

# OCS Weekly Bulletin

July 16, 2007

Diversity Scholarship Opportunities, Fall OCI Deadlines & Career-Related Articles

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## About OCS

The Office of Career Services (OCS) serves as a bridge between students, alumni and employers. The staff helps students and alumni to shape and realize their career goals. We also provide counseling, workshops and resources on judicial clerkships, international opportunities and non-law alternatives.

OCS is open Monday through Friday from 8 a.m. to 5 p.m. The office is located on the first floor in Room 143 in the Law School's office building on Nathan Abbott Way.

## Diversity Scholarship Opportunities

- **Thompson Hine Minority Scholarship Program**
- **Dickstein Shapiro Diversity Scholarship**

### **Thompson Hine Minority Scholarship Program**

Applications will be accepted from second year minority law students (as defined in the Equal Employment Opportunity Commission Regulations, 29 C.F.R. Part 1602, i.e., Native American or Alaskan native, Asian or Pacific Islander, African-American or Black and Hispanic). In order to be considered for the scholarship, an applicant must first be offered a position as a summer associate with Thompson Hine.

Thompson Hine will pay the scholarship recipient \$10,000, less applicable taxes and withholdings, at the conclusion of his or her service as a 2008 summer associate. The funds are intended for use by the scholarship recipient for tuition and other law school related expenses. Application deadline is September 1, 2007

### **Dickstein Shapiro Diversity Scholarship**

Dickstein Shapiro will award up to three scholarships annually to diverse law students who have completed their first year of law school. Diverse second-year law students from all law schools are eligible to apply for the scholarship. Diversity scholars will receive \$15,000 (minus any applicable taxes and withholding) upon completion of their second-year summer at Dickstein Shapiro to help defray the cost of law school tuition and related expenses. Recipients of the scholarship must spend their entire second-year summer in the Firm's summer associate program. Application deadline is October 5, 2007.

For more information about these diversity scholarships and how to apply, please refer to the "Diversity Scholarship Opportunities" resource on the OCS webpage at:  
<http://www.law.stanford.edu/experience/careers/ocs/students/>

## Upcoming Firm Events

Please remember to check out the list of upcoming firm events on the OCS webpage at  
<http://www.law.stanford.edu/experience/careers/ocs/students/>.

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# Fall OCI Dates/Deadlines

## **Bidding:**

The bidding period for Fall OCI 2007 began at midnight on July 1. Students have until 5:00pm on August 1 to enter their unavailable times and bids in Symplicity. For instructions on entering unavailable times and bids, please refer to the Fall OCI Packet located online here:

[http://www.law.stanford.edu/experience/careers/ocs/students/#\(oci\)\\_on-campus\\_interviewing\\_program\\_](http://www.law.stanford.edu/experience/careers/ocs/students/#(oci)_on-campus_interviewing_program_)

## **Interview Assignments:**

Interview assignments will be available on Symplicity beginning Friday, August 3rd/ Add-Drop period begins.

## **Resumes:**

Resumes are due on Symplicity by 5:00pm on Friday, August 10th.

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# Career-Related Articles

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## **The Latest Legal Hotspot: Germany**

Vesna Jaksic / Staff reporter

July 16, 2007

A brisk German legal economy has prompted several U.S. firms to recently announce new openings or plans to beef up their presence in the country.

In June alone, Bryan Cave said it will establish its first German address by opening an office in Hamburg by August, while New York's Dewey Ballantine said it was adding a prominent partner to its Frankfurt office.

Kirkpatrick & Lockhart Preston Gates Ellis added a corporate and transactional partner focused on Germany in its Miami office. And the chairman of Paul, Hastings, Janofsky & Walker said the firm is considering opening one, or possibly two, German offices.

European firms also are penetrating deeper into Deutschland, with London's Allen & Overy announcing plans to open an office in Düsseldorf in October.

Partners at leading U.S. law firms said they have seen strong private equity, inbound investments and a number of mergers and acquisitions in Germany, and that they expect the trend to continue. Germany also ranked first in Europe for the number of patent filings in 2006, according to the European Patent Office.

