



LITIGATION DEPARTMENT OF THE YEAR FINALIST

SKADDEN, ARPS, SLATE, MEAGHER & FLOM

Q&A **What are some of the department's most satisfying successes**

of the past year and why? Our most satisfying successes often have implications beyond those faced by our clients. We aim to surpass clients' expectations and demonstrate why we are their first call when tackling any issue. We recently navigated plaintiff-friendly venues to successfully defend Johnson & Johnson in back-to-back jury trials involving its baby powder, with over \$1 billion in claims on the line in the highly publicized cases. We also represented the University of North Carolina at Chapel Hill in a challenge to its affirmative action admissions process. Following a three-week hybrid trial, the court agreed that our client's process was lawful. Had that result gone another way, the use of affirmative action in college admissions may have had implications nationwide. This case has been appealed to the U.S. Supreme Court.

We are proud of our securities litigation success. Lex Machina noted in its 2022 Securities Litigation Report that Skadden acted as defense counsel in more federal securities cases than any other firm. A few examples are our collaboration across offices to represent FedEx Corporation in securing dismissals in Delaware



Skadden, Arps, Slate, Meagher, and Flom Offices in Manhattan, New York

Photo: Ryland West/ALM

and New York lawsuits following a cyberattack, and a Second Circuit win delivered by a Boston/New York team for Intercept Pharmaceuticals, affirming a lower court dismissal in a case involving its leading liver disease drug Ocaliva.

Our antitrust team has delivered impressive results and illustrated our "never give up" mentality. In a case for HSBC Mexico, we forged ahead when other co-defendants settled to secure a winning verdict that provided clarity on personal jurisdiction standards for foreign banks. Similarly, we achieved victory for Citigroup and affiliates in an alleged price-fixing case where the plaintiffs had secured nearly \$100 million in settlements from other defendants. Most recently, we represented Sabre



From left to right: Boris Bershteyn, Karen M. Lent, Alexander C. Drylewski, Meredith C. Slawe, Daniel Michael. Partners at Skadden, Arps, Slate, Meagher & Flom.

Photo: Ryland West/ALM

Holdings in a three-week antitrust trial in which US Airways sought \$900 million in damages but the jury awarded just \$1 (trebled to \$3).

Other highlights include securing the largest arbitration award ever in the renewable energy sector for two Dutch subsidiaries of NextEra Energy, fending off attempts to enjoin a \$12.5 billion transaction, allowing Neuberger Berman Group to close a complex combination, and taking over as Endo Pharmaceuticals' nationwide trial counsel, then overturning a default judgment.

A prospective client in crisis calls and asks why your team should be retained.

What is your answer? When billions of dollars are on the line and a company's leadership is under significant pressure, we are often our clients' first call. We assess crisis management holistically and assemble the right teams that will deliver the results that align with our clients' business goals.

What traits do you respect most in opposing firms and lawyers? We respect firms that embrace qualities that we value. Giving an associate a voice on a case or a challenging role is something we strive for, and we appreciate others who recognize the value in doing so. We also respect firms that seek to field teams of attorneys from historically underrepresented groups. We have long made it our mission to recruit, retain and promote attorneys from all backgrounds. Seeing other firms promote diversity and inclusion in the legal community is something we admire. We also believe that you can zealously represent your clients while maintaining cordial, professional relationships and look for that from our adversaries as well.

What is the firm doing to ensure future generations of litigators are ready to take the helm?

We invest in our associates from day one, enrolling them in Skadden's ACE Program—a three-week intensive training program. By devoting significant resources to our new attorneys, we create a pipeline of future firm leaders who embody the culture we have cultivated over the past 74 years. Joe Flom and Barry Garfinkel gave junior associates much responsibility, and that tradition continues as many of us were the recipients of that attitude. This is one of the reasons many associates' careers flourish at Skadden. More than 90% of our New York litigation partners began their careers as Skadden associates—a remarkable statistic, particularly against the backdrop of the current dynamic lateral market.