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Heavy Hitter

NATURAL BORN KILLER

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ISAAC WINER MIGHT have seen it coming. In February 1994, the former litigation associate at Christensen, White, Miller, Fink & Jacobs complained to partner Patricia Glaser that he could no longer work at the pace she had demanded of him for the preceding 18 months. Glaser was unmoved. The next day Winer quit, explaining in his resignation letter to Glaser, "When I asked you to consider that I am no good to you as an associate if I collapse from fatigue your only response was, 'Then I'll just get some other slave to do the work.'"

"All the bad stuff is true," Glaser says when asked about the letter, though she denies using the word "slave." (Winer, now an associate at Jeffer, Mangels, Butler & Marmaro, declined to comment on his resignation or on the letter, which was provided by a third party.) Describing Winer as "a very talented young lawyer" who "gave hard work new meaning," Glaser, 48, acknowledges that she had no idea that the then-second-year associate was at the end of his rope. "I'm trying to be more sensitive," she asserts.

No question, sensitivity is not Glaser's strong suit. Her partner James Schreier admits that when he's worked on cases with her, opposing counsel and associates have chosen to deal directly with him rather than her. "They're afraid of her," Schreier concedes. "She's the tough one and I'm the nice one."

"All she has for dinner the night before [trial] is a cup of blood," adds screenwriter Joe Eszterhas, whom Glaser successfully represented last year in a community property trial against his ex-wife. "I used to call her Mikey, for Mike Tyson."

Yet Glaser's iron-fisted style has served her well. In October her partners added her name to that of the Los Angeles firm (along with Robert Shapiro, of O.J. Simpson fame), which now reads Christensen, White, Miller, Fink, Jacobs, Glaser & Shapiro. And since she obtained a celebrated \$8.9 million jury verdict in March 1993 (later reversed against actress Kim Basinger for backing out of a deal to star in the film *Boxing Helena*, clients have been flocking to her with an eclectic mix of cases ranging from sexual harassment defense to federal securities complaints. According to one partner, Glaser generates close to \$5 million a year for the 80-lawyer Christensen, White.

Among the 25 people interviewed for this article, however, the name Patricia Glaser provokes reactions that run to opposite extremes. Six clients and five lawyers who have worked with her (including one opposing counsel) rave about Glaser as a supremely loyal, hardworking advocate

with a talent and affinity for hardball litigation. Critics, on the other hand-among them seven opposing counsel and four other lawyers who have worked with and for her-contend that Glaser's fierce devotion to her clients is played out in unnecessarily hostile tactics.

“There's an element of ruthlessness in her,” comments Laurence Labovitz, a solo practitioner in L.A. In defending a sexual harassment suit he filed against The Price Is Right game show host Bob Barker, Labovitz says Glaser ““took some actions that I quite honestly couldn't stomach, and for that matter were below just about any other trial lawyer's dignity to pursue.”

Glaser is certainly no stranger to controversy. In 1987 she was involved-“naively,” she says-in handling what the government claimed was a \$50,000 bribe to a public official client; two years later, she invested with a client in a stock deal that became the subject of an SEC complaint. And this July, citing a breach of duty of loyalty to another client, the California Court of Appeal disqualified Glaser from representing longtime client Kirk Kerkorian in a \$1.5 billion litigation brought by Crédit Lyonnais.

But Glaser is not one to express remorse. She terms her disqualification from the Kerkorian case “ludicrous,” for example, and similarly shrugs off criticisms of her no-holds-barred approach.

“If there's been a declaration of war, I am going to be your worst enemy,” she says frankly. “It's not because I'm smarter than you are. I don't see myself that way. But I'm sure very dogged and very determined, and if you attack my client, I will do what I have to do, obviously appropriately, legally, and ethically, to protect my client's interests.”

