



LAW360

2018 MVP

James Hurst

James Hurst of Kirkland & Ellis LLP spearheaded several signature trial wins this year, including reversing AbbVie's fortunes in a crucial bellwether over testosterone gel and helping a Bristol-Myers Squibb unit fend off a potential billion-dollar trade secrets allegation, landing him among *Law360's* 2018 Trials MVPs.

His biggest achievement this year:

Hurst had a hard time singling out one of the three trials he won in the past year to put on his mantel, but he said his biggest accomplishment might be his work representing AbbVie in a key bellwether trial.

In the first two bellwether trials over its testosterone replacement drug AndroGel, AbbVie was hit with verdicts of \$150 million and \$140 million, and with only three months before a third bellwether, the company switched firms to hire a Kirkland team led by Hurst, according to the firm. In January, an Illinois federal jury found completely for AbbVie in that third bellwether, and Hurst said the earlier losses confirmed how tough a case it was to win.

Hurst also highlighted his work for Bristol-Myers Squibb unit Flexus in a trade secrets case, where a

Delaware jury on Nov. 7 rejected pharma rival Incyte Corp.'s bid for over \$1 billion in unjust enrichment damages. Hurst said the victory was made even sweeter by his opposing counsel's pretrial declaration that the case was a slam dunk.

"Our motivation to win for our clients is at a peak already, but it certainly doesn't hurt when the other side is talking trash in the press," he said.

"I pride myself on figuring out somehow, somehow, no matter the odds, of giving ourselves a chance of winning at trial ..."

Why he's a trial attorney:

Hurst noted that his competitive nature is part of what drew him to working as a trial attorney.

"It fits my personality quite well because I'm super competitive, and I pride myself on figuring out somehow, somehow, no matter the odds, of giving ourselves a chance of winning at trial," he said.

Hurst added that he's drawn to the intellectual challenge presented by taking a case to trial.

"It's like a puzzle sometimes where there's going to be a solution, you just have to work hard enough at it to find that solution," he said.

What motivates him:

As for what keeps him pushing to keep his practice operating at the highest level, Hurst said he truly loves his job, and that he's driven by the fun, the

adrenaline and even the stress of taking cases in front of a jury.

“I can’t imagine there are very many jobs out there with the stress associated with watching a jury come into the room to deliver the verdict on the last few years of work that you’ve put into the case,” he said. “It’s one of the reasons they make TV shows out of trials, because there truly is a lot of drama associated with trials, which is a ton of fun.”

His proudest moment:

Hurst said he was at his proudest this year watching some of the younger attorneys on his teams — junior partners and senior associates — step up and “just do bang-up jobs” tackling direct examinations and cross-examinations of witnesses.

“Honestly, I swell with pride looking at the talent of some of our young trial lawyers and watching them at work in cases while I’m sitting as an observer at counsel table,” he said.

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But the proudest moment of Hurst’s career didn’t come at a trial, he said. It came when he was arguing on behalf of a Sun Pharmaceuticals Ltd. unit before the U.S. Supreme Court, and his parents drove over from Delaware to watch him work in court for the first time.

His advice for young attorneys:

For those young attorneys who are still hunting for the chance to build up and show off their trial skills, Hurst said the best strategy is to go after every possible opportunity to get real courtroom experience.

“A lot of it’s luck, not every case goes to trial, but just eagerly seek out opportunities on the cases you’re on ... ask for a witness even

if you’re a fifth-year associate,” he said. “Look for pro bono opportunities to get yourself on your feet in a trial. Ask the partners in the case if you can handle any and all court appearances if it’s not the kind of thing that requires partner attention.”



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