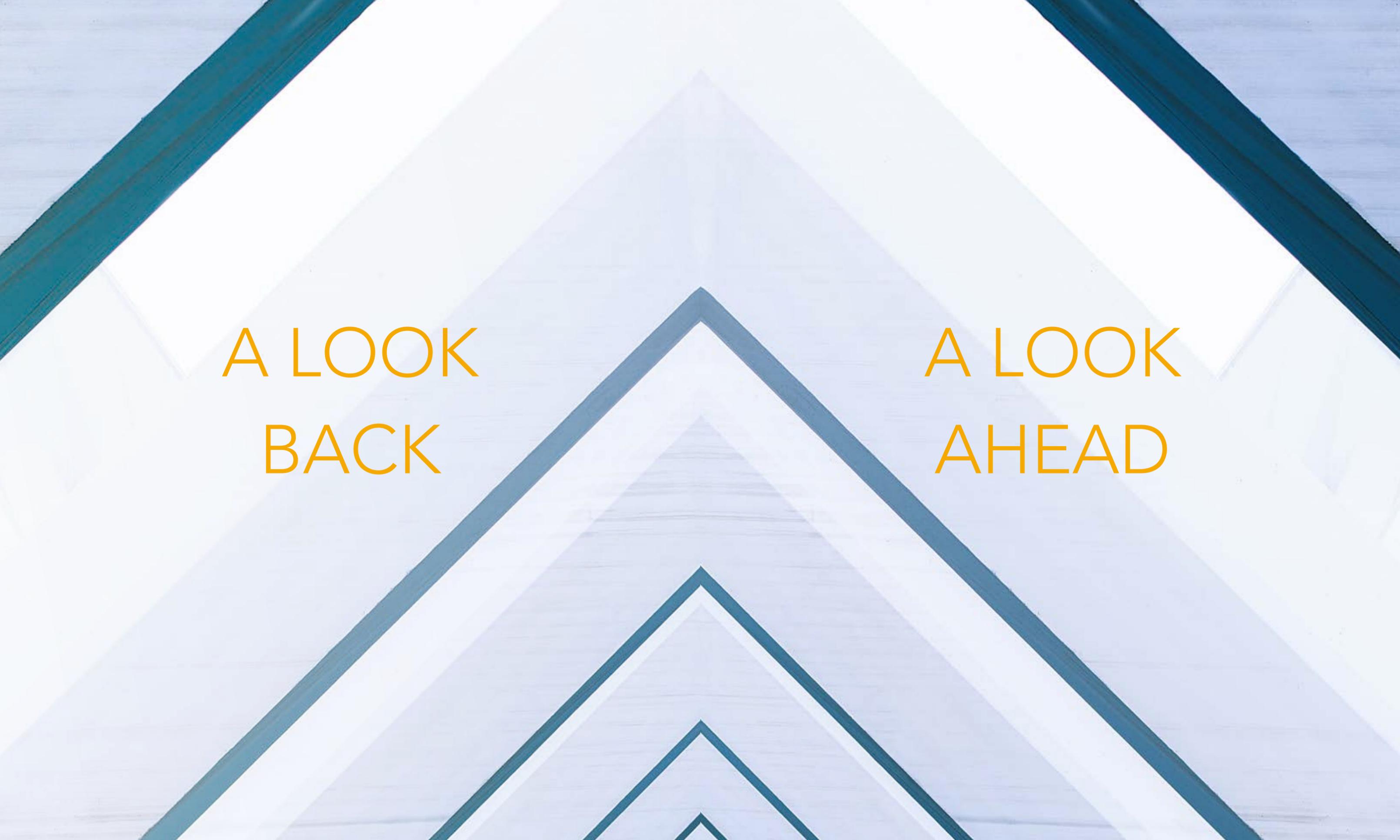


MAYER | BROWN

LITIGATION YEAR
IN REVIEW **2018**

Accolades | Talent | Global Impact



A LOOK
BACK

A LOOK
AHEAD

Our “one-firm” culture—**seamless and integrated** across all practices and regions—ensures that our clients receive the best of our knowledge and experience.

WITH THANKS

We are delighted to share with you Mayer Brown’s *Litigation Year in Review*. Similar to past years, this *Review* highlights the many successes that were achieved by partnering with clients and delivering on our core service principles.

EXCELLENCE — Clients rely on us to deliver extremely high and uncompromising standards of quality across all of our offices. We are honored to serve a significant proportion of the Fortune 100, FTSE 100, CAC 40, DAX, Hang Seng and Nikkei index companies, as well as more than half of the world’s largest banks.

DISTINCTIVELY GLOBAL — Our global platform is built to serve the growing needs of our clients, whose businesses and matters are increasingly multi-jurisdictional in nature. With extensive reach across four continents, we are the only integrated law firm with approximately 200 lawyers in each of the world’s three largest financial centers—New York, London and Hong Kong—the backbone of the global economy.

STRATEGIC PARTNERING — Our diverse teams of lawyers are recognized by our clients as strategic partners with deep commercial instincts who anticipate the challenges our clients face and deliver the solutions they need.

We hope you enjoy this brief overview, which features some of the complex and ground-breaking cases we have worked on and also celebrates the arrival of new colleagues who are committed to advancing the strategic aims of our clients.

Thank you for allowing us to be part of your success. ■

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KEY FIGURES

- 3 consecutive years named "Firm of the Year" by *Law360*
- 8 consecutive years named to *Law360's "Global 20"* list
- 7 *Law360 "Practice Group of the Year"* awards
- 2 new offices, San Francisco and Tokyo
- 8 prominent laterals
- 11 consecutive years named to *National Law Journal's "Appellate Hot List"*
- 8 Supreme Court arguments this Term
- 4 consecutive years named to *Global Investigations Review's "GIR 30"*



Richard Spehr, Partner, New York

“...THEY ARE RESPONSIVE AND EFFICIENT, PROVIDING A LEVEL OF SERVICE OTHER LARGE WHITE-SHOE FIRMS ONLY ASPIRE TO.”

BENCHMARK LITIGATION



2018

PRACTICE GROUPS OF THE YEAR

For the third consecutive year, Mayer Brown was named a 2018 “Firm of the Year” by *Law360* on the basis of its victories in seven “Practice Group of the Year” categories, including Consumer Protection, Cybersecurity & Data Privacy, Environmental, Food & Beverage, Government Contracts, Project Finance and Telecommunications. This award recognizes the top four firms “behind the litigation wins and major deals that resonated throughout the legal industry in the past year.” Many of the prominent dispute-resolution activities that led to this recognition are captured herein.

