



Elizabeth Cabraser

Lieff Cabraser Heimann & Bernstein

Product liability, securities (plaintiff)

In San Francisco in 1972, Elizabeth Cabraser founded what today is one of the country's largest plaintiffs-only firms. With more than 60 attorneys with offices in San Francisco, New York and Nashville, Lieff Cabraser Heimann & Bernstein has evolved into a widely respected force on both sides of the "V" during its 40 years of existence.

She regularly leads or oversees cases involving illegal employment practices, pharmaceuticals, antitrust and financial and consumer fraud. In more than 80 and multi-district and state-coordinated litigation proceedings, Cabraser has served as court-appointed lead, co-lead or class counsel. Many of these cases make headlines or set precedent.

Cabraser was an integral member of the litigation team that in 2000 won \$1.25 billion from Swiss banks on behalf of Holocaust survivors and their families who had alleged that the banks were preventing them from recouping their funds and investments or that the Nazis had

put in said banks after stealing from Holocaust victims. The firm donated \$1.5 million in attorneys' fees from the case toward a clinical professorship in human rights law at Columbia Law School, where Cabraser is a lecturer. She was court-appointed to the plaintiffs' management committee that oversaw the fen-phen diet drugs multi-district litigation, which led to a \$4.75 billion settlement in August 2000 for damage compensation and medical monitoring relief. Other notable wins include a \$1.5 billion settlement for damages brought by the ExxonValdez oil spill, won in 2006, and a \$4.85 billion settlement with Merck for heart complications found in patients taking arthritis drug Vioxx. She is also on the lead counsel committee in litigation concerning potential malfunctions in Guidant heart defibrillators, as well as co-lead plaintiff counsel in the Toyota injury cases relating to sudden unintended acceleration.

The American Bar Association Commission on Women in the Profession in 2010 gave Cabraser its Margaret Brent Women Lawyers of Achievement Award, among the highest honors bestowed on female lawyers. Beyond law, she is a fellow of the American Academy of Arts and Sciences.



Maja Eaton

Sidley Austin

Product liability, mass tort

Maja Eaton has a long-standing career in product liability litigation. She is a member of the product liability and mass tort group at

Sidley Austin's Chicago office, the international firm's headquarters. She is also the firm-wide co-chairperson of Sidley's Committee for the Retention and Promotion of Women. Outside of the office, she serves on the Chicago-based Legal Assistance Foundation's Board of Directors, as well as Sidley's representative to Lawyers for Civil Justice.

She has gained national attention for her work as lead trial counsel in cases gaining national attention, including her recent representation of General Electric in multi-district and state court litigation against allegations that use of Omniscan, its gadolinium-based MRI contrasting agent gadodiamide is linked to a medical condition that results in the hardening of skin, joints and internal organs. Eaton has also served as national coordinating counsel and member of the national trial team for a major company in asbestos litigation. She secured a significant defense verdict in 2005 for the client in a case tried in Madison County, Illinois, a jurisdiction that has come to be known in the litigation world as a "rocket docket" for asbestos litigation. This case in particular stands out to Eaton as being among the most memorable in her career.

"The jury came back with a verdict in 20 minutes," she says. "One of the witnesses who I put on the stand testified about asbestos exposure aboard a World War II

Navy ship. After his testimony about the effect of a particular piece of equipment, you could see tears in some jurors' eyes."

The only member of the Top 250's Top 10 to be based in the Midwest, Eaton has some reflections about her home region. "We practice in the Seventh Circuit, so there are some interesting class-action issues and a lot of case law developed here." Given her numerous turns at being national coordinating counsel, she has had the experience of working with and going up against litigators from across the country. "There are style differences between the Midwest and the coasts, which are interesting to watch." With tongue slightly in cheek, she describes the Midwestern style of trying a case as "sometimes more practical, sometimes less histrionic."

Eaton decided on product liability as a practice area from being drawn to the interplay between science and legal issues. A zoology major in undergrad, she was inspired by a product liability course taught by Professor Mike Green, who was then at the University of Iowa and now at Wake Forest. As for her firm, she notes that when she graduated in 1984, "Sidley was really one of the few firms that had a devoted practice to product liability." Among her first cases were medical device cases using pre-emption defenses, which at the time were "very cutting-edge in terms of legal practice," she says.



Sandra Goldstein

Cravath Swaine & Moore

General commercial, securities

Sandra Goldstein is the head of litigation at Cravath Swaine & Moore, a firm that dates back to 1819 and is the namesake for the “Cravath System” of associate lockstep compensation and rotational training. She recently completed a nearly five-year term as

the firm’s managing litigation managing partner from November 2005 to September 2010, providing steadfast leadership during a universally trying economic era; her first day at Cravath was the day of the 1987 Wall Street crash.

