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Dear Readers,

Two questions have punctuated the last year as we’ve gotten to know litigators, dealmakers, judges and law students from Houston to San Francisco, New York to Miami:

1. What is a Lawdragon?
2. Why did you do this?

A Lawdragon is a great attorney on whom you can rely to protect your assets, assist you with your most difficult problems and find intelligent, creative solutions to help you achieve your goals. We named our company Lawdragon because we believe the magic of a great lawyer is a little mystical, a lot powerful and always focused on guarding and protecting.

This issue features our newest batch of dragons, the Lawdragon 500 Leading Litigators in America. We selected them as we did the members of our first two guides, by calling and e-mailing thousands of lawyers nationwide to get their input on the most outstanding lawyers in their practice area. This time, we added an online ballot, disseminated to more than 100,000 lawyers in the country, giving lesser-known attorneys equal footing. We weighed quantity and quality of submissions against our own vetting and chose the 500 litigators whose guide begins on Page 40.

These 500, along with the dragons from our first two guides — the Lawdragon 500 Leading Lawyers and Judges — are featured with the Lawdragon 500 designation on our Web site, Lawdragon.com. We also feature 2,500 Lawdragon Nominees from each guide.

Also at Lawdragon.com, we provide rankings of lawyers based on evaluations you’ve submitted for the lawyers and judges you’ve encountered. We tell others what you say so that they can make their own choices. (For an illustration of our evaluations, search Debra Katz or Judge Mark Arnold at Lawdragon.com. Please send more!) This, we believe, is an important step toward providing better information for and about lawyers. And it’s the answer to the second question: We formed Lawdragon because it needed to be done.

We spent decades watching the intersection of law and media as practicing lawyers and as journalists at legal trades. We watched the gap grow between the meaningful information clients need and that which lawyers or existing legal media provide. The legal trades aren’t quick enough for the digital universe, weighed down by the constraints of print and time. They also aren’t facile enough to cover what is exciting in law, no matter where it is happening. I remember feeling equal parts exhilaration and terror when I decided to start an Internet service for lawyers that would offer free legal news and provide improved ratings and marketing services.

Someone needed to break down the wall that has separated the best attorneys and judges from those who need that information most. We allow anyone to share information about lawyers, good or bad. We also spotlight the very best lawyers, not just those who pay to be considered superb or who are coasting on their laurels earned in the Old Boys Network.

Our Web site gets millions of hits per month and is growing quickly because of our mission to free the law.

There are two immediate ways you can help the Lawdragon community. We have 100,000 listings of lawyers on our website. You can add your free listing or update your current listing by going to Lawdragon.com and submitting your information. If you would like to enhance your listing with a photo, audio or video, contact Chris Orandello at chris@lawdragon.com or 213-223-2425.

Secondly, you can help us identify the lawyers with the hottest practices for our next issue, the focus of which is “New Worlds, New Stars.” The criteria along with a nomination form are available at Lawdragon.com.

We’re grateful for your support and any feedback you have about our magazine or Web site. With you, we can build a better legal community.

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** Marjorie Heins is a fellow with the Democracy Program at the Brennan Center for Justice at New York University School of Law.
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The San Francisco Saloon, located on the west side of Los Angeles, is quiet on a Monday night in March. The NCAA basketball tournament won't be starting until later in the week. On the big screen is the World Baseball Classic, which only a few of the scattered patrons are watching with interest.

"If this were football season and Monday Night Football, it'd be a different story," says Yakub Hazzard, as he relaxes in a booth with a crisp pint of Pilsner Urquell. Hazzard used to live in a nearby apartment. In fact, he used to work just a half-mile north of the saloon at Mitchell Silberberg & Knupp, noted for its entertainment practice, including its representation of the Recording Industry Association of America in its litigation with Napster. That's where he got his feet wet in entertainment law and eventually became a partner before moving on in 2001 to another West L.A. firm with a top entertainment practice, Alschuler Grossman Stein & Kahan.

By switching firms, Hazzard switched sides: The Mitchell firm represents major studios, recording companies and networks, while Alschuler only represents talent. "It's like going from being a prosecutor to being a criminal defense attorney," Hazzard, 41, says.

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Stanton "Larry" Stein developed his renowned talent-side practice at Stein & Kahan before merging it with Alschuler back in 1999. Hazzard now co-chairs the firm's entertainment and media department with Stein. He has handled a number of high-profile cases, particularly in the music arena, which is the chief focus of his practice. For example, Hazzard represented rock band Incubus in its 2003 suit against Sony for allegedly underpaying the band for its albums. The case settled with Sony agreeing to pay disputed marketing costs and to give Incubus multimillion-dollar advances on future albums. Other music clients Hazzard has represented include Michelle Branch, Weezer and Berry Gordy, the founder of Motown Records.

If the Hazzard name sounds familiar, it's because his father is Walt Hazzard, the UCLA basketball legend who went on to become an NBA all-star. Hazzard played for the Los Angeles Lakers, Seattle Supersonics, Atlanta Hawks, Buffalo Braves and Golden State Warriors before retiring in 1974.

Yakub Hazzard only played a year of basketball as an undergrad at Stanford, where he injured his knee. He went to law school at UCLA after a brief stint as a para-legal. “People ask me if I played basketball,” Hazzard says with a laugh. “I always say, ‘Not well enough. That’s why I’m doing what I’m doing.’”

As he sips his beer, Hazzard explains that he developed an entertainment focus at Mitchell Silberberg because he ended up working for Russell Frackman, one of the firm’s best known partners who made his name successfully battling entertainment piracy.

Lawdragon: What did you like about that type of litigation practice?

Yakub Hazzard: It was the subject matter of the lawsuits that made it more interesting. It’s just more inter-
esting when you’re litigating a case that involves a well-known song or movie or entertainment personality.

**LD:** Why did you want to switch to representing talent?

**YH:** I thought it afforded me a little bit more of an opportunity to develop my own practice and my own name for myself within the area. At my old firm, we already represented the major record labels and studios and there was no real expansion available there to a younger lawyer like myself.

**LD:** What are some of the differences in the practices?

**YH:** One of the big differences between what I do now and what I did at my old firm is the educational and hand-holding [aspect]. When you’re representing big record companies, you’re dealing with in-house lawyers, who understand what the litigation is all about, and what the costs and risks associated with the case are. When you’re representing an artist, often times — if they’re lucky — this is the first and only piece of litigation ... That takes a little bit more hand-holding and educating the clients about the process, the costs, the risks and the timing involved. I don’t know how many times a client will just pick out a piece a paper and say, “Just show this to the judge, and we win the case right here.” They don’t understand that you don’t just show up in court and say, “See, Judge,” that there’s a process you have to go through that doesn’t move as quickly as they’d like it to move.

**LD:** Do you have any clients who stand out, in that you happened to really like their music?

**YH:** Most of these artists are so talented I can’t even really try to pretend to be a critic. A lot of the time, the type of music that the artist performs is not always all that relevant to what I’m doing. I just view him as a client, albeit a very talented one and maybe one who has made himself very well-to-do over the years because of his success. But they’re just clients with legal issues, and I’m just trying to solve their problems.

**LD:** Anything new going on in your practice these days?

**YH:** One thing I’m finding more of — and I think this is part of the growth process of our firm — is that we’ve moved beyond just being the lawyers and the law firm that talent goes to when they have a dispute against a...
We're finding ourselves getting bigger, more sophisticated clients and matters, with one common denominator: that the client is adverse to the studios, the record companies or the networks. We're finding that we're representing more foreign-based companies in the entertainment area, [such as] foreign distribution companies, who are doing business with the studios and the networks and finding themselves in some kind of dispute.

We're well positioned to do that work because we understand the substantive area. And unlike a lot of the firms that do entertainment work, we don't have any conflicts of interest [because] we have made it a philosophical decision to avoid the conflicts by not representing the major studios, networks or record companies. That's the philosophy Larry Stein brought from Stein & Kahan. The firm has embraced it, and it's worked out very well. ...

I'm also representing larger institutional clients in matters that dovetail with entertainment law. ... One of the growing areas in our firm, and one that I'm spending more and more of my time on, is trademark infringement and counterfeiting on behalf of fashion companies.

As examples of other bigger clients, Hazzard lists gaming companies, like World Poker Tour, and video game companies, like Take 2 Interactive.

LD: Why [in March 2005] did you take on the responsibility of becoming co-chair of the entertainment group?

YH: They say that managing lawyers is like trying to herd cats, and I think that saying has a lot of truth to it. Laughs. But the reasons I agreed to it are, one: It was just an honor being asked. And secondly, it shows that some people are looking to me as a potential leader, as someone with leadership qualities. It was just an offer I couldn't say no to.

LD: What do you do in the free time that you have?

YH: Well, I have a wife and two boys, that are 12 and 9, and — surprise-surprise — they're big little basketball players who play on traveling basketball teams. This weekend is a great example. I watched seven games involving my sons over Saturday and Sunday, starting at 9 a.m. on Saturday and ending about six o'clock last night.

LD: Your dad played on a lot of teams. What was that like as a kid to move around so much?

YH: It's like being in a military family — only it's a lot more public. One of the things I'll never forget is when we were living in Seattle, I couldn't have been more than five or six, and we were watching the news and we see for the first time that my father had been traded. And lo and behold, the next morning we took him to the airport and he flew out to Atlanta.

Hazzard was traded to Atlanta for another all-star player, Lenny Wilkens.

The thing I enjoyed most about those days, and still do today, is the people I met that played with my father, many of whom are still around. ... My mother has some photos at home of my seventh birthday party, and there I am in my hat ready to blow out the candles and next to me are people like Bob McAdoo and Pistol Pete Maravich. That's the kind of neat stuff I'll always enjoy. I was blessed to be born into the family I was born into, and not just for that but for a number of other reasons.

LD: Looking forward, what do you hope to see in your practice?

YH: Hopefully we'll have an opportunity in the music area to at least participate in what I think is going to have to be a rebirth or relaunching of the manner in which music companies do business. ... They've had a traditional business model predicated upon manufacturing and distributing a physical product, whether it was a piece of vinyl, an 8-track, a cassette tape, or more recently, compact discs. ... Because the industry [is] moving toward a method of digital distribution, which is a completely different model than what they're used to, that's going to result in their having to change their contractual relationships with artists, how they treat that income from digital distribution and how that money is shared with artists. Because it's not really fair the way that they try to do it now in my opinion. Then again, I represent the artists. Laughs. One of my colleagues at my old firm can give you the other side of the argument.

LD: Any other aspirations you have at this point in your career?

YH: Nothing in particular. I just enjoy working on interesting cases and cutting-edge legal issues for clients who have faith and trust and loyalty in me. If I can keep doing that — helping people or companies solve their legal problems in a way that's constructive and helpful to them and allows them to get on with their lives and businesses — then I'm happy. And if I can do it in a way that, when the matter is over, I can call up opposing counsel and go out and have a drink and maybe strike up a relationship. I'm not a scorched-earth, destroy-everything-in-my-path kind of litigator, and I think that works well for me. A lot of it is personality driven.
Aitken & Aitken & Cohn is a nationally recognized boutique law firm dedicated exclusively to representing plaintiffs whether it be the most seriously injured individual or a business entity/consumer victimized by unfair and fraudulent business practices.

Wylie Aitken, the founding partner, has received for numerous honors, including his selection to the Lawdragon 500 Leading Lawyers in America and, most recently, his selection to the Lawdragon 500 Leading Litigators in America.

Wylie and A&A&C has been involved in high profile and precedent setting litigation resulting in major changes leading to safer drugs, safer theme and public parks, bad faith and punitive damages, among others.

Together the legal team of A&A&C enjoys a reputation for excellence while always maintaining the traditions of a profession whose sole function is to serve clients.

Established in 1978, the firm has made a major impact on the law profession by producing multiple seven and eight figure victories for clients with over 50 verdicts and settlements, many in excess of $20,000,000 against large insurance companies, multi-national corporations and media giants while maintaining a high standard of ethical conduct.
Tom Forsythe is an artist with a mission. In 1997, he created “Food Chain Barbie,” photographs depicting the iconic doll interacting with various kitchen appliances. The results — “Malted Barbie” and “Barbie Enchiladas,” among others — were intended, Forsythe said, “to critique the objectification of women associated with Barbie.”

