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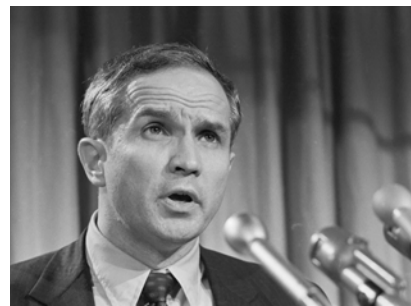
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A TRIBUTE TO BOB JORDAN

On June 10, the firm staged a tribute to Bob Jordan in the conference center of the Washington office to thank Bob for his 38 years of service to the firm as a partner and firm chairman. The event was attended by lawyers and staff. Bob has been battling pancreatic cancer since January and nevertheless continues to work every day with the same vigor, tenacity, and humor that have characterized his long career at Steptoe. Below is a brief summary of the Tribute.

FOR BOB

JORDAN, business travel has always required a well-stocked litigation bag—a laptop, multiple spare batteries, a printer, surge protector, office supplies, a wrench, pliers, light bulbs for dim hotel rooms, and his own personal showerhead. Over his 38 years of practice at Steptoe, Bob has developed a reputation as a one-of-a-kind lawyer, as well as a leader, a devotee of legal ethics, and a dear friend and colleague.



remarkable journey of accomplishment at the highest level of our profession, service to the firm and country, and it has been a journey filled with fun.”

Bob came to Steptoe in 1971. Everyone who has had the privilege of knowing him—his partners, competitors,

secretaries, and mentees—recalls his remarkable intellect, the force of his character, his irreverent sense of humor, and the “Jordan laugh.” Joe Goodell, Bob’s friend and former classmate at MIT, described the laugh as a half-belly, half-cackle laugh, not necessarily common

“THE STORY OF
STEPTOE AND
JOHNSON IS IN
LARGE PART THE
LEGEND OF
BOB JORDAN”

-Roger Warin

“The story of Steptoe & Johnson LLP is in large part the legend of Bob Jordan,” said firm chairman Roger Warin at a celebration of Bob’s contributions convened in June. “Bob has had a

in a big law firm. But then it’s not common to see a law firm leader featured in the national media for bringing his dog to the office.

A TRIBUTE TO BOB JORDAN, CONTINUED

Bob came to Steptoe following several government positions, including distinguished service as General Counsel for the Army during the Vietnam War and its aftermath. Kenly Webster, Bob's former Deputy in that role, remembers Bob's famous rubber stamp hand signal. Webster noted: "You always know what Bob thinks of you and that was one way to see if he approved or not." Bob has mentored countless lawyers at Steptoe. One of the first who benefitted from Bob's guiding hand, Steptoe partner Mike Kail, recalls such mentoring as even including teaching the real meaning of Latin phrases as part of the making of an educated lawyer. One noteworthy phrase, "sic frangitur crustulum," Bob explained to him, means "that's the way the cookie crumbles." In all the training Bob has shared with others, Bob has been "a teacher of excellence, a teacher of standards," said Kail.



Bob and ARCO General Counsel Frank McCormack

Bob has handled a series of landmark cases with worldwide significance. Early on he led the litigation team in the major environmental suit regarding construction of the Trans-Alaska Pipeline System (TAPS). He was the outside counsel principally involved in dealing with issues concerning the adequacy of the draft and final environmental impact statements for TAPS, serving as liaison with an army of engineering and other consultants engaged in the effort.

Bob then led the litigation team for Atlantic Richfield Company in the FTC antitrust challenge to the structure of the petroleum industry and served as lead counsel for ARCO Pipe Line Company in a series of major proceedings involving oil pipeline rates. He served as lead counsel in a variety of other major cases involving the valuation of oil from the North Slope of Alaska and DOE regulation of energy pricing. He also litigated complex cases in federal court involving the price regulation of petroleum during the '70s and '80s. He represented ARCO Chemical Company on antitrust and consumer protection issues at the Federal Trade Commission and in related court litigation challenging a major acquisition. The consummate litigator, he has also litigated cases for clients in many other industries, trying cases in courts throughout the country.

"ARCO saw Bob as the guy who could put it all together," said Steptoe partner Steve Brose. "He taught me the importance of professional relationships, getting to know clients on more than a superficial case-related level, learning their business and making them feel like their work is the most important thing you could possibly be doing and then making that a reality."

Drawing on lessons gleaned from his government service, Bob has been involved in a number of highly publicized congressional investigations. His clients have included Morton Thiokol (on hearings relating to the ill-fated Challenger space shuttle launch) and Alyeska (on hearings relating to whistleblowers and pipeline safety). Those matters also led to extensive whistleblower litigation which Bob managed for over a decade.

