

# MoloLamken LLP

## Walter H Hawes IV, Associate—Litigation

Walter Hawes's practice focuses on white collar criminal defense, complex commercial disputes, and appeals. He litigates in a variety of federal and state forums, including the U.S. Supreme Court. Mr. Hawes also represents clients in criminal, civil, and congressional investigations.

Mr. Hawes regularly advocates for clients in court and before high-ranking government decision makers, including the U.S. Solicitor General's office and other components of DOJ leadership. His experience covers a broad range of subject matter, including administrative and constitutional law, criminal law, antitrust, and intellectual property.

Prior to joining MoloLamken, Mr. Hawes served as a law clerk to the Honorable Richard J. Leon of the United States District Court for the District of Columbia and then-Chief Judge Timothy M. Tymkovich of the United States Court of Appeals for the Tenth Circuit. Mr. Hawes previously worked as a litigation associate at Davis Polk & Wardwell LLP in New York City.

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

MoloLamken focuses exclusively on high-stakes litigation. The firm's practice is nationwide and often involves cross-border issues. We concentrate on complex commercial litigation, white collar work, and intellectual property matters at every level of the judicial system, from trial courts to the Supreme Court of the United States. The firm does not have strictly defined practice groups. Lawyers across the firm routinely work on civil and criminal matters, appellate and trial-level cases, and on both sides of the "v," representing plaintiffs and defendants. 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 say we're advocates first and subject matter specialists second.

### What types of clients do you represent?

MoloLamken's clients span the globe and reflect the firm's breadth of practice. We are relatively conflict free compared to large law firms, enabling us to pursue a variety of opportunities. We represent Fortune 500 companies, hedge funds, and private equity firms as both plaintiffs and defendants. We represent foreign sovereigns, patent holders, entrepreneurial startups, and household Wall Street firms. Through the firm's white collar practice, we also 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. On any given day, MoloLamken attorneys might try a nationwide class action,

defend an internationally renowned executive in a criminal prosecution, and argue the merits of an inventor's intellectual property rights in the U.S. Supreme Court.

### What types of cases/deals do you work on?

My personal practice reflects the firm's varied workload. At the appellate level, I've argued issues before the U.S. Solicitor's General's office, briefed merits cases before the United States Supreme Court, and worked on a variety of federal appeals concerning patent law, criminal law, civil procedure, and antitrust. In one case, we successfully defended on appeal the outright dismissal of a complaint. In another, we secured a reversal on mandamus of an unfavorable district court ruling. I am also part of teams representing numerous executives and high-profile individuals in criminal and civil investigations brought by the DOJ, SEC, CFTC, and other federal and state regulators. In one such matter, we enabled several clients to avoid prosecution altogether despite significant focus on them in one of the most high-profile criminal investigations of the past year. In another, we successfully obtained a non-prosecution agreement from the Department of Justice on behalf of a banking executive.

### How did you choose this practice area?

MoloLamken was an obvious choice. Coming out of my second clerkship, I wanted my practice to embrace some of the things I loved about clerking. I valued the camaraderie of

chambers, the varied substantive docket, and the no-holds-barred intensity that were features of my clerkships. I wanted a serious workplace with well-adjusted people where I could grow through hands-on experience. And if that wasn't specific enough, I wanted to work across substantive practice areas. MoloLamken was the only place in the country that fit the bill. Nowhere else allowed associates to work on Supreme Court merits cases and white collar criminal matters simultaneously, much less actively encouraged that broad practice as a means of associate development.

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

Each day brings its own surprises. Because we work on a wide variety of matters at all stages of litigation—from investigating a complaint to final appeal—attorneys have to employ different skills on an hour-to-hour basis. On any given day, I might prepare a client pitch, interview a witness in an investigation, present to the DOJ, or draft an appellate brief. The firm works in small teams and is highly collaborative across all three offices. While we avoid the large, weekly update meetings that weigh down larger case teams, we communicate often. I am virtually always calling colleagues across the firm's three offices to leverage their expertise and experience. Very little work is ever unnecessarily duplicated as a result, and no experience goes unutilized. That dynamic makes the firm feel interconnected, even though we often work in teams of twos and threes.

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

Develop oral and written advocacy skills. Those skills are the currency of litigation, and they are not simply taught. You must find ways to practice them. I would encourage law students to participate in clinics, trial advocacy programs, moot court teams, writing competitions, and any other experiential learning opportunities they can find. Junior associates should explore bar association programs, inns of court, and other formal and informal professional groups that will provide similar opportunities to further develop their skills. Attorneys at large firms looking to move to a litigation boutique should also seek out matters where they will have an opportunity to take ownership of a whole case or a substantial piece of one. Learning how to simultaneously manage strategic issues, make judgment calls, and execute on specific legal tasks will help emulate the responsibilities those associates will have at a boutique like MoloLamken.

