

## Legal 500 USA 2007 Volume Three (Dispute Resolution) Rankings & Editorial

ANTITRUST						
Ranking 2007	Ranking 2006	Ranking 2005	Number of Tiers	Leading Individuals 2007	Leading Individuals 2006	Leading Individuals 2005
3	--	--	7	Mark Gidley Christopher Curran George Paul Wayne Cross Robert Milne	--	--
Editorial						
<p><b>PRACTICE:</b> With 'first-class' offices in New York and Washington, DC, and backed by an impressive worldwide network of offices, White &amp; Case has the reach and resources to handle domestic and multi-jurisdictional antitrust disputes on behalf of both defendants and plaintiffs. Active across a myriad competition matters, including price-fixing, global cartel investigations and merger litigation, clients are quick to note the firm's 'superb service, excellent knowledge and first-rate client service'. Traditionally strong on M&amp;A-related antitrust matters, a developing contentious practice increasingly sees White &amp; Case instructed on bet-the-company cases. Benefiting from a deep bench of talent that includes several former high-ranking government officials, the team provides 'a through and first-class service' to clients facing agency investigations, in addition to civil and criminal litigation at both state and federal level. Praised by clients for 'its offensive and proactive approach to litigation', the firm 'takes the fight to the enforcement agencies', and has scored some notable victories against both the FTC and the DOJ. Global co-ordinating counsel to Norwegian shipping giant Stolt Nielsen, White &amp; Case is currently instructed by its transportation group in the first DOJ amnesty agreement case on appeal to the Supreme Court. Closely monitored by corporate America, the outcome could have a tremendous knock-on effect on corporate whistle-blowing and has the backing of the bulk of the business community. Also on behalf of the Stolt Nielsen Group, the team secured the first US federal court appellate decision compelling arbitration of claims based on alleged horizontal price-fixing under the Sherman Act. Following on from victories at trial and appellate level, the group recently completed a landmark victory for Upsher-Smith Laboratories with the Supreme Court's unprecedented decision not to take the FTC's appeal, challenging its patent infringement settlement with a branded manufacturer.</p> <p><b>CLIENTS:</b> Clients include a diverse mix of pharmaceutical companies (Sandoz, Novartis Pharmaceuticals and Kos Pharmaceuticals), financial institutions (Banca di Roma, First American Corporation and Visa USA), energy companies (ConocoPhillips and Watts Water Technologies) and retail companies (Koninklijke Ahold and Gap). 'The firm is extraordinary, and among the most responsive outside counsel I have seen, let alone used', say clients.</p> <p><b>INDIVIDUALS:</b> Based in Washington, DC and head of the firm's global antitrust group, the 'outstanding and supremely knowledgeable' Mark Gidley receives acclaim from both clients and peers alike. Formerly acting assistant attorney general of the DOJ antitrust division, clients appreciate his 'encyclopaedic knowledge of the area' and 'high energy and enthusiastic approach'. Since returning to private practice he has claimed notable victories in the Upsher-Smith trial, and for SunGard Data Systems in the first defeat of a government merger challenge in Washington, DC for almost a decade. 'He is creative without being theoretical, yet his creativity is all based solidly in antitrust theory', enthuses one client. Washington, DC-based partner Christopher Curran regularly represents clients before the US federal government bodies and the courts. 'He is an adroit litigator, as well as being extremely knowledgeable in the</p>						

## Legal 500 USA 2007 Volume Three (Dispute Resolution) Rankings & Editorial

nuances of antitrust issues', says one client. He was lead counsel in the successful defense of Upsher-Smith at first instance and appeal. 'A world-class antitrust lawyer', say clients, Washington, DC-based partner George Paul has an impressive track-record for merger-related antitrust issues. Perhaps better known for his advisory strength, he has nevertheless been counsel to merging parties in several well-known US agency merger challenges, including US v SunGard Data Systems and FTC v Staples. 'He is extremely creative and diligent, and is a great person to boot', noted one client. 'Exceptional for pure antitrust litigation', New York-based partner Wayne Cross has acted as lead counsel in cases as diverse as the price-fixing of agricultural fertilizers, monopolization of motor vehicle distribution, and group boycotting in bulk wheat flour distribution. A rising star of the practice, New York-based partner Robert Milne recently scored a notable victory on behalf of generic drug company, Sandoz, in one of the first reverse-payment patent settlement cases to be tried by jury.

