

THE CONNECTICUT LAW TRIBUNE

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ALM

DANGER PART OF THE JOB

Prosecutors Seek Sense Of Security

Union calls for heightened stalking penalty

By CHRISTIAN NOLAN

Norwalk Senior Assistant State's Attorney Robert Hall knows what it's like to have his life threatened.

In 1998, a bomb blew out a window of his home. For Hall and his family, it was an all-too-real wake-up call of the dangers faced by those in Hall's profession.

"After this incident happened, I changed my route to work. I made sure I went a different way every day because somebody could actually follow you," Hall recounted in legislative testimony in support of a bill that would make stalking prosecutors a class D felony, punishable by up to five years in prison.

For a few weeks after the bombing, Hall was provided "24/7 protection" by state police. An arrest was never made, he said.

"Besides having my house bombed, I have had my tires slashed. I have had people take swings, punch at me in the courthouse, and it can be a little bit disconcerting at times," the 31-year veteran pros-

'We have had prosecutors who have had assassins hired to kill them,' New Haven Assistant State's Attorney Jack Doyle told lawmakers.

■ See THREATS on PAGE 24



Ann H. Rubin, managing partner of Waterbury-based Carmody & Torrance, said 2006 'was a terrific year for the firm—across the board.'

Tribune 25 Mixed Growth

Firms thrive by balancing niche practices with bread-and-butter work

By THOMAS B. SCHEFFEY

In speaking with managing partners about 2006, a remarkable story emerges. Through little-known and exotic legal specialties, many of Connecticut's law firms are serving clients all around the globe, most often through the convenience of the Internet.

Rome McGuigan name partner Austin J. McGuigan, in a telephone interview from Guatemala, said he was in a good mood. He had just learned that an arbitration he conducted in Beijing had gone in his

■ See NICHE on PAGE 14

Branch Offices Remain Bullish

Cross-selling opportunities at national firms cited as big advantage

By DOUGLAS S. MALAN

Getting ready for a merger sometimes means taking an immediate financial hit. That explains why Brown Raysman Millstein Felder & Steiner was the lone out-of-state firm with a Connecticut office to post a decline in firmwide gross revenue last year from 2005, said Norman H. Roos, managing partner of the firm's 40-lawyer Hartford office.

Balancing the demands of a merger with Thelen Reid & Priest while servicing existing clients and cultivating new business took a toll on Brown

■ See BIGGER PLATFORMS on PAGE 16



'There are a number of cross-selling opportunities that would not have been available to either firm' prior to the December 2006 merger between Brown Raysman Millstein Felder & Steiner and Thelen Reid & Priest, said Norman H. Roos, managing partner of the merged firm's 40-lawyer Hartford office.

Legal Aid Windfall Welcomed

Extra funds may mean salary hikes

By CHRISTIAN NOLAN

A recent minor language change to the professional ethics rule defining "eligible institution" for lawyers depositing client trust funds is having a major impact on funding for the

■ See RULE CHANGE on PAGE 11



Steven Eppler-Epstein, executive director of Connecticut Legal Services, said he hopes to increase pay for current CLS attorneys to make their salaries more competitive with other public interest law positions in the state.

INSIDE

A brief peek into this week's stories:

3 CORPORATE & BUSINESS 5 CIVIL & FAMILY

Technology is all too often an afterthought in many corporate legal departments, but it's central to General Electric's success.

New London attorney Denise Ansell lost her federal case against Judicial Branch officials, but she doesn't believe her actions were a lost cause.



30 CLOSING ARGUMENTS

An expansion of the state's DNA databank will do nothing to help identify those who have been wrongly convicted.



