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A LOOK AT SOME OF THE MOST SUCCESSFUL YOUNG LITIGATORS IN AMERICA

By: Margaret Cronin Fisk
40 Under 40

During the past several weeks, The National Law Journal has encouraged nominations from readers, sought suggestions from prominent lawyers and researched attorneys under the age of 40-- as of the July 29 publication date-- to develop a list of some of the nation's most promising young litigators. The process produced dozens of legitimate candidates, with a wide variety of specialties. In determining the final list, we have favored attorneys who have served as lead or co-lead counsel in the lawsuits in which they have been involved. And we have excluded any attorneys who have left full-time litigation. Attorneys who were on maternity leaves were accepted, however, because they would be returning to litigation shortly. Within the list of 40 leading young litigators, we have selected 10 for special recognition. Any list of the best is necessarily subjective, and there are doubtless numerous young attorneys who have yet to gain public attention. But each attorney on this list has had substantial success already and is expected to lead the nation's litigation bar for decades to come.

STEPHEN J. AKERLEY, 35

Partner in the Palo Alto, Calif., office of Chicago's McDermott, Will & Emery

Stephen J. Akerley, a partner in the intellectual property department of McDermott Will, has been lead counsel in several bet-the-company multipatent and related technology cases. Akerley, who has an undergraduate degree in electrical engineering, has extensive experience in the areas of microprocessors, semiconductor technology, computer graphics, software and print technology. He has litigated or tried cases in federal courts in 10 states. Akerley is currently lead counsel for Seagate Technology in defense of an action in which Seagate is accused of infringing three patents and misappropriating 60 trade secrets, and the plaintiff is seeking more than \$800 million in damages. In the recent patent-infringement and antitrust dispute between Intergraph and Intel Corp., Akerley was lead counsel for Intergraph in its defense of Intel's counterclaims. The litigation settled with the parties entering into a licensing agreement and Intel paying Intergraph \$300 million. In another case, he successfully argued the claim construction, or Markman, hearing in a \$100 million-plus patent infringement case against his client that resulted in the dismissal of the patent at issue.

LORI G. BAER, 37

Partner at Atlanta's Alston & Bird

Lori G. Baer represents defendants in medical malpractice and products liability litigation--specifically products litigation involving medical devices and prescription drugs. She has earned a reputation for using creative approaches to explain to lay jurors complex, hard-to-understand, technical evidence. She has written and lectured extensively on the use of technology in courtroom presentations of complex medical, scientific and other catastrophic injury cases. During her career, Baer has tried more than 40 cases to verdict. She has never lost a case on liability. This record has not been amassed by taking only easy, slam-dunk cases. Indeed, Baer frequently tries and wins seemingly impossible cases. In the typical Baer trial, the plaintiff has sustained a catastrophic injury and the damage claim is in the multiple millions. Baer has had two wins on The National Law Journal's top defense wins nationally; several other wins have been leading contenders for the list. Baer served as regional counsel for spinal device manufacturer Medtronic Sofamor Danek Inc. in the orthopedic bone screw litigation and was responsible for the development and coordination of much of the trial technology and demonstrative evidence nationally for that client. Baer also served as regional counsel for one of the defendants in the fen-phen litigation and is currently involved in several mass tort actions, including those involving PPA/Ephedra and Thimerosal.

ANN BEESON, 38

Staff counsel at the American Civil Liberties Union's national legal department in New York
Ann Beeson, the litigation director of the ACLU's technology and liberty program, has become a key player in the litigation over the protection of civil liberties in cyberspace. Beeson is currently lead counsel in *Ashcroft v. ACLU*, the challenge to the Child Online Protection Act, where she won court rejection of congressional attempts to impose criminal sanctions on protected Internet speech. In November, she argued the case before the U.S. Supreme Court. The Supreme Court remanded the case back to the 3d U.S. Circuit Court of Appeals, but left in place the lower court-ordered injunction stopping enforcement of the law. Beeson was counsel in the ACLU's

successful challenge to the Communications Decency Act, the first federal Internet censorship law, and won a landmark 1997 Supreme Court decision affirming free speech rights in cyberspace. She also represents libraries, patrons and Web sites in litigation to invalidate the Children's Internet Protection Act. In May, she won a ruling by a federal court in Philadelphia that struck down the law. Beyond litigation in federal courts, she has successfully handled numerous censorship cases at the state and local level nationwide. She has won court decisions in three states challenging state laws criminalizing online indecency. Beeson has also fought censorship at schools, universities and public libraries. Before coming to the ACLU, she worked for Human Rights Watch, where she documented threats to free expression in Albania.

THOMAS P. BRANIGAN, 38

Partner at Detroit's Bowman and Brooke

The top young litigator at a firm nationally known for products liability defense work, Thomas P. Branigan has tried cases across the United States, primarily products liability actions representing automobile manufacturers, including General Motors and Ford. Branigan has defended cases involving air bags, seats, roof strength, rollovers, fires, seat belts and general crashworthiness. In his career, Branigan has tried 26 cases to jury verdict and lost only three. The largest loss was for \$3.75 million. One of his biggest wins came in Macomb County, Mich., three years ago in a products action against General Motors where the plaintiff, who had been rendered paraplegic in a highway accident, was seeking \$8 million in damages. The jury returned a defense verdict for GM. His most recent trial win came in another defense for GM, this time in Columbus, Ohio; the plaintiff was seeking \$5 million, but the jury rejected the claim. Branigan is scheduled to go to trial this fall in Belleville, Ill., in a massive class action against GM, where the plaintiffs are seeking \$7 billion. The claim involves allegations of defects in GM seat belt buckles, and the opposing counsel is Bruce Cook, considered the top plaintiffs' attorney in Illinois outside Chicago. Branigan is lead counsel on liability; Chicago's Kirkland & Ellis is co-counsel for the litigation.

CYNTHIA B. CHAPMAN, 37

Partner at Houston's Caddell & Chapman

Cynthia B. Chapman is a plaintiffs' attorney who is involved in a wide variety of major litigation. Chapman, who is considered a whiz at handling cross-border litigation, has been taking the lead in handling the forum non conveniens and other jurisdiction issues on more than 30 foreign products liability cases over deaths and injuries in Venezuela brought against Ford Motor Co. and Firestone. In May, she had a significant victory when a Texas court ruled that all the cases will be tried in Texas state court. In another cross-border action, which brought one of her biggest victories, Chapman defeated several pretrial dismissal motions brought by an American company sued in the United States by plaintiffs injured in Mexico. The defendant sought to dismiss the case on jurisdictional grounds; Chapman's work in gaining rejections of the defense petitions at the appellate and Texas Supreme Court levels were considered as providing a landmark extension of the rights of foreign workers to sue U.S. corporations with cross-border operations. That case ended in a \$30 million settlement. Using the same methods, Chapman and partner Michael Caddell recently won a substantial settlement with Bell Helicopter. Chapman is also one of the lead attorneys for the franchisee-plaintiffs in the recent settlement of a breach-of-contract class action against Little Caesar's Enterprises. She also represented the plaintiffs, along with Caddell, in the unsuccessful civil litigation brought over the Branch Davidian debacle.

WILLIAM P. DISALVATORE, 36

Partner in the New York office of Boston's Hale and Dorr

William P. DiSalvatore is an intellectual property and commercial litigation specialist who represents clients in a variety of technology-related industries, including biotechnology, pharmaceutical, biomedical and telecommunications. In recent matters, DiSalvatore served as lead counsel in patent litigations relating to genetically modified plants; litigated patent and trade-secret disputes involving protein engineering and antibody evolution; and represented clients in strategic licensing of chemical processes for the manufacturer of AIDS pharmaceuticals. He also directed the acquisition of rights related to electronic digital switching for long-distance service. DiSalvatore is a leading strategist for corporations in dealing with foreign trade restrictions. He was recently retained, for example, by two biotechnology firms to develop their litigation strategy in dealing with China over that nation's proposed trade restrictions on soybeans.

STEVEN E. FINEMAN, 39

Partner in the New York office of Lief, Cabraser, Heimann & Bernstein

Steven E. Fineman has been partner in charge of the New York office of this dominant class action plaintiffs' firm and was recently named managing partner of the firm. Fineman has been a leading player in many of the largest mass torts actions nationally, including tobacco, guns and environmental claims. He is also lead counsel in an Employee Retirement Income Security Act (ERISA) and fraud action filed in Florida on behalf of Prudential pension plan members and represented three Japanese financial institutions in securities fraud and RICO actions against Republic New York Corp., which resulted in settlements of about \$50 million. In the tobacco litigation by the states, Fineman was one of the special assistant attorneys general for the commonwealth of Massachusetts; he was also counsel in similar cases for Maine, New Hampshire and Rhode Island. He is currently the court-appointed plaintiffs' liaison counsel for the proposed federal class action in New York against the tobacco industry

on behalf of smokers with personal injuries. He is plaintiffs' liaison counsel and on the plaintiffs' steering committee in the multidistrict litigation over the diabetes drug Rezulin, pending in New York; he also represents individual plaintiffs in personal injury actions over Rezulin. For several years, he has supervised Lieff Cabraser's work on fen-phen litigation. On the environmental front, Fineman has been involved in a series of class actions over the past few years. He's one of the plaintiffs' attorneys connected to the Waterkeeper Alliance, the anti-pollution group headed by Robert F. Kennedy Jr. Recently Fineman was a lead plaintiffs' counsel in the Toms River, N.J., settlement on behalf of 69 families who accused chemical companies of causing cancer in their children. Fineman is also a lead attorney for the city of Camden, N.J., in litigation against gun makers and distributors and is co-lead counsel for the city of Milwaukee in its lead paint litigation.

