

LITIGATION BOUTIQUES HOT LIST

At the 10 law firms spotlighted here, it's all about skill, not size. The lawyers at these litigation shops, all of which have fewer than 51 attorneys, are as clever at practicing on paper as they are at wooing a jury. Many of these lawyers have honed their craft at the biggest and best firms in the nation and have opted, once they've gained crucial work experience, for a small-firm career. We've highlighted the special strategies and creative approaches they used in 2013 to help set precedent, right wrongs and save the day for the client.



SHAYNA COOK

GOLDMAN ISMAIL TOMASELLI BRENNAN & BAUM LLP

A Strategy Steeped in Bold Moves

Soon after mineral company Imerys S.A. tapped Goldman Ismail Tomaselli Brennan & Baum for help with a products liability case against Johnson & Johnson and suppliers over talc-based products, the firm advised telling the judge that she got a ruling wrong.

Although not formally admitted to the case at that time, Goldman Ismail lawyers were the primary authors of a motion for reconsideration in the South Dakota federal case brought by a woman who claimed talc caused

her ovarian cancer. Imerys was one of several co-defendants in the case.

The motion asked U.S. District Judge Karen Schreier to change a ruling that allowed a civil conspiracy claim against Imerys, then Luzenac America Inc., to proceed to trial. The motion argued that the company had not conspired with others and that Imerys and Johnson & Johnson had a First Amendment right to belong to a trade group that lobbies federal agencies about talc safety. The judge was persuaded and granted summary judgment to Imerys.

"Moving for reconsideration of anything is almost never successful," said partner and lead counsel for Imerys Shayna Cook, a partner at Goldman Ismail.

To go to a court and argue that the judge was wrong "can be pretty hard to do. Our team came up with a really creative argument," Goldman Ismail managing partner Melissa Widen said.

Taking bold steps following deep analysis is a hallmark of the 16-attorney Chicago-based firm. In just five years, it has established offices in Dallas and Santa Monica, Calif., and made a mark in mass tort, intellectual property and commercial litigation.

As lead counsel for Bayer HealthCare Pharmaceuticals Inc., the firm masterminded the removal of a 93-plaintiff case involving the intrauterine contraceptive device Mirena from Missouri state court to federal court. It's now part of multidistrict litigation. "Because of the law in Missouri courts, it's hard to find a way to get from state court to federal court," Cook said. The firm decided to argue that one plaintiff, from the same state as Bayer's relevant operations, New Jersey, was fraudulently added to defeat diversity.

FIRM FACTS

- **Founded:** 2009
- **Based:** Chicago
- **Total No. of Attorneys:** 16
- **Partners:** 9 ■ **Associates:** 6

In general, the firm's case strategy "is geared not towards litigating but how it's going to be resolved on the merits. We do it the first moment we have a case," partner Tarek Ismail said. Ismail used that philosophy while defending Bayer HealthCare in multi-district litigation over its Magnevist gadolinium dye used during MRI procedures.

The firm sold Bayer on a settlement program that disrupted its business much less than if it had continued litigating with the other defendants, Ismail said. Settlements and voluntary dismissals disposed of all but a half-dozen cases by the end of 2013.

Goldman Ismail is "a legitimate, credible threat to any case when they show up on the defense side," said Chris Seeger of New York-based Seeger Weiss, whose firm served on the plaintiffs' steering committee early in the gadolinium litigation. —SHERI QUALTERS

TRIAL TIPS

■ Opening statements are about creating a favorable narrative for your client, not to preview or rebut every piece of evidence in the case.

—TAREK ISMAIL

■ Re-direct examination can be effective but tricky; don't wait until cross-examination to consider your plan for re-direct examination.

—TAREK ISMAIL

■ Effective cross-examination begins at the deposition phase—depositions of potential trial witnesses should be taken with the anticipated cross-examination in mind.

—SHAYNA COOK