

Special Section | May 18, 2015

Connecticut  
**LawTribune**

# LITIGATION DEPARTMENT OF THE YEAR



AXINN VELTROP & HARKRIDER

CARMODY TORRANCE SANDAK & HENNESSEY

MCELROY, DEUTSCH, MULVANEY & CARPENTER

PULLMAN & COMLEY

CONNECTICUT CHIEF STATE'S ATTORNEY'S OFFICE

HINCKLEY ALLEN

ROBINSON & COLE

GARRISON, LEVIN-EPSTEIN, RICHARDSON, FITZGERALD & PIRROTTI

MCCARTER & ENGLISH

ROME MCGUIGAN

RENEE C. BAUER

NUSBAUM & PARRINO

WIGGIN AND DANA



## From the Editor

Practice might not always make perfect. But it makes for more successful litigation. That's what we learned this year from the Connecticut Law Tribune's annual Litigation Department of the Year competition.

In addition to a truly impressive array of legal victories achieved by our winning firms, the articles in this special section outline an array of techniques that the firms use to prepare themselves for trial. (Spoiler: Moot court sessions didn't disappear after law school.) And, in fact, litigation strategies and tactics played as big a role in helping us pick winners as actual success in the courtroom or at the negotiating table.

In all, we had nearly 30 law firms submit about 50 entries, with some firms opting to compete in more than one category. We picked three general litigation winners, choosing one each among big firms, mid-sized firms and out-of-state firms with Connecticut offices. Competition in these categories was fierce, with many of the nominees—as well as the winners—showing an ability to handle cases both inside and outside Connecticut; displaying expertise in a wide range of practice areas; and winning cases that had an impact beyond a particular client.

Beyond that, we picked 12 niche winners in traditional and emerging practice law areas. A new category this year is for public sector and nonprofit organization legal teams. Over the years, more and more of these agencies and organizations have asked to be included in our awards competitions, and we thought it fair to oblige. One note: There were some excellent entries by law firms that did not receive awards simply because no one else entered that category. We did not choose winners in "uncontested races."

In closing, we would like to thank all the applicants for taking the time to fill out our questionnaire. Even if we didn't reward you this year, we learned an awful lot about developments in the law from the materials you sent us. Please keep us in mind as you handle interesting cases throughout the year. By sharing your stories with us, you're helping to educate other members of the Connecticut bar.

Paul Sussman  
Editor-in-Chief

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## General Litigation – Large Connecticut Law Firm

# Lean, Mean and Patently Successful

*Axinn Veltrop parlays IP strengths into wider litigation success*

By AMARIS ELLIOTT-ENGEL



Left: John Tanski, Thomas Rohback, and Francis Morrison III. Above: members of Axinn Veltrop & Harkrider's intellectual property team: Jeremy Lowe, Ted Mathias, Chad Landmon, Stacie Ropka, Matthew Becker.

The number of civil jury trials has dropped precipitously in the United States, but don't tell that to the 59 litigators at Hartford-based Axinn, Veltrop & Harkrider. Every single lawyer at the firm is a litigator, and all of the firm's revenues derive from litigation—or at least the possibility of it.

The Axinn litigation philosophy is “lean and mean,” says partner Chad Landmon. For example, Axinn teams are usually smaller than the legal teams they go up against, Landmon added.

John Tanski, a young partner in Axinn's Hartford office, said every trial lawyer of his generation is concerned about how to get litigation experience when the opportuni-

ties to get into the courtroom are few. But he was drawn to Axinn because the firm has efficient litigation teams, which present associates the opportunity to have “real roles in cases,” he said.

ing associates handle depositions; or pairing junior partners and associates with a senior partner on a trial or contested-arbitration team. Even though the firm handles high-dollar matters that often settle before trial, Axinn lawyers get a lot of litigation experience in the firm's three practice areas of antitrust, intellectual property and high-stakes, complex commercial litigation. “We tell clients we're not afraid to try cases,” Tanski said.

The firm's overall strength in litigation is why Axinn has been selected as the Connecticut Law Tribune's 2015 Litigation Department of the Year award winner for general

science clients such as Unilever, 3M and Stanley Black & Decker.

### Double Patenting

In one of the firm's most significant IP wins in 2014, Axinn's Jeremy Lowe successfully argued on behalf of generic drugmaker Natco that another company's patents covering the flu treatment and prevention medication Tamiflu are invalid because there is more than one patent covering Tamiflu.

The U.S. Patent and Trademark Office is supposed to avoid “double patenting,” or granting two patents for a single invention. For the first time, the U.S. Court of Appeals for the Federal Circuit held that a patent granted later in time, but that expires at an earlier date than another patent, can be cited to block an inventor's patenting efforts.

“It is a bedrock principle of our patent system that when a patent expires, the public is free to use not only the same invention claimed in the expired patent but also obvious or patentably indistinct modifications of that invention. ... And that principle is violated when a patent expires and the public is nevertheless barred from practicing obvious modifications of the invention claimed in the patent,” Judge Raymond Chen wrote.

If Natco continues to succeed in challenging the Tamiflu patents, it would become the first generic supplier of the influenza drug. James Veltrop, Thomas Hedemann and Dang-Feng Mei also represented Natco in the case.

The firm also had another significant out-

Continued on PAGE S16

**Axinn lawyers successfully filed a motion to dismiss on behalf of Stanley Black & Decker in an antitrust case brought by an Oregon company that claimed its safety technology was being ‘boycotted.’**

ties to get into the courtroom are few. But he was drawn to Axinn because the firm has efficient litigation teams, which present associates the opportunity to have “real roles in cases,” he said.

The firm also has a commitment to apprentice younger lawyers in the art of trial lawyering, whether it is through pro bono cases before the Connecticut Commission on Human Rights and Opportunities; hav-

ing associates handle depositions; or pairing junior partners and associates with a senior partner on a trial or contested-arbitration team. Even though the firm handles high-dollar matters that often settle before trial, Axinn lawyers get a lot of litigation experience in the firm's three practice areas of antitrust, intellectual property and high-stakes, complex commercial litigation. “We tell clients we're not afraid to try cases,” Tanski said.

The IP practice has been built up by lawyers with industry or regulatory experience and scientific backgrounds, Landmon said. The bulk of the IP practice is representing the life sciences industry, but the firm also represents nonlife

LITIGATION  
DEPARTMENT  
OF THE YEAR

### AXINN, VELTROP & HARKRIDER

	Total Firm	CT Office(s)
Litigation Partners	21	10
Litigation Associates	40	10
Other Litigation Attorneys	1	0
% Total Revenue From Litigation	90%	35%

**Nomination Excerpt:** Axinn represents corporate clients in the resolution of high-stakes disputes in the areas of antitrust, intellectual property and other complex or strategic commercial areas. The firm has offices in Hartford, New York and Washington, D.C., and handles disputes across the country and worldwide. Axinn's antitrust lawyers have defended some of the most significant government merger challenges and represented clients in major mission-critical actions, including the largest class action in U.S. history. IP lawyers take on multimillion- and multibillion-dollar patent actions, including in the life sciences industry. The firm's other litigators represent major financial institutions and institutional investors in nationwide class actions and other disputes involving financial instruments.

### NOTEWORTHY CASE:

**Case:** Watson Laboratories v. Sebelius

**Court:** U.S. Court of Appeals for the Fourth Circuit

**Summary:** Axinn filed suit against the U.S. Food and Drug Administration on behalf of Watson Laboratories, seeking an order to reverse the FDA's determination that a competitor of Watson (Teva Pharmaceutical Industries Ltd.) was solely entitled to the 180-day generic marketing exclusivity period relating to the multibillion-dollar arthritis drug Celebrex (celecoxib). Suit was also filed against FDA by another generic company, Mylan, on the same issue, and the two suits were consolidated in the U.S. District Court for the Northern District of West Virginia. Although the district court upheld the FDA's determination, Axinn argued before the U.S. Court of Appeals for the Fourth Circuit that the ruling was contrary to law, and the Fourth Circuit reversed.

## General Litigation – Medium Connecticut Law Firm

LITIGATION  
DEPARTMENT  
OF THE YEAR

# Putting an Imprint on Big Verdicts

*Carmody's creative business approach leads to litigation success*

BY AMARIS ELLIOTT-ENGEL



Members of Carmody Torrance Sandak & Hennessey's litigation team. Standing, left to right: Anthony M. Fitzgerald, Brian T. Henebry, James K. Robertson Jr., Maureen Danehy Cox, Damian K. Gunningsmith, Fatima Lahnin, David T. Grudberg, Jennifer R. Peschell (paralegal), Rick L. Street, Thomas J. Sansone, Stuart C. Johnson. Seated, left to right: Amanda C. Nugent, Sarah S. Healey, David S. Hardy, Anne D. Peterson, Marc J. Kurzman.

The cost of litigation may drive more marginal cases into dead ends. But when cases involve significant sums, weighty legal issues and complicated facts, they still go to trial. Carmody Torrance Sandak & Hennessey is the type of firm that gets hired for that sort of significant litigation.

"At the high end of complicated, very significant litigation, there is still a significant

amount of trial work," said Marc J. Kurzman, co-chairman of the firm's litigation practice group. "We've been fortunate [in obtaining] a not-insignificant portion of that. That's why we're able to keep our trial skills honed."

An example of when the firm is called on to battle weighty litigation—and why Carmody was selected as the Connecticut Law Tribune's 2015 Litigation Department of the Year general litigation winner in the mid-sized firm category—is an antitrust and intellectual property case in which the firm won \$47.3 million in 2014, one of the biggest verdicts in the country.

Carmody's James Robertson Jr., John Horvack Jr. and Fatima Lahnin proved that a client, engaged in the niche business of supplying materials to companies that imprint words on their products, had its trade secrets stolen.

In its lawsuit, MacDermid Printing Solutions said the company that had been making the machines that created its printing plates violated intellectual property laws by colluding with MacDermid's chief competitor.

When Waterbury-based company entered the market for "flexographic printing plates," E.I. du Pont de Nemours & Co. threatened to sue MacDermid's supplier, Cortron Corp.,

for patent infringement unless Cortron negotiated a deal with DuPont. And so Cortron not only stopped doing business with MacDermid, but it turned over documents related to MacDermid's technology and customer information to DuPont. When Cortron turned over MacDermid's technical information, DuPont deleted it all. As a result, MacDermid spent nine months having to rebuild its business.