ENVIRONMENT						
Ranking 2007	Ranking 2006	Ranking 2005	Number of Tiers	Leading Individuals 2007	Leading Individuals 2006	Leading Individuals 2005
4	--	--	5	Douglas Halsey Neal McAliley Richard Horsch Paul Milmed	--	--
Editorial						
<p><b>PRACTICE:</b> 'Extremely competent', say clients, White &amp; Case's four-partner team is evenly split between its New York and Florida offices. Although the market points to decreasing visibility in the national market, the presence of a huge geographical footprint means that clients appreciate 'the clout this world-wide legal giant can provide'. Predominantly active in local disputes, the Florida office's broad-ranging expertise includes cost recovery claims and complex land use litigation. In one of the highest profile local environmental cases of recent times, the team is representing a consortium of major limestone mining companies and their trade associations in litigation challenging the permits issued to them for mining purposes. It is also active on behalf of one of the largest county governments in southern Florida in administrative proceedings seeking to alter regional water management plans. While the New York office is better known for its transactional capabilities, a robust Superfund practice has weathered the general dip in the market and has secured some high-profile instructions. In one highlight, it has been instructed by a major global manufacturing company in an action by the State of New York to recover the \$20m clean up costs for the Blydenburgh Landfill inactive hazardous waste site.</p> <p><b>CLIENTS:</b> The firm acts for a blend of regional, national and international clients including Florida Rock Industries, Waste Management, Fordham University, Lee County, City of Dania Beach, Miami-Dade Limestone Products Association, Estee Lauder, Newmont Mining and Saudi Aramco.</p> <p><b>INDIVIDUALS:</b> Based in Miami, Douglas Halsey is considered to be one of Florida's leading environmental lawyers, and has a focus on cost recovery claims</p>						

## Legal 500 USA 2007 Volume Three (Dispute Resolution) Rankings & Editorial

and land use disputes. Instructed by an impressive portfolio of manufacturers, developers and property owners, he is currently acting for a local real estate developer appealing a development order. A skilled trial lawyer, clients appreciate his 'calm, respectful demeanour in the court room and his impressive command of the facts in his legal argument'. Recently made up to the partnership, Neal McAliley is a rising star of the firm's Miami environmental practice. Benefiting from a strong grounding in both civil and criminal environmental matters following his time at the DOJ, recent highlights include representation of Lee County in the Lake Okeechobee water management litigation. 'Ultra-cool in all respects, he is affable, articulate and thoroughly engaging. He's a 15 out of 10', enthused one client. Although better-known for his transactional prowess, New York-based partner Richard Horsch also offers significant litigation expertise, including cost recovery actions and toxic tort litigation. A strong international bent to his practice regularly sees him instructed by clients such as Saudi Aramco and the International Finance Corporation. Benefiting from significant public sector experience following his stint as chief of the Environmental Protection Unit in the United States Attorney's Office for the Southern District of New York, New York-based partner Paul Milmed is recommended for his litigation expertise. Regularly instructed by clients on Superfund-related disputes, he is currently involved in the clean-up costs recovery action regarding the Blydenburgh Landfill waste site.

INTERNATIONAL ARBITRATION						
Ranking 2007	Ranking 2006	Ranking 2005	Number of Tiers	Leading Individuals 2007	Leading Individuals 2006	Leading Individuals 2005
1	--	--	6	Paul Friedland Carolyn Lamm John Willems Darryl Lew Abby Cohen Smutny	--	--
<b>Editorial</b>						
<p><b>PRACTICE:</b> White &amp; Case was a pioneering force in the development of international arbitration in the US, and has a depth of accumulated experience in the field that places the firm at the top of the field. In the US, New York and Washington, DC are key centers of activity and house nine full-time arbitration partners, but White &amp; Case is unusual among the firms in our table for the size and reputation of teams of attorneys based in centers such as London, Paris, Hong Kong and Stockholm, who are actively involved in arbitration work. Expertise of attorneys in those international offices is often brought to bear advising US and other international clients on complex cases involving unusual issues of foreign or international law (especially in emerging markets), where examples include advising the Republic of Indonesia in an ICSID (International Centre for Settlement of Investment Disputes) arbitration commenced by Cemex involving claims of \$500m relating to the partial privatization of a state-owned enterprise. The arbitration was the first ICSID arbitration in which the ASEAN Treaty has been invoked, and demanded close co-operation with attorneys in the firm's Hong Kong office. White &amp; Case has a strong name for investor-state arbitrations, especially in emerging markets, where recent examples include successfully representing the state of Romania in an ICSID</p>						