Tribune25

An examination of Connecticut-based firms' economic performance in 2006

GROSS REVENUE

Rank	Law Firm	Gross Revenue 2006	Gross Revenue 2005	Total Lawyers	Nonequity Partners	Equity Partners
1	Day, Berry & Howard *	\$128.4 million	\$122.0 million	231	6	99
2	Robinson & Cole	\$90.1 million	\$96.1 million	207	14	75
3	Shipman & Goodwin	\$66.5 million	\$61.0 million	142	12	62
4	Wiggin & Dana	\$62.2 million	\$60.0 million	127	19	43
5	Murtha Cullina	\$43.0 million	\$39.5 million	105	19	45
6	Cummings & Lockwood	\$37.7 million	\$38.6 million	66	24	21
7	Pullman & Comley	\$34.8 million	\$33.8 million	75	34	23
8	Halloran & Sage	\$34.2 million	\$34.0 million	93	26	26
9	Cantor Colburn	\$32.5 million	\$25.9 million	64	9	9
10	Pepe & Hazard	\$30.5 million	\$31.3 million	59	11	28
11	Tyler Cooper & Alcorn	\$23.9 million	\$26.1 million	55	0	31
12	Carmody & Torrance	\$23.7 million	\$23.1 million	64	0	36
13	Updike, Kelly & Spellacy	\$18.6 million	\$18.0 million	47	9	19
14	Reid and Riege	\$16.5 million	\$14.2 million	51	0	28
15	Finn, Dixon & Herling	\$16.3 million	\$14.5 million	33	0	14
16	Cohen and Wolf	\$15.1 million	\$14.0 million	40	0	23
17	Rome McGuigan	\$11.8 million	\$10.7 million	29	3	14
18	Ivey, Barnum & O'Mara	\$10.5 million	\$9.9 million	32	0	21
19	Levy & Droney	\$9.7 million	\$9.7 million	29	2	13
20	Berchem, Moses & Devlin	\$9.0 million	\$8.2 million	25	6	8
21	O'Connell, Flaherty & Attmore	\$8.4 million	\$8.0 million	26	0	13
22	Neubert, Pepe & Monteith	\$8.37 million	\$8.7 million	22	4	9
23	Zeldes, Needle & Cooper	\$8.25 million	\$8.25 million	23	0	15
24	Levett Rockwood	\$8.1 million	\$8.1 million	19	0	14
25	Ryan, Ryan, Johnson & Deluca**	\$8.1 million	n/a	26	1	8

*now Day Pitney ** wasn't on 2005 list

The Thinking Behind The Tribune 25: Our Methodology

Survey's confidential nature masks strengths, flaws

By THOMAS B. SCHEFFEY

This is the part where we say "caveat reader."

Just like our sister publication *American Lawyer* magazine's AmLaw 100 and AmLaw 200 surveys, there is no disclosure as to which of the figures listed above are official and which are our best-educated estimates.

Over the decades, the level of firm cooperation in these well-read surveys has steadily and gratifyingly increased. Frankly, the number of firms who have seen fit to provide accurate numbers to the 2006 Tribune 25 survey is the highest ever—well over two thirds.

Senior Writer Thomas B. Scheffey oversaw the production of this year's Tribune 25 special report.

But remember, because the Tribune 25 survey is entirely confidential, no firm's numbers are singled out as official or unofficial. That includes the number of nonequity partners that we report for each firm. In keeping with *American Lawyer* methodology, we have asked firms to distinguish between equity and nonequity partners. The vast majority did. In a few cases, the listings are simply our best estimate.

In some instances, firms that are still considered single-tiered partnerships are reported as having nonequity partners, which technically they do. Those partners aren't the ones who have come up through the ranks, rather they're lawyers that have come in as lateral partners and are working there initially on a salaried basis.

This year, we arrived at the Tribune 25 list from a pool of 37 firms headquartered

in Connecticut that we viewed as having the potential to make the cut. We chose the top 25 based on gross revenues, and derived the profits per equity partner and revenue per lawyer rankings from those 25 law firms.

This year, as in past years, had we used the larger pool of firms to rank profits per partner, firms that didn't make the cut when it came to gross revenue would place among the top 25 in partner profits. But then again, the Tribune 25 is not a list of the highest-paid lawyers in the state.

How do we get the numbers? First of all, we ask politely, by letter. After years of experience with all the alternatives, many firms take charge of the process and simply provide them. In other cases, when only some pieces of the puzzle are provided, estimates can be formulated based on several known elements. All firms disclose how many

lawyers they have, and we measure the headcount as of the last day of August.

Firms are also transparent about their first-year associate salaries, and the increases over the subsequent six to eight years follow a basic trajectory. Law firm advisors like Altman, Weil compile extensive surveys that chronicle the average income and expense patterns of law firms of every practice type in large and small cities across America. Patterns emerge. We have created a software template that is useful in putting the pieces together. It's not rocket science. There are only so many hours a year a lawyer can work—or bill, and the law of averages has a stabilizing effect.

We hope you enjoy this feature, which traditionally has been the best-read issue of the year. ■

Niche Practices Soar, But Stability Has Its Benefits

■ From **MIXED GROWTH** on PAGE 1

client's favor.

