

MVP: Davis Polk's Neal Potischman

By **Matt Bernardini**

Law360 (November 15, 2019, 5:25 PM EST) -- Over the last year Neil Potischman of Davis Polk & Wardwell LLP has been involved in some of the highest profile class action cases — including defending Walmart from a group of plaintiffs who were allegedly detained for shoplifting, as well as helping Novo Nordisk escape racketeering claims — landing him a spot among Law360's 2019 Class Action MVPs.

WHY HE'S A CLASS ACTION ATTORNEY:

Class action lawsuits are usually complex and often consist of plaintiffs from all over the country, as well as large amounts of money at stake. While this can seem daunting to most people, that kind of pressure is what attracts Potischman and keeps him coming back.

"There is always pressure in this job, but I enjoy that kind of pressure," Potischman said. "Clients come to Davis Polk when the stakes are high and things are complex and I enjoy that kind of work. One of the best things I like is that we need to bring our A game every time."

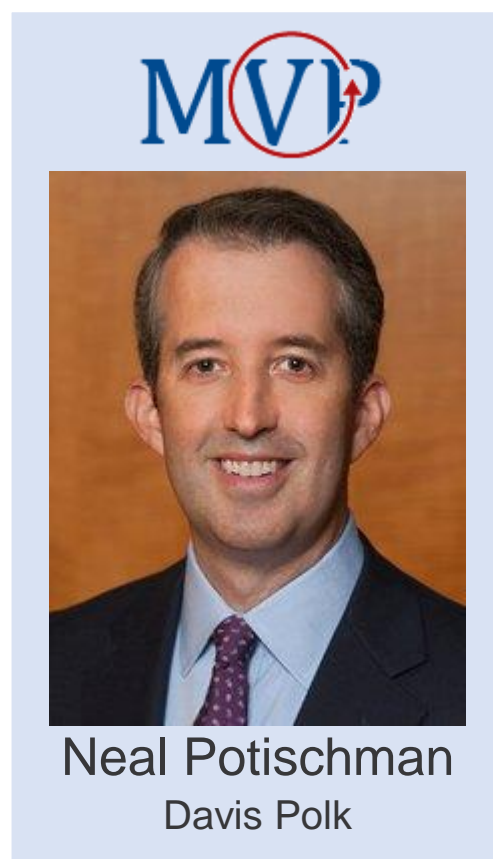
Potischman also likes that Davis Polk's compensation model is a throwback, as it is one of the last firms to use a true lockstep compensation model. This helps the firm deliver for each and every client, he said.

"We are incentivized to bring the best team we can for each client and each case," Potischman said.

HIS BIGGEST ACCOMPLISHMENT:

In February, Potischman helped defend insulin manufacturer Novo Nordisk against racketeering and consumer protection claims brought by seven classes of consumers who alleged that Novo conspired with pharmacy benefit managers and other insulin manufacturers on the price of insulin.

While the consumer protection claims are still ongoing, the RICO claims were dismissed after the court



ruled that the plaintiffs lacked standing because they purchased insulin from pharmacies and not from the manufacturers.

Potischman also helped Walmart escape RICO claims from plaintiffs who were allegedly caught shoplifting and forced to attend a life-skills program.

"One of the things I'm most satisfied about is the breadth of our firm's work," Potischman said. "We had significant wins in securities, antitrust, consumer protection class actions and cryptocurrency cases."

One of Potischman's most interesting cases involved a Swiss blockchain technology company called Tezos Foundation. The company faced class action complaints for a \$232 million fundraiser to support Tezos' platform. Potischman helped the company beat those claims by arguing that the California state court did not have personal jurisdiction over Tezos.

"Tezos was very interesting because we were arguing that the plaintiffs could not sue a Swiss foundation on those facts in the United States," Potischman said. "And we won."

WHAT MOTIVATES HIM:

For Potischman, his main motivator is very simple: winning. He says that being a litigator is all about serving your clients well and ensuring that you deliver the best possible result for a client.

"I enjoy winning and I enjoy the competitive aspect of litigation," Potischman said, adding, "While I like to win, sometimes you have to be willing to settle and negotiate."

HIS ADVICE FOR JUNIOR ATTORNEYS:

Potischman's advice to young attorneys just starting out is also very simple. He recommends getting as much experience as possible, especially with writing. Younger attorneys can learn quite a bit from more experienced litigators on improving the quality of their writing, he said.

"85% of this job is about writing," Potischman said. "Young attorneys should continue to look for ways to hone their writing and ask for feedback from more senior attorneys about their writing."

— *As told to Matt Bernardini*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2019 MVP winners after reviewing nearly 900 submissions.