Today, she consistently wins big-ticket securities cases on behalf of household name-level clients. One such example is her recent victory on behalf of Barnes & Noble (B&N) in a challenge to a poison pill that the bookseller implemented in November 2009 to fend off investor Ron Burkle’s attempt to acquire a greater share of the company. During the four-day trial in July 2010, Goldstein examined key witnesses such as Leonard Riggio, the chairperson of B&N and its biggest shareholder; as well as gave the company’s closing statement. The following month, Vice Chancellor Leo Strine of the Delaware Chancery Court ruled in favor of B&N and held that the company acted within its bounds in terms of its shareholder rights plan. Goldstein again secured a victory for Barnes & Noble following an appeal from the plaintiffs before the Delaware Supreme Court in March 2011.

Goldstein is representing Nalco Holding Company in a purported class action in connection with its \$1.8 billion merger with Ecolab. Her other recent representations include the Special Committee of J. Crew’s Board of Directors with regards to purported

class action suits having to do with the apparel chain’s \$3 billion sale to TPG Capital and Leonard Green & Partners; as well as IBM in purported class-action litigation in connection with the company’s proposed acquisition of DemandTec.

With regards to the latter case especially, it is fitting for Goldstein to be representing the business technology company. Prominent Cravath lawyer Tom Barr, famous for representing IBM in a 13-year antitrust battle with the US government, was an influential mentor to Goldstein while she was an associate at the firm. Among her other mentors are her parents and two brothers, all of whom have served as litigators. Going against the conventions of the era, her mother, who turned 80 this past Christmas, graduated at age 25 at the top of her class at Brooklyn Law School. But it was seen as an “embarrassment” to have a female valedictorian, so the male salutatorian gave the traditional address in her stead. Her mother practiced as a trial lawyer for 22 years before being elected to the Brooklyn Civil Court, eventually moving to the New York Supreme Court and being appointed to its appellate division by former Governor Mario Cuomo.

Goldstein studied math as an undergrad at Barnard but eventually decided to go to law school at New York University. Given her background, litigation proved ultimately to be a winning choice.



Christy Jones

Butler Snow O’Mara Stevens & Cannada

Product liability

Christy Jones is at the helm of Jackson, Mississippi firm Butler Snow O’Mara Stevens & Cannada’s nationally esteemed product liability practice. Says a competitor, “[She] is real serious but a real good lawyer. She is a top rainmaker there.” Pharmaceutical and medical product companies repeatedly turn to her for counsel in cases of national scope and magnitude. Throughout her career, she has successfully defended dozens of product liability cases at trial.

Her clients include Baxter Healthcare Corporation in defense of its breast implants; securing a Mississippi Supreme Court reversal of a \$48 million plaintiffs’ verdict on behalf of Ortho-McNeil Janssen Pharmaceuticals; lead trial counsel for SmithKline Beecham in a 2003 action; and obtaining a defense verdict for Johnson & Johnson in litigation alleging a connection between Stevens-Johnson Syndrome and Children’s Motrin. She represented Searle in a case concerning an intrauterine contraceptive. The trial court awarded her client summary judgment, later affirmed by the Fifth Circuit Court of Appeals.

Another case she tried for Ortho-McNeil Janssen Pharmaceuticals set precedent in Mississippi: in 2004, the state Supreme Court ruled that joinder of plaintiffs in prescription drug cases is subject to strict scrutiny. Many claims were severed and venue transfers were made as a result.

More recently, Jones has been arguing heavy-hitting cases in courts in New Jersey. In March she argued a bellwether case on behalf of Merck in connection with its osteoporosis drug Fosamax. The plaintiff alleged that the drug caused osteonecrosis of the jaw and had not properly notified her doctor of any link between Fosamax and the disorder. The jury found that the plaintiff did not suffer from the disorder, which is defined by eight continuous weeks of jaw bone exposure and thus, Fosamax did not cause the condition. Last fall, she led the trial team that helped to obtain two defense verdicts for Johnson & Johnson and Ortho-McNeil Janssen Pharmaceuticals over allegations that the synthetic antibiotic Levaquin caused the plaintiff’s Achilles tendon injuries and that the label did not give enough warning of such an injury risk. She won the case following a six-week trial at the Superior Court of New Jersey in Atlantic City. She is also representing Johnson & Johnson in a case filed at the New Jersey Superior Court relating to its pelvic mesh product Gynecare.



