



FEATURES

2007 CALIFORNIA LAWYER ATTORNEYS OF THE YEAR AWARDS

We honor 43 attorneys for their extraordinary achievements in 2006.

The *California Lawyer* Attorneys of the Year Awards recognize attorneys around the state whose achievements have made a profound impact in 2006 or whose work from December 2005 to December 2006 is expected to have such an effect in the coming years. The awards identify 28 achievements in 17 areas of legal practice that reflect the breadth and depth of the work performed by California lawyers.

The 43 attorneys honored here changed the law, substantially influenced public policy or the profession, or achieved a remarkable victory for a client or for the public. They include government attorneys, public-interest lawyers, sole practitioners, and attorneys from large international firms. Their successes range from winning a \$2.8 billion judgment for a single client to convincing the state Supreme Court to uphold a city's antidiscrimination law. Congratulations to the winners. —*Chuleenan Svetvilas*

APPELLATE

Jeffrey L. Bleich
Munger, Tolles & Olson
San Francisco

For Bleich, 2006 marked the end of a legal odyssey that began twelve years ago. In a case involving the affirmative action policies of six state agencies (most of which were found to be illegal under Proposition 209), the California Supreme Court unanimously ruled that advocacy groups filing amicus briefs aren't real parties in interest to a suit and therefore cannot be sued for legal fees if the side they support loses. (*Connerly v. State Pers. Bd.*, 37 Cal. 4th 1169 (2006).) The decision overruled both a Sacramento trial court and the Third District Court of Appeal, both of which had held that the amici organizations in question were "full-fledged" parties in the litigation. Bleich argued all the motions and appeals in the case, including the one to the state Supreme Court.

"If this case had gone the other way," says Maria Blanco, the director of the Lawyers' Committee for Civil Rights of the San Francisco Bay Area, "it would have had a chilling effect on the practice of filing amicus briefs—and that would have been a big loss to the courts as well as for public policy."

Barry Levy, Lisa Perrochet, and Curt Cutting
Horvitz & Levy
Encino

Cutting, Levy, and Perrochet won a bet-the-company case on behalf of the beleaguered city of San Diego. In early 2001 the city lost a huge inverse-condemnation and breach-of-contract verdict to a local developer, and by the time the case got to the Fourth District Court of Appeals, the interest owed on the judgment had increased the city's potential liability to about \$150 million. San Diego could ill afford a loss: It has a pension deficit of \$1 billion and has been unable to access bond markets because of investigations into its financial practices.

Levy, who argued the case, and Cutting and Perrochet, who prepared the brief, successfully maintained that the trial court's ruling was based on insufficient evidence. (*Border Bus. Park v. City of San Diego*, 142 Cal. App. 4th 1538 (2006).)

The developer had argued that San Diego's announced intention to build an airport near the plaintiff's property and reroute local truck traffic harmed its property interests. The court found that it suffered no direct and special injury beyond that sustained by other businesses in the area. In January of this year, the state Supreme Court denied a request for review. San Diego is not completely off the hook, however, as one cause of action in the case—breach of contract—must be retried.

Daniel M. Kolkey
Gibson Dunn & Crutcher
San Francisco

In 2006, Kolkey had a major impact on the law when he convinced the state Supreme Court to rule that cities and other public entities do not qualify as "persons" under the False Claims Act. Consequently, cities can no longer sue on behalf of the state or any other municipality as *qui tam* plaintiffs in the hope of winning a share of any bounty awarded.

In *State ex rel. Harris v. PricewaterhouseCoopers, LLP* (39 Cal. 4th 1220 (2006)), the plaintiffs were the city and county of San Francisco. They had filed a false-claims suit against Old Republic Title Co. and its auditor, PricewaterhouseCoopers. Old Republic eventually settled the case for more than \$20 million. However, the plaintiffs continued to pursue the claim against the auditor for failing to disclose the company's misconduct. The Supreme Court's decision followed at least three court of appeals rulings holding that public entities were "persons" under the False Claims Act.

