

PLUS: A look inside Aaron Schock's defense. ■ D.C. Litigation Departments of the Year

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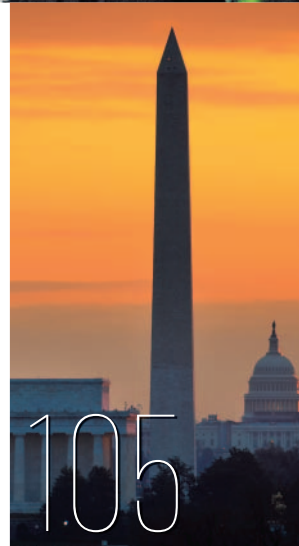
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Products Liability Blockbuster

\$242 Million Verdict Against Toyota



Debbie Dudley Branson | Frank L. Branson

A Dallas jury agreed that seatbacks in a Lexus ES300 were defective and responsible for devastating injuries suffered by two young children in a rear-end collision. The 2018 verdict included a gross negligence finding and \$144 million in punitive damages.

The \$242 million verdict was ranked by *VerdictSearch* as the 3rd largest Products Liability verdict and No. 13 verdict overall in the country.

Benjamin Thomas Reavis and Kristi Carol Reavis et al. v Toyota Motor Sales, USA, Inc.; Toyota Motor Corporation et al., Cause No. DC-16-15296 in the 134th Judicial District in Dallas County.

As a result of this verdict, Frank Branson and his lawyers were named the Products Liability Trial Team of the Year by The National Trial Lawyers.



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editor's note

Trump's Judicial Picks Are Making Their Mark

THE TRUMP ADMINISTRATION, WITH THE HELP OF A Republican-led Senate, has confirmed over three-dozen appellate judges in about two years.

Now, Trump's court picks are already issuing "hot dissents and brow-raising concurrences and staking out stronger positions on social issues than other conservative-appointed judges," Ellis Kim reports in this month's cover story.

Next, we look back at how Trump's legal team navigated the Mueller probe, focusing on the legal strategy they used to avert a Trump sit-down interview with the special counsel. Ellis Kim has the full report.

In our D.C. Litigation Departments of the Year special report, we highlight eight outstanding firms that have excelled in general litigation, labor and employment, intellectual property, insurance, products liability/mass torts and white collar. Three firms secure top general litigation honors, including two firms that landed on top in more than one category. Check out the section to read more stories from these top firms.

Next, in 1 on 1: Conversations with Newsmakers, C. Ryan Barber talks to McGuireWoods partner George Terwilliger III and Aaron Schock for an inside look at the firm's defense of the former U.S. representative, who faced corruption charges in Chicago.

In commentary, Louis Fisher dives into the Mueller report: what it means, and what it doesn't. "The report marks an important but distinctly partial step," Fisher writes. "New information will shed further light on whether Trump and other individuals pursued activities that placed their financial and political ambitions over the national interest and the need to protect our constitutional system."

Please don't hesitate to email me at the address below or reach out on Twitter via @sarahntincher with questions or ideas. Thank you for reading!



Sarah Tincher
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regulatory round-up



Sullivan & Cromwell Associate Takes DOJ Post

A FORMER SULLIVAN & CROMWELL

associate who joined the Trump administration in early 2017 has moved to a front-office position at the U.S. Justice Department as an adviser to the deputy attorney general.

William Hughes, named an associate deputy attorney general in April, joined Main Justice from the Trump White House, where he had been deputy director of administration in the executive office of the president. Hughes had been a Sullivan & Cromwell associate in Washington, D.C., and New York since November 2009.

The Justice Department did not immediately respond to a request for comment about Hughes' front-office portfolio. Several other lawyers at the White House have recently taken key posts in the front office of U.S. Attorney General William Barr.

Hughes is among several former Sullivan & Cromwell lawyers who now hold leadership posts within the Trump administration. Jay Clayton is serving as chairman of the U.S. Securities and Exchange Commission, and Brent McIntosh is the U.S. Treasury general counsel.

Hughes reported earning about \$500,000 in salary at bonus on a financial disclosure he filed in 2017 when he jumped to the White House position. He said on the form that he provided legal services to clients including Barclays Bank PLC, JPMorgan Chase & Co., HSBC Securities USA Inc., and Kraft Food Groups Inc.

His LinkedIn bio touts his "extensive experience representing large institutional clients in complex civil litigation and in connection with DOJ, SEC, CFTC and state Attorneys General investigations." Politico reported Hughes's move to Main Justice on April 23.

In December, Hughes reported selling off financial holdings in the cryptocurrencies Ethereum and Bitcoin, earning between \$2,000 and \$30,000 combined on the sales, according to a transaction report on file at the U.S. Office of Government Ethics. He still holds financial interests



HUGHES HAD BEEN A SULLIVAN & CROMWELL ASSOCIATE IN WASHINGTON, D.C., AND NEW YORK SINCE NOVEMBER 2009.

in cryptocurrencies, according to financial disclosures. McIntosh, formerly co-leader of Sullivan & Cromwell's cybersecurity practice, sold off up to \$30,000 worth of Bitcoin in December 2017, a move that was designed to avoid any potential ethics conflicts while serving as the top in-house lawyer at Treasury.

Hughes joins a team of several other associate deputy attorneys general who will report to Jeffrey Rosen on his confirmation as deputy attorney general on May 11, 2019. Rosen, formerly a Kirkland & Ellis partner now serving as the second-in-charge at the Transportation Department, would succeed Rod Rosenstein.

Other associate deputy attorneys general include Antoinette Bacon, formerly senior litigation counsel in the U.S. attorney's office in Cleveland; David Wetmore, an associate deputy attorney

general since February 2019 and a longtime DOJ litigator who had served as senior counsel to Rosenstein; Bradley Weinsheimer, a Justice Department lawyer for more than 25 years; and Patrick Hovakimian, an associate deputy attorney general since 2018 and former senior counsel to Rachel Brand, the associate attorney general who left last year for a top in-house post at Walmart Inc.

Hughes worked in the George W. Bush administration as a White House planning official, traveling domestically and internationally to help the president prepare for meetings, speeches and events.

Hughes clerked for U.S. District Judge I. Leo Glasser in the Eastern District of New York from 2008 to 2009. The clerkship followed his graduation from the University of Virginia School of Law.

—Mike Scarcella

Facebook Hires State Dept. Adviser as GC

SAMUEL RAMER HAS LEFT THE WHITE

House counsel's office for Norton Rose Fulbright in Washington, D.C., the firm announced April 8, 2019.

Facebook has hired a general counsel to replace longtime legal leader Colin Stretch, more than a year into the social media platform's slew of legal battles over misinformation and data privacy lapses.

Jennifer Newstead will lead the Menlo Park, California-based company's legal team, Facebook announced in a press release April 22. She currently oversees domestic and international legal foreign policy issues and more than 200 lawyers and staff as the legal adviser to the U.S. Department of State, a role she's held since 2017. She was the first woman to hold the position.

"I'm excited to be joining Facebook at an important time and working with such a fantastic team," Newstead said in a press release. "Facebook's products play an important role in societies around the world. I am looking forward to working with the team and outside experts and regulators on a range of legal issues as we seek to uphold our responsibilities and shared values."

Prior to her legal adviser role, she served as partner in Davis, Polk & Wardwell's global practice for more than a decade, where she reported earning a \$1.5 million partnership share between January 2016 and May 2017, according to documents the U.S. Office of Government Ethics. She advised Comcast Corp., IBM Corp. and AstraZeneca.



"FACEBOOK'S PRODUCTS PLAY AN IMPORTANT ROLE IN SOCIETIES AROUND THE WORLD." —JENNIFER NEWSTEAD

Newstead's also a George W. Bush administration veteran. As the principal deputy attorney general in the U.S. Justice Department's Office of Legal Policy, she helped draft the Patriot Act, a counterterrorism law that strengthened

government surveillance powers after the attacks on 9/11. John Yoo, a George W. Bush administration lawyer and now University of California, Berkeley, School of Law professor, described her as the "day-to-day manager of the Patriot Act in Congress," BuzzFeed reported last June.

At Facebook, Newstead replaces nine-year GC Stretch, who hoped to leave the company at the end of 2018, he said in July. Stretch announced he would stay on in November as crisis after crisis hit the company, including allegations that Facebook did not adequately protect consumer data and did not take necessary steps to prevent misinformation from spreading across the platform prior to 2016's U.S. election.

He will stay on through the summer for a transition period. It's not yet clear where he'll head next, though he's previously hinted it's back to a Washington, D.C.-based role where his family is based.

"Jennifer is a seasoned leader whose global perspective and experience will help us fulfill our mission," said Sheryl Sandberg, Facebook's chief operating officer, in a press release. "We are also truly grateful to Colin for his dedicated leadership and wise counsel over the past nine years. He has played a crucial role in some of our most important projects and has created a strong foundation for Jennifer to build upon."

Facebook declined request for additional comment. —Caroline Spiezio

ARNOLD & PORTER SNAGS FORMER FDIC GENERAL COUNSEL



MORE THAN A decade after his last stint in Big Law, **Charles Yi** is leaving his post as general counsel for the Federal Deposit Insurance Corp. and taking his experience in banking

regulation and legislation to the D.C. offices of Arnold & Porter.

Yi will be a partner in the firm's financial services and legislative and public policy teams.

In between leaving Wilmer Cutler Pickering Hale and Dorr in 2007 and taking up his post at the FDIC, Yi was counsel for the U.S. House of Representatives Committee on Financial Services, senior policy adviser on the U.S. Senate Committee on Banking, Housing and Urban Affairs, and deputy assistant secretary for banking and finance for the U.S. Department of the Treasury.

His time in government gave Yi the opportunity to work on two of the biggest pieces of financial legislation in recent history: the creation of the Troubled Asset Relief Program and the crafting of the Dodd-Frank financial reform regulations.

When asked about the timing of the move, Yi said it just happened "to be right." He said he was keenly aware of Arnold & Porter's practice, and when they reached out to him recently the "personal and professional" elements lined up for a shift.

Yi had been at the FDIC for over four years. He had not spent more than two years at any of his previous positions, public sector or private. While he won't be bringing a book of ready business to his new firm, he said that his background in both the legislative and regulatory arenas positions him well to serve Arnold & Porter's current clients and to attract new ones. —Patrick Smith

Inside The Defense of Ex-Rep. Aaron Schock

BY C. RYAN BARBER

IN 2015, AARON SCHOCK THOUGHT HIS resignation from Congress would bring an end to the scrutiny of his spending, reimbursements for travel and a U.S. House office remodeling that drew comparisons to the style of “Downton Abbey.”

It was instead just a beginning. And, as subpoenas for testimony and records made that clear, Schock called McGuireWoods partner George Terwilliger III about taking up his defense.

Four years later, in March 2019, Schock emerged from the closely watched prosecution with the Justice Department dropping its case against him, agreeing to dismiss charges that the Illinois Republican leveraged his congressional office to fund a luxurious lifestyle. As part of the agreement, Schock agreed to pay \$110,000 in restitution and taxes. His campaign committee pleaded guilty to a misdemeanor in a case that was marred by Schock’s allegations of prosecutorial misconduct.

Speaking with *The National Law Journal* about the case, Schock and Terwilliger blamed a media-created “narrative” about the former lawmaker, who attributed his legal troubles to poor back-office bookkeeping and maintains that his office decor had nothing to do with “Downton Abbey.” They spoke of two courts for the highly publicized case: the federal court in Illinois and court of public opinion. And they spoke of a public message that conveyed comfort with the facts of the case.

“We knew and decided very early that the real story, the truth, was our friend in this case,” said Terwilliger, a former deputy U.S. attorney general. Working with Mark Hubbard, a senior vice president in McGuireWoods’ public affairs consulting arm, the defense team developed



AARON SCHOCK

a “message that these are mistakes, but mistakes aren’t crimes,” Terwilliger said.

“That was the result of an exhaustive amount of work up to that point to understand what the facts were and know from that point forward, including through a trial if we had to do it, our story would be exactly the same and that story would be the truth,” he said.

The conversation that follows was edited for length and clarity.

NATIONAL LAW JOURNAL: Aaron, how did you connect with George Terwilliger and McGuireWoods?

AARON SCHOCK: When the subpoenas started flying, the press reported on that. And a former colleague of mine who is a former U.S. attorney suggested to me that, if you’re going to have to deal with this as a criminal matter, then George Terwilliger is someone you should go talk to. This is someone who was a

former U.S. attorney himself, now serving in the Congress. In his estimation, there’s no one better on white-collar law than George Terwilliger. This might show my age, but I didn’t know who George was, probably because George H.W. Bush was president when I was in the fifth grade.

NLJ: How times have changed on that front.

AS: Exactly, I think everybody knows Rod Rosenstein and Sally Yates, right? So honestly I looked him up and I called him, and I said, ‘Look I want to come see you.’ And he said, ‘Well I’m out on my farm. And I said, ‘I’m leaving town, so it’s now or never.’ And I went to his office, sat down with him and one of his associates. After two hours of meeting with him, I walked out of his office and I knew immediately that I needed to hire him. We were simpatico. He got it. I could tell he knew his stuff, I could tell

I was going to like his demeanor. He asked tough questions. And I have said this: if resigning from office was one of the dumbest decisions of my life, hiring George Terwilliger was one of my best.

NLJ: Why do you think your resignation worked against you in this case?

AS: I remember when we were sitting at the desk when I first met [Terwilliger], and we talked for a couple hours. You took off your glasses and you said, 'I have one question for you: Why the hell did you resign?' You basically said to me that your resignation is putting in the mind of this prosecutor that you did something wrong. And you didn't do anything wrong. But this prosecutor is going to be in search for a body.

GEORGE TERWILLIGER: On top of that, in my mind, behind that question is it is so much easier for a prosecutor to



go after an ex-member than a sitting member. The whole sort of cloak and mantle of being an officeholder and the fact of undoing the results of the people's choice for a person to hold office is threatened to be undone by the prosecuting of a sitting member. So it has to be approached very differently by the Department of Justice. When somebody resigns, all of that goes away. It also takes away the option that the case might be further investigated

and resolved in the ethics process of the House, to which the Justice Department as a matter of discretion might defer.

NLJ: George, what was your initial defense strategy?

GT: There's nothing particularly magical about the initial strategy. What we were faced with was a very broad grand jury subpoena for both Aaron's personal appearance before a grand jury, which of course was a non-starter, as well as financial records from three different entities. So the first thing one does in a circumstance like that is try to talk to the prosecutor about limiting the subpoena to some subject matter period of time, some other limitations, and to talk about a rolling production.

What we ran into, talking to the original prosecutor in the case, was a brick wall on trying to deal with all of those

JONATHAN KOLBE

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issues and kind of a myopic insistence that [Schock] will be there. Right from the get-go, we had to face the prospect of engaging in litigation over the enforcement of the subpoena. And the prosecutor was saying things in the context of that early litigation that were a real public relations problem—that Aaron was being defiant in his resistance to lawful orders to produce documents and things like that. That meant we needed PR help early on in the case.

NLJ: You criticized the initial prosecutor's handling of the case, and the government transferred the prosecution to a new team in Chicago. What level of pressure did you exert?

GT: I never asked the Justice Department, never asked anybody, to transfer the case. What I kept telling the DOJ, including at the deputy's office level, was the more this case goes on, the

greater the level of embarrassment that's going to inure to the department because of the way it was handled and being handled. And I kept that message up, not incessantly, but at points along the way, including when the prosecutor was found by the judge to have misled him on a key factual issue that had implications for Aaron's constitutional rights. I did that several times, both when Sally Yates was there and when Rod Rosenstein was the deputy.

NLJ: What difference did it make having the federal prosecutors in Chicago handling the case? And how did you arrive at the deferred prosecution agreement?

GT: The difference in my opinion was between a prosecutor who had no objectivity about the case to prosecutors whose charter and commitment was to take an objective look at the merits

of the case. It's simple as that. We had taken the position from the get-go in this case that there would be either a dismissal or a trial—that no plea was going to be forthcoming. I would not ask somebody who didn't commit a crime to plead guilty to something. But we had in the back of our minds as a team the possibility that, well, maybe the campaign could plead to something. So that idea got broached. And there was discussion back and forth between us and the assistant U.S. attorneys about Aaron making certain factual acknowledgements as part of that process. And that evolved into the deferred prosecution agreement and the plea from the campaign.

C. Ryan Barber, based in Washington, covers government affairs and regulatory compliance. Contact him at cbarber@alm.com. On Twitter: @cryanbarber

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MAKING WAVES

President Donald Trump's judicial picks speak up on key issues

BY ELLIS KIM

TWO YEARS INTO PRESIDENT DONALD TRUMP'S AGGRESSIVE push to reshape the federal judiciary, the administration's judicial picks are making waves on the bench as they issue opinions on the Second Amendment, abortion and LG-BTQ issues.

Settling into what will be lifetime appointments on the federal courts of appeals, Trump's court picks have begun issuing hot dissents and brow-raising concurrences and staking out stronger positions on social issues than other conservative-appointed judges.

The U.S. Supreme Court hears several dozen cases a year, but it's the nation's appellate courts that have the final say on thousands of matters and ultimately shape much of the law. In what has been an area of standout success, Trump's judicial machine has, with the help of a Republican-led Senate, confirmed over three-dozen appellate judges in about two years. That project has given rise to a crop of Trump appointees who have written pronounced opinions in their first months on the bench. Conservatives have taken notice and say these judges—including Amy Coney Barrett on the Seventh Circuit, James Ho on the Fifth Circuit and Amul Thapar on the Sixth Circuit—are emerging as leaders on the appellate courts.

While conservatives see rising stars, alarmed liberals see Trump picks pushing the limits. "It's just become more extreme," said Caroline Fredrickson, president of the liberal American Constitution Society. "They're speaking out in a way that I think is more distinctive than in the past, and delineating positions as lower court judges in a stronger way than has been done."

That rising class of outspoken jurists appears to be a result of the administration's effort to select nominees who have demonstrated, as former White House counsel Donald

McGahn once described it, "courage" in their careers: those who've taken strong, if not unpopular, stances.

Ilya Shapiro, the director of the libertarian Cato Institute's Constitutional Studies Center, describes it as a development on how past administrations have selected nominees, "picking textualists and originalists, not simply picking people who have a loyalty to the Republican party or are more on the right than on the left." And that, he said, translates to strong opinions, "not just a bland technocratic analysis."

The trend has fueled questions of whether Trump's appointees are writing intentionally flashy opinions to audition for future openings on the Supreme Court. The appellate courts often serve as farm teams for the high court, and it's a practice that many liberal and conservative appellate judges—not just Trump appointees—do to stand out from their peers.

Still, Leonard Leo, an executive vice president of the Federalist Society, disagrees. Speaking in his personal capacity as an outside adviser to the White House on judicial nominations, he brushed off the idea that the judges are trying to stand out for future high court openings.

"They're devoted to their craft," Leo said. "I don't think the fact that they might be questioning a certain line of doctrine or providing a road map for the future is their way of auditioning for the Supreme Court. I think it's their way of recognizing there are existing problems with the rule of law and the structural constitution and feel it's their duty to hasten the correction of existing doctrine."

Praveen Fernandes, a vice president at the liberal Constitutional Accountability Center, views some of these Trump nominees as going too far. Some of these provocative opinions "give lie to claims made at confirmation hearings

“ ABSENT EVIDENCE THAT HE ... BEARS INDIVIDUAL MARKERS OF RISK, PERMANENTLY DISQUALIFYING KANTER FROM POSSESSING A GUN VIOLATES THE SECOND AMENDMENT.” —JUDGE AMY CONEY BARRETT

where these nominees have cloaked themselves in judicial modesty, purportedly being hemmed in by the role of a judge to decide only the issues before them and to be guided exclusively by text and precedent,” Fernandes said.

THE DECISIONS

Trump appointees, who occupy a fifth of the federal circuit court seats, have only had enough time on the bench to offer a glimpse into their jurisprudence. But they are asserting themselves in their writings in ways that show they’re unafraid to take on controversial issues.

Ho caught heat during his first days on the U.S. Court of Appeals for the Fifth Circuit after a pair of bold writings on abortion and campaign contribution limits. Lately, he has raised eyebrows for a pair of rulings related to LGBTQ issues.

In February, a Fifth Circuit panel affirmed the dismissal of a job discrimination lawsuit brought by a transgender woman who was born male. The panel, in an opinion Ho wrote, agreed to toss the case, *Wittmer v. Phillips 66 Co.*, on factual grounds.

But Ho wrote separately, in a concurrence that doubled the length of his own majority opinion, to argue that Title VII of the Civil Rights Act of 1964 does not protect against sexual orientation or transgender discrimination. He explained that the original public meaning of “sex” at the time didn’t include sexual orientation or transgender status.

The judge pointed to a view on the Supreme Court that Congress doesn’t “hide elephants in mouseholes.” If lawmakers had intended to prohibit sexual orientation or transgender discrimination under the federal civil rights law, Ho explained,



“surely the most straightforward way to do so would have been to add ‘sexual orientation’ or ‘transgender status’ or ‘gender identity’ to the list of classifications protected under Title VII.”

Ho was also part of a split panel in March that held a Texas policy barring sex reassignment surgery for transgender inmates does not violate the Eighth Amendment. The judge wrote for the majority, relying on the record in a similar First Circuit en banc opinion to stress that there was a

fierce debate about the medical necessity of sex reassignment surgery. “Where, as here, there is robust and substantial good faith disagreement dividing respected members of the expert medical community, there can be no claim under the Eighth Amendment,” Ho wrote.

The opinion drew a rebuke from Judge Rhesa Barksdale, a George H.W. Bush appointee, who used his dissent to lambast the majority for going “far outside the totally lacking summary-judgment record at hand in holding judgment was properly granted.”

Trump’s appointees, including Ho, are also among the most outspoken jurists in decrying what they see as a trend of courts disfavoring the Second Amendment.

In the U.S. Court of Appeals for the Seventh Circuit, Judge Amy Coney Barrett—a Supreme Court shortlister—recently issued a 37-page dissent in a felon dispossession case. The panel held 2-1 in *Kanter v. Barr* that Wisconsin and federal felon dispossession statutes were constitutional as applied to a nonviolent felon who was convicted of mail fraud.

“SURELY THE MOST STRAIGHTFORWARD WAY TO DO SO WOULD HAVE BEEN TO ADD ‘SEXUAL ORIENTATION’ OR ‘TRANSGENDER STATUS’ OR ‘GENDER IDENTITY’ TO THE LIST OF CLASSIFICATIONS ...” —JUDGE JAMES HO

Barrett split with the two Reagan appointees who held the governments’ application of firearm bans to the plaintiff was “substantially related” to their interest in preventing gun violence.

“Absent evidence that he either belongs to a dangerous category or bears individual markers of risk,” Barrett said, “permanently disqualifying Kanter from possessing a gun violates the Second Amendment.” Barrett said the court’s holding treated the amendment as a “second-class right, subject to an entirely different body of rules than the other Bill of Rights.”

Barrett’s take came months after Judge Stephanos Bibas, a Trump appointee to the Third Circuit, dissented from a panel decision that upheld a New Jersey ban on certain large-capacity gun magazines passed in the wake of several mass-shootings.

Bibas’ dissent argued the court should have applied strict, not intermediate scrutiny to assess the law, because it impaired a “core right” of the Second Amendment. Either way, he said, the state failed to sufficiently show how the law advanced its interest in reducing gun deaths.

And last year, two other Trump appointees on the Fifth Circuit—Ho and Judge Don Willett—protested the court’s denial of a full panel rehearing of a decision that upheld the federal ban on interstate handgun sales. In a dissent, Ho complained the Second Amendment “continues to be treated as a ‘second-class’ right.” The Fifth Circuit panel, he said, erred because the government’s ban on interstate sales failed under strict scrutiny.

Willett, another Supreme Court shortlister for Trump, penned a searing dissent that bemoaned of the Second Amendment’s treatment as a spurned,



snubbed and scorned amendment. It’s “neither second class, nor second rate, nor second tier,” he wrote.

The president’s picks are shaking up the judiciary in other ways. Eleventh Circuit Judge Kevin Newsom, another of Trump’s Supreme Court shortlisters, sparked intrigue early on for a pair of opinions: one where he wrote for a unanimous panel that upheld the IRS’ denial of a tax deduction to a gay man who paid for the costs of in vitro fertilization to father children;

and another in *Kondrat'yev v. City of Pensacola*, a case that deals with a religious symbol in a public space, where Newsom questioned circuit precedent in a concurrence.

And last year, Willett questioned the Supreme Court’s qualified immunity doctrine in a “concurring dubitante” that decried the “kudzu-like creep of the modern immunity regime.” Thapar, another shortlister, last year penned a concurrence questioning Auer deference, which broadly requires courts to defer to an agency’s interpretation of its own ambiguous regulations.

The Supreme Court is weighing that issue of agency deference this term and has teed up a trio of cases to consider Title VII’s scope next year, so the high court will have final say on those matters. But for these judges, their writings are just peeks into what will likely be decadeslong careers on the federal bench.

Ellis Kim, based in Washington, D.C., covers the federal judiciary, D.C. courts and national litigation trends. Follow her weekly newsletter, Trump Watch. Contact her at ekim@alm.com, or on Twitter: @elliskkim.

INSIDE TRUMP'S GAMBIT

How Trump's lawyers won—and lost—in the Mueller probe

BY ELLIS KIM

WHEN PRESIDENT DONALD TRUMP'S LEGAL TEAM MADE THE early decision to cooperate with Robert Mueller III's investigation, they successfully gambled that the strategy might help them avert a subpoena fight and a sit-down interview with the special counsel.

That strategy might have also backfired. Thanks to the witnesses and thousands of documents made available to the special counsel, the findings also contained details, often recounted through the eyes of Trump's aides, of how the president repeatedly sought to curb the Justice Department's inquiry into Russian interference in the 2016 election.

In his report, Mueller outlined the 10 episodes he probed where the president might have committed an obstructive act. He documented how Trump repeatedly instructed his aides to take steps to limit the inquiry, orders they largely ignored.

The special counsel ultimately declined to make a traditional "prosecutorial judgment" on whether Trump obstructed justice or attempted to do so. Instead, it was U.S. Attorney General William Barr and then-Deputy Attorney General Rod Rosenstein who made the determination to not prosecute Trump.

Both of those outcomes—the successful effort to avert a presidential interview, and the extensive detailing of Trump's apparent efforts to influence the Russia investigation—can be traced back to the White House's decision early in the probe to fully cooperate with Mueller, giving the special counsel virtually unfettered access to interview and obtain notes from top Trump aides.

It was then-White House lawyer Ty Cobb who decided early in the investigation to embrace an approach of cooperation, according to Cobb. Cobb, through discussions with the Justice Department and the special counsel's office, determined they needed to cooperate to face an accruing pile of requests.

But Trump's legal team, consisting of Trump's personal lawyer John Dowd and constitutional law attorney Jay Sekulow, also understood this served a larger purpose: At the time,



the team reasoned that by supplying Mueller with information and witnesses, the special counsel would have less of a need—and therefore, a basis—for interviewing or potentially subpoenaing Trump.

Their strategy was guided by a 1997 D.C. Circuit decision in *In re Sealed Case (Espy)*, a case revolving around an independent counsel investigation of Bill Clinton's agriculture secretary, Mike Espy. Trump's lawyers said they believed that, under *Espy*, Mueller could only obtain the president's testimony if the underlying information could not be obtained elsewhere.

While Trump's lawyers said they never foreclosed the idea of Trump sitting down for an interview, they understood that providing reams of documents and volunteering witnesses would give them leverage in a potential subpoena fight and negotiations for an interview. "To the extent that later in the game that became an issue and there was a desire not to do (an interview), we wouldn't have tripped in any fault lines," Cobb said.

Cobb says he was equally persuaded by a 2008 Office of Legal Counsel opinion that the White House could cooperate

DIEGO M. RADZINSKI

with the special counsel's office, while also retaining its ability to assert executive privilege in a potential dispute with Congress.

Trump's lawyers say their strategy helped head off a potential special counsel subpoena: "As the case progressed, and the information was provided and witnesses were provided, it became clear to us that they hadn't met the threshold" under *Espy*, Sekulow said.

The special counsel report says Mueller's office did not subpoena Trump "in view of the substantial delay that such an investigative step would likely produce at a late stage in our investigation." The report says Mueller "had sufficient evidence to understand relevant events and to make certain assessments without the President's testimony."

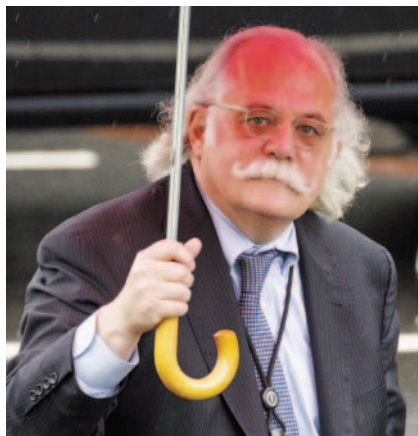
Still, thanks in part to the many documents and witnesses the White House made available to Mueller's office, the report extensively detailed how Trump sought to impede the Mueller inquiry. And the White House did not assert privilege to shield those parts of Mueller's report from spilling into public view.

There was White House counsel Donald McGahn's 30 hours of interviews; the notes of McGahn's chief of staff at the time, Annie Donaldson; and the notes and recollections of Jody Hunt, a former chief of staff to then-Attorney General Jeff Sessions; and now the current Justice Department Civil Division chief, whose notes revealed the president's reaction to Mueller's appointment as: "This is terrible. This is the end of my presidency. I'm f---ed."

Former federal prosecutors say Trump's legal team likely made the right move by cooperating with Mueller. Shanlon Wu, a former assistant U.S. attorney and counsel to former Attorney General Janet Reno, says if they pursued a "scorched earth tactic" of blocking witnesses and documents, those fights "would have ended up in the courts. Wu, now a white-collar defense lawyer at Wu, Grohovsky & Whipple, said most experienced lawyers would have gone the route of trying to have a reason-



RUDY GIULIANI



TY COBB

able dialogue with the special counsel's office, and avoiding the appearance of stonewalling.

Barbara McQuade, a former U.S. Attorney for the Eastern District of Michigan, says that by at least creating the appearance of cooperation with Mueller, Trump's legal team could later use that as a cudgel to undermine any future congressional investigations into Trump's conduct. "They could say, 'We've cooperated fully, it's over. There's no reason to re-open things and there's no reason to investigate,'" McQuade said.

Rudy Giuliani, the president's outspoken personal lawyer, said he believes "John and Ty made the right decision," because at the very least, it helped them avert a presidential sit-down interview with Mueller.

As the country moves past the special counsel investigation, a key question that looms for the president's attorneys will be how aggressively Congress seeks information that underlies, or is not detailed, in Mueller's report. Democratic lawmakers probing Trump's behavior in office have already begun demanding testimony and records from former top aides.

Some experts say the Trump team's strategy of volunteering information to the White House

weakened their ability to assert executive privilege in looming battles with Congress, although Trump's personal attorneys disagree and say they are leaving decisions on executive privilege to White House counsel Pat Cipollone.

What is clear is that for Trump's legal team—staring ahead at a legal showdown with House Democrats—the work will continue.

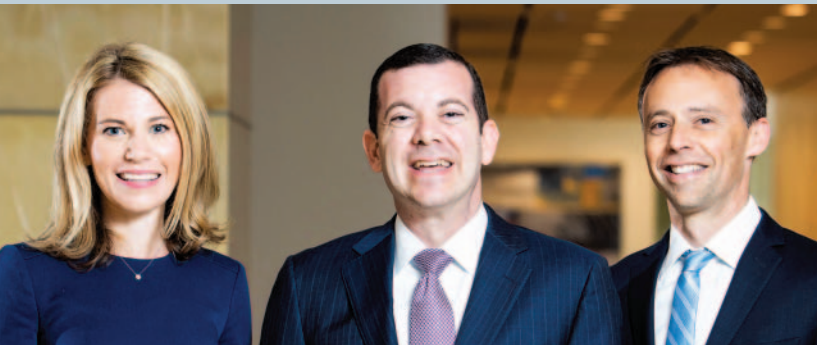
Ellis Kim, based in Washington, D.C., covers the federal judiciary, D.C. courts and national litigation trends. Follow her weekly newsletter, Trump Watch. Contact her at ekim@alm.com, or on Twitter: @elliskkim.



A SPECIAL REPORT

D.C. LITIGATION DEPARTMENTS OF THE YEAR

This year, The National Law Journal honors eight top firms in our nation's capital for excellence in six categories: general litigation, labor and employment, insurance, intellectual property, products liability/mass torts and white collar. Three outstanding firms share top honors, including two that scored wins in more than one category. For more about their work, read on. —Sarah Tincher



d.c. litigation departments of the year

GENERAL LITIGATION WINNER

O'MELVENY & MYERS

O'MELVENY & MYERS ONCE AGAIN proved its mettle as a litigation machine in 2018, as the firm scored clean wins for top-billing clients in cases that could shape the business industry.

One of those victories came through the firm's representation of AT&T Inc. and Time Warner, who became mired in a major legal battle with the federal government in November 2017, when the Justice Department brought a historic challenge to their \$85 billion merger. It was the first time the government had sought to block a vertical merger in decades, and many had questioned whether President Donald Trump's well-documented dislike for CNN, Time Warner's signature news brand, had motivated the lawsuit.

