

District of Columbia

The nation's capital is home to some of the most significant international arbitrations as well as the most closely followed government investigations in the world. Home to the SEC, Department of Justice and numerous other government agencies, Washington has become the place to practice for financial litigators working on white-collar matters. International cases in front of courts such as the International Trade Commission have also produced important decisions in recent years that have sculpted the global economic landscape and lifted Washington to a prominence on par with New York.

Highly recommended firms

With 58 litigators in its Washington office, Texas powerhouse **Baker Botts** shows the capabilities to compete in the Capital's marketplace. Peers consistently noted the firm's importance as a "go to firm" in the northeast. The firm is also acknowledged for its consistent work on ground-breaking litigation.

Peers note **Joseph Caldwell** as an expert litigator and the office litigation leader. Caldwell has a unique ability to negotiate pre-trial agreements for clients. In the past year Caldwell gained summary judgment for the Public Company Accounting Oversight Board. The case surrounded the Board's continuance to perform statutory duties detailed in the Sarbanes-Oxley Act. The matter would effectively abolish the Board and negate its past regulatory actions, had Caldwell's team not achieved the judgment. Caldwell also negotiated a \$40 million settlement for Reliant Energy Services in its Northern District of California case against the US government. **William Jeffress** also receives recommendations from peers as "a true star litigator" with "a good head about him in the courtroom." Jeffress' recent work includes representing Drummond against allegations that it collaborated with paramilitaries to assassinate union leaders working in Columbia, South America. The case, the first Alien Tort Claims Act case to go to trial, found the president of the company not liable on all claims. Jeffress proved Drummond had a policy in place against dealing with illegal Columbian groups and thus no reason to harm union leaders.

Competitors mention **Jeffrey Lamken** as "among the great appeals attorneys in the city," and describe the firm's appeals practice as "one of the four or five best in the country." Lamken assisted as part of a three-person team, including Washington

partners Stan Mortenson and David Super, which defended Liberty Media against Klesch & Co's contract dispute appeal claiming \$600 million. The US Court of Appeals for the Tenth Circuit affirmed the district court's ruling, holding no error in the misappropriation instruction and any errors in causation were harmless.

A partner in white-collar criminal defense group, **Alex Bourelly** appears on the Future Stars list as a name to look for. With more than four years service in the US Attorney's Office and three years as senior counsel at the SEC Division of Enforcement, Bourelly's private practice extends to representation of I Lewis "Scooter" Libby, former Chief of Staff to the Vice President, as well as a number of other clients facing Grand Jury investigations.

Washington is the hub of **Cleary Gottlieb Steen & Hamilton's** powerful antitrust practice. The group, which ranks in Tier 1 nationally, includes eight local partners. Cleary Gottlieb lawyers pride themselves on the ability to achieve pre-trial decisions by working with clients to negotiate desirable outcomes. Competitors say the group "feeds off substantive expertise around the world." In order to perform at the highest level, trial partners work with the litigation and corporate practices to better understand the distinctive attributes of every client's case.

Peers recognize "veteran" antitrust litigator **Michael Lazerwitz** for his "very impressive" antitrust work. In recent matters, Lazerwitz defended Toyota in a series of class-action lawsuits alleging conspiracy among major automobile manufacturers to inflate car prices by importing cheaper Canadian cars, before the cases were dismissed. He also counseled the Dow Chemical in a complaint alleging bid-rigging, price fixing and territorial allocation in marine shipping services.

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Local litigation firms

Highly recommended

Baker Botts
Cleary Gottlieb Steen & Hamilton
Covington & Burling
Dickstein Shapiro
Gibson Dunn & Crutcher
Hogan & Hartson
Howrey
Jones Day
Kirkland & Ellis
Latham & Watkins
Mayer Brown
McDermott Will & Emery
Paul Weiss Rifkind Wharton & Garrison
Sidley Austin
Skadden Arps Slate Meagher & Flom
Williams & Connolly
WilmerHale

Recommended

Arnold & Porter
Boies Schiller & Flexner
Clifford Chance US
Crowell & Moring
Fried Frank Harris Shriver & Jacobson
Heller Ehrman
Hunton & Williams
Janis Schuelke & Wechsler
Kaye Scholer
McKee Nelson
O'Melveny & Myers
Patton Boggs
Schertler & Onorato
Simpson Thacher & Bartlett
Steptoe & Johnson
Trout Cacheris
Vinson & Elkins
White & Case
Zuckerman Spaeder

Local litigation stars

Robert Abrams Howrey	Cecilia Gonzalez* Howrey	David Ogden WilmerHale
William Baer Arnold & Porter	Jamie Gorelick WilmerHale	Ted Olson Gibson Dunn & Crutcher
Robert Bennett Skadden Arps Slate Meagher & Flom	Thomas Green Sidley Austin	Jerold Oshinsky Dickstein Shapiro
Peter Bresnan Simpson Thacher & Bartlett	Mark Hansen Kellogg Huber Hansen Todd Evans & Figel	Carter Phillips Sidley Austin
Charles Buffon Covington & Burling	Mark Hopson Sidley Austin	Elliot Polebaum Fried Frank Harris Shriver & Jacobson
Brian Buroker Hunton & Williams	Heidi Hubbard Williams & Connolly	Ethan Posner Covington & Burling
Michael Buxton Vinson & Elkins	William Jeffress Baker Botts	Phillip Proger Jones Day
Joseph Caldwell Baker Botts	Emily Johnson Henn Covington & Burling	Carl Rauh Skadden Arps Slate Meagher & Flom
Marinn Carlson Sidley Austin	Jeffrey Lamken Baker Botts	Kathryn Ruemmler Latham & Watkins
Gregory Craig Williams & Connolly	Carolyn Lamm White & Case	Steven Rosenthal Kaye Scholer
Thomas Cullen Jones Day	Abbe Lowell McDermott Will & Emery	Earl Silbert DLA Piper
Christopher Curran White & Case	Raphael Lupo McDermott Will & Emery	Michael Sohn Arnold & Porter
Charles Davidow Paul Weiss Rifkind Wharton & Garrison	Michael Lazerwitz Cleary Gottlieb Steen & Hamilton	Brendan Sullivan Williams & Connolly
Walter Dellinger O'Melveny & Myers	Robert Luskin Patton Boggs	Peter Thomas Simpson Thacher & Bartlett
Mitchell Dolin Covington & Burling	Colleen Mahoney Skadden Arps Slate Meagher & Flom	Drew Tulumello Gibson Dunn & Crutcher
Kathryn Fenton Jones Day	Maureen Mahoney Latham & Watkins	Seth Waxman WilmerHale
Kenneth Gallo Paul Weiss Rifkind Wharton & Garrison	William McLucas WilmerHale	Reid Weingarten Steptoe & Johnson
Kenneth Geller Mayer Brown	Randolph Moss WilmerHale	Thomas Yannucci Kirkland & Ellis
David Gersch Arnold & Porter	Mark Nelson Cleary Gottlieb Steen & Hamilton	Margaret Zwisler Latham & Watkins
Barry Goldsmith Gibson Dunn & Crutcher	Jennifer O'Connor WilmerHale	

* Cecilia Gonzalez died of breast cancer in May 2009, nine months after this writing.

Mark Nelson is recognized by competitors as “a young lawyer who has already made it onto the scene.” Nelson’s antitrust matters focus on US and European Union litigation from merger work. Nelson counsels Nokia, Texas Instruments and Broadcom on questions of 3G mobile standardization and licensing related litigation in the EU and US. Nelson, with partners George Cary and Steven Kaiser, won an important appellate decision in an antitrust case brought by Broadcom against Qualcomm. The firm established a violation of Section 2 of the Sherman Act, alleging Qualcomm deceived the industry and established that a patent holder’s conduct may be condemned under antitrust laws. Competitors call the appeal

“very significant” and “a great win” for the firm.

Peers also recognize **Robin Bergen** as “very good.” A rare, non-antitrust lawyer on the firm’s Washington litigation team, Bergen focuses primarily on SEC investigations and regulatory enforcement matters. Partners at the firm say she is the true embodiment of the Cleary Gottlieb value, mixing the corporate and litigation groups. Drawing from her extensive experience working with governance and compliance lawyers, officials and clients, Bergen has a strong future ahead.

More than 250 litigators populate the home office of national litigation powerhouse **Covington & Burling** on

Pennsylvania Avenue. Described by peers as “the old line Washington firm” with a “historic background and a lot of talent,” the firm practices traditional local matters such as white-collar, international arbitration and appeals with modern intellectual property and products liability. Despite its location, it still trades jobs regularly in traditional New York practice areas of antitrust and securities with hard line Wall Street firms who describe them as a “formidable foe.”

