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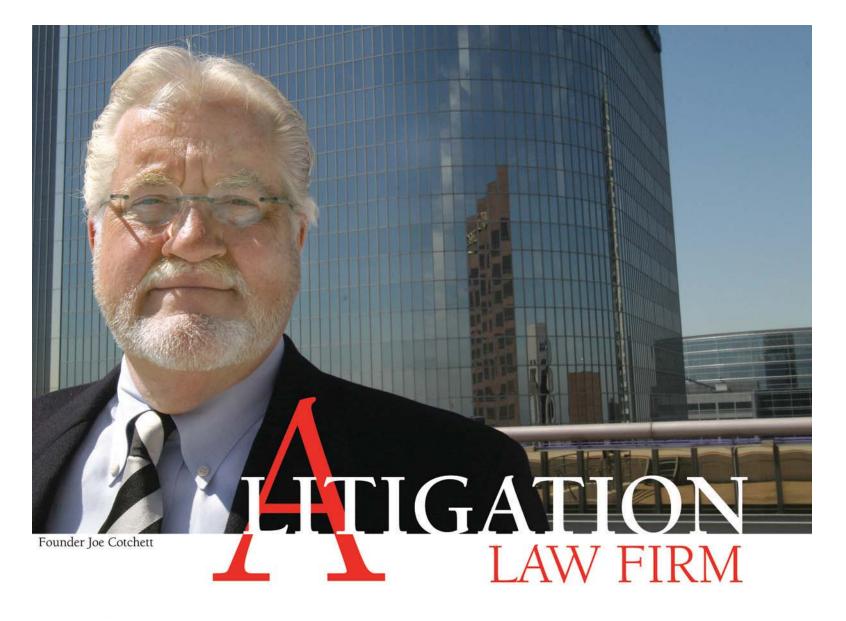
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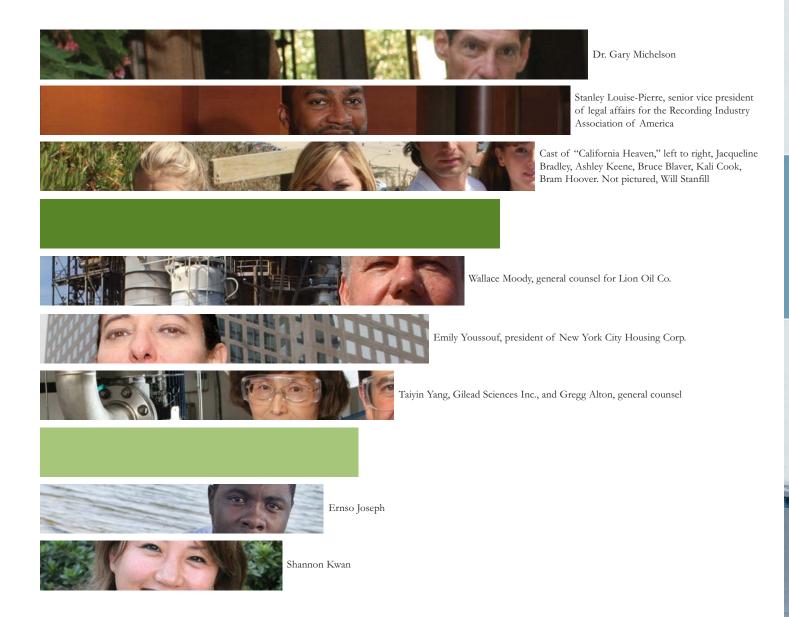
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On the Cover



LAWDRAGON 500

Who needs a lawyer, you ask? The people here did. From a Haitian immigrant to the cast of a Malibu soap opera, from an Arkansas oil man to a Silicon Valley drug maker, they all needed a lawyer at one time or another — and finding the right one made all the difference. You never know when you may need one too. Maybe not today, but when that time comes, it's nice to know who's the best. The Lawdragon 500 Leading Lawyers in America is the single guide to the best lawyer, in any given field, anywhere in the country.

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| Lawyers for Everyday People Most of us have legal needs when we get married, or have assets to protect and pass on. Here's how of a find a family law lawyer and estate planning attorney, and what to do once you've whired one. | 14 |

FEATURES

Shades of Gray Lifetime tenure was meant to insulate Supreme Court justices from the whims of politics. What it may have done, though, is enfeeble the rule of law, which is now in the hands of a court who averages in at age 70.

One Kid at a Time With the help of a rancher, a race car driver and a crew of volunteers, Oklahoma Lawyers for Children grits its teeth and does what it does best — change lives.

The Last Consigliere At 76, Bert Fields is still the ultimate Hollywood insider the studios and stars turn to — often simultaneously — to ensure that the cameras keep rolling for Spiderman II and stars like Tom Cruise keep burning bright.

Kill Bill Vol. 2 After fending off an armored assault by the U.S. Congress, Bill Lerach is once again in the crosshairs. They may take down Lerach. They may not. But one thing is certain: the forces of Bill will survive.

Ball and Chain It's not enough that corporations have to hire lawyers to help them get probation for business offenses, they're also spending hundreds of thousands on legal counsel to ensure they keep their noses clean.

s still stars t the like **Paper Bullets** Lawsuits against gun manufacturers have a place, argues pro bono lawyer David Lash. If nothing else, they keep alive the national debate on guns, violence and the daily death wrought on the killing fields of inner-city America.

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From the Editors

This magazine would have been easier to launch were Johnnie Cochran still alive.

Because, love him or hate him, everyone knew Johnnie. His funeral in a vast church in Los Angeles in June demonstrated his reach from the downtrodden to the demigod. The Hollywood studio executive, the New York City cab driver, the elderly fellow parishioner, they all had an opinion about Johnnie. His rites were attended by O.J. Simpson, whose spectacular acquittal on murder charges he engineered, as well as Michael Jackson. What was most remarkable, however, was the ordinary people who lined up by the hundreds in their Sunday best, or whatever they could muster that was clean and dignified, for a multimillionaire they considered one of their own. Wings that spread so wide exemplify the intended reach of justice in our country, so broad we all soar with it. Johnnie lived a life that led people to know the law touches everyone. Our mission here at Lawdragon is to open up the law to the masses. Whether a San Francisco securities litigator or a divorce lawyer in Louisville, Kentucky; a U.S. Supreme Court Justice or a public defender in Des Moines, Iowa; we give a voice to all of them. We also give a voice to those who hire them, whether it's your mother, a baby adopted from a trash can, a doctor whose invention has been stolen, or Exxon's general counsel. With that in mind, our debut issue features The Lawdragon 500 Leading Lawyers in America.

In our debut issue, you'll find the hottest custody lawyers, killer prosecutors and eminent legal scholars, along with the save-your-ass lawyers who can get anyone out of hot water.

In one place, we offer up a definitive guide to the best and brightest legal talent in the 50 states. You'll find the hottest custody lawyers, killer prosecutors and eminent legal scholars, along with the save-your-ass lawyers who can get anyone out of hot water. Like Cochran before them, these 500 lawyers are today's legal rock stars. • What you won't

find are many of the talking heads littering our electronic media today with what seems to be nonstop pablum aimed mostly at self-promotion. This is not their list. This is your list, and hence it is populated by lawyers who've won a case or two instead of just opining about how to do so. We promise you we'll always do our homework to find the best lawyers to handle your problems. And, like Johnnie, we don't expect that this will always make us popular, but at least we'll give it to you straight. • We're eager to hear what you think about our selections, since what we aimed to do when we left our jobs at the country's best legal newspaper was to create free legal information for anyone interested in the legal industry. We are not walled-off reporters you can't get hold of — we're here, eager to hear from you and to create a real connection between consumers and lawyers. • With our Web site, www.lawdragon.com, we plan in three years time to include evaluations of every lawyer in the country, so that Carrie in Kaawa, Hawaii, will have somewhere to find a lawyer when she's faced with the loss of her children, and Manuel from East L.A. will, if he can scrape together \$200, not be left to the whims of the overworked public defender, and entrepreneur Betty can get help navigating the countless business requirements to open her Cleveland clothing boutique. We're a country of lawyers and laws, where too many people feel justice is only for the rich.

The law matters because it is for everyone, whether rich or poor, high or low. But somewhere along the way, the people in the middle lost the belief that they could find a lawyer to help them with life's basic problems. • We at Lawdragon think that's wrong and have put our money where our mouth is to create a different approach. We don't think conservatives are always bad or public interest lawyers always good. We don't think plaintiffs' lawyers are greedy or big firm lawyers corporate lackeys. • We think the law is precious and perverted, serious and sublime. The vagaries of that form many an evening's debate. • What's not open to question is that in this country, where justice is promised to everyone, a good lawyer is your best chance of seeing that right fulfilled. • One need look no further than to recent corporate kings and pop stars alike to see the difference good lawyering can make. • Everyone should have a shot at justice. And Lawdragon is here to do our best to make that happen.





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To speak of gratitude is to diminish it. We read that once, and hope this mention of those who were there for us as we launched Lawdragon only conveys how much we appreciate the generosity they've extended to Lawdragon. A friend said we should have made a reality show out of "The Startup" as our crew of 12 editors and reporters set out to build a new kind of legal news service that actually put the consumer ahead of the lawyer. Crazy, we know. Had we, you would have seen among the supporting cast (and in alphabetical order): Jeffrey Anderson, Aileen Argentini, Anne Bothwell, Skip Davidson, Bob Emmers, Jen Guzman, Gabe Harriman, the Hums (including Tison & Wills), Lindsay Huston, Bobbie McMorrow, Mojo, A. Max Noxon, Ulrich Schnetter, Dan Seaver, Tim Schuler, Carol Stogsdill, Sinta Tan and all our family and friends. Each of you inspired us, sustained us and put up with us. Finally, among those who have given the most are the world's best friends. They prefer not to be named and we will respect that. After all, we're journalists first and foremost. We trust you know who you are and how much you are loved and appreciated. You have given us the gift of seeing our dreams take flight.

LAWDRAGON

salutes the



in America

Who's Hot, Who's Not

Some sizzled, some fizzled. Here's a look at lawyers, lawsuits and legal systems that fired up or cooled down the courts this summer.

— Tina Spee

H 0 T

> N O T

N O

H 0 T

> H 0 T

N O T Thomas Mesereau Jr.

Mesereau & Yu, Los Angeles
Child molestation defendant and music pop
icon Michael Jackson vacationed at a prince's palace
in Bahrain instead of doing 18 hard years in Wasco State

Mark Geragos

Geragos & Geragos, Los Angeles
Michael Jackson cut ties with celebrity defense lawyer because
he was spending too much time on the Scott Peterson murder
trial, which he spectacularly lost.

Prison, courtesy of this silver-haired criminal defense lawyer.

Delaware

Ranked the most fair legal system in the country in a study conducted by the U.S. Chamber of Commerce's Institute for Legal Reform, which took into account jury predictability, treatment of scientific evidence and quality of judges.

Mississippi

Came in last in the nationwide study.



Donald Watkins

Law Office of Donald Watkins, Montgomery, Alabama
While corporate scandals sent Tyco, WorldCom and Adelphia
execs, not to mention domestic diva Martha Stewart, to the
slammer, Watkins won an improbable acquittal for Richard
Scrushy, the HealthSouth Corp. CEO charged with defrauding
the company of \$2.7 billion.

Stephen E. Kaufman

Stephen E. Kaufman P.C., New York
Money can buy \$15,000 umbrella stands and \$6,000 shower
curtains, and hopefully a gilded jail cell for Kaufman's client,
former Tyco International CEO Dennis Kozlowski, convicted of
bilking the company for \$600 million.

Asbestos

Asbestos firms' stock jumped nearly 23 percent on Wall Street this summer after the Senate Judiciary Committee approved a bill that would curb their liability by creating a \$140 million victims compensation fund.

Vioxx

The prescription arthritis medication suffered its first defeat in court in August when Mark Lanier convinced a jury that drug maker Merck & Co. should pay \$253 million to settle one wrongful-death lawsuit. Four thousand wrongful-death and injury cases are expected to follow.

Above the Law

There's more to lawyers than billable hours and legal briefs, really.

To prove it we asked three lawyers — Donn Pickett, chairman of 850-attorney Bingham McCutchen in San Francisco; corporate associate Jeremy Huff at New York's Skadden, Arps, Slate, Meagher & Flom; and bankruptcy expert and Harvard Law School professor Elizabeth Warren — about something other than the law.

O: Where did you vacation this summer?

Pickett: Lanikai, Oahu

Huff: I spent two and a half weeks in March traveling in China — Hong Kong, Shanghai, Beijing and Chengdu.

(): If you could do any other job, what would it be?

Pickett: Travel consultant Huff: Rock star

O: Who were your childhood heroes?

Warren: Laura Ingalls Wilder (in all of her "Little House" books), Jo in "Little Women,"
Scarlet O'Hara in "Gone With the Wind," Clara
Barton and Lucy Ricardo. We obstreperous
girls took our heroes wherever we could find them.

O: What's the last great book you read?

Pickett: "Anna Karenina"

Warren: "Courting Failure: How Competition for Big Cases is Corrupting the Bankruptcy Courts." I love this book.

Q: What music is currently on your

iPod/mp3 player?

Pickett: "Facing Future" by Israel "Iz" Kamakawiwo'ole Huff: "Hot Fuss" by the Killers Warren: Patsy Cline's "12 Greatest Hits"

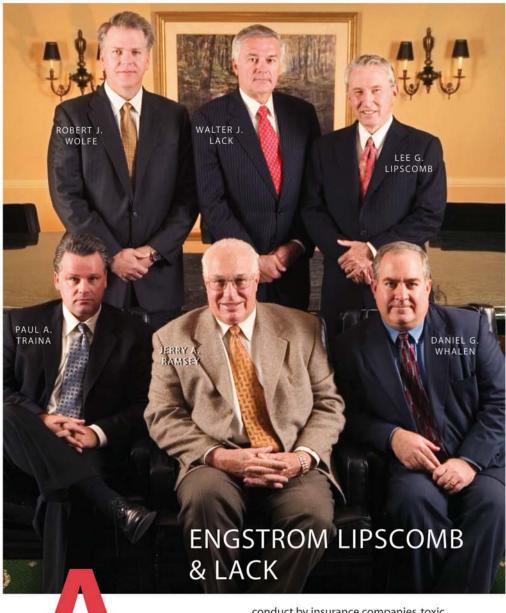
• What would your perfect day be like?

Warren: A day in which I get everything on my list done.

Q: What's one thing you'd like to do before you die?

Pickett: Live to 90
Huff: Just one?

Warren: Witness something so wonderfully unexpected that I have to pause to consider whether it could be a miracle.



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IN THE FOREFRONT Engstrom, Lipscomb & Lack has situated itself on the front line of consumer advocacy, prosecuting the rights of consumers in aviation disasters, bad faith

conduct by insurance companies, toxic pollution of our air and water, corporate misconduct, and the manufacture of defective vehicles, drugs and other products. The firm's expertise also includes class actions, complex business disputes, construction defects, entertainment, personal injury, wrongful death and professional liability.

LEADING THE WAY IN PROTECTING CONSUMERS

ON THE CASE This year, Engstrom Lipscomb & Lack congratulates Walter Lack, a name partner of the firm whose career embodies the best in legal representation, and who has been chosen among the Lawdragon 500 Leading Lawyers in America.

Walter J. Lack, recipient of many national, state and local trial achievement awards, concentrates on complex business litigation, insurance bad faith, mass toxic tort and environmental litigation, professional liability, aviation crash litigation and class actions.

Engstrom, Lipscomb & Lack also congratulates five outstanding members of the firm selected as Lawdragon 500 nominees.

Lee G. Lipscomb, who has secured numerous multimillion dollar awards for his clients, focuses on litigation involving aviation, catastrophic personal injury, mass torts, wrongful death, and products liability.

Jerry A. Ramsey, author and frequent presenter, specializes in representing victims of insurance bad faith, as well as insurance policy interpretation, products liability, professional liability, and appellate cases.

Robert J. Wolfe represents consumers in construction defect litigation, professional malpractice actions and defective product claims. Currently, he is active in assisting victims of the 2003 wildfires in disputes with insurance companies, among other important cases.

Daniel G. Whalen, represents plaintiffs in insurance, products liability, personal injury and governmental liability cases, with an emphasis on challenging inappropriate practices by insurance companies, vehicle manufacturers and tire makers.

Paul A. Traina, an expert in complex civil and business matters, focuses on the rights of consumers in class action lawsuits, securities litigation and professional liability claims.

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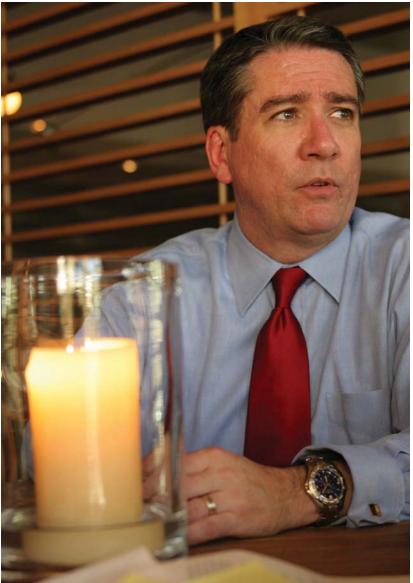


Photo: Hugh Williams

It's not your typical August evening in Las Vegas: hot, of course, but not too hot, and the sky is cloudy. That's Daniel Polsenberg's observation of the day as we take our seats at a corner table in Simon, a small and unassuming bar and restaurant inside the Hard Rock Café Casino, just off the strip.

At not quite 5:30 p.m., the bar area is just opening and completely empty, except for staff. Polsenberg orders a glass of pinot noir after he and the young waiter chat briefly about relatively cool weather. Polsenberg looks formal, dressed in the standard lawyerly garb of plain blue dress shirt with deep red tie, but he is immediately loose and generous with his laughs and jokes despite a minor setback in one of his cases today. That's something he'll talk more about later.

Polsenberg is the first lawyer to agree, somewhat reluctantly, to be interviewed for Lawdragon's recurrent column, where we pick the brains of legal luminaries as we ply them with alcohol at a local watering hole. Things don't always go according to plan. It's Monday, the start of a long work week, and there just isn't the time or the will to get plastered. Polsenberg has no trouble talking without booze, however, even conceding one of his contradictions about his appearance: He never loosens his tie but isn't afraid to break out the cowboy boots, even if tonight isn't the night.

The contradiction fits his background. Polsenberg is originally an East Coaster, born and raised in Philadelphia and a graduate of the

Cocktails With...

It was a gamble that didn't quite pay off: drag Daniel Polsenberg to the strip, ply him with drinks and pray he'd spill his guts about his work. It was a push. The Las Vegas appellate lawyer saw through our ruse and kept his composure, but did dish about Nevada's most fascinating, provocative cases ... from right to die to Tark the Shark.

BY JOHN RYAN

Boston College Law School. But he's a Vegas guy at heart by now, a lawyer here for more than two decades. During that time, he's emerged as one of the nation's top appellate specialists.

Polsenberg is a partner at one of the city's most prominent law firms, Beckley Singleton, a general interest shop of 30 attorneys. In his practice, Polsenberg regularly helps corporate clients knock down multimillion-dollar judgments and verdicts against them. He is best known, however, for a willingness to take politically sensitive and first-of-their-kind cases, helping to make new law along the way.

The 48-year-old attorney also shows a soft spot for the underdog by taking on numerous pro bono matters.

It's the type of diverse and exciting practice Polsenberg always wanted. As he sips his wine, however, watching some pre-season football on the screen across the room, Polsenberg also fondly recalls his much grittier days in Vegas. The year was 1979, when he spent the summer before his first year of law school here.

Lawdragon: So that first summer, you were just hustling around town trying to make ends meet?

Daniel Polsenberg: Well, hustling means something different here. [Laughs.] But yeah, I worked whatever jobs I could get. The joke we used to tell is that, after unloading trucks in the summer heat in Las Vegas — where it was 170 degrees inside the truck — I decided to go to law school so I'd never have to work for a living again. But it gave me a good work ethic.

LD: What made you come back here for legal work?

DP: I got law-related jobs in Vegas during [the summers of] law school, and there were just so many opportunities here for interesting legal work, with it being a small town and especially a small town that was booming. That was the most important thing to me, to have work that I enjoyed ... One summer I worked for a legendary Las

Vegas lawyer, Morton Galane, who was working on Wayne Newton's [famous libel lawsuit] against NBC News [a lengthy case that resulted in a multimillion verdict, later overturned]. Just imagine, your second year in law school and you're working on a case like that. So that was it, I was hooked on Vegas.

LD: What else did you like about the city other than the legal work?

DP: The people here are like the weather: sunny and hot. People are very open when talking about things, not closed up or close-minded, which I saw a lot of back East.

LD: How'd you get into appellate law?

DP: I started out as a trial lawyer, then I just fell in love with the law. It was the same kind of thing earlier in my life, when I always thought I would go into politics. Once I got to see the beauty of justice I changed my mind about politics and went into law. The same thing happened when I started doing appeals. I loved making law so much that I really cut down on the number of trials that I did. I still do some trials, and I get called into trials to save them for appeal.

LD: What do you like about it? Do you enjoy the briefing part at all?

DP: No, that's torture. ... I love oral arguments. I've argued 175 appeals, and in every case the night before I ask myself, "Why did I agree to do this?" Then about five minutes after arguments, I think to myself, "Wow, that was great." Good oral arguments are an amazing thing. You're talking with the judges or the justices, you're having a conversation with them — it's the closest you get to being part of making the law.

LD: How do you prepare?

DP: I start about a month before by reading [briefs and the case record] many times over. I read and reread, thinking of every possible question anybody could ask. Then, the night before — of course I'm getting too old to do this now — but the night before I stay up all night and read the entire record again, so I have it memorized.

LD: Do you still get nervous?

DP: I stopped throwing up. I always said that when I stopped throwing up, I would stop doing the cases. [Laughs.]

LD: What are some of your favorites?

DP: One of my favorite experiences was representing George Foreman, who was suing [the World Boxing Association] for the right to fight Michael Moorer in 1994 for the heavyweight championship. The reason the case was so amazing is that it took no time at all. We filed the complaint on a Monday, we had the motion for a temporary restraining order on Wednesday, and we had an 11-hour preliminary-injunction trial on Friday. We had a week without sleep, but, in a week, we had the case decided. That's the way litigation used to be before discovery. [Laughs.]

LD: What was Foreman like?

DP: The nicest guy you ever want to meet. You see how nice he seems on TV? He is even nicer in person. I learned one thing in that case: In a room full of lawyers, trust the boxer. At one meeting, his personal lawyer said, "I know you're in training, George, you want to eat lunch? You don't want to miss lunch." And George said, "Lunch

today is broccoli and water, I'd rather miss it."

As icing on the cake, Foreman went on to win the championship fight.

Polsenberg also handled appellate issues for Sin City legend and former UNLV head basketball coach Jerry Tarkanian's suit against the NCAA in which he claimed that the association unfairly targeted him for investigations over suspected rules violations, including his recruitment activities.

Polsenberg beat the NCAA's attempts to get a change of venue, paving the way for Tarkanian to get a \$2.5 million settlement in 1998.

LD: What was Jerry Tarkanian like?

DP: Tark's a very nice guy. It's funny you ask about those two cases. In my office I have a boxing glove signed by George Foreman and a basketball signed by Jerry Tarkanian. They are the only two pieces of memorabilia I have in my office except for a very small stuffed Energizer bunny that a judge gave me because I just won't let go — I keep going and going.

Polsenberg also handled the closely watched case of quadriplegic Kenneth Bergstedt, who in 1990 successfully petitioned for his right to die. By the time the ruling came down, his father already had removed his respirator, a move sanctioned by a lower court.

LD: Why do you take controversial cases, like the right-to-die case?

DP: It was a pro bono case. He needed an attorney to represent his interests on appeal. I'm fairly convinced that if that was my choice I would not opt for the same decision. I'd rather stay alive ... Some cases are painful.

LD: You do a lot of pro bono.

DP: I love pro bono. Justice [Cliff] Young on the Nevada Supreme Court used to tease me, "Well, Danny, working on any of your paying clients' cases today?"

One of my favorite cases was a pro bono case for Everett Newkirk [who was denied welfare benefits by Clark County and sued to have the welfare regulations declared unconstitutional]. We took that to the Supreme Court, and that was a very tough argument. They just about beat me up. That was back in the old Supreme Court building, where they had folded chairs for the audience, and I was convinced they had picked up the chairs and hit me over the head with them. But a year after arguments, we won the case, 3-2, back when they only had five justices.

Everett Newkirk was a real person. We got him welfare benefits, and he was able to get a place to live. The last I heard he had gotten a job and was off welfare, and all that was accomplished because volunteer lawyers agreed to take the case.

LD: What's your toughest loss?

DP: Every loss is tough. Oh man. Was it Yogi Berra who said, "Losing hurts worse than winning feels good"? That is true. We had three good results last week, but we had a minor setback in a case today, and I'm just all twisted up inside over it, and I'll probably be up all night upset over it.

But I'll probably figure it out by the morning, and I'll handle that setback.

WANTED: LAWYER FOR EVERYDAY PEOPLE

BY KATHERINE GAIDOS

DEATH AND TAXES

Estate planning lawyers help all kinds of people, from the very wealthy to those with other concerns, like future care for a disabled child. You may not think you have assets worth planning for, but look again — if you own a condo or a life insurance policy you already have reason to call an estate lawyer, Bove says.

