

Litigation Leaders: The Founders of MoloLamken on the Firm's 'Brains and Brass Knuckles' Litigation Approach

By Ross Todd

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Meet **Steven Molo** and **Jeffrey Lamken**, the founders of national litigation boutique **MoloLamken**. Molo is based in New York and Lamken is based in Washington, D.C. Prior to founding the firm in 2009, Lamken headed the Supreme Court and appellate practice at **Baker Botts** and Molo had been a partner at **Shearman & Sterling** and **Winston & Strawn**.

Tell us a little about yourself—beyond what's in your law firm bios.

Steve Molo: Well, while it's not on the website, a lot of people know the story of how we met. Ron Perelman had sued Morgan Stanley for fraud based on the sale of his company, Coleman (Parent) Holdings, to Sunbeam. We both got involved late in the case, after serious discovery sanctions were imposed, resulting in a \$1.8 billion verdict for Perelman. The case was a mess. We say it was so bad we met on the deck of a sunken submarine; we weren't even inside. We ultimately got things turned around and judgment entered for Morgan Stanley.

How big is the firm and where are most of your litigators concentrated geographically?

Jeff Lamken: We now have about 40 lawyers, and seven more associates will join us later this year. We're pretty evenly split among New York, Washington, D.C., and Chicago.



Courtesy photo

Steven Molo and Jeff Lamken of MoloLamken.

What was the vision back when you left big law to form your own litigation shop? What's played out as planned?

Lamken: To be a go-to firm for complex high-stakes litigation, for plaintiffs and defendants, as well as investigations, and to handle matters from trial courts, to courts of appeals, and in the U.S. Supreme Court.

Molo: We had an 85-page strategic plan with no numbers, and 50 iterations of the numbers in pro formas. When you look at where we are today and where we said we wanted to be, it lays over nicely.

What's surprised you about the experience?

Molo: Neither of us were managers, so there was a lot to learn about recruiting, training, and retaining talent. We have an A+ team and that's the result of a great deal of effort. Another surprise has

been the demand for our services by sophisticated non-U.S. clients, given that we have offices only in the United States.

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

Lamken: We have what we sometimes call a "brains and brass knuckles" approach.

Molo: We're aggressive, keeping cases moving forward to trial. But we always keep legal issues at the forefront, recognizing they almost always dictate the outcome of cases.

In what three areas of litigation do you have the deepest bench? (I know it's hard, but please name just three.)

Molo: We basically do three things: business disputes, broadly defined; IP disputes; and white-collar defense and investigations. That's true for trial and appellate work.

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

Molo: We hired five associates this year. We also lost a couple of people who went off to great government positions. We look for people who are incredibly smart, passionate about the work we do, and highly collaborative.

Lamken: All associates have clerked for at least one, but more often two, judges and might have spent a year or two at a large firm. Our interview process is rigorous, and we spend a lot of time on recruiting. It's produced a great team.

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?

Lamken: We won two cases in the Supreme Court: *Arthrex*, which challenged the appointment

of Administrative Patent Judges under the Constitution's Appointments Clause; and *AMG Capital Management*, which challenged the FTC's authority to impose financial penalties through what it termed "equitable monetary relief." We won an acquittal in a jury trial in a campaign finance prosecution in Washington, D.C. We collected a \$32 million judgment following a trade secrets trial in New York. We won summary judgment exceeding \$350 million for a hedge fund client holding distressed Venezuelan debt. There were a number of others, and several major settlements. Creativity is part of our DNA. The breadth of our practice helps us see things others might miss.

What does your firm's coming trial docket look like?

Molo: We're about to start a civil securities fraud jury trial for the plaintiff class in the SDNY. We have an upcoming criminal bank fraud jury trial in Boston. We've got a bench trial set in a case concerning the distribution of proceeds of a mortgage-backed securities settlement in the New York Supreme Court Commercial Division. We are representing a trader in a criminal spoofing case set for trial in Chicago. And we were just retained to represent a major corporation in a significant civil antitrust case set for a jury trial in the Midwest. We also have a lot of great cases beyond the trial courts. The Supreme Court gave [Calls for the Views of the Solicitor General] in three of our cases this year, an impressive number for any firm.