PAUL J. GELLER, 34

Partner at Boca Raton, Fla.'s Cauley Geller Bowman & Coates

Paul J. Geller is a plaintiffs' lawyer in securities class action and other mass tort litigation. He began his career working for megafirms Steel Hector & Davis of Miami and Proskauer Rose of New York, defending corporate clients in commercial litigation, including class actions. But in 1996, he switched to the plaintiffs' side, ending up three years ago as a founding partner of Cauley Geller, which swiftly became one of the nation's most active class action firms. Geller and his firm have been retained by a number of institutional investors in numerous securities actions, and he's lead or co-lead counsel in several significant cases. He was one of the lead plaintiffs' attorneys in the class action against American Family Publishers, which settled recently for more than \$32 million. He is one of the lead plaintiffs' counsel in litigation over the allegedly improper valuation of the price of shares in the Van Kampen Prime Rate Income Trust mutual fund. Geller was also a lead counsel for the plaintiffs in the consumer credit card class action filed against Advanta, which ended in an \$11 million settlement, and sole lead counsel for shareholders of Intermedia Corp. in their litigation over the buyout of Intermedia by Worldcom Inc. In June, his firm was appointed as one of the lead counsels for the plaintiffs in the NewPower Holdings Inc. class action, a part of the Enron litigation.

DANIEL J. GERBER, 39

Partner at Orlando, Fla.'s Rumberger, Kirk & Caldwell

Daniel J. Gerber handles complex litigation in products liability, toxic torts and governmental affairs. He represents chemical, pesticide and pharmaceutical manufacturers in chemical injury claims. He also defends auto manufacturers in products litigation, including General Motors in fire cases. Gerber is considered an ace in tackling cases other defense attorneys consider impossible to win. In one trial representing Sears Roebuck and Co., for instance, a couple claimed severe poisoning caused by exposure to a Sears termite and pest-control product. The plaintiffs appeared in court each day wearing full-body hazardous materials suits, but despite this appearance the jury rejected the claim. In April, he won another toxic exposure trial, this time for TruGreen Chem Lawn Co. The plaintiff alleged that he sustained brain damage from exposure to a product called Dursban, but the jury rejected the claim. In the cases taken to verdict, he has won about three-fourths. One big loss came in 1998 while representing, with partner William Kirk, General Motors in a fire case. That jury hit his client with a \$33 million verdict; the judgment is on appeal.

He has also been heavily involved in voting rights litigation and has been a leading litigator for the Republican Party in the state of Florida for years. A decade ago, Gerber won a fight for the party in keeping Ku Klux Klan member David Duke off the Republican primary ballot. Gerber was also a key player in winning reapportionment battles in court for the party; his litigation representing the Republicans and other citizens won reapportionment of districts in Florida enabling the party to take control of the state's senate, house and delegation to Congress. He also participated in the Bush-Cheney campaign during the 2000 Florida ballot dispute as counsel in Orange County in litigation over the counting of overseas military ballots. Gerber is scheduled to go to trial next in October defending a manufacturer of dietary supplements in a claim the product caused the plaintiff to have a stroke.

TIMOTHY J. HEAPHY, 37

Assistant United States attorney for the District of Columbia

Timothy J. Heaphy is a member of the D.C. office's Organized Crime and Narcotics Section and is currently lead prosecutor in a RICO conspiracy case in the District of Columbia, where the United States is seeking the death penalty against two of the six defendants. During the past three years, Heaphy has supervised an investigation conducted by an FBI Safe Streets task force that ultimately resulted in a 158-count indictment charging 17 defendants with multiple murders and drug-trafficking violations. The trial is the offshoot of that investigation. Heaphy began his career as an associate with San Francisco's Morrison & Foerster, after a stint as law clerk at the D.C. Circuit. Since joining the U.S. attorney's office in April 1994, Heaphy has served in the appellate division and the misdemeanor, general felony and economic crimes sections. He has conducted 55 felony jury trials and has lost only three. One of his biggest wins as a prosecutor came in 1999 with the convictions of two defendants accused in a highly publicized triple murder in Washington, D.C. Heaphy supervised the investigation and represented the government at trial; both defendants were sentenced to consecutive life terms in prison. Heaphy has also argued about 15 criminal appeals.

MICHAEL C. HEFTER, 36

Partner at New York's Dewey Ballantine

Michael C. Hefter is a specialist in complex commercial litigation, representing a wide variety of Fortune 500 clients. Hefter was one of the lead trial attorneys in an action brought by Empire Blue Cross and Blue Shield against the tobacco industry seeking recovery of funds spent on medical care for smokers. The trial ended in a \$17.8 million jury verdict in 2001 in favor of Empire--the first time that a third-party payer of medical expenses had prevailed against the tobacco industry. The case is currently on appeal; following the trial, the court awarded Dewey Ballantine \$38 million in attorney fees. Hefter also recently won a summary judgment dismissing a breach-of-fiduciary duty and negligence action against Chase Manhattan. Hefter also handled the appeal; the dismissal was affirmed. Hefter was significantly involved in representing the Swiss Bank Corp. in litigation arising from torture claims brought against the estate of former Philippines dictator Ferdinand Marcos. He has also been involved in litigation arising out of several mergers, representing Walt Disney following its acquisition of ABC, Lockheed Martin in its acquisition of Loral and New England Mutual Life Insurance Co. in litigation following its acquisition by Metropolitan Life Insurance Co. He is currently representing PG&E Corp., in connection with PG&E's efforts to emerge from bankruptcy; he is taking a lead role representing the company before the Federal Energy Regulatory Commission.

JEFFREY J. KROLL, 38

Partner at Chicago's Clifford Law Offices

Jeffrey J. Kroll may be the leader of the next generation of plaintiffs' attorneys in the Chicago area--a location known for its top plaintiffs' attorneys. Kroll has won trials in a wide variety of actions, from truck accidents to medical malpractice, premises liability, automobile negligence and products liability. The wins include numerous multimillion-dollar verdicts, including record-setting awards in four counties in Illinois and South Carolina. These record verdicts include a \$7 million wrongful death verdict in South Carolina and the top noneconomic award in Lake County, Ill.: \$2.45 million for an unemployed client who sustained a knee injury. One of his more interesting wins came three years ago. The total award in this wrongful death, personal injury case was \$2.58 million--\$1.08 million went to the best friend of the woman killed in the accident; she was minimally injured physically, but claimed psychological damage caused by watching her best friend die. Another big win came in a settlement in Dallas for \$15 million to an insurance adjuster who sustained severe electrical burns while investigating property damage claims at an auto dealership. Overall, Kroll has had more than 30 settlements of seven or eight figures. During the first six months of 2002, he has negotiated settlements of more than \$25 million, including a \$10 million settlement in a medical malpractice/brain damage case and \$6.85 million for orthopedic injuries from a motor vehicle collision.

JOHN P. LAVELLE, 39

Partner at Philadelphia's Ballard Spahr Andrews & Ingersoll

John P. Lavelle specializes in medical device and pharmaceutical products liability, class actions, complex commercial litigation and mass torts. When he joined Ballard Spahr earlier this year, it was considered a major coup for the firm. He is expected to promote the firm's growth in products and class action litigation. Lavelle is one of the lead products liability defense attorneys for the medical device maker Medtronic Inc; last year, he won a significant victory for the company in an action over an alleged defect in a spinal cord stimulator. Based on information uncovered by Lavelle during discovery, the court dismissed the case twice, the last time with prejudice, finding the experts were promoting junk science. Another big win was for homeowners against the Pennsylvania Power & Light Co., when the state Public Utility Commission agreed with his clients that the utility did not have the right to condemn properties. Lavelle has also served as a special master appointed by the federal court in the Eastern District of Pennsylvania to determine appropriate relief for copyright infringement in Allen Myland Inc. v. International Business Machines Corp.