Barbie’s manufacturer, Mattel, sued Forsythe for copyright and trademark infringement. Eventually, a federal court ruled for the artist, finding that “Food Chain Barbie” was protected as a “fair use” under both copyright and trademark law. The court explained that there are great public benefits to allowing critique of cultural icons. Letting Forsythe use Barbie’s image encourages “the very creativity” that is at the heart of copyright law.

This was a success story for free expression, but it cost four years of bruising litigation. Most people threatened with a suit cannot afford the risk, the cost, and the stress. (Forsythe was helped by pro bono counsel recruited by the ACLU.) Often, they cave in to “cease and desist” letters or legal threats, even though they might have a legitimate fair use defense.

Fair use is an essential part of intellectual property law, which includes the law of copyright and trademark. It allows anyone to copy part — sometimes all — of a work without permission, for purposes such as commentary, criticism, news reporting and education. The copyright law lists four factors to be considered in evaluating a fair use claim: the purpose and character of the use, the nature of the copyrighted work, the amount and importance of what was copied, and the effect on the market for the copyrighted work. There are also fair use and First Amendment defenses in trademark law.

Collage, appropriation art, musical mash-ups and Web-based morphing — all integral to creativity today — depend on the fair use and free expression safeguards in IP law. Without them, owners could exercise absolute control over even a short quotation from a work they own — or a parody like “Food Chain Barbie.” They could use this power to silence discourse, frustrate artistic creation and censor commentary they didn’t like, by refusing to grant permission for quotes or reproductions.

How much of this is actually happening? What do artists, bloggers and other contributors to culture know about fair use? How do they respond to threats from intellectual property owners? These are some of the questions the Free Expression Policy Project at the Brennan Center for Justice sought to answer in 2004 when it began research for “Will Fair Use Survive?”, a report published late last year. The report summarized phone interviews, a survey that drew 290 responses, “focus group” discussions and an analysis of 320 letters from intellectual property owners that can be found on the Web site ChillingEffects.org.

At the start of our research, we identified several factors that seemed to threaten fair use. The first is the practice of sending cease and desist letters to threaten everyone from artists and social critics to commercial competitors with dire punishments for copyright or trademark infringement. The practice isn’t new, but the volume of cease and desist letters has increased with the coming of the Internet, where copying is more visible and reaches larger audiences than ever before. The letters, needless to say, don’t mention the possibility of fair use or other free expression defenses.

Even more troublesome are “take-down” notices sent by copyright owners to Internet service providers, which pressure ISPs to censor their own subscribers. Under the 1998 Digital Millennium Copyright Act, ISPs have a “safe harbor” from copyright liability if they
expeditiously" remove any material that a copyright owner tells them is infringing. No legal judgment of infringement is necessary.

Although the DMCA allows a subscriber to send a counter-notice contesting the accusation, the requirements of the counter-notice are technical, and not every Web speaker is a “subscriber” who can make use of the procedure. Those contributing to newsgroups, for example, may not even know their material has been removed in response to a take-down letter.

Another impediment to fair use is the “clearance culture.” Many publishers expect their authors to get permission for all quotes and illustrations. Music companies, after the early days of hip hop, established a practice of requiring permission for even the smallest sample. The free borrowing that was critical to rap music, just as it was to blues and jazz, was seen as a threat to the clearance culture.

Another aspect of the clearance culture is the insurance industry. Filmmakers need “errors and omissions” insurance policies in order to distribute their work. The policies generally require applicants to report whether they’ve received permission for every snippet of film, music or text that they’ve used, in addition to shots of distinctive buildings or products. The standard application form makes no mention of fair use. Because many independent filmmakers can’t afford the permission fees, lots of great footage ends up on the cutting-room floor.

Our phone interviews, survey answers and focus groups yielded scores of stories reflecting confusion about fair use, pressures from industry gatekeepers not to assert it and chilling effects from cease and desist and take-down letters. Not everybody was intimidated, of course, and the stories of resistance are at least as instructive as those of acquiescence.

Among the people we interviewed, for example, were the creator of a parody New York Times corrections page, an editor at the Cape Cod Voice, and a small entrepreneur using the term “Pet Friendly Travel” for her company. They received cease and desist letters from, respectively, The New York Times, the Village Voice and a company selling “pet friendly” chew toys. None of them acquiesced.

The people who answered our online survey ranged
from an artist who made “Homeland Security” blankets to a fan fiction Web site owner who posted a story called “Gaelic Dreams” and received a cease and desist letter from the “Gaelic Dreams” import company.

Dozens of historians expressed frustration with a clearance culture that allows the heirs of now-deceased artists and writers to control scholarly critique by denying permission to reprint artworks or text unless they vet the content beforehand.

Appropriation art is an obviously critical area for fair use. One participant in a focus group held at the College Art Association, painter Joy Garnett, draws inspiration from documentary photos. In 2004, she mounted a show called “Riot;” the theme, she said, “was people in extreme emotional states.” Unbeknownst to Garnett, one of the images she used, for a painting titled “Molotov,” was from a book published 30 years earlier by the photographer Susan Meiselas. Meiselas’s attorney wrote a cease and desist letter demanding that Garnett sign over all rights to the painting.

Garnett’s reaction was: “How could I ask her permission? Implicit in that would be that for every moment of my creative process, I would have to be concerned with finding the authors of these photographs, contacting them for permission and dealing with their attitudes about permission.”

Concerned about a possible DMCA take-down letter, Garnett did remove the image from her Web site. But by the time she did, her online discussion group took her image and transformed it, much as she had transformed Meiselas’s photograph. “Everyone started making digital collage based on the Molotov image. For the next five months, this image went global.”

Many other stories emerged from our research. For example:

- Muzak sent a cease and desist letter to muzak.smoe.org — even though the latter site had nothing to do with elevator music. In response, muzak.smoe.org changed its URL, commenting: “Ain’t legalities grand?”
- Chick Publications sent a take-down notice asserting that parodies of its fundamentalist religious cartoons infringed its copyright. After notification from the ISP,
the proprietor of the parody site deleted the artwork. A reader responded with surprise: “I thought that ‘fair use’ laws allowed the modification of copyrighted material for parody purposes.”

Bank of America sent a cease and desist letter to a small entrepreneur who makes ceramic piggy banks under the domain name www.piggybankofamerica.com. The piggy bank maker at first “panicked and felt helpless,” but eventually found her way to Stanford’s Cyberlaw Clinic. A law student wrote a well-researched reply, and Bank of America backed off.

MasterCard sent a cease and desist letter to Attrition.org, which was spoofing its “Priceless” advertising campaign. Attrition replied that its parodies were fair use, then added a new one to the site — a youth thumbing his nose at a police officer with a caption reading: “Thumbing our nose at your pompous bullshit: PRICELESS. There are some things only hubris can buy. For everything else, there’s Attrition.”

What did we conclude from the fair use research? Artists, scholars and others who contribute to culture are often confused about fair use. There is a serious need for community support and pro bono legal help. A substantial number (more than 20 percent) of cease and desist and take-down letters on the Chilling Effects site stated weak intellectual property claims or involved speech with a strong free expression or fair use defense. The disconnect between the law and the claims made in many cease and desist or take-down letters is striking.

In part, because fair use is risky, unpredictable and under pressure from the clearance culture, “copyleft” activists have looked for other ways of countering overzealous copyright control.

One innovative alternative is Creative Commons, which provides sample licenses that copyright owners can use to allow copying of their works. Millions of Creative Commons licenses have been adopted, but of course, they depend on the willingness of the owner. Fair use works on the opposite principle — that it should not cost money or require permission to make reasonable use of words and images that are part of our culture. Fair use is irreplaceable precisely because it doesn’t depend on payment, procedures or permission. It needs to be defended, promoted and, most of all, used.

Will Fair Use Survive? Free Expression in the Age of Copyright Control, by Marjorie Heins and Tricia Beckles, is available at www.fepproject.org/policyreports/WillFairUseSurvive.pdf. This article is covered by a Creative Commons “Attribution – NoDerivs – NonCommercial” license. You can copy and distribute it for nonprofit purposes as long as you give credit to Marjorie Heins, the Brennan Center and Lawdragon. You cannot reproduce it for commercial purposes without our permission.

Katten Muchin Rosenman LLP’s international litigation practice combines decades of experience with pioneering advocacy. Katten’s litigators are well versed in all areas of complex commercial litigation, with particular strength in securities fraud, ERISA and IP/IT litigation, and white collar and regulatory matters.

“We are very excited to welcome to our firm Bruce Vanyo, who is one of the 500 Leading Litigators honored by this publication. Bruce has won more than forty major securities cases, and his addition to the firm will further enhance our already-strong litigation group.”

— David H. Kistenbroker, National Litigation Department Chair
There is a fine line between housing and homelessness, life and death.

A homeless child found a dead body on the streets of Skid Row.

A child died from the health hazards of the slum housing in which she lived near downtown Los Angeles.

A senior citizen was wrongly evicted from his apartment and found dead in his car after just one night on the streets.

A young, indigent, unstable mother threw her two young children off the roof of the courthouse after she lost an eviction proceeding. She had nowhere else to live.

An estimated 80,000 people are homeless in Los Angeles. More than half of them are chronically homeless. Over the next year, probably 250,000 will experience time on the streets, with nowhere to call home. Many will die.

Like other big cities, Los Angeles is wracked with the problems of homelessness and its byproducts. And it cannot build its way out of this scourge. As obvious as the answer is, it is impractical to think that any community can combat homelessness by merely building more housing. The size of the problem is just too big, the costs and consequences too severe. Well-meaning politicians, including Los Angeles’ popular and powerful mayor Antonio Villaraigosa, have pledged tens of millions of dollars in bonds and contributions to a housing trust in order to build low-income and affordable housing. Fifty-million dollars is a miracle, but only for the
lucky few who will live in the 300 supportive housing units it will build. The situation offers a case study of why you cannot build your way to justice and safety.

This is where lawyers come into play. Homelessness prevention can save more lives and house more people than even the most ambitious building plans. Not that anyone should abandon those plans, but housing the homeless and keeping the poor from becoming homeless often depends on keeping in their homes those whose lives are at dangerous tipping points. Attacking slum housing and its professional purveyors can house more families and save more lives than any big city leaders can imagine.

A short distance from the slum building where a child died a couple years ago, a tenant meeting occurred that was quite remarkable. A new owner was introduced to the 120 tenant families of a slum building in the garment district in downtown Los Angeles. He outlined plans to spend $600,000 on rehabilitation, keep rents at their current level, fix the roof, install new plumbing, replace hundreds of broken windows, remodel each and every kitchen and paint each unit with safe paint that...
would not be a hazard to the children living inside.

The original owners of the building had milked it for all it was worth, borrowing against the ever-increasing equity that a crazy Los Angeles real estate market seemed to be forever creating. Taxes and debt ultimately were worth more than the property. The owners, flush with profit, walked away; the lenders did the same. The condition of the building was horrific. Rodents, cockroaches, falling ceilings, exposed electrical wiring, raw sewage: It was a health disaster. The tenants were left nowhere — no relocation assistance, no way to move, no one to fix anything. Homelessness was next.

Preventing that homelessness and doing the humane thing became the order of the day. Under a relatively new provision of the California Health & Safety Code, Section 17980.7, local legal aid attorneys helped the tenants take control of this slum property and get a receiver of their choosing appointed to assume responsibility for the management of the building. The attorneys were able to secure a loan from the Los Angeles Housing Department. It wasn’t a lot of money, but it was enough to start down the road toward habitability. The attorneys then asked the Los Angeles Superior Court to give this “receiver’s certificate” lien priority over existing encumbrances (except as to taxes, of course), allowing it to be secured by a deed of trust. A potential buyer was later found, and the City sold the certificate to the new owner, who bought the property at a foreclosure sale.

The economics of the purchase allowed the new owner to reasonably afford to make life-changing promises to the 120 impoverished tenant families. Although it took
years and many unexpected hurdles before those remarkable promises were fulfilled, 120 families were saved from certain homelessness and the life-threatening dangers the street can bring. The direct cost to taxpayers was next to nothing. The benefits were enormous. No children will die in this building.

In a related effort to stymie mass homelessness, the Los Angeles City Attorney filed a lawsuit seeking to end the noxious “28 shuffle” that is used by some owners of residential hotels to perpetuate the dangerous cycle of life and death on Skid Row. Residential hotels are often the last rung on the ladder that leads down to a life on the streets. Rooms can be rented by the day or the week. However, under California law, after continuously renting a residence for 30 days the renter becomes a “tenant” and receives all of the protective benefits of that status. Owners of the hotels, recognizing this, often shuffle people back out into the streets after 28 days, forbidding them to re-enter and re-rent for a few days, a week or even longer.