But the two companies brought on O'Melveny partner Daniel Petrocelli to lead the pack of lawyers and firms defending the deal in a grueling six-week trial in Washington. "I learned a long time ago to put blinders on, and to stay focused," Petrocelli said, describing the legal issues in the case as "straightforward." That was a lesson that proved crucial to O'Melveny's big win. U.S. District Judge Richard Leon cleared the merger in June 2018, and the D.C. Circuit later affirmed the ruling, blessing a deal that's reshaped the media industry.

But O'Melveny notched another big win last year, this time for client Samsung Electronics, as it fought allegations in years of intense multi-district litigation that it was involved in a conspiracy to fix prices for optical disk drives. Partner Ian Simmons, who co-chairs the firm's antitrust and competition practice, led the team that represented the electronics conglomerate and said his team of partners and associates "outworked and out-thought" the opposition to achieve dismissal in



the case. "The theory is they colluded to have x be the result. Let's see if X actually happened," Simmons said of the firm's central argument in the case. "That's what we did. We showed the judge, we didn't just tell him."

Even while other disk-making companies involved in the case had previously settled for tens of millions of dollars and agreed to guilty pleas with the Justice Department, U.S. District Judge Richard Seeborg of the Northern District of California, agreed to dismiss the claims against Samsung Electronics. In the end, O'Melveny helped Samsung fend off antitrust claims seeking \$1 billion in actual damages and \$3 billion in treble damages.

Simmons said the case highlighted the importance of facts, good lawyering, and a fair-minded judge. In August 2018, Samsung and Toshiba, another defendant in the case, agreed to pay \$25 million to end the allegations against them, and compensate the class of indirect purchasers suing them and cover their legal costs and fees.

—ELLIS KIM

firm facts

Name of firm: O'Melveny & Myers
Founded: 1885
Total number of attorneys: 705
Litigators as percentage of firm: 68%
Litigators as percentage in D.C.: 95%
Litigation partners firmwide: 126
Litigation associates firmwide: 316
D.C. litigation partners: 24
D.C. litigation associates: 49

keys to success

■ Avoid distractions and any external influences in your case, and keep your eye on the prize, look straight ahead and stay focused for your client.

—Daniel Petrocelli

■ Clients can often be stigmatized; great lawyers are able to overcome bad optics.

—Ian Simmons

d.c. litigation departments of the year

GENERAL LITIGATION WINNER

GIBSON, DUNN & CRUTCHER

GIBSON, DUNN & CRUTCHER HAS LONG had a knack for taking on fights that will shape the law. This year proved no exception, as the litigation powerhouse scored wins in an unprecedented press pass dispute with the Trump administration and a major challenge to how the Securities and Exchange Commission appointed its in-house administrative law judges.

Large law firms like Gibson Dunn often get a reputation for being defense-oriented. But F. Joseph Warin, the chair of the litigation department in the firm's Washington, D.C., office, says the firm is lucky to have clients who come to the firm to bring affirmative challenges, often resulting in fights that knock down statutes and regulations. "We take a matter where a) the stakes are high, and b) the mountain is treacherous, but we're able to create the types of arguments that courts find successful," Warin said.

One case that proves that point is the firm's representation of CNN White House correspondent Jim Acosta, after the White House revoked his press pass following a contentious November 2018 press conference with the president.

A team from Gibson Dunn, led by partner Ted Boutros, quickly filed suit in Washington, D.C., federal court and represented Acosta in an emergency hearing before Judge Timothy Kelly. Within about a dozen days, Acosta's pass was restored.

Joshua Lipshutz, a partner who was involved in the case, described the press pass revocation as unprecedented. "We did what Gibson Dunn does best," Lipshutz said. "We got back to first principles and looked at what the constitution is there to protect. It's there to protect exactly against this type of action from the government."



F. JOSEPH WARIN

The firm also scored a major win in June 2018 when the U.S. Supreme Court ruled in its favor in a case dealing with the appointment process for SEC administrative law judges. Gibson Dunn's challenge, brought on behalf of former investment adviser Raymond Lucia, was an uphill one: the firm was pitting itself against the Department of Justice (although it would later switch positions), and it initially lost at the D.C. Circuit.

However, Mark Perry, the lead partner in the case, said the key to their success was "paying close attention to the Supreme Court's jurisprudence."

Ultimately, the firm prevailed when the Supreme Court ruled, 7-2, that the SEC's administrative law judges were "officers," not mere employees, of the United States.

The ripple effects of the ruling are already beginning to show: the decision has set off a cascade of lawyers injecting constitutional arguments in enforcement proceedings against their clients.

—ELLIS KIM

firm facts

Name of firm: Gibson, Dunn & Crutcher
Founded: Los Angeles
Total number of attorneys: 1,386
Litigators as percentage of firm: 57.7%
Litigators as percentage in D.C.: 83.9%
Litigation partners firmwide: 201
Litigation associates firmwide: 566
D.C. litigation partners: 48
D.C. litigation associates: 136

keys to success

■ Having an unyielding passion for the client's objectives, understanding that no mountain is too tall to climb, and a completely integrated team effort is key to success.

—F. Joseph Warin

GENERAL LITIGATION WINNER

COVINGTON & BURLING

IN A STRING OF VICTORIES IN 2018, Covington & Burling litigators solidified the firm's reputation as an inside-the-Beltway litigation powerhouse.

Lawyers from Covington were frequently involved in challenges to various Trump administration policies. The firm successfully fought a suit against the Census Bureau over the addition of a citizenship question in the 2020 Census. And the firm won a victory in the Ninth Circuit in a challenge brought by University of California president Janet Napolitano to the Department of Homeland Security's efforts to end the Deferred Action for Childhood Arrivals (DACA) program.

Alexander Berengaut, a lead partner on the DACA case, says Covington frequently litigates against the federal government in administrative law contests on behalf of public interest clients. "In a sense, this case was a particularly acute need, but it was part of a long tradition the firm has had during both Republican and Democratic administrations," he said.

Covington's lawyers prevailed in the U.S. Court of Appeals for the Seventh Circuit over claims that Deutsche Bank was liable for deaths and injuries sustained by American troops in Iraq. Plaintiffs claimed that a consent agreement that Deutsche Bank reached with the State of New York relating to services it provided to Iranian banks made it liable under the Anti-Terrorism Act for providing support terrorists.

In the Deutsche Bank case, the ruling obtained by Covington's John Hall, Mark Gimbel and David Zionts says the bank did not cause the attacks, conspire to support terrorism, or demonstrate the intent required to be held liable.

Covington also won a major case before the International Trade Commission on behalf of Canadian aerospace



PAUL SCHMIDT

company Bombardier Inc. Boeing accused Bombardier of receiving government subsidiaries in violation of trade laws. Covington's team, led by Shara Aranoff and Peter Lichtenbaum, ultimately convinced the ITC to reject Boeing's complaint, sending Bombardier's stock price to a three-year high.

Covington also found success in New Jersey, where Paul Schmidt and Michael Imbroscio ended thousands of suits over side effects from Hoffmann-La Roche's acne drug Accutane. Covington's lawyers convinced the state Supreme Court to align its expert testimony standards with the more rigorous national Daubert standard.

Schmidt says Covington lawyers' approach to products liability cases includes being ready to litigate at every stage of the case. "A lot of lawyers come in these cases never thinking about trying the case. We are always thinking, what evidence are we going to need? What stories are we going to tell? Having that focus affects every stage of the case," he said.

—CHARLES TOUTANT

firm facts

Name of firm: Covington & Burling
Founded: 1919
Total number of attorneys: 1,019
Litigators as percentage of firm: 62%
Litigators as percentage in D.C.: 67%
Litigation partners firmwide: 166
Litigation associates firmwide: 387
D.C. litigation partners: 97
D.C. litigation associates: 245

keys to success

- The largest litigation practice in D.C., with high-energy, diverse talent in their 30s and 40s.
- Market-leading practices in areas critical to today's global businesses.
- The ability to staff litigation with multidisciplinary teams leveraging the firm's regulatory and government expertise.

—John Hall

d.c. litigation departments of the year

GENERAL LITIGATION FINALIST

LATHAM & WATKINS

LATHAM & WATKINS' HOT YEAR IN 2018

was marked by a series of wins for clients in cases where policy met the law, including a high-stakes challenge to a compelled warning label in California and an orphan-drug exclusivity case that firm leaders said brought a regulatory agency back into compliance with federal statute.

The results, though impressive, were hardly surprising for a firm that boasts a deep bench of former government attorneys and prides itself on team spirit and working across geographic lines.

"These are experienced people, with unique insights about how government operates," said partner Phil Perry, who led a number of efforts, including the orphan-drug litigation on behalf of client Eagle Pharmaceuticals Inc.

"There's no cultural barriers of any kind," he said. "It's part of who we are. There is no rivalry among our offices."

In the Eagle Pharmaceuticals case, Latham sued the Federal Drug Administration in D.C. federal court over the agency's refusal to recognize the exclusivity of a drug to treat rare forms of cancers.

The move, Latham's attorneys say, was not based on federal statute governing orphan drugs, but on a 25-year-old regime that had strayed from the law's actual intent. The court agreed with Perry and co-lead partners Andrew Prins and John Manthei that the FDA's position was based on criteria beyond federal statute and ruled that the agency had no choice but to grant its client the seven years of exclusivity it sought.

Perry says the case ended up "putting the FDA on a different course," but it also illustrated one of the firm's biggest strengths: anticipating what government attorneys will do and planning its courtroom attack accordingly.

"It makes for a fascinating practice, but one where you can instantly switch and understand what the government is doing and what their options are," he said.



DOUG GREENBURG, TARA D. ELLIOTT, AND PHIL PERRY

In California, Latham notched another win for client Monsanto Co. in a challenge to the state's listing of glyphosate under Proposition 65 as a chemical known to cause cancer, which required a warning label on Monsanto's Roundup weed killer.

Latham's team successfully argued that the compelled warning violated the First Amendment in light of the actual state of the science, because it was both factually controversial and misleading.

The district court ruled that the constitutional claim was likely to succeed and granted a preliminary injunction preventing enforcement of the warning, in what Latham says was the first time a federal court had enjoined a Proposition 65 warning requirement on First Amendment grounds.

Douglas Greenburg, co-chair of Latham's Washington, D.C., litigation and trial department, said both cases showed the firm's "commitment to vigorous advocacy," regardless of the forum: "It just illustrates the type of team we can put together for the right case."

—TOM MCPARLAND

firm facts

Name of firm: Latham & Watkins
Founded: Los Angeles
Total number of attorneys: 838
Litigators as percentage of firm: 31%
Litigators as percentage in D.C.: 60%
Litigation partners firmwide: 226
Litigation associates firmwide: 570
D.C. litigation partners: 69
D.C. litigation associates: 134

keys to success

■ Our goal is the client's goal. Success can take many forms, depending on the client's needs, and Latham is highly attuned to those needs. By bringing together different minds rather than just one partner's natural instinct, clients benefit from a deeper pool of critical expertise, more forensic and accurate situational analysis, quicker decisions, and nuanced strategies. Being trial-ready, quick on our feet and flexible, and adjusting quickly and effectively when responding to fast-changing circumstances.

—Tara D. Elliott

DIEGO M. RADZINSKI/WALM

GENERAL LITIGATION FINALIST

HOGAN LOVELLS

LAST YEAR, HOGAN LOVELLS' NEAL Katyal had to solve what he calls “a classic law school problem.” In *Epic Systems Corp. v. Lewis*, Katyal’s team had to make sense of two seemingly conflicting federal statutes in front of the U.S. Supreme Court. Impacting an estimated 25 million employee contracts, the case was one of two litigations from the firm’s Washington, D.C., outfit that would fortify the future of arbitration agreements.

On one hand, the Federal Arbitration Act mandates that arbitration agreements are valid and enforceable. The National Labor Relations Act, on the other hand, protects workers’ rights to collectively organize for their mutual aid and protection. So when Epic Systems Corp.’s workers wanted to assemble into a class action despite individual arbitration agreements, the court had to decide which law applied.

But this wasn’t any ordinary court. At the time Katyal petitioned for certiorari, the Supreme Court was down a justice after Antonin Scalia died in February 2016. Katyal says he spent a lot of time thinking about whether the case could still win over an eight-member court. “We briefed the petition to not only appeal to a conservative view of the law but to more jurisprudential arguments,” he said. “We focused on institutional questions, things that some of the more liberal members of the court would’ve thought about.”

After the court accepted the case, Katyal spent the next several months putting together a diverse set of thinkers, getting plain textualists and litigators who focus on context in a room together. “We really do try to be in situations where opposites are part of the same case, jurisprudentially, politically, gender, orientation and race. These things can matter in ways you don’t think they will, but they do,” he said.

The resulting winning argument, which newly appointed Justice Neil



Gorsuch supported in his opinion, was one of the best Katyal has crafted in his career, he said. “Ultimately,” Katyal said, “it means these arbitration agreements are enforceable, and that streamlines an incoherent set of litigations into something that can deliver swifter results.”

Another group of Hogan Lovells litigators similarly strengthened consumer arbitration agreements while representing Uber Technologies Inc. in a 2016 data breach case. After building up a cybersecurity practice for the last decade, Michelle Kisloff successfully argued that the plaintiffs did not have a shared harm and compelled most cases to individual arbitration. Kisloff says that filing motions in each plaintiff’s home court before they got transferred into the class helped make this argument. “The instinct is to duck and cover and wait until you get in front of an MDL judge so you’re not facing a ton of discovery,” she said. “We had a really powerful way to stop the class action by trying to engage right away and not waiting for a judge to appoint lead counsel.”

—ALAINA LANCASTER

firm facts

Name of firm: Hogan Lovells
Founded: Washington, D.C./London
Total number of attorneys: 2951
Litigators as percentage of firm: 23.25%
Litigators as percentage in D.C.: 22%
Litigation partners firmwide: 196
Litigation associates firmwide: 490
D.C. litigation partners: 32
D.C. litigation associates: 69

keys to success

- Listen really hard, analyze a lot, debate internally, and come to a conclusion that tells a single story.
- When we have the luxury of time, we like to get a diverse set of law clerks to come at a case from a lot of different jurisprudential perspectives.
- At the Supreme Court, you’re dealing with nine personalities who have different things that they care about, so you want to try to build a team that can mirror that.

—Neal Katyal

d.c. litigation departments of the year

INTELLECTUAL PROPERTY

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER

WHEN E.I. DU PONT DE NEMOURS & Co. and Archer Daniels Midland Co. opened a new plant last spring in Illinois to produce sustainably sourced biomaterials, they faced an obstacle.

Dutch rival Synvina C.V. held U.S. Patent 8,665,921 on a method of oxidizing sugars into a chemical known as FDCA. It's a key building block in the plan to create environmentally friendly polymers that will replace plastic in everything from food packaging to shampoo bottles.

DuPont and ADM had lost a bid to invalidate Synvina's patent at the Patent Trial and Appeal Board (PTAB). Synvina then argued they lacked standing to appeal because Synvina hasn't sued them, at least not yet.

Finnegan, Henderson, Farabow, Garrett & Dunner partner Michael Flibbert unlocked the courthouse door and won the plant some freedom to operate.

He's excited about the U.S. Court of Appeals for the Federal Circuit's September decision in *E.I. du Pont de Nemours v. Synvina*. "There's quite an urgent need for some biodegradable materials that could serve as a replacement for plastics," he said. Plus the case has made new law on appellate standing and the burden of production at the PTAB.

The FDCA oxidation process is well-known. Synvina says it patented a new range of temperatures and reaction pressures that optimizes yields. But parts of those ranges were claimed in previous patents. Under Federal Circuit caselaw, that made the patents presumptively obvious, Flibbert argues. The PTAB said that presumption doesn't apply before the board.

First, Flibbert had to persuade the Federal Circuit to hear an appeal. Anyone can ask the PTAB to review a patent, but only those who can



demonstrate injury-in-fact have constitutional standing to appeal.

He pointed to the new plant, which is capable of operating in a way that might infringe ("What's the status of the plant?" was the first question Judge Alan Lourie hit Flibbert with at oral argument). Second, the parties are competitors in an emerging industry. Third, Synvina's defense at the PTAB included the contention that DuPont and ADM had copied its invention. And fourth, DuPont and ADM had asked for a covenant not to sue, which Synvina had refused.

That was enough for standing. Other Federal Circuit panels have already cited the DuPont decision twice on the issue.

Finally, Flibbert and Finnegan partner Charles Collins-Chase persuaded the court that the usual burden-shifting framework should apply at the PTAB. "The legal principle at issue in this case is old," Lourie writes in his opinion. When the general conditions of a claim are disclosed in prior art, "it is not inventive to discover the optimum or workable ranges by routine experimentation."

—SCOTT GRAHAM

firm facts

Name of firm: Finnegan, Henderson, Farabow, Garrett & Dunner
Founded: Washington, D.C.
Total number of attorneys: 307
Litigators as percentage of firm: 65%
Litigators as percentage in D.C.: 69%
Litigation partners firmwide: 85
Litigation associates firmwide: 103
D.C. litigation partners: 58
D.C. litigation associates: 69

keys to success

- Develop a legal strategy that fully aligns with your client's business needs and plans.
- Treat your client as a valued member of the trial team and take full advantage of their deep understanding of the technology at issue, their industry experience and their legal judgment gained from involvement in similar past disputes.
- Build credibility before the court or agency by presenting your case in an accurate and balanced manner.

—Michael Flibbert

DIEGO M. RADZINSKI/ALM

GIBSON, DUNN & CRUTCHER

GIBSON, DUNN & CRUTCHER SIGNED

on about four years ago to represent Uber Technologies Inc. in class action lawsuits alleging the company misclassified drivers as independent contractors. At the time, Uber was facing a certified class, a looming trial date and tens, if not hundreds, of millions of dollars in potential back pay and benefits, had drivers been found to be employees.

Fast-forward to September 2018: Gibson's team, including D.C. partner Joshua Lipshutz, won a Ninth Circuit ruling reversing the district court's class certification decision and compelling the drivers to arbitrate their claims.

"We definitely view ourselves not only as defenders of companies but advocates for necessary changes in the law—or the courts' interpretation of the law," Lipshutz said. In Uber's case, the Gibson Dunn team convinced the Ninth Circuit that a named plaintiff who opted out of arbitration with Uber didn't have authority to pursue class claims on behalf of drivers who had agreed to arbitration. Gibson has since wielded that precedent to get other courts to take earlier looks at whether class certification is appropriate. Meanwhile, the firm's gig economy client-base has expanded to include on-demand food delivery service DoorDash, scooter-sharing company Lime, and transportation, education and health care companies.

Jason Schwartz, the D.C.-based co-chair of Gibson's labor and employment practice, says there's "no parochial atmosphere" or barriers to bringing in experts in appellate law, corporate governance and white collar investigations early in cases. That approach helped the firm land assignments from Vox Media and Wynn Resorts in the wake of allegations of workplace misconduct by leaders at the two companies. D.C. partner Greta Williams said the firm drew on its experience in handling



GRETA WILLIAMS, JASON SCHWARTZ AND JOSHUA LIPSHUTZ

high-stakes matters that have a media strategy component on top of the legal issue since the investigations played out under heavy scrutiny from the public, employees and shareholders.

Retired Navy Admiral Jay Johnson was part of the special committee of the Wynn Resorts board that hired Schwartz, Williams and L.A.-based colleague Katherine V.A. Smith to lead an internal investigation after company founder Steve Wynn's resigned in the wake of sexual misconduct allegations. Johnson said that the Gibson team brought great experience, integrity and what he termed "works-manship"—"the ability to work together through really tough circumstances and really tough issues."

The resulting review led Wynn Resorts to bring in a new head of human relations, elevate that position within the corporate structure and increase the avenues employees have to report workplace issues.

"I can't imagine a better team to have worked with," Johnson said. "If I had to do it tomorrow again, I wouldn't even put it out for bid." —ROSS TODD

firm facts

Name of firm: Gibson, Dunn & Crutcher
Founded: Los Angeles
Total number of attorneys: 1,386
Litigators as percentage of firm: 57.7%
Litigators as percentage in D.C.: 83.9%
Litigation partners firmwide: 201
Litigation associates firmwide: 566
D.C. litigation partners: 48
D.C. litigation associates: 136

keys to success

- Treat every client as your only one: learn their business and make their goals your own
- Treat every case as your most important: focus intensely, creatively and collaboratively to achieve great results as a team
- Have fun: we work on terrific matters with amazing clients and colleagues.

—Jason Schwartz

d.c. litigation departments of the year

WHITE COLLAR DEFENSE

WILMER CUTLER PICKERING HALE AND DORR

IN WILMER CUTLER PICKERING HALE and Dorr partner Ronald Machen's mind, the best offense is a good defense. The former U.S. Attorney for the District of Columbia and white collar defense litigator abided by this axiom while representing Panasonic Corp. during an investigation into the company's business practices by federal agencies.

"We had a pretty strong mandate that [Panasonic] wanted to figure out what was going on and cooperate. ... And try to remediate any issues," Machen said. He and fellow WilmerHale attorneys Matthew Jones, Kimberly Parker and Erin G.H. Sloane were retained by the Japanese corporation after it fell under the scrutiny of the U.S. Justice Department as well as the U.S. Securities and Exchange Commission. According to court filings entered with the U.S. District Court for the District of Columbia, federal prosecutors alleged subsidiary company Panasonic Avionics Corp. violated provisions of the Foreign Corrupt Practices Act between 2007 and 2013. Specifically, the company was charged with falsifying its books and retaining foreign consultants in the Middle East and Asia "for improper purposes other than for providing actual consulting services."

Machen said his team immediately set to guiding their client, "not only from an investigative standpoint, but in cooperation with government and remediation."

"Having been in the government, we kind of know what we're looking at," Machen said, noting many at WilmerHale are former DOJ and SEC officials. One of the remedial steps taken by Panasonic was the implementation of a new and comprehensive compliance program in addition to "a number of late-phase investigations, a number of meetings and presentations to the government to make sure that they were aware of all the facts ... and knew the



MATTHEW JONES, RONALD MACHEN AND KIMBERLY PARKER

company was committed to doing the right thing."

Despite the serious and daunting nature of the charges, Panasonic's attorneys were able to guide the company to a favorable outcome. On April 30, 2018, it was announced Panasonic had negotiated \$137.4 million and \$143 million settlements with the DOJ and SEC, respectively, in addition to submitting to at least two years of compliance monitoring. Although the \$280 million penalty proved steep, it was far from the harshest consequence Panasonic stood to face from the charges.

Machen attributed the amenable conclusion of the case to WilmerHale's skills as "a strong investigative firm."

"We specialize in handling high stakes crisis situations for corporations and individuals that require complex solutions that cut across public policy," he said. "We're routinely dealing with all the issues you're reading about in the paper. Everything you read about, there's likely a WilmerHale role in those cases. We don't get rattled ... and we're able to advise the client in a calm and strategic way." —ZACH SCHLEIN

firm facts

Firm Name: Wilmer Cutler Pickering Hale and Dorr
Founded: Washington, D.C.
Total number of attorneys: 1,103
Litigators as percentage of firm: 62.78%
Litigators as percentage in D.C.: N/A
Litigation partners firmwide: 22.3
Litigation associates firmwide: 67.5
D.C. litigation partners: 10
D.C. litigation associates: 57

keys to success

- Get on the ground quickly, understand the facts and advise the client.
- Know the language of the government, know what they're looking for and be able to explain that to the client. ... Cooperation a lot of the time is about remediation.

—Ronald Machen

INSURANCE

STEPTOE & JOHNSON

ONCE AGAIN, STEPTOE & JOHNSON'S formidable insurance litigation operation has grabbed the National Law Journal's award of excellence in Washington, D.C., following up on last year's win with another slate of impressive victories for its roster of major insurers.

A case in point is the October ruling by a San Francisco Superior Court judge that Steptoe client National Union Insurance Co. must be reimbursed some \$10 million it had shelled out to indemnify and defend multiple asbestos cases, along with prejudgment interest going back to 2012.

Partner Harry Lee, who heads the firm's insurance and reinsurance group and led the California litigation, says the litigation pitted his client—which had only written coverage for a five-month period—against two other carriers who claimed their two-year and five-year policies had been exhausted by the litigation.

"Our client had essentially been paying the entire freight [in the underlying litigation] because the other insurers had declared their policies exhausted and just walked away," said Lee, who handled the case with firm colleagues Jon Neumann and Lisa Petrovsky.

In a final ruling, "the court said 'no,' we hadn't taken on a dramatically different share of risk," he said.

The ruling means that National Union will only be liable for a fraction of the costs, depending on claimants' exposure dates.

The firm is also basking in a Fourth Circuit Court Appeals ruling in March of last year upholding a Maryland court's ruling in another asbestos case regarding an insurer's duties under a policy's "completed operations hazard" clause applying to liability for a company's products or operations once they've been completed.

If claims are deemed to fall outside of that definition, damages can be



virtually unlimited because there is no cap, Lee said.

"The difference can mean multi-millions of dollars as to what the injury was," Lee said. "We argued that these were post-operations injuries, that we had paid our \$30 million cap and we were done," he said. "The court agreed."

Lee says the firm's insurance group numbers fluctuate, with usually between 30 to 50 lawyers working insurance cases, "and up to 80 sometimes."

"We have insurance groups all over the country and all over the world," he said. "We're mostly known for significant litigation coverage; we don't give much advice, and we don't do many deals."

Lee says his team usually handles cases involving large claims by corporate policy holders, and is often the lead counsel for cases involving multiple carriers.

"Insurer v. insurer cases are actually a rarity for us; it's not often we find ourselves needing to sue other carriers," he said. "We try to be very careful and respectful; as a lawyer, you're either on one side or the other.

—GREG LAND

firm facts

Firm Name: Steptoe & Johnson
Founded: Washington, D.C.
Total number of attorneys: 467
Litigators as percentage of firm: 52.46%
Litigators as percentage in D.C.: 47.27%
Litigation partners firmwide: 98
Litigation associates firmwide: 102
D.C. litigation partners: 47
D.C. litigation associates: 57

keys to success

- We are 'all in.' This is not a job, it's a profession, and our duties to our clients go beyond just doing a job. Winning is important, but doing so properly and ethically is just as important.
- Fully understand the facts and the law in the case and know more than anyone else in the room, including the judge.
- Know what your client needs. Our clients have jobs, kids and other things to do. It's very important to understand what they need us to do.

—Harry Lee

d.c. litigation departments of the year

PRODUCTS LIABILITY/MASS TORTS

COVINGTON & BURLING

COVINGTON & BURLING PARTNER PAUL Schmidt had to convince the New Jersey Supreme Court last year to side with his client, Hoffmann-La Roche, in two groundbreaking legal decisions in New Jersey on the same day. He got unanimous decisions in both, while also changing the law.

“I think it actually helped us ... to do them both together because I was able to use arguments to reinforce each other ... about the state of the science,” Schmidt said of the cases, which sought to link the acne treatment medication Accutane with Crohn’s disease. “But it was a pretty intense period.”

Because it wasn’t just the Accutane cases in New Jersey. Schmidt, along with partner Phyllis Jones, had just completed the first of three trials in Connecticut over the blood thinner Pradaxa and, along with co-counsel at Goldman Ismail Tomaselli Brennan & Baum and Shook, Hardy & Bacon, argued to toss all seven plaintiffs experts in cases brought over Bayer’s Mirena IUD. Covington won the Pradaxa trials and, on Oct. 24, 2018, a New York federal judge struck experts in more than 100 cases filed over Mirena’s contraceptive device.

Members of the Washington, D.C., trio, which includes partner Michael Imbroscio, bring separate strengths to make a formidable defense, in-house lawyers say.

“Paul Schmidt really knows how to package a case with over a decade of science for a lay jury,” said Danielle Diviaio, director and senior counsel for Pradaxa manufacturer Boehringer Ingelheim Pharmaceuticals. Imbroscio thinks outside the box, she says, and Jones is precise. “You would think she has that background—practicing medicine,” she said.

In both New Jersey cases, Covington had to convince the high court to reverse appeals courts decisions.



MICHAEL IMBROSCIO

The New Jersey Supreme Court’s first decision struck plaintiffs experts in 2,100 Accutane cases. In a significant shift in New Jersey law, the court on Aug. 1, 2018, adopted a new standard in the state for admitting expert evidence, based largely on the more stringent federal standard under the *Daubert* case. Then, on Oct. 3, 2018, the court affirmed the dismissal of 500 Accutane cases while applying New Jersey law against mostly out-of-state plaintiffs attempting to challenge an FDA-approved warning label.

In Connecticut, Jones took the lead in Pradaxa, alleged to cause internal bleeding. In 2014, Boehringer Ingelheim paid \$650 million to settle most of the cases, but more than 2,500 remain in Connecticut state court. She tried the cases alongside Orlando “Rod” Richmond at Butler Snow and Sharla Frost of Tucker Ellis. On Oct. 18, 2018, Covington lost a \$1.25 million Pradaxa verdict in West Virginia’s federal court, but post-trial motions are pending, as of May 13. When it comes to Jones, Schmidt said, “people are knocking down her door to get her to try cases.”

—AMANDA BRONSTAD

firm facts

Name of firm: Covington & Burling
Founded: Washington, D.C.
Total number of attorneys: 1,019
Litigators as percentage of firm: 62%
Litigators as percentage in D.C.: 67%
Litigation partners firmwide: 166
Litigation associates firmwide: 387
D.C. litigation partners: 97
D.C. litigation associates: 245

keys to success

- A young, dynamic, diverse team;
- Top-flight trial capabilities;
- Having a knack for crafting complex facts into understandable stories; and
- Strategic insight drawn from demonstrated ability to win at every stage: early motions practice, expert wins, key summary judgment issues, trial, appeal.

—Mike Imbroscio

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2018 top 100 verdicts

Rank	P/D	Amount	Type	Name/Court/Date	Lead Plaintiff's Attorney(s)/Firm	Lead Defense Attorney(s)/Firm
1	P	\$4,690,000,000	Products Liability	Ingham v. Johnson & Johnson; St. Louis, Mo., Cir. Ct.; No. 1522-CC10417-01; July 12, 2018	W. Mark Lanier; The Lanier Law Firm; Houston	Peter A. Bicks; Orrick Herrington & Sutcliffe LLP; New York
2	P	\$1,000,000,000	Worker/Workplace Negligence	Doe v. HACC Pointe South Inc.; Clayton Co., Ga., State Ct.; No. 2014CV01498D; May 22, 2018	L. Chris Stewart; Stewart Trial Attorneys; Atlanta	None reported
3	P	\$845,114,000	Intellectual Property	ASML US Inc. v. XTAL Inc.; Santa Clara Co., Calif., Super. Ct.; No. 16-CV-295051; Nov. 28, 2018	Sean R. McTigue, Patrick M. Ryan, Brian A.E. Smith and Stephen C. Steinberg; Bartko, Zankel, Bunzel & Miller; San Francisco	Donald J. Putterman and Constance J. Yu; Putterman + Yu LLP; San Francisco
4	D	\$706,200,000	Intellectual Property	Title Source Inc. v. HouseCanary Inc.; Bexar Co., Texas, Dist. Ct.; No. 2016-CI-06300; March 14, 2018	Peter Wahby; Greenberg Traurig; Dallas	Max Tribble; Susman Godfrey LLP; Houston
5	P	\$538,641,656	Intellectual Property	Apple Inc. v. Samsung Electronics Co.; N.D. Calif.; No. 11-CV-01846-LHK; May 24, 2018	William F. Lee and Joseph J. Mueller; Wilmer Cutler Pickering Hale & Dorr LLP; Boston; Amy K. Wigmore; Wilmer Cutler Pickering Hale & Dorr LLP; Washington, D.C.; and Nathan B. Sabri; Morrison & Foerster LLP; San Francisco	John B. Quinn and William C. Price; Quinn Emanuel Urquhart & Sullivan, LLP; Los Angeles
6	P	\$502,567,709	Intellectual Property	VirnetX Inc. v. Apple Inc.; E.D. Texas; No. 6:12-CV-00855-RWS; April 10, 2018	Bradley W. Caldwell, Jason D. Cassady and Austin Curry; Caldwell Cassady & Curry; Dallas; and Johnny Ward; Ward, Smith & Hill, PLLC; Longview, Texas	John M. Desmarais; Desmarais LLP; New York; and Gregory S. Arovas; Kirkland & Ellis LLP; New York
7	P	\$473,500,000	Intentional Torts	Artis v. Murphy-Brown, LLC; E.D.N.C.; No. 7:14-CV-237-BR; Aug. 3, 2018	Michael L. Kaeske; Kaeske Law Firm; Austin, Texas; Mona Lisa Wallace; Wallace & Graham, P.A.; Salisbury, N.C.; Lisa Blue Baron; Baron & Blue; Dallas; and John Hughes; Wallace & Graham, P.A.; Salisbury, N.C.	James F. Neale; McGuireWoods LLP; Charlottesville, Va.; and Valyce M. Davis; McGuireWoods LLP; Raleigh, N.C.
8	P	\$400,000,000	Intellectual Property	KAIST IP US LLC v. Samsung Electronics Co. Ltd.; E.D. Texas, No. 2:16-cv-01314-JRG; June 15, 2018	Jason G. Sheasby; Irell & Manella LLP; Los Angeles; Andrew Choung; Lathrop Gage LLP; Los Angeles; Chris Bunt; Parker, Bunt & Ainsworth, P.C.; Tyler, Texas; and S. Desmond Jui; Lathrop Gage LLP; Los Angeles	Blair M. Jacobs; Paul Hastings LLP; Washington, D.C.; and Melissa Richards Smith; Gillam & Smith LLP; Marshall, Texas
9	P	\$383,500,000	Medical Malpractice	White v. DaVita Healthcare Partners Inc.; D. Colo.; Nos. 15cv2106, 15cv2686, 16cv834, and 16cv1676; June 27, 2018	Robert B. Carey; Hagens Berman Sobol Shapiro LLP; Phoenix; Molly A. Booker (of counsel); Hagens Berman Sobol Shapiro LLP; Phoenix; Stuart M. Paynter; The Paynter Law Firm PLLC; Washington, D.C.; and Elizabeth Tory Beardsley; Hagens Berman Sobol Shapiro LLP; Phoenix	Michael E. Prangle; Hall Prangle and Schoonveld LLC; Chicago; and Jacqueline B. Sharuzi; Hall Prangle and Schoonveld LLC; Denver
10	P	\$315,000,000	Antitrust	Shuffle Tech International LLC v. Scientific Games; N.D. Ill.; No. 1:15-cv-03702; Aug. 7, 2018	Joseph S. Presta and Robert A. Rowan; Nixon & Vanderhye P.C.; Arlington, Va.; and Jeffery M. Cross; Freeborn & Peters LLP; Chicago	Craig C. Martin and David Jiménez-Ekman; Jenner & Block LLP; Chicago
11	P	\$289,253,209.32	Products Liability	Johnson v. Monsanto Co.; San Francisco Co., Calif., Super. Ct.; No. CGC-16-550128; Aug. 10, 2018	R. Brent Wisner; Baum Hedlund Aristei & Goldman, PC; Los Angeles; and David J. Dickens; The Miller Firm, LLC; Orange, Va.	George C. Lombardi; Winston & Strawn LLP; Chicago; and Sandra A. Edwards; Farella Braun + Martel LLP; San Francisco
12	P	\$260,000,000	Motor Vehicle	McPherson v. Jefferson Trucking, LLC; Upshur Co., Texas, Dist. Ct. 115th; No. 16-00247; Nov. 8, 2018	Brent Goudarzi and Marty Young; Goudarzi & Young, LLP; Gilmer, Texas	Paige Pace Allen and Robert D. Allen; The Allen Law Group; Dallas

#1 AGAIN \$4.69 BILLION

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2018

\$4.69 Billion

Ingham v. Johnson & Johnson et al.

