THE 2014 LITIGATION BOUTIQUES HOT LIST

This week The National Law Journal highlights litigation firms that are small but powerful. We asked our readers to nominate firms with up to 50 attorneys that won important litigation during calendar year 2014—whether in monetary terms or by establishing precedents at the trial or appellate level—and supplemented those proposals with our own research to find the 10 firms named here.

ANAPOL SCHWARTZ: FIRM GOES THE EXTRA MILE FOR THE CLIENT

As part of a $1.4 billion settlement with Stryker Corp., plaintiffs attorney Thomas Anapol made sure that people injured by its hip implants wouldn’t be penalized simply because they were overweight. A separate $2.5 billion deal in 2013 over DePuy Orthopaedics Inc.’s ASR hip implants considered that factor among others when calculating payments.

“One of the things the DePuy ASR settlement had were discounts for risk factors like weight and smoking, and plenty of people didn’t like that,” said Ellen Relkin, of counsel to New York’s Weitz & Luxenberg, who teamed with Anapol and two other lawyers on the Stryker settlement. Anapol, she said, “was the point person on having no reductions for weight. We all worked together, but that was his baby.”

Anapol’s firm, Anapol Schwartz, played a key role in negotiating some of the nation’s most prominent mass tort settlements last year. In addition to Stryker, he helped lead negotiations in a $120 million settlement with hip implant maker Biomet Inc. His fellow shareholder Sol Weiss co-led an historic deal with the National Football League on behalf of thousands of retired players claiming that concussions caused diseases like Alzheimer’s and dementia. Lawrence Cohan, meanwhile, won a $7.2 million verdict in Philadelphia on behalf of
man who died at 62 of mesothelioma he contracted after working in a Navy shipyard as a teenager. All but one of the nine defendants had settled before trial.

In the Stryker litigation, patients sued over pain and subsequent surgeries to remove its Rejuvenate and ABG II devices, recalled in 2012. Anapol and his colleagues took charge of settlement discussions after Bergen County, N.J., Superior Court Judge Brian Martinotti set up a bellwether mediation process to resolve more than 2,000 cases in New Jersey state court.

Those discussions led to a global settlement that included an additional 2,000 cases coordinated in federal court in Minnesota.

Eliminating potential reductions for weight and other factors, such as smoking and age, also became a focus for Anapol when he teamed with W. Mark Lanier of The Lanier Law Firm in Houston to negotiate the settlement over Biomet’s M2a Magnum hip implants. The deal resolved about 2,000 cases pending in federal court in the Northern District of Indiana.

Anapol said the Biomet deal faced more hurdles because the device hadn’t been recalled and its failure rate wasn’t as high. “It was just a better defense,” he said.

In the NFL settlement, Weiss worked with Christopher Seeger, founding member of New York’s Seeger Weiss. After U.S. District Judge Anita Brody of the Eastern District of Pennsylvania raised concerns about how much each class member would get from a fund originally valued at $675 million, they revised the deal last year with no caps.

Brody, who preliminarily approved the deal last year, hasn’t yet issued a final ruling.

“We’re very optimistic the judge will approve it,” Weiss said.

**BECK REDDEN: Rounding up Texas-sized wins**

When Big Oil and Big Law need help in Texas, litigation boutique Beck Redden is ready to assist. The 40-lawyer Houston firm in 2014 rounded up Texas-sized victories saving clients including Exxon Mobil Corp. and Baker Botts millions of dollars. Behind those wins are experienced lawyers who don’t shrink from going to trial, said Troy Ford, a Beck Redden partner.
As lead trial counsel for Exxon, Beck Redden fought off $642.7 million in civil penalties sought in a Clean Air Act case brought by the Sierra Club and Environment Texas Citizen Lobby. The groups alleged the company’s refinery and plants in Baytown, Texas, discharged pollutants that posed a health hazard.

