

Litigation Leaders: How Wilmer Litigators Keep a ‘Relentless Focus’ on the Storytelling Dimension of Trials

“Our lawyers are expert in the craft of establishing and reinforcing narratives and themes, and in the art of witness presentation—and, together, those are the key ingredients for achieving victory for our clients,” says Hallie Levin, who co-chairs the trial practice at Wilmer Cutler Pickering Hale and Dorr with Joseph (Joe) Mueller.

By Ross Todd
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Welcome to another edition of our *Litigation Leaders* series, featuring the litigation practice leaders of the biggest firms in the country.

Meet **Hallie Levin** and **Joseph (Joe) Mueller** the trial practice co-chairs **Wilmer Cutler Pickering Hale and Dorr**. Levin, who is based in New York, litigates a broad range of matters, including complex contract, antitrust, business torts, employment, intellectual property and trade secrets cases. Levin was co-lead trial counsel for T-Mobile and Deutsche Telekom defending the merger of T-Mobile and Sprint from an antitrust challenge by attorneys general from 13 states and the District of Columbia. Mueller, who is based in Boston, has helped *two separate Wilmer teams* take home *Litigator of the Week* honors for successfully defending Intel in multibillion-dollar intellectual property trials.

Tell us little about yourself—beyond what’s in your law firm bio.

Joe Mueller: The [law firm bio](#) doesn’t fully capture how tremendously fortunate I’ve been at WilmerHale. First, I’ve been surrounded by incredible trial lawyers from the day I walked in the door. Second, I’ve had the opportunity to work on dozens and dozens of trials, in wide-ranging substantive areas, in courts across the country. The common perception is that big firms don’t go to trial often, but WilmerHale has an extremely active trial practice that has been



Courtesy photos

(L-R) Trial Practice Co-Chairs Hallie Levin and Joseph (Joe) Mueller of Wilmer Cutler Pickering Hale and Dorr.

trying high-stakes cases for many decades. I’ve had the wonderful opportunity to learn the craft of trial advocacy from senior mentors who have been trying cases since the 1970s. But I also learn constantly from our trial lawyers who are younger than me. We encourage all members of our trial teams, no matter how junior, to raise their hands if they have a creative idea for how to present an issue or argument to the judge or jury. It’s a highly team-oriented, collaborative place, and there is no group I’d rather go to battle with.

Hallie Levin: It’s a two-part answer for me. Professionally, [my law firm bio](#) doesn’t capture the

ways in which being a trial lawyer enhances and informs the pre-trial work that I do alongside teams of incredibly talented WilmerHale lawyers. We're known for being unafraid to take cases through trial, and my advocacy for clients — be it in government-facing investigations or commercial disputes — is always framed through the prism of winning at trial. Persuading would-be adversaries to stand down (or settle cheap) is a valuable by-product of my trial practice that you don't really see in my bio. Personally, my bio doesn't capture the unending encouragement, good humor and support of my husband, children (I have a 15-year-old son and an 11-year-old daughter) and parents. They live every trial alongside me; I couldn't do what I do without them.

How big is your litigation department and where are most of your litigators concentrated geographically?

Levin: We have more than 500 lawyers in our litigation/controversy department, located throughout our offices worldwide. Our trial practice cuts across departments and practice groups — we have phenomenal trial lawyers woven into our regulatory, commercial, intellectual property, criminal, antitrust, international arbitration and securities teams. And the practice allows us to assemble trial teams that marry top-tier trial expertise with whatever substantive knowledge is necessary for the particular case. The WilmerHale trial practice is an interdisciplinary, international group that can handle any type of case in any type of court or arbitral tribunal.

In what three areas of litigation do you have the deepest bench? (I know it's tempting to list more, but please just name three.)

Levin: First, trials. We have an extraordinary collection of first-chair trial lawyers. Month after month, year after year, teams of WilmerHale lawyers are in court examining witnesses on the stand in cases, giving voice to our clients. Trials are fundamentally about telling the stories of real people. Our lawyers are experts in the craft of establishing and reinforcing narratives and themes, and in the art of witness presentation — and, together, those are the key ingredients for achieving victory for our clients. Great trial work requires IQ, EQ, meticulous preparation, and a genuine love of the courtroom. WilmerHale lawyers bring these skills and passion to every trial our clients entrust to us.

