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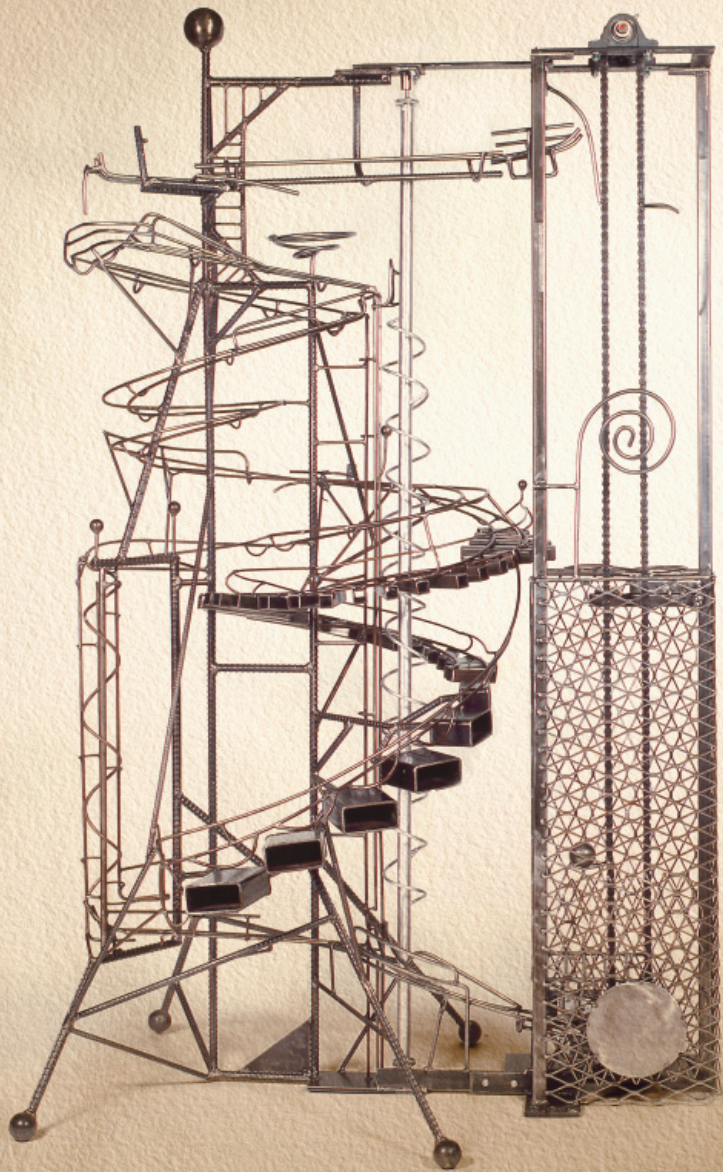
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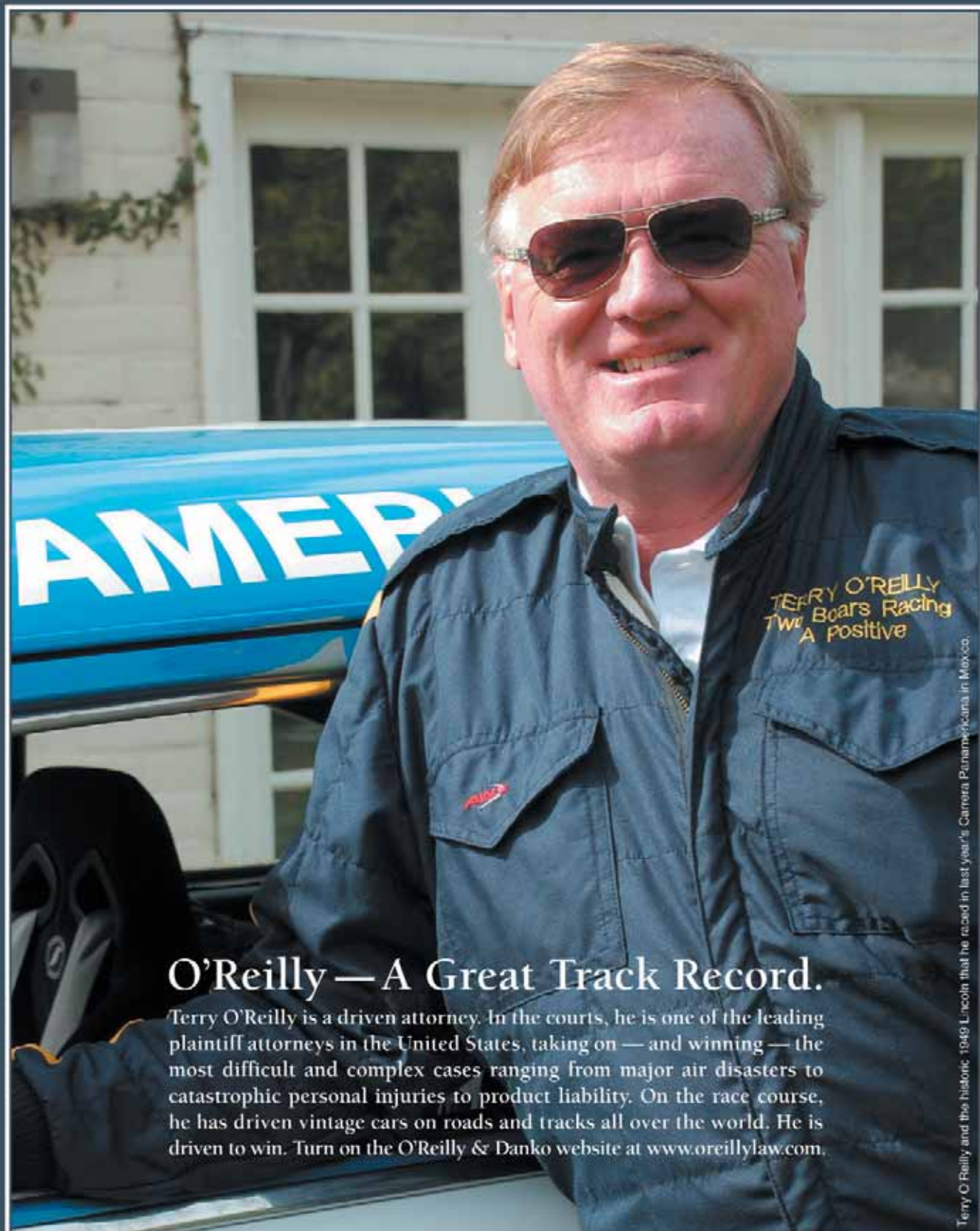
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## Dear Readers,

A LOT HAS CHANGED SINCE WE PUT OUT OUR FIRST Lawdragon 500 issue more than two years ago. “What’s Lawdragon?” was the most common response lawyers and judges gave when our editorial staff called for their insight into the best of the profession. The process was frustrating, but rewarding. Now, as we release our third annual guide, it’s still a lot of work. But mostly, it’s a lot of fun.

Take a look at this year’s cover to get a sense of how the national legal community has responded to our company. The image blends reality, art and fantasy. We’d love to get all of these lawyers in the same room. But we’ll settle for the fact that they worked with our award-winning photographer and design team to make this concept come alive.

Lawdragon has always been about more than our 500 guides. Above all, we’re a legal affairs content company. In this magazine, we examine Cohen Milstein Hausfeld & Toll’s pioneering efforts to launch its plaintiffs’ practice in London and Europe. We also have attorney-written articles on climate change regulations, Islamic banking, global energy disputes, confidentiality agreements in civil cases and a revolution in family law – a diverse range of legal commentary that reflects Lawdragon’s efforts to interest lawyers of all stripes.

We hope you’ll keep this magazine in your lobbies and on the coffee tables of your offices and homes. But we also know that you spend most of your time behind the computer screen. And that’s where you’ll find us. While readers have always loved our print magazine, we have so much more to offer on [www.lawdragon.com](http://www.lawdragon.com). Think of this magazine as an elaborate invitation to join our online legal community, where you can network with other lawyers and clients. It’s the place to be for lawyers and law firms, and a resource where clients can find the best talent.

This year’s cover and the pages inside represent Lawdragon’s success at building the strongest of foundations for this community. As always at Lawdragon, we view this success as just another beginning.

John Ryan  
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**ILLINOIS PARMELEE INDUSTRIES, INC. V. FENDALL, INC.** Represented one of the country's largest manufacturers of protective safety prescription eyewear in a lengthy arbitration. Our litigators recovered more than \$1.5 million in damages from a seller who misrepresented the value of its business.

**MASSACHUSETTS** Defended a 165-year-old financial services company in an insurance sales practice class action that alleged fraud, RICO, negligent misrepresentation, churning and similar claims. A motion to dismiss was granted for our client and was affirmed by the First Circuit Court of Appeals.



**COLORADO** Defended Yahoo!, the No. 1 global Internet brand and the most visited Internet destination worldwide, in a fraud and misrepresentation action by a former employee. Obtained a defense verdict in federal court.

**TEXAS** Represented Texas Tech University against a general contractor and architect in regards to defects in the United Spirit Arena. The client ultimately obtained a multimillion dollar settlement from the architect after discovery depositions.

**KANSAS WYANDOTTE NATION V. GENERAL MOTORS CORPORATION ET AL** Defended an action brought against 3,000 property owners by the Wyandotte Nation Indian Tribe, which claimed original title to 1,920 acres of land in Kansas City, including the Fairfax Industrial District -- the site of industrial facilities for many Fortune 500 companies, including our client, the world's largest auto manufacturer. We obtained dismissal with prejudice in favor of our client and other defendants.

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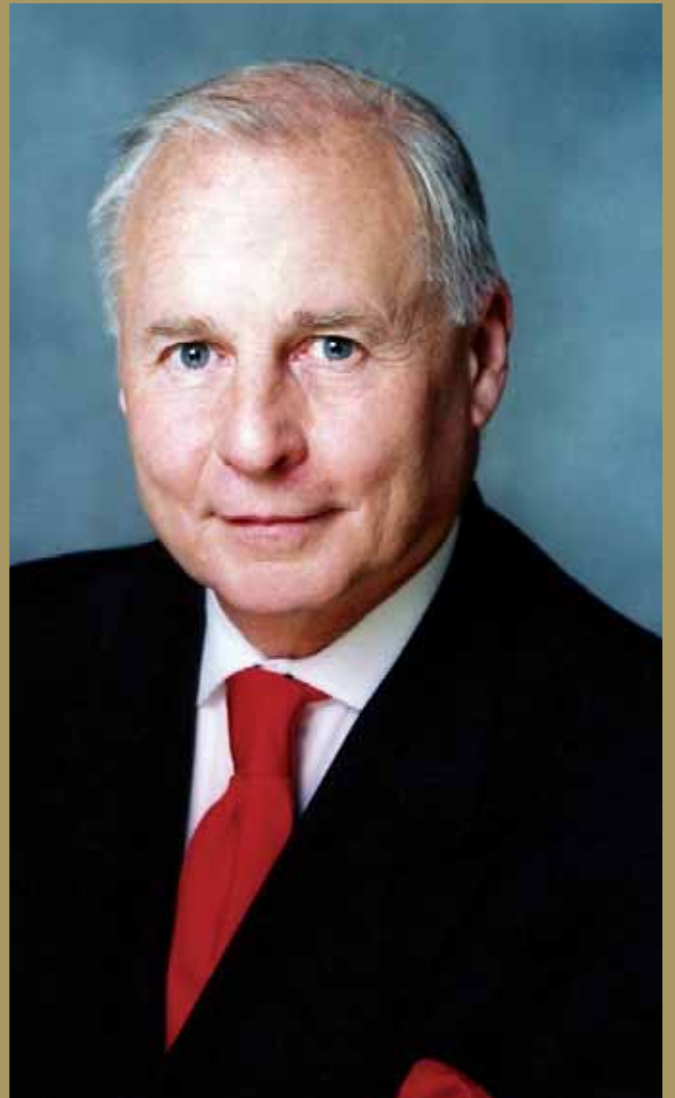
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# Jerry Oshinsky

BY JOHN RYAN

**A**s a litigator, Jerry Oshinsky is already at the top of his game. He is generally considered one of the top practitioners in the field of insurance coverage and chairs the largest practice in the country – about 90 lawyers – devoted exclusively to representing policyholders in disputes with their insurance carriers. His clients have included dozens of Fortune 500 companies, including the likes of AT&T, General Motors, Pfizer and Merck.

But the Dickstein Shapiro partner feels that his skills are, in fact, improving at this stage of his career thanks to his side work as an actor. His decision to



take acting classes at the Theatre Lab in Washington, D.C., back in 2001, quickly blossomed into a full-blown passion. He has acted in 15 plays and in several dozen staged readings. He also has produced a handful of plays and many readings through his own production company, DIJO Productions Theatre Company.

“In acting, you have to emphasize the words better, and more clearly,” Oshinsky says. “I think I have benefited as a lawyer because it’s slowed me down, which I think is a good thing. It makes you think about what you’re saying.”

Oshinsky, 65, rose to prominence as a lawyer more than 25 years ago during his representation of the Keene Corp., which faced lawsuits over asbestos-containing products and wanted its insurer to cover the legal costs. His victory in *Keene Corp. v. Insurance Company of North America*, before the U.S. Court of Appeals for the D.C. Circuit, established the doctrine known as “continuous trigger,” meaning that asbestos-related legal claims trigger policy coverage starting from the time of a person’s exposure to asbestos through the discovery of the injury. His insurance-coverage practice took off after the landmark case, and it’s been full-steam ahead ever since.

Oshinsky still handles asbestos litigation, but some of the hottest work these days is in the area of professional liability: representing corporate directors, officers and accountants who are accused of wrongdoing and face disputes with their carriers over coverage. Oshinsky’s team also has represented companies in insurance coverage disputes resulting from Hurricane Katrina and in business interruption matters that followed the Sept. 11 terrorist attacks.

Oshinsky runs Dickstein Shapiro’s national insurance practice from his home in Santa Barbara, Calif., having

ditched his longtime base in Washington, D.C., where the firm is based. He and his wife bought a home in the area as a hotel of sorts to stay in when visiting their two children, both of whom are married and raising their own families in Southern California. The beauty of Santa Barbara and the fun of having four grandkids nearby led the Oshinskys to make a permanent switch in 2005. Oshinsky regularly visits the firm’s Los Angeles office, which opened that same year when Dickstein Shapiro acquired Pasich & Kornfeld.

Oshinsky also runs DIJO Productions from home. Its latest production was “The Love Song of J. Robert Oppenheimer,” which ran at the Victoria Hall Theatre in Santa Barbara from Nov. 13 to Dec. 1. Oshinsky played five roles, including Isidor Rabi, a Nobel Prize-winning physicist who was friends with Oppenheimer, the conflicted physicist who led the Manhattan Project. Oshinsky prefers historical plays that have a public-interest component.

**LAWDRAGON:** How did this last play go?

**JERRY OSHINSKY:** Great. It was a lot of fun. Very physically demanding, doing 15 shows in three weeks. At one point I had to do seven costume changes in 10 minutes. It’s like a trial. You spend so long getting ready for it, then when it’s over you miss it. It’s a part of your life that’s gone. All of a sudden the cast disappears and everybody is off doing something else.

**LD:** How did you get involved with theatre?

**JO:** I’ve always been interested in the theatre, even back in high school, but when I was growing up in Brooklyn you either became a lawyer, a doctor or a teacher. Thinking about the theatre was not really with-



in our realm of reality back then. But I always had it in the back of my mind. When living in the D.C. area I wondered how one gets involved in the theatre. One day I saw an ad in the Washington Post for the Theatre Lab having acting lessons so I decided to take lessons, and I became hooked. The reason I remember vividly when that occurred is that the first improv lesson was scheduled for Sept. 11, 2001. Needless to say the class was canceled that night. I've told people at the Theatre Lab that they really changed my life by opening up the acting part and make all of this possible.

**LD:** What was your first role before an audience?

**JO:** When taking lessons we did a student production of "Ghetto," by Joshua Sobol, a leading Israeli playwright, about the Vilna ghetto in Nazi-occupied Lithuania that was a mecca for Jewish actors. I played a German soldier who is in charge of the ghetto.

**LD:** Were you nervous and do you still get nervous?

**JO:** No. Just like being an attorney, I prepare extensively. I'm never really nervous, but always apprehensive. You don't know exactly how it will play out or how the audience will react. Every night is different. Some nights the audience is laughing and responsive and really digging it, other nights they just sit there and you wonder what's going on. A friend of mine who's a prominent director in Los Angeles came up for a play during which nobody laughed at the funny parts. He told me, "No one in the audience gave us permission to laugh." You have to have somebody in the room who starts it. It's like being the first person to ask a question during a seminar. The actors can really sense the energy from the audience, you can really tell if the audience is with you. You're not doing improv, but the way you do it can vary from night to night, exactly how you deliver the lines. It really depends on what the actors are doing.

**LD:** Do you have a favorite role that you've played?

**JO:** Two, actually. In "Hannah and Martin," I played Karl Jaspers, the famous German philosopher who was a mentor to Martin Heidegger. [*Heidegger also was a philosopher whose reputation suffered as a result of his support for Hitler. The other title character, Hannah Arendt, was Heidegger's lover and student.*] Jaspers was blacklisted during the Nazi era because he had a Jewish wife. Jaspers never forgave Heidegger for never going to bat for him. Heidegger's excuse was that there was nothing he could do. On some nights, I swear I could feel Jaspers there. I could sense he was in the theatre.

The other favorite role I did recently in "Fifteen Rounds with Jackson Pollock" as Clem Greenberg, the art critic who made Pollock. They were very close and Greenberg supported his career. Clem and I shared a lot, both growing up in Brooklyn and having East European Jewish ancestry. On some nights I really felt, "This one's for you, Clem." He was the most important art critic of his day and a lot of people today don't know who he was. I felt I had a mission to let people know who he was.

**LD:** You mentioned how acting helps your presentation

skills as a lawyer. Did being an attorney help prepare you for acting?

**JO:** I don't think so. It's so different. As an attorney, I'm me; as an actor, I'm another character. You get into the character and just lose yourself. It's like getting ready for an appeal, but it's much more difficult than working as an attorney because you're working with someone else's words. I've done speeches in front of a thousand people, but in a play you're working with someone else's words.

The secret is making it fresh every night. The actor knows what's coming next but the character doesn't. The character has no idea what the next words will be. You have to make it appear like the character has never said the words before. It's very difficult. It has to be fresh every night. When you think about some of these actors doing the same character two years in a row...

**LD:** Why did you get into producing plays?

**JO:** I'm an organizer. I like to make things happen. It enables you to structure the thing and put it all together. It's time consuming. It's just like in my firm – I can't wait for things to happen. I'm a self-starter. Or a maniac. [*Laughs.*] I used to be normal.

**LD:** Are you practicing law less now as a result of the theatre work?

**JO:** Actually, more. It just makes my days longer. I'm busier now as an attorney than I have ever been. There's something wrong with me, I guess. It just never seems to end, which is great. But all the people who work under me are great. Most of the cases I supervise are being managed directly by other people. Attorneys call me up if they have an issue, but for the most part I don't need to see what's going on on a daily basis. I can't be. It's too much. I've always operated that way, always had a great team of attorneys with me. There are a lot of lawyers my age who can't let go, but I've been letting go for a very long time and let other people run their own matters.

**LD:** Is it hard working from Santa Barbara?

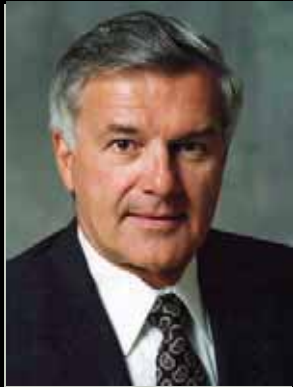
**JO:** In today's world, it's not so hard. Ten to 15 years ago, it probably would not be possible. But people don't like to travel much these days, it's gotten so difficult. Clients don't expect you to be in their office tomorrow because they know how difficult it is. They're ready to accept an electronic relationship, and most of the time it works pretty well. With video conferencing it really feels like you're in the same room with the other person. Santa Barbara is terrific. I hate to leave it. Whenever I do, I get pangs of remorse.

**LD:** What's next for DIJO Productions?

**JO:** We're looking into doing the oldest play in Western civilization, called "The Persians." It's by the Greek playwright Aeschylus, but don't ask me to spell that off the top of my head. For the spring we are looking at "12 Angry Men." Actually, it's now "12 Angry Jurors," with both men and women on the jury. ■

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# Demystifying the Banking Boom



In the financial world, the dos and don'ts of Shari'a (Islamic law) can be complicated. But with the right legal advisers, most conventional financial products can be made Shari'a-compliant.

Dubai, United Arab Emirates

*Photo by Nicholas Pitt / Getty Images RF / Newscom*

BY AYMAN H. ABDEL-KHALEQ

**THE GROWTH OF THE ISLAMIC BANKING** and finance industry has encouraged international bankers and investors to seek to demystify the mechanics and components of Islamic banking products. While significant progress has been made in recent years in structuring and marketing Shari'a-compliant investment products within the frameworks of various legal systems, there remains a need for greater integration between Islamic financial institutions and the international banking community. The accreditation of Shari'a-compliant investment products and Islamic financial institutions constitutes a major challenge in many jurisdictions, particularly in the United States and the European Union.

The analysis of the legal implications of Shari'a-compliant investment products should start with the identification of



financial institutions that are permitted to offer the products. From a Shari'a point of view, almost any financial institution is permitted to offer Islamic investment products (unless that financial institution is prohibited for regulatory reasons from doing so). A non-Islamic bank or a non-Muslim can engage in trading or investing in a Shari'a-compliant manner. A conventional financial institution in London or New York can, therefore, develop financial products that cater to the needs of its Muslim customers. In many instances, this does not require the formation of an independent subsidiary. Typically, a separate department or "window" within an institution can develop and offer Shari'a-compliant products. Some jurisdictions, however, may require that Islamic banking licenses be independent from conventional licenses, with the result that the banking industry in such a jurisdiction provides for two parallel systems, namely Islamic and conventional.

In structuring Islamic investment products, promoters and issuers must satisfy the demands of individual and institutional investors in the jurisdiction where they intend to offer these products. It follows that promoters of Islamic funds and issuers of Islamic instruments, including conventional banking institutions, should develop both a generalized understanding of Islamic law and a working knowledge of the regulatory system in the jurisdiction where the investment vehicle will be structured. In addition, knowledge of the regulatory system of the jurisdiction in which the product is to be offered, if different, is also required. The financial advisers should work with the legal and Shari'a advisers to fine-tune their product ideas and vehicle structures to ensure full legal and Shari'a compliance.

The decision by a financial institution to structure an Islamic product requires the early engagement of legal counsel and Shari'a advisers. Despite the recent growth in Islamic banking, there are few legal advisers in major financial centers who have developed the know-how and experience that would permit them to actively participate in the process of structuring and documenting "quality" cross-border Islamic financial products. To be effective, such legal advisers require both a thorough understanding of Shari'a and familiarity with Western financial market practices. In particular, legal advisers must possess a good understanding of Islamic law so that legal issues can be addressed in compliance with the requirements of Shari'a, and in doing so must be able to communicate in a positive and constructive manner with Shari'a advisers.

The decision to domicile an investment vehicle in a particular jurisdiction will necessarily require legal advice about the regulatory and tax regimes in such jurisdiction, based on the proposed Islamic structure. For example, an Islamic structure that involves multiple asset transfers is likely to prove to be expensive in a jurisdiction that imposes taxation on each asset transfer.

Non-Islamic financial institutions often rely on recommendations made by their legal counsel or experienced counterparties in selecting Shari'a advisers on a product-by-product basis. Islamic financial institutions, however, have their own Shari'a supervisory boards that provide advice and Shari'a auditing with respect to all investment products offered by the institutions. Most jurisdictions require that financial institutions licensed to provide Islamic banking have their own Shari'a supervisory boards.

Shari'a advisers represent differing schools of Islamic jurisprudence, although many of them are knowledgeable in the teachings of the key schools. The market's leading Shari'a advisers combine an in-depth knowledge of Islamic law with a good understanding of conventional financial and economic concepts, and have the ability to communicate in English. The mandate given by promoters of Islamic investment instruments to Shari'a advisers typically includes assisting in the development of a suitable structure for the proposed investment product, reviewing documentation, issuing a Shari'a compliance certificate and providing ongoing supervision – the Shari'a audit – to ensure that the implementation of such structure is Shari'a-compliant.

Whether a financial institution is structuring a conventional or Islamic investment vehicle, the local legal environment must be capable of accommodating the proposed structure as well as offering a favorable tax treatment. Some jurisdictions are extremely flexible in adapting to both conventional and Islamic structures, particularly Bahrain and Malaysia. In addition, the Cayman Islands and the British Channel continue to attract a growing number of Islamic funds and instruments. A primary reason for the trend towards setting up Islamic investment vehicles in tax-friendly common law jurisdictions stems from their advanced trust systems, which offer protection for the investors' beneficiary ownership over the relevant assets.

Notably, investing in compliance with Shari'a requires adherence to certain investment guidelines, including sector and financial screens. Sector screens overlap to a great extent with the investment guidelines of ethical or "green" funds. For example, an Islamic investor or fund manager is not permitted to invest in gambling and entertainment facilities, alcohol production and distribution or arms. Financial screens, which are highly quantitative, seek to enhance the financial soundness of the investment and reduce the element of uncertainty and speculation. The investment manager of an Islamic fund, being one in which investors pool money to be invested in Shari'a-compliant investments to earn legitimate profit, will need to comply with the sector and financial screens.

In addition, Shari'a prohibits speculative investments and the generation of income by way of interest. This is primarily due to the fact that Shari'a requires that any

return on funds invested by an investor, or lent by a lender, be the outcome of a commercial transaction in which the investor or the lender risks its capital. As a result, capital-guaranteed funds and investments are not Shari'a-compliant. The alternative is a fund or an instrument that offers capital protection without guaranteeing the capital.

Many financial industry professionals today are involved in the development of Shari'a compliant alternatives to most of the conventional investment vehicles and products available in Western markets. Working together with experienced legal counsel and established Shari'a advisers, they have created Shari'a equivalents to a number of investment vehicles. For example, in Islamic long-only equity funds (which do not take "short" positions on stocks), amounts raised from investors are invested in shares of listed companies – provided that such companies have been declared to be Shari'a-compliant. The companies in whose shares investment is permitted may be identified as Shari'a compliant by reference to their inclusion in "Islamic" indices such as the Dow Jones Islamic Market Index or the TII-FTSE Islamic Index. The companies included in these indices will have been declared Shari'a-compliant by the indices' respective Shari'a advisers.

Otherwise, the compliance of a company with Shari'a, and thus the permissibility of its shares as an investment for Shari'a purposes, will be verified by the respective fund's Shari'a supervisory board. In either case, regular Shari'a auditing is usually conducted by the Shari'a advisers to ensure the Islamic investment vehicle's continued compliance with the requirements of Shari'a. The ongoing Shari'a compliance of the investment should be subject to a regular (annual or semi-annual) audit by the Shari'a supervisory board, although external accounting firms also can be appointed to audit an Islamic investment vehicle's compliance with its investment guidelines.

Rather significantly, the list of Shari'a-compliant investment instruments is not exhaustive, as Shari'a advisers focus their audit on the structure of the investment itself. This means that certain well-established non-Islamic or conventional investment mechanics also prove to be compliant with Shari'a. Shari'a finance and investment precepts are likely to prove compatible with some of the established legal principles in force in Western jurisdictions. In fact, one can argue that U.S. oil and gas law, under which oil and gas rights are characterized as severable and alienable real property with well-recognized legal attributes, satisfies a number of Shari'a requirements. Such characterization, with its

well-defined scope and its ability for ring-fencing, would facilitate to a great extent the structuring of sukuk (Islamic bonds) instruments that are linked to U.S. oil and gas rights.

With Shari'a encouraging risk taking and prohibiting interest, unleveraged venture capital funds provide yet another ideal tool for making investments in an Islamically compliant manner. A number of conventional venture capital funds have passed Shari'a compliance tests with only minor adjustments being made to the offering document and ancillary agreements. In each case, a Shari'a supervisory board was appointed and detailed Shari'a compliance criteria were introduced and implemented.

The discussion becomes more complex in the context of private equity funds, particularly those that utilize leverage to purchase a controlling stake in a target company or that invest in leveraged target companies. An Islamic private equity fund must finance the acquisition of a target company by using Shari'a-approved mechanisms. In addition, the leverage of the target itself is often relevant. Different schools of Islamic jurisprudence have different views on the subject. Some Shari'a advisers believe that if an Islamic private equity fund were to purchase a controlling stake in a leveraged company, then such a fund would be given a fixed period of time (perhaps three years) to pay off the target company's debt or convert it into Islamically acceptable debt. Another view prohibits the acquisition of target companies if their debt exceeds one-third of the total capital of the target company.

In such cases, debt should be reduced to one-third of the total capital of the target company prior to the acquisition being approved. In all situations, the activities of the target company should be Shari'a approved. Therefore, investing in companies that are involved in industries such as gambling, conventional banking and insurance, arms manufacturing and alcohol is strictly prohibited. In addition, issues such as the nature of the debt (Islamic or non-Islamic) and the manner in which the total capital of the target company is calculated can be troublesome. Again, however, many of these complications can be resolved with early assistance from the right legal and Shari'a advisers. ■

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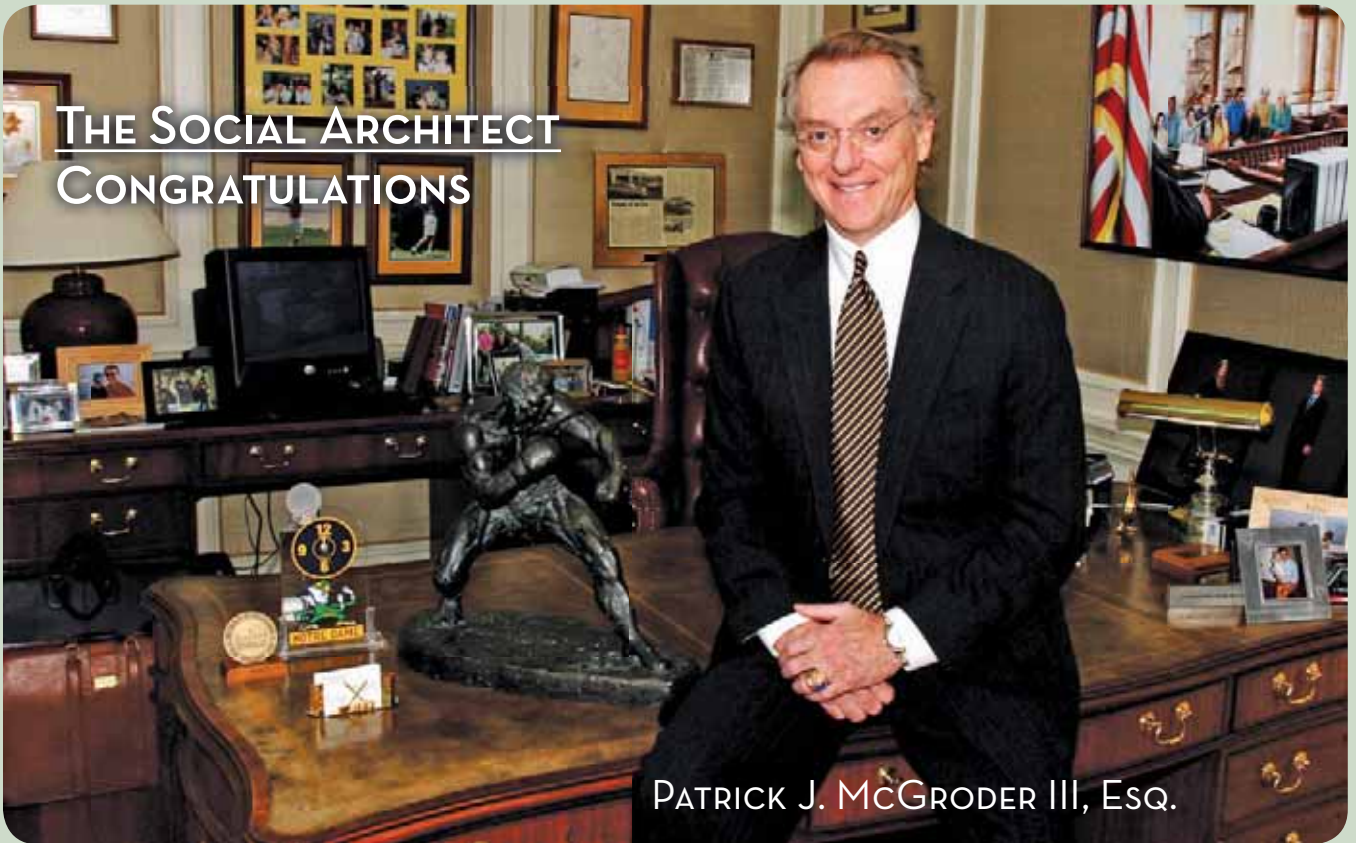
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Additional areas of Pat's legal expertise include specializing in medical malpractice, aviation catastrophes, road design, consumer fraud and corrections negligence.

