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THE PLAINTIFFS' HOT LIST

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Twenty-five go-to teams for when the going gets tough

By David Hechler

STAFF REPORTER

FOR 15 YEARS this newspaper has published an annual section called Winning, which describes the recent triumphs and techniques of a handful of litigators with notable records of trial court achievement.

The section in your hands today represents our extension of that idea to law firms on the plaintiffs' side. This is our pick of 25 litigation firms that seem exemplary—the successor to the Litigation 50 that we introduced last year.

We were looking for firms that you'd want to call if you had a claim.

They had to be plaintiffs' litigation shops—that is, they had to perform at least half of their work for plaintiffs and devote at least half of their resources to litigation.

This left out firms that might have been obvious choices a few years ago, like Boies, Schiller & Flexner, which, these days, devotes much of its time and resources to defense work. Two Houston firms that made the list, Susman Godfrey and Gibbs & Bruns, divide their labors around fifty-fifty. The others seemed comfortably on the plaintiffs' side.

We tried to select firms to cover the major practice areas. We also aimed for geographic diversity, but we didn't choose a firm based on its location if it wasn't at least as qualified as the competition.

We eliminated solo practitioners and shops where one or two lawyers try all of the cases

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because we wanted a list of firms, not a list of lawyers.

Finally, there was a "hotness" quotient, meaning we paid attention to recent results as well as track records. We had in mind verdicts and settlements, not just filings and headlines. In other words, we were looking for the kind of heat that produces sweat, not sizzle.

The process by which this list was derived was subjective. We didn't try to apply an objective measure, and we don't claim these are the best plaintiffs' firms or the most aggressive or the most successful. Many that aren't here could be. The arbitrary cutoff of 25 required some more or less arbitrary choices.

We sought to cast a wide net by brainstorming internally and by contacting dozens of general counsel and asking for the names of plaintiffs' firms they use and recommend.

We also asked many attorneys, on both the plaintiffs' and defense side, to identify litigation firms that seemed particularly strong to them.

To winnow the list, we consulted Web sites, legal databases, news archives and colleagues around the country. We contacted some firms and requested additional information.

On the pages that follow, you'll find profiles of three law firms and thumbnail sketches of 22.

The three treated at greater length were picked because they are established firms located in different parts of the country specializing in different practice areas. These three happen to be from Washington, Dallas and Los Angeles. We could just as easily have focused on three others.

In the short profiles of the other 22, we included with the help of the firms brief descriptions of some of their recent successes. These include settlements, and because some firms settle many of their cases with confidentiality agreements, it was sometimes impossible to report their biggest achievements.

This sampling of litigation firms reveals, not surprisingly, a huge variety in the U.S. plaintiffs' bar.

The firms come in all shapes and sizes. There's the five-lawyer firm in Washington specializing in whistleblower litigation. There's the 40-lawyer Alabama firm branching out from its base in employment litigation. And there's the (at last count) 179-lawyer bicoastal securities class action powerhouse that, like a giant paramecium, is splitting in two.

The thumbnails are by Cleo Cacoulidis, Dee McAree and Andrew Harris. Led by Cacoulidis, McAree, Harris and Gail Diane Cox also did most of the research.

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FEATURED FIRM | GREENE BROILLET

14 lawyers who like to scrap

By Gail Diane Cox

STAFF REPORTER

SANTA MONICA, CALIF.—It was a quintessential moment for Greene, Broillet, Panish and Wheeler.

"I was in trial in the Los Angeles Court House with a wrongful termination case," recalled Brian J. Panish. Senior partner Browne Greene was on another floor trying a wrongful death case. And on a third floor, Bruce A. Broillet was in trial accusing the gilt-edged corporate firm of Jones Day of breach of judiciary duty.

"All of us won," Panish said. "My verdict, a million dollars, was the lowest of the three. We like to try cases. Other people find it stressful. We stress if we can't try cases."

The joy of jousting is a continuing theme among the 14 lawyers who make up the plaintiffs' firm of Greene Broillet, as are comparisons to the battlefield and to sports. "I'm searching for a word," said an ex-colleague who split amicably with the firm in 1990. "Is there a nicer way to say 'jock'?"

"The unusual feature of the firm is that there are so many stars who get along like they do," said John C. Taylor, who was a name partner before leaving to form his own shop recently, Taylor and Ring. "Everyone's style isn't the same, and that's OK. It breeds respect."

For sharply different personalities, one need look no further than the odd couple who have been together since the 1970s, at the core of the firm, as other letterhead names came and went.

Washington-born Greene is 6 feet, 3 inches,

often referred to as Lincolnesque, though it's just as easy to see him cast as Elmer Gantry at a tent revival. Texas-born Broillet is 5 feet, 2 inches, with big brown eyes, yin to Greene's yang, and the acknowledged intellectual of the pair.

"No one ever asked me what's in a book," said Greene when asked to sum up their relationship. "Bruce is the one you ask."

Greene makes no bones about disliking law school or finishing low in his class. Uniformly, people in and out of the firm describe him as a risk-taker. It's a label he relishes, and he's more than a little uncomfortable with Broillet's observation that one of the ways the firm has evolved is by becoming choosier about the cases it takes.

