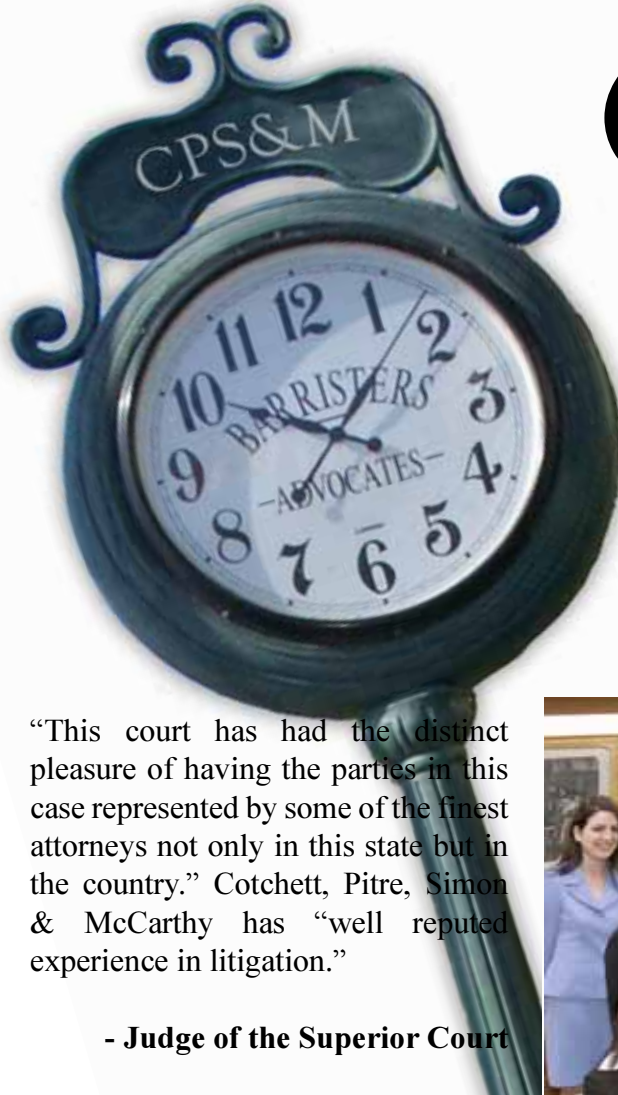


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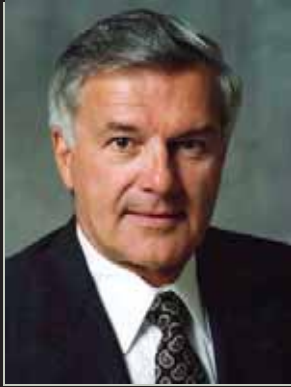
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million collected to date from
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From the Publisher

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A YEAR HAS FLOWN BY SINCE WE ESTABLISHED Lawdragon. Memories of shipping our first issue were unavoidable as we put the finishing touches on the magazine you hold in your hands.

It's been a miraculous struggle to start a publishing company that's as much Internet as print. It's a necessary undertaking as anyone can understand who's watched the struggles of his local newspaper or tried to make sense of the wild herds of information cruising through the Internet. Lawdragon believes we have a model that will work, providing you free news content that's relevant and interesting to your practice and legal community, while creating a robust advertising platform.

Here are 11 things you should know about Lawdragon, a progress report and sense of where we're going, if you will.

We are not a list service. We are a publishing company combining elements of Martindale-Hubbell and American Lawyer, as well as your local legal newspaper, to create an entirely new platform for the legal community. We do our own research and write about those lawyers who are most highly regarded for their skills and excellence.

We are a national company that writes stories about and evaluates lawyers and judges nationwide. The current issue has stories about Earthjustice in Alaska; John Gibbons, one of New Jersey's leading lights; and Ken Kraus, who oversees the estate of Elvis from his Nashville office.

We published four magazines our first year of business and intend to publish six in 2007. Three of those will feature our guides to the legal profession; the other three will feature legal legends, trends and practitioner pieces from the nation's best lawyers.

If you would like to write for us or submit news items or other information please contact our editor, John Ryan at john@lawdragon.com or 213-223-2428. In the next few months, we will be dramatically expanding the content available on our Web site and need good writers to anchor dozens of practice area sites. You will be hearing more from John, one of the best, most trustworthy and excellent people and professionals I've ever met in the months ahead as he increasingly takes the reins of this magazine. I encourage you to get to know him.

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We rate lawyers based on our journalistic reporting, information you submit about your practice and evaluations that your clients and peers submit about you. Hundreds of in-house counsel and other clients have gone online to review their attorneys. We verify the source of the review and post it, providing a valuable research tool to people in need of better information about lawyers.

In the months ahead, we will add online profiles and evaluations of legal service providers (court reporters, expert witnesses, jury consultants). Those who support the efforts of lawyers are a valuable part of the practice of law. We want to create the environment where you can evaluate their efforts as easily as they can already evaluate yours.

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All my best,

Katrina
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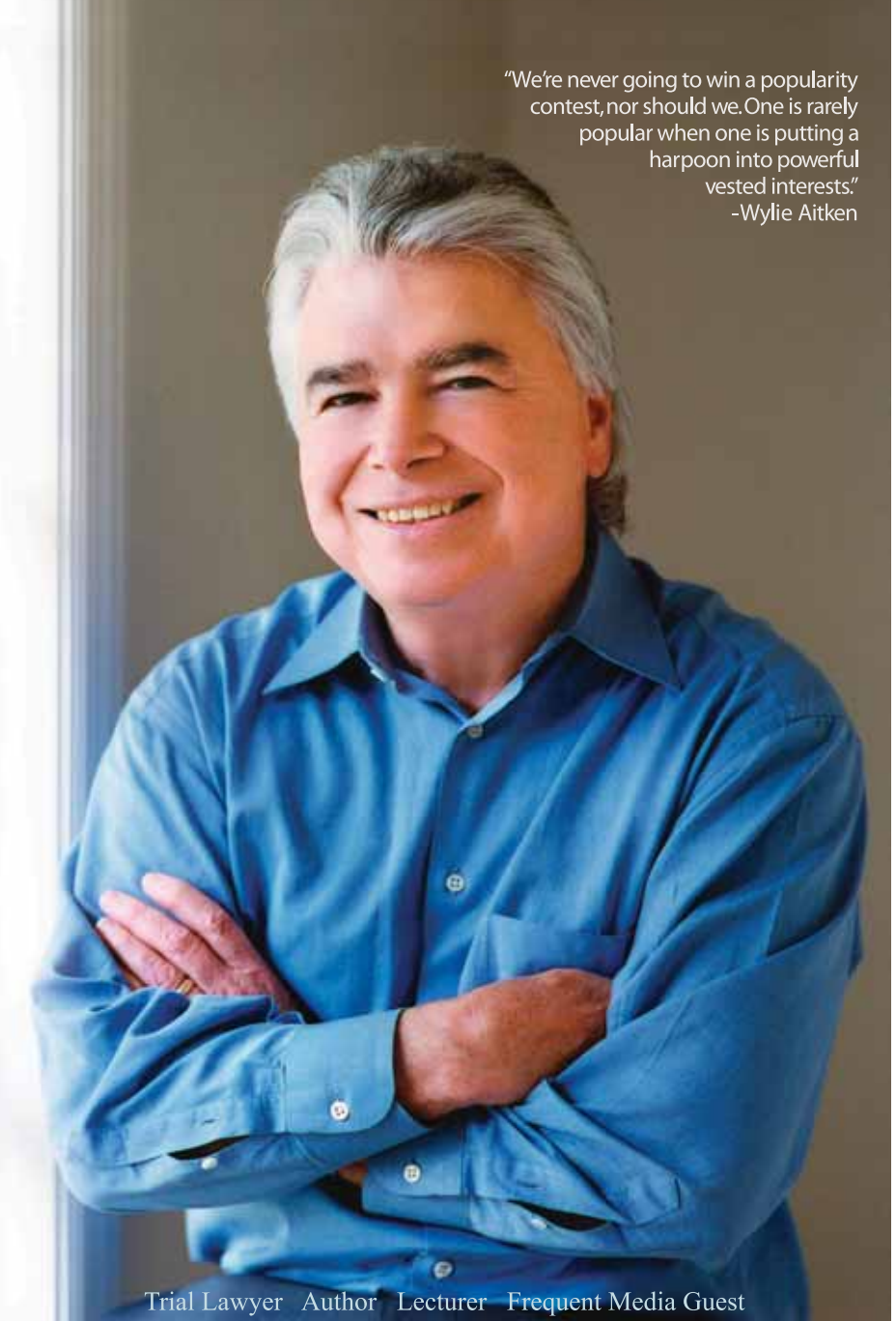
Corrections: In the Summer Issue of Lawdragon Magazine, we incorrectly identified the role two attorneys played in specific legal cases in the "Lawdragon 500 New Stars, New Worlds" article. Lisa Banks of Katz, Marshall & Banks, who is now a plaintiffs'-side employment lawyer, did not represent Horizon, Sears and UPS in employment cases but worked for the Equal Employment Opportunity Commission on cases involving those companies. Jenner & Block's Jeff Marwil did not represent Kmart, UAL, KB Toys, and FV Steel, but was involved representing parties in those cases. Lawdragon regrets the errors.

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Play Me

*He took his family to Nashville
for a simpler life, but the career
of music attorney Kenneth Kraus
hasn't slowed. He shares a cock-
tail with Lawdragon to talk Axl
Rose and Elvis Presley, piracy
and ring tones in the digital age
and a time when the industry
focus was on artist development
and the pure love of the music.*

Photo by Hugh Williams



a Song

COCKTAILS WITH...

Kenneth Kraus

By TINA SPEE

Kenneth Kraus was once the quintessential L.A. lawyer. Born in West Hollywood and raised in the San Fernando Valley, Kraus got his bachelor's degree at Occidental College and his law degree from UCLA. He developed an impressive entertainment practice throughout the 1970s and 1980s with music clients like the Eagles and Steely Dan, working at a number of industry boutiques before joining Manatt, Phelps & Phillips in 1990.

But after 22 years of practicing in the big city, Kraus and his wife wanted a simpler life for their family. He relocated to Manatt's Nashville, Tenn., office in 1993, then took his practice and a team of lawyers to Loeb & Loeb's local outpost seven years later.

Though his baritone hasn't developed a twang in the 13 years he's been practicing in Tennessee, "Music City" seems to agree with Kraus. He immediately preferred the less cutthroat nature of Nashville's music business. In Los Angeles, executives at the music labels would constantly bid against each other for talent; here, industry executives greet each other at Sunday church services.

The music business isn't perfect here, Kraus explains over a glass of chardonnay at a local industry hot-spot, the Trace. Companies are consolidating and downsizing everywhere, and the threat of piracy continues to grow. In some ways, he misses the earlier days of the business.

Still, his practice continues to thrive in Tennessee, on both the talent and recording sides of the industry. One of his biggest clients is the estate of Elvis Presley. And his setup is hard to beat. Loeb's offices are located in a converted house on Nashville's Music Row, just steps away from the recording studios and local music hangouts. It's the next best thing to being a musician, a profession Kraus acknowledges he wasn't really cut out for.

"I kind of knew that my talent really wasn't in music," Kraus says with a laugh. "I was smart enough to realize that I'd be better off working with musicians than being a musician myself."

LAWDRAGON: What's your musical background?

KENNETH KRAUS: I was a guitar player, a harmonica player; I played a little piano. I couldn't sing a note. I had a band in college. It was called the World Famous Unknowns. Terrible name, but we got a lot of laughs. I was the leader of it, but I couldn't sing so I had to hire a singer and a background singer. ... It was fun. We played weekends; we played fraternity parties. On a big night we made \$50, \$60, and that was divided five ways. That was at Occidental College.

LD: What led to you wanting to move here?

KK: I was looking to move because it just wasn't a place my wife and I wanted to raise our 5-year-old, in L.A. I already had some clients who were based out here, Amy Grant and some other Christian artists and country artists. The country business was just on fire back then. So I thought why not just take what I have and expand it and take my family there? It seemed like a great place to live. And it was. We raised our son here. He had the best childhood that a kid could have. It's just a lot different for a kid down here than it is in Los Angeles or New York or the big cities ...

LD: What are you working on now?

KK: I'm lucky. I have a really broad practice. It covers record companies, artists, managers, publishers, but not just in country. Everyone always thinks that if you live in Nashville you must represent just country artists. The truth is that's just a relatively small part of my practice. I have country artists — contemporary Christian artists are a big business for us now; this is kind of where all the labels are based. We do rock artists like Kid Rock and old rockers like Bob Seger. So it's really all over the board ...

My practice last year quite honestly did transition more to the company side. In the last few years I've been

doing more investment groups coming into New York and buying into record labels and buying catalogues or setting up media companies.

LD: Do you deal with the talent directly a lot of the time?

KK: It's totally different from artist to artist. Some clients, their managers do it all. All you ever talk to is the manager 99 percent of the time. ... There are other clients that love to deal with their business. They want to understand everything. They want to know why this is happening and what this means.

Years ago we were dealing with Axl Rose. We were renegotiating the Guns N' Roses deal. And we actually came into the office after we had spent months and months working on this deal, and he came in after he was all ready to sign and had a list of page after page — he had read every word in that contract. He had very intelligent questions for every clause. There were some questions we hadn't even thought about. We had to be quick on our feet to explain why we did what we did. It was really fun, you know what I mean? ... I really insist with my clients as best I can that they read the contract and understand it the best they can.

LD: What's it like working for the Presley estate?

KK: It's probably the most exciting client because almost every deal they do is different from the last deal. Nothing is ever the same. They're always doing something new or different, whether it's developing a TV

show, or a new thing to do on the next anniversary. The 30th anniversary of his death is coming up, so we're planning all sorts of events. They just did a deal where they did a joint venture with Cirque du Soleil to develop a big show in Vegas. All these things are so different from every other deal so it keeps the lawyers on their toes ...

When someone's no longer alive and the fan base is getting older and older, you have to keep coming up with new ways to package it and sell it to new fans. So it's doing the deal like Lilo & Stitch, which we did a number of years ago, which kind of introduced Elvis to all these young kids. If you can't bring in new fans we're going to go out of business.

LD: What was your most difficult deal?

Kraus begins the story of his representation of PepsiCo. in its deal with Michael Jackson to sponsor one of his concert tours. In one of the more infamous production miscues ever, Jackson's hair caught fire during the 1984 filming of a Pepsi commercial.

KK: I'll never forget this, it was on a Friday, we had just got the contracts back, and I was so excited. I was going to send them back to Pepsi. They were so frightened this deal was never going to make it. I had just dictated a cover letter ... and around 6:30 or 7 that night I got a call from the studio where they were recording the commercial. And I was told by the lawyer for Michael Jackson that his hair had just caught fire on the set. My first thought was: Had I cov-

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ered in the contract fire of the hair on the artist? It was a crazy deal. We had all sorts of additional negotiations to work out, like what is Pepsi going to do to make up for the fact that Michael's hair caught fire? That was probably one of the craziest deals I ever worked on. Nothing was ever quite as insane as that deal ... Pepsi had to donate a lot of money to some burn center.

LD: Why is this a tough time for the music industry?

KK: Because the business is shrinking and all these labels have been consolidating, every year it seems that one label buys another label. They figure the only way they can last in this industry with all the downloading and pirating is to get bigger. I'm not sure that's the answer. But they figure, well, we'll get bigger, and we can cut costs and raise the profit.

The problem with what's happening is the music's getting lost. There are no more people, it seems, that really care about music and developing artists. And when I started there was actually artist development. That was a big part of the business, you take an artist that's young and rough around the edges and you develop that artist. It may take three, four or five years, but eventually you have a great artist.

So that's made it hard on the artist because they have no time to develop ... It's also been really hard on executives because they've been downsized a thousand times. I can't tell you how many times I've talked to an executive at a label who just hates their job.

LD: How has the change affected your practice?

KK: We're fortunate enough that we represent a lot of established artists, and their careers have taken off, and their careers are blossoming, and they're beyond that point. But if you're just representing new artists or newer artists it's really tough to make it as a law firm or lawyer. We're lucky that we do a lot of company work and major artist work as well as new artist work. We have that luxury.

LD: But the music still keeps you excited about the business?

KK: It's all based around the music. Having been a musician and always in the music industry, I've always loved the music. You can do the same deal for a musician whose music you like versus a bank, and I'd rather do it for a musician ...

For these last five years, it's been so negative about how can we stop people from stealing our music and how can we stop the shrinking business. It's all negative ... the music is just kind of secondary. That's just not where it should be. When we do figure out how to get back to growing the business, when we figure out how to make money off the Internet, downloads, ring tones, which we're starting to do, then maybe that feeling will come back, where now we can focus again on the business secondary to the music. It's why others and myself are in this business. It's the music. It makes it fun. ■



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[GREENE BROILLET & WHEELER, LLP]

Good Faith

By FRANK N. DARRAS

T

aking on the giants of the disability world is not for the faint of heart.

The cases are complicated, emotionally taxing and terrifically expensive to prosecute, and time is the carriers' friend. Carriers know sick people don't fight hard and can't shoulder a long, drawn out courtroom battle. It takes hard-earned respect on both sides of the table to get these cases resolved. However,

recent reforms in the industry have made the claims process more efficient and fair for both sides.

We have come a long way since the 1970s, when most disability contracts were oversold, underpriced and offered overly generous individual disability benefits. Life was good, the economy was roaring, the individual disability market was a billion-dollar premium pie, and everybody got more monthly benefits than they could ever dream of using.

By the 1990s, however, all that had changed. HMOs were now in charge of medical care, and they and other insurers began tightening the purse strings. Wall Street grew angry at missed corporate projections and investment income tanked, paving the litigation highway with anger. Carriers scrambled. They couldn't change the economy, couldn't cancel their non-cancelable policies and couldn't raise their premiums because the contract renewals were guaranteed.

Policyholders began making claims, lots of claims, that when denied stacked up in overburdened court-houses. Pounded deep into the claims mud, policyholders turned every nickel-and-dime disability case into an institutional bad-faith cause. And though some insureds surely brought unfounded claims, many more suffered insurance nullification by litigation as the disability market itself literally became disabled.

The meltdown of the disability market yielded blockbuster punitive damage awards and lessons learned the hard way on both sides of the claim table.

Carriers removed local claims handlers and then sought relief in federal court on diversity grounds. For this, they were rewarded with "the genuine dispute doc-

trine" that allowed them to avoid bad-faith and punitive damage awards by simply creating a genuine factual, medical or financial dispute. The result left the insured with just a breach of contract action for past due interest and benefits. The Supreme Court decision in *Campbell v. State Farm* further scaled back punitive damages when it set a guideline of a single-digit multiplier on compensatory damages.

To enhance their profitability, many of the surviving carriers rewrote their contracts with additional restrictions. Some stopped offering non-cancelable policies, curtailed the duration of benefits arising from an inability to perform the important duties of one's occupation, reduced the maximum monthly benefit amounts, and added fraud to their contestability clauses.

Today's carriers have created new policies with more favorable premiums that have enabled them to finally turn the corner on profitability. This required careful planning, a strengthening of corporate reserves, revamping individual disability product lines and adopting entirely new underwriting criteria. With more corporate players returning to the individual disability market, policyholders have more product options and carriers face downward pressure to handle claims fairly.

A key to the improved disability market is a new set of good-faith claim objectives adopted in the November 2004 multi-state Regulatory Settlement Agreement by UnumProvident, the industry leader. Its dominant market share brought UnumProvident problems when state regulators began examining the volume of lawsuits filed against it and the company's claim practices. The multi-state market conduct examination of UnumProvident's claims-handling practice was led by insurance regulators in Maine, Massachusetts and Tennessee.

The agreement is sweeping in its scope and includes the company and its subsidiaries (including UNUM, Paul Revere and Provident), 48 state insurance commissioners and nationwide market conduct regulators. It changes the way disability cases are evaluated and implements greatly improved claim guidelines that should result in policyholders getting the benefits they

Good

richly deserve. Good faith is always good business for insurance companies; it prevents needless lawsuits and makes for happy policyholders.

The primary components of the agreement include enhancements to UnumProvident's claims-handling procedures and additional corporate governance to support oversight of the reassessment process and improved claims-handling practices.

Most significantly, the agreement also implements an unprecedented feature: the claim reassessment process, in which UnumProvident agreed to reopen and reconsider in excess of 215,000 individual and group long-term disability claims that were denied or closed since January 1, 1997. This is a clear indication that UnumProvident has turned the good-faith claim corner. Many of these previously denied claimants will be able to revive their claims under new claim objectives. If UnumProvident determines the claimant is disabled under the new objectives, the insured will receive all back benefits, interest and attorney fees and will be returned to claim paying status on a monthly basis. Naysayers heaping trash from the bleachers may say, "New claim objectives won't change the denial;" I say "wrong."

As someone who represents thousands of disadvantaged and disabled claimants, I see every day that the agreement is working to provide the truly disabled the benefits they deserve. This is due in part to UnumProvident's agreement to enhance its claim procedures by adding a series of "new good-faith claim objectives."

These objectives include giving significant weight to the awarding of Social Security disability benefits, whether received before or after the claim was denied,

Taking on insurers isn't easy. But improved claims procedures help the disabled get their benefits and industry leaders avoid needless litigation.

Business

as well as to both objective and subjective evidence of impairment, along with appropriate consideration of the treating doctor's opinion.

They also include adoption of a series of other good-faith claims factors that should help those who deserve benefits get them. One such factor is a collective evaluation of co-morbid claims (physical and mental) looking at all of the medical conditions contributing to the disability, including medication side-effects. A second factor is a requirement that all independent medical examiners selected by the company be unbiased, financially disinterested, fully trained and skilled.

A third factor is a requirement that all in-house company physicians be skilled, trained and have all the insured's medical information in hand before rendering impairment findings. The fourth and final factor is a mandate that all claims personnel undergo rigorous training on the new claim objectives to ensure best claim practices with vigilant corporate monitoring and oversight.

In October 2005, UnumProvident reached a similar, more expansive agreement with the California Department of Insurance, which was performing its own examination into disability claims-handling practices and wanted further claim improvements.

The principal features of the California agreement include enhancements to UnumProvident's claims-



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CALIFORNIA INSURANCE COMMISSIONER JOHN GARAMENDI ANNOUNCED A SETTLEMENT AGREEMENT WITH UNUMPROVIDENT AT AN OCT. 3, 2005, PRESS CONFERENCE IN LOS ANGELES. AS PART OF THE AGREEMENT, UNUMPROVIDENT AGREED TO CHANGE ITS CLAIMS-HANDLING PROCEDURES AND TO REASSESS THOUSANDS OF DENIED CLAIMS.

handling procedures and a reassessment of certain denied or closed claims. In addition, UnumProvident agreed to change certain claims practices and policy provisions specific to California.

