

Connecticut **Law**Tribune

May 13, 2013

An **ALM** Publication

*The Connecticut
Law Tribune
Announces*

*Litigation
Department*
OF THE *Year*

**Bingham
McCutchen LLP**

LITIGATION DEPARTMENT OF THE YEAR
**Out-Of-State Firm
With Connecticut Office**

A Little Swagger And A Lot Of Success

BINGHAM MCCUTCHEN'S

Hartford office relishes high-stakes cases

When you're one of the leaders of a national powerhouse law firm, you help define the standards and the expectations. And litigating for Bingham McCutchen, an Am-Law 100 firm, means tremendous pressure to live up to those standards, said Robert M. Dombroff, Bingham's New York-based litigation co-chair.

"I may be showing my bias, but when you are in Bingham's litigation area, we expect some swagger, and in that sense, it is a little like putting on the [New York] Yankee pinstripes," Dombroff said. Nevermind that his colleagues in the firm's Boston headquarters might disagree with that particular baseball reference. The point is, Bingham's litigation team is required to excel.

Based on Bingham's litigation record in Connecticut and beyond in 2012, the Law Tribune is awarding it the Litigation Department of the Year Award for top Connecticut Office of an Out-Of-State Firm.

Bingham will be honored with other winning firms at a May 30 awards dinner.

With 200 litigation partners and nearly 450 litigators overall, Bingham's litigation department composes 44 percent of the firm's total



Partners in Bingham McCutchen's Litigation Area and Securities and Financial Institutions Litigation Practice Group. Back row, left to right: Michael Blanchard, Susan Kim, Michael D'Agostino. Front row, left to right: Stuart Rosen, Ben Krowicki.

lawyer count and brings in 50 percent of the firm's total revenue, estimated at \$872 million in 2012 by *The American Lawyer*. The firm's 11 Hartford-based litigators focus on complex commercial, banking, insurance, insolvency and securities litigation matters. Their client base includes financial institutions, insurance companies, hedge funds, private equity firms and other institutional clients litigating in state and federal courts throughout the country.

"What makes me most proud about the firm is that here, litigation stands shoulder to shoulder with our other areas, rather than just service them," Dombroff said. "Bingham's litigation clients see our litigation area, including our Hartford office, as an independent destination for their most complex and important matters."

The Hartford-based litigation group also collaborates with Bingham's insolvency, insurance and broker-dealer practices, serving clients such as Merrill Lynch, Bank of America, Morgan Stanley, Wells Fargo and many more in financial disputes that are becoming more complex and global.

E-Discovery Issues

Litigation has been the backbone of the firm's Hartford office ever since two legacy firms (Boston-based Bingham Dana and San Francisco-based McCutchen Doyle) merged to create Bingham McCutchen in 2002. Stuart D. Rosen, Hartford-based partner in the firm's Securities and Financial Institutions Litigation Group, was part of Bingham Dana's Hartford office. Besides the legal landscape changing because of law firm mergers and acquisitions, Rosen said one of the most significant changes in the past decade involves e-discovery, both in volume and cost.

"Emails don't die and virtually everyone is sending documents and communicating through email," he said. "If you don't know how to handle that [as an attorney], you're going to have a problem. This is a real issue for clients in terms of trying to manage the cost and trying to manage the incredible volume of material that's now being generated."

Bingham responds with a large team of e-discovery and technology experts who utilize powerful filtering software that searches key words and phrases to determine what documents could become relevant to their case. "Attorneys gain an understanding of the client's document content and effectively reduce the volume and minimize client costs," said Peggy Stulberg, the firm's director of technology.

In 2012 alone, Rosen was involved in high-stakes, nine-figure cases involving hedge funds and insurance companies. The need for efficient e-discovery was paramount, and the lawsuits indicated another trend.

"When you're talking about commercial cases, it seems that the stakes have grown over the years," Rosen said, comparing litigation today with the realities of five or 10 years ago. "There's much greater pressure on in-house counsel to manage outside costs. Litigation, historically, is one place where there have been significant outside costs. General counsel are being more careful about what kinds of cases they want to bring."

Litigation involving hedge funds is one area in particular that has been more active in recent years. "They're becoming more high-profile, more proactive in getting involved in transactions, which may ultimately lead to litigation," Rosen observed.

Saving Clients Millions

Among the significant victories cited by Bingham's Connecticut of-

Litigation Department OF THE Year

BINGHAM McCUTCHEN

	Total Firm	CT Office(s)
Litigation Partners	200	6
Litigation Associates	200	3
Other Attorneys	33	1
% Total Revenue From Litigation	50%	1%

NOMINATION HIGHLIGHT:

With 11 lawyers litigating in Connecticut and nationally, our Connecticut litigation group serves corporations and institutional clients, focusing on complex commercial banking, insurance, insolvency and securities litigation matters. The team represents financial institutions, insurance companies, hedge funds and private equity firms in litigation in federal and state courts, and in arbitrations. Our Connecticut litigation group works seamlessly with Bingham's insolvency insurance and broker-dealer practices, serving clients such as Merrill Lynch, Bank of America, AIG, Credit Suisse and JP Morgan.

fice in 2012 was one involving Chartis Insurance Co., which was a subsidiary of AIG. Chartis, a Bingham client, had been sued by C.R. Bard Inc., a maker of uterine catheters, which in turn had been sued by a competitor that alleged that Bard had disparaged its products.

Bard settled with its competitor, then filed a claim seeking approximately \$90 million in indemnity and defense costs from Chartis. Bingham successfully moved for summary judgement in the lawsuit, noting that Bard had been making the same sorts of disparaging comments even before it had a policy with Chartis.

In another case, the venture capital firm Village Ventures, of Williamstown, Mass., retained Bingham's Hartford-based litigation team as defense attorneys in a shareholder dispute involving a \$430 million company acquisition. The case was dismissed in Superior Court in Waterbury following Bingham's motion.

Robert D. Kraus, general partner and general counsel of Village Ventures, noted the characteristics that led to Bingham's litigation award. "[Partner Michael D.] Blanchard and his team have been very responsive, have marshaled a large and complex set of facts quickly and with great agility, and have advocated our position with skill," Kraus said. "He involves his clients in the development of arguments and is sensitive to the complex needs of those clients."

While companies are more selective about which cases they bring to court, that's meant more use of alternative dispute resolutions. Rosen has been an arbitrator with the American Arbitration Association for 20 years, and "we've certainly seen enhanced use of all types of ADR, whether it's mediation or arbitration." Contracts now require multiple levels of dispute resolution before going to trial, he said.

But that doesn't mean Bingham is de-emphasizing litigation. The

firm continues to provide intensive litigation training to new attorneys, mid-level attorneys and attorneys in its pre-partnership class. This boot camp-style training means attorneys try a case in front of a mock jury and receive feedback from presiding judges to help them sharpen their skills.

"We have a long legacy of trial work here and we want to make sure people know how to try a case because there will be times when you're going to have to," Rosen said. "The other side needs to know you're ready and able to try a case."



BINGHAM