

Massachusetts Powerhouse: WilmerHale

By **Aaron Leibowitz**

Law360 (September 6, 2019, 5:51 PM EDT) -- WilmerHale has been a staple in the Boston legal landscape for more than a century, known as Hale & Dorr until its merger with Wilmer Cutler & Pickering 15 years ago. In the past year, the firm has only cemented its status as one of Law360's 2019 Massachusetts Powerhouses, including by representing Harvard University in one of the most closely-watched trials the city's federal courthouse has hosted in recent memory.

Two of the firm's biggest names — William F. Lee and former U.S. Solicitor General Seth Waxman — defended Harvard's affirmative action practices in a landmark case alleging the school discriminated against Asian American applicants.

"That was maybe one of the trials of the decade," Daniel W. Halston, the partner-in-charge at WilmerHale's 247-lawyer Boston office, told Law360. "That was a very significant and consistent case that we would have done over the years."

The case, which has yet to be decided but could ultimately reach the Supreme Court, fit with the firm's long history of taking up big moral questions — dating back to Joseph Welch representing the U.S. Army when it was investigated for Communist activity in 1954, and Lloyd Cutler forming the Lawyers' Committee for Civil Rights Under Law in 1963.

Susan W. Murley, a co-managing partner in Boston, said it "took a village" for the firm to take on the Harvard case.

"It certainly was a tremendous opportunity for this firm to be involved," Murley told Law360.

Murley said that Boston's deep education infrastructure has not only brought WilmerHale some of its clients, such as Harvard, but has also helped it develop a pipeline of talented young attorneys.

"A lot of people come to undergrad here and law school here and they stay," Murley said. "We say, 'We're only as strong as our talent and we're only as good as our people.' Having such a strong talent pool in our city is invaluable."

The city's thriving tech sector has also helped the firm find clients at their early stages and guide them through public offerings. Last year, according to the firm, WilmerHale worked with companies in 30 public offerings, 20 of which were in New England. Thermo Fisher Scientific, a Massachusetts-based

biotechnology product development company that the firm has represented since the early 1980s, utilized WilmerHale's services in several proposed transactions in recent months totaling \$2 billion.

Murley called the firm's representation of Thermo Fisher "a good example of how we've represented these companies, year in and year out, for many years." WilmerHale also directed four IPOs in the past 12 months, including for Constellation Pharmaceuticals and Stealth BioTherapeutics.

"Helping [companies] grow in different ways to become strong and viable public companies is an important feature of the work we did in 2018 and 50 years before that," Murley said.

And WilmerHale has led State Street — one of its regular clients and among the largest financial players in Boston — in three offerings totaling \$2.6 billion since last summer.

In other corporate matters, the firm helped Acacia Communications defeat a securities suit with a potential billion-dollar market cap exposure, and defended Solid Biosciences in a precedent-setting case in which a judge said Massachusetts state courts can't entertain nationwide class actions.

"That's a big one for securities practitioners because it will make it difficult to bring cases like that in Massachusetts," Halston said of the Solid Biosciences case.

An emphasis on pro bono work has also allowed the firm to play a role in major immigration cases against the Trump administration. In Boston federal court, WilmerHale teamed up with the American Civil Liberties Union to win class certification in an ongoing case challenging the deportation of the spouses of United States citizens.

The firm also joined with the ACLU to help a mother from Brazil reunite with her 9-year-old son after they were separated at the U.S.-Mexico border, where the mother said she was seeking asylum from an abusive husband.

Ninety-four percent of WilmerHale's lawyers did at least 20 hours of pro bono work in 2018, Murley said, calling it "fundamental to what we do."

"It's quite frankly an institutional value of the firm," Halston said.

The firm also provides pro bono representation to Boston-area stalwarts such as the Museum of Science, the JFK Library Foundation, and the Boston Athletic Association, which sponsors the Boston Marathon.

WilmerHale's team in Beantown includes about one-fifth of the firm's lawyers nationwide, and it takes on an even greater proportion of the caseload. According to Halston, one-quarter of the firm's 28 trials over the past year were based in Massachusetts.

In other instances, Boston-based lawyers have traveled to the West Coast to represent high-profile clients. Lee, who worked the Harvard case and is based in Boston, is a longtime lawyer for Apple Inc. and helped it settle a long-running patent war with Samsung last June.

Halston said the firm's success "all turns on the people," pointing out that it is regularly ranked among the top places to work by the Boston Globe.

"That's the thing that makes me particularly happy," he said. "As a law firm you're as good as your people, and I think we do a good job managing the job satisfaction side."

--Editing by Jay Jackson Jr.

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