When looking for an estate lawyer, try asking your financial planner, your accountant or another lawyer for names, Bove recommends.

Pick a lawyer who focuses on estate planning. "Unfortunately, most lawyers think they can draft wills or even trusts," Bove says, but that doesn't mean they're prepared to do a good job.

You can expect to pay between \$500 and \$5,000 for an estate plan, although some can run as high as \$25,000 for more sophisticated plans. Be wary of lawyers who offer a flat rate without evaluating your needs first, Bove says. A good estate lawyer should give an estimate only after an initial interview to get the skinny on your situation.

Once you've signed up with a lawyer, help him by providing detailed information about your assets, your family members and your objectives. A lawyer can't draft an estate plan without complete personal and financial information, Bove says.

As your estate plan takes shape, make sure you understand what your lawyer is telling you and what the plan documents say. "Ninety percent of people, when they walk out of the lawyer's office, have not a clue of what they have, what they did, and how it works," Bove says. Ask your lawyer for a written summary of your plan to consult later.

THE LAWS OF ATTRACTION

Don't wait to call a family lawyer until after love has wilted. Family lawyers handle more than just divorce and child custody disputes. They can help you protect your assets way before love takes a wrong turn. No need to be a billionaire to have a prenuptial agreement, Phillips says. If you enter marriage with something to protect — such as a business, a pension plan, or children from a previous marriage — you should consult a family lawyer.

To find the right family lawyer for you, ask lawyers you already know, like your business lawyer, Phillips says. Or ask your accountant or your therapist whom they recommend. Friends may also have ideas, but be careful: The lawyer who was right for your friend's situation may not be a good fit for yours.

When you do find a lawyer, make sure she is experienced in family law. Ask the attorney how many family law cases she has handled. "You really don't want somebody who dabbles in it," Phillips says, although she notes that in some small towns, full-time family law practitioners may be hard to find.

What you can expect to pay a family lawyer depends on where you live. New York and Los Angeles lawyers charge more than a country counselor. Wherever you live, Phillips says, ask your lawyer what he charges and how it adds up; for instance, will he bill in 15 minute increments, or something shorter?

Once you've lined up your lawyer, there's a lot you can do to help make the relationship a good one. For starters, tell the truth, Phillips says. Next, write down a list of your questions so that when you phone your lawyer you don't forget them and wind up making lots of short calls, which can cost the lawyer time and you money. One last piece of advice: "Have a therapist, so you don't just call your lawyer for handholding," Phillips says. A lawyer is a valuable partner, but there's no substitute for a shrink's comfy sofa.

Most of us will go our whole lives and never call an antitrust lawyer or a patent attorney. Instead, we're likely to have legal needs when we get married, or have assets to protect and pass on. But how do we choose the right lawyer for these everyday matters? Lawdragon asked two experts — family law attorney Stacy Phillips of Phillips, Lerner & Lauzon in Los Angeles and trusts and estates lawyer Alexander Bove of Boston's Bove & Langa — how to find a great counselor, and what to do once you've hired one.



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| Dealogic | Ranked #1 in wind power project finance by value and number of deals (2004) | |



SHADES OF GRAY

Lifetime tenure was meant to insulate Supreme Court justices from the whims of politics. As if anything could. What it may have done, though, is enfeeble the rule of law, which is now in the hands of a court who averages in at age 70 and is deciding fewer cases than at any time in the past 100 years.

By Adrianna Khoo

Among life's great levelers are advancing age and illness. They bear complete indifference to those whom they visit.

The grandson of a slave, Thurgood Marshall had accomplished more than any advocate in the history of American law, overthrowing segregation in many forms, only to be ushered off the high court at the age of 82, following a few naps.

Justice William O. Douglas served there for 36 years creating a body of law protecting individual rights and the environment. He was cast aside after a stroke at age 76 that left him unable to remember the names of fellow justices and court staff.

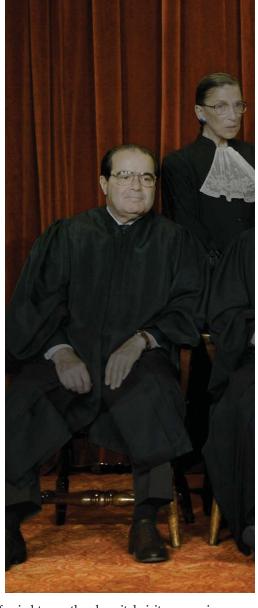
And now, there is Chief Justice William Rehnquist, who, at the time of this writing in late August, asserted his intent to preside over the fall term.

The Chief missed 44 oral arguments last term and did not participate

in 11 of the court's 80 opinions. Although he has presided in regal fashion over the high court for 19 years, the lingering image of the most important chief justice of the last half-century has become that of a

shuffling old man being ferried to another hospital visit, an empire in grasping but definite decline.

Whether or not the 81-year-old Chief takes the bench come the first Monday in October, court observers see a perfect storm — one some advocates say presents the ideal case for getting rid of the life tenure given the justices by the Constitution. Instead, they advocate that Congress pass a law or that the Constitution be amended to require mandatory retirement or term limits.



Doing Time

Since U.S. Supreme Court Justice John Paul Stevens entered the world 85 years ago, much has happened — including a Great Depression, a world war and the discovery of reality television. Here's a look back at history's major events as tracked through the lives of the high court.

1920 John Paul Stevens born April 20.
Women vote in their first presidential election.

1929 William Rehnquist turns 5. Car radio invented.

1933 Ruth Bader Ginsburg born in Brooklyn, New York. Construction of Golden Gate Bridge begins.



Photo: Associated Press

Rehnquist, who spoke to the national media in August, will only say that his timeline for retirement is "for me to know and you to find out." He wasn't precisely retired last term, but he was absent from the bench for much of October through March after he was diagnosed with thyroid cancer, which appeared to be in an advanced stage. He has made numerous trips to the hospital for chemotherapy treatment, colds, fevers and breathing problems. Rehnquist has said little about his illness.

Supreme Court spokeswoman Kathy Arberg refused to pose ques-

tions to Rehnquist about his health or his views on term limits for this article, instead directing all inquiries to the year-end reports that the chief justice composes. Arberg also declined to ask the other justices for their input.

Court observers are troubled by the sense of decline hanging over the court.

"We're in the situation of watching on a weekly basis to see if the

1936 Antonin Scalia and Anthony Kennedy born. Start of the Spanish Civil War.

1943 Rehnquist joins military as weather observer.

Monopoly board game makes debut.

1945 Stephen Breyer celebrates 7th birthday. Atomic bomb dropped on Hiroshima.

1948 Clarence Thomas born in Savannah, Georgia. Mahatma Gandhi assassinated.

1954 Court hands down 9-0 decision in *Brown v. Board of Education*.

1958 Sandra Day O'Connor opens own law firm. NASA founded

chief justice can continue doing his job," says David Garrow, a Cambridge University professor who has written about mental decrepitude on the Supreme Court.

Garrow favors mandatory retirement at age 75 to serve as a precautionary measure against what he believes to be the true problem: With age come mental and physical incompetence.

"The problem we face is of justices hanging on and hanging on while they're increasingly less able to do the job," Garrow says. "What system allows Rehnquist to still do his job between weekly trips to the hospital?"

Rehnquist also steers a vast federal bureaucracy that is left somewhat rudderless at the moment. As leader of the Judicial Conference, he oversees the principal policy-making body concerned with the administration of the U.S. courts, discipline of judges and court budgets.

For those who may see Garrow and his lot as ageist there is also the issue of whether the court has become hopelessly out of touch.

The fate of medical marijuana, same-sex marriage, abortion and digital file-sharing rests in the hands of a court with an average age of 70.

The most senior justice, John Paul Stevens, clocks in at 85.

Justices who grew up in a generation before computers, and when gays and unwed mothers were shunned, may be too long in the tooth and too out of touch to decide cases in a modern culture of changing values, argue a growing circle of court watchers that includes Duke professor Paul Carrington and Cornell professor Roger Cramton.

The two legal scholars are part of a movement to impose term limits for all newly appointed Supreme Court members. "Largely on moral issues, most people have made decisions a long time ago, and not much has changed them on the basis of Constitutional text or precedent or moral views," Cramton says.

Cramton, who clerked for Justice Harold Burton during the 1956-57 term, points to Bush appointee John Roberts, 50, as an example of someone who could work well into old age. But the vigor he would bring to the Supreme Court could molt after a few decades cloistered at the court.

"If he was there until 30 years from now, when he's 80, his formative thinking was based 20, 30 years ago — two generations out of sync with the concerns of the world," Cramton says.

Even Roberts has warned that long-entrenched judges could fall out of step with the society they serve.

"A judge insulated from the normal currents of life for 25 or 30 years was a rarity then but is becoming commonplace today," a 28-year-old Roberts wrote while working as a lawyer in Ronald Reagan's White House. He was offering his analysis of a Senate resolution that called for limiting members of the federal bench to 10-year terms, after which they could be reappointed.

Roberts' spokesperson did not return calls seeking comment on whether he still holds those views.

In his 2004 year-end report, Rehnquist seemed to go out of his way to support life tenure while tackling recurring accusations that the Court engages in "judicial activism." He also noted the importance of a judiciary that is independent yet well in touch with the public.

"By guaranteeing judges life tenure during good behavior, the Constitution tries to insulate judges from the public pressures that may affect elected officials," Rehnquist wrote.

Rehnquist says in the reports that protecting judicial independence

1964 Rehnquist advises on Goldwater presidential campaign. Congress passes Civil Rights Act.

1967 Thomas enters seminary school; later drops out.

Green Bay beats Kansas City 35-10 in first Superbowl.

1972 Rehnquist appointed to Supreme Court.
O'Connor becomes majority leader of Arizona senate

1973 Roe v. Wade protects woman's right to an abortion. (Rehnquist dissents.)
Billy Jean King defeats Bobby Riggs in the "Battle of Sexes."

1975 President Ford appoints Stevens to Supreme Court.
Microsoft founded.

1981 O'Conner first woman appointed to Supreme Court.

First AIDS cases reported.

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benefits the rule of law by allowing judges to make their decisions without the worry of public reaction.

"Nevertheless, our government, in James Madison's words, ultimately derives 'all powers directly or indirectly from the great body of the people.' Thus, public reaction to judicial decisions, if it is sustained and widespread, can be a factor in the electoral process and lead to the appointment of judges who might decide cases differently," the report says.

Rehnquist says that by giving judges secure tenure but also making the federal judiciary subject to the appointment and confirmation process, the Constitution strikes a balance between "judicial independence and accountability."

Cramton asserts, however, that the life of "magnificent isolation" justices must live to ensure impartiality results in a tremendous cultural rift.

"Being a judge on a high court is a very lonely life. It's the reason why some appellate judges have resigned," Cramton says. "You can't deal with members of the bar. Lawyers can't entertain them. You can't give presents to the justices and invite them to functions and affairs and the like."

He cites his own longtime buddy, Antonin Scalia, as an example.

"Scalia went on a duck-hunting shoot with Vice President Cheney because he is an old friend, and for months afterward there were stories that he compromised judiciary independence because Cheney is part of the administration and has lots of litigation in the Supreme Court," Cramton says.

Some judges have gone so far as to leave their secure positions in fear they were losing their productive edge.

"Personally I thought life as a judge was incredibly isolating and certainly took me out of touch with the dynamic of the law as it applies to the real world after 16 years," Michael Zimmerman, former chief justice for the Utah Supreme Court, says. The former clerk for Chief Justice Warren Burger from 1969 to 1970 voluntarily retired from the bench at age 56.

"If I were re-elected, I could have served 35 years; infinitely longer than I could remain fresh to issues," Zimmerman says.

Zimmerman, who retired in 2000, says that judges think issues through from "the ground up" the first time they are confronted with them.

"If it's the second, third or fourth time, you start from where you left off," he says. "You as a judge create your own doctrine based on your ideas from 20 years ago."

Ideas molded from a bygone era don't necessarily jive with modern reality. For example, says Cramton, hands-on experience with today's technology could have helped the Supreme Court justices shape their views in this year's *Metro-Goldwyn-Mayer Studios Inc. v. Grokster, Ltd.* In *Grokster*, the music industry sued three makers of file-sharing software products for allegedly allowing users to illegally download copyrighted music.

The U.S. District Court and the 9th U.S. Circuit Court of Appeals ruled for the software companies, holding they couldn't be held responsible for the illegal activities of third-party users. On June 27, the Supreme Court reversed and remanded the decision to district

1986 President Reagan appoints Scalia to the Supreme Court. Rehnquist elevated to Chief Justice. Soviets launch Mir space station.

1992 Kennedy casts swing vote upholding restrictions on school prayer.

Phrase "surfing the Internet" first popularized.

1994 Breyer appointed to Supreme Court by President Clinton. O.J. Simpson arrested for suspicion of double murder.

2000 Court stops Florida vote recount in presidential election. Reality hit "Survivor" debuts on television.

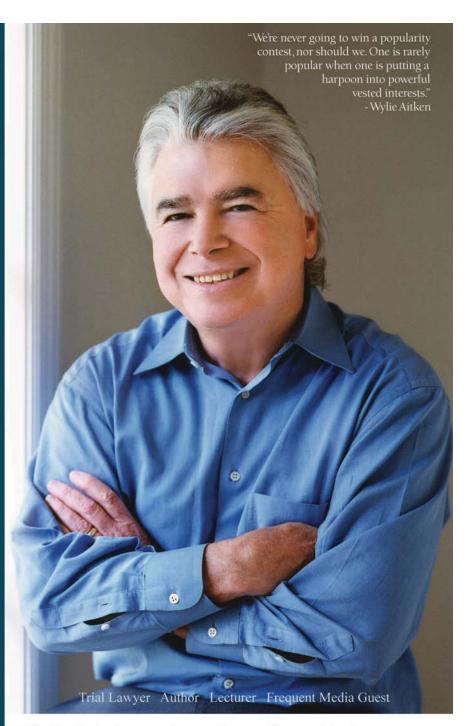
2005 O'Connor announces retirement.

John Roberts nominated to fill vacancy.

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court for trial on the grounds that the software companies must prove they did not intend for the technology to promote illegal activity. The case is now pending before the lower court with both sides likely to seek summary judgment.

"Certainly many in my age group — in their 70s — typed in high school, and when the computer and e-mail came out I adapted it to my work," Cramton says. "But I'm not up to what goes on in the music world. ... Certainly, some formative experience would help them to determine how they think about these issues."

Richard Taranto of Farr & Taranto in Washington, D.C., represents two of the file-sharing services in *Grokster*. Despite losing the case, Taranto, a former clerk to Justice Sandra Day O'Connor, disagrees with Cramton on adopting term limits.

Justice David Souter, well known for his aversion to computers and cell phones, wrote what many agreed was a well-reasoned opinion in the case.

"We hold that one who distributes a device with the object of promoting its use to infringe copyright, as shown by the clear expression or other affirmative steps taken to foster infringement, is liable for the resulting acts of infringement by third parties," Souter wrote for the court.

Taranto says he was impressed with the opinion's reasoning.

"With respect to the *Grokster* case, I don't think there was any real sign that the court was for reasons of age, or any other reason, out of touch with technological realities," says Taranto, who does not endorse term limits or mandatory retirement ages.

"I think it was a pretty widespread reaction of those who were in the courtroom listening to oral argument that the court collectively was quite on top of the technology issues. There was no sense of people who used quill pens and not knowing what the Internet was."

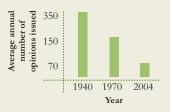
Fred von Lohmann of the Electronic Frontier Foundation, a public interest firm in San Francisco, also represented one of the file-sharing companies in *Grokster*. Like Taranto, the intellectual property lawyer doesn't endorse term limits.

Considering the vast breadth of subjects that the justices must wrap their minds around daily — from bankruptcy to Native American law to education and more — they are far more in touch with modern society than people give them credit for being, von Lohmann argues. The law clerks, usually in their 20s and 30s and fresh out of law school, often advise justices and draft opinions. They provide the younger generation's perspective, whether that concerns technology, marijuana, abortion or same-sex marriage, he says.

"These are not justices who are isolated and throwbacks from some period of American history. They have a steady stream of law clerks that represent generations much younger, and there's no sense that these justices are living in the '50s," von Lohmann says.

Downtime

Since congress gave the Supreme Court the power in 1925 to choose its cases, the number it hears each term has dwindled. At the same time the court's average age has increased.



Sources: Compiled from interviews with Paul Carrington, Duke University School of Law, and statistics from "Term Limits For the Supreme Court: Life Tenure Reconsidered," James Lindgren and Steven Calabresi. Northwestern University School of Law (2005).

"In the *Grokster* case, I'd be surprised if every justice had an iPod, but I assume at least one of the clerks has one. Or the justices may not be on the 'Net every day, but one of their law clerks is. This has a lot less to do with age than it has to do with ideological thoughts, politics and jurisprudence. And that," von Lohmann stresses, "won't change with term limits."

Ensuring that the court is up to date on technology and other social issues is not the only reason for curbing life appointments, however. There's also the heavy political dynamic of justices hanging on to prevent a president from having an appointment opportunity.

Appellate specialist Edward Lazarus, along with Carrington and Cramton, proposes 18-year term limits for newly appointed Supreme Court jus-

tices for that reason.

Each president would appoint one justice every two years, providing equal appointments during each presidential term. Term limits would eliminate instances such as that of Jimmy Carter, who received no appointments, while Howard Taft made six appointments in a single term, Carrington says.

With improved medical care, the justices are living longer. Before 1970, the average years served by a Supreme Court Justice was 15 years, according to statistics compiled by Northwestern University Law School professors Steven Calabresi and James Lindgren. Today that number has risen to 26.

Moreover, appointments to the court before 1971 occurred on average every 1.9 years. That time has increased to 3.7 years.

And before O'Connor announced her retirement this summer, there had been no vacancies on the court for 11 years.

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Faulting the lack of turnover, Carrington argues that the current justices have become too powerful. They could strategically time their retirement so that the president they prefer receives the next appointment under today's life terms, he says.

Carrington also points to the Judicial Conference as an example of the justices' unchecked power. Headed by the Supreme Court chief justice, the Conference practically functions as a separate branch of the government, Carrington says.

It demonstrated this authority when Congress passed the Judiciary Act of 1925, which said that the Supreme Court had some power to choose which cases it would hear or deny, but assured Congress it would continue to hear about 350 cases a year, according to Carrington. Before that, the Supreme Court and the lower federal courts could not control their workloads because they had to take all the appeals that came to them. That remains true today of the lower courts.

After that, the Supreme Court caseload gradually dwindled each year, eventually dropping to 150 cases by 1970.

When Congress in the 1980s gave the Supreme Court, then headed by Chief Justice Burger, unfettered authority to reject any case it wanted, the docket continued to decline. By the 2003-04 term, only 70 signed opinions were issued, according to Carrington and Cramton.

Getting Better with Time?

The average length of time a justice serves on the U.S. Supreme Court continues to expand, from a low of 7.5 years nearly two centuries ago to more than 25 years today. Over the same time period, the average age at which a justice leaves the Supreme Court has increased 20 years from age 58 to age 78.

| Time Period | Average Tenure | Average Age At Start | Average Age At Departure |
|----------------|-------------------|-------------------------|-----------------------------|
| 1789-1820 | 7.5 years | 47.4 | 58.3 |
| 1821-1850 | 20.8 years | 52.6 | 66.7 |
| 1851-1880 | 18.4 years | 52.0 | 70.3 |
| 1881-1910 | 15.2 years | 56.6 | 71.4 |
| 1911-1940 | 16.0 years | 55.6 | 72.2 |
| 1941-1970 | 12.2 years | 54.8 | 67.6 |
| 1971-2005 | 25.6 years | 53.2 | 78.8 |

Source: "Term Limits For the Supreme Court: Life Tenure Reconsidered,"
James Lindgren and Steven Calabresi, Northwestern University School of Law.

As the court lessens its workload, there is also no guarantee that all the justices will participate in the cases, as Rehnquist proved the last term. Still, that doesn't seem to bother Carter Phillips, who has argued 45 cases before the court including two last term.

Rehnquist was absent during both of Phillips' oral arguments: December 8 in *Muehler v. Mena* and March 1 in *Exxon Corp. v. Allapattah*. In both cases, Phillips represented the petitioner. Rehnquist wrote the opinion of the court in *Muehler*, in which Phillips won, and voted in *Allapattah*, in which Phillips lost. It's not uncommon for one justice to be absent from a hearing, and the eight other justices are more than sufficient to question the attorneys, says Phillips of Sidley Austin Brown & Wood in Washington, D.C.

Andrew Frey of Mayer, Brown, Rowe & Maw in New York has been arguing cases before the Supreme Court since 1972. He agrees, adding that Rehnquist has never been a very aggressive questioner. Both attorneys feel comfortable with the justices relying on taped oral arguments and written transcripts to reach decisions.

The real toll taken by Rehnquist's absence is his leadership of the private conferences in which the justices discuss the cases. The liberal-leaning Stevens has been filling in for the conservative chief justice.

"How do you lay out the issues, how much discussion is allowed around the table — the tone is set by the presiding chief justice," Lazarus, of Akin Gump Strauss Hauer & Feld in Los Angeles, says of the confidential meetings.

Phillips agrees, and he raises another issue.

"The more interesting question is that the one year the chief was not available in conferences was the year when the quote 5-4 breakdown between the 'conservatives' and 'liberals' had its least successful run," Phillips says.

"Coalitions broke down and Stevens had a significantly 'more successful year' where he was head of the pack on a variety of different decisions," he says. "Was that because he got to speak first at conferences?"

A case that might have turned out differently if Rehnquist had been available to lead the conference, says Phillips, is *Gonzales v. Raich*, which was argued in November last year while Rehnquist was absent. (For the record, Rehnquist missed oral arguments and the conference but did issue a dissent in the case.)

In *Gonzales*, California residents Angel Raich and Diane Monson sought injunctions against the federal government after Drug Enforcement Agents seized cannabis plants the two said California

law allowed them to use for medical purposes. The district court said Raich could not possess medical marijuana, but the 9th U.S. Circuit Court of Appeals reversed on grounds that federal law does not govern intrastate, noncommercial cultivation and possession of cannabis for personal medical purposes.

A traditionally conservative Supreme Court majority likely would have agreed with that decision, according to Phillips. However, Stevens delivered the opinion of the court, vacating and remanding the case on the grounds that the federal government does have the power to prohibit the local cultivation and use of marijuana. Anthony Kennedy, Souter, Ruth Bader Ginsberg and Stephen Breyer joined in the opinion, with Scalia concurring. O'Connor, Rehnquist and Clarence Thomas dissented.

It is cases like *Gonzales* that have court watchers arguing for mandatory retirement or term limits.

Presidential appointments, scattered every two years, are the only democratic check on a life-tenured independent judiciary, Lazarus says. The senate can't help but become embroiled in a bitter confirmation process when Supreme Court vacancies are so few and far between and so much is at stake.

"To me, there's something wrong with the guessing game we all play about which justices retire depending on who gets to be president. We ought to regulate it so that you know that when you cast a ballot for a senator or a president you will know what will happen to the court as a result," Lazarus says.

Taranto disagrees. Imposing term limits defeats the purpose of an independent judiciary. The Constitution provides life tenure so that justices will not fear political pressure when making decisions, he says.

And, Garrow adds, to allocate appointments per president denotes the justices as the spoils of political elections.

"It suggests that a president is entitled to name two justices just as he is entitled to name a treasurer, secretary, attorney general and everybody else," Garrow says. "Fundamentally it does not just politicize the court, but it partisanizes the court. Justices would be even more explicitly viewed as partisan creatures of the president and party that named them."

Nevertheless, Cramton maintains that the Constitutional protection came from the days when people didn't live as long, serving 35 years without giving anyone else a chance. Much has changed in health and medicine since 1789.

Cramton argues that those who win a political election perhaps should

also win the right to appoint a justice that reflects the political party in power and the popular vote that placed them there. That would be at least one way of keeping the justices in touch with the public.

If proponents of term limits or mandatory retirement had their way, the Supreme Court would be consistent with every state except Rhode Island. The other 49 states do not allow lifetime tenure for their high-court and appellate level justices.

The cutoff is 75 in Utah; 72 in North Carolina; and even earlier for the state's trial judges, at age 70.

Likewise, France, Germany, Italy, Spain and Portugal appoint their equivalents to the U.S. Supreme Court to limited six- to-12-year terms. Russia and Germany enforce mandatory retirement, requiring justices to retire at 70 and 68, respectively.

That leaves the United States alone to cherish the concept of service for life. And Rehnquist may well symbolize what some say is an outdated system.

In a rare communication with the public, Rehnquist attempted this summer to beat back reporters with a more definitive answer on his career plans.

"I want to put to rest the speculation and unfounded rumors of my imminent retirement," Rehnquist said in a statement released by his family July 14. "I am not about to announce my retirement. I will continue to perform my duties as long as my health permits."

The statement was issued between emergency visits to the hospital July 12 and August 4 for a high fever.

However, Rehnquist was well enough to swear in President Bush for his second term and to preside over the 2004 annual Judicial Conference meeting. In fact, he mustered the strength to host his annual reunion for his clerks just a few months ago in June 2005.

Whether Rehnquist's health improves, or he succumbs to his illness, critics of life tenure believe that America should not be wed to a Supreme Court justice until death do us part.