AN EARLY BLOOMER

Though her husky voice still carries an accent from her hometown of Charleston, West Virginia, Glaser is much more like a Confederate soldier than a Southern belle. Her hair is molded in a stiff helmet shape around her head, and her lips are the color of chalk. Her partner Schreier jokes in her presence that she “takes steroids” and “is really a male impersonator.”

At the same time, Schreier says, he has to defend Glaser to people who are sometimes intimidated by her tenacious representation of clients. “She's an absolute natural at what she does,” Schreier asserts. “A lot of us are sort of play-acting when we argue a client's position. Patty really believes that her client is right. She considers what she does a public service.”

Indeed, Glaser's commitment to her career is such that after marrying her husband, Sam Mudie--a former safety for the Pittsburgh Steelers whom she met as a witness for her side in a 1975 trial--she bought a condominium across the street from her office, where she says she spends more time than she does at either of their homes in Malibu and Mammoth Lakes, California. And despite her seniority and stature at Christensen, White, she says she bills at least 2,100 hours a year. “I love the practice of law,” she enthuses. “I genuinely love it.”

Glaser has tailored her approach to client service after the late Gregson Bautzer. A legendary Los Angeles entertainment lawyer, Bautzer came to respect Glaser, who joined his firm of Wyman, Bautzer, Christensen, Kuchel & Silbert as an associate in 1973, after graduating from Rutgers

University Law School and completing a federal district court clerkship. “He brought home to me the importance of loyalty and responsiveness,” Glaser says.

Renowned for his unpredictable outbursts, Bautzer (like Glaser today) was feared by many at the firm. “Different attorneys couldn't work with him,” remembers former Wyman, Bautzer partner Allan Goldman, now at L.A.'s Katten Muchin Zavis & Weitzman. But, Goldman says, Glaser thrived under Bautzer's tutelage: “She was the one on whom he relied the most as someone who understood him and would be loyal to his clients.”

Their relationship was sealed early in Glaser's career, when Bautzer asked her to bring a breach of contract complaint for his producer client Arthur Cohn, now a five-time Academy Award winner. Thereafter, Glaser's ties to Bautzer became so strong that he asked her to handle his divorce in the early eighties, and named her executor of his will. By the time of his death in 1987, Bautzer had also bequeathed to Glaser several of his clients, some of which she still represents today, including Cohn's film production company and the television preacher Gene Scott. “[Bautzer] was wonderful to me,” Glaser says. “I would probably walk in front of a train for him.”

It was Bautzer, too, who introduced Glaser to Las Vegas billionaire Kirk Kerkorian and his companies, for which she says she has handled “dozens” of cases over the years. In 1980, a year after she made partner at Wyman, Bautzer, Glaser was on the front lines of Kerkorian's defense against claims arising from a fire that left 84 dead at his MGM Grand Hotel in Las Vegas. A few years later, after settling that case-favorably, she says-Glaser obtained a \$76 million settlement from a group of MGM Grand's insurers, chief among them Union International Insurance Company, which she says “stiffed” her client on high-premium policies purchased after the fire to cover settlement costs.

“Her organizational work was outstanding,” recalls Glaser's former partner Goldman, noting that in the fire case Glaser coordinated a massive discovery effort in which a court-imposed schedule required close to 16 depositions a day. “She was capable of working incessantly.”

For her part, Glaser candidly acknowledges that hard work has been a necessary element of her success. “I wasn't born a genius,” she says, recalling a major case she brought in the 1970s with former Wyman, Bautzer partner Frank Rothman (now with the L.A. office of New York's Skadden, Arps, Slate, Meagher & Flom). After puzzling for nearly a week over how to approach the case at trial, Glaser says, she finally hit on the strategy of calling the defendant first, as an adverse witness for her plaintiff.

“What a brilliant idea, right? I go in [to Rothman's office] and I tell Frank, ‘I think this is what I'm going to do.’ And he looks at me and he says, ‘Well, of course,’” Glaser remembers. “It took me a hundred hours to figure out what took him three seconds.”

A LAPSE IN JUDGMENT?

