

LAWDRAGON

Cadwalader Builds Heavyweight Litigation Practice



Photo of Pat Quinn by Dave Cross.

By Katrina Dewey

Pat Quinn couldn't have known six years ago that this moment would come in precisely this shape, at this time, in this perfect way.

As the new Managing Partner at Cadwalader, Wickersham & Taft, he didn't expect, much less predict, a deadly global pandemic that would leave wide swaths of the U.S. economy sidelined or in turmoil, putting business as usual on hold and amassing a stockpile of legal actions as its likely legacy, as the financial crisis did more than a decade ago.

What he did see back then was a need for the storied New York law firm, with a centuries-old reputation in finance law, to reinvigorate and expand its litigation team, answering demand from both the marketplace and existing clients, many of whom prefer to keep their business at the firm they already trust.

Quinn initiated a series of carefully-curated hires that hit a crescendo with the recent recruitment of nationally acclaimed trial lawyer Nicholas Gravante Jr., a managing partner at Boies Schiller. Gravante was accompanied by a team of accomplished, high-profile attorneys with whom he had worked for many years: Karen Dyer and Phil Iovieno, as well as longtime in-house restructuring veteran Lawrence Brandman.

Their move was the culmination of Quinn's plan that kicked off in 2016 when alum Jason Halper was lured back to lead the litigation department, which has added 18 lateral partners since – including renowned trial lawyer Sean O'Shea and his team.

"From time to time, people ask me, 'What's Cadwalader's growth plan? Will it become one of those firms with multiple thousands of lawyers and offices all over the world?'" Quinn says. "I always say, 'No, that's not the plan. We are growing, but we have no ambition to become so big that we lose our ability to be very selective and strategic about how we grow.'"

That approach, he explains, has "allowed us to be a little more pure about our strategy and more disciplined about the practices that we want to emphasize and grow. It goes back to selectivity. You can find, with a lot of work and a little bit of luck, the kind of people who fit not only professionally, because of the nature of their practice, but also personally and culturally. The group we have added hits the bullseye."

Good fortune, of course, requires preparation, according to Seneca – as well as opportunity. And that's where Gravante, who will head the commercial litigation practice, comes in.

"We know some of what we are dealing with, but it will be several years until we realize the full economic fallout from the COVID-19 pandemic and the economic crisis," Gravante says. "When that fallout arrives, many of Cadwalader's year-over-year, decade-over-decade core transactional clients may be involved in litigation. If they ever harbored any doubt about relying on the firm for those cases, Cadwalader will clearly now be in the right spot for any bet-the-company complex commercial litigation.

"With its expanded litigation ranks, Cadwalader is surely as ready, if not more ready, than any firm in the country to handle anything that comes its way," Gravante says.

The unified litigation team that exists today is the result of a "thoughtful, well-planned restructuring" of several somewhat insular groups that specialized in antitrust, white collar, securities, trial and intellectual property matters, Quinn says.

"In theory, they were all under the umbrella of one big litigation department, but the fact is they operated as if they were separate high-quality practices, and we thought that was the wrong model," he says. "We didn't think it matched our clients' needs."

A business undergoing scrutiny or full investigation by a federal or state regulator and seeking white-collar representation, he explains, is quite likely to face civil litigation over the same set of circumstances. Having disjointed teams handle those matters might only further the turmoil, something clients are keen to avoid.

Luring the "much-loved" Halper back was key to Cadwalader's plan to provide unified, cohesive response capabilities in such situations.

“You think about your quintessential NBA point guard, right? He's someone who can get his own shot, but he knows when to pass,” Quinn says. “And that’s Jason. He has built a very successful practice himself, but he really puts a lot of time, effort and thought into promoting his partners and finding opportunities for them, whether it’s from within the firm or from outside the firm.”

That, Quinn adds, has been a key attraction in drawing lateral partners as well as other Cadwalader alums “who see the strategic way our litigation department is running.”

