

ATTORNEYS OF THE YEAR

Lisa Perrochet Horvitz & Levy

When Lisa Perrochet appealed *Kirk v. First American Title* to the Second District Court of Appeal last year, interest was extremely high. Two dozen large law firms, looking for a court rule that would allow ethical walls for avoiding conflicts of interest, joined as *amici curiae*. The Second District justices seemed interested, too, providing three hours for argument.

The dispute concerned whether a trial judge had legitimately disqualified Sonnenschein Nath & Rosenthal in litigation over a lengthy and expensive class action. First American had paid the Sonnenschein attorneys more than \$5 million, but another lawyer at the firm had once held a 17-minute phone call with plaintiffs' counsel in which plaintiffs' counsel shared confidential information about the case.

Sonnenschein built an ethical wall around the lawyer, but as the Second District noted, California law was fuzzy around the acceptance of ethical walls. Still, not recognizing them "would have created a conflicts nightmare and a severe encroachment on lawyer mobility, plus the right of clients to choose their own lawyers — which California law recognizes as a key right," said Martin Chevov, a partner in the San Francisco office of O'Melveny & Myers and the firm's general counsel.

Fortunately for Perrochet and the *amici*, the Second District disagreed with other appellate courts that have been skeptical of ethical walls, saying their view was "outdated."

"The instant case illustrates the changing landscape of legal practice," Justice H. Walter Croskey wrote. "We are concerned with the tainted attorney working in a different geographical office and in a different practice group from the attorneys with responsibility for the litigation. These are not attorneys discussing their cases regularly, passing each other in the hallways, or at risk of accidentally sharing client confidences at lunch."

Croskey went on to lay out several best practices for effective use of ethical walls. The California Supreme Court declined to review the case.

"There was almost this urban myth that California didn't recognize ethical walls," Perrochet said. "When you looked out at the real world, that's not what was happening. Attorneys were using ethical walls, and they needed ethical walls because the practice of law is so different than it was 30 or 40 years ago."

Kirk was one highlight in a busy year for Perrochet, an appellate specialist at Encino's Horvitz & Levy. With a 4-3 Supreme Court decision, she won an appeal for Philip Morris USA over a wrongful death suit filed by the wife of a smoker who succumbed to lung cancer. She also dabbled



in Hollywood contracts, getting a summary judgment overturned for a former business manager of TV star Lisa Kudrow.

The good-humored Perrochet said she feels in her element "sitting at my computer, doing the most arcane research into the depths of the law."

A linguistics major, Perrochet spent college summers working at her father's litigation firm, Acret & Perrochet. She joined Horvitz & Levy straight out of Loyola Law School of Los Angeles in 1987.

"I love puzzles (anything except sudoku)," she said. "I love looking behind the language. When you're at the appellate level, you're not just looking for the holding. You're looking for how the holding came to be. You can argue public policy and grammar and punctuation — that's just a lot of fun to me."

"Winning is really good, too."

— Kate Moser