

## Local litigation firms

### Highly recommended

Baker & Hostetler

Jones Day

Porter Wright Morris & Arthur

Squire Sanders & Dempsey

Taft Stettinius & Hollister

Thompson Hine

### Recommended

Calfee Halter & Griswold

Chester Willcox & Saxbe

Faruki Ireland & Cox

Hahn Loeser & Parks

Vorys Sater Seymour & Pease

Zeiger Tigges & Little

## Ohio

**A healthy mix of boutiques and large national firms permeate the Ohio legal market, with the greatest amount of firms based in the heavily populated Cleveland and Cincinnati. Columbus, Akron and Dayton also see a rise in litigation, with several larger firms in town setting up shop in Ohio's smaller cities.**

### Highly recommended firms

A national firm with a strong presence in the state, **Baker & Hostetler** prides itself in its network of offices in ten locations across the country. In Ohio, the firm holds offices in Cincinnati, Cleveland and Columbus. For more than 90 years, the Cleveland office provides the area with strong legal representation. Attorneys there represent clients in complex areas like class action work and white-collar crime. Celebrating a decade of service, the Cincinnati office represents some of the region's most recognizable companies, including The E W Scripps Company, The Health Alliance of Greater Cincinnati and the physicians of Alliance Primary Care. The firm also serves on the national asbestos trial teams for Uniroyal and Georgia Pacific, keeping an active involvement in products liability defense on manufacturers of chemicals, medical devices, equipments and consumer products, as well as for pharmaceutical companies. In a recent matter, the firm represented Union Gas Corporation after a group of royalty owners sued alleging that the pooling of gas units in three fields discovered by Union Gas was done in bad faith. The jury found the gas company acted in good faith and stopped the landowners from asserting the claims. In another matter, the firm assumed defense of a case upon appeal from a decision granting class certification against a property and casualty insurer for claims relating to the sale of under or uninsured motorist insurance coverage. The firm obtained a reversal of class certification through the court of appeals and went on to obtain summary judgment against more than one million policyholders.

With a focus on white-collar criminal work and class actions, **Jose Feliciano** is also noted for having strong ties to the area's Hispanic community. Boasting 30 years of experience in complex commercial and employment litigation, he has tried to verdict more than 70 civil and criminal trials in both state and federal courts. His class action experience includes work in pharmaceuticals, computers

and the media. Feliciano recently represented the Puerto Rican Cement Company, the sister corporation of El Dia Newspaper in a case filed against the Puerto Rican government, including the Governor of Puerto Rico, his chief of staff, and four cabinet officers. The paper alleged that its First Amendment rights were violated and government members retaliated against the cement company, ending more than 15 development permits in the territory. Active partner **Daniel Warren** is "seen in action quite a bit" and is also commended for his work in litigation, specifically complex business work. In a recent matter, he was lead counsel for firm client KeyBank in a case against members of the Swiss Re Group, resulting in a favorable settlement. "He is a very good lawyer," says one peer. Another praised Warren, calling him an "exceptional litigator."

**Jones Day** boasts more than 2,300 attorneys throughout its 30 offices worldwide and is certainly one of the largest firms in the country. With its founding office in Cleveland, not to mention an additional office in state capital Columbus, the firm's presence in Ohio is well known amongst the legal community. Litigators within the Ohio offices, with Cleveland in particular, take on a number of complex multidistrict cases in addition to work specific to the area. Extensive work is done for major clients like National City Bank in Cleveland, RJ Reynolds and Goodyear, whom the firm represented in a class action brought on by retirees questions as to whether or not their health care benefits could be changed by the company. The case paved the way for how large motor companies went about labor reconstruction issues. A series of important cases have arisen out of the subprime crisis, including the defense representation of National City Bank with several fraud and Employment Retirement Income Security Act cases. A Racketeer Influenced and Corrupt Organizations Act class action taking place in New York City was the largest class action in American history, with 50 million consumers seeking \$800 million in a light cigarette

