

The 4 Firms In-House Counsel Fear The Most

By **Melissa Maleske**

Law360, New York (September 21, 2015, 10:09 PM ET) -- General counsels have named four BigLaw powerhouses as the firms they least want to face across the table in litigation for fear that those firms' standout skills could lead to upended business operations, costly bills and reputational ruin.

The BTI Litigation Outlook 2016 report by BTI Consulting Group (Wellesley, Mass.) found that the firms that have racked up the records and reputations to stay ahead of the pack are Jones Day, Kirkland & Ellis LLP, **Quinn Emanuel Urquhart & Sullivan LLP** and Skadden Arps Slate Meagher & Flom LLP, which have been dubbed the "Fearsome Foursome" for three years running.

These firms are well-poised to take advantage of the uptick in litigation spending the report predicts for 2016.

The GCs who ranked them highly spoke of three central characteristics that set them apart from everybody else, says Michael Rynowecer, the president and founder of BTI, which named the four firms based on 322 telephone interviews with general counsels and other corporate legal decision makers at organizations with an average revenue of \$18.2 billion.

First, the firms in the Fearsome Foursome consistently manage to make clients feel they are getting all the attention, as if they had no other clients or matters. While it may sound intuitive, clients told BTI it's a rare occurrence, Rynowecer says.

"They've got not only the lawyers' hearts and minds but their soul, their psychic energy — everything is going into representing and advocating the interests of their client," he says.

The quartet also bring plenty of resources to the table. Clients say they feel like they're tapping into a firmwide brain trust that allows them to benefit from all the relevant expertise in the firm, giving them the impression that every attorney in the firm is sitting down together to discuss their matters and to contribute valuable information, according to Rynowecer.

"It's certainly good to deal with an individual, but these clients will tell you that there's just this giant brain burst of energy, and they get the impression that everyone is trying to add their helpful two cents to make this a tremendous success," he says.

John Majoras, who has been a litigator at Jones Day for his entire 29-year career, says collaboration is one of the firm's hallmarks. And the firm's structure supports that mindset: It's organized not based on client relationships or originating lawyers but on the basis of putting the best capabilities on a matter, he says.

As a result, the firm is able to achieve the best outcomes for clients in multifaceted matters. For example, the firm was lead restructuring counsel for the city of Detroit in its bankruptcy, a complex chapter 9 case that encompassed a multitude of issues, from litigating valuations to helping the city design a plan that didn't require it to sell off its museum's works of art.

"We want to bring the best capabilities to whatever the subject matter is," Majoras says. "In a trial setting, you need to have the technicals of top-notch trial skills as well as the substantive, the background."

Finally, clients say the four firms have the ability both to strategize and to implement. GCs told BTI that there are strategists and there are implementers, but to find people with both skills is rare.

"To add another dimension, the Fearsome Foursome can not only both strategize and implement, they can change as they go," Rynowecer says. "If there's a change in circumstance or an unexpected event, some firms get really rattled, and clients say the Fearsome Foursome don't miss a beat. It's like they anticipated it."

William Urquhart, who joined Quinn Emanuel in 1988, says it's a distinction that comes from the firm's trial-ready mentality and courtroom experience. Quinn Emanuel lawyers are accustomed to thinking on their feet, he says, because they take more cases to trial. Among them are the Joseph Siegelman case, which was the DOJ's first Foreign Corrupt Practices Act trial since 2012, and which ended with a guilty plea on one count and "not a minute of jail time," Urquhart says.

"There are a lot of fine litigators at a lot of firms, but there's a difference between writing in the comfort of your office and arguing in front of a judge, where you don't know what the judge is going to say, or a jury, and you're trying to predict what they're thinking and what's going to motivate them to vote in your favor," Urquhart says. "It's just a different skill set, and our lawyers tend to have it."

"The key to being a good litigator is to embrace the challenges that you're confronted with and to be adaptable as they come along," Majoras says.

Along with the Fearsome Foursome, BTI named the next tier of highly regarded and fierce litigators, the so-called Awesome Opponents. They are Altshuler Berzon LLP, Baker & McKenzie LLP, Baker Botts LLP, Boies Schiller & Flexner LLP, Foley & Lardner LLP, Gibson Dunn, Greenberg Traurig LLP, Hogan Lovells, Jenner & Block LLP, Morrison & Foerster LLP, Paul Weiss Rifkind Wharton & Garrison LLP, Vinson & Elkins LLP and Williams & Connolly LLP.

--Editing by Katherine Rautenberg.

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