

D.C. LITIGATION DEPARTMENTS OF THE YEAR

A SPECIAL REPORT

The NLJ takes the pulse of litigation departments in top law firms in our nation's capital. We asked them to tell us about their shops, including their biggest wins in 2016, their clients and their opponents. From a competitive field, we selected eight firms. They made the case for why they stood out in general litigation and in these practices: insurance, intellectual property, labor and employment, products liability and white collar. Two share top overall honors. For more on the winners, read on. —*Lisa Helem*

WILLIAMS & CONNOLLY

PRODUCTS LIABILITY WINNER

THE PRODUCTS LIABILITY GROUP AT Williams & Connolly uses creativity, not size—it has 30 attorneys—to represent some of the biggest names in pharmaceuticals and medical devices.

Lawyers at the Washington, D.C.-based firm, whose clients include Merck, Pfizer and Medtronic, find “creative ways to approach things so that they are on a track most favorable for the client,” said Heidi Hubbard, co-chair of the firm’s products practice.

In 360 lawsuits coordinated in multidistrict litigation against Pfizer, Joe Petrosinelli, the group’s other co-chair, used the innovative approach of convincing plaintiffs’ lawyers to limit initial discovery to the scientific research and experts behind allegations that erectile dysfunction prescription Viagra caused skin cancer. In exchange, plaintiffs didn’t have to provide individual fact sheets about their clients.

A federal judge in San Francisco granted that request on Sept. 26, 2016.

“In most of these MDL cases, one of the first things out of the box is the defense will get plaintiff fact sheets,” Petrosinelli said. “We made the judgment in this particular case we could give up that benefit in return for not getting much opposition on this general causation order.”

The plaintiffs’ attorney in the case, Ernest Cory of Cory Watson in Birmingham, Alabama, called Petrosinelli a “worthy adversary.”



JOE PETROSINELLI AND HEIDI HUBBARD

“He knows how to prepare witnesses, and how to try cases,” he said.

Williams & Connolly has also resolved most of the personal injury claims brought over a pelvic mesh device that Medtronic inherited through its 2015 acquisition of Covidien plc. Although Medtronic started settling cases in 2015, the bulk of the agreements occurred in 2016, Petrosinelli said. He estimated that 50 plaintiffs firms had settled about 13,000 cases.

For Bristol-Myers Squibb Co., firm partner Stephen Raber fought to keep about 20 lawsuits filed over diabetes drug Farxiga out of a much larger docket of multidistrict litigation involving Invokana, a similar medication made by Johnson & Johnson’s Janssen

Pharmaceuticals Inc. Lawsuits alleged the drugs caused kidney damage and other problems. In an Oct. 24, 2016, brief, Raber argued that plaintiffs, in moving to combine all the suits over the same class of drugs, were simply hoping to “stockpile cases in the MDL.”

The U.S. Judicial Panel on Multidistrict Litigation rejected the plaintiffs’ attempts to combine the cases when it ordered the Invokana lawsuits into multidistrict litigation on Dec. 7, 2016 (though the panel followed up with an April 6 order coordinating the Farxiga cases into multidistrict litigation, over Raber’s objection).

“The strategy here was, ‘Let’s make this as difficult as possible for the plaintiffs,’” Hubbard said.

—AMANDA BRONSTAD

firm facts

Name: Williams & Connolly
Founded: Washington
Total number of attorneys: 299
Litigators as percentage of firm: 98 percent
Litigators as percentage in D.C.: 98 percent
Litigation partners firmwide: 112
Litigation associates firmwide: 158
D.C. litigation partners: 112
D.C. litigation associates: 158
D.C. litigation other attorneys: 21

keys to success

- Think creatively. Cases vary and so do paths to victory. The best strategy for the next case will rarely be the strategy used in the last one.
- Prepare with a purpose. Look under the rocks that matter (and never mistake activity for achievement).
- Never give up. Most cases are won a bit at a time—sometimes on an early motion, but sometimes not until final appeal.

—Heidi Hubbard and Joe Petrosinelli