CONSUMER PROTECTION

Mayer Brown was named a *Law360* Consumer Protection Group of the Year for the second consecutive year after guiding Zillow Group through a three-year CFPB investigation and securing significant wins for Nestlé Purina and others in labeling and false advertising class actions. Our successes in consumer-driven disputes went beyond the technology and food industries to include a win for a global telecommunications company against a TCPA suit.

CYBERSECURITY & DATA PRIVACY

Mayer Brown was recognized as a *Law360* Cybersecurity & Data Privacy Group of the Year after securing wins for various high-profile clients, including CitiMortgage and AT&T in significant Telephone Consumer Protection Act (TCPA) class actions. Our practice is also defending multiple technology companies against a recent onslaught of cases alleging violations of Illinois’ Biometric Information Privacy Act (BIPA).

[Continued >](#)

Continued >

ENVIRONMENTAL

Mayer Brown's Environmental Practice was honored with *Law360's* Practice Group of the Year award after earning a successful streak of high-stakes victories, including establishing proper venue for all Clean Water Act cases and securing a victory in the Supreme Court in the most closely watched environmental case concerning the scope of the Endangered Species Act.

FOOD & BEVERAGE

For the third consecutive year, Mayer Brown was recognized as a *Law360* Food & Beverage Group of the Year after securing two industry-impacting wins for Foster Poultry Farms Inc. and Nestlé Purina PetCare Co. Mayer Brown continues to earn significant wins on behalf of some of the world's largest food and pet food companies.

GOVERNMENT CONTRACTS

Mayer Brown earned a spot in *Law360's* Government Contracts Practice Group of the Year category for achieving high-profile victories in a number of closely-watched disputes, one of which involved a nearly \$7 billion contract award. Our practice was also recognized for being able to effectively represent clients in high-stakes national security litigation because several members of the practice maintain high-level security clearances in the US government.

TELECOMMUNICATIONS

Mayer Brown's Technology, Media & Telecommunications practice displayed an impressive range in the past year, raking in accomplishments—from advising on significant deals and government contracts to resolving disputes related to intellectual property matters, TCPA class actions and contentious employee-benefits issues. These experiences resulted in *Law360* recognizing Mayer Brown as a Telecommunications Practice Group of the Year. ■



“THEIR WORK PRODUCT IS EXCELLENT AND THEY HAVE THE RESOURCES TO GET INVOLVED IN BIG CASES.”

CHAMBERS & PARTNERS USA

Profiles:

LAW360 MVPs

Since 2010, *Law360* has published an annual list of MVPs, recognizing lawyers who have “distinguished themselves from their peers over the past year by securing hard-earned successes in high-stakes litigation, record-breaking deals and complex global matters.” Up against nearly 1,000 submissions, three Mayer Brown litigators were recognized as MVPs in 2018.

2018 Environmental MVP

Timothy Bishop

Tim prevailed in a closely-watched environmental dispute decided by the Supreme Court on the same day that another of his environmental cases was accepted by the high Court for review. This impressive feat resulted in a spot among the publication’s 2018 Environmental MVPs.

Tim led a coalition of 18 industry clients in litigating the proper jurisdiction for challenges to the Waters of the United States rule, which pushed to expand the scope of the Clean Water Act. The Supreme Court sided with

Tim’s argument and said that the district courts had jurisdiction. Tim’s accomplishment hinged on figuring out how to get the Supreme Court to weigh in definitively.

Tim and his team were able to devise a successful strategy of having one client omit its name from the petition for review in the court of appeals and, instead, to intervene as a respondent to challenge that court’s jurisdiction. This tactic was essential to the Supreme Court’s ability to hear the case. A final decision on the matter saved his clients significant time and money. ■

Timothy Bishop,
Partner, Chicago



“Significantly, success was achieved less in obtaining a particular ruling from the Supreme Court, and more in obtaining a ruling at all that settled jurisdiction.”

Mark Hanchet,
Partner, New York

"[T]he decision was a watershed moment for the international banking community."

2018 Banking MVP

Mark Hanchet

Mark scored several big victories over the past year representing HSBC in actions brought under the Anti-Terrorism Act (ATA), shaking off two suits for jurisdictional reasons and landing one dismissal that will define the relatively young statute for decades to come. These accomplishments earned him a spot among the publication's 2018 Banking MVPs.

Mark led a counsel team to a major victory for both HSBC and the international banking industry when a judge dismissed a lawsuit filed by American survivors of a suicide bombing in Jordan perpetrated by al-Qaeda. The plaintiffs had alleged that HSBC provided services to a Saudi bank allegedly tied to terror financing, leading them to file claims under the recently enacted Justice Against Sponsors of Terrorism Act (JASTA), an amendment to the ATA.

A judge known for being tough on banks ultimately sided with Mark's argument that the suit did not sufficiently plead that HSBC provided "knowing substantial assistance" to those behind the attack. ■

2018 Intellectual Property MVP

Paul Hughes

In 2018, Paul achieved multiple significant intellectual property victories at the Federal Circuit—including one that clarified the standard of divided infringement—landing him a spot as one of the publication’s 2018 Intellectual Property MVPs.

Paul and his team persuaded the Federal Circuit to find that lockmaker Travel Sentry Inc., along with the luggage companies that license its lock system, could be jointly liable for infringing lockmaker Safe Skies’ patented “dual-access” luggage lock that can be opened by airport-security workers.

Paul was hired to represent Safe Skies after a lower court judge granted summary judgment of noninfringement to Travel Sentry and the other luggage makers. Paul delivered a resounding victory for his client when the appeals court chose to vacate that ruling. The ruling was an important victory for our client because it will help shape the law moving forward and have a significant impact on many other cases in the years to come. ■

“It’s the sort of decision that has significant precedential effect that will impact not just the facts of our case, but many other cases in the years to come.”

Paul Hughes,
Partner, Washington DC

"WE GET GOOD ANSWERS TO OUR QUESTIONS AND THEY ARE ALWAYS WELL PREPARED."

CHAMBERS & PARTNERS ASIA-PACIFIC



Venna Cheng, Partner, Hong Kong

2018

FINANCIAL TIMES

MOST INNOVATIVE LAW FIRMS

Mayer Brown continues to be recognized on a global basis for our ability to take on challenging matters and cases that require innovative, out-of-the-box solutions.

Ranked as one of the “Most Innovative Law Firms for Legal Expertise” in *Financial Times*’ annual report, “North America Innovative Lawyers.” We were also commended for our work in resolving uncertainty over whether challenges to the Clean Water Act should be heard in the federal district courts or the courts of appeal and reuniting two families who had been separated as a result of the Trump Administration’s border policy.

Ranked as one of the “Most Innovative Law Firms” in the Asia-Pacific region by *Financial Times*.

