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July 14, 2008, 6:13 pm

Paul Selzer and The Milberg Grand Finale

Posted by Nathan Koppel



And then there were none. Paul Selzer, the last defendant in the Milberg kickback case, has pleaded guilty to tax obstruction charges. [Here's](#) the AP account. (Our apologies, LB readers, on the reprised Mel Weiss photo, but after a lengthy search, we've concluded that Mr. Selzer has, through all this, managed to elude the long arm of the paparazzi.)

After Milberg entered a nonprosecution agreement with the government in June, it seemed only inevitable that prosecutors would also cut a deal with Selzer.

Prosecutors alleged that Selzer, an attorney, helped launder kickbacks to Seymour Lazar, a former Milberg client who has also pleaded guilty in the case. Selzer, according to the government, accepted nearly \$50,000 from Milberg but did not tell the IRS that he had transferred \$19,000 of that amount to Lazar.

Selzer has agreed to pay a \$250,000 fine and is due to be sentenced Nov. 3. He faces up to three years in prison.

In addition to Selzer, of all the Milberg defendants, only David Bershad and Steven Schulman have yet to be sentenced. They are slated to be sentenced this fall.

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October 19, 2007, 9:12 am

Spotlight on the Ninth Circuit's Alex Kozinski

Posted by Peter Lattman



A "California eccentrics" theme has emerged from our morning items. We just [posted](#) on Seymour Lazar, an 80-year-old lawyer who pleaded guilty to crimes related to the Milberg Weiss case. On the opposite end of the Golden State-bar respectability spectrum, but no less colorful: Judge Alex Kozinski, who's set to take over as the chief of the [Ninth Circuit](#) on Dec. 1. Here's a [profile](#) in today's National Law Journal.


For those non-Article III groupies out there, Kozinski is a big-time judge, appointed to the Ninth Circuit by President Reagan in 1985 at the age of 35. He was born in Romania to Holocaust survivors who brought him to Los Angeles, Calif. at the age of 12. Kozinski (UCLA, UCLA Law) had two decent clerkships (for then-Ninth Circuit Judge Anthony Kennedy and then Chief Justice Warren Burger), worked as a lawyer in the Reagan White House, and then became chief judge of the Federal Claims Court until his appointment to the Ninth Circuit.

Most importantly, he was voted the number-one male hottie in the federal judiciary by David Lat's Underneath Their Robes blog (click [here](#) for Lat's post; click [here](#) for Kozinski's letter nominating himself).

He tells the NLJ his latest project: "I'm buying old copies of Playboy magazine on eBay, because everything I learned about writing I learned from Playboy fiction." He also admires the writing of sci-fi author [Richard Matheson](#), and says he has been sharing it with his law clerks for its tight, declarative sentence structure that moves action quickly.


And if you want to clerk for a Supreme Court justice, you might consider trying to spend a year with Kozinski. According to the story, 42 of his clerks have moved on to clerk on the high court. Three of them


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 The Wall Street Journal's Law Blog focuses on legal matters important to the business community. Dan Slater is the lead writer. Before becoming a journalist, Dan worked as a litigator at a New York law firm. The Law Blog also includes contributions from reporters and editors at the Journal and Dow Jones Newswires. Have a comment or tip? Write to lawblog@wsj.com.

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are jurists themselves: the D.C. Circuit's Brett Kavanaugh, the Ninth Circuit's Sandra Ikuta and tax-court judge Mark Holmes.

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October 19, 2007, 9:10 am

Milberg Watch: Seymour Lazar Totally Pleads Guilty

Posted by Peter Lattman



Among the cast of eccentrics in the Milberg Weiss case, Seymour Lazar is perhaps the most colorful. Yesterday, the 80-year-old Palm Springs lawyer pleaded guilty to obstruction of justice, filing a false tax return and making a false declaration. The feds, who will recommend home detention for the ailing Lazar, say he was paid about \$2.6 million to be a professional plaintiff by Milberg Weiss.

