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## 'Everyone is Hungry For Work.' A New Generation of Lawyers is Leading MDLs.

In 2020, lawyers who were 45 or younger made up 46% of appointments to lead counsel and plaintiffs' executive committee in multidistrict litigation, up from 32% in 2016, according to data reviewed by Law.com.

By Amanda Bronstad | December 07, 2021





When U.S. District Judge Michelle Childs appointed a leadership team this year to spearhead lawsuits filed over Blackbaud’s data breach, she emphasized diversity – and not just in race and gender.

“I remember when she interviewed us, she said something about our experience, and she very aptly asked us whether that was collective experience, or individual,” said Harper Segui, a partner at Milberg Coleman Bryson Phillips Grossman in Charleston, South Carolina.

All jokes aside, Segui, 40, who is now one of four co-counsel in the Blackbaud multidistrict litigation (<https://www.law.com/nationallawjournal/2021/03/03/south-carolina-mdl-judge-taps-most-diverse-leadership-team-ever-in-data-breach-class-action/>), said young attorneys bring a lot to the table.

“This is the group of the hardest working people I’ve ever had the privilege to work with,” she said. “Every single person digs in, and everyone is hungry for work, and they want to impress everybody with a great work product.”

Often relegated to specialized subcommittees or quietly working in the background, younger lawyers are increasingly taking the reins multidistrict litigation. Discussion about the next generation of lawyers has come up at webinars and in court during the past year, but there is also data that reveals a shift in the age of lawyers getting the topmost leadership posts.

A Law.com review of appointments in multidistrict litigation from 2016 to 2020 reveals that attorneys at the very top positions – defined as lead counsel or membership to the plaintiffs’ executive committee – are getting younger. In 2020, lawyers who were 45 or younger made up 46% of these most senior leadership positions, having consistently increased from 32% in 2016. Law.com determined a lawyer’s age by using the earliest bar admission year and a law school graduate’s average age of 26.

Both the bench and the bar are driving the shift.



**Kalpana Srinivasan, managing partner of Susman Godfrey. (Courtesy photo)**



**Harper T. Segui of Milberg Coleman. (Courtesy photo)**

“Firms and lawyers are recognizing that courts and the bar as a whole want to see new lawyers get prepared to take on leadership roles, and that process requires some buildup,” Kalpana Srinivasan, managing partner at Susman Godfrey, in Los Angeles, who was appointed co-lead counsel in 2017 in antitrust multidistrict litigation against Qualcomm.

“The courts are affirmatively bringing them out from the background to do that, but courts also know and recognize they need to have new generations of lawyers who are capable of guiding these massive cases in a way that assists the court and that, in order for that to happen, they need to ensure that lawyers are getting the experience and opportunity to do the work of the case but also learn those additional things that are part of being at the executive committee level or having a lead appointment,” Srinivasan said.

## ‘How Else Are They Going to

## Learn?’

The focus on age comes amid a push to get more women (<https://www.law.com/2020/07/06/there-are-new-faces-leading-mdls-and-they-arent-all-men/>) and nonwhite attorneys (<https://www.law.com/2020/08/17/despite-diversity-efforts-fewer-than-10-of-mdl-leadership-posts-are-going-to-attorneys-who-are-not-white/>) in leadership roles in multidistrict litigation, which historically has been dominated by white, male lawyers.

Now, judges are putting younger lawyers in the limelight.

“The court’s leadership on this, and indication it’s not just something they will entertain, but something they want because they see it’s a long-term generational issue, has made a real difference,” Srinivasan said. “I’ve seen momentum there in a way that’s really good for the bar. When people don’t hear that’s what the court

wants, they assume what the court will want is somebody who's been in leadership X many times."

At a Sept. 23 hearing to discuss possible leadership of multidistrict litigation involving casino apps made by Google, Apple and Facebook, U.S. District Judge Edward Davila, of the Northern District of California, asked Andrea Gold, a partner at Tycko & Zavareei in Washington, D.C., the proposed chairwoman of the team's executive committee, whether she had ever served in that role before.

She replied, "I have not, your honor."

"Great," the judge said, nodding his head.

Four of the 14 attorneys on the team the judge appointed had six or fewer years of experience.

Gold said she has worked for more than 15 years as a class action attorney.

"It is crucially important that the doors to MDL leadership are opened to younger lawyers – especially women and people of color – so that our fresh perspectives, innovative thinking, and important contributions are included," she wrote in an email. "I am pleased that we are making progress in this vein, but there is still considerable work to be done."

In the multidistrict litigation over the heartburn medication Zantac, U.S. District Judge Robin Rosenberg of the Southern District of Florida took the unusual approach in 2020 of creating a "leadership development committee"



**Andrea Gold of Tycko & Zavareei. (Courtesy photo)**

(<https://www.law.com/nationallawjournal/2020/05/08/florida-judge-appoints-diverse-legal-team-to-lead-zantac-lawsuits-398-54570/>) specifically designed to promote younger attorneys.

One committee member, Paige Boldt, a partner at San Antonio's Watts Guerra, said she submitted her application primarily to gain experience interviewing for a leadership position. "It was awkward to say I've only been doing this for eight years," said Boldt, 33.

