

Litigation Leaders: Davis Polk's Jim Rouhandeh on Recruiting and Training Top-Flight Associates — “the Lifeblood of the Firm”

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By Ross Todd
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Welcome to another edition of our Litigation Leaders series, featuring the litigation practice leaders at some of the biggest and most innovative law firms in the country.

*Meet **Jim Rouhandeh**, the head of the litigation department at **Davis Polk & Wardwell**, who is based in New York. Rouhandeh was a finalist for The American Lawyer’s Litigator of the Year Award in 2018. That honor came after he won Litigator of the Week by persuading the Fifth Circuit to uphold Texas’ attorney immunity doctrine, scoring a defense win for law firm client Proskauer Rose from claims springing out of Allen Stanford’s \$7 billion Ponzi scheme.*

Tell us a little about yourself—perhaps even a thing or two your partners would be surprised to learn about you.

Being a litigator at Davis Polk is only the second job I have ever had. The first was mowing lawns. Seriously, what has kept me at the firm for decades has been the work. I became a lawyer in the first place because I simply could not face the prospect of doing the same thing over and over; I was looking for a challenging and intellectually stimulating profession. I got all of that and more with Davis Polk. The firm’s strength across the board in litigation has allowed me to work on a huge variety of high-profile matters with extraordinary clients.

In fact, my experience at the firm has more than exceeded the hopes I had when I initially sought out this career—the work of our litigation practice has only grown more interesting with time and no two matters are the same. The cases are novel, the stakes grow higher, and we consistently take on new and unique investigations and litigations.

The fact that I am able to work so closely with such an extraordinarily talented group of lawyers at Davis Polk is the icing on the cake.

How big is the litigation department at Davis Polk and where are most of your litigators concentrated geographically?

We have over 300 litigators at the firm, spread across New York, Northern California, Washington, D.C., Hong Kong and London.

What do you see as hallmarks of your firm’s litigators? What makes you different?

In terms of our litigators, the hallmarks I keep coming back to are both strategic thinking and an intense focus on collaboration. Our litigators are at the top of their game and are leaders in their respective fields. When we put them together it is a force-multiplier. Litigation is a group sport, and we work extremely well together at Davis Polk. We often are being asked to tackle issues of first impression, take on enormously complex matters and handle cases that will have enormous impacts on our clients. We come together and work as a team. When a client hires one of us, they get all of us, or at least those of us with the applicable experience for the particular matter. All of our clients are Davis Polk clients, not clients of individual partners.

Our associates are critical to Davis Polk’s success—we hire the best, and we are intensely focused on provid-



James P. Rouhandeh of Davis Polk & Wardwell.

Courtesy photo

ing them with the highest quality training. They are the lifeblood of the firm. I was thinking at a recent partners meeting that one day all of us will be retired, replaced by our current and future associates. It is our job to prepare them for that day, in order to ensure and enhance the legacy of this great firm.

The firm has four distinct litigation practices: antitrust & competition, civil litigation, IP litigation, and white collar defense & investigations. What's the thinking behind that approach and how does it function in practice?

Davis Polk was the first large firm in New York to have a significant white collar practice, which was relatively new when I joined the firm in 1987. The practice was started by the legendary **Bob Fiske**, who was my mentor going all the way back to the days when I was an associate. That practice at Davis Polk is led today by two former prosecutors, **Greg Andres** and **Martine Beamon**.

But what really sets us apart is that we have both the best white collar practice around, plus a remarkable, full-service civil litigation team, led by **Dana Seshens** and **Paul Spagnoletti**. This practice runs the gamut, including securities litigation, commercial disputes, arbitration, bankruptcy litigation, tax controversies, professional liability and many other areas.

Our antitrust practice combines the best of both worlds—it is in part advisory in nature, but also includes civil litigation, government investigations and trial work. With the current resurgence of antitrust enforcement, we are perfectly positioned to guide our clients through choppy waters. The antitrust practice is led by **Art Burke**, and it is going gangbusters.

Rounding out the four major components of our group is IP litigation, led by **Ashok Ramani**. We have an incredibly active IP trial docket; we find ourselves in a perpetual state of either preparing for trial or being in trial.

These groups help us coordinate the huge range of litigation matters the firm handles, but we are by no means siloed by organizational distinctions. Some of our partners work across these practice groups, and these practice groups work very closely together. We come together across various practices and are particularly well-positioned to represent clients in cross-jurisdictional matters, including matters that span the globe.

Another very important part of this structure—and the original impetus behind the change—is that we are able to focus even more intently on the career development of our associates. Training is a central focus, and we incorporate opportunities for learning throughout our work. Beginning early in their careers, our associates become key members of our teams and receive hands-on exposure to the work we do.

What were some of the firm's biggest in-court wins in the past year, and can you cite tactics that exemplify your firm's approach to success?

One of the year's litigation highlights was the rare dismissal of a criminal antitrust charge. The DOJ Antitrust Division alleged that our client, an individual executive, participated in a price-fixing conspiracy. After a pre-trial *James* hearing, the judge concluded that the government had not sufficiently proved the existence of a conspiracy and issued a sweeping order effectively rendering the government's evidence inadmissible. Two days later, DOJ dropped its case against our client. A complete victory after a *James* hearing is unprecedented.

While the government dropped its case two weeks before trial was set to begin, our team obtained this incredible result by pursuing a strategy of converting the pre-trial briefing and hearing into, effectively, a criminal summary judgment motion and a court-acknowledged "mini-trial." This was a cross-practice effort from our antitrust and white collar teams, led by partners **Jarrett Arp**, **Tatiana Martins**, **Greg Andres**, **Paul Nathanson** and **Uzo Asonye**.

Another standout example is Magnolia Medical. We were hired by the client as trial counsel for a patent infringement case against the company's sole competitor. Once we were brought on, the other side hired new trial counsel as well. The bifurcated trial first proceeded on infringement, with the jury finding infringement of all asserted patent claims in under an hour. The second phase resulted in a 17.7% royalty and a damages award. We have requested a permanent injunction and await a hearing date. Partners **Ashok Ramani**, **Micah Block** and **David Lisson** led the team on this case.

How do the headwinds facing the economy as a whole impact a litigation practice like Davis Polk's?

Honestly, they really don't. We tend to be acyclical—not counter-cyclical—across the board. Activity in white collar and antitrust enforcement, for example, seems to be defying the business cycle lately. Our civil litigation practice is not very closely tied to the business cycle either. In times of economic downturn, there may be more litigation over broken deals and contract disputes, but our activity levels remain fairly consistent regardless of where the economy stands at any given point in time.

What does your firm's coming trial docket look like?

We anticipate a robust and diverse pipeline of trials for 2023. First up, we represent an engineer at Fiat Chrysler in a criminal case over alleged manipulation of emissions tests. Our docket also includes a major contract dispute in the energy sector, a major tax litigation and several confidential arbitrations. Over the past few years, we have seen a significant increase in our civil cases going to trial and we expect that to continue.