## Legal 500 USA 2007 Volume Three (Dispute Resolution) Rankings & Editorial

arbitration brought by Noble Ventures, the US construction firm, in relation to a \$440m claim under the bilateral investment treaty between the US and Romania, and representing PSEG, the energy services company, in a dispute arising under the US-Turkey bilateral investment treaty relating to the development of a mine-mouth electric power project. The team also worked for the Republic of the Philippines in two \$500m arbitrations arising out of concessions to construct a passenger terminal at Manila's international airport, in a case demonstrating close co-operation between teams in the firm's US, Paris and Hong Kong offices. The firm is seeing a growing amount of work in the energy sector, such as successfully representing RWE Nukem, the nuclear engineering company, on a long-running dispute with US Energy Corporation. White & Case has a stellar reputation for project finance work in the US and internationally, acting for both sponsors and lenders, which is often beneficial for clients when disputes arise out of projects.

**CLIENTS:** White & Case has an excellent track record in advising on investor-state arbitrations. The firm has recently advised governments such as Indonesia, Romania, Turkey and the Philippines on major international arbitrations. The team is somewhat unusual in its investor-state disputes work, its client base divided roughly equally between advice to governments and advice to investors/companies, where other firms tend to represent either one group or the other. This broad mix of work gives the firm a pool of experience acting for both types of clients that is beneficial for clients. Other clients come from the energy sector, including PSEG, the energy services company, and RWE Nukem, the nuclear engineering company; IT; financial services, including recently CSOB, the Czech bank; telecoms and construction sectors, and include major US corporations as well as companies from Europe, Asia and Latin America.

**INDIVIDUALS:** The White & Case US team is spread between New York and Washington, DC, and includes New York-based partner Paul Friedland, who is recommended by clients for 'outstanding cultural sensitivity, top-class intellect and ability to focus on the real issues'. Washington, DC-based Carolyn Lamm, whose workload includes a large number of investor-state cases, is 'intelligent, hard-working, a good strategist, and one of the leading arbitration experts in the world', according to one client. New York partner John Willems is 'talented, responsible and highly professional', say clients, while Washington, DC-based partners Darryl Lew and Abby Cohen Smutny are also recommended by clients.

### INTERNATIONAL TRADE

Ranking 2007	Ranking 2006	Ranking 2005	Number of Tiers	Leading Individuals 2007	Leading Individuals 2006	Leading Individuals 2005
5	--	--	5	Walter Spak Gregory Spak David Bond William Clinton Christopher Corr	--	--

### Editorial

**PRACTICE:** With no claim to any particular specialism, White & Case has a diverse international trade litigation practice. The group consists of 23 lawyers

## Legal 500 USA 2007 Volume Three (Dispute Resolution) Rankings & Editorial

and a further 12 professional advisors, economists and accountants, and its focus is primarily in advising foreign interests. The group is ambitious but perhaps also a little misguided as they have been occasionally accused of 'willing to compete on price, and therefore compromise on quality'. However, many clients remain loyal, and appreciate the 'proactive, responsive, and reasonable cost' of the firm and the 'strength of the firm's global practice and presence'. One highlight among the firm's recent litigation work is its representation of GCC Cementos and the Mexican government in a US-Mexico trade dispute, one of the largest WTO challenges against US government anti-dumping laws that involved over 450 allegations of breach and a potential liability of over \$200m. The case was resolved last year in a historic government-to-government settlement. Tenaris, the world's largest supplier of seamless steel tubular products, also relies on White & Case to protect its worldwide interests. Most recently, the firm represented Tenaris' Argentinean and Mexican operations in two separate WTO dispute settlement proceedings, also advising the governments of both countries in the matter. In another notable victory, the international shipping company Stolt-Nielsen also retained the firm in a major section 337 case before the ITC. The case ultimately settled, one term of the settlement agreement being that the suit against Stolt-Nielsen be dismissed in its entirety. At present the firm's focus in this area is on WTO work; indeed some have commented that the firm is 'doing incredible things in developing their WTO practice'.