2017

\$247.5 Million

In re: DePuy Orthopaedic
Pinnacle Hip Implant Products
Liability Litigation, No. 3:11-02244

2016

\$1 Billion

In re: DePuy Orthopaedic
Pinnacle Hip Implant Products
Liability Litigation, No. 3:11-0244

\$502 Million

Greer v. DePuy Orthopaedics Inc., et al.



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top 100 verdicts

Rank	P/D	Amount	Type	Name/Court/Date	Lead Plaintiff's Attorney(s)/Firm	Lead Defense Attorney(s)/Firm
13	P	\$242,100,000	Products Liability	Reavis v. Toyota Motor North America Inc.; Dallas Co., Texas, Dist. Ct.; No. G-134th, DC-16-15296; Aug. 17, 2018	Frank L. Branson, Chip Brooker, Eric Stahl and Debbie Dudley Branson; The Law Offices of Frank L. Branson; Dallas	James W. Halbrooks; Bowman and Brooke LLP; Minneapolis; Victor D. Vital; Barnes & Thornburg LLP; Dallas; and Jonathan Manning; Gallerson & Yates; Richardson, Texas
14	P	\$175,500,000	Antitrust	Steves and Sons Inc. v. Jeld-Weld Inc.; E.D. Va.; No. 3:16-CV-545; Feb. 15, 2018	Lewis F. Powell III; Hunton & Williams LLP; Richmond, Va.; and Glenn D. Pomerantz; Munger, Tolles & Olson LLP; Los Angeles	Margaret M. Zwisler; Latham & Watkins, LLP; Washington, D.C.
15	P	\$166,373,923.30	Intentional Torts	Fox v. Buckland; Tarrant Co., Texas, Dist. Ct., 41st; No. 141-277896-15; May 3, 2018	Daniel W. Packard and Samuel W. Packard; The Packard Law Firm; San Antonio; and Matthew R. McCarley and Brice Burris; Fears Nachawati, PLLC; Dallas	Mark S. Humphreys; Law Office of Mark S. Humphreys, P.C.; Grand Prairie, Texas; and Brad K. Westmoreland; Westmoreland Law Firm, PLLC; Waxahachie, Texas
16	P	\$145,100,000	Intellectual Property	WiLAN Inc. v. Apple Inc.; S.D. Calif.; Nos. 3:14-cv-1507-DMS-BLM and 3:14-cv-2235-DMS-BLM; Aug. 1, 2018	Mike McKool Jr.; McKool Smith; Dallas; Brett E. Cooper; McKool Smith; New York; and Warren Lipschitz and Ashley N. Moore; McKool Smith; Dallas	John Allcock and Sean C. Cunningham; DLA Piper LLP; San Diego
17	P	\$136,654,632	Medical Malpractice	Dixon v. VHS Children's Hospital of Michigan Inc.; Wayne Co., Mich., Cir. Ct.; No. 13-015297-NH; July 2, 2018	Geoffrey N. Fieger; Fieger Law PC; Southfield, Mich.	John M. Toth and Keith P. Felty; Sullivan, Ward, Asher & Patton, P.C.; Southfield, Mich.
18	P	\$130,571,897	Medical Malpractice	Tran v. William Beaumont Hospital; Oakland Co., Mich., Cir. Ct.; No. 2016-154238-NH; Sept. 25, 2018	Steven C. Hurbis and Brian J. McKeen; McKeen & Associates, P.C.; Detroit	D. Jennifer Andreou and Eric T. Ramar; Plunkett Cooney, P.C.; Detroit
19	P	\$128,813,522	Motor Vehicle	Johnson v. Lee; Union Co., Ga., Super. Ct.; No. 2012-V-505; Sept. 14, 2018	Brian "Buck" Rogers; Fried Rogers Goldberg LLC; Atlanta	James W. Hardee; Fain, Major & Brennan, P.C.; Atlanta
20	P	\$117,000,000	Products Liability	Lanzo v. Cyprus Amax Minerals Co.; Middlesex Co., N.J., Super. Ct.; No. MID-L-007385-16; April 23, 2018	Moshe Maimon; Levy Konigsberg LLP; New York; and Denyse F. Clancy and Joseph D. Satterley; Kazan, McClain, Satterley & Greenwood; Oakland, Calif.	Robert C. "Mike" Brock; Kirkland & Ellis LLP; Washington, D.C.; and Scott A. Elder; Alston & Bird LLP; Atlanta.
21	P	\$109,760,930	Medical Malpractice	Carter v. Glazerman; Hillsborough Co., Fla., Cir. Ct.; No. 12-CA-009942; Jan. 26, 2018	Ken G. Dandar, Thomas J. Dandar and Timothy M. Dandar; Dandar & Dandar, P.A.; Tampa, Fla.	Louis J. La Cava and Iva M. Valtcheva; La Cava & Jacobson, P.A.; Tampa, Fla.
22	P	\$105,356,000	Intentional Torts	Kali v. Young; San Diego Co., Calif., Super. Ct.; No. 37-2015-00043052-CU-PO-CTL; Oct. 31, 2018	Bibianne U. Fell and Patrick C. Stormes-Swan; Gomez Trial Attorneys; San Diego	Conrad F. Joyner Jr.; Law Offices of Conrad F. Joyner, Jr.; San Luis Rey, Calif.
23	P	\$101,361,337.09	Motor Vehicle	Patterson v. FTS International Manufacturing LLC; Upshur Co., Texas, Dist. Ct., 115th; No. 356-15; July 19, 2018	Brent Goudarzi and Marty Young; Goudarzi & Young, LLP; Gilmer, Texas	D. Patrick Long; Squire Patton Boggs (US) LLP; Dallas; and Snow E. Bush Jr.; Snow E. Bush P.C.; Longview, Texas
24	P	\$89,687,994	Motor Vehicle	Blake v. Ali; Harris Co., Texas, Dist. Ct., 127th; No. 2015-36666, May 17, 2018	Eric T. Penn and Kelley D. Peacock; The Penn Law Firm, P.C.; Jacksonville, Texas; Zollie C. Steakley; Harrison Davis Steakley Morrison Jones, P.C.; Waco, Texas; and Darrin M. Walker; Law Office of Darrin Walker; Kingwood, Texas	Amanda S. Hilty and Bill Sanford; Bair Hilty, P.C.; Houston
25	P	\$85,000,000	Motor Vehicle	Sipher v. Twin America, LLC.; New York Co., N.Y., Sup. Ct.; No. 160740/15; Dec. 4, 2018	Howard S. Hershenhorn and Diana M.A. Carnemolla; Gair, Gair, Conason, Rubinowitz, Bloom, Hershenhorn, Steigman & Mackauf; New York	Donald G. Derrico and Lorraine Girolamo; Gordon Rees Scully Mansukhani, LLP; Harrison, N.Y.
26	P	\$82,500,000	Intellectual Property	International Business Machines Corp. v. Groupon Inc.; D. Del.; No. 1:16-cv-00122-LPS; July 27, 2018	John M. Desmarais, Karim Z. Oussayef and Laurie N. Stempler; Desmarais LLP; New York; and David E. Moore; Potter Anderson & Corroon LLP; Wilmington, Del.	J. David Hadden and Saina S. Shamilov; Fenwick & West LLP; Mountain View, Calif.



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Sipher v. Twin America, LLC.

\$85,000,000

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top 100 verdicts

Rank	P/D	Amount	Type	Name/Court/Date	Lead Plaintiff's Attorney(s)/Firm	Lead Defense Attorney(s)/Firm
27	P	\$78,652,480.72	Medical Malpractice	Fortuna v. Bendayan; Kings Co., N.Y., Sup. Ct.; 7645/10; April 19, 2018	None reported	None reported
28	P	\$73,100,000	Medical Malpractice	Botello v. McLaughlin; Santa Fe Co., N.M.; Dist. Ct.; No. D-101-CV-201600742; Aug. 23, 2018	Kent Buckingham; Buckingham Barrera Law Firm; Midland, Texas	Michael J. Dekleva and Rebecca S. Kenny; Madison, Mroz, Steinman & Dekleva, P.A.; Albuquerque, N.M.
29	P	\$70,560,050	Workplace	Baca v. Tomecek; Broward Co., Fla., Cir. Ct.; No. CACE-16-003324 DIV 14; Jan. 29, 2018	Brad Edwards and Brittany Henderson; Edwards Pottinger LLC; Fort Lauderdale, Fla.; and Adam Horowitz; Horowitz Law; Fort Lauderdale, Fla.	J. Michael Pennekamp, Richard P. Morris and Christine M. Walker; Fowler White Burnett, P.A.; Miami
30	P	\$68,035,462	Medical Malpractice	Arteaga v. Fresno Community Regional Medical Center; Fresno Co., Calif., Super. Ct.; No. 13CECG03906; March 20, 2018	Ricardo Echeverria; Shernoff Bidart Echeverria LLP; Claremont, Calif.; Steven A. Heimberg and Marsha E. Barr-Fernandez; Heimberg Barr LLP; Los Angeles; and Jeffrey S. Mitchell; Mitchell Law Group; San Francisco	James M. Goodman; Hassard Bonnington LLP; San Francisco; and Rebecca L. Cachia-Riedl (of counsel); Hassard Bonnington LLP; San Francisco
31	P	\$68,000,000	Products Liability	McGinnis v. C.R. Bard Inc.; Bergen Co., N.J., Super. Ct.; No. BER-L-17717-14; April 13, 2018	Adam M. Slater; Mazie Slater Katz & Freeman LLC; Roseland, N.J.	Lori G. Cohen; Greenberg Traurig, LLP; Atlanta; and Melissa A. Geist; Reed Smith LLP; Princeton, N.J.
32	P	\$67,500,000	Products Liability	Hall v. 3M Co.; Knott Co., Ky., Cir. Ct.; No. 16-CI-00100; April 23, 2018	Richard H. Friedman; Friedman I Rubin, PLLP; Seattle; Adam P. Collins and Patrick Conley; Collins, Collins & Conley; Hindman, Ky.; and Henry G. Jones; Friedman I Rubin, PLLP; Seattle	Bryant J. Spann; Thomas Combs & Spann, PLLC; Charleston, W.Va.; and W. Curt Webb; Beck Redden LLP; Houston

SIMON GREENSTONE PANATIER

TRIAL LAWYERS

**ONE OF THE TOP 100
NATIONAL VERDICTS FOR 2018
\$25,752,508.16**

Anderson, et al v. Johnson & Johnson

SGP tried this case on behalf of Joanne Anderson, who contracted mesothelioma after years of use of Johnson's Baby Powder, which SGP proved was contaminated with asbestos. This verdict was one of the first in the country against Johnson & Johnson for causing an individual to become diagnosed with mesothelioma from exposure to asbestos in their talcum powder.

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top 100 verdicts

Rank	P/D	Amount	Type	Name/Court/Date	Lead Plaintiff's Attorney(s)/Firm	Lead Defense Attorney(s)/Firm
33	P	\$66,000,000	Intellectual Property	Lumileds Lighting Co. LLC v. Elec-Tech International Co. Ltd.; Santa Clara Co., Calif., Super. Ct.; No. 2015-1-cv-278566; Aug. 10, 2018	None reported	None reported
34	P	\$60,000,000	Products Liability	Macaluso v. A.O. Smith Corp.; New York Co., N.Y., Sup. Ct.; No. 190311/15; April 9, 2018	Daniel P. Blouin and James M. Kramer; Simmons Hanly Conroy LLC; New York	Vincent J. Palmiotto; Clyde & Co LLP; Washington, D.C.; Philip O'Rourke; Lewis Brisbois Bisgaard & Smith LLP; New York; and David Katzenstein; Eckert Seamans Cherin & Mellott, LLC; Newark, N.J.
35	P	\$58,000,000	Premises Liability	Jones v. N.Y.C.H.A.; Bronx Co., N.Y., Sup. Ct.; No. 350150/11; Jan. 26, 2018	Thomas P. Giuffra; Rheingold Giuffra Ruffo & Plotkin LLP; New York	Peter J. Kurshan; Herzfeld & Rubin, P.C.; New York
36	P	\$53,600,000	Intellectual Property	Infogroup Inc. v. DatabaseLLC; D. Neb.; No. 8:14-cv-49; Aug. 22, 2018	Gregory C. Scaglione and Elizabeth A. Hoffman; Koley Jessen P.C., L.L.O.; Omaha, Neb.	Anne M. Lockner; Robins Kaplan LLP; Minneapolis; and David A. Domina; Domina Law Group PC LLO; Omaha, Neb.
37	P	\$52,708,374	Motor Vehicle	Lennig v. CRST; Los Angeles Co., Calif., Super. Ct.; No. MC025288; Feb. 21, 2018	Brian J. Panish; Panish Shea & Boyle LLP; Los Angeles; and R. Rex Parris; Parris Law Firm; Lancaster, Calif.	Fred M. Blum; Bassi Edlin Huie & Blum LLP; San Francisco; and Michael E. Gallagher Jr.; Bassi Edlin Huie & Blum LLP; Los Angeles
38	Mixed	\$51,554,103.79	Worker/ Workplace Negligence	Snyder v. Mitchell; Allegheny Co., Pa., Ct. C.P.; No. GD-14-003072; June 8, 2018	Edward J. Balzarini Jr. and Michael Balzarini; Balzarini & Watson; Pittsburgh	Dennis J. Geis Jr.; Margolis Edelstein; Pittsburgh
39	Mixed	\$51,208,578	Government	Lutz v. Health Diagnostic Laboratory Inc.; D.S.C.; No. 9:14-cv-00230-RMG; Jan. 31, 2018	James C. Leventis Jr.; U.S. Department of Justice (Civil Division); Columbia, S.C.; Peter W. Chatfield; Phillips and Cohen LLP; Washington, D.C.; Niall P. McCarthy; Cotchett, Pitre & McCarthy, LLP; Burlingame, Calif.; and Marc S. Raspanti; Pietragallo Gordon Alfano Bosick & Raspanti LLP; Philadelphia	Beattie B. Ashmore; Beattie B. Ashmore, P.A.; Greenville, S.C.
40	P	\$50,750,000	Intentional Torts	McKiver v. Murphy-Brown, LLC; E.D.N.C.; No. 7:14-cv-180-BR; April 26, 2018	Michael L. Kaeske; Kaeske Law Firm; Austin, Texas; Mona Lisa Wallace; Wallace & Graham, P.A.; Salisbury, N.C.; Lisa Blue Baron; Baron & Blue; Dallas; and John Hughes; Wallace & Graham, P.A.; Salisbury, N.C.	Mark E. Anderson; McGuireWoods LLP; Raleigh, N.C.; and Tennille J. Checkovich; McGuireWoods LLP; Richmond, Va.
41	P	\$50,300,000	Medical Malpractice	Florez v. Northshore University HealthSystem; Cook Co., Ill.; Cir. Ct.; No. 2014L013348; Oct. 9, 2018	Patrick A. Salvi II, Matthew L. Williams, Brian L. Salvi and Heidi L. Wickstrom; Salvi, Schostok & Pritchard P.C.; Chicago	David C. Burtker and Marni R. Slavick; Cunningham Meyer & Vadrine, P.C.; Chicago
42	P	\$49,782,431	Contracts	Buck-Leiter Palm Avenue Development, LLC v. City of Sarasota; Sarasota Co., Fla., Cir. Ct.; No. 2010 CA 006180; May 21, 2018	Thomas E. Leiter; The Leiter Group Attorneys and Counselors Professional Corp.; Peoria, Ill.; Eric R. Livvendahl; Williams Montgomery & John Ltd.; Chicago; and Edmund S. Whitson; Burr Forman LLP; Tampa, Fla.	Morgan R. Bentley and Brian D. Goodrich; Bentley & Bruning P.A.; Sarasota, Fla.
43	P	\$49,228,268	Fraud	SandBox Logistics, LLC v. Arrows Up Inc.; Harris Co., Texas, Dist. Ct.; No. 2016-3483; July 9, 2018	Matthew P. Whitley; Beck Redden LLP; Houston	Stephen M. Loftin; Hicks Thomas; Houston



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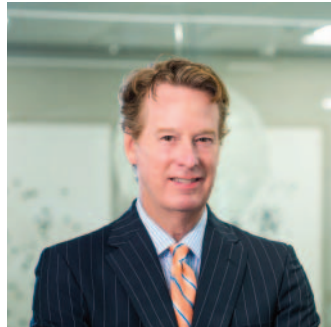
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top 100 verdicts

Rank	P/D	Amount	Type	Name/Court/Date	Lead Plaintiff's Attorney(s)/Firm	Lead Defense Attorney(s)/Firm
44	P	\$47,033,579	Medical Malpractice	Harker v. Chan; W.D. Pa.; No. 3:15-cv-00277-KRG; March 22, 2018	Dominic C. Guerrini and Mark S. Polin; Kline & Specter, PC; Philadelphia	Michael A. Sosnowski; McIntyre, Hartye, Schmitt & Sosnowski; Hollidaysburg, Pa.
45	P	\$46,000,000	Intentional Torts	Estate of McIntosh v. Extended Stay America Inc.; Gwinnett Co., Ga., Super. Ct.; No. 16-C-01271-S4; Nov. 12, 2018	Michael D'Antignac; Deitch & Rogers LLC; Atlanta	Shubhra R. Mashelkar; Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; Atlanta
46	P	\$45,420,076	Real Property	Maryland Reclamation Associates Inc. v. Harford County, Maryland; Harford Co., Md., Cir. Ct.; No. 12-C-13-000509; April 17, 2018	Brett Ingerman; DLA Piper LLP; Baltimore	Jefferson L. Blomquist; Funk & Bolton, P.A.; Baltimore
47	P	\$45,400,000	Worker/ Workplace Negligence	F.M. v. County of Los Angeles; Los Angeles Co., Calif., Super. Ct.; No. BC510993; July 26, 2018	David M. Ring and Louanne Masry; Taylor & Ring; Los Angeles	Tomas A. Guterres; Collins Collins Muir + Stewart LLP; South Pasadena, Calif.; and Christie B. Swiss; Collins Collins Muir + Stewart LLP; Carlsbad, Calif.
48	P	\$45,175,500	Premises Liability	Hedges v. East River Plaza, LLC.; New York Co., N.Y., Sup. Ct.; No. 101854/12; June 15, 2018	Thomas A. Moore; Kramer, Dillof, Livingston & Moore; New York	James F. Burke and Mathew P. Ross; Wilson Elser Moskowitz Edelman & Dicker LLP; White Plains, N.Y.; and Jeffrey K. Van Etten; Perry, Van Etten, Rozanski & Primavera, LLP; New York
49	P	\$45,000,000	Professional Negligence	Estate of Hudson v. Lutheran Social Services of Illinois; Cook Co., Ill., Cir. Ct.; No. 12 L 8432; March 27, 2018	Jay Paul Deratany, Michael Kosner and Megan O'Connor; The Deratany Firm; Chicago	Ian M. Sherman; Dykema Gossett PLLC; Chicago; and Dawn N. Williams; Dykema Gossett PLLC; Grand Rapids, Mich.
49	P	\$45,000,000	Contracts	Kiewit Power Constructors Co. v. City of Los Angeles; C.D. Calif.; No. 2:16-cv-2590; June 6, 2018	None reported	None reported
51	P	\$44,514,226	Medical Malpractice	Metts v. Nationwide Children's Hospital; Franklin Co., Ohio, Ct. C.P.; No. 14-CV-002543; Sept. 28, 2018	Gerald S. Leeseberg; Leeseberg & Valentine; Columbus, Ohio	Andrew S. Good; Roetzel & Andress; Columbus, Ohio; Michael J. Hudak; Roetzel & Andress; Akron, Ohio; Theodore P. Mattis; Vorys, Sater, Seymour and Pease LLP; Columbus, Ohio; and Frederick A. Sowards; Poling Law; Columbus, Ohio
52	P	\$44,370,000	Worker/ Workplace Negligence	Barron v. ExxonMobil Oil Corp.; Jefferson Co., Texas, Dist. Ct., 60th; No. B-198493; Sept. 13, 2018	Byron C. Alfred and Yuk S. Vujasinovic; VB Attorneys; Houston	Kent M. Adams; Wilson Elser Moskowitz Edelman & Dicker LLP; Houston; and Russell W. Heald; Wilson Elser Moskowitz Edelman & Dicker LLP; Beaumont, Texas
53	P	\$43,327,245.74	Medical Malpractice	Pierce v. East Texas Medical Center; Smith Co., Texas, Dist. Ct., 241st; No. 16-0853-C; Jan. 30, 2018	Reid Wm. Martin, John F. (Jack) Walker and Marisa M. Schouten; Martin Walker P.C.; Tyler, Texas; and Kirk L. Pittard; Kelly, Durham & Pittard, L.L.P.; Dallas	Stan Thiebaud and Russell G. Thornton; Thiebaud Remington Thornton Bailey LLP; Dallas
54	P	\$43,300,000	Intellectual Property	Maxell Ltd. v. ZTE Corp.; E.D. Texas; No. 5:16-cv-179-RWS; June 29, 2018	Jamie B. Beaver; Mayer Brown; Washington, D.C.	Callie A. Bjurstrom, Nicole S. Cunningham, Steven A. Moore, Sara J. O'Connell and Matthew R. Stephens; Pillsbury Winthrop Shaw Pittman LLP; San Diego
55	Mixed	\$43,100,000	Products Liability	Summerlin v. Philip Morris USA; Suffolk Co., Mass., Superior Ct.; No. 1581CV05255; Oct. 12, 2018	Michael Shepard; Shepard Law, P.C.; Boston	Mark A. Belasic and Kaitlin J. Kline; Jones Day; Cleveland; Vincent N. DePalo and David Governo; Smith Duggan Buell & Rufo LLP; Boston; and William P. Geraghty; Shook, Hardy & Bacon L.L.P.; Miami

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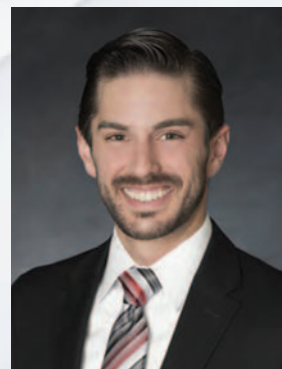
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Andrew Y. Choung
Partner



S. Desmond Jui
Of Counsel



Guy Rodgers
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top 100 verdicts

Rank	P/D	Amount	Type	Name/Court/Date	Lead Plaintiff's Attorney(s)/Firm	Lead Defense Attorney(s)/Firm
56	P	\$41,764,999.99	Products Liability	Schlestein v. R.J. Reynolds Tobacco Co.; Broward Co., Fla., Cir. Ct.; CACE08022558; Feb. 6, 2018	None reported	None reported
57	P	\$41,634,170	Motor Vehicle	Taylor v. Schilling; Los Angeles Co., Calif., Super. Ct.; No. MC026518; April 16, 2018	R. Rex Parris, Alexander R. Wheeler, Jonathan W. Douglass and Rutger R. Parris; Parris Law Firm; Lancaster, Calif.	Jeff I. Braun and Deborah S. Tropp; McNeil, Tropp & Braun, LLP; Irvine, Calif.
58	P	\$41,550,000	Worker/ Workplace Negligence	Estate of Dunn v. OM Lodging LLC; Harrison Co., Texas, Dist. Ct., 71st; No. 15-0819; June 22, 2018	D. Scott Carlile and Casey Q. Carlile; Carlile Law Firm, L.L.P.; Marshall, Texas	Aaron Pool and James T. Sunosky; Donato, Minx, Brown & Pool, P.C.; Houston
59	P	\$40,258,000	Medical Malpractice	Charlton v. Troy; Delaware Co., Pa., Ct. C.P.; No. CV-2013-01549; Jan. 23, 2018	Timothy R. Lawn; Raynes Lawn Hehmyer; Philadelphia	Benjamin A. Post; Post & Post LLC; Berwyn, Pa.; and Stephen A. Ryan; Marshall Dennehey Warner Coleman & Goggin, P.C.; King of Prussia, Pa.
60	P	\$40,113,691.34	Products Liability	Twidwell v. Aerco International Inc.; New York Co., N.Y., Sup. Ct.; No. 190136/17; Aug. 7, 2018	Daniel P. Blouin and James M. Kramer; Simmons Hanly Conroy LLC; New York; Laurence Valere Nassif; Simmons Hanly Conroy LLC; New York; and Timothy Thompson; Simmons Hanly Conroy LLC; Alton, Ill.	Bernard Daskal and James R. Lynch; Lynch Daskal Emery LLP; New York



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top 100 verdicts

Rank	P/D	Amount	Type	Name/Court/Date	Lead Plaintiff's Attorney(s)/Firm	Lead Defense Attorney(s)/Firm
61	P	\$39,702,667	Worker/ Workplace Negligence	Acosta v. City of Long Beach; Los Angeles Co., Calif., Super. Ct.; No. BC591412; Nov. 19, 2018	Brian S. Kabateck and Shant A. Karnikian; Kabateck LLP; Los Angeles	Philip M. Woog; Cooksey, Toolen, Gage, Duffy & Woog; Costa Mesa, Calif.
62	P	\$38,517,300	Motor Vehicle	Hansen v. Hamilton; Cherokee Co., Kan., Dist. Ct.; No. 14-CV-78; Feb. 2, 2018	Roger A. Johnson; Johnson & Vorhees PC; Joplin, Mo.	Constance L. Shidler; Smithyman & Zakoura; Overland Park, Kan.
63	P	\$38,305,758.61	Government	Gaines v. Ruby; Baltimore Co., Md., Cir. Ct.; No. 03C16009435; Feb. 16, 2018	J. Wyndal Gordon; The Law Office of J. Wyndal Gordon, P.A.; Baltimore; Kenneth W. Ravenell; Ravenell Law; Baltimore; and Landon M. White; Law Office of Landon M. White; Baltimore	James S. Ruckle Jr.; Baltimore County Law Office; Towson, Md.
64	P	\$37,835,259.23	Products Liability	Benedict v. Hankook Tire Co. Ltd.; E.D. Va.; No. 3:17-cv-00109-REP; March 9, 2018	Jonathan E. Halperin; Halperin Law Center; Glen Allen, Va.; Jay Halpern; Halpern Santos & Pinkert, P.A.; Coral Gables, Fla.; and Andrew Lucchetti and Isaac A. McBeth; Halperin Law Center; Glen Allen, Va.	Joel A. Dewey; DLA Piper LLP, Baltimore; and Martin A. Conn; Moran Reeves & Conn, PC; Richmond, Va.
65	P	\$35,000,000	Products Liability	Kaiser v. Johnson & Johnson; N.D. Ind.; No. 2:17-CV-00114-PPS; March 8, 2018	Jeffrey M. Kuntz; Wagstaff & Cartmell, LLP; Kansas City, Mo.; Thomas O. Plouff (of counsel); Costello, McMahon, Burke & Murphy Ltd.; Chicago; and Edward A. Wallace; Wexler Wallace LLP; Chicago	Kat Gallagher; Beck Redden LLP; Houston; and Mary Nold Larimore; Ice Miller LLP; Indianapolis

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top 100 verdicts

Rank	P/D	Amount	Type	Name/Court/Date	Lead Plaintiff's Attorney(s)/Firm	Lead Defense Attorney(s)/Firm
65	Mixed	\$35,000,000	Intentional Torts	Nunez v. Watchtower Bible and Tract Society of New York Inc.; Sanders Co., Mont., Dist. Ct., 20th; No. DV-16-84; Sept. 26, 2018	Neil Smith; Nix Patterson LLP; Dallas	Joel M. Taylor; Watchtower Bible and Tract Society of New York Inc.; Patterson, N.Y.
67	P	\$34,893,329.64	Medical Malpractice	C L C v. Westchester Medical Center; Westchester Co., N.Y., Sup. Ct.; No. 51356/14; May 17, 2018	Randy B. Nassau; The Fitzgerald Law Firm, P.C.; Yonkers, N.Y.	Laurie A. Annunziato; Martin Clearwater & Bell LLP; New York; and Garrett P. Lewis; Heidell, Pittoni, Murphy & Bach, LLP; White Plains, N.Y.
68	P	\$34,333,495.81	Intentional Torts	Vogt v. State Farm Life Insurance Co.; W.D. Mo.; No. 2:16-cv-04170-NKL; June 6, 2018	Norman E. Siegel; Stueve Siegel Hanson LLP; Kansas City, Mo; and John J. Schirger; Miller Schirger LLC; Kansas City, Mo.	Wayne B. Mason; Drinker Biddle & Reath LLP; Dallas; and Todd A. Noteboom; Stinson Leonard Street LLP; Minneapolis
69	P	\$34,200,000	Intellectual Property	John Wiley & Sons Inc. v. Book Dog Books LLC; S.D.N.Y.; Nos. 1:13 CV 00816 and 1:16-CV-07123; April 5, 2018	Matthew J. Oppenheim, Jeffrey M. Gould, Corey Miller and Michele Harrington Murphy; Oppenheim + Zembrak, LLP; Washington, D.C.	Rishi Bhandari, Robert Glunt and Evan Mandel; Mandel Bhandari LLP; New York
70	P	\$33,500,000	Government	Archibald v. County of San Bernardino; C.D. Calif.; No. 5:2016-CV-01128; March 14, 2018	Dale K. Galipo and Hang D. Le; Law Offices of Dale K. Galipo; Woodland Hills, Calif.; and Robert D. Conaway; Law Office of Robert D. Conaway; Apple Valley, Calif.	Vincent C. Ewing and Roger A. Colvin; Alvarez-Glasman & Colvin; City of Industry, Calif.

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Awarded to California Laborer diagnosed with mesothelioma in *Pietro Macaluso v. A.O. Smith Corporation, et al., No. 15-190311*. Macaluso is the largest, single plaintiff verdict in NYCAL history.

\$40 Million

Awarded to Washington Navy Veteran in *Walter Twidwell v. Aerco International Inc., et al No. 190136-2017*. Twidwell is the largest, pure compensatory verdict in NYCAL history.

\$7 Million

Awarded to Pennsylvania Welder in *Thomas McGlynn v. Jenkins Bros., No. 16-190219*. A December 2017 additur motion increased the original award and marked the first time in NYCAL history a jury's award was judicially increased.



