



Benchmark Litigation USA 2024 Research Webinar

TUESDAY FEBRUARY 7, 2023

3PM ET

Speakers:

Michael Rafalowich, Managing Editor

Brittany Sharoff, Senior Research Analyst

Today's Agenda

Benchmark research process

Completing the Questionnaire

Interviews

Benefits of participation

Submission strategies

Benchmark rankings and special honors

Sponsorship options

About Benchmark Litigation

It is the only study to focus exclusively on litigation

Research timeline: February 2023– September 2023

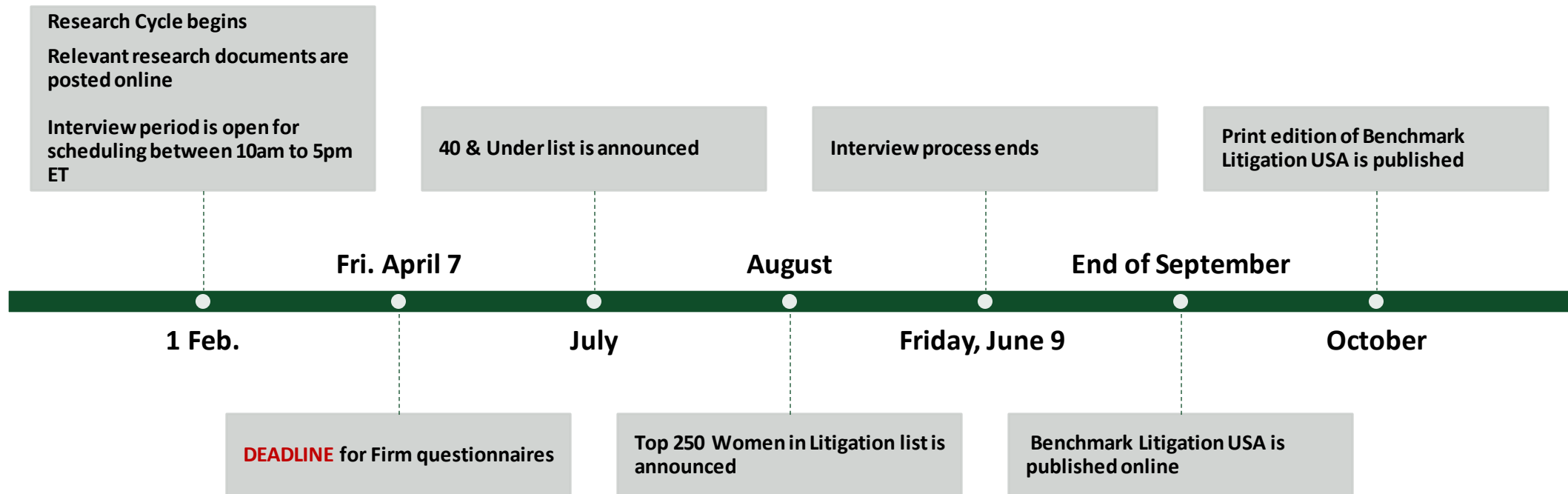
Researchers are based in New York (although will be principally WFH during the continued duration of the COVID pandemic)

FREE to participate and be included in rankings

Benchmark Litigation USA Edition will be available in print.
All other publications will be online only.

Content: firm rankings, firm analysis, special honors lists,
litigation and future stars

Research Timeline



Sources of Information



FIRM QUESTIONNAIRES



ATTORNEY INTERVIEWS



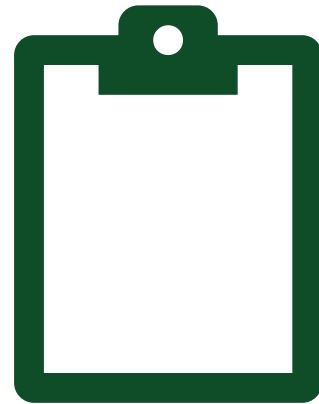
CLIENT/PROFESSIONAL
FEEDBACK FROM
SURVEYS



NEWS AND OTHER
EXTERNAL SOURCES



INDEPENDENT
RESEARCH



Completing the Questionnaire

- **Download the necessary documents:**
 - 2024 Research Questionnaire
 - Client/Professional Referee Template (Excel spreadsheet)
 - **These documents are available as attachments to this Webinar.**
 - **They can also be found on the Benchmark USA Methodology page**

