



CHICAGO LITIGATION DEPARTMENTS OF THE YEAR

A SPECIAL REPORT

In this issue, The National Law Journal highlights litigation departments at law firms in Chicago. We asked top litigation practices to tell us about their operations—biggest wins, head counts, toughest opponents and even their losses. The NLJ staff then evaluated the information and selected the eight firms that you'll read about in these pages. Winston & Strawn earned the top spot, but it was a close call, and we selected two finalists: McDermott Will & Emery and Sidley Austin. We also spotlighted firms with distinguished practices in insurance, intellectual property, labor and employment, mass torts/products liability and white-collar defense.

LATHAM & WATKINS

WHITE-COLLAR DEFENSE

Latham & Watkins' loss of litigation partner Zachary Fardon, who took the job as U.S. attorney for the Northern District of Illinois in late 2013, could have weakened the practice group in Chicago. Instead, the firm's litigators experienced a blockbuster year following their colleague's departure.

"There was speculation that would impact our practice," Matthew Kutcher, chairman of Latham's 57-lawyer litigation group in Chicago, said of Fardon's leaving. The two had been co-leaders of the department. "If anything, our practice increased last year." Latham has 664 litigation attorneys firmwide.

Kutcher cited a smooth transition because of the five months' lead time the firm had between Fardon's nomination and his U.S. Senate confirmation vote. Kutcher added that the decentralized litigation department helps partners from several different offices work together.

"Clients were thrilled for him, and they stayed with us," Kutcher said. One client, involved in a criminal matter in Chicago, became Hong Kong-based partner Catherine Palmer's responsibility, he added.



MATTHEW KUTCHER

After Fardon left the firm, Latham's leadership expanded the practice group with new Chicago partners. John Sikora Jr. brought asset-management expertise from the U.S. Securities and Exchange Commission in January 2014. Four months later, Samuel Isaacson lateraled from DLA Piper, and David Callahan, an intellectual property litigator, moved from Kirkland & Ellis.

The story of the practice group wouldn't be complete without mention of what's known as the Moshayedi case, one of the biggest losses the U.S. Securities and Exchange endured last year, according to Kutcher. The government claimed technology chief executive Manouchehr Moshayedi made \$134 million in an insider-trading sale of stock at his compa-

ny STEC Inc. A jury decided in June in favor of Moshayedi, represented by Latham lawyers.

Lawyers from several offices, including San Francisco and Chicago, worked on the case. One lead partner was Chicago-based Sean Berkowitz, the global head of litigation for the firm.

"He's one of these breeds of lawyer that's a great trial lawyer but also great with clients," Kutcher said of his colleague.

The white-collar team prevailed on the defense side in several securities class actions in 2014.

The general counsel of Navistar International Corp., which Latham represents in a pending securities class action, commended Latham's Chicago litigation team because of its attention to its clients.

"My standard for whether a litigator is representing my company well is, 'Do they believe in my client or are they just executing a standard defense playbook,'" Steven Covey, Navistar general counsel, wrote in an email to the NLJ. "Measured in that way, Latham is an excellent group of litigators."

Regarding the group's other biggest white-collar wins last year, well, Latham can't talk about those because the wins entailed dissuading the government from bringing legal action. Kutcher said the firm's connections in Chicago now, with Fardon as U.S. attorney, haven't changed the way the group thinks about the federal government's approach.

"We continue to do the same kind of work we've always done. If we had a bad case, we'd have a bad case. If we have a good case, we have a good case," Kutcher said.

Fardon declined to comment for this story. —KATELYN POLANTZ

"THE BEST PIECE OF ADVICE I EVER RECEIVED..."

... was when I was a junior associate. One of my mentors told me that we should never think about the individual task at hand—a discovery dispute, a motion, a deposition—in isolation. Rather, our clients are complex entities and each part of each matter can have an impact broadly across the organization. —MATTHEW KUTCHER