

Client Spotlight: American Express

Firm Report

Inside this issue:

New Partners 3

New IP Partners 5

Litigation Highlights 6

Pro Bono Highlights 9

Items of Interest 9

David Boies and Don Flexner lead the team of BS&F attorneys prosecuting one of the largest private antitrust cases in history on behalf of our client, American Express.

The suit was filed in 2004 against Visa, MasterCard and certain bank members of the associations' boards for adopting rules, with the agreement of their member banks, that prohibited those banks from issuing American Express and Discover cards in the United States, and which threatened any bank departing from the boycott with expulsion from Visa and MasterCard. American Express retained BS&F to seek damages and other relief for this unlawful conduct based upon the decision of the district court (SDNY) upheld on appeal in an action brought by the Justice Department that such conduct violated Section 1 of the Sherman Act.

After successfully defending against a variety of motions to dismiss, BS&F commenced fact discovery in February 2006, which is

scheduled to conclude in May 2007.

This matter exemplifies the firm's ability to prosecute an antitrust case – indeed, any case – of substantial magnitude. The scope of this case reflects the enormity of the potential damages. The eight defendants are represented by eleven major law firms, who have served over one hundred deposition notices. More than three hundred third-party document subpoenas have been served and dozens of third-party depositions will be taken. By the end of fact discovery, BS&F partners and associates will have taken scores of depositions of defendants' current and former employees, and participated in extensive negotiations and motion practice covering a wide array of discovery issues.

The case is about to enter an intense period of expert discovery and dispositive motion practice as we prepare for trial.

Inside Counsel Magazine Names Don Flexner The Lawyer to Call In An Antitrust Emergency



Managing Partner Don Flexner was named in the April 2007 edition of *Inside Counsel* magazine as one of "The best lawyers to call in a worst-case scenario." The cover story column, "*The Crisis Rolodex*," features five top law firm attorneys from five law practice areas. Mr. Flexner was featured as the lawyer to call "to survive life-or-death antitrust matters."

Inside Counsel, a monthly magazine published specifically for

general counsel and other top in-house legal professionals hailed Mr. Flexner as "*The specialist* for high-stakes antitrust defense, because he knows antitrust inside and out – literally." The magazine dubbed him "a neurosurgeon – or rather the neurosurgeon – the miracle worker you want to see when

you wake up in traction and you can't feel anything below the tracheotomy."

In the article, Mr. Flexner discusses his approach to these bet-the-company kind of situations: "You throw all your resources, energy and creativity into supporting the patient. It's a round-the-clock proposition, and not everybody has the background and ability to function effectively in that arena."

The accolade was the result of the magazine's poll of several dozen corporate lawyers and legal consultants, as well as *Inside Counsel* independent research.

"Like a world-class neurosurgeon who has brought patients back from the brink and had them dancing the jig again, Flexner is the lawyer to call in an antitrust emergency."

George Carpinello Nominated As A Candidate for Chief Judge of the New York Court of Appeals



Photograph ©2006, Mark

George Carpinello, a partner in BS&F's Albany office, was recently selected as one of the nominees for Chief Judge of the New York Court of Appeals by New York's Commission on Judicial Nomination. Although Governor Spitzer ultimately selected one of the other distinguished nominees to serve in that post, George's nomination is itself a reflection of his tremendous skills as a lawyer and his outstanding reputation in the community.

George, who presently serves as Administrative Partner for the Albany office, graduated *magna cum laude* and Phi Beta

Kappa from Princeton University in 1972, where he received his B.A. in Public and International Affairs. He graduated from Yale Law School in 1975, where he was a member of the Yale Law Journal, Chairman of the Moot Court Board and recipient of the Thurman Arnold Moot Court Prize. George also has been a Professor of Law at Albany Law School and was the president of the Legal Aid Society of Northeastern New York.

At BS&F, George has been involved in all aspects of civil litigation, including: business litigation; antitrust; securities; intellectual property; civil rights; corporate dissolution; environmental law and land use. Currently, he represents a national telecommunications company, a major nurses' association, a national entertainment company, and a multinational chemical company, among many other clients.

DC Associate Philippa Scarlett Selected To Serve As Law Clerk To Associate Justice Stephen Breyer

Philippa Scarlett, resident in the Washington, D.C. office, was recently selected by Associate Justice Stephen Breyer to serve as his law clerk for the 2007-2008 Supreme Court term.