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*-Baker & Hostetler*



## Local litigation stars

Michael Carpenter  
Carpenter & Lipps

Charles Faruki  
Faruki Ireland & Cox

Jose Feliciano  
Baker & Hostetler

Steven Goldfarb  
Hahn Loeser & Parks

David Hooker  
Thompson Hine

Thomas Kilbane  
Squire Sanders & Dempsey

Patrick McCartan  
Jones Day

John Newman Jr  
Jones Day

Stephen O'Bryan  
Taft Stettinius & Hollister

Anthony O'Malley  
Vorys Sater Seymour & Pease

Robert Pitcairn Jr  
Katz Teller Brant & Hild

Michael Reed  
Zeiger Tigges & Little

James Robenalt  
Thompson Hine

Charles Saxbe  
Chester Willcox & Saxbe

David Wallace  
Taft Stettinius & Hollister

Mark Wallach  
Calfee Halter & Griswold

Daniel Warren  
Baker & Hostetler

William Wilkinson  
Thompson Hine

John Zeiger  
Zeiger Tigges & Little

matter. Jones Day handles quite a bit of tobacco litigation, as well as products work for drug companies such as Wyatt. The firm counts Firestone Tire, IBM, Proctor & Gamble and American Honda Motor among clients as well.

Although he primarily focuses his practice on appellate matters, senior partner **Patrick McCartan** is active in the corporate governance area and in the representation of officers and directors in shareholder derivative and securities class actions. In a recent matter, he represented TRW in civil and criminal proceedings and Mead in several ERISA cases. His other clients include Gillette, Pfizer, Sherwin-Williams, Texas Instruments and Westinghouse Electric Company. Partner **John Newman Jr** handles general business matters, with a focus on shareholder actions, employment matters and

up by the City of Cleveland. Hugh McKay is praised for his work in the tobacco arena, with peers saying he is "excellent" and has "produced great work product."

National powerhouse **Squire Sanders & Dempsey** boasts more than 70 litigators within its offices in Cleveland, Cincinnati and Columbus, as well as strong representation in its locations in important financial and business centers such as Los Angeles, New York, San Francisco and the District of Columbia. In recent years, the firm has seen a surge in its products liability and intellectual property matters. A strong securities group has always been a firm staple. The firm recently represented Leadscope in a \$26.5 million case in which its client and three founding partners were accused of stealing trade secrets after they developed and patented software for drug companies that

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-Porter Wright Morris & Arthur

tax litigation. In recent litigation, he represented Albertsons and its directors in a shareholder action on breach of fiduciary duties and seeking to enjoin sale of the company. Having recently completed several matters for Macy's, the peer-recognized "sharp lawyer" represented directors and officers in a shareholder derivative action alleging breaches of fiduciary duties and, in a separate matter, represented the company and several of its senior executives in a securities class action after allegations of securities disclosure violations.

Smaller firm **Porter Wright Morris & Arthur** is most definitely an "Ohio firm," despite two other offices in the District of Columbia and Naples, Fla. Within the firm's four locations in the state, in Cincinnati, Cleveland, Columbus and Dayton, Porter Wright handles complex litigation matters for regional clients with an emphasis on products liability work. Counting approximately 100 litigators firmwide, the team handles litigation matters for a series of important clients, including Sherwin Williams, American Electric, First Energy and UPS. In a recent matter for AT&T, the firm secured a summary judgment in a multimillion dollar putative consumer class action. The firm also obtained a jury defense verdict for the company after it endured race discrimination charges. In a clean-air case, the firm received a favorable settlement for its power company clients in the Southern District of Ohio. Actively involved in the ongoing subprime litigation, Porter Wright attorneys are currently working with large banking corporations in the area in matters brought

shortens the process of developing new medicines. Utilizing attorneys from other groups, including labor and employment, intellectual property and corporate practices, the team from the Columbus office was able to not only deny all claims, but also find that the plaintiffs acted in bad faith, defamed the scientists and the company and engaged in unfair competition through malicious litigation and circulation of false statements. In a recent matter for client Christ Hospital, which was attempting to withdraw from Health Alliance, a system of five hospitals, Squire Sanders litigators were able to convince the Attorney General that the hospital had properly withdrawn and that the Health Alliance had breached its fiduciary duties to the hospital. The Cleveland office was also involved in litigation for client TRW Automotive in products liability litigation for the seatbelt and airbag manufacturer. Other representative clients include Medical Mutual of Ohio, Cintas Corporation and Mittal Steel USA.

