

Pennsylvania Powerhouse: Morgan Lewis & Bockius

By **Matthew Santoni**

Law360 (September 5, 2019, 4:12 PM EDT) -- Whether representing major banks, pharmaceutical companies or a Sudanese refugee, the Pennsylvania offices of Morgan Lewis & Bockius LLP have leveraged their global reach to their clients' benefit over the last 12 months.

The firm landed on Law360's Pennsylvania Powerhouse list for 2019 by scoring deals and wins for global clients, while working from the state where the firm was founded 146 years ago.

"What I think we're proudest of at Morgan Lewis ... is the depth and diversity of the matters we represent," said Timothy Levin, managing partner of the firm's Philadelphia office. "We are doing national and international, A-list work; we're competing with the big New York firms, the big Chicago firms, the big West Coast firms to get the work, and we're succeeding."

About 316 of the firm's 2,000-plus attorneys in the U.S. are based in Pennsylvania, with nine-tenths of them working from Philadelphia, where Morgan Lewis was founded in 1873. It has since expanded to 17 offices in the U.S. and 14 overseas in Europe, the Middle East and Asia.

About 30 attorneys work at the firm's other Pennsylvania office, in Pittsburgh, but managing partner John Ferreira said cooperation with colleagues in Philly and around the globe has made the small but mighty office a major center for the firm's labor and employment practice.

"Our superpower is that we can bring that to bear on all those cases, projects and deals. We're succeeding in this market despite our size because we can bring to bear all the resources of a global firm," Ferreira said. "We now represent two of the seven largest banks in employee benefits and executive compensation matters, right here in Pittsburgh."

For example, he said, the firm's outsourcing specialists in Pittsburgh this year assisted an international pharmaceutical company with its global facilities management and real estate plan for its facilities in the U.S. and 40 other countries.

On the other side of the state, Morgan Lewis defended the University of Pennsylvania in an employment discrimination and hostile workplace case brought by a dentist that the university had referred for additional training, who also alleged he was paid less than his white peers. A jury in the Eastern District federal court returned a unanimous verdict for the university after a weeklong trial.

"Clients don't have 'employment issues' or 'compensation issues,' they just have issues. We can call on our colleagues to have a very multidisciplinary approach," said Sarah Bouchard, a partner in Morgan Lewis' Philadelphia office. "No one is concerned about who gets the credit."

Morgan Lewis had also scored wins for clients Shire ViroPharma and Comcast in antitrust cases that had reached the Third Circuit over the last year.

The appellate court in February upheld a decision saying that the Federal Trade Commission couldn't prosecute Shire for alleged sham regulatory filings that a subsidiary had made to extend a drug patent prior to the subsidiary's acquisition.

And in April, the Third Circuit ruled in favor of Comcast in a case brought by cable installation contractors who the court said couldn't prove Comcast was the only buyer of cable installation services in the region and, therefore, didn't exclude them from any business by giving contracts to other companies.

The firm's financial practice helped Philadelphia-based agriscience company FMC Corp. secure a \$1.5 billion revolving credit facility, with the option to increase it up to \$2.25 billion. Citibank NA was the administrative agent.

"The scale of that credit facility was very significant," Levin said. "It can sometimes be overlooked how complicated these large credit facility transactions can be."

The finance group also picked up a new technological tool, the Mutual Fund Studio, for coordinating and streamlining the complex and labor-intensive work of writing and updating mutual fund registration statements, he said.

That process had previously involved a lot of emailing drafts back and forth among Morgan Lewis attorneys, their client's business and marketing staff, compliance officers and so on — with the ensuing issues of keeping track of version changes and hundreds of edits — but the Mutual Fund Studio the firm solicited and developed allows multiple users to edit and manage registration statements simultaneously online.

"In that area of practice, there are substantial areas of work that are very much manual processes, with a large number of hours [and] with a large number of people doing work," Levin said. "If we can use technology to do things more efficiently or more accurately, that's a benefit to our clients."

In the Pennsylvania Supreme Court, Levin was proud of Morgan Lewis' win for Mortgage Electronic Registration Systems Inc., a company that electronically registers mortgage assignments so they can be bought and sold quickly without going through the time-consuming process of physically registering each mortgage with officials in Pennsylvania counties. The counties had sued, but Morgan Lewis successfully argued to the Commonwealth Court, and then the state's Supreme Court, that there was no duty to record the mortgage assignments in the public land records.

A loss in the MERS case would have resulted in a significant hardship for the Pennsylvania real estate industry, Levin said.

"It goes to a critical feature of the underlying residential real estate structure. It's all very large and relies on companies like MERS," he said. "The MERS litigation was very high-stakes litigation, and we're very

happy to have the opportunity to participate."

Over the last year, Morgan Lewis challenged every attorney at the firm to complete at least 20 hours of pro bono work, and many went above and beyond, Levin said. One associate worked more than 100 hours on a death penalty appeal in Louisiana.

In Pennsylvania, Morgan Lewis pro bono attorneys worked with humanitarian aid nonprofit HIAS to help secure asylum in November for a Sudanese woman who had been arrested and tortured in her home country over her advocacy for women and her protest against the government.

In Pittsburgh, Morgan Lewis attorneys worked with child advocacy group KidsVoice on helping juvenile offenders and Jewish Family and Community Services on helping refugees secure green cards, Ferreira said.

The pro bono work went hand-in-hand with the firm's new ML Well program, aimed at helping attorneys maintain their intellectual, emotional, physical and occupational well-being, Bouchard said.

"It's a marathon, not a sprint, in the legal profession," she said, "and to make it in that marathon you have to be well."

The firm hired a chief engagement officer and a director of employee well-being to support the program, which includes an online portal that can adapt its offerings to different employees' locations, jobs and practice groups.

"It's not an obvious thing, but one of the biggest challenges in well-being in the workplace is that it's often difficult to recognize in yourself when you're suffering stress, or going down a road of worse adaptations to stress," Levin said. "We're upfront about it. We're showing that, as an organization, we're aware of it."

--Editing by Jay Jackson Jr.