

# TEXAS LAWYER

August 19, 2013

An **ALM** Publication

## LITIGATION — 2013 — DEPARTMENTS OF THE YEAR

WINNER ■ GENERAL-LARGE FIRM

### Jackson Walker's Success Impresses

By Mary Alice Robbins

When a retired University of Texas at Dallas professor needed an attorney for a patent infringement case, he recalled being impressed as a juror with Jackson Walker partner Bob Latham's handling of a 2007 commercial case.

"It was a masterful performance," says Carl Collins.

Collins says Latham, a partner in Jackson Walker's Dallas office, laid out the evidence in linear fashion, keeping everything "real transparent" so jurors could think for themselves.

He decided Latham was the right attorney to handle *Collins, et al. v. Western Digital Technologies Inc., et al.* The case involved a diamond-like carbon coating that Collins and Farzin Davanloo had invented while working at UT Dallas and for which they held patents.

The professors filed *Collins* in the U.S. District Court for the Eastern District of Texas in Marshall, alleging that a number of makers of hard disk drives containing diamond-like coating had infringed on the patents. By the time the trial court dismissed

*Collins* in 2012, the plaintiffs had reached confidential settlements with more than a dozen defendants and had defeated an attempted intervention by a third party who claimed to be co-inventor of the coating.

Retta Miller, a Dallas partner and head of Jackson Walker's 135-lawyer trial section for the past five years, says, "Our philosophy is that we want to be known as quality trial lawyers who try or resolve cases professionally and efficiently."

Jackson Walker has offices only in Texas, but Miller says the firm regularly handles cases all over the country.

In 2012, Jackson Walker partner Will Montgomery of Dallas led a team that successfully defended Southwest Securities Inc. and its broker, W. Leighton Stallones, in a U.S. District Court for the Eastern District of Pennsylvania case. In *Republic Bank v. Jemal, et al.*, Republic Bank sought more than \$33 million in damages for alleged violations of the Racketeer Influenced and Corrupt Organizations Act

and asserted fraud, conspiracy and concerted tortious conduct claims.

Trying a case outside Texas involves "a lot of work, a lot of boxes, a lot of computers and a lot of hassles," Montgomery says. But "everything's easy when you have great people," he adds. "The people here are so good."

Chip Babcock, a partner in Jackson Walker's Dallas and Houston offices, says he tries to make evidence in a case interesting for jurors and sometimes uses humor to win them over.

Babcock was lead counsel for Jackson Walker client Celanese Corp. and successfully defended the company against a suit involving a methanol supply contract important to Celanese's operations in the United States and Mexico. In *Southern Chemical Corp. v. Celanese Ltd.*, filed in the 190th District Court in Houston, the plaintiff made allegations of fraud, fraudulent inducement, tortious interfer-





From left: Kathleen LaValle, Chip Babcock, Will Montgomery, Bob Latham, Retta Miller and Chris Mugica

ence with contract, unjust enrichment and breach of contract against Celanese. But the jury returned a verdict favoring Celanese in August 2012.

It was a high-stakes case. Babcock says Southern Chemical sought \$1.1 billion in fraud damages plus exemplary damages and \$92 million for the alleged breach of contract, but Celanese also stood to lose another \$1 billion if it lost the contract with its methanol supplier.

In defending a client accused of fraud, he tries to keep the tone light for jurors, Babcock says, adding, "I want them to think

the fraud allegations are an over-reach."

In *Southern Chemical*, Babcock focused on the plaintiff's expert from Beverly Hills who put a picture of himself with a banjo on his résumé. Babcock says he questioned the expert about playing the banjo and entertained jurors with about 30 seconds of the foot-tapping banjo theme song from the "The Beverly Hillbillies" during his closing argument.

Ware, Jackson, Lee & Chambers partner Jeff Chambers of Houston, Southern Chemical's attorney, was not impressed with the banjo music at closing arguments but says Babcock developed a

good rapport with the jury.

"He was a formidable opponent but proved that the days of being a gentleman and a very effective advocate are not past us," Chambers says.

Chambers says the result in *Southern Chemical* was "mixed." The jury awarded Celanese \$558,198 in counter-claim damages, but Chambers says the company's claim was for \$157 million. ■

Mary Alice Robbins is an Austin freelance writer and former senior reporter with *Texas Lawyer*.

## Jackson Walker

### BY THE NUMBERS

	Firm-wide	Texas
Department size (headcount)	135	135
Department as percent of firm (headcount)	40 %	40%
Department as percent of firm (revenue)	Do not track this statistic	



[www.jw.com](http://www.jw.com)