

Litigation Leaders: O'Melveny's Litigation Co-Chairs Call D&I an Existential Issue for the Firm

"We treat diversity and inclusion as though the firm's survival depends on it — because we believe it does," says Apalla Chopra who co-chairs the department with partner Rich Goetz. "It informs the way we recruit, hire, train, mentor, and promote our people, as well as the leadership roles we look to fill."

By Ross Todd
April 18, 2022

Meet **Rich Goetz** and **Apalla Chopra** the co-chairs of the litigation department at **O'Melveny & Myers**, who are both based in Los Angeles. Goetz's recent assignments include defending **Johnson & Johnson** in opioid-related litigation and representing insurers in pandemic-related coverage disputes. Chopra, who also heads the firm's colleges and universities industry group, regularly defends companies in multi-plaintiff and class action discrimination and wage-and-hour litigation.

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

Rich Goetz: Some of the best career advice I've ever received is to get out of your comfort zone, and I've tried to live by those words. That has led me down some unusual paths — including joining a delegation to North Korea and serving as an observer of the 9/11 proceedings in Guantanamo. Most recently, it meant delivering a joint lecture with my son, a chemistry professor, on the intersection of law and science. I often represent pharmaceutical manufacturers, so I've had experience with these subjects in the courtroom, but a lecture hall full of PhDs and brilliant young chemists is not my usual arena. I don't want to say how many hours I spent preparing. I knew that sharing the stage with my son would be a special moment — and I didn't want to embarrass him!

Apalla Chopra: Before I went to college, I wanted to be a dancer. In fact, I danced in the opening ceremony of the 1984 Olympics in Los Angeles. If you watch a recording, you can find me if you look hard enough. Like a lot of South Asian parents, mine were fine with me dancing — as long as I pursued a serious major in college. I can see where that comes from: My father came to the U.S. in the



Courtesy photos

(L-R) Richard Goetz and Apalla Chopra of O'Melveny & Myers.

bottom of a ship, with little more than a letter of admission to USC in his pocket. He studied engineering, and later worked on the Apollo space program. My name, though, was not inspired by that experience. As my mother tells it, I am named for the first woman to appear before the King's Court when Britain ruled India.

How big is O'Melveny's litigation department and where are most of your litigators concentrated geographically?

Chopra: We have more than 550 lawyers in our litigation department. Our team is mostly concentrated in California, New York, Washington, D.C., and as of last year, Texas, though we have litigators in every one of our 17 offices around the world.

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

Goetz: In this business, reputation matters, and credibility often wins the day. I'm a firm believer in the principle that you're more likely to succeed if people want you to succeed — if colleagues, co-counsel, and joint defense groups

all recognize that you play well with others. We're good in the sandbox. Of course, it also helps to have a team of creative strategists, brilliant writers, and tireless advocates who like what they do, feel supported, and believe their work makes a difference. While we never rush into trials, we're always prepared for them. That allows us to stake out positions that we think are right, not just expedient, and to fight when others might be inclined to settle.

Chopra: Our litigators also all share a dedication to O'Melveny's values of excellence, leadership, and citizenship—the values the firm has practiced from the day it was founded 137 years ago. We structure partner compensation around those values — adhering to a system that ensures we're all in this together — and we conduct upward reviews to hold ourselves accountable. Every year we also honor attorneys, staff, and alumni who embody the firm's collaborative spirit. It's no accident that we've named these values awards after our former chair, the esteemed statesman Warren Christopher, who always reminded us that nobody at O'Melveny ever got ahead by trampling over a colleague.

As department co-chairs, what are some of your goals or priorities for the next year?

Goetz: I think it was Will Rogers who said, "Even if you're on the right track, you'll get run over if you just sit there." So we're always looking ahead, which means building on our strengths and making strategic investments in the kind of talent that will allow us to expand meaningfully or add to our long-term client relationships. Training the next generation of lawyers is part of that formula: Young litigators need opportunities to shine and grow. Recently, several of our rising stars have argued Constitutional matters in state courts of appeal, and even before the Supreme Court, where we've made a commitment to taking on the appellate gender gap.

Chopra: We treat diversity and inclusion as though the firm's survival depends on it — because we believe it does. It informs the way we recruit, hire, train, mentor, and promote our people, as well as the leadership roles we look to fill. We have a longstanding, strategic focus on developing and promoting top women lawyers, too. In the coming year, we will continue to give our women litigators opportunities to represent clients at trial, not only because it is good for their careers, but also because it is good for our clients, our firm, and the profession.

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

Chopra: Twelve lateral litigation partners have joined us in the past year. When some firms want to expand, they often gobble up other firms. We curate who we want to join us. We are looking for people who fit into our culture. Are they people who share our values? Are they collegial? Do they work effectively in teams? Are they client-focused, creative, entrepreneurial, and energetic?

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?

