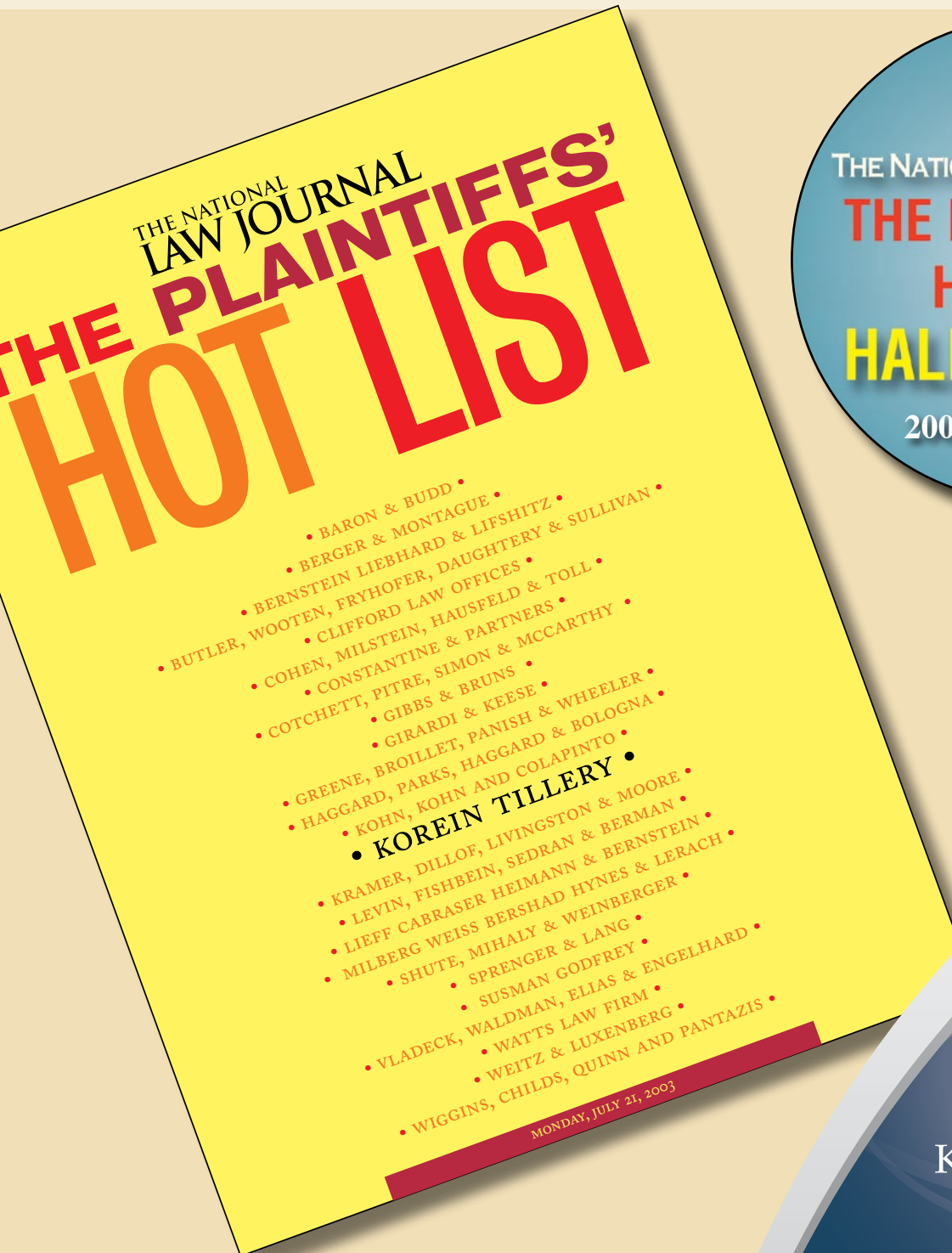


# *The National Law Journal's* Plaintiffs' Hot List 2003

## Twenty-five go-to teams for when the going gets tough



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# Twenty-five go-to teams for when the going gets tough

By David Hechler

STAFF REPORTER

FOR 15 YEARS this newspaper has published an annual section called Winning, which describes the recent triumphs and techniques of a handful of litigators with notable records of trial court achievement.

The section in your hands today represents our extension of that idea to law firms on the plaintiffs' side. This is our pick of 25 litigation firms that seem exemplary—the successor to the Litigation 50 that we introduced last year.

We were looking for firms that you'd want to call if you had a claim.

They had to be plaintiffs' litigation shops—that is, they had to perform at least half of their work for plaintiffs and devote at least half of their resources to litigation.

