

## Q&A With Crowell & Moring's Kathleen Sooy

Law360, New York (October 07, 2010, 1:07 PM ET) -- Kathleen Taylor Sooy is a partner with Crowell & Moring in the firm's Washington, D.C., office and national chair of the firm's litigation group. She is also on the firm's management board.

Sooy focuses her practice on national litigation, acting as national counsel to companies in commercial and product liability litigation. She is experienced in class action litigation, both in the United States and Canada, and in coordination of strategies in the litigation, government relations and public relations arenas when industries are under attack. She also acts as a relationship partner for her firm's work as a DuPont primary law firm and was the fourth lawyer inducted into DuPont legal's leaders circle.

Sooy represents energy companies in global warming class action litigation, chemical companies in class action and RICO litigation, a communications company in consumer class action litigation, and health care companies in class action litigation.

### **Q: What is the most challenging case you've worked on, and why?**

A: I've had the honor of representing The DuPont Company for over 20 years in litigation involving its plastic Delrin in plumbing products.

What started out as a straightforward commercial litigation case between two big companies morphed into multi-plaintiff actions and a series of attempted national and statewide class actions, spanning the United States, the Territories and Canada, and involving many top lawyers from the plaintiffs' bar. Our team has been in state courts, federal courts, appellate courts and taken two trips to the United States Supreme Court. We've faced down media campaigns and government interest.

It's been a great run with many successes including a national class action settlement, but the greatest challenge is to keep at it over two decades. It's absolutely Dickensian at this point.

### **Q: What accomplishment as an attorney are you most proud of?**

A: The greatest satisfaction in my legal career comes from watching the successes of other attorneys whom I've mentored. In particular, I love watching the development of our women attorneys into confident trial lawyers. When I started my legal career, there were not many women in the courtrooms. After one of my early courtroom arguments, a client praising my persistence referred to me as a junkyard dog in a Laura Ashley dress; I took that as a compliment. And I've tried to pass that spirit on to others.

**Q: What aspects of law in your practice area are in need of reform, and why?**

A: Two areas in the litigation arena need attention: the lack of professional behavior by attorneys and the proliferation of meritless class action litigation against companies lawfully doing their business.

On the attorney front, this is a plea to courts to pay attention to bad behavior by attorneys and to do something about it when you see it. On the class action front, courts are beginning to be more willing to address motions to dismiss when they see class action claims lacking plausibility, as a result of the law developing from Twombly and Iqbal, and also are denying class certification when Rule 23 requirements are not met.

**Q: Where do you see the next wave of cases in your practice area coming from?**

A: There is a new cluster of cases attempting claims arising from alleged global warming or climate change, which are on the threshold of being considered at the United States Supreme Court. Depending on the outcome of three cases pending now, AEP, Comer and Kivalina, we could see a new wave of cases pursuing claims based on the public nuisance doctrine with these type of allegations.

**Q: Outside your own firm, name one lawyer who's impressed you and tell us why.**

A: I have been fortunate to be mentored by a number of lawyers early in my career who made a bet on me and stood by me, but the one who stands out is Tom Sager, now general counsel at DuPont.

When I was knocking on the door of law firm partnership, Tom insisted that I be put in charge of a national litigation for DuPont. He had watched me operate as a “number two” lawyer on the litigation and at trial, but he understood it would be tough to make it to “number one” without client support.

Even better, he then improved the lot of countless others by supporting the creation of a women attorneys’ network — one of the first to exist. He has gone on to support national efforts for the promotion of minority attorneys too. Tom is one lawyer who has made a difference in many, many legal careers.

**Q: What advice would you give to a young lawyer interested in getting into your practice area?**

A: Be a real person — read the newspapers and good books, enjoy hobbies, savor good food and wine, cultivate strong friendships, walk your dogs, take a long run and love your family. You can do all of this and be a great trial lawyer too.