

## Georgia Powerhouse: Morris Manning

By Chart Riggall

*Law360 (August 24, 2023, 2:03 PM EDT)* -- Morris Manning & Martin LLP has worked over the past year to help an Atlanta redevelopment initiative beat back a class certification from property owners, and has defeated a nonpayment claim on behalf of an insurance company in the aftermath of a Georgia industrial accident, continuing a string of victories for the relative upstart among the Peach State's heavyweight firms.

Founded in 1976, the firm is a newcomer compared with some of its well-established peers, which trace their histories in the region back to the 19th century. But it's Morris Manning's track record and eagerness to get in the ring with the competition that helped land the firm a spot among the Georgia Powerhouses in Law360's 2023 Regional Powerhouses list.

"We definitely view them as competitors," real estate partner Matt Sours told Law360. "We're across the table from them routinely ... In some ways, it's really a tribute to us. Being a younger and smaller firm than many of our competitors, we don't have some of those historical, institutional clients.

"We've had to really hustle and scrap to get our clients, and it feels good when we're in the same sandbox as bigger firms," Sours added.

Simon Malko, the firm's managing partner, said, "We view ourselves as a top law firm in Atlanta. This is our main office, and while our overall numbers aren't as big as some of the other firms who have offices here, our headcount in Atlanta stacks up pretty favorably with most firms."

### Home Field Advantage

For the last year, the 200-plus-lawyer firm, with more than 170 attorneys in Atlanta, has continued to balance its practice and energies between its hometown and national clients.

One local case involved a putative class action by condominium and property owners along a stretch of Atlanta's BeltLine — a greenway and recreational trail built along a disused railway right-of-way in the city's core that has spurred immense redevelopment.

The property owners claimed that Atlanta, its development authority and Atlanta BeltLine Inc. failed to compensate the owners for taking their land. A trial court in Atlanta denied the property owners' class



certification bid in April 2021. That prompted them to take the case to the Georgia Court of Appeals, which upheld the denial in January 2022, and the Supreme Court of Georgia declined to review the case last October.

Morris Manning represented the BeltLine — the city was represented by Dentons — and litigation department chair Jeff Douglass said the relationship with the organization has been long in the making.

"That was initially a real estate client ... and then they were pleased with the real estate work. We had developed relationships there, and that was kind of a natural segue, once they continued to expand and had litigation pop up, to give us a call," Douglass said.

Corporate partner David Calhoun said the firm's local clients have included major Georgia hospitals and health care providers, and company-side representation in the corporate world, "which is the core of where that practice started 40 years ago," he explained.

"For many years, [that practice] was heavily Atlanta-focused, representing tech-enabled services companies in Atlanta that expanded into the Southeast. Now, nationally, and even globally, that practice has a very, very broad reach. At any given time, we've got 600-plus technical services clients that fall within that bucket," Calhoun said.

The firm also defended Selective Way Insurance Co., the insurer of a northeast Georgia chicken processing plant, in a suit stemming from the deaths of six workers during a liquid nitrogen leak in 2021. After Morris Manning successfully had Foundation Food Group Inc. and Prime-Pak Foods Inc.'s case trimmed to a single claim, the plaintiffs ultimately dropped the \$2 million nonpayment suit.

### **National Reach**

Morris Manning's business, however, isn't all in its own backyard. The firm's national footprint has included real estate work, which was one of its original core practice areas, for some of America's largest developers.

A longtime client, Sours said, is Wood Partners, which is based in Atlanta, but manages and develops apartments across the country.

"I think 2022 is the busiest year we've ever had for them, and [we] closed 20-plus development deals for them all over the country," the real estate partner said.

The firm's Atlanta attorneys also advised on a \$543 million mortgage finalized in March from MUFG Bank Ltd. for 80 franchise locations for restaurant chain Culver's in Florida, Wisconsin, Michigan and Indiana, and a \$1.025 billion purchase of an industrial property on Chicago's south side by a Brookfield Property Group-affiliated entity last September.

"As big as our footprint is here, with ... 87 lawyers in the real estate group, probably only about a quarter of what we do is in the Atlanta area. We're really all over the place," Sours added. "We represent a lot of big developers that are doing big, sophisticated projects, and we're often on the other side of deals from much larger firms."

The firm has honed its practice, in particular, in work for real estate investment trusts, which included advising industrial-focused REIT Modiv on a \$50 million common stock offering in June 2022.

One of the highest-profile cases the firm has worked on in recent years was a suit in which Sherwin-Williams, DuPont Co. and Armstrong Containers Inc. were accused of selling toxic lead paint that initially resulted in a \$6 million verdict for three men.

The firm represented Armstrong and helped successfully overturn the verdict in the Seventh Circuit, and later got more than 170 outstanding plaintiffs' claims shut down.

"We went back down to the district court. We and the other defendants filed motions for summary judgment, not just in those three cases, but in all of the ... plaintiffs' cases, and the district court granted our motion for summary judgment based on the appellate precedent that we had secured from the Seventh Circuit. So all those claims were dismissed," Douglass said.

Said Malko, "We may not have offices in 20 cities, but our commercial real estate team can stack up with anybody in the country."

And in the corporate department, Calhoun, the firm's corporate partner, said Morris Manning has seized on the growing opportunities in the private equity sector.

"That's been the biggest growth area for us over the last 15 years ... We closed over 300 deals in that practice last year, and over 350 in the year before. Candidly, for a firm based in Atlanta, doing this out of our Atlanta office, we're definitely hitting above our weight class," Calhoun said.

### **Next Steps**

Morris Manning has recently launched several new practice areas, with focuses including sports and entertainment, LGBTQ businesses, alternative dispute resolution and tax controversy. Managing partner Malko said the firm is looking to expand its footprint while deepening its bench in its core strengths.

"Our focus is trying to continue to go deep into the areas for which we're known, corporate technology, for example, international trade, commercial real estate, health care. Areas that we have expertise [in]," he said.

Sours, for example, said that while the real estate market has slowed down as of late, business continues to be booming for the firm.

"I think we're going to see interest rates level off, and I think we're gonna see a lot more volume in terms of transactions," he said. "We've worked extremely hard this year with a very focused marketing initiative in real estate. We've added 106 new real estate clients [nationally], and I anticipate that we're going to be in a pretty heavy growth mode within 12 to 18 months."

That said, added Malko, the firm in general likes the niche it has found.

"We recognize that we are at a size that is becoming more and more unique. I think a lot of firms are either going boutique, or 20 offices," Malko said. "We made the conscious decision that that's not what we want to do. And so, we need to think about how do we continue to be successful at the size we are?"

--Editing by Lakshna Mehta.

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