This left out firms that might have been obvious choices a few years ago, like Boies, Schiller & Flexner, which, these days, devotes much of its time and resources to defense work. Two Houston firms that made the list, Susman Godfrey and Gibbs & Bruns, divide their labors around fifty-fifty. The others seemed comfortably on the plaintiffs' side.

We tried to select firms to cover the major practice areas. We also aimed for geographic diversity, but we didn't choose a firm based on its location if it wasn't at least as qualified as the competition.

We eliminated solo practitioners and shops where one or two lawyers try all of the cases because we wanted a list of firms, not a

## THE PLAINTIFFS' HOT LIST 2003

list of lawyers.

Finally, there was a "hotness" quotient, meaning we paid attention to recent results as well as track records. We had in mind verdicts and settlements, not just filings and headlines. In other words, we were looking for the kind of heat that produces sweat, not sizzle.

The process by which this list was derived was subjective. We didn't try to apply an objective measure, and we don't claim these are the best plaintiffs' firms or the most aggressive or the most successful. Many that aren't here could be. The arbitrary cutoff of 25 required some more or less arbitrary choices.

We sought to cast a wide net by brainstorming internally and by contacting dozens of general counsel and asking for the names of plaintiffs' firms they use and recommend.

We also asked many attorneys, on both the plaintiffs' and defense side, to identify litigation firms that seemed particularly strong to them.

To winnow the list, we consulted Web sites, legal databases, news archives and colleagues around the country. We contacted some firms and requested additional information.

On the pages that follow, you'll find pro-

files of three law firms and thumbnail sketches of 22.

The three treated at greater length were picked because they are established firms located in different parts of the country specializing in different practice areas. These three happen to be from Washington, Dallas and Los Angeles. We could just as easily have focused on three others.

In the short profiles of the other 22, we included with the help of the firms brief descriptions of some of their recent successes. These include settlements, and because some firms settle many of their cases with confidentiality agreements, it was sometimes impossible to report their biggest achievements.


This sampling of litigation firms reveals, not surprisingly, a huge variety in the U.S. plaintiffs' bar.

The firms come in all shapes and sizes. There's the five-lawyer firm in Washington specializing in whistleblower litigation. There's the 40-lawyer Alabama firm branching out from its base in employment litigation. And there's the (at last count) 179-lawyer bicoastal securities class action powerhouse that, like a giant paramecium, is splitting in two.

The thumbnails are by Cleo Cacoulidis, Dee McAree and Andrew Harris. Led by Cacoulidis, McAree, Harris and Gail Diane Cox also did most of the research.

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### 2003 Korein Tillery

A 20-lawyer firm in St. Louis, Korein Tillery earlier this year won a \$10.1 billion judgment against Philip Morris, including \$3 billion in punitives, in the first consumer fraud class action over "light" cigarettes. The firm's specialty practice areas include class actions (consumer fraud and ERISA), mass torts, individual tobacco cases, products liability and medical malpractice. 

## 2003 NOTEWORTHY CASES:

■ ***Sparks v. Lucent Technologies*** (Madison Co., Ill., Cir. Ct. 2002), lead attorney Stephen Tillery. One of the largest class actions in terms of class size, it alleged consumer fraud in the residential telephone leasing programs of Lucent and AT&T Corp. The six-year-long litigation involved three appeals, one of which made it to the Illinois Supreme Court. It settled the week it was to proceed to trial, in August 2002, for \$300 million.



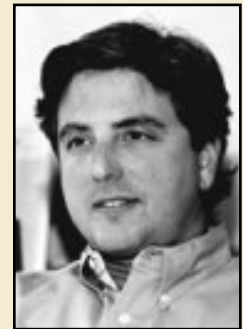
STEPHEN TILLERY

■ ***Esden v. The Retirement Plan of the First National Bank of Boston*** (2d U.S. Circuit Court of Appeals 2000), lead attorneys Steven Katz and Douglas Sprong. The case was the first ERISA class action to challenge successfully cash-balance-type benefit plans. It led the way for a number of later class actions which netted hundreds of millions of dollars for retirees. The case settled for a confidential amount after an appellate court granted summary judgment in favor of the plaintiffs.



DOUGLAS SPRONG

■ ***Malloy v. Ameritech*** (S.D. Ill. 2000), lead attorneys Steven Katz and Douglas Sprong. The firm represented several thousand Ameritech retirees who challenged the way Ameritech benefit plans computed lump-sum distributions. The case settled for more than \$175 million after Korein Tillery won summary judgment on liability.



STEVEN KATZ