New Euromoney Submission Portal: How to register

Account Creation	
First Name	<input type="text"/>
Surname	<input type="text"/>
Email Address	<input type="text"/>
Company	Gibson
Job Title	Gibson Dunn & Crutcher Streetman Meeks and Gibson
Country	Select Country
Contact Number	<input type="text"/>
Password	<input type="password"/>
Confirm password	<input type="password"/>

Your company is not available?
Request adding your company [here](#)

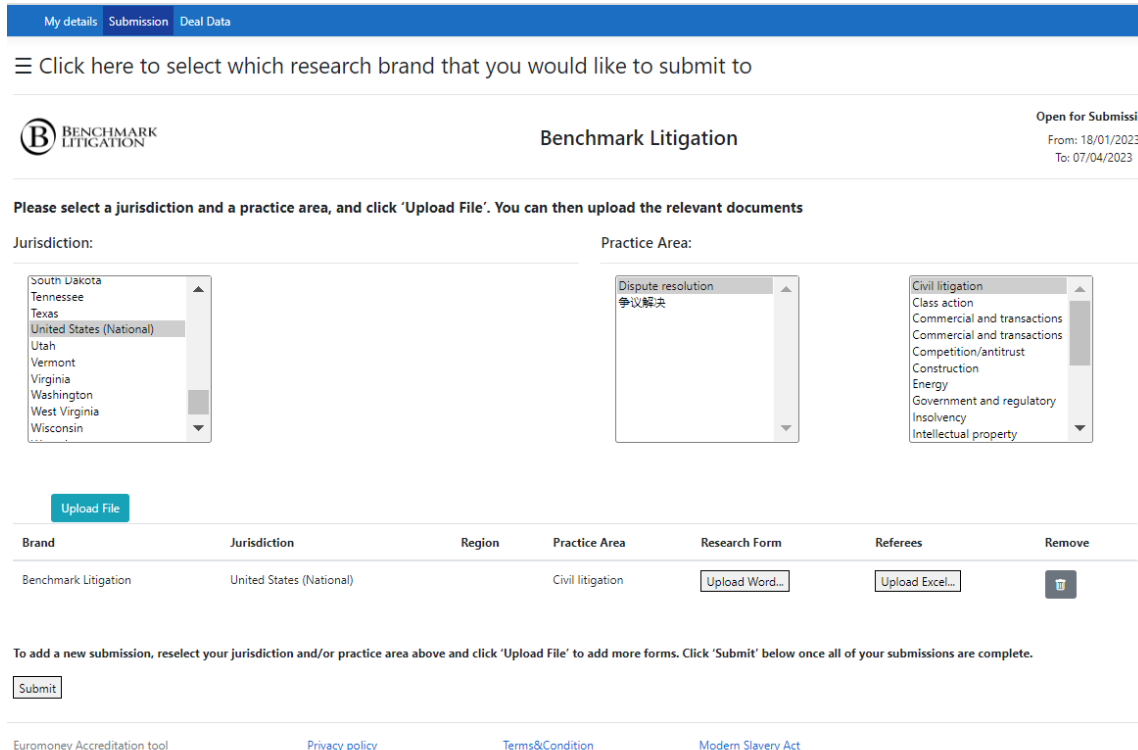
- **You must register in order to submit**
 - *Register early!*
- Create your account
 - Fill in all sections of the registration
 - Begin typing your firm name in "Company" and wait for drop down menu to appear (*about 15 seconds*)
 - **Select your firm in the drop down as shown in the picture to the left**
 - **If your firm does not appear in the drop-down menu, please request having your company added**
 - Begin typing in "Country" and select **United States** from the drop-down menu (same 15 seconds!)
 - If you don't receive an email confirmation, please let the Accreditation Portal team know.
- Keep your password safe!
 - If you lose/forget it, request a new one immediately! Don't wait until firm submissions are due
- **Due to GDPR requirements we will no longer accept submissions via email. Please only use the submission portal.**

