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Litigator of the Week: Roman Silberfeld of Robins, Kaplan, Miller & Ciresi L.L.P.

By Andrew Longstreth

If you're a Hollywood lawyer, you represent either the content producers or the studios. Not both. And if there was ever any doubt about which side Roman Silberfeld is on, there isn't any more. On Wednesday, following a five-week trial in Riverside, Calif., the Los Angeles-based Robins, Kaplan, Miller & Ciresi partner won a $269.2 million verdict against Walt Disney Co. in a case over profits from the quiz show Who Wants to Be a Millionaire?

Silberfeld represented Celador International, the closely-held British company that created Millionaire and brought the show to Disney after a very successful run in the U.K. Two Disney subsidiaries, ABC and Buena Vista Television, paid Celador a fixed fee for rights to Millionaire and agreed to share profits from the show equally with the British company. But Celador alleged in its 2004 complaint that Disney engaged in self-dealing financial gamesmanship to hide Millionaire's profits, shortchanging Celador.

At trial, both sides put on evidence about the show's worth. According to Bloomberg, Silberfeld showed the jury an e-mail from former Disney CEO Michael Eisner that estimated the value of the show to be $1 billion. Robert Iger, Eisner's successor, testified that he didn't share Eisner's view. (Disney's lead trial counsel was Sheppard Mullin.)

Although the jury awarded less than the $395 million Celador reportedly asked for, it sided with Celador on the major questions.

"The moral of the story is people should honor their contracts and treat others fairly," Silberfeld told reporters outside of the courtroom on Wednesday afternoon. "That is what this jury said today. Even Disney is not immune."

As The Los Angeles Times pointed out Thursday, the Millionaire verdict calls into question the practice of media companies taking complete control of programs--buying rights and then producing shows--in order to limit what they have to pay their partners. Silberfeld told the Times that the days of such tactics could be numbered.

"It's stunning how studio accounting works--or in this case, didn't work," he said. "And it took a jury to make it right. I think the next time that a studio wants to use some creative accounting mechanism, they're going to think twice."