

California LAWYER

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2011 CLAY AWARDS

We honor 45 lawyers for their extraordinary achievements in 2010

IN NAMING THE CALIFORNIA LAWYER ATTORNEYS OF THE YEAR, WE RECOGNIZE LAWYERS THROUGHOUT the state whose outstanding work had a significant impact in 2010. They include state and federal government attorneys, law professors, public-interest lawyers, and attorneys from large international law firms. Their practice areas range from antitrust law and civil rights to intellectual property and transactional law. Their victories include: winning an appellate court ruling to zone land for affordable housing, achieving the first successful court challenge to the military's "don't ask, don't tell" policy, and obtaining a \$1.3 billion jury award in a copyright infringement case. The awards identify 27 achievements in 23 areas of legal practice, reflecting the breadth and depth of the work performed by California lawyers. Congratulations to all the winners. -BY THE EDITORS OF CALIFORNIA LAWYER

ETHICS



DAVID M. AXELRAD
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LISA PERROCHET

IT'S A RARE CASE THAT ATTRACTS AMICUS BRIEFS ON BEHALF OF nearly 50 law firms, but that's what happened in *Kirk v. First American Title Insurance Company*, a case that set standards detailing what triggers the need for ethics walls within law firms. The defendant's appeal was briefed by Axelrad and Perrochet and argued by Perrochet. The underlying case involved a consumer class action against First American for allegedly unlawful title insurance procedures. When a large firm took over First American's defense, the plaintiffs won a disqualification motion against it because one of the firm's attorneys in a different office had participated in a confidential communication about the case with plaintiffs counsel while he was previously employed at another insurance company. Axelrad

and Perrochet persuaded the Second Appellate District Court of Appeal to reverse the disqualification order and, in the process, elicited a groundbreaking opinion that outlines when and how an "ethical wall" must be maintained within a law firm.

Although the State Bar had proposed changes in the Rules of Professional Conduct to deal with discipline in this area, after this ruling last April it backed off—effectively leaving it to the courts to refine the standards for ethical screens. Given the frequent movement of lawyers between law firms and from government to private practice, the *Kirk* decision is sure to echo in California courtrooms and the corridors of its law offices for years to come.