How to submit on the submission portal

After filling out the relevant research documents, registering for the portal, and you are ready to submit:

1. Select 'Benchmark Litigation' from the listed brands (click on the three lines on the upper left)
2. Select the 'United States (National)' option
3. The above will prompt a list of US states and USA-National options to appear
 - If you are ranked nationally or have multiple state rankings, National option is recommended.
 - You may upload separate submissions for multiple states, but it is **NOT required or recommended**.
4. This will prompt the relevant 'Practice Areas' to appear. Select 'Dispute Resolution'. In the following area, choose the sub-practice area that best reflects your firm's submission.
5. If you have multiple practice areas in one submission, please do not upload the same submission multiple times.
6. Upload your questionnaire and client referee spreadsheet. Client/professional referees **MUST** be in the provided excel format.

Due to GDPR compliance, we cannot accept firm questionnaires outside of this portal. Any submissions sent via email will be disregarded.



The screenshot shows the submission portal interface. At the top, there are navigation tabs: 'My details', 'Submission', and 'Deal Data'. Below this, a blue bar contains the text: 'Click here to select which research brand that you would like to submit to'. The main content area features the Benchmark Litigation logo and the text 'Benchmark Litigation' with a sub-header 'Open for Submission' and dates 'From: 18/01/2023 To: 07/04/2023'. A instruction reads: 'Please select a jurisdiction and a practice area, and click 'Upload File'. You can then upload the relevant documents'. There are two dropdown menus: 'Jurisdiction:' with options like South Dakota, Tennessee, Texas, United States (National), Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin; and 'Practice Area:' with options like Dispute resolution, 争议解决, Civil litigation, Class action, Commercial and transactions, etc. An 'Upload File' button is visible. Below these is a table with columns: Brand, Jurisdiction, Region, Practice Area, Research Form, Referees, and Remove. The table contains one row for 'Benchmark Litigation' with 'United States (National)' as the jurisdiction and 'Civil litigation' as the practice area. There are 'Upload Word...' and 'Upload Excel...' buttons in the Research Form and Referees columns respectively. At the bottom, there is a 'Submit' button and a footer with links for 'Euromoney Accreditation tool', 'Privacy policy', 'Terms&Condition', and 'Modern Slavery Act'.

Submission Fulfillment Tips

Register	Do this immediately! You don't want to be late to submit.
Adhere to the deadline	The deadline is important. Start early to avoid project bottlenecks and time crunches on your part! We can't stress it enough – firms who start early on questionnaires have an advantage.
Avoid jargon, spin and puffery	Cut to the chase! Researchers are not lawyers. It's also important to limit fluff UNLESS it is a factual notation of novelty or precedent set. Otherwise let the work and our research speak for itself.
Choose the best cases	Use your strongest illustrative matters in the case summary section. Not every year is necessarily going to include bet-the-company blockbuster matters but you should at least provide the ones that are most indicative of the firm's litigation strength.
Tell a story	Tell a story! This is the firm's opportunity to provide an illustrative account of the past 12 months of its litigation capacity.
Complete the form	While you don't want to write too much, you also don't want too little.

CASE HIGHLIGHTS

Please include the details of key cases handled in the last 12 months using the table structure below. Copy and paste the table structure for each new case. This area applies to all relevant practice areas, including Labor & Employment. Labor & Employment cases will be considered for the Benchmark Litigation US publication.

Case name (REQUIRED if nominating for "impact case" award)	
Nominate for award? (Y/N) Maximum 3	
Dispute resolution practice area	
Closed or ongoing?	
Date completed (if relevant)	
Client(s) advised	
Lead partner involved	
Other lawyers involved	
In-house counsel (if available)	
Your firm's role	
Other law firms and their roles	
CONFIDENTIAL (Y/N)	
Description	
Please state the significance, impact and outcome of the case	



The Case Summary Section

The case summary section (image to the left) is where you get the opportunity to extrapolate on the work the firm and its partners have been engaged in over the past 12 months (*ongoing cases are welcomed*).

