

Leading litigation firms

Highly recommended

Cadwalader Wickersham & Taft

Cahill Gordon & Reindel

Cravath Swaine & Moore

Davis Polk & Wardwell

Debevoise & Plimpton

Fried Frank Harris Shriver & Jacobson

Kirkland & Ellis

Milbank Tweed Hadley & McCloy

Paul Weiss Rifkind Wharton & Garrison

Simpson Thacher & Bartlett

Skadden Arps Slate Meagher & Flom

Sullivan & Cromwell

Wachtell Lipton Rosen & Katz

Weil Gotshal & Manges

Willkie Farr & Gallagher

New York

New York – specifically Manhattan – is arguably the epicenter of the US litigation market. As the nation’s financial hub, New York generates a great deal of securities and banking-related litigation, but the following Big Apple firms are generally capable of handling any complex litigation matter that is thrown their way.

Highly recommended firms

Sources say a core group of trial lawyers who are “extremely creative in their approach” is behind the “unbelievable profitability” of **Cadwalader Wickersham & Taft**. One client said: “They are the first firm I’d turn to for something that truly mattered,” and others followed suit saying: “You have no doubt when they’re on your side that they’re 100 percent there for you.” Widely praised for a “huge amount of depth” in insurance and reinsurance matters, the firm negotiated a landmark \$400 million recovery settlement in 2004 with Fortress Re on behalf of Fortress Re reinsurance pool member Sampo Japan Insurance. A “go-to firm for high-profile securities litigation,” the firm played a prominent role in a number of recent “bet-the-company” matters including the Enron, WorldCom, Tyco, Adelphia and American International Group (AIG) investigations and earlier this year secured the dismissal with prejudice of allegations leveraged against the former chairman and chief executive officer of Bally Total Fitness. Partners also have gone to court for clients including Pfizer, Bank of America Corporation, Vetco International and The William Companies.

Sources have the “highest regard” for litigation chairman **Gregory “Greg” Markel**. This securities expert leads on a national level and recently obtained the dismissal of all claims against Merrill Lynch by plaintiffs claiming the client’s actions contributed to the bankruptcy of Consec. Clients say Markel is “good at keeping open dialogue with plaintiff’s counsel.” Market observers say leading reinsurance lawyer **Lawrence Brandes** “strongly contributed to building the firm’s insurance practice group” and commend insurance specialist Clifford “Cliff” Schoenberg as another partner who has been instrumental in this effort. Clients have the highest regard for Harry Cohen and John Finnegan who both also add greatly to the firm’s body of insurance and reinsurance work.

Litigation has been a staple of old line Wall Street firm **Cahill Gordon & Reindel** since its founding in 1919 and the firm today enjoys a reputation as a “hard hitting” market leader. National in both “visibility and level of practice” according to market insiders, the firm earned consistent praise for standout general

commercial and insurance practices. Insurance clients include AIG, Swiss Re and Centre Re, for which partners recently defeated a \$600 million arbitration claim. The firm also is involved in the defense of certain insurer clients who are part of a group of 100 brokers and insurers facing federal multi-district antitrust and Racketeer Influenced and Corrupt Organizations Act (RICO) class-action claims. With a number of former government attorneys and partners with Securities and Exchange Commission (SEC) backgrounds, the firm is recognized as a national player in the securities arena. Recent work includes representing underwriters in WorldCom, Refco and other relevant private and government proceedings and securing the dismissal of all claims brought against a leading financial publisher in the Enron securities litigation. Peers attest that the firm’s First Amendment practice is one to be reckoned with and clients include CNN, *Time Magazine* and *The New York Times*, whom the firm recently protected from the Department of Justice’s attempt to retrieve the phone records of two of its reporters. Prudential Financial, Deutsche Bank, Homestore, Freddie Mac and Time Warner round out the firm’s all-star client list.

Active in intellectual property, insurance, public policy and regulatory issues, Floyd Abrams is commended as a partner at the top of the list for counsel in First Amendment litigation. Though he maintains a broad practice, the “very strong” **Thomas “Tom” Kavalier** is counted among the nation’s leading securities lawyers. He recently secured an appellate victory for Prudential Securities and also represents a number of Wall Street’s largest brokerage firms, including Drexel Burnham and EF Hutton. David Kelley leads the firm’s crisis advisory group and is deemed a clear firm leader. A former US Attorney for the Southern District of New York, Kelley chaired the Justice Department’s investigation into the World Trade Center attacks. Market insiders say Thorn Rosenthal and Edward “Ed” Krugman are both “outstanding lawyers” with “true presence in the courtroom.” Rosenthal is commended for expertise in both insurance and reinsurance disputes, while Krugman



Leading litigation firms

Recommended

Arnold & Porter
Bernstein Litowitz Berger & Grossmann
Boies Schiller & Flexner
Cleary Gottlieb Steen & Hamilton
Clifford Chance US
Cooley Godward Kronish
Covington & Burling
Dewey Ballantine
Gibson Dunn & Crutcher
Hughes Hubbard & Reed
Jones Day
Kasowitz Benson Torres & Friedman
Kaye Scholer
Kramer Levin Naftalis & Frankel
Latham & Watkins
Morrison & Foerster
Orrick Herrington & Sutcliffe
Patterson Belknap Webb & Tyler
Proskauer Rose
Schulte Roth & Zabel
Shearman & Sterling
Sidley Austin
Stroock & Stroock & Lavan
White & Case
WilmerHale

focuses on reinsurance matters. One peer dubbed these two partners “the whole package,” adding that “their creativity and written work is truly respected.” Howard “Peter” Sloane serves as the firm’s co-administrative partner and represents clients in a number of complex litigation matters and international disputes.

Founded in New York in 1819, **Cravath Swaine & Moore**’s sole US office remains in New York today, and yet the firm’s reputation rivals that of firms with hundreds of attorneys spread across the country. Clients attest that they use Cravath “because of the excellence of the attorneys and, quite simply, because the outcomes of the cases they handle for us are always successful.” Competitors agree that the firm “is involved in a lot of big-time litigation” and does “a lot of great work.” The firm’s system of rotation, in which each associate who joins the firm must become familiar with the intricacies of the firm’s four main departments, ensures that litigation attorneys are experienced in a range of matters and subjects, fostering a very generalist approach. Cravath is ranked as a top national firm for securities, intellectual property, antitrust and general commercial litigation in *Benchmark*’s national chapter.

Much of the firm’s stellar reputation hinges upon star partner **Evan Chesler**, who was described by one client as being “in a unique category.” Competitors attested that Chesler is “outstanding, incredibly articulate, extremely effective” and “great on his feet,” and that “he’s not afraid to go to trial.” He was recommended as a leading individual in all four of the practice areas in which the firm is ranked in *Benchmark*’s national chapter, and was particularly noted for his antitrust work. Other partners who were singled out as leading include “quite talented” Richard Stark, “service-oriented” Peter Barber, “polished, confident and smart” **Robert Baron**, “remarkable” **Robert Joffe** and intellectual property leader **Katherine Forrest**, who was described by one client as “excellent, smart, tough, practical and business savvy, with actual experience litigating antitrust matters, which is rare.” **Francis Barron** and **Paul Saunders** were also consistently recommended as national leaders in general commercial litigation, and clients “love working with” partners Elizabeth Grayer and Richard Clary.

In recent cases, Evan Chesler and Elizabeth Grayer successfully defended Bristol-Myers Squibb Company in the Southern District of New York, obtaining a dismissal with prejudice regarding consolidated class actions alleging that the company made false and misleading statements about its accounting practices and a \$2 billion equity investment in ImClone Systems. In 2004, a team of Cravath partners defended IBM, Shell Oil Company, Xerox, DuPont and UBS against the plaintiffs’ claims of damages in multi-

district class-action litigation alleging that the firm’s clients benefited from South Africa’s former apartheid regime. The firm also went up against Gibson Dunn & Crutcher’s star partner, Randy Mastro, in New York Supreme Court, obtaining a favorable settlement for Time Warner Entertainment, secured a total victory in a landmark case for the Martha Graham Center of Contemporary Dance and successfully represented former New York Governor George Pataki from 2002 to 2004 in a case relating to the Speaker of the State Assembly’s challenge to the Governor’s authority to exercise the line-item veto.

Davis Polk & Wardwell is headquartered in New York, and the firm’s litigation group consists of nearly 170 lawyers between the New York and Menlo Park, California offices. Although Davis Polk does not divide its litigation team into practice groups, as it encourages a generalist approach that ensures most attorneys are able to handle a broad range of matters, the litigation team is proficient in areas such as securities, white-collar crime, products liability and intellectual property litigation. Competitors noted the firm’s role in “big defense cases,” and one admitted to having “a lot of respect for the lawyers there.” Other peers have “high regard for their abilities” and commend the team of “good litigators.” Clients choose Davis Polk for its overall “measured, serious, professional and steady” approach, and one client noted the firm’s “depth” and “ability to retain quality junior and senior associates who stay with us.”

One of the firm’s key figures is senior member of the litigation department **Robert “Bob” Fiske**, who was described by peers as “one of the most prominent criminal antitrust lawyers in the United States.” One competitor dubbed him an overall “killer litigator,” while another named him among the “very, very best lawyers in New York.” Fiske’s is known primarily for his white-collar work and is ranked in the top tier of individuals for white-collar crime in *Benchmark*’s national chapter, and is also ranked as a national leader in the areas of general commercial and securities litigation. The firm is also said to “shine in terms of junior partners,” and clients named William Fenrich, Francis Bivens, Benjamin Kaminetzky and Brian Weinstein among the “outstanding younger lawyers” who contribute to the firm’s reputation for stellar bench strength. New York partner **Carey Dunne** enjoys a national reputation as an expert general commercial litigator, and partner Bob Wise was dubbed “a seasoned securities lawyer” by one client. Arthur Golden also was singled out as “very good in the area of antitrust,” while clients recommended Dennis Glazer for securities and class-action matters.

