

# LITIGATION BOUTIQUE

## HOT LIST

They may be small, but they command attention. The 10 law firms on our Litigation Boutiques Hot List, each fielding no more than 50 lawyers, demonstrate that when it comes to high-stakes cases it's all about skill, not size. Whether they're working on the plaintiffs' or defense side of big pharma, big oil, white-collar or agriculture matters, the lawyers practicing at these streamlined shops set precedents, righted wrongs or saved companies during 2012. —LEIGH JONES

### GOLDMAN ISMAIL TOMASELLI BRENNAN & BAUM LLP

## For efficacious relief from pesky lawsuits

Goldman Ismail Tomaselli Brennan & Baum is known as an effective ingredient for pharmaceutical companies fending off products liability cases, but the four-year-old shop has also been cultivating intellectual property and commercial clients.

Most of the 14-lawyer boutique's future growth will be in its Chicago home office, which moved into expanded digs last fall, managing partner Melissa Widen said. With more open space to encourage collaboration and the firm's reliance on alternative fee arrangements, "we're really free to work in any way we want to," she said. The firm also has offices in Dallas and Santa Monica, Calif.

Deep litigation expertise is also part of the winning formula. The founding partners' résumés list Fulbright & Jaworski and Chicago firms Bartlit Beck Herman

Palenchar & Scott and Jenner & Block. Commercial litigation represents about 15 to 20 percent of the caseload, Widen said. About half is in pharmaceuticals and medical devices and the rest is in intellectual property.

In a multidefendant patent infringement case involving ticketing-software patents, *CEATS Inc. v. Continental Airlines Inc.*, the firm scored a summary judgment for client Tickets.com in February 2012. Goldman Ismail's unusual legal strategy involved a California state court challenge of CEATS' ownership of the patents, which it acquired through an asset purchase. Just before the March 2012 verdict found the patents invalid, Tickets.com and CEATS settled. "We were able on our counterclaims to get a very favorable settlement for our clients," said founding partner Tarek Ismail.

Goldman Ismail helped Merck & Co. Inc. avoid a trial in Florida state court on claims that the osteoporosis medication Fosamax caused osteonecrosis of the jaw. The plaintiff initially pushed hard for that venue—Florida is home to plaintiffs counsel at Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, and one of the plaintiffs' children is a Florida judge. Shortly before the trial, however, the plaintiff side abandoned the state case in favor of multidistrict litigation pending in federal court; based on the federal judge's prior rulings, the move means punitive damages are unlikely, Widen said. She credited discovery work



that undermined the plaintiff's science and medical witnesses for the venue shift.

Despite Goldman Ismail's relatively recent vintage, its lawyers bring plenty of bet-the-company experience to the table, said Merck vice president and assistant general counsel James Grasty. "Those guys exist to try cases; they do so incredibly effectively," Grasty said.

—SHERI QUALTERS

- Focus early in the litigation on what is the admissible evidence that supports your client's theory in the case.
- Credibility with judges and juries is earned and should not be assumed.
- Whenever possible, assume the role of a teacher, particularly when it comes to scientific evidence.

TAREK ISMAIL