"It's not that new is better than old, but that we need to be rooted in the current political and social culture," says Zimmerman, now practicing at Snell & Wilmer in Salt Lake City.

"The bottom line is that anything that induces judges to turn over office with reasonable regularity, and not because of political pressure, is good because it brings fresh ideas. And the United States Constitution did not mean that you can serve forever."

ONE KID

With the help of a rancher, a race car driver and a crew of volunteers, Oklahoma Lawyers for Children grits its teeth and does what it does best — change lives.

By Stefanie Knapp

Jacob's mom has had three strikes.

And at 18 months, he's number four.

His siblings have all been taken from the unnamed woman, and from the three men they called Dad, because of abuse and neglect. They are elsewhere awaiting adoption.

So it's somewhat bewildering to find an intent man in the Oklahoma County Juvenile courtroom of Judge Lisa Hammond claiming he's capable of caring for Jacob.

Which is one of the things about parents and children: you just never know when a miracle might happen.

Steven Coleman has seen these cases before in his role as a volunteer for Oklahoma Lawyers for Children, a group founded to expedite placement of troubled children into steady homes.

His role today is to assist in Jacob's transfer from the home of a family friend to that of his father if the father is adjudged capable of "stepping up and functioning as a parent," Coleman explains. The trusts and estates lawyer is surrounded by the shards of disappointments: a woman, maybe in her early 30s, with matted blond hair and an orange jumpsuit who is handcuffed at a counsel table; family members crowded alongside Department of Human Services workers spilling into the hallways where the parents and children wait for an afternoon session to begin.

Family courthouses throughout the country confront the failings of adults that become the futures of children. In that way, Oklahoma is not so different. But the state is suffering through a budget crisis that has strapped state agencies charged with protecting kids.

In 1997, when Don Nicholson and D. Kent Meyers established Oklahoma Lawyers for Children to supplement the public defender's representation of abused or neglected children in the juvenile court system, they faced odds longer than the road to Amarillo. Three



juvenile public defenders were each charged with handling a mountain of cases, representing about 6,000 children, assisted by no secretary, no computers and no copy machine. Most pleadings were handwritten, according to the memory of Buddy Faye Foster, the group's executive director.

Today, Jacob's is one of 300 cases Oklahoma Lawyers for Children is handling to ease that load, and Coleman is one of its 400 attorney volunteers.

The child was born while the state was prosecuting his mother for abusing his three siblings. But Jacob's father didn't even know he had a son until the prosecutor tracked him down.



Photo: Hugh Williams

Today, he stands in court holding his son while the judge calls the case. Jacob turns away in shyness when she tries to talk to him. Hammond asks each of the parties where they believe Jacob should be placed. And, the Department of Human Services and Coleman agree Jacob should be placed with his father if the man gets his driver's license.

A relieved father says he can do that in a week. If he does, the judge says, he can have Jacob.

Which will end the saga of Jacob's mother, at least for now.

But as a volunteer for the organization, Coleman knows he will handle other cases that make so little sense. The group provides counsel when the public defender's office cannot represent the child because the office is representing one of the parents in a criminal case or because it represented the parent when he or she was a child. Oklahoma law requires that all children in "deprived" cases — those involving allegedly abused or neglected kids — in the state's two most populous counties, Tulsa and Oklahoma, are represented by the public defender's office. When there's a conflict, the court appoints contract attorneys or Oklahoma Lawyers for Children to represent the juvenile.

Nicholson, of Eagleton & Nicholson, a general practice law firm, in Oklahoma City, has the soil and vista of the plains stamped on him, from the kind handshake the tall man offers to the gentle drawl in which he explains this particular horror show.

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'I got with my good friend, Kent Meyers, and said we need to do something to try and help these children out here. Things aren't going well.'

Don Nicholson Oklahoma Lawyers for Children

He and Meyers started the nonprofit out of frustration that the system didn't adequately meet the children's needs, he says.

"I got with my good friend, Kent Meyers, and said we need to do something to try and help these children out here," Nicholson says. "Things aren't going well."

Nicholson lives in Norman, Oklahoma, outside Oklahoma City and spends weekends on his ranch in Chandler, northwest of the city. He was introduced to the juvenile system in 1995 when he volunteered for Court Appointed Special Advocates for Children.

He met two little girls who had been placed in foster care after, eight months earlier, either their mother or her "paint-sniffin' live-in boyfriend" had thrown the youngest girl into the wall, causing brain damage. The girl was 8 weeks old; her sister was two years.

The mother wanted her children back, which the state was considering. But Nicholson, a serious and focused lawyer, had dug into the case, making sure nothing was amiss.

He discovered in the court files that five years earlier — in the very same court — three sons had been removed from the mother's care.

"It was right there in the clerk's office," Nicholson says.

He tracked down the court reporter in the case and got the transcript.

It proved that at the prior custody hearing, a highly regarded psychologist who evaluated the mother had testified that she did "not have the ability to bond with the children," Nicholson says.

The judge ordered the three boys removed from her custody, but that was not the whole story. Nicholson discovered through the transcript that the mother had given birth to another baby shortly before the trial.

And, the jurors asked the judge if they could terminate her parental rights to her fourth child, as well.

The judge said he was powerless to do that, because the fourth child was not part of the case. Still, he assured the frightened jurors that the district attorney and the Department of Human Services would closely monitor the mother.

Six weeks later, paramedics arrived at her home early in the morning and found a filthy baby clutching a handful of grass. Rigor mortis had already set in.

Nicholson believes that the mother left the baby outside all night, found it dead and called 911.

"Well that was kind of my introduction into the children's court and how serious things can become," Nicholson says.

After he uncovered the child's death, Nicholson deposed the mother by video. She gave up her rights to her fifth and sixth children, the two girls, on the eve of trial.

The girl who suffered brain damage was able to fully recover, and she and her sister were adopted together by the same family.

"So there was a wonderful result," Nicholson says.

But that experience led Nicholson to ask his longtime friend to take action. The two had been friends since childhood, having gone to the University of Oklahoma College of Law together. Meyers had gone on to be an antitrust partner at Crowe & Dunlevy, Oklahoma's biggest firm, with 115 attorneys who represented Indy Racing League, General Electric Co. and Coors Brewing Co.

Nicholson led Meyers on a tour of Oklahoma City's juvenile facilities, including the juvenile courthouse, the shelter for foster children and the children's hospital.

After the tour, Meyers said, "Let's do what we do best. Let's represent one kid at a time and see if we can't do better."

The duo went to work, convincing local law firms to donate furniture, copiers, computers and other office equipment. Some of the equipment they donated to the public defender's office, others they installed in an office (donated by the landlord) for the newly formed Oklahoma Lawyers for Children.

Office in hand, they set out to recruit 35 attorney volunteers. While most organizations try to recruit lawyers right out of law school to volunteer, Nicholson, 70, and Meyers, 69, asked the older attorneys.

"We didn't know any of the younger lawyers," Meyers explains.



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They convinced the heads of the city's major firms to volunteer, and those attorneys brought in others. Before they knew it, the group had grown to more than 70 attorneys.

"I bet I could pick up the phone this afternoon and call 10 lawyers that I don't know from Adam, and I'll bet I could get at least eight of 'em to volunteer," Nicholson says. "I'd be disappointed if I didn't get all 10," he continues under his breath as he adjusts his tie.

The corps of volunteers required additional support to ensure cases were scheduled and volunteers coordinated. Again, the duo hit a home run — in the form of Buddy Faye Foster.

Foster is a character bred of the heartland whom no Hollywood tale can sufficiently tell. A military brat, she grew up around cars, helping her brothers. But when it came race day, she was relegated to the stands, while they made their way into the garage.

At the age of 15, she sat in the grandstands and "made a vow to God that one day she'd be down on the track."

Eighteen years later, she did just that.

In 1973, she became the country's first female race car driver in the modified stock division, racing round dirt tracks. Her husband, Jake Ebey Jr., served as her crew chief.

Foster was "competitive," meaning she "was better than some of 'em," she says, laughing at the memory of her children taking her trophies into school for show and tell.

After Ebey and Foster divorced in 1975, he stayed on as her crew chief for a year. Unable to find a replacement, she retired.

But once she joined forces with Nicholson, the rancher and the race car driver changed the face of child welfare in Oklahoma.

"Hundreds of lawyers have represented hundreds of children and

helped them get to a permanent home faster," Oklahoma Department of Human Services Director Howard Hendrick says. "Their assistance has been invaluable."

"Don and Buddy Faye are a prime example of what can happen when far-reaching and dedicated individuals get together and mobilize those around them," says Dan Grunfeld, president and chief executive officer of Public Counsel, the nation's largest pro bono law firm, based in Los Angeles. Both organizations are part of a nationwide coalition of child advocates, the National Children's Law Network.

Though slowed in the past few years by Hepatitis C, Foster still knows at a touch the facts and status of each of the office's 300 cases. Leaving a court hearing, public defender Ryan Hauser chases after.

"Buddy, Buddy — what case are you here on?" Hauser asks.

"None," she replies, explaining that she was just showing a visitor around.

When Hauser inquires about a specific case, Foster recites line and verse.

A 10-year veteran of the public defender's office, Hauser says that Oklahoma Lawyers for Children has helped his office quite a bit but that "volunteers can't do it by themselves."

Lori Hutton, Foster's assistant, is the organization's only other paid full-time employee. She began training in March to take over should Foster's health worsen. She was recruited as a volunteer in 2000 while an assistant librarian at Crowe & Dunlevy.

"I have a lot of confidence in her, and I think she's going to make a good hand if I don't wear out too soon," Foster says.

The partnership of Foster and Nicholson has been as unlikely as it has been special. Dressed in old, scuffed up cowboy boots, jeans, a striped button-up and a belt buckle as big as his hand, Nicholson takes us for a tour of his 160-acre Four United Nicholsons Ranch.



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'The children get acquainted with the attorney. We don't want to break that bond.'

Buddy Faye Foster Oklahoma Lawyers for Children

Hundreds of hay bales lay by the barn, ready for winter. After a few whistles, the mares come galloping in to get a closer look. Foster looks on in jeans, T-shirt and blazer.

Waiting in the barn as Nicholson feeds the horses, Foster tells of her own experience losing a child. Foster once had a successful career as an IBM trainer in the 1970s and then with her own computer contracting business. But in 1987, her son, Tony, who was serving in the Navy, was accidentally killed.

She "didn't function well" for two years and rarely left the house, Foster recalls, but slowly began to "rejoin the world," working part-time for some of her old clients. When she saw an ad for CASA volunteers in 1995, she had found her mission.

"I've had a lot of different jobs and done a lot of different things, and everything that I've done has kind of prepared me for what I'm doing now," says Foster, who oversees all aspects of the organization's operations.

Among Foster's rules is that an attorney stay on the case from start to finish if he volunteers.

"The children get acquainted with the attorney," Foster says. "We don't want to break that bond."

Secondly, she expects all of the volunteer attorneys to treat these cases like paying clients.

"We ask that they do everything they would if they were representing GM," Meyers agrees.

Working on a total annual budget of \$140,000, Oklahoma Lawyers for Children has persuaded court reporters, graphic services, copy services and even private investigators to volunteer, Meyers says. If there's something the attorneys can't get donated, it comes out of his or her pocket.

"For these private lawyers to be able to bring in the vast resources of the private, civil firm, they're able to present cases that our beleaguered public defenders don't have the time to put together," Oklahoma County District Attorney Wes Lane says.

Among their most helpful contributions is taking depositions, which

can cost between \$1,500 to \$2,500. Neither the district attorney nor the public defender has the resources for that. Often, Lane says, it "makes the difference between winning and losing for the child."

Younger lawyers often cover the show cause hearings. The day after a child is brought into custody, he is taken to court for a determination of whether he can safely be returned home, according to Foster. These hearings require the attorneys to spend just one afternoon a month.

Before Oklahoma Lawyers for Children, juveniles were not represented at these hearings, Foster says. Now there is an Oklahoma Lawyers for Children volunteer attorney at show cause every day, five days a week.

The group also has nonattorney volunteers who work in two areas. Shelter volunteers interview the children after they've been taken into custody to see if there is a family member or friend with whom the children could be placed. Home-study volunteers then go to those homes to determine whether they are suitable. Their findings are given to the Department of Human Services, which makes the final decision.

When Oklahoma Lawyers for Children began conducting home studies in 2000, the Department of Human Services paid someone \$300 for each home study and had a 90- to 120-day turnaround. The children's group now provides home studies for free in three to four days.

And, while the organization tries to ease the caseload, the number of children considered "deprived" continues to rise, Lane says. Last year, his office filed almost 1,000 deprived-child cases. That's 300 more cases — or 750 kids, given the rule of thumb of 2.5 kids per case — than ever before.

Each of the four prosecutors who handles cases in the juvenile court has 700 open cases, Lane says. He doesn't know why the numbers continue to soar but speculates it may result from increased reporting of incidents and better investigations into those reports.

The four public defenders, meanwhile, each have 1,000 deprived children, which translates into 450-500 active cases, says assistant public defender William McKinney, a 20-year veteran of the office. In court four days a week, they have time only to take notes and meet with the children most in need, Foster says.



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'There is a real need for the voices of children to be heard.'

Steven Coleman Oklahoma Lawyers for Children

"The rest, they keep their fingers crossed that they're doing OK," Foster says, squeezing a fifth place into a table for four in the back room at Earl's Rib Palace. Foster meets with the public defenders there every Wednesday to go over the status of the cases.

Recently the organization began conducting video depositions of imprisoned parents who cannot make court appearances, causing delays in their children getting into permanent homes.

"Whatever we can figure out to do to get the case over with," Nicholson says.

Working with the U.S. attorney's office, Nicholson also secured an agreement with the federal prisons in Oklahoma so that prisoners can appear in court by video. The group completed its first video appearance recently.

The group is now expanding that arrangement to federal prisons throughout the United States whose prisoners will be able to appear in Oklahoma court by video, Nicholson says.

Oklahoma Lawyers for Children has drawn support from the Kaiser Foundation in Tulsa, Oklahoma, which gave the group a matching grant for \$20,000 based on it raising \$10,000 on its own and for its help establishing a similar program in Tulsa County.

It also received backing from Robert Ravitz, the Oklahoma County Public Defender. He helped Nicholson and Meyers get proper authority to represent children in court through a series of administrative orders that allowed the volunteer attorneys to help the public defender's office. Subsequent orders allowed volunteer attorneys full access to case files and gave judges permission to appoint cases directly to Oklahoma Lawyers for Children.

The group also works closely with and is supported by CASA. CASA volunteers, who are typically not lawyers, are the "eyes and ears of the court," Foster says. They do their own investigation and talk to all parties in the case. If the case goes to trial, CASA volunteers are often called as witnesses.

"We have found the relationship extremely valuable," Oklahoma CASA director Lee Ann Limber says.

As for Jacob's lawyer, Coleman has found his relationship with Oklahoma Lawyers for Children just as rewarding.

"I can give something back to the profession and fill a need in the system," Coleman says. "There is a real need for the voices of children to be heard."

That enthusiasm is what drives the group's volunteers, Lane says. The "extraordinary passion" of the volunteer attorneys along with the "massive amount of research and preparation" allows them to get a great result for the children.

"It's the benefit of having one person have one case," Lane says.

Just seven years ago, it wasn't so clear whether the fledgling effort would take wing. Nicholson was called in to help out in the case of 11 children who had been sexually and physically abused by their mothers, sisters who were prostitutes and drug dealers. Among other crimes, the children had started approximately 35 fires, mostly in their own home.

"[The mothers] used their 11 children as party animals," Nicholson recalls.

After the children were stuck in limbo for two years, the court appointed Nicholson guardian ad litem. When he got word that the public defender and the district attorney were meeting with the children to convince them to go home, he had a bit of a fit. He showed up at the meeting and would not let the children meet with the government lawyers without him.

"They tried to put me in jail, but they couldn't find a judge that afternoon to hold me in contempt," Nicholson says.

The court then tried to send the children to Minnesota, where their mothers had moved. But Nicholson trooped to Minnesota, followed the mothers and convinced the court there not to take the children.

Ten years later, he still serves as CASA representative for the children. And though none were considered sufficiently stable for adoption, two have aged out of the system, one is in the custody of a grandmother and the rest are in suitable therapeutic or group homes or psychiatric hospitals.

According to Nicholson, one of the girls is preparing to go to college.

"Out of 11 children, we have an optimistic hope for two of them becoming productive citizens in society," Foster says.

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the last

If you need something done in Hollywood, you're likely to cross Bert Fields' path. At 76, the ultimate insider is still the lawyer the studios and stars turn to — often simultaneously — to ensure that cameras keep rolling for Spiderman II and that stars like Tom Cruise keep burning bright.

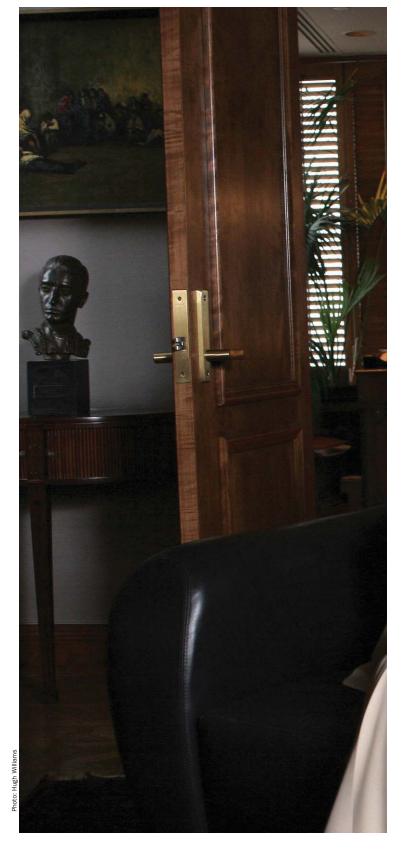
By Janet Shprintz

Bert Fields settles into a black and walnut Harvard chair in his incongruously dark and clubby inner office near Beverly Hills. He explains how he came to the aid of Sony Entertainment when the studio thought actor Tobey Maguire was using his bad back as a negotiating chip on the eve of his reprise shooting of the title role for "Spider-Man II."

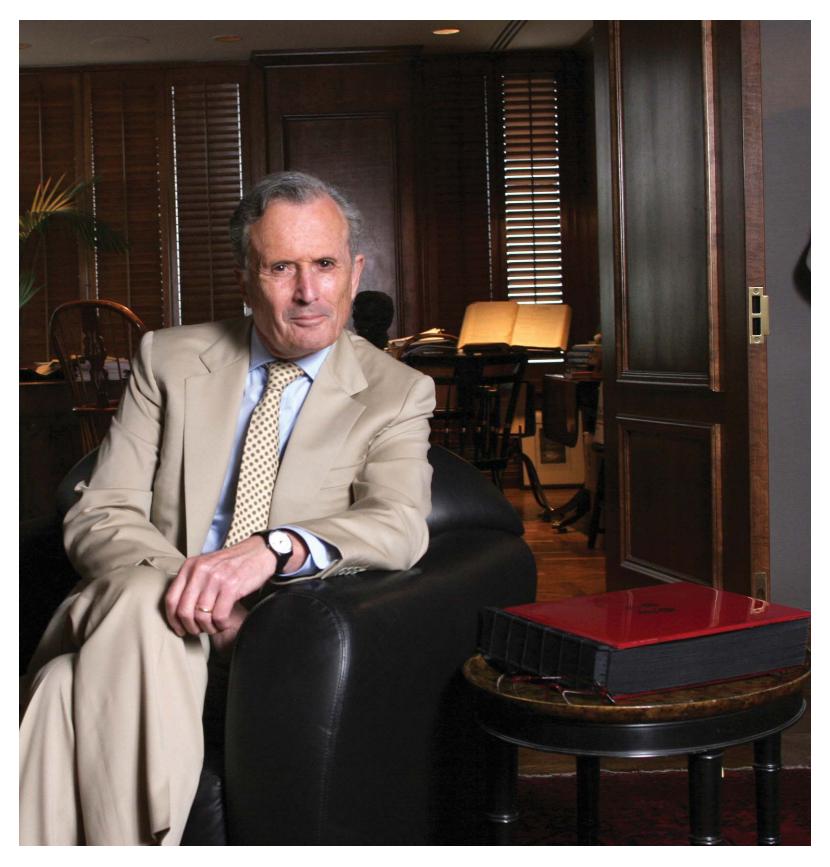
"I got a call out of the blue from Sony asking for my help, and I said yes," Fields says. "Not five minutes later the phone rang again. It was [Universal president] Ronnie Meyer. His daughter Jennifer was dating Tobey, and Ronnie wanted to know if I could help out Tobey, who was having a little difficulty with Sony. 'I'd love to help you, Ronnie,' I told him, 'but Sony called not five minutes ago about the same thing, and I agreed to help them.'"

Welcome to the world of Bert Fields, the most famous entertainment lawyer in America.

For the record, Maguire's ailing back healed itself after Fields demanded a physical, and he returned to "Spider-Man II," properly contrite. The film, of course made box-office history with the largest opening day ever and made the second-highest domestic receipts of all time, behind only Titanic.



CONSIGLIERE



'I get lots of hate mail.'

Bert Fields Entertainment lawyer

Some might think the story smacks of potential conflict, but that would simply reveal ignorance about how Hollywood operates. After decades as a power broker, the 76-year-old Fields, a partner at Greenberg, Glusker, Fields, Claman, Machtinger & Kinsella, has woven a tapestry of relationships not only with creative types but also with studio executives. On occasion those relationships become entanglements, but mostly his clients enjoy his insider's ability to get things done with a minimum of fuss.

Despite a few — very few — bumps along the way, Fields transcends the role of even the most high-priced lawyer. He serves a unique function as adviser to a wide range of friends and clients, many of whom view each other as, at best, friendly enemies.

Mario Puzo, a client, once described Fields as "the greatest consigliere of them all." As Hollywood becomes increasingly corporate and technology-driven, Fields may also be the last consigliere.

Fields has most famously represented talent, including longtime clients Warren Beatty and Dustin Hoffman and, more recently, Tom Cruise. Less famously, but equally frequently, he has represented every studio but Disney, not only in full-blown litigation but also in an informal advisory role. And as if that weren't enough hats, he is the only major entertainment lawyer to handle both litigation and transactions.

Cool and urbane, the bone-thin Fields is L.A.-bred and Harvard trained, with tastes running to fine art — his wife is art consultant Barbara Guggenheim — fine wine and erudite literary research. He has written two racy legal thrillers under a pseudonym, as well as two nonfiction works about Shakespeare.

"I get lots of hate mail," Fields says cheerfully, referring not to his legal practice but to his most recent book, "Players," which argues that the plays were not written by Shakespeare, whom Fields insists on referring to as "that Stratford guy."

Although his threatening letters and inflammatory quotes to the media have earned Fields the sobriquet of pit-bull litigator, far from frothing at the mouth, he is a study in icy calm. His courtroom demeanor, whether in front of a judge or a jury, is low-key and conversational; the game plan is to win through inexorable logic. As

many victims have discovered, however, there's a steel fist in the velvet glove.

The killer instinct was on full display when he questioned chief executive officer Michael Eisner in *Katzenberg v. Disney* in 1999. At the height of the Disney chief's powers, Fields' questioning began the slow unraveling of Eisner's skein.

In a dream moment for any lawyer, a red-faced Eisner, towering over Fields, warned him not to pursue his line of questioning.

Fields, unperturbed, continued to ask Eisner if he ever had called his former right-hand man, Jeffrey Katzenberg, "the little midget." The trap, of course, had been set years ago when Fields won a motion requiring author Tony Schwartz to turn over his notes from the book he co-authored with Eisner, "Work in Progress," in which Eisner made repeated references to Katzenberg's lesser size.

Although Fields' lair was probably not designed by the set decorator for "The Godfather," it's a pretty good interpretation for a lawyer. Ensconced in two large rooms in the four floors occupied by his Century City law firm, he moves between a walnut-paneled working office containing a massive leather-covered desk piled with books and papers, Windsor chairs and a portrait of the longest-serving U.S. Supreme Court Chief Justice, John Marshall. Adjoining this is a private conference room with antique tables and a black tufted leather sofa. The walls are covered in gray silk grosgrain, on which are hung a portrait of George Washington, a red lacquered Chinese screen and a splendid woodcut of a Samurai warrior, the gift of a Japanese client. On a pedestal in the corner stands a marble bust of a bewigged English judge.

"I think studio heads call me from time to time for personal advice because we're friends and we see each other," says Fields, who adamantly dispels the notion that he gets clients through socializing. "The referral of cases is strictly based on whether they want me to represent them in a particular case and doesn't have anything to do with socializing. These are not people who would turn over a major piece of litigation to someone just because they saw them at a dinner party."

The movie "Zoom," currently in production by Sony and

Revolution Studios, was a case in point. The tale of a former superhero called back to transform a group of ragtag kids was challenged by Fox and Marvel Enterprises, which claimed the movie was confusingly similar to "X3," the latest sequel to the block-buster "X-Men Series."

The case quickly settled with a change in the release date, but not before a few vintage expressions of outrage in the press from Fields that the allegations were "absolutely off the rails."

To settle the dispute, Fields was hired not by Sony, but by Revolution partner Tom Sherak.

"We were sitting in a room, knowing we were going to be sued, and we said, 'Let's hire Bert. There's nobody better.' And we did," Sherak says.

