

Rising Star: Cohen Milstein's Emily L. Levens

By Jennifer Doherty

Law360 (July 13, 2020) -- Cohen Milstein Sellers & Toll PLLC partner Emmy L. Levens has landed several major antitrust settlements, including a \$50 million deal with Panasonic and other electronics companies, and is currently helping lead a major suit over the Flint water crisis — earning her a spot among Law360's class action Rising Stars.

THE BIGGEST CASE OF HER CAREER:

Levens is in the midst of litigating a landmark case on behalf of residents of Flint, Michigan, where thousands of families were exposed to high levels of lead after officials changed the city's water source.

For Levens, who had just given birth to her first child when she learned about the case, Flint has always hit close to home.

"I think any parent who learns about something like this that has such a profound impact on kids, you can't help but think: What if that was my child?" she said.

So when she got the chance to work on the case, Levens didn't hesitate. "It was a good opportunity to do something that I both thought was really important for the community and that also has continued to present just a ton of really fascinating legal questions," she said.

One of those questions touched on qualified immunity.

Thanks to Levens and her team, the class scored a victory last year when the court reinstated former Gov. Rick Snyder as a defendant. Levens scored again twice this year when Sixth Circuit panels upheld that decision and denied Snyder's claim to qualified immunity, forcing him to sit for depositions.

ANOTHER NOTABLE CASE:

Along with the Flint case, Levens is at work on an antitrust suit, Iowa Public Employees Retirement System v. Bank of America. In this case, Wall Street mainstays such as Goldman Sachs, JP Morgan and Morgan Stanley stand accused



Emmy L. Levens
Cohen Milstein

Age: 38
 Home base: Washington, D.C.
 Position: Partner
 Law school: UCLA School of Law
 First job after law school: Law clerk, Seventh Circuit Court of Appeals

of blocking smaller financial technology firms from introducing upgraded trading platforms to the \$1.7 trillion stock lending market.

Levens views each of her antitrust cases as an opportunity to dive into a new industry.

"The thing that's interesting about the stock lending case is that the market is just so huge. It's over a trillion-dollar market, so any kind of anti-competitive conduct in a market that large has ripple effects throughout the financial industry and, really, our economy," Levens said.

While the case is now entering its third year of litigation, Levens and the Cohen Milstein team have already scored some major wins, keeping the case alive through a barrage of motions to dismiss in 2018 and pushing forward with discovery.

HER PROUDEST MOMENT AS AN ATTORNEY:

Levens doesn't point to a single stand-out moment in her career. Instead, she says she always looks forward to the moment when she can deliver relief.

"I'm always really excited when checks actually go out to class members," she said.

Many of the checks Levens' office has sent out have come from noteworthy settlements, such as the Resistors Antitrust Litigation, where payments averaged \$46,850.64.

In that case the settling defendants — including consumer electronics giant Panasonic — agreed to pay \$50 million to direct purchasers of electrical parts called linear resistors, which are found in common household electronics including computers and TVs. The electronics companies admitted no wrongdoing regarding the class' allegations that they conspired to artificially raise prices on the resistors.

Levens was also a principal attorney on the largest dollar-value settlement in Vermont history: a \$50 million deal that went to dairy farmers in a price-fixing and monopsonization class action.

"We're literally sending checks out in two of my cases right now, and it's just a good reminder that even though it's lawyers versus lawyers in the day-to-day, there are actually people and businesses that this matters to," Levens said.

WHAT MOTIVATES HER:

Levens finds purpose in cases that advance the public interest, an idealism tempered by her focus on achieving tangible results.

"I think the more you work in the world, you realize just how huge some of these problems that we're facing are and how limited your ability is to really 'solve' any of them," she said. "I feel like my cases ... do put more good out into the world than bad. So even if I can't save the world, I can at least try to move the needle forward in a positive direction."

WHERE SHE SEES HERSELF IN 10 YEARS:

At just 38 years old and already a partner working on wide-ranging cases that touch the lives and livelihoods of thousands of people and mentoring junior lawyers, Levens is exactly where she wants to be.

One challenge moving forward, however, will be balancing her supervisory role with arguing even bigger

cases, as Levens has no intention of losing her edge.

"It is important to me personally that I continue to be a nuts-and-bolts litigator," Levens said. "To be effectively leading these cases and managing these teams, you can't be too far away from the facts of your cases and the law of your cases, because that's how you craft an effective strategy. That's how you see all the moving pieces on the game board."

— *As told to Jennifer Doherty*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2020 Rising Stars winners after reviewing more than 1,300 submissions. Attorneys had to be under 40 as of April 30, 2020, to be eligible for this year's award. This interview has been edited and condensed.

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