

CALIFORNIA LEADERS IN TECH LAW & INNOVATION

The Recorder is proud to announce this year's winners and finalists for the California Leaders in Tech Law and Innovation Awards. The awards celebrate the achievements of lawyers and companies leading technology, innovation and the profession as a whole.

TECH LITIGATION DEPARTMENT OF THE YEAR KEKER, VAN NEST & PETERS

WINNER

Keker, Van Nest & Peters partners Jamie Slaughter and Adam Lauridsen led a team that successfully defended Electronic Arts Inc. against class action claims from retired NFL players arguing that the company used their likenesses in the Madden NFL video game franchise. Robert Van Nest, Matthew Werdegar, Gene Paige and Matthias Kamber defended Google against trade secret misappropriation and patent infringement claims related to its Project Loon, which uses balloons in the stratosphere to provide wireless services. Paven Malhotra and Ryan Wong won a ruling at the Alabama Supreme Court for Facebook limiting the circumstances where courts can assert jurisdiction over internet companies for their content moderation decisions. And the firm represented Google in arbitration



(L to R) Khari Tillery, Matthias Kamber, Jo Golub, Elliot Peters, Bob Van Nest, Lizzy McCloskey, Jamie Slaughter, Tina Sessions, Paven Malhotra of Keker, Van Nest & Peters.

Jason Doiy/ALM

against former autonomous car chief Anthony Levandowski and the co-founder of Otto, the company he sold to Uber. Uber's IPO filings indicate that Google won a \$128 million award in the arbitration—an award pending confirmation in California state court.

That slate of cases landed Keker as the winner amongst six finalists for the Tech Litigation Department of the Year as part of The Recorder's California Leaders in Tech Law and Innovation Awards. Managing partner Steven Taylor recently discussed how the San

Francisco litigation boutique is keeping up with changing trends in the market for litigation services.

What are the distinguishing characteristics of litigators that practice at Keker?

Steven Taylor: Excellence, ambition, creativity and teamwork. And a good sense of humor. We are a group of individuals with diverse backgrounds and interests, each of whom is accomplished, and together we are committed to achieving excellence for our clients. Lawyers here thrive working on high-stakes, difficult-to-win cases that require novel approaches and a fair bit of grit.

When a client comes to Keker for representation on a piece of litigation, what can they expect?

The best lawyers devoted to solving their most difficult problems. We invest time in understanding our clients, their operations, technology and goals to tailor our representation to their objectives. We're aggressive and passionate advocates, but also thoughtful representatives for our clients. Clients tell us often that they can find good lawyers, but it is much harder to find good people too, and our firm is the right combination of both. We want clients to be proud to have our lawyers represent them and their companies.

Our case teams are often much smaller than our counterparts, and everyone, senior partner to junior associate, plays a significant role in the case. Clients come to know, trust, and rely on our entire team. We think this approach allows our case teams to provide superior advocacy and service to our clients.

How does your firm gauge success on any particular litigation matter?

Each case has a different specific measure of success, but generally we ask: "Did we meet or exceed our client's expectations? Did we accomplish the client's goals?" Of course, we want to win a case, we are trial lawyers after all, but ultimately we want to do right by our clients. Sometimes that means aggressive trial advocacy through a verdict, but other times it's negotiating a quick settlement, or shielding them from government prosecution. We want our clients to walk away knowing we're fighting their fight, shoulder to shoulder, and bringing a trial-focused and strategic approach to their cases.

What ways is the business of litigation changing, and how are you adapting to those changes?

The business of litigation is ever-changing. Our firm is not organized into structured practice groups and our lawyers practice across several different areas of law, which keeps us nimble and able to adapt easily to changing practice demands. We've seen the mix of subject matters shift over time—patent has ebbed and flowed, while certain commercial litigation, antitrust, trade secret and employment disputes have increased of late—but because we haven't focused on a singular niche the demand for our services remains strong.

One challenge for us is developing the next generation of great trial lawyers in an era when fewer cases are making it to trial. We try to address this by actively push-

ing the professional development of our young lawyers early in cases and securing speaking roles during oral arguments, trials and arbitrations. We also actively seek out pro bono opportunities, assignments to the district attorney or public defender's offices, and in seeking other cases that can lead to professional opportunities.

We are also encouraged that many of our clients have voiced their commitment to increasing diversity in the legal profession. We've seen more requests for reporting diversity metrics and are having more face-to-face meetings discussing our diversity initiatives and client objectives. We have long maintained that our strength comes from the varied perspectives of a diverse group of attorneys for each case and for our firm as a whole. This has been part of our firm ethos since its founding, and we know that fostering diversity in the workplace requires thoughtful and continuous effort. We have consistently adjusted our internal processes and benefit offerings to help accomplish these goals.

It's not necessarily a new development, but we know that our clients are under significant pricing pressures and are looking to reduce legal spend or narrow the firms they use. We work with them on pricing and alternative fees, and we're conscientious about staying within budgets while meeting clients' litigation goals. We're grateful that our clients report that they are impressed with our work and that the firm has provided significant value.