

WINNING | A SPECIAL REPORT

The lawyers in our 2016 special report all have something in common—they score big wins in court. But how do these battle-tested litigators make their clients happy? As they detail, it's as much about the process as it is the outcome. They have learned that they must trust their own styles of trial practice, be credible, know the documents, and connect with and respect the jury. In cases ranging from products liability to patent law, they've mastered their craft. These are the stories of our winning litigators.

WILLIAMS & CONNOLLY

DANE BUTSWINKAS

For HBO, a defamation suit over a 2008 television program about child labor in India was about more than the millions of dollars at stake. It was about the journalists involved who had “devoted decades to developing a sterling reputation,” said HBO’s lawyer, Williams & Connolly partner Dane Butswinkas.

Mitre Sports International Ltd. sued HBO over a “Real Sports with Bryant Gumbel” report that portrayed children in India who stitched soccer balls for little or no money in inhumane conditions for various brands, including Mitre.

Mitre called the report a “hoax” and a “hatchet job,” accusing HBO of paying children to appear on camera.

Williams & Connolly was hired in late 2014 after HBO lost its motion for summary judgment.

Less than a year out from trial, the lawyers dove right in, traveling to India and working with HBO’s in-house lawyers and other outside counsel.

The strategy was “to prove that they had done an extraordinary job researching this story and put forth



a story that was worth telling,” Butswinkas said.

The jury heard from members of the Real Sports crew, including the producer, a cameraman from India and Gumbel.

“There was two years of research involved in this story. I think that probably surprised jurors. ... They got a behind-the-scenes look at how it happens,” Butswinkas said.

After a multiple-week trial, the jury returned a verdict in HBO’s favor in May 2015.

TRIAL TIPS

- There is no substitute for preparation—not eloquence, not bravado, not even genius.
- Get to the point, don’t go around the block to get across the street.
- My father never tolerated braggarts or bullies. Juries don’t like them, either.
- Be patient and don’t panic. Trials have their ups and downs.
- It takes a lot of people to run a trial court, not just a judge. Learn their names and treat them the way you would want to be treated. Respect begets respect.

—DANE BUTSWINKAS

“There is a general inclination to resolve cases that aren’t won on summary judgment,” Butswinkas said. “This case is proof that media defendants can go to trial and win.”

—ZOE TILLMAN