



**In 2016, Cravath was named
General Commercial Firm of the Year
by *Benchmark Litigation*.**

There is no Cravath “type.” Our lawyers represent a wide range of backgrounds and interests. Yet, all share important qualities—intelligence, creativity, energy, dedication and a commitment to excellence.

CRAVATH, SWAINE & MOORE LLP

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Damaris Hernández, Partner—Litigation

Damaris Hernández is a partner in Cravath's litigation department. Her practice focuses on complex civil litigation related to securities and ERISA, as well as shareholder demands, internal corporate investigations and government investigations related to antitrust and the Foreign Corrupt Practices Act.

Damaris received her A.B. degree *magna cum laude* in literature from Harvard College in 2003, and a J.D. from New York University School of Law in 2007, where she was an associate editor of the *Review of Law and Social Change* and an AnBryce Scholar. Damaris joined Cravath in 2007 and became a partner in 2016.

Please provide an overview of what, substantively, your practice area entails.

I have a broad practice encompassing general commercial, securities, ERISA and antitrust litigation, shareholder demands, and internal and government investigations.

What types of clients do you represent?

I represent a wide range of clients in multiple industries around the world, including American Express, Credit Suisse, IBM, Merck & Co., Inc., Novartis, and Vivendi.

What types of deals and/or cases do you work on?

Recently, I was part of the team that represented the Republic of Argentina in obtaining relief from extraordinary injunctions, clearing the way for a resolution of decade-old litigations with holdout creditors. My other recent matters include representing American Express in purported antitrust class action litigation filed by merchants alleging a conspiracy among AmEx and other credit and charge card issuers; IBM in a number of FCPA matters, including a DOJ investigation relating to IBM's operations in Poland, Argentina, Bangladesh and Ukraine; and Novartis Pharmaceuticals in a civil enforcement action brought by the U.S. Attorney's Office for the Southern District of New York alleging violations of the False Claims Act and Anti-Kickback Statute.

How did you decide to practice in your area?

I have always enjoyed reading, writing, and coming up with creative ways to solve problems. I have always been driven by learning something new. And although every litigator has

a general understanding of the litigation process, its rules and procedures, every case is different, depending on the type of law, industry, jurisdiction, and specific facts. Every case has a learning curve. For example, I am currently working on a case for American Express that requires me to learn all about how credit cards work.

What is a typical day or week like in your practice area?

The only thing that is typical about my days is that each day is interesting, packed, and fast-paced. I come into the office with a daily to-do list that includes some combination of client calls and team meetings to develop legal strategies, drafting briefs, preparing or deposing witnesses, negotiating with plaintiffs' counsel and preparing for hearings. I also devote a number of hours each week to meeting with associates. Mentoring is an integral part of the Cravath culture and something that is very important to me. Since my first day at the firm, I have received constant guidance and formed close relationships with my partners and peers, so I too have an open door policy and always make time for our associates.

What is the best thing about your practice area?

At Cravath, we work on the most complex cases. Clients do not come to us with black and white questions. They rely on us to develop highly creative solutions to their most challenging legal issues, and many times that involves generating new or clarifying existing law and securing outcomes that seem impossible. For example, Cravath defended Vivendi, S.A. in the GAMCO case, which was the first public market purchase case where the presumption of reliance

was successfully rebutted at a trial on the merits and the opinion served as precedent for future cases. We obtained other landmark victories for AmEx, winning the appeal of a trial decision in a Department of Justice antitrust suit; for First Citizens BancShares, securing corporations' rights to adopt foreign forum-selection bylaws in conjunction with deals; and for the Republic of Argentina, paving the way to ending 15-year-old litigation with bondholders and returning the country to the international capital markets for the first time since its \$80 billion default in 2001.

What is the most challenging aspect of your practice area?

Litigation can be fast-paced and requires constant assessing, juggling of several priorities and putting out fires. We have a diverse client base and work on a wide range of matters, so it's critical to adapt quickly. You need to be a fast learner, organized, and work well under pressure.

What training, classes, experience, or skills development would you recommend to someone hoping to enter your practice area?

Although law school lays a solid foundation, many of the qualities needed to become an effective litigator develop with experience on the job. Particularly at Cravath, our lawyers receive comprehensive training through our rotation system, where associates work closely with a partner for a period of time on their cases and then switch to work with a different partner within the department. This gives our lawyers broad perspective and practice area expertise to think outside the box and provide commercially practical solutions. It's important to have the ability to pivot to meet the ever-changing needs of clients.

What misconceptions exist about your practice area? What do you wish you had known before joining your practice area?

Because litigation has a standard path from the filing of a complaint to a resolution, and some matters can go on for years

and entail routine or repetitious tasks, there can be a misconception that litigation is monotonous. However, each case provides an opportunity to expand your general knowledge base, become well-rounded, and develop a close working relationship with clients, helping them navigate a complex legal issue and ultimately obtaining a successful outcome.

What is unique about your practice area at your firm?

Cravath represents blue-chip clients in their most critical, high-profile cases. Our litigation department is made up of trial lawyers with broad courtroom experience in complex corporate litigation spanning across all industries. One of the most unique aspects of Cravath is our rotation system and the high level of training and opportunity it provides. As a first year associate, I took my first deposition; during my second year, I wrote my first set of summary judgment papers; and by my fourth year, I was sent to another country to work on an FCPA investigation. We work in small and highly collaborative teams, which allows for mentoring and collegiality. Whether you are junior, midlevel, or a senior associate, we are all on the same team and you will have as many opportunities and responsibilities as you seek out at Cravath—it's a true meritocracy.

What activities do you enjoy when you are not in the office, and how do you make time for them?

I spend most of my free time with my husband and our 5-year-old daughter and 1-year-old son. Our weekends are filled with taekwondo tournaments, ballet recitals, animated movies, Legos, Play-Doh, and dress-up. I am also involved with the AnBryce Program at the NYU School of Law and the March of Dimes. I had my first child, Mariana, as a fourth-year associate at Cravath. Mari was born prematurely (by 15 weeks) and the first year of her life was challenging in many ways. When I returned to Cravath, I had exceptional support from my colleagues and they understood my need for flexibility. Also, I was able to utilize our children's center, which is the first employer-run, on-site child care facility in New York City. It's an amazing resource staffed by wonderful people and it played a major role in my transition back to work.

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