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101 LAWYERS: ATTORNEY APPEARANCES IN *TWITTER V. MUSK*

ANDREW K. JENNINGS[†]

ABSTRACT

In summer 2022, Twitter sued Elon Musk, the world's richest person, in Delaware's Court of Chancery over his refusal to close his agreed-to \$44 billion acquisition of the social-media company. Twitter v. Musk had the makings of corporate law's trial of the century. Leading law firms represented Twitter, Musk, and third parties in a dispute with enormous financial, social, and political implications. In the lead up to trial, however, Musk relented and closed the deal. The corporate trial of the century was a bust, over almost as soon as it began.

But in the meantime, in Twitter's eighty-six days of active litigation, an incredible 101 lawyers appeared in the case, as more worked on behalf of the parties without appearing. Thus, even without developing Delaware contract or M&A doctrine, Twitter was nevertheless a landmark case for the salient views it offered into corporate litigation and the legal profession. This Essay opens those views up with a hand-collected dataset of Twitter's attorney appearances as a case study of legal staffing in high-stakes litigation and the role of state attorney regulation in multi-firm, multi-jurisdictional practice.

INTRODUCTION

Corporate law's trial of the century was set to begin October 17, 2022, in a small Wilmington, Delaware courtroom.¹ *Twitter v. Musk*² had it all. Celebrity.³ The world's richest person.⁴ A product that perhaps helped foment revolutions around the world⁵ and aided the rise of one of the most consequential—for worse or better—political figure in this country.⁶ Leading law firms and lawyers.⁷ Important doctrinal questions around how contracts between sophisticated players would or would not be enforced.⁸ And then the small matter of a \$44 billion purchase price.⁹ The press, the public, and the markets watched the trial's approach with rapt attention. Even mundane discovery hearings received the kind of play-by-play reporting usually reserved to U.S. Supreme Court arguments.¹⁰ With hotels booked,

1. Order Governing Case Schedule at 4, *Twitter, Inc. v. Musk*, C.A. No. 2022-0613-KSJM (Del. Ch. Jul. 28, 2022).

2. *Twitter, Inc. v. Musk*, C.A. No. 2022-0613-KSJM (Del. Ch. dismissed Nov. 15, 2022).

3. See, e.g., James Hibberd, *Celebrities Say They're Quitting Twitter as Elon Musk Takes Over: "I'm Out of Here,"* HOLLYWOOD REP. (Oct. 28, 2022, 1:35 PM), <https://www.hollywoodreporter.com/business/digital/elon-musk-twitter-celebrities-quit-1235250888> [<https://perma.cc/4E4E-CJKY>] (noting the public outcries of Hollywood celebrities in response to Musk's control of the platform).

4. See *The World's Real-Time Billionaires*, FORBES, <https://web.archive.org/web/2022103005633/https://www.forbes.com/real-time-billionaires> [<https://perma.cc/N7FQ-RQJH>] (reporting on October 30, 2022 that Elon Musk was the world's richest person, with a \$223.8 billion net worth).

5. See generally Christian Christensen, *Twitter Revolutions? Addressing Social Media and Dissent*, 14 COMM'C'N REV. 155 (2011) (considering Twitter's influence on uprisings in countries like Iran, Egypt, Tunisia, Libya, and Yemen).

6. See Galen Stolee & Steve Caton, *Twitter, Trump, and the Base: A Shift to a New Form of Presidential Talk?*, 6 SIGNS & SOC'Y 147, 164 (2018) ("We argue that at least three things need to be considered when trying to explain [Trump's] rise to power: his Message, the Mediatization of that message through Twitter, and the address to his base . . .").

7. See *infra* Part I for a table listing the law firms representing Twitter, Musk, and third parties.

8. See generally Robert Anderson, *Limited Specific Performance in the Musk-Twitter Case and Beyond* (Sept. 22, 2022) (unpublished manuscript), <https://ssrn.com/abstract=4222557> [<https://perma.cc/JUP6-K63Q>] (discussing the contract-doctrine questions raised in the Musk-Twitter case).

9. See Jef Feeley, Ed Hammond & Kurt Wagner, *Musk Revives \$44 Billion Twitter Bid, Aiming To Avoid Trial*, BLOOMBERG (Oct. 5, 2022, 4:25 AM), <https://www.bloomberg.com/news/articles/2022-10-04/musk-proposes-to-proceed-with-twitter-deal-at-54-20-a-share> [<https://perma.cc/65TH-DPZW>] (reporting on Musk's decision to backtrack on his effort to quit the Twitter deal, reviving his bid at the original \$44 billion price).

10. See, e.g., Chance the Lawyer, *Twitter v. Musk Spotlight*, THE CHANCERY DAILY (Sept. 16, 2022), <https://thechancerydaily.substack.com/p/twitter-v-musk-spotlight> [<https://perma.cc/5JWX-ZE64>] (providing detailed daily updates to supplement live-tweeting).

reporters prepared to descend on Wilmington to cover an epic courtroom battle. The fates of Silicon Valley, national and global politics, contract doctrine, and \$44 billion all seemed to rest in the hands of Kathaleen St. Jude McCormick—the chancellor of Delaware—and, eventually, the five members of the state Supreme Court.¹¹

And then . . . it never happened. Two weeks before the showdown, Elon Musk agreed to satisfy the agreement Twitter was suing him for breaching.¹² Peace rang out in the land. Musk bought Twitter, fired the company’s executive team,¹³ and began a new era as “chief twit” of a company he accused just a few weeks earlier of trying to defraud him.¹⁴ And that was it. Delaware’s trial of the century ended in a whisper as Chancellor McCormick dismissed the case.¹⁵

The story of Twitter and Elon Musk seems sure to have more twists and turns. Perhaps that story will even one day visit a small courtroom in Wilmington, Delaware.¹⁶ But for a trial that never happened, *Twitter v. Musk* achieved a remarkable litigation distinction:

11. See Order Governing Case Schedule at 8, *Twitter, Inc. v. Musk*, C.A. No. 2022-0613-KSJM (Del. Ch. Jul. 28, 2022) (setting out Chancellor McCormick’s trial schedule).

12. Letter from Mike Ringle, Partner, Skadden, Arps, Slate, Meagher & Flom LLP, to Wilson Sonsini Goodrich & Rosati and Simpson Thacher & Bartlett LLP (Oct. 3, 2022), https://www.sec.gov/Archives/edgar/data/1418091/000110465922105787/tm2227435d1_ex99-s.htm [<https://perma.cc/8EWZ-ULPW>].

13. See Ross Kerber, ‘Golden Parachutes’ for Fired Twitter Executives Worth \$122 Million, *Research Firm Says*, REUTERS (Oct. 28, 2022, 12:59 PM), <https://www.reuters.com/technology/golden-parachutes-3-fired-twitter-executives-worth-122-mln-equilar-2022-10-28> [<https://perma.cc/7LWK-5VQ9>] (reporting that Musk fired Twitter’s chief executive, chief financial officer, and legal affairs and policy chief).