This practice simply perpetuates homelessness among a class that is struggling to maintain their lives. Arbitrarily ousting them to life on Skid Row’s mean streets leaves them at the mercy of the tragedies that live with them, side by side. If the City’s lawsuit is successful, this will be one more tool in the law’s ability to prevent homelessness.

Eviction proceedings are tried all day long in some courtrooms. Most of the low-income tenant defendants are there without lawyers. Each will probably lose, whether on the merits or not. Those who are lucky enough to find legal aid attorneys to help are statistically far more likely either to win their cases or fashion settlements that will prevent being cast out onto the streets. The striking tragedy of the woman who lost her apartment and felt she could no longer offer her children a livable life is far less apt to occur when lawyers are there, fighting to prevent the myriad of tragic consequences brought about by the fear, and reality, of homelessness.

No one knows how many affordable housing units are lost each year to abandonment by owners, buildings being withdrawn from the market and mass illegal evictions. No one knows how many slum buildings force families onto the streets or how many people are homeless because they could not access an attorney. But all reasonable estimates are that in Los Angeles between 5,000 and 10,000 affordable housing units recently have been lost. That number dwarfs the number of units anyone can even dream of being able to build.

The concept of habitability is the cornerstone upon which life-saving prevention of these problems can be based. The law requires owners to keep residential property in at least a minimally safe and healthy condition. When a court makes a finding that a home is uninhabitable the doors open to these creative, life-saving legal strategies. Tenants become empowered to seek the appointment of a receiver and wrest control of a building from those who milk the property, endanger lives and abandon it so that the unit is lost forever. Lenders and community reinvestment dollars can be found to finance receiverships and force the transfer of properties to humane and financially sound owners.

When a court makes a finding that a home is uninhabitable, lawyers can help tenants stave off evictions, find ways to repair the buildings, enforce code requirements and force repairs to be made. When lawyers use their creativity, the prevention of homelessness can be a community’s greatest tool with which to fix its most vexing problem. Receiverships and suits to end heinous practices may be only the beginning of innovative ways lawyers can help prevent homelessness and preserve the city’s housing stock. Lawyers and judges can play a key role in keeping the streets of Los Angeles and other urban centers from turning tragic and deadly.

The epidemic of urban homelessness has no simple answer. Mental illness, drug addiction, hunger and pervasive poverty are deep societal problems that impact the issue in profound ways. But as attention is focused more and more on raising money and creating opportunities to build more affordable housing units, the ability of legislators and lawyers to prevent homelessness in the first instance should not be ignored. Instead, we can exalt in the possibilities we have seen in which creative, preventive legal action can, quite simply, save lives.
TRY THIS. KID FROM THE BRONX HAS HIS FIRST JOB SELLING HOT DOGS AT YANKEE STADIUM AND NOW IS PREPARING TO TAKE ON THE MOST PRESTIGIOUS JOB IN THE LEGAL WORLD: PRESIDING PARTNER OF CRAVATH SWaine & MOORE. EVAN CHESLER’S WORK WILL BE JUDGED BY THE LAWYERS WHO DOLE OUT AND HANDLE THE TOUGHEST DEALS AND BIGGEST LAWSUITS IN AMERICA. AND YOU THOUGHT YANKEES FANS WERE TOUGH.

BY JOHN RYAN
He’s a trial lawyer.

That’s what Evan Chesler always imagined he would be when he was growing up in the Bronx.

He doesn’t know why.

He didn’t have any lawyer role models. His father worked in sales; his mother was a librarian. But when he thought about what he wanted to do, he saw himself in a courtroom.

Chesler’s clients are the nation’s elite businesses — IBM, Time Warner, Bristol-Myers Squibb — but their prestige matters less to him than the process, the rush of a trial.

“Like a kid’s infatuation with a roller-coaster ride.

“You’re terrified when they strap you down and you start going slowly up that first hill,” Chesler says. “But when you go over that hill, you have that feeling of exhilaration. You think it’s just the most fun you’ve ever had, and when the ride’s over, you feel like you have to run off as quick as you can and go around and get in line again.

“It’s that mix of terror and exhilaration.”

Chesler, 56, is also a Cravath lawyer.

He “fell in love” with the elite Cravath Swaine & Moore as a summer associate from NYU Law School, where he graduated in 1975. Serving the New York firm is as wired into his DNA as his need to try cases.

It’s hard to argue with Chesler’s characterization of Cravath as “a great institution.” The firm does some of the most important transactional and litigation work for the world’s most important companies. The list includes IBM, Time Warner, Dreamworks SKG, Chevron, Johnson & Johnson, JP Morgan Chase Bank, Royal/Dutch Shell, Nestle, American Express, Qualcomm, Lucent Technologies, Alcoa, Pricewaterhouse Coopers, PepsiCo, Salomon, Warner Music, GlaxoSmithKline, Brunswick Corp., Dynegy, Credit Suisse First Boston, Tyco International and Morgan Stanley.

In the legal world, Cravath has peers. But it has managed to retain the reputation of being one of the world’s truly premier firms while shunning every trend, from globalization to lateral acquisitions.

It’s up to Chesler to keep the firm on top. More than a year ago, Robert Joffe, Cravath’s celebrated and self-assured presiding partner, decided he wanted Chesler as his successor. Chesler, the trial lawyer, was unsure.

He became a lawyer to bask in the excitement of redirect examinations and closing arguments, not to manage a team of 450 lawyers. But in the end, he couldn’t say no.

Could anyone?

The job is more exclusive than the U.S. presidency or joining the Supreme Court. He’ll be just the 14th presiding partner in the firm’s storied history, which dates to 1819 [See sidebar]. That’s something Chesler could only dream about during his first job, at age 14, selling hot dogs at Yankee Stadium.

Over several months last year, Joffe walked the informal path of Cravath kingmaker, meeting individually with the firm’s partners and getting their feedback on his choice. They were excited. At a November meeting, the partners voted by show of hand for Chesler; there were no dissenters. He takes over in January 2007.

His hurdle will be high. By tradition, the Cravath presiding partner maintains a full practice. Those before Joffe all hailed from the corporate side of the house. Joffe, known for a commanding presence that exudes confidence and earns the respect of competitors, was the first litigator in the post. But his work is more in the antitrust counseling arena, where, for example, he won the approval of federal regulators for Time Warner’s merger with AOL in 2000.

Chesler has chosen to continue an active trial practice. Already he knows several of his cases could reach trial in the next year or so. He represents GlaxoSmithKline as a plaintiff in two separate patent-infringement cases, one in New York and one in Delaware, over its migraine drug Imitrex. He also is defending Morgan Stanley in a securities case in St. Louis.

Unlike Joffe, Chesler isn’t the first guy you notice in a room, and perhaps not the second. He’s thoughtful and friendly, but, like any successful litigator, he can be tenacious, obsessive and eager to slug it out. While Joffe has remained extremely well liked, Chesler admits he may be more willing to “nudge” his partners in a particular direction.

Though he didn’t jump at the job when Joffe broached it, Chesler will not be a reluctant leader.

“By some people’s accounts, and certainly by my own, it’s the best law firm in the United States,” Chesler says.
Evan Chesler of New York’s Cravath Swaine & Moore
“For somebody like me, coming from a working-class family in the Bronx, who had to put himself through school, to get to sit at the head of the Cravath table is sort of unbelievable.”

Chesler speaks from the study of his home in Scarsdale, N.Y., where he lives with his wife, Barbara. His three children, two of them from a previous marriage, are grown and out of the house. It is quiet, except for the crackle of the fire Chesler occasionally stokes. Outside, it’s late February, one of the coldest days to hit New York all year, and a snow flurry passes.

He is relaxed on this Saturday morning. A nearby computer beeps now and then, but Chesler ignores it. An artist rendering of him from the Detroit Free Press hangs on the wall, showing him in action for IBM in its dispute with Compuware.

Chesler ascended at Cravath along a steady, logical path. He started where most of the firm’s partners did — as a summer associate. And his earliest matters were for IBM, a client that for years was predominant in the firm’s landscape. He defended IBM against the historical antitrust action brought by the U.S. Department of Justice. The dispute lasted 13 years, from 1969 to 1982, and produced about 20 private civil cases.

After Chesler officially joined the firm in 1976, he spent many of his days defending IBM alongside legendary Cravath litigator Tom Barr, who became his mentor and friend.

Chesler was the senior associate on the IBM antitrust litigation by 1982, when the Cravath team convinced the Justice Department to drop its case. Chesler became a partner later that year.

By the mid-’80s, Barr had bestowed on Chesler primary client responsibility for IBM. And, in 1996, at the age of 47, Chesler became the head of the firm’s litigation department.

He’s not immune to failure. In 1998, a jury in Gwinnett County, Georgia, handed him his first and only jury defeat: a $450 million shellacking against Time Warner. After a six-week trial, Time Warner was found liable for breaching its fiduciary duty to the amusement-park company Six Flags Over Georgia Inc. by shortchanging the park on investments. It was a bad loss: The verdict was by far the largest in Georgia state history.

James Butler, the Georgia lawyer at Butler Wooten & Fryhofer who tried the case for the plaintiffs, did not return a call seeking comment.

“Until it happens, it’s sort of an intellectual concept,” Chesler says of losing.

Chesler got back on his feet for Alcoa Inc., which called on him to protect its patent for an alloy used in the fuselage of airplanes. French aluminum manufacturer Pechiney had sued to invalidate the patent. A federal jury in Wilmington, Del., sided with Alcoa in 2001 following a three-week trial.

Chesler has handled hundreds of cases in his career and tried about 20 cases to verdict. He represented AOL Time Warner in its antitrust suit against Microsoft, alleging that Microsoft’s business practices had unfairly crushed AOL’s Netscape Internet browser. Netscape got $750 million in the highly publicized 2003 settlement.

Last year, he spent six weeks in Detroit federal court defending IBM against claims brought by Compuware. The software company accused IBM of using its source code in IBM products and illegally thwarting competition in the software development market. The case settled before the end of the trial with IBM agreeing to spend $400 million on Compuware licenses and services over four years. Both sides claimed the deal was a favorable business agreement.

Chesler is a proud product of “The Cravath System,” a generalist bred of a machine that brings associates into one of four departments — corporate and tax, litigation, environmental or trusts and estates — then rotates the associates between various partners. Young lawyers soak up the firm’s obsessive demand for excellence and hours while getting a breadth of experience from working with partners who have different specialties.

Only associates who go through the system are realistically eligible for the partnership. The firm has hired just two lateral partners in 62 years; both tax partners, both times filling unexpected departures of experienced partners.

The last one was recent. Andrew Needham came over in 2005 from Willkie Farr & Gallagher to replace Lewis Steinberg, who left to become an investment banker at UBS.

This will not be a trend, Chesler says.
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include: $1.9 billion settlement
from Sempra Energy and
$1.7 billion settlement from
El Paso National Gas Co.

“If you want to find the law, go to the library.
But if you want to make law, go to Pierce O’Donnell.”

— Thomas V. Girardi
President, International Academy of Trial Lawyers
Cravath’s system strives to breed partners who can serve as broadly skilled counselors to clients and assist them with a variety of legal problems.

“We know almost nothing about almost everything,” Chesler jokes.

He cites 1992, when he and Barr tag-teamed for a couple of odd but successful ventures. One was Ross Perot. Barr co-chaired the independent candidate’s national advisory committee for president while Chesler mastered New York’s election laws to make sure Perot got on the state ballot. Though he likes Perot, Chesler is a Democrat, and in his turbulent NYU days protested the Vietnam War. Just six years before he began going to court for the Establishment, give or take, Chesler was camping out with hundreds of thousands of fellow student protestors on the Mall in Washington, D.C., angry at Nixon’s invasion of Cambodia.

The other oddity from 1992 was Chesler’s sole criminal trial, on behalf of Lee Harvey Oswald. Barr and Chesler defended Oswald in an American Bar Association-sponsored mock trial. Chesler handled the forensic witnesses and closing arguments for the defense, which also included David Boies, a longtime Cravath star who departed in 1997. (Boies did not answer requests for comment for this story.) They faced off against an impressive Bay Area trio of prosecutors: Joe Cotchett, John Keker and James Brosnahan.

