

Judge Dismisses Lawyers' Microsoft Case
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A federal judge said Thursday he had "better things to do" than to decide whether a group of lawyers should receive more than \$24 million in legal fees for their work against Microsoft Corp. in antitrust cases.

U.S. District Judge J. Frederick Motz dismissed the case, which was brought by a group of 27 law firms that represented clients in federal court. Those firms were trying to get a share of \$79 million in fees that a group of 11 law firms received for state court cases in Florida, Minnesota, North Carolina, North Dakota, Tennessee and West Virginia, as well as the District of Columbia.

He said he did not have "anything to close to jurisdiction" in the case, adding that, "I've got better things to do."

"This is a stretch too far," Motz said at a hearing, as he told the plaintiffs they would likely have to take the matter to state courts.

The 27 law firms came together as the National Plaintiffs' Council in an effort to force the lawyers in the state cases to pay them \$24.5 million in compensation. For more than five years, attorneys have represented end-user plaintiffs in antitrust overcharge class action lawsuits against Microsoft.

The lawyers in the federal case say they did significant work for the state lawyers, including funding the litigation, taking many depositions and working with experts.

Price Gielen, an attorney representing the national group of lawyers, argued that Motz should decide the case because he is the judge who is most familiar with the large, multi-jurisdictional case against the software giant. Gielen said separate state court cases could lead to conflicting results, and that Motz could handle the case more efficiently as a whole.

"This is the only court that could really handle it on a national basis," Gielen said.

But Andrew Dansicker, who represented the States' Plaintiffs' Counsel, said the lawyers in the federal court cases failed to negotiate legal fees with their counterparts in state courts. Dansicker pointed out that the lawyers in the federal cases stood to reap hundreds of millions of dollars that never materialized.

"That's life as a contingency lawyer," Dansicker said, "and sometimes you lose."

Gielen countered that there was no law requiring an agreement for payment.

But Motz concluded he shouldn't order payment from state-court settlements, and granted the state lawyers' request to dismiss the case. The judge also said an agreement could have been negotiated over legal fees _ but wasn't.

Gielen said the law firms in the federal case will have to review whether to pursue the fees in state courts.