

Vermont

The Vermont litigation marketplace is made up of regional New England firms as well as niche firms with multiple lawyers who have found a place practicing specific areas such as insurance. This congenial environment has led to a group of senior lawyers willing to recommend peers across firm lines, and plaintiffs and defense lawyers often finding a middle ground on cases, without the need for lengthy courtroom battles.

Highly recommended firms

Dinse Knapp & McAndrew is one of the foremost litigation groups in New England, according to peers. The firm boasts “about raising the practice of law to a whole new level,” which sources say it has accurately done. “They represent the Vermont bar very well,” says one client. The 25 lawyers practice in a variety of groundbreaking areas, including banking compliance and regulatory issues, lender liability, securities and insurance carrier matters. With groups dedicated to education, employment, estate planning, health, immigration, insurance and real estate, Dinse Knapp is able to tackle any litigation matter that may arise in New England.

Karen McAndrew leads the litigation and education practice with more than 30 years of trial experience. She regularly represents colleges and universities around the region in a variety of litigation matters. McAndrew is noted as a “go to expert” by competitors for Title VII, the Fair Labor Standards Act and Vermont’s Fair Employment Practices Act. **Ritchie Berger** is described as “very good” as well as “smart and clever” by one client. Berger concentrates on complex civil litigation and is a fellow of the American College of Trial Lawyers. **Rober McKierin** is a significant part of the litigation team at the firm, bringing a unique version of alternative dispute resolution. His experience includes acting as an evaluator and mediator in civil and state courts, as well as a panel member of the Early Neutral Evaluators, as organized by the Vermont Federal Court. According to one peer litigator, his extensive knowledge of Vermont law “should not be understated.”

John Monahan’s medical malpractice defense work is well-known among peers. Now a member of the firm for more than 25 years, Monahan recently shifted his focus to drug and medical device liability, including class-action defense. Sources say he is one of the smartest litigators at the firm.

The former small-town group of **Downs Rachlin & Martin** has grown, since its 1950

founding, into a powerhouse regional firm with offices in Vermont, New Hampshire and New York. This 12-person litigation group expanded its expertise to include a number of practice abilities, including bankruptcy, construction, environmental, insurance, intellectual property and products liability. The firm’s experience in the courtroom includes the largest federal award in a trade secret misappropriation suit in Vermont history as well as a \$100 million comprehensive environmental response victory in litigation for a Fortune 50 industrial manufacturer.

Vice chair of the litigation department **Bruce Palmer** is described by peers as “a real genius,” who “knows how to handle himself in a litigation setting,” Palmer emerged as a premier insurance and professional liability lawyer in the state. He handled environmental liability claims in Connecticut, New Hampshire and Massachusetts, and was called in to assess a large property loss adjustment arising from damages suffered in Hurricane Katrina. With experience in more than 65 jury trials in US District and Circuit Courts, **Marc Heath** is a significant part of the firm’s litigation prowess. Marc has considerable experience negotiating outcomes as well. Representing SoPakCo, in a breached co-packing agreement filed in US District Court of Vermont, he negotiated a \$300,000 judgment for a SoPakCo counterclaim, dismissing the plaintiff’s claims entirely. **Robert Luce** acts as litigation group chair and has tried and mediated medical malpractice claims for more than 15 years. He is recognized by peers as “one of the best” spinal cord and brain injury lawyers in the state. The “elder statesman” of the group, **Robert Rachlin** is a senior director of the firm with “more experience than anyone I know,” according to peers. Rachlin has tried cases for more than 40 years in state and federal courts, as well as first and second circuit appeals cases.