In recent matters, Davis Polk’s New York litigation attorneys won a big victory in the



Local litigation stars

Mark Alcott
Paul Weiss Rifkind Wharton & Garrison

Bruce Angiolillo
Simpson Thacher & Bartlett

Kevin Arquit
Simpson Thacher & Bartlett

Mitchell Auslander
Willkie Farr & Gallagher

Preeti Bansal
Skadden Arps Slate Meagher & Flom

Jeffrey Barist
Milbank Tweed Hadley & McCloy

Robert Baron
Cravath Swaine & Moore

Francis Barron
Cravath Swaine & Moore

Stuart Baskin
Shearman & Sterling

James Benedict
Milbank Tweed Hadley & McCloy

Max Berger
Bernstein Litowitz Berger & Grossmann

David Bernick
Kirkland & Ellis

Sheila Birnbaum
Skadden Arps Slate Meagher & Flom

David Boies
Boies Schiller & Flexner

David Braff
Sullivan & Cromwell

Lawrence Brandes
Cadwalader Wickersham & Taft

David Brodsky
Latham & Watkins

James Carter
Sullivan & Cromwell

Michael Chepiga
Simpson Thacher & Bartlett

Evan Chesler
Cravath Swaine & Moore

John Coffey
Bernstein Litowitz Berger & Grossmann

Paul Curnin
Simpson Thacher & Bartlett

James Dabney
Fried Frank Harris Shriver & Jacobson

Greg Danilow
Weil Gotshal & Manges

George Davidson
Hughes Hubbard & Reed

Michael Dell
Kramer Levin Naftalis & Frankel

John Desmarais
Kirkland & Ellis

Gandolfo DiBlasi
Sullivan & Cromwell

Carey Dunne
Davis Polk & Wardwell

Scott Edelman
Milbank Tweed Hadley & McCloy

Leslie Fagen
Paul Weiss Rifkind Wharton & Garrison

Jay Fastow
Weil Gotshal & Manges

Robert Fiske
Davis Polk & Wardwell

Douglas Flaum
Fried Frank Harris Shriver & Jacobson

Donald Flexner
Boies Schiller & Flexner

Martin Flumenbaum
Paul Weiss Rifkind Wharton & Garrison

Katherine Forrest
Cravath Swaine & Moore

Paul Friedland
White & Case

Edward Friedman
Friedman Kaplan Seiler & Adelman

Max Gitter
Cleary Gottlieb Steen & Hamilton

Robert Giuffra
Sullivan & Cromwell

Steven Glickstein
Kaye Scholer

Shepard Goldfein
Skadden Arps Slate Meagher & Flom

Stephanie Goldstein
Fried Frank Harris Shriver & Jacobson

Peter Greene
Skadden Arps Slate Meagher & Flom

Steven Hammond
Hughes Hubbard & Reed

David Ichel
Simpson Thacher & Bartlett

Helene Jaffe
Weil Gotshal & Manges

Robert Joffe
Cravath Swaine & Moore

Brad Karp
Paul Weiss Rifkind Wharton & Garrison

Jay Kasner
Skadden Arps Slate Meagher & Flom

Thomas Kavaler
Cahill Gordon & Reindel

John Kerr
Simpson Thacher & Bartlett

Jeffrey Kessler
Dewey Ballantine

US Supreme Court and the Court of Appeals for the District of Columbia on behalf of F Hoffmann-La Roche, relating to federal price-fixing claims asserted against Roche and more than 30 other vitamins manufacturers by a class of foreign entities that had purchased bulk vitamins over a ten-year period. The case had implications for the issue of extraterritorial scope of the federal antitrust laws, and was ultimately dismissed by the DC Circuit. Partner Joel Cohen also recently led a team of attorneys in representing AstraZeneca in the Second Circuit, obtaining a dismissal of antitrust claims against the company and Barr Laboratories, which related to the 1993 settlement of a Hatch-Waxman patent infringement suit. Other firm litigation clients include Marsh & McLennan, Comcast Corporation, Credit Suisse, Morgan Stanley and Bank of America.

Debevoise & Plimpton was founded in New York over 75 years ago and continues to

maintain its reputation as one of the best in the city. With over 240 lawyers practicing in the litigation group, the firm is particularly known for its deep bench. Partners include both generalists and specialists, and the team is recognized in *Benchmark's* national chapter for its expertise in international arbitration, general commercial litigation, securities, insurance and white-collar crime, with one competitor describing it as "one of the strongest white-collar firms in New York."

Competitors "have the highest respect for" litigation co-chair **Mary Jo White**, who enjoys a stellar national reputation in the area of white-collar crime and internal investigations. She was named among "the very, very best lawyers in New York" by one peer, and was the only woman in history to serve as US Attorney for the Southern District of New York, a position which she held from 1993 to 2002. International arbitration expert, **David Rivkin**, also stands out, and

was described as a "market leader" by peers. He has handled international arbitration throughout the world and also represents broker-dealers, accounting firms, investment advisers and industrial companies in securities litigation and SEC enforcement proceedings.

In recent cases, the firm has represented a special committee of the board of Merck regarding the company's actions relating to its withdrawal of the drug Vioxx, Sony BMG in class-action and regulatory inquiries arising out of its use of XCP copy protection software on music CDs, and Occidental Petroleum Company and Occidental Exploration and Production Company in an arbitration against Ecuador and its oil company, Petroecuador.

Fried Frank Harris Shriver & Jacobson's New York office features over 110 attorneys practicing in environment, internal investigations, securities and shareholder litigation, white-collar crime and

Norman Kleinberg Hughes Hubbard & Reed	Bernard Nussbaum Wachtell Lipton Rosen & Katz	Saul Shapiro Patterson Belknap Webb & Tyler
Daniel Kramer Paul Weiss Rifkind Wharton & Garrison	Barry Ostrager Simpson Thacher & Bartlett	Karen Patton Seymour Sullivan & Cromwell
Josh Krevitt Gibson Dunn & Crutcher	Debra Pearlstein Weil Gotshal & Manges	Samuel Seymour Sullivan & Cromwell
Harvey Kurzweil Dewey Ballantine	Lawrence Pedowitz Wachtell Lipton Rosen & Katz	Robert Smit Simpson Thacher & Bartlett
Jonathan Lerner Skadden Arps Slate Meagher & Flom	Robert Pietrzak Sidley Austin	James Stengel Orrick Herrington & Sutcliffe
David Lindsey Clifford Chance US	Mark Pomerantz Paul Weiss Rifkind Wharton & Garrison	Audrey Strauss Fried Frank Harris Shriver & Jacobson
Kenneth Logan Simpson Thacher & Bartlett	Richard Posen Willkie Farr & Gallagher	Joseph Tringali Simpson Thacher & Bartlett
Randy Mastro Gibson Dunn & Crutcher	William Pratt Kirkland & Ellis	Herbert Wachtell Wachtell Lipton Rosen & Katz
Aaron Marcu Covington & Burling	James Quinn Weil Gotshal & Manges	John Warden Sullivan & Cromwell
Gregory Markel Cadwalader Wickersham & Taft	Yvonne Quinn Sullivan & Cromwell	Herbert Washer Shearman & Sterling
Theodore Mayer Hughes Hubbard & Reed	Roy Reardon Simpson Thacher & Bartlett	Harold Weinberger Kramer Levin Naftalis & Frankel
Jay Mayesh Kaye Scholer	Richard Reinthaler Dewey Ballantine	Theodore Wells Paul Weiss Rifkind Wharton & Garrison
William McGuinness Fried Frank Harris Shriver & Jacobson	R Bruce Rich Weil Gotshal & Manges	Mary Jo White Debevoise & Plimpton
Theodore Mirvis Wachtell Lipton Rosen & Katz	David Rivkin Debevoise & Plimpton	Roger Witten WilmerHale
Joel Mitnick Sidley Austin	Richard Rosen Paul Weiss Rifkind Wharton & Garrison	Michael Young Willkie Farr & Gallagher
Michael Mukasey Patterson Belknap Webb & Tyler	Eric Roth Wachtell Lipton Rosen & Katz	David Zornow Skadden Arps Slate Meagher & Flom
Gary Naftalis Kramer Levin Naftalis & Frankel	Paul Saunders Cravath Swaine & Moore	
Joseph Neuhaus Sullivan & Cromwell	John Savarese Wachtell Lipton Rosen & Katz	

commercial litigation, among other areas. The firm prides itself on having a core of generalists, with sub-cores of experts in areas including white-collar crime, intellectual property and antitrust. The firm is particularly well respected for its SEC enforcement capabilities, and one competitor admitted that “they’re really good” in this area.

Star general commercial partner **Audrey Strauss** and New York leaders, **William “Bill” McGuinness**, **James “Jim” Dabney** and **Douglas Flaum** are nationally recognized for their expertise handling complex litigation matters. Strauss recently led a team in representing Pequot Capital Management, a \$7 billion hedge fund, in a two-year insider-trading investigation conducted by the SEC, which resulted in a determination that no charges against the company were warranted. As chair of the New York litigation department, Bill McGuinness has been representing a well-

known law firm regarding litigation resulting from the collapse of Enron in 2001, and secured a dismissal of all claims against his client from the US District Court for the Southern District of Texas in December of 2005. Jim Dabney and Washington partner John Duffy teamed up on a key patent infringement case for KSR International beginning in 2006, and were awaiting a decision from the US Supreme Court at the time of writing. Dabney also successfully argued a patent case for BrokerTec USA and other units of ICAP and OMX Group, obtaining a judgment declaring the plaintiff’s patent invalid and unenforceable, which was affirmed on appeal in the Federal Circuit. In one important real estate matter, Douglas Flaum guided real estate developer Harry Macklowe through a lawsuit alleging that the 2003 sale of the General Motors Building to Macklowe was invalid, securing a dismissal of the complaint in New York Supreme Court.

Other high-profile firm clients include the special litigation committee of the board of directors of Computer Associates International, Novelis, and the International Longshoremen’s Association, AFL-CIO. The firm also represents a wide range of confidential clients in the areas of white-collar crime and international arbitration.

Competitors characterized **Kirkland & Ellis’s** intellectual property practice as being a key reason for its success in the crowded New York market. The firm also boasts well-respected general commercial, securities and antitrust teams. Recent intellectual property cases include a jury verdict for Alcatel-Lucent, in what is said to be the largest patent litigation jury verdict ever. The \$1.53 billion verdict came against Microsoft after a three-week jury trial in California and is now under appeal. The general commercial team recently represented Kmart in an appeal concerning a breach of contract suit with Capital One, and the court ruled

unanimously for Kmart. Securities litigators also had an eventful year; the firm represented American Skandia in litigation concerning its distribution of annuity products, and netted the client a summary judgment affirming that American Skandia was not liable for acts or omissions of insurance agents selling certain annuities. Securities litigators also obtained a favorable decision for Honeywell related to shareholder derivatives action, and received a favorable ruling and dismissal for Morgan Stanley. The regulatory proceeding alleged that a Morgan Stanley financial advisor sold unsuitable securities to a Delaware investor.

Star litigators in Kirkland's New York office encompass the full range of the firm's main practice areas. **John Desmarais** is a leader in the firm's national intellectual property practice; he headed the patent litigation team for Alcatel-Lucent against Microsoft. Desmarais has often worked on behalf of Verizon and other wireless providers. Colleague **David Bernick** also received recommendation. Bernick splits his time between the firm's New York and Chicago offices, and recently served as co-counsel to Abbott Laboratories, DuPont and General Electric in radiation exposure cases. **William Pratt** received commendation for his wide-ranging practice. He represented Morgan Stanley in an arbitration against Sears Roebuck & Company, earning the client \$20 million in the decision. Joseph Serino also received mention for his work on many of the New York office's big securities cases.

