

# THE AMERICAN LAWYER

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## SPECIAL REPORT

# LITIGATION

## ★ DEPARTMENT OF THE YEAR ★

The American Lawyer's biennial selection of the nation's top litigation departments and litigators.

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### How We Select the Litigation Department of the Year

This year's contest covers litigation matters between Aug. 1, 2013, and July 31, 2015. Last April, we contacted all Am Law 200 firms and some smaller firms, soliciting entries in this year's general litigation contest, as well as practice-specific contests in intellectual property, white-collar/regulatory work and product liability.

Firms were asked to provide, among other things, lists of and details about their 12 most notable results, a description of their two biggest losses, details of new matters, references and information about the size and financial performance of their practices or departments. They were also asked to submit an essay, arguing for their selection as Litigation Department of the Year.

We received 64 submissions in the general litigation contest, 25 in the intellectual property contest, 10 in the white-collar/regulatory contest and nine in the product liability contest. Teams of American Lawyer reporters and editors evaluated all of the submissions on the basis of reporting and conversations with clients and colleagues at rival firms, among other things. The general litigation category was evaluated by David Bario, Emily Barker, Michael Goldhaber, Jennifer Henderson and Ginny LaRoe. This team also selected

the Litigators of the Year and the Honorable Mentions. The IP category was evaluated by Scott Flaherty, Nell Gluckman and Lisa Shuchman. White-collar/regulatory was evaluated by Jenna Greene, James Schroeder and Julie Triedman, while product liability was evaluated by Susan Beck, Kim Kleman and MP McQueen.

On the basis of their reporting, the teams pared the submissions to a short list of finalists: six in general litigation, four in IP, three in product liability and two in white-collar/regulatory.

A three-person panel from each finalist firm then met with the reporter teams in their category in two-hour question-and-answer sessions in our office. The purpose of the sessions was to elaborate on and clarify the submissions. After the sessions, each reporting team then embarked on a final round of reporting and interviews before meeting to select the winner in its respective categories.

Our next Litigation Department of the Year contest will be published in January 2018 and will cover matters from Aug. 1, 2015, to July 31, 2017. Solicitations and instructions for submissions will be sent out in the spring of 2017.

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# LITIGATION

INTELLECTUAL PROPERTY

★ *Finalist* ★

## The Navigators

WilmerHale is on a long mission to reshape the law. Buckle up.

By Scott Flaherty

WHEN WILMERHALE'S INTELLECTUAL PROPERTY LAWYERS TAKE ON A client's cause, they tend to cast their gaze beyond the immediate case they're litigating. As partner Mark Selwyn explains, WilmerHale often sits down with clients to work out a three-to-five-year road map of "where we want to shape the law. ... We bake that into the cases." Accordingly, the firm's IP group, which won our 2014 IP competition on the back of its success representing Apple Inc. in the smartphone patent wars against Samsung Electronics Co., has spent much of its recent past pushing its clients' interests on appeal and in the U.S. Supreme Court.

**SIGNIFICANT CASES:** WilmerHale pulled off three Supreme Court victories, including a unanimous decision in June 2014 for POM Won-

derful LLC in a trademark case accusing The Coca-Cola Co. of false advertising. Another notable result came at the U.S. Court of Appeals

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**"What sets them apart is long-term strategic thinking.... They've done a very good job of grooming that next generation of trial lawyers."**

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for the Federal Circuit on behalf of Apple: Patent holder VirnetX Inc. had sued the iPhone maker in Texas, and a jury handed down a \$368 million patent infringement verdict. On appeal, a WilmerHale team led by former firm chairman William Lee convinced the Federal Circuit to set the verdict aside after finding flaws with VirnetX's theory of damages.

**WHAT CLIENTS SAY:** Allon Stabinsky, director of the litigation, licensing and patents group at Intel Corp., describes WilmerHale as one of the company's go-to IP firms, especially in cases that may have a broad-reaching impact. "What sets them apart is long-term strategic thinking," he says. Stabinsky also praises the firm's versatility, saying that it can handle trial court-level work as well as appeals. Beyond renowned names like Lee and Supreme Court specialist Seth Waxman, Stabinsky says that WilmerHale also has a talented stable of young litigators: "They've done a very good job of grooming that next generation of trial lawyers."

**NEW MATTERS:** WilmerHale continues to represent Apple in a battle against Ericsson Inc. related to industry-standard patents for LTE wireless networks.

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**Practice Group Size and Revenue:**

Partners 44 Associates 36 Counsel 34

Department as Percentage of Firm 10%

Percentage of Firm Revenue, 2014 11.1%

**FROM LEFT** William Lee, Nina Tallon, Cynthia Vreeland, Seth Waxman, Mark Selwyn



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