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top 100 verdicts

Rank	P/D	Amount	Type	Name/Court/Date	Lead Plaintiff's Attorney(s)/Firm	Lead Defense Attorney(s)/Firm
71	P	\$33,129,390.95	Products Liability	Figgs v. Georgia Pacific Wood Products South, LLC; Harris Co., Texas, Dist. Ct., 129th; No. 2016-26100; April 11, 2018	Kyle Findley, Kala Sellers and Adam Lewis; Arnold & Itkin LLP; Houston	Terry Fitzgerald; Royston Rayzor; Houston; and William Book; Tekell, Book, Allen & Morris LLP; Houston
72	P	\$32,700,000	Products Liability	Finch v. BASF Catalysts LLC; M.D.N.C.; No. 1:16-cv-01077-CCE-JEP; Oct. 5, 2018	Jessica M. Dean and Kevin W. Paul; Dean Omar Branham & Shirley, LLP; Dallas; and Bill Graham; Wallace & Graham, P.A.; Salisbury, N.C.	William W. Silverman; Wood Smith Henning & Berman LLP; Raleigh, N.C.; and Mark H. Wall; Wall Templeton & Haldrup, P.A.; Attorneys at Law; Charleston, S.C.
73	P	\$31,089,793	Employment	Rael v. Axis SybronEndo; Los Angeles Co., Calif., Super. Ct.; No. BC 584994; June 26, 2018	Carney R. Shegerian, Anthony Nguyen and Mark I. Lim; Shegerian & Associates Inc.; Santa Monica, Calif.	Jon D. Meer and Jamie C. Pollaci; Seyfarth Shaw LLP; Los Angeles
74	P	\$30,995,000	Medical Malpractice	Willis v. Jones; Clayton Co., Ga., State Ct.; No. 2014CV02070; Sept. 21, 2018	C. Neal Pope; Pope McGlamry; Columbus, Ga.; Jay F. Hirsch and Michael J. Blakely Jr.; Pope McGlamry; Atlanta; and Jonathan W. Johnson; Jonathan W. Johnson, LLC Attorneys at Law; Atlanta	Terrell W. Benton III; Hall Booth Smith, P.C.; Atlanta; Robert P. Monyak; Peters & Monyak, LLP; Atlanta; and R. Page Powell Jr.; Huff Powell & Bailey, LLC; Atlanta
75	P	\$30,270,501	Products Liability	Morgan v. CBS Corp.; Los Angeles Co., Calif., Super. Ct.; Nos. BC695605 and JCCP4674; Nov. 15, 2018	Scott Peebles; Simmons Hanly Conroy LLC; San Francisco; and Robert Woodward; Simmons Hanly Conroy LLC; Alton, Ill.	Helen M. Luetto; Walsworth - WFBM, LLP; Orange, Calif.; and Kurt T. Putnam; Walsworth - WFBM, LLP; San Francisco

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ABOUT THE AUTHOR



Corey R. Chivers is a partner in Weil, Gotshal & Manges LLP's Capital Markets practice. He has represented corporations, investment banks, national governments and multinational financial institutions in a wide range of public and private securities offerings, including initial public offerings, major high-yield transactions and investment grade debt offerings.

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top 100 verdicts

Rank	P/D	Amount	Type	Name/Court/Date	Lead Plaintiff's Attorney(s)/Firm	Lead Defense Attorney(s)/Firm
76	P	\$30,000,000	Products Liability	Anaya v. Superior Industries Inc.; Los Angeles Co., Calif., Super. Ct.; No. BC594187; March 19, 2018	Don Liddy; Liddy Law Firm; Pasadena, Calif.; David R. Shoop; Shoop I A Professional Law Corp.; Beverly Hills, Calif.; and Paula J. Khehra; Liddy Law Firm; Pasadena, Calif.	John A. Kaniewski and Sadaf A. Nejat; WFBM, LLP; Orange, Calif.
76	P	\$30,000,000	Intellectual Property	BladeRoom Group Limited v. Facebook Inc.; N.D Calif.; No. 5:15-cv-01370-EJD; May 10, 2018	Jeffrey M. Fisher, Stephanie P. Skaff, Eugene Y. Mar and Eric C. Olson; Farella Braun + Martel LLP; San Francisco	Rudolph A. Telscher; Husch Blackwell LLP; St. Louis
78	P	\$29,500,000	Medical Malpractice	DeJongh v. Sioux Center Health; Sioux Co., Iowa, Dist. Ct.; No. LACV026141; June 13, 2018	Courtney E. Rowley, Rod Ritner, Matt Reilly and Nicholas C. Rowley; Trial Lawyers for Justice, P.C.; Decorah, Iowa	John C. Gray; Heidman Law Firm, PLLC; Sioux City, Iowa; and Joseph L. Fitzgibbons; Fitzgibbons Law Firm Estherville, Iowa
79	P	\$28,817,045	Employment	Brovont v. KS-I Medical Services, P.A.; Jackson Co., Kan. Cir. Ct.; No. 1716-CV9591; Sept. 17, 2018	Ben Fadler, Michael S. Ketchmark and Scott A. McCreight; Ketchmark and McCreight, P.C.; Leawood, Kan.	John M. Barr; Law Office of John M. Barr, P.C.; Richmond, Va.; John M. Fitzpatrick and Erin F. Tatman; Wheeler Trigg O'Donnell LLP; Denver; and Kyle B. Russell and Janelle L. Williams; Jackson Lewis P.C.; Overland Park, Kan.
80	P	\$28,650,000	Employment	Katz v. Cleveland Clinic Foundation; Cuyahoga Co., Ohio, Ct. C.P.; No. CV-16-868242; April 27, 2018	Christopher P. Thorman and Daniel Petrov; Thorman Petrov Group Co., LPA; Cleveland	Jeffrey J. Wedel and Lisa A. Kainec; Zashin & Rich; Cleveland

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by Elliot E. Polebaum

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\$1.15 billion Verdict

Santa Clara Superior Court Judge James P. Kleinberg ordered lead paint companies to pay \$1.15 Billion into a fund to remove lead paint from the homes of 10 counties and cities in California. Defendants promoted and sold lead paint for use on homes knowing it is poisonous to children.

\$45 million Judgment

A San Mateo victim, 41, who had her neck broken, was paralyzed for life, and became a quadriplegic when her car was struck by a driver speeding through a red light.

\$25 million Settlement

Wrongful death action for the loss of several family members brought by surviving heir, who was also suffering from Post-Traumatic Stress Disorder; settlement included damages for loss of love, comfort and companionship and emotional distress.

\$21.4 Million Verdict

Wrongful death case in which two families filed a lawsuit on behalf of two brothers who died from cancer as a result of exposure to the known cancer-causing chemical benzene.

\$13 million Judgment

Male victim of child sexual abuse by soccer coach that occurred over several years; award included damages for medical expenses, lost earning capacity and pain and suffering.

\$7.5 million Verdict

Elderly woman struck in crosswalk by inattentive driver; injuries included severe brain damage and multiple fractures, requiring round-the-clock attendant care.

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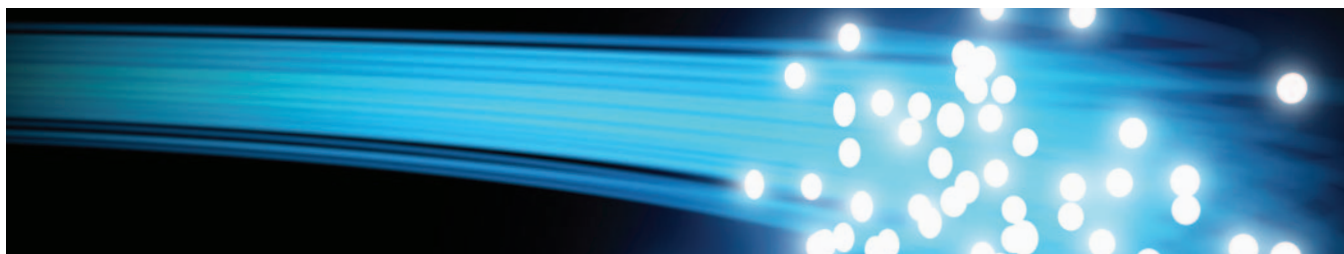
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top 100 verdicts

Rank	P/D	Amount	Type	Name/Court/Date	Lead Plaintiff's Attorney(s)/Firm	Lead Defense Attorney(s)/Firm
81	P	\$28,213,000	Employment	Berthold v. Brigham and Women's Hospital; Suffolk Co., Mass. Super. Ct.; No. SUCV 2014-2253; May 23, 2018	Allison MacLellan; MacLellan Law Firm, P.C.; Dorchester, Mass.	Elizabeth A. Houlding and Rebecca J. Wilson; Peabody & Arnold LLP; Boston
82	Mixed	\$28,000,000	School	Gloria G. v. City School District of the City of Mount Vernon; Westchester Co., N.Y., Sup. Ct.; No. 70026/12; Nov. 30, 2018	Jordan Merson; Merson Law PLLC; New York; and Andrew S. Buzin; Buzin Law, P.C.; New York	Kenneth K. Haldenstein; O'Connor McGuinness Conte Doyle Oleson Watson & Loftus, LLP; White Plains, N.Y.
83	P	\$27,410,000	Motor Vehicle	Wingfield v. AT&T Corp.; Upshur Co., Texas, Dist. Ct.; No. 16-00552; Oct. 11, 2018	Brent Goudarzi and Marty Young; Goudarzi & Young, LLP; Gilmer, Texas	David L. Merkley and Sarah C. Jones; Germer PLLC; Houston
84	P	\$27,091,053.90	Worker/ Workplace Negligence	Sitton v. Ceeda Enterprises Inc.; Fulton Co., Ga., State Ct.; No. 16EV004325; July 17, 2018	W. Pitts Carr and Alex D. Weatherby; Carr & Weatherby LLP, Atlanta; and W. Winston Briggs; W. Winston Briggs Law Firm; Atlanta	James N. Cline; James N. Cline, P.C.; Roswell, Ga.
85	P	\$27,000,000	Intentional Torts	Marino v. Barton; Philadelphia Co., Pa., Ct. C.P.; No. 160500051; Nov. 11, 2018	Francis Alexander Malofiy and AJ Fluehr; Francis Alexander LLC; Media, Pa.	None reported
86	P	\$26,728,247	Intellectual Property	Verinata Health Inc. v. Ariosa Diagnostics Inc.; N.D. Calif.; Nos. 12-cv-05501, 14-cv-01921 and 15-cv-02216; Jan. 25, 2018	Edward R. Reines; Weil, Gotshal & Manges LLP; Redwood Shores, Calif.	David I. Gindler; Irell & Manella LLP; Los Angeles

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top 100 verdicts

Rank	P/D	Amount	Type	Name/Court/Date	Lead Plaintiff's Attorney(s)/Firm	Lead Defense Attorney(s)/Firm
87	D	\$26,000,000	Contracts	Williams Island Property Owners' Association Inc. v. City of Aventura; Miami-Dade Co., Fla., Cir. Ct.; No. 2013-015004-CA-01; Jan. 30, 2018	Richard H. Critchlow and Jeffrey T. Foreman; Kenny Nachwalter, P.A.; Miami	Glen H. Waldman, Eleanor T. Barnett and Jeffrey R. Lam; Waldman Barnett, P.L.; Coconut Grove, Fla.
88	P	\$25,910,000	Products Liability	Estate of Salliotte v. Sam's East Inc.; Pasco Co., Fla.; Cir. Ct.; No. 2014-CA-001436; March 15, 2018	C. Richard Newsome and R. Frank Melton II; Newsome Melton, P.A.; Orlando, Fla.; and Christine D. Spagnoli; Greene Broillet & Wheeler, LLP; Santa Monica, Calif.	William J. Conroy; Campbell Campbell Edwards & Conroy, P.C.; Berwyn, Pa.; and Dennis R. O'Connor; O'Connor & O'Connor, LLC; Orlando, Fla.
89	P	\$25,752,508.16	Products Liability	Anderson v. Borg-Warner Corp.; Los Angeles Co., Calif., Super. Ct.; Nos. BC666513 and JCCP4674; May 24, 2018	David C. Greenstone and Christopher J. Panatier; Simon Greenstone Panatier, PC; Dallas; and Conor R. Nideffer; Simon Greenstone Panatier, PC; Long Beach, Calif.	Mel D. Bailey; Bailey Crowe Arnold & Majors, LLP; Dallas; and Alexander G. Calfo; King & Spalding LLP; Los Angeles
90	P	\$25,592,082.19	Insurance	Cunningham v. Aetna Life Insurance Co.; Oklahoma Co., Okla., Dist. Ct.; No. CJ-2015-2826; Nov. 6, 2018	Douglas A. Terry; Doug Terry Law, PLLC; Edmond, Okla.	John B. Shely; Hunton Andrews Kurth; Houston
91	P	\$25,300,000	Intentional Torts	Stephen W. v. Westerly School of Long Beach; Los Angeles Co., Calif., Super. Ct.; No. BC615649; June 6, 2018	John C. Taylor and Natalie Weatherford; Taylor & Ring LLP; Los Angeles	Mark E. Lowary and Michael A. Verska; Berman, Berman, Berman, Schneider & Lowary, LLP; Riverside, Calif.

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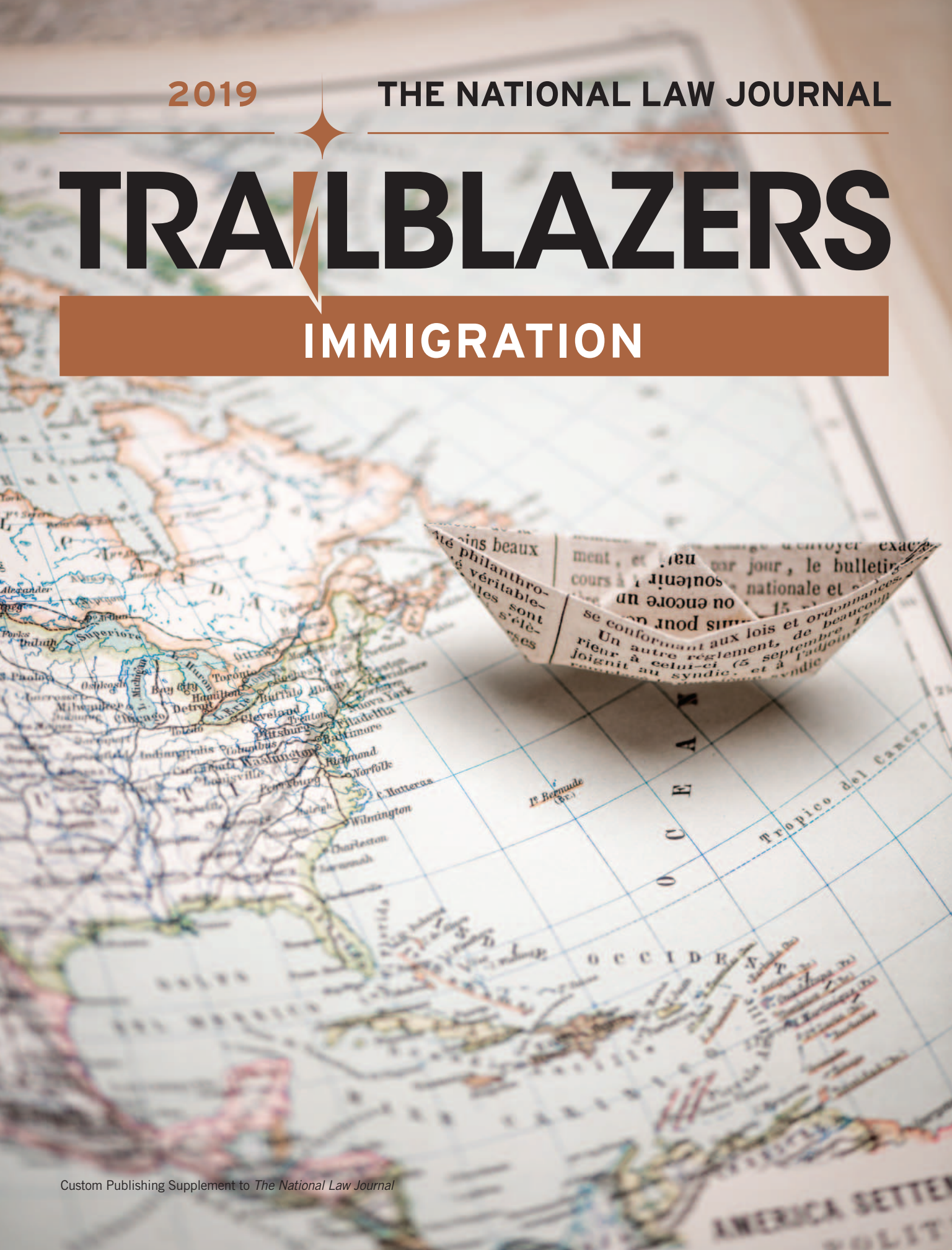
Rank	P/D	Amount	Type	Name/Court/Date	Lead Plaintiff's Attorney(s)/Firm	Lead Defense Attorney(s)/Firm
92	P	\$25,247,350	Contracts	Hinrichs & Associates v. Beats Electronics, LLC (prevailing party was third-party plaintiff Jibe Audio LLC); Los Angeles Co., Calif., Super. Ct., BC533089; 6/27/2018	Brian D. Melton; Susman Godfrey LLP; Houston; Stephen E. Morrissey; Susman Godfrey LLP, Seattle; Chanler A. Langham; Susman Godfrey LLP; Houston; and Davida Brook; Susman Godfrey LLP; Los Angeles	Arturo J. Gonzalez; Morrison & Foerster LLP; San Francisco; and Bitu Rahebi; Morrison & Foerster LLP; Los Angeles
93	P	\$25,130,000	Intentional Torts	McGowan v. Murphy-Brown, LLC; E.D.N.C.; No. 7:14-CV-182-BR; June 29, 2018	Michael L. Kaeske; Kaeske Law Firm; Austin, Texas; Mona Lisa Wallace; Wallace & Graham, P.A.; Salisbury, N.C.; Lisa Blue Baron; Baron & Blue; Dallas; and John Hughes; Wallace & Graham, P.A.; Salisbury, N.C.	Mark E. Anderson; McGuireWoods LLP; Raleigh, N.C.; and Tennille J. Checkovich; McGuireWoods LLP; Richmond, Va.
94	P	\$25,060,000	Fraud	Copart Inc. v. Sparta Consulting Inc.; E.D. Calif.; No. 2:14-cv-00046-KJM-CKD; May 22, 2018	Mark P. Ressler and Ronald R. Rossi; Kasowitz Benson Torres LLP; New York; and Jason S. Takenouchi and Lyn R. Agre; Kasowitz Benson Torres LLP; San Francisco	Frederick Brown; Gibson, Dunn & Crutcher LLP; San Francisco; and Paul T. Llewellyn; Lewis & Llewellyn LLP; San Francisco
95	P	\$25,000,000	Motor Vehicle	Estate of Dougherty v. WCA of Florida, LLC; Alachua Co., Fla., Cir. Ct.; No. 01 2017 CA 001288; Oct. 5, 2018	W. Cort Frohlich, Brian M. Beason and Christopher E. Frohlich; Frohlich, Gordon & Beason, P.A.; Port Charlotte, Fla.; and C. Richard Newsome; Newsome Melton, P.A.; Orlando, Fla.	Todd R. Ehrenreich, Noel Johnson and David Luck; Lewis Brisbois Bisgaard & Smith LLP; Coral Gables, Fla.
95	P	\$25,000,000	Motor Vehicle	Jackson v. Beamers Private Club; Dallas Co., Texas, Dist. Ct. 191st; Nos. DC-13-12937 and DC-13-13245; Dec. 13, 2018	Charla G. Aldous and Brent R. Walker; Aldous \ Walker LLP; Dallas; and Joshua J. Bennett; Carter Arnett PLLC; Dallas	Spencer G. Markle; Markle • DeLaCruz, LLP; Houston; and Carlos R. Cortez; Cortez Law Firm, P.L.L.C.; Dallas
95	P	\$25,000,000	Worker/ Workplace Negligence	Johnson v. Metropolitan Atlanta Rapid Transit Authority; Fulton Co., Ga., Super. Ct.; No. 2017cv287279; Nov. 8, 2018	Joseph A. Fried and Michael L. Goldberg; Fried Rogers Goldberg LLC; Atlanta; Donald W. Singleton; Singleton Law Firm, LLC; Alpharetta, Ga.; and Melanie C. Eyre; Eyre Law and Mediation; Atlanta	James W. Scarbrough and Dawn Pettigrew; Mabry & McClelland, LLP; Atlanta
98	P	\$23,930,718	Intellectual Property	RainDance Technologies Inc. v. 10x Genomics Inc.; D. Del.; No. 1:15-cv-00152-RGA; Nov. 13, 2018	Edward R. Reines and Derek C. Walter; Weil, Gotshal & Manges LLP; Redwood Shores, Calif.; Robert T. Vlasits; Weil, Gotshal & Manges LLP; Washington, D.C.; and Amanda Branch; Weil, Gotshal & Manges LLP; Redwood Shores, Calif.	Matthew D. Powers; Tensegrity Law Group; Redwood Shores, Calif.; and David I. Gindler; Irell & Manella LLP; Los Angeles
99	P	\$22,962,494.66	Insurance	Dauod v. GEICO Insurance Co.; Orange Co., Calif. Super. Ct.; No. 30-2014-00761274-CU-CO-CJC; April 10, 2018	None reported	None reported
100	Mixed	\$22,035,732.44	Motor Vehicle	Sullivan v. Enbridge Pipelines (North Texas) L.P.; Upshur Co., Texas, Dist. Ct., 115th; No. 15-00536; Nov. 30, 2018	Brent Goudarzi and Marty Young; Goudarzi & Young, LLP; Gilmer, Texas	H. Dwayne Newton and Anthony E. Spaeth; Newton, Jones & Spaeth; Houston

2019

THE NATIONAL LAW JOURNAL

TRAILBLAZERS

IMMIGRATION





Dear Readers,

The National Law Journal is recognizing its second annual Immigration Law Trailblazers as well as our inaugural list of Technology Law Trailblazers. The Trailblazer series is a special supplement developed by the business arm of *The National Law Journal*. We are proud to spotlight a handful of individuals from each practice area that are truly agents of change.

Immigration continues to be a popular law topic right now. We wanted to take a moment to recognize our peers that are involved in immigration law. You will find a mixture of touching personal stories as well as profiles on those focused on shaping immigration legislation in the pages to follow.

In the past, our Trailblazer series focused on certain areas of technology. With new technologies emerging and growing each month, we tried to broaden the section this year. We aimed to focus not just on cryptocurrency and cyber security but areas such as life science technologies and artificial intelligence. We hope that this change makes the list of honorees even more compelling to our readers.

As with all Trailblazer supplements, the list is never complete. If you have someone you feel is deserving of the title, please reach out and let us know.

Congratulations to this year's honorees!

All the best,

Richard Caruso
Vice President & General Manager, Legal Media

COLLEEN CADEN

PRYOR CASHMAN LLP



PIONEER SPIRIT Colleen Caden has a bachelor's degree in Middle East studies and a master's degree in the Near East and journalism. "I was offered a job at the UN, but the funding was cut before I could start. So, I got a job working for a private investment firm. My father was a judge in the Eastern District of New York and hoped that a law degree would pave a different path." While at Brooklyn Law School, she was recruited for a summer position at an immigration firm. "It opened up immigration to me."

TRAILS BLAZED Caden joined Pryor Cashman in 2009 and launched its immigration group. "It was a once-in-a-lifetime opportunity. It started with me and two paralegals, and now we have 13 attorneys and 27 total professionals." She has developed a professional sports practice, and her clients include the NHL, NBA and MLS. "I'm one of the two or three practitioners that are a go-to firm for leagues, players and teams. Our clients view us as able to keep up with the pace of the professional sports field. We can move quickly to get work authorizations to meet deadlines. That's due to our high-touch approach, as well as our connections with the government." She also founded the firm's Women's Leadership Initiative. "We try to attract, retain and develop women lawyers, who are so important to the profession. The initiative has been lauded in the profession."

FUTURE EXPLORATIONS The Trump administration has put a virtual wall up in terms of legal immigration. "They are making hiring foreign nationals as challenging as possible and trying to discourage legal immigration without changing the laws. But our clients are not discouraged. They are looking for thoughtful, creative legal advice to overcome the wall that the administration is trying to build."

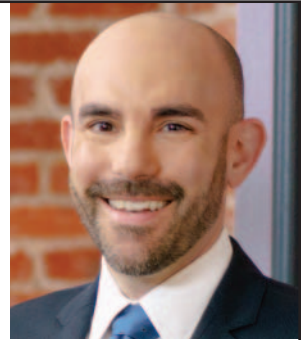
CODY HARRIS AND JOHN KEKER

KEKER, VAN NEST & PETERS LLP

PIONEER SPIRIT Cody Harris and John Keker served as co-counsel to Santa Clara County, California, in winning a nationwide injunction against President Trump's executive order attempting to defund "sanctuary jurisdictions." Keker said, "We got involved when Trump was elected and started to do unconstitutional things. We as a firm felt the need to resist that." Harris knew Danielle Goldstein in the Santa Clara counsel's office. "She reached out to me about suing the president." The firm ultimately drafted the complaint and filed it.

TRAILS BLAZED The case was assigned to Judge Orrick in the Northern District of California. San Francisco had filed a similar claim, and they were consolidated. "John argued for a preliminary injunction at hearing, and shortly after it was granted," said Harris. Keker said that gathering facts about the clear and immediate harm from the announcement took the most effort. "We had to go to agencies to understand their budget processes." "Then the government put out a two-page memo to rewrite the order without rewriting it," said Harris, who successfully argued for summary judgment. Explained Harris, "Eventually, it came before the Ninth Circuit, where it was affirmed. Then it was remanded to see if it should be nationwide. It is still pending." Harris said the unconstitutionality of the order was very clear. "They made no attempt to defend what Trump said he would be doing on the merits. They tried to argue only on standing and ripeness."

FUTURE EXPLORATIONS According to Keker, the president will keep attempting to usurp the functions of Congress. "Though even he seems to have begun to realize he will keep getting defeated." Harris said Trump will keep using sanctuary cities as political red meat. "But for purposes of this lawsuit, it was important to get the federal government to back off. And they did."



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PIONEER SPIRIT Jennifer Hermansky started doing immigration work as a paralegal at a large law firm in Philadelphia before graduating from Drexel University's Earle Mack School of Law in 2009. "I was interested in immigration because you get to interact with different types of people, and it's easy to see a whole case through from beginning to end. Also you can help people along the way and help families move to the United States."

TRAILS BLAZED Hermansky, who became a shareholder in 2017, focuses her practice on employment-based immigration and has experience serving health care, pharmaceutical and real estate companies, as well as entrepreneurs, scientists and researchers in scientific communities for a wide range of temporary visa options and permanent residence solutions. She specializes in EB-5 visas for investors, an area that involves private equity, securities and tax along with immigration. "These investor visas allow foreign investors to get a green card based on investments they make. I have a background in finance, and I do structuring of large projects that utilize foreign capital to do foreign direct investment and create jobs. I've worked on many different projects with many different companies for about \$5 billion total in foreign direct investments. I've worked on all different kinds of projects, including the structuring of the largest EB-5 project in the country. We have helped to do all types of projects in all areas, including developing new neighborhoods, hotels, hospitals and senior living facilities."

Hermansky also assists in the immigration work for the investors that are coming to the United States. "In doing that, I've helped about 3,500 families get green cards under this program."

She is involved with the American Immigration Lawyers Association and recently served two terms as a member of the board of governors of the AILA. She is currently a member of the AILA's EB-5 Committee, which publishes guidance for the industry and liaises with U.S. Citizenship and Immigration Services on policy issues affecting EB-5 matters.

Hermansky also serves as a mentor. Within her roles at the AILA, she has focused on helping new members of the bar association, particularly women, advance in their careers. As chair of the AILA Philadelphia Chapter's new member division, she organized local bar events to introduce the local immigration bar, supported career and case development, and organized local CLE events designed to benefit new attorneys. Within the firm, Hermansky was recently selected to be career development liaison for the Philadelphia office, acting as a resource for associates and contact with firm leadership, assisting with managing career development activities for the office and generally mentoring junior attorneys in their advancement within the firm.

She contributes to the firm's EB-5 Insights Blog and the Inside Business Immigration Blog.

FUTURE EXPLORATIONS It is currently a difficult time for immigration. "It is challenging to get people various benefits, even in the area of employment immigration. We also help move employees of companies across borders, and it is challenging to get people approved for different types of visas, even if they qualify. It is becoming challenging for practitioners and companies, who must remain vigilant around people's eligibility in a methodical, thoughtful way to ensure that the documents being filed are ironclad. The approval rates are going way down on these types of cases. It's a hostile environment to get all kinds of visas these days, but I am always looking forward to a challenge."

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Congrats!



Jennifer Hermansky



Ian Macdonald



Courtney Noce

Greenberg Traurig congratulates our own **Jennifer Hermansky**, **Ian Macdonald** and **Courtney Noce** on their recognition as *National Law Journal* 2019 Immigration Trailblazers.

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PIONEER SPIRIT Ian Macdonald is a second-generation immigration lawyer. “My dad is a UK immigration barrister, so I grew up in a house that discussed immigration over corn flakes at breakfast.” In an attempt to steer his career away from immigration by going into foreign affairs, Macdonald went to work at the United Nations. “Lo and behold, I ended up in the legal department looking at visas. It turned out that I enjoyed that kind of work. So instead of doing the courtroom and removal kind of immigration, I connected more so to the corporate immigration role and have been doing it for about 20 years. I’ve worked with top Fortune 50 companies and startups that have grown. It’s an interesting area in that it crosses international policy, business needs and people interaction.” Before joining Greenberg Traurig, Macdonald worked for various nongovernmental think tanks and corporate law firms in London, Washington, D.C., New York, and Atlanta.

TRAILS BLAZED Macdonald is co-chair of the firm’s national Immigration and Compliance Practice and the Labor & Employment Practice’s International Employment, Immigration and Workforce Strategies groups. He focuses his practice on developing, assessing and managing global mobility programs for multinational companies on a range of challenges affecting the movement of people and capital domestically and internationally, including secondment agreements, benefits transferability, local host country employment concerns and immigration.

Macdonald and his team work closely with companies to manage and modify corporate immigration programs to maximize efficiency, service and regulatory compliance levels. He is experienced with the full range of business immigration sponsorship categories, anti-discrimination rules to reduce or eliminate risk of employment litigation, employer sanction cases and I-9 and E-Verify compliance. Macdonald also assists clients with establishing risk-based performance standards and Department of Homeland Security protocol, providing risk assessment assistance to corporations subject to Chemical Facility Anti-Terrorism Standards and aiding clients with ITAR/export control compliance within the immigration context.

“My roles involve blending the combination of people in different countries needing contracts as well as immigration. I led an internal firm initiative to develop a new software suite called GT Simplicity. The software allows our clients and team members to run KPIs in a real-time environment. Someone sends out a request for a forecast on trends and to compare prior years to the current year. The innovation of GT Simplicity has truly been valued at the firm. In addition, I am on the executive committee, where we try to apply what we’ve done in immigration to a wider set of practice areas.”

Macdonald is also the editor of the firm’s Inside Business Immigration blog. He created the blog in 2013 and manages all aspects of it including content, editing and market focus.

FUTURE EXPLORATIONS Immigration is at a tipping point. “Looking back at the last few years and looking at what will happen in the next 18-24 months, we are left with some glimmers of hope. The House of Representatives is now controlled by Democrats, so any new immigration reform is unlikely. And with the 2020 presidential race going into full effect, there is the opportunity for some piecemeal legislation over the next seven to eight months. E-Verify will probably become mandatory, so all new employees will have to be run through it. We anticipate that H-4 work authorizations will be revoked, so we are looking at a possible clarification on education standards for certain key visas. Hopefully certain decisions will be made at the administration level that will be good for business, rather than a hindrance of employers’ ability to sponsor and hire the very best talent they can.”

The line between legal and illegal immigration for businesses will continue to be blurred between now and the presidential election. “That has been a challenge for my practice. When you say immigration, people immediately think of what is happening at the border. But we are trying to assist Fortune 50 companies to bring in the best talent, rather than export the work to people outside the United States. As long as Congress doesn’t pass reasonable immigration laws, jobs will go abroad, which is a shame.”

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PIONEER SPIRIT Courtney Noce didn't plan to become an immigration attorney. "I naturally gravitated toward the practice. A lot of people think it was always my plan, but it wasn't." Noce was born in Germany, grew up in Atlanta and studied in Canada and France. She speaks fluent Italian and is conversational in French and Spanish. "Immigration has touched my life in personal ways. My husband is Italian, and I brought him here on a green card." Before graduating from Georgia State University College of Law, she worked at the Internal Revenue Service's Office of General Counsel and as a business development and project manager for Georgia's Department of Economic Development and Life Sciences Business Development. "I worked for the state of Georgia in the economic development area to bring new business to the state and help current businesses expand. A lot of international companies are located in the United States, so that exposed me to the pain points of some companies in a global economy in terms of moving talent around the world."

TRAILS BLAZED Noce focuses her practice on U.S. business immigration, compliance and enforcement actions, as well as global immigration. She represents both large, multinational companies and small startups on the full range of employment-based immigration, ranging from permanent residence to nonimmigrant visa categories. She works closely with companies on complex challenges associated with I-9 employment verification and enforcement actions, as well as H-1B and Labor Condition Application compliance. Noce also assists multinational clients in the area of global mobility and immigration. She has experience helping companies move key personnel into all parts of the world.