Bob's practice has also focused on legal ethics, where he has advised many law firms (including Steptoe) and individual lawyers on complex, cutting-edge issues. Bob's experience is unique—he served on the Ethics Committee of the District of Columbia Bar from 1976–82 and chaired that Committee for four years. From 1983 through 1990, he served as

A TRIBUTE TO BOB JORDAN, CONTINUED

Chair of the Bar's Special Committee on the Model Rules of Professional Conduct, the group responsible for making recommendations on adoption of the ABA's proposed Rules of Professional Conduct by the District of Columbia Court of Appeals. During the court's consideration of the DC Bar's recommendations, Bob also served as an advisor to the Board of Judges. He went on to serve as President of the District of Columbia Bar in 1987–88. He is a past president of the DC Bar Foundation, which provides grants to organizations offering legal services to those who cannot afford to pay for representation.

"Bob Jordan is one of my heroes. He is a fabulous bar leader, he is brilliant, he's a most wonderful friend to all of us at the Bar," says Jamie Gorelick, a former United States Deputy Attorney General who worked closely with Bob when he served as president of the DC Bar and as head of the Bar's Ethics Committee.

Bob's contributions to the legal community and to the firm go well beyond his client work. He is a confirmed computer buff, who in 1974 pioneered the application of computer technology to the organization and management of complex litigation matters. In 1993 he began using sophisticated trial display systems in the courtroom. He has led efforts at Steptoe to develop document assembly programs and to develop efficient, reliable approaches to e-discovery. Bob has always been "an innovator of computer science," according to Steptoe partner and fellow technophile Tom Barba. Barba notes that when he first arrived at Steptoe, Bob had a computerized conflict of interest system in place at a time when other law firms did not even have computers. To get the system, Bob had convinced Steptoe to contract out to a software company to develop the program as no vendors offered the product at the time. The system, perhaps the first at a large law firm, has saved the firm thousands of hours of labor in running conflict checks.

Steptoe's tradition of strong lawyer-staff relationships is one Bob has nurtured. "Bob has made a significant impact on everyone he has worked with over the years," said Renee Alston, Bob's former Steptoe secretary. "He's a great guy—somebody you can really trust. You can confide in him and the advice he gives you is always good."

Bob currently lives in Sarasota with his wife Deb, youngest daughter Maggie, and dog Prince. As one of the firm's most active senior partners, Bob has become a telecommuter and continues to advise the firm on ethics and professional responsibility issues. Bob's colleagues and friends celebrate the contributions he has made and continues to make to the firm.

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The video from the Tribute is available online at steptoe.com/alumni.html. After you login, click on "Class Notes" and then click on the link to the video.



Bob wearing a Reagan mask at the beach

If you have any memories or stories to share with Bob and the firm, please contact Katie Mosher at 1330 Connecticut Avenue, NW, Washington, DC 20036, cmosher@steptoe.com, or 202-429-3915. You may also submit stories online at steptoe.com/alumni. Once you login, click on "Newsletter" from the top, then "Submit News" from the left.

DIVERSITY ON THE FOREFRONT



LAST SUMMER, following an extensive outside assessment of Steptoe's diversity programs, the firm named Sandy Chamblee as its first Chief Diversity Partner (CDP). Sandy has led the firm

and its Diversity Committee in a renewed effort to promote the recruitment, retention, development, and advancement of diverse attorneys in the firm. This update will highlight just a few of the firm's initiatives.



The firm has undertaken month-long celebrations of Black History Month, Women's History Month, Asian Pacific American Heritage Month, and Gay and Lesbian Pride Month.

Each week we displayed original posters in all of our offices' lobbies highlighting the accomplishments of trailblazing individuals, and we have convened signature events and panels. In February, our Black History Month Art Show showcased the work of two prominent local artists, Ron Flemmings and Preston Sampson. In April, a women's forum explored critical issues before the Obama Administration and Congress facing women in 2009, including the anticipated impact of the Lilly Ledbetter Fair Pay Act. And in June, the firm hosted a special screening of the Academy Award-winning film, "Milk," depicting the life of pioneering gay-rights activist Harvey Milk. We are currently preparing for "Strength in Diversity" month later in the year, to shine a spotlight on the broad spectrum of diversity within the Steptoe community.

- The Diversity Committee inaugurated its Diversity Speaker Series in April with a presentation by Stephen Carter, a critically acclaimed author and professor of law at Yale, who spoke on the necessity of civil dialogue on complex issues. In May, Scott Page of the University of Michigan spoke on the beneficial effects of diversity and variation in economics, ecosystems, and political systems. In July, the Honorable



Congressman Cao



L to R: Stephen Carter, Phil Malet and Sandy Chamblee at the Diversity Speaker Series in April

Anh "Joseph" Cao, the nation's first Vietnamese-American US Congressman (R-LA), shared his story of emigrating to the US, attending law school, rebuilding his community post-Hurricane Katrina, and being elected to the US Congress.

- Steptoe's diversity-related community outreach includes developing a relationship with the Washington Middle School for Girls, an all-girls school located in one of Washington's poorest neighborhoods. As an end-of-the-school-year treat, several WMSG students joined Steptoe lawyers and summer associates in the firm's box at the Verizon Center for a Mystics basketball game. Another group of students spent an afternoon at the firm meeting with a number of women, both staff and attorneys, who discussed various opportunities for employment in law firms. The girls participated in a lively discussion on education, goals, and career paths.