14. See Defendants’ Verified Second Amended Counterclaims, Answer, and Affirmative Defenses to Plaintiff’s Verified Complaint at 128, *Twitter, Inc. v. Musk*, C.A. No. 2022-0613-KSJM (Del. Ch. Oct. 4, 2022) (accusing Twitter of making “false or misleading” representations regarding the merger agreement). Such accusations continued even after he closed the acquisition and took control of Twitter. See Elon Musk (@elonmusk), TWITTER (Oct. 30, 2022, 9:00 PM), <https://twitter.com/elonmusk/status/1586885887341645824> [<https://perma.cc/3MLT-NJZ5>] (“Wachtell & Twitter board deliberately hid . . . evidence [of ‘fraudulent metrics’] from the court. Stay tuned, more to come . . .”); Kenneth Li, *Elon Musk, ‘Chief Twit’*, REUTERS (Dec. 21, 2022, 9:00 AM), <https://www.reuters.com/technology/elon-musk-chief-twit-2022-12-21> [<https://perma.cc/X8NW-THVG>] (noting Musk’s “self-anointed role of ‘Chief Twit[]’”).

15. *Twitter, Inc. v. Musk*, C.A. No. 2022-0613-KSJM (Del. Ch. dismissed Nov. 15, 2022).

16. See, e.g., *supra* note 13; Kate Conger, Ryan Mac, Sheera Frenkel & Mike Isaac, *Elon Musk Is Said To Have Ordered Job Cuts Across Twitter*, N.Y. TIMES (Oct. 29, 2022), <https://www.nytimes.com/2022/10/29/technology/twitter-layoffs-musk-jobs.html> [<https://perma.cc/6FVL-94YN>] (“Under the merger agreement, those executives . . . had been set to receive compensation . . . if they were fired. But Mr. Musk terminated the executives ‘for cause,’ meaning he did it because he alleged he had justification, which may void that agreement . . .”).

during the 126 days between the initial complaint and the case's dismissal, 101 attorneys made formal appearances.¹⁷

This is a potential record in the Court of Chancery. Consider these comparisons based on a dataset constructed by Professors Afra Afsharipour and Matthew Jennejohn for their forthcoming article on gender and the Court of Chancery.¹⁸ The highest number of appearances in a single Chancery case was seventy eight.¹⁹ That case—litigation involving insurance behemoth AIG and alleged misconduct by its former CEO—was open for 2,286 days, compared to *Twitter's* 126.²⁰ *Twitter's* 101 attorney appearances stick out even more in the context of the full dataset. For the 15,000 cases in the Afsharipour and Jennejohn dataset, the median number of appearances was four and the mean was 5.2.²¹ The vast majority of those cases had below twenty attorney appearances, whereas the ten cases with the highest number of appearances had a mean of 62.9.²²

101 lawyers is a lot, especially for a case that never went to trial or saw a dispositive motion filed. Although *Twitter* did not pan out as the corporate trial of the century, the appearance record it set still merits some moment. This was a strange case across many dimensions and its legal staffing, at least in headcount terms, could hardly be said to be representative of other litigation. But its rapid beginning and end and high lawyer count offer a unique opportunity to think about the legal profession in the context of a single case. With its docket now complete, I use a hand-collected dataset of attorney appearances in *Twitter v. Musk* as a case study. This dataset and Essay contribute to several active conversations regarding the legal profession. First, to

17. See *infra* Part I for a table identifying the number of attorneys appearing on behalf of each party. A total 100 attorneys, whether admitted to the Delaware bar or appearing *pro hac vice*, entered appearances on the docket. One Delaware-admitted attorney was named in each pleading and other papers filed by his client, but his appearance is not separately reflected in a docket entry. In this Essay, I treat that attorney as having appeared on the docket.

18. E-mail from Matthew Jennejohn, Prof. of Law, BYU L. Sch., to Andrew Jennings, Author (Oct. 29, 2022, 3:08 PM) (on file with author) [hereinafter Jennejohn E-mail]; Afra Afsharipour & Matthew Jennejohn, *Gender and the Social Structure of Exclusion in U.S. Corporate Law*, 90 U. CHI. L. REV. (forthcoming 2023), <https://ssrn.com/abstract=4262079> [<https://perma.cc/N67E-2SHB>] [hereinafter Afsharipour & Jennejohn].

19. Jennejohn E-mail, *supra* note 18.

20. Docket, *In re Am. Int'l Grp. Inc. Consol. Derivative Litig.* (C.A. No. 769-VCS) (Del. Ch. closed Jan. 25, 2011). The AIG litigation involved several parallel cases and dockets, however, and thus the total AIG-related litigation in the Afsharipour & Jennejohn dataset ran for 2,645 days. See Jennejohn E-mail, *supra* note 18.

21. Jennejohn E-mail, *supra* note 18.

22. *Id.*

what extent does the gender gap in the profession persist? Second, to what extent does credentialing appear in legal hiring and staffing? And third, how does state-based regulation of the profession affect clients' hiring and firms' staffing decisions? In considering these questions, I find that these two sophisticated parties—each with tens of billions of dollars on the line—ended up at remarkable parity in terms of experience levels, rank, and educational credentials of their legal teams. The parties diverged, however, in terms of gender and clerkship experience. Compared to Musk, Twitter had both seventy-five percent more women among its docketed attorneys *and* seventy-five percent more lawyers who had completed a federal or Delaware-state judicial clerkship. But this unusually high-profile corporate litigation appears to have had more in common with workaday civil cases than first meets the eye. In that light, this Essay presents a litigation case study for use in scholarly, law-firm, bar-association, and judicial investigations of the three questions it raises, and perhaps many more.

I. *TWITTER V. MUSK'S* 101 LAWYERS

In the run up to trial, I noticed an unusual number of attorneys entering appearances on behalf of Twitter, Elon Musk, and third parties. For the eighty-six days between Twitter's initial filing and the stay of trial, an average 1.17 lawyers joined the docket each day.²³ Even for such a high-profile case, twenty appearances total seemed more apt,²⁴ and so my curiosity prompted me to dig into the lawyer side of the story. The high count could be partly explained by the presence of the eleven firms and thirty-five lawyers who appeared on behalf of third parties. Even so, the combined eight firms and sixty-six lawyers who represented Twitter or Musk could together put the case in the top ten of the Afsharipour and Jennejohn dataset had it occurred in their timeframe—after only eighty-six days of active litigation.