Sherak was well acquainted with Fields, who handed him and producing partner/director Joe Roth a loss in an arbitration where Fields represented DreamWorks.

Ross and Sherak arbitrated through the Motion Picture Association of America over a movie title about a holiday tale. DreamWorks was using 'Surviving Christmas,' while the producers were using 'Skipping Christmas.'

"At the arbitration, Bert made DreamWorks' case and we made ours. Bert was eloquent as usual, and basically ... we lost," Sherak says. But that's not the punch line, according to Sherak, who says that while the group was waiting for the arbitrator to return a decision,

Fields and Roth had an exchange that went like this:

"I don't see why this is such a problem," Fields says.

"What do you mean? We want to use this title, it's the title of a John Grisham book, and you won't let us use it."

"Just use a different title."

"But we want that title."

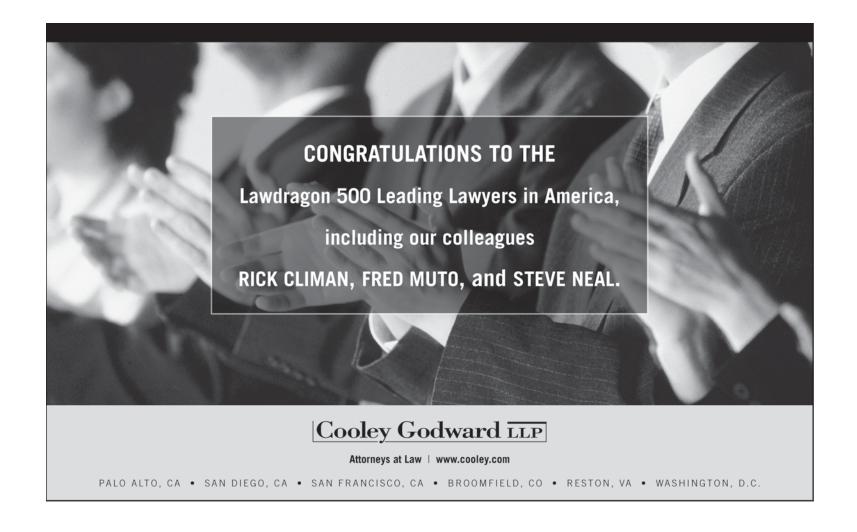
"Bert puts his hand to his chin and looks up and says, 'Why don't you call your picture, "Christmas With The Kranks?"'" Sherak says. "Bert actually titled the movie!"

Sherak is far from the only adversary-turned-client. To this day, one of Fields' favorite stories involves producer and famed art collector Ray Stark, who died in 2004.

"I represented Jimmy Caan on the picture 'Funny Lady,' and Ray was the producer," Fields reminisces of the 1975 show starring Barbra Streisand as Fanny Brice. Caan was under consideration to play showman Billy Rose opposite her.

"I couldn't reach a deal with Ray's lawyer, and I finally told him we couldn't move forward on the picture," Fields says. "Ray went crazy. After it was all resolved he sent Jimmy a piece of art with a note: 'Please tell Mr. Fields to shove this bust up his ass."

Fields has dabbled in representing every major Hollywood studio



The first time he was in on the other side, I said, "Bert, this doesn't feel right. You're supposed to be next to me."

Brad Grey Paramount chief

except Disney during his career, most recently adding Sony to the fold. But Paramount Pictures is where he holds perhaps the deepest attachment, having survived three regimes. He is a close adviser to current Paramount chief Brad Grey; he counseled Grey's predecessor Sherry Lansing during her long reign, and before that he represented Lansing's predecessor and former partner Stanley Jaffe.

When Paramount was found liable in 1990 of cheating humorist Art Buchwald out of his profit share for a movie idea that became "Coming to America," studio chairman Marvin Davis turned to Fields to get the verdict thrown out. Fields went up against his close friend Pierce O'Donnell, the noted Los Angeles trial lawyer who took on Hollywood's accounting practices. The two managed to reach a settlement, depriving Hollywood of legal precedent on accounting procedures.

Fields has also represented Lansing's husband, director Billy Friedkin. But more on that later.

Despite these close ties, Fields also represented clients against Paramount, particularly "Godfather" author Puzo. He also represented Beatty in a well-publicized fight over cutting the 3-hour, 20-minute film "Reds." (Beatty, a client for 25 years, first encountered Fields when he was on the other side of the table in a dispute with comedian Elaine May).

"There were never any big suits [against Paramount]," Fields says, "but lots of fights."

Fields says he's known Paramount chief Grey "forever." Years ago, long before Grey had hooked up with Bernie Brillstein to create the most successful talent management company in Hollywood, Fields says he got a call from Michael Ovitz — another longtime client — asking him to look out for an up-and-coming young manager who was going to have a bright future. The duo, of course, went on to create the Brillstein-Grey Entertainment Agency, which managed the careers of numerous comedians and other talent, and launched such shows as "The Sopranos" and "The Cable Guy."

Grey, who last year joined Paramount as its chairman, says he's never heard the Ovitz story, but he agrees they have known each other forever.

"He has great wisdom and great instincts about people and our business. He has a laserlike instinct for the truth of any situation," says Grey, who adds that his favorite moments have been when Fields represented him.

With Grey now head of the studio, Fields negotiates against him representing talent.

"The first time he was in on the other side," Grey says, "I said, 'Bert, this doesn't feel right. You're supposed to be next to me."

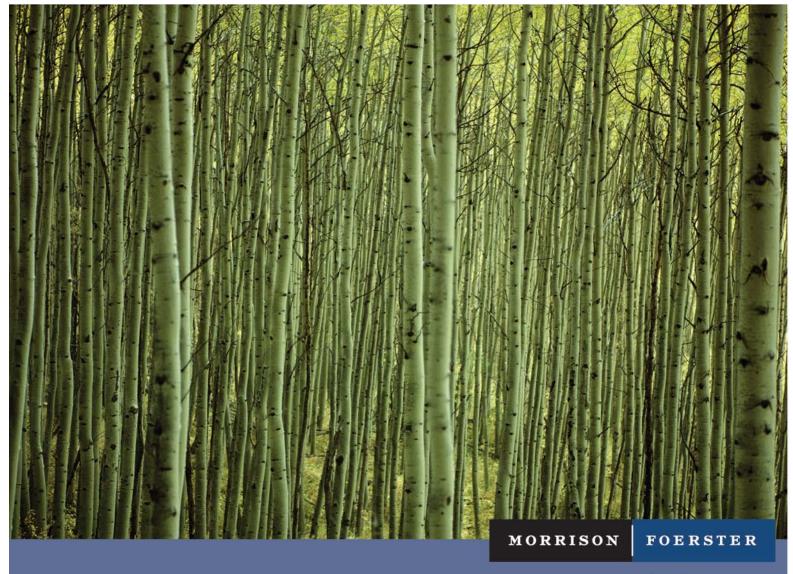
Fields handled two nasty litigations for Grey: One was a high-profile case in which former client Garry Shandling accused Grey, his manager and executive producer of his show, of conflict of interest; the other involved a claim by "Scary Movie" producer Bo Zenga that Brillstein-Grey had orally agreed to make him an equal production partner in the film.

Zenga's case ended when Los Angeles Superior Court Judge Robert O'Brien took the case away from the jury and directed a verdict for Grey, which was upheld on appeal. The Shandling case ended with a confidential settlement in 1999, but who won is still a matter of dispute.

While both Fields and his opposing counsel and good friend David Boies agree that they settled the case on the eve of trial over a bottle of wine, Fields says Boies is flat wrong in declaring victory.

When Shandling filed his \$100 million suit alleging that Grey, his personal manager and the producer of his HBO series, "The Larry Sanders Show," had an irreconcilable conflict, the case was greeted as a watershed event. Initially a series of rulings and sanctions went against Shandling, until the volatile Los Angeles Superior Court Judge Ralph Dau handed him a lifeline by reversing a written tentative motion granting Grey summary judgment.

In his book, "Courting Justice," Boies claims the cards then started to fall his way. Fields had to bow out because the trial of Katzenberg's claims against Disney had started, and Boies (who was virtually invisible during the pretrial phase) got an unexpected break from pursuing the U.S. government's claims against Microsoft and would be available for trial.



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'To have Bert in your life is to have a gift that keeps on giving. I have met many people in my travels, and I just find Bert's a treasure.'

Jeffrey Katzenberg DreamWorks founder

But Boies doesn't mention that Shandling was under pressure from Columbia Pictures to settle because he was about to make his bigscreen debut in a film that turned out to be a bomb, "What Planet Are You From?" There was also the huge potential for embarrassment on both sides, with Shandling sure to face accusations of erratic behavior and the rehashing of a sexual harassment incident.

Boies recounts that he told Fields that Shandling was entitled to an eight-figure cash payment in addition to buyouts of interests in various television series, but in a footnote he states that the "settlement's *value*" was eight figures. Fields says "the cash portion was substantially less than eight figures." In Hollywood, at least, the settlement was viewed as a piddling end to the case that was supposed to blow the lid off the management business.

As for Friedkin, he represents one of the rare times Fields' many entanglements tripped him up. He represented Friedkin and "Exorcist" author William Blatty in a routine lawsuit against Warner Brothers over profit participation and other accounting issues on the 2000 re-release of the film.

While the suit was pending, Fields was called in by Warner Brothers' subsidiary HBO to handle a high-profile blowout over James Gandolfini's salary demands on "The Sopranos." Hanging in the balance was the fifth season of the highly profitable show.

Friedkin refused to waive the conflict, and Fields was forced to withdraw as counsel. Fields stayed involved, however, as an adviser to Brad Grey. The executive producer of the series and not a party to the suit, Grey played the part of peacemaker. Friedkin's case settled later in 2003 on the day of trial.

The only cloud on Fields' otherwise charmed career came in 2003. To the astonishment of Hollywood, he revealed that he had been questioned by the FBI in connection with a grand jury probe of whether private investigator Anthony Pellicano had conducted illegal wiretaps to aid his clients. Fields consistently has maintained that he had no knowledge of Pellicano's activities, and the U.S. attorney for Los Angeles has been mum for many months.

Fields has made no secret of his use of the flamboyant detective, a favorite of several entertainment lawyers who currently is serving a federal sentence on a weapons charge. Fields most famously deployed Pellicano during Michael Jackson's first child molestation case and also used him on a sexual harassment case for producer Don Simpson, Grey's lawsuits and for a few hours as security at the Katzenberg trial.

After a brief period of keeping out of the limelight, Fields is back in full swing.

He says he spends lots of time on Tom Cruise matters, mostly advising him on deals. Over the years, Fields has aggressively and successfully pursued libel suits against tabloids claiming they have proof that Cruise is gay. Although Fields says he has no involvement in Cruise's decision to proselytize for Scientology, he has sent out cease and desist letters, particularly in connection with the recent expose in Radar magazine detailing Cruise's alleged ascent through Scientology's upper ranks.

Happy to defend his client, Fields says, "If somebody says false things of a defamatory nature about Tom Cruise, whom I will defend till the end of time, I will go after them in any appropriate way I can."

Showing no signs of slowing down, Fields is preparing for trial this fall on behalf of author Clive Cussler. The case involves script approval on the film "Sahara," which did middling box office for Paramount and boasts one interesting factoid: It was the directing debut of Breck Eisner, Michael Eisner's son.

Fields also is preparing a massive pro bono lawsuit on behalf of poor and minority schoolchildren. He's not ready to discuss it yet, except to say, "It's the kind of thing lawyers ought to do."

Fields finds himself very much involved these days with his signature client, Jeffrey Katzenberg. In typical Fieldsian fashion, his relationship with DreamWorks founder Katzenberg has morphed from litigator to counselor of both the individual and the company.

"To have Bert in your life is to have a gift that keeps on giving," Katzenberg says. "I have met many people in my travels, and I just find Bert's a treasure — as a man, a friend, as a resource. Professionally, I think he's in a category of one."

Along with Cravath, Swaine & Moore, Fields represents

DreamWorks in a spate of shareholder actions and a Securities and Exchange Commission investigation against the publicly traded animation entity. Fields allowed that he also is "tangentially involved" in talks with Universal about the sale of the DreamWorks live-action division, producer of movies such as American Beauty and Gladiator.

"I often negotiated against Jeffrey when he was at Disney," recalls Fields, who has been suing Disney since the 1960s. At that time he represented book publisher E.P. Dutton in a suit against the company that ironically involved a rights issue on Winnie the Pooh, a character that so engulfed Fields almost 40 years later.

"Eisner at one point barred me from the lot and said he wouldn't deal with anyone I represented," Fields adds. "I met Jeffrey for lunch to try to work things out, and over time we became friendly."

Fellow DreamWorks founder David Geffen also was a Fields client after a bout as an adversary in a ferocious lawsuit over "Personal Best," where Fields represented director/writer Robert Towne. Katzenberg and Fields became inextricably linked when they sued Disney, claiming the former Disney president had unfairly been denied his bonus of 1 percent of profits. Many headlines and a trial later, the case settled in 1999 for an estimated \$250 million.

Fields has made something of a career of suing Disney. He quietly represented Bob and Harvey Weinstein, who founded Miramax Films, through years of skirmishes with their corporate owner Disney, rarely making public statements until he settled up the brothers' departure earlier this year, without litigation.

Besides the Katzenberg case, Fields' other high-profile litigation against the studio, while not technically in the loss column, lacked a fairytale ending. Fields represented the Slesinger family, the holders of the license for Winnie the Pooh, in their epic royalty battle with the studio. Atypically for Fields, the plaintiff, while wealthy, was a Hollywood outsider, and Fields was one of a long string of lawyers hired by heir Pati Slesinger to handle the case.

Although Fields got her the desired publicity and a few apparently significant wins, he withdrew in 2003 for undisclosed reasons. A year later, the 13-year-old case, which is now on appeal, came to an astounding end when it was transferred to a new judge. Los Angeles Superior Court Judge Charles McCoy dismissed the case as the ultimate sanction for what he termed "egregious" and "dishonest" conduct by the plaintiffs (not their attorneys) in destroying and altering documents and stealing Disney documents from a company trash bin

With his old nemesis Eisner gone, Fields believes things will be different at Disney.

"Eisner had his hands on everything. He controlled the culture," says Fields. "I like Bob Iger, and I think he'll change the corporate culture for the better."

Does Fields envision ever representing the Mouse House?

"Represent Disney?" Fields ponders. "That's an idea that would take a lot of getting used to."



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THEY MAY TAKE DOWN LERACH.
THEY MAY NOT. BUT ONE THING
IS CERTAIN: THE FORCES OF BILL
WILL SURVIVE.

By John Ryan

Bad decision?

Don't tell that to a true believer.

Paul Geller knew that William Lerach and his former firm, Milberg Weiss Bershad & Schulman, were being investigated by the federal government for providing illegal kickbacks to plaintiffs who served in their class actions.

But that didn't stop Geller from merging his Boca Raton, Fla., plaintiffs' securities litigation practice with the San Diego-based shop that Lerach opened after splitting from Milberg Weiss last year.

"Bill was very upfront with me about the investigation," says Geller, a name partner at Lerach Coughlin Stoia Geller Rudman & Robbins.

He wouldn't discuss specifics of the probe, expressing instead his confidence that Lerach didn't do anything wrong.

"I wasn't concerned then, and I'm not concerned now," he says.

Geller is speaking in the dog days of summer, with the investigation heating up and amid news reports that Lerach and the Milberg Weiss firm, as well as two name partners there, Melvyn Weiss and David Bershad, could face indictment for the alleged kickback scheme.

A Los Angeles grand jury already has indicted a 78-year-old retired lawyer, Seymour Lazar, once a regular Milberg Weiss client, for

allegedly accepting illegal payments from the firm, and Lazar's personal attorney, Paul Selzer, who is alleged to have laundered the kickbacks. Milberg Weiss was implicated as Lazar's "New York law firm" in the indictment but not formally charged. (No additional indictments had come down as of Lawdragon's press time in late August).

At the heart of the case are fraud and perjury scenarios in which Milberg Weiss and its paid clients repeatedly hid their fee arrangements from the courts and the rest of the class members. Such kickbacks would align a client like Lazar's interests with Milberg Weiss instead of the class he's purporting to serve. Another theory is that the firm and its paid clients alleged losses the clients never actually suffered, because the kickbacks exceeded whatever was lost in the first place.

The layers of courts and investigators seeking to Kill Bill haven't dented Geller's idealism. The 37-year-old attorney is quick-witted and passionate about his departure from a defense-side securities practice in 1996 to join the plaintiffs' bar and "do the right thing."

For Geller, it comes down to what he gets to tell his 6- and 4-year-old sons, Jared and Dylan, he does at work.

"Now I tell my kids with pride, 'Daddy helps people who work hard for their money but had some of it taken by bad guys who lied," Geller says. "What would I have said if I had children 12 years ago?"

Geller merged his 18-attorney firm, Geller Rudman, into Lerach's. The types of clients the new lawyers brought with them include both wealthy investors and countless little people and retirees of

'Let's face it, Bill is the top guy doing this work, and the top guy in any field often ends up with a bull's eye on his forehead.'

Paul Geller Lerach Coughlin Stoia Geller Rudman & Robbins

massive pension funds. These are the clients for whom Lerach's firm claims to have won \$25 billion in recoveries during the past three decades.

That number and Lerach's approach — particularly his willingness to piss off fellow plaintiffs' lawyers in equal measure to the defense bar and corporate America — were the functional equivalent of wearing a "just shoot me" T-shirt.

"Let's face it," Geller explains, "Bill is the top guy doing this work, and the top guy in any field often ends up with a bull's eye on his forehead."

Lerach began his ascent to target status after leaving a corporate practice at Reed Smith Shaw & McClay in Pittsburgh in 1976. He joined Weiss, who became his mentor, that year (the same in which Lazar signed up with the firm, according to the indictment).

In addition to the billions in recoveries from every type of public company imaginable, from Honeywell Inc. and Prudential Life Insurance Co. to 3Com Corp. and Apple Inc., Lerach and Weiss themselves profited handsomely. They alone were rumored to have made in excess of \$100 million before their split last year.

All of which contributed a few more rings on the bull's-eye of not only the star attorneys but also the entire class-action bar. The sentiment of the business community was summed up in a Wall Street Journal editorial when Lazar was indicted, calling the case "The Trial Lawyers' Enron."

"Something like this indictment has long seemed inevitable as trial bar practices have grown ever more outrageous," the opinion says. "The California indictment begins to expose some of this corruption."

However, attorneys on both the plaintiff and defense sides of the bar say the rhetoric over the *Lazar* case far outstrips the reality of its impact on the securities litigation practice. They doubt any criminal case can slow down such a thriving practice area, even if some of its top lawyers are tripped up.

"It's ridiculous," says John P. "Sean" Coffey, a partner at Bernstein

Litowitz Berger & Grossman in New York, who along with senior partner Max Berger is lead counsel in the massive fraud case against WorldCom Inc. That case has produced more than \$6 billion in recoveries.

"There are plenty of very talented law firms that will continue to vigorously prosecute corporate wrongdoing, regardless of what happens to [Milberg Weiss or Lerach Coughlin]," Coffey, a former defense lawyer at Latham & Watkins, says.

In many ways, the debate over the likes of Lerach and Weiss has grown predictable and tiresome over the past decade, with sympathizers seeing the lawyers as crusaders for corporate accountability and critics insisting that the lawyers care only about their attorney fees and have little regard for class members.

Defense lawyers have always taken a more balanced view, and not simply because their practices profit when the plaintiffs' shops are busy — or because they're afraid to enrage Lerach, who has a reputation for being vindictive.

The fact is, they know that a firm with the skills of Lerach and Weiss can turn a David v. Goliath case into an evenly matched heavyweight battle, credibly holding out for more money for class members.

"They are quality firms with the resources to pursue a case and are more formidable opponents than many other plaintiffs' firms," says Gregory Markel, a veteran securities defense lawyer at Cadwalader Wickersham & Taft.

Attorneys on his side of the table tend to appreciate opponents who also practice at a high level, and who can be trusted, he says. As someone who's done battle with them for more than 20 years, Markel puts lawyers like Lerach, Weiss and Bershad into this category.

"I've always found them to be straightforward, honest and very professional," says the New York lawyer. "They are people of their word. If Bill Lerach says something, I feel as though I can rely on it."

Kill Bill, Volume 1, came in 1995, when Congress passed what was dubbed the "Get Lerach Act," aimed at stopping the prolific filing of suits by Milberg Weiss and its star attorney.

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- Kay Hoppe



'Best thing that ever happened to us. Unintended consequences.'

Patrick Coughlin Lerach Coughlin Stoia Geller Rudman & Robbins

The act outlawed the then-common practice among plaintiffs' counsel of racing to the courthouse with ready-made clients prepared to file suit at the drop of a stock. The first firm to file became lead counsel and reaped the lion's share of fees.

The Private Securities Litigation Reform Act of 1995 halted that practice, awarding lead counsel role to the firms representing the clients with the biggest investment losses. The act also raised the legal standards plaintiffs had to meet when filing and sustaining their cases.

The reforms failed to diminish Lerach or the plaintiffs' bar, however, because of the lawyers' resilience and mounting corporate scandals. Firms like Milberg Weiss had the money and manpower to research and file the type of complaints that could meet the new pleading standards and survive defense motions to dismiss. They outmaneuvered the regulations, adding former FBI agents and forensic accountants to bring heft to their complaints.

"Best thing that ever happened to us," Lerach's partner, Patrick Coughlin, says of the 1995 act. "Unintended consequences."

The consequences of Volume 2 are far more uncertain. In 2004, Milberg Weiss, then known as Milberg Weiss Bershad Hynes & Lerach, split into two firms, with Lerach forming a new firm and Weiss heading up the continuing partnership. Firm leaders repeatedly denied that the grand jury investigation played any role in the divorce.

They passed it off as a business decision while conceding some cultural differences between the East and West Coast branches of the firm.

The criminal case's impact on massive class actions will be most severe if an entire firm is indicted. That possibility may have been complicated by the breakup. While Milberg Weiss is the continuing business, much of the alleged conduct appears to involve West Coast lawyers. And Lerach Coughlin was formed after any of the allegations involving Lazar, making the firm, as a business entity, a less likely target for prosecution.

The U.S. Chamber of Commerce is against indicting an entire firm, but it supports criminal charges against attorneys who broke the

law, Stanton Anderson, its chief legal counsel, says. Any short-term benefits of "putting the brakes on" some lawsuits would be outweighed by the negatives of taking down an entire business, he says.

He describes such a move as "bad policy," whether the target is a public company or a law firm like Milberg Weiss.

While the scope of the probe appeared to be broadening in August, Lazar's indictment struck even critics of the plaintiffs' bar as intriguing but dated, with much of the alleged conduct occurring before many of the firms' younger lawyers began practicing law

The indictment claims an unnamed New York law firm (later confirmed to be Milberg Weiss) made secret illegal payments to Lazar and his family members for serving as plaintiffs in 50 class actions handled by the firm over a period of about 20 years.

Though some kickbacks were allegedly paid as late as 2000 or 2001, the vast majority of the class actions specified in the indictment were filed by Milberg Weiss in the mid-1980s and mid- to late-1990s — before the reforms of the 1995 law settled in.

Plaintiffs' firms no longer rely on so-called "professional plaintiffs" like Lazar because of the reforms, which handed the lead plaintiff's role to large institutional investors like pension funds that have massive investment portfolios.

This is especially true in the larger class actions involving hundreds of millions of dollars or more of alleged fraud. Individual investors are lead plaintiffs in plenty of the smaller cases, but law firms still have to show that their clients suffered the most losses and are good representatives of the class.

"I think that the *Lazar* case involves isolated allegations involving conduct that probably isn't very prevalent anymore," says Bruce Carton, vice president of Securities Class Action Services, a division of Institutional Shareholder Services, which advises institutional investors. "Representation of individual plaintiffs is not really the way that these plaintiffs' firms make money in securities litigation these days."

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'I think that the *Lazar* case involves isolated allegations involving conduct that probably isn't very prevalent anymore.'

Bruce Carlton Vice President, Securities Class Action Services

In recent years, tort reformers have been more focused on relationships large plaintiffs' firms have with Wall Street short-sellers, who make money off dips in stock prices. They've also looked into whether campaign contributions to politicians have influenced the way certain public funds select counsel.

Anderson says the Chamber of Commerce also is studying whether large pension funds, which constantly trade in and out of a large number of stocks, can actually suffer harm from any individual acts caused by corporate executives.

Anderson cautions against concluding that the government's investigation of Lerach and Milberg Weiss centers on outdated or irrelevant behavior. News reports in August suggested that prosecutors were taking the case in new directions, he points out.

"I just don't think we can speculate at this point," Anderson says.

For Geller and the 17 attorneys who joined Lerach Coughlin, there's no room for worry.

"It was the best decision I've ever made, both professionally and personally," Geller says.

The leaders of the Geller Rudman group typify the types of young, experienced attorneys that can be drawn to plaintiffs' side class-action work, no matter how effectively the tort-reform movement slams their practice.

Samuel Rudman worked at the Securities and Exchange Commission and then as a defense lawyer at Proskauer Rose before joining Milberg Weiss' New York headquarters in the mid-1990s. He joined Geller's practice in 2001, heading its New York team, and stayed there until the pair merged their firm into Lerach Coughlin, which has 150 lawyers.