THIS IS THE MOST CRITICAL PORTION OF THE QUESTIONNAIRE. Editorial analyses of firms are never guaranteed but if this section of the questionnaire is not complete or lacking substantial content it is often impossible for Benchmark reporters to compose any meaningful analysis. Not every one of the fields will be necessary to populate, as they may not all be applicable to every firm but we will require:

- The case name (if it is being put forward for consideration as an "impact case" award at our annual award ceremony.)
- Date completed or whether ongoing
- Lead partner(s) and other firm partners

EXTREMELY IMPORTANT! If there are any **confidential** aspects to the matter, or if it is wholly confidential, it the firm's responsibility to make us aware of this so that we do not violate any confidentiality agreements by reporting on it. **Highlight it, use bold type, use colored text,** etc. if you must!

Client/Professional References

Submitting client and professional references is a key component to our research.

How to select client references:

- **Think about the client's personality** – are they more verbose or more circumspect?
- **Think about how deep the relationship is** – will this client actually be able to offer substantive responses or one-word answers?
- **Consider accessibility** – Will we be able to actually reach them?

Best practices to submit your client/professional references:

- Provide clients that your litigation department has advised over the past three years or, if not a client, a professional reference that can vouch for specific members of your litigation team
- Notify confirmed references in advance so that they actually answer emails and not disregard them as spam
- Tie-in to referenced matters where possible

Alternative types of references to consider: opposing or co-counsel, retired judges, etc.

Attorney Interviews: What to Expect and What we Expect

The interview is not simply a firm promotional opportunity – peer review and market commentary are *essential* to the integrity of the *Benchmark* research process so partners should be prepared to speak on this. If they don't want to, we have the right to decline the interview.

Our goal is to conduct an honest internal assessment of your firm so when choosing interviewee candidates, put forth your most prominent players and/or up- and-comers that you can say with confidence should be recognized.

The partner interviews are a way for us to develop relationships with, and get personal perspectives and commentary from, a firm's litigation partners. These can be done via phone call or via Zoom or its equivalent from 10am to 5pm ET Monday through Friday. The interview process will end on June 9th. **We will be conducting in-person interviews this year! We will be respecting all vaccination and social distancing requirements.**

Telephone Interviews: 1 to 5 calls maximum per firm, with no more than 3 partners on any one call. Calls can last anywhere from 20-60 mins and require that you provide us with a toll-free conference line to dial in to.

Videoconference interviews: 1-5 maximum meetings per firm, with no more than 10 partners on any call. Video interviews can last from 60 to 90 minutes, depending on researcher and/or partner schedules. **PLEASE AVOID OVERLOADING THESE MEETINGS WITH TOO MANY ATTENDEES!** Time schedules are going to be extremely tight this year and too many attendees on any one call will be counterproductive; this will rush the proceedings and/or not allow for proper quality time with every one of the partners and/or not afford Benchmark reporters to get all the intel they need.

How can you improve your ranking?

Ultimately there are no guarantees but here's what you can do to maximize your impression.

Put thought into the questionnaire:

- Choose matters that best reflect the firm's litigation practice(s) over the past 12 months
- Keep it simple but thorough
- Be aware of due dates and START EARLY!
- Target client and/or professional references

Strategize interview subjects. Consider reflecting the firm's strongest key players over the last 12 months, whether they be seasoned, established partners, younger 'future star' candidates, or a mix of both.

If there is an aspect to your practice that you feel could be reflected better in Benchmark or we are missing altogether, identify it for us and provide us with some evidence and/or contact leads that can vouch for this. If our research corroborates this, it will be reflected in the next edition.

HONESTLY CONSIDER HOW MUCH EMPHASIS THE FIRM PUTS ON THE LITIGATION AND DISPUTES PRACTICE. Not all firms are going to be known for litigation, even if it is a dominant player in other areas of law.