His work as co-counsel in the representation of victims of the Crown Victoria Police Interceptor fuel-fed fire cases not only brought in national acclaim, but resulted in the remediation of 350,000 police vehicles in the United States.

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ENVIRONMENT

# A Climate for Change





**State regulation of greenhouse gas emissions has caused a flurry of legal challenges to business activities that affect the environment. In states like California, lawyers and their clients need to be proactive about incorporating climate concerns into development plans.**

**BY JOCELYN THOMPSON  
AND DONNA DIAMOND**

**NEVER ONE TO SHY AWAY** from the spotlight, California Gov. Arnold Schwarzenegger took the podium at the recent United Nations Climate Change Summit to declare that “California is leading the U.S.” in efforts to address global climate change, “moving the United States beyond debate and doubt to action.” President Bush was elsewhere that day, proving the governor’s point.

The scene at the United Nations is emblematic of greenhouse gas (GHG) regulation in the United States. While President Bush and the Environmental Protection Agency (EPA) talk about the need to reduce GHG emissions, the states are taking action. Climate change laws are sprouting up across the nation – seven so far – mandating GHG reductions. How much and by when depends upon the state. Another ten states have issued executive orders or other policies prescribing GHG emission reduction targets.

California, which seeks to cap GHG emissions at 1990 levels by 2020, was first to require state-wide reductions and specify penalties for non-compliance. California also pioneered legislation to limit GHG tailpipe emissions. A state law passed in 2002 requires reductions in greenhouse gas emissions from new automobiles starting with the model year 2009. Twelve states have now adopted California’s stringent vehicle emission standards, which are awaiting EPA approval.

In addition to spurring states to adopt laws and policies, the federal regulatory vacuum also is causing local jurisdictions and environmental advocates to focus on individual projects under the National Environmental Protection Act (NEPA) and state equivalents. These laws require analysis of the potential environmental effects of proposed projects. Viewing these laws as a means of achieving GHG reductions on a project-by-project basis, plaintiffs in state and federal courts are challenging environmental reviews for failing to adequately address climate change. Recently challenged projects range from federal funding of national and international fossil fuel projects to a mixed-use development proposed to be built on a newly constructed levy. There are also nuisance cases, such as *California v. General Motors Corp.*, No. 06-CV-05755 (N.D. Cal. Filed Sept. 20, 2006), in which states or class action plaintiffs allege that defendants’ GHG emissions – in this case



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from the “big six” automakers – are contributing to global warming, creating a public nuisance.

Those watching these legal developments and hoping the federal government will step in to provide a uniform regulatory approach are likely to be disappointed, at least in the short term. Although the Supreme Court’s recent decision in *Massachusetts v. EPA*, 127 S. Ct. 1438 (2007) gave EPA the green light to regulate GHGs as “pollutants” under the Clean Air Act, there is no sign the agency will take up the mantle anytime soon. Nor is Congress likely to pass a national climate change law before the next election. So, for the time being, states and the courts will continue to lead the way.

What does this mean for environmental lawyers and our clients? For lawyers, it means racing to keep pace with the daily barrage of information, legal developments, technical guidance and climate change pronouncements at the federal, state and local levels. For clients, it means proactively making climate change part of any planning for a new development project, new plant construction or facility expansion. Buildings use energy; employees or residents will use transportation; buildings will generate waste. All of these activities contribute to GHG emissions.

California’s approach to climate change is an example of how state action can affect an environmental practice and a law firm’s clients. Here, the government has adopted a three-pronged GHG reduction strategy: reduce automobile emissions; cap statewide emissions; and compel new projects to mitigate climate change impacts. The focus on vehicle emissions began in 2002, with the passage of AB 1492. That law required the California Air Resource Board (CARB)

to adopt regulations “that achieve the maximum feasible and cost-effective reduction of greenhouse gas emissions from motor vehicles” manufactured in the 2009 model year and beyond. The state regulations adopted in 2005 require a preemption waiver from EPA under section 209(b) of the Clean Air Act. In December, the government agency denied the waiver request, and California officials said that they would sue in federal court to challenge this decision.

The California Global Warming Solutions Act, known as “AB 32,” leaves no doubt as to California’s official views on global warming. The act states that “global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California.” Addressing this threat requires state-wide, mandatory reductions in greenhouse gas emissions. AB 32 regulates six GHGs: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride, mandating their reduction to 1990 levels by 2020. The first step, therefore, is

determining what the GHG emissions were in 1990. Using that baseline, CARB must adopt rules by Jan. 1, 2011 that will achieve the 2020 cap. Those rules must take effect no later than 2012 and require certain sources to inventory and reduce GHGs. So-called “early action measures” will take effect even sooner. In order to achieve mandatory reductions, AB 32 authorizes CARB to adopt a market-based cap-and-trade compliance system, allowing emission credits to be accrued and traded between companies.

Beyond these fairly typical provisions, AB 32 imposes penalties for noncompliance. Regulated industries that fail to reduce emissions as required will be subject to penalties ranging from \$25,000 to \$75,000 per violation per day.

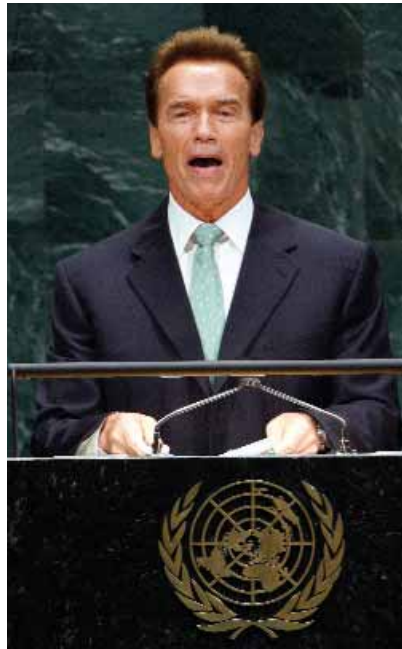
Although CARB will not issue regulations until late 2010, AB 32 already has changed the legal landscape, sparking a flurry of activity and lawsuits. Much of that activity involves challenges to individual projects under the California Environmental Quality Act (CEQA), the state law that parallels NEPA, the national act. CEQA, like NEPA, requires government agencies approving projects to analyze their “potentially significant environmental effects.” CEQA further requires agencies to impose measures to mitigate those effects.

AB 32 did not expressly amend CEQA. Citing the law’s passage, however, project opponents now argue that climate change must be evaluated as a potential environmental effect under CEQA. That argument has plagued lawyers on the defense side. In the absence of any regulations, what level of GHG emissions from an individual project poses a “potentially significant environmental effect” on

global climate change? Is one molecule enough? One ton? Without an answer to that fundamental question, how can a court determine whether the project’s effect on climate change must be analyzed, let alone mitigated?

The good news for lawyers is that answers to these questions are forthcoming. The bad news is, not soon enough. New legislation passed on Aug. 24, 2007 requires the state to adopt by Jan. 1, 2010, CEQA guidelines for mitigation of greenhouse gas emissions or their effects. Meanwhile, the courts will continue to answer these questions, one case at a time.

While California law develops case by case, and with no guidelines in place, advising clients facing a CEQA project review poses significant challenges. Projects must go forward, with or without CEQA guidelines. At the same time, CEQA lawsuits can delay project construction for months or years. How do you ensure that an environmental impact report (EIR) has adequately addressed the issue, and that the project includes appro-



California Gov. Arnold Schwarzenegger told the United Nations on Sept. 24 that his state was leading the way in addressing climate change.

Photo by Chip East / Reuters Archive / Newscom



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appropriate mitigation measures? In the absence of regulations, the answer normally lies in the science used to evaluate environmental impacts. Here again, however, there are more questions than answers. Air quality specialists indicate that analytical tools have not been developed that could determine the effect on global climate change from a particular increase in greenhouse gas emissions, or the resulting effects on climate in a particular locale. The scientific tools needed to evaluate the impact that a specific project may have on the environment are even farther away.

Even with all the uncertainty facing CEQA practitioners, one thing is sure: Ignoring the issue no longer is an option in California. Developing a legal strategy for clients cannot wait for clarification of the myriad issues, both legal and technical. The only option is to synthesize whatever direction can be gleaned from the courts, the state attorney general's office and air quality consultants, and determine how best to proceed in each case.

As far as direction from the courts, case law thus far offers little guidance as to what a sufficient CEQA analysis of climate change impacts would look like. Direction from the California attorney general, by contrast, abounds. Edmund G. ("Jerry") Brown has challenged several projects for failing to address climate change under CEQA. Having adopted this issue as his *cause célèbre*, Brown has made it clear that projects must determine whether project GHGs may have a significant impact on global warming, and must mitigate those impacts.

To clarify the state's position, Brown has issued dozens of comment letters during the CEQA process for projects. Each letter asserts that emissions of GHGs make it more difficult for the state to meet the emission reduction requirements of AB 32. Accordingly, the letters urge that the EIRs estimate GHG emissions and demonstrate that any increase in such emissions would not impair the state's ability to achieve the mandatory greenhouse gas reductions. With regard to mitigation measures, the comment letters require proponents of industrial, commercial and residential projects to adopt GHG reduction strategies, such as these developed in March 2006 by the California Climate Action Team, which is made up of representatives of several state agencies. Project proponents who do not take the attorney general's letter seriously will find themselves in court.

The attorney general's aggressive stance on climate change is prompting some attorneys to advise clients to evaluate the GHG emissions associated with any project facing CEQA review, and to adopt voluntary feasible reduction measures. The California Climate Action Team and organizations such as the Association of Environmental Professionals have developed lists of mitigation strategies that may be considered "feasible" for various industries and projects.

Mitigating GHG emissions typically involves energy efficiency, waste recycling and other conservation methods. Some of these bring the added benefit of cost savings. EPA's Waste Wise program has quantified GHG reductions that can be achieved from small measures such as double-sided printing or recycling soda cans. EPA calculated, for example, that preventing 500

tons of aluminum from being disposed is equal to taking about 952 cars from the road in one year.

Dozens of GHG reduction strategies have been suggested by state agencies and interest groups. The measures generally fall into eight categories:

- 1) Energy efficiency;
- 2) Clean energy, such as solar or wind power;
- 3) Transportation measures like car and van-pooling;
- 4) Waste reduction and recycling ;
- 5) Agricultural and forestry measures to manage manure, plant trees and prevent forest fires;
- 6) Programs to capture and sequester GHGs including methane and carbon;
- 7) Industry-specific measures for the oil industry, cement manufacturers, and others; and
- 8) GHG quantification and financial instruments, such as carbon offsets or credits

Some GHG reduction strategies may be better than others. For example, the strategy of purchasing "carbon offsets" or "carbon credits" has drawn criticism recently. A company that has exhausted its own GHG reduction options can pay others to reduce their carbon emissions, rather than reducing its own. Offsets can be a good market-based incentive to keep businesses on track toward meeting their emission limits. However, a lack of verification and unscrupulous brokers can lead to buying credits that do not yield actual reductions in carbon emissions, which is why experts recommend that offsetting be used as a last step to reduce GHG.

California's experience with GHG reductions may not be unique, but if it is indeed "leading the U.S." on this issue, its approach will influence how climate change is addressed elsewhere, at the state and federal level. That approach goes beyond laws and regulations, as the attorney general's aggressive CEQA stance illustrates. In fact, if the California experience has taught us anything, it is that climate change law will develop project by project while we await the regulations. The same may be true in any of the growing number of states adopting GHG reduction targets, which can form the basis for challenging new projects. As a result, municipalities, industry, and residential and commercial developers in those states also may want to implement GHG reduction strategies even if none are yet required. As we have learned in California, taking the preventive step of evaluating and addressing GHG emissions associated with projects not only can benefit the environment, but also can avoid costly and time-consuming legal challenges.

The absence of federal leadership on the issue of climate change has created a challenging legal environment, but one in which the states, and all stakeholders, have the opportunity to play a formative role. ■

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*Jocelyn Thompson is a partner at Weston Benshoof Rochefort Rubalcava & Maccuish, where she assists clients in obtaining environmental permits and provides advice regarding compliance with environmental laws. Donna Diamond is of counsel at the firm and also focuses her practice on environmental compliance and permitting issues.*



# The Whole Wide World

The demand for energy isn't slowing down. The same is true for the varied international litigation that has flourished within the sector.

BY WILLIAM D. WOOD AND LISTA M. CANNON

**JUST AS ENERGY FUELS THE FAST-GROWING** global economy, the energy sector also propels the growth in disputes worldwide. These disputes involve a wide range of parties and issues, and are often driven by the clash of interests competing for the world's natural resources and for the financial benefits derived from their development. A look at litigation trends across the world provides an interesting overview of differences and similarities among competing stakeholders in the natural resource arena.

## AFRICA

Many governments in this region are laden with debt, some of which is purchased at a discount and held by so-called "vulture" funds. These funds now are attempting to collect by garnishing the royalties and other obligations owed to the host governments by energy companies. The funds have won some of these cases in the United States, Great Britain and France. Meanwhile, host governments continue to demand already garnished payments under their existing contracts. Caught in a squeeze, international energy companies, in effect, may be asked to pay twice or risk allegations of default in their concessions. What may be considered a plain vanilla garnishment action where the garnishee is discharged from the debt after paying the garnishor is not ordinary at all when delicate concession relationships with host governments are involved. The social consequences to disadvantaged nations of these funds' efforts to collect debts has attracted the attention of the U.S. and British governments, world funding organizations and other groups that are concerned that citizens of resource-rich developing nations will be deprived of funds that will not show up in the countries' coffers.

After making major investments under long-term contracts, international oil companies are beginning to see a return on risked capital. The

problem is that many of their host-government partners also see those returns and are now attempting to require a greater share of those profits through various surcharges aimed at pre-existing contracts. The result is a growing string of semi-formal and formal dispute resolution proceedings, from conciliation to arbitration to litigation in local courts, and further litigation related to the recognition and enforcement of awards.

Although disputes among international oil companies in joint ventures do not often end in litigation, matters related to various agreements linked in the energy value chain may wind up in the courtroom or arbitral tribunal, due to legal and technical problems, and perhaps even geopolitical ones. Boundary disputes may also crop up leading to dispute resolution measures, or deadlock affecting the viability of foreign investment in the affected blocks.

Local consultants and representatives in Africa have been making claims for commissions or success bonuses against energy and service companies. Issues sometimes arise around alleged breaches of the Foreign Corrupt Practices Act (FCPA). Well publicized FCPA allegations and concerns that sometimes arise from innuendo increase competitive pressures and introduce a layer of risk that is factored into any evaluation



of a resource rich prospect in the region. As demand for energy grows, the balancing act will continue, pitting a host government's desire to attract foreign investment against an international company's desire to explore and develop resources in increasingly risky political and economic environments.

## LATIN AMERICA

The litigation trend in Latin America shows a spike in investment dispute matters grounded on bilateral investment treaties (BITs). A government's attempt to reassert control over oil, gas and power production and transportation/distribution is one reason. Perhaps a larger contributor, however, remains the fallout from the Argentine financial crisis of 2000-2002.

For example, CMS Gas Transmission Company won an award of \$133.2 million from an ICSID (International Centre for Settlement of Investment Disputes) arbitral tribunal in 2005. The company is a minority shareholder in an Argentine company with a 35-year license to transport natural gas. Argentina had refused to adjust tariffs in accordance with the license during Argentina's economic crisis. The tribunal concluded this was a breach of the obligation of fair and equitable treatment in the U.S.-Argentina BIT and the stabilization clauses in the license. In the end, the tribunal rejected Argentina's defense based on a "state of necessity."

More than 15 arbitrations were pending against Argentina at the beginning of 2007 at the World Bank's ICSID. Eleven energy companies were among the parties involved, with claims totaling more than \$8 billion.

Meanwhile, Ecuador has become one of the most frequently sued states in investment arbitrations. Various energy companies had a total of more than \$3 billion in claims pending before ICSID against Ecuador at the start of 2007. They include four companies in the electricity sector (Duke Energy, EMELEC, MCI Power Group, and Machala Power) and two oil companies (Oxy and RepsolYPF). Expansion of Ecuador's largest oil refinery, Esmeraldas, has also generated disputes before ICSID. Two Spanish construction and engineering companies (Técnicas Reunidas, S.A. and Eurocontrol, S.A.) requested arbitration in the fall of 2006.

Surprisingly, amid much publicized political change and what some would describe as at least a more difficult climate for foreign investment, the countries of Bolivia and Venezuela thus far have not been involved in the number of arbitrations generally anticipated. Many of the companies involved there have managed to reach accommodations with the governments, but obviously the strong trend toward resource nationalism and the accompanying increasing government control over resources and industries in these countries has created concern in the Americas. Venezuela has paid the recent awards against it, but the government's agenda of nationalization of the power industry and greater control over resources in the Orinoco Belt would suggest many more investment claims ahead.

The London Commercial Court experienced a decrease in the number of cases from 1999 to 2005 of slightly more than 50 percent. This steep decline reflects, in part, changes to the English Rules of Civil Procedure after the Woolf Reforms (named after Lord Woolf's 1999 recommendations for changing the civil law system), which impact proceedings before they begin and encourage mediation to facilitate dispute settlement. It also stems from the growing preference among many companies to consider international arbitration. However, in 2006, the Commercial Court recorded a 3.3% increase in the number of claim forms issued in the period up until July 31, 2006, and provisional figures for the calendar year indicate this figure has substantially increased to approximately 1,300 (a 29% increase). In recent years, there has been a progressive trend towards favoring arbitration over the court system. In the last five years, the London Court of International Arbitration (LCIA) has seen its new case-load double, while that of the International Chamber of Commerce (ICC) Court of Arbitration has remained stable over the same five-year period, despite a reduction in the 2002 to 2005 period.

However, it is not only disputes in arbitration and court proceedings that are consuming the time and budgets of corporations. Increasing regulatory inquiries, often crossing more than one country or continent, are becoming more prevalent. There is also a general trend toward developing a larger regulatory framework in several areas.

For example, competition law and regulatory powers are now being used by the European Commission to assist in the drive to open its energy market. In fact, liberalization of the energy sector has been on the European Commission's agenda for many years. In 2003, directives were adopted establishing common rules for creating liberalized internal markets for electricity and natural gas.

In May 2005, the Commission's director general for competition opened a Europe-wide investigation into the energy sector under two articles that provide the Commission with information-gathering tools for identifying barriers to competition. The preliminary report was published in February 2006 and outlined "serious malfunctions" in the energy market, resulting in these characteristics: "a high degree of market concentration"; "vertical foreclosure" limiting the supplies available to new companies; "lack of market integration" across member states; "lack of transparency" in access to information; and "pricing" formats where supply is influenced by political considerations and is not market driven.

In March 2006, the Commission published a green paper outlining six key strategy areas for establishment of open and competitive markets that enable European companies to compete Europe-wide. To achieve a liberalized internal market, the Commission is adopting an approach that exercises its competition law powers in parallel with its regulatory powers.

A dramatic example occurred in May 2006, when the Commission, using its inspection powers under Article 20 of Regulation 1/2003, carried out dawn raids against utility companies in six member states (Germany, France, Belgium, Italy, Austria and Hungary). The action was taken in response to complaints that the companies had acted against competition rules. The Commission is continuing to pursue these investigations.

Member states are also monitoring cross-border mergers closely, arguing that they have a wide range of domestic and strategic interests to consider. The European Commission Merger Regulation gives the Commission broad powers to deal with mergers that it considers to be incompatible with the common market.

The EU Commission's Strategic Energy Review, published in January 2007, proposed the framework for the EU's energy market. It will be the basis on which the European Council will formulate the EU's future energy policy. It is an important step in creating a liberalized European energy market, which is still very much a work in progress. One thing is clear, however: The Commission has shown a determination to use the law as a tool along with political persuasion to establish a more open energy market across member states.

## ASIA AND THE MIDDLE EAST

Contract rights are under assault by sovereign states across a broad swath of Asia and Eurasia. The most obvious example was the Russian government's grab of Yukos Oil for the benefit of state companies, generating a string of high-stakes litigation in U.S. courts and international arbitrations.

The 5th U.S. Circuit Court of Appeals reversed a decision of the district court in *Bridas S.A.P.I.C. v. Government of Turkmenistan* and rendered judgment against the government, holding it liable on an arbitral award of almost \$500 million. This decision came about even though Turkmenistan had not signed any of the relevant contracts.

Bridas had a joint venture agreement (JVA) with a state company designated by the government. When the government wanted to increase its share of future proceeds, it ordered Bridas to halt operations and cease all imports and exports to and from Turkmenistan. Bridas initiated arbitration. The government then dissolved the state party to the JVA and formed a new company, Turkmenneft. The government also decreed that all proceeds from oil and gas exports should go to a special State Oil and Gas Development Fund, which was conveniently declared immune from seizure.

The 5th Circuit Court, in applying U.S. legal principles for piercing the corporate veil, determined, among other things, that the government's machinations were designed to prevent Bridas from recovering any substantial damage award and therefore satisfied the "fraud or injustice" prong of this analysis. The court's reasoning was unequivocal: "Intentionally bleeding a subsidiary to thwart creditors is a classic ground for piercing the corporate veil."

There were similar aspects apparent in the arbitration between Petrobart Limited (Petrobart) and The Kyrgyz Republic (Kyrgyz) at the Arbitration Institute of the Stockholm Chamber of Commerce. Petrobart had a contract to sell 200,000 tons of gas condensate to a state company, KGM, which failed to pay for three deliveries under the contract. The government then restructured its state energy sector, transferring assets out of KGM while the debts remained with the company.

The arbitral tribunal determined that Petrobart was an investor under the broad definition of investment in the Energy Charter Treaty (ECT) and ruled that Kyrgyz had breached its treaty obligation of fair and equitable treatment. Petrobart was awarded damages, estimated at 75% of the company's justified claims against KGM, which amounted to approximately \$1.1 million plus interest.

On Sept. 27, 2007, Kazakhstan's Parliament passed legislation which will enable the government to alter the terms and conditions of contracts with subsoil (the layer of soil under the topsoil) users when the contract is deemed to adversely affect the national security of Kazakhstan and its economic interests. Failure of the subsoil user to agree to conduct negotiations, reach a new agreement or sign a new agreement will give the government the right to terminate the contract. This new law applies retroactively and thus has the potential to affect all existing oil contracts.

Companies operating in China have also experienced tough renegotiation approaches by the government. The Chinese government forced at least one major oil company to submit to arbitration by imposing a windfall-profits tax in 2006, despite stabilization commitments in state petroleum contracts. Generally, claims by international energy companies in Asia have moved upstream recently to oil and gas projects. Previously the focus of most disputes in the region had been downstream power projects.

Even in the Middle East, some states have put their performance of agreements in question. Two international oil companies commenced an ICC arbitration in late 2005 against a government for that very reason. The matter involved an agreement extending the production-sharing agreement on an offshore block.

Overall, the temptations of a booming global economy inevitably lead to a desire by parties of all types and sizes to seek a larger piece of the vastly growing pie. They may be individual consultants and representatives with or without ties to host governments, companies involved in cross-border operations and transactions, or state entities. The result naturally is a complex and expanding web of disputes, a trend that is likely to continue. ■

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From left to right, Cohen Milstein's trio of London partners:  
Anthony Maton, Rob Murray and Vincent Smith

# A Very British Coup

MICHAEL HAUSFELD  
EXPECTS COHEN  
MILSTEIN'S PLAINTIFFS'  
PRACTICE TO  
THRIVE IN EUROPE.  
HIS STRATEGY?  
GO NATIVE.

BY JOHN RYAN

**ROB MURRAY DID WHAT** any lawyer would do when approached by a recruiter about moving to a law firm he didn't know too much about: He googled the firm and started reading up.

A special diligence was important for this opening, which called for Murray to leave his post as chair of the European Union and competition practice at the 3,600-lawyer global behemoth DLA Piper to join a tiny 70-attorney American firm with only the etchings of a London office, its first overseas.

Even more challenging was the outfit's practice: it was a plaintiffs' firm. American plaintiffs' operations don't exactly have the best reputation in the United Kingdom or in other parts of Europe, where they can be viewed as unscrupulous ambulance chasers who sue first and ask questions later. Such sentiment exists in much of the U.S. business community, but it's amplified across the Atlantic.

People injured in a motorcycle wreck in the UK can turn to a handful of firms who represent such claimants, as well



as numerous individual solicitors. However, those injured by a corporation's malfeasance have no coordinated bar to turn to. Lawyers have been deterred from establishing a robust commercial litigation culture by a number of factors, including the "loser pays" system, which requires the losing litigant to pay the other side's legal costs as well as its own. In addition, most major European law practices are akin to a cartel themselves, handling primarily transactions and a smattering of commercial disputes.

Americans sue when they feel wronged by big busi-



*Photo by Hugh Williams*

ness. Europeans, generally speaking, have left it to the government to protect them.

This U.S. firm, Cohen Milstein Hausfeld & Toll, was nevertheless planning to export its class-action plaintiffs' practice. As Murray dug deeper in the fall of 2006, he was oddly encouraged by what he read about the firm and, more specifically, Michael Hausfeld, the name partner who was spearheading the firm's European expansion. Defense attorneys and judges always seemed to have positive things to say about the firm and Hausfeld, who earned his reputation in successful antitrust and human-rights cases. Among his many notable cases, Hausfeld represented Holocaust survivors seeking compensation from Swiss banks that kept survivors' money following World War II,

eventually reaching a \$1.2 billion settlement with the banks in 1998.

After just a few hours of googling, it dawned on Murray that Cohen Milstein presented a professional opportunity he did not want to pass up.

"Here's the last great frontier of competition law in Europe," says Murray, now the managing partner of Cohen Milstein's London-based European Union practice, which officially launched in June. "We have developed merger regulations and a body of competition law here – the normal stuff – but what we don't have is private enforcement in Europe. That's what this job is all about. It's an opportunity to be a leader in this process."

By private enforcement, Murray simply means consumers and businesses filing lawsuits to challenge anti-competitive behavior – a common facet of the American legal scene that's almost non-existent in Europe.

In recent years, the UK and other member states of the European Union have passed legislation making it easier for individuals to band together to file certain actions, and for courts to consolidate claims that are similar in nature. The reforms haven't led to a huge increase in cases r e s e m b l i n g American class-actions because of the age-old impediments, including the loser-pays system and caps on damages and attorney fees that are found in EU jurisdictions.

Now, however, regulatory bodies of both the UK and EU are proposing further reforms that would provide a clearer statutory basis for filing collective actions, minimize some of the risks of loser-pays provisions and create a greater incentive for filing claims, such as allowing increased damage awards and fees.

Though regulators insist that the reforms will not create a litigation culture, most large EU law practices and the corporations they represent have accepted that some version of American-style class actions will take root in the national courts of EU states.

The arrival of Cohen Milstein was met with a trifle of excitement, skepticism and dread. It was the first time a powerhouse U.S. practice opened with the sole intention of suing big businesses for antitrust violations and other fraudulent behavior. A claimants' practice focusing on such cases would have to come from the outside – or, at least, from a new firm – to operate without any client conflicts.

Name partner Michael Hausfeld is not sending any U.S. lawyers to the London office. He wants local recruits to expand Cohen Milstein's plaintiffs' practice throughout Europe.

Hausfeld is not sending any of the firm's U.S.-based lawyers to London. Instead, the office's legal team – three partners, one consultant, one associate, and one paralegal – are all English and local recruits. Because Hausfeld recognizes the pan-European fear of American-style litigation, the firm is taking a culturally sensitive approach. His goal is not to shock the system, but to operate within it while proving that a plaintiffs' practice can serve a vital role in UK and EU jurisdictions by supplementing the regulatory work of government agencies.

"We want both the society and the legal establishment to understand that we are going to practice with the highest degree of integrity and within the rules, but while providing access to justice on a greater scale than presently existed," Hausfeld says. "That can best be done with a European staff that better understands all of the intricacies of the elements necessary to achieve that."

Access to justice is the mantra of the London team. Anthony Maton, who joined from London-based firm McGrigors, says that the UK has a "Rolls Royce system of justice." The government provides a diminishing amount of public funding for individual personal injury and consumer claimants, which is not enough to create a meaningful impact. Businesses are fearful of the risks of loser-pays and have a dearth of firms to choose from with the experience, size and lack of conflicts to file large cases.

Though recent reforms in EU member states have led to a limited amount of collective action, both UK and European Commission regulatory bodies are proposing specific reforms to facilitate a greater number of claims by consumers and businesses against corporations accused of anti-competitive behavior. With the regulatory emphasis on competition law, Cohen Milstein's London office will initially focus heavily on antitrust cases. The expansion is a logical move for Hausfeld, whose practice has long had an international flavor. He was a lead attorney in the \$1.1 billion class-action settlement reached in 1999 to resolve a vitamin price-fixing case against three European companies – Hoffman-La Roche, BASEF A.G. and Rhone-Poulenc S.A. He is presently lead counsel in a \$400-million class action on behalf of torture victims in South Africa suing IBM Corp., Citigroup Inc. and other companies for allegedly supporting South Africa's brutal apartheid regime.

Clearly, the firm knows how to succeed in suing foreign entities in U.S. courts, whether it's for anti-competitive behavior, human rights violations or securities fraud. In the securities arena, the firm is co-lead counsel for U.S. and European investors in the massive fraud case in New York federal court against Italian food giant Parmalat, which suffered billions of dollars in losses in 2003 after accounting misstatements.

Still, Hausfeld's experiences in complex international litigation taught him that businesses can benefit from illegal behavior, even if they're caught and sued. The money they make simply outweighs the limited

risk of being sued in a single jurisdiction.

"If you don't have uniform enforcement throughout the entirety of the cartel's operations, you will always leave them with sufficient profits, so that their crime will pay in the aggregate," Hausfeld says. "That's also true in the areas of investor rights, human rights, environmental disasters and systematic employment discrimination practices."

To fight a better fight, the plaintiff-side strategy had to be increasingly global. Hausfeld came up with the idea for a European expansion eight years ago, when he saw an increase in global cartel activity by international companies with dominant positions in a number of markets. Now, he feels, overseas legal environments are finally becoming favorable for victims of cartel and fraudulent behavior to assert their rights.

**F**OR NOW, THE UK IS GENERALLY EXPECTED TO BE THE most receptive jurisdiction in which to file collective actions against anti-competitive behavior. The government's Office of Fair Trading, which enforces the competition laws, has come out strongly in favor of increased private enforcement.

The third partner in Cohen Milstein's London office, Vincent Smith, joined from the agency, where he was the director of its competition enforcement division. According to Smith, the agency does not have nearly enough resources to investigate and regulate all the cartel activity going on.

"One of the things I took away from working in public enforcement was that we needed a good bit of help from the private sector," Smith says. "We saw that private enforcement of competition laws would be very welcome as an added deterrent."

In 2002, legislation created the Competition Appeal Tribunal, a specialized court to hear antitrust cases brought by the government. The law also gave consumer associations and related groups approved by the Secretary of the State the ability to file what are referred to as "follow-on cases" after government regulators determine that infringement of competition laws has occurred.

In the first big case under the new regime, the consumer group "Which?" is suing JJB Sports in the tribunal court, claiming the company engaged in price-fixing of replica soccer jerseys. The London firm Clyde & Co is representing Which?, while DLA Piper is defending JJB Sports in the case. (Attorney Ingrid Gubbay recently left Which? to join Cohen Milstein's London team as a consultant.)

At the outset, the legislation only extended the right to a follow-on suit to groups filing claims for consumers, not to businesses. That may change, however.

