

# CONTENTS

VOLUME 33, NUMBER 34

## NATIONAL NEWS

**1, 5, 10** King & Spalding is entering territory where few other corporate law firms have gone for years: litigation over same-sex marriage on the side of the opponents. Plus, a big win for MGA over Bratz dolls, and BP suits abound.

## IN-HOUSE COUNSEL

**6** Gregory Woodworth serves as general counsel for National Life Group.

## THE PRACTICE

**12** Georgene Vairo discusses a 4th Circuit ruling on how the 30-day removal limitation should apply when there are multiple defendants.

## OPINION

**34** The high court has failed to acknowledge that prosecutorial misconduct is a serious problem, writes Erwin Chemerinsky. Barbara Babcock salutes Clara Foltz, a pioneering advocate for defendants' and women's rights.

## THE NLJ 250

**PULLOUT SECTION** The NLJ's 34th annual survey of the nation's largest law firms reports on and analyzes headcount numbers, by firm and overall; profiles two firms that have carved out unique strategies in smaller markets; and introduces eight firms that have debuted on or returned to the list.



## LegalTimes

**FROM WASHINGTON:** Defendants in the Robert Wone wrongful death suit are keeping silent. Plus, voter-intimidation inquiry hits snag over service of subpoena. **PAGE 13**

## ALSO IN THIS ISSUE

IN BRIEF **3** ■ MOVERS **7** ■ VERDICTS & SETTLEMENTS **8**  
INADMISSIBLE **14** ■ CLASSIFIED **31**

## HOW TO REACH THE NATIONAL LAW JOURNAL

120 Broadway, 5th Floor • New York, NY 10271 • (212) 457-9400

The National Law Journal (ISSN 0162-7325) is published weekly, except the last week of the year, by ALM Media Properties, LLC, 120 Broadway, New York, NY 10271. Annual subscription rate is \$460; outside U.S. \$550. For subscription inquiries call 1-877-256-2472 or write to The National Law Journal, Customer Service, PO Box 70162 Philadelphia, PA 19176-9628. Periodicals postage paid at New York, NY and additional mailing offices. POSTMASTER: Send address changes to The National Law Journal, ALM Customer Service, 4 Metrotech, 21st floor, Brooklyn NY 11201. Ride-along enclosed.

# VOIR DIRE

## When time is short...

Here's one subject they don't teach in law school: Death.

Timothy Tosta, a land use partner in Luce, Forward, Hamilton & Scripps' San Francisco office, has written a book about how to sit with a dying person. He has some personal experience: Twenty year ago, at 41, doctors told him he had cancer and had two years to live.

Tosta's thoughts are deep, but his advice is short. The book—*#DEATHtweet Book 02: 140 Perspectives on Being A Supportive Witness to the End of Life*—offers 140 tips, each less than 140 characters long. It can even be downloaded as an iPhone app. He notes that books of this nature tend to be tomes written by doctors or religious leaders. "Death is much simpler than that," Tosta said. His book is a half-hour read. "Because of the nature of the tweet format, you have to get to the essence of what you're saying. There's no screwing around." —AMANDA BRONSTAD

**DANGEROUS WEAPON** Florida pastor Terry Jones has shot and wounded his car. *The Detroit Free Press* reported that Jones' licensed .40-caliber pistol accidentally fired into the floorboard while he was entering the car following a television interview. Jones has been in court fighting for a permit to stage a protest outside a Dearborn, Mich., mosque. In March, Jones sparked deadly riots in Afghanistan by burning a Quran. —MICHAEL MOLINE



ANTON OUCHEMENKO/ISTOCKPHOTO

**CONTEXT COUNTS** Theodore Boutros Jr. of Gibson, Dunn & Crutcher recalls that, last December, he was at the U.S. Court of Appeals for the 9th Circuit for oral arguments over California's Proposition 8 when word came down that the U.S. Supreme Court would hear another Gibson Dunn case, *Wal-Mart v. Dukes*, the big labor class action. "So I was out doing an interview," he said recently. "They wanted me to do an interview first for NBC on *Dukes*, then on Prop 8. So I'm standing there...and I thought, 'I better look behind me.' And I look behind me and there's a guy behind me with a big sign that said, 'One Nation Under God. Not the 9th Circuit.' Oh my God—if that were the backdrop for the interview! So we moved them." —AMANDA BRONSTAD



THEODORE BOUTROS JR.

The court of God is bigger than any worldly court.

*Mukhtar Mai, after the Pakistan Supreme Court acquitted five men accused of gang raping her. The rape was allegedly ordered by a village council to punish her brother.*

**EXAM JITTERS** The University of Florida Levin College of Law suspended professor Kenneth Nunn for a week for pushing a law student during final exams. *The Gainesville Sun* reported that Nunn mistakenly believed he had reserved a specific room in which to administer his criminal law exam. In fact, that room was already being used by students taking a tax exam. A confrontation ensued, and Nunn pushed the tax student with both hands. The suspension was not too disruptive to Nunn's teaching schedule. It took place during spring break. —KAREN SLOAN