

Litigation Leaders: Simpson Thacher's Jonathan Youngwood on Building a High Talent, Low Ego Litigation Culture

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By Ross Todd
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Welcome to another edition of our Litigation Leaders series, featuring the litigation practice leaders of the biggest firms in the country.

Meet **Jonathan Youngwood**, the global co-chair of the litigation department of **Simpson Thacher & Bartlett**. Youngwood, who is based in New York, leads the firm's civil securities practice and has more than 25 years of experience in complex commercial litigations, arbitrations, investigations, and regulatory matters.

Litigation Daily: Tell us a little about yourself—beyond what's in your law firm bio.

I lead the firm's litigation department as global co-chair, along with **Paul Curnin**, and I'm also a member of the firm's executive committee.

Beyond our work for our long-standing clients, one of the things that I am most passionate about is the firm's pro bono work. I believe law firms are uniquely positioned to effect real change on issues that truly matter. Recently, along with our pro bono partners and an outstanding team of lawyers at Simpson Thacher, we have taken on high-impact pro bono class action litigation to reform policing practices and expand voting rights, secured a "historic" decision allowing veterans to bring class actions against the U.S. Department of Veterans Affairs, and successfully overturned a wrongful murder conviction and secured the release and a declaration of factual innocence of a client after 18 years behind bars, among many others. I was especially proud of our team who, in October 2019, worked alongside the American

Civil Liberties Union and the ACLU of Mississippi to secure a groundbreaking consent decree in Mississippi in a class action which seeks to prevent the Madison County Sheriff's Department from engaging in racially motivated policing practices. The firm was honored as Benchmark Litigation's "Pro Bono Firm of the Year" in 2020 and also received Benchmark's "Impact Case Award" for our work on this case.

It is a privilege to be able to spend time on pro bono work. I always encourage all lawyers, from junior associates to partners across practice groups, to get involved. It will strengthen your practice, broaden your perspective and enrich your life.

How big is your litigation department and where are most of your litigators concentrated geographically?

Simpson Thacher has some 250 litigators. While the majority of these attorneys are based in the U.S., we also have litigators across Asia, Europe and Latin America.

In what three areas of litigation do you have the deepest bench?

I am fortunate to work with so many talented colleagues, and we continue to invest in our bench in multiple areas, including securities and investigations, anti-



Jonathan Youngwood of Simpson Thacher & Bartlett

Courtesy Photo

trust and insurance, to ensure we're meeting the dynamic needs of our clients. For the last 25 years I have primarily focused on securities litigation and regulatory matters, in addition to other complex commercial litigation and arbitration, and I'm proud that the department is one of an elite few practicing in these areas. Our securities litigators work closely with our premier government and internal investigations practice, in particular on matters where we have parallel proceedings or investigations that precede or follow securities litigations, as well as other enforcement issues. We're fortunate to have such a highly-talented team of former senior government officials from the SEC, DOJ and FTC, and former U.S. federal prosecutors, in addition to our strong bench of nationally recognized litigators.

Our antitrust and trade regulation team is also very strong and we continue to invest in this area. For example, we recently announced that we will open an office in Brussels this summer, which will primarily focus on antitrust and competition matters and will complement our presence in London. Given the increase in the review of foreign direct investment into the U.S., the accelerating regulation of digital and technology companies on both sides of the Atlantic, and an increase in other cross-jurisdictional enforcement, this was a particularly important development for us.

In addition, our insurance litigation practice is well known as one of the go-to firms for insurers for complex and novel issues, and this year they were very busy confronting some of the unique issues arising from the pandemic.

As head of the department, what are some of your goals or priorities?

One of our main goals is ensuring that our team is best positioned to efficiently serve clients and guide them to the best possible outcomes. Achieving this means dedicating the time and resources to formal and informal training, and building a robust knowledge management function. For example, the firm frequently employs AI technologies that enable our litigators to conduct early case assessment, prioritize electronically stored information in discovery and, when relevant, provide highly effective investigatory functionality.

We train our litigation associates to be trial lawyers with exposure to different practice areas—this allows them

to become nimble advisors who are able to draw upon their varied experience to develop creative solutions for clients as they become more senior. We also encourage our associates to take on pro bono engagements, which often provide early opportunities for young lawyers to take depositions and gain valuable courtroom experience.

What do you see as hallmarks of your firm's litigators? What makes you different?

