

A Litigation Trailblazer

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Brad S. Karp, Partner and Firm Chairman, and Karen L. Dunn, Partner—Litigation

Chairman of Paul, Weiss since 2008, Brad S. Karp is one of the country's leading litigators and corporate advisers. Brad has successfully guided numerous Fortune 100 companies, financial institutions, sports leagues, and others through "bet the company" litigations, regulatory matters, internal investigations, and crises. He has received dozens of industry recognitions for his legal achievements and for his leadership within the legal profession. Brad is active in the community, serving on numerous public interest, educational, cultural, and charitable boards. He is a graduate of Harvard Law School and has spent his entire professional career at Paul, Weiss.

Karen L. Dunn is one of the nation's top trial lawyers. In recent years, Karen has successfully tried some of the largest, highest-profile cases, including *Epic v. Apple*, *Waymo v. Uber*, *Malden v. Uber* and *Oracle v. Rimini Street*. In 2021, she won a historic civil rights victory, *Sines v. Kessler*, a landmark trial against the neo-Nazis and white supremacists responsible for the violence in Charlottesville, Virginia, in 2017. A veteran of all three branches of government and former debate adviser to President Barack Obama, Secretary of State Hillary Clinton, and Vice President Kamala Harris, Karen is also a skilled crisis manager.

Describe your practice area and what it entails.

Brad: I defend clients in "bet the company" litigations, regulatory/enforcement matters, and internal investigations. My practice essentially involves helping my clients avoid, manage, and mitigate existential risk across industries and subject matters. I work with CEOs, boards, and general counsel to address multifaceted crises involving potentially ruinous liability, an adverse court decision, an explosive news story, a crippling enforcement action, or a dangerous congressional investigation. My major focus is helping my clients manage the risk of existential litigation or enforcement actions and serving as a consiglieri to executive management. I also am very active in the community and, as chair of the firm, I help guide the firm's strategy and lead the firm's response to the mounting number of social justice and racial justice crises.

Karen: My practice focuses on two primary things: trials and crisis management. I have represented some of the world's largest and most impactful companies in business-critical cases. Sometimes we build the trial strategy from the first day of the case, and sometimes we are brought in just for trial. I also advise executives and boards when their companies are truly in crisis, either because of government investigations, congressional oversight, litigation, media scrutiny, or all of the above. I also maintain a very active pro bono practice, which has included representing plaintiffs injured by the white supremacists who terrorized Charlottesville in 2017 and winning a two-year battle for budget autonomy on behalf of the

District of Columbia. I have experience in government and politics, so I often work on cases where politics, social impact, and law intersect.

What types of clients do you represent?

Brad: I represent global banks like Citigroup, JPMorgan, Goldman Sachs, Morgan Stanley, Credit Suisse, and others; sports leagues like the National Football League, Major League Baseball, Major League Soccer, and others; leading alternative asset managers like Apollo, Blackstone, KKR, and others; and numerous Fortune 50 companies.

Karen: I represent some of the largest, most innovative companies in the world, including Amazon, Uber, Airbnb, Oracle, and General Electric, but I also represent smaller companies like The RealReal, as well as universities, nonprofits, and individuals.

What types of cases/deals do you work on?

Karen: I just wrapped up a significant copyright infringement trial on behalf of Oracle related to support for enterprise software. In 2021, I was proud to try two of the highest-profile civil cases in the country: *Epic v. Apple*, an antitrust challenge to the App Store by the maker of Fortnite, and *Sines v. Kessler*, the case against the white supremacists responsible for the violence in Charlottesville in 2017. I'm defending Amazon in a series of unprecedented litigations challenging its low-

price guarantee, a core of its business model. I'm representing Uber in an antitrust suit, Qualcomm in a major commercial dispute, and The RealReal in a suit brought by Chanel in an effort to shut down the resale market. In between, I am handling several congressional investigations. And I go to trial this March where I represent a group of children and their parents in a case against a preschool where the children were sexually abused.

Brad: I handle all of the NFL's most threatening, high-profile matters, including the massive, multidistrict concussion litigation against the NFL brought on behalf of more than 5,000 retired players alleging they suffered cognitive impairment due to their participation in professional football. I recently successfully represented General Electric in a multibillion-dollar trade secrets case against Siemens; Morgan Stanley in the dismissal of a massive class action alleging manipulation in the multitrillion-dollar Treasury securities markets; the independent directors of CBS in a lawsuit related to its merger with Viacom; Credit Suisse in an independent review of its relationship with the Archegos Capital, which collapsed, resulting in the bank losing billions of dollars; Citigroup in more than a dozen class action litigations and regulatory investigations; Blackstone in a multibillion-dollar claim that it misled state pension investors; and other clients in "bet the company" matters. I am also very active on pro bono matters involving reproductive choice, gun control, protecting voter integrity, and immigrant rights.