Ranked as one of the “Most Innovative Law Firms” in Europe by *Financial Times*. ■



Sector Focus:

TECHNOLOGY

Mayer Brown's Litigation practice has been at the forefront of delivering innovative legal services to a diverse set of clients. These businesses include many of the most influential technology companies in the world, such as Facebook, Google, AT&T, Twitter, Lyft, Spotify and Shutterfly.



In 2018, we handled many contentious technology-related matters. For example, we serve as lead counsel for Facebook in several putative class actions, including several cases alleging that the company's facial-recognition feature violates Illinois' Biometric Information Privacy Act (BIPA) and two others challenging Facebook's use of cookies under federal and state privacy laws. The BIPA suits are especially novel: they are among the first lawsuits to challenge a private company's use of facial-recognition technology, and they have spawned a host of recently-filed copycat BIPA cases against other technology companies.

Our lawyers also serve as counsel to Google in *Frank v. Gaos*, which we argued before the Supreme Court on October 31, 2018. This case—a class action alleging privacy violations—involves whether the Court considers *cy pres* settlements to be “fair, reasonable and adequate” as well as fundamental questions about whether the plaintiff has standing to sue in federal court.

The latter issue implicates the Supreme Court's decision in *Spokeo, Inc. v. Robins*—a significant victory for technology companies that the firm achieved in 2016.

Mayer Brown's other activities in 2018 are revolutionizing privacy law. For example, our lawyers are representing Twitter in its ongoing suit with the Department of Justice over what classified information the company can reveal in order to provide its users with greater transparency and control over their privacy.

Beyond litigation, Mayer Brown's ongoing work as legal counsel for the 21st Century Privacy Coalition reflects the firm's leadership in the legislative and policy arena. Mayer Brown is poised to play a prominent role as Congress considers privacy legislation in 2019.

This innovative work and dedication to handling complex issues for major technology clients resulted in *Law360* recognizing our practice as a 2018 “Cybersecurity & Privacy Group of the Year.”

Left to right:

Archis Parasharami, Partner, Washington DC

Lauren Goldman, Partner, New York

John Nadolenco, Partner, Los Angeles

“THEY HAVE A STRONG LITIGATION FOOTPRINT. THEIR TEAM INCLUDES MANDARIN AND CANTONESE SPEAKERS, WHICH IS AN ADVANTAGE FOR CLIENTS.”

CHAMBERS & PARTNERS ASIA-PACIFIC



Yu-Jin Tay, Partner, Singapore

NOTABLE CASES

WEYERHAEUSER COMPANY

Mayer Brown litigators secured a unanimous victory for Weyerhaeuser Company in the US Supreme Court by obtaining reversal of a Fifth Circuit decision holding that the US Fish and Wildlife Service properly designated private land in Louisiana as “critical habitat” for the endangered Dusky Gopher Frog under the Endangered Species Act, even though there are no frogs on the land and radical changes would have to be made in the land before the frog could live there. The Court held that “critical habitat” must first be “habitat” for the endangered species and that the agency’s decision whether to exclude property from a critical habitat designation is reviewable in court for abuse of discretion. The Court remanded the case to the Fifth Circuit so that the lower court could apply the correct legal standards in the first instance.

THE BIG TEN CONFERENCE, INC.

We represent The Big Ten Conference, Inc. in a number of putative class actions alleging that the NCAA, along with a number of NCAA Division I Conferences, conspired to, among other things, cap the value of scholarship awards to student-athletes to the detriment of the putative class members. The NCAA is facing a number of high-profile challenges—including a number of antitrust challenges—to its rules and policies that seek to protect and foster amateurism in college/university athletics. This scholarship litigation is one of the few that names both the NCAA and major Division I Conferences as defendants and alleged co-conspirators. The matter went to trial in September 2018 and closing arguments were presented in December 2018. The parties await the court’s decision.

PANAMA CANAL AUTHORITY

Mayer Brown—acting with co-counsel—successfully advised the Panama Canal Authority in the second in a series of arbitrations with the contractor and its shareholders in connection with the construction of the Third Set of Locks Project. In deciding the case, a three-member tribunal ordered the immediate repayment of over \$800 million of advance payments which the contractor had to date refused to repay. The tribunal also awarded the majority of the Authority’s claimed legal costs. This award follows a previous successful arbitration award in 2017 where a tribunal dismissed the contractor’s claims for approximately \$200 million.

3M COMPANY

Mayer Brown represented 3M Company, an American multinational corporation, in connection with a suit brought by the state of Minnesota for alleged natural-resource damages related to contamination from per- and polyfluorinated alkyl substances (PFAS) that allegedly were released in the East Metro area of Minneapolis. The firm now serves as 3M Company’s national counsel in PFAS cases involving personal injury, property damage and other claims.

GEORGETOWN UNIVERSITY

Mayer Brown scored a major victory for client Georgetown University when a federal district judge dismissed a class action lawsuit alleging that Georgetown had mismanaged its retirement plan for faculty and staff. The plaintiffs alleged that they were entitled to hundreds of millions of dollars in damages, but the Mayer Brown team convinced the court that the claims did not warrant discovery. Since 2016, plaintiffs’ firms have targeted 20 universities across the country in such suits. We have been retained to defend seven of these universities—more than any other law firm—including Cornell, Yale, Columbia and Georgetown, among others.

HANJIN TRANSPORTATION CO. LTD.

Mayer Brown litigators secured a favorable settlement for Hanjin Transportation Co. Ltd. in connection with investigations by the US Department of Justice (DOJ) into allegations of a bid-rigging conspiracy that targeted US military bases in South Korea. The team reached a global settlement of \$7 million for Hanjin. The two co-defendants will pay \$225 million to resolve their liability. The DOJ described the settlements—the first to resolve criminal and civil antitrust and civil fraud claims at one time—as “historic” and “unprecedented.”

Continued >

NOTABLE CASES

Continued >

MAXELL HOLDINGS, LTD.

Mayer Brown's patent litigators secured major victories for Maxell Holdings, Ltd., a Japanese company that manufactures consumer electronics. The first victory was secured before the Eastern District of Texas in a patent infringement case against ZTE USA, Inc. over seven patents directed towards smartphone and tablet technology, including navigation, power management, audio and camera features. After a 10-day trial, the jury returned a verdict finding each patent valid and infringed by ZTE and awarding Maxell \$43.3 million in damages. The jury also found ZTE's infringement willful. Mayer Brown secured a second major victory for Maxell when the US Patent Trial and Appeal Board (PTAB) denied each of seven *inter partes* petitions filed by ZTE Corp. and ZTE USA Inc. against Maxell's asserted patents. The PTAB's denials confirmed the jury's validity findings in the litigation. Mayer Brown also successfully concluded litigations for Maxell against Blu Products and Olympus during 2018.

