



FIRST JOB: Along with scores of high school and college students, I poured cement and worked a jackhammer for four summers to build warehouses in Arlington. In the end, I concluded that I needed an indoor job.

WHY LAW: I decided to become a lawyer my senior year in college at the University of Virginia, after a particularly long and heated discussion with my economics professor about a microeconomics issue involving marginal benefit. Although I've long since forgotten the substance of the dispute, I remember the joy and challenge of the debate, and that joy and challenge made me want to do it for a living.

WHY BUSINESS DEFENSE: I enjoy learning a new business or new subject I never would have been introduced to but for the practice of law. I enjoy the performance before the jury, and I treasure the uplifting feeling of helping clients defend their businesses. To me,

a new case is like a Christmas present that I unwrap slowly to savor the experience of learning something new about my client or the business I'm representing.

DEFENDER MISCONCEPTIONS: The great misconception is that one has to be mean or play fast and loose to win the case. In my experience, a mean or conniving person does not prevail with the court and does not convince the jury. A win most often comes from being a good teacher, which in turn comes from the certainty that you know the facts better than anyone in the courtroom and that you are committed to teaching everyone what you know, in the most effective manner you can.

GREATEST ON-THE-JOB CHALLENGE: I had to make the decision to leave a great, established firm and become the senior founding partner of our law firm, signing notes and incurring many obligations in the process,

based on the hope that we could succeed in establishing a firm dedicated to client service and the joy of trying cases. I was taking a tremendous risk because 16 years ago, there were few boutiques and very little certainty about what they could become and achieve.

PROUD MOMENT: I'm proud I was able to raise two children while building a powerful legal practice. My kids work hard, are intellectually curious and are dedicated and conscientious. From a professional perspective, I am most proud of my partners. I intentionally chose young, bright, talented and aggressive lawyers to work with me. I have watched them mature into great lawyers while remaining great people. I like to believe I played some part in their journey to become great trial lawyers.

GREATEST FAILURE: I don't really dwell too much on failure. Jack Hauer and Jim Coleman were the greatest trial lawyers I have ever known, and my goal is to one day be as good as they are and were. I guess that every day before I get there could be considered a failure — but I like to see my practice as a work in progress and I believe I get closer to my goal every day. Losing a case is not in my mind a failure. Any lawyer who never lost a case hasn't tried many.

ADMIRED FOE: Neil Manne of Susman Godfrey is one of the best, most interesting lawyers I've ever had the pleasure of working against. Neil came late into a case in which his firm sued my clients for about \$800 million in actual damages and about \$1 billion

in punitive damages, alleging that one of the firm's vice presidents had posted hundreds of messages on a public message board relating to a company Neil was representing. Many of the messages were untrue or incorrect, and Neil claimed that those statements had resulted in a drop in his client's stock price. The most important lesson I learned from Neil came after I won the case, which was written up by the *National Law Journal* as the Defense Win of the Year. The day after the verdict was returned, Neil called me and told me what a fine job I had done and how much he enjoyed the trial. That demonstration of grace from a complete professional remains a cherished memory, as well as a model of the proper relationship between good opposing counsel.

TOP 2008 CASE: The SFE/Orix case, with the jury returning a verdict for our client of \$12.5 million — which I believe is the largest Internet defamation case in history.

TREND OUTLOOK: I believe there's a functional division of tasks developing between those who develop and discover the case, and those who try it, like the solicitor-barrister approach in Great Britain. I predict that within the next 10 years, most civil business trials will be handled by trial boutiques (in functional terms, the barristers), and most of the business advice and the development of the case will be prepared by larger firms (in functional terms, the solicitors). This will, on the whole, be a positive development, because experienced trial lawyers will try the more complex cases.

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