Second, cases that require a deep understanding of cutting-edge technology. It's no secret that, in the information age, our lives (and therefore our legal disputes) are inextricably bound up in incredibly sophisticated science and technology. This is clear in intellectual property trials — where we have a preeminent practice — but also is clear in a wealth of other contexts, like data breach and privacy lawsuits, deceptive trade practices cases involving online advertising and sales, SEC actions involving complex trading patterns, and general commercial disputes, which now invariably include a technology dimension. Being able to understand and translate complex technologies to regulators, judges and juries is one of our greatest strengths and a hallmark of our litigators.

Third, government-facing litigation. WilmerHale is known for, and tremendously proud of, our commitment to government service. We send a steady stream of attorneys to serve the public good through work in government. To name just a recent few, **Ken Salazar** was confirmed as U.S. Ambassador to Mexico; **Alejandro Mayorkas** became Secretary of Homeland Security; **Danielle Conley** was appointed Deputy Counsel to the President; and **David Cohen** returned to the Central Intelligence Agency as its Deputy Director. And, in equal measure, we welcome those who have served in government into the firm. Again, to name just a recent few, **Stephanie Avakian** returned to the firm from her role as Director of the SEC's Division of Enforcement; **Edward O'Callaghan** joined us after serving as Principal Associate Deputy Attorney General at the Department of Justice; **Jeffrey Kessler** returned to the firm from the Department of Commerce, where he was Assistant Secretary of Commerce for Enforcement and Compliance; and, of course, **Bob Mueller**, **Jim Quarles** and **Aaron Zebley** all returned to the firm after leading the investigation into Russian interference in the 2016 election. Our deep bench of former government lawyers means that we are incredibly well-positioned for cases that involve engagement — and confrontation — with the government. Our credibility in this space is simply unparalleled.

What do you see as the hallmarks of your firm's litigators? What makes you different?

Joe Mueller: We have a rich tradition of trial expertise going back decades, with many history-making

cases over the years. Trial lawyers from our firm, including **Joe Welch**, participated in the Army-McCarthy hearings of 1954, with Mr. Welch uttering the famous criticism of Senator McCarthy that was the beginning of the end of the McCarthy era: “Have you no sense of decency, sir?” Trial lawyers from our firm have been asked to perform stints in the government on key projects, including the Watergate Task Force, the Iran-Contra investigation, and the 2016 election investigation. We’ve done landmark trials like the Michigan and Harvard affirmative action cases; the Guantanamo Bay detention case; the “Patent Trial of the Century” between Apple and Samsung; and the “Antitrust Trial of the Century” against a coalition of state attorneys general who contested the merger of T-Mobile and Sprint.

Drawing on this rich heritage, we use a set of classic trial techniques that are universally applicable, including a relentless focus on themes and narrative — the storytelling dimension of trials. We’re able to take those classic techniques and apply them to the hardest trial challenges of today. We analyze all angles of trial issues arising from technological, corporate, political and even cultural developments — and then distill that analysis into a simple, clear narrative to present at trial.

We’re also extremely strong at viewing trials in a broader context, in several ways. First, we have a phenomenal appellate practice, and we’re always vigilant in preparing a record that will serve our clients in the “long game” — later proceedings beyond trial, should that be necessary. Second, U.S. trials increasingly have foreign counterparts, and we have deep expertise in coordinating strategy on multiple fronts and across borders. Third, we always consider alternative procedural settings such as arbitration, where WilmerHale has a market-leading practice.

How many lateral litigation partners have you hired in the last 12 months? What do you look for in lateral hires to the trial practice?

Joe Mueller: We’ve hired a number of superb lateral partners in the past year, including **Stephanie Avakian from the SEC**, as Hallie mentioned; **Boyd Johnson**, who returned to the firm **after serving as General Counsel for Soros Fund Management**, and who previously served as Deputy United States Attorney for the Southern District of New York — where he did

extensive trial work; **Chris Cestaro**, who was Chief of the Department of Justice’s Foreign Corrupt Practices Act Unit; **Robert Boone**, who just rejoined us after serving as **an Assistant U.S. Attorney for the Southern District of New York** and who is a highly seasoned trial lawyer; and **Susan and Kevin Muck**, who are both **deeply experienced securities litigators** practicing in our San Francisco office.

And in terms of what we look for, it ties back to our strengths. We look for laterals who (1) do comprehensive analysis of cases — with holistic consideration of the broader context and how best to pursue client objectives; (2) have the gift of storytelling, and presenting clear and convincing narratives and themes at trial; and (3) are good people who will be good colleagues.