Ethan Posner provides a perfect balance to the firm’s white-collar litigation group as co-chair of the pharmaceutical litigation & investigations practice. Posner represents the most prominent drug companies in the

Future stars

DeAnna Allen
Dickstein Shapiro

Alex Bourelly
Baker Botts

Brant Bishop
Kirkland & Ellis

James L Cooper
Arnold & Porter

Brijesh Dave
Simpson Thacher & Bartlett

Anne Davis
Arnold & Porter

Jean Engelmayr Kalicki
Arnold & Porter

Kristin Koehler
Sidley Austin

Jennifer Levy
Kirkland & Ellis

Selena Linde
Dickstein Shapiro

Mark Klapow
Howrey

Andrew Lacy
Simpson Thacher & Bartlett

Craig Margolis
Vinson & Elkins

Donald Remy
Latham & Watkins

Michele Rose
Latham & Watkins

Eugene Scalia
Gibson Dunn & Crutcher

Paul Schmidt
Covington & Burling

Laura Shores
Howrey

Danielle Spinelli
WilmerHale

world, including Pfizer, Pharmacia and Johnson & Johnson. In recent matters Posner represented Pfizer in investigations into marketing, promotion and safety of various prescription drugs by the SEC and Department Of Justice. Posner is described as “one of the best” litigators in the field by sources.

Peers recommended litigation “leader” **Mitchell Dolin** for the second consecutive year. Dolin’s insurance practice works with high profile clients on insurance matters. He currently advises UBS, the mortgage lender to the retail leaseholder at the World Trade Center in the Sept. 11 terrorist attacks for property litigation and worked with Exxon in its coverage litigation resulting from Valdez-related losses.

Emily Johnson Henn and **Paul Schmidt** are two members of an “extremely talented young crop,” peers say. Henn finds herself among the Local Litigation Stars for her sophisticated intellectual property practice. Specifically, her trade secrets work for National Geographic Television Library and false-advertising methods for pharmaceutical giant Schering-Plough gained notice from some of her younger peers. Schmidt works on products liability matters for Hoffmann-La Roche in one of the most noteworthy appeals cases in recent memory; it reinstated judgment for the client and reaffirmed industry protective of New Jersey’s Product Liability Act.

Dickstein Shapiro has grown considerably since its founding nearly 50 years ago, and remains “a big name in the room” of Washington law firms, according to peers. A portion of Dickstein Shapiro litigators call New York and Los Angeles home but the majority, more than sixty, has offices in the Washington building.

The firm’s nationally ranked insurance practice bolsters an office that can also handle securities, antitrust and intellectual property matters. **Jerold Oshinsky** is renowned by peers who say “he is constantly trying to help clients in unusual matters.” Oshinsky’s clients include a number of cutting-edge insurance coverage corporations such as AT&T, General Motors, Merck, Pfizer and Phillips Electronics. **Selena Linde** established a significant mark on the insurance industry in her more than 10 years as partner at the firm. She represents corporate policyholders in a wide variety of cases involving environmental liability as well as fraud and employee dishonesty.

Despite the loss of securities partner Howard Schiffman to Schulte Roth & Zable, the firm’s business litigation group marches on in some of the most significant cases in the US. In the Eastern District of Texas, the intellectual property group obtained more than \$501 million in a patent infringement case for Bruce Saffran. In one of the largest victories of its kind, a jury decided Boston Scientific’s Taxus Express

and Taxus Liberte stents infringed on Saffran’s drug-eluting stent patent, relating to a layer of drugs on the stent used to deliver medication to damaged tissue. The decision was even more significant considering Boston Scientific’s 55 percent market share of such a drug. **DeAnna Allen** has taken on a significant amount of high-profile intellectual property clients since joining the firm including Rowe International, Ricoh and Lectrolarm. Her recent representation of Rowe in digital music downloading patent cases is just one of the many ground-breaking types of litigation at Dickstein Shapiro.

Peers often recommend **Richard Leveridge** as a litigator with a “unique” and “significant” antitrust and consumer protection practice. Consistently resolving complex disputes in almost every federal district in the country, Leveridge represents Procter & Gamble, Anheuser-Busch and Nestle, among others.

Gibson Dunn & Crutcher’s Washington office prides itself on being part of the legal community; they participate in traditional practice areas such as Supreme Court appeals and Sarbanes-Oxley regulation. Their talents also act as an extension of the firm’s New York office with powerful antitrust and securities litigators. Called “one of the major players in the city” by competitors, the firm finds itself involved in almost every case moving through the Washington courtrooms.

The group’s Supreme Court group handled 11 arguments in the last three years. “They have all the attributes of a good appeals group,” one competitor says noting the practice’s ability to think quickly on its feet and endure the grueling process of facing the nine judges. **Theodore Olson** is the firm’s most active member, playing a role in eight of the 11 cases. His recent work includes representation of the New York State Board of Elections, as the Court upheld the state’s judicial electoral process in a unanimous vote. Olson also won a products liability verdict challenging the design and labeling of medical devices for client Medtronic. Other group members include office partner-in-charge Mark Perry and Miguel Estrada who each garnered respect from their competitors as “strong pieces to their group.”

Eugene Scalia establishes himself as an “important and powerful” member of the labor & employment practice group, six years after leaving the US Department of Labor. In private practice, Scalia focuses on Sarbanes-Oxley matters he worked on while a member of the government. He received a favorable decision in *Platone v Fly-I, Inc* as the Administrative Review Board determined that Sarbanes-Oxley does not apply to all employee complaints about how a public company spends its money, rather the complaints must relate to shareholder fraud.

In the firm’s more traditional New York



practice areas, **Drew Tulumello** and **Barry Goldsmith** shine. Tulumello general commercial practice is “clearly one of those once in a generation litigators,” according to sources. His recent matters include an appeal from the largest jury verdict in the history of the False Claims Act and representing an accounting firm in a \$2 billion malpractice suit. Goldsmith is a “star” securities partner, according to competitors. Joining the firm in 2006 from the Financial Industry Regulatory Authority, and a previous stint as chief litigation counsel at the SEC, Goldsmith works on the country’s most significant broker/ dealer, investment and securities cases.

Hogan & Hartson continues a century-old practice as a preeminent firm. While the firm now employs more than 500 lawyers globally, with offices in 24 cities, its roots remain in the values Frank Hogan started just a few blocks from the White House.

The litigation group’s practice areas focus on issues on the minds of many Washington politicians, including immigration, healthcare, climate change and real estate. **Kevin Lipson**, a litigator in the firm’s energy practice, regularly works on Federal Energy Regulatory Commission matters and finds himself in the US Courts of Appeals often. Lipson served as the lead Federal Regulation and Oversight of Energy lawyer on a \$1.7 billion settlement that arose from allegations surrounding the California natural gas market and its affect on electricity prices.

Ty Cobb is the firm’s litigation group director and chairman of the firm’s white-collar criminal defense and investigations group. Peers recommend Cobb as “very good” and “bright.” He concentrates on a variety of regulatory and white-collar affairs including current representation of several major public companies and special committees in front of the SEC and DOJ as part of congressional investigations. Cobb represented US Senators and members of Hillary Clinton’s staff in connection with the Whitewater scandals as well as Judge Eli Segal in an Independent Counsel investigation. His additional clients include Gemstar-TV Guide, the US Olympic Committee and Hudson Foods.

Alexander Dreier’s education practice is among the most significant in the city, representing a number of local and national colleges and universities. Dreier represented 55 higher education clients in the University of Michigan admissions cases. Recently he represented several other universities in Civil Rights investigations concerning complaints of race-conscious student financial aid programs.

Howrey is the largest litigation boutique in the country with more than 600 litigators spread across 15 domestic and international offices in cities such as London, Brussels, Munich and Paris. Domestic rankings in *Benchmark Litigation* include California,

Illinois and Utah, but its staple 294 litigators reside in its Washington office and Northern Virginia research facility.

Robert Abrams, the firm’s co-chair of global litigation, “exceeds expectations” and “didn’t quit until our matter was finished,” say clients. In the past year Abrams assisted on a four person team including Joanne Caruso, David Meyer and Richard Burdge, which represented Caterpillar in Alien Tort Statute and Torture Victim’s Protection Act suits. The Howrey attorneys defended the industrial leader against accusations that Israeli defense forces demolished the homes of several Palestinians using bulldozers manufactured by Caterpillar. After receiving favorable judgment, the US Court of Appeals for the Ninth Circuit reaffirmed the case.

Howrey’s Washington office also houses two of the country’s most impressive intellectual property attorneys, **Cecilia Gonzalez** and **Alan Grimaldi**. As chairs of the nationally ranked group, they “take the practice to the next level,” according to competitors. Gonzalez is recognized as the foremost International Trade Commission lawyer. Peers call her the “go to expert” in a small group of lawyers working regularly in ITC courtrooms. In March 2008 Gonzalez paired with Margaret MacDonald to record a Federal Circuit ruling on behalf of Amgem. In an additional case for Caterpillar, **Mark Klapow** defended the client through two, five-week jury trials involving patent ownership and inventorship. Peers called Klapow “very smart and capable,” and recognize his ability to cross practice lines into various forms of complex litigation. [Note: Cecilia Gonzalez died of breast cancer in May 2009, nine months after this writing.]