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Manuela Albuquerque
City Attorney
Berkeley

Albuquerque has long had a reputation as a distinguished public servant and a robust proponent of ethics guidelines for city attorneys. Last year she won a state Supreme Court case holding that Berkeley wasn't required to provide a rent-free berth on its marina to the Sea Scouts—a nonprofit that teaches teens to sail—because its parent organization, the Boy Scouts of America, excludes gays and atheists. The landmark decision in *Evans v. City of Berkeley* upheld the city's antidiscrimination ordinance. The court also found it constitutional to require a group to provide "written and unambiguous assurances" that it would comply with antidiscrimination policies before receiving a city subsidy. (38 Cal. 4th 1 (2006).)

Michael D. Sobel
Sole practitioner
Beverly Hills

Michael J. Olecki
Grotsky & Olecki
Santa Monica

Michael H. Aran
Sole practitioner
Los Angeles

Charged with kidnapping and assaulting a teenage girl, Compton middle school teacher Raul Ramirez faced the possibility of life in prison. Artan and Sobel successfully defended Ramirez against criminal charges before a state court jury, winning a rare finding from a judge that Ramirez was "factually innocent."

Artan, Olecki, and Sobel then took the matter to federal court in Los Angeles, arguing that Ramirez's civil rights had been violated. None of them had ever worked on a civil rights case before, let alone tried one. But the trio of attorneys was outraged at the way the Los Angeles County Sheriff's Department had conducted the investigation, withholding exonerating evidence and keeping the newly wed Ramirez in custody for ten months. As a result of the charges, Ramirez also lost his job as a special-education teacher.

In February 2006 a federal jury returned a verdict of \$18 million in compensatory damages against the county of Los Angeles and the sheriff's department. And Ramirez eventually got his job back. Prior to the punitive phase of the trial, the case settled for \$9 million.

Maira I. Feeney
The Center for Justice & Accountability
San Francisco

Ivor E. Samson
Sonnenschein Nath & Rosenthal
San Francisco

Emmanuel "Toto" Constant, the former leader of the notorious Haitian death squad known as FRAPH, was living with impunity in New York—even appearing on *60 Minutes* to tout his CIA connections—and basically escaping accountability for his crimes in Haiti. Then in 2004 three Haitian women who had faced torture, gang rape, imprisonment, and attempted murder by FRAPH members because of their political views came forward to accuse him. Their lawsuit—brought by the Center for Justice & Accountability (CJA) in San Francisco and the Center for Constitutional Rights (CCR) in New York—was joined by a pro bono team of Sonnenschein lawyers led by Samson, who represented two of the women. Feeney worked on the investigation, speaking with former FRAPH members, drafting pleadings and briefs, and writing the complaint. Samson devoted an extraordinary amount of pro bono time to the case, suing Constant under the federal Alien Tort Statute and the Torture Victim Protection Act. A judgment of \$4 million in compensatory damages and \$15 million in punitive damages was awarded last fall. CCR's **Jennie Green** also worked on the case. (*Doe v. Constant*, No. 04 Civ. 10108, 10/24/06.)

"It is the first time there has been some accountability for the large number of systematic rapes and other sexual abuse in Haiti," says Naomi Roht-Arriaza, a law professor at UC's Hastings College of the Law.

CRIMINAL LAW

John C. Hueston
Department of Justice
Los Angeles

As a co-lead prosecutor on the Enron Task Force, Hueston cemented his reputation as a federal prosecutor who's never lost a case. Hueston primarily handled the prosecution of former Enron chairman and CEO Kenneth L. Lay, while Chicago prosecutor **Sean M. Berkowitz** focused on the case against former CEO Jeffrey K. Skilling. In May, Lay was convicted on all six fraud and conspiracy counts against him. (The conviction was vacated in October after Lay's death last July.) Skilling was convicted in the same trial on 19 counts, including fraud and conspiracy.

Hueston and Berkowitz's task force, which included eight prosecutors, was considered outgunned in staffing and financial resources by the Enron defense team. In the trial, Hueston was noted for his precision and his devastating cross-examination of Lay. He joined the firm Irell & Manella in November.

Warren Kato
Deputy District Attorney
Los Angeles

Kato's prosecution of a bank robber led to what may be the longest sentence ever given in the state: 1,210 years and 22 consecutive life sentences. The defendant, David Lee Robinson, was convicted of 22 counts of robbery and attempted robbery. He had been released from prison just months earlier, after serving 14 years for a similar bank-robbing spree. More impressive than the sentence—handed down in January 2006—was Kato's handling of the case, which involved 181 prosecution witnesses and ten separate law enforcement agencies. Instead of trying the cases in the five different judicial districts where the crimes occurred, Kato tried the case before a single jury in Torrance. His managerial competence saved the overburdened Los Angeles criminal justice system many weeks of court time.

