, Simon & Warshaw LLP, represented Wells Fargo in a class action against the

trial. Cappello & Noël LLP recovered less than they were seeking but were able to convince the jury to find discrimination against minority borrowers in the case. Nolan said that this was akin to "winning the golden ticket in the movie 'Willy Wonka.'"

"A word of advice to those that dare enter the arena against Barry and his team," Nolan said. "Come prepared for a 15-round heavyweight bout, and only after you have had your team watch the movie, 'The Fight Club.'"

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