

# The Legal Intelligencer

PHILADELPHIA, TUESDAY, JUNE 20, 2017

## LEGAL & LITIGATION DEPARTMENTS OF THE YEAR



### GENERAL LITIGATION (LARGE FIRMS)

Winner: Fox Rothschild

### GENERAL LITIGATION (MIDSIZE FIRMS)

Winner: Stradley Ronon Stevens & Young

### APPELLATE

Winner: Morgan Lewis & Bockius

### CLASS ACTION

Winner: Kessler Topaz Meltzer & Check

### INSURANCE

Winner: Reed Smith

### INTELLECTUAL PROPERTY

Winner: Dechert

### PROFESSIONAL LIABILITY

Winner: Swartz Campbell

### GENERAL EXCELLENCE

Winner: InterDigital

### IN-HOUSE LEGAL WORK

Winner: JLT Re

### CORPORATE COMPLIANCE

Winner: United States Steel

### GC IMPACT WINNERS

Mark A. Hershey,  
Armstrong World Industries  
Debbie Lofton, Qlik



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### The Legal Intelligencer

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## EDITOR'S NOTE

We consider ourselves very fortunate to garner such a consistently enthusiastic response to our Litigation Departments of the Year and Legal Departments of the Year honors.

We're fortunate for two reasons.

First, the continued support and participation allows us to recognize the fantastic, and often unsung, efforts of Pennsylvania litigators and corporate counsel. We feel these honors provide law firms and in-house departments with a platform to demonstrate the often groundbreaking work they do on a regular basis.

Second, these honors give us an opportunity to peek behind the curtain and really get a sense of the amount of innovation, teamwork and tenacity that goes into running a successful litigation team or legal department.

This year we've expanded the Q&A format we adopted in 2016 to include not only our Legal Departments winners and the two chief legal officers we're honoring with GC Impact Awards, but also our Litigation Departments honorees.

What you'll find in reading these is that a large part of what elevates great litigators and corporate counsel is a simple unwillingness to back down from a challenge. We hope that you find these interviews inspiring.

All of us at The Legal would like to congratulate the winners and thank all the firms and companies that participated this year. Those who helped shape the submissions deserve an added round of applause—we know how much work went into making them.

We hope to hear from even more of you next year.

One final note: This magazine is the result of tireless efforts by many members of our staff, but I'd like to extend a special thank you to Kristie Rearick, our magazines & supplements editor, who helmed this project from beginning to end.



Zack Needles  
Managing Editor



Photo by Nanette Kardaszski

Back row left to right: John Cornell Fuller, Stephan A. Cornell, Stephanie Resnick, Maura L. Burke, Brett A. Berman, Gerald E. Arth. Front row from left to right: Ronald L. Williams, John J. Haggerty, Jacqueline M. Carolan, Abraham C. Reich.

## GENERAL LITIGATION (LARGE FIRMS): FOX ROTHSCHILD

**F**ox Rothschild's victories stemmed from litigating on both sides of the courtroom aisle. In some cases the firm recovered funds or awards for clients, but more often the firm's victories took the form of fending off attacks and major financial threats and restoring its clients' reputations.

The firm achieved a total victory when it defeated a \$76 million legal malpractice suit brought against client Kirkland & Ellis. Fox Rothschild was also called upon to represent Maria Sharapova in her doping case last year and partner John Haggerty was able to successfully get the tennis star's career and reputation back on track.

### What are some of the department's most satisfying successes of 2016 and why?

Some of the 2016 litigation successes for Fox Rothschild's Pennsylvania offices were especially gratifying because they achieved our

clients' goals in ways that went beyond a mere court victory.

Tennis star Maria Sharapova's victory is simply impossible to measure in dollars alone. By proving that she had been punished unfairly for an inadvertent doping violation, Fox got Sharapova back on the professional tennis tour and helped her to restore her reputation, which was vital to recovering her numerous opportunities for endorsement deals.

A Fox team also stopped Tris Pharma in its tracks when the generic manufacturer launched a second round of litigation. Tris had been accused in a prior suit of stealing trade secrets from a former employee of UCB Manufacturing so that Tris could begin marketing a generic version of Tussionex, the popular cough syrup. When Tris was cleared of wrongdoing in that case, it filed a new suit accusing UCB of using the first case to establish a monopoly. Fox secured a complete victory, upheld on appeal,

by proving that UCB's initial legal action was perfectly justified since it was supported by good evidence. The courts found that UCB could not have known, without a full court hearing and testimony from witnesses, that its trade secrets claims would not be sustained. Fox's client not only won the lawsuit, but walked away with the court's imprimatur that its litigation conduct was never improper.

### Is it a penchant for efficiency or a willingness to go the distance as effective trial advocates that gives the litigation department its reputation?

It is a combination of both. When it comes to litigation, it is important to meet clients' needs in an efficient manner, but also in a comprehensive way that advances their unique goals. To do so requires a thorough understanding of their businesses and their circumstances.

Fox continues on 17



Photo by Nanette Kardaszski

Back row left to right: Marissa Parker, Mark D. Villanueva, Paula D. Shaffner, Corey S.D. Norcross, Joseph T. Kelleher and Samantha Kats. Front row (seated) left to right: Michael D. O'Mara and Jeffrey A. Lutsky.

## GENERAL LITIGATION (MIDSIZE FIRMS): STRADLEY RONON STEVENS & YOUNG

**N**early a third of Stradley Ronon Stevens & Young's litigation clients have been with the firm for more than 10 years and nearly 200 litigation client relationships have endured for more than 20 years.

Recent successful matters ranged from representing more than 100 mutual fund clients in multibillion-dollar global securities fraud litigation against Brazilian oil industry giant Petrobras to pursuing a local real estate assessment appeal in Delaware County that ultimately forced a countywide reassessment of all properties.

### What were some of the department's most satisfying successes of 2016, and why?

In 2016 we continued our string of litigation successes with victories ranging from a favorable settlement for mutual fund clients in a multi-billion-dollar global securities fraud case to prosecuting a local real estate

assessment appeal, forcing a countywide reassessment of all properties.

In the securities fraud litigation, we represented more than 100 investors, including some of the largest mutual funds in the country, in a series of lawsuits against Brazilian oil giant Petrobras stemming from the company's decade-long bid-rigging and bribery scheme. This litigation was a watershed case for securities fraud class-action opt-outs with many major U.S. mutual fund complexes electing to file direct lawsuits instead of passively participating in the class action. U.S. District Judge Jed Rakoff, who presided over the litigation, noted that the case "evolved into one that is primarily a non-class action." We led this groundswell, filing the first of the opt-out cases and representing the largest group of opt-out plaintiffs. Because of our unique combination of litigation prowess and mutual fund industry experience, we were able to position our clients for favorable settlements

with Petrobras while the class action remains in protracted litigation.

In a matter that has significant local impact, we obtained a mandatory injunction from the Delaware County Court of Common Pleas requiring the reassessment of all properties in Delaware County. Our team argued that the county's failure to reassess properties since 1998 created pervasive inequities in the taxation of properties, violating the Uniformity Clause of the Pennsylvania Constitution.