"Top litigation star" **Thomas Kilbane** is also the former head of the firm's litigation group. Recognized as a "formidable guy" and for his work in securities, he also frequently represents clients in complex commercial litigation, antitrust, construction and class action matters. Recently, he assisted in the representation of client Bridgestone Corporation in a securities matter in which plaintiffs alleged the company, along with parent company Firestone, committed federal securities fraud by making several false and misleading statements that inflated the value of Bridgestone's securities. The case settled

## Future stars

James Abrams  
Chester Willcox & Saxbe

Julie Atchison  
Porter Wright Morris & Arthur

Marcia Andrew  
Taft Stettinius & Hollister

Robert Bell Jr  
Vorys Sater Seymour & Pease

Jeanne Cors  
Taft Stettinius & Hollister

Bradley Ferrell  
Zeiger Tigges & Little

Steven Friedman  
Squire Sanders & Dempsey

Christopher Hogan  
Zeiger Tigges & Little

Majeed Makhlof  
Taft Stettinius & Hollister

Martha Sullivan  
Squire Sanders & Dempsey

Matthew Zeiger  
Zeiger Tigges & Little

after Kilbane and the team was able to present legal and policy arguments on remand that supported the motion that there was a lack of subject-matter jurisdiction over the claims of non-United States investors and that class certification should be denied. In another piece of recent securities litigation, Kilbane represented client Ferro Corporation after four securities fraud actions were filed against the company when it announced it uncovered irregularities in one of its business units before shares sharply declined in the company. Plaintiffs alleged that Ferro and several of its officers had violated the Securities Exchange Act, but all claims were dismissed in US District Court for the Northern District of Ohio.

After recently acquiring Indianapolis-based firm Sommer Barnard, downtown Cincinnati law firm **Taft Stettinius & Hollister** has added more than 100 attorneys to its already burgeoning team of lawyers. Throughout its nine offices in Ohio, Kentucky and Indiana, the firm now boasts 320 attorneys. Expertise runs rampant in a multitude of litigation specialties, including general commercial work, products liability, securities, bankruptcy and intellectual property. The firm represents Goodyear in a securities shareholder derivative and ERISA class action lawsuit arising out of the company's reinstatement of earnings. Successful in getting the class action suit dismissed, the firm is currently resolving the ERISA class action. Other clients Taft frequently represents include Ford Motor Company, the University of Cincinnati, PowerNet Global Communications, Dayton Power & Light Company, Supermac's Ireland and International Speedway Corporation. In a recent matter for International Speedway, the firm defended the speedway in an action brought by Kentucky Speedway Corporation against NASCAR and the International Speedway in US District Court. The Kentucky Speedway Corporation filed an antitrust suit alleging NASCAR and the speedway conspired to restrain trade after NASCAR chose not to sanction a NEXTEL Cup race at the Kentucky Speedway. The court granted summary judgment in favor of the defendants.

As partner-in-charge of the Cleveland office, the "outstanding" **Stephen O'Bryan** is "as fine a lawyer as there is in Cleveland." Concentrating on a general litigation practice, with special focus on environmental and land use law, his involvement in complex commercial matters has led to work on both federal and state securities issues and commercial and consumer class actions. "He is very tenacious, skilled litigator," one peer says. In a recent matter, O'Bryan won a jury verdict of more than \$2.4 million in an accounting malpractice case. He was also lead counsel for Flats Waterfront Associates in its eminent domain consolidated cases. The firm represented the majority property owners and achieved a favorable settlement.

He is "the first guy I'd call if I had a legal problem," says one insider. Partner **David Wallace** is also noted for his work in the areas of complex business litigation, securities, employment and construction. Working from the firm's Cleveland office as well, Wallace recently worked on a significant legal malpractice case involving securities matters. He continues to be active in tenure representation for Case Western Reserve University and has several patent infringement cases in the works.

