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A Singular Path to Success: Litigation Department of the Year Finalist Williams & Connolly

By Ross Todd

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Williams & Connolly does things a bit differently than the rest of this year's Litigation Department of the Year finalists.

Other firms in this year's field have far-flung foreign offices. All Williams & Connolly lawyers—about 300 of them—are in a single office in Washington, D.C.

Most of the other finalists also feature high-octane transactional and regulatory practices that throw off litigation work and solidify relationships with institutional clients.

Williams & Connolly, meanwhile, gets essentially all of its revenues from high-stakes litigation, a practice where a firm can go years without a meaningful assignment from even its most loyal clients.

"In the traditional trial litigation world, I think we are kind of like Kentucky Fried Chicken," says partner Enu Mainigi, this year's Litigator of the Year. "We do one thing and we do it right."

Mainigi led the Williams & Connolly trial team that scored perhaps the firm's signature win of the past two years for Cardinal Health in the first case stemming from the opioid crisis to go to trial against wholesale distributors of prescription painkillers. With Covington & Burling and Reed Smith



Photo: Diego M. Radzinski/ALM

(l-r) Edward J. Bennett, Joseph Petrosinelli, Heidi Hubbard, Robert A. Van Kirk, and Enu A. Mainigi, with Williams & Connolly. October 18, 2023.

representing co-defendants McKesson Corp. and AmerisourceBergen Corp., respectively, the Williams & Connolly team helped secure a complete defense victory in July 2022 from Senior U.S. District Judge David Faber of the Southern District of West Virginia, who turned back public nuisance claims brought on behalf of two communities in the state.

"To apply the law of public nuisance to the sale, marketing and distribution of products would invite

litigation against any product with a known risk of harm, regardless of the benefits conferred on the public from proper use of the product,” the judge wrote in a 184-page opinion.

The firm followed up the West Virginia bench trial win with a defense jury verdict for Cardinal on claims brought under Georgia’s Drug Dealer Liability Act on behalf of family members of individuals who became addicted to opioids. This March, jurors sided with the company and co-defendants McKesson, again represented by Covington, and JM Smith Corp., represented by Fox Rothschild.

Then in May, after six months of trial in Washington state, the firm helped Cardinal reach a settlement with the state attorney general. The \$518 payment settlement from all defendants was in line with what the state would have received under the larger global opioid settlement and amounted to a sliver of the more than \$95 billion the attorney general initially was seeking from distributors.

The firm’s representation of Cardinal exemplifies Williams & Connolly’s focus on preparing cases for trial from the get-go. “Regardless of where the client wants to end up, we work backward from the trial,” Mainigi says. “So we always try to imagine when we get a new case what that is going to look like at the end of the day and build our case accordingly.”

But sometimes, the firm must adapt that approach to matters that are already underway. That was the case in a matter Mainigi led alongside partners Steven Pyser and Craig Singer for Fifth Third Bank. Discovery had closed by the time Williams & Connolly signed onto the case. Heading into trial in Cincinnati federal court, the team faced a certified class of bank customers seeking \$444 million, claiming they had been overcharged on certain loans. After an eight-day trial, jurors found

in May that the bank breached its loan agreement, but sided with Fifth Third on its defense under the voluntary payment doctrine, finding zero liability. Williams & Connolly associates Timothy Pellegrino and Amy McKinlay got key admissions from the named plaintiffs that helped secure that verdict.

“You could pick any person at any level of the team, and they are going to be outstandingly qualified and exceptional lawyers who have been trained how to try cases, right from the very start,” partner Robert Van Kirk says.

Van Kirk and partner R. Kennon Poteat led a team that helped The Carlyle Group fend off a long-running dispute over a Carlyle fund’s purchase of the private water system in Missoula, Montana. The city originally filed in state court alleging that Carlyle reneged on a deal to sell the utility to the city, but the firm got those claims routed to arbitration. After an arbitration panel found the city lacked an enforceable verbal agreement in 2021, the parties reached a global settlement resulting in the city paying Carlyle \$4.13 million in attorney fees and costs.

At the U.S. Supreme Court, Williams & Connolly attorneys—all women—argued seven merits cases during the 2022-23 term, a record for any group in private practice. Among them were some of the term’s blockbusters, including *Gonzalez v. Google*, which took aim at Section 230 of the Communications Decency Act, and *Andy Warhol Foundation for Visual Arts v. Goldsmith*, where Lisa Blatt, chair of the firm’s Supreme Court and appellate practice, won a 7-2 decision in favor of photographer Lynn Goldsmith in a fair use copyright fight over the use of her portrait of the musician Prince.

“My single-minded objective is not only to win, but to make sure I leave behind a generation of lawyers with the same kind of energy,” Blatt says.