

## ATTORNEYS <sup>OF</sup> THE YEAR

### Roman Silberfeld Robins, Kaplan, Miller & Ciresi

**“W**ho Wants to Be a Millionaire” creator Celador International had the courage of its convictions when it went up against The Walt Disney Co. in a jury trial last year, says attorney Roman Silberfeld. Disney, on the other hand, was betting there was little merit to Celador’s claim.

“They turned out to be wrong,” Silberfeld said.

After years of legal wrangling and a four-week trial, the jury issued its final answer: Celador should receive a whopping \$269 million in lost profits, plus \$50 million the trial judge added in prejudgment interest. Disney appealed to the Ninth Circuit U.S. Court of Appeals in January.

It was the largest jury verdict ever in a so-called “Hollywood accounting” case, according to *The Hollywood Reporter*, and could have lasting implications on the way Hollywood does its accounting.

Disney “entered into a series of secret agreements with their own captive companies so as to play a shell game with profits,” Silberfeld said. “When all the agreements were done, there would never be any profits that Celador could share.” Disney argued that there was nothing unusual in its revenue allocations, according to media reports.

Silberfeld got involved thanks to a series of dramatic events unfolding for one Los Angeles law office. After disgraced attorney Marc Dreier’s L.A. outpost imploded, a group of its entertainment lawyers joined Robins, Kaplan, Miller & Ciresi in early 2009, bringing the Celador case with them. The trial had been set for

May of that year.

As those lawyers acclimated to their new firm, Silberfeld, a trial lawyer and the firm’s managing partner, dropped everything to take over the case. It turns out he didn’t need to rush: The trial was continued to 2010. The proceedings were delayed again when the judge handling it — Florence-Marie Cooper — passed away. Eventually, Judge Virginia Phillips took the case, and Silberfeld set out to prove just how important the program was to ABC and Disney.

“We wanted to have the jury have the proper perspective of the value, because we were going to ask them for hundreds of millions,” he said. Celador had asked for damages up to \$395 million.

Silberfeld said the case was proven essentially “out of the mouths of defense witnesses” — by his team’s cross-examination of executives from Disney, ABC and Buena Vista Television. Another wrinkle emerged when former Disney CEO Michael Eisner, who had been scheduled to testify, left the country during trial and didn’t appear.

The verdict could have ripple effects for the way media companies buy rights, produce shows and pay their partners, Silberfeld said. He’s already looking at similar cases involving not only Disney but other studios as well.

The 61-year-old lawyer was born in Germany and moved to the United States when he was six. He attributes his desire to become a lawyer to his strong-willed mother, who insisted on her children being educated and “doing something important with their lives.”



JAMIE RECTOR

During the course of his career, he’s tried a wide range of cases from medical malpractice to toxic substances to trade secrets. This was his first entertainment industry case.

“To learn how a studio works, the television business works, how accounting works, it’s fascinating.”

Silberfeld is married with four children and four grandchildren. He enjoys hiking, boating, skiing and woodworking. In his lake house, he has a wood shop where he makes small items and pieces of furniture, and other gifts for friends.

“Unlike a lawsuit that can take five years to finish, I can start woodworking at 9 a.m. and be finished with a gift for someone by 6 p.m.,” he said. “That’s rewarding.”

— Kellie Schmitt