

Local litigation firms

Highly recommended

Ater Wynne

Bullivant Houser Bailey

Markowitz Herbold Glade & Mehlhaf

Perkins Coie

Stoll Stoll Berne Lokting & Shlachter

Recommended

Miller Nash

Stoel Rives

Tonkon Torp

Oregon

Nestled between Washington and California, Oregon sees a lot of litigation from local clients, as well as work for companies throughout the West Coast. Given its proximity to California's Silicon Valley, intellectual property matters are on the rise, as well as oil and gas and environmental issues. Portland remains the city's litigation capital.

Highly recommended firms

The Portland-based **Ater Wynne** is considered a medium-sized firm in the state, insiders say, with a 50-person attorney base. Focusing on a broad-based practice, the firm is considerably strong in intellectual property, commercial litigation and employment matters. "I've always had a good experience with them in litigation support," says one client. The firm's attorneys describe it as a "western regional firm." Most of its litigation is Pacific Northwest in locale, but recent cases have taken place in Alaska, Utah and California. The litigation team of 13 partners, three associates and five of-counsel members work from two other offices in Seattle and Salt Lake City, with a transactional office in Menlo Park, Calif. Clients include FLIR Systems, Affiliated Computer Services, Alcoa, Pfizer and Northwest Pipe Company.

In a recent matter, the firm represented the Oregon Motorcycle Riders Association and Oregon Hunters Association in a dispute regarding the recreational use of a state forest. The firm obtained an appeal affirmation from the US Court of Appeals of Oregon in a trial court judgment enforcing public prescriptive easement for access to the Tillamook State Forest in Oregon. Northwest Pipe Company utilizes the firm for its litigation needs, including a recent dispute with a former employee on charges of copyright infringement, trade secret violation and breaches of fiduciary duty. After winning pretrial motions and obtaining video testimony of the opposing witness confessing, the case was settled confidentially.

Chair of the firm's litigation department, the "superb" **Frank Langfitt** is recognized as a strong regional presence. Insiders say he is a strong general commercial litigator, but even stronger in insurance matters. He is currently embroiled in a matter for a client in a radioactive sewer case, involving environmental cleanup and insurance recovery for a corporate client. Recently, he handled business relationship disputes and a wide variety of insurance coverage litigation, including punitive damages, intellectual property and health insurance. Partner **Jathan Janove** is "a star on the employment front," says one peer. "He gets calls from all around the country regarding employment matters," says another insider. "He is superb at putting on programs for clients in human resources and employment areas to prevent problems to avoid litigation altogether." In a recent matter,

Janove serves as lead counsel for defendant La-Z-Boy in a putative class action suit in US District Court for the District of Utah. The matter concerned certified questions defining the scope of the common law cause of action for discharge in violation of public policy. The firm is currently contesting a motion to certify a class before federal district court. **Sam Sandmire** is kept busy with his ongoing representation of Northwest Pipe Company in litigation issues. He found success recently in having class designations knocked out of a Northwest case, which, insiders say, will most likely be resolved through mediation. In another recent matter, he represented Northwest Pipe in a wage and hour class action, where he was successful in getting punitive damages claims dismissed. The discovery in the case remains ongoing. In Southern California, Sandmire represented a computer hard drive peripheral manufacturer sued by a consumer class who purchased its product, claiming the drive was advertised with more storage than it actually had. The case settled with a no-cost payout for his client.

With six offices on the west coast, **Bullivant Houser Bailey** is a particularly strong presence in the Pacific Northwest. The firm maintains offices in Portland, with shops in Seattle and Vancouver, Wash., as well as Sacramento, San Francisco and Las Vegas. The firm boasts an able commercial litigation practice, but also excels in transactional work, real estate, bankruptcy and intellectual property. Within the intellectual property area, Bullivant is well-known for its products liability counseling and litigation work. In a recent antitrust matter, the firm represented a multinational manufacturer and distributor of beverage machinery. After a ten-week trial, the firm obtained a multimillion dollar verdict, defeated antitrust and uniform commercial code claims and settled securities fraud claims. In its recent defense of a major railroad in a billion-dollar breach of lease and environmental suit, the jury awarded a favorable \$1 million verdict after a six-week trial. Originally, \$90 million was at stake. Bullivant attorneys defended a Portland athletic and social club after a dismissed member sued for readmission after pleading guilty to two felonies and serving time in prison. The trial court granted Bullivant's motion for summary judgment based on the statute of limitation, dismissing the plaintiffs allowance back into the facility.

