



## White Collar Group Of The Year: Crowell & Moring

By **Lisa Uhlman**

*Law360, New York (January 19, 2012, 6:57 PM ET)* -- A cross-firm, integrated approach to cases and a strong sense of teamwork helped Crowell & Moring LLP's white collar and regulatory enforcement group to such 2011 wins as a complete defense victory for Blackwater Worldwide Inc.'s founder in a False Claims Act case — and landed the team among Law360's White Collar Groups of the Year.

The 50-attorney team, which maintains a strong presence in London; New York; Washington; Orange County, Calif.; and Los Angeles and has a strong growth matrix, represents clients in some of the most significant investigations and trials in the U.S. and abroad. Though it said its performance in 2011 was hardly unusual for the firm, the noteworthiness and frequency of its wins made it stand out as one of the most powerful white collar teams in the country.

In order to rack up those types of victories time and again in the field of white collar, the team has laid a strong framework that includes a cross-firm, and in particular a cross-office, philosophy that helps it bring a renowned breadth of experience and expertise to bear on each case it takes, according to practice group chair Janet Levine, who used to work in a small white collar boutique that made the move to Crowell.

"I think what we do in white collar is so integral to what the firm does generally that building the firm requires an integrated white collar and regulatory group," Levine told Law360, adding that Crowell has strong focuses in the areas of government contracts, antitrust, health care and environmental law.

"You can't have those practices without having people in the firm who are experienced and focused on the potential white collar and criminal aspects," she said. "I think the firm recognizes how integral we are to what we are all focused on."

Having such respect and recognition within the firm helped provide the team with the tools it took to win a complete dismissal for Blackwater founder Erik Prince and five Blackwater-related entities in U.S. ex rel. Davis v. Prince et al.

In that \$1 billion case, which was subject to trebling, Blackwater successor Xe Services LLP and its co-defendants faced civil False Claims Act allegations related to U.S. Department of Homeland Security and U.S. State Department contracts to provide personal protective services.

Crowell succeeded on motions to dismiss for failure to state a claim and for lack of subject matter jurisdiction, as well as a summary judgment motion, with the court whittling the relators' 16 claims down to two and the defendants down to one company. After a jury trial in July, the attorneys won a defense verdict and complete victory for their clients.

Another major victory for the firm came in U.S. v. Lee, in which the Crowell team represented Lindsey Manufacturing Co. Chief Financial Officer Steve K. Lee in a Foreign Corrupt Practices Act case involving equipment sales to a Mexican power company.

After a closely watched, weeks-long jury trial that culminated in a guilty verdict as to all defendants, the team won a post-trial dismissal of all charges against its clients based on prosecutorial misconduct.

“The trial was hard fought, and the post-trial motions were extraordinarily hard fought,” Levine said. “It was a major victory and pretty astounding in terms of going from having lost a jury verdict to having the case dismissed entirely based on prosecutorial misconduct.”

The win held national significance in that it came in one of the few FCPA cases ever brought to trial, represented an attempt by the government to extend the law's reach to what could be seen as mere negligence and garnered lawmakers' attention, with a congressional subcommittee noting the case in discussions about potential amendments to the FCPA.

Levine credits her team's commitment to unity and its tenacity with that win, which was achieved in partnership with Venable LLP, noting that it wasn't unusual for the two teams to be cooped up in an office at 4 a.m., eating pizza and “getting stuff done.” A big part of the win, she said, was not being afraid to try a case.

“With Lee, we were successful because we never gave up, because we were willing to work every day to find what we needed to find to make sure that our clients prevailed, that our clients actually trusted us and supported us,” Levine said. “Everybody in the case worked together as a team.”

Much of what goes into winning big cases like that is a strong sense of teamwork, a quality that helps make Crowell a premier practice that can handle significant matters across the spectrum of government investigations and enforcement actions, including securities and banking fraud, environmental crime and public corruption.

“In the white collar group, we all actually trust each other, we enjoy each other,” Levine said. “There's a lot of reliance on each other, a lot of teamwork and encouragement to share and to bring in expertise across the firm. Almost all the matters that we've had successes with this year have involved cross-firm staffing,” she added. “We take the best resources we can and worry about location later.”

It's that commitment to getting the job done at any cost that helped the firm win cases like *U.S. ex rel. Hooper v. Lockheed Martin Corp.*, brought by an FCA whistleblower over Lockheed's multimillion-dollar contract to modernize software and hardware used to support government space launch operations. The Crowell attorneys won the case on a motion to dismiss, avoiding potentially significant monetary and reputational damages against their client.

Or the firm's preliminary victory in the high-profile corruption case *California v. Selivanov et al.*, in which it represented Eugene S. Selivanov, founder of a prominent charter school in Los Angeles — a matter that brought into question the distinctions between independent charter schools and traditional public schools, their budgetary concerns, and how charter schools operate and educate children in California.

After the client pled not guilty, the court convened a multiweek preliminary hearing that resulted in the dismissal of several of the charges.

At the heart of any such array of victories are questions of what makes a successful white collar practice and what sets one firm's practice group apart from another's. And looking at how Crowell got its wins, certain qualities stand out: experience, purpose and partnership.

“That's one of the things that Crowell does: It finds people who want to be great lawyers together,” Levine said, adding that a good white collar group needs people with strong interests and subspecialties in the substantive areas that are commonly invoked in white collar cases.

And, the firm hopes, those qualities are something it is substantially promoting within its ranks as it builds and grows them, turning the professional tenets of its attorneys into an institutional paradigm that will continue to produce strong lawyers and major wins.

“Our young lawyers are hardworking, talented and engaged, and hopefully we're giving them enough experience so that they're no longer young lawyers but are our older lawyers,” Levine said. “They get the experience they need; that's important to us.”

This echoes the firm's philosophy of having a bold and broad offering of specialists ready to win cases for clients, as well as its integrated approach to tackling cases, which requires a constantly growing cast of litigators ready and able to work with each other, with other teams and within the firm as a whole.

“I think a white collar group has to keep growing and adding people, because you want to have a constant influx of experience, and it also requires a constant give-and-take with the rest of the firm,” Levine said. “I think the whole firm has to continue to build expertise, and it's one of the things that attracted us to the firm — how they seemed to understand that you always have to look forward.”

*Methodology: In November, Law360 solicited submissions from over 500 law firms for its practice group of the year series. The more than 550 submissions received were reviewed by a committee of Law360 editors. Winners were selected based on the significance of the litigation wins or deals worked on; the size and complexity of the litigation wins or deals worked on; and the number of significant, large or complex deals the firms worked on or lawsuits the firm had wins in. Only accomplishments from Dec. 1, 2010, to Dec. 1, 2011, were considered.*

--Editing by Cara Salvatore.

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