Geller also worked as an associate at Proskauer, in its Boca Raton office, before joining the plaintiffs' bar. No one case pushed him over the edge, Geller says. He just developed a persistent sense that he was on the wrong side.

"I think every young lawyer at a big firm has fantasies about going to the plaintiffs' side," he says.

Geller and Rudman experienced great success taking on their old firms, developing an impressive set of cases that eventually made its way to Lerach Coughlin. Some have settled since their arrival, including the class actions against Morgan Stanley and its Van Kampen subsidiary. Those suits, among the first to allege fraud over the valuing of mutual-fund assets, settled this year for about \$40 million.

The plaintiffs in those cases are the retirees and older investors to whom the funds were marketed. Among them was Larry Nicholson, a retired New York City police officer living in Florida who had to travel to New York by train to be deposed because he is afraid of flying.

Rudman also handled the securities-fraud case against Kansas City-based Interstate Bakeries, which settled in May for \$18 million. Among the plaintiffs in that case were the 65,000 members of the Municipal Employees Retirement System of Michigan. The fund alleged that Interstate Bakeries and its executives overstated company profits while selling their own shares for inflated prices.

Despite their success, Geller and Rudman saw joining forces with Lerach as taking their fight to the highest, most effective level.

"The opportunity to join what, in our view, was the biggest, best and most high-level operation and to be name partners at the same time was hard to pass up," Rudman says.

For Lerach, the combination gave him the East Coast power he needed after the split from Weiss. It also could be another canny countermove, keeping his firm strong if the criminal case threatens his practice. Rudman, who runs the firm's New York office, is just 37. With Geller and the 38-year-old Darren Robbins, a San Diego partner who split from Milberg Weiss along with Lerach, the firm has three name partners under the age of 40.

Lerach also seems to be no worse for the wear when it comes to his clients. He continues to run the lawsuit brought against Enron Corp., its bankers and accountants for The Regents of the University of California.

In February 2002, just weeks after the investigation surfaced, U.S. District Judge Melinda Harmon in Houston awarded lead plaintiff

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Paul Geller Lerach Coughlin Stoia Geller Rudman & Robbins

status in that case to Milberg Weiss. In an 84-page ruling, she wrote she was not swayed by "the highly publicized criticism of Bill Lerach, which includes thus far unproven allegations of solicitation of clients."

Harmon said that Milberg Weiss had stood out in its preparation of the case and that Lerach had "justifiably 'beat his own drum' in demonstrating the role his firm has played thus far."

When Lerach launched his own firm, he took the Enron litigation with him. The firm staffed a 50-person satellite office in Houston just for the case.

Trey Davis, the director of special projects for the University of California, says that the regents will continue to monitor the criminal case. But for now, he says, the regents agree with Harmon's take back in 2002.

"We are extremely pleased with the effort and the success the firm has produced to date," Davis says.

The ratcheting up of the criminal investigation surfaced at an odd time this summer — just as a Lerach-led team was securing settlements that pushed the total amount of money obtained in the Enron case to \$7.1 billion. (That amount makes it the most successful class action in U.S. history, surpassing the \$6 billion-plus total in WorldCom.)

Such coincidences of timing, close ties between the trial bar and Democrats, and President Bush's pro-tort-reform agenda lead to regular speculation that the criminal case against Lerach and Milberg Weiss is politically motivated.

While not commenting on the case, Thom Mrozek, a spokesman for the U.S. attorney's office in Los Angeles, where the investigation is centered, says his office does not prosecute cases for political reasons and never has.

The deepest impact of the investigation will most likely be on cases like Tyco International Ltd., WorldCom and Enron — big, complicated class actions that only a handful of plaintiffs' firms have the skill and resources to master, practitioners in the field predict.

Defense lawyers say the firms best equipped to handle the biggest

cases are Lerach Coughlin, Milberg Weiss and Bernstein Litowitz, and that these three firms form the top echelon of class-action plaintiffs' shops. With 40 attorneys, Bernstein Litowitz has a different business model from its two larger competitors, handling fewer but consistently big cases and sharing work with other firms.

Interestingly, one of the firm's attorneys is playing a role in the criminal case. The Wall Street Journal reported in early August that Alan Schulman, a highly successful Bernstein Litowitz partner in San Diego, testified before the Los Angeles grand jury in the Milberg Weiss probe. Schulman worked with Lerach at Milberg Weiss before the two men had a nasty split several years ago.

Whether any partners are indicted, two things are certain: Investors of all sizes will continue to need representation when corporations screw them, and the inheritors of Lerach are impassioned to carry on.

The Geller Rudman contingent now runs most of Lerach Coughlin's cases on the East Coast. Rudman is handling fraud cases against Tommy Hilfiger Corp. and Forest Laboratories Inc. As head of the New York office, he oversees anywhere between 50 and 100 cases a year.

And, while Milberg Weiss is lead counsel in the Tyco fraud case in New Hampshire federal court, Geller has carved out a separate state case in Florida, representing investors who held stock in publicly traded companies that Tyco acquired before the fraud was uncovered. The case has proceeded over the objections of both Tyco and Milberg Weiss, who wanted the allegations consolidated with the New Hampshire proceedings.

Geller has also brought a first-of-its-kind case on behalf of police agencies suing Taser International Inc. for allegedly concealing safety problems of the manufacturer's stun guns, which many police departments have used to subdue unruly suspects.

He is excited about these cases and about the future. Maybe he's naïve, but in true "what, me worry?" fashion, Geller says the merger has retained his autonomy while elevating his practice to the nation's biggest cases.

"It's one of those rare situations where things worked out almost precisely as we had hoped and expected," Geller says.



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BALA CHAIN

IT'S NOT ENOUGH THAT CORPORATIONS HAVE TO HIRE LAWYERS TO HELP THEM GET PROBATION FOR BUSINESS OFFENSES, THEY'RE ALSO SPENDING HUNDREDS OF THOUSANDS ON LEGAL COUNSEL TO ENSURE THEY KEEP THEIR NOSES CLEAN.

BY LESLIE A. GORDON

KPMG spent most of the summer bailing itself out of hot water for helping to set up illegal tax shelters that cost the government as much as \$1.4 billion in taxes. In August, published reports had the Big Four accounting giant close to brokering a deal under terms that have become a favorite of federal prosecutors and corporate counselors nationwide.

The pacts, known as deferred prosecution agreements, are essentially corporate probation and have recently been entered by a slew of businesses nationwide to escape serious liability.

In a deal not unlike that cousin Billy enters into for drinking in public, KPMG reportedly will go on probation to avoid criminal indictment for certain tax devices it offered wealthy clients between 1996 and 2002. In return, it reportedly was prepared to admit guilt, pay \$500 million in fines and, oh yeah, pay even more dough to monitors who will ensure the firm keeps its nose clean.

Bristol-Myers Squibb entered a similar arrangement in June, consenting to a deferred prosecution agreement with the Justice Department, which claimed the prescription drug giant had cooked its books.

For its part, Bristol-Myers agreed to pay \$300 million to a shareholder

restitution fund and stay out of trouble for 24 months. The company also had to agree to wear the functional equivalent of an ankle bracelet — in the form of hiring an independent monitor — until 2007.

Bristol-Myers' probation officer, former federal court judge and LeBoeuf, Lamb, Greene & MacRae of-counsel Frederick Lacey, is charged with conducting a "comprehensive review of the implementation and effectiveness of the internal controls, financial reporting, disclosure, planning, budget and projection processes and related compliance functions."

To help out, he turned to LeBoeuf partner Gary Apfel to serve as Bristol-Myers' ankle bracelet. Typically, the company must pay for the monitoring, which is billed hourly, with the bills reviewed for reasonableness by the prosecutor.

Apfel wouldn't say how much LeBoeuf's watchdogging will bring in. But you can do the math: lawyer billing rates can exceed \$400 per hour, the work requires daily oversight, and the probation lasts for at least two years.

Deferred prosecution agreements have soared in popularity as the government cracks down on white-collar crime, giving companies time to clean up their acts and prove they can operate lawfully.



Photo: Hugh Williams

Though the costs of probation are high, they are often less than the loss of thousands of jobs that can attend outright prosecution. While the government typically files charges but agrees to abate prosecution, there are instances in which the government has agreed to not even file charges. That was the case with Micrus Corp., a Sunnyvale, Calif.-based medical device company accused of bribing doctors. The Justice Department agreed to hold off on filing criminal charges against Micrus altogether so long as the company stays clean.

Prudential Securities was the first major company put on corporate probation when it entered a deferred prosecution agreement in 1994 for allegedly defrauding investors in the sale of energy limited partnerships. At the time, deferred prosecution agreements didn't "catch on," says David Zornow of New York's Skadden, Arps, Slate, Meagher & Flom.

Jeffrey Isaacs, who prosecuted white-collar crime as an assistant U.S. attorney in Los Angeles until this September, brokered a similar deal with Coopers & Lybrand in 1997 for helping former Arizona Governor Fife Symington perpetrate an alleged bank fraud scheme. Under the agreement, the accounting firm cooperated in the Symington investigation and paid a hefty \$2.3 million fine. In return, it avoided criminal prosecution and the possibility of losing its accounting license.

Issacs won't comment on the KPMG investigation or whether deferred prosecutions are growing in popularity with the federal government because he is wrapping up some cases for the Justice Department. But he says that more corporate probation pacts may be popping up because those under investigation are proactively cleaning up shop to gain favor with authorities.

"Defense counsel realizes that the best approach to defending a corporation under investigation is to take steps early," says Isaacs, who negotiated four corporate probation agreements while with the federal government. He now leads the criminal division for the Los Angeles city attorney's office.

Corporate probation really began to take off after Arthur Andersen folded in 2002 following its indictment for obstructing justice by destroying Enron records. The government revived the notion of corporate probation, with Deputy Attorney General Larry Thompson issuing a memo encouraging prosecutors to seek deferred prosecution with cooperative corporations.

Corporate counsel saw the benefits of probation, despite the attendant PR bruising, rather than endure an indictment's disgrace. Indictments, after all, cause a variety of ills, including drops in stock price, job loss and exclusion from government contracts. Among the

'[The agreements] are a wonderful technique for the white-collar defense bar. Defense counsel don't want to go to trial on behalf of a corporation.'

John Coffee

Columbia University School of Law professor

blue-chip companies that have agreed to probation since Thompson's memo are Monsanto Co., Time Warner Inc., American International Group Inc. and Computer Associates International Inc.

Critics say, though, that deferred prosecution agreements are not necessarily a win-win endeavor and can breed distrust among employees. Specifically, they can disadvantage individual white-collar defendants when their terms require them to inform on employees. Last September, for example, Computer Associates and the U.S. attorney's office for the Eastern District of New York entered a probation agreement that required the company to pay \$225 million to shareholders. The Justice Department then indicted the company's former top executives.

"If a company's going to cooperate with the government, they have to identify culprits," says former prosecutor Mark Calloway, now a white-collar crime lawyer in the Charlotte, N.C., office of Alston & Bird, which is the independent monitor in the Enron case. "The DOJ views it as part of cooperation and believes the companies should be doing that anyway as part of compliance [with strict antifraud laws]."

Another downside: certain admissions could negatively affect related civil cases brought by the Securities & Exchange Commission or shareholders.

Those threats seem only a slight deterrence to companies facing serious criminal claims that can be avoided by probation.

"A government investigation is hard on the company," Calloway says. "The choice [to agree to a deferred prosecution agreement] is much more difficult when the company believes it hasn't violated the law. Realistically, though, if there's significant risk of indictment, a [deferred-prosecution agreement] is a very hard offer to turn down."

The biggest disadvantage of such arrangements, adds Calloway, are "onerous terms." The government may require a laundry list of conditions: waiver of attorney-client privilege, replacement of top management, agreement not to contest the charges, development of internal compliance programs, allowing investigators access to confidential records, restitution to shareholders, paying of fines and court costs and agreement to government supervision.

As for Bristol-Myers, it is even required to endow a chair at Seton Hall University School of Law (interestingly, the prosecutor's alma mater) devoted to teaching business ethics.

Naturally, there are penalties for breaching the agreement, including that the charges can be resurrected.

"The DOJ has learned they can get as much, if not more, from a pretrial diversion agreement than from an indictment or even a sentence," Calloway says.

Probably the only entities with as much to gain from such agreements as corporations are the white-collar defense lawyers who execute and supervise them.

"[The agreements] are a wonderful technique for the white-collar defense bar," Columbia University School of Law professor John Coffee says. "Defense counsel don't want to go to trial on behalf of a corporation. And it can take anywhere from six weeks to six months to negotiate" the terms of a deferred prosecution agreement.

The role of independent monitor has also became a cottage industry for advisors who evaluate compliance with the agreement's terms, monitor the company's operations for compliance with laws and suggest structural reforms to continue after expiration of the monitorship, says Neil Getnick of Getnick & Getnick, a New York law firm that specializes in independent monitoring.

Representing — or serving as — the independent monitor of a company on probation is a robust process that requires lawyers to attend meetings, participate in conference calls, review documents and summarize everything about the company for the government. It's a detailed, time-consuming, multiyear process that requires thousands of attorney hours.

While no lawyer interviewed for this story would estimate how much money lawyers stand to gain from independent monitoring, consultants say it's well into the millions.

Corporate probation is the "flavor of the month," for what the government will do to make it easier for companies to avoid prosecution, Zornow says, but lawyers as independent monitors is not a new concept.

'A government investigation is hard on the company. The choice [to agree to a deferred prosecution agreement] is much more difficult when the company believes it hasn't violated the law.'

Mark Calloway Attorney, Alston & Bird

In the 1980s, law firms were charged with monitoring police departments accused of excessive force and corrupt labor unions. During the Civil Rights era, law firms oversaw the integration of school districts. In New York City especially, lawyers are often given the role of independent private sector inspector general — or IPSIG — to monitor suspected corrupt industries.

After 9/11, when the normal contractor-selection process was eliminated to ensure hasty cleanup, lawyers served as integrity monitors to regulate performance of the contracts. And the federal government's recent crackdown on corporate crime could bring more change.

"There may be more opportunities for lawyers to be or to represent independent monitors," says Zornow, who serves as counsel for a former Computer Associates executive facing criminal charges following that company's deferred prosecution agreement.

But among those who serve as independent monitors, there is debate whether litigators or corporate lawyers are best suited for the role.

Zornow is in the litigator camp because of the prosecutorial and interviewing experience they can bring. Getnick's firm, which is monitoring the New York Racing Association under a 2003 deferred prosecution agreement, comprises litigators and former prosecutors. New Jersey's Stier Anderson, another firm well-known for its work as independent monitors, is similarly populated.

Those in the corporate camp say the role is more that of adviser than advocate, requiring experience with federal securities laws, corporate governance issues, internal controls and anti-fraud regulations. Independent monitoring is akin to conducting due diligence before closing a corporate transaction, a job typically handled by corporate lawyers, according to a corporate lawyer who represents independent monitors.

"Monitorships can achieve significant structural reforms," says Getnick. "If that process is successful, then at the end of the monitorship, good conduct — integrity, transparency, social responsibility and good governance — will be seen to equal good business — productivity, profitability, effectiveness and efficiency. If possible, the monitor should seek to marry the two so everyone — the government, the public and the company — feels well-served by the monitorship."

Despite the allure of unlimited billable hours, some firms may not want the job because of the immersion it requires in a company's business. That can trigger potential ethical conflicts of interest for firms that represent the company's competitors.

Also, by its nature, monitoring requires the law firm to be independent of the company, which includes relinquishing attorney-client privilege and reporting negative findings to the government.

"A monitor needs to be open to working alongside the government, which may be problematic for lawyers and law firms that regularly work in a defensive capacity," Getnick explains.

That's a discomfort defense firms need to get past, according to some sources, who believe the popularity of corporate probation will only grow — especially for professional organizations like KPMG.

"I think we are going to see more use of these agreements," says a former federal prosecutor who has brokered deferred prosecutions. The attorney, who requested that his name not be used, foresees the use of such agreements on licensed specialists like accountants and lawyers.

"They have been in vogue lately with regard to corporations too," he says. "But, there's a trend of focusing on professional organizations."

If criminal charges were filed against KPMG, it could lose its license to operate, as was the case for Arthur Andersen, where "the partnership was effectively destroyed," Isaacs says.

An indictment against KPMG could bring down the accounting giant in an industry that has seen its ranks dwindle from the Big Eight to the Final Four in just two decades. That could result in even fewer choices of auditors for business — and provide even greater incentive for the government and KPMG to reach an agreement for deferred prosecution.

In deciding whether to grant deferred prosecution to KPMG, Isaacs says that the federal government will certainly consider the effect on the accounting industry and beyond.

"One important factor goes to the consequences. Are they too extreme to warrant criminal prosecution?"

PAPER BULLETS

Lawsuits against gun manufacturers have a place, argues pro bono lawyer **David Lash**. If nothing else, they keep alive the national debate on guns, violence and the daily death wrought on the killing fields of inner-city America.



Perhaps the most far-reaching gun legislation of all time is pending in Congress, and no one is talking about its real impact. The Protection of Lawful Commerce in Arms Act would largely ban law-suits filed against gun manufacturers when the guns they make are not used for legitimate self-defense, recreational or sporting purposes. But the voices of the poor, those most affected, will not be a part of this important debate. Guns, violence, and the daily death wrought on the killing fields of inner-city America are critical interests that simply will not be heard.

Sponsored by the National Rifle Association, previous incarnations of

the act have met with fatal opposition on the floors of Congress. However, new hope for gun proponents arises from recent electoral changes in the composition of the Senate, and the bill is proceeding toward possible passage. Opponents argue it would take dangerous steps toward unfairly immunizing one particular industry from legiti-

mate consumer-protecting lawsuits, shielding gun manufacturers from democracy's watchful judicial eye. Proponents, on the other hand, contend that the measure will simply curb zealous lawyers who unmercifully pound away at gun dealers and manufacturers for the wrongs committed by uncontainable criminals.

One thing that both factions agree on, however, is that the act has been prompted, at least to a significant degree, by a flood of new, some would say creative, lawsuits. The matters, often brought by municipalities trying to recover the cost of medical care for victims of gun violence, and alleging design and product defect theories of liability, have been launched throughout the country. To date, the plaintiff governments have been unsuccessful in their efforts to hold firearms manufacturers responsible for the costs of carnage, but the resulting debate has been robust and democratic.

As part of that debate, juries comprised of local citizens sitting together as defenders of their communities, participating in the cornerstone component of a free and open democratic society, bring the interests of their constituencies to bear. Those interests include the impact of the debate on those who are forgotten in the halls of

Congress. Regardless of whether the Protection of Lawful Commerce in Arms Act is a good idea, if its result is to cut off that debate and ignore the tragic consequences befalling the poorest among us, we will all be the ones to blame for callous indifference to anonymous suffering.

Many communities throughout the United States suffer little, if at all, from gun violence. But in low-income neighborhoods, especially among racial minorities living in urban inner cities, it is the poor who bear the brunt of the daily tragedies those firearms can bring. We have heard the statistics over and over again — gun violence is the

We have heard the statistics over and over again — gun violence is the leading cause of death among African-Americans age 15-44.

leading cause of death among African-Americans age 15-44, Latinos are more likely than people of other racial or ethnic groups to be victimized by violent crimes involving strangers, and disproportionate numbers of young people are the most frequent victims of fatal gunplay. In fact, several years ago the Center for Disease Control and Prevention reported that an average of 13 young people are killed with a gun every single day. That's about the same as would likely die if two airliners crashed every month and no one survived. Imagine the media attention, the investigations and the wholly understandable outrage if two jets indeed came down every month.

But to the extent poverty is associated with race, more African-Americans, Hispanics and other minorities, largely the young of those communities, will continue to die from gun violence in unequalled numbers. And they will die in obscurity. There is no crush of media attention, no governmental investigations and certainly no discussion in Congress over their plight when the issues of guns, homicide and death are being debated. After all, when it's about poor people we seem to forget to be outraged over the senseless reality of life and death they face on a daily basis. Instead, the American dream is left to disappear.

Discussion about guns rises to the forefront of our national conscience when big lawsuits are filed, when a suburban high school student goes berserk, when a gun-toting neo-Nazi day trader shoots and kills indiscriminately. The lone, crazed gunman

destroy, just lying in wait to do so)? And can we and should we be doing more to protect against the daily devastation of life occurring on our cities' streets? Perhaps we should also be talking about whether the lawsuits will prompt legal action to ultimately require all

becomes the media equivalent of a headline-grabbing air disaster. Only then are we prompted to talk about safety locks, childproof triggering mechanisms, waiting periods, background checks and bans on automatic weapons. Only then do we debate the efficacies of reasonable constitutional restrictions. Sadly, the everyday deaths on our streets, in long-forgotten

But because the majority of the tragedy of gun violence is borne by the poor, we are likely to stifle this potentially critical democratic debate.

neighborhoods, never prompt the same response. Instead, faceless poor and voiceless minorities are left to deal with their tragedies by themselves.

As the Protection of Lawful Commerce in Arms Act winds its way through Congress, and as the National Rifle Association and national politicians frame the parameters of debate, an opportunity is being wasted. The lawsuits that would be ended by the act, regardless of the strengths and weaknesses of their substantive merits, will mean the end of an important societal discourse about the moral and legal issues at the core of our national discussion about guns.

If a lawsuit serves no other purpose, it pushes forward the democratic dialogue through the marketplace of ideas, launching an examination of policy concerns and letting juries of our peers act as our souls. Trusting 12 of our peers to enforce legislative standards in such crucial policy debates is the crux of community-based democracy.

If the lawsuits come to an abrupt end, so too will that trusted discourse, debate and questioning: Can the courts be the incentive to create safety standards, making it harder for children to get guns? Should society as a whole shoulder the costs of medical care resulting from gun violence, and should those costs continue to be the responsibility of a seemingly uncomplaining public? Should guns be treated as automobiles (products which when used safely are beneficial but when used recklessly can kill) or as landmines (intended to

gun owners, like car owners, to carry insurance against accidental or criminal misuse and thereby shift the costs of firearm use from the victims and taxpayers to gun owners and users. Consequent higher prices for gun possession might ultimately reduce the amount of firearm violence in the country.

But because the majority of the tragedy of gun violence is borne by the poor, we are likely to stifle this potentially critical democratic debate. Because as a society we have numbed to the everyday deaths in our streets, we are missing out on the chance to examine, as a culture, these important questions. If our anesthetic sense of acceptance continues, we will never take control of the killings in our midst and we will never grapple with the confounding priorities and disparities of the gap between rich and poor.

Instead, together we need never forget the senseless reality of so many tragic, often faceless and nameless victims whose memories ought to be our guiding light in framing solutions. Whether the Protection of Lawful Commerce in Arms Act is that solution or not, we cannot further bury the daily tragedies of the poor. We have to ensure that our national debate over gun violence does not sidestep globally and historically unequalled democratic processes, and we have to vigilantly protect against any further ignoring of the poor in tragic and deathly ways.

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

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The Leading Lawyers in America

So, how is this list different, you ask?

Simple. The Lawdragon 500 Leading Lawyers in America is one-stop shopping for the legal consumer. A single guide to the best lawyer, in any given field, anywhere in the country. No flipping through multiple catalogs. No clicking on multiple Web sites. This is a service that should have been offered to clients long ago. Frankly, we were surprised it hadn't.

In our survey of what's out there, we found just about every roll call imaginable. There are Top-Tier Corporate Attack Dogs and The Shortlist of Most Coveted General Counsel, The Plaintiffs' Lawyers You Need If You've Been Injured and the Leading Latina Litigators. If we looked hard enough, we could surely find Louisiana Legal

The Lawdragon

500

Eagles, Palm Springs Power Players, and Alabama A-Listers. Or, just for fun, how about The Shortlisted Super-Duper Lawyers with Swell Bank Accounts and Degrees from ABA-Accredited Law Schools!

After a combined 100 years writing about lawyers, we knew there was a better way.

In the next 50 pages you will find one comprehensive list of the country's leading lawyers, 500 in all.

Five hundred may seem like a large number, until you consider that there are more than 1.1 million attorneys in the United States. The names you see here represent less than one tenth of 1 percent of the attorney population. Another 5,000 who were nominated for this list are featured on our Web site, lawdragon.com.

To compile this definitive list, we interviewed thousands of people: corporate attorneys, litigators, judges, in-house counsel, prosecutors, law school professors, pro-bono practitioners, law firm managers, and legal recruiters — to name just a few. Our calls and e-mails swept across the country, from the sunny shores of San Diego to Manhattan's skyscrapers. Attorneys and clients in both Washingtons — the power corridors of our nation's capital and the thriving northwest city of Seattle — heard from us, as did the sole practitioner in Grapevine, Texas, the civil rights lawyer in Boston and the employment lawyer in Athens, Georgia. We lit up the phone lines in Hawaii and Alaska, too.

We're proud to say there's not a state in this union where a lawyer hasn't asked, "What the heck is a lawdragon?"

We tallied more than 15,000 nominations to compile an all-inclusive list. Here, you will find no breakdowns based on niche. No breakdowns based on gender. And no lawyers who bought their way onto our list.

Nor did we reserve space solely for lawyers in swanky downtown high-rises, though many on our list are private practitioners. Still, you will find just as many lawyers whose unrivaled talents extend to the government, judiciary, academia, public interest and, yes, even law firm management (more on the managers later). Our only goal: hunt down the best legal talent the country had to offer.

