

2023 RISING STAR

Winn Allen



Winn Allen of Kirkland & Ellis LLP represented Georgia in a suit brought by Florida over water allocation, and he was principal at trial for UnitedHealth Group in an antitrust suit seeking to block its acquisition of Change Healthcare, earning him a spot among the trial attorneys under age 40 honored by Law360 as Rising Stars.

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His biggest recent cases:

Allen cited two cases he considers to be among the biggest of his career. The first was his representation of Georgia in *Florida v. Georgia*, in which Florida alleged its northern neighbor consumed too much water from tributary systems that flowed out of the Chattahoochee River. At stake was drinking water for the Atlanta metro region and irrigation for crops in the major agricultural area outside the city, Allen said.

“This is a huge case for the state,” said Allen, who is originally from Georgia. “Florida was seeking to cap

the state’s water use. If they had been successful, that really could have impacted Georgia’s agricultural industry. The summers are very hot down there, and very dry.”

The case went on “for years and years,” Allen said, eventually making it to the U.S. Supreme Court — for the second time — which dismissed Florida’s case in a unanimous decision in April 2021.

More recently, Allen represented UnitedHealth Group in a February 2022 suit brought by the U.S. Department of Justice seeking to block its \$13 billion acquisition of

Change Healthcare. The DOJ claimed the purchase violated the Clayton Act and would create a monopoly in certain areas.

What was challenging about the case, Allen said, was its super-expedited schedule. A case that ordinarily might last years went to trial that August, and, after a bench trial, a judge ruled in UnitedHealth Group’s favor.

“The judge ruled for our client down the line and rejected all of the DOJ’s theories,” Allen said. “The court sided with us in terms of the merger not being anti-competitive. It was a really

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fun case to work on. It was a great client with tons of great people.”

Why he’s a trial attorney:

What first caused Allen to gravitate toward trial practice was the performative nature of it, he said. Allen described himself as a “very performative person” who played sports and participated in musical theater growing up.

He also finds fulfillment in being a storyteller through the law, he said, and being able to express through story why his client is in the right.

“Being a trial lawyer is being a storyteller,” Allen said. “It’s about being able to tell commonsense, compelling stories that make sense to lay judges and lay lawyers.

You’ve got to remember that you’re not presenting these cases to experts. They’re just lay judges that may not have a lot of background of what the case is about.”

How he thinks the practice and the legal industry will change in the next 10 years:

Allen said the legal industry will likely undergo an evolution in the way discovery is approached in the next 10 years, out of necessity. The number of documents produced in discovery has gone up dramatically over time, according to Allen, particularly in civil cases.

“Today people have so much stuff, whether it’s documents, electronic documents or personal communications,” Allen said. “Civil discovery has become incredibly costly for both the parties and the courts.”

Allen does not see how spending time, effort and money on discovery issues is in the best interest of the court, and believes procedures will change in expert discovery as well. This will allow the courts to “actually

resolve the substance of those disputes, getting to the nub of what these cases are about, rather than trying to play ‘gotcha’ on discovery issues,” he said.

What motivates him:

Being able to work collaboratively with clients and other attorneys to solve problems is a motivator, he said, describing it as “the most rewarding part of the job.”

“Part of the fun is, our clients come to us with difficult problems,” Allen said. “I have been blessed with some really great colleagues on the client side that have put a lot of trust in me. They’ve been tremendous colleagues to work with and have just been a lot of fun to get to know.”

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