

LAWDRAGON

A painting of a red gavel lying on a dark, textured surface, possibly a desk or table. In the background, there is a window with a dark frame and a bright, glowing light source, creating a strong contrast and casting a long shadow of the gavel across the surface.

Capturing Excellence

A snapshot of the men and women who reflect
the very best of the public and private bench

The Lawdragon 500

Leading Judges in America

AFTER KATRINA
RESUSCITATING A LAW PRACTICE

HARVARD LAW
THE BRIGHT AND THE RIGHT

INDIE FILM
LIGHTS, CAMERA AND LOTS OF LAWYERS



**The California members of the
American Board of Trial Advocates
are honored to salute
those who ensure that
justice is done every day.**

We are the book.



Yesterday. Today. Tomorrow.

CORBOY & DEMETRIO

CIVIL TRIAL LAWYERS

33 N. Dearborn Street, Chicago IL 60602 / 888.363.3191 / www.corboydemetrio.com

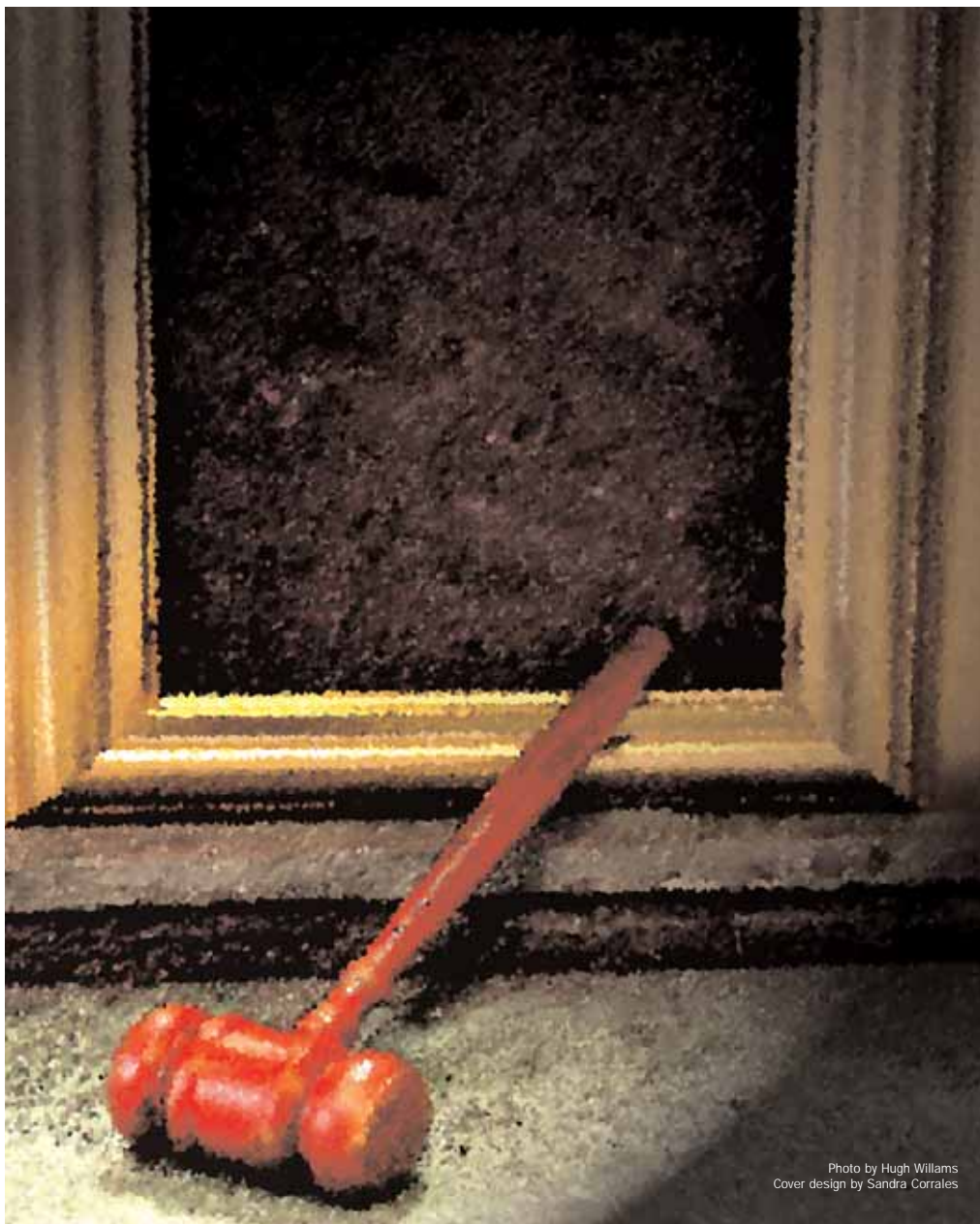


Photo by Hugh Williams
Cover design by Sandra Corrales

LAWDRAGON 500

The most important, and often least known, person in any courtroom is the judge. After months of interviewing hundreds of practicing lawyers and academics to get their views, we have selected the best judges in the country. We have drawn them from the entire judicial spectrum: the state and federal bench, trial and appellate levels, and general and specialized courts. From the private sector, we selected the best arbitrators and mediators. The result is The Lawdragon 500 Leading Judges in America, a unique guide to the best judges anywhere in the country.



“I missed the deadline? Aaarrggh!”

Don't get caught—DOD your dates first.

Now, you can drastically reduce malpractice exposure while saving countless hours of time. Introducing **Deadlines On Demand**® (“DOD”), the first nationwide legal deadline calculation service.

DOD is fast, accurate and inexpensive. It's powered by **CompuLaw**®, the leader in court rules-based calendar technology.

Access DOD to check your deadlines. No need to purchase, install or learn software—just log onto the DOD website. Enter basic case information and watch DOD instantly display your deadlines. You can import your dates into Outlook®, or any application supporting iCalendar files.

Think about it—no more worries of calendar vs. court days, local vs. federal holidays, or counting backwards and forwards—DOD does it all. Plus you can bill-back your clients for the minimal DOD research charges.

Why run the risk of missing critical dates? Protect your clients with the same CompuLaw-checked deadlines that the big firms have used for decades. Visit www.deadlines.com and DOD your dates today!

**DEADLINES
ON DEMAND** The Premier
Legal Deadline
Calculation Service®
a **CompuLaw**® company

(888) 363-5522 | www.deadlines.com

For a FREE PREVIEW: Use Promo Code **LD2006**

Contents



FROM THE EDITOR 6

DEPARTMENTS

Appealing Clerkships You're Order of the Coif at a top law school, and it's time to look for a judicial clerkship. Here's our list, based on interviews with former clerks, of the most sought-after clerkships. 10

Cocktails With ... Make that a glass of water for Victor Kovner on Judaism's holiest of days. The First Amendment guru didn't allow the Yom Kippur fast to stop him from conversing about Hillary, bloggers and his early days as lawyer for The Village Voice. 12

After the Verdict Winning plaintiffs in high-profile cases may seem to have hit the litigation jackpot, but the public rarely finds out what happens after the verdict. Two plaintiffs share their ensuing struggles after courtroom success. 16

FEATURES

For the Love of Indie It's not for the staid or the risk averse, but the volatile world of the independents attracts attorneys like Stephen Monas who have a passion for film and an entrepreneurial streak. 18

Washed Away With his salvaged personal computer, an outpouring of generosity from others and plenty of worries, attorney Reilly Morse surveys the damage inflicted on his hometown and his law practice by Hurricane Katrina. 28

Seasons of Change A spate of right-wing hires at Harvard Law School has outsiders wondering if the command center of American liberalism is taking a turn toward the conservative. But no one in Cambridge wants to talk politics. 36

A Process Obscured While political realities focus public debate on issues such as abortion and judicial activism, the Supreme Court nomination process ignores the Constitution's promise to protect the rights of the poor. 44

Gregory S. Abrahamson ♦ Elisabeth Hughes Abramson ♦ Gerald Aksen ♦ Samuel A. Alito Jr. ♦ Francis M. Allegra ♦ Robert B. Allen ♦ Thomas L. Ambro ♦ Joseph F. Anderson ♦ Elaine M. Andrews ♦ Morris S. Arnold ♦ Marvin E. Aspen ♦ Lewis T. Babcock ♦ F. Bruce Bach ♦ William H. Barbour Jr. ♦ Paul Bardacke ♦ John Barker ♦ Nancy S. Barker ♦ Rosemary Barkett ♦ Harry F. Barnes ♦ Harvey Bartle III ♦ Adrian E. Bastianelli III ♦ William J. Bauer ♦ Cynthia J. Becker ♦ Edward R. Becker ♦ N. A. Becker ♦ Carol A. Beier ♦ Robert M. Bell ♦ Stewart L. Bell ♦ Mark W. Bennett ♦ Dee Benson ♦ Mark I. Bernstein ♦ Marsha S. Berzon ♦ Stanley F. Birch Jr. ♦ Kathleen A. Blatz ♦ Richard I. Bloch ♦ Aviva K. Bobb ♦ Danny J. Boggs ♦ Paul Boland ♦ Joseph J. Bongiovi III ♦ David M. Borden ♦ Isaac Borenstein ♦ John W. Borg ♦ Richard Bosson ♦ Michael Boudin ♦ William S. Boyd ♦ David V. Brewer ♦ Thomas J. Brewer ♦ Stephen G. Breyer ♦ Clarence Brimmer ♦ Janice Rogers Brown ♦ James Browning ♦ John Brownrigg ♦ Eric G. Bruggink ♦ Wanda G. Bryant ♦ Alexander O. Bryner ♦ William Curtis Bryson ♦ Mark A. Buckstein ♦ Charles S. Burdell ♦ Margaret D. Burkhart ♦ David C. Bury ♦ Michael D. Bustamante ♦ José A. Cabranes ♦ William J. Cahill ♦ Guido Calabresi ♦ Pascal F. Calogero Jr. ♦ David G. Camacho ♦ William C. Canby Jr. ♦ Gregory W. Carman ♦ Edward E. Carnes ♦ Walter L. Bud Carpeneti ♦ James G. Carr ♦ Terrence A. Carroll ♦ Wallace P. Carson Jr. ♦ David Carter ♦ James H. Carter ♦ James S. Casebolt ♦ Robin J. Cauthron ♦ Tom Chambers ♦ William B. Chandler III ♦ Victoria G. Chaney ♦ Victor E. Chavez ♦ Richard Cheevers ♦ Stanley R. Chesler ♦ Morgan Christen ♦ Tracy Christopher ♦ Merlyn W. Clark ♦ Thomas C. Clark ♦ Raymond C. Clevenger III ♦ Jay M. Cohen ♦ Richard S. Cohen ♦ William D. Cohen ♦ Kenneth Conboy ♦ Jacqueline A. Connor ♦ William S. Cooper ♦ Thomas W. Cooper Jr. ♦ Michael A. Corriero ♦ Maura D. Corrigan ♦ Patricia

The International Academy of Trial Lawyers

Salutes the Judges of the Lawdragon 500

Coughlan ♦ Barbara B. Crabb ♦ Robert A. Creo ♦ Richard W. Dana ♦ Martha Craig Daughtrey ♦ Raymond J. Davilla Jr. ♦ John A. Jack Davis ♦ Dickinson R. Debevoise ♦ Bobby DeLaughter ♦ Peter J. DeTroy III ♦ Carroll C. Dicus Jr. ♦ John K. Dietz ♦ Bryan C. Dixon ♦ Herbert B. Dixon Jr. ♦ Mark J. Doherty ♦ Jeffrey A. Donnell ♦ William C. Donnino ♦ Sandra L. Dougherty ♦ James E. Duffy Jr. ♦ James E. Duggan ♦ Allyson K. Duncan ♦ Christine M. Durham ♦ Stanwood R. Duval Jr. ♦ Frank H. Easterbrook ♦ O.H. Eaton Jr. ♦ David M. Ebel ♦ Nancy G. Edmunds ♦ Harry T. Edwards ♦ Leonard P. Edwards II ♦ Andrew S. Effron ♦ Howard S. Eilen ♦ Bruce J. Einhorn ♦ James R. Erickson ♦ Dana Fabe ♦ Eugene I. Farber ♦ John D. Feerick ♦ Kenneth R. Feinberg ♦ Paul S. Felt ♦ Phillip S. Figa ♦ Mark Filip ♦ Kenneth J. Fishman ♦ Joel M. Fishman ♦ Lawrence H. Fleischman ♦ Donovan W. Frank ♦ Thomas S. Fraser ♦ Pendleton Gaines ♦ Fernando J. Gaitan Jr. ♦ Arthur E. Gamble ♦ Ira Gammerman ♦ Barry Garfinkel ♦ Merrick B. Garland ♦ Lloyd D. George ♦ Ronald M. George ♦ Joel Gerber ♦ David Geronemus ♦ Nancy Gertner ♦ Alice Bridget Gibney ♦ H.F. Sparky Gibson ♦ Mark W. Gifford ♦ Dennis L. Gillen ♦ W. Michael Gillette ♦ Douglas H. Ginsburg ♦ Ruth Bader Ginsburg ♦ Arnold H. Gold ♦ Michael Golden ♦ Arthur J. Gonzales ♦ Joseph R. Goodwin ♦ Nancy M. Gould ♦ Ernestine Gray ♦ Eric D. Green ♦ Alan J. Greiman ♦ James P. Grotton ♦ Floyd A. Hale ♦ Bruce Hall ♦ James A. Hall ♦ James Hall ♦ James S. Halpern ♦ Pierce W. Hamblin ♦ David F. Hamilton ♦ Frank S. Hamlin ♦ Timothy R. Hanson ♦ Robert L. Harris Sr. ♦ Kirk R. Harrison ♦ Harris L. Harrison ♦ Frank T. Hazel ♦ Nathan L. Hecht ♦ Thelton E. Henderson ♦ John V. Hendry ♦ Robert H. Henry ♦ John G. Heyburn II ♦ Gary E. Hicks ♦ Carol E. Higbee ♦ Patricia Higginbotham ♦ Robert K. Hilder ♦ James Hoening ♦ Thomas F. Hogan ♦ Thomas L. Hogan ♦ James R. Holbrook ♦ D. Brock Hornby ♦ Hunter R. Hughes III ♦ Keith Hunter ♦ Andrew D. Hurwitz ♦ Susan Illston ♦ J. Lawrence Irving ♦ R. Brooke Jackson ♦ Jack B. Jacobs ♦ John A. Jarvey ♦ Wallace B. Jefferson ♦ Calvin Johnson ♦ John B. Jones ♦ Nathaniel R. Jones ♦ C. Darnell Jones II ♦ John E. Jones III ♦ Adalberto Jordan ♦ Lewis A. Kaplan ♦ David A. Katz ♦ Erwin I. Katz ♦ Matthew I. Katz ♦ Laura D. Kay ♦ Judith S. Kaye ♦ Amalya L. Kears ♦ Irene M. Keeley ♦ Mary Beth Kelly ♦ Paul J. Kelly Jr. ♦ Joyce L. Kennard ♦ Anthony Kennedy ♦ Matthew F. Kennedy ♦ Janine M. Kern ♦ Carolyn Dineen King ♦ Garr King ♦ Samuel P. King ♦ Rufus G. King III ♦ Marilyn S. Kite ♦ Joan Dempsey Klein ♦ Karen K. Klein ♦ William C. Kohn ♦ Charles P. Kocoras ♦ Richard Kopf ♦ Alex Kozinski ♦ Phyllis A. Kravitch ♦ Owen Lee Kwong ♦ Stephen M. Lachs ♦ Ronald R. Lagueux ♦ Sim Lake ♦ Joan Eric Lancaster ♦ Robert S. Lasnik ♦ W. William Leapheart ♦ Steve Leben ♦ Cindy S. Lederman ♦ Tom S. Lee ♦ Ronald B. Leighton ♦ Benjamin Lerner ♦ Ginger Lerner ♦ Tony N. Leung ♦ Pierre N. Leval ♦ Richard A. Levie ♦ Alan F. Levin ♦ Bert Levy ♦ Timothy K. Lewis ♦ Stephen N. Limbaugh Jr. ♦ Kermit V. Lipez ♦ Ronald R. Loefer ♦ Keith M. Lundin ♦ John W. Lungstrum ♦ J. Michael Luttig ♦ Eugene F. Lynch ♦ Sandra L. Lynch ♦ Champ Lyons Jr. ♦ William D. Maddux ♦ William C. Madison ♦ Dennis Maes ♦ Jane Magnus-Stinson ♦ Howard E. Manning Jr. ♦ Jack G. Marcil ♦ Dana Leigh Marks ♦ Jonathan B. Marks ♦ Victoria S. Marks ♦ Margaret H. Marshall ♦ Frederick J. Martone ♦ William A. Masterson ♦ Richard P. Matsch ♦ A. Howard Matz ♦ A. William Maupin ♦ Rodney A. Max ♦ Patrick D. McAnany ♦ M. Warren McCauley ♦ E. John McConnell ♦ Judith McConnell ♦ Michael W. McConnell ♦ Charles W. McCoy ♦ Nancy R. McDonnell ♦ Patrick E. McGann ♦ Gary V. McGowan ♦ Ruth McGregor ♦ Howard D. McKibben ♦ Michael R. McLaughlin ♦ Mary Ann G. McMorrow ♦ Judith K. Meierhenry ♦ Louis M. Meisinger ♦ Rodney S. Melville ♦ Gilbert Merritt ♦ Joseph E. Meyer III ♦ M. Blane Michael ♦ Paul R. Meyer ♦ Abner J. Mikva ♦ George W. Miller ♦ Lindsey Miller-Lerman ♦ E. Leo Milonas ♦ Milton Mollen ♦ Donald W. Molloy ♦ Ann D. Montgomery ♦ James Moody Jr. ♦ James M. Moody Sr. ♦ E. Arthur Moore ♦ Karen Nelson Moore ♦ Michael Moorhead ♦ Gerald E. Moran ♦ Carlos R. Moreno ♦ Federico A. Moreno ♦ Brent J. Moss ♦ Diana Gribbon Motz ♦ J. Frederick Motz ♦ Thomas J. Moyer ♦ Mary Mullen ♦ William A. Mulvey Jr. ♦ Harold L. Murphy ♦ James M. Murphy ♦ Michael Nash ♦ Richard C. Neal ♦ Ronald E. Nehring ♦ Jon O. Newman ♦ Paul V. Niemeyer ♦ Donald C. Nugent ♦ Michael J. Obus ♦ Donald P. O'Connell ♦ Sandra Day O'Connor ♦ Arthur O'Day ♦ Diarmuid F. O'Scannlain ♦ William L. Osteen ♦ Carolyn Otsby ♦ Edward A. Panelli ♦ Peter J. Panuthos ♦ Barbara J. Pariente ♦ Carol N. Park-Conroy ♦ James A. Parker ♦ Marilyn Hall Patel ♦ John Pelandier ♦ Elizabeth L. Perris ♦ Catherine Perry ♦ John W. Perry Jr. ♦ Mariana R. Pfalzner ♦ Layn R. Phillips ♦ Anthony C. Piazza ♦ Nicholas H. Politan ♦ Louis H. Pollak ♦ William A. Poore ♦ Richard A. Posner ♦ William R. Pounders ♦ George C. Pratt ♦ Dean D. Pregerson ♦ Louis J. Presenza ♦ William Ray Price Jr. ♦ Pat Priest ♦ Philip M. Pro ♦ Randall R. Rader ♦ Jed S. Rakoff ♦ Richard H. Ralston ♦ Charles E. Ramos ♦ A. Raymond Randolph ♦ Lucy Reed ♦ James M. Regnier ♦ Stephen R. Reinhardt ♦ Charles B. Renfrew ♦ Jane A. Restani ♦ Th. J. Reuter ♦ Stephanie Rhodes ♦ John W. Richardson ♦ William Jay Riley ♦ J. Justin Ripley ♦ Jill S. Robbins ♦ John Roberts Jr. ♦ Sue L. Robinson ♦ Enrique Romero ♦ Amy M. Rosenblatt ♦ Lee H. Rosenthal ♦ David E. Roth ♦ David A. Rotman ♦ Mark S. Rudy ♦ Thomas B. Rutter ♦ Robert D. Sack ♦ Nancy M. Saitta ♦ Patti B. Saris ♦ Anthony Scalia ♦ Anthony A. Scarpino Jr. ♦ Shira A. Scheindlin ♦ Robert A. Schnider ♦ Karen E. Schreier ♦ Gerald F. Schroeder ♦ Anthony J. Scirica ♦ Stephen H. Scott ♦ Ward Sears ♦ John W. Sedwick ♦ Bruce M. Selya ♦ David B. Sentelle ♦ William K. Sessions III ♦ Stephanie K. Seymour ♦ John C. Shabaz ♦ Milton I. Shadur ♦ Randolph Shepard ♦ Karen G. Shields ♦ Laurence H. Silberman ♦ Jacqueline W. Silbermann ♦ Michael A. Silverstein ♦ Christopher M. Skelly ♦ Stanley P. Sklar ♦ Denise N. Sliemers ♦ Dennis J. Smith ♦ Fredricka G. Smith ♦ Jay Earl Smith ♦ N. Randy Smith ♦ James W. Smith Jr. ♦ Robert W. Sneed ♦ Susan Pierson Sonderby ♦ Sonia Sotomayor ♦ H. Souter ♦ Leslie H. Southwick ♦ Stewart E. Stadler ♦ Albert L. Stanback Jr. ♦ Larry V. Starcher ♦ Myron T. Steele ♦ Luis G. Stelzner ♦ John Paul Stevens ♦ Thomas H. Suttan ♦ Richard W. Story ♦ Steward H. Stadler ♦ Craig F. Stowers ♦ Leo E. Strine Jr. ♦ Emmet G. Sullivan ♦ Michael J. Sullivan ♦ Frank Sullivan ♦ Jeffrey Sutton ♦ Robert M. Takasugi ♦ David S. Tatel ♦ Gary L. Taylor ♦ Ben F. Tennille ♦ Dickran Tevzizian ♦ Clarence Thomas ♦ Sidney R. Thomas ♦ Myron H. Thompson ♦ Carlton Tilley Jr. ♦ Jean Hofer Toal ♦ Ernest C. Torres ♦ John M. Townsend ♦ Stephen S. Trott ♦ John K. Trotter ♦ Linda Copple Trout ♦ William P. Van Wyke ♦ S. Vance ♦ Gerald W. VandeWalle ♦ Lyle C. Velure ♦ Joseph E. Vlastos ♦ Gary L. Vonnhoff ♦ Scott Vowell ♦ John M. Walker Jr. ♦ David Walker ♦ T. John Ward ♦ Kim McLane Wardlaw ♦ John Warner ♦ Diane Wayne ♦ John R. Webb ♦ Eugene R. Wedoff ♦ John L. Weimer ♦ Alison C. Weinger ♦ Daniel H. Weinstein ♦ James Weinstein ♦ Irene Weiss ♦ William K. West Jr. ♦ Rebecca Westerfield ♦ Ronald M. Whyte ♦ J. Harvie Wilkinson III ♦ Ann Claire Williams ♦ Frank J. Williams ♦ Mary Coster Williams ♦ Michael A. Williams ♦ Stephen F. Williams ♦ Randall W. Wilson ♦ David K. Winder ♦ Henry T. Wigate ♦ B. Lynn Winnmill ♦ Warren D. Wolfson ♦

“You can only protect your liberties in this world by protecting the other man’s freedom. You can only be free if I am free.”
— Clarence Darrow

From the Editor

In my former professional life as a lawyer, I clerked for a federal judge. A favorite

of the local bar, he was bright, well-prepared, decisive in his rulings and respectful of those appearing in his court. ■ He also kept his eye on the big picture. I often implored him to ignore pleadings filed the evening before a morning hearing, well outside the deadlines set down in the local rules. Instead, he stayed late into the night reading the parties' arguments because, as he put it, forcing overworked lawyers to "push a peanut around the courthouse" to satisfy procedural requirements should not come at the expense of justice. ■ Sure, most of us have come across stories of self-indulgent, corrupt or just plain stupid judges. But, like my judge, most men and women wearing the black robe do the job for all the right reasons: They are committed to giving each litigant a fair shake and using their formidable skills to reach the right resolution, even if it's unpopular. It's probably the closest thing to playing God — a major attraction — but the Almighty himself would surely balk at the dismal pay. ■ As final arbiter, the judge is the most crucial player in the judicial process, far more important than the \$500-an-

As final arbiter, the judge is the most crucial player in the judicial process, far more important than the \$500-an-hour lawyers who do battle in the courtroom.

hour lawyers who do battle in the courtroom. Strangely, although there are a staggering number of publications ranking lawyers and touting their virtues, we are unaware of any such list for judges. ■ Until now. ■ Starting on page 46, we present a guide to the country's leading public and private judges. Love 'em or hate 'em, lawyers nationwide

singled out the Lawdragon 500 Leading Judges in America as the very best of the bench. ■ Also in this issue, reporter Jeffrey Anderson examines a spate of right-wing hires at Harvard Law School, the command center of American liberalism (*Season of Change*, page 36); John Ryan follows a Gulfport, Miss., lawyer as he surveys the damage inflicted by Hurricane Katrina to his hometown and solo practice (*Washed Away*, page 28); and Janet Shprintz reveals the legal talent behind today's tidal wave of independent films (*For the Love of Indie*, page 18). ■ As for my judge, he missed the Lawdragon 500 by a hair. Still, more than a decade after my clerkship, lawyers report that he is just as dedicated as ever — and still has his eye on the big picture.

Tanya Vince Rothman
Editor
tanya@lawdragon.com

For the Record

In the October 2005 issue, we made the following errors in our guide to the "Lawdragon 500 Leading Lawyers in America." On page 74, we incorrectly stated attorney Paul DeMuro's role in the acquisition of Province Healthcare Co. by LifePoint Hospitals Inc. DeMuro represented Province's management in the transaction. We also misspelled the name Province. On page 102, in a photo caption, we incorrectly identified Housing New York Corp. On page 112, we misspelled the name of law firm Hawkins Delafield & Wood. Lawdragon Magazine regrets the errors.

Lawdragon Magazine welcomes your comments and corrections. Letters to the editor and correction requests should be sent electronically with the writer's name, address and daytime phone number to Editor Tanya Vince Rothman at tanya@lawdragon.com. Lawdragon also accepts correspondence by fax at (213) 223-2439. Letters may be edited for space and clarity.

Your independent alternative for transfer pricing solutions

FTI offers a reliable and effective independent alternative for dealing with transfer pricing issues. Our transfer pricing services team includes senior professionals with “Big 4” backgrounds, “in-house” experience with Fortune 500 companies and decades of government and private sector experience.

**Expert Testimony • Audit Defense • Advance Pricing Agreements
Transfer Pricing Risk Management • Strategic Transfer Pricing Planning
Transfer Pricing Compliance**

New York

Clarke Norton

212.499.3627

clarke.norton@fticonsulting.com

Los Angeles

Gwen Cummings

213.452.6083

gwen.cummings@fticonsulting.com

Chicago

Rick Cooper

312.252.9328

richard.cooper@fticonsulting.com

NYSE: FCN



CORPORATE FINANCE • ECONOMIC CONSULTING • FORENSIC AND LITIGATION CONSULTING

PUBLISHER / CHIEF EXECUTIVE OFFICER	Katrina Dewey <i>katrina@lawdragon.com</i>
EDITOR-IN-CHIEF / CHIEF OPERATING OFFICER	Robin Davidson <i>robin@lawdragon.com</i>
CHIEF FINANCIAL OFFICER	Mark Bucklin <i>mark@lawdragon.com</i>
EDITOR	Tanya Vince Rothman <i>tanya@lawdragon.com</i>
SENIOR EDITOR	Janet Shprintz <i>janet@lawdragon.com</i>
PHOTOGRAPHY EDITOR	Hugh Williams <i>hugh@lawdragon.com</i>
ADVERTISING DIRECTOR	Chris Orandello <i>chris@lawdragon.com</i>
EXECUTIVE ASSISTANT	Tina Spee <i>tina@lawdragon.com</i>
CREATIVE EDITOR	Sandra Corrales
RESEARCH/REPORTERS	Adrianna Khoo Stefanie Knapp Draeger Martinez John Ryan
EDITORIAL ASSISTANT	Michelle Fox
SALES REPRESENTATIVE	Allison Crook
CONTRIBUTING WRITERS	Jeffrey Anderson, David Lash
CONTRIBUTING PHOTOGRAPHER	Christobal Perez

LAWDRAGON

ADVERTISING: Contact chris@lawdragon.com

SUBSCRIPTIONS: Order via e-mail at subscribe@lawdragon.com

Lawdragon Magazine is published four times a year by Lawdragon Inc.

© Lawdragon Inc. 2006 All rights reserved.

Reproduction in whole or part without written permission is strictly prohibited.
For article reprints, electronic reprints and frames, contact Jeremy Ellis at Scoop ReprintSource
at jeremy@ScoopReprintSource.com or (800) 767-3263 ext. 307.

Volume 1, Issue 2

Lawdragon Inc.
600 Wilshire Boulevard, Suite 800
Los Angeles, California 90017
(known office of the publication)

Postmaster: Please send address changes to:
Lawdragon Magazine
600 Wilshire Boulevard, Suite 800
Los Angeles, California 90017
(known office of the publication)

Skeptical about advertising?

We think you deserve quality PR. That's why we take a **hands-on approach** to your advertising and marketing campaign.

Did you know that with the purchase of your four-issue print advertising campaign in Lawdragon Magazine, you will **receive a free banner ad** or attorney profile at lawdragon.com? We can provide art and copy writing assistance or even design an agency-level ad for you.

With **40,000 readers nationwide**, Lawdragon Magazine reaches the country's leading corporate counsel, judges and private lawyers. And lawdragon.com is quickly becoming the leading online community for lawyers, featuring news and attorney rankings. The combination of products offered by Lawdragon gives you the **premier platform** for your marketing and advertising needs – both in print and online.

Let us help make your campaign cost-effective and attractive; after all, **you're worth it.**

To purchase advertising with Lawdragon, contact Chris Orandello by e-mail at chris@lawdragon.com or by phone at 213-223-2425.

APPEALING CLERKSHIPS

You're Order of the Coif at a top law school, and it's time to look for a judicial clerkship. Where are the most sought-after clerkships? Our Top 10 list, based on interviews with former clerks, features the clerkships most likely to lead to a coveted Supreme Court clerkship (based on figures since 1994), plus judges that draw clerks because of their eminence in a particular area. Finally, we add an impossible-to-categorize but impossible-to-ignore bonus judge.

— Adrianna Khoo

LAURENCE H. SILBERMAN U.S. Court of Appeals for the D.C. Circuit (Washington, D.C.)

Co-workers may "feel sorry for you when they overhear you being chewed out," but "the loud voices are only a spirited debate" with one of the country's most well-connected conservatives. The Nixon deputy attorney general and co-chair of the Iraq Intelligence Commission has delivered many clerks to Supreme Court Justice Clarence Thomas. Acting Solicitor General Paul Clement and Associate Deputy Attorney General Patrick Philbin are among the 21 former Silberman clerks propelled to the High Court since 1994.