To understand *Twitter's* firmscape,²⁵ I collected demographic data about each attorney appearing in the docket, using the docket itself and attorneys' online firm profiles. In addition to Twitter and Elon Musk

23. *Compare* Verified Complaint, *Twitter, Inc. v. Musk*, C.A. No. 2022-0613-KSJM (Del. Ch. Jul. 12, 2022), *with* Letter of Decision Granting Stay, *Twitter, Inc. v. Musk*, C.A. No. 2022-0613-KSJM (Del. Ch. Oct. 6, 2022) (eighty-six calendar days between the filing of Twitter's initial complaint and the staying of proceedings).

24. *See supra* note 22 and accompanying text.

25. This term was coined several years ago by Keegan Drake in a personal conversation with the author to denote—like a cityscape—the world of law firms and lawyers, particularly leading firms in major cities.

(who was named individually along with two affiliate entities), ten other parties were involved.²⁶ Eight of these third parties were financial institutions, law firms, or other market actors resisting subpoenas.²⁷ One counseled third party, Luigi Crispo, was a Twitter shareholder suing Musk in a parallel case.²⁸ Crispo sought to intervene in *Twitter* after the merger closed but later withdrew his motion.²⁹ Another shareholder sought to intervene; because he filed pro se, he is not included in this dataset.³⁰ Data collected from the docket included lawyer names, law-firm affiliations, date of first appearance, Delaware or non-Delaware bar status, and party represented. Data collected from online law-firm profiles included attorneys' office locations,³¹ states of bar admission, ranks (partner, counsel, or associate),³² law schools attended, years since law-school graduation,³³ judicial clerkships, and gender.³⁴ Although attorney racial and ethnic backgrounds were of interest, the docket and law-firm websites did not allow for reliably coding those demographics.³⁵

The number of lawyers who formally appear in a docket typically understates how many work on a matter. In complex litigation, formal appearances might represent only a fraction of the legal staffing. Attorneys who formally notify the court that they represent a party tend to be the lawyers who might sign pleadings and other filings, argue at hearings or trial, or who otherwise have a senior leadership role in

26. See *infra* Part I for a table listing these parties.

27. See Docket, *Twitter, Inc. v. Musk*, (C.A. No. 2022-0613-KSJM) (Del. Ch. dismissed Nov. 15, 2022) (identifying interested parties and their representation). See also *infra* Part I for a table listing these parties.

28. See Verified Shareholder Class Action Complaint, *Crispo v. Musk*, C.A. No. 2022-0666-KSJM (Del. Ch. Jul. 29, 2022) (alleging that Musk “fabricated several excuses” in order to “circumvent his clear contractual obligation under Section 5.4 of the Merger Agreement to finance the Merger Consideration”).

29. Plaintiff's Motion for Limited Intervention and For the Court to Retain Jurisdiction, *Twitter, Inc. v. Musk*, C.A. No. 2022-0613-KSJM (Del. Ch. Nov. 1, 2022).

30. Motion by ATM Shafiqul Khalid to Intervene as Plaintiff in Instant Action, *Twitter, Inc. v. Musk*, C.A. No. 2022-0613-KSJM (Del. Ch. Oct. 28, 2022).

31. That is, with what office of the law firm the lawyer was a member.

32. Some firms had different titles—such as “director”—for their senior lawyer rank. For purposes of this Essay, however, I coded those lawyers as partners.

33. I use years since law-school graduation as a proxy for years of legal experience.

34. Attorney gender was coded based on the use of gendered pronouns or honorifics in attorney biographies. E.g., she, her, Ms., he, his, and so on.

35. See Afsharipour & Jennejohn, *supra* note 18, (manuscript at 7 n.16) (“Our study focuses on gender disparities in Chancery Litigation as, at this stage, we are unable to reliably code for race or ethnicity. Yet we recognize that lawyers of color, and women of color in particular, are vastly underrepresented in law firms.”).

the case.³⁶ For example, as of the end of August 2022, seven attorneys from Twitter’s lead firm, Wachtell Lipton, appeared on the docket, although twenty-nine had been working on the case.³⁷ Law firm associates might dedicate the equivalent of months of their lives to a matter without public acknowledgement of their involvement; lead partners on a case keep internal councils with fellow partners and firm management; and legions of review attorneys and paralegals filter and sort voluminous documents into a form that can be used in depositions, hearings, and, potentially, trial.³⁸ There is no easy way to know how many lawyers or lawyer-hours went into preparing for this trial—collecting and reviewing documents, researching and drafting filings, preparing for and taking depositions, or explaining memes to senior attorneys³⁹—before it was called off. But its unusually large appearance count provides at least a partial view of the lawyers behind the corporate non-trial of the century. More, the appearances by numerous associates representing Twitter and Musk—43.2 percent and

36. See Lisa G. Lerman, *Misattribution in Legal Scholarship: Plagiarism, Ghostwriting, and Authorship*, 42 S. TEX. L. REV. 467, 468, 470 (2001):

Eventually the junior lawyers attain enough status in their firms or government agencies that they are able to stop doing writing that is attributed to others and to begin publishing work written by others under their own names. . . . The senior lawyers may decide that the judge or the client would be displeased by the appearance of so many names on the brief. Often the first name to be dropped from the list is that of the most junior lawyer.

37. This rare internal insight into Wachtell’s staffing is made possible by the fact that after Musk acquired Twitter, he disputed fees Twitter paid to Wachtell pre-closing. A complaint filed in California state court by X Corp., Twitter’s successor-in-interest, against Wachtell included exhibits of billing documents and timekeeper diaries. Complaint at Exhibit 4, X Corp. v. Wachtell, Lipton, Rosen & Katz, CGC-23-607461 (Cal. Super. Ct. S.F. Cty. July 5, 2023) [hereinafter “X/Wachtell Complaint”].

38. I used a combination of Wachtell’s website and LinkedIn profiles to identify the job titles of individuals listed as timekeepers in the billing records discussed *supra* note 37. See Andrew K. Jennings, *Wachtell Attorneys through 8-31-2022* (Aug. 9, 2023) (on file with author). Those records reflect this point. Some non-appearing senior lawyers billed a few dozen hours (including Leo Strine, who billed twenty-three hours and previously served as both Chancellor of Delaware and then as Chief Justice of the state Supreme Court), suggesting that they were consulting with their colleagues who were working on the frontlines. See *id.* Some associates who never appeared nevertheless billed hundreds of hours on the case. *Id.* And at least two dozen review attorneys and paralegals each billed about 80 hours, on average. *Id.* These data, of course, reflected only work through the end of August 2022; presumably, trial preparations in September 2022 were also quite busy and required even more staffing.

