

# LAW DRAGON

# 500

## LEADING PLAINTIFFS' LAWYERS IN AMERICA

BY KATRINA DEWEY

**I** LIVE MY LIFE so little, so small in a world so big. Survival impels me to believe I am not connected to others. I am the master of my ship, which sails on waves that bend to my will.

I am not the blind man inching his way across the street who is killed when struck by a van rushing to deliver an extra-large pepperoni pie.

I will never become the woman whose cancer went undiagnosed while she worried about her children, who needed new clothes and had runny noses.

I take comfort that it's some other investor who tied up her life's savings in a company that committed fraud and lost it all.

That's life, I say. Bad things happen — to other people.

For mortality, there are gravediggers.

For justice in this life, there are the folks on the following pages.

The Lawdragon 500 Leading Plaintiffs' Lawyers in America are the watchdogs of our nonchalance toward the fate of those who aren't us.

Forget everything you've read about plaintiffs' lawyers. The truth is life happens, and they are the ones we call to sort it out with the help of attentive judges and jurors. Plaintiffs' lawyers are all too often the fragile divide between hope and despair.

Judith Livingston has handled hundreds of cases, many of them for babies grievously injured during birth. She and her husband, Tom Moore, are consistently cited at the top of the New York bar for their expertise and for winning hundreds of multi-million dollar awards.

But for all their success, they've never once met a

PHOTOGRAPHY BY HUGH WILLIAMS

RESEARCH DIRECTED BY DRAEGER MARTINEZ

client who wouldn't gladly return unbelievable riches for the way they were.

"Let me be one-half, two-thirds of what I was," Moore says. That's all his clients want.

These are the lawyers who remind us that our little boat, roiling on the stormy wave that is nothing more than life, can capsize.

Few plaintiffs' lawyers know this as exquisitely as David Dean.

It would be so easy to say the tears of his clients led him to drink.

I arrive at Sullivan Papain Block McGrath & Cannavo a little before 2 p.m., just ahead of Dean's next appointment. He doesn't want Steven Zizic to wait a moment longer. Zizic is stopping in to pick up his check, a cut of \$8.8 million that is his recompense for the loss of his legs after he drove his motorcycle into an errant delivery vehicle.

I'm early. So is Steven, accompanied by a woman who helps him with his wheelchair, fusses with the bag that hangs from the back of the chair that now substitutes for his legs.

We three sit over the next hour watching the day's fire drill progress. The participants include an actual fire-hazard consultant, now required by all New York buildings, a lead poisoning victim, a woman threatened with eviction and more of life's flotsam. They are channeled to the proper help by Lucy, a commanding woman who directs the ebb and flow of Sullivan Papain's legal trauma ward.

"No, we're down the street from Cedar and Pine, not across the street from the graveyard," she tells a caller.

Steven and his companion renew an on-and-off conversation as an elegant man emerges stage right. His looks have been used to sell fancy products, as they should; he's a dead ringer for Kirk Douglas. I watch as he spots Steven, bends down and greets him.

And I know this guy is the real deal.

The real deals — those you'll find on the following pages — know the performance from the audition. Like Dean, they live it.

We selected the Lawdragon 500 Leading Plaintiffs' Lawyers in America through our proprietary review process, combing through more than 10,000 nominations made by our staff, judges and peers to find those lawyers who embody excellence and dedication in this controversial practice that is so easily dismissed by those who are a crisis away.

The efforts of these attorneys are appreciated in every region of the country. Three thousand miles away from Dean, the Los Angeles power duo of Tom Girardi and Walter Lack nailed last year's biggest settlement with \$1.7 billion against Sempra Energy. But Girardi really loved his second \$300 million-plus victory against Lockheed Martin for ground contamination, while Lack loved his settlement against The Dow Chemical Company and others on behalf of 3,000 Nicaraguan banana workers.