LEWIS A. KAPLAN U.S. District Court (New York)

A clerkship with Kaplan allows the incipient litigator to live it up in the big city while learning from the best. The "many happy clerks" graduating from Kaplan's chambers say the "very humane judge" is "not known for working his clerks to death," which leaves plenty of time for sight-seeing.

MYRON H. THOMPSON U.S. District Court (Montgomery, Ala.)

Prospective clerks who envision making waves in civil rights might head south to apprentice with the great "leader in civil rights issues." In 2002, Thompson made headlines when he ruled that a monument of the Ten Commandments at an Alabama courthouse constituted a religious display and violated the First Amendment. "Known as a nice guy" who "offers a good experience," Thompson "draws an applicant pool on a national scale."

STEFAN R. UNDERHILL

U.S. District Court (Bridgeport, Conn.)

The "ridiculously smart" former Rhodes Scholar is praised as the "most down-to-earth," "amazingly warm" judge. Never one to "summon" his clerks, Underhill entertains them with barbecues, softball games and even celebrates their half-birthdays. "His kindness carries over to his courtroom demeanor." At the end of every criminal trial or sentencing proceeding, Underhill steps down from the bench and shakes the parties' hands.

LEO E. STRINE JR.

Delaware Chancery Court (Wilmington, Del.)

Those with their hearts set on business law head for Delaware, where the case law that governs corporate America is hammered out. Law students who land a "highly coveted" clerkship with Strine get to witness the country's premier litigators duke it out in high-stakes cases involving Fortune 500 companies.



J. HARVIE WILKINSON III

4th U.S. Circuit Court of Appeals (Richmond, Va.)

Wilkinson's clerks start out the day with a three-mile run rain or shine around the judge's alma mater — the University of Virginia. Even if the workout isn't appealing, the Wilkinson experience does wonders for the career. The "unpretentious," "real mentor" has sent 22 clerks to the Supreme Court since 1994.

ALEX KOZINSKI

9th U.S. Circuit Court of Appeals (Pasadena, Calif.)

"If you're willing to put yourself through a year of hazing to get to the Supreme Court," then this is the clerkship for you. Known for needing very little sleep, "if Kozinski is up and thinking, he expects you to be too." But it's all worth the pain; Kozinski has fed 23 clerks to the Supreme Court since 1994.



J. MICHAEL LUTTIG

4th U.S. Circuit Court of Appeals (Richmond, Va.)

Referred to as the "Luttigator" by graduating law students, he holds the title for feeding the most clerks to the Supreme Court: 35 since 1994. That might be because "he has Antonin Scalia on speed dial," or because anyone finishing a Luttig clerkship is "well trained enough to hit the ground running" at the Supreme Court. Or the White House. Former "Luttigators" include Alberto Gonzalez's chief of staff Theodore Ulyot and associate counsel Courtney Ellwood.

GUIDO CALABRESI

2nd U.S. Circuit Court of Appeals (New York)

Just "Guido" to his clerks, the judge runs his chambers like the "perfect family" in which "everybody gets along." The well-connected former dean of Yale Law School has sent 20 of his "children" to the High Court.

MORRIS S. ARNOLD

8th U.S. Circuit Court of Appeals (Little Rock, Ark.)

"Buzz Arnold" is most famous for proclaiming himself "dad" at chambers and "doting on his grand clerks" (children of clerks). The "Southern conservative hippy libertarian" once told his clerks that with no children of his own, "he was forced to meddle in their lives." The personal touch has paid off with many of Arnold's former clerks viewing him as a "good friend."

RICHARD A. POSNER

7th U.S. Circuit Court of Appeals (Chicago)

He's the "most prominent and most cited appeals court judge in the country," but Posner slims down the competition for a place in his chambers by recruiting exclusively from The University of Chicago Law School, where he is a longtime member of the faculty. Not one, but two Posner clerks were catapulted to the Supreme Court in 2004, joining 12 other Posner alumni who have made it to the nation's top court since 1994.

**BONUS
JUDGE**



Isosceles
Consulting LLC

Jury Consultants

Small Post-it.[®] Big Decision.



Helping You Make The Right Decisions.

Mock Trials :: Jury Selection :: Witness Preparation :: Jury Profiling Surveys
Jury Communication :: Voir Dire Design :: ADR/Mediation Services
Post-trial Juror Interviews :: Trial Technology

www.IsosCon.com
info@isoscon.com

866.435.JURY

Contact: Harry Plotkin
Pasadena, California

Cocktails With...

Make that a glass of water for Victor Kovner on Judaism's holiest of days. But the First Amendment guru — make that macher — didn't allow the Yom Kippur fast to stop him from conversing about Hillary, bloggers and his early days as lawyer to The Village Voice.

BY JOHN RYAN

Victor Kovner can't have a cocktail. In fact, he can't even eat. It's Yom Kippur, the Day of Atonement, and the celebrated First Amendment lawyer is refraining from eating and drinking as required by Jewish custom. But it's almost evening on this rainy fall day in New York City, nearly the end of 25 hours of deprivation for the holiest of Jewish holidays. Kovner will soon break the fast with his wife, Sarah, and friends at a nearby residence.

Instead of buying him cocktails, as we do for the legal luminaries who are the subjects of this column, Lawdragon is doing Kovner a simple but important favor: Talking to him about his life and career in an effort to help him forget about the hunger pains.

"Your stomach keeps reminding you you're fasting," Kovner says over a glass of water in his Central Park West apartment.

His home is a massive duplex with hardwood floors — North Carolina pine, Kovner explains — that he and Sarah have lived in since 1974. They bought it when the city was going bankrupt. Places like this are hard to come by these days, Kovner acknowledges with a smile. He says he'll never leave, unless it's "in a box."

Paintings from Indian artist Francis Souza and a body mask from New Guinea, as well as a number of souvenirs from Kovner's long side career as a Democratic and liberal activist, decorate the apartment. Peace signs from Eugene McCarthy's presidential campaign to the current anti-war effort are on display, as are pictures of the Kovners with the Clintons. The apartment has been the site of numerous fundraisers, and the Kovners are raising money for Sen. Hillary Clinton's 2006 re-election campaign.

Among the souvenirs is a football helmet signed by the 1991 Super Bowl Champion New York Giants, which is encased in a plastic box. Kovner is a big fan and gets to just about every home game.

Kovner has had a media practice since 1966, when he joined the law firm of former New York mayor Ed Koch, which became Koch Lankenau Schwartz & Kovner. Kovner's first media client was the controversial Village Voice, the New York alternative newspaper co-founded by Norman Mailer. From this initial client, Kovner built a formidable media practice with a stable of clients including Village Voice Media, Rolling Stone, Harper's Magazine, U.S. News and World Report, Random House and St. Martin's Press. He took his 12-attorney media and communications group to Davis Wright Tremaine in 1998.

Kovner says he has never lost a libel case. He prevailed in *Rinaldi v. Holt, Rinehart & Winston, Inc.*, a landmark 1977 case in which New York's highest court tossed out a libel suit brought by a Brooklyn judge against The Village Voice and other publishers.

Kovner also handles general litigation, often taking cases with a political flavor. He is counsel to brokerage firm Cantor Fitzgerald, one of many businesses, survivors and victims' relatives with claims ranging from personal injury to business interruption against the Port Authority of New York and New Jersey stemming from the 1993 bombing of the World Trade Center.

The trial has begun in the test case to determine whether the Port Authority is liable, and the Jewish holiday provides a welcome day off for Kovner, a member of the plaintiffs' trial team.



Victor Kovner, in his New York City duplex, is one of the nation's most renowned media lawyers.

Photo: Hugh Williams

"In New York, you don't try cases on Yom Kippur," Kovner says.

Three weeks after Yom Kippur, the consolidated group of plaintiffs prevailed with a jury verdict holding the Port Authority liable. Separate trials or settlements will now be needed to resolve the issue of damages in hundreds of individual cases.

Lawdragon: So how did you get into media law?

Victor Kovner: When I joined Ed Koch's firm, they were already representing The Village Voice, and I became The Voice lawyer. ... That paper was a starting point for many journalists who went on to other publications, and sometimes those people also went on to help us expand our media practice. We went on over the years to have probably the most substantial media practice in New York.

LD: What did you like about the work?

VK: The role of the press in exposing wrongdoing and helping provide focus on social justice issues was particularly prominent in the 1960s, the decade of the civil rights movement and the anti-war movement, and later in the 1970s with the women's movement. All were movements of social change where the press played an active role and other institutions of society were, in various instances, hostile to that and would threaten free expression. So it was a time where it gave one particular satisfaction — and it still does — to be on the front lines.

LD: What case early in your career do you think made you prominent in the field?

VK: The *Rinaldi* case is one. ... Judge [Dominic] Rinaldi was a judge in Brooklyn who was the subject of much criticism. The now late Jack Newfield [a well known investigative reporter] had written a harsh article about him in The Village Voice and New York Magazine and later in a book published by Holt, Rinehart & Winston, and he and his various publishers were sued in libel litigation. He had called the judge "incompetent" and "probably corrupt." *Laughs.* That was some pretty harsh language. We lost the motion for summary judgment below at the appellate division, but then won in the Court of Appeals, the highest court of our state. It was a very important decision for free expression and has been cited all over the country. The case went to the U.S. Supreme Court, but they didn't take it and let the appeals court decision stand.

LD: What's another one of your favorite cases?

VK: Well, it's not a media law case, it's an election law case, but this is a case I loved. There was an election for Congress in a predominantly African-American district in Brooklyn between two state senators: Major Owens and Vander Beatty. This has got to be 20 years ago or more. Beatty was the candidate of the Brooklyn organization and was a man of questionable ethics and propriety.

The election was in 1982. Beatty was a powerful figure in Brooklyn politics and later was convicted of election fraud and tax evasion. He was shot to death in 1990.

They waged a heated primary, and Owens won narrowly by a cou-

'The role of the press in exposing wrongdoing and helping provide focus on social justice issues was particularly prominent in the 1960s, the decade of the civil rights movement and the anti-war movement, and later in the 1970s with the women's movement.'

Victor Kovner
First Amendment Lawyer

ple hundred votes. The Beatty people came in and challenged it, and what you're allowed to do is check the election records to see if the people who voted, voted properly. What they did is alter the election records to make it look like people voted improperly.

[The judge] came down with a decision ordering a new election on very short notice, at a time when Owens would not have been able to mount a proper campaign because it was so close to the general election. They called me in to assist them, and we wrote a brief for the Court of Appeals before we even argued in the appellate division. I went out and argued the appellate division on a day's notice and lost four to zero, then went to the Court of Appeals two days later and got the decision reversed. It was so satisfying. Owens was elected, and he's been re-elected many, many times.

In chatting about New York politics, Kovner mentions that he served as New York's corporation counsel — the city's chief legal officer — from 1990 to 1991. He managed a staff of 525 lawyers in that position.

LD: Why take a job like that if you enjoy private practice?

VK: It was certainly nothing that I aspired to. But I had helped David Dinkins, an old friend, as he worked his way up the system and ran for mayor in 1989 and became the first African-American mayor of the city. He asked me to do it. It was not something that I expected. But it was an honor, and I learned a lot. It was very satisfying. ... I still do litigation in which knowledge of the city's legal structure and the role of government are relevant. It has enhanced my ability as a litigator.

LD: You still remain active in politics?

VK: I do remain active. I'm raising money for Democratic House and Senate candidates. ... We remain close to the Clintons and are helping our junior senator, Hillary Rodham Clinton, for her re-election to the Senate, and Eliot Spitzer, who will be our next governor. He's been a courageous attorney general, even though I often disagree with him.

LD: You had your own small firm for decades. Why did you decide to merge with Davis Wright [a firm with nine offices and more than 400 attorneys] in 1998?

VK: For a small firm it is very hard to be able to afford state-of-the-art technology. With consolidation, more and more of our clients were in various locations with state-of-the-art technology, which media companies expect their law firms to have. We had many clients in common with Davis Wright and some of them encouraged us in connection to this merger. It was an opportunity to do more of the most challenging work with clients outside of New York who had not heard of our firm but had heard of Davis Wright.

LD: Anything you miss about running your own firm?

VK: I have to say, no. The most difficult burden [now] is conflict checks, and every now and then we're conflicted out of something because we are a large firm. It's been overwhelmingly opportunities and very few burdens.

LD: The Judith Miller matter is all over the news. Is that the biggest issue in media law today?

VK: Well, it's the highest-profile case. But the sky is not falling in that what the courts did in that case really made no new law. *Branzburg* made it clear that there is no privilege in the context of a grand jury subpoena, and that is the only subpoena in the *Miller* case. The privileges that have grown up since *Branzburg* are still good law.

Miller, a New York Times reporter, was jailed for contempt after refusing to testify in the federal probe into the outing of CIA operative Valerie Plame's name to the media. Branzburg v. Hayes was a 1972 Supreme Court case holding that says requiring reporters to testify before grand juries does not violate the First Amendment.

LD: What do you see as another important media issue right now?

VK: A lot of the new areas of First Amendment jurisprudence are arising in the context of new technology ... One area related to this is bloggers. Are bloggers journalists and should they be entitled to privilege? It's very controversial, and I have a not very PC view — that they should not be considered journalists. A journalist can be a blogger, it's not a disqualification. But a mere blogger isn't automatically a journalist. If you take that position, you're going to wind up eviscerating the privilege because then it's available to everybody and it doesn't have any meaning. And it won't survive. ■

Subscribe today!

*Bringing you the
Leading Lawyers in America*

Plus: great content, resources and much more!

**Subscribe
before
March 15**

and your firm will
receive a
complimentary
attorney listing
on our website

www.lawdragon.com

For complete details please call
(213) 223-2420

To order a subscription and/or copies of Lawdragon magazine, please complete the following and fax to (213) 223-2439:

Name and title (please print)

Firm Name

Address

Apt./Suite/Floor

City/State/Zip

Phone

E-mail

Fax

Subscription

Price: \$50

☐ 1 year (4 issues)

Order copies of Lawdragon magazine

Pricing: \$15 per copy; \$10 per copy for 10 or more copies

Number of copies

Vol./Issue#

Payment Options:

☐ Payment enclosed. Please mail order form and check payable to Lawdragon Inc. to:
Client Services, 600 Wilshire Blvd., Suite 800, Los Angeles, CA 90017*

☐ Credit card**

Credit card number

Expiration date

*Allow 4-6 weeks for delivery.

**We will call you for payment information if you don't want to include that on the form.

Lawdragon Magazine

p: (213) 223-2420 f: (213) 223-2439

www.lawdragon.com



Actress Gigi Groves, with her attorney, Browne Greene, has never gotten her acting career back on track.

AFTER THE VERDICT

By Stefanie Knapp

Winning plaintiffs in high-profile cases may seem to have hit the litigation jackpot, but the public rarely finds out what happens next. Despite the cliché of runaway juries, the ultimate judgment or settlement does not always guarantee the successful plaintiff a life of luxury. The scars, both physical and emotional, never completely heal.

Linda Murphy saw an enormous jury verdict in her sexual harassment and assault lawsuit culminate in a much more modest settlement. But the experience led her to an unexpected new life as an attorney. Gigi Groves, an aspiring actress, suffered a devastating injury on a film set. Her settlement gave her financial security, but her career has stagnated.

Both shared with Lawdragon their versions of the events leading up to the litigation and their ensuing struggles.

LINDA MURPHY

In 1993, Linda Murphy was one of the highest-ranking managers at United Parcel Service in Iowa. Having worked her way up from a part-time loader, she was one of only four female supervisors in the state.

That year, the company assigned Murphy to a new department in Des Moines where she says a man pressed his body against her and poked his finger into her breast several times. Murphy's boss saw the attack but did nothing, she says.

According to Murphy, the man was fired for an incident not related to her attack. As for her boss, she says he was given six weeks off without pay, but when he returned he started stalking Murphy.

The following April, Murphy told her therapist that her supervisor was threatening to demote her on the pretext that she was not completing her assignments. Groves was referred to Roxanne Conlin, a personal injury attorney in Des Moines.

Murphy says that when her supervisors found out she had hired an attorney, they called her "a piece of shit" and demoted her.

"Had they moved me without yelling at me, I probably wouldn't have filed the suit," Murphy says.

Even though the suit was pending, Murphy stayed at UPS until 1996. Diagnosed with post-traumatic stress disorder, she was put on medical disability.

"It was difficult," Murphy says of working at UPS while pursuing her claim. "I felt like they were out to get me all the time, and they were."

UPS offered Murphy a settlement before trial. On the verge of bankruptcy, she was tempted to take it. But, she says, now aware of pervasive sexual misconduct by her employer, she wanted to see the case to its end. At trial, a succession of former female UPS employees testified that they were asked for sexual favors, sent negligees and passed over for promotions.

The trial lasted five weeks, and after four days of deliberations, the jury awarded Murphy \$80.3 million. UPS appealed, and in 2001 the Iowa Supreme Court reversed. The parties settled for \$2.1 million. Three years after the verdict, Murphy took home a little more than \$1 million.

"There's no amount of money that makes it OK," Murphy says. "It's about justification — telling your story and feeling that you've at least tried to right a wrong."

With the trial behind her, Murphy decided to go back to school. She quickly earned a bachelor's degree in computer programming and, at Conlin's urging, enrolled at University of Iowa College of Law.

Murphy graduated in 2002 and started her own firm in Des Moines. As for the settlement money, she used most of it for her education and to start her law practice. Today, her firm, Murphy & Parks, has two attorneys and three paralegals. Murphy, now 55, handles a little bit of everything — family law, employment and personal injury. She's even worked on a few cases with Conlin.

GIGI GROVES

An aspiring actress, Gigi Groves did commercials for companies like Ford and Exxon. In 1992, on her 26th birthday, she made a wish that she would get her big break in the film industry. The next day she was called to audition for a movie.

The audition was going well. Groves told the directors that she could breathe and blow fire, and they asked her to perform the stunt. She began to set up her equipment, but the directors asked her to perform outside. Groves preformed the stunt twice without incident. The third time, a gust of wind changed directions, and the fire ball came back and hit Groves in the face.

"[There were] no fire extinguishers, no fire blanket, not a goddamn thing to protect this girl," says Browne Greene, her well-known Los Angeles attorney.

Groves suffered second- and third-degree burns to her face, neck and hands and underwent surgery to repair the damage. Shortly after her release from the hospital, Groves was referred to Greene, a partner with Greene Broillet & Wheeler.

In December 1993, the jury found that the production company was 70 percent responsible for Groves' injuries. The parties settled for a confidential amount the following February.

The settlement allowed Groves to purchase a house in Huntington Beach, a Southern California beach community, but she is extremely conservative with her other investments. She spends her time swimming, playing tennis and volunteering for various charitable organizations. She also visits the renowned Grossman Burn Center in Sherman Oaks, Calif., where she was treated after her accident.

But Groves still wants a career. With her scars healed, she has gotten auditions but very few parts. While she struggles to get back into the industry, she doesn't regret her decision to go through with the trial.

"Sometimes you just have to stand up for yourself," Groves says. "It's nothing I'd want to be involved in more than once, but the system does work." ■



FOR THE LOVE OF INDIE

It's not for the staid or the risk averse, but the volatile world of the independents attracts attorneys like Stephen Monas who have a passion for film and an entrepreneurial streak.

By Janet Shprintz



Stephen Monas's clients include Media 8 Entertainment ("Monster"), Hyde Park Entertainment ("Dreamer") and Endgame Entertainment ("Hotel Rwanda").

Photo: Hugh Williams

"Capote," "Napoleon Dynamite," "Garden State," "Mad Hot Ballroom."

Behind a tidal wave of independent films toils a breed of legal talent as different from the traditional as "Sideways" is from "Spider-Man." Youngish, frequently big-firm refugees with a love of film, the lawyers to the independents are found in small, highly entrepreneurial firms where they do cutting-edge work for clients who live and die by their services.

Some attorneys put the deals together, some find the financing, and a few act as sales agents. Whatever niche they occupy in the volatile indie film world, this is not a job for the staid, the risk-averse or those not good with numbers. But, with the loudly proclaimed death of the studio film, the thriving indie film scene also offers a very real upside.

The large entertainment firms, the elite boutiques and the full-service behemoths certainly play a role in the indie revolution, particularly representing acting talent and major financial institutions. But it

is the small-firm guerilla lawyers who are on the front lines, pulling together the pieces that get the offbeat, quirky and occasionally fantastically successful non-studio movie made. While several of these small firms are flourishing, love of the work is as much a motivator as financial success, which is iffy. The exception is film sales, but that is a tiny niche with a few dominant players.

"Independent film" traditionally has meant both a state of mind and a source of financing other than the six major Hollywood studios: Disney, Warner Bros., Universal, Fox, Sony and Paramount. Films have always been made outside of the studio system, although even those films usually are marketed and distributed by the studios. Those who have been in the business for 20 years can easily recall the legendary — and defunct — independent film companies of the 1980s like Carolco, producer of the "Rambo" series and the "Terminator" films.

The true independents of the 1980s were followed by the mini-majors like Miramax, Sony Classics and Fox Searchlight, which make independent-style films but are owned by the studios. Miramax ("The Aviator," "Gangs of New York," "Shakespeare in Love"), for example, started out as a true independent and was famously acquired by Disney, which last year severed its ties with Miramax founders Harvey and Bob Weinstein.

Today, there are only a handful of independents, like Lions Gate ("Saw" and "Saw II"), with the ability to fully fund a slate of films. Scores of producers and their production companies, however, can put together financing from multiple sources on a picture-by-picture basis. By the time the financing is in place, the talent is signed up and distribution deals are made, lots of heavy lawyering has gone into an indie film.

Stephen Monas, who founded Business Affairs Inc. in 1999, followed the not atypical route from big firm to in-house to a firm of his own.

"I had been in big law firms in New York for years and hated it," Monas says. "Getting hired at Vestron [the Connecticut video distribution company that produced "Dirty Dancing" in the mid-1980s] was the happiest day of my life."

But after more than a decade in-house with various independents that flamed out, it was time to do something new.

"When I went out on my own, the theory was that these independents were always looking for occasional help on financing, production and everything else that comes up," Monas says. "The idea of Business Affairs Inc. was to be able to let indies outsource their business affairs department or to get help with the overflow."

In-house legal work is divided between business affairs, which handles negotiations, and legal affairs, which handles documentation.

Monas, 51, and three fellow lawyers operate Business Affairs Inc. out of a beautifully restored bungalow in West Los Angeles. Although it is only a stone's throw from the glass towers of Century City, which house numerous corporate law firms, the mindset is completely different.

'Your major client goes out of business every six months, so you have to be looking for new clients while you're working yourself to death for your existing clients.'

Steve Monas
Business Affairs Inc.

"We think of ourselves as closers. We're not into over-lawyering," Monas says. "The big firms have a different orientation. They seem to just paper deals."

The firm's first client was Media 8 Entertainment, a producer and distributor of films including "Upside of Anger," the 2005 romance starring Kevin Costner and Joan Allen, and 2003's "Monster," starring Charlize Theron as a serial killer. Today, its biggest client is production company Hyde Park Entertainment, which produced and financed this year's "Dreamer," starring Kurt Russell and Dakota Fanning. Other major clients are producer River Road Films, ("Fur") and Endgame Entertainment, which made "Hotel Rwanda" in 2004 starring Don Cheadle.

Further out on the entrepreneurial limb, a handful of indie lawyers combine the role of attorney and agent, acting as sellers of their clients' films. For their legal work, they bill in the traditional methods: hourly, hourly against a retainer, a flat fee and, on rare occasions, a percentage basis. As sales agents, they are paid a commission on the sale of the film. In some cases, lawyers get a producer credit on a film, which signifies they contributed more than acting as legal counsel; usually they were instrumental in finding financing or in getting the film sold. Always sought after for its prestige, a producer credit is one of the great mysteries of the film world. For the lawyer-producer, financially it can mean a fee or a percentage of profits.

Andrew Hurwitz of New York's Epstein, Levinsohn, Bodine, Hurwitz & Weinstein considers legal work for auteur directors his primary role, but he also has attracted attention because of his role as sales agent on several high-profile films. His clients include well-known documentary maker Michael Moore ("Fahrenheit 9/11"); Bennett Miller ("Capote"); and Terrence Malick ("The New World").

"The idea for me has always been to find a filmmaker whose work I appreciate and then work with them over a course of years and hope you put your money on the right horse," Hurwitz says.

"It's not the Vegas model," he insists. "We don't just throw it up against a wall and see what sticks. If we're pretty sure it can get theatrical distribution, we take it on. But we're honest, too. If we don't think we can get it distributed, we tell clients it's straight to video."

On the sales side, Hurwitz has acted as sales agent on numerous

films including box-office successes "Open Water," "Riding Giants" and "Garden State."

Hurwitz, 44, started out in the media and technology group at Roger & Wells (now Clifford Chance), where he did a stint in Prague at the Central Europe Institute, a nonprofit company supporting Czechoslovakia's first-time entrepreneurs. On his return to New York, he joined indie pioneer Sue Bodine. A 1994 merger created their 18-lawyer entertainment boutique.

The rock star of the indie legal world, New York attorney John Sloss has emerged as a major seller of films. Sloss, a former partner at Morrison & Foerster, established his own law firm, Sloss Law Office, in 1993 as well as Cinetic Media, a companion operation that provides a host of financing and production services. Sloss has acted as executive producer on nearly 40 pictures, including "The Fog of War," "Pieces of April" and "Far From Heaven." As the sales agent on such Sundance Festival favorites as 2004's "Napoleon Dynamite," he occupies a high-profile and lucrative niche.

Huge indie hits like "My Big Fat Greek Wedding," which made over \$200 million at the box office, are few and far between, but when they happen they are among the most profitable movies in the business. Midlevel indie success stories like "Monster," which did \$45 million at the box office and earned Theron an Oscar, are also very profitable because their cost is so low. Unknown actors, stars who cut their fee to appear in a prestige project and the lack of special effects, big sets or exotic locations are what keep indie budgets down. Furthermore, it doesn't seem risky for studios to buy films at Sundance for \$5 million at a time when they can lose tens of millions on high-budget flops. Last summer, "The Island," directed by Michael Bay and produced by Warner Bros. and DreamWorks, should have been a no-brainer hit. Instead it was a hugely expensive bomb, while low-budget indie "March of the Penguins" soared.

But before the glamour of screenings and sales at Sundance, someone has to put up the money to get the movies made.

At one end of the spectrum, there is the classic "credit card film," like "The Blair Witch Project." The indie success of all time, the 1999 movie was financed by two film students on their credit cards and went on to make \$140 million at the box office. Wilder Knight II, of counsel to New York's Pryor, Cashman, Sherman & Flynn, describes these films and filmmakers as "all passion and no money." Knight,

'I started out as a trial lawyer, doing all sorts of cases from intellectual property to products liability. And I would be a lot richer if I had kept doing it.'

Jonathan Gray
Spinak & Gray

50, recalls one instance of a filmmaker who bought the camera with a credit card, shot the film and returned the camera.

"I'm not advocating it," Knight says, "but it tells you something."

Moving up the budget ladder, "Garden State" got made when Gary Gilbert, a former on-line mortgage broker, put up \$2.5 million to finance it. The film went on to be a box-office and video success. "Fur," the upcoming fictionalized biography of photographer Diane Arbus starring Nicole Kidman, is financed by River Road Entertainment, a production company founded by Bill Pohlad, a former banker whose family owns the Minnesota Timberwolves.

Films like "Fur" reflect the biggest phenom in film financing today — private equity, or rich guys who want to be in the movie business. Other high-net-worth players include Chicago Bulls co-owner Jim Stern's Endgame Entertainment ("Proof"), eBay founder Jeff Skoll's Participant Productions ("North Country") and Dallas Mavericks owner Mark Cuban, who sold Broadcast.com to Yahoo ("Good Night, and Good Luck").

Wayne Alexander of Los Angeles' Alexander Nau Lawrence Frumes & Labowitz, a small firm with a client base of writers and directors, says, "It used to be that movies in the \$20 million range would just get made by companies like Miramax, but now there's honest-to-God equity in these movies or they don't get done."

Alexander, 54, points to "Kinsey," the 2004 film about sex researcher Alfred Kinsey starring Liam Neeson and Laura Linney and directed by client Bill Condon.

"That movie should have been made for \$20 million, but that doesn't happen anymore," Alexander says. "Michael Kuhn [London-based producer who heads Qwerty films] finally wrote a check for \$10 million, and we got it done for that price."

In addition to equity infusions, indie films also are financed through a variety of methods that have gone in and out of fashion. Throughout the 1990s, but less so today, films were financed territory by territory through foreign pre-sales, where the right to distribute the film internationally was sold off before the film was made. Lions Gate and Miramax still finance films with foreign pre-sales, but it is harder for the films with unknown actors to get made this way.

Indie films continue to take advantage of foreign tax subsidies, designed to encourage the local film industry. They have been offered by numerous countries including the United Kingdom, Ireland and, of course, Canada. Recently, the biggest and best subsidies were German film funds, tax shelters for wealthy investors. They, however, expired at the beginning of the year their demise has been hastened by a scandal last summer at VIP, the largest fund. Prosecutors allege that the funds were used for collateral as bank loans rather than being invested in the films, thereby negating the risk and the tax break. In place of tax subsidies, many countries and about half the states in the United States now offer production subsidies to encourage filming and the hoped-for boost in their economy. At a savings of about 15 percent of the budget, production subsidies, like tax subsidies, are a crucial part of the financing package for a film.

Not surprisingly, independent film work is concentrated in the media epicenters of Los Angeles and New York, with a handful of firms doing much of the lawyering. In New York, the small firms include Schreck, Rose & Dapello, as well as midsize entertainment firms Frankfurt Kernit Klein & Selz and Pryor Cashman.

"In New York, you deal with the same five or six firms all the time. The big firms don't do it because their rates are too high," says Victoria Cook, an associate at New York's Frankfurt Kernit.

Jonathan Gray's small firm, Spinak & Gray, operates out of loft space in Soho. Gray occupies an unusual niche because he produces films and does legal work — even on ultra-low budget films.

"I started out as a trial lawyer, doing all sorts of cases from intellectual property to products liability," Gray says. "And I would be a lot richer if I had kept doing it."

Even while he did trial work, film was never far from Gray's mind.

"I studied film in college and made my first film with my best friend since fifth grade in 1995," says Gray of his first short, "Emily's Last Date," which premiered at Sundance in 1996.

In 1998, Gray teamed up with Robert Spinak, a former film executive, and they started their own shop.

The firm acts as production counsel — the soup-to-nuts legal work



Courtesy of Paramount Classics

from the underlying intellectual property work of acquiring the rights to all the material to distribution of the film — for producers Mary Jane Skalski (“The Station Agent,” *Mysterious Skin*), Lee Daniels Entertainment (“The Woodsman,” *Monster’s Ball*), Cuban and Todd Wagner; and directors Alexander Rockwell (“In the Soup”) and Robert Young (“Extremities”).