The U.S. District Court for the Southern District of Texas in December ruled in favor of Exxon, denying the groups’ request for civil penalties. U.S. District Judge David Hittner found that Exxon hadn’t met emission standards, but said the violations weren’t actionable under the Clean Air Act as a citizen suit. The environmental groups in January appealed the decision to U.S. Court of Appeals for the Fifth Circuit.

Eric Nichols and Fields Alexander were the lead Beck Redden partners on the case.

Beck Redden’s “trial lawyers maintain an outstanding reputation for uncompromising integrity, dedication and talent in defending the interests of its clients,” said David Mantor, Exxon’s counsel for downstream environmental litigation. “Part of Beck Redden’s strength is the firm’s ability in a case like this to ethically and forcefully develop and effectively advance the factual record of the client’s efforts to comply with its legal responsibilities.”

The lawyers figured out how to relay complicated scientific information to the judge without sowing confusion, Ford said. “You’ve got to be able to break that down to a simple format to tell that story,” he said.

Working with Baker Botts, Beck Redden convinced a state trial jury in Dallas in May that former Baker Botts client Axcess International Inc. had brought a malpractice claim against the law firm outside the statute of limitations. The win helped protect Baker Botts from more than $50 million in damages sought by Axcess, an Addison, Texas, technology company.

Axcess claimed that former Baker Botts intellectual property lawyers hadn’t disclosed patent work the law firm had done for a competitor. The company has filed an appeal of the outcome.

Murray Fogler was the lead Beck Redden partner on the case. He has since moved to Fogler, Brar, Ford, O’Neil & Gray, which opened in January.

Baker Botts partner George Lamb III, who serves as that firm’s general counsel, said he would hire both Fogler and his former Beck Redden colleagues again – they formed an “experienced, capable trial team,” he said.
“We’ve been fortunate to defend them and have their confidence,” Ford said. As Beck Redden’s trial lawyers work on their cases, the firm’s seven appellate lawyers are never far away, providing advice on matters still in trial court, he said. Beck Redden partner David Gunn and his appellate practice colleagues also successfully defended Exxon and a San Antonio Riverwalk hotel operator before the Texas Supreme Court in 2014. “We have a world class appellate group that provides a decisive edge in our ability to prepare a case for a favorable result from trial through the appellate process,” Ford said.

**CLARK, LOVE & HUTSON: IN BELLWETHER TRIALS, THE FIRM OF CHOICE**

Clark, Love & Hutson hit a double last year. On Nov. 13, a Miami jury awarded $26.7 million in the first federal bellwether trial against Boston Scientific Corp. over its pelvic mesh devices. Then, on Nov. 20, a federal jury in a separate case in Charleston, W.Va., awarded $18.5 million.

While not the first verdicts involving Boston Scientific’s mesh devices, the trials were tough losses for a company facing more than 14,000 lawsuits alleging that its devices have caused pain and additional surgeries in women. They also were the first test cases for consolidating mesh trials – part of a plan pushed by U.S. District Judge Joseph Goodwin in the Southern District of West Virginia to resolve a docket of more than 60,000 lawsuits against half a dozen pelvic mesh device manufacturers including Boston Scientific.

“In the end, when you try bellwether trials, not just for the client and jury but for hundreds of women, there really has to be a voice,” said Don Migliori, a New York member at Motley Rice of Mount Pleasant, S.C., whose firm serves in leadership roles in the mesh litigation. “They were clearly cooperative and interactive with all the firms involved and the clients, but in the end they showed a lot of leadership in presenting a single story, a clean story and an understandable story so the jury could go ahead and award the appropriate verdicts.”

Neither trial was easy for Clark Love, whose lawyers led legal teams representing four women in each trial. For one thing, Goodwin limited each trial to 10 days. “We literally had to prepare our case to present four plaintiffs in 4 1/2 days to give time for cross-examination,” said Scott Love, who took the lead in the West Virginia trial. Shelley Hutson led the Florida trial and Clayton Clark serves as co-leader for all the Boston Scientific mesh litigation.

The firm, with 148 nonattorney staff members and referrals from 150 law firms,
understands mass torts. “We end up generally representing more plaintiffs than any other law firms when we get involved,” Clark said.

