

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*

KIRKLAND & ELLIS

GENERAL LITIGATION WINNER

KIRKLAND & ELLIS HAD A BANNER year in 2016, scoring a collection of major wins in high-impact cases. From defending the rights of minority voters in North Carolina to representing auto giant General Motors in some unlikely wins, careful, extensive discovery and innovative trial strategies drove this firm's 2016 successes.

Midyear, Kirkland also boosted its D.C. appellate practice with the acquisition of the boutique firm Bancroft. With Bancroft came former Solicitor General Paul Clement, a living legal legend, who began his career at Kirkland as an associate. The firm also gained former Assistant Attorney General Viet Dinh, who founded Bancroft, and 17 other lawyers.

Early in the year, partners Mike Brock, Richard Godfrey and their team pulled off some unlikely wins in multidistrict litigation over ignition switches on behalf of longtime client GM.

After GM entered an agreement with the Justice Department over ignition switch defects in old cars, Kirkland lawyers defended the company from plaintiffs' personal and economic injury claims in bellwether trials in the U.S. District Court for the Southern District of New York.

But the first case quickly unraveled for the plaintiff after the team obtained evidence showing the plaintiff apparently lied about his injuries in a car crash. Brock said that because GM previously admitted to the defects, the lawyers in these cases needed to be able to clearly show the jurors that something else caused the crash—not the defects.

"The thing that we probably focused the most on is maintaining credibility with



MIKE BROCK AND
DANIEL DONOVAN

the court and the jury," Brock said.

Beyond GM, Kirkland's litigators won cases for vacuum-manufacturer Dyson over a whirlwind of false advertising claims brought by infomercial marketer Shark Ninja and for Boeing in a reversal at the U.S. Court of Appeals for the Tenth Circuit of \$43 million in damages for breach of contract claims.

Kirkland lawyers faced intense press coverage in North Carolina, as a team, working pro bono and led by partner Daniel Donovan, battled the state at the Fourth Circuit over its 2013 voting law. On behalf of the North Carolina NAACP, the team reviewed

more than 1 million pages of documents and conducted more than 180 depositions.

By breaking down the data, they were able to present a "smoking gun" to prove that the law had a disproportionate effect on minorities and that the legislature enacted it with the specific intent to discriminate.

"The key is, you have to relentlessly develop the facts," Donovan said. "You need to present it as simply and straightforward as you can. ... It's simple, because people spend so

FIRM FACTS

Name: Kirkland & Ellis
Founded: Chicago
Total number of attorneys: 1,941
Litigators as percentage of firm: 35 percent
Litigators as percentage in D.C.: 82 percent
Litigation partners firmwide: 364
Litigation associates firmwide: 323
D.C. litigation partners: 90
D.C. litigation associates: 74
D.C. litigation other attorneys: 15

KEYS TO SUCCESS

- Simplify, simplify, simplify—refine your case from start to finish.
- Unleash the talent. Give junior team members meaningful opportunities, listen to their input and ideas and find ways to get them into court.
- Start planning for trial the day you're hired for the case—bring motions and develop discovery strategies that shape the litigation from day one.

—*Daniel Donovan*

much time to make it simple. It's easy to make something clunky. The worst thing you can do is say, I'm not going to exclude anything."

—*COGAN SCHNEIER*

PODCAST: Conversations With Our Winners

An ALM Podcast