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Cooley's Growing Litigation Practice Navigates a 'Test of Leadership' in 2025

By Samson Amore

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Cooley's litigation department has been nothing short of swamped throughout 2025, and its work on various matters earned the firm a nomination for The American Lawyer's General Litigation Department of the Year.

Besides its typically packed agenda representing tech companies, both public and private, in high-profile litigation, the firm also took on new challenges when it backed Jenner & Block in a lawsuit fighting an executive order by President Donald Trump. Cooley was retained by Jenner in March, as other Big Law firms were beginning to settle with the Trump administration after being targeted by executive orders. "We were stepping beyond tech to represent Jenner earlier this year, [because] other firms either couldn't do it or wouldn't do it," Cooley's global litigation chair Ian Shapiro said.

The decision to do so was in part made by Cooley CEO Rachel Proffitt, which partner and first-chair trial lawyer Michael Attanasio called "a test of leadership."

"Credit to Rachel Proffitt," Attanasio said, adding that it was an easy decision in hindsight, given positive feedback from within the firm, across the industry and from clients.



Courtesy photo

(l-r) Andrew Goldstein, Kathleen Hartnett, Michael Attanasio (back), Ian Shapiro (front) Travis LeBlanc, and Rebekah Donaleski, partners with Cooley.

The decisions of some firms to make deals with the president "shocked the industry by settling with the president, defending its decision by implying that no firm with a significant transactional practice could survive challenging the president," the firm said in its awards submission materials this fall. It added, "Cooley decided it could: taking on the administration, subjecting itself to the heightened risk of the next executive order and ultimately prevailing."

Beyond representing Jenner against the federal government, the firm is consistently one of the most active in representing AI firms in combined deals, working on a total of 860 in 2024, some

760 of which were in the U.S., according to PitchBook data.

A landmark case for Cooley this past year was its representation of OpenAI. A team helmed by partners Matthew Brown, Bethany Lobo and Michael Rhodes successfully secured a dismissal in a U.S. District Court in July. This case was one of several brought by plaintiffs claiming OpenAI violated intellectual property law and privacy rights when training its large language models like ChatGPT. This work earned the team a shout-out in Law.com's Am Law Litigation Daily's Litigator of the Week column.

"Every generation, there is some innovation that becomes the most important thing," Attanasio said. "For the last decade, it's been data and privacy," he said, adding, "There is no firm other than Cooley that has been in the forefront of those cases over the past 10 years more than we have, [and] it's a legacy that we frankly intend to own."

The firm attributed its successes in litigation to the overall demeanor of its lawyers in court. "You have this overdone, over-the-top pleading on one hand and what I think judges have come to expect from Cooley is the credibility of the team and trying to turn it down a notch rather than amp it up," said Kathleen Hartnett, a long-time Cooley partner and trial lawyer, about the OpenAI case.

Hartnett was engaged in several pro bono matters in the past year, including as part of a litigation team that worked with the American Civil Liberties Union of West Virginia and Lambda Legal to win a case for a transgender middle school athlete named Becky Pepper-Jackson.

The firm had sued to challenge the state's House Bill 3293, which barred trans children

from joining sports teams that corresponded to their gender identity. The bill would have prevented Pepper-Jackson from joining her school's girls' cross country and track teams, but Cooley argued with its co-counsel that the rule violated Title IX, and after a more than three-year court battle, the U.S. Court of Appeals for the Fourth Circuit ruled that the law could not keep Pepper-Jackson from joining her school's girls' athletic teams. Hartnett worked on this case alongside a team that included associates Katelyn Kang, Zoe Helstrom, Elizabeth Reinhardt and Mariah Young.

Cooley is also actively recruiting top talent to continue growing its litigation practice. It recruited former U.S. Solicitor General Elizabeth Prelogar in its Washington, D.C., office this past August. A Harvard Law grad, Prelogar chairs the firm's Supreme Court and appellate practice and technically rejoined the firm after leaving for her government job in 2021.

"[Elizabeth] came back, and with her we'll have one of the best SCOTUS and appellate practices" nationwide, Shapiro said.

The firm employs about 1,400 lawyers overall, and added seven litigation attorneys from Willkie, Farr & Gallagher to its San Francisco office in January. So far this year, Cooley has added 22 partners to its litigation team. The firm has "continued dominance in Northern California, which increasingly is at the center of tech litigation," Shapiro said. "The Willkie team joined us because they wanted to be part of our litigation practice," he added.

Editor's note: This story has been updated with the correct number of new partners added by Cooley in the past year.