EDUCATION

Christopher Edley Jr.
Dean and Professor
UC Berkeley Boalt Hall School of Law
Berkeley

Since his arrival as dean in 2004, Edley has infused Boalt Hall with a much-needed energy boost. He helped launch four research centers: the Berkeley Center for Criminal Justice; the Berkeley Center for Law, Business and the Economy; the California Center for Environmental Law & Policy; and the Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity. The Warren Institute will look at school finance reform and the impact of Proposition 209, which largely eliminated affirmative action in the state's public institutions. Edley also helped implement a new loan-forgiveness program for graduates who take public-interest or government jobs that pay less than \$58,000 annually, and he helped institute grants for summer fellowships in public-interest work.

Edley's most ambitious—and most controversial—initiative is his aggressive fund-raising, not only in soliciting alumni contributions and private investment but also in trying to raise the school's tuition. Edley wants to increase tuition—currently \$9,406 for in-state residents—by 10 percent every year for

any more to increase tuition. Currently \$2,347.90 in state residents pay for five years. He has threatened to quit if the UC regents don't commit to raising fees.

EMPLOYMENT

Christopher Dolan
The Dolan Law Firm
San Francisco

In June 2006 Dolan convinced a jury in a California superior court to award two FedEx drivers \$61 million in punitive and compensatory damages, finding that they had been subjected to ethnic discrimination and harassment by the company and a terminal manager.

The drivers, both Lebanese-Americans, were taunted by the manager and several coworkers, called "towel heads," "camel jockeys," "terrorists," "sand niggers," and other slurs. The case, *Issa v. Roadway Packaging Systems, Inc.*, was unique in that both plaintiffs still worked for the company and received regular pay increases, so they suffered no actual damages. It was also tried after 9/11 and during wartime, when the potential for juror bias was high. In addition, it was a case of first impression testing a California law enacted in 2000, which extended protection from workplace harassment to independent contractors.

Dolan took the case after ten other law firms, the NAACP, and the ACLU all had rejected it. Following the decision in his clients' favor, Dolan received several death threats and hate email.

Jessica Grant
Furth, Lehmann & Grant
San Francisco

As lead counsel in *Saviglio v. Wal-Mart Stores*, Grant won a \$172 million jury verdict and a permanent injunction in Alameda Superior Court against Wal-Mart for violating state laws requiring both meal and rest breaks for workers. Reportedly the largest employment verdict of the year, it was the first of 40 similar lawsuits against the mega-chain slated for trial—and the first time punitive damages were sought and awarded in an action for meal and rest-break violations.

The case, decided in December 2005, affects at least 116,000 former and current Wal-Mart employees. It has inspired dozens more claims for meal and rest-break violations—and sends the message to all employers about the importance of complying with these employment regulations, which are often covertly flouted. In achieving the win, Grant faced a team of 22 lawyers defending Wal-Mart; it was her first case as a plaintiffs lawyer.

Adam Levin
Mitchell, Silberberg & Knupp
Los Angeles

Levin successfully represented Warner Bros. Television Productions and three comedy writers in a high-profile wrongful termination and sexual harassment suit brought by a former writers' assistant for the hit TV show *Friends*. The plaintiff complained that raunchy talk on the job amounted to harassment; the writers claimed a "creative necessity" for sexual speech in the workplace that was work related. After obtaining summary judgment and an award of \$415,000 in attorneys fees at trial, Levin ultimately argued *Lyle v. Warner Bros. Television Productions* before the California Supreme Court, which held in his clients' favor. (38 Cal. 4th 264 (2006).)

The case—which attracted amicus briefs representing the interests of hundreds of writers, employer groups, and unions—pitted the motion picture industry and free-speech advocates against some women's rights advocates. In reaching its unanimous decision, the court reaffirmed that the state's Fair Employment and Housing Act "is 'not a civility code' and is not designed to rid the workplace of vulgarity," nor does it "outlaw sexually coarse and vulgar language that merely offends."

