

D.C. LITIGATION DEPARTMENTS OF THE YEAR

A SPECIAL REPORT

This year, The National Law Journal honors six top firms in our nation's capital for excellence in six categories: general litigation, labor and employment, insurance, intellectual property, products liability/mass torts and white collar. As always, competition was fierce. Two stellar firms share top honors and three score wins in more than one category. —Lisa Helem

LATHAM & WATKINS

GENERAL LITIGATION WINNER

IN 2017, LATHAM & WATKINS' LITIGATORS successfully navigated a high-stakes landscape with cases that featured both a breadth and depth of practice areas and some novel legal issues.

"We want to have, in any contested matter, a team that is going to be trial-ready, and everything we do in the context of litigation is to that end," said Douglas Greenburg, co-chair of the firm's Washington, D.C., litigation and trial department. "That is what leads to the best results even if the case is not one that is going to be tried."

That philosophy was reflected in the defense of a \$90 billion reverse False Claims Act lawsuit against Latham client The Dow Chemical Co. and three other major chemical manufacturers that, if successful, would have opened a floodgate of new FCA lawsuits under any statute that allows potential penalties.

The claim—brought by a law firm acting on behalf of the federal government—alleged the companies cheated the United States out of money by not paying fines for allegedly failing to report risk information about certain chemicals to the U.S. Environmental Protection Agency as required by the Federal Toxic Substances Control Act.

Thus, the suit alleged, they owed the government \$90 billion, 30 percent, or roughly \$27 billion, of which would have gone to the relator law firm.

Latham lawyers, led by partner Alice Fisher, first prevailed on a



DOUGLAS GREENBURG,
JENNIFER ARCHIE

motion to transfer the case from California to D.C. federal court, which in October granted the companies' motion to dismiss the case, writing that because the EPA had not yet assessed or levied any fines, the companies did not have an "obligation" to pay the government.

In addition to "highlighting [the firm's] ability and willingness to litigate these difficult issues," the case also illustrated Latham's proficiency across a wide swath of law, including white collar and environmental, Greenburg said.

In another precedent-setting case, Latham lawyers settled investigations by both the Federal Trade Commission

and New Jersey Attorney General's Office into smart TV maker Vizio Inc.'s data collection, use and sharing. In the process, though, new standards for such policies were set, providing much-needed clarity to the smart TV and other industries, said Jennifer Archie, lead partner on the case.

"The pressure was on us to get that clarity in a way that was good for the [client's] brand, good for their business plan and good for the consumer," Archie said. "I love this work because it is at the intersection of enforcement, but, at the same time, the outcome is going to have huge consequences ... I'm particularly proud of the outcome."

—KRISTEN RASMUSSEN

firm facts

Name of firm: Latham & Watkins
Founded: Los Angeles
Total number of attorneys: 2,532
Litigators as percentage of firm: 30 percent
Litigators as percentage in D.C.: 50 percent
Litigation partners firmwide: 206
Litigation associates firmwide: 516
D.C. litigation partners: 52
D.C. litigation associates: 96

keys to success

- **Business-minded approach:** The business imperative forms a strategy that is backed by creativity, practicality and a relentless pursuit of pulling out all the stops to succeed.
- **Trial-readiness:** Our battle-tested teams bring unmatched experience, judgment and a success-focused mindset whether in court, an agency or other venue.
- **Cohesion:** We assemble the best team—drawing on colleagues' many skills—into a cohesive, results-driven unit.

—Amanda Reeves,
Global Co-Chair of Latham & Watkins'
Antitrust & Competition Practice