"Maybe there are fewer risks," he concedes uneasily, "but we took on that tobacco litigation

that could have ruined us." (The firm was co-counsel representing Los Angeles County, resulting in a \$3.3 billion settlement.)

"I think the secret of my success is that we've always taken long shots and have been willing to risk losing," he said. "I lost my last case, in fact."

But according to *Los Angeles Business Journal* he has won more \$1 million-plus verdicts than any other lawyer in California's litigious history.

"Browne does everything in a big way. There's nothing subtle," said Antony Stuart, who was with the firm in the 1980s. "To use a wartime analogy, he's not one of these guys who darts from foxhole to foxhole. He's the one who stands erect. And then starts loping."

Broillet, he said, is the cautious tactician who thinks through opponents' moves several times.

Greene's tendency to stand erect has made him and his firm a target more than once, although in the end his critics always seem to get a trouncing.

Throughout the 1980s, Greene and Melvin Belli were embroiled in litigation and insults that started with an allegation of client-swiping and, in retrospect, looks like the heat and flash of passing the torch from one legend of the trial bar to the next. The feud fizzled in 1990 when, after a four-week trial, a judge threw out Belli's conflict of interest suit against Greene as baseless.

Most recently, this summer Greene was sued by ex-partner Charles O'Reilly. At issue is money that Greene said O'Reilly owes on a building that the firm bought in a financially disastrous purchase—and O'Reilly's attempt to get a court declaration that no money is owed. It's a financial dealing that should be solved by arbitration, Greene asserted.

Greene said his favorite case was the 1995 representation of Lucy Pogosyan in a personal injury suit against the L.A. transit authority. In a

car chase, a transit officer was chasing a driver who ran into the woman. Her injuries cost her a leg. Maintaining that the chase was illegal, Greene won a \$22 million jury award. *Pogosyan v. So. Cal. Rapid Transit Dist.* No. BC070359 (L.A. Super. Ct.).

But the "most challenging" case lies ahead, he said, pointing to his decision to take on Walt Disney Co. At issue is a 12-year-old suit accusing the media giant of shortchanging the estate with which it negotiated the merchandising of Winnie the Pooh products. At least a half-dozen predecessor firms have found the case a tar baby and stepped down.

The largest verdicts in Greene Broillet's history were won by neither Greene nor Broillet, however, but by Panish, who joined the firm in 1987. In 1999, Panish represented two adults and four children catastrophically burned in a car accident. A \$4.9 billion jury verdict against General Motors set a record for personal injury and products liability verdicts nationwide. *Anderson v. Gen'l Motors*, No. B125147 (L.A. Super. Ct.)

While Greene Broillet has picked up a few lawyers in recent years and has a relatively low turnover, it is still smaller than when it was recast in 1990. Then, the firm had 20 lawyers, 75 employees and a satellite office in Washington.

Broillet said the far-flung activities were taking too much time to administer, time that everyone would rather spend in trial. The overhead had become fierce, he said, and because the firm works for contingency fees, the ever greater complexity of personal injury and products liability suits meant "an incredible outlay" to finance litigation. With a chuckle, Broillet said "we took a blood oath never to exceed 10 lawyers. Oh, well."

Part of the streamlining entailed getting a managing partner. Timothy Wheeler, the

fourth name on the door, said he was the only one willing to curtail his trial schedule. "I may not make the right decision always, but I make it quickly," he says, adding that about a quarter of his time is spent in management. Helping him are an office administrator with a CPA background, a part-time librarian, four full-time investigators (including one who

I think the secret of my success is that... we've taken long shots.

—Browne Greene

doubles as a model-maker), and a part-time marketing director.

There are eight partners—four of whom are equity partners, a distinction that Wheeler likes to de-emphasize. "All it means is that we four are liable for debts. Aside from that, it's share and share alike," he said.

Profits are shared by adding bonus points to everyone's base salary, as determined by Wheeler and Broillet, and approved by Greene and Panish.

Points recognize outside community and political work on behalf of the bar as well as trial efforts. Additionally, those who generate new business get a fee even if other lawyers' expertise means that the originator is not on the trial team.

The firm has one woman in its sea of testosterone, partner Christine Spagnoli, who came as a law clerk for Broillet and has developed a specialty in high-ticket tire-tread separation cases around the country. Once when she was teamed with Greene, she says incredulously, he suggested she be lead counsel.

Among the resources is a 40,000-square-foot warehouse complete with forklift—an outgrowth of Greene's penchant for dragging mangled car frames into the courtroom. Judges and juries go there to see demonstrative evidence.

The most visible part of the 1990 streamlining was a move to glamorous offices in the penthouse at Wilshire Boulevard and Ocean Avenue overlooking the Pacific. When asked about the Establishment face the firm now presents, Broillet said simply, "We've earned it." **NLU**

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PUT UP YOUR DUKES: From left, the firm's Browne Greene, Bruce A. Broillet, Timothy J. Wheeler, and Brian J. Panish.