### **From two to 40**

Dewey Ballantine's Frankfurt office has grown from two lawyers when it opened in 2003 to the current 40, including 15 new hires this year, said Fred Gander, managing partner of the firm's London office and a member of the firm's management and executive committees. Gander is responsible for recruiting in Germany.

"The economy there in the last 12 to 18 months has really picked up considerably," Gander said of Germany. "There is a lot more need for legal services — a lot more need for equity, IPO transactions, growth in the real estate area . . . and pharmaceuticals have been very active." (*continued on next page*)

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# Career-Related Articles Cont'd

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## The Latest Legal Hotspot: Germany

(continued from page 2)

Fred Bartelsmeyer, a partner in the St. Louis office of Bryan Cave who is the firm's European coordinator, said Germany is the key piece of the puzzle in order to expand in continental Europe.

"They've turned the corner and the industries and businesses have become very profitable," he said. "The profitability has come down to a level of confidence in the business community that makes Germany a very exciting place to go."

Bryan Cave's Hamburg office is expected to start operating by Aug. 1 with five lawyers, Bartelsmeyer said. Since the country is relatively small — Germany is slightly smaller than Montana — the office will allow the firm to serve clients throughout the country and internationally, he said.

"There is really no country in Europe — outside of [England,] where we've been since 1982 — that has so many connections to our firm and clients," Bartelsmeyer said. "The demand is very high for work in Germany, both in connection with global, multijurisdictional mergers and acquisitions, which we do a lot, and ongoing advice to companies situated there."

Germany has Europe's largest economy and is the second most populous European nation after Russia, according to the Central Intelligence Agency's World Factbook. Although Germany stagnated

economically between 2001 and 2006 with an average yearly growth of 0.7%, it saw a healthy growth of 2.2% in 2006.

"The economy picked up and the market has really now reached a point where it's hot and it's difficult to get lawyers," said Rüdiger von Hülst, administrative partner in K&L Gates' Berlin office. "All the major law firms are really seeking to hire additional people."

The office opened in mid-January with 19 lawyers and is now up to 27, von Hülst said. The firm has not ruled out opening another office, he said.

### Right behind China

Between 2000 and 2006, the number of the 250 largest U.S. firms with offices in Germany more than doubled, from 26 to 56, according to data compiled for The National Law Journal's surveys of the nation's 250 largest law firms. The number of these firms' attorneys in Germany skyrocketed by 143% during the last six years, from 499 in 2000 to 1,362 last year.

Several reports show the growth in Germany may be outpacing other parts of Europe. While China was the most popular place outside the country for U.S. firms to open offices in 2006 for the third year in a row, Germany was second with five new office openings, according to a March 2007 report by Hildebrandt International,

a Somerset, N.J.-based consulting firm.

And according to a July/August 2006 report by Altman Weil legal consultants, U.S. firms will likely continue to expand in Germany. The report said that 18 of the 27 offices of U.S. firms opening in 2005 in Europe involved the merger of three firms into what is now DLA Piper. The report pointed out that seven of the 12 non-DLA European offices opening in 2005 and the first half of 2006 were in Germany.

Seth Zachary, the chairman of Paul Hastings, said his firm has been considering opening one or two offices in Germany.

"We have client demands to be in Germany and would like to open there," he said. "Our interest definitely remains strong."

Jones Day's Frankfurt office, which opened in 1991, and its Munich office, which opened in 2003, now have 40 and 30 lawyers respectively, said Juergen Reemers, partner-in-charge in the Frankfurt office. Three years ago, the two offices had a combined 50 lawyers, he said.

"That's not a rapid increase, but it's a steady increase and we plan to continue to do that," said Reemers, who said the focus has been on transactional work. "There is a lot more money to be invested and German companies are still popular targets for investments."

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## Retention: A Midsize Priority

The National Law Journal  
Leigh Jones / Staff reporter  
July 16, 2007

After a decade of co-chairing the litigation group at a 50-lawyer firm in downtown Cleveland, Kenneth Zirm was looking for a job with a little more Zen. This month, he may find it.

