

CHICAGO LITIGATION DEPARTMENTS OF THE YEAR

A SPECIAL REPORT

In this issue, The National Law Journal highlights litigation departments at law firms in Chicago. We asked top litigation practices to tell us about their operations—biggest wins, head counts, toughest opponents and even their losses. The NLJ staff then evaluated the information and selected the eight firms that you'll read about in these pages. Winston & Strawn earned the top spot, but it was a close call, and we selected two finalists: McDermott Will & Emery and Sidley Austin. We also spotlighted firms with distinguished practices in insurance, intellectual property, labor and employment, mass torts/products liability and white-collar defense.

WINSTON & STRAWN

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BY SHERI QUALTERS

Winston & Strawn secured a wide range of high-impact wins during 2014, demonstrating the ability to take down foes at trial—and before a fight goes that far.

For example, the firm's 152-lawyer Chicago litigation department took the lead in winning summary judgment in antitrust multidistrict litigation in Illinois federal court involving text-message fees. The May 2014 order concluded six years of litigation.

The plaintiffs' expert had calculated damages at \$3 billion, which could have been tripled to \$9 billion, said litigation partner and firm chairman Dan Webb, Verizon Wireless Inc.'s chief counsel on the case. Also participat-



STEPHEN D'AMORE, DAN WEBB AND W. GORDON DOBIE

ing were co-counsel from Kellogg, Huber, Hansen, Todd, Evans & Figel of Washington; additional firms represented three other carriers and a trade group.

Webb's team estimated a potential class of 90 million people. "It doesn't get much bigger than that," Webb

said. "To be able to win that on summary judgment is a big deal."

This month, the U.S. Court of Appeals for the Seventh Circuit affirmed the lower court's ruling.

Lead plaintiffs counsel Patrick Coughlin, Robbins Geller Rudman & Dowd of

counsel in San Diego, credited Winston & Strawn as a tough firm to go up against. "It's not over yet, but they're excellent," he said.

The firm defended the four largest of five high-fructose corn syrup makers in a New York federal products liability case alleging

the ingredient was a toxin. The plaintiff was a child whose parents alleged that she developed type-2 diabetes by eating and drinking products containing the ingredient. The firm won dismissal in April 2014 and the U.S. Court of Appeals for the Second Circuit affirmed that ruling in December.

The case was the first to claim that high-fructose corn syrup was unreasonably dangerous, said litigation department co-chairman Stephen D'Amore, who led the defense at trial and on appeal. The threat to the ingredient's reputation and the possibility of follow-on lawsuits made for a bet-the-industry case, D'Amore said.

"We made a strategic decision early that it was the kind of case that was so serious that it required a massive upfront approach by us," he said.

The defendants' trade group, the Corn Refiners Association, was pleased that the firm could "swiftly

resolve a baseless lawsuit," association president and chief executive John Bode said. "The Winston team's lawyering led to an early dismissal and affirmance on appeal that was important to the entire industry," he said.

The team won summary judgment in a New York state trial court for Alexander Gliklad, the former chairman and a stockholder in Russian company KuzbassRazrezUgol OAO, or Kuzbass Coal. The ruling, which was signed in March 2014 and issued the following month, required businessman Michael Cherney to pay \$505 million to honor a one-page, Russian-language promissory note he signed in 2003. It covered Cherney's agreement to pay \$270 million for a 26.37 percent interest in the coal company, plus interest.

The case required Winston & Strawn partner W. Gordon Dobie, Gliklad's lead lawyer, to globe-hop to the Bahamas, Cypress, England, Israel,

Switzerland and Russia to track down information.

He said he had to reach deep into his litigation toolbox to counter a determined defense. One example included filing an unusual anti-suit injunction motion to stop Cherney's lawsuit in Israel about the dispute.

"We don't give up no matter how complicated [it gets] and no matter how long it takes," Dobie said.

D'Amore and Webb tout their department's focus on hiring strong litigators and honing their trial skills. "We view ourselves as a trial firm," Webb said.

D'Amore said the department looks at everything in a case from the perspective of how it might play at trial.

"All of us can try cases. To me that is extremely important," D'Amore said.

Some of the younger lawyers got trial training during Webb's stint as special prosecutor investigating a Chicago man's 2004 death from brain trauma 11 days after being punched dur-

ing a street altercation by Richard Vanecko, nephew of former Chicago Mayor Richard J. Daley. Vanecko subsequently fled the scene.

A Cook County Circuit Court judge appointed Webb in April 2012 to review the evidence in the death of David Koschman. He convened a grand jury in Winston & Strawn's office. The firm turned the case into a pro bono matter in January 2013, with lawyers and staffers contributing more than 13,600 hours. Webb's team issued an extensive report on police and prosecutorial missteps in the original case.

Vanecko pleaded guilty to involuntary manslaughter in January 2014. His sentence included jail time, home confinement and a payment to Koschman's mother for expenses.

The experience was great training and "some who worked on that case have moved over to do a lot of white-collar work for major paying clients," Webb said.