

COVER STORY

WHO REPRESENTS AMERICA'S BIGGEST COMPANIES

THE STATE OF THE UNION

Last year, we wondered whether the in-house/outside counsel relationship has changed. It has—in surprising ways.

WELCOME TO OUR ANNUAL REPORT ON THE OUTSIDE LAW FIRMS that corporate America turns to—for bet-the-company litigation, or patent prosecution, or more mundane matters. As usual, large powerhouse firms predominate, jockeying for position as business needs change and different plaintiffs take aim. We do this survey every year, both to check the pulse of the largest chunk of law department spending, and as an excuse. It gives us a chance to delve into the ever-evolving relationship that many liken to a marriage. Recently, these marriages have come under stress. Cost pressures, collapsing revenues, the Great Recession all conspired to alter the relationship. Last year, brave voices heralded a fundamental change—but were they premature? The final verdict is yet to come. Turn the page to see what we do know, one year after the revolution.

HOW WE DO IT

To determine which law firms represent America's largest corporations, we searched public records to find outside counsel used by the Fortune 100 for corporate, contracts litigation, labor litigation, torts litigation, and intellectual property. For corporate work, we searched company and law firm press releases gathered by ALM Legal Intelligence, as well as M&A data compiled by Thomson Reuters for *The American Lawyer's* Corporate Scorecard. For the litigation areas, we searched PACER, which provides public access to electronic court records from federal appellate and district courts. For torts litigation, for example, we included such categories as personal injury and personal property. (For a fuller explanation, go to corp.counsel.com.) And for patent prosecution, we searched the Patent and Trademark Office Web site for patent applications filed and patents granted. We looked at the time period from January 1, 2009, to December 31, 2009, for all research. Corporate and patent prosecution data was researched in May 2010. Litigation data was researched in June 2010. On the main chart, we listed the top ten firms with two or more mentions in litigation, and the top ten firms with one or more mentions in the corporate and patent prosecution areas. Law firm names are shortened for space.

—JESSE ROTHMAN, WITH RESEARCH ASSISTANCE FROM DIEGO BETANCOURT AND ALISHA EISENBERG

CORPORATE COUNSEL

WHO REPRESENTS AMERICA'S BIGGEST COMPANIES

THE USUAL SUSPECTS

Even though we tweaked our methodology this year, many of the same firms appear on this year's chart of firms mentioned most often. We consolidated IP work for the chart here, but to find the top ones for patent litigation and patent prosecution separately, see below.

IP LITIGATION AND PATENT PROSECUTION

Firm	Mentions
Alston & Bird	8
K&L Gates	7
Baker Botts	6
Fish & Richardson	6
Banner & Witcoff	4
Buchanan Ingersoll	4
Cantor Colburn	4
Finnegan, Henderson	4
Foley & Lardner	4
Potter Minton	4
Sidley Austin	4

WHO PROTECTS INNOVATION FOR THE COUNTRY'S TOP CORPORATIONS?

BOUTIQUES MAKE A STRONG SHOWING IN PATENT CASES. IP LITIGATION? NOT SO MUCH.

Vierra Magen isn't the only specialty shop that Microsoft Corporation has tapped to handle its intellectual property matters. In fact, 13 of the 25 firms the software giant turned to as outside IP counsel qualify as boutiques. Two of those boutiques—Chicago's Banner & Witcoff and Salt Lake City-based Workman Nydegger—were retained by enough other Fortune 100 clients besides Microsoft to qualify for inclusion in our rankings of the IP firms used by the country's biggest companies [see lists, right]. Overall, boutiques made an especially strong showing in the patent prosecution category, with seven of the top 16 firms on our list falling into the IP specialty shop category; two of them, Banner & Witcoff and

Cantor Colburn, tied with the much larger Baker Botts for the top spot. (All three were mentioned by four companies.)

On the other hand, large general service firms dominate the list of the IP litigation front-runners. Yes, Fish & Richardson, whose docket mainly involves patent work, tied with Alston & Bird for the top spot on the litigation list (both firms were mentioned by five companies apiece). But with more than 350 lawyers, Fish & Richardson is hardly a boutique. Besides Fish, no IP specialty shop, big or small, ranked among the law firms landing corporate America's big-ticket litigation work. Sometimes, it seems, size does matter. —ED SHANAHAN

PATENT PROSECUTION

Firm	Mentions
Baker Botts	4
Banner & Witcoff	4
Cantor Colburn	4
Alston & Bird	3
Buchanan Ingersoll	3
Fish & Richardson	3
Fletcher Yoder	3
Foley & Lardner	3
Greenblum & Bernstein	3
K&L Gates	3
McNees Wallace	3
Moore & Van Allen	3
Schwegman, Lundberg	3
Snell & Wilmer	3
Sterne, Kessler	3
Workman Nydegger	3

IP LITIGATION

Firm	Mentions
Alston & Bird	5
Fish & Richardson	5
K&L Gates	4
Potter Minton	4
Sidley Austin	4
Baker Botts	3
Locke Lord	3
Morris, Nichols	3
Munger, Tolles	3
Potter Anderson	3
Ramey & Flock	3
Siebman Reynolds	3
Wilson, Robertson	3