

# Daily Journal

COVER STORY

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## TOP WOMEN LITIGATORS 2010



**Harriet S. Posner**

LOS ANGELES

**Law Firm:** Skadden, Arps, Slate, Meagher & Flom

**Practice Area:** Commercial litigation

**Years in Practice:** 26

**Law School:** UCLA School of Law

Harriet Posner's complex commercial litigation practice has gotten a lot more intense in the past year, particularly in light of increased scrutiny on large mortgage companies amid the nation's financial meltdown. She's currently defending Wells Fargo Bank, N.A. against a class action in Los Angeles Superior Court accusing the San Francisco-based lender of pricing discrimination in consumer mortgages. Last August, Posner persuaded a judge to deny class certification on four of five causes of action in the case. She has a summary judgment motion pending. Posner also has made a name for herself representing large corporations in U.S. Securities and Exchange Commission investigations. She recently cleared computer technology giant Insight Enterprises Inc. in an SEC investigation looking at whether the company had properly accounted for "aged trade credits" in its financials. Other major cases include representing Farmers Group Inc. in a closely watched California putative class action contending the insurer breached the federal Fair Housing Act by using credit scores to price its homeowner's insurance policies. A key issue in the case is whether the procedure hurts minorities. Posner also continues to represent the world's largest video game maker, Activision Blizzard Inc., in cases including lingering litigation over its \$18 billion merger with Vivendi.

**Pretrial Ritual:** Posner doesn't eat anything right before or during trial. She also writes a detailed outline listing her trial arguments point-by-point. The list often initially exceeds a dozen pages before she trims it down to a single page that captures the "essence" of her arguments that she can easily glance over during the trial.

**Biggest Career Break:** Rather than one pivotal event, Posner said she learned how to be an effective trial lawyer early on by watching two former Skadden trial heavyweights in action: Bill Masterson and Frank Rothman. "I watched how they thought about a case and how they tried a case," Posner said. "They had amazing reputations, and they were very inspiring."