39. See, e.g., Hannah Murphy, Sujeet Indap, James Fontanella-Khan, Ortenca Aliaj & Antoine Gara, *‘Mischief and Delay’: How Musk and Twitter Finally Sealed the Deal*, FIN. TIMES (Oct. 30, 2022), <https://www.ft.com/content/9f58ec91-4b68-4399-bc0f-33c6a440fb77> [<https://perma.cc/K9UH-CX3A>] (“At Twitter’s law firm, Wachtell Lipton, junior lawyers became ‘meme-splainers’ to their senior colleagues, deciphering Musk’s esoteric Internet postings and finding ways to use some of them — including an emoji of a pile of poo — against him.”).

45.5 percent of their lawyers on the docket⁴⁰—suggests that the public can observe a significant share of those firms’ case teams because associates are the most junior rung of firm lawyers and so would be least expected to formally appear.⁴¹

The following table gives an overview of the parties and the law firms representing them. To protect the privacy of individual lawyers, I report aggregate data. For parties that engaged multiple law firms, firms with primarily Delaware-based teams are treated as having served as local counsel and are indicated with an asterisk. Several third parties engaged only one firm, in which case those lawyers are Delaware-based.

40. See *infra* Appendix, Table 2 (showing that for Twitter, nineteen out of forty-four lawyers were associates and for Musk ten out of twenty-two lawyers were associates).

41. See *infra* Part II for further discussion on associate numbers and their possible explanations. Another explanation applicable to all the docketed lawyers, especially associates, is that appearing in this particular docket served as a “deal toy” for attorneys who worked on the case. That is, it was a public acknowledgment and record of their involvement. This possibility refers back to the Afsharipour and Jennejohn article, which proposes that attorney appearances reveal networks of power and influence among litigators and judges. See *generally* Afsharipour & Jennejohn, *supra* note 18 (noting that men dominate the networks of even the most highly connected female litigators in the Court of Chancery).

Twitter, Inc.	Elon Musk/ Musk Entities	Third Parties⁴²
Wachtell, Lipton, Rosen & Katz (21) Kobre & Kim LLP ⁴³ (8) Ballard Spahr LLP* (6) Potter Anderson & Corroon LLP* (6) Wilson Sonsini Goodrich & Rosati (3)	Quinn Emanuel Urquhart & Sullivan, LLP (14) Skadden, Arps, Slate, Meagher & Flom LLP* (5) Chipman Brown Cicero & Cole LLP* (3)	Luigi Crispo Prickett, Jones & Elliott, P.A. (4)
		Morgan Stanley & Co. LLC Young Conaway Stargatt & Taylor LLP* (4) Weil, Gotshal & Manges LLP (5)
		Morgan Stanley Senior Funding, Inc. Davis Polk & Wardwell LLP (3) Bayard PA* (3)
		McDermott Will & Emery Connolly Gallagher LLP (5)
		Craft Ventures Management, LP Sacks.com LLC Berger Harris LLP (2)
		Santo Lira LLC Gellert Scali Busenkell & Brown, LLC (2)
		Mastercard International Incorporated Dorsey & Whitney LLP (1)
		Goldman Sachs & Co. LLC J.P. Morgan Securities LLC Sullivan & Cromwell LLP (2) Landis Rath & Cobb LLP* (4)

Table 1. An overview of the *Twitter v. Musk* parties and the law firms representing them.

In thinking about these law-firm groups, the question arises how they compare, including in experiential, prestige, and gender terms. The Appendix breaks down the demographics of docketed lawyers. Toplines from those data include that Twitter had forty-four attorney appearances compared to Musk's twenty-two. This numerical disparity is understandable given that Twitter had the heavier discovery burden

42. See *supra* notes 25–35 and accompanying text (discussing the identities and roles of these third parties).

43. Kobre & Kim served as Twitter's conflicts counsel in connection with third-party discovery. Entry of Appearance, *Twitter, Inc. v. Musk*, C.A. No. 2022-0613-KSJM (Del. Ch. Jul. 26, 2022).

as the data-rich seller. But beyond these headline counts, there was remarkable parity between the Twitter and Musk teams along several dimensions. Three areas of parity stick out: the relative lawyer ranks with the Twitter and Musk legal teams, their within-rank experience levels, and the kinds of law schools they attended. First, in terms of rank, partners comprised fifty percent of Twitter’s team, with counsel making up 6.8 percent and associates 43.2 percent.⁴⁴ For Musk, those numbers were 45.5 percent, 9.1 percent, and 45.5 percent.⁴⁵ Second, in experience terms, Twitter partners had an average 22.0 years’ experience, counsel had 19.3, and associates had 5.7.⁴⁶ For Musk, it was 20.7, 16, and 7.1.⁴⁷ Third, the legal profession is influenced by law-school prestige.⁴⁸ Again, there is parity between the two parties’ legal teams: 68.2 percent of Twitter’s lawyers attended “Top 20” law schools and 72.7 percent of Musk’s did so.⁴⁹ These rank/experience/credential similarities appear to reveal a parallel, and consistent, preference between the parties (or, rather, the law firms they hired) in the compositions of legal teams and lawyers’ backgrounds.

But two areas of notable divergence do appear between the Twitter and Musk teams: gender and judicial-clerkship experience.

Take gender first. A growing empirical literature considers gender disparities within the legal profession and their effects not only on the individual careers and wellbeing of women in the profession, but also on the course of the development of law, legal practice, and the American economy.⁵⁰ A subset of that literature investigates gender in

44. See *infra* Appendix, Table 2.

45. *Id.*

46. See *infra* Appendix, Table 4.

47. *Id.*

48. See generally Jesse Rothstein & Albert Yoon, *Rankings Without U.S. News: A Revealed Preference Approach to Evaluating Law Schools*, J. EMPIRICAL LEGAL STUD. (forthcoming) (identifying the role of law-school prestige in pre-law students’ admission decisions).

49. In the Appendix I report breakdowns of lawyers based on graduation at law schools ranked in the “Top 20” by *U.S. News & World Report* 2023 rankings (released in 2022). See *infra* Appendix, Tables 9–11; U.S. NEWS & WORLD REP., *2023 Best Law Schools*, <https://web.archive.org/web/20220525022814/https://www.usnews.com/best-graduate-schools/top-law-schools/law-rankings> [<https://perma.cc/G92T-GJ8L>]; accord. see Rothstein & Yoon, *supra* note 48 (finding that law-school applicants regard schools outside the Top 20 differently than other law schools); see also *infra* Appendix, Table 8.