ERIC J. MARANDETT, 36

Partner at Boston's Choate, Hall & Stewart

Eric J. Marandett's practice focuses principally on intellectual property litigation, including patent infringement, licensing, copyright, trademark and trade-secret disputes. But he also handles litigation representing hospitals, physicians' groups and other health care entities in responding to federal investigations of fraud charges. Marandett is involved in some of the most prominent patent infringement lawsuits ongoing nationally. He is counsel for Japan's pharmaceutical company, Esai Co. Ltd., and two of its divisions in the massive patent infringement action brought against 11 major pharmaceutical companies by Housey Pharmaceuticals, charging infringement on patents covering cell-based screening assays. He represents the plaintiff GSI Lumonics Corp. in a patent infringement action in Michigan involving laser-marking technology. He was co-counsel defending Transkaryotic Therapies Inc. and Hoechst Marion Roussel Inc. in the patent infringement lawsuit filed by Amgen Inc. involving Amgen's patented gene-activated erythropoietin product; the drug, used to stimulate the production of red blood cells, has an estimated \$4 billion in sales per year. Amgen won the bench trial; the defense has appealed. Marandett is also trial and appellate counsel for Powerscreen in its defense of a patent infringement action involving earth-screening devices used at construction sites. He is one of three Choate partners representing Genetics Institute in its patent and breach-of-contract claim relating to its development of

recombinant Factor VIII. He also represents Microsoft Corp. in matters involving copyright and trademark infringement and software piracy.

DAVID O. MARKUS, 29

Partner at Miami's Markus, Hirsch & Markus

David O. Markus is a criminal defense attorney who is considered by some observers in Florida as a reincarnation of old-time great criminal defense lawyers. Markus began his career as an associate at Washington, D.C.'s Williams & Connolly, but quickly moved out of private practice and became an assistant federal defender in Miami. One of his most interesting wins came this spring in gaining a mistrial for a client based on his claim that the federal jury pool in Miami was biased because the selections for the pool were not based randomly, but by the alphabet. Markus claimed his client, a black man, could not get a fair trial because all jurors were selected from segments of the community containing too many jurors whose names started with the letter G, which meant a disproportionate number were Hispanic. In one recent high-profile case, Markus represented the founder of the Phoenix Financial Group in the criminal case that ended in his client pleading guilty to fraud. He also represented Turkish Muslim Hakki Cemal Aksoy, in a prosecution in Florida on weapons and false documents charges.

CRAIG C. MARTIN, 39

Partner at Chicago's Jenner & Block

Craig C. Martin is a trial and appellate litigator in state and federal courts across the country in a variety of areas, including attorney discipline and malpractice, civil and criminal antitrust, civil racketeering, civil rights, contracts, employment, environmental, products liability, shareholder class action and mass tort litigation. Martin has served as lead counsel in complex and employment commercial cases for numerous clients. As lead counsel for General Dynamics in a putative class action alleging ERISA violations, he first won dismissal of the plaintiffs' claim, then affirmation of the dismissal on appeal. As lead trial counsel for General Dynamics in 89 actions filed by retired employees charging breach of fiduciary duty and misrepresentation regarding retirement practices, Martin won 17 of the 19 test cases tried on certain liability issues; the case settled soon after. As lead counsel for Sara Lee in a fraud case brought by several turkey growers arising out of Sara Lee's decision to end turkey production in Michigan, he convinced the district court to dismiss the case with prejudice. Martin has also conducted trials in noncommercial disputes; a major victory came when he was lead trial counsel for the engineer of a freight train that had collided with an automobile. The jury found no liability and rejected the injured plaintiff's claim. He also has significant experience in pro bono litigation. In a major cause celebre in the Chicago area, Martin was lead pro bono trial counsel for a 22-year-old mother of five who was accused of scalding her 4-month-old daughter with hot water and leaving her to die. The defendant pleaded guilty, and Martin won the death penalty phase of the trial: The court found that the murder did not meet the brutal and heinous criteria called for by Illinois law.

ROBERT MILNE, 38

Partner at New York's Dewey Ballantine

Robert Milne handles complex commercial litigation in the areas of antitrust, products liability, environmental law and insurance disputes. Since 1993, Milne has served as one of the principal attorneys for Novartis Pharmaceuticals and its predecessor Ciba-Geigy Corp., in the brand-name prescription drugs antitrust litigation. All but four of the original manufacturer defendants had settled with federal class plaintiffs before trial for more than \$700 million. Milne's work was a key reason that the remaining defendants won a directed verdict rejecting the federal plaintiffs' claims as a matter of law. Milne also represents Geneva Pharmaceuticals in a variety of antitrust matters, including *In re Terazosin Hydrochloride Antitrust Litigation*, which involves antitrust challenges to a patent settlement and is currently pending in the Southern District of Florida. This year, Milne won a major appellate decision that New York law prohibited an antitrust class action in this challenge. Milne also represents Red Line Healthcare Corp. in products liability and insurance litigation relating to exposure to latex gloves.

EILEEN PENNER, 39

Partner in the Washington, D.C., office of Chicago's Mayer, Brown, Rowe & Maw

Eileen Penner is an appellate attorney who has prevailed in every case she has ever argued in private practice. She also won every case she argued in the federal courts of appeals while an attorney in the Civil Rights Division of the Department of Justice. Penner began her career as a clerk for Judge Dorothy W. Nelson in the 9th Circuit, then came to the Justice Department in 1989, first as a trial attorney for the Housing and Civil Enforcement Section of the Civil Rights Division. Then, in 1994, she began working as an appellate counsel in the Civil Rights Division. Penner joined Mayer Brown in 1996 and argued her first case before the U.S. Supreme Court while still an associate. In a firm noted for its appellate practice, Penner is a rising star, with reported decisions (all wins) in the U.S. Supreme Court and the 1st, 3d, 7th and 11th circuits. In *Hohn v. United States*, Penner represented a federal prisoner before the Supreme Court, arguing that a lower court erred in denying him a certificate of appealability; the Supreme Court agreed by a 5-4 vote, reversing a lower-court decision on the scope of appellate rights under the Anti-Terrorism and Effective Death Penalty Act of 1996. During the University of Michigan's ongoing battle over affirmative action, Penner wrote the amicus brief for General Motors (requested by the university), which proffered the novel position that affirmative action, by creating diversity, is essential to big business in a global economy. The 6th Circuit upheld the affirmative action policy in May; the case will be going to

the Supreme Court. In 2000, Penner won a decision in the 3d Circuit upholding the right of General Motors to exercise the right of first refusal to stop the sale of a dealership; the decision reversed a \$3.5 million verdict against GM.

KATHLEEN ROACH, 39

Partner at Chicago's Sidley Austin Brown & Wood

Kathleen Roach's commercial litigation practice concentrates on securities fraud, business torts, trade secret and contract litigation. Roach has been a key player in several notable lawsuits. She was instrumental in the post-verdict stage for Entergy Corp., after it was hit with a \$346 million verdict in a breach-of-contract action tried in New Orleans. Roach's post-trial motion argued that the evidence was insufficient to support the verdict. The court agreed and erased the entire verdict, granting a JNOV to Entergy. Roach was a lead trial counsel for the plaintiffs, subsidiaries of United States Cellular Corp., in a breach-of-contract, breach-of-fiduciary-duty case, winning a \$35 million verdict. The verdict was subsequently affirmed on appeal; she also argued the appeal. Roach represented GE Medical Systems in its recent successful challenge to the Cook County, Ill., decision to award a lucrative contract to one of its competitors; GE sued the county commissioners and the competitor, charging bidding irregularities. Following a three-week trial, GE won an injunction stopping performance of the contract. The county then terminated the \$49 million contract and awarded it to GE Medical. In another contract/bidding case, Roach is representing DMS Pharmaceutical Group Inc. in its ongoing litigation against Cook County over allegations that it was illegally cut out of the bidding process for a contract. For her work in a recent landmark racial discrimination case, Roach won the 2002 Equal Justice Award of the Legal Assistance Foundation of Chicago. Roach represented the agency and individual testers who had attempted to apply for entry-level positions. The black testers filed discrimination charges; the lawsuit was dismissed, then reinstated, but the agency and the testers were sued for fraud. Roach obtained dismissals.

PETER J.M. ROMARY, 31

Partner at Tanner & Romary of Greenville and Clayton, N.C.

Peter J.M. Romary has both a civil and criminal trial practice. In his civil practice, Romary handles wrongful death, personal injury, workers' compensation and business and commercial litigation. But he is best known for his work in pro bono litigation. During his short career, Romary has represented on a pro bono basis more than 600 women and children who were victims of domestic violence. His biggest victory came in combining his domestic-violence expertise with his trial skills, representing the estate of a woman who was killed by her former boyfriend. Romary sued the convicted murderer in order to prevent him from profiting from the crime through a possible book deal. In 1998, a North Carolina jury awarded Romary's client \$525 million--the largest wrongful-death verdict in North Carolina history. Romary also won a \$1.2 million consent judgment against a wife beater. For his efforts in this sphere, in 2001, Romary won the Frank Carrington Champion of Civil Justice Award of the National Center for Victims of Crime and in 1999 was given the Outstanding Pro-Bono Attorney of the Year Award by the North Carolina Bar Association. Overall, Romary has had several hundred bench and jury trials.

