



ATTORNEY SEARCH

By Kenneth Davis

### Cynthia H. Cwik: Partner with Latham & Watkins, San Diego, CA



Cynthia Cwik already knew what she wanted to do at an age when most of her peers were still trying to decide if the Easter Bunny was real.

"I always had an interest in the law when I was growing up, even though there weren't any attorneys in my family," Cwik said.

She explained that she developed an interest in law from reading various books while she was growing up in Pittsburgh, PA. She added that she was so resolute in her desire to have a career in law that when she graduated from high school, a friend gave her a cup that said "Lawyer" on it, which she still displays on her desk.

That determination paid off. Cwik is now a partner in the prestigious international law firm Latham & Watkins, and she has a successful complex litigation practice-which focuses on health, science, and technology issues-with a roster of prominent clients. Additionally, she's the current chair of the Standing Committee on Scientific Evidence of the American Bar Association's Section of Science and Technology Law. She has also published numerous articles, including pieces that have appeared in the American Bar Association publication *Litigation*, *The National Law Journal*, *Environmental Law Reporter*, and *California Law Business*. She has been serving as the co-editor of *Scientific Evidence Review* since 1997. In addition, the *Los Angeles Daily Journal* named her one of California's "Top Women Litigators" in 2003, 2004, 2005, and 2006.

Before going to law school, Cwik studied psychology and philosophy at Yale University, graduating with her bachelor's degree in 1983. She then went on to Yale Law School and earned her law degree in 1987. After finishing law school, Cwik spent a year working as a clerk for Judge Thomas J. Meskill of the United States Court of Appeals for the Second Circuit. She joined Latham & Watkins' San Diego office in 1988 and has been with the firm ever since.

Cwik explained why she chose to work at Latham & Watkins:

"I loved the fact that they do cutting-edge work in San Diego. I loved the fact that they have different offices, and I was able to work with people from different practice areas and locations. Plus, since the firm has maintained a multi-disciplined practice in litigation, I have been able to be based in San Diego versus other cities that are more typically thought of as having that type of work."

When Cwik first began working at Latham, she said she didn't know what her specialty area was going to be. She became interested in health and science issues when she was assigned a large toxic tort case.

"I ended up really enjoying working with the scientists, and, since then, that has been my specialty, although I do other types of litigation, as well," she said.

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Cwik has been involved in a number of high-profile cases over the years. She represented Pacific Gas and Electric (PG&E) in *Aguayo v. PG&E*. The case involved claims filed in 1996 by 3,000 plaintiffs following the chromium cases made famous by the movie *Erin Brockovich*. (Cwik's firm did not represent PG&E in the original Brockovich cases.) These cases involved alleged exposure to hexavalent chromium at and near two of the company's compressor stations in Hinkley and Kettleman, CA. The plaintiffs alleged claims that included negligence, battery, fraud, strict liability, and wrongful death on behalf of current and former residents of these areas and current and former PG&E employees.

Through case management, written discovery, deposition discovery, and discovery motions, Cwik and her colleagues at Latham reduced the number of plaintiffs from more than 3,000 to approximately 1,200. And through additional discovery and motions practice, the number of plaintiffs scheduled to participate in the first trial was reduced to 14. The case was settled earlier this year on terms that were satisfactory to PG&E, according to Cwik.

Cwik also represented National Semiconductor in a toxic tort case, *Harris v. National Semiconductor*, in which the plaintiffs were seeking to certify a class of approximately 7,000 workers, as well as pursue the claims of more than 50 individual plaintiffs, alleging that their health was impaired because of exposure to a mixture of chemicals used in the company's "clean rooms," where semiconductor chips are manufactured. The plaintiffs originally brought several claims against National, including negligence, strict liability, fraudulent concealment, and medical monitoring (which they brought on behalf of a purported class of thousands of National employees). Cwik and her colleagues filed a motion on National's behalf challenging the plaintiffs' claims; the trial court dismissed all of the plaintiffs' claims, except for the fraudulent concealment claim and medical monitoring class claims, on the basis of exclusivity of the workers' compensation system.

