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Europe's bankruptcy laws changing

U.S. law firms seek restructuring work.

By Leigh Jones
STAFF REPORTER

WITH COMMERCIAL bankruptcy laws in Europe evolving into a system akin to the process in the United States, lawyers are stepping up their pursuit of lucrative

restructuring work.

Laws in the United Kingdom, Germany and other key European economies are changing to avoid wholesale collapses of businesses when corporate balance sheets go awry.

Instead of total liquidations orchestrated by lending banks, the insolvency process in some European countries now concentrates on rebuilding ailing

companies, often with an infusion of capital from private American investors. The result, practitioners say, means that an array of investors is getting involved in resuscitating distressed businesses, and more participants mean additional opportunities for lawyers.

"It's more of a rescue culture," said John Houghton, head of Latham & Watkins' restruc-

turing practice in London. "There's a far greater presence of U.S. players."

Attorneys handling insolvency matters in Europe caution that restructuring practices there are not experiencing a full-blown boom, but they say that the opportunities are broader than before for firms interested in representing so-

SEE 'EUROPE' PAGE 18

THE PLAINTIFFS' HOT LIST

■ Profiles of 20 go-to firms at the top of the litigation game.

■ The securities litigation landscape after the breakup of Milberg Weiss.

■ Why Texas is a fertile breeding ground for top litigators.

■ Capitalizing on the growing niche of nursing home litigation.

PULLOUT SECTION INSIDE

Web logs now part of litigation landscape

Lawyers must be mindful of pitfalls.

By Gail Diane Cox
STAFF REPORTER

MICHAEL JACKSON has one. Martha Stewart paid top dollar for hers. And the Justice Department got one as a gift in its

antitrust trial against Oracle.

Web sites dedicated to a specific trial are ushering in a new era of client service, said Denise M. Howell, a Web log booster and intellectual property litigator who is of counsel to the Los Angeles office of Reed Smith.

"Not only is it critical to know who will try your case," Howell said. "It's important to consider

who will 'blog' it."

The Web log that sparked Howell's enthusiasm is devoted to a civil case, the Department of Justice's antitrust action against Oracle Corp. in San Francisco.

Running the Oracle trial Web log is Gary Reback of Palo Alto, Calif.'s Carr & Ferrell, who represents PeopleSoft Inc., the ob-

ject of Oracle's hostile takeover that DOJ is trying to block. At his client's request, Reback is "blogging" the proceeding, sitting in the trial all day, taking notes, and filing an account on PeopleSoft's corporate Web site.

"Perhaps I can give some balance to Oracle's artful spin," Reback writes at the start of

SEE 'BLOGS' PAGE 17

THE PLAINTIFFS' HOT LIST

- BARON & BUDD •
- BERGER & MONTAGUE •
- BERNSTEIN LIEBHARD & LIFSHITZ •
- BERNSTEIN LITOWITZ BERGER & GROSSMAN •
- CLIFFORD LAW OFFICES •
- COHEN, MILSTEIN, HAUSFELD & TOLL •
- COTCHETT, PITRE, SIMON & MCCARTHY •
- GIBBS & BRUNS •
- GREENE, BROILLET, PANISH & WHEELER •
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By David Hechler
STAFF REPORTER

THIS SECTION CONTAINS *The National Law Journal's* list of plaintiffs' litigation firms that we feel have done exemplary work during the past year.

Though we paid careful attention to recent successes, all the firms chosen have track records that go back years, sometimes decades. But our selections were not based on vaunted reputations, impressive client lists or cases filed. We looked for results.

Each of the 20 firms selected is described in a thumbnail sketch, which includes recent cases. This presented a challenge for some firms, especially those that handle large commercial cases, since so many settle confidentially. Consequently, the cases listed do not always represent the firm's most impressive achievements.

To be eligible for selection, at least half of a firm's work had to be for plaintiffs and at least half had to be litigation. Most of the firms fit comfortably within those bounds. Two Houston firms, Susman Godfrey and Gibbs & Bruns, reported a greater percentage of defense work than the others, but still tilt toward plaintiffs.

We eliminated solo practitioners and very small firms, regardless of their success, simply because our purpose was to recognize the work of law firms, not individual lawyers.

