

MoloLamken LLP

Lauren F. Dayton, Associate Attorney

Lauren Dayton's practice focuses on a broad range of trial and appellate matters on behalf of both plaintiffs and defendants. She represents companies and individuals in complex litigation matters, including judgment enforcement and cross-border matters. Lauren also has a robust appellate practice in state and federal courts, including the U.S. Supreme Court. She has briefed complex jurisdictional and statutory issues across various subject areas, including bankruptcy, administrative law, and intellectual property. Lauren joined MoloLamken after serving as a law clerk to the Honorable Steven M. Colloton of the United States Court of Appeals for the Eighth Circuit and the Honorable Brian M. Cogan of the United States District Court for the Eastern District of New York. Before law school, she interned for the Honorable Jeffery P. Hopkins, Chief Judge of the United States Bankruptcy Court for the Southern District of Ohio.

Describe your practice area and what it entails.

MoloLamken exclusively represents clients in complex litigation. We handle trials, arbitrations, appeals, and investigations across the United States, for clients all over the world. In our civil litigation and appeals, we represent both plaintiffs and defendants. Our attorneys regularly appear before the U.S. Supreme Court, where we have two cases this term. We handle cases across a broad range of subject matters, including business litigation, class actions, intellectual property, bankruptcy, and white collar, among many others.

What types of clients do you represent?

MoloLamken has a diverse range of clients, including foreign sovereigns, Fortune 500 companies, hedge funds, private equity firms, corporate directors, entrepreneurs, and government officials. We represent clients on both sides of the "v." including plaintiffs in class actions and prominent individuals in criminal matters. At any given time, we might be representing an investment manager seeking to recover on unpaid sovereign bonds, defending a high-profile government official in a criminal prosecution, conducting a targeted internal investigation for a company, and representing a patent holder in the U.S. Supreme Court.

What types of cases/deals do you work on?

My own practice at MoloLamken has reflected the diversity of the firm's clients and cases and the opportunities that practice presents for associates. At the trial level, I have been part of MoloLamken teams representing a hedge fund bondholder in a multi-day confirmation bench trial in federal

bankruptcy court, a consumer class in a fraud suit against a major technology company, and a foreign company seeking to enforce a foreign arbitral award in federal district court. At the appellate level, two of my recent matters included representing a biopharmaceutical company defending the denial of two preliminary injunctions before the Federal Circuit and representing a municipality seeking cert before the U.S. Supreme Court. Among those matters and others, I've had the opportunity to develop many different types of advocacy skills, including preparing expert and lay witnesses for deposition and trial, taking and defending depositions, preparing a complaint, drafting motions and appellate briefs, litigating discovery disputes, preparing a sentencing brief, and giving oral argument.

How did you choose this practice area?

Like many former clerks, I loved my clerkships, and I sought to recreate some of the aspects of clerking that I enjoyed most when I was applying to law firms. As a law clerk, I learned so much from observing the judges firsthand and receiving feedback directly from them. I wanted to find a firm where I could work one-on-one with smart, talented partners in a similar way. I was also looking for a firm where I could develop the skills to become a successful attorney, rather than just a good associate. MoloLamken provides exactly that environment. Junior attorneys are given opportunities to hone their advocacy skills as they demonstrate their ability, and to participate in business development in meaningful ways. Another aspect of clerking that I particularly appreciated was the variety of interesting, complicated cases that I saw. At MoloLamken, I've had the opportunity to work on an even

greater range of complex cases in federal and state courts. Clerking also showed me the benefit of a collegial environment, a benefit I've also experienced at MoloLamken. Working in small teams across offices lends itself to a collegial, mutually supportive atmosphere. Because associates do real, important work, they are valued as part of the team (often "the team" is just one partner and one associate). I feel that the firm as a whole is genuinely invested in my professional development, which makes the work very rewarding.

What is a typical day like and/or what are some common tasks you perform?

