



# 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

## MORGAN, LEWIS & BOCKIUS

### LABOR & EMPLOYMENT



GRACE SPEIGHTS

**L**abor and employment cases can unfurl in many ways—with class actions, individuals and with companies sizing up billions of dollars in claims or expenses. Morgan, Lewis & Bockius handled them all in 2013.

Nearly one-fifth, or about 50, of the firm's Washington lawyers work on labor and employment cases, often arguing for companies and management. This depth helped the firm tackle a wide variety of litigation last year.

Throughout 2013, Morgan Lewis' Washington lawyers worked on 72 individual plaintiff employment cases, 70 employee benefits situations, 58 wage-and-hour litigation matters and 59 labor arbitrations, according to the firm.

The list included two retirement-income disputes that put their clients at risk into the billions of dollars, and securing the quick dismissal of an inflammatory lawsuit involving Southern cooking queen Paula Deen.

In the first of two major cases relating to the Employee Retirement Income Security Act (ERISA), Morgan Lewis attorneys represented a commercial real estate fund managed by Principal Global Investors LLC.

A group of plaintiffs sought about \$550 million in damages when the fund lost value and the people couldn't

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pull their money out in 2008, according to court documents.

Morgan Lewis earned a court's approval to deny the plaintiffs' requests to become a class.

The firm said the case broke ground for its interpretation of U.S. Supreme Court precedent on class membership. And Morgan Lewis avoided a costly discovery phase.

"Winning [on] class certification reduced the maximum damages to a tiny fraction of the potential class damages, making it uneconomical for the lawyers to pursue the case and making it much cheaper and easier to settle," partner Gregory Braden, who led Morgan Lewis' work on the case, said in an email. The case is now in settlement discussions.

Morgan Lewis' second ERISA case earned the dismissal of a \$2.4 billion damages claim against client Weyerhaeuser Co. The court said the plaintiffs lacked standing to sue for damages, but could sue on other claims. The parties settled earlier this year.

In Paula Deen's matter, Morgan Lewis Washington managing partner Grace Speights highlighted how the strategy factors into crisis management.

The case, which involved harassment and discrimination accusations against Deen and her restaurants, had been in the court system for more than a year before Morgan Lewis got involved. Following Deen's deposition in June 2013, the

litigation lit up the blogosphere and tabloids.

Washington crisis manager Judy Smith tapped Morgan Lewis to undertake damage control.

"Within a very short period of time being retained by Paula, we were able to handle it, get it resolved and take it off the front page of the newspaper," Speights said. "I think it was more or less about being able to see the big picture very quickly."

That comprehensive approach has helped the Washington office, founded around labor and employment law more than 50 years ago, win clients on a range of national legal services. For instance, Amtrak recently extended its contract with the firm, its national employment counsel, for a third straight year.

"With a class action, a lot of times you can automatically be overwhelmed at the scope, but they come out swinging," Mary Brown Dieng, chief employment counsel at Maxim Healthcare Services Inc., said of the firm. The company was another Morgan Lewis client in 2013.

—KATELYN POLANTZ

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## KEYS TO SUCCESS

- ▶ See the forest before the trees. Some lawyers could say they want to win on the merit [of the case]. But often-times that's not the best strategy.
- ▶ Understand your client's business. Instead of going gangbusters ahead, be more strategic in understanding your client's ultimate goal.
- ▶ Develop relationships with clients to become not just a lawyer or litigator but a trusted adviser.

—GRACE SPEIGHTS

# Morgan Lewis