

Litigation Leaders: Ken Gallo and Jessica Carey Aim to Expand the ‘Culture of Excellence’ at Paul Weiss from Coast-to-Coast

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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 of the biggest firms in the country.

Meet **Jessica Carey** and **Ken Gallo**, the co-chairs of the litigation department at **Paul, Weiss, Rifkind, Wharton & Garrison**. Carey, based in New York, handles a variety of white collar criminal, regulatory and complex commercial litigation and investigation matters, often for financial institutions. Gallo, based in Washington, D.C., has trial experience in antitrust, patent, trade secret and major commercial disputes. He regularly represents clients in private and government antitrust matters, including claims at the intersection of antitrust and IP law.

Litigation Daily: Tell us a little about yourselves — beyond what’s in your law firm bios.

Ken Gallo: When I got to law school, I pretty much already knew that I wanted to be a litigator and trial lawyer. I was excited by the challenge of trying to explain extremely complicated matters to juries and judges in persuasive ways. Antitrust and patent litigation provide an ever-evolving and intellectually stimulating challenge in that regard. I joined Paul, Weiss in 2004, drawn by its reputation for excellence and the highest quality litigators and trial lawyers. And to be able to eventually step into a leadership role here has been a real honor. I’ve especially enjoyed building out the Washington, D.C. office, in collaboration with leadership in New York, and mentoring the next generation of litigators. I’m so proud to have been able to help recruit top-flight antitrust, white collar, appellate and intellectual property lawyers who provide our clients with world-class service.

Jessica Carey: I never imagined that I would be a lawyer at a major New York City law firm, much less the first woman co-chair of Paul, Weiss’s powerhouse litigation department. I am from a



(L-R) Ken Gallo and Jessica Carey, co-chairs of the litigation department at Paul, Weiss, Rifkind, Wharton & Garrison.

Courtesy photos

small Cleveland suburb and once you leave downtown, it can get rural pretty quickly. So New York City felt very far away when I was growing up. I also do not come from a family of lawyers; my interest in the law in the early days owes a lot to Nancy Drew mysteries and episodes of “Murder, She Wrote.” My first major step in the direction of Paul, Weiss was through a fellowship after college with the New York City Mayor’s Office. Not counting various part-time jobs (among them, cashier, waitress and receptionist), this first professional work experience showed me real lawyers in action and opened my eyes to this amazing profession. I was then, and am still, energized by the opportunity to practice law at the highest levels at a firm that tirelessly works for social justice. On a personal note, I am very fortunate to have a husband and two children (ages 10 and 12) whose unflagging support and enthusiasm keep me going. They are each incredibly talented in their own right, and, as I learned during the pandemic, formidable Scrabble opponents, too.

How big is your litigation department and where are most of your litigators concentrated geographically?

Carey: Our litigation department is home to a total of 503 attorneys: 68 partners, 334 counsel and associates, and 101 staff attorneys. Overall, we make up 47% of the firm's lawyers. While the majority of our department is based in New York (378 litigators), we have a strong presence in Washington, D.C. (110 litigators) and our new San Francisco office already has 10 litigators. We also have a presence in Wilmington, Delaware (four litigators), and in our Tokyo office (one litigator).

In what three areas of litigation do you have the deepest bench? (I know it's hard, but please name just three.)

Gallo: As a department, we are trial lawyers first and foremost. We've always been known for our litigation chops and our willingness to go to trial, and we continue to focus our efforts on excellence in the courtroom. The three industry sectors where we do most of our trial work right now are financial services/investment firms, life sciences/health care and technology. Within those sectors, we successfully try general commercial, white collar, securities, antitrust, patent and M&A disputes, among many others. Clients also frequently retain us to handle their most complex and sensitive internal, governmental and regulatory investigations.

What do you see as hallmarks of your firm's litigators? What makes Paul Weiss different?

Carey: Our litigators are incredibly well-rounded, capable of handling any challenge that comes their way. From day one, we incorporate each associate into litigation teams where they develop skills and gain practical, hands-on experience in drafting briefs, interviewing witnesses, taking and defending depositions, arguing substantive motions, negotiating with opposing counsel, presenting to government authorities and conducting direct and cross-examinations. Our collegial approach utilizes all of our attorneys' best qualities in the most effective way; under the guidance of the relationship partner, we put forward the team members we think will be the best fit for a given issue or problem, ensuring clients are getting the right people for the job.

Our industry-leading pro bono program is integral to our litigators' success as well. It offers invaluable opportunities for associates to hone their strategy and leadership skills, and to gain significant courtroom experience while also contributing to the social good. We take on a lot of high-stakes, impactful pro bono matters, carrying them all the way through trial, such as our recent [\\$25 million verdict](#)

in the Charlottesville trial against the white supremacist organizers of the 2017 "Unite the Right" rally.

Additionally, Paul, Weiss has been committed to diversity within the firm since its earliest days, and we continue to put great care into recruiting and supporting the nation's most talented diverse litigators.