Laura Shores is recognized for her creative approach to the specialized area of white-collar and voter rights litigation. Shores served as co-counsel to a senior member of the Clinton administration brought by Independent Counsel Kenneth Starr. Shores also led trial counsel in two civil rights voting cases before the 2004 election. In Florida, she received a preliminary injunction hearing against Florida officials for client Southern Christian Leadership Conference and in New Jersey she received another preliminary injunction for newly registered minority voters seeking to enforce a consent decree of a voting rights case from 1981. Both preliminary injunctions came days before the 2004 presidential election.

Since opening its doors across from the US Capitol building more than 60 years ago, **Jones Day** has developed one of the most impressive litigation groups in the city. Peers say Jones Day’s team is “sophisticated” and “able to work on a lot of different matters.”

The sophistication is part of what makes the firm’s antitrust group Tier 1 in the National Rankings. Approximately 40 antitrust counselors populate the firm’s

Washington halls. **Phillip Proger** oversees the group and peers call him “a trustworthy litigator.” In recent work, Proger participated in a four person team including Jeffrey LeVee, Martha Boersch and Thomas Demirack, assisting client Macy’s in *In re Tableware Antitrust Litigation*. The group obtained a jury verdict after a two-week trial denouncing the claim that Macy’s boycotted vendors Waterford-Wedgwood and Lenox after learning the two were considering selling to Macy’s competitor Bed, Bath & Beyond.

Thomas Cullen is among the most experienced antitrust trial lawyers across the country. With more than 30 years working merger, contract, securities and corporate governance matters, Cullen establishes himself as a “true antitrust genius” among his peers. Cullen’s clientele includes Bausch & Lomb, BFGoodrich, Chevron and SprintNextel. In November 2007 Cullen was among a group of nine Jones Day lawyers given the Frederick Douglass Human Rights Award for work on *Rasul v Bush* urging compliance of the Geneva Conventions at Guantanamo Bay for prisoners of war in order to justify similar standards for US military personnel. Standards include judicial access to challenge illegal detentions.

Kathryn Fenton brings more than 25 years of experience to antitrust law for clients such as Chevron, DIRECTV, Liberty Media and Proctor & Gamble. She currently counsels XM Satellite Radio in its proposed \$13 billion merger with SIRIUS Satellite radio. The deal is still pending DOJ and Federal Communications Commission approval.

The firm’s superior intellectual property practice serves as an excellent supplanting force behind the antitrust group. The Washington practice is led by **Blaney Harper** who competitors call “a real force in intellectual property.” With a client list that includes International Business Machines, Eastman Kodak, General Electric and Research In Motion, peers recognize Harper as “a lawyer with a lot of contacts.” In recent litigation for Kodak, Harper affirmed Sony Corporation’s infringement on 27 patents concerning digital camera technology and image processing, compression and storage.

Kirkland & Ellis’ group of trial lawyers populating the Washington landscape are more than just litigators. With years of experience as the prominent litigation group in the US, the firm rarely finds itself on the wrong end of a verdict. Competitors admit “the firm as a whole is great, and the Washington office just proves that logic.”

Prior to joining Kirkland & Ellis **Thomas Yanucci** worked as an appellate attorney with the DOJ. Since leaving the public sector he has represented clients in front of almost every government enforcement agency in the country including the DOJ, Federal Drug Administration, Environmental Protection

Agency, Federal Trade Commission and International Trade Commission. Yanucci has argued appeals cases in all but one US Court of Appeals.

Competitors recommend the “great team” of Daniel Donovan and Gene Assaf for the “big win” with client BASF Corporation. After a seven-week trial, a New Jersey jury ordered Lyondell Chemical Company to pay \$170 million due to overcharging for more than eight years. Throughout the pre-trial Lyondell denied liability, but admitted to the mistake after the opening statement from the Kirkland & Ellis pair.

Home to more than 50 of the world’s finest litigators, the office provides a mix of antitrust, class action, construction, environmental, insurance and international arbitration to clients such as 3M, Allstate and BP America. **Jennifer Levy** is another in the long line of litigators to develop what competitors call the “trial expertise of a Kirkland lawyer.” Levy represents Teva Pharmaceuticals in multidistrict litigation brought by 14 States Attorneys General alleging intentionally reported false and inflated average wholesale prices. In November 2007, Levy, part of a two-person team with Mike Jones, won a precedent in a personal injury lead paint case for NL Industries in Wisconsin. Levy proved that the plaintiff, who alleged late on-setting brain damage as a result of eating paint, suffered the damage prior to his adulthood. The standard-setting victory proved Wisconsin’s recently created “risk contribution” theory invalid in a state where more than 30 similar cases are pending.

The 106-partner litigation group in **Latham & Watkins’** Washington office is full of young litigation stars who have already established a name for themselves among respected competitors, clients and judges. Competitors say “they are the real deal” and “you notice when a name like Latham walks into the courtroom.”

One such partner is **Maureen Mahoney**, who peers “can’t say enough about” and call her “remarkable.” Mahoney’s background is well known in the Washington legal network. Prior to entering private practice she clerked for the late Honorable William Rehnquist. After practicing privately for more than 10 years, she left the firm to accept President George H W Bush’s nomination to a vacancy on the US District Court of Virginia.

Since returning to practice in 1993, Mahoney has become a premier litigator in the US Supreme Court. She represented the University of Michigan in its landmark case to uphold its admissions program. Her most recent Supreme Court matter includes defending GEICO General Insurance and Safeco Insurance. A group including two additional partners, Richard Bress and Future Star Donald Remy, argued against alleged class-action claims that the insurance companies willfully violated the

Fair Credit Reporting Act by failing to notify insurance applicants treated adversely because of their credit score. The court voted 9-0 in favor of Safeco and 7-2 in favor of GEICO.

Recently elected partner **Kathryn Ruemmler** has strong ties to the government as former Deputy Director of the DOJ’s Enron Task Force prosecuting Enron’s founder, Kenneth Lay and Jeffrey Skilling in the six-defendant, Enron-related Nigerian Barge trial. One source calls Ruemmler a “huge addition to an already great group.”

Another recent addition, senior partner **Margaret Zwisler** joined the firm in 2005. A significant addition to the antitrust group, she currently represents Singapore International Airlines in a worldwide air cargo cartel investigation spanning the US, EU, Switzerland, Canada and South Korea. Zwisler is part of an eight-partner, international team coordinating the global efforts for the airline.

The appeals litigators of **Mayer Brown** and the US Supreme Court could be on a first-name basis because of the amount of time they spend in front of each other. The firm carries more than 50 members with more than 200 case logs to their names. “They are the practice to watch,” one competitor says, who notes the firm’s breadth of other financial practice areas and experience in the fast-paced environment as distinct advantages over other appeals practice competition. The firm’s group uses a special emphasis on in-depth legal research and policy analysis, relying on economics and social science literature as much as conventional legal materials.

During the Court’s most recent session the firm had six Petitions for Certiorari granted, including the most recent, *Philip Morris USA v Williams* where **Kenneth Geller** represents Philip Morris in its argument the Oregon Supreme Court illegally punished the health care giant for harms suffered by non-parties from conduct similar to that which injured the plaintiff. The case will likely go to trial this year. Peers described Geller as a “remarkable” appeals lawyer and someone they would “recommend clients go to on appeal.”

Andrew Pincus is the firm’s second most active litigator in the Supreme Court behind Geller, but described by peers as “just as impressive” and “sometimes overshadowed because of Ken.” Pincus is in line to argue against US Attorney General Michael Mukasey in *Negusie v Mukasey* over an alien’s ability to act as a military guard in a prison where people were being persecuted on the basis of a protected ground.

In addition to the refined appeals practice, Washington also houses a number of antitrust, environmental, government contracts and international trade litigators.

The office’s government relations practice earns additional respect from sources. They shape policy and legislation with leading

edge tactics and knowledge that few other firms can produce. The firm’s experience with the Department of Homeland Security stands out, particularly among Washington firms. In June 2008 commercial litigator Raj De was selected as General Counsel to the Commission on the Prevention of Weapons of Mass Destruction, Proliferation and Terrorism. De, who served as counsel to the 9/11 Commission, brings both policy and legal experience to the new post.

The ability to handle a range of matters for clients as a full service group of more than 70 litigators gives **McDermott Will & Emery** its Washington prowess. The office opened with two lawyers representing government entities more than 30 years ago. Now the second largest litigation office of the firm, behind its home base in Chicago, partners handle matters from insurance to intellectual property to antitrust.