We have long been known for our work in the insurance industry and 2016 was no exception. We secured victories in varied insurance-related cases for Chartis Property Casualty, Golden Rule Insurance, the Pennsylvania Insurance Department, Standard Fire Insurance and Travelers Casualty & Surety Co.

In addition, Stradley has for more than 20 years represented the Pennsylvania state legislature in a

Stradley continues on 17

## APPELLATE

### MORGAN LEWIS & BOCKIUS

**M**organ Lewis & Bockius' appellate group scored victories for clients in no fewer than eight federal circuits, in addition to state appeals court, last year. In the process, the firm's litigators helped to shape the law going forward, such as in the unanimous Sixth Circuit Court of Appeals decision that dismissed a securities fraud suit against Morgan Lewis client General Cable Corp., while also clarifying the law on corporate scienter.

#### What were some of the department's most satisfying successes of 2016, and why?

Our appellate team has had an outstanding year obtaining big wins in several high-profile cases in Pennsylvania and beyond.

#### Highlights include:

- Securing a unanimous opinion in the U.S. Court of Appeals for the Sixth Circuit affirming the decision to grant our motion to dismiss a securities fraud complaint for client General Cable Corp. An important result for our client and a significant opinion clarifying the law in the Sixth Circuit about corporate scienter.
- Prevailing three times in five years for Zimmer Holdings; the latest decision overturning a \$20 million



Photo by Nanette Kardaszski

Morgan Lewis' appellate litigation team (from left to right): Troy S. Brown, Karen Pieslak Pohlmann, Steven A. Reed, Marc J. Sonnenfeld (seated), John Lee and Sarah E. Bouchard.

molded verdict against it in a long-fought products liability litigation for which we were hired to handle the appeals.

- Succeeding in *Scott v. MICROS Systems*, where the appeals court affirmed the lower court's decision to dismiss stockholder/plaintiff's complaint alleging breach of fiduciary duty claims against the directors relating to the Oracle's tender offer for MICROS.

- Secured a significant victory for Morgan Stanley before the Sixth Circuit in a high profile whistleblower case. After the district court dismissed the complaint and adopted our argument regarding the proper interpretation of the whistleblower protection provisions of *Dodd-Frank*, an issue of first impression before the district court and the Sixth Circuit and which has divided the Courts of Appeal, the Sixth Circuit affirmed the decision granting our motion to dismiss but on other grounds we raised below.

The Supreme Court denied the plaintiff's petition for a writ of certiorari.

#### What is the most challenging aspect of appellate advocacy, particularly in cases where your firm was not trial counsel?

Complexity makes judges suspicious because complex arguments often are desperate attempts to get around problematic facts or law. So one of the most challenging (and rewarding) parts of appellate advocacy is making complex arguments sound simple—so simple that they seem correct. When you weren't trial counsel, you have to overcome this challenge while learning the record and reviewing judgment calls made below. That's a lot to manage in a short timeframe.

*Morgan Lewis* continues on 18

# CLASS ACTION

## KESSLER TOPAZ MELTZER & CHECK

**K**essler Topaz Meltzer & Check specializes solely in litigation on behalf of investors and consumers.

Notable recent cases the firm handled include *In re Pfizer Inc. Securities Litigation*, which settled for \$486 million, *In re JPMorgan Chase & Co. Securities Litigation*, which settled for \$150 million, and *In re Dole Food Company Stockholder Litigation*, which settled for \$148 million.

Darren Check, a partner with the firm, participated in our Q&A.

### What were some of the department's most satisfying successes of 2016, and why?

With respect to our securities litigation department, our two most satisfying successes in 2016 were the resolutions of the *Pfizer Securities Litigation* action and the direct actions brought against Petrobras on behalf of some of our largest institutional investors. The Pfizer matter had been aggressively litigated since 2004. Only a month or so

before trial was scheduled to begin in the fall of 2014, the court granted the defendants' *Daubert* motion and prohibited the plaintiffs' damages expert from testifying. It took an additional two years to have that determination overturned by the U.S. Court of Appeals for the Second Circuit and the case was resolved for \$486 million and the court granted final approval in December 2016. The case highlighted the firm's unwavering commitment to see each case through to its end, no matter how long it takes and what obstacles are placed in front of us. For Petrobras, we were able to recover a substantial percentage of some of our largest clients' damages related to the Brazilian bribery scandal that still

plagues that country. As these are individual actions, the settlement amounts and percentages are private and cannot be disclosed, but it was extremely satisfying to us to have zealously represented our clients' interests, while the accompanying class action remains unresolved and is up on appeal.

In the last six months our M&A litigation group successfully settled two cases within weeks of trial. In *Apple Ten REIT* case, the firm resolved novel breach of fiduciary duty claims under Virginia law with a \$32 million settlement just 10 days before trial. In our *ExamWorks* case, the firm claims challenging an unfair private equity

*Kessler Topaz* continues on 19

KTMC is honored to be recognized as

# CLASS ACTION LITIGATION DEPARTMENT OF THE YEAR

and congratulates all of the other honorees

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Photo by Nanette Kardaszewski

Reed Smith's insurance group (Philadelphia) back row: (seated) Caitlin Garber; Luke Debevec, John Ellison, Whitney Ross, Doug Widing and Maria Pellegrini. On the couch: Tim Law, Shruti Engstrom, Lisa Szymanski and Matt Rosso.

## INSURANCE

### REED SMITH

**F**or Reed Smith, 2016 was a banner year for the Pennsylvania attorneys in the insurance recovery group. They achieved a wide range of exceptional results for their policyholder-clients, including obtaining what is believed to be the largest insurance bad-faith verdict in Pennsylvania history. Their successes spanned a wide range of industries and jurisdictions, occurring in trial and appellate courts as well as arbitration proceedings.

#### What were some of the department's most satisfying successes of 2016, and why?

The lengthy list of the most satisfying successes achieved by the Pennsylvania attorneys in Reed Smith's insurance recovery group (IRG) during the past year is topped by the three verdicts obtained in favor of our client, Mine Safety Appliances Co. (MSA), after two trials and nearly seven years of contentious litigation with one of its insurers, The North River Insurance

Co. In *Mine Safety Appliances v. The North River Insurance*, MSA and Reed Smith obtained what we understand to be the largest insurance bad-faith verdict in Pennsylvania history. After an Allegheny County jury awarded MSA nearly \$11 million in compensatory damages, the court added another nearly \$47 million in statutory bad-faith damages, including \$30 million in punitive damages. Even prior to trial, Reed Smith attorneys, who included members of the IRG and the firm's commercial litigation group, obtained key summary judgment rulings that the continuous trigger applied to coal-mine-dust-related claims, as well as claims involving mesothelioma and asbestos-related lung cancer.

