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Lawyer Limelight: Barney Given



By Lawdragon News

The truly elite trial lawyer who can succeed regardless of the jurisdiction or industry is a rare find. For Loeb & Loeb partner Barney Given, the requisite mix of good mentoring, excellent preparation and collaboration was strengthened by his small-town West Texas upbringing, which he says helps him relate to more types of jurors. Given stayed in Texas for his undergraduate degree at the University of Texas at Austin before heading to law school at the University of Southern California. He joined Loeb's Los Angeles office in January 2012 from Frandzel Robins Bloom & Csato. In addition to appearing regularly in court, Given serves in firm management as a member of its Board of Partners.

Lawdragon: You've had a number of large-scale courtroom victories – both recently and over the years. What do you find most challenging when it comes to trial strategy and preparation?

Barney Given: I find that the preparation for a large trial is the most challenging and important part of the process. Understanding your case and your evidence early

on is the best form of preparation and will, in turn, drive much of the trial strategy in terms of who the key witnesses are, what the key documents are, and what the most important arguments are to present. The challenge is really one of time management, as the large complex commercial cases require review and analysis of a substantial number of documents, as well as preparing for and taking or defending depositions. In my experience, if you have the right trial team, you can efficiently and effectively manage this process so that it all comes together at the time of trial, and then it becomes a matter of presentation.

LD: You've handled huge trials across a number of industries. Often, the subject matter is technical in nature – and may be new to you. How do you get to a point where you feel comfortable standing in front of a jury and questioning expert witnesses?

BG: Whenever I am handling a trial in a technical area that I am not well versed in, I always collaborate with one of my partners who is highly knowledgeable in that area. I have found that when that person works with me throughout the trial process, I can have a good understanding of the material to then present to a jury in a cogent fashion. My background as a Chapter 11 lawyer has really helped me quickly understand the specific industry of the case I am handling.

LD: Project management is a huge part of trial preparation, especially with big teams. How do you make sure team members stay connected and are communicating effectively?

BG: The best way to manage the trial team is to have a point person for the various tasks at hand. For example, there will be a point person who will deal with the exchange of communication and documents with opposing counsel, a point person to handle the courtroom proceedings, and a point person to deal with the briefing and research.

LD: You have a strong background in the energy sector, but we know you litigate cases across a variety of industries. What types of cases are occupying your time, and what does your trial schedule look like this year?

BG: The types of cases that typically occupy my time involve oil and gas litigation matters, real estate construction matters, and breach of fiduciary duty cases. While that is the major concentration of cases, I have also tried cases in the areas of labor and employment and trademark. I typically try about four to six cases per year, and 2019 looks to be no different.

LD: You also have done a great deal of bankruptcy and restructuring work. Did this interest develop at USC or once you were in private practice?

BG: I developed my interest in bankruptcy and restructuring while a law student at USC, as I was fortunate to have George Treister as my professor. He was at the time the foremost authority on bankruptcy law and is considered to be an architect of the 1978 Bankruptcy Reform Act. In addition to my law school classes, I was fortunate enough to land a law clerk job while in law school at the Danning Gill firm, which specializes in bankruptcy law.

LD: How would you describe your style in the courtroom? Are there characteristics you see as key to your success?

BG: I describe my style in the courtroom as aggressive but respectful. There is a fine tension between being assertive enough to get the answers you need from the witness but not forceful to the point where you are seen as beating up on that witness. The same balance applies to dealings with the judge. I think the primary characteristic that has helped me be successful is my upbringing in a smaller city in West Texas. It gave me the tools to relate to all types of jurors.

LD: Some of your cases have garnered significant media attention, which I'm sure can be a distraction. How do you manage this?

BG: I don't view media attention as a distraction except when matters are incorrectly or unfairly reported. I generally do not speak to the press; I instead ensure that any communications with the press are handled through our team here at Loeb & Loeb, which does an excellent job. My chief complaint with some of the legal publications is their failure to fully or properly report the actual facts and circumstances of the case.

LD: You have reached your seven-year anniversary of working at Loeb & Loeb. What do you enjoy about practicing there?

BG: Practicing at Loeb has been an amazing experience for me. The firm has allowed me to really expand my practice in both scope and size and provided me with the support to do so. I am proud of the fact that after only seven years, I am in senior management at Loeb and have the opportunity to help give back to the firm, which has given so much to me.

LD: Can you tell us about a mentor who played an important role in shaping your career?

BG: I have two mentors who played very important roles in shaping my career. The first was my boss right out of law school, Wiley James, at what was then Grambling & Mounce. Wiley was a "sink-or-swim" type of person and trusted me enough to put me out on the front lines very early in my career. The other mentor was Link Beck,

who was my partner at Beck and Given. Link is repeatedly acknowledged as one of the finest trial lawyers in the state of Texas, and he taught me the art, skill and necessity of preparation for trial.

LD: Is there a case, or experience, in your career that stands out as particularly transformative?

BG: There are three cases that stand out for me as unique and transformative. The first was a trademark litigation where I defended a multinational candy manufacturer in a Lanham Act case brought by Brach's Candy in its hometown of Chattanooga, Tennessee. It was challenging to present very technical information to a jury and to be the only outsider at trial; as all other parties to the case were from Chattanooga.

The second matter was a series of trials in the Otero County Hospital Chapter 11 proceedings in the District of New Mexico. To my knowledge, it is still the only medical malpractice trial conducted by a bankruptcy court given the statutory exception that exists under Title 28. This matter involved a series of trials over an eight-year period and was extremely fascinating from an evidentiary standpoint, as I had no background whatsoever in the medical malpractice area. The third was my recent jury trial unanimous defense verdict in a reverse discrimination class action for the largest IT outsourcing company in the United States. It was a test case involving the use of H-1B visa workers and was closely watched in the U.S. and abroad.

LD: What takes up your time when you're not litigating cases?

BG: When I am not working, my favorite things to do are travel, attend concerts and attend sporting events. I am known for flying to numerous locales to see important concerts and sporting events, as those are two of my passions.

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