A judge characterized the actions of DuPont and Cortron as "corporate warfare," and a court awarded \$19.8 million in compensatory damages and \$27.5 million in punitive damages on MacDermid's claims for theft of its trade secret and antitrust violations. (With interest, the total verdict is expected to be about \$65 million.) The verdict in *MacDermid Printing Solutions v. Cortron* was named

by the National Law Journal, an affiliate of the Connecticut Law Tribune, as one of the country's top 100 largest verdicts in 2014.

The punitive damages award also is believed to be the highest in Connecticut's history.

The firm also successfully defended MacDermid against a patent infringement suit brought by DuPont in the U.S. District Court for the District of New Jersey.

### Flexible Strategies

While *MacDermid* was Carmody's most notable victory in 2014, the firm's 27 litigation partners and 13 litigation associates in the Waterbury, New Haven and Stamford offices handle a wide variety of cases, ranging from antitrust to professional malpractice, from restrictive covenants to criminal appeals.

Carmody litigators successfully enforced a restrictive covenant on behalf of a firm that operated a Marriott hotel in downtown Stamford and sought to bar the construction of a rival upscale hotel for 15 years. Carmody prevailed at the trial and, in 2014, appellate levels, winning attorney fees approaching \$2 million. Carmody litigators also won a \$3 million lawsuit brought by a plaintiff who was supposed to be groomed to take over a pool business, but instead was fired for bogus reasons and was not sold company stock as promised. In a medical malpractice case, the firm successfully represented a psychiatrist who was being sued for \$8 million after one of his patients committed suicide.

When the firm is pitching itself to new cor-

### CARMODY TORRANCE SANDAK & HENNESSEY

	Total Firm	CT Office(s)
Litigation Partners	27	27
Litigation Associates	13	13
Other Litigation Attorneys	1	1
% Total Revenue From Litigation	N/A	N/A

**Nomination Excerpt:** The firm's reputation for overall excellence in litigation stems from its emphasis first on trial work and training, and second on discrete areas of substantive law. Members of the firm's litigation group pride themselves on their ability to "try anything," and the evidence of their versatility is borne out in litigation results. From antitrust, to intellectual property, to restrictive covenants, to property rights, to professional malpractice, to unfair trade practices, to criminal appellate advocacy, the firm's lawyers consistently try and win cases.

### NOTEWORTHY CASE:

**Case:** Whitney v. J.M. Scott Associates  
**Court:** Litchfield Superior Court

**Summary:** The firm represented the plaintiff in this breach-of-contract case. Plaintiff Walter Whitney and defendants Scott Swimming Pools and company president James Scott entered into an employment and stock option purchase agreement. The defendants agreed to employ Whitney for five years, during which time they promised to groom him to take over the business. At the completion of his five-year term, the plaintiff would have the option to purchase the stock of Scott Swimming Pools from James Scott. After just three months, however, the defendants terminated Whitney's employment for sham reasons and refused to honor the agreement to sell the company stock. After 17 days of trial, the court found that the defendants had breached their agreements with the plaintiff, breached the covenant of good faith and fair dealing and committed a number of fraudulent acts. The court awarded the plaintiff \$1.79 million, including \$250,000 in punitive damages, plus six years of prejudgment interest. As such, the total award is more than \$3 million. The defendants have filed an appeal.

## General Litigation – Out-Of-State Firm with Connecticut Office

LITIGATION  
DEPARTMENT  
OF THE YEAR

# When Everything Comes Together

*McElroy Deutsch's Connecticut offices thrive after merger*

By AMARIS ELLIOTT-ENGEL



Members of McElroy, Deutsch, Mulvaney & Carpenter's litigation team. From left to right: James A. Budinetz, James G. Green Jr., David W. Case, Louis R. Pepe, Rory M. Farrell, Cathy Hanrahan Ouellette, Heidi Zabit, C. Ian McLachlan, Bruce Beckius, Thomas G. Librizzi, Alfred A. Turco, James Ross Smart, Steven Lapp, and Peter Zarella.

Five years ago, Connecticut's Pepe & Hazard merged with New Jersey-based McElroy, Deutsch, Mulvaney & Carpenter to create a firm with 300 lawyers and offices in six states. At the time, lawyers on both sides of the deal weren't simply looking at how partners would get compensated, how possible conflicts of interest would be resolved, and how business volume might grow from marrying their firms.

They also looked at whether they had the same philosophy about litigation. It turns out that Pepe & Hazard and McElroy Deutsch had the same commitment to thoroughness and

what they do best: litigate and offer legal advice.

To be sure, there's no evidence that the larger platform has had any negative impact on the litigation success in Connecticut, which is why McElroy Deutsch has been named the Law Tribune's 2015 Litigation Department of the Year winner for general litigation for out-of-state firms with Connecticut offices.

In one of the firm's most significant wins in 2014, the firm defeated a commercial class action brought against Cromwell-headquartered Safe Home Security on behalf of more than 14,000 unhappy Massachusetts customers of the burglar alarm company. The Mas-

sachusetts Superior Court denied class certification for all of the proposed classes because there were too many issues specific to individual customers. Green, David W. Case and David Russman handled that case for the firm. "What could have been a very substantial exposure is now every very dramatically reduced," Green said.

In another significant case, the firm uncovered that its client, a company which purchased a mix-used property in Stamford for \$130 million, had been defrauded by the property seller, which had covered up the fact that the decking material used to construct balconies was a fire hazard and would cost many thousands of dollars to bring up to code.

During the arbitration, Pepe and Douglas Poulin revealed that seller Five Yale & Towne had full knowledge of the defect before the sale. The lawyers discovered that a "smoking gun" email incriminating Five Yale had been withheld during document production; even Five Yale's own counsel didn't get it. As a result, Five Yale stipulated to its liability and agreed to pay \$600,000 to fix the decking. The arbitrator also awarded \$200,000 in punitive damages.

In a third significant case, McElroy Deutsch won \$6.4 million for a former hedge fund founder and partner who claimed that the hedge fund, Camulos Capital, wouldn't pay him what he was owed when he left. The breach-of-contract case was complex and involved untangling the finances of the Camulos entities and defending their client against the hedge fund's allegations that he had violated his agreements not to compete against Camulos and not to solicit Camulos clients.

Alfred A. Turco, a partner in area of financial services and the Employee Retirement Income Security Act, said there was another benefit to the merger of the firms. While he is a transactional attorney, he knows that if his clients happen to need litigation services in an employment dispute or because they are going through a "business divorce," he knows his litigator colleagues will step in and meticulously prepare for trial.

Turco said the firm's strengths include con-

### MCELROY, DEUTSCH, MULVANEY & CARPENTER

	Total Firm	CT Office(s)
Litigation Partners	90	15
Litigation Associates	76	6
Other Litigation Attorneys	55	5
% Total Revenue From Litigation	89.6%	12.8%

**Nomination Excerpt:** McElroy, Deutsch, Mulvaney & Carpenter's multi-disciplinary litigation practice includes commercial litigation, insurance services, construction, bankruptcy, health care and employment. Our attorneys have secured precedent-setting judgments for clients and helped develop industrywide best practices. The litigation support team is made up of attorneys, paralegals, IT professionals and support personnel to provide our clients with claims development and analysis services. Through our wholly owned subsidiary, Integrated Project Solutions LLC, we are able to bring to bear comprehensive, proprietary information processing technologies to reduce case staffing levels, while substantially improving information management and control.

#### NOTEWORTHY CASE:

**Case:** Seibold v. Camulos Partners LP  
**Court:** Hartford Superior Court (Complex Litigation Docket)

**Summary:** The firm represented William Seibold, a former partner and founder of the Stamford-based hedge fund Camulos Capital LP, who claimed he was owed money on leaving Camulos in 2007. After commencing litigation in 2009, his claims were divided into two separate proceedings. While Connecticut litigation was still pending, a Delaware court rendered a judgment in Seibold's favor for \$5.9 million. Meanwhile, the Connecticut claims—for breach of fiduciary duty, breach of contract, conversion and statutory theft—were submitted to arbitration before Judge John R. Downey. On April 15, 2014, Downey found that the Camulos entities had breached their contract and contractual fiduciary duties, and awarded Seibold \$6.4 million. There were a variety of complex issues in this case, such as untangling the complicated finances of the Camulos entities and defending against alleged violations of nonsolicitation and noncompete agreements.

The firm's wholly owned subsidiary, Integrated Project Solutions, has in-house professional engineers and other specialists with the expertise to analyze construction cases.

quality in large-scale litigation, Hartford partner Louis R. Pepe said. "The culture match has been as neat and perfect as it could be," Pepe said.

Partner James G. Green Jr. was 55 when the merger took place and he was wondering if he was in for a roller-coaster ride toward the end of his career. Instead, he said it has been an amazing opportunity for the Connecticut-based lawyers to work within a much larger firm. As long as the offices in Hartford and Southport meet budget goals and production goals, Green said the firm's New Jersey leadership does not micromanage and lets the Connecticut lawyers do

sachusetts Superior Court denied class certification for all of the proposed classes because there were too many issues specific to individual customers. Green, David W. Case and David Russman handled that case for the firm. "What could have been a very substantial exposure is now every very dramatically reduced," Green said.

In another significant case, the firm uncovered that its client, a company which purchased a mix-used property in Stamford for \$130 million, had been defrauded by the property seller, which had covered up the fact that the decking

## Public/Nonprofit

# Working Together, With Conviction

*Appellate prosecutors take pride in cooperation and camaraderie*

By CHRISTIAN NOLAN



Members of Connecticut's Chief State's Attorney's Office litigation team.

Everyone knows the lawyers in the Appellate Bureau of the Chief State's Attorney's Office handle criminal cases in the state appellate courts. But that's not all they do.

Trial prosecutors have the appellate lawyers on speed dial. "[Appellate prosecutors] over the years have developed expertise in a certain area of the law—DNA, eyewitness identification—that comes into play in a prosecution," said Deputy Chief State's Attorney Leonard Boyle. "For those people to be here and available is a great benefit to our trial prosecutors."

The motive is efficiency. The expert advice "causes us to try our cases in a way that often can avoid appellate issues because our trial prosecutors have had the benefit of our appellate lawyer shaping the trial record," said Boyle.

This communication is crucial as the Appellate Bureau has just 32 attorneys, four clerical staffers and one paralegal. Their current caseload sits at 513. That includes everything from cases that have already been fully briefed, argued and are awaiting a decision to cases where an appeal has been filed but the two sides still need to write briefs.

In recognition for handling a lot of work with limited resources, the Appellate Bureau has been awarded the Law Tribune's Litigation Department of the Year award for public and nonprofit legal teams. "The quality of the work that our Appellate Bureau does is a real credit to the Division of Criminal Justice and to the people of the state of Connecticut," said Boyle. "I know that [Chief State's Attorney] Kevin Kane and all the state's attorneys are very proud of their work and we think that this award is well justified."