About 11 months ago, McGuigan presented a two-week arbitration case for Pratt & Whitney, with the assistance of Chinese lawyers, seeking payment for a jet engine testing facility it built in China. Pratt was seeking payment from a German company that counterclaimed for \$6 million. The arbitration, conducted in English, resulted in a 90-page decision that awarded Pratt \$1.8 million, and denied the counterclaim.

Closer to home, McGuigan's firm had a highly unusual Tort Claims Act trial in 2006, suing the Federal Bureau of Investigation for a client's wrongful 30-year imprisonment for murder. The result is pending.

At Westport's Levett Rockwood, intellectual property lawyer Edward B. Chansky said practicing law with China is becoming routine. "They work while we sleep, so you just email your questions at the end of the day, and in the morning you have an answer—and vice versa," he said.

Chansky's firm represents Yue Sai Kan—known as China's Oprah Winfrey—who introduced the mysteries of the West to China on her popular TV show. She has her own cosmetics line, and turns to Levett for advertising law advice.

Chansky has developed a niche specialty in charitable sales promotions, "one of the biggest things going on in retailing," he

PARTNER PROFITS 2006		
Rank	Law Firm	Profit Per Equity Partner
1	Finn, Dixon & Herling	730,000
2	Wiggin & Dana	590,000
3	Day, Berry & Howard	527,000
4	Updike, Kelly & Spellacy	487,000
5	Ryan, Ryan, Johnson & Deluca	480,000
6	Cummings & Lockwood	471,000
7	Pullman & Comley	455,000
8	Cantor Colburn	397,000
9	Robinson & Cole	394,000
10	Murtha Cullina	379,000
11	Pepe & Hazard	370,000
12	Berchem, Moses & Devlin	370,000
13	Neubert, Pepe & Monteith	369,000
14	Levett Rockwood	360,000
15	Tyler Cooper & Alcorn	355,000
16	Shipman & Goodwin	352,000
17	Rome McGuigan	344,000
18	Halloran & Sage	341,000
19	Reid and Riege PC	280,000
20	O'Connell, Flaherty & Attmore	279,000
21	Carmody & Torrance	251,000
22	Zeldes, Needle & Cooper	250,000
23	Levy & Droney	238,000
24	Ivey, Barnum & O'Mara	230,000
25	Cohen and Wolf	220,000

noted. One example is the "Program Red," which promises consumers their purchases will help fight AIDS in Africa. Neither the companies nor consumers completely understand how these promotions function. Chansky does, and counsels clients around the country.

At New Haven-based Wiggin & Dana, partner James F. Farrington Jr. is building on his extensive experience working with

Swedish pharmaceutical companies, both from his Stamford offices and long stretches abroad. Last November, he and other Wiggin partners helped Meda AB, a Swedish specialty pharmaceutical company, acquire a \$2.1 billion segment of 3M's pharmaceutical business in Europe.

At the firm's growing New York offices, said managing partner Maureen Weaver, a new practice area is emerging in "high-end insurance litigation." Lateral hire Charles Platto is involved in exotic international litigation and arbitration, such as the post-9/11 dispute between aviation insurers and liability insurers for companies that cleared the terrorists at airports. At issue was whether the foreign insurers were subject to U.S. court jurisdiction, and who had to defend and cover.

Weaver reported that 2006 was "our most profitable year ever"—in large measure due to distinctive specialization.

Carmody & Torrance Managing Partner Ann H. Rubin was equally proud of her firm's business success last year. She cited robust performance in its intellectual property group, headed by partner Arthur G. Schaier. The firm's utility law practice, and its litigation group, headed by Maureen Danehy Cox, also performed well in 2006, Rubin said.

Last week, Rubin was preparing for a presentation at a day-long conference on pathways to success for women lawyers, sponsored by the Connecticut Bar Association's Young Lawyers' Section. Carmody, it turns out, is a place where women seem to thrive. Rubin noted that the

firm's four-member management team has three women. The selections were all based on merit, she said.

At Hartford-based Pepe & Hazard, long known for its construction law strengths, the firm is aiding clients in Venezuela and other Latin American countries in the creation and management of electric generation plants, said Managing Partner Alfred A. Turco. The firm's subgroup of five engineers has formed a joint venture to help contractors and power companies identify valid claims. After that, the firm's lawyers help resolve the disputes through the International Rules of Arbitration, Turco said.

Turco's own practice is a narrow specialty—advising money managers in Employee Retirement Income Security Act (ERISA) matters. In 2006, Pepe & Hazard represented the two top creditors of an ERISA fund that went bankrupt—a rare occurrence. "We worked with the Department of Labor to devise a recovery strategy and, through bankruptcy, our clients recovered over \$10 million at 100 cents on the dollar plus some interest. It was a groundbreaking case," Turco proclaimed.