Though some firms also appeared on our first list last year, we tried to begin with a blank slate and judge each nominee de novo. We do not wish to imply, however, that this process was scientific. We did not adopt objective standards against which to measure firms. The selections were subjective, and there are undoubtedly firms as worthy as those we picked. The choice of 20 was also an arbitrary limitation that forced the elimination of firms that otherwise were deserving.

The firms included are a varied group, the largest of which is 135 lawyers. There are class action securities firms, toxic tort specialists, a firm that mostly does automobile cases and one that specializes in representing whistleblowers. They are scattered around the country, though fully a quarter are based in Texas.

It was that geographic quirk that led to one of the three feature stories included in this section: one in which we tried to explain why quality plaintiffs' lawyers seem to be so plentiful in Texas.

Another story was suggested by the splitting of the firm that appeared last year as Milberg Weiss Bershad Hynes & Lerach. We wondered whether one of the two firms it became, or some other firm on our list, was likely to become the new leader prosecuting securities class actions.

Finally, we profiled a Florida firm that specializes in nursing home litigation, pursuing cases in seven states.

Coincidentally, the three stories share a common theme. Each is a story about change and turmoil. "Tort reform" is forcing changes in nursing home litigation. The Milberg Weiss breakup has shaken up the securities class action field. And several factors, including ubiquitous arbitration clauses and escalating litigation costs, have Texas lawyers worried about the trial lawyer's very survival.

Perhaps it isn't a coincidence after all. Given the central position of tort reform and trial lawyers in a presidential campaign in which the Democrats' presumptive vice presidential candidate is a trial lawyer himself, how could our

THE PLAINTIFFS' HOT LIST

Results come before reputation

stories have avoided that theme?

A word about what we are *not* claiming for the selected firms. We do not say they are the most successful or best. We don't know how we would begin to judge which firms are best.

Joe Jamail, who has been dubbed "The King of Torts," recently discussed this topic in his Houston office. The crown was first given to him "tongue in cheek" by Melvin Belli, he said, who had tired of wearing it himself. Then, as a joke, local judges presented him with a literal crown now encased in glass on the conference table in his "war room." The whole notion strikes him as absurd: "That title to me is tantamount to being elected the fastest horse in the glue factory."

Cleo Cacoulidis wrote the thumbnail sketches of the firms and conducted the research, assisted by Lindsay Fortado. NLJ



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Joanne Bergren has been a court reporter since 1984. She works with the Maxene Weinberg Agency, Spherion's agent in Orange County and Palm Springs, CA.

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Baron & Budd

Dallas' *Baron & Budd* has won national recognition representing individuals and municipalities injured by exposure to hazardous substances, particularly asbestos. Founded in 1977, the 78-lawyer firm has recovered hundreds of millions of dollars in verdicts and settlements. It has offices in Cleveland; Baton Rouge, La.; Canton, N.Y.; and Glen Carbon, Ill.

NOTEWORTHY CASES:

n City of Santa Monica v. Shell Oil (Orange Co., Calif., Super. Ct. 2003), lead attorneys Fred Baron and Scott Summy. The firm secured a \$312.8 million settlement from a dozen oil companies accused of polluting drinking water with the gasoline additive MTBE.

n Blandford v. Garlock Sealing Technologies (Cuyahoga Co., Ohio, Ct. C.P. 2003), lead attorney Ladd Gibke. A jury returned a verdict of \$6.4 million to the family of a pipe-and-steam-fitter who died of asbestos-related mesothelioma.

n Yuarte v. Quigley (El Paso Co., Texas, Ct. at Law 2004), lead attorney Al Stewart. The firm won a \$5.2 million verdict for the family of a tradesman who died of asbestos-related mesothelioma.

Berger & Montague

Specializing in complex and class action litigation since its founding in Philadelphia in 1970, *Berger & Montague* has secured awards and settlements worth billions of dollars for clients in the areas of antitrust, securities, mass torts and civil and human rights. In 2000, the 59-attorney firm was co-lead counsel in multiple cases against German industry and banks for the use of slave labor during the Nazi era. The cases settled, and a \$4.5 billion victims' fund was created.