Such was the case in the Philadelphia County Court of Common Pleas, where the firm filed more than 80 lawsuits alleging that Johnson & Johnson subsidiary Janssen Pharmaceuticals Inc. failed to warn that taking antiseizure medication Topamax while pregnant could cause birth defects. Love and Hutson took lead roles in three trials that ended with plaintiffs verdicts, including one last year. Then Clark Love settled all its remaining cases.

Clark served on the committee that reached last year’s $650 million settlement with Boehringer Ingelheim Pharmaceuticals Inc. over its blood thinner Pradaxa, which plaintiffs lawyers alleged caused excessive bleeding. The deal resolved 4,000 lawsuits ahead of the first trial over the drug. “The company made a decision that they could end the litigation reasonably rather than going forward at the cost of the litigation,” Clark said.

**DEWEY PEGNO & KRAMARSKY: A KEEN GRASP OF THE LEGAL FUNDAMENTALS**

Dewey Pegno & Kramarsky credits its focus on the legal fundamentals for its victories, including a New York Court of Appeals ruling that defeated a big-ticket breach of settlement case against several Tyco International Ltd. units.

The firm began defending Tyco in 2007 after IDT Corp. won summary judgment on liability in New York state trial court. Dewey attorneys won an appeal in 2009, but IDT sued again and scored an intermediate New York state court appellate ruling that kept the case going. IDT sought $314.2 million in damages. Finally, another appellate ruling in June 2014 ended 15 years of negotiation and litigation over the use of a telecommunications system.

Tom Dewey, a name partner at the 14-attorney New York firm, said that win came down to “exceptionally clear” briefs. “The real key in this case was very focused appellate briefing, because the technical issues can be a bit complex,” he said.

A similar tactic came into play during the firm’s long-running work for Empire State Realty Trust Inc., owner of the landmark skyscraper. That work required defeating two New York state cases challenging the trust’s October 2013 initial public offering, worth nearly $930 million.
In one case, the team won an intermediate appeal rejecting an investor group’s attack on Empire State and other defendants over the deal’s appraised value. The New York Court of Appeals declined to grant review. It also won dismissal of a separate New York class action claiming breach of fiduciary duty. Dewey Pegno was lead counsel for Empire State and related parties in both cases.

Ron Rolfe, a retired partner at New York-based Cravath, Swaine & Moore who represented the estate of trust shareholder Leona Helmlsey, which supported the trust’s legal position, praised Dewey Pegno’s grasp of style and substance. “They understand the angles; they understand the opposition very well,” Rolfe said. Dewey Pegno generally drafted the briefs, he added.

The firm’s attorneys understood the importance of paying respect to the investor plaintiffs, given that the trust did owe them a fiduciary duty. “You can’t treat them as if they were your normal class action guys, in for a quick buck, because they weren’t. They had issues, they raised them well and we defended them well,” Rolfe said.

Dewey Pegno had to shift arguments on the fly during an arbitration and New York state court case for hedge-fund administrator GlobeOp Financial Services against former client Titan Capital Group III L.P. and related hedge funds. In the arbitration, GlobeOp prevailed in its breach-of-contract claims against Titan over its fees and administrative practices in early 2014. Following another six months of wrangling, a New York state judge upheld that award. The firm focused on the record to combat its opponent’s frequent testing of new theories, partner Ariel Cannon said. “We had to be very, very quick on our feet to respond to those constantly shifting approaches and claims. One of the things that enabled us to do that was knowing the documents cold,” Cannon said.

**DOVEL & LUNER: FACT PREVAILED IN EARLY TEST OF NEW FORUM**

When a Texas federal jury decided that Google Inc. had infringed SimpleAir Inc.’s patent related to wireless notification for mobile devices, but deadlocked on damages, Dovel & Luner regrouped and scored an $85 million verdict for SimpleAir two months later.

