

The 4 Firms In-House Counsel Fear The Most

By **Jake Simpson**

Law360, New York (September 29, 2014, 6:09 PM ET) -- A quartet of BigLaw powerhouses that clean up in the courtroom have been identified by in-house counsel as the firms they least like to see on the other side of the table in litigation proceedings, according to a recent survey.

The group of litigation powerhouses — Jones Day, Kirkland & Ellis LLP, **Quinn Emanuel Urquhart & Sullivan LLP** and Skadden Arps Slate Meagher & Flom LLP — are honored as the Fearsome Foursome in the BTI Litigation Outlook 2015 report, compiled by BTI Consulting Group Inc. BTI surveyed more than 300 general counsel and chief legal officers at major corporations, and more than half of them named one of the Fearsome Foursome as their most feared legal opponent.

"These firms have a history and a reputation of bringing every single resource to bear for their clients," BTI President Michael Rynowecer said. "They have an advantage just by showing up."

The quartet of well-known global firms were also singled out by corporate counsel in BTI's litigation outlook report last year, and their reputation as the best in the business is well-earned. The four firms earned some of the largest jury awards in the U.S. in 2014 and went a combined 5-1 in the most recent U.S. Supreme Court term, led by Jones Day's spotless 4-0 record.

Among the quartet, only Jones Day was honored as a powerhouse or standout firm in each of the eight subcategories in BTI's litigation report. Partner Daniel Reidy, who leads Jones Day's U.S. business and tort litigation practice, said the firm's consistent manifest of bet-the-company litigation and other serious matters has insulated it against the recent trend of companies allocating more of their legal spending budgets to in-house work.

"Most of the work that would be taken back in-house [by clients] that is active, live litigation is unlikely to be our bread and butter," Reidy said. "Our clients have said, 'We're not bringing the routine to Jones Day, we're bringing the special to Jones Day.' They can't possibly build an inside staff that could respond to any major, sudden need the way we can."

That capability has become more important in the wake of the financial crisis of 2008, which drove down overall legal budgets and has led to a consistent drawback of resources allocated to outside litigation counsel. The market for U.S. litigation services is projected to be \$20.2 billion in 2014, according to BTI, a 1.8 percent decline from a year ago and a 6.2 percent dropoff from 2011.

As a result, clients expect their law firms to be more efficient than ever when it comes to litigation. And

according to Gene Assaf, a senior litigation partner at Kirkland and a member of its global executive management committee, all four of the firms highlighted in BTI's report bring that ethos to all their cases.

"When we're in cases with them, generally things go more smoothly," Assaf said of the other members of the Fearsome Foursome, "because those firms are all focused on the key issues and themes of cases rather than extraneous motions or just moving paper around."

The firms enjoy a decided advantage when the opposing counsel is not part of their cohort, according to BTI. In-house attorneys surveyed by the legal industry consultant said they often find themselves playing defense in litigation proceedings when their opponent is represented by one of the four litigation powerhouses.

A. William Urquhart, a veteran litigator and name partner at Quinn Emanuel who has been with the firm since 1988, said the firm uses both its vast trial experience and its reputation to its advantage.

"If we say, 'We'll see you in court,' people take the threat seriously," Urquhart said. "I think it does give us leverage in negotiations against most firms."

None of the firms at the top of the corporate litigation world are resting on their laurels. Urquhart, Assaf and Reidy all said that maintaining a pipeline of talented, driven and experienced young litigators is a top priority so that they can avoid, as Urquhart put it, "being a one-generation law firm."

"We recruit talented, driven, creative young lawyers, and we give them an opportunity to develop their litigation craft," Assaf said of Kirkland's long-term strategy. "So four, five, six years from now, those lawyers are able to go out and legitimately tell our clients that they have real courtroom experience, as opposed to simply [being experienced at] motions practice."

In addition to the quartet of litigation standouts, six firms were honored as Awesome Opponents by BTI for being named by multiple corporate counsel as a most feared legal opponent. The firms are Gibson Dunn, Greenberg Traurig LLP, Jenner & Block LLP, Morrison & Foerster LLP, Paul Weiss Rifkind Wharton & Garrison LLP, and Vinson & Elkins LLP.

--Additional reporting by Jeff Sistrunk and Andrew Strickler. Editing by Jeremy Barker.
