

## California Powerhouse: Hueston Hennigan

By James Mills

*Law360 (September 20, 2024, 1:23 PM EDT)* -- Even though commercial litigation boutique Hueston Hennigan LLP is both the youngest and the smallest of the firms making Law360's 2024 California Powerhouses list, it has already developed a reputation as a go-to firm when cases are going to trial.

In February, it got a \$100 million fraud suit against McDonald's USA LLC dismissed after entrepreneur Byron Allen sued it over a promise to spend more advertising dollars on diverse-owned media companies.

Hueston Hennigan also secured a \$300 million settlement in November 2023 for technology firm Match Group Inc. in its antitrust case against Google, and then scored another victory over Google just months later when, with Match Group's OK, it joined the legal team representing video game company Epic Games in its antitrust suit against the internet giant.

The firm also persuaded a federal judge to give Monster Energy Co. \$43 million in attorney fees and interest in October 2023 after a record-breaking \$293 million false advertising jury win over Vital Pharmaceuticals Inc.

Hueston Hennigan also convinced the Ninth Circuit to uphold a lower court's order dismissing a lawsuit accusing Canada-based e-commerce firm Shopify of collecting shoppers' sensitive information without permission — the first time a circuit court had addressed the issue of personal jurisdiction involving an online payment platform.

Additionally, the firm defended Southern California Edison against wildfire lawsuits, developing a new response protocol that has resulted in 85% of those cases settling and helping Edison avoid bankruptcy.

Although the firm is almost 10 years old and only has about 90 attorneys, it is already establishing a reputation as a powerhouse.

"Because of our reputation and our track record, we get more than our share of cases that I call 'high yield to trial,'" explained John Hueston, one of the firm's founding partners. "We deliberately focus on taking on cases that are more likely to go to trial than the ordinary case. So, we are getting cases at the beginning that are likely to go to trial, or we are being contacted by companies that have said something



along the lines of, 'We've been very happy with whatever BigLaw firm, but now that we're going to trial, we want to move to a different firm and would like to bring you in.' We truly have a national bet-the-company trial practice."

In January 2015, about two dozen Irell & Manella LLP attorneys broke off to form Hueston Hennigan with a specific focus on taking cases to trial.

"We thought there was a need in the market," said managing partner Moez Kaba. "We really enjoyed being trial lawyers, and we wanted to take on the most challenging, interesting, novel legal issues that are out there."

At that time, BigLaw firms generally weren't focusing on taking cases to trial, which also meant those BigLaw attorneys weren't getting much, if any, trial experience, Hueston explained.

"Many of our competitors don't have enough trial opportunities to train their attorneys, and most of their partners have very little to no trial experience," he said. "It's the opposite at our firm."

The result of Hueston Hennigan's go-to-trial philosophy has been a strong track record of wins, but also an outstanding reputation among other law firms, according to the firm.

"Because we have been so deliberate about trying to work on cases that are more likely to go to trial because the issues are so significant or because the parties are so far apart, that has allowed us to develop a reputation — not just for the bench and for clients, but also for our recruits — about the kind of firm that we are," said Kaba.

Hueston Hennigan's approach is to hire young attorneys after they have completed a clerkship and then specifically train them to become trial attorneys.

"We home-grow all our attorneys," said Hueston. "We really believe in our system for developing trial lawyers. We get work in the marketplace because of the excellence of our trial lawyers. So, we tell our incoming lawyers, 'If you work with us and within our system, and you become a first-chair trial lawyer, you will become a partner with us. And you won't need to be showing us you're bringing business because the business will come based on the abilities you're demonstrating as a first-chair trial lawyer.'"

Hueston Hennigan rarely hires laterally from other firms. Kaba explained that the firm knows what training its attorneys have had, but can't be sure about the experience a lawyer coming from another firm may have had.

"If someone has been working at Hueston Hennigan for three years, we know they likely have at least gone to trial, we know they will have likely argued multiple key motions, we know they likely had a lot of direct client contact and interaction," he said. "We know that because we've done it, and it's a part of how we train and develop our lawyers. It's harder to know that if someone has spent three years or four years or longer at another firm."

Hueston Hennigan said it also makes a point of hiring a diverse group of young attorneys, emphasizing that its diverse bench of trial lawyers generally look like the juries who are hearing the case.

"Our pitch to the clients, which has proven true I think in terms of our results, is that our trial teams are diverse in all aspects of demographics and look like our juries," said Hueston. "They have greater appeal

and give us an advantage. So far, we've found that to be true."

Hueston Hennigan started with offices in Los Angeles and nearby Newport Beach, but in 2022, it added a New York office.

"We opened in New York to better reflect the fact that we have a national practice with clients across the country," Hueston said.

With that emphasis on trial work, Hueston Hennigan's clients run the gamut from tech firms and pharmaceutical companies to retail giants like Amazon.com Inc. to Hollywood studios and actors to public utilities and everything in between.

"One day, we're representing video game companies on challenges that their games are addictive. Another day, we're representing a law firm in a claim of some wrongdoing. Another day, we're representing Edison International in wildfire litigation, or we're representing Disney in an IP suit," said Kaba. "The unifying force for us has been the trial work."

Kaba said his dream for the next 10 years is for the firm to continue bringing in cutting-edge cases and to continue to grow, but not get too big.

"I hope we are going to have an outstanding group of lawyers. Hopefully, we will still be of a size where we know each other's names, significant others' names, their kids' names," he said. "I hope we'll be trying cases perhaps in newer and newer areas of the law and that we're continuing to get trusted with some of the more challenging issues that clients are facing."

--Editing by Kristen Becker.

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