After discovering his sister's insurance carrier was

underpaying her cancer benefits, South Dakota attorney Michael Abourezk fought for a \$20 million settlement to benefit present and future cancer patients. Texas brings us Mark Lanier, king of the Vioxx cases, and Stephen Gardner, who as litigation director of The Center for Science in the Public Interest sues to keep food and drink companies honest about their products. Jock Smith from Jackson, Miss., has a staggering \$1.6 billion verdict to his record. Just as important to the grocery store clerk in Massachusetts is Neil Sugarman, whose efforts secured \$3.5 million to pay for the quadriplegia the clerk suffered after falling on ice near the store.

You can read more about each of these lawyers and their recent successes in the pages ahead and at Lawdragon.com.

Dean is one of America's great trial lawyers, and like all the great ones, he is both gracious and accompanied by a story or two. He's a man who won \$180 million on behalf of two million Vietnam veterans who sued seven chemical companies that exposed them to Agent Orange. Who, post 9/11, convinced a New York jury that the Port Authority bore more responsibility than terrorists for the 1993 bombing of the World Trade Center. Who in 2004 racked up two of the 10 largest verdicts and topped all others in the state of New York in 2000, \$92 million.

That win came just three years after he was readmitted to the bar. Three years and change after he went to audition after audition to earn a living off Broadway and as the face of elegance for Lexus and other luxury goods. He cared little about the goods he was selling, concerned more about reclaiming the family and law practice he nearly lost.

The trial win in 2000 was 11 years after he walked the streets of Midtown at 4 a.m., completely smashed, his clothes shredded by a mugger he can't remember.

Twelve years after his bar ticket was pulled for commingling client funds during his crazy days as a small Long Island practitioner quarterbacking the claims of 2 million soldiers exposed to Agent Orange.

No wonder he drank, you might say. But he wouldn't. He erred and he paid. He's grateful to again be practicing his craft and to have been taken on by Sullivan Papain. He quietly spreads the word in prisons about the importance of sobriety when not loudly spreading the gospel of justice in the New York courtrooms that will once again have him.

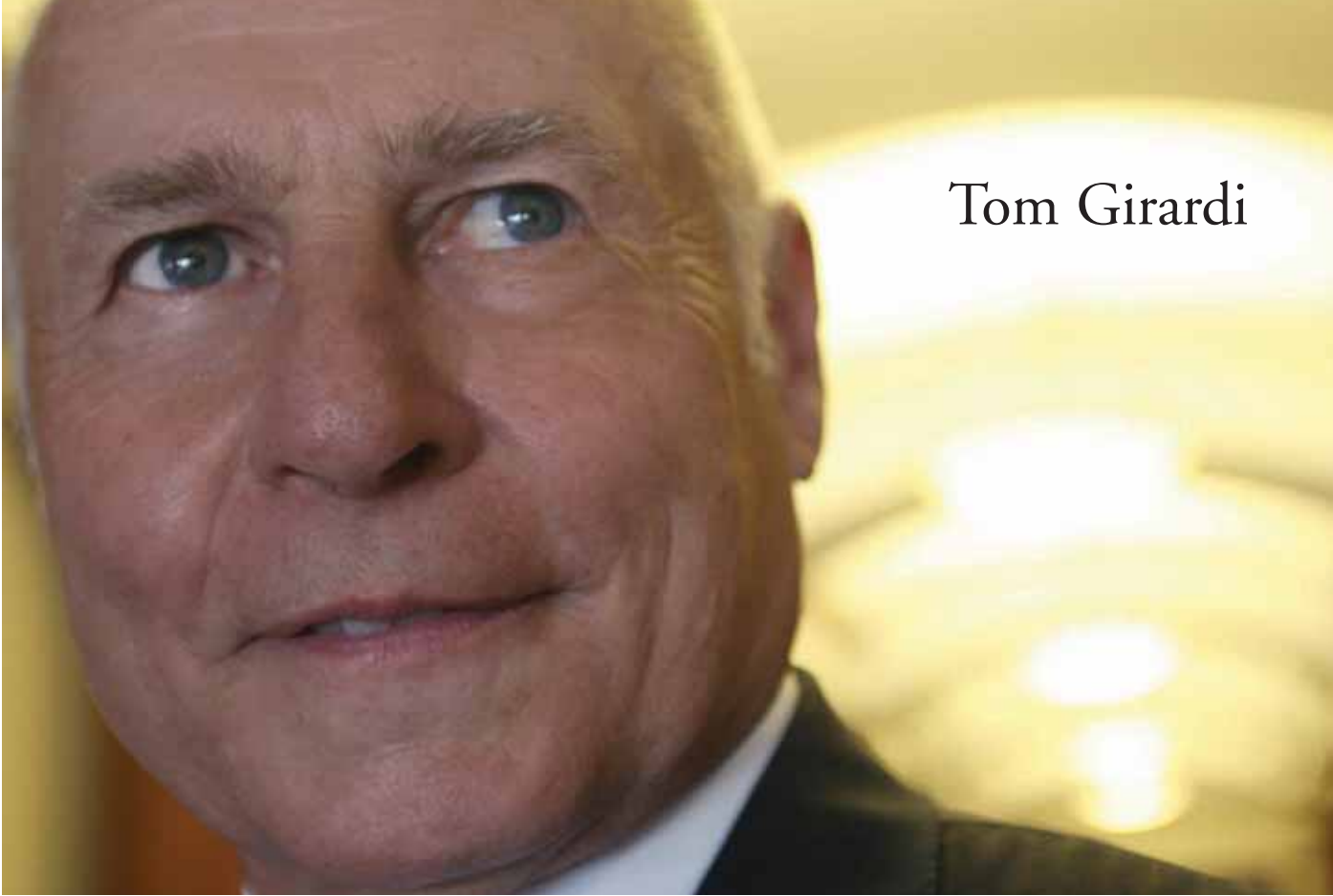
He remembers, not so long ago, attending a staging of "Aida" at The Met in New York on a Saturday night before starting a trial on Monday morning. Leaning back, he heard only the words he would say to explain the suffering and loss of a breast cancer victim to a jury.