Like most of the Tribune 25 firms, Turco reported that 2006 was an economically robust year, spurring the firm to expand with lateral hires.

Hospital-Bankruptcy Intersection

At New Haven's Neubert, Pepe & Monteith, the firm has two main specialties that, according to Managing Partner Gregory Pepe, "seem a little incongruous, but actually have been working very well for us."

They represent the provider side of health care—hospitals, physicians, medical societies, everybody who provides services to patients. "Not the payers, not the government, just the provider side of the equation," he said. Pepe focuses on the regulatory and business side, and his partner Michael D. Neubert handles hospital credentialing and licensure.

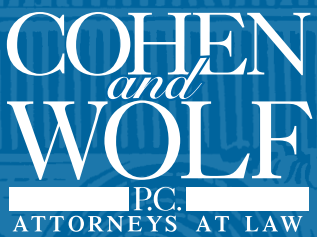
The firm represents the state medical society and the state dental association. Fittingly, Neubert and Pepe are registered as lobbyists

to aid those organizations at the legislature, frequently testifying before the insurance or judiciary committees.

One member of the legislative Judiciary Committee is Rep. Cameron C. Staples, D-New Haven. He's also a partner at Neubert Pepe. In 2006, the firm formed NPM Legislative Services, a separate lobbying entity. Understandably, "Cam doesn't par-



O'Connell, Flaherty & Attmore
Managing Partner Michael O'Connell said his firm has 'by far the highest ratio of paralegals to lawyers among the mid-sized firms.'



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ticipate in that vehicle," said Pepe. With health care initiatives high on people's radar right now, he added, "I think we're poised to be involved in the most exciting things coming out of this year's legislature."



Contributed Photo

Neubert, Pepe & Monteith Managing Partner Gregory Pepe said it formed NPM Legislative Services, a separate lobbying entity, in 2006. With health care initiatives high on people's radar right now, 'I think we're poised to be involved in the most exciting things coming out of this year's legislature,' he said.

On another front, an improbable niche is just opening up for the firm's six bankruptcy pros. "Ironically, the new bankruptcy act put in a provision that, any time a health care institution files for receivership, the court's obligated to appoint an ombudsman for patient care," said Pepe. The objective is to prevent quality of care decisions from going downhill during receivership.

The bankruptcy trustee now needs an ombudsman. "We got our first appointment as counsel to the ombudsman in New York, on a hospital that's in receivership there. We've been waiting for a time where there would be an intersection between bankruptcy and health care, and it just happened. It's a phenomenal niche," Pepe said. "While there are lots and lots of very talented bankruptcy lawyers, there aren't very many who have a health care department that's involved in measuring patient quality, as we have."

Over the next five years, 18 hospitals are slated to be shuttered in the greater New York City area, and the firm has an office in Southport. "That's our launch pad," said Pepe, for what may become a growing, if rarified, niche practice.

Hedge Fund Heaven

At Stamford's Finn, Dixon & Herling, a thriving proliferation of hedge fund, private equity and venture capital work made 2006 a very busy year, said name partner Michael Herling. "Because there's been so much liquidity in the market, there's been a lot of investment activity, M&A activity and sell-side activity. We're representing funds in disposing of portfolio companies, as well as investing in companies."

What's driving this trend, Herling said, is "an enormous amount of capital in private equity groups. They are looking at larger and larger transactions in order to invest that capital. In addition, public company

management teams are interested in going private because of the frustrations of operating in a public environment."

For a sophisticated boutique that focuses on this specialty, ready money and plenty of work are a potent combination. As Herling puts it, for the moment at least, "It's as good as it gets."

At Hartford-based Reid and Riege, Managing Partner Craig L. Sylvester described "the meat and potatoes" of his firm as serving the general counsel of mid-market companies throughout the state, but particularly in the Hartford-New Haven corridor.

"We have a number of niche practice areas," he noted. The firm handles, on a

nationwide basis, the leasing work for a few large organizations like Aetna, for example. "When Aetna opens a branch office in Grand Rapids, we do the leasing for them," Sylvester explained.

The firm also represents several multi-employer pension and benefit plans, for groups that include the carpenters' and the operating engineers unions. "Those benefit plans are managed half by management, half by labor," Sylvester said. In the past year, Reid & Riege hired three estate planning lawyers from the New Haven office of Tyler Cooper, Sylvester noted.

