

Litigation Department

Jenner & Block's Litigation Department is comprised of 330 litigators in offices in Chicago, Los Angeles, New York and Washington DC. The Litigation Department is organized in the following practice groups:

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[Class Action](#)

[Communications](#)

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[White Collar Criminal Defense & Investigations](#)

Message from the Co-Chairs of the Litigation Department

In this edition of *The Spotlight*, we highlight the various district court decisions addressing the constitutionality of the health care law, all of which consider the important question of what constitutes an "activity" that substantially impacts interstate commerce. This issue will soon be argued in the courts of appeals and is undoubtedly on its way to the Supreme Court, whose decision may well have a broad impact on Congress's legislative powers.

We also discuss a number of other interesting and significant developments. The Federal Circuit has issued a decision that will have a profound effect on reasonable royalty determinations in pending and future patent actions (Intellectual Property). The Supreme Court has held that once a full trial on the merits has taken place a party may not appeal an order denying a motion for summary judgment (Appellate and Supreme Court). The Seventh Circuit has held that an interlocutory appeal may be proper to address the question of whether a complaint satisfies the pleading standards set forth in *Bell Atlantic Corp. v. Twombly*, 127 S. Ct. 1955 (2007), and *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009). And the Southern District of New York has held that a corporation may continue to assert the attorney-client privilege so long as it had a "reasonable belief" that the person with whom it was communicating was in fact an attorney, even if that person turns out not to have been an active bar member (Attorney-Client Privilege).

We hope that you find this edition of the newsletter to be useful and informative.

Regards,

[David J. Bradford](#) and [Craig C. Martin](#)

Co-Chairs Jenner & Block Litigation Department

In This Issue

Senior Editor, [Barbara S. Steiner](#) and Issue Editor, [Elaine J. Goldenberg](#)

Antitrust Litigation

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Appellate & Supreme Court

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Litigation Department News

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Firm Achieves Significant Win For Client UMG Recordings In Dispute With 1950s Pop Star Connie Francis. [more...](#)

In The Firm

L.A. Attorneys Named To Southern California "Super Lawyers" Lists. [more...](#)

In The Spotlight: Attorney Profile



Peter B. Pope

Partner

Peter B. Pope joined Jenner & Block in 2010, bringing with him a wealth of experience and talent. A seasoned litigator who has practiced in both the public and private sectors, Mr. Pope focuses on the representation of individuals and entities as defendants, targets, subjects or witnesses in criminal, regulatory and S.E.C. investigations and proceedings; conducting internal investigations; and litigating civil actions. Mr. Pope began his legal career in 1988, as Assistant District Attorney in the New York County District Attorney's Office in Manhattan, rising to Deputy Chief of the office's Labor Racketeering Unit. He served as a Vice President and Inspector General at the New York City School Construction Authority, where he led investigations into corruption and waste and instituted numerous internal compliance and integrity reforms. As Deputy Attorney General of New York State from 2000 to 2006, he headed the office's 100-lawyer Criminal Division. From 2007 to 2008, Mr. Pope served as Director of Policy for New York Governors Eliot Spitzer and David Paterson, advising them on a wide variety of matters and leading negotiations with the New York State Legislature that produced landmark Workers' Compensation reform and the adoption of one of the nation's first Anti-Human Trafficking statutes. His private sector experience also includes being a vice-president at Goldman, Sachs and Co., where he counseled the firm on operational, compliance and product risk. Mr. Pope is a frequent lecturer on fraud and corruption. To learn more please click [here](#).