Litigators at **Milbank Tweed Hadley & McCloy** came highly recommended for their increasing prominence in New York litigation. Securities work takes center stage at the firm, with a particular emphasis on high-stakes securities class actions for major investment banks. Mutual fund litigation also continues to grow, in addition to the firm's white-collar, intellectual property and bankruptcy litigation groups. Recent matters include the firm's representation of Aquila in a large breach of contract action, which received a dismissal of complaints concerning payment. In securities work, Milbank litigators achieved a number of victories. The firm defended Fidelity Management & Research Company, as well as other parties, against a challenge to revenue sharing and other mutual fund distribution practices. The motion to dismiss blocked plaintiffs from receiving billions of dollars in fees. Milbank also represents Citigroup in a number of matters, including obtaining a recent dismissal of an action charging improper revenue sharing. Intellectual property litigators had a headline-worthy year for their representation of Zuffa, owners of the Ultimate Fighting Championship, in a trademark dilution action.

Litigation head **James Benedict** topped lists for his securities litigation expertise. Benedict represents Fidelity and Citigroup and has also

represented other mutual fund companies, including American Century, Capital Research and Management, and The Dreyfus Corporation. Colleague **Scott Edelman** earned commendation for his securities and white-collar work. He obtained a dismissal of a securities class action against the vice-chairman of Marsh & McLennan Companies. He also represented Refco, Aquila and Strategic Capital Group. George Canello supplements his securities practice with white-collar criminal and corporate governance work, while Richard Sharp has an expertise in representing US and foreign broker-dealers.

Paul Weiss Rifkind Wharton & Garrison litigators "are known worldwide" as "some of the best" in practice. Praised for a group that is "very smart and very tactical from the top to the bottom," this New York-centered firm has more than proven that it "is not afraid to take cases to trial" and has built an extremely favorable impression among clients who describe its 245 litigators as "imaginative, well prepared and thorough" and "people who will not unduly anger adversaries, but will fight hard for their clients' positions." While sources say the firm exhibits strength across all practice areas, it is particularly well recognized for leading securities and white-collar criminal practices. In recent years, the firm solidified its place as a market leader by walking Citibank through "bet the company," high-stakes class-action litigation, topping a string of victories on behalf of this client with favorable settlements in both the WorldCom and Enron shareholder class actions. Partners also helped loyal client AIG negotiate favorable settlements in investigations by the US Department of Justice, the SEC, the New York Attorney General and the New York State Department of Insurance and continue to represent the client in additional matters.

Of counsel Martin London enjoys legendary status among peers, who say he remains active in the courtroom. Sources say: "There's something about the Paul Weiss culture that has created leaders in every generation," and chief among these leaders is "first-rate litigator" **Leslie "Les" Fagen**, who peers say "really is the star here." **Theodore "Ted" Wells** and **Brad Karp** co-chair the litigation department, and peers say that Wells "wins cases no one has any business winning." He is widely recognized for his high-profile representation of I Lewis "Scooter" Libby and is acting on behalf of pharmaceutical company Merck in investigations brought by the SEC and the Department of Justice. Deemed a "rising talent," one client said Karp is "the next generation, not just at Paul Weiss, but in the profession." He represents several top financial institutions, including JP Morgan, Morgan Stanley, Merrill Lynch and Bear Stearns, though peers say his large portfolio of work on behalf of Citigroup alone is

enough to make him a top name in the securities field and "one of the best litigators in America." **Daniel "Dan" Kramer** and **Richard Rosen** are also recognized as leading securities authorities. Kramer represents clients including Hollinger International and the board of directors of Fannie Mae, while Rosen counts Goldman Sachs and AXA Financial among his clientele. **Martin Flumenbaum** is hailed as a "star" white-collar criminal practitioner, as is **Mark Pomerantz**, who was described by peers as an "unusually gifted trial lawyer." One leading litigator said: "He's one of the giants and a really soulful guy who can get ahead being himself, and that kind of natural quality is really refreshing." **Mark Alcott** is considered a leader of the Bar and maintains a general commercial practice that sources speak highly of.

Simpson Thacher & Bartlett was praised as "the cream of the crop" in New York litigation. An all-star client list, which includes Daiichi Pharmaceuticals, MasterCard, Goldman Sachs & Co and Weyerhaeuser, routinely bets on the ability of its more than 300 litigators. Though recognized for top-notch general commercial capabilities, the firm is known among peers for a traditionally strong insurance practice. In one of the most widely followed cases in the last decade, the firm secured a unanimous jury verdict affirmed on appeal in favor of Swiss Re, the largest participant in the \$3.54 billion property insurance program covering the World Trade Center before September 11 2001, capping the client's liability at a single \$877 million policy limit. The securities group is said to be "at the top of the game" and represents JP Morgan Chase in more than 25 lawsuits relating to the Enron collapse, while the firm's leading international arbitration group recently helped Bechtel and General Electric recover \$425 million in investments in India's defunct Dahbol Power Project. Market insiders agree that the firm's antitrust group is "certainly strong, very strong" and the firm's broad expertise is rounded out by skilled intellectual property and products liability lawyers.

Roy Reardon is "as good as it gets" and peers describe him as "one of the very, very best lawyers in New York." With the firm since 1954, peers say this lawyer is "still going strong." The "very talented" **Barry Ostrager** leads the litigation group and has carved a strong niche in insurance and reinsurance litigation, counting Travelers, Andersen Consulting and AIG among his clients. Clients say **Paul Curnin** "partners well with in house counsel and will call cases as he sees them." He focuses on litigation in connection with securities, takeover, and government and internal investigations. General commercial partner **David Ichel** is well known for his work in the insurance and product liability arenas and represents key clients such as Heineken USA. **Robert "Rob" Smit** maintains a "substantial

international arbitration practice” and is regarded as a leader in the field. **Kenneth Logan** and **Kevin Arquit** are known as “the firm’s duo” of antitrust experts. Peers say Logan “has great judgment and good instincts.” Though Arquit boasts a “sterling reputation and a great practice in mergers and acquisitions,” this “pro” is more than ready to tackle his client’s litigation needs. Sources say **Joseph Tringali** can also “be counted on to do a good job” in the antitrust arena. One client described securities partner **Michael Chepiga** as “a high-level litigator used to complex litigation.” **Bruce Angiolillo** is deemed a “strong, solid securities litigator” who “is very pragmatic, doesn’t miss the issues and gets along well with people.” He has been involved in the firm’s defense of JPMorgan Chase, as has “very smart” Thomas “Tom” Rice who peers recognize as a “go-to guy” for this client and a “universally loved” partner.

Peers said **Skadden Arps Slate Meagher & Flom** is nationally “very strong” across many practice areas, and few would disagree that its New York hub is a source of much of the firm’s strength. “We sometimes struggle with the New York model, but not with Skadden,” one client said, adding “they will work with you to find a solution.” In securities and white-collar criminal matters, the firm has been very active as a result of the surge in options backdating and mergers and acquisitions litigation, while the antitrust and general commercial teams have seen work in the New York office continue to grow. Highlights from the year include a US Supreme court decision for Merrill Lynch, which mandated that securities class-action plaintiffs will no longer be able to bring “holders” class-action suits. The firm also represented Merrill Lynch in class actions related to research analyst litigation, while white-collar litigators are working on the representation of Frederick Schiff, former CFO of Bristol-Myers Squibb, among other matters. Antitrust litigators took on a lot of work as well; cases include positive results for CIBC World Markets, SG Cohn, ING and ABN Amro.

Clients and peers enthusiastically recommended **Jay Kasner**. “Jay makes terrific decisions,” one client said. “He thinks strategically in and out of the court room, his team has an encyclopedic knowledge of the law and he’s always very involved in the case.” In addition to securities work for Merrill Lynch, Kasner represents Washington Mutual, Abercrombie & Fitch and Amerigroup. Securities colleague **Jonathan Lerner** also earned praise for his successful defense of DaimlerChrysler against a multibillion securities fraud action. Peers recommended **David Zornow** as a leader in the firm’s New York white-collar criminal practice. In addition to representing Frederick Schiff, former CFO of Bristol-Myers Squibb, he is representing former Computer Associates sales head Stephen

Richards, and is co-counsel for Scientific-Atlanta in SEC investigations. Antitrust litigator **Shepard Goldfein** received mention for matters including the defense of CIBC World Markets, along with litigator **Peter Greene**. Commercial litigators **Sheila Birnbaum** and **Preeta Bansal** both earned commendation for their respective mass tort and appellate experience.

One market insider said **Sullivan & Cromwell** is a firm clients can count on when “looking for a lot of good people, not just a lot of people, to handle big cases.” Ranked for its broad-ranging capabilities as one of the country’s top general commercial groups, the firm is known for its specialty in international arbitration. It has further carved a niche in financial services litigation, and peers say it is particularly adept at representing clients in securities matters. Over the past four years, Barclays has benefited from the firm’s guidance through the Enron securities class action. But it is the firm’s representation of Goldman Sachs in the IPO allocation class actions that has earned it particular renown in recent years. Peers label the firm “a machine” in its defense of white-collar criminal matters and partners recently helped Computer Associates negotiate a settlement of government investigations allowing the client to stay in business. Also recognized as an antitrust leader, the firm has mounted a nearly decade long defense of Microsoft Corporation and is widely praised for its work on behalf of this client.

Peers count **Gandolfo “Vince” DiBlasi** as “one of the absolute best trial lawyers in the country.” Described as “very smart, very pragmatic, aggressive and tenacious,” DiBlasi is credited with handling some of the most important financial services cases in recent years and is recognized as a leader in securities and white-collar criminal circles. Coordinator of the securities practice **Robert Giuffra** is recognized for his securities and white-collar expertise, and though managing partner **David Braff** handles a range of matters, he too is widely commended for his “deep knowledge” of securities law. Described as a “great pair,” **Karen Patton Seymour** and **Samuel Seymour** earned consistent praise as two of the strongest white-collar practitioners in the country. Peers consider head of the antitrust group **Yvonne Quinn** a “knowledgeable, smart, practical and competent” leader in the area and unanimously agree that **John Warden** is also “up there” on the list of top antitrust litigators. Market insiders note Warden for his role in the Microsoft litigation and his other clients include Amax, Bank of New York, British Airways and Goldman Sachs. Co-coordinators of the arbitration practice **Joseph “Joe” Neuhaus** and **James Carter** are both considered top international arbitration experts. “Rising star” Sharon Nelles earned client appreciation for being a “really clear, strategic thinker and a very responsive” lawyer.

When asked to comment on **Wachtell Lipton Rosen & Katz**, one leading litigator said: “When you hear they’re on the other side of a case your ears perk up.” The firm’s litigation group is composed of a “smart and capable” group of 28 partners and 23 associates known among peers as “excellent person for person.” Noted for a more specialized practice than most on the list, peers say the firm’s “signature specialty is corporate takeovers and the whole range of issues relating to corporate governance and securities shareholder and class and derivative actions.” The firm has made a mark defending the likes of Sears, Morgan Stanley and Bausch & Lomb against recent shareholder class and derivative actions. Partners also helped Invemed Associates fend off profit-sharing charges brought by the National Association of Securities Dealers Department of Enforcement and consequently saved the client a potential \$8.2 million fine. In addition to these successes, the firm is most recognized for its representation of World Trade Center lessee Larry Silverstein in the post September 11 insurance recovery litigation. After two jury trials, partners established that the destruction of the World Trade Center should be treated as two occurrences, allowing the client to collect \$4.6 billion in insurance payments.