NOTEWORTHY CASES:

n In re High Fructose Corn Syrup Antitrust Litigation (C.D. Ill. 2004), co-lead counsel H. Laddie Montague Jr. Plaintiffs alleged that manufacturers of high fructose corn syrup that controlled 90% of the U.S. market conspired to fix prices and allocate customers and sales volumes. The case settled for \$424 million.

n In re Safety-Kleen Corp. Securities Litigation

THE PLAINTIFFS' HOT LIST

(D.S.C. 2004), co-lead counsel Sherrie R. Savett. A hazardous waste company was accused of accounting irregularities. The case settled for \$45 million.

n In re Laidlaw Inc. Securities Litigation (D.S.C. 2004), co-lead counsel Sherrie R. Savett. An Ontario, Canada-based trucking firm was accused of gross accounting violations. The case settled for \$24 million.

Bernstein Liebhard

Devoted exclusively to plaintiff class action litigation, the 29-lawyer *Bernstein Liebhard & Lifshitz* has recovered hundreds of millions of dollars for its clients in awards and settlements since its establishment in 1993. While the firm's primary focus is securities and shareholder class actions, it is also active in consumer protection and antitrust litigation. It was recently appointed as sole lead counsel in *Royal Dutch/Shell Transport Securities Litigation*, representing the Pennsylvania State Employees Retirement System and the Pennsylvania Public School Teachers Retirement System. Based in New York, the firm also has offices in Fort Lee, N.J., and Harrisburg, Pa.

NOTEWORTHY CASES:

n Footstar Inc. Securities Litigation (S.D.N.Y. 2003), co-lead counsel Keith Fleischman and Frank Karam. A securities class action alleging massive accounting fraud by a footwear retail chain, the firm negotiated a partial settlement of \$14.3 million. Litigation against other defendants is ongoing.

n Seeheyond Technology Corp. Securities Litigation (C.D. Calif. 2004), co-lead attorneys Keith Fleischman and Frank Karam. The defendants were accused of accounting fraud. The plaintiffs brokered a settlement for \$13.1 million.

n Cyberguard Corp. Securities Litigation (S.D. Fla. 2004), co-lead counsel Mel Lifshitz and Jeffrey Haber. A firewall software developer was accused of accounting fraud. The court approved a \$10 million settlement.

Bernstein Litowitz

During its 21 years litigating complex securities class actions on behalf of individual and institutional plaintiffs, *Bernstein Litowitz Berger & Grossmann* has recovered billions of dollars in awards and settlements. Since 2000, the 37-lawyer firm, acting as co-lead counsel, has obtained the three largest settlements in the history of securities fraud lawsuits: *In re Cendant Corp.*, *In re Lucent Technologies* and *In re WorldCom* (with cumulative recoveries in excess of \$5 billion). Based in New York, the firm has offices in San Diego, New Orleans and Westfield, N.J.

NOTEWORTHY CASES:

n In re WorldCom Inc. Securities Litigation (S.D.N.Y. 2004), co-lead counsel Sean Coffey. Defendant Citigroup agreed to settle all claims against it in the *WorldCom* case for \$2.65 billion in cash, at the time the second-largest recovery in securities fraud history. The case continues against other defendants, including *WorldCom's* auditor, Arthur Andersen.

n In re Symbol Technologies Inc. Securities Litigation (E.D.N.Y. 2004), co-lead counsel Dan Berger. The plaintiffs alleged that Symbol intentionally overstated its revenues through premature revenue recognition, improper consignment arrangements and channel stuffing. The case settled for \$139 million.

n In re Network Associates Inc. Securities Litigation II (N.D. Calif. 2004), lead counsel Alan Schulman and Robert Gans. Representing the lead plaintiff, Teachers' Retirement System of Louisiana, the firm obtained a \$70 million cash settlement.

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wrongful death and personal injury cases arising out of aviation and transportation accidents, medical malpractice and products liability. Since January 2003, the 25-attorney firm has won more than two dozen verdicts and settlements exceeding \$1 million, and dozens in six figures, representing individual plaintiffs.

NOTEWORTHY CASES:

■ *Yoder v. Romar Transportation Systems Inc.* (Cook Co., Ill., Cir. Ct. 2004), lead attorneys Kevin P. Durkin and John T. Karnezis. A toddler was killed and her mother severely injured in a multicar crash on an interstate highway where several trucks negligently blocked the roadway. The jury awarded \$38.3 million.

■ *Dutler v. Union Pacific Railroad Co.* (D.N.M. 2004), lead lawyers Robert A. Clifford and Jeffrey J. Kroll. Smoke from a railroad fire blanketed a highway and caused a multivehicle collision, injuring the plaintiff and killing her spouse. The case settled for \$15.5 million.