Pennsylvania IRG attorneys also played a pivotal role in bringing an end to Pittsburgh Corning Corp.'s (PCC) asbestos litigation, which dates back 40 years, and its Chapter 11 bankruptcy, which was filed in 2000. The Reed Smith team secured a resounding

win that resolved all of the company's asbestos-related claims through use of a trust and a permanent injunction. This outcome was the culmination of the firm's work in resolving more than 200,000 pending asbestos personal injury claims for PCC spanning three decades. In the process of bringing this long matter to a successful conclusion, PCC and Reed Smith addressed a number of unique issues, including the application of "insurance neutrality" principles in a bankruptcy reorganization plan, and the standing of insurers to contest a plan's confirmation that did not require the assignment or other disposition of nonsettled policies. PCC and Reed Smith achieved additional satisfaction by resolving one of the first disputes exploring the scope of relief available under U.S. Bankruptcy Code Section 524(g), thereby providing a model for future asbestos-related bankruptcy cases.

Also at the top of the list of recent successes achieved by Reed Smith's

Pennsylvania-based IRG attorneys was the stellar result secured for our client, Kindred Healthcare, which was embroiled in an effort to secure coverage from its insurer One Beacon Insurance Group for two Telephone Consumer Protection Act and Junk Fax Prevention Act of 2005 matters in California and Florida. This sprawling matter was in danger of spiraling out of control, but Reed Smith was able to reel the insurers and re-insurers back in to settle the potentially \$100-million-plus dispute, which involved, in addition to other complexities, “captive” insurance companies.

**How does your firm tackle the challenge of coordinating insurance litigation nationwide, where actions taken in one jurisdiction can have consequences for ongoing litigation elsewhere?**

Clients turn to Reed Smith’s IRG specifically because of its ability to handle and coordinate multi-jurisdictional matters. As part of a global firm with more than 1,700 lawyers in 27 offices worldwide, the IRG staffs many insurance matters, including litigation, with attorneys at all levels from across our global platform. For example, Reed Smith’s IRG attorneys are sought out to handle high-stakes London arbitrations because of the group’s capacity on both sides of the Atlantic. In the United States, IRG members frequently collaborate. Attorneys in Pennsylvania work, for example, with their colleagues from Chicago to Texas and New York to California to tackle difficult coverage issues pending in Pennsylvania and other jurisdictions. Therefore, when a California client is faced with a difficult issue of Pennsylvania law, the client and his California counsel do not need to recreate the wheel. Instead, they can—and do—turn to their Pennsylvania colleagues for insight into important applicable case law and procedure.

While the IRG members collectively have an unparalleled understanding of insurance coverage law, many of the group’s members also have special knowledge and experience. Some specialize in commercial general liability



Photo by Laura Mares

Reed Smith’s insurance group (Pittsburgh): front row (from left to right): Courtney Horrigan, Mike Sampson and Traci Rea. Back Row (left to right): Andy Muha, Brian Himmel and Kat Persinger.

coverage. Others have particular insight into or experience with directors’ and officers’ liability, professional liability coverage, first-party property coverage or business interruption coverage. Still others have uniquely deep knowledge about and experience with cyberinsurance, fidelity bonds or other areas of insurance coverage. The collaborative nature of our group means that the IRG staffs matters with attorneys with the right skill

sets and experience to meet our clients’ needs. Attorneys throughout the IRG also routinely share information with each other to keep up-to-date on significant legal developments. Members of the IRG routinely litigate, write and speak about important insurance coverage issues, statutory developments and regulations. They then share that knowledge with colleagues across the country

*Reed Smith* continues on 19



Photo by Nanette Kardaszski

Dechert's intellectual property group (left to right): Martin Black, Sharon Gagliardi, Kevin Flannery, Robert Ashbrook, Diane Siegel Danoff and Michael Fisher.

## INTELLECTUAL PROPERTY: DECHERT

**D**echert's intellectual property litigation team regularly represents major industry players and brands that are household names on a regional and national level. The team tries cases where hundreds of millions and even billions of dollars are at stake and get results across the entire spectrum of IP disputes. Among the team's achievements last year was the successful argument before the U.S. Supreme Court by partner Martin Black in *SCA Hygiene Products v. First Quality Baby Products*, in which the justices ultimately invalidated the laches defense in patent infringement suits.

Black, who leads the firm's IP litigation practice, participated in our Q&A.

**What were some of the department's most satisfying successes of 2016, and why?**

Certainly, putting together a case

and arguing before the U.S. Supreme Court last fall was the highlight of the year. And the 7-1 victory announced for our client SCA by SCOTUS a few weeks ago was immensely satisfying. It is not every day that you get the Supreme Court to revoke a 100-year-old defense, in this case patent laches. We also had a successful trial for our long-time client Endo Pharmaceuticals in front of Judge (Richard G.) Andrews in Delaware, as well as a host of appearances in cases all over the country. It was a busy year.

**IP litigators are often called upon to quickly learn the intricacies of very complex subjects. How does your firm approach that learning curve with each new matter?**

We have a fully integrated team here at Dechert, and our litigators and patent counselors from around the firm all work together closely. If we have a need in an esoteric biotech area, we call our PhD lawyers

into the case; for tech cases, we have lawyers with various engineering degrees to help as needed, too. Everyone is used to working across offices, and we have a culture of pitching in.

**A prospective client in crisis calls and asks why your team should be retained—what is your answer?**

We combine Dechert's great litigation tradition with true IP expertise. We look at every matter from the client's perspective—litigation is just a tool to solve a business problem. And if solving that problem means trying cases, we are ready to go.

**It's a challenging litigation market, with flat or declining demand, rate pressures, and other factors. From a business perspective, what does it take for a litigation department to succeed in this environment?**

*Dechert* continues on 21



Photo by Nanette Kardaszski

Swartz Campbell's professional liability group (from left to right): Nicole Graham, Candidus Dougherty, Kathy Carson, Jeffrey McCarron, Josh Byrne and Caryn Steiger.

## PROFESSIONAL LIABILITY: SWARTZ CAMPBELL

**S**wartz Campbell's professional liability group found itself in the spotlight more than once in 2016. The firm successfully defended attorneys Dolores M. Troiani and Bebe H. Kivitz, who represented Andrea Constand in her civil suit against Bill Cosby, when they were hit with a subsequent lawsuit in which the comedian alleged they violated confidentiality provisions of a settlement agreement. Meanwhile, in a case that rocked the Pennsylvania legal community, Swartz Campbell also successfully appealed a trial court's nearly \$1 million sanctions award against attorney Nancy Raynor.

### What were some of the department's most satisfying successes of 2016, and why?

Clearing Nancy Raynor from the veil of wrongdoing and ruinous sanctions. It was satisfying to have all our arguments accepted on appeal and our client exonerated after the trial court

had made sport of the arguments and our adversaries used the court's decision to pursue undeserved financial gain. We never doubted the correctness of our presentation and we proved it. It was a win for all trial lawyers who would have been exposed to financial ruin for the unpredictable consequences of a witness' misstep.

Convincing the Supreme Court that lawyers should not be liable for not having their client sign a testamentary document. The decision removed a substantial threat to estate planning lawyers who would have to answer to an heir named as a beneficiary in an unsigned document because the lawyer did not assure the testator signed the document to grant their bequest. If the Superior Court decision had become law, then estate planning lawyers would have liability to disappointed heirs for not assuring a testator signed the document containing their name. The success was satisfying because it removed the tension between heirs and estate planning lawyers who

would have faced the conflict between liability to heirs and respecting the testator's right to ponder whether to sign.