Most importantly, the California agreement redefines “total disability” as the inability to perform with reasonable continuity the substantial and material acts necessary to pursue the insured’s usual occupation in the usual and customary way. “Any occupation total disability” is the inability to engage with reasonable continuity in another occupation in which the insured could reasonably be expected to perform satisfactorily in light of his age, education, training, experience, station in life and taking into consideration his physical and mental capacity.

The agreement also eliminates policy language delegating discretionary authority to the insurance company to determine eligibility for benefits and to interpret policy language. This eliminates the deferential “abuse of discretion” standard of review in long-term ERISA preempted cases. UnumProvident also agreed to limit offsets in long-term disability cases, offsetting Social Security disability benefits actually received by the claimant (not estimated or due in the future). The company agreed to not exclude conditions “contributed to or by” the pre-existing condition, requiring the medical condition to have actually existed or been diagnosed prior to the effective date of coverage. It also applies the limitation after the termination of any physiological-

based disability, discontinues the use of the “self-reported condition” limitation and makes rehabilitation provisions voluntary.

The California agreement not only benefits previously denied policyholders but also raises the legal bar to hold other carriers doing business in California to a higher good-faith standard. And that is good for consumers. With the industry leader stepping up to correct past problems and agreeing to consumer-friendly changes on a national basis, the rest of the disability carriers would be wise to follow. Any time an industry leader commits to bright-line, good-faith standards, the policyholder comes out on top.

The market is jittery, however, with concerns that the upcoming national election will impact consumer efforts to ban clauses that pre-empt coverage under ERISA.

ERISA does not prescribe a standard of judicial review for benefits decisions by plan fiduciaries. The Supreme Court, however, resolved this issue in *Firestone Tire & Rubber Co. v. Bruch* when it explained that denials of ERISA plan benefits should “be reviewed under a de novo standard unless the benefit plan gives the administrator or fiduciary, discretionary authority to determine eligibility for benefits or to construe the terms of the plan.” Since *Firestone*, provisions conferring discretionary authority on plan administrators have increasingly become a fixture of ERISA plans.

In 2002, the National Association of Insurance Commissioners adopted Model Act 42 prohibiting the use of discretionary clauses in health insurance policies. In December 2004, the association voted unanimously to extend the Model Act’s prohibition of discretionary clauses in disability insurance policies. Many states, including Maine, Minnesota and Oregon, have adopted the association’s Prohibition on the Use of Discretionary Clauses Model Act.

In addition, numerous state insurance regulators have weighed in on the discretionary clause issue by declining to approve policies containing discretionary clauses, finding that such provisions violate their state's insurance laws.



ABOVE: LED BY PRESIDENT AND CEO THOMAS R. WATJEN, UNUMPROVIDENT HAS WORKED WITH STATE INSURANCE AGENCIES TO REFORM CLAIMS PRACTICES. RIGHT: AUTHOR FRANK N. DARRAS, WHO REPRESENTS POLICYHOLDERS WITH CLAIMS AGAINST UNUMPROVIDENT AND OTHER INSURERS, SUPPORTS THE RECENT REFORMS.

In February 2004, for example, the general counsel for the California insurance commissioner issued a legal opinion finding that discretionary clauses “violate the rights of the insured” and “render the contract ‘fraudulent or unsound insurance’” in violation of California’s insurance laws. The Department of Insurance then issued a notice withdrawing approval of disability policy forms containing discretionary clauses. In March 2005, after a challenge and hearing, the commissioner affirmed and adopted the notice. In March 2006, the commissioner ordered the decision to be considered “precedential.”

The Hawaii insurance commissioner issued Memorandum 2004-13H in December 2004, opining that “[a] discretionary clause granting to a plan administrator discretionary authority so as to deprive the insured of a de novo appeal is an unfair or deceptive act or practice in the business of insurance in violation” of state law. In March 2005, the Hawaii Senate passed a law prohibiting the use of discretionary clauses in insurance contracts.

The Illinois Department of Insurance stated in a 2004 letter that discretionary provisions in insurance

policies violate the Illinois Insurance Code “in that they unreasonably or deceptively affect the risk purported to be assumed under the policy.” In July 2005, Illinois passed a law prohibiting discretionary clauses in disability policies as well as in summary plan descriptions.

In February 2006, the New Jersey Department of Banking and Insurance stated in a letter that it “banned discretionary clauses in all health insurance policies and contracts, including disability insurance contracts.”

In March 2006, the New York Insurance Department banned the use of discretionary clauses in health insurance policies and contracts, including disability income insurance, determining that “the use of discretionary clauses violates [New York insurance law] in that the provisions ‘encourage misrepresentation or are unjust, unfair, inequitable, misleading, deceptive, or contrary to law or to the public policy of this state.’”

Similar decisions have been reached by regulatory agencies in Indiana, Montana and Oregon. Utah has banned discretionary clauses in individual policies, but it permits them in group policies.

The multi-state and California settlement agreements have changed the world of disability insurance, as have UnumProvident’s new claim objectives. Discretionary clauses are on their way out, and those carriers that have survived should be able to achieve healthy profitability. The framework is laid so that a roaring economy can lead to outstanding investment returns and low



Photo by Hugh Williams

unemployment, allowing those who can work to do so and those who are truly disabled to get paid promptly and fairly, with timely, courteous service provided by good, honest claims people. ■

The Compensation Game

By GERALD H. SILK AND NOAM MANDEL

Imagine you could travel back in time to pick your stocks. Just think what a successful investor you would be! You could sit comfortably in your living room reviewing old editions of The Wall Street Journal, identifying equities that used to trade low and now trade high. Then simply travel back to a day when your chosen stock was at or near its absolute low, and buy a nice position. Fast-forward to the present, and you've got a handsome locked-in profit — all because you were vested with this very special power.

Buying stocks with perfect hindsight is not, however, a privilege generally available to any investor. Indeed, recent developments make clear that the capacity to purchase stocks retroactively was reserved for the chosen few — the senior managers, directors and other insiders who, through their domination of the machinery of the companies they manage, seem able to extract compensation on whatever terms they desire.

Of course, these individuals aren't actually traveling back in time to purchase stocks. Rather, for many years, insiders at many corporations across the country did the next best thing: backdated stock options. These revelations have sparked wide-ranging investigations by the Securities and Exchange Commission, Department of Justice and other federal regulators and have drawn the ire of institutional investors, many of whom have initiated civil lawsuits.

And for good reason. Despite recent claims by some in the financial community that the scandal is overblown, backdating stock options harms corporations and their shareholders in several key respects. Stock options are not Monopoly money — they represent real corporate obligations with a real impact on a

With hundreds of public companies facing SEC investigations, the scandal over backdated stock option grants continues to grow, illustrating once again that the state of governance over executive compensation is in shambles.

company's finances and financial reporting. As a Department of Justice representative testified to the Senate Banking Committee on Sept. 6, stock option backdating, "can only be seen as a brazen abuse of corporate power to artificially inflate the salaries of corporate wrongdoers at the expense of shareholders."

A stock option is a right to buy a particular stock at a fixed price, called the "exercise" or "strike" price. When the stock's market price is higher than this strike price, the option is "in the money," and the option holder may exercise the option at a profit, paying the strike price and pocketing the difference. Thus, the lower the exercise price, the more profitable the option. When public companies issue stock options as compensation, they must do so according to the terms of formal stock option plans that are publicly filed and approved by shareholders. Importantly, these plans almost universally require that stock options issued to insiders carry exercise prices no lower than the market price of the underlying stock on the date the options are granted.

A review of stock option grants to executives at public companies across the United States reveals a disturbing trend: Since at least the mid-1990s, executives and other insiders at an alarming number of public companies have regularly received stock options on dates when the public trading price of the stock was unusually low. The dates of these grants were typically at or near annual or periodic lows, immediately before a substantial run-up in the stock price or immediately after a sharp decline.



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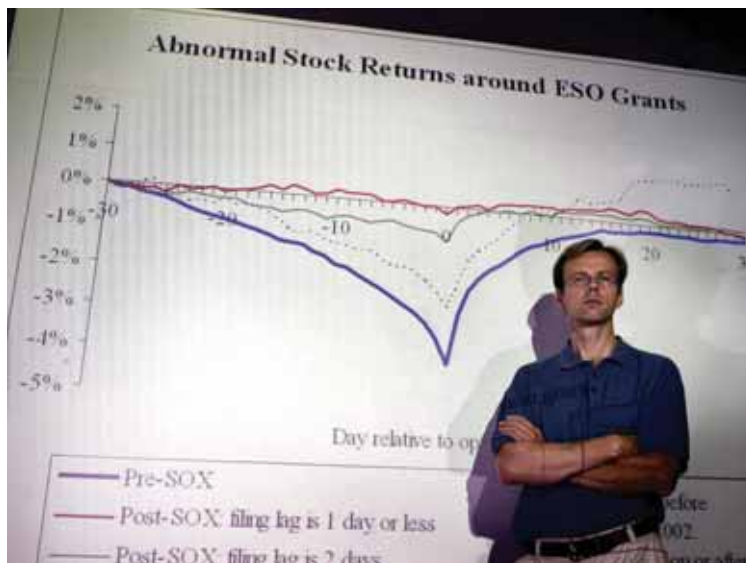
ABOVE: FORMER CONVERSE TECHNOLOGY INC. CFO DAVID KREINBERG FACES CHARGES FOR ALLEGEDLY MANIPULATING STOCK OPTIONS. LEFT: SECURITIES AND EXCHANGE COMMISSION CHAIRMAN CHRISTOPHER COX APPEARED BEFORE A SEPT. 6, 2006, SENATE BANKING COMMITTEE HEARING ON THE STOCK-OPTIONS BACKDATING SCANDAL. BELOW: AUTHOR GERALD H. SILK REPRESENTS INSTITUTIONAL INVESTORS IN A SHAREHOLDER DERIVATIVE ACTION AGAINST UNITEDHEALTH CORP. OVER ALLEGED OPTIONS BACKDATING.

Indeed, one need only mark the claimed grant dates on line graphs of stock prices to note the remarkable consistency with which grants appear at “valleys” or other periodic lows in the historic stock price. These all too frequent patterns seem to trail off after August 2002, when the SEC promulgated rules under Sarbanes-Oxley requiring disclosure of stock option grants within two business days of the grant.

Common sense alone suggests that more than simple coincidence is behind the highly auspicious — and suspicious — timing of these stock option grants. An example, and one of the most striking fact patterns yet to emerge from the burgeoning backdating scandal and associated investigations, is the case of Minnesota-based health care provider UnitedHealth Group Inc.



Photo by Hugh Williams



Associated Press

THE WORK OF UNIVERSITY OF IOWA FINANCE PROFESSOR ERIK LIE IS CREDITED WITH EXPOSING THE BACKDATING SCANDAL THAT HAS RATTLED WALL STREET. HIS EXAMINATION OF SEC FILINGS REVEALED A PATTERN IN WHICH EXECUTIVE STOCK OPTIONS WERE GRANTED AT PRICE DIPS IMPOSSIBLE TO PREDICT.

Between 1997 and 2002 the current chief executive and chief operating officers of UnitedHealth Group Inc. received stock option grants on the single lowest trading day of the year four years in a row and within pennies of that low in the other two years. As of the close of UnitedHealth's last fiscal year, these two officers by themselves owned stock options worth in excess of \$2 billion — much of which was directly attributable to the low-cost options they received during these years.

Statistical studies conducted by academics, securities analysts and the financial press likewise demonstrate that it is virtually impossible for the fortuitous patterns of stock option grants claimed by numerous companies to have occurred randomly. For example, *The Wall Street Journal*, working with several professors of finance and statistics, concluded that the likelihood of grants to UnitedHealth's chief executive officer occurring as claimed were one in 200 million. By contrast, according to the same article, the "odds of winning the multi-state Powerball lottery with a \$1 ticket are one in 146 million."

In another classic example, the former president and chief executive officer of Affiliated Computer Services, Jeffrey A. Rich, reaped more than \$60 million from improperly backdated option grants. Specifically, from 1995 to 2002, Rich received more than 1 million stock option grants, each awarded at or near the lowest annual stock price for those years, and typically immediately before a substantial run-up in the stock price. The results of a statistical analysis of the grants to Rich recently published in *The Wall Street Journal* concluded that the chances of the grants actually occurring as claimed were 1 in 300 billion.

The backdating scandal is but the latest in a long line

of outrages in the area of executive compensation at public companies — abuses that shareholders have been largely powerless to combat. Courts in Delaware and other states have traditionally reviewed executive compensation under the "business judgment rule," a standard that leaves compensation to directors' business discretion and renders it very difficult for the investing public to challenge even the most absurd and excessive compensation packages.

The essentially unhindered authority of corporate boards to determine executive compensation has become so ingrained that managers of public companies now routinely extract tens and often hundreds of millions of dollars in unjustifiable compensation in full view of their shareholders and with complete impunity. Such was the case earlier this year when ExxonMobil announced the \$400 million retirement package given its departing chairman and CEO in the face of much public outcry. It seems plain that shareholders' views on compensation are given scant consideration in the board suite.

In this context, the revelations about stock option backdating add insult to injury and underscore the utter lack of effective governance over executive compensation practices that exist in the United States today. As this story continues to develop, it appears that the regular backdating of stock option grants could only have been achieved through incredible failures by corporate boards — and compensation committees in particular — to live up to their fiduciary obligations and provide the governance and oversight for which they are ostensibly elected.

In another egregious example from UnitedHealth, the chief executive's employment contract contained a highly unusual provision allowing him to choose the dates of the grants by "oral notification" to the chairman of UnitedHealth's compensation committee. In the case of Converse Technology Inc., former Chairman and CEO Jacob "Kobi" Alexander made off with almost \$140 million in cash from exercising backdated stock options and created a slush fund of backdated options to spread the wealth among a cadre of loyal employees. There is no question that option backdating practices such as these could not exist if compensation committees were doing their jobs.

The backdating scandal is also a symptom of the self-interested notion long held among many corporate insiders and their advocates that stock options are basically free — costless enterprises with no real price tag. For years an analogous debate regarding the proper accounting treatment of stock option grants raged, with corporate insiders insisting against all reason that stock options granted as compensation to executives have no real value and, therefore, should not be treated as expenses.

But stock option backdating causes a direct and continuing waste of valuable corporate assets. Public

companies are the counterparties of stock option contracts with members of their management, and the gains obtained by insiders through exercising backdated options are therefore siphoned, on a dollar for dollar basis, directly from the companies and their shareholders. A simple hypothetical example crystallizes the point.

Assume that the chief executive officer of X Corp. receives a grant of 100,000 options to purchase X Corp. stock, which is today trading at \$100 per share. Three months ago, however, X Corp. stock was trading at \$50 per share. Finally, assume that the stock price increases to \$200 per share, at which time the CEO exercises the options. If the stock options were granted at the appropriate exercise price of \$100, the CEO will need to pay the company \$100 per share to exercise those options, for a total payment of \$10 million ($\$100 \times 100,000$). If, on the other hand, the stock options are backdated to the date three months ago when the stock price was at \$50, the CEO will pay the company only \$5 million ($\$50 \times 100,000$) to obtain the same amount of shares — a loss of \$5 million to the company.

Thus, by backdating the options, X Corp.'s chief executive obtains a sweetheart deal — \$20 million worth of stock at half price without having to put in the sweat equity required to legitimately enhance the performance of the company and the stock price for the benefit of all shareholders.

The practice of backdating grants of stock options also causes companies to overstate earnings in their publicly filed financial statements. As SEC Chairman Christopher Cox testified to the Senate Banking Committee, “[r]ather obviously, this fact pattern results in a violation of the SEC’s disclosure rules, a violation of accounting rules, and also a violation of the tax laws.” The relevant accounting rules require that, when a company grants a stock option with an exercise price below the value of the underlying stock (i.e., an “in the money” option), the company must recognize the difference in value as an expense on its financial statements and charge that difference to earnings.

Returning to our hypothetical, when X Corp. grants the “in the money” stock options with an exercise price of \$50, X Corp. is obligated to account for the \$50 difference between the exercise price and current trading price as an expense. Thus, when a company backdates a stock option grant, it is overstating the company’s earnings by failing to charge the “in the money” options as an expense.

Backdating also overstates earnings when companies improperly take federal income tax deductions on backdated stock option grants to executives. For example, when an executive exercises stock options, the company typically can take any gain pocketed by the employee as a deduction on its tax return, because the Internal Revenue Service views the profit as extra compensation paid to the employee. In contrast, “in the money”

options do not qualify for this deduction. To the extent a company took advantage of such deductions on backdated options, those deductions were impermissible, resulting in overstated earnings.

Companies that engaged in backdating have begun to feel the consequences. Nearly 50 companies are expected to restate their previous financials, and many have been delisted from exchanges for their inability to file financials at all. The costs of conducting internal investigations — and of fending off investigations conducted by regulators and civil plaintiffs — will be staggering. The scandal has caused the loss of many millions of dollars for shareholders, and harmed the reputations of many companies.

To date, the SEC is investigating stock option backdating at over 100 public companies, while the Federal Bureau of Investigation is conducting at least 40 investigations and the Department of Justice has already charged a number of individuals with criminal viola-



Associated Press

FORMER CONVERSE TECHNOLOGY GENERAL COUNSEL WILLIAM SORIN EXITS BROOKLYN FEDERAL COURT WITH HIS WIFE. HE IS THE FIRST GENERAL COUNSEL TO FACE CRIMINAL CHARGES OVER AN ALLEGED BACKDATING SCHEME.

tions. Shareholders have likewise asserted their rights, pursuing numerous derivative lawsuits on behalf of companies where these abuses occurred and where shareholders cannot reasonably rely on conflicted boards to seek the appropriate redress. Investors also have filed numerous securities class actions where revelations concerning backdating have caused stock price declines.

Nevertheless, it seems that almost every day brings news of yet another company involved in the backdating scandal, and the situation grows increasingly serious. In the end, the backdating story underscores, yet again, the shambles in which we find the state of governance over executive compensation in the United States. Cheating at the compensation game continues. ■



God's Courthouse

By JOHN RYAN

National Forest logging and Arctic drilling. Commerce and conservation. The metronome of Alaska. We take a hike to the Mendenhall Glacier with Eric Jorgensen, the lead attorney for Earthjustice in Alaska, to learn more about life on the frontlines.



It's early afternoon on the Friday before Labor Day. But Juneau, Alaska, is not the place for that last long weekend of warm-weather fun. The city sits in a temperate rainforest. And this has been about the rainiest summer the locals can recall.

Ask anybody: Andy, a bartender at the Timberline Bar and Grill atop Mount Roberts overlooking the city; Steve, the captain of the Adventure Bound Alaska ships that run the popular cruise to Sawyer Glacier; or Jaye, who manages one of the local bed & breakfasts. They'll all say the same thing: "This has been one rainy summer."

Heading north from my B&B on the western edge of Juneau's historical downtown, the rain comes down in sheets and across in gusts of wind. I initially miss the offices of Earthjustice, which are located in a converted two-story house on a quiet street just a few blocks off Main.

Inside it's warm and cozy. Six lawyers and three support staff work here full time, and law school clerks pop in seasonally. They are at capacity. One of the younger attorneys, Kate Glover, works at a desk in the type of basement corner where parents tend to store unused toys.

That's what happens when law firms are busy, and Earthjustice is most certainly busy. The organization's slogan — "Because the earth needs a good lawyer" — might as well be "Because the earth needs lots of good lawyers." Based in Oakland, Calif., Earthjustice also has offices in Bozeman, Mont.; Denver; Honolulu; Seattle; Tallahassee, Fla.; and Washington, D.C.

Regular clients include national powers like Sierra Club, The Wilderness Society and Natural Resources Defense Council, as well as local conservation groups, native tribes and citizens.

The conflict between the environment and business interests is historical, timeless and inevitable, in Alaska and elsewhere. But the battle has escalated here because of the Bush administration's efforts to open more and more of Alaska to development, particularly for the timber and oil industries — controversies that are raging not only in the courts, but also in Congress and in opinion pages across the country.

This is the frontline of the environmental war.

"We have certainly been a little busier since Bush came into office," says Tom Waldo, one of the senior attorneys at the Juneau office.

Waldo is talking to me about some of the summer's biggest cases before I go on an afternoon hike with the office leader, managing attorney Eric Jorgensen, who came to the Juneau branch in 1988 and has run its affairs since 1990. Managing Earthjustice's docket does not allow for many free days; Jorgensen and I spent much time over the phone and e-mail figuring out when he could devote part of an afternoon or evening to the outdoors.

Waldo and I are sitting in a conference room lined with an unlit fireplace and bookcases of law books, untouched for years in the age of Internet research. Outside the window you can see the street corner where Robert Stroud, famously known as the Birdman

of Alcatraz, killed a bartender for failing to pay a prostitute for whom Stroud pimped. The crime sent him to the island prison.

Seeing the lands and waters he loves under assault is a bit depressing, Waldo says. In our brief conversation, however, he conveys a simple truth: For an environmental lawyer, this is about as close as you can get to a dream job. It's a living that blends professional and personal pleasures while skirting the notion that you have to live in the big city to do the most interesting cases. Juneau has a population of 30,000.

"I like being able to live in a small city like this and at the same time also be able to do important, cutting-edge legal work," Waldo says. "A lot of times, that's a pretty hard combination to find."

And, he adds, there's always a ready solution for dealing with the stress, one you can't easily find in the urban metropolis: "Sometimes you just have to forget about the work, forget about the issues and the controversies and just go out there and enjoy the wilderness and the wildlife."

That's exactly what Jorgensen and I have in mind. Tall and thin with a quiet and friendly voice, Jorgensen comes across as unusually mellow and relaxed for a litigator with a slew of big cases hanging over his head. Or maybe he's just exhausted.

Our earlier exchanges had raised the possibility of a long hike or even a kayaking trip. But yesterday's settlement negotiations with U.S. government lawyers stretched until 1:30 a.m. in the nearby federal building.

"Maybe we'll go on a shorter hike," he suggests as we get ready to leave.

Earthjustice, on behalf of several clients including Natural Resources Defense Council and Southeast Alaska Conservation Council, is suing the U.S. Forest Service over revisions to its management plan for the Tongass National Forest that would allow logging in previously roadless areas.

With 17 million acres the Tongass takes up a good chunk of Southeast Alaska, where Juneau is located, and holds the largest temperate rainforest in the world. It's also the biggest national forest in the United States.

