



'EVERYWHERE WE WENT, WE WERE FIRST'

That's how it feels to work side-by-side
with trailblazer Sherrie Savett

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Sherrie Savett
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WHEN SHERRIE R. SAVETT was in eighth grade, she got to attend the Temple Law School graduation of the person she idolized most in the world—her father. He was 40 years old, a World War II veteran and Bronze Medal honoree, though she wouldn't find out about that until after he died because he didn't talk about his bravery. Instead, he came home quietly after the war, started his family, and in the tradition of his parents who survived the Depression with their delicatessen business, he opened a market in North Philadelphia. A butcher by day and law student at night, the evening of his first exam was also the night his youngest child was born.

"He was a modest but powerful man of deep conviction, high intelligence and tremendous kindness. I wanted to do anything that he did," Savett says. "He was incredibly fair and honest, and that is a value I believe I've taken with me through my career."

For more than 45 years—almost all of them at Berger Montague—Savett has led major securities and consumer class actions. She was the first woman on its executive committee and its first female chair. She made her name litigating and successfully settling multimillion-dollar complex cases. And she did it while raising three kids, so the facts of those cases are woven among memories of math homework, field trips and handmade robot costumes.

Throughout the past two decades, while Savett made time to serve as the president and board chair of the Jewish Federation of Greater Philadelphia, play competitive tennis on several USTA teams and train to bike 160 miles from Jerusalem to Eliat throughout the mountainous Negev Desert, she brought her firm along as she ventured into qui tam litigation and became a leader in the area. She cut her teeth on the \$1 billion Average Wholesale Price cases, and recently proved instrumental in the \$117 million United Health Services matter.

"She's a very successful litigator of complex cases," says H. Laddie Montague Jr., who watched Savett develop beautifully under his late partner David Berger's mentorship. "She has a wonderful way about her. Clients are very loyal to her and she cares about them. She's always been very active in the community and fundraising, and always has time for her family."

Defense lawyer Alexander D. Bono of Duane Morris—a frequent adversary of Savett's—says while her reputation is national in scope, it's rooted in "the tradition of the old-school, increasingly rare Philadelphia lawyers who celebrate the tradition of Andrew Hamilton—who defended John Peter Zenger in the first freedom of the press victory in the American colonies—and who are known for being aggressive and zealous but also congenial and principled."

"She's a ferocious advocate for sure," Bono adds. "She entered into the world of high-stakes plaintiff civil litigation at a time when it was dominated by men. She's to that type of high-stakes litigation what RBG was to the judiciary: a real trailblazer."

Retired U.S. Magistrate Judge and JAMS arbitrator Diane M. Welsh says Savett continues to blaze.

"She is a very civil and collegial lawyer who works well with co-counsel—and in her practice area with plaintiff class action work, that is not always easy," Welsh says. "She really has the interest of her clients as her foremost concern. She's very ethical in putting

the clients' interest above any interest she has as a lawyer. She's very passionate about the cases she brings, but not emotional."

Yet she knows how to use emotion to make a case.

BEFORE LAW, SAVETT'S FIRST ROMANCE was drama. From the age of 9 to 17, she attended Camp Louise in the Catoctin Mountains of Maryland, an all-girls Jewish summer camp known for its theatrical productions. Constantly rehearsing or performing, she grew up memorizing lines and reading rooms.

"I love thinking on my feet," she says. "I love oral advocacy, and I think part of that comes from my theatrical days. You have to have the facts and the law, but it doesn't hurt to have a little emotion, excitement and creativity in the way you present things."

When she was in law school at the University of Pennsylvania, Savett got to see a charismatic lawyer named David Berger who did just that. He was known as the father of class actions, and when Savett was given the opportunity to go work for him after graduation, she took it and never left.

"I loved the concept of the David vs. Goliath, and we were the David representing the defrauded investors and defrauded consumers against big corporations," she says.

One of her first cases alongside Berger was a securities class action in which a team of fraudsters had placed investors in prominent brokerage firms to buy and later dump large quantities of Magic Marker stock, causing the price to skyrocket and then plummet. They argued those brokerage firms recklessly ignored, or turned a blind eye toward, the unusual transactions.