### A prospective client in crisis calls and asks why your team should be retained—what is your answer?

Don't take our word. Read what others have to say about us.

### Your firm handled some high-profile matters in 2016. When representing a client whose professional reputation is on the line, how do you deal with public scrutiny while the case is ongoing?

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### It's a challenging litigation market, with flat or declining demand, rate pressures, and other factors. From a business perspective, what does it take for a litigation department to succeed in this environment?

An "A-game" reputation. •

## GENERAL EXCELLENCE: INTERDIGITAL

**A**t InterDigital, lawyers play an outsized role in success. The CEO and the head of the largest business unit each served as general counsel of the company before being promoted to their current roles, and lawyers make up almost 10 percent of the company's employee base.

InterDigital is a research and development company that provides wireless technologies for mobile devices, networks and services all over the globe.

Jannie Lau serves at InterDigital's executive vice president, general counsel and secretary.

### What do you view as the in-house legal team's essential function within your company?

As a mobile technology company that engages in cutting-edge research and development, InterDigital leans heavily on its lawyers for many functions that are critical to revenue generation and maximizing shareholder value. First, our patent prosecution attorneys work closely with our engineers to secure intellectual property protections for our ground-breaking

inventions. Our licensing attorneys then negotiate and draft the contracts that allow our customers to use our patented technologies, and these agreements underpin the vast majority of the company's revenues.

Our government and regulatory affairs team includes lawyers and lobbyists who help educate policymakers in the United States, Europe and Asia in order to promote pro-innovation and pro-competition measures that enable high-tech companies like InterDigital to thrive. Our litigators are often called upon to represent the company in high-stakes patent and antitrust litigation in actions that span the globe. Finally, since InterDigital is publicly traded, our corporate and securities lawyers help to ensure that we comply with all applicable regulations and fulfill our obligations to shareholders.

### What was your greatest litigation achievement in 2016?



LAU

Litigation, especially high-stakes IP and anti-trust litigation, can be costly, so I am most proud of our successful efforts to control costs by resolving a number of disputes through settlements and other positive dispositions in 2016.

### What was your greatest transactional achievement in 2016?

In 2016, our transactional attorneys successfully negotiated worldwide patent license agreements with Apple and Huawei, the second and third largest mobile phone manufacturers in the world, which contributed to a 51 percent year-over-year increase in our total revenue. Also in 2016, we completed our acquisition of Hillcrest Laboratories, a pioneer in sensor-processing and sensor-fusion technologies.

### What is your approach to managing outside counsel?

*InterDigital* continues on 21

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## IN-HOUSE LEGAL WORK: JLT RE

Throughout 2016, JLT Re (North America) Inc.'s law department continued to encounter developments that speak to the core of the necessity and existence of a corporate law department. Of singular importance, however, was JLT Re's completion of two major acquisitions in 2016, both occurring simultaneously during the month of December.

Louis J. Schwartzberg serves as deputy general counsel at JLT Re (North America) Inc. and John Dietz serves as general counsel.

**What percentage of legal work is handled by your department versus outside counsel? Has that ratio changed in recent years?**

The JLT Re law department strives to handle 100 percent of the legal work for JLT Re. JLT Re collaborates with commercially minded outside counsel who are subject-matter experts that bring substantial value to the business objectives of JLT Re.



DIETZ



SCHWARTZBERG

**What was the biggest matter or matters (litigation or transactional) that your staff primarily handled in 2016?**

As is customary in the reinsurance industry, during the month of December of each year, the vast majority of insurance company clients work with their reinsurance intermediary broker to renew and/or complete the placement of their annual reinsurance programs which incept on Jan. 1. It is by far the busiest time of the year in the reinsurance industry. Given the demanding Jan. 1 renewal season, members

of the reinsurance community typically do not take vacation days during the winter holidays. This includes the JLT Re law department. During each renewal season, the JLT Re law department (1) interfaces and consults with client team members regarding the structure and details of existing and prospective reinsurance programs; (2) drafts reinsurance contract documentation in accordance with client team instructions and company standards established for reinsurance contract documentation; (3) assists client teams in the review and analysis of reinsurance contract documentation; and (4) identifies emerging trends and issues related to contract provisions and assists client teams in addressing/negotiating such issues with reinsurers. Needless to say, the JLT Re law department looks forward with great resolve to ringing in each New Year on Dec. 31.

JLT Re continues on 21

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## CORPORATE COMPLIANCE: UNITED STATES STEEL

**I**n recent years, United States Steel's legal department has led notable efforts to level the playing field for U.S. companies—and the steel industry in particular—by initiating actions to address unfairly traded imports, with an eye toward making lasting changes that will help the steel industry and the American economy remain strong.

Suzanne Rich Folsom serves as United States Steel's general counsel, chief compliance officer and senior vice president—government affairs.

#### **What do you view as the in-house legal team's essential function within your company?**

Members of the U.S. Steel legal department are trusted advisers that work with employees throughout the organization to manage risks to the company. Our dedicated team of attorneys and compliance professionals have successfully built strong relationships with business units companywide, which are essential to proactively identifying potential risks so that they can be assessed and addressed as early and efficiently as possible.

The U.S. Steel legal department also plays an integral role in the company's Carnegie Way transformation process, which focuses on creating shareholder value and driving sustainable growth through a series of initiatives that are intended to, among other things, maximize efficiency, add value and improve U.S. Steel's performance across core business processes.

#### **What was your greatest litigation achievement in 2016?**

In recent years, U.S. Steel's legal department has led landmark efforts to address unfairly traded imports that adversely affect U.S. companies, particularly in the steel industry. Such efforts are important to the industry

and the American economy. Perhaps most notably, U.S. Steel filed a complaint with the U.S. International Trade Commission in April 2016, initiating an investigation under Section 337 of the Tariff Act of 1930 against 10 of the 11 largest Chinese steel producers and their distributors. This innovative, ongoing action

alleges that the defendants engaged in illegal and unfair methods of competition and seeks the exclusion of all unfairly traded Chinese steel products from the U.S. market.

#### **What was your greatest transactional achievement in 2016?**

In 2016, U.S. Steel's legal department helped facilitate successful completion of a \$980 million debt offering and a \$500 million equity offering, both of which provide financial flexibility to the company.

#### **What is your approach to managing outside counsel?**

U.S. Steel general counsel, chief compliance officer, and senior vice president—government affairs Suzanne Rich Folsom has focused on building a legal department that has deep experience in many of the substantive areas of law that are most relevant to the company's operations.

As a result, members of the U.S. Steel legal department utilize outside counsel judiciously and play an active role in guiding their efforts to maximize efficiency and manage costs. The legal department has developed strong working relationships with a number of trusted firms that provide high-quality legal advice and representation consistent with this model.

#### **What type of community outreach is your department involved in?**



**FOLSOM**

Members of the U.S. Steel legal department regularly write articles and participate in conferences and other programs regarding their areas of expertise. In particular, general counsel Suzanne Rich Folsom is widely recognized as a leader in the fields of business ethics and corporate governance, and she

regularly publishes articles and speaks on leading governance and compliance practices. Our team is also involved in a number of professional and charitable endeavors in the communities that we serve. For example, members of the department participate in a number of programs that seek to promote and advance diversity in the legal profession, as well as programs seeking to link our nation's veterans with services provided by pro bono or low-cost attorneys.