HSBC

Mayer Brown won the first decision in New York to apply the newly enacted Justice Against Sponsors of Terrorism Act (JASTA), an amendment to the US Anti-Terrorism Act (ATA) that provides for secondary liability under certain circumstances. ATA claims were asserted against two HSBC entities in the Southern District of New York after al-Qaeda orchestrated a suicide bombing in Amman, Jordan that left numerous Americans dead or injured. The plaintiffs alleged that when HSBC provided banking services to a Saudi bank with alleged ties to terror financing, it aided and abetted the attack in Jordan. On July 27, 2018, the Southern District of New York dismissed the case, *Siegel v. HSBC Bank*. Echoing Mayer Brown's arguments, the judge cautioned against the plaintiffs' overly expansive view of JASTA and emphasized the need to carefully examine JASTA's required elements in cases involving claims against international banks. The victory was the latest in a string of wins Mayer Brown has secured for HSBC in ATA cases.

CIBC

Canadian Imperial Bank of Commerce and CIBC World Markets Corp. were facing \$947 million in damages in a lawsuit brought by Oppenheimer Holdings and Oppenheimer & Co. arising from the sale of CIBC's US investment banking business. With Mayer Brown as its counsel, CIBC won a complete dismissal of the case. On July 2, 2018, the New York Supreme Court in Manhattan granted CIBC's motion for summary judgment in its entirety, ruling that CIBC did not breach the parties' agreements or violate their implied covenant of good faith and fair dealing and that CIBC World Markets did not tortiously interfere with CIBC's performance. The deadline to file an appeal expired in August, officially ending the case.

TOYOTA

In 2017, Kobe Steel, a major Japanese industrial company, announced that it had provided false data to its customers (including aircraft and automobile manufacturers) about whether materials that Kobe sold had met certain specifications. Subsequently, two Californians sued both Kobe and Mayer Brown client Toyota, alleging that certain Toyota vehicles contained Kobe metal and that those vehicles' performance and safety were affected by the mere presence of the metal.

Mayer Brown persuaded a federal judge in San Francisco to dismiss the class action because the claims were speculative and, at best, premature—especially because the lawsuit did not allege that any cars had actually exhibited any defect. ■

"THEY'RE VERY
USER-FRIENDLY
AND WILLING TO
TAKE TIME TO
UNDERSTAND OUR
BUSINESS."

CHAMBERS & PARTNERS UK

The National Law Journal

TRAILBLAZERS



Since 2014, *The National Law Journal* has published an annual list of Trailblazers, recognizing lawyers who show a “deep passion and perseverance in pursuit of their mission, having achieved remarkable successes along the way.” In the past four years, twelve Mayer Brown litigators have been recognized as Trailblazers for moving the needle in the legal industry and exhibiting excellence in their respective practices.

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We are very proud to report that Mayer Brown litigator Nancy Ross was added to our growing team of Trailblazers in 2018. Her profile, as printed by *The National Law Journal*, follows.

NANCY ROSS

PIONEER SPIRIT

After landing her first job as part of an employment law practice of a large firm, Nancy Ross was approached by a manufacturing company sued by the UAW over retirement medical benefits. ERISA was only 10 years old, but that type of litigation was spiraling because of changes in accounting laws.

“More cases started to arise regarding necessary benefit changes. I was one of few with experience testing ERISA in the courts.”

TRAILS BLAZED

In 2014, Ross successfully argued before the Second Circuit that ERISA preempted a Vermont law requiring her client to turn over sensitive employee medical records. The case ultimately went to the US Supreme Court. “It’s one of the leading cases in ERISA preemption and caused many other states to forgo similar statutes, helping to promote ERISA uniformity

nationwide.” She has also worked with the nation’s unions to achieve win-win situations where employers can continue to provide benefits but also sustain jobs. “For example, in the late 2000s Chrysler was leaning towards bankruptcy because it couldn’t compete with foreign companies due to benefits obligations. It is essential to our nation’s health to preserve the equilibrium between a company’s ability to provide retirement benefits and its ability to stay afloat.” It’s critical to understand that fundamental balance at ERISA’s core, promoting privatized benefits from employers. To that end, Ross has fought successfully to curtail “innocent mistakes” in plan administration from burgeoning into costly damages awards.

FUTURE EXPLORATIONS

Ross believes employee benefits law continues to demand attention both legislatively and in the courts. She feels we are at a crossroads of what is yet to come, including whether Congress will act to reduce the risk of litigation. ■

“The courts are overrun with lawsuits threatening our nation’s dependence on voluntary benefits programs. It’s become a runaway train.”

SUPREME COURT & APPELLATE

Mayer Brown's Supreme Court & Appellate practice finished 2018 with very big news, multiple precedent-setting victories and eight cases that will be heard by the Supreme Court this Term.

NEW CO-HEAD OF PRACTICE

We are very proud to announce that Nicole A. Saharsky has joined Mayer Brown in our Washington DC office. Nicole is a veteran of the Office of the Solicitor General at the US Department of Justice, where she served for ten years as an assistant to the solicitor general. She has argued 29 cases, briefed 45 cases on the merits, and filed hundreds of certiorari-stage briefs and motions in the Supreme Court. She has argued more cases in the Court than any other woman over the past decade. Nicole also has substantial experience in the federal circuits of appeals and will serve as an essential asset to Mayer Brown's broad client base. Turn to page 66 for further information on Nicole and what she has planned for the practice.

MAJOR VICTORIES

In 2018, we continued to earn precedent-setting victories in Federal and State appellate courts across the United States. In the Federal Circuit, we delivered Google a hat-trick win on three separate patent issues of significant importance (*Zuili v. Google LLC*) and resolved a critical issue of widespread importance to patent litigants concerning divided infringement (*Travel Sentry v. Tropp*). We also prevailed on behalf of AT&T in the Ninth Circuit, which rejected a constitutional challenge to judicial enforcement of arbitration agreements (*Roberts et al. v. AT&T Mobility LLC*). But our work before the Supreme Court was most impressive. We won two significant business cases last Term, one of which solves a jurisdictional issue that has hindered Clean-Water-Act litigants for decades (*National Ass'n of Manufacturers v. Dep't of Defense*) and another that resulted in a unanimous victory on an issue of bankruptcy law that had divided the lower courts (*Lamar, Archer & Cofrin, LLP v. Appling*).

Continued >

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EIGHT CASES THIS TERM

We have eight cases scheduled for the Supreme Court this Term and have provided brief snapshots of each case below. We look forward to disclosing our results in next year's *Review*.