50. See generally, e.g., Afra Afsharipour, *Women and M&A*, 12 UC IRVINE L. REV. 359 (2022) (documenting leadership by women attorneys in M&A transactions); Jordana Goodman, *Ms. Attribution: How Authorship Credit Contributes to the Gender Gap*, 25 YALE J.L. & TECH. 309 (2023) (documenting the gender divide in attorney credit for patent prosecutions); Tracey E. George, Albert Yoon & Mitu Gulati, *Gender, Credentials and M&A*, (Virginia Public Law and

the context of litigation.⁵¹ This Essay contributes anecdotal data from a particularly salient litigation to those more-systematic examinations. Only 31.7 percent of appearances across *Twitter* were by women, consistent with recent trends in Chancery litigation.⁵² This comparison masks party disparity, however. *Twitter*'s team was 31.8 percent women, quite close to the 32.9 percent found by Afsharipour and Jennejohn for 2020 Chancery litigation.⁵³ Only 18.2 percent of the members of Musk's team were women, however.⁵⁴ And compared to both *Twitter* and Musk, the 37.1 percent representation by women on behalf of third parties brought up the overall average.⁵⁵

Second, consider clerkships. Judicial clerkships are a sought-after credential for law graduates and the firms that hire them. Traditionally, federal clerkships are especially sought after, but certain state clerkships—including at Delaware's Court of Chancery and Supreme Court—would be considered similarly prestigious. Thus, to explore the place of clerkships on the *Twitter* teams, I coded attorneys as having completed either a federal clerkship or a Delaware Chancery/Supreme Court clerkship. Almost two thirds of *Twitter* lawyers had completed such a clerkship—63.6 percent—whereas only 36.4 percent of Musk lawyers had.⁵⁶ This dichotomy can be explained in part by the fact that eighty-one percent of docketed lawyers from *Twitter*'s lead firm, Wachtell Lipton, had completed either a federal or Delaware clerkship.

On clerkships, it invites further inquiry why two litigants, each with so much at stake, would hire legal teams that meaningfully diverge on that signal, especially when they were remarkably matched in other staffing respects.⁵⁷ Although a definitive explanation is not available, it

Legal Theory Research Paper Series, Working Paper No. 2022-22, Virginia Law and Economic Research Paper Series, Working Paper No. 2022-18, 2022), https://papers.ssrn.com/abstract_id=4010301 [<https://perma.cc/P2DM-LF4Q>] (comparing attrition rates and credentials of female and male M&A attorneys).

51. See, e.g., Paul R. Gugliuzza & Rachel Rebouché, *Gender Inequality in Patent Litigation*, 100 N.C. L. REV. 1683, 1683 (2022) (studying lack of gender diversity in patent cases in federal courts); Afsharipour & Jennejohn, *supra* note 19 (analyzing gender representation amongst judges and litigators in the Court of Chancery).

52. See *infra* Appendix, Table 2; Afsharipour & Jennejohn, *supra* note 18, (manuscript at 8) (finding that 32.9 percent of Chancery appearances in 2020 were by women).

53. *Infra* Appendix, Table 1; Afsharipour & Jennejohn, *supra* note 18, (manuscript at 8).

54. *Infra* Appendix, Table 1.

55. *Id.*

56. See *infra* Appendix, Table 6.

57. See *supra* notes 44–49 and accompanying text and *infra* notes 84–89 and accompanying text.

is perhaps worth considering how Twitter and Musk matched with their respective lead counsels. Twitter's managers hired counsel to represent the company they worked for, whereas Musk hired counsel to represent his personal interests. Wachtell got the job in part by cold pitching Twitter's then-general counsel, touting its "preeminent Delaware litigation practice" that was "instrumental in setting most of the foundational Delaware corporate law"⁵⁸ It is no surprise that Twitter's senior leadership, mindful of their fiduciary duties and committed to closing a \$44 billion deal, might choose a firm with such formidable experience and reputation. No one was ever fired for buying IBM, nor, probably, for hiring Wachtell Lipton.⁵⁹ Musk's team, on the other hand, did not need to send him a cold pitch. Quinn Emanuel partner Alex Spiro had already served as Musk's personal defense counsel in a 2019 defamation suit.⁶⁰ Presumably pleased with those results, it is no surprise that Musk would hire a lawyer with whom he was personally comfortable to serve as lead counsel in an even higher-stakes case.

II. IN-STATE AND OUT-OF-STATE LAWYERS IN *TWITTER V. MUSK*

The appearances in *Twitter* suggest that Delaware counsel were value-add members of the litigation teams. This evidence would counter a view that local counsel requirements are merely, or even primarily, a regulatory subsidy to the local bar.

The merger agreement at the center of *Twitter v. Musk* included Delaware choice-of-law and forum-selection provisions.⁶¹ Thus, when Musk purported to call off the deal,⁶² Twitter's suit to force him to join

58. X/Wachtell Complaint, *supra* note 37, at Exhibit 1.

59. John Carney, *Blackstone Group's Adventure Capital Plan*, WALL ST. J. (July 1, 2014, 1:33 PM), <https://www.wsj.com/articles/heard-on-the-street-blackstones-adventure-capital-plan1404149594> [<https://perma.cc/3JCP-MRRW>] ("Just as they used to say that no one ever lost their job for buying an IBM computer, it is likely no institutional fund manager fears being accused of recklessness for investing in a Blackstone fund.").

60. See Dan Adler, *How Alex Spiro Became Elon Musk's (and Megan Thee Stallion's and Jay-Z's) Go-To Lawyer*, VANITY FAIR (Mar. 6, 2023), <https://www.vanityfair.com/style/2023/03/alex-spiro-lawyer-elon-musk-megan-thee-stallion-jay-z> [<https://perma.cc/RE3L-Z64V>] (reporting on Alex Spiro's 2019 representation of Musk).

61. See Twitter, Inc., Current Report (Form 8-K) at Exhibit 2.1 at §§ 9.8, 9.10 (Apr. 26, 2022), <https://www.sec.gov/Archives/edgar/data/1418091/000119312522120461/d310843dex21.htm> [<https://perma.cc/7JXA-J2WM>] (choosing Delaware state law as the merger agreement's governing law and selecting a Delaware court as forum for any disputes under the agreement).

62. See Letter from Mike Ringler, Partner, Skadden, Arps, Slate, Meagher & Flom LLP, to Vijaya Gadde, Chief Legal Officer, Twitter, Inc. (Jul. 8, 2022), <https://www.sec.gov/Archives/edg>

buyers in earlier busted-deal cases was filed in the Court of Chancery.⁶³ Twitter hired M&A powerhouse Wachtell, Lipton, Rosen & Katz as its lead firm and Musk hired the pugnacious trial lawyers of Quinn Emanuel Urquhart & Sullivan as his.⁶⁴ Wachtell has only a New York City office and all but two of the Quinn Emanuel docketed attorneys work from that firm's New York office.⁶⁵ Only two of the Wachtell or Quinn Emanuel attorneys who appeared were admitted to the Delaware bar.⁶⁶ This hiring of New York lawyers to lead a litigation in Delaware provides a chance to think about the competitive effects of state attorney regulation and how lawyers work together in multi-firm, multi-jurisdictional teams.