Herbert “Herb” Wachtell and **Bernard Nussbaum** co-head the litigation department and continue to contribute to the firm’s stellar reputation. Hailed as a “dean” of the litigation Bar, Wachtell remains active and recently secured summary judgment for a large London-based reinsurer. A former Assistant United States Attorney, peers say Nussbaum “is at the very top of any list” for corporate and securities work. The “very classy and fabulous” **Lawrence “Larry” Pedowitz** enjoys a reputation among peers as an “extremely successful, bet-the-company white-collar specialist.” **John Savarese** also earned praise as a leader in the white-collar criminal arena. “Super lawyer” **Theodore “Ted” Mirvis** is commended as an expert in regulatory, corporate governance, securities, and mergers and acquisitions work. Market leaders call **Eric Roth** a “decent person and a fabulous lawyer.” Roth handles a range of commercial matters, including corporate, securities, insurance and creditors’ rights. He recently secured a favorable settlement for advertising client ADVO in litigation brought by Valassis contesting the \$1.3 billion merger agreement the two entered into. With the firm since 1987, Marc Wolinsky also earned peers’ praise for his complex commercial, insurance, securities and government investigation practice.

Litigators at **Weil Gotshal & Manges** draw on the firm’s strong corporate component to bolster a wide-ranging litigation practice, which continues to grow in areas such as intellectual property. Clients are satisfied with the firm’s work in the courtroom as

well, and one said that “for bet-the-company litigation, you go to them, because you can hand them any matter and be assured they will become experts in it.” Recent intellectual property matters include the representation of Bertelsmann in copyright infringement lawsuits related to Napster, and representation concerning royalties for online streaming of audio on the internet. Weil’s New York office has had a full year in traditional strength areas as well. The firm went to trial for Johnson & Johnson in a big monopolization case, and obtained a defense verdict against Applied Medical Resources. New York litigators also represented UnitedHealth Group in Miami against multi-district litigation challenging health maintenance organization (HMO) business practices. The firm successfully earned a decision that rejected the application of UnitedHealth’s arbitration agreements to plaintiffs’ RICO claims.

Market sources strongly recommended **James “Jim” Quinn** as “one of the deans of the national litigation Bar.” “He is known across the nation, if not across the world,” said one client. Other said that “Jim’s reputation is well-deserved” and that “he is extremely responsive, and given his position, that’s astounding.” Quinn served as counsel in the Applied Medical Resources and UnitedHealth Group matters. He also recently won a defense verdict for Procter & Gamble in a false advertising claim concerning teeth-whitening products. Securities class-action litigator also **Greg Danilow** received commendation for his class and derivative experience. Weil Gotshal antitrust litigators **Helene Jaffe**, **Debra Pearlstein** and **Jay Fastow** earned accolades, and sources said intellectual property litigator **Bruce Rich** is “scary-smart.”

The litigation team at **Willkie Farr & Gallagher** practices across a range of areas for corporate clients, and provides notable service in the areas of general commercial, insurance and securities. Matters include the firm’s representation of an accounting firm in a four-week jury trial of securities class actions. The firm represented Bloomberg in patent infringement litigation brought by Reuters, defended Yellow Book USA against a false advertising claim by Verizon, and served as lead counsel to policyholders in environmental insurance coverage litigation concerning government mandated cleanup.

Clients and peers said **Richard “Rick” Posen**’s practice was of note at the firm. Posen represented Lehman Brothers, Goldman Sachs, UBS and CSFB in securities litigation related to WorldCom. He also represented the independent directors of Merck. **Michael “Mike” Young** earned strong peer recommendation as “someone you have to consider.” Young chairs the firm’s securities litigation group and has a nationally recognized specialty in accounting irregularities. **Mitchell Auslander** received enthusiastic commendation from sources for

his insurance and reinsurance work. “He is particularly good,” one client said. Auslander represents Marsh & McLennan in a number of litigation matters, and has served as counsel to various insurance brokers.

Recommended firms

In the four years since London import **Allen & Overy** entered the US market to open its New York hub, the firm has proven to be a serious contender, attracting a number of large financial institution clients and appearing in some of the largest government regulatory investigations and securities matters on their behalf. Responding to high demand, the firm is working to grow its small group of 27 litigators and recently took on two new partners. Clients report turning to this group when they have “matters with potential international implications,” and with partners in 24 international offices to call upon the firm is more than ready to meet their needs. Recent engagements include successfully representing Credit Suisse in the Parmalat securities litigation and Barclays Bank in the Enron adversary proceeding before the US Bankruptcy Court for the Southern District of New York.

Clients offered nothing but praise for head of the litigation department **Michael Feldberg**, who is described as a “good strategist and a clear thinker.” Feldberg engages in civil litigation and also defends federal criminal and regulatory cases. He leads the firm’s defense of JP Morgan Chase and is representing the client in both the Peregrine derivatives litigation and an international arbitration against the Republic of Uruguay. Former chief of the securities and commodities fraud unit in the US Attorneys Office of the Southern District of New York, **Pamela Rogers Chepiga** earned consistent peer praise. **Jacob Pultman** also earned nods for his broad-based expertise, which extends to securities, internal investigations and banking litigation. Pultman is part of a firm team representing 11 Guantanamo Bay detainees. International arbitration expert **Benno Kimmelman** was consistently recognized as a national leader in the area by peers.

There is no dispute among sources that **Bernstein Litowitz Berger & Grossmann** is “the cream of the crop and one of the most successful plaintiffs’ firms” in the country. Since its founding in 1983, the firm has grown to include 48 litigators practicing from its New York headquarters and offices in New Jersey, California and Louisiana. Hailed particularly for work in the securities arena, the firm successfully prosecuted the high-profile and widely followed WorldCom bankruptcy litigation. As counsel for the New York State Common Retirement Fund, partners at the firm helped recover \$6.15 billion for the investor class – the largest recovery at that time – from WorldCom’s underwriters, directors and officers and

auditor **Arthur Andersen**. In an unprecedented move, former WorldCom chairman **Bert Roberts** and 11 other former director defendants agreed to pay \$24.75 million of their own profits to settle the claims against them. The firm also handles corporate governance litigation, employment discrimination, civil rights and consumer protection cases and tackles general commercial litigation involving allegations of breach of contract, accountant liability, breach of fiduciary fraud and negligence on behalf of institutional clients and lenders.

Peers have the utmost respect for founding partner and firm leader **Max Berger**, who is described as a “very classy” lawyer. Following Nortel Networks Corporation’s role in the largest securities fraud in Canadian history, Berger helped the Ontario Teachers’ Pension Plan Board and the Treasury of the State of New Jersey and its Division of Investment win a unique settlement package of cash and Nortel stock valued at \$1.3 billion in one of two separate securities fraud class actions brought against the company. Berger also represents the New York State Common Retirement Fund in the ongoing McKesson HBOC securities litigation and has to date recovered more than \$1.03 billion for his client. The firm also counts top plaintiffs’ lawyer and former Assistant United States Attorney **John “Sean” Coffey** in its ranks. Coffey helped the Retirement System of Alabama reach a settlement valued at about \$445 million in the HealthSouth bondholder litigation and serves as lead counsel representing investors in the Omnicom, Merck, Refco, Delphi Corporation and Convergium litigations.

Boies Schiller & Flexner is a litigation force, and the firm’s star lawyer and chairman, **David Boies**, resides in the uniquely-located Armonk, New York office. Boies and Manhattan-based managing partner **Donald Flexner** are both recognized as nationally ranked antitrust stars, but they and most of the firm’s attorneys are proficient generalists. Competitors dubbed Boies “definitely a tier-one litigator,” and one said that “even if he’s completely unprepared, he can get a judge to relate to him and pull an argument together in very little time.” Other competitors referred to Boies as “brilliant in court,” “great on his feet,” and “terrific,” and sources named him among “the very, very best lawyers in New York.” Flexner was similarly lauded, and one competitor admitted to having “tremendous respect for him.”

One of the firm’s most high-profile ongoing matters is its representation of former AIG chairman and CEO, **Maurice “Hank” Greenberg**, in several lawsuits relating to an action filed by the New York Attorney General’s office and the New York Superintendent of Insurance, alleging claims for fraud under the Martin Act and other statutes. Boies and fellow New York partners **Nick Gravante** and **Lee Wolosky** are leading

the work on this and other suits in the Greenberg/Starr matters, which comprise 27 lawsuits pending in New York, London, Georgia, Mississippi and Delaware, seven arbitrations pending in both the US and the UK, and the investigations by the New York Attorney General, as well as the SEC and the Department of Justice. Boies also recently obtained a favorable verdict for Lloyd's of London and other insurers regarding issues relating to the 2001 World Trade Center attacks and is also representing American Express in an antitrust action against Visa, MasterCard, and several of their member banks. Flexner is also active in the area of antitrust and recently defended a large domestic airline in an antitrust suit filed by the US government. Other firm clients include Goldman Sachs & Company, AT&T and the New York Yankees.

Cleary Gottlieb Steen & Hamilton was described by one competitor as being "unmatched" for litigation expertise. The firm has offices in New York and Washington DC, in addition to 10 international offices, and peers agreed that the litigation team has "a great reputation." The New York office handles litigation and arbitration across areas such as securities and derivatives, banking and financial matters, mergers and acquisitions, criminal defense and investigations, antitrust, agency and regulatory, insurance coverage and products liability, as well as bankruptcy and intellectual property.

New York partner **Max Gitter** is ranked as one of the leading national experts for general commercial litigation, while his colleague David Brodsky is well known for his securities enforcement, white-collar criminal defense and internal investigations work, and garnered valuable experience during his tenure in the US Attorney's Office for the Southern District of New York. Partner Lawrence "Larry" Friedman is active in intellectual property disputes, and is representing Ricoh Company of Japan in two patent infringement lawsuits relating to modular business office device and facsimile and laser print technology. He previously won trial verdicts for the company in patent infringement suits relating to photocopier technology.

In other recent matters, the firm represented ACE Cash Express in regulatory matters, Barclays Private Equity France in securing the dismissal of claims brought by the former controlling shareholder of the Fauchon Group, and won the dismissal of allegations of legal malpractice for a large law firm in New York State Supreme Court.

A staple in New York since 1986, London-based **Clifford Chance** boasts 38 partners and 85 associates in its litigation department. The full-service firm has claimed an undisputable place within a tight circle of top international arbitration groups and also boasts a nationally renowned insurance and reinsurance practice. Partners are using their

skill in the insurance area to represent SCOR in potential claims totaling \$700 million in relation to the client's role as a reinsurer of the property insurance coverage issued to the leaseholder of the World Trade Center before September 11. Retained by AllianceBernstein five years ago for help in a series of suits and regulatory proceedings after the Enron collapse, the firm has since helped the client to win complete vindication from several billion dollars' worth of potential exposure and continues to represent this client in the ongoing mutual funds investment litigation. The firm also took a lead role in the IPO securities litigation defending Merrill Lynch and secured a ruling vacating the certification of six securities fraud classes. Partners have also gone to bat for Carrefour and Siemens VDO in recent years.

