

MVP: Latham & Watkins' Sean Berkowitz

By **Cara Salvatore**

Law360 (September 30, 2022, 2:02 PM EDT) -- Latham & Watkins LLP's Sean Berkowitz won two high-profile criminal trials against the U.S. government this year, including defending a former Perkins Coie partner charged with lying to the FBI, earning him a spot as one of Law360's 2022 Trials MVPs.

HIS BIGGEST ACCOMPLISHMENT OF THE LAST YEAR:

Berkowitz said he was immensely proud of having won two acquittals in two high-profile criminal defenses.

In September 2021, an Illinois federal judge found Gary Winemaster, the former CEO of Power Solutions International, an alternative energy engine-maker, not guilty in connection with charges of inflating the company's revenue by causing the books to reflect money not yet collected.

The judge ruled following a four-week bench trial in Chicago. Winemaster was found not guilty of securities fraud, wire fraud, providing false statements to an auditor and one count related to an allegedly inaccurate financial report.

And in May, a federal jury cleared Michael Sussmann, an ex-Perkins Coie LLP partner and Hillary Clinton presidential campaign lawyer, of a felony charge of lying to the FBI when he came forward with a tip in the run-up to the 2016 election about then-candidate Donald Trump's potential ties to a Russian bank.

Prosecutors had alleged that Sussmann's failure to disclose his ties both to the Clinton campaign and a technology executive when he came forward with the tip constituted a materially false statement. Sussmann insisted he told the FBI the truth.

"It's pretty unusual to have one federal criminal acquittal in one's career," Berkowitz said. "To have two in a year is a great accomplishment."



HIS BIGGEST CHALLENGE OVER THE PAST YEAR:

Berkowitz — who also completed five private arbitrations during the same calendar year — said it's not easy to juggle so many sets of facts and strategies at the same time. Each case on its own was incredibly intricate, and pivoting from case to case on a daily or hourly basis was challenging, he said.

"I was actually in trial or arbitration over 60 calendar days, which is an unusually high amount, at least from my perspective," he said. It was not easy "juggling all of the different facts and all of the different things I had to schedule and adhere to," he added.

WHY HE CHOSE TO BE A TRIAL LAWYER:

Growing up, Berkowitz had an uncle who was a trial lawyer. He looked up to his uncle and had the chance to spend time working with him in high school and college. On top of that, Berkowitz said his personality was a natural fit; he debated in high school and "always liked to argue."

"The type of feeling that one gets in a courtroom addressing a jury is unlike any feeling that I've ever had in my professional life," he said.

HIS ADVICE FOR YOUNGER ATTORNEYS:

Remember that no one is looking out for you and your career development, Berkowitz said — you need to find windows of growth for yourself.

Opportunities are abundant and everywhere, he said, whether in Big Law, small law or government. Firms can have training programs, as Latham does, he added.

"Nobody cares more about your professional development than you. ... There are plenty of tools available, plenty of people to help you, plenty of people to mentor you, but ultimately you're the one who's responsible for taking advantage," he said.

— *As told to Cara Salvatore. Additional reporting by Celeste Bott and Justin Wise.*

Law360's MVPs of the Year are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals, and complex global matters. A team of Law360 editors selected the 2022 MVP winners after reviewing more than 900 submissions.