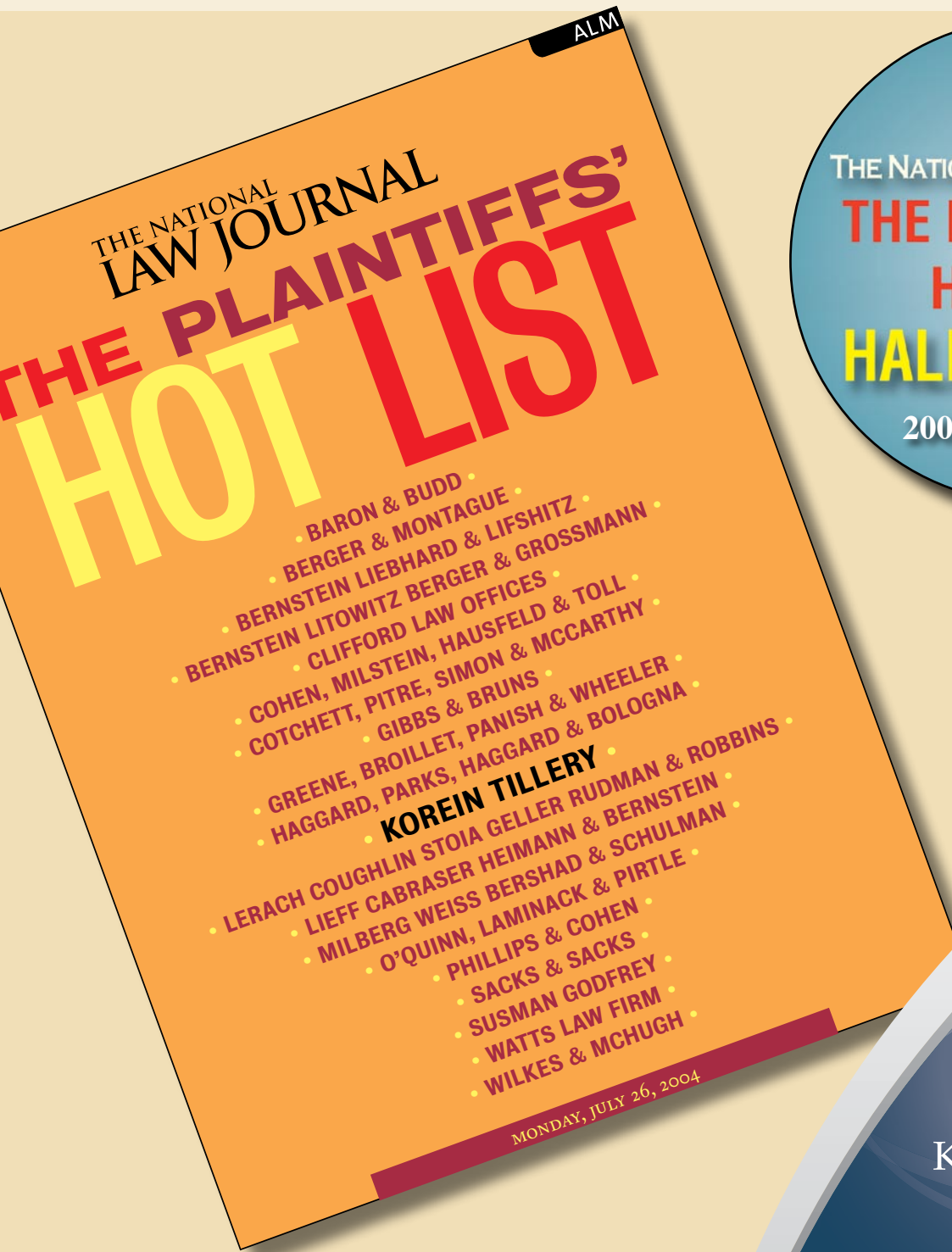


# The National Law Journal's Plaintiffs' Hot List 2004

## Results come before reputation



KOREIN TILLERY

[contact@koreintillery.com](mailto:contact@koreintillery.com)  
[www.koreintillery.com](http://www.koreintillery.com)

# Results come before reputation

By David Hechler

STAFF REPORTER

THIS SECTION CONTAINS *The National Law Journal's* list of plaintiffs' litigation firms that we feel have done exemplary work during the past year.

Though we paid careful attention to recent successes, all the firms chosen have track records that go back years, sometimes decades. But our selections were not based on vaunted reputations, impressive client lists or cases filed. We looked for results.

