

WASHINGTON LITIGATION DEPARTMENTS OF THE YEAR

A SPECIAL REPORT

In this special report, The National Law Journal takes the measure of litigation departments in our nation's capital. We asked top practices to tell us about their shops—head counts and revenues, and biggest wins and losses. Our staff scrutinized the data and selected the nine firms you'll read about in these pages. Williams & Connolly is the top honoree, but it was a close call, and we selected two runners-up: Boies, Schiller & Flexner and Covington & Burling. We also recognize firms with distinguished practices in intellectual property, general civil litigation, white-collar defense, insurance, products liability and labor and employment. —BETH FRERKING, EDITOR IN CHIEF

GIBSON, DUNN & CRUTCHER

WINNER: WHITE-COLLAR DEFENSE

In 2014, Gibson, Dunn & Crutcher steered major corporations through complex negotiations with U.S. and foreign regulators investigating financial misconduct. Those negotiations resulted in settlements that shielded the firm's clients from long-term exposure and included smaller financial penalties than those faced by some companies.

Financial regulators in the United States and the United Kingdom in November announced settlements with five banks charged with attempting to manipulate global foreign-exchange benchmark rates. It was not a good day for the banks. For UBS A.G., it could have been worse. Represented by a Gibson Dunn white-collar team, UBS received a favorable nod from the U.S. Commodity Futures Trading Commission for being the first bank to self-report misconduct, and a settlement discount for reaching an early agreement with the U.K. Financial Conduct Authority.

UBS and its lawyers at Gibson Dunn negotiated an agreement this year with the U.S. Department of Justice to plead guilty to manipulating certain benchmark interest rates, but avoided being grouped with other banks that pleaded guilty to a conspiracy to manipulate the foreign-exchange spot market.

"We had 125 lawyers working on that engagement to be able to have very deep, responsive, detailed ana-



F. JOSEPH WARIN

lytics of the conduct and behavior," said F. Joseph Warin, chairman of Gibson Dunn's litigation department in Washington and co-chairman of the white-collar practice.

Warin said the practice's strength is in integrating subject-matter expertise—financial or health care regulations, for instance—with general experience in federal criminal litigation. "It's not as if you have to go to somebody and say, 'I have a health care question, can you answer it for me?' Everybody works seamlessly together across the firm on these matters," Warin said.

The firm was brought in to lead negotiations last year between Hewlett-Packard Co. and the U.S. Department of Justice and Securities and Exchange Commission, which

were investigating alleged violations of the Foreign Corrupt Practices Act. In September, a federal district judge in California finalized a \$108 million settlement.

Foreign subsidiaries of HP in Mexico, Poland and Russia—but not the parent company—were held liable, and the government did not require a compliance monitor. Keeping the parent company out of the agreement protected HP against "collateral" litigation, Warin said.

"I think Joe Warin and his team are as good as they come," said John Schultz, executive vice president and general counsel of Hewlett-Packard. "They really understand how the different investigative agencies operate, what their concerns are, how they operate, when they're being reasonable and when they're being unreasonable."

Covington & Burling and Fenwick & West also represented HP. Covington partner Steven Fagell said Gibson Dunn lawyers "bring a deep reservoir of experience to the table in these matters which makes them very effective in this space." —ZOE TILLMAN

FIRM FACTS

Name of firm: Gibson, Dunn & Crutcher
Based: Los Angeles
Total number of attorneys: 1,204
Litigation partners firmwide: 174
Litigation associates firmwide: 531
D.C. litigation partners: 41
D.C. litigation associates: 114

KEYS TO SUCCESS

- ▶ Organize the defense around understandable and clear themes, weave the facts through those themes and stress-test them with key client decision-makers.
- ▶ Forge relationships of mutual respect with prosecutors that create an environment for effective advocacy.
- ▶ Regularly revisit core prosecutorial assumptions to assess whether those premises remain valid.
- ▶ Develop an encyclopedic command of the facts and their interrelationship.

—F. JOSEPH WARIN, PARTNER