- We defended a significant win for Google in the Supreme Court this Term. This case (*Frank v. Gaos*) marks the first time that the Supreme Court will be considering the use of *cy pres* relief in class action settlements. The Court also requested briefing on constitutional standing issues arising from Mayer Brown's 2016 victory in *Spokeo, Inc. v. Robins*.
- The Supreme Court granted our petition for certiorari in an arbitration case (*Lamps Plus Inc. v. Varela*), further cementing our reputation as the leading appellate specialists on issues relating to the enforcement of arbitration provisions.
- The Supreme Court granted our petition for certiorari in a case (*Kisor v. Wilkie*) that will decide whether to overrule a line of cases instructing courts to defer to an agency's interpretation of its own regulation. The Court's ruling will have significant implications for administrative law and may offer important clues to the Justices' views on deference generally.
- The Supreme Court granted our petition for certiorari in a case (*Smith v. Berryhill*) that will decide whether the Appeals Council's decision to reject a disability claim on the ground that the claimant's appeal was untimely is subject to judicial review—an issue that affects thousands of claims for benefits every year. The government responded to the petition by confessing error, and the Court has appointed an amicus to defend the judgment against our client.

- Mayer Brown represents the respondents in a Supreme Court case (*Taggart v. Lorenzen*) that will decide whether, under the Bankruptcy Code, a creditor's good-faith belief that the discharge injunction does not apply precludes a finding of civil contempt. The case has significant implications for creditors seeking to collect debts when it is uncertain whether the debts were discharged in bankruptcy.
- After two previous high-profile visits to the Supreme Court in the 2015 and 2017 Terms, the long-running challenge (*Lamone v. Benisek*) to Maryland's 2011 partisan gerrymander will return to the Supreme Court a third time this Term. The plaintiffs—who have been represented by Mayer Brown since 2014—alleged that the legislature disapproved of the views they had expressed at the ballot box in prior elections and, for that reason, deliberately diluted their votes and disrupted their associational activities, all in violation of the First Amendment. Following eight prior published decisions over a span of four years, the three-judge district court agreed, entering final judgment in favor of Mayer Brown's clients. The state appealed, and the Supreme Court granted full briefing and argument.
- In a Supreme Court case (*Manhattan Community Access Corp. v. Halleck*) that could have far-reaching effects in First Amendment law, the Court granted our petition for certiorari regarding the authority of a state and municipality to designate locations as public forums.
- The Supreme Court granted our petition for certiorari in an important case (*Weyerhaeuser Co. v. U.S. Fish & Wildlife Service*) regarding the scope of the Endangered Species Act, subsequently ruling unanimously for our client in one of the Term's first decisions. ■

Pro Bono:

A QUEST FOR JUSTICE

Mayer Brown is working on a variety of fronts—and has been doing so for some time—to serve the needs of individuals and families caught up in immigration and asylum cases across the United States.

Performing legal work on behalf of pro bono clients is one of the ways we live our important core value of contributing to the communities in which we live and work. And most importantly, it can help us to do our part in providing access to justice for the most vulnerable in our society.

Paul Theiss, Chairman

Amid a flurry of outrage concerning the issue of family separations at the US border, a group of Mayer Brown lawyers worked around the clock to secure the release of a nine-year-old Brazilian boy who was separated from his mother and placed in a Chicago shelter for nearly a month while seeking asylum in the US. This case was covered extensively by news organizations across the globe.

Marco's case is not at all unique — wrongful immigration decisions are far too common. Our Constitution and laws require fair decision-making processes, with strong judicial oversight. And we need permanent protection for Dreamers.

Andrew Pincus, Partner

Our lawyers also successfully took on seven cases through the Immigration Justice Campaign involving parents who were separated from their children after fleeing their native countries to seek asylum in the US. The children, who had spent months in shelters separated from their mothers and fathers, ranged from two to eight years of age. The work involved negotiating with the Department of Justice, the Department of Homeland Security, and the Office of Refugee Resettlement to reunify our clients with their children. With Mayer Brown's assistance, all of these parents and children were reunited and six of the families are now pursuing asylum claims in the US.

We also worked with the National Immigration Law Center and the Law Offices of Stacy Tolchin to secure a significant victory that brought "Dreamer" Marco Villada Garibay back to the US after he was stranded in Mexico for six months. Marco, who was previously protected from deportation under the Deferred Action for Childhood Arrivals (DACA) program, had received a waiver to travel to Mexico for a consular

interview to apply for a spousal-immigrant visa. Despite having lived nearly his entire life in the US and following all rules to adjust his status to lawful permanent residency, Marco was mistakenly barred from returning to the US. After months of legal advocacy and community pressure, he was rightfully allowed to return home to his husband in California.

We also worked with national pro bono firm Public Counsel to successfully represent two Hondurans who fled violence to seek refuge in the US. Our team of lawyers was able to secure asylum for both clients. ■

"THEY DO AN EXCELLENT JOB STAYING SEVERAL STEPS AHEAD AND THEY'RE VERY GOOD WORKING WITH CLIENTS."

CHAMBERS & PARTNERS USA



Debra Bogó-Ernst, Partner, Chicago



Megan Webster, Partner, Chicago



Lucia Nale, Partner, Chicago

Profiles:

LATERAL HIRES

2018 was another groundbreaking year for cultivating talent across the United States and Europe. The exceptional lawyers who joined our firm this year further strengthen our global footprint and enhance our litigation capabilities worldwide. We are delighted to introduce this distinguished group of lawyers to our clients.

SAM EASTWOOD

BOB HARRELL

AUDREY HARRIS

JASON HUNGERFORD

GLEN KOPP

JON RICE

NICOLE SAHARSKY

MEGAN WEBSTER



SAM EASTWOOD
PARTNER, LONDON

Sam Eastwood is widely recognized and ranked for his anti-bribery and regulatory compliance work. He has considerable experience advising large corporations and financial institutions on cross-border investigations involving complex financial, accounting and anti-corruption matters. He also advises on ethics, anti-corruption and human rights issues in connection with companies' internal compliance policies and procedures and international business transactions. In addition, on the commercial-disputes side of his practice he advises on claims arising from corporate acquisitions, joint ventures, shareholder disputes and competition-related matters.

"I was impressed by the strength of Mayer Brown's reputation, the quality and character of the people, and the ambition and energy of the firm."



BOB HARRELL
PARTNER, HOUSTON

Veteran trial lawyer Bob Harrell has experience representing a wide variety of companies on business-litigation matters in federal and state courts and before arbitration panels. He represents companies in the financial, insurance, energy, manufacturing, technology and telecommunications/networking sectors in matters such as shareholder and corporate disputes, class actions, suits against directors and officers, all types of securities litigation, patent infringement and other types of intellectual property and technology disputes, complex insurance coverage disputes, RICO claims, breaches of contract and fraud.