Philippa graduated with highest honors and class distinction in 1996 from Stanford University, where she received her bachelor's degree in history. From 1996-97, she studied at the Free University (Freie Universität) in Berlin, Germany as a recipient of the German Academic Exchange Award. In 1998, Philippa obtained her master's degree in history from Harvard University. In 2003, she received her J.D. from Columbia University School of Law, graduating as a Harlan Fiske Stone Scholar.

At BS&F, Philippa has worked on several significant matters, including several Heerema matters (multiple international arbitrations involving off-shore oil rigs) and the American Express case, where she helped manage the offensive side of the case as it relates to defendants Visa USA and Visa International. Her work on American Express included preparing for and participating in multiple fact and Rule 30(b)(6) depositions, six of which she took herself.

Philippa has also dedicated her time to several important *pro bono* matters. Under the supervision and support of partner Rich Feinstein, she took the lead in representing a torture survivor from the Democratic Republic of Congo in her application for asylum in the United States. Philippa's client and her children were granted asylum in December 2005. Philippa also participated in an appellate advocacy training program for prosecutors of the United Nations International Criminal Tribunals for the Former Yugoslavia and Rwanda. The training took place January 2006 at the UN International Criminal Tribunal for Rwanda in Arusha, Tanzania.

We wish Philippa all the best and look forward to her return.

New Partners

Introducing Our New Partners

The firm elected seven new partners at last year's retreat in Jamaica.

Tanya Chutkan, resident in the firm's Washington, D.C. office, specializes in litigation and white collar criminal defense. Her recent cases include the trial of two federal antitrust class actions on behalf of plaintiff classes, *In re Vitamins Antitrust Litigation* (D.D.C. 2003), which resulted in an award of \$149.5 million, and *In re Scrap Metal Antitrust Litigation* (N.D. Ohio 2006), which resulted in an award of \$34.5 million. Currently, she represents plaintiff classes in three pending class actions in federal courts in Pennsylvania,



the District of Columbia, and New York, and is representing a multinational corporation in a Department of Justice grand jury investigation. She has also defended individuals and corporations in SEC and Department of Justice investigations and in securities and antitrust litigation.

Helen Maher, resident in the firm's Armonk office, has focused on complex antitrust, securities and derivative actions, as well as



cases involving intellectual property, technology transfers, and environmental law. Since joining the firm, Helen has participated in several

high-profile antitrust cases in the sports-and-entertainment field. Her recent representations include successfully defending NASCAR in two antitrust lawsuits each seeking over \$1 billion in damages and challenging the NASCAR business model. Previously, Helen assisted in the firm's successful representation of the Yankees Entertainment & Sports Network in its antitrust suit against Cablevision, which refused to carry the new network to its approximately three million New York area subscribers.

Damien Marshall, resident in the firm's Ft. Lauderdale office, has represented major corporations in complex, high stakes litigations. Damien's cases have included the firm's successful representation of Philip Morris USA



Inc. in defense of antitrust challenges to its Retail Leaders program; Carnival Corporation in obtaining a dismissal with prejudice of a purported class action; and a Tyco International business unit in successfully resolving a copyright infringement matter. Damien also played a major role at trial in the Illinois courts concern-

ing trade secrets, and in litigation on behalf of one of the largest beverage companies in Latin America, which procured a preliminary injunction in connection with a \$300 million transaction. Currently, Damien is involved in the firm's representation of American Express Company in antitrust litigation against Visa and MasterCard and in litigation work on behalf of Florida Power & Light.



Sigrid McCawley, resident in the firm's Ft. Lauderdale office, focuses on complex commercial litigation. Sigrid joined the firm in June 2001 and was selected by the *South Florida Business Journal* as the "Best of the Bar" for 2005. Since joining the firm, Sigrid has had significant responsibility in the representation of several of the firm's clients, includ-

ing Zurich, Tyco and Computer Associates. In addition, Sigrid has had principal responsibility in a variety of the firm's class action matters, having played a key role in the recovery of approximately \$50 million in unpaid overtime compensation on behalf of over 4,000 individual plaintiffs.

New Partners

Alanna C. Rutherford, resident in the firm's New York City office, has been involved in a wide variety of antitrust and complex civil litigation cases and investigations. Alanna's recent litigation experience includes the firm's successful defense of Goldman Sachs in an injunctive action brought by the NYSE seatholders to stop the merger between NYSE and Archipelago, plaintiff's antitrust litigation for American Express against MasterCard and Visa, the defense of Lloyds of London in the World Trade Center insurance litigation, and representation of DuPont in a variety of matters.