With more than 30 years of trial experience under his belt, litigation department director



Local litigation stars

Gary Berne
Stoll Stoll Berne Lokting & Shlachter

Steven Blackhurst
Ater Wynne

Bruce Campbell
Miller Nash

Barnes Ellis
Stoel Rives

Stephen English
Bullivant Houser Bailey

Paul Fortino
Perkins Coie

James Gidley
Perkins Coie

Peter Glade
Markowitz Herbold Glade & Mehlhaf

Douglas Houser
Bullivant Houser & Bailey

Jathan Janove
Ater Wynne

Frank Langfitt
Ater Wynne

David Markowitz
Markowitz Herbold Glade & Mehlhaf

Don Marmaduke
Tonkon Torp

John Neupert
Miller Nash

Dennis Rawlinson
Miller Nash

David Rees
Stoll Stoll Berne Lokting & Shlachter

Peter Richter
Miller Nash

Thomas Sand
Miller Nash

Robert Shlachter
Stoll Stoll Berne Lokting & Shlachter

Scott Shorr
Stoll Stoll Berne Lokting & Shlachter

Michael Simon
Perkins Coie

Daniel Skerritt
Tonkon Torp

Robert Stoll
Stoll Stoll Berne Lokting & Shlachter

Jon Stride
Tonkon Torp

Thomas Tongue
Dunn Carney Allen Higgins & Tongue

Richard Whittemore
Bullivant Houser Bailey

Stephen English is well-regarded in town for his experience with business disputes and other commercial matters. He acted as lead plaintiff's counsel in the country's largest investment manager fraud case and recently successfully defended a client in a four-week trial brought under the state's Trade Secret Act. Civil litigator **Richard Whittemore**, who handles matters up and down the west coast, is also able in business litigation and commercial work, including products liability defense, toxic torts and other complex matters. In respect to products work, Whittemore is equipped to handle industrial machinery and auto manufacturer defense, drug and medical devices litigation and asbestos litigation. Partner **Douglas Houser** focuses on large business disputes, with more than 140 punitive damage-related matters to his name. He tends to practice in the areas of insurance, intellectual property and products liability.

Portland boutique **Markowitz Herbold Glade & Mehlhaf** consists of 15 lawyers who, peers attest, continuously get the job done. "They are class-A lawyers," commends one competitor. Handling plaintiff and defense work, the firm is lauded as one of the first boutique firms founded in the region. In 1983, **David Markowitz** and **Barrie Herbold** began the firm, which is now one of the Pacific Northwest's most respected litigation shops. With a strong grasp on civil litigation, the firm excels in business and commercial matters, with representative experience in the subareas of antitrust, class actions, entertainment, intellectual property, real estate, securities and unfair competition. Insiders say the firm handles general commercial work, but certain attorneys have subspecialties. High-profile clients include Adidas, the State of Oregon and Portland General Electric, which the firm represented in a suit regarding the constitutionality of the city's attempt to engage in ratemaking within its borders. The firm recently worked on an antitrust dispute between two hospitals in Eugene, in which the plaintiff hospital obtained a multimillion dollar jury verdict in federal court but was later reversed in the US Court of Appeals for the Ninth Circuit.

Markowitz is renowned for his general business practice, as well as his expertise in mediation and arbitration. Partner **Peter Glade** represents clients in professional malpractice, antitrust and securities claims, breaches of fiduciary duty, contract and fraud, products liability and intellectual property. He joined the firm in 1984 and has since brought his expertise of information technology to the team as well. Other representative firm clients include 7-Eleven, Medtronic, Oakley, Sony Online Entertainment and Vancouver Mall.

The Portland office of Pacific Northwest powerhouse **Perkins Coie** houses more than 25 practice areas, litigation being one of the most significant. With several offices to call on for assistance along the West Coast, its presence in the area becomes all the more prominent. Clients include Qwest Communications,

Boeing, Boise Cascade and ConAgra Foods. The firm is representing plaintiff Innovative Engineering Solutions in a patent infringement suit regarding technology neutralizing pyrophoric gases.