In April 2007, the Office of Fair Trading published a discussion paper entitled "Private enforcement in competition law: effective redress for consumers and businesses," which stressed the importance of making it easier for cartel victims to file claims. The paper called for interested parties to respond; the agency is in the

stages of incorporating that feedback and recommending reforms. The agency proposed allowing representative groups for both consumers and businesses to file collective actions in “stand-alone cases” – before a regulatory body has started or completed its investigation – in ordinary courts.

The agency paper also proposes allowing claimants’ lawyers to earn bigger fees from competition cases. For now, the UK allows what are known as “conditional fee agreements,” under which claimants’ lawyers can earn a percentage increase on their normal fees if the case is successful. The percentage increase is limited to 100 percent of what the attorneys’ hourly rates were during the litigation. The agency paper proposes allowing lawyers to earn above this ceiling. Overall, the paper calls for a system “where public enforcement and private actions work alongside, and in harmony with, each other to the best effect for consumers and for the economy.”

Cohen Milstein’s London office also will handle securities fraud, human rights, employment and environmental cases. In the securities arena, a shift towards a more litigation-friendly culture was seen in the 2006 Companies Bill, which gave shareholders increased authority to sue directors and officers of public companies for negligence, default and breach of duty and trust.

Despite the number of changes afoot, prominent members of the UK legal and business communities are not expecting a dramatic cultural shift in the next few years. Even sympathetic government agencies are fearful of opening a Pandora’s Box of litigation that overly compensates claimants’ lawyers and unfairly burdens businesses. The Office of Fair Trading paper takes pains to stress that it wants to foster “a compliance culture” among businesses and not “a litigation culture” among potential claimants.

“The EU itself and individual jurisdictions have been trying to find ways of establishing what you might describe generally as class actions,” says John Heaps, the London-based head of the litigation and dispute management group at the global law firm Eversheds. “But they are trying hard to avoid what seem to be the worst aspects of American class-action litigation, such as huge contingency fees, jury trials and punitive damages.

“While we are heading down the class action road, I think we are going to end up with models significantly different to the U.S. model. Whether it will provide firms like Cohen Milstein with the riches they have enjoyed in America remains to be seen.”

Heaps doesn’t expect the UK to abandon its loser-pays system anytime soon. He also notes that conditional fee agreements, even if “loosened” to allow claimants’ lawyers to earn more, won’t come close to allowing what American plaintiffs’ lawyers can take in through contingency fees.

Mike Pullen, a partner who specializes in EU competition and regulatory law at DLA Piper in London, shares Heaps’ semi-skepticism. He says there won’t

be a switch to jury trials – which many Europeans see as a primary cause of outrageous damage awards – or a treble-damage provision, which in U.S. courts triples the compensatory damages for antitrust violations.

It’s unclear whether upcoming UK reforms will eventually embrace an “opt-out” class-action system, as in America, which assumes that individuals with potential claims are part of the class. Most lawyers expect that the UK will use an “opt-in” system that requires individuals to apply to join a case.

“Michael Hausfeld is not getting it wrong, but it’s not going to be the same as it is in the U.S.,” Pullen, whose London team is representing JJB in the jersey case, says. “There’s not a plaintiffs’ bar with the lobbying position it has in the U.S. Cohen Milstein may make a market, and good luck to them. But I think they’re probably looking at this longer term than short term.”

With most of the loser-pays risks still intact, American plaintiffs’ firms are taking a wait and see approach before following Cohen Milstein. Nevertheless, while the strategy is long term, the London office does have immediate benefits.

The office can help coordinate the claims and legal strategies of non-U.S. claimants in cases that the firm is pursuing in U.S. courts. While this task could be done from U.S. offices, a team of well-established and respected local attorneys will have greater success at finding and servicing European clients, particularly as the roster of foreign clients grows.

The London office is presently performing that role in two large cases. One is the consumer class-action filed in New York federal court against British Airways and Virgin Atlantic alleging price-fixing of tickets on flights between the U.S. and the UK. The other involves claims in Washington, D.C., federal court against more than a dozen international airlines for alleged cartel activity tied to inflated fuel surcharges. In this case, the class of plaintiffs is made up of airfreight distributors from around the world that used the defendants’ airfreight services and claim they were overcharged for fuel.

Stephen Susman, name partner of Houston-based Susman Godfrey, which like Cohen Milstein is an enormously successful litigation boutique handling plaintiffs’ cases, says that opening a London office doesn’t make any sense to him financially – though he does allow that it would help line up foreign clients for U.S. cases.

“For the foreseeable future, our courts probably will provide the best system in the world for people to seek remedies for being hurt, and you’ll see Europeans and Asians seeking redress here,” Susman says. “That’s the only sense I can make out of what Michael [Hausfeld] is doing.”

Litigating cases in U.S. courts prepares Cohen Milstein to file claims, or threaten to file claims, against the same defendants in the UK. As of late December, when this magazine was published, the London office had not filed any claims but was in the



process of negotiating settlements in several competition-related cases. Settling cases before litigation is an important part of Cohen Milstein's planned strategy that takes into account the anti-litigation culture. Lawyers cannot discuss the details of these cases because the talks are confidential. Press materials for the London office say that damages claims for these cases "are likely to total in the billions."

Maton says that it's logical to bring this approach to corporate fraud cases, as well.

"When you look at corporate collapses, inevitably that collapse straddles multiple jurisdictions," says Maton. "You have companies listed on multiple exchanges from numerous jurisdictions in the U.S. and Europe. Investors in Europe are looking for a means by which they get redress on both sides of the pond."

Steven Toll, the firmwide managing partner of Cohen Milstein and the head of its securities practice,

adds that foreign parties are not always able to successfully sue in U.S. courts. In some securities cases, federal judges have ruled that they do not have jurisdiction over foreign claims.

This summer, for example, U.S.

District Judge Lewis Kaplan in New York dismissed the claims of foreign buyers of Parmalat stock against a group of auditing and bank defendants, finding a lack of culpable actions by the defendants in the United States. The ruling has been appealed. If upheld, Toll says, the case illustrates how foreign investors will have to pursue claims in European jurisdictions if they want some compensation for their losses.

"Clearly, in some of the big cases foreign investors will have no real recourse here," says Toll, who is based in Washington, D.C. "That's another reason we were wise in our judgment to [expand to London]."

For cases filed in the UK, Cohen Milstein is prepared to go forward with conditional fee agreements. The firm also will consider after-the-event litigation insurance to take some of the risk out of the loser-pays provision. Another possibility for claimants and their lawyers is the increasingly popular third-party funding strategy, in which an outside fund finances the litigation in return for a portion of the verdict or settlement. The litigation funding and insurance market is growing as a result of the anticipated reforms. Insurance giant Allianz recently launched a

fund called Allianz ProzessFinanz to provide these two services.

It's also important to keep in mind that Cohen Milstein's London office has a huge inventory of prospective cases that pose relatively little risk. Government regulators have found liability against dozens of companies that have yet to see the statute of

Lawyers in the UK and EU have a deep skepticism of American plaintiffs' practices. The European culture favors letting the government protect individuals from business wrongdoing.



Photo by Hugh Williams

limitations run out on private claims. The lack of private enforcement has left cases other than JJB for the taking. Cohen Milstein is in the process of deciding which cases it wants to pursue.

"Even absent changes in collective actions or the costs of bringing a case, the landscape to bring these claims exists already," Maton says.

While the initial focus is on the UK, Cohen

Milstein's strategy is pan-European. Because much of its recent litigation has been international, the firm has existing relationships with many European firms. The firm will not have to open up more offices as it pursues cases around the continent. Again, as part of the culturally sensitive strategy, Hausfeld plans on working with local counsel instead of exporting existing Cohen Milstein lawyers.

Earlier this year, the London-based research and advisory firm Economist Intelligence Unit released a report supporting the belief that the UK is likely to be Europe's hotspot for group litigation, in part because the discovery process is more favorable to claimants in the UK compared to other parts of Europe. The firm surveyed 242 lawyer and business executives across Europe and found that "[m]ore than 59% expect to see group litigation emerge in the UK in the next three years, compared with 33% in Germany and 29% in France."

Strikingly, however, 88 percent of the survey respondents expected that group litigation "will become prevalent in the EU within the next ten years." Most believe that these will be opt-in collective actions of named claimants and not massive class actions of unnamed members as in the United States.

Several European countries have enacted reforms in recent years to provide some type of group litigation. In November, Italy's Senate passed a budget amendment that allows consumer associations and other groups to file collective actions. Both houses of the Italian parliament must approve the budget for it to take effect.

A law that took effect in Germany in 2006 allows shareholders to file securities fraud claims in groups of 10 against companies. The law was passed after 17,000 fraud claims against Deutsche Telekom AG clogged the German courts. In 2005, the Netherlands passed the Act on the Collective Statement of Mass Claims. The law didn't grant individuals the right to file collective claims, but it allows them to reach a collective out-of-court settlement with defendants that is later certified by the Amsterdam Court of Appeal.

Earlier this year, a group of European investors reached a \$450-million settlement with Royal Dutch Shell over losses stemming from the company's overstatement of oil reserves. Cohen Milstein represented KBC Asset Management in the case, for which Grant & Eisenhofer served as lead plaintiffs' counsel. The case is an example of how class-action lawyers can pursue claims in both the United States and Europe. A federal case in New Jersey is pending with U.S.-based investors as plaintiffs.

The case also is an example of how pan-European plaintiffs' practices will be able to choose where to file their claims when the alleged wrongdoing covers multiple jurisdictions. If lawyers feel they can settle a case, Murray explains, the Netherlands might be a favorable place to pursue claims; if not, the lawyers may choose a jurisdiction like the UK.

"It's going to be a pretty sophisticated analysis," Murray says. "We have a good understanding of what to do in different parts of Europe because we have lawyers

in these jurisdictions that we've worked with."

Of course, even some of these recent reforms in member states do not make the jurisdictions very favorable for claimants. Loser-pays provisions and other restrictions in some member states – such as limiting collection actions to injunctive relief – have prevented class-action-like litigation from taking off.

The EC's Competition division outlined its hope for greater private enforcement in a 2005 green paper entitled "Damages actions for breach of the EC antitrust rule." The paper noted that the European Court of Justice, in a 2001 decision, explicitly gave consumers the right to sue companies in the courts of their member states for violations of EC competition rules. However, the right has been mostly theoretical because of the loser-pays provisions, damage caps, strict discovery rules and the lack of mechanisms for collection actions.

The EC paper proposed that member states adopt provisions that allow consumer groups or "other qualified entities" to file representative actions on behalf of consumers for damages. The EC wants consumer rights to be uniform across the 27 member states. The paper also floats more dramatic reforms, such as claimant-friendly discovery procedures, punitive damages and "cost protection orders" that allow courts to protect claimants from litigation costs – even if they lose. The commission called for responses to the paper and is developing more specific reform proposals.

There is some irony to these developments. In the United States, class action filings are down, and this trend is expected to continue. As Gregory Markel, the chair of the litigation practice at Cadwalader Wickersham & Taft, opined in the last print issue of *Lawdragon*, the golden era for plaintiffs' firms appears to be over. Markel explained that the reforms of the 1995 Private Securities Litigation Reform Act, which raised pleading standards in shareholder class actions, are finally taking hold. The criminal cases against class action giant Milberg Weiss and several of its former attorneys, including William Lerach, also have driven the number of filings down.

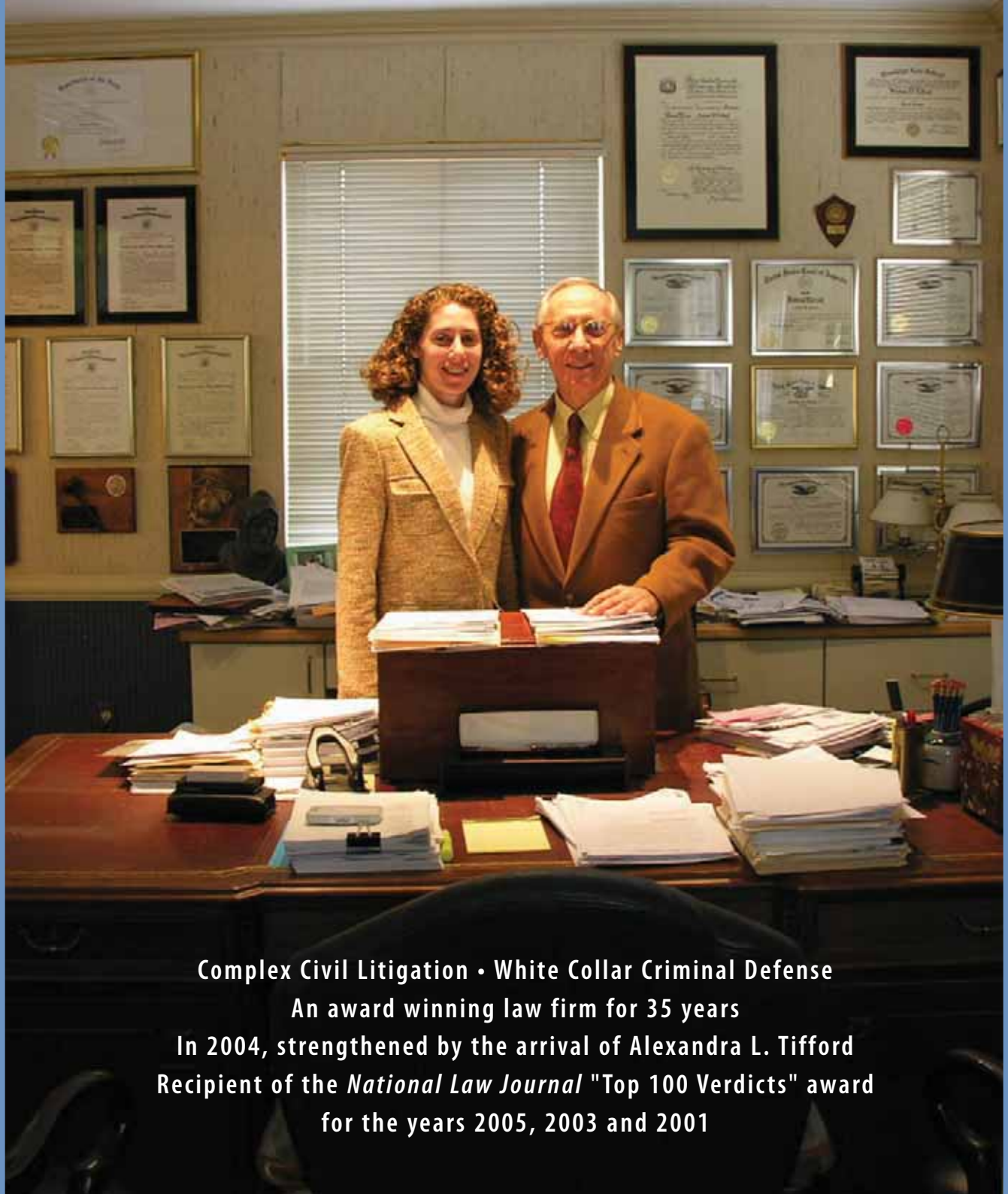
Susman says that "the gradual closing of the courthouse doors" may eventually make an overseas expansion a good business move for a plaintiffs' firm. "There's no question it's getting harder to file a class action," he says. "Lawyers are always asking, 'Where do I go next?' And I can see going to Europe for that."

Until that day, Cohen Milstein will be true pioneers. Though Hausfeld waited patiently for eight years to pull the trigger on his plan, much uncertainty remains. Procedurally, it's unclear how cases filed throughout Europe will play out – especially before any of the proposed EC reforms come to fruition.

When it takes on a large corporation with cartel activities hurting businesses and consumers across Europe, will Cohen Milstein have to pursue claims in the UK, Italy, Germany and other states for one set of violations of EC competition laws?

"Nobody knows," Hausfeld says. "We'll have to file the cases and see what happens." ■

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# The Neverending Story

FROM SOME VIEWS, NEW ORLEANS  
LOOKS LIKE THE CITY OF OLD. BUT  
LAWDRAGON'S HUGH WILLIAMS WENT  
TO LOOK UP CLOSE. MORE THAN TWO  
YEARS LATER, THE DAMAGE ENDURES.

A PHOTO ESSAY  
BY HUGH WILLIAMS

---

TWO YEARS AFTER  
HURRICANE KATRINA









THE HEADQUARTERS OF THE **NEW ORLEANS POLICE DEPARTMENT**, DAMAGED BY FLOODING, REMAINS CLOSED. TRAILERS TRY TO DISPENSE JUSTICE.



◀ NEW ORLEANS DISTRICT ATTORNEY EDDIE JORDAN, SEEN HERE AT A SEPT. 14 PRESS CONFERENCE, RESIGNED IN OCTOBER OVER A JURY FINDING THAT HE DISCRIMINATED AGAINST WHITE EMPLOYEES WHEN HE TOOK OFFICE IN 2003.

➤ FLOODING FORCED SOME PRISONERS TO OUTDOOR HOUSING. TENTS BEYOND THE CHAIN LINK FENCE SERVE AS HOLDING CELLS, LOCATED NEXT TO THE TEMPORARY CRIMINAL SHERIFF'S OFFICES.



◀ THE CRIMINAL SHERIFF'S OFFICES ARE IN TRAILERS, ADJACENT TO THE HOLDING CELLS. BEYOND ARE THE OLD POLICE HEADQUARTERS AND THE CRIMINAL COURTS BUILDING.





**SIDNEY H. CATES** is a judge on the Parish of Orleans Civil District Court, Domestic Relations division. He was the duty judge for his division during the week leading up to Hurricane Katrina, when many separated and divorced parents were fighting over who was going to have custody of their children during the storm. Some parents wanted to stay in the city, and some wanted to leave.

Judge Cates worked from home as the storm approached, signing as many decisions as possible to get children out of New Orleans. He got the children out at his own expense: He spent four days on his roof in eastern New Orleans before a U.S. Coast Guard helicopter picked him up.

“I lost everything I had, but that’s my job, to serve the public. If I had to stay all over again, to get a kid out if the parent didn’t have the wherewithal to evacuate, I’d do it again.”

The family law courts forever lost many important support staff members, including professionals who conduct psychological evaluations, as they scattered across the country during and after the storm. Meanwhile, the domestic caseloads increased as a result of the family separations and other chaos churned up by the storm.

“It’s going to take a number of years to rebuild. It’s getting better, but it’s still a challenge.”



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**LAURA TUGGLE AND MARK MOREAU ARE ATTORNEYS AT THE NEW ORLEANS LEGAL ASSISTANCE CORP., A NONPROFIT GROUP THAT PROVIDES LEGAL SERVICES TO THE AREA'S POOR. LIKE MANY LAWYERS, THEY HAVE HEFTY BAGS OF DESTROYED OR SEVERELY DAMAGED CLIENT FILES. THE ORGANIZATION NEEDS VOLUNTEERS TO ASSIST WITH PRO BONO CASES.**



**SOREN GISLESON, LEFT, OF HERMAN HERMAN KATZ & COTLAR, REPRESENTS DALE DICKERSON AND HIS WIFE SHIRLEY, WHOSE LIVES WERE CONSIGNED TO THE SHOWROOM OF THEIR BATHTUB REFINISHING BUSINESS AS THEY PURSUED CLAIMS AGAINST LEXINGTON INSURANCE CO., WHICH DENIED COVERAGE FOR THEIR DESTROYED HOME.**



SHIRLEY, WHO HAD BEEN DIAGNOSED WITH TERMINAL CANCER, DIED IN HER BED ON THE SHOWROOM FLOOR LAST YEAR. A JUDGE RULED IN DALE'S FAVOR AND AWARDED DAMAGES FOR BREACH-OF-CONTRACT AND MENTAL ANGUISH. HE STILL LIVES IN THE STORE AS LEXINGTON APPEALS THE CASE. FOR MORE THAN TWO YEARS, HE HAS BATHED HIMSELF USING A WATERHOSE FIXED TO A SINK.



HERMAN HERMAN LAWYER **JOSEPH CAIN** STANDS OUTSIDE THE SUPERDOME WITH CLIENTS HERBERT AND CHERYL MAYER, WHO WERE OFFERED A SETTLEMENT WITH LEXINGTON AFTER THE DICKERSON TRIAL. HERBERT MAYER IS A PHYSICIAN; HIS FAMILY'S SUBURBAN HOME REPAIRS WERE ESTIMATED AT \$1.5 MILLION. "INSURANCE PROBLEMS... CUT ACROSS SOCIOECONOMIC LINES," CAIN SAYS.



**THE MUNICIPAL TRAFFIC COURT BUILDING REMAINS CLOSED. OPERATIONS HAVE MOVED TO A TEXTILE BUILDING.**



**LEOPOLD SHER**, a name partner at Sher Garner Cahill Richter Klein & Hilbert and one of the most prominent real estate lawyers in the region, faced his own housing crisis after the storm damaged much of his home, pictured here.

“Virtually every person in the area – young, old, rich, poor, man, woman, owner, renter – had intense exposure to an insurance policy, a building contract or contractor, a federal or state program, a lawsuit, a judge, jury, mediator or courthouse. For most of these people, it was their first time and it was not a pleasant experience. Combine that experience with the loss of a home, displacement to another city – often in another state – the loss of loved ones and cherished things, the loss of a job, and the loss of a way of life, and you have an interesting challenge.

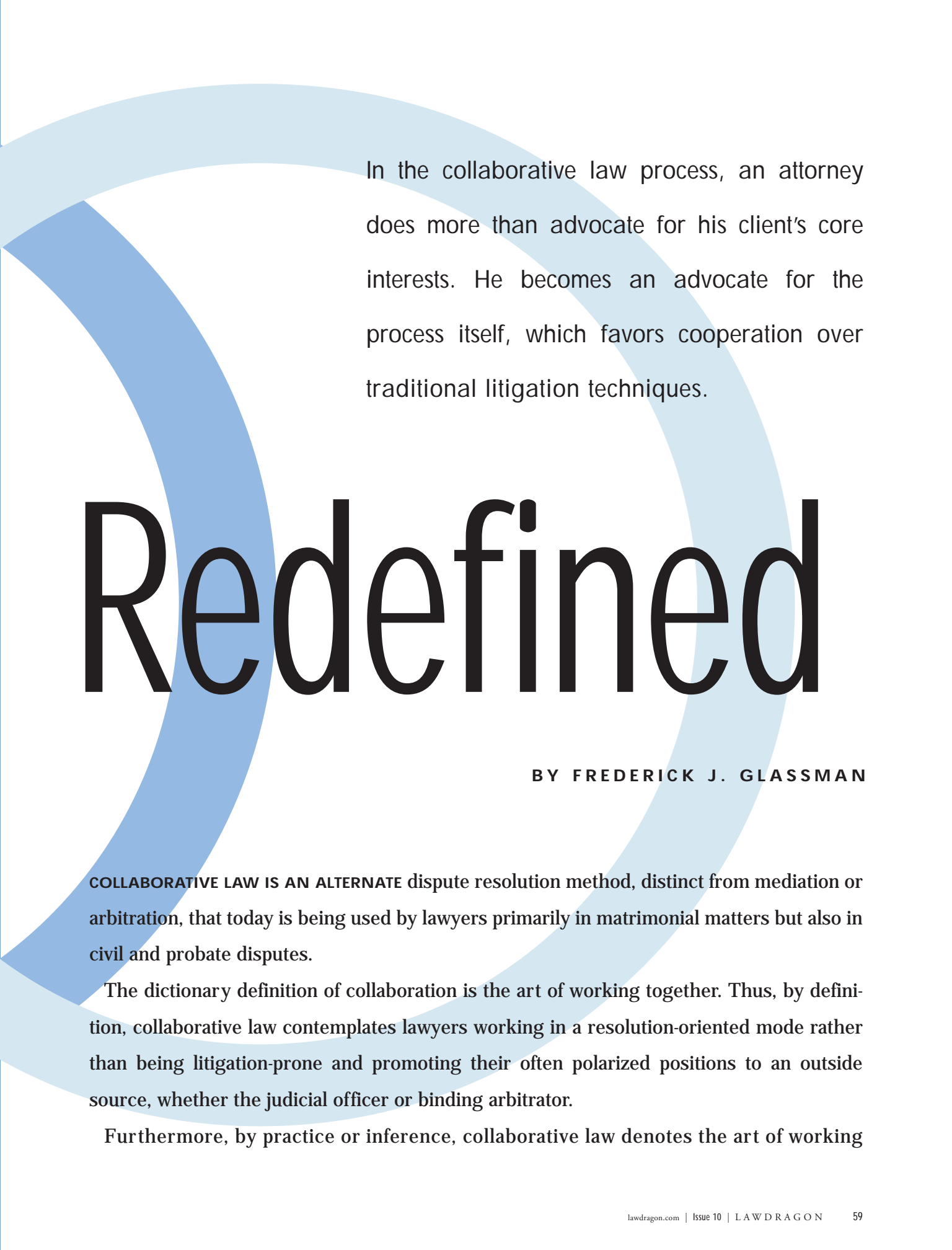
“Everyday people became experts in the legal issues affecting the destruction, damage, repair and rebuilding connected with Katrina.”

“What kind of society do you have when the courts are not operating – some are under water; when all the judges – state and federal at all levels – are dispersed; when the litigants, witnesses, experts, lawyers and others, are absent, and when communications are virtually non-existent?

“Did Katrina do anything to permanently affect the legal system?” ■



# Advocacy

A large, light blue circular graphic with a darker blue inner ring, partially overlapping the text on the page.

In the collaborative law process, an attorney does more than advocate for his client's core interests. He becomes an advocate for the process itself, which favors cooperation over traditional litigation techniques.

# Redefined

BY FREDERICK J. GLASSMAN

**COLLABORATIVE LAW IS AN ALTERNATE** dispute resolution method, distinct from mediation or arbitration, that today is being used by lawyers primarily in matrimonial matters but also in civil and probate disputes.

The dictionary definition of collaboration is the art of working together. Thus, by definition, collaborative law contemplates lawyers working in a resolution-oriented mode rather than being litigation-prone and promoting their often polarized positions to an outside source, whether the judicial officer or binding arbitrator.

Furthermore, by practice or inference, collaborative law denotes the art of working

together with other allied professionals, including financial specialists and licensed mental health professionals. In essence, collaborative law or as it's more commonly known, "collaborative practice," has become, in most jurisdictions, an interdisciplinary alternative approach to resolving family law disputes rather than by the traditional method of court-mandated determination.

Although different jurisdictions throughout the United States have variances in their collaborative practice protocol, the common thread for collaborative practice running through most states includes the following criteria:

- > Mandate for full disclosure and exchange of all information, including financial and custody-related data;
- > Commitment by the lawyers for the parties to resign or otherwise cause the collaborative law process to terminate if the case is not resolved, and to not represent the parties in litigation;
- > Joint retention of consultants and/or experts, including financial professionals and child development therapists, to maintain the neutrality of all such allied professionals;
- > Maintenance of confidentiality so that work product, reports and other data of the allied professionals are precluded from being introduced into evidence if the collaborative case terminates and the parties proceed to litigation; and
- > A good faith commitment on behalf of the parties to be fair, reasonable and respectful with each other in the collaborative law process.

The collaborative practice is sensible because it allows the disputants to control their own destiny by avoiding having to submit themselves to a judicial officer, or binding arbitrator, and facing an unknown and uncontrollable result. Collaborative practice is a client-driven process whereby the clients participate with their lawyers in making decisions for themselves and their children. These decisions often result from creative options that quite often look beyond what could be expected through the discretion of the court. For example, it seems sensible for parents to make commitments for the college education of their children after reaching majority age.

The parties exhibit good common and practical sense by desiring a process which most likely will reduce the attorney fees by opting out of the quite often protracted litigation arena. Finally, the parties become keenly aware that it makes little sense to have "hired guns" as

experts when they recognize that the element of neutrality is protected and respected by agreeing to a joint expert.

Because the parties know their attorneys have "stepped up to the plate" by committing to resigning or withdrawing if the case is not settled within the collaborative process, they feel secure and trusting of the process. There is little risk of the lawyers grandstanding or otherwise threatening litigation if the case is not resolved in his or her favor. The parties also feel safe knowing that their statements, written or oral, as well as the work product, reports and other materials of all personnel, including their lawyers and allied professionals, are confidential and, thus, precluded from being used as evidence if the collaborative case is aborted and litigation follows. Since a prerequisite for working in the collaborative model requires full disclosure of all pertinent financial and other information, the safety factor is achieved.

The collaborative practice also is a sensitive approach. Divorce is not just the breakup of a financial partnership but touches upon the emotional well being of the parties and their children. The business of the divorce and the personal relationship of the divorce run on two parallel tracks. The collaborative process allows the parties to take into consideration the awareness and responsibility of their emotional needs and the emotional needs of their children.

The use of a licensed mental health professional as a "collaborative coach" can provide a working alliance with one or both parties in order to facilitate relationship issues and prepare the parties to be fair, reasonable and respectful with each other in the collaborative process. The benefactors are not only the parties but the children, as well, who recognize that their parents selected an appropriate method of ending the marriage.

Now that the parties understand the sensible, safe and sensitive way to divorce, how does collaborative practice, in a nutshell, work? First of all, the parties voluntarily commit to a written agreement formalizing their arrangements which include the five-point criteria mentioned above, sometimes in a stipulation and order filed with the court. Their lawyers may join in signing the stipulation and appear of record. Otherwise, the parties appear in propria persona, and their attorneys adhere to the five-point criteria in a separate writing known as the "participation agreement." Any and all allied professionals engaged in the process, including the mental health professionals acting as coaches and/or as child development therapists, as well as financial professionals jointly retained by the parties, also commit in written agreements.

Secondly, under the auspices of a sensible, safe and sensitive way to dissolve their marriage, resolution is reached through a series of informal meetings (sometimes called "sessions") in which the parties and their lawyers are present. Involvement with the court system is limited to submitting to it the final agreement for approval and entry as a judgment. The parties are free



to leave the collaborative process anytime and neither party waives any legal rights by participating in the process.

Finally, on an as-needed basis, the allied professionals join in the meetings, and a collaborative team is formulated. Team members exhibit roles correlating with the common thread of maintaining the art of working together in an appropriate dispute resolution process. With all information needed to make decisions put on the table, the “brainstorming” and exchanging of ideas from the participants results in a mutual understanding of the parties.

The lawyer’s role in collaborative practice calls for recognition of a redefined advocacy. The lawyer not only maintains responsibility as an advocate for the client’s core interests but becomes an advocate for the collaborative process itself. It is the blending of such primary interests of both parties that creates a path for settlement. This interest-based negotiation replaces the traditional litigation negotiation from a positional and often polarized standpoint. The lawyer promotes not only the client’s rights and entitlements, or obligations and responsibilities, but is considerate of the needs, concerns and interests of the client’s spouse. In accomplishing this goal, the parties find creative solutions that likely will avoid future involvement with the court and modification of judgments.

In fulfilling his or her responsibilities, the lawyer becomes a true educator, informant, advisor and confidant for the client concentrating on solutions that maximize the interests of both parties and minimize the effects of marital dissolution on the children. The collaborative lawyers call this the paradigm shift from an adversarial model to a problem-solving model. Emphasizing the restructuring of relationships between spouses rather than finding fault and blame is paramount to the lawyer’s role. Since the lawyer is restrained from representing the client in court proceedings, except to present the stipulated judgment reached in the collaborative model, the lawyer’s role changes from promoting the most onerous one-sided position for the client to accommodating interests of all those affected by the divorce.

The heart and soul of the collaborative law process is the “disqualification clause,” that is, the lawyer is required to withdraw from the case if resolution is not achieved. Mandatory withdrawal by counsel serves as an effective deterrent to the parties and their counsel from attempting to manipulate or otherwise use the collaborative law process for ulterior motives, such as stalling to achieve self-interests during an inactive period or wearing the other side down by extraordinary expenditure of professional fees and costs.

The starting point for collaborative law was Minneapolis, Minn. In the early 1990s, a family law attorney, Stuart Webb, became dissatisfied with the results of his family law practice. As a litigator, taking his clients through the traditional adversarial system caused Webb to become frustrated and dissatisfied

that he was not really helping his clients or their families. By taking a stance that he would no longer go to court and would only represent clients in a negotiated process aimed at creating settlements, Webb was making an unorthodox commitment. When he combined this commitment with withdrawing if the case broke down and referring his clients to litigators, the collaborative law process was born.