■ *Gist v. Mercy Hospital and Medical Center* (Cook Co., Ill., Cir. Ct. 2003), lead counsel Robert A. Clifford and Keith A. Hebeisen. An overdose of glucose was administered to a newborn, who suffered permanent brain damage. The case settled for \$11 million.

Cohen Milstein

Since its founding 28 years ago, *Cohen, Milstein, Hansfeld & Toll* has focused on complex class actions ranging from antitrust and civil rights cases to consumer protection and health care. With 48 attorneys in offices in Washington, Seattle and New York, the firm has a reputation for taking on industry giants such as Bristol-Myers Squibb, Boeing and Hoffmann-La Roche. It is co-lead counsel in *Dukes v. Wal-Mart*, to date the largest sex discrimination case ever filed in the United States. Class certification was granted in June.

NOTEWORTHY CASES:

■ *In re Relafen Antitrust Litigation* (D. Mass. 2004), co-lead counsel Michael Hausfeld, SmithKlineBeecham Corp., and GlaxoSmithKlineBeecham Corp., allegedly maintained a monopoly on the drug Relafen by obtaining fraudulent patents and engaging in sham patent infringement litigation to delay entry into the marketplace of generic substitutes. The case settled for \$175 million.

THE PLAINTIFFS' HOT LIST

■ *Animal Science v. Chinook Group Ltd.* (D.D.C. 2003), lead counsel Michael Hausfeld. Several vitamin manufacturers conspired to rig the price of B4. The \$49.5 million verdict was trebled to \$149 million.

■ *Pease v. Jasper Wyman & Son* (Knox Co., Maine, Super. Ct. 2003), lead counsel Dan Small. Three blueberry processing companies were found guilty of price-fixing. The jury awarded \$18.6 million, trebled to \$56 million.

Cotchett Pitre

Cotchett, Pitre, Simon & McCarthy has focused exclusively on litigation for the past 36 years. Based in Burlingame, Calif., with offices in Los Angeles and Washington, the firm's 24 lawyers prosecute antitrust, consumer fraud, elder abuse, securities and personal injury cases. It was co-lead counsel in a nationwide consumer class action against Citigroup Inc. for unfair business practices regarding credit insurance "packing" and refinance loan "flipping." The case settled in 2003 for \$240 million (*Morales v. Citigroup*).

NOTEWORTHY CASES:

■ *In re Household International Inc.* (N.D. Calif. 2004), co-lead counsel Niall P. McCarthy. A class action against Household International for predatory lending practices resulted in a \$150 million settlement. The settlement also established a "Foreclosure Avoidance Program" to help borrowers behind in their payments.

■ *In re Homestore.com Litigation* (C.D. Calif. 2004), lead attorney Bruce Simon. Homestore.com, an Internet real estate company, was accused of falsifying financial statements and engaging in accounting irregularities. The class action settled for \$93 million,

and Homestore agreed to reform its corporate policies. Legal action against additional defendants is pending.

■ *Strategic Resource Solution v. San Francisco Unified School District* (Sacramento Co., Calif., Super. Ct. 2004), co-lead attorneys Joseph W. Cotchett and Elizabeth Pritzker. The San Francisco Unified School District secured a \$48 million settlement with Progress Energy Corp. and a subsidiary, which allegedly engaged in fraud and negligence in modernizing the heating and lighting systems in the district's schools.

Gibbs & Bruns

Founded in 1983 with a focus on complex commercial litigation in areas such as intellectual property, antitrust and securities fraud, in recent years the Houston-based 28-lawyer firm has won more than \$500 million in jury verdicts for plaintiffs. In one of several cases that put *Gibbs & Bruns* on the map, the firm won a \$309 million verdict for the plaintiff in a 1993 breach of contract trial (*Avia Development Group v. American General Realty Investment Corp.*).

NOTEWORTHY CASES:

■ *Taita Chemical Co. v. Westlake Styrene Corp.* (W.D. La. 2003), co-lead counsel Grant Harvey. The firm represented Westlake in its counterclaim against Taita for breach of fiduciary duty and fraud. The jury awarded Westlake \$16.3 million.

■ *Slosburg v. Law Engineering & Environmental Services* (Harris Co., Texas, Dist. Ct. 2003), lead lawyers Robin Gibbs and Jean Frizzell. The plaintiffs alleged that the defendant failed to properly monitor an active construction project. The jury awarded \$3 million.

