

THE
AM LAW LITIGATION DAILYLitigation Leaders: Lynn Neuner of
Simpson Thacher on the Enduring Value of
Being a Generalist

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By Ross Todd

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Welcome to another edition of our *Litigation Leaders* series, featuring the litigation practice leaders at some of the biggest and most innovative law firms in the country.

Meet **Lynn Neuner**, one of two global co-chairs of the litigation department at **Simpson Thacher & Bartlett**, who in 2022 became the first woman to help lead the practice at the elite Wall Street firm. A litigation generalist and Simpson Thacher lifer, Neuner is based in New York.

Tell us a little about yourself—perhaps even a thing or two your partners would be surprised to learn about you.

I’m a Simpson Thacher lifer. I was a summer associate during law school and joined the firm following two fantastic clerkships. I now serve as global co-chair of the litigation department, along with my good friend, Jon Youngwood.

For fun background, I am the youngest of nine and grew up in Rhode Island. Each of my five brothers and three sisters bossed me around. I learned how to adapt and get along with a wide variety of personalities. I’ve been married for 31 years to Rob, an amazing supporter. We met in college and have raised three terrific kids in Darien, Connecticut.

He founded Boost Oxygen and was on Shark Tank.

Other miscellanea: I have a motorcycle license. I’m addicted to dark chocolate. I knit scarves and baby blankets for my extended family. I can do a lot of push-ups. I enjoy stand-up comedy. I’m not funny but I like to laugh. I love

to learn. Museum shops are my favorite. I have Earl Grey tea every morning. I carry a \$2 bill in memory of my dad; my right-hand ring is for my mom.

I think my litigation partners would not be surprised by any of this. We have grown up together. I consider them my second family, and we watch out for each other. It is a privilege to practice with such a talented and vibrant group of attorneys.

You previously served a three-year stint as the firm’s co-administrative partner. How does bal-



Lynn Neuner of Simpson Thacher & Bartlett.

Courtesy photo

ancing your practice and your role as co-chair of the litigation department compare with what you had to do in that prior management role?

At Simpson Thacher, partners who take on management positions tend to maintain their full slate of client responsibilities, balancing our client work with our administrative activities. Each management role has its busy times that tilt the balance, but client work is our top priority.

I've been fortunate to hold several leadership roles throughout my career, which have offered a range of valuable perspectives. My former role as co-administrative partner provided a "tree-top" view of the firm—the focus was global in nature, cutting across the firm's worldwide offices, strategic initiatives throughout all of our departments, growth in different business sectors, and global lateral partner hiring. As an executive committee member, we collaborate on these issues and decisions that impact the entire firm, from compensation matters to personnel management to overseeing our strategy and finances.

Being co-chair of litigation allows me to drill down on our core litigation practice. One of our major goals is to help develop individual partners, and we are also involved in formulating associate training initiatives and practice-group action plans, as well as identifying areas of departmental growth. Ultimately, we are centered on client service and scoring the big wins for our client partners. I greatly appreciate that I can simultaneously work on significant client engagements, like preparing for two trials this year. We settled one just before jury selection and the other three weeks into the jury trial.

We've spoken previously about your broad practice and how you benefited from being brought up in the firm as a generalist. How much pressure do you think younger lawyers in the firm feel to specialize to differentiate themselves—both within the firm and in the market?

I'm glad you asked this, Ross, as it raises important issues about the status of the market. We pride ourselves at Simpson Thacher on our gener-

alist approach toward associate training. It allows our young associates to concurrently work on an antitrust proceeding, file a motion to dismiss in a securities litigation, and assist in an internal or government investigation. Most of our associates tend to "declare a major" in their mid-level years, although we encourage them to have "minors" or even "double majors," to borrow college terms.

I'm a committed generalist, as you know, as are many of my partners. My work includes securities litigation, insurance coverage matters, commercial disputes and false advertising. I've always loved being a student, so I enjoy the chance to educate myself about new fields. The clients appreciate that I bring a broad spectrum of skills to the table. As an example, my knowledge of insurance makes me a more valuable securities litigator because I can help guide the client through the relevant directors and officers insurance issues.

In the broader market, I agree that young lawyers have voiced the concern that they feel pressed to choose a specialty early on in their careers. If a given specialty is their passion, it makes sense to follow it. My hesitation is that some relatively inexperienced lawyers may be making premature decisions without the benefit of being fully exposed to all that the litigation practice has to offer. I believe junior litigators most effectively distinguish themselves through stellar work product and a sustained commitment to excellence. From my perspective, they can wait to declare their major for a few years.

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

As of December 2023, we have more than 250 people in our litigation department. New York is our largest office, with D.C. coming in second. We have had a strong litigation presence in Palo Alto and Los Angeles for decades, and had some of the earliest U.S. litigators in London. We have branched out there to have U.K.-barred advocates, and also have litigators on the ground in Hong Kong and Beijing.

What do you see as hallmarks of Simpson Thacher litigators? What makes you different?

Three hallmarks distinguish Simpson Thacher from our admirable peers. First, we approach every case in terms of the trial story, preparing the dispute for ultimate adjudication before a jury, a judge or an arbitration panel. Second, we are highly collaborative within our team and with co-counsel to bring out the very best ideas. Third, we make it a priority to be very creative in our presentations, using visuals, multimedia platforms and cutting-edge technology in order to reach our audience with the most compelling story possible.

