Published by
LEGAL MEDIA GROUP
EUROMONEY

From the publishers of Institutional Investor

Excerpted from:

BENCHMARK *Litigation*

THE DEFINITIVE GUIDE TO AMERICA'S LEADING LITIGATION FIRMS & ATTORNEYS

Leading Litigation Firm:

Bernstein Litowitz Berger & Grossmann LLP

2008 and 2009

New York
Bernstein Litowitz Berger & Grossmann LLP

Excerpted from 2008 edition

Recommended

There is no dispute among sources that **Bernstein Litowitz Berger & Grossmann** is "the cream of the crop and one of the most successful plaintiffs' firms" in the country. Since its founding in 1983, the firm has grown to include 48 litigators practicing from its New York headquarters and offices in New Jersey, California and Louisiana. Hailed particularly for work in the securities arena, the firm successfully prosecuted the high-profile and widely followed *WorldCom* bankruptcy litigation. As counsel for the New York State Common Retirement Fund, partners at the firm helped recover $6.15 billion for the investor class – the largest recovery at that time – from WorldCom's underwriters, directors and officers and auditor Arthur Andersen. In an unprecedented move, former WorldCom chairman Bert Roberts and 11 other former director defendants agreed to pay $24.75 million of their own profits to settle the claims against them. The firm also handles corporate governance litigation, employment discrimination, civil rights and consumer protection cases and tackles general commercial litigation involving allegations of breach of contract, accountant liability, breach of fiduciary fraud and negligence on behalf of institutional clients and lenders.

Peers have the utmost respect for founding partner and firm leader **Max Berger**, who is described as a "very classy" lawyer. Following Nortel Networks Corporation's role in the largest securities fraud in Canadian history, Berger helped the Ontario Teachers' Pension Plan Board and the Treasury of the State of New Jersey and its Division of Investment win a unique settlement package of cash and Nortel stock valued at $1.3 billion in one of two separate securities fraud class actions brought against the company. Berger also represents the New York State Common Retirement Fund in the ongoing *McKesson HBOC* securities litigation and has to date recovered more than $1.03 billion for his client. The firm also counts top plaintiffs' lawyer and former Assistant United States Attorney **John "Sean" Coffey** in its ranks. Coffey helped the Retirement Systems of Alabama reach a settlement valued at about $445 million in the *HealthSouth* bondholder litigation and serves as lead counsel representing investors in the *Omnicom*, *Merck*, *Refco*, *Delphi*, and *Converium* litigations.

Local litigation stars

Max Berger
Bernstein Litowitz Berger & Grossmann

John Coffey
Bernstein Litowitz Berger & Grossmann

New York
Bernstein Litowitz Berger & Grossmann LLP

Excerpted from 2009 edition

Recommended

With a current roster of 50 litigators, **Bernstein Litowitz Berger & Grossmann** is definitely on the smaller side of New York litigation firms, but peers attest the team of attorneys is "one of the best, bar none." A majority of attorneys practice out of the firm's main office in New York, with the remaining bolstering the firm's presence on the West Coast from its office in San Diego. While powerhouse **Max Berger** focuses primarily on securities fraud litigation representing institutional investors, he does boast a general practice, with experience in antitrust, employment, civil rights, insurance and patents work. As founding partner, Berger was involved with several of the largest securities fraud recoveries in history, including the WorldCom, Cendant, Nortel Networks and Lucent Technologies securities litigations. He is currently involved in a number of matters for companies hit by the subprime mortgage meltdown, including work for New Century Financial, Washington Mutual and Fremont. "We have always done business on a handshake," commends one source. "He is a man of his word."

Equally able in securities work is partner **John Coffey**, a former officer in the US Navy and personal military aide to George H W Bush during his vice presidency. Involved in the WorldCom securities litigation as well, Coffey also obtained a $217 million settlement for client BFA Liquidation Trust following its collapse. He currently represents investors in ongoing litigation matters for Omnicom, HealthSouth, Merck, Refco, Delphi and Converium. Coffey has "always been great," says one client. "They are all just super guys," says another. "Really personable is the best way to say it."

Local litigation stars

Max Berger
Bernstein Litowitz Berger & Grossmann

John Coffey
Bernstein Litowitz Berger & Grossmann

Future stars

Salvatore Graziano
Bernstein Litowitz Berger & Grossmann

Gerald Silk
Bernstein Litowitz Berger & Grossmann

Blair Nicholas
Bernstein Litowitz Berger & Grossmann (California)

David Stickney
Bernstein Litowitz Berger & Grossmann (California)

BERNSTEIN LITOWITZ BERGER & GROSSMANN LLP

1285 Avenue of the Americas
New York, NY 10019
Tel: +1 212 554 1400
Fax: +1 212 554 1444
Web: www.blbglaw.com

Managing Partners: Max W. Berger, John (Sean) Coffey
Number of partners: 15
Number of counsel: 9
Number of qualified lawyers: 25

Firm Profile

A distinguished group of trial-tested litigators, Bernstein Litowitz Berger & Grossmann LLP ("BLB&G") handles complex commercial litigation for corporate, institutional and private clients on a contingency fee basis. BLB&G is the leading law firm worldwide advising institutional investors in issues related to corporate governance, shareholder rights, and securities litigation. We provide comprehensive asset protection services, including portfolio monitoring, to over 100 of the most significant and respected public pension funds and private institutional investors in North America and abroad. Since its founding in 1983, BLB&G has obtained over $20 billion in recoveries for investors and achieved precedent-setting corporate governance reforms on behalf of its institutional investor clients. The firm has also prosecuted some of the most significant employment discrimination, civil rights and consumer protection cases on record. Equally important, the firm has advanced novel and beneficial principles by developing important new law in the areas in which it litigates. As a result of its accomplishments, BLB&G and its attorneys have repeatedly and consistently earned high praise from the courts in which they practice, as well as the respect of the defense firms and insurance carriers whom they face in court and across the negotiating table.

Areas of Practice

Antitrust, Arbitration and Alternative Dispute Resolution, Commercial Litigation, Consumer Fraud, Corporate Governance and Shareholder Rights, Derivatives and Specialty Investment Products, Distressed Debt and Bankruptcy, Employment Discrimination and Civil Rights, ERISA Fraud, False Claims-*Qui Tam,* Patent Infringement and Protection, Securities Fraud, Subprime Litigation

Other Offices:

San Diego, CA; New Orleans, LA