She bought books to learn how to tell her children and husband she was dying. Then quietly laid back and held her husband as she passed away.

He's an actor, but he doesn't have to fake the tears.

None of the great ones do.

It's what happens when you care about helping those who, after all, are only us. ■



## Tom Girardi

**Victor Arellano** Lawton & Cates (Madison, Wisconsin) Nicknamed “The Storm” for his **passionate** advocacy of worker’s rights, Arellano pours it on for migrant workers, professionals and blue-collar workers alike. **James Arnold** Clark Perdue (Columbus, Ohio) Won **big bucks** against a hospital that fatally administered anesthesia to an expectant mother’s bloodstream, rather than spinal fluid. **Rosemarie Arnold** Law Office Of (Fort Lee, New Jersey) After a grad student was murdered, Arnold **launched** \$100 million in claims against New York’s prison establishment, which paroled her killer. **William Artz** Artz Law Firm (Arlington, Virginia) On behalf of youngsters who claim Catholic priests molested them, Artz **forced** a former clergyman to surrender his Virginia child-counseling license. **William Atlee** Atlee Hall (Lancaster, Pennsylvania) GM **fought** with him over defective gas tanks in Chevy Lumina. Big mistake: the resulting laws made it easier to prove the cars aren’t crashworthy. **Mark Avera** Avera & Smith (Gainesville, Florida) The former SWAT cop **wrested** big verdicts from landscaping giant Asplundh and the Association of Retarded Citizens for sexual assault in a group home. **Janine Avila** Connelly Jackson (Toledo, Ohio) This Ohio **overseer** specializes in claiming dual capacity of employers to open doors to greater damages in workers comp cases. **Joseph Awad** Silberstein Awad (Garden City, New York) He **recovered** \$56 million for medical malpractice in Brooklyn and \$5.3 million for a breast cancer patient who suffered unnecessary diagnosis delays. **Theodore Babbitt** Babbitt Johnson (West Palm Beach, Florida) A **go-to** lawyer to achieve seven-figure compensation for victims of serious med-mal mishaps. **Kyle Bachus** Bachus & Schanker (Denver) Bachus **backed** up his reputation with \$1.85 million in compensation to a woman whose 1993 Saturn got broadsided by a semi truck.