

D.C. LITIGATION DEPARTMENTS OF THE YEAR

A SPECIAL REPORT

The NLJ takes the pulse of litigation departments in top law firms in our nation's capital. We asked them to tell us about their shops, including their biggest wins in 2016, their clients and their opponents. From a competitive field, we selected eight firms. They made the case for why they stood out in general litigation and in these practices: insurance, intellectual property, labor and employment, products liability and white collar. Two share top overall honors. For more on the winners, read on. —*Lisa Helem*

LATHAM & WATKINS

INTELLECTUAL PROPERTY WINNER

LATHAM'S IP DEPARTMENT GETS THE nod for shutting down high-risk actions against high-profile defendants in 2016.

Latham & Watkins stamped out patent suits by two well-financed nonpracticing entities, winning a \$2 million fee award for Jaguar Land Rover North America and making new appellate law on attorney disqualification for Schlumberger Ltd.

The law firm took a few lumps at the U.S. International Trade Commission in Nvidia Corp.'s patent action against Samsung Electronics Co. in 2015, but came back last year to win a defense verdict in Samsung's retaliatory federal court case, leading to a settlement of all the disputes.

Latham also snagged a defense verdict for Dubai-based Emirates NBD Bank PJSC in a California trade secrets case in which Boies Schiller Flexner was seeking \$554 million.

Going to trial is "one of the things that separates our firm from others," said Latham's IP litigation co-chair Matthew Moore. Clients can litigate confidently "because we'll try the case and deliver the results."

Latham partner Kathryn Ruemmler delivered for Emirates Bank in challenging circumstances. She persuaded a Southern California jury that the bank did not collude with the United Arab Emirates government to misappropriate an entrepreneur's trade secrets.

Ruemmler might be best known for serving as President Barack Obama's White House counsel, but Moore points out that trying big cases is nothing new for the



MAX GRANT, MATTHEW MOORE AND KATHY RUEMMLER

lawyer who got convictions of two Enron executives in 2006.

In September 2016, IP partner Max Grant persuaded the U.S. Court of Appeals for the Federal Circuit to affirm an order he won in 2015 disqualifying Acacia Research Corp.'s entire in-house legal team from a patent suit against Schlumberger. Acacia had hired a senior IP lawyer from Schlumberger to participate in the litigation, which the Federal Circuit equated to "suborning the disloyalty of attorneys." Schlumberger and Grant were sufficiently confident of winning that they opposed Acacia's effort to dismiss its own appeal just before oral arguments.

Moore, meanwhile in August 2016, won summary judgment for Jaguar with

a \$2 million "exceptional case" attorney fee award against an Empire IP subsidiary. Bringing a fee petition requires some investment, but it "sends a message to companies that bring nuisance cases that there is risk to them," he said.

Moore and Grant set out to overhaul Latham's IP litigation practice seven years ago by recruiting top-shelf trial attorneys, Moore said. Several came together on the Nvidia litigation, including Ron Shulman along with Grant and Bert Reiser in Washington. "Max and I say this to each other every day: 'The plan has worked perfectly,'" Moore said.

—SCOTT GRAHAM

firm facts

Name: Latham & Watkins
Founded: Los Angeles
Total Number of Attorneys: 2,280
Litigators as percentage of firm: 29 percent
Litigators as percentage in D.C.: 52 percent
Litigation partners firmwide: 201
Litigation associates firmwide: 468
D.C. Litigation Partners: 49
D.C. Litigation Associates: 102
D.C. Litigation other attorneys: 12

keys to success

- Listening to and understanding your client's objectives.
- Identifying the best way to win a case or force settlement as early as possible.
- Delivering expected results on merits and budgets.

—Matthew Moore