In all, you will find lawyers in nearly 70 practice specialties. The practices run the gamut from public finance and securities enforcement to medical malpractice and criminal defense. Granted, there are some practices not represented on our list.

After tallying countless votes and reviewing our notes, it became abundantly clear that attorneys with global practices were outpacing the lemur's lawyer. This frankly didn't surprise us all that much.

Consider the wide-ranging impact New York Attorney General Eliot Spitzer's prosecution of boardroom scallywags has had on corporate reform. Not to mention the intense nationwide debate over reporter shield laws created in the wake of U.S. Attorney Patrick Fitzgerald's investigation into the leak of CIA agent Valerie Plame's identity.

Which brings us to the law firm managers. A few highly valued sources pleaded that we not include management, arguing that supervising thousands of egos in far-flung offices is quite different from supervising a trial team preparing for a courtroom battle.

We don't disagree. Except that firm managers do have a profound impact on the way law is practiced. Take Frank Burch and Lee Miller of DLA Piper Rudnick Gray Cary. Their vision to unite three law firms to create a global organization with nearly 3,000 attorneys in 53 offices in 20 countries is breathtaking in scope (rivaling in hubris the firm's name). It remains to be seen if the firm's lawyers and clients will ultimately benefit from the grand experiment of creating a worldwide legal corporation. If DLA Piper does succeed, however, these attorneys will have revolutionized the practice of law. For that, their peers (sans the few vocal dissenters) felt the pair had earned a place among the leading 500.

Similarly, we were encouraged to not take the surf and turf route, mixing judges with practicing lawyers. The jury's still out on that one, and we welcome your input on our decision to include jurists with lesser mortals in our composite look at the leading legal minds in this country. (We will publish a separate issue, featuring the 500 leading public and private judges in America in July 2006.)

But we're not kidding ourselves. Our inaugural list is not for Jane consumer. As one of our leading family lawyers explained to us, he handles six cases a year, mostly of people who buy their Lear jets at the same spot he does. When we told him that next year, we'll expand to six issues, adding the Lawdragon 500 Leading Lawyers for Corporate America for the business crowd and the Leading Family Lawyers, which will help Aunt Mae, he began to get our drift.

"Now that," he said, "that could help people."

That's the idea.

Khaled Abou El Fadl UCLA School of Law (Los Angeles, California) A timely expert on Islamic law and human rights issues in the age of terrorism. Michael Abourezk Abourezk Law Firm (Rapid City, South Dakota) Turned a breast cancer patient into a Successful class representative against an Omaha insurer. Shirley Abrahamson Wisconsin Supreme Court (Madison, Wisconsin) A leader among judges, this chief justice works to bring together federal, state and tribal courts. Floyd Abrams Cahill Gordon & Reindel (New York, New York) Defining First Amendment law from the Pentagon Papers to Judith Miller. Mark Abramson Abramson, Brown & Dugan (Manchester, New Hampshire) Taking On the Catholic Church and the University of New Hampshire for New England's injured. Sanford Ain Ain & Blank (Washington, D.C.) Couples untying the knot anywhere near the Beltway would be WiSC to seek him out. Wylie Aitken Aitken, Aitken & Cohn (Santa Ana, California) This Southern California trial lawyer's latest target is alleged unsafe conditions on Disneyland rides. Gerald Aksen Sole practitioner (New York, New York) The former Thelen Reid & Priest partner is the busiest international arbitrator around. William Allen New York University Center for Law and Business (New York, New York) An untivaled expert in business law and corporate governance. John Altenburg Department of Defense (Washington, D.C.) His is the unenviable task of Oversceing the first military tribunals in the U.S. since World War II.

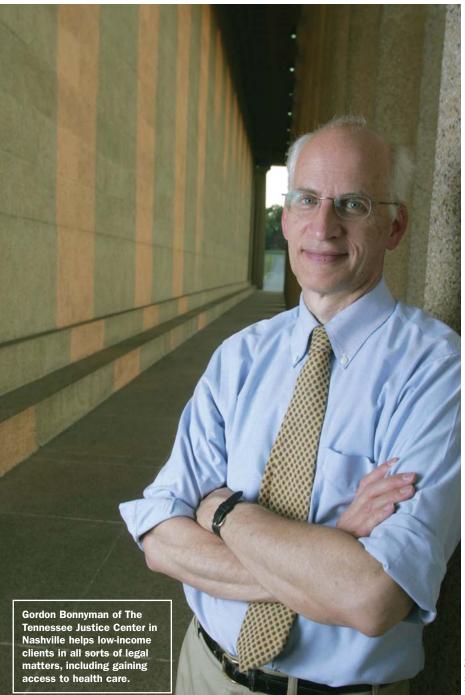
Eleanor Alter Kasowitz, Benson, Torres & Friedman (New York, New York) When it comes to Big Apple family matters, she's on the Shortlist of where to turn. Cesar Alvarez Greenberg Traurig (Miami, Florida) Novel approaches to recruiting young legal talent have this firm leader's stock on the tise. Eugene Anderson Anderson Kill & Olick (New York, New York) This former director of Citizens Against Unfair Insurance Practices is also a top counselor to policyholders. M. Jean Anderson Weil, Gotshal & Manges (Washington, D.C.) The former Commerce Department bigwig is a go-to litigator for high-profile trade proceedings. Bruce Angiolillo Simpson Thacher & Bartlett (New York, New York) A trusted veteran with a particular skill in high-stakes commercial and securities litigation. Dennis Archer Dickinson Wright (Detroit, Michigan) The court picked this former Detroit mayor to protect Rosa Parks' interests against Sony BMG Entertainment and Outkast. Cristina Arguedas Arguedas, Cassman & Headley (Emeryville, California) Criminal defense pro tackles everything from murder cases to those of AOL, Enron and McKesson. Robert Armitage Eli Lilly and Co. (Indianapolis, Indiana) Patent reform is near and dear to this drug company lawyer and leading intellectual property thinker. Kevin Arquit Simpson Thacher & Bartlett (New York, New York) He's known around the globe for his antitrust prowess. Kim Askew Hughes & Luce (Dallas, Texas) Enjoys defending Fortune 100 companies so much she once passed on a federal judgeship.



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Robert Atkinson Department of Justice, appellate division (Salem, Oregon) With the nation divided over Terri Schiavo, he'll defend

Oregon's right to die. Robert Baechtold Fitzpatrick, Cella, Harper & Scinto (New York, New York) Drug companies nationwide rely on this litigator to protect their intellectual property rights. William Baer Arnold & Porter (Washington, D.C.) The former director of competition at the FTC is an antitrust king on multiple continents. Robert Barnett Williams & Connolly (Washington, D.C.) Trusted by major corporations, he's also the counselor D.C.'s elites — the Clintons, Woodward, Fleischer — call when they write a book. Michael Barr Pillsbury Winthrop Shaw Pittman (San Francisco, California) The environmental and land-use expert Smoothes the way for clients with regulatory issues. George Barrett Barrett, Johnston & Parsley (Nashville, Tennessee) His med-mal expertise puts him in the thick of Tennessee's health care woes. William Barringer Willkie Farr & Gallagher (Washington, D.C.) This international trade Specialist defends Japan and other nations in anti-dumping probes and trade negotiations. Francis Barron Cravath, Swaine & Moore (New York, New York) A Skilled litigator who earns kudos for his work in high-stakes securities matters.

Charlene Barshefsky Wilmer Cutler Pickering Hale and Dorr (Washington, D.C.) The former U.S. trade rep is a legend in international business deals and trade-agreement negotiations. Fred Bartlit Bartlit Beck Herman Palenchar & Scott (Chicago, Illinois) Always in trial, he's repped Bayer, Dupont and GM, not to mention Winning Gore v. Bush in 2000. Hilarie Bass Greenberg Traurig (Miami, Florida) From the government of Brazil to Hilton and Microsoft, clients call her for big-ticket litigation. Robert Bauer Perkins Coie (Washington, D.C.) The favored litigator for Democrats nationwide. Ralph Baxter Orrick, Herrington & Sutcliffe (San Francisco, California) From his perch atop a San Francisco firm, he's earned accolades as a Visionary leader. Richard Beattie Simpson Thacher & Bartlett (New York, New York) This corporate force unites the nation's largest companies, like AOL and Time Warner. Alan Beller Securities and Exchange Commission (Washington, D.C.) Investors buy into this finance director's Campaign for better disclosure of executive pay. James Benedict Milbank, Tweed, Hadley & McCloy (New York, New York) This

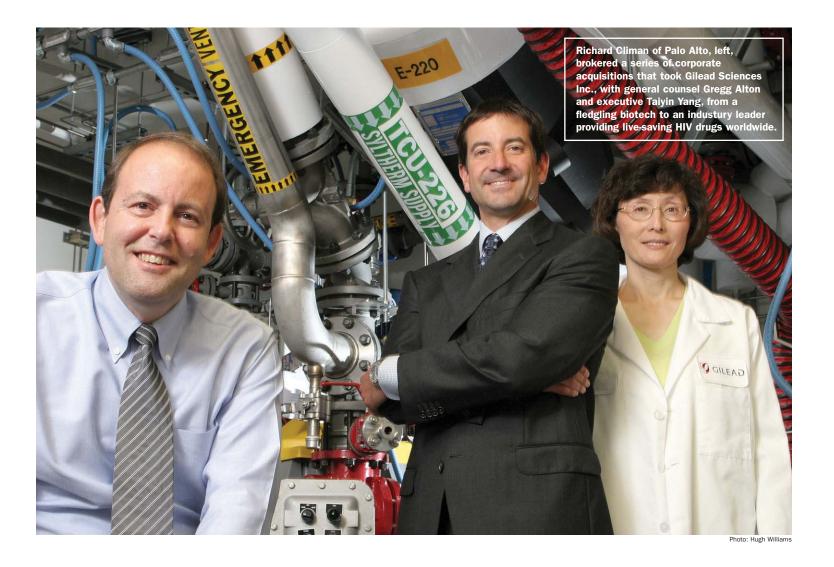
The Tennessee Justice Center stopped the state from forcing thousands of people receiving state medical care, including quadriplegic Marvin Berry, into nursing homes.

nies in America: MasterCard, Coca-Cola and Citigroup. Robert Bennett Skadden, Arps, Slate, Meagher & Flom (Washington, D.C.)

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Building a firm that could make plaintiffs' groups say, "Lerach who?"

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Martha Bergmark Mississippi Center for Justice (Jackson, Mississippi) Fighting for racial and economic equality in poverty-stricken areas of the South. Richard Berthelsen NFL Players Association (Washington, D.C.) He'll quarterback the players' interests through negotiations for a contract extension with the NFL. Michael Bidart Shernoff Bidart & Darras (Claremont, California) Insurance companies lose sleep when he's on the other side in a trial. Martin Bienenstock Weil, Gotshal & Manges (New York, New York) Forms half of bankruptcy's unstoppable dynamic duo, with partner Marcia Goldstein. Bruce Bilger Vinson & Elkins (Houston, Texas) He's a prized resource for energy deals. Sheila Birnbaum Skadden, Arps, Slate, Meagher & Flom (New York, New York) Protecting business interests from excessive jury awards is the feather in this litigator's hat. Roy Black Black, Srebnick, Kornspan & Stumpf (Miami, Florida) Bridging a Successful practice with TV stardom as leader of "The Law Firm." Franci Blassberg Debevoise & Plimpton (New York, New York) Private equity funds, like CD&R and Kelso & Co., Cash in with "buy-out" Blassberg Kathleen Blatz Minnesota Supreme Court (St. Paul, Minnesota) Novel approaches to children's issues inspire Minnesota's top judge. Maxwell Blecher Blecher & Collins (Los Angeles, California) The antitrust giant tears down the likes of Eastman Kodak and Johnson & Johnson.

Alexander Blewett Hoyt & Blewett (Great Falls, Montana) A preeminent plaintiffs' lawyer who tracks down the railroads and makes them pay. Jake Bloom Bloom Hergott Diemer Rosenthal & Laviolette (Beverly Hills, California) With clients like Arnold Schwarzenegger and Jackie Chan, Bloom's got all the action at his office. Andrew Bogen Gibson, Dunn & Crutcher (Los Angeles, California) Northrop Grumman and Boeing seek counsel from this left-coast corporate Consigliere. Paula Boggs Starbucks Corp. (Seattle, Washington) Caffeinates her company's increased pro bono efforts as top lawyer for the coffee empire. David Boies Boies, Schiller & Flexner (New York, New York) America's hottest trial lawyer is breaching rougher waters these days. Gordon Bonnyman Tennessee Justice Center (Nashville, Tennessee) Battling for the poor amid Tennessee's health care troubles. John Bostelman Sullivan & Cromwell (New York, New York) The corporate governance and securities **expert** wrote the book: The Sarbanes-Oxley Deskbook. Lon Bouknight Edison International (Los Angeles, California) The \$33.5 billion energy company goes from client to employer with his move in-house. John Bouma Snell & Wilmer (Phoenix, Arizona) In the Southwest, names don't get bigger or more respected than this one. John Bowman Fulbright & Jaworski (Houston, Texas) He's the tirst call for energy companies with international disputes.

John Branca Ziffren, Brittenham, Branca, Fischer, Gilbert-Lurie, Stiffelman & Cook (Los Angeles, California) This legendary lawyer's clients fill the Rock & Roll Hall of Fame. Stephen Breyer U.S. Supreme Court (Washington, D.C.) Pragmatic jurist is a label often attached to the Clinton appointee. Brad Brian Munger, Tolles & Olson (Los Angeles, California) There's no better choice for West Coast execs who are in hot water. Harry "Skip" Brittenham Ziffren, Brittenham, Branca, Fischer, Gilbert-Lurie, Stiffelman & Cook (Los Angeles, California) The Tinseltown fly fisher catches the hot clients and snags the big deals. Bruce Broillet Greene Broillet & Wheeler (Santa Monica, California) A leading voice of the West Coast plaintiffs' bar. James Brosnahan Morrison & Foerster (San Francisco, California) A beloved **master** of complicated civil and criminal cases best known for defending John Walker Lindh. **Donald Brown** Covington & Burling (San Francisco, California) Takes On insurers on behalf of blue chip companies like Exxon Mobil and Morgan Stanley. Janice Rogers Brown U.S. Court of Appeals for the District of Columbia Circuit (Washington, D.C.) A liberal's worst nightmare: smart, black, female and right-leaning in most of her decisions. David Buente Sidley Austin Brown & Wood (Washington, D.C.) On the most-wanted list for clients with environmental trouble. Frank Burch DLA Piper Rudnick Gray Cary (Baltimore, Maryland) He's put up DLA Piper flags all over the WOTIC in an ambitious plan to globalize the law.



Bobby Burchfield McDermott Will & Emery (Washington, D.C.) When the GOP is in distress, this prominent litigator is the party's knight in shining armor. Elizabeth Cabraser Lieff Cabraser Heimann & Bernstein (San Francisco, California) From diet drugs to securities work, she's a feared opponent in the courtroom. Plato Cacheris Trout Cacheris (Washington, D.C.) When a D.C. Scandal breaks — Watergate, Iran Contra, Monica Lewinsky — he is the Beltway lawyer to call. Peter Canellos Wachtell, Lipton, Rosen & Katz (New York, New York) The tax CZaff for corporate movers and shakers. Paul Cappuccio Time Warner Inc. (New York, New York) Argued solo before the Supreme Court and WOn the right to keep cable lines from competition. James Carter Sullivan & Cromwell (New York, New York) In international disputes, he's on the Short list for Microsoft, Exxon, Conde Nast and more. George Cary Cleary Gottlieb Steen & Hamilton (Washington, D.C.) No longer with the FTC, he's now taking on the likes of Qualcomm in antitrust litigation. David Case Landye Bennett Blumstein (Anchorage, Alaska) An advocate for Alaskans throughout the frontier, he wrote the bible on Native Alaskan laws. Frank Cervone Support Center for Child Advocates (Philadelphia, Pennsylvania) A staunch proponent for the legal and emotional needs of children. William Chandler Delaware Chancery Court (Wilmington, Delaware) His 180-page Disney opinion serves as a treatise for future boardroom conduct.

James Cheek Bass, Berry & Sims (Nashville, Tennessee) Tennessee's titan of corporate and securities law. Erwin Chemerinsky Duke University Law School (Durham, North Carolina) He is too nice to be this good, but the constitutional scholar is that good anyway. Michael Chepiga Simpson Thacher & Bartlett (New York, New York) A formidable securities litigator who always has his hands on big cases. Evan Chesler Cravath, Swaine & Moore (New York, New York) Runs the firm's litigation practice and handles high-stakes cases for clients like IBM. Mark Christiansen Crowe & Dunlevy (Oklahoma City, Oklahoma) Defender of oil and gas producers, he Stifles royalties disputes and fights against class actions. Morgan Chu Irell & Manella (Los Angeles, California) With a national reputation and the court wins to back it up, he's tops in intellectual property. Michael Ciresi Robins, Kaplan, Miller & Ciresi (Minneapolis, Minnesota) From big tobacco to Ford, this Veteran trial lawyer handles Minnesota's biggest cases. Judy Clarke Federal Defenders of San Diego Inc. (San Diego, California) Known for defending notorious capital cases like those of Susan Smith and the Unabomber. Richard Clary Cravath, Swaine & Moore (New York, New York) A securities-litigation star and another redoubtable member of Cravath's deep litigation team. Edith Brown Clement 5th U.S. Circuit Court of Appeals (New Orleans, Louisiana) Missed out on Supreme Court nod but could be next in line for an open seat.





Paul Clement Solicitor General (Washington, D.C.) Arguing the government's position on cases from abortion and right to die to military recruiting. Robert Clifford Clifford Law Offices (Chicago, Illinois) For plaintiffs, he's the master of aviation crash litigation. Richard Climan Cooley Godward (Palo Alto, California) This M&A superstar's stellar reputation extends far beyond Silicon Valley to the global stage. Jerome Coben Skadden, Arps, Slate, Meagher & Flom (Los Angeles, California) The dealmaker proved once and for all that a New York firm can build a powerhouse in the Golden State. John Coffee Columbia Law School (New York, New York) An oft-quoted expert on corporate fraud. John "Sean" Coffey Bernstein Litowitz Berger & Grossmann (New York, New York) The securities hotshot handled most of the trial work in the WorldCom litigation. John Cogan Akin Gump Strauss Hauer & Feld (Houston, Texas) To explore and export hydrocarbons worldwide, he's the person you need to know. H. Rodgin Cohen Sullivan & Cromwell (New York, New York) The nation's largest financial institutions bank on this Clearing House counsel. David Cole Georgetown University Law Center (Washington, D.C.) A talented writer and go-to authority on constitutional issues and crises in civil liberties. Thomas Cole Sidley Austin Brown & Wood (Chicago, Illinois) Doing double time as firm chairman and M&A maven.

Roxanne Conlin Roxanne B. Conlin & Associates (Des Moines, Iowa) A trailblazer as a woman lawyer, she's no slouch at trial either. Lloyd Constantine Constantine Cannon (New York, New York) This antitrust pro netted \$3 billion from MasterCard and Visa for forcing companies to accept their debit cards. John Cooney Modrall, Sperling, Roehl, Harris & Sisk (Albuquerque, New Mexico) Amoco, Conoco and Marathon Oil call on this trial attorney for courtroom Conquests. Robert Cooper Gibson, Dunn & Crutcher (Los Angeles, California) Quiet but deadly litigator for American Airlines and other tough-ass folk. Joseph Cotchett Cotchett, Pitre, Simon & McCarthy (Burlingame, California) When he speaks for shareholders and other aggrieved parties, America listens. Patrick Coughlin Lerach Coughlin Stoia Geller Rudman & Robbins (San Francisco, California) A courtroom master among securities plaintiffs' bar. Steven Cozen Cozen & O'Connor (Philadelphia, Pennsylvania) The name partner is one of Philly's most prominent and Powerful trial attorneys. John Cruden Department of Justice, Environmental and Natural Resources Division (Washington, D.C.) From the Exxon Valdez to the capital's sewer overflow, he has handled it all. Daniel Cullan Law Firm of Daniel Cullan (Omaha, Nebraska) This M.D. has the edge when filing medical malpractice lawsuits. Richard Cullen MaguireWoods (Richmond, Virginia) The head of his firm's white-collar practice, he reps COrporations in investigations and litigation.

Richard Cunningham Steptoe & Johnson (Washington, D.C.) The anchor of one of the most respected and talented international trade groups anywhere. Jon Davidson LAMBDA Legal Defense and Education Fund (New York, New York) When same-sex couples nationwide can say "I do," he'll be among those to thank. Mark Davis Davis Levin Livingston Grande (Honolulu, Hawaii) In medical malpractice and personal injury suits, nobody cleans house on the islands like him. Roger Davis Orrick, Herrington & Sutcliffe (San Francisco, California) The West Coast dean of municipal finance. Morris Dees Southern Poverty Law Center (Montgomery, Alabama) The hero in the battle against racism and the white supremacists who promote it. Walter Dellinger O'Melveny & Myers (Washington, D.C.) The legal scholar, appellate guru and former solicitor general represents domestic diva Martha Stewart. Thomas Demetrio Corboy & Demetrio (Chicago, Illinois) In the windy city, he's the name for everything from medical malpractice claims to aviation disasters. Paul DeMuro Latham & Watkins (Los Angeles, California) A big name in the health care field, he Steered Providence Healthcare's takeover of LifePoint. Robert Denham Munger, Tolles & Olson (Los Angeles, California) The former Salomon chair has the ear of Warren Buffett. Brackett Denniston General Electric Co. (Fairfield, Connecticut) As head of the massive legal department, Denniston keeps the corporate giant nimble.



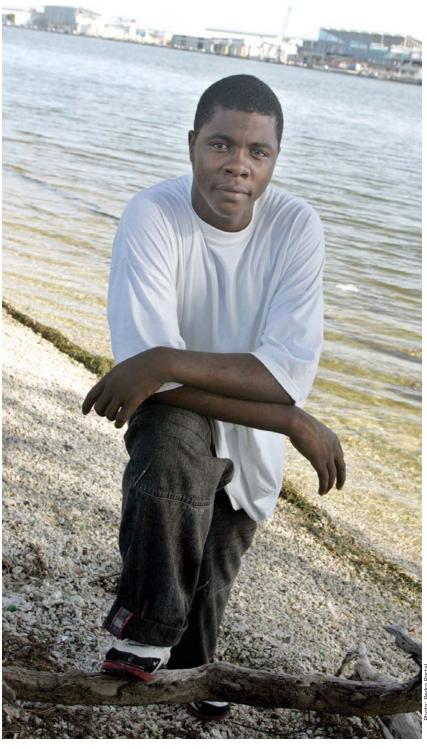
Gandolfo DiBlasi Sullivan & Cromwell (New York, New York) Financial services companies and executives call on him when they get into hot water. Q. Todd Dickinson Electric Co. (Fairfield, Connecticut) The former PTO director **PTOtects** GE's intellectual property from corporate raiders. Howard Dickstein Dickstein & Zerbi (Sacramento, California) In a hotbed of Indian gaming activity, Native American tribes turn to him. Robert **Divine** U.S. Citizenship and Immigration Services (Washington, D.C.) The government's leading lawyer on immigration matters earns the respect of private lawyers. Donald **Donovan** Debevoise & Plimpton (New

York, New York) His arguments Spared 51



Mexican nationals from death sentences. Frank Dunham Federal Public Defender (Alexandria, Virginia) Proving that our rights are only valuable when applied to those accused of the worst crimes. Donald Dunner Finnegan Henderson Farabow Garrett & Dunner (Washington, D.C.) He's the gold standard in patent litigation. John Echohawk Native American Rights Fund (Boulder, Colorado) This Pawnee has dedicated his entire career to preserving the rights of Native Americans. Marian Wright Edelman Children's Defense Fund (Washington, D.C.) The civil rights trailblazer fights the good fight for children's health, welfare and education. Miguel Estrada Gibson, Dunn & Crutcher (Washington, D.C.) Brushed back in his pursuit of the judiciary, but keep your eye on this Connected litigator.

Robert Faiss Lionel Sawyer & Collins (Las Vegas, Nevada) If you love poolside gambling or salons in your Vegas casino, he's the man to thank. David Farmelo Hodgson Russ / National Council of School Attorneys (New York, New York) The education law power also helps schools muscle through labor issues. Samuel L. Feder Federal Communications Commission (Washington, D.C.) The general counsel of this powerful government agency is tuned in to television and radio matters. Donald Fehr MLB Players Association (New York, New York) Clients' positive steroids tests and tantrums kept the lawyer for MLB players busy this season. Kenneth Feinberg The Feinberg Group (Washington, D.C.) Ditched personal practice to provide free arbitration in 9/11 compensation cases. Noah Feldman New York University School of Law (New York, New York)



Former advisor to the Coalition Provisional Authority in Iraq, he boasts legal mastery in religion and politics. Ralph Ferrara LeBoeuf, Lamb, Greene & MacRae (Washington, D.C.) Corporate America hires this securities lawyer when the SEC comes a-knockin'. Bert Fields Greenberg Glusker Fields Claman Machtinger & Kinsella (Los Angeles, California) reigning Tinseltown's godfather. Samuel Fischer Ziffren, Brittenham, Branca, Fischer, Gilbert-Lurie, Stiffelman & Cook (Los Angeles, California) His clients are heavyhitters in film and television. Robert Fiske Davis Polk & Wardwell (New York, New York) The Renaissance man defended the NFL against antitrust claims and defeated a hefty verdict against Suzuki.