#### **What's the one piece of advice you would give someone when dealing with a crisis?**

The organization should have a crisis response plan that takes a coordinated, cross-functional approach to a crisis. It takes a team that spans across different business lines and administrative functions to respond effectively and appropriately to the issue at hand. Such coordination is essential to efficiently and effectively mitigate any harm.

#### **What is the most effective time management tool or technique your team uses?**

The U.S. Steel legal department uses an online legal matter management software program to handle e-billing for outside counsel. The program automatically routes invoices to the appropriate in-house attorneys for review and approval, and offers reporting functions that allow billings to be tracked and monitored by matter. •

# GC IMPACT

## MARK HERSHEY, ARMSTRONG WORLD INDUSTRIES

**A**rmstrong World Industries Inc. designs and manufactures floors and ceilings. Based in Lancaster, Pennsylvania, Armstrong operates 35 plants in the United States, Canada, Australia, China, France, Germany, India and the United Kingdom, with about 8,700 employees. The company began in 1860 as a two-man cork-cutting shop in Pittsburgh and didn't sell flooring until 1909.

Mark Hershey is the senior vice president, general counsel, corporate secretary and chief compliance officer of Armstrong World Industries, Inc. In 2016, he led Armstrong through its historic separation of the company's flooring business into a separate, independently traded public company.

### **What do you view as your most important function as general counsel at your company?**

Helping the company achieve its strategic goals in a manner consistent with our core values. As a legal and compliance team, it is our responsibility to provide the company and its many functions with advice, partnership and leadership in a proactive and practical way that enables commercial success and protects our interests and stakeholders. Our legal department mission statement reflects these commitments.

### **What was your proudest professional achievement in 2016?**

We successfully completed the separation and spin-off of the Armstrong Flooring business as an independent, publicly traded (NYSE) corporation. The project succeeded as a result of terrific teamwork and collaboration by dedicated Armstrong teams around the world, who worked together to thoughtfully plan and execute the separation over a 24-month project timeline. By all measures, the project was a success for both companies.

### **What was your biggest professional challenge in 2016?**

Again, the separation and spin-off of the Armstrong Flooring business as an independent, publicly traded (NYSE) corporation. In particular, having to plan the division of our global legal department into two separate legal and compliance functions—one for each company. This required us to carefully consider the future needs and resources of both organizations and then design roles and reporting structures that not only met those unique needs, but also provided our attorneys and staff members with growth and development opportunities. The separation resulted in significant change for the entire organization and necessarily meant that we would no longer be working with many long-time colleagues and friends. But, it also provided our teams



**HERSHEY**

with an opportunity to expand into new roles and responsibilities.

### **What's the one piece of advice you would give someone when dealing with a crisis?**

Get organized ... quickly! Establish a core team to cover and represent all potential issues

and stakeholders (expecting the unexpected). Define the roles of each team member. Set a regular meeting cadence. Leverage project management resources and techniques. A strong organizational approach serves as a reliable structure for the company and provides stability when the crisis takes its inevitable twists and turns. A standing "incident management plan" is also a great idea.

### **What is the most effective time management tool or technique your team uses?**

We use a cloud-based e-billing platform and require all of our law firms to submit their invoices through the application. This tool allows us to automate our desired billing guidelines and utilize pre-defined filters to screen every invoice before we receive them. It also allows us to generate customized reports by law firm, matter, matter type, period and other data. It is a powerful management tool, but also reduces the significant time and effort required to scrutinize law firm invoicing. •

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# GC IMPACT

## DEBBIE LOFTON, QLIK

**D**ebbie Lofton, vice president and general counsel and secretary of data analytics firm Qlik, is responsible for providing legal support on operational issues, as well as developing and implementing business processes to achieve business goals and mitigate risk.

In addition, she supports corporate governance compliance programs, joint venture and merger and acquisition transactions, as well as intellectual property activities. Lofton also manages internal and external legal resources for the company.

Last year, Qlik, which had gone public in 2010, agreed to be acquired by private equity firm Thoma Bravo for about \$3 billion. Lofton helped to successfully guide her company through the process.

### What do you view as your most important function as general counsel at your company?

The most important function of

being a general counsel is to know the business inside and out so that I can support the business in achieving both its short-term and long-term goals by ensuring that the business is well-informed as to the potential business and legal consequences of its decisions.

### What was your proudest professional achievement in 2016?

Proudest achievement of 2016 was successfully closing the acquisition of Qlik Technologies Inc. by Thoma Bravo in a going-private transaction. I was particularly proud of the fact that we were able to treat our shareholders, partners, customers and employees fairly and respectfully which has enabled us to continue to grow and prosper.

### What was your biggest professional challenge in 2016?



LOFTON

The biggest challenge of 2016 was dealing with the consequences of an activist shareholder and, in particular, managing communications with employees, shareholders and customers during this time.

### What's the one piece of advice you would give someone when dealing with a crisis?

Don't be afraid to ask questions.

### What is the most effective time management tool or technique your team uses?

We have developed an application using our software Qlik to report on the team's activities. We use this analysis to allocate resources, determine where to focus on enablement, and identify process improvements and automation. •



## Employment & Commercial Litigation Mediator

- **93% of cases settled** as full-time mediator 2012-2016
- **20 years as a mediator**, hundreds of cases
- **30+ years trial attorney**, employment & commercial
- **College of Labor & Employment Lawyers**
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Philadelphia, PA 19102



michael j leech

Fox litigators take a proactive approach by advising clients on ways to stay out of the courthouse altogether. Avoiding litigation, whenever possible, is always the most efficient course. When litigation arises, we design a response based on our clients' needs. Sometimes the wisest, most strategic—and most economical path—is to reach an early resolution. But if a case demands an aggressive approach, Fox litigators are tenacious and possess trial skills that are second to none. And our track record backs that up. Our litigation teams are highly skilled and nimble. We keep our clients' costs down by staffing our teams with lawyers whose experience and knowledge best matches the issue at hand, rather than adding unnecessary layers of attorneys.

**A prospective client in crisis calls and asks why your team should be retained. What is your answer?**

Fox has the resources to react quickly and forcefully to meet our clients' needs, joined with a culture that prioritizes personal service. That means a client who calls with a pressing legal problem can count on getting through to the partner in charge of their matters. In response, we can tap a deep bench of problem solvers—800 attorneys

in 22 offices—including more than 100 highly experienced litigators in Pennsylvania. That is key because a business crisis often requires emergency measures to protect clients' critical assets, such as intellectual property. Our Pennsylvania litigators are known for being aggressive and proactive, but also pragmatic. Our clients give us high marks for understanding their businesses, anticipating their needs, providing "value for the dollar" and being innovative.

**It's a challenging litigation market, with flat or declining demand, rate pressures and other factors. From a business perspective, what does it take for a litigation department to succeed in this environment?**

Clients' expectations for their litigators have changed, and Fox has adjusted to fulfill those expectations. If they face an urgent challenge, clients do not want to wait for their law firm to put together a lengthy memo, they want to talk to an attorney with the knowledge to offer them an effective solution. Fox litigators respond quickly and thoughtfully to clients' concerns. We understand our clients and adapt to meet their needs and address their issues. The key is tailoring our representation to each client. And the numbers show our approach is working. Firmwide, revenues were up 14 percent in 2016,

a time when many other firms saw revenues decline.