Supervisory Assistant State's Attorney Susan Marks is in charge of the Appellate Bureau. She

has held the position for the past two decades.

Marks is in charge of assigning the cases to her staff. A plethora of factors influence her decision of who gets what cases: experience in a certain area of the law, such as the Fourth Amendment; the nature of each prosecutor's caseload; when the deadlines are; and how complex or cutting-edge a case is. "Some cases just take longer to get ready than others," said Marks. "If someone is finished and looking for a case, or someone is more backed up than some-

body else, I will try to play with the caseload a little bit and help someone get caught up."

### Moot Court

Decisions regarding whether to appeal a trial-level decision are made after lengthy discussion between Marks, the trial prosecutor and the judicial district's state's attorney. Sometimes Boyle, and even more rarely Kane, weighs in as well.

Before a case is argued before the Appellate Court, an appellate prosecutor might take a dry run with a mock oral argument, with peers listening in. For attorneys in their first two years in the Appellate Bureau, such a practice session is required. For cases before the Supreme Court, all the appellate attorneys get "mooted"

This provides them with more than just an opportunity to state their case. It also gives them practice thinking on their feet, as peers will ask questions they anticipate the justices could ask.

"Most people here are more nervous about being mooted by their colleagues than arguing in the state Supreme Court," said Marks. "Your colleagues see all your weaknesses. We're not as inclined to let things go."

Marks noted that the appellate arguments have half-hour time limits. Her moot courts

**For cases before the Supreme Court, appellate prosecutors undergo moot court sessions. This gives them practice thinking on their feet, as peers will ask questions that the justices might ask.**

do not. "Here, we're fairly merciless and we'll keep someone in that room for a couple hours," said Marks. She said the attorney may still feel nervous at the actual oral argument, as appearing before the Supreme Court can be "inherently intimidating," but the preparation pays off.

In the past year, the Appellate Bureau has persuaded the state's highest court to reinstate a number of convictions. In *State v. Artis*, the justices reversed the Appellate Court and reinstated a jury verdict of guilty of accessory to first-degree assault in a case that hinged on eyewitness identification. Similarly, in *State v. DeMarco*, the justices reversed the Appellate Court and affirmed a guilty verdict on two counts of cruelty to animals. In *State v.*

*Kendrick*, the justices reversed the Appellate Court and upheld a guilty verdict of criminal possession of a firearm.

In a case that garnered a lot of media attention, *State v. Wang*, a doctor is accused of killing a former colleague. The case went to the state's highest court on appeal after the defendant, who is indigent and representing himself, wanted the state to pick up the tab for expert witnesses that could help his defense. The Public Defender's Office declined to provide the funding.

In a June 2014 decision, the Supreme Court ruled unanimously that an indigent self-represented defendant has a constitutional right to public funding for an expert or investigator provided that such assistance is reasonably necessary in order to have a fair trial. Additionally, the money must come out of the public defender's budget. Wang's murder case is still pending.

Though the Appellate Bureau had no specific interest in the questions at issue, Assistant State's Attorney Timothy Sugrue presented a comprehensive analysis of relevant U.S. Supreme Court, federal court and state court case law for the justices to consider.

Kane said his appellate team's work on that appeal demonstrated the "willingness of the office to step outside its advocacy role and to voluntarily aid in the resolution of a difficult issue of first impression, which impacts the overall fairness of our criminal courts."

Marks, who has worked in private practice, said it's that kind of camaraderie and pursuit of justice that makes the Appellate Bureau a "wonderful place to work."

"I can't imagine working anywhere else with the same degree of collegiality and shared mission to see that justice is done in all the criminal cases that we handle," said Marks. ■

Solo/Duo

# Improving an Imperfect Process

*Renee Bauer's divorce practice is aimed at managing parental emotions*

By **ROBIN DeMERELL PROVEY**



Hamden attorney Renee Bauer has written two books about divorce, as well as having developed an app for divorced parents.

LITIGATION  
DEPARTMENT  
OF THE YEAR

**RENEE C. BAUER**

	Total Firm	CT Office(s)
Litigation Partners	1	1
Litigation Associates	1	1
Other Litigation Attorneys	0	0
% Total Revenue From Litigation	75%	75%

**Nomination Excerpt:** Bauer Law Group doesn't often make headlines or handle high-publicity cases, but rather the firm litigates for the individual going through one of the most difficult times of their lives. The team focuses on divorce and custody law, including post-judgment proceedings. The attorneys are proud to be responsible litigators, that is, they litigate when the case calls for such, but they encourage settlement when litigation will only prove to be emotionally and financially devastating for their client. Since 2008, attorney Bauer has also been accepting cases through the Connecticut Pro Bono Network. Often these clients are women involved in domestic violence situations. These are not the cases splashed across the headlines, but the clients are, perhaps, the people who need a voice and an advocate more than any other.

Practicing law sounds simple when Renee Bauer puts it in her own terms—it's about helping others. And when Bauer talks about divorce law, it's clear that supporting people through one of life's most difficult challenges is what she's best-suited for.

Bauer, principal of Bauer Law Group in Hamden, acknowledges that she initially set her sights on a political career and going to law school was simply a means to that end. Then she got an externship where she advocated for low-income individuals, including clients trying to get Social Security disability payments, and that experience forever changed her plans.

Now Bauer sees her job as helping families make the best decisions going forward. From seeing a single mom with four children get the child support she needs to a divorced father re-

only a client's legal team, but also his or her support system. It's not uncommon for our clients to come into the office at the end of their case to hug everyone working here."

For Bauer's success, not only in representing her clients but in sharing her ideas with the legal community, her small firm has won the Connecticut Law Tribune's Litigation Department of the Year award for solo and duo practices.

**Creating Co-Parents**

Bauer graduated from the University of Connecticut before attending Suffolk University Law School in Boston.

While an undergraduate, she was active in the Connecticut Public Interest Research Group, which bills itself as an independent voice for consumers and does battle with big corporations. In 2001, she was elected as a delegate to the Massachusetts Democratic political convention, and she worked for a time as a media and political consultant.

After passing the bar exam, she worked for the now-deceased Frank Riccio in Bridgeport. Riccio pushed her right into the courtroom, where Bauer learned quickly to think on her feet. Her most rewarding case during those early years was one where the mother had substance abuse problems and the child was neglected. The case resulted in her client, the child's father, obtaining full custody.

Even though she prevailed, Bauer said divorce law isn't about winning. "In any family case, there's never a wrong or a right," she said. "Family law is difficult because people go in thinking they are all right and [their] spouse is all wrong." Bauer said her first goal is to help clients get their emotions under control, so they

can working toward "redefining" their family instead of "further tearing it up."

"Divorce can make even the strongest individuals weak in the knees," Bauer said. "At some point along the way, a client will become overly emotional or angry or unreasonable. It is our job to either lift them up or ground them a little so we can move forward.

"In family law," she continued, "you try to ground people. You try to get them to picture what life is going to be like after the divorce. My goal is not to further divide, but to help them work through their issues. Then when the divorce is final and when the attorneys are out of the picture, hopefully they can co-parent."

Client Kathleen Hazel said Bauer was her keen, steady rudder during her recently settled multistate divorce.

"Not only was Renee eager to take on the challenge, but she researched outside of Connecticut statutes. She went out of her [way] to deal with the particulars. I felt like I was one of her top priorities," Hazel said. "She helped me navigate through the chaos and she gave me a realistic interpretation of what the legal landscape looked like and what I could expect."

**Pro Bono and Books**

Spending her days helping clients get the support they need is just one facet of Bauer's practice. A proponent of pro bono work, Bauer's firm also handles one to two cases at a time at no cost to the client. But her efforts don't stop at the door to her office or the courtroom. She has published a book that helps everyday people understand divorce law. A second, recently released book is geared toward children who are enduring their parents' divorce. She also created

**'In family law, you try to ground people. You try to get them to picture what life is going to be like after the divorce.'**

united with his daughter after three years of separation, Bauer acknowledges that her litigation victories may be small by legal industry standards, but for her clients, they are life-changing.

Launched in 2008, the Bauer Law Group now consists of Bauer and attorney Megan McGrath. At any given time, they're handling 60 to 75 cases. "Bauer Law Group," Bauer said, "is not

an app helping divorced parents stay on track with their children's busy lives.

The first book, "Divorce in Connecticut," was published in 2013. More than 150 copies of the book were donated to Connecticut libraries.

"I wrote 'Divorce in Connecticut' because I recognized a need for clients to obtain accurate information," Bauer said. "When someone is going through a divorce, they turn to friends and the Internet for guidance, but not all advice is good advice. I hoped to give residents of Connecticut access to information to help empower them to make sound, rational decisions."

The children's book, "Percy's Imperfectly Perfect Family," helps parents talk to their children about divorce and helps children understand what divorce means. Bauer's 9-year-old son helped her with the content, offering his perspective on what it's like to live in two different houses. "A big piece of this book is that the word 'divorce' is never used," Bauer said. "I wanted to frame what was going on in a very different way. The hope is that the parent will read the book with the child and talk about their own concerns."

Overall, Bauer is happy with her career choice. "It is rewarding to help families navigate through what is one of the most difficult times in their lives," she said. "If they can surface with dignity, and maybe just enough respect for their spouse to be able to co-parent effectively, then the attorneys did something right in that case."

## Construction Law

# Building on Success

*Hinckley Allen designs an efficient approach to construction cases*

By MICHELLE TUCCITTO SULLO



Members of Hinckley, Allen & Snyder's litigation team. Seated, left to right: Amy E. Markim, Nick R. Valenta, Timothy T. Corey, Alexa T. Millinger. Standing, left to right: John F. Droney, Jared Cohane, Luke R. Conrad, David A. DeBassio, Peter J. Martin, Thomas J. Farrell, Jeffrey J. Mirman.

Winning a \$5.3 million arbitration award against an architect involved in a high-end condominium complex was just one of the successes in 2014 for the construction law practice group at the Hartford office of Hinckley, Allen & Snyder.

"To our knowledge, it is one of the largest arbitration awards in Connecticut against an architect," said partner Timothy T. Corey. "It was a challenging case and represented a team effort among all of our construction lawyers."

For wins such as this one, Hinckley Allen has been selected as the Connecticut Law Tribune's Litigation Department of the Year in the construction law category. The Providence-based firm, which has more than 150 lawyers, has more than 30 professionals working on construction law, making it one of the larger construction practices in the Northeast. The team does far more than litigate; it also designs and negotiates contracts and counsels clients on regulatory issues ranging from Occupational Health and Safety Administration regulations to affirmative action plans to wage-and-hour laws.

