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They've Got Next: the 40 Under 40

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# Emmy Levens of Cohen Milstein

By Lisa Helem | July 14, 2021, 4:46 AM

## Please describe two of your most substantial, recent wins in practice.

I manage the Flint water crisis litigation, an environmental mass tort. As a plaintiffs' attorney and as a mother this case is especially meaningful. In 2014, in order to save money, the City of Flint switched its water supply to the highly-contaminated Flint River. This decision-making went up to Governor of Michigan's office. More than 90,000 residents, mostly children, were poisoned with lead-tainted water. In achieving our landmark \$641.25 million settlement, I successfully briefed the court on why qualified immunity did not apply to former-Governor Snyder's "conscience shocking" behavior, including encouraging residents to drink water he knew was tainted. Shortly after he was reinstated as a defendant, the State moved toward settlement. I hope the settlement helps Flint residents find some peace after so much hurt.

## What is the most important lesson you learned as a first-year attorney and how does it inform your practice today?

Two things immediately come to mind. The first is never write and send an email if you're upset. Being a good lawyer is about having good judgment. If you're upset and want to write an email stating as much, wait 24 hours and then review. With a fresh pair of eyes and greater objectivity, you'll likely revise it or throw it in the trash. The second lesson is, make sure to take time out for yourself. Litigation, particularly complex litigation can be mentally and physically taxing. Carving out time for yourself, your family, and personal endeavors can keep you mentally fresh and energized for your work and the long-haul.

## How do you define success in your practice?

Winning actual results for clients. At the end of the day, it doesn't matter if you wrote a great brief if you don't get justice for your clients, whether it's financial damages or injunctive relief to remedy the wrongs by bad corporate actors. As a plaintiff's lawyer this is why I do what I do. Flint is a good example. In January, the court granted preliminary approval of a \$641 million settlement that will go to more than 90,000 Flint residents affected by lead poisoning. The most affected - children, who may likely suffer health issues for the rest of their lives. To know they will receive some financial relief is satisfying. To see the court reinstate former Governor Snyder as a defendant in our civil suit and allow us to depose him for his negligence in harming Flint residents when he switched their good water for bad water is also satisfying.



## Emmy Levens

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## What are you most proud of as a lawyer?

Keeping a sense of self. This is not as easy as it sounds. Complex litigation is just that - highly complex. It can span years with massive discovery, countless pleadings, unforeseen administrative issues, countless late nights and time away from the family. Complex litigation is not for the faint of heart. It can be easy to become tired, distracted by the minutia, tangential issues or devolve into cynicism. For me, I thrive on the complexity of this type of work. However, keeping my focus on the client - their courage and their case - helps me remain objective and focused on the larger goal - achieving justice for them and the greater good.

## Just for fun, tell us your two favorite songs on your summer music playlist.

I listen to music with my 3 and 6-year-old in the car. Here's what's on our summer music playlist:

"Video Killed the Radio Star" by The Buggies. This oldie, but goodie is a fun, upbeat, but serious reminder of the cycle of technology and art.

"Despacito" by Luis Fonsi, Daddy Yankee, and Justin Bieber. This is another fun sing along song. I'm so impressed by how quickly my kids have picked up Spanish. Thankfully, they don't understand a word of the song - yet!

## Who is your greatest mentor in the law and what have they taught you?

I have been fortunate to have had so many people who have mentored me by giving me opportunities and advice. Rich Koffman, Kit Pierson, Brent Johnson are just a few in Cohen Milstein's Antitrust practice. Ted Leopold, with whom I've been working hand-in-glove for the past five years in Flint is another. I frequently think of something Kit Pierson once told me. He said, "There is a lot of gray in the law. So, you need to take a step back, pause, do a gut check, and reflect on why you are here. It's about doing the right thing." Said another way, "What is the right thing to do?" It's as simple as that. It's not necessarily about winning but doing what is moral and good. This sentiment has helped me sharpen my focus and strengthen my arguments, too.

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