“We recognized that something needed to be done better. We needed to be clearer about our case and do a better job of presenting our damages case to them,” said Jeff Eichmann, a partner at the Santa Monica, Calif.-based firm.
He served as co-lead in the case with firm co-founder Greg Dovel. The eight-lawyer boutique specializes in plaintiffs-side patent and commercial litigation.

The second trial was solely about damages for the inventor-owned SimpleAir. The firm had to show how Google’s unauthorized use of the SimpleAir patent boosted its Android operating system profits. Google argued that it doesn’t charge consumers for the Android operating system on phones or for push notification systems that alert users about new information, Dovel said.

Dovel & Luner showed how much Google’s competitors paid for SimpleAir licenses and cited market research that quantified the value of the patented notification technology to consumers and Google, Dovel said. The firm told a simple story focused on the numbers, Dovel said. “This was a business loss, a lost licensing opportunity. You can’t have an emotional appeal,” he said.

The firm showcased a different set of litigation skills when it won a case in the U.S. Patent and Trademark Office for Network-1 Technologies Inc. It was one of the first trials under the so-called inter partes review process created by the 2011 patent reform law. The process gives third parties a fast track to challenge competitors’ patents. The consolidated patent office trial ultimately involved four opponents: Avaya Inc., Dell Inc., Hewlett-Packard Co. and Sony Corp. of America. Those companies challenged Network-1’s claims for a system and method that detects whether a device attached to an Ethernet cable can receive remote power over that cable. In May, the Patent Trial and Appeal Board ruled that the patent claims at issue were “not unpatentable.”

The companies had sought patent office disqualification of Network-1’s invention after Network-1 sued them for patent infringement in Texas federal court. The Texas litigation was stayed during the patent office fight but has since resumed.

It hadn’t been clear how the patent board would apply the rules of evidence under the new process, said Dovel, who led the case with firm co-founder Sean Luner. The firm prepared with multiple mock trials and depositions of the defendants’ expert, he said. “We had to prepare two or three different closing arguments in the days and weeks leading up to these hearings.”

This focus on the facts and avoidance of hyperbole helped the firm prevail, said Charles Wieland, an Alexandria, Va., partner at Pittsburgh-based Buchanan Ingersoll & Rooney who was local counsel. “Their disposition, their attention to detail, their adherence to the facts and their preparation were major factors in their succeeding in those proceedings,” Wieland said.
GOLDMAN ISMAIL TOMASELLI BRENNAN & BAUM: DOING THINGS DIFFERENTLY FROM BIGGER FIRMS

Goldman Ismail Tomaselli Brennan & Baum has “an uncanny ability to assess problems and evaluate risk.” So says James Grasty, vice president and assistant general counsel for litigation at Merck & Co. “They get across the finish line effectively and efficiently,” Grasty said of the firm his company has used almost since Goldman Ismail’s inception six years ago. “In the process, they produce an excellent work product as well as a tangible economic benefit for their clients.”

Founded by former partners at Bartlit Beck Herman Palenchar & Scott and Fulbright & Jaworski, Goldman Ismail prides itself on doing things differently than the bigger firms. With nine partners and 18 attorneys, the Chicago-based defense practice successfully litigated sprawling multidistrict litigation last year, including the Mirena products liability case, which involves claims by more than 3,000 plaintiffs in courts across the United States. Goldman Ismail is lead national counsel representing Bayer Healthcare LLC, manufacturer of the Mirena intrauterine contraceptive device.

In 2014, the firm engineered two potentially pivotal victories. First, it convinced the MDL judge in the Southern District of New York to treat a statute of limitations challenge as a test case and hear arguments in advance of discovery. The complaint ultimately was thrown out and the judge established an accelerated briefing process for potential dismissal of about 200 other cases.

In a second win, Goldman Ismail convinced the Judicial Panel on Multidistrict Litigation to reject a plaintiff request to consolidate a series of cases alleging injuries caused by “idiopathic intracranial hypertension.” Such consolidation can exacerbate the pressure on defendants to settle as the risk of an unfavorable ruling rises – usually exponentially – with the case amalgamation. “This is one of the bigger mass torts going on in the country now, and you have a boutique law firm leading the defense for a multinational corporation,” founding partner Tarek Ismail said. “You won’t find another firm of our size being national counsel in a case as important as Mirena.”