WMSG students participate in a firm meeting

- The Committee has also been focused on the professional development of diverse attorneys at Steptoe. In May, we offered a program entitled "How to Thrive at Steptoe" with Alex Baj who moderated a panel that included Jennifer

DIVERSITY ON THE FOREFRONT, CONTINUED

Bonneville, Erica Gerson, Jose Gonzalez-Magaz, John Kavanagh, and Errol Patterson. The group shared their varied perspectives on issues of particular relevance to associates, including mentoring and networking.

- The Committee has also coordinated its efforts with one of the firm's affinity groups, Multicultural Attorneys at Steptoe (MAS). Responding to studies by the ABA Commission on Women in the Profession and other organizations showing that women attorneys of color leave law firms in disproportionate numbers, MAS and the Committee have hosted a number of events, most recently the second annual "Women Attorneys of Color Tea" held at Sandy Chamblee's home.



Pictured here from left to right are: first row: summer associates Savannah Marion and Latoya Brisbane; second row: Rhonda Bolton, counsel, and summer associate Rebecca Liu; third row: associates Erica Gerson, Felicia Carter, and Lisa Sandoval; fourth row: associates Nanda Bose O'Leary, Angela Lipscomb, and Vincenza Rabenn; and fifth row: partners Cynthia Quarterman and Sandy Chamblee.

IN MEMORY OF PROCTOR JONES (1941–2009)



PUBLIC SERVANT AND COLLEAGUE PROCTOR JONES

passed away due to complications from lung cancer on Tuesday, July 7, at his home near Flint Hill, Virginia. He was 68 years old.

At Steptoe, Proctor was a senior government affairs adviser. During his 34-year career in the Senate he held many key staff positions and was known for dedication to energy issues, water development projects, and funding for scientific research.

Proctor was known in Congress and in the scientific community as a fierce advocate for basic science funding, and he was admired for his skills at navigating a tight spending climate and the legislative calendar to achieve his goals. He spearheaded efforts to provide funds for high-energy physics research initiatives such as the superconducting supercollider, the Stanford Linear Accelerator, and the National Ignition Facility. Senator

Bennett Johnston once commented that Proctor "always understood that we have a serious obligation to...nurture the nation's scientific brain trust" and remarked on his "uncanny ability to find the means—when none appears available—to achieve the legislative goals that we set."

Proctor grew up in Savannah, Georgia, and Twin City, Georgia. He attended the University of Georgia and George Washington University. He was a long-time member and a trustee of the Richard B. Russell Foundation, named for the Democratic Georgia senator for whom Proctor first worked in Washington. Proctor was also involved in his church, Christ Church Episcopal in Alexandria, as a Vestry member and Sunday School Superintendent.

Proctor is survived by his wife Megan, two daughters, grandchildren, sisters, and brothers. The Steptoe community extends its thoughts and prayers to Proctor's family and friends.



BIG WINS & DEALS

STEPTOE TEAM STOPS FRAUDULENT TRANSFERS

In June, a group of Steptoe attorneys persuaded the Delaware Chancery Court to stop the transfer of \$375 million by Babcock & Brown Infrastructure Group (BBIG). In 2008, BBIG failed to make contractual payments to Steptoe client Mitsubishi Power Systems of America and we discovered that in lieu of making payments, BBIG was selling assets in the US and sending the proceeds to its parent company in Australia. Steptoe brought suit against BBIG, alleging that the transfers were fraudulent conveyances based on the fact that in making equity distributions, BBIG had transferred assets for less than reasonably equivalent value at a time when it was insolvent. On June 26, the Delaware Vice Chancellor ordered BBIG to end all transfers and directed that a trial take place in six months. Fil Agusti led the Steptoe team, supported by Chuck Cole, Alice Loughran, John Kavanagh, David Rifkind, Andrew Sloniewsky, Patty Paredes, Shawn Davisson, and Saad Gul, among others in DC and in Rockville, MD.

STEPTOE HANDLES HARTMARX BANKRUPTCY SALE

Steptoe recently advised Kumars Nationwide Limited, a public Indian corporation, and Emerisque Capital Limited, a UK-based private equity firm, on the acquisition of all of the assets of Chicago-based suitmaker Hartmarx corporation.

Hartmarx owns many well-known US brands including Hickey-Freeman, Hart, Schaffner and Marx, Misook, and Monarchy; the company gained fame recently for making President Obama's suits. The company filed for Chapter 11 bankruptcy in January and proceeded to solicit bids in a "Section 363 asset sale" under the bankruptcy code. The business included several manufacturing facilities and many retail outlets around the US, and the final purchase price for the acquisition was \$128 million. The acquisition took several months of negotiations and bankruptcy court proceedings.

