

Illinois Powerhouse: Kirkland & Ellis

Kirkland & Ellis LLP's Illinois lawyers helped free four Chicago men from a wrongful murder conviction based on false confessions, closed a \$17 billion sale of client Mead Johnson Nutrition, and convinced a jury that its clients were not liable for contamination of a village's water, making the firm one of *Law360's* Illinois Powerhouses.

The firm's Chicago office, with its 645 lawyers, is its oldest, dating back to 1909. The work there runs the legal gamut from litigation to corporate to intellectual property to bankruptcy and other areas.

Among its Illinois clients are Abbott Laboratories in Abbott Park, The Boeing Co. in Chicago, Deere & Co. in Moline, Grubhub Inc. in Chicago, and Mead Johnson Nutrition Co. in Chicago.

Reckitt Benckiser announced in February that it would buy Mead Johnson Nutrition for \$16.6 billion, bolstering the British consumer products maker's child and infant nutrition offerings and expanding its presence in China.

Mead housed the Enfa family of brands, well known in the infant and children's nutrition category; Reckitt called the brands — including Enfamil, Enfagrow and Enfakid — the "world's leading franchise" in that category.

Private equity specialist Corey Fox told *Law360* of the company's Illinois clients: "Our client relationships are deep because we don't take those relationships for

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Many of Kirkland's private equity clients in Chicago become return customers many times over, due in part to the transaction side's meticulous cataloguing of deals, he said.

"We chronicle and database a lot of the material terms of those transactions, [which helps] as our clients are negotiating deals and are forced to think quickly about particular terms and provisions," Fox said.

Kirkland also advised Chicago health-care-focused private equity firm Shore Capital Partners when it closed an oversubscribed second fund after collecting \$190 million from limited partners. Shore Capital Partners Fund II blasted past its initial target of \$150 million and had investor demand approaching \$750 million.

Shore is led by founder and managing partner Justin Ishbia, who had earlier been an attorney at Kirkland.

In addition to Ishbia, the founding members of Shore are former Water Street Healthcare Partners partner Ryan Kelley, former Wind Point Partners partner Mike

Cooper and former Henry Crown & Co. executive and Citigroup employee John Hennegan, according to the company.

The Chicago web of connections is evident just in that list: Wind Point is another Chicago-based Kirkland client, and it collected \$985 million from investors this year to finish the largest fund in firm history with Kirkland's help.

The oversubscribed fund, billed as Wind Point Partners VIII, smashed past its initial hard cap of \$750 million and will follow in the footsteps of its predecessor fund by focusing on investments in middle-market companies in consumer products, industrial products and business services.

How does Kirkland play up the Chicago connection?

"We have very diverse interests amongst our partnership and our associates, and I think those relationships are reflective of Illinois passions, whether that's opera, whether that's the Cubs, Bears, Bulls — Shakespeare Theater we just got involved in," Fox said.

"We like to know what our clients care about away from their job and away from

the office, and we enjoy sharing in those experiences,” he said.

The Cubs transformed from an away-from-the-office passion into a full-fledged workplace matter when Kirkland was called in to fight Wrigley Field-area bar owners accusing the Cubs of breaching a contract preventing the obstruction of views into the stadium from their bars.

The lawsuit stems from the Cubs’ decision to make upgrades to Wrigley Field, including a new video board that allegedly blocked views into the stadium from the rooftop bars of the owners, four companies referred to as “the rooftops.” The initial lawsuit by the rooftops — which owned two of 11 buildings along the outfielders at Wrigley Field — sought to stop the progress of the field’s expansion, which has since been completed.

The dispute arose after businessman Thomas Ricketts purchased the team and Wrigley Field in 2009 and made a series of unsuccessful attempts to buy the rooftops. Ricketts announced a series of stadium upgrades in 2014 that would block the views, prompting the bar owners to sue. They cited a long-standing agreement with the Cubs under which the bars were promised unobstructed rooftop views of home games in exchange for a portion of the bars’ profits.

The Cubs’ most recent victory in the case was in September, when the Seventh Circuit refused to revive the claims.

Also on the litigation side, Kirkland lawyers won a trial in mid-April in which a jury unanimously rejected claims from a Chicago suburb that a trucking company’s terminal had contaminated its groundwater with vinyl chloride, a compound associated with cancer.

Vinyl chloride was first detected in the town’s groundwater in 2008. The town’s trustees filed suit in state court in 2014, and it was removed to federal court the

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following year. Sauk Village, an exurb south of Chicago, claimed that YRC and Roadway Express, which had owned and operated a truck terminal there since the early 1970s, had released chlorinated solvents that contaminated the town’s drinking water supply when it leached into groundwater.

Meanwhile, on the pro bono side, the firm helped four Chicago men win their freedom after a false murder conviction.

Litigation partner Justin Barker led a team that collaborated with outside groups including Project Innocence and the Center on Wrongful Convictions at Northwestern University’s Pritzker School of Law on a nine-year effort to secure a new trial and then scare up the evidence that Charles Johnson and three others needed for exoneration after a 1995 robbery and double homicide involving a used-car lot.

Steven Drizin of the Center for Wrongful Convictions told journalists at Northwestern’s Medill School that he got involved in the case after receiving a letter in which Johnson described giving a false confession to a police detective, James Cassidy.

“Most of these young people thought they were going home after signing confessions,” Drizin said, according to the Medill report.

Kirkland lawyers helped get fingerprints and palm prints tested from a car that had

never been tested before, and they found a witness who had not been sought out.

“I conducted just countless witness interviews. Remember, this is an old case and all of the appeals had run, so our only avenue to have any justice for Charles was to discover new evidence,” Barker said. “We were out there talking to anybody and everybody.”

After the firm saw a series of interim successes, a new state’s attorney, Kim Foxx, came into office in Cook County, and she proved more willing to listen to the team’s arguments. Her office agreed in February to drop the charges.

“I think it’s sometimes hard for the state, when they have a conviction, to really have an open mind and consider whether something went wrong,” Barker said. But since Kirkland took on that task of considering what went wrong, the firm went all in, even though Barker was an associate when he started working the yearslong matter.

“Obviously, the firm takes into account an associate’s hours. And the reality, and this is something that I appreciate, is that any hours that I put in on the pro bono case — and I was giving a lot of time to it — those hours are counted” toward the billable-hour requirement, Barker said.

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