

Antitrust

The National Law Journal

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Cohen Milstein Sellers & Toll

WINNER

LARGEST OFFICE: Washington

ATTORNEYS: 95

In 2013, Cohen Milstein won a \$1.2 billion antitrust class action verdict in federal court in a price-fixing case against Dow Chemical. The plaintiffs were a class of direct purchasers of polyurethane chemical products made by Dow. The co-lead counsel, Cohen Milstein settled the case last February for \$835 million, while Dow's cert petition challenging the class was pending before the U.S. Supreme Court. Our reporters were impressed with the firm's success in trying the case, obtaining a huge verdict, and then forcing the defendants to fold on appeal.

The National Law Journal: Describe the national importance of your case and why your firm prevailed.

[Richard Koffman](#) and [Kit Pierson](#), Antitrust Practice Group Co-Chairs: Jury verdicts like the one in the *Urethanes Antitrust Litigation* are essential in order to deter this kind of misconduct, which inflicts serious harm on customers and markets. ... Our firm prevailed because of the skill and persistence we and our co-counsel at Fine Kaplan, Kellogg Huber and Joe Goldberg at Freedman Boyd brought to bear in a very challenging case. Many antitrust class actions follow in the footsteps of government investigations, fines and indictments; but we brought the case in the absence of government enforcement action.

NLJ: What's a word or phrase that best describes the firm?

RK & KP: Powerful advocates. Meaningful results.

NLJ: What traits do you respect most in opposing firms and lawyers?

RK & KP: Honesty and reasonableness.

NLJ: What is your biggest worry about practicing law?

RK & KP: We worry that mandatory arbitration will deny many victims of corporate wrongdoing their day in court and insulate corporate malfeasance from legal consequences.

NLJ: What's the most significant change in trial practice you've seen in the last five years?

RK & KP: More antitrust class actions are going to trial, which makes it more important than ever for plaintiffs' lawyers to be prepared to take their cases all the way through trial and appeals.

NLJ: What do you think will be the most important development in the law/legal business that will impact your firm in the next 10 years?

RK & KP: The outcome of the recent election will have significant implications because of the political philosophies and expected conservative views of the judges likely to be appointed, and the composition of Congress and those appointed to head the various regulatory agencies.

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