ENVIRONMENT

Philip F. Atkins-Patterson
Sheppard Mullin Richter & Hampton
San Francisco

For 16 years Atkins-Patterson represented the Natural Resources Defense Council and other environmental groups pro bono in a case that established a significant water-restoration plan. A landmark settlement, approved in October, will restore flows to a 60-mile section of the San Joaquin River that has been largely dry since the 1940s—the result of the federal government's diversions for agricultural irrigation. Secretary of Interior Dirk Kempthorne has called the project one of the most significant restoration programs in the west. The compromise will enable salmon runs to be reestablished in the river, the state's second-longest, while allowing farmers to continue irrigating their crops. Atkins-Patterson has played a vital role not only in the court effort to keep this case going but also in the delicate political negotiations required to reach the final agreement.

An important participant in the negotiations for water interests, **Daniel M. Dooley** of Visalia's Dooley Herr & Peltzer, represented the Friant Water Users Authority. Dooley was key in keeping the negotiations on track, especially when third parties expressed concerns about how it would affect them. A major piece of the deal involved hammering out a federal legislative compromise, which is still pending, to implement some aspects of the settlement and authorizing funding.

Clifford T. Lee
Deputy, Office of the California Attorney General
San Francisco

Lee was instrumental in persuading the Third District Court of Appeal last year to uphold major elements of the state's water-quality program for the Sacramento—San Joaquin Delta. The hugely complex decision helped resolve eight separate appeals, and three cross-appeals, in seven cases brought in the aftermath of a 1995 water-quality control plan and a water-rights decision it implemented five years later.

Although the appeal court sided with environmentalist critics and Delta farmers on some aspects of the plan—opening the possibility that more water could be released into the San Joaquin River at various times of the year—the panel largely sided with the state's actions. Lee claims a victory of about 90 percent.

Justice Ronald B. Robie, who wrote the decision, summed up the magnitude of the issues at stake: "The history of California is written on its waters—from the Eel River, to the Salton Sea, to the Colorado River, to Lake Tahoe. But no area has been more critical than the Sacramento and San Joaquin rivers and their great delta and San Francisco Bay estuary." (*State Water Res. Control Bd. Cases*, 136 Cal. App. 4th 674 (2006).)

Fredericka L. M. McGee
General Counsel to State Assembly Speaker Fabian Nunez
Sacramento

A bill to create 50 new superior court judgeships was almost scuttled at the last moment because the Legislature demanded assurances that Governor Schwarzenegger's judicial appointments reflect greater diversity. Observers say SB 56 would have been killed if not for McGee's intervention, as well as her negotiating skills. "She's particularly good at finding a common language everyone can agree on," says Daniel Eaton, Fabian Nunez's chief of staff. "And she has developed the kind of trust to act as a go-between." In the compromise worked out, the bill requires the state, for the first time, to collect and report demographic data on judicial candidates

to the Legislature. "Tracking that information," says McGee, "is the first step in recruiting and getting lawyers of color on the bench."

IMMIGRATION

Ahilan T. Arulanantham and Ranjana Natarajan
ACLU of Southern California

After spending nearly four and a half years in prison, Sri Lankan refugee Ahilan Nadarajah was set free last March when the Ninth Circuit issued a precedent-setting opinion that his indefinite detention was illegal. (*Nadarajah v. Gonzales*, 443 F.3d 1069 (2006).)

Staff attorneys Arulanatham and Natarajan worked on Nadarajah's habeas and immigration cases for more than two years, with help from **Judy Rabinovitz**, the New York-based senior staff counsel of ACLU's Immigrants' Rights Project. Nadarajah's confinement in an immigration-detention facility south of San Diego was never certified as a detention of a suspected terrorist or a threat to national security. However, he remained imprisoned while the Department of Homeland Security appealed an immigration judge's rulings granting asylum and sent his case to the U.S. attorney general for review.

The decision included a new guideline that detention pending completion of proceedings in excess of six months is presumptively unreasonable unless a person is being held under specific provisions for national security or the detention is likely to end in the near future. As a result of the ruling, other similarly situated detainees have been released, including six Sri Lankan asylum seekers detained in the same facility as Nadarajah.

LAND USE

William Delvac
Latham & Watkins
Los Angeles

The keystone of downtown Los Angeles's renewal, L.A. Live, is a major redevelopment project begun in 2001 that was aided from the start by Delvac, a partner at Latham & Watkins. Plans for the 27-acre mixed-use complex include a new West Coast headquarters for ESPN, a 7,000-seat Nokia Theatre (the future home of numerous awards shows), ten restaurants, two major hotels, and hundreds of thousands of square feet for residential and commercial use.