LEE RUBIN, 39

Partner in the Washington, D.C., office of Chicago's Mayer, Brown, Rowe & Maw

Lee Rubin is a specialist in white-collar criminal defense and securities fraud, with an emphasis on accounting fraud. Rubin was one of the trial lawyers defending Arthur Andersen in the recent prosecution in Houston. Rubin worked on the pretrial internal investigation for Andersen after the accounting firm was implicated in the collapse of Enron, and became a principal trial counsel. While the result was less than favorable for his client, Rubin has a long-held reputation as a stellar litigator, dating back to his days in the Civil Rights Division of the U.S. Department of Justice. While in the division's criminal section, Lee led the federal grand jury investigation and prosecution of deputy U.S. marshals for abuse of prisoners and obstruction of justice. The investigation ended in guilty pleas by several of the officers and jail time for all those convicted. In private practice, Lee represented President Clinton and Hillary Rodham Clinton in the investigations by the Office of the Independent Counsel in 1998. In a high-profile espionage prosecution, Rubin represented Teresa Squillacote, a former Defense Department lawyer who was accused and ultimately convicted, with her husband, of spying for East Germany and the Soviet Union.

KELLY SIEGLER, 38

Assistant district attorney, Harris Co., Texas

Kelly Siegler is known as a giantkiller in Texas, having won high-profile prosecutions against some of the state's best known, and most highly regarded, defense attorneys. Siegler began her career with the prosecutor's office in Houston 16 years ago. Since then, her felony conviction rate at trial is 95%, and the wins include the convictions on major felonies of clients of top-flight defense attorneys Richard DeGuerin, Joe Bailey, Stanley Schneider, Mike DeGuerin and George Parnham. Siegler handles only big cases--she's tried 13 capital murder cases and won death penalty verdicts in 12. Her most recent conviction came in an April murder case tried against noted Texas defense attorney Dan Cogdale. Another recent victory came in 2001, as co-counsel in a murder trial against famed lawyer Racehorse Haynes. The trial, over the death of a 10-month-old girl, ended in a conviction.

CHRISTOPHER SIPES, 37

Partner at Washington, D.C.'s Covington & Burling

Christopher Sipes is a partner in Covington's intellectual property section who has won several recent appellate victories for ExxonMobil and other major oil refiners. The wins include a reversal in 2001 at the Federal Circuit of a decision that had declared two Exxon patents invalid in a patent infringement case against the United States. The Federal Circuit reinstated these patents covering technology for converting natural gas to liquid fuels. Also in 2001, he won a reversal in the Federal Circuit of a district court's judgment that an error during prosecution invalidated an Exxon patent for producing polymers. Sipes also represents major clients in other industries, including Schering-Plough Corp. in patent infringement actions against generic manufacturers who were seeking FDA approval to market generic versions of Schering's K-Dur potassium-supplement products; this litigation resulted in favorable settlements for his client. Other current clients include the state of Connecticut in a class action challenging the state's operation of its Medicaid plan. Sipes also maintains a substantial pro bono litigation practice. For instance, he successfully represented the Center to Prevent Handgun Violence in obtaining documents from the federal Bureau of Alcohol, Tobacco and Firearms, under the Freedom of Information Act, regarding tracking of multiple gun sales.

NATALIE SPEARS, 31

Partner at Sonnenschein Nath & Rosenthal

Natalie Spears represents clients in pretrial, trial and appellate proceedings in state and federal courts nationwide, in intellectual property, media-related claims and commercial contract, business tort and franchise disputes. Spears recently co-chaired the successful defense of a major public marketing company in a multimillion-dollar arbitration proceeding concerning a breach-of-contract, trademark and royalties dispute. After two years of litigation and a lengthy trial in Seattle, the case was decided in favor of her client and with a substantial award of attorney fees. Spears also was part of the Sonnenschein team that won a trademark infringement and dilution lawsuit representing the Big Ten Conference (an association of universities engaged in athletic competition) in a trial in the Eastern District of Michigan. In media-related litigation, she has represented the Tribune Co., Studios USA and NBC in several libel and privacy suits and other publishers and broadcasters in defamation, invasion of privacy, media access and reporters' privileges issues. Last year, she first-chaired the defense of the Chicago Tribune in a trademark infringement lawsuit, winning summary judgment in the trial court and affirmation on appeal. She also recently successfully defended the Tribune in a defamation and false-light lawsuit, in which she not only won motions to dismiss, but the plaintiff wound up paying the Tribune in a settlement.

ALLEN M. STEWART, 38

Partner at Dallas' Baron & Budd

Allen M. Stewart is a plaintiffs' lawyer who has tried cases all across the country. He was a lead counsel in the recently settled mass toxic tort case in Lake Charles, La., representing more than 850 plaintiffs contending that cancer and neuropsychological problems had been caused by a pipeline leak. He is currently lead counsel in a lawsuit in Maine representing cancer victims against two paper and pulp mills over improper waste disposal. In 2001, Stewart won an \$18 million verdict for one plaintiff with asbestosis. But he was on the losing side for one of the biggest defense wins of the year in 2001, when a Golden, Colo., jury rejected his clients' claims that Brush Wellman Inc. was responsible for their developing chronic beryllium disease. So far in his career, Stewart has had more than a dozen verdicts and more than 30 settlements of \$1 million or more; so far this year, he has won more than \$120 million in settlements. Stewart is next scheduled for trial in a products liability/wrongful death of a child case involving the diabetes drug Rezulin. In pro bono litigation, Stewart has represented churches in litigation against pastors or other church officials who have improperly used church assets.

LAWRENCE A. SUTTER, 38

Partner at Cleveland's Sutter, O'Connell, Mannion & Farchione

Lawrence A. Sutter specializes in products liability defense, handling only catastrophic injuries. During his career, Sutter has tried 53 cases in eight states. He has lost seven of the trials; the worst hit was for \$3.2 million. In the early part of his career, Sutter did plaintiffs' work and had won several substantial verdicts, including, at the age of 27, his first million-dollar judgment. During the past few months, he has had a series of wins in high-profile jury trials. In September 2001, he had a defense win for Chrysler in Tennessee in a seat belt case in which the plaintiff was a 4-year-old ventilator-dependent quadriplegic, and the co-defendant was hit with a \$44 million verdict. Last February, he successfully defended Ford Motor Co. in West Virginia in a products claim over the death of a young mother. In March, he had another defense win for Chrysler in a products claim brought by a man who had been rendered quadriplegic; in June, he successfully defended Ford in a wrongful-death case in West Virginia. Sutter has several more high-profile, high-risk defenses scheduled for trial in the next few months. The final trial scheduled, in Cleveland, is over the death of a hospital worker who contracted tuberculosis while handling an autopsy of a patient who died of multidrug resistant TB and AIDS; before his death, the hospital worker exposed both his wife and 13-year-old daughter to TB.

PERRY J. VISCOUNTY, 39

Partner in the Costa Mesa, Calif., office of Latham & Watkins

Perry J. Viscounty, who handles intellectual property, class-action and other complex litigation, is chairman of the litigation department and the intellectual property and technology practice group in his firm's Orange County, Calif., office. Viscounty is a specialist in working on cutting-edge issues in IP litigation. He has been in the lead in developing gray market cases, protecting companies from having their prices undercut by distributors using the Internet to resell in the United States goods sold at lower prices to customers in poorer nations. Through litigation, he successfully stopped the diversion of the clothing company Mossimo Inc.'s products in the United States and several other foreign countries. Viscounty has been heavily involved as well in digital defamation cases, in which companies are subjected to negative postings on Internet bulletin boards. He's represented major companies in dozens of cases, tracking down the posters and suing for libel or violation of unfair-competition regulations. In patent infringement cases, Viscounty represented Allergan Inc. in its international lawsuit over compounds used to treat eye infections, which ended in a substantial settlement for his client. This spring, he won a summary judgment for Ecko Group in a patent-infringement case brought in New York. Viscounty successfully defended Nissan in trademark-infringement case over the slogan Enjoy the Ride, and has represented Office Depot in litigation over the trademark of the company name against a number of alleged infringers and a cybersquatter. Viscounty is also an arbitrator and mediator for the World Intellectual Property Organization and has represented several domain-name registries.