Gray continues to produce short films — 14 so far — but stresses that lawyering is his day job.

“Producing is the worst addiction I’ve ever had,” says Gray, 40. “I have no desire to write or direct, which is my greatest virtue as a producer. Creativity for me is how they’re financed and put together.”

He is, however, involved at a very early stage.

“Some literally start as a story someone told me in a bar, and if I can see it in the screen in my head, it’s a go.”

When the bigger firms do independent film work, it’s often handled by a department within a department. Even then, the clients tend to be more established. Frankfurt Kermit, at 50 lawyers, is one of the city’s leading entertainment firms, but Cook’s story is very similar to those of her small-firm counterparts. She worked at MTV and a talent agency and produced a documentary, “Screwed,” about porn purveyor Al Goldstein, before going to law school.

“I wanted to be in this business, working with directors, producers and actors, but I needed a more stable life,” Cook says.

After a year as a litigator at Paul, Weiss, Rifkind, Wharton &

Garrison in New York, she landed at Frankfurt, where she works primarily with writers and directors. The co-founder of the New York Underground Film Festival, one studio executive described Cook, who is in her mid-30s, as “one to watch.” She worked on “Broken Flowers,” the 2005 movie starring Bill Murray, for director Jim Jarmusch; “The Namesake” for producer Lydia Pilcher; “Palindromes” for director Todd Solondz; and “The Woodsman” for director Nicole Kassell.

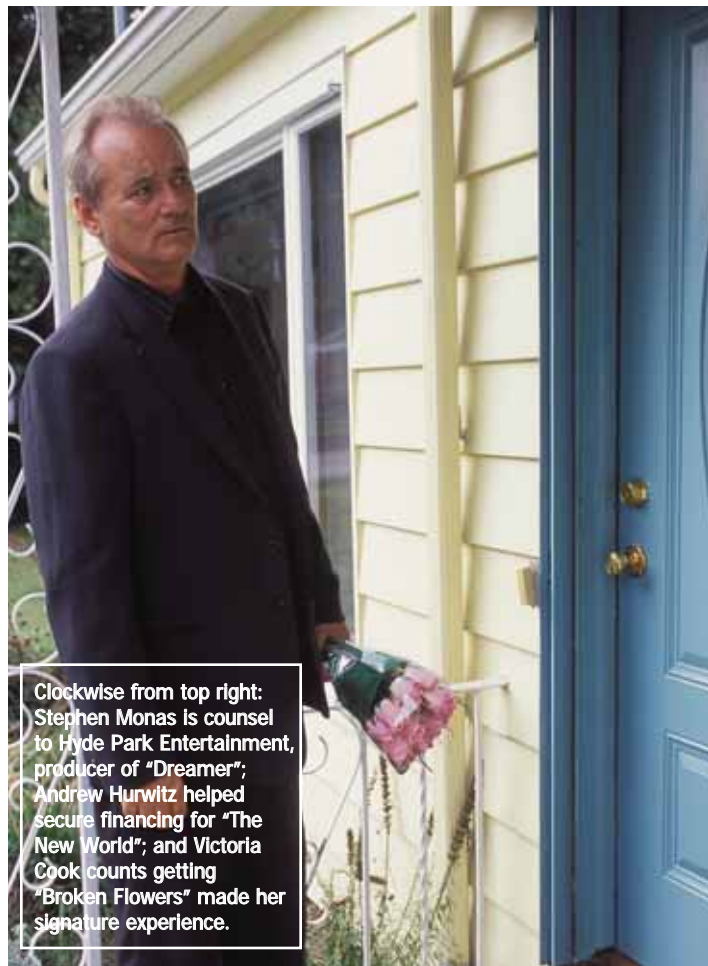
The most exotic path to indie legal work was taken by Karen Robson, the head of the Los Angeles office of Pryor Cashman, a mid-size firm with deep roots in the New York entertainment scene. At 17, she appeared in Australian filmmaker Peter Weir’s 1975 cult classic “Picnic at Hanging Rock.”

“It introduced me to that whole world,” Robson says. “It only cost \$300,000 Australian, and it was shown everywhere.”

That example before her, she went to law school, worked in an Australian media law firm and landed in New York in 1985. With prolific producer Ed Pressman as a client, she learned “every variety of financing from equity to foreign distributors to split rights,” and worked on films at every budget. More recently, she represented the financiers of director James Cameron’s “Titanic,” “Ghosts of the Abyss” and “Aliens of the Deep.”

On the West Coast, Glenn Feig of the Beverly Hills firm Reder & Feig says of his legal beginnings: “I was a disgruntled insurance defense lawyer.”

Radiating relief at having escaped his fate, Feig says, “After two



Clockwise from top right: Stephen Monas is counsel to Hyde Park Entertainment, producer of "Dreamer"; Andrew Hurwitz helped secure financing for "The New World"; and Victoria Cook counts getting "Broken Flowers" made her signature experience.

Courtesy of Focus Features

years, I took an enormous pay cut and went to SAG as a business rep, not as a lawyer."

After cutting his entertainment teeth there, Feig went to a small Beverly Hill entertainment firm. He teamed up with Benjamin Reder, a partner in the entertainment department of Hogan & Hartson. Reder & Feig opened its doors in 2001, offering production counsel services. Since then, the five-lawyer firm has handled a mountain of legal work on more than 150 films, including "Lucky 13," "Thank You for Smoking," "The In-Laws" and "Prozac Nation."

It takes numerous lawyers to get a film made, and each firm has its niche, whether it's representing writers and directors or producers, with or without financing.

For Monas, the niche is the legal work on sophisticated financial transactions for his producer clients. Monas doesn't look for funding for the films; they come to him already financed. What makes the work so challenging is that the financing methods keep changing.

"Last year, we spent most of our time closing German film fund deals, but with the implosion of the German market, \$500 million went down the drain."

In addition to private equity, Monas negotiates the state-side production subsidies that are now the rage.

"These sources of financing are huge bonanzas for filmmakers," Monas says, "but they're a ticking clock. You're always looking for where the next one will come from."



Courtesy of Dreamworks



Courtesy of New Line Cinema

Gray says ideally films come to the firm fully financed. "It's tough to take too many projects on spec," he adds.

Feig's clients come in with all, some or none of the financing.

"I act as a catalyst and try to put people together," says Feig, whose clients include high net-worth individuals like real estate magnate-turned-producer Bob Yari.

Feig describes what he does by way of an anecdote involving "Southland Tales," an upcoming sci-fi thriller starring The Rock.

"We represent [producer] Cherry Road, and they wanted to make this movie," he says. "It was a complicated deal, and the problem was that the project had been shopped around for a long time. I worked my ass off to get German money and get deals done with A-list actors. The actors kept asking me if this was for real, and with my experience, I was able to say this is real."

Some attorneys get involved in finding money for the projects, in some cases taking a producer credit on the film. Harris Tulchin has seen every trend come and go since he launched his Los Angeles firm by putting together the financing and taking an executive producer credit on Danny Glover's "To Sleep With Anger" in 1990.

"Clients come to us with projects that are all over the board, and we get the money to make their dreams come true," says Tulchin, who practices in association with a half dozen lawyers located in New York and Europe. "We have to be very smart about our time and analyze whether the project is commercial. We're not in the charity business."

When a project comes in that needs funding, he uses a variety of methods. "We look at foreign licensing, government subsidies and private investors. There's always something new."

Hurwitz says of his stable of writers and directors, "We need to represent a lot of them because they mostly don't make much money."

Client Michael Moore is an exception, but while Bennett Miller's "Capote" is getting rave reviews, it's only his first film and a tiny art film at that.

"He'll make money on the next one," Hurwitz says. "On 'Capote,' we were very proactive in helping secure the financing."

The same was true with "The New World," director Malick's take on the story of explorer John Smith.

Knight, in Pryor Cashman's New York office, also acts as a producer on certain projects. "You need to be very selective" when someone comes to your office and says they want to make a movie, says Knight. Sometimes, though, it just works out.

"A woman who had never produced a feature film and a woman who had written an article about ballroom dancing came to me with 'family and friends' money," Knight explains.

The pair turned out to be Marilyn Agrello and Amy Sewell, the director and writer of "Mad Hot Ballroom," on which Knight had an associate producer credit. Knight worked with Sloss, who sold the film to Paramount Classics for \$2 million, one of the largest advances ever paid on a documentary.

Despite his passion for the projects, Knight says his creativity is limited to getting the film made. "I cannot take any credit for the creative work you see up on the screen. I can take a little credit for the fact that it ended up on the screen."

Like heavy artillery supporting the front line, the big entertainment firms such as Loeb & Loeb; Manatt, Phelps & Phillips; Mitchell, Silberberg & Knupp and the full-service megafirms like Sheppard, Mullin, Richter & Hampton and O'Melveny & Myers also play a role in the indie story, mostly representing the money.

The perennial fascination with the movie business plus the lack of high-yield investment opportunities has led Wall Street types — institutional investors and hedge funds — to invest in independent films. At Akin Gump Strauss Hauer & Feld, John Burke's clients include Comerica Bank and Bank of Ireland as well as Melrose Investors, a \$230 million film fund put together by Merrill Lynch. More radically, Burke represented 2929 Entertainment (Cuban and Wagner) in its deal with director Steven Soderbergh ("Oceans 11," "Erin Brockovich") to direct six films in high-definition format that will be distributed simultaneously in theaters, on television and on home video.

At Stroock & Stroock & Lavan, Los Angeles attorney Sky Moore has

been involved for decades with finding new ways of financing independent films.

"We try to do the stuff that is off the beaten path and into the brave new world," Moore says.

He recently engineered a significant investment by shoe-maker Adidas in the soccer movie "Goal!" and represents ClickStar, a recently launched joint venture between actor Morgan Freeman and tech giant Intel Corp., that plans simultaneous theatrical and video movie releases, with sales rather than rentals envisioned for the home video market. Reflecting the private equity trend, Moore represents Grosvenor Park, a film financier backed by a hedge fund.

Back in the trenches, where film careers are launched and funding is often scraped together on a picture-by-picture basis, running a law firm can be a walk on the wild side.

"Your major client goes out of business every six months, so you have to be 'flexible' and be looking for new clients while you're working yourself to death for your existing clients," Monas says. "After six years, we have some stability because we've reached critical mass with our clients, but you still live with the concept that they could all disappear at once."

"We've represented more solid clients," Monas continues, "but I like the feeling that my client really needs my services. With a big company, you're just doing piece work for them. With little companies you can really become part of their business, and that's fun."

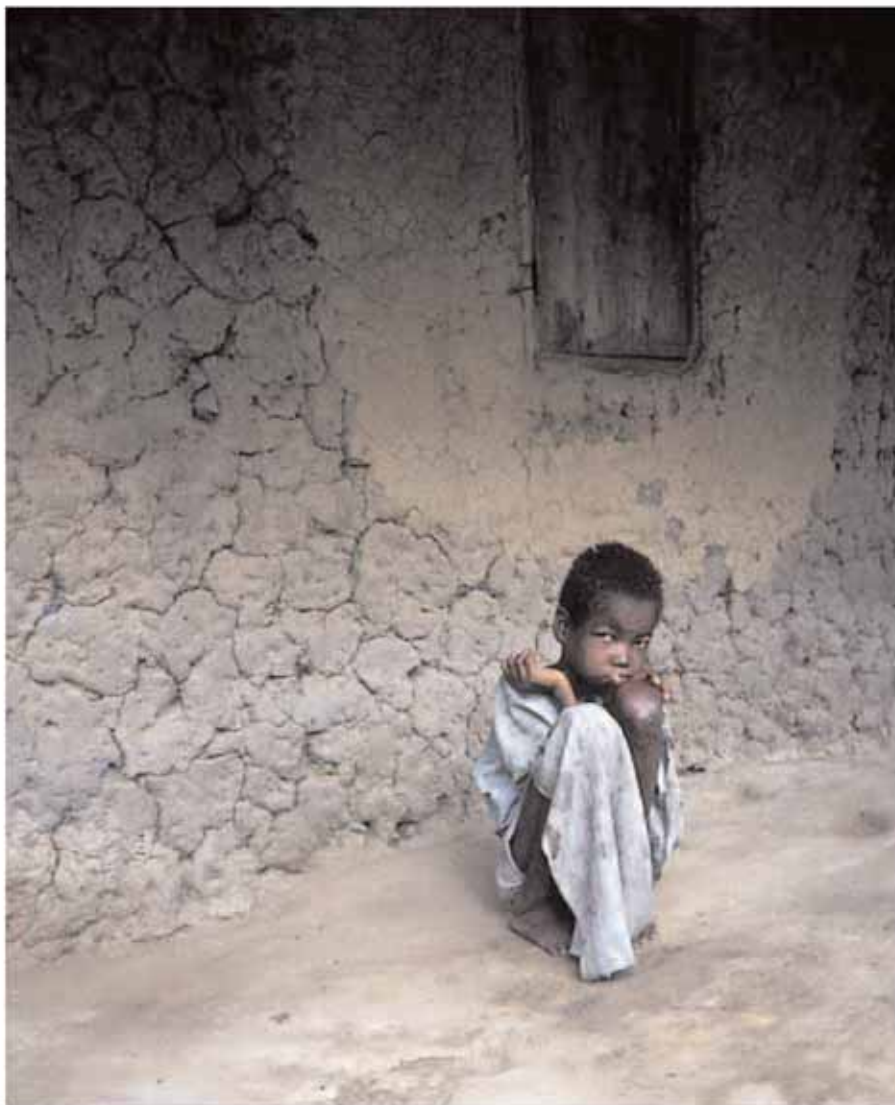
Universally, these lawyers say that feeling essential to their clients' business is what gives them the biggest thrill.

"You feel like you're a midwife on these projects," says Cook, who counts helping director Jim Jarmusch get "Broken Flowers" made as her signature experience. "We had a very short window to get the film financed because of [actor Bill Murray's] schedule. We met with a million buyers at Cannes in 2004 before we made a deal with Focus Features. The next year, Cook went back to Cannes with the picture. It was an incredible experience when it won the Grand Prix and got a standing ovation."

That kind of identification with the client is not unusual, says Gray, who believes his experience as a producer increases his understanding of his clients' anxieties.

"I live and die with these shoots," he says. "I'm not good at boundaries. I get calls at 1 a.m., and I always pick up because I know it means there's trouble on the shoot."

For Feig, it was a "Jerry Maguire" moment that encapsulated why he does what he does: "I was at a closing dinner with all the lawyers on a project, including the bank lawyers from a big firm. When my clients came in, we gave each other a hug. Later, one of the bank lawyers said to me, 'I never hugged a client.' I'm not saying it's true of every one of them, but that's what we have: Hug clients." ■



AN UN-NATURAL DISASTER

You may know CARE as the organization that saves lives during disasters like droughts and hurricanes. But our biggest job is helping people survive the world's most devastating crisis: Poverty. Every day, 3 billion people struggle on \$2 a day or less. It doesn't have to be this way. Unlike a hurricane, poverty can be stopped – with your help. Please visit us online at www.care.org or call 1-800-422-7385 to learn how you can help CARE create lasting solutions to poverty.



where the end of poverty begins

Search attorney profiles



Inform yourself



5. On a scale of 1 to 100 with 100 being excellent, please rate the attorney or judge:

Expertise: How knowledgeable was this lawyer about the claim? Did he or she demonstrate a high level of knowledge about the legal matter?

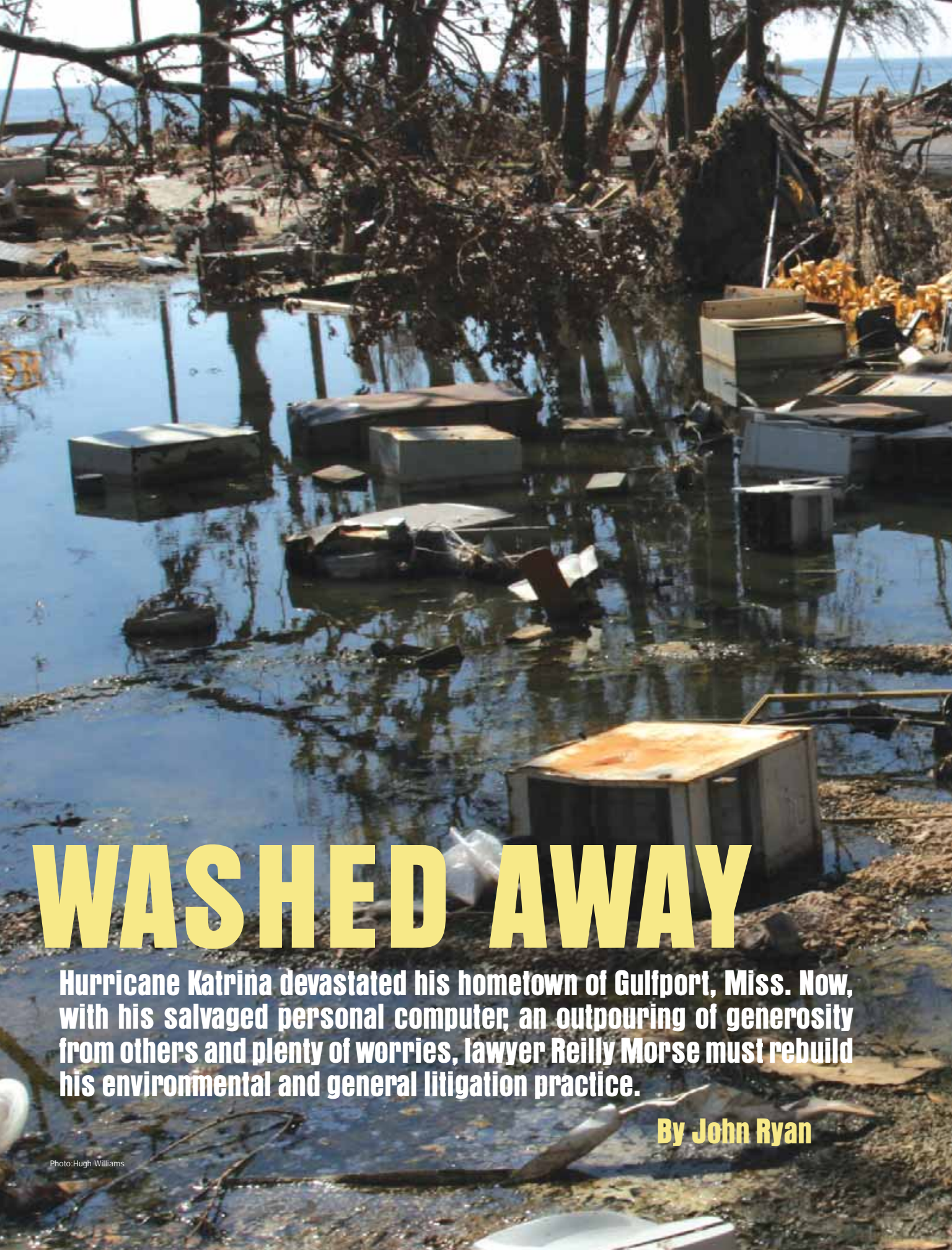
Service: Did this lawyer provide good service to his or her clients? Was the lawyer respectful and professional in his dealings with others?

Evaluate performance and service



The place to find the best information about the law, from client-submitted evaluations to the latest legal news, attorney profiles and more.

www.lawdragon.com



WASHED AWAY

Hurricane Katrina devastated his hometown of Gulfport, Miss. Now, with his salvaged personal computer, an outpouring of generosity from others and plenty of worries, lawyer Reilly Morse must rebuild his environmental and general litigation practice.

By John Ryan





Photo: Hugh Williams

‘W

hat’s the word today?”

That’s the question from Reilly Morse as he rolls down the window of his Volkswagen Passat and slows the car to a stop. Greeting him is a Gulfport police officer, who is guarding this stretch of the Mississippi Coast.

Morse shows the officer his ID, explaining that his law office used to be closer to the water. So was his mom’s condo.

“The word?” the officer says, waving him through. “Same as all the days before.”

Morse heads south toward the water, entering the apocalyptic scenery created six weeks earlier by Hurricane Katrina. Barbed wire and national guardsmen in Humvees patrol the other entry points to the coast. There was some looting here early on, but nothing like New Orleans. The area is calm.

Around the Gulf Coast, Morse is a well-known environmental lawyer with clients like the Sierra Club. He has fought commercial and residential development over the years, but Morse liked this coastal mix of offices, residences, restaurants and bars. Professionals could finish work and head to Ruby Tuesday for a burger and a beer. A canopy of oak trees lined the streets.

Virtually all of that is destroyed now, except for the most stubborn of oaks.

Morse hooks left on 16th Street, about a half mile from the water. A few groups of contractors are scattered around the area, clearing the mess.

“I just had my 30th high school reunion over there,” Morse says, pointing to where a bar used to be.

He gets out of the car and steps over oak branches to a large concrete slab. This is part of the outline of his former office, a converted residence and historic home. Morse, a solo practitioner, shared the space with its owners, who also are lawyers and friends.

Nothing but shattered wood and scattered bricks. A chair submerged in mud. A computer monitor sticking up. Deeper in, where the ground is lower, water has collected, forming filthy ponds smelling of shit that soak Morse’s old file cabinets.

Morse has returned several times. The day after the storm, he came with waders to pull up the cabinets and see if the case files could be saved. No good. That’s when it really smelled bad. It was 100 degrees outside; the air was thick.

“It was just unbelievably nasty,” Morse says.

“Used to be a great view of the water,” he adds, turning to the coast. With the gallows humor that is pervasive in these parts, he chuckles. “I guess it’s a better view now.”

Six weeks after the disaster, both Gulfport — and Morse — are

defined by a “can’t go on, must go on” split personality. The place was ravaged, but restaurants and stores are open. Mississippi politicians are already putting together a commission to tackle the rebuilding of the coast. As for Morse, he has clients but no files. His secretary is up in Jackson and isn’t coming back. The courts are generous with postponements of court dates, but it’s time to start rebuilding the practice. Mostly, Morse needs to make some money.

On this Monday morning, starting over seems insurmountable. There are so many distractions. Morse first has to check on his mother’s condo just a few streets away. The unit could be saved, he thinks, but the owners may just clear the whole complex, given the damage in other sections.

“Gotta make sure things aren’t getting stolen,” he says.

He spent three days here after the storm, clearing out the condo and ripping out the sheet rock to prevent mold from forming. Morse’s brother and mom rode out Katrina right here. They had to go upstairs and then to the room farthest from the shore as the flood waters rose. Morse doesn’t like to think about what could have happened, but they are OK and living in Florida.

Morse’s new office is just up the road from the old one. It’s in Court Programs Inc., a private probation company Morse got to know during his days as a municipal court judge in Gulfport. The connection helped him land the new space, and he feels lucky to have it.

A bigger reason Morse feels lucky is that his house, farther away from the shore, was not damaged.

“I’ll trade an office for a house any day,” he says.

Morse already looks exhausted as he sits down at his desk and turns on his computer. He isn’t sleeping much; he wakes up at four in the morning feeling anxious. His present office is about a third the size of the old one.

He didn’t have insurance for the old office, and all he got out before the storm was his two personal computers and portable printer. He’s looking at losses of \$25,000 to \$40,000. For more than a month, no income has been coming in, and he has to provide for a wife and two daughters. Morse, who is 47, needs to file for bankruptcy. He’ll be talking to a bankruptcy attorney this week. He also just needs money to get by. He’s gotten a few loans from friends and needs more.

“I’m pretty much screwed,” he says.

Morse has been searching for a salaried position. He has a lead with the office of Mississippi Attorney General Jim Hood, where he would be doing civil litigation. He likes Hood and could see himself doing that. Only the job is in Jackson, the state capital about 160 miles north, and that makes it not so desirable.

He also has interviewed with Martha Bergmark, who runs the Mississippi Center for Justice, a nonprofit that has been involved in

the legal side of hurricane relief work. Bergmark wants to open a Gulf Coast office for her Jackson-based group, and Morse is a solid candidate to run it. He wants this job badly. He expects to hear from Bergmark today.

Morse, a 1983 graduate of the University of Mississippi Law School, is a third-generation Gulfport attorney, but he’s not like his father or grandfather. Both were pro-business, conservative Republican lawyers. Morse studied to become a painter before law school, a path his father didn’t much care for. In private practice he became a lefty tree-hugger with a substantial anti-development environmental practice, further antagonizing his father.

But Morse always appreciated that his father paid for his art education, including a year in France. And when he began his legal career, Morse quickly learned how much the legal community respected his father. They were able to joke about their differences later in life. His father died three years ago.

As his wife, Christina, likes to say, Morse is “just different.” He’s a staunch liberal from a conservative family who isn’t afraid to fight commercial development or political cronyism. What really makes him special, she believes, is that he takes on the smaller clients no one wants, like a social misfit embroiled in a land or family dispute. Morse’s clients often become his friends.

His friendly, easygoing personality is apparent as he describes his work, which, when not in the present crisis mode, he loves.

A third of Morse’s practice is environmental work for the Sierra Club and local conservancy groups. That part of the practice is geared toward stopping commercial and residential development that threatens natural resources and poor communities. Another third of his practice is general litigation and small business disputes. The final third is family law, including probate and divorce work.

Morse has been a lawyer for 20 years. The stuff he’s accumulated — case files, desks, pictures, memorabilia, books, phones, office equipment — has been washed away. Morse needs to rebuild each file and get in touch with clients. Being a one-man shop really hurts now. Law firms might have back-up files, and they’d have some paralegals to do the grunt work. Morse will have to do it all by himself.

He plans to get documents from three sources: the original court file, opposing counsel and clients. Opposing lawyers and clients may have copies of documents, including correspondence not in the court files, but some items are lost for good, such as the notes Morse kept for his cases.

Morse sees a few lessons here. Clients should always ask for and keep copies of the documents and exhibits of their cases. Counties should adopt electronic filing systems so that scanned versions of all documents are stored somewhere. Most federal judicial districts do this; Morse is in good shape on the few federal cases he has.

Morse had just bought a scanner and was starting to back up his files when Katrina came along. That scanner is gone now.

‘I’ll trade an office for a house any day.’

Reilly Morse
Sole practitioner

“Scanning is the correct, ultimate backup for lawyers,” he says. “It’s what they need to do. If I ever get this practice going again, it’ll be the second step I take after opening the mail.”

Over the weekend, Morse skipped out on a seminar called “Rebuilding Your Practice After Disaster Strikes,” which was organized by various state bars and legal groups and held at the Gulfport courthouse. He’ll get the seminar’s written materials from friends who attended. Bar organizations have posted online and made available countless articles, handbooks, pamphlets and more on post-disaster tips for lawyers to pick through.

Instead, a client and friend gave him the keys to her condo in Orange Beach, Ala. — a chance to get away for a few days. He went there with his wife and their daughter, Alex, a sophomore in high school. Morse’s older daughter, Meghan, is in college and studying abroad in Limerick, Ireland. She left for Ireland a few weeks after the storm.

The Orange Beach trip was a nice break, and it also gave Morse a signature post-Katrina story. When the Morses arrived, the manager of the complex told them they couldn’t stay there because the unit was being used by an adjuster with FEMA, the Federal Emergency Management Agency that has been mightily unpopular with Katrina survivors. The Morses got another room and discovered that the unit rented by FEMA was empty. The adjuster was actually in New York.

Morse tells the anecdote throughout the day.

The courthouse in Gulfport, which is part of Harrison County, was not damaged. It houses the circuit clerk’s office and the chancery clerk’s office. Cases involving divorce, adoption, estates and property disputes fall under the jurisdiction of the chancery court, which has its own administration, while the other civil actions fall under the circuit courts. The chancery courts are allowing attorneys to take case files off site for photocopying, which is what Morse has planned for the day.

On the drive to the courthouse, Morse gazes out toward the coast. He says that contractors hired by the state tore down a six-mile strip of trees, not realizing that the healthy trees still standing were supposed to be preserved. A painter of landscapes, Morse loved these trees. He chokes up when talking about them.

“It’s very painful to think about,” he says. “They’re not replaceable.”

With a population of 70,000, Gulfport is the second largest city in Mississippi, behind Jackson. But the legal community is tight knit, and Morse knows all the court clerks and administrators. This trip to the courthouse is the first time he’s seen many of them since the storm.

A few people Morse speaks with have lost their homes. Morse nods his head and continues the theme that carries him through the days: We were lucky. The house survived. We sleep in our beds. Alex has a place to come home and do her homework.

Morse also pays a quick visit to the chambers of Carter Bise, one of the chancery judges he knows. Bise’s house was severely damaged by sewage that washed in with the storm. He, too, has trouble sleeping. He’s trying to focus on writing opinions.

“You have to have tunnel vision,” he says.

Restaurants are reflective of life in Gulfport in early October. Lil Ray’s, a popular lunch spot, is up and running again but very hectic because of the short staff. With so many employees gone, “Help Wanted” signs are posted in most places of business.

Morse enjoys a PoBoy with Tom Teel, a name partner at Perry, Murr, Teel & Koenenn, the firm that shared the old office space with Morse. Teel’s firm owned the building. The firm also found new space at Court Programs Inc.

Teel doesn’t know if his firm will get any insurance money for the office because the firm didn’t have flood insurance. They hope to prove that the damage was caused by severe winds, for which they did have coverage, instead of flooding.

Eating PoBoys on the benches of Lil Ray’s is the high life compared to the early days of no power, no phones and that dreadful feeling of not knowing who and what survived. After three days, Christina and the girls left Gulfport to stay at a relative’s place in Montgomery, Ala. Morse stayed back with the family’s three dogs. On the second night alone, he heard a woman screaming outside. He guessed it may have come from a trailer park about a block away. There were no police around. At that point, he decided that he should probably find his shotgun and keep it in his home. He never needed it.

Christina came back before the kids, and this was one of the hardest



Morse had just bought a scanner and was starting to back up his files when Katrina came along. "Scanning is the correct, ultimate backup for lawyers," he says.

Photo: Hugh Williams

parts of the post-storm period, Morse says. It was the first time they sat down to discuss the family's dire financial situation, but the survival of their home at least has allowed Morse to spend his energy rebuilding his practice. The Morses even got their power back quicker than most, within about a week and half after the storm.

Since that first week, the Morses have put up a number of people whose homes were damaged or destroyed, including Christina's mother and her mother's friend, who have since found new places to stay. A married couple continues to stay with the Morses, as do the couple's two dogs and pet lizard.

"They're a cool couple," Morse says.

Monday afternoon is tedious. Morse stands in his cramped office photocopying case files. It takes a half hour just to get through one. He wants to hire a legal secretary to help but can't afford one just yet.

Morse feels lucky to have saved his personal computers from the office. He also saved a photograph of himself as a law clerk for state Supreme Court Justice Michael Sullivan taken in 1985. In the picture, which is hanging in his new office, Morse and the other clerks are standing behind the justices. He doesn't know why he grabbed this one piece of memorabilia as opposed to any other left behind, like his law diploma.

Morse has a printer/copier that an old drinking buddy from law

school bought and had delivered to his new office. Another law school friend gave him a cash loan, which Morse has no real chance of paying back.

"I'm going to send him a painting," he says.

