



# WASHINGTON LITIGATION DEPARTMENTS OF THE YEAR

## A SPECIAL REPORT

In this special report, The National Law Journal takes the measure of litigation shops in our nation's capital. We asked top litigation practices to tell us about their operations—headcounts and revenues, biggest wins and, yes, even their losses. Our staff in Washington and elsewhere in the country scrutinized the data and selected the nine firms you'll read about in these pages. Latham & Watkins is the top honoree, but it was a close call, and we selected two runners-up: Hogan Lovells and Sidley Austin. We also recognize firms with distinguished practices in intellectual property, general civil litigation, white-collar defense, insurance, mass torts and labor and employment.

—BETH FRERKING, EDITOR IN CHIEF

## WILLIAMS & CONNOLLY

### GENERAL LITIGATION



ROBERT VAN KIRK

**W**illiams & Connolly knows what it is not—a full-service, do-everything law firm. At its heart, the firm's strength lies in litigation, and its successes last year show its prowess.

The firm's litigators last year racked up wins for drug makers Bayer A.G. and Pfizer Inc., as well as private-equity firm The Carlyle Group L.P.

Robert Van Kirk, a Williams & Connolly partner, chalked up the successes to his firm's lack of specialists and surplus of lawyers who he said excel at winning over generalist judges and juries. Unlike many Washington firms, Williams & Connolly isn't a full-service firm, he said.

Williams & Connolly doesn't "try to be all things to all people," Van Kirk said. "We're sort of an anachronistic firm."

In the Bayer litigation, Williams & Connolly helped keep a generic version of the company's animal pharmaceutical Baytril off the market. Baytril is an antibiotic prescribed to treat skin, respiratory and urinary tract infections in pets and cattle.

Judge Rosemary Collyer of the U.S. District Court for the District of Columbia wrote in an April 2013

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opinion that the U.S. Food and Drug Administration erred in permitting off-brand Baytril even though a patent for multiple dosing of the pharmaceutical expired in 2006. Veterinarians and ranchers easily could administer a single dose of the drug, a therapy protected by a patent until 2015, she wrote.

David Berl was the lead Williams & Connolly partner on the case, *Bayer Healthcare v. FDA*.

For Pfizer, Williams & Connolly was instrumental in fighting back mass tort litigation over the company's drug Reglan. The pharmaceutical is used to treat gastrointestinal ailments of individuals with diabetes.

In *Schrock v. Wyeth*, the U.S. Court of Appeals for the Tenth Circuit in August 2013 ruled that consumers can't sue the maker of a brand-name pharmaceutical over injuries they allegedly received from a generic version of the drug. Wyeth, which Pfizer acquired in 2009, developed Reglan.

The decision followed a similar ruling by the U.S. Court of Appeals for the Fifth Circuit in 2012 in favor of Pfizer. The case was *Demahy v. Wyeth*. Kannon Shanmugam was the lead Williams & Connolly partner handling the cases.

As for Carlyle, Williams & Connolly during the past few years has successfully defended the company in several cases involving allegations that the business

misled investors about the riskiness of residential mortgage-backed securities. The lawsuits came after the Carlyle Capital Corp., a \$22 billion investment vehicle, collapsed during the 2008 financial crisis.

In one of those cases, *Carlyle Investment Management v. National Industries Group*, the Delaware Supreme Court in May 2013 ruled that Kuwait-based National Industries couldn't bring its claims against Carlyle in the Middle East nation.

Williams & Connolly last year also successfully argued against an effort by shareholders who tried to convince the U.S. District Court for the District of Columbia to reconsider its 2012 decision in favor of Carlyle. The investors then appealed to the U.S. Court of Appeals for the D.C. Circuit, which sided with the lower court in May.

Van Kirk and R. Hackney Wiegmann are the Williams & Connolly partners heading up the work on the Carlyle litigation. "It obviously was a significant matter for the client," Van Kirk said.

—ANDREW RAMONAS

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## KEYS TO SUCCESS

- ▶ Build cases from the ground up. Don't assume that this case is like the last case you handled. Overspecialization leads lawyers to pigeon-hole cases.
- ▶ Prepare for trial from Day 1. Lots of firms are very good at the machinery of litigation, drafting filings, producing and reviewing documents, [et cetera], but many are simply going through the motions.
- ▶ Have an iron butt. That was the motto of our founder Edward Bennett Williams. Litigation takes tremendous effort and complete mastery of the law and facts. That can come only from hard work.

—ROBERT VAN KIRK