



MASSACHUSETTS POWERHOUSE Skadden



By Aaron Leibowitz

Law360 (September 5, 2019, 3:47 PM EDT)

Skadden's relatively lean Boston team has the pull to land some of the most high-profile legal work in Massachusetts and from around the globe, shining especially brightly in the health and life sciences industries recently with a resume that includes guiding the \$11.4 billion sale of Array BioPharma.

In the early 1970s, Skadden Arps Slate Meagher & Flom LLP emerged as the first law firm that wasn't based in Boston to establish a presence there. Today there are many more, but Skadden still stands out as an international firm whose Boston office handles some of the most complex legal matters.

The 12-partner Boston team has stood out in the past year for defending pharmaceutical companies in securities and whistleblower cases and facilitating blockbuster deals, making Skadden one of Law360's 2019 Massachusetts Powerhouses.

"We are the only firm in Massachusetts seeking to tap this market of lawyers to work on global matters of the highest sophistication," Graham Robinson, the head of Skadden's mergers and acquisitions group in Boston, told Law360. "For the type of work we do, geographical proximity is not as important to our clients as hiring the best lawyer for their particular matter."

As a case in point, Skadden represented Colorado-based Array BioPharma when it was acquired by Pfizer for \$11.4 billion this summer. The fact that Array turned to Skadden to guide it through the process was a testament to Robinson's reputation, said James R. Carroll, who leads the Boston office.

"They could go anywhere. They can hire any lawyer in the country," Carroll said. "That's the kind of reputation and expertise Graham has developed in that pharmaceutical industry M&A market."

The office's health care litigation efforts, meanwhile, are spearheaded by Michael K. Loucks, who made a career prosecuting health care cases in the U.S. Attorney's Office

for the District of Massachusetts — including a stint as acting U.S. attorney — before he joined Skadden in 2010.

"He came over to us and has just done a fabulous job representing clients in that industry," Carroll said.

In the past year, Skadden secured victories in its defense of Massachusetts-based Biogen, successfully arguing at the First Circuit that the company's supposedly misleading statements to investors weren't made with intent or knowledge of wrongdoing. The case is likely to make it harder for shareholders to win stock-drop class actions, Carroll said, which will have "a big impact beyond Biogen and beyond our office."

Skadden also represented Nightstar Therapeutics in its \$870 million acquisition of Biogen, and helped Nightstar win dismissal of three shareholder suits filed in response to the proposed deal.

And in the technology sector, the firm advised CarrierEq Inc., known as Airfox, in reaching one of the first settlements with the U.S. Securities and Exchange Commission involving initial coin offerings.

Both Carroll and Robinson also emphasized a part of the office that receives less public attention — the tax team — as evidence of the firm's success. Moshe Spinowitz, who clerked for U.S. Supreme Court Justice Antonin Scalia before joining Skadden, "has become the go-to lawyer in Boston and beyond for complex international tax issues," Robinson said.

That team in Boston features just a few attorneys, but it is likely to grow, Carroll said.

“He’s got the mandate and support from me and the firm to really build here what we have elsewhere,” Carroll said of Spinowitz. “His growth and his presence here is a big deal to our office.”

Only 52 of Skadden’s more than 1,300 lawyers worldwide are based in Boston, but the firm has a footprint in some of the city’s most high-profile cases. In the ongoing “Varsity Blues” college admissions prosecution, for example, Loucks and other Skadden attorneys are defending Marci Palatella, the CEO of International Beverage, who is one of dozens of parents charged.

The firm has also played a role with its pro bono work in Massachusetts. Skadden attorneys wrote an amicus brief on behalf of the New England Innocence Project and others in a case in which the state’s Supreme Judicial Court expanded access to forensic testing for people who say they were wrongfully convicted.

In another case, Carroll and a second-year associate won a jury trial in federal court in July for an inmate at a maximum security prison who proved he was illegally beaten by corrections officers.

Skadden’s Boston office was first opened by an M&A lawyer, Carroll said, but it now has major clout in the courtroom. Eight of the firm’s 12 Boston partners do litigation.

“We really have a different product offering to handle the most complex problems that corporations have,” Carroll said, adding that this attracts clients from Boston and beyond. “We have a real strong foothold with the local market and can service them whatever their needs are, anywhere.”

Editing by Aaron Pelc