

MVP: Mayer Brown's Keri Borders

By **Emily Field**

Law360 (October 29, 2020, 6:31 PM EDT) -- Mayer Brown LLP's Keri Borders clinched a victory for Ghirardelli Chocolate Co. in a proposed nationwide class action alleging that consumers were misled into believing its products were white chocolate when they actually contained none, making her one of Law360's 2020 Product Liability MVPs.

ON HER BIGGEST ACCOMPLISHMENT THIS YEAR:

Borders said that adjusting to the new normal of the coronavirus pandemic and working from home while being able to secure a win for Ghirardelli was her biggest accomplishment this year. That case is an example of a new phenomenon in false advertising lawsuits involving products for which there wasn't any actual alleged false advertising on the product itself, she said.

The plaintiffs were alleging that Ghirardelli's cocoa-free white chip baking products were "fake white chocolate," even though the package doesn't include the words cocoa or chocolate.

The case involved allegations that consumers might assume something about a product, even though the manufacturer actually didn't say anything false about it, Borders said. Those allegations were bolstered by comments from websites designed to solicit those types of comments or consumer surveys created for litigation purposes, Borders said.

The win came in April, just as people started working from home and hearings were switched to online, Borders said.

"The confluence of those factors is my biggest accomplishment and is what I am most proud of," Borders said.

ON HER PROUDEST MOMENT THIS YEAR:

Most of her clients are large food companies and manufacturers, who are facing pressure trying to



respond to the pandemic, and being able to successfully advocate on their behalf is what she is most proud of this year, Borders said.

"Even in the time of COVID and the time where we're all working from our homes and the fact that my clients, like everybody else, are under enormous stress, just everything that's going in the world with coronavirus and being able to ... help them out is what I think I'm most proud of," Borders said.

ON WHAT DRIVES HER:

Borders said that she is motivated by not only the intellectual challenges of her practice, but mostly by her clients.

"They're just a joy to work with and for, and getting to do a job that is intellectually stimulating, that changes every day, that involves completely different facts depending on each individual case, each individual product, each individual advertising claim that's alleged and doing it all for great clients, that's what gets me," Borders said.

HER ADVICE FOR YOUNGER ATTORNEYS:

Young attorneys should know that the practice of law is a marathon, not a sprint, and at the beginning of their careers they should focus on the fundamentals, like legal writing, Borders said.

They should also make sure they enjoy what they do, Borders said.

"Litigation in particular can be a pretty punishing career, so it's really important that they find a practice area that they like and that they enjoy practicing in," Borders said. "Most importantly that they find mentors and a group to practice in, because I really do believe that being a successful lawyer is a team sport."

The other piece of advice that she often gives younger lawyers is that the legal world is a small one, and it's important to protect their reputation by having good relationships with others.

"You'd be amazed at all the different people you run into during different phases of your career, either as colleagues or clients or law school friends, and it's very important that not only you keep up with folks and have good relationships with them, but you do what you can to protect your reputation because it will be with you for your entire career," Borders said.

OTHER NOTABLE CASES:

Borders said that she is particularly proud of her work on consolidated cases alleging that Purina pet food products were dangerous and harmed pets. The case garnered a lot of social media attention, given the allegations, Borders said.

Borders was able to win the case on summary judgment by showing that the plaintiffs' experts had no basis for their opinion and that they didn't have the appropriate background to back up their opinion, Borders said.

"We were able to completely vindicate our clients and show that the product was completely safe and healthy and that this was nothing more than some social media gone haywire, and so I'm pretty proud of that decision," Borders said.

— *As told to Emily Field*

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 2020 MVP winners after reviewing more than 900 submissions.

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