Well Grounded

Some Tribune 25 firms pride themselves

on a no-frills practice aimed at stability in good times and bad.

At Milford's Berchem Moses & Devlin, name partner Robert L. Berchem explained the firm's four practice groups. He chairs the business services group. Managing Partner Marsha Belman Moses chairs the education group, Michael P. Devlin and Floyd J. Dugas head up the labor and employment group, and Richard J. Buturla heads the litigation group. "Those four area drive our firm on a fairly equal basis," he said.

Moses provides guidance to over 30 boards of education the firm represents, advising on procedures and Berchem Moses

■ See **SOME FIRMS** on PAGE 17

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Bigger Platforms Make For Opportunistic Growth

■ From **BRANCH OFFICES** on PAGE 1

Raysman's finances leading up to the creation of 600-lawyer Thelen Reid Brown Raysman & Steiner, Roos said. The merger became official on Dec. 1, 2006.

"To the degree that we were engaged in merger discussions, that was a strategic concern and there's distraction that comes with that," Roos noted.

Brown Raysman reported \$118.5 million in firmwide gross revenue in 2006, a nearly 6 percent decrease from the previous year, according to *American Lawyer* magazine's Am Law 200 survey of firm finances.

Still, like most lawyers working at local offices of out-of-state firms, the ability to practice on a larger national platform has Roos excited about the future.

Despite the firmwide revenue decline, Brown Raysman's Hartford office had "a very strong year," said Roos, who declined to specify the office's revenue totals.

Roos's recent trip to Arizona for the merged firms' first partnership retreat further imbued his spirits. "On the whole, there is a lot of energy and a lot of enthusiasm among the partners," Roos said. "I left [the retreat] feeling really charged up. There are a number of cross-selling opportunities [within the firms' practice areas] that would not have been available to either firm prior to the merger. The merger has been a success. We're really feeling [the firm] take off now."

Leaders of other Connecticut branches

BRANCH OFFICE REVENUE 2006				
Firm	Location	Connecticut Attorneys	Firmwide Revenue Per Lawyer	Connecticut Revenue
Bingham McCutchen	Hartford	60	\$832,000	\$49,898,500
Paul Hastings Janofsky & Walker	Stamford	40	\$829,000	\$33,170,000
Edwards Angell Palmer & Dodge	Hartford/Stamford	45	\$620,000	\$27,900,000
McCarter & English	Hartford/Stamford	48	\$509,000	\$24,427,500
Brown Raysman Millstein Felder & Steiner*	Hartford	40	\$561,000	\$22,440,000
LeBoeuf Lamb Greene & MacRae	Hartford	22	\$798,000	\$17,549,000
Brown Rudnick Berlack Israels	Hartford	24	\$719,000	\$17,246,000
Kelley Drye & Warren	Stamford	22	\$670,000	\$14,744,000
Dechert	Hartford	18	\$812,000	\$14,616,000
Jackson Lewis	Hartford/Stamford	24	\$487,000	\$11,690,000

* Now Thelen Reid Brown Raysman & Steiner

of out-of-state firms say they are equally upbeat about their prospects in the state.

No firm revealed segregated financial numbers for their Connecticut offices. But on a firmwide basis, they all experienced revenue growth in 2006, according to the Am Law 100 and 200 surveys.

The Law Tribune calculated per-office gross revenue by multiplying their national revenues-per-lawyer figures by their number of attorneys in Connecticut.

Based on those calculations, Bingham

McCutchen topped the list of the largest branch offices in Connecticut with its Hartford offices grossing just under an estimated \$50 million.

Gains And Losses

Like Roos, branch office lawyers interviewed for this article say their offices experienced growth in 2006 on several fronts.

Richard S. Chargar, the partner in charge of Kelley, Drye & Warren's 22-lawyer Stamford office, cited its intellectual property, corporate and securities, and private equity practices as being particularly strong last year.

"Our patent practice has grown exponentially," Chargar noted, since IP litigation partner Steven J. Moore was hired to create the group two years ago.

McCarter & English also saw expansion in its Hartford and Stamford offices, adding four new lawyers since August 2006 to bring its current in-state total to 52.

William H. Bright Jr., the firm's managing partner in Hartford, quickly pinpointed two legal disciplines partly responsible for its local revenue gains. "Our IP practice is

surging at the moment, as is our corporate practice," Bright said. "We're all pretty busy right now, but if I had to highlight a couple of [practice] areas, those two come to mind immediately."