The Cravath team hung the jury against convicting Oswald in the murder of President John F. Kennedy.

Chesler became convinced that Oswald was part of a larger conspiracy. He is happy to talk about the case’s forensic evidence for as long as you’re willing to listen.

“I think the evidence is overwhelming that he did not act alone,” he says. “I don’t think he fired the fatal shot. The fatal shot came from the front, from the [grassy] knoll area.”

Don’t tell that to Keker, the head of Keker & Van Nest in San Francisco. Responding to questions about the case by e-mail, Keker conceded that Oswald might have been part of a larger conspiracy.

“But that day he did all the shooting, and acted alone,” Keker says. “Evan and his side did a terrific job to get [some jurors] to have a reasonable doubt that Oswald did the shooting, but the smart ones voted to convict.”

Chesler contends it would have been too difficult for Oswald to fire the fatal shot from his distant perch in the book depository. He also terms untenable the government’s magic bullet theory — which has a single bullet inflicting multiple wounds on JFK and Texas Gov. John Connolly. Then there’s the Zapruder film of the assassination, which shows Kennedy’s head moving back and to the left, suggesting a fatal shot from the front.

“The physics are just wrong,” Chesler says.

Keker says his side proved to most of the jurors “that the single bullet theory worked, and that the shots were fairly easy ones.”

Despite the difference of opinion, Keker says he’s always liked and admired Chesler. He got to know him in the early 1980s when Chesler was working with Barr.
on an IBM trade secrets case against one of Keker’s clients, an employee of Hitachi.

“I am not at all surprised that his partners want him to run that great firm,” Keker says.

That sentiment is echoed by Joffe, who said his selection of Chesler was a no-brainer. “People were uniformly enthusiastic about it,” he says. “If I hadn’t expressed my views that he’s the right person, his name still would have been the name overwhelmingly on everybody’s lips.”

The current head of the corporate department, Kris Heinzelman, says his group takes no umbrage at another litigator at the top. Cravath’s litigation department grew significantly with the IBM antitrust cases of the 1970s and has never looked back. Now, the firm’s practice is about 50 percent litigation. The firm requires partners to retire at age 65, and presiding partners have to step down from their leadership role two years before that.

In his generation, Chesler was the obvious choice. “There really wasn’t even a good second candidate,” Heinzelman says.

Chesler’s sights had always been set on getting his bachelor’s degree in political science and then heading on to law school. But, impressed by two of his history professors, one who taught African studies and another who taught Russian studies, Chesler changed his mind during his senior year at NYU and embarked on an academic career.

He enrolled in a Russian studies masters program at Hunter College in preparation for getting his doctorate at Columbia. While at Hunter, he taught social studies and English at a Bronx middle school. Although he enjoyed teaching, he applied to law school after finishing his first two years at Hunter.

“I just had this dream about standing up in a courtroom and being a trial lawyer,” he says.

He was accepted at NYU, but needed $1,300 to pay his first semester’s tuition. Though he took a job as a corporate headhunter, a car accident put him on crutches and he lost the job. Luckily, a contact at a publisher’s office, with whom Chesler had previously taught Sunday school in Chappaqua, contacted Chesler and asked him if he might write a book on the Jews in Russia for a series of books called “The Jewish Concepts and Issues Series.”

“I said, ‘Well, I’ll do it, but I need an advance,’” Chesler says. “I said I needed $1,500.”

The publisher’s representative agreed and Chesler hobbled to the Jewish studies room of the New York Public Library, where he wrote “The Russian Jewry Reader” over three weeks.

“I got a royalty from it and ended up making a few thousand dollars, which seemed like a remarkable thing to me,” Chesler says. “That got me through my first year of law school.”

Patrick J. Coughlin

Patrick J. Coughlin, of Lerach Coughlin Stoia Geller Rudman & Robbins LLP, has been lead counsel in this country’s largest class action securities cases, having recently argued on behalf of investors before the U.S. Supreme Court, and previously tried one of the first and largest securities cases ever, In re Apple Computer Sec. Litig.

Recent securities trials that Mr. Coughlin has started include trials against Wells Fargo and California Amplifier.

Formerly, Mr. Coughlin was an Assistant U.S. Attorney in Washington D.C./Southern District of California, handling complex white collar fraud matters, as he helped try one of the largest criminal RICO cases filed by the U.S. government.

Mr. Coughlin has prosecuted pivotal cases against the tobacco industry, resulting in the phase out of the Joe Camel campaign and securing a $12.5 billion recovery for the Cities and Counties of California.

At Lerach Coughlin, Mr. Coughlin has participated in the recovery of billions of dollars for injured investors, and continues to litigate cases brought by the firm involving instances of corporate fraud such as Enron, Qwest, Healthsouth, AOL Timewarner, and Visa/Mastercard.
At the end of his first year, Chesler made the law review and went to work under faculty advisor Dan Collins, a former Cravath associate. Collins urged Chesler to ask for an interview at Cravath. At that point, Chesler didn’t know one firm from another.

He was called in and hired on the spot for the summer after his second year.

“My job search in the legal profession was over,” Chesler says.

Other than his first-year summer as a public defender in Westchester County and a year’s clerkship for U.S. District Judge Inzer B. Wyatt, Cravath is the only legal job he’s held.

It’s not always easy to explain “love at first sight,” which is how Chesler describes his relationship with Cravath, or what makes a young lawyer succeed at an exceedingly competitive firm and stay for the duration. Mentors help, and Chesler was lucky to have Barr. But he believes that that the associates who make it to the Cravath partnership bring “intangible” qualities; they wake up in the middle of the night with an idea related to a case or deal, think about it for a while, then write it down before hitting the sack again.

Being a Cravath lawyer isn’t what you do, he says. It’s who you are.

He doesn’t use the word “collegiality,” because Cravath partners can have giant egos and “be pretty blunt with each other.”

He prefers “teamwork”—lawyers who enjoy playing distinct parts in a larger effort; they welcome redundancy and colleagues looking over their shoulders in the name of obsessive quality control. In Chesler’s mind, the firm is distinguished by that contradiction: talented, confident and egocentric lawyers who prefer a team-centric environment to a star system.

The firm adheres to a true lockstep compensation system for its 88 partners, based solely on seniority. Big rainmakers don’t get more money. But they get along fine financially, given that Cravath tends to rank very high in the money charts for things like profits per partner. Partners just prefer worrying about other matters, like their clients.

“It takes off the table the one issue law firms spend more time fighting about than any other,” Chesler says.

In lieu of a management committee, Cravath has partners who take on managerial tasks in addition to their practices, such as the department chairs and the partners responsible for firm finances, administration and hiring. Partners get together for Monday lunches and meet formally twice a year.

The firm has a deputy presiding partner during transitional leadership years; Chesler occupies the role now. But they’ve also been used in non-transitional times; Joffe’s predecessor, Samuel Butler, did during parts of his 18-year term.

Chesler may do the same if he feels too swamped.

That the firm doesn’t like to waste time on management probably makes the presiding partner’s job, on average, less demanding than counterpart positions at bigger partnerships, where the leaders act like CEOs. But the Cravath way brings its own set of challenges.

“You don’t get to make all the decisions by yourself,” Joffe explains. “You have to create a consensus for every decision, one on one. In the end, it’s a great strength of the firm, but it takes a lot of energy.”

Chesler hopes that the firm’s management infrastructure, to the extent there is one, will come through when he’s in trial. Resolving internal firm issues in the Chesler regime might require more late-night or early-morning conference calls and straightforward delegation of tasks and responsibilities to other partners.

“I think it’ll be difficult, but it’s definitely possible,” Heinzelman says of Chesler keeping his trial practice. “He’ll need people here to support his efforts as presiding partner.”

Chesler’s election did not go unnoticed by clients. Linda Willett, vice president and deputy general counsel at Bristol-Myers Squibb, has talked with him about whether he can still be a full-time litigator. Chesler has told her what he thinks.

“The proof will be in the pudding,” Willett says.

Willett has worked with Chesler for 10 years and “has gained a great deal of trust in his ability to do what he thinks he can do.”

“I’ve seen in operation his ability to work on multiple large issues for multiple clients,” she says.
Willett says that Chesler and the firm’s track record has been to get the best possible outcome for the client and to do so efficiently.

“Evan leverages the use of associates and junior partners probably better than any partner I’ve ever seen at a law firm,” she says.

He displayed his juggling talents between 2001 and 2002, defending Bristol-Myers against a series of antitrust suits over its anti-anxiety drug BuSpar while handling the Alcoa patent case and gearing up for Netscape’s action against Microsoft — all while chairing the 150-lawyer litigation department.

Chesler concedes that he may have to be even more efficient come January.

Still, the drama shouldn’t be overstated. Cravath is in fine shape. The firm’s core principles, like the lockstep compensation system and the prohibition on laterals, don’t change. The steadiness of the firm’s success and cultural identity make Chesler’s task eminently doable.

To an outsider, what’s most striking about Cravath is how it doesn’t seem to give a damn about the most talked about law firm trends of the past decade. Globalization, international “platforms,” three-way mega-mergers, luring away partners with big books of business — that’s not Cravath.

Cravath practices U.S. law out of one main office and one 17-attorney outpost in London. (The firm opened a Hong Kong office in 1994 but closed it nine years later.) That’s it, and that’s all you’re likely to see anytime soon — perhaps ever. Because Cravath only promotes from within, international expansion or practicing anything but U.S. law is virtually impossible. Opening up new offices would dilute the New York ranks, which can’t happen because the office is appropriately staffed for the work it has. The only other way to grow is through acquisitions. And Cravath’s not going to do that.

In reality, the partners care very much what competitors are doing. They’ve just chosen a different model, believing that having lots of offices around the world is overrated. The firm doesn’t lose work because it’s not in Prague or Shanghai or because it doesn’t practice German or French law. If a client needs a lawyer somewhere, Cravath finds one.

“It’s important to the client to have the best lawyer in Prague, which is not necessarily the best lawyer you happen to have under your roof in Prague,” Chesler says.

The firm’s long history of working on major international transactions enabled it to develop good lawyer contacts in cities around the world. When its competitors began expanding, Cravath made these relationships more formal. The firm developed a committee, staffed by rotating partners, that deals with maintaining
and improving these relationships, so that Cravath partners and the lawyers in other countries keep each other up to speed on matters that interest mutual clients. The system works well; Cravath and the foreign firms refer work back and forth, without fear that either side wants to poach the client for good.

Far from seeming outdated, the model makes even more sense now that technology has made working remotely much easier, says litigation partner David Marriott.

“We’d be fools not to be thinking about these issues,” Marriott says. “But the fact is that we are in these markets, just not physically.”

Marriott, who joined the partnership in 2003, says that the firm’s model and core principles are embedded in the younger generation of partners.

“I’m probably as committed to them as someone who’s been a partner for much longer,” Marriott says.

Chesler’s role as presiding partner is subtler: tinkering with what works, trying to make it better. He says he will constantly assess how Cravath is keeping pace with a changing environment. But if he has any real specific plans at this stage, more than a half year before taking over, he’s not sharing.

“My principal goal is to have the firm in the best possible position it can be in for the future,” he says. “I have to make sure that we are adapted to our environment, that we are not dinosaurs.”

Some changes could be important, such as shifting the balance of the firm’s practices. The firm has not done products-liability work, for example, which clients have requested. On the corporate side, Cravath hasn’t taken part in the boom in bankruptcy work. These are issues the firm will look at.

Many firms have made boatloads of money in these areas. But Chesler says the firm doesn’t feel like it missed out due to the fact that the firm’s lawyers have been plenty busy working on other matters. It’s a decision of where to put the firm’s resources.

“But you want to provide the ranges of services that your clients need and want, that’s the principle,” Chesler says. “We’re always looking at those questions.”

Overall, he’s not worried. Chesler expects to preside over the firm, try cases and still have time for some of his favorite hobbies. A lifelong Yankees fan, he finally got season tickets this year. Chesler agrees with boss George Steinbrenner that this is the team’s year to take it all, a feat they haven’t accomplished since 2000.

Chesler also loves to spend time at the beach home in Montauk, where he does a lot of reading and writing. Chesler has written a novel, which is sitting in a New York publisher’s office right now. It involves a friendship between a sitting U.S. president and the judge who’s presiding over a case arising from a recent hijacking.