MARIA T. VULLO, 38

Partner at New York's Paul, Weiss, Rifkind, Wharton & Garrison

Over the past few years, Maria T. Vullo has become one of the nation's leading pro bono plaintiffs' attorneys, while maintaining an extensive commercial litigation practice. On the pro bono side, in 2000, Vullo won a \$745 million jury award against Radovan Karadzic over war crimes committed against Bosnian women in the former Yugoslavia. The previous year, she won a \$107 million verdict against anti-abortion activists for individual physicians and health care providers. This award was set aside, but last October, the 9th Circuit granted Vullo's petition for en banc review, then in a stunning reversal, this past May, the 9th Circuit overturned the three-judge panel's decision and affirmed the original jury verdict. On the commercial litigation side, last October, Vullo obtained a dismissal with prejudice of a shareholder class action against her client Wasserstein Perella. [Bruce Wasserstein, the chairman of American Lawyer Media, which owns the NLJ, sold the investment firm to Germany's Dresdner Bank in 2000.] The court denied the plaintiffs' request for leave to replead, agreeing with Vullo that any other action would be contrary to the purpose of the Private Securities Litigation Reform Act. Two years ago, Vullo won a jury trial against Rockwell International in a False Claims Act claim over environmental law violations at the Rocky Flats nuclear weapons facility. She also handled the appeal, and in September, the 10th Circuit affirmed the entire \$4 million judgment. She is currently representing Wasserstein Perella in litigation involving the collapse of HIP-NJ; RAG American Coal Co., in litigation claiming fraud over the sale of a coal company to RAG; Carnival Corp. in a securities class action and grand jury investigation; and Ampco-Pittsburgh Corp. in construction litigation.

CHRISTIE N. WILLIAMS, 34

Partner at Dallas' Mills & Williams

Christie N. Williams is a specialist in complex criminal defense, but also handles some civil litigation in which the claims involve allegations of criminal behavior. Williams began her career as an assistant district attorney in the Dallas County DA's office. During her six years there, she handled more than 100 trials, ranging from routine DWI cases to complex capital murder trials. She rarely lost. At the end of 1999, Williams moved into private practice as a criminal defense attorney with noted Dallas defense counsel Thomas W. Mills Jr. By mid-2000, she became a partner; recently she became a name partner. Her first trial with Mills was a civil trial defending allegations of trade secret theft. The bench trial ended in a take-nothing judgment for her client. But her biggest cases have been in the criminal defense realm. In 2000, she represented the man accused of kidnapping and killing noted atheist Madalyn Murray O'Hair; she won an acquittal on the kidnapping and murder charges, though the defendant was convicted on lesser charges. In 2001, she obtained an acquittal in a 77-count fraud charge against a lab manager who was accused of falsifying lab results sent to the U.S. Air Force. In August, she is scheduled for trial in federal court in Dallas representing a man accused of going to Thailand to have sex with children.

MATTHEW YARBROUGH, 35

Partner in the Dallas office of Washington, D.C.'s Fish & Richardson

Matthew Yarbrough, an intellectual property litigator, heads up his firm's cyberlaw group in Dallas. His practice focuses on Internet regulation, cyberlaw consulting, government investigations and technology-related litigation. Before entering private practice, Yarbrough was an assistant U.S. attorney for the Northern District of Texas, where he established the Cybercrimes Task Force and pioneered the prosecution of cybercrime and online fraud. While an assistant U.S. attorney, Yarbrough led the prosecution of an organization called globalHell, a band of computer hackers who would hack into a company's Web site, then extort protection money from the victims. He was lead prosecutor as well in Operation Seek and Keep, in which he brought down the largest alien-smuggling operation in U.S. history. Yarbrough was also lead prosecutor in the Tejas case, one of the largest-ever theft-of-trade-secrets cases brought under the federal Economic Espionage Act. More recently, in private practice, Yarbrough defended a Tyson Foods employee indicted as part of an alleged conspiracy to smuggle in illegal

aliens; following his opening statement, the government moved to dismiss the case. He also teaches clients how to protect against computer hackers and how to bring their computer systems and policies into compliance with new privacy regulations. He was recently appointed an advisor to the Texas attorney general on Internet matters, overseeing the creation of Texas' Internet Bureau, which will handle issues concerning electronic commerce, privacy and cybercrimes.

KATHLEEN A. BEHAN, 39

Mixing pro bono and commercial cases

WHEN KATHLEEN A. BEHAN was still in law school, she became involved in assisting Columbia Law School Professor James Liebman in his appellate efforts to overturn death penalty convictions. The work was important and compelling, she says. It was also influential in determining the path her career would take.

In law school, I was looking for a job as a death penalty lawyer. I couldn't find one, Behan says. But she did get hired by the American Civil Liberties Union, where she began working in early 1989 as staff counsel on the agency's National Security Litigation Project. She spent the next year mostly brief-writing, then joined Washington, D.C.'s Arnold & Porter as an associate in 1990.

Arnold & Porter had a decades-long reputation of handling major pro bono criminal defense appeals. Its lawyers, for instance, won the 1963 landmark U.S. Supreme Court decision in *Gideon v. Wainwright*. Behan was not drawn solely by the opportunity to work on pro bono matters, she adds. I wanted to do some civil litigation. She began working on a wide range of matters, including white-collar crime, antitrust and constitutional law.

Behan was part of the team that won an acquittal for General Electric Co. in a federal antitrust action in late 1994. She represented the American Red Cross in blood supply-related litigation. She represents Major League Baseball as trial counsel in copyright royalty arbitrations. And Behan was one of the attorneys for fugitive financier Marc Rich in his successful-- and notorious-- campaign to gain a pardon in the waning days of the Clinton administration.

But it is in Behan's commitment to pro bono work that she has made the biggest impact. As soon as I walked into Arnold & Porter I became involved in the Roger Coleman appeal, she says. Coleman was a Virginia man who had been convicted of killing his sister-in-law and sentenced to death.

Soon after Behan signed on, the two attorneys directing the case left the firm, leaving her in charge. Behan represented Coleman in all phases of his second petition for a writ of habeas corpus and his petition for executive clemency. Coleman was executed in May 1992, but it didn't deter Behan from continuing her involvement in death penalty or other pro bono litigation. About 20% of her practice is devoted to pro bono work. She is also co-chairwoman of the Arnold & Porter pro-bono committee and supervises its impact litigation.

Behan represents the American Council of the Blind in its efforts to force the Washington Metropolitan Area Transit Authority to install safety provisions for the blind or visually impaired. She is a lead counsel for the plaintiffs in the litigation against the state of Mississippi seeking to force a modernization of the state's indigent defense system. She is representing a class of mentally ill inmates at the Angola prison in Louisiana alleging violations of their civil rights.

Now a partner, Behan currently represents James Dennis, who was convicted in 1992 in Philadelphia of the murder of a teenage girl in a robbery and sentenced to death. The appeal focuses on the claim that the prosecutor handpicked jurors based on racial identity and stereotypical reasoning. So far, Behan says, I have not had any of my inmates come off death row. I certainly hope it will happen with Dennis.

STEVEN M. COHEN, 39

Gang prosecutions to white-collar defense

STEVEN M. COHEN spent two-and-a-half years at the beginning of his career clerking for two federal judges, first for U.S. District Judge Stanley Sporkin in the District of Columbia. Then, after a six-month interval in the New York regional office of the Securities and Exchange Commission, he served for 18 months as a clerk to Frank X. Altamari of the 2d U.S. Circuit Court of Appeals.

Clerking provides an invaluable education for a litigator, Cohen believes: If you work for a judge, you get a sense of how a court really operates. You get insights from someone who really knows.

In watching other attorneys practice before Sporkin and Altamari, Cohen says he learned that establishing credibility with the court was essential. In addition, he says, I learned that the way you frame an issue often produces the result. There is a tendency to say to the judge, This is a complicated case, your honor. You have to remove that word from your vocabulary. Your job is to say, This is a simple case.

After finishing the second clerkship, Cohen became a federal prosecutor in the office of the U.S. attorney for the Southern District of New York in 1991. Given his time at the SEC and his year as a clerk for Sporkin, the former director of enforcement at the SEC, Cohen had expected to concentrate on securities and other fraud issues. But, he says, I decided I had the rest of my career to deal with securities fraud. Instead, he began handling narcotics cases, then organized crime. He was named acting deputy of the organized crime unit, then became chief of the violent gangs unit.

It was a time, Cohen says, when the U.S. Department of Justice had an initiative to get tough on street crime. It was a relatively new area. I suddenly found myself in an unusual position. Cohen spearheaded the investigation and prosecutions of dozens of New York's most violent street gangs.

The murder rate in New York was frightfully high, about double what it is today, he recalls. A significant amount of this was connected to the gangs. In the Bronx, the murder rate was 30 to 40 a year; half of that was by one single gang, he adds.

At first, federal prosecutors were not considered a likely solution. But Cohen and the original chief of the gang unit, Liz Glazer, began developing ways to use the Racketeer Influenced and Corrupt Organization Act (RICO) to go after the gangs.

There was a lot of unsettled law, he says. It wasn't clear what the court was going to say. Framing the issue was important for court approval of the use of RICO statutes against street gangs, he says. Racketeering laws may have originated as a way of prosecuting traditional organized crime. But, Cohen says, We said there was nothing inherent in the statute that it has to be a Mafia family. It just had to be an association of individuals joined together for a common purpose. The street gangs' purpose was to sell drugs. The murders were furthering or relating to the narcotics activity. Murder becomes a RICO predicate act, murder in the act of racketeering.