Bright said profitable cases in the previous year included "a couple of significant patent infringement matters and a couple

of large construction arbitrations" along with several product liability matters.

One of the firm's new Connecticut lawyers, partner Charles T. Lee, is a civil trial attorney with a concentration in insurance law who was lured away from Paul, Hastings, Janofsky & Walker.

Paul Hastings was one of the few Connecticut branch offices to see a reduction in its local lawyer totals in 2006.

The firm cut its presence in Stamford nearly in half last November, sending 17 of its 42 local lawyers to the firm's New York City office.

Though the office's managing partner, David E. Snediker, maintained that the Stamford office would be enhanced to 35 lawyers on the strength of its hedge fund and private equity practice, it has yet to get back above the 30-lawyer mark. ■

Paul Hastings was one of the few Connecticut branch offices to see a reduction in its local lawyer totals in 2006.

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Reynolds & Rowella, LLP

90 Grove Street, Suite 101, Ridgefield, CT 06877

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■ From **NICHE PRACTICES** on PAGE 15

& Devlin policies for interaction with state agencies. "She often works with Floyd Dugas as a subset of our labor and employment group," Berchem said.

In the past year, the firm facilitated the closing of an American icon, Winchester Repeating Arms, "in a smooth and proper way," said Berchem. Devlin oversaw the storied gunmaker's closing at Science Park in New Haven.

Another firm that philosophically tries to avoid niche practices, Hartford-based O'Connell, Flaherty & Attmore, finds they tend to pop up in the normal course. Managing Partner Michael O'Connell said his firm, in a change of direction, is doing more employment litigation and counseling, primarily for employers.

"We do all the employment litigation for Rite Aid in Connecticut. It's a growing niche that we find employers need. We've tried to keep an extremely broad array of areas of practice," in part, to provide stability, he said. "When real estate closing practice is down, we find the real estate litigation increases."

O'Connell represents a number of title insurance companies, and the firm has "a very active practice in residential and commercial development, from Fairfield County to New London County." The firm has offices in Danbury, Moosup and West Hartford, as

REVENUE PER LAWYER 2006		
Rank	Law Firm	Revenue Per Lawyer
1	Cummings & Lockwood	571,000
2	Day, Berry & Howard	556,000
3	Finn, Dixon & Herling	545,000
4	Pepe & Hazard	517,000
5	Wiggin & Dana	488,000
6	Shipman & Goodwin	468,000
7	Pullman & Comley	464,000
8	Cantor Colburn	447,000
9	Robinson & Cole	435,000
10	Tyler Cooper & Alcorn	434,000
11	Levett Rockwood	426,000
12	Murtha Cullina	409,000
13	Rome McGuigan	406,517
14	Updike, Kelly & Spellacy	396,000
15	Neubert, Pepe & Monteith	380,455
16	Cohen and Wolf	378,000
17	Halloran & Sage	368,000
18	Berchem, Moses & Devlin	360,000
19	Zeldes, Needle & Cooper	359,000
20	Carmody & Torrance	355,000
21	Levy & Droney	334,000
22	Ivey, Barnum & O'Mara	328,000
23	Reid and Riege	326,000
24	O'Connell, Flaherty & Attmore	323,000
25	Ryan, Ryan, Johnson & Deluca	312,000

well as an office in Springfield, Mass.

"As a mid sized firm, we recognize we compete with both the larger and the smaller firms. You have to know what is your point of difference," he said.

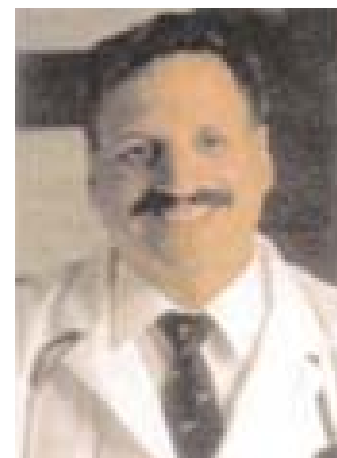
Some of the firm's larger clients are *Fortune* 500 companies. "Our appeal to them is being able to give them the same level of expertise less expensively—not just

due to lower hourly rates," said O'Connell.

He said his firm has "by far the highest ratio of paralegals to lawyers among the mid-sized firms." This allows the flexibility "to make sure the work is done by the right level of professional."

To the small business or individual client,

■ See **HOT NICHES** on PAGE 19



ACCIDENT & INJURY THERAPY CENTERS

Dr. Saul Hochman, D.C.