One of the firm’s strategies has been to offer clients a distinctive depth of expertise, despite its small size, Ismail said. For example, two of the lawyers on the Mirena case hold medical degrees. “In a 1,000-lawyer firm, you’d be lucky to find one J.D./M.D.; we have three.”
“Tarek is able to evaluate all sides of an issue, which is somewhat rare,” said Steve Skikos, a San Francisco plaintiffs’ lawyer who has faced off with the firm in a number of cases. “Most lawyers tend to see only their own side. He’s able to come up with a plan, stick to a plan and get the case resolved with results that both sides can live with,” he said.

In one dimension in particular – setting fees – Goldman Ismail has carved out its own path. The firm adopted from its start a fee structure based on its ability to assess the needs of a case and not run up unnecessary billable hours. “Their fee model reflects the high degree of confidence and experience with which they approach every case,” Merck’s Grasty said. “It really shows their willingness to partner with clients.”

HOLWELL SHUSTER & GOLDBERG: TEAM MINDS THE DETAILS TO SCORE BIG WINS

Holwell Shuster & Goldberg prevailed in cases all over the practice area map last year – from mortgage-backed securities, to U.S. courts’ jurisdiction over international matters, to art stolen during the Holocaust – by homing in on details.

The firm defeated dismissal motions in five federal and four New York state actions against units of multinational banks that sold mortgage loans to trusts selling residential mortgage-backed securities. Plaintiff trustee HSBC Bank USA, a securitization trust, claimed the defendants breached their contractual claims for the mortgage loans they sold. The cases targeted DB Structured Products Inc. and Nomura Credit & Capital Inc.

The matters are part of a wave of so-called “putback” cases asserting that trusts have the right to require loan pool sellers to repurchase loans that breach the sellers’ representations.

Holwell Shuster focused on mostly on the contractual terms rather than complicate the cases by making them about the mortgage crisis or financial collapse, said Mike Shuster, a name partner at the 38-lawyer New York firm. The strategy emphasized language that required the defendants to disclose any breaches they discovered on their own. “Our focus was on the defendants’ promises and the defendants’ contractual obligations. We just kept coming back to that, because we felt we had strong contracts to work with,” Shuster said.
Holwell Shuster helped Turkish holding company Çukurova Holding A.S. defeat Dutch company Sonera Holding B.V.’s bid to enforce a $932 million award from a Swiss arbitration proceeding. After Sonera won in New York federal court, Çukurova tapped Holwell Shuster to take over the case and prepare for proceedings before the U.S. Court of Appeals for the Second Circuit.

The judge hadn’t yet entered the final judgment, so the firm moved quickly to supplement the record. “That was the vehicle that enabled us to add important facts to the record,” said Rick Holwell, a name partner who served as Çukurova’s lead counsel.

Holwell relied on that enhanced record to convince the Second Circuit that the U.S. federal courts lacked jurisdiction based on a 2014 U.S. Supreme Court ruling in Daimler v. Bauman, which limited U.S. suits based on disputes outside the United States. Sonera’s lead counsel, Pieter Van Tol, a Hogan Lovells partner, said Holwell “was an excellent advocate without overstepping the bounds.”

Holwell Shuster helped win milestone rulings for heirs of a Jewish family suing the Republic of Hungary over art stolen during the Holocaust. After winning a challenge before the D.C. Circuit in 2013, its attorneys helped plaintiffs defeat a district court dismissal motion in December.

The judge found support for the plaintiffs’ claim that an understanding had existed that the Hungarian defendants were custodians — not owners — of the art. Kasowitz, Benson, Torres & Friedman of New York are co-counsel.

HORVITZ & LEVY: THE CHAMBER OF COMMERCE’S GO-TO FIRM

In its battles to protect business interests, the U.S. Chamber of Commerce has turned to Horvitz & Levy in both state and federal appellate courts, primarily in the firm’s home state of California.