Earthjustice claims in the 2003 suit that the plan is invalid because the Forest Service erroneously doubled the estimated demand for Tongass timber, which would be logged by private companies. The Forest Service admitted its mistake but said that the error did not affect how much of the Tongass should be open for logging.

Though a lower court sided with the government, the 9th U.S. Circuit Court of Appeals in an August 2005 opinion written by Judge Ronald Gould agreed with Earthjustice that the Forest Service's miscalculation over timber demands "fatally infected its balance of economic and environmental considerations."

The panel sent the matter back to the district court in Anchorage, where it is pending before U.S. District Judge James Singleton. Earthjustice and Justice Department civil lawyers are trying to settle the case while the Forest Service comes up with a new plan for timber sales. By early this morning, the parties could not reach an agreement.



Photo by Hugh Williams

"THIS IS WHY I WENT TO LAW SCHOOL" - ERIC JORGENSEN, THE MANAGING ATTORNEY OF EARTHJUSTICE'S JUNEAU OFFICE. HE JOINED THE ORGANIZATION IN 1984.

There was little time for sleep. Today Jorgensen has to finish written arguments for two clients, the Alaska Marine Conservation Council and Oceana, who are intervening on the side of the federal government in a lawsuit filed by the Legacy Fishing Company and the Fishing Company of Alaska. The companies are challenging "bycatch" regulations implemented by the National Marine Fisheries Service to limit the amount of fish unintentionally caught and discarded in fishing operations — regulations favored by the environmental groups.

Before the end of the week, Jorgensen has to finish written arguments for the summary-judgment phase of the dispute, which is taking place in U.S. District Court for the District of Columbia.

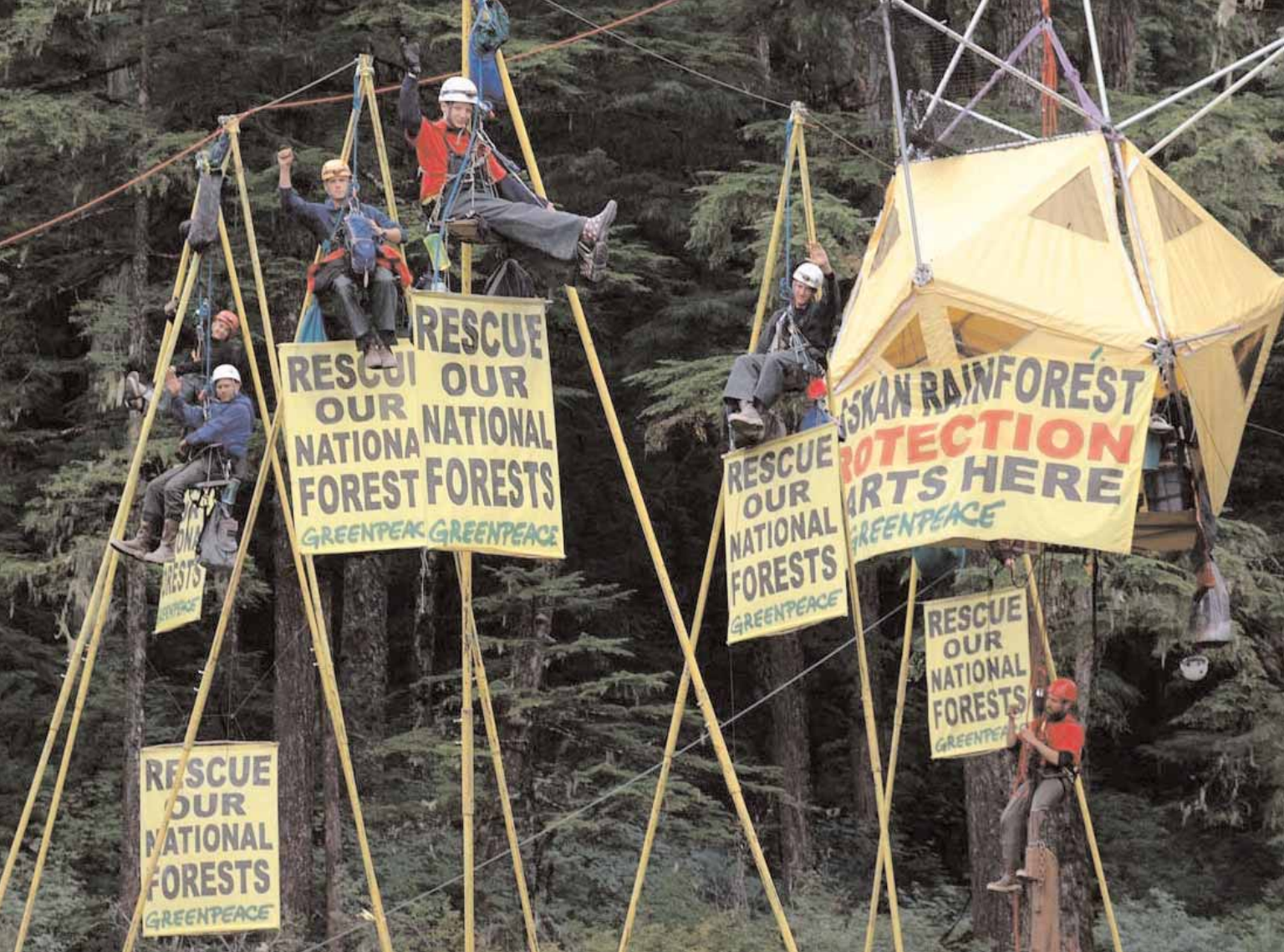
With the brief on its way, he's happy to spend the rest of the afternoon outside, even with his fatigue pouring down alongside the rain. After all, Jorgensen spends most of his life protecting the environment, but he doesn't always get to enjoy it.

"I guess that's the irony of my time here," he says with a smile.

Juneau is only accessible by plane or boat. It rests on the Gastineau Channel, where the giant cruise ships pull in each summer day. Tourists shop in the downtown area and eat at the seafood restaurants on the water; salmon and halibut are big here. Some will enjoy a pint at the Red Dog Saloon, a historical drinking hole with swinging doors and sawdust on the floor. Most tourists who spend the day will take a tour bus up to Mendenhall Glacier, which is just 13 miles from downtown.

That's where Jorgensen is taking us in his red Ford pick-up truck. We head north from downtown, with the channel on our left. Across the water is Douglas Island. Jorgensen proposed a hike there. He loves hiking under the immense, old-growth trees that shield you from the rain, with abundant opportunities to see both land and marine wildlife. But sensing my interest in seeing a glacier for the first time, he opts for the hike by Mendenhall.

The tall trees of the Tongass and the coastal mountains dominate the region's topography. Protecting the rainforest and its wildlife from logging and mining has been a pillar of Earthjustice legal work here since the Juneau office opened in 1978. The Tongass forest and its



Associated Press

waters are home to thousands of species of plants, fish, animals and birds, including bears, wolves, eagles, whales and sea lions. The 9th Circuit's decision last summer invalidating the Forest Service's plans for managing timber sales was an important victory in the decades-long struggle.

This summer has brought other victories, at least temporary ones, for Earthjustice and its clients. The 9th Circuit issued an injunction on Aug. 24 preventing the Kensington Gold Mine, which operates about 45 miles north of Juneau, from dumping its waste, known as mine tailings, into a nearby 20-acre body of water called the Lower Slate Lake.

The U.S. Army Corps of Engineers issued a permit allowing the mine to dump millions of tons of tailings into the lake, but Earthjustice challenged the permit on behalf of Sierra Club and other clients. They allege that the plan, which would kill most of the aquatic life in the lake, violates the Clean Water Act of 1972 and waste-dumping standards established by the Environmental Protection Agency in the early 1980s. Coeur Alaska Inc., which runs the mine and has intervened in the case as a defendant, says in court papers that the disposal process would not leave an "adverse environmental foot-

THE TONGASS NATIONAL FOREST COVERS MOST OF SOUTHEAST ALASKA. IN AUGUST 2004, GREENPEACE ACTIVISTS STAGED A PROTEST IN THE TONGASS OVER THE BUSH ADMINISTRATION'S PLANS TO LESSEN LOGGING RESTRICTIONS.

print" because fish and aquatic wildlife can be reestablished in the lake.

The 9th Circuit enjoined the dumping while it studies the legality of the plan. Waldo says that losing the case would set a dangerous precedent because it might embolden other mine operators to use lakes or streams for disposal sites.

No Earthjustice issue gets more attention these days than the battle over oil and gas drilling in the Arctic region of the northern part of the state, called the North Slope. Most of the public debate over the past 25 years has focused on the Arctic National Wildlife Refuge, or ANWR, in the eastern part of the state. So far ANWR has remained closed to drilling. Last December, the U.S. Senate rejected an oil-development provision that was attached to a massive defense appropriations bill. The vote was a major defeat for the veteran Republican

senator from Alaska, Ted Stevens, who has long supported ANWR oil development.

The National Petroleum Reserve—Alaska, or NPRA, is another story. It is unprotected federal land, and the Bush administration has been opening up parts of the 23.5-million acre region of the Western Arctic to oil and gas development. Several parts of the reserve are designated as “special areas” due to sensitive wildlife and subsistence activities of local populations, requiring the government to give greater consideration to the environmental consequences of any proposed oil and gas exploration.

The litigation hotspot of the moment is a 4.5-million acre slice that includes the Teshekpuk Lake region, one of the designated special areas. The U.S. Bureau of Land Management opened the area for an oil-development lease sale scheduled for Sept. 27 of this year. The National Audubon Society, Alaska Wilderness League, Sierra Club and others are suing to block the lease sale, claiming the development will harm wildlife in the region. The Teshekpuk Lake area is particularly important to caribou and migratory birds. (Four weeks after my visit, Judge Singleton sided with the plaintiffs and blocked the federal government from leasing the Teshekpuk Lake area.)

During these last days of the rainy summer, Earthjustice’s reach from the small house in downtown Juneau is evident in all parts of the state. Jorgensen summed it up as we drove in the rain: “from the Tongass National Forest here in the South, to the Arctic in the far north and off the shore in the North Pacific Ocean, and a number of wildlife and pollution issues in between.”

Before we take the road up to the glacier, Jorgensen makes a quick stop at his house, located in a quiet residential area just a few miles north of downtown. Because of the late night settlement session with federal lawyers and the brief in the “bycatch” case, he didn’t get a chance to prepare for the hike.

The left side of the garage stores a mix of boots, pants and jackets — outdoor gear of the Jorgensen family, which includes his wife, Amy, and their two teenage children. Jorgensen puts on rain pants, waterproof boots and a fleece jacket to go under his raincoat. I borrow a pair of rain pants to go over my jeans but decline the rubber boots, naively believing that waterproofing my shoes (which I did the day before) would keep my feet dry.

Mendenhall Glacier is a striking sight, immediately visible when you arrive at the visitor’s center run by the Forest Service. The face of the glacier, which has a blue tint to it, stretches about a mile and a half wide on the far side of Mendenhall Lake. An employee of the visitor’s center greets us as we walk away from the truck.

She has known Jorgensen for many years, and she talks to me for several minutes about him. She doesn’t want to be quoted because her employer happens to be a regular litigant in Earthjustice cases. Suffice it to say, she’s a fan.

Jorgensen smiles as we leave his friend behind and make our way to the East Glacier Loop Trail.

“I didn’t plan that,” he says with a smile that hints of

self-consciousness. Then he begins our hike with a warning: Amy jogs this route and has been seeing her fair share of bears.

Jorgensen, 49, says that he and Amy knew that Juneau was the right place for them when they visited 18 years ago. A 1983 graduate of the University of Virginia School of Law, Jorgensen joined Earthjustice in 1984, after a yearlong clerkship with 9th Circuit Judge James Browning in San Francisco. He started out as a lawyer in the organization’s Washington, D.C., office, where he had interned for a few weeks before starting his clerkship. A position opened up in the Juneau branch in 1988 when an attorney here left for another job. (Back then, Earthjustice was called the Sierra Club Legal Defense Fund. It changed its name in 1997.) Jorgensen and Amy had just married.

“We came on a day not that different than this,” Jorgensen recalls. “We kayaked for a while, took a walk and talked to some people. We decided that this was the right place. And it has been.”

As we head away from the visitor’s center, it becomes clear that I should have borrowed some boots. Jorgensen walks through flooded parts of the trail where the rainwater goes half-way up his shins. I have to take a few awkward trips around the side of the trail, occasionally falling on my backside or getting a branch in the face. The good part about the weather is the lack of tourists. We are by ourselves. Not long into the hike the trail elevates along the side of Mendenhall Lake, with a clear view of the glacier.

Jorgensen’s tenure at Earthjustice can be measured by the majestic sight. He extends his hand to a point past the end of the glacier, further down the valley. That’s where the receding glacier used to reach back in 1988, he says. By some estimates, the glacier recedes 50 to 100 feet a year.

There has been a lot of litigation since then. The Bush administration has added to the workload, but the reality is that Earthjustice has always been busy — and always will be. Peter Van Tuyn, an environmental lawyer in Anchorage and an occasional co-counsel with Earthjustice, calls Alaska “ground zero for environmental work.” The state simply has more wilderness than any other and an abundance of natural resources.

Conservationists have a strong voice here, but the political establishment tends to be pro-development and fairly conservative. The situation breeds litigation.

So far, Jorgensen has not been beaten down or burnt out by the process. He enjoys being at “the core of the debates” facing Alaska and the rest of the country. Like Waldo, Jorgensen is occasionally depressed by what he sees as constant threats to the environment. But he is always able to recharge himself, in large part because he knows his work has not been in vain.

“We really have made a substantial difference in protecting the wilderness and wildlife,” Jorgensen says as he stares at the jagged blue face of the Mendenhall. “There are a lot of setbacks along the way, but we’ve made a lot of progress in the right direction.”

Members of the business community, of course, don’t associate the word “progress” with Earthjustice litigation.

"Some of their clients have a very anti-development attitude and are not very selective in the kinds of cases they bring," says Juneau lawyer David Crosby. "If there's any development at all, they're ready to sue, and that's the sort of thing that gets the Chamber of Commerce and the development community very upset."

With a busy practice in a small city, Crosby occasionally finds himself on the same side as Earthjustice, but more often than not he's on the opposing side representing business and development interests.

In the Kensington Gold Mine dispute, Crosby represents Goldbelt Inc., a native company with a wide range of economic activities in Southeast Alaska. His client supports the mine's plans to use the Lower Slate Lake for tailings disposal, which so far have been halted by Earthjustice.

Crosby also is the lawyer for the Arctic Slope Regional Corp., which represents the business interests of the Alaskan Inupiat people. Among other activities, the Arctic Slope Regional Corp. provides support services for oil and gas drilling and is litigating in favor of oil development in the disputed region of the national petroleum reserve that includes Teshekpuk Lake.

Crosby says that many of the jobs in Juneau are low-paying positions related to tourism, and the Kensington Mine is an opportunity for 250 to 300 good, permanent jobs with benefits. The same is true, he adds, for development related to timber sales. Historically, logging and mining are what brought people here for work in Southeast Alaska.

"There is a lot of resentment when groups represented by Earthjustice repeatedly challenge every project that comes up," Crosby says.

As for proposed oil development in the Arctic, "there's no love lost" between native business interests and the big environmental groups, says Crosby.

"These environmental groups are urban-based and national in scope," he explains. "They have their own agenda, and that agenda does not take into account the fact that indigenous people have to earn a living and that they are familiar with the environment and have coexisted in that environment with the oil and gas companies for a number of years."

Crosby says that his client doesn't always support oil and gas development but is siding with the Bureau of Land Management in the Teshekpuk Lake case. That's because most of Alaska is federal land, he says, and indigenous groups have been "willy-nilly dragged into the cash economy."

"If there's not some economic activity up there on the North Slope, there's a question whether the community can be viable at all," Crosby says. "The viability of the community depends on developing the federal lands that surround it."

The Alaska state government, which also intervened as a defendant in the case, makes similar arguments about the importance of economic development in the region. So do the business intervenors, ConocoPhillips and Anadarko Petroleum Corp., which want to expand their oil operations in the North Slope. The lead

attorney for the companies, Jeffrey Leppo of Stoen Rives in Seattle, did not respond to inquiries about Earthjustice or the litigation. In their consolidated legal brief, the intervenors argue that technological improvements of the past 20 years have reduced the environmental impact of oil and gas development.

"[B]oth the Inupiat and the State of Alaska have worked closely with [the Bureau of Land Management] and industry to ensure that oil and gas activities take place in an environmentally responsible manner that does not compromise traditional uses of the land or natural resources," the intervenors say.

It doesn't take a lot of legal research to realize that a remarkably small number of lawyers and judges are deciding some of the nation's biggest environmental issues. Earthjustice filed a similar suit in 2004 to block the government's lease sales in an area of the petroleum reserve called the Northwest Planning Area. Last year, Singleton (who also happens to be the judge presiding over the Tongass Forest case) upheld the decision by Bureau officials to lease tracts of that area. The 9th Circuit also said the leasing plan was legal in a July 26 opinion.

Crosby says his comments about excessive litigation are directed at environmental groups — not at Earthjustice itself. He views Jorgensen's team as a law firm doing its job by representing clients. He likes the lawyers there.

"I have the highest professional regard for all of them," Crosby says. "And Eric is not only an excellent lawyer, he's an extremely nice person."

I also tried to talk to Bruce Landon, a lawyer who has litigated against Jorgensen in many cases involving the federal government. Landon is a veteran civil attorney in the Justice Department's environmental division in Anchorage. He said that public affairs personnel in the Justice Department's Washington, D.C., office would not authorize him to comment for the article.

Eleanor Huffines, the regional director for The Wilderness Society in Alaska, a regular Earthjustice client, disputes the claim that the conservation community in the state is quick to litigate. She says that her organization and others favor development that is environmentally responsible.

"It's not a matter of 'Don't do it,' it's a matter of where," she says.

She says this is true both for the Tongass forest and the petroleum reserve. The Wilderness Society is a plaintiff in the Teshekpuk Lake case.

"There needs to be some protected-area strategies to complement oil and gas development," Huffines says. "That seems reasonable in a 23-million acre area."

Echoing something Waldo told me earlier, Huffines says that litigation has picked up during the Bush administration because federal agencies don't really care about what environmental groups have to say. The groups have less influence in agency decisions these days, and so they end up in court more often. Still, she says the Earthjustice lawyers are good at strategic planning, helping her group decide when to go to court and exhausting all other options first.

"They are very committed to Alaska, and I think that's what makes them such good lawyers," Huffines says.

Van Tuyn, the Anchorage environmental attorney, says he admires Jorgensen's commitment — especially over the long haul. Van Tuyn used to run the nonprofit group called Trustees for Alaska, a client of Earthjustice's. He said he left for private practice, in part, because he knew he would have to pay for the college education for his two kids.

Jorgensen's still at it after 22 years. Waldo, who also has two children, joined Earthjustice way back in 1988. Deirdre McDonnell, the third most senior attorney and the lead Earthjustice lawyer on the petroleum reserve litigation, joined the group in 2000.

"These are good folks who are doing this work because they believe in it, in the true tradition of being public interest lawyers," Van Tuyn says. "It's really a great thing when lawyers of their caliber make that career commitment."

The experience is invaluable to clients. Jorgensen is as seasoned a negotiator as they come for environmental cases, says Van Tuyn.

"He's not going to take a bad deal," he says, and adds: "Eric is incredibly smart, a very strategic thinker and very deliberate. And he's obviously been successful. I can't think of a better lawyer in Alaska, much less for environmental issues."

Jorgensen does not have any plans to switch jobs.

"This is the perfect job," he says, as we continue our push into the forest, away from the glacier. "This is why I went to law school."

We are hiking where the glacier used to be, Jorgensen explains, which is why the trees are young, relatively short and spaced apart. Vegetation grows slowly on the once-barren land uncovered by the receding glacier; Jorgensen points to some growing blueberries.

The climate has changed an hour into the hike. The air, windy and rainy by the lake, is now calmer, dense and muggy. A steep climb causes some serious perspiration. Despite the earlier flooding, the trail is well maintained and easy to navigate.

Earlier in life, Jorgensen says, he was on his way to becoming a scientist. He got his undergraduate degree

in biology at Harvard University, then taught middle school science for a few years. He studied biology to satisfy his curiosity of the natural world, which he came to love as a kid through outdoor trips in Wyoming and Minnesota. He was born in Northfield, Minn., a town of 17,000 people about 45 miles south of Minneapolis.

Jorgensen credits his love of nature to the Boy Scouts and his troop leader, who was a college ecology professor. Jorgensen recalls fondly the canoe trips he took in the Boundary Waters bordering Canada. (So does Waldo, another native Minnesotan.)

He says that the "mechanics of law," the procedural aspects of the profession, held no intrinsic interest for him and still don't. He went to law school interested in results — to use the degree to protect the environment. The scientist in him still thrives. Part of the reason he has the perfect job is the results-oriented satisfaction of protecting the lands, sea and wildlife. The other part is learning the science behind the cases, talking with the experts who know more than he does.

As we descend to a low point where a wooden bridge crosses a quickly moving stream, Jorgensen talks excitedly about discovering a magazine called "Science News," which sums up interesting developments in all fields of science.

Private lawyers, especially at big-city law firms, earn huge salaries. The day before our hike, the legal trade papers were reporting that some firms were raising salaries of first-year associates to \$145,000, not including

bonus. When I mention this to Jorgensen, he laughs. At Earthjustice, which is funded by contributions from individuals and foundations, the rewards are different.

"Once in a while someone will say to me, 'When I die, I'm going to pass my money on to you guys,'" Jorgensen says. "That's worth a few paychecks."

So is knowing that the landscape would look far different if you hadn't been doing your job. Some cases more than a decade old involve disputed Tongass areas where trees once slated for harvesting remain standing.

Native business interests may resent some of the Earthjustice litigation. But an important part of what the organization does, Jorgensen explains, is represent native tribes and citizens who rely on the environment and



Associated Press

CONOCO-PHILLIPS OPERATES A DRILLING STATION IN THE NATIONAL PETROLEUM RESERVE—ALASKA. ENVIRONMENTAL GROUPS ARE CHALLENGING EFFORTS TO OPEN MORE OF ALASKA'S NORTH SLOPE TO OIL AND GAS DEVELOPMENT.

wildlife for subsistence. Earlier this year, for example, Earthjustice intervened as a defendant on the side of the federal government in a lawsuit filed by ConocoPhillips.

