

Trial Pros: Williams & Connolly's Heidi Hubbard

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Heidi Hubbard, a partner at Williams & Connolly LLP, tries cases in state and federal courts throughout the country. In 2016, Benchmark Litigation named her among the "Top 100 Trial Lawyers" in America and awarded her "Products Liability Attorney of the Year" nationwide.

Hubbard's practice includes complex commercial litigation, as well as the defense of multidistrict litigation, class actions and products liability claims. Examples of her recent trials include: A two-week pharmaceutical products liability trial that resulted in a jury verdict in favor of Hubbard's client; and a three-week bench trial involving a multimillion-dollar contract dispute and failed securitization that resulted in a judgment in favor of Hubbard's client.



Heidi K. Hubbard

Hubbard is currently co-chairwoman of Williams & Connolly's products liability practice group. From 2009 to 2011, she served on the firm's six-member Executive Committee and is a past chairwoman of the Hiring Committee.

Q: What's the most interesting trial you've worked on and why?

A: My next one. I love that — with every next trial — I get to learn a whole new set of facts, analyze a whole new group of witnesses and then try to develop out of those facts and witnesses a clear, compelling, credible case. I try to learn by analyzing past trials; I get excited thinking about my next one.

Q: What's the most unexpected or amusing thing you've experienced while working on a trial?

A: In my very first trial as a brand new associate at Williams & Connolly, I was startled to hear the judge intone "sustained" while my opposing counsel was examining his client on the stand. By the third time the judge sustained objections I hadn't made, it finally dawned on me that the judge — who undoubtedly could see my inexperience — was trying to help me do my job. Since then, I've had trials with surprise witnesses, and witnesses who changed their testimony entirely on the witness stand, and legal rulings that came out of left field, and all kinds of unanticipated revelations from and about the jury (including two jurors in one long trial who fell in love with each other during the trial). Preparation and experience help to reduce the unexpected, but they can never eliminate it.

Q: What does your trial prep routine consist of?

A: My routine could be summarized as putting all the facts developed during discovery through a sifter to identify the ones that are truly crucial – the core of the case. The arguments, too, have to be sifted: Any argument that requires a flow-chart to follow is never going to persuade a jury. I probably ask dozens of times while preparing for trial, “Can I say that in a sentence?” (And is it a clear sentence? A credible sentence?) The other question I ask a lot is, “How do I get that in?” The best piece of evidence in the world is useless if the jury never hears it.

Q: If you could give just one piece of advice to a lawyer on the eve of their first trial, what would it be?

A: The standard advice – “prepare, prepare, prepare . . . and then prepare some more” – is standard for a reason: It’s great advice. But I would change it up just a bit: Prepare with a purpose. Preparation for the sake of preparation is wheel-spinning. The end goal is not to have memorized every single fact in the case, or to have thought of every available argument, but to have developed a case that will resonate with the jury. That requires cutting the minutiae, and then figuring out how to present the essential facts and arguments in compelling and common-sense ways.

Q: Name a trial attorney, outside your own firm, who has impressed you and tell us why.

A: So many talented trial lawyers have inspired me over the years. And I’ve had the privilege of trying cases with, and against, some of the best. (The list is now long, making it impossible to identify just one.) My dominant role models – inside and outside my own firm – share similar traits: a natural likeability, a certain relentlessness, a dedication to meticulous preparation. The ones I admire the most, however, share something else: A commitment to professionalism and collegiality. They don’t resort to nastiness, or politics, or criticizing other attorneys to advance themselves. I feel incredibly fortunate to have had trial lawyers like that as role models.

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