Patrick Fitzgerald U.S. Attorney's Office (Chicago, Illinois) The Zealous prosecutor is taking on the Bush White House and The New York Times. Joseph Flom Skadden, Arps, Slate, Meagher & Flom (New York, New York) Skadden's first associate established the firm's long-running dominance in M&A. Edward Foley Moritz College of Law at Ohio State University (Columbus, Ohio) The election-law expert is busy on campaign finance reform. Russell Frackman Mitchell Silberberg & Knupp (Los Angeles, California) The recording industry sings the Draises of its top trial lawyer. Tamar Frankel Boston University School of Law (Boston, Massachusetts) The legal master of U.S. money management. John Frankenheimer Loeb & Loeb (Los Angeles, California) He has an ensemble cast of music, film and television clients. Kenneth Frazier Merck & Co. (Whitehouse Station, New Jersey) After a \$253 million verdict, the drug maker's general counsel was forced to rethink the company's no-settlement Strategy in Vioxx cases. Andrew Frey Mayer, Brown, Rowe & Maw (New York, New York) Excessive punitives take a hit from this appellate heavyweight. Mark Friedlander Schiff Hardin (Chicago, Illinois) Revolutionizing construction law by changing the relationship between contractors and architects. Richard Friedman Friedman, Rubin & White (Bremerton, Washington) A nightmare for insurance companies, he racks up big verdicts.



Isabella Fu Microsoft Corp. (Redmond, Washington) The litigation manager changed the tune at the world's largest tech company from arrogance to assertion. Howard Ganz Proskauer Rose (New York, New York) He's a Savvy advocate for the major sports leagues in the trickiest of labor controversies. Theodore Garrett Covington & Burling (Washington, D.C.) He gets top marks for environmental work. Willie Gary Gary, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando (Stuart, Florida) Cases — and big verdicts — against Disney, The Orlando Sentinel, and police departments dot his resume. Ronald George California Supreme Court (San Francisco, California) Building true separation of powers and a Strong third branch atop the nation's largest state court. Michael Gerrard Arnold & Porter (New York, New York) This environmental expert and head of his firm's practice wins praise for his knowledge of the law. Scott Gilbert Gilbert Heintz & Randolph (Washington, D.C.) With the Wellington Agreement, he drafted the largest insurance settlement in U.S. history. Hal Gillespie Gillespie, Rozen, Watsky, Motley & Jones (Dallas, Texas) The "Rattlesnake" doesn't let anything slip by when it comes to employees' rights. Benjamin Ginsberg Patton Boggs (Washington, D.C.) Bush's former lead campaign lawyer also advised the Swift Boat Veterans. Ruth Bader Ginsburg U.S. Supreme Court (Washington, D.C.) If all goes according to plan, she will be the lone woman on the high court, a staunch liberal amid a growing conservative bloc.

Thomas Girardi Girardi & Keese (Los Angeles, California) The leading trial lawyer in America today — in court and behind the scenes. Paul Glad Sonnenschein Nath & Rosenthal (San Francisco, California) This leading insurance lawyer cleans up for the likes of AIG in environmental contamination cases. Patricia Glaser Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro (Los Angeles, California) This tough—as—nails litigator takes on the biggest of business disputes. Michael Glazer Goodwin Procter (Boston, Massachusetts) The go-to player for institutional investors and lenders for real estate investments in New England and beyond. Mary Ann Glendon Harvard Law School (Cambridge, Massachusetts) An influential thinker on comparative law and human rights, she's on Bush's bioethics panel. Donald Goldberg Ballard Spahr Andrews & Ingersoll (Philadelphia, Pennsylvania) The white-collar Saviot of corporate behemoths and individuals alike. Fred Goldberg Skadden, Arps, Slate, Meagher & Flom (Washington, D.C.) Got a tricky tax problem? Call this former IRS Commissioner. Patti Goldman Earthjustice (Seattle, Washington) Saving the Northwest from enemies of the environment. Marcia Goldstein Weil, Gotshal & Manges (New York, New York) An undisputed heavyweight champion of corporate workouts like that of MCI. R. Kinnan Golemon Brown McCarroll (Austin, Texas) Texas Chemical Council's top lawyer is a potent element.





Alberto Gonzales U.S. Attorney General (Washington, D.C.) Remains beloved by the Bushies, though ethically implicated in endorsing abuse of prisoners. David Gordon Latham & Watkins (New York, New York) With partner William Vogue, he has built Latham into a project finance Superpower. Jamie Gorelick Wilmer Cutler Pickering Hale and Dorr (Washington, D.C.) A member of the 9/11 Commission, she is at the heart of national security issues. Kevin Gover Arizona State University College of Law (Tempe, Arizona) The Pawnee Tribe member is the authority on Indian tribal law. Cathy Green Green & Utter (Manchester, New Hampshire) From the Dartmouth murders to a rape fantasy defense, she defends New England's notorious cases. Jonathan Green Milbank, Tweed, Hadley & McCloy (New York, New York) He has built a leading project finance practice. Browne Greene Greene Broillet & Wheeler (Santa Monica, California) Fighting on after years of defining plaintiffs' practice in California. Edward Greene Citigroup Inc. (New York, New York) The legal eagle leading the charge for the world's largest financial services firm. Robert Grey Hunton & Williams (Richmond, Virginia) Past president of the 400,000-member ABA, he reinvigorated the World's largest professional organization. Paul Grossman Paul, Hastings, Janofsky & Walker (Los Angeles, California) The reigning king of employment defense.

Jesse B. Grove III Thelen Reid & Priest (New York, New York) Welcome to the preeminent construction practice that this trial lawyer built. Allen Grubman Grubman & Indursky (New York, New York) The music lawyer is almost as famous as clients Madonna and Sir Elton. Dan **Grunfeld** Public Counsel (Los Angeles, California) While running the nation's largest Dro Dono law firm, he's exporting equal justice to countries in need of it. Lucas Guttentag ACLU of New York (New York, New York) When immigrants' rights are trampled, Guttentag and the ACLU are there. Robert Habush Habush Habush & Rottier (Milwaukee, Wisconsin) His work at the state high court this year upheld his Miller Park verdict — Wisconsin's largest at \$99 million. David Hackett Baker & McKenzie (Chicago, Illinois) He's got the global **DetSDective** on environmental work. Thomas Hansen Hansen Jacobson Teller Hoberman Newman Warren & Richman (Beverly Hills, California) Hollywood has a passion for Mel Gibson's lawyer. Elizabeth Hardy Kienbaum Opperwall Hardy & Pelton (Birmingham, Michigan) Overturning a \$21 million verdict is just one reason the likes of Ford and DaimlerChrysler call her. David Hartquist Collier Shannon Scott (Washington, D.C.) This influential trade lawyer spearheaded the fight to revalue China's currency. Michael Hausfeld Cohen, Milstein, Hausfeld & Toll (Washington, D.C.) An antitrust wiz who also earns compensation for race- and sex-bias victims and Holocaust SUTVIVOTS.



David Hawkins Natural Resources Defense Council (Washington, D.C.) Leading the fight against global warming. David Hayes Latham & Watkins (Washington, D.C.) This former Deputy Secretary of the Interior is a tall tree in the environmental bar. William Haynes Department of Defense (Washington, D.C.) President Bush has nominated the Pentagon's general counsel for a federal appeals court seat. Nan Heald Pine Tree Legal Assistance (Augusta, Maine) From cutting-edge health care reform to basic housing needs, she helps Maine's most needy. Kris Heinzelman Cravath, Swaine & Moore (New York, New York) Another key player fielded by Cravath in the capital markets. Thelton Henderson U.S. District Court, Northern District of California (San Francisco, California) The federal judge's next assignment is one few would tackle: policing California's prisons. David Hendrick Hendrick, Phillips, Salzman & Flatt (Atlanta, Georgia) The biggest name in the birthplace of construction law should be on anyone's shortlist. Russ Herman Herman, Herman, Katz & Cotlar (New Orleans, Louisiana) A big name, taking on big tobacco with much Success. Lynne Hermle Orrick, Herrington & Sutcliffe (Menlo Park, California) The employment pro has defended Blockbuster, The Gap and others in high-Stakes class actions. Jennifer Hernandez Holland & Knight (San Francisco, California) This environmental lawyer turns brownfields to green.



Kenneth Hertz Goldring Hertz & Lichtenstein (Beverly Hills, California) Will Smith and other artists place this lawyer on music's most-requested list. Jonathan Hiatt AFL-CIO (Washington, D.C.) This top union counsel's mettle will be tested by this summer's highly charged defections. William Hirschberg Shearman & Sterling (New York, New York) The financing wiz for Fortune 500 companies. Gary Horlick Wilmer Cutler Pickering Hale and Dorr (Washington, D.C.) With Charlene Barshefsky, delivers the one-two punch of Wilmer's knockout international trade practice. L. Francis Huck Simpson Thacher & Bartlett (New York, New York) A Superpower in syndicated commercial lending. Daniel Jaffe Jaffe & Clemens (Beverly Hills, California) The road to splitsville leads Hollywood couples to this top-tier divorce lawyer. Joseph Jamail Jamail & Kolius (Houston, Texas) Long the nation's most prominent trial lawyer, the Octogenarian still carries a full load of cases. Charles James Chevron Corp. (San Ramon, California) The oil company's top lawyer has had his hands full with the Unocal merger. Jesse Jenner Ropes & Gray (New York, New York) Thanks to him and Herb Schwartz, no firm has a better winning formula for patent litigation. Charles Johnson General Motors Corp. (Detroit, Michigan) Handling GM's legal affairs for North America, he also wins accolades for promoting diversity.

Dixie Johnson Fried, Frank, Harris, Shriver & Jacobson (Washington, D.C.) This securities specialist COUNSelS the New York Stock Exchange and major investment banks. Edith Jones 5th U.S. Circuit Court of Appeals (New Orleans, Louisiana) A media favorite to take the next open seat on the U.S. Supreme Court. Laura Davis Jones Pachulski Stang Ziehl Young Jones & Weintraub (Wilmington, Delaware) For corporate insolvencies, she reigns over a Delaware dynasty. Russell Jones Harris, Martin, Jones, Shrum, Bradford & Wommack (Nashville, Tennessee) The Music Row lawyer keeps the country music scene humming. Martha Jordan Latham & Watkins (Los Angeles, California) If you know what a REIT is, you probably know she handles the biggest. Vernon Jordan Akin Gump Strauss Hauer & Feld (Washington, D.C.) These days, the ultimate Clinton insider advises clients on corporate, legislative and international matters. Stephen Juelsgaard Genentech Inc. (South San Francisco, California) This general counsel helps the blockbuster biotech company find CUTES for cancer and other ills. Gerald Kafka Latham & Watkins (Washington, D.C.) The favored fighter for the tax troubled. Peter Kalis Kirkpatrick & Lockhart Nicholson Graham (Pittsburgh, Pennsylvania) He Champions the cause of policyholders in environmental disasters. Harvey Kaplan Shook, Hardy & Bacon (Kansas City, Missouri) A nationally known defender of pharmaceutical and medical device companies.

Brad Karp Paul, Weiss, Rifkind, Wharton & Garrison (New York, New York) The respected litigator will be a major player in the securities arena for many years to come. David Katz Wachtell, Lipton, Rosen & Katz (New York, New York) Corporations like AT&T have his high-end M&A boutique on speed dial. Joel Katz Greenberg Traurig (Atlanta, Georgia) This music industry Stalwart hits all the right notes. Judith Kaye New York State Unified Court System (New York, New York) The revered chief justice is reforming the courts to better serve women and children. John Keker Keker & Van Nest (San Francisco, California) This litigator does it all: from criminal defense a la Frank Quattrone to patent wins Genentech-style. Stanley Keller Palmer & Dodge (Boston, Massachusetts) A highly respected leader in shaping Sarbanes-Oxley regulations. David Kendall Williams & Connolly (Washington, D.C.) For Beltway litigation, he's the guy for the Clintons, Orioles, AOL and others. Richard Kendall Irell & Manella (Los Angeles, California) Courtroom counsel to clients big and small, from media giant Viacom to embattled photographers. Anthony Kennedy U.S. Supreme Court (Washington, D.C.) Known for forming unlikely coalitions, he tends to vote unpredictably. Jeffrey Kessler Dewey Ballantine (New York, New York) The perennial star puts his collective-bargaining and antitrust expertise to work for major players unions.

B. Robbins Kiessling Cravath, Swaine & Moore (New York, New York) Simply the best lawyer in the banking industry. William Kilberg Gibson, Dunn & Crutcher (Washington, D.C.) With clients like UPS and Delta Airlines, he's the labor lawyer of Choice for corporate America. H. Ronald Klasko Klasko, Rulon, Stock & Seltzer (Philadelphia, Pennsylvania) National and multinational companies rely on him for immigration matters. Kenneth Klee Klee, Tuchin, Bogdanoff & Stern / UCLA School of Law (Los Angeles, California) The man wrote the modern bankruptcy laws. Need we say more? Deborah Klein Barnes Morris Klein Mark Yorn Barnes & Levine (Santa Monica, California) This counselor to the Stars gets top billing. Tom Kline Kline & Specter (Philadelphia, Pennsylvania) His wins for clients with catastrophic injuries run the gamut from medical malpractice to fires. Harold Hongju Koh Yale Law School (New Haven, Connecticut) The longtime-professor-turned-dean has kept Yale at the top Spot among law schools. Victor Kovner Davis Wright Tremaine (New York, New York) There's not a newspaper in all of New York City that doesn't have him in its Rolodex. Alex Kozinski 9th U.S. Circuit Court of Appeals (San Francisco, California) The conservative Straight shooter is one of the country's most provocative and influential jurists. Kenneth Kraus Loeb & Loeb (Nashville, Tennessee) One-stop legal shopping for Nashville's musical players.





Robert Krupka Kirkland & Ellis (Los Angeles, California) From Honeywell to individual inventors, few IP litigators can match his winning track record. Ira Kurzban Kurzban, Kurzban, Weinger & Tetzeli (Miami, Florida) Wrote the definitive book on immigration and reps everyone from individuals to foreign governments. Walter Lack Engstrom, Lipscomb & Lack (Los Angeles, California) Always cleaning up in the biggest toxic tort cases, he's also a Star litigator for aviation crashes. Catherine Lamboley Shell Oil Co. (Houston, Texas) Shell's top counsel pumps diversity into the energy giant's outside legal departments. Phillip Lear Lear & Lear (Salt Lake City, Utah) To access and drill oil, gas and minerals, he's your guy. Mark Leddy Cleary Gottlieb Steen & Hamilton (Washington, D.C.) Like the cell phone company he represents, Leddy has global reach. Bill Lann Lee Lieff Cabraser Heimann & Bernstein (San Francisco, California) The Fed's former top civil rights Cfusader now fights abuses in the private sector. David Lee Lee & Levine (Boston, Massachusetts) In all of New England, you'll be hard-pressed to find a better family lawyer. William Lee Wilmer Cutler Pickering Hale and Dorr (Boston, Massachusetts) Bean Town's best and brightest intellectual property litigator. L. Poe Leggette Fulbright & Jaworski (Washington, D.C.) Onshore or off, on federal or native lands, he's the guy companies turn to for oil and energy issues.

David Leitch Ford Motor Co. (Dearborn, Michigan) Ford **convinced** the former White House lawyer to trade the war on terror for life in the private sector. Mark Lemley Stanford Law School / Keker & Van Nest (Stanford, California) The likes of Genentech, Google and Intel rely on his intellectual property and antitrust expertise. William Lerach Lerach Coughlin Stoia Geller Rudman & Robbins (San Diego, California) Accusations of wrongdoing haven't diminished his accomplishments for shareholders nationwide. Lawrence Lessig Stanford Law School (Stanford, California) Where Constitutional and intellectual property issues meet, you'll likely find this leading academic. Andrew Levander Dechert (New York, New York) Mr. Bow Tie's spectacular defense of Adelphia executive Michael Rigas earned him high praise. Jack Levin Kirkland & Ellis (Chicago, Illinois) The grand pooh-bah of private equity. Jerome Levine Holland & Knight (Los Angeles, California) Tribes and their casinos hit it big with this prominent Indian law expert. Lee Levine Levine Sullivan Koch & Schulz (Washington, D.C.) The Associated Press and 60 Minutes are among the media outlets who hire this First Amendment defender. $Gregg\ Levy\ { t Covington}\ { t \& }\ { t Burling}\ ({ t Washington,\ D.C.})$ This litigation and antitrust specialist is the chief outside counsel relied upon by the NFL. Seth **Lichtenstein** Goldring Hertz & Lichtenstein (Beverly Hills, California) He **TOCKS** the house for his music clients.

Robert Lighthizer Skadden, Arps, Slate, Meagher & Flom (Washington, D.C.) A fierce international trade lawyer with an affinity for the political side of the practice. Laura Lindley Bjork Lindley Little (Denver, Colorado) The Rocky Mountain expert for oil and gas lease appeals. Thomas Lindley Perkins Coie (Portland, Oregon) Guiding Oregon clients through the rocky terrain of environmental law. Martin **Lipton** Wachtell, Lipton, Rosen & Katz (New York, New York) The poison pill creator still dominates the M&A landscape two decades later. Linda Listrom Jenner & Block (Chicago, Illinois) Defense industry giant General Dynamics calls on her to beat back competitors. Cheryl Little Florida Immigrant Advocacy Center (Miami, Florida) Continuing to fight for asylum for Haitians and other immigrants in a time of tightening borders. Judith Livingston Kramer, Dillof, Livingston & Moore (New York, New York) The first woman to earn a place in the Inner Circle of Advocates has the trial skills to back it up. Paul Luvera Luvera Law Firm (Seattle, Washington) The dean of the plaintiffs' bar for all the Northwest. Gary Lynch Morgan Stanley (New York, New York) The former SEC officer brings his legal expertise to one of the world's top investment banks. Pamela Mackey Haddon, Morgan, Mueller, Jordan, Mackey & Foreman (Denver, Colorado) Successful navigation of Kobe Bryant's case thrust this top-notch lawyer into the spotlight.



Paul Maco Vinson & Elkins (Washington, D.C.) This bond and securities specialist investigated San Diego's Staggering pension deficit. Patricia Madrid New Mexico Attorney General (Albuquerque, New Mexico) Making her mark using settlement funds for health and poverty initiatives and protecting New Mexico's water supply. Maureen Mahoney Latham & Watkins (Washington, D.C.) She's always popping up on Supreme Court cases, from affirmative action to Arthur Andersen's appeal. Thomas Malcolm Jones Day (Irvine, California) The trial lawyer is "The Man" in Orange County when it comes to complex business litigation. William Maledon Osborne Maledon (Phoenix, Arizona) Those with business litigation needs in Arizona Stop at his door. Gregory Markel Cadwalader, Wickersham & Taft (New York, New York) The securities litigation **guru** serves Bank of America, BDO Dunwoody and America's CPAs. **Tom Mars** Wal-Mart Stores Inc. (Bentonville, Arkansas) He's the top lawyer at the company single-handedly reshaping America's work force. Lawrence Marshall Stanford Law School (Stanford, California) Led the effort that put Illinois' death penalty on moratorium, then moved to California this year. Margaret Marshall Supreme Judicial Court of Massachusetts (Boston, Massachusetts) Like it or not, writing the nation's first ruling allowing same-sex marriages puts this chief justice on the map. William Martin Blank Rome (Washington, D.C.) High-profile clients, including former Atlanta mayor Bill Campbell, call on him to ball them out of criminal and civil jams.



Nina Matis Katten Muchin Rosenman (Chicago, Illinois) An expert real estate lawyer, she's one of the nation's leading dealmakers. Judith Matlock Davis Graham & Stubbs (Denver, Colorado) From coalbed methane to royalties calculation, she has the final Word for many energy companies. Charles Matthews Exxon Mobil Corp. (Irving, Texas) The general counsel keeps one of the nation's largest oil producers pumping. Brian McCarthy Skadden, Arps, Slate, Meagher & Flom (Los Angeles, California) The M&A specialist is a dominant force in Los Angeles' corporate landscape. J. Thomas McCarthy University of San Francisco Law School / Morrison & Foerster (San Francisco, California) Trademark's biggest name. William McLucas Wilmer Cutler Pickering Hale and Dorr (Washington, D.C.) The former head of the SEC enforcement division is the go-to guy for accounting fraud investigations. Jonathan Mechanic Fried, Frank, Harris, Shriver & Jacobson (New York, New York) At the top of his game, the real estate expert handles huge deals like the sale of the Sears Tower for \$800 million. Thomas Mesereau Mesereau & Yu (Los Angeles, California) Already a brilliant criminal defense lawyer; saving Michael Jackson made him famous. Michael Meyer DLA Piper Rudnick Gray Cary (Los Angeles, California) Legitimizing leasing as a bona fide practice while establishing a Stronghold in the California market. Harriet Miers White House Counsel (Washington, D.C.) President Bush tapped this Texas lawyer to replace Alberto Gonzales as top legal counsel at 1600 Pennsylvania Avenue.

Arthur Miller Harvard Law School (Cambridge, Massachusetts) Thanks to former TV stints, the civil procedure scholar is one of Harvard's most recognizable names. Elizabeth Miller Scott, Douglass & McConnico (Austin, Texas) In the land of black gold and cowboy hats, she's top's for oil-related government regulation work. James Fox Miller Miller Schwartz & Miller (Hollywood, Florida) After calling it quits, rich and famous couples call this prominent divorce lawyer. Lee Miller DLA Piper Rudnick Gray Cary (Chicago, Illinois) The law firm world is waiting to see if his mark will be world domination. Lloyd Benton Miller Sonosky, Chambers, Sachse, Miller & Munson (Anchorage, Alaska) The plaintiffs' liaison counsel in Exxon Valdez litigation is also a VOİCE for Alaskan natives. Ira Millstein Weil, Gotshal & Manges (New York, New York) CalPERS, Westinghouse, Bethlehem Steel and even George Pataki turn to this corporate governance guru. W. Michael Milom Bass, Berry & Sims (Nashville, Tennessee) He makes beautiful music with clients from the Nashville scene. Dale Minami Minami, Lew & Tamaki (San Francisco, California) This Veteran's practice runs from Kristi Yamaguchi to preventing civil rights abuses after 9/11. Jeffrey Mishkin Skadden, Arps, Slate, Meagher & Flom (New York, New York) The former top NBA lawyer is now the league's outside man while also repping a mix of pro leagues and sports. Robert Montgomery Montgomery & Larson (West Palm Beach, Florida) Led Florida's fight against tobacco companies, which garnered \$13.5 billion for the state.

Harold Moore Skadden, Arps, Slate, Meagher & Flom (New York, New York) This project finance pro has powered through more than 140 domestic and international deals. **Thomas Moore** Kramer, Dillof, Livingston & Moore (New York, New York) New York hospitals **feat** his presence on the other side of a medical malpractice case. J. Mark Morford Stoel Rives (Portland, Oregon) No problem is too complex for this environmental eminence. Alan Morrison Stanford Law School (Stanford, California) The consumer rights champion and Supreme Court veteran specializes in separation of powers. Robert Morvillo Morvillo, Abramowitz, Grand, Iason, & Silberberg (New York, New York) Although Martha spent time in the big house, criminal clients still say it's a good thing to hire this defender. Edward Moss Shook, Hardy & Bacon (Miami, Florida) Boeing, DuPont, Texaco, Brown & Williamson: the list of big-name clients he defends goes on and on. Ronald Motley Motley & Rice (Mount Pleasant, South Carolina) He's lead counsel for 9/11 survivors and family members who are suing al Qaeda financiers. Thomas Moyer Supreme Court of Ohio (Columbus, Ohio) Improving the Safety of those on the bench is high on the list of this chief justice's priorities. $Christopher\ Murray\ {
m O'Melveny}\ \&\ {
m Myers}\ ({
m Los}$ Angeles, California) Helping Hollywood master the digital age, byte by byte. Fredrick Muto Cooley Godward (San Diego, California) In San Diego, no name is bigget in corporate and securities law.



Clifford "Mike" Naeve Skadden, Arps, Slate, Meagher & Flom (Washington, D.C.) This former FERC commissioner is an expert on energy policy. Charles Nathan Latham & Watkins (New York, New York) The bigger the better for the takeover titan who left his mark on the \$16 billion Amgen-Immunex union. Stephen Neal Cooley Godward (Palo Alto, California) Oops, he did it again! The talented trial lawyer has taken on another high-profile client — this time, attorney Tower Snow. Benjamin Needell Skadden, Arps, Slate, Meagher & Flom (New York, New York) Representing the Port Authority of New York and New Jersey is enough to make any real estate lawyer tops. Daniel Neff Wachtell, Lipton, Rosen & Katz (New York, New York) He manages the 800-pound gorilla of corporate takeover practices. Peter Nelson Nelson Felker Toczek & Davis (Los Angeles, California) He's the lord of dealmaking for Hollywood clients like director Peter Jackson. Burt Neuborne New York University School of Law (New York, New York) A leading voice for Constitutional issues since the Vietnam War. David Nevin Nevin, Benjamin & McKay (Boise, Idaho) He wins verdicts for headliners like Ruby Ridge's Kevin Harris and accused terror helper Al-Hussayen. Steven Newborn Weil, Gotshal & Manges (Washington, D.C.) The Sultan of high-stakes antitrust matters. Thomas Nolan Skadden, Arps, Slate, Meagher & Flom (Los Angeles, California) Top dog among California's talented and diversified trial lawyers, he ranges from intellectual property to securities' defense.