"Mayer Brown's global platform, deep client relationships and collaborative culture were key factors in my decision to join the firm. I intend to leverage my trial experience and work closely with the firm's impressive transactional practices to better serve clients in lawsuits—particularly in the financial institutions/insurance and energy sectors—in Houston and elsewhere."

**AUDREY HARRIS**

PARTNER, WASHINGTON DC

Audrey Harris rejoined Mayer Brown after serving as the chief compliance officer for global resources company BHP. Based in Melbourne, Australia, she led a global Ethics and Compliance function, providing deep experience in anti-corruption, trade sanctions, export controls, competition, ethics and investigations, state and commercial secrets, and market conduct compliance, with a team of professionals and lawyers across four continents. Audrey will co-lead the firm's global Anti-Corruption & Foreign Corrupt Practices Act (FCPA) practice.

A veteran FCPA and white collar practitioner, Audrey also has over a decade of experience handling multi-year, multinational investigations, with a comprehensive investigations, counseling and defense capability.

"Mayer Brown's global platform and ability to provide clients practical approaches and holistic advice drove my decision to rejoin the firm. Countries across the globe are enhancing legislative regimes and building enforcement capabilities. Increasingly, successful defense depends on effective compliance programs, credible internal investigations and coordination across jurisdictions. Leveraging a company's existing systems and experience to target the next emerging risk can be a market differentiator. Mayer Brown is uniquely positioned to partner with clients in this space—providing risk-based approaches tailored to clients' business models, along with global investigations and enforcement experience."

**JASON HUNGERFORD**

PARTNER, LONDON

Jason Hungerford, a UK and US-qualified lawyer who previously practiced in Washington DC, represents corporations and financial institutions in government and internal investigations and on the design and testing of compliance programs related to US, UK and EU economic sanctions, export controls, anti-bribery, and anti-money laundering laws. Jason advises clients in enforcement, licensing and interpretive matters before a range of regulatory bodies, including HM Treasury (OFSI), HM Revenue & Customs, the UK National Crime Agency, and the US State, Treasury (OFAC) and Commerce Departments. Jason's international practice spans Brazil, China and Southeast Asia, Europe—particularly the Nordic region and Russia—and the United States. He also has an active practice advising on the financial crime-regulatory aspects of M&A, joint venture, private equity and capital markets transactions.



GLEN KOPP
PARTNER, NEW YORK

As a former Assistant US Attorney in the Southern District of New York, Glen Kopp conducted complex investigations, prosecuted criminal jury trials and argued in the federal court of appeals. He handled a variety of fraud investigations and led the prosecution of matters involving international money laundering, terrorism and national security. In private practice, Glen has advised corporate and financial institution clients facing regulatory and enforcement investigations in a broad array of areas, including corporate and securities fraud, the Foreign Corrupt Practices Act (FCPA), government contract fraud and cybersecurity, among others.

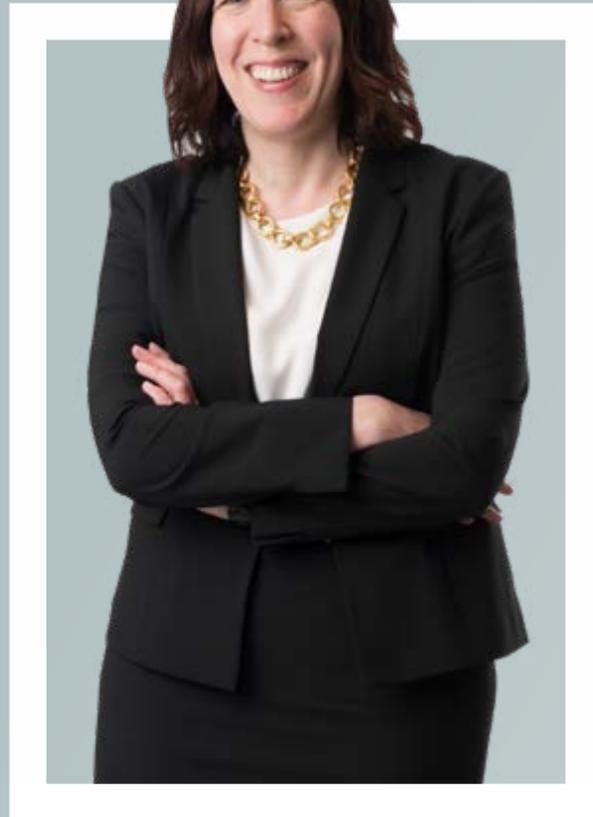
"Multinational corporations today face government scrutiny around the world, with confusing and often conflicting regulatory regimes. This was a significant factor in my decision to join Mayer Brown, which, with its global platform, offers abundant opportunity to advise clients facing these pressures around the world."



JON RICE
PARTNER, HOUSTON

Jon Rice is a complex commercial litigator with more than 20 years of experience, both nationally and throughout the state of Texas. Two of Jon's core focus areas include matters based on D&O, E&O, and professional liability insurance coverages and matters arising from intellectual property. Although the bulk of Jon's IP experience includes infringement actions pending in the Eastern and Southern Districts of Texas, he has also represented clients in IP actions in Virginia, Delaware and California. Jon also has deep experience in advising boards and senior executives of publicly traded companies on risk-mitigation issues, in particular those relating to corporate insurance coverages. Jon is excited to help Mayer Brown expand its complex litigation practice in Houston, while further developing the firm's insurance and patent litigation practice throughout the United States.

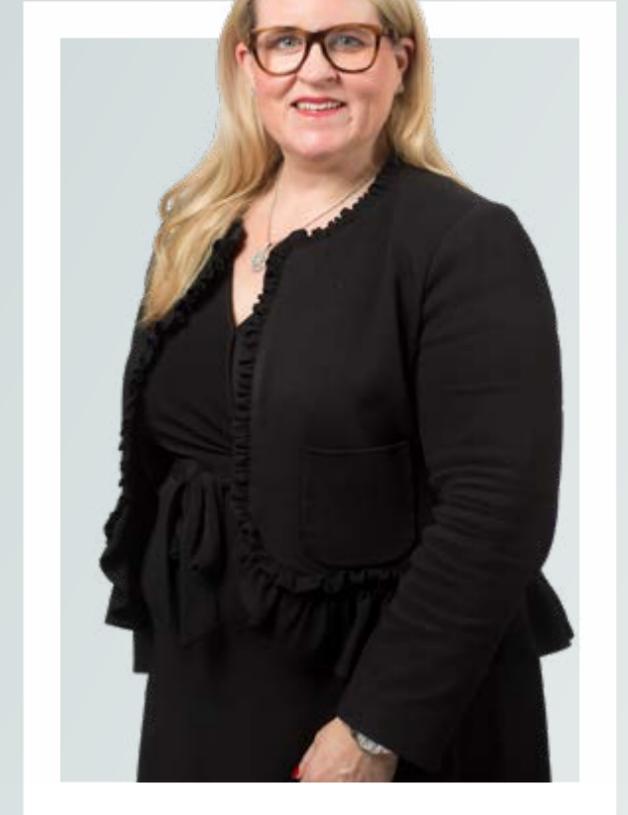
"Mayer Brown's ability to integrate its nationwide talent and its strong reputation for litigating bet-the-company cases first attracted me to the firm. Its collegial culture, support for entrepreneurial client development and commitment to preeminent client service clinched the deal. I look forward to continuing to work with my new colleagues representing and advising our existing clients and expanding our client base."



