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20 UNDER 40

The state of the legal business is dismal. Revenues are down. Clients are complaining about the bills. Firms want their lawyers to be better rainmakers. There's no time for pro bono work — not to mention a personal life!

Set aside those concerns for a moment, and consider this year's list of the Daily Journal's 20 top lawyers under 40. Suddenly, the future doesn't look so bleak.

So take a few minutes away from the billables and read on about these 20 fascinating lawyers. You'll find that times may be tough but the legal industry is still pretty spectacular. In what other profession can you do such intellectually stimulating work while changing a little (or even a big) part of the world — and, perhaps, make a little money while doing it.

— The Editors



DAVID R. SUGDEN | 33

IP litigation

Call Jensen & Ferrell

NEWPORT BEACH

David R. Sugden doesn't get a lot of sleep.

When Sugden's law partner, Scott Ferrell, is in the trenches on a complex intellectual property case, he says he usually logs off the computer and hits the pillow around 1 a.m. When Ferrell awakes a few hours later, he says, "it's common for me to have a dozen new e-mails from Dave" about the case that Sugden typed out while he was sleeping. Colleagues say Sugden's near round-the-clock work approach and sharp legal wit has helped build the type of resume claimed by only the most seasoned practitioners.

Though Sugden's been a lawyer just seven years, he already has racked up four multimillion-dollar judgments. His biggest was a \$47 million punitive damages verdict two years ago on behalf of telecommunications giant Nortel Networks.

He also won \$5 million, \$10 million and \$20 million "consent judgments" for the company in the past few years — awards in which a defendant corporation agrees to pay a judgment when faced with

hard evidence on claims, such as warranty fraud and illegal product marketing.

Sugden this month was named sole managing partner of his 24-attorney litigation boutique, Call Jensen & Ferrell in Newport Beach. He also found time to write a widely praised book on brand protection focusing on the concept of gray marketing — a phenomenon in which a company's products are illegally distributed.

"Dave has a Herculean work ethic," Ferrell says.

A native of Vancouver, B. C., Sugden moved to California to play baseball at Pepperdine University, where he earned a history degree in 1998. He earned his law degree there three years later, gravitating to the field after watching his father practice business litigation while growing up. He joined Call Jensen & Ferrell right out of law school. He said the partners let him cut his teeth quickly on complex cases.

"As a young lawyer, I hit the ground running," Sugden says. "I got in trial and got deep experience almost immediately, helping me grow relatively quickly for my age."

While Sugden said his dogged work schedule has helped fuel his big results, he said another secret to his success is being respectful of everyone, whether it be jurors, judges or opposing counsel.

Lu Pham, a Dallas-based attorney who faced off against Sugden last year, called him "one of the best lawyers I've ever worked against." Pham agreed to the \$20 million consent judgment after Sugden argued that Pham's client, Alliance Telecom, had stolen Nortel's software. Pham said Sugden was "well prepared."

"Not only does he know the law, he knows his facts inside out," Pham said.

In several instances, Sugden has convinced judges to allow him to go into defendant companies with the U.S. marshal's office to conduct "surprise searches and seizures" of evidence, such as incriminating e-mails and other documentation. He says such evidence has dramatically bolstered his arguments and led to big awards.

Sugden tries to leave the office by 5:30 p.m. to spend time with his wife, Marni, a marketing executive, and their two children, Charlotte, 4, and Audrey, 3. He says he tucks the kids in bed and then logs back on the computer, working into the middle of the night. He says he catches a "few" hours of sleep before heading back to the office around 9 a.m.

"The hours can be long," Sugden says. "But fortunately I like the work, so it's not too bad."

— Jason W. Armstrong