Noce and her team also developed customized technology to better serve their clients. "The customized software helps simplify the immigration process, which is especially important in the current environment. There is constant communication in immigration work. With so many players, it is important to collaborate and have transparency. Real-time access is therefore critical for communication. This helps us to focus on immigration from a macro and micro perspective—having historical data allows us to understand clients' needs and the employee population at any given time."

She also provides proactive strategies in the form of on-site training, internal audits and reviews, as well as deploying best practices to minimize exposure and liabilities in the event of government investigations. "Clients are focused on compliance in the current environment, and our customized technology assists them to be able to remain compliant."

"Another priority for me when working with my immigration clients is first identifying their business needs. Because Greenberg Traurig is a multi-practice firm, with many industry groups within, I am more easily able to focus on the industry in which clients are working. By better understanding the industry as a whole, it allows me to understand the day-to-day of what clients are struggling with. Immigration work is involved in many practice areas, which provides me the opportunity to better solve problems and understand how other laws impact immigration and vice versa."

Noce is also part of the firm's retail group, which works to reduce risk, implement best practices and enhance business operations, productivity and profitability. In particular, she has done a significant amount of work for the luxury retail group.

FUTURE EXPLORATIONS This is the most challenging time to be working in immigration. "There are always things that are changing. It challenges us as immigration professionals to keep using our legal knowledge to strategize about the best path for a client. It puts us in a position to look for different options for clients and proactively identify risk. That's why I like our industry focus, as we will have to continue to identify client needs and goals and we have to plan in advance. We plan not just for the next six months but for the long term and what may change. It will continue to be challenging."

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JEONG-HWA “JUNE” LEE

NELSON MULLINS RILEY & SCARBOROUGH LLP



PIONEER SPIRIT June Lee moved to the United States from Korea when she was 21. “I started my legal career as a corporate M&A attorney. When I began to develop my own practice, my first clients were naturally Korean companies looking to make inbound investments in the United States. One of their first questions was invariably about their work visa status while they work on the project in the U.S.” She initially sent those clients to the firm’s immigration attorney. “But because of the language barrier and cultural difficulties, questions always came back to me. I eventually decided it was just time to do the work myself.”

TRAILS BLAZED Lee now leads an international and immigration team that is more than 70 percent Korea practice. “I do corporate and immigration law side by side. I provide one-stop service.” Her current matters include two large Korean investment projects. One involves a \$1.7 billion investment in an electric automotive battery plant in Georgia. “I negotiate the state incentives. Once those are in place, the next step will be to work on immigration matters for the project managers.” The other project involves a high-tech company. “The company is having to bring its engineers and other key tech people from Korea here to meet with customers and work on plant design. I’m negotiating state tax incentives, and my team is working on visa issues. The corporate issues go hand in hand with immigration issues, and there is seamless collaboration. That’s unique among immigration attorneys, and it has been great for developing business.”

FUTURE EXPLORATIONS The past two years have been very difficult. “The U.S. has been less welcoming, getting pickier and changing the standards of review in many immigration categories. There is a lot of anxiety about immigration status among foreign nationals that I meet. And we are taking the time to adjust our practice.”

MARKETA LINDT

SIDLEY AUSTIN LLP



PIONEER SPIRIT Marketa Lindt went to law school with the intent of making an impact in human rights or immigration law. “Afterward, I worked for a nonprofit, then a small firm. Since 1999, I’ve worked at Sidley. I’m still passionate about immigration law, and feel fortunate to work with talented people from all over the world who make our country a more competitive and vibrant place.”

TRAILS BLAZED Lindt leads the firm’s I-9 practice and works with multinational companies. “Our clients are investing in the United States and moving executives and key businesspeople who are a critical aspect of their operations here. We also have a leading I-9 practice, with compliance, enforcement defense and addressing I-9 compliance in the M&A space.” She is involved with the immigration bar and was recently elected incoming president of the American Immigration Lawyers Association. “I worked with colleagues to develop I-9 compliance standards on behalf of the immigration bar. The work as an officer of the bar includes a number of important initiatives to protect the immigration system from attack through regulations and subregulatory activity, as well as promoting due process for individuals and businesses, increasing government accountability through congressional oversight and working to promote federal litigation to fight the overreach of government activity in courts of law. We put together a task force to raise the expertise of the immigration bar, to show employers the benefits of federal litigation and to put together strategic new approaches to litigating business immigration cases.”

FUTURE EXPLORATIONS There will continue to be challenges in the area of business immigration. “We will need to be creative in using new tools and approaches as lawyers to get positive results on current cases and improve policy on business immigration going forward. The United States needs immigration to be competitive and survive, and we need sensible business immigration rules and policy to achieve that.”

AMY MARSHAK

GEORGETOWN UNIVERSITY LAW CENTER INSTITUTE FOR
CONSTITUTIONAL ADVOCACY AND PROTECTION



PIONEER SPIRIT Amy Marshak clerked for Chief Judge Robert Katzmann of the Second Circuit. “He started the Immigrant Justice Corps and instilled in me the importance of the system.” Marshak also clerked at the New York Police Department and did policy and security work at the Justice Department. “That all brought me to immigration. I left the government in the early days of the Trump administration and came to Georgetown’s ICAP, which focuses on executive overreach in immigration.”

TRAILS BLAZED Marshak has been involved with defending the welcoming city ordinances in Gary and East Chicago, Indiana. “A local anti-immigration activist filed suit under Indiana state law claiming that municipalities or government agencies cannot limit or restrict federal immigration law. We got involved on a pro bono basis. These kinds of laws sit at the intersection of certain principles of federalism. How federal immigration plays out at the local level is important.” She has also been involved with the La Lomita Chapel matter in Texas. “The chapel would have ended up on the Mexico side of the border wall. That would be devastating as a matter of religion and personal faith. We joined with a local attorney to represent the Brownsville Catholic Diocese. Congress has decided not to build the wall right there, so we were happy to get a victory. But they are still talking about building access roads. Religious freedom cases are often brought for conservative causes, but the Catholic Church is not limited to a left/right view.”

FUTURE EXPLORATIONS There will be more immigration lawsuits. “The current administration has continually made efforts to push immigrant communities into the shadows and make things more difficult for border communities. The area keeps expanding in the way it impacts people lives and is ripe for more litigation.”

MATTHEW J. MARTINEZ

DICKINSON WRIGHT PLLC



PIONEER SPIRIT Matt Martinez began doing immigration work to meet a need at his firm. “I was in Kentucky, and they needed a Spanish speaker who could take a couple of cases. I found immigration interesting and rewarding and have made it the focus of my career since then.”

TRAILS BLAZED Martinez’s clients have included elite athletes. “Over the years, I have been able to help a number of elite athletes come to the United States to compete, including MLB and NHL players as well as acclaimed equestrians. There is a real need for creative solutions within the parameters of the law.” He also works a lot in the health care industry. “There are many rules that impact physicians, and there have been a great deal of changes. For example, there are limited visas available every year to physicians, unless you can show that the entity they are working for is affiliated with an institute of higher education. One way we have been successful is by researching and exploring relationships with educational institutions to help our clients get the right personnel in place, while working within those limitations so they are exempt from the annual quota.”

FUTURE EXPLORATIONS U.S. immigration is getting more difficult. “Professional visas are getting harder to obtain. The evidentiary standards are being raised, and it feels like the goalposts are moving, requiring stronger arguments. We are seeing new policies and new changes at a pace that we haven’t experienced before. Reacting to those and staying on top of those have been the challenge of the day. Every year there is talk of immigration reform, either comprehensive or piecemeal. The future will hold some kind of reform. Hopefully it will benefit the clients we serve.”



NANDINI NAIR

PARTNER

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PIONEER SPIRIT Nandini Nair emigrated from India to the United States. After graduating from law school, she got a position as a law clerk in a New York firm through a family referral, and her work involved immigration. "It awoke an interest. Since I'm an immigrant myself, it became personal." After graduating from law school, she got a position as a law clerk in a New York firm through a family referral, and her work involved immigration. "It awoke an interest. Since I'm an immigrant myself, it became personal."

Nair met her ex-husband in London. "When we were dating, I realized I had to figure out how to bring him to the United States. I went back to the firm I had clerked with for help, and they offered me an associate position. I ended up processing my husband's own fiancé visa—so it became really personal and clear to me how if you didn't do things correctly, it can really mess up cases." Nair eventually began her own practice, which she managed for more than 13 years.

TRAILS BLAZED Nair is now a partner in the immigration and naturalization practice group at the firm's Iselin, New Jersey, office and serves on the firm's management committee. She focuses her practice on analyzing and processing U.S. visas, employment-based and family-based applications and naturalization applications, as well as immigration strategy and corporate policy development, training and compliance and the immigration consequences of mergers, acquisitions and other corporate changes. She has a diverse client base including everything from individuals and families to startups and multinational corporations.

Throughout her almost two decades in the field, Nair has helped hundreds of people immigrate to the United States. She has counseled clients through the global financial crisis and ever-changing immigration rules and policies. As part of her practice, she has engaged members of Congress to assist in resolving cases, communicated with U.S. consulate officers and the Department of State and worked with decision-makers at the U.S. Department of Labor and Department of Homeland Security.

She specializes in tech staffing companies. "Throughout the 1990s and the early 2000s, the Indian population became the biggest users of the various employment based visa programs. I was able to help hundreds of people stay in the United States, assisting them with their visa and green card process and with attaining citizenship. They became entrepreneurs and are business owners today who are generating business, revenue and employees for the United States. About 80 percent of my book of business is people for whom I processed their initial immigration into this country and watched them grow into successful business owners. They have thousands of employees at this point. My work is helping them reach their American dream." For example, one individual had left the United States to get married, but the spouse was unable to emigrate to the United States. "They had gotten incorrect information, and I was able to help them strategize through the U.S. consulate in Delhi. That person has grown his 10-person company to a 2,000-person company. I've been able to help him over and over, all because I gave him the right information to save his marriage and bring his wife here."

Nair has lectured nationally on immigration issues to bar associations and industry groups. For example, she is scheduled to speak at the upcoming National Diversity Council's 15th Annual Diversity & Leadership Conference. Additionally, she is president of the Advisory Board of the New Jersey Diversity Council.

FUTURE EXPLORATIONS Nair continues to see struggles for immigrants. "The current administration is on an anti-immigrant agenda. If it continues and if the administration is re-elected, there will continue to be hurdles and walls put up for all sectors of immigration. It will impact employment-based merit-based immigration, and I can see the elimination of many family-based categories. It will have a large impact on legal immigration, and it will grow until we have limited immigration into the United States."

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RAKHEL MILSTEIN

MILSTEIN LAW



PIONEER SPIRIT Rakhel Milstein lived in Shanghai for two years. “I found myself in a situation where I wanted to have a practice that involved international trade or the movement of people and help others. I ended up at the Lawyers’ Committee for Human Rights, and I was blown away. It’s an area I feel passionate about, and it’s been smooth sailing since then.”

TRAILS BLAZED Milstein has filed several cases in federal court. “My clients had lengthy delays or issues getting green cards. Five years ago, I got an injunction against the State Department that was not required under the law, but was requested anyway. It was the first time such an injunction had been issued.” Her matters include a pro bono case that involved a client from El Salvador who had temporary protected status (TPS). “I got him a green card, even though it used to be that if you enter without inspection, there was no path to a green card. But the Ninth Circuit changed that and deemed that being granted TPS is the same as being ‘admitted and inspected’ for the purpose of claiming green card status. He got a green card within a month of the case coming out.”

FUTURE EXPLORATIONS There is currently a great deal of scrutiny around immigration. “Immigration is quite broken. It’s not so bad that we have to shake it up, but what’s going on is sad. I expect it to settle down as agencies figure out their practices. But the emphasis will be on highly educated people who can benefit the U.S. economy. That’s where the focus is these days—folks who can provide some commercial benefit, rather than actors or dancers.”

JENNIFER G. PARSER

POYNER SPRUILL LLP



PIONEER SPIRIT Jennifer Parser left a large law firm to start her own. “I went to the New York-based consulates and trade commissions whose languages I spoke and asked to be added to the list of attorneys willing to assist their constituents with legal issues. Immigration issues kept coming up, so I developed an expertise, liked it, and have stayed with it.”

TRAILS BLAZED Parser now mainly handles employment-based immigration work for businesses and individuals. “I have worked, with success, to get people exempted from H-1B visa caps if an employer that is not cap-exempt is working with a cap-exempt academic institution. The individual may be able to work at a program that the employer has in place or develops, such as a joint research project.” The Centennial Campus at North Carolina State is an example of such partnerships. “Private employers in this area may be working on research in areas such as biotech, infotech, chemistry and biochemistry/engineering.” These projects require substantial proofs to demonstrate that the employer should be cap-exempt. “I love to learn about and, in appropriate cases, foster the intersection of business and academia. For some clients, this effort takes time but it’s worthwhile on so many levels.”

FUTURE EXPLORATIONS There is a tension between companies’ need for highly skilled workers and the difficulty of bringing them in and retaining them long term. “Businesses will need to convince legislators that more visas and easily obtained visas for well-educated people are critical for our country and economy. We must have the means available for those who have studied here, and passed background checks, to remain, so we don’t lose the intelligence that this country has provided through their attending and graduating from our universities, without which they are forced to leave this country and work for a foreign competitor.”

THOMAS K. RAGLAND

CLARK HILL PLC



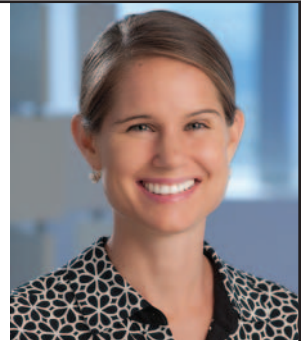
PIONEER SPIRIT Thomas Ragland went to high school in Bangkok and returned after college. “In 1988-89, there was a huge refugee crisis in Burma. I worked with NGOs in Thailand to help young people complete refugee applications for the UN. Then in law school, a professor got me interested in domestic immigration issues, too.”

TRAILS BLAZED Ragland’s career includes 10 years with the Department of Justice. “A lot of attorneys work with immigration services or immigration court. But because I did litigation at the DOJ, I’m comfortable in federal court.” For example, he represented a Nigerian client in *US v. Akinsade*. His client had been convicted of embezzlement as a young man. “He was advised to plead guilty to get his green card, and he did. Then one day he was stopped, and the charge was called an aggravated felony. He was detained for months, then the deportation process began. We brought action in federal court under a writ of coram nobis. Up to that point, immigration consequences of a conviction were considered collateral—not direct.” Ragland successfully appealed the case to the Fourth Circuit. “Then, the U.S. attorney for Maryland, Rod Rosenstein, filed to re prosecute. We were able to defeat that effort. Later, we filed for naturalization, and now he’s a U.S. citizen.” Ragland has recently begun representing people in immigration proceedings who are subject to Interpol Red Notices, which are similar to international arrest warrants. “I’ve been working with clients who have these notices because they have gone against regimes in their countries. This need will grow.”

FUTURE EXPLORATIONS Every dimension of immigration is becoming more difficult, including employment. “That requires creative problem solving. It’s much harder under this administration, but I don’t see it reverting automatically if the White House changes in two years.”

JENNIFER RIKOSKI

ROPES & GRAY LLP



PIONEER SPIRIT Jenny Rikoski focuses on employee benefits and executive compensation. “But beginning as a first-year associate in 2006, I’ve done a lot of pro bono immigration work. Many large firms take on asylum cases, but Ropes has a very large asylum program.”

TRAILS BLAZED Rikoski’s pro bono work includes helping an Iraqi citizen who was already in the U.S. with the Fulbright Program. “I was new to asylum cases, so much to my surprise, my client was able to get asylum. So I developed a cottage industry of Iraqi Fulbrighters, then began helping people who worked with U.S. service members and others.” She went to Syria with a team of lawyers trying to unblock the resettlement issues. “This was early in my career. But I realized sometimes the best way to help is to show up, get the lay of the land and find ways to jump in and make a difference.” She took a similar approach last summer to helping with family separations. “I was horrified by the U.S. policy of separating parents from children as a way to deter people from crossing the border and jumped on a flight to Texas.” After spending some time doing research, she returned to Boston. “Within a week, Ropes had lawyers going down there, helping people figure out where their children were and getting both parents and children released and reunified. Our firm had a massive unified effort down there.”

FUTURE EXPLORATIONS In a perfect world, there would be comprehensive immigration reform, both for humanitarian reasons and to allow the U.S. to approach immigration more holistically. “On the humanitarian side, my biggest hope is that we will have an administration that is not so hostile to the idea of the United States being a safe haven for people coming from violent countries.”

GWEN ROBOSSON

FRAGOMEN, DEL REY, BERNSEN & LOEWY, LLP



PIONEER SPIRIT Gwen Robosson was completing a master's degree in international law. "I had the good fortune to be legal assistant and clerk to Prof. Ted Meron, a leader in international law and human rights. When it came time for me to complete the program and move on, he very much encouraged me to pursue the field. He introduced me to Fragomen."

TRAILS BLAZED Robosson is now a member of the firm's executive committee. Her work includes counseling a client on promoting and implementing a global immigration approach. "It was a trailblazing client, and I had the benefit of working with them to realize their objective. They had strong distinctions and organizational barriers between immigration services for local hires and international assignees. There was pushback to having an enterprisewide immigration program that was managed at a headquarters level. But that approach allows for knowing the entire population of a client and engaging in scenario planning, risk assessment, compliance and all of the aspects of ensuring that the needs of the worldwide population are being managed." Government affairs also come into play. "If there are initiatives at a country level or other limitations on the ability to move or retain talent, you need a holistic enterprisewide approach to managing the program."

FUTURE EXPLORATIONS Short term, Robosson foresees a continuing focus on nationalism and protective initiatives for the local labor market. "There won't be a philosophy of embracing talent from elsewhere." There will be more enforcement and compliance risk. Longer term, technology will transform immigration work. "You won't see the prolonged administrative processes that are faced today by many in the global mobility environment. There will be more efficiency in the field and the ability to facilitate the quicker movement of talent."

TRAVIS SILVA

KEKER, VAN NEST & PETERS LLP



PIONEER SPIRIT Travis Silva started his career doing civil rights work on behalf of immigrants, with a focus on youth. "When I transitioned to Kecker, I kept doing that work pro bono."

TRAILS BLAZED Silva's pro bono work led to a lawsuit that secured the release of an undocumented teen who had been in custody for nearly a year, *A.C. v. Lloyd*. "A local nonprofit had seen a client and noted that he had been detained for an unusually long amount of time. They asked us to take a look at the immigration case and detention situation." Silva met with the client and began asking authorities why he had been detained. "They just gave bureaucratic nonsense. After 6-8 weeks, it became clear that the detention was harming him. A clinical psychologist I arranged for determined that continued placement was harming his mental health and creating more of a risk of violent behavior. We filed a lawsuit. Eventually, the local U.S. attorney's office called and said the client would be released within two days—and he was. Reading between the lines, the government's actions were illegal. They violated his constitutional habeas rights, but also statutes that cover how the government is supposed to treat unaccompanied minors and make decisions promptly. He's also part of the Flores class, and the government has some responsibilities under that. He should have been released to his mother under the terms of that settlement. It was indefensible, so they capitulated."

FUTURE EXPLORATIONS There are hundreds and perhaps thousands of children in immigration detention in California. "The government is ramping up detention of both adults and kids with no judicial review or bail, and it's important for lawyers to step up and challenge those decisions. I and my firm will be doing that."

NAREENEH SOHBATIAN

WINSTON & STRAWN LLP



PIONEER SPIRIT Nareeneh Sohbatian has always been interested in different cultures. “When I was 10 years old, I wanted to be an immigration attorney without knowing what that even meant.” She majored in international studies and did externships through the National Immigration Law Center in Los Angeles. “I ended up working as a fellow at a legal aid clinic and then served as a managing attorney at the Esperanza Immigrant Rights Project on matters related to children.” Sohbatian was hired at Winston about three years ago. “I exclusively work on our pro bono immigration project.”

TRAILS BLAZED Sohbatian now oversees immigration cases nationally for more than 200 active pro bono matters. “The firm doesn’t have a commercial immigration practice—all the work is pro bono.” Her work consists of three parts. “I provide direct mentorship and assistance to attorneys who are working on pro bono immigration cases. I review filings, provide case guidance and talk them through issues as they come up. I am increasing capacity as an internal resource.” She also creates internal processes and procedures. “I am tracking policies, developing case law and creating targeted training for Winston attorneys who are taking on pro bono cases. One example is working with our docketing team to build a robust calendaring system.” Sohbatian also handles her own cases. “I work on amicus briefs and am currently working on a matter of asylum involving domestic violence.”

FUTURE EXPLORATIONS Sohbatian’s goal is to increase capacity for providing pro bono immigration services. “It would be ideal if there were more positions like mine to increase services for individuals who need them. I’m passionate about immigration work and immigration law and want to continue to work on more issues that are at the forefront and do more impactful work.”

JACQUELYN E. STONE

MCGUIREWOODS LLP



PIONEER SPIRIT Jackie Stone’s father was a lawyer who encouraged her to help others. She began working at the firm as a summer associate in the 1980s. “I was assigned to the corporate department. My department chair told me about a new area that was coming to the firm’s attention—immigration. I really was able to use that to allow me to grow and develop something that had not been much of a focus before.”

TRAILS BLAZED Stone was the first woman of color to join the firm. “I was also the first to make partner at a major law firm in Virginia. But I committed to not being the only one for long. I ultimately served as hiring partner for more than 25 years. I helped recruit a law student from the University of Texas who is now the chairman of the firm. It is my understanding he’s the only African American chair of an Am Law 50 firm.” Her diversity and inclusion work informs her immigration work, and one of her cases involved a teacher accompanying a group of students on an overseas trip. “An unfortunate accident resulted in the teacher being injured. Her mother flew in, but her visa category didn’t allow for extending a stay. Against all odds, we were able to get it extended based on a humanitarian argument.”

FUTURE EXPLORATIONS Foreign nationals will face increasing difficulties in obtaining visa approvals. “It’s more important for people in my role to be available as advocates and interpreters.” More partners are also doing pro bono work for those facing immigration concerns and deportations. “There are a lot more opportunities for those who have not gone through their careers as immigration lawyers to lend their expertise to help individuals who need this very important assistance.”

TIA TROUT-PEREZ

KIRKLAND & ELLIS LLP



PIONEER SPIRIT Tia Trout-Perez primarily does civil litigation, with a focus on complex commercial actions. “I have also been doing a lot of pro bono work focusing on immigration, especially asylum matters. They need help on a day-to-day basis.”

TRAILS BLAZED Trout-Perez has taken a lead role on a class-action lawsuit against the Department of Homeland Security and Immigration and Customs Enforcement for transferring unaccompanied minors who turn 18 to ICE adult detention facilities without considering less restrictive placements. “The National Immigration Justice Center brought this case to Kirkland, which concerns ICE and DHS’s failure to comply with a statutory directive—to consider the least restrictive setting available for 18-year-old immigrants. If these kids are not dangerous, they should not be placed in adult detention centers, which are effectively jails. NIJC and attorneys across the country have tried to address this issue one kid at a time, but this is a systemic, nationwide problem that required a class action. We filed the lawsuit in March 2018. Now we have a certified class and are in the process of completing discovery and preparing for a trial later this year. It’s a hugely important issue. We want to make sure the government does what Congress has directed it to do.”

FUTURE EXPLORATIONS “We are committed to ensuring that those who reach 18 while in government custody are treated like the kids they still are and as Congress intended. I’m also hopeful that there will be more transparency in how the government makes its decisions, which is important for immigration in general. I plan to continue working with the NIJC, which does phenomenal work.”

PAUL VIRTUE

MAYER BROWN



PIONEER SPIRIT Paul Virtue joined the Immigration and Naturalization Service in 1983. “I was hired to do contracts and labor and employment work. Then, Congress enacted the 1986 Immigration Act. Implementing that statute became an all hands on deck exercise. It wasn’t a big agency—the legal department was eight people. That piqued my interest and I never looked back. I ultimately became general counsel of INS before I left.”

TRAILS BLAZED Virtue’s legislative work also included drafting language that allowed for an immigration inspector user fee, which was then added to an appropriations bill. “It went a long way to funding the inspection program, at least at airports. From that, I worked with drafting and getting enacted the examinations user fee. So, when the government has a shutdown, U.S. Citizenship and Immigration Services is not overly affected because it’s fee-funded. It changed the way the agency did business.” Virtue was also charged with implementing the Illegal Immigration Reform Act of 1996. “It had more than 100 regulations and issue guidance for basically every area. I had to put out memoranda and at least one of those continues to be the guidance under which ICE still operates in their worksite enforcement operations.”

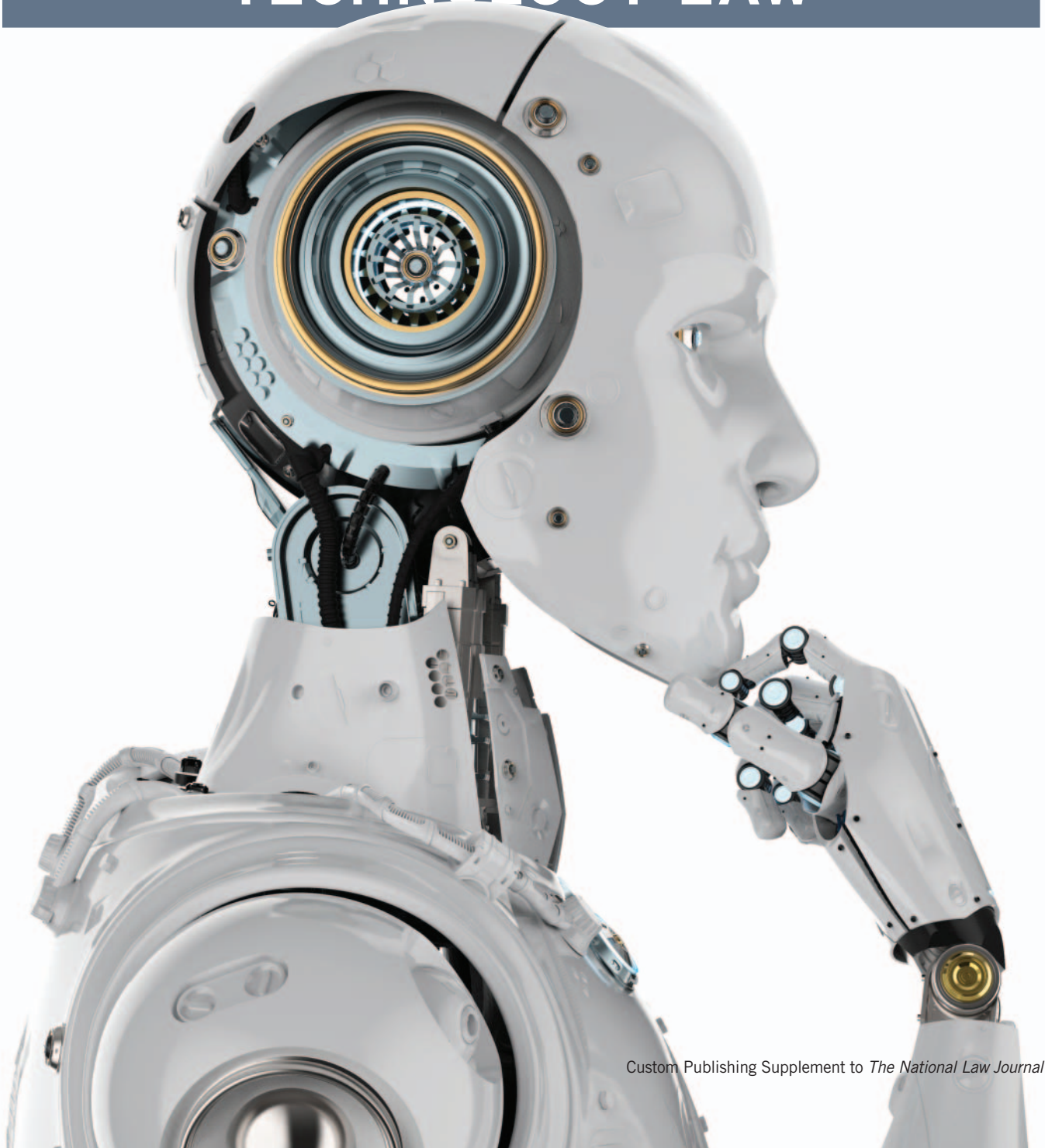
FUTURE EXPLORATIONS There will be continued pressure on the asylum process, particularly for asylum-seekers arriving on foot. “We will continue to see pressure on the southern border. We need to figure out as a country how we deal with that, while maintaining our responsibilities under the refugee protocol and upholding our historic generosity toward accepting immigrants and protecting people who are fleeing persecution or excessive difficulties in their own countries, especially to those in this hemisphere—which is important. The refugee issue is close to reaching a critical juncture.”

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THE NATIONAL LAW JOURNAL

TRAILBLAZERS

TECHNOLOGY LAW



AMIR AZARAN

LOEB & LOEB LLP



PIONEER SPIRIT Amir Azaran has a master's in mechanical engineering. "I did a lot of coding and worked as an aerospace contractor in the late 1990s." He then became involved in programming and IT operations before going to law school. "Most engineers become patent lawyers, but I realized that wasn't for me. I really enjoyed doing deals and negotiating tech-driven transactions. With my background and experience, I could bring a hands-on approach and communicate effectively with clients' tech teams."

TRAILS BLAZED Azaran is now a partner in the firm's advanced media and technology practice. "About eight years ago, I worked on a high-profile deal between a major credit card company and a travel agency, where the credit card company's leisure travel website was powered by the online travel agency White Label. It was unique for the time and very comprehensive." His clients include quantitatively driven trading entities and hedge funds. "I feel like I've really helped clients effectively navigate electronic and high-frequency trading." He has also advised a major advertising client with blockchain. "Blockchain involves a peer-to-peer network system and an agreement among participants to a set of rules. We have advised on crafting these contracts and new legal relationships."

FUTURE EXPLORATIONS Automation and AI are major trends. "There will be different facets, such as robotic process automation. Seemingly out of nowhere, automation and AI are rising fast to become super-important. Dealing with the associated legal risk on the use of AI systems will be very important in the years to come." Blockchain is in the early stages, but it won't have as big an impact as automation. "It's sort of a solution searching for a problem. But once there are good platforms with solid business models, there will be some unique and interesting legal challenges."

MICHAEL (MICK) BAIN

WILMERHALE



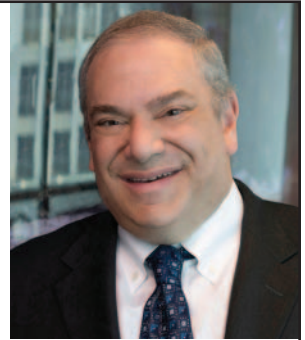
PIONEER SPIRIT Mick Bain began practicing law in the mid to late 1990s. "It was the first wave of the internet. I found it super-interesting and began doing more and more work in the telecom, software and internet space." He went in-house for CMGi, which owned Lycos, AltaVista and other original internet companies. "I went back to the same firm and realized I liked working with early stage people in the tech space. It's where I had the most experience and could add the most value."

TRAILS BLAZED Bain believes in adding value by thinking as a business advisor. "Most entrepreneurs have only worked with one or two or maybe three companies, but I've worked with hundreds. And I've seen the movie played over and over again. I can see how they should be building their business—not just on the legal side, but on issues like choosing the right type of investor to raise capital. Early stage companies need to be able to pivot. I've had that discussion many times." He also brings experience from working with many different technologies. "Having seen so many different things across industries allows you to help people who are sometimes myopic. I can leverage things from one area to another."

FUTURE EXPLORATIONS The way companies are built has changed. "The cost of capital is still very high, but the barriers to entry are much lower. Companies used to have to go public to raise funds at high valuations. That's not true anymore. There is a ton of secondary liquidity, and I don't necessarily see that changing. It creates some challenges." AI and blockchain will revolutionize the way people do things. "And the internet continues to change the way we all do our business and live our lives."

DAVID BARKAN

FISH & RICHARDSON P.C.



PIONEER SPIRIT David Barkan wrote software for a startup company for two years after college. “By the time I was in law school, the idea of merging law and technology was pretty appealing.”

TRAILS BLAZED Barkan focuses on standards-related patents and foreign companies looking to enforce their IP in the United States. “I did a filing on behalf of a large Chinese company in the United States with a groundbreaking patent portfolio. This was resolved right before trial in 2017, and the results validated our client’s strategy.” He regularly utilizes his software background in his legal work. In one case from the 1990s, Barkan successfully rebuilt an early computer animation system. “I had to unearth a 20-year-old system, preserve it from an evidence perspective and prove our case to a jury.” He also represented Adobe after a British company claimed the Photoshop program infringed a patent. “This patent holder had won similar cases in Europe. We had prior art, but Adobe’s counsel in Europe was not able to prove it because the system had to be reconstructed from a 1970s backup tape. We did that, a software engineer who had developed it showed it in real time, and the jury was able to see that there really was prior art.”