"The defendants, especially the brokerage firms, waged a very serious defense," Savett says. "They filed motions to dismiss, an opposition to our class certification motion and extensive briefings. I read every pertinent case, prepared for days, and David was to argue those motions. The morning we got to court he said, 'I'll take one, and you take the other.'"

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Savett had never argued a significant motion in federal court before. She was terrified. But she won, as did Berger.

"We settled the case for millions of dollars, a number that won't sound so big today, but it was one of the largest in the Eastern District of Pennsylvania then," she says. "For me it was the most empowering experience, to have been able to stand side-by-side with the giant David Berger. That was really an important case for me in terms of personal empowerment and self-confidence."



Savett takes a rest stop on her 160-mile bike tour.

Outside the Law

In addition to her still-thriving practice, Savett always makes time for her children, six grandchildren, tennis, biking and adding to her collection of Israeli glass and sculpture work. Three favorite pieces—*The Dancer* by Ruth Bloch, *Pas de Deux* by Isaac Kahn and *Puzzled* by Tolla Inbar—often spur conversation at Savett's gatherings.

"These pieces are masterpieces in my view," she says. "Each has great meaning for me. *The Dancer* is a proud, strong, independent woman full of curves who is determined and serious, yet joyful. I identify with her. *Pas de Deux* is a couple in a beautiful, sensual dance. It appeals to my romantic side. What's fascinating in this one is that there are no heads on the bodies, but you hardly notice because their connection is so powerful."

The third, *Puzzled*, is two androgynous figures in bronze who are connected by steel puzzle pieces. Savett says the piece evokes a couple working together to solve "the mysteries of life." "I always ask people who they think is the man and who the woman," she says. "I get many different answers. I think the woman is at the base, because women often provide the foundations of a family or relationship."

While her love for art is well-known, she may be best recognized outside of law for her philanthropic efforts on behalf of Philadelphia's community of more than 350,000 Jewish people.

"My principle charitable work has been in the area of the Jewish community," she says. "I was past president and board chair of the Jewish Federation of Greater Philadelphia from 2011 to 2014, and now I'm the campaign chair and on the board of directors."

The Federation's mission is broad: support Jewish life and learning, provide a safety net for Jewish people regionally and around the world, and support Israel. "We provide assistance to literally tens of thousands of people every day through our work," she says. "Twenty percent of our Jewish population lives at or below the poverty line. People would be surprised to know that, and we have a very elderly population that has great needs."

She has found nonprofit work to be joyous. "I find the people that are involved in nonprofit work tend to be some of the best people you could ever know because they are not centered on themselves, but they are looking out to the world and trying to make it better," she says. "That's one of my goals, as well as my firm's."

Her subsequent securities successes included a \$334 million settlement with Rite Aid, \$220 million with Waste Management, \$93 million with Cigna and \$70 million with Sotheby's, to name a few.

In the area of consumer class actions, she co-led one of the first big data breach cases in the United States, against TJX Companies, after their inadequate security allowed hackers to steal the private information of 45 million consumers—including Social Security numbers. The settlement—valued at over \$200 million—became a model for the many data breach cases to follow, and included two years of identity theft insurance and credit monitoring in addition to reimbursement for losses as well as compensation for time spent mitigating the harm. Chief Judge William Young called it "innovative" and "groundbreaking."

BOBBI LIEBENBERG OF FINE, KAPLAN AND BLACK first got to know Savett back at summer camp, and was impressed at the athleticism Savett displayed when she swam in the lake each morning, whereas Liebenberg was afraid of leeches and preferred to hike to the boy's camp, which had an actual swimming pool. She says it's important to understand what it was like to be a female plaintiff's lawyer in the 1970s, when she and Savett started.

"We didn't have any role models," Liebenberg says. "There weren't that many women. Everywhere we went, we were the first. That really just underscores what she accomplished. I think people would characterize her as a force of nature."

Michael T. Fantini, now a shareholder at Berger Montague, has had Savett as his boss for almost 30 years, and still marvels at





Baking with granddaughter Ella.

what a quick study she is. She's always prepared, he says. She'll often call him at 10 at night, excited about the work, and can absorb volumes of information in a short period of time. He's received deference from lawyers around the country just by being associated with her.

