

LITIGATION
DEPARTMENT
OF THE YEAR

WEEK OF NOVEMBER 14, 2017

Latham & Watkins

ANTITRUST

This past year Latham & Watkins antitrust litigators helped Oracle Corp. stave off the sort of “no-poach” claims that have cost their Silicon Valley neighbors hundreds of millions of dollars. They also helped Cox Communications route consumer antitrust claims into arbitration and took the lead for American Airlines—and the company’s airline co-defendants—in knocking out claims that they conspired to raise prices and block consumers from combining one-way ticket flights at lower costs than round-trips. *The Recorder* asked Latham’s Christopher Yates, co-chair of the firm’s global antitrust & competition practice, to reflect on the year’s accomplishments and what makes Latham a go-to firm for companies facing antitrust claims in court.

What do each of these cases the firm handled last year demonstrate about Latham’s antitrust litigation capacities?

We approach each and every

matter with the goal of achieving our client’s objectives as quickly and efficiently as possible. We’re often able to identify issues that will be dispositive and build our litigation strategy around convincing the judge, arbitrator or jury that the issue is dispositive—meaning that the facts and law support our client. We also approach every case assuming that it will be tried, and ensure that our teams are building toward a trial win, which often leads to favorable pre-trial resolutions.

Latham is consistently among the top antitrust litigation firms year after year. How is the firm able to keep getting assignments that are among clients’ toughest cases and producing these sorts of results?

Clients appreciate the results that Latham delivers and keep coming back because we continuously deliver exemplary results for some of the most sophisticated companies in the world. Latham’s California



Christopher Yates

team is renowned for handling complex and cutting-edge matters for a wide variety of clients—and we are also fortunate to be able to tie into Latham’s global platform, which is especially important in connection with merger and cartel defense matters.

Is there any one defining characteristic of a Latham antitrust litigator?

Persistence. Antitrust matters are often complex, challenging and far-reaching in scope, and our lawyers are adept at working with our clients and with each other to cover every angle.

It's a challenging litigation market, with flat or declining demand, rate pressures. From a business perspective, what does it take for a litigation department to succeed in this environment?

It starts with a strong understanding of the global antitrust landscape—as more than 115 countries have antitrust regimes—and involves developing sophisticated antitrust strategies that integrate our global capabilities, industry expertise, knowledge of local practices, and comprehensive experience in antitrust disputes and investigations. In business terms, these are often bet-the-company matters for which clients seek the best and most experienced counsel.

The antitrust cases that get litigated these days are very high stakes. With that being the case, how do you make sure that new lawyers in the practice get chances to build their skills, especially when it comes to oral advocacy and taking witness testimony?

Attorney development at Latham is a multi-year process that involves ongoing professional development, business planning and mentoring by some of the top practitioners in the field (our partners!). Latham's formal training includes off-site academies during an associate's first, third and fifth years, as well as a range of training specific to oral advocacy and depositions. On a less formal basis, our partners take great pride in helping younger lawyers develop the skills and insights required to be trusted advisers to clients—and our associates often are empowered to collaborate with partners on key areas of antitrust matters to gain first-hand experience.

How are your litigators harnessing technology to work more efficiently?

Latham has made significant investments in technology platforms and tools that enhance client service and efficiency in litigation matters. We often develop tailored technical strategies for a case, with a focus on discovery consulting, strategic legal and technical advice, and forensic consulting. For example, we've had success in utilizing eDiscovery tools to reduce data processing costs while optimizing lawyer services, with a range of in-house and vendor-based solutions for hosting and conducting document reviews. We also have an in-house team that specifically supports trial teams in preparing graphics, animations and other visual and audio presentations that greatly enhance arguments in the courtroom.

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