



# THE NATIONAL LAW JOURNAL

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A SPECIAL REPORT

## ELITE TRIAL LAWYERS

The National Law Journal recently honored law firms and lawyers handling cutting-edge work on behalf of plaintiffs in practice areas ranging from mass torts to securities litigation. Here's a look at the winners and the work they did this past year.



# ELITE TRIAL LAWYERS

## ENVIRONMENTAL PROTECTION

### WINNER: COHEN MILSTEIN SELLERS & TOLL

■ **TELL US ABOUT YOUR BIGGEST CLIENT WINS THIS YEAR.** We reached a historic \$641.25 million settlement in the Flint water crisis litigation, one of the most significant and “conscience shocking” environmental toxic tort actions in U.S. history, between 90,000 Flint residents and businesses and multiple defendants, including the state of Michigan, Michigan Department of Environmental Quality, and former Gov. Rick Snyder.

The settlement will establish a court-monitored victims’ compensation fund that will provide hundreds of millions of dollars in direct payments to Flint residents, nearly 80% of which will go to children under the

age of 18. The court preliminarily approved the settlement in January 2021. Cohen Milstein is interim co-lead class counsel.

■ **WHAT’S THE BEST LESSON YOU LEARNED AS A YOUNG LAWYER?** Always act with professionalism and follow your passion, while taking it all in stride.

■ **WHAT’S BEEN THE MOST SIGNIFICANT CHANGE IN YOUR PRACTICE AREA AND HOW HAVE YOU ADJUSTED?** Technology and e-discovery have leveled the playing field against large corporate defendants, undermining their ability to overburden plaintiffs with documents.



■ **SHARE AN INTERESTING FACT ABOUT YOUR FIRM THAT FEW KNOW.** We are a very diverse and far-reaching firm with a strong human rights and social justice component to our practice. ■

## ELITE WOMEN OF THE PLAINTIFFS BAR

### EMMY L. LEVENS — COHEN MILSTEIN SELLERS & TOLL

■ **TELL US ABOUT YOUR BIGGEST CLIENT WINS THIS YEAR.** Flint Water Crisis Class Action Litigation is, perhaps, the most high-profile environmental toxic tort class action in the U.S. As interim co-lead class counsel, we are honored to represent over 90,000 Flint residents and businesses against the state of Michigan, the former governor and other bad actors for negligently redirecting good water away from the city of Flint in exchange for toxic, lead-tainted water in 2014. In January 2021, the court granted preliminary approval of a historic \$641.25 million settlement, 80% of which will go to Flint’s chil-

dren, because of irreparable, lead poisoning-related health issues. Litigation continues against other defendants.

■ **WHAT’S THE BEST LESSON YOU LEARNED AS A YOUNG LAWYER?** Never write an email if you’re upset. Being a good lawyer is about having good judgment.

■ **WHAT’S BEEN THE MOST SIGNIFICANT CHANGE IN YOUR PRACTICE AREA, AND HOW HAVE YOU ADJUSTED?** Due to COVID-19, taking depositions by Zoom is a necessity, which means getting your point across with limited body language.



■ **SHARE AN INTERESTING FACT ABOUT YOUR FIRM THAT FEW KNOW.** Cohen Milstein has 10 practices, eight of which are led/co-led by women. Two women sit on the five-person executive committee. ■



# ELITE TRIAL LAWYERS

## ELITE WOMEN OF THE PLAINTIFFS BAR

LAURA H. POSNER — COHEN MILSTEIN SELLERS & TOLL

■ **TELL US ABOUT YOUR BIGGEST CLIENT WINS THIS YEAR.** On behalf of the New York State Common Retirement Fund and the NYC Pension Funds, the firm obtained the first demand futility decision in a derivative case involving claims of sexual misconduct and ultimately a groundbreaking \$90 million settlement in the form of cash payments and landmark corporate governance reforms, among the largest derivative settlements of all time. On behalf of IBEW Local 98 Pension Fund, CMST defeated Deloitte's motion to dismiss a securities fraud case alleging that Deloitte permitted SCANA

Corp. to mislead investors about the status of a massive nuclear energy project, the largest civil fraud in South Carolina history.

■ **WHAT'S THE BEST LESSON YOU LEARNED AS A YOUNG LAWYER?** Don't be afraid to voice your opinion and always bring a notepad to a meeting.

■ **WHAT'S BEEN THE MOST SIGNIFICANT CHANGE IN YOUR PRACTICE AREA, AND HOW HAVE YOU ADJUSTED?** The U.S. Supreme Court has repeatedly made it more difficult to bring securities fraud class actions, requiring us to become



significantly more creative.