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

The most challenging aspects of practicing at MoloLamken are also the parts I enjoy the most. No two cases are alike, which requires associates to constantly employ a wide range of skills. Attorneys must frequently shift between managing complicated discovery disputes, engaging with clients, drafting briefs, and fielding calls from opposing counsel or the government. The firm's small teams also require associates to think big and small simultaneously. Even at a junior level, associates are required to make judgment calls and develop case strategy. That high-level thinking requires an appreciation for a variety of legal and practical interests. But attorneys are also required to be detail oriented in executing specific assignments and understanding the factual and legal issues unique to each case. Luckily, the demands of the firm's challenging practice are tempered by working with thoughtful mentors who are more than willing to invest time and resources in associates.

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

Unlike many law firms, MoloLamken hires associates with the expectation that they will become partners. It makes investments in its attorneys, both personal and professional, with that goal in mind. And it lives up to the promise. While not every associate makes partner, the firm regularly promotes from within. The business model is centered around developing talented attorneys and having them continue to build on the firm's success as partners. That commitment generates low attrition rates. But when attorneys do leave, it is usually to serve in high-profile government positions or pursue unique opportunities such as working in-house at cutting-edge startups. One example is that an attorney recently left to become the Solicitor General of Indiana. While we would have loved for him to stay, it is hard to begrudge anyone that opportunity.

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

MoloLamken's commitment to attorney development is unique. The firm adheres to the edict that lawyers learn by doing. And it provides an excellent education. From day one, associates can expect to be handed substantive, on-your-feet opportunities. In my first month, on two separate matters, I had significant speaking roles in advocacy presentations to the U.S. Solicitor General's office and leaders in the DOJ's Criminal Division. That early experience set the tone for the rest of my time at the firm, where I've regularly had a significant role in court hearings, advocacy presentations, and depositions. Few places make such an effort to put associates and

junior lawyers in the spotlight, as opposed to the back drafting room. That approach is also cyclical. Because junior partners at MoloLamken have generally benefitted from that same development, they often have far more first-chair experiences than counterparts at other firms. As a result, they are eager to provide high-quality substantive opportunities to associates.

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

There are too many differences to count. Unlike large law firms, where practice groups often depend on large institutional clients or are limited to certain types of matters, MoloLamken has the flexibility to pursue a wider variety of complex disputes. The firm is largely conflict free, enabling it to pursue quality contingency work, represent high-profile

individuals, and engage in other work that is usually off-limits to larger firms. The firm also avoids the hyper-specialization that usually comes with the size of today's largest law firms. The greatest differences, however, are felt on an interpersonal level. Rather than having numerous tiers of attorneys and a corporate bureaucracy, MoloLamken employs a lean and flat structure, where the founding partners are personally invested in the firm's cases, its management, and associate development. That structure puts more organizational responsibilities on the senior members of the firm. But it results in a collegial, tight-knit environment, where even the most junior attorney regularly interacts with the most senior partners—often working together on case teams without any intermediaries. Those close ties build trust and genuine friendships across the firm, which are critical to our success both inside and outside the courtroom.

## MOLOLAMKEN LLP

“No two cases are alike, which requires associates to constantly employ a wide range of skills. Attorneys must frequently shift between managing complicated discovery disputes, engaging with clients, drafting briefs, and fielding calls from opposing counsel or the government. The firm's small teams also require associates to think big and small simultaneously.”

*Walter H Hawes IV, Associate*

## 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.

## MoloLamken LLP

### JORDAN RICE, ASSOCIATE

Jordan Rice's practice focuses on complex civil litigation, white collar matters, and appellate litigation. Prior to joining MoloLamken, Jordan served as a law clerk to Judge Amy J. St. Eve on the United States District Court for the Northern District of Illinois and to Judge Albert Diaz on the United States Court of Appeals for the Fourth Circuit. Jordan received his A.B. from Duke University and his J.D. from Stanford Law School, where he was an editor of the *Stanford Law Review* and a member of OUTLaw. Before law school, he was a legal assistant at Google, Inc., where he responded to subpoenas, court orders, and search warrants from domestic law enforcement agencies.

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

MoloLamken is focused on representing clients in complex litigation. Beyond that focus, MoloLamken does not have practice groups. We take on civil, criminal, and regulatory cases and represent clients on both sides of the "v." The subject matter of our cases is diverse, spanning business litigation, white collar defense, plaintiff-side class actions, intellectual property, bankruptcy, securities, and asset recovery, among other areas. We handle trials and appeals across the country and are growing an international arbitration practice. We also conduct internal investigations for clients around the world.

