

## Dane H. Butswinkas

### Partner

Dane Butswinkas focuses his practice on trial and arbitration work. Based on his extensive experience trying cases throughout the United States in both state and federal courts, *Law360* named him one of the top fifty "Trial Aces" in the nation. *Benchmark Litigation* recognized Dane as "National Commercial Lawyer of the Year" in February 2016.

*Chambers USA* reported that clients describe Dane as "[a]n extraordinary trial lawyer" who is known for his "fantastic courtroom presence." *Benchmark Litigation* emphasized Dane's "celebrated trial acumen," noting that he is "recommended by his peers and clients alike for his 'absolute trial-ready preparedness.'" *The Legal 500* reported that clients single Dane out as a "once in a lifetime generation trial lawyer."

A truly versatile commercial litigator, Dane has developed insight and experience in numerous sectors at the heart of the global economy. Dane's experience in the financial services sector includes defending financial institutions, directors, officers, and countries in civil and criminal litigation involving securitizations, hedge funds, bond and mortgage markets, investment vehicle structuring, and corporate governance. He also defends corporations, directors and officers in actions arising under securities laws, deceptive trade practice statutes, RICO, ERISA, and the Clayton and Sherman Acts, as well as in grand jury investigations.

Dane's diverse experience also includes defending corporations and individuals in product liability actions, including pharmaceutical companies in trials such as the Nexium, Baycol, Vioxx, and Seroquel litigations; in medical malpractice trials; and in the most significant defamation case to go to trial in many years.

In other sectors, Dane has defended companies in the food, telecommunications, technology, and power industries in commercial litigation throughout the United States as well as in Latin America, Europe, Asia, and Australia.

Dane also has a significant track record representing corporations in domestic and international arbitrations before the AAA and the ICC.

Dane joined the firm in 1989. He served on the firm's Hiring Committee from 1992-2004 and two terms on the firm's Executive Committee. He was appointed by the Virginia Supreme Court to serve on the faculty of the Virginia State Bar Professionalism Course (2004-2007). Dane is a fellow in the American College of Trial Lawyers, and *Benchmark Litigation* identified Dane as one of the Top 100 Trial Lawyers in America.



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### Education

University of Virginia School of Law,  
J.D., 1989: Order of the Coif;  
Virginia Law Review; First Place,  
William Minor Lile Moot Court  
Competition; Eppa Hunton IV  
Memorial Award; Stephen Pierre  
Traynor Award  
George Mason University, MAIS  
Public Policy, 1986  
James Madison University, , summa  
cum laude, 1983

### Practice Focus

Arbitration  
Civil Litigation and Trial Practice  
Commercial Litigation  
Criminal Defense and Government  
Investigations  
Directors and Officers Liability  
Financial Services and Banking  
Food, Beverage & Pet  
International Disputes  
Products Liability, Torts, and Medicine  
Securities Enforcement  
Securities Litigation  
Trademark and Copyright

## Representative Experience

Though all cases vary and none is predictive, Dane's experience as lead trial counsel includes:

- Winning a defense verdict in Boston for a major pharmaceutical company in landmark antitrust litigation seeking \$60 billion
- Winning a defense verdict in New York for Home Box Office in the first major media defamation case to go to verdict in about two decades
- Winning a defense verdict in a \$750 million breach of contract trial in New York involving two Irish special purpose vehicles
- Winning acquittal on all counts for a Bear Stearns officer in a securities fraud insider trading and conspiracy trial in New York
- Winning a defense verdict in a \$200 million corporate fiduciary duty trial in Indiana
- Winning a defense verdict in New York for a Pennsylvania corporation against allegations of fraud and breach of contract arising from a failed securitization
- Securing dismissal of all charges in Afghanistan against an Army Battalion Leader in a criminal case alleging negligent homicide and dereliction of duty
- Securing arbitral award and attorneys' fees in New York in an unfair competition claim against a Canadian company
- Winning a \$20 million fraud verdict for an international corporation in California
- Winning acquittal on all counts in a criminal conspiracy case in New Hampshire
- Winning dismissal on vindictive prosecution grounds in a false statement case in Maine
- Winning dismissal for a financial institution of a \$100 million commercial claim in New York
- Winning summary judgment for a corporation in a \$150 million securities action in Seattle
- Securing dismissal and sanctions against plaintiffs for a corporation in a \$200 million fraud action in California

## Recognitions

Fellow, American College of Trial Lawyers

"500 Leading Lawyers in America," *Lawdragon* magazine, 2019

"National Commercial Lawyer of the Year," *Benchmark Litigation*, 2016

Named a National "Top 10 Practitioner" in General Commercial Litigation, *Benchmark Litigation*, 2017

"Top 50 Trial Aces," *Law360*, 2015

"Top 100 Trial Lawyers in America," *Benchmark Litigation*, 2012-2018

"National Litigation Star," 2016-2019, and "Local Litigation Star," 2014-2019, *Benchmark Litigation*

"Leading Trial Lawyers," *Legal 500*, 2014-2019

"Litigation: General Commercial (DC)," *Chambers USA*, 2012-2019

"Litigation: Trial Lawyers (Nationwide)," *Chambers USA*, 2018-2019

Recognized as one of *The Best Lawyers in America*®, 2006-2018

"Life Science Star," *LMG Life Sciences*, 2017-2018

"Washington's Top Lawyers," in the category of Civil Defense, Criminal Defense & White Collar, *Washingtonian* magazine, 2017

## Admissions

- Prevailing against a \$55 million commercial claim and receiving a multi-million dollar award, including attorneys' fees, for an international corporation before the ICC
- Successfully defending and winning an award of fees for a corporation in a product liability arbitration before the AAA in Texas
- Winning defense verdicts for a government official in a commercial litigation in the District of Columbia, a corporate officer in a Virginia sexual harassment trial, and a nationally-recognized teaching hospital in a wrongful death trial

District of Columbia  
New York  
Virginia  
United States Supreme Court  
United States Court of Appeals for the  
First, Second, Fourth, Seventh,  
Ninth, and Eleventh Circuits  
United States District Court for the  
District of Columbia, Eastern and  
Western Districts of Virginia,  
Colorado, Maryland, and Eastern  
and Southern Districts of New York  
United States Court of Federal Claims

## Resources

### Presentations

- *New York City Bar Association's 6th Annual White Collar Crime Institute, "Recent Trials"*, May 2017
- *Trial Training Program: "Openings and Closings"*, April 2016
- *American College of Trial Lawyers Training Program: "Preparing Your Opening Statement"*, June 2015
- *American College of Trial Lawyers Training Program: "Preparing Your Opening Statement"*, June 2014
- *CLE: "Trying Cases from the Credit Crisis"*, July 2010
- *CLE: "United States v. Bear Stearns – Lessons from the Trial Court"*, June 2010
- *Virginia State Bar Professionalism Course*, January 2005
- *Corporate Presentation: "The Perils of Email in the Trial Setting"*, November 2004
- *Corporate Presentation: "The Perils of Email in the Trial Setting"*, September 2004
- *CLE: "Ten Tips for Effective Trial Practice and Courtroom Etiquette"*, April 2004
- *CLE: "Ten Tips for Effective Trial Practice and Courtroom Etiquette"*, May 2003
- *CLE: "Ten Tips for Effective Trial Practice and Courtroom Etiquette"*, October 2002
- *CLE: "Cross-Examination at Trial"*, December 2000