Why participate in *Benchmark*?



Increased visibility and potential referrals for your firm – audience is expanding rapidly and we are expanding globally!



Third-party validation in an independent and impartial journalistic study



Stand apart from the pack – Benchmark is the only source exclusively dedicated to litigation and disputes. If you are looking to promote or emphasize this aspect of your practice, there simply is no more effective vehicle for doing this.



Gain an advantage. Your competitors are most likely doing it and benefiting from it.

Benchmark Special Honors List

Top 250 Women in Litigation: Brittany Sharoff

- ONLINE ONLY. Published annually in August focusing on leading 250 women litigators as identified through the research process.

40 & Under: Brittany Sharoff

- ONLINE ONLY. These practitioners, all aged 40 or younger, are deemed the most promising and emerging talent in the respective litigation communities. Published in July. **A confirmed DOB must be provided for all candidates put forth for this honor. We cannot rank candidates without proof of age.**

PLEASE NOTE: DUE TO THE EARLIER PRESS DATE OF THESE TWO OUTBOUND EDITIONS, RANKINGS AND STARS MUST BE DECIDED ON BY NO LATER THAN FRIDAY MAY 26. **THEREFORE, ANY QUESTIONNAIRES CONTAINING NOMINATIONS FOR EACH OF THESE THAT ARE RECEIVED MORE THAN TWO WEEKS PAST THE APRIL 7th DEADLINE ARE NOT GUARANTEED TO BE CONSIDERED**

Top 100 Trial Lawyers in America: Michael Rafalowich

- INBOUND – appears in the master edition in the fall of 2023. Special feature list and accompanying novel editorial highlighting the leading trial lawyers (as opposed to litigators) in the US as discovered through Benchmark research.

****Please Note: This year, the Labor & Employment guide will not be running. We will continue to publish national rankings as well as the honors list, Top Labor & Employment Litigators. Labor & Employment Stars and ranked law firms will be considered for the Benchmark USA firm and lawyer rankings.**

What do our distinctions mean?

Litigation Stars

- Partners identified as established key players in the market via interviews the Benchmark research team conducts with prominent litigators, in addition to client feedback and research avenues.

National Stars

- Some litigators who are specialists in certain key practice areas will be identified as National Stars – this means that regardless of where they are physically domiciled, peers and clients across the country identify them as leaders. National stars are by default also ranked locally.

Future Stars

- Partners who been identified as individuals who are very likely to attain increased recognition within the market, based on growing stature and involvement in high-profile work, within the next two editions of Benchmark. The Future Star ranking does not necessarily equate with youth or lack of experience. Future stars cannot appear as National Stars.

National firms

- The elite group of firms that have been identified as dominant players, earning coast-to-coast recognition.

Multi-state and/or regional firms

- Firms that not only have offices in two or more states but also have demonstrated litigation bench strength and involvement in high-profile disputes in several states, whether they be regional or geographically disparate.

State firms

- Firms that typically, if not exclusively, operate in one state or jurisdiction and have been acknowledged as leaders in this jurisdiction.

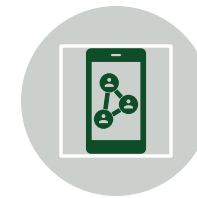
Benefits of Sponsoring *Benchmark*



Early access to rankings and editorials



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Promotional opportunities in our monthly newsletter, social media channels, and on the Benchmark website.



Features in our newsletter that goes out to a global audience and consists of lawyers and in-house counsel

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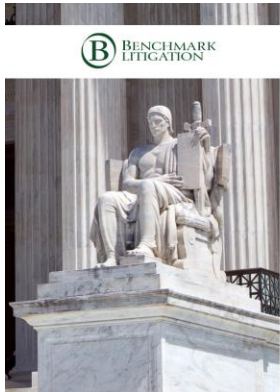
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“Mary Jo White has the skill set and ability to effectively accomplish extraordinary things. She is the real deal.”

