

# Cravath, Swaine & Moore LLP

## Vanessa A. Lavelly, Partner—Litigation

Vanessa A. Lavelly is a partner in Cravath's Litigation department. Her broad trial practice covers a wide variety of complex litigation matters, including antitrust, intellectual property, environmental, general commercial, and securities matters. Vanessa's clients have included Atlas Air, Colgate-Palmolive, JPMorgan Chase, Mineral Technologies, Morgan Stanley, NCR, Qualcomm, and Tesla.

In 2019 and 2020, Vanessa was named a "Future Star" by *Benchmark Litigation* and was included in the publication's "40 & Under Hot List." She was also recognized by *The Legal 500 United States* for her work in antitrust, general commercial, and patent litigation.

Vanessa received an A.B. degree, *magna cum laude*, from Harvard College in 2004 and received a J.D. from the UCLA School of Law in 2008, where she was elected to the Order of the Coif. After graduation, she clerked for the Hon. Kim McLane Wardlaw of the U.S. Court of Appeals for the Ninth Circuit. Vanessa joined Cravath in 2010 and was elected a partner in 2017.

Vanessa resides in New York City.

### Describe your practice area and what it entails.

My practice area is complex commercial litigation. That covers a broad range of subject matters, with most cases fitting into more than one bucket. My recent work for Qualcomm is a good example. As part of the Cravath team, I represented Qualcomm in its global dispute with Apple, which involved 180 lawsuits around the world concerning antitrust, contract, and patent issues, the intersection of which yielded many issues of first impression. In a sense, my "specialty" is complicated high-stakes litigation that does not fit neatly into one practice area, which is part of what draws me to it.

### What types of clients do you represent?

I have represented companies across a wide variety of industries. Much of my work has been for companies that, generally speaking, make things—historical production of carbonless copy paper (NCR) or talcum powder products (Colgate-Palmolive), innovative work with specialty mineral products and services (Mineral Technologies), industry-changing work with electric cars and other clean energy solutions (Tesla), or modems and other cellular technology (Qualcomm). I have also had the privilege of representing some of the world's largest banks, including Morgan Stanley and JPMorgan, in matters concerning complex securities and derivatives.

### What types of cases/deals do you work on?

Overall, I tend to work on cases with a high likelihood of going to trial or an arbitration hearing. For Qualcomm, I primarily focused on the antitrust and contract claims in California federal court by and against Apple and the companies that manufacture Apple's phones. As one of Qualcomm's trial counsel for that matter, I was ready for a five-week courtroom battle. Following opening statements at trial, we were able to reach a favorable global settlement for Qualcomm. In recent years, I have also represented Colgate-Palmolive in product liability lawsuits concerning its talcum powder products. I have tried three cases for Colgate; one resulted in a unanimous verdict in Colgate's favor after a three-month jury trial, and two settled during trial. This coming year, I will serve as trial counsel for the Tesla Board of Directors in two shareholder derivative matters in Delaware.

### How did you choose this practice area?

When interviewing candidates for our summer program, I typically ask if they are leaning toward litigation or corporate (or another area). Many are undecided and want to try both, having not had much, if any, exposure to transactional work in law school. That was not me. I knew I wanted to be a trial lawyer even before law school. I worked during and after college at my uncle's entertainment litigation firm in Los Angeles. My

two main takeaways: I don't care much about celebrity culture (a minority opinion at an entertainment firm!), and I want to be on my feet in a courtroom as much as possible. I navigated a path in law school that would lead me to that goal. After my clerkship, it was a no-brainer to accept Cravath's offer. From headlines, I already knew that Cravath handled many of the most high-profile litigation matters. I was also drawn to the Cravath System, which I could discuss for hours ... and often do during recruiting season! As I approach my 10-year anniversary, I can't imagine working anywhere else.