He avidly reads history and recently reread Boris Pasternak’s classic novel “Dr. Zhivago” because of his continued interest in Russian Studies.

He gives high marks to Doris Kearns Goodwin’s prize-winning “Team of Rivals: The Political Genius of Abraham Lincoln.” The book details Lincoln’s relationships to the men who joined his Cabinet after opposing him for the Republican nomination in 1860. One of them, William Seward, was a Cravath partner who became Secretary of State. (Paul Cravath’s name wasn’t added to the firm moniker until 1901.)

Seward is an impressive part of the firm’s lore. He was Governor of New York from 1839 to 1843 and served as a U.S. Senator from the state from 1849 to 1861. As Secretary of State, he negotiated the purchase of Alaska from Russia. He survived an assassination attempt the same night Lincoln was killed.

But his legacy could have been so much more. He was considered the front-runner for the Republican presidential nomination when he went to Europe for much of 1859. On the night of the nominating convention in Chicago, he remained home in Auburn, New York, awaiting the news that never came.

How un-Cravath, Chesler suggests: overconfident and unprepared.

Not at all like the type of lawyer who locked himself in a San Francisco hotel room for a weekend to prepare for the mock trial of a 30-year-old crime. Or who double-checks the spelling on any envelope addressed to a judge, right before it goes out in the mail. Or whose first question after a courtroom victory is, “What could we have done better?”

“I find it interesting that a Cravath partner would get beat that way,” he says.
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KNOW THE DRILL

By Leslie Gordon

ALTERNATIVE FUELS. COMPETITION. GLOBALIZATION. ENERGY LAW IS ONE OF THE MOST VIBRANT AND PROFITABLE PRACTICES ON THE PLANET. WANT TO GET IN ON THE FUN? YOU’D BETTER DO YOUR HOMEWORK BECAUSE THERE’S A LOT TO LEARN.

“Huh?”

That was the response Jerry Bloom often heard and became accustomed to in the early 1980s, when he would tell people he was an energy lawyer. “They looked at you like you were from outer space,” he says.

Life was simpler then — before Enron, before Iraq. It was before China and SUVs and congressional investigations into oil company profits.

Then, the issue was the monopolies held by utility companies and how to open a market for alternative sources of energy. Bloom remembers his first client in the area, a paper company that wanted to sell the energy it was able to make as a byproduct of its manufacturing. Legislation had to be passed requiring the utilities to buy such energy, transforming the world of power.

Twenty-five years later, Bloom has advised companies on energy plant development throughout the world, including in Mexico, Brazil, Pakistan, Turkey and, of course, China.

“Energy law couldn’t be more current,” says the head of White & Case’s 200-lawyer energy team. Today, he can strike up a conversation in any cafe about energy issues with people eager to learn more about wind power and oil prices.

“We are wildly busy,” says Sheila Hollis of Duane Morris in Washington, D.C. “Virtually every area of energy law is lit up with activity. Even areas that were quasi-dormant, like nuclear power and LNG [liquefied natural gas], are very, very active. ... It couldn’t be a more exciting time to be an energy lawyer.”

The globalization of energy has transformed the practice of those who specialize in it. What once was a traditional (dare we say boring?) practice heavy with regulation and bureaucracy is now a competitive, interdisciplinary practice at the cutting edge of the world economy and international policymaking. No matter what industry you are in, and no matter where you operate, you have to contend with the price and supply of energy. Because of that, some believe the Iraq war is about oil. And one need look no further than the Enron trial to see the high stakes power plays can bring.

“Energy is at the forefront, a front-and-center critical issue,” Bloom says. “It affects imports, gas prices, power outages, global warming, pollution, Middle East politics.
It’s a key driver of the economy. Energy is an absolute, critical, essential component of the modern world.”

Law practices have profited enormously from the globalization of energy, with the California energy crisis of five years back bringing the sector’s potential to a head. The rolling blackouts, high power bills, lawsuits and bankruptcies (including Pacific Gas & Electric-affiliated companies throughout the country) brought hundreds of millions of dollars in legal work to corporate and litigation attorneys who wrestled over responsibility and liability. Bloom’s group handled PG&E’s bankruptcy with a price tag, he estimates, exceeding $40 million.

According to Hollis, the epicenters of energy law are Houston, Washington, D.C., and, interestingly, Calgary, Alberta. “But there are clusters in every state, including New York, [Illinois], Oklahoma and Louisiana.”

Oklahoma gets extra points as home of the Energy Law Journal, published by the University of Tulsa.

“I’m in the Northeast, and we’ve been very busy,” says David Doot, who works in Day Berry & Howard’s Hartford, Conn., office. Doot has represented New England Power Pool, an East Coast organization involved in transmission service arrangements and wholesale power trading, as well as Connecticut Yankee Power Company in federal regulatory proceedings relating to the shutdown and decommissioning of the Haddam Neck nuclear plant.

The energy crisis of five years ago is in its final stage of resolution, with legal settlements in the hundreds of millions of dollars. Since then, fossil fuel prices have continued to soar, carbon dioxide emissions have fueled global warming and every state has become acquainted with energy supply shortages. As a result, Bloom says, “capacity needs to be built.” Companies are spending billions developing that supply.

Chevron, the nation’s second-largest oil corporation, for example, announced in March that it will spend up to $16 billion each year on exploration, development and infrastructure, with $5 billion a year alone allocated for drilling. The company has more than 20 development projects throughout the world, each worth more than $1 billion.

And, oil is just the tip of the energy iceberg: electricity, liquefied natural gas, nuclear power, water, cogeneration (combined heat and power) and wind power all fall within the purview of energy lawyers. Those, too, could expand
under President Bush’s Advanced Energy Initiative outlined in this year’s State of the Union address. To reduce dependence on foreign energy sources, the 2007 White House budget proposes, for example, $148 million for a Solar America Initiative, which will develop semiconductor materials that convert sunlight to electricity, and $44 million for wind-energy research. President Bush also committed $2 billion over 10 years to research the use of clean coal technologies to generate electricity while meeting environmental regulations.

“There’s tremendous change in the industry right now,” says Doot, president-elect of the Energy Bar Association. “Any industry experiencing change is going to have a lot of legal work.”

The old saying that bad economic times are good for lawyers applies with particular impact to energy law. The practice touches nearly every possible sub-specialty, including land use (for, say, objections to planned locations of electricity substations), project finance, environmental law (which governs certifications for green energy credits, for instance), tax, real estate, mergers and acquisitions, litigation (related to everything from plant outages to power purchase agreements), bankruptcy and alternative dispute resolution. Each of those offers competitive and regulatory overlays at the state, federal and international levels. This interdisciplinary quality requires law firms to provide comprehensive services for energy clients. And not unlike patent and intellectual property law, energy attorneys need complicated, scientific knowledge about everything from nuclear energy to natural gas to electricity to cogeneration.

Traditional government regulatory work is also on the rise thanks to the president’s proposals, as well as amendments to the Environmental Protection Act and last year’s appointment of Samuel W. Bodman as Secretary of Energy.

As a result, “we’re really, really, really busy,” says the Los Angeles-based Bloom. To accommodate all the work, his firm’s energy practice is divided into three components: regulatory, transactional and development/finance. White & Case lawyers also handle energy-related bankruptcies and insolvencies (the firm served as co-chair of the PG&E creditors’ committee), litigation, tax, environmental law, antitrust (as the industry becomes increasingly deregulated) and land use.

“First, we were energy regulatory lawyers. Then we became development and finance lawyers. Then transactional lawyers. Then M&A lawyers. Then bankruptcy lawyers. That’s the beauty of why I like this,” Bloom explains. Among his clients is the California Cogeneration Council, an ad hoc body of companies that own and operate more than 2,000 megawatts of cogeneration capacity in California. White & Case recently closed a $135 million financing deal involving a 145,400 cubic meter liquefied natural gas tanker in Japan that will supply liquefied natu-
ral gas transportation services to Tokyo Electric. The firm also formally launched an Islamic Finance group in part to handle energy-related transactions in the Middle East.

With the increase in M&A work in the energy sector, however, more lawsuits are expected, whether from competitors asserting antitrust violations, federal agencies for regulatory violations, environmentalists objecting to development projects or shareholders asserting traditional corporate claims against energy companies.

Smaller law firms, too, are profiting from energy work.

"Since 2000, the number of man-hours our firm has spent on energy work has increased by about 50 percent." says Evelyn Kahl, a San Francisco energy regulatory attorney who frequently appears before the Federal Energy Regulatory Commission, the California Public Utility Commission and the California Energy Commission.

Her six-lawyer firm, Alcantar & Kahl, hired an additional associate last year and is interviewing to fill another attorney position. In addition to acting as regulatory counsel to energy companies, Kahl's firm advises clients on the viability of proposed projects and scrutinizes public-utility rate and fee proposals for any impact on client interests. Kahl tried utility work on a whim at a previous firm after deciding she didn't enjoy litigation. Her firm now represents BP Energy Group, Kimberly Clark Corporation and Valero Refining Company.

In part because of the constant need to learn new things, energy attorneys display an almost unmatched enthusiasm. "We've been catching fastballs for a long time. But now the field is not just evolving, it's like someone pushed the fast-forward button," says Hollis, who served as the first director of the Office of Enforcement of the Federal Energy Regulation Commission, as a trial lawyer at the Federal Power Commission and as chair of the American Bar Association's 11,000-member environment, energy and resources section.

"These days, [energy attorneys] need to learn a lot in the environmental front. We need to learn about alternative energy and understand new technologies. There's also a new focus on homeland security and critical infrastructure," Hollis says. "The entire world is directed by the availability of energy. Being an energy lawyer requires an active mind and a true love and interest in energy. The people that you interact with in this area are high-functioning, colorful and invigorating. It's what makes me happy to come to work."

Hollis keeps up with complicated changes in the sector by reading the trade press and international energy law journals. "You learn by osmosis or by having some other kind of scientific degree like geology or electrical engineering," she adds. Policy changes have made energy lawyers with economic backgrounds particularly in demand.

Another measure of the explosion in energy law is the growing membership in the Energy Bar Association, which has expanded from 1,750 attorneys nationwide to more than 2,300 in the past few years. Traditionally, the organization was comprised of lawyers who practiced before the Federal Energy Regulatory Commission (the nation's gas and electric regulator) in Washington, D.C. Although many members still focus on regulatory work, members of the energy bar these days deal with the entire range of issues. The organization even changed its name (from the Federal Energy Bar Association) to demonstrate that it serves all lawyers in the energy industry. "We're in a mode of increased membership because there's simply a lot more going on," Doot explains.

For attorneys looking to specialize, there's "no single recipe" for becoming an energy lawyer, says Doot, a former chemical engineer. "Some people fall into it," he says. "Maybe they were engineers in the energy profession and wanted to become lawyers. Maybe they were lawyers who enjoyed a particular client in the energy industry."

However, for those looking for a practice area to enter, energy law is not the easiest to master. "It's very hard to throw green people in," Hollis says. "Energy law is technologically driven, with technology, economics and science components. You need pretty sophisticated lawyers."

And unlike other legal specialties, Doot adds, energy attorneys are "defined more by our understanding of the industry than our knowledge of a specific area of law. Natural gas, oil and electricity all have very different challenges. Energy lawyers need to make sure they're aware of the breadth of issues. Knowing just one piece may not be enough."

In particular demand by law firms expanding their energy benches are attorneys with high-level government experience. In recent years, for example, Mary Anne Sullivan, former general counsel to the Department of Energy, joined Hogan & Hartson in Washington, D.C., and Daniel Adamson joined Davis Wright & Tremaine in Washington, D.C., after directing the Office of Energy Projects at the Federal Energy Regulatory Commission until 2001. Late last year, two other key FERC figures joined Morgan Lewis & Bockius in Washington, D.C.: William Hederman Jr., as executive director of the Energy Resources Group (which provides non-legal professional services to the firm's energy clients), and of-counsel George Billinson.
Though energy companies are trying to do more work in-house, law firms have still carved out a profitable niche from these practices, with small matters like a wind-farm development bringing in $1 million.

“Lawyers try to be cost-effective, and we work hard to deliver value for what we’re doing,” Doot says. “But the reality is that change tends to drive a need for legal resources.”

And, of course, there are unexpected impacts on energy, such as last year’s natural disasters. Hurricanes Katrina and Rita damaged many natural-gas processing facilities on the Gulf Coast, which significantly delayed production.