The law firm of Sonnenschein Nath & Rosenthal has been sending legal supplies to the area, and Morse got a laptop from the firm. The Mississippi State Bar, says Morse, has not helped out with grants or new equipment.

As he chats and photocopies documents, Morse sometimes forgets if the document in his hands has been copied. He'll think of his bankruptcy, a lawyer he needs to call, the need to order new business cards, the affidavit his mom must complete for the condo complex, responding to the e-mails pouring in.

"OK, I'm just going to be shameless," he says, dialing the Mississippi Center for Justice.

Bergmark's not in. He leaves a message inquiring about the job prospects.

Morse has a diagnosis for his condition. He calls it "the Katrina shuffle" or "mold in the brain."

The e-mail he got from his daughter Meghan earlier in the day reminds Morse of a story, and he laughs. After the storm, with the

‘You have to have tunnel vision.’

Carter Bise
Chancery Court Judge

Limerick trip fast approaching, Meghan still hadn’t received her passport. She went to Houston, where she was told that it already had been mailed out of the New Orleans office. Morse called the office of his U.S. Senator, Trent Lott, R-Mississippi, for help. Lott’s people intervened, and Meghan came home with a passport. Of course, when she got back, the other passport arrived in the mail.

The funnier part of the story is the conservative Lott coming through for the Morse family.

“I’ve said some not very nice things about him over a considerable period of time, as an environmental and public interest lawyer,” Morse says. “Meghan and I both sat down that very day and wrote Trent Lott ‘Thank You’ letters.”

On Tuesday morning, Morse is preparing to go to the courthouse in Biloxi, which also is part of Harrison County. He has a few case files to check out. He also wants to take visiting journalists to the barge casinos, which Katrina wrecked and pushed hundreds of yards onto the shore.

“That’s where you really get a sense of the power of the storm,” he says.

As a major source of tax revenues and jobs, casinos are a huge part of the Mississippi economy and Gulf Coast life in general. The state legislature legalized dockside gambling in 1990, and since then about a dozen casinos, built on giant barges, have sprung up off the shore of Biloxi. Katrina wiped them out.

Weeks later, the legislature convened a special session to pass a new law allowing the casinos to be rebuilt on land, as long as they are within 800 feet of water. Gov. Haley Barbour immediately signed the provision.

These casinos play a big role in Morse’s practice. His environmental work has focused on preventing the casinos from expanding in ways that threaten estuaries and other natural assets. He has handled such disputes for a number of local community groups like the Gulf Islands Conservancy. He’s waged similar battles over development plans for new condominiums and for an oil rig off the coast.

Overall, Morse appreciates the financial benefits the casinos have brought to the region. The broader issue for Morse and his clients is

what their role will be in the reconstruction efforts. They want to be sure environmental interests are considered by Barbour’s commission, The Governor’s Commission on Recovery, Rebuilding, Renewal.

“We don’t want the hurricane to be used as an excuse to completely alter the face of the community,” Morse says.

Earlier in the morning, as a way to organize his thoughts and to “get in the tent” on the reconstruction, he typed up a PowerPoint presentation that outlines environmental principles for rebuilding the coast. He also spoke to Gerald Blessy, a Harrison County representative on Barbour’s commission, about being invited to some of the upcoming forums attended by architects and developers.

Bergmark’s office called back late Monday. She is still interested in hiring him but does not have the funding yet. It’s not the worst news possible, but not good news, either. On the positive side, another generous check arrived from a friend.

“That will help me keep things going,” Morse says.

Heading north from the water, Courthouse Boulevard connects Morse’s old office to his new one and Lil Ray’s, eventually hitting Pass Road, the main east-west thoroughfare. The Morses live just a bit north of Pass.

Pass is jammed with traffic. Morse says it was a nightmare in the week after the storm, when the stoplights were out and all the intersections became four-way stops. Pass Road also is home to Los Tres Amigos, a massive Mexican restaurant, where Morse meets his wife for an early lunch before heading off to Biloxi. The place is packed but seems to have the staff to handle the crowd.

At times, Morse leans his head against the wall by the table. Christina sits next to him and seems considerably better rested. But she’s working hard, too, busy with work made possible by the storm. She serves as an agent of sorts for contractors, driving around and looking for houses that need debris cleared away. If she lands a customer, she gets a portion of the fee paid to the contractors.

“I’m a subcontractor,” Christina says with a smile. “What the hell is that about?”

Christina also is a Gulfport native, but she lived in New York for five

years to become a ballet dancer. It's clear why the two artistic types found each other in Gulfport after their faraway adventures, Morse's in France, Christina's in New York.

She and her husband discuss a web of somehow connected topics: Working with the contractors ... the psychological depression that set in after the storm ... not sleeping ... the couple that's living with them ... a doctor whose pager goes off at 4 in the morning, and his wife.

"You all must think we have ADD or something," Christina says.

"No, KDD," Morse chimes in.

The Biloxi courthouse is smaller than Gulfport's. The clerk's office has a trio of women behind the desk who are happy to see Morse and get him the files he wants. The eldest teasingly refers to Morse as "a tree hugger."

"You better not fight the casinos, now," she says, with a booming laugh.

Again, stories are traded. The older woman's house was damaged badly. She got a lot of stuff out of the house beforehand, including minor things, like her husband's suits.

But somehow — and this is killing her — she forgot to save a trunk of family treasures, including her daughters' christening gowns and various items her mother crocheted.

"How the heck could I do that?"

The drive from the courthouse to the Biloxi's shore is, as Morse pre-

dicted, depressing. In some areas, all of the homes are completely leveled. Many other homes are so badly damaged that the residents have moved all of the contents to the lawns.

Morse parks by a large field with a path to a beachfront area, where a short walk leads to the Frank Gehry-designed Ohr-O'Keefe Museum, named for legendary ceramist George Ohr and benefactor Jerry O'Keefe. The hurricane pushed three massive barges from the water onto the shore, and one crushed an uncompleted extension of the museum. The barges also destroyed a historic mansion, a popular hotel and other structures in the area.

Morse takes some pictures, which he will post on a blog he keeps on his Web site.

But he has other things on his mind and wants to get going. He has to talk to the bankruptcy attorney, and he has a client meeting. He's also just plain worried.

Part of it is keeping his family afloat in the months ahead. But he also worries about the region in general. FEMA's ineptitude was staggering, but he also witnessed a tremendous outpouring of support from neighboring communities and the country as a whole.

Morse fears that this charity and attention created artificial feelings of well being, and now that initial period is over. The letdown is here, and reality is setting in about the enormity of the challenge. That's where Morse is now. He's happy he came to see the casinos.

"This makes rebuilding a law practice look like a piece of cake." ■

CONGRATULATIONS



TO THE HONORABLE
LAYN R. PHILLIPS
FORMER U.S. DISTRICT JUDGE
ON RECEIVING THE HONOR OF
BEING NAMED AS ONE OF THE
LAWDRAGON 500
LEADING JUDGES
IN AMERICA!

*From your friends, family and staff
at Irell & Manella ADR Center*



SEASONS of CHANGE

A spate of right-wing hires at Harvard Law School has outsiders wondering if the command center of American liberalism is taking a turn toward the conservative. But with public battles over racial and ideological diversity in their not-so-distant past, no one in Cambridge wants to talk politics.

By Jeffrey Anderson

Charles Fried is sitting in his office at Harvard Law School drumming his fingers together and looking out a picture window at the campus below. The conservative legal scholar, a prolific author who testified for newly minted Chief Justice John Roberts, a Harvard graduate, is rather pleased with the law school these days. With six members of the Supreme Court hanging a Harvard sheepskin on their walls, a recent infusion of conservative brainpower on the faculty, and the nation's largest chapter of the Federalist Society more popular than ever, what's not to be happy about?

Washington, D.C., with its problems and politics, seems a world away on this overcast day in October. After years of conservative dominance in the nation's capital and across the country, the Bush administration is wounded. Vice President Dick Cheney's chief of staff Lewis Libby is about to be indicted. Harriet Miers has just surrendered her Supreme Court nomination. The death toll among U.S. soldiers in Iraq is about to exceed 2,000. Those are largely political problems. At Harvard, a bastion of great legal thought and accomplishment, issues are what matter. For prominent scholars and legal commentators like Fried, a former solicitor general to President



Photo: Associated Press

Reagan, politics is, well, lesser in its demand for intellectual rigor.

That is not to say Fried is hesitant to take a poke at his left-leaning colleagues. The question is how the academic world is reacting to a country still recovering from a post-election Red State-Blue State hangover. And how has the national debate, with its focus on values and conservatism, civil rights and security, poverty and empowerment, affected Harvard's evolution as an institution — one with enormous influence at the highest echelons of government, the judiciary and corporate America?

Harvard has been called the “command center of American liberalism.” But labels don't easily stick to the behemoth institution. Mostly Harvard has thrived as a premier blend of quality and quantity. Founded in 1817, it has a student body of 1,800 with 82 full-time faculty members, 20 research institutes and more than 150 student organizations. There are 10 current U.S. senators who graduated from the law school, and 16 Supreme Court justices did as well. With an annual operating budget of more than \$100 million and an endowment of \$1 billion, Harvard is the wealthiest law school in the country.

Being the richest and the largest isn't enough. Yale Law School, Harvard's perennial rival, outclasses it in significant ways. With a student body less than a third the size of Harvard's, Yale has almost as many professors; experts say that is the main reason Yale has been ranked the number one law school in the country for the last decade and a half. Yale also has a larger endowment per student, further adding to its prestige.

Harvard is on a major fundraising binge and is expanding its faculty. Harvard also has diversified its academic portfolio by hiring conservative stars during a time in which conservatism has been in vogue. Three coveted faculty spots have gone to right wing heavyweights in the last two years, and the words “Massachusetts liberal” and “Harvard” are becoming harder to put together than ever.

Folks at Harvard don't like speaking in these terms. It offends their sense of academic integrity. The law school also still is raw from its public battles among faculty related to lack of racial and ideological diversity in the 1980s and 1990s. The image the school is projecting these days is one of progress and unity with nary a thought given to ideological balance. “Our selling point is that Harvard is the best law school on the planet,” says Mike Armini, a press deputy for the school. “The increase in conservative scholars is unrelated to our development as an institution.”

That ignores the thrust of student reports in its own newspaper, the Harvard Bulletin, which pre-date the recent conservative hiring push.

In 2003, the Bulletin cited a study conducted by the student-run Committee on Multi-Cultural Unity that examines campus issues. In the study, respondents referred to the place as “horribly liberal” with liberal orthodoxy “enforced with a vengeance.” Respondents urged the hiring of conservative faculty and the admission of more conservative students as a top priority. Signs indicate that someone was listening.

“You've got it all wrong,” Fried says, leaning back in his chair behind a massive desk cluttered with important stuff. “The dean is not going out looking for former [Supreme Court Justice Antonin] Scalia clerks or Federalists. She is not trying to make this place look like the U.S. Senate either. However, the dean has made it perfectly clear that she will not tolerate the blocking of people with views to the center-right by a far-left clique that has been able to gather together a coalition to accomplish their goals. And I say center-right because in the larger world what counts as center is, in the world of academia, to the right, which actually is a sign of the mental deformity of the left.”

Elena Kagan, the law school's dean since July 2003, is a breath of fresh air, Fried says. A Harvard Law School graduate, former law clerk for Supreme Court Justice Thurgood Marshall and former associate counsel to President Clinton, she has seen the benefit of reaching out to a broader ideological group.

According to Fried, conservatives in Congress blocked Kagan's nomination to the federal bench near the end of the Clinton administration. Now, conservative scholars hired on her watch, such as former Scalia clerk Adrian Vermeule, who has accepted an offer to come over from the University of Chicago, former Bush legal advisor Jack Goldsmith, and former circuit judge Robert Bork and Scalia clerk John Manning (also a former legal advisor to Bush and Reagan), have added right-leaning intellectual heft to the faculty. The school is simply trying to lower student-to-faculty ratios by hiring more faculty members, Fried says, so it would be foolish to limit the field along ideological lines.

“Dean Kagan has considerable political skill and personal charm,” Fried continues, sounding smitten. “Which makes her irresistible.” He describes Kagan's address to the Federalist Society, which held its national conference at Harvard last year: “You are not my people,” she told the audience jokingly.

“They gave her a great reception,” Fried says. “They know that she sees what needs to be done. She has been in the real world. This far-left clique is so absurdly marginal that an outsider looking in would say, ‘Who are these people and why is anyone listening to them?’ Selection on the merits will yield more people to the center-right. And that is healthy. That is where the real world is.”

Fried won't name names, but observers of the Harvard faculty say he might be referring to liberal stalwarts such as Martha Minow, Duncan Kennedy and David Kennedy. None of these professors returned calls for comment. The law school tries its best to protect the internal dialogue regarding faculty hiring.

Yet it is hard to deny that battles exist along ideological lines, or claim that the ideological environment is somehow irrelevant to the

student body. When asked how a conservative Catholic like John Roberts circa 1976 would fare at Harvard today, Fried offers a biblical analogy: “Roberts wouldn’t feel like John the Baptist crying out in the wilderness. These days there’s a greater receptiveness to conservative thinking among students and faculty.”

Just below Fried’s window, less than hundred yards away, a television video crew is filming a promotional spot for the University of Central Arkansas. The subjects of the video spot are two honors graduates of the school, Rhett Martin and Aaron Brooks, now in their first year at Harvard Law. A private public relations specialist for the Arkansas undergraduate school named Ben Combs, an avuncular man with a thick southern accent, accompanies them. “You know, Hillary Clinton was conservative until she got to Radcliffe,” Combs says with a wink. “And law students are Democrats until they get jobs and start paying taxes.”

Brooks, an evangelical Christian, is delighted to be at Harvard. “Being from the South, you hear about how competitive it will be up here, and how people aren’t friendly, but that hasn’t been my experience so far. Maybe that’ll change around exam time.” Does “friendly” mean he might be thinking “tolerant to conservative views?” Brooks remains diplomatic. He says the campus is filled with people of strong opinions who aren’t afraid to voice them. He acknowledges that he’s heard talk of a shift to the right at Harvard — talk that pleases him — but thinks most students still are Democrats and that the impact of politics on legal studies is minimal. Brooks says Harriet Miers was right to step down. A week or so later President Bush nominates Judge Samuel Alito who is confirmed by the Senate in January, fulfilling Brooks’ prediction that the next nominee will be “eminently qualified.”

“I’m in favor of this place reflecting the real world,” Brooks says. There’s a Christian student group of about 40 or 50 but he hasn’t gotten around to joining. Nor does he feel the need to cling to them. “By no means do I feel ostracized. Just because only five percent of us are evangelical, doesn’t mean the other 95 percent has a problem with that.”

Talk of politics or ideology causes discomfort among many at Harvard. Some reject it as irrelevant for discussion. Professor Elizabeth Warren, a bankruptcy and contracts expert tenured in 1995, seems aggravated by the question of ideological balance on the faculty.

HARVARD LAW ALUMNI



Photos: Associated Press

Conservative alums serving in the Bush administration include (top to bottom): Homeland Security Secretary Michael Chertoff, Republican National Committee Chairman Ken Mehlman, Deputy Secretary of State Robert Zoellick and Attorney General Alberto Gonzales.

To Warren, Harvard is the best, and when you are the best, you are diverse by nature. “The best people do not look alike,” she says in a telephone interview in October. “We don’t say, ‘There’s three liberals for three conservatives.’ We’ve always had all views represented. I don’t know the political views of my students or my colleagues and I don’t want to. We don’t hire because of politics, and you can’t find any evidence that we do, because there isn’t any.”

When told of Fried’s remarks that a conservative shift was taking place, though not in his view because of affirmative action, but in a more organic sense as a result of Kagan’s open-mindedness, Warren replies, “I’m an empiricist and I just don’t have enough evidence. I don’t know how Charles knows this to be the case, but if he does know, then good for him.”

Laurence Tribe is the liberal counterpart to Fried. A heavyweight constitutional scholar who argued and lost *Bush v. Gore*, he currently is before the Supreme Court in a challenge related to the U.S. military’s “don’t ask, don’t tell” policy on homosexuality on behalf of the Forum for Academic and Institutional Rights. The group is challenging the Defense Department’s claim that the Solomon Act, which protects the military from adverse treatment on university campuses, creates a condition for federal funding that can be lost if a school does not allow recruitment on campus because it objects to the military’s anti-gay policies.

Tribe’s reaction is more revealing. In an e-mail he writes: “I do not agree from my roughly 35 years of first-hand observation that a ‘far-left clique’ has over any period joined to block centrist or conservative faculty from coming to Harvard. That is a popular sport played by whichever group thinks of itself as having won a smaller slice of the academic pie than was its due over any given stretch of years. I would take all such claims with a barrel of salt and not just a grain.”

Of course, Tribe says, individual faculty members at virtually every point on the political and ideological spectrum have trouble filtering out distortion rooted in their own philosophy or methodology.

“Nobody wears entirely clear-glass lenses in that respect, and anyone who claims that he or she does is involved in some degree of deception, usually including a major dose of self-deception.” Then, while rejecting

the notion that Kagan is looking to spice up the faculty with conservative talent, Tribe says she has been “particularly successful at motivating people to put aside their personal predilections to advance the common goals of academic excellence and diversity of outlook.”

Maybe it’s just the difference between Harvard being comfortable defining itself internally versus outsiders poking around with their pedestrian observations. Yet there are influential outsiders who have given Harvard considerable thought, and a world of potential students who pay considerable attention to the online universe of academic gossip, scholarship funding and law school rankings. And some researchers have found that all law schools, Harvard included, care a lot about what is being said in this universe.

Brian Leiter, a law professor at the University of Texas, fancies himself the Matt Drudge of the law school world. Leiter characterizes Harvard as “pathological.” He finds that faculty hiring has always been perverse at Harvard, as if the school were ordering from a Chinese menu to satisfy various cliques or constituencies. Leiter, a blogger, is a vocal de-bunker of what he says is the myth of Harvard’s liberalism. He says the school has always featured prominent conservatives and has long embraced the conservative law and economics curriculum. At the same time, he calls attention to recent hires and notes a trend to the right. “It looks as if there’s been an effort to hire more conservative professors,” he says, pointing to Vermeule, Manning and Goldsmith, “but Harvard has always had someone from Column A, someone from Column B, and so forth.”

Leiter’s claim to fame is his criticism of the ranking system published annually by U.S. News and World Report. The publication began ranking law schools in 1990 and in 2004 began a list known as the “Top 100.” In his 2003 “Guide for the Perplexed,” Leiter describes the U.S. News methodology as made up of 12 factors in five categories. He asserts that more than a third of the categories favor small schools and penalize large ones, and that more than half of the criteria can be manipulated “through outright deceit or other devices.”

U.S. News’ ranking system has become the “the 800-pound gorilla of legal education,” according to law professor Jeffrey Stake of Indiana University School of Law at Bloomington. Last spring, Stake led a symposium that called attention to the numbers game being played by law schools and determined that the incentives being created were not good for students. The panel cited factors such as the rigging of dates for faculty sabbaticals so that student-to-faculty ratios were measured when faculty were sure to be on campus. “It’s scary. It’s taken on a life of its own,” Robert Morse, director of data research for U.S. News told reporters.

Though Harvard comes out on top of most of the individual categories in that survey, it has never been ranked first with the exception of the first year, in which Harvard and Yale were tied for first. Leiter says this is because Yale is smaller and the ranking system favors smaller size. That, and Yale hires more established and higher quality faculty, he says. “Yale is just better.”

“There’s a limit to the damage this ranking does to Harvard, but it does some,” Leiter continues, pointing to the percentage of applicants who get into both schools favoring Yale. In the 1980s, six out of 10 applicants accepted at both schools chose Yale; by the 1990s, eight out of 10 chose Yale, he says.

“Harvard has a bad reputation for students being unhappy,” he says by telephone from London. With 1,800 students and 82 full-time faculty members, the learning environment can be impersonal, he says. “It’s too big.”

In Leiter’s own ranking system, which he breaks into subcategories for students and faculty, Harvard is a notch lower. His July 2005 ranking places the Harvard faculty third, behind Yale and Chicago, which is first and historically a breeding ground for conservatives. He ranks faculty on their per capita citations in scholarly journals, using the top 25 percent of each faculty, because the top professors have a greater effect on scholarly rankings than average professors do. By calculating the per capita citations in scholarly journals attributed to each school’s top professors, Leiter comes up with a guideline for ranking faculty by overall reputation. In Leiter’s ranking system, Harvard dropped from second to third in reputation ranking from 2003 to 2005.

Leiter does not think the hiring of conservatives directly affects faculty rankings, but he says it doesn’t hurt when conservatives of high caliber are available. Karen Lash, a former dean at USC Law School, now vice president of Equal Justice Works, a public interest group in Washington, D.C., sees conservatives as intellectual bait for conservative foundations. Not as if Harvard is new to that game.

Among the top conservative foundations in the country for decades has been the John M. Olin Foundation. Founded by a turn-of-the-last-century industrialist and munitions manufacturer, the Olin Foundation has served as a vital link between universities and Republican legislators, right-wing think tanks and conservative publications while supporting fertile areas of scholarship such as the fusion of law and economics, which comprise roughly a quarter of the curriculum at Harvard, Yale, Chicago and Stanford. The Olin Foundation has given Harvard University at least \$21 million in general use funding over the years. The foundation sold off its assets and closed down in 2005 but not before it gave \$10 million to

'You've got it all wrong, the dean is not going out looking for former Scalia clerks or Federalists.'

**Charles Fried
Harvard Law School**

Harvard Law School, in 2003, to establish the Olin Center for Law and Economics — the largest single grant in the law school's history.

The Sarah Scaife and Lynde and Harry Bradley Foundations also are sources of funding that are looking to promote a conservative agenda — often in concert with the Olin Foundation. Having conservatives on the Harvard faculty improves the school's chances of receiving some of that money or the prestige that goes with it, Lash says. Mary Ann Glendon, a conservative constitutional scholar, received a \$250,000 award from the Bradley Foundation in 2003. Roger Fisher is a trustee emeritus of the Hudson Foundation, a prominent conservative organization that is closely tied to the ultra-conservative Heritage Foundation.

"Every school has to be able to brag about heavyweight conservative thinkers," Lash says. "The right has the major foundations that offer grants. In an environment where schools are chasing dollars, if you don't have prominent conservative faculty, you won't get the grants."

Lash also points to the Federalist Society for Law and Public Policy Studies, which began in 1982 as a symposium at Yale for conservatives and libertarians from Yale, Chicago, Stanford and Harvard. At the time of its inception, The Federalist Society said it was "dedicated to reforming the current legal order." It has. With chapters at 180 law schools across the country and roughly 5,000 student members, it has created a lively medium for networking and the expansion of conservative ideals — if not a launching pad for the upper reaches of the judiciary. Four current Supreme Court justices — Scalia, Roberts, Clarence Thomas and Anthony Kennedy — are members. Harvard, with 300 student members, is the society's stronghold. The Olin Foundation has given \$4 million to the Federalist Society over the years.

"They have these star-studded events and great forums and student leaders get flown to the annual conference. It's very influential," Lash says. Look no further than to the liberal counterpart American Constitution Society as a measure of how effective the Federalist Society has been, she adds. Formed in 2001, the society has sought to counter what its members see as a conservative shift in law schools and in the judiciary. "The Federalists have done a great job of pushing their agenda, and we ought to be doing as good a job pushing our agenda," Assistant Professor Heather Gerken told the

Harvard Bulletin when a local ACS chapter was established in 2002. "The problem on the left is that we have not been nearly as organized or coherent in our approach."

The American Constitution Society has gotten off the ground in a hurry with 80 chapters nationwide, including a small but active one at Harvard. Still there is no consensus that its existence mirrors what is happening at Harvard; as if a traditionally left school has tilted right and now the left is trying to gain back some ground. Such talk is anathema to the folks at Harvard. Most professors were not interested in commenting at all for this story. Kagan, after scheduling an interview to meet in person in October, cancels at the last minute and refuses to re-schedule — less than an hour after Elizabeth Warren is interviewed by telephone and conveys her "passionate opposition" to the notion that Harvard is even considering the ideological balance of its faculty.

Kagan's spokesman, Harvard press secretary Mike Armini, is dispatched to field the unwelcome inquiries. Armini denies that anyone at Harvard cares about what U.S. News thinks. He rejects the notion that Harvard can be characterized at all, much less along ideological lines. He denies it is chasing Yale or trying to compete with Chicago by luring conservative stars that attract conservative funding. "We don't engineer the law school to respond to rankings. We can't worry about that. Applicants shouldn't either."

Furthermore, Armini says, the importance of conservative foundation grants should not be overstated. Close to 80 percent of the law school's funding comes from its own alumni, he says, noting that currently the school is in the second year of a five-year, \$400 million fundraising campaign, the largest ever in the country. But that doesn't mean the school listens to the alumni in shaping its faculty, he says, even with plans to hire up to 25 new members in the next five years. "We have a faculty appointments committee that screens candidates and the entire faculty votes on them in private. We care what alumni think, but it doesn't affect who we hire."

Austin Hall Room 111 is packed with first-year students tapping away at laptops on a Thursday afternoon in October. Professor Jack Goldsmith, former legal advisor at the Pentagon and former head of the Justice Department's Office of Legal Counsel, which advises President Bush, is teaching administrative law. Goldsmith's hiring, in May 2004, generated controversy based on several memos from the Office of Legal Counsel advising

Bush on torture and deportation of prisoners by the CIA. One of the memos, signed by Goldsmith, advised the president that the CIA could take prisoners to other countries for interrogation. A number of Harvard faculty, including Elizabeth Bartholet, Henry Steiner, David Kennedy and Detlev Vagts, opposed Goldsmith. A wide majority approved him.

his own question. "The court misses the boat entirely." According to Goldsmith, the court blew it by not following state law where the federal law was not directly on point. "That's what I think, but who cares what I think? The Supreme Court said otherwise. I think they are confused. They do a terrible job of telling us what is going on here, because they do not know themselves."

HARVARD LAW ALUMNI



Six Supreme Court justices graduated from Harvard Law School. From left to right, they are: Ruth Bader Ginsburg, Anthony Kennedy, David Souter, Antonin Scalia, John Roberts, and Stephen Breyer.

Photos: Associated Press

Since coming to Harvard, Goldsmith has hardly emerged as any sort of ideologue, despite his writings on international law that, according to legal experts, suggest he would do away with all treaties where the power of the President of the United States is concerned. Students and faculty say he's been low-key so far. Goldsmith is stout and somewhat youthful in his disheveled appearance. He speaks with a swift, almost rhythmic patter — as if his mouth were struggling to keep pace with his mind. Though brusque and impatient, he does not intimidate his students. Like any self-respecting conservative, albeit a moderate one, he is quick to show his disdain for judge-made law.

The class is working through the Erie Doctrine, which deals with federalism and the jurisdiction of the federal courts. The case is *Stewart Organization Inc. v. Ricoh Corp.* Stewart, an Alabama company, has sued Ricoh, the New Jersey-based nationwide manufacturer of copiers, and Ricoh is trying to move the lawsuit to federal court in New York. Alabama law doesn't allow for it. The Supreme Court, in an 8-1 decision, rules that a federal statute is sufficient to create jurisdiction in federal court. Scalia is the lone dissenting vote.

"So who's right?" Goldsmith asks, cocking his head and leaning back against the chalkboard, "Scalia is clearly right," he says, answering

Goldsmith is a godsend for right-wing groupies. He sticks around to chat with a handful of students who are thirsty for knowledge. What begins as two or three soon turns into eight. "OK, I've gotta run," Goldsmith says after about 10 minutes. Outside the building, as he hustles toward his office, he is asked about ideological balance at Harvard. "Ideological balance?" he says, with a quizzical expression. "I have a plane to catch. Call me Wednesday." Reached by telephone a week later Goldsmith is blunt in his disdain for questions about conservatism at Harvard. "I'm incompetent to answer such questions," he says with a huff. "I have no idea and no way of knowing, and frankly, the subject doesn't even interest me."

If Goldsmith is the reluctant poster child for Harvard's recruitment of conservative stars, Professor Charles Ogletree is the school's outspoken ambassador of the left. A champion of civil rights and public interest law, Ogletree eschews the notion of an ideological divide. In raising money for the Charles Hamilton Houston Institute for Race and Justice, he talks in terms of the "enlightened versus the unenlightened." He sees public-interest fervor at Harvard now more than ever, but says entrepreneurial pursuits are thriving as well. "Our students are looking for firms where they can do well and do good."

Ogletree acknowledges the success of the Federalist Society and welcomes the arrival of Goldsmith, John Manning and Adrian

'Every school has to be able to brag about heavyweight conservative thinkers. The right has the major foundations that offer grants ... if you don't have prominent conservative faculty, you won't get the grants.'

**Karen Lash
Equal Justice Works**

Vermeule. He sees conservative views in columns written for *The Record*, an independent newsweekly at Harvard Law School. "People consider Harvard, falsely I believe, to be a bastion of liberalism. My new colleagues make us a richer, deeper, more diverse and academically powerful institution."

If anything, Ogletree says, Harvard is characterized by traditionalism: its faculty tend to have been educated at the same schools and come from similar jobs in the public and private sectors. In terms of hiring trends, he points to the 1980s, a time during which women, people of color and liberals in general were denied tenure, he says. "We had a few conservatives on the right, critical legal studies scholars on the left, and the majority in the middle, trying to define what the school was supposed to look like. The faculty was deeply split. Those lines have been obliterated. There's a sense of growth."

In response to Fried's characterization that liberals in more recent times blocked conservatives from receiving tenure, Ogletree notes that he was the first to invite Fried to Harvard to teach his criminal law class, in the 1980s, and that he can hardly recall any significant amount of hiring at Harvard from the Clinton Administration. "I'm against all forms of exclusion. It would be interesting for [Fried] to document case by case the people who he believes were denied tenure based on their ideological beliefs. The 1990s were a time of diverse hiring, more so than ever. It's bizarre to think that anyone opposed someone based on politics. The issue is productivity."

Above all, Ogletree says, campus politics is alive and well, and cannot be delineated according to Republican and Democratic policy positions. "You'll never get unanimity on a law school campus. The point is if you open the door and allow the fresh air to come in, it benefits the institution."

Harvard students are not nearly as comfortable conveying their sense of the place. A visitor might find it difficult to tap Harvard's pulse. While some are outspoken and confident in their views, some are aloof or disengaged; some are suspicious of questions; others seem to be picturing confirmation hearings for themselves 20 years from now. In the student center, a couple of black students from the Midwest seem approachable and candid. One says he finds it amusing that white students are earnest in their political correctness; that they always are sure to say "African-American." If he were Miers, he would've stuck it out, he says. He says he can tell most of his professors voted for John Kerry. His girl-

friend is nervous. She observes that in property class, people's true values come out during discussions of private rights versus economic development. The next day, she sends an e-mail asking not to be named or quoted.

