

WINNING | A SPECIAL REPORT

"I just show up in court and wing it," said no Winning Litigator—ever. But the lawyers in our special report bring more to the table than just meticulous preparation. They find new applications for decades-old laws. They take mind-numbing details and condense them into tidy bits of information. They strike the right balance of likability and decorum with fact-finders. They regroup and evaluate every step of the way. And when it's all over but the bill-paying, they end up with some very happy clients.



Kirkland & Ellis

ANNE MCCLAIN SIDRYS, PARTNER

For Anne McClain Sidrys, it was a "pinch-me" moment: The trial team was gelling, the client was great and the judge so inspiring that Sidrys considered taking her young daughter to court. And then came

the judgment entirely in favor of her client, IBM Corp.

So to say it was a win for the Kirkland & Ellis partner would be an understatement. What started as a \$400 million contract nonperformance claim brought by hospitality and travel company Carlson Inc. over a terminated contract turned into a \$14 million recovery for IBM.

"It was a hard case, with a lot of documents and former employees, and we were not in our home turf, so we had hurdles to overcome," said Sidrys, who co-chaired the case with Steven McCormick, now of counsel, before U.S. District Judge Joan Erickson of the District of Minnesota. The case stemmed from a \$646 million outsourcing contract for IBM to provide information technology and finance services for Carlson. Claiming poor performance, Carlson terminated it early, then sued for fraud and breach of contract, among other things.

IBM got the case significantly narrowed before trial. Then Sidrys and her team—which included associates who got speaking roles in the nine-day bench trial—persuaded the judge that Carlson cut short IBM's contract to slash costs amid the global financial crisis. The judge awarded IBM its entire ask of \$14.2 million in damages because the contract was cut short "for convenience, not for cause."

TRIAL TIPS

- "Modify your strategy as you go and be willing to 'let go of your darlings'—that is, drop your favorite witness or line of questioning if not needed," Sidrys said.
- "Have an amazing hot-seat operator and rehearse with him or her beforehand, using the actual exhibits you will use," she said.
- "Celebrate daily victories at a team meeting at the close of each day; acknowledge individual accomplishments; set the plan for the evening/next day; and make sure everybody on the team attends—paralegals, graphics, hot seat, corporate representative, etc.," she said.

"Anne was absolutely critical in putting together a very straightforward, fact-based story on what happened and why," said retired IBM general counsel Robert Weber. "It was precisely the story the judge found in her findings of fact when she ruled in our favor."
—GINNY LAROE

KIRKLAND & ELLIS LLP