In August 2007 the firm paired the Washington and Silicon Valley offices with star intellectual property litigators Terrence McMahon, **Raphael Lupo** and Natalia Blinkova in *In re Seagate*. The verdict handed down by the US Court of Appeals for the Federal Circuit abolished the 24-year-old “duty of due care” standard imposed on defendants. This case set in motion what peers call a “pendulum swing” making it more difficult for companies to prove willful patent infringement. Competitors call the verdict both “shocking” and “ground-breaking.”

Peers call Margaret Warner, Washington trial partner-in-charge, “on the top of her game.” Representing Allianz Global Risks US Insurance, Warner settled 508 childhood sexual abuse cases against the Roman Catholic Archdiocese of Los Angeles. Warner, active in the case since 2003, arranged a settlement for Allianz far less than its projected exposure. Warner also has experience in international arbitration and mass and toxic torts, but her “true expertise” as recognized by competitors lies in the insurance and reinsurance realm.

Described by peers as “the smartest lawyer I know,” **Abbe Lowell** has hit his stride since joining the firm more than one year ago. Lowell proves himself as a premier white-collar attorney by representing former President William Clinton in Congressional impeachment proceedings and at least seven congressmen as ethics counsel. He also represents Roya Rahmani in charges the client provided financial support to a terrorist organization opposed to the current Iranian regime.

Another group fights First Amendment cases in a variety of courtrooms including the US Supreme Court. M Miller Baker argued the controversial McCain-Feingold law banning labor union funded broadcast advertisements mentioning candidate names within 60 days of an election. Representing Wisconsin Right to Life, who aired ads pushing voters to vote against acts proposed

by Senators Russ Feingold and Herbert Kohl, Baker proved WRTL had a First Amendment right to air the commercial during the election season.

The Paul Weiss Rifkind Wharton & Garrison office is much smaller than its New York counterpart, but competitors say, "They are just as talented as that amazing group in New York." Partners call the office a direct extension from New York with the ability to connect on a local basis with the SEC and DOJ. The office focuses on three important areas – antitrust, securities and intellectual property.

The talented duo of Ken Gallo and Joseph Simons bolster the group's already significant antitrust practice. One competitor says Gallo is "the best antitrust litigator I've seen, and I've seen a lot of them." In his biggest case of the year Gallo represented MasterCard against American Express in price-fixing conspiracy and

attorney for the Southern District of New York, Oh is another in a long line of young talent to emerge from Paul Weiss.

Sidley Austin boasts one of the most diverse and impressive litigation practices in the country and the firm's Washington office is no different. Of the 16 different litigation practices the office handles, white-collar criminal defense, appellate and international arbitration stand out to peers as the "most visible."

The white-collar practice is highlighted by Mark Hopson, one of the firm's most active litigators, who has more than three cases pending at the time of publication. He represented Tyson Foods in a jury trial on a 36-count indictment charging conspiracy to violate federal immigration laws and seeking a criminal forfeiture of more than \$100 million. He also represents Cinergy in DOJ environment enforcement action. Hopson teamed with Kristin Koehler to

government litigators that entered into private practice during the mid-1990s and early-2000s. Marinn Carlson worked in the White House Office on Environmental Policy committee in the 1990s before becoming a Sidley Austin partner in 2005. In the past year she involved herself in arbitration over the Turkey-Pakistan bilateral investment treaty in connection to a several hundred million dollar highway construction project in Pakistan. Teaming with Washington partners Stanimir Alexandrov and Patricio Grane, Carlson represents the largest Argentinean water company against the Argentine government, winning more than \$165 million, securing only the fourth ever annulment decision in International Centre for Settlement of Investment Disputes history.

The highly impressive litigation group at Skadden Arps Slate Meagher & Flohm garners respect in a number of areas with powerful government and securities regulatory practices that competitors say are "very, very good." With more than 25 litigators at its disposal, the firm's office is a formidable competitor in the aggressive Washington marketplace.

Colleen Mahoney leads the firm's securities enforcement and compliance practice. Peers say she is "smart" and "intuitive" when it comes to SEC and other law enforcement investigations. Before coming to Skadden Arps, Mahoney spent 15 years at the SEC, finishing as lead administrator of the enforcement division.

Robert Bennett leads the international government enforcement litigation group where he tries numerous criminal, civil and SEC enforcement cases for corporations, directors and officers. His corporate clients include Enron, HealthSouth and KPMG. Recently, he represented Judith Miller in the Central Intelligence Agency leak investigation. "Bob knows what he's doing," one source says, "He's very good at knowing everything the client needs." Carl Rauh co-leads the international government enforcement and litigation group with Bennett, who has also served as a prominent member of the DOJ. Peers recognize Rauh's talents in the court room and call him an "expert" at working with Foreign Corrupt Practice Act and Civil False Claims Act investigations.

The litigation team at Williams & Connolly works out of only one office, but is consistently recommended as an impressive firm. One peer notes they are, "One of the most overlooked firms in the country because of their one office, but they are also one of the most talented teams I know." A litigation boutique, the firm can handle the most complex and challenging matters.

The First Amendment practice comes highly regarded as the go-to group for almost every news organization in the world. Their clients include ABC, NBC, Fox

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-Gibson Dunn & Crutcher

interchange charges. The group came to a historical confidential settlement on the verge of trial in June. Gallo also represented MasterCard in class-action matters by obtaining dismissals in 17 of 20 cases where MasterCard was charged with billing excessive fees for debit processing services, which allegedly raised the price of consumer goods. Simons adds to the team by splitting his time between litigation and government regulatory work. Current co-chair of the antitrust department, Simons was the chief antitrust enforcer at the FTC, serving as Director of the Bureau of Competition for two years.

Charles Davidow leads the Washington securities practice through enforcement proceedings, corporate internal investigations and private securities litigation and arbitration matters. Along with what clients call a "discrete, but talented" group of attorneys, Davidow has led XM Satellite Radio, Bristol Myers Squibb and Allied Capital through securities regulation matters. Davidow currently works with longtime Paul Weiss client Citigroup in connection with its subprime-related litigation and stock options back-dating matters.

Partners in New York and Washington commended the "bright and talented" Alex Young Oh for her securities-related work alongside Davidow. Oh regularly counsels the firm's institutional clients during DOJ, SEC and New York Stock Exchange investigations. The former assistant US

represent several companies in connection with DOJ investigations of alleged provision of gratuities to members of Congress, following the Jack Abramoff scandals. Koehler, who peers call "terrific," represents a number of major pharmaceutical companies in multi-state Attorneys General actions alleging violations of state consumer protection statutes.

Thomas Green also brings high praise to the firm's white-collar defense group. Green focuses on counseling corporate officials in connection to federal criminal investigations including internal investigations and alleged corporate wrongdoing. Green is also involved in representing elected officials in connection to gratuity acceptance as well as grand jury indictments for bribery and conspiracy of a US consular officer.

Carter Phillips stands out from the crowd of Supreme Court litigators with his experience and knowledge of the courtroom. "He's subtle, but he gets his point across," one competitor says. "He takes Sidley's practice to another level." Phillip's experience is noted in groundbreaking cases such as *eBay v MercExchange* and *Quanta Computer v LG Electronics* both of which set new precedents in intellectual property law. Competitors note Phillips as a "go to" Supreme Court lawyer because of his ability to attract clients specifically for their final appeal to the high court.

The international arbitration group pulls experience from the numerous former

Television Stations, The Washington Post, Newsweek and the Recording Industry Association of America. More than one dozen partners work with clients on defamation, copyright, employment, invasion of privacy and related torts. They helped the Washington Post obtain successful jury verdicts in false imprisonment, defense of privacy and libel claims.

The firm also works in the typical Washington practice areas such as appellate and international arbitration, with an unusual creativity and viewpoint that every case is independent from the next.

Gregory Craig stands out among peers as a “high-profile” lawyer, sources say. Craig has worked on some of the most significant cases in Washington’s history, including successfully representing Elian Gonzalez’s father, Juan Miguel, in custody efforts to regain his son. Former UN and Senate members also fall on his client list. With more than 40 years of litigation experience **Brendan Sullivan** “stands out among D.C. litigators,” according to one peer. Like his partners, Sullivan can handle all types of complex commercial litigation, including white-collar crimes, antitrust, banking and licensing disputes. Sullivan’s most high-profile cases include work with Lt. Col. Oliver North and former Housing and Urban Development Secretary Henry Cisneros.

Heidi Hubbard is the epitome of the firm’s home-grown talent attitude. Beginning at the firm in 1986 out of law school, Hubbard has become a “go-to” lawyer with “unbelievable skill and grace” according to her peers. Mainly a products liability lawyer, Hubbard has handled multi-district litigation across the country related to chemical spills, pharmaceuticals, medical devices and electric devices. Hubbard also represents clients in appeals matters.

WilmerHale is recognized as one of the most significant and powerful litigation groups in Washington. “WilmerHale is the best out of all of them,” one competitor says, who notes the firm’s SEC and government regulatory practices. “No one in this city comes close to the capabilities they have,” another peer says. The firm’s historical background in the city provides the foundation for various major practice areas including regulatory and government, intellectual property, investigatory and white collar and international arbitration.