Industry watchers predict mergers and acquisitions to continue to dominate the energy world, most likely among the competitive generation and wholesale marketing companies. That’s anticipated to be accompanied by increased post-transaction litigation — involving shareholders, subsidiaries, other oil and gas producers and operators, and government enforcement entities. Already, litigation is picking up. PG&E, for example, recently sued 19 cities and municipal power districts throughout the West in a bid to recover $500 million in alleged overcharges for high-priced electricity bought during the energy crisis.

The future is also likely to bring additional legislation on a national level forcing energy supply diversity, regulating reliability standards and transmission protocols. Also on the horizon is streamlining federal and state approval processes for new electric generation, transmission and liquefied natural gas projects — essentially, continuing to overhaul the country’s comprehensive energy policy.

“Energy law used to be a sleepy field,” Doot says. “Now many of us are making new law every day.”

The future will also focus on construction of new fuel facilities throughout the world and a resurgence of worldwide energy trading. “We will see divestitures and sales of energy companies,” Bloom predicts. “More insolvencies and bankruptcies. And with the President’s alternative energy agenda, we’ll see tremendous development. All of this — and any energy crisis — will trigger litigation. There will be steady work [for energy lawyers]. We’ll get even busier than we’ve already been.”

And, much of the work will come from overseas. “The biggest change in the world in the last 10 years is the globalization of oil. We’re in competition with India and China for natural gas and oil. That means we can’t be dependent on the Middle East, because its oil might go to India or China.

“So the reasons we went into alternative energy in the ’70s still exist and are even more compelling and dramatic.”

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Ted Wells walking alongside Scooter Libby. Mark Lanier leaving the courthouse after a Vioxx victory. Elizabeth Cabraser winning big for victims of faulty breast implants.

Some folks don’t understand the beauty of our trial system. Politicians demonize it — until they need a lawyer. Tort reformers cry foul — until they’re in a car accident. Corporations rue the number of lawsuits they must defend — but bring more than a few themselves.

There are outrageous verdicts and ludicrous claims. A stroll through the following pages may leave you with more than an ounce of sympathy for Big Tobacco, Pfizer, AIG, Exxon, KPMG and Wal-Mart. It’s amazing how many of America’s top lawyers they employ.

But there’s a reason for that. America gives us unlimited opportunity to take risk and reap rewards. Ford revolutionized the world with the mass-produced auto, making our lives easier and opening new worlds. But with the automobile came accidents and injuries. And the same is true of the other advances or technologies that change our lives.

Life is risk, whether you’re getting in the car, working at a job, investing in a company or trying a new medical procedure.

Some days, just walking out the door is risky. More than a few of the litigators here make their living suing and protecting insurance companies — those on the hook when Hurricane Katrina hits or 9/11 happens.

Despite such tragedies, we’re lucky. More often than not, things work out just fine. We live longer, are more prosperous and have an unprecedented standard of living.

But when things don’t work out, we have a fallback: Call a lawyer. Go to court. Protect your rights. It’s a hallmark of our democracy.

The best trial lawyers weave magic between the real world inhabited by their clients and the abstraction of legal principle. That’s the tick-tock of it all. The rush of the cool, calm courtroom, the narcissism of winning over the jury, the hubris of standing up and conveying your client’s message like no one else could.

Of winning.

The legends are here, alongside the names in the news and the faces you’ll be seeing a lot more. To be on this list, you have to try cases in court, whether protecting corporate executives, suing health care providers, defending medical malpractice cases or winning employment discrimination claims. Though some of the nation’s best trial lawyers can be found in the ranks of government prosecutors and defenders and in the public interest arena, they’re not included because of the commercial bent of this particular guide. On this list, you’ll find lawyers who have tried a handful of cases and others who have tried hundreds. Some have ensured no one collected a dime against their clients, and some have reaped billions for their side.

We selected the Lawdragon 500 Leading Litigators in America by searching 25 practice specialties for the trial lawyers who are the best in their field, the ones you’d be proud to have as your lawyer. Another 2,500 who were nominated for the guide are available at Lawdragon.com.

We don’t expect the following to change the minds of those who believe trial lawyers are to blame for everything. But for those a little more open-minded, we think this Lawdragon 500 demonstrates the brilliance of American lawyers and law — the wide open playing field, where anyone has a shot at hitting it over the fence.

Batter up.
Nancy Abell  Paul Hastings Janofsky & Walker (Los Angeles, California) Employers, from public agencies to Wal-Mart, count on her spirited defense work. Michael Abourezk  Abourezk Law Firm (Rapid City, South Dakota) He's won millions for cancer victims and injured workers. Mark Abramson  Abramson Brown & Dugan (Manchester, New Hampshire) Secured payment for families of patients lost to malfunctioning equipment and negligent doctors. Floyd Abrams  Cahon Gordon & Reindel (New York, New York) An ace First Amendment lawyer for the New York Times. Kenneth Adams  Dickstein Shapiro Morin & Oshinsky (Washington, D.C.) Exxon and vitamin giants turn to him for high-stakes antitrust suits. Robert Adams  Shook Hardy & Bacon (Kansas City, Missouri) He has handled many of Ford's biggest torts defenses and does patent and insurance work. Linda Addison  Fulbright & Jaworski (Houston, Texas) As equally skilled at keeping CEOs out of the courtroom as representing them once there. Wylie Aitken  Aitken Aitken Cohn (Santa Ana, California) Made his name with landmark cases and mammoth verdicts against Disney and State Farm. Debra Albin-Riley  Winston & Strawn (Los Angeles, California) The gifted lawyer is a key to her firm's vaunted pharmaceutical liability defense team. Richard Alfred  Seyfarth Shaw (Boston, Massachusetts) Employers count on him for defending wage-and-hour claims and addressing nascent unionization efforts.

COTCHETT, PITRE, SIMON & McCARTHY, based on the San Francisco Peninsula for more than 40 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
Burck Bailey  Fellers Snider Blankenship Bailey & Tippens (Oklahoma City, Oklahoma) He scored for Unitherm Food Systems in a patent dispute with ConAgra. Jan Baisch  Law Offices of Jan Baisch (Portland, Oregon) The plaintiffs’ proponent has won 13 seven-figure verdicts. Robert Baker  Baker Keener & Nahra (Los Angeles, California) His 11th-hour work to snag a $32 million breach-of-contract verdict cements his status. David Balabanian  Bingham McCutchen (San Francisco, California) He shepherded the four-cornered litigation that won the Fang family media empire control of the Examiner. Franklin Balotti  Richards Layton & Finger (Wilmington, Delaware) His cases have defined corporate directors’ fiduciary and related duties. Thomas Banducci  Greener Banducci Shoemaker (Boise, Idaho) Wood products companies and others with construction products litigation needs call him. Sharon Barner  Foley & Lardner (Chicago, Illinois) The IP specialist won $154 million in a patent claim for Hughes Aircraft. Robert Barnett  Williams & Connolly (Washington, D.C.) A jack of all trades with no case or client (McDonald’s, GE, Comcast, Sunbeam, Toyota, Deutsche Bank) he can’t handle. Frederick Baron  Baron & Budd (Dallas, Texas) The toxic-tort litigator has decertified class actions to protect future victims’ claims. Robert Baron  Cravath Swaine & Moore (New York, New York) The star represents issuers and financial institutions from home and abroad.
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Andy Birchfield  Beasley Allen Crow Methvin Portis & Miles (Montgomery, Alabama) He’s taken on the makers of Baycol, Celebrex, Ephedra, Rezulin and Vioxx.

Sheila Birnbaum  Skadden Arps Slate Meagher & Flom (New York, New York) She blazes a trail for women litigators while solving courtroom problems for the Fortune 500.

Walter Bithell  Holland & Hart (Boise, Idaho) He spoke up for landowners whose crops withered under wind-blown herbicides.

Maxwell Blecher  Blecher & Collins (Los Angeles, California) This antitrust guru has beaten Eastman Kodak, Johnson & Johnson and the NFL.

Jeffrey Bleich  Munger Tolles & Olson (San Francisco, California) The complex business litigator handles cases for leading universities and the Fortune 500, while lending his practice to the indigent.

Alexander Blewett  Hoyt & Blewett (Great Falls, Montana) Appraisers applaud Blewett, who won millions for an embattled art expert.

Lisa Blue  Baron & Budd (Dallas, Texas) She has deployed her training as a licensed psychologist in hundreds of toxic-tort cases, with an emphasis on asbestos.

Mark Bocci  Pippin & Bocci (Lake Oswego, Oregon) He has made Herculean efforts (selling off his dream house, reading 20,000 pages of documents) to win a key case.

David Boies  Boies Schiller & Flexner (Armonk, New York) Microsoft’s headache and Al Gore’s hope, his cases shape business and politics.

Matthew Powers

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Frank Darras  Shernoff Bidart & Darras (Ontario, California) Insurance providers know they’re in trouble when opposing him. Merill Davidoff  Berger & Montague (Philadelphia, Pennsylvania) Secured a $544 million verdict for property owners near a Colorado nuclear weapons plant. Colleen Davies  Reed Smith (Oakland, California) Makers of pharmaceuticals and heart valves call her with accusations of faulty products.

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Robert Greer  Baird Williams & Greer (Phoenix, Arizona) An ace at limiting liability payouts for air carriers.

Thomas Groark  Day Berry Howard (Hartford, Connecticut) The insurance industry favorite has tried cases from New Jersey to Alabama.


John Gross  Proskauer Rose (New York, New York) His clients include Silverstein Properties, owner of the Twin Towers, on its “two occurrences” claim.

Marshall Grossman  Alschuler Grossman Stein & Kahan (Santa Monica, California) Accounting firms, Blockbuster and law firms rely on his enormous talent.

Paul Grossman  Paul Hastings Janofsky & Walker (Los Angeles, California) The counsel of choice for California’s biggest employers.

Theodore Grossman  Jones Day (Cleveland, Ohio) A lethal weapon against tobacco liability and aggregation of punitives.

George Haley  Holme Roberts & Owen (Salt Lake City, Utah) He defeated a $500 million claim against client Questar and won a $110 million counterclaim instead.

William Hangley  Hangley Aronchick Segal & Pudlin (Philadelphia, Pennsylvania) Merit Industries and Hamburger Color’s patent pro is a go-to member of the Philly bar.

Mark Hansen  Kellogg Huber Hansen Todd Evans & Figel (Washington, D.C.) He brought Lexecon $50 million and safeguarded Nancy Temple during Arthur Andersen.
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Celeste Jones  McNair Law Firm (Columbia, South Carolina) The protector of Southern sub-prime lending companies handles aviation and ERISA cases. Christy Jones  Butler Snow O’Mara Stevens & Cannada (Jackson, Mississippi) Known for defending Merck and Wyeth, she reps asbestos, herbicides and plastics companies.

Michael Jones  Kirkland & Ellis (Washington, D.C.) He scored the nation’s first lead-paint defense win and is a noted opponent of punitive damages.