In the mid-to-late 1990’s the collaborative movement came to Northern California. As the movement evolved, additional allied professionals were added to form “teams” to help manage various aspects of the marital dissolution, such as the emotional issues, concerns for the minor children and the financial issues. Lawyers joined with mental health and financial professionals to form interdisciplinary groups to practice collaboratively. From a realistic standpoint, the collaborative law process became a truly collaborative practice.

Collaborative practice groups formed all over the country and currently exist in more than 35 states within the United States as well as throughout many European countries, Australia and New Zealand. The international movement organized in 1999 as the International Academy of Collaborative Professionals, commonly known as IACP. Its mission is to educate professionals and the public regarding the collaborative solutions to disputes, not necessarily limited to family law. At publication time, nearly 3,000 professionals are members of the IACP and more than 10,000 professionals have been trained in collaborative practice.

California, Texas and North Carolina have already adopted collaborative law statutes. Many other states have local county rules allowing or endorsing collaborative law as an appropriate dispute resolution process. Finally, a uniform model statute for collaborative law is currently being drafted by the National Conference of Commissioners on Uniform State Laws.

The dramatic increase in the public awareness for alternative dispute resolution methods is due primarily to the growing frustration that litigation does not always minimize the destructive impact upon the family. Family law practitioners now have a vehicle to guide them, together with their clients, through a more sensible, safe and sensitive method for achieving such positive resolution. Collaborative law sets the stage for lawyers in other fields, such as civil litigation and probate and estate, to draw upon collaborative law or collaborative practice models to fulfill the void often felt in the traditional litigation model. ■

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*Frederick J. Glassman is a founding partner of Mayer & Glassman Law Corporation. He focuses his practice on resolution-oriented approaches to family law disputes and is the President of the Los Angeles Collaborative Family Law Association. He also teaches courses on Collaborative Practice and Mediation for the UCLA Extension Department of Legal Programs.*

# A Partnership Takes Shape

BY JOHN RYAN

THE EXTENT TO WHICH our legal proceedings are open to the public affects everybody involved in the civil courts. That, perhaps, explains the enthusiasm Robert Reville met when he sought participants for a conference and continuing research project on transparency in the civil justice system. Of course, it helped considerably that Reville was calling from RAND's Institute for Civil Justice, the preeminent think tank, and not from any number of business or

while also increasing the public's confidence in the system."

For the transparency initiative, RAND is partnering with the UCLA School of Law. Reville's co-leader of the project is Joseph Doherty, who directs UCLA Law's Empirical Research Group. The Nov. 2 conference at UCLA was just a starting point for a broader effort. Papers presented at the conference will be combined in a book for a May 2008 release on Capitol Hill.

"We anticipate that this book will not be the final word but the first word in how civil justice studies should be conducted," Doherty, a non-lawyer who holds a Ph.D in political science from UCLA, explains.

Transparency has been one of the big-picture legal issues in the past decade thanks to an increase in private judging and a decrease in trials. Many observers also have seen an increase in confidential settlements involving important matters that affect the public.

The idea for a transparency project first hit Reville during a conversation he had with Ken Feinberg, who served as special master of the federal September 11th Victim Compensation Fund of 2001. Feinberg believed that transparency played a big part in the success of the compensation process. Among other steps, the fund

Lawdragon is honored to have co-sponsored "Transparency in the Civil Justice System," a November conference put on by the RAND Corp. and the UCLA School of Law. We urge our readers to follow closely as the joint initiative moves forward to find constructive reforms for the civil justice system. Here we provide an introduction to the initiative and an article by event panelist Robert S. Peck.

trial-lawyer groups that bring their fair share of baggage to issues related to tort reform.

"The response has been positive not just from one group, but from judges, defense attorneys, corporate executives and plaintiffs' attorneys," Reville, who is director of the Institute for Civil Justice, says. "All groups had concerns related to transparency. It reinforced for us the hope that there may be a fruitful avenue for reforms that are agreeable to multiple stakeholders

# The Case Against Confidentiality

BY ROBERT S. PECK

LET'S IMAGINE a business called the XYZ Company, which manufactures and distributes widgets. Imagine further that, in order to cut costs and remain competitive with an influx of cheaper foreign widgets, company executives decide to switch from its current steel-reinforced base material to one with less tensile strength and thus a greater and much earlier tendency to experience metal fatigue. They do so despite memoranda from their engineers that warned that the switch would endanger customer safety.

Then, imagine the inevitable occurs: someone using one of the new widgets is seriously injured. A lawsuit is filed, but the company vigorously and successfully defends the action. In this instance, it obtains dismissal of the case because the plaintiff's expert, a metallurgist without specific expertise on widgets, is excluded under the standards articulated in *Daubert v. Merrell Dow Pharmaceuticals* (1993), a case that strengthened the gatekeeper function of judges over expert testimony.

Even though XYZ dodged that bullet, another widget fails, and another person is injured. This time, the plaintiff's attorneys find a witness with expertise in both metallurgy and widgets, who survives a challenge to his testimony. After some maneuvering, it becomes clear that discovery will unearth the internal memoranda from XYZ engineers, indicating that the company knew that the new material would fail and would do so rather quickly. To protect its reputation from the likely fallout and hide the evidence from other potential plaintiffs, XYZ decides to settle the case rather than produce the documents and go to trial. It offers the plaintiff a premium to encourage her to settle secretly before anything else happens in the case. The parties then present the court with a settlement filed under seal, which the court approves. For both parties, it appears to be a win-win.

Even though not everyone injured by a failing widget brings a lawsuit, secretly settling cases one by one begins to take its toll on profits as the number of cases mount. XYZ then decides to take a case to trial on the chance it might prevail and discourage further lawsuits. In the first of these cases, the jury accepts the explanation that all widgets are subject to failure at some point and that there is no negligence or fault when one out of millions fails earlier than others. The defense seems plausible because the vast majority of failures were hidden from public view by the secret settlements.



Photo by Hugh Williams

Joseph Doherty, left, the director of the Empirical Research Group at the UCLA School of Law, and Robert Reville, the director of RAND's Institute for Civil Justice, joined forces for "Transparency in the Civil Justice System," a Nov. 2 conference and ongoing initiative.

held town hall meetings to get input from the public and posted online the anticipated dollar amounts that victims' families were to receive.

One of the issues that the transparency initiative is examining is whether the dollar amounts of settlements – and the level of satisfaction felt by the parties – is influenced by the public posting of settlement information. The data-oriented approach is a key facet of the transparency initiative, and it helps explain why the RAND/UCLA partnership is a powerful one. While UCLA brings a mastery of the nuances of the law, RAND brings a tremendous facility with collecting and analyzing data, Doherty says.

"We have complementary skill sets," he says.

Reville says the conference is not merely about MCLE credit or producing a book that sits on the shelves of the participating attorneys.

"We want to catalyze the debate and inform policymakers of things they can do to improve the system," he says.



However, in case two, the jury finds the company liable and further assesses punitive damages for the company's knowing misconduct in endangering the plaintiff in order to generate greater profit. Fearing that the successful verdict will operate like catnip to other injured individuals who may not have realized that they even had a case, XYZ says it will appeal, producing years of costs and delay in paying the verdict, unless the plaintiff accepts an offer of a settlement and agrees to join a petition to the court to vacate and depublish the original judgment. The plaintiff agrees, but the strategy still fails. The court refuses to order vacatur, finding that the U.S. Supreme Court has instructed that judicial decisions "are presumptively correct and valuable to the legal community as a whole. They are not merely the property of private litigants and should stand unless a court concluded that the public interest would be served by a vacatur."

That decision, *U.S. Bancorp Mortgage Company v. Bonner Mall Partnership* (1994), decisively puts the judicial thumb on the scale in favor of transparency. It recognizes, as Justice Louis Brandeis once advised, that "sunshine is the best disinfectant." In that brief but felicitous phrasing, Brandeis explained a fundamental pillar of our constitutional democracy – that, when the mechanisms of government are open for all to view, the decisions rendered have a far greater validity and a far lesser likelihood of impropriety than courses of action made secretly.

The concept of sunshine has special meaning for the operation of our justice system, as those who wrote the Bill of Rights well understood. The Sixth Amendment guarantees the accused "a speedy and public trial." That constitutional imperative assumes that holding a trial in public will have a dampening effect on the possible railroading of a criminal defendant.

In the civil justice realm, transparency serves similarly important public purposes. First, it warns other consumers of possible health and safety issues with respect to a particular product or service. Second, it alerts government regulators about the issue and may result in a product recall or changes in the regulatory scheme that will prevent future injuries of a similar kind. Third, it encourages others, including scientists and engineers, to search for solutions to the identified problem that will result in safer products and services, something that would not occur without publicity about the problem. And it results in greater efficiency within the civil justice system because plaintiffs will not need to reinvent the same wheel, at considerable expense, even as the defendant company continues to deny what it knows to be true.

Transparency has other benefits beyond the immediate dispute. The public availability of the filings and results enables taxpayers to gauge the goings-on in the judicial system and not fall victim to anecdotes of popular yet false legend that are foisted upon the media in criticism of the system. Transparency also has an educational effect, thus permitting public respect and confidence in the courts to grow as the public understands what actually happens in litigation. Without the public's support, the judicial system's vitality and availability can only wither and fade in importance. It is little wonder, then, that there exists a strong presumption against seal-

ing judicial records without a significant offsetting reason for confidentiality that serves the broader public interest. Because suppressing information about public health concerns and other hazards hurts the public interest and detracts from the system's legitimacy, decisions to seal ought to be as narrowly tailored as possible.

The most legitimate reason to suppress some material that is produced in the course of litigation is the protection of trade secrets. Without such protection a litigant might lose its position in the market and face competitors who, but for the revelation of the trade secret, might not be competitive. In addition, there are occasionally legitimate personal or commercial privacy concerns. However, these concerns should not be taken at face value and require real scrutiny before they trump transparency. Certainly, a plaintiff who has invoked the use of public courts should not be able to claim a privacy right against revelation of material in the litigation. Less legitimate are claims that secrecy makes settlement more likely and that it benefits claimants because of the higher price defendants are willing to pay to secure secrecy. Neither concern amounts to an overriding public interest that overcomes the public safety and health concerns.

Florida has endorsed transparency by enacting the 1990 Sunshine in Litigation Act, which declares that secret settlements that conceal a public hazard violate public policy and are thus unenforceable. Florida courts have held that exploding tires and asbestos fall within the statute's definition of a public hazard. In 2002, the federal district court in South Carolina adopted a local rule that establishes a strong presumption against secret settlements. The following year, the South Carolina state courts adopted a rule of civil procedure that similarly established a presumption in favor of transparency.

Under Rule 41.1, a party may seek to file documents under seal only by showing why a less drastic remedy is inadequate. The part must address how the motion to seal would work with (1) the need to ensure a fair trial, (2) the need for witness cooperation, (3) the reliance of the parties upon expectations of confidentiality, (4) the public or professional significance of the lawsuit, (5) the perceived harm to the parties from disclosure, (6) why alternatives other than sealing the documents are not available to protect legitimate private interests, and (7) why the public interest, including, but not limited to, the public health and safety, is best served by sealing the documents. The rule places the burden on the party seeking to seal documents to satisfy the court that "the balance of public and private interests favors sealing the documents." Similar criteria govern the filing of a secret settlement.

Experience under these provisions thus far does not show that a parade of horrors accompanies the policy in favor of transparency. Instead, the public interest in what goes on in the public courts remains the key criterion. That, of course, is how it should be. ■

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*Robert S. Peck is the president of The Center for Constitutional Litigation, a Washington, D.C.-based organization that challenges tort-reform legislation and other barriers to access to justice.*



A nationally renowned trial attorney, Mary Alexander is a recent Past President of the Association of Trial Lawyers of America (now AAJ) and is a Past President of the Consumer Attorneys of California (CAOC). Her reputation for steadfast commitment to the protection of consumer rights is well-known throughout the United States and has an outstanding record of success and achievements.

**MARY ALEXANDER**

# Fighting for the injured with Commitment, Courage & Conviction

- Obtained \$13.3 million verdict in bicycle products liability case
- Named one of San Francisco's Bay Area's "Top 10 Trial Attorneys" by the San Francisco Chronicle
- Repeatedly named one of the "100 Most Influential Attorneys in California" by the California Daily Journal
- Board Member of the American Board of Trial Advocates (A7BOTA)
- Named one of the Top 30 Women Litigators in 2002 and Top 50 Women Litigators in 2003 and 2004 by the California Daily Journal
- Named a Northern California Super Lawyer in 2007

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COMMITMENT, COURAGE & CONVICTION

# LAW DRAGON

# 5000

## LEADING LAWYERS IN AMERICA

BY KATRINA DEWEY

The Beatles or the Rolling Stones?  
*Something in the way she moves ...*  
*It's only rock and roll, but I like it, like it, yes I do ...*

The Godfather or Casablanca?  
*I'm going to make him an offer he can't refuse.*  
*Play it Sam, you played it for her, and you can play it for me.*

Who's to say?  
It's a matter of personal taste and style which rock band or movie is the best.  
But among knowledgeable consumers of music and film – often led by critics who have seen thousands of films or concerts – there is consensus on which choices are in the running.  
The Internet has yet to index that fact.  
Somewhere down the path to ubiquitous, freely available information formed through a collective effort, we have jettisoned the weighting of judgment and knowledge.  
Try it. Google “best rock band” and you will find a site called rankopedia.com that allows users to vote their preferences. It informs that the contest is between The Beatles and Led

Zeppelin. Wrong, yes. Crazy, no.  
Also in the top 10 search results are an MSNBC article on the topic (The Beatles) as well as “hits” for The Stooges and the Drive by Truckers.  
“Best movie ever”? Google's Top 10 yields a knowledgeable movie database (IMDB) and several journalistic compilations, but also references “The Simpsons” movie.

Marty Lipton or Richard Posner?  
*The inventor of the poison pill and much of modern-day corporate law.*  
*The nation's most brilliant jurist and author of the body of law introducing economics to legal decision making.*

The search for “best lawyer”?  
There is the website for the peer review service, bestlawyers.com, but also in the top 10 are a host of geographically keyed advertisements of questionable helpfulness and two sites specializing in lawyer jokes.

What do you call 10,000 lawyers?  
An Internet search result.  
The Internet has scrambled the professional memberships and client representations diligent lawyers have worked decades to attain. Simply

PHOTOGRAPHY BY HUGH WILLIAMS

RESEARCH DIRECTED BY DRAEGER MARTINEZ



by purchasing advertising or using clever word coding to key better results, any mediocre firm can – and does – rank higher in Google search results for “best corporate lawyer” than those who have earned their position as the leaders in the field.

Woeth Marty Lipton, the leading U.S. corporate lawyer, who does not come up in the first 10 pages of results (though the best suburbs to live in do). One could debate whether Lipton remains the number one dealmaker given the enormous depth of the New York M&A bench, but it’s not debatable that he is far ahead of lawyers in firms from Miami, Salt Lake City and Philadelphia that precede him in search results.

Every lawyer today can be validated through word of mouth, trade association membership and, yes, it’s true, money; best, top, leading and super may mean something or nothing at all. The confusion has led sophisticated clients to consider abandoning the useful tool of online research to inform the right lawyers for their needs.

God help the individual consumer.

Quantity is not quality and not all opinions are equal. So when it comes to discerning quality, the Internet has become as much foe as friend, bringing us a flood of blogging, flogging and superlatives that obscure arbiters whose entire world is their in-depth knowledge of a topic.

Lawdragon brings coherence and judgment to the online search for lawyers. In the past three years, we have talked to tens of thousands of lawyers nationwide about their cases, their clients, their skills, their successes and their failures. Hundreds of thousands of judges, clients and attorneys have had the opportunity to tell us what they think about their counsel. We have vetted that information and made it available to everyone online.

That’s what sets Lawdragon apart as we search for the Lawdragon 500 Leading Lawyers in America.

Consider our results. We reported on Chris Seeger of Seeger Weiss years before he became one of the five plaintiffs’ lawyers who negotiated the Vioxx pact with luminaries of longer standing. We reported that WilmerHale’s William Lee was held in a nearly unparalleled regard by clients and peers in the IP bar. And we shared with you a general counsel at Starbucks by the name of Paula Boggs, whose exemplary background is translating to incisive in-house management.

We also reported on a new general counsel at Lockheed Martin by the name of James Comey, who embodied the best of lawyering in 2007 for the actions he took in 2004 as a top Justice Department lawyer. As reported in the media and his congressional testimony this year, Comey rushed to the bedside of the critically ill Attorney General John Ashcroft to intercept top White House lawyer Alberto Gonzales, who scurried to the hospital to persuade Ashcroft to reauthorize domestic surveillance programs the Justice Department had found unlawful.

Lawdragon is where you can find the lawyers making the headlines, as well as those quiet persuaders working behind the scenes. To make our Lawdragon 500, a lawyer must qualify as a finalist, our “first cut” of outstanding practitioners from 100 specialties and all

50 states. We select up to 3,000 such lawyers who live up to a high standard.

An attorney generally must have practiced for 20 years, because endurance and sustained achievement is required. We consider leadership in selective bar associations, admittance to “member’s only” trade associations and outstanding performance in cases and matters the attorney has handled.

There are disqualifiers as well: a bar record that is not exemplary; having a status other than partner in one’s law firm (with exceptions granted for firms that require even the top lawyers to move to senior counsel status at a certain age); being under investigation (though not an automatic knockout because politics often plays a role in the investigations of lawyers and judges); an absence of recent activity; and lack of respect from peers and clients. Once we’re satisfied we’ve found a lawyer who meets our standard, we go back and check his or her reputation with others who are acknowledged leaders in that practice, as well as those who have been included in prior Lawdragon guides. We ask Lawdragon 500 members if they would respect our credential if that individual was included.

It is a powerful standard.

The most valuable guides have always been those prepared by journalists. We are the handicappers who know which horse runs best on a given track, what stadium a pitcher struggles in. Lawdragon is ahead of the curve of traditional media organizations. We took decades of experience reporting on legal affairs and made it widely available online so consumers could have improved access to knowledge about the best lawyers.

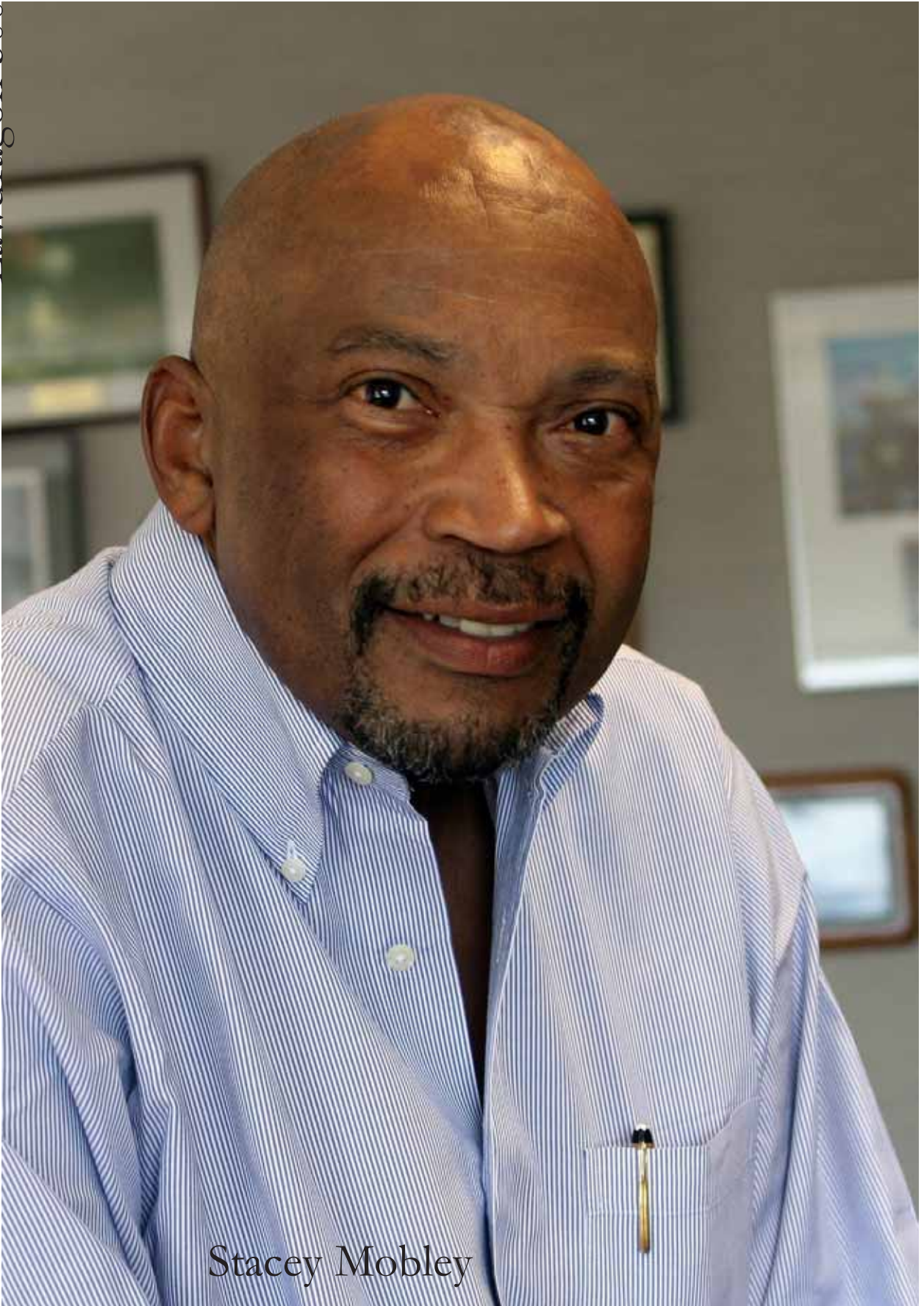
This is our third edition of the Lawdragon 500 Leading Lawyers in America featuring Comey, alongside the redoubtable Ted Olson, who joined him in the White House face-off. Also included are the Vioxx litigators who dueled through a series of test trials to yield the year’s landmark \$4.85 billion settlement; the dealmakers who weathered market downturns to accomplish the \$45 billion purchase of TXU Corp. by Kohlberg Kravis Roberts and TPG; and the lawyers who worked for the Bancrofts and Rupert Murdoch’s News Corp. to complete the \$5 billion purchase of Dow Jones and the Wall Street Journal.

The year also brought the trial of Scooter Libby, and its showdown between Patrick Fitzgerald and Ted Wells, as well as regional struggles of great importance. Ray Boucher won a \$660 million settlement in the interminable litigation by sexual abuse victims against the Los Angeles Archdiocese, while Joseph Power won a multimillion-dollar defamation verdict and settlement for Illinois Supreme Court Chief Justice Robert Thomas.

The greatest lawyers and judges endure; they have passion and magic. They make us think, they help us believe. Those categories are difficult for search engines to absorb, but with a company like Lawdragon, there is at least a pathway by which excellence can be included in the relevant criteria.

As for movies and music, I like Cream and “Chinatown”, but the Beatles and “Casablanca” are great, too.

*Here’s looking at you ....* ■



Stacey Mobley



**Roger Aaron** Skadden Arps (New York) Thanks in large part to Aaron, Skadden **advised** on deals totaling more than \$750 billion in 2006, more than any other firm. **Wylie Aitken** Aitken Aitken (Santa Ana, California) Aitken routinely racks up seven- and eight-figure **verdicts** culminating this year in a \$55 Million Dollar award for a young girl rendered a quadriplegic. **Frederick Alexander** Morris Nichols (Wilmington) Alexander's a **great** person to consult on the ins and outs of the "majority voting" facing company shareholders. **Mary Alexander** Mary Alexander Associates (San Francisco) Alexander **seized** a \$13 million verdict for an injury victim of Yosemite Park, and a \$4 million settlement for a client injured by San Francisco Municipal Railway. **Greg Allen** Beasley Allen (Montgomery, Alabama) A longtime scourge of wayward Southern companies, he landed settlements in 2007 totalling \$30 **million** for two injured clients. **Kenneth Allen** Kenneth Allen & Associates (Valparaiso, Indiana) Forged by life experience gained working in the steel mills of Gary, Indiana, and in the **boxing** ring at Cambridge University, Allen's passionate pursuit of his client's cases has resulted in over \$100 million in verdicts. **Rand Allen** Wiley Rein (Washington, DC) Allen **heads** his firm's highly regarded government contract practice and represents companies such as Boeing, EDS and CSC in high-stakes bid protest and contract claims litigation and procurement fraud investigations. **Riley Allen** Allen & Murphy (Maitland, Florida) Surf reality but don't cut back is the motto for this lawyer who takes on Goliaths in product liability and bad faith actions, volunteers as a legal guardian for 75 underprivileged kids and **hangs** 10 around the world. **Thomas Allingham** Skadden Arps (Wilmington) This **wizard** of Delaware corporate litigation made new takeover law in Japan while also settling a case for Gateway that kept its Acer merger on track.



**Reuben Anderson** Phelps Dunbar (Jackson, Mississippi) Anderson's a Magnolia State marvel for commercial litigation, **gaming** law and governmental/regulatory matters.

**Dennis Archer** Dickinson Wright (Detroit) Though his schoolteacher days are long past, Archer won't hesitate to **school** anyone threatening his clients or his beloved Motor City.

**Cristina Arguedas** Arguedas Cassman (Berkeley, California) Whether through her sense of strategy, extensive preparation or **skilled** cross-examination, Arguedas just finds ways to win.

**Daniel Aronson** Bilzin Sumberg (Miami) Aronson's so **trusted** in Florida, he helped draft the state's takeover statutes and its Business Corporation Act.

**Seth Aronson** O'Melveny & Myers (Los Angeles) Aronson obtained a complete **defense** jury verdict on behalf of Tenet Healthcare accused by its founders of failing to honor several millions in stock options.

**Kevin Arquit** Simpson Thacher (New York) The nation's leading antitrust lawyer has one down and one to go: the FTC **approved** Google's \$1.3B acquisition of DoubleClick, and he's awaiting word on Sirius and XM Radio.

**Peter Atkins** Skadden Arps (New York) The consummate corporate **adviser** is there in good times and bad, merging Global Santa Fe in a \$53B deal with Transocean and advising the distressed boards of Refco and Delphi.

**Larry Ausherman** Modrall Sperling (Albuquerque, New Mexico) Ausherman's authority in environmental and resource law has been **effective** in representing BHP Navajo Coal Co., San Juan Coal Co., Intrepid Potash and BNSF Railway Co.

**Scott Baena** Bilzin Sumberg (Miami) Baena's **boffo** for airline bankruptcies; just ask Air Florida, Braniff II, Eastern Airlines and Pan Am.

**C. Mark Baker** Fulbright & Jaworski (Houston) ICC, ICSID, AAA, ICDR, LCIA, and BIT proceedings – Baker is among the **best** at making international "alphabet soup" matters crystal clear.

**Brent Baldwin** Lathrop & Gage (St. Louis) This transplanted Texan started his career in personal-injury defense, then went on to handle over **100** professional liability, products liability, catastrophic injury, and commercial trials.

**Corinne Ball** Jones Day (New York) The doyenne of distress **M&A** helped GM acquire Daewoo, IBM to buy Applied Digital Services, and Lazard Real Estate Funds' purchase of Fortress Home Builders.



Gary Lynch

**Juliane Balliro** Wolf Block (Boston) Balliro bludgeoned the FBI in a case that **netted** \$101.7 million for four men wrongfully convicted and imprisoned for decades and their families. **Thomas Banducci** Banducci Woodard (Boise, Idaho) This complex-commercial litigator won a state **record** \$63.5 million verdict against a regional medical center for unfair business practices. **Bob Barnett** Williams & Connolly (Washington, DC) Among his other talents, Barnett's the **best** for representing news correspondents like Christiane Amanpour, Brit Hume and Lesley Stahl, and authors like Bill Clinton, Tony Blair and James Patterson. **Robert Baron** Cravath (New York) Baron bought Merck **time** to weigh its Vioxx-related options, before the company decided to make its 10-figure settlement. **William Barr** Verizon (Washington, DC) Barr's led the legal network for Verizon since inception, and **paved** the way for telecommunication deregulation and broadband for everyone. **Francis Barron** Cravath (New York) This defense-side star **turned** the table in 2007 on behalf of General Reinsurance by successfully enjoining Arch Reinsurance after it hired four of his client's execs to set up a competing product line. **Scott Barshay** Cravath (New York) If deals are making a comeback, Mr. Dealmaker may be **leading** the way, with November's \$5B acquisition by IBM of Cognos and December's \$7.4B merger of Grant Prideco and National Oilwell Varco. **Charlene Barshefsky** WilmerHale (Washington, DC) The impact of her work as **chief** negotiator of China's WTO agreement continues to echo through boardrooms and diplomatic centers. **Wayne Barsky** Gibson Dunn (Los Angeles) From biotech to semiconductors, he's the **go-to** litigator in high-stakes patent cases for Johnson & Johnson, Tessera and Electronic Arts.



Sandra Goldstein

**James Bausch** Cline Williams (Omaha) This former Judge Advocate General officer now commands wide **respect** in the business litigation, IP and tax fields. **Samuel Baxter** McKool Smith (Dallas) Ericsson called the right lawyer when it picked this IP genius to defend claims it conspired to **exclude** a competitor's wireless technology when setting technological standards. **Jere Beasley** Beasley Allen (Montgomery, Alabama) Beasley added to his significant trial achievements this year with his role as a **leader** of the \$4.85 billion Vioxx settlement. **Richard Beattie** Simpson Thacher (New York) The **M&A** star chaired his firm and its representation of Dow Jones' board in the \$5.6B sale to News Corp. as well as the Independent Directors of Biomet in its \$10.9B sale to a private equity consortium. **Lucian Bebchuk** Harvard Law School (Cambridge, Massachusetts) Bebchuk's **insights** into executive compensation and corporate shareholders' rights have proven influential. **Phil Beck** Bartlit Beck (Chicago) TicoFruit, Costa Rica's largest citrus grower, sued DuPont for \$170 million over DuPont's fungicide Benlate, but Beck **beat** back the claims. **William Beck** Lathrop & Gage (Kansas City, Missouri) Beck is a powerful advocate for companies with environmental liabilities or insurance coverage claims, having **major** toxic tort and Superfund wins and insurance recoveries over \$100 million. **Alan Beller** Cleary Gottlieb (New York) Beller built the **IPOs** of Goldman Sachs and Singapore Telecom, plus Samsung's initial offering in the US. **Leora Ben-Ami** Kaye Scholer (New York) No wonder Ben-Ami's Pfizer's favorite, after she invalidated one rival's medical patent and **nabbed** a \$68 million judgment from another.



**James Benedict** Milbank Tweed (New York) A **go-to** guy for securities litigation for the likes of American Century, Citigroup, Fidelity, ING, Merrill Lynch and Prudential Financial. **Robert Bennett** Skadden Arps (Washington, DC) Bennett's the call DC's highest-profile denizens place in times of **trouble** - most recently former New York Times reporter Judith Miller and former World Bank chief Paul Wolfowitz. **Max Berger** Bernstein Litowitz (New York) He built the nation's leading plaintiff securities firm by adding a touch of **"class"** to mastery of the art of the big suit, winning five of the largest recoveries in history. **Martha Bergmark** MS Center for Justice (Jackson, Mississippi) Because of Bergmark, the neglected victims of Hurricane Katrina may finally **return** to some semblance of normal life. **Rosemary Berkery** Merrill Lynch (New York) What glass ceiling? Not only did Berkery recently **rise** to vice chair of the venerable investment firm, observers say someday she may become its CEO. **Donald Bernstein** Davis Polk (New York) He takes the **crow**n for creditor's committees, namely those of Adelphia, Delphi, Enron, Polaroid, Toshoku America and U.S. Office Products. **Laura Beverage** Jackson Kelly (Denver) Beverage specializes in keeping coal mining operations and other natural-resource companies **safe** and productive.. **Martin Bienenstock** Weil Gotshal (New York) The lead debtor counsel to Enron and creditor counsel in Adelphia will work his **magic** to create a bankruptcy practice at his new firm. **Evelyn Biery** Fullbright & Jaworski (Houston) A brilliant strategist, she skillfully represented creditors in Asarco, Calpine, Enron and Mirant with unparalleled **insight** and legal analysis. **Bruce Bilger** Lazard (Houston) After completing the \$45 billion **takeover** of TXU, Bilger decided to join Lazard as its Chairman and Head of Global Energy. **Brian Bilzin** Bilzin Sumberg (Miami) Bilzin **boxed** up a \$94 million offer for Miami's Seacoast Apartment Towers.