The theory didn't meet with immediate acceptance, he says: It took the courts a while to get used to the notion. Judges were concerned that murderers did not belong in federal courts. But the judges pretty quickly understood that these were serious cases and that they couldn't be made in state courts.

Ultimately, says Cohen, We ended up prosecuting hundreds of people and clearing hundreds of murders that were previously unsolved. We didn't just clear this year's murders, but five-, six-, seven-year-old murders. In 1998, Cohen moved on to New York's Kronish Lieb Weiner & Hellman, where he concentrates his practice on white-collar criminal defense and securities litigation. Since entering private practice, he has represented officers and senior managers in the investigations of Xerox, SafetyKleen, Livent and Adelphia. In civil litigation, Cohen is a co-lead counsel representing Napster in the ongoing litigation over music copyrights. In his representation of individuals investigated or accused of crimes, he has frequently persuaded government agencies not to pursue the prosecutions. Thus far, none of his clients has gone to jail.

JOHN M. DESMARAIS, 38

An intellectual property litigation whiz

IN DEVELOPING a trial practice, impatience proved a virtue for intellectual property litigator John M. Desmarais. Desmarais joined the New York intellectual property firm Fish & Neave right out of law school. But after three years, he says, I was becoming concerned that I was not getting enough courtroom training.

Rather than wait for his turn to get into court, Desmarais left Fish & Neave and became an assistant U.S. attorney in the Southern District of New York. He stayed there three years and handled 12 jury trials and one bench trial. He was first chair in all the trials, though for the first three he had a senior assistant U.S. attorney in the courtroom as an observer. After the first three, there was no babysitter.

All the trials involved felonies and included a wide range of alleged crimes, from narcotics, to racketeering, murder, kidnapping, bank robbery and fraud. My second trial was an acquittal, he notes. All the rest were convictions.

When he returned to Fish & Neave, he was at a more senior level. But in the trials, he was second chair.

It was going to stay that way a long time. It would be another 15 years before I could be first chair, he says. When Kirkland & Ellis approached him five years ago to join that firm, he decided to move. He realized, he says, If I go to Kirkland, I can be first chair right now. He is now a partner in the firm's New York office.

The switch, he believes, was the greatest professional decision I ever made. He began gaining more clients and becoming involved as lead counsel in an increasing number of significant patent and trademark disputes. In 1999, he won a jury verdict of \$9.5 million for Lucent Technologies Inc. in a patent-infringement claim against Newbridge Networks Corp. over data-networking patents. He won a summary judgment finding noninfringement on behalf of AlliedSignal in Florida over ground-proximity warning systems installed in aircraft cockpits.

Then in 2001, Desmarais had what's known in professional sports as a career year.

In May, a jury in Virginia awarded his client Infineon Technologies A.G. \$3.5 million in a fraud claim against Rambus Inc. The fraud charge had been a counterclaim by Infineon filed after Rambus had sued the other company for patent infringement on memory chip patents. Earlier, Desmarais had persuaded the court to dismiss all of the Rambus patent claims. Following the jury decision, the court ordered Rambus to pay all of Infineon's attorney fees and entered an injunction against Rambus from suing Infineon again over particular product lines.

In June, Desmarais won a \$1.1 million verdict for Hermes International, the luxury goods retailer, over claims that a rival company had copied Hermes handbag designs.

In December Desmarais won a defense of a patent infringement claim against Verizon, AllTel Corp. and other cellular service providers in a case in which the plaintiff was seeking \$271 million in damages and an injunction. But the jury found no infringement and that the patent at issue was invalid.

In 2001, Desmarais was also part of the Kirkland & Ellis team that won the reversal of a \$63 million judgment against Osram Sylvania Inc.

This spring, continuing his winning streak, Desmarais won the appeal of that \$9.5 million Lucent Technologies verdict. The judge enhanced the verdict and added attorney fees, leaving the current award at \$21 million and counting.

The three-year stint in the U.S. attorney's office was the key to his development as a trial lawyer, Desmarais believes.

I learned how to deal with jurors. I became very familiar with the federal rules of evidence and the application of the rules to trial work, he adds. If you work for a law firm right out of law school it's hard to get contact with the court system. I was in court every day. I would be carrying 100 to 200 cases at any one time. It was like being an intern or a resident at a hospital.

PETER C. GRENIER, 38

A plaintiffs' attorney by accident

PETER C. GRENIER is a plaintiffs' lawyer who has won multiple million-dollar verdicts. But he fell into the plaintiffs' trade by accident.

In late 1994, Grenier was working as a real estate and commercial litigator at Washington, D.C.'s Ginsburg, Feldman & Bress when, as he recalls, a senior tax partner walked into my office and told me his brother had been punched by a garbageman. The partner was looking for a personal injury lawyer for his brother, who wanted to sue the garbage collector. I said I don't do personal injury, but I started calling some friends.

He began asking questions about how to proceed, then determined he could handle the lawsuit himself. But he expanded the reach significantly beyond the garbageman. I stayed up for 14 hours on Westlaw, researching on vicarious liability. I decided I could sue the garbage company.

He tried the case in Montgomery County, Md., in September 1996. I bumbled my way through it and the jury awarded us \$1.5 million. It was the largest verdict in the county that year.

From there it snowballed. Grenier tried to protest that he was not a personal injury lawyer, but, he says, I kept getting more and more calls. In March 1998, he was contacted by the mother of a man who had been killed in December 1997 while working as an undercover informant for the D.C. police. The ensuing lawsuit would become a career maker for Grenier.

The dead man was Eric Butera, a long-time crack addict who had contacted the police with a tip about a triple murder that had occurred at the Georgetown Starbucks coffee shop. Butera had been buying crack when he overheard two men discussing the crime. The police asked Butera to make a buy from a drug house to establish probable cause for a search warrant. In the courtyard, Butera was beaten to death. He had been promised police protection, Grenier says, but the police never came to his rescue. His mother sued the District of Columbia, charging violations of her son's civil rights by exhibiting a deliberate indifference to reasonable efforts to protect him from harm.

The trial ended in a \$98.1 million jury verdict for the plaintiff. It was the largest-ever verdict against the District of Columbia. But the award set off shock waves far beyond the large numbers. Grenier discovered that Johnny St. Valentine Brown Jr., a police drug expert, had falsified his credentials, and he had Brown disqualified as an expert. Since Brown had made identical claims in numerous criminal drug trials, this sent criminal defense attorneys scurrying to request new trials. Brown ultimately pleaded guilty to perjury, Grenier says.

The Butera verdict was reduced significantly, then settled. But the publicity led to more clients. Today, as a name partner at D.C.'s Bode & Grenier, he has 60 to 70 active cases and has had several more significant victories over police agencies, including a \$5 million settlement against a New Jersey police department for the family of a young man who committed suicide while in police custody.

But he has branched out. In 2000, he won the largest-ever verdict in a synthetic stucco case, for \$1.4 million. His next trial represents the estate of a teenager killed by a driver using a cellphone; his client is suing the law firm that hired the driver, claiming she was on company business when she hit the girl.

Grenier also represents the family of teacher Dave Sanders, who was killed during the Columbine school shootings. The family has sued Jefferson County, Colo., individual police officials and the police department, charging that Sanders was left to bleed to death. The suit is in the deposition stage. No trial date has yet been scheduled.

NIALL P. MCCARTHY, 35

A specialist in elder-abuse litigation

NIALL P. MCCARTHY came to the Burlingame, Calif., firm headed by legendary trial lawyer Joseph Cotchett in 1992 because I wanted a place I could try cases early on. The Cotchett firm was a leading force in gaining compensation for investors who lost billions in the collapse of the Lincoln Savings and Loan.

But the firm's attraction went beyond its status. I knew the firm had a great mentoring program and it was one of the rare places I would get to try my own cases and pick my own juries. I knew I'd get a lot of opportunities to succeed, he says.

In his second year, McCarthy became involved in a suit that would eventually lead to his becoming one of the nation's top specialists in elder-abuse litigation. McCarthy does handle elder-abuse litigation involving physical abuse or negligence by a nursing home, but he has become a leader nationally in using litigation to fight financial victimization of the elderly.

That first case involved an 87-year-old man who had been befriended by a 30-year-old woman after his wife had died. In six months, this woman had depleted his bank account. The total loss was about \$500,000. The plaintiff had little hope of recovery, but fortunately she bought a house with the money. He sued and was able to recover \$400,000. That got some publicity and then it snowballed.

He began to pursue more cases involving financial elder abuse. For instance, he won a multimillion-dollar recovery on behalf of senior citizens in an action involving reverse mortgages where he claimed that the insurance company defendants were taking advantage of the seniors.