Alanna is fluent in French and lived in France, Jamaica, New Zealand, the Philippines, the Republic of South Africa, the United States and Zambia before college. She has lectured at Columbia Law School on internet regulation.

Fred Norton, resident in the firm's Oakland office, handles complex antitrust and commercial litigation for a variety of clients. His work includes de-



fending and prosecuting antitrust,

securities fraud, and white collar matters. Fred's cases have included representation of an individual plaintiff in a securities fraud case against a major bank, resulting in the successful Second Circuit appeal, *Caiola v. Citibank, N.A.*, 295 F.3d 312 (2d Cir. 2002); a Tyco International subsidiary and its individual officers and directors in successfully resolving claims of fraud and breach of fiduciary duty; and a major manufacturing company in successfully persuading the federal government not to indict the company for alleged price-fixing. In 2006, Fred successfully defended a client in a three-week jury trial in California state court against claims of fraud, negligent misrepresentation, and breach of contract arising from the sale of a business. The verdict was a complete victory for the firm's client, which was also awarded

100% of its attorneys' fees.

Currently, Fred has primary responsibility for the firm's representation of Patricia Davis Raynes, the daughter of the late billionaire Marvin Davis, in complex litigation against the Estate of Marvin Davis, the Davis family, and family legal and financial advisers in federal court, bankruptcy court, probate court, and private arbitration. He also represents Space Exploration Technologies Corporation in antitrust litigation against The Boeing Company and Lockheed Martin, and Broadcom in antitrust litigation against Qualcomm. In addition, Fred is assisting in the firm's representation of Fidelity National Information Services in litigation in California state court, and has been appointed *pro bono* appellate counsel in a civil rights action against the Solano County California jail, pending in the Ninth Circuit.

Jonathan M. Shaw, resident in the firm's Washington, D.C. office, represents both plaintiffs and defen-



dants involved in commercial litigation and arbitration throughout the United States and abroad. Recent representations include the successful defense

of the New York Yankees and Northwest Airlines in preliminary injunction proceedings, successful defense of REI against business tort claims brought by Bank of America and Chase Manhattan Bank, and the prosecution of securities and state law claims seeking more than \$1 billion in damages on behalf of a certified class of shareholders. Although his practice encompasses a broad range of commercial disputes, Jonathan has particular expertise in antitrust, securities, and insurance coverage litigation.

Before joining the firm last year, Jonathan was a partner in Susman Godfrey, a national litigation boutique. *Washington Law & Politics* magazine named him a "Rising Star" of the Washington State Bar in 2005 and 2006, based on surveys of leading lawyers in the state.

New Intellectual Property Partners

The firm is also pleased to announce that two new partners have joined the Washington DC office.

D. Michael Underhill has joined the firm to lead our intellectual property litigation practice. He and will be resident in the Washington, D.C. office.

Mike has twenty-five years of litigation experience.



He is a trial lawyer with jury and bench trial experience who has handled numerous intellectual property disputes, with an emphasis on those involving patents

and/or trade secrets. His experience covers a wide range of technologies. He has handled numerous cases arising out of employees' alleged misappropriation of their employers' technology and other confidential information, including cases requiring him to coordinate simultaneous legal proceedings in multiple countries.

His recent representations include serving as: lead counsel in *Kinedyne Corp. v. Ancra Int'l Inc.* (C.D. Cal. 2006), where he won summary judgment on behalf of a cargo winch manufacturer against a competitor's allegations of patent infringement; lead counsel in *Emergis, Inc. v. NuVox of Kansas* (D. Kan. 2006), where he defended a telecommunications provider charged with patent infringement; lead counsel in *Cordis Corp. v. Medtronic, Inc.* (D. Del. 2004), where he defended a major medical device manufacturer charged with patent infringement; and lead counsel in a series of patent enforcement actions brought by internet auction pioneer, FreeMarkets, Inc. Currently, he is lead counsel in an action where a medical device manufacturer is alleging misappropriation of trade secrets by a competitor.

Mike graduated with distinction from the Duke University School of Law in 1982, and earned his bachelor of science degree from the engineering college at Carnegie Mellon University. He has lectured and written on various litigation and intellectual property topics, and is currently co-teaching the patent litigation course at George Washington University Law School.

Eric Maurer, also resident in the firm's Washington DC office, has joined the firm's intellectual property practice.

