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Litigation Department OF THE Year



WHEN WE STARTED our Litigation Department of the Year competition ten years ago, we weren't sure if it would catch on. We knew we were asking a lot from firms—requiring them to sift through their litigation matters, choose the best results, and summarize complex cases succinctly. But a decade later, here we are presenting the results of our sixth biennial competition.

As usual, the task of picking winners and finalists involved some excruciating decisions. The submissions—which covered the two-year period ending July 31, 2011—were impressive, and stand as a testament to the excellent work done by the firms of The Am Law 200.

For the first time since we started this project, we changed the format for all four competition categories: general litigation, product liability, labor and employment, and intellectual property. We gave firms more flexibility to select the cases they wanted to present, and we asked each firm to submit an essay on why it should be a finalist. We also invited firms to nominate a partner as Litigator of the Year.

After months of reading, vetting, and interviewing, we arrived at four law firm winners, 11 runners-up, and 14 honorable mentions. We also chose three lawyers for Litigator of the Year, and five as finalists. Congratulations to all of these firms and individuals, and our thanks and appreciation to all the firms that participated in the 2012 contest.

PHOTOGRAPHY BY MIKE MCGREGOR



They Have **It All**



The product liability lawyers at **KING & SPALDING** have shown that they can excel as both national coordinating counsel and trial counsel.

By **VICTOR LI**

Silbert, associate general counsel of Purdue Pharma, L.P., to King & Spalding in 2002. Silbert was looking at the beginning of “bet-your-company” litigation brought by consumers who had purchased OxyContin, the company’s painkiller. He turned to Varner, whom he calls “one of the deans of the product liability defense bar.” Silbert explains, “I thought the only way we would prevail would be to show that we were willing to go to trial and win.” Over the past nine years, Varner and her

IN THE PRODUCT LIABILITY FIELD, SOME firms operate at a level of 30,000 feet and oversee the legal strategy for an entire litigation. Other firms put boots on the ground as they engage in courtroom combat in individual trials. King & Spalding prides itself on being able to do both. The firm’s product liability group has demonstrated an ability to serve as national coordinating counsel and trial counsel on a wide range of pharmaceutical, tobacco, automotive, and toxic torts matters.

Boasting 15 first-chair trial lawyers, the group has plenty of talent to call on to handle all aspects of litigation. Case in point: Partner Chilton Varner and group leader Andrew Bayman are serving as national coordinating counsel for GlaxoSmithKline plc in its Paxil litigation. (Plaintiffs have claimed that the antidepressant causes suicidal tendencies.) Varner seamlessly switched gears in October 2009 and November 2010, trying the only two cases to go forward—in Philadelphia, no less, one of the most plaintiff-friendly jurisdictions in the country. Varner won a dismissal from the court during trial in one case and limited damages to

only \$2.5 million (with no punitive) in the other.

Indeed, the firm has emerged as one that companies call on to handle the most delicate matters and navigate the toughest jurisdictions. Jeff Raborn, assistant general counsel of RJ Reynolds Tobacco Co., says he hand-picked partner Jeffrey Furr to try his company’s cases in a difficult county where RJ Reynolds has had previous setbacks. “We assigned that jurisdiction to Furr because he is one of the best, if not the best, lawyers we have in our stable,” says Raborn. Between Furr and partner W. Ray Persons, the group won three cases in Florida during 2011 on behalf of RJ Reynolds in the latest round of Engle-progeny cases. The Engle victories were especially sweet for the firm, which represented Brown & Williamson Tobacco Corporation (which merged with RJ Reynolds in 2004) in the original Engle class action that resulted in a \$160 billion loss for Big Tobacco.

An outstanding track record in the courtroom is what drew the attention of Richard

team have obtained the dismissal of nearly 400 OxyContin claims. (According to Varner, the claims totaled nearly 2,000 throughout the litigation.) Her most recent success was the dismissal of a putative class action case in May brought by consumers who purchased the medication.

Varner says the department has come a long way from her first days as an associate in 1976, when the group consisted of two partners and three additional associates and centered around primary client General Motors Corporation. No longer a niche practice within the firm, the department currently numbers 105 partners, associates, and counsel. And there should be plenty of work to keep King & Spalding busy as it continues to pick up new clients. In February 2010, for instance, the firm was retained by Toyota Motor Corporation to coordinate the company’s response to allegations of unwanted acceleration in its vehicles. Full speed ahead.

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FROM LEFT:
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