

CHAMBERS & PARTNERS

LEGAL PUBLISHERS

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2005
The Client's Guide

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Proskauer Rose LLP is ranked in Chambers USA 2005 as follows:

NATIONAL

ERISA LITIGATION

National

Leading firms (ERISA Litigation)

¹ PROSKAUER ROSE LLP

Leading individuals (ERISA Litigation)

¹ SHAPIRO Howard Proskauer Rose LLP, New Orleans

Proskauer Rose LLP

The Firm: A nationally established employee benefits and executive compensation group, Proskauer Rose has made strides in ERISA litigation with the recruitment of seasoned practitioner Howard Shapiro and his team from Shook, Hardy & Bacon in October 2004. This lateral move is more than likely to pay off given the current trend for major class actions, and ensures that Proskauer's marquee clients don't have to look elsewhere for expert ERISA litigation experience.

The Lawyers: Howard Shapiro brings more than 25 years of experience to the firm and is unequivocally regarded as a "top-class" player. In addition to ERISA class actions, he has also represented management in such matters as pre-emption issues, fiduciary duty, ESOP litigation and 401(k) disputes among others.

SPORTS LAW

National

Leading firms (Sports Law)

¹ PROSKAUER ROSE LLP

Leading individuals (Sports Law)

¹ GANZ Howard Proskauer Rose LLP, New York

LECCESE Joseph Proskauer Rose LLP, New York

² RUSKIN Bradley Proskauer Rose LLP, New York

Proskauer Rose LLP

The Firm: The nation's leading sports practice earns praise for its work for the National Hockey League, National Basketball Association and Major League Baseball. Its experience spans across a range of disciplines, including football, soccer, tennis and golf. Peers hail the group as "a superbly rounded practice, with great people, great skills and a great knowledge of the field."

The group has acted for the New York Jets in matters concerning its proposed \$1.3 billion stadium in New York. The project has been further complicated by a campaign against it, led by the owners of Madison Square Gardens – which is located four blocks from the site. It is in these difficult situations where the team thrives, with clients adding: "It understands our needs and what we want, and knows when to play a tactical game and when to hit a home run." The team has also been involved in the ongoing litigation concerning the ownership swap of the Montreal Expos and the Florida Marlins. "It's not just a great law firm," a client said; "it's a business partner."

The Lawyers: This "dream team" of lawyers is said to parlay some of "the finest skills in the country" into successful results. Employment and labor expert Howard Ganz was recommended as "a superb, knowledgeable lawyer, with a delicate and agile touch." He represented

the NHL in its dispute with the player's union over compensation; the case led to a prolonged lockout and cancellation of the season. He also represents the NBA and the MLB in employment matters and various collective bargaining issues. "Corporate guru" Joe Leccese was praised as "a terrific lawyer – one of the best in the business." Combining professionalism with "excellent judgment," he advised on the structure of NBA's \$1 billion league-wide credit facility. He also has participated in sports-related M&A. Bradley Ruskin heads the litigation section of the sports practice, and is endorsed as "a deep-thinking lawyer with his finger on the pulse."

The Clients: The group has represented three of the four major US sports leagues, including the NHL, NBA and MLB. It also undertakes work for various NFL teams and advises ATP Tour and Major League Soccer.

CALIFORNIA

EMPLOYMENT

Leading individuals (Employment: Mainly Defendant)
⁴ ONCIDI Anthony <i>Proskauer Rose LLP, Los Angeles</i>

Other Notable Practitioner

The “charismatic” **Anthony Oncidi** of Proskauer Rose LLP has a broad labor and employment practice but is renowned for his work advising the entertainment industry.

MAINLY DEFENDANT

LITIGATION

Leading individuals (Litigation: White-Collar Crime & Government Investigations)
² MARMARO Richard <i>Proskauer Rose LLP, Los Angeles</i>

Other Notable Practitioner

“Knowledgeable and experienced” **Richard Marmaro** at Proskauer Rose LLP is “a good advocate for clients,” say sources. He focuses on white-collar crime and SEC enforcement cases. He recently defended the former CFO of TV Guide in one such action.

WHITE-COLLAR CRIME & GOVERNMENT INVESTIGATIONS

DISTRICT OF COLUMBIA

INTELLECTUAL PROPERTY

Leading firms (Intellectual Property)
³ PROSKAUER ROSE LLP <i>Washington, DC</i>

Leading individuals (Intellectual Property)
³ BAUMGARTEN Jon <i>Proskauer Rose LLP, Wash DC</i>

Proskauer Rose LLP

The Firm: Close collaboration with the firm’s New York office has bolstered the firm’s ability to attract a diverse smorgasbord of work. Transactional expertise is offered, but the firm is particularly commended for its “great” copyright abilities. It is involved in cutting-edge issues involving new media and technology in addition to a traditional base of copyright matters. Acting on behalf of the recording and software industries, the firm is battling at the forefront of the Internet’s anti-piracy efforts; it has also played a leading role in shaping government policy for the digital world. IP litigation helps round out the practice.

The Lawyers: The “superbly able” **Jon Baumgarten**, head of the firm’s IP team, garnered praise for his technical brilliance in copyright law. Having previously served on a number of government delegations, this publishing expert “knows everything – all of it,” sources said. “He’s a real one-off.”

The Clients: The firm’s clientele is generated from the publishing, computer, motion picture, music, communications, arts and Internet sectors.

MASSACHUSETTS

INTELLECTUAL PROPERTY

Massachusetts

Leading firms (Intellectual Property)

³ **PROSKAUER ROSE LLP** *Boston*

Leading individuals

(Intellectual Property)

¹ **BAUER Steven** *Proskauer Rose LLP, Boston*

³ **CAPRARO Joseph** *Proskauer Rose LLP, Boston*

Proskauer Rose LLP

The Firm: This “developing” Massachusetts IP practice has been shaped by last year’s arrivals from the now defunct legal outfit Testa Hurwitz & Thibault. Although the national firm is new to Boston, onlookers agree it is a prominent play-

er in the market that is tipped to grow. The firm’s established experience in entertainment, sport and music is now combined with “some of the best and brightest” local lawyers on the biotech and software side. Alongside New England-based technology companies, the firm advises clients across the USA on patent litigation and prosecution, copyright and trademark issues. Clients praise the strength of “creative” senior and mid-level attorneys who don’t “over-lawyer” while remaining “business-focused.” They “won’t force the law down our throats,” said one source.

The Lawyers: “Tenacious, energetic” and popular with clients, patent litigation head **Steven Bauer** is “up there with the luminaries in the field.” Sources appreciate his level of commitment to their cause and “aggressive” defense of their inter-

ests – “he will push his head through a brick wall for you.” While winning plaudits for his ability to “resolve a dispute before it turns into a multimillion-dollar case,” he was also commended in the courtroom for “getting to the core weakness of the opposition’s case and drilling in on it.” “Competent and bright,” **Joseph Caprarro** leads the firm’s portfolio development and patent prosecution specialties. He is particularly recommended for his work on patent disclosure and trademarks. Praised for the depth of his technical expertise, he is credited with bringing “significant value” to clients’ IP portfolios.

The Clients: RSA Security; Descartes Systems Group; Bessemer Ventures Partners; Helicos Biosciences; MKS Instruments; Hypertherm and Candela.

PRIVATE EQUITY

Massachusetts

Leading firms

(Private Equity: Fund Formation)

¹ **PROSKAUER ROSE LLP** *Boston*

Leading individuals

(Private Equity: Fund Formation)

¹ **PAINTER Robin** *Proskauer Rose LLP, Boston*

² **FINKELMAN Daniel** *Proskauer Rose LLP, Boston*

TEGELER David *Proskauer Rose LLP, Boston*

Up-and-coming individuals

NICHOLLS III Malcolm *Proskauer Rose LLP, Boston*

Proskauer Rose LLP

The Firm: Following the vote to disband Testa, Hurwitz & Thibault, the core of its fund formation team joined this firm, catapulting it into the heart of the Boston private equity market. Sources across the USA agree that this group

combines some of the “deepest and most experienced in the country.” While winning national plaudits for its expertise, particularly along the West Coast, the team also attracts global recognition for its fund work in Germany, Israel and the UK. A major player in the state’s private equity market, the group has attracted a loyal following of venture funds, institutional investors, and limited partnerships based within Massachusetts. According to sources, “knowledgeable and technically experienced” attorneys at the firm remain “head and shoulders above the rest.”

