

Sheppard Mullin Litigators Appear in Oscar-Nominated Film

BY JASON GRANT

A FEW Sheppard, Mullin, Richter & Hampton litigators will be gathered in front of their TVs in New York on Sunday night, taking in the Oscar glamour and Jimmy Kimmel one-liners, and waiting to see if they take a turn in the spotlight.

New York-based partner Robert Friedman and associate Sarah Aberg, along with former partner Kevin Puvalowski, all appeared in last year's riveting documentary, "Abacus: Small Enough to Jail." The film, one of five nominated for an Academy Award in the Best Documentary (Feature) category, tells the David-versus-Goliath tale of the lone bank criminally indicted for wrongdoing in the wake of the 2008 financial crisis.

It was not JPMorgan Chase, Barclays or another Wall Street



A GROUP of people waiting behind police barricades to enter the Abacus Federal Savings Bank in New York in 2003.

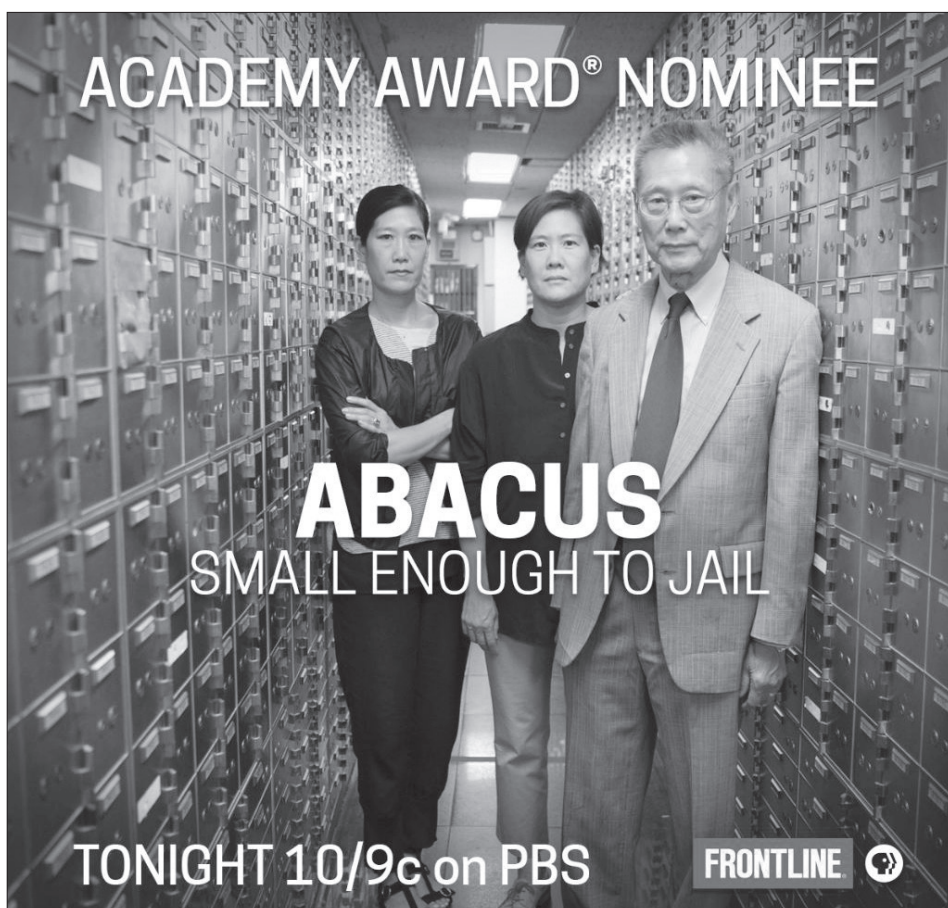
DANIEL ACKER/ALOMBERG

player. It was tiny Abacus Federal Savings Bank, whose main branch is wedged into New York's Chinatown on the Bowery.

Manhattan District Attorney Cyrus Vance Jr. and his prosecutors indicted Abacus for mortgage fraud allegedly tied to the crisis, bringing more than 180 counts at trial. But Abacus walked away from a four-month trial in 2015 with a full acquittal.

Friedman had represented the small bank for years, and had long been a friend of the Sung family, whose Chinese immigrant patriarch started the business. In fact, Friedman and Vera Sung, an Abacus Bank director, had been state prosecutors together years ago in Kings County.

So he represented Abacus, bringing the criminal case into the firm. But then he stepped



'ABACUS: Small Enough to Jail' poster

back from the day-to-day, letting partner Puvalowski—who is featured often in the film—and Aberg take the lead. In the end, they beat the odds by beating Vance's powerful office. Though they were helped greatly, notes Friedman, by the determined Sung family, three of whom are lawyers themselves.

Through the pretrial days and the trial itself, a documentary film crew showed up often, recalled Friedman in a phone interview on Wednesday. But he

and his colleagues never understood "the extent of the filming that was going on."

Chicago-based director Steve James, of "Hoop Dreams" fame, was making the film. And he ended up creating an important and "extremely well-made" documentary that Friedman said he and his colleagues were glad was put into the world.

"It tells a great story," Friedman said. "It's a human story, and a story of a success of the family that built a great business. And

then they stood up to the government in the face of a potentially devastating result."

As for the potential Oscar for the film, Friedman said he and his colleagues will watch from their respective homes on Sunday to see what happens. But they'd mostly be happy for the Sung family if it wins.

"It would be nice for the family, it would be another recognition that they deserve," he said. "From our standpoint as lawyers, whether it wins an Oscar or not, it doesn't really affect the courtroom outcome and how we feel about the case."

@Jason Grant can be reached at jgrant@alm.com. Twitter: @JasonBarrGrant