The power of courts to control attorney admissions and conduct has a long provenance in the United States, where state high courts claim jurisdiction over attorney regulation as their constitutional prerogative.⁶⁷ Restrictions on who may practice law and where they may do so can be justified on process-integrity and client-protection grounds. Courts, for instance, seek to control the conduct of attorneys

ar/data/1418091/000110465922078413/tm2220599d1_ex99-p.htm [https://perma.cc/7957-7LXL] (informing Twitter of Musk's decision to abandon the merger and citing Twitter's failure to provide business information to Musk).

63. See, e.g., *Snow Phipps Grp., LLC v. KCake Acquisition, Inc.*, No. 2020-0282-KSJM, 2021 WL 1714202 at *55 (Del. Ch. Apr. 30, 2021) (holding that a private-equity firm must continue with its proposed acquisition of a cake-decoration company despite the negative impact of COVID-19 on the target's sales); *In re IBP, Inc. S'holders Litig.*, 789 A.2d 14, 81–82 (Del. Ch. 2001) (holding that buyer's regret did not provide Tyson Foods with an avenue for terminating an agreement to acquire a large meat distributor and ordering it to continue with the proposed acquisition).

64. See Jacqueline Thomsen & Sara Merken, *Factbox: Spotlight Shines on Battling Lawyers in Twitter-Elon Musk Dispute*, REUTERS (Jul. 19, 2022, 9:24 PM), <https://www.reuters.com/markets/deals/spotlight-shines-battling-lawyers-twitter-elon-musk-dispute-2022-07-19> [https://perma.cc/7N99-RA26] (discussing the law firms that represented Twitter and Elon Musk).

65. Andrew K. Jennings, *Twitter Atty Stats.xlsx* (Aug. 9, 2023) (on file with author).

66. See *id.* (listing the attorneys who appeared in the Musk-Twitter lawsuit).

67. See, e.g., *Leis v. Flynt*, 439 U.S. 438, 442 (1979) (“Since the founding of the Republic, the licensing and regulation of lawyers has been left exclusively to the States and the District of Columbia within their respective jurisdictions. The States prescribe the qualifications for admission to practice and the standards of professional conduct.”); *Obrien v. Jones*, 999 P.2d 95, 100 (Cal. 2000) (“We retain our preexisting powers to regulate and control the attorney admission and disciplinary system, including the State Bar Court, at every step.”); *In re Bar Exam Class Action*, 752 So.2d 159, 160 (La. 2000) (“This court has the exclusive and plenary power, emanating from the constitutional separation of powers, to define and regulate all facets of the practice of law, including the admission of attorneys to the bar, the professional responsibility and conduct of attorneys, the discipline of attorneys, and the attorney-client relationship.”); *In re Senate Bill No. 630*, 523 P.2d 484, 486 (Mont. 1974) (concluding that the Montana Supreme Court had exclusive authority under the state constitution to regulate attorney admissions).

who appear before them and to protect their citizens from unscrupulous, careless, or incompetent counsel.⁶⁸ A political-economic analysis, however, points to protectionism as an alternative explanation for such restrictions. Under a protectionism lens, admissions rules are motivated by a policy of protecting incumbent lawyers by regulating entry into the industry and limiting outside competition.⁶⁹ Because such restrictions are overseen by state actors, antitrust scrutiny does not attend.⁷⁰

Delaware takes things further than fellow states in restricting entry. In addition to the educational, bar-testing, and character-and-fitness requirements other states impose for admission, Delaware also requires aspiring bar members to complete a twelve-week in-state clerkship.⁷¹ State attorney regulation also controls competition from out-of-state lawyers.⁷² Although states do permit nonlocal lawyers to handle individual cases via *pro hac vice* admissions, they require those lawyers to associate with local counsel, as Delaware does.⁷³

If such policies have protectionist motivations, that purpose would be troubling.⁷⁴ But the rules that forced Twitter, Musk, and some third parties to hire local counsel in addition to their lead counsel from New York can be justified beyond protecting a local industry from out-of-state competition. For instance, Delaware's success as a source of corporate law relies in part on the quality of its judges and corporate

68. See MODEL RULES OF PRO. CONDUCT: PREAMBLE & SCOPE (AM. BAR ASS'N 2023) (introducing the aims of attorney regulation).

69. See Elizabeth Chambliss, *Evidence-Based Lawyer Regulation*, 97 WASH. U. L. REV. 297, 299 (2019) (“[O]ne might imagine that the goal of the rule is lawyer protection: that lawyers are increasingly vulnerable to competition from alternative providers; thus, the proposed rule is necessary to shore up judicial protection for lawyers’ monopoly over legal services.”).

70. See *Parker v. Brown*, 317 U.S. 341, 350–51 (1943) (recognizing state regulatory actions as exempt from federal antitrust laws); *but see Goldfarb v. Virginia State Bar*, 421 U.S. 773, 790–91 (1975) (clarifying that price fixing by members of a regulated learned profession would not be exempt from antitrust enforcement absent active state supervision of the pricing scheme).

71. Del. Sup. Ct. R. 52(a)(8). These clerkships can be judicial clerkships or other in-state legal work, including at law firms, public-interest firms, or government agencies.

72. See Chambliss, *supra* note 69, at 299 n.9 (citing scholars raising competition concerns regarding attorney regulation).

73. See Del. Ch. R. 170(d) (requiring that local counsel shall “sign or receive service of all notices, orders, pleadings or other papers filed in the action, and shall attend all proceedings before the Court, Clerk of the Court, or other officers of the Court,” but not requiring local counsel to attend depositions).

74. See Andrew K. Jennings, *Firm Value and Intracorporate Arbitration*, 38 REV. LITIG. 1, 46–47 (2018) (casting doubt on policies motivated by protecting the Delaware bar from external competition).

bar.⁷⁵ Indeed, given that Delaware judges must be both Delaware citizens and lawyers, that bar is the sole source of Chancery and Supreme Court judges.⁷⁶ Requiring involvement by local counsel in all cases—especially those cases that sharpen lawyering skills and push doctrinal frontiers—could be justified as maintaining quality in the state’s corporate bar, and, ultimately, its judiciary.

Further, local counsel can add value. Local legal cultures are formed in the context of broader culture⁷⁷ as well as by state government’s policy choices around attorney regulation, judicial administration and procedural rules, and substantive law. The norms that grow up around how law is practiced in a place color the express commands contained within local rules and judges’ orders.⁷⁸ Although unwritten, norm violations could frustrate the working of judicial processes that assume attorneys and judges share common understandings. These norms represent a *savoir faire* that can require some inculcation to master. That Delaware is unusual in requiring its attorney hopefuls to complete a twelve-week clerkship before being admitted to the bar evidences that it finds particular value in ensuring that industry entrants absorb its legal culture. Requiring that nonlocal counsel engage local counsel—who know the courthouse byways—enforces local norms. Local counsel can guide outsiders, for instance, to comport with what Chancery judges expect. Thus, even if there were no mandate to engage local counsel, out-of-state lead counsel might nevertheless recognize value in doing so and encourage their clients to embrace a team approach.