FUTURE EXPLORATIONS These are sensitive political times in terms of international business relationships. “But I believe it’s just a bump in the road. There will be a lot of international patent litigation along the way to value these portfolios, so there will be parallel litigation in the United States, EU and China. Issues will arise about coordination of actions and potential conflicting judgments. But we’ll see much more coordination between legal teams and the courts. We just opened our first China office in early March. It’s a hot issue internationally.”

REGINALD J. BROWN

WILMERHALE



PIONEER SPIRIT Reg Brown worked in the White House Counsel’s Office with Ted Ulyot, who became Facebook’s first general counsel. “Ted was an old friend, and he wanted some connectivity to Washington. So, we agreed to be his eyes and ears in D.C. We also do regulatory policy, oversight and enforcement work for other tech companies.”

TRAILS BLAZED Brown and his practice have grown in Washington, as have his tech clients. “Washington has become increasingly relevant to the business these companies do day to day. We’ve helped new CEOs make their ‘Washington debut’ including the CEOs of Facebook and Google. We’ve also worked with tech companies in more contentious matters, where they were facing off against investigative bodies. We’ve gotten to know them and helped them explain some very cutting-edge issues to regulators in Washington and elsewhere. As a lawyer of color, it’s been a special treat to work with large companies like Facebook and Google and see the diversity of the people they work with on the legal side.”

FUTURE EXPLORATIONS Brown says there are three sets of tech companies: those that arrived in Washington long ago, those that just arrived and those whose arrivals are inevitable—though they may not know it yet. “The companies that have been in D.C. awhile have figured out how to coexist with regulators. The ones arriving now, such as social media giants, are struggling to figure out the right balance of self-regulation and government oversight. Frontier tech companies, such as robotics and AI companies, don’t know Washington, and Washington doesn’t know them. But they will go on a journey like the ones others have been on. The interesting question will be how the regulatory state adapts to new emerging technology policy issues.”

KATHERINE MOONEY CARROLL

CLEARY GOTTlieb STEEN & HAMILTON LLP



PIONEER SPIRIT Katherine Mooney Carroll worked for the Department of Defense in 2016-17 on cybersecurity, as well as technology and innovation. Her work included determining the use of the U.S. capabilities against ISIS and the appropriate response to cyberattacks. “That was groundbreaking work. I became very interested in innovation. This all led to my increased focus on financial technology and privacy.”

TRAILS BLAZED Carroll is part of the firm’s financial institution group and has been advising banks on investing in and partnering with fintech companies such as Ripple and Kabbage since 2015. “Most of my clients are large financial institutions. We are one of a handful of firms that advise on especially complex, often cutting-edge issues.” Her work has included representing one of the first companies to launch an exchange for cryptocurrencies in the United States. Much of her work involves consortium deals. For example, she advised eight banks about their investments in Tradeweb, which recently went public. On the cybersecurity and privacy side, Carroll works with many large financial institutions on rapidly evolving issues such as New York’s cyber laws and California’s Consumer Privacy Act. “These laws have created novel issues for which there are no clear answers. As an adviser to the most sophisticated institutions, you are creating laws and policies.”

FUTURE EXPLORATIONS The lines between tech companies and financial institutions will continue to blur. “On the cybersecurity side, I expect a serious attack on the United States, its infrastructure or financial institutions. We may see new ways of protection and maybe a different relationship between the government and private sector.” The U.S. will probably adopt more practices similar to the EU’s General Data Protection Regulation. “If it’s not by federal legislation, then states will take the lead like California already has.”

COLLEEN CHIEN

SANTA CLARA LAW



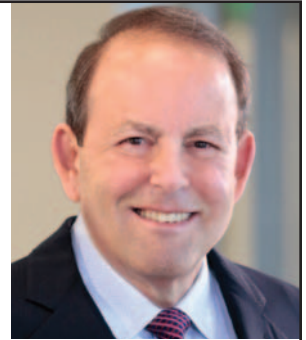
PIONEER SPIRIT Colleen Chien is an IP lawyer and professor. “Van Jones came to Santa Clara to speak about how people of color can end up in jail for crimes that others are never charged with. My students talked me into helping pro bono with a petition to take advantage of an Obama program that prioritized people for clemency if they spent more time incarcerated than they would have under new guidelines. But the application got stuck in the queue and never got reviewed. This alerted me to the life-and-death consequences when legal systems get caught up in red tape. It made me passionate about working to get the right people a second chance.”

TRAILS BLAZED Chien is working to develop an AI-powered tool that will help people with criminal records determine whether they are eligible for relief and then apply for relief. But laws need to be changed as well. “The second-chance gap exists when people are eligible but don’t receive second chances because of bureaucracy or cumbersome applications. This is all about helping policymakers understand the missed opportunity when their policies are not able to actually be applied. I’m focused on changing public opinion and legislation.” Some states are beginning to realize that tens of millions of people are caught in the system. “We have the opportunity to work toward automatic clearing of records, especially for the nonconviction records. We are working with Alaska, California and Utah to help their efforts.” She is also collaborating with the federal government to experiment with the same rigorous testing that Silicon Valley uses.

FUTURE EXPLORATIONS Utah has passed a clean slate act, and there is good momentum for a national movement. “We need to harvest innovation for equality rather than inequality and put technology in the hands of people doing social justice work to achieve equality.”

RICHARD CLIMAN

HOGAN LOVELLS



PIONEER SPIRIT Rick Climan began his career at a San Francisco firm. “It was decidedly not a tech firm. After practicing there for over a decade, I was drawn to Silicon Valley, which was then a considerably smaller market than it is today. I joined Cooley in Palo Alto to build their M&A practice in 1994. It became apparent to me that the tech sector was poised for immense growth, and it turned out my prediction was right.”

TRAILS BLAZED Climan built a dedicated technology M&A group in the mid-1990s. “Back then, everyone else in Silicon Valley followed a ‘jack-of-all-trades’ model, with transactional lawyers operating as corporate generalists. But it was clear that the large tech companies were quickly becoming some of the most sophisticated consumers of legal services in the country. They would not put up with lawyers who just dabbled in M&A, so we were able to quickly amass a significant market share. Other firms have since gravitated toward this same model, but ours is one of the largest—maybe the largest—group of pure M&A lawyers in the country focused on the tech sector. As a result, we represent some of the most prominent tech companies in the world.” The practice has grown to include nontech buyers as well. For example, Climan led the Hogan Lovells team that handled Walmart’s acquisition of a majority stake in Flipkart for US\$16 billion dollars last year. “I believe it was the largest M&A deal ever in the e-commerce sector.”

FUTURE EXPLORATIONS A decade ago, technology was not one of the top industry sectors driving M&A. “Tech is now always at or near the top of that list. One reason is the trend of old-economy buyers accounting for a significant chunk of tech M&A activity. It seems almost every old-line company is looking to enhance its digital footprint.”

JOHN EGAN

GOODWIN PROCTER LLP



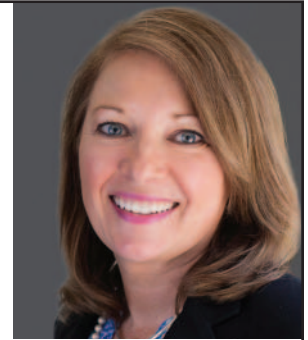
PIONEER SPIRIT John Egan started at Goodwin in the 1980s doing financial services work. “I got assigned a \$5 million venture deal. Then I picked up a small deal for two guys from MIT with an early stage company. I’m sure they hired me because I was young and less expensive. But I liked that I could affect the trajectory of an early stage company.”

TRAILS BLAZED Egan, who now co-chairs the firm’s technology group, put together one of the first PIPE (private investment/public equity) deals in the early 1990s. “A lot of private equity firms are now doing big PIPE deals. It’s become a significant way to raise capital.” Egan also created Founders Workbench, an online resource of free legal documents and expert advice to the tech community. “About 10 years ago we noticed a lot of self-help websites were allowing people to set up companies on their own. But they were one size fits all. We understand that this area has become commoditized, but entrepreneurs were not getting best of breed. So we created Founders Workbench. It’s not proprietary. Tens of thousands have used it and some have become decent-sized companies and clients. It has also made us become best of breed, since we’ve had to make these documents perfect.”

FUTURE EXPLORATIONS There has been a convergence between venture capital, private equity and technology. “Now, there is a secondary market for companies between \$50 million and \$200 million, which used to be unheard of. We are also seeing fewer public companies in the U.S. than 20 years ago. It’s created the need for lawyers to bridge the two worlds.” Egan recently advised Kensho in its acquisition by S&P and AppNexus in its acquisition by AT&T. “An increasing number of old-line companies are getting into tech.”

REBECCA EISNER

MAYER BROWN



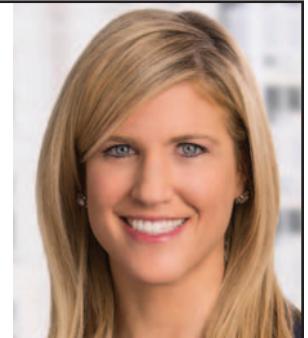
PIONEER SPIRIT Rebecca Eisner did all types of transactional work when she first joined Mayer Brown, before a stint in-house with Equifax where she began her technology practice. “When I came back to the firm in 1996, it had developed a technology practice area, and I’ve been there ever since. I love the technology transactions practice because it constantly changes.”

TRAILS BLAZED Eisner is now co-leader of the technology transactions practice. Her work includes advising a major U.S. bank with moving all its operations to the cloud and utilizing AI tools. “We are talking to a major provider about the business need for AI and how AI outcomes must be explainable to regulators. This is very nascent, very promising and very challenging.” She also advised a client on raising funds for a single-property REIT deal. “This was one of the first of its kind. Our client was working with a new technology platform. We set it up and put in place all the agreements to work with a cryptocurrency clearinghouse.” Eisner also works with clients on digital transformation projects. “As companies digitize all their data, applications and the way they do business in the cloud and online, there are a lot of complications. We excel at helping our clients navigate these complexities.”

FUTURE EXPLORATIONS The firm is looking to innovate. “I’m on the global management committee of the firm and am involved in our comprehensive innovation project. We look at technology tools and processes that lawyers, staff and clients will use to deliver better and innovative service. This has been a great opportunity to use my technical and legal background.” Eisner is often asked if technology will replace lawyers. “The answer is no, but lawyers who use technology effectively will replace lawyers who don’t.”

LISA ELLMAN

HOGAN LOVELLS



PIONEER SPIRIT Lisa Ellman worked for the federal government, including leading the policy on drones in international airspace for the Department of Justice. “I realized I could probably do more to bridge the gap between Silicon Valley and Washington, D.C., from the private sector.”

TRAILS BLAZED Ellman founded the firm’s global unmanned aircraft systems practice and co-founded and co-leads the Commercial Drone Alliance. “Commercial drone usage has only been authorized in the United States since 2016. We are trying to get precedent-setting approvals and draft some of the new rules that enable the industry. It’s exciting being on the ground floor. We are bringing national security agencies in to have honest and frank conversations and establish enhanced collaboration between the federal government and the industry. For example, we are about to host the third in a series of domestic drone safety and security events. The federal government is worried about drone activity that is careless, clueless and criminal. Any technology can be used for good or bad—the key is having policies and laws that take advantage of the public benefits while also preventing the bad use of drones.” Ellman’s clients include the Choctaw Nation of Oklahoma. “They applied to work in a special partnership with the FAA as part of a pilot program to expand drone operations outside the boundaries of current rules to deliver the promise of commercial drone use.”

FUTURE EXPLORATIONS The commercial drone industry will continue to grow exponentially, as rules loosen to allow more safe and secure flights. “There will also be counterdrone measures. Now, only low-risk flights are broadly authorized, but that will change as new protocols are adopted. We will also see some larger drone operations become commonplace. But we have to unlock the potential.”

MICHELE FARQUHAR

HOGAN LOVELLS



PIONEER SPIRIT Michele Farquhar left private practice to join the FCC in 1988. “I realized the ground was shifting from media to telecom. So I switched to cover those issues. Within a year I was hired by the CTIA, the telecom industry association, to be its first vice president for regulatory and legal issues. Within a year, Bill Clinton became president, and the National Telecommunications and Information Administration named me chief of staff working closely with Vice President Gore to help build a global platform.”

TRAILS BLAZED Farquhar returned to the FCC as the second chief of the wireless bureau. “There were some new spectrum auctions, plus the 1996 Telecom Act and a new approach to spectrum policy. I was able to break new ground across a whole spectrum of issues, literally.” She joined the firm in 1997. “We use a combination of high-level policy direction to look to the future while breaking things down to a finite level. For example, I helped wireless providers get universal service funding by educating the FCC. There were similar proceedings on interference issues and 700 MHz interoperability. We came up with new tools like showing the FCC the guts of a cell phone, so they could understand when it was really expensive to make a change or where there might be interference.”

FUTURE EXPLORATIONS Technology, media and telecom will continue to converge, along with vertical connectivity such as connected cars and the internet of things. “These silos will be broken down. There will be opportunities and many new issues. There will also be a real ability to collaborate on these issues, which is why my firm has moved toward an industry sector approach. But it still comes down to understanding how to educate policymakers.”

ERIC J. FELSBERG

JACKSON LEWIS P.C.



PIONEER SPIRIT Eric Felsberg practiced litigation and was placed in a group that assisted employers doing business with the federal government. “They have certain regulatory obligations that caused them to analyze data. I realized that employers could be using this data proactively, such as predicting who might leave the organization, to get in front of issues.”

TRAILS BLAZED Felsberg and the firm have provided preventive strategies for many years. “What’s groundbreaking here is we are changing the way our lawyers practice law. We counsel employers on best practices to avoid issues. By leveraging and using data that clients already track, we can help them peek around the corner to see what may arise.” For example, through the use of data, he can advise clients on managing employee turnover. “We help our clients improve workforce planning by identifying the employees most likely to leave the organization and the underlying factors driving attrition so clients can get ahead of and mitigate these issues. We may also be able to identify a pay equity issue and determine what to do with that knowledge.” He also leverages AI tools. “We can see where employees are available to impact diversity or mitigate hiring bias and drive long-term diversity goals. It’s a marriage of client data and third-party data sources.”

FUTURE EXPLORATIONS Clients are trying to come up with proactive resolutions and solutions. “If any issues arise with a potential for liability, there is a need to quantify damages and other considerations. There will be a bigger demand for lawyers who are comfortable with data and can see how the analysis of data can get to the heart of a lot of legal issues. We are also developing tools to predict certain types of claims from a litigation perspective and the likelihood of success of those cases.”

MELODY DRUMMOND HANSEN

O'MELVENY & MYERS LLP



PIONEER SPIRIT Melody Drummond Hansen visited the Patent Office when she was about five years old with her uncle, a patent examiner. "That sort of put tech in my veins." As a patent lawyer, she immediately started working on mobile telecom cases. "I take special pleasure in my work in mobile telecom and networking, which are highly relevant to a lot of emerging tech areas."

TRAILS BLAZED Hansen was a catalyst for establishing the firm's automated and connected vehicles industry group. "I was interested in how these emerging technologies would be enabled and encouraged by laws, or not. I also feel that I'm a facilitator who could bring together resources from around the firm such as privacy, security and IP." She leverages research and works to connect stakeholders. "We're not just litigators waiting for a lawsuit to be filed. We are helping companies look ahead." For example, several years ago, she became involved in discussions between the California Department of Motor Vehicles and the U.S. National Highway Traffic Safety Administration around safety standards for automated technologies such as Comma.ai, which is open source. "It was an interesting opportunity to meet head-on some of the questions about the limits of the existing regulatory structure and educate regulators on how open source will impact autonomous vehicles." She also advises companies on how regulators will address new technology and engages with researchers like Rand Institute for Justice. "They bring together regulators and other stakeholders in the tech community."

FUTURE EXPLORATIONS Hansen foresees four trends: the continued convergence of technology and industries, which will lead to regulatory concerns; data security and privacy; education, advertising and the consumer piece; and international competition, particularly with China. "We are in a technology race, and it's race we would like to win."

JUDITH HASKO

LATHAM & WATKINS LLP



PIONEER SPIRIT Judith Hasko earned a B.A. in psychology, and "as an undergrad, I really crossed the divide between science and the liberal arts." She then attended the University of Sussex for a master's degree, where she became interested in research. "I needed to write my thesis, so I came to the Bay Area and got a job at Genentech. I worked with scientists doing novel science to make the impossible possible. I decided to try a role in the industry as a lawyer blending my prior interests in the liberal arts with my science-based experience. I chose to pursue transactions in the life sciences industry. As I learned more, I got excited and dug in."

TRAILS BLAZED Hasko has always advised her clients to craft transactions that last a long time. "We make sure we are aware of the risks and the likely ways these deals can present challenges. Along the way, there were some more transformative experiences to take brand-new technology and craft a deal uniquely suitable for that. Every larger deal I do is groundbreaking, in that the technology our clients are developing is unique and the risks and benefits are very different." For example, she represented Juno in its deal with Celgene. "It was a large deal, but also one that required careful crafting as there were so many unknown aspects of their technology, immuno-oncology." Recently, she advised Daiichi Sankyo in its \$6.9 billion deal with Astra Zeneca. "Daiichi Sankyo developed a drug to treat different kinds of cancers, but they needed a strong global partner to amplify development and reach the markets."

FUTURE EXPLORATIONS The life sciences industry will continue to innovate, including around novel therapeutics and neurology. "I look forward to helping companies that are trying to develop therapies to help patients."

WENDY BRASUNAS HEILBUT

JAYARAM LAW, INC.



PIONEER SPIRIT Wendy Heilbut believes her unorthodox childhood dictated many of her choices, but she took a more traditional approach with the law. “I did a summer position at Discovery Communications. Then I joined Jones Day, where I did IP, diligence around M&A and trademark enforcement.” She left the firm to work for a startup and a nonprofit. “When I came back, I got lucky enough to work with some angel and early stage investors. I loved the passion of the entrepreneurs.”

TRAILS BLAZED Heilbut now represents many female-owned businesses, including managing the IP for Female Founder Collective, a consortium of female entrepreneurs started by designer Rebecca Minkoff. “She saw that female businesses were not getting funded, so she started a type of certification that shows female leadership. It’s a trailblazing area with many IP challenges. There are already thousands of innovative new companies, and it’s rapidly growing.” The firm works with many creative types. “Some are a bit unorthodox.” For example, one client operates in the voice space, including working with Alexa. “We have helped them maintain their IP in ways they haven’t before. The trick is structuring deals to maintain IP but also proceed with relationships.”

FUTURE EXPLORATIONS Heilbut sees several trends, including a desire and demand for custom content. “Organizations used to dictate things from the top, but now they are looking for younger influencers and users. And sometimes this plays out in new models of IP and tech.” Early stage companies will have a longer run before they seek funding. She is also seeing more interest in smaller firms by clients and people graduating from law school. Heilbut, who stepped away from law firms for a while, also hopes firms can allow people, especially parents, to be more inclusive about their lives as a whole.

DANIEL ILAN

CLEARY GOTTLIEB STEEN & HAMILTON LLP



PIONEER SPIRIT Daniel Ilan has always been passionate about art and cinema. “That led me to IP. I came to Cleary in 2000, when technology gradually started to become a very important component in all businesses. I practiced in Europe from 2000 to 2005, where data protection law was rather developed, but it wasn’t that significant. I became more of an expert on the tech aspect of transactions, which led to interesting assignments for some big clients.”

TRAILS BLAZED Ilan began to see the value and risk that data represented for M&A. “It’s become a big part of how the transactional world operates. I believe I was among the few who pioneered the way we do due diligence and investigate privacy and cybersecurity risks in transactions, and how we think of evaluating the potential to exploit the data post closing, while taking into account the restrictions in the law and contracts. I’ve been trying to see the things that are not apparent from the information that sellers provide. One way is to really understand the business of the target (from a data collection and exploitation perspective) before even reviewing dataroom documentation or speaking with the seller. My deep knowledge of EU law (including the GDPR), which I think is unique among transactional lawyers in the U.S., is also extremely helpful in identifying and addressing data-related risks.” He and his team are also starting to use sophisticated contractual arrangements to limit risk.

FUTURE EXPLORATIONS Data will only become more important and valuable. “The exploitation of data will also become more and more restricted. You see that in the EU and with the new privacy law in California. That will make my job harder. Companies see the value in data, but it’s getting harder to exploit it.” Insurance will also become more relevant. “It has been hard to get cyber and privacy insurance policies to pay out. It will be litigated, there will be more clarity, and then insurance will play a larger role.”

BRIAN KLEIN

BAKER MARQUART LLP



PIONEER SPIRIT Brian Klein grew up in Silicon Valley and has always been enthusiastic about technology. After focusing on white-collar and criminal defense as well as tech in private practice, he went to work for the U.S. attorney's office. "When I left, I moved back to the West Coast. I wanted to get more involved in technology, so I joined Baker Marquart."

TRAILS BLAZED Klein focuses on financial technology and bitcoin litigation. "Among my firsts, I represented Eric Voorhees in one of the first SEC bitcoin cases. I also represented Kraken and Jesse Powell in the first cryptocurrency antitrust case and litigated the first crypto-bankruptcy case." Klein currently represents Marcus Hutchins in a prosecution based out of the Eastern District of Wisconsin for alleged cyber-related crimes dating back to 2014-15. "This case is notable because he is one of the most high-profile infosec people in the world. He is famous for quickly finding a temporary fix for the WannaCry virus two years ago that bought time for others to find a permanent solution. This case has nothing to do with that, but he has been living in the United States awaiting trial. It's one of the most prominent infosec cases happening now." In another matter, he is defending Arthur and Kathleen Breitman and their company DLS in the first major class-action case around cryptocurrency.

FUTURE EXPLORATIONS Information security and technology will grow to become increasingly important. "How people store and secure information and money are two of the most pressing legal subject areas we are facing. We are continuing to march toward a digital world, both financially and in terms of storing information. There will be a lot of growth and controversy and a lot of unknowns in each field legally."

JOHN L. KRIEGER

DICKINSON WRIGHT PLLC



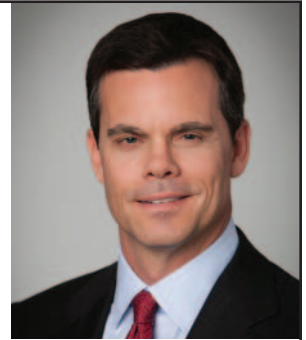
PIONEER SPIRIT John Krieger joined an IP boutique in Las Vegas at the beginning of his career. "The Anticybersquatting Consumer Protection Act had just been enacted in 1999. People were registering others' trademarks and trying to sell them back. We represented a number of Vegas casinos that had had enough. We went after cybersquatters and filed close to 100 cases over a five- to six-year period. At one point, every judge of the Nevada federal bench had had one of my cases." At the time, Lloyd George was the chief judge. "I walked into his courtroom, and he said, 'It seems you are the only one who understands this stuff. It would be great to get a tutorial from you.'"

TRAILS BLAZED Krieger's work blossomed and he began handling other cases that touched the internet. "There were cases of defamation on review sites, IP and, more recently, privacy policy, terms of use and similar issues." His clients include Ultimate Fighting Championship. "It's one of our largest clients. We've done take-downs by working with ISPs and hosting sites to go after sites and bring down servers, rather than just the names on the registrations. Sites pop up, and a lot of times, they are associated with the same person or entity. We've been very successful."

FUTURE EXPLORATIONS Many thought the expansion of top-level website domains would usher in a new era of cybersquatting. "But they haven't really taken off." The internet will continue to expand. "It will fill all the available space. There will be more issues in privacy-related matters, particularly with the expansion of sports betting and electronic games. We will see more privacy issues on aspects that were previously protected, such as biometrics and health data—which are important to athletes and bettors."

KYLE KRPATA

WEIL, GOTSHAL & MANGES LLP



PIONEER SPIRIT Kyle Krpata grew up in Silicon Valley in the 1970s and '80s. "The venture capital community was starting to develop and I could see firsthand the changes and growth in the area due in large part to the technology companies and the innovation they were responsible for. I always knew I wanted to live and work here, and focus on this industry. There's really no better place in the world to do technology M&A, private equity and growth equity."

TRAILS BLAZED Krpata was one of the first corporate lawyers in the firm's Silicon Valley office. "We've represented many of the most important companies and investors in this market. That includes TCV in its recent investment in Peloton and TPG Growth in its recent financing of Calm.com, the meditation and sleep app." Krpata is also quite active in the ride-sharing and autonomous vehicle space. "A number of companies are working on that technology and investors are very interested. And we've been fortunate to be involved in many of these deals." Those transactions include working on investments in Uber and DiDi, the largest ride-sharing platform in China. "Last year, we represented the SoftBank Vision Fund in its investment in GM Cruise, in which SoftBank committed to invest \$2.25 billion, and we recently represented the SoftBank Vision Fund in a similar transaction with Uber and its autonomous vehicle business."

FUTURE EXPLORATIONS There is a great deal of focus on the autonomous vehicle space by emerging companies as well as investors. "This technology has a long runway to reach full-fledged commercialization. But what's next? Whatever it is, I would say there is a good chance it happens in Silicon Valley. There is a tremendous amount of capital, both on public company balance sheets and in private equity, growth equity and venture capital funds. There is a lot of money that can be put to work here to support continued innovation."

CARRIE LEROY

GIBSON, DUNN & CRUTCHER LLP



PIONEER SPIRIT Carrie LeRoy began her career in Silicon Valley and has always been interested in innovation. "I started doing IP licensing and got to understand product development, different cycles of product release and all of the IP issues that are related to that. I really enjoyed it. I've done some litigation, but I prefer transactional work. I'm excited to be part of the effort in Silicon Valley to bring disruptive and innovative technologies to the marketplace. Just when we think that there's nothing left to be invented, my clients will release something new and exciting."

TRAILS BLAZED LeRoy leads the firm's new AI practice group. "It's a key area of expertise for me and others at my firm. We offer CLEs around AI and the law that cover all aspects of product development, launch, regulatory issues, product liability, privacy and data use. These are not new concepts, but now we have to think about machine learning and how AI can present new and interesting legal issues. We're at the forefront of that." She is also committed to making sure that women are a part of the conversation around AI. "There are many women who are focused on this area. It's great to promote women in the field of AI and have a platform for them."

FUTURE EXPLORATIONS AI is a key concern for clients. "It's not just AI solutions, but the legal and ethical issues around how AI will impact the workforce. Beyond legal considerations, companies will continue to have to think long and hard about how technologies are impacting various industries and markets. There are also additional legal considerations around liability and data sharing. Legal departments need to understand the implications and exercise a certain amount of independent judgment around what will happen next."

KRISTIN A. LINSLEY

GIBSON, DUNN & CRUTCHER LLP



PIONEER SPIRIT Kristin Linsley began representing Facebook many years ago. “Then I started doing work for other tech businesses like Expedia and Salesforce.” Her work often touches on international privacy and exploring the ways in which internet platforms can be accused of causing offline harm. “I also do a lot of testing of the limits of internet privacy in light of the fact that users will always agree to the terms, which are broad.”

TRAILS BLAZED Linsley’s work has included defending Facebook and other internet platforms against terrorism claims. “These cases are a good example of a tragic event that gives rise to claims to impose liability on those who had no involvement.” For example, a victim of attacks in Paris claimed that Facebook was responsible, even though an ISIS organization committed the attacks. “These all gave rise to lawsuits that Facebook facilitated an organization or a radicalized person, who committed the attack. We have litigated many of these cases, and they have all been dismissed. But they raise interesting issues.” She is also part of the team handling allegations against Facebook and Cambridge Analytica in connection with the 2016 presidential campaign. Linsley also works with Expedia on regulatory efforts by local governments, including New York City, to control the home-sharing business. “We have challenged these laws on various grounds. For example, New York was asking for large volumes of customer data. We argued that it violated the company’s Fourth Amendment rights. The judge has preliminarily agreed with us.”

FUTURE EXPLORATIONS There will be a great deal of attention around data privacy. “It will be interesting to watch how it plays out. People like the functionality and getting ads that are relevant. But there will be a focus on what is being shared.”

GEORGE MASTORIS

WINSTON & STRAWN



PIONEER SPIRIT George Mastoris began his career as an IP litigator but now focuses mostly on anti-trust and complex commercial litigation. “I was interested in and familiar with some of the legal issues surrounding Blockchain and cryptocurrency, but hadn’t done much work in the space. Then, I was retained for general litigation work by Gladius, a startup which leverages blockchain technology to help content distributors protect themselves against cyberattacks. We started talking more broadly about regulatory risks surrounding Gladius’s 2017 initial coin offering, as it was becoming clearer that the SEC was intent on treating coins like Gladius’s as unregistered securities.”

TRAILS BLAZED Mastoris and his team realized that Gladius might be vulnerable. “We knew this was a priority for the SEC. So instead of waiting and hoping, we decided to be proactive. We approached them last fall and ended up agreeing to register Gladius’s token as a security. As a result, we were assessed a zero penalty, unlike other companies who had done ICOs. And, importantly, we were able to obtain language in the order which recognized that down the road we might be able to de-register the tokens if appropriate. This is the only agreement that includes that provision, and it was important to the company.”

FUTURE EXPLORATIONS The legal landscape surrounding Blockchain is new. “The SEC is trying to balance the need to protect investors against the downside of stifling innovation and driving companies away. This is an area where Congress could possibly help. “Some bills have been introduced, but nothing comprehensive. The problem is that tokens share some similarities with securities, but they have important differences as well, and it’s going to take some time before we get to the right balance.”

ANN MARIE MORTIMER

HUNTON ANDREWS KURTH LLP



PIONEER SPIRIT Ann Marie Mortimer said the groundwork for her practice was laid when she had the good fortune to work with the leading cyber team in the country. “It was a natural entrée to help counsel those clients on class-action litigation defense.”

TRAILS BLAZED Mortimer and her clients have seen a proliferation of class-action filings. For example, she served as Yahoo’s lead outside counsel on its data breach. “It was the biggest in history. Few data breaches have actually been litigated, so the law is still becoming clear.” She also recently won a motion to dismiss claims for Loews Hotels around a data breach of its reservation database. “That case involved where the line is from an Article III threshold between hypothetical harm and actual injury. The Barkan court dismissed the plaintiffs first complaint for lack of standing, because they had pled a potential future harm, but not enough to get over the Article III threshold. Plaintiffs had complained that hackers could have gotten access to credit card information, but they had closed their credit card accounts.” She also argues around the issue of arbitrability. “We were able to recently dismiss a putative class action by compelling individual arbitration, per the terms of service. This can be a way to prevent class-action certification, as arbitration is a better option for defendants.”

FUTURE EXPLORATIONS Track records around these types of cases are immature. “So we will continue to see battlegrounds around issues such as standing. We will see a lot around damages, which are hard to quantify in data breaches.” Individual states will continue to pass their own regimes until there is a systematized structure of damages. “It may help plaintiffs clear the hurdle of proving damages. This is challenging in a data breach case.”

JANET P. PEYTON

MCGUIREWOODS LLP



PIONEER SPIRIT Janet Peyton is a third-generation Virginia lawyer. “Everyone said I would be a lawyer like my dad. I loved the law and started to think about policy in college.” She joined the firm after law school and began working in IP. “When I was a relatively young lawyer, one of my clients had a data breach. This was the late 1990s, when they were very rare. The client thought, this is data, data is IP, so they called the IP lawyers—and I was tasked with figuring out what to do. Once you do it one time, you become an expert. Data privacy was a natural evolution from this type of work.”

TRAILS BLAZED Peyton’s clients include the U.S. Chamber of Commerce. “The most significant thing I’ve contributed in privacy law is unfolding right now. The Chamber of Commerce just released a draft of the Federal Privacy Bill that I helped develop. The California Consumer Privacy Act of 2018 will be become the de facto standard if there isn’t federal legislation. Even five years ago, the idea that the U.S. Chamber would be advocating for a federal consumer privacy bill would have been surprising. But the California Act and the EU’s General Data Protection Regulation were huge catalysts to pushing us toward some sort of national legislation. The American mentality has been a lack of privacy, while the European point of view is very different. We need to find a way to fold more protection into the U.S. model. The U.S. Chamber draft has made great strides in that area. I’m proud to have helped build that.”

FUTURE EXPLORATIONS There will be federal legislation around privacy. “It’s necessary for business. The question is just when.” There will also be federal legislation about data breach notifications. “Now, there are 50 different state laws. So if you have a breach, compliance is very burdensome.”



CHINH H. PHAM

SHAREHOLDER

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PIONEER SPIRIT Chinh Pham started working for technology companies in Silicon Valley after graduating from college. “The lawyers representing these tech companies suggested that I go to law school. So I pivoted to law but continued to work with tech companies that had significant IP assets. I soon discovered that I loved the idea of helping a company to protect and monetize its IP, and I became a patent lawyer. I’ve been doing that work for the last 26 years.”

TRAILS BLAZED Pham was contacted in the early 2000s by an investor. “He called me out of the blue and asked me what I knew about nanotechnology as he wanted to get involved in a new venture. I spent some time researching nanotech and got up to speed quickly. Soon after that, I started the firm’s nanotechnology practice. I found that I enjoyed helping startups commercialize new technologies, and I focused my practice on the emerging technology space. Today, I balance representing larger tech companies with mentoring and working with tech startups. I’ve had emerging technology as a subspecialty ever since.”

