

California Powerhouse: Munger Tolles & Olson

By **Mike Curley**

Law360 (August 31, 2018, 4:13 PM EDT) -- Munger Tolles & Olson LLP racked up victories for high-profile clients in the last year, earning wins for FX Networks in a suit over its show, "Feud," and in a dispute for Airbnb against an apartment investment company, bolstering the reputation the firm has built over more than 55 years for solving tough problems for the entertainment and Silicon Valley clients that make California their home.

These high-profile victories have earned the 207-attorney-strong Munger Tolles a spot on Law360's California Powerhouses list.

The Los Angeles-based firm's low-leverage model — a nearly one-to-one ratio of partners to associates — and habit of recruiting talented attorneys helped bring a victory for FX in the right of publicity case filed by Olivia de Havilland. The 102-year-old screen legend had sued the network claiming its show, "Feud," was unauthorized to portray her, and California's Supreme Court affirmed the dismissal Munger Tolles won for the network in July.



In August 2017, the firm also secured a victory for several major film studios, including Disney and LucasFilm, against VidAngel, which had filed antitrust counterclaims that the studios had formed a conspiracy against the file-sharing website when they sued it over the streaming of films.

And in December, the firm won a dismissal for Airbnb in a leasing dispute with Apartment Investment and Management Co., where a district court found Aimco hadn't pled around the Communications Decency Act's immunity provision. Aimco had claimed that Airbnb interfered with its lease agreements and aided and abetted trespassing, but Airbnb successfully argued it wasn't responsible for the listings Aimco took issue with and that the CDA granted it immunity from liability for what its users posted on the site.

"The secret to success has remained the same — we hire the best recruits," Malcolm Heinicke, a senior partner in the San Francisco office, said. "We pride ourselves on providing the best legal advice and the best problem solving and after decades and decades of adhering to that model, even though it means less leverage, even though it means maybe not hiring as many people as we can truly employ, and even though it means sometimes making difficult decisions, our adherence to that model has led us to a place where we have a fantastic and frankly deserved reputation in the legal community as the go-to firm for the toughest legal problems."

Co-managing partner Sandra Seville-Jones said the firm's profile of solving complicated problems in California and around the country has drawn clients to it.

"You have these very large problems and I think our reputation of trying to help people solve those problems attracts those cases even if you don't have an existing relationship," she said.

Hailyn Chen, co-chair of the firm's practice development committee, said the firm's strongest areas were media, entertainment and technology. The firm has all the major studios as clients in L.A., and it represents tech companies and websites like LinkedIn, Facebook, Airbnb and Snapchat in issues like privacy, trade secrets and employment, she said.

"We've had a long-standing relationship with entertainment and media companies in California, and we have represented them in litigation across many, many different topics," she said. "We've been representing them as technology has developed, we've been called on to represent them in every sort of new emerging issue."

Peer-to-peer file sharing, Chen noted as an example, was a big problem for the industry and Munger Tolles got in early, representing record companies against LimeWire. She also pointed to the recent VidAngel victory as another example of the firm's evolving representation of media companies.

Heinicke, who currently serves as president of the city's Bar Association, said while the office has more Silicon Valley and Market Street technology clients than the L.A. office, it's not considered a division and the two offices support each other and integrate to serve one another's clients.

The San Francisco office, he said, opened in 1991 when the firm saw an opportunity to build an environmental practice. As the city expanded as a legal market, more attorneys chose to live in the area and the litigation practice evolved.

"Even in 25 years, which is a lot less time than some of the competitors we're dealing with here ... I'm very proud of the roots we've been able to lay down here in San Francisco," he said, adding member attorneys have served as presidents of the Federal and Asian bar associations in the city.

The firm also services a wide variety of clients in other industries, including aerospace and higher education. Chen pointed to the firm's defense of University of California, Berkeley in September, when a California federal judge dismissed conservative youth groups' allegations that the school muzzled speakers like Ann Coulter.

Looking forward, Seville-Jones said she doesn't see the company making major changes as its low-leverage model works and is a key part of the firm's success. The low-leverage model helps ensure those associates get to dig their teeth into important work at an early stage, she said.

She added the firm looks to match attorneys with their passions and interests and she wants to see the firm enhance its high-tech practice, adding that data security and privacy are going to be areas of expansion.

"Fundamental to our law firm is the low leverage and the fact that we're trying to hire the very best. That has distinguished us and helped us throughout the years," she said.

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