The 49-year-old starts at 180-attorney Ulmer & Berne as director of its associate development program, where he will work with 70 or so junior lawyers to make sure that they are getting the guidance and support they need and that the firm is hanging on to its keepers.

"We don't want to just pay them a lot of money," he said.

Although most of the megafirms in recent years have invested in hiring associ-

ate-development teams to help coordinate programs and address work-life issues, development director positions are new for many midsize regional firms. Law firm leaders and career professionals say that the jobs are becoming increasingly important as business for most law firms of all sizes remains strong and the pool of law school graduates stays stagnant.

Attrition problems, though on a smaller scale than those at giant firms, have prompted midsize law firms to hire development directors. But these firms also are bringing in career professionals because of another pressure from the market.

"Mid-sized firms don't want to lose associates who want the training they feel like they'd be getting" at bigger firms, said

Marina Sirras, president of Marina Sirras & Associates, a legal recruiter in New York. One of the factors associates use to gauge the strength of a firm is whether it has someone dedicated to helping them climb the ladder to partner.

### \$200,000 base pay

As a result, more and more are hiring full-time, highly qualified people to watch over their junior lawyers.

"They're willing to pay a lot of money — \$200,000 base pay — because they want their expertise passed on to associates," she said.

In Zirm's case, he left his job as a part-

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# Career-Related Articles Cont'd

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## Retention: A Midsize Priority

*(continued from page 3)*

ner at Cleveland's Walter & Haverfield, a 75-year-old firm, because the development-director position at Ulmer & Berne tapped into what had become the favorite part of his job at his old firm: helping budding lawyers.

"I had a 10-year run of supervising litigation associates," Zirm said. "It was one-on-one coaching and mentoring."

Ulmer & Berne Managing Partner Kip Reader said that the key in filling the newly created position was to find an experienced attorney who could pass on to associates the lessons learned in ascending to partnership.

NALP, formerly the National Association for Law Placement, estimates that by the time associates at large law firms are in their fifth year of practice, about 80% have left their jobs. High associate attrition is occurring at the same time that law firms are reporting record revenues and law schools are churning out the same number of graduates — about 40,000 — each year.

"We've got our attrition issues like everybody else," Reader said. "Our associates need to know the firm is supportive and is willing to devote the resources."

The NALP employment Web site is replete with listings from law firms of all sizes looking for associate development directors, but a number of recent postings are from midsize law firms with newly created positions. Until recently, midsize firms that had formally addressed associate development needs did so mostly by

bringing in consultants or handing off the responsibilities to attorneys or administrative employees busy with other duties, said Sirras, the recruiter. But now, even firms that hire fewer than 20 new associates each year are looking for full-time directors, she said.

### Catching up

Molly Peckman, director of professional development at 445-attorney Pepper Hamilton, based in Philadelphia, said she has noticed an increase in attorney-development jobs available at midsize firms. She has received calls from several headhunters, she said, seeking to fill newly created positions.

"The larger firms set the standards of professional development, and now the midsize firms are catching up to bringing people in-house," she said.

Phoenix-based Lewis and Roca is seeking its first professional-development director. The person whom the 200-attorney firm hires will work mainly with associates and nonequity partners, said managing partner Kenneth Van Winkle.

The decision to create the job was part of the firm's move two years ago to convert to a two-tier partnership structure, which included nonequity partners. The agreement among firm leaders to reconfigure the partnership structure included some "horse trading," Van Winkle said, in which he made the commitment that the firm would hire a development director to assist associates and nonequity partners in

becoming full partners.

Lewis and Roca had in place a development strategy, he said, but without someone to handle it full time, it was not getting implemented. Partners would volunteer to do the job, but they would set aside the tasks in favor of client business.

"It's all sitting there waiting," he said. "We've provided the bones; we want someone who can put meat on the bones."