The firm’s regulatory and government litigation practice dates back to its founding in 1962. Partners Lloyd Cutler and John Pickering served as counsel to three of the previous five Presidents of the United States, Jimmy Carter, Bill Clinton and George H W Bush.

David Ogden is co-chair of the group and peers call him “the standard” for his practice. The former assistant attorney general for the Civil Division of the DOJ,

Ogden focuses on complex legal matters with serious financial implications. Ogden’s recent matters include administrative litigation involving defects in government regulations and other official actions. **Jamie Gorelick** acts as co-chair of the defense and national security practice group. Gorelick supervised the litigation and law enforcement divisions at the DOJ and was one of the longest serving deputy attorneys general of the United States. Her background also includes serving on the 9/11 Commission as well as the CIA’s National Security Advisory Panel. **Randolph Moss** acts as the other co-chair of the firm’s government and regulatory litigation group and also acts as member of the appellate and Supreme Court practices. Moss acted as principal legal advisor to the Executive Branch as assistant attorney general for the office of legal counsel. Since returning to the firm in 2001, Moss has worked on a number of appeals cases including administrative, constitutional and national security law matters.

Seth Waxman is described as “a true star” by his peers. Considered a premier Supreme Court attorney by competitors, Waxman acts as the chair of the appellate and Supreme Court litigation practice group. He has delivered more than 45 arguments in front of the highest court and 16 over the past four terms. In light of his exceptional service to law enforcement, the Federal Bureau of Investigation gave him the status of permanent honorary special agent. Another member of the Appellate and Supreme Court group, **Jennifer O’Connor** garners high praise as “amazing in the courtroom.” As lead trial counsel in an eight-week federal jury trial involving allegations of bid rigging in violation of the False Claims Act. The jury verdict won \$34.3 million for the client, one of the largest verdicts of the year. **Danielle Spinelli** plays a major role as one of the younger Supreme Court practitioners. In the past three years, Spinelli has involved herself in more than seven Supreme Court cases, including arguing a case raising Sixth Amendment questions over the right to counsel in a criminal prosecution.

Competitors describe **William McLucas** as “the real deal.” Chair of the firm’s securities practice, McLucas has experience working with and against the SEC’s Division of Enforcement. One peer says, “Impressive isn’t the word, he’s more than that.” Since joining the firm more than 10 years ago from the SEC, McLucas has represented some of the words leading directors and officers in corporate scandal matters arising from Enron and WorldCom.

Recommended firms

The largest practice, in **Arnold & Porter’s** largest office, is the Washington-based dispute resolution group. More than 65 partners reside in the office ranging in

practice areas such as SEC and DOJ regulatory work to employment, environmental and intellectual property matters. All of the firm’s practices work at an international level often including the London and Brussels offices of the firm.

William Baer is recognized by peers as an expert antitrust litigator. Chairman of the practice, Baer works on US and international cartel investigations, splitting time between the American offices and Germany. **Michael Sohn** works alongside Baer in the antitrust group handling the most sophisticated and sensitive matters for clients such as Wyeth, Boston Scientific, General Electric and Hoffman-La Roche. **James L Cooper** joins the pair in the antitrust group working on a series of commercial and criminal matters, often as a first-chair trial lawyer.

David Gersch acts as head of the firm’s business litigation group, counseling clients on a range of trials and appeals dealing with diet drug and transfusion-AIDS matters. **Jean Engelmayr Kalicki** is one of the most active partners at the firm, dealing with international treaty arbitration matters that competitors call “an increasingly important area of expertise.” Frequently appearing before the UN as well as the American Arbitration Association, Kalicki finds herself at a peer level with some of the more veteran litigators at the firm.

Boies Schiller & Flexner has emerged as one of the premier litigation firms in the country. Founded in 1997, the firm’s Washington office has grown to 15 partners focusing in a variety of matters including appellate and government investigations. The firm is best known for cases such as *United States v Microsoft*, the debate over an alleged monopoly, and *Bush v Gore*, which decided the 2000 election in the Supreme Court.

This year, the firm’s antitrust group has “really made a name for itself,” according to peers. The group’s most significant case was a dispute between American Express, Visa and MasterCard. Representing American Express, the firm achieved a more than \$4 billion settlement from the two credit card companies. The Visa settlement alone cost the company \$2.25 billion, the largest antitrust recovery for a single plaintiff in US private antitrust litigation history. Jim Denvir is the resident member of the antitrust group and represents high-profile clients including AT&T and Volkswagen.

The firm’s insurance group has also come to prominence in the recent years by winning a jury verdict in favor of Lloyds of London in the World Trade Center insurance debate over whether the Sept. 11 terrorist attacks were one or two “occurrences” under applicable insurance policies.

A presence in the area since 1949, the international litigation group of **Clifford Chance US** “proves it’s reputation,”

competitors say. The litigation team practices in SEC enforcement, intellectual property and white-collar crime. As with all of the firm's offices, the practice actively participates in cases across borders in a number of foreign offices.

Peers recommend managing partner **Leiv Blad** for his variety of litigation capabilities, including intellectual property, international trade and breach of contract matters. His "expertise" according to sources, remains in the antitrust realm, handling matters involving Kodak claims, refusals to deal, exclusive dealing, leveraging, price discrimination and monopolization. Recently, Blad represented a major airline in an investigation by the DOJ alleging the airline conspired to impose a uniform fuel surcharge, on customers, that was higher than the actual cost of fuel. Sources also note Wendy Wysong as the "white-collar expert" of the office. Regularly representing cases in FCPA, anti-terrorism controls, anti-money laundering laws and government fraud matters, Wysong has proven her might in front of the Departments of Commerce, State, Homeland Security, Treasury and Justice.

With 63 litigation partners, **Crowell & Moring** boasts one of the city's largest litigation teams. The firm practices a number of complex matters including bankruptcy, class actions, life sciences and pharmaceutical work.

The firm's unique international terrorism litigation team brought forth many recommendations from peers as "the most experienced group in Washington." With a historical background that includes representing former hostages held in Lebanon against the Iran and lawsuits by other victims of terrorism against Libya for aircraft sabotage and political assassination, the group has a rare niche lost among firms with broader practice areas. More than 10 litigators from the Washington office populate a group that, as recently as January 2008, won a \$6 billion judgment on behalf of the French operated UTA Flight 772, which was suitcase bombed in midair in 1989. Prior to the Sept. 11 terrorist attacks, UTA Flight 772 was one of the deadliest aviation attacks in history, killing more than 170 people. Arif Hyder Ali is recognized by peers as "the stand out among their international arbitration practice." Ali's experience includes arguing cases in 25 different countries.

The 35-litigator team in **Fried Frank's** Washington office is a comparable extension of the firm's powerful New York office, but the lawyers in Washington act as an independent entity working on white-collar, federal procurement, government contracts and international arbitration matters. Elliot Polebaum acts as managing partner of the litigation team at the office and co-chairs the international arbitration practice group. "A real star" according to peers, Polebaum

knows his way around the international marketplace, handling clients in Istanbul, Helsinki, Switzerland and Hong Kong, among other places. Recently, Polebaum represented the France Telecom Group in a patent infringement case alleging ownership of two global paging system and remote country designation patents. The firm filed invalidity arguments and motion for summary judgment.

Sources also recognized Michael Bromwich and the group's internal investigation practice as "thorough." The stand-out group helps various international and domestic banks in SEC, CIA and FBI investigations. Not limited to banks, Bromwich served as the independent monitor for the District of Columbia's Metropolitan Police Department on force issues and as the independent investigator for the Houston Police Department crime lab in one of the largest American forensic reviews in history, lasting more than two years.

Since opening its doors in 1994, the office of **Heller Ehrman** established a footprint in the Capital with 48 litigating shareholders. The group practices traditional financial law matters such as antitrust, insurance and securities, but has a focused practice working on intellectual property matters in front of the ITC. As a whole, the firm has appeared in more than 65 Section-337 cases in the last 20 years.

One of the firm's recent partner acquisitions includes Sturgis Sobin, whose experience includes more than 40 ITC cases. Peers say he "really knows what he's doing in that venue." He represented Philip Morris requesting a ban on imported gray market cigarettes using the company's Marlboro trade mark. The subsequent victory stopped 13 Web sites from shipping infringing products into the US. In another case, alongside fellow ITC litigator Maureen Browne, Sobin represents Asian manufacturers of key components of flash memory devices such as the USB pen. Scheduled for October, the group is co-counsel alongside America's leading intellectual property firms.

The other groups in the office play a strong role in the shadow of the ITC power group. A four-person team from the firm's antitrust and trade regulation group, including Michael Cohen, Marc Schildkraut, Edward Henneberry and David Smutny, represented Western Refining in a merger, challenged by the government. After defeating the FTC's preliminary injunction, closing the \$1.4 billion merger with Giant Industries.