Glaser was also slow to realize that there might be something awry with a \$50,000 check that a real estate developer gave Wyman, Bautzer in 1987, on behalf of then-Glaser client Mark

Nathanson. The payment, the government later claimed, was intended as part of the developer's bribe to Nathanson, then the California coastal commissioner; Nathanson later pled guilty to racketeering and extortion and is now in federal prison.

According to a November 15, 1990, affidavit by FBI agent James Wedick, the developer told the FBI that the payment to Wyman “was for Mark L. Nathanson, but that it would be deposited into the firm's trust account and would, in effect, be ‘laundered’ through all of the law firm's receipts.” The affidavit further notes that a review of Wyman's receipts (produced under a grand jury subpoena) showed that Nathanson owed Wyman \$43,000 at the time, but that only \$25,000 of the money was credited against Nathanson's bill. According to the affidavit, “written handling instructions made by attorney Patricia Glaser” stated that the remaining \$25,000 “was to be provided to Nathanson when confirmation had been received from the bank indicating that the \$50,000 [developer's] check had cleared.”

“I didn't think anything about,” Glaser claims. “[Bautzer] said to do it, so I just did it.”

According to the FBI's chronology, after learning that Wyman had credited a portion of his check directly to a Nathanson bank account, the developer ““became extremely concerned that there was now a ‘paper trail’ connecting him directly to Nathanson.” The FBI's version holds that thereafter, on or about June 23, 1987, Wyman issued a \$50,000 refund check to the developer.

Glaser hotly rejects any suggestion that the firm was responding to the developer's concerns. She maintains that she sent the refund check “as soon as I got a notion that there was anything wrong. Should I have had a notion earlier? Probably,” she concedes, asserting that it was Wyman's accounting director who first questioned the transaction. “It was a little naive on my part, but when I got the hint I immediately sent the money back.” Still, she claims, “I have no idea what [the money] was. All I know is, I didn't get a satisfactory explanation for it, so I returned it.”

Such apparent lapses in judgment aside, by the late 1980s Glaser was on her way to joining the inner circle of advisers to Kerkorian and his companies, Wyman's biggest client, according to three former Wyman partners. It was therefore not surprising that when Terry Christensen sought to rejoin the firm as its managing partner in 1988 after serving as chief executive officer of Tracinda Corporation, Kerkorian's holding company, Glaser sided with Christensen in what would become a bitter feud—one that would ultimately break up the firm.

After Wyman, Bautzer's partnership rejected by a narrow margin Christensen's bid to become managing partner, Christensen and his supporters, Glaser among them, plotted to split from the firm, and held discussions with several key clients in that regard. They founded Christensen, White in 1988, then squared off with their ex-partners, ultimately coughing up a \$2.5 million settlement after an arbitrator ruled in May 1990 that they had taken clients from Wyman, Bautzer improperly [“Winning Mean,” July/August 1991]. A year later, scarred by the litigation and suffering from partner defections, Wyman, Bautzer closed its doors.

Though the litigation had pitted Glaser against some partners with whom she had become close over the years, one bruised Wyman, Bautzer refugee asserts that Glaser treated it all as just

another business dispute. "Patty doesn't seem to have the same kind of reactive, emotional responses that everyone else seems to have," this lawyer claims.

Glaser disputes that assertion. "I was upset," she says. But, she later adds, "I always slept well. I have no conscience."

SCORCHED-EARTH TACTICS

Born of discontent, the seven-year-old firm that Glaser helped found is widely regarded as the pit bull of litigation in L.A. A former partner describes it as "a shark tank," adding, "If all you want to do is make a lot of money, it's fine." No question, Christensen, White's partners do well. Glaser, according to the ex-partner and another former firm lawyer, clears \$1 million.

The firm's fortunes are in no small part a result of its scorched-earth litigation style. Carl Mazzacone, president of Main Line Pictures, Inc., says he saw Glaser deploy intense tactics during the trial against Kim Basinger. "They go in like it's Laos, baby, and they drop the B-52s. When they cut the wheat field, there's not a single strand left standing," says Mazzacone, hastening to note that Christensen, White's fees in the Basinger case have so far amounted to \$1.2 million.

