

WASHINGTON LITIGATION DEPARTMENTS OF THE YEAR

A SPECIAL REPORT

In this special report, *The National Law Journal* takes the measure of litigation shops in our nation's capital. We asked litigation practices there to tell us about their operations—headcounts and revenues, their biggest wins, even their losses. Our staff in Washington and elsewhere in the country scrutinized these data and selected the six firms you'll read about in these pages.

CROWELL & MORING

GENERAL CIVIL LITIGATION



KENT GARDINER

E.I. du Pont de Nemours and Co. came to Washington-based Crowell & Moring with a problem in 2007.

The Wilmington, Del.-based chemical giant was worried that South Korean textile company Kolon Industries Inc. might be knocking off Kevlar, a DuPont invention used in ballistic vests. It took four years of work, but Crowell and co-counsel McGuireWoods helped win a

\$919.9 million jury verdict for DuPont in the U.S. District Court for the Eastern District of Virginia. The sum in *E.I. du Pont de Nemours & Co. v. Kolon Industries Inc.* was the biggest contested verdict on record in a trade secrets case.

There was more to come. The next year, Crowell helped secure against Kolon an injunction, which prohibited the production of Kolon's version of the high-strength fiber for 20 years. The U.S. Court of Appeals for the Fourth Circuit has put that on hold while it hears the South Korean company's appeal.

Crowell chairman Kent Gardiner, one of the lead partners on the DuPont case, said the matter was "as tough as you can get" for his firm, which counted several significant victories during 2012. But Crowell, which has represented DuPont for more than two decades, is well suited to assist the company, he said.

"It was a natural relationship," said Gardiner, who handled the case with Washington-based Crowell partners Stephen Byers, David Cross, Terence Ross and Michael Songer. Songer is a co-chairman of the firm's litigation group.

Thomas Sager, senior vice president and general counsel at DuPont, praised Crowell as an "extremely competent trial counsel" well versed in trade law.

“Rarely have they disappointed us, and certainly not in this case,” Sager said in a written statement. “The verdict was critical to DuPont. It demonstrated to our employees and to the world at large just how serious and committed we are in protecting our intellectual property.”

To stay competitive, Crowell deploys a three-pronged strategy that emphasizes a thorough understanding of clients’ industries; the use of alternative billing strategies; and the development of a deep bench of trial and appellate lawyers, Gardiner said. The firm has 459 lawyers, including 344 litigators, 205 of whom are in Washington. Its headcount put it at No. 94 on this year’s NLJ 350 survey of the nation’s largest law firms.

“We understand our competition,” Gardiner said.

Academi LLC, formerly known as Blackwater, was among the companies that tapped into Crowell’s resources last year.

Crowell represented the security-services company in two False Claims Act cases during 2012. In *U.S. ex rel. Davis v. Erik Prince*, Crowell last year successfully defended Academi before the Fourth Circuit after former employees Melan and Brad Davis appealed a jury verdict in favor of the company. The husband-and-wife plaintiffs alleged that Academi overbilled the federal government under a \$1.2 billion contract. They filed the suit in the U.S. District Court for the Eastern District of Virginia in 2008.

The other case, *U.S. ex rel. Beauchamp v. Academi Training Center Inc.*, was brought in 2011 by Lyle Beauchamp and Warren Shepherd, who worked for Academi and were represented by the same legal team as the Davises, including Washington plaintiffs lawyer Susan Burke. The plaintiffs also alleged that the company overbilled the U.S. government. In March, the U.S. District Court for the Eastern District of Virginia dismissed the False Claims Act claims.

Gardiner called the work for Academi a “hardcore,

hard-fought” fight. Richard Beizer and David O’Brien in Washington were the lead Crowell partners on the cases.

Also during 2012, Crowell successfully defended coal companies in an emerging area of litigation: global warming suits. Led by name plaintiff Ned Comer, residents of Mississippi filed suit in 2011 against dozens of utility, coal and oil companies, alleging that the businesses’ contributions to global warming intensified Hurricane Katrina in 2005 and helped devastate the Gulf Coast. Crowell is counsel for Alpha Natural Resources Inc., Arch Coal Inc., Consol Energy Inc., Ohio Valley Coal Co., Peabody Energy Corp., Rio Tinto Energy America Inc., The North American Coal Corp. and Westmoreland Coal Co. in *Comer v. Murphy Oil USA Inc.*, according to court documents.

The U.S. District Court for the Southern District of Mississippi threw out the case last year. But the plaintiffs appealed the decision to the Fifth Circuit, where it is pending.

“Their theory was kind of a crazy chain,” Kathleen Sooy, the Washington-based chairwoman of Crowell’s class action litigation practice, said of the plaintiffs. She handled the case with Washington Crowell partners Tracy Roman and Scott Winkelman, who is a co-chairman of the firm’s environment, energy and resources group.

Sooy said the case illustrates how Crowell can leverage its expertise in the legal and regulatory worlds. She said the firm and its clients are “true partners” in the work they do.

“They continue to come back to us because we are able to take care of high-profile” legal matters for them, Sooy said.

—ANDREW RAMONAS

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FIRM BIO

Litigation partners	147
Litigation partners in D.C.	92
Litigation associates	89
Litigation associates in D.C.	50
Other litigators	108
Other litigators in D.C.	63
Litigators as percentage of firm	75%
Litigators as percentage in D.C.	45%

All figures represent full time equivalents.

KEYS TO SUCCESS

▶ “Clients don’t want to pay to educate their litigators on how they do business, and litigators and trial lawyers are far more effective if they understand deeply the nuances of the actual business issues in dispute.” —KENT GARDINER, CHAIRMAN

▶ “The best litigation strategy involves a holistic approach, encompassing regulatory agencies, the political and legislative processes, and crisis management/public relations.” —KATHLEEN SOOY, PARTNER

▶ “Clients don’t always want their cases to go to trial, but they need their litigators to be ready, willing and able to try the case to a jury and protect the verdict on appeal, and to send that strong message to their adversary.” —MICHAEL SONGER, PARTNER

▶ “Clients bet on us because we bet on ourselves to win for them, and we collaborate to structure our fees around our ability to achieve success as they define it.” —GARDINER