The Lawyers: **Robin Painter** is widely recognized for her expertise in international venture capital fund formation. She recently assisted Charles River Ventures in forming their twelfth fund and represented a syndicate of blue-chip foundations and university endowments. “Exceptionally bright” **David Tegeler** has impressed market commentators with detailed knowledge of venture capital fund formation

work. He is experienced in representing both general and limited partners. “Absolutely outstanding” **Daniel Finkelman** is an established figure in the private equity market. Clients appreciate that he has an “understanding of the science of fund formation” that is so deep that he “knows what everyone else is doing as well.” “Excellent and trusted counselor” **Malcolm Nicholls** is tipped to be a prominent player as he continues to gain experience across the breadth of private equity fund formation advice. He has represented private equity fund managers in both domestic and foreign fund formation projects, alongside his work with institutional investors and investment advisers. Among peers, he wins plaudits for being “reasonable and easy to deal with.”

The Clients: A range of international general and limited partners are represented by the team, alongside institutional investors.

FUND FORMATION

TAX

Leading individuals (Tax)

³ **MAY Arnold** *Proskauer Rose LLP, Boston*

Other Notable Practitioner

“Incredibly practical” **Arnold May** is “the first per-

son I would turn to if the IRS came knocking,” enthused one satisfied interviewee. This comment articulated the instant trust that May typically instills in his clients. He is one of a group of Testa lawyers who moved over to bolster the new Boston office of Proskauer Rose LLP. May works

at the interface of taxation and private equity, acting for institutional investor and fund clients on a national scale. Clients noted that he is “not abrasive” when dealing with other attorneys, and will “look at a problem from all sides, then come up with creative ways of avoiding trouble.”

NEW JERSEY

EMPLOYMENT

New Jersey Leading firms (Employment: Mainly Defendant)
² PROSKAUER ROSE LLP <i>Newark</i>
Leading individuals (Employment: Mainly Defendant)
³ GOLDSTEIN Marvin <i>Proskauer Rose LLP, Newark</i> SANDAK Lawrence <i>Proskauer Rose LLP, Newark</i>
Up-and-coming individuals CERASIA Edward <i>Proskauer Rose LLP, Newark</i>

Proskauer Rose LLP

The Firm: This practice's profile has undeniably been on the rise. From its Newark office,

the firm fields 40 attorneys who work on labor, employment and employee benefits issues as well as immigration law. The firm's superb backup across these sectors pleases clients, who say its attorneys "*have come up with great results and have been extremely successful on our behalf.*" The firm is experienced not just in individual suits but also class actions facing its broad range of clients drawn from, among others, the manufacturing, retail, transport and financial services sectors. This "*personable and responsive*" practice has won the hearts of clients as well as proving itself capable of assertive market expansion.

The Lawyers: Marvin Goldstein has been an instrumental factor in the firm's profile in New Jersey. Many major clients have followed his practice (he was a Grotta Glassman attorney

several years ago), and he has been able to leverage Proskauer's national brand name for quality employment law advice. Head of the Newark office, he is respected as a "*practical*" attorney with excellent experience. With more than 20 years of experience in the sector, **Lawrence Sandak** is praised for his superb control of the "*nuts and bolts of litigation.*" His trial experience, particularly in discrimination actions, is highly valued by his broad client base, which includes media corporations, financial services companies and educational institutions. "*Experienced, smart and reliable,*" he is one of the firm's key practitioners. **Edward Cerasia** is an up-and-coming attorney who is an expert on employment and benefits issues, providing an "*extremely responsive*" client service.

MAINLY DEFENDANT

NEW YORK

BANKRUPTCY/RESTRUCTURING

New York Leading firms (Bankruptcy/Restructuring)
⁵ PROSKAUER ROSE LLP <i>New York</i>
Leading individuals (Bankruptcy/Restructuring)
³ HYMAN Alan <i>Proskauer Rose LLP, New York</i>

Proskauer Rose LLP

The Firm: According to interviewees, this group's strength lies in its debtor practice. Here it has acted for clients from a range of industries, and handled such high-profile mandates as acting as bankruptcy counsel to Advanced Glass-fiber Yarns. The team also guided Frank's Nursery & Crafts through its Chapter 11 bankruptcy and consequent sale of assets, and has advised on a number of workouts in the retail and telecom sectors. It frequently works in tandem with the firm's corporate group to handle distressed M&A transactions. Work on behalf of creditors is also a feature of the workload. Of

late, this has included international deals, such as representing major bondholders of an Argentine cable company in a Section 304 proceeding and related litigation.

The Lawyers: A "*tremendous talent,*" **Alan Hyman** impresses clients as someone who is "*unbelievably easy to deal with*" and who brings a keen sense of humor to the negotiating table. He is also popular with peers, who note that "*he can fashion a deal at any time.*"

The Clients: Debtors account for the largest component of the group's client base, although it also acts for creditors and commercial landlords.

CORPORATE/M&A: MID-TIER FIRMS

New York Leading firms (Corporate/M&A: Mid-Tier Firms)
² PROSKAUER ROSE LLP <i>New York</i>

Proskauer Rose LLP

The Firm: Clients declared they are "*proud*" of this cadre of "*responsive and efficient*" attorneys,

who also provide the added bonus of being "*reasonable in terms of cost.*" One of the largest traditional New York firms, it is able to draw on the resources provided by four other offices, including one in Paris. International work provides a strong backbone to the firm's M&A profile, for example it co-counseled Votorantim Metais on its acquisition of 99% of Sociedad Minera Refineria de Zinc de Cajamarquilla for \$210 million. The firm also advised The Laird Group on

its acquisition of Centurion Wireless Technologies for a total cash and stock consideration of £106.8 million.

The Clients: Other highlights include acting for DNE Systems – previously a subsidiary of The Alpine Group – in a \$40 million takeover by Ultra Electronics Holdings. Other clients include Charterhouse Group International, National Basketball Association, Alcatel and Gray Television.

EMPLOYEE BENEFITS & EXECUTIVE COMPENSATION

New York

Leading firms (Employee Benefits & Executive Compensation)

³ **PROSKAUER ROSE LLP** *New York*

Leading individuals

(Employee Benefits & Executive Compensation)

² **SIRKIN Michael** *Proskauer Rose LLP, New York*

Proskauer Rose LLP

The Firm: The ECEB team operates in conjunction with the firm's leading tax and labor groups. In a notable development, the firm has opened a New Orleans office specializing in ERISA litigation, arbitration and mediation under the command of seasoned attorney Howard Shapiro. It also fields attorneys experienced in troubled plans under government investigation for major fraud, a practice area headed by New York partner Rory Albert. Other expertise lies in employee benefits advice to tax-exempt organizations such as hospitals, universities and museums. The team also handles pension plan investments, for example, repre-

sending Verizon Retirement Plan in more than \$1 billion worth of alternative investments.

The Lawyers: Renowned as a "tough negotiator" **Michael Sirkin** earns peer respect for his traditional executive compensation, employee benefits and pension practice. He frequently represents management teams in IPOs and M&A. In addition, he is considered an authority in the nonprofit arena.

The Clients: Alliance Capital Management; Amerada Hess; American Standard; Bear Stearns; Foot Locker; Mount Sinai Medical Center; Smith Barney Division of Citigroup and The Metropolitan Museum of Art.

