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## Titan Of The Plaintiffs Bar: Berger's H. Laddie Montague Jr.

By **Christopher Cole**

Law360 (May 6, 2019, 4:39 PM EDT) -- It was 1989, and just as soon as the tanker Exxon Valdez slammed into the shoals of Bligh Reef, spewing oil into the depths of Alaska's Prince William Sound, a sprawling class of the injured was born in one of U.S. history's worst energy-sector disasters.

And that meant litigator H. Laddie Montague Jr. would soon be spending a lot of hours in the Land of the Midnight Sun, helping the community recover from devastating loss, particularly in the fishing industry.

As a founding shareholder of the midsize boutique Berger Montague, he had already spent well over a decade helping build its class action pioneer status on cases tangled in arcane subjects like antitrust law. But the Exxon oil spill would thrust Montague and his colleagues front and center into one of the highest-profile, hardest-fought cases on the American litigation landscape of the 1990s.

Chairing the oil spill plaintiffs' discovery committee, Montague helped win a verdict of more than \$5 billion, which eventually got whittled down in an epic brawl taken to the U.S. Supreme Court to \$500 million — still not chump change, even to a corporate giant like Exxon.

But he has made his mark in countless other ways in the class action world, not least of them in a **still-ongoing case**: The largest-ever antitrust class action settlement, at least \$5.54 billion, for merchants who challenged Visa and MasterCard transaction fees, a deal that's awaiting a final court nod.

Montague's leading role in securing big outcomes in these and other high-stakes legal fights over the years, including tobacco litigation by the state of Connecticut, make him one of **Law360's Titans of the Plaintiffs Bar for 2019**.

Montague says if he has to pin down any one rule of thumb, it's knowing a case backward and forward before his clients get their day in court.

"I think it's really the Boy Scout adage: Be prepared. You have to be prepared to follow through to the end," Montague said, emphasizing that ingenuity and creativity are key elements of winning a tough battle like the credit card dispute. In that case, where he serves as co-lead counsel, the merchants claimed that the card issuers working in tandem had artificially inflated fees paid on purchases.



**H. Laddie Montague Jr.**  
Berger Montague

**Advice For Success:**  
"You can know all the facts.  
If you can't have a jury understand it, it does not

do any good."

Defense lawyers in cases like these are hardly pushovers, Montague pointed out.

"From a plaintiff's point of view, the lawyering on the other side is of the highest quality," Montague said. "You have to be prepared to litigate your own case at the highest quality."



Montague chaired the oil spill plaintiffs' discovery committee in litigation against Exxon after the tanker Exxon Valdez, shown above in April 1989, struck Bligh Reef and released 11 million gallons of crude oil in Prince William Sound, Alaska. (AP)

Described by longtime associates as bright and always even-tempered, Montague is known for his mindset of preparing heavily for a case, with an exacting devotion to detail.

Judge Harold Berger, who served the Pennsylvania Court of Common Pleas, was one of the boutique firm's three co-founders with Montague and David Berger in the 1970s. He knows Montague from back when he served on the Philadelphia County Board of Law Examiners and his future colleague, Montague, was first applying for bar admission. At that time, bar candidates had to appear twice, along with a preceptor.

"I interviewed Laddie. When it was all finished, I said, 'Approved,' immediately, because his background was so excellent and his demeanor was so excellent," he said. "I turned to my colleagues and said, 'H. Laddie Montague is going to be a star of the Philadelphia bar.' And my predictions were correct."

Judge Berger, who remains with the firm as shareholder emeritus and of counsel, called Montague not only brilliant but a "fantastic trial lawyer" whose precision to detail reminded him of fellow students in engineering school. "When he's in court, he never loses his temper, and he's so meticulously prepared."

"In addition to that, he's a tremendous tennis player," the judge added.

Most importantly, he said, Montague always adheres to the firm's first principle: fidelity to clients.

Montague's legal career stretches back more than 50 years. He has been involved in more than 30 major class actions, including marquee cases like [Bogosian v. Gulf Oil Corp.](#), and antitrust litigation over high fructose corn syrup, as well as representing the state of Connecticut in the tobacco case.

Recently, Montague and other Berger Montague attorneys served as co-lead counsel on behalf of a class of direct purchasers of drywall, claiming the dominant manufacturers of drywall plotted from January 2012 through January 2013 to fix prices in the U.S. and to abolish the industry's long-standing practice of limiting price increases during a construction project through "job quotes."

The team won class certification, then a string of agreements brought the total amount of

settlements for the class to **\$190.7 million**, which the firm says has been reported as one of the top 20 settlements in the nation for 2018.

Montague said that over the decades, he has seen tremendous change in the legal industry, perhaps most markedly with what he called "the inundation of electronic documentation" that costly, complex cases entail. And that leads to some suggestions for building a winning case.

Especially in jury trials, all of the information that has flooded in through the discovery process has to be distilled in a straightforward way so it can be clearly presented to the people who ultimately decide the case. Montague said that calls up the old advice for lawyers to "keep it simple."

A case like the one over the Exxon Valdez can involve a mountain of evidence, and the best way to translate all of that in court is to have very good demonstrative exhibits to make sure the jury can absorb everything, according to Montague.

"You can know all the facts," he said. "If you can't have a jury understand it, it does not do any good."

Fortunately for Berger Montague's clients, he believes, the midsize boutique has gathered the right talent to tackle those types of major class actions. "It is challenging, to say the least," Montague said. "We have a very good group of lawyers here."

--Editing by Katherine Rautenberg and Alyssa Miller.

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