About 10 years ago, Pham saw an opportunity to leverage Greenberg Traurig’s strengths in multiple practice areas to form a multidisciplinary team focused on helping early stage companies to develop, launch and commercialize their innovations. “Today, the firm has a dedicated Emerging Technology Group, which I lead. We serve as a one-stop shop for tech startups. The group’s attorneys counsel clients on everything from corporate formation and IP to employment and immigration.”

He also is dedicated to working with academic incubators. “Essentially, academic incubators are programs created to help entrepreneurial students and professors position themselves to be professionally successful, especially with the private sector. We have a lot of relationships with high-profile incubators. When Harvard set up its Innovation Lab, we became one of only a few firms chosen by Harvard to serve as mentors for companies in the i-Lab program. Over the last decade, we’ve produced workshops, held office hours and mentored many of these teams. From that experience, we entered similar arrangements with Northwestern, Northeastern, NYU, Columbia and others. The incubator model benefits everyone—the university, the companies and our firm. It creates a pipeline and also provides a training tool for many of our young associates.”

As an IP lawyer, Pham now represents and counsels startups as well as multinational tech corporations across a wide spectrum of industries, such as AR/VR, AI, software, nanotechnology, medical devices and life sciences. He advises clients on the strategic creation and development of IP portfolios that align with their business objectives and helps clients to be in a position to monetize their innovation.

FUTURE EXPLORATIONS There is a great deal of activity in software, whether it’s AI, the internet of things or other areas. “I’m starting to see a lot of activity around software for farming. There are some companies in the Bay Area focusing on that, and one recently sold for \$300 million. Software like this will gather important data that is useful for many industries, such as manufacturing, health care and retail.” And organizations are looking to put that data to use. Pham believes there will be increased demand for data scientists. “There are only about 5,000 good data scientists around the world, so there is already a skills shortage. As data collection and analysis become a driving force behind R&D and commercialization, we will see a marked increase in the data science field.”

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MARK RADCLIFFE

DLA PIPER



PIONEER SPIRIT Mark Radcliffe has a background in chemistry and technology. “I joined the Navy and was made a legal officer, which is a side duty. After I got out, I applied to law school and medical school. I realized I was more comfortable as a lawyer. Back in the 1980s, software licensing was in its infancy, and we had the opportunity to pioneer work in the area. By 1985, I had a licensing practice, which was a rarity in those days.”

TRAILS BLAZED Radcliffe does transactional IP work for startups and Global 500 companies. His clients have included Network Solutions, which “had the government contract to run the domain name system back in 1994. They were in litigation over a dispute about domain names. So I created the domain name dispute system. It wasn’t a complete solution—there can’t ever be one. But it was an improvement, and it kept Network Solutions out of litigation.” He also represented SugarCRM with its open source version of a program in 2004. “Open source was then an obscure area of licensing. I created what is now the dominant open source strategy for corporations, and that launched me into the space. I also helped create General Public License III and was outside general counsel of the Apache Software Foundation and others.” In 2012, he also helped create the OpenStack Foundation. “My history in venture work helped me understand how to put this together.”

FUTURE EXPLORATIONS Technology has become much more important to companies. “What started as a tech company practice now includes banks, insurance companies and manufacturing.” Technology is also coming online that will affect every industry. “And the law is a mess.” This also plays into blockchain, which will become a fundamental technology like the internet.

LUIS SALAZAR

SALAZAR LAW



PIONEER SPIRIT Luis Salazar’s career has followed two paths. “One is bankruptcy, and the other is data privacy and security. Back in 2005, I came across the Toysmart case, which involved selling data in a bankruptcy. I wrote an article about it, then got a call from a staffer for the Senate Judiciary Committee asking me to write a law. The Privacy Policy Enforcement in Bankruptcy Act passed and made it into the Bankruptcy Code. So I’ve been working in that space for the past 15 years. It’s especially meaningful to me to be recognized by the National Law Journal again, since the article that got me my start was published in NLJ.”

TRAILS BLAZED Salazar’s law allowed for appointing a neutral to act on behalf of consumers in bankruptcy matters. “I have been able to serve in that role of ombudsman around 20-30 times. I’ve been able to watchdog about 40 million data profiles.” Salazar became one of the first Certified Information Privacy Professionals in Florida more than a decade ago. “It’s common these days, but there wasn’t anyone practicing in that space then.” His work in the fraud and fraud protection space has also arisen from his privacy practice. “I’ve worked with companies like LifeLock, Pindrop and Emailage to develop compliance on how to sell their services and protect the data they take in. This ties in with the consumer ombudsman work I do.”

FUTURE EXPLORATIONS European regulations and the California Consumer Privacy Act have forced or created the development of minimum standards in the data privacy space, which is surprising. “Both are establishing parameters for intaking and managing data. So individual states’ laws don’t matter much, because these two have become the minimum global standards. I didn’t expect that to happen a few years ago.”

MARGO TANK

DLA PIPER



PIONEER SPIRIT Margo Tank worked on the House Banking Committee in the early 1990s and went into private practice in the mid-1990s. "Shortly thereafter, as the internet became viable for business use, we were representing both technology and financial services companies that realized the use of the internet would change the way to offer and deliver products and services to customers. But the legal uncertainty of how to provide written disclosures and create binding contracts had to be addressed. It became clear that a federal law to create a national baseline to enable the validity and enforceability of electronic transactions was necessary. So we set out to enact a law to do just that."

TRAILS BLAZED Tank and her colleagues worked with clients to establish a trade association, the Electronic Financial Services Council, to advocate for legislation to enable the use and acceptance of electronic signatures. "I spent close to a year on Capitol Hill advocating for the passage of the Electronic Signatures in Global and National Commerce Act." The passage of the ESIGN Act was a gating issue or a catalyst for the growth of the fintech market.

FUTURE EXPLORATIONS In the next decade we will continue to see the intersection of technology and law in every sector. "Businesses will continue to 'go paperless' and will intensely focus on data as an asset, the use of AI, smart contracts and blockchain technology to create additional efficiencies and at an increasingly faster pace than in the past. Ethical obligations, fairness and other legal principles, along with regulatory demand for transparency and customer need for redress, will be front and center."

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WILLIAM S. VEATCH

REED SMITH LLP



PIONEER SPIRIT Bill Veatch grew up in Winnipeg and has Canadian and U.S. law degrees. “I’ve been practicing in San Francisco for more than 30 years. I’m a banking lawyer. I do loans, leases and securitizations. Most of those are in the tech field, and I’ve also developed a specialty of financing software.”

TRAILS BLAZED Veatch has written several books, including “The New Logic of the Law” and “Math without Numbers.” “I conduct very detailed analyses of how to apply math and logic to the law, such as drafting contracts, statutes and other areas.” For example, he is working with a tech company to develop a digitized contract. “We call it a ‘data contract.’ It’s in the early stage, but it’s a way of converting contracts to software. It’s totally in a digital form that software will be able to read and understand. Data contracts will result in time and cost savings.” This technology ties into math and logic. “The data and volume of legal information have been a problem. We haven’t been able to apply logic in a reasonable way. But with the data revolution, we can manage huge amounts of data quickly. It’s a mathematical structure with built-in logic.”

FUTURE EXPLORATIONS Digitization of contracts will happen quickly and for any form of contract in any industry. “We will see it in financial services, but also health care, entertainment, media and shipping. The process is already starting, but the pace will pick up in all industries.” One byproduct will be standardization. “More and more different companies’ contracts will be similar. We will start to see the development of more sophisticated AI software that will help draft and manage portfolios of contracts. It’s faster and there will be cost savings—and both are equally important.”

KEVIN WOLF

AKIN GUMP STRAUSS HAUER & FELD LLP



PIONEER SPIRIT Kevin Wolf began doing international trade regulatory work in the early 1990s. “I was fascinated by the intersections between national security, foreign policy, business, domestic and international law, regulation, civil and criminal defense, interagency dynamics, politics and just about every type of technology you can think of.”

TRAILS BLAZED Wolf served as assistant secretary of commerce for export administration from 2010 to 2017. “That is the political position directly responsible for administering regulations over a wide range of military and dual-use technologies—those with both commercial and military or WMD applications—controlled for national security and foreign policy purposes. During the Obama administration, I helped lead the effort to rewrite most of the rules regarding military and many dual-use technologies. It was a fundamental rethinking of the control structure that will endure for decades.” Wolf was also a Commerce Department representative to CFIUS, the Committee on Foreign Investment in the United States. In his post-government life, he testified before Congress as part of an effort to develop new legislation to enhance CFIUS, particularly so that it could better address changing Chinese and other investment strategies in emerging technologies. “Several of my suggestions were ultimately reflected in bipartisan CFIUS and export control bills that became law last August.”

FUTURE EXPLORATIONS The framework and standards for which technologies should—and should not—be export controlled are now locked in by legislation that had bipartisan support. “Going forward, getting the controls right is thus really a function of resources, creativity and political leadership to think through and implement controls over that which is essential to our national security. I worry about the area though. Although the statute and regulations are in place, the system needs more support and resources.”

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ACCIDENT INVESTIGATION & FAILURE ANALYSIS



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Ed Zehfuss is an experienced condo/coop/PUD association expert, a Certified Property Manager (CPM) and Certified Manager of Community Association (CMCA). For 35 years Ed managed an association portfolio of +/- 6,000 units; written, reviewed and revised the CCR's of various associations and trained/consulted with developers and homeowner association boards. Zehfuss is a national instructor with the Institute of Real Estate Management, taught continuing legal education involving successful association operations and wrote association management curriculum. He trains new association managers and board members in fair housing, ADA, private vs common and limited common element issues, how to handle home inspection, rules enforcement & collection issues, and serves as an expert witness and consultant on association "best practices".

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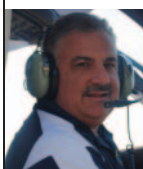
Cranes, rigging, forklifts, aerial lifts, multi-purpose lifting machines, steel erection, and pre-cast concrete erection are key strengths. For years, I reviewed and approved critical crane lift and rigging plans for Navy contracts.

Trenching crews using the one call utility marking service, installing shoring, performing confined space entry, and pressure testing pipelines have been a career focus.

I have in-depth training and experience with fall protection, heavy equipment, paving, scaffolds, shoring, concrete placement, pile driving, electrical systems, and LO/TO.

I excel at explaining OSHA's Multi-Employer Citation Policy, work site issues, and complex cases.

AVIATION ACCIDENT INVESTIGATION



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Aviation Safety Consultants specializes in Aviation Accident Investigations in Fixed Wing, Rotary Wing and Unmanned Aerial Systems (UAS). We focus on Human Factors, Material Failure, Training, Maintenance and Operations. Keith uses his experience as a US Army Aircraft Accident Investigator, US Army Aviator and over 35 years of aviation experience. He was a US Army Instructor pilot and is an FAA Certified Flight Instructor (CFI), ASC also offers safety evaluations (audits) for aviation companies in accordance with Federal Aviation Regulations and industry standards such as IS-BAO, Tour Operators Program of Safety (TOPS) and Helicopter Association International (HAI).

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Jim Cook is a Wireless Expert with over 33 years of experience in the Cellular Industry. He is versed in all Carrier billing formats, all carriers/service providers, social media, IoT (internet of things) data, vehicle information/telematics systems, video and device exams.

Mr. Cook analyzes the data and maps the activity associated with the device(s). The mapping provides a graphic representation of the records showing the location of device(s) during a specific event or period of time.

Mr. Cook has testified in a wide range of cases from Hit-and-Run to Homicide, in both State and Federal Court.

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COMPUTER FORENSICS



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Court-related and public advocacy work as an expert witness on computer and engineering matters including: investigative casework, reviews, analysis; written reports, sworn affidavits, input on briefs; depositions and courtroom testimony; presentations at municipal, county, state and federal hearings and trials. Especially skilled with obtaining eDiscovery items that opposition has not revealed. Primary areas of focus: criminal defense, computer intellectual property, digital multimedia, elections, cybersecurity, standards compliance. Excellent written and verbal skills. Author of 50+ technical papers. Strong ability to sway public opinion. Quoted extensively in commercial, trade and academic press. Fluency in reading and analysis of software code and circuit diagrams.

CONSTRUCTION DEFECTS



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Dr. Bramel has over 30 years of broad engineering experience in all aspects of the construction process from design through construction and service. Dr Bramel has effectively served as an Expert Witness and a litigation advisor on hundreds of cases in the past 10 years. He has advised in Construction Defect, Building and Material Failures, Product Liability, Personal Injury, Construction Work Site Injuries, Multi-Employer Worksite Matters, as well as building code compliance and insurance claims throughout the mid-Atlantic. His expertise in Civil, Mechanical, and Structural Engineering allows a broad perspective of potential matters beyond the traditional engineering solutions, Licensed Professional Engineer in Virginia, Maryland, DC, West Virginia, Pennsylvania, and New York as well as an NCEES record holder.

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Patrick Siewert specializes in forensic data acquisition, analysis, reporting & consultation for PCs, Macs and mobile devices. Mr. Siewert also conducts analysis & mapping of cellular provider records in support of litigation & investigations. He is a court-certified expert witness in multiple sub-disciplines of digital forensics and cellular call detail records analysis & mapping. He has successfully completed training and/or certification in PC forensics, Mac forensics, mobile device forensics and cellular call detail records analysis & mapping. Throughout his 15-year law enforcement career, Mr. Siewert investigated many high-profile technical crimes in Virginia to precedent-setting success.

CONSTRUCTION SAFETY



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Midkiff Safety LLC has over fifteen years of experience in OSHA compliance, safety consulting, and construction safety management, both domestically and internationally. Clients have included construction firms in all industries, private and public sector, federal government, and several Fortune 100 and Fortune 500 companies. We provide OSHA 10 and 30-hour courses in construction and expert witness work in construction injury cases. Safety management and standards of care with regard to workplace safety are our specialty, especially in the construction industry. All services are also available in Spanish.

CONSUMER PRODUCT SAFETY



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Providing litigation support and expert testimony on consumer product safety, product risks & standards, and manufacturer & seller responsibility in products liability and negligence actions on behalf of both plaintiff & defense. Also provide strategic consulting to corporate clients and counsel, insurance firms, and trial attorneys. Specialized knowledge covers recalls, warnings, product standards, testing, compliance, reporting obligations, human factors, unreasonable risks, and Consumer Product Safety Commission interface. Served as CPSC Commissioner for 7 years, and acting-Chairman; also VP for Product Liability & Risk Assessment of AT Kearney, international management consultants. Engaged in more than 300 product-related cases. Testified over 120 times.

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ElectroQuest is a consulting firm specializing in electrotechnology with expertise encompassing:

- * Electrical Engineering & Safety (Mishap/Injury, Design for Sites, Systems & Products)
- * Codes & Standards (OSHA, National Electrical Code, NESC)
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- * Lightning Protection & Safety (Accident, Damage & Injury Investigations)
- * Radiation Safety (Radio, Lasers, Cell Phones & Towers, Power Lines)
- * Products (Design, Safety & Standards Compliance)
- * Illumination (Ambient Lighting Conditions, Mishap Investigation)

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Jennifer Vanderhart is a Ph.D. Economist providing damages and valuation analysis in the areas of intellectual property, breach of contract, international arbitration, and commercial damages. She has testified more than 30 times in U.S. state and federal courts, domestic and international arbitration panels, and depositions. Her clients include companies in wide range of industries including pesticides, education, computer hardware and software, toys, alcoholic beverage distribution, medical devices, entertainment, mining, and financial services. She is able to communicate complex analyses clearly whether presenting to a jury, judge or client. Dr. Vanderhart has published and speaks often on the topics of valuation, damages, econometrics, and intellectual property. She is fluent in Spanish.

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Dr. Weber has worked on food safety related issues on a national basis for three federal agencies and the private sector. This includes working for the U.S. Food and Drug Administration as the Prevention Manager for the Coordinated Outbreak Response and Evaluation Network (CORE). There he worked on over 100 foodborne illness clusters and outbreaks from detection, response and post response prevention analysis. Since reestablishing his food safety consulting practice, he has served as an expert on seven cases, including Listeria in frozen vegetables, *E. coli* O157:H7 contamination of Romaine lettuce, and several restaurant foodborne illness cases.

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Keystone Engineering Consultants, Inc. is a multi-discipline, broad-spectrum firm providing comprehensive and qualified forensic engineering, architecture, scientific, and fire/arson investigation expert services. Keystone has specialized experts from a variety of disciplines, so we are able to provide a full understanding of all aspects for any case we pursue.

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Mr. Martin's insurance and legal experience uniquely positions him to be an effective insurance consultant and expert witness. He has more than 30 years of insurance experience throughout the U.S.; initially serving as corporate counsel for two international brokers, and then as an insurance brokerage executive/licensed property & casualty, and life and health insurance broker. As a lawyer, he served as senior litigation counsel, defending two of the world's largest insurance brokers and their many subsidiary types from professional liability claims. Through his legal and operational experiences he has been extensively involved with a wide array of customer types experiencing a broad variety of coverage and risk management issues.

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- Record Review, Chronology, Cost Projection for settlement (trial, mediation)
- Specializing in all medical and nursing diagnoses
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Evaluate building mechanical, fire-sprinkler, electrical, controls, and structural infrastructure.

Provide forensic engineering services for private sector, attorneys, and the insurance claim industry. Advocate for utility conservation and more equitable electric natural gas, water, and sewer tariffs.

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"He has the rare combination of technical and communication skills that makes for a top-notch expert."

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Dr. Lawrence Guzzardi is a physician who limits his practice to consultations in Toxicology, Emergency Medicine, Correctional Medicine and Related Matters. His experience has included teaching positions with Major Medical Schools and Chairmanship of Major Committees for the American Medical Association and the American College of Emergency Physicians.

He has been Director of an Emergency Department and of a Substance Abuse Service and the Medical Director of a Basic and Advanced Life Ambulance Service.

He has been qualified as an Expert in the Field of Medical Toxicology and Emergency Medicine in thirteen states.

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- Attorneys. Insurance company officials.

I conduct reviews of medical records, second opinions and an expert witness on matters related to medical and neurosurgery issues.

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PUBLIC TRANSPORTATION



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PAIN MANAGEMENT

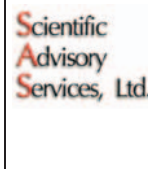


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SAFETY ENGINEERING



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Dr. Abraham is a P.E., Diplomat in the NAFE, Safety Engineer, and Warnings Expert. He has consulted on several thousand cases involving a variety of products and accidents involving personal injury, construction, sports and recreation cases. He has consulted to major news channels, NHTSA, OSHA, NIOSH, State of California (Cal if Trans), Microsoft, New York Transit, Queensborough Bridge Authority, Department of Agriculture, the Federal Government, United States Attorneys, State Attorneys and municipalities throughout the United States in a variety of technical areas. He also specializes in recreational activities, contact and collision sport's injuries including concussions.

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John Campanella has worked in Law Enforcement for over 32-years retiring from the Delaware State Police at the rank of Captain, whose experience and knowledge includes: Policy/Procedure Development; Police Misconduct, Police Fatigue; Police Internal and External Investigations; Pursuit; Detention; Neglect of Duty; Fail to Train; Negligent Retention; Human Resource Management; Evidence, Use of Force; Compliance "Monitoring; and Training/Development.

He has served as the Accreditation Manager for the Delaware State Police with extensive experience and knowledge in researching, developing, implementing, and evaluating police policy and procedure.

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class act

Recalled Rock 'n Play Raises Class Actions

BY AMANDA BRONSTAD

AT LEAST FOUR CLASS ACTIONS HAVE been filed over Fisher-Price Rock 'n Play sleepers, which were recalled earlier this month following reports of 32 infant deaths.

Mattel Inc., which owns Fisher-Price Inc., announced a voluntary recall April 12, 2019 of 4.7 million Rock 'n Play sleepers, citing risks that infants could suffocate if they rolled from their backs to their stomachs or sides. The recall provides full refunds to consumers who purchased the products as of Oct. 12, 2019 at prices that range from \$40 to \$149, while others would receive vouchers. The lawsuits, the latest of which was filed April 23, 2019 said the recall is inadequate.

"[The recall] does not provide justice for the many families who have already experienced injury or death tied to the Rock 'n Play," wrote Jonathan Sorkowitz, of Pierce Bainbridge Beck Price & Hecht in New York, in an email. He filed a lawsuit on April 18, 2019 in the U.S. District Court for the Western District of New York, on behalf of Samantha Drover-Mundy and Zachary Mundy, the parents of a 3-month-old girl in Delaware who died Sept. 25, 2018, just minutes after her mother placed her in a Rock 'n Play sleeper. "Nor does the recall offer refunds to all of the purchasers of the product with claims, and even those who are receiving something from Fisher-Price may not be getting adequate value. We are also seeking injunctive relief to prevent issues like this from happening in the future and hopefully help reduce the circulation of this product on the secondary market."

Among those secondary markets are Facebook, Craigslist and Amazon.com, also named as a defendant in the case,



FISHER-PRICE ROCK 'N PLAY SLEEPER

"[THE RECALL] DOES NOT PROVIDE JUSTICE FOR THE MANY FAMILIES WHO HAVE ALREADY EXPERIENCED INJURY OR DEATH TIED TO THE ROCK 'N PLAY." —JONATHAN SORKOWITZ

where illegal resales of the product are ongoing, he says.

Lauren Kellas, an Amazon Inc. spokeswoman, declined to comment.

Mattel, based in El Segundo, California, and Fisher-Price, based in East Aurora, New York, also face class actions in New Jersey and California.

Fisher-Price provided a statement in response to the lawsuits: "Fisher-Price has a long, proud tradition of prioritizing safety as our mission. As a matter of policy, we don't comment on litigation."

In a statement released on the day of the recall, Mattel urged parents to stop using the product. Fisher-Price general manager Chuck Scothorn also

released a video, accompanied by this written statement: "We stand by the safety of our products. However, due to reported incidents in which the product was used contrary to the safety warnings and instructions, we have decided to conduct a voluntary recall of the Rock 'n Play Sleeper in partnership with the Consumer Product Safety Commission."

The Consumer Product Safety Commission and Fisher-Price first issued a safety alert April 5, 2019, after reports that the Rock 'n Play was linked to the deaths of 10 infants since 2015, all more than 3 months old, when babies begin learning how to roll

over. The alert noted that Fisher-Price warned consumers not to use the product once babies are able to roll over.

Then, on April 8, 2019, Consumer Reports published an article that questioned why the product had not yet been recalled, citing its own investigation concluding that 32 infants had died in a Rock ‘n Play. The next day, the American Academy of Pediatrics made a similar recommendation, calling the product “deadly,” and urged parents to stop using the Rock ‘n Play.

Many of the suits alleged that government regulators in Australia and Canada had previously questioned the product’s safety, as had pediatricians, but that Fisher-Price continued to market the Rock ‘n Play for overnight sleep. In addition to deaths, the suits say, the Rock ‘n Play had been associated with babies developing flat heads and twisting their necks.

The suits also target what they called Fisher-Price’s deceptive and misleading marketing of the product for overnight sleep, despite recommendations from pediatricians that babies should sleep flat on their backs.

Sorkowitz’s suit alleged that Fisher-Price and Mattel lobbied the Consumer Product Safety Commission over the years to avoid recalling the Rock ‘n Play. He also represents Rebecca Drover, the Pennsylvania woman who purchased the product as a gift to her daughter, Samantha Drover-Mundy.

The suit seeks to represent a nationwide class of parents whose children died or were injured from the Rock ‘n Play, as well as consumers who purchased the product.

“This child’s death was an unspeakable tragedy,” Sorkowitz said. “Although nothing can fully redress it, it has become clear this product is defective and dangerous and that the parties responsible should be held to account. Our clients are hopeful that their



“ALTHOUGH NOTHING CAN FULLY REDRESS IT, IT HAS BECOME CLEAR THIS PRODUCT IS DEFECTIVE AND DANGEROUS AND THAT THE PARTIES RESPONSIBLE SHOULD BE HELD TO ACCOUNT.” —JONATHAN SORKOWITZ

story will serve as a warning to others and effect positive change from an awful situation.”

One day after Sorkowitz filed his suit, Wolf Haldenstein Adler Freeman & Herz filed a class action on April 19, 2019, in the U.S. District Court for the Western District of New York on behalf of Cassandra Mulvey, a New York woman who received the Rock ‘n Play as a gift.

“At least 32 infant fatalities and countless other injuries have been associated with the Fisher-Price Rock ‘n Play Sleeper since its introduction in 2009,” wrote Demet Basar, of New York’s Wolf Haldenstein, in an email. Her suit seeks a nationwide class of

consumers. “Well-respected organizations such as the American Academy of Pediatrics and Consumer Reports have sought a recall of this product. Despite knowing of its dangers for years, Fisher-Price only recently recalled the Rock ‘n Play. However, as the complaint alleges, the recall is inadequate.”

That suit called the recall “cumbersome, inconvenient, and restrictive, and confusing to the general public,” in part because parents must send in parts of the product to get a refund.

“Limiting full reimbursement to those who owned the product for six months or less is unfair because the product is not expressly sold for short term use and many parents obtained the product assuming they would be able to use it for a subsequent child, or, when their baby outgrew it, to share it with a friend or relative with a younger baby,” Basar wrote. Moreover, she wrote, vouchers are unacceptable because Mattel would benefit from those purchases.

Blair Reed, of Bursor & Fisher in Walnut Creek, California, made similar allegations about the recall’s defects in the April 23, 2015, suit, filed in U.S. District Court for the Central District of California, on behalf of a Texas consumer. That case seeks to represent a class of consumers who purchased the product on or after April 23, 2015.

The first class action, filed in New Jersey federal court April 11, 2019, by attorney Stephen DeNittis of DeNittis Osefchen Prince in Marlton, New Jersey, was brought on behalf of a nationwide class of consumers who purchased a Rock ‘n Play at any time since it was introduced in 2009.

Amanda Bronstad is the ALM staff reporter covering class actions and mass torts nationwide. She writes the email dispatch Critical Mass. She is based in Los Angeles. Contact her at abronstad@alm.com.

Practice

Navigating Employee Background Checks

BY BETHANY SALVATORE AND BRYANT ANDREWS

ONBOARDING NEW EMPLOYEES IS AN exciting time for most companies. One aspect of the hiring process—conducting criminal background checks—can be a daunting experience. To succeed on the road to criminal background check success, HR professionals need a road-map (Equal Employment Opportunity Commission guidance) and a compass (Fair Credit Reporting Act guidance). These tools, in conjunction with counseling from your employment attorney, will help you successfully navigate the criminal background check process.

Before conducting a third-party criminal background check, the Fair Credit Reporting Act mandates that you take three preliminary steps. Under the federal FCRA, you must: (1) Send the applicant or employee an FCRA-compliant Disclosure and Authorization form; (2) Obtain their written consent; and (3) Complete the consumer reporting agency's certification form and provide it to the consumer reporting agency. This form requires you to certify that you have complied with the FCRA disclosure requirements; will comply with the FCRA's adverse action requirements should the results lead to an adverse employment action; and will not use the information provided by the consumer reporting agency in a way that violates equal employment requirements.

It is not always obvious what employment decision should be made when a criminal background check report indicates that the applicant or employee has a past arrest or criminal conviction. The Equal Employment Opportunity Commission guidance addresses consideration of criminal history information results when the results have a disparate impact on applicants and employees



on the basis of race. The EEOC has observed that certain populations are arrested and convicted at a disproportionate rate in the U.S. As a result, even a facially-neutral practice of categorically disqualifying applicants who have a criminal record, may have the effect of discriminating against certain minorities.

Here is a quick checklist regarding employer restrictions and employee protections:

Do not consider arrest records. EEOC guidance strongly cautions against the use of arrest records in making employment decisions. Accordingly, adverse employment decisions (e.g., refusals to hire or terminations) should not be based on an applicant or employee's arrest record. An applicant's past arrest is insufficient evidence to support a finding that the applicant actually engaged in the conduct in question.

EEOC guidance does, however, allow you to make an adverse employment decision on the conduct that led to the

arrest if the conduct “makes the individual unfit for the position in question.” Practically, you typically have limited access to information concerning the validity of an arrest. This reality, coupled with the EEOC's strong caution against the use of arrest records in hiring and employment, position you to not rely on arrest records in employment decisions. State laws may expressly forbid the use of arrest records as well.

Additionally, the FCRA does not authorize the release of arrest information dating back more than seven years from the time of the application or background check request for purposes of jobs that pay less than \$75,000 annually. Your organization will run afoul of the FCRA if you consider arrests beyond seven years.

Conviction records can be taken into account where appropriate. You have much more flexibility under EEOC guidance to consider an applicant's or employee's conviction records. According to the EEOC: “a record of

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a conviction will usually serve as sufficient evidence that a person engaged in particular conduct, given the procedural safeguards associated with trials and guilty pleas.” Unlike arrests, the FCRA imposes no time limitation on records of criminal convictions.

Even with more leeway, employers should consider the following to limit liability associated with employment decisions based on convictions: First, do not ask about convictions on job applications. Most courts have embraced the EEOC’s guidelines in ruling that you should not ask about criminal conviction history on job applications. Instead, it is safest to inquire about an applicant’s criminal history later in the hiring process—typically after extending a conditional offer of employment. Second, consider convictions only if “job related” and “necessary for business.” If your selection criteria relating to conviction history have a

statistically significant disparate impact on individuals of a certain race, the criteria will likely be deemed to violate Title VII unless they are “job related and consistent with business necessity.” This determination involves, in part, factors such as: a) the nature and gravity of the offense or offenses; b) the time that has passed since the conviction and/or completion of the sentence; and c) the nature of the job held or sought and how it relates to the type of crime committed.

Your company should develop a targeted screening process for individualized consideration of whether the screen is job-related and consistent with business necessity. While individualized assessments are not required for Title VII compliance, they can help minimize Title VII claims.

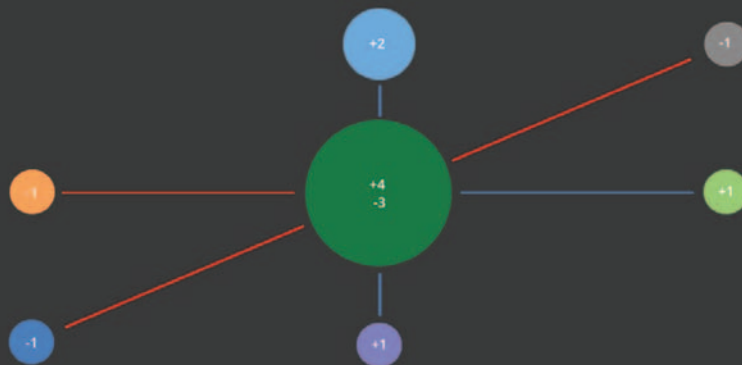
Overall, these are a few best practices for using criminal arrest and conviction information in the employment context:

- Eliminate policies or practices that categorically exclude people from employment based on the mere existence of a criminal record;
- Develop a narrowly tailored, written procedure for screening applicants and employees for criminal conduct;
- Train managers, hiring officials, and decision-makers on how to implement the policy and procedures consistent with Title VII; and
- Document the reasons for not selecting certain candidates based on screening factors or individualized assessments.

Bethany Salvatore is a member in Cozen O’Connor’s Pittsburgh Labor & Employment group. Bethany is an employment litigator who focuses on protecting companies’ best interests. Bryant Andrews is a Cozen O’Connor Labor & Employment associate.

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Ginsburg Papers: Restriction is 'Not True'

BY MARCIA COYLE AND TONY MAURO

A BOOK AUTHOR'S CLAIM THAT JUSTICE

Ruth Bader Ginsburg has imposed a 100-year restriction on access to her U.S. Supreme Court papers after she leaves the bench triggered a swirl of criticism and concern this week among historians, journalists and law professors.

But it turns out the 100-year restriction as stated in the new book, "Ruth Bader Ginsburg: A Life," wasn't accurate.

"The arrangements mentioned in the book are not true," said Kathy Arberg, head of public information at the Supreme Court. "The justice has not announced her plans for her Supreme Court papers and would never impose such a restriction."

The restrictions that justices put on their high court papers after they are no longer on the bench have generated considerable controversy over the years, particularly when access to the papers is barred until many years after every justice with whom the departed justice has served is no longer living.

The recent controversy followed a tweet posted by Lynda Dodd, a professor of legal studies and political science at the City University of New York. Dodd highlighted part of Jane Sherron De Hart's new book about Ginsburg.

The bibliography excerpt said: "Papers from her tenure as associate justice of the Supreme Court (1993—) will not be available to researchers until a hundred years after the last justice with whom she has served is no longer alive."

De Hart said in an email: "My information is based on the guide to the RBG papers in the manuscripts division of the Library of Congress. It is not a matter that I have ever discussed with the justice."

Janice Ruth, acting chief of the manuscript division of the Library of



Congress, which houses Ginsburg's pre-judicial and court of appeals files, said Ginsburg "has been very receptive to requests by researchers." The Library of Congress does not have any of Ginsburg's Supreme Court papers, Ruth said, but the draft guide to Ginsburg's papers does not contain a 100-year restriction. Files that include specific cases from Ginsburg's years on the U.S. Court of Appeals for the D.C. Circuit are restricted so long as any judge who participated in that case is alive.