■ **SHARE AN INTERESTING FACT ABOUT YOUR FIRM THAT FEW KNOW.** Nearly half of all CMST associates and partners as well as the majority of our practice group chairs are women. ■

## RISING STARS OF THE PLAINTIFFS BAR

JESSICA WEINER — COHEN MILSTEIN SELLERS & TOLL

■ **TELL US ABOUT YOUR BIGGEST CLIENT WINS THIS YEAR.** I'm proud of the results we secured for class members. On Jan. 21, 2021, the court granted preliminary approval of a \$641.25 million settlement with the state of Michigan, the Michigan Department of Environmental Quality and multiple individual defendants in the Flint water cases. And on March 9, 2021, in *UFCW & Employers Benefit Trust v. Sutter Health*, we—as one of five firms representing the certified class—secured preliminary approval of a historic settlement providing \$575 million and comprehensive in-

junctive relief, which will restore competition to the health care market in Northern California.

■ **WHAT'S THE BEST LESSON YOU LEARNED AS A YOUNG LAWYER?** Trust your work and your opinions, and don't be afraid to speak up in meetings.

■ **WHAT'S BEEN THE MOST SIGNIFICANT CHANGE IN YOUR PRACTICE AREA AND HOW HAVE YOU ADJUSTED?** Attending hearings and depositions remotely has, in some ways, made it easier to balance the needs of multiple cases.

■ **SHARE AN INTERESTING FACT**



**ABOUT YOUR FIRM THAT FEW KNOW.** Cohen Milstein Sellers & Toll pairs associates with mentors, rotating every few years so associates can meet and learn from partners across practice groups. ■

# ELITE TRIAL LAWYERS

## RISING STARS OF THE PLAINTIFFS BAR

MOLLY J. BOWEN — COHEN MILSTEIN SELLERS & TOLL

■ **TELL US ABOUT YOUR BIGGEST CLIENT WINS THIS YEAR.** Alphabet shone a light on boards complicit in workplace harassment through setting a “tone at the top” that accepts such behavior and rewards wrongdoers. Alphabet shareholders challenged that practice, thereby amplifying the voices of worker-organizers and achieving a landmark settlement with the largest-ever commitment by a tech company to diversity, equity and inclusion efforts (\$310 million), including eliminating mandatory arbitration for such claims. We also achieved a \$15.5 million settlement in a hard-fought securities

class action against Credit Suisse for defrauding investors through false and misleading statements regarding its trading and risk limits and surreptitious accumulation of risky debt.

■ **WHAT’S THE BEST LESSON YOU LEARNED AS A YOUNG LAWYER?** Ask questions. It’s the only way to learn, and a fresh perspective helps clarify and simplify the case.

■ **WHAT’S BEEN THE MOST SIGNIFICANT CHANGE IN YOUR PRACTICE AREA AND HOW HAVE YOU ADJUSTED?** The push to arbitration. We are working with policy partners to



ensure shareholders retain the courts’ full justice and sunlight.

■ **SHARE AN INTERESTING FACT ABOUT YOUR FIRM THAT FEW KNOW.** Cohen Milstein offers new parents strong support, including generous leave and an informal “parents chat” to share resources and stories. ■

## KEITH GIVENS VISIONARY AWARD

BETSY MILLER — COHEN MILSTEIN SELLERS & TOLL

■ **TELL US ABOUT YOUR BIGGEST CLIENT WINS THIS YEAR.** We just filed a groundbreaking pair of lawsuits on behalf of the city of Chicago, against meal delivery giants Grubhub and DoorDash. The cases are poised to reform an entire industry. These are the first law enforcement actions to expose the full story of the companies’ misconduct, which has deeply impacted local restaurants and everyday consumers, particularly during the pandemic. And of course, representing multiple state attorneys general in the national opioid crisis litigation. After four long years, we’re finally on the cusp of final resolution. Nationally, these settlements are val-

ued at more than \$36 billion and will fund major treatment and prevention programs across the country.

■ **WHAT’S THE BEST LESSON YOU LEARNED AS A YOUNG LAWYER?** Asking incisive questions will earn you respect and a seat at the table.

■ **WHAT’S BEEN THE MOST SIGNIFICANT CHANGE IN YOUR PRACTICE AREA AND HOW HAVE YOU ADJUSTED?** The most significant change is not to my practice area, but to the legal profession writ large. We are a talent-based profession with a chronic under-focus on talent development. I’m committed to changing that, and I adapted



by earning a leadership coaching certificate.

■ **SHARE AN INTERESTING FACT ABOUT YOUR FIRM THAT FEW KNOW.** Of Cohen Milstein’s 10 practice areas, eight are led or co-led by women. Ruth Bader Ginsburg would have said we have two more to go. ■