Michael Thompson (London) supervised the transaction, including the negotiation and documentation of the arrangements between the parties and the coordination of Polish, Dutch and Luxembourg counsel. Michael was assisted by Mike Fox and Bart Kamya of the London office. The US transaction team was led by Michael Rennock (NY) and he was assisted on corporate matters by Neena Fuchs (DC) with reinforcement from Kami Galvani (Phoenix). Robbin Itkin (Century City) led the bankruptcy team, which also included Kelly Frazier and Katherine Piper (both CC). Gary Garner and Steve O'Donnell (both Chicago) assisted Robbin and her team on several motions and appearances in the bankruptcy court in Chicago. Caroline Gaudet (DC) advised on the real estate aspects of the transaction. Employment advice for the transaction was provided by Paul Mickey (DC) and Mark Kisicki and Larry Katz (both Phoenix). Stan Smilack and Lisa Zarlenga (both DC) assisted with tax and structuring advice, and Michelle Cooke (CC) was the point person on intellectual property issues, with assistance from Lydia Bergman and Robert Kovelman (both CC). Anne Moran (DC) provided assistance on benefits and Lynda Zengerle (DC) assisted with immigration/visa issues. Nancy White (Phoenix) helped on opinion issues and Mike McNamara (CC) also provided valuable last-minute assistance.

PUNITIVE DAMAGES AWARD FOUND TO BE CONSTITUTIONALLY EXCESSIVE

In August 2009, a Steptoe team in Phoenix persuaded the Arizona Superior Court to hold that a \$55 million punitive damages award returned by a jury in an insurance bad faith suit was constitutionally excessive. The court reduced the award to \$620,000. The plaintiffs had claimed that MetLife's refusal to deem the plaintiffs' truck "totaled" after it was stolen and damaged by thieves constituted bad faith. Following a four-week trial in early 2009, the jury found for the plaintiffs and awarded them \$155,000 in compensatory damages and \$55 million in punitive damages. Steptoe prepared and argued MetLife's

BIG WINS & DEALS, CONTINUED

motion to reduce the punitive damages award on due process grounds under the US Supreme Court's decisions in *Gore v. BMW* and *State Farm v. Campbell*. (In *Campbell*, which established new constitutional guidelines for punitive damages, Steptoe had filed an amicus brief on behalf of the four largest insurance trade associations.) The Superior Court concluded that a 4:1 ratio of punitive to compensatory damages was the most the US Constitution would permit. The trial team consisted of Floyd Bienstock, Tim Strong, Kevin Fincel, and Kevin Wein. Ben Cooper and Doug Janicik took the lead in preparing post-trial motions.

APPELLATE GROUP WINS IMPORTANT REVERSAL OF JURY VERDICT AND VENUE CHANGE

Steptoe's Appellate Group won a new trial in a railroad case tried in Beaumont, Texas, a venue legendary for big plaintiffs' verdicts. In the case, plaintiffs filed suit in Beaumont after a grade crossing accident in Louisiana and obtained a jury verdict of more than \$7 million against the Union Pacific Railroad. Steptoe entered the case after verdict and took the appeal for the defendant, raising a host of evidentiary errors and asserting improper venue. In a published opinion issued in July 2009, the Court of Appeals for the Ninth District reversed the judgment against the railroad and granted a new trial in a different venue—Harris County, Texas. The court ruled that a case tried in a wrong venue is “never harmless.” Alice Loughran (DC) argued the appeal and was supported by Chuck Cole, Patty Paredes, and Jill Maguire (all DC).

US IMPORTATION OF INDIAN PET RESIN ALLOWED TO CONTINUE DUTY-FREE

Steptoe's International Trade & Investment practice scored an important victory for the Indian PET resin industry, allowing it to continue importing PET resin into the US on a duty-free basis. (PET resin is an industrial material used in the manufacture of plastic containers for water, soft drinks, and food

products.) On June 30, President Obama announced the continuation of duty-free treatment under the Generalized System of Preferences (GSP) for PET resin from India. Susan G. Esserman and Chris Falcone (both DC) represented the Forum of PET Manufacturers on this matter.

MAJOR VICTORY FOR WESTERN UNION WIRE BUSINESS

In June Steptoe attorneys from the Phoenix and DC offices secured a victory in the Arizona Supreme Court for Western Union Financial Services, Inc. The company was served with an Arizona warrant that allowed for the seizure of all wire transfers for amounts greater than \$500, based on suspicion from the Arizona Attorney General that the money was related to drug and immigrant trafficking. The warrant affected 28 states outside of Arizona that had money wires sent to Northern Mexico. The Arizona Supreme Court accepted, by a 4-1 margin, Steptoe's reasoning that Arizona violated due process by asserting in rem jurisdiction over out-of-state wire transfers. Karl Tilleman (Phx) led the Steptoe team; Chuck Cole (DC) argued the appeal; Shannen Coffin (DC) was the principal architect of the briefs; and Doug Janicik (Phx), Alice Loughran (DC), Patty Paredes (DC), and Robin Huffman (Phx) all provided support. Frank Burke (Phx) and Stacey Gottlieb (Phx) handled the case before the trial court.

