

Q&A with Chantale Fiebig & Drew Tulumello

Drew Tulumello and **Chantale Fiebig** are two versatile DC-based commercial litigators who joined Weil Gotshal in June 2021 from their former posts at Gibson Dunn. The pair are dutifully taking to the build-out of the DC commercial litigation firm at their firm with aplomb. Tulumello has the honor of being consistently acknowledged as a litigation star in every edition of Benchmark Litigation dating from 2008 to the present. Tulumello and Fiebig speak with Benchmark editor **Michael Rafalowich** about their respective histories and philosophies of practice, and their zeal for building the team at their new firm.

You both come from another venerated “big law” firm and I’m assuming had no shortage of choices as to where to move your practices, if anywhere. What specifically drew you to Weil? And what were you hoping to bring to Weil, individually and collectively?

Chantale Fiebig: We were thrilled by the opportunity to join Weil. The Firm’s exceptional client relationships, deep trial expertise, and spirited, fun, and innovative culture were key factors in our decision. As Co-Head of Weil’s Complex Commercial Litigation practice, I know Drew is excited to bring his visionary leadership skills to a new platform, and we both want to help Weil cement its position as one of the truly elite litigation firms.

Drew Tulumello: Chantale is a former federal prosecutor and a superstar trial lawyer. She is also one of the most charismatic people I know. She has an innate ability to convert complex legal issues into compelling narratives for judges and juries, and she loves being in the courtroom (as we draft these responses, she is in trial in a major bellwether case in the opioid MDL). I am excited to see her help grow Weil’s trial practice to new heights. Together, we want to help build a first-rate litigation practice based in D.C. that has a strong and positive culture and a reputation for delivering sustained excellence for clients.

Weil is noted for having a healthy percentage of established trial lawyers on its bench, all recognized by Benchmark as such. But can you speak to the ongoing grooming and development of the next generation of trial lawyers that has yet to get noticed?

DT: No one wins a case alone. At Weil, we believe in the value of teams and recognize the distinct contributions every individual attorney makes toward achieving victories for our clients. As a result, we’re pushing hard to develop everyone as much as we can and as fast as we can. We are fortunate to have an extremely strong group of trial lawyers made even stronger by recent laterals including Liz Ryan in our Dallas office and Susan Shin in our New York



office, each of whom is a force. The pipeline of homegrown trial lawyers is also strong, and includes Bambo Obaro in our Silicon Valley office and Luna Barrington in our New York office. This group is a nice illustration of Weil’s bench of dynamic, driven, and diverse litigators, which will ensure the long-term strength of our trial capabilities.

CF: Drew and I, and Weil broadly, take every opportunity we can find to get our attorneys, especially associates, into both trial and appellate courts. For example, Claire Chapla is an exceptionally talented associate in our Washington, D.C. office who will soon argue a matter for PepsiCo, Inc. in the Eleventh Circuit Court of Appeals. There is no substitute for those types of opportunities to develop our younger lawyers into world-class attorneys who can—and do—win cases in court.

Can each of you speak to recent engagements that are definitive or emblematic of your practices as a whole? If these are sensitive/partially confidential matters, feel free to mention them in generic terms.

CF: My practice focuses on complex litigation in federal court, typically involving business-to-business disputes and consumer protection claims.

In the last year, I've represented Facebook, Daimler AG, and PepsiCo in multiple matters. In the last few months, I was fortunate to have the chance to represent PepsiCo (with Drew) in a nearly two-week arbitration in July, and (as Drew noted above) to serve as trial counsel for a pharmacy defendant in one of the first bellwether trials relating to the opioid epidemic. Our client hired us just weeks before the 10-week trial was to begin to step in as their trial counsel, and our experience and expertise in trying complex matters allowed us to get up to speed in extremely short order and deliver a compelling defense.

DT: My bread-and-butter is federal court defense work, primarily for public companies. Over the years, that work has included more than 90 class actions brought against a major consumer products company, False Claims Act cases (brought by DOJ) and *qui tam* relators) against defense sector clients, and securities and derivative litigation involving biotechnology companies. I also have an appellate practice and have argued in the U.S. Supreme Court, most of the courts of appeals, and several state Supreme Courts.

You are both commercial litigators, and Drew, as you noted above, you also have a dedication to the appellate practice. Did you want to comment on the different skill sets required by trial lawyers and appellate strategists, and how you use these traits to create leverage during disputes, and especially at trial??

CF: There are fundamental skills every lawyer should have—outstanding writing, rigorous analysis, and the ability to give practical advice to achieve business and legal objectives. Trial lawyers also need to have the ability to connect in a meaningful way with witnesses and jurors, and master the ability to develop and draw out testimony from fact and expert witnesses that will speak to lay people and non-lawyers.