The company is challenging certain conditions that the National Marine Fisheries Service is putting on seismic exploration in the Arctic waters. Earthjustice is representing the Native Village of Point Hope, a tribe of about 900 members on the coast of the Chukchi Sea. The tribe subsists on hunting and fishing, and its members are particularly concerned about the effect the tests will have on the bowhead whale population. Earthjustice also occasionally represents business owners whose operations are threatened by development.

For Jorgensen, working with tribal entities is one of the most fascinating aspects of his practice.

"Your focus is really on preserving their culture," he says.



Photo by Hugh Williams

FROM LEFT TO RIGHT: EARTHJUSTICE ATTORNEYS TOM WALDO, ERIC JORGENSEN AND DEIRDRE MCDONNELL WORK OUT OF A CONVERTED HOUSE IN DOWNTOWN JUNEAU. "THESE ARE GOOD FOLKS WHO ARE DOING THIS WORK BECAUSE THEY BELIEVE IN IT" – ANCHORAGE ATTORNEY PETER VAN TUYN.

We finish our 2-hour hike with a treat: a stop at Steep Creek, by the visitor's center. A deck overlooks the water, where sockeye salmon come back from the ocean to spawn. The water's a little murky from all the rain storms, but you can still see the bright red fish swimming against the stream.

As we drive back downtown, the rain again is coming down in sheets. Jorgensen talks about his 16-year-old daughter, who plays soccer in high school. For a single game, her team had to take a ferry to Sitka, an island that's a 12-hour ferry ride away. The team slept in a

church before playing the next day.

"It's an adventure just to play high school sports here," he says.

We say our goodbyes outside my B&B. My jeans are drier than my shoes, and I thank him for the rain pants. The summer ends well for Earthjustice and its

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clients. In a 30-page decision that received national attention, Judge Singleton, on Sept. 25, blocked the government's attempts to lease for oil and gas exploration a part of the petroleum reserve that includes Teshekpuk Lake. Singleton said that the officials "abused their discretion" by failing to "adequately address the cumulative effects of the development." The next week, the federal government received \$13.8 million in bids from Anadarko, ConocoPhillips, FEX LP and Petro-Canada to lease tracts outside of the Teshekpuk Lake area.

A big national victory came in San Francisco federal court. On Sept. 20, U.S. Magistrate Judge Elizabeth Laporte reinstated the so-called Roadless Rule adopted by the Forest Service late in the Clinton administration. The rule blocked road construction and harvesting in roadless forest areas. Four states, including California, and many environmental groups represented by Earthjustice sued the Bush administration last summer for repealing the rule.

Waldo worked on the case with Earthjustice lawyers from Oakland, Seattle and Bozeman. The ruling does not apply to the Tongass, which the Bush Administration exempted from the roadless rule in 2003. Still, environmental groups hope a victory in this case will lead to a repeal of that exemption. In any event, the government and intervenors are expected to appeal Laporte's decision.

Good news is seldom final news for environmentalists. This hit me the day before I left Alaska, on a small boat cruise through the Tracy Arm Fjord to see

Sawyer Glacier and South Sawyer Glacier. The cruise is a daylong trip through an amazing stretch of wilderness. The ship passes whales in the water and bears on the shore's forests until reaching a final stretch of icebergs, where seals watch the passengers stare at the glaciers. Everybody was impressed, yet several on the ship talked as glowingly about other outdoor adventures.

You could spend weeks in Southeast Alaska and not get to do everything you should, nevermind other parts of the state. One shipmate told me about something I had to do: Stay at a National Park Service cabin located near Kenai Fjords National Park. Like many visitors, I vowed to return, making my next trip more rustic and closer to nature.

I was reminded of something Jorgensen told me during our hike in Mendenhall. One of the difficult parts of his practice is that each loss tends to be permanent, because you can't undo development and make the environment exactly like it was. When Earthjustice wins, the win is just temporary — the land or sea will again be at the center of some dispute.

And there is so much to fight over. Conservation and commerce will always be at odds here. Fortunately for the environmental community, Jorgensen has the skill and personality to pace himself in the perpetual fight. People like to call Alaska "God's country," and it's hard to argue with that. But take a look at the dockets, and "God's courthouse" sounds right too. ■

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FALL 2006

LAW DRAGON

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∞ BY KATRINA DEWEY ∞

PHOTOGRAPHY BY HUGH WILLIAMS
RESEARCH DIRECTED BY DRAEGER MARTINEZ

John Gibbons touches everything.

His fingers never stop a gentle kneading, nudging, stroking of his telephone, his maroon tie and, in particular, his telephone cord. The cord curls over his fingers, which do not attempt to exert any control over it but rather sense its flow and feel.

He understands the object through the sensation, the world through the law.

Understanding that at the age of 81, he is still changing the world.

Just another extraordinary lawyer whose life has coursed through extraordinary times and who holds fast to the law for its divine ability to make fair what is not and order out of chaos.

Folks don't necessarily understand lawyers, and Gibbons is Exhibit A.

The public paradox has lured me onto the train to Penn Station in Newark, 

N.J., from which I've crossed the street to 1 Riverfront Plaza and the offices of Gibbons, Del Deo, Dolan, Griffinger & Vecchione. The plaza appears fronted by concrete, though it yields to Seton Hall University School of Law on one side, and finally the river.

I've read he's a Republican; he was appointed to the 3rd U.S. Circuit Court of Appeals in 1969 by Richard Nixon. When he retired, his seat was taken by Samuel Alito. He testified in support of the nominations of Alito and Clarence Thomas to the U.S. Supreme Court, providing some of the more relevant testimony, devoid of politics and focused on reason, analysis, judiciousness.

He has made a nice living from environmental incidents in Alaska, serving first as a claims administrator on the Trans-Alaska Pipeline and then for the Exxon Valdez, separating the spill from the spillionaires by learning to value lost fish stock. He spent years defending Volkswagen from antitrust claims and in recent years sorting through 50,000 claims in litigation the government brought against Paine Webber.

At the same time, he's forged a career as one of the nation's leading and most effective death penalty foes. It's been 43 years worth of moons since New Jersey has executed anyone, and it's likely to be very many more because of Gibbons and the Gibbons Fellowship, the pro bono foundation his firm established in his honor 16 years ago.

He's also the lawyer that in 2004 won the landmark ruling in *Rasul v. Bush* that U.S. courts have jurisdiction to hear challenges of those detained at Guantanamo, setting the stage for a refreshed embrace of war on terror issues by the dispassionate machinery of the law.

That decision resulted in the release of his four clients, who have since walked the streets of Great Britain and Kuwait.

Today, we're discussing his opposition to the politicization of the detainees, many of whom he continues to represent with his firm and New York University's Center for Constitutional Rights. In particular, he is upset at the big-boxing of our legal system for political gain by the executive and legislative branches, the push-me-pull-you of the war on terror, which is about to engage in an unprecedented removal of an individual's right to challenge his detention through the ancient writ of habeas corpus.

He tries not to anger over such issues, because then, he says "I couldn't think clearly."

Gibbons is often portrayed as inconsistent, politically difficult to pin down. But as with the lawyers you'll meet

on the pages that follow, he's completely consistent; equally at ease crafting the legal solutions for which he's paid, using the tool of the law to do so, while taking a principled stand on those issues that implicate our system of justice and all he holds dear.

The Lawdragon 500 Leading Lawyers in America are chosen by their peers and clients based on excellence in their craft, whatever specialty that might be. That they hold an important post is not enough; the test is how a lawyer is adjudged at his performance within a position. That led to an interesting debate during our selection process as it was clear the attorney general of the United States, Alberto Gonzales, had very little support among lawyers for his performance as a lawyer. It's tempting to include people because of the power of their position, but it's wrong. Remember Webb Hubbell? John Ashcroft, anyone?

We looked and found no lawyers who agreed with Gonzales' interpretation of the law and resulting advice. Some will see this as political; it's not. Justice Antonin Scalia is here alongside Justice John Paul Stevens; Merck's Kenneth Frazier alongside his Vioxx opponents of Mark Lanier, Russ Herman, Tom Girardi and Mark Robinson. Williams & Connolly's Robert Barnett represents the Clintons and Elizabeth Edwards as well as John Danforth and Lynn Cheney.

This is how Lawdragon is different from any other appraising system. Where others kowtow to position and persuasion, we're simply interested in being the consumer reports of lawyers. Who's great, who's not. It's easy to spot a Rolls-Royce, but what if it doesn't run? We check the engine.

Power isn't nothing in the legal profession, but it is more platform than pith. What matters is how deeply the law is embedded in your veins, compelling you to take certain actions and positions because you must. That's what sets the best ones apart.

Gibbons is continuing to dedicate his life to that, even as the lengthening shadow cast on us all causes him to remove a linen handkerchief and cough into it.

"Right now I'm in a pessimistic state," he acknowledges, "but sooner or later the American people have to wake up to the frontal challenge to the rule of law. They have to say 'We can't have Congress overruling judges.'"

He sees the Bush administration's treatment of detainees as a crisis of immense magnitude that the country will regret for many years. He believes

Congress has capitulated to the administration solely because of politics and that after the ballots are cast on Nov. 7, they will quietly allow legal challenges to prevail against legislation in which they were complicit.

He is further outraged at the president's proposal to amend the Geneva Convention to "protect" interrogators from charges of cruel treatment and torture. Not only does he point to the easy answer to any prosecution of U.S. forces within our bounds — the presidential pardon — he also says the amendment would not protect our forces outside the U.S.

The president "thinks the Geneva Convention is vague," he says, "he thinks the Ten Commandments is vague."

He has an alter boy's cynicism, having been a little too close to the inner workings of the deity but still enamored of the vestments and faith.

We talk about that, too, as he points out the nearby church where a printer's mass was held in the 1930s, when he was growing up five miles away in Belleville, home of Frankie Valli and Sarah Vaughn. Printers at the industrial plants that define Newark would turn out just before midnight, then head to mass. Today it's not an active parish but continues to feed the downtrodden free lunchtime meals.

Gibbons left his hometown to attend college at Holy Cross but had his studies interrupted by World War II. He served in the Navy from 1943-46, spending time as an ordnance master at Guantanamo. It was arid and full of 5-foot iguanas. In addition to cataloguing parts for guns and fire control equipment, he spent time building large wooden decoys, 20 feet by 30 feet, that floated when enemy boats were being boarded. Occasionally there would be a trip to a bar in one of the two nearest towns.

That was OK, as relations with Cuba were good. There were no prisoners at Guantanamo then.

On his return he finished college, graduated Harvard Law School and returned to Belleville, where he and his wife bought their first home. Lawyers then were required to serve a clerkship before they could take the bar examination. He did, for one year, and was admitted, practicing at the firm where he is now atop the letterhead.

While not exactly the days of horse and carriage, there was no public defender system for those accused of crimes. Young lawyers were required to provide criminal defense for free. He would get the call from the courthouse and have to go to the jail, up there at the dungeon, he points, to meet with the client.

His lifelong passion for the arbitrary nature of murder charges and their penalties was birthed in those years. After 10 years, the bar association required he accept appointments to defend those accused of the ultimate crime. This time, however, he was paid for the defense of two men and a woman facing capital charges.

The years that have passed have only magnified the connection forged between an accused and his lawyer. "I remember them all," he says of his murder defendants.

His has not been just the memory of pain but also that of salvation. During his 20 years on the 3rd U.S. Circuit Court of Appeals, he was a jurist who labored over precedent in the face of making the right antiseptic decision. He rendered approximately 800 opinions during his tenure. And the day he left, he picked back up his cause to end capital punishment.

In the 16 years since, his most enduring legacy has been through the 19 fellows of the Gibbons Fellowship in Public Interest & Constitutional Law, funded by his firm. It's among the most impressive legacies in American jurisprudence. The fellows have, under the guidance of Gibbons and Lawrence Lustberg, worked on challenges to Megan's Law, border stops, restrictions on funding to legal service providers, residency requirements for public assistance, the legality of all waivers to a judgment of death and, of course, the war on terror.

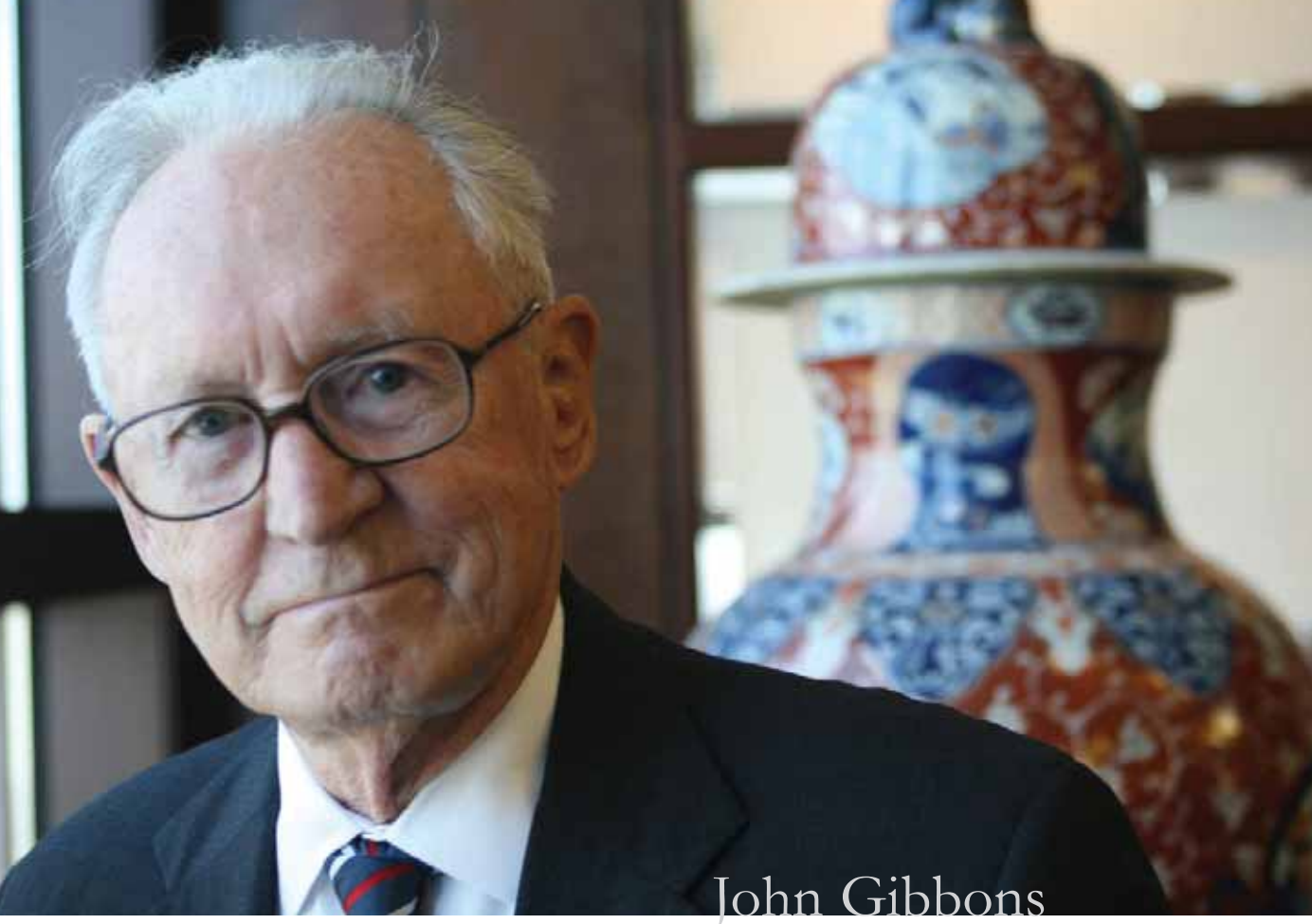
His gaze drifts, not in ebb, but flow, as the magnitude of the beauty of it all, the life of a lawyer courses within him. He hopes today's fellows will grow into the career he's had and is happy and sad that so many of the fellows have joined law school faculties, at least eight at last count.

He realizes today's law firms are more of a business, which may be good. He's currently defending Super Lawyers against the now-suspended advisory decision forbidding New Jersey lawyers from participating with the list and advertising service.

Though much has changed for the boy from Belleville, he has changed the world more. He doesn't know whether he has mentored others who will carry on, but he's not yet done.

That first time he met a murder defendant who was dependent on his skills, his craft, he saw the face of hope. And he knew what it was to be a lawyer.

That's not something he'll easily let slip away. For himself, for the legal system he cherishes. ■



John Gibbons

Roger Aaron Skadden (New York) **Mr. Big** wrapped up five deals topping a billion in the past 12 months alone. **Donald Abaunza** Liskow & Lewis (New Orleans) The admiralty-law **ace** defends a company faulted for 4,000 deaths in the Philippines. **Linda Addison** Fulbright & Jaworski (Houston) She's a **star** for the Enron trustee and Sunday shoppers in Texas. **Sanford Ain** Ain & Bank (Washington, D.C.) Breaking up is easier to do with this **divorce devotee** in your corner. **Wylie Aitken** Aitken Aitken (Santa Ana, California) His passion for wronged consumers recently **netted** \$23 million for a severely injured man. **James Alberg** Pillsbury Winthrop (Washington, D.C.) An outsourcing **overlord** for GE's European and Australian arms, plus ETS and Dun & Bradstreet. **Rory Albert** Proskauer Rose (New York) His employment and ERISA **expertise** was key to construction of the Westin Diplomat. **Charla Aldous** Baron & Budd (Dallas) Aldous garners **accolades** by the bushel on behalf of personal injury, med-mal and asbestos victims. **Richard Alhadeff** Stearns Weaver (Miami) Call him **Miami Price**: He paved the way for South Florida hotels, condos and resorts worth \$1 billion. **Pinney Allen** Alston & Bird (Atlanta) This tax specialist helped Verizon dial up the **biggest** cellphone-tower site acquisition ever.

Joseph Allerhand Weil Gotshal (New York) He **dunks** securities suits against Kipsy Kreme, ExxonMobil and Excite@Home like crullers in cappuccino. **John-Edward Alley** Ford & Harrison (Tampa, Florida) A **preeminent** labor lawyer for Publix supermarkets, Skyline Mobile Homes and other Florida fixtures. **Eleanor Alter** Kasowitz Benson (New York) New Yorkers from Mia Farrow on down populate this **divorce-court damsel's** Rolodex. **Pedro Alvarez** White & Case (Miami) He helped privatize and capitalize Mexico's **leading** airline and Colombian and Panamanian power monopolies. **Emilio Alvarez-Farré** White & Case (Miami) He helped BellSouth buy the Cotelco cellular company, and Latin America's **largest** paper corporation buy U.S. branches. **Reuben Anderson** Phelps Dunbar (Jackson, Mississippi) This Southern star **won** a posthumous pardon for the wrongfully convicted Clyde Kennard. **Bruce Angiolillo** Simpson Thacher (New York) Sirius, DOV Pharmaceutical and Westar Energy all **benefited** from his securities litigation savvy. **Norman Ankers** Honigman Miller (Detroit) Ankers **weighed** heavily against Devan Dockery and Fuji Photo Film for his clients. **Dennis Archer** Dickinson Wright (Detroit) This **all-star's** influence shines in new ballparks for Detroit's Lions and Tigers franchises. Oh my. **Cristina Arguedas** Arguedas Cassman (Berkeley, California) What becomes a **legend** most? Defending O.J., Enron and Ann Baskins.

Richard Arnold Kenny Nachwalter (Miami) Del Monte Foods, aviation, automotive and telecom clients **rely** on this antitrust specialist. **Kevin Arquit** Simpson Thacher (New York) Nailed back-to-back **homers** off the Supremes, establishing critical antitrust law in last term's Illinois Tool Works and Texaco cases. **Catharine Arrowood** Parker Poe (Raleigh, North Carolina) Raleigh's **best-kept secret** for utilities, biotech companies and a jet-engine repair giant. **James Ash** Blackwell Sanders (Kansas City, Missouri) Applebee's, Freightquote.com and Waddell & Reed Financial **buttressed** \$3 billion in merger and stock-offering work. **Kim Askew** Hughes & Luce (Dallas) Lauded in labor circles, she **scored** big wins for Networth, Dallas schools and United We Stand America. **David Asmus** Baker Botts (Houston) From Tangguh to Elk Hills, he's the **point man** for billion-dollar oil acquisitions. **Peter Atkins** Skadden (New York) The bigger the better for the lawyer who tosses off **deals** in the multibillions for Sprint, Warner-Lambert and Time. **Lon Babby** Williams & Connolly (Washington, D.C.) The former Redskins GC now shoots and **scores** for roundballers Grant Hill and Chamique Holdsclaw. **William Baer** Arnold & Porter (Washington, D.C.) The **archduke** of antitrust for companies accused of price fixing or whose merger must pass muster. **Mike Baggett** Winstead Sechrest (Dallas) Thanks to Baggett, Texas banks can **sell** annuities and the Dallas-Fort Worth airport was allowed to expand.



Mark Baker Fulbright & Jaworski (Houston) Antarctica **beware:** You're the only continent where he's not done an oil and gas deal. **Joseph Bankoff** King & Spalding (Atlanta) Coca-Cola, Scientific-Atlanta and other Georgia giants count on Bankoff's **wise** counsel. **Mark Banner** Banner & Witcoff (Chicago) He helps Big Tech **monetize** its innovations via jury trials over Internet content delivery and medical device patents. **Raymond Banoun** Cadwalader Wickersham (Washington, D.C.) Banks needing a **Patriot Act** audit know the number of this business fraud pro. **Patricia Barmeyer** King & Spalding (Atlanta) She cuts **environmental** red tape for the Georgia Department of Transportation, International Paper and Cargill. **Robert Barnett** Williams & Connolly (Washington, D.C.) If you're anyone in D.C., he's **your lawyer**. Try Obama, Woodward, both Clintons, McDonald's and GE. **Frederick Baron** Baron & Budd (Dallas) This toxic tort **titan** reaps big rewards when companies dump pesticides and carcinogens. **Robert Baron** Cravath (New York) A strong lead-off hitter in Cravath's **all-star** litigation team, most recently tapped by HCA. **William Barr** Verizon (Arlington, Virginia) He led the march of **high-ranking** Bush administration officials to the corporate GC suite. **Francis Barron** Cravath (New York) He's the man to **call** for FTC, SEC or state regulatory matters.