Hunton & Williams has emerged onto the national litigation scene, according to clients and competitors. The group's Washington office is not merely a satellite office to the firm's home in Richmond, Va, it's a full-functioning, powerful litigation group. "I really see them building a practice,

while keeping the same level of customer service they had as a smaller firm," one client says. "They are the definition of an up-and-coming firm."

Brian Buroker stands out among the firms strong crop of younger litigators. Buroker argued the highly publicized *MercExchange v eBay* in Virginia and acted on the briefing before the US Supreme Court, argued by WilmerHale. Representing MercExchange, Hunton & Williams argued eBay had infringed the "Buy-it-Now" option patent. With the subsequent victory MercExchange was awarded \$36 million.

Although the office is well-known for intellectual property litigation it also works in antitrust, securities and labor and employment matters. Clients say the firm's third-largest office, with more than 35 litigators, "has an extremely responsive group of young, but experienced trial lawyers."

The litigation boutique of **Janis Schuelke & Wechsler** is renowned for their sophisticated criminal defense and white-collar practice group. The firm regularly represents corporations, officers and employees in a number of ways. Broken down into distinct sections, the white-collar group includes Grand Jury, procurement, official corruption, and money laundering experts with extensive expertise in each area. The firm is famous for representations in the "Ill Wind" Pentagon procurement fraud prosecutions as well as the Iran-Contra prosecution.

The three name partners, Richard Janis, Henry Schuelke and Lawrence Wechsler all have experience working in the US Attorneys office for the District of Columbia. Since entering private practice the group represented clients in a number of matters, including those of national security, and Janis holds a Top Secret security clearance with the government.

Kaye Scholer's Washington office acts as a local presence for the firm's powerful New York team. While the group practices a number of similar areas with New York, such as financial services and commercial litigation, the District of Columbia office acts on its own with constitutional, equal rights, government contracts and appellate matters. Washingtonian peers say the office is "certainly on the map as far as competitors go."

Steven Rosenthal works as one of the most experienced and active lawyers in the city, regularly trying a variety of cases including everything from defense contract to civil rights matters. Rosenthal often appears before federal courts as well as the US Supreme Court. Rosenthal, along with fellow Washington partners Jeffery Tomasevich and David Bickart, represent the City of Los Angeles in federal court proceedings concerning the transportation infrastructure such as its airline, trucking and ocean shipping industries. In a variety

of matters for the client, Rosenthal has litigated Clean Air Act, administrative and bankruptcy claims for the City.

Competitors recommended **Mark Popofsky** as a “talented up and comer.” Popofsky’s technology and competition practice has taken off since leaving the DOJ in 1999. Now regularly working antitrust, intellectual property and commercial litigation cases before juries, judges, the DOJ and FTC, Popofsky has proven his might among the heavy litigation hitters of Washington.

McKee Nelson represents some of the most significant and highly publicized white-collar clients in Washington. Regularly representing corporations, high-ranking public officials, civic leaders and prominent corporate executives, the firm assists clients in front of every major government organization. The firm’s regular clients include JPMorgan Chase, Credit Suisse Securities and GlaxoSmithKline.

With only three partners in the Washington office working in the white collar/investigations and enforcement group, the firm holds its own competing for clients with the most refined firms in the city. Peers recognize Michael Levy as a “prominent figure” at the firm. In his most recent work Levy represented Matt Walsh, the former videographer for the New England Patriots who was involved in the “Spygate” matter, alleging rules violations for video taping teams before and during games. Levy negotiated an indemnification agreement, the first of its kind, with the National Football League in order to protect his client. The work helped Walsh avoid pressure from the NFL as well as Senator Arlen Specter, who called for a full investigation into the matter.

While the stronghold of **O’Melveny & Myers** may be on the West Coast, competitors acknowledge the firm’s “breakthrough” in the nation’s capital. Recommended for its appellate practice, the office also handles a variety of other Washington-specific practices such as political law and corporate investigations.

The appellate practice is led by the “remarkable talents” of **Walter Dellinger**, who was involved in some of the high courts’ most important decisions since joining the firm in 1998. Dellinger, who left his post as solicitor general for the Supreme Court before coming to the firm, worked on cases such as *Exxon v Baker* and *District of Columbia v Heller*. In California Supreme Court he argued on behalf of Bank of America, who was charged with illegally using directly deposited social security checks to pay overdraft fees. The Court overruled a previous trial court, finding that the client had not erred and legally withdrew the money.

The firm’s six political law litigators were also recognized by peers as impressive with clients. The group works to avoid litigation

by helping clients comply with the McCain-Feingold bill, but also advises clients when they may have issues directly with the government.

There are few Washington-based firms with the white-collar practice and government connections of **Patton Boggs**. Since the firm’s founding less than 50 years ago the litigation group has grown to attract some of the most prominent litigators and clients Washington has to offer. Peers recognize **Robert Luskin** as a “young, but premier statesman” of the white-collar bar. Luskin’s most public client was Karl Rove, during his most recent litigation before leaving the White House, but Luskin’s case work and skills go far beyond one client. As a former member of the DOJ, Luskin began in private practice advising witnesses, targets and an executive branch agency in investigations by independent counsel. Luskin is just one of many partners with a broad government focus and skills for any and every type of investigation that may come down from the agencies.

Peers also recommend the groups growing international arbitration practice, especially for Middle Eastern affairs. Working closely with offices in Doha, Qatar and Abu Dhabi of the United Arab Emirates, the Washington office has experience in matters with almost every country in the Middle East. The firm has done tort reform in Egypt, contract disputes in Abu Dhabi and dispute resolution in Jordan. The firm also has experience in Russia and the Dominican Republic.

Schertler & Onorato may not match up to the size of some of the larger litigation teams in the city, but its skill and experience certainly equal those they face on a daily basis. Founded by two former federal prosecutors with the US States Attorney’s Office in Washington and the DOJ, the firm played a role in almost every major fraud investigation of the last decade, including WorldCom, Enron, HealthSouth and Fannie Mae. The group also worked on the KPMG tax investigation, the Teamsters public corruption probe and FCPA violations by US oil companies in Kazakhstan.

Peers recommend Danny Onorato for his extensive experience in state and local criminal matters. He has worked securities fraud, bribery, tax fraud, counterfeit and bank fraud since coming into private practice. He also handled more than 50 criminal trials as a member of the public sector and participated in several long-term criminal investigations alongside federal and state law enforcement.

Steptoe & Johnson offers a 61-partner litigation team in its Washington office, focusing on the same values and matters Colonel Louis Johnson began the firm with after serving as President Harry Truman’s first Secretary of Defense. The firm’s extensive government litigation practice includes former Cabinet-level officials such

as secretaries of defense and the interior, as well as US trade representatives. The group also has close ties to the Internal Revenue Service, Interstate Commerce Commission and Federal Communications Commission. “I have a lot of respect for their firm,” one former regulator says. “They are tough to go against.”

Reid Weingarten gains considerable praise for the second consecutive year. Weingarten, who peers say “has a range of capabilities and talents,” represents clients in a number of complex criminal matters involving Racketeer Influenced Corrupt Organizations act, bank fraud, bribery, government procurement and antitrust matters. His client list is just as varied as his skills, including Secretary of Commerce Ronald H Brown; former Teamsters President Ron Carey; Treasury Department Chief of Staff Joshua Steiner, Salomon Brothers, Ill Wind and Columbia HCA Investigations.

With the backing of one of the most powerful New York litigation teams, the Washington office of **Simpson Thacher & Bartlett** is an ever expanding group of attorneys that continues to handle some of the firm’s most important matters. The biggest news to hit the office this year was the acquisition of **Peter Bresnan**, former deputy director of the SEC’s Division of Enforcement. Bresnan, who worked closely with Paul Keirnan and Michael Chepiga during the WorldCom investigation, was impressed by the firm’s goals of internal growth for the group.

Managing partner **Peter Thomas** works as part of the firm’s antitrust group and recently contributed significant effort to monitoring the Google and DoubleClick purchase to avoid litigation. Clients say he has a “keen intellect, which comes in handy with these complicated cases.”

Fellow partners say **Brijesh Dave** is “a perfect example of organic growth at the firm.” Dave garners recognition as lawyer who is destined as an expert at Committee on International and Foreign Investment in the US matters, from her peers. **Andrew Lacy** is another of the talented young stars at the firm. Partners say his antitrust prowess should earn him recognition among peers, and it does. “He really is going to be another in their long line of great attorneys,” one competitor says.

The small criminal and civil litigation boutique of **Trout Cacheris** continues to garner respect from members of the District of Columbia bar. “They are the best criminal shop around,” one competitor says.