■ *Northstar Telecommunications Mgmt. v. Southwestern Bell Communications Svcs.* (D. Texas 2004), lead lawyers Christopher Reynolds and Brian T. Ross. Defendant allegedly failed to deliver long-distance minutes to Mexico and settled for \$3.8 million.

Greene Broillet

Best known for its landmark \$4.9 billion jury verdict in the products liability case *Anderson v. General*

SEE "FIRMS" PAGE 58

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'FIRMS' FROM 57

Motors Corp. (in which the plaintiffs were burned by defective gas tanks), *Greene, Broillet, Panish & Wheeler* has won hundreds of multimillion-dollar awards and settlements for plaintiffs. Founded in 1972 and based in Santa Monica, Calif., the 13-lawyer firm specializes in aviation accidents, personal injury and products liability.

NOTEWORTHY CASES:

n Griggs v. Caterpillar (Los Angeles Co., Calif., Super. Ct. 2004), lead attorneys Brian J. Panish and Christine Spagnoli. The plaintiff sustained third-degree burns when an O-ring used in the hydraulic system of a heavy equipment scrapper failed. The jury awarded \$58.1 million—at the time the largest for an individual plaintiff in a California personal injury case.

n Witham v. Anjet (Los Angeles Co., Calif., Super. Ct. 2004), lead attorneys Brian J. Panish and Kevin Boyle. A Los Angeles jury awarded the parents of a 23-year-old plane-crash victim \$11.7 million.

n Grouse v. City of Los Angeles (Los Angeles Co., Calif., Super. Ct. 2003), lead attorney Browne Greene. A Los Angeles jury awarded the plaintiff \$33 million for civil rights violations when he was arrested and verbally abused by police after Budget Rent-A-Car neglected to put the correct license plate on his rental car.

Haggard Parks

The five-attorney firm of *Haggard, Parks, Haggard & Bologna* has litigated nearly all categories of personal injury claims since its founding in 1995. Located in Coral Gables, Fla., the firm has recovered more than \$500 million in verdicts and settlements for individual clients in wrongful death claims, aviation disasters, medical malpractice and admiralty cases. Departing from its core practice areas, the firm served as local counsel in Florida's antitrust suit against Microsoft, which settled for \$200 million in 2003.

NOTEWORTHY CASES:

n Olinares v. Ecuador Rental Corp. & Rudnitzky (Miami-Dade Co., Fla., Cir. Ct. 2004), lead attorneys Michael Haggard and Dan Dolan. The plaintiff was struck by a rental car, severely damaging his leg, which

THE PLAINTIFFS' HOT LIST

was amputated. The case settled for \$6.5 million.

n Peterson v. Sta-Rite Industries (Miami-Dade Co., Fla., Cir. Ct. 2003), lead attorneys Michael Haggard and Robert Parks. A 14-year-old boy suffered permanent brain damage when he was trapped by the suction of a malfunctioning swimming pool pump. The jury awarded \$104 million—at the time the largest single personal injury verdict in Florida history.

n Hinton v. 2331 Adams Street Corp. (Broward Co., Fla., Cir. Ct. 2003), lead attorneys Michael Haggard and William Andrew Haggard. A toddler sustained brain damage after nearly drowning in a pool improperly secured by an apartment complex. The jury awarded \$100 million.

Korein Tillery

Korein Tillery's national class action practice comprises insurance claims, securities and consumer fraud, products liability and antitrust. The firm's 18 lawyers also prosecute personal injury claims. Based in St. Louis with Illinois offices in Belleville and Chicago, Korein Tillery is probably best known for its \$10.1 billion judgment in 2003 against Philip Morris in the first consumer class action over "light" cigarettes.

NOTEWORTHY CASES:

n Price v. Philip Morris (Madison Co., Ill., Cir. Ct. 2003), lead attorney Stephen Tillery. The plaintiffs accused Philip Morris of fraud in marketing Marlboro Lights and Cambridge Lights as safer alternatives to regular cigarettes. The judge awarded the plaintiffs \$10.1 billion.

n Berger v. Xerox Corp. Retirement Income Guaranty Plan (S.D. Ill. 2004), lead attorneys Douglas Sprong and

Steven Katz. Xerox allegedly manipulated pension benefits of former employees. The case settled for \$239 million.

n McClintock v. BOC Group Cash Balance Retirement Plan (S.D. Ill. 2004), lead attorneys Douglas Sprong and Steven Katz. BOC settled for \$69 million after it, too, allegedly manipulated pension benefits of former employees.