Of the eight offices of **Thompson Hine**, half of them are located in the state, securing the firm as an important presence not only in the national eye, but also in the Ohio legal market. Featuring a well-rounded practice, the firm has special expertise in products liability work and antitrust matters, noticing a surge in both subgroups in recent years. In a recent antitrust representation in the scrap metal industry, the firm defended two companies in a price-fixing class action. Representative clients include Goodyear, Morgan Stanley, Verizon, Chiquita Brands International, Jo-Ann Stores, Office Depot and AmTrust Bank, which the firm is currently representing in a case out of the subprime mortgage crisis.

Managing partner **David Hooker** has been at the firm since graduating law school and is a "great litigator," according to peers. He focuses his practice on complex business litigation, with experience in securities litigation, breach of contract claims and construction disputes. **William Wilkinson** is active in business litigation matters and matters involving antitrust and white-collar crime. His practice has grown to include experience with intellectual property, bankruptcy, fraud and RICO claims. With experience in complex commercial litigation, as well as work in the construction, tax and professional malpractice arenas, partner **James Robenalt** recently acted as lead counsel for client Solvay Pharmaceuticals in arbitration against Duramed Pharmaceuticals, resulting in a \$68 million award for his client. Peers praise his work, calling him an "excellent litigator."

### Recommended firms

Litigation remains the largest single practice group at **Calfee Halter & Griswold**, with each litigator having his or her own subspecialty within. The group is certainly evolving, with insiders noting only 20 litigators firmwide a decade ago. The firm's main office is based in Cleveland, with an additional location in Columbus. Calfee attorneys generally take the plaintiffs' side in matters. Calfee has seen recent success in business claims, construction, securities and bringing claims for insurance policy holders as the firm has a general policy of not defending insurance companies. While most of the firm's work is regionally-based, a hefty portion of business litigation is hugely geographic, with clients and witnesses based

across the country. In securities work, the firm is working on ongoing matters concerning securities derivative suits and the issuing of backdated stock options for directors of Keithley Instruments. Representative clients include FirstEnergy, KeyBank, Invicare, Ferro and RPM, for which the firm handles asbestos coverage.

Partner and co-chair of the litigation group **Mark Wallach** is recommended for his expertise in litigation. He handles business torts and claims, professional liability claims, municipal and public sector work, and insurance liquidation litigation. Wallach recently handled a matter for Amwest in Nebraska, with other insurance matters currently in the works as well. A large victory was achieved in his representation of AT&T Mobility regarding a statute of limitation.

In addition to work in civil and commercial litigation, the team at **Chester Wilcox & Saxbe** also enjoys a thriving appellate practice in both state and federal courts. The firm represents clients in a variety of matters in commercial and business litigation as well as complex matters such as class actions. Boasting a team of 24 litigators within its sole office in Columbus, the boutique counseled the State of Ohio in national tobacco litigation. Other clients include Marion Steel Company, Interstate Gas Supply, Ricart Automotive and Scotts Miracle-Gro, whom the firm is representing against former insurance carriers in a litigation matter.

With experience in many areas of complex litigation, **Charles Saxbe** is frequently singled out for his expertise. He is often seen working on tobacco-related and white-collar litigation. In an important matter for the State of Ohio, he served as a principal outside Ohio special counsel for the state in a national tobacco matter which led to the record-setting \$10 billion settlement for the state. He is also a frequent mediator utilized by the US District Court of Southern Ohio for matters involving attorney's fees and malpractice.

Although less than 20 years old, the Dayton-based **Faruki Ireland & Cox** is quickly developing into a top commercial and business litigation firm in the area. Generally, the team of 30 attorneys handles a variety of matters, including antitrust, securities, intellectual property, environmental, products liability and employment and discrimination matters. Firm

clients range from local companies to national powerhouses, with a roster featuring Cargill, Morgan Stanley, SuperValu, Bank of America and Harley-Davidson. The firm is currently representing client Proctor & Gamble in a series of class actions relating to the company's pet food. Partner **Charles Faruki** is consistently recommended for his work in complex litigation. Practicing in the areas of intellectual property and antitrust, Faruki is noted for his work with Proctor & Gamble, as well as recent class action work for Yamaha Motor Corporation and Good Samaritan Hospital. His intellectual property work includes representative matters involving trademarks, copyrights and patents.