EMPLOYMENT

New York

Leading firms (Employment: Mainly Defendant)

¹ **PROSKAUER ROSE LLP** *New York*

Leading individuals

(Employment: Mainly Defendant)

¹ **FAGIN Allen** *Proskauer Rose LLP, New York*

PLEVAN Bettina *Proskauer Rose LLP, New York*

² **GANZ Howard** *Proskauer Rose LLP, New York*

SALVATORE Paul *Proskauer Rose LLP, New York*

³ **PLUM Bernard** *Proskauer Rose LLP, New York*

Proskauer Rose LLP

The Firm: Safeguarding its position as the "big daddy in town," it scores highly for its broad-based practice, quality clients and considerable market share. The firm houses the largest group of dedicated labor and employment attorneys in New York and as a long-established outfit, boasts a stellar track record. Interviewees were quick to praise its ranks of exceptional lawyers not simply for their legal application, but also

for "understanding the practical needs of the client." As well as tackling the full gamut of employment counseling and disputes, the firm has a healthy traditional labor practice, handling high-profile bargaining negotiations with trade unions.

The Lawyers: Clients value the "first-rate" **Allen Fagin** for his "practical advice – designed to meet the needs of the business." An experienced litigator he serves as nationwide coordinating counsel for all the firm's employment litigation. In the past year he acted on numerous whistleblowing cases brought under Sarbanes-Oxley, major wage and hour class actions and nationwide gender discrimination suits. Similarly "outstanding" for her "practical, thoughtful and responsive" approach, **Betsy Plevan** typically acts on key discrimination cases for high-profile clients concerning age, national origin and sex. In the employee benefits arena, she handles major class actions and recently acted for the American Federation of Television and Radio Artists (AFTRA) in the settlement of its ten-year-old case. Both Fagin and Plevan represent a deep pool of financial services clients. "Street-

smart and savvy" **Howard Ganz** cochairs the department and counsels an impressive roster of illustrious sports clients, including the NBA, the WNBA and MLB. Commentators praise his "sound judgment" and "brilliant advocacy skills," noting that he brings years of experience in collective bargaining and employment litigation to the table. "Results-focused" **Paul Salvatore** is highly regarded by clients as a "problem solver who is passionate about his cases." Recent work includes successfully resolving collective bargaining negotiations on behalf of the Realty Advisory Board on Labor Relations, concerning a health plan covering 40,000 employees in the real estate industry. **Bernard Plum** is also active in bargaining negotiations for numerous high-profile clients including the New York Times, Dow Jones and the League of American Theatres and Producers. "Adept at reading the other side," clients say, he is "creative in fashioning solutions."

The Clients: MetLife; Bear Stearns; Coca-Cola Enterprises; AIG; Goldman Sachs; Bristol-Myers Squibb; Citigroup and Ernst & Young.

MAINLY DEFENDANT

ENVIRONMENT

New York

Leading firms (Environment)

³ **PROSKAUER ROSE LLP** *New York*

Leading individuals (Environment)

² **KAFIN Robert** *Proskauer Rose LLP, New York*

Leading firms

(Environment: Mainly Transactional)

³ **PROSKAUER ROSE LLP** *New York*

Leading individuals

(Environment: Mainly Transactional)

² **KAFIN Robert** *Proskauer Rose LLP, New York*

³ **PORT Gail** *Proskauer Rose LLP, New York*

Proskauer Rose LLP

The Firm: Market commentators paint a picture of a lively practice, endowed with strong management and a broad spread of work. As well as respect for its regulatory depth, the firm has also earned praise for its transactional prowess. In truth, much of its activities lie squarely in the transactional camp, with far lower levels of enforcement-related work carried out by attorneys. Brownfields and Superfund matters certainly have their place, with work covering New York and New Jersey, as well as California. Last year's highlight – working with GE on PCB issues in the Hudson – looks to have provided some notable follow-up work in solid waste management.

The Lawyers: “Combining a strong intellect with tenacity,” **Robert Kafin** impresses clients with his environmental knowledge and the rigor and managerial skills essential to the job of chief operating partner at the firm. By all accounts he

manages both legal and management roles with equal aplomb. Peers agree that he is an “*impressive and articulate thinker*,” who is capable of producing “*creative solutions*.” Kafin has witnessed a boom in transactional work over the last few years, though his talents as an all-rounder have ensured he remains active in litigation and regulatory matters. **Gail Port** is primarily a transactional expert. “*Very energetic and intelligent*,” her work is good in all areas. A former general counsel to the New York State Urban Development Corporation and a former chair of the New York State Bar Association's Environmental Law Section, she is a long-standing and respected member of the New York Bar. **The Clients:** The firm acts for many large corporations including GE. Non-transactional clients include those in heavy industries (for example metals and chemicals) and real estate.

HEALTHCARE

New York

Leading firms (Healthcare)

² **PROSKAUER ROSE LLP** *New York*

Leading individuals (Healthcare)

² **KORNREICH Edward** *Proskauer Rose LLP, New York*

Proskauer Rose LLP

The Firm: The practice is perceived to hinge on its cochair Ed Kornreich, and is bolstered by a somewhat larger DC presence, commentators said. In addition, the firm's vast resources mean that the group inevitably participates in some of

the industry's most prominent healthcare matters. One of its drawing cards is its regulatory strength, for example, assisting Texas Pacific Group in compliance matters relating to its \$1.4 billion purchase of a controlling interest in IASIS Healthcare, a 15-hospital system based in Nashville, Tennessee. Other expertise includes healthcare transactions and reimbursement issues. The practice has represented a major New York academic medical center with respect to a federal False Claims Act investigation involving potential overpayments totaling about \$50 million.

The Lawyers: Cochair of the firm's healthcare department, **Ed Kornreich** focuses on regulatory due diligence and compliance as part of a broad-

er practice that also includes transactional and healthcare payment issues.

The Clients: The team advised Avalon Health Care in relation to its acquisition of 23 skilled nursing facilities. Other clients include: Greater New York Hospital Association; Continuum Health Partners; Hospital for Special Surgery; Memorial Sloan-Kettering Cancer Center; Fresenius Medical Care North America; CONMED; Lenox Hill Hospital; Celgene; ImClone Systems; Maimonides Medical Center; Mount Sinai Hospital; New York Organ Donor Network; Catholic Health Services of Long Island; Promise Healthcare; Radiology Corporation of America and Oxford Coverage.

INSURANCE

New York

Leading firms

(Insurance: Dispute Resolution)

³ **PROSKAUER ROSE LLP** *New York*

Leading individuals

(Insurance: Dispute Resolution)

² **GROSS John** *Proskauer Rose LLP, New York*

Proskauer Rose LLP

The Firm: Respected for its expertise on behalf of policyholders, the practice benefits from the firm's enduring profile in litigation. The group was involved in one of 2004's most prominent verdicts, acting as co-counsel for Silverstein Properties in the second trial of the World Trade Center insurance coverage litigation. The case sent ripples through the insurance industry when a federal jury determined that the 9/11 terrorist attacks at the World Trade Cen-

ter should be treated as two occurrences, enabling Silverstein to recover up to an additional \$1.1 billion from nine insurance companies above the limit for a single occurrence.

The Lawyers: Seen as “*smart and experienced*” on the policyholder side, **John Gross** earned kudos for his involvement in the World Trade Center litigation.

The Clients: Silverstein Properties; Bear Stearns; International Paper; JPMorgan Chase; Lucent and Omnicom.

MEDIA & ENTERTAINMENT

New York
Leading firms (Media & Entertainment: Litigation)
2 PROSKAUER ROSE LLP <i>New York</i>
Leading individuals (Media & Entertainment: Litigation)
2 SIMS Charles <i>Proskauer Rose LLP, New York</i>
3 ORTNER Charles <i>Proskauer Rose LLP, New York</i>

Proskauer Rose LLP

The Firm: Again, active on both East and West coasts, Proskauer Rose offers New York attorneys

with expertise in publishing, music, theatre and film. It combines a strong First Amendment and copyright practice with capability in libel, rights of privacy and publicity, unfair competition, royalty disputes and finance. Market commentators regard it as “a *focused firm with a rich skill set*.”