Lerach Coughlin

Established in May 2004 after Milberg Weiss split, the newly minted *Lerach Coughlin Stoia Geller Rudman & Robbins* (as it will be called on Aug. 1, after it completes its acquisition of Geller Rudman) will continue to specialize in class action securities cases. It will also expand into health care, human rights and antitrust lawsuits. The firm's 135 attorneys will be located in nine offices: San Diego (principal office), San Francisco, Los Angeles, New York, Washington, Houston, Philadelphia, Seattle and Boca Raton, Fla.

NOTEWORTHY CASES:

n In re Dollar General Securities Litigation (M.D. Tenn.), lead attorneys Darren Robbins and Helen Hodges. This securities fraud class action followed a financial restatement. The settlements in 2002 and 2003 totaled \$172.5 million.

n Thurber v. Mattel Inc. (C.D. Calif. 2003), lead attorneys William Lerach and Helen Hodges. A securities fraud class action followed Mattel's allegedly misleading statements about an acquisition. The suit settled for \$122 million and included corporate governance enhancements.

n Stanley v. Safeskin Corp. (S.D. Calif. 2003), lead attorneys Michael Dowd and Henry Rosen. This securities fraud class action was brought after Safeskin missed its earnings forecast. It settled for \$55 million.

Lieff Cabraser

San Francisco's *Lieff Cabraser Heimann & Bernstein* has represented plaintiffs in more than 275 class actions since its creation in 1972. The firm's 58 lawyers

SEE 'FIRMS' PAGE S12

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'FIRMS' FROM \$8

work primarily in the areas of securities and investment fraud, personal injury, mass torts, employment discrimination and environmental litigation. Among its accomplishments, the firm was co-counsel in *Avery v. State Farm*, in which the plaintiffs challenged State Farm's practice of specifying the use of inferior replacement parts not approved by the vehicle manufacturers, winning a judgment of more than \$1 billion—at the time the largest ever against a U.S. insurance company. In the past year, Lieff Cabraser has played a leading role in obtaining more than \$2 billion in awards and settlements. Branch offices are in New York, Washington and Nashville, Tenn.

NOTEWORTHY CASES:

n Natural Gas Antitrust Cases (San Diego Co., Calif., Super. Ct. 2003), co-lead counsel William Bernstein and Barry R. Himmelstein. Residential and business consumers claimed that El Paso Natural Gas Co. manipulated the market to drive up prices during the California energy crisis in 2000-2001. El Paso settled for \$1.5 billion.

n In re Buspirone Antitrust Litigation (S.D.N.Y. 2003), co-lead counsel Robert G. Fisher. Bristol-Myers Squibb, Danbury Pharmaceutical, Watson Pharmaceuticals and Watson Pharma allegedly entered into an unlawful agreement to restrain trade and prevent production of BuSpar, a generic drug that alleviates anxiety. The case settled for \$90 million.

n Curry v. Fairbanks Capital Corp. (D. Mass. 2004), co-lead counsel Kelly M. Dermody. A class of consumers alleged that Fairbanks engaged in misconduct in servicing mortgage loans. The case settled for \$55 million, and Fairbanks was required to establish a default resolution program to limit the imposition of fees and foreclosure proceedings.

Milberg Weiss

Despite the division of the old Milberg Weiss firm, which led to the establishment of Lerach Coughlin as a competitor, the reconstituted *Milberg Weiss Bershad & Schubman* is still one of the most prominent securities class action firms in the country. It also handles complex litigation involving human rights, health care and labor and employment. Its 110 lawyers remain headquartered in New York with offices in Boca Raton, Fla.; Los Angeles; Seattle; Washington; and Wilmington, Del.

NOTEWORTHY CASES:

n In re Raytheon Co. Securities Litigation (D. Mass. 2004), lead counsel Melvyn I. Weiss and Steven G. Schulman. This class action was brought after Raytheon issued a series of allegedly false and misleading statements concerning the company's integration of acquisitions, which artificially inflated the stock price. Plaintiffs settled claims against Raytheon and PricewaterhouseCoopers, Raytheon's auditors, for a total of \$460 million.

n In re Managed Care Litigation (S.D. Fla. 2004), co-lead lawyers Melvyn I. Weiss and Edith M. Kallas. A class of physicians sued CIGNA Healthcare, claiming that it wrongfully delayed and denied payments and interfered with medical determinations. The physicians settled for more than \$500 million. In 2003, the same class settled similar claims against Aetna for more than \$400 million.

