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Plaintiffs Securities Firms Of The Year

By **Nick Malinowski**

Law360, New York (January 01, 2010) -- While fluctuations in the economy don't generally either promote or deter securities frauds, a recessionary landscape can make it more difficult to litigate class actions on behalf of shareholders because loss causations are often less clear, according to attorneys in the practice area.

Nevertheless, in 2009 — the year in which Ponzi became a household term — several firms rose above the fray to pick up important wins for investors in cases stemming from Bank of America Corp.'s merger with Merrill Lynch & Co., the resolution of the tech bubble's initial public offering frauds and the advent of class action-like securities litigations in Europe, among others.

Law360's plaintiff-side securities firms of the year — Coughlin Stoia Geller Rudman & Robbins LLP, Milberg LLP, Bernstein Litowitz Berger & Grossmann LLP, Kaplan Fox & Kilsheimer LLP, Bernstein Liebhard LLP and Grant & Eisenhofer PA — were among the leaders in the practice area in 2009.

Milberg LLP

Law360 tabbed Milberg LLP as one of its top plaintiffs securities firms for the $580 million settlement it won for shareholders against nearly 50 banks such as Credit Suisse Group AG and Goldman Sachs Corp. for rigging IPOs during the 1990s dot-com boom.

The firm also won a $40 million settlement under the Employee Retirement Income Security Act for 318,000 current and former employees of General Electric Co.

The IPO case was singular in that it included more than 300 separate securities class actions and involved 30 million pages of complex discovery documents dealing with new technologies, partner Ariana Tadler said. Tadler served as lead liaison counsel for the plaintiffs.

Bernard Madoff’s $65 billion Ponzi scheme prompted a great deal of consulting work for Milberg in 2009 as well as feeder fund litigations, partner Sanford Dumain said. The firm’s in-house bankruptcy unit has been particularly valuable to the securities practice during the past couple of years, Dumain said.

The future of securities litigation is impossible to predict, but a renewed interest by shareholders in corporate governance is one trend that picked up steam in 2009, he said.

As the economy heats up, it will become easier to prevail in securities litigations, because in a recession it can be difficult to assess to what extent poor corporate management, rather than the overall ills of the wider financial landscape, is to blame, Dumain said.

Milberg’s strong 2009 is perhaps uniquely impressive because of the criminal fraud convictions handed down on several of its partners in 2007 and 2008, but Dumain contends that the firm never broke stride or saw a decrease in clients despite the scandal.