

Trial Pros: Reid Collins' Bill Reid

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William T. Reid IV is a founding member of Reid Collins & Tsai LLP, which is a 28-lawyer contingency fee commercial plaintiff's trial firm. Reid has tried a wide range of cases to verdict before judges and juries over the course of his 24-year legal career.

From 1997-2000, Bill served an assistant U.S. attorney general, where he focused on complex drug and corruption prosecutions, trying 25 cases to verdict (and getting 24 convictions). Since returning to private practice, Reid has made the NLJ top-100 jury verdicts for his plaintiff clients on several occasions.



William T. Reid

At RCT, Reid's complex commercial litigation practice is national and international in scope. He currently represents several public companies, Highland Capital Management LP, and numerous liquidators and bankruptcy trustees in pursuing professional liability, business torts and other third-party commercial claims.

Q: What's the most interesting trial you've worked on and why?

A: My most interesting trial was *Claymore v. Credit Suisse*, which I tried recently in Dallas state court. At trial, we set out to prove that our clients invested \$250 million in a \$540 million real estate loan arranged by Credit Suisse based on a fraudulent appraisal — and both a jury and a judge agreed with us by clear and convincing evidence. I refer to the case as a “legal blue moon” because a jury waiver clause fractured the case into a jury trial and a bench trial — the first I have ever participated in in my 24 years of practicing law. In 2014, we tried a fraudulent inducement claim to a jury for three weeks and won a \$40 million verdict. Although we were puzzled by the jury's damages award, we were thrilled that the jury had found that Credit Suisse committed fraud by clear and convincing evidence. Six months later, we tried our remaining claims for breach of contract and other torts in a three-week bench trial, and this time we won a \$287.5 million judgment. When we spoke with the jurors after trial, we learned that the jury not only reached a compromise verdict on damages, but also drastically slashed the damages award to allocate fault to other third parties who were not defendants in the case — all without knowing that the trial judge would make those same adjustments to their final award before entering judgment. The most important thing I learned from this experience is not to fear a trial judge as the finder of fact when it comes to assessing large damages. Although it can be easier to prove liability to a jury, you can count on a judge to apply the law on causation and damages faithfully and without confusion. Perhaps this is heresy to many trial lawyers — but the jury waiver clause actually helped the plaintiff here.

Q: What's the most unexpected or amusing thing you've experienced while working on a trial?

A: During a three-week jury trial in West Texas, the trial judge sent the parties, their counsel, and the jury home early one afternoon because his horses had escaped from his corral — that had to be my funniest experience. Another time, I had a DEA case agent, with a middle name (Lorus) that he did not like and refused to acknowledge, until I put him on the witness stand and, with the trial judge's help, forced him to state his full name for the record. He, of course, omitted his middle name the first time around, only making it even better when he had to repeat his full name for the record. But my most out-of-body trial moment came during a fraudulent transfer case in Las Vegas. During my cross-examination of the defendant, who was a former member of the Gambino crime family, the defendant stood up on the witness stand, glared at me and my co-counsel with the darkest and most fearsome eyes I have ever seen and loudly and vehemently declared that he had been misquoted by the New York Times on a crucial issue. It was a moment straight out of *A Few Good Men*. Even more amusing, after the trial was over, my 6'4" client and my co-counsel were afraid to leave the courtroom because the defendant remained outside in the hallway. Rather than avoid him, I walked up and shook his hand and congratulated him on standing "firm" on the witness stand. I thought I had convinced him that I could not be intimidated, but apparently not. The next holiday season, after we had won the trial, I received a not-so-jolly Christmas card from him at my home address in Austin, Texas.

Q: What does your trial prep routine consist of?

A: In addition to focus groups before and during discovery, I like to start my trial preparation with a mock jury trial that includes a mock jury selection in the month or so leading up to trial. I spend a lot of time on my voir dire questions and use the mock jury trial to develop and hone the questions I think will lead to the strongest jurors. The mock jury selection is also a chance to refine my trial themes and learn which themes resonate most strongly. I like to videotape the mock jury selection and mock trial and watch them several times in advance of the actual trial. In my most recent case, I spent well a great deal of time on jury selection alone, watching the jury selection portion and studying the backgrounds of the mock jurors to identify traits or backgrounds that were either helpful or harmful for my case.

After the mock trial and selection, I like to practice devote substantial time to reading all of the key documents in the case multiple times and organizing them in notebooks by subject matter, with flags and highlights on the important provisions. As a baby lawyer, I received some sound advice at a NITA trial advocacy course that advised lawyers to review their hot documents constantly during trial preparation. Throughout my career, I have found that the more I review the hot documents during trial preparation, the more I can see new angles and uses for the evidence that I may have missed in my first several reviews. For a trial lawyer, it is fundamentally important to know your key documents like the back of your hand. And, as lead trial counsel, you can never spend too much time personally reviewing the documents, instead of merely relying on your team.

During trial, I generally like to have an early dinner, review the key documents for the witnesses coming up the following day, get some sleep and then wake up early to finish my preparation. There is something about the silence of the early morning hours that helps me prepare better than working late into the evenings.

Q: If you could give just one piece of advice to a lawyer on the eve of their first trial, what would it be?

A: Just be yourself. Juries look to the lawyer or legal team they find most credible to shoot them straight. If you can be yourself, then you are more likely to win the credibility battle, which in turn

makes you far more likely to succeed at trial. The surest way to lose the credibility battle is to try to be someone you are not. Trial is not the time to adopt a new personality or act in ways you normally do not act. I like to speak to juries as if I am speaking to a taxi driver or the wait staff in a restaurant — casually and directly. In fact, I often discuss my cases with strangers to assess their reaction to certain themes and ideas.

Q: Name a trial attorney, outside your own firm, who has impressed you and tell us why.

A: Alan Brown is a solo-practitioner, criminal defense lawyer in San Antonio, Texas. When I got a job as a young assistant U.S. attorney, I frequently found myself as Alan’s courtroom adversary. In the 20-plus years that I have known Alan, he has had dozens of not guilty verdicts in all kinds of prominent criminal cases (thankfully none against me), with his specialty being self-defense murder cases. Alan is a very accomplished trial lawyer with the wisdom of almost 50 years of practicing law. The advice he gave me, before, during, and after my three-year stint as an AUSA is too much to recount in a single answer. But the most valuable lesson Alan taught me is that you can be a formidable adversary and still be friends with your opponent. There is no reason that being courtroom adversaries has to lead to personal animosity. Alan leads by strong example, and we remain close friends this day.

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