Expert testimony September 18, 2006
\$218,000 Soft Tissue Injury Verdict,
Bridgeport Superior Court

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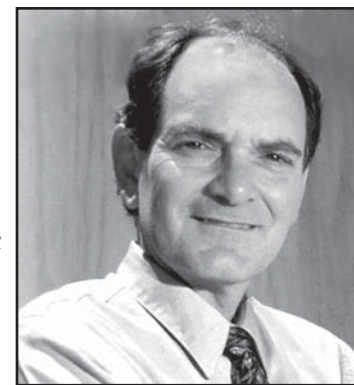
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LESSONS LEARNED

Firms More Recession-Proof Than A Decade Ago

Many firms have taken advantage of flush years to prepare themselves for the next bust

By PETER D. ZEUGHAUSER

Save for Silicon Valley and emerging company practices, the legal industry has experienced an extraordinary economic boom, enjoying 15 years of robust growth without a major recession.

Many firms have taken advantage of these flush years to prepare themselves for the next bust. That's a stark contrast to the years leading up to the last law firm recession, in the early '90s. When that recession hit, depressed profits and artless associate layoffs were the order of the day. Entire practice areas were purged of their associates.

Those layoffs left a sour taste among law school recruiting officers for years and made it difficult for firms to restaff and win increased market share when the economy roared back.

The wounds from that recession were deep and slow to heal—severe enough to justify today's leaders asking themselves whether they are doing enough to recession-proof their firms.

Peter D. Zeughauser is the managing member of the Zeughauser Group LLC.

To be sure, things were different in the years leading up to the last recession. In those days, firms beefed up on equity partners. At too many firms, associates became equity partners just by sticking around for seven or eight years. Today's coin of the realm—an “ownership mentality”—wasn't required. Ability to service a client was enough. If rainmaking skills were there, too, that was a nice bonus. When the bust hit, a long-term, massive purge of non-rainmaking equity partners began. That purge was the tipping point that transformed large law firms from collegial partnerships to Friedman-esque, profit-driven businesses.

It took many of the industry's best-performing firms a solid five years to recover from the dark days of the early '90s. Well-run businesses would have been better positioned to take advantage of the opportunities that result from the failure of weaker players during a downturn. Although economic indicators



In recent years, too many firms have strayed from the sound origins of nonequity partnerships.

remain strong today, experience mandates that firm leaders ask themselves how well they are positioned for the next recession. Are they ready to adjust to a downturn quickly and to capitalize on the opportunities at the other end? Here are a few key indicators:

Vision and strategy.

Twenty years ago, these were dirty words in law firms. I remember listening to a leading law firm consultant *pooh-pooh* the notion of a vision for a law firm at a managing partner conference I attended in the mid-1980s. In boom times, it is relatively easy to survive and even prosper without a clear sense of direction. In a recession, a firm without a clear vision and a strategy for achieving it will quickly lose its way. Partners

today are much more mobile than they were in the early 1990s. In a recession, even the best partners will become insecure and

look for a firm that knows where it's going and how to get there.

Partnership structure. Although many firms learned their lesson the last time around and have been sparing in their admission of equity partners, there has been a worrisome trend toward multi-tier partnerships. They were created for at least four good reasons:

- To softly lengthen the partnership track;
- To allow management to make more informed up-or-out decisions about the business development skills of young attorneys;
- To provide a career track for lawyers with narrow expertise in an area, such as tax or ERISA, that some firms need but do not want to expand; and
- To provide a haven for highly valued partners who want to work reduced hours.

In recent years, too many firms have strayed from the sound origins of non-equity partnerships. They have allowed power partners to push associates across the line into nonequity status, arguing that they need them to service their clients. The economics appear attractive at first, because clients correctly perceive value in having these highly trained lawyers available at less-than-equity-partner rates to run deals

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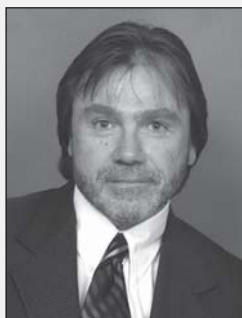
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Hot Niches Vs. Stability

■ From **SOME FIRMS** on PAGE 17

the firm has designed itself for one-stop shopping. "Take the doctor with an office in Canton. We help him with his taxes, real estate, write his employment policy—you name it," said O'Connell, who combines litigation and real estate practices.

