

Transformative Work in the Technology Sector

An Interview with Katherine B. Forrest, Partner, Paul, Weiss, Rifkind, Wharton & Garrison LLP

EDITORS' NOTE Katherine Forrest is a partner in Paul, Weiss' Litigation Department. She previously served as a federal district judge in Manhattan and as a Deputy Assistant Attorney General in the Department of Justice's Antitrust Division. A veteran trial attorney, Forrest handles sensitive investigations and high-stakes, complex commercial disputes and antitrust matters. She is recognized nationally for her cutting-edge work on the legal implications of artificial intelligence and other emerging technologies. She joined Paul, Weiss in January 2023.



Katherine B. Forrest

FIRM BRIEF Paul, Weiss, Rifkind, Wharton & Garrison LLP (paulweiss.com) is a firm of about 1,000 lawyers with diverse backgrounds, personalities, ideas, and interests who provide innovative and effective solutions to their clients' most complex legal and business challenges. The firm represents many of the world's largest and most important public and private corporations, asset managers and financial institutions, and clients in need of pro bono assistance.

What excited you about the opportunity to join Paul, Weiss and made you feel it was the right fit?

Paul, Weiss has an unparalleled roster of talent and clients, coupled with an extraordinarily broad, world-class platform. My practice is multifaceted and wide ranging, spanning antitrust, intellectual property, internal investigations, and high-tech matters involving AI and cryptocurrency. Paul, Weiss' deep-rooted strength in all of these areas allows me to advise on all of them.

I was particularly drawn to Paul, Weiss because of its transformative work in the technology sector. The firm's world-class talent across cryptocurrency and blockchain, cybersecurity and data protection, and intellectual property and patent litigation – combined with AI – offers clients a unique, all-encompassing platform to meet all their legal needs with digital technologies. I knew the firm would provide a strong foundation to continue to build my AI practice and publish in this area. I have already received tremendous support, including through client introductions and business development.

Will you provide an overview of your role and areas of focus?

I have a deep interest in many areas of the law, and given Paul, Weiss' strong platform, I am able to practice across all of these areas. I really enjoy the AI and crypto work that I just mentioned, and I also love my antitrust matters. Being an advisor in the antitrust area – counseling companies on issues involving competition, pricing, joint ventures, the structure of transactions, and more – is fascinating work.

In addition, I love doing investigations, which most often involve business and reputational issues of extraordinary importance to companies, and may be the key to averting a potential crisis.

IP is another important area for me and one that often converges with my other areas of practice, such as copyright issues arising in the AI space and ownership rights over NFTs (non-fungible tokens) in the cryptocurrency space.

How did your experience as a district court judge and senior DOJ official prepare you for your current role?

Being a judge and an antitrust regulator were invaluable preparation for me as a returning practitioner in private practice. Presiding over more than 100 trials – more than most judges – gave me a deep understanding of what it means to prepare a case, including how the rules of evidence are implemented and how to construct a compelling narrative for a jury. Seeing how different practitioners approached such narratives has been incredibly helpful to me as I advocate for clients.

Meanwhile, the ability to do fact finding as a judge has aided me immeasurably in conducting investigations today. I honed my abilities to carefully assess the credibility of witnesses and to determine how people are motivated to do or not do things.

I was fortunate to be appointed as an MDL judge for complex antitrust cases which helped me to understand how complex civil procedures and case management are handled. Finally, serving as a judge provided me with insights into

“I was particularly drawn to Paul, Weiss because of its transformative work in the technology sector. The firm’s world-class talent across cryptocurrency and blockchain, cybersecurity and data protection, and intellectual property and patent litigation – combined with AI – offers clients a unique, all-encompassing platform to meet all their legal needs with digital technologies.”

“The most effective practitioners will be able to translate complex AI issues into a language that is useful for companies learning to navigate these areas. I am fortunate at Paul, Weiss that we have the talent and expertise in-house to do this.”

the pressures judges face, the diversity of judges, and some areas they may consider, such as insulating their decision from reversal on appeal. This experience has helped me in counseling clients on how to approach disputes.

My earlier stint at the Department of Justice has given me unique insight that I leverage in counseling clients on antitrust matters, including how mergers are reviewed, the ways competition issues are investigated, the roles of policy and politics in the antitrust space, and more.

Will you discuss Paul, Weiss’ embrace of tech sector work and how the expertise of its lawyers with crypto, fintech and digital assets aligns with your interest in artificial intelligence?