On the third floor of Story Hall, three white guys and an Asian from Cerritos, Calif., are watching "Wheel of Fortune." One of the whites is ribbing another about his alleged "WASP-bashing." Once approached, they tighten up. They act ambivalent to questions about ideology or politics at Harvard. They avoid labeling others in ideological terms. The Asian has Goldsmith for administrative law. "He's supposed to be conservative, but it's hard to tell," he says. "It's not a big deal who is conservative and who isn't," one of the whites says. "I think the faculty wants to avoid that debate," says a third.

Jeff Jamison, a campus organizer and the president of the American Constitution Society says of course there is a perception that Harvard is trying to bring more conservative thinkers on board. "They're still all white males," he says, referring dryly to Goldsmith, Manning and Vermeule. "But some of my best friends are conservatives. It adds to the marketplace of ideas."

According to Jamison, ideologues on the faculty, be they on the right or the left, don't always teach with a political bent. That doesn't mean the subject of ideology doesn't cause tension. "The faculty has worked hard to resolve its differences," he says, noting that battles of the past led to unseemly shouting matches. "Collegiality is important to them now. New hires don't want to be known as 'the conservative professor.'"

Over at the Harvard Law Review, housed in a three-story white Victorian with pillars and black shutters, a student is overheard joking with a friend, "So are you getting worried about Luttig?" referring to 4th U.S. Circuit Court of Appeals Justice J. Michael Luttig, one of Bush's possible choices for the high court.

Brian Fletcher, president of the Law Review, introduces himself and leads the way up a narrow flight of stairs. Fletcher wears glasses and has dark, serious eyes. He later brings to mind the widely published photograph of a young Sam Alito, and emulates the neutrality that will initially characterize Bush's nominee — before Justice Department memos surface in November. Fletcher is poised and smug in his self-assurance that he cannot be coaxed into a topical conversation. "The Law Review is nonideological," he says, in

response to a question about the hiring of conservative faculty. "There are conservatives, liberals and people who reject the premise that that is a valid way to divide the world."

He declines to answer any questions about the school or his views. "I hope you don't think this is rude, but I don't have anything to say."

Down Massachusetts Avenue, just off the street among a row of bungalows, is the Harvard Legal Aid Bureau. Laura Kaplan, a student volunteer in her third year says the campus has "incredible ideologies" on both sides of the political spectrum. When asked why some of her peers seem uncomfortable with questions about ideology, she shakes her head sadly and replies, "Harvard values its legacy to the point of being ridiculous. There are very ambitious people here. The school values differing views for debate. It's not a machine that pumps out one type of lawyer or another. But people are guarded. Maybe they are guarding their future reputations. It's not as if people are dispassionate. They just are careful to be sure that what they say is really what they believe."

Compared to Harvard Law students and some of its less forthcoming faculty members, Harvard alumni are even more tight-lipped. Kagan and her fundraising team are aggressively seeking money to expand the law school, which by definition requires them to urge alumni to break out the checkbooks. If she's talking to the Wall Street crowd or a member of the Federalist Society, she might even be dropping certain names to stir up a little buzz. But tell that to Richard Climan, a partner at Cooley Godward in Palo Alto. Climan says that he's not really in touch with what's going on at Harvard. He says to call Bartley Deamer. Deamer, a partner with Bingham McCutchen, also in Palo Alto, Calif. says, "I'll have to duck that," when he is asked to comment on Harvard's current initiatives. Ted Gullikson, director of alumni relations for the Harvard Alumni Association, did not return calls for comment.

Asking Harvard to discuss the hiring of prominent conservatives, its perennial second-place ranking or whether the political atmosphere is more balanced these days seems like an unwanted intrusion. Yet people might speculate about what direction the school is heading.

Late one Friday night in October, at Davio's, an Italian steakhouse in Boston's Back Bay, a local couple is sharing a bowl of mussels. At the end of the evening the man, who appears to be in his mid-40s, mentions that he is a lawyer. Turns out he went to Harvard. Asked about the politics at Harvard he says cryptically, "They're all wolves in sheep's clothing, it's always been that way."

Days later the lawyer is reached by phone and asked to elaborate on his experience at Harvard. He asks not to be identified. Of the recent hiring of Goldsmith and Manning, former Bush administration lawyers, he says that Harvard's ties to Washington go way back. "People go back and forth to advance themselves politically or in the private sector. Harvard watches what's going on in the world very carefully. The school has a liberal bent, but they move in whatever direction they think is best for the institution."

The lawyer, a criminal defense specialist, says it never rubbed him wrong when he was there more than a decade ago, but his impression now is that "75 percent of them look down on other people. But then, they open so many doors that wouldn't be opened. They bring in people who are so bright. They blow your mind."

What about the politics of the politics? "They fight their own internal battles, but they'll close ranks and protect each other in a heartbeat. You've got to realize, they don't see themselves sitting in the Ivory Tower. They think that they are the Ivory Tower." ■

Congratulations to our partners on their selection to the inaugural Lawdragon 500 Leading Lawyers in America

 **Harvey Kaplan**
Kansas City

 **Ed Moss**
Miami

Shook, Hardy & Bacon LLP
www.shb.com

A Process Obscured

While political realities focus public debate on issues such as abortion and judicial activism, the Supreme Court nomination process ignores the Constitution's promise to protect the rights of the poor.

By David A. Lash

In rapid succession, we have witnessed a virtually unprecedented occurrence — the presentation of three different Supreme Court nominees for consideration. In equally rapid succession, we have seen three vivid examples of how the process of picking a justice to sit on the nation's highest court can entirely miss the point.

The nominations of John Roberts, Harriet Miers and Samuel Alito are examples of how political agendas have turned our attention away from core American values: equal access to justice, the Constitution's role in protecting the poor and a belief that the judiciary is the champion for all who are otherwise silenced.

For one brief moment, we had hope. During the confirmation process, New York Sen. Charles Schumer actually questioned Roberts' ability to "truly empathize" with the poor. However, there was no follow-up. The senator never asked Roberts if he found constitutional issues in the disparate access the rich and poor have to the guarantees of the Bill of Rights. No one asked questions about how particular rulings or specific philosophies touch the lives of those who are denied equal access to justice. The moment was lost.

When Miers withdrew from consideration, her supporters were incensed that she never had the chance to present herself to the Senate, the media and the American public at proper confirmation hearings. They cited her longstanding support of legal services for the poor as an example of the kind of justice she would be. In truth, it did not matter. The confirmation process ignores these issues.

The political realities of the judicial nomination process dictate that hot-button issues dominate public debate. Protracted guesswork about how each of the three nominees would rule on abor-

tion rights and whether they would be "activists" from the bench obscured all other issues of fundamental importance.

If the Roberts and Alito hearings were any indication, the Senate has failed to show an interest in the ability of the underserved and underrepresented to assert and protect their constitutional rights. Take, for example, the ubiquitous issue of abortion. While the efficacy and legacy of *Roe v. Wade* is debated long into the political night, it is currently the law of the land. Accepting that as a given, at least for the time being, no one asked a single question of any nominee about the disproportionate impact issues such as parental notification have on poor women and girls.

Impoverished girls who are scared and intimidated do not have the wherewithal to negotiate a complex legal system and get from the courts a waiver of the notification requirement. And that is assuming they can even find a lawyer to take their case on a pro bono basis. The added paperwork, threat of court action, attorney fees and time will increase the costs of abortions, making fewer low-income clinics able to offer reproductive medical services. The moneyed can go to another state. The poor will have no choice. Without ever fully debating the issue, their constitutional right to an abortion will be effectively gone.

Whether that result is good or bad, the legal implications raised are worthy of debate. But unless someone poses the questions, no nominee will voice an opinion. They haven't been asked.

Another constitutional protection, the right to counsel, should also be the subject of inquiry. In *Gideon v. Wainwright*, the Supreme Court ruled that there cannot be a fair trial "unless counsel is provided." But today, throughout the country, neglect and inadequate funding have put this right at risk. In many states, indigent defen-

dants wait in jail for days, and even weeks, before they are given access to an attorney. Children taken from their parents sit in foster homes indefinitely until an attorney can be found to represent their interests. Yet the constitutional implications go unaddressed.

No one asks questions about the disproportionate impact on the poor of gun control, environmental liability and discrimination based on disability. We know that those in poor neighborhoods will most directly feel the result of the political debate on restrictions on the possession and transfer of weapons. Those in low-income neighborhoods where toxic waste and dumpsites are more frequently located will disproportionately feel the weakening or tightening of environmental protections. Do these disparate impacts on the poor raise equal protection issues for these nominees? Sadly, we'll never know.

If we pride ourselves on the equality of American democracy, a justice's commitment to the legal needs of the poor and voiceless should be a defining criterion for appointment. While each nominee's writings, speeches and values have been examined with a fine-tooth comb, no one seems to even look at access issues. Did the nominees promote language access in their courts for litigants who do not speak English? What have they done to work toward full and open access to the courts, regardless of a party's social or financial status? If an indigent criminal should have a lawyer, what about an indigent family facing homelessness at the hands of an unscrupulous landlord? Have any of these nominees used their powerful bully pulpits to urge legislators to bring more lawyers into the



The Supreme Court nominations of (clockwise from left) Harriet Miers, John Roberts and Samuel Alito are examples of how political agendas have turned our attention away from core American values, argues Lash.

Photos: Associated Press



legal services system, reward pro bono efforts or promote a message of compassion that serves the profession's highest calling?

Sadly, we have learned from these three nominations that the Constitution's impact on the underserved is not an important factor, if it is even a factor at all, in choosing a Supreme Court justice. Judicial activism, whatever that means, and abortion are the issues of the day. While political agendas are pursued, the essential democratic principle in the United States of equal access to justice is being blatantly ignored.

David A. Lash, an attorney at O'Melveny & Myers in Los Angeles, serves as the firm's managing counsel of pro bono and public interest services. He is the former executive director at Bet Tzedek Legal Services in Los Angeles. The views expressed here are his alone.

The Leading Judges in America

What makes a great judge may seem like the most abstract of law school questions, but during the months we spent compiling our guide to The Lawdragon 500 Leading Judges in America, the entire country was weighing in on whether Supreme Court nominee Harriet Miers could be a great, or even good, judge. Although politics was certainly a factor, what sank her nomination was the consensus throughout the political spectrum that she didn't have what it takes to sit on the High Court. In contrast, Chief Justice John Roberts sailed through his confirmation process. What made the difference?

The Lawdragon 500



Was it that Roberts attended law school at Harvard while Miers went to Southern Methodist University in Texas? Does experience matter? Roberts was an appellate judge and before that a frequent advocate in front of the Supreme Court. Or is it because he'd clearly thought about the hard issues and seemed capable of well-reasoned opinions?

We pondered those questions ourselves as we interviewed practicing lawyers and academics to get their views on what makes a great judge. The most frequent comments about our leading judges were "smart," "extremely bright," "smart as a whip." So, smart definitely counts. At the trial level, the most prized qualities are practicality, running an efficient courtroom and rendering timely decisions, particularly in complex or high-profile cases. For appellate judges, what separates the best from the rest is the ability to write well-reasoned decisions that can guide attorneys in other cases.

In compiling this guide, our staff of reporters contacted thousands of people throughout the United States: litigators, in-house counsel, prosecutors, law school professors, pro bono practitioners, bar association heads and users and providers of alternative dispute resolution services.

Our guide to the 500 best public and private judges in the United States includes federal and state court judges at every level, and specialized courts including federal immigration, tax, bankruptcy and international trade. In a testament to the high quality of the federal bench, approximately one-third of the Lawdragon 500 is federal, although they represent a small fraction — less than 1 percent — of the more than 30,000 members of the judiciary nationwide.

California and New York figure heavily at both the state and federal level, both because of their size and the national influence these jurisdictions wield. Our guide, however, includes judges throughout the country and at every level, such as U.S. District Court Judge Lloyd George, who is a legend in Nevada; Shirley Abrahamson, a pioneering female judge on the Wisconsin Supreme Court; Victoria Marks, a much admired state court judge in Honolulu; and Isaac Borenstein, a criminal court judge in Boston.

A unique feature of the Lawdragon 500 is that it encompasses the vast realm of alternative dispute resolution presided over by retired judges, arbitrators and mediators, of which there are more than an estimated 20,000 nationwide. Unlike their counterparts in public service, the best private judges are well paid and highly sought after for high-stakes, complex cases. Often working in specialized niches, they command respect because of their intimate knowledge of the law.

They also have an unparalleled ability to break logjams and find solutions. Singing the praises of one well-known arbitrator, a repeat client says, "He's not afraid to get down and dirty to get the job done."

Several interesting facts leap from our research. The jurist with far and away the most votes was 7th U.S. Circuit Court of Appeals Judge Richard Posner, the law and economics guru from the University of Chicago, who also is known as the most prolific of writers. Difficult to categorize as either liberal or conservative, Posner nonetheless is cited for the brilliance of his opinions and his transcendent work in shaping antitrust law. Not far behind Posner are his colleagues on the 7th Circuit, Frank Easterbrook and Diane Wood, both of whom served on the Chicago faculty.

A noteworthy trend is the ascendance of conservative jurists on the federal bench, including the now-familiar short-list names of J. Michael Luttig, J. Harvie Wilkinson and Bush's Supreme Court pick Samuel Alito. Although Posner is too much of a maverick to be considered a leader of the rightward tilt, his fellow Chicago alum, 10th Circuit Judge Michael McConnell, is most frequently mentioned as a brilliant conservative jurist.

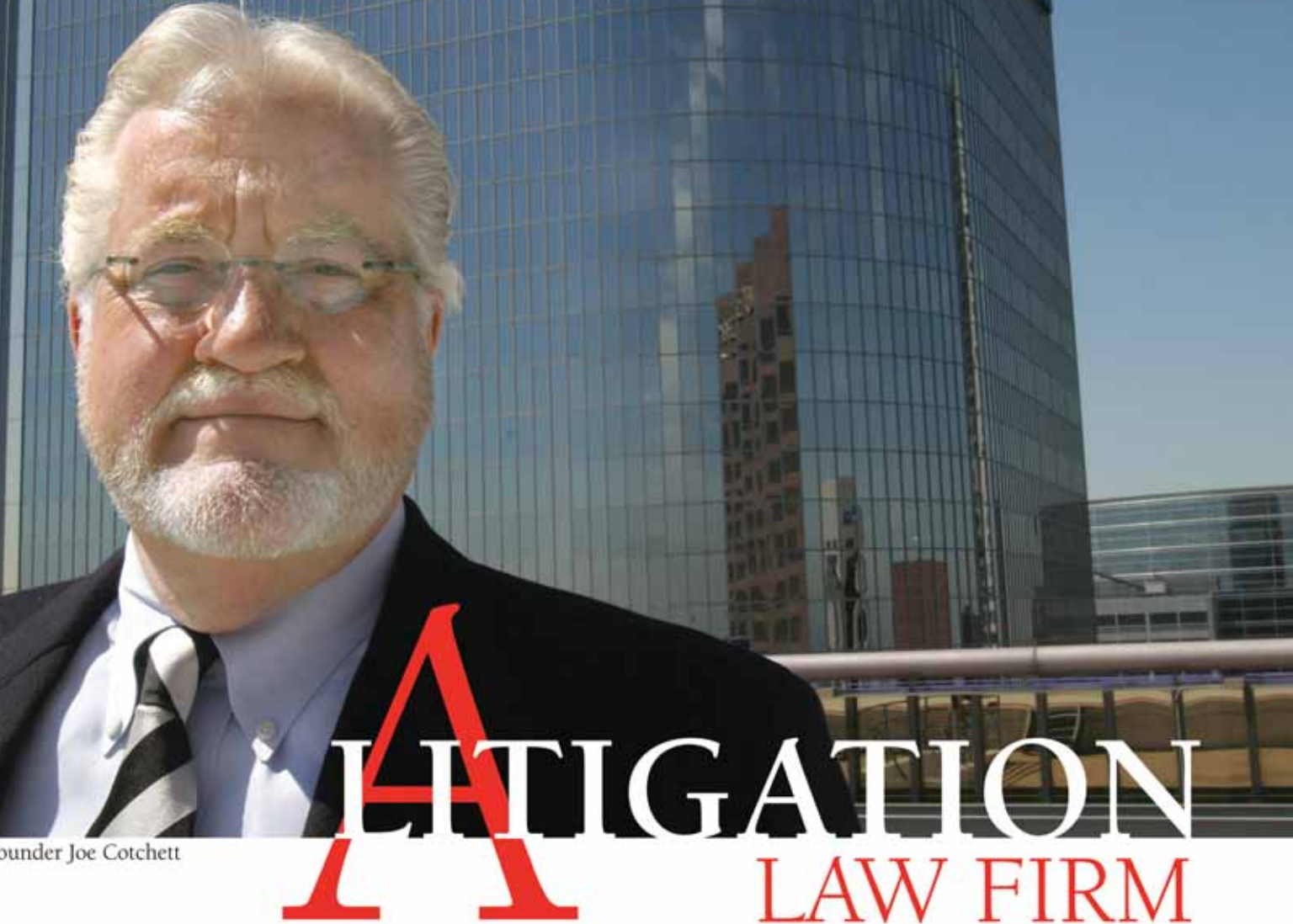
While cultural issues have made the courts a battleground, politics played little role in the selection of the Lawdragon 500. To be sure, some judges on our list are notable precisely because of their controversial opinions. Ninth Circuit Judge Steven Reinhardt capped a career of liberal opinions with a decision — rejected by the Supreme Court — holding that the "under God" phrase in the pledge of allegiance was unconstitutional. Fifth Circuit Judge Edith Jones and D.C. Court of Appeals Judge Janice Rogers Brown are best known for conservative rulings, particularly opinions restricting abortion.

Most of the judges in our guide, however, are there because they have handled difficult or high-profile cases with aplomb. Among them are Richard Matsch, the Colorado federal judge who presided over the Oklahoma City bombing case; bankruptcy court judge Eugene Wedoff, who handled the United Airlines reorganization; Marilyn Patel, the California federal judge who decided the Napster case; Michael Obus, the New York criminal court judge who sentenced disgraced Tyco executive Dennis Kozlowski; and last but not least, Rodney Melville, the Santa Barbara judge who somehow survived the Michael Jackson case.

So what makes a great judge? Brilliance? Definitely. That mysterious thing called judicial temperament? Absolutely. We also know judges have made the cut when attorneys say, "He's decided for me, and he's decided against me. Both times he was right." ■

Shirley S. Abrahamson Supreme Court (Madison, Wisconsin) **Shattered** the male-only bastion of a court that once declared women unable to practice before it. **Lisabeth Hughes Abramson** Circuit Court (Louisville, Kentucky) Louisville lawyers say this trial court judge is the **cream of the crop**. **Gerald Aksen** Thelen Reid & Priest (New York, New York) The **dean** of international ADR, he's conducted domestic and foreign arbitrations in 18 countries. **Samuel A. Alito Jr.** 3rd U.S. Circuit Court of Appeals (Newark, New Jersey) With this intellectual **ideologue**, Bush made clear the imprint he intends to leave on the High Court. **Francis M. Allegra** U.S. Court of Federal Claims (Washington, D.C.) Hearing many tax refund suits, his court **benefits** from the longtime government lawyer's tax expertise. **Robert B. Allen** Allen Guthrie McHugh & Thomas (Charleston, West Virginia) **Turned** his work as a federal prosecutor (coal fraud investigations) into a criminal defense and mediation practice. **Thomas L. Ambro** 3rd U.S. Circuit Court of Appeals (Wilmington, Delaware) The former Richards, Layton & Finger **dealmaker** said law schools can ban military recruiters from campus. **Joseph F. Anderson Jr.** U.S. District Court (Columbia, South Carolina) It's no secret that this **popular** judge is against confidential settlements. **Elaine M. Andrews** Sole practitioner (Anchorage, Alaska) The retired presiding judge of the Anchorage courts now works on the state's **biggest** mediations. **Morris S. Arnold** 8th U.S. Circuit Court of Appeals (Little Rock, Arkansas) His late brother also served, making them the **only siblings** on a federal appeals court.

Marvin E. Aspen U.S. District Court (Chicago, Illinois) From public housing to file sharing, the former counsel to the first Mayor Daley has **defined** Chicago law. **Lewis T. Babcock** U.S. District Court (Denver, Colorado) His place in **culture wars**: throwing out a suit against video game makers sued in the Columbine shootings. **F. Bruce Bach** The McCammon Group (Richmond, Virginia) The former judge has a high **success** rate at settling family law disputes. **William H. Barbour Jr.** U.S. District Court (Jackson, Mississippi) **Headline-grabbing** fraud cases — from WorldCom to Fen-Phen — land in his courtroom. **Paul Bardacke** Sutin, Thayer & Browne (Albuquerque, New Mexico) The former state AG brokers deals in the **toughest** cases, like a massive highway pile up that settled for millions. **John R. Barker** Barker Arbitration and Mediation (Portland, Oregon) This busy neutral takes a **no-nonsense** approach to ADR. **Sarah Evans Barker** U.S. District Court (Indianapolis, Indiana) Indiana's first female federal judge presides over **huge** cases like the Bridgestone/Firestone tire litigation. **Rosemary Barkett** 11th U.S. Circuit Court of Appeals (Miami, Florida) This **former nun** brought new signs to the doors of Florida's top court. They read "Justices" and "Women." **Harry F. Barnes** U.S. District Court (El Dorado, Arkansas) In March, he **sentenced** a top Wal-Mart executive for taking contractor kickbacks. **Harvey Bartle III** U.S. District Court (Philadelphia, Pennsylvania) Forty thousand Phen-Fen plaintiffs are testing this trial judge's **renowned** skill of quickly resolving cases.



ounder Joe Cotchett

COTCHETT, PITRE, SIMON & McCARTHY, based on the San Francisco Peninsula for more than 35 years, engages exclusively in litigation. The firm's dedication to prosecuting or defending socially just actions has earned it both a national and statewide reputation. With offices in Burlingame, Los Angeles and the Washington D.C. area, the core of the firm is its people and their dedication to principles of law, their work ethic and commitment to justice.

"The Cotchett firm has few peers that equal their ability in litigation. Their commitment to the cause of justice and their ethical standards stand apart. They are people who give back to the community and give lawyers a good name."

- Hon. Melvin Cohn, Judge Retired

COTCHETT, PITRE, SIMON & McCARTHY

SAN FRANCISCO BAY AREA, LOS ANGELES, WASHINGTON, D.C.



Wanda Bryant, who joined the Raleigh-based North Carolina Court of Appeals in 2002, is a pioneer for the reform of judicial elections.

Adrian L. Bastianelli III Peckar, Abramson, Bastianelli & Kelley (Washington, D.C.) Construction lawyers nationwide agree he's **built** the field's best mediation practice. **William J. Bauer** 7th U.S. Circuit Court of Appeals (Chicago, Illinois) The revered elder **statesman** of the talented federal appeals court in Chicago. **Cynthia J. Becker** Superior Court (Decatur, Georgia) On the rise ever since she landed a **high-profile** murder case in 2002, shortly after arriving on the bench. **Edward R. Becker** 3rd U.S. Circuit Court of Appeals (Philadelphia, Pennsylvania) His deep Philly **roots** include stints as mentor to Samuel Alito and college debate team partner with Arlen Specter. **Nancy A. Becker** Supreme Court (Carson City, Nevada) The former prosecutor made pro bono and case management priorities as the state's **chief** justice. **Carol A. Beier** Supreme Court (Topeka, Kansas) Lawyers expect a **distinguished** high court career for the intellectual alum from the state court of appeals. **Robert M. Bell** Court of Appeals (Baltimore, Maryland) A **pioneer** in the civil rights movement, he became the state appellate court's first black chief justice. **Stewart L. Bell** District Court (Las Vegas, Nevada) The former district attorney has become one of Vegas' **best** judges. **Mark W. Bennett** U.S. District Court (Sioux City, Iowa) Highly respected by the local bar for his scholarly, **well-reasoned** opinions and well-run courtroom. **Dee V. Benson** U.S. District Court (Salt Lake City, Utah) The **connected** chief judge of Utah's federal bench also sits on the Foreign Intelligence Surveillance Court.

Mark I. Bernstein Court of Common Pleas (Philadelphia, Pennsylvania) An **authority** on scientific evidence, he rescinded a \$1.4 million verdict against Fen-Phen drug maker Wyeth. **Marsha S. Berzon** 9th U.S. Circuit Court of Appeals (San Francisco, California) After two years awaiting Senate confirmation, the former labor lawyer authors thoughtful, **intelligent** opinions. **Stanley F. Birch Jr.** 11th U.S. Circuit Court of Appeals (Atlanta, Georgia) Among the most **conservative** in the judiciary, he told the Bush administration to butt out of the Terry Schiavo case. **Kathleen A. Blatz** Supreme Court (St. Paul, Minnesota) Her initiatives to quickly remove foster children from abusive homes will be **lauded** long after her January retirement. **Richard I. Bloch** Law Offices of Richard I. Bloch (Washington, D.C.) The **longtime** sports arbitrator ruled against wide receiver Terrell Owens in his grievance against the Philadelphia Eagles. **Aviva K. Bobb** Superior Court (Los Angeles, California) A recent family law supervising judge, she's a longtime **advocate** of greater fairness and access in the state's family courts. **Danny J. Boggs** 6th U.S. Circuit Court of Appeals (Louisville, Kentucky) The Cuban-born chief judge taught law in Russia and administers the **toughest trivia** quiz to potential clerks. **Paul Boland** Court of Appeal (Los Angeles, California) The former poverty lawyer and law school professor is **married** to Margaret Morrow of the federal bench. **Joseph J. Bongiovi III** Bongiovi Dispute Resolutions (Las Vegas, Nevada) The insurance specialist formed the first **full-time** mediation practice in southern Nevada. **David M. Borden** Supreme Court (Hartford, Connecticut) The state judiciary's leading intellectual has **clarified** the standard for imposing the ultimate sentence: death.

Stewart Bell, who heads the Las Vegas criminal courts, has quickly established himself as a skilled trial judge and administrator since his election to the bench in 2003.



Photo: Hugh Williams

Isaac Borenstein Superior Court (Boston, Massachusetts) Boston's **favorite** criminal judge eliminated circuit riding in the local court. **John W. Borg** National Arbitration Forum (Edina, Minnesota) The popular Minnesota mediator is a former senior counsel for pharmaceutical **giant** Medtronic. **Richard C. Bosson** Supreme Court (Santa Fe, New Mexico) After serving as bond counsel for the state and teaching in Colombia, he's earned **respect** as chief justice. **Michael Boudin** 1st U.S. Circuit Court of Appeals (Boston, Massachusetts) The well-connected former Covington & Burling partner is considered the leading **intellect** of the bench he sits atop. **William S. Boyd** District Court (Chicago, Illinois) Divorce lawyers say there is **no better** family law judge in Chicago. **David V. Brewer** Court of Appeals (Salem, Oregon) He is the **highly touted** chief judge of the Oregon appellate court. **Thomas J. Brewer** Sole Practitioner (Seattle, Washington) To some, the **best neutral** in all of Washington state. **Stephen G. Breyer** U.S. Supreme Court (Washington, D.C.) Often labeled a liberal-leaning pragmatist, his recent writings reveal a **cogent** judicial philosophy. **Clarence A. Brimmer Jr.** U.S. District Court (Cheyenne, Wyoming) The **guiding light** of the state's talented federal bench. **Janice Rogers Brown** U.S. Court of Appeals, D.C. Circuit (Washington, D.C.) A lightning rod for the left and right, she's considered a **perfect** conservative jurist in need of more experience.

James O. Browning U.S. District Court (Albuquerque, New Mexico) The **newcomer** to New Mexico's federal bench has already become a judicial star.

John Brownrigg Erickson & Sederstrom (Omaha, Nebraska) A full-time neutral and perhaps the best in the state for the biggest and most **complex** cases.

Eric G. Bruggink U.S. Court of Federal Claims (Washington, D.C.) His ruling that the government pay oil companies more than \$1 billion is one of the **largest** in the court's 140-year history. **Wanda G. Bryant** Court of Appeals (Raleigh, North Carolina) The veteran prosecutor has been a **pioneer** for black women and the reform of judicial elections.

Alexander O. Bryner Supreme Court (Anchorage, Alaska) The former U.S. attorney serves as chief justice of the particularly **well-regarded** high court. **William Curtis**

Bryson U.S. Court of Appeals, Federal Circuit (Washington, D.C.) He penned one of last year's most **important** patent infringement decisions: *Phillips v. AWH Corp.*

Mark A. Buckstein Professional Dispute Resolutions Inc. (Boca Raton, Florida) Formerly general counsel of TWA, he is now in the **top tier** of securities mediators. **Charles S. Burdell Jr.** Judicial Dispute Resolution Inc. (Seattle, Washington) He **founded** Washington's top shop for ADR services.

Margaret D. Burkhardt U.S. Immigration Court (Harlingen, Texas) This judge is **famed** for fair hearings in juvenile immigration. **David C. Bury**

U.S. District Court (Tucson, Arizona) A **standout** from the federal bench in Tucson, he rules on the Southwest's most pressing issues.

Michael D. Bustamante Court of Appeals (Santa Fe, New Mexico) A former trial lawyer who gets **high marks** for his work as chief of the appellate court.

José A. Cabranes 2nd U.S. Circuit Court of Appeals (New York, New York) The first Puerto Rican on the federal bench and former GC of Yale University, he has **won** every award in judging **William J. Cahill** JAMS (San Francisco,

California) From massive commercial disputes to smaller cases, the former state court judge boasts a **diverse** practice. **Guido Calabresi** 2nd U.S. Circuit Court of

Appeals (New York, New York) Formerly dean of Yale Law School, he is known for his intelligent opinions and **outspoken** ways. **Pascal F. Calogero Jr.**

Supreme Court (New Orleans, Louisiana) The chief justice is **equalizing** the state's justice system by bringing better criminal defense to the poor. **David G.**

Campbell U.S. District Court (Phoenix, Arizona) The former Osborn Maledon partner has quickly earned high **praise** after his Bush appointment. **William**

C. Canby Jr. 9th U.S. Circuit Court of Appeals (Phoenix, Arizona) Without question the leading **thinker** in the federal circuits on Native American law.

Gregory W. Carman U.S. Court of International Trade (New York, New York) An intellectual **powerhouse** in international trade law. **Edward E.**

Carnes 11th U.S. Circuit Court of Appeals (Montgomery, Alabama) Went **toe-to-toe** with his circuit colleagues, plus the 7th Circuit's Posner, over sentencing guide-

lines earlier this year. **Walter L. Carpeneti** Supreme Court (Juneau, Alaska) One of the most **admired** jurists in Alaska has served on state benches for

25 years.



Enrique Romero is respectful and hard working, both of which make the former state court judge in Los Angeles a popular mediator.