How did you choose this practice area?

Karen: I had no intention of being a lawyer for most of my early life and career. Following college, I worked in television news, then on Capitol Hill, then on a political campaign, and back to the Hill. I specialized in communications. One day it hit me that I could put my communications skills to work as a federal prosecutor, where I could try cases on behalf of the government. My current practice unites my love of trial work and my experience in government and communications.

Brad: My parents were both lawyers, and I knew early on that I wanted to be a litigator. I joined Paul, Weiss as a summer associate because the litigation department was renowned as a place where you could work with the world's greatest lawyers on the biggest, most important cases, while also engaging in important, high-impact pro bono litigation. Early on, I had the privilege to learn from two giants in the litigation bar, Judge Simon Rifkind and Arthur Liman, both consummate trial lawyers.

What is a typical day like and/or what are some common tasks you perform?

Karen: One of the things I love most about my practice is that every day is different. On any given day, I am focused on trial

prep, editing briefs or motions, learning the facts of a case, or, if trial is approaching, writing a cross-examination or an opening statement, or preparing a witness to testify. I do a lot of Zoom calls with clients and colleagues to discuss case strategies. And always, I work in close collaboration with a core team of brilliant colleagues.

What training, classes, experience, or skills development would you recommend to someone who wishes to enter your practice area?

Brad: People join our litigation practice from all academic backgrounds, but a track record of academic excellence is a baseline for future success. So much of what you learn in litigation is "on the job" training, so I tell law students to seek out a firm like Paul, Weiss that offers the best training, professional skills development, and the chance to work with the world's best, most talented trial lawyers.

Karen: The most important thing to bring to the job is a great attitude. I tell people starting out that when someone presents you with a new opportunity, no matter how intimidating, you should try to start from a place of "yes." Put the fear aside and believe you can do whatever comes at you, including and especially things you haven't done before.

What is the most challenging aspect of practicing in this area?

Karen: Challenges of legal practice were redefined in many ways by the pandemic. It used to be that constant travel was a challenge; now, ironically, we all miss traveling and look for opportunities to meet our clients and colleagues. We were fortunate to have a few (masked) in-person trials during the pandemic, and they felt like a bit of normalcy during a crazy time.

Brad: The exponential growth in digital data and communications produced in the average business litigation can be challenging. Our litigators need to keep abreast of the onslaught because the tiniest detail could prove outcome determinative. We have invested heavily in legal technology that can both improve outcomes for our clients and help them retrieve the knowledge they need faster and more efficiently, earning a recognition in December from the *Financial Times* for our innovations. Relatedly, our tech clients face unprecedented legal threats in areas where commercial, antitrust, and class action law are all implicated; that work has accelerated since we expanded into Northern California in 2021.

What do you like best about your practice area?

Karen: I love the intensity of working together with my colleagues and clients to solve hard problems, which often break

new ground in law or business. I started my career working on political campaigns; I know the value of being in the trenches with your teammates, day in and day out. We are a team, and it makes the work all the more meaningful.

Brad: I treat my clients' problems as my own, and so nothing is more gratifying than developing creative solutions to seemingly intractable problems, resolving existential threats facing my clients, and enabling them to focus on their business and strategic goals. As a result, so many of my clients have become close friends over the years.

What are some typical tasks that a junior lawyer would perform in this practice area?

Brad: Associates, even in their first year, play an important role in and make major contributions to litigation matters.

There are myriad opportunities to get involved in important aspects of cases, from taking and defending depositions, to helping prepare pleadings and motions, to organizing documents for trial. We give our junior lawyers courtroom experience early on and encourage them to take on pro bono cases, where they can get real-world experience leading matters, while making a tangible difference in their clients' lives and helping to improve society.

What makes practicing as a litigator at your firm uniquely enjoyable?

Karen: Trial work is a team sport. I regularly try cases with a small group of hyper-talented, wonderful people with whom I have worked over many years; I call us a "trial SWAT team." We have a lot of fun together, even when the cases are high stress, and we are good at what we do because we love doing it.

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Brad S. Karp, Partner & Firm Chairman