Mark Lanier

Charlene Barshefsky WilmerHale (Washington, D.C.) Harvard Business School says she's a **textbook** case for international trade. **Fred Bartlit** Bartlit Beck (Chicago) A **stalwart** litigator for Forstmann Little, MediaOne and Reebok. **Hilarie Bass** Greenberg Traurig (Miami) She **came through** for Interval International, Southeast Banking and Sportsline.com. **Samuel Baxter** McKool Smith (Dallas) The former judge is the key to patent **victory** for automakers and software companies in the best little courthouse in Texas. **Richard Beattie** Simpson Thacher (New York) **Mr. Merger** joined Anthem with Wellpoint Health Networks and JP Morgan Chase with Bank One. **Philip Beck** Bartlit Beck (Chicago) Pharmaceutical giants Merck and Bayer get a **product-liability** headache and call Beck in the morning. **James Benedict** Milbank (New York) He **helmed** American Century to safe waters in a billion-dollar dismissal expected to tsunami mutual-fund litigation. **Robert Bennett** Skadden (Washington, D.C.) With the **feds** on their trail, HealthSouth, Enron and the late Caspar Weinberger called 1-800-BOB-HELP. **Max Berger** Bernstein Litowitz (New York) A securities-fraud **sensation**, he helped land settlement billions for WorldCom, Cendant and Nortel Networks shareholders. **Martha Bergmark** Mississippi Center for Justice (Jackson, Mississippi) A saint to poverty-stricken **victims** of Hurricane Katrina.

Rosemary Berkery Merrill Lynch (New York) The formidable **in-houser** cut a deal with Eliot Spitzer while dropping 800 law firms, saving Merrill millions. **Steve Berman** Hagens Berman (Seattle) Class action plaintiffs in the Northwest call on Berman, who **nabbed** \$292 million from Louisiana Pacific Siding and \$92 million from Boeing. **Louis Bevilacqua** Cadwalader Wickersham (New York) He **shepherded** big acquisitions by Pfizer and Skandia, plus American Home Mortgage's purchase of Apex Mortgage. **Peter Bicks** Orrick (New York) He's got the right racquet for **match point** with Union Carbide facing billions in damages and the World Tennis Association eyeing down a takeover. **Martin Bienenstock** Weil Gotshal (New York) He helmed Berkshire Hathaway's takeover of Finova, and **repped** GM in the Delphi bankruptcy proceeding. **Evelyn Biery** Fulbright & Jaworski (Houston) Her **niche** is creditors' committees of bankrupt companies, especially energy and transportation concerns. **Bruce Bilger** Vinson & Elkins (Houston) Billion-dollar power-plant deals **light** his fire. **Sheila Birnbaum** Skadden (New York) She convinced the Supreme Court to **reverse** \$145 million in punitive damages against State Farm. **Lewis Black** Morris Nichols (Wilmington, Delaware) The virtues of Delaware corporate law are known worldwide thanks to this **eminence**. **Franci Blassberg** Debevoise & Plimpton (New York) She helped North Castle Partners get **top dollar** and The Carlyle Group and partners to acquire Hertz.

Dennis Block Cadwalader Wickersham (New York) This merger **maven** helped P&G get Gillette and Qwest to acquire US West. **Jacob Bloom** Bloom Hergott (Beverly Hills, California) Already **legendary** among Hollywood talent, Bloom also branched into sports law (Deion Sanders) and international film distribution. **Jack Blumenfeld** Morris Nichols (Wilmington, Delaware) Bausch & Lomb, Honeywell and Medtronic enjoy his IP **advice**. **Steven Bochner** Wilson Sonsini (Palo Alto, California) Autodesk, Monolithic Power Systems, Quantum (and Lawdragon) **prosper** under his guidance. **Paula Boggs** Starbucks (Seattle) **Leadership** becomes this former Army paratrooper who combines philanthropy with legal finesse. **Thomas Boggs** Patton Boggs (Washington, D.C.) Who needs to rest on the federal **bailout** of Chrysler when Kuwait, Saudi Arabia and Kazakhstan beckon? **Richard Bohm** Debevoise & Plimpton (New York) This cable **kingpin** handles Cablevision Systems founder Charles Dolan, Oxygen Media and Hasbro. **Mark Borden** WilmerHale (Boston) BJ's Wholesale Club, DoubleClick and Red Hat all tip theirs to this **dealmaker** and IPO specialist. **David Bradford** Jenner & Block (Chicago) The bankruptcy litigation **specialist** was founding counsel of the MacArthur Justice Center and reps the author of *Natural Cures*, which skewers the FDA. **George Bramblett** Haynes and Boone (Dallas) From the Busy Bee nightclub to Exxon Valdez, Love's Field and Enron to Texas school **funding**, he's the man to see.



Jeffrey Bramlett Bondurant Mixson (Atlanta) The litigation leader **anchored** a \$192-million race-discrimination settlement with Coca-Cola. **John Branca** Ziffren Brittenham (Los Angeles) Heard of his **music-law** clientele: Aerosmith, Beach Boys, Fleetwood Mac, Rolling Stones? Thought so. **Frank Branson** Sole Practitioner (Dallas) The Lone Star's leading light **protecting** those injured in auto, plane, boating and amusement park accidents. **John Breglio** Paul Weiss (New York) His **chorus line** of Broadway clients includes Stephen Sondheim and Andrew Lloyd Webber. **John Brenner** McCarter & English (Newark, New Jersey) Bristol Myers Squibb, Eli Lilly and Novartis find he has their courtroom **cure**. **Stephen Breyer** U.S. Supreme Court (Washington, D.C.) The pragmatic **academician** brings the Supremes a law enforcement bent that's also deferential to Congress. **Brad Brian** Munger Tolles (Los Angeles) Allstate, Boeing and Northrop Grumman **rested** easy with Brian in their corner. **Skip Brittenham** Ziffren Brittenham (Los Angeles) Hollywood's **heaviest** hitters, including Pixar and Tom Hanks, rely on his counsel. **William Broaddus** McGuireWoods (Richmond, Virginia) The former Virginia attorney general **unraveled** a costly lawsuit against the City of Richmond by a disgruntled ex-policeman. **Bruce Broillet** Greene Broillet (Santa Monica, California) American Appliance, Isuzu Motor and Big Tobacco fear this **quiet** courtroom force.



Leigh Walton

Juanita Brooks Fish & Richardson (San Diego) ADE Corp., 3M and Fresenius won big patent **battles** with her help.

Steven Brose Steptoe & Johnson (Washington, D.C.) An original lawyer on the Trans-Alaska Pipeline, he **won** a \$1 billion pipeline deal for Colonial Pipeline.

Arthur Bryant Trial Lawyers for Public Justice (Oakland, California) Enduring a harrowing car accident didn't slow down this pro bono **powerhouse**.

Edward Bryant Gardner Carton (Chicago) Helpful to health care providers in all 50 states, he's **hatched** 350-plus hospital mergers and restructurings.

Kevin Buckley Hunton & Williams (Richmond, Virginia) Do the math: He has **advised** lenders on issuing \$500 billion in mortgage-backed securities.

Russell Budd Baron & Budd (Dallas) **Mr. Fixit** in asbestos mass torts, he negotiated Halliburton's nationwide asbestos settlement.

Bobby Burchfield McDermott Will (Washington, D.C.) Amgen, AAA, Tenet Healthcare and United Airlines took **solace** in his advice.

John Butler Skadden (Chicago) He found the **cure** for the financial blues of Kmart, Rite Aid and US Airways.

Elizabeth Cabraser Lieff Cabraser (San Francisco) Toxic exposures, injuries and product liability get this class actions **crusader** fired up.

Paul Cappuccio Time Warner (New York) He must be good. He's the behemoth's **top dog** despite his AOL heritage.

Thomas Cardwell Akerman Senterfitt (Orlando, Florida) Cardwell's **winning** hand includes America's biggest accountancies, Wachovia and the Florida Bankers Association. **Bill Carmody** Susman Godfrey (Dallas) Equally adept at finding the **key** to seven-figure success on offense and defense. **Michael Carroll** Davis Polk (New York) Disposed of an \$800 million **claim** against Merrill Lynch by claiming that accountants were entitled to their opinion, too. **James Carter** Sullivan & Cromwell (New York) Whether the combatants are U.S. and Russian telecommunication companies or a boxer and his former promoter, this arbitrator **knocks out** resolutions. **George Cary** Cleary Gottlieb (Washington, D.C.) Cary has done the **heavy lifting** in Conoco-Phillips Petroleum, AOL-Time Warner and other mega-mergers. **Carmen Chang** Wilson Sonsini (Palo Alto, California) She can **structure** Google and Fiberxon's public offerings in Cantonese, Japanese and Mandarin. **James Cheek** Bass Berry (Nashville, Tennessee) Cheek knows the financial world **inside-out**, both from hundreds of deals and his role as the NYSE's regulatory auditor. **Michael Chepiga** Simpson Thacher (New York) Celera Genomics, Express Scripts, Hollinger and St. Paul-Travelers all rely on Chepiga's securities litigation **know-how**. **Evan Chesler** Cravath (New York) Chesler **champions** IBM, Qualcomm, Bristol-Myers Squibb and now Cravath. **Mark Christiansen** Crowe & Dunlevy (Oklahoma City) Oilmen's **best friend** in the Sooner State, he gets it done for Public Service Corp. and Carl Gungoll Exploration.

Michael Rudell



Morgan Chu Irell & Manella (Los Angeles) Chu's genteel, bow-tied demeanor belies a **fierce** competitor for Stac Electronics, ASML and many others. **Richard Clary** Cravath (New York) Clary's **litigation prowess** has catapulted him to the top for clients like Credit Suisse in Enron and JP Morgan Chase in bankruptcy litigation. **Jay Clayton** Sullivan & Cromwell (New York) Clayton's **meteoric** rise has him weaving the world of corporate governance in the U.S. and abroad. **Robert Cleary** Proskauer Rose (New York) The former Ted Kaczynski prosecutor has **handled** investigatory matters for Tyco, Adelphia and the N.Y. Racing Association. **Paul Clement** Department of Justice (Washington, D.C.) He's barely 40, but he's already argued many critical cases **challenging** Bush's terrorism strategy. **Robert Clifford** Clifford Law Offices (Chicago) His eponymous law firm **notched** \$86 million in settlements last year alone. **Richard Climan** Cooley Godward (Palo Alto, California) The **baron** of big deals is tops in tech and life sciences M&A, as attested by Applied Materials, Gilead Sciences and Quest Software. **John Coffee** Columbia Law School (New York) Coffee's among the **cream** of academics conducting post-mortems on Enron. **John Coffey** Bernstein Litowitz (New York) This Navy vet repeatedly hits his **mark** against Arthur Andersen and other securities litigation defendants. **John Cogan** Akin Gump (Houston) From Algeria to Yemen and 28 countries in between, Cogan **constructs** clever energy deals.



Charla Aldous

Rodgin Cohen Sullivan & Cromwell (New York) The go-to guy for bank mergers at **home** (Wachovia, Chase, Wells Fargo) and abroad (Bank of Tokyo, Credit Suisse, Societe Generale). **Nancy Cohen** Heller Ehrman (Los Angeles) The **real deal**, from Holocaust survivors to Clint Eastwood to the Twin Towers' lender. **Thomas Cole** Sidley Austin (Chicago) Cole **brokered** big mergers for Kimberly-Clark, Monsanto and True North. **Lloyd Constantine** Constantine Cannon (New York) Constantine has **spearheaded** multistate antitrust cases involving Minolta, Mitsubishi and Panasonic. **Robert Corn-Revere** Davis Wright (Washington, D.C.) He's **fantasic** on the First Amendment, as witnessed by Mainstream Marketing Services, the MPAA and Playboy. **Joseph Cotchett** Cotchett Pitre (Burlingame, California) The strategist **supreme** for defrauded retirees and shareholders, he's also got a deep philanthropic side aiding children and education. **Patrick Coughlin** Lerach Coughlin (San Francisco) Alcatel and America West so **feared** him, they settled right before trial. Next up: California Amplifier and Wells Fargo. **Jim Cowles** Cowles & Thompson (Dallas) This corporate/health care litigator has **"cowboyed up"** for trial more than 500 times in 45 years. **Stephen Cozen** Cozen O'Connor (Philadelphia) Aside from a **pioneering** litigation/ADR practice, Cozen helped the NBA's 76ers sell its arena and find new owners. **Richard Cullen** McGuireWoods (Richmond, Virginia) His firm's white-collar **leader**, Cullen also served George H.W. Bush and Gov. George Allen as a top prosecutor.

Richard Cunningham Steptoe & Johnson (Washington, D.C.) A trade policy **whiz**, Cunningham also handles precedent-setting antidumping and countervailing duty cases.

David Cupps Vorys Sater (Columbus, Ohio) A veteran antitrust, IP and securities litigator, Cupps also **poured** it on for ex-college basketball coach Jim O'Brien. **James Curtiss**

Winston & Strawn (Washington, D.C.) This **energy** expert counts Cameco, Fansteel and Louisiana Energy Services among his clients.

Stephen Cutler WilmerHale (Washington, D.C.) After **skewering** Enron, Adelphia, HealthSouth and other failed companies at the SEC, he turned private to advise clients away from future debacles.

John D'Alimonte Willkie Farr (New York) This renowned securities **specialist** helped West Corp. acquire InterCall for roughly \$400 million. **Richard Dannay**

Cowan Liebowitz (New York) Got a **creative** work that might provoke copyright infringement suits? Call Dannay to deny your foes.

Joseph Dapello Schreck Rose (New York) This film-industry **favorite** logged credits on seven noted movies while becoming a big star in court. **Frank Darras** Shernoff Bidart

(Claremont, California) The nation's leading disability **advocate** persuaded UnumProvident to reconsider thousands of claims.

Gordon Davidson Fenwick & West (Mountain View, California) Cisco, Diamond Foods, and Symantec all rely on this tech **titan**. **Gary Davis** Crowe & Dunlevy (Oklahoma City)

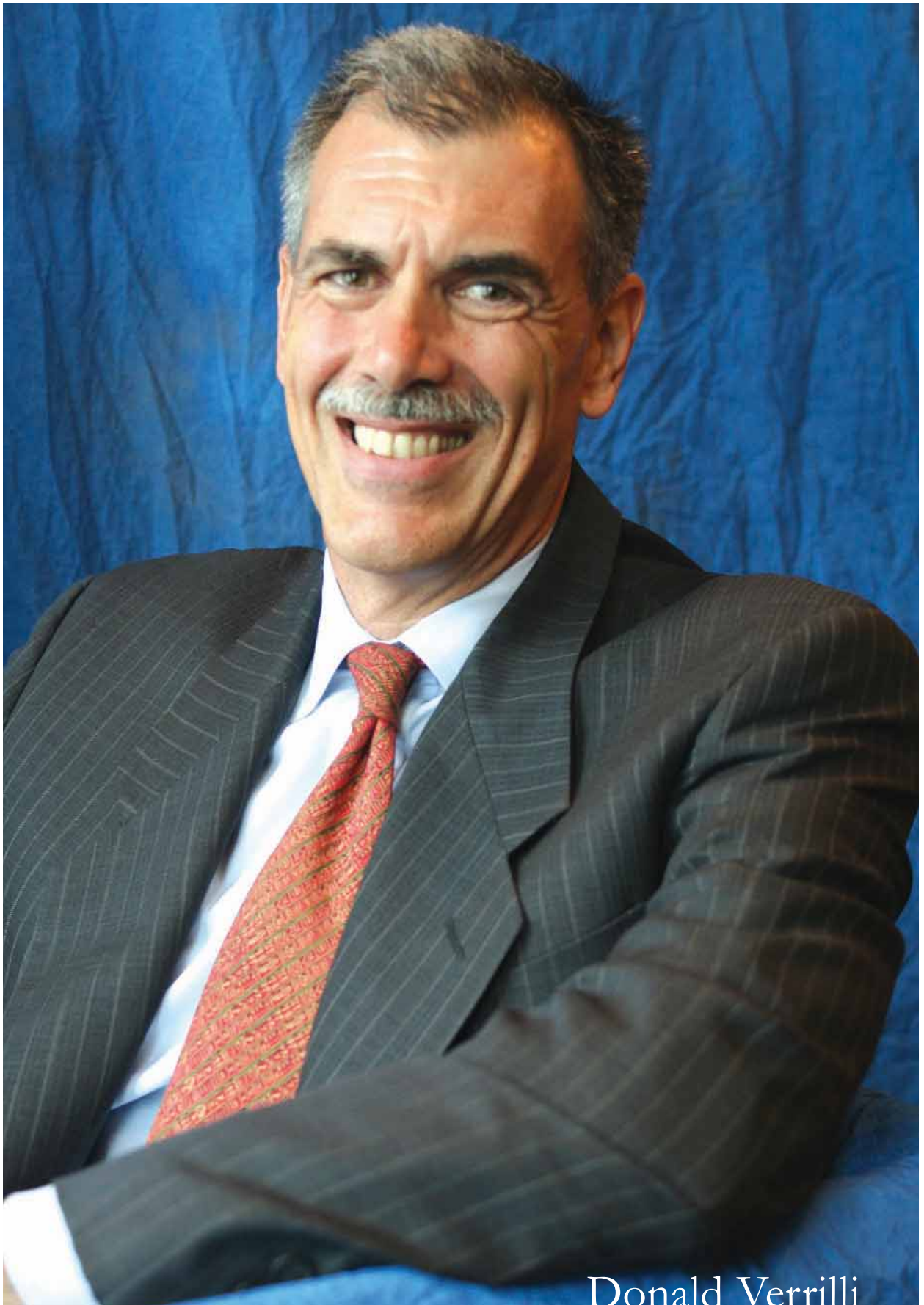
Mobil, Texaco and other energy **elites** win big with his help.

Mark Davis Davis Levin (Honolulu) Embattled college president Evan Dobelle turned to this leading **light** to land a million-dollar settlement. **Roger Davis** Orrick (San Francisco) The **baron** of bonds heads his firm's ancillary businesses, such as arbitrage rebate innovators Bond Logistix. **Morris Dees** Southern Poverty Law Center (Montgomery, Alabama) His record of bankrupting racial-hate groups continues to have **ripple** effects across America. **Laurence Deitch** Bodman (Detroit) Don't bet against Deitch. He got casino gambling **legalized** in Detroit. **Bert Deixler** Proskauer Rose (Los Angeles) He keeps the careers of Marilyn Manson and Snoop Dogg **humming** while integrating California prisons. **Walter Dellinger** O'Melveny & Myers (Washington, D.C.) Besides frequent arguments before the Supremes, he's also **shaping** the effort to make the NYSE a public company. **Thomas Demetrio** Corboy & Demetrio (Chicago) Chicago's top trial lawyer is holding the White Sox's feet to the **fire** over their treatment of Frank Thomas. **Robert Denham** Munger Tolles (Los Angeles) He **brokered** big deals involving Berkshire Hathaway, Business Wire and Fruit of the Loom. **Otway Denny** Fulbright & Jaworski (Houston) Also a **stellar** advocate, Denny designed an academy for Texas legal aid attorneys. **Gandolfo DiBlasi** Sullivan & Cromwell (New York) Finance industry investigations don't **faze** him, whether it's the NASD, NYSE or Chicago Board Options Exchange.



Frederick Baron

Joyce Dixon Blackwell Sanders (Omaha, Nebraska) Cue Technologies, First National Capital Markets and the CIT Group all banked on her **guidance**. **Marshall Doke** Gardere Wynne (Dallas) EDS, Motorola, Tyco and Dallas County Hospital District all consider him **top dog** in Big D. **Mitchell Dolin** Covington & Burling (Washington, D.C.) He's played **big roles** in Owens Corning, World Trade Center and Exxon Valdez lawsuits. **Susan Douglass** Fross Zelnick (New York) Her IP **insights** on music sampling and trademarking colors tickle clients pink. **Eugene Driker** Barris Scott (Detroit) The Buffalo Bills, Detroit Edison and Ralph Wilson Enterprises are **glad** Driker drove their claims. **Bob Dupuy** Brown McCarroll (Dallas) Want **miles and miles** of Texas to develop big buildings? Dupuy can make it happen. **Thomas Eastment** Baker Botts (Washington, D.C.) Chevron, Navajo Refining and Shell Offshore **trust** his energy insights. **Neil Eggleston** Debevoise & Plimpton (Washington, D.C.) He **bailed** out Bill Clinton, the Labor International Union and more. **Robert Eglet** Mainor Eglet (Las Vegas, Nevada) Eglet has **soared** to seven-figure verdicts for each of his last nine clients. **Susan Eisenberg** Akerman Senterfitt (Miami) Berlitz Languages, Iberia Airlines of Spain and Sheridan Healthcare invest in her labor **skills**.



Howard Ellin Skadden (New York) Ellin **eased** the path for the Boeing/McDonnell Douglas merger and News Corp.'s stake in DirecTV. **Jay Epstien** DLA Piper (Washington, D.C.) At ease with commercial tenants and landlords, he hit the **bull's-eye** for Target for 20 store sites. **Miguel Estrada** Gibson Dunn (Washington, D.C.) What a **client** list: Aetna, Clear Channel and PriceWaterhouse Coopers. **Robert Faiss** Lionel Sawyer (Las Vegas) Casinos from Vegas to Detroit do well to bet the house on this **scholarly** gaming law legend. **Deborah Feinstein** Arnold & Porter (Washington, D.C.) She **crafted** Loews Cineplex's acquiring of AMC and Kraft's gobbling up of Nabisco. **Boris Feldman** Wilson Sonsini (Palo Alto, California) The **sultan** of securities litigation represents Network Associates, 3Com, Aurora Foods and Guidant. **Edwin Feo** Milbank Tweed (Los Angeles) Call him the toll-road king: he **shepherded** three big roadways in Virginia and Indiana. **Ralph Ferrara** Leboeuf Lamb (Washington, D.C.) Global Crossing, Interstate Bakeries and Waste Management **count** on this corporate law kingpin. **Charles Ferris** Mintz Levin (Washington, D.C.) This former FCC chairman finds solutions for **media** giants from Cablevision on down. **Allen Finkelson** Cravath (New York) Finkelson **championed** Chevron in its acquisition of Unocal and Sprint in securing Nextel.

Jesse Finkelstein Richards Layton (Wilmington, Delaware) He proved **instrumental** in the UBS-Paine Webber merger. **Jeffrey Fisher** Davis Wright (Seattle) The First Amendment and media law maven is the “most likely” to become the next generation’s **supreme** appellate lawyer. **Patrick Fitzgerald** U.S. Attorney’s Office (Chicago) He **bagged** Conrad Black and software/movie pirates, even if Plamegate has simmered down. **Katherine Forrest** Cravath (New York) She **sees** the trees and clears the path for big mergers like AOL/Time Warner and the sale of HCA. **David Fox** Skadden (New York) When not working for Toys “R” Us’ directors, he’s **blazing** trails for his firm’s practice in Israel. **Russell Frackman** Mitchell Silberberg (Los Angeles) Anne Rice and Mattel plus film guilds and music industry groups know he’s a top **performer**. **John Frankenheimer** Loeb & Loeb (Los Angeles) He represents a **rainbow** of music and film creatives. **Kenneth Frazier** Merck (Whitehouse Station, New Jersey) He’s on the **hot seat** and holding his own at this point in the Vioxx war. **Neil Freund** Freund Freeze (Dayton, Ohio) This firm chairman **fielded** a probe into summary judgment dismissals before the Ohio Supreme Court. **Andrew Frey** Mayer Brown (Washington, D.C.) He **cloaked** many of John Roberts’ legal memos from Congressional scrutiny.