**Hahn Loeser & Parks** has become a heavy player in complex commercial litigation in the area, maintaining offices in Cleveland, Akron and Columbus. With two Florida offices as well, in Naples and Ft Myers, the firm also specializes in employment work, tort litigation on both the plaintiffs' and defendants side and intellectual property matters, including patent, trademark, copyright and trade secret work. Featuring a long list of representative clients, the firm works for many companies and institutions, including Allied Machine and Engineering, the Cleveland Museum of Art, ExxonMobil, Navistar Financial Corporation, Vanderbilt Bay Construction, Kent State University and the University of Cincinnati. In a recent high-profile matter, **Steven Goldfarb** and Andrew Polis led the litigation for client Fidelity National Financial and sister company Chicago Title Insurance in a noncompete case resulting in a jury award of \$43 million. Goldfarb has also represented Fidelity in a number of commercial and employment matters, including cases in Arizona, California, Texas, Alabama and Kentucky relating to either class actions or employment raiding issues. In his recent representation for Security Title Agency, he obtained a \$41.5 million verdict, which included \$35 million in punitive damages after the agency lost more than 40 workers in its Arizona office. The case is currently on appeal before the US Court of Appeals for the Ninth District in Arizona. In addition, he handles financial litigation matters for Bank of America and leads the firm's franchising litigation practice, representing Cendant and

its subsidiaries.

Celebrating a century of practicing law in Columbus, the Ohio-based **Vorys Sater Seymour & Pease** enhanced its presence in the state by opening offices in Cleveland, Cincinnati and, most recently, Akron in 2004. Litigation is the firm's largest practice group, with expertise in disputes across the civil and criminal spectrum, including business issues, personal injury, statute violations and professional malpractice. Clients have grown to include Wendy's, General Motors and Abbott Laboratories. Peers note commercial litigator **Anthony O'Malley** for his business and healthcare litigation work. He has tried cases involving ERISA, RICO, National Bank Act and other matters. O'Malley has handled numerous class actions for a variety of bank clients. Vorys also holds offices in Washington and Alexandria, Va.

Through its more than 12 attorneys, Columbus boutique **Zeiger Tigges & Little** specializes in litigation almost exclusively. Business and commercial law are the firm's main focuses, with particular attention paid to media law, legal malpractice defense, securities, employment, ERISA matters and intellectual property. In a recent matter, the firm represented JPMorgan Chase as plaintiffs counsel against a satellite receiver sales organization seeking recovery of more than \$15 million under a written indemnity agreement. Zeiger Triggles & Little also represented JPMorgan Chase in a recent \$60 million breach of trust case. The group represented Ohio National Life Insurance on a series of selling-away cases involving the unauthorized and undisclosed activities of an investment representative who raised \$20 million for a Ponzi scheme investment fund. The case resulted in 15 arbitrations, 22 lawsuits and 18 appeals.

**Michael Reed** is noted for his work in construction and ERISA matters. He represents a number of national trucking firms, health care insurers, financial institutions, school districts, religious organizations and doctors. Most recently, Reed was involved in the litigation of a complicated matter involving construction and breach of contract disputes, civil rights, constitutional law and collective bargaining. Also recognized is Marion Little, noted for his media and construction work.

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Charlie is a trial lawyer. He concentrates his practice in the area of business litigation. He has represented numerous corporations in litigation in state and federal courts and before the SEC, International Trade Commission, the US Department of Labor, the Ohio Division of Securities, the Public Utilities Commission of Ohio and other agencies. He is a fellow of the American College of Trial Lawyers, the American Bar Foundation and the Ohio State Bar Foundation. He is a member of the American Board of Trial Advocates. He is a past president of the Dayton Bar Association and of the Dayton Chapter, Federal Bar Association.

