

A Unified Team

An Interview with Karen L. Dunn, Co-Chair, Litigation Department, Paul, Weiss, Rifkind, Wharton & Garrison LLP

EDITORS' NOTE *Karen Dunn is one of the nation's leading trial lawyers and co-chair of Paul, Weiss' Litigation Department. She is widely recognized for securing courtroom victories in difficult cases. She also helps companies, public figures and boards of directors navigate reputation-threatening investigations, government inquiries and media scrutiny. Dunn earned a BS degree in political science and government from Brown University and a JD from Yale Law School.*



Karen L. Dunn

FIRM BRIEF *Paul, Weiss, Rifkind, Wharton & Garrison LLP (paulweiss.com) is a premier firm of more than 1,000 lawyers with diverse backgrounds, personalities, ideas, and interests who provide innovative and effective solutions to its clients' most complex legal and business challenges. The firm represents many of the world's largest and most important public and private corporations, asset managers, and financial institutions, as well as clients in need of pro bono assistance.*

Will you discuss your career journey?

My first career was in communications and politics; after college, I worked in television news, then took a job on Capitol Hill as a staffer for then-Rep. Nita Lowey. I went on to serve as press secretary for Hillary Clinton's 2000 Senate campaign and later as her communications director.

Eventually, I realized I could combine my passion for communications with my interest in public service by becoming a lawyer and trying cases as a prosecutor. But my path to trial work was not linear. After graduating from Yale Law School, I clerked for Judge Merrick Garland in the D.C. Circuit and then for Supreme Court Justice Stephen Breyer.

After President Obama's election in 2008, I served in the White House counsel's office. From there, I joined the U.S. Attorney's Office for

the Eastern District of Virginia as a prosecutor, where I learned how to be a trial lawyer – and discovered that I loved it.

After leaving that job in 2012 to run President Obama's debate prep for his reelection campaign, I moved to private practice at Boies Schiller. There I tried high-stakes cases on behalf of clients like Uber and Apple before joining Paul, Weiss in 2020.

I'm incredibly grateful that my path ultimately led me to Paul, Weiss, a firm filled with brilliant, thoughtful, and fun colleagues. Last year, I was honored to take on a new role as the firm's Litigation Co-Chair.

Will you provide an overview of your leadership responsibilities and current practice focus?

As litigation co-chairs, Jessica Carey, Kannon Shanmugam, and I work closely with firm Chairman Brad Karp and Deputy Chair Valerie Radwaner to oversee the strategic

direction of our Litigation Department, which includes nearly 400 lawyers handling more than 30 substantive areas of law.

I focus on two key areas: trying high-stakes cases, and advising companies, public figures, and boards on crisis management matters. My matters have always been diverse, spanning several substantive areas of law, including high-value commercial disputes, class action work, trials and sensitive investigations, among others.

On the trial side, I represent some of the world's best-known companies in their most business-critical litigation matters. Whether we've mapped out the courtroom strategy from day one or been brought in solely for trial, I lead our teams and first-chair at trial.

In my crisis management practice, I advise companies and boards navigating serious PR crises, governmental investigations, congressional inquiries and other potential or actual threats to their businesses – drawing not only on my legal background, but on my high-level experience in communications and in government service.

What are some of your biggest trial achievements in recent years?

One of my biggest trial achievements in recent years was for Uber Technologies, where I tried and won a bench trial in a \$750 million case, the biggest case Uber has tried to a judgment. Boston's largest taxi conglomerate had claimed Uber was running an illegal, unregistered transportation enterprise in Massachusetts before a law in 2016 authorized ride-sharing in the state. We came in just six weeks before trial, right after the judge had ruled against Uber on summary judgment. Ultimately, he found that the cab companies couldn't show that Uber did anything wrong.

Last year, I led Oracle's defense against a massive copyright infringement suit brought by a longtime software support services provider, Rimini Street. That case, which revolved around complex technical and damages issues, culminated in a federal jury trial and a total victory for our client.

And in 2021, alongside my co-counsel, I won a landmark victory for plaintiffs in the first private suit targeting the leadership of the white supremacist movement behind the deadly Unite the Right rally in Charlottesville in 2017. After a month-long trial that featured hateful rhetoric, explicit racist propaganda, and searing witness testimony, the jury issued a forceful

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condemnation, finding each of the defendants liable for racially motivated civil conspiracy. It was among my proudest achievements that we could help provide some measure of justice and accountability for our clients.

