

## Class Action Group Of The Year: Latham & Watkins

By **Gavin Broady**



*Law360, New York (January 29, 2015, 7:24 PM ET)* -- Latham & Watkins LLP's class action experts notched big wins across a host of practice areas in 2014, from shutting down securities litigation over client U.S. Airways Group's blockbuster 2013 merger to fending off antitrust claims against the London Metal Exchange, earning a spot among Law360's Class Action Groups of the Year.

The firm's 2014 track record is impressive for breadth of subject matter alone — with victories in the fields of competition, product liability, securities litigation, mass tort and consumer class action cases — and partner Brian Glennon says that it is the ability to bring attorneys together across both practice groups and national borders that has been the secret to Latham's success.

"One important thing about the practice is that we enjoy a global footprint as a firm, and our individual offices and practice groups are fully integrated," Glennon says. "And while being organized into subject matter practice groups is helpful from a management perspective, as a practical matter, when we're approaching a new matter or client, we have the benefit of drawing from lawyers all over the world to make sure we have the right industry expertise to get the result."

That cross-disciplinary approach means that a client facing a securities class action will benefit not only from the firm's team of securities litigators, but also from specialists schooled in covering the case's regulatory angles as well as industry experts who are thoroughly versed in the client's business arena, Glennon says.

"Our focus on industry expertise — understanding the industry, being at conferences, speaking at meetings and publishing in the area — gives us a great advantage in that we really understand our clients' business," Glennon says. "That's hugely important, because the best result is often going to be uniquely dependent on a client's business needs."

The net result of Latham's all-hands-on-deck approach is a win record primarily measured not in flashy trial victories, but in the frequency with which the firm manages to shut down potentially costly suits in the early stages, according to Glennon.

One need only look to the firm's successful dismantling of multiple national putative class actions against client Masco Corp. over allegations that spray polyurethane foam products cause respiratory injury and property damage.

After Latham attorneys successfully fought off a bid to consolidate the cases before the Judicial Panel on Multidistrict Litigation, the litigation stalled out. By April 2014, each case had been voluntarily dismissed, without Masco having to provide discovery or a single deposition, according to the firm.

Of course, just because the firm can shut a suit down in the early innings doesn't mean it isn't willing to go the distance should a trial prove necessary.

"Latham is absolutely trial-capable, and can try any case in any jurisdiction under any set of circumstances," Glennon says. "We have a deep bench of former prosecutors, and in bringing up associates we really emphasize stand-up experience. ... But something we pride ourselves on as much as the ability to try cases is all the ways we find to get our clients out of litigation early, when it's advantageous for them."

That's just what the firm did last July, when it negotiated a \$75 million settlement on behalf of the National Collegiate Athletic Association to shut down a dozen concussion-related class actions that comprised a settlement class of more than 4 million individuals.

Latham likewise helped client U.S. Airways skirt a potentially costly suit tied to the company's \$11 billion merger with American Airlines, in which shareholders accused U.S. Airways' board of directors of failing to maximize the company's value.

Not only did Latham attorneys slap down an emergency motion that would have stalled a shareholder vote on the tie-up, but in May 2014 the firm successfully closed out the case at the motion to dismiss stage, according to the firm.

"This is a case where Latham transactional lawyers were advising on the transaction, and one of the things our lawyers do that further illustrates our integration is they involve the litigators very early on, in terms of looking at disclosures and making sure our client is in best position possible for any ensuing litigation," Glennon says. "There's a certain continuity, and certainly an element of efficiency, when that happens, because when the litigation hits our litigators are up to speed and clients don't have to find new counsel."

--Additional reporting by Sindhu Sundar. Editing by Mark Lebetkin.