Mark Kirsch heads the litigation department and is upheld as a well-respected member of the Bar. A former Assistant United States Attorney in the Eastern District of New York, Kirsch boasts considerable experience in white-collar criminal defense, antitrust and securities litigation and routinely handles appeals. **David Lindsey** is hailed as one of the nation's leading international arbitration authorities. Mark Holland is a firm standout for his expert representation of clients embroiled in securities conflicts, and he has counseled clients including Merrill Lynch, Citigroup, JP Morgan Chase, American Century, Dreyfus and Prudential.

Sources report that the New York office of newly formed **Cooley Godward Kronish** has "gotten excellent results in many pieces of litigation" and expect continued greatness from this firm. The 2006 merger between leading California firm Cooley Godward and "well-respected" New York firm Kronish Lieb Weiner & Hellman brought expertise to a litigation department already known for its stalwart intellectual property, venture capital, securities, bankruptcy and tax litigation practices. Partners taken on in the fusion added particular depth to a white-collar criminal practice already populated by a number of former federal prosecutors and justice officials and also strengthened the firm's transactional litigation capabilities. In one testament to the firm's ability, partners successfully represented Siebel Systems through the first contested action involving the SEC's Regulation FD. In this widely followed matter, deemed by many to be SEC bullying, the firm successfully secured the complete dismissal of claims that the company and two of its senior officers had violated the rule. The firm also represents a long list of financial clients, including AIG, Goldman Sachs and USG Corporation and a number of pharmaceutical companies. Clients said "they're fantastic" and "we love them." Said one: "We're probably a pretty small account for them, but we'd never know it – they're conscientious of our budget and really responsive."

Chief among the firm's merger pick-ups are Allan Levine and Celia Goldwag Barenholtz, whom peers and clients refer to as "superstars." Levine heads the New York office and is recognized for bringing "a breadth of white-collar criminal expertise" to the firm and also was commended for his financial transaction work. Levine led the defense of St Paul Fire and Marine Company and Travelers Indemnity Company against \$1 billion claims made by JP Morgan Chase after the Enron bankruptcy and secured a favorable settlement for his clients. Barenholtz heads the New York litigation department and her wide practice focuses on complex commercial, criminal, regulatory and internal investigation, and intellectual property litigation. In a recent tribute to her skill, Barenholtz capped a string of victories for client WhenU.com with a ruling rejecting trademark infringement claims against the client and reversing a previous preliminary injunction against it. William Schwartz also earned nods as a "firm leader" and chairs the white-collar and regulatory defense group. He is representing one of the city's merchant bankers charged with violating the Foreign Corrupt Practices Act by allegedly transferring \$87 million from sales of oil rights to leaders of the Republic of Kazakhstan.

"Washington classic" **Covington & Burling** has built a strong New York reputation based on the "uniform quality of their partnership." Established in 1983, the office has "grown by acquisition" in recent years, adding to a team of "great people." With strong ties to the city's corporate and financial institutions, partners in New York contribute greatly to the firm's nationally prominent international arbitration practice and peers report "they're terrific" in the white-collar criminal arena. The firm represented Adelphia Communications in criminal investigations by the SEC and the US Attorney's Office in Manhattan. The firm's "very busy practice" also plays well in intellectual property matters and securities class actions and recently secured a favorable global settlement for Federal Home Loan Mortgage Corp (Freddie Mac) in multiple class actions and derivative suits stemming from the client's \$5 billion restatement of earnings. Additional clients include SG Cowen Securities, the National Football League and Sony BMG.

Aaron Marcu is a nationally renowned white-collar criminal authority. A former Associate US Attorney for the Southern District of New York, Marcu heads the firm's white-collar defense and investigations group and also focuses on SEC enforcement cases for the likes of Pfizer, Goodyear, Philip Morris and NBC. Market insiders also recognize senior partner Jack Levin for his standout representation both of plaintiffs and defendants in complex litigation and arbitration matters. Mark Gimbel closes the firm's tight circle of top New York talent. He

recently added to an impressive list of complex commercial wins with the successful representation of Bank One and Banc One Capital Markets in multidistrict litigation stemming from the collapse of a \$2 billion asset-backed healthcare securitization program.

Despite a “challenging year” thanks to a failed effort to merge with Orrick Herrington & Sutcliffe, market insiders say **Dewey Ballantine’s** New York headquarters remains one of the city’s strongest sources for litigation counsel. Peers commend the firm for a strong antitrust practice, fortified last year by the addition of the group’s co-chair and former Weil Gotshal & Manges partner Paul Victor. The antitrust team is representing Omnicare in its pending price-fixing suit against United HealthGroup and PacifiCare Health Systems. Partners also used their securities expertise to secure the dismissal of a shareholder derivative action filed against Omnicare’s board of directors. White-collar criminal defense is another standout area of strength and the firm is involved in a number of high-stakes government investigations. Additional clients range from Panasonic of North America and Comcast to American Reinsurance and MedImmune.

Harvey Kurzweil and **Jeffrey Kessler** co-chair the firm’s litigation department and are both upheld as leading trial lawyers. Kurzweil is known for “a fair amount of products liability” work and also brings his experience to clients involved in a wide array of matters ranging from insurance coverage and intellectual property to ERISA and antitrust litigation. Recognized for a “very strong practice,” Kessler boasts peer-renowned skill in taking antitrust matters to court. He is also recognized for considerable expertise in sports controversies and recently represented NBA All Star Ben Wallace and continues to build upon his longstanding relationship with the National Football League Players Association. Commended as one of New York’s top litigators, **Richard Reinthaler** maintains a broad practice and represents corporate clients such as PG&E and Novartis. He handles a steady amount of work stemming from contested and negotiated acquisitions for clients including CSFB, Citigroup Global Markets and The Walt Disney Company.

With the rapid expansion of its New York office, which has more than doubled over the past decade, Los Angeles-based **Gibson Dunn & Crutcher** has come to be known as a firm with strength “from coast to coast.” Peers say partners here are “on top of their game” and further describe this team as “professional, diligent and committed.” The firm’s “tremendous antitrust practice” is busy representing Intel Corporation against monopoly claims brought by Advanced Micro Devices in one of the most widely followed ongoing antitrust matters, which is scheduled to go to trial in April 2009.

Securities work is a staple and partners are defending Bear Stearns in its IPO and research analyst litigation and recently secured summary judgment for Merrill Lynch in the WorldCom litigation. Prompted by strong firmwide demand, the New York office is bolstering its intellectual property group, which earned praise for its all-star client list that includes Cablevision, Motorola, Johnson & Johnson, Microsoft and St Jude Medical. The firm is likewise active in accountants’ liability and First Amendment work, and represents clients such as Dow Jones in the latter area.

“Celebrity litigator” **Randy Mastro** serves as co-chair of the firm’s litigation and crisis management practices and is commended for his broad trial capabilities, most prominently in the areas of white-collar criminal, securities and complex civil litigation. He is acknowledged for representing Madison Square Garden in litigation that successfully defeated the construction of the proposed West Side Stadium project. **Josh Krevitt** recently joined the group from Weil Gotshal & Manges and serves as the national co-chair of the intellectual property practice group. Peers credit him with greatly bolstering the firm’s patent litigation influence through his representation of high-profile clients such as Hewlett-Packard and Sharp. He is also representing T-Mobile in relation to the ongoing patent dispute between rivals Qualcomm and Broadcom. Sources recognize Orin Snyder’s strong copyright and trade secret profile. As co-chair of the media and entertainment group, Snyder has represented an impressive list of entertainment industry clients, including recording artists Bob Dylan, The Rolling Stones and Maria Carey as well as media groups such as Sony BMG Music Entertainment and Warner Music Group. Orin also serves as vice chair of the crisis management group and recently secured a favorable settlement for Warner Music Group in connection with the New York Attorney General’s investigation of record promotions practices and other related matters.

Clients said litigators at **Hughes Hubbard & Reed** draw upon the firm’s wide range of strengths to provide “great results.” “They devised a great strategy,” one client said. “They were competent and creative about how to address the argument and box the plaintiffs in.” Clients also praised the firm’s thorough approach with clients. “I like to get business advice from my litigators and they can do that,” said one client, adding that “their litigation and off-the-cuff advice is very solid.” Strength areas include the firm’s securities mainstay, a growing products liability practice, an established international group, and, according to clients, “great antitrust advice.” Recent matters include the firm’s defense of Merck in cases related to the drug Vioxx, and defense of Viacom in a mass toxic tort in West Virginia. Securities litigators are defending Dynegy in a derivative action

resulting from \$300 million in earnings restatements, and are representing Parmalat in multi-district litigation related to the company’s bankruptcy. Notable antitrust matters include class-action defense related to Canadian import of drugs, and the representation of L-3 Communications Corporation in monopolization counterclaims against Lockheed Martin.

Peers and clients recommended **George Davidson** for his wide range of litigation experience. Davidson matches his securities and white-collar expertise with work in professional liability. Products liability litigator **Theodore “Ted” Mayer** earned recommendation as well. He is a chief partner in Merck’s Vioxx litigation. Partner **Steven Hammond** also received recommendation from market sources. Hammond is one of the New York office’s top partners in international arbitration work and he boasts strong familiarity with the Latin American market. **Norman Kleinberg** is perhaps best known for his insurance litigation experience. He recently earned a dismissal of claims for Royal & Sun Alliance Insurance.

The busy New York office of **Jones Day** earned commendation as a growing part of the international firm’s practice. The firm’s securities litigation practice is at the forefront, and New York attorneys recently represented Mitsubishi in New York Supreme Court proceedings for a temporary restraining order and preliminary injunctive relief. The dispute involved a multimillion-dollar international letter of credit. The firm has served as counsel to Lehman Brothers in securities fraud claims, most recently concerning analyst reports on Sunrise Technologies. The securities group also represents Union Excess against fraud action brought by AIG shareholders, and is representing a casino entertainment company in internal and SEC insider-trading investigations.

The New York office maintains Jones Day’s firmwide strength in products liability as well. New York litigators defended King Pharmaceuticals in a drug product liability action. The firm represented RJ Reynolds Tobacco in a class-action suit concerning “light” cigarette marketing, as well as in a RICO case brought by the Department of Justice. Jones Day products liability litigators also received a directed verdict for Brown & Williamson Holdings in one of Long Island’s first smoking and health cases. Antitrust litigators represent Abbott Laboratories and TAP Pharmaceutical products, while the firm’s patent litigation team has represented Martek Biosciences, Hannsprey and Interactive Systems Worldwide.

Through its strong national products liability, antitrust and intellectual property groups, **Kaye Scholer** has maintained its New York office’s strong reputation. “They have good litigators,” one peer said. Notable matters include the firm’s successful defence

of Pfizer's Norvasc patent. Generic manufacturer Apotex had filed a drug application to sell a copy of the drug, but the judge ruled strongly in favor of Pfizer. Other intellectual property victories include the firm's representation of ARIAD Pharmaceuticals in a trial concerning a controversial and highly technical case, which earned the client \$65.2 million in damages. The litigation team also represented Pfizer in the denial of certification of a class of Listerine consumers alleging false advertising, and in an antitrust matter brought by retail pharmacies. Products litigators are heavily involved in pharmaceutical matters. Recently, Kaye Scholer netted a favourable judgment for Novartis Consumer Health after a four-month trial involving two plaintiffs who claimed Novartis products caused them to have strokes.