Steven Newborn

A portrait of Marshall Doke, an older man with glasses, wearing a white shirt, a red patterned tie, and dark suspenders with gold and red stripes. He is smiling slightly and looking towards the camera. The background is dark and out of focus.

Marshall Doke

**Andy Birchfield** Beasley Allen (Montgomery, Alabama) After quarterbacking five **major** Vioxx trials, Birchfield helped wring an eye-popping \$4.85 billion settlement from Merck. **Sheila Birnbaum** Skadden Arps (New York) She shepherded State Farm through several suits, including Katrina-related litigation and a Supreme Court **victory** that reined in massive jury awards, and scored a big win for KPMG. **Franci Blassberg** Debevoise & Plimpton (New York) As co-chair of Debevoise's private equity group and a M&A group member, Blassberg has helped to **build** one of the preeminent law firm private equity practices in the world. **Jeff Bleich** Munger Tolles (San Francisco) A strong defender of Fortune 100 companies in trial and appellate courts, Bleich also works **pro bono** for homeless people, immigrants and human rights victims. **Jerry Bloom** Winston & Strawn (Los Angeles) This alternative energy advocate has **led** the charge for more than 25 years and continues to be front and center in the policy arena and the development of international energy projects that will improve energy efficiency and independence. **Jack Blumenfeld** Morris Nichols (Wilmington) Blumenfeld helped **decipher** why Wilmington has been such a hotbed for patent litigation. **Paula Boggs** Starbucks (Seattle) As Starbucks continues expanding into Ethos water, Tazo teas and even its own CD branch, Boggs makes sure the operation stays as **smooth** as chai latte. **John Bostelman** Sullivan & Cromwell (New York) A leader of the securities regulation and corporate governance bar, Bostelman bustles to keep the nation's business elite knowledgeable about **hot** topics like executive compensation. **Andre Bouchard** Bouchard Margulies (Wilmington) Bouchard won't back down from any necessary shareholder action, be it **access** to corporate books and records, election disputes, hostile acquisitions or proxy fights.





Dave Kendall

**Ray Boucher** Kiesel Boucher (Los Angeles) Boucher's stock only **rises** because of cases like his \$660 million settlement of molestation claims against the Roman Catholic Church. **Leo Boyle** Meehan Boyle (Boston) Boyle **aims** to assemble his cases like masterpieces of persuasion, the better to convey the depths of his client's injuries. **Larry Brandes** Cadwalader (New York) Brandes **built** his reputation by handling hundreds of reinsurance cases, both in arbitration and at court. **Tom Brandi** Brandi Law Firm (San Francisco) From the Dalkon Shield IUD in the 1970s, through asbestos, fen-phen and now Vioxx, Brandi has handled the **hot** plaintiffs' issues of the times. **Frank Branson** Law Office of Frank Branson (Dallas) He's the Lone Star that **shines** brightest for injured plaintiffs, from truck crashes to dangerous and defective products. **John Brenner** Pepper Hamilton (Princeton, New Jersey) He stood firm for Merck when the pharmaceutical **giant** weathered thousands of suits stemming from Vioxx. **Brad Brian** Munger Tolles (Los Angeles) Brian's the **bulwark** for Boeing, GE, Northrop Grumman, AXA Financial, and any number of law firms when they get sued. **E. Drew Britcher** Britcher Leone (Glen Rock, New Jersey) Possessing keen **insights** into New Jersey's Patients' First and Patient Safety acts, Britcher is recognized as a premier trial attorney handling birth trauma cases. **Bruce Broillet** Greene Broillet (Santa Monica, California) This plaintiffs' **champion** is using the knowledge he gained in a record-setting legal malpractice case to take on KPMG, after wresting settlements from Oscar de la Hoya and Paris Hilton. **Jim Brosnahan** Morrison & Foerster (San Francisco) He won vindication, and **dismissal** of all charges, for the former non-executive chairperson of Hewlett-Packard's board of directors.

**Dave Burman** Perkins Coie (Seattle) The top corporate litigator in Washington state gets it **done** for everyone from Amazon to the governor to Westlake Center, for which he won a ruling restricting political speech on a government easement. **Donald Bussard** Richards Layton (Wilmington) This Delaware corporate law **standout** had a hand in the \$38.3B buyout of Equity Office Properties by Blackstone Group. **Jack Butler** Skadden Arps (Chicago) Butler's among the **best** for complex restructurings. Just ask Comdisco, Delphi, Friedman's, Kmart, Singer, US Airways, Warnaco and Xerox.

**Elizabeth Cabraser** Loeff Cabraser (San Francisco) Cabraser's **keen** courtroom skills and lasting influence continue to receive recognition nationwide.

**Paul Cappuccio** Time Warner (New York) The future of what you see, read and hear – and the medium in which you do it – will be **shaped** by this corporate overlord of the world's largest media company. **William Carmody** Susman Godfrey (New York) In a complex class action pending for years, this top trial lawyer was hired 6 days before trial to defend William Penn Life Insurance against a \$ 108M claim – and **won** a unanimous jury verdict.

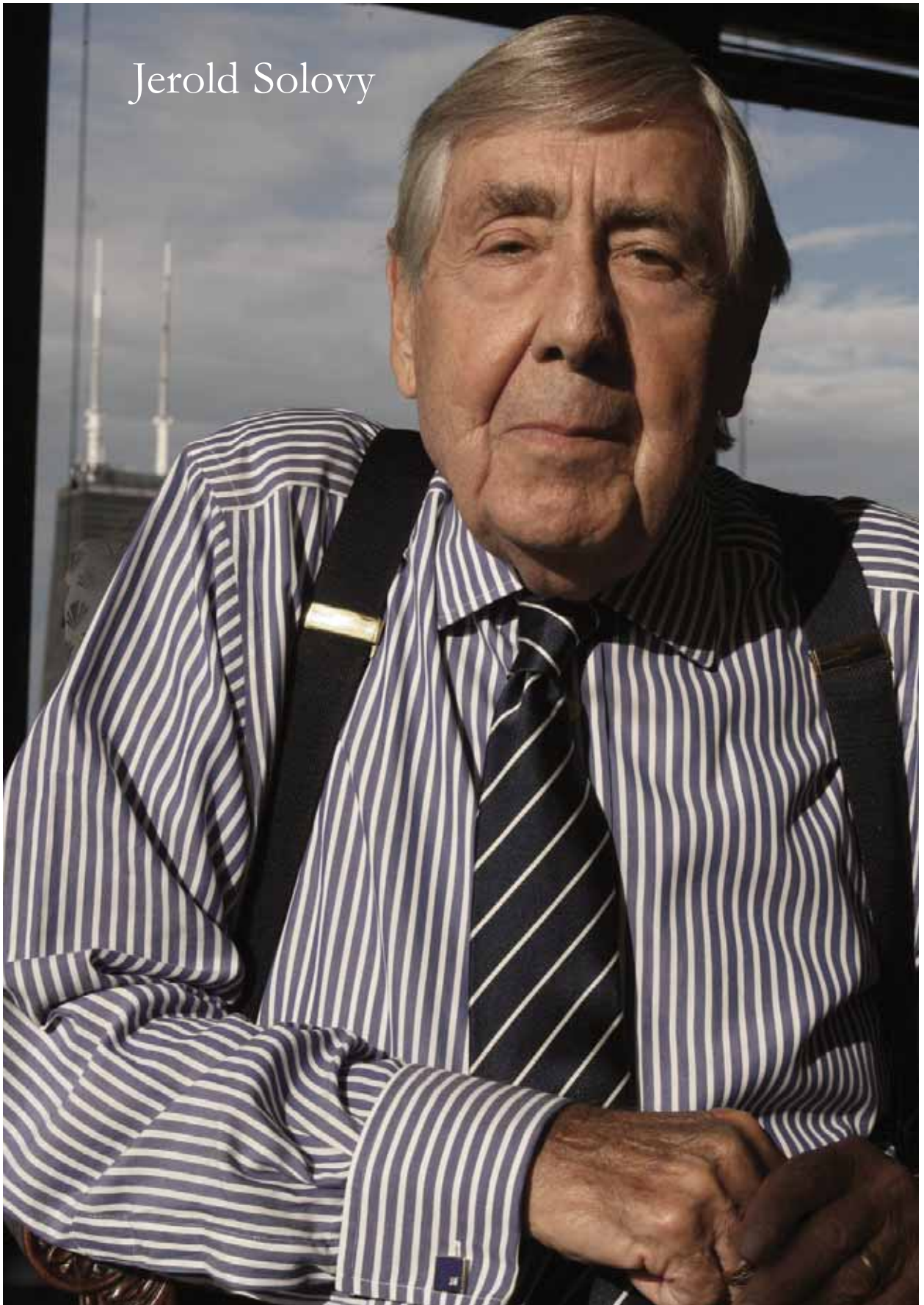
**Leon Carter** Munck Butrus (Dallas) Carter's clearly a winner, having **tried** more 100 cases in the fields of products liability and wrongful death, toxic torts and labor/employment issues. **David Casey** Casey Gerry (San Diego) Thanks to the \$25B he **helped** recover from Big Tobacco, California residents can breathe more easily. **Jim Cheek** Bass Berry (Nashville) How well does he know securities law? He serves as the **NYSE's** regulatory auditor, that's how well. **Evan Chesler** Cravath (New York) He's taken on the job of **leading** the most prestigious law firm in America while continuing to handle bet-the-bank cases for the country's most prestigious companies: IBM, Bristol-Myers Squibb, Alcoa, Xerox, DuPont, Time Warner and Qualcomm. **Richard Cieri** Kirkland & Ellis (New York) Regal in the restructuring world, Cieri provided treasured **advice** for Calpine, Collins & Aikman Corp., Federated Department Stores and Movie Gallery.

**Richard Clary** Cravath (New York) Patent, antitrust, bankruptcy or cable piracy litigation all fall in the domain of this **wonder** who won a ruling that Credit Suisse and other banks had no fiduciary obligations to Enron shareholders, voiding a \$40B claim. **Robert Cleary** Proskauer Rose (New York) Cleary has spent nine months in 2007 defending at **trial** a Marsh Inc. managing director facing various charges relating to allegations of bid-rigging and fraud.

**Bob Clifford** Clifford Law Office (Chicago) Clifford's **top** of the class for Chicago area plaintiffs, winning \$70M for victims of a windstorm that hurtled scaffolding from the John Hancock Center as well as \$1M for a child victim of dental oversedation. **Rick Climan** Cooley Godward (Palo Alto, California) Climan cleared the obstacles that allowed negotiated **huge** megamergers in the semiconductor equipment, software and medical devices fields. **James Cobb** Emmett Cobb (New Orleans) A master of maritime matters, Cobb also **excels** at defending doctors, hospitals and nursing homes. **John 'Sean' Coffey** Bernstein Litowitz (New York) He's a **star** in Naval command and in court, where this year he pursued Delphi and Refco while helping to win \$475M more for Louisiana police officers dissatisfied with the Chicago Board of Trade buy-out. **H. Rodgin Cohen** Sullivan & Cromwell (New York) Among his myriad merger **deals** are Anthem/WellPoint, Manulife/Hancock, Mellon/Dreyfus and NationsBank/Montgomery. **Robin Cohen** Dickstein Shapiro (New York) This leading litigator for corporate policyholders regularly **wins** significant rulings for her clients, including more than \$300 million in 2007. **Thomas Cole** Sidley (Austin, Texas) (Chicago) He's **nailed** down dozens of monumental mergers for clients including Equity Office, CNL Hotels, CDW and ServiceMaster. **James Comey** Lockheed (Bethesda, Maryland) Comey provided a **rare** "Mr. Smith Goes to Washington" moment by standing up to Bush adjutants over illegal domestic wiretapping. **Joe Cotchett** Cotchett Pitre (Burlingame, California) This legendary strategist had a **huge** year in 2007 taking on the Apple option backdating case, several large antitrust cases and pursuing the Bush Administration for its role in revealing the identity of Valerie Plame.



Jerold Solovy





Marcia Goldstein

**Patrick Coughlin** Coughlin Stoia (San Francisco) You can't **top** Coughlin, who has juggled the nation's biggest securities claims against companies including Apple, Boeing, Coke, Enron and HealthSouth. **John Cruden** U.S. Department of Justice (Washington, DC) Cruden is one of the most **respected** environmental lawyers in the nation - leading federal enforcement efforts and promoting the environment. **Robert Cunningham** Cunningham's combat experience - he flew over 500 helicopter combat missions in Vietnam - tempered him for the **rigors** of major trials in a wide variety of litigation. **Thomas Dahlk** Blackwell Sanders (Omaha) Dahlk **won** a federal court jury verdict for TD Ameritrade in stock option litigation and successfully represented shareholders in a complex derivative action. **Frank Darras** Shernoff Bidart (Claremont, California) The leading disability **champion** put the national spotlight on long-term care denials and unjustified premium rate increases that resulted in Congressional hearings. **Mark Davis** Davis Levin (Honolulu) This passionate civil **rights** advocate won \$40M in Aloha for a Houston businessman cut out of a deal to buy a major lumber supplier. **Roger Davis** Orrick Herrington (San Francisco) Davis works a blistering pace to maintain his practice group's cutting-edge reputation as the nation's **top-ranked** municipal bond counsel and underwriters counsel. **David Dean** Sullivan Papain (New York) He won \$25 million for a worker who fell from defective scaffolding, and \$5 **million** for a child who ran sidelong into a transit bus. **Tom Demetrio** Corboy & Demetrio (Chicago) The lion of Chicago's trial bar is **challenging** security failures at the Grand Hyatt in Amman, Jordan, which allegedly allowed Al-Qaeda members to detonate a bomb, killing a renowned Hollywood film director and his daughter.

**Bob Denham** Munger Tolles (Los Angeles) Denham's Mr. Newspaper Deal, **selling** off Times Mirror for the Chandler Trust and numerous Midwest newspapers for The Copley Press. **Otway Denny** Fulbright & Jaworski (Houston) Denny remains front-and-center for companies coping with **power** plant and refinery explosions, especially at facilities around the Gulf Coast. **Luc Despina** Milbank Tweed (New York) Lenders and other creditors tied to Enron, Refco, Adelphia and Safety-Kleen Corp. **harkened** to Despina's counsel. **Gandolfo 'Vince' DiBlasi** Sullivan & Cromwell (New York) DiBlasi deserves big **props** for serving as liaison counsel to 55 investment banks in a series of IPO-allocation class action suits. **Joe Dilg** Vinson & Elkins (Houston) This firm chieftain is well-prepared to handle international acquisitions, divestitures, joint **ventures**, and financings for oil, gas and electric power companies. **Marshall Doke** Gardere (Houston) The nation's top government contract lawyer has the golden touch in all he does, from representing the nation's largest contractors to **leading** the effort to reform the procurement guidelines on the Acquisition Advisory Board. **David Duffell** Weil Gotshal (Providence, Rhode Island) Duffell **dealt** with Madison Dearborn Capital, Providence Equity Partners, Saban Capital, Texas Pacific Group and THL Partners to buy Univision for about \$12 billion. **Scott Edelman** Milbank Tweed (New York) Noted for his representation of Refco in recovering hundreds of millions of dollars, Edelman is equally **effective** as a member of Milbank's 3-person executive committee and representing financial institutions, corporations, directors or CEOs in civil and criminal matters. **Robert Eglet** Mainor Eglet (Las Vegas) Eglet executed settlements and **verdicts** topping \$85 million in the last five years. Excellent! **Jay Eisenhofer** Grant & Eisenhofer (Wilmington) He **protects** plenty of pensioners, namely retired state employees from California, Colorado, Louisiana and Ohio.



**Mitchell Eitel** Sullivan & Cromwell (New York) Eitel **eased** the path for Toronto-Dominion Bank's \$8.5 billion purchase of Commerce Bancorp.

**Howard Ellin** Skadden Arps (New York) How did Murdoch succeed in the \$6 **billion** WSJ acquisition, and Dubai Aerospace get clearance to buy a U.S. aircraft company? Ellin's the answer.

**Adam Emmerich** Wachtell Lipton (New York) Emmerich has **emerged** as a leading corporate dealmaker whose intellectual acumen and negotiation skill facilitate Ground Zero redevelopment and great outcomes for Tishman-Speyer and Starwood.

**Gary Epstein** Greenberg Traurig (Miami) He clears all manner of **details** for EquityOne, Florida East Coast Industries and RailAmerica.

**Jay Epstein** DLA Piper (Washington, DC) The leader of the world's leading real estate practice negotiates many of the **major** law firm leases in downtown DC and is consistently acknowledged as one of the top lawyers in DC.

**Jordan Eth** Morrison & Foerster (San Francisco) Eth proved excellent in *Jacobs v. Yang*, *Nolte v. Capital One* and a **clash** between Clorox and two Teamsters pension funds.

**Eldon Fallon** U.S. District Court (New Orleans) The multibillion-dollar settlement covering thousands of Vioxx users didn't happen overnight. It's largely **thanks** to Fallon that it happened at all.

**Peter Felcher** Paul Weiss (New York) Also the trustee overseeing Cole Porter's legacy, Felcher **finds** solutions for music publishing, dance, motion picture and book publishing clients.

**Boris Feldman** Wilson Sonsini (Palo Alto, California) His incisive intelligence is the key to his monster reputation **atop** the nation's securities defense bar and unlocks victories for BEA, Pixar and Salesforce.com.

**Lew Feldman** Goodwin Procter (Los Angeles) This creative legal strategist has helped public and private sector clients **raise** over \$70B in debt and equity for some of the nation's most significant real estate developments.

**Kathryn Fenton** Jones Day (Washington, DC) American Greetings, CBS/Viacom, DirecTV, Liberty Media, Procter & Gamble and R.J. Reynolds **bank** on her antitrust expertise.



Robert Clifford

**Jeffrey Fereday** Givens Fereday (Boise, Idaho) Fereday's firmly **grounded** in numerous niches of environmental law, including endangered species laws, mining, public lands and wetlands. **James Ferguson** Ferguson Stein (Charlotte, North Carolina) Ferguson **fighters** the good fight for African Americans still dogged by unfair treatment at the school selection process, workplace and voting booth. **Ralph Ferrara** Dewey & LeBoeuf (Washington, DC) Ferrara's firm **stance** helped Dollar General, Royal Dutch/Shell and Zurich Financial Services fend off SEC enforcement and class actions suits. **Allen Finkelson** Cravath (New York) Finkelson burnished his **deft** dealmaking resume representing Grant Prideco in its \$7.4B merger with National Oilwell Varco. **Jesse Finkelstein** Richards Layton (Wilmington) Finkelstein has **coveted** blue-chip experience (representing a rival of Disney-era Mike Ovitz) and an eye on the future (insights into the legalities for conducting "cybermeetings" for shareholders). **Wayne Fisher** Fisher Boyd (Houston) Known mainly as a plaintiffs attorney, Fisher also **reels** 'em in through commercial and probate litigation matters, including Howard Hughes's estate. **Patrick Fitzgerald** U.S. Department of Justice (Chicago) Fitzgerald **fixed** Scooter Libby's red wagon but good, convicting Libby on four charges of lying under oath about Valerie Plame. **Katherine Forrest** Cravath (New York) Forrest **helps** the nation's biggest entertainment companies navigate the legal thicket of the digital age – recently silencing antitrust claims against the nation's biggest record companies from peer-to-peer service LimeWire. **Carol Forte** Blume Goldfaden (Chatham, New Jersey) Forte **won** \$1.7M for a woman injured during hip replacement surgery, and \$1M for the parents of a child whose flawed delivery resulted in brain damage.



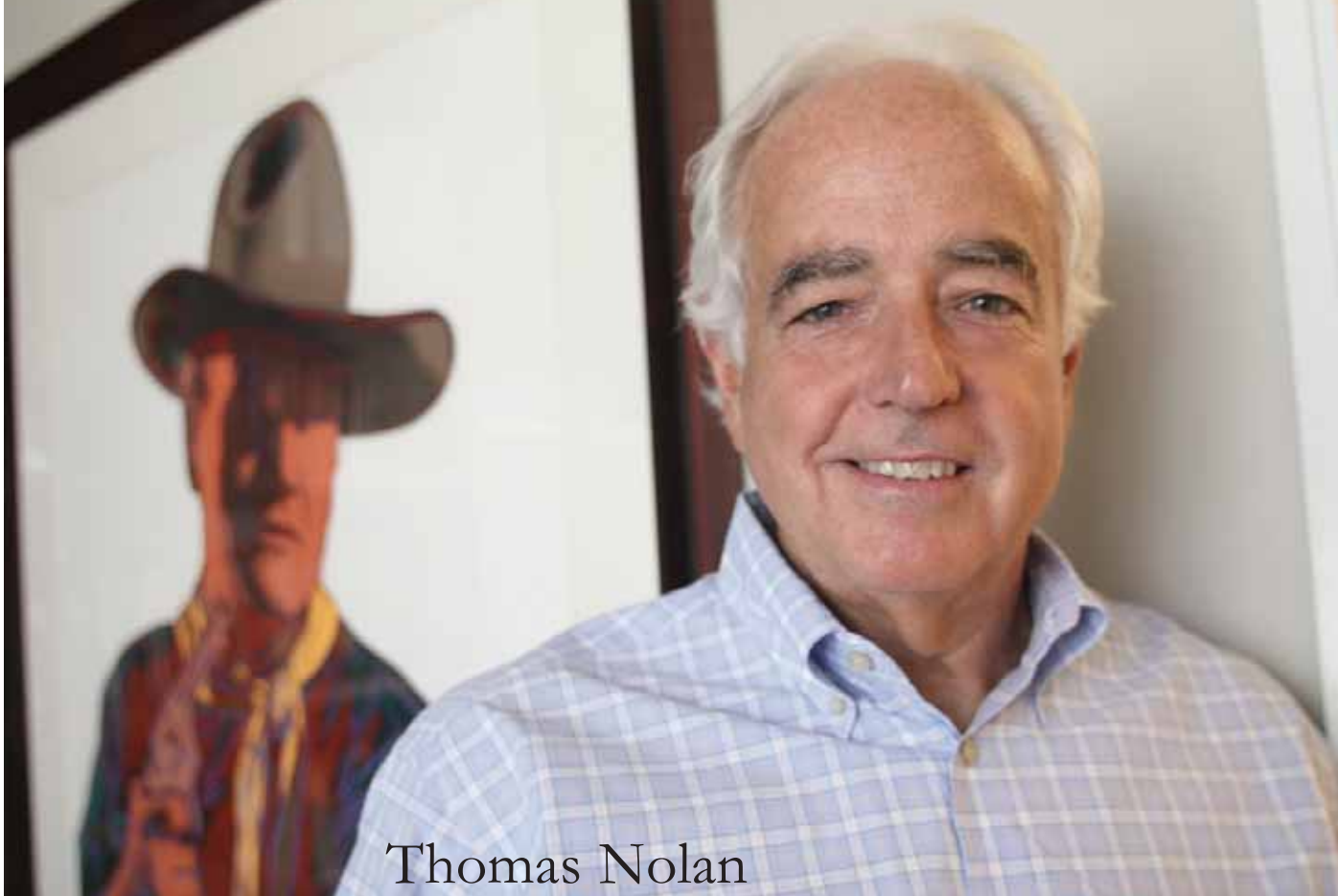
Max Berger

**David Fox** Skadden Arps (New York) This **sly** guy separated Cendant into three independent companies and sold its Travelport unit off to a Blackstone Group affiliate for \$4.3 billion. **Michael Frankfurt** Frankfurt Kurnit (New York) The marathon man (he's run in 50-plus) goes the **extra** mile for Heidi Klum, author Terry McMillan, filmmaker Todd Solondz and the Tribeca Film Festival. **Larry Franklin** Franklin & Hance (Louisville) Franklin has been **worth** a mint, namely \$1 million or more, for victims of wrongful death, medical malpractice, products liability and insurance bad faith. **Andrew Frey** Mayer Brown (Washington, DC) Formerly a Deputy Solicitor General, Frey has **argued** more than 60 cases before the U.S. Supreme Court. **David Friedman** Kasowitz Benson (New York) Friedman's indeed the man for Adelpia's unsecured **creditors**, Calpine Corp. bondholders and the bankruptcy trustee of FoxMeyer Corp. **Richard Friedman** Friedman Rubin (Bremerton, Washington) He **fished** out \$96 million from Paul Revere in two cases, plus \$17.3 million from General American and \$16.5 million from Aetna. **David Frulla** Kelley Drye (Washington, DC) This government regulations specialist is the fisherman's new best friend, **winning** for commercial fishermen in Alaska, North Carolina, and Delaware, while also providing wide-ranging counsel on lobbying and campaign laws. **Joseph Frumkin** Sullivan & Cromwell (New York) This **divine** dealmaker makes the right connections for AT&T as well as TXU in its sale to Kohlberg Kravis Roberts and TPG. **Sergio Galvis** Sullivan & Cromwell (New York) If big money is changing hands in Argentina, Panama, Venezuela, Chile, Ecuador or Spain, there's a fair chance you'll find this **worldly** whiz's name on the dotted line.



**James Garner** Sher Garner (New Orleans) Garner has rocketed to the top of the New Orleans litigation bar through his **impeccable** handling of business trials, including the consolidation of Katrina cases. **Theodore Garrett** Covington & Burling (Washington, DC) Dean of the environmental bar, he's the lawyer companies like Alcan and Vulcan Materials **turn** to in time of need. **Willie Gary** Gary Williams (Stuart, Florida) Gary produced a hung **jury** against Motorola, then the judge ordered the electronics giant to pay his firm \$20 million in fees. **Philip Gelston** Cravath (New York) Gelston made sure FPL Group **gelled** with Constellation Energy Group in a \$28B supermerger of energy players. **Ron George** California Supreme Court (San Francisco) George won **true** third-branch status for California's judiciary through budgetary and structural autonomy. **Mark Gerstein** Latham & Watkins (Chicago) Gerstein garnered the special committee representation in the Chicago Board of Trade's \$12 **billion** combination with the Chicago Mercantile Exchange and Koch Industries' \$22 billion acquisition of Georgia-Pacific. **John Gibbons** Gibbons Del Deo (Newark, New Jersey) I am **Legend** could be the title of this consummate lawyer's career as a former conservative federal judge who became the leading moral authority advocating fairness to detainees. **Jim Gilbert** Gilbert Frank (Arvada, Colorado) Gilbert got a \$35 million verdict for the victims of a **crashed** conversion van, plus \$17.5 million for people injured because of faulty seatbelts. **Tom Girardi** Girardi Keese (Los Angeles) The chairman of the nation's plaintiffs' lawyers does it **all** - from the \$4.85B Vioxx settlement to millions for individuals injured in accidents. **Robert Giuffra** Sullivan & Cromwell (New York) Giuffra's **ethical** guidance and top litigation skills facilitate great outcomes for clients like Computer Associates' Audit Committee, UBS or a host of high-profile individuals who faced down daunting legal risk. **Paul Glad** Sonnenschein Nath (San Francisco) Glad gave the insurance industry a **big** win over the State of California, unraveling an an alleged \$750 million liability for the Stringfellow Acid Pits.

**Patricia Glaser** Christensen Glaser (Los Angeles) She's a **legend** for her trial work on behalf of Kirk Kerkorian and MGM, most of the Hollywood studios and LA's power elite. **Craig Goldblatt** WilmerHale (Washington, DC) Goldblatt provided **sterling** representation for Hartford Financial Services Group and its subsidiaries in dozens of bankruptcies related to asbestos-plagued debtors. **Daniel Golden** Akin Gump (New York) The Creditors' Committees of WorldCom, Delta Air Lines, Solutia and Bally Total Fitness all **relied** on Golden's bankruptcy advice. **Jack Goldsmith** Harvard Law School (Cambridge, Massachusetts) Goldsmith's background in international law give **heft** to his critiques of the G.W. Bush Administration. **Marcia Goldstein** Weil Gotshal (New York) She **safeguarded** the restructuring interests of AMF Bowling Worldwide, Galvex Holdings, Regal Cinemas and United Companies Financial Corp. **Sandra Goldstein** Cravath (New York) The managing partner of Cravath's renowned litigation department **scored** big victories for Xerox and HCA, which faced shareholder class actions over its \$33B LBO. **R. Kinnan Golemon** Brown McCarroll (Austin, Texas) Golemon's **gift** of persuasion convinced the Texas Legislature to pass environmental and tort reform laws favoring his firm's clients. **Arturo Gonzales** Morrison & Foerster (San Francisco) Gonzalez gets it **done**, defending Cypress Semiconductor Corporation over trade secrets and Bank of the West against racial discrimination claims. **David Gordon** Latham & Watkins (New York) Also a **skilled** office head, Gordon gets it done for CoBank, Energy Capital Partners, Goldman Sachs and LS Power. **Gordon Greenberg** McDermott Will (Los Angeles) Corporate execs from a **broad** range of industries, leading banks and even other law firms turn to Greenberg for guidance. **Browne Greene** Greene Broillet (Santa Monica, California) This onetime JAG officer **takes** on the largest L.A. claims: tragedy at the Farmer's Market, negligence at the MTA and police brutality toward a journalist at an immigration rally.



Thomas Nolan

**Edward Greene** Citigroup (New York) Licensed to practice in Japan since 1987 (the first foreigner to do so), Greene **keeps** the capital-market and financial institution fields blossoming. **Mark Greene** Cravath (New York) This globe-trotting ealmaker **advised** Schneider Electric (\$1.5B buy of Pelco), Mylan Laboratories (\$6.5B buy of Merck's generic drug unit), Schering (nearly \$20B acquisition by Bayer) and Novartis (\$5.5B sale of its Gerber business to Nestle). **Joseph Gromacki** Jenner & Block (Chicago) Gromacki brokered GM's **sale** of Allison Transmission, and he's taking Tribune Co. private for Sam Zell. **Stuart Grossman** Grossman & Roth (Coconut Grove, Florida) This legal **eagle** won the biggest wrongful death verdict of a child in Florida as well as countless verdicts and settlements exceeding \$1M, many involving medical malpractice and products liability. **Dave Guedry** Jones Day (Dallas) The leader of the next generation of outsourcing **helped** AT&T, Hewitt Associates, Lucent Technologies and MCI put together the best deals. **Nina Gussack** Pepper Hamilton (Philadelphia) She's a **balm** for pharmaceuticals facing trouble over antipsychotic medicine, diabetes medication and a fatal gene therapy clinical trial. **Hopkins Guy** Orrick Herrington (Menlo Park, California) "Hop" won Cisco a worldwide preliminary injunction against Huawei to **protect** its trade secrets, and rebuffed AT&T's patent claims against PayPal and its parent company, eBay. **Melinda Haag** Orrick Herrington (San Francisco) Haag excels at handling backdating troubles for **high-tech** executives and won acquittal for a Fortune 100 company's CFO facing federal criminal securities fraud charges. **Richard Hall** Cravath (New York) He had a hand in two of the biggest deals of 2007, advising TXU's Strategic Transactions Committee on its \$45B acquisition by KKR and TPG and Banco Santander as a member of the Royal Bank of Scotland consortium's \$99.3B acquisition of ABN Amro.





James Benedict

**Michael Hausfeld** Cohen Milstein (Washington, DC) Hausfeld **haunts** errant companies ranging from managed healthcare providers to makers of genetically engineered foods and bulk vitamins. **Eric Havian** Phillips & Cohen (San Francisco) Also skilled at protecting whistleblowers, Havian **helped** Los Angeles County and the City of San Francisco pursue False Claims Act cases against shady companies. **David Hawkins** Natural Resources Defense Council (Washington, DC) As founding director of the NRDC's Climate Center, Hawkins continues seeking a comprehensive **limit** on greenhouse gases to lessen the impact of global warming. **Kris Heinzelman** Cravath (New York) This finance **baron** pulled off the biggest high-yield offering in nearly two decades for the initial purchasers of a \$5.95B debt offering of Firestone Acquisition. **Howard Heiss** O'Melveny & Myers (New York) The white-collar **wonder** has defended everyone from accounting firm partners to insurance carriers to mutual fund companies. **Richard Heller** Frankfurt Kurnit (New York) Heller's a **hit** with movie and TV actors, writers, producers, directors, production companies and distributors. **Lynn Hendrix** Holme Roberts (Denver) None are higher in the Rocky Mountain state than this **energy** leader who also led the Denver Bancroft trusts through the sale of Dow Jones and the Wall Street Journal to News Corp. **Edward Herlihy** Wachtell Lipton (New York) This firm co-chair often gets called by companies fending off takeover **battles** and proxy contests. **Russ Herman** Herman Herman (New Orleans) There's nothing easy for defendants when it comes to the **biggest** plaintiffs' lawyer in New Orleans, who led the \$4.85B Vioxx deal and is now augering toward insurers who failed to timely pay Hurricane claims.