But many of his cases involve lawsuits over the cheating of specific individuals by acquaintances or relatives. In one recent case, he says, he was representing a woman whose husband had died. A friend put a \$1.5 million lien on her property and siphoned off the money. McCarthy sued the friend, but also went after the real estate and title companies. Ultimately, we got back \$1.4 million.

The individuals who take advantage of seniors are aided by professionals, McCarthy says. The relatives or friends bring the paperwork to the seniors and tell them, Sign this. Once the papers are signed, the estate looters are off and running. But the real estate agent is supposed to see red flags and raise questions. They have a professional responsibility.

McCarthy became a name partner in his firm--now Cotchett, Pitre, Simon & McCarthy--this January. He has also won many substantial verdicts and settlements in other cases, including a \$12.4 million verdict in the collapse of a negligently maintained balcony and a \$14 million judgment against Old Republic Title Co. over charges the company had kept as income millions of dollars in dormant escrow accounts.

But the financial elder-abuse cases are the most satisfying, he says. There truly is no better feeling than when someone comes to you who has lost their entire life savings and a year later you're able to hand back a check for most or all of it. That's the reason I became a lawyer, he says. I love representing the little guy in a fight.

THOMAS J. METHVIN, 39

An innovator in consumer-fraud cases

FOR MANY OF THE litigators on the NLJ's 40Under 40 list, early success was almost predictable. They earned high marks at top law schools and clerked for judges before going on to that first real job. But for plaintiffs' attorney Thomas J. Methvin, the chances of achieving national fame as a litigator were far more remote.

Methvin graduated in 1988 in the middle of his class at Cumberland School of Law in Birmingham, Ala., and no one was clamoring to hire him. I sent out about a thousand resumes and no one gave me a job offer. The lone exception was a small Montgomery, Ala., plaintiffs' firm, Beasley & Wilson. Methvin went to work for the Beasley firm for the princely wage of \$5 an hour.

At the time, the Beasley firm was a small five-attorney shop, led by plaintiffs' attorney Jere Locke Beasley. Beasley had had a few big verdicts by that point, Methvin recalls, but these judgments were nothing compared to what the firm would do in the future.

When I started, there was no office for me, Methvin adds. I had to work out of the library. At the beginning of his career, Methvin did not specialize. In 1992, he says, the firm started getting a lot of predatory-lending cases. His role before trial was to investigate and develop the cases. He began creating theories on why the lenders and insurance companies should be held liable for fraud. Methvin began to develop a specialty in consumer-fraud litigation; ultimately he would become a leading litigator nationally in these cases and would pioneer numerous legal theories that have become commonplace in lender-liability litigation.

Insurance companies and lenders were targeting people in the poor, rural areas of Alabama, he says, and packing insurance products onto loans and pushing the borrowers into refinancing loans. When the borrowers had paid off the interest on a loan, Methvin says, the company wasn't making any money. So the lenders would offer a new loan to the borrower; the borrower might take out a loan for \$500, but with interest would owe \$2,000 to \$3,000.

Methvin began filing numerous cases against lenders for loan flipping. Most of these cases settled, he says. Over time, he says, charges of loan flipping would become a common cause of action.

Finance companies, he adds, would commonly sell unneeded insurance products as part of the loan packages, then have the borrower use a useless object for collateral, so the company could charge higher premiums. Thus, the consumer would go in to borrow \$500, but would actually owe \$1,000.

As he built these consumer-fraud cases, Methvin began building up a roster of big wins. He has been a lead or co-lead counsel in more than a dozen verdicts of \$1 million or more, including a \$581 million verdict in 1999 in a consumer-fraud action against Whirlpool Financial National Bank. Methvin has been involved in 69 cases that have resulted in a verdict or settlement in excess of \$1 million.

Now a name partner at the firm Beasley, Allen, Crow, Methvin, Portis & Miles, Methvin has recently been branching out. He's scheduled for trial next month in Montgomery in a products liability action representing a bottle manufacturer. In September he's due to try a products action against John Deere Tractors on behalf of several loggers. In December, he will be trying a group of asbestos cases in Mississippi, representing 200 clients who are suing multiple defendants. Next February, as co-counsel with Jere Beasley and Johnnie Cochran, Methvin will be involved in the largest environmental case in the country, representing 15,000 plaintiffs who were exposed to PCBs in Anniston, Ala.

None of these may end in a verdict, however. Most of his recent cases settled just before opening statements. The only case that got as far as the presentation of witnesses settled at the beginning of his closing argument.

DIANE P. SULLIVAN, 38

Nationally recognized in mass tort cases

DIANE P. SULLIVAN always intended to be a litigator. I always like competing, she says. In college, she played varsity tennis and intramural basketball. I'm a big sports fanatic, she notes. Litigation was a way of feeding that competitive drive.

As she began her career at Hanocho Weisman in Roseland, N.J., Sullivan moved into products liability and mass tort litigation. I wanted trial work and more of these cases went to trial. So I gravitated to that. She quickly became involved in several hot issues, most notably as a defense attorney in breast implant litigation.

As a young associate in a national products mass tort case, she was trained not only by the more experienced lawyers at her firm, but by accomplished litigators at other firms, including Vaughn Crawford at Phoenix's Snell & Wilmer and Bruce Parker at Baltimore's Venable.

Sullivan became a national trial counsel for Baxter Healthcare in the breast implant litigation and was involved in more than a hundred individual lawsuits across the country. Her success in these cases established her as a nationally recognized specialist in defending pharmaceutical and medical-device companies.

So far in her career, Sullivan has had 18 jury trials and has lost four. Of the 12 trials where she was first chair, she has lost only one. That was her first one as a young associate in a personal injury claim against a drug store. But the defeat was a small one; the verdict was only \$30,000.

Sullivan, who joined Dechert's Princeton, N.J., office in 2001, is part of the firm's national defense team representing GlaxoSmithKline PLC in the Baycol litigation and was recently named as defense liaison counsel in the consolidated New Jersey lead paint litigation brought by more than 20 counties in that state against lead paint defendants.

Sullivan is currently trying the first multidistrict litigation case in the latex-glove litigation in Philadelphia and recently received a favorable ruling when the court decided to limit the opinions of the plaintiffs' core experts.

In June, Sullivan won a major defense in a latex-glove case involving an individual plaintiff, representing Allegiance Healthcare Corp. She was called in just before the trial started. The plaintiff contended that allergies set off by exposure to latex gloves had permanently disabled her. She charged Allegiance with design defects and failure to warn of potential dangers from the gloves. The plaintiff had been one of about 500 included in the multidistrict litigation in the Eastern District of Pennsylvania, but her case had been remanded to Minnesota for trial when the plaintiff's attorneys argued she could die at any time. It was the first latex-glove allergy claim to be tried in a federal court.

One of Sullivan's few losses came in a latex-glove case in California when a jury returned a \$1 million verdict against her client. Sullivan was not first chair in that trial, but she learned a great deal from the loss on how to try future latex cases, as well as other cases involving medical devices or medications. In that case, the defense won on the warnings issue, but lost on design. From that loss, she learned, you have to tweak the story. In this trial, we modified the story and highlighted our strengths.

One of the big themes for the defendant in the latex-glove litigation is the usefulness of the product. Latex gloves are one of the primary defenses against AIDS, she says.

In the early 1990s, she notes, there were glove shortages. We emphasized the company's response to this health crisis. In the Minnesota case, the plaintiff was seeking \$3 million in economic damages and triple that in pain and suffering. But the jury found no defects in the design or warnings and unanimously rejected the claim.

MIKAL C. WATTS, 35

One of the best of any age for plaintiffs

BY THE TIME Mikal C. Watts was 16 years old, he says, I knew what kind of law I wanted to practice and who I wanted to work for. When I was a junior in high school, he recalls, David Perry won a \$100 million verdict against Ford in a Pinto case. Watts decided to be a plaintiffs' attorney and work for Perry, who was one of the top plaintiffs' lawyers in Texas. Perry was the 800-pound gorilla in my part of world, Watts adds.

Right out of law school, after a one-year stint as a clerk for then Texas Supreme Court Chief Justice Thomas R. Phillips, Watts came to work for the firm now known as Perry & Haas.

Perry was an extraordinary mentor, he says. He was a master of pretrial preparation. During his years at the firm, Watts says, he learned that large verdicts or settlements for plaintiffs were solely the result of hard work. A lawsuit is like a house. You have to have a good solid foundation. No level of detail is too small. Watts joined the firm in September 1990 and by December 1991, was named a partner.

But the nature of the practice frustrated Watts.

There weren't that many trials there. That's one of the reasons I left. So he struck out on his own in April 1997 with fellow plaintiffs' lawyer Bryan K. Harris, starting the two-lawyer firm Harris & Watts. In 2001, he left that practice and began another firm, Watts & Heard.