**CLIENTS:** White & Case's most recent clients in trade remedy work have included the Japanese producer of metal calendar slides, Nishiyama Kinzoku, Singaporean ball-bearing producers NMB Singapore and Pelmec Industries, and Rubicon, Empagran (shrimp exporters from Thailand and Ecuador). The firm's global corporate client list features names such as The Buchanan Group, Fuji Film, Novartis, Saudi Aramco, Toyota, Mattel, New York Life, Tyson Foods, Mitsui, Sharp, Subaru, Integrated Silicon Solutions and Midwest Air Technologies. White & Case has also represented the government of Thailand and the Hong Kong Economic and Trade Office.

**INDIVIDUALS:** Walter Spak has a loyal client base that is bringing in a decent amount of work for the firm. 'We chose the firm when Walter Spak joined them, because we had worked with him with excellent results', says one client. Gregory Spak and David Bond are also considered by clients as 'part of our team', while William Clinton deserves recognition for pioneering defensive strategies for exporters, particularly from the Chinese market. Christopher Corr is another highly regarded lawyer, one client stressing that 'he took the time to understand our business and our people ... he consistently found ways to ensure that our business interests were considered in developing strategies and approaches'.

IP LITIGATION (COPYRIGHT-NATIONAL)						
Ranking 2007	Ranking 2006	Ranking 2005	Number of Tiers	Leading Individuals 2007	Leading Individuals 2006	Leading Individuals 2005
4	--	--	6	Fred Koenigsberg Jonathan Moskin William Sloan Coats Carol Witschel	--	--
<b>Editorial</b>						

## Legal 500 USA 2007 Volume Three (Dispute Resolution) Rankings & Editorial

**PRACTICE:** Spearheaded out of its New York and Palo Alto offices, White & Case offers a 'prompt, professional and cost-effective service' to clients across both traditional and new media. Particularly capable in the music industry, the firm's role as general counsel to the American Society of Composers, Authors and Publishers (Ascap) has seen it involved in cutting-edge issues spawned by the digital revolution. White & Case is currently representing Ascap in rate proceedings to determine reasonable license fees to be paid by AOL, RealNetworks and Yahoo! for performances over the Internet of music in their repertory. From time to time involved in precedent-setting decisions, the team recently scored a notable victory for the art world with its successful defense of Deutsche Bank, one of the parties in *Blanch v Koons*. Affirming a trial court decision, the Court of Appeals for the Second Circuit found that a painting commissioned by Deutsche Bank and created by the artist Jeff Koons was protected under the fair-use defense and therefore did not infringe the work of a freelance photographer. Leveraging off its 'outstanding global reputation', over the years White & Case has helped shape key policy initiatives including the Digital Millennium Copyright Act, the Copyright Extension Act and the WIPO Copyright Treaty.

**CLIENTS:** Clients praise White & Case for its 'very prompt, professional and cost-effective service'. The firm is instructed by clients from an impressively broad spread of industries, including music (Ascap and BMG Music Publishing), film (Walt Disney), financial institutions (Deutsche Bank), pharmaceutical companies (Pfizer), and software companies (Business Software Alliance and Cirrus Logic).

**INDIVIDUALS:** A pre-eminent copyright lawyer, New York-based partner Fred Koenigsberg has a non-contentious slant to his practice including licensing and legislative advice. 'Without peer in the music intellectual property space', say clients, his role as general counsel to Ascap is a mainstay of his practice. Clients who appreciate his 'first-class service' include country-music artist Garth Brooks and children's book author Rosemary Wells. Based in New York, Jonathan Moskin is described by clients as 'a superb communicator' who also 'has an eye to practical advice'. Moskin's recent highlights include his successful representation of toy manufacturer Hasbro, and its subsidiary, in a copyright infringement claim concerning one of its popular board games. Executive partner in charge of White & Case's Palo Alto office, William Sloan Coats has an excellent reputation in relation to software copyrights. One client appreciates his 'ability to keep us informed throughout the case'. A well-regarded litigator, New York-based partner Carol Witschel led the advice in the Ascap rate proceedings and the recent successful defense for Deutsche Bank in the *Blanch v Koons* litigation.