John Norman Norman & Edem (Oklahoma City, Oklahoma) From motor vehicle accidents to Vioxx litigation, he's the choice for plaintiffs in the Sooner state. Charles Ogletree Harvard Law School (Cambridge, Massachusetts) Love him or hate him, he's still the authority on racial issues. David O'Keefe Bonne Bridges Mueller O'Keefe & Nichols (Los Angeles, California) Hospitals and doctors alike rely on his excellence to bail them out of litigation. John Olson Gibson, Dunn & Crutcher (Washington, D.C.) Corporate America's counsel of choice for securities and corporate governance. Ronald Olson Munger, Tolles & Olson (Los Angeles, California) His corporate and business expertise extends vastly beyond his role as Warren Buffet's attorney. Theodore Olson Gibson, Dunn & Crutcher (Washington, D.C.) The former solicitor general now Steet's his firm's vaunted appellate practice. Michael O'Neill Senate Judiciary Committee (Washington, D.C.) The chief counsel is Sen. Arlen Specter's right-hand man and the guy helping Screen judicial nominations like John Roberts. Jerold Oshinsky Dickstein Shapiro Morin & Oshinsky (Washington, D.C.) In insurance coverage disputes, this aggressive litigator pursues big wins for policyholders. Barry Ostrager Simpson Thacher & Bartlett (New York, New York) Big insurers Count on this lawyer to fend off hundreds of millions in claims. Wayne Outten Outten & Golden (New York, New York) In employment disputes, this plaintiffs' lawyer is the choice of Wall Street brokers and execs.

Richard Owens U.S. attorney's office (New York, New York) His success Cracking down on fraud has this assistant U.S. attorney high on everyone's list. Cliff Palefsky McGuinn, Hillsman & Palefsky (San Francisco, California) A trailblazer in employment discrimination and workplace drug testing. Brian Panish Panish, Shea & Boyle (Los Angeles, California) A new name on the law firm door, still the same Stellar results at trial. Angelo Paparelli Paparelli & Partners (Irvine, California) When companies need immigration help, he's usually at the top of their list. Richard Parker O'Melveny & Myers (Washington, D.C.) Oversaw merger probes at the FTC (Exxon-Mobil, AOL-Time Warner), he's now a private antitrust leader. Kirk Pasich Dickstein Shapiro Morin & Oshinsky (Los Angeles, California) When it comes to representing policyholders, there's no bigger name on the West Coast. Donald Passman Gang, Tyre, Ramer & Brown (Beverly Hills, California) He is a dealmaking maestro for clients like Mariah Carey. Eva Paterson Equal Justice Society (San Francisco, California) The longtime Civil rights leader is a powerful voice in the San Francisco public interest community. John Payton Wilmer Cutler Pickering Hale and Dorr (Washington, D.C.) Affirmative action got a big boost from his Supreme Court arguments last year. Michael Pearson Jackson Walker (Houston, Texas) His wide range of skills are like black gold for busy energy companies.

David Pedersen Baird, Holm, McEachen, Pedersen, Hamann & Strasheim (Omaha, Nebraska) He fights for funding Omaha's schools. Jane **Perkins** National Health Law (Chapel Hill, North Carolina) She works to prescribe equal access to health care for low-income people. Peter Perlman Peter Perlman Law Offices (Lexington, Kentucky) With a long record of courtroom VICTOTIES, he's the top trial lawyer in the Bluegrass State. Philip Perry Homeland Security (Washington, D.C.) This insider's insider (he's Cheney's son-in-law) took the top legal post at Homeland Security in June. Kathleen Flynn Peterson Robins, Kaplan, Miller & Ciresi (Minneapolis, Minnesota) The top-notch trial lawyer Strikes fear into the hearts of medical malpractice defendants. Carol Ann Petren MCI Inc. (Ashburn, Virginia) Restoring credibility post-WorldCom, she structured settlements that saved jobs. Carter Phillips Sidley Austin Brown & Wood (Washington, D.C.) In oral argument, the Supremes refer to this appellate 2CC by name. Lee Phillips Manatt, Phelps & Phillips (Los Angeles, California) The music industry veteran hits the right notes for Barbra Streisand and Josh Groban. Jesse Pierce Howrey (Houston, Texas) When energy companies get their pipelines **CTOSSEd**, they call on this litigator. **Regina Pisa** Goodwin Procter (Boston, Massachusetts) With many Boston firms shrinking or merging, she's guiding hers to new heights.



Michael Pitt Pitt, Dowty, McGehee, Mirer & Palmer (Royal Oak, Michigan) The Secretary of State and women's prisons are just two of this Michigan trial lawyer's targets. Aaron Podhurst Podhurst Orseck (Miami, Florida) A top-flight aviation lawyer representing crash victims. Debra Pole Sidley Austin Brown & Wood (Los Angeles, California) From silicone breast implants to diet drugs, she's a go-to defender for medical companies. Daniel Polsenberg Beckley Singleton (Las Vegas, Nevada) Right to die, wrongful life, reporter's shield and George Foreman — no one has more fascinating cases. Robert Dean Pope Hunton & Williams (Richmond, Virginia) The baron of bond law. Richard Posner 7th U.S. Circuit Court of Appeals (Chicago, Illinois) What can we say about this prolific writer and conservative judge that you don't already know? Joseph Power Power Rogers & Smith (Chicago, Illinois) A recent \$6 million verdict is just one example of his Savvy litigating of medical malpractice claims. Matthew Powers Weil, Gotshal & Manges (Redwood Shores, California) The biggest name in the Silicon Valley for intellectual property recently won a patent case for Cisco. Giovanni Prezioso Securities and Exchange Commission (Washington, D.C.) The general counsel has a profound impact on SEC policy. Daniel Price Sidley Austin Brown & Wood (Washington, D.C.) A Seasoned negotiator trusted by multinational corporations on complex trade issues.



Photo: Hugh Williams

James Quinn Weil, Gotshal & Manges (New York, New York) Players unions' advocate defended the MTA's right to negotiate a stadium with the New York Jets. John Quinn Quinn, Emanuel, Urquhart, Oliver & Hedges (Los Angeles, California) His verdict against Bertelsmann gives us \$290 million reasons why he's a top-notch litigator. Marsha Rabiteau Hartford Financial (Hartford, Connecticut) A key lawyer for the nation's largest insurance company, she also spearheads tort-reform efforts. Bruce Ramer Gang, Tyre, Ramer & Brown (Beverly Hills, California) The Shark in 'Jaws' was named after this lawyer for Spielberg and Eastwood. Marc Raspanti Miller, Alfano & Raspanti (Philadelphia, Pennsylvania) When whistle-blowers turn investigators on to physicians, does call him first. Gordon Rather Wright, Lindsey & Jennings (Little Rock, Arkansas) The veteran litigator is the Natural State's top defense lawyer, naturally. Donald Re Law Office of Donald Re (Los Angeles, California) Hollywood private eye Anthony Pellicano tapped this Veteran criminal defense lawyer. Lucy Reed Freshfields Bruckhaus Deringer (New York, New York) Her commercial arbitration wins dot the globe — most recently \$130 million in Argentina. William Rehnquist U.S. Supreme Court (Washington, D.C.) Outlasting the court's liberal years, the chief justice formed a formidable right wing with Scalia and Thomas. Daniel Reidy Jones Day (Chicago, Illinois) The white-collar WiZard of the defense bar.

Charles Renfrew Sole practitioner (San Francisco, California) The former federal judge is a trusted **neutral** for high-stakes complex business and international disputes. Constance Rice English, Munger & Rice / Advancement Project (Los Angeles, California) A visionary leader for Solving poverty, education and discrimination issues within the legal system. Frederic Rich Sullivan & Cromwell (New York, New York) A member of project finance's inner circle. Miriam Rivera Google Inc. (Mountain View, California) Heads the company's many commercial deals and stayed Clean when the SEC smacked her boss. **David Rivkin** Debevoise & Plimpton (New York, New York) Megamillion-dollar international disputes are COMMONplace in his international arbitration practice. John Rizzo CIA (Washington, D.C.) He's at the **forefront** of the thorny legal issues raised in the war on terror. Gary Roberts Tulane Law School (New Orleans, Louisiana) The director of Tulane's excellent sports-law program is simply the most trusted expert in the field. John Roberts U.S. Court of Appeals for the District of Columbia Circuit (Washington, D.C.) His vote on the High Court could tip the scales on abortion, privacy and prayer. Mark Robinson Robinson, Calcagnie & Robinson (Newport Beach, California) Car companies and pharmaceutical makers alike fear this veteran trial lawyer. Mark Rosenbaum ACLU of Southern California (Los Angeles, California) With imagination and tremendous intellect, he tackles big cases in education, poverty and more.

Joshua Rosenkranz Heller Ehrman (New York, New York) When colleges said no to military recruiting, he came On board to defend that right. Paul Rosenthal Collier Shannon Scott (Washington, D.C.) Hard to find a better petitioner-side lawyer in international trade than this firm chairman. Jeffrey Rudman Wilmer Cutler Pickering Hale and Dorr (Boston, Massachusetts) This Steely veteran is a Boston-based standout in both securities litigation and enforcement work. Kelli Sager Davis Wright Tremaine (Los Angeles, California) From the networks to The New York Times, she's the media's best friend. Richard Sandler Davis Polk & Wardwell (New York, New York) Oversees Davis Polk's enviable capital markets practice. Gloria Santona McDonald's Corp. (Chicago, Illinois) She's marched right up the Supersized ladder to run legal affairs at the Golden Arches. Donald Sasser Sasser, Cestero & Sasser (West Palm Beach, Florida) High-profile divorces, from Jeff Gordon to JLo, wind up on his caseload. Robert Sayler Covington & Burling (Washington, D.C.) The godfather of insurance coverage. Antonin Scalia U.S. Supreme Court (Washington, D.C.) Incredibly Sharp, not afraid to speak his mind, possibly the next Chief. Anthony Scariano Scariano, Himes and Petrarca (Chicago Heights, Illinois) This top-grade litigator helps schools ace their court battles.

Arthur Scavone White & Case (New York, New York) His prominent project finance practice Spans the globe.

Mary Schapiro National Association of Securities Dealers (Washington, D.C.) A powerful regulator of the securities industry. Donald Schiller Schiller, DuCanto and Fleck (Chicago, Illinois) Chicago's wealthy elite turn to him for their family law matters. Michael Schler Cravath, Swaine & Moore (New York, New York) Corporate America's tax man. Frank Schreck Schreck Brignone (Las Vegas, Nevada) The only name bigger in Sin City these days is his boss—Steve Wynn. Alan Schulman Bernstein Litowitz Berger & Grossmann (San Diego, California) A witness in the Milberg Weiss case, he also has a practice to rival that of his former firm. John Schulman Warner Bros. Entertainment Inc. (Burbank, California) The dean of Hollywood studios. Herbert Schwartz Ropes & Gray (New York, New York) A first-caliber patent litigator, he forms a powerful combination with partner Jesse Jenner. Robert Schwartz O'Melveny & Myers (Los Angeles, California) Hollywood's court-room Warrior fights for studios like New Line Cinema. Judith Scott James & Hoffman (Washington, D.C.) As counsel for the service workers, she guides the country's largest, fastest-growing union.





Richard Scruggs The Scruggs Law Firm (Oxford, Mississippi) Led the charge to put tobacco companies On the hook for state Medicaid costs. Mary Anne Sedey Sedey & Ray (St. Louis, Missouri) Her Victory against Mitsubishi established her as a force in sex harassment cases. Jay~Sekulow~ American Center for Law and Justice (Washington, D.C.) From policy to litigation, no one Scares liberals more. Brad Seligman The Impact Fund (Berkeley, California) The Wal-Mart class action has established him as a worker's hero. Carl "Kim" Seneker Morrison & Foerster (San Francisco, California) Known around the country, big San Francisco real estate purchases tend to go through him. Mark Senn Visciano Kirschenbaum Merrick (Denver, Colorado) Peers say this Rocky Mountain state leasing lawyer is absolutely superb. Karen Patton Seymour Sullivan & Cromwell (New York, New York) The former federal prosecutor took Martha out of the kitchen and into the mess hall. Howard Shapiro Proskauer Rose (New Orleans, Louisiana) The best benefits lawyer in the Big Easy, according to management praise. Theodore Shaw NAACP Legal Defense & Educational Fund (New York, New York) The longtime civil rights leader is a Strong Voice for racial justice in the courts and in Congress. Daniel Sherrick United Auto Workers (Detroit, Michigan) This general counsel leads the drive for the nation's auto workers.

Robert Shulman Howrey (Washington, D.C.) He grabbed headlines for forcing insurers to cover defamation claims. E. Clement Shute Shute, Mihaly & Weinberger (San Francisco, California) This environmental specialist has the SCOOD on Tahoe takings cases. Richard Shutran Dewey Ballantine (New York, New York) A clear DOWCT in project finance. Harvey Silets Katten Muchin Rosenman (Chicago, Illinois) He holds the fort when the IRS attacks. Leslie Silverman Cleary Gottlieb Steen & Hamilton (New York, New York) Competitors drool over his cross-border capital markets practice. Joe Sims Jones Day (Washington, D.C.) He handles all of the antitrust matters for the biggest acquisitions like AOL and Time Warner. Martin Singer Lavely & Singer (Los Angeles, California) The legal bulldog protecting Hollywood's elite. Watch out. Mike **Sloan** Sole practitioner and consultant (Las Vegas, Nevada) From union negotiations to battling anti-gaming statutes, his impact in Sin City is undeniable. **ason Sloane** Sloane Offer Weber & Dern (Beverly Hills, California) This counselor to Jennifer Garner and Lindsay Lohan is at the front of hip Hollywood. Brad Smith Microsoft Corp. (Redmond, Washington) Steering legal issues around the globe for the world's computer giant.

Bradley Smith Davis Polk & Wardwell (New York, New York) J.P. Morgan banks on this finance juggernaut. Paul Smith Jenner & Block (Washington, D.C.) Video gamers raise their joysticks in Celebration of this First Amendment fighter. Michael Sohn Arnold & Porter (Washington, D.C.) The former FTC general counsel now reps big names from General Electric to Intel. Jerold Solovy Jenner & Block (Chicago, Illinois) Chairman of this appellate powerhouse, Solovy is a leading pro bono and trial attorney in his own right. Larry Sonsini Wilson Sonsini Goodrich & Rosati (Palo Alto, California) This Silicon Valley icon takes techies from startup to Fortune 500. **Sonia Sotomayor** 2nd U.S. Circuit Court of Appeals (New York, New York) She's on the shortlist for a Supreme Court seat — next time there's a Democrat in the White House. David **Souter** U.S. Supreme Court (Washington, D.C.) Down the middle is the best way to describe this moderate justice. A. Gilchrist Sparks III Morris, Nichols, Arsht & Tunnell (Wilmington, Delaware) Disney's directors have turned to this highly respected counselor of Delaware corporate law. Robert Spatt Simpson Thacher & Bartlett (New York, New York) Carrying on the Simpson tradition of top-notch lawyering in corporate takeovers. Gerry Spence The Spence Law Firm (Jackson, Wyoming) The longtime plaintiffs' lawyer is one of the most recognizable, not to mention fashionable, names among lawyers nationwide.



Steven Spencer Morgan, Lewis & Bockius (Philadelphia, Pennsylvania) Companies benefit greatly from the nation's top ERISA expert. Eliot Spitzer New York State Attorney General's Office (New York, New York) He's the attorney general others want to be; is governor next? Broadus Spivey Spivey & Ainsworth (Austin, Texas) Sexual harassment, legal malpractice and wrongful imprisonment are just some of the cases handled by the Lone Star plaintiffs' lawyer. James Sprayregen Kirkland & Ellis (Chicago, Illinois) This United Airlines counsel flies high as the nation's preeminent bankruptcy counsel. Myron Steele Delaware Supreme Court (Dover, Delaware) The chief justice is the final authority on the majority of the laws governing our nation's corporations. Stanton "Larry" Stein Alschuler Grossman Stein & Kahan (Santa Monica, California) Still riding the vertical integration wave, this trial attorney rocks the boat for Hollywood talent. Marc Stern American Jewish Congress (New York, New York) A Vocal leader on separation of church and state, religious freedom, Israel and U.S. security issues. John Paul Stevens U.S. Supreme Court (Washington, D.C.) The senior liberal on the Supreme Court holds Sway over its rare left-leaning decisions. Stanley Stevens Equity Office Properties Trust (Chicago, Illinois) Only the federal government owns more land than the trust whose legal affairs he Oversees. Bryan Stevenson Equal Justice Initiative of Alabama / New York University School of Law (Montgomery, Alabama) Parlayed his NYU post into a veritable feeding ground for equal justice staffers in the South.

Lawrence Stewart Stewart Tilghman Fox & Bianchi (Miami, Florida) Product liability and medical malpractice claims are a Specialty for this trial lawyer. Charles Stillman Stillman & Friedman (New York, New York) The trial lawyer of choice for many embattled executives and politicos. Thomas Stipanowich CPR Institute for Dispute Resolution (New York, New York) The nationally acclaimed neutral is also a construction law scholar. Dan Stormer Hadsell & Stormer (Pasadena, California) The employment expert and civil rights Crusader has battled Texaco and Unocal and won. Leo Strine Delaware Chancery Court (Wilmington, Delaware) The influential corporate judge is an Outspoken Sarbanes-Oxley critic. Edward Strohbehn Bingham McCutchen (San Francisco, California) He's environmental law royalty. Brendan Sullivan Williams & Connolly (Washington, D.C.) This defender's famous clients include Ollie North and Walter Forbes. Dwight Sullivan Chief Defense Counsel, Guantanamo (Washington, D.C.) A critic of military tribunals, he's the Pentagon's pick to lead the defense of Guantanamo detainees. Kathleen Sullivan Stanford Law School / Quinn, Emanuel, Urquhart, Oliver & Hedges (Stanford, California) Made Stanford Law School what it is today, not to mention her cred as a top Constitutional Scholar. Brian Sun Jones Day (Los Angeles, California) From espionage to complex business disputes, nobody's caseload is full of more intrigue.



Cass Sunstein University of Chicago Law School (Chicago, Illinois) The top thinker on matters where law intersects with political processes. Stephen Susman Susman Godfrey (Houston, Texas) This hard-driving attorney takes opponents like NASCAR on a ride they'll never forget (but wish they could). Letty Tanchum Harpo Inc. (Chicago, Illinois) TV shows, magazines, book clubs and charities galore — Oprah's top lawyer does it all. John Tarantino Adler Pollock & Sheehan (Rhode Island) Scored the first win for lead paint companies in litigation over alleged poisoning of children. Richard Taranto Farr & Taranto (Washington, D.C.) A Veteran appellate specialist tapped by Grokster to present its case to the high court justices. Sanford Teplitzky Ober, Kaler, Grimes & Shriver (Baltimore, Maryland) He administers the Cure for Medicare and Medicaid blues. Clarence Thomas U.S. Supreme Court (Washington, D.C.) Mentioned frequently as a possible next chief justice, he draws fire for a lack of leadership. James Thompson Hare, Wynn, Newell & Newton (Birmingham, Alabama) Took the case of Arkansas farmers against Tyson chicken, to the tune of \$42.5 million. Michael Tigar The Tigar Law Firm (Annapolis, Maryland) From Terry Nichols to Lynne Stewart, the activist lawyer doesn't dodge the difficult cases. Paul Tosetti Latham & Watkins (Los Angeles, California) Hilton, Telemundo and Amgen turn to this leader in the left coast M&A bar.



John Townsend Hughes Hubbard & Reed (Washington, D.C.) He heads the panel deciding who will win control of \$350 million Axtel. Laurence Tribe Harvard Law School (Cambridge, Massachusetts) A leading Constitutional scholar for decades, he still Weighs in on important cases. John Trotter JAMS (Orange, California) Few neutrals are as respected and Well-liked as this former state appellate court justice. Michael Tuchin Klee, Tuchin, Bogdanoff & Stern (Los Angeles, California) The heir apparent to legendary partner Ken Klee is a bankruptcy brain trust in his own right. Robert Tyler Alliance Defense Fund (Phoenix, Arizona) He pops up in courtrooms across America to preserve traditional families. Marc Van Der Hout Van Der Hout, Brigagliano & Nightingale (San Francisco, California) Representing individuals before immigration courts, he fights against removals and deportations. Bruce Vanyo Wilson Sonsini Goodrich & Rosati (Palo Alto, California) This securities litigator keeps clients like Krispy Kreme from being fried by the SEC and investors. Chilton Varner King & Spalding (Atlanta, Georgia) Big business hires her to fight back attacks on products like Paxil. Donald Verrilli Jenner & Block (Washington, D.C.) The premier appellate lawyer keeps racking up Supreme Court wins. Ann Morgan Vickery Hogan & Hartson (Washington, D.C.) A Medicare and Medicaid maven for the health care industry.

William Voge Latham & Watkins (New York, New York) His project finance practice towers over the competition. Fred **Lohmann** Electronic Frontier Foundation (San Francisco, California) From JibJab to Grokster, he's a leading advocate against "the man." Mary Kay Vyskocil Simpson Thacher & Bartlett (New York, New York) She's busy as counsel for the lead property insurer in the 9/11 attacks. Richard Walker Deutsche Bank AG (New York, New York) The former director of the SEC's enforcement division now COUNSelS one of the world's largest banks. Leigh Walton Bass, Berry & Sims (Nashville, Tennessee) Nashville's thriving health care industry calls upon this M&A Specialist. Elizabeth Warren Harvard Law School (Cambridge, Massachusetts) This prolific writer fights for families forced into bankruptcy. Donald Watkins Law Office of Donald Watkins (Montgomery, Alabama) The UNSTOPPable advocate got HealthSouth's Scrushy acquitted. Richard Watt Watt, Beckworth, Thompson & Henneman (Houston, Texas) This Texas counselor knows the oil and gas biz inside and out. Seth Waxman Wilmer Cutler Pickering Hale and Dorr (Washington, D.C.) The Supreme Court winner most recently CO1vinced the justices to bar the death penalty for juveniles. Dan Webb Winston & Strawn (Chicago, Illinois) GE, Microsoft, Philip Morris, the New York Stock Exchange: defense litigators don't have bigger clients.

Eugene Wedoff U.S. Bankruptcy Court (Chicago, Illinois) Megacases like United Airlines land in this highly respected judge's court. Reid Weingarten Steptoe & Johnson (Washington, D.C.) Still a Clutch white-collar defense lawyer despite the Bernie Ebbers setback. Daniel Weinstein JAMS (San Francisco, California) A pioneer for class action mediations, he's on the shortlist for the nation's biggest cases. Jack Weiss Gibson, Dunn & Crutcher (New York, New York) The media maven counsels The Wall Street Journal and other news organizations in First Amendment fights. Melvyn Weiss Milberg Weiss Bershad & Shulman (New York, New York) A breakup of his firm and now a criminal investigation — still he's created a considerable legacy. Theodore Wells Paul, Weiss, Rifkind, Wharton & Garrison (New York, New York) From Washington officials to tobacco and Vioxx, the trial lawyer defends top headline grabbers. John White Cravath, Swaine & Moore (New York, New York) The top dog of the capital markets. Mary Jo White Debevoise & Plimpton (New York, New York) The U.S.-attorney-turned-rainmaker guides companies through complex investigations. William Whitehurst Whitehurst, Harkness, Ozmun & Brees (Austin, Texas) The former pharmacist and licensed pilot is tops at med-mal and aviation litigation. Richard Wiley Wiley Rein & Fielding (Washington, D.C.) The former FCC chairman guides the legal work of communications glants Viacom, Verizon, Motorola and more.

Beth Wilkinson Latham & Watkins (Washington, D.C.) Corporate America's best defense, just ask Philip Morris. B. John Williams Shearman & Sterling (Washington, D.C.) Back at the firm after a stint as the IRS' hard-charging chief counsel. William Williams Sullivan & Cromwell (New York, New York) This senior partner is a securities czar. Alan Wolff Dewey Ballantine (Washington, D.C.) The former deputy trade representative is the master at opening international trade markets to American products. Jay Worona New York State School Boards Association (Latham, New York) This highly regarded education specialist oversees litigation for a consortium of 750 school districts. Robert Wyman Latham & Watkins (Los Angeles, California) Clients of this clean air law guru see blue skies. Juliette Youngblood Irell & Manella (Los Angeles, California) She's the legal wiz behind the curtain for MTV and reality television's Mark Burnett. Kenneth Ziffren Ziffren, Brittenham, Branca, Fischer, Gilbert-Lurie, Stiffelman & Cook (Los Angeles, California) Hollywood's legal legend is a Tinseltown Visionary. Howard Zucker Hawkins Delafield & Woods (New York, New York) This housing-finance heavyweight is at home leading the nation's premier bond boutique. Margaret "Peggy" Zwisler Latham & Watkins (Washington, D.C.) Handling some of the biggest antitrust cases today, she's defending Ford next.



Girardi Keese

LITTLE GUYS

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

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



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

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

The Lawdragon 500

The Leading Lawyers in America