Photo: Hugh Williams

James G. Carr U.S. District Court (Toledo, Ohio) If the League of Women Voters **succeeds**, this chief judge would administer elections in the highly controversial state. **Terrence A. Carroll** Judicial Dispute Resolution Inc. (Seattle, Washington) The former state court judge has been a **busy neutral** since 1992. **Wallace P. Carson Jr.** Supreme Court (Salem, Oregon) He is a **voice of reason** and strength for Oregon's judiciary as the high court's chief judge. **David O. Carter** U.S. District Court (Santa Ana, California) Continues to prove his **legendary** handling of the Mexican mafia criminal trials was no fluke. **James H. Carter** Sullivan & Cromwell (New York, New York) The counselor is also on the short list of **must-have** international arbitrators. **James S. Casebolt** Court of Appeals (Denver, Colorado) A **well-liked** judge with more than a decade of experience on the appellate bench. **Robin J. Cauthron** U.S. District Court (Oklahoma City, Oklahoma) Oklahoma lawyers say the state's first female federal judge is **fair** and even-handed. **Tom Chambers** Supreme Court (Olympia, Washington) The former state bar president and winning plaintiffs' lawyer now **excels** as his state's high court justice. **William B. Chandler III** Court of Chancery (Wilmington, Delaware) In September, the **corporate judge** cleared Disney brass of wrongdoing in the \$140 million Ovitz deal. **Victoria G. Chaney** Superior Court (Los Angeles, California) A **hard-working**, complex-litigation judge, she presides over the Vioxx class action in California.

Victor E. Chavez Superior Court (Los Angeles, California) **Unified** two of the largest court systems in the country amidst turbulent political waters. **Richard Chernick** JAMS (Los Angeles, California) The longtime **advocate** of dispute resolution mediates and arbitrates the biggest cases. **Stanley R. Chesler** U.S. District Court (Trenton, New Jersey) The former federal prosecutor **oversees** national Vioxx shareholder suits and Jersey child welfare battles. **Morgan Christen** Superior Court (Anchorage, Alaska) She is the **highly-touted** presiding judge of the state's largest judicial district. **Tracy Christopher** District Court (Houston, Texas) The 11-year veteran of the bench is an overwhelming **favorite** among Houston lawyers. **Merlyn W. Clark** Hawley Troxell Ennis & Hawley (Boise, Idaho) The **accomplished** trial lawyer is one of his state's most sought after neutrals. **Thomas C. Clark** Circuit Court (Kansas City, Missouri) A veteran of the state bench in Jackson County, he **handles** a courtroom as well as anyone. **Raymond C. Clevenger III** U.S. Court of Appeals, Federal Circuit (Washington, D.C.) The former Wilmer, Cutler & Pickering partner sets the **legal standards** in the most complex patent cases. **Jay M. Cohen** Sole Practitioner (Winter Park, Florida) Central Florida's mediator of choice is a **pro** at resolving multi-party disputes. **Richard S. Cohen** Hoagland, Longo, Moran, Dunst & Doukas (New Brunswick, New Jersey) New Jersey's highest court called on this special **master** to investigate racial bias in the state's jury system.



Retired from the Utah Supreme Court since 2000, Michael Zimmerman is one of Salt Lake City's most prominent commercial arbitrators and mediators.

Photo: Hugh Williams



U.S. Immigration Judge Dana Leigh Marks in San Francisco is a vocal advocate of reforming the court's burdened system.

Photo: Hugh Williams

William D. Cohen Superior Court (Woodstock, Vermont) His ruling was the first to give both partners of civil unions custody rights over their children. **Kenneth Conboy** Latham & Watkins (New York, New York) Rooted out corruption as the court-appointed supervisor of three Teamster Union presidential elections. **Jacqueline A. Connor** Superior Court (Santa Monica, California) Lawyers applaud the former prosecutor for her tireless efforts to make life better for jurors. **William S. Cooper** Supreme Court (Frankfort, Kentucky) Locals say this conservative jurist is the high court's best and brightest. **Thomas W. Cooper Jr.** Circuit Court (Manning, South Carolina) He will determine whether rural children receive an education equal to their urban counterparts. **Michael A. Corriero** Civil Court (New York, New York) A national leader in understanding the unique needs of juvenile offenders. **Maura D. Corrigan** Supreme Court (Lansing, Michigan) Talked about for a U.S. Supreme Court bid, she champions judicial restraint. **Patrick C. Coughlan** Conflict Solutions (Raymond, Maine) This master of mediation turns mass tort disputes into multi-million dollar settlements. **Barbara B. Crabb** U.S. District Court (Madison, Wisconsin) Local lawyers respect the jurist for consistently getting it right. **Robert A. Creo** Sole Practitioner (Pittsburgh, Pennsylvania) From Pepsi and Kmart to the Yankees and Raiders, this arbitrator has an impressive client roster.

Richard W. Dana Judicial Arbitrator Group Inc. (Denver, Colorado) The **admired** neutral founded the state's most respected ADR firm. **Martha Craig Daughtrey** 6th U.S. Circuit Court of Appeals (Nashville, Tennessee) The **first** woman on the Vanderbilt University Law School faculty and the state Supreme Court. **Raymond J. Davilla Jr.** Superior Court (San Jose, California) He **launched** the country's first mental health court for juveniles in 2001; today 11 exist nationwide. **John A. "Jack" Davis** ADR Inc. (Little Rock, Arkansas) **Credited** as one of the founders of Arkansas dispute resolution. **Dickinson R. Debevoise** U.S. District Court (Newark, New Jersey) **Thoughtful** rulings on the right to vote, generic drugs and slave labor claims make him a standout. **Bobby DeLaughter** Circuit Court (Jackson, Mississippi) Immortalized as the prosecutor in "Ghosts of Mississippi," he's become a **well-regarded** state court judge. **Peter J. DeTroy III** Norman Hanson & DeTroy (Portland, Maine) Equally acclaimed as a **top-notch** litigator and one of Maine's busiest mediators. **Carroll C. Dicus Jr.** Armed Services Board of Contract Appeals (Falls Church, Virginia) A respected veteran of the nation's **busiest** administrative appeals court. **John K. Dietz** District Court (Austin, Texas) He **ruled** unconstitutional Texas' \$30 billion funding system for state schools. **Bryan C. Dixon** District Court (Oklahoma City, Oklahoma) A judicial **standout** in the Sooner state, he oversees the Oklahoma City grand jury.

Herbert B. Dixon Jr. Superior Court (Washington, D.C.) Head of the 1,300-member National Conference of State Trial Judges, he **made news** in the Elizabeth Morgan case. **Mark J. Doherty** Juvenile Court (New Orleans, Louisiana) His rulings **led** to the closure of youth correctional facilities infamous for abusing juveniles. **Jeffrey A. Donnell** District Court (Laramie, Wyoming) The popular trial judge is known for his **clear-eyed** handling of key parts of the Matthew Shepard case. **William C. Donnino** Supreme Court (Mineola, New York) One of the state's most **respected** criminal judges outside the Big Apple. **Sandra L. Dougherty** District Court (Omaha, Nebraska) After criticism for criminal oversight, the intellectual standout made a **landmark** ruling on repressed memory in abuse cases. **James E. Duffy Jr.** Supreme Court (Honolulu, Hawaii) The high court's newcomer is receiving **high marks** after the U.S. Senate ignored his 9th Circuit bid. **James E. Duggan** Supreme Court (Concord, New Hampshire) The former chief appellate defender has developed a reputation as a criminal law **guru**. **Allyson K. Duncan** 4th U.S. Circuit Court of Appeals (Raleigh, North Carolina) This former energy lawyer is the first black woman on the 4th Circuit and the first black to **head** the state bar. **Christine M. Durham** Supreme Court (Salt Lake City, Utah) The chief judge is a sharp legal **mind** and staunch defender of the courts' independence. **Stanwood R. Duval Jr.** U.S. District Court (New Orleans, Louisiana) In December, he **ordered** FEMA to continue to pay hotel bills for Katrina victims into February.



U.S. District Court Judge Mark Filip is the rising star of Chicago's federal bench.

Frank H. Easterbrook 7th U.S. Circuit Court of Appeals (Chicago, Illinois) The other half of the 7th Circuit's one-two punch, he's a **brilliant** mind in his own right. **O.H. Eaton Jr.** Circuit Court (Sanford, Florida) An acknowledged death penalty **expert**, he has drawn criticism for rulings in abuse cases. **David M. Ebel** 10th U.S. Circuit Court of Appeals (Denver, Colorado) Revered on Denver's federal bench, he **banned** religion from wall tiles commemorating deaths at Columbine. **Nancy G. Edmunds** U.S. District Court (Detroit, Michigan) In 2002 she declared **unconstitutional** closed detention hearings for immigrants post-Sept. 11. **Harry T. Edwards** U.S. Court of Appeals, D.C. Circuit (Washington, D.C.) The former labor lawyer found Microsoft in violation of antitrust laws before taking senior status on the **powerful** circuit. **Leonard P. Edwards II** Superior Court (San Jose, California) He's the only juvenile court judge to receive the country's highest **honor** for excellence by a state trial judge. **Andrew S. Effron** U.S. Court of Appeals, Armed Forces (Washington, D.C.) Former counsel to the Senate Armed Services Committee, he's known for his smarts and **meticulously** researched opinions. **Howard S. Eilen** Lehman & Eilen (Uniondale, New York) One of the country's busiest **securities** mediators, handling individual and class matters. **Bruce J. Einhorn** U.S. Immigration Court (Los Angeles, California) A rare **bright light** on the immigration bench, he has halted deportations and sharply questioned the government. **Ralph R. Erickson** U.S. District Court (Fargo, North Dakota) The state's leading intellect on the federal bench recently **upheld** a public Ten Commandments display.

Diane Wood of the 7th Circuit has made a name for herself on the talented federal appeals bench in Chicago.



Photo: Hugh Williams

Dana Fabe Supreme Court (Anchorage, Alaska) The state's first female Supreme Court Justice has made her mark with **abortion** and subsistence rulings. **Eugene I. Farber** Farber, Pappalardo, and Carbonari (White Plains, New York) The Pace University Law School professor trains others to **skillfully** mediate commercial disputes. **John D. Feerick** Fordham Law School (New York, New York) The NFL and NBA both have called upon this favorite arbitrator of the **sports world**. **Kenneth R. Feinberg** The Feinberg Group (Washington, D.C.) Special master of the Sept. 11 compensation fund, he had to attach a price tag to each of the **3,000 lives** lost. **Paul S. Felt** Law Offices of Paul S. Felt (Salt Lake City, Utah) Litigators often call on Felt to handle **personal injury** and other mediations. **Phillip S. Figa** U.S. District Court (Denver, Colorado) On the former trial lawyer's docket: **protecting** trout and dismissing a libel claim by JonBenet Ramsey's family. **Mark Filip** U.S. District Court (Chicago, Illinois) Bush's youngest appointment brings a prosecutor's background and is a **lightening rod** for conspiracists. **Kenneth J. Fishman** Superior Court (Boston, Massachusetts) Allowing the light of a **backyard shrine** to shine when not dispensing justice in Boston criminal courts. **Joel M. Flaum** 7th U.S. Circuit Court of Appeals (Chicago, Illinois) This **seasoned** jurist leads the federal circuit with one of the nation's deepest benches. **Lawrence H. Fleischman** The Fleischman Law Firm (Tucson, Arizona) An Arizona neutral whose reputation **extends** beyond the state.

Donovan W. Frank U.S. District Court (St. Paul, Minnesota) Presides over the **headline-grabbing** shooting of a Red Lake student, allegedly by a tribal chairman's son. **Thomas S. Fraser** Fredrikson & Byron (Minneapolis, Minnesota) The busiest arbitrator and mediator in the **Twin Cities**. **Pendleton Gaines** Superior Court (Phoenix, Arizona) His handling of complex **commercial** cases earns the former Fennemore Craig partner high praise. **Fernando J. Gaitan Jr.** U.S. District Court (Kansas City, Missouri) The first black judge on Western Missouri's federal bench is now its brightest **star**. **Arthur E. Gamble** District Court (Des Moines, Iowa) This chief judge has a reputation for being intelligent, fair and **sticking** to his decisions. **Ira Gammernan** Supreme Court (New York, New York) The Manhattan trial court vet has heard **juicy** business disputes involving Rosie O'Donnell and Woody Allen. **Barry H. Garfinkel** Skadden, Arps, Slate, Meagher & Flom (New York, New York) Involved in the biggest **international** disputes, the litigator is also in high demand as an arbitrator. **Merrick B. Garland** U.S. Court of Appeals, D.C. Circuit (Washington, D.C.) After guiding the Oklahoma City and **Unabomber** prosecutions, he stands out on a distinguished bench. **Lloyd D. George** U.S. District Court (Las Vegas, Nevada) The federal courthouse bears the name of the legend who once delivered **silver dollars** to casinos. **Ronald M. George** Supreme Court (San Francisco, California) Has redefined the balance of **power** for the judiciary in the nation's largest court system.

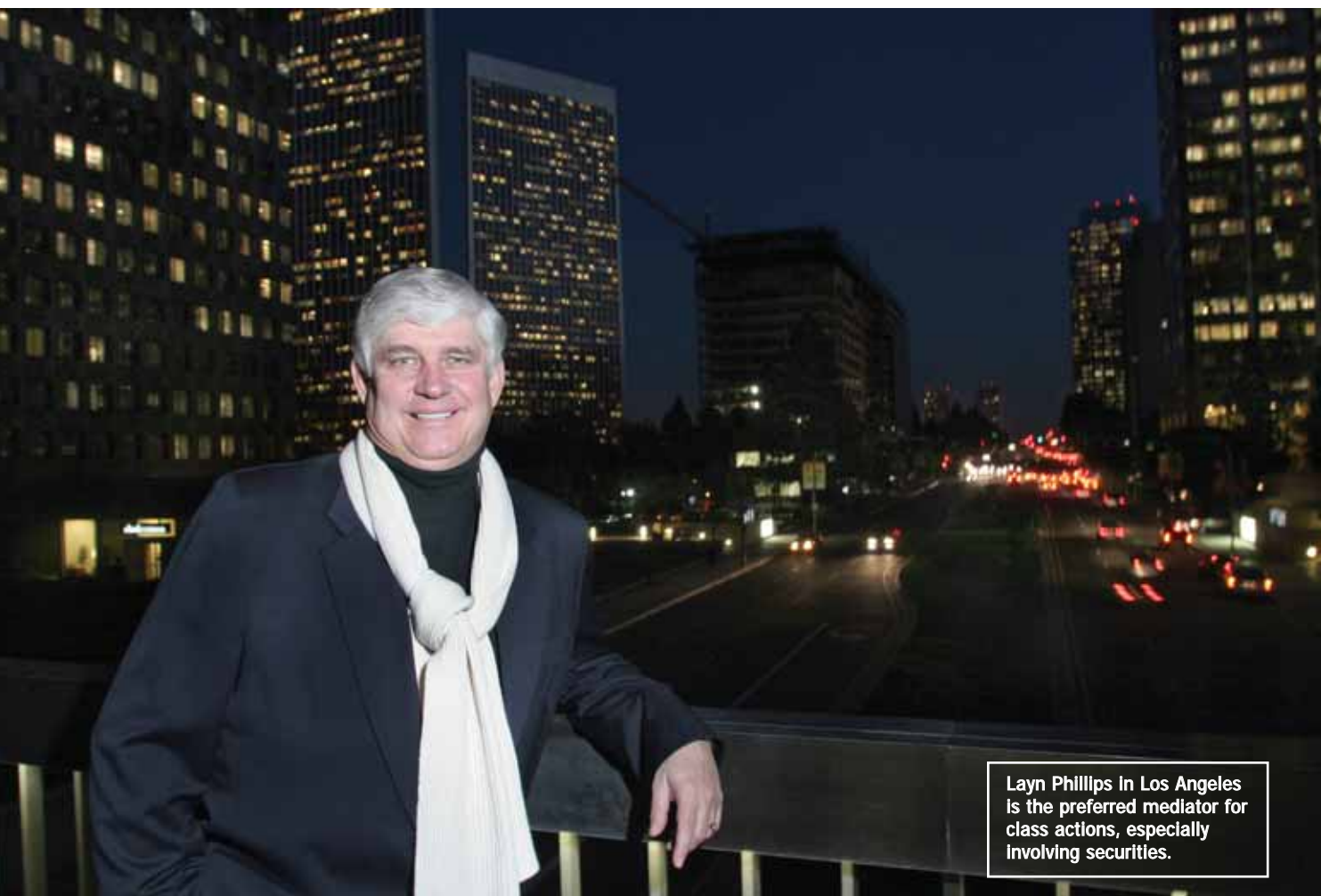


Photo: Hugh Williams



U.S. District Court Judge Marilyn Hall Patel in San Francisco has presided over countless notable cases, including Napster.

Photo: Hugh Williams

Joel Gerber U.S. Tax Court (Washington, D.C.) The new chief justice has done much to **repair** the court's battered reputation since the *Ballard* decision. **David Geronemus** JAMS (New York, New York) From asbestos to trade secrets, the **master** mediator has settled just about every type of dispute. **Nancy Gertner** U.S. District Court (Boston, Massachusetts) A rare former criminal defense lawyer on the federal bench, she **demands** racially balanced juries. **Alice Bridget Gibney** Superior Court (Providence, Rhode Island) She keeps busy heading the court's mediation program and **asbestos** calendar. **H.F. "Sparky" Gierke** U.S. Court of Appeals, Armed Forces (Washington, D.C.) Formerly the **top judge** in North Dakota, the chief judge has raised the visibility of the military courts. **Mark W. Gifford** Sole Practitioner (Casper, Wyoming) The state's top litigators say he's the neutral of **choice**. **Dennis L. Gillen** Depew Gillen Rathbun & McInter (Wichita, Kansas) A popular mediator who can **tackle** the big cases. **W. Michael Gillette** Supreme Court (Salem, Oregon) One of the **smartest** legal minds in the state belongs to this distinguished judicial vet. **Douglas H. Ginsburg** U.S. Court of Appeals, D.C. Circuit (Washington, D.C.) The chief judge has had a long and **stellar** tenure after his failed bid for the U.S. Supreme Court. **Ruth Bader Ginsburg** U.S. Supreme Court (Washington, D.C.) She is the high court's second female justice and the leader of its **liberal wing**.



U.S. Bankruptcy Court Judge Arthur Gonzalez in New York presides over the two largest bankruptcies in this country's history: WorldCom and Enron.

Photo: Hugh Williams

Arnold H. Gold ARC (Los Angeles, California) The former Superior Court judge is a popular mediator for civil, **family** and probate disputes. **Michael Golden** Supreme Court (Cheyenne, Wyoming) A highly respected veteran, he has sat on the state's **high court** since 1988. **Arthur J. Gonzalez** U.S. Bankruptcy Court (New York, New York) This **workhorse** gets rave reviews for handling two of history's largest bankruptcies: Enron and WorldCom. **Joseph R. Goodwin** U.S. District Court (Charleston, West Virginia) Made his mark at the **army** JAG Corps and now is ruling on federal sentencing and mining disputes. **Nancy M. Gould** Probate and Family Court (Boston, Massachusetts) Leading the state's family court in addressing new issues brought by the legalization of **same-sex marriage**. **Ernestine Gray** Juvenile Court (New Orleans, Louisiana) Known nationally for her work with juvenile offenders, she started a female **enrichment** program for teens. **Eric D. Green** Boston University School of Law (Boston, Massachusetts) The mediator of choice for Microsoft, Enron and Arthur Andersen, he **co-founded** JAMS. **Alan J. Greiman** Appellate Court (Chicago, Illinois) An **innovator** in the state's appellate system, he has been outspoken about abuses in criminal justice. **James P. Groton** Sole Practitioner (Atlanta, Georgia) The busiest mediator in **construction** law's epicenter — Atlanta. **Floyd A. Hale** JAMS (Las Vegas, Nevada) A neutral of **choice** in construction-defect cases.

Bruce Hall Rodey, Dickason, Sloan, Akin & Robb (Albuquerque, New Mexico)

Local lawyers **appreciate** the busy litigator's ADR skills. **James A. Hall**

District Court (Santa Fe, New Mexico) A state chief judge who can handle complex litigation like the **Fen-Phen** cases. **Janet C. Hall** U.S. District Court

(Bridgeport, Connecticut) She lifted a Patriot Act gag order on librarians when the war on terror and **free speech** rights clashed. **James S. Halpern** U.S. Tax

Court (Washington, D.C.) Although impatient to move cases along, he's considered the tax court's **leading** intellect. **Pierce W. Hamblin** Landrum & Shouse

(Lexington, Kentucky) The **go-to** mediator in Louisville brings warring factions together for seemingly impossible results. **David F. Hamilton** U.S.

District Court (Indianapolis, Indiana) The star of the local federal judiciary makes his mark on **political prayer**, DNA and abortion. **Frank S. Hamlin**

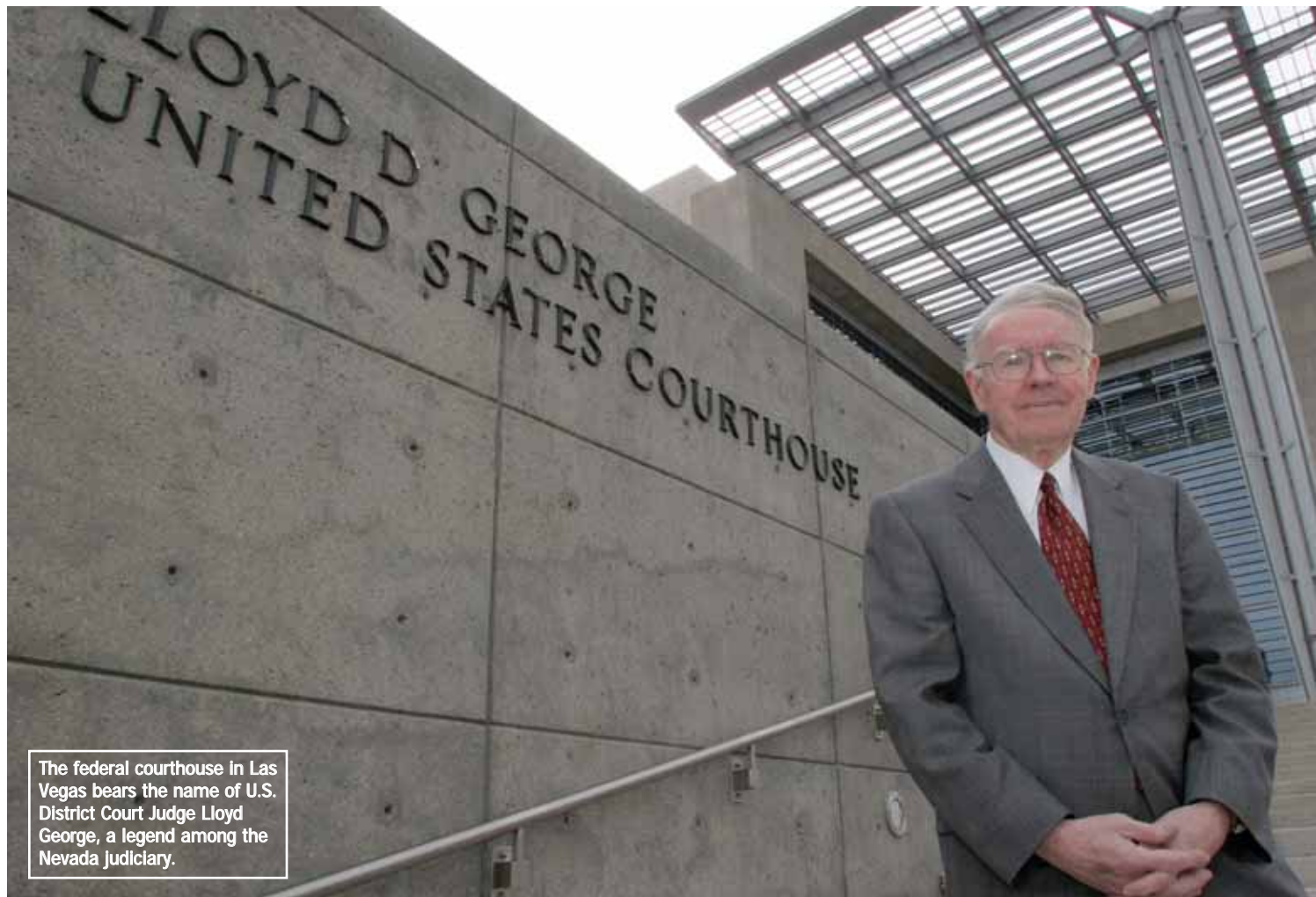
ADR Inc. (Little Rock, Arkansas) The co-founder of the state's **busiest** arbitration and mediation firm. **Timothy R. Hanson** District Court (Salt Lake City,

Utah) A no-nonsense **cowboy** who isn't afraid to make a decision to get the case moving. **Robert L. Harris Sr.** The McCammon Group (Richmond,

Virginia) The retired state judge **maintains** the busiest mediation calendar in Virginia. **Kirk R. Harrison** Harrison Kemp & Jones (Las Vegas, Nevada)

A **talented** litigator and an increasingly desired mediator.

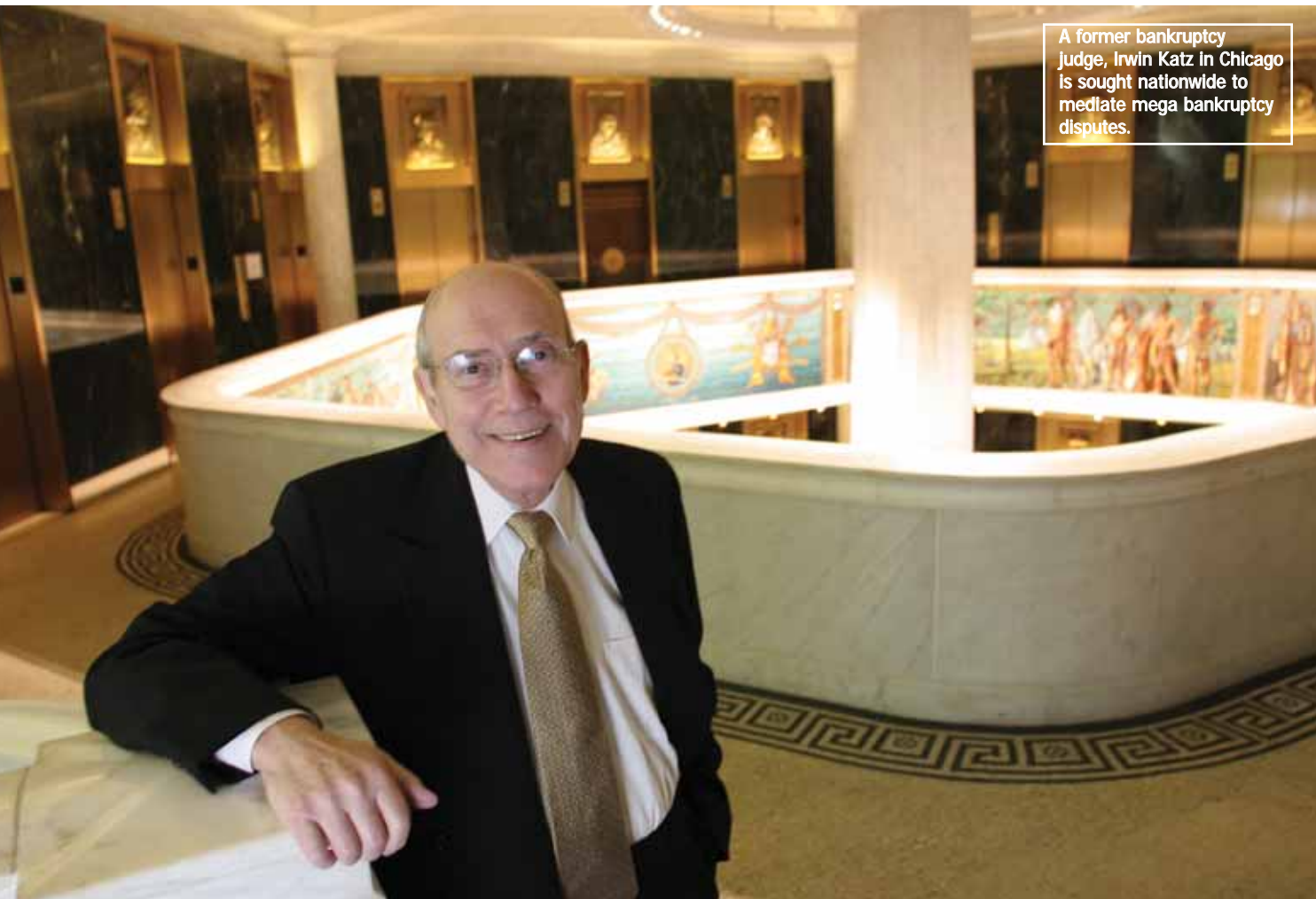
Harris L. Hartz 10th U.S. Circuit Court of Appeals (Albuquerque, New Mexico) The **Bush appointee** just stepped down as chair of the 1,000-member Appellate Judges Conference. **Frank T. Hazel** Court of Common Pleas (Media, Pennsylvania) The former district attorney **shoots** straight down the middle, according to criminal defenders. **Nathan L. Hecht** Supreme Court (Austin, Texas) Even this **well-connected** conservative couldn't help confidant Harriet Miers onto the nation's highest court. **Thelton E. Henderson** U.S. District Court (San Francisco, California) From prison reform to clean air, gay rights to saving dolphins, he's smart, **tenacious** and liberal. **John V. Hendry** Supreme Court (Lincoln, Nebraska) An admired **leader** of the judiciary since jumping from county judge to high-court chief in 1998. **Robert H. Henry** 10th U.S. Circuit Court of Appeals (Oklahoma City, Oklahoma) The Oklahoma Legislature at 23, attorney general at 33; his ascent **continues**. **John G. Heyburn II** U.S. District Court (Louisville, Kentucky) The chief keeps **peace** at Churchill Downs when not asking Congress for billions to fund the nation's judiciary. **Gary E. Hicks** Superior Court (Nashua, New Hampshire) His ruling **paved the way** for this year's recall election of local Mayor Bernie Streeter. **Carol E. Higbee** Superior Court (Atlantic City, New Jersey) Charged with the task of overseeing more than 3,500 cases involving pain killer **Vioxx**. **Patrick E. Higginbotham** 5th U.S. Circuit Court of Appeals (Dallas, Texas) The circuit's unofficial leader earns **national respect** for his rulings on the death penalty, corporate fraud and politics.



The federal courthouse in Las Vegas bears the name of U.S. District Court Judge Lloyd George, a legend among the Nevada judiciary.