Goetz: We have the ability to assemble experienced, multidisciplinary litigation teams — from former federal prosecutors and antitrust enforcers to registered professional engineers and even a practicing physician — and develop strategies that meet each client's particular needs. At one point in 2021, we had two teams working on two similarly complex cases at the same time in two different parts of the country, and their efforts led to back-to-back wins that stand as two of the firm's all-time great results.

First, after a trial in California that went on for more than three months, we persuaded the Orange County Superior Court to rule [in favor of Johnson & Johnson](#) and three other pharmaceutical manufacturers. That victory ended an attempt by four local governments to expand public-nuisance laws to address alleged opioid-related harms for which they sought \$50 billion. The very next week, the Oklahoma Supreme Court [granted our appeal](#) challenging a similar nuisance theory and reversed a trial court's order requiring J&J to pay \$465 million in "abatement" costs. And even that was a fraction of the \$17 billion the state had sought at trial.

With the pandemic still creating extraordinary challenges for all kinds of businesses, we've continued to defend our insurance clients against plaintiffs' efforts to recover for COVID-related losses that fall outside their policies' provisions. Over the last year, we've defeated claims brought by restaurants, hotels, and retailers seeking coverage for business lost to government shutdown orders. As we've repeatedly argued, those mandates addressed the future spread of the virus, not the physical damage to property that commercial insurance contracts typically cover.

Chopra: In another important case to arise out of COVID restrictions, we helped Disney resolve a claim filed by actress Scarlett Johansson over the simultaneous distribution of the movie *Black Widow* on Disney+ and in theaters.

Our IP litigators guided Google to a victory in a patent dispute over its Nest Hub products. The plaintiff claimed that Google had infringed its patent for a digital photo frame. After a four-day trial in Texas, it took the jury just over an hour to vindicate our client.

We also thwarted an illegal work stoppage for American Airlines during COVID that affected more than 170,000 passengers and caused 950 flight cancellations at the height of the summer travel season.

In the first antitrust case involving cryptocurrency, we convinced a Florida court to dismiss claims that Bitcoin.com, cryptocurrency pioneer Roger Ver, and individual cryptocurrency software developers somehow conspired to “hijack” bitcoin.

We also achieved what we assume will be the final victory on behalf of Samsung in its Dynamic Random Access Memory defense litigation. Three years ago a consumer class alleged that Samsung and two competitors had conspired to restrict the global supply of DRAM chips, causing prices to soar. DRAM chips are in everything — from desktop computers to smartphones to connected cars. We’ve won at every level, and then a few months ago, the Ninth Circuit unanimously rejected the consumers’ appeal.

And we recently finished closing arguments in a landmark education-funding trial in Pennsylvania. On behalf of parents, school districts, and statewide organizations, we presented extensive evidence that the state has so badly underfunded some public school districts that it has violated the state constitution. We’re awaiting a ruling, but we couldn’t be prouder of the years-long pro bono commitment our litigators have made to creating a system that enables all 1.7 million of Pennsylvania’s schoolchildren to succeed.

Where are you looking to build or expand in the next year?

Chopra: We’re committed to being where our clients need us. Last June, we opened offices in [Austin](#) and [Dallas](#), and already we have 16 partners and 44 lawyers in Texas (with more to come). We will also continue to build our presence in New York and double-down on our significant trial capabilities on the East Coast.

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

Goetz: We have more than 50 trials and arbitrations scheduled this year, and another dozen on the way in 2023. We have never been busier.

We are lead trial counsel for Penguin Random House in the DOJ’s suit to block Penguin’s merger with Simon & Schuster. Trial is scheduled for August 1. We continue to represent American Airlines/US Airways in long-running antitrust litigation against flight-booking company Sabre. The trial is scheduled to begin on April 22 in the Southern District of New York. And we are arguing on behalf of Disney and its Marvel Comics unit in federal lawsuits against former writers and illustrators who are attempting to claim rights to characters they worked on — including Iron Man, Spider-Man, and Thor.

We are also representing ACE insurance in a trial in New York Supreme Court arising from claims that Brooklyn Union Gas Company and Long Island Lighting Company polluted a number of manufactured gas plant sites decades ago.

We are preparing for another busy year on behalf of Johnson & Johnson, including an ongoing opioids trial that just started in West Virginia, and upcoming trials in Washington state and New Hampshire. And we have played a key role in negotiating a global opioids settlement for J&J — one of the most complex litigation settlements ever.

Chopra: With the government ramping up antitrust enforcement, we’re defending Google in four massive antitrust cases brought by a major game developer, 36 state attorneys general, and consumers and developers accusing the company of monopolizing app distribution on Android.

We’re defending our clients in other claims brought by state attorneys general, too. Taking a page from the opioid litigation, states are attempting to use that same public-nuisance theory to address other far-ranging societal problems, including those centered on technology and on the environment.

Our lawyers are involved in the emerging body of law governing the digital-asset economy, including NFTs and DAOs, and we’re representing crypto exchanges in assessing whether tokens are securities — among the most important issues in crypto law.

We also are representing clients in ground-breaking criminal proceedings brought by the DOJ.

