

Max Berger Profiled by *Law360* as a “Titan of The Plaintiffs Bar”

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As part of a new series released by *Law360* featuring plaintiff attorneys who have greatly impacted the field, BLB&G’s senior and founding partner, Max Berger, was profiled by the magazine as one among an elite group of “Titans of the Plaintiffs Bar.”

The feature focused on Mr. Berger’s personal story, and how – through serendipitous circumstances – his long, successful legal career got started.

The article began by recounting Mr. Berger’s activism as student body vice president at Baruch College, where he organized a mock funeral procession to protest the proposal to turn Baruch into a two-year business school, which according to him “would have completely destroyed Baruch, where a number of students are the first in their family to graduate college and experience the culture of a four-year school.”

His fervor and commitment to this cause won him the respect of the Chairman of the Board for Higher Education, Mr. David Ashe, who would later write a personal recommendation on behalf of Mr. Berger, allowing him attend to Columbia Law School on a scholarship.

While attending Columbia Law School, Mr. Berger juggled classes, multiple jobs, and a wife and baby. Three years later, he befriended and partnered with Paul Bernstein, BLB&G’s co-founder, to work at Kreindler & Kriendler, where they helped kickstart the firm’s new securities practice. After making partner at the firm, Mr. Berger and Mr. Bernstein, along with Ron Litowitz and Edward Grossmann, set off to create a firm bearing their own names in 1983. Since then, Mr. Berger explains, “I’ve pretty much had one law job, and that’s it.”

Mr. Berger traces his knack for mitigating conflict to his childhood, where he and his family lived in a small project housing apartment in Queens. He recalls, “My parents and my sister were always fighting, and I shared a room with her until she was 21 and I was 17.”

This early life training, along with his keen, natural ability to mediate, allowed Mr. Berger to make a name for himself as a master negotiator, a skill that “served his clients well.” According to *Law360*, many attorneys who have worked either with him or against him claim that “he doesn’t posture, he’s always fair, and he’s a ‘gentleman.’” A former BLB&G attorney recalls being “dazzled” when, during negotiations with a top defense firm, he watched “Max thoroughly dismantle every argument they had against our case.”

Mr. Berger does indeed drive a hard bargain. A prime example of his skill was his strategy in negotiating the settlement in the *WorldCom* litigation, which ultimately recovered \$6.2 billion for investors and was the largest securities recovery in history at the time. According to him, “After Citigroup settled, I told the other investment banks they had 30 days to pay the same amount. After that, the price of poker goes up.”

Days before trial, JPMorgan was ready to settle. Mr. Berger recalls, “They said, ‘Come on!’ And I said, ‘That’s what we said we were gonna do. That’s it. You want to settle, fine. You don’t want to settle, that’s why we live in America. It’s a free country; you have every right to go to trial.’”

Following these intense negotiations, JP Morgan agreed to pay \$2 billion – 49% more than Citi had paid on a *pro rata* basis.

In addition to recounting Mr. Berger's personal history and career, the feature also discusses his interests outside of work, including his love for photography and philanthropy. According to the article, "His digital photographs of far-off places have sold, collectively, for several thousand dollars, raising money for City Year New York, an AmeriCorps-sponsored service organization for young adults in the city, and Her Justice, a nonprofit dedicated to providing legal services to women facing poverty and abuse."

The feature also highlights his deep affinity and connection with his two alma maters. Mr. Berger is heavily involved in the schools' administrations – he has served on Columbia Law School's Dean's Council, and will be taking over as president for Baruch's board. He has also endowed two public interest fellowships at Columbia and a pre-law program in Baruch.

Over the years, Mr. Berger has worked alongside many attorneys who respect and admire him. Among his many friends is Mr. Brad Karp, a prominent defense attorney and partner at Paul Weiss Rifkind Wharton & Garrison LLP. According to Mr. Karp, "Having sat across the table from Max for many years, I can tell you that he's a mensch, a person of humility and integrity, a quality human being."

Mr. Berger, a father of four and a grandfather of ten, looks back over his life and 40+ year career with no regrets. Quoting Mr. Berger, *Law360* writes, "My attitude is that, for most of my life, I had nothing," he said. "It's not like I ever want to go back there, I don't, but I know how to live like that. And there's nothing you could ever do to entice me to do something for money that I don't want to."