"They're damned expensive," he grumbles. "You have to be a billionaire like Kirk Kerkorian to afford them."

Glaser, whose hourly rate is \$350, maintains she always obtains prior client approval for her approach to cases. And all six of the clients interviewed (Mazzacone included) concur that Glaser is worth her price. Moreover, Glaser has generally produced good results. Since 1990, she says, she has won all of the dozen or so cases she has tried to a verdict, either at trial or in an arbitration.

"I don't think you can get better value for your money," gushes Julia Kopta, general counsel of Community Psychiatric Centers. Kopta says she was so satisfied with the settlement Glaser recently helped negotiate in a federal securities case against the Las Vegas-based hospital holding company that she has since transferred several other active cases to Christensen, White as well.

"In defending a particular matter, often a litigator will think about how to simply defend it. Patty will think about other avenues such as what other agencies or associations may be involved," Kopta explains. "Her follow-up is relentless. She's the only attorney I know who bird-dogs me." But in the view of seven opposing counsel, Glaser's style sometimes leads to unnecessary side battles. When facing off against Glaser in litigation between Crédit Lyonnais and Kerkorian, White & Case partner C. Randolph Fishburn asserts, "Everything was a fight. We couldn't agree on the time of day."

And Laurence Labovitz says he was appalled by Glaser's conduct in defending the sexual harassment suit he filed on behalf of former Price Is Right model Dian Parkinson against the game show's host, Bob Barker. While allowing that Glaser "is a very talented lawyer," Labovitz

says he was put off by Glaser's hunting down Parkinson's old friends and trying to make an issue of the model's sexual history. In the end, he claims, Parkinson was "so traumatized" by the alleged harassment and the ensuing litigation that last March she dropped her suit.

"If you're asking me if I was insensitive to Dian Parkinson, I'm guilty," Glaser responds. "I wish more people would say such things [about me]."

Nor does Glaser express any regrets about her decision in 1989 to take an 11 percent stake in a partnership led by her client Burt Sugarman, borrowing her roughly \$2 million investment from a Sugarman company. Through the partnership Sugarman, then a director and now chairman of Rally's Hamburgers, Inc., a Louisville-based chain, purchased just over 1 million shares of Rally in its initial public offering, and Sugarman later gained control of the company. But according to SEC documents, the purchasers-including the partnership-did not disclose their intent to acquire control in the prospectus or during the IPO. The group, asserted the SEC, did not reveal its plan until a week after completing its purchase, when it filed a Schedule 13D disclosure statement.

In July 1991 the SEC filed a complaint against Sugarman, alleging that his "failure to timely disclose his control intent violated" the Securities Act of 1933. (The other purchasers, including Glaser, were not named.) Simultaneously, without admitting or denying wrongdoing, Sugarman consented to the entry of a final judgment against him and agreed to pay \$620,000 in damages. In typical fashion, Glaser is adamant that she did nothing wrong: "Do I have any second thoughts? Not for a second."

"ARM AND A LEG"

It was the 1991 breach of contract case that Glaser filed for Main Line Pictures against actress Kim Basinger, her corporation, and her then-talent agency International Creative Management Inc., that gave Glaser widespread name recognition in Hollywood. Lawyers weren't exactly lining up to compete for the assignment, however.

Around town, odds were that a first-time feature film producer such as Main Line would not prevail in court against a big-name star and a premiere talent agency. Moreover, *Boxing Helena*, the film that Main Line claimed Basinger had backed out of, had an unsettling plot: A doctor, obsessed with a woman injured in a car accident, takes her to his house, amputates her legs and arms, and keeps her prisoner in a box.

"Everyone would say, 'Oh, you can't sue actors or actresses, they're America's royalty,'" recalls Main Line president Mazzacone, adding that a few firms he approached "weren't willing to sue ICM."