Whoever fills the job will be busy. Responsibilities include handling matters of mentoring, retention, training, career planning and counseling, succession planning, diversity initiatives and many more. The person will answer to Van Winkle, which he said is critical to the credibility and accountability of the position.

Delaware-based Young Conaway Stargatt & Taylor had similar implementation challenges before it hired a development director. Two years ago, it was one of the first midsize law firms in Delaware to bring in a full-time director to work with the 10 to 15 associates it hires each year. The firm hired Patricia Widdoss, an associate at the time in the Wilmington, Del., office of Skadden, Arps, Slate, Meagher & Flom. Widdoss, who previously clerked for the 3d U.S. Circuit Court of Appeals, also handles pro bono cases.

James Patton, managing partner of 102-attorney Young Conaway, said associate retention is "one of those business-side problems" that lawyers who practice full time are not good at solving.

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## The 2007 Defense Hot List

The National Law Journal  
July 16, 2007

The National Law Journal proudly presents our third annual report on law firms that have done exemplary, cutting-edge defense work. We asked readers to nominate firms and we supplemented those suggestions with our own research. We looked for firms with overall impressive track records that managed at least one significant defense bench or jury verdict since July 1, 2006.

### Editor's note

Talk about your vanishing trial. We received scores of nominations for our third annual Defense Hot List, for firms ranged from small shops doing personal injury and products liability torts to legal giants contesting the fates of industries. The bet-the-company bench and jury trials we wanted to highlight seemed in short supply during the past 12 months, but the firms on this list lived the kind of drama one doesn't find in a settlement conference.

### THE 2007 DEFENSE HOT LIST

#### Akin Gump Strauss Hauer & Feld

There's an old saying: "Mess with the bull, and you'll get the horns." The horns for a bunch of plaintiffs' firms would be Akin Gump Strauss Hauer & Feld, which likes to cite the quotation when discussing its litigation strategy. The firm, founded in 1945, can field 900 attorneys in offices around the world.

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## The 2007 Defense Hot List

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Noteworthy cases:

• *Matsushita Electrical Industrial Co. v. Samsung Electronics Corp.*, No. 02cr336 (D.N.J. 2006). Lead counsel Jeff Sherwood. Panasonic filed suit against South Korea's Samsung Electronics Co. in 2002 alleging infringement of some of its patents and demanding \$300 million in damages. The jury took three days to decide both that Samsung was not an infringer and that two key Panasonic patents were invalid. The case served notice to Korean and Japanese electronics companies trying to protect market share by going after their rivals in U.S. courts.

• *In the Matter of Certain High-Brightness Light Emitting Diodes and Products Containing Same*, No. 337-TA-596 (ITC 2007). Trial counsel Yitai Hu, Art Weinberg, Sean DeBruine and Colleen Coyle. An administrative law judge sided with Akin Gump client Epistar Inc. in Phillips' challenge to patents related to light-emitting diode technology. The judge did find infringement of a third patent, but Epistar had already redesigned its products to avoid the claimed feature.

• *In re Granite Broadcasting Corp.*, No. 06-12984 (Bankr. S.D.N.Y. 2007). Lead counsel Ira Dizengoff, Steve Baldini, Russell W. Parks Jr. and Daniel H. Golden. Akin Gump's litigators were enlisted to rescue the restructuring plan for Granite Broadcasting Corp., the nation's largest minority-owned broadcasting company. Dissident stockholders claimed the plan unfairly favored Chief Executive Officer Don Cornwell. An examiner found potential claims for breach of fiduciary duty by Granite, but the judge overruled the examiner and confirmed the plan in mid-May.

### Cooley Godward Kronish

Some 580 attorneys, including 250 litigators, pursue their profession at Palo Alto, Calif.-based Cooley Godward Kronish on behalf of clients in a broad range of industries, in complex commercial, white-collar crime, securities fraud and intellectual property cases. Clients

include leading companies like eBay Inc., Gilead Sciences Inc. and Owens Corning. Noteworthy cases:

• *Monolithic Power Systems Inc. v. O2 Micro International Ltd.*, No. 04-cv-02000 (N.D. Calif. 2007). Trial counsel Thomas Friel, Jim Brogan, Matthew Brigham and Brian Mitchell. With \$500 million at stake, Cooley defended a semiconductor manufacturer against patent infringement claims. Cooley won a jury verdict invalidating the plaintiff's patent, which juries had sustained in litigation defended by other firms.