Lyle Ganske Jones Day (Cleveland) He got the **call** to help Nextel in its \$46.5 billion merger with Sprint. **Howard Ganz** Proskauer Rose (New York) This sports law MVP **coaches** the NBA on labor issues with players. **Merrick Garland** U.S. Court of Appeals (Washington, D.C.) He **prosecuted** the Oklahoma City bomber before joining DC's influential appellate court. **Willie Gary** Gary Williams (Stuart, Florida) This **high flyer** is known for his big cases, big lifestyle and big-time philanthropy. **Deborah Garza** Fried Frank (Washington, D.C.) The competition **specialist** was appointed by the president to update the antitrust laws. **Philip Gelston** Cravath (New York) He handles **multi-billion** dollar deals for clients like BAE Systems. **John Gibbons** Gibbons Del Deo (Newark, New Jersey) The pro bono star **convinced** the Supremes to side with Guantanamo detainees. **Hal Gillespie** Gillespie Rozen (Dallas) He's a champion for whistle-blowers, unions and **wronged** employees. **Thomas Girardi** Girardi & Keese (Los Angeles) This **powerbroker** moves legal mountains, winning billions from corporate wrongdoers while protecting judicial independence. **Patricia Glaser** Christensen Glaser (Los Angeles) This **no-nonsense** litigator is the number Hollywood and the L.A. elite call when they're in trouble.



Tom Girardi

Karen Glover Preston Gates (Seattle) This managing partner is also a health care **specialist** counseling Premera Blue Cross and Microsoft. **Marcia Goldstein** Weil Gotshal (New York) MCI, Parmalat and Atkins Nutritionals have all called on this finance and restructuring **whiz**. **James Gooch** Bass Berry (Nashville, Tennessee) Nashville's **elite** trust their estates to this tax and planning expert. **George Goolsby** Baker Botts (Houston) He's the **big boss** behind the \$3.5 billion Baku-Tblisi-Ceyhan black-gold byway. **David Gordon** Latham (New York) As a finance lawyer and Latham's New York **leader**, he makes projects work. **Jamie Gorelick** WilmerHale (Washington, D.C.) Defense contracting and policy law are **strongholds** of this 9/11 Commissioner. **Warren Gorrell** Hogan & Hartson (Washington, D.C.) Clients like Trizec Properties call this real estate **dealmaker** for multi-billion dollar moves. **Judson Graves** Alston & Bird (Atlanta) The courtroom **warrior's** clients include embattled doctors and Dale Earnhardt's widow. **Richard Gray** Jenner & Block (Chicago) Antitrust, **intellectual property**, insurance litigation ... you name it, Gray's won it. **Scott Greenburg** Preston Gates (Seattle) Clients like Starbucks, Westin Hotel and the Seattle SuperSonics **tap** Greenburg.

Edward Greene Citigroup (New York) This former SEC general counsel is now one of Citigroup's top legal **minds**.

John Grenier Bradley Arant (Birmingham, Alabama) The corporate law **pro** helped Hyundai install a \$1 billion plant in his

home state. **Dale Grimes** Bass Berry (Nashville, Tennessee) Clients like Philip Morris rely on this litigation **master**.

Marshall Grossman Alschuler Grossman (Santa Monica, California) This civic leader and **star** litigator's clients include Blockbuster, AIG and USC. **Theodore Grossman**

Jones Day (Cleveland) A top dog for **extinguishing** claims against R.J. Reynolds Tobacco. **Allen Grubman** Grubman

& Indursky (New York) With clients like Madonna, his name is synonymous with the **music** industry. **Joseph Grundfest**

Stanford Law School (Stanford, California) America looks to this scholar for **guidance** on corporate and shareholder law. **Daniel**

Grunfeld Public Counsel (Los Angeles) He's the savvy and **well-respected** president/CEO of the nation's largest pro

bono public interest law firm. **Jay Gutierrez** Morgan Lewis (Washington, D.C.) Don't go before the Nuclear Regulatory

Commission without **calling** him first. **Bruce Hall** Rodey

Dickason (Albuquerque, New Mexico) New Mexico's choice for civil defense is also **adept** at appellate law.

Christopher Hall Morgan Lewis (New York) Wachovia and others **bet** on Hall when it comes to securities litigation.

Rusty Hardin Sole Practitioner (Houston) Arthur Andersen's defender and Anna Nicole's nemesis, Hardin and his **hot** clients make headlines.

Gregg Harris Fulbright & Jaworski (Washington, D.C.) He's the force behind **power** project financing from Bangladesh to Latin America.

Scott Harris Harris Wiltshire (Washington, D.C.) The former FCC **bigwig** advises everyone from software companies to foreign governments.

Jonathan Hart Dow Lohnes (Washington, D.C.) Web publishers, broadcasters and others turn to Hart to **direct** them through the media world.

Michael Hausfeld Cohen Milstein (Washington, D.C.) This class action **star** has represented Holocaust victims and Native Alaskans harmed by Valdez.

Joseph Haynes King & Spalding (Atlanta) Accounting firms turn to this litigator for another **mark** in their "win" columns.

David Heiman Jones Day (Cleveland) This bankruptcy and restructuring **guru** aids clients like mining company Oglebay Norton.

Benjamin Heineman WilmerHale (New York) The former senior vice president of powerhouse General Electric now **enlightens** many different clients.

Kris Heinzelman Cravath (New York) As Cravath's head of corporate, his clients are the nation's **premier** investment banks, like Credit Suisse.



Richard Heller Frankfurt Kurnit (New York) An expert in **celebrity branding**, he helps the famous manage their intellectual property rights. **Edward Herlihy** Wachtell Lipton (New York) This corporate law **whiz** counts MBNA among his clientele. **Russ Herman** Herman Herman (New Orleans) The New Orleans class action **guru** is plaintiffs' liaison for federal Vioxx suits. **Lynne Hermle** Orrick (Menlo Park, California) She **rules** in employment defense for The Gap, Advanced Micro Devices and other Silicon Valley headliners. **Bruce Hiler** Cadwalader Wickersham (Washington, D.C.) Hiler helps clients **cope** with investigations by the SEC and other regulators. **Robert Hillman** Fish & Richardson (Boston) Genentech, Aerovox and Codex all turned to Hillman to **wage** patent battles. **William Hirschberg** Shearman & Sterling (New York) Lenders and borrowers **flock** to him for help with big-ticket financings. **Richard Hofstetter** Frankfurt Kurnit (New York) The television practice of this **entertainment** law pro gets great ratings. **Gary Horlick** WilmerHale (Washington, D.C.) The former head of the Department of Commerce Import Administration helps clients **navigate** foreign markets. **John Howell** Hughes & Luce (Dallas) Electronic Data Systems and others **connect** with this expert in the technology business.



Ira Kurzban

Francis Huck Simpson Thacher (New York) This banking guru worked on **financings** for Lucent Technologies, GE Capital and the former Yugoslavia. **Keith Hummel** Cravath (New York) This litigator **negotiated** a \$750 million settlement for Medinol related to contract claims. **Jerry Hunter** Bryan Cave (St. Louis) The former National Labor Relations Board general counsel handles **preventative** labor relations and supervisory training. **Ann Huntrods** Briggs and Morgan (Minneapolis) She helps employers draft personnel policies and provides workshops on **preventing** sexual harassment. **Jerold Jacover** Brinks Hofer (Chicago) Abbott Laboratories, The B.F. Goodrich Company and Coca-Cola **turn** to him for patent trial work. **Charles James** Chevron (San Ramon, California) An antitrust expert, he **heads** the petroleum company's legal department. **Jesse Jenner** Ropes & Gray (New York) He's **handled** trials for Cognex, Ford and Pitney Bowes. **Robert Joffe** Cravath (New York) The **dapper** dean of antitrust and corporate disputes, not to mention law firm management. **Lisa Johnsen** Preston Gates (Seattle) Nonprofits like The Bill & Melinda Gates Foundation **turn** to this tax lawyer for advice. **Christopher Johnson** Squire Sanders (Phoenix) This corporate securities lawyer **handled** the \$2 billion refinancing of a national truck rental and storage company.

Laura Jones Pachulski Stang (Wilmington, Delaware) She gained national **recognition** as debtor's counsel in the Continental Airlines bankruptcy. **Martha Jordan** Latham (Los Angeles) REIT **transactions** for Maguire Properties and Arden Realty are her specialty. **Harvey Kaplan** Shook Hardy (Kansas City, Missouri) **Defends** pharma and medical-device makers in products-liability claims for oral contraceptives, knee implants and vaccines. **Brad Karp** Paul Weiss (New York) He's **lead counsel** for Citigroup in its Enron-related litigations and regulatory matters. **Jay Kasner** Skadden (New York) He represented Merrill Lynch in its **defense** of more than 150 shareholder actions relating to analyst reports. **Neal Katyal** Georgetown University Law Center (Washington, D.C.) The point man in challenges to Guantanamo Bay **tribunals** and to Florida's voting system for Al Gore. **David Katz** Wachtell Lipton (New York) That he's a professor at three law schools is only one mark of the high **demand** for this M&A superstar. **David Kaufman** Brunini Grantham (Jackson, Mississippi) He's been lead counsel in some of the **largest** lawsuits ever filed in Mississippi. **Steven Kaufman** Thompson Hine (Cleveland) This **well-connected** bar leader is a master litigator in civil rights, class action and constitutional matters. **Thomas Kavalier** Cahill Gordon (New York) This litigator and ADR **specialist** represents Prudential Securities.

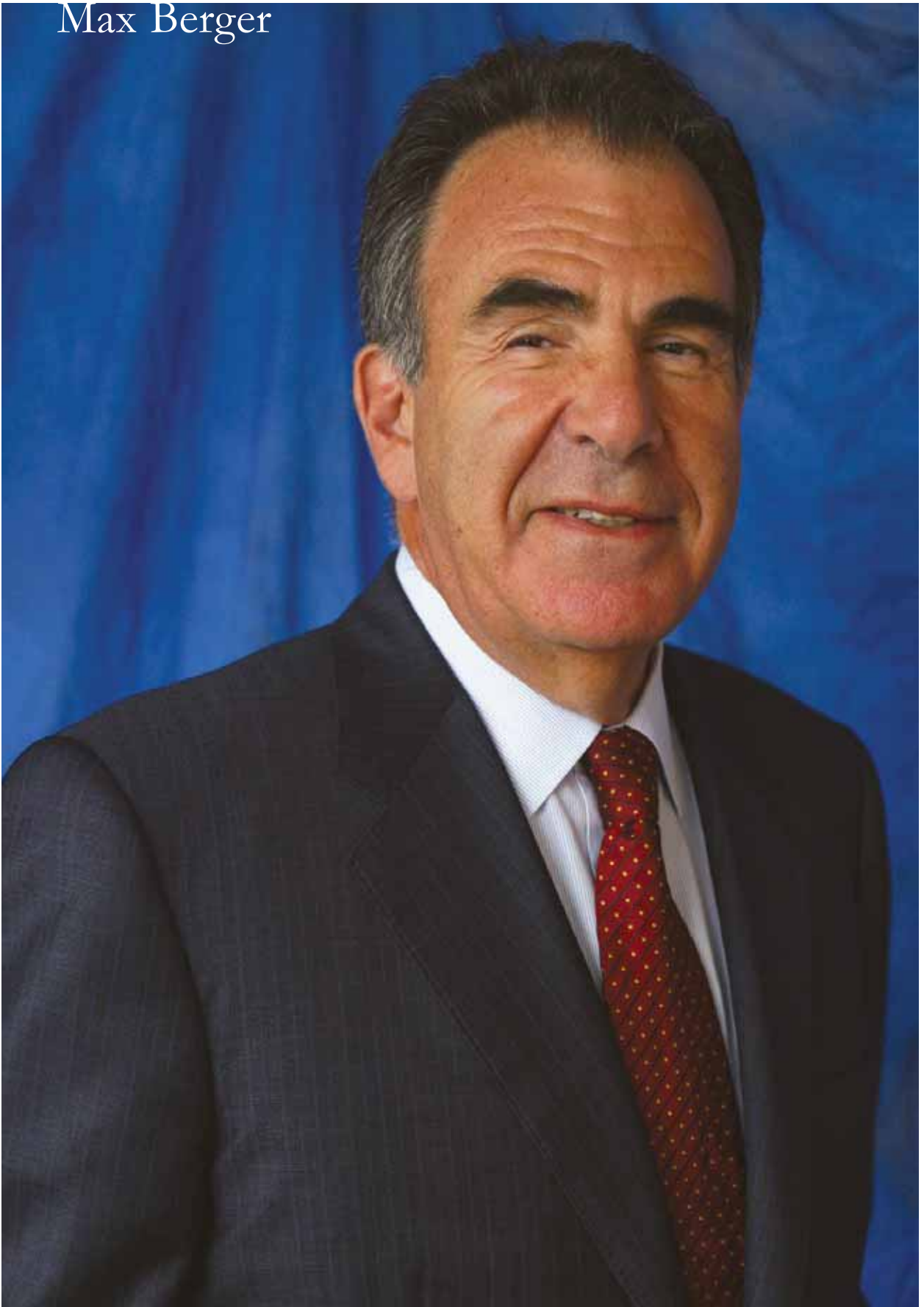
Judith Kaye State Court of Appeals (Albany, New York) The highly **respected** chief judge of the State of New York is the first woman to occupy that office. **Regina Keeney** Lawler Metzger (Washington, D.C.) The former FCC **big wig** represents clients in the telecommunications, computer and Internet industries.

John Keker Keker & Van Nest (San Francisco) This **legendary** litigator represented Frank Quattrone and Genentech and, back in the day, prosecuted Oliver North. **David Kendall** Williams & Connolly (Washington, D.C.) The Washington Post, Playboy and the Baltimore Orioles turn to this **white-collar** pro. **Richard Kendall** Irell & Manella (Los Angeles) He represents the Philippine government and the Bank of China and even had Barbra Streisand **singing** the blues.

Anthony Kennedy U.S. Supreme Court (Washington, D.C.) This Reagan appointee has become the **solid** swing vote with the departure of Sandra Day O'Connor. **Michael Kennedy** Gallagher & Kennedy (Phoenix) His **litigation** clients include the Arizona Diamondbacks, PetSmart and Southern Pacific Railroad. **Jeffrey Kessler** Dewey Ballantine (New York) Swings for the fences — and **scores** — on behalf of the National Football League and Major League Baseball. **Philip Kessler** Butzel Long (Detroit) This law firm chair **specializes** in antitrust, audit malpractice and corporate control contests.

Thomas Kienbaum Kienbaum Opperwall Birmingham, Michigan) The state bar's past president **handles** employment discrimination and wrongful-termination disputes.

Max Berger



Robbins Kiessling Cravath (New York) This banking **magician** has conjured up many of the most notable leveraged bank financings, including acquisition financings for Invista, Dex Media and SunGard Data Systems. **William Kilberg** Gibson Dunn (Washington, D.C.) The **master** of employment disaster for the nation's biggest corporations, particularly when they land before the Supremes. **Ronald Klasko** Klasko Rulon (Philadelphia) Immigration **peers** laud him as the cream of the crop for navigating international corporate waters. **Thomas Kline** Kline & Specter (Philadelphia) Philly's premier personal injury lawyer **nabbed** a \$51 million verdict for a boy whose foot was severed in a subway escalator. **Lou Kling** Skadden (New York) He manages **financing** transactions like Ford Motor's \$10 billion recapitalization. **Susan Knoll** Howrey (Houston) This IP specialist **counts** Monsanto, Intel and Chevron Phillips Chemical Company among her clients. **Joseph Kociubes** Bingham McCutchen (Boston) The bard of Boston litigation, winning hundreds of millions and **defeating** equal claims. **Harold Koh** Yale Law School (New Haven, Connecticut) The State Department alum has been a powerful civil rights **voice** in his post as dean of Yale Law School. **Mary Korby** Weil Gotshal (Dallas) The M&A maven **advised** American Airlines in its acquisition of TWA and Enron in disposing of its businesses. **Victor Kovner** Davis Wright (New York) The **maestro** of magazine and media matters is also a strong judicial independence advocate.

Ira Kurzban Kurzban Kurzban (Miami) A **hero** for immigrants, winning \$500 million from Duvalier and the extension of constitutional rights for protection and redress. **Amy Kyle** Bingham McCutchen (Boston) This finance whiz keeps things **moving** for NetJets, Ryder and other transportation and retail companies. **Walter Lack** Engstrom Lipscomb (Los Angeles) This **steely** litigator's punch brings billions for victims of energy scams, insurance bad-faith and mass toxic torts. **William Lake** WilmerHale (Washington, D.C.) Verizon Wireless and Qwest **dial up** to this communications law expert. **Carolyn Lamm** White & Case (Washington, D.C.) She represents the Republic of Indonesia and other governments **facing** international arbitrations. **Steven Lane** Herman Herman (New Orleans) Insurers who discriminate in health or other insurance best **quake** in their boots if he comes down their lane. **Mark Lanier** The Lanier Law Firm (Houston) He's the **real** deal, as shown by the \$253 million verdict he inflicted on Merck for Vioxx. **Mark Leddy** Cleary Gottlieb (Washington, D.C.) The **veteran** government antitrust expert specializes in the competitive impact of mergers and acquisitions. **Bill Lee** Lieff Cabraser (San Francisco) The former political **hot potato** has continued his civil rights advocacy on behalf of braceros and other minorities treated unfairly. **William Lee** WilmerHale (Boston) Call him **Mr. Cutting Edge** for his representation of tech companies working with genetically engineered food, laser optics and high-speed chromatography.

Kenneth Lefkowitz Hughes Hubbard (New York)

This M&A lawyer **represents** Knight Ridder, Viacom and MTV Networks. **Ronald Lehrman** Fross Zelnick (New York)

He's **protected** the trademarks of Tabasco, Rolls-Royce and Bozo the Clown. **Brian Leitch** Arnold & Porter (Denver) He's had

a role in **virtually** every major airline reorganization since deregulation. **Don Lents** Bryan Cave (St. Louis) This M&A and securities lawyer **represents** Anheuser-Busch, Emerson Electric and

Ralston Purina. **Jonathan Lerner** Skadden (New York)

He **faced down** Kirk Kerkorian for DaimlerChrysler and circled the wagons for Cendant against securities class actions.

Stephen Lerner Squire Sanders (New York) He's a bankruptcy expert who handles workouts, **debtors'** and creditors' rights and commercial financing. **Lawrence Lessig** Stanford

Law School (Stanford, California) An attorney-blogger, this **founder** of Stanford's Center for Internet and Society is also a

copyright expert. **Andrew Levander** Dechert (New York) He manages institution-threatening **crises** for clients like

Tulane University and General Refractories. **Jack Levin** Kirkland & Ellis (Chicago) He specializes in **complex** business

deals, some worth more than \$7 billion. **Arthur Levine** Arnold & Porter (Washington, D.C.) He counsels pharmaceutical and medical-device companies with an **emphasis** on FDA work.

John Branca



Henry Levine Levine Blaszak (Washington, D.C.) He **negotiates** communications contracts on behalf of DuPont, the City of New York and Marriott International. **Lee Levine** Levine Sullivan (Washington, D.C.) He represents **media** clients in libel, invasion of privacy and copyright cases. **Gregg Levy** Covington & Burling (Washington, D.C.) The principal outside counsel for the NFL **focuses** on antitrust matters. **Robert Lewis** Lewis Brisbois (Los Angeles) The top **advisor** to the insurance industry has more than 40 years experience in directors' and officers' liability litigation. **Gerald Liloia** Riker Danzig (Morristown, New Jersey) He's known as a **tough** lawyer who can aggressively argue cases for banks and other financial institutions. **Erik Lindauer** Sullivan & Cromwell (New York) A commercial law/secured lending/transactional banking **triple threat**, he logged months in Moscow for the Russian-American Bankers Forum. **Andrew Lipman** Bingham McCutchen (Washington, D.C.) The communications lawyer founded MFS Communications, the nation's largest **competitive** local services provider. **Martin Lipton** Wachtell Lipton (New York) Walt Disney and the New York Stock Exchange tapped this high-finance **god** for sensitive matters. **Linda Listrom** Jenner & Block (Chicago) Besides working as General Dynamics' lead counsel, she also goes **to bat** for CBS, Excello Press and First Pacific Bank of Chicago. **Donald Livingston** Akin Gump (Washington, D.C.) Formerly top dog at the EEOC, now he **smacks** the agency around for clients such as Hooters restaurants.

Judith Livingston Kramer Dillof (New York) The top trial lawyer was the **youngest** and first female lawyer to gain entry to the exclusive Inner Circle of Advocates. **Abbe Lowell** Chadbourne & Parke (Washington, D.C.) This **white-collar** crime lawyer's clients include Jack Abramoff, Sam Waksal and Steven Seagal. **Elwood Lui** Jones Day (Los Angeles) This former appellate **judge** now represents clients like the State of California and R.J. Reynolds Tobacco Holdings. **Robert Luskin** Patton Boggs (Washington, D.C.) When **powerful** unions — LIUNA, the Teamsters and the Union of Operating Engineers — get in trouble, Luskin gets 'em back on track. **Paul Luvera** Luvera Law Firm (Seattle) He **wrung** \$2.5 million from the gun maker and arms dealer who sold weapons to the Beltway snipers. **Gary Lynch** Morgan Stanley (New York) He stands **poised** to open a new chapter in his already-golden resume, after stints at SEC enforcement, Davis Polk and Credit Suisse First Boston. **Michael Lynn** Lynn Tillotson (Dallas) He's Mr. Automatic for Texas plaintiffs, to the **tune** of \$300 million in settlements and verdicts. **James Lyons** Skadden (San Francisco) Talk about **multitalented**: international arbitration, RICO expertise, plus trademark work for the Hell's Angels biker gang. **Jay Madrid** Winstead Sechrest (Dallas) He **saved** Norwegian shippers millions in ocean dumping fines and designed Dallas County's mediator training program. **Colleen Mahoney** Skadden (Washington, D.C.) Formerly an SEC sentinel, she's **the woman** to call for companies worried about backdated stock options.