The Lawyers: IP expert **Charles Sims** is “a *very intelligent, but highly practical guy. He is direct and doesn’t overcomplicate things*.” Adept at copyright issues and matters concerning new technologies, he represents LexisNexis in three ongoing national copyright cases. These concern claims for damages by authors whose articles have been included on the Nexis database, but which Nexis contends is authorized by rights duties transferred by newspapers and magazines. He has also defended The New York

Times and The Discovery Channel in class action litigation. New to this year’s guide is **Charles Ortner**, who is highly regarded for his litigation and IP skills. He has a particular reputation in the music business, and in the past year acted for EMI Music Publishing on a landmark licensing agreement with Sony BMG Music Entertainment for the exploitation of new technology including ring tones, the new DualDisc Format and digital video distribution.

The Clients: Corporate clients include BMG; EMI; Warner Bros. Records; Warner Chappell Music and Wind-Up Records. Charles Ortner has also represented such artists as Madonna, Michael Jackson, Shania Twain, Lauryn Hill, Whitney Houston and Jon Bon Jovi.

LITIGATION

REAL ESTATE

New York
Leading firms (Real Estate)
3 PROSKAUER ROSE LLP <i>New York</i>
Leading individuals (Real Estate)
3 LIPSON Lawrence <i>Proskauer Rose LLP, New York</i>
5 SERNAU Ronald <i>Proskauer Rose LLP, New York</i>

Proskauer Rose LLP

The Firm: The practice is a recognized presence in real estate development, leasing and lending. However, it also demonstrates authority in the related securities, financing and loans, including work on private real estate funds and REITs. The team worked with Vornado Realty Trust on the lease to Citibank of a new, mixed-

use development on the site of the former Alexander’s department store at 731 Lexington Avenue. This followed its participation in leasing negotiations concerning a 700,000-sq-ft property to Bloomberg for its new world headquarters. A “*traditional, hard negotiating style*” is allied to long-term experience to deliver proficiency on a range of products. In another prestigious highlight, the team also represented JD Carlisle on the development, financing, leasing and sale of a cancer treatment center at New York University Hospital.

The Lawyers: **Lawrence Lipson** is frequently feted for his development work and assistance on major leases. At the core of his practice are financings and the creation of private equity funds. “A *great lawyer and tougher than most*,” he is widely respected for his “*encyclopedic knowl-*

edge of the law.” He worked with DLJ Real Estate Capital Partners and JD Carlisle on several proceedings, including the joint venture developments of the Morton Square residential complex and the Cielo condominium tower. Rising star **Ronald Sernau** is primarily associated with leasing on behalf of a loyal client base.

The Clients: The firm worked with both Barclays and Wachovia Bank regarding the origination of numerous mortgage and mezzanine loans, ranging from \$15 million to \$300 million. The team, which comprises more than 30 lawyers, also assisted Wachovia Bank on the \$88 million financing of Ritz Carlton Hotel in New Orleans, Louisiana. Other clients include Bank of Scotland; Citigroup; DLJ Real Estate Capital Partners; GMAC; JD Carlisle; McDonald’s; Morgan Stanley; UJA and Vornado Realty Trust.

National Leaders

GANZ, Howard

Proskauer Rose LLP, New York
212 969 3035

*Recommended in Employment,
Sport*
Please see New York for profile

LECCESE, Joseph M

Proskauer Rose LLP, New York
212 969 3238
jleccese@proskauer.com

Recommended in Sport

Practice Areas: A Partner in Proskauer Rose LLP's Corporate Department, he has a broad-based corporate practice with particular emphasis on the representation of professional sports leagues and teams and companies engaged in various media and communications businesses including numerous matters for the National Basketball Association, the National Hockey League, and ATP Tour, as well as a number of individual sports teams and other sports-related entities, including the NBA's recently completed \$1 billion League-wide credit facility; the NBA's expansion in 2002 to Charlotte; North Carolina, and the related arena lease and development negotiations; the lease, development and financing of the Philadelphia Eagles' new football-based stadium; the ATP Tour's \$1.2 billion transaction with ISL relating to the worldwide television and marketing rights to the ATP

World Championships and Super 9 Tournaments; the formation and structuring of the Women's National Basketball Association. His media and communications experience includes numerous acquisitions, dispositions and private and public financings relating to cable television systems, network and independent television stations, radio stations, magazines and other publishing, and trade shows.

Personal: University of Virginia Law School, JD, 1985 Member, Virginia Law Review, 1983-85. Georgetown University, BA, cum laude, 1982.

RUSKIN, Bradley I

Proskauer Rose LLP, New York
212 969 3465

bruskin@proskauer.com
Recommended in Sport

Practice Areas: A Partner in Proskauer Rose LLP's Litigation and Dispute Resolution Department and a member of the firm's Executive Committee. A significant portion of his practice is dedicated to litigating issues and counseling clients active in the sports business. Among the league clients for whom he performs services are the National Hockey League, Major League Soccer, the National Basketball Association, the ATP, and the WTA. In addition, he has repre-

sented ownership groups and clubs in each of the major US sports (including the Florida Marlins, the New York Jets, the Philadelphia Eagles and the New Jersey Devils), and media companies in sports-related disputes.

Career: He also regularly handles a wide range of litigated matters for media and entertainment companies, and financial services companies, including contract, fraud, licensing, antitrust, trademark, franchising, partnership, intra-corporate, bankruptcy, unfair competition, and other commercial disputes. He has also litigated trust matters throughout the country in various federal and state courts and in domestic and international arbitral forums, and has handled proceedings (along with foreign co-counsel) before the European Commission and the Office of Fair Trading.

Personal: New York University School of Law, JD, 1981. Brown University, AB, 1978.

SHAPIRO, Howard

Proskauer Rose LLP, New Orleans
504 310 4085

howshapiro@proskauer.com
Recommended in Litigation

Practice Areas: Partner at Proskauer Rose LLP. National ERISA litigation practice focuses on defending matters raising sophisticated preemption issues;

fiduciary issues; fiduciary misrepresentation claims; ESOP litigation issues; 401(k) plan issues; blackout period cases; plan asset diversification issues; prohibited transaction allegations; directed trustee issues; cash balance cases; independent contractor litigation; 'serious consideration' cases; retiree rights litigation; severance pay cases; executive compensation/'top hat' litigation; Section 510 cases; benefit claims cases; ERISA class actions; and class-wide challenges to plans that do not offer contraception benefits. He has appeared in federal courts from coast to coast, maintaining an active national ERISA litigation practice.

Prof. Memberships: Chair of the Section of Labor and Employment Law, American Bar Association. Past Chair of the Joint Committee on Employee Benefits (ABA). Also past Chair of the Employee Benefits Committee, Section of Labor and Employment Law (ABA).

Personal: BA Tulane University, New Orleans, LA, May 1972; MA History, McGill University, Montreal, Quebec, November 1975; JD Loyola University of New Orleans, LA, May 1979.

Leaders in California

MARMARO, Richard

Proskauer Rose LLP, Los Angeles
310 284 5659

rmarmaro@proskauer.com
Recommended in Litigation

Practice Areas: White collar criminal defense, SEC litigation and complex civil litigation. He has successfully defended individuals and corporations in all phases of complex civil, criminal and regulatory matters including those involving allegations of insider trading, accounting and disclosure irregularities, market manipulation, and other financial frauds. He has also conducted numerous internal corporate investigations

for Fortune 500 companies, involving issues including insider trading allegations, tax violations, and corporate opportunity issues.

Personal: Graduated with highest honors from George Washington University, where he was elected to Phi Beta Kappa. He is a graduate of New York University Law School, where he was the Executive Editor of the 'Journal of International of Law and Politics'.

ONCIDI, Anthony J

Proskauer Rose LLP, Los Angeles
310 284 5690

aoncid@proskauer.com
Recommended in Employment

Practice Areas: A Partner at Proskauer Rose, and the Chair of the Labor and Employment Department in the Los Angeles office. He represents employers in all aspects of labor relations and employment law, including litigation and preventive counseling, wrongful termination, employee discipline, Title VII and the California Fair Employment and Housing Act, union-related issues, wage and hour matters, executive employment contract disputes, employee handbooks and personnel policies, sexual harassment training and investigations, workplace violence, drug

testing and privacy issues, confidential information, trade secret protection and collective bargaining. A substantial portion of his practice involves the defense of employers in class action wage and hour, employment discrimination and wrongful termination litigation in both state and federal court. He also has experience in trade secret and unfair competition litigation and the defense of sexual harassment, discrimination, breach of contract and defamation lawsuits.