But Glaser "was gung-ho," Mazzacone says, recalling that from the moment he met Glaser he knew she was the "perfect" lawyer to plead his case. "Patty has a take-no-prisoners, no-fear attitude toward everything, and that was very seductive," Mazzacone explains. Glaser's gender was an added benefit: "We had a woman defendant and a movie with a difficult subject matter, so politically we didn't want a bunch of guys beating up on Kim Basinger."

And in the trial that began in February 1993, Glaser came down on Basinger in a way that no male lawyer ever could. Mazzacone remembers that Glaser, contrasting her own unembellished looks with Basinger's glamour, implored the jury at one point not to let "the pretty girl" get away with something wrong. "Now we all know what it feels like, since we were in school, for the pretty girl to get everything she wants," Glaser said.

Glaser went on to retrace for the panel a paper trail supporting Main Line's claim that Basinger had made, and broken, a deal. She called corporate lawyers for both sides to recount how, in late 1990 and early 1991, they had drafted a so-called "deal memo" laying out the material points of an agreement for Basinger to star in the Main Line production-including Basinger's compensation of \$3 million. Glaser also led the lawyers through a review of negotiations concerning five successive drafts of a long-form of the agreement, which Main Line maintained had been revised to address all of Basinger's concerns.

To top it off, Glaser offered testimony that in May 1991 Basinger had personally reassured the film's director that rumors that she was backing out of the film were untrue. That June, however-by which time Main Line had obtained millions in financing commitments-Basinger told Main Line she would not appear in *Boxing Helena*.

Neither Basinger nor the corporation through which the actress provides her services ever signed any of the deal documents, but Glaser made that fact out to be meaningless. Relying on discovery documents-and directly contradicting Basinger's deposition testimony-Glaser showed that the actress had had no signed deal in seven of her nine prior films.

In Basinger's and ICM's defense, lead counsel Howard Weitzman, then at L.A.'s Katten Muchin Zavis & Weitzman, countered that two material deal points had never been resolved: Though both sets of deal documents contained specific clauses suggesting otherwise, Weitzman maintained that Basinger was never comfortable with how nude scenes would be shot, and was unhappy with the script.

Depicting Main Line's Mazzacone as a Hollywood wannabe, Weitzman argued that Helena was sexually exploitative, and beneath a big-name star such as Basinger. And-over Glaser's fierce objections-Weitzman persuaded the court to show the film to jurors during trial. Shortly before the case went to the jury, the judge dealt Glaser another defeat, granting Weitzman's motion to dismiss ICM as a defendant.

But on March 24, 1993, the jury handed Glaser a whopping victory, finding 12 to 0 that there was an oral contract and 9 to 3 that there was a written one. The panel also wholly embraced Glaser's damages theory, assessing Basinger \$7.4 million for breach of contract, and \$1.5 million for bad faith denial of the contract. (The trial court later reduced the total judgment to \$8.1 million.) The verdict landed Basinger in bankruptcy court and propelled Glaser into the limelight, with *Daily Variety* trumpeting her win in a banner headline: "Helena Costs Kim Arm and a Leg."

Although the appeals court reversed the Basinger verdict last September, that has made no apparent dent in Glaser's client appeal. Still, opposing counsel Weitzman, now head of corporate

operations at MCA Inc., points out that he raised the very issue on which the appellate court reversed during an in-chambers discussion of jury instructions, and that Glaser would not concede to his objection.

That issue was the trial court's use of the term “and/or” in the jury verdict forms, which the appellate court found ambiguous in questions about whether Basinger and/or the corporation through which she provides her acting services had breached a contract. However, the trial judge concluded that there was insufficient evidence to support a jury finding that “anything that was done by [the corporation] was not done by Basinger or vice versa,” according to a transcript of the March 22 in-chambers discussion. Thus, the judge explained, she had chosen the “and/or” terminology, a decision Glaser still stands by as correct. (At press time the parties were discussing resolution of the case.)

