

THE NATIONAL  
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# THE PLAINTIFFS' HOT LIST

**BARON & BUDD**

**BARRACK, RODOS & BACINE**

**BERGER & MONTAGUE**

**BERNSTEIN LIEBHARD & LIFSHITZ**

**BERNSTEIN LITOWITZ BERGER & GROSSMANN**

**THE COCHRAN FIRM**

**GRANT & EISENHOFER**

**LERACH COUGHLIN STOIA GELLER RUDMAN & ROBBINS**

**LIEFF CABRASER HEIMANN & BERNSTEIN**

**MILBERG WEISS BERSHAD & SCHULMAN**

**PANISH, SHEA & BOYLE**

**WATTS LAW FIRM**

MONDAY, OCTOBER 10, 2005

# These are the firms to watch

**W**ELCOME to the fourth installment of *The National Law Journal's* Plaintiffs' Hot List, our annual compendium of the plaintiffs' firms doing the most to shape the law.

The first thing the long-time reader will notice about this list is its brevity: 12 firms compared with 20 last year. That's not to imply the country's plaintiffs' attorneys have been slacking off—not when recoveries in the WorldCom and Enron scandals ratcheted above \$6 billion and \$7 billion, respectively.

Rather, it's a reflection of our narrower focus on firms that showed a special spark at trial before a judge or jury. Some settlements were too large to ignore, but we wanted to emphasize firms that secured trial verdicts significant for their size or their reverberations in business and society.

We asked our readers to nominate plaintiffs' firms with at least one significant win within the past year or so, plus an impressive record of victories over the preceding three to five years. That meant prevailing in a bench or jury trial worth lots of money or testing a legal theory with the potential to shape future

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litigation. We looked for firms that devoted at least 50% of their resources to plaintiffs' work.

The result, based on those nominations and our own research, is highly subjective. No doubt about it, our approach worked against firms doing important work that ended in negotiated settlements, particularly when the terms were confidential. We felt it would be impossible to give fair weight to such outcomes.

We also excluded solo practitioners and very small firms, notwithstanding significant wins, in favor of plaintiffs' firms of some heft and with solid records of achievement and the potential to continue racking up big wins in the future. (A review of the list will make clear that our advertisers got no special treatment.)

Some of the names on this list will be familiar to long-time readers; others might cause some head-scratching. Notably, The Cochran Firm, like its late namesake, has proved somewhat controversial as a business model, but appears determined to persevere.

Elsewhere, we examine litigation against the managed care industry that has resulted in \$1 billion in settlements to date. And we note the trend toward more protracted litigation in securities class actions, some of which settled only well into trial.

Several firms that we didn't include on the list deserve honorable mention. Georgia firm Butler, Wooten, Fryhofer, Daughtery & Crawford secured a \$105.5 million verdict against DaimlerChrysler A.G. in November 2004 over a minivan seat back that failed in an accident, causing a woman to strike and kill her child in the seat behind her. Kohn, Swift & Graf in Philadelphia secured a \$65 million settlement in an international antitrust action involving the pricing of automotive paint. Sayles Werbner of Dallas secured a \$71 million verdict in September 2004 for the victims of a Texas bus crash in which the driver was found to have been under the influence of cocaine and valium. And Colson Hicks Eidson in Coral Gables, Fla., secured a \$65 million verdict against Eller Media Co. for the family of a 12-year-old boy electrocuted at a Miami bus shelter.

—MICHAEL MOLINE

## Baron & Budd

Baron & Budd stayed in the limelight representing clients as varied as a Mississippi oysterman, scores of municipal governments and alumni of the Beverly Hills High School in claims involving toxic chemical exposure. With more than 80 attorneys in Texas, Illinois, Ohio, Louisiana and New York, it claims to have recovered \$23 million in asbestos verdicts thus far in 2005. The Dallas-based firm seems assured of maintaining its high profile, having secured a key ruling in April allowing local authorities and other plaintiffs in 18 states to pursue products liability claims against petroleum refiners arising from MTBE contamination. Another widely reported pending case involves cancers attributed to oil drilling on the fabled high school's grounds; it goes to trial early next year.

### NOTEWORTHY CASES:

■ **Strong v. E.I. du Pont de Nemours & Co.**, No. 2005-57-CV3 (Jones Co., Miss., Cir. Ct.). Lead attorney Allen Stewart. A jury awarded \$15.5 million on Aug. 26 to an oysterman who allegedly contracted cancer through exposure to dioxin released from a Gulfport, Miss., chemical plant into the air in the surrounding neighborhood and St. Louis Bay. The firm argued he was exposed to the toxin through consuming contaminated oysters and other environmental exposure. This is the bellwether case for more than 2,000 claims brought by the plant's neighbors.

■ **Bostic v. Metropolitan Life Ins. Co.**, No. CC-03-01977-C (Dallas Co., Texas, Ct. at Law No. 3). Co-lead attorneys Charla Aldous and Chris Panatier. A jury awarded \$9.3 million against Georgia-Pacific Corp. for a man who died at 41 from mesothelioma attributed to his exposure to asbestos while working with his father as a boy. Within six weeks, the firm would secure a \$10 million verdict for a Los Angeles Navy veteran who developed cancer after being exposed to asbestos during his World War II service and as a Navy contractor following the war, and a \$3.6 million verdict for a former chemical plant worker in Louisiana who died from cancer attributed to asbestos exposure.

■ **CBE v. Tosco Corp.**, No. 300595 (San Francisco Co., Calif., Super. Ct.). Co-lead attorneys Scott Summy and Laura Baughman. Baron & Budd reached settlements in March and September 2004 requiring oil companies including ExxonMobil Corp., Shell Oil Co., Atlantic Richfield Co. and ChevronTexaco to upgrade gas stations, clean up groundwater contamination and take steps to prevent gasoline leaking from more than 1,000 underground storage tanks in California. The monetary and injunctive relief was valued at \$107 million.

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