

# Holston Leaving Morgan For GC Position at HP

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Morgan Lewis & Bockius partner Michael J. Holston, considered a rainmaker in the white collar bar, will be leaving the firm to take over as the executive vice president and general counsel of client Hewlett Packard.

Holston will start at HP effective Feb. 22 and will report directly to HP Chairman and Chief Executive Officer Mark Hurd.

In the midst of an investigation of the company, which was said to have used pretexting to find out who was leaking company information to the media, Holston was brought in to handle an internal review of the company's actions.

He had served as HP's external counsel for more than 10 years, handling a variety of litigation and regulatory work, the company said.

Holston will be based in HP's Palo Alto, Calif., headquarters.

"Mike is a first-rate lawyer, with extensive trial and government relations experience, as well as a deep knowledge of HP and its culture," Hurd said in a statement. "I am delighted that he has accepted this position."

In his new role, Holston will be responsible for the company's legal affairs as well as compliance, government affairs, privacy and ethics.

Holston, 44, takes over for HP's former general counsel, Ann Baskins, who resigned amid the scandal in which HP was said to have used investigators to pose as company board members and journalists in order to obtain phone records - or pretexting.

Hurd was elevated to his post after Chairwoman Patricia Dunn resigned during the scandal.

Frank D'Amore of Attorney Career Catalysts said it is an unusual move by HP to bring in a law firm partner to serve as general counsel. Typically, the role is filled by another general counsel or top attorney already serving in the company's industry, he said.

If a company like HP brings in an outsider, it is generally an attorney with a corporate or securities background, he said.

Choosing Holston shows a lot about the trust HP has in him and Morgan Lewis, and also shows the stance the company will take going forward in terms of compliance and ethics issues, D'Amore said.

Gloria Cannon of BCG Search in California said it doesn't surprise her to see that Holston was chosen for the position. She said he was obviously trusted by Hurd, who has been trying to "clean up" after the scandal broke.

Cannon said Sarbanes-Oxley legislation has placed "huge, additional responsibilities" on in-house counsel and has allowed for the possibility of criminal action against company executives for noncompliance.

Prior to joining Morgan Lewis, Holston was a partner at Drinker Biddle & Reath from 1987 to 2005, with the exception of a brief stint at the U.S. Attorney's Office for the Eastern District of Pennsylvania in 1993.

Two partners and 11 associates also followed him over to Morgan Lewis. Holston - and the group he brought to Morgan Lewis - was named to The Legal's "Top Lateral Hires" supplement in 2006. When reviewing feedback from legal industry experts as to the biggest moves in 2005 as part of the research for the supplement, Holston's was the runaway choice as the most significant in the Philadelphia market that year.

At the time of his move to Morgan Lewis, local white collar defense lawyers described Holston as a rainmaking litigator whose group was responsible for all of Drinker Biddle's criminal defense and corporate investigations work emanating from its Philadelphia office.

"He was definitely a big-time star," D'Amore said yesterday.

While a firm never likes losing someone of that caliber, D'Amore said Holston's appointment could lead to additional work for Morgan Lewis from HP.

"With respect for that client, it turns out to be a win for the firm," he said.

The other attorneys who joined Morgan Lewis with Holston will most likely remain at the firm, and will probably step up to be the lead contacts for the clients Holston is leaving behind, D'Amore said.

Morgan Lewis Chairman Francis M. Milone said Holston had told him a while ago that the position was offered. Milone said he told him he should do whatever was best for him and his family.

Milone said Holston brought a significant amount of HP work with him when he joined the firm. He said whether Holston's departure "will end up creating a stronger relationship with HP will be up to Mike and HP."

Morgan Lewis' corporate investigations and white collar crime group is very "deep" within the firm, Milone said, and will continue to be strong out of the firm's Philadelphia, New York, Washington, D.C., San Francisco and Los Angeles offices.

"Mike is an extraordinary lawyer and culturally a very positive guy in the firm," he said. "You hate to see anybody of Mike's ability and character leaving the firm."

Milone said Holston's team has always been strong and he fully expects that they will continue with their cases.

Other than the potential to gain work from the company in which a partner is leaving to serve in-house, a law firm can benefit from that departure in other areas as well, D'Amore said.

He said in-house counsel tend to call upon one another when looking for quality outside counsel when their usual firms are conflicted out or are not in a certain city. Holston may be able to refer work to Morgan Lewis in that way, he said.

It is also a good recruiting tool, D'Amore said, in terms of showing potential hires that the firm supports additional opportunities beyond just becoming a life-long partner.

Holston was not available for comment at the time of publication.