Career: Co-author of the treatise entitled 'Employment Discrimination Depositions' (Juris Pub.

2004; www.jurispub.com) and, since 1990, has been a columnist for the official publication of the State Bar of California, 'The Cali-

fornia Labor & Employment Law Review', and 'The Los Angeles Daily Journal.'

Personal: University of Chicago

Law School, JD, 1984. Pomona College, BA, cum laude, 1981; Phi Beta Kappa.

Leaders in District of Columbia

BAUMGARTEN, Jon

Proskauer Rose LLP, Washington, DC
202 416 6810

jbaumgarten@proskauer.com

Recommended in Intellectual Property

Practice Areas: He is widely recognized as one of the country's leading domestic and international intellectual property lawyers, with particular emphasis in copyright matters. Emphasis on domestic and international copyright, licensing, contract, litigation and related matters per-

taining to the publishing, computer, motion picture, music and recording, communications, arts and internet communities.

Prof. Memberships: Serves on several bar association committees on copyright and is past Chair of the Committee on International Copyright of the Section of Patent, Trademark and Copyright Law of the American Bar Association. He is a member of the Editorial Board of the 'Copyright Society's Journal', the Advi-

sory Boards of the 'Patent, Trademark and Copyright Journal', 'World Intellectual Property Report', 'Computer Lawyer' and 'Journal of Proprietary Rights', and was a founding director of the American Copyright Council, the Computer Law Association, the DC Computer Law Forum and Washington Area Lawyers for the Arts.

Publications: Author of numerous articles and a book entitled 'U.S.-U.S.S.R. Copyright Rela-

tions Under the Universal Copyright Convention.'

Personal: City College of the City University of New York, BA, 1964. New York University School of Law, LLB, 1967; Research Editor, 'New York University Law Review', 1966-67.

Leaders in Massachusetts

BAUER, Steven M

Proskauer Rose LLP, Boston
617 526 9700

sbauer@proskauer.com

Recommended in Intellectual Property

Practice Areas: A Partner in Proskauer Rose's Patent Litigation Dispute Resolution Group and Head of the firm's Boston office. He has over 20 years of experience concentrating exclusively in complex patent and other intellectual property enforcement, litigation and dispute resolution. He has been lead trial counsel in litigations involving medical devices; software, encryption and business method processes; high-energy plasma systems; telecommunications and cable industry technology; nanotechnology; polymer chemistry; blood gas and genetic testing kits; high temperature superconductors; and digital compression techniques.

Prof. Memberships: An active member of the Roster of Neutrals of the American Arbitration Association; is vice-chair of the Litigation Committee of the Intellectual Property Owners' Association; was an Editor of the AIPLA Quarterly Journal.

Publications: He has published a number of papers, speaks regularly to leading patent law and industry groups (e.g., The Sedona Confer-

ence, MIT Sloan School, National Bureau of Economic Research, MCLE, BU Law School, BC Law School), and has been quoted often in the national press on intellectual property issues (e.g., 'The Economist', Associated Press, 'InfoWorld', 'Boston Business Journal' and Reuters.)

Personal: Boston University School of Law, JD, 1983. Massachusetts Institute of Technology, MS, 1980. Massachusetts Institute of Technology, BS, 1979.

CAPRARO Jr, Joseph A

Proskauer Rose LLP, Boston
617 526 9800

jcarraro@proskauer.com

Recommended in Intellectual Property

Practice Areas: A Partner in the Patent Law and Intellectual Property Practice Groups at Proskauer Rose LLP. He provides clients with practical legal advice across the entire spectrum of intellectual property areas. He represents technology start-ups as well as private and public emerging technology companies, and spends much of his time working with companies having products in the engineering arts, with particular emphasis on plasma devices, semiconductor equipment, power supplies, medical lasers, image processing devices, optical components, med-

ical devices, alternative energy technologies, financial services software, and telecommunications devices and software. He works closely with clients in developing national and international patent and trademark portfolios. His experience in the area of patent prosecution includes basic prosecution issues as well as patent reissue and re-examination proceedings in the United States and in patent opposition proceedings throughout the world. He has extensive experience in the area of technology and intellectual property licensing, and has also participated in numerous intellectual property litigations and in alternative dispute resolution of intellectual property matters, involving patents, trademarks, copyrights and trade secrets.

Personal: Suffolk University Law School, JD, cum laude, 1993. Tufts University, BS, magna cum laude, 1985.

FINKELMAN, Daniel P

Proskauer Rose LLP, Boston
617 526 9755

dfinkelman@proskauer.com

Recommended in Private Equity

Practice Areas: A Partner at Proskauer Rose, he has over 25 years of experience in the private equity field. He concentrates in the

representation of private equity funds, including independent venture capital funds, corporate-sponsored venture capital funds, offshore and multi-national venture capital funds, and fund-of-funds. He also represents institutional fund investors. His principal activities on behalf of funds have included capital formations, portfolio investments, sales and distributions, internal governance, secondary transactions, and administration. He has represented funds in raising over \$15 billion of committed capital.

Personal: Columbia University School of Law, JD, 1972; Harlan Fiske Stone Scholar. Columbia University, MBA, 1972. Clark University, AB, cum laude, 1968; Phi Beta Kappa.

MAY, Arnold P

Proskauer Rose LLP, Boston
617 526 9757

amay@proskauer.com

Recommended in Tax

Practice Areas: A Partner in the firm's Tax Department and a member of the Private Equity Group. His practice focuses on tax planning for private equity fund managers in connection with their fund-raising and internal organizational matters, as well as investment activities. In addition, he rep-

resents US and non-US investors in connection with their investments in venture capital funds, buyout funds, hedge funds and other investment partnerships. In this capacity, as well as in connection with advising private equity funds with respect to their investment activities, he regularly advises on international tax issues that arise in connection with investments in the US by non-US investors (including non-US investors subject to special US tax treatment, such as governmental pension plans and tax-exempt organizations), as well as investments outside of the US by US persons. He also has significant experience structuring tax-free and taxable mergers and acquisitions (including cross-border transactions), equity compensation arrangements and innovative financing techniques for investments in tax transparent entities such as partnerships, limited liability companies and Subchapter S corporations.

Personal: University of Florida College of Law, LL.M., 1994. University of San Diego School of Law, JD, 1993. Rutgers College, BA, 1990.

NICHOLLS III, Malcolm B
Proskauer Rose LLP, Boston
617 526 9787
mnicholls@proskauer.com

Recommended in Private Equity

Practice Areas: A Partner in the firm's Corporate Department and a member of the Private Equity Group. He concentrates in the areas of corporate and securities law, with a particular emphasis on private equity transactions. His experience includes representation of private equity fund managers and investors in both US and non-US fund formation projects, portfolio company investments, and management and governance issues.

Prof. Memberships: A member of the American Bar Association and Boston Bar Association. He was admitted to the New York Bar in 1995, the US District Court, Southern District of New York, in 1995 and the Massachusetts Bar in 1996.

Personal: Boston University School of Law, JD, 1994. University of New Hampshire, BA, magna cum laude, 1991.

PAINTER, Robin A
Proskauer Rose LLP, Boston
617 526 9790
rpainter@proskauer.com

Recommended in Private Equity

Practice Areas: Partner at Proskauer Rose, LLP. Concentrates in the areas of corporate and securities law with a particular emphasis on private equity. Her experience includes representation of private equity fund managers in capital formations, portfolio investments and governance issues, and institutional investors and investment advisers in the private equity field.

Prof. Memberships: Member of the American Bar Association, the Boston Bar Association and the Massachusetts Bar Association. Admitted to the Massachusetts Bar in 1985 and the US District Court, District of Massachusetts in 1986.