Eric has ten years of litigation experience, including



numerous intellectual property disputes, with an emphasis on patent infringement lawsuits. He has practiced before federal district courts, the Interna-

tional Trade Commission, the United States Court of Appeals for the Federal Circuit, and the Supreme Court. His cases have concerned a range of technologies, including medical devices, digital imaging devices, integrated circuits, liquid crystal displays, light emitting diodes, and automotive parts.

Eric's two most recent cases were patent infringement actions. In one action involving liquid crystal displays (LCDs), his client obtained a jury verdict of \$50 million for patent infringement. In the other, he represented a complainant in the light emitting diode (LED) industry before the International Trade Commission, where the Administrative Law Judge issued an initial determination that a violation of section 337 of the Tariff Act of 1930 occurred by reason of patent infringement, and recommended that one of the respondent's LED product lines be excluded from importation into the United States.

Eric graduated from the George Washington University Law School in 1996, with high honors, where he was a member of *The George Washington University Law Review* and *Moot Court Board*. He graduated from The Johns Hopkins University in 1993, with honors, with a bachelor of science in biomedical engineering and materials science and engineering. After law school, Eric served as a law clerk for the Honorable Roger B. Andewelt at the United States Court of Federal Claims.

Litigation Highlights

BS&F Scores Another Major Victory For PM USA

The firm won another major victory for its long-time client, Philip Morris USA, when the Sixth Circuit Court of Appeals affirmed summary judgment in PM USA's favor in the Wholesale Leaders antitrust litigation. In that case, the firm represented PM USA against allegations brought by 30 wholesalers that PM USA's wholesale incentive program, called Wholesale Leaders, amounted to unlawful price discrimination in violation of the Robinson-Patman Act and was an attempt to monopolize in violation of Section 2 of the Sherman Act. In late 2005, after more than two years of discovery, the district court in Tennessee granted summary judgment in PM USA's favor on all the plaintiffs' claims.

In affirming the district court's ruling, the Sixth Circuit issued an opinion that adopted many of the arguments in the firm's briefs and held that PM USA's program did not violate the Robinson-Patman Act because "the WL's market share discount was offered to all of PM's direct distributors, including plaintiffs, using a non-discriminatory formula that was functionally available to plaintiffs, an essential element of a secondary-line price discrimination claim – discrimination in price between distributors of like commodities – has not been established, and plaintiffs' claim fails as a matter of law." Significantly for PM USA in this case and perhaps others, the court also found that "there is no evidence, either direct or indirect, that PM possesses monopoly power," citing numerous market facts, including PM USA's vigorous price competition, to support that conclusion.

This victory is the latest of a series of commercial litigation victories that the firm has achieved for PM USA going back to 1999 when this important client first hired BS&F to defend it against antitrust claims brought by rival cigarette manufacturers against PM USA's retail merchandising program, called Retail Leaders. The firm was hired after a preliminary injunction against the program had been entered. The firm, however, was able to convince the court to grant summary judgment in PM USA's favor, which was affirmed on appeal. Since then, we have successfully defended the company against allegations of price fixing brought by a class of wholesalers, won judgment on the pleadings against another competitor challenging the Wholesale Leaders program in Michigan, and convinced another retailer to drop his contract claims against the company in the middle of a deposition while under cross-examination by a BS&F partner.

This latest outstanding result was achieved by partners David Boies, Mike Brille, Phil Iovieno, and Hamish Hume, and associates Jack Simms, Hershel Wancjer, Kelly Yuan, Chris Hayes, and David Zifkin. Partners Bob Silver, Jack Stern, and Chris Green made significant contributions at various times throughout the case.

BS&F Prevails for DuPont in Second Circuit

BS&F recently obtained a successful result for DuPont in an action related to DuPont's sale of a portion of its nylon fiber business to Invista for approximately \$4 billion. The sale included a non-compete provision prohibiting Invista from acquiring any company in the nylon resin business until 2009. Two years after the sale, Invista began negotiating with a company in the resin business and entered into a letter of intent in May 2006. Upon learning of this fact, DuPont contacted BS&F to seek a preliminary injunction to prevent the sale from being consummated. The Southern District of New York denied the preliminary injunction, so BS&F immediately appealed to the Second Circuit.

Eight days after the district court's decision, however, Invista agreed not to proceed with the transaction, essentially rendering the appeal moot. To make sure that the district court's decision denying injunctive relief would not bind DuPont in the event Invista entered into a prohibited transaction in the future, DuPont took the unusual step of having its own appeal dismissed and seeking to have the district court's decision vacated. Over strenuous objection from Invista, the Second Circuit unanimously agreed with DuPont's position and dismissed the appeal, vacated the district court's order, and remanded with instructions to dismiss the action.