• *Capital Trading Co. v. Litvack*, No. CIV 459751 (San Mateo Co., Calif., Super. Ct. 2007). Trial counsel John Dwyer, Gordon Atkinson and Martin Schenker, with Conor Medsystems Inc. Associate General Counsel Heather Turner. Johnson & Johnson's \$1.4 billion acquisition of Conor Medsystems was at risk when unhappy shareholders alleged that the target firm had withheld material facts from its proxy statement. A state trial judge ruled that none of the matters was material to the deal.

### Dechert

Dechert boasts 991 lawyers in 17 offices in the United States and Europe, including 384 litigators. It is one of four national trial counsel firms for Merck & Co. in litigation over the pain medication Vioxx. In 2005, Dechert scored the first defense verdict for the company in defense-unfriendly Atlantic County, N.J.

Noteworthy cases:

• *Doherty v. Merck & Co. Inc.*, No. ATL-L-638-05-MT (Atlantic Co., N.J. Super. Ct. 2007). Lead counsel Diane P. Sullivan with Paul F. Strain of Washington-based Venable. The jury declared that the pain medication Vioxx did not contribute to the death of an 86-year-old woman and that the company had not violated state consumer fraud law — signaling that Merck could prevail against long-term Vioxx users.

• *Hermans v. Merck & Co. Inc.*, No. ATL-L-5520-05 MT (Atlantic Co., N.J., Super. Ct. 2007). Lead counsel Diane P. Sullivan and Hope S. Freiwald, and with Paul F. Strain of Venable. In the opening of a two-phase trial arising from the cardiac death of a 44-year-old athlete, the jury concluded that Merck had given adequate warning of Vioxx's risks, obviating the need for the second phase on proximate cause.

• *Lucent Technologies v. Gateway Inc.*, No. 02-CV-2060-B (S.D. Calif. 2007) (consolidated with No. 03-CV-0699-B and No. 03-CV-1108-B). Trial counsel Bryan Farney, Jonathan Baker, Robert Rhoad and Steven Daniels. A massive patent case that resulted in a \$1.5 billion infringement verdict against Microsoft Corp. had a happier ending for co-defendant and Dechert client Gateway Inc. The judge tossed infringement claims that would have cost Gateway \$191 million. A claim construction hearing on remaining claims is pending.

### Kaye Scholer

Kaye Scholer, headquartered in New York, fields some 500 attorneys in offices around the world, including 270 litigators. The firm can point to seven major patent trial victories since the beginning of 2006, and has made a habit of prevailing for deep-pocketed defendants facing massive financial exposure, and in setting trial strategies adopted in subsequent litigation.

Noteworthy cases:

• *Pfizer Inc. v. Teva Pharmaceuticals USA Inc.*, No. 04-754 (D.N.J. 2007). Lead attorney Leora Ben-Ami. Pfizer defended its patents on its top-selling drug, Celebrex, in a patent fight with a generic manufacturer. Following a 17-day bench trial, the judge ruled that the patents were valid and enforceable, and that the other side had infringed them, preserving Pfizer's rights to a drug that brought sales of \$1.57 billion last year.

• *Barry Fiala Inc. v. Stored Value Systems Inc.*, No. 2:2002cv02248 (N.D. Calif.

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## The 2007 Defense Hot List

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2006). Lead counsel Alan M. Fisch and Kelly A. Clement. Hundreds of retailers could have been crippled had the plaintiff prevailed in his Christmas-season claim that a Comdata subsidiary had infringed its retail gift-cards patent. Thirteen other defendants settled, and in one case a bench trial ended in a plaintiff's verdict. Here, a three-week jury trial ended in a verdict that the patent was invalid, and that cleared Comdata of infringement.