Charlie studied at the University of Cincinnati (BA, summa cum laude, political science, 1971) and Ohio State University (JD, cum laude, 1973). He has twice been voted by his peers as one of the Top Ten Lawyers in Ohio, in *Ohio's Super Lawyers' Survey*, is on the Dayton's Most Powerful list, based on a survey conducted by the *Dayton Business Journal* of Dayton-area CEOs and other community leaders, and was selected as one of the most influential people in Greater Dayton (one of only three lawyers on the list). He is listed in *Who's Who in America*, *Who's Who in American Law*, *Who's Who in the Midwest*, *Who's Who of Emerging Leaders in America*, and *The Best Lawyers in America*, and in *Chambers USA: America's Leading Lawyers for Business*. Charlie is the author of numerous articles published in law reviews and professional journals, has spoken numerous times at continuing legal education programs and educational seminars for businesses.

Charlie has tried a wide variety of business cases to juries. He has tried to judgment intellectual property cases (having tried patent, trademark and copyright cases), and cases involving antitrust, employment, product liability, breach of contract or warranty, terminated distributorships, trade secrets, and fraud claims, and various statutory theories.

He has also tried injunction cases, handled numerous class actions, shareholder litigation, multidistrict litigation and insurance coverage disputes. He has argued cases in the Supreme Court of Ohio, and in the Second, Fourth, Sixth, Eighth and Ninth Federal Circuit Courts of Appeals, and in the Court of Appeals for the Federal Circuit.

Among his many activities, Charlie chairs the Bar Examination Committee of the United States District Court for the Southern District of Ohio, and is a longtime member of the board of governors of the Antitrust Law Section of the Ohio State Bar Association, and is chair of the Federal Courts and Practice Committee of the Ohio State Bar Association. He is also an Adjunct Professor of the School of Law, University of Dayton, teaching antitrust.

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Thomas S Kilbane has more than 30 years' trial experience in litigating highly technical disputes with particular emphasis on antitrust, contract, construction and securities cases. Mr Kilbane served as the global chair of the firm's litigation group for 17 years. He has tried numerous cases in federal and state courts. He is experienced in employing ADR techniques to successfully settle significant commercial disputes.

Mr Kilbane is a fellow of the International Academy of Trial Lawyers (top 500 trial lawyers in the nation), the American College of Trial Lawyers and the American Bar Foundation. He is a member of the American College of Barristers and America's Registry of Outstanding Professionals. Mr Kilbane is recognized as a top trial lawyer in *Chambers USA: America's Leading Business Lawyers*, *The Best Lawyers in America*, *Guide to the World's Leading Litigation Lawyers*, *Guide to the Leading US Litigation Lawyers*, *Best of the US* and *Benchmark: Litigation*. He is also recognized in *The International Who's Who of Professionals*, *Who's Who in the World*, *Who's Who in America*, *Who's Who in American Law* and *Global Counsel 3000*. Mr Kilbane is one of the *Lawdragon 3000* Leading Lawyers in America, a Top 100 Super Lawyer in *Ohio Super Lawyers* and a highly recommended dispute resolution lawyer in *Practical Law Company's Which Lawyer? Yearbook*.

Mr Kilbane is the author of *Litigating Highly Technical, Multi-Party Commercial Disputes: An Inside Look at Defending a Securities Lawsuit*. He is a life member of both the Sixth Circuit and Eighth District Judicial Conferences. Mr Kilbane is an AAA arbitrator and also serves on the Ohio Panel of Neutrals and the national Construction Panel for the CPR Institute for Dispute Resolution. He is also highly recommended for Alternative Dispute Resolution in *The Best Lawyers in America*. Mr Kilbane is also a member of the American Bar Association's Forum Committee on the Construction Industry and is the former vice chair of its ADR Committee for Legislation. He is the Northern Ohio chair of the United States Supreme Court Historical Society.

Mr Kilbane graduated in 1963 from John Carroll University, BA magna cum laude (valedictorian) and in 1966 from Northwestern University school of Law, JD, where he was a member of the editorial board of the *Northwestern Law Review*. He is admitted to practice before the United States Supreme Court, all the federal courts of appeal and the Supreme Court of Ohio.

Mr Kilbane served as a US Army captain in Vietnam, where he was awarded the Bronze Star. He is married to Sally Conway Kilbane and is the proud father of five children: Sarah, Thomas, Eamon, James and Carlin.

**SQUIRE  
SANDERS**

LEGAL  
COUNSEL  
WORLDWIDE