

Identifying **12** Leading Labor & Employment Litigators

For the 12 lawyers in this issue's installment of *Legal Times'* ongoing Leading Lawyers series, the practice of law might be called a labor of love.

The focus of the article that begins on Page 38 is, of course, attorneys who specialize in labor and employment law. (You did note the subtle wordplay in the previous paragraph?)

"Labor and employment" is often spoken of as a single practice area. In truth, the phrase embraces a host of different kinds of lawyers doing work for different kinds of clients. There are lawyers who stand up for employees, and there are lawyers who sit on the side of management. There are attorneys who focus on helping labor unions, and others who counsel bosses in their dealings with unionized workers. As with many practices, there are litigators and negotiators. And there are the subspecialists, expert in important nooks and crannies.

We tried to touch all the bases in conceiving and reporting this article. Like the past, and future, Leading Lawyers articles in *Legal Times*, we followed our reporting to find a group of private practitioners based in the D.C. area who, the facts indicate, are among the best in the business. Reporter Marie Beaudette started



with leads provided by readers and sources. (As happens in all reporting, some tips were more useful than others.) Her pursuit was also informed by the base of knowledge in the newsroom at *Legal Times*. Beaudette conducted dozens of interviews—with clients, labor and employment lawyers themselves, and knowledgeable observers in academia. Thus, the process was part peer review, part field test.

In the end, we chose the lawyers profiled in this Practice Focus based on our reporting.

This week's article, which was sponsored by the ERS Group, is the first in a series of four similar reports

that will appear in 2004. Next up is a look at appellate litigators, which will be published on July 19. We started the series in 2003, investigating the best in real estate, trial litigation, intellectual property, and securities and corporate governance. You can find an archive of those articles, as well as information about our further plans for this year, at www.legaltimes.com.

—Richard Barbieri
Editor in Chief

—Elizabeth Engdahl
National Opinion Editor

Leading LAWYERS

**Legal Times Identifies Twelve of the D.C. Area's
Top Labor & Employment Litigators**

Gary Ford

Groom Law Group

In many ways, Gary Ford's practice is more Wall Street than Washington.

Although the 54-year-old Groom Law Group partner is considered a top member of the D.C. labor and employment bar, he's not negotiating contracts or litigating employment disputes. Instead, Ford's practice is a largely transactional one focusing on restructuring entrenched pension plans.

In a time of elevated anxiety over the health of the \$1.3 trillion in corporate pension plans, lawyers like Ford with an intimate knowledge of both the Employee Retirement Income Security Act, the 1974 law that protects employees who worked under pension plans, and the Pension Benefit Guaranty Corp. are prized by corporations and labor unions alike.

The soft-spoken Ford has made his living bailing out pension plans, having turned around plans for the General Motors Corp., MCI, and Northwest Airlines. His clients and peers say his technical knowledge is unsurpassed.

"He's able to take that vast experience and knowledge base to make things clear and understandable," says client P. Douglas McKeen, US Airways vice president of labor relations and benefits.

Ford's interest in benefits law started while he was in law

school at Boston University. Labor and employment law was a hot practice, and Congress had just passed ERISA.

"It was new, and none of the questions had been answered," he says.

Ford graduated in 1977 and worked on Democratic political campaigns for a few years before becoming ERISA counsel to the Senate Committee on Labor and Human Resources.

In 1981, he joined The Groom Law Group, now a 47-lawyer employee benefits boutique. Six years later, he left to become general counsel at the Pension Benefit Guaranty Corp., a nonpartisan, independent agency that has its own litigating authority.

Ford's time as the top lawyer at the PBGC, which guarantees the retirement incomes of 44.3 million Americans, was marked by a crisis in steel-industry pension liabilities. He directed a legal staff of 65 in litigation against steel companies over their attempts to shift several billion dollars in pension liabilities to the PBGC.

Ford says he returned to Groom after his "savings were depleted" in 1989. He's since worked on pension plans for major airlines and the auto and steel industries. He's often called on to deal with pension liabilities during major corporate bankruptcies and mergers.

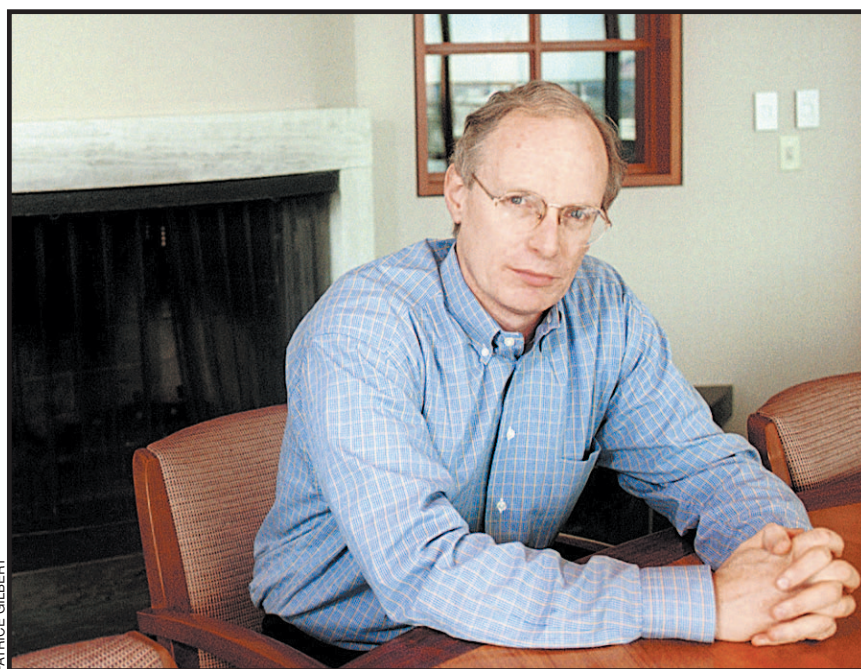
In the mid-1990s, when General Motors spun off subsidiary Electronic Data Systems, Ford helped craft a \$10 billion cash-and-stock pension contribution arrangement, one of the largest deals of its kind.

And after the Sept. 11 terrorist attacks crippled the airline industry, several major carriers called on Ford to help restructure their plans.

In 2002, US Airways tapped Ford after it filed for Chapter 11 bankruptcy protection and needed to bail itself out of \$10 billion in debt. Ford was instrumental in negotiations with the airline's pilots over their pension plan, which was underfunded by nearly \$2 billion.

In addition to his transactional work, Ford is also a benefits litigator and occasional lobbyist. He counts among his victories Congress' 2000 decision to double the federal pension guarantee for multi-employer plans.

Ford says his goal has always been "to come up with solutions to problems that weren't just solutions for clients, but also for the other players involved."



PATRICE GILBERT