J.D. Lee  Law Office of J.D. Lee (Knoxville, Tennessee) An expert in the tie between language and behavior, he won California’s $26 billion tobacco settlement. William Lee  Wilmer Hale (Boston, Massachusetts) This powerhouse IP litigator rules, from video conferencing to genetic engineering. Michael Leech  Hinshaw & Culbertson (Chicago, Illinois) He prosecuted a whistleblower suit involving ballistics tests and defended Illinois against an ADA class action. Poe Leggette  Fulbright & Jaworski (Washington, D.C.) This high-powered energy litigator is a master of land leases, the False Claims Act and offshore safety requirements. Kirk Lenhard  Jones Vargas (Las Vegas, Nevada) Bank of America, McCarran Airport and casinos bet the house on this pro. William Lerach  Lerach Coughlin Stoia Geller Rudman & Robbins (San Diego, California) He still makes securities defendants (AOL Time Warner, Enron and Qwest) quake. Jonathan Lerner  Skadden Arps Slate Meagher & Flom (New York, New York) Daimler Chrysler hired this versatile lawyer to fend off Tracinda and Kirk Kerkorian. Andrew Levander  Dechert (New York, New York) He won a fraud trial for Adelphia defendant John Rigas — and accolades. Fredric Levin  Levin Papantonio Thomas Mitchell Echsner & Proctor (Pensacola, Florida) The erstwhile boxing manager rewrote Florida law to allow recovery for illness from smoking. Harvey Levine  Levine Steinberg Miller & Huver (San Diego, California) A king of the bad-faith bar, he's gone up against insurers more than 1,000 times.
Gary Long  Shook Hardy & Bacon (Kansas City, Missouri) In class actions, he gets it done for firearm and tobacco companies, including Phillip Morris, Lorillard and Brown & Williamson. Joan Lukey Wilmer Hale (Boston, Massachusetts) This awesome litigator shines for Harvard on tenure matters. Paul Luvera Luvera Law Firm (Seattle, Washington) His innovative $12 million wrongful-death settlement with Tacoma includes a civic overhaul. James Lyons Rothgerber Johnson & Lyons (Denver, Colorado) No one’s involved in bigger complex disputes than this trusted litigator. Angus Macbeth Sidley Austin (Washington, D.C.) Superfund, Wetlands, Clean Air and Water. Few litigators are as well versed in environmental law. Robert MacGill Barnes & Thornburg (Indianapolis, Indiana) Don’t try to school this A-student: He represented Indianapolis in education desegregation disputes and the State of Illinois on finance. Roger Magnuson Dorsey & Whitney (Minneapolis, Minnesota) In 2000, he gave Florida’s Senate post-election advice. Now he works to spring the Minnesota Twins from their stadium lease. Thomas Malcolm Jones Day (Irvine, California) Insiders know he’s the powerbroker to see after 100 complex trials for the region’s business and political elite. William Maledon Osborn Maledon (Phoenix, Arizona) He pursued data leakers for Honeywell and guarded Phillip Morris against Native American tribes’ claims. Thomas Malone Malone Law Offices (Atlanta, Georgia) Injured parties down South would be wise to call the man with 15 verdicts topping $1 million.
William McCorriston  McCorriston Miller Mukai MacKinnon (Honolulu, Hawaii) The most highly regarded business litigator on the islands. Harold McElhinny  Morrison & Foerster (San Francisco, California) Nikon, EchoStar and Chiron rely on his skills; his wit is a bonus. Randi McGinn  McGinn Carpenter Montoya & Love (Albuquerque, New Mexico) You've got to love a lawyer who cross examined a witness to the point of vomiting. Mike McKool  McKool Smith (Dallas, Texas) Ericsson, Enron Creditors Committee and National Instrument are just a few who have relied on him. Terrence McMahon  McDermott Will & Emery (Palo Alto, California) Broadcom, EMC and SBC take their “bet the company” IP cases to him. Randy McMurray  The Cochran Firm (Los Angeles, California) His tireless efforts on behalf of injured parties keeps burning the torch lit by Johnnie. Donna Melby  Sonnenschein Nath & Rosenthal (Los Angeles, California) Her skills earned her the honor of being first woman president of ABOTA. Ronald Meshbesher  Meshbesher & Spence (Minneapolis, Minnesota) A killer in any Twin Cities business dispute. Ellen Messing  Messing Rudavsky & Weliky (Boston, Massachusetts) Plaintiffs’ lawyers can interview employees without corporate interference thanks to her. Kent Meyers  Crowe & Dunlevy (Oklahoma City, Oklahoma) Cofounded Oklahoma Lawyers for Children while defending the state’s nonchalance toward unions.
Ronald Motley  Motley Rice (Mount Pleasant, South Carolina) This plaintiffs’ fighter sued an Arab bank for allegedly funding terrorist attacks. Gary Naftalis  Kramer Levin Naftalis & Frankel (New York, New York) Insider trading, market manipulation and fraud. He’s handled it all for Disney, Salomon Brothers and Global Crossing. Stephen Neal  Cooley Godward (Palo Alto, California) Silicon Valley-ites headed to court pray that Neal will lead the way. John Newman  Jones Day (Cleveland, Ohio) The head of his firm’s monster litigation team has clients including National City Bank, Dow Corning and Cooper Tire. Thomas Nicholas  Hirst & Applegate (Cheyenne, Wyoming) More than 50 jury trials make him a leader of the business bar. Emily Nicklin  Kirkland & Ellis (Chicago, Illinois) She gets the call when accounting practices, breast implants or retiree health benefits go awry. Thomas Nolan  Skadden Arps Slate Meagher & Flom (Los Angeles, California) Famous for litigation prowess, he took on WorldCom on behalf of underwriters. Peter Nordberg  Berger & Montague (Philadelphia, Pennsylvania) Won the biggest verdict in Colorado, notching $554 million against Dow Chemical and Rockwell. Steven North  North Law (New York, New York) Has won more than $200 million for professional malpractice and other personal injury claims. E.R. Norwood  Cotton Bledsoe (Houston, Texas) The go-to guy for contested oil matters, whether involving corporate affairs or serious injury.
Bernard Nussbaum Sonnenschein Nath & Rosenthal (Chicago, Illinois) A leader among business litigators, the former JAG specializes in antitrust and trade regulation. \begin{em}Bernard Nussbaum\end{em} Wachtell Lipton Rosen & Katz (New York, New York) The lawyer that joins M&A with litigation like no other now \begin{em}defends\end{em} Phillip Morris. \begin{em}Mary Ann Oakley\end{em} Holland & Knight (Atlanta, Georgia) Has labored for 30 years to protect the \begin{em}rights\end{em} of employers. \begin{em}William O’Brien\end{em} Conrad O’Brien Gellman & Rohn (Philadelphia, Pennsylvania) This \begin{em}stalwart\end{em} firm president handles antitrust, discrimination defense and repetitive stress injury mass torts. \begin{em}Craig O’Dear\end{em} Bryan Cave (Kansas City, Missouri) Defended World Wrestling Entertainment against a $500 million wrongful-death \begin{em}claim\end{em}; it paid $9 million. \begin{em}Pierce O’Donnell\end{em} O’Donnell Shaeffer Mortimer (Los Angeles, California) The \begin{em}renaissance\end{em} lawyer pens brilliant books in between billions in verdicts for consumers and defense wins for Corporate America. \begin{em}David Oestening\end{em} Davis Wright Tremaine (Anchorage, Alaska) Steered 300,000 Valdez plaintiffs and 60 law firms to a verdict of $5.3 billion against Exxon. \begin{em}David O’Keefe\end{em} Bonne Bridges Mueller O’Keefe & Nichols (Los Angeles, California) Doctors and hospitals diagnosed with a \begin{em}lawsuit\end{em} self-medicate with him. \begin{em}Jack Olender\end{em} Jack H. Olender & Associates (Washington, D.C.) Won the first \begin{em}multimillion\end{em} dollar obstetric verdict on his way to 100 cases breaking $1 million. \begin{em}Camille Olson\end{em} Seyfarth Shaw (Chicago, Illinois) She’s the defender of \begin{em}choice\end{em} for Dial and numerous newspapers.

Ronald Olson Munger Tolles & Olson (Los Angeles, California) The \begin{em}embattled\end{em} Getty chose Warren Buffett’s litigator to investigate its finances and acquisitions. \begin{em}Brian O’Neill\end{em} Faegre & Benson (Minneapolis, Minnesota) The real deal, whether helping Exxon with its Valdez appeal or \begin{em}vexing\end{em} Supervalu for a failed joint venture. \begin{em}Randall Oppenheimer\end{em} O’Melveny & Myers (Los Angeles, California) He’s in the spotlight battling for Enron’s Jeffrey Skilling. \begin{em}John O’Quinn\end{em} O’Quinn Laminack & Pirtle (Houston, Texas) The Longhorn-sized \begin{em}legend\end{em} has scored more than $20 billion for smokers, those with faulty breast implants and others. \begin{em}Jerold Oshinsky\end{em} Dickstein Shapiro Morin & Oshinsky (Washington, D.C.) He’s on speed dial for \begin{em}corporations\end{em} with complex insurance claims. \begin{em}Barry Ostrager\end{em} Simpson Thacher & Bartlett (New York, New York) Twin Towers \begin{em}insurer\end{em} Swiss Re and JP Morgan Chase rely on this high-profile litigator. \begin{em}Wayne Outten\end{em} Outten & Golden (New York, New York) A warrior for \begin{em}unfairly\end{em} treated employees — Morgan Stanley paid $54 million. \begin{em}Cliff Palefsky\end{em} McGuinn Hillsman & Palefsky (San Francisco, California) This employment star \begin{em}fights\end{em} for workers’ rights and battles mandatory arbitration. \begin{em}Brian Panish\end{em} Panish Shea & Boyle (Los Angeles, California) After $4.9 billion for an exploding Chevy Malibu, he keeps the \begin{em}wins\end{em} coming. \begin{em}Peter Parcher\end{em} Manatt Phelps & Phillips (New York, New York) He litigates the business of \begin{em}stardom\end{em} for R. Kelly, Julie Andrews and Dylan.

Linda Pence  Sommer Barnard (Indianapolis, Indiana) Outstanding, she handles complex litigation and white-collar defense. Peter Perlman  Perlman Law Offices (Lexington, Kentucky) The top choice for personal injury and wrongful-death plaintiffs. Kathleen Peterson  Robins Kaplan Miller & Ciresi (Minneapolis, Minnesota) Plaintiffs love the former nurse who opposes medmal caps. Daniel Petrocelli  O’Melveny & Myers (Los Angeles, California) He gains top billings, including defense of Enron’s Jeffrey Skilling. Layn Phillips  Irell & Manella (Newport Beach, California) Known for his top mediation practice, the ex-judge serves as national counsel in major business disputes. Matthew Piers  Gessler Hughes Socol Piers Resnick & Dym (Chicago, Illinois) He won $400 million for fraud in the international wire transfer industry. Robert Pitcairn  Katz Teller Brant & Hild (Cincinnati, Ohio) Mr. High-Powered protects Pete Rose and the estate of Bengals owner Austin Knowlton. Frank Pitre  Cotchett Pitre Simon & McCarthy (Burlingame, California) Adept at steering Bextra and Celebrex litigation as well as mass torts against Alaska and Singapore Airlines.
Aaron Podhurst  Podhurst Orseck (Miami, Florida) He secures millions for families of air crash victims and other plaintiffs.

Debra Pole  Sidley Austin (Los Angeles, California) Industries facing national suits (breast implants, asbestos) ask this litigation general to marshal their defenses.

Michael Pope  McDermott Will & Emery (Chicago, Illinois) He defends State Farm and Blue Cross Blue Shield in massive class actions.

Harriet Posner  Skadden Arps Slate Meagher & Flom (Los Angeles, California) Shined in defending Farmers Group and Wells Fargo from cases alleging discriminatory mortgage scoring.

David Powell  Brownstein Hyatt Farber (Denver, Colorado) Car dealerships, insurance brokerages and power plants count on this employment specialist.

Joseph Power  Power Rogers & Smith (Chicago, Illinois) His $100 million settlement in a fatal accident exposed corruption in the Illinois governor’s office.

Matthew Powers  Weil Gotshal & Manges (Redwood Shores, California) He wins big for plaintiffs like Lexar, while Google, Intel and Microsoft call him for gold-standard defense.

Timothy Pratt  Shook Hardy & Bacon (Kansas City, Missouri) A top products liability talent, he defends pharmaceutical and medical device manufacturers.

John Quinn  Emanuel Urquhart Oliver & Hedges (Los Angeles, California) He gets results — like patent protection for Genentech and $1.1 billion for GM’s trade secrets.

Gordon Rather  Wright Lindsey & Jennings (Little Rock, Arkansas) The top defense lawyer for Arkansas products liability and toxic tort cases.
Roy Reardon Simpson Thacher & Bartlett (New York, New York) A foremost force in securities and corporate matters. Harry Reasoner Vinson & Elkins (Houston, Texas) Few carry his clout on both sides of the bar, earned on $1 billion pipeline verdicts and defense wins for “60 Minutes.” Wayne Reaud Reaud Morgan & Quinn (Beaumont, Texas) The outstanding plaintiffs’ lawyer will forever be known for the murder of his partner by a man convinced he was an asbestos victim. Patrick Regan Regan Zambri & Long (Washington, D.C.) He’s posted decisions exceeding $1 million in more than 60 cases. Bruce Rich Weil Gotshal & Manges (New York, New York) He counsels Warner Books, Walt Disney and Random House. Barry Richard Greenberg Traurig (Tallahassee, Florida) Held the national stage securing the presidency for Bush, but works day-to-day on major business matters. Susan Richardson Cotton Bledsoe (Midland, Texas) A rarity, the certified oil and gas lawyer wins millions in black gold disputes. Thomas Ridgley Vorys Sater Seymour and Pease (Columbus, Ohio) He does it all, from merger litigation to takeover efforts by United Dominion of Commercial Intertech. Daniel Riesel Sive Paget & Riesel (New York, New York) The corporate litigator is feared for his environmental work. Darren Robbins Lerach Coughlin Stoia Geller Rudman & Robbins (San Diego, California) The securities class action rainmaker reps the University of California regents against Enron.

