

Trial Ace: Williams & Connolly's Dane Butswinkas

By Jacob Batchelor

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From guiding HBO through one of the largest defamation cases in history to winning a landmark antitrust verdict for AstraZeneca, Williams & Connolly LLP's Dane Butswinkas has brought dedication, humility and an old-school trial focus to all his work.

The Law360 Trial Ace's 24 courtroom victories in 26 years with Williams & Connolly make him a lawyer to envy. But his willingness to bring cases to trial, deep appreciation of teamwork and loyalty to his firm make him one other attorneys admire.

"Today, most people who call themselves trial lawyers don't often take cases to the courtroom," Brendan Sullivan, the famed defense attorney and partner at Williams & Connolly, told Law360. "But Dane is fearless. You'd think that that might result in him trying more cases than he should, but the fact of the matter is that the cases that he tries are won."



Dane Butswinkas

Butswinkas said he has harbored legal ambitions since the tender age of eight. "My guidance counselor said that I really should go into a field other than law," he said, laughing.

Undeterred, Butswinkas graduated from James Madison University and then the University of Virginia School of Law before beginning his legal career at Williams & Connolly in 1989.

Soon thereafter, Butswinkas took on his first trial, representing a defendant in a heroin distribution case. He continued to cut his teeth on the D.C. court docket until the bigger cases started rolling in.

"You went down to the court, you got a case and you did it," Butswinkas told Law360. "That's how we learned to become trial lawyers."

That attitude served him well, and his dedication to the firm paid off. In the years since, Butswinkas has been first chair on 29 trials, notching 24 victories, winning hundreds of millions in verdicts for his clients and rising to serve on the firm's executive committee.

Butswinkas credits his colleagues for much of his success.

“The cases that we do, they’re not a one-person show,” he said. “We’re a team. Trials are only won by having a really deep bench from top to bottom.”

However, his colleagues say, Butswinkas brings more to the table than just good support.

“To be a truly outstanding trial lawyer, you can’t just have one or two outstanding traits. You have to have a combination of several outstanding traits,” Hack Wiegmann, partner at Williams & Connolly, told Law360. “Dane is blessed with more than his share.”

Butswinkas’ prowess in the courtroom was evident in his most recent trial, in *Mitre Sports International Ltd. v. Home Box Office Inc.*, the first major defamation case to go to trial against a national television broadcaster in decades and a big win for the media giant.

Butswinkas said the case, in which soccer ball manufacturer Mitre accused HBO’s “Real Sports with Bryant Gumbel” of falsely showing the company using or condoning child labor, was one of the most interesting and rewarding of his career — and not just because it was the first in which his young sons took interest.

“It was great to see that the journalists at ‘Real Sports’ had done unbelievably important and careful work and fantastic to see HBO stand behind them and defend it,” he said. “It’s an honor to represent people like that.”

Capitalizing on what colleague John Villa said is “the ability to communicate with juries, the judgment based on years of experience in courtrooms and the willingness to devote the hard work to win cases,” Butswinkas convinced the jury after a four-week trial to return a verdict for HBO.

Butswinkas credited the win in part to Williams & Connolly partner Kevin Baine, a “leading expert” in defamation law.

“We made an incredibly nice team because of my trial experience and because he’s perhaps the nation’s leading expert in the subject matter,” he said.

Another key moment in Butswinkas’ career came in 2009, when he defended Bear Stearns hedge fund manager Ralph Cioffi in the first major criminal trial stemming from the 2008 financial crisis. It was the “biggest and most courageous” case Butswinkas has taken on, Sullivan said.

“When you look at how few criminal cases are won, how few people have the courage to take it to trial, that is an amazing result,” he said.

Though public opinion was dramatically against men and women like Cioffi in the wake of the crash, Butswinkas was convinced of Cioffi’s innocence and fundamental goodness as a person.

“Ralph is one of the most honest and forthright people I’ve ever met. It’s an honor to represent someone like that, and it’s a relief to win,” Butswinkas said. “You don’t always win when you should, and you don’t always lose when you should.”

Cioffi was tried on charges of conspiracy, securities fraud, wire fraud and insider trading and faced up to 20 years in prison. Butswinkas, though, used an impressive ability to connect with jurors to ultimately

win acquittal after a five-week trial, his colleagues said.

“He has a unique ability to speak directly and forthrightly and honestly, using everyday language, to people from all walks of life, so that jurors immediately like him and believe him and trust him,” Wiegmann said.

So, too, was Butswinkas able to distil complex concepts into understandable ones in multidistrict litigation over the heartburn drug Nexium, where he was able convince jurors that AstraZeneca PLC hadn't violated antitrust law when it settled patent cases it brought to enforce its patent for Nexium. After a two-day deliberation in December 2014, the jurors returned a verdict for the defense on all counts.

This connection with jurors is one of Butswinkas' favorite aspects of bringing cases to trial.

“I very much enjoy the principle that jurors, people from the community, will decide these matters,” he said. “You have to figure out how to convey the case to them in a meaningful way they can understand and to relate to, no matter how complicated the subject matter.”

Praise for Butswinkas and his work comes not only from those within his firm, but from other litigators he has faced in the courtroom. James R. Hubbard, a partner at Liddle & Robinson LLP, told Law360 that Butswinkas is both a formidable opponent and true gentleman.

The two faced off in *Ritchie Risk-Linked Strategies Trading (Ireland) v. Coventry First*, a six-year-long securitization case in which the plaintiffs — represented by Hubbard — sought \$600 million in damages. Butswinkas, his “fairness and courtesy” and “obvious intelligence” on display, ultimately prevailed for Coventry with an October 2014 defense verdict.

“What sets him apart from the crowd, in my estimation, is that these gifts add up to credibility, essential to any successful advocacy,” Hubbard said.

On the docket for the coming years is yet another major defamation trial, in which Williams & Connolly is defending ABC and three of its journalists against libel and product disparagement claims by Beef Products Inc. over the portrayal of BPI's “pink slime” meat product on “World News Tonight with Diane Sawyer.” BPI is seeking \$1.2 billion in damages.

Butswinkas and Baine will again team up for the trial, slated for 2017.

Perhaps the best compliment one can pay another trial attorney came from Williams & Connolly partner Bruce Genderson, himself a Law360 Trial Ace.

“I've tried a lot of cases against pretty good lawyers,” he told Law360. “But I really do think that if I ever got in trouble and needed somebody, there's nobody in America I'd rather have defending me. He's that good.”

--Editing by Mark Lebetkin and Philip Shea.