As I mentioned, one of the most incredible things about Paul, Weiss is the breadth of the firm’s talent, from partners, counsel and associates to paralegals and the operations team, as well as the firm’s impressive clients, which include some of the world’s largest and most important companies, private equity firms and financial institutions. These factors, combined with the firm’s entrepreneurial spirit, make Paul, Weiss a force in the areas of cryptocurrency, fintech and digital assets, and put the firm in prime position to tackle AI-related issues.

AI is one of the most significant areas of law to develop since the internet, and companies will be struggling with AI-related issues over the next decade. At Paul, Weiss, we have unmatched multidisciplinary experience in AI, cryptocurrency, fintech, digital assets and the broader metaverse, and our team is ever-focused on how to combine our knowledge and skills to best meet the evolving needs of our clients in this space.

What are your thoughts on the evolution of AI in the legal sector?

The evolution of AI is happening at lightning speed. We are entering the fourth industrial

revolution with AI; ChatGPT has shown us the pace at which this revolution will occur. Companies are grappling with tools they don’t understand, or ones they used to understand that are now changing rapidly. Regulators are trying hard to keep up with this revolution and understand what they should regulate and where innovation needs room to grow. The most effective practitioners will be able to translate complex AI issues into a language that is useful for companies learning to navigate these areas. I am fortunate at Paul, Weiss that we have the talent and expertise in-house to do this.

How important is it for leading law firms to build diverse and inclusive workforces to mirror the diversity of their clients and the communities they serve?

It’s incredibly important for law firms to prioritize diversity and inclusion at all levels of the organization. Law firms are often the training ground for future leaders in corporate America, on the bench and in the government, where having a strong value system is so important for our broader communities.

Support for diversity and inclusion has to come from the top down. When I see the extraordinary diversity across the ranks at Paul, Weiss, I see a community that is finding success, in large part due to the leadership of Brad Karp, who is vocal on the firm’s long-term commitment to DE&I and racial justice. Brad’s strong voice in this area and the resources the firm devotes to DE&I and racial justice initiatives have had a profound impact.

On a more individual level, valuing DE&I is vital for building a cohesive community within the firm. When I entered the legal field, it was rare for me to find someone else with my background; as a child, my family had a low income, experienced homelessness and used food stamps. As a Big Law associate, I didn’t

have experience navigating the types of hotels, restaurants and social situations that many of my colleagues did. The only way for someone from my background to feel included is to find another person who will provide guidance and share tips for succeeding in the industry. I know from personal experience how extraordinarily important it is to help those from different backgrounds feel like they belong.

Do you feel that there are strong opportunities for women to grow and lead in the legal profession?

Absolutely. The keys are keeping women lawyers top of mind for new opportunities and recognizing and promoting them for exceptional work. In-house counsel have been particularly important voices in this area, by appointing women as lead counsel, as well as selecting outside counsel with diverse teams. Many judges have also had a crucial impact here, stating in their courtrooms, as I did when I sat on the bench, that it is important to give women opportunities to first-chair proceedings and have speaking roles in court.

At Paul, Weiss, women lawyers are encouraged and supported in taking on leadership roles, both in client matters and internal firm initiatives. We build diversity into our teams, and maintain it throughout a matter, because we know that our work is stronger when different backgrounds and perspectives are represented.

Paul, Weiss is a firm that is deeply committed to pro bono work and supporting the communities it serves. Do you see this as a responsibility for leading law firms?

It is critical that law firms support their local communities because part of our responsibility as lawyers is to serve the public interest and those in need. As lawyers, we have specialized skills to help others navigate the legal process, which is often confusing and intimidating. Giving back in this way allows the legal profession to make real change. At Paul, Weiss, we have a team of lawyers who are entirely dedicated to pro bono, demonstrating the firm’s commitment to giving back and supporting its lawyers in this important work.

What advice do you offer to young people interested in a career in law?

I recommend taking time each day to read the business section of *The New York Times* or *The Wall Street Journal*, especially if you don’t come from a business or economics background. Educating yourself on how the business world works will help you immensely when you enter the legal field, not because all law is about big corporations, but because you can glean so much about the American economy and the powers influencing our economy. Educating yourself on how the world works will provide an invaluable foundation for your future practice.

I would also dedicate time to learning more about how the judicial system works. Listen to Supreme Court arguments and watch proceedings for free online. Attend proceedings at local district court houses; as a member of the public, you are welcome to attend, and it is an exciting way to start exploring the legal field. ●