But in the past year, the firm had success in bringing claims against, and also defending, construction project architects. It also prevailed in disputes over payments, design work and contract breaches. The \$5.3 million award came in its representation of Stonington Water Street Associates, the developer of a condominium complex in Stonington, which was involved in a dispute with Beyer Blinder Belle Architects & Planners. The developers said defective design work by the architects resulted in extensive water leaks in the condo complex's

windows, doors and masonry work.

"All of the money we secured is going to replace the windows and repair the leaks," Corey said. "There were varying degrees of damage."

This arbitration demonstrated the firm's team approach and project management in handling a complex case, according to firm officials. While Corey and fellow partner Peter Martin took the lead, several other attorneys stepped in to assist with challenging legal issues as they arose.

The firm's lawyers also successfully represented a civil contractor in a case involving the town of Oxford. Town officials were unhappy with the Guerrero Construction Co.'s work on a 400-meter running track, including installation of a trench drain. The town wanted to withhold payments, but Hinckley Allen, using a "fast-track" arbitration process, obtained an award covering 100 percent of the contractor's claims.

Attorneys proved that contractors built the maligned trench drain in accordance to specifications provided by Oxford's design team, and that it was three major errors by the project designers that threatened to prevent the track from receiving the needed certification to host state-sanctioned track meets. Ultimately, Guerrero was awarded its contract balance, along with costs it incurred to fix the design error and allow the track to be certified.

According to the firm's application for the Litigation Department of the Year contest, the dispute required "understanding of the underlying complexities of the [construction] industry" and demonstrated the firm's "knack for legal project management, from attempts at pre-

liminary mediated settlements through efficient adjudication of a dispute."

### Bridge Work

In another big success in 2014, the firm prevailed in a case related to the construction of the Route 34 flyover bridge from Interstate 95 in New Haven.

According to Corey, this case was tried for several weeks on the complex litigation docket in Waterbury. Corey described it as a hotly contested case with a large claim against the firm's client.

Hinckley Allen represented the general contractor, Walsh Construction Co., and its payment bond surety, Travelers Casualty & Surety Co. of America. A subcontractor that was doing the sewer work had filed a \$4.3 million claim against the general contractor. Not only did Corey and his co-counsel, Jared Cohane, successfully defend the claim filed by the subcontractor, but they prevailed in Walsh's counterclaim for about \$570,000 in total damages, plus nearly \$200,000 in legal costs and attorney fees. "The client was extraordinarily happy that we prevailed, and even more elated when we prevailed on a counterclaim," Corey said.

When asked to describe its overall approach to cases, the firm describes its staffing as efficient and lean. It doesn't assign a large number of lawyers to a given case. Instead, the firm will ask clients for key documents and assign cases to teams of two attorneys.

"Our department excels at implementing legal project management," Corey said. "When a client comes in, we do a careful job at the inception of the case in evaluating the risk and reward, and we give an estimate of our legal costs and the potential recovery."

LITIGATION  
DEPARTMENT  
OF THE YEAR

### HINCKLEY ALLEN

	Total Firm	CT Office(s)
Litigation Partners	39	8
Litigation Associates	26	5
Other Litigation Attorneys	2	1
% Total Revenue From Litigation	41.4%	21.4%

**Nomination Excerpt:** Hinckley Allen is one of the Northeast's most experienced providers of legal services to the construction industry. Our team of more than 30 professionals is nationally regarded for its depth of expertise and its ability to consistently deliver superior results to clients. Our construction litigators are trial lawyers. We are respected by judges, hearing officers, arbitrators and opposing counsel for our skill and tenacity. We are regarded by our peers for our ability to resolve disputes through negotiation and ADR, as well as our superior ability to try cases in court, when necessary.

### NOTEWORTHY CASE:

**Case:** Stonington Water Street Associates v. Beyer Blinder Belle Architects & Planners

**Court/Agency:** American Arbitration Association arbitrators

**Summary:** After 15 arbitration hearing days, Hinckley Allen attorneys obtained a \$5.36 million award on Sept. 30, 2014, in favor of Stonington Water Street Associates, the developer of a large mixed-use condominium project in Stonington. The defendant was Beyer Blinder Belle Architects & Planners, the architect, whose defective design and deficient construction administrative services resulted in severe water leaks through the project's windows, doors and masonry. This case began with an April 2008 state court action and ended with this September 2014 arbitration win, believed to be the largest arbitration award against an architect in Connecticut.

The firm describes itself as "client-centric," and it actively asks for feedback from clients on how it can improve. "We try to approach cases with resolution in mind," Corey said. "If we have to litigate, we are prepared. We look for ways to resolve it. If we have to go to trial, we try to surgically present the case."

The lead lawyer works closely with the client and works directly with witnesses to make sure they are prepared, according to the firm. "Anytime we have a success, it builds camaraderie within the firm," Corey said. ■



## Insurance Law

# Offering Assurance to Insurers

*Natural disasters help Robinson & Cole build a national practice*

By MICHELLE TUCCITTO SULLO



Members of Robinson & Cole's litigation team. Seated, left to right: Christopher J. Hug, Jessica A.R. Hamilton, Stephen E. Goldman. Middle row, left to right: Deborah A. Vennos, Sharone G. Kornman, Rhonda J. Tobin, Susan M. Seamans. Back row, left to right: Raymond T. DeMeo, Michael R. Kuehn, Stephen O. Clancy, J. Tyler Butts, Daniel F. Sullivan, Johnathan E. Small, Wytan M. Ackerman, Gregory P. Varga.

When big storms like Superstorm Sandy ravage the coastline and insurance claims come pouring in like floodwaters, teams of Robinson & Cole lawyers work to minimize the insurance companies' losses. The Hartford-based firm has represented the insurance industry in many high-exposure cases, ranging from natural disasters such as Sandy and Hurricane Irene to the Sept. 11 terrorist attacks.

The firm's lawyers litigate cases involving property insurance coverage issues and business interruption claims in courts throughout the Northeast, the Gulf Coast states, California, Georgia, Iowa, Maryland, Oklahoma, Tennessee, Texas and Virginia.

"We have a great group of lawyers and a great deal of pride," said Daniel Sullivan, chairman of the insurance and reinsurance practice group. "We have done a lot of work for our clients. I am fortunate to work with great lawyers with a tremendous amount of experience."

For its national expertise on a topic that's been increasingly in the news due to a rash of major storms, Robinson & Cole is the Law Tribune's Litigation Department of the Year Award winner in the insurance law category.

Among the firm's biggest cases in 2014 was *Johnson Gallagher Magliery LLC v. Charter Oak Fire Insurance*, which was handled in U.S. District Court for the Southern District of New York. According to the firm, this was a "test" case involving a property insurance coverage issue arising from Superstorm Sandy. The question was whether claims for loss of business income due to power outages are covered. The insurer's position was that a power outage caused by flood damage was not covered, as a result of a flood exclusion in the insurance policy.

In March 2014, a team led by attorneys Ste-

phen Goldman and Wytan Ackerman successfully obtained a partial summary judgment, with a judge agreeing that businesses with insurance policies were not entitled to claim payments for business lost during the lengthy period when power was off. Sullivan said the *Magliery* outcome was an important one. "The whole loss of power issue was a big one, not just for our client but for a great number of insurers who faced the same issue," Sullivan said. "There were a lot of carriers watching that case."

In Florida, the firm defended a potential class action in which an insurance company

**Robinson & Cole handled a 'test' case involving a property insurance coverage issue arising from Superstorm Sandy. The question was whether claims for loss of business income due to power outages are covered.**

was accused of violating state law by increasing coverage amounts and premiums for some homeowners without the homeowners stating in writing that they desired added coverage. In March 2014, a U.S. District Court judge dismissed the lawsuit against the insurer, though that decision has been appealed.

Another 2014 success took place in Massachusetts. A plumbing company working on rental units used a blowtorch while working on a toilet and set fire to materials behind the bathroom wall. The fire eventually gutted the interior of the wall. The building owner turned to Lexington Insurance Co. to recoup money to cover the damages, and Robinson & Cole represented the insurance company. The firm ultimately won a plaintiff's verdict of more than \$1 million against the plumbing company.

### Isolating the Issue

Insurance law tends to be fairly complicated. When a new case comes in, the firm will try to find the attorney with the most experience for that particular issue or type of loss to handle it. "We try to find the best person for the job," Sullivan said.

Next, the firm will try to identify and isolate the dispositive issues, and move for summary judgment quickly when possible, according to Sullivan. "We try to focus on the real issues and have them framed up quickly before a lot of time and money is spent," Sullivan said. "We try to isolate the key issue, to get the legal issue decided early on, which can lead to a quick resolution, without spending years on a case. This is an overarching strategy for our firm."

Often, the key argument might be over exactly what an insurance policy covered, such as whether the customer had a policy that covered flood or wind, or both. Other factors might include exactly what caused the damage to the property. "Where the cases break down is what damage was caused by flood or wind, and which policies cover which loss," Sullivan said.

The firm shares its insurance expertise outside the courtroom. Several of the firm's at-

## LITIGATION DEPARTMENT OF THE YEAR

### ROBINSON & COLE

	Total Firm	CT Office(s)
Litigation Partners	34	27
Litigation Associates	19	13
Other Litigation Attorneys	23	11
% Total Revenue From Litigation	33.4%	24.4%

**Nomination Excerpt:** The firm's insurance and reinsurance practice group represents dozens of insurance companies and reinsurers in a wide spectrum of matters and includes experienced insurance lawyers who are leaders in their respective fields. We have litigated leading cases involving property insurance coverage issues and business interruption claims in courts throughout the Northeast, the Gulf Coast states, California, Georgia, Iowa, Maryland, Oklahoma, Tennessee, Texas and Virginia. Robinson & Cole has represented the insurance industry in high-exposure cases arising from all manner of catastrophes, including Superstorm Sandy, Hurricanes Katrina, Rita and Ike, and the terrorist attack of 9/11.

### NOTEWORTHY CASE:

**Case:** Johnson Gallagher Magliery LLC v. Charter Oak Fire Insurance Co.

**Court:** U.S. District Court for the Southern District of New York

**Summary:** This was a "test" case involving a prominent property insurance coverage issue arising from Superstorm Sandy: whether claims for loss of business income arising from power outages are covered. The insurer's position was that a power outage caused by flood damage was not covered, as a result of a flood exclusion in the insurance policy. This issue or related issues have been the subject of many Superstorm Sandy-related lawsuits. In March 2014, a Robinson & Cole team successfully obtained a partial summary judgment ruling that the insured was not entitled to coverage for loss of business income that resulted from a shutdown of the electrical network by Con Edison in anticipation of flooding, which then continued as a result of flood damage to its equipment.

torneys have developed and taught a course in property insurance law at the University of Connecticut School of Law's Insurance Law Center. The firm's insurance and reinsurance group writes insurance blogs, including "Property Insurance Coverage Insights" and "Insurance Class Actions Insider."

