

WASHINGTON LITIGATION DEPARTMENTS OF THE YEAR

A SPECIAL REPORT

In this special report, The National Law Journal takes the measure of litigation departments in our nation's capital. We asked top practices to tell us about their shops—head counts and revenues, and biggest wins and losses. Our staff scrutinized the data and selected the nine firms you'll read about in these pages. Williams & Connolly is the top honoree, but it was a close call, and we selected two runners-up: Boies, Schiller & Flexner and Covington & Burling. We also recognize firms with distinguished practices in intellectual property, general civil litigation, white-collar defense, insurance, products liability and labor and employment. —BETH FRERKING, EDITOR IN CHIEF

WILLIAMS & CONNOLLY

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DIEGO M. RADZINSCHI

DANE BUTSWINKAS AND HEIDI HUBBARD

BY JENNA GREENE

In cases with billions of dollars on the line, Williams & Connolly last year delivered resounding victories for its clients. The wins were not of the “we settled for less than the client expected”

variety. They were complete defense verdicts for companies including AstraZeneca PLC, which faced \$60 billion in damages in one of the largest antitrust cases ever to go to trial.

Aggressive on offense, too, the firm's lawyers won one of the biggest jury awards

of 2014: \$309 million for the company that owns patents for the implantable cardioverter-defibrillator.

“The most important thing to be a successful lawyer is to prepare and be excited about what you do ... and do things for a reason,” said partner Dane Butswinkas, who represented AstraZeneca and is a member of the firm's executive committee. “We're not a law firm where, when we get a case, we do everything we could do. We do everything there is reason to do, with the objective of winning the case at the end—an objective we start with on day one.”

“Those principles,” Butswinkas said, “play out best in our view when the lawyers start out, develop and gain experience in the same culture.” In the firm's 48-year history, it has hired two lateral partners—U.S. Supreme Court advocate Kannon Shanmugam in 2008 and tax expert Gerald Feffer in 1986. Everyone else is home-grown. The firm has a single office, in downtown Washington. Founder Edward Bennett Williams, who died in 1988, liked to say the firm has “an office wherever there's an airport.”

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The result is a close-knit culture in which the firm's lawyers all know each other. Riding the elevator at lunchtime on a recent summer day, lawyers and staff boarding on different floors greeted each other by name, chatting about each other's children, and where to get the best cookies.

"You can be on a team of lawyers who are all supertalented. If they don't get along or if they don't like one another, the representation of the client suffers," Butswinkas said. "But if you're up at 3 o'clock in the morning working with one of your closest friends developing strategy for the case, it makes it much easier to be enthusiastic about what you're doing."

Luke Mette, deputy general counsel for litigation at AstraZeneca, praised the firm's "extraordinarily talented group of lawyers and support staff—top to bottom and everywhere in between," he wrote in an email. "The trial team was an absolute machine leading up to and especially during trial, working around the clock."

AstraZeneca and Ranbaxy Laboratories Ltd. faced a class action over a "pay for delay" deal involving the heartburn medication Nexium. It was the first case to go to trial after the U.S. Supreme Court in 2013 ruled such arrangements may violate competition laws. The plaintiffs—buyers of Nexium—alleged that AstraZeneca illegally paid Ranbaxy to delay launching a generic version.

After a six-week trial, a Massachusetts federal jury in December deliberated for less than two days before returning a verdict for the drugmakers. Ranbaxy was represented by Venable. Posttrial motions are pending before the court.

Williams & Connolly lawyers led by Butswinkas and partners Heidi Hubbard, David Forkner, Kenneth Brown and C. Bryan Wilson won a complete victory for Coventry First LLC after a 10-day bench trial before U.S. District Judge Jed Rakoff in New York. In 2007, investment adviser Ritchie Capital Management LLC sued Coventry for breach of contract and racketeering, initially seeking \$2 billion. Coventry sold Ritchie more 1,000 life insurance policies for \$750 million.

A novel investment, the policies were intended by Ritchie for a securitization. Unsuccessful at securitizing the policies, Ritchie blamed their decline in value to a New York attorney general action against Coventry, claiming anti-competitive business practices and fraud.

Rakoff in October found that Coventry had not deceived Ritchie about the investigation. He entered judgment for Coventry, dismissing the case.

Another big win was for Mirowski Family Ventures in a breach of contract and patent licensing suit against Boston Scientific Corp. involving the implantable cardioverter-defibrillator. The family holds patents for the devices. The family fought over unpaid royalties and the value of patent infringement suits

that Boston Scientific previously settled. A Montgomery County, Maryland, trial court jury in September awarded Mirowski \$309.3 million—the seventh biggest verdict of the year nationwide, according to the NLJ's Top 100 verdicts special report.

FIRM FACTS

Name of firm: Williams & Connolly
Based: Washington
Total number of attorneys: 267
D.C. litigation partners: 114
D.C. litigation associates: 130

KEYS TO SUCCESS

- ▶ Rule one is prepare, prepare, prepare, and when you think you're done, prepare some more.
- ▶ Be positive and optimistic about your cases: good lawyers see problems, great lawyers see solutions.
- ▶ Work around talented people, borrow heavily from the best, but develop your own style.

—Dane Butswinkas, Partner

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