

# THE AMERICAN LAWYER

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## *Suitigation Department OF THE Year*

SPECIAL REPORT



**LIBOR, MASSIVE SECURITIES CLASS** actions against the big banks, billion-dollar patent wins, eye-popping arbitration awards. While the U.S. economy was struggling to return to health over the last two years, big-ticket litigation was clearly a countercyclical buffer. As the financial meltdown turned from headlines in the press to captions on docket sheets, the litigators at The Am Law 200 were front and center. In their lengthy, detailed submissions to us for 2014 Litigation Department of the Year and our three practice areas honors, we were delighted to see how diverse and cutting-edge the firms' results were over our time frame (August 2011 through July 2013).

To draw attention to these efforts, we changed our practice group competitions: We added securities and antitrust along with our traditional, highly competitive IP category. After months of reading the submissions, vetting the firms, and interviewing the finalists at our New York office, we arrived at four winners, 13 runners-up, 10 honorable mentions and six Litigators of the Year. Congratulations to everyone who won, and our sincere thanks to every firm that participated in our contest.

—Robin Sparkman



PHOTOGRAPHY BY MIKE McGREGOR



SKADDEN, ARPS, SLATE, MEAGHER & FLOM

# The Internationalists

Long gone are the days when **SKADDEN'S** most important clients were all in the U.S. and its litigators played second fiddle to the dealmakers.

BY JULIE TRIEDMAN

## S KADDEN'S LITIGATION DEPARTMENT

is light-years away from where it was a decade ago, when its marquee practice was litigating takeover battles and proxy disputes as an adjunct to its deals work. These days, new clients regularly tap the firm's litigators first. And though it continues to excel in deals litigation, the department has earned a reputation as a global one-stop shop for antitrust, mass torts and securities litigation, as well as white-collar defense and regulatory work.

Karyl Nairn, Skadden's charismatic new international disputes cohead, says the department's growing reach stems from a decision made in the early 2000s. Perceiving that the world's largest commercial disputes will be increasingly fought

in multiple jurisdictions, the firm began building its bench in New York, London and Hong Kong in order to handle disputes involving those jurisdictions' commercial courts, global arbitral bodies, and offshore jurisdictions. The disputes group now numbers 56 lawyers, and most are qualified to handle proceedings in at least two international jurisdictions.

That new global mastery was on display in the pitched battle between two Russian oligarchs in 2011 in an English Commercial Court trial. Tapping Skadden's Nairn, Paul Mitchard and Rory McAlpine, Roman Abramovich successfully dodged a \$6 billion lawsuit brought by his former business partner, Boris Berezovsky, over claims that Abramovich forced him into selling his stake in two Russian companies for too little. Drawing on a multilingual team, the lawyers meticulously worked with each Abramovich witness, corroborating their client's statements and leaving Berezovsky's

credibility in tatters. "I knew the commitment I could expect from this firm," says Andre De Cort, legal counsel to Abramovich and former head of Skadden's Moscow office.

Back in the United States, Skadden has focused on building up its trial bench on the theory that "more and more, clients are going to try cases," says David Zornow, who heads the department. Relying partly on a half-dozen high-profile laterals, including California trial lawyer Allen Ruby and former Southern District of New York Judge Stephen Robinson, the firm saw 19 trials or arbitrations through to a verdict during the contest period.

"We are business litigators who have the ability to take a case from district court all the way up to the [U.S.] Supreme Court," and who regularly do so, says securities litigation practice head Jay Kasner, who has defended financial institutions in significant credit crisis-related lawsuits and appeals.

### Department Size and Revenue

Partners: 102 Associates: 271 Other: 90

Department as Percent of Firm: 30%

Percent of Firm Revenue 2012: NA



**FROM LEFT:**  
Allen Ruby,  
Stephen Robinson,  
David Zornow,  
Jay Kasner and  
Karyl Nairn



## LITIGATION HIGHLIGHTS:

Like the Abramovich case, several of Skadden's other major litigation achievements also came on behalf of new international clients. Take Isle of Man-based PokerStars. After U.S. prosecutors shut down its gaming site, indicted its CEO, and slapped it with a \$1.5 billion money-laundering charge, PokerStars came to Skadden's Zornow and Anand Raman on referral. The team ultimately struck a \$731 million settlement that, in a first-of-its-kind resolution, involved PokerStars forfeiting \$547 million and taking over a rival that had collapsed under pressure of its simultaneous indictment. "The solution they got to is unique," says Gil White, a partner at Tel Aviv-based Herzog Fox & Neeman, the company's main outside counsel. "But from day one, Skadden worked 24-7, obtaining an agreement that first weekend that allowed [PokerStars] to get [its] website back up outside of the U.S., preserving [its] business."

Italy banking giant UniCredit SpA likewise chose Skadden on referral after it was sued by Irving Picard, the liquidation trustee for Bernard Madoff's defunct investment firm, in two matters collectively demanding \$40–60 billion. Skadden's Susan Saltzstein

and Marco Schnabl, on behalf of UniCredit and dozens of codefendants, helped to persuade the U.S. Court of Appeals for the Second Circuit that Picard was relying on a ruling that was no longer good law. Citing the arguments Skadden raised, the court tossed common law claims in June 2013.

Domestically, deal litigators continued to shine, beating back private antitrust claims and shareholder litigation challenging Express Scripts Inc.'s \$29 billion acquisition of Medco Health Solutions Inc. Skadden also obtained a precedent-setting ruling in Maryland Circuit Court enforcing a controversial bylaw its dealmakers had drafted for client CommonWealth REIT that requires shareholder disputes to be arbitrated.

**BIGGEST LOSS:** Skadden's worst setback of the period came courtesy of Wachtell, Lipton, Rosen & Katz, which represented Vulcan Materials Co. in hostile takeover litigation with Martin Marietta Materials Inc. Skadden's attempt to block Vulcan's takeover bid failed in May 2012 when the Delaware Chancery Court held that Martin Marietta had violated confidentiality agreements by disclosing Vulcan's confidential information and issued a four-month injunction, effectively ending Martin Marietta's

exchange offer.

**CLIENT FEEDBACK:** "Meticulous," "high-class," and "by the book" are words most often used by clients, cocounsel and even opponents to describe Skadden. The firm's pragmatic, business-minded approach also earns praise. "They are solution-minded, as opposed to just legal theorists," says PokerStars lawyer White. "They don't just come in and clean up after the elephant if there's a problem," agrees Jennifer Clark, general counsel for Reit Management & Research LLC.

**ON THE DOCKET:** Internationally, the firm was appointed by Cyprus to defend it in a billion-dollar dispute by Greek shareholders arising from the bailout of the Cyprus Popular Bank. In the U.S., Skadden is defending Barclays Bank plc in a Federal Energy Regulatory Commission lawsuit lodged after Barclays rebuffed a \$435 million FERC penalty over alleged power market manipulation in the western states. The firm is also lead trial counsel to Toyota Motor Corporation in economic loss litigation stemming from alleged sudden acceleration in Toyota's cars. ■

# Skadden