ÁLM | **LAW.COM**
CALIFORNIA
LEGAL AWARDS
2023

CALIFORNIA LEGAL AWARDS

Tech Industry Litigation Team of the Year Winner:

LATHAM & WATKINS

Latham & Watkins is a finalist for the California Legal Awards' Tech Industry Litigation Department of the Year.

Michele Johnson, global chair of Latham's litigation and trial department, spoke to The Recorder about the litigation team's latest wins and how the business of litigation is evolving.

What do you see as your team's most significant achievements over the past year?
Latham's California litigators delivered our strongest year yet for a wide variety of technology clients—many based in the Golden State—scoring high-profile victories across

Michele Johnson

geographies, practice areas, and specialties. For example, we won on behalf of Oracle's Larry Ellison and Safra Catz, defending one of the largest acquisitions ever to face a stockholder challenge through trial in the Delaware Court of Chancery.

We are at the forefront of cutting-edge data privacy litigation and regulatory matters, practically writing the California Invasion of Privacy Act defense playbook by decisively beating back attempts by the plaintiff's bar to significantly

expand liability and expose companies to billions of dollars in potential damages, in cases of first impression for Otonomo and Pindrop Security. For Zynga, we secured one of the first post-TransUnion dismissals of a data breach case.

Tech innovators like Meta turn to us for matters from Telephone Consumer Protection Act class actions to antitrust, patent, and securities litigation—indeed, our team in just secured a from-the-bench dismissal for Meta and three of its senior officers in one of the largest securities class actions ever filed, involving a stock-drop of nearly a quarter trillion dollars. When Meta and several other clients were facing the first stockholder derivative suits to allege breaches of fiduciary duty relating to board diversity efforts, Latham delivered critical victories at the district and appellate court level. Leveraging our California team's talent with the firm's vast global platform, Latham has become, as New York Law Journal put it, "Peloton's outside counsel of choice in a range of litigation," resulting in significant victories including in a patent dispute, a massive commercial class action, and what is essentially the blueprint for all high-demand-due-to-the-pandemic securities matters, among many others. Our firm also continues to advocate for Apple in a variety of disputes across practices.

Latham excelled in other important ways including professional development through innovative initiatives. Illustrated in several American Lawyer profiles, our firm has been a market leader in providing associates with substantive opportunities to argue in court. Additionally, as featured by Am Law, Latham's entrepreneurial environment enables even established litigators the opportunity to pivot and diversify their practice.

Our client and professional development successes have been accompanied by an extraordinary commitment to pro bono. In 2022, Latham's litigators devoted 85,000 hours of attorney time to pro bono efforts—with an average pro bono time per litigator of nearly 100 hours.

Regarding new cutting-edge mandates, Latham is unmatched as a tech and AI trailblazer, renowned for being home to the legal and tech world's most creative and respected strategists, who are themselves backed and powered by the global Latham platform that enables our teams to deliver full-service results. Illustrated by our work for companies like OpenAI and DeviantArt, there is no question that Latham is the first call for leading multinationals businesses in addressing the challenges of the AI era.

What does your firm look for when hiring a litigator?
Latham's litigation team is known not only as a constellation of top-tier practice groups, but also as a genuinely collaborative team that works across practice areas to secure extraordinary results for clients. We look for best-in-class, creative, and solution-driven lawyers who are both fierce advocates for their clients as well as passionate about preserving the team-driven culture that is an intrinsic part of Latham's DNA.

What do you see as your firm's competitive advantage compared to other firms when a client considers you for representation on a piece of litigation?
Our unmatched breadth is our strength. Rather than excelling with a few strong subject matters or top trial stars, Latham's California litigation department features practices across the board that could be elite law firms in their own right. Within each case as well, Latham's breadth of experience means clients benefit from a combination of trial-ready litigators, appellate-writing masters, and subject-matter pros – with broader support provided from our award-winning tax, corporate, and restructuring practices when needed. For example, our June 2022 plaintiff-side jury trial win for Oracle drew upon a team of antitrust litigators, appellate practitioners, and copyright attorneys. That unique ability to combine skills and experience from such a broad range of practices is unmatched in the litigation world, and gives our clients a unique advantage in their highest-stakes and most complex cases.

How is the business of litigation changing, and how are you adapting to those changes?
With early-stage generative AI applications like ChatGPT and others poised to have transformative impact on virtually every industry, companies are demanding look-ahead approaches and solutions to address this complex sea-change.

Having seen this wave coming, Latham invested early, stacking our deck with the world's most well-regarded and creative strategists who are deeply familiar with the full scope of risks companies face with the development and use of AI, and who have developed practical, business-oriented solutions to mitigate those risks. And when these companies find themselves facing litigation or regulatory scrutiny, we have an unmatched, multidisciplinary team of zealous advocates who know how to win cases and effectively short cut and end investigations.