

Rising Star: Keker Van Nest's Justina Sessions

By Christopher Cole

Law360 (October 7, 2019, 4:00 PM EDT) -- Keker Van Nest & Peters' Justina Sessions has propelled an already accomplished career in telecommunications and trial litigation to the next level by defending Qualcomm against antitrust claims from a class of 250 million cellphone users, including winning a chance to appeal class certification, landing her a spot as one of three telecommunications law practitioners under age 40 honored by Law360.

HER BIGGEST CASE:

"I think the biggest case of my career is still going on right now," Sessions said, pointing to her work on behalf of Qualcomm in both the Federal Trade Commission's major action against the chipmaker as well as the follow-on consumer class action.

While representing the chip giant — which is accused of inflating mobile device prices through unfair patent-licensing tactics, with the consumer class seeking more than \$5 billion in damages — Sessions has handled numerous important depositions in the case and taken a lead role drafting many of the briefs, including a successful petition for interlocutory review of the court's class certification order, the firm noted.

"This case is a significant challenge because it is by all accounts a very novel application of the antitrust laws, so it's creating a lot of issues of first impression," Sessions said.

She vigorously defended Qualcomm's position and argued that the FTC is trying to change Qualcomm's business model fundamentally. "It is a business model that has certainly allowed Qualcomm to be very successful, but has also fostered unbelievable innovation in the telecom space."

Sessions played a lead role in Qualcomm's successful petition for review of the court's class certification order to the Ninth Circuit. A two-judge panel granted the petition in

RISING
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STAR



Justina Sessions
Keker Van Nest

Age: 36

Home base: San Francisco

Position: Partner

Law school: University of Michigan Law School

First job after law school: Law clerk for U.S. District Judge Claire V. Eagan of the Northern District of Oklahoma

January after the Keker Van Nest team argued that the court had improperly applied California antitrust law to a nationwide class contrary to circuit precedent, among other things.

Every turn in the controversy is crucial for Sessions' work.

"There's immense pressure on the lawyers to get it right and to beat back this onslaught from the FTC and from the class action lawyers and to continue to let this company innovate and drive technology forward.

HER PROUDEST MOMENTS:

Some of Sessions' biggest moments were the opportunities to present high-profile witnesses in the January FTC trial, including Qualcomm's head of research and development.

She also pointed to a different trial in the tech field when she first examined a witness in court as a standout moment.

Sessions has an accomplished pro bono practice as well, and she's proud of having defended some small native Alaskan advocacy groups that were opposed to "what turned out to be very dangerous and destructive oil drilling in the Arctic Ocean," she said.

In that case, she obtained Ninth Circuit dismissal of a suit by Shell Oil, which had filed actions against the Center for Biological Diversity, the Natural Resources Defense Council and other groups seeking declaratory judgments that its oil-drilling permits were validly issued.

WHAT MOTIVATES HER:

At the "macro level," one thing that motivates Sessions is finding out more about the high-tech industries in which she represents cutting-edge companies — and being part of the legal team working on their behalf. "I love learning about what makes my clients successful."

"On a more day-to-day and micro level, I really enjoy and am motivated by working with people. Whether that's [figuring out] how to get through to a judge, or how to tell a story to a jury, I find that really motivating." When it comes to clients, she said, "I like helping them through what are often, unfortunately, crises."

WHY SHE'S FOCUSED ON TELECOM:

"I don't necessarily think of my specialty as being in telecom. I think of my specialty as trial litigation, and that happens to occur in the telecom space," Sessions said.

"It sort of happened organically and then I found that this area of [technology] presents a lot of really interesting challenges." It's a highly regulated industry, dealing with significant intellectual property issues, fast-paced technology growth and standardization issues, all of which she said make the practice area a constant challenge.

"It's an area that requires lawyers to be very nimble and apply their skills," she said. "I think that's been a natural fit for my curiosity and desire not to specialize in any one area of the law."

"How I really got into it was having fantastic mentors who gave me the opportunity to work on these kinds of cases and get in the courtroom. Early on in my career I did a lot of work for T-Mobile, and they just wanted the best work product they could get."

Sessions credited “a combination of mentorships and fantastic clients” for getting into the telecom sphere.

CHANGES SHE SEES IN THE PRACTICE AREA:

In terms of the practice of law, telecom is only going to become more cross-disciplinary because of overlapping legal concerns from innovations like 5G, she said.

The next generation of wireless is “going to fundamentally change how we think of connectivity,” Sessions said. “The old dividing line between your phone and your computer has been blurred for a long time, and it’s only going to get blurrier.”

She sees patent-related litigation as just one of myriad legal areas that major telecom and tech companies face in the years ahead.

“And so I’m really looking forward to continuing to use my skills and background in a lot of subject areas.”

— *As told to Christopher Cole*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2019 Rising Stars winners after reviewing more than 1,300 submissions. Attorneys had to be under 40 years old as of April 30, 2019, in order to be considered for this year's award. This interview has been edited and condensed.