Photo: Hugh Williams

Robert K. Hilder District Court (Salt Lake City, Utah) He runs **great trials** in cases such as trade secrets accusations against a video relay service assisting the deaf. **James Hoenig** Dispute Prevention & Resolution Inc. (Honolulu, Hawaii) When **Hawaiian couples** call it quits, he's the mediator of choice to resolve contentious disputes. **Thomas F. Hogan** U.S. District Court (Washington, D.C.) The Judicial Conference chair grabbed headlines by sending uncooperative reporter **Judith Miller** to jail. **Thomas L. Hogan** Circuit Court (Chicago, Illinois) He's a **clear** favorite on Chicago's crowded trial bench. **James R. Holbrook** University of Utah Law School (Salt Lake City, Utah) This professor and mediator shows that those who can, **teach**. **D. Brock Hornby** U.S. District Court (Portland, Maine) A national standout for **class actions** and multi-district cases. **Hunter R. Hughes III** Rogers & Hardin (Atlanta, Georgia) The busy Atlanta mediator is known for **resolving** complex class actions. **Keith W. Hunter** Dispute Prevention & Resolution Inc. (Honolulu, Hawaii) Not a lawyer, he still mediates the biggest cases and runs the largest ADR shop on **the islands**. **Andrew D. Hurwitz** Supreme Court (Phoenix, Arizona) Has emerged as a **top-flight** justice since joining the state's high court in 2003. **Susan Illston** U.S. District Court (San Francisco, California) The popular federal judge presided with finesse over the **athlete-doping** BALCO case.



A former bankruptcy judge, Irwin Katz in Chicago is sought nationwide to mediate mega bankruptcy disputes.

Photo: Hugh Williams

J. Lawrence Irving Sole Practitioner (San Diego, California) Resigned his federal judgeship over **mandatory** sentencing, then built a stellar practice mediating huge business disputes. **R. Brooke Jackson** District Court (Golden, Colorado) This admired trial lawyer **carried** his skills to the state bench and is now chief judge of his district. **Jack B. Jacobs** Supreme Court (Wilmington, Delaware) The corporate law expert brought 18 years of Chancery Court **expertise** to the high-court bench. **John A. Jarvey** U.S. District Court (Cedar Rapids, Iowa) The chief magistrate of his district has made his **mark** with tribal disputes and the mailbox bomber. **Wallace B. Jefferson** Supreme Court (Austin, Texas) Superstar alert: the first black on Texas' high court, its first black chief justice, and he has a **deep** appellate background. **Calvin Johnson** District Court (Baton Rouge, Louisiana) Criminal court judges are used to difficult circumstances, but this leader **stood** out for his post-Katrina work. **Edith H. Jones** 5th U.S. Circuit Court of Appeals (Houston, Texas) A high-court runner-up, this bankruptcy expert **interjects** morality into the courts while arguing judicial restraint. **Nathaniel R. Jones** Blank Rome (Cincinnati, Ohio) The retired federal appeals judge and NAACP general counsel uses his skills to mediate the region's **largest** cases. **C. Darnell Jones II** Court of Common Pleas (Philadelphia, Pennsylvania) The law professor and veteran criminal jurist was recently **elected** presiding judge of Philadelphia's courts. **John E. Jones III** U.S. District Court (Philadelphia, Pennsylvania) Dealt Christian scientists a blow with his **landmark** ruling that forbids teaching intelligent design in Pennsylvania schools.

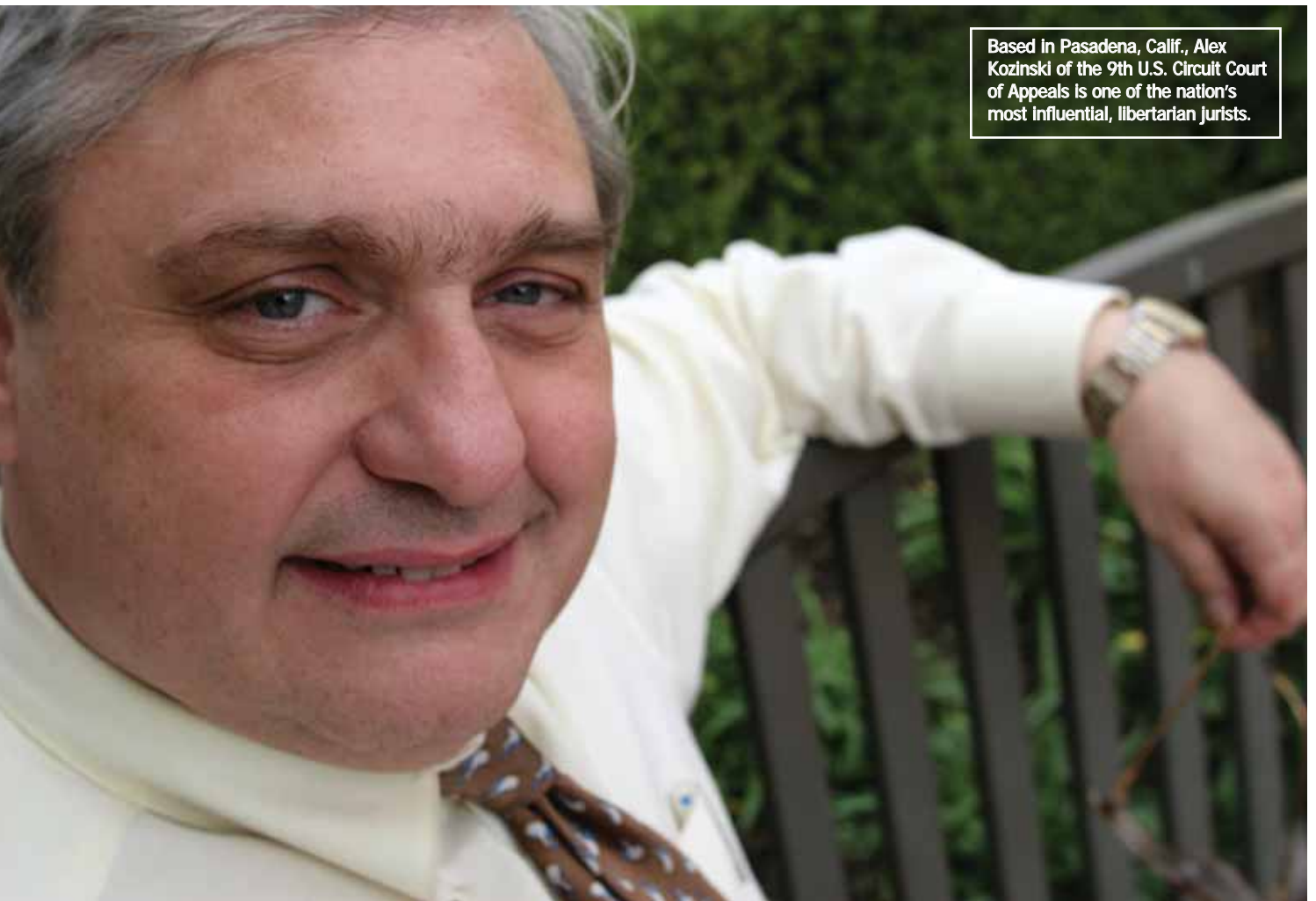
Adalberto Jordan U.S. District Court (Miami, Florida) The Cuban-born judge has become a **star** with rulings like his acquittal of Greenpeace protesters of Brazilian logging. **Lewis A. Kaplan** U.S. District Court (New York, New York) **Epitomizes** New York justice: tough, smart and tireless in rulings on copyright infringement, big business and union protest. **David A. Katz** U.S. District Court (Toledo, Ohio) Presiding over the money-laundering case against **prominent** Bush-Cheney fundraiser Thomas Noe. **Erwin I. Katz** Judicial Dispute Resolution Inc. (Chicago, Illinois) This retired bankruptcy judge is the only arbitrator and mediator with a national **reputation** in insolvency cases. **Matthew I. Katz** Family Court (Middlebury, Vermont) He redistributed **wealth** to rural communities to ensure all Vermont children receive an equal education. **Laurence D. Kay** ADR Services Inc. (San Francisco, California) A quickly **rising** star in private dispute resolution since retiring from the California appeals court last summer. **Judith S. Kaye** Court of Appeals (Albany, New York) The first woman to hold the state's highest judicial post is a **powerhouse** on administration and justice. **Amalya L. Kearse** 2nd U.S. Circuit Court of Appeals (New York, New York) Her brilliance bridged the law's past to its **future** with firsts as female Wall Street partner and 2nd Circuit jurist. **Irene M. Keeley** U.S. District Court (Clarksburg, West Virginia) Much admired for her rulings **upholding** patents and her grit standing up against sentencing guidelines. **Mary Beth Kelly** Circuit Court (Detroit, Michigan) **Courage** is the chief's middle name after ousting an official over voter fraud and requiring juvenile lawyers to do their jobs.

Paul J. Kelly Jr. 10th U.S. Circuit Court of Appeals (Santa Fe, New Mexico) He puts out fires in **well-crafted** and oft-cited opinions ranging from Daubert hearings to the death penalty. **Joyce L. Kennard** Supreme Court (San Francisco, California) The woman whose father died in a Japanese prison camp took **Nike** to task over assertions it doesn't use slave labor. **Anthony Kennedy** U.S. Supreme Court (Washington, D.C.) Drifting from the reliably conservative camp, he authored the **historic** decision protecting gay and lesbian relationships. **Matthew F. Kennelly** U.S. District Court (Chicago, Illinois) How do you follow reversing a death row decision? This rising star threw out a state ban on **video games**. **Janine M. Kern** Circuit Court (Rapid City, South Dakota) Smart and hard working, the trial judge receives **top ratings** from local lawyers. **Carolyn Dineen King** 5th U.S. Circuit Court of Appeals (Houston, Texas) Vaulted through big firms and the judiciary to be the first woman chair of the **executive** committee of the Judicial Conference. **Garr King** U.S. District Court (Portland, Oregon) The popular jurist has **allowed** autistic children to play softball and halted illegal logging of old-growth forests. **Samuel P. King** U.S. District Court (Honolulu, Hawaii) The China-born elder statesman of Hawaii's federal bench has **protected** the environment and consumers. **Rufus G. King III** Superior Court (Washington, D.C.) The classic public **servant** holds open office hours weekly and set new standards for child support awards. **Marylin S. Kite** Supreme Court (Cheyenne, Wyoming) It was **family fun** when her brother sat by designation on the high court, where she is the first woman.

Joan Dempsey Klein Court of Appeals (Los Angeles, California) For 28 years, has been a strong and commanding jurist **blazing** new paths for generations of women. **Karen K. Klein** U.S. District Court (Fargo, North Dakota) Both plaintiffs and defendants seek out this magistrate judge for her **superior** mediation skills. **William C. Koch Jr.** Court of Appeals (Nashville, Tennessee) The widely **respected** jurist was on the short list last fall for a seat on the state's Supreme Court. **Charles P. Kocoras** U.S. District Court (Chicago, Illinois) He quashed government subpoenas for abortion records while going to battle for **greater** security for judges. **Richard Kopf** U.S. District Court (Lincoln, Nebraska) **Brilliant** rulings on sentencing, partial-birth abortion (474 pages!!) and religious displays prove his star power. **Alex Kozinski** 9th U.S. Circuit Court of Appeals (Pasadena, California) There's little to say about this libertarian writer and **genius** that he hasn't already said. For details: notabug.com/kozinski. **Phyllis A. Kravitch** 11th U.S. Circuit Court of Appeals (Atlanta, Georgia) The senior judge threw out the **convictions** of five accused Cuban spies, ruling they didn't get a fair trial. **Owen Lee Kwong** Superior Court (Los Angeles, California) He secured a record settlement of nearly \$100 million in **sex-abuse** cases against the Orange County archdiocese. **Stephen M. Lachs** ADR Services Inc. (Los Angeles, California) There isn't a **marital** spat in Los Angeles that Lachs can't settle. **Ronald R. Lagueux** U.S. District Court (Providence, Rhode Island) Rhode Island's most **capable** judge presides over "The Station" nightclub fire litigation.



Thomas F. Hogan, chief judge of the U.S. District Court in Washington, D.C., jailed reporter Judith Miller for refusing to divulge her confidential White House source in the Valerie Plame affair.



Based in Pasadena, Calif., Alex Kozinski of the 9th U.S. Circuit Court of Appeals is one of the nation's most influential, libertarian jurists.

Photo: Hugh Williams

Simeon T. Lake III U.S. District Court (Houston, Texas) The talented jurist drew the nation's biggest fraud trial in the **Enron** trio of Lay-Skilling-Causey. **Joan Ericksen Lancaster** U.S. District Court (Minneapolis, Minnesota) She made her mark on the state bench in administration and **child protection** before donning a federal robe. **Robert S. Lasnik** U.S. District Court (Seattle, Washington) Seattle's judicial star cites **Bob Dylan** in opinions while providing contraceptives and protecting orca whales. **W. William Leapheart** Supreme Court (Helena, Montana) The former plaintiffs' lawyer is a key swing vote, noted for **insightful** and open-minded rulings. **Steve Leben** District Court (Olathe, Kansas) An **inspired**, intelligent leader recognized for his improving communications while dispensing justice. **Cindy S. Lederman** Circuit Court (Miami, Florida) A **standout** in establishing and funding innovative programs like a special division for infant abuse cases. **Tom S. Lee** U.S. District Court (Jackson, Mississippi) The **"judge's judge"** recently threw out a state law that banned early second-trimester abortions at clinics. **Ronald B. Leighton** U.S. District Court (Tacoma, Washington) The former trial lawyer is getting high **marks** for handling claims over takings and jail conditions. **Benjamin Lerner** Court of Common Pleas (Philadelphia, Pennsylvania) The murder trial against rap star Cassidy landed on this **popular** criminal court judge's docket. **Ginger Lerner-Wren** County Court (Fort Lauderdale, Florida) The former disability advocate's court was the model for treatment **embraced** in the Mental Health Act.

Tony N. Leung District Court (Minneapolis, Minnesota) The state's first Asian-American judge oversees **massive** train derailment litigation since leaving Faegre & Benson for the bench. **Pierre N. Leval** 2nd U.S. Circuit Court of Appeals (New York, New York) The **first-rate** centrist is known for his intellectual property work, including preserving the soundtrack to Fantasia. **Richard A. Levie** JAMS (Washington, D.C.) The retired state judge helped build ADR programs in **Africa**. **Alan F. Levin** Levin & Kasner (Houston, Texas) The mediator of **choice** for Houston's lawyers. **Bert Levy** Sole Practitioner (Beverly Hills, California) The **godfather** of securities mediation. **Timothy K. Lewis** Schnader Harrison Segal & Lewis (Washington, D.C.) The former federal appeals judge receives **high marks** as a mediator and arbitrator. **Stephen N. Limbaugh Jr.** Supreme Court (Jefferson City, Missouri) Rush Limbaugh's second cousin is one of Missouri's most intelligent and **thoughtful** justices. **Kermit V. Lipez** 1st U.S. Circuit Court of Appeals (Portland, Maine) Held firm in rulings **protecting** electronic communications and Native sovereignty claims. **Ronald R. Lodders** Sole Practitioner (Billings, Montana) Many call him the **very best** neutral in all of Montana. **Keith M. Lundin** U.S. Bankruptcy Court (Nashville, Tennessee) No one knows **consumer** bankruptcy law better than this Chapter 13 guru.

John W. Lungstrum U.S. District Court (Kansas City, Kansas) Lawyers say this chief judge is the **best** they've ever appeared before. **J. Michael Luttig** 4th U.S. Circuit Court of Appeals (Alexandria, Virginia) Rulings against abortion and congressional overreaching mark the **star** who counseled Thomas and Souter through their confirmations. **Eugene F. Lynch** JAMS (San Francisco, California) The former federal judge brokered the largest damage recovery in the **history** of civil rights law. **Sandra L. Lynch** 1st U.S. Circuit Court of Appeals (Boston, Massachusetts) Had Kerry won, the woman who helped **desegregate** Boston's schools could be on the Supreme Court. **Champ Lyons Jr.** Supreme Court (Montgomery, Alabama) A **bedrock** of Bama's legal system, he threw out the death sentence given by a judge over a jury's recommendation. **William D. Maddux** Circuit Court (Chicago, Illinois) Serving as presiding judge of Chicago's law division, Maddux is **revered** for running a great trial. **William C. Madison** Madison, Harbour, Mroz & Brennan (Albuquerque, New Mexico) The highly respected insurance defense specialist is noted for his **enthusiastic** mediations. **C. Dennis Maes** District Court (Pueblo, Colorado) Schoolchildren **cower** before Pueblo's chief judge, who calls his truancy docket his most important work. **Jane Magnus-Stinson** Trial Court (Indianapolis, Indiana) The criminal court judge is known for tough sentences and a **quest** to relieve overcrowded jails. **Howard E. Manning Jr.** Superior Court (Raleigh, North Carolina) A local hero for **taking on** the "shell game" of education funding between the state and local districts.



A veteran member of California's intermediate appeals court, Joan Dempsey Klein in Los Angeles is credited with increasing the ranks of women on the state bench.

Photo: Hugh Williams

Jack G. Marcil Serkland Law Firm (Fargo, North Dakota) In North Dakota, even plaintiffs say this defense lawyer is the mediator of **choice**. **Dana Leigh Marks** U.S. Immigration Court (San Francisco, California) Advocating **reform** for immigration oversight from within the severely overburdened system. **Jonathan B. Marks** Marks ADR (Bethesda, Maryland) The lawyer who mediated a conclusion to the government's battle with **Microsoft** started out in the Peace Corps. **Victoria S. Marks** Circuit Court (Honolulu, Hawaii) Locals say she's bright, **always right** and is tops among the trial court judges. **Margaret H. Marshall** Supreme Judicial Court (Boston, Massachusetts) Her **landmark** ruling made Massachusetts the first state to legalize gay marriage. **Frederick J. Martone** U.S. District Court (Phoenix, Arizona) The veteran state court jurist now presides over a federal docket of **wild horses** and charter schools. **William A. Masterson** JAMS (Los Angeles, California) One of California's most **desired** neutrals since retiring from the state appellate bench in 2000. **Richard P. Matsch** U.S. District Court (Denver, Colorado) Kept a **firm hand** on the emotional trial of Oklahoma City bomber Timothy McVeigh. **A. Howard Matz** U.S. District Court (Los Angeles, California) The quick-witted and intelligent jurist presided over the first legal challenge by **Guantanamo** detainees. **A. William Maupin** Supreme Court (Carson City, Nevada) The former public defender's **sharp** mind and docket-management skills draw admiration from Nevada litigators.



Photo: Hugh Williams

U.S. District Court Judge Shira Scheindlin in New York Issues ground-breaking rulings, including that college star Maurice Clarett couldn't be barred from the NFL draft.

Rodney A. Max Upchurch Watson White & Max (Birmingham, Alabama) The Alabama mediation **pioneer** has handled more than 10,000 cases. **Patrick D. McAnany** Court of Appeals (Topeka, Kansas) Considered a great trial judge and, since his 2004 promotion, a **great** appellate judge. **M. Warren McCamish** Williamson & Cubbison (Kansas City, Kansas) The **dean** of the state's ADR bar. **E. John McConnell** Dispute Prevention & Resolution Inc. (Honolulu, Hawaii) The former state court judge is one of the islands' **busiest** neutrals. **Judith McConnell** Court of Appeals (San Diego, California) Much admired by everyone (except Deepak Chopra) for her work **breaking barriers** and administering justice. **Michael W. McConnell** 10th U.S. Circuit Court of Appeals (Salt Lake City, Utah) University of Chicago trained, he's the leading intellectual light of the **religious** right. **Charles W. McCoy** Superior Court (Los Angeles, California) He ended over a decade of litigation when he **tossed** the Winnie the Pooh royalty case against Disney. **Nancy R. McDonnell** Court of Common Pleas (Cleveland, Ohio) The talented trial judge was elected as the **first** woman leader of the county court. **Patrick E. McGann** Circuit Court (Chicago, Illinois) A **force** on the bench, McGann presides over the court's biggest business matters. **Gary V. McGowan** Sole Practitioner (Houston, Texas) The Texas mediation pioneer has trained **scores** in the fine art of dispute resolution.

Ruth V. McGregor Supreme Court (Phoenix, Arizona) The high-achieving chief justice is **expanding** awareness of genome justice and speeding up DUI cases. **Howard D. McKibben** U.S. District Court (Reno, Nevada) Ranchers, climbers and state prisoners have all felt the **impact** of this legendary judge. **Michael R. McLaughlin** District Court (Boise, Idaho) A top trial judge who **implemented** a mental health court alongside his felony calendar. **Mary Ann G. McMorrow** Supreme Court (Springfield, Illinois) Her female **firsts**: prosecutor of felony trial in Chicago, member of state Supreme Court, head of branch of Illinois government. **Judith K. Meierhenry** Supreme Court (Pierre, South Dakota) Always prepared, counsel **appreciate** the work ethic of South Dakota's first high court female justice. **Louis M. Meisinger** Sheppard Mullin Richter & Hampton (Los Angeles, California) The former general counsel of Disney is developing a top **entertainment** mediation practice. **Rodney S. Melville** Superior Court (Santa Maria, California) Kept a **tight rein** on Michael Jackson, overseeing his acquittal on child molestation claims. **Gilbert S. Merritt Jr.** 6th U.S. Circuit Court of Appeals (Nashville, Tennessee) His leadership in the law led him to Iraq, where the former chief judge is helping **restore** the legal system. **Joseph E. Meyer III** District Court (Denver, Colorado) Upheld assault weapon bans and struck down school vouchers in a **torrent** of opposition. **M. Blane Michael** 4th U.S. Circuit Court of Appeals (Charleston, West Virginia) **Joined** the decision allowing the U.S. to detain citizens without charges in the Padilla case.

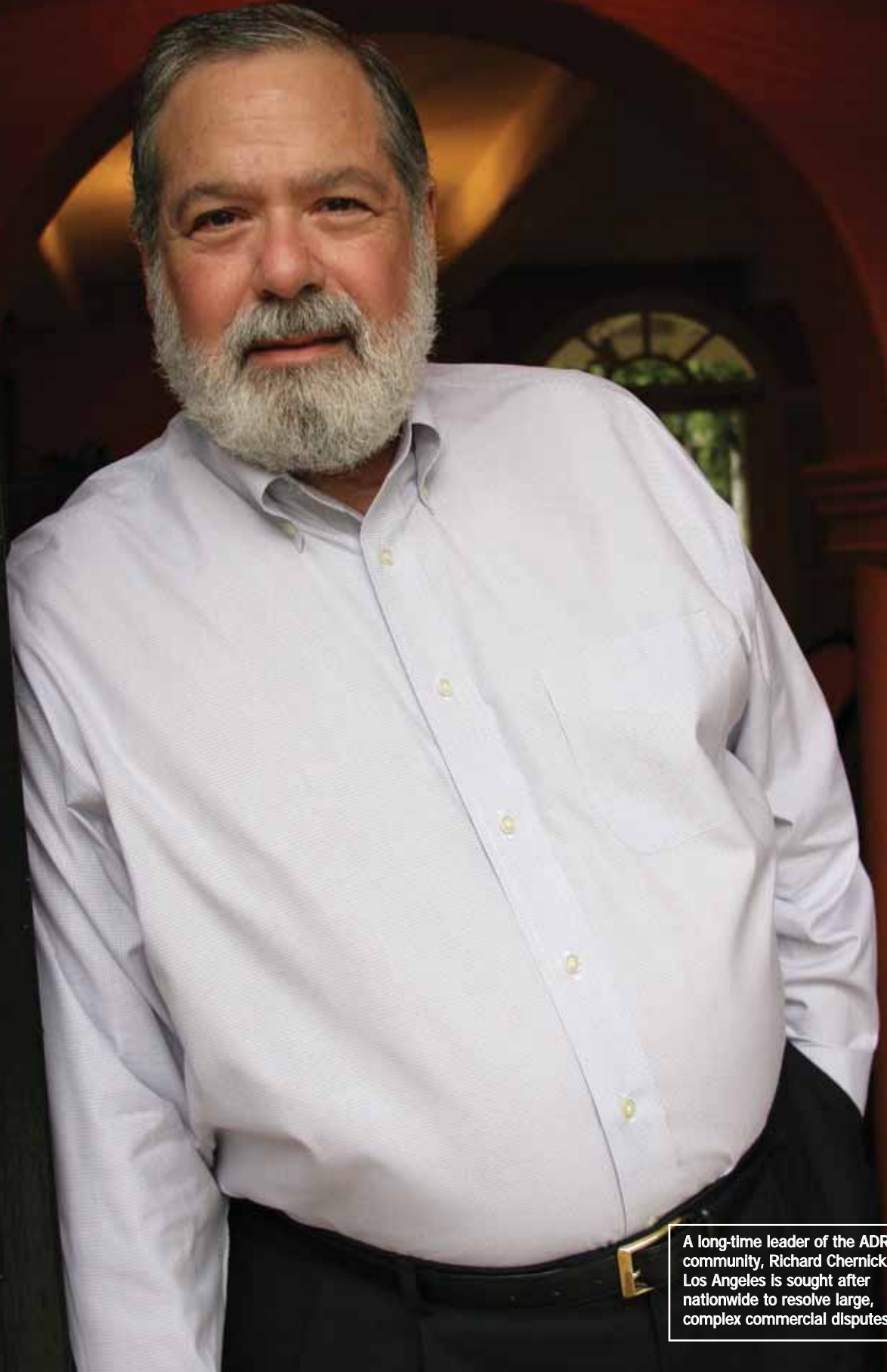
Paul R. Michel U.S. Court of Appeals, Federal Circuit (Washington, D.C.) The former **Watergate** prosecutor created a vast body of IP law while handling a mushrooming caseload. **Abner J. Mikva** JAMS (Chicago, Illinois) The former **Clinton** White House Counsel and D.C. Circuit chief judge arbitrates and mediates the nation's biggest cases. **George W. Miller** U.S. Court of Federal Claims (Washington, D.C.) The **longtime** Hogan & Hartson takings specialist receives high marks from government contracts lawyers. **Lindsey Miller-Lerman** Supreme Court (Lincoln, Nebraska) The former star swimmer has **made waves** with death penalty rulings and as the court's first woman justice. **E. Leo Milonas** Pillsbury Winthrop Shaw Pittman (New York, New York) The private judge **overhauled** New York City's \$15 billion public school system when state legislators failed. **Milton Mollen** JAMS (New York, New York) The former appellate judge **headed** the Mollen Commission investigating N.Y. police corruption. **Donald W. Molloy** U.S. District Court (Missoula, Montana) The hardworking, highly respected judge gets it **right** on the environment, sentencing and asbestos illness. **Ann D. Montgomery** U.S. District Court (Minneapolis, Minnesota) The local bar's clear favorite on the federal bench settled the first **male-on-male** harassment class action. **James Moody Jr.** Circuit Court (Little Rock, Arkansas) Just as **popular** with the local trial bar as his father, who sits on the federal bench. **James Moody Sr.** U.S. District Court (Little Rock, Arkansas) **Cleared** the way in 2004 for the state's "Any Willing Provider" patient-protection law to take effect.



Herbert Dixon Jr. of the Washington, D.C., trial court, heads the 1,300-member National Conference of State Trial Judges, which leads the charge to improve the judiciary.

Photo: Hugh Williams

E. Arthur Moore Probate Court (Pontiac, Michigan) **Praised** for his oversight of the trial of Nathaniel Abraham, who was 11 when he committed murder. **Karen Nelson Moore** 6th U.S. Circuit Court of Appeals (Cleveland, Ohio) From teachers' free speech rights to transsexual prisoners' 8th Amendment protections, she **tackles** controversial issues. **Michael Moorhead** Moorhead Mediations (Long Beach, California) A talented mediator of **catastrophic-injury cases**, he's tallying impressive settlements in complicated business disputes. **Gerald E. Moran** District Court (Omaha, Nebraska) A trial **favorite** in Nebraska from plaintiff and defense camps; is overseeing Omaha annexation attempts. **Carlos R. Moreno** Supreme Court (San Francisco, California) Intelligence and **dedication** have made him a star in every post, from Compton's criminal court to the federal and state high courts. **Federico A. Moreno** U.S. District Court (Miami, Florida) In the contentious Everglades cleanup case, he has **pressed** state government to follow through on restoration. **Brent J. Moss** District Court (Rexburg, Idaho) **Spearheaded** the state's effort to establish courtrooms dedicated to the mentally ill, with five in existence today. **Diana Gribbon Motz** 4th U.S. Circuit Court of Appeals (Baltimore, Maryland) Took on the Bush administration's claim of **far-reaching** war powers in dissent in the *Hamdi* case. **J. Frederick Motz** U.S. District Court (Baltimore, Maryland) Presides over the state's **biggest** cases, including multimillion-dollar suits against Microsoft and Honda. **Thomas J. Moyer** Supreme Court (Columbus, Ohio) Lauded for his **leadership** in state courts and for helping protect the safety of justices nationwide.



A long-time leader of the ADR community, Richard Chernick in Los Angeles is sought after nationwide to resolve large, complex commercial disputes.

Mary Mullarkey Supreme Court (Denver, Colorado) She has **defined** justice in Colorado for the past 18 years, since 1998 as its chief. **William A. Mulvey Jr.** Mulvey Professional Association (Portsmouth, New Hampshire) There's no **bigger** name for mediation in New Hampshire. **Harold L. Murphy** U.S. District Court (Rome, Georgia) Praised for his **brave** decision last year to overturn the state's requirement that voters show a photo I.D. **James M. Murphy** Judicial Mediation Group (Spokane, Washington) Earned **high** marks as a state judge establishing drug courts, then became one of Washington's top neutrals. **Michael Nash** Superior Court (Monterey Park, California) As leader of the world's **largest** juvenile court, he has worked to improve oversight and openness. **Richard C. Neal** JAMS (Los Angeles, California) Known for being incredibly smart and hardworking, he's a **sought-after** Southern California neutral. **Ronald E. Nehring** Supreme Court (Salt Lake City, Utah) Known for limiting Utah's English-only law, he **quickly** became a standout on the high court bench. **Jon O. Newman** 2nd U.S. Circuit Court of Appeals (New York, New York) The noted judge has made his **impact** on copyright, jurisdiction and international law. **Paul V. Niemeyer** 4th U.S. Circuit Court of Appeals (Baltimore, Maryland) A **standout** conservative on an already very conservative court, ruling on abortion, mining and speech. **Donald C. Nugent** U.S. District Court (Cleveland, Ohio) The first federal judge to allow cities to sue gun manufacturers for the **deadly** acts of others.

Michael J. Obus Supreme Court (New York, New York) The well-known Manhattan criminal judge sent **disgraced** Tyco executive Dennis Kozlowski away for eight to 25. **Donald P. O'Connell** O'Connell Mediation Services (Riverside, Illinois) The former chief judge of the Chicago trial courts has segued **easily** into his second career as a mediator. **Sandra Day O'Connor** U.S. Supreme Court (Washington, D.C.) Became a **legend** through patient and pragmatic jurisprudence and coalition-building as the court's first woman. **Arthur O'Day** Vermont Dispute Resolution (Arlington, Vermont) The go-to mediator for Vermont's most **complex** disputes. **Diarmuid F. O'Scannlain** 9th U.S. Circuit Court of Appeals (Portland, Oregon) An **outspoken** advocate of splitting the 9th Circuit, he's known for his stance against judicial activism. **William L. Osteen** U.S. District Court (Greensboro, North Carolina) At the center of the **tobacco wars**, he ruled that the FDA had the power to regulate cigarettes. **Carolyn S. Ostby** U.S. District Court (Great Falls, Montana) This revered magistrate judge has **wowed** Montana litigators with her talents. **Edward A. Panelli** JAMS (San Jose, California) Smart and practical, the retired California Supreme Court Justice **commands** respect in mediations. **Peter J. Panuthos** U.S. Tax Court (Washington, D.C.) The special trial judge is considered **better** than most of his presidentially appointed colleagues. **Barbara J. Pariente** Supreme Court (Tallahassee, Florida) The Florida courts' leader has **fearlessly** struck down Terri's Law in the Schiavo case, secured state funding for the judiciary and mentored children.