SUCCESS IN NEW YORK SUPREME COURT

Mike Miller and Evan Glassman (both NY) were successful in persuading the New York Supreme Court to dismiss claims against our client CoolBrands International Inc. brought by Capricorn Investors. The complaint sought to hold CoolBrands liable for a payout under a “change of control” provision which Capricorn claimed to be in excess of \$65 million. The court held that Capricorn failed to establish that a change of control occurred and failed to plead facts sufficient to pierce a corporate veil and render CoolBrands liable.

STEPTOE IN THE NEWS

STEPTOE NAMED AMONG THE 50 BEST LAW FIRMS FOR WOMEN

For the second consecutive year, *Working Mother* magazine has named Steptoe & Johnson among the 50 Best Law Firms for Women. Steptoe was selected by *Working Mother* and Flex-Time Lawyers LLC based on our achievements in areas such as workforce profile, family-friendly benefits and policies, flexibility, leadership and the development, advancement and retention of women. We earned top marks for our management and leadership training, internal and external communications, and business development and mentoring support for women attorneys.

BRIAN HEBERLIG NAMED ONE OF THE TOP 40 UNDER 40 FOR WASHINGTON

Partner Brian M. Heberlig (DC) has been named to the 40 Under 40 Washington's Rising Stars list by *The National Law Journal*. Heberlig is a member of the White-Collar Criminal Defense and Securities Litigation practice groups. He is also the Co-Chair of the American Bar Association's White-Collar Crime Subcommittee on Public Corruption and Extortion.

MICHAEL VATIS & STEWART BAKER DISCUSS THE OBAMA CYBER SECURITY PLAN

On May 29, Michael Vatis (New York) appeared on PBS's "The NewsHour" with Jim Lehrer while Stewart Baker (DC) was featured on NPR's "All Things Considered," both to discuss the Obama Administration's new Cyberspace Policy Review.

As the President promised greater security for computers both publicly and privately, Vatis talked about the vulnerabilities in the infrastructure. He also spoke on the boom of business around the world that compensates people who can successfully steal information from government and corporate computer systems. Baker voiced the same concerns and expressed cautious optimism about the President's proposal to appoint a "cyber security czar."

STEPTOE RECEIVES TOP RANKINGS WITH CHAMBERS USA, CHAMBERS EUROPE, AND US LEGAL 500

Chambers USA 2009 ranked Steptoe as the leader in 19 practice areas and ranked 45 individual lawyers. The guide ranks lawyers by state and national geographic area, based upon interviews with clients and lawyers over an eight-month period.

The 45 lawyers who were ranked are:

- **Antitrust**—Ken Ewing
- **Employee Benefits & Executive Compensation**—Anne Moran, Melanie Nussdorf
- **Energy: Electricity**—Lon Bouknight, Douglas Green, David Raskin, Richard Roberts
- **Energy: Oil & Gas**—Steven Brose, Daniel Poynor, Steven Reed
- **Environment (including Water Rights)**—Fredric Bellamy, James Derouin, Nicholas Wallwork
- **ERISA Litigation**—Paul Ondrasik
- **Insurance: Insurer Firms**—Antonia Ianniello, Harry Lee, James Rocap, Roger Warin
- **International Trade: Export Controls & Economic Sanctions**—Edward Krauland
- **International Trade: FCPA Experts**—Lucinda Low
- **International Trade: Intellectual Property (Section 337)**—Alice Kipel, Charles Schill
- **International Trade: Trade Remedies & Trade Policy**—Richard Cunningham, Susan Esserman, George Grandison, Mark Moran
- **Labor & Employment**—Lawrence Katz, Stephanie Quincy

STEPTOE IN THE NEWS, CONTINUED

- **Litigation: General Commercial**–Floyd Bienstock, Francis Burke
- **Litigation: White Collar Crime & Government Investigations**–Reid Weingarten
- **Litigation: Trial Lawyers**–Reid Weingarten
- **Privacy & Data Security**–Michael Vatis
- **Tax**–Arthur Bailey, Michael Durst, Suzanne Ross McDowell, Mark Silverman, Philip West
- **Tax Controversy**–Arthur Bailey, Matthew Lerner
- **Telecom, Broadcast & Satellite: Regulatory**–Philip Malet, Alfred Mamlet, Pantelis Michalopoulos
- **Transportation: Rail (for Railroads)**–Betty Jo Christian, Anthony LaRocca, Samuel Sipe, Jr.

CHAMBERS EUROPE

Steptoe's Brussels office was named a leader in *Chambers Europe* in the new category "Environment: Regulatory," and Darren Abrahams was recognized individually. Firms eligible for ranking in this area assist clients through legislative and advocacy advice for EU environmental legislation, products, energy efficiency, and carbon trading.

