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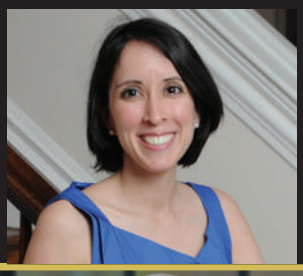

PROFESSIONAL EXCELLENCE AWARDS 2016

- Attorney of the Year Finalists
- Lifetime Achievement Awards

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ATTORNEY OF THE YEAR AWARD FINALIST

Picture Perfect

Jonathan Freiman makes mark with insurance and international law litigation

PHOTO BY GARY LEWIS

By THOMAS B. SCHEFFEY

Any lawyer would be proud to accomplish in an entire career what Jonathan Freiman achieved in 2015.

The Wiggin and Dana attorney won reversal of a $35 million judgment against The Hartford insurance company in a class action by auto body repair shops, undoing the largest Connecticut Unfair Trade Practices Act verdict in history. At the California Supreme Court, for the same client, he won the return of $13.5 million in excess counsel fees,

going up against 1,200-lawyer Gibson, Dunn & Crutcher. At the U.S. Court of Appeals for the Second Circuit, Freiman successfully defended Yale University's ownership of Vincent van Gogh's "The Night Cafe," valued at more than $250 million.

'When I walked out of oral argument, I did feel like I'd been on top of my game. While I couldn't know what the result would be, I knew that I had done all that anyone could have done for my client.'

And on top of all this, as pro bono work, he wrote an amicus brief for two former general counsel at the Department of Veterans Affairs urging the VA to clear claims in batches, to shorten the seven-year delays that the oldest and sickest veterans now suffer.

For this long list of accomplishments, Freiman has been named a finalist for Connecticut Law Tribune Lawyer of the Year.

"Jonathan has a mind like a laser, and he always seems to point it right at the critical spot, the fundamental issue in every case," said David Rosen, another New Haven attorney.

Freiman is hardly a flash in the pan. His career accomplishments include years of high-impact international human rights matters. He's spent years advocating rights for stateless maritime refugees, once called "boat people." Freiman has also represented Jose Padilla, the only American civilian seized on U.S. soil and charged as an "enemy combatant." And in the complex world of international art and antiquities law, he's prevented the loss of treasures worth many hundreds of millions of dollars.

Freiman grew up in Scotch Plains, New Jersey, in a small family where everything centered around "the store." It was a pharmacy, the legacy of grandfather Irving Freiman who, in the 1920s, picked the challenging career of being a "Jewish, Northern, communist labor organizer in the South," as his grandson recounts. It was a life marked with death threats from mill and factory owners, and Irving eventually moved back north. Freiman's father, Michael, eventually bought out *his* father's business. But Michael Freiman waged a Sisyphean struggle to pay banks and the tax man, working at the pharmacy until he was stricken with Lou Gehrig's disease. "We were right at the edge," Freiman said.

After an unhappy freshman year at the University of Pennsylvania, Freiman took off to an Israeli kibbutz, where he learned Hebrew and packed onions. Afterward, he attended Oberlin College in Ohio and after graduation joined a Shakespeare troupe working in Iowa, New York and Oklahoma. Acting and directing through his late 20s, Freiman realized he could not raise a family this way. Since seventh grade, he realized, he'd been drawn to news stories about the law. He decided to apply to Yale Law School, with an eye toward teaching.

Choosing Paths

A portentous moment came in a first-year civil procedure class taught by Harold Koh, who would go on to be the school's dean. Freiman approached after the lecture to ask if he could see some examples of Koh's best briefs, to study them.

"He sort of looked at me," said Freiman, "as if he was taking my measure in a blink of an eye, and replied, 'Are you doing anything right now? We're having a meeting of the clinic discussing the Cuban and Haitian refugee crisis and litigation. You'd learn about brief writing there.'" Koh didn't say another word, just turned and walked away. Freiman decided to follow. That moment launched his lifelong involvement with human rights work.

Freiman would become student director of the human rights clinic, leading efforts to bring tyrants and torturers to justice. After law school, Freiman clerked for a Philadelphia federal court judge and then won a series of Yale fellowships that allowed him to continue work on the rights of maritime migrants. At the same time, Freiman was invited to work with Mark Kravitz, later a federal judge but then the top appellate lawyer at Wiggin and Dana, as a part-time associate.

In 2001, the Sept. 11 attacks intensified the field of international human rights law. When President George W. Bush tested his new war-on-terror powers by seizing U.S. citizen Jose Padilla, Freiman enlisted with the defense team. Padilla, inaccurately reviled as a "dirty bomber," was the poster child for 9/11's legal inroads on the Bill of Rights, as he languished in a South Carolina military brig without charges, a trial date or access to counsel.

Civil rights scholars, former judges and congressmen "agreed with the fiery arguments in a brilliant brief to the Second Circuit in the *Padilla* case by Jonathan Freiman of the Lawyers Committee for Human Rights," wrote columnist Nat Hentoff in 2004. So did the court, but the U.S. Supreme Court ruled the matter should have been filed in South Carolina.

In 2005, Bush appointee Henry Floyd, in the U.S. District Court in Charleston, South Carolina, surprised many when he ruled Padilla could not be stripped of his constitutional rights by simply being labeled an "enemy combatant." He was reversed at the Fourth Circuit, but right before the U.S. Supreme Court was to hear the case, government lawyers decided Padilla should get a civilian trial with the attendant rights. "We're probably the only lawyers in America saying, 'Please charge our client with a crime,'" Freiman noted. "In the end, we got what we'd been asking for all along," except for a Supreme Court decision. The justices declined to hear the merits of the Padilla case, but the justices said that direct habeas corpus review would be available if the government ever tried this again.

Freiman's hybrid practice of half appellate work at Wiggin and Dana and half international human rights cases came to a halt in 2009, when his wife, Amy, was diagnosed with cancer. Freiman shifted to law firm work only. This allowed him to spend more time with his wife, and three sons, who were 5, 7 and 9, in her last two years. Freiman has since remarried and has a 5-month-old daughter.

'Very Big Win'

Of his 2015 cases, the van Gogh case might have received the most national press. The heir to a wealthy Russian industrialist had challenged the Yale University Art Gallery's ownership of the masterpiece, claiming it had been taken from his great-grandfather during the Bolshevik revolution and was later sold by the Soviet government. At the federal district court level, Freiman successfully argued that the "act of state" doctrine barred the ownership challenge. The doctrine states that the U.S. cannot overturn property seizures enacted by foreign governments. The Second Circuit upheld the lower court ruling.

But the auto body case made bigger legal waves in Connecticut. The plaintiffs, led by Artie's Auto Body, had brought a class action in 2003 against The Hartford on behalf of more than 1,000 independent repair shops in Connecticut. The plaintiffs said that the insurance company engaged in unfair trade practices by requiring the appraisers who assessed vehicle accident damage to use artificially low labor rates. In overturning the $35 million verdict, the Supreme Court said that the shops could simply have opted not to do business with The Hartford if they didn't like the rates being paid.

"I'm certainly proud of *Artie's*," Freiman said. "Litigators love to win, and that was a very big win. It's the largest CUTPA verdict ever reversed, it's the largest class action ever reversed in this state, and it's the largest commercial case judgment ever reversed in this state."

Freiman said the most important thing was to vindicate The Hartford's business practices, which had been alleged to be immoral and illegal. "It was also satisfying on a different level," he said. "When I walked out of oral argument, I did feel like I'd been on top of my game. While I couldn't know what the result would be, I knew that I had done all that anyone could have done for my client. That was a tremendously satisfying feeling."