In 2006, Delvac helped developers obtain a variety of government approvals that moved the work forward at a fast clip. Last year, in a major turning point for L.A. Live, the Los Angeles City Council and the city planning commission agreed to an increase in the overall density of the project by more than 1 million square feet, allowing the construction of a convention center hotel that is now being developed.

Pamela S. Duffy and Harry O'Brien
Coblentz, Patch, Duffy & Bass
San Francisco

Craig B. Etlin
Morrison & Foerster
San Francisco

David M. Madway and Robert A. Thompson
Sheppard, Mullin, Richter & Hampton
San Francisco

Mary G. Murphy
Gibson, Dunn & Crutcher
San Francisco

Jesse Smith
Deputy City Attorney
San Francisco

A \$420 million public-private retail and entertainment development in San Francisco's mid-Market Street area opened in September 2006, thanks to the legal work of seven San Francisco attorneys. Eleven years in the making, the Westfield San Francisco Centre includes a 1.5 million-square-foot shopping center (of which 900,000 square feet are new) and 235,000 square feet of office space. The revitalized retail area is a bridge between the traditional Union Square shopping area north of Market Street and the South-of-Market Yerba Buena Center, which contains convention centers and museums. Federated Department Stores acquired the land in the late '80s, and in the mid-'90s it partnered with Forest City Developers of Cleveland to develop the property. The adjoining San Francisco Centre was acquired in 2002 by Westfield, one of the world's largest owners and operators of shopping centers. Westfield and Forest City joined in the venture.

The land-use issues were complex—in part because of the number of parties involved and messy local politics—and several lawsuits were filed trying to thwart the development. Assembling the site required the conveyance of public property to private property, the public acquisition of private property, demolishing the Emporium building while maintaining its Market Street facade, and moving its historic dome to a different part of the building. "No city subsidy was involved," says city attorney Smith. "We expected \$18 million a year in sales tax revenue, but so far it's exceeding expectations."

Smith and Madway (formerly general counsel of the San Francisco Redevelopment Agency and now with Sheppard Mullin) were the public attorneys involved in the deal. When Madway left the agency, it hired Etlin as outside counsel to complete the agency work. Thompson represented Federated; O'Brien and Duffy represented Forest City. Murphy, whose client was Westfield, also handled another huge public-private project this year: She represented San Francisco Waterfront Partners in its partnership with the Port of San Francisco to redevelop three piers next to the city's redeveloped Ferry Building, a project in which she also served as lead counsel.

LITIGATION

Kelly M. Dermody
Lief Cabraser Heimann & Bernstein
San Francisco

As the lead plaintiffs attorney in a class action against Sutter Health hospital chain, Dermody secured a settlement that helped ease the sting of price discrimination for thousands of uninsured patients who received care from a Sutter-affiliated hospital. Specifically, the suit accused Sutter of charging the uninsured far more than they would have charged privately insured patients for the same services.

After a heated legal battle, the Sacramento-based hospital chain agreed in August to make available \$276 million in refunds or deductions to qualified Sutter patients. It also agreed to maintain more compassionate collections policies for uninsured patients who fall behind in their payments and to continue providing free or greatly discounted care to low-income patients.

Dennis S. Ellis
Paul, Hastings, Janofsky, & Walker
Los Angeles

In December, Ellis's client, a Hong Kong telecommunications investment company, was awarded \$2.8 billion in damages, attorneys fees, and interest for false sale of goods and fraud by a Fremont-based company selling video-on-demand cable systems. (*New World TMT v. Prediwave*, 1-04-020369.)

The huge judgment followed the Santa Clara County Superior Court judge's grant of an unusual pretrial motion for "terminating sanctions"—the equivalent of a successful "Hail Mary" pass in football. The court found that defendant Jianping "Tony" Qu—a Chinese businessman who had emigrated to Fremont—had perjured himself in depositions, refused to comply with discovery requests, and failed to appear at a mandatory settlement conference. The order caused Qu's attorneys to withdraw, and it effectively terminated Qu's right to participate in the trial.