IP LITIGATION (PATENT LITIGATION-INTERNATIONAL TRADE COMMISSION)						
Ranking 2007	Ranking 2006	Ranking 2005	Number of Tiers	Leading Individuals 2007	Leading Individuals 2006	Leading Individuals 2005
2	--	--	3	DR Terrill*	--	--
<b>Editorial</b>						
PRACTICE: White & Case's IP group regularly calls on the assistance of the international trade group for expertise in ITC cases, which tend to be focused on						

## Legal 500 USA 2007 Volume Three (Dispute Resolution) Rankings & Editorial

the areas of specialty that form the core of the firm's more general patent litigation offering - namely, the life sciences sector - and particularly representing branded pharmaceutical manufacturers against generic drug challenges. Clients generally consider White & Case to be cost-effective and consumer-oriented, 'extremely prompt and very reliable' and also praise the firm's 'responsive' and 'approachable, friendly' aspect and 'outstanding legal and technical expertise'.

**CLIENTS:** AstraZeneca, Novartis, Novo Nordisk and Pfizer are just some of the firm's pharmaceutical clients, as well as the leading agribusiness Syngenta, the bicycle company Trek, and Taiwan Semiconductor.

**INDIVIDUALS:** DR Terrill in Washington, DC is a former ITC judge, who is of-counsel in the international trade group and therefore a key figure in ITC actions.

Note: \*now left firm

IP LITIGATION (PATENT LITIGATION–LIFE SCIENCES/CHEMICAL)						
Ranking 2007	Ranking 2006	Ranking 2005	Number of Tiers	Leading Individuals 2007	Leading Individuals 2006	Leading Individuals 2005
3	--	--	3	Dimitrios Drivas Jeffrey Oelke William Sloan Coats	--	--
Editorial						
<p><b>PRACTICE:</b> White &amp; Case's 160-strong IP department includes 22 registered patent attorneys to serve the firm's modest prosecution practice, but the IP group is predominantly focused on litigation and anything between 80 and 100 lawyers will be engaged on patent litigation at any given time. The firm's New York-based patent litigators focus predominantly on the life sciences sector, and particularly represent branded pharmaceutical manufacturers against generic drug challenges. Clients generally consider White &amp; Case to be cost-effective and consumer-oriented, 'extremely prompt and very reliable' and also praise the firm's 'responsive' and 'approachable, friendly' aspect and 'outstanding legal and technical expertise'. Most recently, White &amp; Case was acting for Novartis International in two suits filed against Par Pharmaceuticals, the generic drug manufacturer, in relation to its attempts to protect the extremely valuable patents for its hypertension drug, Lotrel. In mid-2006, White &amp; Case achieved a \$22.5m settlement for Geneva Pharmaceuticals Technology in a patent dispute with Barr Laboratories over the raw material source for Warfarin Sodium, the blood thinner.</p> <p><b>CLIENTS:</b> AstraZeneca, Novartis, Novo Nordisk and Pfizer are examples of the firm's pharmaceutical clients.</p>						

## Legal 500 USA 2007 Volume Three (Dispute Resolution) Rankings & Editorial

**INDIVIDUALS:** Dimitrios Drivas and Jeffrey Oelke are key members of the New York office, both of whom have impressed clients, who view them as 'keen, analytical and strategic'. William Sloan Coats, a patent and copyright litigator who established the Palo Alto IP practice, is well regarded for his 'ability to work with clients', for his track record and because he 'conducts himself well before judge and jury', say clients.