Benchmark Litigation Client Feedback 2020

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W: www.cravath.com

Cravath strives to be the firm of choice for clients facing their most difficult and critical litigation. We are not just litigators; we are trial lawyers. We are trained across multiple disciplines, which enables us to think outside the box and apply creative solutions to complex matters, regardless of the subject matter, industry or client role in a particular dispute. The credibility and experience we bring to each matter and our preparation of each case from the outset as if it were going to trial give us a strategic advantage in all aspects of litigation. Some of our practice areas include:

Antitrust: Since successfully defending IBM during the 1970s and '80s in the landmark government case over alleged monopolization of the computer market, Cravath continues to be the go-to firm for major antitrust litigation. Our practice is chaired by the only person to have ever served as both the U.S. Assistant Attorney General for Antitrust and as a Commissioner of the Federal Trade Commission. We represent clients in securing regulatory clearance for major transactions. We also advise clients on business conduct or potential investments and handle government investigations.

Appellate: We have extensive experience representing appellants and appellees in federal and state courts across the country. We regularly handle the appellate work for matters in which we are conducting the trial court litigation, including interlocutory appeals and appeals following trial or other disposition. In addition, we are frequently retained to take over matters on appeal that were originally handled by another firm at the trial court level. We also prepare amicus briefs in connection with important cases

frequently arises from IP matters, such as antitrust and breach of license claims. We bring to such case a trial lawyer's courtroom perspective and deep trial experience, which distinguishes us from many firms who may be IP specialists but do not try cases on a regular basis. We also supervise and coordinate IP disputes that span the globe and regularly advise clients on national and worldwide IP strategy.

Investigations & White Collar Criminal Defense: Cravath handles major white collar criminal defense matters, regulatory enforcement actions and investigations for corporations, both foreign and domestic, in diverse industries. We also assist clients in handling complex internal investigations, conduct fact-finding exercises with respect to shareholder demands and advise company executives and directors on compliance obligations, potential areas of exposure and preventive measures. We have extensive experience in matters involving the FCPA, insider trading, accounting fraud, trade sanctions, export and anti-money laundering controls, tax fraud, healthcare fraud, antitrust and other issues. Our team includes attorneys who have spent portions of their careers at U.S. government agencies.

Securities: We have achieved significant wins and established important precedent in mega-deal litigation, traditional securities fraud litigation and regulatory enforcement matters on behalf of every key category of defendant: issuers, financial institutions and audit firms. Our wins and innovative strategies from the boardroom to the courtroom have given corporate defendants greater ammunition to protect critical business interests and leveled the litigation playing field. Securities cases rarely go to trial, and we have tried four in the past several years.

Recent Litigation Clients:

- Allium.com
- American Express
- Merck
- Morgan Stanley

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Honoring Our National Litigation Stars

Greenberg Traurig is proud to support all of the Litigation Stars recognized by Benchmark Litigation for 2020



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TOP 100 TRIAL LAWYERS IN AMERICA SPONSORED ARTICLE

Q&A with Diane Sullivan

Operating from the New York and Princeton, NJ offices of Weil, Gotshal & Manges, Diane Sullivan has enjoyed a status as a nationally revered trial lawyer for several decades. Diane, as well as several of her landmark achievements, have been widely covered in the local and national news media, as well as in several case studies in trial law. With a particularly keen acumen in the product liability space, Diane has triumphed on behalf of her clients, which include a veritable “who’s who” of industry players, in the tobacco, pharmaceutical and environmental sectors, in cases that have literally defined the landscape in these respective capacities. However, Diane’s rich history in product liability only tells half of the story; illustrating how her trial acuity knows seemingly no limits, she has also led clients to victory in the corporate, commercial and intellectual property arenas as well. Most recently, she provided lead trial counsel for Johnson &



Hopefully you don't take this the wrong way but you're a seasoned veteran of trial law. At any point, does it ever get easier? Does it get harder? What are some of the most notable challenges that career trial lawyers have to grapple with? Being away from home for long stretches of time gets tougher as the years roll on. It was more exciting crisscrossing the country for trials in my 30s than it

Stay In Touch

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Q & A
