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In Case You Missed It: Hottest Firms And Stories On Law360

Law360 (November 12, 2021, 11:16 PM EST) -- For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

12 Most Mentioned Firms

1. Latham & Watkins LLP
2. Gibson Dunn & Crutcher LLP
2. Jones Day
4. Kirkland & Ellis LLP
5. King & Spalding LLP
5. Paul Weiss Rifkind Wharton & Garrison LLP
7. DLA Piper
8. Davis Polk & Wardwell LLP
8. O'Melveny & Myers LLP
10. Arnold & Porter
10. Quinn Emanuel Urquhart & Sullivan LLP
10. WilmerHale

10 Most Read Articles

1. Okla. High Court Overturns J&J's \$465M Opioid Defeat

The Oklahoma Supreme Court on Tuesday overturned a \$465 million opioid verdict against Johnson & Johnson, finding that the landmark award rested on an improper expansion of state law.

2. 4 BigLaw Players In Elizabeth Holmes' Criminal Fraud Trial

In the two months since the start of former Theranos CEO Elizabeth Holmes' fraud trial, jurors have heard a variety of testimony highlighting the role several BigLaw firms and their attorneys played in the rise and fall of the once high-flying blood-testing startup.

3. Jury Clears Jay-Z In \$68M Cologne Contract Case

A New York jury on Wednesday rejected a perfumer's \$68 million contract suit alleging Jay-Z failed to promote his signature fragrance, ending a three-week trial that featured testimony from the hip-hop mogul himself.

4. Erika Girardi, GK Trustee Colluded In 'Shakedown', Firm Says

A Chicago law firm alleged Tuesday that an attorney for Girardi Keese's bankruptcy trustee threatened to release damaging information in a "bizarre shakedown" to protect Erika Girardi, the reality-TV star wife of the bankrupt firm's founder.

5. Tinder Founders Slam Match As \$2.5B Trial Begins

A Manhattan state jury on Monday heard the opening salvo from founders of dating app Tinder, as their attorney described how they were conned by executives from Barry Diller's IAC/InterActiveCorp and Match Group Inc. who purposely lowballed a valuation to cheat the group out of billions of dollars.

6. Hogan Lovells Partner, 4 Other US Atty Picks Move Forward

The U.S. Senate Judiciary Committee voted in favor of five U.S. attorney nominees on Thursday, moving them one step closer to full Senate confirmation.

7. Opioid Litigation's Pillar Theory Is Suddenly Showing Cracks

The Oklahoma Supreme Court's erasure of a \$465 million opioid verdict against Johnson & Johnson coupled with a similar ruling last week in California bodes ill for the legal theory carrying nationwide litigation, underscoring the hurdles in addressing a complex epidemic through the courts.

8. Embattled Copyright Atty Liebowitz Suspended In NY

Alleged "copyright troll" Richard Liebowitz has been suspended from practicing in New York, where a state appeals court was unmoved by his "recent attempts at introspection and contrition" and found that the attorney was likely to continue his behavior.

9. 5 Takeaways From Drugmakers' Win In Calif. Opioid Trial

Drugmakers scored a win earlier this week in California state court in one of only two trials that have reached a verdict so far in the wide-ranging litigation over the opioid crisis. Here, Law360 examines five takeaways from the latest ruling.

10. Biden Admin. Unveils COVID Rule For Private-Sector Workers

The U.S. Department of Labor on Thursday released a controversial emergency rule that fleshes out President Joe Biden's directive that all medium and large employers must require their workers to be fully inoculated against COVID-19 or get tested every week.

10 Most Read Expert Analyses

1. Confronting Origination Credit: How Firms Can Redo Policies

To promote a more diverse and equitable workforce — not to mention better teamwork and higher profits — law firms must tackle common misconceptions about origination credit and design compensation systems that reflect four critical concepts about client relationships, says Blane Prescott at MesaFive.

2. Discovery Immunity For Draft Expert Reports Lacks Clarity

Court rulings on whether — and when — drafts of expert reports are immune from discovery have been inconsistent, so the Federal Rules of Civil Procedure should be amended to better distinguish between draft and final expert reports, say attorneys at Lowenstein Sandler.

3. How To Comply With ABA's New Language Access Guidance

Considering the American Bar Association's recent language access guidance for lawyers working with clients with whom communication is impeded, attorneys should carefully navigate social and cultural differences and take steps to maintain professional obligations, say Hilary Gerzhoy and Deepika Ravi at Harris Wiltshire.

4. Priority Of Coverage Lessons From 2nd Circ. Insurance Ruling

The recent Second Circuit decision in *Century Surety v. Metropolitan Transit Authority* — holding that, for priority of coverage determination, a contractual indemnity agreement governs over an insurance policy's terms — highlights the importance of understanding how the dynamics between commercial contracts and insurance policies may help shift liability, say Syed Ahmad and Yaniel Abreu at Hunton.

5. Coca-Cola Plaintiffs' Decert. Highlights Class Claim Problems

The Ninth Circuit's recent decertification of a class of plaintiffs suing Coca-Cola over labeling claims illustrates a common class action issue: failure or reversal of class certification due to negligible or subjective harm, but only after a defendant has racked up extensive legal costs, say attorneys at Skadden.

6. Why Slack Decision Struck A Nerve With Corporate America

This week's petition to rehear *Pirani v. Slack* en banc signals corporate interest groups' alarm over the Ninth Circuit's ruling, which upheld investors' standing to pursue claims in connection to direct listing initial public offerings, carrying significant impacts for investor rights and the scope of the Securities Act, say John Browne and Lauren Ormsbee at Bernstein Litowitz.

7. A Phased Approach To In-House Legal Tech Adoption

In-house legal departments that adopt new technologies too quickly often face frustration or failure, so to help ensure a smooth transition, companies should consider a multistep approach, depending

on where they stand with respect to modernizing legal processes, says Tariq Hafeez at LegalEase Solutions.

8. 4 Important Class Cert. Issues From 2 Data Breach Cases

David Topol and Pamela Signorello at Wiley Rein discuss key issues from two federal courts' opposite class certification determinations in similar data breach cases involving Driveline Retail and Chili's parent company, and argue that how a court credits expert testimony on damages calculations may be a critical driver behind class certification decisions to come.

9. Case Law, EEOC Guidance Bolster Employer Vax Mandates

Despite legal and logistical challenges presented by employees not vaccinated against COVID-19, recently updated guidance from the U.S. Equal Employment Opportunity Commission, as well as court decisions skeptical of workers' efforts to avoid inoculation, provide ample support for companies that choose to issue mandates, say Sarah Turner and Robert Gillette at Gordon Rees.

10. Defense Tips For Navigating SEC's New Admissions Policy

The U.S. Securities and Exchange Commission recently announced it will require parties to make admissions in settlements with the agency, a major policy shift, making it wise for defense counsel to take stock of several tips when negotiating government investigations, say Jared Kopel and Ellen London at Alto Litigation.

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