Competitors singled out products liability and class-action litigators **Jay Mayesh** and **Steven Glickstein**, who co-chair the firm's products practice. Mayesh has handled litigation in a number of industries. He has tried silicone breast implant cases for Baxter Healthcare, automotive products liability cases, heavy truck liability cases for Navistar International, and has done work for the Upjohn Company and Pfizer. Glickstein also earned recommendation, and has worked in numerous products matters, including Pfizer's litigation related to the drug Viagra.

Kramer Levin Naftalis & Frankel has smaller numbers than the local offices of many other firms listed here, but its influence, particularly in white-collar criminal and securities litigation, is as significant as some of its largest competitors. "They are very good at what they do," one peer said. Most notable is the firm's defense of Disney CEO Michael Eisner against a shareholder action protesting the hiring, firing, and severance package for former president Michael Ovitz. Other white-collar highlights include defense of a Big Four accounting firm in US securities and other litigation related to one of the largest international bankruptcies in recent history. White-collar litigators are also counseling the co-founder of a retail chain and the president of an investment bank in litigation related to compensation for New York Stock Exchange (NYSE) chairman Richard Grasso. In addition to the firm's white-collar work, litigators have handled important matters in antitrust and recently defended a large investment firm in class-action antitrust and securities litigation involving over 30 defendants and related Department of Justice and SEC investigations.

Market sources had unanimous praise for **Gary Naftalis**. "Gary is very good and definitely one of the best in town," peers said. Naftalis headed Eisner's defense, and has a full book of business in high-stakes white-collar and general commercial work. He represents Kenneth Langone, co-founder of

Home Depot, in litigation related to Richard Grasso's compensation. Naftalis is also representing the largest equipment rental company in the country in an SEC inquiry related to accounting practices. He is defending the company in class-action shareholder litigation. Competitors also praised litigators outside of the firm's white-collar practice. "**Harold Weinberger** is among the top litigators in the city or country," one client said. Weinberger specializes in false advertising cases related to the Lanham Act. He has defended brands including Crest's Whitestrips, Reach dental floss and Acuvue contact lenses. Sources also noted the securities, class-action and professional defense work of **Michael Dell**. Dell is representing a hedge fund against class-action allegations of stock manipulation. He has represented accounting firms against numerous class actions, and broker-dealers in customer and other securities and derivatives-related arbitrations.

Latham & Watkins was praised by clients for the consistently "bright, capable and effective teams" of attorneys it sends to handle complex litigation matters. From its roots as a small Los Angeles firm over 70 years ago, Latham has expanded to include 1,900 attorneys in 24 offices worldwide, including about 555 US litigation attorneys. Two hundred and seventy-five of these litigators are based in the firm's largest office, in Manhattan, where the team focuses in complex trials, appeals, arbitrations and regulatory matters. New York litigators are especially adept in the areas of securities, white-collar crime, intellectual property and products liability, and one client applauded the firm for the way its attorneys "stepped in, took charge, and defended us successfully, enabling us to create a successful company."

Co-chair of the firm's securities litigation and professional liability group, **David Brodsky**, is recognized as a national powerhouse in the field of securities litigation and has represented companies including Morgan Stanley, CIBC, Societe General and Emcor Corporation. James Brandt is chair of the New York litigation department, and he has defended Lehman Brothers and UBS Securities in securities matters and matters relating to securitization, Société Générale and Deutsche Bank in insolvency litigation, and Continental Airlines Creditors Committee in fraudulent transfer matters.

In antitrust matters, Latham's New York attorneys have represented The Hearst Corporation in litigation and a US Department of Justice (DOJ) investigation regarding its proposed investment in MediaNews Group, a case that settled on very favorable terms for Hearst. Intellectual property litigation has been active as well. The firm is representing America Online (AOL) in a patent infringement action filed by Inline Connection in the District of

Delaware, regarding allegations of infringement and is also representing AOL in another patent infringement action in the Northern District of Illinois, in connection with the Windy City's claims that AOL's instant messaging and chat services are infringing. New York attorneys also helped to lead an internal investigation for Beckman, as outside counsel to the Audit & Finance Committee of the board of directors, into whistleblower allegations under the Sarbanes-Oxley Act by a former employee who claimed that he was discharged for reporting allegedly false accounting and financial reporting.

This year marks the 10th anniversary of California powerhouse **Morrison & Foerster's** entry into the New York market. In its limited time in the state, the firm has constructed a highly respected practice of which one peer said: "I'm a fan, not just of the quality of the work, but of their integrity and responsiveness to the issues." About 50 of its more than 400 domestic litigators practice from this office, and the firm is working to grow this number, adding four important lateral partners over the past year. Clients report the team is "very adept at handling complex multi-party litigation," particularly securities matters, as evidenced by the firm's role as counsel to 35 issuers and liaison counsel to 310 defendants involved in the IPO securities litigation in the Southern District of New York, which is said to be the largest set of consolidated securities class actions ever brought. One of the first general commercial firms to make a serious play for the intellectual property work previously dominated by boutiques and widely recognized for its skill in the area, the firm boasts a large Japanese clientele and is representing Pioneer in a patent dispute with Samsung. Morrison & Foerster also attracts a lot of antitrust work and represents Bank of America in its credit card interchange fee and merchant discount litigation.

Peers "highly recommend" Jack Auspitz, co-chair of the firm's national securities and white-collar group. He is representing The Hartford Insurance Company in class actions relating to contingent commissions. Clients report that co-chair of the financial services group Mark Ladner is active in a number of their antitrust cases. He also routinely defends banks and other financial institutions against class-action claims and is leading the firm's defense of Bank of America in a number of these matters. Market insiders recognize the arrival of Dennis Orr and Grant Esposito from Mayer Brown in 2006 as a coup for the firm. Orr handles a broad range of matters and is recognized for his securities and antitrust skill, while Esposito is counted among the firm's "rising stars."

The New York office of **Orrick Herrington & Sutcliffe** is the largest of the firm's nine domestic bases and boasts nearly 200 lawyers, many of whom practice within the firm's "excellent" litigation department.

Sources cite the growing group, which added three partners in 2006, for its depth. One said: "You can ask the firm for help in various disciplines and they'll always have stellar people." Peers recognize the firm's strong intellectual property and employment work and commend its standout national products liability practice. In 2004, partners represented Union Carbide Corporation in an asbestos liability case in the plaintiff-friendly Eastern District of Texas and successfully secured a jury verdict clearing the client of the \$6 billion in potential damages sought by Kelly-Moore Paint Company. The firm's securities practice is also strong and is involved in a number of options backdating cases. Partners recently obtained dismissals of both a federal securities class action and a state shareholder derivative action alleging breach of fiduciary duties against the directors and officers of client Siebel Systems. Clients appreciate the firm's responsiveness and one said: "They embed themselves in the organization they're representing so much that some of their partners almost feel like in house lawyers."

Managing partner **James "Jim" Stengel** is recognized as a leading class-action lawyer and leads the firm's representation of the Union Carbide Corporation. He is also representing The Dow Chemical Company in breast implant litigation and ongoing litigation relating to the use of Agent Orange during the Vietnam War. Clients report being impressed with Daniel "Dan" Thomasch. This partner concentrates on patent infringement and products liability claims and serves as lead trial counsel for Wyeth in more than 350 products liability cases involving claims that childhood vaccines containing thimerosal have caused the development of autistic disorders. Thomasch recently secured summary judgment for this client in the first preemption case ever decided under the National Childhood Vaccine Injury Act.

Patterson Belknap Webb & Tyler houses almost 200 lawyers in its sole office in Manhattan, and was described by one competitor as "a low-profile firm with quality people and a great reputation." Clients overwhelmingly agree, and are eager to sing the firm's praises. One client explained that "one of the best things about Patterson Belknap is that it's a very selective firm and maintains quality control, so the depth and strength of the teams is extraordinary." Another client attested that "everyone at the firm is outstanding, we've won everything."

Patterson Belknap is particularly renowned for its intellectual property and media and entertainment expertise, and represents clients such as ESPN, Island Def Jam Music Group and Sony BMG Music Entertainment in a range of these matters. Other main practice areas include white-collar crime and government investigations, and chair of the firm's litigation department and white-collar

defense and investigations group Paul Gardephe is representing the Associated Press (AP) in a closely watched ongoing matter regarding the 2005 arrest and detention by US military officials of Iraqi AP photographer Bilal Hussein, despite the military's failure to charge Bilal with a crime or present evidence against him. Gardephe traveled to Iraq to research the case in early 2007. Judge **Michael Mukasey** rejoined the firm in September 2006, after having served as Chief Judge of the US District Court for the Southern District of New York, and he and partner **Saul Shapiro** were characterized as being "wonderful and very smart." Firm co-chair William "Bill" Cavanaugh was described as "a first-rate trial lawyer and a great strategist" by one client, and he focuses in antitrust, patent and general commercial litigation. He is representing Wells Fargo and achieved a substantial settlement for a loyal client of the firm, TAP Pharmaceuticals. Patent specialist Stuart Pollack was lauded by one client as "the brains behind the operation" in complex patent cases. Managing partner and co-chair of the firm, Robert "Bob" LoBue, was hailed by another client as "terrific, not just for litigation, but for avoiding it." LoBue was also described by clients as being "first-rate and responsive" with "a clear sense of the difference between legal and business issues and the ability to talk in matter-of-fact, plain English." Clients also said that "he takes real world considerations into account" and "he just gets it." Senior partner Gregory Diskant focuses on complex commercial, intellectual property and securities litigation, and one client commended him as having "a tremendous desire to be the best" and being "astounding in patent work," adding that "he has an incredible resume, but he's unassuming and takes in a lot of information." Partner Steven Zalesin is active in intellectual property, false advertising and complex commercial matters, and in 2006 obtained a series of rulings in six states denying certification of putative classes of consumers who alleged that they had been deceived by his client's advertisements.

Other recent cases include the firm's more than six-year representation of Candant in its litigation with Ernst & Young, a victory for Johnson & Johnson regarding its average wholesale price multidistrict litigation in Boston and a continuing reputation for defending some of the nation's largest law firms against complex liability claims.

With seven US offices, as well as posts in Paris and Brazil, **Proskauer Rose** is well equipped to handle complex litigation matters. The firm's litigation and dispute resolution department consists of 200 lawyers nationally, and is adept in areas including securities, contract and antitrust matters, as well as intellectual property, bankruptcy, insurance coverage counseling and litigation, and ERISA litigation. Proskauer prides itself on having a mix of

generalist litigators who are capable of attacking any issue, but whose skills are also focused, as in the case of co-chair of the firm's corporate defense and investigations practice group, partner Robert "Bob" Cleary. One competitor said: "I think the world of Bob Cleary." He concentrates in SEC and related enforcement matters, white-collar criminal defense, securities litigation, complex civil litigation, tax disputes and internal investigations, and has acted in numerous high-profile corporate scandal cases.

