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Fourth-Year Takes on HP Argument, Pro Bono Case and Motherhood

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Of the Legal Staff

In the midst of Morgan, Lewis & Bockius' representation of long-time client Hewlett-Packard in a securities fraud suit against the company and its former chairman, Mark Hurd, the federal judge in California overseeing the case issued what can only be described as a very unusual order.

If the parties wanted to have oral argument on the motion to dismiss the second amended complaint, a lawyer with four or fewer years of experience who never argued before the U.S. District Court for the Northern District of California would have to argue the motion.

Marc Sonnenfeld, the lead Morgan Lewis partner on the case, said the order came down two weeks before the scheduled March argument.

"It was an easy choice for us since Laura had largely written the brief and hadn't argued before that court," Sonnenfeld said. He was referring to fourth-year associate Laura Hughes McNally, an attorney who works with Sonnenfeld in the securities litigation practice and came to the firm after going to law school, getting a master's



degree in economics and spending some time at the U.S. Securities and Exchange Commission.

The argument date was pushed back a few times—which presented its own concerns for McNally, who is set to have her first child July 29. But with arguments finally set for the end of May, McNally was first put to the test by her partners in Philadelphia and then in San Francisco. The firm held several moot arguments in Philadelphia, allowing partners to critique her approach and give pointers.

"I remember I stood up for the first two and there were many where I was like, 'I have to sit,'" McNally said, half-jokingly. "I'm too pregnant to be standing and doing these moot courts over and over."

Then, Sonnenfeld and McNally flew out to San Francisco two days before the argument, giving McNally the chance to test her skills before her California colleagues.

"That's great because you are getting different people's perspectives on it," McNally said. "It was

a learning experience in that regard. The more that I had heard a question previously, I was so much better prepared to answer it.”

McNally said she was nervous but excited the day of the argument. She said she felt well versed in the facts and the law given her work on the briefs, but admitted she didn’t have experience in arguing before a court.

“When I started off, I was very nervous. I think that, as I loosened up and as I kept speaking and stopped looking at my outline, I just became more comfortable in front of the judge and I think my argument got better,” McNally said. “I just found that I do know this stuff. I know the facts here. I know the law. I can handle any of the questions you were throwing at me.”

Sonnenfeld said the judge threw a lot of questions at the attorneys, some of which were impossible to prepare for, and McNally answered them with ease.

It would seem the practice paid off. In his June 25 opinion in *Retail Wholesale & Department Store Union Local 338 Retirement Fund v. Hewlett-Packard*, U.S. District Judge Jon S. Tigar granted HP’s motion to dismiss the complaint.

McNally certainly wasn’t sitting around waiting for that opinion to drop. As soon as she was done with oral arguments, McNally had to begin preparing for her first trial.

She was leading the firm’s pro bono efforts in a prisoner’s civil rights case before U.S. District Judge Gerald A. McHugh of the Eastern District of Pennsylvania—it was the newly appointed judge’s first trial, too.

McNally, along with the others involved, had to decide whether they wanted to push the trial out until after her maternity leave or squeeze it in

before she had the baby. McNally wanted to get the trial done while the case was fresh in everyone’s minds.

McNally and the Morgan Lewis team had prepared for the case with U.S. District Judge Lawrence F. Stengel in mind, but at the last minute Stengel was pulled in to handle the weeks-long corruption trial involving the Philadelphia Traffic Court.

McNally said Stengel asked McHugh to take the case and take it quickly.

“Judge McHugh didn’t understand the rush but when he saw me he said he understood,” said McNally, who was almost eight months pregnant at the time of the trial.

McNally said her experiences serve to show that getting up before the court and getting that trial experience makes you a better lawyer.

Both the judge and members of Morgan Lewis were helpful throughout the two-day trial, McNally said.

Similarly to the oral argument, McNally started off a little nervous at trial, she said.

“With the jury trial, you have to be even more flexible than just an argument in front of the judge,” she said. “But the one thing I found was that as I was standing up there more and for a longer period of time, by the closing argument I felt like I was on a roll and feeling really good. And by the end of HP’s 15-minute argument I was feeling good.”

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McNally’s preparation once again paid off. McHugh entered a judgment June 18 in favor of her client.

The whirlwind few months between March and June will slow down—at least on the work front—as McNally is now on maternity leave. Morgan Lewis provides a 16-week leave, which McNally is planning to fully utilize. She said she plans on unplugging as much as possible during that time.

“Everyone has been very supportive of that,” McNally said of her plans to take four months’ leave. “I’ve worked with Marc and we have a great securities litigation practice. Everyone is not just understanding but proactively supportive of the idea.”

McNally said she plans to come back full-time around Thanksgiving.

“I’m sure when she steps back in, many of the same cases she is working on now will still be here,” Sonnenfeld said.

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