US LEGAL 500

In the *US Legal 500*, eight practices were ranked along with 21 lawyers. The *Legal 500* rankings come from client written and telephone reviews, as well as submissions from firms. The attorneys who received top rankings are:

- **Labor & Employment: Employee Benefits**–Melanie Nussdorf, Paul Ondrasik, Don Wellington

- **Labor & Employment: ERISA litigation**–Morgan Hodgson, Paul Ondrasik, Eric Serron
- **Litigation: Energy**–Steven Brose, David Raskin, Steven Reed
- **Litigation: International trade**–Richard Cunningham, Susan Esserman, Mark Moran
- **Media, Technology & Telecoms: Telecoms and Broadcast–Regulatory**–Philip Malet, Pantelis Michalopoulos
- **Mergers, Acquisitions & Buyouts: Antitrust–District of Columbia**–Kenneth Ewing
- **Tax: Domestic Tax–East Coast**–Mark Silverman, Philip West, Lisa Zarlenga
- **Tax: Tax Controversy**–Arthur Bailey, Pat Derdenger, Matthew Lerner, Anne Moran

NEW FACES



CENTURY CITY GAINS SENIOR TRIAL ATTORNEYS

Michael McNamara recently joined Steptoe's Century City office. Mike brings 27 years of experience in commercial and complex litigation; he has had particular

involvement in employment, insurance, antitrust, entertainment, professional liability, environmental, and securities disputes in state and federal courts, as well as in arbitration and mediation. He previously served as a senior managing partner of a litigation boutique in Los Angeles he helped establish in 1993. He earned his J.D. *cum laude*

in 1982 from University of California's Hasting College of Law, and his B.A. from Stanford University in 1977. Joining the Century City office along with Mike are **Kirsten Hicks Spira**, of counsel, and **J. Patrick Jacobs**, special counsel.

CHICAGO OFFICE ADDS EXPERIENCED LITIGATORS TO IP AND ERISA GROUPS

Thomas G. Pasternak, an experienced patent litigator, has joined Steptoe's Chicago office as a partner in the Intellectual Property practice. Tom represents clients in patent infringement litigation, including rocket docket and ITC

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PRO BONO NEWS

STEPTOE CONTINUES TO STRENGTHEN

its efforts to assist low-income individuals and families. The firm has a significant pro bono domestic relations practice, which includes custody, guardianship, domestic violence, and, in particular, adoption cases. Steptoe's Electric Power Group (Lon Bouknight, Gary Morgans, Rick Roberts, Steve Ross, Scott Harman, Jonathan Locke, and Alan Stallings) has accepted numerous adoption matters over recent years, developing considerable expertise in the area. Adoption is the happy ending to the sad beginnings of the lives of too many children who have faced physical or sexual abuse, abandonment, inadequate food and clothing, squalid living conditions, or a drug-addicted parent. The group provides the legal assistance foster parents need to adopt these children and give them safe, loving, and permanent homes.

Another area in which Steptoe attorneys are very active is assistance to the homeless. Steptoe has adopted a DC food kitchen and committed to staffing monthly intake sessions at which firm attorneys meet with individuals who come in with an array of legal problems—with social security disability claims topping the list. Jim Rocap heads the team (Sue Atkins, Felicia Carter, William Flynn, Carol Gosain, and Bill Hassler) that provides on-the-spot advice and referrals and, where necessary, represents the individuals in matters requiring further legal assistance. Jim recently was asked to join the board of the Washington Legal Clinic for the Homeless.

The firm has been assisting numerous non-profits that provide valued social services in a variety of areas, such as youth sports (Dan Lavoie, Andy Perel), housing services to HIV-infected orphans in Ethiopia (Rachel Hofstatter and Will Pecau), health and nutrition (Randy Evans), museums (Michael Rennock, Michael Heimbald, Dylan Ruga), and literacy (Jalayne Arias, Frank Crociata, Pat Derdenger).



At its annual awards luncheon, the Phoenix, Arizona Volunteer Lawyers Program (VLP) honored Kami Galvani as one of the Top 50 Arizona Pro Bono Attorneys. Justice Sandra Day O'Connor gave the keynote address, with Arizona Supreme Court Chief Justice Ruth McGregor presenting the awards.

Steptoe received an award from the Washington Lawyers' Committee for Civil Rights and Urban Affairs for the terrific settlement achieved by Cynthia Quarterman and Matt Kepniss in a disability discrimination claim against Zip Car/Flex Car. Among other things, the settlement calls for the company to equip a number of its cars in several locations throughout the DC metro area with hand controls, enabling customers with mobility impairments to drive them.

Steptoe was also one of the first law firms in the country to join the national effort to secure representation for aging Holocaust victims, known as the Holocaust Survivors Justice Network. The program received the 2009 ABA Pro Bono Publico Award, the ABA's highest pro bono recognition.

WHERE ARE THEY NOW?



Steve Bullock was elected as Attorney General for the State of Montana. As AG, Steve is Montana's chief lawyer and law enforcement officer. He practiced as an associate in the DC office from 2001–2004.



Susan Harthill has been promoted to Associate Professor at Florida Coastal School of Law. Susan practiced as special counsel in the DC office from 1994–2005, specializing in ERISA and employment law litigation.



Duncan Hollis, formerly an associate in the firm's International Department of the DC office from 1996–1998, is now a tenured professor of law at Temple University's Beasley School of Law. Duncan teaches Property, International Law, and a seminar on Treaties for upper-level students. In the summers he teaches a course on International Environmental Law as part of Temple's summer program in Rome. He is the co-editor and co-author of the ASIL book *National Treaty Law & Practice*.



