

Sidley Launches Regulatory Litigation Group

By **Andrea Keckley**

Law360 (May 17, 2023, 3:51 PM EDT) -- Sidley Austin LLP is starting a regulatory litigation group that it says will help clients with challenges to agency rulemaking, agency-facing civil disputes and private litigation in highly regulated industries.

Partner Gordon Todd, who co-chairs the regulatory litigation group alongside partner David Carpenter, shared the news in a LinkedIn post on Tuesday.

"There has been a steady but consistent shift from rules being written in the legislature to being written administratively and to rules being even crafted through litigation," Todd told Law360 Pulse on Wednesday. "Regulation through litigation is not a new phrase. But I think it is becoming more and more the norm, which means that companies are going to have to litigate to achieve the results they need to advance their interests."

Sidley said the new practice group "marries" its litigation practice with its regulatory capabilities.

"At this point, what we've done with launching, the group is really pulling together work that we're already doing," Todd said. "It's not starting on a blank slate."

Todd is a trial lawyer and a former U.S. Department of Justice deputy associate attorney general. Based in Washington, D.C., he co-leads Sidley Austin's First Amendment focus area.

Carpenter is a co-chair of the new practice group and head of Sidley's West Coast appellate practice. He is based in Los Angeles.

"California, of course, has a significant regulatory state in and of itself, even separate from the federal government, due to California's size and the state's focus and sometimes increasing focus in areas such as environmental regulation and transportation," he told Law360 Pulse.

Todd said Sidley Austin currently has 10 partners for whom the regulatory litigation group will be their primary practice.

"Anyone who's currently doing commercial litigation or appellate litigation, this is a natural second practice to them because they're already doing some of this work," he added. "And then anyone in any of our regulatory practices, who has a litigation component to their practice, this will be a logical secondary practice for them as well."

Carpenter said they also want to provide a platform for private equity clients that may run into regulatory obstacles when they acquire companies across different industries.

"This would allow us to provide effectively one-stop shopping for people who are in the private equity space who are acquiring these entities, and they need advice that might cut across different aspects of their portfolio," he said.

--Editing by Alex Hubbard.