When asked by Judge John Walter in Los Angeles, whether he understood he was pleading guilty, the SoCal attorney channeled his inner Spicoli, responding: “**Totally.**”

In January 2006, Law Blog colleague Rhonda Rundle profiled Lazar (USC Law '51) in this [Page-One](#) story. He sung a different tune back then:

I swear, they treat me like an absolute thug. I'm not supposed to leave the house. Did I hurt anybody? Who did I cheat? Did anybody get screwed? What they want me to do is hang Milberg Weiss. They don't care about me.

Lazar also told Rundle that he came up with ideas for shareholder lawsuits by reading the newspaper: “I always tell people if I read The Wall Street Journal, I can come up with a class-action a day.”

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October 19, 2007, 9:08 am

Keeping Score With Those (Underpaid?) M&A Dealmakers

Posted by Peter Lattman



Though he's not a California eccentric (click [here](#) and [here](#)), [Larry Ribstein](#) (pictured) also dares to be different. The Illinois Law professor has unconventional and almost always provocative ideas about the law, many of them floated on [Ideoblog](#). In Forbes, he spouts another in his essay “[Lawyers Don't Make Enough](#)”: the legal profession should scrap the rules requiring law firms to be owned by lawyers. Among the suggestions: Law firms should be able to go public; Goldman Sachs should buy Simpson Thacher. (Click [here](#) for Law Blog Debate on these topics)

“Lawyers Don't Make Enough” is a eye-grabbing headline, but it's sure hard to feel sorry for the M&A dealmakers at the nation's biggest law firms. In today's NYT there's a [story](#) on the so-called league tables that rank the firms' deal activity. Many of the lawyers interviewed played down the importance of the lists, but others noted their significance and, in the process, gave us some fun BigLaw epithets:

- Sullivan & Cromwell, Major Player S&C partner [James Morphy](#): the tables “are a readily available third-party confirmation that we are a major player.”
- Latham & Watkins, The Greatest Thing Since Sliced Bread: Latham partner [Charles Nathan](#): “It's easy for a firm to say we're the greatest thing since sliced bread. When clients ask why, lawyers say they're collegial, responsive, businesslike, careful in what they charge. The clients hear it a hundred times, but what does it tell them? League tables provide one measure — but an objective measure — as to where you stand with your peers.”
- Jones Day, The Wal-Mart of M&A: Jones Day partner [Robert Profusek](#), whose firm routinely tops the tables in terms on number of, rather than the value of, deals: “For the past 28 quarters we've done the most M&A. It doesn't mean we're the Wal-Mart of M& A. We just represent companies other than financial institutions and major private equity firms that have dominated the headlines in the past few years.”

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October 15, 2007, 4:51 pm

Milberg — Lazar Agrees to Plead Guilty; Weiss Wants NY Trial

Posted by Nathan Koppel

Prosecutors appear poised to land another guilty plea in the Milberg Weiss case. Lawyers for Seymour Lazar, a former Milberg client accused of receiving illegal kickbacks, said at a status

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conference today in federal court in L.A. that Lazar had reached a plea agreement with the feds. Lazar is represented by Bienart & Miller's [Thomas Bienert](#), who didn't return a call for comment. (Is that really Bienart's law [office](#) in San Clemente? Suhweeeeet.)

A federal grand jury indicted Milberg and several of its lawyers, including name partner Melvyn Weiss and former name partner Bill Lerach, in an alleged scheme to pay millions in kickbacks to clients in exchange for their serving as name plaintiffs in class actions. Also charged was Lazar, who along with family members allegedly served as a plaintiff in Milberg cases from 1976 to about 2004. (Click [here](#) for a WSJ Page-One Story on Lazar, a colorful character if there ever was one.)

Also in discussions with the feds: Paul Selzer, a former lawyer for Lazar who was indicted for allegedly helping disguise payments to Mr. Lazar. "Discussions are ongoing," said his lawyer David Weichert, in an interview with the Law Blog. "Whether they bear fruit or not, we'll see."

And as expected, Weiss pleaded not guilty to the four criminal counts he faces. His lawyer Ben Brafman says that his client plans to ask the court to move the trial to New York. Brafman did not respond to a request for comment. Meanwhile, the judge pushed the trial back from January 2008 to Aug. 12, 2008.