Cwik and her colleagues also took the lead with regard to challenging the plaintiffs' attempts to certify thousands of workers seeking money for medical monitoring. They conducted discovery regarding these class claims, deposing the class representatives (who had leukemia and breast cancer), as well as the plaintiffs' medical expert. They filed an opposition to the plaintiffs' motion to certify the class, which was supported with declarations based on the scientific evidence provided by several well-respected experts. National achieved a significant victory when the court denied the plaintiffs' motion to certify the class. National has reached an agreement in principle with the plaintiffs to settle the remaining claims on very favorable terms, according to Cwik.

Cwik is currently representing Chevron Corporation in a large toxic tort case brought by approximately 1,000 plaintiffs, most of whom are former students of Beverly Hills High School. The plaintiffs claim that exposure to emissions from oil-well production operations (also known as drill site operations) maintained by Chevron and other oil companies at and near Beverly Hills High School and from power plant operations across the street from the high school caused them to contract a wide variety of cancers and other health problems. The matter is being pursued against Chevron, the City of Beverly Hills, the Beverly Hills Unified School District, current and former drill site operators, and the plant operator. The case has received much publicity, with an article appearing in *The Wall Street Journal* and stories on CNN, *Good Morning America*, *Today*, and *60 Minutes (Australia)*. The trial for the claims of 12 plaintiffs is scheduled to begin this month.

Cwik said one of the things she enjoys most about her job is the "intellectual challenge" involved in trying to come up with the best strategies to serve her clients' interests.

She said that although she doesn't teach law, she still gets opportunities to interact with law students when she goes to Yale Law School for recruiting purposes for her firm.

"I was just there a few weeks ago," Cwik said. "I very much enjoyed interviewing the law students and talking about my own experience. I was just so incredibly impressed by the students and all of their accomplishments and energy."

She advised law students to keep open minds and to take their time when choosing their specialty areas.

"And that's one of the good things about Latham," she said. "We have a system through which you're not assigned to a department right away, and so you're given an opportunity to explore different types of work. I think that's really good for everyone to try different areas-because you might be surprised by what you end up liking."

Cwik said that she's had several different mentors at Latham who have had significant influences on her.

"I've been able to work with some extremely talented lawyers and learn much from them," she said.

Some of her mentors at Latham have included litigation partners Ernest Getto, Miles Ruthberg, David Mulliken, and Virginia Grogan; Peter Benzian, Of Counsel in the litigation department, and Barbara Caulfield, who left the firm in 2001 and is currently Executive Vice President and General Counsel for Affymetrix, Inc.

Cwik said she thinks one of the most important issues facing the legal community today is getting more lawyers involved in helping their communities and doing more pro bono work.

"I think that lawyers are given a lot of privileges in society, but, in return, we have an obligation to do what we can to help society," she said. "And Latham's been good about our pro bono work. I personally try to do what I can, too. I [...] served as Chair of the Children at Risk Committee of the San Diego Bar Association for several years, and I'm still active in that. And I try and go to inner-city schools here in San Diego and talk with kids and have them at least consider different career options, and I stress the importance of reading to them. And I also started a partnership between the San Diego Bar Association and an inner-city elementary school. We've had many judges go out to the school, too, and talk with the kids and read to them."

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When Cwik isn't handling big cases or working to improve her community, she said she likes spending free time with her two daughters, aged nine and 14. She said her youngest daughter is on a competitive soccer team, so she goes to a lot of soccer games.

"I just had an attorney say to me with some surprise: 'Oh, you're a soccer mom, Cindy, but you're not a typical soccer mom,'" she laughed.

She said her older daughter is on the tennis team and plays the cello.

Cwik added that she loves to travel and has gone to a number of different places with her husband and daughters. Last summer, they went to Costa Rica, and they have also traveled to Europe together.

She discussed some of the goals she'd like to accomplish in the next few years:

"I am working on a program with the American Bar Association [ABA] regarding scientific evidence," she said. "And one of my professional goals is to do what I can to work with judges to teach them about scientific evidence issues. I'm submitting a proposal for a program at the annual ABA meeting in San Francisco next summer focusing on scientific evidence issues. And Dr. Henry Lee [a renowned forensic scientist] has agreed to be on my panel. So that should be fun."

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