Proskauer has acted for clients such as Alcatel USA, Silverstein Properties, SC Johnson & Son and the Metropolitan Transit Authority in a broad range of complex matters, and is representing Footlocker, RCN and EDS in ongoing ERISA litigation.

Market sources said that **Shearman & Sterling** is increasing its influence in the New York marketplace. "They are coming up," one peer said. Clients were satisfied with the firm's calculated approach to litigation. "They executed a strategy so well that we'll be able to get out of the entire thing," said one client. The firm focuses in securities, antitrust and general commercial matters. Shearman litigators have represented Merrill Lynch extensively and recent work includes a series of matters involving the sale of its energy trading business to Allegheny. After a bench trial, the district court ruled in favor of Merrill Lynch and awarded the client damages in excess of \$115 million. The firm also recently represented Morgan Stanley in the court of appeals. Antitrust clients for the firm include Wal-Mart Stores, INO Therapeutics and the Thomson Corporation. Shearman attorneys are representing Thomson nationwide in allegations that Bar/Bri tied its multi-state Bar review course to state-specific review courses. General commercial matters include representation of companies in failed mergers and acquisitions and other matters, and firm clients include Johnson & Johnson, Con Edison and Boston Scientific. New York litigators also play an integral role in firm-wide Foreign Corrupt Practices Act work for multinational clients.

Peers and clients strongly recommended litigation head **Stuart "Stu" Baskin**. "He stays pretty involved," one client noted. "He's a very able, smart guy. He can do litigation and regulatory criminal work. He has a nice background and he's up there, definitely." Baskin served as lead trial counsel for Merrill Lynch against Allegheny Energy; he also represented Merrill Lynch in securities and derivative actions arising from the company's relationship with Enron. He has defended Ford Motor Company in multiple class actions arising from Firestone tire matters, and represents Nortel Networks in class actions and regulatory investigations. Clients said **Herbert "Herb" Washer** is a "master of the facts." "He works very well with other lawyers," one client noted, "and is terrific at persuading a group and a very

thoughtful guy.” Washer has represented Merrill Lynch extensively, and also worked for Credit Suisse in a shareholder class action concerning investment in the Philadelphia Stock Exchange.

Litigators in **Sidley Austin’s** New York branch draw upon the firm’s national strengths in complex commercial, antitrust and securities litigation. Intellectual property and white-collar litigation has boosted the New York office’s book of business. Recent matters include representation for Agere in a fraud and unfair trade practices case seeking \$100 million in conjunction with the company’s development of chip-set technology. The firm also has seen a recent boost in Korean litigation. In the Southern District of New York, Sidley represented the largest Korean commercial bank in defense of a \$50 million damages claim. Securities litigators are representing Bombadier in putative class actions alleging inadequate disclosures, and Deutsche Bank Alex Brown in matters alleging securities and antitrust violations in connection with share allocation. The antitrust team represents Bear Stearns and T-Mobile in class-action matters, and the growing intellectual property group counts GlaxoSmithKline among its clients. The firm also has retained a post-merger relationship with AT&T.

Robert “Bob” Pietrzak received commendation from peers for his strong general commercial practice. Pietrzak’s general litigation practice includes the representation of Merrill Lynch, Deutsche Bank, Citigroup, Bear Stearns and other investment banks in securities class actions. He has developed a notable specialty in litigation for Chinese companies and the Chinese government. Pietrzak’s close colleague, **Joel Mitnick**, earned praise as well, particularly in antitrust matters. He is working on IPO fee antitrust litigation for Bear Stearns with Pietrzak and is also representing Deutsche Bank Securities in an antitrust class-action matter. Mitnick’s expertise includes his work for the People’s Republic of China in an antitrust suit brought by manufacturers of vitamin C.

Commentators said that full-service shop **Stroock Stroock & Lavan** is best known for two of its New York practices: securities work, and insurance and reinsurance litigation. “I like the people there,” one peer said. In securities litigation, Stroock has a client list that runs the gamut of influential securities companies, including Bear Stearns, Credit Suisse, Jeffries & Company, Keefe Bruyette & Woods, Lehman Brothers and

Raymond James & Associates. The firm represents clients in matters including the defense of issuers, their offices and directors against shareholder claims, and the representation of investment companies and their boards of directors in portfolio, management fee, and transactional issues.

The insurance and reinsurance work at Stroock also drew praise. The firm represents firms in coverage disputes involving environment, catastrophe, toxic tort, financial guarantee, advertising, directors’ and officers’, errors and omissions, fidelity, liability and property issues. Recent matters include advising MBIA and representing Continental Casualty against select Lloyd’s of London underwriters. Firm clients also include Goldman Sachs, Royal & Sun Alliance and Arch Insurance.

Clients could not praise New York-headquartered **White & Case** enough. The firm’s litigation experts were noted for their “preparation, attention to detail and deep involvement” in cases, and several clients attested that White & Case litigation teams “considerably out-lawyer the other side.” One happy client noted the firm’s deep bench, recalling how “the junior lawyers were superbly prepared and able to lay their hands on a particular document within seconds,” adding that “the White & Case team left the opposition for dead.” Still other clients said they choose the firm because the attorneys are “practical, professional and responsive,” which creates “the ideal relationship for outside counsel.”

White & Case boasts a national reputation for proficiency in international arbitration matters, and New York partner **Paul Friedland** boosts the firm’s status in this area. As co-head of the international arbitration practice group, Friedland has been involved in a range of international arbitration, chiefly in the oil and gas, power, telecommunications and construction industries. The New York office is also adept in the areas of antitrust and intellectual property, and in recent matters has obtained the reversal of a district court’s dismissal of an antitrust suit for Sandoz against a competitor, ultimately negotiating a big settlement, and also represents Pfizer in ongoing patent-related matters, including a recent successful outcome in an infringement suit against Teva Pharmaceuticals USA.

In general litigation matters, head of the 600-lawyer global disputes practice, Vincent “Vin” FitzPatrick, recently represented Syngenta Seeds in a price-fixing case filed against the company and a co-defendant by a group of corn and soybean farmers,

ultimately securing the US Court of Appeals for the Eight Circuit’s affirmation of the district court’s denial of class certification and reducing Syngenta’s potential exposure. Partner Glenn Kurtz heads the global commercial litigation practice and is lead counsel on one of the largest multi-district litigation securities fraud cases ever filed, involving client Ahold’s disclosure of an about \$1 billion overstatement of earnings and also is defending Bank of America in a litigation brought on behalf of Adelphia Communications Corporation, which is said to be one of the largest and most complex cases ever brought in the Southern District of New York.

The 2004 merger between Boston firm Hale & Dorr and Washington DC stalwart Wilmer Cutler Pickering brought together a total of more than 1,000 lawyers in 11 US cities, now collectively known as **WilmerHale**. Peers say this firm’s New York practice is “first rate” and count its securities group, which has been deeply entrenched in recent years in the IPO litigation on behalf of Credit Suisse and Citigroup Global Markets, among the best in the country. “A new generation has rejuvenated” the firm’s “longstanding national antitrust reputation,” and peers say these “antitrust specialists” appear “in a lot of litigations.” Of particular note is the firm’s role in obtaining a ruling from the Supreme Court earlier this year blocking investors from using antitrust law to sue client Citigroup Global Markets and other Wall Street banks implicated in the IPO litigation mentioned above. Partners also support the firm’s traditionally strong intellectual property practice, which market insiders say is undoubtedly one of the country’s best. Additional firm clients include DaimlerChrysler, General Electric, HSBC and Sears.

Peers unanimously agree that senior partner **Roger Witten** is one of the firm’s standout trial lawyers and a leader in the state. He covers a wide range of litigation matters and recently led Titan, Invision and ABB in Foreign Corrupt Practices Act cases. In practice for more than 30 years, co-chair of the securities department Robert McCaw was repeatedly hailed as a “very smart and good litigator” and a leader of the securities Bar. Paul Engelmayer is described as “an absolutely superb litigator.” One competitor said: “I’ve known him since I was eight and I’ve admired him all that time; he’s a great trial lawyer.” Christopher “Chris” Lipsett also is credited with handling a lot of the complex antitrust work that comes through the firm.

Bernstein Litowitz Berger & Grossmann LLP

1285 Avenue of the Americas
New York, NY 10019

Tel: 212 554 1400
Fax: 212 554 1444
Website: www.blbglaw.com

Managing partners: Max W Berger, John (Sean) Coffey

Number of partners: 13
Number of counsel: 7
Number of qualified lawyers: 27

Firm profile:

A distinguished group of trial-tested litigators, Bernstein Litowitz Berger & Grossmann (BLB&G) handles complex commercial litigation for corporate, institutional, and private clients on a contingency fee basis. BLB&G is the leading law firm worldwide advising institutional investors in issues related to corporate governance, shareholder rights, and securities litigation. We provide comprehensive asset protection services, including portfolio monitoring, to over 100 of the most significant and respected public pension funds and private institutional investors in North America and abroad. Since its founding in 1983, BLB&G has obtained over \$20 billion in recoveries for investors, achieved precedent-setting corporate governance reforms on behalf of its institutional investor clients, and has prosecuted some of the most significant employment discrimination, civil rights, and consumer protection cases on record.

Areas of practice:

Antitrust, Consumer Fraud, Corporate Governance and Shareholder Rights, Derivatives and Specialty Investment Products, Distressed Debt and Bankruptcy, Employment Discrimination and Civil Rights, ERISA Fraud, False Claims-Qui Tam, Patent Infringement and Protection, Securities Fraud

Other offices:

San Diego, CA; New Orleans, LA; Westfield, NJ

AARON R MARCU



COVINGTON & BURLING LLP

The New York Times Building, 620 Eighth Avenue
New York, NY 10018

Tel: 1 212 841 1078
Fax: 1 646 441 9078
Email: amarcu@cov.com
Website: www.cov.com

Aaron Marcu is head of Covington & Burling's White Collar Defense and Investigations practice, one of the premier white collar groups in the United States. He has been repeatedly named one of the nation's leading criminal defense and SEC enforcement lawyers by surveys and publications in the United States and internationally, including *International Who's Who of Business Crime Lawyers*, *Best Lawyers in America*, *Chambers USA: Americas Leading Business Lawyers*, and *New York SuperLawyers*. Mr. Marcu defends public companies and their executives in white-collar criminal and SEC enforcement investigations and conducts internal investigations. Representative clients include: UnitedHealth Group, Pfizer, Goodyear, Adelphia, Delphi, Bausch & Lomb and Société Générale. He also frequently advises audit committees and special committees in sensitive matters. Before entering private practice, he served as an Assistant United States Attorney in the United States Attorney's Office for the Southern District of New York from 1983 to 1989. Marcu successfully prosecuted leaders of the mafia while in the Organized Crime Unit and then served as Chief Appellate Attorney, Chief of the Major Crimes Unit and finally as the Associate United States Attorney. He received his BSJ With Highest Distinction in 1977 from Northwestern University's Medill School of Journalism and his JD, cum laude, in 1980 from Harvard Law School.