#### What types of clients do you represent?

As a boutique, MoloLamken has fewer conflicts than law firms with hundreds of attorneys. That affords the firm the ability to represent a wide variety of clients, including foreign sovereigns, Fortune 500 companies, hedge funds, private equity firms, corporate directors and officers, government officials, and other law firms. We also represent plaintiffs in class actions and individuals in criminal matters.

#### What types of cases/deals do you work on?

We like to say we are advocates first and subject-matter specialists second, so my practice has spanned a broad variety of substantive areas. Recently, at the appellate level, I worked on an opposition to a petition for certiorari in defense of our client's nearly \$450-million patent-infringement verdict. I also drafted an appellate brief in a case where our

client asserted professional negligence claims against its former auditor. At the trial level, I represent the largest energy infrastructure company in North America in a series of contract disputes against more than 20 companies. I also represent former executives in a habeas petition asserting Brady claims and claims of prosecutorial interference.

#### How did you choose this practice area?

As a law clerk, I enjoyed the diversity of cases that arrived on my judges' dockets, the level of responsibility that came with each case, and the close-knit environment of chambers. I wanted my experience in private practice to reflect the things I liked most about clerking. I did not want to be limited to one area of the law, to have to choose between appellate and trial work, or to work at a firm focused on only one industry. With these goals in mind, MoloLamken was an obvious choice. It was the only boutique I considered where I could truly be a generalist and work on a mix of trial and appellate matters.

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

One of the things that I like most about MoloLamken is that my work varies substantially day to day. On some days, my cases will take me out of the office for witness prep, a hearing in court, or strategy meetings with clients. Other days, I may focus primarily on drafting a brief or discovery responses, turning away from that work for intermittent meetings and client calls scheduled throughout the day. Because MoloLamken staffs cases across its three offices, I

am in frequent contact via phone, email, and video conference with my colleagues in New York and Washington, DC. Often, I'll spend part of the day catching up with my colleagues about their weekends, bouncing ideas off of them for a case, or joining them for lunch or a happy hour.

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

For law school students, I recommend gaining practical litigation experience. Participate in clinics and complete an externship for a judge with a record of giving externs substantive assignments. These are great ways to see how the theoretical concepts you learn in your classes are applied in practice. Students should also seek out professors who litigate cases in addition to their more traditional academic duties. Most law schools have a handful of professors who take on cases, and many of those professors are looking for students to provide valuable research and litigation support. For practicing lawyers looking to transition to a litigation boutique, do as much as you can to gain substantive experience. Try to get assigned to cases with small case teams where you will be given more responsibility, and take on pro bono matters where you can take ownership of the case.

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

The most difficult thing about practicing at a litigation boutique is encountering tasks and issues that are entirely unfamiliar early in your career. MoloLamken staffs cases efficiently, and a new attorney may be the sole associate assigned to a matter. That makes for a steep learning curve, which can feel overwhelming. But confronting new challenges every day is also part of the fun of practicing at a boutique, and it provides ample opportunity to quickly develop as a lawyer. Additionally, I am always able to rely on the experience and insight of my colleagues as I confront unfamiliar issues.

### **What do you like best about your practice area?**

The variety of cases is the best thing about MoloLamken's broad litigation practice. I have worked on civil and criminal

cases at the trial court, on appeal, and before the Supreme Court. The subject matter of those cases has been diverse, involving securities fraud, an Appointments Clause challenge to the constitutionality of a government agency, patent disputes, a habeas petition, bankruptcy, and antitrust, among other areas of the law. And the cases have involved parties and courts across the U.S. and around the world. The diversity of MoloLamken's cases has kept the work fresh.

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

One major difference between MoloLamken and other law firms—particularly larger ones with a higher associate-to-partner ratio—is that MoloLamken hires associates with the expectation that they can one day become partners. Since I started at the firm, all of the attorneys who have joined the partnership were promoted from the ranks of associates. The remaining partners at MoloLamken started the firm, joined during MoloLamken's first few years of existence, or came directly from the U.S. Attorney's Office. The firm has grown by developing young attorneys in-house rather than hiring partners for their books of business. So during my time at MoloLamken, the typical path for associates has been to become partners at the firm.

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

The biggest difference in practicing at a litigation boutique like MoloLamken as compared to larger law firms is the size of each case team. Most case teams at MoloLamken consist of no more than three or four attorneys, and many case teams are made up of just one partner and one associate. This is true even though we are up against some of the largest firms in the world on matters involving billions of dollars. I am, for example, the only associate in an appellate matter against a major accounting firm and a trial-court matter involving more than 20 parties, many of which are among the largest companies in the world. Because case teams are smaller, associates must take on greater responsibility at boutiques than at larger law firms. Another difference is the breadth of our practice. Associates need not select a practice group or even choose between trial-court or appellate litigation.