

Illinois Powerhouse: Jenner & Block

By **Lauraann Wood**

Law360 (August 2, 2021, 2:02 PM EDT) -- Jenner & Block LLP's litigation strengths allowed the firm to shine as it guided clients through some of their most significant Illinois matters in 2020, such as their advocacy for pandemic-related insurance coverage and the resolution of bombshell federal bribery allegations against the state's largest electric utility.

The 249 attorneys in Jenner & Block's Chicago headquarters stood ready to help its clients last year, even when the path forward was clouded by pandemic-fueled uncertainty. Just as the novel coronavirus began gripping the country, for example, the firm helped defense company Aerojet Rocketdyne ink a \$4.4 billion sale to Lockheed Martin Corp. And after the pandemic drove several popular Chicago destinations to shut their doors, litigators were prepared to take their clients' insurer to task for refusing to cover their business interruption claims.

As Illinois was recovering from its first major wave of COVID-19 infections, the firm was helping Exelon subsidiary Commonwealth Edison Co. finalize an agreement to resolve explosive allegations of a bribery scandal that reached the Illinois House of Representatives' innermost circle. These achievements and more earned the firm recognition in Law360's 2021 Illinois Powerhouse series.

The firm has been helping clients litigate and resolve their most sensitive issues since its 1914 Windy City founding. Its highlight reel from the last year shows that clients can expect unwavering service from a firm teeming with lawyers who take initiative to get in front of novel issues, "know how to put cases together ... and don't get scared of going to trial," Reid Schar, co-chair of the firm's litigation department, told Law360.

Jenner & Block developed expertise on the state's landmark Biometric Information Privacy Act, for example, which led the firm to defend software company Clearview AI Inc. in multidistrict litigation over its controversial business practice of "scraping" public photos online to maintain and enhance a facial recognition database it markets to law enforcement and other government agencies.

Plaintiffs in the MDL say Clearview violated BIPA by collecting their biometric facial data without informed consent and urged the court overseeing their case to block the company from continuing to collect their information while the case remains pending. But the firm rallied behind its client and convinced the court to reject the request, arguing the first-of-its kind order could have put Clearview out



of business without the residents proving its business conduct harmed them.

Jenner & Block also built on its work on pandemic business interruption litigation throughout the year, leading the firm to represent a National Restaurant Association unit in its advocacy for meaningful coverage declarations at the appellate level. The firm has filed several amicus briefs on behalf of the unit, Restaurant Law Center, calling attention to the importance of appellate courts applying a fresh look to decide the issues and resolving them based on both recent and longstanding precedent.

"The restaurant litigation and BIPA litigation are two really good examples of interesting cutting-edge legal issues where our expertise, litigation background and chops are what attracts people," Schar told Law360. "And we go out looking for those opportunities."

Jenner & Block also flexed its muscles in the hospitality industry to help Hyatt fight proposed class allegations that the hotel owner tacks on unlawfully deceptive "resort fees" that aren't included in hotel rooms' base prices. The federal judge overseeing the suit permanently tossed it, saying reasonable consumers would catch the charge before reserving their rooms.

The firm also took its litigation strength on the road to Oklahoma, where a four-lawyer team from Chicago convinced a jury to award radio control system maker Hetric International Inc. \$112 million over claims that former business partners in Europe abused their relationship and intellectual property by starting a competing venture. The trial team's win also resulted in a worldwide block of the former partners' infringing product sales and the return of Hetric's confidential information.

More than half of Jenner & Block's U.S.-based manpower is stationed in Chicago, the firm's only office in the state, which gives the firm plenty of options and power to build the right team for clients' needs.

That was particularly true when Jenner and Block's Chicago troop assembled to help Commonwealth Edison navigate and resolve bombshell claims that the electric company, which serves nearly all of northern Illinois, arranged jobs and other benefits for former House Speaker Michael Madigan's allies, so he would support its push for utility regulation changes.

At one point, Jenner & Block had 50 lawyers working with ComEd and the company's internal legal team to navigate the issues on several fronts. They worked with the utility to conduct more than 80 interviews, make regulatory changes where necessary, commit to cooperating with the U.S. Department of Justice's ongoing investigations and negotiate an agreement allowing the utility to pay a \$200 million fine without facing further prosecution. The firm has also been tapped to defend the electric company against various consumer fraud lawsuits that were launched following reports of the scandal.

Tackling significant issues like the ComEd matter from so many angles requires "getting as smart as you can" about the facts to assess the client's potential exposure and determine what should change "and then really trying to demonstrate a degree of cooperation and acceptance as to what occurred," Schar told Law360.

"The art of that is packaging that up in a way that is both genuine and true and at the same time persuasive," he said.

Jenner & Block also shined in the transactional space as the firm's Chicago team helped steer a \$4.4 billion all-cash sale of defense company Aerojet Rocketdyne, which makes propulsion systems for space, missile defense and strategic uses, to Lockheed Martin Corp.

Aerojet's president and CEO said in a statement that month that its business was "complementary" with aerospace and defense giant Lockheed and that the acquisition would benefit shareholders, employees and customers.

The deal was announced in December and is still subject to regulatory approval, but it "hit the market at just the right time" because the companies agreed to the transaction within the first few days of the pandemic, just as companies were beginning to shore up their balance sheets and re-evaluate whether they should use stock to enter transactions, Joseph Gromacki, chair of Jenner & Block's corporate department, told Law360.

"We had moments when we didn't know whether the deal would go through or not, but at the end of the day it did, and it worked well," he said.

Jenner & Block's transactional department has doubled in size since Gromacki joined the firm 20 years ago, "and we want to grow more," he told Law360. That will happen as the firm recruits attorneys from within as well as outside its own ranks to focus their expertise on one industry and build their practices out from there, he said.

"We want to continue to better balance the very robust litigation practice we have here at the firm with our transactional practice," Gromacki said.

Expansion is in the cards for Jenner & Block's litigation department as well, but "you have to have intentionality of what you want to be and how you want to get there," for the growth to be meaningful, Schar said.

While Jenner is keeping tabs on the lateral market to help accomplish that goal, the firm is also training its younger attorneys to be the next generation of lawyers who can counsel clients thoughtfully and "litigate the dickens out of a case if that's what's called for," Schar told Law360.

"We're investing in the people we have, and I think that's what we've got to do and what we owe to the next generation of lawyers," he said.

--Editing by Alyssa Miller.