Kathy Patrick

Gibbs & Bruns

Securities

Kathy Patrick has been trying bet-the-company cases for some 20 years. In 1992, Merrill Lynch Asset Management hired Houston litigation boutique Gibbs & Bruns to take on a dispute with Drexel Burnham Lambert over failed revenue bonds. Patrick scored an \$80 million win from a Texas jury a couple of years later. The same client, with a different company,

hired her years later to recoup \$1.6 billion in losses on bonds issued by National Century Financial Enterprises, which collapsed in 2002.

Despite handling case matters on both sides of the “V,” including the defense of Enron’s outside directors, in 2011 Patrick was still a relatively obscure name in legal financial circles. That would all change on June 29 that year, when she won \$8.5 billion on behalf of 22 institutional investors who had purchased faulty residential mortgage-backed securities (RMBS) from Countrywide, which was later acquired by Bank of America. It was the second-largest legal settlement in US history after the Big Tobacco master settlement in 1998. *Benchmark Litigation* named the matter “Texas Case of the Year” at the Benchmark Annual Awards-South in March 2012.

Among the clients she represented in what *The Wall Street Journal* dubbed “the turning point in Wall Street’s epic struggle with the fallout from the financial crisis” were Freddie Mac, BlackRock, MetLife, PIMCO and the Federal Reserve Bank of New York. Prosecution for court approval of the settlement continues but one verdict is clear: Patrick is a feared force on Wall Street.

On May 14 this year, as lead counsel she won an \$8.7 billion settlement on behalf of 17 institutional investors in connection with 392 faulty RMBS trusts issued by Residential Capital from 2004 to 2008. In a matter

regarding NCFE securities separate from the one mentioned above, Patrick has to date won \$600 million for bondholders from Credit Suisse, although the settlement may ultimately top \$1 billion following a March 2012 summary judgment ruling. She is also defending major New York law firms in alleged legal malpractice suits.

Beyond sending legal shockwaves through securities markets, Patrick maintains a vibrant *pro bono* caseload, including as lead counsel for the City of Houston against suits over its anti-smoking and air pollution ordinances and Planned Parenthood against pro-life activists.

Her law school years were spent at Harvard and she routinely heads to Wall Street to stake out her fights. But the El Paso native has spent most of her life in the Southwest. She is based in the Houston metro, where she is a mother and is active in her church as an adult education teacher and Christian praise rock band frontwoman. One of her first legal battles was as a college student, when she won a residency requirement suit preserving her title as Miss New Mexico USA 1980. Awards she has won more recently include “Female Litigator of the Year” and “Texas Litigator of the Year” at *Benchmark Litigation’s* Annual Awards-South in March; as well as Euromoney Legal Media Group’s “Best in litigation” award at the Americas Women in Business Law Awards in May.



Karen Patton Seymour

Sullivan & Cromwell

White-collar crime

Karen Patton Seymour is at once a quiet leader and a relentless force in the courtroom. The head of Sullivan & Cromwell’s criminal defense and investigations group, she represents white-collar clients in internal state and federal investigations.

Like many of her colleagues who specialize in white-collar criminal defense, she has deep experience working as a government prosecutor. In Seymour’s case, it was as chief of the criminal division in the US Attorney’s office for the Southern District of New York. The first female trial lawyer to make partner at Sullivan & Cromwell, in 2002 she left her position at the firm to assume the role of leading prosecutor in one of the highest profile jurisdictions in the country. She supervised 165 federal prosecutors and all criminal investigations in Manhattan, the Bronx and the New York suburban counties of Westchester, Rockland, Orange, Putnam, Sullivan and Dutchess, including the Adelphia and WorldCom corporate fraud cases. It would be in this position that she would gain international attention as lead prosecutor in the 2004 ImClone insider trading scandal. After a five-week trial going head-to-head against the late star litigator Bob Morvillo, the

jury declared Martha Stewart and her broker Peter Bacanovic guilty on eight out of nine criminal counts.

She left her post later that year. She also had done a previous tour at the Southern District of New York’s US Attorney’s office from 1990-96. During that run, she served as Chief of the General Crimes Unit and prosecuted other high-level cases including an insider trading case involving an AT&T executive and the conviction of a top aide to junk bond broker Michael Milken.

Friends and family have told the press that the Dallas-Fort Worth area native was well liked; having been Miss Southwest at her high school alma mater and a talented gymnast and cheerleader. More recently, her legal colleagues have noted her gentle inspiring manner. Among them is Patrick Fitzgerald, who is stepping down this month from his post as US Attorney for the Northern District of Illinois, where he oversaw the Valerie Plame investigation as well as those of disgraced Illinois Governors George Ryan and Rod Blagojevich. In a 2004 *USA Today* profile of Seymour, he noted that her quiet personality has meant people have made “a gross underestimation” of her courtroom prowess. Quite the contrary, he noted—she related well to witnesses and victims on a case on which they both worked.