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August 6, 2007, 10:02 pm

Dismissal Hearing Concluded in Milberg Case

Posted by Nathan Koppel



This just in: The hearing on the motion to dismiss charges in the Milberg Weiss criminal kickbacks case has concluded.

Judge John Walter said he "tentatively" had decided to dismiss three of the 20 counts alleged in last year's indictment. The three counts relate to mail fraud charges against Milberg Weiss, former Milberg partner Steven Schulman, and former client Seymour Lazar. According to two people who attended the hearing, the judge didn't definitively dismiss the mail-fraud charges but indicated he was leaning that way because of possible defects in the manner in which those charges were set out in the indictment.

But on the remaining 20 counts, according to the two attendees at the hearing, Judge Walter sided with the government, including on the issue of whether the government must prove Milberg's kickbacks caused harm to its clients.

The indictment, returned last year, alleged that Milberg paid more than \$11 million in kickbacks to clients to induce them to file class actions and shareholder suits. In motions to dismiss, Milberg and other defendants claimed that even if kickbacks were paid (which the defendants deny) they did not harm class members, because Milberg sill achieved commendable results in cases. And any kickbacks that were paid came out of Milberg's fees, not class members' pockets, the defendants argued.

But the judge said that the alleged kickbacks, if proven, could have created a risk that the paid plaintiffs would not act in the best interests of the class, according to one person in attendance. The government, the judge said, did not need to prove that the kickbacks resulted in actual harm; it was sufficient that the harm was "reasonably foreseeable."

A status conference was set for Sept. 21.

Schulman declined to comment, according to his spokesman. Milberg's counsel declined to comment. A lawyer for Lazar wasn't immediately available for comment.

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November 28, 2006, 7:44 am

Milberg: Trial Date Set; Partner Argues Before the Supremes

Posted by Peter Lattman



A federal judge scheduled the trial of class-action law firm Milberg Weiss Bershad & Schulman for January 2008. Here's a [story](#) from the New York Times. Prosecutors asked Judge John Walter for an October 2007 trial; defense lawyers sought a February 2008 start. The judge split the difference, setting it for January amid questions over whether the government would file additional charges in the case.

The firm is accused of improperly sharing legal fees with clients. In addition to the law firm itself, the defendants in the criminal case are two Milberg partners currently on leave, David Bershad and Steven Schulman; Seymour Lazar, who is accused of serving as a paid plaintiff; and Paul Selzer, a lawyer accused of facilitating the illegal payments. All have pleaded not guilty.

Meanwhile, not all is cloudy in Milberg land. Yesterday Milberg Weiss partner J. Douglas Richards argued before the Supreme Court in [Bell Atlantic v. Twombly](#), a case dealing with the issue of how specific a plaintiff's allegations must be to claim anticompetitive behavior. Both sides were met with a hot bench, but Justice Breyer gave Richards, arguing for the plaintiffs, a particularly hard time. Under the looser pleading

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standards favored by the plaintiffs, Breyer said, half the companies in the U.S. could be sued, and adopting the position would have the Supreme Court “restructuring the economy.”

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January 19, 2006, 8:10 am

Seymour Lazar: One Classic Dude

Posted by Peter Lattman

This morning, The Wall Street Journal's Rhonda Rundle [profiles](#) the colorful Seymour Lazar, the former lawyer and serial plaintiff under indictment for allegedly receiving over \$2.4 million in “secret and illegal kickback payments” from a unnamed New York law firm. His case is closely linked to the long-running federal investigation of the class action law firm formerly known as Milberg Weiss Bershad Hynes & Lerach, which cleaved into two firms last year. His trial is scheduled for April 4.

The ailing 78-year-old rails against the government's charges, telling the WSJ:

I swear, they treat me like an absolute thug. I'm not supposed to leave the house. Did I hurt anybody? Who did I cheat? Did anybody get screwed? What they want me to do is hang Milberg Weiss. They don't care about me.

Lazar also tells Rundle that he came up with ideas for shareholder lawsuits by reading the newspaper: “I always tell people if I read The Wall Street Journal, I can come up with a class-action a day.”

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