**Lynne Hermle** Orrick Herrington (Menlo Park, California) She's the **go-to** lawyer for the biggest employment disputes faced by Apple Computer, Williams Sonoma and a host of other Northern California and national employers.

**William Hirschberg** Shearman & Sterling (New York) Hirschberg helped **birth** \$975 million in financing to Tupperware Brands Corp., so it could acquire Sara Lee Corp.'s direct selling business.

**Margaret Holm** Bonne Bridges (Los Angeles) This outstanding defense counsel for healthcare organizations and professionals has **handled** more than 150 trials.

**R. Ronald Hopkinson** Latham & Watkins (New York) This private-equity **paragon** delivers for General Cigar Holdings, Harrah's Entertainment, Hawaiian Telecom, MediMedia and Vought Aircraft.

**John Howell** Hughes Luce (Dallas) Ever book a flight or rent a car online? Chances are you **relied** on Worldspan to make it happen, and Worldspan relied on Howell to make them happen.

**Keith Hummel** Cravath (New York) He's the right medicine for what could ail **IP** portfolios, successfully representing coronary stent maker Medinol in patent infringement actions against Guidant and Boston Scientific and defending IBM in an action by Compression Labs.

**Rudolf Hutz** Connolly Bove (Wilmington) He **earned** his reputation as a top Delaware IP counselor through feats like the rare reversal he obtained for client Henkel against Procter & Gamble over rights to detergent tablets.

**James Irwin** Irwin Fritchie (New Orleans) Irwin's impressive in many levels of labor relations, including **union** representation elections and defending against unfair labor practice claims.

**Joe Jamail** Jamail & Kolius (Houston) The **king** of torts won more than \$12B in jury verdicts and triggered three product recalls in his long and legendary career.

**William Jeffress** Baker Botts (Washington, DC) Jeffress' courtroom **victories** – shielding ABC News from claims its newsgathering constituted fraud, winning the first Alien Tort Claims Act case to go to trial against a corporation – remain renowned.

**Bob Joffe** Cravath (New York) This legal luminary stands **tall** on the biggest issues – improving the judiciary through appointment and greater respect for human rights – while handling the biggest litigation matters for the nation's leading businesses.



John Schulman



**R. Craig Johnson** Parsons Behle (Salt Lake City) Johnson had the **juice** needed for Amax Gold to acquire Chile's Guanaco and Refugio projects, gather \$75 million in financing for its Hayden Hill mine, and more. **Laura Davis Jones** Pachulski Stang (Wilmington) She's blazingly **good** for bankruptcies. Ask American Tissue, Focal Communications, Harnischfeger Industries or Superior TeleCom. **Martha Jordan** Latham & Watkins (Los Angeles) Jordan's just **dandy** for Company/Reit formations, roll-ups and IPOs, not to mention Maguire's \$2.8 billion portfolio acquisition. **Charles Kaiser** Davis Graham (Denver) Talk to "Chuck" for energy and natural-resource **deals**, such as his successful renewal of the Trans-Alaska Pipeline's rights-of-way. **Harvey Kaplan** Shook Hardy (Kansas City, Missouri) The lawyer of **choice** for companies like Astellas, Pfizer and Wyeth, Kaplan is heading up the national litigation for Bausch & Lomb over its ReNu with MoistureLoc contact solution. **Brad Karp** Paul Weiss (New York) Karp walks the credit crunch's **front** lines, as he advises Wall Street underwriters about litigation stemming from \$25 billion of GM/GMAC bonds. **Jay Kasner** Skadden Arps (New York) Kasner keeps a **cool** head whether settling 150 class actions for Merrill Lynch, arguing a landmark securities suit before the U.S. Supreme Court or defending companies from the onslaught of subprime-related litigation. **Neal Katyal** Georgetown University (Washington, DC) This professor led the uphill **battle** to win the Supreme Court ruling that Guantanamo hearings devised by the Bush Administration were illegal. **David Katz** Wachtell Lipton (New York) One of the nation's brightest M&A stars is indefatigable on **complex** buyout transactions, strategic defense assignments and corporate restructurings. **Thomas Kavalier** Cahill Gordon (New York) This **consummate** litigator represents credit card companies, a leading roofing manufacturer, record companies and Wall Street firms, including Prudential Securities, for which he's handled hundreds of cases. **Judith Kaye** New York Court of Appeal (New York) The leader of the New York state courts is **keen** on improving the jury-service experience, defense for indigent residents and myriad other aspects of the justice system.



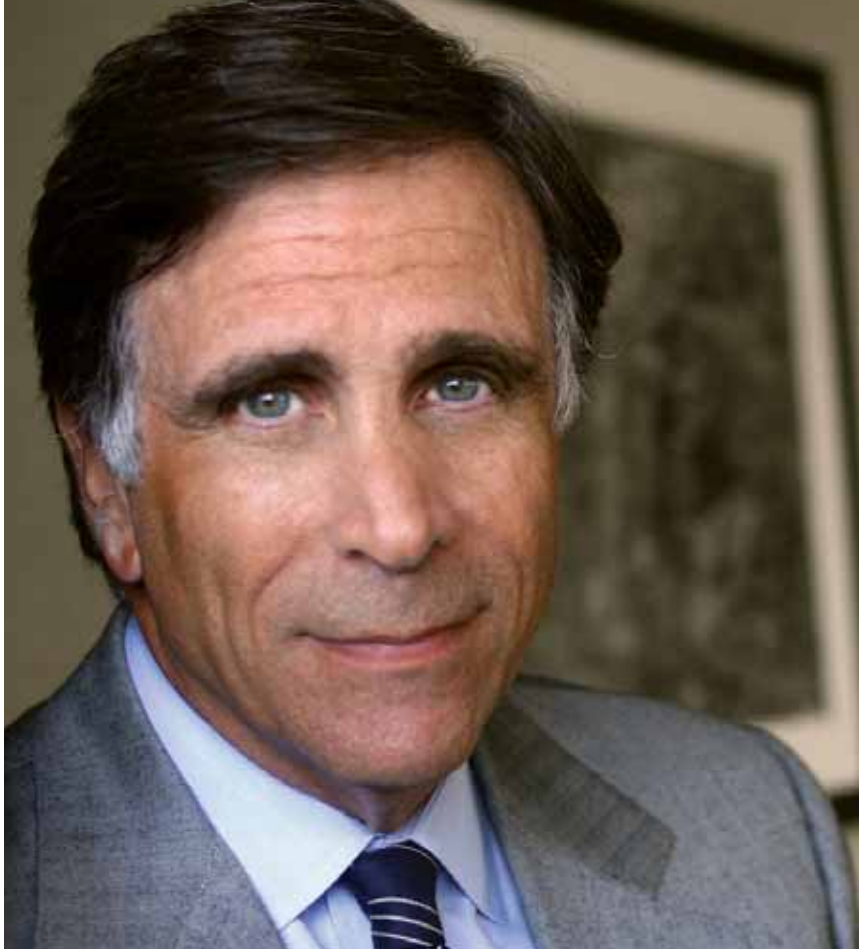
Judith Livingston

**Donald Keenan** The Keenan Law Firm (Atlanta) Keenan **relies** on cutting-edge courtroom technology, mock juries and demonstrative evidence to win huge personal-injury suits. **John Keker** Keker Van Nest (San Francisco) Work such as his representation of **Google** against Microsoft over cybersecrets ensures his influence remains high. **Michael Kelly** Kirtland & Packard (El Segundo, California) Clients love this warrior for plaintiffs who has **won** more than \$100 million from aviation companies, insurers, manufacturers and other companies. **David Kendall** Williams & Connolly (Washington, DC) This lawyer to presidents and death row inmates alike made his acquaintance with the legal system over which he now **towers** when he was arrested in Mississippi in the summer of '64 attempting to register voters. **Anthony Kennedy** U.S. Supreme Court (Washington, DC) He often provides The Supreme Court's swing vote, voting with conservatives to **squelch** medical marijuana and with liberals to expand eminent-domain powers. **Thomas Kennedy** Skadden Arps (New York) Kennedy's counseling the family offering \$22 billion to acquire Cablevision Systems Corp., which **owns** Madison Square Garden and the N.Y. Knicks and Rangers. **B. Robins Kiessling** Cravath (New York) Kiessling kept up his annual slate of **billion**-dollar deals, including his representation of Banco Santander in the RBS-led consortium's \$100 billion acquisition of ABN Amro. **William Kilberg** Gibson Dunn (Washington, DC) One of the most esteemed employment lawyers in the land, Kilberg is a regular Supreme Court advocate on age discrimination and other **weighty** workplace issues. **Kenton King** Skadden Arps (Palo Alto, California) This double-office leader repped NTT DoCoMo Inc related to the AT&T Wireless / Cingular **merger**, and McKesson Corp.'s \$14.5 billion acquisition of HBO & Co.

**Ken Klee** Klee Tuchin (Los Angeles) The **master** of disaster has kept a low profile the last few years preparing the definitive look at Supreme Court bankruptcy jurisprudence, building on his work for Boston Chicken, First Trust and Bank of New York. **Tom Kline** Kline & Spector (Philadelphia) Kline's **long** list of seven- and eight-figure verdicts and settlements include \$36M in a construction accident death and \$50M for the amputation of a foot. **Lou Kling** Skadden Arps (New York) Kling has just the thing for Goldman Sachs Private Equity's \$3.7 **billion** LBO of Adessa, as well as DuPont selling off its pharmaceutical operations to Bristol-Myers. **Harold Koh** Yale Law School (New Haven, Connecticut) His **courage** and insights on human rights and international law are as coveted as his leadership of the nation's top ranked law school. **Colleen Kollar-Kotelly** U.S. Foreign Intelligence Surveillance Court (Washington, DC) She has **pushed** the Bush Administration on secrecy and, as presiding judge of the nation's foreign surveillance court, oversees requests for surveillance warrants against suspected foreign intelligence agents in the U.S. **Victor Kovner** Davis Wright (New York) Kovner consistently **leads**, whether modernizing the judiciary or shaping the world of advertising and media for Wenner Media, McGraw Hill and Associated Newspapers. **Ed Krugman** Cahill Gordon (New York) It took 18 solid days of arbitration, but Krugman **beat** a political risk insurance claim tied to the expropriation of a power plant in Inner Mongolia. **Bruce Kuhlik** Merck & Co. (Whitehouse Station, New Jersey) Kuhlik **sweated** significant details for the Vioxx settlement, including no admission of guilt by Merck and requiring proven specifics by prospective plaintiffs. **Ira Kurzban** Kurzban Kurzban (Miami) He's a veteran of more than 50 federal cases concerning the **rights** of aliens, argued at every level up to and including the Supreme Court. **Walter Lack** Engstrom Lipscomb (Los Angeles) Don't mess with **Cool** Hand Lack, who's nearing \$1B in awards against Dole, Dow and Shell for banana workers poisoned by DBCP pesticide in Latin America. Death squads in Colombia allegedly financed by Chiquita are next.

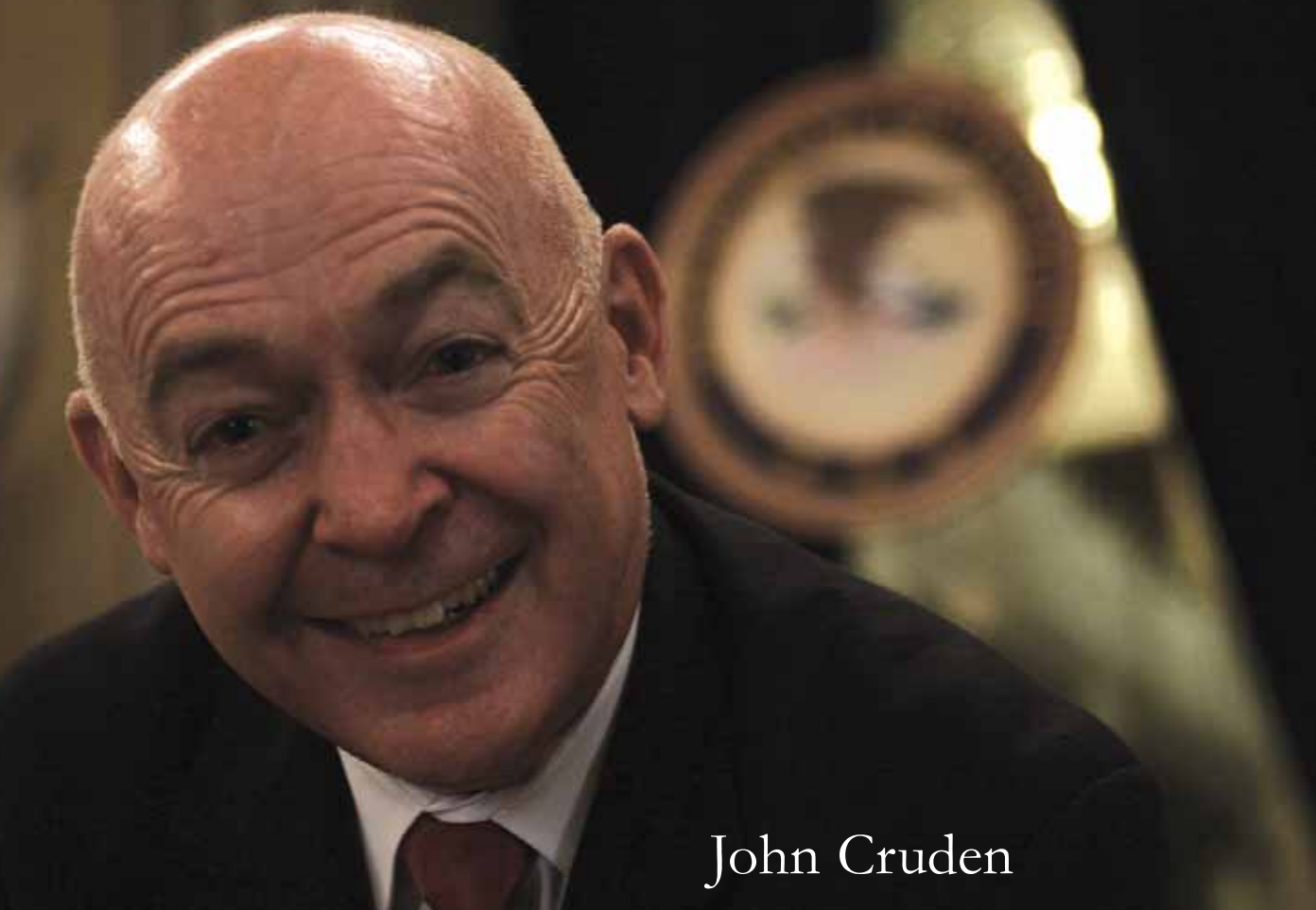


**William Lafferty** Morris Nichols (Wilmington) Lafferty threaded the needle for Caremark Rx's **merger** with CVS, and Texas Pacific Group and Apollo Management's move to take Harrah's Entertainment private. **Steven Lane** Herman Herman (New Orleans) Lane **covers** the landscape of plaintiff claims, such as \$46.7 million from Physicians Mutual Insurance for fraud and \$90 million for a Freeport McMoran officer's wife in a divorce. **Mark Lanier** Lanier Law Firm (Houston) When it's game time, go long to Lanier, who brought in a \$253M Vioxx verdict, helping **pave** the way to the landmark \$4.85B settlement. **Joe Leccese** Proskauer Rose (New York) The Tom Brady of the nation's biggest sports practice **runs** the board with his clients: the NBA, NHL, Major League Soccer, football team owners and stadium financiers. **William Lee** WilmerHale (Boston) The tech-savvy litigator and co-managing partner of WilmerHale **scored** big for Broadcom, helping the client prevail in three trials against Qualcomm. **Mark Lemley** Kekker/Stanford (San Francisco) Equally adept in the classroom and the courtroom, Lemley's **lauded** by clients Genentech, Google, Intel, Netflix and the University of Colorado. **Andrew Levander** Dechert (New York) When Michael Rigas, Symbol Technology, Bawag Bank and Monster.com faced **life** shattering problems, Levander came to the rescue. **Richard Levin** Cravath (New York) This author of the 1978 U.S. Bankruptcy Code is now defining restructuring for Cravath, bringing **expertise** reorganizing Dutch company Refco and the Western electric utilities slammed in the California energy crises. **Jeffrey Liddle** Liddle & Robinson (New York) Liddle **strikes** fear in the heart of Wall Street employers with victories like this year's \$14.6M win for 27 Robertson Stephens employees over promised compensation. **Bruce Lieb** Proskauer Rose (New York) A main man for JP Morgan, this dealmaking **giant** also represents Citigroup, Credit Suisse and a suite of other financial institutions in private equity matters.



Evan Chesler

**Martin Lipton** Wachtell Lipton (New York) The nation's top corporate lawyer **defined** the eras of corporate takeover, negotiated acquisition and now board response to activist shareholders. **Jan Nielsen Little** Kecker Van Nest (San Francisco) This quiet powerhouse served as trial counsel for a leading New York banker, and **safeguarded** a Fortune 50 company's former CFO in Texas. **Judith Livingston** Kramer Diloff (New York) Her courtroom reserve, diligence and laser-focused questioning have afforded Livingston a near-**perfect** record in birth injury and other medical matters. **Abbe Lowell** McDermott Will (Washington, DC) Lowell's lauded for his ability to prevent charges, successfully try cases all over the U.S. and **assist** individuals and companies with the legal, administrative and P.R. aspects of their cases. **Patricia Lowry** Squire Sanders (West Palm Beach, Florida) She marshalled defenses in Florida courts for the makers of Vioxx, Baycol and phenylpropranolamine. **Gary Lynch** Morgan Stanley (New York) Lynch is **lauded** for getting a \$1.57 billion judgment against Morgan Stanley reversed, leaving mogul Ronald Perelman redfaced but empty-handed. **Michael Lynn** Lynn Tillotson (Dallas) When the company behind computer shoot-em-ups Doom III and Quake needed a gunslinger on their side, Lynn **stepped** up strong. **James Lyons** Skadden Arps (San Francisco) Lyons led Apollo Advisors' successful argument that the company was blameless for harm that occurred while California's Insurance Commissioner **called** the shots for a client. **Barry MacBan** MacBan Law Offices (Tucson) MacBan's the **strong** hand helping a motorcyclist who lost a leg because of alleged drunk driving by an uninsured, off-duty highway patrolman. **Colleen Mahoney** Skadden Arps (Washington, DC) The SEC's former acting general counsel now is the compass for companies and individuals seeking to **neutralize** troublesome SEC investigations, most recently involving backdating.



John Cruden

**Maureen Mahoney** Latham & Watkins (Washington, DC) During the U.S. Supreme Court's 2006 session, she argued four cases -- **more** than any other single attorney. **Tom Malcolm** Jones Day (Irvine, California) This litigation legend makes **good** things happen for clients like L.A. County's Metropolitan Transportation Authority, Baxter Laboratories and a host of Southern California businesses. **Gregory Markel** Cadwalader (New York) AIG, Bally and IPO Allocation all **invested** in Markel's antitrust and securities skills. **Richard Marmaro** Skadden Arps (Los Angeles) This savvy white-collar pro wins summary judgment for executives charged by the SEC, but is **best** known as Mr. Backdating from his defense of Brocade's former CEO and the former CFO of Broadcom. **Tom Mars** Wal-Mart (Bentonville, Arkansas) The well-connected honcho of the world's largest employer somehow humanizes Wal-Mart's **image** while battling class actions challenging its workplace behavior. **John Martin** Thompson & Knight (Dallas) This litigation **luminary** provides outstanding defense for airlines, manufacturers, and hospitals sued for fatalities and business issues. **William 'Billy' Martin** Sutherland Asbill (Washington, DC) He specializes in defending high-profile individuals who often have been **villainized** - which this year included Michael Vick and Senator Larry Craig. **Thomas Mayer** Kramer Levin (New York) Mayer **rolled** up his sleeves for the restructuring of General Chemicals, Key 3 Media, Pinnacle Towers and Wheeling-Pittsburgh Steel Corp. **David Mazie** Mazie Slater (Roseland, New Jersey) This legal leader's **creativity** and relentlessness bring him record-setting verdicts for a broad range of plaintiffs. **Brian McCarthy** Skadden Arps (Los Angeles) McCarthy **guided** Cendant Software in its sale to Havas SA, U.S. Filter Corp. in its purchase by Vivendi S.A., and MGM Grand in its acquisition of Mirage Resorts.

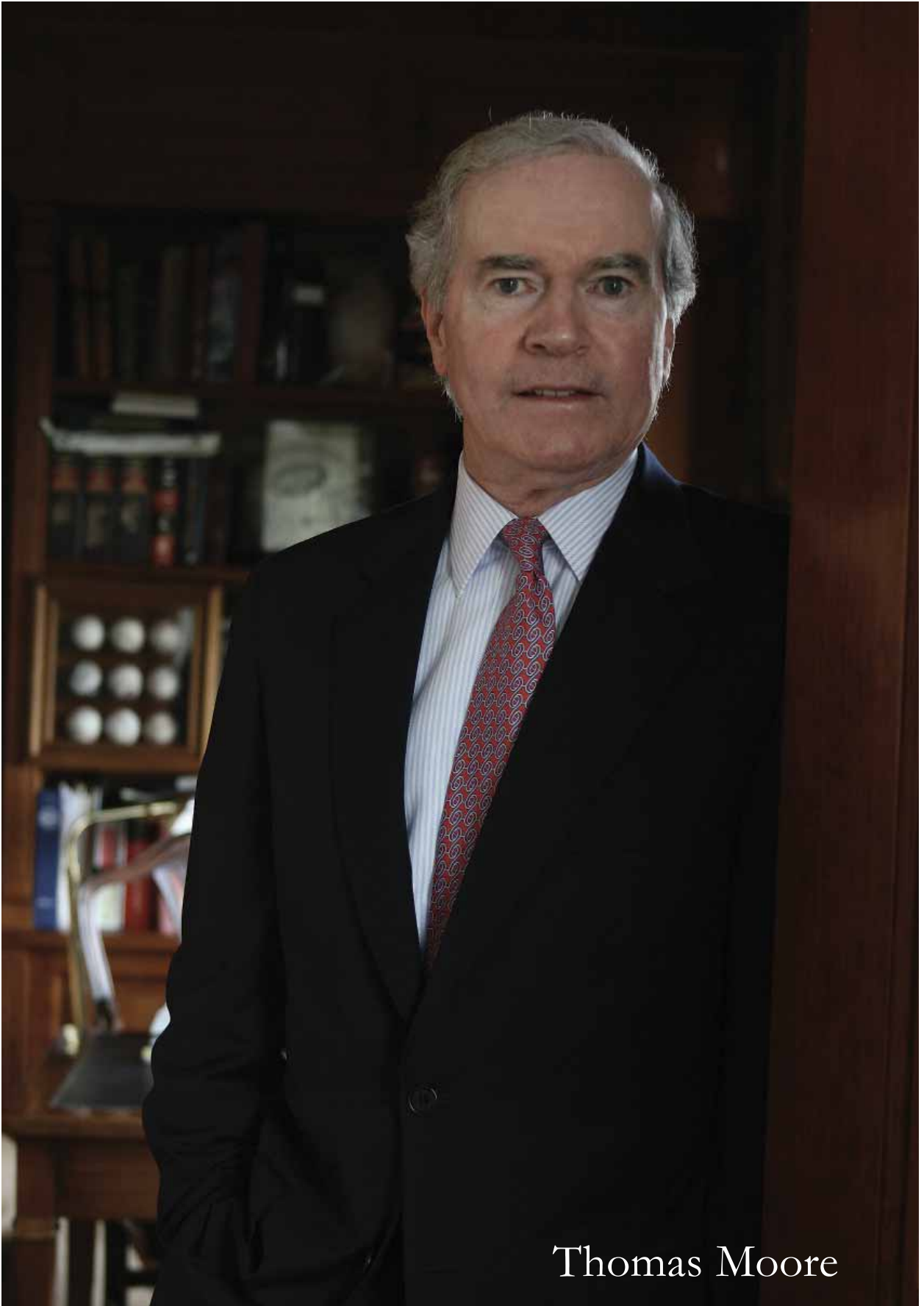


**Robert McCaw** WilmerHale (New York) This securities litigation pro regularly **counsels** Citigroup, for whom he won a Supreme Court ruling that it and other investment banks were immune from application of antitrust laws for their role as IPO underwriters. **William McCorrison** McCorrison Miller (Honolulu) He keeps Kaloko reservoir co-owner Jimmy Pflueger as **content** as patrons at an all-you-can luau. **Mike McCurley** McCurley Orsinger (Dallas) If you need to get **divorced** in Big D, McCurley's your man. **Duncan McCurrach** Sullivan & Cromwell (New York) McCurrach's been monumental for **investors** ranging from Ontario Teachers, DP World and Deutsche Bank in the port world to Goldman Sachs, Cablevision and Altor Equity Partners in strategic and private equity investments. **Harold McElhinny** Morrison & Foerster (San Francisco) McElhinny protected a former Scientologist whom the Church **sued** for alleged copyright and trade secret violations. His offense? Criticizing the religion via the Internet. **Patrick McGroder** Gallagher & Kennedy (Phoenix) This top-flight **light** of the Arizona bar has tried 80 cases with results exceeding \$1M, and won remediation of 350,000 police vehicles made by Ford that burst into flames in collisions. **Thomas McGuigan** Squire Sanders (West Palm Beach, Florida) He **built** back-to-back blockbuster years representing issuers in equity, debt and hybrid securities financings for \$2.2B in 2007 and \$2.3B in 2006 while advising companies in corporate governance, private equity and M&A matters. **Mike McKool** McKool Smith (Dallas) McKool maneuvered a huge outsourcing matter for EDS, and **pressed** National Instruments Corp's patent infringement action against MathWorks. **William McLucas** WilmerHale (Washington, DC) McLucas **stepped** up for Board Committees of both Nortel and UnitedHealth Group in their respective reviews of accounting irregularities and options dating issues. **Terry McMahan** McDermott Will (Palo Alto, California) Aristocrat Technologies, Extreme Networks, Logitech, Seagate Technology and Tercica all **count** on McMahan.

**Dave McShea** Perkins Coie (Seattle) McShea put together Amazon's IPO, then **guided** Zillow through formation, initial financing and VC financing transactions. **Mark Menting** Sullivan & Cromwell (New York) Menting's the **mind** guiding Fiserv's pending \$4.4 billion acquisition of CheckFree, and Standard Chartered's pending deal for American Express Bank.

**Ronald Mercaldo** Mercaldo Law Firm (Tucson) One of Arizona's **elite** plaintiff lawyers proved that cardiac stress tests performed on treadmill machines can actually lead to heart attacks in about 1 person in 2,500.

**Michael Meyer** DLA Piper (Los Angeles) Got a city to fill? Call Meyer, who **handled** a lease of 200,000 sq.ft. in San Francisco for Google, Gap and Morgan Stanley; 140,000 sq.ft. in L.A. for Ares, Canyon and JP Morgan; and 700,000 sq.ft. in Orange County, Calif. for Broadcom. **Harvey Miller** Weil Gotshal (New York) He's **happy** to help clients ranging from Arch Wireless and Carmike Cinemas to Safety Kleen, Sunbeam Corp. and even The Donald. **Ira Millstein** Weil Gotshal (New York) The boards of General Motors, Tyco International, Walt Disney and WellChoice all place **great** stock in Millstein's advice. **J. Gregory Milmo** Skadden Arps (New York) He guided Verizon Wireless in its acquisition of Nextel, and represented the consortium which **bailed** out Long Term Capital. **Robert Minion** Lowenstein Sandler (New York) Mighty Minion represents domestic and offshore investment **funds** with combined assets under management topping \$50 billion. **Ted Mirvis** Wachtell Lipton (New York) Mirvis is magnificent for corporate governance, litigating landmark business disputes and authoring **powerful** perspectives against the shareholder rights movement. **Stacey Mobley** DuPont (Wilmington) Mobley matters for his **leadership** in business, pro bono and diversity matters.



Thomas Moore





Toby Shook

**Michael Mone** Esdaille Barrett (Boston) For medmal, insurance law, aviation **claims** and professional malpractice/disciplinary matters, Mone's your man. **Robert Mongeluzzi** Saltz Mongeluzzi (Philadelphia) He's the **king** of construction-site accidents, after recovering seven-figure sums in more than 100 such cases. **H. Laddie Montague** Berger & Montague (Philadelphia) Montague's **made** his mark against Big Tobacco, Big Oil and the infant-formula cartel. **Thomas Moore** Kramer Dilloff (New York) He's the impassioned **star** of the plaintiff bar, with 82 verdicts topping \$1M, including \$31M to a young mother who suffered negligent care during delivery, resulting in permanent brain damage to her baby. **James Morphy** Sullivan & Cromwell (New York) If a big deal is going down, the **masterful** Morphy is likely involved, advising BCE in its sale to Ontario Teachers' Pension & Providence (\$48.8B); the Board of Directors of First Data in its KKR-led LBO (\$29B); and a Wall Street Journal director in the News Corp. purchase (\$5B). **Mark Morton** Potter Anderson (Wilmington) Morton **makes** deals happen, including Biosite's \$1.55B sale to Inverness Medical and Siebel Systems' purchase by Oracle. **Edward Moss** Shook Hardy (Miami) Moss has **rolled** like a stone over opponents facing American Motors, DuPont, Otis Elevator, United Technologies and Westinghouse Corp. **Ronald Motley** Motley Rice (Mount Pleasant, South Carolina) Motley's charisma, courtroom skills and work **ethic** continue to pay major dividends. **Chip Mulaney** Skadden Arps (New York) Mulaney **moved** mountains so Sara Lee Corp. could buy The Earthgrains Company, and Abbott Laboratories could acquire TheraSense.

**John Murphy** Cleary Gottlieb (New York) He turns "Murphy's Law" on its head, thanks to his experience **advising** international and private sector clients on financial restructuring and privatization. **Terry Murphy** Jones Day (Dallas) Murphy **exonerated** a pharmaceutical whose antidepressant drug allegedly caused a plaintiff's husband to commit suicide.

**Christopher Murray** O'Melveny & Myers (Los Angeles) An astute **pioneer** in digital-media deals, Murray's also a merchandising maven for video game companies and TV and movie companies. **Kenneth Nachbar** Morris Nichols (Wilmington) His fingerprints are all over **huge** securities cases involving Lear Corp., NetSmart Technologies, Oracle and more. **Clifford "Mike" Naeve** Skadden Arps (Washington, DC) This energy law **dynamo** represents some of the largest utilities in the U.S., such as Duke Energy, Exelon, Entergy and Florida Power and Light, and is the go-to lawyer for winning approvals for utility mergers. **Gary Naftalis** Kramer Levin (New York) He talked Uncle Sam out of pursuing criminal charges against investment **giants** Kidder Peabody and Salomon Brothers. **Charles Nathan** Latham & Watkins (New York) Nathan continues his **presence** in the largest M&A deals, most recently for Harrah's in its \$27.5B sale to Texas Pacific and Apollo Management. **Daniel Neff** Wachtell Lipton (New York) This firm co-chair has a hand in all the **biggest** cross-border transactions, divestures, proxy contests and other megadeals. **Steven Newborn** Weil Gotshal (Washington, DC) This antitrust ace **sizzled** in 2007 with the largest LBO of a computer network company (\$8.3B for Avaya), the largest LBO ever (\$48.5B for Bell Canada) and the \$23B privatization of Kinder Morgan. **Tom Nolan** Skadden Arps (Los Angeles) There are more than a billion reasons for corporations and their leaders to turn to this courtroom **consigliere** when trouble comes their way. **John Nonna** Dewey & LeBoeuf (New York) Also the former mayor of Pleasantville, N.Y., Nonna's **notable** for accountant malpractice, employment discrimination and breaches of warranties and representations.