## Appellate Law

## Appellate Practice Makes Perfect

Rome McGuigan's moot court sessions prep leading litigator

By CHRISTIAN NOLAN



Members of Rome McGuigan's litigation team. Seated, left to right: Austin J. McGuigan, Anne C. Dranginis. Standing, left to right: Joseph B. Burns, Erin E. Canalia, Proloy Das, Thomas A. Plotkin, Robbie T. Gerrick.

Last year, the Hartford-based Rome McGuigan had four cases go before the state Supreme Court.

Of those, two decisions were clear victories, and a third was sent back for a new trial which resulted in a settlement. The firm handled numerous other cases on behalf of clients before the state Appellate Court and the U.S. Court of Appeals for the Second Circuit. That kind of high-level success has earned the firm a Law Tribune Litigation Department of the Year award for appellate litigation.

The 33-lawyer firm is carving out its niche under the leadership of partner Proloy Das, who heads the firm's appellate department. "We like to consider him, and a lot of other people do as well, as one of the top five appellate attorneys in the state of Connecticut, if not the best," said Joseph Burns, managing partner at Rome McGuigan. "Certainly Proloy has earned that respect. It's much to his credit that we've been honored with this award."

Das may be the guy who argues the appeals before the appellate courts but it's far from a one-man show. The firm employs team litigation, using multiple practitioners with knowledge of various aspects of the law to develop the best strategy for each case. For instance, Das explained that founding member Austin McGuigan, a former chief state's attorney, is the face of the firm's white-collar criminal defense. Similarly, former Judge Anne Dranginis is the face of the firm's high-end matrimonial practice.

"So our appellate practice is literally modeled the same way," said Das, who has also argued several high-profile cases on behalf of the Republican Party. "I've been lucky enough at the

firm to be the face of that practice but it's all of the firm that gets involved in that practice. It requires that kind of culture, which is why I think our firm has thrived."

The most obvious example of the firm's team approach is with its moot court sessions, which prepare the case for oral argument. In addition to Dranginis, former Superior Court Judge John Downey regularly participates in the moot oral arguments.

Das said some of the more senior members of the firm will review the brief. From there,

**Former Appellate Judge Anne Dranginis and former Superior Court Judge John Downey regularly participate in the moot court arguments.**

they'll look for the strongest and weakest points, and will ask about them during the moot court session. Das said the practice oral arguments are more than just a "resuscitation" of the brief. The point of the exercise is to prepare as best as possible for whatever the appellate judges might throw their way at the hearing.

This sort of meticulous preparation is nothing new for Das, who joined Rome McGuigan in June 2007 after serving as an assistant state's

attorney in the Appellate Bureau of the Chief State's Attorney's Office from 2002 to 2007. "There is no better place to learn Connecticut appellate advocacy than at the Chief State's Attorney's Office's Appellate Bureau," said Das.

#### Prison Nursing Facility

Rome McGuigan will not take on just any appellate case. "If we don't believe there is a strong claim, we'll ask [the client] to confer with other appellate counsel," said Burns. "If we don't believe in our client's position, I don't believe we'd be an effective advocate for them."

Appellate clients last year included an employment law firm, an environmental waste removal company and the Mohegan Tribal Gaming Authority. But the 2014 appellate case the firm believed in the most, and is the most proud of, was *Town of Rocky Hill v. SecureCare Realty*, which made its way to the state Supreme Court. In that case, the town brought a lawsuit in 2012 against a state contractor that attempted to open and operate a nursing home for prisoners; officials claimed the facility would violate the town's zoning laws. The defendants filed a motion to dismiss the action, arguing that they were entitled to sovereign immunity from litigation because they were establishing a nursing home facility pursuant to a state contract.

The trial court ruled in favor of the state contractor, who was represented by the state Attorney General's Office, and dismissed the town's lawsuit on sovereign immunity and other grounds. The town then appealed. The state Supreme Court took up the case, and agreed with Rome McGuigan and the town that the state contractor was not immune from suit and that the town had the

## LITIGATION DEPARTMENT OF THE YEAR

### ROME MCGUIGAN

	Total Firm	CT Office(s)
Litigation Partners	20	20
Litigation Associates	6	6
Other Litigation Attorneys	5	5
% Total Revenue From Litigation	N/A	N/A

**Nomination Excerpt:** Rome McGuigan has been engaged to handle numerous high-profile, complex, time-sensitive litigation matters. The firm's 33 lawyers bring their different areas of experience together to create novel and effective litigation strategies. The firm uses the concept of team litigation, using multiple practitioners with knowledge of various aspects of the law to develop the best appellate litigation strategy. The most critical of these best practices is the moot court session which prepares the case for oral argument.

#### NOTEWORTHY CASE:

**Case Name:** Town of Rocky Hill v. SecureCare Realty

**Court:** Connecticut Supreme Court

**Summary:** In 2012, Rocky Hill brought a lawsuit against a state contractor which was opening and operating a nursing home for prisoners in violation of the town's zoning laws. The contractor was being supported in the litigation by the Attorney General's Office. The trial court ruled in favor of the contractor and dismissed the town's lawsuit on grounds of sovereign immunity and zoning pre-emption. The town appealed. The Supreme Court heard oral argument on Sept. 23, 2014. In December, the court issued a unanimous decision in which it agreed with the town, holding that the state contractor was not immune from suit and the town had the right to enforce its zoning laws. This was a major victory for Rocky Hill as well as for all Connecticut cities and municipalities.

right to enforce its own zoning laws.

The decision was considered a big victory not just for Rocky Hill but for all Connecticut cities and municipalities. The Connecticut Conference of Municipalities had authored an amicus brief supporting the town's position.

"What we got to do in that case was advocate for a community, a town that was being silenced by the state who was trying to pretty much go into a facility without regard for what the local neighbors' feelings were about that," said Das. "To stand up for the community in that way and get a successful result in the Supreme Court ... is one of the reasons we're so proud of that." ■

## Employment Law

# Bringing Change to the Workplace

*Garrison Levin-Epstein sees bigger picture when representing employees*

By ROBIN DeMERELL PROVEY



Members of Garrison, Levin-Epstein, Richardson, Fitzgerald & Pirrotti's litigation team. Left to right: Nina Pirrotti, Joshua Goodbaum, Robert Richardson, Steven Fitzgerald, Joseph Garrison, Ethan Levin-Epstein.

What attorney Joseph Garrison enjoys most about his work is helping the underdog employee take on the mighty employer. He also takes satisfaction in knowing that, over time, these types of cases have effected societal changes by addressing racial discrimination in the workplace, lifting the glass ceiling for women and challenging the bias against aging workers.

The New Haven employment law firm of Garrison, Levin-Epstein, Richardson, Fitzgerald & Pirrotti largely concentrates on representing employees who allege they were wrongfully terminated or shortchanged financially. It also forged a successful settlement for clients in a nationally publicized Title IX suit. For its impact on employment and discrimination law, Garrison Levin-Epstein was chosen to receive a Litigation Department of the Year Award from the Connecticut Law Tribune.

*Luby v. University of Connecticut* garnered national attention last year, resulted in policy changes at the University of Connecticut and resulted in a \$1.29 million settlement. Five current and former UConn students claimed that the university responded inadequately to their reports of sexual assault and sexual harassment, and that the institutional inaction violated their rights to equal educational opportunities under Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 and the Connecticut Fair Employment Practices Act.

The lawsuit was filed by high-profile women's rights attorney Gloria Allred and co-counsel Nina Pirrotti, a name partner at Garrison, Levin-Epstein. While the university denied allegations of indifference toward the women's sex assault reports, the case resulted in the university making multiple changes, including naming a new assistant dean to support victims of crime, creating a special victims unit in the campus police department and launching educational programming about bystander intervention.

Pirrotti said the case caused a national dis-

cussion about all that Title IX encompasses. "A lot of people thought that Title IX was available only to those who were denied opportunity in athletics and it's a lot broader than that," Pirrotti said. "The goal is to ensure that all students have equal access to education. The case was important because it raised consciousness. We believe that students across the country who have been victimized were inspired by our clients."

### Restoring Self-Image

To be sure, most of the firm's cases are of a lower profile.

In one case in 2014, the lawyers represented a New Haven high school vice principal who said she was harassed and forced into retirement after complaining to the school board that grades of student-athletes were being tampered with to keep them eligible for competition. After a lawsuit was filed, the firm won a monetary settlement and a public apology for its client.

In another case, the firm represented a client who was accused by his former employer, a business consulting firm, of stealing trade secrets and clients when he moved to a new job. Not only did a judge rule for the client, but Garrison Levin-Epstein successfully alleged the suit was filed in bad faith under the Connecticut Uniform Trade Secrets Act, and the firm was awarded attorney fees.

The partners say they take pride in seeing any employee—from a hedge fund trader to a fast-food worker—get compensated after being victimized by the unfair practices of an employer. "Sometimes it results in managers losing their bonuses or getting punished for making a poor decision. Once in a while you can build [institutional] changes in the settlement, but that's not very common," Garrison said. "It's more the client's life. You can see turnarounds in clients. They get money to go to school and start a new career or get out of debt. It's a feeling that they prevailed, that they got some justice.

With everyone who gets fired, there is a self-image problem and it restores their self-image."

Over time, Garrison said he has seen many workplace changes flow from employment law disputes. He said employment lawyers have a chance to make a positive impact. "If you take a historical view, look at the changes in race and sex and overall acceptance of diversity in the workplace," Garrison said. "[Legal action] is actually a benefit. People say you can't legislate morality, and I say that's not true at all. I look at our office as being a law enforcement office. We are the ones whom Congress designates to enforce these laws."

Garrison said his firm is starting to see more age discrimination cases, as people stay in the workplace longer. He also anticipates an increase in cases involving workplace discrimination against lesbian, gay, bisexual and transgender employees. Pirrotti added that another growing area of employment law is workplace bullying, which current laws don't directly address.

Although attorneys at the firm have earned reputations as outstanding trial lawyers, Garrison said the first goal is always to seek early settlement.

"Every case is unique, but there is an overall approach and that's to resolve cases early," he said. "There is some sense among people that trying to settle a case early or negotiate is a sign of weakness. We don't think so. It doesn't matter if you are the employer or employee: good business cases should be solved early—it's best for everybody. Extended litigation is a very wearing process and it's difficult for people."

