



By Dan K. Webb, Chairman and Partner, Winston & Strawn LLP

Although many law firms provide a full suite of legal services, certain firms focus on, and have a well-established reputation, in a particular area. It is what they do better than anyone else. It is their calling card. At Winston & Strawn, our calling card for more than 100 years has been the same: we go to trial in high-stakes cases, and we win. As a partner and the Chairman of Winston & Strawn LLP, it is my duty to lead our team to find creative solutions where none seem self-evident and to try cases and win, all while maintaining professionalism and respect for the process and its participants.

At Winston & Strawn, we believe that a well-known reputation for being willing and able to take cases to trial and win is the most important way to ensure good results for clients in the current legal environment. Why? First, I firmly believe – and have experienced firsthand – that the real threat of trial on the merits can move a high-stakes case to a negotiated resolution. But the key is that the threat of trial must be real. There must be a demonstrated track record that says, yes, if you persist in your position we will go to trial, that is what we do as a firm, we are very good at it, and we will prevail. Such a reputation is earned over time and requires a sustained record of taking cases to trial and prevailing for clients, or else opposing parties and their counsel will calculate that you are among the many attorneys who threaten to go to trial, only to give in to their terms on the eve of trial because you are not really capable or prepared to try the case.

Winston has long set itself apart in the legal industry as a firm that attracts and trains lawyers that embrace trials in high-stakes cases, and win. Such a reputation is only built over time, and only passes from one generation to the next when the lawyers are committed to working as a team and passing

knowledge from the more senior lawyers to the more junior lawyers. There was a time when I first arrived at Winston that my phone rarely rang and I had to seek out experience from the seasoned trial veteran in our office. Only as a result of individual commitment and an emphasis on teamwork have I been able to navigate successfully some of my more high-profile matters, such as prosecuting retired Admiral John Poindexter in the Iran-Contra affair and serving as lead trial counsel for General Electric in its defense against criminal price-fixing allegations as to industrial diamonds.

What I have learned from the matters my team and I have handled and the more than 100 jury cases that we have tried together, is that every organization is the sum of its parts. This extends to representing corporations as well; it is important to make sure that a jury realizes that whatever a company's alleged fault, the company also has all of the admirable characteristics of its employees. Jurors understand their roles as dispensers of justice. They will not give you a verdict unless their sense of justice requires it. Therefore, it is imperative to present a corporation's human face at trial.

I have also learned the importance of maintaining only the highest level of respect and professionalism. This includes acknowledging that jury members are taking time out of their busy schedules to serve, and moving cases along with efficiency. Similarly, it is vital to always show respect for opposing counsel and adverse witnesses as well as colleagues on the trial team – whether inside the courtroom or out. This certainly does not mean that you are precluded from pressing a witness to make concessions compelled by the facts. Rather, it means that professionalism rooted in solid legal strategy, experience, and mastery of the facts, trumps bombast and grandstanding every time.

Looking forward into 2014 and beyond, I believe that having a strong trial practice is essential in the global legal environment. Particularly in the wake of

the global financial crisis, 2014 promises to present complex challenges for companies with a global footprint. For example, we are likely to see a continued significant emphasis on anti-bribery enforcement and compliance by the U.S. and foreign governments, an increase in the frequency and size of whistleblower bounties, and the government's increased use of the Financial Institutions Reform, Recovery and Enforcement Act, the False Claims Act, and other civil enforcement statutes. In addition, maturing companies will fuel even more "bet-the-company" litigation involving their intellectual property. In the face of these high-stakes threats, while firms rush to bolster their reputations as top-flight trial counsel, we have established those skills as the *cornerstone* of our firm and we believe that we are well-positioned to meet those client needs.

It is my great privilege to work with the best trial lawyers in the legal industry. Building and maintaining a reputation for excellence, however, is only accomplished by diligent and assiduous trial lawyers working each day – from those who paved the way for me, to those who have worked with me, as well as those currently working their way up through the ranks as I did, and who will some day eclipse all of our accomplishments to date.



**WINSTON
& STRAWN**

Company: Winston & Strawn LLP
Name: Dan K. Webb
Web Address: www.winston.com
Address: 35 W. Wacker Drive, Chicago, IL 60601-9703
Phone: +1 (312) 558-5856