Maureen Mahoney Latham (Washington, D.C.) Her **Supreme** practice includes representing the U.S. House of Representatives, Union Pacific Railroad and Saudi Arabia.

Thomas Malcolm Jones Day (Irvine, California) If you know one defense lawyer in Orange County, it should be this master **tactician**, who's tried more than 100 complex matters.

William Maledon Osborn Maledon (Phoenix) This desert **fox** stays sly for Arizona Public Service Co., the PGA Tour and more.

Gregory Markel Cadwalader Wickersham (New York) Adelphia, Enron, Tyco, WorldCom — if you have a troubled company, Markel's there to **help**.

Richard Marmaro Skadden (Los Angeles) This white-collar guru nabbed the **spotlight** with his work defending Brocade's former CEO on backdating claims.

Ronald Marmer Jenner & Block (Chicago) Directors and officers, attorneys and accountants all **turn** to him during judicial and administrative proceedings.

Tom Mars Wal-Mart (Bentonville, Arkansas) A former lawyer with Hillary Clinton's firm, he now **oversees** all legal matters for the massive retailer.

Billy Martin Blank Rome (Washington, D.C.) He's a trial lawyer to **Fortune 500** corporations, political leaders, professional athletes and celebrities.

John Mathias Jenner & Block (Chicago) A **veteran** trial lawyer, he concentrates on insurance coverage litigation, reinsurance arbitrations and class actions.

Nina Matis Katten Muchin (Chicago) Blackacre Capital Partners, iStar Financial, the Related Companies and numerous REITs realize she's **sensational**.

Charles Matthews Exxon Mobil (Irving, Texas) The oil company's top lawyer has particular **expertise** in antitrust and tort matters. **William Matthews** Gardere

Wynne (Houston) Bank of America, Ford and Coopers Lybrand all turned to this **oil and gas** litigation specialist. **Brian**

McCarthy Skadden (Los Angeles) He represented The Walt Disney Company in its **acquisition** of Pixar Animation Studios. **Karen McConnell** Ballard Spahr (Phoenix)

This securities lawyer has represented **buyers** and sellers in more than 300 transactions. **William McCorriston**

McCorriston Miller (Honolulu) A top Hawaii lawyer, he **focuses** on professional-malpractice and white-collar cases.

Mike McCurley McCurley Orsinger (Dallas) One of the nation's leading matrimonial law attorneys, he is an **expert** in custody and property cases. **William McDavid** JP

Morgan Chase (New York) McDavid may have his hands full helping JPMC **wiggle** out from under its "\$5 billion footnote."

Mike McKool McKool Smith (Dallas) **Excellent** as trial counsel for Ericsson, the Enron Creditors Committee and Excel Communications. **William McLucas**

WilmerHale (Washington, D.C.) He served as counsel to the **investigative** committees of Enron and WorldCom.

Jonathan Mechanic Fried Frank (New York) This real estate lawyer worked on the **purchases** of the Met Life Building and the Sears Tower.

John Howell





Thomas Melsheimer

Thomas Melsheimer Fish & Richardson (Dallas) Alcatel, Bank of America, the Dallas Mavericks and medical innovator Fresenius **clamor** for his IP prowess. **Michael Meyer** DLA Piper (Los Angeles) Want to lease property **by the mile**? Meyer is your quarterback. **Jane Michaels** Holland & Hart (Denver) Also an ADR veteran, AT&T, Hitachi and RadioShack **prefer** her IP-litigation skills. **George Mhlsten** Latham (Los Angeles) He drew the **blue prints** on the master plans for Disneyland, Staples Center and Cedars Sinai. **James Fox Miller** Miller Schwartz (Hollywood, Florida) Ask Joe Namath about his divorce **crafting** skills, or attorney David Boies about his crisis management. **Osborne Mills** Squire Sanders (Cleveland) The dean of commercial lending law knows every **angle** of property, whether business or residence. **Jeffrey Mishkin** Skadden (New York) His clientele **reads** like a SportsCenter episode: eight NBA teams, the NFL and NHL, Big East football and more. **Stacey Mobley** Dupont (Wilmington, Delaware) Trained as a pharmacist, he captains the legal machinery of a **power house** that churns \$25 billion annually. **Robert Montgomery** Montgomery & Larson (West Palm Beach, Florida) He **won** millions from gun makers, a flight school and a physician who infected others with AIDS. **Thomas Moore** Kramer Dillof (New York) Heads, he wins (81 verdicts of \$1 million-plus); **tails**, you lose (hundreds of seven-figure settlements).

Thurston Moore Hunton & Williams (Richmond, Virginia) Big Tobacco, VC firms and large government pension funds find that Moore **does** more for them. **James Morphy** Sullivan & Cromwell (New York) He **hit** home runs for the owners of Aramark, the Albertsons market chain and West Corp. **Robert Morvillo** Morvillo Abramowitz (New York) This white-collar **wizard** will work his magic next for Converse Technology officers. **Edward Moss** Shook Hardy (Miami) Class actions against American Home Products, Home Depot and more **crashed** against his defenses. **Ronald Motley** Motley & Rice (Mount Pleasant, South Carolina) This **giant killer** made his name against asbestos, tobacco and a 9/11 defendant. **Homer Moyer** Miller & Chevalier (Washington, D.C.) A leading expert on the Foreign Corrupt Practices Act, he also **penned** a “real world aptitude” bestseller. **Charles Mulaney** Skadden (Chicago) He played **match maker** for Guidant/Boston Scientific, Cisco Systems/Atlanta Scientific and more. **William Munck** Munck Butrus (Dallas) This IP **icon** can handle medical and mechanical devices as easily as firmware, hardware and software. **Frederick Muto** Cooley Godward (San Diego) San Diego’s on the biotech **short list** thanks to Muto, who many consider the region’s biggest star. **Gary Naftalis** Kramer Levin (New York) He’s a solid stock-scandal **defender**, as seen in the Drexel Burnham and Canary Capital Partners matters.

Charles Nathan Latham (New York) He **solidified** Amgen's acquisition of Immunex and AlliedSignal's purchase of Honeywell. **Stephen Neal** Cooley Godward (Palo Alto, California) He captained **successful** takeover defenses for Santa Fe and USG Corp. while helming his firm. **Benjamin Needell** Skadden (New York) Bank of America, ING Real Estate and the NY/NJ Port Authority trust this **dapper** department head. **Daniel Neff** Wachtell Lipton (New York) An **architect** of his firm's M&A glory, he's worked on SBC's acquisition of AT&T and Chevron Texaco's purchase of Unocal. **William Neukom** Preston Gates (Seattle) The former **duke** of Microsoft's legal affairs now steers the technology giant's favorite outside firm. **David Nevin** Nevin Benjamin (Boise, Idaho) He has **spoken** up for Sami al-Hussayen, ecoterrorist suspect Allan Elias and other high-profile defendants. **Steven Newborn** Weil Gotshal (Washington, D.C.) He breaks **new ground** in antitrust, especially in cases interpreting the Hart-Scott-Rodino Act. **Richard Newman** Arent Fox (Washington, D.C.) **Huge** in municipal and nonprofit finance, with The Smithsonian, Planned Parenthood and the National Wildlife Fund as clients. **Thomas Nolan** Skadden (Los Angeles) A white-collar **globe-trotter**, he has sued in the UK and the Caymans and arranged seizure of Swiss Bank records. **John Norman** Norman & Edem (Oklahoma City) He helped Oklahoma **snag** billions from Big Tobacco, then concentrated on Vioxx victims.



Kim Askew

Eileen Nugent Skadden (New York) She **shepherded** the sales of AMC Entertainment, Donna Karan International and Saks Fifth Avenue. **Sidney Nurkin** Alston & Bird (Atlanta) The lead counsel for Atlanta's top private equity fund ensures clients get his firm's **signature** human touch. **Ronald Olson** Munger Tolles (Los Angeles) Edison International and Universal Studios have him on **speed dial**, as does the Getty. **Theodore Olson** Gibson Dunn (Washington, D.C.) This appellate all-star handles **fistfuls** of First Amendment, antitrust and enemy combatant cases. **Jerold Oshinsky** Dickstein Shapiro (Washington, D.C.) He **spearheads** his firm's first-rate insurance practice, hitting grand slams on behalf of the biggest corporate policyholders. **Barry Ostrager** Simpson Thacher (New York) He **navigated** a \$5 billion arbitration for Travelers and a \$370 million transfer from Motorola to JP Morgan Chase. **Wayne Outten** Outten & Golden (New York) He represented female Wall Streeters **outraged** when male counterparts got ahead by socializing with strippers. **William Ozier** Bass Berry (Nashville, Tennessee) His **aegis** extends to universities, Fortune 500s and other employers beset by discrimination claims. **Richard Pachulski** Pachulski Stang (Los Angeles) He juggled **judicious** solutions to the restructurings of Breed Technologies and Peregrine Systems. **Brian Panish** Panish Shea (Los Angeles) With more than 60 **seven-figure** outcomes under his belt, he knows what it takes to win.

Stephen Neal



Allen Parker Cravath (New York) A legal **dream weaver**, whether helping on the \$6 billion acquisition of Michaels Stores or arranging a complex syndicated loan transaction for JP Morgan and DreamWorks. **Dallas Parker** Thompson & Knight (Houston) This **eagle-eyed** energy esquire shaped huge deals for GeoMet, Petrohawk and Whittier Energy. **Kirk Pasich** Dickstein Shapiro (Los Angeles) The West Coast **punch** of the nation's leading insurance-coverage practice now advocates for Katrina coverage in the billions. **Donald Passman** Gang Tyre (Beverly Hills, California) He **penned** groundbreaking deals for REM and Janet Jackson, not to mention the bible on music law. **John Payton** WilmerHale (Washington, D.C.) The American Legacy Foundation, Fannie Mae and the University of Michigan find his counsel **pays** great dividends. **Lawrence Pedowitz** Wachtell Lipton (New York) His **team** gets the call when Martha Stewart, Sanford Weill and other high fliers hit bumps in the road. **Peter Perlman** Peter Perlman Law Offices (Lexington, Kentucky) Victims of problems from defective fuel systems to sexual harassment **turn** to him for relief. **Kathleen Peterson** Robins Kaplan (Minneapolis) Her medical training continues to pay off through **insight** into how hospitals can tragically fail. **Steven Pfeiffer** Fulbright & Jaworski (Washington, D.C.) This firm **chieftain's** also a frequent flyer, especially coordinating British capital for American ventures. **Carter Phillips** Sidley Austin (Washington, D.C.) He reeled in **whopper** wins for eBay, Mohawk Industries and Burlington Northern & Santa Fe Railway.

John Phillips Phillips & Cohen (Washington, D.C.) If you put your lips together and blow the **whistle** on your boss, you need the king of qui tam's number. **Layn Phillips** Irell & Manella (Newport Beach, California) The **non pareil** double threat in mediation and lawyering led a winning effort to deflect natural-resources damages against California. **Stacy Phillips** Phillips Lerner (Los Angeles) Hollywood's **leading** divorce lawyer, at least according to Axl Rose and Jean Claude Van Damme's X factors. **Anthony Piazza** Gregorio Haldeman (San Francisco) California clients from Pacific Gas & Electric to Quadramad **appreciate** his ADR skills. **Frank Placenti** Bryan Cave (Phoenix) He leads a vibrant office that **boasts** Arizona Public Service and Pinnacle West as clients. **Aaron Podhurst** Podhurst Orseck (Miami) **Fabled** among Florida lawyers, he helped spring the University of Miami from the Big East Conference. **Debra Pole** Sidley Austin (Los Angeles) She **coordinates** nation-spanning defenses for makers of breast implants and diet drugs. **Daniel Polsenberg** Beckley Singleton (Las Vegas) Here's a safe bet: Hire him for class action defense, **guardianship** or Fremont Street redevelopment. Sit back. Smile. **Richard Posner** 7th U.S. Circuit Court of Appeals (Chicago) Ever try the "efficient breach of contract" defense? **Thank** the nation's judicial superstar, who gave the concept a sympathetic hearing. **Joseph Power** Power Rogers (Chicago) High wattage from his 20s, he recently **landed** a \$100 million verdict that brought down Gov. George Ryan.

Matthew Powers Weil Gotshal (Redwood Shores, California) Apple Computer, CallWave and Nuance Communications **rely** on his patent prowess. **James Quinn** Weil Gotshal (New York) He defended Johnson & Johnson from Applied Medical and **brushed** aside Colgate-Palmolive for P&G. **John Quinn** Quinn Emanuel (Los Angeles) He **proved** terrorist attacks do trigger business-interruption insurance and safeguarded a genetic-engineering patent. **Yvonne Quinn** Sullivan & Cromwell (New York) Cablevision, not to mention banks, newspapers and sports content providers **invoke** her guidance. **Carey Ramos** Paul Weiss (New York) He has no **peer** and thinks technology companies shouldn't either; just ask Kazaa, Napster and Morpheus. **Gordon Rather** Wright Lindsey (Little Rock, Arkansas) Corporate clients such as Lion Oil Co. know his down-home charge camouflages a **steel-trap** legal mind. **Michael Ratner** Columbia Law School (New York) A strident critic of military tribunals and the Patriot Act, he also **heads** the Center for Constitutional Rights. **Ricky Raven** Thompson & Knight (Houston) A former prosecutor, he **battles** benzene, solvent and Superfund-site claims against chemical companies. **Steven Reed** Steptoe & Johnson (Washington, D.C.) Renowned in oil and gas circles, he **secured** a \$1 billion expansion project for Colonial Pipeline. **Daniel Reidy** Jones Day (Chicago) Abbott Laboratories, Bridgestone/Firestone and H&R Block **appreciate** his attention.



Richard Reinhold Willkie Farr (New York) National Energy & Gas Transmission, Teva Pharmaceuticals and Donald Trump bet **heavily** on his bankruptcy expertise. **Frederic Rich** Sullivan & Cromwell (New York) Just as his clients on five continents dig out metals and oil, he digs up **winning** arguments for them. **Barry Richard** Greenberg Traurig (Tallahassee, Florida) Aetna, Caesar's Palace, Big Tobacco and Gov. Jeb Bush all **relish** his skills. **Peter Riley** Thompson & Knight (Dallas) This firm chairman **carved** his own niche guiding multiparty bank groups through complex reorganizations. **Roger Ritt** WilmerHale (Boston) A triple tax-law threat, he does **spinoffs** (Blockbuster from Viacom), bankruptcies (KB Toys) and controversies (the Celtics). **John Roberts** U.S. Supreme Court (Washington, D.C.) Fulfilling his **destiny**, the new chief justice is more open and reliably conservative, except for one taxing issue. **Charles Robins** Weil Gotshal (Boston) He **orchestrated** the sale of Garelick Farms to Suiza Foods, plus handled formation for a \$6 billion equity fund. **Mark Robinson** Robinson Calcagnie (Newport Beach, California) Wow. Made his name against Ford Pinto, beat up Big Tobacco then **slammed** Merck for \$51 million. **Stephen Roddenberry** Akerman Senterfitt (Miami) He rubs shoulders with South Florida's **high rollers**: Boca Resorts, Huizenga Holdings and the Miami Dolphins. **Richard Rosen** Arnold & Porter (Washington, D.C.) He **synchronized** SBC's mergers with AT&T, Ameritech and Pacific Telesis and did deals for Computer Associates and Cisco.

Stacey Mobley



Barry Rosenthal Bingham McCutchen (Washington, D.C.) He **repped** buyers, developers and lenders for the Edward Williams Building, Potomac Center and Washington Square.

Paul Rosenthal Kelley Drye (Washington, D.C.) Beef, cars, pork, carbon steel, forklifts, pasta: If you can export it, he can **open** foreign markets for it.

Richard Ross Sonnenschein (Phoenix) Ring the bell for the **best friend** of Hilton, Fairmont Hotel and Vail Resorts.

Emanuel Rouvelas Preston Gates (Washington, D.C.) Blowback from the Abramoff brouhaha has not deterred his **door opening** for Microsoft and many more.

James Rubin Butler Rubin (Chicago) Earned his stripes with Monsanto and Argonaut Insurance, now **safeguards** Sphere Drake Insurance.

Peter Rubin Bernstein Shur (Portland, Maine) Animal diagnostic maker Idexx Labs, Owens Corning and Big Asbestos **trust** him.

Michael Rudell Franklin Weinrib (New York) He helps shape **precedent** (ringtone copyrights, “most favored nation” status) for entertainment clients.

Philip Ruegger Simpson Thacher (New York) He helps big companies get **bigger**: AOL with Time Warner and St. Paul with Travelers.

Kelli Sager Davis Wright (Los Angeles) The leader of this firm’s media monarchy **protects** CBS and the L.A. Times while opening court doors for NBC.

Richard Sandler Davis Polk (New York) Goldman Sachs, JPMorgan Chase and Morgan Stanley **bank** on his securities outlook.

Gloria Santona McDonald's (Oak Brook, Illinois) She may not serve billions just yet, but she does **marshall** an army of 130-plus lawyers worldwide. **Jeffrey Saper** Wilson Sonsini (Palo Alto, California) He put **together** IPOs for Infosys and BackWeb, while handling Network Associates' purchase of Dr. Solomon.

Donald Sasser Sasser Cestero (West Palm Beach, Florida) He pressed NASCAR driver Jeff Gordon's divorce-court claim to more than half of his **hard-won** assets. **Richard Sayles** Sayles Werbner (Dallas) Black & Decker, Exxon and J.C. Penney **thank** him for his litigation prowess. **Antonin Scalia** U.S. Supreme Court (Washington, D.C.) Dammit! And here I was **brilliant** and conservative for decades only to have that Roberts fellow come along. **Elliot Scherker** Greenberg Traurig (Miami) He won the **reversal** of big judgments against Lorillard, Anheuser-Busch and Disney. **Donald Schiller** Schiller DuCanto (Chicago) He's **bearing** down for linebacker Brian Urlacher, the latest client in his luminous divorce practice.

Michael Schler Cravath (New York) A corporate tax and finance **overlord**, he frequently advises on M&A deals, most recently for Overseas Shipholding Group in its acquisition of Maritrans.

Paul Schnell Skadden (New York) Colgate-Palmolive, IBM and Union Pacific agree: he's **"the man"** to consult for mergers.

Frank Schreck Schreck Brignone (Las Vegas, Nevada) He deals winning hands for the lion's share of Vegas casinos and **high rollers** Carl Icahn and Sumner Redstone.



Sheila Birnbaum

Amy Schulman DLA Piper (New York) Her **staggering** book of business is built on troubled products from latex gloves to phen-fen and OxyContin. **John Schulman** Warner Bros. (Burbank, California) Hollywood's major domo handles the worldwide conglomerate's affairs with the **consummate** insider's touch. **Robert Schumer** Paul Weiss (New York) Time Warner, Blackstone, EnCana and Battle Mountain Gold **enjoyed** some of his recent M&A triumphs. **Herbert Schwartz** Ropes & Gray (New York) He hits IP **home runs** for Digital Equipment, Motorola, Polaroid and Purdue Pharma. **Victor Schwartz** Shook Hardy (Washington, D.C.) He led his firm's **elite** public policy group in getting the Class Action Fairness Act passed. **Richard Scruggs** The Scruggs Law Firm (Oxford, Mississippi) How's this for a **hurricane-damage** client: ex-Senator Trent Lott, his brother-in-law? **Lawrence Secrest** Wiley Rein (Washington, D.C.) This media-practice chair has **fencing** with the FCC down to a science. **Brad Seligman** The Impact Fund (Berkeley, California) He landed a \$107 million sexual discrimination settlement and **rebuffed** Target from shrink-wrapping employees. **Theodore Shaw** NAACP (New York) The civil rights visionary is working to **safeguard** the votes of Hurricane Katrina victims. **Daniel Sheehan** Daniel Sheehan & Associates (Dallas) Widely respected since the day he **opened** a law book, he represents Southern judges, attorneys and law firms under fire.

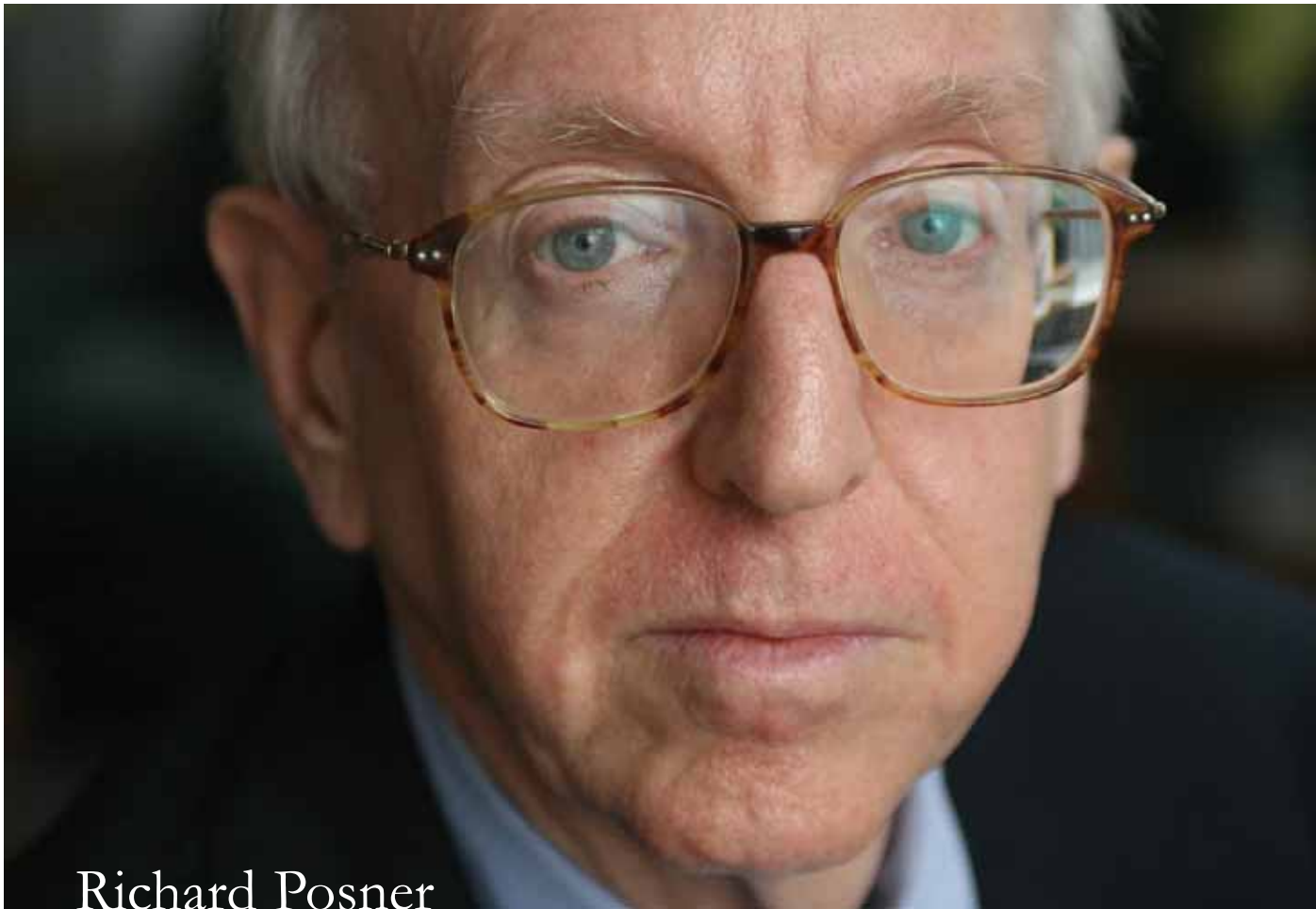
Robert Joffe



Leopold Sher Sher Garner (New Orleans) His real estate clientele **covers** all the bases, and whether developers, lenders or landlords, they're all heavyweights. **Jonathan Shoebottom** Thompson & Knight (Houston) He shut down 200 plaintiffs seeking Superfund-site damages and works equally **well** on products-liability cases. **Michael Shor** Arnold & Porter (Washington, D.C.) He **opened** American markets to Chilean salmon, Canadian lumber, Japanese cellphones and more. **Ron Shulman** Wilson Sonsini (Palo Alto, California) He remains **ever-vigilant** against "patent trolls" threatening his software, laser and medical-device clients. **John Sigel** WilmerHale (Boston) He **rode herd** over the bankruptcies of Arch Wireless and Business Express Airlines. **Stuart Singer** Boies Schiller (Fort Lauderdale, Florida) He rebuffed terminated dealers' suits against a Fortune 100 and **navigated** a two-month arbitration for a rising tech company. **Paul Singerman** Berger Singerman (Miami) Besides leading a **thriving** firm and reorganization practice, he's cultivated a niche in bankruptcy cramdowns. **Thomas Slater** Hunton & Williams (Richmond, Virginia) Allegations of antitrust, patent infringement, price fixing? He can **make** them all go away. Poof! **Daniel Slifkin** Cravath (New York) He **championed** Yale Law's faculty in the school's barriers against military recruiting to protest the exclusion of gays. **Brad Smith** Microsoft (Redmond, Washington) He teamed with Eliot Spitzer to **squeeze** "spam king" Scott Richter.