The variety of cases MoloLamken handles means there is no "typical" day for an associate. In one week, an associate might draft part of a motion for summary judgment, prepare an expert for deposition, conduct a witness interview for an internal investigation, and participate in a business development pitch. The one constant is the substantive nature of the work. The firm's expertise and size lend themselves to complex matters that can be handled by smaller teams, allowing associates to participate in strategy and take on substantive roles from the beginning. For example, in one case that I worked on recently, I was the associate responsible for drafting the complaint, serving the defendant foreign sovereign, coordinating discovery, and drafting our summary judgment briefing. Being able to work on all aspects of a case, including strategic decisions, makes our victories even sweeter. Another aspect of a "typical" MoloLamken associate's day that might be unusual at another firm is communicating with clients. Because associates are involved in all aspects of a case, including strategy, they often interact with clients directly.

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

For law students, I recommend getting as much practical advocacy experience as you can, whether through a clinic, moot court, practicum, or judicial internship. Use the resources available in law school to sharpen your persuasive, non-academic writing. Although oral advocacy is important too, brief-writing makes up the bulk of advocacy in private practice, and good writing will help you stand out among candidates with strong credentials. For attorneys who are interested in transitioning to a boutique, the more substantive experience you can get, the better. If your paid practice doesn't offer those opportunities, look for a pro bono case where you can take a deposition or write an entire brief. If you haven't had an opportunity to develop a particular skill, consider taking a hands-on advocacy course to jumpstart the process and demonstrate your commitment to growing as a

practitioner. Boutiques are looking for attorneys with both litigation skills and entrepreneurial, can-do attitudes.

What is the most challenging aspect of practicing in this area?

The most challenging aspects of practicing at MoloLamken are also my favorite parts: the variety of cases and how much responsibility associates are given. No two cases that I have worked on have involved the same subject matter or legal issue, which means that I am constantly learning about new areas of law and procedure. The diversity of cases also means honing different litigation skills, including drafting briefs, preparing witnesses, taking depositions, and communicating with clients. Because associates play a significant role in our small teams, they have the opportunity to develop judgment. Participating in strategy decisions and taking on substantive responsibility as a young associate is challenging, but also leads to much faster growth. The challenge of taking on significant responsibility is also tempered by the fact the firm is made up of down-to-earth, friendly people, who are eager to help each other and the firm succeed.

What is unique about your practice area at your firm?

MoloLamken's strength in both trial and appellate matters makes it unique among top-tier boutiques. At any given time, the firm may be going to trial in a bet-the-company case in state or federal court and also handling oral arguments in courts of appeals and the U.S. Supreme Court, with teams staffed across all three offices. Having those complementary practices as a firm makes us stronger in both—better able to anticipate and avoid appellate issues at the trial level and to think creatively in advancing arguments on appeal. MoloLamken is also unique in that, unlike other firms, where trials or Supreme Court cases are reserved for a small cadre of lawyers with particular credentials, here, all associates have the opportunity to work on those trials and appeals. In the past year, I have worked on trial-level cases in several federal district courts and appellate matters in a state highest court, two federal courts of appeals, and the U.S. Supreme Court.

What are some typical career paths for lawyers in this practice area?

Unlike larger firms, MoloLamken is not built on an "up-or-out" model. The firm is selective and intentional with each new hire, with the goal that every attorney who joins will stay at the firm for good. One example of the care the firm takes with hiring is that applicants usually interview with almost every attorney in all three offices to ensure that those who are hired will be a good fit. Young associates who start at the firm receive formal and informal mentorship from the beginning and are

very involved in business development and firm life, including promoting diversity initiatives and identifying new litigation tools. Attorneys who have left the firm have gone to work in government, often in U.S. Attorney's Offices, or to clerk for a justice on the U.S. Supreme Court.

In what ways has the coronavirus pandemic affected your practice? How have you adjusted to lawyering in the wake of COVID-19?

Although COVID-19 has presented many challenges, in many ways, MoloLamken was well prepared to transition to a temporary work-from-home model. Because our teams are usually

staffed across offices, we already had plenty of experience developing and running cases with team members in different places. And as a relatively young boutique, our firm has always integrated technology that allows us to work effectively outside the office. But we have really missed the opportunity to spend time together in person for lunches, for happy hours, and at our annual firm retreat. MoloLamken has made a point of holding regular firmwide Zoom events throughout the pandemic, but once it is safe, we will be happy to be back together in person.

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