DT: Appellate and constitutional work require your absolute best analytical and written effort. You almost always appear before incredibly smart, hard-working, and well-prepared judges who want to get the law right. Trial work calls on those skills plus your ability to investigate facts and then present them in a persuasive way to a jury that, almost always, does not have a legal background. These skillsets reinforce one another. Trial experience gives your appellate efforts a seasoning and a practicality that judges can find helpful and refreshing. Appellate experience provides an enormous comparative advantage at the trial level when briefing law and motions issues.

Drew, you also have a bit of a niche in sports law, and Chantale, you and Drew have extensive portfolios of false advertising and class action defense work as well. Can you both comment on the composition of your practices as it pertains to how much of your time is devoted to these and other sub-specialties? Does it vary year-by-year?

CF: My favorite aspect of my practice is the variety, and the composition of my matters does indeed change year to year. I have extensive experience defending class actions, and for years taught an advanced seminar on class action law and practice at Georgetown, but class actions rarely get to a verdict because the exposure can be tremendous. This year, far more of my time has been spent in trial, litigating business disputes and claims that corporate defendants caused public harm. I'm excited to continue both aspects of my practice.

DT: Sports is becoming an increasingly meaningful part of my docket. In the short time since I've been at Weil, we have represented the Men's U.S. National Soccer Team Players Association in an amicus filing in the Ninth Circuit, in support of the U.S. Women's National Soccer Team's equal pay dispute with the U.S. Soccer Federation (working very closely with our Appellate practice Co-

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Head Zack Tripp and rising star associate Arianna Scavetti). We also brought together all of the major men's and women's sports leagues for the first time in a joint amicus capacity in the high-profile *Alston* case challenging the NCAA's amateur rules. It was extremely exciting tackling such an important issue, and nice to get a few cites in Justice Gorsuch's opinion for the Court.

If you were to crystal-ball it for a minute, are there any litigation trends on the horizon that you would forecast? I'm particularly interested in how it pertains to trial work in this environment in which we're slowly emerging from a once-in-a-generation pandemic, during which trials have been either completely remote or some kind of remote/live hybrid?

CF: I predict that in-person trials are back to stay—there is no substitute for having a live jury to receive the evidence and deliberate in person, particularly now that courts are better equipped to take necessary safety precautions. Virtual presentations can be effective when necessary, but the virtual format is better suited for depositions or oral arguments and I suspect that format will endure.

DT: For a long time, practitioners and others have noted how much civil jury trials are disappearing and how that can take the joy out of trial practice. I predict a slight reversal of that trend. The plaintiff's bar is getting increasingly sophisticated and well-resourced to the point that I don't think settlements in big-ticket cases will quite be as common as they have been in the past.

What are some of your observations about client expectations pertaining to the purchasing of litigation services? How has the pandemic altered them, if at all? Have you observed any pain points or friction spots? How important is it considered to have a global platform?

CF: Clients are rightly expecting value, efficiency, and results. The pandemic illustrated how productive and effective counsel can be without unnecessary travel or large, routine meetings. Clients are also expecting continuous communication and greater visibility—the remote work environment removed many of the physical barriers for participation in important meetings, and as a result, I think clients are eager to observe and participate actively in their matters, which we have found only further strengthens our partnership with our clients.

DT: I could not agree more. Clients want lawyers they can trust. They also want and deserve strategy and innovation they could not get elsewhere. I think clients are right to expect the absolute best from their outside teams in terms of quality, diversity, collaboration, and results.

Relatedly, what are your views on what clients should prioritize from their outside counsel in order to develop a global legal strategy, and its importance to the company's organization? Has that changed in light of the pandemic?

CF: Clients should prioritize counsel who have broad skills, practical advice, and a strategic vision. The world is unpredictable—particularly for global companies operating all over the world—and they need to be certain their counsel knows their business and their people, and can get them the right answers. Subject-matter experts can be indispensable, but there is also tremendous value in being able to call a sound and trusted advisor who can help steer the company in the right direction at a moment's notice, no matter the threat.

DT: I could not say it better.

Who are some of your other favorite litigators in the field that you would call out?

CF: Zack Tripp in Weil's D.C. office is an exceptional appellate advocate whose sound judgment and appellate capabilities are invaluable. My partner Diane Sullivan is one of the best trial lawyers in the country, and now having had the pleasure to try a case with her and the chance to observe her with both co-counsel and opposing counsel, I can attest that she commands every room she's in.

DT: Jeffrey Kessler and former Weil Litigation Department Chair Jim Quinn are legends in the sports world—and deservedly so. They have pioneered so many innovative victories for athletes over the years, they are brilliant, and they are great people with great teams, too. I also had the very special privilege of working with Ted Olson for more than 20 years at Gibson Dunn—he is easily one of the greatest lawyers of this (or any) generation and he unlocked many opportunities for me as a young lawyer. I am deeply indebted to him.