Ellis and **Robert Pe**, a Paul Hastings partner, began the case in the Hong Kong court system. Ellis traveled repeatedly to Hong Kong to take depositions and secure bank records. In September, Ellis found crucial evidence, which Qu's attorneys sought unsuccessfully to have sealed. Shortly afterward, Qu faxed a declaration to the Los Angeles office of Paul Hastings saying that he had given untrue testimony. Ellis then filed a motion for terminating sanctions, a motion he had originally written as an associate and that had

been rejected by a senior partner.

E. Randol Schoenberg
Burris & Schoenberg
Los Angeles

The extraordinary gold-infused portrait of Adele Bloch-Bauer and four other works by famed artist Gustav Klimt were stolen from the Bloch family in Austria by the Nazis in 1938. After the war Maria Altmann, Bloch-Bauer's niece, spent many decades trying to recover the paintings. In 1998 Altmann contacted Schoenberg, a family friend, to represent her and her family in their efforts. After six years Schoenberg finally prevailed at the U.S. Supreme Court, which ruled in June 2004 that the Bloch family could sue the Austrian government to regain the art. (*Republic of Austria v. Altmann*, 541 U.S. 677.) An Austrian arbitration panel ruled in January 2006 that the paintings should be returned to the family. Altmann and her family later sold the Bloch-Bauer portrait to New York's Neue Galerie, a museum for German and Austrian art, for a reported \$135 million, then the highest price known to be paid for a single painting. The other works were sold at auction for \$192 million.

MEDIA LAW

Kurt Opsahl
Electronic Frontier Foundation
San Francisco

Web publishers won a big victory this year when Opsahl convinced a California state appeals court that online journalists have the same right to protect the confidentiality of their sources as those who work in print. (*O'Grady v. Superior Court of Santa Clara County*, 139 Cal App. 4th 1423 (2006).) Apple Computer tried to subpoena online news publishers and the email service provider of one of the publishers to discover how they learned about secret plans for a product release. The appellate court refused to enforce Apple's subpoena, citing a 1986 federal law that protects the privacy of stored Internet communications as well as a journalist's protections under the state's shield law. "We can think of no workable test or principle that would distinguish 'legitimate' from 'illegitimate' news," the opinion noted. At the First Amendment Project in Oakland, Executive Director David Greene applauded the ruling. "The issue needed to be resolved," he said. "And in this case the court did the right thing."

MERGERS and ACQUISITIONS

Katharine A. Martin
Wilson Sonsini Goodrich & Rosati
Palo Alto

In March 2006 the McClatchy Company announced its bold buyout of Knight Ridder. The transaction set in motion "one of the biggest cross-chain effects yet of a major newspaper deal," according to *Editor & Publisher* in its year-end roundup of the biggest stories in newspaper publishing. McClatchy held on to 20 of the 32 former Knight Ridder dailies but sold the *San Jose Mercury News* and the *Contra Costa Times* to MediaNews Group, the *Monterey Herald* and the *St. Paul (Minn.) Pioneer Press* to Hearst, and 8 papers to other buyers.

Representing McClatchy, Martin led the legal team through the \$6 billion acquisition of Knight Ridder and was involved in structuring the divestitures. Partner **Larry Sonsini** assisted with strategy during the bidding process, negotiations, and merger agreement. Another partner, **Todd Cleary**, took the lead on the divestitures—McClatchy deemed that eleven properties were not in growth markets and another had likely antitrust issues—which brought in approximately \$2.1 billion. Each divestiture transaction hinged on Martin's work in the Knight Ridder acquisition, requiring skillful legal maneuvering as McClatchy signed purchase agreements for papers it didn't yet own. The acquisition closed on June 27, making McClatchy the second-largest newspaper company in the country.

PRO BONO

Dan Grunfeld
Public Counsel
Los Angeles

Last year was a particularly good one for Grunfeld, the president and CEO of Public Counsel, which is the country's largest pro bono public-interest law firm. Grunfeld played a major role in a class action that restored benefits to developmentally disabled foster children last October, leading the legal team in the investigation, formulating the legal strategy, and recruiting Gibson, Dunn & Crutcher to handle the effort pro bono. He also led an investigation into how to prevent hospitals from dumping homeless patients on Los Angeles's skid row and was instrumental in filing a lawsuit about the issue. And in the aftermath of Hurricane Katrina, he was one of the lead lawyers analyzing and responding to the legal needs of thousands of evacuees who had come to Los Angeles.