As a testament to Garrison Levin-Epstein's own views of the employer-employee relationship, the firm's paralegal has been employed there 38 years. Garrison's legal assistant has been with him for 37 years. The firm's newest staff member was hired seven years ago. "We have a handbook," Garrison said. "We practice what we preach, and we have a lot of loyalty here." ■

LITIGATION  
DEPARTMENT  
OF THE YEAR

### GARRISON, LEVIN-EPSTEIN, RICHARDSON, FITZGERALD & PIRROTTI

	Total Firm	CT Office(s)
Litigation Partners	5	5
Litigation Associates	1	1
Other Litigation Attorneys	1	1
% Total Revenue From Litigation	95%	95%

**Nomination Excerpt:** We specialize in the representation of individuals in employment counseling and litigation. We often do our jobs best by negotiating favorable employment terms (for current employees) or severances (for former employees). What we do for these clients often cannot be quantified. Many of our litigation matters fall into the same category. We are often able to negotiate settlements before the filing of a formal complaint. That said, all of our partners have substantial trial experience, and we have not hesitated to try cases where, in our view, our adversary has not been reasonable in settlement.

### NOTEWORTHY CASE:

**Case name:** Shirley Love Joyner v. Kermit Carolina and Michael Jefferson  
**Court/Agency:** New Haven Superior Court

**Summary:** Our firm represented Shirley Love Joyner, who worked for the New Haven Board of Education for more than 30 years, most recently as vice principal at Hillhouse High School. In 2011, Joyner reported to the Board of Education what she believed were improper actions by the school's principal, Kermit Carolina, with respect to students' grades. Carolina responded by accusing Joyner of fabricating her allegations as part of a witch hunt against him. The level of harassment rose and ultimately forced Joyner into early retirement. She responded by suing for defamation. Shortly before trial, the case settled. Carolina issued a public apology to Joyner, agreeing that her concerns about grade tampering were "genuine" and expressing his regret for the pain and humiliation she had experienced. The settlement of the lawsuit, which had received substantial press attention, was featured in a front-page article in the New Haven Register.

## Alternative Dispute Resolution

# An Alternative Approach

*Pullman & Comley correctly judged potential of ADR practice*

By DOUGLAS S. MALAN



Members of Pullman & Comley's litigation team. Left to right: David P. Atkins; H. William Shure; Andrew C. Glassman; Judge Robert L. Holzberg (ret.); Ronald C. Sharp; James T. Shearin; Judge Lynda B. Munro (ret.).

LITIGATION  
DEPARTMENT  
OF THE YEAR

### PULLMAN & COMLEY

	Total Firm	CT Office(s)
Litigation Partners	24	24
Litigation Associates	12	12
Other Litigation Attorneys	1	1
% Total Revenue From Litigation	N/A	N/A

**Nomination Excerpt:** Pullman & Comley launched its alternative dispute resolution practice group in October 2012 with the hiring of retired Superior Court Judge Robert Holzberg as its chairman. In October 2014, the firm expanded the subject-matter breadth of its ADR group by hiring retired Judge Lynda Munro, who during 20 years on the bench earned a reputation as one of the judiciary's pre-eminent family judges who is highly skilled in resolving high-conflict matrimonial disputes involving financial, custody and parenting matters. In the past calendar year, Holzberg served as a mediator or arbitrator in 175 separate matters. In total, the seven-member practice group was retained in more than 200 ADR matters in 2014 and more than 450 matters since the practice was launched.

Two retired judges with a combined 42 years of experience on the bench are doing everything in their powers to keep people out of the courtroom.

Former Superior Court Judges Robert L. Holzberg and Lynda B. Munro certainly have nothing against their Judicial Branch colleagues. Instead, they are focused on providing resolutions through mediation and arbitration

Many of former Judge Robert Holzberg's mediations involve high-ranking corporate officials leaving a company, sometimes involuntarily.

as part of Pullman & Comley's Alternative Dispute Resolution practice group.

The group formed in 2012 when Holzberg joined the firm after retiring from a 22-year career on the bench, and Munro added strength when she came aboard last October. They join five accomplished, partner-level litigators who offer practice-area specific ADR expertise as needed: David P. Atkins, Andrew C. Glassman, Ronald C. Sharp, law firm chairman James T. "Tim" Shearin and H. William Shure.

It's a powerful lineup of professionals who know how to resolve disputes without the time and monetary costs of protracted litigation. As a result of its 2014 performance and continued growth, Pullman & Comley's ADR group is being honored as one of the Connecticut Law Tribune's Litigation Department of the Year.

"The practice has flourished, and we're very busy across the board," Holzberg said. "I think we're increasingly being recognized as an ADR resource with considerable depth and breadth."

He noted, "For many attorneys, it's important to be able to advise clients that they are going to mediation or arbitration with someone who has the cachet of being a judge and has experience in the field to make sure the process is productive and successful."

Last year, Holzberg served as mediator or arbitrator in 175 separate matters, including pre-suit and appellate processing, and the ADR group as a whole handled more than 200 matters in 2014. It's taken on more than 450 matters since Holzberg joined the firm.

The log of civil cases includes personal injury, commercial, employment, probate, construction, environmental and class-action matters on the state and national levels. Pullman & Comley's ADR group also was hired by municipalities (Greenwich, Stamford and Hartford) and the University of Bridgeport in 2014 to conduct investigations into various claims of discrimination and professional misconduct.

"I'm seeing a significant amount of pre-suit mediation for public relations reasons or because of the gravity of the allegations," Holzberg

said. "There's an eagerness to get in earlier to save time, resources and the heartache of litigation and resolve these matters in a cost-efficient and fair manner."

Many of Holzberg's disputes involve high-ranking corporate officials leaving a company, sometimes involuntarily. "There's a need to quickly negotiate an exit agreement without any publicity because both sides want to move on," he said. "I've had a lot of those cases."

Holzberg also has overseen a considerable number of medical malpractice cases with parties wanting the same level of privacy while working out their agreements.

#### Complex Finances

Munro brings her experience from presiding over family law matters for 20 years, and she immediately enhanced the group's reputation after Holzberg recruited her. "These family cases can involve complex financial circumstances, custody problems and complicated people—sometimes a mix of all three," Munro said. "I'm also looking to expand into more business disputes because they share similarities with family cases and they dovetail nicely."

As Munro was nearing the end of her career as a judge, she knew she wanted to continue helping people resolve disputes while experiencing different professional challenges. Holzberg convinced her that she fit best at Pullman & Comley, a 90-attorney firm with offices in Bridgeport, Hartford, Stamford, Waterbury and White Plains, N.Y.

"Tim Shearin is a great law firm leader and

there's a commitment to building an in-depth ADR practice here, not just gathering a few people together," said Munro, who briefly considered a solo ADR career before talking to Holzberg. "I wanted to feel well-supported and use my time doing the actual work, not focusing on administrative tasks."

Munro already has benefited from the resources of a larger firm by relying on Pullman & Comley's tax and trusts and estates groups, for example, in her ADR matters. "The cross-fertilization of different departments is inspiring to me, and I like being in an environment where other work is going on," she said. "I'm having a lot of fun."

Holzberg was known as one of the Judicial Branch's top mediators when he was a judge, and the state has taken steps to beef up its court-sponsored ADR efforts. However, Holzberg said he reached many of the same conclusions as did Munro when he decided to hook up with Pullman & Comley. He saw a strong platform with opportunities to grow the practice and meet market demand in a way that he couldn't when he served as a judge.

"One advantage we have [at Pullman & Comley] is we're more flexible and more available on short notice," he said. "Judges have many responsibilities and they are not always available when litigators want them. Here it's a 24/7 service."

## Family Law

# A Happy Marriage of Divorce Lawyers

For 23 years, Nusbaum & Parrino have teamed up to win landmark cases

By MICHELLE TUCCITTO SULLO



Members of Nusbaum & Parrino's litigation team. Seated, left to right: Thomas Parrino, Edward Nusbaum. Standing, left to right: Harold W. Haldeman, Laura R. Shattuck, Randi R. Nelson, Tom M. Melfi.

Longtime law partners Edward Nusbaum and Thomas Parrino know the emotional strain a divorcing couple is experiencing, and they strive to make themselves available to help clients through what can be a stressful and heartbreaking period. "We have a strict office procedure," Nusbaum said. "We never leave the office without responding to phone calls and emails."

For its compassion and success in handling divorce and custody cases, and its exceptional statewide reputation in the practice area, the Westport firm of Nusbaum & Parrino has been

The attorneys were invited to write a chapter on Connecticut law for a book called 'Family Law Jurisdictional Comparisons,' a guide describing how family law differs around the globe.

named the Connecticut Law Tribune's Litigation Department of the Year award recipient for the family law category.

Nusbaum and Parrino, the firm's principals and co-founders, have been working together for 23 years, and Nusbaum quips that the "honeymoon isn't over yet." Their collective achievements would seem to back that assertion. The two boast an impressive résumé: landmark

cases that have gone to the Connecticut Appellate Court and Connecticut Supreme Court; a chapter authored in an international book on divorce law; and other firms calling on them to assist in highly complex family law cases, or to serve as mediators.

"Ed and I built a firm on cases involving complex issues, high assets and substantial financial means," Parrino said. "We also handle complex custodial disputes and our practice often involves the analysis and representation of individuals where multiple areas of the law converge."

The firm has three associates. And all follow the founders' creed: Diligent preparation for litigation increases chances for settlement.

"We understand what issues are important," Nusbaum said. "Our clients don't go through this process every day like we do. We tell our clients they shouldn't hesitate to ask us questions. We tell clients there are no stupid questions."

The attorneys said helping their clients reach agreement and resolution brings them satisfaction. "It is gratifying when these parties, that have been doing battle and been involved in such acrimony, have the chance to go on with their lives, and put aside their differences, which were a daily source of friction, and co-parent for the benefit of the children," Nusbaum said. "It is gratifying when people who didn't want to be in the same room are now working cooperatively as parents."

Nusbaum said he didn't set out to practice family law, but the more time he spent doing it, the more he enjoyed it.

"You get a lot of gratification helping parties through a difficult time and helping children who didn't ask to be going through this," Nusbaum said. "You try to help the parties

reduce the acrimony, with a view toward assisting them in coming to an agreement that both sides find acceptable."

### Prenups and Trust Funds

The partners take pride in having been involved in landmark cases over the years.