75. See William Savitt, *The Genius of the Modern Chancery System*, 2012 COLUM. BUS. L. REV. 570, 585 (2012) (“[T]he . . . Chancery judges are appointed on the basis of their expertise in Delaware corporate law and cannot help but become even more expert by virtue of their deep and continuous exposure to that law and their obligation to interpret and expound it daily and at length.”).

76. See DEL. CONST. art. IV, § 2 (requiring judges to be “citizens of the State and learned in the law”); see also *Heathscott v. Raff*, 973 S.W.2d 799, 803 (Ark. 1998) (collecting and analyzing cases on American and English usage of the term “learned in the law” and concluding that it “means an attorney licensed to practice law in the [relevant] state”).

77. See Andrea M. Seielstad, *Unwritten Laws and Customs, Local Legal Cultures, and Clinical Legal Education*, 6 CLINICAL L. REV. 127, 129 (1999) (observing that many law students taking litigation-based clinics are “genuinely shocked by the extent to which unwritten rules and local customs—including relationships, power dynamics, and shared understandings between certain participants in the legal process—play a role in American judicial systems”); see also *MY COUSIN VINNY* (20th Century Studios 1992) (depicting a clash of legal cultures when an attorney from Brooklyn, New York, defends a murder case in rural Alabama).

78. Seielstad, *supra* note 77, at 129.

First, and perhaps most obviously, if the local-counsel requirement is but a regulatory subsidy, parties would be expected to spend as little as possible on Delaware counsel. Even when parties, as in *Twitter*, are largely insensitive to legal expense due to the high stakes of the litigation, there would be no point in engaging more than the minimum Delaware counsel if that counsel did not otherwise help advance a party's interests. Indeed, excess counsel could impose time-costs for lead counsel, that is, added burden in managing legal staffing. And with an expedited trial schedule—as in *Twitter*⁷⁹—time-costs would be more important to avoid than incremental attorney fees. But despite hiring New York lead counsel, Twitter and Musk were each represented by multiple law firms with Delaware-based attorneys.⁸⁰ To comply with the court's rule, they each only needed one.⁸¹ Seventeen of Twitter's appearances (out of forty-four) and six of Musk's (out of twenty-two) were Delaware-admitted lawyers.⁸² Other attorneys at those firms with Delaware-based lawyers worked on the case but did not appear in the public docket.⁸³ These numbers support that there was considerable work to be done by *Delaware*-based lawyers, as opposed to lawyers at lead-counsel or other supporting out-of-state firms.

Second, for all parties, Delaware and non-Delaware lawyers had the same average experience for a given rank: around twenty-one years for partners, sixteen years for counsel, and six years for associates.⁸⁴ All in, Delaware lawyers had 15.5 years' experience on average and out-of-state lawyers had 15.3.⁸⁵ This striking convergence is consistent with legal teams needing a mix of lawyer roles—for which experience and

79. See Order Governing Case Schedule at 1–4, *Twitter, Inc. v. Musk*, C.A. No. 2022-0613-KSJM (Del. Ch. Jul. 28, 2022) (setting just three months from the filing of the original complaint until the trial date).

80. That is, Ballard Spahr LLP and Potter Anderson & Corroon LLP for Twitter and Chipman Brown Cicero & Cole, LLP and Skadden, Arps, Slate, Meagher & Flom LLP for Musk. See Andrew K. Jennings, *Twitter Atty Stats.xlsx* (Aug. 9, 2023) (on file with author).

81. See Del. Ch. R. 170(b), (d) (providing that attorneys not barred in Delaware may be admitted pro hac vice “only upon written motion by a member of the Delaware Bar who maintains an office in this State for the practice of law (‘Delaware Counsel’)” and that the “Delaware counsel for any party . . . shall attend all proceedings before the Court, Clerk of the Court, or other officers of the Court, unless excused by the Court”).

82. Andrew K. Jennings, *Twitter Atty Stats.xlsx* (Aug. 9, 2023) (on file with author).

83. See *supra* notes 37–38 and accompanying text.

84. See *infra* Appendix, Table 5.

85. *Id.*

rank are proxies⁸⁶—and Delaware-based lawyers helping to fill those needs. In contrast, if Delaware-based lawyers had considerably more average experience, that would have been consistent with a small number of senior in-state lawyers holding ancillary roles as local counsel. The experiential balance between Delaware-based and out-of-state lawyers, however, is consistent with local counsel playing an integral, rather than ancillary, part.

Third, an important regulatory difference between Delaware lawyers and out-of-state lawyers is that the former need not make an appearance in order to participate in depositions in a Chancery case, whereas the latter must seek *pro hac vice* admission to do so, even if there is no question of them arguing in court or signing filings.⁸⁷ Dozens of depositions were noticed in *Twitter*.⁸⁸ Given the short timeframe to conduct, and the work required to prepare for, those depositions, a number of junior lawyers were likely needed to help senior lawyers take or defend them. A comparison of Delaware and non-Delaware associates could spotlight this in-state/out-of-state divide. A higher rate of non-Delaware associate appearances compared to Delaware associate appearances could support that *Twitter*'s high appearance count was influenced by this regulatory distinction. Comparatively less experience on average among out-of-state associates would be consistent with their *pro hac vice* admissions being associated with their need to participate in depositions (whereas there would be no need for junior Delaware-admitted lawyers to appear in the docket before participating in depositions). There do not appear to be any such differences, however. Delaware-admitted associates made up eighteen percent of all appearances and had 6.2 years' average

86. For instance, the tasks of arguing before the court, conducting depositions, preparing for depositions, preparing first drafts of filings, editing first drafts of filings, doing initial review of documents, doing secondary and tertiary review of documents, and so forth would be allocated based on rank and experience. The parties needed to staff their teams to ensure that there was adequate labor available for anticipated tasks.

87. See DONALD J. WOLFE, JR. & MICHAEL A. PITTENGER, CORPORATE AND COMMERCIAL PRACTICE IN THE DELAWARE COURT OF CHANCERY § 6.07[d] (2d ed. 2019) (“Each party represented at a deposition must be represented by a lawyer admitted to the Delaware Bar or one who has been admitted *pro hac vice*. Thus, before an out-of-state lawyer may participate in such a proceeding, he or she must be admitted *pro hac vice*.”).