NICOLE SAHARSKY
PARTNER, WASHINGTON DC

Nicole Saharsky joined Mayer Brown to co-lead the firm's Supreme Court & Appellate practice. She brings deep appellate experience developed while serving for 10 years in the Office of the Solicitor General at the US Department of Justice. During that time, she argued 29 cases in the Supreme Court, more than any woman in the last decade. She also has filed hundreds of briefs and motions in the Supreme Court. Her cases have involved a broad range of business issues, including securities, intellectual property, labor and employment, bankruptcy, personal jurisdiction and corporate criminal liability.

"Mayer Brown was the trailblazer in bringing to private practice the focused craft and collegial structure of the solicitor general's office. I'm thrilled to join a talented team with a long track record of Supreme Court victories that have fundamentally shaped US jurisprudence."



MEGAN WEBSTER
PARTNER, CHICAGO AND NEW YORK

Megan is a seasoned litigator who is widely regarded as a trusted senior business advisor. She leverages her experiences serving as both in-house and outside counsel to efficiently and creatively solve complex problems for clients. She counsels companies on risk management, litigation avoidance strategies, compliance matters and strategic decisions on multi-disciplinary matters.

For more than a decade, Megan held various high-level in-house counsel positions at large multinational banking and financial services firms, where she managed some of the most significant litigation, investigations and state and federal exam matters for clients. During her tenure in-house, Megan managed a diverse docket of consumer and commercial matters across business lines, including class action and individual litigation, federal and state government investigations and enforcement actions and internal investigations. She also served as lead counsel responsible for domestic antitrust litigation and transactional matters.

"I'm very familiar with Mayer Brown's broad global platform, comprehensive high-stakes litigation experience and deep bench of commercially minded lawyers, which made the firm a natural choice when I was looking at how best to leverage my diverse litigation practice. I look forward to returning to private practice with a deeper understanding of clients' needs and expectations at a firm that is committed to excellence."



Luís Adams, Partner, Brasília (T&C)

"THE TEAM IS VERY KNOWLEDGEABLE, PRAGMATIC IN THEIR ADVICE, RESPONSIVE AND ADEPT AT UNDERSTANDING THEIR CORPORATE CLIENTS' NEEDS."

CHAMBERS & PARTNERS LATIN AMERICA



ENVIRONMENTAL PRACTICE

With a team that includes some of the most distinguished environmental lawyers in the United States, we offer innovative solutions to clients facing litigation, navigating enforcement concerns, implementing regulatory compliance programs or tackling issues that arise in transactions.

Our global presence throughout the Americas, Asia, Europe and the Middle East is significantly supplemented by our deep experience litigating major cases in state and federal courts across the United States and providing preeminent appellate services.

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Left to right:

Richard Bulger, Partner, Chicago

Mark Ter Molen, Partner, Chicago

Timothy Bishop, Partner, Chicago

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At a time when policy is continually changing and organizations face the increasing complexity of environmental regulatory systems, it is crucial for companies to have legal advisors who possess the specialized experience necessary to protect their environmental interests. What sets us apart is a team of dedicated environmental litigators who work almost exclusively on environmental cases, leading to a greater technical understanding of the law and issues involved in each matter. Indeed, our recent successes resulted in *Law360* recognizing the team as a 2018 “Environmental Practice Group of the Year.”

OUR STRENGTHS

Many of the matters we work on are high-stakes, particularly those dealing with emerging torts related to greenhouse gas emissions; site-based mass tort claims, such as the Flint, Michigan water cases and per- and polyfluorinated alkyl substances (PFAS) litigation; issues of first impression under the Clean Water Act; challenges to US Environmental Protection Agency (EPA) regulations under the Clean Air Act; criminal environmental prosecutions; complex environmental cleanup projects involving the application of cutting-edge remediation technologies; and renewable energy projects—including wind and solar facilities—that involve complicated permitting and regulatory requirements.

HIGH-STAKES VICTORIES

Our successful streak of high-stakes victories in 2018 started with a US Supreme Court opinion (*National Ass’n of Manufacturers v. Dep’t of Defense*) that established the proper venue for all Clean Water Act cases and thus put to rest a debate that has cost litigants untold millions over the years. The case was featured in *Law360*’s “Biggest Environmental Rulings of 2018.” Similarly, after successfully petitioning for certiorari, Tim Bishop argued and prevailed in the most closely watched environmental case of the current Supreme Court Term (*Weyerhaeuser Co. v. U.S. Fish & Wildlife Service*), which concerned the scope of the Endangered Species Act.

In addition, we represented 3M Company, an American multinational corporation, in connection with a suit brought by the state of Minnesota for alleged natural-resource damages related to contamination from PFAS that allegedly were released in the East Metro area of Minneapolis.

Mayer Brown now serves as 3M Company’s national counsel in PFAS cases involving personal injury, property damage and other claims. In another example, we are steering Arkema through Clean Air Act litigation addressing the EPA’s authority to restrict the use of hydrofluorocarbons, surviving a challenge in January 2018. *Law360* described the dispute as one of the most significant recent environmental cases. ■

Hank Bullock, Partner, New York

Steven Wolowitz, Partner, New York

2018 *GIR* Awards:

AN EVENING OF CELEBRATION

On October 25, 2018, *Global Investigations Review* (GIR) held its fourth annual “GIR Awards” ceremony to celebrate the global investigations lawyers and practices that have made the most impressive contributions over the previous 12 months. We briefly describe below the three awards that Mayer Brown earned at this prestigious event.

“*[I]t’s apparent that the deal took some highly skilled maneuvering by the bank’s lawyers.*”

— *AM Law Litigation Daily*

Mayer Brown was honored to receive the GIR Award for the year’s “Most Important Development in Investigations.” This award was a result of our work on the landmark Société Générale settlement—the first-ever US and French joint-bribery resolution. Simultaneously, Mayer Brown worked with a cross-border team of lawyers to resolve the bank’s LIBOR manipulation charges with the DOJ and the US Commodity Futures Trading Commission. This innovative work was led by Steven Wolowitz, Hank Bullock, Andrew Calica and Ethan Hastert, as well as numerous other lawyers from the firm’s US and European offices.