Diane Sullivan

Weil Gotshal & Manges

Product liability

Diane Sullivan is among the best product liability lawyers anywhere. Based out of New York and

Princeton, NJ, she has a solid track record of high-stakes jury verdict wins in class actions, consumer fraud and liability cases pertaining to life science-related goods such as pharmaceuticals and medical devices. Her cases steadily make headlines. One such example was in April 2011, when she was the lead trial counsel for a jury case in St. Louis defending Philip Morris against a \$455 million lawsuit filed by 37 hospitals. The complaint was that the tobacco company was responsible for defective design in its cigarettes and thus should be held liable for patients' health care costs. She obtained a favorable verdict in a case she has described as incredibly memorable. A peer reflected on Sullivan's efforts to *Benchmark Litigation*, "One is tempted to make a bad pun about Sullivan's 'smoking' trial abilities but humor aside; she is a formidable and extremely effective advocate."

The 49-year-old Sullivan has had many other notable case representations during her litigation career. In 2010, she won a defense verdict in New Jersey state court on behalf of AstraZeneca and its anti-psychotic drug Seroquel. The plaintiff, who was a Vietnam veteran, alleged that AstraZeneca did not give physicians adequate notification of a link between the drug and

diabetes. She has also represented Merck in connection with allegations that its arthritis drug Vioxx caused heart attacks in 2005 and in 2007. In 2002, she was the trial counsel for Baxter Healthcare Corporation and Allegiance Healthcare Corporation in the first latex-glove allergy claim heard by a jury as part of the federal multi-district latex mass tort litigation, in which she won a defense verdict.

Yet it is testament to her weight in the product liability litigation world that in February, rather than her case matters, it was Sullivan herself who was the headline in the legal media when she moved to Weil Gotshal & Manges after more than a decade at Dechert's esteemed product liability practice. Sullivan has noted a desire to broaden her practice into more general commercial, employment and antitrust cases.

In the meantime, however, Sullivan points to the Philip Morris case as being particularly memorable—in terms of the weight of the case and maintaining a work-family balance despite spending weeks at a locale some 1,000 miles away. A key innovation on that front, according to Sullivan: videochat.



Kathleen Sullivan

Quinn Emanuel Urquhart & Sullivan

Appellate

Kathleen Sullivan is unique among the *Top 250's* Top 10 in that she has had as a storied career in academia as one in litigation. Both those sides of her career are decorated with many firsts. In March 2010 she became the first female name partner at an *AmLaw 100* firm, when her firm changed its name to Quinn Emanuel Urquhart & Sullivan in a paean to her successes. She was among the first six female professors at Harvard Law School. Having joined the New York state bar in 1982, she was among the first female litigators in the state. After her years teaching at Harvard, she joined the faculty of Stanford Law School. She became dean of SLS in 1996, becoming not only its first female dean but the first female dean of any of Stanford's constituent schools. Along with late professor Gerald Gunther, she is the co-author of *Constitutional Law*, which is among the most often-assigned textbooks on the subject.

Her background as a constitutional scholar translates in the courtroom to her standout appellate litigation record. The head of Quinn Emanuel's appellate practice, she has led several hearings that have set national precedent. Last year in *Bruesewitz v. Wyeth*, she obtained a win at the US Supreme Court on behalf of Wyeth, a

division of Pfizer, in which the high court ruled that the National Childhood Vaccine Injury Act of 1986 preempts state-law design-defect claims over children's vaccines. The court voted 6-2; Justice Antonin Scalia issued the opinion. In 2009, she obtained an 8-1 US Supreme Court win on behalf of *Shell Oil in Burlington Northern & Santa Fe Railway v. United States; Shell Oil Co. v. United States*, which may impact future rulings on Superfund-related liability. Later this year, she is due to argue another case for Shell Oil in front of the Supreme Court, *Kiobel v. Royal Dutch Petroleum*, concerning the applicability of the Alien Tort Statute of 1789 to companies' conduct in foreign jurisdictions.

One case that sticks out in Sullivan's mind as being particularly poignant was at the US District Court for the District of Vermont on behalf of Entergy Services, a New Orleans-based utilities company that runs the Vermont Yankee nuclear power plant. The plant has a federal operations license through 2032; however, the state of Vermont declined to renew the state license. She successfully argued that Vermont's *de facto* move to shut down the plant was preempted by the federal Atomic Energy Act; the judge's opinion was 103 pages. She tried the case under a portrait of Judge James Oakes, for whom she clerked for a year following law school. "It was one of the most gratifying professional experiences I could imagine," says Sullivan.



