

Illinois Powerhouse: King & Spalding

By **Sue Reisinger**

Law360 (August 22, 2023, 2:36 PM EDT) -- In August 2021, trial lawyers from King & Spalding LLP's Chicago office helped secure an unprecedented trial victory on behalf of all transgender individuals incarcerated in the Illinois Department of Corrections, winning them the right to receive medical care to treat gender dysphoria.

That was followed by a national team's July 2022 victory for transgender inmates in Georgia. Although King & Spalding's Chicago office has only been open for six years, its achievements in standing up for pro bono transgender clients helped earn it a spot among the Illinois Powerhouses recognized as part of Law360's 2023 Regional Powerhouses list.

In the Illinois Department of Corrections case, King & Spalding lawyers in Chicago worked pro bono with The American Civil Liberties Union of Illinois and with Kirkland & Ellis LLP to win the class action. The ACLU hailed the victory as "historic" and predicted it would become the playbook for bringing such cases in other states.

A national team of the firm's lawyers has gone on to seek medical services for the transgender community in other states. And a Chicago-based partner was part of the national team that joined with the ACLU of Georgia to sue the Georgia Department of Community Health in federal court on behalf of two women inmates.

In 2022, they earned a settlement that gave Medicaid benefits to Georgia's entire transgender community to provide treatment, including gender-affirming surgery.

Zachary Fardon, who is managing partner of King & Spalding's Chicago office and also serves on the Atlanta-based firm's policy committee, said the cases were significant in terms of equal access to justice "in regard to the civil rights issues both for the transgender community, and also for incarcerated defendants having equal access to health care."

Fardon, a partner in the firm's special matters and government investigations practice group, told Law360 the outcome was also significant for him personally because of what it says about the lawyers.

"We're a law firm that prides ourselves on a culture of having not just great lawyers, but also great



people who care about the communities they live in and the issues near and dear to them. They pay it forward by volunteering to partner with the ACLU in a case like this, with issues of that significance, in a manner that is not just simply box-checking. It was a case that is wildly important and cutting edge."

Brent Ray, the Chicago partner who took part on the national team, said as the first class actions on such matters, these cases "really made a difference and helped people who are in need."

Another plus, he told Law360, was that the cases "also were a great opportunity to provide some younger lawyers the chance to take their first trial testimony."

In other recent major cases, a Chicago-based partner led the national King & Spalding team in representing Boehringer Ingelheim, one of the world's largest pharmaceutical companies, in a suit against claims that the heartburn medication Zantac caused cancer.

The team's strategy was to debunk the junk science offered by plaintiffs. Last December, a federal judge in Florida agreed, tossing the plaintiffs' expert evidence, and entered a summary judgment, dismissing about 50,000 claims in multidistrict litigation.

Plaintiffs then turned their focus to state courts, including Illinois, where King & Spalding is defending the company in about 580 cases consolidated in Cook County.

Another case that made national headlines for King & Spalding involved an abuse investigation into the Women's National Soccer League. The Chicago-based U.S. Soccer Federation, the governing body for U.S. soccer, hired the law firm to conduct a yearlong investigation by a national team of lawyers, led by former Deputy Attorney General Sally Yates, who is a partner in the Atlanta office and leads the firm's crisis management practice.

The October 2022 report detailed systemic abuse in women's soccer at all levels, and it offered a series of recommendations, all of which were accepted by the federation and are being acted upon.

In other cases, the Chicago office led numerous high-profile shooting incident investigations for corporations across the country: coordinating with law enforcement, conducting internal investigations, making remediation recommendations, and handling potential and related litigation.

The office also represented the financial group Orix, winning an eight-figure contract dispute that went to a jury trial in an Illinois state court; multinational pizza chain Little Caesars in a class certification bid in a biometric privacy suit in the District of Illinois; and an owner in a high-grossing Chicago restaurant group in a successful partnership separation.

Lawyers from the Chicago office also represented Beech-Nut Nutrition Co. in a class action alleging Beech-Nut violated a slew of consumer protection laws by including heavy metals in its baby food.

The law firm has only been in Illinois since 2017. Fardon, who served as U.S. attorney in Chicago during the Obama administration, opened the office as "employee No. 1." It has grown to 58 lawyers, 22 of whom are partners. Nationally, King & Spalding has 1,172 lawyers.

Fardon said Chicago is "a steep and deep market. There are many, 100-plus-year-old indigenous law firms with great lawyers and entrenched client relationships across this market. And so you don't come into this market lately or arrogantly, and we didn't do either."

He said King & Spalding had a plan to be patient, methodical, deliberate and humble. They would focus on building, over time, on three pillars: excellence in hiring and lawyering, a culture of collegiality, and being a strategic fit for the area.

"You can't compete in this market unless every move you make, every lawyer you bring in, is great at what they do," Fardon explained. "As for culture, we have a very proud culture of playing well with each other and with others, including other law firms."

"And strategic fit is important," he continued. "What we mean by that is playing to our firm's strengths. We didn't come in and try to be all things to all people." The firm is focusing on advising companies on regulatory issues and government investigations, related commercial litigation, and work across the financial services and life sciences sectors.

As the office grows, he said, it is seeing an increase in cases stemming from U.S. Department of Justice and U.S. Securities and Exchange Commission investigations and enforcement.

"I think the DOJ and the SEC enforcement work has been invigorated sort of post-pandemic and in the Biden administration," Fardon added.

He said other trends include increased antitrust investigations and civil litigation, more corporations seeking private or credit lending as an alternative to bank debt, and more cases "reflecting the economy that is happening right now," including company financial distress, restructuring and bankruptcy.

"The reality is," Fardon said, "that we're just busy in this office, across the entire office."

--Editing by Lakshna Mehta.