Plato Cacheris leads the firm’s criminal division, after joining the firm in 1996. He has been recommended by judges for a number of clients. The US District Court of the Eastern District of Virginia appointed him to former FBI agent Robert Hanssen and former CIA agent Aldrich Ames in

espionage prosecutions. He also represented Monica Lewinsky during the independent counsel's investigation of former President Bill Clinton.

Peers also recognize Robert Trout as "one of the area's best lawyers." The former Assistant US Attorney in Baltimore, Trout has more than 30 years experience in courtrooms. He is admitted to practice in front of the Washington, Virginia and Maryland courts with experience in front of the US Supreme Court as well as six Circuit Courts.

Vinson & Elkins performs groundbreaking litigation out of its Washington office. The Texas-based firm known for representing some of America's leading energy companies also makes a significant mark in Washington with 34 litigators at its disposal.

Michael Buxton chairs the firm's white-collar criminal defense group that includes 26 litigators. With experience in banking, election, energy, FCPA, money-laundering and securities cases, Buxton can safely say he is an expert in a lot of areas of litigation. He currently defends several companies under investigation for procurement fraud matters and congressional investigations involving US contracts in Iraq and Kuwait. He was also member of a team defending KPMG officials in criminal and congressional tax matters last year. Craig Margolis represents government contractors and their procurement activities in the Middle East and employees of a pharmaceutical company in DOJ investigations of Medicaid pricing issues and off-label promotion.

Kevin Gaynor is at the forefront of environmental and climate change litigation in the US. Described by peers as "someone who knows what he is doing and where the world is going," Gaynor developed national environmental enforcement policies and strategies well before he joined the firm in 1993. In one recent example, Gaynor drafted an amicus curiae brief for the US Court of Appeals for the Second Circuit, questioning climate change policy, as a problem for Congress or whether a court can enjoin carbon dioxide emissions as a nuisance.

White & Case delivers an international arbitration practice like no other in Washington, according to competitors. Sources say the group is "the real deal" and "the first firm I think of when I think international importance." The practice has 186 partners spread across its American offices, with the Washington office handling the most prominent cases.

The District of Columbia head of litigation Christopher Curran deals with international matters regularly. Curran is part of a group representing Stolt-Nielsen in one of the most watched international antitrust cases in the world. Facing significant antitrust fines and considering the growing importance of amnesty agreements in the US and EU, White & Case awaits ruling on dismissal arguments filed on behalf of the client.

Carolyn Lamm garnered international arbitration recommendation from her peers. Called a "prominent member" of the Washington marketplace, Lamm represents the Republic of Indonesia through foreign

investment licensing disputes arising from a revocation of an agreement to construct and operate a hotel in Jakarta. Darryl Lew garnered acclaim for his international abilities as well. "That's a lawyer who can cross borders," one competitor says. Sources describe Lew as a breach of contract expert; he represented Jordan and Romania in international treaty arbitration. He currently over sees publicly traded companies in federal fraud and breach of contract action as well.

The Washington office also counsels Libya with respect to approximately two dozen cases arising from 1980's international incidents. The firm is seeking global resolution of all liability in the US courts for the client.

Based out of Washington, the 105-lawyer litigation boutique of Zuckerman Spaeder drew accolades from sources as firm with "a true place in Washington litigation." Like most lawyers at the firm, founder Roger Zuckerman's practice spans a variety of areas. From complex fraud and securities matters to defamation disputes, this former assistant US attorney for the District of Columbia gained experience dealing with lengthy, important cases, winning two of the longest conspiracy prosecutions brought by the State.

Despite losing Roger Spaeder to retirement in September 2007, the firm's white-collar criminal practice remains strong with 17 additional partners. The firm's experience representing individuals and businesses conducting internal investigations and implementing compliance programs is one of the best in Washington and recognized by sources as "a top notch group."

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Stephen P. Anthony is a trial lawyer whose practice focuses on white collar criminal defense, corporate internal investigations, and complex civil litigation. He has tried 31 cases before juries.

Mr Anthony has conducted corporate internal investigations involving a wide variety of allegations including accounting fraud, conflicts of interest, and securities violations. He has represented corporations and individuals in government investigations of allegations such as accounting fraud, consumer fraud, Foreign Corrupt Practices Act violations, and foreign trade control violations.

His recent cases include defending a maker of over-the-counter drugs against charges of violating current Good Manufacturing Practices, defending a pharmaceutical company against allegations of improper payments to physicians, defending the former Chief Financial Officer of a real estate investment trust in an SEC investigation of alleged accounting irregularities, and defending a former Defense Intelligence Agency analyst against charges of improperly disclosing top-secret classified information.

Mr Anthony is a vice-chair of the firm's litigation practice. He previously served for eight years as a federal prosecutor, prosecuting cases involving bribery, extortion, obstruction of justice, false statements, tax offenses, and mail/wire fraud. He is listed in *Best Lawyers in America* for White-Collar Criminal Defense (2008).

Mr Anthony is a graduate of Columbia Law School (JD 1988, *Columbia Law Review*, Notes and Comments Editor) and Dartmouth College (AB 1983, *cum laude*).

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Reflecting his extensive legal experience, Charles Buffon's practice encompasses class actions and other complex civil litigation, government investigations and consent negotiations, antitrust advice and dispute resolution, franchise and distribution issues, trade regulation, consumer protection law, internet security, advertising substantiation and professional conduct law. He has argued both antitrust and intellectual property cases before several Federal Courts of Appeal, appeared in court proceedings in federal and state courts in more than half the 50 states, engaged in numerous negotiations with the Federal Trade Commission, the US Department of Justice and other federal and state government agencies, and has experience both in mediation and as a mediator. He also has extensive experience representing European and Japanese luxury, fashion and cosmetic product manufacturers with respect to distribution in the US. Examples of his recent activity include acting as lead counsel to JPMorganChase in defending an antitrust claim brought by American Express, as lead counsel to BankOne in the Foreign Exchange Fee Antitrust Class Action Litigation, and representing Microsoft in negotiating a resolution of an FTC investigation into the data security provided by its Passport authentication service. Growing out of his experience as chair of the DC Bar Legal Ethics Committee, as a member of its Ethics Rules drafting committee, and service as an adjunct professor teaching legal ethics at American University, he is also general counsel to his firm.

Mr Buffon is a Phi Beta Kappa, *magna cum laude* graduate of Dartmouth College and a *cum laude* graduate of Harvard Law School, and he was recognized in the 2008 Corporate Counsel edition of Super Lawyers. He has also written extensively on diverse subjects, including antitrust law, product diversion prevention, litigation practice, multidisciplinary practice and legal ethics issues and is often called upon to speak on those subjects.

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Mitchell Dolin's practice focuses on the litigation, arbitration, and mediation of complex civil cases, principally in the insurance coverage field. He has represented corporate policyholders in complex and high-value disputes with their insurers over coverage for a wide array of claims, including mass torts, securities class actions, and property losses. Mr Dolin's insurance work – through which the firm's clients collectively have recovered billions of dollars of coverage proceeds – has taken place in trial and appellate courts across the country and in domestic US and international arbitral proceedings. His representations have included Cardinal Health in D&O insurance litigation, Eli Lilly and Company in coverage disputes over pharmaceutical product liability claims, Exxon in its *Valdez*-related coverage dispute, the NFL in insurance advisory and litigation matters, Owens Corning in asbestos coverage litigation, and UBS in the 9/11 World Trade Center property insurance litigation.

Mr Dolin is a graduate of Tufts University (BA, 1978) and New York University Law School (JD, 1981) and clerked for Chief Judge Charles Clark of the U.S. Court of Appeals for the Fifth Circuit before joining Covington in 1982. He was recently profiled in *Legal Times* as one of ten "leading lawyers" in the insurance field. He is a member of the American Law Institute and is listed in *The Best Lawyers in America* (for commercial litigation, insurance, international arbitration, and ADR), *Chambers USA: America's Leading Lawyers for Business* (Band 1 for Insurance nationally and in DC), and other lawyer ranking guides. Mr Dolin serves on the CPR International Institute's Regional Panel of Neutrals. He is admitted to practise in the District of Columbia.

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Emily Henn is a partner in Covington & Burling's Litigation practice group. Her broad-ranging trial, appellate, and arbitration practice has included intellectual property disputes (involving trade secrets, trademarks, and copyrights), false advertising claims, litigation in the financial services sector, and administrative law disputes involving the pharmaceutical industry. Ms Henn also represents individuals and companies in white collar criminal defense and investigations.

Ms Henn has represented clients in high-stakes disputes at the trial and appellate level of both federal and state courts and in arbitration proceedings. Ms Henn tried a bank fraud, wire fraud, and money laundering case in the US District Court for the District of Columbia in which the jury deadlocked and the government declined to retry the case. Ms Henn represented large national banks in the US Supreme Court and in lower federal courts in asserting successful federal preemption challenges to states' assertions of regulatory and supervisory authority over the banks' operating subsidiaries. She successfully argued an administrative law appeal before the Federal Circuit. Ms Henn also represented SPI Group in defending the trademark rights to the renowned STOLICHNAYA vodka in the US District Court for the Southern District of New York. The firm's defence of the STOLICHNAYA trademark earned the WORLDleaders International IP Award in 2007.