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Larry Urgenson—partner and co-leader of the firm’s global Anti-Corruption & FCPA practice—received GIR’s 2018 “Outstanding Career” award. This award is reserved for “an elite group of lawyers that have had standout careers in government and private practice.” The publication highlighted his career as an experienced prosecutor at the US Department of Justice (DOJ), where he “rose up the ranks of the DOJ to oversee the criminal division’s fraud section at Main Justice,” and as a defense lawyer, where “he became a dean of the Foreign Corrupt Practices Act bar, guiding a procession of clients to resolutions over the years.” ■

Mayer Brown is honored to be named to *Global Investigations Review’s* “GIR 30” for the fourth consecutive year. The published list recognizes the most trusted firms in the world that handle cross-border investigations.

Larry Urgenson,
Partner, Washington DC





Q&A

NICOLE SAHARSKY

Partner Nicole Saharsky joined Mayer Brown in November 2018 to serve as a co-head of the Supreme Court & Appellate practice. She is a veteran of the Office of the Solicitor General at the US Department of Justice, where she served for 10 years as an assistant to the solicitor general. Here she discusses her time in the SG's Office, her thoughts on fostering opportunities for young lawyers and her eagerness to build on Mayer Brown's robust history of appellate advocacy.

Q. Serving in the Office of the Solicitor General under three presidential administrations must have required extreme flexibility. How does that flexibility translate to private practice?

A. The interests of the US government are incredibly broad and diverse. Nearly every day involved working on a diverse set of government-agency issues, from a criminal cybersecurity prosecution, to a new ERISA regulation, to an SEC

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enforcement action. My job was to understand the agency's goals and to provide guidance (on appeal) or advocacy (in the Supreme Court) to accomplish those goals. That really translates well to my role at Mayer Brown—whether providing advice on a personal jurisdiction issue in a big trial or briefing a bankruptcy case before the Supreme Court. Spending 10 years in the SG's Office gave me broad experience in juggling multiple cases at all different stages and a broad knowledge of federal law—a great combination.

Q. You have argued before the Supreme Court 29 times on a wide variety of cases/topics. Which case or appearance left the largest impression on you and why?

A. Definitely *United States v. Hayes*. The case concerned a federal law prohibiting people who have been convicted of domestic-violence misdemeanors from possessing firearms. When it enacted this provision, Congress had already prohibited felons from possessing firearms. But Congress realized that many domestic-violence offenses are pleaded down to misdemeanors, so the existing law would not cover those folks—even though they had demonstrated a propensity

“Spending 10 years in the SG’s Office gave me broad experience in juggling multiple cases at all different stages and a broad knowledge of federal law—a great combination.”

for inflicting violence on family members. So Congress enacted the law, but it was not clear whether it applied to all people convicted of misdemeanor domestic-violence offenses or only some of them. The federal government's position, which I argued, was that the law covered all of them, and we won. That victory was particularly special due to its concrete, real-world effects.

Q. You also bring considerable experience advising on trial strategy and serving as preservation counsel. How did you gain those experiences in the SG's Office?

A. Many people don't know this, but in addition to briefing and arguing Supreme Court cases, the SG's Office is responsible for advising government agencies about appeals in the lower federal courts. In fact, for almost all federal government agencies and divisions, when a government lawyer loses a case and wants to appeal, the responsible lawyer has to obtain permission to appeal from the SG's Office. What that means, as a practical matter, is that I spent considerable time counseling agencies about recurring issues and the best way to resolve them. I worked with clients on which arguments to make and which cases served as the best vehicle to promote an argument. I think that corporate defendants are starting to understand just how effective that strategy is.

Q. What appellate trends do you see emerging in 2019 and beyond?

A. Building off my previous point, clients are thinking creatively about recurring issues and how best to resolve them. That is, our clients don't just think about litigating one particular case,

“I worked with clients on which arguments to make and which cases served as the best vehicle to promote an argument.”

but instead think about all of the cases that raise a particular issue and strategize on which case has the best chance for a favorable outcome. More frequently, this includes companies—even competitors—sharing information about recurring issues that affect them all, often through organizations like the Chamber of Commerce or the Retail Litigation Center. This is the same kind of wide-angle approach that the SG's Office took. Essentially, we'd leverage other cases that were raising the issue and strategize accordingly. The private sector is really beginning to embrace this “strength in numbers” strategy.

Q. It has been publicly noted that you are a strong advocate for fostering opportunities for young lawyers. Do you have specific plans over the next few years to get associates and younger partners more involved in the firm's appellate practice?

A. Yes—it's very important that I serve as a resource and mentor for younger lawyers because I have had so many great mentors over the years. My approach is to give younger lawyers real, substantive responsibility on cases while encouraging them to develop appellate-advocacy

skills by, for example, taking on pro bono arguments. I generally sit down with them and ask questions like, “Where do you want to be in five years? If you could work on any type of case, what would you want to do?” And then I try to guide opportunities their way. I remember what it was like to be in their shoes—it wasn't that long ago! It's also very important to provide good, real-world training so that our associates can leverage the true depth of knowledge and experience in our appellate group.

Q. What makes you most excited about co-leading the firm's SCOTUS & Appellate practice?

A. Our appellate practice has an impressive pedigree—it was one of the first specialized Supreme Court and appellate practices, founded by several lawyers from the SG's Office. When they started the practice, they not only brought incredible experience, but a real sense of camaraderie and teamwork. It's important that we continue that tradition of working as a team to provide the best legal services to our clients. It's imperative that we continue to recruit the best talent and train our associates well for the future. I also want to get our appellate group more involved in particular areas of the law where I've excelled. For example, I argued a significant number of securities cases and intellectual property cases in the Supreme Court—I would like to put that experience to use for our clients. I think it's a really exciting time to take part in shaping the future of this practice. ■

Mayer Brown is a distinctively global law firm, uniquely positioned to advise the world's leading companies and financial institutions on their most complex deals and disputes. With extensive reach across four continents, we are the only integrated law firm in the world with approximately 200 lawyers in each of the world's three largest financial centers—New York, London and Hong Kong—the backbone of the global economy. We have deep experience in high-stakes litigation and complex transactions across industry sectors, including our signature strength, the global financial services industry. Our diverse teams of lawyers are recognized by our clients as strategic partners with deep commercial instincts and a commitment to creatively anticipating their needs and delivering excellence in everything we do. Our “one-firm” culture—seamless and integrated across all practices and regions—ensures that our clients receive the best of our knowledge and experience.

Please visit mayerbrown.com for comprehensive contact information for all Mayer Brown offices.

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