### **What is a typical day like and/or what are some common tasks you perform?**

A classic lawyer answer: It depends. In one case, I may be gearing up for trial in a couple of months. My day-to-day work for that client will involve revising drafts of pre-trial submissions (motions *in limine*, *Dauberts*, pre-trial briefs, exhibit lists) and preparing direct and cross-examination outlines, among many other tasks. In another case, I may be working on fact depositions. By that time, we will already have crafted a trial strategy, and the deposition prep will focus on getting (or avoiding) key admissions. I then fly around the country for several weeks to take and defend the depositions. Although planning and preparation is critical for effective litigation, I most look forward to "game day"—taking a deposition, arguing a critical motion, or examining a witness at trial. Regardless of a case's stage, I typically communicate with my client about it on a daily basis.

### **What training, classes, experience, or skills development would you recommend to someone who wishes to enter your practice area?**

I have three pieces of advice for future trial lawyers:

- 1) Practice your written advocacy. Most of your interactions with the court will be by motion or other formal written submissions. And most communications with your client and opposing counsel will be by email. Read books about effective legal writing. Read great briefs. Then practice and be open to feedback.
- 2) Practice your oral advocacy. Seek out opportunities in law school to be on your feet, whether in moot court or a clinical program.
- 3) Know business basics. If you work at a big law firm, most of your clients will be corporations. You definitely don't need an MBA to be a good litigator, but you need to know enough to understand your client's business and how a particular dispute could affect it. Beyond that, no specific class is essential for a generalist. Once you hone the core litigation skills, you should be able to apply those to any area of law and any industry.

### **What do you like best about your practice area?**

Before "game day" arrives, litigators spend many hours digging into the facts and law underlying a case's seemingly intractable problems. In my experience, the best litigators are inherently curious and enjoy learning. Litigation often involves a deep dive into a client's business and industry, cutting-edge technology, and complex financial issues. When I represented NCR in various environmental matters, I had to become an expert in paper recycling, wastewater treatment, and Superfund remediation. To defend Morgan Stanley in an antitrust matter, I learned everything I could about credit default swaps. It is a privilege that companies entrust us to handle some of their most challenging legal problems. That I find it intellectually stimulating is an added benefit.

### **What misconceptions exist about your practice area?**

I often hear people say that cases rarely go to trial anymore. Although the number of trials is declining in the industry as a whole, that is not true at Cravath. We are often retained precisely because a case is likely to go to trial. Sometimes settling is not a viable option, perhaps because the very structure of a client's business is at issue. We prepare every case as if it is going to trial, and many of them do. I have averaged one trial per year since I joined Cravath. That said, not every case should go to trial. Above all, we serve our client's interests. It is critical to know how your client defines a "win" in a particular dispute.

### **What are some typical tasks that a junior lawyer would perform in this practice area?**

With the support of partners and clients, I was given opportunities early and often as a junior associate. Within two years at the firm, I had taken or defended, as first chair, nearly a dozen depositions; taken the lead in drafting various filings, including a preliminary injunction motion and appeal; attended three trials in federal court; and examined witnesses (direct and cross) in two of those trials. By BigLaw standards, Cravath's Litigation department is relatively small. We strongly believe in lean staffing, which benefits both our clients and our associates. It is common for a junior Cravath associate to handle a meet and confer or oral argument against a partner from another firm. Watching an experienced litigator can be valuable, but there is no substitute for learning by doing.

### **What are some typical career paths for lawyers in this practice area?**

Within my first year at Cravath, I knew I wanted to spend my career at the firm, if they would have me. Because Cravath does not hire laterally (with rare exceptions), each first-year

class likely includes one or more future Cravath partners. We train associates with that in mind—we are building the future of our firm. Our rotation system gives associates exposure to many partners and areas of law. For various reasons, some associates ultimately decide to pursue other opportunities, such as the U.S. Attorney's Office, the U.S. Securities and

Exchange Commission, or an in-house position. A third-year Cravath associate often has more hands-on experience than senior associates at other firms, so there is no shortage of options. Even after associates leave, they are still part of the broader Cravath family. We maintain a strong alumni network; many clients are former Cravath associates.

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