Chilton Davis Varner

King & Spalding

Product liability

Chilton Davis Varner joined international firm King & Spalding at its Atlanta headquarters soon after

graduating from Emory University School of Law. In 1983, Varner became the firm's first female litigation partner and in 1995, was the first woman elected to the firm's management committee. Over those three decades, she has made a name for herself as an international authority on corporate product liability defense.

Her client roster includes General Motors, Merck, Purdue Pharma, American Airlines, Shell Oil and GlaxoSmithKline, for whom Varner represents as national coordinating counsel and lead trial counsel in litigation concerning its antidepressant/anti-anxiety drug Paxil. During September-October 2009, she tried several hundred cases in the Pennsylvania Pass Tort Program that purport a connection between birth defects and taking Paxil during the first trimester of pregnancy. The jury decided in favor of the plaintiff 10-2 at the Philadelphia Court of Common Pleas; however the damages award was less than the reported cost of medical expenses. At the same court in November 2010, Varner tried and won a second birth defect cases. Throughout the litigation, she has repeatedly defeated state and national class certification of Paxil consumers in suits alleging personal injury, medical monitoring and consumer fraud. Her class action defeat has been called one of the "big four" rulings with regards to denial of pharmaceutical class actions. *Benchmark Litigation* named the

Paxil litigation "Georgia Case of the Year" at its Annual Awards-South, held in Atlanta in March. Varner individually was named "Georgia Litigator of the Year" during the ceremony.

Other significant wins by Varner during the past few years include successfully defending GSK in 2009 in front of the Alabama Supreme Court against allegations of price reporting fraud for drugs covered by Medicaid insurance. Last September, Varner won a unanimous verdict for Merck in a four-week trial at the Court of the Southern District of New York as part of a multi-district litigation alleging that the osteoporosis drug Fosamax is linked to osteonecrosis of the jaw.

Beyond the courtroom, Varner is involved with product liability programs in the greater legal community. She helped to introduce a program called "Women in Product Liability" sponsored by the Association of the Bar of the City of New York and the American Bar Association Section of Product Liability. She taught a session on "Women as Trial Lawyers" at Temple University's Graduate Program in Litigation. She is president-elect of the American College of Trial Lawyers. Her philanthropic work in Atlanta includes serving as a director of the Atlanta Symphony Orchestra and human rights organization The Carter Center and as a trustee of Emory University.



Mary Jo White

Debevoise & Plimpton

White-collar crime

Across New York and America's legal community, Debevoise & Plimpton litigation chairperson Mary Jo White's reputation precedes her. Says a litigation peer, "Mary Jo has to be at the top of any list. She is a force of nature." In March, the New York City Bar Association put on an original musical comedy, "The Life and Times of the Mighty Mini Mary Jo White." Two of the many who joined to sing White's praises were the evening's "mistresses of revels," the Honorable Barbara Sue Jones, Judge for the US District Court for the Southern District of New York and Estee Lauder General Counsel and Executive Vice President Sara E. Moss, who comes from a significant litigation background herself, including as Assistant US Attorney in the Criminal Division in the Southern District of New York.

White became the Acting US Attorney for the Eastern District of New York in December 1992. A few months later in March 1993, newly inaugurated President Bill Clinton appointed her as US Attorney for the Southern District of New York—the first woman to hold the office in the Manhattan-based jurisdiction.

During her nearly nine-year tenure, she

oversaw cases of history textbook significance. She oversaw the prosecution of New York Gambino crime family boss John Gotti. White prosecuted the terrorists behind the 1993 World Trade Center bombings, including ringleader Ramzi Yousef; as well as the 1993 "day of terror" plot against New York landmarks. During the early years of President George W. Bush's administration, new Attorney General John Ashcroft chose White to investigate President Clinton's pardon of commodities trader and entrepreneur Marc Rich.

After rejoining Debevoise in 2002, White continues to handle cases of international gravitas. She along with her Debevoise colleague, former US Attorney General Michael Mukasey, were recently tapped by the independent directors of News Corporation to serve as their counsel in the alleged UK cell phone-hacking and police-bribing scandal. The National Football League retained White to review its investigation of the alleged New Orleans Saints bounty program which, if true, provided compensation to players for inflicting debilitating injuries to opposing teams. In her role as litigation head, White oversees 225 lawyers. Outside of the office, she has served as the director of the Nasdaq Stock Exchange as well as on its Executive, Audit and Policy Committee. White is also a member of New York-based international policy think tank Council on Foreign Relations.

State listings

