



WHO REPRESENTS CORPORATE AMERICA

THE
NLJ
CLIENT
LIST

New methodology relies on public records

Many of the leading law firms of previous surveys still dominate the list.

By Jill Nawrocki
CORPORATE COUNSEL

WHEN THE RESULTS of *The National Law Journal's* 20th annual Who Represents Corporate America survey came in this summer, many of the same names landed on top. Take Cisco Systems Inc. In 2005, its most-used corporate transaction firm was Fenwick & West of Mountain View, Calif. In 2006? Fenwick & West was on its list again. What about defense contractor Lockheed Martin Corp.? In 2005, Lockheed named Atlanta-based King & Spalding as the transactions firm that it turns to most. And in 2006? King & Spalding was still No. 1.

In a way, the similarity in the results came as no surprise. What struck us in the past was the consistency of our "most mentions" from year to year. "There's no real reason to move elsewhere, and there's risk involved with moving on" to other firms, said Rees Morrison, a law department consultant at Hildebrandt International in Somerset, N.J. Companies, he adds, "need these relationships, [and] most law departments stick with the partner and the firm they trust."

Still, we were intrigued by the findings. We changed the methodology for the survey this year and were curious to see how this new approach would affect the results. In the past, we asked general counsel at the *Fortune* 250 to list the seven firms that they rely on most for litigation, corporate transactions, labor and employment, and intellectual property. But corporate counsel are a discreet group, and many were reticent to name the firms that top their speed-dial menu.

This year, in search of a more complete data set, state and federal records were combed to see which firms corporations were actually using for commercial law and contracts litigation; corporate transactions; employment and labor litigation; and intellectual property litigation and patent prosecution. We tallied the number of mentions each firm received and compiled a new

list. In order to appear on the charts in commercial law and contract litigation, and in labor and employment litigation, firms needed to appear in at least two lawsuits. But because fewer firms appeared in documents for corporate transactions and patent filings, we included every firm named in those areas.

Our new system, though improved, isn't bulletproof. We realize that much of what goes on in legal departments never sees the inside of a courtroom, so our emphasis on litigation and court filings inevitably limits how many times certain firms appear. Our data sources, which survey all federal courts, don't cover every state. And we don't make any distinctions between firms that may have been hired repeatedly and firms that are preferred providers. But as a trade-off, we have more data for more companies—and hence, a more complete picture of corporate America's go-to law firms.

Despite a new methodology, familiar faces dominate.

Despite all of that, familiar faces dominate the listings. Chicago-based Kirkland & Ellis tops the commercial law and contracts litigation chart, and New York-based Skadden, Arps, Slate, Meagher & Flom leads the pack in corporate transactions again this year. Davis Polk & Wardwell was second. Littler Mendelson of San Francisco won the nod when it came to handling the most employment and labor matters, with Ogletree, Deakins, Nash, Smoak & Stewart and Morgan, Lewis & Bockius tied for second. Fish & Richardson; Banner & Witcoff; and Hogan & Hartson tied for the top spot for intellectual property.

There's a good reason for this consistency, say consultants and in-house lawyers at blue-chip companies. When it comes to high-profile matters, it's all about a firm's track record and its relationship with the law department.

At General Electric Co., for example, vice presi-

MOST-MENTIONED FIRMS IN SURVEY

Skadden, Arps, Slate, Meagher & Flom . . .	26
Littler Mendelson	20
Davis Polk & Wardwell	18
Ogletree, Deakins, Nash, Smoak & Stewart . . .	18
Morgan, Lewis & Bockius	17
Sidley Austin	17
Sullivan & Cromwell	17
Cleary Gottlieb Steen & Hamilton	14
Paul, Hastings, Janofsky & Walker	14
Shearman & Sterling	14
Jones Day	13
Richards, Layton & Finger	12
Seyfarth Shaw	12
Kirkland & Ellis	11
Cravath, Swaine & Moore	10
Hogan & Hartson	10

dent and senior counsel of litigation and legal policy Alexander Dimitrief said his team relies on the same select group of law firms and partners. "It's more than just familiarity with the company. The lawyer demonstrates a certain grasp of strategy and the image you want to project," Dimitrief said. "They know what makes [us] tick."

While GE may be sticking with the firms it knows, some companies don't automatically hire the firms that everyone else relies on. Take, for example, Pfizer Inc. Our data show that the company uses a lean roster of firms for corporate transactions that don't appear at the top of our charts—Cadwalader, Wickersham & Taft of New York; Dechert; and Fiddler González and Rodríguez of Puerto Rico. General counsel Allen Waxman said he doesn't necessarily look for big names—he looks for big ideas, and firms that might go against the grain. "Will [a firm] bring a unique perspective on a new matter?" Waxman asked. "To say, 'I've done this a million times and here's a model' is great. But I'm interested in how you're going to handle this particular matter."