As for the appellate court's reversal, Glaser maintains that the judges placed form over substance: “I think they made a mistake.”

TOO ZEALOUS?

In the months following her Basinger victory, Glaser coasted on a wave of good publicity. She was featured on the covers of three California legal publications, and used the exposure to pump up her role in what was shaping up to be her biggest trial yet: defending Kerkorian in a \$1.5 billion litigation brought by Crédit Lyonnais. But the case didn't turn out exactly as she might have hoped.

In 1990 Kerkorian had sold MGM-UA Communications Co. for \$1.3 billion, with Christensen, White representing both Kerkorian and MGM. Within months of the closing, MGM checks were bouncing all over town, and the company was forced into bankruptcy. By 1992 Crédit Lyonnais, which had financed about \$750 million of the purchase, had assumed control of the financially strapped studio's business affairs, and accused Kerkorian of looting the company and misstating its financial condition in his sale.

Later that year, the French bank sued Kerkorian in California state court for fraud, among other things, and Glaser stepped in to defend her longtime client. Notwithstanding Christensen, White's earlier dual representation of Kerkorian and MGM, Glaser refused to stand aside when Crédit Lyonnais's lawyers at White & Case protested that Glaser's defense of Kerkorian posed a conflict. “It was scandalous,” fumes White & Case partner Richard Holwell. “The lawsuit was over who acted properly or fraudulently in the [sale of MGM], and for her to say that they can choose sides and take positions directly contrary to MGM stands the whole idea of legal ethics and conflicts on its head.”

Rather than bowing out, Glaser launched what White & Case's Fishburn describes as “a blitzkrieg.” She hit the bank with a scathing \$675 million counterclaim, alleging a history of making bad loans and financing sham transactions. She immediately noticed 50 depositions in Europe. And she dispatched sentries to points as far as a jail cell in Switzerland to collect what stacked up to seven inches of documents--“dynamite information about the bank,” Glaser told the Hollywood Reporter--to support her argument that Crédit Lyonnais and its counsel at White

& Case were conspiring to cover up their own bad deeds.

Both Crédit Lyonnais's suit and Kerkorian's counterclaim were dismissed in 1994; the bank appealed and immediately filed a related federal complaint. But after three years of vowing to bring the \$500 billion-asset bank to its knees, on July 25 Glaser was abruptly pushed off the state case. Ruling that Glaser's representation of Kerkorian violated Christensen, White's duty of loyalty to MGM, the California Court of Appeal granted a White & Case motion to disqualify Glaser.

Ten weeks later, however-even as the parties were discussing settlement-Christensen, White's announcement that Glaser had been elevated to name partner proclaimed that Glaser had "successfully defended" Kerkorian in the case. But just a day after that, Kerkorian and Crédit Lyonnais jointly issued a contradictory statement, disclosing a confidential settlement of the entire litigation and branding the firm's assertions of Glaser's success in the case ""misleading" and "not accurate." (Alejandro Yemenidjian, the top Tracinda executive dealing with the litigation, has nothing but praise for Glaser and says, "If I could rewrite history, I would remove that language from that press release.")

These days, Glaser is cultivating a subspecialty in defending sexual harassment claims for clients who want her less-than-delicate touch. Owing in part to her success with Bob Barker-"I can't imagine how anyone could handle such a terrible experience without her," Barker says-Glaser estimates she has so far handled three-dozen such cases. "It's the tort of the nineties," she adds.

Glaser is also defending a high-stakes wrongful termination suit filed against her new client Community Psychiatric Centers. Within two months of being hired, Glaser convinced the court to dismiss the claims against four executives named as individual defendants. And as the case heads for trial on December 12, the company's general counsel, Julia Kopta, says she's feeling confident.

"You can count on Patty," Kopta explains, invoking the image of a Wild West shootout: "If you're going to the O.K. Corral, you need Patty beside you. If you don't have her, you're a fool."

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