Career: Frequently speaks nationally and internationally on private equity related issues and is also a frequent contributor to publications in the venture capital field.

Personal: Received her BA, cum laude, from Northwestern University in 1982. In 1985, received her JD, cum laude, from Boston College School of Law where she also served as editor for the 'Boston College International' and 'Comparative Law Review'.

TEGELER, David W
Proskauer Rose LLP, Boston
617 526 9795
dttegeler@proskauer.com

Recommended in Private Equity

Practice Areas: Partner at Proskauer Rose LLP. Concentrates in the areas of corporate and securities law, with a particular emphasis on private equity transactions. His experience includes representation of private equity fund managers in capital formations, portfolio investments and governance issues, and institutional investors and investment advisers in the private equity field.

Prof. Memberships: Member of the American Bar Association and the Business Law Division of the Massachusetts Bar Association. Is admitted to the Massachusetts Bar (1989). Has served on numerous panels in the US and Europe discussing issues related to private equity fund formations.

Personal: Received his BA from Middlebury College in 1985 and his JD from Vanderbilt University School of Law in 1989 where he was an editor of the 'Vanderbilt Journal of Transnational Law'.

Leaders in New Jersey

CERASIA, Edward
Proskauer Rose LLP, Newark
973 274 3224
ecerasia@proskauer.com

Recommended in Employment

Practice Areas: A Partner in Proskauer Rose LLP's Labor and Employment Law Department, he has significant experience handling labor, employment and employee benefits law matters in the financial services, transportation, media, pharmaceutical, telecommunications and retail industries. He regularly represents employers in labor arbitration, handles unfair labor practice charges and representation matters before the NLRB and negotiates collective bargaining agreements. He also spends a substantial amount of his time counseling clients on how to avoid litigation.

Publications: In 2004, he was a contributing author on the amicus

brief that Proskauer submitted to the US Supreme Court on behalf of the Society of Human Resource Management in Pennsylvania State Police v Suders, 124 S. Ct. 2342 (2004). He also co-authored the amicus brief that Proskauer submitted to the New Jersey Supreme Court on behalf of the Employers Association of New Jersey in Gerty v Atlantic City Hilton Casino Resort (2005).

Personal: University of Bridgeport School of Law (N/K/A Quinipiac University School of Law), JD, summa cum laude, 1991 editor, University of Bridgeport Law Review, 1990-91. Syracuse University, BS, 1987.

GOLDSTEIN, Marvin M
Proskauer Rose LLP, Newark
973 274 3210
mmgoldstein@proskauer.com

Recommended in Employment

Practice Areas: A Partner in the Labor and Employment Law Department and Head of the firm's Newark office, he has a nationwide practice where he represents employers in all aspects of labor and employee relations in both state and federal courts. He also represents employers in labor arbitration and before administrative boards such as the NLRB and various civil rights agencies. In addition, he represents employers in the securities industry where he regularly arbitrates employment matters before the NASD and the New York Stock Exchange.

Career: He has been recognized as one of the 'Best Lawyers in America' for the past 25 years and was ranked among the top five percent of the lawyers in the state of New Jersey by 'New Jersey Monthly' magazine.

Publications: An active speaker and writer on labor and employment law issues, he is also co-editor of West Publishing's New Jersey Practice treatise entitled 'Employment Law', which was published in 1998 and is updated annually.

Personal: Boston University School of Law, JD, 1969. Cornell University, BA, 1966.

SANDAK, Lawrence
Proskauer Rose LLP, Newark
973 274 3256
lsandak@proskauer.com

Recommended in Employment

Practice Areas: A Partner in Proskauer Rose LLP's Labor and Employment Law Department, he has more than 20 years of employment law experience. As a trial lawyer and civil litigator, he defends employers accused of discrimination, retaliation, sexual harassment, breach of contract, and wage and

hour violations before courts and government agencies. He also has substantial experience in arbitrating, mediating and negotiating the settlement of employment disputes. He advises his clients on all aspects of the employer-employee relationship, including the creation of sensible personnel and

benefit policies and the preparation of employment contracts, policy manuals and employee handbooks. He is frequently called upon to conduct or supervise internal investigations of alleged employee misconduct, including sexual harassment, and to recommend appropriate responses. He

has guided his clients through significant reductions-in-force and business closures.

Publications: He has been a commentator for Court TV, CNN and CNBC, discussing employment discrimination, sexual harassment and personnel management issues, and for the CBS

News coverage of the Clarence Thomas confirmation hearings.

Personal: Brooklyn College of the City University of New York (BA, 1975) and Brooklyn Law School (JD 1978), where he served as an editor of the Brooklyn Law Review.

Leaders in New York

FAGIN, Allen

Proskauer Rose LLP, New York
212 969 3030
afagin@proskauer.com

Recommended in Employment

Practice Areas: Chairman of Proskauer Rose LLP, and the former Co-Chair of Proskauer's Labor and Employment Law Department. He represents employers in all types of employment litigation. His clients are as diverse as his practice, representing fields such as telecommunications, transportation, healthcare, insurance, legal services, utilities, financial services, entertainment and manufacturing.

Prof. Memberships: A member of the American College of Labor and Employment Lawyers. Was chosen by New York Magazine as one of the hundred best lawyers in New York, and was profiled by the National Law Journal as one of the top employment litigators in the country. Was also selected as one of 118 US attorneys in the International Who's Who of Management Labor & Employment Lawyers.

Publications: Publishes regularly in the labor and employment field, is a frequent lecturer on employment discrimination matters.

Personal: A summa cum laude graduate of Columbia College, graduated with honors from Harvard Law School, holds a masters degree in Public Policy from Harvard University's John F Kennedy School of Government.

GANZ, Howard

Proskauer Rose LLP, New York
212 969 3035
hganz@proskauer.com

Recommended in Employment, Sport

Practice Areas: Co-Chair of Proskauer's Labor and Employment Law Department, as well as Co-Chair of the firm's Sports Law Group. When not practicing sports

law for clients such as the NBA and MLB, he has represented a number of the nation's best-known companies with respect to a wide variety of labor and employment matters, such as employment discrimination, sexual harassment, wrongful discharge, defamation, breach of contract, and large-scale reductions-in-force. His litigation experience has run the gamut from single plaintiff lawsuits to major class actions in federal and state courts in New York and elsewhere. He has been named one of the 'World's Leading Labor and Employment Lawyers' and one of the '100 Best Lawyers in New York.'

Prof. Memberships: Currently the Chair of the Sports Law Committee of the Association of the Bar of the City of New York.

Publications: He has lectured widely on sports law and employment law matters.

Personal: A graduate of Colgate University and Columbia Law School, where he was articles editor of the 'Columbia Law Review', spent two years as a law clerk for a federal district judge in New York before joining Proskauer Rose LLP.

GROSS, John

Proskauer Rose LLP, New York
212 969 3145
jgross@proskauer.com

Recommended in Insurance

Practice Areas: Has been lead counsel in civil litigations for many major US corporations including the holders of The World Trade Center leases in their litigation involving their insurance claims for property damage and business interruption resulting from the September 11, 2001 terrorist attacks. He is also advising the City of New York on legal issues arising from the September 11 events.

Career: Served as an Assistant

United States Attorney for the Southern District of New York, where he was assistant Chief of the Criminal Division. He also taught Trial Advocacy as an Adjunct Associate Professor at New York University Law School and has been a faculty Member on trial advocacy programs sponsored by the United States Department of Justice, the Association of the Bar of the City of New York, and Harvard Law School.

Personal: A graduate of The Wharton School of Finance and Commerce, of the University of Pennsylvania and George Washington University Law School, where he was a Member of the 'Law Review'.

HYMAN, Alan

Proskauer Rose LLP, New York
212 969 3275
ahyman@proskauer.com

Recommended in Bankruptcy

Practice Areas: A leading Member of the Bankruptcy and Corporate Reorganization Bar, heads Proskauer's Bankruptcy and Reorganization Practice Group. For 30 years he has been actively involved in a wide spectrum of the nation's largest corporate reorganization proceedings.