The “top quality trial team” at **Gravel & Shea** comes highly recommended and praised

Local litigation firms

Highly recommended

Dinse Knapp & McAndrew

Downs Rachlin & Martin

Gravel & Shea

Paul Frank & Collins

Sheehy Furlong & Behm

Recommended

Cleary Shahi & Aicher

McCormick Fitzpatrick Kasper & Burchard

Spink & Miller

Theriault & Joslin

“Vice chair of the litigation department Bruce Palmer is described by peers as ‘a real genius,’ who ‘knows how to handle himself in a litigation setting,’ ”

-Downs Rachlin & Martin



Local litigation stars

Jeffrey Behm
Sheehy Furlong & Behm

Crocker Bennett
Paul Frank & Collins

Ritchie Berger
Dinse Knapp & McAndrew

Robert Cain
Paul Frank & Collins

David Cleary
Cleary Shahi & Aicher

Robert DiPalma
Paul Frank & Collins

Marc Heath
Downs Rachlin & Martin

Robert Hemley
Gravel & Shea

Peter Joslin
Theriault & Joslin

Robert Luce
Downs Rachlin & Martin

Karen McAndrew
Dinse Knapp & McAndrew

Robert McKierin
Dinse Knapp & McAndrew

Elizabeth Miller
Spink & Miller

Eric Miller
Sheehy Furlong & Behm

John Monahan
Dinse Knapp & McAndrew

Robert O'Neill
Gravel & Shea

Bruce Palmer
Downs Rachlin & Martin

Robert Rachlin
Downs Rachlin & Martin

John Sartore
Paul Frank & Collins

James Spink
Spink & Miller

by competitors. This Burlington-based litigation team practices a number of financial law tasks including antitrust, employment, environmental, First Amendment and products liability. Peers recognize **Robert Hemley** as “a top flight litigator” who concentrates in employment, criminal defense and general business. In November 2007, Hemley and partner Andrew Manitsky won a defense verdict for client General Electric in a wrongful discharge lawsuit filed by a former employee at the firm’s Rutland plant. A breach of contract claim, the pair won the Vermont Fair Employment Practices Act case when the 12-member jury verdict returned a decision in November 2007. **Robert O’Neill** also comes recommended as one of the “great” trial attorneys in Vermont. A member of the firm’s famous construction department, O’Neill

information and exposing the opposition,” one says. With more than 35 years of experience fighting products liability and white-collar cases, Sartore’s practice is one of the most respected in the state among his peers.

One of the firm’s most active lawyers, **Robert Cain** has experience in construction, products liability, First Amendment and employment cases this year. Recently, Cain teamed up with **Nolan Burkhouse** defending the Burlington Free Press in the State Court of Vermont claiming the Free Press has the right to full disclosure of judicial documents in one of the state’s most highly publicized murder trials. The case is pending appeal in the Vermont Supreme Court with a possibly precedent setting verdict regarding First Amendment rights.

The firm’s most recent addition, **Tristram**

“Competitors recognize Matthew Byrne as ‘someone to watch for’ in Vermont. Sources say Byrne has a lot of experience for a younger partner and expect him to handle significant cases in the future.”

-Gravel & Shea

recently won a \$4 million jury verdict in the Vermont Supreme Court for client Hinesburg Sand & Gravel.

Competitors recognize **Matthew Byrne** as “someone to watch for” in Vermont. Sources say Byrne has a lot of experience for a younger partner and expect him to handle significant cases in the future. Trained at nationally ranked firm Kirkland & Ellis, Byrne has the knowledge to dominate Vermont court rooms. Byrne represents several Fortune 500 companies and a variety of local clients he has attracted since coming to Vermont.

Clients describe the 14-lawyer litigation group at **Paul Frank & Collins** as “the most impressive firm in Vermont.” The group is firmly rooted in Vermont courtrooms practicing a variety of financial law services including antitrust, entertainment, securities, white-collar and First Amendment work.

Competitors and clients recommended **S Crocker Bennett** as someone they refer work to. “He knows how to convey the courtroom proceedings to an expert in a way that is easy for them to understand,” one client says. His expertise representing physician practice groups, healthcare providers and hospitals is unmatched according to peers. **Robert DiPalma’s** commercial practice represents lenders and other financial institutions throughout Vermont. In a breach of employment and intellectual property claim, DiPalma successfully defended Technine. He preserved the client’s intellectual property, its sole asset, in Vermont Superior Court. **John Sartore** raises high praise from clients. “He is really aggressive when it comes to finding

Coffin, comes directly from the US Attorney’s office with a stellar white-collar criminal defense background. Part of the medical malpractice group, Coffin will bring an angle to cases not easily identifiable to someone without his lengthy background. **Sonya Sibold** advises employers on state and federal compliance regulations. A former associate at Steptoe & Johnson, Sibold brings noted experience and wisdom to an already impressive employment group.