I feel very fortunate to have the opportunity to lead, along with my co-chair Paul Curnin, such a wonderfully talented group. On any given day our litigators are working on some of the most interesting and complex issues for a diverse range of clients. In addition to the nature of the challenging work we do, our collaborative approach contributes to an environment that is both exciting and rewarding. One of my partners characterizes our culture as "high on talent, but low on ego," which not only makes Simpson Thacher a great place to practice law, but also provides our clients a team with a distinct advantage—collaborating on solutions and sharing information and resources is natural for us.

In addition, we believe it is critical to understand how our clients operate, what their market and business objectives are, where they can avoid or mitigate risks, and ultimately how we can add value.

How many lateral litigation partners have you hired in the last 12 months? What do you look for in lateral hires?

Although the vast majority of our litigators have spent their entire career at the firm, we have brought in laterals, as needed, who have a particular expertise or background to supplement our deep bench of talent. Last week, we announced that **Marc P. Berger**, who was most recently the Acting Director of the SEC's Enforcement Division, will join the firm's New York office in June and will focus on investigations, enforcement and criminal defense. We also recently welcomed **Antonio Bavasso**, a highly-regarded antitrust practitioner, to the London office. He is U.K. and Italy-qualified and will be very involved in helping to expand our antitrust and competition capabilities in Brussels.

What were some of your firm's biggest in-court wins in the past year, and can you cite tactics that exemplify your firm's approach to success?

The firm is very proud of our successful results again this year. Although it would be difficult to highlight everything, several victories include advising:

- Velocity Financial in the first dismissal of a pandemic-related securities class action;
- Valeant Pharmaceuticals in obtaining dismissals in multiple securities fraud suits;
- Travelers in an appellate victory affirming its dismissal from long-running asbestos litigation;
- Deutsche Bank in a proposed class action alleging conspiracy to fix prices in the Mexican bond market;
- Hilton and Hilton Hotels Retirement Plan in the dismissal of a renewed motion for class certification;
- Tyson Foods in the dismissal of an antitrust class action alleging a decades-long conspiracy to fix wages;
- PAAMCO and Prisma in the **dismissal of Kentucky Retirement Systems derivative litigation**; and
- Bayer in a rare reversal of a National Advertising Division (NAD) decision.

Our record of success is due, in part, to our ability to craft and execute strategic plans to successfully resolve matters as efficiently as possible—be it through aggressive motion practice, developing innovative legal arguments, setting the stage for potential settlement discussions, or our ability to engage the bench and achieve great success in the trial courtroom.

In addition, our clients appreciate our ongoing risk management counseling, where we draw upon our deep experience and institutional knowledge to help them avoid the risks and financial and reputational costs associated with litigation and regulatory enforcement.

Where are you looking to build or expand in the next year?

Assisting our clients, effectively and efficiently, is always our paramount priority. Clients turn to us in times of crisis, because we approach our relationship as a true partnership. We strive to understand their businesses and work tirelessly to achieve their objectives. As a team, we thrive on the challenge and complexity of the work, which, in turn, continuously results in successful

work for our clients. This has been true throughout the COVID-19 pandemic, where our long-standing clients have turned to us to help address some of their biggest challenges amidst a very unusual environment. This next year will continue to be both interesting and challenging, especially as we continue to navigate how best to litigate in a remote or hybrid-remote environment. Training and mentoring will also continue to be both a challenge and opportunity for the entire legal profession. Because of our strong culture and collaborative and creative approach to finding solutions, I'm optimistic we will address the needs of our junior attorneys and continue to deliver the best results for our clients.

How are you coping with the current economic downturn?

We have the privilege of being a firm that clients look to as they tackle some of their most difficult and unique challenges. Clients appreciate our ability to identify trends on the horizon and value our practical and commercial guidance.

The market turmoil and the complicated issues that arose from the COVID-19 pandemic are similar in many ways to the kind of work we saw following the financial crisis—many of our long-standing clients have similarly now tapped us to advise on some of their most important and complex matters. For example, the firm's insurance and reinsurance practice is at the center of defending the insurance industry against claims stemming from the pandemic, while the firm's government and internal investigations practice is very involved with crisis-related work and other sensitive matters. The rest of the firm's litigation department also remains very busy, advising on matters that were active before the pandemic, as well as new matters that have come in recently.

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