"It would be a roomful of male lawyers, and she would be the key figure in the room, and the only woman," he says. "We handle these huge cases, and have been in many where it's just Sherrie and I against the world."

In one memorable case, *Fitz, Inc. v. Ralph Wilson Plastics Co.*, the duo represented a class of fabricators against the maker of an adhesive that would become unglued, causing cabinets to peel off the walls so that they would have to come back and fix the work. While that may not sound exciting, Fantini says it was like something out of a movie. They had to hire a private investigator to find the former scientists who were in hiding. "The defendants were extremely aggressive in their tactics," he says. After seven long years, the case settled, with Savett obtaining a great recovery for the fabricator class.

"We take all these cases on a contingency basis. We've had a high degree of success, but we've had losses on cases we've spent years and millions of dollars on," Savett says. "It's a very challenging practice. There are times you get discouraged because you think you have such a strong case and a defendant won't sit down and settle. They want to just continue to fight, year after year, just to exhaust you because they have unlimited resources and we don't. I'm proud that our firm has stood up to these companies and matched them toe-to-toe."

And while Savett has always felt a moral obligation to seek justice, never was that more true than when she began representing whistleblowers risking their careers, livelihood and sometimes lives.

THAT WORK BEGAN WHEN qui tam lawyer James J. Breen in Alpharetta, Georgia, sought out Savett's help on the Average Wholesale Price cases against Big Pharma, alleging they were defrauding Medicare and Medicaid by inflating prices. The work would take years up against some of the best defense firms in the country. "I needed a firm that could help me," Breen says. "I knew Sherrie and her firm understood large complex contingency cases. You have to be flexible and see way ahead. There's no rule book or cookie cutter way of doing these things, and Sherrie is a master of working with other firms and taking a lead."

The cases recovered more than \$1 billion for state and federal governments, and launched Savett into a field in which Breen says she understands the enormous weight and commitment.

"Those cases are filed under seal with the identity of the relator or whistleblower [known only to] the government and plaintiff's counsel," Savett says. "They can't talk about it with anybody. They carry this burden. They're brave. So I feel emotionally connected to them."

"She uses many creative strategies and does not relent in the face of a difficult situation," says Joy P. Clairmont, a shareholder in Berger Montague's whistleblower, qui tam and False Claims Act group. "She is a phenomenal negotiator and incredibly persuasive."

Bono, Savett's frequent adversary, says that's because she *listens* to the defendants and their counsel. "She doesn't often agree," he says, laughing. "Some lawyers, all they want to do is email, some pick up the phone, and some will look you in the eye. Sherrie is very good on that one-on-one basis. Not all lawyers have that ability to hit a point that really resonates with their adversaries."

Perhaps that's because she's never been the type of person to phone anything in, says Liebenberg, referring both to Savett's philanthropic work and what an enormous responsibility it was to become president and board chair of the Jewish Federation of Greater Philadelphia—only the third woman to do so.

"Sometimes when people are the first, they're not always as generous to those that come behind, and I think Sherrie has wanted to ensure that other women lawyers would have a more level playing field," she says.

Like how Savett hired Clairmont 20 years ago as an associate and has supported her advancement at the firm, which boasts a higher percentage of female partners than the national or Philadelphia average. "When my kids were young, I worked four days a week so that I had Fridays at home," Clairmont says.

"Sherrie was fully supportive, and my reduced work schedule did not impact my becoming a partner. She has set a remarkable example as a strong, ambitious and successful woman lawyer."

Savett admits that sometimes when she looks back, she's not sure how she did it, but the Jewish principle of *Tikkun Olam* certainly encouraged her.

"I'm a very proud Jewish woman and I feel that Judaism is a people as well as a religion, a culture and a tradition, and a value system that I think is an excellent way to live your life," she says. "Tikkun Olam means 'repairing the world'. ... If you're fortunate enough to live in this incredible country, as troubled as it is, and you can give back, then you should. So that really inspired me to do the work, in law and otherwise." 