Since leaving the Perry firm, Watts has established a record as one of the most effective plaintiffs' trial attorneys in the United States--of any age. In 1998, he won an \$80 million verdict against Chrysler Corp. In 2000, he won a \$122.57 million verdict against Coastal Corp. In 2001, Watts won nearly \$100 million in judgments, including \$43 million in a claim involving the diabetic medication Rezulin, \$20 million in a bench trial over a breach of contract and \$15.5 million in a products liability claim over a faulty Sulzer Medica hip replacement.

In addition, Watts achieved a settlement, while the jury was deliberating, with Firestone of one of the few Ford-Firestone cases to get to trial; despite confidentiality agreements, it was reported to be \$7.5 million.

So far in his career, he notes, he has had 128 settlements of \$1 million or more, including 90 since leaving the Perry firm.

That first megaverdict against Chrysler in 1998 may have been the most significant. He was representing the estates of a husband and wife who had burned to death following the rollover of a Dodge pickup truck. A Rio Grande, Texas, jury awarded \$80 million and the case later settled. The amount was confidential, but, Watts notes, it was a lot of money. It kind of financed everything. Within months of the settlement, the two-lawyer firm was up to eight attorneys; the newly formed Watts & Heard now has 30 attorneys and offices in five Texas cities. Along the way, Watts has moved away from the patterns established by other plaintiffs' lawyers. Over the last two years I've worked to redirect my practice. I force a lot more cases to trial. He had the first case brought to trial over Rezulin and the first Sulzer Medica hip-replacement case brought to trial. He is also scheduled to try the first plaintiffs' case in the Baycol litigation this fall. Baycol is a cholesterol-reducing drug that is the subject of a growing number of lawsuits by plaintiffs claiming the drug caused deaths and personal injuries.

I very much prefer being the first one to try a case. You have to be very careful not to screw it up, he says. Entire fortunes are invested in these litigations. If I try the first of these cases and lose, I've not only harmed my clients but other lawyers and other clients.

But, he says, the greatest rewards go to the plaintiffs' lawyers who win the first cases in any major piece of litigation.

The guy who takes the first risk gets a great deal more of the cases filed.

ROBERT L. WILKINS, 38

Making waves as a D.C. public defender

WHEN ROBERT L. WILKINS was considering what his first job as a lawyer should be, one of his professors at Harvard Law School, Charles Ogletree Jr., was a critical influence. I had an interest in public service and Ogletree had come through the D.C. public defender service.

The public defender service for the District of Columbia, he notes, was widely recognized as a training ground for top trial and appellate attorneys. Alumni include, besides Ogletree, Michele Roberts, one of Washington, D.C.'s most accomplished trial lawyers, and Dennis Sweet of Jackson, Miss.' Langston, Sweet & Freese, a plaintiffs' attorney who has won numerous multimillion-dollar verdicts.

Wilkins joined the agency in 1990, after spending a year as a clerk for U.S. District Judge Earl Gilliam, now deceased. After six weeks of training, he was given a baptism by fire. Wilkins started in the appellate division and immediately after the training session was completed, he says, A pile of transcripts, a couple thousand pages of paper, was dropped on my desk.

While other young lawyers elsewhere were working on minor civil cases, or misdemeanor defenses or prosecutions, Wilkins was assigned the appeal of a first-degree murder conviction. In 1991, Wilkins won a reversal of the conviction, as the D.C. appellate court decided the trial court erred by not declaring a mistrial. The defendant later entered a no-contest plea to the lesser charge of manslaughter. He was out in a couple of years, Wilkins says.

During his 10 years at the public defender office, Wilkins was attorney of record in more than 12 reported decisions and supervised and assisted with numerous other appeals. He also spent time as a trial lawyer, handling everything from petty shoplifters and blackmailers to defendants accused of multiple homicides, winning more than 80% of the jury trials.

As an appellate lawyer, too, there were some outright successes. I brought the first challenge to the D.C. stalking statute and won, he says. He won a landmark civil rights lawsuit against the Maryland state police over racial profiling. But, overall, most of his appeals were losses, he says. That's the nature of a criminal appellate practice. But they weren't complete losses. Wilkins, for instance, was a lead attorney for the plaintiffs in a class action attempting to enforce a consent decree governing conditions at the District of Columbia's secure juvenile-detention facilities. He tried two contested civil contempt proceedings, leading to one landmark decision to place the detention center school in receivership. This decision was later overturned, but by then, he says, the detention center had put into place the reforms requested.

Throughout his tenure, Wilkins was taking on cutting-edge issues, such as DNA admissibility, grand jury abuse, the scope of expert testimony, equitable relief and vicarious liability. In 1995, he became the chief of the special litigation and programs division, where he coordinated and pushed impact litigation.

As he expected when he joined the agency, the training and experience proved invaluable. I learned...how to deal with jurors as people. I learned how to fight when the judge is against you, the law is against you and the prosecution is against you. He left the agency as a full-time attorney in 1999 and became president of the National African American Museum and Cultural Complex Inc., where he played a key role in the passage of legislation creating funding for the museum. In May, he joined Venable as a partner in Washington, D.C., where he has already begun working on white-collar defense matters, including environmental crimes.

When he left the public defender's office, Wilkins kept one of the cases. He represents plaintiffs in a class action challenging the D.C. Sex Offender Registration Act on constitutional grounds. Our basic argument is that the statute violates procedural due process. Instead of identifying dangerous sex offenders, it labels all sex offenders as dangerous. In September, the U.S. District Court for the District of Columbia agreed and issued an injunction against enforcement of the law. The issue is on appeal.

BETH A. WILKINSON, 39

Acclaimed prosecutor in famous cases

BETH A. WILKINSON had an unusual start for a litigator: She joined the Army after finishing law school. Wilkinson spent her undergraduate years at Princeton University on a four-year ROTC scholarship, and when she graduated from the University of Virginia School of Law in 1987, she still owed the Army four years. She spent that time in the office of the Army's general counsel, rising to the rank of captain. While there, she was involved in special operations and national security, but did no trial work.

Toward the end of her tenure in the Army, she was assigned as a special assistant U.S. attorney in Florida to handle a bank robbery prosecution and two drug cases. And that's when she got hooked. She came back to the Pentagon to finish out her four-year term, then became an assistant U.S. attorney in the Eastern District of New York.

At first, Wilkinson did the run-of-the-mill cases: drugs, immigration, small fraud matters, some bank robbery prosecutions. But when she moved into the narcotics unit, she became involved in the prosecution of a lieutenant of Colombian drug lord Pablo Escobar. The defendant, Dandeny Munoz Mosquera, was charged with RICO and drug law violations and killing U.S. citizens abroad, Wilkinson says. The first trial ended in a hung jury. In 1995, Munoz was convicted on multiple counts in the second trial and received 10 life sentences. Wilkinson was co-lead counsel in the trials, and she, along with the trial's lead counsel, received the U.S. attorney general's highest commendation, the Exceptional Service Award, for this prosecution.

That case was a minor matter compared to her next trials. Wilkinson was one of the lead prosecutors in the trials of Timothy McVeigh and Terry Nichols in the Oklahoma City bombing case. She was responsible for discovery before the trials, the presentation of numerous major witnesses and jury selection; she also handled the forensic evidence and presentation of all major expert witnesses. For the McVeigh trial, she delivered the death penalty summation. For the Nichols trial, she delivered the summations before the conviction and the sentencing. Each of the four primary prosecutors in these trials received the Exceptional Service Award. Wilkinson is the only attorney in history to receive this award twice.

In September 1998, Wilkinson joined the Washington, D.C., office of Latham & Watkins in its white-collar crime group. She has already gained national attention for her work there.

She represented the Salt Lake City Olympic organizing committee in the investigations by the Department of Justice and the Utah attorney general of bribery charges in connection with the award of the 2002 Winter Olympics. The committee was not indicted; all charges were dismissed against the individual defendants. She is representing Ford Motor Co.'s board of directors in the Firestone tire recall matter. She also represents General Electric Co. in consumer class actions.

Her experience as a federal prosecutor left her with definite advantages over other litigators in law firms, she says. I had tried a large number of cases and I had gone against some of the biggest, most talented defense attorneys in the country. As a prosecutor, I learned how to assess a case, its strengths and weaknesses. She also gained experience in handling long trials.

In her biggest case so far in private practice, Wilkinson defended Columbia/HCA in a breach-of-contract claim brought by Florida Software Systems and related entities. The plaintiffs filed two suits, one in federal and one in state court; they sought \$2 billion in the federal action and \$160 million in the other. HCA filed counterclaims for fraud and RICO. The state action went to trial first. As she introduced evidence supporting HCA's contention, she says, the settlement demands from Florida Software kept coming down. Ultimately, she says, they settled for zero and paid us \$1 each on the counterclaims.

What she learned as a prosecutor was integral to winning. We worked hard at streamlining. Having tried a lot of cases, I learned you have to present only the most compelling facts.

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