Gallo: Our department has long handled the highest-stakes litigations in the country, regularly taking billion-dollar cases to trial and winning. Our opponents know we will try a case, if necessary. This gives our clients added leverage in any settlement negotiations. And, while we like to think we are, and have been, the go-to litigation firm for many financial industry clients, we also do a lot of work for the world's leading technology firms, private equity firms, Fortune 50 companies and their boards. We try to bring great skill and discretion to handling our clients' most delicate and potentially explosive investigations.

As co-chairs of the firm's litigation department, what are some of your goals or priorities for the year?

Gallo: Our primary strategic goal in 2022 hasn't changed: to be the litigation department of choice for the world's leading companies, investors and financial institutions in their most important disputes and challenges. More specifically, we hope to see continued steady expansion of our litigation capabilities in the Bay Area and in Delaware, where many of the nation's most important business litigation is now being adjudicated.

Carey: Within the firm, a major, major priority for us is ensuring that we continue to recruit, retain and promote the smartest, most talented and committed litigation associates in the country. We are intensively focused on teaching and mentoring our younger litigators and on finding ways to give them stand-up experience — whether in the courtroom or board room or in front of regulators — just as we were supported in our early careers. We will also prioritize pro bono litigation.

It seems like the firm's lateral growth in litigation of late has focused on the technology sector and the new San Francisco office. Why did the firm want to grow in those markets? And what do you think Paul Weiss brings to the table for clients there in particular?

Gallo: The firm has long had a vibrant West Coast practice handling matters for tech and life science companies for many years. Over time, it became clear that our clients wanted an on-the-ground presence with a

keen understanding of the unique business culture and familiarity with the courts there. Our San Francisco team has been absolutely critical in a number of our most recent tech representations, including our defense of Apple in a number of matters, our representation of RingCentral in a high-stakes breach of contract dispute with Zoom going to trial later this year and our defense of Uber on appeal in an unfair competition suit brought by a Boston taxi conglomerate. They have also been essential in a number of significant life sciences and white collar matters.

Carey: We wanted to bring our culture of excellence to the West Coast market and were very deliberate in putting together an incredible team. We were fortunate enough to bring in some of the most prominent lawyers in the area, including **Melinda Haag, Walt Brown, Meredith Dearborn, Josh Hill** and **Randy Luskey**, who are all fantastic first-chair trial lawyers and white collar counselors, and all well known in the community and by clients. The cross-collaboration of our East and West Coast offices allows us to build deeper relationships with our clients, and makes our combined trial and investigations abilities the strongest on the market. The new office also expands our capabilities in antitrust and consumer law.

Where are you looking to build or expand in the next year?

Carey: Our litigation work is growing quickly in several different directions. We recently created new practice groups focusing on data privacy, cybersecurity, cryptocurrency and blockchain-related litigation and government enforcement matters, which will be a more concerted focus for us going forward. We'll continue to build on our existing strengths in antitrust litigation and in handling government investigations of all kinds. We're also focusing on SPAC litigation.

Gallo: We have a very strong M&A litigation practice, and have developed a preeminent Court of Chancery practice for high-stakes, high-speed litigation. We've handled over 20 major disputes there in the past few years, and former Chancellor **Andre Bouchard** recently [joined the partnership](#) in our Wilmington office. His expertise will be absolutely crucial to our continued expansion there as we advise boards on governance and related issues. Over the past few years, we've also built a preeminent Supreme Court and appellate practice under the leadership of **Kannon Shanmugam**, and we will continue to invest in its expansion.

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

Carey: We recently secured a major victory for Apple in *Epic v. Apple*, which was among the most closely watched civil antitrust trials this year. We were retained shortly before trial and played a leading role, alongside co-counsel **Gibson Dunn**, during the three-week proceeding, including conducting opening statements. Previously, we successfully defended Bloomberg in a broadcast licensing dispute, defeating the plaintiff's \$50 million claim and winning \$17 million on Bloomberg's counterclaim. We represented Symbiont in a new economy companies dispute in the Delaware Chancery Court, securing a \$140 million verdict in one of the largest damages awards in Chancery Court in recent years. On the white collar side, we secured an acquittal for former Iconix Brand Group CEO Neil Cole on two securities fraud conspiracy charges after a four-week jury trial, with the judge declaring a mistrial on the remaining counts. We've been undefeated in the Supreme Court, with a 4-0 record over the past two years. We also recently achieved two landmark victories in separate pro bono trials: in addition to our \$25 million verdict in the Charlottesville trial, *Sines v. Kessler*, which I mentioned above, our lawyers secured a major voting rights victory in North Carolina state court when it struck down a voter ID law that disproportionately burdened Black voters.

Gallo: As far as tactics go, we take a true team approach to litigation, utilizing everyone's strengths to provide the best service possible. We hope that top to bottom our teams present clients with pure excellence. Our most senior partners know that they owe their success to great teamwork. We hope clients know that we have the depth and quality to gear up quickly even if we are retained late in the litigation process, following an adverse decision, as trial is approaching or when media attention threatens reputations.

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

Carey: We have a very busy year ahead with a pipeline of several upcoming trials in courts across the country spanning several practice areas. In January alone, we have three trials on the docket. And later in the year, we're handling a real estate-related breach of contract and fiduciary duty trial in Florida state court and four patent trials on behalf of biotechnology, biopharmaceutical and medical technology companies.