

Copyright 2010. ALM Media Properties, LLC. All rights reserved.

---

## Small Law Firms Reap \$16 Million in United Airlines Case

Lynne Marek

01-28-2010

The \$44 million payday coming for some United Airlines pilots next week from the settlement of a pension dispute will include a \$16.4 million payout for their Illinois lawyers.

Myron M. Cherry & Associates of Chicago will get the lion's share of the Feb. 3 payment, raking in \$9.8 million as class counsel in the long-shot labor dispute. Korein Tillery, a St. Louis-based firm, will take home \$6.6 million for chipping in over three years. They represented 2,200 senior United pilots who claimed in a December 2006 federal lawsuit filed in Chicago that they were shortchanged by their union in a distribution of pension benefits related to the airline's bankruptcy.

"We thought that was a wrong that was so clear that we could squeeze it into some legal theory," said Myron "Mike" Cherry, who said the award is among the top three biggest ever for his firm.

The two small firms triumphed over big-law rivals. Once the pilot plaintiffs defeated a motion for summary judgment last July by the union Air Line Pilots Association International, which was represented by Mayer Brown, and won denial of a motion for reconsideration in September, the case preliminarily settled in October and reached final settlement last month. The settlement was announced last week after a period for appeals had lapsed.

The union's bid fell short despite assistance from United and its counsel at Kirkland & Ellis and Reed Smith.

The case may represent the biggest award ever in a fair representation case, in which unions are sued over their responsibility to fairly represent their members. "There are relatively few successful fair representation cases, and this is a very significant amount of recovery," said Harry Risetto, senior counsel at Morgan, Lewis & Bockius in Washington, D.C. While Risetto wasn't involved in the United case, he has represented major airlines.

Stephen Tillery said he got his firm into the case because it had "some very good facts," namely the skewed distribution of funds that negatively affected older pilots.

Cherry's firm had two full-time lawyers and three part-time attorneys on the case, while Korein Tillery assigned one full-time lawyer and three occasional attorneys.