What have been the keys to the strength of Paul, Weiss' Litigation Department?

Paul, Weiss' Litigation Department is known for our commitment to excellence and collaboration at every level. The department is filled with fantastic lawyers who are also great leaders and who care deeply about the law, and it's truly a pleasure to be able to work with them every day and now help steer the department.

We truly operate as a unified team, from our most seasoned litigation partners to our newest associates. We strive to cultivate an environment where everyone, regardless of seniority, is empowered to contribute their best ideas and thinking, and there's a consistent ethic here of rolling up our sleeves, scrutinizing every detail, and doing whatever it takes to position our clients for success.

Importantly, we invest year after year in our litigation talent to ensure that we have the best lawyers for not only what concerns our clients today, but what will be important tomorrow. To stay ahead of the curve, we recruit lawyers from the top echelons of government who are the leading authorities in the areas of emerging public scrutiny and debate – whether the concern is related to AI, cyber or national security, data privacy, cryptocurrency, antitrust or other areas.

How are you preparing the next generation of lawyers to lead significant litigation matters?

Developing the skills of our junior lawyers is a top priority for me and for our firm. We have a truly unparalleled curriculum that provides rigorous training experience on everything from deposition tactics to storytelling to trial advocacy. Our associates get hands-on experience through practice exercises, mock trials and hearings, and workshops with retired judges and seasoned litigators.

Of course, the most impactful training happens on live matters. Our associates are in the trenches with us, playing active roles on our case teams from the start. This immersive approach is the secret to developing great legal talent.

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I've tried to take this a step further in my own practice by cultivating what I jokingly refer to as a “trial SWAT team” with a core group of incredible associates and younger partners. We've tried numerous major cases together in recent years, and have forged a tight-knit dynamic where we can anticipate each other's needs, divvy up roles nimbly during the heat of trial, and learn from every experience as a cohesive unit.

Paul, Weiss is a firm that is deeply committed to pro bono work, and it's also been a big part of your practice recently. Will you highlight this work?

Paul, Weiss lawyers have played important roles in some of the last century's most impactful and landmark civil rights cases. The firm's commitment to pro bono was one of the key reasons I was eager to come here in 2020, and it remains a fundamental part of Paul, Weiss' identity.

For example, when I came to Paul, Weiss, the lawsuit against the neo-Nazi and white supremacist groups responsible for the violence in Charlottesville was approaching trial. But without a moment's hesitation, the firm supported my involvement 100 percent – a courageous act in itself. In the end, all the defendants were held liable for conspiracy to commit racially motivated violence and jurors awarded significant compensatory and punitive

damages, and the case, *Sines v. Kessler*, now serves as a playbook for holding violent extremist groups accountable. Other suits have been brought based on our model. The trial, and a documentary on our case released last year by HBO, helped focus many more people on the very real threat white supremacist violence poses to our fundamental values as a nation.

In May, the firm launched the Paul, Weiss Center to Combat Hate, greatly increasing its institutional commitment. With the Center, we hope to take our anti-hate work a step further by facilitating even closer partnerships with civil rights organizations, clients, and academic institutions in bringing impact litigation to confront hate-based extremism through the court system and other avenues of legal advocacy.

What should law firms be doing to support women lawyers in their advancement, and what advice do you give young women litigators on how to achieve success in the profession?

During my career, I've been incredibly fortunate to have brilliant, generous female, as well as male, mentors and advocates, and I think a big part of the solution needs to come from women lawyers empowering each other and paying it forward. I try to pass that on by creating opportunities for my more junior women colleagues. It's more than just giving substantive assignments; it's about ensuring that women associates are getting the critical feedback, coaching, advocacy, and sponsorship they need to continue progressing. It's also about leading by example and showing that you can unapologetically bring your fullest, most authentic self to this profession.

Sometimes, I've found that people hold themselves back out of anxiety that they will fail. My advice is to start from a place of “yes.” Often, the opposite of yes is not “no” – it's fear. So oftentimes when people are saying “no,” and that they can't do something, it's because they're worried they won't be able to do it. You can't make the fear go away, but the lawyers who develop into the most successful litigators are the ones who shove their fears aside and take on things they think they can't do. ●

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