By Hugh Williams
Michele Roberts  Akin Gump Strauss Hauer & Feld (Washington, D.C.) Executives charged with racketeering and tax fraud turn to this magician with judges and juries. Mark Robinson Robinson Calcagnie & Robinson (Newport Beach, California) This dynamic trial lawyer has taken on Firestone, Bayer, Arco, and now Merck. Ronald Rolfe Cravath Swaine & Moore (New York, New York) He's the trusted antitrust and securities specialist for British American Tobacco, Jones Apparel Group and Sprint. Harry Roper Jenner & Block (Chicago, Illinois) The IP star led Union Carbide's $152 million patent infringement claim against Shell. Teresa Roseborough Sutherland Asbill & Brennan (Atlanta, Georgia) She excels in telecommunications and government regulation. Richard Rosen Paul Weiss Rifkind Wharton & Garrison (New York, New York) This financial institutions threat is defense counsel in commodity futures manipulation class actions. Steven Rosenthal Kaye Scholer (Washington, D.C.) This all-around talent handles $30 billion in goodwill bank claims as well as energy ratemaking disputes. David Ross Greenberg Traurig (Miami, Florida) Deftly wins dismissal of billion-dollar claims, including against Lorillard Tobacco and the sugarcane growers association. Michael Rubin Altshuler Berzon Nussbaum Rubin & Demain (San Francisco, California) A leading plaintiffs’ lawyer taking on employer abuses, most recently global sweatshops. Patrick Ryan Ryan Whaley Coldiron (Oklahoma City, Oklahoma) Defends execs after his star turn in the McVeigh trial.

Herbert Schwartz Ropes & Gray (New York, New York) The top dog made his name enforcing Polaroid patents to the tune of $925 million against Kodak. Richard Scruggs Scruggs Law Firm (Oxford, Mississippi) The $368 billion he won against Big Tobacco might prove small now that he's taking on insurers post-Katrina. Mary Anne Sedey Sedey & Ray (St. Louis, Missouri) Workers who don't get a fair shake know her number. Christopher Seeger Seeger & Weiss (New York, New York) Your pharmacy is his caseload: Rezulin, Ephedra, Vioxx and Zyprexa, for which he negotiated a $700 million settlement with Eli Lilly. Joseph Sellers Cohen, Milstein, Hausfeld & Toll (Washington, D.C.) He reps 1.5 million female employees allegedly discriminated against by Wal-Mart. Douglas Serdahely Patton Boggs (Anchorage, Alaska) No job is bigger than defending ExxonMobil in claims from the Valdez oil spill. James Shea Venable (Baltimore, Maryland) He handles executive duties, lost profit damages and software disputes. Randolph Sherman Kaye Scholer (New York, New York) His expertise spans coordination of Novartis' PPA defense and co-leading RJ Reynolds' antitrust claim against Phillip Morris. William Shernoff Shernoff, Bidart & Darras (Claremont, California) The author of bad-faith law is taking on Holocaust claims against European insurers. Thomas Shriner Foley & Lardner (Milwaukee, Wisconsin) Knowing how to win for banks and other corporate concerns keeps him atop the Wisconsin bar.
Richard Sinkfield  Rogers & Hardin (Atlanta, Georgia) He was co-lead counsel defending Wyeth in Fen-Phen suits. Holly Skolnick  Greenberg Traurig (Miami, Florida) The white-collar specialist helps whistleblowers and other insiders. Thomas Slater  Hunton & Williams (Richmond, Virginia) The trial ace has handled more than 60 jury trials, most for Fortune 500s. Jock Smith  The Cochran Firm (Jackson, Mississippi) Netted the largest verdict in U.S. history by an African-American lead trial lawyer: $1.6 billion against Southwestern Life Insurance. William Snead  Law Office of William E. Snead (Albuquerque, New Mexico) For 40 years, the plaintiffs’ lawyer has helped the injured, winning millions. Jerry Snider  Faegre & Benson (Minneapolis, Minnesota) Archer Daniels Midland, 3M and Target call on this courtroom captain. Louis Solomon  Proskauer Rose (New York, New York) When not counseling the New York Jets, he’s lead counsel for makers of blockbuster drugs like Prilosec, Cardizem, and Claritin. Jerold Solovy  Jenner & Block (Chicago, Illinois) The luminary defeated Met Life’s $53 million claim against the Kennedys and won $161 million from DirecTV. John Soroko  Duane Morris (Philadelphia, Pennsylvania) He spoke for state judges battling legislative interference and landed a $22 million securities settlement. Christine Spagnoli  Greene Broillet & Wheeler (Los Angeles, California) She never tires of fighting for victims of dangerous power lines and SUV rollovers.
James Lyons
Mikel Stout  Foulston Siefkin (Wichita, Kansas) He won a $4.5 million verdict, later tripled, for The Coleman Company on a trademark infringement counterclaim. John Strauch  Jones Day (Cleveland, Ohio) Defending corporate America doesn’t get bigger than coordinating all smoking and health litigation for RJ Reynolds. Steven Strauss  Cooley Godward (San Diego, California) Has won verdicts and settlements exceeding $100 million while defending high-stakes matters for clients like Qualcomm. Adam Streisand  Loeb & Loeb (Los Angeles, California) Family companies like Farmer Bros. Coffee turn to this litigation maestro to gain control. Paul Stritmatter  Stritmatter Kessler Whelan Withey Coluccio (Hoquiam, Washington) Caring about injured clients has set him apart to the tune of million-dollar verdicts in dozens of cases. Neil Sugarman  Sugarman and Sugarman (Boston, Massachusetts) The Boston plaintiff veteran specializes in serious explosion and fire cases. Diane Sullivan  Dechert (Princeton, New Jersey) Habitually wins defense victories in the biggest products liability cases, including Vioxx and Baycol. Thomas Sullivan  Jenner & Block (Chicago, Illinois) One of the Windy City’s biggest names reps embattled pharmaceutical companies while reforming the state’s death penalty. Brian Sun  Jones Day (Los Angeles, California) Wen Ho Lee and others facing the longest odds count on him to win it all. Dennis Suplee  Schnader Harrison Segal & Lewis (Philadelphia, Pennsylvania) This stellar litigator successfully defends big names like UPS and Air France.

Stephen Susman  Susman Godfrey (Houston, Texas) This business court boss racked up a $140 million antitrust verdict for Masimo. Dennis Sweet  Langston Sweet & Freese (Jackson, Mississippi) Won the largest wrongful-death verdict in his state (Ford) and a $400 million Fen-Phen judgment. John Tarantino  Adler Pollock & Sheikh (Providence, Rhode Island) You can’t do better than him, whether winning in a lead paint case for Atlantic Richfield or fending off corruption claims. Denise Taylor  Bonne Bridges Mueller O’Keefe & Nichols (Los Angeles, California) An obstetrical claims specialist, she defended six cases last year. Tina Tchen  Skadden Arps Slate Meagher & Flom (Chicago, Illinois) She untangles knotty corporate claims for Abbott Laboratories and Baxter Labs. Irvin Terrell  Baker Botts (Houston, Texas) Texas’ Babe Ruth helped win a presidential election and beat a $1 billion claim against American Airlines. Daniel Thomasch  O’rrick Herrington & Sutcliffe (New York, New York) The star products liability litigator defends Wyeth from cases claiming a vaccine triggers autism in children. Nancy Tinsley  Baker & Daniels (Indianapolis, Indiana) The patent holder wins for medical device makers. Steven Toll  Cohen Milstein Hausfeld & Toll (Washington, D.C.) After snagging $600 million for Lucent stock fraud, he’s steering the Parmalat securities case. Michael Torpey  O’rrick Herrington & Sutcliffe (San Francisco, California) Won dismissals for Intel and Nvidia or significant securities claims.
John Treece  Sidley Austin (Chicago, Illinois) He won a directed verdict for G.D. Searle in a $1.1 billion class action.

Daniel Tyukody  Orrick Herrington & Sutcliffe (Los Angeles, California) Scored a complete defense win for Thane International in a rare securities class action trial.

Bruce Vanyo  Katten Muchin Rosenman (Los Angeles, California) He's defended more than 200 cases for companies like Krispy Kreme and Genentech.

Chilton Varner  King & Spalding (Atlanta, Georgia) The extraordinary trial lawyer defeats class certification and suits for GlaxoSmithKline and 3M.

Keith Vaughan  Womble Carlyle Sandridge & Rice (Winston-Salem, North Carolina) The products liability pro won tax refunds exceeding $1 billion.

Carl von Ende  Miller Canfield Paddock & Stone (Detroit, Michigan) This Motor City maven keeps Simon Property and Valassis Communications in the driver's seat.

Cynthia Vreeland  Wilmer Hale (Boston, Massachusetts) The likely heir to William Lee protects the IP of Ocean Spray and EMC.

Mary Kay Vyskocil  Simpson Thacher & Bartlett (New York, New York) She helped argue the Twin Towers attacks were one event, halving Swiss Re's bill.

Herbert Wachtell  Wachtell Lipton Rosen & Katz (New York, New York) After half a century in practice and 41 years building his firm, the legend still shines brightest in court.

Stanley Wakshlag  Kenny Nachwalter (Miami, Florida) Sacked Ricky Williams for the Dolphins and dismissed Noven Pharmaceuticals' claims.
Peter Wald  Latham & Watkins (San Francisco, California) The head honcho of Latham’s litigators is the choice for Ernst & Young and Andersen in the Enron debacle. Robert Walker  Walker Bryant Tipps & Malone (Nashville, Tennessee) Earned points for icing a dispute between Gaylord Entertainment and his client, the Nashville Predators.

Lawrence Ward  Shughart Thomson & Kilroy (Kansas City, Missouri) Wins big for H&R Block and Kansas City Power & Light.

Shirli Weiss  DLA Piper Rudnick Gray Cary (San Diego, California)  Secured defense wins for Foundry Networks, Vantive and DuPont.


Perry Weitz  Weitz & Luxenberg (New York, New York)  Racked up $1.3 billion for DES, asbestos and implant plaintiffs.


Lantz Welch  Sole Practitioner (Kansas City, Missouri)  His 28-year winning streak included $49 million for Sedalia residents injured by Alcolac chemical company.

Theodore Wells  Paul Weiss Rifkind Wharton & Garrison (New York, New York)  The white-collar wiz has defended Michael Milken, Exxon and Scooter Libby.

John Wester  Robinson Bradshaw & Hinson (Charlotte, North Carolina)  He helped Duke Energy turn back a $100 million class action.

Mary Jo White  Debevoise & Plimpton (New York, New York)  Previously WTC bombers’ federal foe, she now cleans up companies’ “big mess” cases while targeting The Donald for Random House.

William Whitehurst  Harkness Ozmun & Brees (Austin, Texas)  He’s got a multimillion-dollar prescription for brain damaged babies born on military bases.

Lonnie Williams  Quarles & Brady (Phoenix, Arizona)  Amassed an impressive trial resume defending discrimination claims.
Parting Shots
Photos by Hugh Williams

John Keker    Joseph Cotchett    Cristina Arguedas
Fighting for the little guy

Tom Girardi has earned the reputation of one of America’s greatest trial lawyers by winning billions for consumers harmed by America’s biggest corporations including Sempra, El Paso Natural Gas, PG&E, Unocal, Exxon, Lockheed, Shell, DuPont, Ashland and Farmers Insurance.

Girardi & Keese
The right counsel for the toughest battles
Commitment. Experience. Trust.
The things you look for in your law firm.

Add another respected benchmark:
Recognition as one of the top litigation firms in the country.

Only one Chicago-based law firm placed among the top five litigation departments in the U.S. in The American Lawyer’s “Litigation Department of the Year” — Jenner & Block.

In this biennial competition, the Firm was lauded for “astonishing” victories, “hard-fought” settlements and courtroom wins for our clients. The magazine also praised our “extraordinary efforts” in providing pro bono services to the needy.