“With the law made in those courts, they have a bird’s eye view to some of the most important business issues,” said Kate Todd, chief appellate counsel at the U.S. Chamber Litigation Center.

After a panel on the U.S. Court of Appeals for the Ninth Circuit ruled in 2013 for the plaintiffs in a first-impression test of the limits of the U.S. Class Action Fairness Act, partner Jeremy Rosen, who serves on the chamber’s advisory committee, filed an amicus brief urging an en banc panel to reverse the holding. The case involved two of 40 lawsuits filed in California’s state courts on behalf of 1,500 plaintiffs who alleged painkillers Darvon and Darvocet caused heart problems.
The drug manufacturers argued that the plaintiffs’ petition to coordinate the litigation through California’s Judicial Council Coordinated Proceedings violated the federal class actions law, which requires that a “mass action,” or a case with more than 100 plaintiffs who have “proposed to be tried jointly,” be removed to federal court. Plaintiffs attorneys insisted they wanted the cases coordinated for pretrial purposes only, which wouldn’t require removal.

On Nov. 18, the en banc panel concluded the plaintiffs’ own petition, in which they proposed coordinating the cases “for all purposes,” was evidence they’d hoped to stage joint trials, contrary to federal law.

“We look at it as protecting the ability of companies to use the Class Action Fairness Act to take cases of national importance into the federal courts,” Todd said of the en banc panel’s ruling. Before the California Supreme Court, Rosen filed the chamber’s amicus brief challenging the statistical method used by plaintiffs attorneys in a class action on behalf of 260 officers of U.S. Bank N.A. seeking unpaid overtime. On May 29, the court reversed a rare $15 million judgment that had been based largely on the testimonies of a random sample of 20 plaintiffs. The court ruled that such samples must be truly random and large enough to provide a minimal margin of error. “It didn’t foreclose in all situations the use of statistical sampling, but put significant limits on it,” Rosen said.

Outside the firm’s work for the chamber, Jon Eisenberg, of counsel, obtained a Feb. 11 ruling on behalf of three Guantánamo Bay inmates who were force-fed after staging a hunger strike to protest their confinement. The D.C. Circuit found that the U.S. Military Commissions Act did not preclude federal courts from taking up their challenges.

Meanwhile, partner Lisa Perrochet won a May 21 victory for Eisenhower Medical Center in a class action over a data breach. California’s Fourth District Court of Appeal found that data on a stolen computer didn’t qualify for protection under California’s Confidentiality of Medical Information Act. “Had the hospital been found liable here, it would have sent a horrible precedent and led to many, many more lawsuits,” Rosen said.

**SANFORD HEISLER: WILLINGNESS TO STAY THE COURSE TESTED**

In the post Wal-Mart Stores Inc. v. Dukes world, many plaintiffs law firms avoid the risk of class actions, particularly those based on employment and gender discrimination claims. Sanford Heisler Kimpel isn’t one of them.
Despite the difficulty getting classes certified following that 2011 U.S. Supreme Court decision, Sanford Heisler scored a string of successes in 2014. Among its more notable victories was its innovative use of the Equal Pay Act to win certification for a 9,000-strong class of current and former female employees of KPMG LLP. The case is being litigated before Judge Lorna Schofield in the Southern District of New York.

“KPMG is a great example of how long and how hard plaintiffs have to fight these days to make headway on class cases,” said partner Kate Kimpel, lead counsel in the litigation. “The case has been pending for years, and both Sidley Austin and Ogletree Deakins, representing KPMG, have been throwing tremendous resources at it to make it go away, using really exhaustive motions to dismiss and aggressive fights over every small discovery issue along the way. That we’ve been able to overcome those challenges and establish really good law for plaintiffs elsewhere who might be facing the same kind of opposition makes this case worthy of recognition.”

Sanford Heisler, focusing on civil rights and public interest class actions, and with offices in New York, San Francisco and Washington, has won class certification in a host of employment discrimination and wage-and-hour violation actions, including claims against Ma Laboratories Inc. and Daiichi Sankyo Inc.

