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## Law360's Weekly Verdict: Legal Lions & Lambs

By **Andrew Strickler**

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Law360, New York (December 19, 2013, 7:47 PM ET) -- This week's legal lions were out in force in New York federal courts, which saw the ghost of Dewey rise again and a big class action dismissal for UBS AG counsel. Our legal lambs also flocked to The Big Apple with the first trial conviction of an SAC Capital Advisors, and to Louisiana for the obstruction conviction of a BP engineer who tried to scrub his cellphone clean after an oil spill.

### Legal Lions

Like Charles Dickens' "Ghost of Christmas Past," the specter of **Dewey & LeBoeuf LLP** continues to **haunt** its old partners and their new firms. Most recently, a New York bankruptcy judge handed Dewey liquidation trustee **Alan M. Jacobs** a victory with a decision that he can subpoena dozens in BigLaw for documents and examinations over claims that Dewey partners took in millions in bonuses after the firm became insolvent based on profits that never materialized. Jacobs is represented by **Allan Diamond, Howard Ressler, Andrea Kim, and Christopher Murray** of **Diamond McCarthy LLP**.

In another New York federal court, a judge loosened **UBS AG** from a shareholder putative class action, saying securities laws don't force bank directors to be "**prescient or omniscient**." Plaintiffs had argued the bank was to blame for a share value drop after the exploits of rogue trader Kweku M. Adoboli, whose highly leveraged bets exposed the bank to massive losses, became public. UBS is represented by **Mark Kirsch, Daniel Sullivan, Lisa Rubin and Marshall King** of **Gibson Dunn & Crutcher LLP**. Plaintiffs are represented by a **Robbins Geller Rudman & Dowd LLP** team.

Counsels for **Visa Inc.** and **MasterCard Inc.**, along with lawyers for a putative class of about 12 million merchants, got the sign off in recent days for a landmark antitrust settlement. The \$7.25 billion settlements stems from 2005 and a suit alleging the companies conspired to **fix credit card swipe fees**. Despite protests from some merchants, the New York judge also approved an allocation plan, saying there were no substantive objections except for a "speculative objection" from Ace Hardware. Class plaintiffs are represented by **Robbins Geller Rudman & Dowd LLP, Robins Kaplan Miller & Ciresi LLP** and **Berger & Montague PC**, with individual plaintiffs represented by **Kenny Nachwalter PA, Sperling & Slater** and **Hangley Aronchick Segal Pudlin & Schiller**. Visa is represented by **Arnold & Porter LLP** and **Holwell Shuster & Goldberg LLP**. Mastercard is represented by **Willkie Farr & Gallagher LLP** and **Paul Weiss Rifkind Wharton & Garrison LLP**.

**Bryan Cave LLP's Therese Pritchard** rose through the ranks and was voted this week as the firm's **next chair**, taking over for longtime head **Don Lents**. Pritchard, a D.C.-based white collar and securities litigator who once helped prosecute Wall Street trader Ivan Boesky, is set to become just the eighth woman picked to helm a top-100 U.S. law firm. She'll also be the first chair in Bryan Cave history not based in the St. Louis headquarters.

**Susman Godfrey LLP** was also in **rarefied** BigLaw territory this week. The Houston-based litigation outfit said its median year-end associate bonuses would range from

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\$40,000 up to \$90,000, far surpassing this year's benchmark set by **Cravath Swaine & Moore LLP**, which topped out at \$60,000. Other firms besting the Cravath numbers include **Boies Schiller & Flexner LLP**, **Holwell Shuster & Goldberg** and **Kaye Scholer LLP**.

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**Kaye Scholer LLP** also came out ahead with a ruling that **rejected allegations** the firm violated ethical rules in its Chapter 11 representation of investment firm **GSC Group Inc.** In a written decision, the judge said Kaye Scholer wasn't to blame for the potential conflict of interest that arose in a fee-sharing arrangement, and approved a \$4.2 million fee for the firm. Kaye Scholer is represented by **Aaron Rubinstein**, **Jeffrey Fuisz** and **Angela Vicari** of Kaye Scholer, and by **Scott Hazan** and **David Posner** of **Otterbourg Steindler Houston & Rosen PC**.

#### Legal Lambs

Former **SAC Capital Advisors LP** portfolio manager Michael Steinberg became the highest-ranked SAC executive yet **convicted** in the Manhattan prosecutors' insider trading crackdown, and was the first to go to trial. Steinberg, who started as an SAC clerk, slumped in his chair as jurors returned with a verdict, and received medical attention in court after being found guilty on all counts. Sentencing is set for April. Steinberg is represented by **Barry Berke** of **Kramer Levin Naftalis & Frankel LLP**.

**Ropes & Gray LLP** and its client, a former BP PLC engineer, also came up short before a federal jury this week. Kurt Mix faces up to 20 years in prison after being found guilty of obstruction for **deleting text messages** with a supervisor after the Deepwater Horizon blowout that discussed the failed effort to cap the underwater well. Prosecutors said that Mix deleted the correspondence in order to hide evidence that company officials had misled the public and Congress about the rate of oil escaping the well and the project's chances of success. He was acquitted on a second count related to deleted messages involving a BP contractor. Mix is represented by **Joan McPhee**, **Aaron Katz** and **Michael McGovern** of Ropes & Gray, and by **Walter Becker Jr.** and **Charles Marshall III** of **Chaffe McCall LLP**.

**Bank of America NA** counsel from **McGuireWoods LLP** and **Lathrop & Gage LLP** **succumbed** to a \$73 million opt-in settlement deal ending multidistrict litigation claiming BofA violated the Fair Labor Standards Act by requiring more than 180,000 hourly employees of its retail call centers nationwide to work off the clock. A quarter of the settlement — \$18.25 million — will go to attorneys' fees. The plaintiffs' co-lead counsels are **Stueve Siegel Hanson LLP**, **Donelon PC** and **Marlin & Saltzman**. BofA is represented by **Matthew Kane**, **Michael Mandel** and **Bruce Steen** of McGuireWoods and **Jack Rowe** of Lathrop & Gage.

**Bingham McCutchen LLP** will also be **paying up** after a California state judge sanctioned the firm and ordered it to answer discovery requests in a case brought by **Hartwell Harris**, a former associate who claimed she was fired after developing a rare sleep disorder. Her attorney, **Tamara Freeze** of The Law Offices of Tamara S. Freeze, accused the firm of responding to discovery requests with "a litany of garbage objections and evasive responses." The judge granted the motion to compel responses for eight of the 11 requests and sanctioned the firm \$2,430. Bingham is represented by **Linda Miller Savitt** of **Ballard Rosenberg Golper & Savitt LLP**.

And finally, the Pennsylvania Supreme Court this week **bore a hole** in a state law preventing local governments from passing zoning rules prohibiting natural gas drilling. The split-decision ruling that the law violated the state constitution was a win for environmental groups and municipalities who had opposed the pro-fracking law. Plaintiffs are represented by **John Smith** of **Smith Butz LLC**, **Jordan Yeager** and **Lauren Williams** of **Curtin & Heefner LLP**, and **Jonathan Kamin** and **John Arminas** of **Goldberg Kamin & Garvin**, among others. The Pennsylvania Public Utility Commission is

represented by **Matthew Haverstick, James Rohn, Mark Seiberling and Joshua Voss** of **Conrad O'Brien PC**.

--Additional reporting by Jeff Sistrunk, Kurt Orzeck, David McAfee, Kat Greene, Kelly Knaub, Richard Vanderford, Andrew Scurria and Michael Lipkin. Editing by Chris Yates.

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