What does this mean in practice? At Simpson Thacher, every team member has a place at the table, and good ideas come from every corner of the room. Our associates routinely play the role of opposing counsel with our client witnesses, helping us learn the case through the lens of our opponent while bringing the adversarial process to life for our clients.

It also means that we focus on jury instructions at the start of the case—not the end—so that we have our destination in mind throughout the litigation process. And it means that we zone in on the 25 key documents that will carry the day, keeping in mind that it's all about our client's story and getting them a just result, whether that is having their rights vindicated or defending them vigorously against non-meritorious suits. While we are practical and can drive a settlement that is in our client's best interest, we believe the best way to do that is to compose a case strategy that efficiently, yet relentlessly, pressures our opponent.

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

Our litigation department is well-respected across the board, with particular depth in securities litigation and investigations, antitrust and insurance. We are consistently recognized as a powerhouse in each of these areas.

Our securities attorneys regularly represent Fortune 500 corporations and financial institutions,

headlining some of the biggest, most complex securities litigations in the country. We have continued to build on our impressive track record of success, often beating down cases during the early litigation stages. We have recently handled significant matters for Twitter, Bumble, Pfizer, Valeant, TD Bank, JPMorgan Chase, KKR, Countrywide, SeaWorld, Sirius, Paramount, Best Buy and Dollar General. Our securities litigators often work in tandem with our government and internal investigations team, which we have substantially strengthened in recent years. It now includes more than a dozen former senior government officials from the SEC, DOJ and FTC, as well as former U.S. federal prosecutors. Together, we have successfully guided prominent financial institutions in connection with high-profile government probes, such as the SEC's headline-making investigation concerning text messages.

We continue to lead the field in antitrust and trade regulation, where our team is well known for helping clients navigate regulatory reviews and enforcement matters around the globe. Our bench in this area includes noted antitrust litigators, premier enforcement attorneys, prosecutors and trial lawyers from the FTC and DOJ, as well as leaders in London and Brussels who advise on U.K. and European merger control and competition law. We have secured precedent-setting wins against the federal government, such as defeating the government's antitrust challenges to Change Healthcare's \$13.8 billion acquisition by UnitedHealth Group.

We are also considered a leading firm in the U.S. in insurance and reinsurance litigation. Our team represents a wide range of insurers in their most consequential and cutting-edge controversies, including COVID-19-related litigation, environmental contamination matters, product liability cases involving opioids, asbestos and talc, and major disputes over aircraft located in Russia after the invasion of Ukraine.

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

Sure. We recently secured the first federal appellate decision to address the weight to be given

to a short-seller report in securities fraud litigation. In that case, we represented JOYY, a major social media company, in a putative class action arising from allegations contained in a report by short-seller Muddy Waters Capital. Muddy Waters called our client a “multibillion-dollar fraud” and claimed that bots were responsible for the company’s transactions, falsely inflating its revenue. In building JOYY’s defense, we made the strategic decision to go all-in on the carve-outs contained in Muddy Waters’ report, establishing that—despite its sweeping accusations—the report made no representations about its accuracy and therefore was unreliable. We also took the legs out from under plaintiffs’ expert, underscoring that he failed to justify his supposed validation of the short-seller report in any meaningful way. This left plaintiffs with nothing but bald accusations and earned our client wins in the district court—twice—and the United States Court of Appeals.

In ultra-big-ticket litigation arising from the opioid epidemic, we secured a significant decision in the Delaware Superior Court, which granted summary judgment to firm client Travelers in a coverage action against nationwide pharmacy chain CVS. Our unparalleled command of insurance law and deep industry knowledge helped us beat back efforts to shift opioid-related losses onto the insurers. We continue to represent Travelers in this and other opioid-related coverage lawsuits across the U.S., including in litigation against Purdue Pharma, AmerisourceBergen, Cardinal, Rite Aid, Walmart and various large supermarket chains.

I personally had one of the quickest dispute resolutions in my career in the last year. I received a phone call from Bayer concerning an advertising campaign about to be launched by one of Bayer’s competitors in the field of allergy medicine. From the time we filed our complaint to our opponent’s total capitulation regarding the claims at issue,

the whole litigation took only two weeks. During that time, we had a preliminary injunction evidentiary hearing in the Southern District of New York, after which our opponent fully caved, agreeing to remove the contested claims from its advertising. This case reflects our firm’s seasoned ability to immediately dive into a controversy, tee up factual and legal issues for adjudication, assemble expert witnesses and fact testimony, and put forward a compelling and successful presentation on near-instantaneous timing—all to our client’s benefit.

What does the firm’s coming trial docket look like?

We just finished a jury trial in New York’s Commercial Division on behalf of several property insurers, and we have a busy upcoming trial docket for the Department. To name just a few matters, trials are scheduled in 2024 on behalf of:

- The Special Committee of Convey Health in a Delaware M&A-related litigation;
- The managing partner of a VC firm in a California lawsuit concerning a joint venture;
- Travelers in an environmental coverage action against Montrose Chemical Company;
- The Banc of California in a breach of contract action filed by the bank’s former CEO; and
- Vivint in an arbitration trial involving compensation claims by an ex-employee.

We are also representing clients in several confidential insurance and reinsurance arbitration trials, and are scheduled to argue an important voting rights matter before the Fifth Circuit, sitting en banc, concerning the state’s lifetime voting ban for people convicted of certain felonies. I am very proud of our formidable team—they are masterful strategists, lethal advocates, and enormously appealing courtroom personalities. With a terrific record of trial successes under our belt, we relish the opportunity to go the distance for our clients.