

Michigan Powerhouse: Varnum

By **Danielle Ferguson**

Law360 (September 17, 2024, 12:15 PM EDT) -- Varnum LLP's banner year has seen it win a high-profile art theft case, help a fintech leader and insurance giant acquire one of the largest insurance distribution platforms in Europe and secure its foothold in the world of white collar investigations, helping drive growth across all its Michigan offices.

Varnum's nearly 200 attorneys across its Michigan locations have helped it facilitate hundreds of millions of dollars in corporate transactions and successfully defend a pharmaceutical company from what could have led to an expensive labor national class action, earning it a spot as one of Law360's Michigan Powerhouses.

"Varnum is a firm that is firing on all cylinders right now," said Jon M. Bylsma, the firm's chair. "We're seeing strong, steady demand across what we consider to be our core areas: transactions, litigation and investigations.

"We feel like we've aligned our market approach with industries where we provide really high-end, world-class service," he added, including healthcare, food and agriculture, venture capital and automotive supply chains, cases which are "bread and butter in Michigan."

Founded in 1888, Varnum is looking to increase the footprint of almost all its physical locations across Michigan and its office in Naples, Florida, in the coming months as its roster has increased. The firm's Michigan offices are in Ann Arbor, Birmingham, Grand Rapids, Kalamazoo and Novi.

"We are bursting at the seams," Bylsma said.

One of the firm's most notable wins last year was on behalf of Brazil-based Brokerarte Capital in its effort to get back "The Novel Reader," an 1888 painting by Vincent Van Gogh, from a Detroit art museum. Brokerarte acquired the painting in 2017 for about \$3.7 million. Brokerarte temporarily gave the painting to a third party that Brokerarte claimed then stole the work of art.

The company was unaware of where the painting was for about six years until it reappeared last year in the Detroit Institute of Art's "Van Gogh in America" exhibit. Brokerarte reached out to Varnum to file suit and demand the painting be returned.



Brokerate sued the DIA in January 2023, and a few weeks later, the Sixth Circuit ordered the museum to keep hold of the painting instead of returning it to the third party. In April 2023, the Sixth Circuit dissolved the injunction due to a settlement between the parties.

"It's not a niche that I can claim we had a specialty in," Bylsma said. "We did have to get up to speed on federal statutes related to art thievery."

Since the painting was returned to its rightful owner, Varnum has taken on two more art theft cases, Bylsma said.

He also pointed to a former rival working to help get the firm new business as an example of its reputation.

Varnum represented residents suing chemical manufacturer 3M Co. and footwear manufacturer Wolverine World Wide Inc. for dumping perfluoroalkyl and polyfluoroalkyl substances, or PFAS — often referred to as "forever chemicals" — in existing dumping sites that tainted groundwater near Rockford, Michigan. Varnum represented 540 Michigan residents in 270 state court lawsuits, which were settled confidentially in 2022.

After those PFAS wins, a member of Wolverine's legal team became general counsel for drugmaker Perrigo Co. PLC, which was facing a Fair Labor Standards Act suit. The general counsel, impressed with Varnum's handling of the Wolverine case, recommended the firm to represent Perrigo against collective claims that it didn't factor bonuses and other extra pay into overtime calculations.

A group of labor attorneys, and some who worked on the Wolverine case, pitched the firm, and it was selected, Bylsma said.

Once hired, Varnum worked quickly to settle with the Perrigo plaintiff, staving off a lot of other potential claims, Bylsma said. The case showed how the firm litigates in a "tough but professional" way, he said.

"When we're swinging above our weight, up against an East Coast firm or West Coast firm, and ... the adverse party recognizes the professionalism and says, you know, we'd like to add Varnum to our groups doing work for us. That's a really great way to get work, because it affirms that you did a really great job for your client, and you did so in a really professional way," Bylsma said.

Varnum also represented insurance giant Acrisure LLC in its acquisition last year of one of the largest insurance distribution platforms in Europe, Unilink Group. Varnum has represented Acrisure, which is headquartered in Michigan, through 850 acquisitions, valued at \$12.5 billion, since 2014. The firm also helped facilitate two financings that helped the company grow its revenue from \$38 million to more than \$4 billion.

A team of about 35 Varnum attorneys work with Acrisure, a relationship that has been nurtured for decades, Scott J. Hill, the firm's executive partner, said.

"That's been exciting seeing their growth and walk alongside of them," Hill said.

The firm had a notable year in white collar matters, including taking part in an independent investigation of the 2021 Oxford High School shooting outside Detroit and defending public officials in the ongoing Flint water crisis.

Varnum, investigative counsel for the school board, and Guidepost Solutions LLC worked together to

investigate Oxford High School's safety measures and interactions with the shooter before he opened fire on Nov. 30, 2021, killing four students and injuring seven others. The investigation also looked into the school's and school staff actions before, during and after the shooting; school safety and security policies, guidelines and practices and sought to provide recommendations to minimize the risk of an active shooter in the future.

The 572-page report was released to the public in October 2023 after 14 months of investigation, which included more than 100 interviews and review of more than 75,000 documents. The report said at every level of the district failed to provide a safe environment for students. Had the appropriate measures been taken, the shooting could have been avoided, the report said.

The shooter was sentenced to life in prison and his parents were sentenced to at least a decade in prison, the first parents in the country to be convicted for deaths in a mass school shooting carried out by their child.

Varnum government investigation attorneys represented a health official charged along with other government leaders in response to the Flint water crisis. The Michigan Supreme Court put an end to criminal charges against numerous government officials in the Flint water crisis last year, as well.

After these cases, the firm became more recognized in the state for its ability to conduct white collar investigations, Bylsma said.

"[We're] really well recognized in the state now for that skill set," he said.

Hill said younger attorneys are interested in this type of work, and it's something the firm can highlight in its efforts to attract new talent.

"You don't see law firms doing [criminal investigations], but that's a testament to all those individuals, of the skill sets that they have and the results that they've obtained in some very sensitive areas," Hill said.

--Additional reporting by Elise Hansen, Piper Hudspeth Blackburn, Danielle Ferguson, Ryan Harroff, Ganesh Setty, Rae Ann Varona, Abby Wargo and Elliot Weld. Editing by Andrew Cohen.