- Am. Classic Voyages Co. v. JP Morgan Chase Bank (In re Am. Classic Voyages Co.), No. 01-10954 (KJC), Adv. Pro. No. 03-56998 (KJC) (Bankr. D. Del. 2007). Lead counsel Anthony Stamato.

The plan administrator for a cruise line, in bankruptcy following the Sept. 11, 2001, attacks, challenged a prebankruptcy payment of \$30,000 to a lender. Following a weeklong trial, the judge ruled the payment was proper because the company was legally solvent at the time. The ruling provided important guidance in this legal area.

### Kirkland & Ellis

Plaintiffs' counsel had best be prepared when they enter the courtroom against 1,300-attorney Kirkland & Ellis — they can be sure that the defense team will be. The Chicago-based firm's basic strategy is to round up the evidence, test it in mock proceedings and even to offer to present its opening statement to the other side's executives — to demonstrate that the firm will aggressively try its case.

Noteworthy cases:

- Leonard v. Nationwide Mutual Insurance Co., No. 1:05CV475 LTS-RHW (S.D. Miss. 2006). Trial counsel Daniel F. Attridge and Thomas A. Clare, with H. Mitchell "Micky" Cowan of Watkins Ludlam Winter & Stennis in Jackson, Miss. The court ruled for the insurance company in the first claim by some 2,000 Mississippi policyholders challenging water-damage exclusions in their homeowner policies following Hurricane Katrina. The ruling left the insurers in some legal jeop-

ardy, but substantially reduced the threat to insurers' long-held understanding that even though "storm surge" was not expressly excluded in policies, it still could be considered excluded flood damage.

- Jones v. NL Industries Inc., No. 4:03CV229 (N.D. Miss.). Lead counsel Michael D. Jones. The jury returned a unanimous verdict for the paint manufacturer against 14 children seeking \$125 million for brain damage and other health problems they attributed to lead paint. The defense pointed to other sources of contamination, including lead found in soil samples near the children's homes, and to possible congenital problems.

- Arlin Adams, Trustee (for Coram Healthcare Corp.) v. Price Waterhouse LLP, No. 97 L 14456 (Cook Co., Ill., Cir. Ct. 2006). Trial counsel Emily Nicklin and Sallie G. Smylie. In an accounting liability lawsuit, the trustee for the home health care provider sought \$300 million in damages on the ground that auditors missed a major overstatement in the company's assets. The verdict came a few hours after closing arguments.

### Morrison & Foerster

Morrison & Foerster was founded in San Francisco in 1892 and today deploys more than 1,000 lawyers, including nearly 500 litigators, in offices around the world. The 200-strong intellectual property litigation practice has won high-stakes patent fights for clients including Apple Inc., Fujitsu Ltd. and the University of California. Happy clients of Morrison's 150-attorney white-collar defense and securities litigation practice include former Hewlett-Packard Co. Chairwoman Patricia Dunn.

Noteworthy cases:

- U.S. v. Bruens, No. 05-CR-10102 (D. Mass 2007). Trial counsel Adam S. Hoffinger and Demme D. Joannou. Pharmaceutical company Serono EMD Inc., accused by the U.S. government of civil and criminal price-fixing, settled for \$704 million, a near-record amount. The

four executives accused chose to fight the charges; one of them, regional sales director Melissa Vaughn, retained Morrison & Foerster. Following a three-week trial, the jury took less than three hours (including lunch) to acquit all four. The defense established that sales tactics for the anti-HIV-wasting drug Serostim — including sending doctors to a conference in Cannes, France — were industry practice and not intuitively illegal. The outcome cast doubt on the government's approach to such cases.

- Forgent Networks Inc. v. EchoStar Communications Corp., No. 6:06-CV-208 (E.D. Texas 2007). Co-lead counsel Rachel Krevans, with Otis Carroll of Ireland, Carroll & Kelley of Tyler, Texas. A dozen technology companies agreed to pay \$28 million when accused of infringing IP holding company Forgent Networks Inc.'s digital video recorder patent. EchoStar took it to an east Texas jury. The plaintiff demanded \$205 million, but the jurors took about one hour to declare the patents invalid.

