

FAB FIFTY

YOUNG LITIGATORS

Litigation's Rising Stars

Fifty lawyers, 45 and under, who have made their marks already. Some try cases, others settle for a living. Together they will set the pace of the conflict-ridden future.

HOW DO YOU MAKE IT AS A YOUNG LITIGATOR? Splendid lawyering skills help, of course. So does having the right mentor, working for a firm unafraid of advancing its young lawyers, and possessing a taste and talent for office politics. But above all, the basic requirement seems to be a zeal for the work, a ferocious desire to succeed no matter the obstacle faced, time required, or millionth air mile traveled.

Over the last several months, we've been searching for litigators age 45 and under who have made their marks in a famously competitive practice area (one that's usually dominated by lawyers old enough to remember Watergate). With all the talk of risk-averse clients and disappearing trials, sometimes we thought we were hunting an endangered species. Our reporting team sifted through hundreds of names, talking to senior partners, firm managers, and government and public interest lawyers. Hoping to find a crop of fresh faces, we intentionally excluded outstanding litigators who made our 45 Under 45 list, which we published in January 2003.

In the end, we developed a list of lawyers who have not only transcended their status as prized protégés but who seem likely to lead the pack inside the courtroom, at the settlement table, and (for those at private firms) as business magnets, too. One of the choices was simple: Paul Clement, the 40-year-old who has skyrocketed to the top appellate job in the land: solicitor general of the United States. Selecting the lawyers to accompany him wasn't so easy. Eventually we narrowed the list to 50—a fabulous 50, in our estimation.



Sean Murphy, 37

Milbank, Tweed, Hadley & McCloy LLP

Murphy represents giant mutual fund and financial services companies, with a blue-chip client list that includes Fidelity Management & Research Company, Capital Research & Management Company, American Century Companies, and Merrill Lynch & Co., Inc. In the last two years he has won 12 complex securities matters for his clients. He won a dismissal for Fidelity in a revenue-sharing class action; and co-led the defense of American Century in an excessive fee case that plaintiffs dropped one week before trial. In 2005 Murphy was on the trial team that successfully defended AllianceBernstein Holding L.P. in a \$3 billion Enron-related lawsuit by Florida's pension fund.

Breaking Away

BY ELIZABETH GOLDBERG

In firms brimming with litigation talent, how can anyone stand out from the pack? It isn't easy—but it can be done.

The following text is excerpted from "Breaking Away" by Elizabeth Goldberg, *The American Lawyer*, January 2007

THE PROTÉGÉS

Sean Murphy's mentor—securities litigator James Benedict—is still in the prime of his career. Murphy's challenge has been to prove to his clients, many of whom are also Benedict's clients, that he is a first-rate litigator in his own right.

Murphy, 37, didn't pick Benedict. Benedict picked him. At the time, Benedict was head of the litigation department at Rogers & Wells (now Clifford Chance). He grew up in upstate New York, got his bachelor's degree at St. Lawrence University, and went to Albany Law School. So did Murphy. When Murphy graduated from Albany in 1994, Benedict called and suggested that he come to Rogers & Wells for an interview. After Murphy joined the firm, Benedict kept an eye on his progress.

In 2002 Benedict assigned Murphy to work on a \$3 billion securities action against his longstanding client AllianceBernstein L.P., which had been sued by Florida's state pension fund for allegedly mismanaging its funds. Murphy took more depositions than any other defense lawyer in the case and cross-examined one of the state's key experts during the seven-week trial in 2005. The jury eventually dismissed all claims against Alliance and awarded Murphy's client \$1.2 million in unpaid fees.

When Benedict decided to move to Milbank, Tweed, Hadley & McCloy in 2004, Murphy was the only Clifford Chance partner he invited to come along—even though they weren't working on a single

case together. Since then, Murphy has developed close relationships with several other Benedict clients, including financial services heavy-hitters Merrill Lynch & Co., Inc., Fidelity Management and Research Company, and Capital Research and Management.

To get clients to see him as more than Benedict's sidekick, Murphy says, he met with them independently as often as possible. When he first started working on Fidelity matters, for instance, he travelled to Boston to see his clients several times a week. He and Benedict were handling such a volume of mutual fund cases at the time, Murphy says, that by necessity they met separately with different clients. "I put myself as the point person on everything," Murphy says. "And Jim was great about it—he wanted me to be that guy."

Now Murphy leads his own matters, recently representing Fidelity in a revenue sharing suit that was dismissed in October 2006. And when he and Benedict work together, they work as peers. This summer they won a dismissal in a \$1 billion excessive fee case against American Century Investment Management, a mutual fund company.

"Often when you run into a team of lawyers, you have the lead partner and everyone else follows behind," says Chuck Ethrington, head of litigation at American Century. "Sean was an equal partner with Jim."

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