Unlike rules governing the preservation of presidential papers, no law controls the fate of justices' papers, a fact that has resulted in a wide range of arrangements made by justices and their heirs. Justices typically do not disclose their preservation plans before their death, so the future homes of papers of current justices are unknown.

"Justices own their own papers, and unfortunately, they are under no legal obligation to preserve them," said

Kathryn Watts, a University of Washington School of Law professor.

Justice Hugo Black burned some of his papers. Justice David Souter, who retired in 2009, has specified that his papers, donated to the New Hampshire Historical Society, would not be made public until 50 years after his death.

At the other end of the spectrum, Justice Thurgood Marshall caused a posthumous controversy by deciding that his papers would be released as soon as he died. There was no way of predicting when that would happen, but he died in 1993, less than two years after he retired, so some of the files revealed very recent material to the public.

Marcia Coyle, based in Washington, covers the U.S. Supreme Court. Contact her at mcoyle@alm.com. On Twitter: @MarciaCoyle.

Tony Mauro, based in Washington, covers the U.S. Supreme Court. Contact him at tmauro@alm.com. On Twitter: @Tonymauro.

DAVID HANDSCHUH/ALM

DC Market Sees 'Slow and Steady' Growth

BY RYAN LOVELACE

WASHINGTON, D.C., LAW FIRMS HAD a relatively strong year in 2018, as the market experienced shifts in demand and felt the effects of the Trump administration's efforts to shrink the administrative state.

But it was the region's largest firms that benefited the most, according to early Am Law 100 and 200 financial results.

Wilmer Cutler Pickering Hale and Dorr and Covington & Burling enjoyed the most impressive gains in 2018, while Arnold & Porter Kaye Scholer, Venable and other legacy D.C. Big Law firms saw only modest increases. Wilmer recorded its highest-ever revenue at \$1.149 billion, and Covington crossed the \$1 billion mark for the first time, representing an 18.1% increase year-over-year.

Covington trailed Arnold & Porter in terms of revenue in 2017, but Covington leapfrogged Arnold & Porter by more than \$155 million in 2018. Arnold & Porter's revenue rose 1% to \$961.2 million. Venable's revenue improved 5.5 percent to \$570.2 million, bolstered by a growing partnership and declining equity partnership.

Among the biggest legacy D.C. firms, the individual lawyers at Covington look to have gained the most ground in 2018, according to ALM data. Covington's revenue per lawyer spiked 9 percent to \$1,096,000, and profits per partner rose 12.4 percent to \$1,734,000. Wilmer's year-over-year growth didn't match Covington, but the firm posted another record year of revenue per lawyer, at \$1,337,000, and profits per partner, at \$2,151,000.

Arnold & Porter was among the firms that enjoyed more modest



"I ACTUALLY THINK D.C. FIRMS THAT HAVE OUR KIND OF BRAND ARE GOING TO THRIVE IN PERIODS OF CONGRESSIONAL INVESTIGATIONS AND MORE REGULATION" —BOB NOVICK

year-over-year gains in comparison. Its revenue per lawyer rose 2.3 percent to \$1,024,000, and its profits per partner climbed 4.3 percent to \$1,242,000. Firms without a single-tier partnership saw slight gains, too. Venable, with approximately 55 percent of its partnership equitized, saw partner profits rise nearly 3 percent and revenue per lawyer inch upward 2.1 percent.

Lisa Smith, principal of Fairfax Associates' Washington office, said she thought the performance of the D.C. market in 2018 could best be described as "slow and steady."

"Firms that rely heavily on enforcement and regulatory action have seen a little bit less demand because there's been just a little bit less of that

depending on what sector they're in over the last couple of years," Smith said. "But I think a lot of that's been replaced by other work."

The Trump administration's emphasis on removing regulation guided much of its governance in its first two years, influencing everything from judicial selection to environmental policy. The results of the 2018 midterm elections produced a divided government, which in turn promised more congressional gridlock and governance via regulation. The uptick in congressional investigations from the Democratic-controlled U.S. House of Representatives has served as a welcome development for lawyers and lobbyists alike falling under the new majority's investigative gaze.

With Washington seesawing from a divided government under President Barack Obama to a divided government under President Donald Trump, legal professionals have begun questioning the relative strength and health of the D.C. market. Wilmer co-chair Bob Novick, however, said he is mindful of the prospect of an economic slowdown but does not view the D.C. market as uniquely vulnerable.

“I actually think D.C. firms that have our kind of brand are going to thrive in periods of congressional investigations and more regulation,” Novick said. “It’s not D.C. versus New York versus Chicago. It’s how much high-value work will corporate America—will the corporate clients—push into the outside counsel market in a period of downturn? Because that’s where we all live.”

Some firms are actually leaning into the D.C. market to offset challenges elsewhere. After Baltimore-based Miles & Stockbridge saw its Maryland offices raided by a new competitor in the Mid-Atlantic, the firm turned to Washington as the solution to its problems. It moved to new offices on Pennsylvania Avenue in D.C. in April 2019 and plans to double its Washington footprint soon thereafter. CEO Joe Hovermill said part of what differentiates Miles & Stockbridge from its larger D.C. competitors is its ability to provide the same quality of legal services to a Washington clientele at Baltimore rates.

The performance of the D.C. market could change dramatically in the next few years depending on who occupies the White House after next year’s November elections. With a wide-open Democratic presidential

primary field challenging an incumbent Republican who has not hesitated to govern against the grain of party orthodoxy, what comes next is anyone’s guess.

“I do think 2019 is going to be a decent year for the industry; I think 2020 is still maybe a big question mark,” Smith said. “I do think that we won’t have seen anything dramatic where people have double-digit or 20% increases in revenue or profits, but I also don’t think we’re going to see dramatic declines. So I think it is going to be more of the slow and steady approach for ’19. 2020 is more of an open question.”

Ryan Lovelace is based in Washington, D.C., and covers the intersection of law firm business, lobbying and the federal government. Contact him at rlovelace@alm.com. On Twitter: @lovelaceryand

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Hon. Patrick L. Woodward (Ret.)

Retired Chief Judge, Court of Special Appeals of Maryland

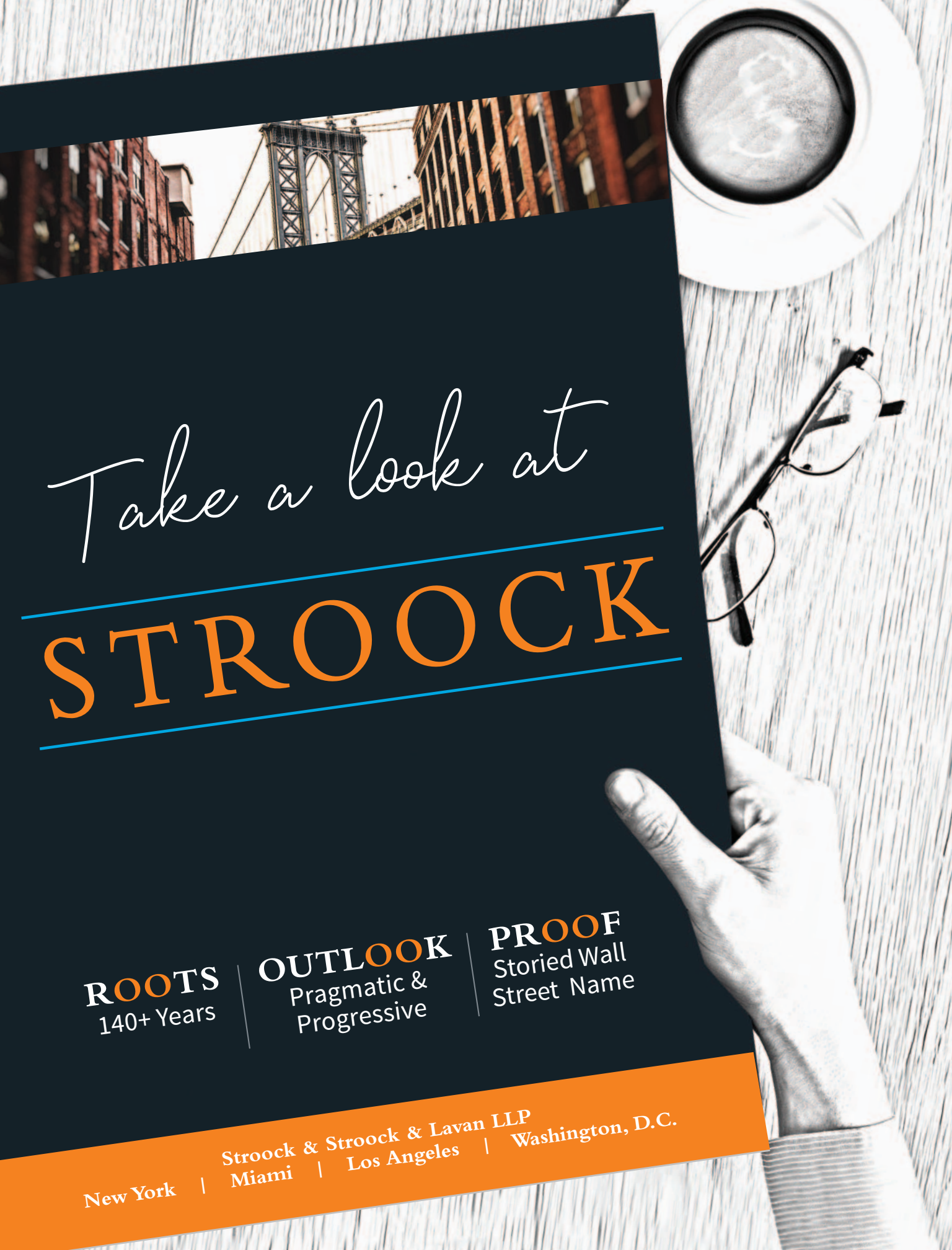
The Honorable Patrick Woodward recently retired as Chief Judge of the Court of Special Appeals of Maryland after thirteen years of distinguished service as an Associate Judge and Chief Judge on that court. He previously served as an Associate Judge on the Circuit Court for Montgomery County and as an Associate Judge on the District Court of Maryland for Montgomery County. Before his judicial service, Judge Woodward enjoyed a successful law practice in Maryland and DC. He is a two-time Recipient of the Outstanding Jurist Award from the Montgomery County Bar Association and the 2018 Recipient of the Beverly Groner Family Law Award from the Maryland State Bar Association. Judge Woodward now brings this exemplary record of dedication and leadership to The McCammon Group to serve the mediation and arbitration needs of lawyers and litigants in DC, Maryland, and beyond.



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Ex-Buckley Partners Launch New D.C. Firm

BY JENNA GREENE

LAST YEAR, ANDY SANDLER DID SOMETHING rare for a successful lawyer: He walked away from the law.

He had quite the run. In 2009, he left Skadden, Arps, Slate, Meagher & Flom, where he headed the consumer financial services enforcement and litigation practice, to co-found Buckley Sandler. As chairman and executive partner, he grew the firm in nine years to number 171 on the Am Law 200, with profits per equity partner of \$2.48 million in 2017.

And then in February of 2018, he announced that at age 61, he was retiring from the practice of law, exiting the firm to serve as chairman of Treliant Risk Advisors, the financial services industry consulting firm he founded, CEO of compliance software provider Asurity, and to run his private investment company, Temerity Capital Partners.

Oh also, he bought a minor league baseball team, The Kannapolis Intimidators.

But in the intervening 14 months, Sandler discovered something else: “I missed practicing law,” he said.

On May 1, 2019, he and ex-Buckley partner Andrea Mitchell announced they’re launching a new firm: Mitchell Sandler, joined by another Buckley partner, Robyn Quattrone.

The majority women-owned and managed firm will focus on financial services regulatory, enforcement and litigation matters, representing banks, mortgage and specialty finance companies, credit card issuers and fintech companies.

The trio “go way back,” Sandler said—they all worked together at Skadden. Mitchell describes him as his mentor, “I grew up under his practice at Skadden, and he introduced me to some of my most important clients.”

But Sandler, who joins as senior partner, is clear that this time around, he’s tak-



ANDREA MITCHELL, ROBYN QUATTRONE,
AND ANDREW SANDLER

ing a back seat in firm management. “I’ve had my turn” at Buckley Sandler, he said.

Mitchell will serve as managing partner, and Quattrone will be chief operating officer.

“Andrea and Robyn want to build something—their own model, and with a women’s perspective,” Sandler said. “I’ll be there to advise when asked. I intend my role to be supporting them. ... I do not wish to play a management role.”

Also joining the firm: Alex Acree, co-founder and former managing director and general counsel of Fenway Summer Ventures and Stephen LeBlanc, who worked previously with Mitchell, Sandler and Quattrone as a litigator at Buckley.

“The inspiration for our law firm stemmed from a recurring question—‘Are law firms currently set up to meet the business challenges and opportunities of tomorrow?’” Mitchell said.

“We understand the competing demands that our clients are facing today,” she continued. “They are expected to help achieve their company’s business goals, embrace diversity and inclusion principles, and obtain superior legal advice at a reasonable cost. At Mitchell

Sandler, we are prepared to share the responsibilities placed on our clients.”

Quattrone added, “When we decided to start our own firm, we agreed that our central focus would always be on people—and that includes everyone—staff, attorneys, our families, and, of course, clients.”

Sandler, who spent the past year as a client rather than a lawyer, said he has “a new perspective on the need to make the client relationship less transactional. I do not like paying my lawyers by 10 minute increments for routine advice; I don’t want to be that lawyer this time around.”

“We want to stay small, with high expertise and low overhead, and measure our value differently,” he continued. “We want to use retainers, value billing and other approaches to replace hourly billing whenever the client is willing to do so. We want clients to understand that we prefer to be compensated for the value that we provide, not for the amount of time we spend.”

Jenna Greene is editor of The Litigation Daily and author of the “Daily Dicta” column. She is based in the San Francisco Bay Area and can be reached at jgreene@alm.com.



The following section features attorneys who have demonstrated leadership qualities and have achieved the AV Preeminent rating by Martindale-Hubbell®.

Martindale-Hubbell®, the company that has long set the standard for lawyer ratings, has supplied ALM with a list of Top Rated Lawyers who have achieved an AV® Preeminent® Peer Review Rating, the highest rating in legal ability and ethical standards. To create this section, Martindale-Hubbell® tapped its comprehensive database of Martindale-Hubbell® Peer Review Ratings™ to identify lawyers who have been rated by their peers to be AV® Preeminent™.

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WHITE COLLAR

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ROBERT S. WOLF

Robert S. Wolf is the Chair of Moses & Singer's White Collar Criminal Defense and Government Investigations, and Securities Litigation practice groups.

His primary areas of practice are white collar criminal defense, securities litigation and government investigations, as well as corporate, commercial and real estate litigation. His vast litigation experience is much broader and includes representing corporations and individuals in all stages of federal and state civil and criminal proceedings, in addition to regulatory enforcement proceedings and arbitrations. Robert regularly represents clients nationwide in significant fraud prosecutions and SEC enforcement actions. He tries cases and argues appeals in federal and state courts throughout the country and works on complex international litigations in connection with global intelligence investigations for numerous European Union member countries and other foreign jurisdictions.

High-profile clients subject to unfavorable press or otherwise targeted by the media look to Robert for his extensive experience in crisis management and a well-earned, media-savvy reputation. These clients include wealthy individuals, financial industry professionals, real estate companies, developers, and celebrities.

Robert is currently representing a former business associate of President Trump, in connection with the Office of Special Counsel and ongoing Congressional investigations by various House and Senate subcommittees into alleged Russian interference in the 2016 Presidential election and obstruction of justice.

Robert also handles employment matters in the financial industry and elsewhere on behalf of both employers and employees. Among other things, he negotiated and obtained substantial severance packages for at-will employees in hostile environments; represented broker-dealers and hedge funds against employees in similar matters; and obtained a landmark ruling regarding the U-5 disclosure immunity defeating substantial monetary damage claims.

Recognized as the first American attorney to be permitted into a Russian prison in an actual case, Robert represented a U.S. citizen charged with fraud and money laundering in connection with one of the first joint criminal prosecutions between the United States and the Russian Federation. He is frequently quoted in various publications, including *The New York Times*, *The Wall Street Journal*, *The Washington Post*, *Bloomberg News* and *Reuters*, and has appeared often as a legal analyst on television.

Robert is rated AV Preeminent™ by Martindale-Hubbell and identifies himself as part of a select group of lawyers recognized for their legal abilities and professional ethical standards. He is also honored with listings in the 2012, 2013, 2014, 2015, 2016, 2017 and 2018 editions of Law & Politics' New York Super Lawyers® for White Collar Criminal Defense Litigation.



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Since the passage of ERISA in 1974, Z. John Skapars has concentrated his legal practice exclusively in ERISA and other employee benefits matters, including qualified and nonqualified retirement plans; SERPs and other executive compensation; Title I and Title IV (PBGC) practice; governmental and nonprofit 403(b) and 457 plans; and health (ACA) and other welfare benefit plans.

During those 45 years, John has represented public corporations and private enterprises, ranging in size from those with over 10,000 employees to small medical practices, which has provided him with uniquely extensive experience in all aspects of defined benefit pension plans (including their design, implementation, administration and termination); submissions for IRS qualified plan determination letters and IRS error corrections (VCPs, Audit CAP closing agreements, etc. under the IRS EPCRS program); assistance with IRS, DOL and PBGC plan audits; and counseling of employers, fiduciaries and service providers on ERISA fiduciary duties and prohibited transactions. His practice also includes ERISA litigation and merger and acquisition transactional support, as well as providing employer legal compliance with health care reform.

John graduated Boston University (College of Liberal Arts, A.B., magna cum laude, 1968, Phi Beta Kappa; School of Law, J.D., cum laude, 1971); was admitted to the Massachusetts bar in 1971; and is admitted to practice in the United States District Court. He started his law practice with one of Boston's premier law firms, specializing since 1974 exclusively in ERISA, and moved later to a consulting attorney position with a significant Boston-area actuarial consulting firm. In 1993, he co-founded what is now his boutique employee benefits law firm of Skapars & Associates, P.C.

John is honored to be rated AV Preeminent® by Martindale-Hubbell™.

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MARCIA S. WAGNER

MARCIA S. WAGNER is the founding and principal partner at The Wagner Law Group, a certified Woman-Owned Business established in 1996, and widely recognized as the country's top ERISA and employee benefits law firm. Ms. Wagner is recognized as an expert in ERISA, employee benefits and executive compensation matters, including ERISA fiduciary law, qualified and non-qualified retirement plans, all forms of deferred compensation, and welfare benefit arrangements.

Ms. Wagner has been inducted as a Fellow of the American College of Employee Benefits Counsel, an invitation-only organization of nationally-recognized employee benefits lawyers with 20 or more years of experience, is AV-rated by *Martindale-Hubbell* and has been listed in the *Top 50 Women Lawyers in New England in New England Super Lawyers Magazine*.

Ms. Wagner has written hundreds of articles and 23 books. She is commonly quoted in business publications such as *The Wall Street Journal*, *Financial Times*, *Pension & Investments*, and many more, as well as being a frequent guest on FOX, CNN, Bloomberg, NBC and other televised media outlets.



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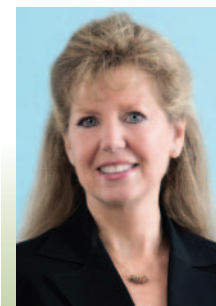
KATHLEEN M. DONOVAN-MAHER

Kathleen M. Donovan-Maher is the Managing Partner of Berman Tabacco's Boston office and a member of the firm's Executive Committee. Kathleen focuses her practice on prosecuting complex class actions, including RICO, ERISA, securities and whistleblower cases. Kathleen has served as lead or co-lead counsel in large, complex cases in federal courts around the country.

Currently, Kathleen leads an ERISA class action against pharmacy benefit managers in connection with the skyrocketing price of the EpiPen. Additionally, Kathleen leads the charge against online lenders who allegedly attempt to hide behind the "tribal immunity" doctrine when loaning monies and charging interest rates in excess of 400%, and in some cases over 700%, in violation of RICO.

Kathleen has a passion for advocating on behalf of the little guy and holding wrongdoers accountable. Through all stages of litigation, including trial, Kathleen has helped recover billions of dollars for consumers, investors and institutions.

Kathleen is ranked AV® Preeminent™ by *Martindale-Hubbell*®, recognized among the *Benchmark Plaintiff Top 150 Women in Litigation*, was selected for the *Bar Register of Preeminent Women Lawyers* and designated a *Local Litigation Star* by *Benchmark Litigation*.



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James provides tax, merger and acquisition, and estate planning services to the firm's ultra-high net worth individuals and privately held business owners. James advises these individuals with respect to asset protection and multi-generational tax planning. He represents both buy side and sell side privately held businesses in mergers and acquisitions and provides international tax advice.

James graduated from Brown University and holds an LL.M. degree (Master of Laws in taxation) from Boston University Law School. Prior to co-founding Maselan & Jones, P.C., James was a senior tax attorney at PricewaterhouseCoopers, formerly Coopers & Lybrand, and then headed the tax department at a mid-size corporate law firm in Boston. James has served as a faculty member at Massachusetts Continuing Legal Education, and frequently lectures to business owners and investment banking firms on business succession strategies.

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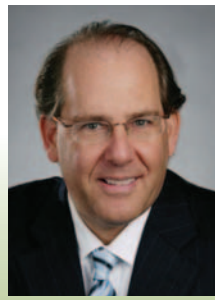
For over 35 years, Marcia Mavrides, founding attorney at Mavrides Law, has been a recognized leader in divorce and family law throughout Massachusetts. Her Boston based firm, Mavrides Law, focuses exclusively on divorce and family law, including: divorce, complex asset division, support, and child related issues. The team of experienced attorneys and staff at Mavrides Law work closely with their clients, empowering them with the tools and information needed to shape their future and move forward with their lives. Attorney Mavrides is listed in the top 5% of lawyers, has an AV preeminent rating, has been consistently designated among the Top Women Lawyers in Family Law, and has been consistently named a Massachusetts Superlawyer.

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Howard M. Rudolph, Managing Partner of Rudolph & Associates LLC, is Board Certified in Marital and Family Law with an emphasis on high net worth divorce litigation. He graduated from Rutgers University, B.A., and Hofstra University, J.D., where he was Editor on Law Review. Mr. Rudolph is admitted to the Bar in Florida, New Jersey, and New York, and is a member of the ABA, giving him the unique ability to handle multi-jurisdictional cases. He frequently lectures on many family law topics including paternity, UCCJEA prenuptial agreements as well as several other topics. In addition to clients with high networth Mr. Rudolph also represents numerous professional athletes and members of the entertainment industry in their paternity, child support, and divorce matters. He is AV-rated by Martindale-Hubbell, is named in Florida's Legal Elite, recognized as a Super Lawyer and sits on several Family Law Section committees.

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Led by Principals Peter L. Gladstone and Jeffrey A. Weissman, the attorneys at Gladstone & Weissman, P.A. represent their clients with exceptionally high levels of compassion and integrity. Dedicated to first-class client service and legal counsel, the firm provides discreet, sensitive counsel on a full range of complex marital and family law matters from prenuptial agreements, property distribution, including business valuations, to alimony and parenting plans.

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Gladstone & Weissman was recognized by U.S. News & World Report as a "2019 Best Law Firm" and its principals and partners are all Board Certified in Marital and Family Law, and AV-Rated by Martindale-Hubbell. Both Weissman and Gladstone have received high legal honors for excellence in their practice; Weissman as a 2018 Family Law Lawyer of the Year and Gladstone as the Immediate Past President of the prestigious AAML Florida Chapter. In addition to being widely respected by clients and peers alike for its expert approach to family law, the firm's attorneys bring extensive expertise and high quality legal representation to every case and each client. "No one will care more or give more thought to achieving the most favorable outcome for their client," says Principal Peter Gladstone.



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RENÉE K. GUCCIARDO

The Gucciardo Law Firm provides families and couples legal representation commensurate with a large firm but with the accessibility and responsiveness of a small firm.

Renée K. Gucciardo has always been passionate about families and their legal needs, so 17 years ago she founded The Gucciardo Law Firm to guide families through the emotional and legal difficulties of divorce. "We understand how important trust is when a client places the lives of themselves and their families in our hands," Gucciardo says.

Included on this year's list of Super Lawyers, Renée understands that open and honest communication is key to a successful attorney-client relationship. "We ensure that we are compassionate about the overwhelming stress that clients may experience during a divorce," she says.

The Gucciardo Law Firm provides trial and appellate court representation in family law, throughout Oakland, Macomb and Wayne counties.

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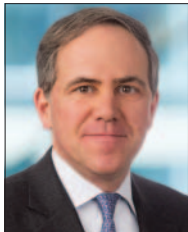


Corey R. Chivers is a partner in Weil, Gotshal & Manges LLP's Capital Markets practice. He has represented corporations, investment banks, national governments and multinational financial institutions in a wide range of public and private securities offerings, including initial public offerings, major high-yield transactions and investment grade debt offerings.

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LATERALS

Jones Day (New York City): Joshua Brody joined the firm as a partner in the business restructuring and reorganization practice. His experience includes negotiating and litigating reorganization plans, complex claims litigation and debtor-in-possession financing. Brody was formerly a partner at Kramer Levin. He will be based in New York.

Venable (Washington, D.C.): Andrew Kay joined the firm as a partner in the commercial litigation practice. His practice focuses on complex commercial litigation, and he represents life insurance companies and financial services firms. Previously, he was a shareholder at Cozen O'Connor. Also joining the firm's commercial litigation practice as partner is P. Randy Seybold. He advises on complex commercial disputes and disputed matters. Both attorneys are based in Washington, D.C.

Norton Rose Fulbright (New York City): David Burton joined the firm as a renewable energy tax partner. His experience includes advising clients on U.S. tax matters, project finance and energy transactions, and the formation and structuring of domestic and offshore investment funds. Previously, he was a partner at Mayer Brown. He is based in New York.

BakerHostetler (Cleveland): Ann Caresani joined the firm as a partner in the employee benefits practice. Her practice includes advising on executive compensation, tax-qualified retirement plans, health and welfare plan matters and ERISA litigation. Additionally, Caresani is a certified public accountant and advises business owners, in-house counsel and executives on business succession planning and mergers and acquisitions. Previously, she was a partner at Tucker Ellis. She is based in Cleveland.

Proskauer Rose (New York City): Seetha Ramachandran joined the firm as a partner in the litigation department. She has experience in anti-money laundering, the Bank Secrecy Act, economic sanctions and asset forfeiture matters. Most recently, she was a partner at Schulte Roth & Zabel. Ramachandran had also served as a federal prosecutor as deputy chief in the Asset Forfeiture and Money Laundering Section of the U.S. Department of Justice's Criminal Division. She is based in New York.

NEW ARRIVALS

King & Spalding (Chicago and New York City): Peter Montoni and Rachael Trummel joined the firm as partners in the corporate, finance and investments practice group and the trial and global disputes practice group,

respectively. Montoni previously was associate general counsel at Antares Capital, and had also worked for nine years as senior and executive counsel at GE Capital. Trummel's practice focuses on class action defense and complex litigation. Trummel is based in Chicago and Montoni is based in New York City.

Vorys, Sater, Seymour and Pease (Houston): Jeffrey Heller joined the firm as of counsel in the labor and employment practice. Previously, he was the associate general counsel for labor and employment at BP, where he managed the global employment legal team and the global alternative energy legal team. Heller's experience includes directing investigations into misconduct, handling executive legal matters and separations and advising on employment law matters. He is based in Houston.

Jones Day (Washington, D.C.): Amie Colwell Breslow joined the firm as of counsel in the tax practice. Her experience includes more than 20 years of international tax planning. Previously, she was at PwC and also served as senior tax counsel at GE and attorney adviser in the Office of Associate Chief Counsel for the Internal Revenue Service. Her experience includes advising clients on domestic and cross-border mergers. She is based in Washington, D.C.

The Mueller Report: Not Closing the Door

BY LOUIS FISHER

ROBERT MUELLER'S REPORT REPRESENTS a thorough, insightful and professional analysis of Russia's interference with the 2016 presidential election. However, it was never intended to present the final word on whether President Donald Trump, his campaign aides and executive officials in the Trump administration engaged in illegal and criminal activities. The report marks an important but distinctly partial step. As made clear in the introduction to Volume 1: "A statement that the investigation did not establish particular facts does not mean there was no evidence of those facts." New information will shed further light on whether Trump and other individuals pursued activities that placed their financial and political ambitions over the national interest and the need to protect our constitutional system.

The report provides extensive detail on what is called the Trump Moscow project. Between approximately Oct. 13, 2015, and Nov. 2, 2015, the Trump Organization (through its subsidiary Trump Acquisitions) completed a letter of intent for a Trump Moscow property. Signed by Trump for the Trump Organization, the letter was "intended to facilitate further discussions" in order to reach a mutually acceptable agreement. The letter contemplated an extensive development with residential, hotel, commercial and office components, calling for approximately 150 first class, luxury residential condominiums as well as one first class, luxury hotel consisting of approximately 15 floors and containing no fewer than 150 hotel rooms.

The Mueller report states that Michael Cohen recalled that both he



"A STATEMENT THAT THE INVESTIGATION DID NOT ESTABLISH PARTICULAR FACTS DOES NOT MEAN THERE WAS NO EVIDENCE OF THOSE FACTS." —ROBERT MUELLER

and Trump wanted the Moscow project "to succeed and that Trump never discouraged him from working on the project because of the campaign." The Trump Organization "stood to earn substantial sums over the lifetime of the project, without assuming significant liabilities or financing commitments." To Cohen, the Trump Tower Moscow "was potentially a \$1 trillion deal." The report states that Cohen remembered that Trump would be willing to travel to Russia if Cohen could "lock and load" the deal. Despite efforts by both sides, the Moscow project was eventually cancelled. The report notes that Trump responded to questions about possible

connections to Russia "by denying any business involvement in Russia—even though the Trump Organization had pursued a business project in Russia as late as June 2016."

When WikiLeaks on July 22, 2016, released hacked Democratic National Committee emails, doing great damage to the election chances of Hillary Clinton, the Trump campaign publicly denied suggestions that Russia was seeking to aid candidate Trump. In Volume 2, the Mueller report points out that four days later, Trump tweeted that it was "crazy" to suggest that Russia was "dealing with Trump" and he had "ZERO investments in Russia."

The report further states that in a news conference on July 27, 2016, Trump repeated five times: “I have nothing to do with Russia.” He did acknowledge he had a major developer wanting to develop property in Moscow but “we decided not to do it.” Mueller’s report states that in January 2017, the U.S. intelligence community publicly concluded “with high confidence” that Russia had intervened in the presidential election with the goal of harming Clinton and clearly preferring Trump.

The difficulty in reaching a clear judgment on Trump’s culpability is due in part to the need to redact material in the report to protect grand jury secrets and other privileged matter. Of special interest, but little discussed in public comments about the report, is the term HOM, standing for “harm to ongoing matter.” At key stages in the report, sentences, paragraphs and even

“TRUMP TWEETED THAT IT WAS ‘CRAZY’ TO SUGGEST THAT RUSSIA WAS ‘DEALING WITH TRUMP’ AND HE HAD ‘ZERO INVESTMENTS IN RUSSIA.’”

entire pages have been blacked out so as not to expose and interfere with ongoing research. When those investigations are complete, they will help illuminate what we can now only engage in speculation.

A number of federal courts are in the midst of litigation that may reveal additional evidence about Trump and his advisers. Testimony by Cohen before the House Oversight Committee on Feb. 27 identified a number of individuals who are personally knowledgeable about Trump. Relying on that advice, the committee has received thousands of new documents. As information continues to be made available, we will have a better understanding of

why Trump chose to react as he did. From the start, he publicly declared full innocence for himself and his supporters with regard to Russia’s interference in the 2016 election. Given those statements, it would seem reasonable for Trump to encourage Mueller to conduct a full and vigorous inquiry. Yet Trump on a regular basis characterized the investigation as a “witch hunt.” That hunt continues.

Louis Fisher is scholar in residence at The Constitution Center at POGO. From 1970 to 2010 he served as senior specialist in separation of powers at Congressional Research Service and specialist in constitutional law at the Law Library of Congress.



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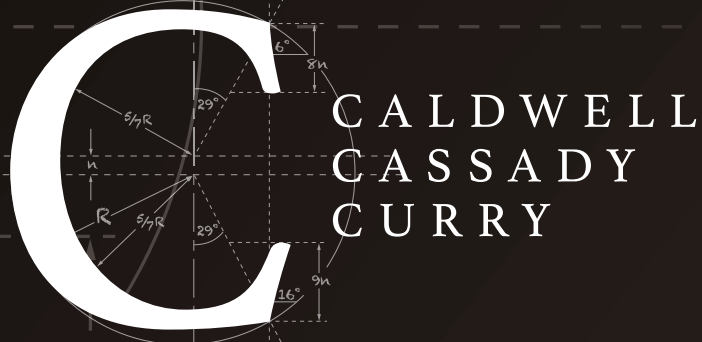
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The willful infringement verdict has been entered as a judgment of nearly \$596 million in favor of VirnetX.

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U.S. District Court for the Eastern District of Texas