Ms Henn is a graduate of Wesleyan University and Georgetown University Law Center, where she graduated *magna cum laude*, Order of the Coif, and served as editor in chief of the *Georgetown Law Journal*. She clerked for the Honorable Paul V Niemeyer of the US Court of Appeals for the Fourth Circuit and for the Honorable Sandra Day O'Connor of the US Supreme Court.

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Gregg Levy, chair of Covington's litigation group and a former member of the firm's Management Committee, practises principally in the area of litigation, with an emphasis on antitrust and competition-related issues. He has extensive experience in complex, multi-party cases, and broad expertise with respect to a wide array of legal issues affecting professional sports leagues.

For over fifteen years, Mr Levy has been the principal outside counsel for the National Football League. During that period, he has had a lead role in each of the major trial and appellate victories that the NFL has secured, including such notable cases as *Brown v Pro-Football*, 518 US 231 (1996), in which the Supreme Court affirmed the dismissal of a class action antitrust claim challenging the NFL clubs' wage-fixing agreement with respect to practice players; *American Needle v National Football League*, No 07-4006 (7th Cir Aug 18 2008), holding that the NFL clubs are a single entity, immune from section 1 liability under the Sherman Act, for activities relating to the collective production and promotion of their entertainment product; *Hamilton County Board of Commissioners v National Football League*, 491 F3d 310 (6th Cir 2007), affirming summary judgment for the NFL in an antitrust case challenging the League's franchise relocation rules; *Oakland Raiders v National Football League*, 41 Cal 4th 624 (2007), reinstating an NFL jury verdict, which had been set aside by the trial court on the ground of jury misconduct, on the Raiders' \$1.2 billion claim alleging that the NFL had interfered with the Raiders' efforts to construct a new stadium in Los Angeles; and *Clarett v National Football League*, 369 F3d 124 (2d Cir 2004), rejecting an antitrust challenge brought by undergraduate Maurice Clarett to the NFL's college eligibility rule.

Mr Levy also led the Covington team that secured the dismissal of a class action antitrust challenge to the Match and other aspects of graduate medical education. See *Jung v American Association of Medical Colleges*, 339 F Supp 2d 26 (D DC 2004), *aff'd*, 184 Fed Appx 9 (DC Cir 2006).

Mr Levy is a graduate of Harvard Law School (JD, 1977) and Harvard University (AB, 1974).

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Ethan Posner, recently named by the *American Lawyer* as one of litigation's "Rising Litigation Stars," is co-chair of Covington's pharmaceutical litigation and investigations practice group and a member of the litigation and dispute resolution and the white-collar defence and investigations practice groups. He represents numerous major pharmaceutical companies and other health care organizations in federal and state criminal and civil government investigations, False Claims Act cases, and private class actions. Mr Posner also has handled several recent major congressional investigations by the Senate Finance and House Energy & Commerce Committees into prescription drug pricing and promotion. Mr Posner's experience includes serving as lead counsel to Pfizer in investigations into physician interaction practices and the marketing, promotion, and safety of various prescription drugs by the Department of Justice, State Attorneys General, Congress, and the Securities and Exchange Commission, and in the recent settlements and deferred prosecution agreement with the DOJ regarding Pharmacia's promotion of Genotropin. Mr Posner also served as Deputy Associate Attorney General in the Department of Justice (1999-2001). In that position, he advised the Attorney General on antitrust and civil litigation issues; had oversight responsibility for certain major litigation matters handled by the Antitrust and Civil Divisions; and chaired Justice Department policy and enforcement groups on asbestos litigation reform, bankruptcy legislation, class action and product liability reform, and the sale of prescription drugs on the internet.

Mr Posner is a graduate of the University of Michigan Law School (JD, 1989, *magna cum laude*) and Wesleyan University (1984).

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Paul Schmidt is a partner in the firm's litigation group who devotes the majority of his practice to pharmaceutical litigation and counseling. He regularly represents major pharmaceutical companies in Mass Tort product liability litigation, and he has significant experience in handling multi-forum and consolidated litigation through federal multidistrict proceedings and analogous state procedures. He has successfully represented clients in trial and appellate courts throughout the country, securing case-ending rulings on *Daubert* and liability issues. Mr Schmidt's recent argument before the New Jersey Supreme Court on behalf of Hoffmann-La Roche was recognized as a Noteworthy Case by the *National Law Journal* in its 2008 Appellate Hotlist.

In addition to representing clients in litigation, Mr Schmidt regularly counsels life sciences clients on litigation exposure arising from their development and marketing of new products. He also regularly speaks on pharmaceutical litigation issues.

Mr Schmidt graduated from New York University School of Law in 1998 and from the University of British Columbia in 1992. Prior to joining Covington & Burling, he clerked on the U.S. Court of Appeals for the Fifth Circuit and for the Southern District of California.

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Litigation

Patton Boggs' litigation practice focuses on four core areas – government disputes and investigations, international litigation, complex financial disputes, and claims relating to mass torts, product liability, and environmental impacts. Our experienced litigation team excels in the courtroom and works with members of the firm's other practice groups to combine litigation strategies with creative public policy and business strategies.

Our experience working with various government agencies and other branches of government enables us to seek an array of solutions to a client's government challenges. We handle white-collar criminal matters, challenges to administrative and regulatory decisions, fraud and false claim matters, and contract and commercial disputes involving the government. Our attorneys represent clients facing a broad range of government investigations and our experience with congressional investigations is second to none.

For decades, Patton Boggs has represented international clients in domestic and foreign courts and in arbitration and other forms of alternative dispute resolution. Our practice includes representation of foreign governments, government-sponsored enterprises, and organizations in commercial disputes with US and multinational corporations, as well as representation of US corporations against foreign companies, sovereigns, and instrumentalities. We also handle disputes relating to international trade and are proficient at coordinating litigation strategies that require legal action in multiple jurisdictions.

Our experience with disputes arising from complex contract, financial, and other business transactions includes securities litigation, loan recovery, lender priority and bankruptcy/restructuring matters, and regulatory oversight. We advise clients on business disputes, including matters involving civil and criminal fraud, professional negligence, international business, technology, and intellectual property, and regularly team with members of our business group in order to offer first-rate representation to investment-related entities.

Our attorneys have a wealth of experience in high-stakes US and international mass tort matters, including toxic torts, environmental cleanup, and product safety and liability. We have coordinated national defense efforts for clients in numerous high-profile cases, including the World Trade Center disaster site litigation, Agent Orange litigation, and all-terrain vehicle (ATV) litigation. We also have extensive experience representing clients in disputes with the government and private litigants over compliance with environmental laws and regulations.

Firm Overview

For more than 40 years, Patton Boggs has maintained a reputation for cutting-edge advocacy by working closely with Congress and regulatory agencies in Washington, litigating across the country, and negotiating business transactions around the world. The firm's core practice areas include Litigation, Public Policy and Regulatory, Business, and Intellectual Property. With offices in Northern Virginia, New Jersey, New York, Dallas, Denver, Anchorage, Doha, Qatar and Abu Dhabi, United Arab Emirates, our more than 600 lawyers and professionals provide comprehensive, practical, and cost-effective legal counsel for a diverse range of clients in the US and across the globe.

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Abbe Lowell's practice focuses on the investigation, trial and appeal of complex criminal and civil cases throughout the United States and counseling clients with respect to their dealings with legislative and government agencies. A partner at McDermott Will & Emery, he heads the White Collar Crime practice in Washington, D.C. Lowell has successfully tried criminal and civil cases before juries in more than a dozen different federal and state courts and has argued appeals in various circuits, the highest courts of four different states and before the United States Supreme Court. He has also represented clients in numerous congressional oversight and other hearings, as well as enforcement actions brought by various federal agencies and state attorneys general.

The criminal cases have involved charges of public corruption, securities fraud, bank fraud, RICO, Sarbanes-Oxley, antitrust, insurance fraud, bankruptcy fraud, mail and wire fraud, election law violations, Hobbs Act, conspiracy and money laundering and forfeiture. Civil cases include claims of civil rights violations, conspiracy, securities fraud, RICO, negligence, unfair trade practices, tortious interference with business, breach of contract and fiduciary duty and employment discrimination.

In addition to his private practice, he has served as Chief Minority Counsel to Congress during the impeachment proceedings of President Clinton and as Special Counsellor to the United Nations High Commissioner for Human Rights in Geneva. Lowell has authored numerous articles on the law and teaches criminal procedure, evidence and trial practice at Georgetown Law Center and Columbia Law School. Numerous legal and non-legal newspapers and various attorney rating organizations have recognized Lowell as one of the best criminal defense and trial attorneys and one of the most influential attorneys in the United States.