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‘Real Old School’ Litigator Has a Knack for Persuading Juries — and Judges

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LOS ANGELES — Whether he wins or loses, Manatt, Phelps & Phillips partner Chad S. Hummel exhibits a courtroom prowess that is hard to top.

The 46-year-old chair of Manatt’s litigation division primarily makes his living from civil litigation. He’s represented health care providers in real estate matters, companies such as IMAX Corp. in antitrust disputes, Mitsubishi in an insurance case and Musicmatch in a 2004 patent case in the Northern District of California that set precedent for digital music downloads.

But he’s also made a name on the criminal defense side, fighting to free a convicted ex-cop in the wiretapping trial of disgraced private eye Anthony Pellicano and battling to clear movie director Roman Polanski of child sex charges.

“He is a real old school defense attorney in the sense that he can wage a very vigorous and intense battle in the courtroom and then walk out of the courtroom and leave that all behind and be completely pleasant and cordial,” said Assistant U.S. Attorney Daniel A. Saunders.

“He has a strong appeal to juries in his courtroom demeanor and presentation,” Saunders said. “I think it means a lot to him to leave the battles on the battlefield. I do appreciate and respect that tremendously about him. It’s to some extent a vanishing art.”

Saunders recently went up against Hummel during the trial of ex-Los Angeles police Sgt. Mark J. Arneson, an accomplice of Pellicano, who was convicted of racketeering and 45 other felonies.

Immediately after U.S. District Judge Dale S. Fischer ordered Arneson into custody to begin serving a 10-year prison sentence, Hummel began working feverishly in the courtroom in a last-minute effort to get some sort of cash bond.

Fischer, who is known for being a tough sentencer, had denied Hummel’s repeated efforts to keep Arneson out of jail. But on that day, she at least left open the possibility of the ex-cop being released on bail pending appeal.

“I offered anything I could think of,” a worn-out Hummel said after the sentencing hearing. He said he would continue to fight to get Arneson — whose wife was Hummel’s secretary for 12 years when he worked at Gibson, Dunn & Crutcher — released and had serious issues to raise on appeal.

Those issues, he said, include whether prosecutors proved the existence of the racketeering enterprise alleged in the indictment and whether prosecutors crossed the line by cross-examining Arneson about statements he made during a 1990s Los Angeles Police Department internal affairs investigation.



JULIANE BACKMANN/ for the Daily Journal

Whether he’s representing an ex-cop in the Anthony Pellicano wire-tapping case, battling to clear movie director Roman Polanski of child sex charges or winning \$28.1 million for NFL players, Mannatt, Phelps & Phillips’ Chad S. Hummel is a force in the courtroom.

John J. Nazarian, a private investigator who watched Arneson’s sentencing and who was a regular spectator at the Pellicano trial, said Hummel did excellent work.

“I don’t think if he had walked on water and juggled bottles he would have done any better,” Nazarian said, adding that he was impressed with Hummel’s attempts to win bail for Arneson.

“And I’m not easily impressed,” he said.

In an interview in his West Los Angeles office a few weeks before Arneson’s sentencing, Hummel was philosophical about the Pellicano case.

“It was a high-profile, difficult case, and it’s not something I shy away from,” he said. “You’re retained as a lawyer, particularly in criminal cases, to be as tenacious an advocate as you can possibly be within the ground rules the court sets up — and I do that, and I try hard.”

Hummel’s tenacity and preparedness has brought him some of the defense’s most noteworthy moments. It’s earned him comparisons to the famous fictional defense lawyer Perry Mason, such as the time he was cross-examining Phyllis Miller, a prosecution rebuttal witness in the Arneson’s case.

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At one point, Hummel appeared near to having a mistrial declared when, through his questioning, it emerged that Miller’s husband, a convicted fraudster now in state prison, might have victimized Arneson by filing a bogus bankruptcy petition in 1998 in an attempt to defraud him out of his Rancho Palos Verdes home.

In the Polanski case, Hummel’s skills persuaded Los Angeles County Superior Court Judge Peter Espinoza to remark that he believed “substantial” judicial and prosecutorial misconduct had occurred in the trial.

And while Espinoza declined to toss the three-decades-old child sex case against the fugitive film director, he did agree to stay his decision until May 7 to give Polanski, who has lived in France since 1978, the chance to appear in court.

In other high-profile cases, Hummel helped more than 2,000 retired NFL players last fall win a \$28.1 million verdict in a breach-of-contract and licensing dispute between the players at the NFL players union in federal court in San Francisco.

Lewis T. LeClair, a principal at McKool Smith in Dallas, said Hummel was a critical component to the plaintiffs’ victory.

“He came into the case fairly late, but was extremely important in helping get the case ready to be tried properly and effectively,” LeClair said. “He did a fantas-

tic job working behind the scenes to get experts to get the theory of the case properly defined and took a key role at trial with witnesses and experts.”

Hummel said he and co-counsel L. Peter Parcher, a partner in Manatt’s New York office, focused on the players union’s attempt to scramble the retired players’ identities in EA Sports’ Madden NFL video games. The union had argued there was no market value for images of retired players.

Thomas E. Holliday, a partner at Gibson, Dunn & Crutcher in Los Angeles and Hummel’s close friend and mentor during his 12 years at that firm, said Hummel’s abilities at presenting his case before a jury separates him from the pack.

“He understands the dynamic of the courtroom,” Holliday said. “I think Chad is one of the best lawyers for the future going.”

One example, Holliday said, was at a trial in which Hummel was defending a person accused of assault with a deadly weapon. In his opening statement, Hummel physically re-enacted for the jury what he said the defense would prove at trial by getting down on the ground and showed what it would be like to wrestle someone holding a rifle. Holliday said Hummel had the entire jury standing up and leaning over the railing to watch.

The re-enactment, Holliday added, was critical to the defense’s victory.

“Presentation skills absolutely matter

— no question,” said Hummel, a former member of Harvard University’s Hasty Pudding Theatricals, and whose wife is an acting coach.

“I was interested [in becoming an actor], but, honestly, I think I was risk-averse, and I decided to go to law school,” he said. “All my friends were going to investment banks or law school, so that’s what I did.”

A Minneapolis native, die-hard Vikings fan and University of Chicago Law School alumnus, Hummel has called Los Angeles his home for more than 20 years. He joined Manatt in 2002 because, he said, it allowed him more free time to spend with his wife and their two sons.

An only child, Hummel still visits his parents in Minnesota and keeps in touch with high school friends. He skis and coaches Little League in his spare time.

Hummel also is kept busy representing TV networks, studios and producers in a federal lawsuit in Los Angeles that alleges sending text messages as part of games on shows such as “American Idol” and “Deal or No Deal” constitutes an illegal lottery. *Herbert v. Endemol USA*, 08-56360 (9th Cir.); *Couch v. Telescope Inc.*, 08-56357 (9th Cir.)

“The thing I love about litigating is you get a new subject matter, and you represent clients who are trying to do the right thing,” Hummel said. “It’s been a really, really rewarding year, despite the loss in Pellicano.”