

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.

KIRKLAND & ELLIS

MIKE BROCK

Mike Brock had just begun the first bellwether trial over General Motors Co.'s ignition-switch defect when a call came into the automaker's hotline. A real estate agent, who had heard about the New York trial on the radio, wanted GM's legal team to know that the plaintiff, Robert Scheuer, had once given him a fabricated \$440,000 check toward the purchase of a house.

Brock, a partner in Kirkland & Ellis's Washington office, wanted to use the information to challenge the plaintiff's credibility. So on cross-examination, he confronted Scheuer about the check.

"He realized that he was caught," Brock said. "That was a big moment for us during the trial."

The revelation forced the plaintiffs attorneys to voluntarily dismiss the case in January 2016.

Craig Glidden, GM's general counsel, praised Brock for the due diligence he demanded before introducing the incriminating evidence at trial.



"The team, working at Mike's direction, immediately went to validate the story, make sure that the information received was correct, vetted it and tested it," he said.

For General Motors, it was a major turnaround since 2014, when it recalled 2.6 million vehicles over the defect, which caused the ignition switch to move into the accessory position, shutting off airbags and electrical systems. GM has paid more than \$2 billion to settle civil and criminal matters related to the defect to date.

TRIAL TIPS

- "The selection of the trial team is one of the most important tasks. The jury and everyone at the courthouse can see it when we do it well. And opposing lawyers hate to face teams like this."
- "Resist the temptation to respond to every issue raised by the opposition. Figure out as early as possible the two or three issues that matter to the outcome and how to win them."
- "Sometimes the best course is to acknowledge mistakes and move on quickly to issues that give us the best chance for success."

—MIKE BROCK

The bellwether trials were among hundreds more personal injury cases still unresolved. After the first trial, Brock went on to win a defense verdict in a second case in March 2016. Two others were dismissed voluntarily or settled prior to trial.

—AMANDA BRONSTAD

KIRKLAND & ELLIS LLP