**John Norman** Norman & Edem (Oklahoma City) This Sooner State sensation combines attention to detail, preparation and aggression to **help** their clients become way better than OK. **Harold Novikoff** Wachtell Lipton (New York) Novikoff's necessary for many companies, and their purchasers and investors, **caught** in Chapter 11 or out-of-court debt restructuring. **Eileen Nugent** Skadden Arps (New York) Nugent **negotiated** Warner-Lambert's planned merger-of-equals with American Home Products, as well as its ultimate acquisition by Pfizer. **Clare O'Brien** Shearman & Sterling (New York) O'Brien used her SunGard experience to useful **effect** in her representation of HCA Inc.'s special committee in connection with HCA's \$33 billion acquisition by three private equity fund. **David O'Keefe** Bonne Bridges (Los Angeles) The medical establishment has this lawyer's number on **speed** dial after he handled 250 jury trials and arbitrations, mostly in its defense. **Ronald Olson** Munger Tolles (Los Angeles) Corporate America - Shell Oil, General Re, the Getty, and Paramount's chairman - all **turn** to Olson when they're facing 4th and long. **Ted Olson** Gibson Dunn (Washington, DC) With 48 arguments before the U.S. Supremes under his belt, Olson's appellate **practice** is second to none. **Terry O'Reilly** O'Reilly Danko (San Mateo, California) O'Reilly **leads** U.S. aviation lawyers, most recently with a \$165m settlement in the Air Philippines 541 disaster, and continues to achieve major verdicts in injury cases. **Richard Orsinger** McCurley Orsinger (Dallas) Clients and colleagues alike **sing** his praises, culminating in his being named among the five best family lawyers in Texas. **John Osborn** Cephalon Inc. (Frazer, Pennsylvania) Osborn **protected** his company's billion-dollar franchise drug Provigil, which helps those with severe sleep disorders; he agreed to cut three years from its patent life but secured six years exclusivity. **Jerold Oshinsky** Dickstein Shaprio (Los Angeles, CA) A pioneer in the field of insurance coverage law for corporate and individual policyholders, he heads one of the most **renowned** practices in the United States from coast to coast. **Barry Ostrager** Simpson Thacher (New York) One of the nation's most **lauded** trial lawyers recently won big at trial and in the appellate court in the highly publicized WTC coverage case.





Jay Epstein

**Wayne Outten** Outten & Golden (New York) It took a year, but Outten outmaneuvered Deutsche Bank in a pitched arbitration **battle** and won over \$18 million in damages and expenses. **Robin Painter** Proskauer Rose (Boston) Painter sketches out deals that turn out **huge**, such as Clarus Ventures forming a \$500 million life-sciences fund, and Enterprise Investors' pioneering Poland Enterprise fund. **Cliff Palefsky** McGuinn Hillsman (San Francisco) Along with winning huge employment suits for plaintiffs, Palefsky quietly champions the **ideals** of civility and cooperation, rather than scored-earth confrontation. **Brian Panish** Panish Shea (Los Angeles) Panish shone in 2007 with a **record** verdict for a girl injured in a rural California commercial truck crash, a suit against Hewlett-Packard for pretexting journalists and a \$13.6M settlement for military personnel injured during the Iraq war. **Louise Parent** Parent **took** away Visa's lunch money – to the tune of \$2.25B – because it wouldn't let U.S. banks issue their own branded AmEx cards. **C. Allen Parker** Cravath (New York) The firm's second-in-command **stands** out in banking and finance, having worked on client Manor Care Inc.'s \$6.3B acquisition by The Carlyle Group and Michael's Stores \$6B buyout by an investor group. **Clayton Parr** Parr Waddoups (Salt Lake City) Parr **paved** the way for the purchase of 400 productive oil wells in Utah and Montana, plus a gold firm's acquisition of prospective deposits in Indonesia, Africa and Latin America. **Kirk Pasich** Dickstein Shapiro (Los Angeles) Pasich is **primo** for movie studios, TV networks, Fortune 500 companies and others seeking millions in insurance coverage. **John Passarelli** Kutak Rock (Omaha) Midwestern companies need IP **advice** and protection, too, which Passarelli is perfectly happy to provide.



Paula Boggs

**Don Passman** Gang Tyre (Los Angeles) Passman's music **megadeals** - \$80 million for REM and \$70 million for Janet Jackson - might be the last of their kind in the iTunes era. **John Payton** WilmerHale (Washington, DC) Payton paid off for the University of Michigan, after his six-year **strategy** to showcase the benefits of diversity passed muster with the U.S. Supreme Court. **Lawrence Pedowitz** Wachtell Lipton (New York) In the wake of the Tim Donaghy scandal, the NBA **picked** Pedowitz to review its officiating program top to bottom. **Richard Pepperman** Sullivan & Cromwell (New York) Microsoft's main-frame just gets better and **better**, representing BP, Goldman Sachs and Dartmouth College while serving as deputy manager of the firm's vaunted litigation department. **Jim Perdue Sr.** The Perdue Law Firm (Houston) Perdue stays **ahead** of the pack via state-of-the-art expert testimony, computer demonstrations and psychological research. **Kathleen Flynn Peterson** Robins Kaplan (Minneapolis) Peterson's ongoing **SUCCESS** in portraying medical negligence victim's suffering continues growing her acclaimed reputation. **Steven Pfeiffer** Fullbright & Jaworski (Washington, DC) The former Naval officer is fabulous as firm **chairman** and in his advisory role to international clients, including African nations and departments of the British government. **Robin Phelan** Haynes & Boone (Dallas) Phelan **finessed** bankruptcy proceedings for Adelphia, Fruehauf, Greyhound, Hawaiian Airlines, Mirant and Zale's. **John Phelps** Womack Landis (Jonesboro, Arkansas) Phelps often has the Razorback State's **final** word in products liability, personal injury, construction law and professional litigation.

**John Phillips** Phillips & Cohen (Washington, DC) No wonder Phillip's so good at False Claim Act matters: he **worked** with Congress to strengthen the law after he discovered it held great potential for fighting fraud against the government.

**Stacy Phillips** Phillips Lerner (Los Angeles) Bobby Brown, Darryl Strawberry and L.A. First Lady Corina Villaraigosa all felt Phillips was the best **choice** for their divorces.

**Eric Pinker** Lynn Tillotson (Dallas) Color him a winner, especially his **work** for a nationwide restaurant stemming its receipt and sale of genetically modified food products.

**Frank Placenti** Squire Sanders (Phoenix) Placenti validated Tickets.com's **sale** to Major League Baseball and churned up \$300M for Ben and Jerry's ice cream business.

**Aaron Podhurst** Podhurst Orseck (Miami) Not content with his **sturdy** reputation in plaintiffs' aviation law, Podhurst also pushed his firm to gain greatness in commercial litigation, too.

**Richard Posner** 7th Circuit (Chicago) If the law has a **voice**, it is that of Posner, a frenetic White Rabbit who has opened the world to the capacity of the law for searing intellectualism on issues of moment high (terrorism, the constitution) and low (Monica Lewinsky).

**Joseph Power** Power Rogers (Chicago) This **all-star** trial lawyer wins big for everyone from personal injury clients to Illinois Supreme Court Chief Justice Robert Thomas, for whom he won a multi-million dollar verdict and settlement against a newspaper.

**Matthew Powers** Weil Gotshal (Palo Alto, California) Powers protected Intel, Microsoft and Oracle Corp. from numerous **patent** infringement suits.

**Lorna Propes** Propes & Kaveny (Chicago) Propes procured \$3.4 million for a **patient** whose common bile duct was cut during surgery, and \$5.7 million for a van driver badly hurt by colliding with a defendant's landscaping vehicle.

**Steven Quattlebaum** Quattlebaum Grooms (Little Rock, Arkansas) Quattlebaum's quick wits **served** him well for herbicide makers, wood treatment facilities, plus Uniroyal Chemical when it faced Superfund litigation.

**James Quinn** Weil Gotshal (New York) Quinn Wins. The highest-stakes, the **biggest** matches, he's the lawyer Johnson & Johnson, Procter & Gamble, ESPN and ExxonMobil turn to when billions are on the line.

**John Quinn** Quinn Emanuel (Los Angeles) Quinn's proven the hot hand for massive international litigation, representing the overseer of Parmalat in three \$10B claims and **winning** a nine-figure settlement for Occidental Petroleum from Colombian oil pipeline bombings.

**David Quinto** Quinn Emanuel (Los Angeles) Activision, Bonneville International, KSL Recreation Corp., Tequila Siete Leguas and Tribune Co. remain quite **pleased** with Quinto.

**David Raim** Chadbourne (New York) Raim has been **solid** for reinsurance, especially via domestic and international arbitrations and lawsuits for reinsurers, for more than 25 years.

**Gordon Rather** Wright Lindsey (Little Rock, Arkansas) The former US Navy officer **captains** Arkansas' top trial practice, defending uniquely complex commercial matters for clients like BlueCross, Entergy Arkansas and Baptist Health.

**Michael Ratner** Center for Constitutional Rights and Columbia Law School (New York) Ratner continues to **critique** President Bush's stances on torture and rendition as plainly wrong, War on Terror or no.

**Harry Reasoner** Vinson & Elkins (Houston) Reasoner has received "take-nothing" jury **verdicts** in cases involving hundreds of millions as a defendant and obtained hundreds of millions in verdicts as a plaintiff.

**Wayne Reaud** Law Office of Wayne Reaud (Beaumont, Texas) The Texas trial **legend** won huge on asbestos, Big Tobacco and against Toshiba for marketing faulty disk drives.

**Patrick Regan** Regan Zambri (Washington, DC) Regan's novel arguments **led** to the establishment of "torts of spoliation" for destroyed evidence, at least in District of Columbia courts.

**Robert Reger** Thelen Reid (New York) Plenty of lawyers advise hedge funds, but Reger's counsel is grounded in his **success** building several such funds from the ground up.

**Alison Ressler** Sullivan & Cromwell (Los Angeles) Few dealmakers are her **equal**, with recent representations of Hilton Hotels (sale to Blackstone), Chrysalis Capital Partners (purchase of Central Parking) and Clear Channel's financial adviser (sale to Thomas H. Lee Partners and Bain Capital Partners).





Rodgin Cohen



Thomas Girardi

**Barry Richard** Greenberg Traurig (Tallahassee) Richard has been lionhearted in his **defense** of Alliance Capital Management Corp., Anheuser-Busch and the Royal Bank of Canada. **Lawrence Riff** Steptoe & Johnson (Los Angeles) Riff **rebuffed** chemical-injury claims from residents near a California pesticide plant, as well as from Lockheed workers at the Skunkworks facilities. **John Roberts** U.S. Supreme Court (Washington, DC) No one speaks for the U.S. legal system as does the Chief Justice, the oldest of 15 children, who learned the value of **unity** from his father, a Bethlehem Steel executive, who bought rounds for the union members. **Charles Robins** Weil Gotshal (Boston) Between building big **buyout** funds, Robins lined up a \$1.2 billion recapitalization for N.E.W. Customer Service Companies. **Mark Robinson** Robinson Calcagnie (Newport Beach, California) He's simply the best, as seen in the masterful preparation and presentation that proved **key** to the \$51M federal court victory that helped unlock the \$4.85B Vioxx settlement. **William Robinson** Frost Brown (Florence, Kentucky) Formerly a standout for Greenebaum Doll & McDonald, Robinson's **robust** in antitrust, insurance and land use, plus medical and toxic tort defense. **Steve Roddenberry** Akerman Senterfitt (Miami) He makes sure Embraer Aircraft Corp., The GEO Group and billionaire Wayne Huizenga **live** long and prosper. **Anthony Romero** ACLU (New York) Faced with grave challenges after **9/11**, Romero responded by turbocharging the ACLU's budget and staff. **Martin Rose** Rose Walker (Dallas) Rose rounded up \$96 million for a steel forger tied to a worldwide aircraft-engine recall, and **defended** an air charter operator in 15 wrongful death claims. **Donald Rosenberg** Qualcomm (San Diego, California) Rosenberg left IBM to right Apple's option-addled legal department, only to leave for Qualcomm, which may need him even more.

**Robert Rosenberg** Latham & Watkins (New York) Rosenberg gives **robust** corporate workouts. Just ask Calyon, Deutschebank, Goldman Sachs, Metropolitan Life and Wells Fargo.

**Paul Roth** Schulte Roth (New York) When it comes to growing hedge funds, Roth has **deep** roots; he helped his brother-in-law start one of the earliest and most successful, back in 1967.

**Charles Roush** Roush McCracken (Phoenix) Previously an Arizona Superior Court judge, Roush **never** wants to retire from representing victims of car and truck accidents, construction accidents and product failures.

**James Rubin** Butler Rubin (Chicago) Rubin **argued** out the finality of reinsurance settlements in court, as well as rejecting comparable worth theories in sex discrimination suits.

**Michael Rubin** Altshuler Berzon (San Francisco) He's spearheading a massive lawsuit alleging the University of Phoenix **charged** unprepared students dearly, before determining if they could handle the classwork.

**Peter Rubin** Bernstein Shur (Portland, Oregon) Noted primarily as a corporate **defender**, he landed around \$3 million for the victim of a horrific car crash.

**Michael Rudell** Franklin Weinrib (New York) A seasoned advisor to authors, Rudell **knows** how opportunities can be lost when creators (such as Orson Welles vis a vis Citizen Kane) overlook ownership of future-formats rights.

**Philip (Pete) Ruegger** Simpson Thacher (New York) Ruegger's **ready** for robust business advising companies seeking to invest in, if not acquire outright, companies in the red-hot Chinese and Indian economies.

**Kelli Sager** Davis Wright (Los Angeles) The leading light of West Coast media advises **giants** including Conde Nast Publications, the Los Angeles Times, E! Entertainment Television and Paramount Pictures.

**Richard Sandler** Davis Polk (New York) Sandler gives **strong** corporate counsel to J.P. Morgan, Morgan Stanley, Goldman Sachs, Citi, Aetna and more.

**Gloria Santona** McDonald's (Oakbrook, Illinois) Who says clearing legal, compliance and regulatory hurdles for the world's **largest** fast-food chain isn't fun? She's loving it.

**Sherrie Savett** Berger & Montague (Philadelphia) She's rightly **feared** by a whole Rolodex of opponents, from Advanced Micro Devices to Xcel Energy.

**Richard Sayles** Sayles Werbner (Dallas) Equally **adept** on plaintiff and defense, this top trial lawyer recently successfully concluded a patent infringement case in which over \$300 million in damages was claimed.

**Eugene Scalia** Gibson Dunn (Washington, DC) A **favorite** for megacorps with whistleblowers, Scalia also faced down SEC mutual fund rules and a Maryland law requiring increased employer healthcare spending.

**Antonin Scalia** U.S. Supreme Court (Washington, DC) A strong proponent of executive-branch **power**, Scalia remains President Bush's "ace in the hole" on many issues.

**Brad Scheler** Fried Frank (New York) His experience in representing debtors and creditors as well as official and ad hoc committees of creditors, bondholders and equityholders maximized **value** for his clients in cases such as Calpine Corp., Delphi Corp., Impsat Fiber Networks, Reliant Energy Channelview, LP, Adelphia Communications Corp. and many more.

**Elliott Scherker** Greenberg Traurig (Miami) Scherker **won** reversal of a \$60 million judgment against an Arizona utilities commissioner, and convinced state and federal courts to back off of Wachovia.

**Robert Schick** Vinson & Elkins (Houston) When Bridgestone/Firestone faced faulty-tire litigation by Mexican and Venezuelan citizens, for accidents in those countries, Schick kept the company **rolling** along.

**Howard Schiffman** Dickstein Shapiro (Washington, DC) Schiffman's **solid** for securities issues, such as stock option grant backdating, mutual fund market timing and alleged market manipulation.

**Donald Schiller** Schiller DuCanto (Chicago) Schiller's not shy about advising **megarich** clients to get detailed prenups, even suggesting punitive clauses to discourage post-divorce tell-all accounts.





Tom Demetrio



Alison Ressler

**Paul Schlauch** Holland & Hart (Denver) Helping **sell** off a coal business for \$1.3 billion, taking the Dominican Republic's Pueblo Viejo gold deposit private -- it's no sweat for Schlauch. **Paul Schnell** Skadden Arps (New York) The Merger Man has done more than 70 **deals**, including 19 exceeding \$1B, of late for some of the largest companies around the globe. **Clifford Schoenberg** Cadwalader (New York) Schoenberg breached Fortress Re's defenses, forcing the company to **yield** over \$1 billion to client Sompo Japan. **Frank Schreck** Brownstein Hyatt (Las Vegas) Schreck **ensures** that Steve Wynn and private equity firms Apollo, TPG Capital and Fortress/Centerbridge receive gaming approvals. **Amy Schulman** DLA Piper (New York) Schulman shepherds nationwide class action **suits** involving Prempro menopause medicine, DBCP pesticide and the dietary supplement L-tryptophan. **John Schulman** Warner Bros. (Burbank, California) The poker-faced pro's proven preternaturally **perfect** on offense (smacking Coppola over a scuttled project) and defense (rebuffing claims that Natural Born Killers prompted copycat crimes). **Bob Schumer** Paul Weiss (New York) Schumer **shushed** opposition to Farallon Capital Management and Simon Property Group's \$7.9 billion purchase of mega-mall developer Mills Corp. **Steven Schwab** DLA Piper (Chicago) Schwab does a **great** job for senior management, insurers, reinsurers and receivership creditors in high profile disputes. **Victor Schwartz** Shook Hardy (Washington, DC) This highly influential advocate is noted as much for authorship of the Comparative Negligence **reatise** as for his role as general counsel to the American Tort Reform Association. **Christian Searcy** Searcy Denney (West Palm Beach, Florida) He landed his first seven-figure injury verdict at age 30, and since then he's **racked** scores more.

**Lawrence Secrest** Wiley Rein (Washington, DC) Arguably the **best** of a stellar practice group, Secrest succeeds in the arenas of broadcast, cable and satellite TV laws and regulations. **Chris Seeger** Seeger Weiss (New York) He's the hottest plaintiff lawyer to **emerge** as a leader on the national scene following lynchpin work in Vioxx, Zyprexa, Rezulin and PPA/Dexatrim. **Joseph Sellers** Cohen Milstein (Washington, DC) Sellers has been **solid** for female CIA officers and Boeing workers with labor claims, plus Native American farmers and ranchers seeking equal credit opportunities from the USDA. **R. Michael Senkowski** Wiley Rein (Washington, DC) One of the **lions** of the practice, Senkowski's illustrious 30-year career spans the full range of telecom industry issues from technical topics to national policy debates and from start ups to mega-mergers. **Karen Patton Seymour** Sullivan & Cromwell (New York) Seymour **sizzles** for companies facing serious investigations after her success prosecuting Martha Stewart for lying. **John Shackelford** Shackelford Melton (Dallas) Shackelford **shepherds** the top real estate developers and aviation leasing businesses to the best results. **James Shalek** Proskauer Rose (New York) Shalek's patent **pro prowess** has benefitted British Telecommunications, Church & Dwight, Datalogic Scanning, Genentech, Mitsubishi Electric, and NYSE. **Daniel Sheehan** Daniel Sheehan & Associates (Dallas) Also a formidable litigator, Sheehan has drawn recent **notice** steering fellow lawyers facing malpractice threats. **Joseph Shenker** Sullivan & Cromwell (New York) The heir to the **top** spot at Sullivan this year quarterbacked the \$1.3B financing of a new stadium complex for the NY Giants and Jets on behalf of the Mara and Tisch families, owner of the Giants and the stadium developer. **Leopold Sher** Sher Garner (New Orleans) Louisiana's **leading** real estate authority is considered a "superb voice of experience" by peers and clients.

**Toby Shook** Fitzpatrick Hagoood (Dallas) Previously a top Dallas prosecutor, now Shook **applies** his insights for defendants charged with everything from property crimes and weapons violations to sex crimes and homicide.

**David Siegel** Irell & Manella (Los Angeles) Not sure how to **deal** with SEC enforcement initiatives, defending against securities class actions or handling violations claims? Siegel can show the way.

**Steven Siesser** Lowenstein Sandler (New York) Siesser **sizzles**, with M&A deals worth \$15 billion and debt and equity transactions valued at over \$10 billion.

**Leslie Silverman** Cleary Gottlieb (New York) Sarb-Ox worries furrowing your brow? Silverman will **ease** your concerns better than a weeklong vacation.

**Bruce Silverstein** Young Conaway (Wilmington) Silverstein **rode** to the rescue of Lone Star Steakhouse & Saloon's directors; ditto Holly Corp. and the Henley Group.

**Stuart Singer** Boies Schiller (Ft. Lauderdale, California) Carnival Corp., Fidelity National Financial, Fresh Del Monte Produce, NASCAR, Philip Morris USA and State Farm **sing** his praises.

**Paul Singerman** Berger Singerman (Miami) Count Cramdown also brings **strong** expertise to companies dealing with commercial transactions, insolvency matters and troubled loan workouts.

**Tom Sjoblom** Proskauer Rose (New York) The securities and white-collar specialist made headlines when he **ended** the record-setting, 7-year contempt sentence of Martin Armstrong.

**Brad Smith** Microsoft (Redmond, Washington) Smith sets the table for the House of Gates as it battles Google and other **next** generation technology companies.

**Bradley Smith** Davis Polk (New York) Broadening out from his JP Morgan practice, Smith also **represents** other banks and institutional lenders in corporate restructurings and insolvencies.

**R.W. 'Jay' Smith** DLA Piper (Baltimore) Laureate Education Inc. and The Ryland Group **appreciate** Smith's securities and M&A skills.





Harvey Kaplan

**Stephen Smith** Brain Injury Law Center (Virginia Beach, Virginia) Smith won \$60 million for a gas-station manager with a mild brain injury, and \$12.6 million for Virginia's biggest slip-and-fall verdict. **Todd Smith** Power Rogers (Chicago) This new Inner Circle member won big in 2007 with \$10M and \$5.8M verdicts for grievously injured infants. **J. Sedwick Sollers** King & Spalding (Washington, DC) Sollers won full acquittal of Qwest's former controller, and bested John Ashcroft before the Supreme Court over when lawful permanent residents may be removed from the USA. **Louis Solomon** Proskauer Rose (New York) This heavyweight trial specialist lit up the courts this year with a big-time challenge to Google and YouTube's use of copyright-protected material. **Jerold Solovy** Jenner & Block (Chicago) This eminence proves you can do well by doing good: amidst billions in verdicts and settlements for private clients, he triggered resentencing for 350 death row inmates denied a fair trial. **Larry Sonsini** Wilson Sonsini (Palo Alto, California) The lawyer who built Silicon Valley with his advice to Apple, HP and Google is weathering the option backdating era. **John Soroko** Duane Morris (Philadelphia) Soroko's a six-tool man, notably adept at corporate and securities matters, class action defense, professional liability, real estate and probate litigation. **Barry Sorrels** Sorrels & Udashen (Dallas) Sorrels successfully defended a felony client with the insanity defense, but he's also solid for tax evasion, Medicare/Medicaid fraud and bank fraud. **Robert Spatt** Simpson Thacher (New York) Spatt's all that, and more, for the board of directors of Dow Jones in its \$5B sale to News Corp., Invus in its \$205M equity investment in Lexicon Pharmaceuticals and McKesson in its \$1.8B buy of Per-Se Technologies.



Theodore Wells

**David Spector** Schiff Hardin (Chicago) Spector's **spectacular** for the American Bar Endowment, Houston General Insurance Co. and Munich American Reinsurance. **Broadus Spivey** Spivey Grigg (Austin, Texas) The legendary lawyer keeps sparking **notable** cases, holding a minister accountable for a counselor's verboten relationship with a vulnerable widow. **Eugene Stearns** Stearns Weaver (Miami) Stearns **steered** a Florida jury into awarding his clients \$1 billion from Exxon, plus he removed the obstacles blocking Ivax from selling generic versions of the drug Taxol. **Myron Steele** Delaware Supreme Court (Wilmington) Few embody the **majesty** of the bench as does Steele, whose direct and open approach to the biggest corporate disputes in the land earns widespread respect. **Alan Stephenson** Cravath (New York) This Civil War buff uses the lessons of the battlefield, where plans are thrown out and thinking on one's feet is necessary, to pull off **huge** deals like Schneider Electric's \$6.1B acquisition of American Power Conversion. **John Paul Stevens** U.S. Supreme Court (Washington, DC) The author of *Hamdan*, finding certain military tribunals unlawful, is a former WW2 Naval intelligence officer with a bronze star for codebreaking; he would pass Oliver Wendell Holmes as the oldest justice on Feb. 26, 2011. **Bryan Stevenson** Equal Justice Initiative of Alabama (Montgomery, Alabama) Stevenson is fighting to overturn 80 instances of **life** sentences rendered for crimes committed when the defendant was 14 or under - including one case where no physical harm took place. **James 'Mac' Stewart** Stewart Stimmel (Dallas) "Mac" has **fought** just about every type of health care lawsuit that can be waged, with experience representing commercial, university and nonprofit hospitals. **Larry Stewart** Stewart Tilghman (Miami) Stewart's **skill** in automobile insurance disputes, products liability and medical malpractice suits commands widespread respect.

**Steven Stodghill** Fish & Richardson (Dallas) Stodghill **shuts** down opponents of Bank One, Mark Cuban and numerous subsidiaries of Mary Kay.

**Geoffrey Stone** University of Chicago (Chicago) Concerned about federal attempts to squelch free **speech** during wartime? Stone has written extensively on the issue, which started under the first Adams presidency rather than the second Bush one.

**Mikel Stout** Foulston Siefkin (Wichita, Kansas) Already on top of leading Sunflower State commercial, employment, environmental and commercial cases, Stout also **consults** on ADR and litigation problem solving.

**Leo Strine** Delaware Chancery Court (Wilmington) If there's a Lawdragon One, it's this **brilliant** jurist from the Delaware chancery bench, whose straight talk about corporate titans spares none, most recently Sallie Mae and the funders it's suing to force through a \$25B buyout deal.

**Paul Stritmatter** Stritmatter Kessler (Hoquiam, Washington) It doesn't matter to Stritmatter whether he's facing auto makers, state and local governments, product manufacturers or contractors - whoever they are, he'll **take** them down.

**Neil Sugarman** Sugarman and Sugarman (Boston) Sugarman's **good** to know when life turns sour. Just ask the 37 people who ate tainted berries at a wedding reception, or the 11 firefighters injured fighting a sodium-explosion fire.

**Brendan Sullivan Jr.** Williams & Connolly (Washington, DC) Sullivan **saves** clients involved in antitrust, RICO, securities and license disputes, plus legal and accounting malpractice, products liability and mass torts, and more.

**Diane Sullivan** Dechert (Princeton, New Jersey) Dechert on Defense for pharmaceutical companies brought three out of four defense **verdicts** for Merck in the Vioxx litigation, as well as the first defense verdict in latex glove litigation.

**Lt. Col. Dwight Sullivan** U.S. Marine Corps (Washington, DC) While still coping with Gitmo-related blowback, Sullivan also conducts death penalty **defense** appellate work for the Air Force.

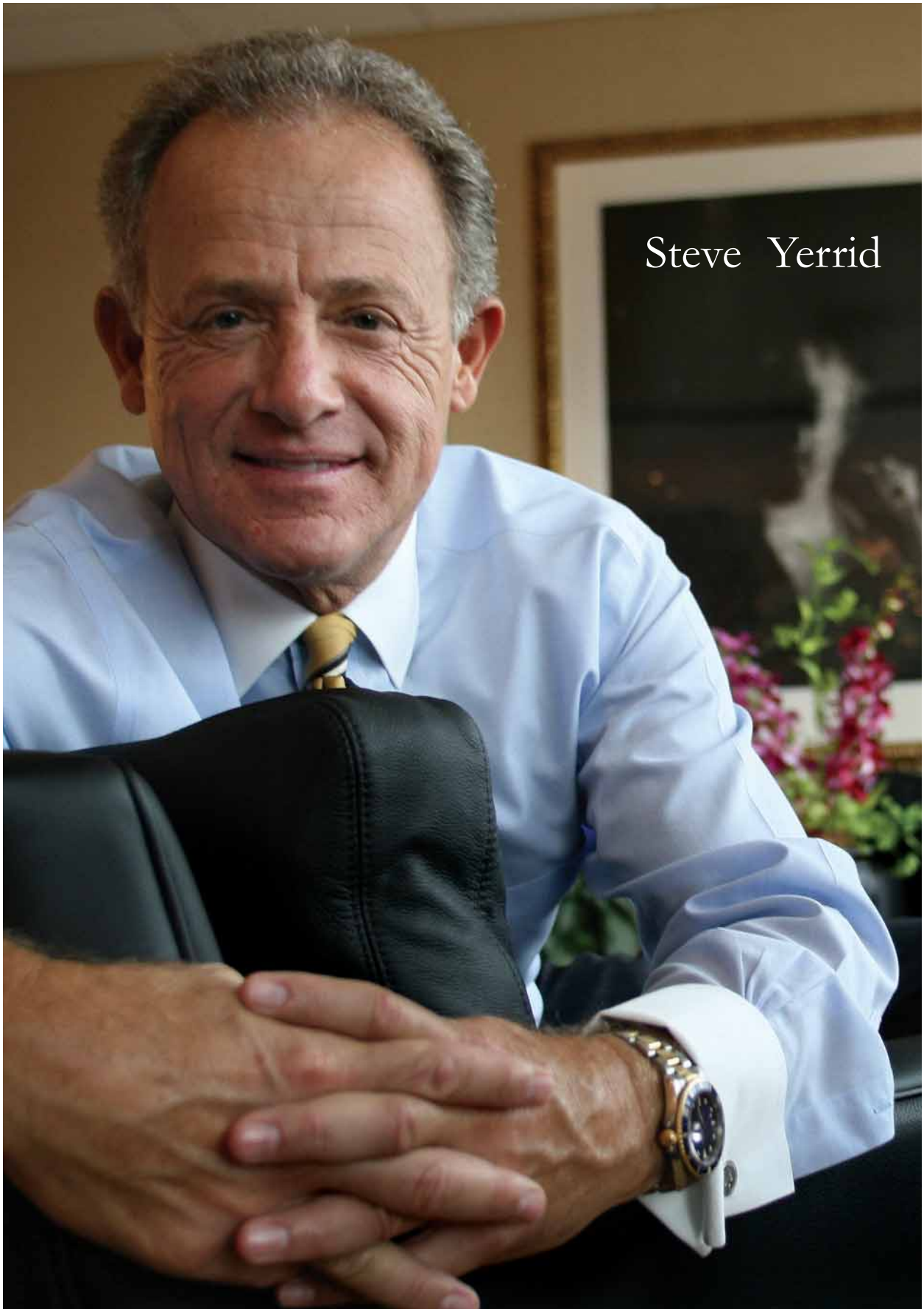
**John Sumberg** Bilzin Sumberg (Miami) He's a **top** advocate for BAC Florida Bank, Cypress Creek Capital, Fortune Development Corp., J.I. Kislak, Mellon United National Bank and Weitzer Communities.





Steven Lane

**Dennis Suplee** Schnader Harrison (Philadelphia) When a throng of angry travel agents filed a class action against Air France for allegedly conspiring to reduce their commissions, Suplee **scored** a summary judgment for the airline.. **Stephen Susman** Susman Godfrey (New York) This legendary litigator is hot when it comes to global warming suits, getting TXU reforms for 37 Texas cities and representing an **Inuit** tribe whose home was lost to environment changes. **Julie Sweet** Cravath (New York) This fabulous lawyer's **sweet** spot is big deals, representing the underwriters in one of the first IPOs by a private equity fund, KKR's \$5B offering, and the \$900M initial offering of Apollo Global Management. **Charles Swift** Office of military Commissions (Arlington, Virginia) It can't be easy defending Salim Hamdan, facing military trial for his alleged ties to Osama bin Laden. But Swift continues to execute this **duty**, aptly and honorably. **John Tarantino** Adler Pollock (Providence, Rhode Island) While Mattel and other companies face heavy lead-paint problems, Tarantino has already **shielded** Atlantic Richfield from similar complaints. **William Taylor** Zuckerman Spaeder (Washington, DC) The Oneida Indian Nation of New York, public officials and lawyers all turn to this white-collar **whiz**. **Christina Tchen** Skadden Arps (Chicago) Chicago's first lady of securities litigation also **excels** at employment and public interest for clients including Sprint, McDonald's and Abbott Labs. **Irvin Terrell** Baker Botts (Houston) Terrell pulled down a \$3 **billion** cash settlement to client Pennzoil from Texaco. **Laura Thatcher** Alston & Bird (Atlanta) Her expertise in exec-compensation standards also makes Thatcher indispensable for merging companies that **need** to assess the impact of golden parachutes and other benefits.



