

## California Powerhouse: Munger Tolles

By Craig Clough

*Law360 (August 5, 2021, 3:39 PM EDT)* -- Whether guiding companies through some of the biggest disasters and tragedies to hit the globe, or stringing up a series of appellate victories, Los Angeles-based Munger Tolles & Olson LLP proved again over the last year that despite its small size, it packs a heavyweight punch.

When Tokyo Electric Power Co. needed the U.S. Supreme Court to reject a petition to revive a \$1 billion lawsuit from U.S. sailors over radiation injuries they suffered from the 2011 Fukushima nuclear disaster, or Plains All American Pipeline needed a Ninth Circuit win in a \$500 million suit related to the Refugio State Beach oil spill, or MGM Resorts needed to reach settlements over the Mandalay Bay massacre in Las Vegas, they all sought out Munger Tolles' steady hand in crisis management, which helped land it on Law360's 2021 California Powerhouses list.

Several partners at the firm told Law360 that crisis management is something Munger Tolles is known for, although it is far from its only specialty, as it notched victories over the last year and engaged in litigation across a wide spectrum, including copyright, employment and securities law, as well as a railway tax dispute.

The firm helped guide MGM through the aftermath of the 2017 mass shooting, which resulted in 58 deaths and an \$800 million settlement with victims granted final approval in September by a Las Vegas judge.

Crisis management is one of partner Luis Li's calling cards, as he introduced himself to Law360 as an attorney who "focuses on cases headed to trial and crisis management."

"When really bad things happen to a company or an individual and the whole cluster of problems come, and they need to be worked through, that's sort of my practice," he said.

The firm helped guide Plains All American Pipeline to a Ninth Circuit victory in July 2020 when it unanimously affirmed the dismissal of Venoco's claims arising out of the Refugio oil spill on California's coast in Santa Barbara County, as Venoco, a pipeline customer, sought to recover \$500 million in lost profits related to the spill.



But the Venoco case is far from the only piece of litigation to result from the spill, as it spawned a criminal case, class actions and much more. Simply put, few incidents unleash more litigation than a major oil spill. Munger Tolles' previous experience representing Transocean Ltd. in the Deepwater Horizon spill litigation made it the right firm for Plains Pipeline to call, Li said.

"It's an example where we are dealing with a client's biggest problem," said Li, who worked on the criminal side of the Plains matter. "Spilling oil in Santa Barbara has some very serious consequences from a reputational standpoint and the legal exposure that arises out of that. We're very proud that we were asked to defend them not only in the criminal matters but the civil matters."

Founded in 1962, the firm has around 186 attorneys on staff in the state and 206 overall in offices in Los Angeles, San Francisco and Washington.

Partner Carolyn Luedtke said the firm's one-to-one overall partner-to-associate ratio is a key to its courtroom success. The firm is "known as strong, passionate advocates, but with strong ethics and good sense," she added. "I think we fight hard for our clients, but we do it in a way that is going to be something that we're proud of later on."

Partner Martin Estrada added, "We don't just focus on our large clients. We also do a substantial amount of pro bono work, including services for asylum seekers, impact litigation, domestic violence victims, all across the board. And it isn't something that the firm just checks off as a box, or something that we force associates or require them to do. It's part of our ethos."

The firm helped notch a Ninth Circuit win for BNSF Railway in July 2020 when the court held that Oregon's property tax system unfairly discriminated against the railway. The firm also helped Wells Fargo in the same month when the circuit upheld a \$142 million settlement between the bank and a class of customers who were charged fees related to unauthorized accounts opened in their names.

The firm also secured a favorable ruling for Lyft in August 2020 from a California appeals court when it stayed an order that would have forced Uber and Lyft to reclassify their drivers as employees, prompting the ride-hailing giants to hold off on threats to leave the state.

Munger Tolles also secured a dismissal in July 2020 for Square Inc., the digital payment company, in a lawsuit alleging that its terms of service violated California's Unruh Act. See's Candy also benefited from the firm's representation in April when a California appeals court affirmed a trial court's denial of class certification of a meal break claim.

"I think we're known for taking on some of the most complex and high-profile legal cases in the country for big-ticket clients," co-managing partner Hailyn Chen said. She added that the firm "is also known for being an intellectual powerhouse, and it's well known that we hire the top lawyers in the country."

She pointed to partner Donald B. Verrilli Jr. as an example. Verrilli is the former solicitor general of the United States and the founder of the firm's D.C. office.

Malcolm Heinicke, the firm's other co-managing partner, said he had "heard others describe hiring Munger Tolles as like bringing in the special forces."

"We certainly focus on complex matters," he said, "and I think one of the many things we bring is not only the great and rich experience of our senior lawyers, but because of our hiring standards and the

people we attract, we have a very deep bench."

Brad Brian is the firm's chair and has been with Munger Tolles since 1981. He said the firm was among a handful of California-based firms over the last 20 years that had shown the ability to take on big cases, whereas before that distinction was almost exclusive to lawyers based in New York or D.C.

Brian chalks the firm's success up to a handful of key values it has held for decades, one of which is to "hire and promote only the best people," which he said goes beyond "just looking at what grades they got, which judge they clerked for."

"Those are important, but it's basically looking beneath someone's résumé at their life's experiences and trying to judge who is going to make the difference."

--Editing by Karin Roberts.