Each of the 20 firms selected is described in a thumbnail sketch, which includes recent cases. This presented a challenge for some firms, especially those that handle large commercial cases, since so many settle confidentially. Consequently, the cases listed do not always represent the firm's most impressive achievements.

To be eligible for selection, at least half of a firm's work had to be for plaintiffs and at least half had to be litigation. Most of the firms fit comfortably within those bounds. Two Houston firms, Susman Godfrey and Gibbs & Bruns, reported a greater percentage of defense work than the others, but still tilt toward plaintiffs.

We eliminated solo practitioners and very small firms, regardless of their success, simply because our purpose was to recognize the work of law firms, not individual lawyers.

Though some firms also appeared on our first list last year, we tried to begin with a blank slate and judge each nominee de novo. We do not wish to imply, however, that this

## THE PLAINTIFFS' HOT LIST 2004

process was scientific. We did not adopt objective standards against which to measure firms. The selections were subjective, and there are undoubtedly firms as worthy as those we picked. The choice of 20 was also an arbitrary limitation that forced the elimination of firms that otherwise were deserving.

The firms included are a varied group, the largest of which is 135 lawyers. There are class action securities firms, toxic tort specialists, a firm that mostly does automobile cases and one that specializes in representing whistleblowers. They are scattered around the country, though fully a quarter are based in Texas.

It was that geographic quirk that led to one of the three feature stories included in this section: one in which we tried to explain why quality plaintiffs' lawyers seem to be so plentiful in Texas.

Another story was suggested by the splitting of the firm that appeared last year as Milberg Weiss Bershad Hynes & Lerach. We wondered whether one of the two firms it became, or some other firm on our list, was likely to become the new leader prosecuting securities class actions.

Finally, we profiled a Florida firm that specializes in nursing home litigation, pursuing

cases in seven states.

Coincidentally, the three stories share a common theme. Each is a story about change and turmoil. "Tort reform" is forcing changes in nursing home litigation. The Milberg Weiss breakup has shaken up the securities class action field. And several factors, including ubiquitous arbitration clauses and escalating litigation costs, have Texas lawyers worried about the trial lawyer's very survival.

Perhaps it isn't a coincidence after all. Given the central position of tort reform and trial lawyers in a presidential campaign in which the Democrats' presumptive vice presidential candidate is a trial lawyer himself, how could our stories have avoided that theme?

A word about what we are *not* claiming for the selected firms. We do not say they are the most successful or best. We don't know how we would begin to judge which firms are best.

Joe Jamail, who has been dubbed "The King of Torts," recently discussed this topic in his Houston office. The crown was first given to him "tongue in cheek" by Melvin Belli, he said, who had tired of wearing it himself. Then, as a joke, local judges presented him with a literal crown now encased in glass on the conference table in his "war room." The whole notion strikes him as absurd:

"That title to me is tantamount to being elected the fattest horse in the glue factory."

Cleo Cacoulidis wrote the thumbnail sketches of the firms and conducted the research, assisted by Lindsay Fortado.

## 2004 Korein Tillery

**K**orein Tillery's national class action practice comprises insurance claims, securities and consumer fraud, products liability and antitrust. The firm's 18 lawyers also prosecute personal injury claims. Based in St. Louis with Illinois offices in Belleville and Chicago, Korein Tillery is probably best known for its \$10.1 billion judgment in 2003 against Philip Morris in the first consumer class action over "light" cigarettes. **NLJ**

## 2004 NOTEWORTHY CASES:

■ ***Price v. Philip Morris*** (Madison Co., Ill., Cir. Ct. 2003), lead attorney Stephen Tillery. The plaintiffs accused Philip Morris of fraud in marketing Marlboro Lights and Cambridge Lights as safer alternatives to regular cigarettes. The judge awarded the plaintiffs \$10.1 billion.



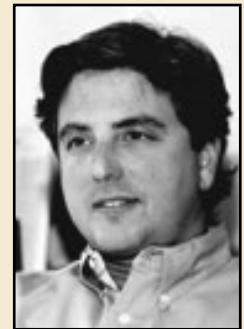
STEPHEN TILLERY

■ ***Berger v. Xerox Corp. Retirement Income Guaranty Plan*** (S.D. Ill. 2004), lead attorneys Douglas Sprong and Steven Katz. Xerox allegedly manipulated pension benefits of former employees. The case settled for \$239 million.



DOUGLAS SPRONG

■ ***McClintock v. BOC Group Cash Balance Retirement Plan*** (S.D. Ill. 2004), lead attorneys Douglas Sprong and Steven Katz. BOC settled for \$69 million after it, too, allegedly manipulated pension benefits of former employees.



STEVEN KATZ