

Trials Group Of The Year: Weil

By **James Boyle**

Law360 (March 7, 2024, 2:03 PM EST) -- Successfully defending Facebook parent company Meta from a Federal Trade Commission challenge to its acquisition of a virtual reality company and Comcast from a multimillion-dollar patent dispute are a few of the noteworthy cases that earned Weil Gotshal & Manges LLP a spot among Law360's 2023 Trials Practice Groups of the Year.

The litigation team is a major part of Weil's U.S. and international success, boasting upward of 280 attorneys stateside and more than 50 attorneys outside the U.S. Leading this large and diverse group requires steady coordination and communication among the practice's three co-chairs, David J. Lender, Elizabeth Stotland Weiswasser and Jonathan D. Polkes.

"We all work seamlessly together because we are focused on the same goal, to present the best litigation that can serve the clients," Lender told Law360.

It is additionally important for the litigation group to partner and collaborate with other teams within the firm, Weiswasser told Law360. This comprehensive approach gives them a better understanding of the clients' business and their litigation goals, she said.

The foundation of Weil's litigation success comes from building a collegial office culture that stresses mentorship and collaboration, Weiswasser said. Both she and Lender are "lifers" at the firm. Lender joined in 1993 after earning his law degree from Duke University, with University of Chicago law school graduate Weiswasser close behind in 1994 after clerking for two years on the Federal Circuit.

"There's a lot of free agency in the legal industry, but our people stay," Weiswasser said. "It's not unusual for folks to come out of the summer program and move up over the years to partner. That's one thing our clients like. We don't move around. They get a team that will be there for the full matter. One of us is not going off to another firm and fighting over the client. We give them stability and continuity."

That stability also comes into play with the lateral hires, Lender said. Litigation team co-chair Polkes, who graduated from New York University School of Law in 1984, moved to Weil in 2005 and has become one of the firm's top partners and leaders. Litigators want to be a part of Weil's success because it gives them a chance to work on high-profile cases.

"We are a destination firm," Lender said. "We see cases that are first of their kind and carry huge



significance. Our practice culture is something we pride ourselves on."

Teaching is also a major part of Weil's culture, Lender said, with associates given significant casework such as witness depositions and arguing motions. Litigation leadership places heavy emphasis on pairing up senior attorneys with associates to give them crucial courtroom and skill development.

"We've always focused on organic growth and promoting our homegrown talent," Weiswasser said. "Earlier this year, in January, we promoted five litigation associates and counsel to partner."

The multigenerational approach to building litigation teams gave up-and-coming associates exposure to high-profile cases last year, including the FTC's antitrust challenge to Meta's acquisition of virtual reality company Within Unlimited.

The FTC attempted to enjoin the acquisition by claiming Meta sought to dominate a nascent virtual reality market. That argument was rejected in federal court, and the FTC dropped its challenge and allowed the transaction to move forward.

"The Meta case was such a novel argument," Lender said. "The government took a unique approach to challenge the merger. We had an incredible litigation team paired up with expertise from our antitrust team to present a united front."

Weil's trials group also scored a rare successful motion for judgment as a matter of law as part of Comcast's defense team in a patent challenge. Florida-based tech company WhereverTV sued Comcast for patent infringement in 2018, and the case went to jury trial last April. After both sides rested and the jury went to lunch before closing arguments, the judge heard Weil's argument on the motion and found in Comcast's favor.

"This was an excellent outcome for the client, and one that showcases our ability to work collaboratively with co-counsel to achieve a successful conclusion," Weiswasser said. "This was spearheaded by members of our appeals and strategic counseling group, which integrates into Weil trial teams to ensure the building of trial records that are airtight for appeal."

--Editing by Janice Carter Brown.

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