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Jerome J. Shestack
Past President, American Bar Association - 1997-1998

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Inclusion in *Best Lawyers* is based entirely on peer review. For 25 years, the top lawyers in the U.S. have helped make *The Best Lawyers In America* the leading legal referral guide by candidly evaluating the work of other top lawyers in the same practice areas and geographic areas.

Lawyers are nominated to *Best Lawyers* in three ways. First, all of the lawyers in the previous edition of *Best Lawyers* are automatically nominated into the next edition. Second, during the voting process, voting lawyers are asked to nominate any outstanding lawyers who have not yet been nominated. These lawyer nominations are generally for lawyers at other firms and register as votes as well as nominations.

Finally, now that most large firms have marketing departments, *Best Lawyers* allows marketing directors to nominate lawyers from their own firms. We ask only that they exercise prudence. Nominating too many lawyers not only creates an unwieldy ballot but can also prejudice voters against all the nominees from a firm. Nominating under-qualified lawyers can cast a firm's best candidates in an unfavorable light. [Click here](#) for *Best Lawyers* nomination forms.

In most cases, nominees who are not selected for inclusion in *Best Lawyers* automatically remain on the ballot for the next two editions.

In established practice areas, the voting pool consists primarily of lawyers listed in the previous edition of *Best Lawyers*. Nominees who get particularly high votes may also be asked to vote. When new practice areas are added, the voting pool consists of listed lawyers in related practice areas and/or listed lawyers in the same practice area in another jurisdiction, as well as nominees who receive particularly high votes.

In large legal communities (such as New York City and Washington, D.C.), lawyers are asked to vote only on lawyers in the same practice area and in the same legal community. In medium-size legal communities (such as Columbia, South Carolina, or San Jose, California), lawyers may be asked about lawyers in related practice areas in the same community or in the same practice area across the entire state. In small legal communities (such as Corpus Christi, Texas, or Rapid City, South Dakota), lawyers may be asked about all of the lawyers in the same community across the full range of practice areas.

Best Lawyers is published annually. Each year, lawyers in half the states (by population) are called and asked to vote by phone; lawyers in the other half are asked to vote by e-mail or fax. The next year, the process is reversed, so that every voter has an opportunity to vote "in person" every two years.

Whether by telephone, e-mail, or fax, we ask voting lawyers the same question, "If you could not handle a case yourself, to whom would you refer it?" Lawyers are asked to give nominees 5-1 numerical grades – 5 for a lawyer the voter would certainly refer a case to, 4 for a lawyer the voter would probably refer a case to, and 3 for a lawyer the voter might hesitate to refer a case to. Lawyers are allowed to give pluses or minuses in order to make their votes more precise.

Once all of the evaluations have been compiled, the letter grades are converted into numerical equivalents and then averaged. Eccentric votes – far better or far worse than the others – are excluded from this calculation. The numerical average required for inclusion varies according to the average for all the nominees within the practice area and the geographic area. In close cases, the editors make final decisions based both on comments that are made about a nominee during the polling process and on the grades of the voting lawyers (votes can be given more or less weight depending on the voter's own grades and on how closely that voter predicts the outcome for the other nominees in the practice area).

As soon as the selections are finalized, the selected lawyers are checked against state bar association sanction lists to make sure that every lawyer is in good standing with the ethics committee of his or her state bar. Then letters of congratulation are sent to all the listed lawyers. At the same time, marketing directors receive summaries of the survey results for their firms, including lists of returning listees, new listees, and quantitative information comparing the firm's survey results to those of other firms in the city, state, region, or nation.

Ultimately, of course, a lawyer's inclusion on these lists is based on the subjective judgments of his or her fellow attorneys. While it is true that the lists may at times disproportionately reward visibility or popularity, we remain as confident today as we were twenty years ago that the breadth of our survey, the candor of our respondents, and the sophistication of our polling methodology largely correct for any biases and that these lists continue to represent the most reliable, accurate, and useful as well as the most transparent guide to the best lawyers available anywhere.