Steady Wins The Race

This year, Stamford's Ryan, Ryan, Johnson & Deluca is rejoining the Tribune 25, and as a "risk industry" defense firm, is far from an exotic international niche practice boutique.

Remarkably, it has achieved a high ranking on the profits per partner chart, at \$480,000. Managing Partner Charles A. Deluca acknowledges insurance defense firms are known for working long hours at what are "traditionally lower hourly rates." On the other hand, he noted, there's a steady flow of work. "It's never feast or famine. We blend that risk industry work with land use litigation, and commercial litigation—we're expanding our reach."

The firm recently moved from residential-style buildings to a shiny high-rise on Stamford's Summer Street, due to growth. One component of that growth, Deluca said, is a firm credo that every phone call has to be returned the day it comes in, and emails have to be answered promptly.



At Hartford-based Reid and Riege, Managing Partner Craig L. Sylvester described the firm's 'meat and potatoes' as serving the general counsel of mid-market companies throughout the state, but particularly in the Hartford-New Haven corridor.

The firm took a long time hammering out its mission statement, and its last line was its most controversial. It says: "We will work vigorously and aggressively for our clients while maintaining the balance which allows sufficient time for our personal and family activities."

Some people in the firm were afraid it might imply that client service wasn't the be-all and end-all priority. Ultimately a consensus won out, Deluca said, that "we are going to try to let people maintain some balance." ■

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Vision And Strategy No Longer Dirty Words

■ From **FIRMS** on PAGE 18

and litigations, most often as second and third chairs. And what better way to improve retention and morale than to make every associate left standing after seven or eight years a partner, albeit nonequity?

The result has been a bulge of aging, expensive, second-tier income partners who were once profitable but are now entering years of reduced productivity with compensation that creeps higher and higher. This comes at the expense of

profits per equity partner. And the impact isn't just financial. These income partners block opportunities for Generation Y associates to cut their teeth on challenging work and causes the brand dilution that occurs when a firm has platoons of senior lawyers running around with the title "partner" but firing on less than eight cylinders.

This bulge of income partners is even more threatening than the swollen equity partner ranks were 15 years ago. Nonequity partners are an aging class of salaried

employees. They are fixed overhead with protection against age discrimination, and in the next recession, they will be a powder keg. Firms that have been disciplined in maintaining trim nonequity tiers for narrowly defined purposes are infinitely better prepared for the next recession than those that have not.

Focus on profitability. Fifteen years ago, it was a cardinal sin to measure profitability at the practice group level. Imagine a business trying to make hard decisions in a declining economy with only anecdotal

knowledge of which of its products are most successful and which are losing money, and why. That describes much of the legal industry in the early '90s.

Today, most firms are beginning to use software to determine profitability at the practice group level, and they are moving toward measuring it at the client, engagement and individual-lawyer level. They have gotten religious about regular rate increases, daily time entry and shortened billing and collection cycles. Fifteen years ago, partner billing rates were set by class year. Today, individual partner rates are more often fine-tuned to market demand. The days when a partner had sole discretion to knock down his billing rate, offer a discount, write off time or write down a bill are quickly disappearing. (At successful

This bulge of income partners is even more threatening than the swollen equity partner ranks were 15 years ago.

firms, they are already gone.) Instead, partners are expected to fine-tune leverage and utilization with the goal of maximizing profits.

Talent mix. As recently as five years ago, white-shoe firms shunned temporary attorneys out of fear that they would reduce quality. Today they rely heavily on temporary and contract attorneys to meet short- and even midterm fluctuations in demand. This leads to a much more flexible, productive and profitable talent mix.

Practice mix. Learning from firms that prospered in the early 1990s, many firms have built countercyclical practices. Heavyweight corporate firms have expanded and strengthened what were once backwater litigation practices. To balance M&A practices, firms have built restructuring practices. They have gone into private equity to provide balance when the capital markets cool. And firms are gazing over the horizon with keener eyes. They are no longer content to simply catch the current wave of hot practices like white-collar defense and private equity work. Instead they are looking at global economic trends and investing early in practices once thought dead.

Governance and leadership. Many firms have made great progress in governing themselves more like businesses. Among the key changes firms have made are empowering their chairmen and managing partners to make key decisions formerly reserved for the partnership, such as bringing in lateral partners, paring unproductive partners and closing offices.

These firms have installed management-savvy lawyers in key leadership positions, particularly as the heads of important departments and practice groups, instead of using those positions to reward seniority and rainmaking. Pushing management down to the practice group level has also provided management with a better ear for the market. ■



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