Prof. Memberships: A Member of the American College of Bankruptcy Lawyers.

Publications: Has lectured extensively in the bankruptcy and reorganization field. Has been a guest lecturer at the Turnaround Industry Conference, the United States Trustee Symposium and at programs sponsored by the American Bankruptcy Institute and the Institute for International Research.

Personal: A graduate of New York University and New York University Law School.

KAFIN, Robert

Proskauer Rose LLP, New York
212 969 3280
rkafin@proskauer.com

Recommended in Environment

Practice Areas: He is Proskauer's Chief Operating Partner responsible for the day to day management of the professional practice of the firm. Concentrates his practice in the area of environmental law where he regularly provides compliance counselling advice to businesses facing regulations under all of the major federal environmental laws and state analogues. In recent years, he has been called upon in major transactions involving almost every type of industry to review and evaluate environmental compliance and liabilities.

Prof. Memberships: He is the past Chair of the Environmental Law Section of the New York State Bar Association. He also served as Chair of the New York Parks and Conservation Association and as a Vice-Chair of the Preservation League of New York State on whose boards he currently sits.

Personal: Harvard Law School, JD, Magna Cum Laude, 1966. Franklin & Marshall College, AB, Magna Cum Laude, 1963 Phi Beta Kappa.

KORNREICH, Edward

Proskauer Rose LLP, New York
212 969 3395
ekornreich@proskauer.com

Recommended in Healthcare

Practice Areas: Co-Chair of Proskauer Rose LLP's Health care law Department. A recognised authority on the legal, regulatory and business issues related to health care services, he works primarily on health care transactions, regulatory compliance and health-care payment issues for varied

providers (both for-profit and not-for-profit), HMOs, pharmaceutical companies, medical device companies, pharmacy benefit management companies and entrepreneurs. He also counsels providers on issues related to research, technology transfer and governance.

Prof. Memberships: A past Chair of the Health Law Committee of the Association of the Bar of the City of New York and the current Chair of the providers' Committee of the Health Law Section of the New York State Bar Association. He is listed in "Best Lawyers in America," was also named one of the "40 Health Care Lawyers Who Have Made Their Mark" by The National Law Journal, and was recognised as one of the "Outstanding Fraud and Compliance Lawyers of 2004" in *Nightingale's Healthcare News*.

Publications: Frequently writes and lectures on Medicaid reimbursement, health care integration, not-for-profit law and corporate governance issues.

Personal: Harvard Law School, J.D., 1977. Columbia University, Columbia College, B.A., Magna Cum Laude, 1974 Phi Beta Kappa.

LIPSON, Lawrence

Proskauer Rose LLP, New York
212 969 3760
llipson@proskauer.com

Recommended in Real Estate

Practice Areas: Chair of Proskauer Rose LLP's Real Estate Department and a Member of Proskauer's nationally recognized Hospitality Practice Group. He has three decades of diverse experience crafting major real estate deals and representing all sides to the real estate transaction including lenders and borrowers, landlords and tenants, and investors and developers. His clients include a cross section of the many types of investors in and users of real estate, including individual developer entrepreneurs, large corporate tenants, equity investors, real estate investment trusts and real estate opportunity funds. He is also a key and influential player in Proskauer's Hospitality Practice Group and has closed on a substantial number of major domestic and international hotel and resort chain acquisitions.

Career: He was involved in the design of the first major office building real estate investment trust (REIT) in New York, which has become the model for future office building REIT transactions in the New York metropolitan area.

Personal: Columbia University School of Law, JD, Magna Cum Laude, 1970. Scholar: Harlan Fiske Stone Scholar. Brooklyn College of the City University of New York, BA, Magna Cum Laude, 1967.

CORTNER, Charles

Proskauer Rose LLP, New York
212 969 3990

ccortner@proskauer.com

Recommended in Media & Entertainment

Practice Areas: Represents many of the leading institutions and creative and business leaders of the music industry in virtually every area, including copyright, trademark, enforcement of personal services contracts, rights of privacy and publicity, libel, unfair competition, personal matters, employment disputes, contract and royalty disputes and general corporate and commercial matters. He also serves as advisor on business and strategic planning for owners and senior executives of leading music industry institutions. Among the recording artists, record producers and songwriters he has represented in litigation and related matters are Madonna, Michael Jackson, Shania Twain, Lauryn Hill, Whitney Houston, Jon Bon Jovi, Kenny "Babyface" Edmonds, Sean "P. Diddy" Combs, Trent Reznor and Nine Inch Nails, Sting, Cyndi Lauper, Collective Soul, Bonnie Raitt, Matchbox 20, Rob Thomas, Phil Ramone and Rick Rubin. Among the music industry entrepreneurs Mr Ortner has represented are Chris Blackwell, Clive Calder, Jimmy Iovine, and Antonio "L.A." Reid. He represents many music companies and labels, including BMG, EMI, Warner Bros. Records, Warner/Chappell Music and Wind-Up Records.

Career: He also represents The National Academy of Recording Arts and Sciences (the GRAMMY® organization), and serves as its National Legal Counsel.

Personal: Brooklyn Law School,

JD, 1971. Washington University, AB, 1967.

PLEVAN, Bettina

Proskauer Rose LLP, New York
212 969 3065

bplevan@proskauer.com

Recommended in Employment

Practice Areas: Represents a wide range of industries handling both single plaintiff and class action lawsuits involving issues of discrimination, harassment, employee benefits, alleged breaches of fiduciary duty, COBRA violations, and termination of retiree benefits. She has extensive experience counseling employers on litigation avoidance and sexual harassment investigations and training management employees in these areas. Has successfully tried many jury and non-jury cases in New York and elsewhere in the US.

Prof. Memberships: President of the Association of the Bar of the City of New York and recently completed a two-year term as President of the Federal Bar Council. She is also a member of the American Law Institute, and serves as Chair of the Second Circuit Judicial Conference.

Career: A Fellow of the American College of Trial Lawyers. Has argued more than 50 appeals in state and federal courts and is a member of the American Academy of Appellate Lawyers.

Personal: Graduated from Wellesley College and is a magna cum laude graduate of Boston University Law School where she was an editor of the 'Law Review'.

PLUM, Bernard

Proskauer Rose LLP, New York
212 969 3070

bplum@proskauer.com

Recommended in Employment

Practice Areas: A Partner in Proskauer's Labor and Employment Law Department, his practice concentrates on collective bargaining, arbitration, and labor and employment litigation in the newspaper, entertainment, utilities, financial services, and airline industries. He has served as chief spokesperson in a wide variety of collective bargaining situations, and has litigated in the state and federal courts of New York, New Jersey, Connecticut, Illinois and California.

Career: Among the employers he represents are The New York Times Co., Dow Jones, The League of American Theaters & Producers, The New York City Ballet, PPL, Inc., TWA, and HSBC. Bernie represented Metro-North and the Long Island Railroad in their precedent-setting suit to enjoin sympathy strikes by railroad workers in support of striking Eastern Airlines Machinists. He has also represented many other employers faced with unlawful work stoppages.

Personal: Columbia University School of Law, JD, 1979; notes editor, 'Columbia Law Review', 1978-79; Columbia University, MPHIL, 1976; Columbia University, MA, 1974; New York University, BA, cum laude, 1973.

PORT, Gail

Proskauer Rose LLP, New York
212 969 3243

gport@proskauer.com

Recommended in Environment

Practice Areas: Manages Proskauer Rose LLP's Environmental Practice Group, based in the New York office. She has been practicing environmental law and litigation for over 25 years. Her practice at Proskauer is concentrated in counseling clients respecting environmental risks in mergers and acquisitions and real estate transactions and financings, environmental compliance and remediation, environmental litigation and administrative proceedings and land use.

Prof. Memberships: A past Chair of the New York State Bar Association's Environmental Law Section, the former Chair of the Environmental Law Committee of the Association of the Bar of the City of New York, and a member of the Boards of Directors of the prestigious not-for-profit organizations Environmental Advocates and the New York League of Conservation Voters Education Fund.

