



LAW360

2018 MVP

# Richard Godfrey

Richard Godfrey of Kirkland & Ellis LLP has long represented clients in high-profile and high-stakes matters — including representing BP in the Deepwater Horizon disaster and General Motors Co. in the ignition switch litigation — boosting him to the list of *Law360*'s 2018 Product Liability MVPs.

## His biggest achievement this year:

One of Godfrey's biggest achievements this year was securing the reversal of what's believed to be the largest asbestos verdict for a single plaintiff in Iowa history. In *Kinseth v. Weil-McLain*, the Iowa Supreme Court in June sided with Godfrey's arguments that counsel made improper arguments in closing.

"Those are very difficult appeals to win in general. You have a sympathetic plaintiff, plaintiffs' family, a tragic death," Godfrey said.

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## The case he's proudest of:

Winning the overturn of a woman's conviction for her alleged role in a massive tax conspiracy stands out to Godfrey as the accomplishment he found most personally gratifying in his nearly 40-year career.

Godfrey was appointed as Debra Hills' pro bono counsel by the Seventh Circuit in her appeal of her 2008 conviction for conspiracy and filing false tax returns.

While many people involved in tax conspiracies don't believe in tax laws — or believe in

"interesting" interpretations of those laws — that didn't seem to be the case with Hills when he met her in person in federal prison, Godfrey said. Hills had no criminal record before her conviction, and she had been a secretary or personal secretary to one of the conspiracy's leaders, Godfrey said.

"This was a person that was not a leading participant, she had no criminal intent, as she got caught up in something that was bigger than herself. That was my impression," Godfrey said.

In Hills' case, Godfrey said he believed the government had committed prosecutorial misconduct when a government attorney at closing arguments commented twice on her invocation of her Fifth Amendment right to not testify, something the trial judge warned against twice.

While Godfrey and his team were working on her appeal,

the Deepwater Horizon oil spill happened in April 2010. Godfrey, representing BP Plc, was working around the clock in New Orleans and had little time to prepare when he got the notice that oral arguments in Hills' case were scheduled.

And by sheer chance, U.S. Supreme Court Justice Sandra Day O'Connor happened to be riding the circuit that day and heard arguments on the panel, Godfrey said.

"She was an active participant," Godfrey said.

The Seventh Circuit several months later issued a published opinion vacating Hills' conviction.

"I've never had a case where someone was in jail and then they were sprung," Godfrey said. "From a lawyer's standpoint, that's about as good as it gets."

#### **Advice for young lawyers:**

Showing respect for the court and one's adversaries is Godfrey's No. 1 tip for younger attorneys.

"The lack of civility in our society generally, but in the law in particular, is unnecessary and says more about the individual showing a lack of respect than otherwise," Godfrey said.

Sometimes young lawyers can lose sight of that, and if you're tempted to slip a nasty turn of phrase into a letter, don't, Godfrey said.

"Write the letter as if your grandmother is going to be looking at the letter," Godfrey said.

Along with the importance of being respectful and having integrity, Godfrey said young lawyers should also be forthright with their clients.

He said he's often "essentially" been asked to replace another firm, and a common issue has been that clients were told what they wanted to hear instead of what they needed to know.

"Sometimes there are no easy solutions, or solutions at all, and the best you can do is mitigate the risk to a client," Godfrey said. "You have to be candid and thoughtful with a client in terms of addressing

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the issues, and I've seen a lot of situations where lawyers have told clients what they wanted or hoped to hear, and those usually do not lead to good outcomes."



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