- People v. Dunn, No. CC644296 (Santa Clara Co., Calif., Super. Ct. 2007). Counsel James J. Brosnahan. The felony prosecution of Dunn for aggressive tactics for probing boardroom leaks died with a whimper when the judge threw out the case.

### Paul Weiss

Paul, Weiss, Rifkind, Wharton & Garrison is a 570-attorney New York firm whose 313 litigators are known for vigorous tactics on behalf of corporate clients including Citigroup Inc. and MasterCard International, as well as for Guantánamo Bay, Cuba, detainees.

Noteworthy cases:

- U.S. v. McCall, No. CR 00-00505 MJJ (N.D. Calif. 2006). Trial counsel Theodore V. Wells Jr. and Michael E. Gertzman. The key to the acquittal of former McKesson Corp. Chairman Charles W.

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## The 2007 Defense Hot List

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McCall on a count of conspiracy to commit securities fraud, and a hung jury on six related counts, was seizing upon a stray bit of deposition testimony that undermined a key government witness's story.

- *Dastgheib v. Genentech Inc.*, No. 04CV01283 (E.D. Pa.). Trial counsel Kenneth A. Gallo and Maria T. Vullo. Turning the *David v. Goliath* narrative on its head, Paul Weiss defeated a scientist's \$1.16 billion claim that biotech giant Genentech Inc. had stolen his research to create its blockbuster Lucentis anti-macular degeneration drug. To counter anti-corporate bias among jurors, the defense showed the human face of Genentech's researchers and portrayed the company as defending its employees' honor.

- *Gutierrez v. Johnson & Johnson*, No. 01-5302 (WHW) (D.N.J. 2006). Trial counsel Jeh C. Johnson and Theodore V. Wells Jr. The firm defeated a putative class action, based on a U.S. Supreme Court footnote, alleging that the parent company delegated too much authority to its separately incorporated subsidiaries, thereby condoning discrimination. The company argued that overly strict oversight of such a widely diverse corporation was not workable, and that the class would be too unwieldy — "unprecedented scope and diversity," as the judge put it. After five years in court, the judge rejected certification.

### Shook, Hardy & Bacon

Kansas-City, Mo.-based Shook, Hardy & Bacon commands 484 lawyers, of whom a full 95% are litigators, in strategic locations in the United States, London and Geneva. Its clients include some of the world's largest tobacco, pharmaceutical, automotive, chemical, financial services and food companies.

Noteworthy cases:

- *Derr v. Foot Locker Inc.*, No. 2:04-cv-09523-AG-E, C.D. Calif. 2006). Trial counsel William C. Martucci and Kristen Page. Against a sympathetic plaintiff with

a history of stellar job evaluations, and facing an array of unflattering evidence of age bias, Shook Hardy secured a unanimous defense verdict. The plaintiff demanded nearly \$30 million in damages, but was willing to settle for what the defense thought an exorbitant \$4.1 million.

- *Ball v. Bayard Pump & Tank Co.*, No. 99-06438 (Montgomery Co., Pa., Ct. C.P. 2007). Trial counsel David R. Erickson, Paul A. Williams, Joel R. Mosher and Seth A. Miller. Neighbors blamed a host of health problems on the underground leakage of 13,000 gallons of gasoline from a filling station's tanks. In a bellwether trial, the jury accepted defense arguments that any exposure was insufficient to have caused harm and that property values hadn't suffered.

- *Green v. Alpharma*, No. CV203-2150-2 (Washington Co., Ark., Cir. Ct. 2006). Trial counsel Robert T. Adams, John Johnston, Donald K. Kemna and Steven C. Soden. The jury rejected a \$10 million claim by an Arkansas boy whose family blamed his leukemia on arsenic-laden chicken litter dust generated by the use of an anti-parasitic drug at a poultry facility. The firm put on expert testimony casting doubt on any link between arsenic and leukemia in general and in the boy's case in particular. A loss could have forced major changes in the meat-packing industry.

