

Partners Notes

Proskauer Rose Opens Offices In Hong Kong And Beijing

Following Proskauer Rose LLP's recent expansion into London, São Paulo and Chicago and the significant growth of the firm's private equity capabilities in Paris, this is a further step in the firm's continuing expansion into the world's most important financial markets and business centers.

Ying Li, who previously led Heller Ehrman's China Business Practice, and Joseph Cha, who led its Beijing office and its Asian Private Equity and Fund Formation Practice, have joined Proskauer as partners. Yuval Tal, a New York corporate partner, will become resident partner in the Hong Kong office. All three will lead the firm's entry into the region and help serve our clients as they build their businesses in Asia.

Eighty-six lawyers from Proskauer Rose LLP have been named in New York Super Lawyers 2008, a peer-ranked guide to the top legal practitioners in the New York metropolitan area.

This year's New York Super Lawyers highlighted 86 Proskauer lawyers as leaders in a total of 23 practice categories. In addition, partners Bettina Plevan and Kathleen McKenna were included in the "Top 100," which listed the 100 lawyers who received the most votes, and joined senior counsel Gail Port on the "Top 50 Female" list.

Proskauer's New York-area Super Lawyers are – Banking: Jack P. Jackson; Bankruptcy & Creditor/Debtor Rights: Sheldon I. Hirshon and Scott K. Rutsky; Business/Corporate: Arnold J. Levine; Business Litigation: Edwin M. Baum, Margaret A. Dale, Bruce E. Fader, Claire P. Gutekunst, Claude Millman, Steven E. Obus, Kevin J. Perra, David A. Picon, Ronald S. Rau, L. Robert Bat-

terman, Joseph Baumgarten, Elise Bloom, Allen I. Fagin, Jerold D. Jacobson, Kathleen M. McKenna, Katharine H. Parker, Bernard M. Plum, Gregory I. Rasin, Howard Z. Robbins, Paul Salvatore, M. David Zurndorfer;

Employment Litigation: Defense: Lloyd B. Chinn and Bettina B. Plevan; Entertainment & Sports: Robert E. Freeman, Howard L. Ganz, Wayne D. Katz, Joseph M. Leccese, Charles B. Ortner, Bradley I. Ruskin; Environmental: Robert J. Kafin and Gail S. Port;

Estate Planning & Probate: Henry J. Leibowitz, Lawrence J. Rothenberg, Philip M. Susswein, Ivan Taback, Jay D. Waxenberg; Health Care: Edward S. Kornreich and Richard J. Zall; Information Technology/Outsourcing: Jeffrey D. Neuburger; Insurance Coverage: John H. Gross and Seth B. Schaffer; Intellectual Property: Charles S. Sims;

Intellectual Property Litigation: William M. Hart, Steven M. Kayman, Brendan J. O'Rourke and Lawrence I. Weinstein; International: Peter J.W. Sherwin;

Mergers & Acquisitions: James P. Gerkis, Jeffrey A. Horwitz, Steven L. Kirshenbaum, Bruce L. Lieb and Ronald R. Papa; Professional Liability: Defense: Steven C. Krane;

Real Estate: Andrea Ascher, Perry A. Cacace, Peter M. Fass, Kenneth S. Hilton, Steven L. Lichtenfeld, Ronald D. Sernau, David J. Weinberger; Securities & Corporate Finance: Julie M. Allen, Stuart Bressman, Charles E. Dropkin, Arnold S. Jacobs, Carlos E. Martinez, Kathy H. Rocklen; Securities Litigation: Harry Frischer, Sarah S. Gold, Gregg M. Mashberg, Stephen L. Ratner, Howard Wilson; Tax: Stuart Rosow and Solomon L. Warhaftig.

Best Lawyers® Ranks Lowenstein Sandler First For Corporate, Environmental, And Litigation

Lowenstein Sandler is top-ranked by *Best Lawyers in America* 2009 for its Corporate Law, Environmental Law, and "Bet the Company" Litigation practices. In Corporate Law, Lowenstein Sandler is first in the state for its work in Leveraged Buyouts and Private Equity Law, Mergers and Acquisitions, Private Funds, Securities, Structured Finance and Venture Capital Law.

The 2009 edition of *Best Lawyers* also recognizes 30 attorneys as follows: Steven E. Brawer, Construction Law; Robert D. Chesler, Insurance Law; Michael Dore, Environmental Law; Douglas S. Eakeley, Bet-the-Company Litigation/Commercial Litigation; Peter H. Ehrenberg, Corporate Law/M&A Law/Securities Law; Michael S. Etkin, Bankruptcy and Creditor-Debtor Right Law; David W. Field, Personal Injury Litigation; Michael N. Gooen, Trusts and Estates; Andrew E. Graw, Employee Benefits Law; David L. Harris, Commercial Litigation; Michael B. Himmel, Bet-the-Company Litigation/Commercial Litigation, White Collar Criminal Defense; John D. Hogoboom, Corporate