O'Quinn Laminack

Since the firm's inception in 1981, attorneys at *O'Quinn, Laminack & Pirtle* have won more than \$20 billion in verdicts and settlements on behalf of plaintiffs. The Houston-based firm specializes in commercial litigation, personal injury, products liability, medical malpractice and mass torts. It won a \$1 billion wrongful death suit this year involving the diet drug combination fen-phen. The 29-lawyer firm has a branch office in San Marcos, Texas.

NOTEWORTHY CASES:

n Coffey v. Wyeth (Jefferson Co., Texas, Dist. Ct. 2004), lead counsel John M. O'Quinn, Richard Laminack and Thomas Pirtle. A jury awarded the plaintiffs \$1 billion in a wrongful death involving Pindimin, a part of fen-phen.

n Anglo-Dutch LLC Inc. v. Halliburton Energy Services Inc. (Harris County, Texas, Dist. Ct. 2004), lead counsel John M. O'Quinn. In a breach of contract case involving private oil and gas companies, a jury

THE PLAINTIFFS' HOT LIST

awarded the plaintiffs \$70.4 million.

Phillips & Cohen

Nationally recognized for its specialty practice representing whistleblowers in qui tam lawsuits brought under the False Claims Act, *Phillips & Cohen* has generated civil and criminal recoveries for the federal government in excess of \$2 billion. Located in Washington, the 12-member firm handles a wide range of government contract fraud cases, including defense contractor and Medicare misrepresentation. It was co-lead counsel in two qui tam actions against TAP Pharmaceuticals (defendant TAP illegally offered physicians research grants in exchange for prescribing its drugs), resulting in an \$875 million settlement in 2001, which at the time was the largest health care fraud settlement ever paid to the U.S. Treasury. The firm has a branch office in San Francisco.

NOTEWORTHY CASES:

n U.S. ex rel. John Schilling v. Columbia/HCA and U.S. ex rel. James F. Alderson v. Columbia/HCA (D.D.C. 2003). The defendant, the largest for-profit health care provider in the country, allegedly submitted false and inflated claims to Medicare for reimbursement. The two related qui tam cases settled for \$626 million.

n U.S. ex rel. Richard D. Bagley v. TRW Inc. (C.D. Calif. 2003). Northrop Grumman Corp., which had acquired TRW Inc., was accused of padding bills submitted to the government under space and technology contracts. The case settled for \$111.2 million.

n U.S. ex rel. Mark Erickson v. Association of University Physicians, University of Washington Physicians and Children's University Medical Group (W.D. Wash. 2004). Two physician practice groups affiliated with the University of Washington routinely overbilled Medicare and Medicaid for years. The whistleblower suit settled for \$35 million.

Sacks & Sacks

The 15-lawyer New York firm *Sacks & Sacks* specializes in representing construction workers injured in accidents. Founded before World War II by the father and uncle of the twin brothers who now run it, virtually all the firm's cases are in the New York City metropolitan area. Its biggest win was a 2001 case in which a jury awarded an ironworker who fell from a ladder \$85.6 million.

NOTEWORTHY CASES:

n McComber v. Interstate Indus. Corp. (New York Co., N.Y., Sup. Ct. 2003), lead attorneys Howard R. Borowick and Kenneth Sacks. An ironworker was injured when a 25-foot column collapsed and crushed his pelvis. The jury awarded him \$30.4 million.

n DiPietro v. 56th Street Association (New York Co., N.Y., Sup. Ct. 2003), lead lawyers Howard R. Borowick and Kenneth Sacks. A jury awarded an ironworker \$27.6 million after he fell four stories at a high-rise construction site.

n Brooks v. Air Rail Transit Consortium (Queens Co., N.Y., Sup. Ct. 2004), lead attorneys Howard R. Borowick and Kenneth Sacks. A jury awarded a worker who fell from a scaffold \$19 million.

Susman Godfrey

Houston's *Susman Godfrey* has won more than \$2 billion in jury verdicts and recovered another \$2 billion in plaintiffs' settlements since its founding in 1980. Evenly dividing its practice between plaintiff and defense work, the 62-member firm gained its reputation early on in a three-month price-fixing trial against corrugated box manufacturers. The verdict against Mead Paper, after trebling, approached \$1 billion. The firm handles a wide variety of cases, from antitrust and environmental litigation to

securities fraud and products liability. It has branch offices in Dallas, Seattle and Los Angeles.