Career: Prior to joining the firm she served as Deputy General Counsel (and Acting General Counsel) and the chief environmental advisor to the New York State Urban Development Corporation, where she was involved in the environmental law aspects of high visibility large-scale land use and development projects and

related financing transactions.

Personal: New York Law School, JD, magna cum laude, 1976 articles editor, New York Law School Law Review, 1974-76. State University of New York at Cortland, BS, 1973.

SALVATORE, Paul

Proskauer Rose LLP, New York
212 969 3022
psalvatore@proskauer.com

Recommended in Employment

Practice Areas: Represents employers in employment law and litigation, as well as union/management relations and collective bargaining. Handles all types of employment litigation, arbitration and mediation. He also provides advice and guidance to clients, counseling employers on how to avoid litigation and achieve their employee relations objectives through such techniques as proactive human resources policies and alternative dispute resolution. Also negotiates major collective bargaining agreements in several industries, including real estate and construction. He tries arbitrations and litigations arising from the collective bargaining relationship.

Publications: An active speaker and writer on labor and employment law issues. He has been quoted in, among other publications, The New York Times, The Wall Street Journal, USA Today and The National Law Journal, and he has appeared on CNN, Fox News and other business television news programs. Among other groups he works with, he serves as a speaker for the Society for Human Resource Management (SHRM), and on its National Labor Relations Panel.

Personal: An honors graduate of Cornell University's School of Industrial and Labor Relations (ILR) and The Cornell Law School.

SERNAU, Ronald D

Proskauer Rose LLP, New York
212 969 3785
rsernau@proskauer.com

Recommended in Real Estate

Practice Areas: A Partner in the Real Estate Department, he has significant experience in real estate law, representing sophisticated real estate developers and investors in virtually all areas of real estate practice in New York City. He draws on his experience to address legitimate interests that the opposing party must protect, and to minimize negotiation of issues that the opposing party can compromise. He has represented clients in some of the most substantial real estate transactions occurring in New York City. For example, he has represented a publicly held real estate investment trust in a variety of acquisitions and lease transactions involving several hundred million dollars. He has represented a major private real estate developer in complex equity restructuring transactions for properties in the New York area. He has represented a major New York City lender in restructuring non-recourse debt on important New York City properties. He serves as the principal leasing lawyer for several major New York City landlords, addressing the variety of financial and technical issues that arise in sophisticated lease transactions.

Personal: Cornell Law School, JD, magna cum laude, 1986; Order of the Coif; editor, Cornell Law Review, 1985-86. Ithaca College, BS, summa cum laude, 1981.

SIMS, Charles

Proskauer Rose LLP, New York
212 969 3950
csims@proskauer.com

Recommended in Media & Entertainment

Practice Areas: Concentrates on copyright, First Amendment, and defamation law.

Career: He has represented the motion picture studios in their ground-breaking and successful litigation, under the Digital Millennium Copyright Act, against hackers who were publicly providing illegal software for decrypting DVDs, and Lexis-Nexis in its victory against an internet start-up which had attempted to steal the entire Lexis database for uploading onto the Web. He has also represented the League of American Theatres and Producers in an arbitration over the ownership of the Tony Award '99 programs, and England's Royal Court Theatre in connection with a copyright infringement lawsuit based on David Hare's play *Via Dolorosa*. In the First Amendment field, he has litigated challenges to content-based federal restrictions of cable television programming, which the Supreme Court largely invalidated in *Denver Area Educational Television Consortium v FCC*, and joined in handling, a facial First Amendment challenge to New York's Son of Sam law for Simon & Schuster, which the Supreme Court unanimously invalidated.

Personal: Yale Law School, JD, 1976; Amherst College, BA, Magna Cum Laude, 1971 Phi Beta Kappa.

SIRKIN, Michael

Proskauer Rose LLP, New York
212 969 3840
msirkin@proskauer.com

Recommended in Employee Benefits

Practice Areas: A member of Proskauer Rose's Tax Department, he practices primarily in the areas of employee benefits and executive compensation. In addition, he frequently represents companies and senior executives in connection with executive employment and severance agreements and other compensation and equity arrangements. In the executive compensation area, he advises in connection with nonqualified arrangements, such as Supplemental Executive Retirement Plans and other deferred-compensation plans, incentive plans, rabbi trusts and other funding vehicles. He also advises corporations on the design and implementation of stock option, restricted stock and similar plans.

Career: He has represented corporations and executives in a diverse assortment of businesses, including Fortune 500 industrial companies, financial-service companies, high tech start-ups, dot.coms, REITs, tax-exempt organizations and privately held companies.

Publications: He is co-editor and co-lead author of the treatise *Executive Compensation* published by Law Journal Seminar-Press, and the co-author of the Chapter on ERISA in the 403(b) Answer Book. He is a contributing editor to *The Philanthropy Monthly*, writing a bimonthly column on compensation and benefits for tax-exempt organizations, and on the Board of Advisors of *The Journal of Taxation of Employee Benefits*.

Personal: Columbia University School of Law, JD, 1972. Rutgers University, New Brunswick, BS, 1969.

PROSKAUER ROSE LLP

THE FIRM

Chairman: Allen I Fagin

Number of partners: 170

FIRM OVERVIEW: Proskauer Rose LLP is one of the nation's largest law firms, providing a wide variety of legal services to major corporations and other clients throughout the United States and around the world. Headquartered in New York City since 1875, the firm also has offices in Los Angeles, Washington DC, Boston, Boca Raton, Newark, New Orleans and Paris. During its history Proskauer has been distinguished by its dedication to client service, technical excellence and high integrity. It also has adapted rapidly to changes in the needs of businesses, whether it be for expertise in emerging areas of law, employing new methods of communicating, or deploying the latest information technology.

MAIN AREAS OF PRACTICE: The firm's practice areas provide traditional services to corporations and other business entities such as corporate finance and securities, tax, litigation, real estate, and labor and employment advice. It also has leading practices in the areas of arbitration and other forms of alternative dispute resolution, bankruptcy and reorganizations, broker-dealer regulation, employee benefits and executive compensation, entertainment, environmental law, healthcare and pharmaceuticals, high technology and the internet, intellectual property, private equity financing, sports, trade secrets and non-competition, and white-collar crime. Representing the publishing, motion picture and recording industries as they confront new challenges, Proskauer recently has been at the leading edge of the law, as the dramatic emergence of a freer flow of information and knowledge over the global networks of servers and computers tests and strains established principles protecting intellectual property. As its litigators handle disputes arising in this arena, Proskauer's corporate and tax lawyers have been working on the business and financial structures and contractual licensing needs of the entrepreneurs building new companies, established corporations adjusting to new technologies, and financial services firms developing new financing products. Trained at leading law schools, Proskauer lawyers are civic and philanthropic leaders as well as highly skilled practitioners. In addition to service in the wider community, lawyers in the firm have recently held the presidencies of legal organizations such as the Association of the Bar of the City of New York, the New York State Bar Association, New York Woman's Bar Association, the American College of Trial Lawyers, the Federal Bar Council, the Fund for Modern Courts, the New York County Lawyers Association and the American Judicature Society.

INTERNATIONAL WORK: Proskauer's international practice has its roots in the representation early last century of various French industrialists. Since that time the firm has developed a recognized stature in international transactions and an understanding of and commitment to the global markets and the transnational needs of its clients. The firm's international practice includes the representation of foreign clients doing business in the United States and American clients abroad. It is also called on by foreign clients for transactions based abroad to which the firm brings its particular skill and experience in international transactions. The representation of international clients encompasses all aspects of the practice and involves lawyers in each of the firm's six departments: corporate, tax, labor, real estate, litigation and dispute resolution and personal planning. The firm regularly assists its international clients in mergers and acquisitions, joint ventures, licensing, international aspects of litigation, arbitration, tax planning, labor relations, antitrust, intellectual property and immigration.

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The firm also has an international office in Paris.