**What is the firm doing to ensure that future generations of litigators are ready to take the helm?**

It starts with a heavy dose of mentoring. That is something that is passed down within the firm. Many of the attorneys who are part of the Fox team that won Litigation Department of the Year benefitted, as they were rising through the ranks, from the knowledge and tutelage of some of Fox's best-known and most prominent litigators. Now, they are taking the time to do the same for the firm's next generation of rising stars. Those relationships enable our partners to guide their associates to take on increasing responsibility as their experience warrants. That means giving them client and courtroom exposure in addition to substantive work assignments, rather than simply burying them in document review. The foundation starts with comprehensive training designed to help young attorneys become creative problem solvers. It includes a two-tiered litigation training program that provides instruction in courtroom skills, but also informal mentoring in topics like listening skills, practice-building and negotiations. We've also adjusted our approach to meet the needs of a new generation of attorneys in other ways, such as encouraging them to explore new and emerging practice areas. •

variety of cases, including novel constitutional challenges. In 2016, we scored three critical victories for the General Assembly—one in defense of a class-action suit regarding the allocation of settlement funds from the 2001 Tobacco Settlement Act, one in defense of a state senator regarding the constitutionality of a criminal-related statute, and one in a state Supreme Court case in which the court, at our urging, rejected a last-minute attempt to prevent Pennsylvania from casting its 20 Electoral College votes for president and vice president.

Finally, we are quite proud of the work we've done representing SEPTA

in various litigation matters for more than 25 years. In the past year, we defended the authority in two jury trials, receiving defense verdicts in both.

These are just a few examples that reflect the wide range of our practice and show how we bring our "A" game to each matter, every single time.

**Is it a penchant for efficiency, or a willingness to go the distance as effective trial advocates, that gives the litigation department its reputation?**

A healthy measure of both traits is essential in driving repeat business and forging long-term client relationships. In today's competitive legal environment, efficiency is a must. Fortunately

for us, a constant focus on efficiency has long been embedded in our culture, so at this point it's in our DNA.

That said, having a reputation for being willing and able to take cases the distance—whether to trial or arbitration—drives outcomes. Most cases obviously settle in advance of trial, but if you have a reputation for only settling cases, your negotiated results will deviate from what may be dictated by the merits. Our clients, like most, prefer to avoid trial where possible. But, for that narrow band of cases that need to be tried, our clients rest easy knowing our proven track record in the courtroom.

**A prospective client in crisis calls and asks why your team should be retained—what is your answer?**

Two reasons: first, we recruit, attract and retain talented lawyers who thrive when the stakes are high and the lights are bright. We embrace challenging matters and recognize them as opportunities to differentiate our problem-solving skills. Second, we stand ready and responsive. Crises rarely occur during the work week during normal business hours. They seem to arise more often, without notice, on off hours, and over weekends and holidays. Our lawyers are ready to answer the bell at any time, and remain focused, determined and dogged in their advocacy for the duration of the crisis and beyond.

**It's a challenging litigation market, with flat or declining demand, rate pressures, and other factors. From a business perspective, what does it take for a litigation department to succeed in this environment?**

You have to know your clients inside and out. Know their business, their

challenges and their opportunities. Have a steady focus on ways to add value and make their lives easier. Be up front with them about everything, especially with regard to staffing and billing. And again, it's about efficiency and results. At the end of an engagement, only two questions typically matter to the client: what was the result and how much did it cost to get me there?

Our culture of longevity in leadership, attorney retention and client relationships is what makes us stand out and why clients want to work with us. But don't take our word for it. We welcome and, in fact, encourage, prospective clients to reach out to our current clients to find out more about what it's like to have us in your corner. We're also quite proud of the fact that we're a back-to-back winner of the Litigation Department of the Year contest and think that speaks volumes about our work.

**What is the firm doing to ensure that future generations of litigators are ready to take the helm?**

We seek out and develop junior lawyers who are driven to become top-notch litigators as quickly as possible and

who are invested in the firm and our clients. Associate training and mentoring is a critical part of our culture. Our lean staffing model also creates real-world opportunities sooner and more frequently than larger firms that tend to staff more heavily. Our associates take and defend depositions, argue motions, and get meaningful client contact much earlier in their careers relative to their colleagues at other firms. No amount of training and mentoring matches that real-world experience. That's helped us develop a team of associates who are professionally mature and experienced beyond their years. It also enables us to handle client matters more efficiently than our peer law firms, while at the same time providing the highest-quality work product. As a firm, Stradley strives to cultivate our associates into future partners. We invest in our associates and encourage them to become invested in the firm by joining committees, asking questions about the business of the firm and sharing ideas on areas for improvement. This model helps us attract and retain top talent and is a reason why so many of our attorneys are Stradley "lifers." •

**A prospective client in crisis calls and asks why your team should be retained—what is your answer?**

We have guided clients through crises of all sizes, from confidential investigations that result in no action to some of the most public, impactful and complex crises in recent history. Our work in compliance and risk response preparation combined with the lessons learned in managing complex, high risk situations has forged a highly effective and nimble team of crisis managers. When a crisis emerges—whether suddenly or gradually—we provide our clients with an experienced crisis manager who understands the multiple dimensions of a crisis, who can foresee the areas of risk and mitigation that are not immediately apparent, who will work collaboratively to shape a consistent and integrated legal and business strategy for addressing the

crisis, and who understands how crises impose great strain on corporate legal and other departments. We combine the experienced crisis manager with the talent and capacity in the relevant substantive areas to effectively address the varying facets of the crisis as it unfolds.

**It's a challenging litigation market, with flat or declining demand, rate pressures, and other factors. From a business perspective, what does it take for a litigation department to succeed in this environment?**

Consistently delivering results, however the client defines success and doing so with budget predictability.

**What is the firm doing to ensure that future generations of litigators are ready to take the helm?**

At Morgan Lewis, we instill a team philosophy in our litigators. What is important is doing great work for the client, and success takes a team effort.

In addition to teamwork, we focus on skills. Our firm has a monthly training program that covers a variety of substantive litigation practice topics. We also have a Trial Skills Program and a Trial Academy. The Trial Skills Program is a four-day exercise that focuses on the legal framework, rules of evidence and courtroom techniques associated with trial presentation. Our Trial Academy is a seven-day program that focuses on all aspects of trial, including opening and closing arguments, rules of evidence, direct and cross-examination of witnesses and the use of demonstratives. The academy allows associates to act as advocates, witnesses, and jurors; numerous partners contribute by lecturing, demonstrating skills, giving feedback and acting as judges. We also have a systematic approach to identifying opportunities for associates to watch partners in advocacy roles and to take on advocacy roles for pro bono and other clients. •

*Kessler Topaz* continued from 7

buyout for \$86.5 million, including a \$46.5 million payment from the law firm that advised the company's board.