88. See Docket., *Twitter, Inc. v. Musk*, C.A. No. 2022-0613-KSJM (Del. Ch. dismissed Nov. 15, 2022) (listing all depositions noticed).

experience, compared to out-of-state associates making up twenty percent of appearances and having six years' average experience.⁸⁹

Finally, one area of divergence between Delaware and nonlocal counsel points to a potential value-add Delaware lawyers offered in *Twitter*. Although Delaware lawyers were six times less likely to have completed federal judicial clerkships, they were ten times *more likely* to have clerked for the Court of Chancery or state Supreme Court, compared to nonlocal lawyers.⁹⁰ This observation supports the possibility of local counsel adding value partly through their understanding of not only a jurisdiction's substantive law and procedural rules, but also its legal culture. That possibility is perhaps especially so in a state whose bench and bar have a special interest in business litigation.

Twitter is likely not representative of other Delaware cases featuring nonlocal lead counsel, much less litigation in other state and federal courts with out-of-state lead attorneys.⁹¹ It offers, however, an example of a case in which two well-resourced parties with much to lose (and much to gain) relied on Delaware counsel as an integral part of their litigation teams. Thus, at least under this case's circumstances, Delaware's rules restricting practice by out-of-state attorneys appear to have played a limited role, if any at all, on the parties' legal-staffing decisions.

CONCLUSION

Twitter could have been the corporate trial of the century. Had it been, there would be no surprise that countless lawyers—both seen in the docket and unseen back at the office—would be needed for a \$44 billion expedited litigation. The attorneys represented in this Essay can tell friends, family, and strangers for years to come that they worked

89. See *infra* Appendix, Table 2 (showing that, out of 101 total attorney appearances, eighteen Delaware-admitted associates and twenty pro hac vice associates made appearances, meaning 17.8 percent of all appearances were by Delaware-admitted associates and 19.8 percent by out-of-state associates); Table 4 (showing Delaware-admitted and out-of-state associates had roughly the same years' experience).

90. See *infra* Appendix, Table 7 (showing 8.3 percent of Delaware lawyers completed a federal clerkship, whereas 52.8 percent of pro hac vice lawyers did, but 39.6 percent of Delaware lawyers completed a Delaware clerkship, whereas only 3.8 percent of pro hac vice lawyers did).

91. Federal courts individually regulate practice before them. Some district courts require admission to their in-state bar before an attorney may be admitted to the district court's bar. Out-of-state attorneys may be admitted pro hac vice but might be required by the district court to associate with local counsel. See 28 U.S.C. § 1654 (permitting each federal court to manage cases based on its rules).

on the *Twitter* case and have that claim be verifiable with a quick Google search—assuming “Twitter” and “Google” are words that mean much in years to come.⁹² The many lawyers who worked behind the scenes won’t enjoy that public bauble. But, in any case, 101 lawyers is a lot. In hindsight, it’s *really* a lot for a case actively litigated for under three months. Yet it and this Essay contribute a case study to systematic questions on gender disparity in the legal profession, the regulation of the legal profession and attorney competition, and the structure of legal teams in high-stakes litigation. The Essay presents an incomplete answer to those questions, no doubt, but it hopes to serve as a reference for future scholarship on these critical concerns of the legal profession. It also implies a bit of a challenge to future Chancery litigants and their law firms. 101 lawyers: can you break that record?

92. After a first draft of this Essay had been completed, Elon Musk announced that “Twitter” would become “X,” which he hoped would evolve into an “everything app.” Ryan Mac, *Elon Musk’s Quixotic Quest to Turn X Into an ‘Everything App,’* N.Y. TIMES (Jul. 27, 2023), <https://www.nytimes.com/2023/07/27/technology/elon-musk-x-everything-app.html> [<https://perma.cc/72TX-C6CF>]. Time will tell what becomes of the “Twitter” brand.

APPENDIX

	Twitter	Musk Parties	Third Parties	Total
Partner	31.8% (7/22)	10% (1/10)	26.1% (6/23)	25.5% (14/55)
Counsel	0% (0/3)	50% (1/2)	100% (3/3)	50% (4/8)
Associate	36.8% (7/19)	30% (3/10)	44.4% (4/9)	36.8% (14/38)
Total	31.8% (14/44)	18.2% (4/22)	37.1% (13/35)	31.7% (32/101)

Table 2. Appearances by women, by party.

	Delaware	Pro Hac Vice
Partner	28.6% (8/28)	22.2% (6/27)
Counsel	50% (1/2)	50% (3/6)
Associate	44.4% (8/18)	30% (6/20)
Total	35.4% (17/48)	28.3% (15/53)

Table 3. Appearances by women, by admission.

	Twitter	Musk Parties	Third Parties	All
Partner	22	20.7	21.8	21.8
Counsel	19.3	16	13	16.1
Associate	5.7	7.1	6.4	6.2
Women	11.4	11.4	12.5	11.8
Men	16.3	14.9	19.5	17.1
All	14.7	14.1	16.6	15.4

Table 4. Average years since law-school graduation, by party.

	Delaware	Pro Hac Vice
Partner	21.5	22
Counsel	15.5	16.3
Associate	6.2	6
Women	11.8	11.8
Men	17.5	16.7
All	15.5	15.3

Table 5. Average years since law-school graduation, by admission.

	Twitter	Musk Parties	Third Parties	Total
Federal	50% (22/44)	18.2% (4/22)	17.1% (6/35)	31.7% (32/101)
Delaware	13.6% (6/44)	18.2% (4/22)	31.4% (11/35)	20.8% (21/101)
Total	63.6% (28/44)	36.4% (8/22)	48.6% (17/35)	52.5% (53/101)

Table 6. Clerkships, by party.⁹³

93. In Tables 5 through 7, attorneys who completed multiple federal or Delaware clerkships were counted only once. For example, an attorney who clerked for a federal district judge and then for a federal appellate judge would be counted as one attorney who completed a federal clerkship. There were no attorneys who completed both federal and Delaware clerkships. For attorneys who completed Delaware clerkships, all clerked for judges of the Supreme Court or the Court of Chancery.

	Delaware	Pro Hac Vice
Federal	8.3% (4/48)	52.8% (28/53)
Delaware⁹⁴	39.6% (19/48)	3.8% (2/53)
Total	47.9% (23/48)	56.6% (30/53)

Table 7. Clerkships, by admission.

	Women	Men
Federal	25% (8/32)	35.3% (24/68)
Delaware	28.1% (9/32)	17.4% (12/69)
Total	53.1% (17/32)	52.2% (36/69)

Table 8. Clerkships, by gender.

Twitter	Musk Parties	Third Parties	Total
68.2% (30/44)	72.7% (16/22)	40% (14/35)	59.4% (60/101)

Table 9. "Top 20" law schools attended, by party.

Delaware	Pro Hac Vice
31.3% (15/48)	84.9% (45/53)

Table 10. "Top 20" law schools attended, by admission.

94. Delaware clerkships include Court of Chancery and Supreme Court clerkships.

Women	Men
50% (16/32)	63.8% (44/69)

Table 11. “Top 20” law schools attended, by gender.