As head of litigation, **Michael Simon** maintains a broad range of trial cases and appellate work. He does, however, hold a special focus on antitrust and class action matters and litigates and consults on issues regarding constitutional law and election and political law. With more than 40 years of trial experience, **James Gidley** is experienced in all aspects of commercial and business litigation. A majority of his practice is based on products liability disputes, with several cases handled for Honeywell International on injury claims. Recently, partner **Paul Fortino** has shifted his practice to focus on complex business torts, intellectual property, patent disputes and products liability claims. He is handling a defense matter for PacifiCorp in the US District Court for the District of Oregon against claims that plaintiffs lost more than \$1 billion due to dams on the Klamath River. The case is currently on appeal. Fortino also represents the State of California in an effort to recover overcharges for electricity purchased during the California energy crisis in 2001.

Stoll Stoll Berne Lokting & Shlachter is known in the area simply as Stoll Berne, in recognition of star players **Robert Stoll** and **Gary Berne**. The firm's business litigation group includes experience in contract disputes, fraud, real estate and construction, toxic torts and professional malpractice. Also solid are the firm's class action, securities and intellectual property litigation groups. Clients include Paulson Investment, Oregon Health & Science University and Metals Ukraine. With more than 150 trials under his belt, Stoll is one of the most experienced litigators in the Northwest. While he has tried a range of cases, his emphasis during the last 30 years is in major complex business and environmental litigation. Berne represents clients in a variety of business disputes in both federal and state court. A majority of his cases involve securities, shareholder, partnership, antitrust, employment, consumer and class actions disputes.

Partner **Robert Shlachter** concentrates his practice on intellectual property, unfair competition and commercial litigation. A member of the firm since 1991, Shlachter originally hailed from the Los Angeles-based Alschuler Grossman & Pines. Since joining the firm in 1994, **David Rees** has represented clients in a variety of complex matters, with particular expertise in class actions regarding issues of securities, antitrust, environmental, employment and consumer claims. He has experience in consumer-securities broker disputes, insurance coverage and real property disputes. Trial and appellate attorney **Scott Shorr** handles an array of complex business, securities and consumer class action litigation matters. This "younger partner star" argued several important cases recently before the

Future stars

Jim Barrett
Ater Wynne

Emily Courtnage
Stoll Stoll Berne Lokting & Shlachter

Tanya Durkee
Lane Powell

Peter Hawkes
Lane Powell

Joshua Ross
Stoll Stoll Berne Lokting & Shlachter

Michael Sandmire
Ater Wynne

Kyle Sciuchetti
Bullivant Houser Bailey

Shannon Vincent
Bullivant Houser Bailey

Supreme Court, including *GEICO General Insurance v Edo* and *Safeco Insurance of America v Burr*.

Recommended firms

As one of the region's oldest and largest law firms, **Miller Nash**, formed in 1871, has grown from two to more than 130 lawyers. With a flagship location in Portland, the firm has smaller shops in the state in Bend and Prineville, as well as Washington offices in Seattle and Vancouver. The firm offers a range of litigation services for the area's – and country's – leading businesses, entities and individuals. Representative clients include Alaska Air Group, Oregon Public Broadcasting, Portland Public Schools, UBS Financial Services and Cascade Healthcare Community. "I've only had good experiences with them," one client says. Former managing partner and current head of the firm's litigation department **Thomas Sand** focuses his practice on general litigation and civil work, emphasizing securities and employment work. His long list of case experiences, includes assisting the Archdiocese of Portland in obtaining more than \$75 million in contributions from several of its primary and excess insurers to maximize available insurance to pay for the settlement of a number of tort claims. Additional clients include Merrill Lynch Relocation Management, Williams Communications and Waremart. "Sand is a top securities litigator," one competitor says.

Commercial litigator **Dennis Rawlinson** has 30 years of trial experience in both state and federal courts in the Pacific Northwest. He recently handled several multimillion dollar cases, including a recovery arising from construction and design claims, professional malpractice and lender liability claims. In a recent matter for client Rippling River Association, Rawlinson recovered more than \$1 million in attorney fees and costs and disbursements after a plaintiff's motion for preliminary injunction was denied. Claims included a breach of fiduciary duty, breach of state statutes relating to homeowners association and master plans and violation of homeowners association articles. He also obtained a multimillion-dollar recovery during a mediation that involved breach of contract, negligence and breach of warranty claims against an architectural firm in Boston arising from incomplete and uncoordinated drawings.