Gravante was attracted to the firm over a period of years as he got to know many of the firm’s lawyers through his far-reaching litigation practice and community activities. He is noted for his \$633M whistleblower verdict against Trinity Industries in Marshall, Texas – the largest such award ever without intervention by the Justice Department. He serves as counsel to The Starr Companies and Related Companies, and has chaired the Brooklyn Public Library and currently chairs the Community Service Society of New York. A litigator’s litigator, Gravante is a go-to lawyer for a wide range of companies, with a lengthy victory list for clients from AriZona Iced Tea to 12 Lloyd’s syndicates, among many others.

“Over the course of several years, I had interactions with many senior members of the firm – people like Pat Quinn, Stu Goldstein, Richard Brand, Greg Petrick – in a variety of contexts, and it was always pleasant and professional,” Gravante says. “I not only developed personal respect for them, but also enjoyed spending time with them.”

Making the leap also afforded him the opportunity to collaborate once more with O’Shea, a Boies Schiller alum and top white-collar and commercial trial lawyer, who moved to Cadwalader in 2019.

“Sean and I have known each other, referred cases to each other, and worked together, for 23 years,” Gravante says. “And I love working with him. The opportunity to reunite with him is exciting, and we’re ready to take on the world.”

O’Shea – coming off a trial victory against worldwide consultant McKinsey & Company in which the presiding judge termed him “one of the best trial lawyers I’ve ever seen” – said he is very excited to reunite with Gravante and his former colleagues. “Cadwalader has exhibited to me from Day One its commitment to building a first-class litigation destination shop,” he says. “I am extremely happy with the addition of Nick and his team, which only makes us stronger.”

Dyer, who was impressed by Cadwalader leaders including Pat Quinn and Richard Brand, is eagerly anticipating supporting the firm’s expanded focus in litigation.

“Our litigation style will be a huge positive,” she says. “I know we have a reputation for taking on, and being successful in, challenging cases.”

That reputation has been a hallmark of her work at their previous firm. Working alongside David Boies, Dyer became one of the nation’s top female trial lawyers – known for taking on seemingly impossible cases, working virtually around the clock as trial dates draw near.

The lessons learned in winning important cases will continue to shape the team’s practice at Cadwalader. “You can talk forever about how much David’s taught us, but I can tell you two little quotes that are among his themes,” says Iovieno, co-head of the Antitrust Litigation practice with Washington, D.C. partner Brian Wallach. “One is, ‘Litigation is a team sport. You need the team to



win.’ It’s true. It is competitive. The other thing he would say is, ‘Losing is not good for the brand.’ That doesn’t mean you always win, but you have to have a competitive mindset in litigation. You have to be aggressive to go out and get the business, and then when you get it, you have to function as an effective team. You have to win a whole lot more than you lose, or you’re just not going to get retained for high-stakes matters.”

The group was particularly attracted to Cadwalader’s robust financial client base.

“Cadwalader gives us a great platform to compete,” Iovieno says. “They’re committed to supporting us because the opt-out class action and antitrust field is very competitive. We’re not just going to flip a switch and have it all happen. We’re going to roll up our sleeves and make it happen with teamwork.”

For Cadwalader, expanding with this stellar team amounts to far more than approaching existing clients and saying, “Hey, we’ve got these new litigators. They’re great. You should meet them,” Iovieno says. “You’re also bringing new clients to the firm to do litigation and bring other work to the firm, too. So it really is a natural fit.”

Halper, Cadwalader’s global litigation chair, described the firm’s vision as “building a practice of first-tier, first chair, top-quality lawyers with the experience and depth that we needed to do the best premium work for our clients.”

Gravante added: “We’re going to recruit only the best in class for the rejuvenated Cadwalader litigation brand.”

Accomplishing that meant “hiring people who had certain experience that we didn’t have at the time out of the Securities and Exchange Commission, out of the U.S. Attorney’s Office for the Southern District of New York,” Halper says. “It meant we had to get deeper in certain areas.”

“There is a sense that the UK will become more aggressive in terms of enforcement, more U.S.-style,” Halper says, noting the recent additions of Mark Beardsworth and Kevin Roberts, two of the most prominent white collar names in London. Not only is the country completing its Brexit separation from the European Union, its Serious Fraud Office is “being led by someone who has spent time in the U.S. at enforcement agencies,” Halper adds.