Let me say a few more words about that last trait. WilmerHale fosters and prizes collegiality and collaboration among our trial lawyers — and frankly among all of our lawyers. This is part of our firm’s DNA. To provide a recent anecdote: in a high-stakes trial a few weeks ago, one of our colleagues from our appellate practice joined us at trial to provide strategic consultation on potential appellate issues. He had performed a similar role in other trials led by other law firms, but this was his first time at trial with a WilmerHale team. At the end of the trial, he told me that he was blown away by our team in two respects. One was simply the level of skill exhibited by all the team members. The other was that everyone on our team was so supportive and kind to each other. There wasn’t a moment during trial when anyone raised their voice or was anything other than helpful, respectful, and collegial—despite the stresses of trial. I think that’s something special, and we want laterals who will only strengthen that spirit of collaboration and support.

What were some of your firm’s biggest in-court wins in the past year, and can you cite tactics that exemplify your firm’s approach to success?

Hallie Levin: The firm has had a terrific year stacking up in-court victories, so it’s hard to pick among them. But a few examples show the depth and breadth of our practice. To start, the **First Circuit’s decision** upholding the lawfulness of Harvard’s consideration of race in its undergraduate admissions process, which affirmed the victory we obtained for Harvard after a **landmark 15-day bench trial**. Second, the complete

victory we achieved for our client, Fidelity Charitable, the largest charity in the United States, in a [closely watched trial](#) in the Northern District of California, where plaintiffs alleged that our client mismanaged the sale of their donated assets. Third, the pro bono case *In re Kenneth Humphrey*, in which we, alongside the Civil Rights Corps and the San Francisco Public Defender's Office, won a [landmark unanimous victory](#) in the California Supreme Court for people who are arrested and financially unable to post their cash bail. And finally, our [resounding victory for our client Intel](#) in the most recent trial in the *VLSI v. Intel* series of cases in the Western District of Texas, in which the parties have been litigating a series of patent disputes involving billion-dollar plaintiff claims.

In terms of tactics — in addition to everything we've already said about simple themes, relentless preparation, and laser focus on witness examinations, I'll add that we've become really adept at using multimedia to bring stories to life in the courtroom. It's not just PowerPoint or standard trial graphics, which, although often helpful, can sometimes distract from trial presentations. We come at issues from all angles — we'll use magnet boards, 3D models, and physical demonstratives that we'll pass around a jury. We'll use 1950's-style scratch paper or an old-fashioned ELMO machine or whiteboard walls that we write on during trial. Trials require teaching, and we are always considering which tools will best help the judge and jury understand the issues — and why our clients are right. And I think we do a really good job with that, in a way that is different than other firms.

As department leaders, what are you focusing on this year?

Levin: This may sound trite — but it's the truth so I'll say it anyway. We're working on interconnectedness. The realities of remote work and the geographic dispersion of our lawyers across offices mean that we need to redouble our efforts to create and maintain community. Joe and I are focused on creating more opportunities for the members of our trial practice to collaborate — both in-person and virtually — to share best practices, debrief on recent trials, conduct pre-mortems and red team exercises before trials begin, and also just get to know each other better

on a personal level. The virtue of having a wealth of trial talent in offices around the globe creates the concomitant challenge of maintaining connectivity across time zones and geographies. But it's a challenge we're lucky to face! And it's also great fun to develop both working relationships and personal friendships with such a diverse group.

How have you and your litigators coped with disruptions caused by the pandemic?

Mueller: This has been a really tough period, to be sure, for reasons going far beyond the courtroom. It has been even more critical that we support each other, and step up to help colleagues who face challenges — such as the incredibly daunting issues with balancing work and parenting during the pandemic, or even the loss of loved ones. That has made the mission that Hallie described — fostering personal connections and bringing people together — even more critical.

And, in the specific context of trials, we've had to develop creative solutions to meeting the twin goals of (1) putting on top-quality trial presentations and (2) keeping our trial teams safe and healthy. I've been to trial five times over the past two years, and I'm heading to a sixth trial next week. Over the course of those trials, we've done things like hiring medical professionals to administer daily COVID tests to all team members; developing comprehensive protocols for maximizing team safety during trial preparations; and even finding unusual locations for our trial work — such as a large barn used for weddings in the Texas countryside, where we set up an extensive trial “war room” in a socially distanced configuration. We've emphasized to team members that no one is obligated to come to trial, that everyone can make valuable contributions remotely, and that we'll do everything we possibly can to keep everyone safe at trial. And, thus far, we've managed to accomplish exactly that — while collectively doing A+ work in the courtroom and the war room.

I think the key to all of this is our culture: it is in the hardest times when you see the benefits of the collaboration, respect, and mutual support that is at the heart of WilmerHale.