METHODOLOGY

Running the numbers

HOW DID WE find out which law firms represent America's largest corporations? We did the research. In prior years, we asked the general counsel at the *Fortune* 250 to list up to seven primary law firms for each significant practice area: litigation, corporate transactions, labor and employment, and intellectual property work. But this year, seeking more complete data, we turned to public records to determine which outside counsel were used by America's biggest companies in 2006. We looked at the areas of commercial law and contracts litigation; corporate transactions; labor and employment litigation; and intellectual property.

To find the most widely used firms for litigation involving commercial law and contracts, employment and labor, and intellectual property (which

also included firms involved in trademark and copyright suits), we turned to Thomson West's Litigation Monitor, which compiles information about lawyers, law firms, roles, representation and parties from Westlaw documents. Cases and opinions include federal circuit court dockets filed in the U.S. courts of appeals; federal district court dockets on active and inactive civil and criminal cases; and federal case law decisions from the U.S. Supreme Court, courts of appeals, former circuit courts, district courts, bankruptcy courts, former Court of Claims, Court of Federal Claims, Tax Court, related federal courts and military courts. At the time of our research, primarily last April and May, the database also contained information on 24 state dockets, although law firms are identified in only 14 of those states. Of those, nine did not cover all counties in the state.

We searched patent filings at the U.S. Patent and Trademark Office to arrive at the list of patent prosecution firms. We looked up patents filed in 2006 and included only representation for patents approved or published by May 2007. (Firms used for IP litigation and patent prosecution are combined in

the IP column.) For corporate transactions, we turned to Thomson West's Deal Monitor, which contains legal representation data for registrations, mergers and acquisitions. Thomson West compiles information about securities transactions, issuers, underwriters, lawyers, law firms and their respective roles.

Firms had to pass a minimum threshold to earn a spot on our chart. They had to be mentioned in at least two suits in 2006 to get a spot in commercial law and contracts, employment and labor, and intellectual property litigation.

For corporate transactions or intellectual property patent prosecution, we included every firm named in the records we searched. When a company had one or more subsidiaries, we included the law firms named only for the parent/holding company.

We collected data for 220 companies in at least one practice area. Where we do not have data, we noted "N/A" to explain that the data were not available or not applicable. Law firm names have been shortened for space.

—CHRISTOPHER BIRKETT, JESSE ROTHMAN AND BRITNEY

THE NLJ CLIENT LIST—WHO REPRESENTS CORPORATE AMERICA

Rank	Company	Chief legal officer Title	Outside counsel			
			Commercial law and contracts litigation	Corporate transactions	Employment and labor litigation	IP litigation and patent prosecution
1	Wal-Mart Stores Inc. \$351,139	Tom Mars, Senior vice president, general counsel	Barfield & Associates; Butler Snow; Daniel Coker; Greenberg Traurig; Phelps Dunbar	Paul Hastings	Baird Holm; Baker & Daniels; Ballard Spahr; Barnes & Thornburg; Bassett Law Firm; Berkowitz Oliver; Berstein Shur; Bowman and Brooke; Bricker & Eckler; Davis Wright; Duvin Cahn; Dykema Gossett; Fisher & Phillips; Ford & Harrison; Geary Porter; Goodsill Anderson; Greenberg Traurig; Hirst Applegate; Jones Day; Kutak Rock; Lafayette & Kumagai; Lane Powell; Lawrence & Russell; Littler Mendelson ; Manning Curtis; McDonnell & Associates; McLain & Merritt; Mitchell Williams; Phillips Spallas; Poore Roth; Quarles & Brady; Quattlebaum Grooms; Schröder Joseph; Sheehan Phinney; Thelen Reid; Thompson & Bowie; Waller Lansden; Wells Marble; Wolf Block; Wright Lindsey	Christie Parker; Foley & Lardner; Hogan & Hartson; Kirkpatrick & Lockhart
14	Hewlett-Packard Co. \$91,658	Michael Holston, Executive vice president, general counsel	Day Pitney	Cleary Gottlieb; Cravath; Wilson Sonsini	Gibson Dunn; Littler Mendelson	Fish & Richardson; Pierce Atwood
26	The Kroger Co. \$66,111	Paul Heldman, Executive vice president, general counsel, secretary	N/A	N/A	Butler; Snow; Littler Men- delson ; Ogletree, Deakins; Shumaker; Loop; Stites & Harbison; Wimberly, Lawson	N/A
29	AmerisourceBergen Corp. \$61,203	William Sprague, Senior vice president, general counsel	N/A	Dechert	Littler Mendelson	N/A
38	Sears Holdings Corp. \$53,012	William Harker, Senior vice president, general counsel, secretary	Arnstein & Lehr; Bryan Cave; Dykema Gossett; Foster Pepper; Howard & Howard; Littler Mendelson ; Mor- rison & Foerster; Schopf & Weiss; Sonnenschein; Trotta Trotta	Osler; Hoskin	Ballard Spahr; DeWitt Balke; Fisher & Phillips; Frilot Partridge; Goldman Antonetti; Jackson Lewis; Littler Mendelson ; Miller Canfield; Ogletree Deakins; Post & Schell; Schuckit & Associates; Seeley Savidge; Shaheen & Gordon; Vedder Price	Lane Powell
39	Pfizer Inc \$52,415	Allen Waxman, Senior vice president, general counsel	Michael M. Sebold; Sidley Austin	Gadwalader; Dechert; Fiddler González	Irwin Fritchie; Littler Mendelson ; Ogletree Deakins; Schuster Auglío; Sidley Austin	Gonnolly Bove; Gibbons Del Deo; Thorp Reed; Troutman Sanders

