

# MoloLamken LLP

## Thomas Schubert and Sara Tofighbakhsh, Associates—Litigation

Thomas Schubert's practice focuses on complex civil litigation, white collar matters, and appeals. His experience covers a broad range of subject matter areas, including intellectual property (IP), antitrust, business torts, and securities, and he has briefed complex disputes before the U.S. Supreme Court and the federal courts of appeals. Prior to joining MoloLamken, Thomas served as a law clerk to the Honorable Rebecca Pallmeyer, Chief Judge of the U.S. District Court for the Northern District of Illinois. He received his A.B. from Brown University and his J.D. from Stanford Law School.

Sara Tofighbakhsh's practice focuses on complex civil litigation at both the trial and appellate levels in state and federal courts. Her practice spans a variety of issues as diverse as complex business litigation, class actions, and white collar criminal defense. Prior to joining MoloLamken, Sara served as a law clerk to the Honorable Gerard E. Lynch of the U.S. Court of Appeals for the Second Circuit and the Honorable Denise Cote of the U.S. District Court for the Southern District of New York. She received her B.A. from Rutgers University and her J.D. from Columbia Law School.

### Describe your practice area and what it entails.

MoloLamken focuses exclusively on high-stakes litigation. Beyond that focus, we do not have strictly defined practice groups. We handle trials, arbitrations, appeals, and investigations across the United States for clients all over the world. Our cases cover a broad range of subject matters, including business litigation, class actions, IP, antitrust, bankruptcy, and white collar. Lawyers across the firm routinely work on civil and criminal matters, appellate- and trial-level cases, and on both sides of the "v." The firm strongly believes that high-stakes advocacy has more to gain than to lose from expertise across a wide array of substantive practice areas. We are advocates first and subject matter specialists second.

### What types of clients do you represent?

As a boutique, MoloLamken has fewer conflicts than law firms with hundreds of attorneys. This affords the firm the ability to represent a wide variety of clients, including foreign sovereigns, Fortune 500 companies, hedge funds, and private equity firms. Through the firm's white collar practice, we represent a variety of prominent individuals, including legislators, high-ranking federal and state officials, and an array of CEOs and C-suite executives in congressional, criminal, and civil matters. We also represent plaintiffs in class actions. 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?

**Thomas:** My practice at MoloLamken has reflected the diversity of the firm's clients and cases. At the trial level, I have been part of MoloLamken teams representing a major cosmetics company defending against adversary claims in federal bankruptcy court, a prominent art museum asserting trademark claims over an unauthorized pop-up exhibition, a chicken producer defending against antitrust claims concerning alleged supply restraints, and a state prison inmate asserting Eighth Amendment claims against the prison's medical staff. At the appellate level, I have represented a patent owner in appeals from inter partes review proceedings in the United States Patent and Trademark Office, plaintiff classes asserting antitrust claims against a major sports league and related entities, and a software company in a trademark and contract dispute that proceeded to trial. I have also assisted in drafting petitions for writs of certiorari in cases involving patent laws and securities laws.

### How did you choose this practice area?

**Sara:** We don't choose our practice areas; they choose us. MoloLamken encourages associates to be advocates first and subject matter specialists second. This gives us the unparalleled ability to work on matters as varied as consumer

class actions and individual criminal investigations. I chose MoloLamken because this case diversity promised to help me develop my creative problem-solving skills while also offering numerous opportunities to flex my muscles as an advocate. This year alone—after only a year of practice under my belt—I led a case representing a group of student-athletes in objecting to the high-profile settlement in a major case on compensation in college athletics *In re College Athlete NIL Litigation* (N.D. Cal.). I also had multiple hands-on drafting and deposition-taking opportunities in commercial litigation cases as varied as a New York state court breach of contract case and Elon Musk's suit against OpenAI, Sam Altman, Microsoft, and other defendants in the Northern District of California. No other firm would have a practice area covering so many diverse subject matters.