Robert Dwyer, Alanna Rutherford, Maria Calaf, Michael Favretto and Scott Wilson (a returning summer associate) worked on this case.

Litigation Highlights

BS&F Defends Antitrust Class Actions in Houston

On December 4 through 8, 2006, BS&F represented its clients Batesville Casket Company, Inc. and Hillenbrand Industries, Inc. in two related, sequential class certification hearings in federal court in Houston. Our client, Batesville Casket Company, the leading casket manufacturer in the United States, and its parent company Hillenbrand Industries, are facing two purported class actions alleging violations of the Sherman Act in the casket industry. Both actions allege that Batesville conspired with its largest funeral home customers, who are named as co-defendants, to exclude competition from independent casket retailers in violation of the Sherman Act. One group of plaintiffs seeks to represent a purported nationwide class of consumers who allegedly were overcharged as a result of the alleged conduct. The other purports to represent a nationwide class of independent retailers who were allegedly excluded from selling Batesville caskets as a result of the alleged conduct.

BS&F agreed with our co-defendants to divide responsibility for the hearings, with the co-defendants taking primary responsibility for the consumer action and BS&F taking responsibility for the retailer action. The BS&F team consisted of Richard Drubel, John Cove, Kimberly

Schultz, Anne Nardacci and paralegal Charlotte Medeiros. Richard Drubel handled the arguments for the client. John Cove handled the direct testimony of our economic expert, Dr. David Sibley of the University of Texas, and cross examination of the purported consumer class expert, Craig Romaine of CRA. BS&F argued and Dr. Sibley testified that, among other things, class certification is inappropriate because the wide disparity in the businesses of the independent retailers makes it impossible to determine either impact or the amount of damages on a class-wide basis, and that the relevant geographic markets, if any, for the sale of caskets are local, not national. The casket store plaintiffs chose not to present any live witnesses, relying instead on deposition testimony and expert reports.

The Court has indicated that it intends to rule by March or April. Regardless of which side prevails, interlocutory appeals of the district court's decisions to the Fifth Circuit are likely. Trial in both actions is set for February 4, 2008, in Houston.

Firm Takes Over in Halliburton Securities Fraud Case

BS&F was recently appointed lead counsel on behalf of a class of investors by U.S. District Judge Barbara Lynn of Dallas in a securities-fraud suit against Halliburton. This highly unusual appointment during a pending case arose when, last year, the Archdiocese of Milwaukee Supporting Fund, the lead plaintiff, filed court papers stating that its relationship with Lerach Coughlin Stoia Geller Rudman & Robbins had deteriorated and seeking to appoint BS&F as lead class counsel. Part of the basis for the rift was the criminal investigation of Milberg Weiss, where Lerach worked until 2004.

In removing Lerach Coughlin and appointing BS&F as lead class counsel, Judge Lynn noted that she was not passing judgment on the firm but merely recognizing

that its relationship with the Archdiocese of Milwaukee was "no longer productive." After specifically finding that BS&F is "eminently qualified to serve as Lead Counsel," the court granted lead plaintiff's motion to substitute lead counsel.

This matter is being prosecuted by, among others, David Boies, Caryl Boies and Sashi Bach Boruchow.

Litigation Highlights

BS&F Wins \$8.5 Arbitration Award For WellCare

Jennifer Altman and her litigation team, including Tony Castro and Jorge Schmidt, recently won an \$8.5 million arbitration award (damages and attorney's fees) for WellCare. The arbitrator found that Respondents breached their contract with WellCare, misappropriated trade secrets and were unjustly enriched. The Respondents had counterclaims totaling \$16 million; all such claims were denied with the exception of a claim for \$69,000.

It was a difficult damages case because the firm had to convince the arbitrator that the client was not just enti-

tled to loss of Medicare members that were improperly steered (which would have been only about a million dollars or so), but also to the growth component that the client would have achieved had the parties continued their relationship. This was challenging because the agreement was terminable at will and, obviously, they argued strenuously that they would not have continued in business with WellCare. There is still a pending companion state court action against Humana, CarePlus and certain agents. Opposing counsel was Weil Gotshal and The Barthelet Firm.