Law/Securities Law; Benedict M. Kohl, Tax Law/Trusts and Estates; Allen B. Levithan, Corporate Law/Leveraged Buyouts and Private Equity/M&A Law/Private Funds Law; Robert G. Minion, Corporate Law/Leveraged Buyouts and Private Equity; Anthony O. Pergola, Corporate Law/Leveraged Buyouts and Private Equity; Gregory B. Reilly, Commercial Litigation; Richard F. Ricci, Environmental Law; Michael L. Rodburg, Environmental Law; Lawrence M. Rolnick, Commercial Litigation; Kenneth A. Rosen, Bankruptcy and Creditor-Debtor Right Law; John D. Schupper, Corporate Law/M&A Law/Securities Law; Peter L. Skolnik, First Amendment Law; Kenneth J. Slutsky, Tax Law; Joseph LeVow Steinberg, Real Estate Law; Ashley Steinhart, Tax Law/Trusts & Estates; James Stewart, Environmental Law; Gary M. Wingsen, Structured Finance Law; Alan Wovsaniker, Corporate Law/M&A Law/Securities Law; Edward M. Zimmerman, Corporate Law/Leveraged Buyouts and Private Equity Law/Mergers and Acquisitions Law/Venture Capital Law.

Wiley Rein Attorneys Secure Major Victory In Class Action Defense

A team led by Wiley Rein communications attorney Andrew G. McBride scored a major victory in a class action against Verizon Wireless brought by consumers alleging that an administrative charge was improperly imposed on their accounts. In *Litman v. Celco Partnership* (D.N.J. Sept. 29, 2008), the court dismissed the consumer class action against Verizon Wireless on the grounds that the service contract required individual arbitration and therefore precluded the plaintiffs from going directly to court as a class. The court held that the Federal Arbitration Act required that the arbitration clause in the service contract be enforced.

Other courts, including the Ninth Circuit, have come to the opposite conclusion, holding that individual arbitration clauses are unconscionable under state law because they preclude collective action and collective remedies in cases where individual damages are relatively

small. The issue is likely to find its way to the Supreme Court in the next several years.

Wiley Rein LLP partner H. Jason Gold, the court-authorized liquidating trustee for the bankruptcy estate of Dornier Aviation North America (DANA), has announced that the civil judgment of \$14 million entered against Hainan Airlines, a major international airline based in China, has become final. Suit had been brought in December 2003 to recover unpaid accounts and compensation for aircraft parts being held in China. United States Bankruptcy Judge Steven S. Mitchell conducted the trial in August 2006. Gold was represented by attorneys from the law firm of Wiley Rein LLP, including partners Alexander M. Laughlin and Todd A. Bromberg, as well as associates Kalina B. Miller and Dylan G. Trache.

Kramer Levin Win For ATMI Affirmed

The inequitable conduct ruling secured by Kramer Levin in the U.S. District Court in Delaware against one of Praxair's patents has been affirmed. Confirming that the Federal Circuit will infer intent to deceive under special circumstances, the Court of Appeals was convinced that the applicant's patent attorney had withheld highly material prior art, knew or should have known of its materiality, and failed to provide a credible explanation for not disclosing that prior art to the Patent Office. The high materiality of the reference, coupled with the inference of intent to deceive, provided sufficient grounds for a conclusion that the patent had been obtained through inequitable conduct and should be held unenforceable. The two other patents at issue in the case were remanded for further proceedings after the claim scope of one was significantly narrowed in ATMI's favor. Theodore J. Mlynar, Aaron Frankel and Mark Baghdassarian participated in defending ATMI in the appeal. This decision marks the end of a worldwide patent war between ATMI and Praxair concerning mechanical systems for safely dispensing toxic gas. The parties had been actively engaged in simultaneous parallel litigation proceedings in Belgium, Germany, the European Patent Office, Korea, Taiwan, and Singapore. Theodore J. Mlynar, Gregor N. Neff and Todd Rosenfield led the international litigation efforts on behalf of ATMI.

Corporate Restructuring and Bankruptcy partner Thomas Moers Mayer has been elected to the membership of the National Bankruptcy Conference. Membership to this prestigious group of leading bankruptcy lawyers, scholars, and judges is by invitation only and is of the highest honor. With only 60 members, the National Bankruptcy Conference advises Congress on the operation of bankruptcy and related laws and any proposed changes to those laws.

In a recent historic decision, a federal judge in Washington ordered four Kramer Levin clients – ethnic Chinese Uighur detainees who have been wrongfully imprisoned at Guantanamo Bay for over six years – to be released from Guantanamo. This follows the government's concession, after years of litigation, that it no longer contends that Kramer's clients are "enemy combatants." During the dramatic hearing in a courtroom packed with Uighur-Americans, the judge ordered the government to fly the clients and 13 other identically situated Uighur detainees to Washington on Friday, October 10, to be released to members of the Uighur-American community and other humanitarian groups that have agreed to house them while the U.S. government continues its "efforts" to find the Uighurs a permanent home in some other country. However, the government has made clear its intention to appeal and seek a stay from the D.C. Circuit.

Fios Announces Partnership

Fios® Inc., dedicated exclusively to delivering comprehensive electronic discovery services to corporations and their outside counsel, and Content Analyst Company, which provides advanced text analytics software, announced that they have formed a strategic partnership to further extend Fios' leadership in

helping clients reduce cost and risk in the e-discovery business process. Fios will use Content Analyst's CAAT conceptual search and analytical software to help clients search and analyze large amounts of electronically stored information (ESI) during review and in the early stages of e-discovery planning.