### Sidley Austin

Litigators represent nearly half of the 1,700 attorneys at Sidley Austin, which was born in 2001 by the marriage of a New York and a Chicago firm dating, respectively, to 1914 and 1866. The firm represents large corporate clients in complex litigation, including criminal and civil antitrust matters, toxic torts, contract disputes, business torts and more.

Noteworthy cases:

- *Applied Medical Resources Corp. v. Ethicon Inc.*, No. SACV03-1329 (C.D. Calif. 2006). Lead co-counsel John W.

Treece, with John Quinn of Weil, Gotshal & Manges and Johnson & Johnson in-house counsel Katy Meisel. A competitor claimed that a J&J subsidiary violated antitrust law by bundling products and offering steep discounts to large customers. With more than \$150 million in damages at stake, and a similar case worth as much as \$4 billion pending in New York, J&J mounted a team defense. Treece, an antitrust specialist, put on the defense economic expert and key J&J personnel who negotiated contracts, and argued that J&J's practices benefited customers without being unfair to competitors. The jury agreed. The New York case settled.

- *L-3 Communications Corp. v. OSI Systems Inc.*, No. 02 Civ. 9144 (PAC) (S.D.N.Y. 2006). Lead counsel Howard J. Rubinroit. Sidley's client, a securities company, found itself on the defensive after it agreed with another security company to buy a third firm. The second firm went to court to invalidate the deal, and because it reached the courthouse first it secured the right to mount its case before the three-week trial could grind down the jury. When the time came to present its own case to a restless jury, Sidley had to make strategic decisions about which of its witnesses were most crucial. Ultimately, the jury awarded the client \$33 million in compensatory and \$92.6 million in punitive damages.

### Weil, Gotshal & Manges

Founded in New York in 1931, Weil Gotshal now fields some 1,200 lawyers in 19 offices in commercial and financial centers in the United States, Europe and Asia. The litigation department comprises 460 attorneys. Well known for its intellectual property litigation group, the firm also handles securities, labor and employment, products liability and other complex litigation for some of the country's largest corporations.

Noteworthy cases:

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## The 2007 Defense Hot List

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• Applied Medical Resources Corp. v Ethicon Inc., No. SACV03-1329 (C.D. Calif. 2006). Lead co-counsel James W. Quinn, with John Treece of Sidley Austin and Johnson & Johnson in-house counsel Katy Meisel. Quinn's role in the "virtual law firm" played to his strengths as a veteran trial lawyer: giving the opening and closing statements and cross-examining key plaintiff's witnesses to secure a defense verdict. The judge called it "a model of how a large, complex case can be prepared in a timely, efficient and gracious manner."

• Ceskoslovenska obchodni banka ca Nomura International, No. 30 Cm 25/2003

(Prague, Czech Rep., City Ct. 2006). Trial counsel Karolina Horakova, Roman Vojta, Libor Moravek, Jiri Kindl, Alena Vlachova and Barbora Balastikova. Client Nomura International PLC was one of four parties facing some \$1 billion in claims arising from the collapse, forced sale and state bailout of the Czech bank IPC, in which Nomura, a Japanese bank, held a 46% stake. The dispute led to international arbitration and a trial, but a Czech court concluded that Nomura had not broken Czech law.

• Zeppetella v. Second Chance Body Armor Inc., No. CIN034151 (San Diego

Co., Calif., Super. Ct. 2006). Trial counsel Arvin Maskin, Michael Lyle and Conrad Cailteaux. The jury rejected a \$30 million compensatory claim plus punitive damages for the widow and small child of a police officer killed because of the failure of a bulletproof vest manufactured with fibers fabricated by client Toyobo America Inc. The jury hung on one additional claim, but found for the plaintiff on another claim worth \$3.5 million, of which Toyobo's share is 10%.

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