Bradley Smith Davis Polk (New York) Long **hailed** as JP Morgan's right hand man, he knows banking law backward and forward. **Jay Smith** DLA Piper (Baltimore) T. Rowe Price Group, Human Genome Sciences and Educate.com **depend** on his securities skills. **Todd Smith** Power Rogers (Chicago) He won **eight-figure** paydays for catastrophic injury and psychiatric malpractice victims. **Louis Solomon** Proskauer Rose (New York) **Protecting** the rights of U.S. retail investors in Argentina is the latest notch on this litigation lord's belt. **Jerold Solovy** Jenner & Block (Chicago) Diffused class-action fraud claims against HealthSouth after **scoring** a \$1.6 billion verdict against Morgan Stanley. **Larry Sonsini** Wilson Sonsini (Palo Alto, California) It's not always good to be **king** given the furor over stock option backdating and HP pretexting. (But usually it is.) **Bruce Sostek** Thompson & Knight (Dallas) A **force** in the Texas intellectual property scene, from microelectronics to pro sports. **Gilchrist Sparks** Morris Nichols (Wilmington, Delaware) He doesn't blanch at defending **embattled** clients such as Enron director Robert Belfer. **Robert Spatt** Simpson Thacher (New York) The M&A master closed **megadeals** this year for Seagate and the board of Lafarge North America. **Eliot Spitzer** State Attorney General (New York) Wall Street's headache is set to **take** the New York governor's mansion.

Myron Steele Delaware Supreme Court (Wilmington, Delaware) The brilliant **guiding** force behind Delaware's corporate dominance, from the courtroom to the boardroom. **Larry Stein** Alschuler Grossman (Santa Monica, California) His entertainment clientele ranges from Ashley Olsen to **hit** bands Weezer and Incubus. **Barbara Steiner** Jenner & Block (Chicago) She can be big companies' best friend, as **attested** by Funai Ltd., GE Capital and Comdisco. **Alan Stephenson** Cravath (New York) He has a hand in **huge** mergers, most recently that of Weyerhaeuser's fine paper business with Domtar. **John Paul Stevens** U.S. Supreme Court (Washington, D.C.) Guardian of the Supremes' liberal legacy, he must often abide with **principled** losing votes. **Bryan Stevenson** Equal Justice Initiative of Alabama (Montgomery, Alabama) He won't rest until the criminal justice system **erases** all bias against minorities and the poor. **Steven Stodghill** Fish & Richardson (Dallas) He **keeps** Mark Cuban, Bank One Texas and Driscoll Children's Hospital out of trouble. **Leo Strine** Delaware Court of Chancery (Wilmington, Delaware) His direct and crackly **composure** and abundant knowledge of corporate law leave him without peer. **Brendan Sullivan** Williams & Connolly (Washington, D.C.) He **defended** Henry Cisneros and the FBI agents who fired at Ruby Ridge, then turned up the heat on Microsoft. **Dwight Sullivan** Department of Defense (Washington, D.C.) As the Guantanamo debate rages, he **continues** to press for detainees' days in court.



Richard Posner

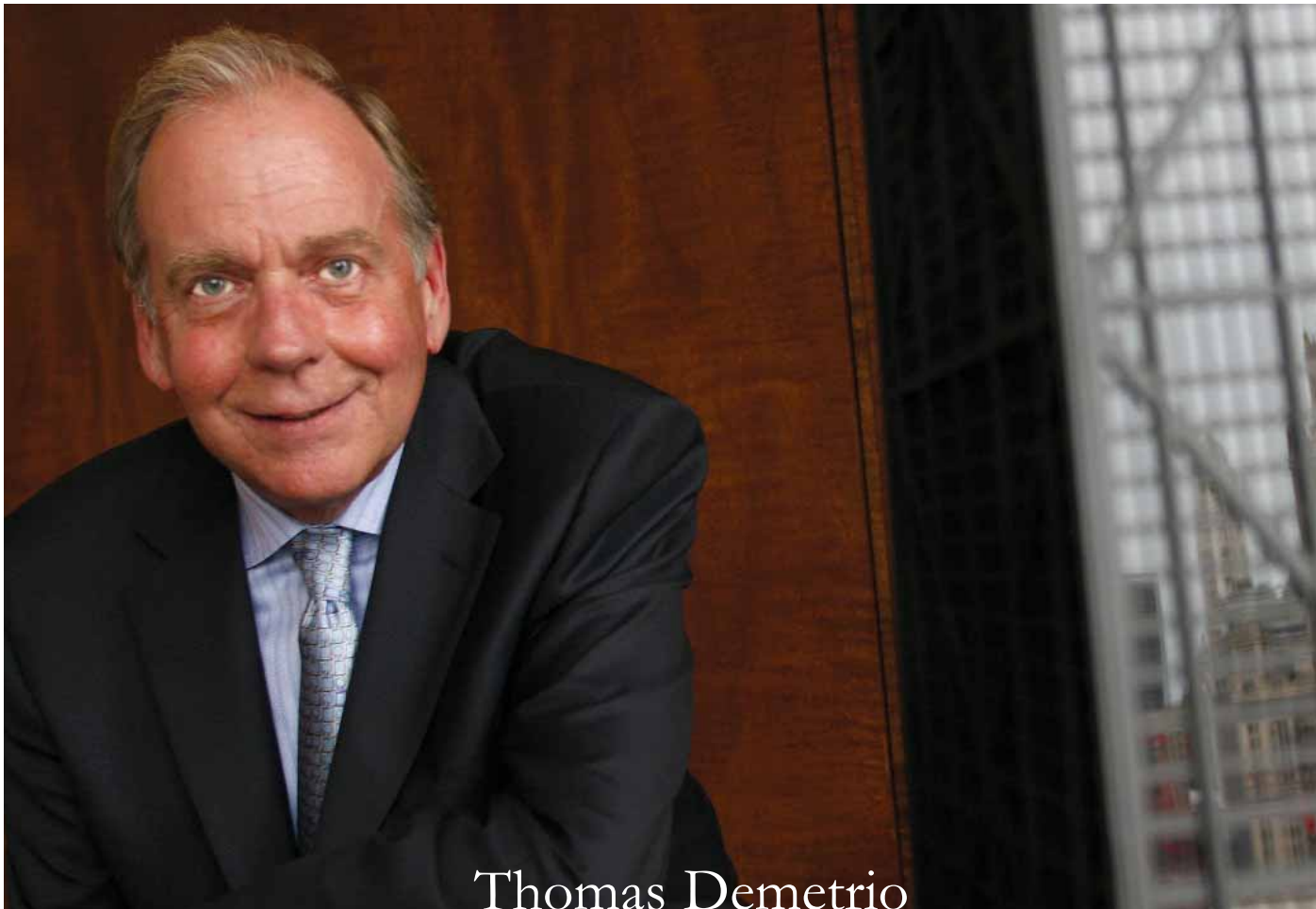
John Sumberg Bilzin Sumberg (Miami) Banco Popular, Landstar Homes and the University of Miami consider him their **shelter** in the storm. **Stephen Susman** Susman Godfrey (Houston) The plaintiffs' **legend** bags the biggest wins with clients like Clear Channel, Decker Coal and Medtronic. **Charles Swift** Office of Military Commissions (Arlington, Virginia) He's a chief reason Salim Hamden won **recognition** that his tour of Gitmo violates the Geneva Conventions. **John Tarantino** Adler Pollock (Providence, Rhode Island) The trial star **showcased** his appellate talents this year defending the Senate's redistricting plan before the state Supremes. **Steven Toll** Cohen Milstein (Washington, D.C.) His class action **opponents** pay: \$575 million (Lucent), \$65 million (National Health Labs) and \$25 million (Caremark). **Donald Toumey** Sullivan & Cromwell (New York) The **go-to guy** for bank M&As, including client Banco Bilbao Vizcaya Argentaria's \$2 billion buy of Texas Regional Bancshares. **Laurence Tribe** Harvard Law School (Cambridge, Massachusetts) The left-leaning constitutional-law guru has been one of the most **vocal** critics of Bush II's alleged lawlessness. **Chilton Varner** King & Spalding (Atlanta) She **triumphs** over products-liability complaints for GM, Purdue Pharma and breast-implant makers. **Donald Verrilli** Jenner & Block (Washington, D.C.) He returned billions in spectrum licenses for NextWave and **beat** reverse discrimination claims for General Dynamics. **Philip Verveer** Willkie Farr (Washington, D.C.) This communications/antitrust guru **engineered** the \$1 billion-plus takeover of New Skies Satellite Holdings.



William Matthews

Paul Vizcarrondo Wachtell Lipton (New York) NYSE's litigation counsel is a **fixture** of the defense bar in major securities class actions. **William Vodra** Arnold & Porter (Washington, D.C.) This medical-industry **marvel** unclogs unfair-competition suits, forges FDA consent decrees and repels products-liability plaintiffs. **Fred von Lohmann** Electronic Frontier Foundation (San Francisco) The P2P proponent's newest crusade: **blocking** Big Media from secretly inserting "broadcast flag" technology into new TVs. **Cynthia Vreeland** WilmerHale (Boston) She shut down a \$1.8 billion patent dispute between Nikon and client ASML Holding and **sweated** the details for EMC against HP. **Mary Kay Vyskocil** Simpson Thacher (New York) She **stymied** Shell Oil on Rocky Mountain Arsenal liabilities and safeguarded an insurer haunted by Y2K claims. **Leigh Walton** Bass Berry (Nashville, Tennessee) The nation's top health care lawyer, as **evidenced** by the blockbuster \$33 billion acquisition of HCA by three private equity funds. **Richard Watt** Watt Beckworth (Houston) You could call him **"MegaWatt"** for all the big-money energy deals he handles. **Seth Waxman** WilmerHale (Washington, D.C.) Waxman wins: no death penalty for juvenile defendants and Canada's **reimbursement** for billions in softwood import taxes. **Dan Webb** Winston & Strawn (Chicago) Alcoa, American Airlines, Microsoft and even former Gov. George Ryan must **know** they hired the best. **Rohan Weerasinghe** Shearman & Sterling (New York) He **advises** BE Aerospace and Pathmark, as well as Shearman & Sterling on corporate strategy.

Reid Weingarten Steptoe & Johnson (Washington, D.C.) His **high-profile** white-collar clients include former Teamsters president Ron Carey and Cabinet secretary Mike Espy. **Daniel Weinstein** JAMS (San Francisco) He **boasts** an encyclopedic ADR practice from Intel and Motorola to suppliers of hepatitis-tainted blood. **Scott Welch** Baker Donelson (Jackson, Mississippi) Richard “Dickie” Scruggs and Mississippi AG Jim Hood want big bucks for Katrina victims. But first, they’ve got to **deal** with Welch. **Theodore Wells** Paul Weiss (New York) Big time. Sen. Robert Toricelli, Michael Espy, Raymond Donovan: Wells got each off the **hook**. **John White** SEC (Washington, D.C.) He’s adding **muscle** to Sarbanes-Oxley enforcement in his new post at the SEC. **Mary Jo White** Debevoise & Plimpton (New York) She **saved** Tommy Hilfiger’s board already; now she wants to keep HCA clean from the Bill Frist fallout. **Richard Wiley** Wiley Rein (Washington, D.C.) As FCC chair, he **ushered** in the HDTV era; now he opens doors for BellSouth, Gannett, Zenith and more. **Phillip Wittmann** Stone Pigman (New Orleans) He has Exxon Mobil’s back for Katrina **cleanup**; ditto for Dole Food, Merck and Papa John’s. **Donald Wolfe** Potter Anderson (Wilmington, Delaware) Talk about having pull: he **nixed** a pre-existing merger agreement so client Omnicare could acquire NCS Healthcare. **Alan Wolff** Dewey Ballantine (Washington, D.C.) With lasting **influence** in international trade, he subtly arranged renewal of Japanese microchip deals.



Thomas Demetrio

Kathleen Wu Andrews Kurth (Dallas) Wu's the one for **down-home** deals covering hotels, office buildings and retail centers. **Thomas Yannucci** Kirkland & Ellis (Washington, D.C.) Renowned for **slamming** Gannett for Chiquita, he cultivates a fearsome rep among D.C.'s media elite. **Michael Young** Willkie Farr (New York) Candies, Fine Host Corp. and Health Management hail his **skill** in securities class actions. **Alfred Youngwood** Paul Weiss (New York) He **constructs** front-page media deals: Time Warner acquiring Adelphia, Viacom shedding CBS. **Kenneth Ziffren** Ziffren Brittenham (Los Angeles) Clients ranging from the NFL to Microsoft know he's no **bluffer**, at the poker table or in the boardroom. **Peter Zimroth** Arnold & Porter (New York) After washing out Whitewater accusations for Clinton, he **unveiled** plaintiff fraud directed at Diet DrugsProducts. **Bruce Zirinsky** Cadwalader Wickersham (New York) His work for Flag Telecom lenders, Northwest Airlines and Pfizer shows he can **recite** Chapter 11 in his sleep. **Howard Zucker** Hawkins Delafield (New York) State housing-finance agencies love him, but he also **pioneered** the practice of turning Big Tobacco settlements into state investments. **Gerson Zweifach** Williams & Connolly (Washington, D.C.) He **saves** accounting's Big Four from class actions and keeps in check celebs like Liz Taylor who sue the media. **Margaret Zwisler** Latham (Washington, D.C.) Makers of artificial teeth, cars, contact lenses, grain and smokeless tobacco **breathe** easier thanks to her antitrust aplomb.

Parting Shots

PHOTOS BY HUGH WILLIAMS



Tom Waldo

Mendenhall Glacier







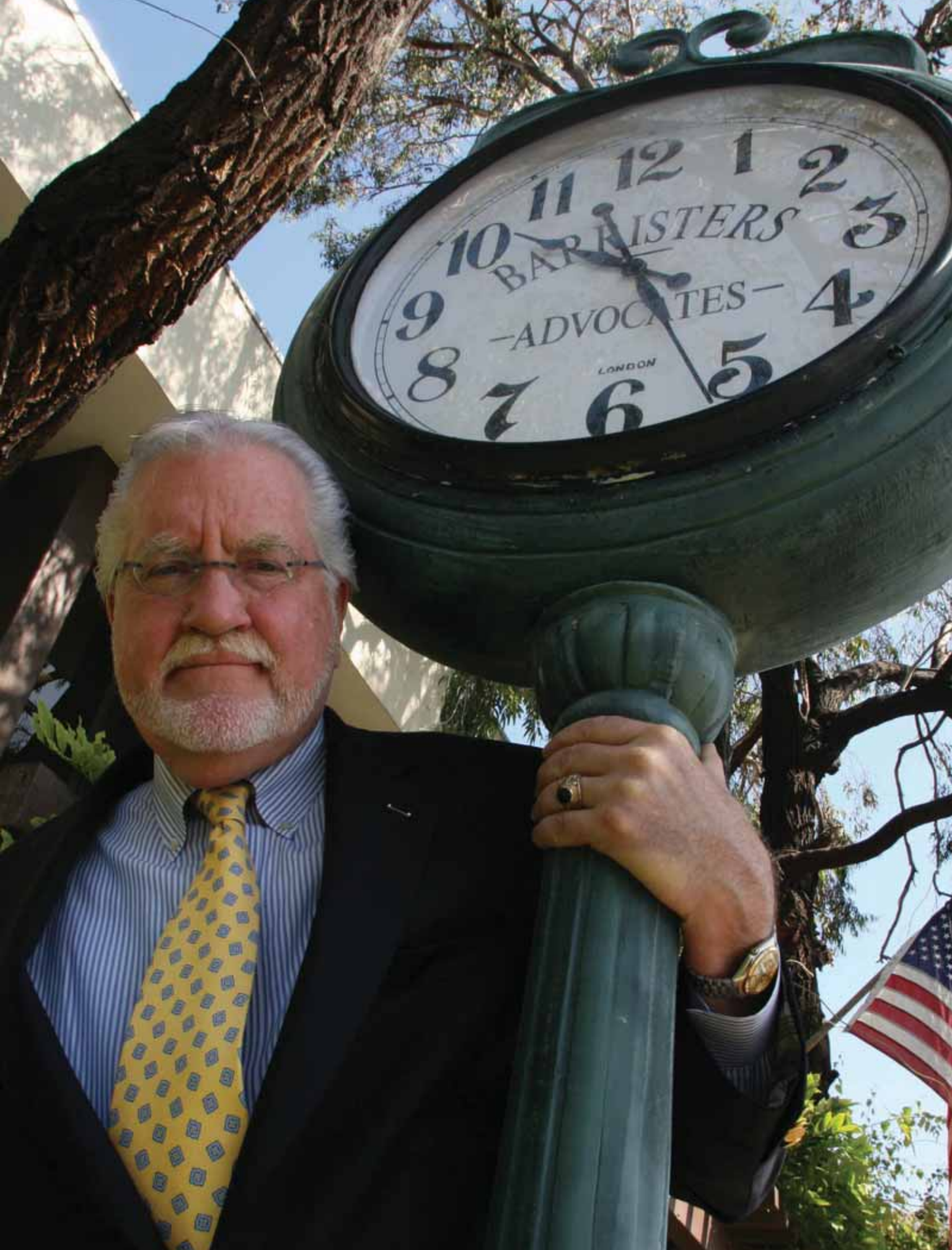
Larry Sonsini

Myron Steele



John Branca

Joseph Cotchett

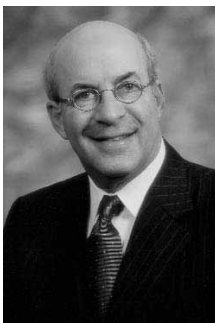




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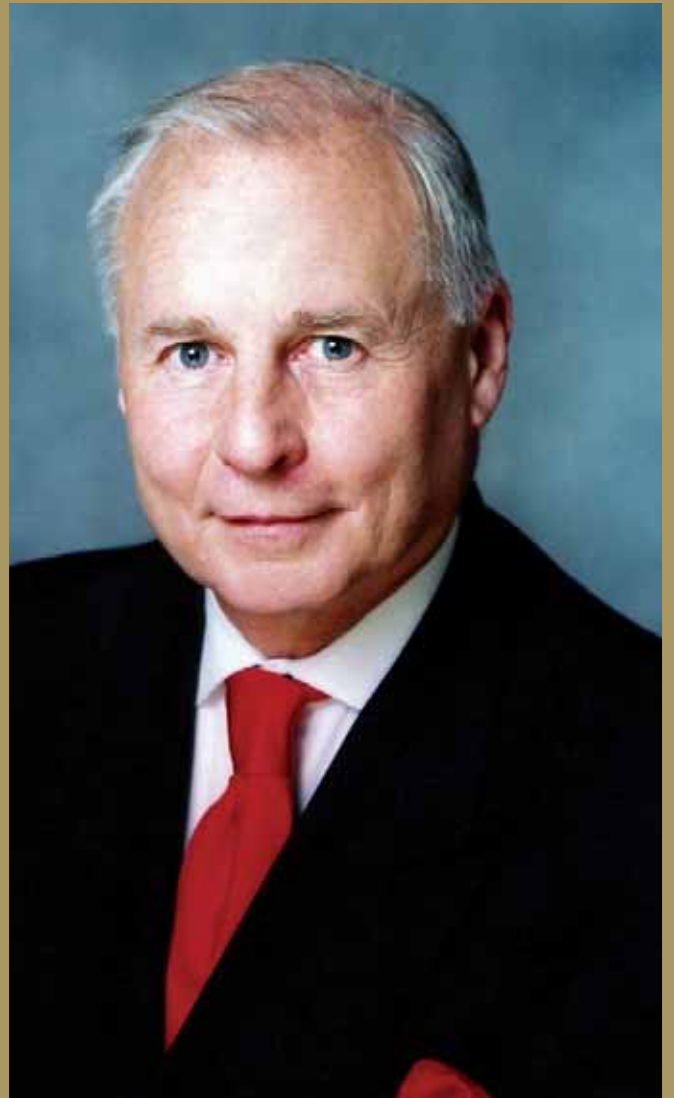
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