

## WINNING LITIGATORS | A SPECIAL REPORT

The lawyers in our 2017 special report scored big victories for their clients in high-stakes cases. How did they do it? Preparation, preparation, preparation. That work allowed these lawyers to fine-tune their themes, deliver effective witness examinations and win. This year, we've asked these litigators to tell their stories and share their trial tips in their own words, edited for clarity and length.

—Lisa Helem

### DIANE SULLIVAN

### WEIL, GOTSHAL & MANGES

■ **TELL US ABOUT YOUR BIGGEST TRIAL WIN FROM JANUARY 2016 TO JULY 2017 AND HOW YOU ACHIEVED THE RESULT FOR YOUR CLIENT.** [We] secured [a] unanimous defense verdict for Philip Morris USA following a three-week jury trial of a medical monitoring class action (*Donovan*) in Massachusetts federal court. The verdict, and a [later] decision by the judge that dismissed plaintiffs' one remaining claim, avoided more than \$600 million in potential damages.

Donovan alleged PMUSA knowingly sold cigarettes containing high levels of carcinogens and could have adopted a less dangerous design. Plaintiffs argued that PMUSA be required to provide medical monitoring to more than 10,000 longtime Massachusetts smokers. A key to the victory was successfully arguing that plaintiff had "opened the door" to cross-examination of plaintiffs' experts demonstrating that they had previously rejected the notion



that there existed a safer alternative design for Marlboros.

■ **SHARE TWO TRIAL TIPS THAT HAVE BEEN KEY TO YOUR SUCCESS.**

1) Simplify with compelling demonstratives and relatable analogies. Speak to jurors as you would your friends or family in plain language.

2) Listen to the other side's witness examinations and witness testimony for statements that may "open the door" to previously excluded evidence or topics.

Reprinted with permission from the October 2017 edition of THE NATIONAL LAW JOURNAL © 2017 ALM Media Properties, LLC. All rights reserved. Further duplication without permission is prohibited. For information, contact 877-257-3382, reprints@alm.com or visit [www.almreprints.com](http://www.almreprints.com). #005-09-17-22