

# LITIGATION BOUTIQUE

## HOT LIST

They may be small, but they command attention. The 10 law firms on our Litigation Boutiques Hot List, each fielding no more than 50 lawyers, demonstrate that when it comes to high-stakes cases it's all about skill, not size. Whether they're working on the plaintiffs' or defense side of big pharma, big oil, white-collar or agriculture matters, the lawyers practicing at these streamlined shops set precedents, righted wrongs or saved companies during 2012. —LEIGH JONES

## 'We level the playing field for our clients'

### SANFORD HEISLER

After nine years, Sanford Heisler founding partner David Sanford believes the public-interest law firm has reached the point where "we believe we can do anything we want to do."

The firm scored major wins last year, including a \$99 million settlement in a nationwide wage-and-hour class action and a share of a \$762 million settlement with the U.S. Department of Justice in a whistleblower case against biotechnology company Amgen Inc.

The firm expanded from its original three to 30 attorneys by recruiting students from top law schools and talented lawyers from premier firms who were willing to abandon

It is critical to maintain one's credibility as a lawyer. If you have a reputation as someone who is credible and a straight-dealer, that will make a difference in your negotiations and you will be more persuasive in court.

In determining whether to take a case, it's important to think that the client is likeable and someone who is trustworthy. A jury's going to ask those same questions. If the jurors like the client and believe the client, you're going to win.

It's absolutely critical you choose wisely, and choosing wisely means doing extensive due diligence.

### DAVID SANFORD, SANFORD HEISLER

the safety of large institutional clients and take cases on contingency, Sanford said.

But with big risk comes big rewards. That wage-and-hour case on behalf of Novartis Pharmaceuticals Corp. sales representatives is a good example. It spawned close to 30 copycat cases nationwide, Sanford said, and in five years of litigation, the firm's lawyers on the case—Sanford, Jeremy Heisler, Kate Kimpel, Grant Morris and Andrew Melzer—took and defended more than 50 depositions.

It was the first firm to bring such claims to the U.S. Court of Appeals for the Second Circuit—joined in the appeal by the U.S. Department of Labor—and it won a key ruling that the sales representatives were entitled to overtime pay under federal and state laws.

The potential damages amounted to more than \$1 billion. But with both sides unsure how the U.S. Supreme Court would weigh in on the issue in a separate case, Sanford Heisler settled with Novartis for \$99 million (along with \$28 million in costs and attorney fees) in May.

It was just in the nick of time—weeks later, the Supreme Court ruling fatally crippled the pending similar lawsuits.

Other big wins included a November settlement for \$19 million for lost overtime to first-level managers of outside technicians at AT&T Inc., and certification of a class of federal marshals going back 20 years in a racial-profiling case against the U.S. Department of Justice. The firm is litigating more than 30 class actions and 14 qui tam cases.

"We have as many resources as any public-interest firm," said Sanford, who is based in the Washington office of a firm that also operates in



DAVID SANFORD

"In gender discrimination disputes, businesses don't want themselves up against the law firm Sanford Heisler. That firm has become the premier brand in representing plaintiffs in class action lawsuits alleging gender bias - and winning."

SOURCE [lawandmore.com](http://lawandmore.com)

New York and San Francisco.

He added: "We will put as many lawyers on a case as the other side has or more. We level the playing field for our clients."

—TODD RUGER

Reprinted with permission from the February 11, 2013 edition of THE NATIONAL LAW JOURNAL © 2013 ALM Media Properties, LLC. All rights reserved. Further duplication without permission is prohibited. For information, contact 877-257-3382, [reprints@alm.com](mailto:reprints@alm.com) or visit [www.almreprints.com](http://www.almreprints.com). #005-02-13-10.