In the U.S., meanwhile, the litigation team’s growth leaves Cadwalader reinvigorated for the likely influx of litigation in the wake of COVID-19, says Jodi Avergun, who chairs the firm’s white-collar defense and investigations group, which is part of the global litigation practice.

The pandemic has roiled – and in many ways, reshaped – the U.S. economic landscape through shutdowns over going on a year intended to curb the spread of a disease that has taken a devastating human toll in the U.S. and has left businesses and individuals seriously shaken. While e-commerce behemoths have benefited from stay-at-home orders that forced more consumer spending online, small retail establishments and restaurants have been driven into the ground.

Government aid, though unprecedented in size, has been distributed unequally, and numerous complaints have followed, leading to a probable logjam in courts largely handling cases by video-conferencing and typically more slowly than just a year ago.

That backdrop made expanding the commercial litigation unit a critically urgent piece of Cadwalader’s move to address clients’ broad litigation needs seamlessly and “fill gaps that we saw and things that we thought our clients needed,” Avergun says. “There’s going to be a lot of commercial litigation, as much as there was close to the 2008 financial crisis.”

The similarities with that era are evident to Brandman, who led bankruptcy strategy for financial derivatives for Lehman Brothers during the failed investment bank’s wind-down.

“I lived Sept. 15, 2008 – the day Lehman went bankrupt – every day for 10 years,” he recalls. “While there are some parallels, we’re also in a little bit of a different situation here because government programs kicked in, and because there have been extremely creditor-friendly refinancing packages.”

Such measures have delayed some of the financial impact, potentially for two to three years, he explains. This history, along with today’s indicators, suggests that increased litigation is highly likely over the next few years. And Cadwalader, with its expanded team and its commitment to continue to deepen its offering, is ready.

“There really is no precedent for what we’ve seen in 2020, both here in the U.S. and globally, so it is impossible to predict what exactly our clients’ litigation challenges and needs will be,” Quinn says. “But I don’t believe it is hyperbole to say that we are as ready as we’ve ever been in our 228-year history to service our clients’ needs.”

Growing the Practice

Cadwalader's transformation into a destination practice for litigation didn't happen overnight. It was put in motion several years ago and has included a series of significant lateral hires and internal promotions.

2015: Former federal prosecutor Anne Tompkins, the U.S. Attorney for the Western District of North Carolina, joins Cadwalader in Charlotte.

2016: Alum Jason Halper returns to Cadwalader from Orrick to lead the firm's Global Litigation Group.

2017: Former SEC litigator Kyle DeYoung and former Southern District of New York prosecutor Todd Blanche join the Litigation Group's white collar practice, along with commercial litigator Ellen Holloman.

2018: Former Federal Trade Commission litigator and Sidley Austin Antitrust co-head Joel Mitnick joins the firm, along with litigation partner Jonathan Watkins in Charlotte and international arbitration and disputes lawyer Melis Acuner from Skadden in London.

2019: State Attorneys General Practice head Doug Gansler, the former Maryland Attorney General, joins the firm in Washington, D.C. Coming on board in New York is noted trial lawyer Sean O'Shea, along with Michael Petrella and Amanda Devereux. And antitrust litigation special counsel Gregory Langsdale is promoted to partner in Washington, D.C.

2020: The just-completed year was a particularly active one for Cadwalader, beginning with the arrival of London white collar standouts Mark Beardsworth and Kevin Roberts and former Consumer Financial Protection Bureau senior counsel Rachel Rodman. In addition to Boies Schiller's Nick Gravante, Phil Iovieno, Karen Dyer and Larry Brandman, U.S. Deputy Associate Attorney General Mark Grider joins at the end of the year to lead Cadwalader's crisis management and Congressional investigations practice. The firm also promotes two litigators – Jared Stanisci in commercial litigation and Danielle Vincenti Tully in intellectual property – to partner.

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