The 1990 Appellate Court case of *Bucy v. Bucy*, for example, marked the first time a Connecticut court decided that expenses for psychological counseling should be included in medical expenses for child support purposes. A 2007 case, *Friezo v. Friezo*, was the first case brought under the Connecticut Premarital Agreement Act of 1995, and led to the Supreme Court deciding the framework by which prenuptial agreements are evaluated for enforceability.

The law firm regularly handles high-stakes cases in which divorcing partners are fighting over assets worth millions. The firm has represented the wife in *Ferri v. Ferri*, which is pending before the state Supreme Court, and deals with a dispute over an alleged attempt by the husband to transfer assets of a trust fund so as to keep them away from his spouse.

Other recent complex cases involve a matter where a separated couple filed for divorce in two states—Connecticut and California—and the firm helped the wife convey jurisdiction to California, where she lived. In another case, the firm persuaded a judge to award it legal fees based on litigation misconduct, discovery abuse and the concealment of assets in offshore accounts by the opposing spouse.

All of this expertise led to Parrino being named to Connecticut's Family Law Commission, which reviews state court rules, decisions and legislation that apply to fam-

## LITIGATION DEPARTMENT OF THE YEAR

### NUSBAUM & PARRINO

	Total Firm	CT Office(s)
Litigation Partners	2	2
Litigation Associates	3	3
Other Litigation Attorneys	0	0
% Total Revenue From Litigation	100%	100%

**Nomination Excerpt:** The firm recognizes that its clients often experience significant emotional strain, and the firm is sensitive to their need for regular communication and real-time updates. Preparation discourages litigation and promotes settlement and predictability. The best way to prepare to settle a case is to prepare to try a case. Preparation entails developing the theme of a case from its very early stages, pursuing discovery beyond a party's claim of "substantial compliance," and analyzing each step of the case to assess how best to move the matter forward to ultimate resolution.

### NOTEWORTHY CASE:

**Case:** Ramin v. Ramin

**Court:** Connecticut Supreme Court  
**Summary:** This dissolution-of-marriage action went to the Connecticut Supreme Court and turned into the seminal case in Connecticut involving court authority to award counsel fees due to litigation misconduct, discovery abuse and fraudulent concealment of assets. The Supreme Court ruled in favor of the firm's client, reversing the decision of the trial court and remanding the matter for a new trial regarding financial matters.

ily law. And in 2013, the duo was invited to write a chapter on Connecticut law for "Family Law Jurisdictional Comparisons," a book describing how family law differs around the globe.

In addition to some of the cases listed above, the chapter includes the 2000 case of *Hopfer v. Hopfer*, where Nusbaum represented the husband, an investment banker who was lured to a new job with a promise of stock options for services not yet rendered. The ex-wife sought what she considered to be her share of the stock payment. Nusbaum successfully argued that unvested stock options were not part of the marital estate.

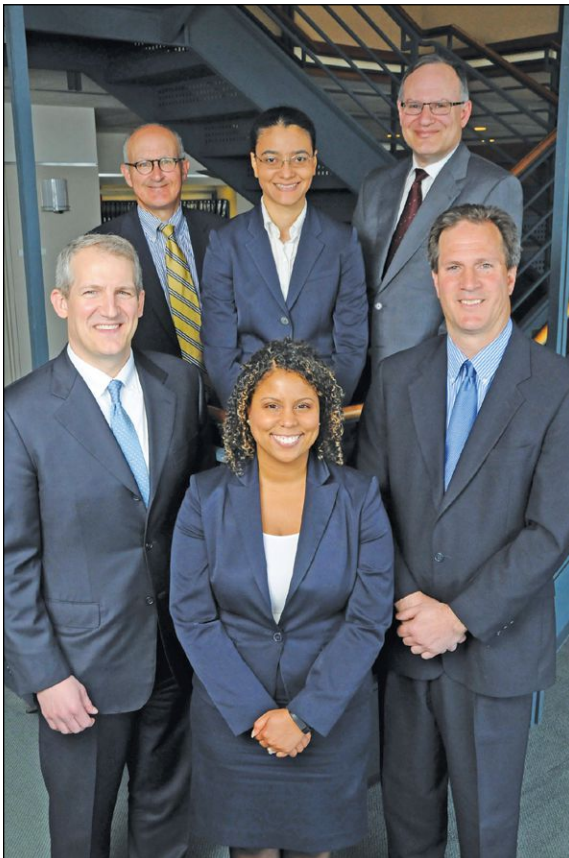
Despite the partners' success, Nusbaum calls the Law Tribune award "a group effort," and offers praise to the firm's associates and paralegals. "There is no pecking order at this firm," he said. "We all work together as a unit and that culture has been very successful for us." ■

## Product Liability

## Flying High

*Wiggin and Dana's defense work aids aviation firms and financiers*

By MICHELLE TUCCITTO SULLO



Left, members of Wiggin and Dana's product liability litigation team. Front row, left to right: Kevin Smith, Armel Jacobs, James Craven. Second row, left to right: Alan Schwartz, Carolina Venture, Jeffrey Babbin. Right, members of Wiggin and Dana's white collar/government compliance litigation team. Front row, left to right: Tahlia Townsend, Robert Hoff, Jenny Chou, James Bicks, James Glasser. Back row, left to right: Richard Levan, Joseph Martini, David Ring.

It's not many firms that have the breadth of expertise to both defend a man facing a lengthy prison term for a multimillion-dollar investment fraud scheme and defend an aviation company facing litigation following a helicopter crash.

But Wiggin and Dana pulled off both feats in 2014. For its efforts, the New Haven-based firm is the winner of the Law Tribune's

aging partner and principal of New Stream Capital, a Ridgefield-based hedge fund. Federal prosecutors claimed Bryson engaged in a scheme to deceive investors in order to raise millions.

Initially charged with multiple counts of wire and securities fraud, Bryson faced up to 20 years on each count. Following the pretrial briefing, Wiggin and Dana attorneys were able to get all

who have governmental compliance issues. In 2014, Wiggin and Dana's international trade compliance team, led by Glasser, Tahlia Townsend, David Ring, David Hall and Joseph Martini, conducted more than 100 internal investigations of compliance matters involving such issues as foreign asset, arms and export regulations. The team drafted dozens of voluntary disclosures to the U.S. government. "The U.S. Attorney's Office and government regulators in general have been very active in both investigating and prosecuting compliance issues," Glasser said.

To stave off investigations and litigation, the law firm's clients call on the lawyers to conduct evaluations and make sure they are abiding by all the rules.

"They ask us to come in and review and assess, and if they are not, we help bring them into compliance," Glasser said. "We make sure compliance systems are in place and if necessary, recommend corrective actions. If there are gaps or violations, we will assist clients in making voluntary disclosures where necessary. If we find a weakness, we will recommend corrective action to a company so it doesn't happen again."

**Aviation Cases**

The law firm was involved in several product liability matters, particularly in aviation and pharmaceuticals. "Our work in aviation cases really stands out," Glasser said.

Wiggin and Dana has defended litigation

LITIGATION  
DEPARTMENT  
OF THE YEAR**WIGGIN AND DANA**

	Total Firm	CT Office(s)
Litigation Partners	35	24
Litigation Associates	27.5	26
Other Litigation Attorneys	6	4
% Total Revenue From Litigation	N/A	N/A

**Nomination Excerpt (Product Liability):** Wiggin and Dana's product liability practice consists of traditional and high-end specialized products work. For example, the firm has a national reputation in pharmaceutical defense, representing drug and medical device companies in personal injury claims. Similarly, for decades, the firm has successfully handled casualty litigation concerning aviation products for, among others, Aerospatiale, Cessna, General Electric, Pratt & Whitney and Sikorsky Aircraft. The firm has defended actions from aviation mishaps occurring throughout the U.S., Europe and Asia. In 2014, Wiggin and Dana also handled cases involving oxygen boosters, asbestos, motion sensors, car seats and health care products.

**Nomination Excerpt (White Collar):** The Wiggin and Dana white-collar and government investigations team includes five former federal prosecutors and another former assistant U.S. attorney who was also a senior official with the U.S. Securities and Exchange Commission. The team is routinely engaged by, among others, investment banks, hedge funds, accounting firms, defense contractors, technology companies, health care providers and manufacturers and retailers to defend or investigate matters relating to fraud, securities law violations, money laundering and public corruption.

**'Our group includes several former federal prosecutors,' said James Glasser. 'We have a large white-collar crew and understand the playbook and are skilled at defending.'**

Litigation Department of the Year awards in both the white-collar defense and product liability categories.

"My approach is to assemble a team of the most talented and experienced lawyers who are dedicated to our clients' causes," said James Glasser, chairman of the firm's litigation department. Small teams of lawyers are assembled for each case, making it possible for every team member to know all the facts and legal issues involved. The firm's leader says this approach makes clients comfortable.

In one of its recent white-collar cases, the firm represented David Bryson, a former man-

the securities fraud counts dropped. Ultimately, as part of a plea agreement, federal prosecutors agreed to drop all other counts in exchange for a plea to a single count of conspiracy to commit wire fraud. Bryson was sentenced this month to 33 months in prison.

"Our group includes several former federal prosecutors," said Glasser, who is a former federal prosecutor himself. "We have a large white-collar crew and understand the playbook and are skilled at defending."

The white-collar team regularly also represents companies and organizations who are conducting internal investigations or

resulting from aviation accidents occurring throughout the United States, Europe and Asia. It has handled casualty litigation concerning aviation products for companies such as Cessna, Pratt & Whitney and Sikorsky Aircraft. Additionally, the firm represented Bayer, Merck, Pfizer, Eli Lilly, Medtronic and AstraZeneca in litigation alleging injury from the ingestion or use of prescription medications and use of medical devices.

Kevin Smith, co-chairman of the product liability practice group, defended a Connecticut-

■ Continued on PAGE S16

## Business/Financial Law

# Writing the Book on Business Law

*UConn library case just one of McCarter & English's success stories*

By MICHELLE TUCCITTO SULLO



Members of McCarter & English's litigation team. Seated, left to right: Eric W. Wiechmann, David A. Reif, Paula Cruz Cedillo. Standing, left to right: James E. Regan, Thomas J. Finn, Brittany A. Killian, Shawn Smith, Thomas J. Rechen.

The attorneys in the Connecticut offices of McCarter & English had big successes last year—such as bringing lengthy litigation over the University of Connecticut law library building to a conclusion and getting a favorable award in a high-stakes securities arbitration case. For those accomplishments and others, the regional firm has won the Law Tribune's Litigation Department of the Year award in the business/financial category.