Mayor Rudolph Giuliani appointed him Commissioner of the New York City Civilian Complaint Review Board in 1995, responsible for investigating allegations of brutality and misconduct by the New York Police Department, and has served on many other boards.

COVINGTON
COVINGTON & BURLING LLP

MICHAEL J DELL**KRAMER LEVIN NAFTALIS & FRANKEL LLP**

1177 Avenue of the Americas
New York, NY 10036
Tel: 1 212 715 9129
Fax: 1 212 715 8000
Email: mdell@kramerlevin.com
Website: www.kramerlevin.com

Mr. Dell is an experienced trial and appellate lawyer who serves as lead counsel in securities, accountants and auditors liability, commercial, real estate, insurance, ERISA, fiduciary and employment class action and other lawsuits. He also conducts arbitrations and mediations. In addition, Mr. Dell represents clients in connection with investigations and enforcement proceedings before federal and state agencies and self-regulatory organizations. Although Mr. Dell most often represents defendants, he has obtained significant judgments or settlements for plaintiffs.

Among his recent representations are the following:

- Defense of Deloitte Touche Tohmatsu in the Parmalat MDL litigations. See 2007 WL 2120279; 2007 WL 2263893; 477 F.Supp.2d 602; 477 F.Supp.2d 637; 2007 WL 1169217 (SDNY 2007).
- Defense of Citco Fund Services in a market manipulation securities fraud action. See 2007 WL 1989336 (2d Cir 2007).
- Defense of Northern Trust Company in an ERISA class action. See 426 F.Supp. 2d 130 (SDNY 2006).
- Defense of Goldman, Sachs & Co in NASD and NYSE securities arbitrations and litigations. See 2005 NASD Arb LEXIS 1596; 382 F.Supp.2d 1112 (D Mo 2005); 2003 NYSE Arb LEXIS 52.
- Defense of Aetna, Inc in commercial litigation. See 27 AD 2d 439 (2d Dept. 2006).
- Defense of Phipps Houses against litigation concerning withdrawal from the Mitchell-Lama Program. See 6 NY 3d 783 (2006).

**KRAMER LEVIN
NAFTALIS & FRANKEL LLP**

GARY P NAFTALIS**KRAMER LEVIN NAFTALIS & FRANKEL LLP**

1177 Avenue of the Americas
New York, NY 10036
Tel: 1 212 715 9253
Fax: 1 212 715 9238
Email: gnaftalis@kramerlevin.com
Website: www.kramerlevin.com

Gary P Naftalis is a co-chair of Kramer Levin Naftalis & Frankel LLP, where he heads the firm's litigation practice.

One of the nation's leading trial lawyers, he represents individuals and corporations in complex civil, criminal and regulatory matters, including those involving allegations of insider trading, market manipulation, accounting irregularities and other financial fraud. He was selected recently as one of the 100 most influential lawyers in America by *The National Law Journal* and one of the 10 Leading Trial Lawyers in the United States by *Legal 500*.

He recently successfully defended Michael Eisner, the CEO of The Walt Disney Company, in the shareholders derivative lawsuit relating to the hiring and termination of Michael Ovitz. After a 37 day trial in the Delaware Chancery Court, Mr. Eisner and the other Disney Directors prevailed on all counts. The Disney case was chosen as one of the top defense wins of 2005 by *The National Law Journal*.

During his 30+ year career he has successfully represented numerous securities industry clients, including Salomon Brothers, Kidder, Peabody and Canary Capital Partners. He has been counsel for significant figures and entities in investigations and litigation concerning corporate accounting irregularities, including the recent successful representation of the Chairman and Founder of Global Crossing.

Mr. Naftalis is a Fellow of the American College of Trial Lawyers. He served as Deputy Chief of the Criminal Division in the U.S. Attorney's Office for the Southern District of New York. He is the author or co-author of numerous books and articles, including the leading work on the grand jury system: *The Grand Jury: An Institution on Trial* (with Judge Marvin E Frankel).

**KRAMER LEVIN
NAFTALIS & FRANKEL LLP**

HAROLD P WEINBERGER**KRAMER LEVIN NAFTALIS & FRANKEL LLP**

1177 Avenue of the Americas
 New York, NY 10036
 Tel: 1 212 715 9132
 Fax: 1 212 715 8132
 Email: hweinberger@kramerlevin.com
 Website: www.kramerlevin.com

Harold P. Weinberger heads Kramer Levin's Advertising Group and is one of the country's leading practitioners in the field. He has been lead counsel in the litigation of many significant false advertising cases under Section 43(a) of the Lanham Act, representing both plaintiffs and defendants. Mr. Weinberger has also defended class actions alleging that consumers were defrauded by false advertising claims.

Mr. Weinberger's recent false advertising matters include his successful representation of McNeil-PPC, Inc, the manufacturer of Reach® dental floss, in which he obtained an injunction against Pfizer, Inc., the manufacturer of Listerine® mouthwash. He obtained a judgment on behalf of Johnson & Johnson enjoining CIBA Vision Corporation from making false claims comparing its O₂OPTIX® contact lenses with ACUVUE® lenses and also awarding corrective advertising. Mr. Weinberger represented AstraZeneca in a false advertising dispute with TAP Pharmaceutical, in which he defeated a preliminary injunction motion seeking to enjoin AstraZeneca's "Better is Better" comparative advertising campaign for Nexium®. He also obtained a verdict dismissing a complaint of Colgate-Palmolive, Inc that advertising claims by The Procter & Gamble Company comparing its Crest Whitestrips® tooth bleaching product to Colgate's Simply White® product were false or misleading.

Mr. Weinberger has spoken on issues relating to advertising at cosmetics and pharmaceutical industry legal conferences and at ABA, PLI and other CLE seminars. He has authored numerous publications on the Lanham Act and related false advertising issues. Mr. Weinberger is a Lecturer in Law at Columbia University Law School, where he teaches a seminar in false advertising law.

**KRAMER LEVIN
 NAFTALIS & FRANKEL LLP**

**Patterson Belknap Webb & Tyler
 LLP**

1133 Avenue of the Americas
 New York, NY 10036-6710
 US

Tel: 212 336 2000
Fax: 212 336 2222
Website: www.pbwt.com

Firm co-chairs:

William F Cavanaugh and Robert P LoBue

Litigation department chair:

Paul G Gardephe

Firm profile:

More than half the attorneys at Patterson Belknap Webb & Tyler are devoted to litigation. Our litigating partners have tried hundreds of cases, including many of the most complex in their fields. The group is active in a variety of industries and practice areas, including intellectual property such as patents, false advertising, trademark and copyright; subprime mortgage; financial litigation; products liability; media and entertainment; law firm defense; antitrust and government investigations.

Patterson Belknap's litigation practice is both broad and deep. Our white collar defense and investigations practice is headed by the former chief appellate attorney of the US Attorney's Office for the Southern District of New York; it now also includes both the former Chief Judge of the Southern District and a past Attorney General of the State of New Jersey. Our patent group continues to enjoy a long string of trial successes, including the two largest patent verdicts in one year. Our litigators pioneered the law of false advertising and have represented consumer products companies in many of the false advertising cases decided by the United States Court of Appeals for the Second Circuit in the past two decades. Our employment litigators have defended numerous companies in matters involving non-compete agreements, trade secrets, confidentiality breaches, discrimination claims, ERISA and independent contractor issues. We also have a burgeoning practice defending law firms facing claims of legal malpractice. Some of the top firms in the nation turn to us when their own integrity and business are on the line.

MARTIN LONDON**PAUL WEISS**

1285 Avenue of the Americas
New York, NY 10019-6064
Tel: 1 212 373 3197
Fax: 1 212 492 0197
Email: mlondon@paulweiss.com
Website: www.paulweiss.com

Of counsel in the Litigation Department, Martin London has an extensive practice that encompasses broad litigation issues both domestically and internationally, involving both criminal and civil matters. Mr. London's civil experience includes trials and litigation of numerous commercial cases involving antitrust, breach of contract, tortious interference, real estate, product liability, securities laws, environmental laws, insurance, administrative law and miscellaneous torts. His criminal representations include that of Vice President Spiro Agnew in connection with criminal charges brought against him that led to his *nolo* plea and resignation. He has also served as counsel to the Special Litigation Committee of a mutual fund Board of Directors respecting shareholders' derivative litigation, and defended numerous securities litigations for a number of clients that include New York's largest investment banks. Furthermore, Mr. London has represented Citigroup with various lawsuits arising out of the WorldCom collapse, and is representing Chubb in a number of 9/11-related cases. A fellow of the American College of Trial Lawyers, and a recipient of the Award for Outstanding Oral Advocacy, presented by the Office of the Appellate Defender, Mr. London has been twice appointed special trial counsel by special New York judicial tribunals to prosecute judicial misconduct cases. Mr. London has lectured extensively, including a talk given during the national meeting of the Securities Industry Association on the intricacies of the Private Securities Litigation Reform Act. Mr. London graduated *cum laude* from the New York University School of Law in 1957, where he was a member of *Law Review*.

Paul | Weiss

DAVID M COVEY**SEDGWICK DETERT MORAN & ARNOLD LLP**

125 Broad Street, 39th Floor
New York, NY 10004
Tel: 212 422 0202
Fax: 212 422 0925
Email: david.covey@sdma.com
Website: www.sdma.com

David M Covey is a partner at Sedgwick and a prominent litigation and trial attorney. He co-chairs the firm's Mass Tort & Complex Litigation Practices group. Mr. Covey focuses his nationwide practice on products liability, environmental and toxic torts, mass tort, class actions and complex litigation. He has been lead counsel and first chair trial attorney in numerous matters of significance for his clients for more than 25 years. Mr. Covey possesses extensive experience in successfully representing diverse corporate clients in matters involving pharmaceuticals, medical equipment, chemicals, automotive products, construction machinery and industrial equipment. One of his defense verdicts was cited by the *National Law Journal* as a "Top Win for the Defense" in 1998.

Mr. Covey serves as national counsel to a leading chemical manufacturer in an MDL litigation. He is lead counsel and national coordinating defense counsel to a prominent pharmaceutical company. Mr. Covey is national counsel for this client in an MDL in over 2,400 opt-out cases pending throughout the country and in four class actions pending in Canada. He is also lead defense counsel for a major medical device manufacturer. He has served as national trial counsel in numerous other matters and has a significant record of success in bringing *Daubert* motions.

Mr. Covey is a Fellow of the International Academy of Trial Lawyers and a member of the American Board of Trial Advocates (ABOTA), American Bar Association, Defense Research Institute and New York State Bar Association.

He is listed in "The Best Lawyers in America" (2006 & 2007) (category: Mass Tort Litigation) and "The Best Lawyers in New York," *New York Magazine* (August 2005 & July 2006) (category: Mass Tort Litigation).

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