Partner **Bruce Campbell**'s practice specializes in securities litigation and commercial work. His client base includes Portland School District, which he represented before Oregon Supreme Court. For more than 30 years, **John Neupert** has been litigating for Miller Nash, emphasizing complex commercial work in both state and federal courts. He has represented investors in state court litigation challenging directors' decisions to sell assets. Neupert also recently defended a European company in federal court on trademark infringement and unfair competition charges.

"I had a case against John Neupert years ago," one peer says. "He is very good." Since becoming partner in 1978, **Peter Richter** "does a lot of commercial work." He handles hundreds of matters for clients in a number of areas, from securities and antitrust to real estate and insurance work. "At Miller Nash, Denny Rawlinson, Peter Richter and John Neupert are excellent lawyers," one peer commends.

More than half of **Stoel Rives'** attorneys are based in the Portland office, the firm's largest and the largest legal office in the state, boasting more than 160 attorneys. While boasting a full-service practice, the firm is noted for its strong securities class action and complex litigation work. "They have real good litigators," one peer says. The firm represents Digimarc in a pending securities class action arising from a reinstatement of financial statements. A ruling was recently obtained dismissing the litigation. Attorneys are heavily involved in litigation representing Lattice Semiconductor in a pending securities class action arising from another restatement of financial statements. Practicing in business litigation, including securities, antitrust, corporate governance and professional liability, the firm's "old lion" **Barnes Ellis** is repeatedly recognized in the area as a strong litigator. Peers attest he is "the best litigator out there."

Representing clients on both state and federal levels, the trial team at **Tonkon Torp** garners a reputation as a go-to firm for litigation. Based in Portland, the firm is a growing presence in the area, with ample bench strength throughout its business litigation specialties, including antitrust, intellectual property and labor and employment. The firm found success in its recent representation of Amberhill Properties in a suit against Fairview Development in an investment matter in federal court. The firm secured victories for its client in both federal court and again in the US Court of Appeals for the Ninth Circuit. In a recent intellectual property matter, Tonkon Torp represented Temco Metal Products in a patent infringement suit against plaintiff GT Development. The team defeated the plaintiff's numerous arguments concerning the alleged infringement.

The "reliable" **Don Marmaduke** co-founded the firm in 1974, specializing in litigation, with intellectual property a particular focus. His immense experience in trial work includes more than 250 cases. **Daniel Skerritt** is a regional player recognized for his more than 35 years of litigation experience. Representing plaintiffs and defendants in complex commercial matters, his background includes work in securities, corporate governance, energy and general business disputes. One of his more high-profile achievements includes representation of the State of Oregon in a billion-dollar state settlement against Phillip Morris. Other representative clients are PPM Energy, Gunderson, Oregon Health & Science University and Power Medical Systems.

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Tom is a partner in Dunn Carney and has served as the litigation group practice leader. His practice centers around complex civil litigation and health law. In 2003, Tom was elected a regent of the American College of Trial Lawyers (ACTL), the most distinguished group of trial lawyers in America and Canada. He will become the secretary of the ACTL in September 2008. Tom was elected a fellow of the American College of Trial Lawyers in 1993.

Tom was selected by his peers to be included in *The Best Lawyers in America's* commercial litigation list and the *Bet the Company* litigation list. For 2004-2008, Tom was recognized as a top litigator in Oregon in the Chambers and Partners USA survey of *America's Leading Business Lawyers*. According to the survey, "Peers acknowledge that Thomas Tongue is 'one of the finest: he has all the right attributes you want in a lawyer.'" In November 2006 the first *Oregon Super Lawyer* poll selected Tom as an Oregon Super Lawyer. He received the second highest number of points (votes by peers) of any lawyer in the state.

Both the Multnomah County Bar Association and the Oregon State Bar Litigation section have awarded Tom their prestigious Professionalism Awards in recognition of his style of practice as an example for others. A highly respected fourth-generation Oregon attorney, Tom represents the highest level of skill and professionalism in the practice of law.