"What is meaningful for me as a business litigator at a firm like McCarter & English is the ability to handle very complex matters and draw on the experience of the lawyers we have here to resolve business disputes while also having the experience to carry the matter to trial when

ditional business tort, contract and unfair trade practice claims, product liability and mass tort claims, securities litigation, commercial real estate and construction disputes. That experience also puts it in a position to see litigation trends. Large-scale, complex financial services litigation has continued to grow, the firm said. In addition, McCarter & English has seen an increase in noncompete litigation as companies seek to protect investments in their customer bases in the face of an increasingly mobile workforce.

But no matter the type of case, McCarter uses a tried-and-true protocol.

"We identify client objectives, provide risk/reward assessments, establish budgets and reporting requirements, [and] manage client

You want to do the best you can," he said. "It requires a lot of communication with the client. You have to make sure you are up to date with their needs."

### Nullum Tempus Case

The firm counted the resolution of the UConn law library building case among its 2014 successes. It represented the state and the university, which claimed that defective design and construction work led to extensive water damage at the library, which was completed in 1996. The state paid for repairs, then sought to recoup those expenses.

The case went to the state Supreme Court in 2012, with McCarter & English attorneys helping convince the justices that the normal statute of limitations in construction disputes should not apply when the state brings the action, under the common-law doctrine of nullum tempus, or "no time runs against the king." Finally, after mediation sessions were held, the dispute was settled for \$12 million.

In another case, the firm spent 39 days of hearings in a securities arbitration case before the Financial Industry Regulatory Authority. McCarter & English represented the Nutmeg Investment Group and its principals, who faced potential exposure of \$7.5 million, plus punitive damages in a case involving an industry dispute with claims ranging from unfair trade practices to defamation, breach of contract and civil Racketeer Influenced and Corrupt Organizations Act charges. McCarter filed a counterclaim, and the court eventually ordered a \$1.1 million payment to the firm's clients.

Finn said the case was a significant one, adding: "We were able to develop a strategy that was successful."

In another 2014 success, the firm secured the

**The firm represented the University of Connecticut and the state in their lawsuit against contractors who built the UConn law library building, which developed serious water leaks that caused extensive damage after the project was completed in 1996.**

the circumstances require," said Thomas Finn, a partner with the firm's Hartford office.

About 250 of more than 400 lawyers in the firm are devoted to business matters and litigation. McCarter & English, headquartered in New Jersey, has multiple locations along the East Coast, with Connecticut offices in Hartford and Stamford. "We contribute depth of experience and knowledge," Finn said of the Connecticut offices.

The firm's Connecticut team is known for its experience in business litigation, including tra-

expectations," the company stated in its award application to the Law Tribune. "We have a reputation for cost-effective quality; our partners monitor the progress of each matter, regularly assessing the quantity and quality of work. It may be cliché, but we strive to be as responsive as possible. We deliver results on a budget."

Eric Wiechmann, also a partner in the firm's Hartford office, said as companies try to keep their litigation costs down, law firms have to be efficient and direct.

LITIGATION  
DEPARTMENT  
OF THE YEAR

### MCCARTER & ENGLISH

	Total Firm	CT Office(s)
Litigation Partners	129	24
Litigation Associates	96	12
Other Litigation Attorneys	20	2
% Total Revenue From Litigation	34%	12%

**Nomination Excerpt:** Our Connecticut litigation department is known for its broad experience in business litigation, including traditional business tort, contract and unfair trade practice claims. Our multidisciplinary team represents Fortune 500 companies, global manufacturers, startups and private clients. McCarter litigators manage a nationwide practice while maintaining a strong home base. Large-scale, complex financial services litigation, including fraudulent conveyance litigation, has continued to grow.

### NOTEWORTHY CASE:

**Case:** Garbarino v. Nutmeg Investment Group Inc., Charles Meade, Frank Gavel Jr. and Raymond James Financial Services

**Court/Agency:** Financial Industry Regulatory Authority

**Summary:** After 39 days of hearings, McCarter & English obtained a favorable award in securities arbitration before FINRA on behalf of an independently owned Raymond James affiliate, Nutmeg Investment Group Inc. and its principals. The matter was an industry dispute involving civil RICO claims and claims for unfair trade practices, defamation, breach of contract, tortious interference, conversion and statutory theft. Potential exposure was \$7.5 million plus punitive damages. The claimant was ordered to pay more than \$1.1 million, which included punitive damages and attorney fees to our clients on the counterclaims.

dismissal of an action filed against Primary Residential Mortgage Inc. (PRMI), a national residential mortgage banker. The court granted its motion to dismiss the complaint, which included claims of fraudulent misrepresentation and unfair trade practices. The firm helped bring several other cases to positive conclusions, including cases involving trademark disputes, supplier nonpayment and design patent infringement.

According to Wiechmann, the firm's lawyers from Hartford and Stamford try cases both inside and outside Connecticut. "We can call on others [in the firm] and have the capability to match our expertise against any firm in the country," he said.

■ From AXINN PROFILE on PAGE S3

come in the U.S. District Court of the District of Delaware. Axinn lawyers Francis Morrison, Matthew Becker, Jeremy Lowe, Edward Mathias and Tara Rahemba won a \$16 million verdict after a jury found that three of DePuy Synthes' patents for intervertebral implants used in spinal fusion procedures had been infringed by Globus Medical.

**FDA Case**

The firm had consequential victories in 2014 outside of the patent arena too. A team of Axinn lawyers successfully filed a motion to dismiss on behalf of New Britain-based Stanley Black & Decker in an antitrust case brought against power toolmakers by an Oregon company that claimed its safety technology was being "boycotted." The firm also prevailed on behalf of Shelton-based Hubbell Inc., which had been accused of trade secrets misappropriation by a Philadelphia company related to the development of a wireless lighting system.

But patent work remains a calling card, and Axinn represented Watson Laboratories

in the U.S. Court of Appeals for the Fourth Circuit, arguing that the Food and Drug Administration wrongly decided that Watson and other generic drugmakers were not eligible to seek to become the first manufacturers to challenge Pfizer's patent on the arthritis drug Celebrex and, as a result, get 180 days of protection from competitors.

Circuit Judge James Andrew Wynn Jr. ruled in an unpublished decision that the FDA could not block Watson and two other generic drugmakers from having six months of legal protection from competitors because their applications to copy Celebrex involve a patent that has been reissued.

The firm's partners say that Axinn can represent life sciences companies in the entire life cycle of litigation for their products, from getting patents and obtaining FDA approval to defending against alleged antitrust violations, Landmon said. "We're the only firm in Connecticut that is doing the kind of work we're doing on the patent side and on the FDA side," Landmon said. "We're one of the few firms in the country that matches the FDA experience with the patent experience." ■

■ From CARMODY PROFILE on PAGE S4

porate clients, Carmody emphasizes that its lawyers have the capacity to fashion litigation strategies that are appropriate for the client's industry. "Clients today are looking ... for lawyers that understand their businesses and understand the need to approach their litigation as their own executives would approach a business problem," Kurzman said.

One way the firm has approached litigation as a business issue has been to develop its own e-discovery resources, allowing it to process, organize and host electronic data at a cheaper price than outside vendors can offer. The firm has an IT director and litigation support managers to support this e-discovery capacity, and paralegals have been trained in database management.

E-discovery has made litigation inordinately expensive, but by bringing that "function away from vendors and in-house," Carmody can do the work itself and do it cheaper for clients, said David

Hardy, the other co-leader of Carmody's litigation group.

Another business innovation has been working with corporate clients to jointly staff cases with corporate legal departments in order to save costs. For example, the firm partnered with Northeast Utilities to jointly hire a 2014 summer associate to work on legal matters in which both Carmody and Northeast were involved. The program allows a summer associate "to get a taste of in-house practice and an outside law firm," Brian Henebry, Carmody's managing partner, said.

The innovative summer associate program is not the only way that Carmody is apprenticing young lawyers in the art of trial lawyering. The firm has intensive in-house training on trial advocacy, including holding a mock trial covering every aspect of trials last year. The firm takes a long view of developing associates, Hardy said. Clients "expect we're going to bring along the next generation so we can continue to serve them," he said. ■

■ From MCELROY PROFILE on PAGE S5

struction litigation, commercial litigation, employment litigation, insurance coverage, bankruptcy and other areas.

**Information Is Control**

Another litigation strength is in information management and information control. The firm's wholly owned subsidiary, Integrated Project Solutions (IPS), has in-house professional engineers and other specialists with the expertise to analyze construction cases.

"They speak the language of the construction client. They know the process and they know the industry," Pepe said. "They know how to read construction specifications and plans. When you put that all together, you can see how effective they can become

in the preparation of cases." For example, they put together books of information that are vital to litigators examining witnesses in depositions and trials.

IPS offers efficiencies in nonconstruction cases too. IPS provides an in-house document management system for collecting a client's documents, collecting the other party's documents and creating an easily searchable database of both sides' documents.

Partner James Budinetz said that he uses IPS in "very significant, document-heavy cases." Clients can even log into the IPS databases themselves. And, best of all, according to McElroy Deutsch partners, IPS doesn't have any other customers, so the firm can control costs for legal clients. Unlike firms having to hire outside vendors for document management and e-discovery, "ours is in-house and we're their No. 1 customer," Budinetz said. ■

■ From WIGGIN PROFILE on PAGE S14

based aircraft manufacturer against damage claims arising out of a West Coast helicopter accident. "Ultimately, we were able to resolve it favorably for our client without a trial," Smith said.

In a case involving a West Virginia plane crash, Smith obtained a favorable prelitigation result for a Connecticut aviation component parts manufacturer. On receiving the Litigation Department of the Year award, Smith said, "I think it is a wonderful honor, which we appreciate receiving. It reflects the depth and breadth of our experience in Connecticut and nationally." ■

In 2014, the firm also handled other product liability cases involving such products as asbestos, motion sensors, car seats and heating, ventilation and air conditioning units.

Wiggin and Dana's white-collar team has provided free services, such as when Margery Feinzig led a group of lawyers who teamed up with the Jerome N. Frank Legal Services Organization at Yale Law School to provide representation to immigrant detainees. "We are committed to providing pro bono services," Glasser said. "We believe practicing law is a privilege and each one of our lawyers has an obligation to take on pro bono work." ■

# Thank you

With one of the most respected and diverse litigation practices in the Northeast, Carmody Torrance Sandak & Hennessey has extensive experience in litigating intellectual property, antitrust, product liability, real estate, health care, employment, environmental issues, construction, workout and creditors' rights, insurance, securities and contract matters.

We are honored to be named one of Connecticut's **Litigation Departments of the Year**. We congratulate our colleagues who are also being honored and thank our clients for their trust and confidence.

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For firm information, contact Brian T. Henebry at 203-573-1200.

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