But Boldt, who works remotely in Fort Worth, now meets once a week on Zoom with other members of the leadership development committee. She also regularly meets with lead counsel and the other committees since members of the leadership development committee also get to participate in specific areas of interest in the multidistrict litigation. Boldt, for instance, is involved in the selection of bellwether trials.

"This gives us a space not only to participate but also be in a place where we can say, 'is this normal?' and 'how do we approach it?' and lean on them for years and years of leadership," Boldt said. "We are given assignments, and we're on committees and chairing committees like every other person in leadership."

Rosenberg has ensured the appointments aren't just window dressing. On May 24, she ordered both sides to have "our next generation of lawyers" make arguments on motions to dismiss (<https://www.law.com/dailybusinessreview/2021/06/03/drug-makers-seek-dismissal-of-zantac-lawsuits-with->

at-least-2-days-of-arguments/). Rosenberg said she encourages both sides to have a member of the leadership development committee appear at status conferences or argue motions, allowing them extra time if they do so, but some have taken the initiatives on their own.

“That should be the guiding principle,” Rosenberg told Law.com.

Her interview process was unlike most in multidistrict litigation. Rosenberg, who had never handled multidistrict litigation before, had 65 lawyers answer questions over a period of two days. The interviews took place on Zoom due to the COVID-19 pandemic.

She chose that method for a reason over a more traditional process, where lawyers work together to create their own teams that judges then select from the group applications.

“It was not an insider process, it was an open process, and then, by definition, would invite some who might otherwise have never sought to seek a leadership appointment or even stood a chance,” she said. “I also felt and have always felt that we as judges, and more senior lawyers, have a responsibility to mentor younger lawyers. How else are they going to learn?”

Particularly in litigation, she said, few lawyers get to appear in court, and most cases settle. That’s especially true in federal court, where judges don’t hold as many hearings as those in state courts.

### ***‘Get My Feet Wet in Court’***

While judges have lent encouragement, some plaintiffs’ firms are giving their younger lawyers a chance to shine all on their own.

On Jan. 22, U.S. District Judge Brian Martinotti, in the multidistrict litigation over pharmaceutical drug Elmiron, pending in New Jersey, emphasized the importance of younger attorneys in appointing a leadership team of 25 lawyers (<https://www.law.com/njlawjournal/2021/01/22/judge-appoints-elmiron-leadership-team-with-significant-diversity/>), nearly half of whom have never served on a plaintiffs’ steering committee.

But co-lead counsel Parvin Aminolroaya, a partner at Seeger Weiss, praised her firm, which “creates opportunities like this for young partners and actively promotes diversity within MDL leadership.”

Segui said she was encouraged to do more speaking in court in cases where she already was doing the majority of the work. She started by arguing a motion to dismiss – a good “first step” in multidistrict litigation.

“It provided an opportunity for several different people to argue motions to dismiss,” Segui said of her firm. “It did afford people like me to get my feet wet in court.”

Boldt agreed that having the support and mentorship of her firm, and the financial backing necessary to lead a multidistrict litigation docket, are essential. But there also are networking groups and other opportunities for younger lawyers to get recognition.

“Part of it too is getting yourself out there, getting involved early in litigation, and knowing there are other opportunities outside the MDL that would get you in the environment,” Boldt said.



**U.S. District Judge Robin L. Rosenberg of the Southern District of Florida.**

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Encouraging the next generation of attorneys doesn't mean senior partners at their firms aren't involved in the litigation, however. Rosenberg described the Zantac leadership as more of a "balance" in experience.

"Yes, of course, you need experienced people, but it's not mutually exclusive," Rosenberg said. "You can have experienced people who are capable and knowledgeable about how to lead a case of this magnitude, but you can also incorporate new approaches and ideas."

Younger lawyers bring with them new ideas — especially important in multidistrict litigation, where judges and lawyers often experiment with new methods on how to manage dockets of hundreds or thousands of cases.

"They brought new perspectives, diverse perspectives, whether a diversity of background or a diversity of experience," Rosenberg said.

At a Sept. 17 webinar hosted by the University of Berkeley School of Law's Civil Justice Research Initiative, Karen Caldwell, who is chairwoman of the U.S. Judicial Panel on Multidistrict Litigation, called diversity of experience in leadership appointments "very important."

"Someone with subject matter experience, youth and energy might be more valuable than someone who's done it 10 times poorly," said Caldwell, who is a judge in the Eastern District of Kentucky.

And experience doesn't always mean a large number of previous leadership appointments, Srinivasan added.

"Simply because you haven't been appointed to be the lead, the main lead, or named to the executive committee, does not mean you haven't been carrying the laboring oar in a major class action or MDL," she said.

Many lawyers have dealt with motions, experts, class certification or depositions, she said. "In some sense, it may not fully reflect the scope of experience they have simply because they haven't previously been given the opportunity to be the designated lead," she said.

And younger lawyers are likely to work hard. That's especially important as many cases, particularly class actions, have become more difficult to litigate.

"Frankly, it's hard to get cases certified these days, so there's a lot more work that goes into things than the days of yore, where money would rain down on plaintiffs' lawyers doing class action work," Segui said.

"There's a hunger and desire to go out and be those people speaking in court, have those roles and take those depositions, and that is starting to pay off. And I think that's what judges are seeing too."