

Trials Group of the Year: Kirkland

Kirkland & Ellis LLP secured trial wins for Uber in sexual assault mass litigation and for a railcar company defending against Norfolk Southern Corp. over the highly publicized East Palestine, Ohio, train derailment, earning the firm a spot as one of the 2025 Law360 Trials Groups of the Year.

The trials group is a key component of the firm's litigation practice, a core focus for Kirkland, said Jim Hurst, a litigation practice leader.

"Our trial lawyers are trained in the trenches from year one," Hurst told Law360. The firm holds an annual training institute for junior litigation lawyers, and goes to trial regularly. "Every single week last year, Kirkland was at trial in at least one jurisdiction, and likely multiple," he added.

In September, a California state jury agreed with Kirkland counsel that Uber was not liable for damages in a passenger sexual assault case because the company's negligence was not a substantial factor concerning the alleged events.

The jury of three women and nine men disagreed with a plaintiff who said Uber could have implemented safety measures like mandatory dash cameras but didn't.

Kirkland's Allison Brown told the jury that sexual assaults in Ubers are more

rare than lightning strikes. She also told the jury that Uber's app at the time allowed a rider to share their route with another person in real time and to anonymize their phone number to hide it from their driver. The driver in question had passed background checks and had no passenger complaints, Brown told jury members.

"I think bellwethers are always important, and I think the one I tried in September in the [Judicial Council Coordinated Proceedings] was particularly informative and important to the client because it was a plaintiff-picked case," Brown told Law360, meaning it should have had some of the strongest facts for plaintiffs and a relatively high likelihood to win damages.

"I think if you look at the cases that we're trying right now," Brown said, "they are truly significant to our clients not just because of the stakes in the individual case, but because of how they fit in a broader mass tort litigation and how important they are

to bringing resolution favorably to our clients for not just one case or 10 cases or 100 cases, but thousands."

Uber is facing assault litigation in other jurisdictions, including a recent bellwether trial the company lost in Arizona federal court.

And last April, an Ohio federal jury agreed with Kirkland counsel that a railcar company client had no liability to Norfolk Southern concerning a contribution to a \$600 million settlement with individuals and businesses impacted by the train derailment and chemical spill in February 2023 in East Palestine.

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Jim Hurst, Partner

GATX Corp.'s railcar had an overheating wheel bearing that failed and set off the 38-car derailment, the jury heard. Norfolk Southern had accused GATX of neglecting maintenance on the railcar after it went through a hurricane years earlier in Texas.

GATX told the jury that Norfolk Southern was responsible for the car once it set out on its journey, and that Norfolk's trackside hot-bearing detectors failed to flag the problem even while the bearing glowed hot for miles as the car rolled through eastern Ohio. GATX also said another company had the responsibility to do the final inspection before the train departed.

Kirkland partner Carrie Karis said a crucial witness was an expert who brought in one of the three remaining wheel bearings from the railcar and showed it to the jury to explain how the wheel system worked and how it was not affected by supposed hurricane-related corrosion.

"He had a little flashlight," and "I said, 'Shine the light on the evidence and show the jury what you're telling us,'" Karis said.

"Juries very much like to see the physical evidence," and in the immediate aftermath of the crash and the National Transportation Safety Board investigation, "we insisted that physical evidence be maintained," Karis said. "It was critical to get the jury to see the physical evidence."

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Alli Brown, Partner

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