

New York Law Journal



LITIGATION DEPARTMENT OF THE YEAR FINALIST: Skadden, Arps, Slate, Meagher & Flom



Skadden, Arps, Slate, Meagher, and Flom Offices in Manhattan, New York.

What are some of the department's most satisfying successes of the past year and why? In some of the most complex and significant matters, Skadden, Arps, Slate, Meagher & Flom's litigation department had a year of stellar outcomes on behalf of our clients that included victories at trial; wins that significantly impacted the ability of our clients to conduct business; and results that set new precedents in the courts.

For example, representing Johnson & Johnson subsidiary Ethicon, Skadden secured a unanimous jury verdict—after less than two hours of deliberation—which found that the company's pelvic mesh medical devices were not defective.

In a decision that received widespread industry and media attention, our litigators secured the full dismissal of a class action against Coinbase, one of the leading cryptocurrency platforms, that threatened to unwind millions of cryptocurrency transactions. Coinbase shares soared nearly 24% the day after the decision was issued.

In a matter that will alter the competitive landscape of professional golf, we defeated a temporary



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restraining order brought against our client the PGA TOUR by three former PGA member players who were suspended for the unauthorized participation in LIV, the highly publicized rival tour. Upon a landmark agreement being announced that resulted in the combination of LIV Golf with the commercial businesses and rights of the PGA TOUR and DP World Tour into a new, collectively owned, for-profit entity, Skadden continues to advise on the negotiated dismissal of the litigation.

Additionally, we secured a groundbreaking decision on behalf of NextEra Energy against Spain, overcoming the country's efforts to use sovereign immunity to bar enforcement of a €290 million arbitration award for irreparable damage to NextEra's solar projects.

A prospective client in crisis calls and asks why your team should be retained. What is your answer? Clients turn to us for our ability to assemble highly skilled teams comprising members from around the country and the world, when necessary, with a proven record of addressing novel legal issues and crafting innovative strategies that prioritize our clients' business objectives. When billions of dollars—or a company's existence—are on the line, clients count on us to deliver the results they need. Our litigators are often tapped by clients to take over cases when the stakes are highest, such as when the prospect of trial becomes imminent or when a critical issue needs to be addressed on appeal.

Skadden was called upon by Sabre Holdings to take over at trial in an 11-year battle in which US Airways sought \$900 million in damages. We secured a

jury verdict awarding just \$1 (trebled to \$3) allowing Sabre to emerge victorious and close the litigation. Most recently, Skadden represented Six Flags, replacing existing counsel, in achieving a dismissal on standing grounds that could potentially give rise to a split in the circuits.

What traits do you respect most in opposing firms and lawyers? We respect firms and lawyers who share our goal of elevating the practice of law through the highest ethical standards and a commitment to public service. Some of our strongest professional relationships are with firms that share our values, whether they are opposing counsel with whom we zealously spar or peer firms with whom we compete for business.

What is the firm doing to ensure future generations of litigators are ready to take the helm? As we mark our 75th anniversary this year, we reflect upon what has made our firm unique. One focus has been attorney development and education. From the investment we make in our associates from day one—through an intensive training program—to our continuing education and well-being offerings, we are constantly adapting to ensure that future litigators are prepared and ready for courtroom battles. Our junior attorneys are in the trenches on the biggest cases, and we position them early to gain critical client and courtroom experience that helps their careers flourish. The proof is in the pudding: 93% of our New York litigation partners began their careers as Skadden associates.