Kenneth Mack was named Co-Chair of the Antitrust Law Special Committee by the New Jersey State Bar

Association. Ken practiced as an associate in the firm's International Department in the DC office from 1996–1999.



Patricia D. White was named dean of the University of Miami School of Law. Trisha was most recently the Jack Brown Professor of Law at the Sandra Day O'Connor College of Law at Arizona State University, where she served as law dean from January 1999 to July 2008. During the 2008–09 academic year, she was Visiting Professor at the Georgetown University Law Center and served as Special Counsel in the firm's DC office. Trisha was also a tax associate at the firm from 1975–1976.

NEW FACES, CONTINUED

litigation, and in trademark and trade dress litigation, and he has licensing experience in a broad range of sectors including electrical technologies. Previously, Tom served as a partner and trial lawyer in the Chicago offices of two prominent law firms, and served as vice president and chief patent counsel at R.R. Donnelley & Sons in Chicago. He earned his J.D. in 1991 from the University of Michigan Law School and his B.S. in mechanical engineering from the US Naval Academy.

Edward Thomas “Tom” Veal recently joined Steptoe's Chicago office as special counsel in the Litigation Department. His area of focus is ERISA and he has a deep background in retirement plan design and drafting, employee support, employee benefits, and ERISA fiduciary responsibility. Prior to joining Steptoe in June, Tom served as a director with the National Tax Employee Benefits Group of Deloitte Tax LLP. Before Deloitte, he served as the Director of the Corporate Policy and Regulations Department at the

Pension Benefit Guaranty Corporation. Tom earned his J.D. from the University of Illinois College of Law and his B.A. from Yale University.



BRUSSELS OFFICE ADDS PRINCIPAL SCIENTIST

Dr. Anna Gergely has joined the Brussels office as the firm's Principal Scientist and Director EHS Regulatory. Anna is a registered European patent attorney with a Ph.D. in analytical chemistry and quantum chemistry. She specializes in a range of sectors, from nanotechnologies and scientific and patent considerations to regulatory compliance and governance. Her diverse background has positioned her well to work with the IP group and regulatory practices. Before joining Steptoe, Anna worked for 15 years in an international law firm counseling companies on European environment, and health and safety issues.

SPOTLIGHT ON: CFIUS PRACTICE

FOREIGN INVESTMENT IN THE US has been on the rise. The weak dollar and relative security offered by the US market have made it an attractive magnet for foreign capital. But some transactions raise potential national security concerns—not just deals involving defense contractors but also companies in the telecommunications, computer, computer security, and software industries. The decision whether to give those investments a green light often falls to the Committee on Foreign Investment in the United States, or CFIUS.

CFIUS is an unusual government entity—it is run by the Department of Treasury but comprised of representatives from over a dozen national security, trade and other agencies. Each representative has an equal vote. While the trade agencies typically want to encourage investment and openness, the national security agencies focus on protecting US technology, critical facilities, and critical resources.

Competition among these concerns is resolved through the decision-making of CFIUS. CFIUS reviews involve specialized legal advice, and Steptoe has a team that can guide clients through all aspects of the process. The work includes analyzing the deal or the technology involved to identify potential national security concerns; recommending, negotiating and implementing “mitigation” safeguards to allay national security concerns; and making the case for approval.

Tim Walsh (DC) has been involved in investment regulation for over a decade. Tim guides companies through all phases of the review process and has worked on CFIUS reviews for Steptoe clients in a wide range of industries. He also advised clients regarding the major changes made in the CFIUS regulations implementing the Foreign Investment and National Security Act of 2007 (“FINSA”), which was the first overhaul of the Committee’s rules and procedures in almost 20 years.

Stewart Baker (DC) recently returned to Steptoe from running the policy office at the Department of Homeland Security. For much of the last three years, he had a ringside seat at the CFIUS review process and occasionally put on the gloves himself. During his tenure, he turned DHS into a major force in analyzing foreign investments. Stewart testified before Congress numerous times and participated in the development of new rules and legislation to guide the CFIUS review process. While at DHS, he also participated in the review of several contested cases that became public.

Companies who recently have been guided through the CFIUS process by Steptoe lawyers have been involved in telecommunications, satellite communications, power and energy, and vaccine manufacturing. Others who participate in our CFIUS work include Tom Barba, Ed Krauland, Alfred Mamlet and Michael Gershberg (all DC), and Michael Vatis (NY).

CONVERSATIONS...



INTERVIEW WITH SHARA ARANOFF CHAIRMAN OF THE INTERNATIONAL TRADE COMMISSION

Shara Aranoff was an associate in the International Trade and Intellectual Property groups from 1989-1993. From 1993-2001 she served as Attorney Advisor in the Office of General Counsel at the ITC. She was then appointed the Senior International Trade Counsel for the US Senate Committee on Finance. In 2005, she was appointed by former President George Bush to be Vice Chairman of the ITC. She became the ITC's Chairman in June 2008.