**At a time when class action reform is back at the forefront of political discourse, do you anticipate your work becoming more challenging in the coming years?**

We believe that our work is always challenging regardless of the political discourse. Our cases are some of the most complex commercial and securities matters brought against well-funded and well-represented corporations and individuals. We have recovered billions of dollars for investors following the enactment of the PSLRA in 1995, which was purportedly designed to stamp out abuse in the securities class action field. Against a backdrop of attempted changes in legislation in Delaware to enact a loser pays system purportedly necessary to protect corporations against baseless suits, we have consistently achieved unprecedented results such as billion dollar plus and hundred million dollar bench verdicts. And we are constantly advancing new class cases in the areas of consumer and fiduciary litigation involving manipulation of markets notwithstanding the hurdles that class certification poses in such matters with tremendous success. With each new administration, new legislation is either proposed or passed which is purportedly designed to curtail or reform class action litigation. This is nothing more than putting business interests ahead

of consumer or investor interests. We will adapt and adjust and continue to protect our clients.

**A prospective client in crisis calls and asks why your team should be retained—what is your answer?**

There are only a handful of talented plaintiffs firms with both the skill and the financial resources that are necessary to successfully prosecute a sizeable class action. What separates Kessler Topaz from even those limited number of firms is our ability and willingness to actually try these cases to verdict. In this respect whereas most class action firms have either never taken a case to trial or have done it only once, our firm has tried six cases to verdict and is currently approaching trial in five additional cases. Thus, when determining which firm to retain, a prospective client can be sure that not only are we willing to litigate an action for as long as necessary to achieve a desired result, we have both the talent and the experience necessary to go the distance. When you combine that factor with the unparalleled client service that we always provide and our focus on long-term relationships, we believe that prospective clients will be extremely satisfied with our representation.

**It's a challenging litigation market, with flat or declining demand, rate pressures, and other factors. From a business perspective, what does it take for a litigation department to succeed in this environment?**

In our particular plaintiffs class action space, we have been subjected to an increased focus on contingency

fee rates for some time by courts who must approve all rates and our sophisticated institutional client base who negotiate such rates either at the outset of matters or upon their resolution for some time now. As a result, rate pressure is nothing new to us. We are also not seeing flat or declining demand as, unfortunately for consumers and investors, massive frauds continue to be committed by corporations and the individuals who run them on a regular basis. Thus, we continue to focus on delivering the best results possible and persuading clients to focus on the increased net recoveries they receive when Kessler Topaz is litigating the case as opposed to another firm, who might charge less, but who also recovers less.

**What is the firm doing to ensure that future generations of litigators are ready to take the helm?**

We have found that the best way to train litigators is to expose them to a variety of litigation styles and work dynamics. Thus, they receive an education in not just the law, but in the business of law as well. We also attempt to adhere to the culture we have created that makes Kessler Topaz a place where lawyers want to stay for their entire careers, as opposed to looking at their position as a stepping stone. As a result, we have relatively low turnover which enables us to truly collaborate with our associates over not just a year or two, but for the long term. In this manner, when it is time for this future generation of litigators to take a larger role at the firm, they are well positioned to continue to succeed on behalf of our clients. •

*Reed Smith* continued from 9

and around the world. These efforts are made all the easier by Reed Smith's commitment to using technology to share information internally and with clients in order to achieve great results at lower costs. Simply put: Reed Smith and its IRG know the value of communication, and leverage it whenever and however possible.

Such coordination is facilitated by

the group's collegiality. The members of the IRG genuinely enjoy working with each other and are dedicated to ensuring success for each other and all of the firm's clients. When one IRG member prevails at argument, at trial, or on a brief, it is a victory shared by the entire group.

**A prospective client in crisis calls and asks why your team should be retained—what is your answer?**

Hurricanes. Superstorms. Plant explosions. Unfortunately, Reed Smith's IRG members have to deal with clients in crisis on a regular basis. In fact, many clients do not even turn to their insurance coverage attorneys until a crisis has occurred and they need their insurers to step up and provide the coverage for which they have paid. As a result, Reed Smith's insurance

*Reed Smith* continues on 20

coverage attorneys have enormous experience responding to crises. We strive to respond in a rapid, compassionate and focused way.

When a crisis does occur, a client may have a need for immediate access to insurance proceeds. Or, it may need its insurer to find counsel to defend it in bet-the-company litigation. Clients unexpectedly find themselves in many different situations. No matter what the crisis is, though, the Reed Smith IRG in all likelihood has seen it and successfully handled it before.

We can and do work closely with insurance brokers and other crisis management professionals to protect our clients from the time a crisis develops. We press the insurers to understand the gravity of the situation and the need to move quickly. And, we stand by our clients until the crisis is resolved. That said, IRG members also pride themselves on thinking ahead and working to avoid crises. For example, Reed Smith insurance coverage counsel routinely work with their clients to make sure they have all necessary coverage in place before a disaster strikes. That way, should a crisis materialize, a client can rest at least a little easier, knowing that there are no holes in its coverage. An ounce of prevention is still worth a pound of cure.

**It's a challenging litigation market, with flat or declining demand, rate pressures, and other factors. From a business perspective, what does it take for a litigation department to succeed in this environment?**

In a challenging litigation market such as this, Reed Smith's IRG has found great success by partnering with its clients to identify and achieve the client's business goals in a cost-effective manner. The firm as a whole and the IRG specifically are proactive in raising creative approaches with clients, and we utilize the services of our professional client value team to work with our attorneys and the client to find a plan that benefits both the client and the firm. Reed Smith is open to and has structured alternative fee arrangements of virtually every kind.

Our group understands that not all clients have the same needs and not all clients have the same resources. As such, creativity in pricing, solutions, and staffing are all essential in today's business climate. We can partner with a client in many ways. To determine the best path forward, the IRG members, like all Reed Smith attorneys, are trained to listen carefully to what the client is saying. What is the business problem the client needs to solve? What does the client want to achieve? Then, working together, we can design a path forward. Together, we can make strategic decisions that meet the client's goals. For example, in addition to highly trained and sophisticated insurance coverage partners, counsel, and associates, Reed Smith has the ability to call upon its staff attorneys to assist on any matter.

Moreover, as a result of the breadth of our group's experiences, as well as the firm's industry group focus, IRG members in Pennsylvania, across the United States, and around the world are already schooled in many of our clients' industries and in the competitive business environments in which they operate. That insight allows us to hit the ground running, freeing us to focus on what that client really needs at that time and to find ways to maximize the ultimate results from the earliest stages of the retention.

**What is the firm doing to ensure that future generations of litigators are ready to take the helm?**

Reed Smith and the IRG are committed to training, supporting and retaining top-flight talents. That commitment is evident every day around the world at the firm.

A cornerstone of that commitment is Reed Smith's CareeRS program. CareeRS is a firmwide, competency-based career development program designed to ensure that the firm provides the best legal representation to its clients, and at the same time provides its lawyers and staff with the transparency, development opportunities, feedback, and support they need to help them achieve their individual career goals at Reed Smith. As part of that program, young attorneys are

mentored by more senior ones who are invested in their successes.

