

Attachment B
Excerpt from August 30, 2006
letter to Michael Colodner

Super Lawyers. *Super Lawyers* is a group of magazines that publish articles of interest to lawyers, as well as lists of highly regarded attorneys in various practice areas. Each standalone magazine, which comes out once a year, covers a specific geographic market. There is, for example, a *Super Lawyers* magazine that covers the entire New Jersey legal market, and a separate one released for the first time in 2006—that covers just the Manhattan bar. Next year, *Super Lawyers* editions will cover the bar throughout New York State. The *Super Lawyers* lists, or summaries of them, are also published annually (along with editorial content) as inserts or special advertising sections in certain regional general-interest periodicals.

Super Lawyers strictly adheres to a rigorous selection process directed at casting as wide a net as possible, evaluating quality in the most objective possible terms, and verifying and validating its data. The only way a lawyer can be listed in a *Super Lawyers* magazine is through this selection process; no lawyer can ever buy her way on to the list. Lawyers can buy advertisements in *Super Lawyers* magazine and other local periodicals that publish the lists. But the determination whether a lawyer will be placed on the *Super Lawyers* list is independent of any advertising or other payments that are made to the magazine, and in any event all advertising is bought well after the lawyer selection process has concluded. No one can “pay to play.”

The *Super Lawyers* selection process has four phases. Phase One is an extensive effort to identify the largest possible pool of the most highly regarded practitioners in the relevant market. Each year, *Super Lawyers* mails a ballot to virtually every lawyer admitted to practice in the relevant market for at least five years. Nationwide, *Super Lawyers* will send ballots to 800,000 lawyers this year. Every recipient of a ballot is asked to nominate the best lawyers he has personally observed in action. Attorneys may not vote for themselves, and are limited in how many colleagues from their own firm they can nominate. Every nomination is given a point value, with nominations from outside a lawyer’s firm bearing a much higher point value than a nomination from within the lawyer’s own firm. The magazine maintains procedures and systems to detect and prevent “ballot stuffing” and other manipulations. But *Super Lawyers* does not rest on external nominations alone. Its research staff also independently searches for qualified candidates by scouring professional databases, press, and websites, and by interviewing law firms’ managing partners and marketing directors—all with a view toward identifying highly talented lawyers who might have slipped between the cracks in the balloting process, particularly talented lawyers in specialty areas or with low-visibility (yet high-quality) practices.

Phase Two is the evaluation process. The *Super Lawyers* staff conducts independent research on every candidate, searching for evidence of peer recognition and professional achievement. They gather information across 12 criteria: recent verdicts and settlements; transactions; representative clients; experience; honors and awards; special licenses and certifications; position within law firm; bar and or other professional activity; pro bono and community service; scholarly lectures and writings; education and employment background; and other outstanding achievement. The magazine assigns a point value to each criterion.

Phase Three is peer evaluation by practice area. The practitioners who receive the highest point values in their areas of practice are recruited to rate all the other practitioners in the same practice area. In all, *Super Lawyers* designates up to 60 practice areas, which means it appoints dozens of blue ribbon panels in each jurisdiction to evaluate the lists in their own areas of expertise. Members of the blue ribbon panel may also add candidates to the list.

Phase Four is the final selection. Once all point totals are tallied, candidates are grouped according to the size of their firms. The staff places the top lawyers in each category on the *Super Lawyers* list, filling the list category by category, until it has selected a number of candidates that equals 5% of the total active resident bar.

Before publishing its lists, *Super Lawyers* takes two additional steps. First, it conducts a Web-based search to ensure that any candidate for its lists is not subject to public disciplinary proceedings or has any other outstanding matters that would reflect adversely on her. Second, no lawyer's name is published unless she responds to an inquiry personally verifying the information to be published, and averring that she has never been subject to disciplinary or criminal proceedings. (In fact, the most common criticism of the *Super Lawyers* selection process is that prominent lawyers have sometimes been omitted, but this is usually because the lawyer opted not to respond to these inquiries.) See, e.g., *New York Super Lawyers, Manhattan Edition*, at 25 (2006).

Martindale-Hubbell Ratings. These listings, focused on lawyers' legal ability and ethical qualifications, are based on confidential questionnaires and interviews with members of the bar and bench. Lawyers are evaluated at various points in their careers-- about every five to eight years. Lawyers who are found to meet the publishers' standards may be awarded letter grades commensurate with their experience level. Attorneys are awarded a grade of AV, BV, or CV based on their peer-reviewed level of experience and legal ability. (The V indicates that Martindale has concluded that the lawyer meets "very high" ethical standards; only lawyers who meet these standards are rated.) Martindale does not disclose the criteria by which it arrives at any of these grades. What we do know is that Martindale rates 45% of all lawyers in its directories. Approximately 21% of all attorneys in the Martindale directory (and 47% of all lawyers who are rated) receive an AV rating, 21% receive a BV rating, and 3% receive a CV rating; the remaining attorneys are unrated. In New York State, the directory lists approximately 95,000 attorneys overall, which translates into thousands that receive the highest rating, AV. Martindale also publishes a book, *The Bar Register of Pre-Eminent Lawyers*, which it calls "the most exclusive directory of law firms."