“This is a tenacious firm, a worthy opponent,” said Michael Burkhardt, a partner in Morgan, Lewis & Bockius' labor and employment practice who has faced off against Sanford Heisler in more than 15 cases. “Not many firms will take on these types of cases in the current legal environment, [but] Sanford Heisler continues to pursue class cases.”

The firm has attracted not just top-drawer lawyers; it has attracted practitioners committed to the issues the firm litigates, Kimpel said.

“Our lawyers have a real heartfelt passion for these issues, for fighting in the case of KPMG for women and for fighting to break down the glass ceiling,” she said. “That creates something very special. It creates those David and Goliath moments where David still has a chance to succeed.”

The KPMG case is now close to four years old, but it’s not the oldest on Sanford Heisler’s books. That distinction goes to a class action filed in 2004 on behalf of African-American U.S. marshals, which was among the first cases Sanford Heisler took on when it opened its doors that same year.
“Now, we’re going on Year 11 and it may still require a few more years,” partner David Sanford said. “If you’re thinking about what differentiates our firm, what in our minds within the firm makes us special, one of the key considerations has to be our willingness to stay the course and do whatever it takes – even if that means a commitment of more than a decade.”

YETTER COLEMAN: VALIDATION OF THE POWER OF STORYTELLING

Yetter Coleman turned defunct steel distribution company MM Steel L.P.’s complex six-week antitrust case against carbon steel plate makers and distributors into a fast-paced drama. The Houston firm pressed the premise that a group of powerful steel companies had destroyed MM Steel in just 50 days – the evidence showed that the industrial warfare did its most profound damage during that time, name partner Paul Yetter said.

“We are very big believers in persuasion through storytelling,” Yetter said. The firm, brought in just shy of a year before the trial, secured a $52 million verdict in March 2014 courtesy of the second jury empaneled – the first was dismissed after plaintiffs’ firms accused a defense firm of misconduct. The judge trebled the award, for a $156 million final judgment.

Yetter’s team showed the jury photos of the major defense witnesses and places where key events happened, including restaurants where they argued the defendants held secret meetings. “We wanted the jury to be able to put names with faces early on,” Yetter said.

Quinn Emanuel Urquhart & Sullivan partner Karl Stern, who represented Reliance Steel & Aluminum Co. and subsidiary Chapel Steel Corp., praised that approach. “They made very effective use of visuals and did an excellent job personalizing their clients,” he said.

Yetter Coleman also came to the rescue for Business Logic Holding Corp., joining its contract-breach and trade-secrets case against Morningstar Inc. and its Ibbotson Associates Inc. subsidiary in 2013 – four years into the fight. Business Logic, now operating as NextCapital Group Inc., had been doing business with Ibbotson and argued that company had used trade secrets to reverse-engineer Business Logic’s software and poach clients following its acquisition by Morningstar. The first order of business was to move the case from an Illinois state chancery division. Yetter wanted the case in Cook County Circuit Court, where it could get a jury trial. The move broke the stalemate.
Yetter Coleman took some new “very powerful” depositions that featured Morningstar witnesses “admitting having access to these trade secrets and using them to develop the Morningstar software,” Yetter said. Additionally, the depositions signalled that the firm was paring down its case to focus on five trade secrets rather than dozens.

Shortly before jury selection, Morningstar agreed to a $61 million settlement, which covered most of Business Logic’s $64 million in claimed damages.

As one of two lead counsel firms in Texas multidistrict litigation over overtime pay, the firm helped some 4,700 current and former home mortgage consultants at Wells Fargo & Co. and Wachovia Corp. score a $15 million settlement. The firm worked closely with co-lead firm Wills Law Firm and co-counsel for the class Marshall & Lewis and Padilla & Rodriguez, all of Houston.

Aside from defeating a defense appeal that challenged class certification, the plaintiffs firms won a fight to include California employees. “We convinced the judge they had to give notice [to them],” Yetter said.