Carol N. Park-Conroy Armed Services Board of Contract Appeals (Falls Church, Virginia) A favorite with local litigators, who respect her time in the **trenches** as a government trial lawyer. **James A. Parker** U.S. District Court (Albuquerque, New Mexico) Gets kudos for his impartiality and ability to handle such **tricky** cases as the prosecution of Wen Ho Lee. **Marilyn Hall Patel** U.S. District Court (San Francisco, California) From civil liberties to free speech, the judge who enjoined Napster has made **waves**. **John Pelander** Court of Appeals (Tucson, Arizona) A favorite of Arizona **appellate** lawyers for rulings on tort claims, gun ordinances and police powers. **Elizabeth L. Perris** U.S. Bankruptcy Court (Portland, Oregon) **Deftly** overseeing the complicated and contentious bankruptcy of Portland's scandal-plagued Roman Catholic Dioceses. **Catherine D. Perry** U.S. District Court (St. Louis, Missouri) She **impresses** local lawyers with rulings on employee litigation and child pornography. **John W. Perry Jr.** Perry, Atkinson, Balhoff, Mengis & Burns (Baton Rouge, Louisiana) Hands down, the best mediator in the state for **large**, complex cases. **Mariana R. Pfaelzer** U.S. District Court (Los Angeles, California) A **role model** best known for invalidating Proposition 187, the anti-immigration California ballot measure. **Layn R. Phillips** Irell & Manella (Newport Beach, California) It's hard to find a better neutral for major **class actions**, including securities cases. **Anthony C. Piazza** Gregorio, Haldeman, Piazza, Rotman & Frank (San Francisco, California) If you fly to his second home in **Maui**, this highly sought-after San Francisco mediator will cut his rate.



Based In Salt Lake City, Michael McConnell of the 10th U.S. Circuit Court of Appeals is a leading intellectual of the religious right.

Photo: Hugh Williams



New York's Thomas Stipanowich runs one of the nation's largest, busiest ADR firms. He is also a preferred neutral for multi-million dollar construction disputes.

Photo: Hugh Williams

Nicholas H. Politan Sole practitioner (Roseland, New Jersey) The star federal judge left high-tech mob prosecutions to mediate the **toughest** securities and other class actions. **Louis H. Pollak** U.S. District Court (Philadelphia, Pennsylvania) The former Yale and UPenn dean is one of the federal judiciary's most **gifted** and reflective scholars. **William A. Poore** Poore & Rosenbaum (Providence, Rhode Island) Rhode Island's most sought-after mediator **raises** standards for personal injury settlements. **Richard A. Posner** 7th U.S. Circuit Court of Appeals (Chicago, Illinois) No. 1 judge aims an economically efficient and prolific **bullet** into the eyes of the legal profession. **William R. Pounders** Superior Court (Los Angeles, California) **Mr. Insider** of the L.A. criminal bench has ruled from McMartin to Tookie Williams. **George C. Pratt** Farrell Fritz (Uniondale, New York) The former federal judge is one of N.Y.'s top neutrals for **bet-the-company** cases. **Dean D. Pregerson** U.S. District Court (Los Angeles, California) The son of a **maverick** judge, he held an educator personally responsible for denying a special-needs child. **Louis J. Presenza** Municipal Court (Philadelphia, Pennsylvania) The criminal court judge **created** the state's first drug treatment court. **William Ray Price Jr.** Supreme Court (Jefferson City, Missouri) A smart leader of his court's **conservative bloc** on the death penalty, juveniles and police powers. **Pat Priest** District Court (San Antonio, Texas) Texas' chief justice handpicked this respected Democrat to judge scandal-plagued Republican **Tom DeLay**.



Los Angeles Superior Court Judge Owen Lee Kwong mediated a reported \$100 million global settlement in sex-abuse cases against the Orange County archdioceses.

Photo: Hugh Williams

Philip M. Pro U.S. District Court (Las Vegas, Nevada) The state's most **revered** judge allowed casinos to pursue bad markers and the Yucca nuclear dump to go forward. **Randall R. Rader** U.S. Court of Appeals, Federal Circuit (Washington, D.C.) **Hailed** equally for his community involvement and intellectual property decisions. **Jed S. Rakoff** U.S. District Court (New York, New York) The **outspoken** jurist declared the death penalty unconstitutional and approved the \$2 billion-plus WorldCom settlement. **Richard H. Ralston** Armstrong Teasdale (Kansas City, Missouri) A former federal magistrate who mediates the state's most **complicated** disputes. **Charles E. Ramos** Supreme Court (New York, New York) From Richard Grasso to Archipelago Holdings, the Manhattan commercial division judge sees **Wall Street's** largest legal battles. **A. Raymond Randolph** U.S. Court of Appeals, D.C. Circuit (Washington, D.C.) He **infuriated** liberals when he ruled that Dick Cheney could keep his energy task force records secret. **Lucy Reed** Freshfields Bruckhaus Deringer (New York, New York) A top-tier **international** arbitrator whose assignments include serving on the Eritrea-Ethiopia Claims Commission. **James M. Regnier** Sole Practitioner (Lakeside, Montana) This talented mediator has resumed a **busy** private practice after leaving the state supreme court in 2005. **Stephen R. Reinhardt** 9th U.S. Circuit Court of Appeals (Los Angeles, California) Happily out of step with the times, he continues to view courts as institutions of liberal **social change**. **Charles B. Renfrew** Sole Practitioner (San Francisco, California) Litigators **trust** their business and international disputes to this former Chevron general counsel and federal judge.

Jane A. Restani U.S. Court of International Trade (New York, New York) **Brusque** in courtroom demeanor, she's still the pre-eminent authority in international trade disputes. **Thomas J. Reuter** U.S. District Court (Philadelphia, Pennsylvania) The magistrate judge **moonlights** as a favorite Keystone State mediator. **Stephanie Rhoades** District Court (Anchorage, Alaska) **Lauded** for her pioneering work with the state's mental health court. **John W. Richardson** U.S. Immigration Court (Phoenix, Arizona) Widely praised for dismissing the high-profile **deportation** case against "The Wilson Four." **William Jay Riley** 8th U.S. Circuit Court of Appeals (Omaha, Nebraska) A legal **icon** in Nebraska and the state's standout on the federal appellate bench. **J. Justin Ripley** Just Resolutions (Anchorage, Alaska) Always in **demand** since his retirement from the state bench in 1993. **Jill S. Robbins** Private Dispute Resolution (Pacific Palisades, California) This former family law judge discreetly resolves high-profile **Hollywood** divorces, including Brad and Jen's. **John Roberts Jr.** U.S. Supreme Court (Washington, D.C.) His abortion views may be a **mystery**, but a stellar resume allowed him to sail through confirmation. **Sue L. Robinson** U.S. District Court (Wilmington, Delaware) The chief judge of Delaware's federal court is **noted** for rulings on busing, the environment and business disputes. **Enrique Romero** ADR Services Inc. (Los Angeles, California) In Los Angeles, the former state court judge is a popular mediator for his **velvet-hammer** demeanor.

Albert M. Rosenblatt Court of Appeals (Albany, New York) The former prosecutor has earned a top reputation as the **swing vote** on New York's highest court. **Lee H. Rosenthal** U.S. District Court (Houston, Texas) The popular federal judge's cases run the **gamut** from an Enron class action to a conspiracy against the new pope. **David E. Roth** Sole Practitioner (Salt Lake City, Utah) **Always** one of Utah's busiest mediators. **David A. Rotman** Gregorio, Haldeman, Piazza, Rotman & Frank (San Francisco, California) A mediator tapped by **big-ticket** litigators for multimillion-dollar commercial and employment disputes. **Mark S. Rudy** Rudy Exelrod & Zieff (San Francisco, California) Among the top in ADR for **massive** employment-related class actions. **Thomas B. Rutter** ADR Options Inc. (Philadelphia, Pennsylvania) Founder of the **largest** ADR provider in Pennsylvania, New Jersey and Delaware. **Robert D. Sack** 2nd U.S. Circuit Court of Appeals (New York, New York) The former media lawyer has impressed the **First Amendment** bar with his free speech opinions. **Nancy M. Saitta** District Court (Las Vegas, Nevada) Helping lead efforts to **pare down** the state's med-mal caseload as she did construction defect matters. **Patti B. Saris** U.S. District Court (Boston, Massachusetts) A patent **scholar** in her state's high-tech corridor, she ordered a \$7 million civil fine against Boston Scientific. **Antonin Scalia** U.S. Supreme Court (Washington, D.C.) The bench's spirited **ideologue** of the right, his intellectual credentials are unimpeachable.

Anthony A. Scarpino Jr. Surrogate Court (White Plains, New York) The former FBI agent **stood firm** against single-issue politics in judicial elections. **Shira A. Scheindlin** U.S. District Court (New York, New York) Among her **groundbreaking** rulings: college superstar Maurice Clarett couldn't be barred from the NFL draft. **Robert A. Schnider** Superior Court (Los Angeles, California) In unsealing Jack Ryan's **lurid** divorce, the judge ended the Republican's U.S. Senate run. **Karen E. Schreier** U.S. District Court (Rapid City, South Dakota) Ordered district lines redrawn to stop **discrimination** against Native American voters. **Gerald F. Schroeder** Supreme Court (Boise, Idaho) The respected chief justice is the **longest-serving** member of the state's judiciary. **Anthony J. Scirica** 3rd U.S. Circuit Court of Appeals (Philadelphia, Pennsylvania) A leader who's **gone to bat** for Alito and dissented in the ruling against FCC media ownership changes. **Stephen H. Scott** Scott & Skelly (Phoenix, Arizona) Litigators rank him as one of the state's **best**. **Leah Ward Sears** Supreme Court (Atlanta, Georgia) The Georgia **pioneer** was the first black trial judge, plus the youngest and first woman on the supreme court. **John W. Sedwick** U.S. District Court (Anchorage, Alaska) Even plaintiffs' attorneys **admire** the analytical skills of this defense favorite. **Bruce M. Selya** 1st U.S. Circuit Court of Appeals (Providence, Rhode Island) The incurably lexi-
phanic jurist **delights** in words while ruling on desegregation and sentencing.



New York neutral John Feerick has resolved disputes involving the city's transit negotiations in 1994, the NFL salary cap, and the NBA's discipline of player Latrell Sprewell.



U.S. Bankruptcy Court Judge Susan Pierson Sonderby of Chicago gained national prominence with the Kmart reorganization.

Photo: Hugh Williams

David B. Sentelle U.S. Court of Appeals, D.C. Circuit (Washington, D.C.) Judith Miller and Bill Clinton have in **common** this judge.

William K. Sessions III U.S. District Court (Burlington, Vermont) The sentencing **guru** became the second federal judge to throw out the federal death penalty.

Stephanie K. Seymour 10th U.S. Circuit Court of Appeals (Tulsa, Oklahoma) The female **pioneer** of the 10th Circuit found a constitutional claim for failing to protect children.

John C. Shabaz U.S. District Court (Madison, Wisconsin) Threw out funding extolling Christianity for prisoners' children and was the unwitting **catalyst** of sentencing reform.

Milton I. Shadur U.S. District Court (Chicago, Illinois) The **distinguished** federal judge required hearings for Guantanamo detainees.

Randall T. Shepard Supreme Court (Indianapolis, Indiana) Chief justice at 40, he amassed stateside **clout** and became president of the National Conference of Chief Justices.

Karen G. Shields District Court (Chicago, Illinois) A local standout for her **expertise** in family law matters.

Laurence H. Silberman U.S. Court of Appeals, D.C. Circuit (Washington, D.C.) The senior jurist co-chairs the Iraq Intelligence Commission, which found the U.S.' **WMD intelligence** "dead wrong."

Jacqueline W. Silbermann Supreme Court (New York, New York) Doing **double duty** overseeing the state's congested divorce courts and the county's civil courts.

Michael A. Silverstein Superior Court (Providence, Rhode Island) The state awaits his decision in its **landmark** suit against the lead paint industry.

Christopher M. Skelly Scott & Skelly (Phoenix, Arizona) Along with partner Stephen Scott, forms Arizona's ADR **power duo**.

Stanley P. Sklar Bell, Boyd & Lloyd (Chicago, Illinois) The busiest mediator in **construction** law.

Denise N. Slavin U.S. Immigration Court (Miami, Florida) A **beacon** of justice amid the struggles of Florida's immigrant community.

Dennis J. Smith Circuit Court (Fairfax, Virginia) The family law judge cuts to the **chase** to find the problem and resolve the dispute.

Fredricka G. Smith Circuit Court (Miami, Florida) A shining **star** on Florida's trial court.

Jay Earl Smith Smith Larsen & Wixom (Las Vegas, Nevada) One of the **go-to** neutrals for Vegas arbitrations.

N. Randy Smith District Court (Pocatello, Idaho) The Bush administration is considering placing this **conservative** judge on the liberal 9th Circuit.

James W. Smith Jr. Supreme Court (Jackson, Mississippi) To increase public **confidence** in the judiciary, the chief justice advocates appellate appointments, not elections.

Robert W. Sneed Mississippi Mediation & Arbitration (Jackson, Mississippi) This Magnolia State neutral is in **high demand**.

Susan Pierson Sonderby U.S. Bankruptcy Court (Chicago, Illinois) Kmart put this **favorite** of the Chicago bankruptcy bar on the national map.

Sonia Sotomayor 2nd U.S. Circuit Court of Appeals (New York, New York)

The district court's first Puerto Rican woman ended the '94 baseball strike and won a **bruising** battle for the appellate bench. **David H. Souter** U.S. Supreme

Court (Washington, D.C.) The **stealth** justice from the first Bush administration proved his independence when he dissented in *Bush v. Gore*. **Leslie H.**

Southwick Court of Appeals (Jackson, Mississippi) The revered appellate judge was called up in 2004 to fulfill his **JAG** duty in Iraq. **Stewart E. Stadler**

District Court (Kalispell, Montana) One of the best state judges has **proven** his ability to handle high-profile cases. **Albert L. Stanback Jr.** Superior Court

(Durham, North Carolina) **Paved** the way for the state's ban against executing the mentally retarded. **Larry V. Starcher** Supreme Court (Charleston, West Virginia)

Built a **pro-working class** reputation, bolstered by his decision against mandatory arbitration in credit card disputes. **Myron T. Steele** Supreme Court

(Wilmington, Delaware) In the first state ruling of its kind, the chief justice backed **bloggers** and allowed anonymous Internet speech. **Luis G. Stelzner**

Sheehan, Sheehan & Stelzner (Albuquerque, New Mexico) A favorite among lawyers who prefer a **relaxed** approach to ADR. **John Paul Stevens** U.S. Supreme

Court (Washington, D.C.) The oldest and longest-serving justice steadfastly **sticks** with the Court's shrinking liberal bloc. **Thomas J. Stipanowich** CPR

International Institute for Conflict Prevention & Resolution (New York, New York) The construction law guru runs one of the nation's largest, most **popular** ADR firms.



San Francisco neutral Daniel Weinstein resolves high-profile and complex disputes, like those involving Sharon Stone, Rosa Parks and Enron.

Photo: Hugh Williams

Richard W. Story U.S. District Court (Atlanta, Georgia) The racketeering and bribery case against former Atlanta Mayor **Bill Campbell** landed in his courtroom. **Alicemarie H. Stotler** U.S. District Court (Santa Ana, California) From terrorist shootings at LAX to golf ball protection, the particular chief jurist has **deftly** handled it all. **Craig F. Stowers** Superior Court (Anchorage, Alaska) The former park ranger made an immediate **impact** on the state court's strong bench. **Leo E. Strine Jr.** Court of Chancery (Wilmington, Delaware) *Hollinger v. Black* confirmed his status as U.S. corporate law's most prolific, brilliant and **passionate** judge. **Emmet G. Sullivan** U.S. District Court (Washington, D.C.) Contending that D.C. is a **terrorist** target, he allowed a ban on rail shipment of hazardous materials through the city. **Michael J. Sullivan** Rothgerber Johnson & Lyons (Casper, Wyoming) The former Wyoming governor and **ambassador** to Ireland is a top choice for complex mediations. **Frank Sullivan Jr.** Supreme Court (Indianapolis, Indiana) He created a needed **diversity** program to increase the number of minorities in federal clerkships. **Jeffrey S. Sutton** 6th U.S. Circuit Court of Appeals (Cincinnati, Ohio) A **phenomenal** Supreme Court litigator before he took the bench; observers hold high expectations. **Robert M. Takasugi** U.S. District Court (Los Angeles, California) **Interned** during World War II, he was the first Japanese-American appointed to the federal bench. **David S. Tatel** U.S. Court of Appeals, D.C. Circuit (Washington, D.C.) A leading liberal-leaning light of the D.C. Circuit who regularly **aligned** with Roberts on important national issues.

Gary L. Taylor JAMS (Orange, California) The ADR **newcomer** presided over many of Orange County's biggest civil cases as a federal judge. **Ben F. Tennille** Superior Court (Greensboro, North Carolina) Presides over all the state's business disputes, including a \$5.1 billion class action against **Big Tobacco**. **Dickran Tevrizian** U.S. District Court (Los Angeles, California) Earned **respect** handling cases like Executive Life and the effort to deport a Thai boy with AIDS. **Clarence Thomas** U.S. Supreme Court (Washington, D.C.) The second African-American in Court history is a reliable **conservative** vote. **Sidney R. Thomas** 9th U.S. Circuit Court of Appeals (Billings, Montana) He **threw out** 111 judge-imposed death sentences and found no liability for Grokster. **Myron H. Thompson** U.S. District Court (Montgomery, Alabama) Ordered the state's chief justice to remove a **Ten Commandments** display from the courthouse. **N. Carlton Tilley Jr.** U.S. District Court (Greensboro, North Carolina) Noted for **judicious** handling of cases from a college assignment about the Quran to a ban on erotic dancing. **Jean Hoefer Toal** Supreme Court (Columbia, South Carolina) Became the first woman elected to the state's high court after a **lifetime** of advocating for the shattering of gender barriers. **Ernest C. Torres** U.S. District Court (Providence, Rhode Island) **Cleaned house** when he put the corrupt mayor away for five years. **John M. Townsend** Hughes Hubbard & Reed (Washington, D.C.) AAA's chairman is a **top-tier** arbitrator in international disputes.

Trial court judge Nancy Siatta in Las Vegas is considered among the most gifted jurists in construction-defect cases.



Photo: Hugh Williams

Stephen S. Trott 9th U.S. Circuit Court of Appeals (Boise, Idaho) The veteran prosecutor let the military **extend** a soldier's time in Iraq and found \$37 million to be excessive pay. **John K. Trotter** JAMS (Orange, California) The retired state appellate justice is a **master** at mediating high-dollar injury and business cases. **Linda Copple Trout** Supreme Court (Boise, Idaho) The state's first female high court justice got a top national reputation but drew local **heat** over a wilderness water rights suit. **William P. Van Wyke** U.S. Immigration Court (New York, New York) For better or worse, he's granted lots of **asylums** and led the charge to discipline the immigration appeals' chief. **Sarah S. Vance** U.S. District Court (New Orleans, Louisiana) Praised for her handling of environmental and toxic suits, she **drew fire** for restricting interviews of jurors. **Gerald W. VandeWalle** Supreme Court (Bismark, North Dakota) Lawyers greatly respect the chief justice and 27-year **veteran** of the state's high court. **Lyle C. Velure** Circuit Court (Eugene, Oregon) The popular jurist is often **selected** to mediate state and federal disputes outside his caseload. **Joseph E. Vlastos** Vlastos, Henley & Drell (Casper, Wyoming) A veteran trial lawyer and **popular** ADR specialist. **Gary L. Vonhof** Circuit Court (Delray Beach, Florida) Presiding over some of life's unhappiest situations, he **exemplifies** the plight of judges diligently working in probate. **Jo Scott Vowell** Circuit Court (Birmingham, Alabama) From removing a state supreme court justice to deciding liability in a car wash robbery, Jefferson County's presiding judge has **seen** it all.



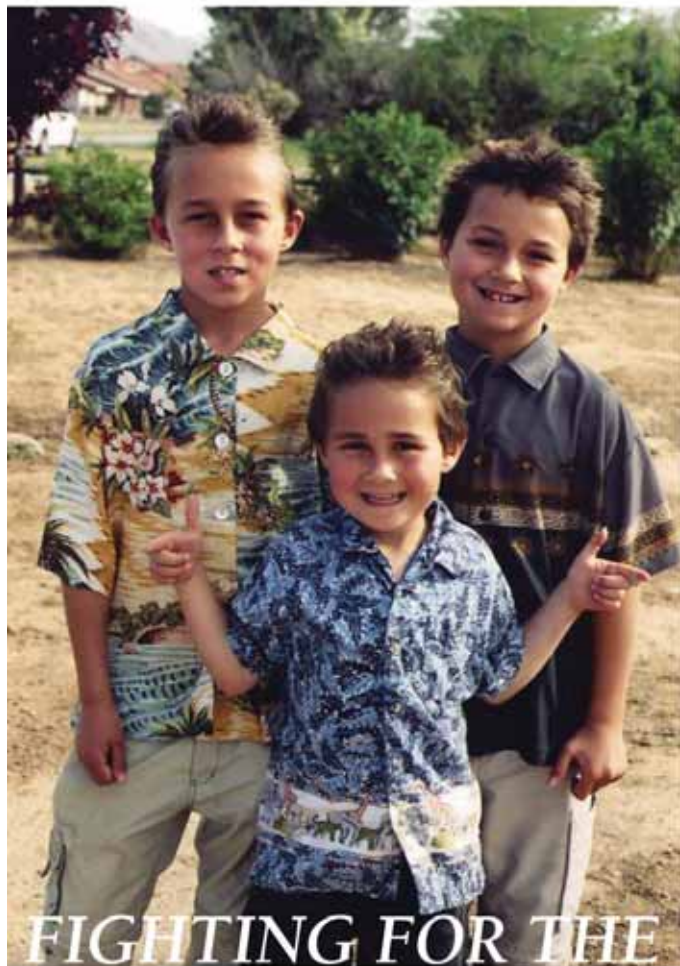
Photo: Hugh Williams

John M. Walker Jr. 2nd U.S. Circuit Court of Appeals (New Haven, Connecticut) During his 20 years on the bench, he's authored **major** opinions from copyright to constitutional rights. **David Wall** District Court (Las Vegas, Nevada) His **deep** resume, including prosecution in the Ted Binion case, has Nevada lawyers expecting great things. **Peter J. Walsh** U.S. Bankruptcy Court (Wilmington, Delaware) Sitting on Delaware's **bustling** bankruptcy court, he has overseen mega cases like Fruit of the Loom. **T. John Ward** U.S. District Court (Marshall, Texas) Well known in Texas for his **rocket** docket of intellectual property cases. **Kim McLane Wardlaw** 9th U.S. Circuit Court of Appeals (Pasadena, California) With rulings ranging from legal services funding to Mexican trucking, she's **redefining** the center of the 9th Circuit. **John Warner** Supreme Court (Helena, Montana) An experienced trial judge who has **emerged** as a standout since joining the high court in 2003. **Diane Wayne** JAMS (Los Angeles, California) After nearly two decades on the state court, she is the **entertainment** mediator of choice in cases like that of Elizabeth Taylor. **John R. Webb** Court of Appeals (Denver, Colorado) After a distinguished career as a commercial litigator, he wanted to **give back** and joined the appellate bench in 2002. **Eugene R. Wedoff** U.S. Bankruptcy Court (Chicago, Illinois) A sky-high **reputation** well before he landed the United Airlines reorganization. **John L. Weimer** Supreme Court (New Orleans, Louisiana) **Loved** by lawyers throughout the state.

Alison C. Weinger Sole practitioner (Miami, Florida) In Florida, the road to **Splitsville** leads divorcing couples to this Miami mediator. **Daniel H. Weinstein** JAMS (San Francisco, California) Sharon Stone, Rosa Parks and Enron tapped this popular mediator who resolves complex disputes of every **variety**. **Jack B. Weinstein** U.S. District Court (Brooklyn, New York) The man on the New York bench for nearly **40 years** of suits over firearms, cigarettes, children and cops gone bad. **Irene Weiss** U.S. Immigration Court (Las Vegas, Nevada) Immigration lawyers say she's one of the best on this **specialized** court. **William K. West Jr.** Howrey (Washington, D.C.) The star mediator keeps busy with the nation's most **complex** patent infringement cases. **Rebecca Westerfield** JAMS (San Francisco, California) A popular neutral who has established a **high** settlement rate over thousands of cases. **Ronald M. Whyte** U.S. District Court (San Jose, California) From his **Silicon Valley** post, he's becoming a leading judge defining where IP and technology law are going. **J. Harvie Wilkinson III** 4th U.S. Circuit Court of Appeals (Charlottesville, Virginia) His deferential, long-standing conservative jurisprudence, including that on executive **powers**, makes him a contender. **Ann Claire Williams** 7th U.S. Circuit Court of Appeals (Chicago, Illinois) She has worked tirelessly to **increase** the ranks of minorities in the legal profession and on the bench. **Frank J. Williams** Supreme Court (Providence, Rhode Island) Not everyone is happy that the state's chief justice **moon-lights** on a military panel set to review Guantanamo cases.

Mary Ellen Coster Williams U.S. Court of Federal Claims (Washington, D.C.) The consummate **networker** has done much to raise the court's visibility with the local bar. **Michael A. Williams** Law Offices of Michael A. Williams (Denver, Colorado) A longtime neutral who is one of the state's **deans** of the ADR scene. **Stephen F. Williams** U.S. Court of Appeals, D.C. Circuit (Washington, D.C.) The reliably **pro-business** judge recently wrote the opinion that lets power plants spew anew under loosened Bush regulations. **Randall W. Wilson** District Court (Houston, Texas) Is presiding over the **multitude** of Vioxx cases filed in Texas' courts. **David K. Winder** U.S. District Court (Salt Lake City, Utah) The judicial **legend** remains the most revered legal figure in the state. **Henry T. Wingate** U.S. District Court (Jackson, Mississippi) Mississippi's first African-American federal judge **forbade** the state to axe Medicaid payments to the poor, elderly and disabled. **B. Lynn Winmill** U.S. District Court (Boise, Idaho) An **outstanding** jurist who chiefs the state's federal bench. **Warren D. Wolfson** Appellate Court (Chicago, Illinois) The former criminal defense lawyer to Mayor Daley pens **poems** inspired by his 30 years on the bench. **Diane P. Wood** 7th U.S. Circuit Court of Appeals (Chicago, Illinois) The **antitrust** guru is the third member of the Posner-Easterbrook triumvirate. **Cynthia D. Wright** Superior Court (Atlanta, Georgia) Divorce attorneys in Atlanta **love** to have cases in front of this pre-eminent family law judge.

Susan Webber Wright U.S. District Court (Little Rock, Arkansas) Found then-President Bill Clinton in contempt of court in 1999, which led to the **surrender** of his law license. **Wilhelmina M. Wright** Court of Appeals (St. Paul, Minnesota) Established herself as an incredibly **quick study** since appointed to the appeals court in 2002. **James A. Yates** Supreme Court (New York, New York) Some of Eliot Spitzer's biggest **corporate fraud** cases, including against AIG execs, land in this Manhattan criminal judge's court. **Patrick K.S.L. Yim** Dispute Prevention & Resolution Inc. (Honolulu, Hawaii) The former state court judge now maintains one of Hawaii's **busiest** mediation and arbitration calendars. **Michael D. Young** JAMS (New York, New York) A nationally **acclaimed** arbitrator and mediator from coast to coast, as well as abroad. **William G. Young** U.S. District Court (Boston, Massachusetts) **Defines** leadership, whether sentencing the shoe bomber, opposing race bias in juries or seeking patent reform. **Robert P. Young Jr.** Supreme Court (Lansing, Michigan) An intellectual **powerhouse** on the state's high court. **Brian K. Zahra** Court of Appeals (Detroit, Michigan) The relative **newcomer** to the appellate bench is held in high regard by the local bar. **Michael Zimmerman** Snell & Wilmer (Salt Lake City, Utah) A former Supreme Court justice who resolves **bet-the-company** cases. **Rya W. Zobel** U.S. District Court (Boston, Massachusetts) A **standout** for her leadership of federal judges and her rulings on provision of medical care and Paris Hilton's cell phone contacts.



FIGHTING FOR THE LITTLE GUYS

The Cooley brothers didn't stand much of a chance after their father was killed due to the corporate neglect of a trucking company. Their mother, Denise, was left to take care of three young children on her own. She turned to **Girardi & Keese** and trial lawyer Tom Girardi in hopes of getting back a piece of their future.

Today, Matthew, John and Michael are moving into a new home, they're doing well in school and their mother is shielded from the massive financial burdens she faced alone.



For Denise Cooley and the boys, there was no bigger hope than a good lawyer. And that's what **Girardi & Keese** provides every day. They've won \$1 billion for people injured by the nation's biggest companies, including PG&E, Unocal, Exxon, Shell and DuPont. Not to mention the trucking company, which settled with the Cooleys.

For its accomplishments, **Girardi & Keese** is regularly recognized as among the elite in the plaintiffs' bar nationwide. And its founder, Tom Girardi, is consistently ranked among the top counsel in America, including as a member of the Lawdragon 500 Leading Lawyers in America.



SHERNOFF BIDART DARRAS

LAWYERS FOR INSURANCE POLICYHOLDERS



WE'RE CONSIDERED THE LEADING AUTHORITIES
ON INSURANCE BAD FAITH LAW FOR A REASON: **WE INVENTED IT**

We lead the nation in protecting policyholders from insurance company abuse. We set the legal precedent that requires insurance companies to act in good faith and have been prosecuting unfair insurance practices for over a quarter of a century.

Our attorneys are characterized by their caring and commitment. As plaintiff's lawyers working on a contingency fee basis, we get paid only if and when our client gets paid. Specializing in all types of insurance law: health and disability, HMO, life, homeowner's, auto, business property, liability and catastrophic injury; our national practice has been at the forefront, protecting policyholders whose claims have been delayed or wrongfully denied.

LANDMARK DECISIONS

Holocaust-era Insurance:
Stern v. Generali

The Largest HMO Verdict:
Goodrich v. Aetna

Insurance & Unfair Business Practices:
Earthquake Claimants v. Homeowners Carrier (Allegro)

The First Bad Faith Case:
Egan v. Mutual of Omaha

STANDOUT CASES

Representing American Samoa:
American Samoa Government v. Affiliated FM Insurance

Northridge Earthquake:
Sherman v. Allstate

Federal Court Disability Ruling for Bad Faith:
Hubka v. Paul Revere Life Insurance Company