REGULATED INDUSTRIES (ENERGY)						
Ranking 2007	Ranking 2006	Ranking 2005	Number of Tiers	Leading Individuals 2007	Leading Individuals 2006	Leading Individuals 2005
4	--	--	4	Earle O'Donnell Donna Attanasio	--	--
<b>Editorial</b>						
<p><b>PRACTICE:</b> Widely considered as a reliable player in finance, tax and bankruptcy work in the energy arena, although less so in regulatory affairs, a recent push towards building a strong regulatory litigation practice has earned White &amp; Case a place in the rankings. This is inspired in no small part by recent arrivals that have added real expertise to this area and expanded the client base. A number of clients informed researchers that they 'retained White &amp; Case as a result of Earle O'Donnell and members of his Dewey Ballantine team moving last fall', underlining the impact that this move has had on the practice's growth. As an example of the recent high standard of work, the practice has been involved with Constellation Energy in FERC litigation opposing claims of compensation of utility customers for transmission charges. On the generator side, clients remarked upon the practice's 'high international standard of work', whilst others were notably 'impressed by negotiation skills'. This view is reinforced by the practice's role as lead counsel to the electric generator Coalition in a major FERC rate case involving the El Paso Natural Gas Company.</p> <p><b>CLIENTS:</b> A growing client base has included DC Energy, Pacific Gas and Electric (PG&amp;E) and Shell Trading, for which the firm has advised in various FERC proceedings. International work has been a prominent feature of the practice, with clients such as Abu Dhabi Water and Electricity Authority turning to the firm for advice.</p> <p><b>INDIVIDUALS:</b> Earle O'Donnell is recognized as a market leader, and his arrival is seen as a major coup for the firm. Clients say: 'Earle will only make the practice stronger in the energy field. He is quick to respond to client concerns and articulate'. Furthermore, clients consider him 'among the top ten individuals in this discipline'. Another arrival as part of the aforementioned move is Donna Attanasio, who is seen as a leading figure in top-level regulatory proceedings and who has been at the center of much of the recent involvement in the PG&amp;E representation. Both are based in Washington, DC.</p>						

## Legal 500 USA 2007 Volume Three (Dispute Resolution) Rankings & Editorial

TAX CONTROVERSY						
Ranking 2007	Ranking 2006	Ranking 2005	Number of Tiers	Leading Individuals 2007	Leading Individuals 2006	Leading Individuals 2005
3	--	--	4	Michael Quigley Kathleen Pakenham Michael Saltzman	--	--
<b>Editorial</b>						
<p><b>PRACTICE:</b> Described as 'superior' by clients and 'very responsive', the tax controversy group at White &amp; Case is led out of Washington, DC by partner Michael Quigley, and also includes partners in New York. Quigley joined the firm in 2006 from Akin Gump Strauss Hauer &amp; Feld, and is now part of a ten-strong controversy team at the firm. Praised for the 'high calibre' of its attorneys, the team is smaller than many of its competitors but is able to draw on an extensive international network to advise clients on cross-border and multinational issues. It is also experienced in criminal tax representations, including work for targets of grand jury investigations and clients under civil audit with potential criminal exposure. Recent work includes advice to Charter Corporation, a subsidiary of Deutsche Bank, on a Tax Court litigation involving \$59m in tax and penalties, and work for Clear Channel Communications in Tax Court litigation involving a \$90m adjustment and turning on an issue of relevance to the entire broadcast industry. The firm also acted for American Financial Group in the Federal District Court of Ohio, and before the IRS and the Department of Justice, in connection with a case about federal life insurance taxation issues. In Heilig-Meyers v United States, the firm is representing the company before the Court of Appeals for the Fourth Circuit and the Department of Justice.</p> <p><b>CLIENTS:</b> Clients of the White &amp; Case team in this area include Deutsche Bank, Clear Channel Communications, Corporex Companies, Heilig-Meyers, American Financial Group, AOL Time Warner, Arthur Andersen, Bear Stearns, Burlington Resources and Citigroup.</p> <p><b>INDIVIDUALS:</b> The group of partners in this area at White &amp; Case is praised by a client for 'demonstrating the highest level of expertise, structuring skills, problem solving capability, careful negotiation, attention to detail and integrity'. Head of the group Michael Quigley in Washington, DC is praised for 'intelligence, strategic thinking, awesome negotiating skills' and 'bringing invaluable experience to the table' by another client. In New York, Kathleen Pakenham is praised for 'efficiency, timeliness of response and depth of research', while Michael Saltzman is described by one client as 'intelligent, always accessible' and able to 'think strategically for quicker issue resolution'.</p>						