

MVP: Sullivan & Cromwell's Suhana Han

By Emma Cueto

Law360 (November 20, 2019, 3:23 PM EST) -- Suhana Han of Sullivan & Cromwell LLP successfully represented several major companies in class actions this year, including securing a dismissal of an antitrust class action against Volkswagen and Audi and also helping both companies exit a multi-district litigation over airbags, earning her a spot among Law360's 2019 Class Action MVPs.

THE CASE SHE'S PROUDEST OF:

Han said that the case she is most proud of is an antitrust suit against Volkswagen and Audi, based on allegations in a German media outlet that five German automakers had secretly been exchanging technical information since the 1990s.

"It dealt with fairly complicated issues and it required a lot of strategy and thinking in terms of how we want to approach the motion to dismiss," Han remembers. "For that particular case, it was a very complicated, lengthy complaint, and I think, based on the amount of work and analysis and creativity and advocacy that went into that case, I'm particularly proud of that one."

Having a lawsuit based on an article, she explained, carried its own complications for the team to navigate.

"At least from a U.S. perspective, it is challenging to get a news organization to disclose its source," she explained. "And we are then left trying to obtain discovery and relevant information, up against a news organization that may not be so keen to disclose its sources."

Despite the article, the team was confident that the allegation was untrue, she added, and ultimately the case was thrown out.

"We were able to capitalize on the fact that the allegations were really based primarily on that article, and the judge agreed that those allegations are not sufficient to state a claim under U.S. antitrust law," she said.



HER BIGGEST ACCOMPLISHMENT THIS YEAR:

Though Han has helped her clients secure key victories, on a personal level she says her biggest accomplishment was being able to handle so many different types of class action cases.

"I consider myself a generalist and ... I've worked on many different types of cases [this year]," she said. "And they're all very challenging in their own way, including having different types of facts at issue and a different law that governs. So being able to tackle so many different types of cases with success I would consider to be my biggest accomplishment this year."

Asked how she goes about managing so much variety, she said the secret is to make sure she's putting in the time.

"These cases are different," she said. "I do think that being able to successfully tackle various issues involves skills that overlap across the board, but I think it's important to treat each of these cases on an individual basis to make sure that I am really familiar with the relevant issues, dig deep into the facts, make sure I understand the law.

"And in order to be able to do that, I spend a fair amount of time familiarizing myself with these different cases. And it helps to a large extent that these cases are extremely interesting and I have a lot of fun working on them."

HER BIGGEST CHALLENGE THIS YEAR:

Han remembers her most challenging case of the year being an MDL involving Volkswagen and Audi, which rose out of a recall of Takeda airbags. The key for Han and her team was trying to differentiate the claims against their clients specifically from the other carmakers in the litigation.

"Volkswagen and Audi were added to this lawsuit years after the MDL had been initiated in Florida," Han said. "So the judge in that case had already issued many rulings that applied to the previous defendants. And a big challenge for my team here — and it was a fantastic team — was to try and convince the judge that his previous holdings did not apply to the facts alleged against my clients."

Ultimately, the team succeeded.

"We started off by making sure we understood fully the bases for the judge's previous decisions," Han said. "That was our starting point. We drafted our motion papers with a view towards emphasizing anything and everything that differentiated our case from those previous cases. That involved not only analyzing the decision carefully, but also making sure that we were analyzing the allegations in the complaint against Volkswagen and Audi and really highlight the differences in the factual allegations, along with the law — and presenting those in as clear and concise a manner as possible."

In the end it paid off, and Volkswagen and Audi were dismissed from the case.

WHY SHE'S A CLASS ACTION ATTORNEY:

Han never set out to be a class action attorney, she said, but she wound up taking on those cases because of the clients she worked for.

"I've been fortunate enough to work with really sophisticated and interesting clients who happen to be sued with class action lawsuits," she explained. "And it was through that connection with amazing clients that I was brought on to handle those types of cases."

The work interested her once she got started, though.

"Class actions tend to be fairly complex and involve many different types of topics. And I found myself really enjoying that," Han said.

She added, "[It's] not only the fact that we're dealing with significant potential exposure for clients, but they're oftentimes sprawling — plaintiffs seek to bring very massive class actions. So the issues tend to be quite complex and challenging. And that's really what I'm drawn to, being able to work on different types of matters that all share the common thread of complex issues."

HER ADVICE FOR YOUNGER ATTORNEYS:

Younger attorneys should learn to see both the big picture and the minute details at once, Han said. Both, she added, are key to handling a case.

"A good lawyer must be able to think in two different ways," she explained. "I think having a big picture is critical to being able to figure out how you want to go about getting the best result for your client. Having a strategy — a long-term strategy — from the beginning of the case, having that big-picture strategy ... is absolutely critical to ensure a successful result.

"But in order to come up with that strategy, you have to be able to understand the facts and the law. This is where being familiar with the details really comes into play, because if you don't understand the potential exposure and where the risks may lie, you're not going to be able to come up with that big-picture strategy."

HER PRO BONO PROJECTS:

Han said that she believes strongly in doing pro bono. For her biggest pro bono case, she spent 15 years working on a death penalty case involving Alabama inmate Thomas Arthur, who was convicted of murder in 1982. Han, along with the rest of Arthur's legal team, managed to secure him six stays of execution, though Arthur was eventually executed in 2017 after the Supreme Court denied him another stay.

For Han, it was one of the first cases she worked on after joining Sullivan & Cromwell. "Nothing will ever compare ... That has been a case that consumed me for 15 years, and it really was a privilege to be able to work for this inmate," she said. "We were able to extend his life for many more years than anyone had ever hoped for."

And the work itself still lives on, she added. After the execution, she received word from advocates around the country thanking her and telling her they used her filings and expert reports as the basis for their own.

Currently, Han is looking for another high-impact pro bono project, though she says she's not really looking to do another death penalty case. Her current pro bono cases focus on custody disputes and asylum cases, she said.

— *As told to Emma Cueto*

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.