Sheehy Furlong & Behm, the Burlington-based financial law group, includes an eclectic mix of litigators. Clients include Burlington Drug Company, Daimler, Green Mountain Power Corporation and Verizon New England. The firm has experience in the Vermont Supreme Court and the US Court of Appeals for the Second Circuit.

Peers recommend **Jeffrey Behm** for his “extended expertise” since joining the firm in 1990. That experience includes more than 100 jury trials and numerous cases in state and federal courts. Prior to 1990, Behm served eight years as an assistant US attorney in the District of Columbia and Vermont. A lawyer for the Federal Trade Commission for five years, Behm’s experience in the financial industry is certainly among the top tier of Vermont litigators.

The firm’s principal managing partner **Eric Miller** specializes in complex civil and white-collar criminal litigation, often representing physicians and health care providers in federal and state courtrooms. Miller currently represents a local television broadcaster in defamation and First Amendment issues. He also tries commercial,

banking, fraud and employment disputes for a variety of local and regional clients. Prior to joining the group in 1999, Miller practiced at California powerhouse firm, O'Melveny & Myers.

Recommended firms

Peers agree Cleary Shahi & Aicher is "tough to beat." The Rutland-based litigation boutique has resolved personal injury and business disputes for clients in Vermont and around New England. The five-person litigation team has more than 100 years experience fighting jury cases in courtrooms. The group understands unique circumstances and develops original arguments to solve, construction, housing, employment and insurance cases.

David Cleary is recommended by peers as a "strong litigator" who has the power to intimidate lawyers on the other side of the aisle. Cleary's clients include Dartmouth Hitchcock Medical Center, Southwestern Vermont Medical Center and Washington, Orange and Rutland County mental health services. With experience in state and federal courts, Cleary has extensive knowledge on tort reform, comparative negligence and products liability.

McCormick Fitzpatrick Kasper & Burchard is the second oldest firm in Vermont and has established a strong civil and commercial litigation reputation among peers since its founding in 1940. The 11-lawyer team works on a variety of matters including criminal defense, trusts, estates, personal injury and workers compensation. Tom McCormick is noted by peers as an "excellent" personal injury and alternative dispute resolution mediator. He frequently represents individuals and corporations in a range of wrongful death, product liability, serious personal injury and airplane collision matters.

The firm's historic insurance background that began with one of the firm's original

clients, Liberty Mutual Insurance, continues with Dan Burchard. He represents the University of Vermont, the State of Vermont and a number of individual insurance carriers in state courtrooms.

The Burlington-based litigation group at Spink & Miller has "a couple of real good lawyers" in James Spink and Elizabeth Miller, according to peers. The firm's expertise comes in the form of products liability, professional malpractice, transportation and insurance litigation. Unique experience for a firm this size includes representation of clients in shareholder and contractual disputes, including nuisance, negligence and consumer fraud act cases.

Miller regularly represents clients in a variety of complex litigation and administrative matters in products liability and toxic tort cases. Sources say she "has a bright future ahead of her." Spink has tried more than 125 cases to verdict in transportation, products liability and professional negligence matters and also serves as a mediator and arbitrator in cases when needed.

The insurance powerhouse of Theriault & Joslin prides itself on consistent representation since 1946. The loss of founding partner Fletcher Joslin in February 2007 was "a big loss for Vermont" according to peers, but his two sons, Ted and Peter Joslin continue to practice law to the highest degree. Peter and Ted work on a variety of construction and insurance claims. Described by clients as "a pair that our directors are happy working with," the group was noted by competitors and clients as a group that does a "great job" preparing clients for cases. A fellow in the American College of Trial Lawyers, Peter practices regularly in front of US State and District Courts of Vermont and the US Court of Appeals for the First and Second Circuits.

Future stars

Debra Bouffard
Sheehy Furlong & Behm

Nolan Burkhouse
Paul Frank & Collins

Matthew Byrne
Gravel & Shea

Tristram Coffin
Paul Frank & Collins

Sonya Sibold
Paul Frank & Collins

Shapleigh Smith Jr
Dinse Knapp & McAndrew