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Rank	Company		Outside counsel			
	Revenue (in millions of dollars)	Chief legal officer Title	Commercial law and contracts litigation	Corporate transactions	Employment and labor litigation	IP litigation and patent prosecution
41	Wells Fargo & Co. \$47,979	James Strother, Executive vice president—law and government relations, general counsel	N/A	Faegre & Benson; Gibson Dunn	Allen Matkins; Bracewell & Giuliani; Gonzalez Saggio; Littler Mendelson ; Phillips Lytle	N/A
44	Walgreen Co. \$47,409	Dana Green, Senior vice president, general counsel, secretary	N/A	N/A	Bryan Cave; Hinshaw & Culbertson; Littler Mendelson ; Morgan Lewis; Ogletree Deakins; Seyfarth Shaw	N/A
56	Safeway Inc. \$40,185	Robert Gordon, Senior vice president, general counsel, chief governance officer	N/A	N/A	Barran Liebman; Dillingham & Murphy; Holland & Hart; Littler Mendelson ; Winterbauer & Diamond	N/A
68	FedEx Corp. \$32,294	Christine Richards, Executive vice president, general counsel, secretary	N/A	Davis Polk; Simpson Thacher	Littler Mendelson ; Seyfarth Shaw	N/A
77	Cisco Systems Inc. \$28,484	Mark Chandler, Senior vice president—legal services, general counsel, secretary	N/A	Davis Polk; Fenwick & West	Littler Mendelson	Baker Botts; Kirkland & Ellis; Kirk Williams; McKool Smith; Tucker Ellis
97	3M Co. \$22,923	Marschall Smith Senior vice president—legal affairs, general counsel	N/A	Cleary Gottlieb; Fried Frank	Keating O’Gara; Larson King; Littler Mendelson	N/A
104	Nationwide Mutual Insurance Co. \$22,253	Patricia Hatler, Chief legal and governance officer; executive vice president	Donna-Maria Lonergan; Feldman & Hickey	N/A	Bricker & Eckler; Bingham McCutchen; Hodes Ulman; Littler Mendelson	Frost Brown
122	AutoNation Inc. \$19,314	Jonathan Ferrando, Executive vice president, general counsel, secretary	N/A	Skadden	Littler Mendelson	Stearns Weaver
127	Whirlpool Corp. \$18,080	Daniel Hoop, Senior vice president—corporate affairs, general counsel	N/A	Davis Polk; Mayer Brown	Bass Berry; Littler Mendelson	McDonnell Boehnen; McGarry Bair
181	Waste Management Inc. \$13,363	Richard Wittenbaker, Senior vice president, general counsel, chief compliance officer	Schnader Harrison; Shipman & Goodwin	N/A	Littler Mendelson	N/A
186	Continental Airlines Inc. \$13,128	Jennifer Vogel, Senior vice president, general counsel, chief compliance officer; secretary	N/A	Cleary Gottlieb; Vinson & Elkins	Bracewell & Giuliani; Duvin Cahn; Langrock Sperry; Littler Mendelson ; Steven Drapkin	N/A
213	General Mills Inc. \$11,640	Siri Marshall, Senior vice president, general counsel, chief governance and compliance officer; secretary	N/A	N/A	Littler Mendelson	N/A
247	Aon Corp. \$10,311	D. Cameron Findlay, Executive vice president, general counsel	DLA Piper	Sidley Austin	Littler Mendelson	N/A