NOTEWORTHY CASES:

n In re Structured Settlement Litigation (Los Angeles Co., Calif., Super. Ct. 2003), co-lead attorney Marc Seltzer. The plaintiffs filed a class action after Merrill, Lynch, Pierce, Fenner & Smith, as trustee, stopped paying disbursements and settlement proceeds to approximately 250 seriously injured or wrongful death complainants. The case settled for \$100 million.

n Calvary Investment LLC v. Sunstar Acceptance Corp. and Nationcredit Consumer Corp. (Dallas Co., Texas, Ct. at Law 2003), lead attorneys Stephen D. Susman and Shawn L. Raymond. A debt-collection company struck a deal with a bank, which was then induced by another bank's offer to breach the contract. The jury awarded \$46.9 million.

n Be v. Microsoft (D. Md. 2003), co-lead attorneys Stephen D. Susman and Parker C. Folse. A one-time Microsoft competitor that developed a computer operating system to compete with Windows alleged that Microsoft's predatory conduct and exclusive dealing destroyed its business. The case settled for \$23.2 million.

Watts Law Firm

Since he started the *Watts Law Firm* in Corpus Christi, Texas, in 1997, Mikal Watts and his 24 attorneys have recovered more than \$1 billion in verdicts and settlements. Early on the firm gained a reputation for battling large corporations, notably in a 1998 automotive defect case where the jury awarded \$80 million—at the time the largest such verdict in Texas history (*Kiefer v. Chrysler Corp.*). The firm specializes in catastrophic personal injury, products liability, aviation and toxic torts. It has additional Texas offices in Houston, San Antonio, McAllen and Brownsville.

NOTEWORTHY CASES:

n Grigsby v. ProTrader Group Management (binding arbitration, case No. 70Y1800064802, 2004), lead attorneys Mikal Watts and Martin Siegel. The plaintiff was forced out of a company, denying him proceeds when the company was sold for a large profit shortly after his dismissal. A jury awarded \$44 million.

n Ibarra v. Sears, Roebuck & Co. (Webb Co., Texas, Dist. Ct. 2004), lead attorney Joseph Barrientos. Sears was found liable for the negligence of its tire technicians, whose failure to change a defective tire on the plaintiff's truck caused an accident that killed four people. The jury awarded \$9.5 million.

n Castro v. Ford Motor Co. (Cameron Co., Texas, Dist. Ct. 2003), lead attorney Mikal C. Watts. The driver of a Ford pickup truck was involved in a rollover and suffered spinal cord injuries caused by the truck's defective roof structure. The jury awarded \$18 million.

Wilkes & McHugh

Known for its advocacy on behalf of nursing home residents, *Wilkes & McHugh* has won more than \$64 million in jury verdicts within the past two years. Founded in Tampa, Fla., in 1985, the firm has grown to approximately 60 attorneys with offices in seven states. It handles a wide spectrum of cases in addition to its primary focus. These include medical malpractice, products liability, toxic torts, construction defect and corporate fraud and misconduct. In 2001, the firm won a \$78 million verdict in a negligence suit against an Arkansas nursing home—at the time the largest such result in state history (*Sauer v. Advocate Inc.*).

NOTEWORTHY CASES:

n Crook v. Mariner Post-Acute Network Inc. (Hinds Co., Miss., Cir. Ct. 2004), lead lawyers Kenneth L. Connor and Amy J. Quezon. Substandard care by a nursing home staff led to a resident's bedsores and infection, which ultimately forced the amputation of a leg. The jury returned a \$10 million verdict.

n Evans v. Beverly Enterprises Inc. (Orange Co., Fla., Cir. Ct. 2003), lead lawyers Brian L. Thompson and Joseph H. Ficarrota. Negligence in monitoring a nursing home resident allegedly caused her death from congestive heart failure. The jury awarded \$7.7 million in compensatory damages. The case settled before punitive damages could be considered.

n Edwards v. Mariner Health Care Inc. (Leflore Co., Miss., Cir. Ct. 2003), lead counsel Kenneth L. Connor and Frances McRae Turner III. A nursing home resident suffered from bedsores and malnutrition,