

Rising Star: Skadden's Lara A. Flath

By Xiumei Dong

Law360 (June 7, 2022, 3:22 PM EDT) -- Skadden Arps Slate Meagher & Flom LLP partner Lara A. Flath successfully defended the University of North Carolina in federal litigation regarding its consideration of race in undergraduate admissions, earning her a spot among the class action attorneys under age 40 honored by Law360 as Rising Stars.

WHY SHE'S A CLASS ACTION ATTORNEY:

Flath knew she wanted to be a litigator when she started her legal career as an associate at Skadden in 2006. Later, as she moved up the attorney ranks, Flath said she began to do more work in the antitrust and security spaces, which often lend themselves to class actions.

While Flath still represents financial institutions and large company clients on commercial litigation, "a significant portion" of her practice in the past several years has been related to antitrust class actions and securities matters, she said.

"When you're working in the world of class actions, it's a sort of a similar set of rules and theories that will apply to particular cases. But you get to do that across a variety of industries, which is really interesting," Flath said.

THE BIGGEST CASE OF HER CAREER:

Flath said a notable case she's worked on was representing the University of North Carolina at Chapel Hill in federal litigation regarding the constitutionality of how the university uses race in determining undergraduate admissions.

The lawsuit dates back to 2014 and was brought forward by the anti-affirmative action group Students for Fair Admissions. Flath said she joined the litigation team to represent the university in 2015 and worked on the cases through November 2020, when she had the opportunity to lead the direct examinations of the expert witnesses during a multiweek trial.

"We won a victory at the trial court level, which was very validating for the



Lara A. Flath
Skadden

Age: 39
Home base: New York
Position: Partner
Law school: University of Chicago Law School
First job after law school: Associate at Skadden

client, saying that they did not use race in an impermissible manner," Flath said. The student group has appealed the case to the U.S. Supreme Court, Flath noted, adding that she will continue to be involved.

HER OTHER NOTABLE CASES:

Last year, Flath represented the Canadian Imperial Bank of Commerce in a bench trial relating to breach of contract, where she also directed the examination and cross-examination of witnesses. She is also representing Peco Foods Inc., a chicken producer in Alabama, in multiple price-fixing class actions and representing financial institution Barclays in a federal antitrust class action.

Flath is also defending cryptocurrency company Coinbase in a pending alleged securities class action relating to whether or not Coinbase operates as an unregistered exchange or broker-dealer.

"I've been really fortunate in that a lot of big things have been happening and each has provided its own particular challenges," Flath said. Some of the challenges she named include a hybrid work setting or translating complex case matters for layperson audiences.

HER PROUDEST MOMENT AS AN ATTORNEY:

Flath said she felt rewarded and proud when some of the firm's associates and younger lawyers came to see her proceedings and gave her the feedback that it was "validating and inspiring" to watch a young woman taking lead roles in court.

"Because I know that coming up through the ranks like that, how I looked at Skadden partners as role models and as just tremendous litigators, thinkers and people, and saying, 'OK, if I can do a little bit of that someday, then I'm going to be a great lawyer,'" she said.

ON THE FUTURE OF THE PRACTICE:

With the COVID-19 pandemic still disrupting the court system, Flath said it will be interesting to see how court proceedings evolve going forward, whether that involves returning to in-person meetings or keeping virtual hearings.

"Being virtual has been really great for both the court [and] in terms of efficiency [and] travel ... but I do think you lose some of the connection of being in the court, of developing relationships with the judge, understanding the different matters, the different players," Flath said.

— As told to Xiumei Dong

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2022 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of April 30, 2022, to be eligible for this year's award. This interview has been edited and condensed.