BS&F Successfully Defends Fidelity National

A team of BS&F lawyers drawn from the Oakland and Ft. Lauderdale offices successfully resolved a high-profile case involving allegations of bribery of Chinese bank officials at China Construction Bank (CCB), the second-largest bank in China. Fidelity National Financial, Inc. is a Fortune 500 client that is the nation's largest title insurer, and had acquired a business, renamed Fidelity Information Services, Inc., that provides sophisticated loan processing software to banks.

FIS retained a Chinese company, Grace & Digital, to act as its agent in 2001, but terminated the agreement after the former bank president was arrested and Grace's principals no longer had contacts at the bank. FIS retained a new agent and, eighteen months later, obtained a contract with CCB. Grace sued, claiming it was entitled to over \$50 million in commissions and claiming FIS bribed the new President of CCB (Zhang) by paying for a golf game at Pebble Beach and funneling \$1 million to Zhang through FIS's new agent.

Several months after Grace filed its complaint, Zhang was arrested on suspicion of taking bribes. Grace's attorneys demanded that FIS pay it \$20 million in 24 hours "or else." FIS rejected the demand, and we successfully dismissed the initial California case on forum non conveniens grounds. Grace then filed a RICO complaint in the Middle District of Florida, claiming that evidence pro-

duced in the state case revealed that FIS's new agent had bribed Zhang to obtain business.

We moved to dismiss the Florida RICO complaint and separately filed a request for an order to show cause in California state court why Grace should not be held in contempt for using FIS privileged documents. We also served a Rule 11 motion on opposing counsel. The federal judge recently dismissed the RICO claims with prejudice, and the special master in the state action issued a recommendation to the state court judge that Grace be ordered to show cause on 37 counts of contempt. Grace accepted a settlement of the civil action last week at a fraction of its original demand.

Fidelity retained the firm to defend the civil litigation and related government investigations. Stuart Singer had previously represented Fidelity on other matters. David Shapiro and Stuart Singer headed a team from the Oakland and Ft. Lauderdale offices consisting of William Dzurilla, Jeremy Goldman, Michael Ng, and Christina Seki. The client is extremely satisfied with the outcome and our professional services.

Pro Bono Highlights

BS&F Fighting for Health Benefits for Poor Children

BS&F scored a significant victory in a *pro bono* action on behalf of Florida children on Medicaid on January 11, 2007 when a federal judge denied the defendants' motion to dismiss the complaint, which alleges that Florida officials are in violation of requirements created by federal law. Those obligations include providing children on Medicaid with access to health and dental care and services at least to the same extent that such care and services are available to privately-insured children in the same geographic area. The complaint, filed on behalf of all Florida children under the age of 21 who are eligible for Medicaid, alleges that hundreds of thousands of Florida children have not been furnished any preventive health care services because of the defendants' violation of federal law.

The state argued that the action should be dismissed in its entirety because the statutes invoked by plaintiffs do

not create private rights of action. District Court Judge Adalberto Jordan denied the motion to dismiss as to three of the four counts in the complaint, including the most important counts, even though several federal courts of appeal have recently reached a contrary conclusion.

Stuart Singer, who leads the Ft. Lauderdale trial team, argued the motion to dismiss. William Dzurilla, Carl Goldfarb, Damien Marshall, Paul Kunz, Gera Peoples, and Sashi Bach Boruchow are also on the trial team.

BS&F represents the Florida Pediatric Society, the Florida Academy of Pediatric Dentists, and the parents of several children on Medicaid suing as next best friend on behalf of their children. The action seeks declaratory and injunctive relief.

Items of Interest

Albany Office:

Kathleen Franklin is one of twenty-one women representing the inaugural class of the DirectWomen Institute. The Institute is an initiative of the ABA seeking to increase the number of women lawyers serving as directors on boards of large public companies.

Miami Office:

Bob Mallow was appointed to the twelve-member Advisory Board of the Center for Real Estate Studies at New York Law School. The Center will be dedicated to the study of both the private practice of real estate law and the public regulation of real estate.

Steve Zack led an ABA delegation to China to discuss and compare the respective legal systems. Among other activities, Steve spoke to a packed lecture hall at Guilin University School of Law.

Washington, DC Office:

Bob Cooper was recently appointed to the board of directors of the Legal Aid Society of the District of Columbia.

Scott Gant's book, *We're All Journalists Now: The Transformation of the Press and Reshaping of the Law in the Internet Age*, is scheduled to be published in June by Free Press, an imprint of Simon & Schuster. The book addresses the nature of journalism in the internet age and related legal issues.