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

**Sara:** Reflecting the diversity of MoloLamken's caseload, there is no “typical” day at the office. One week, I draft summary judgment briefs under an expedited schedule. Another week, I fly across the country to take a deposition. Every month has a different focus that depends not only on the demands of my cases at the time but also on the enormous level of responsibility we are entrusted with as associates. We contribute to both the tactics and the strategy of our cases. Sometimes, this means spending days in deep legal research to draft the first cut of an appellate brief. Other times, this means assembling witness deposition lists with an eye on their strategic importance at trial. The common thread is that every single task I perform pushes the case forward.

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

**Sara:** There is a reason we call what lawyers do a “practice.” Advocacy requires knowledge and application. Litigators should take every chance to apply their knowledge. Experiential courses that allow you to practice your oral advocacy skills are critical. I was in the immigration law clinic in law school, which was an invaluable experience. The clinic was the first time I had the opportunity to get on my feet and deliver an argument in a case with real stakes. It was also the first opportunity I had to apply my skills in preparation, strategy, research, drafting, and public speaking to a case I built from beginning to end. As for knowledge, aspiring litigators should take Federal Courts in law school. For me, learning the core elements of complex civil procedure and jurisdiction and the variety of rationales that underpin these seemingly arcane rules was a skeleton key that unlocked a deeper level of understanding of all other legal subject matters.

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

**Thomas:** The most challenging aspects of practicing at MoloLamken are the variety of cases and the level of responsibility associates are given. No case feels routine. Associates regularly encounter tasks, issues, and areas of procedure that are entirely unfamiliar. This means we are always facing new learning curves. It also means we get to hone our litigation skills, such as drafting briefs, taking depositions, and communicating with clients and opposing counsel, in a variety of contexts. This is not just fun; it helps make us better, more well-rounded lawyers. Because MoloLamken staffs cases leanly, associates are also required to think both big and small. From day one, we are expected to help develop case strategy and exercise independent professional judgment, which creates terrific opportunities for growth. We also have to manage projects and execute assignments with a rigorous level of detail. All these demands are tempered by the ability to rely on thoughtful colleagues who are eager to help each other and the firm succeed.

### **What is unique about your practice area at your firm?**

Attorneys work on all aspects of a case both above and below their level. For example, associates draft dispositive motions, lead meet-and-confers, take depositions, and argue in court. They are also expected to pitch in on document review, regardless of seniority. At MoloLamken, each attorney having hands-on experience with every aspect of a case is crucial to our ability to deliver superlative results for our clients. Our well-rounded approach to client service also supports our professional development. Our flat structure allows us to learn from one another while developing our litigation skills in parallel. No associate is hidden away in a support role. If we work on a motion or brief, our names are on the filing—every time.

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

**Thomas:** Unlike firms with high associate-to-partner ratios, MoloLamken is not built on an up-or-out model. The firm hires associates with the expectation that they could eventually become partners. This policy requires that the firm's hiring practices be highly selective to ensure good fit. For example, an associate candidate must interview with several dozen attorneys across all three offices before receiving an offer. From there, the firm invests in its associates through formal and informal mentorship and by involving them in business development and various efforts to improve the firm. When attorneys leave the firm, they often serve in high-profile government positions or work for firms with more niche practices, but the firm maintains strong professional ties with many

alumni, including through professional referrals or even co-counsel relationships.

### **How is practicing litigation in a boutique different from practicing in a large law firm?**

Every lawyer on a case team is essential. Boutiques like MoloLamken cannot afford to waste valuable associate time spinning wheels. Instead, associates are trusted—and in fact encour-

aged—to take ownership of every case and resolve thorny problems quickly and creatively on their own. The result is that compared to associates in large law firms, boutique associates develop their small- and big-picture litigation skills at an accelerated rate. Associates are also given responsibility and stand-up opportunities in billable cases much earlier in their careers than they might at large law firms. Junior associates at MoloLamken, for example, routinely face off against senior opposing counsel from large law firms.

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