Also in 2006, Grunfeld became chair of L.A.'s Commission on Recreation and Parks, where his responsibilities include ensuring equal access to parks and open space for the city's low-income residents. And Grunfeld helped Public Counsel extend its impact beyond the United States when he met with lawyers and organizations from Argentina, Brazil, Chile, Columbia, Mexico, and Peru to look into ways to establish similar pro bono practices in Latin America.

PROBATE LAW

Kent L. Richland
Greines, Martin, Stein & Richland
Los Angeles

Richland successfully represented Vickie Lynn Marshall (a.k.a. Anna Nicole Smith) before the U.S. Supreme Court last year when it decided an issue of national significance: the scope of the "probate exception" to federal jurisdiction. Marshall, who died suddenly on February 8, had been locked in litigation with E. Pierce Marshall—the son of her deceased husband, J. Howard Marshall II—in Texas probate court and in California federal courts since 1995.

Marshall first retained Richland in 2001 after she was awarded more than \$400 million by a Los Angeles bankruptcy court for Pierce Marshall's alleged tortious interference with her anticipated inheritance. Richland filed several important motions on her behalf in a de novo review of that judgment. The Ninth Circuit held that the probate exception barred Marshall from bringing her tortious-interference claim in federal court. But in May the U.S. Supreme Court reversed, holding unanimously that "the Ninth Circuit had no warrant from Congress, or from this Court's decisions, for its sweeping extension of the probate exception." (*Marshall v. Marshall*, 126 S. Ct. 1735 (2006).) The ruling permits federal courts to adjudicate matters deemed outside the narrow confines of probate law. Before Vickie Marshall's death, the case had been remanded on other issues to the Ninth Circuit.

PUBLIC INTEREST

Harvey Rosenfield
The Foundation for Taxpayer and Consumer Rights
Santa Monica

Mark Savage
Consumers Union
San Francisco

Getting auto insurance companies to change the way they do business took more than just passing Proposition 103 in 1988. It also took a long legal battle led by Rosenfield, who wrote the proposition, and Savage.

Insurers had long based auto rates primarily on customers' zip codes. But Prop. 103, a sweeping insurance-reform initiative, requires them to consider driving safety records, miles driven annually, and years of driving experience when setting premiums.

Still, it wasn't until 2006, after multiple decisions—including one from the state Supreme Court and several from the court of appeals—and the industry's failed attempt to block the law, that the state's leading insurers were finally forced to heed Prop. 103's anti-redlining provisions.

PUBLIC POLICY

Kimberly Lewis and Robert D. Newman
Western Center on Law and Poverty
Los Angeles

Melinda Bird
Protection & Advocacy Inc.
Los Angeles

Last March a federal district court in Los Angeles ordered the state of California to provide crucial mental health services to thousands of foster children so they can live in homes rather than institutions. The order came in response to a class action filed three years earlier by Bird, Lewis, and Newman on behalf of their respective organizations. (*Katie A. v. BontÃ¡i*, No. CV02-5662 AHM, 3/14/06.)

Critical assistance also came from the ACLU of Southern California, the Judge David L. Bazelon Center for Mental Health Law in Washington, D.C., and the National Center for Youth Law in Oakland. The case has a potentially enormous impact because, according to various studies, mental health problems affect anywhere from 70 percent to 80 percent of the more than 80,000 children in foster care in California. Last August, Bird joined the ACLU of Southern California as senior counsel.

TRADEMARK LAW

Miriam C. Beezy
Foley & Lardner
Los Angeles

Last year Gilead Sciences Inc. and Bristol-Myers Squibb (BMS) joined forces to create Atripla, a once-daily, single-tablet regimen for treating HIV-1 infections. The introduction of the pill—25 years after the first AIDS diagnosis—would not have been possible without a joint venture between the two very different pharmaceutical companies. Gilead is a fast-moving California-based biotech firm, and BMS is a more traditional, established, New York company.

The speed at which the pill cleared trademark hurdles and got to global markets—18 months instead of the usual four to five years—came about because of Beezy's work. Those associated with the pill's fast trademark approval credit her early and frequent coordination between the two companies' marketing departments, in-house counsel, and foreign trademark associates. "It was very expensive," says one in-house counsel for Gilead. "But you can pay a lot of money to other firms and you still wouldn't get that speed."