And, from their first day at Reed Smith, each new associate is engaged in thinking about her future through a broad, on-going discussion focused on all aspects of being a successful attorney, where being a talented litigator or transactional lawyer is necessary, but alone is not sufficient. The firm invests in training that allows young attorneys to sit in on mediations, negotiations, client calls and other meetings. Junior attorneys also help develop and then attend client pitches.

Reed Smith also offers all of its attorneys and staff continuing education through Reed Smith University (RSU). As part of RSU, IRG attorneys at all levels teach courses to their peers, focusing on the hottest insurance-coverage issues of the day. Additionally, Reed Smith conducts a very challenging trial training program that brings the most successful litigators throughout the firm together to coach associates in preparing for and conducting complicated jury trials. This program culminates in a half-day jury trial. The firm also conducts "writing boot camps" for associates, which are led by members of the firm's nationally recognized appellate group.

Further, Reed Smith generally, and the IRG specifically, encourages involvement in pro bono cases, which can be one of the best ways for young attorneys to get hands-on trial experience. We also encourage and support associates in working directly with our clients on secondments and other billable and nonbillable projects so they better understand the needs of and pressures on corporate legal departments. The firm, too, has recently rolled out a program whereby associates can spend time in offices other than their home office in order to add to their substantive legal training and develop relationships.

These are just some of the many investments Reed Smith makes in the future generations of lawyers and leaders—investments that pay dividends not just for the firm, but more importantly for our clients and for the legal profession as well. •

*Dechert* continued from 10

Dechert is a little different than other firms in that we have never spent much time defending against small nonpracticing entity cases. We mix “big-ticket” pharmaceutical litigation with helping companies enforce their patent portfolios around the world. We are also largely unique in our global approach. At the end

*InterDigital* continued from 12

Our relationships with outside counsel are hopefully based on mutual trust, fairness and respect. We value good legal advice and are willing to pay fair value for it, and we completely understand that treating legal services as a simple commodity to be procured at the lowest possible cost is not a smart approach. On the other hand, we won’t hesitate to move our business elsewhere if we suspect that a firm takes us for granted as a client or treats us unfairly.

**What type of community outreach is your department involved in?**

InterDigital participates in the

*JLT Re* continued from 13

Each year, the Jan. 1 renewal season alone is enough to keep the JLT Re law department fully engaged and occupied. In 2016, however, things were different. During the busy Jan. 1 renewal season, JLT Re leadership approved the strategic acquisitions of two U.S. reinsurance intermediary

of the day, what it really takes to be successful over the long run is clients who trust you with their most important matters. We have great clients who challenge us every day with complex issues, and we appreciate their support.

**What is the firm doing to ensure that future generations of litigators are ready to take the helm?**

USPTO’s Patent Pro Bono Program, through which under-resourced inventors can receive free legal advice from our patent attorneys and patent agents. In 2016, our senior patent counsel John Gillick, with support from senior patent counsel Patrick Igoe and patent administrator Kathy Higgins, assisted local inventor Charles Paris and his partner Karen Parenti with the drafting and submission of a patent application for Paris’s audio loudspeaker invention.

“We are beyond grateful,” stated Paris. “We couldn’t have done a fraction of the thorough investigation on our own. John’s determination and focus helped us explore the idea to the fullest expression.”

brokerage businesses and closed both transactions in December before the end of the year. Despite a difficult and compressed timeframe, the JLT Re law department rolled up its sleeves, rose to the challenge, and played a substantial part in closing both transactions successfully while also handling the law department’s day-to-day responsibilities for the Jan. 1 renewal season.

Because our team spends a significant amount of time in the courtroom and in Markman hearings, we have a lot of opportunities for associates to handle witnesses, make arguments and be on hand in the courtroom. We also strongly support pro bono here at Dechert; it is part of our DNA. We have IP associates trying civil rights cases, arguing appeals, etc. We try to provide a hands-on learning opportunity. •

**What’s the one piece of advice you would give someone when dealing with a crisis?**

Focus on the immediate task of damage control and remediation; it is rarely helpful to engage in the distraction of assigning blame, especially while the crisis is still raging.

**What is the most effective time management tool or technique your team uses?**

We use an e-billing and matter management system, which streamlines our invoice review and gives us greater insight into our outside spending behaviors and potential areas for improvement. •

On Dec. 15, 2016, StoneHill Reinsurance Partners, a reinsurance intermediary broker specializing in medical professional liability based in Minneapolis, Minnesota, entered into an asset purchase agreement with JLT Re, pursuant to which StoneHill’s reinsurance brokerage business (the SH

*JLT Re* continues on 22



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Brokerage Business) was purchased by JLT Re (the SH Transaction).

Fifteen days later, on December 30, 2016, Risk & Reinsurance Solutions Corporation (RRSC), a reinsurance intermediary broker specializing in casualty treaty business based in Miami, Florida, entered into a stock purchase agreement with JLT Re, pursuant to which RRSC's reinsurance brokerage business (the RRSC Brokerage Business) was purchased by JLT Re (the RRSC Transaction).

These achievements required the law department's rigor, agility and collaboration. JLT Re's law department was fully engaged in all the legal work necessary to ensure a smooth and orderly transfer of the SH Brokerage Business and RRSC Brokerage Business to JLT Re, including working with outside counsel on the transactional/acquisition documents, related employment agreements, and ensuring that all brokerage business client agreements and required vendor agreements were transferred to JLT Re and that JLT Re obtained all necessary insurance and reinsurance producer

licenses in order for JLT Re to conduct the acquired companies' business in the United States and its territories.

In addition to the successful closing of each acquisition by the December deadlines, the JLT Re law department entered into a new relationship with outside counsel for both the SH Transaction and RRSC Transaction. JLT Re's senior management was quite pleased with the quality of services provided and the fee arrangements consistent with the business objectives of the transactions.

Also, through the RRSC Transaction, a former RRSC attorney joined the JLT Re law department, providing much-needed additional capacity for legal work at little additional cost to the company.

As in the past, the JLT Re law department continues to elevate its trusted advisor status significantly across the JLT Re organization as a unit which provides practical solutions to facilitate the operations and growth of JLT Re in the United States. The December 2016, acquisitions only strengthened JLT Re law department's status within JLT Re. The JLT Re law department is seen as guiding, supporting, educating and

(where necessary) challenging senior executives at executive committee level and their direct reports in their business initiatives while earning the respect of internal clients.

**What types of matters do you generally handle in-house?**

The JLT Re law department is responsible for providing advice to client teams as to all legal, regulatory and compliance issues impacting the business operations of a reinsurance intermediary.

**What are the challenges associated with handling work in-house, given your relatively small team?**

Making informed decisions in a timely manner to meet the fast pace of the business, frequently with imperfect information. Overcoming the fear of change and uncertainty.

**What is the key to your team's ability to operate in a heavily regulated, ever-evolving industry?**

Keeping on top of the changes within the industry and within the JLT organization; always looking for ways to improve and move the business forward. •



- FORENSIC ACCOUNTING
- EXPERT TESTIMONY
- VALUATION SERVICES
- DEPOSITION ASSISTANCE
- FRAUD INVESTIGATIONS
- DUE DILIGENCE
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**Like a three-legged stool, proper support provides balance...**

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