Steve Yerrid

**Daniel Thomasch** Orrick Herrington (New York) He's wise for Wyeth as it battles 350 claims its vaccines cause autistic spectrum disorders, winning the **first** national preemption motion filed under the National Childhood Vaccine Injury Act and several summary judgments. **Steven Toll** Cohen Milstein (Washington, DC) Toll **tallied** up a singular securities class action win, against a brokerage firm for its role as a research analyst. **David Toner** Duane Morris (Philadelphia) Toner's a real **tonic** for clients Eli Lilly, F. Hoffman-La Roche, Warner Lambert and the Wellcome Foundation. **Paul Tosetti** Latham & Watkins (Los Angeles) This legendary West Coast **deal-maker** represented Oracle in its \$6 billion-plus approach to BEA Systems Inc., Beckman Coulter in its \$1.5 billion run at Biosite Inc. and URS in its \$3.2 billion acquisition of Washington Group International Inc. **Terry Tottenham** Fulbright & Jaworski (Austin, Texas) Tottenham is national trial counsel for pharmaceutical companies and **won** Texas-sized judgments for biotech companies and hospital systems, plus he disconnected a suit that claimed cellphones cause brain cancer. **Robert Townsend** Cravath (New York) In a big deal era, few **stood** taller: he worked for Johnson & Johnson in its \$1.6B buy of Pfizer's consumer healthcare business, Nuveen Investments in its \$6.3B acquisition by an investment group and Sprint in its \$35B merger with Nextel. **Randall Turk** Baker Botts (Washington, DC) Hughes Electronics, Beverly Hills Savings & Loan and a top WebMD executive all **counted** on Turk to wash away their white-collar woes. **Jonathan Turley** George Washington University (Washington, DC) Founder and director of the Project for Older Prisoners, Turley also defended four former U.S. Attorneys General and workers **accused** of wrongdoing at the secret Area 51 military base. **Scott Turow** Sonnenschein Nath (Chicago) Also acclaimed for his **novels**, Turow's courtroom skills have been tempered in civil and criminal trials, including several death-penalty cases. **Daniel Tyukody** Orrick Herrington (Los Angeles) This **standout** securities litigator specializes in striking out plaintiffs who sue high-tech, banking and health care businesses.

**Chilton Varner** King & Spalding (Atlanta) Varner **vanquished** product-liability opponents of GM, and she spent 11 years defending Coca-Cola against class actions. **Donald Verrilli** Jenner & Block (Washington, DC) Verrilli is very very extraordinary for corporations and death row inmates alike, persuading the U.S. supreme court and others to **value** intellectual property rights and fairness in criminal trials. **Cynthia Vreeland** WilmerHale (Boston) This **esteemed** IP advocate wins big for Broadcom in court and with the International Trade Commission as well as for disabled Richmond students. **Mary Kay Vyskocil** Simpson Thacher (New York) She's victorious in defeating mass **tort** claims, including asbestos, breast implant, environmental and others. **Stanley Wakshlag** Kenny Nachwalter (Miami) Wakshlag **worked** out solutions for Columbia Laboratories, the Miami Dolphins, Republic Services Inc. and more. **Kent Walker** Google (Mountain View, California) Blessed with **bountiful** experience (eBay, Netscape, America Online), Walker has assembled a tremendous in-house staff to do no legal evil. **Leigh Walton** Bass Berry (Nashville) She spearheaded the healthcare regulatory **team** behind the billion-dollar sale of HCA Inc. **Paul Ware** Goodwin Procter (Boston) Ware's a **talent** rare for Eli Lilly, General Electric and Pyramid Corp. **Roger Warin** Steptoe & Johnson (Washington, DC) This insurance law **expert** knows all about certificates of coverage, indemnity agreements and the benefits of conducting an "asset purchase" instead of a plain merger. **Elizabeth Warren** Harvard Law School (Cambridge, Massachusetts) Long before the subprime credit crisis, Warren **warned** about housing prices and other pressures on two-income households. **Richard Watt** Watt Beckworth (Houston) Watt knows energy and agribusiness law as only an **active** oilman/rancher can. **Mikal Watts** The Watts Law Firm (Corpus Christi, Texas) Already renowned for his Chrysler minivan class action, Watts also was **tapped** for victims of a disastrous bridge collapse.

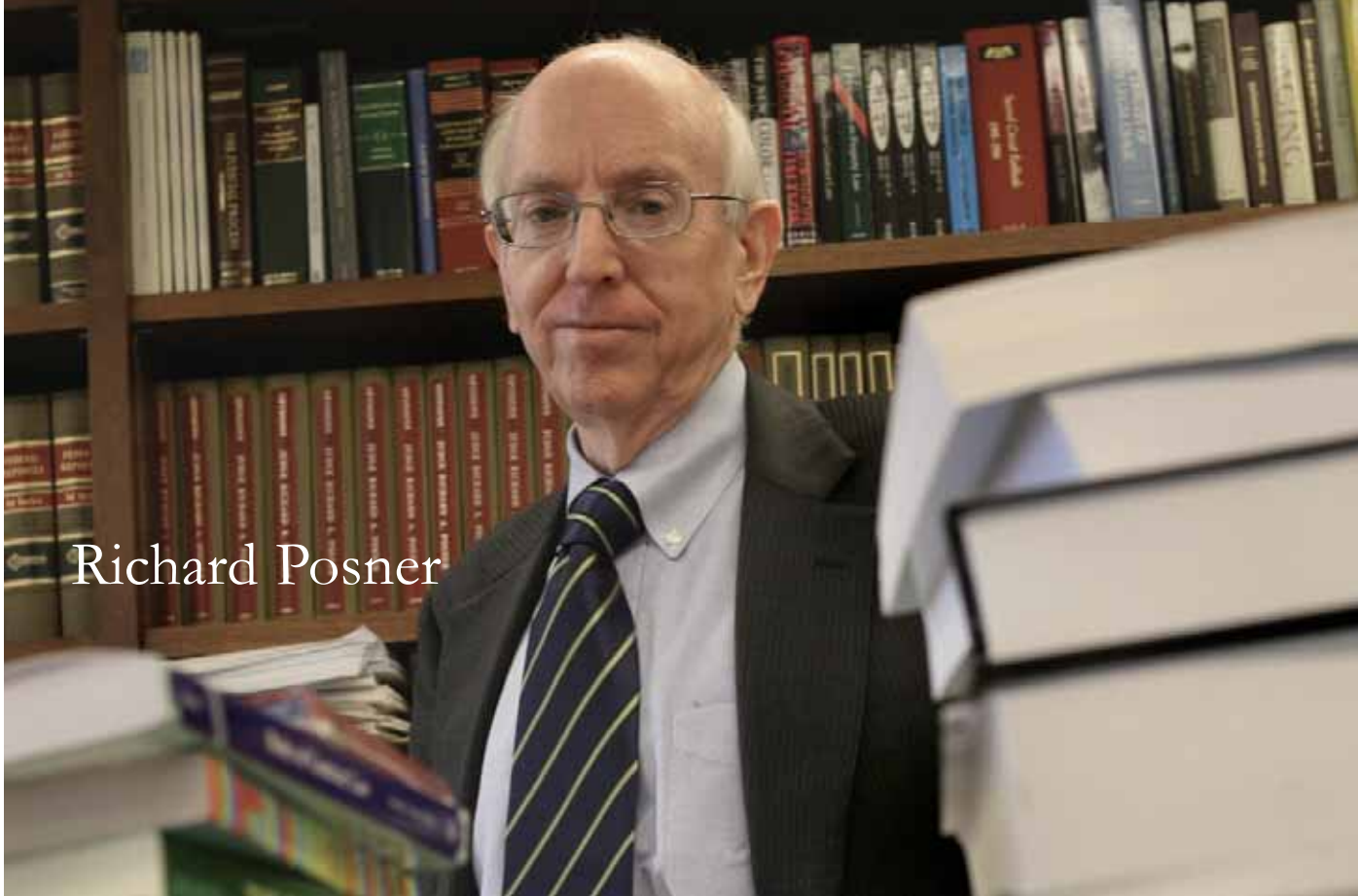




John Quinn

**Seth Waxman** WilmerHale (Washington, DC) President Clinton's solicitor general keeps an **unparalleled** Supreme Court caseload, which includes his representation of the Guantanamo detainees in *Boumediene v. Bush*. **Dan Webb** Winston & Strawn (Chicago) Abbott Laboratories, Caremark International, Commonwealth Edison, Owens Corning, Pfizer and Verizon: Webb **wows** them all. **John Weber** Fulbright & Jaworski (San Antonio) Weber's a **winner** for manufacturers of building materials, elevators and escalators, medium and heavy trucks, natural gas valves and surgical devices. **Robert Weiner** Arnold & Porter (Washington, DC) The nation of Israel considers Weiner a **secret** weapon, after he won dismissal of a suit targeting Israeli national security policies. **Marc Weingarten** Schulte Roth (New York) Weingarten **wins** for Castle Harlan LBO funds, JANA Partners, SAC Capital and Triar Group. **Reid Weingarten** Steptoe & Johnson (Washington, DC) Commerce Secretary Ronald H. Brown and Treasury Department Chief of Staff Joshua Steiner were **mighty** glad they called Weingarten for their white-collar problems. **Margo Weinstein** Sonnenschein Nath (Chicago) Class action suits out to clobber you? Weinstein has many ways to win, including **defending** against class certification, going to trial or negotiating class settlements. **Shirli Fabri Weiss** DLA Piper (San Diego) Weiss wowed **juries** for clients Bayer HealthCare, CIENA Corp., DuPont Pharmaceuticals and Foundry Networks. **Harvey Weitz** Weitz & Associates (New York) The City of New York didn't warn swimmers about diving from a pier into shallow water. Weitz **wrung** \$105.8 million from NYC on behalf of two paralyzed men.

**Perry Weitz** Weitz & Luxenberg (New York) Never content to rest on billions in prior **awards**, Weitz won a \$37 million asbestos verdict and \$25 million from Daimler Chrysler this year. **W. Scott Welch** Baker Donelson (Jackson, Mississippi) "Scotty" may be the **best** solution for insurers bedeviled by "Dickie" Scruggs's Hurricane Katrina-related suits. **Theodore Wells** Paul Weiss (New York) He won a reprieve for Frank Quattrone, recompense from Bertelsman for songwriters, and worked his **heart** out for Scooter Libby. **Edward Weltman** Goodwin Procter (New York) A **legend** for fen-phen, now Weltman's defending a pharmaceutical addressing multiple-sclerosis, and a cellphone company fending off numerous class actions. **Mark Werbner** Sayles Werbner (Dallas) This vaunted advocate is taking on international terrorism with a \$1B suit against the Arab Bank for **Hamas** attacks in Israel. **John White** Securities and Exchange Commission (Washington, DC) The former Cravath partner will have **much** to say about changes in executive compensation and international financial reporting standards. **Mary Jo White** Debevoise & Plimpton (New York) This former U.S. Attorney **heads** Debevoise's litigation practice and takes on internal investigations and defense of companies and individuals accused of white-collar criminal, SEC and civil securities law violations, as well as major business disputes. **William Whitehurst** Whitehurst Harkness (Austin, Texas) Also a winner in airplane-crash and product liability cases, Whitehurst has smacked Uncle Sam with several huge medical malpractice verdicts as well. **Richard Wiley** Wiley Rein (Washington, DC) As the U.S. prepares for the great HDTV changeover in 2009, Wiley **smiles** at the work he did to architect the transition. **Daniel Winslow** Duane Morris (Boston) The former judge and top lawyer to Mitt Romney is a go-to **counselor** for corporate concerns, public affairs management and permitted industries. **Phillip Wittman** Stone Pigman (New Orleans) One of Merck's problem-**solvers** for Vioxx, Wittman also shields ConocoPhillips from toxic-tort allegations stemming from Lake Charles refinery emissions.



Richard Posner

**Donald Wolfe** Potter Anderson (Wilmington) This Disney defender **stymied** a proxy contest by former directors Roy Disney and Stanley Gold, plus their related challenge to the company's election of directors. **Alan Wolff** Dewey & LeBoeuf (Washington, DC) The **titan** of trade protects U.S. companies against competitors engaged in dumping and subsidies, private anti-competitive practices and violations of IP rights. **James Woolery** Cravath (New York) Among a slew of other billion-dollar beauties, Woolery represented Michaels in its \$6B buyout by Bain and Blackstone, Crown Castle in its \$5.8B **merger** with Global Signal and Manor Care in its \$6.3B buyout by Carlyle. **Mike Woronoff** Proskauer Rose (Los Angeles) Woronoff handled Family Restaurants' **merger** with Koo Koo Roo, Occidental Petroleum's purchase of Diamond Shamrock Chemicals Co., and more. **Kathleen Wu** Andrews Kurth (Houston) While also a standout in court, Wu also gives **solid** advice to women attorneys juggling top-lawyer toughness with natural warmth and emotion. **Jack Wurgaft** Javerbaum Wurgaft (Springfield, New Jersey) Wurgaft **whipped** up \$2.6 million for a high school baseballer struck by lightning during a game, and \$2.2 million for a man burnt after a drop light ignited some nearby gasoline.. **Robert Wyman** Latham & Watkins (Los Angeles) Toughened by more than 200 successful governmental evidentiary hearings, last year Wyman defended a \$1 **billion** power plant in federal court. **John Wymer** Paul Hastings (Atlanta) The leading Atlanta employment **guru** helped Weyerhaeuser and Home Depot unwind their worker woes. **Thomas Yannucci** Kirkland & Ellis (Washington, DC) Yannucci has served as **lead** counsel for clients ranging from AOL to Weyerhaeuser, with the Boston Celtics, Notre Dame and "The Sopranos" in between.



Martin Lipton

**Steve Yerrid** The Yerrid Law Firm (Tampa) This litigation **lion** is a perennial lawyer of the year, winning 80 results for injured plaintiffs exceeding \$1M, including Florida's largest medical malpractice verdict. **Michael Young** Willkie Farr (New York) He honed his securities-law **insights** at court defending the Leslie Fay Co.s and Twinlab Corp., then told a Senate subcommittee what the U.S.'s 1930s-vintage laws are lacking. **Alfred Youngwood** Paul Weiss (New York) Youngwood rejuvenated Time Warner via acquiring Adelphia and launching new **joint** ventures in media and cable TV. **Herbert Zarov** Mayer Brown (Chicago) Zarov provided **zealous** defense for Dow Chemical over breast implants, plus Union Carbide and Amchem about asbestos litigation. **Kenneth Ziffren** Ziffren Brittenham (Los Angeles) If you know the name of one entertainment lawyer in the world, it should be Ziffren, who **defined** the TV syndication era and built the top entertainment law firm. **Peter Zimroth** Arnold & Porter (Washington, DC) Zimroth zipped up the **trial** of a \$1 billion contract and fraud action with a win for his client. **Bruce Zirinsky** Cadwalader (New York) He proved the final word for bankruptcy creditors Pharmacia, Pfizer and the unsecured creditors of unsecured creditors of Grove Worldwide. **Jeff Zlotky** Thompson & Knight (Dallas) Zlotky **zinged** up the \$250 million disposition of a professional baseball club and its related assets. **Howard Zucker** Hawkins Delafield (New York) With 30 years in public finance law, Zucker has a **ringside** seat for the mortgage industry downfall and its reconstruction. **Gerson Zweifach** Williams & Connolly (Washington, DC) Zweifach **zealously** defended clients against monopolization and patent antitrust claims across the country.



# The 2007 Lawdragon 500 Leading Lawyer Finalists

**THIS YEAR**, we present the lawyers officially selected as “finalists” before making our final cut of the 500 leading lawyers. We received a record number of nominees from legal professionals around the country. After vetting by Lawdragon editorial staff, the nominees became finalists and were placed on our ballot on [www.lawdragon.com](http://www.lawdragon.com). The geographic and practice area diversity of this group of lawyers reflects the astounding depth of excellence in the American legal profession. As always, we welcome your feedback and votes for next year’s guide.



**DONALD ABAUNZA** LISKOW & LEWIS (NEW ORLEANS)  
**THOMAS ABBOTT** MCKENNA LONG (LOS ANGELES)  
**NANCY ABELL** PAUL HASTINGS (LOS ANGELES)  
**BARRY ABELSON** PEPPER HAMILTON (PHILADELPHIA)  
**TERRY ABEYTA** ABEYTA NELSON P.C. (YAKIMA, WASHINGTON)  
**MICHAEL ABOUREZK** ABOUREZK LAW FIRM  
(RAPID CITY, SOUTH DAKOTA)  
**FLOYD ABRAMS** CAHILL GORDON (NEW YORK)  
**KEVIN ABRAMS** ABRAMS & LASTER (WILMINGTON, DELAWARE)  
**MARC ABRAMS** WILLKIE FARR (NEW YORK)  
**MARK ABRAMSON** ABRAMSON BROWN  
(MANCHESTER, NEW HAMPSHIRE)  
**KENNETH ADAMS** DICKSTEIN SHAPIRO (WASHINGTON, DC)  
**ROBERT ADAMS** SHOOK HARDY (KANSAS CITY, MISSOURI)  
**DANIEL ADAMSON** DAVIS WRIGHT (WASHINGTON, DC)  
**LINDA ADDISON** FULBRIGHT & JAWORSKI (HOUSTON)  
**GERALD AGNEW** AGNEW & BRUSAVICH (TORRANCE, CALIFORNIA)  
**ANGELA AGRUISA** LINER YANKELEVITZ (LOS ANGELES)  
**ESTEBAN AGUILAR** AGUILAR LAW OFFICES  
(ALBUQUERQUE, NEW MEXICO)  
**LESLIE AHARI** ROSS DIXON (WASHINGTON, DC)  
**SANFORD AIN** AIN & BANK (WASHINGTON, DC)  
**JAMES ALBERG** PILLSBURY WINTHROP (WASHINGTON, DC)  
**RORY ALBERT** PROSKAUER ROSE (NEW YORK)  
**DEBRA ALBIN-RILEY** WINSTON & STRAWN (LOS ANGELES)  
**THOMAS ALBRO** TREMBLAY & SMITH  
(CHARLOTTESVILLE, VIRGINIA)  
**STEVEN ALDEN** DEBEVOISE & PLIMPTON (NEW YORK)  
**CHARLA ALDOUS** ALDOUS LAW FIRM (DALLAS)  
**GERRY ALEXANDER** WASHINGTON SUPREME COURT  
(OLYMPIA, WASHINGTON)  
**RICHARD ALFRED** SEYFARTH SHAW (BOSTON)  
**E. RICHARD ALHADEFF** STEARNS WEAVER (MIAMI)  
**SAMUEL ALITO** SUPREME COURT OF THE UNITED STATES  
(WASHINGTON, DC)  
**JOHN ALLCOCK** DLA PIPER (SAN DIEGO)  
**FREDERICK ALLEN** ALLEN MATKINS (LOS ANGELES)  
**GEORGE ALLEN** ALLEN ALLEN (RICHMOND, VIRGINIA)

**PINNEY ALLEN** ALSTON & BIRD (ATLANTA)  
**ROBERT ALLEN** ALLEN GUTHRIE (CHARLESTON, WEST VIRGINIA)  
**JOSEPH ALLERHAND** WEIL GOTSHAL (NEW YORK)  
**JOHN-EDWARD ALLEY** FORD & HARRISON (TAMPA, FLORIDA)  
**DAVID ALLINSON** LATHAM & WATKINS (NEW YORK)  
**GLORIA ALLRED** ALLRED MAROKO (LOS ANGELES)  
**LORIE ALMON** SEYFARTH SHAW (NEW YORK)  
**ELEANOR ALTER** KASOWITZ BENSON (NEW YORK)  
**PAUL ALTMAN** RICHARDS LAYTON (WILMINGTON, DELAWARE)  
**MANUEL ALVAREZ** RYWANT ALVAREZ (TAMPA, FLORIDA)  
**PEDRO ALVAREZ** WHITE & CASE (MIAMI)  
**VICTOR ALVAREZ** WHITE & CASE (MIAMI)  
**EMILIO ALVAREZ-FARRE** WHITE & CASE (MIAMI)  
**ROBERT AMMONS** THE AMMONS LAW FIRM (HOUSTON)  
**EUGENE ANDERSON** ANDERSON KILL (NEW YORK)  
**JOSEPH ANDERSON** ANDERSON WEBER  
(KERNERSVILLE, NORTH CAROLINA)  
**KIMBALL ANDERSON** WINSTON & STRAWN (CHICAGO)  
**SANDRA ANDERSON** VORYS SATER (COLUMBUS, OHIO)  
**CRAIG ANDREWS** HELLER EHRMAN (SAN DIEGO)  
**DAVID ANDRIL** VINSON & ELKINS (WASHINGTON, DC)  
**PETER ANGELOS** LAW OFFICES OF PETER G. ANGELOS (BALTIMORE)  
**ELIZABETHANNE ANGEVINE** MILLER & ANGEVINE  
(WHITTIER, CALIFORNIA)  
**RICHARD ANGINO** ANGINO & ROVNER  
(HARRISBURG, PENNSYLVANIA)  
**BRUCE ANGIOLILLO** SIMPSON THACHER (NEW YORK)  
**JOSEPH ANGLAND** HELLER EHRMAN (NEW YORK)  
**NORMAN ANKERS** HONIGMAN MILLER (DETROIT)  
**DON MIKE ANTHONY** HAHN & HAHN (PASADENA, CALIFORNIA)  
**JOSEPH ANTHONY** ANTHONY OSTLUND (MINNEAPOLIS)  
**RAND APRIL** SKADDEN ARPS (LOS ANGELES)  
**RONALD APTER** HARTFORD FINANCIAL SERVICES GROUP  
(HARTFORD, CONNECTICUT)  
**AMY ARDELL** LAW OFFICE OF AMY ARDELL  
(SANTA MONICA, CALIFORNIA)  
**VICTOR ARELLANO** LAWTON & CATES (MADISON, WISCONSIN)  
**BETTY ARKELL** HOLLAND & HART (DENVER)



**JAMES ARNOLD** CLARK PERDUE (COLUMBUS, OHIO)  
**RICHARD ARNOLD** KENNY NACHWALTER (MIAMI)  
**ROSEMARIE ARNOLD** LAW OFFICES OF ROSEMARIE ARNOLD  
(FORT LEE, NEW JERSEY)  
**JAMES ARONSTEIN** DUCKER MONTGOMERY (DENVER)  
**DAVID ARRAJJ** BROWNSTEIN HYATT (LAS VEGAS)  
**CATHARINE ARWOOD** PARKER POE  
(RALEIGH, NORTH CAROLINA)  
**WILLIAM ARTZ** ARTZ LAW FIRM (ARLINGTON, VIRGINIA)  
**JAMES ASH** BLACKWELL SANDERS (KANSAS CITY, MISSOURI)  
**LAWRENCE ASHE** ASHE RAFUSE (ATLANTA)  
**REID ASHINOFF** SONNENSCHN NATH (NEW YORK)  
**KIM ASKEW** HUGHES & LUCE (DALLAS)  
**DAVID ASMUS** BAKER BOTTS (HOUSTON)  
**ELIZABETH ATKINS** LATHROP & GAGE (NEW YORK)  
**PHILIP ATKINS-PATTENSON** SHEPPARD MULLIN  
(SAN FRANCISCO)  
**WILLIAM ATLEE** ATLEE HALL (LANCASTER, PENNSYLVANIA)  
**MICHAEL ATTANASIO** COOLEY GODWARD (SAN DIEGO)  
**MARK ALEXANDER AVERA** AVERA & SMITH  
(GAINESVILLE, FLORIDA)  
**ALCIDES AVILA** HOLLAND & KNIGHT (MIAMI)  
**JANINE AVILA** CONNELLY JACKSON (TOLEDO, OHIO)  
**JOSEPH AVIV** HONIGMAN MILLER (BLOOMFIELD HILLS, MICHIGAN)  
**JOSEPH AWAD** SILBERSTEIN AWAD (GARDEN CITY, NEW YORK)  
**JONATHAN AWNER** AKERMAN SENTERFITT (MIAMI)  
**ALAN AXELROD** BILZIN SUMBERG (MIAMI)  
**TAMI AZORSKY** MCKENNA LONG (WASHINGTON, DC)  
**MICHAEL BAADER** VENABLE (BALTIMORE)  
**THEODORE BABBITT** BABBITT JOHNSON  
(WEST PALM BEACH, FLORIDA)  
**LON BABBY** WILLIAMS & CONNOLLY (WASHINGTON, DC)  
**ROBERT BACH** HOLME ROBERTS (DENVER)  
**KATHARINE BACHMAN** WILMERHALE (BOSTON)  
**J. KYLE BACHUS** BACHUS & SCHANKER, LLC (DENVER)  
**MARCIA BACKUS** VINSON & ELKINS (HOUSTON)  
**ALAN BADEN** VINSON & ELKINS (NEW YORK)  
**ROBERT BAECHTOLD** FITZPATRICK CELLA (NEW YORK)  
**WILLIAM BAER** ARNOLD & PORTER (WASHINGTON, DC)  
**W. MIKE BAGGETT** WINSTEAD (DALLAS)  
**BLAKE BAILEY** BAILEY LAW FIRM (TYLER, TEXAS)  
**BURCK BAILEY** FELLERS SNIDER (OKLAHOMA CITY)  
**GUY BAILEY** BAILEY & DAWES (COCONUT GROVE, FLORIDA)  
**KEN BAILEY** BAILEY PERRIN (HOUSTON)  
**WILLIAM BAILEY** FURY BAILEY TRIAL LAWYERS (SEATTLE)  
**JOSEPH BAIRD** BAIRD HANSON (BOISE, IDAHO)  
**JAN BAISCH** LAW OFFICES OF JAN BAISCH (PORTLAND, OREGON)  
**D.J. "JAN" BAKER** SKADDEN ARPS (NEW YORK)  
**DOUGLAS BAKER** MODRALL SPERLING  
(ALBUQUERQUE, NEW MEXICO)  
**KRAIG BAKER** DAVIS WRIGHT (SEATTLE)  
**PHILLIP BAKER** BAKER KEENER (LOS ANGELES)  
**ROBERT BAKER** BAKER KEENER (LOS ANGELES)  
**DAVID BALABANIAN** BINGHAM MCCUTCHEN (SAN FRANCISCO)  
**DONNA BALLMAN** DONNA M. BALLMAN, P.A.  
(FORT LAUDERDALE, FLORIDA)  
**R. FRANKLIN BALOTTI** RICHARDS LAYTON  
(WILMINGTON, DELAWARE)  
**MARK BANNER** BANNER & WITCOFF (CHICAGO)  
**RAYMOND BANOUN** CADWALADER WICKERSHAM  
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**DENNIS BAPTISTA** JAVERBAUM WURGAFT  
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**EDWARD BARAD** BROWNSTEIN HYATT (DENVER)  
**JAN BARAN** WILEY REIN (WASHINGTON, DC)  
**JANA COHEN BARBE** SONNENSCHN NATH (CHICAGO)

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**PATRICIA BARMAYER** KING & SPALDING (ATLANTA)  
**SHARON BARNER** FOLEY & LARDNER (CHICAGO)  
**FREDERICK BARON** BARON & BLUE (DALLAS)  
**ROBERT BARONIAN** BARONIAN LAW FIRM  
(PASADENA, CALIFORNIA)  
**KENNETH BARONSKY** MILBANK TWEED (LOS ANGELES)  
**LEONARD BARRACK** BARRACK RODOS (PHILADELPHIA)  
**JAMES BARRALL** LATHAM & WATKINS (LOS ANGELES)  
**JUDY BARRASSO** BARRASSO USDIN (NEW ORLEANS)  
**CYNTHIA BARRETT** CYNTHIA L. BARRETT (PORTLAND, OREGON)  
**GEORGE BARRETT** BARRETT JOHNSTON (NASHVILLE)  
**MICHAEL BARRETT** PERKINS COIE (SEATTLE)  
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**DAVID BARRY** SUGARMAN ROGERS (BOSTON)  
**BONNIE BARSAMIAN** DECHERT (NEW YORK)  
**JAMES BARTIMUS** BARTIMUS FRICKLETON (KANSAS CITY, MISSOURI)  
**FRED BARTLIT** BARTLIT BECK (CHICAGO)  
**VINCENT BARTOLOTTA** THORSNES BARTOLOTTA (SAN DIEGO)  
**GEORGE BASON** DAVIS POLK (NEW YORK)  
**HILARIE BASS** GREENBERG TRAURIG (MIAMI)  
**ROBERT BASSETT** HOLLAND & HART  
(GREENWOOD VILLAGE, COLORADO)  
**JANICE BASSIL** CARNEY & BASSIL (BOSTON)  
**JOSEPH BATAILLON** U.S. DISTRICT COURT, NEBRASKA DISTRICT  
(OMAHA, NEBRASKA)  
**JAMES BATSON** LIDDLE & ROBINSON (NEW YORK)  
**L. ROBERT BATTERMAN** PROSKAUER ROSE (NEW YORK)  
**STEVEN BAUER** PROSKAUER ROSE (BOSTON)  
**GORDON BAVA** MANATT PHELPS (LOS ANGELES)  
**WILLIAM BAVINGER** BRYAN CAVE LLP (WASHINGTON, DC)  
**C. WILLIAM BAXLEY** KING & SPALDING (ATLANTA)  
**CHARLES BEANS** GOODMAN MCGUFFEY (ATLANTA)  
**BRIAN BEARD** WILSON SONSINI (AUSTIN, TEXAS)  
**LEO BEARMAN** BAKER DONELSON (MEMPHIS, TENNESSEE)  
**MICHAEL BECKER** BECKER & MISHKIND (CLEVELAND)  
**MITCHELL BECKLOFF** CALIFORNIA STATE COURT, LOS ANGELES  
SUPERIOR COURT (LOS ANGELES)  
**KENNETH BECKMAN** BAKER DONELSON  
(CHATTANOOGA, TENNESSEE)  
**CHARLES BECTON** BECTON, SLIFKIN & BELL  
(RALEIGH, NORTH CAROLINA)  
**CARMEN BELEFONTE** SALTZ MONGELUZZI  
(MEDIA, PENNSYLVANIA)  
**ROY BELL** ROSS DIXON (IRVINE, CALIFORNIA)  
**JENNIFER BELLAH MAGUIRE** GIBSON DUNN (LOS ANGELES)  
**DANIEL BELLER** PAUL WEISS (NEW YORK)  
**SERGE BENCHETRIT** WILLKIE FARR (NEW YORK)  
**LEONARD BENNETT** CONSUMER LITIGATION ASSOCIATES  
(NEWPORT NEWS, VIRGINIA)  
**JAMES BENNETT** MORRISON & FOERSTER (SAN FRANCISCO)  
**WARD BENSHOOF** WESTON BENSHOOF (LOS ANGELES)  
**PATRICIA BENSON** MITCHELL SILBERBERG (LOS ANGELES)  
**GREGORY BENTLEY** SHERNOFF BIDART (CLAREMONT, CALIFORNIA)  
**DAVID BERG** BERG & ANDROPHY (HOUSTON)  
**DANIEL BERGER** BERGER & MONTAGUE (PHILADELPHIA)  
**BARRY BERKE** KRAMER LEVIN (NEW YORK)  
**JILL BERKELEY** HOWREY (CHICAGO)  
**SEAN BERKOWITZ** LATHAM & WATKINS (CHICAGO)  
**KENNETH BERLIN** SKADDEN ARPS (WASHINGTON, DC)  
**STEVE BERMAN** HAGENS BERMAN (SEATTLE)  
**MARC BERN** NAPOLI BERN (NEW YORK)  
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