HOW HAS YOUR PERSPECTIVE ON REGULATORY LAW CHANGED SINCE BECOMING THE CHAIRMAN OF THE US INTERNATIONAL TRADE COMMISSION?

SA: It hasn't really changed, just been confirmed. I frequently meet students or young professionals eyeing a career in international trade law or policy. They often have lived abroad, speak several languages, and have taken many classes in international law. They wonder what else they can do to look attractive to employers. I always recommend that they take Administrative Law. International trade raises fascinating "big picture" policy issues, but much of the day-to-day work is regulatory law at the agency level. Knowledge of international law and languages is important, but knowledge of the Administrative Procedures Act is critical. And accounting skills don't hurt either.

HOW DID YOUR WORK AT STEPTOE PREPARE YOU FOR YOUR CAREER?

SA: It is how I became an international trade attorney. I developed experience working on trade remedy cases here. I remember one of my first assignments was to read every ITC case for a ten-year period. That certainly prepared me for my role now.

HOW DID YOU COME TO WORK ON INTELLECTUAL PROPERTY CASES?

SA: I joined the firm as an International Trade attorney, but also began working on trademark matters with Ken Ludwig and Maureen Ward. For a time, I was the only associate working in the Intellectual Property practice.

WHAT GLOBAL ISSUES DO YOU ATTRIBUTE TO THE INCREASED NUMBER OF INTELLECTUAL PROPERTY CASES REVIEWED BY THE ITC?

SA: Intellectual property rights litigation is rising globally as businesses place ever higher value on IPR as a source of competitiveness. So in a sense, the Commission's rising IP caseload just shows that we are taking part in a global phenomenon. That said, there are several specific features of our IP jurisdiction under section 337 that make the Commission an increasingly popular forum for resolving trans-border disputes. First, we're fast. Most cases go from filing to final decision in less than 18 months—much faster than a similar case in district court. Second, we offer a unique remedy, exclusion of infringing goods at the border, which is even more valuable now that the Supreme Court has made it harder to get injunctive relief in patent cases brought in federal court. Finally, the recent growth in the specialized section 337 bar has given the

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Commission and section 337 a higher profile among IPR owners. The consequence of section 337's growing popularity: in 2008, nearly 15 percent of all patent trials held in the United States took place at the ITC.

WHAT BACKLASH DOES THE ITC FACE WHEN STOPPING PRODUCTS THAT INFRINGE ON US INTELLECTUAL PROPERTY RIGHTS FROM ENTERING THE UNITED STATES?

SA: Remedies imposed by the Commission under section 337 are subject to both policy and legal review. The US Trade Representative can void our remedy determination based on policy considerations. While that result is rare, our remedial decisions are frequently subject to high level scrutiny through an interagency process led by USTR to assess whether they may diminish competition, discourage innovation, or harm consumers. If the remedy survives the policy review, the legal bases for our decisions can be appealed to the Federal Circuit. The United States' trading partners can be critical of section 337 and have sometimes raised national treatment concerns. In recent years, however, many foreign-based companies that own US IPR are filing their own complaints under section 337 against either foreign or domestic competitors' imported products, which reduces the incentive their governments may have to challenge the statute at the WTO. On the other hand, complainants sometimes opine that Commission exclusion orders are not sufficiently airtight, especially in light of resource constraints at Customs and Border Protection.

WHAT EFFECTS, IF ANY, HAVE YOU SEEN FROM THE CURRENT ECONOMIC DOWNTURN ON THE WORK OF THE ITC?

SA: Historically, antidumping and countervailing duty filings tend to spike in a recession. As the volume of US trade has risen over the past few decades, goods subject to AD/CVD orders have represented a declining share of total import value. Currently, we are seeing a modest uptick in new AD/CVD filings

in the United States, not inconsistent with historical caseload levels—although the rise in the number of measures in effect has been more pronounced in some developing countries. Over the longer term, I see AD/CVD case filings in this country slowly declining as some industries that have been frequent users are becoming more global in terms of ownership and business strategy. Unlike AD/CVD, I can't identify any clear effect from the recession on section 337 filings. While the PTO reports declining filings of new utility patents as businesses cut back on this expense, the strategic enforcement of key patents through litigation does not appear to be declining much, if at all.

WHAT ADVICE DO YOU HAVE FOR YOUNG ATTORNEYS WORKING IN IP?

SA: Think globally. IP rights are territorial, but the business, legal, and policy issues surrounding them are global. Twenty years ago, IP and international trade were entirely separate practice areas, but that is not true any more.

ANY OTHER THOUGHTS/COMMENTS YOU WOULD LIKE TO SHARE WITH STEPTOE AND ALUMNI?

SA: While people on the outside often experience the government as a frustrating black box, I always aim to treat people as I would like to be treated by my government—by being as timely and responsive as I can. I think that is what a true commitment to public service requires, and I think it is what has helped me advance in a career that spans the private sector and all three branches of government.

CONTACT US

If you would like to contribute to the next edition of the alumni newsletter, please contact Katie Mosher at 1330 Connecticut Avenue, NW, Washington, DC 20036, cmosher@steptoe.com, or 202-429-3915.