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**MEETING NOTICE – MARCH 3, 2011**

***“Lifetime Excellence in Advocacy Award”***

***Stephen D. Susman***



La Colombe d’Or  
3410 Montrose Blvd.  
Houston, Texas

Thursday, March 3, 2011  
6:30 p.m. Cocktails  
7:00 p.m. Dinner

Underwriters: 10-Person Table - \$1,000  
TACTAS Dinner Meeting is free to members.  
Guests - \$85 ♦ Cash Bar

To reserve your 10-person table or to RSVP, please contact Pam Howell  
(713.276.7628 or [pam.howell@pillsburylaw.com](mailto:pam.howell@pillsburylaw.com)), by February 28, 2011.

## **Stephen Susman—Lifetime Excellence in Advocacy**

I have both the easiest and hardest job imaginable—introducing Steve Susman for the Lifetime Excellence in Advocacy Award. Easiest because there's absolutely no shortage of material; there are literally scores of independent reasons why Steve should be so honored. Hardest because I have distill these into a few minutes.

I've spent the last few days puzzling over what are the indicia or hallmarks of Excellence in Advocacy. I've identified five; others might add a few additional attributes of Excellence in Advocacy or quibble around the edges of my list, but I suspect most would agree that these represent the core.

**First, Academic and Intellectual Ability**—raw brainpower. Here, it just doesn't get any better than Steve. We all know Steve's public resume—first in his class at UT law, Editor in Chief, law clerk to John R. Brown of the Fifth Circuit and then for Justice Hugo Black. Partner at Fulbright Jaworski and then law professor at UT. And all this before he's 35 years old. I had the pleasure of being with Steve for 26 years and watching him work; he was always the smartest guy in the room and several steps ahead of everyone else.

**Second—hard work.** In a firm that is regarded as one of the hardest working group of lawyers in the country, Steve always set the pace. He was tireless. When I first joined the firm in 1977, I resolved that I would stay up with Steve—I would match his hours. I'm not sure I ever succeeded; in fact, I'm fairly sure I didn't. And after 5 years, I simply gave up. While Steve demanded excellence and hard work from all lawyers around him, we all knew that whatever we were doing, he was doing more. That's true leadership.

And it's not just hard work on cases; Steve has an internal drive in him that governs everything he does. No one can ever say that Steve dabbles in anything. If he does it, it's at warp speed and he gives it all he's got. In the late 70s, as the running mania first took root, Steve too became a runner. But Steve was not the casual jogger around the block—he's just not wired that way. He began running marathons, and lots of them, and fast. Just like I tried and failed to keep up with Steve on hours, I could never begin to match him on time. Some of my fondest memories as a lawyer were the literal hours we spent on the road—Steve, Bill White, Bill Powers, now Dean of UT and others. We would work our way through case issues and firm issues at 5 in the morning. Those were good times. And don't think this was just as a young man. Last year at age 69 Steve

rode in and completed the MS 150 and will do so again this year. Steve worked hard, and he played hard.

**Third—Professionalism.** Steve had a mantra—you disclose everything, and you conceal nothing, and you treat others as you wish to be treated. It's that simple. Over the years, time and time again, I would bring a case problem to Steve—client just revealed something, what should we do? How do we deal with this bad fact? How on earth are we going to handle this document? Steve's answer was simple—you disclose, you lay your cards on the table, and then through raw brainpower (remember that first attribute) you figure out a solution. I'll give one example. I was a 2 year lawyer. We had just inherited a case from a prior attorney. I was assigned to prep and produce our client for deposition. I spent the day before going through the usual preparation session and I go home. That night, at 10 p.m., client calls me and says he's got to get something off his chest. Says the prior lawyer paid him so many dollars per head for every other plaintiff he could round up. I go to bed but don't get much sleep that night. First thing the next morning I go to Steve and lay all this one him. What on earth do we do? I rattle off several of the usual thought that mundane and pedestrian lawyers have, e.g., hope the question isn't asked, object to the subject area, perhaps w/draw. I was

flummoxed. Steve immediately picked up the phone, arranged an emergency conference call with the federal judge overseeing the case, got the other side on the line, disclosed everything, and asked the judge for guidance. That's just simply the way Steve is. That's the way his mother, Helene, a leader in the bar herself, raised him. And I've seen with my own eyes that's the way Steve raised Harry and Stacy.

**Fourth—Vision.** The ability to see what's in front of you and then look and project out. Let me set the stage. The year was 1975. Steve had left Fulbright and then one year teaching at UT and wanted something new and different. His vision was to create what we now take for granted—a litigation boutique with enough firepower of the best and brightest lawyers to take on the biggest firms and the biggest cases in the country. We're all now familiar with that model. But in 1975, there was no such model. Steve Susman created it. Before then, if you had big commercial litigation, you either went to a major firm, or occasionally the successful personal injury attorneys might deign to take on a commercial case. But Steve said I'm going to roll the dice. If I assemble a cadre of supreme court clerks, editors in chief, and the occasional schlub like myself, I can create a litigation "department" if you will, that can compete with any firm in the country for the major work. Folks, that model didn't exist until Steve created it. People

thought he was crazy and it would fail. Now, we take it for granted as a fact of life.

**Fifth, and finally, giving back to the bar.** Steve has not been content to rake in his success and go to the ranch. I've seen Steve on horseback; it's not him. Rather, Steve spends his "spare time" trying to educate young lawyers and fix problems in the legal profession. Let me give some examples.

- Remember the way depositions use to be conducted? I do. Endless debates and wrangling. Objections that would stretch on for pages. Steve looked at that said it was ridiculous and wrong. Depositions ought to look like trials. So the rules that were instituted in the 90s eliminating the abuses of depositions? That was Steve and his task force.
- The modern rules of disclosures and designations—again, Steve was the driver behind that.
- Currently, he's crusading on jury comprehension issues, e.g., jury note taking; allowing juries to be more involved in the process by asking questions.

- Another cause Steve champions is streamlining and speeding up discovery and trial process. He travels the country preaching that we're about to kill the golden goose by making litigation unaffordable.

But Steve doesn't just look for ways to reform the system. He puts his money and time where his mouth is. Money by making multimillion dollar endowments to his beloved UT Law. Time by spending increasing hours on pro bono work, whether in the Texas Coal Wars where he was honored in Robert Redford's documentary *Fighting Goliath*, or now in his newest pursuit of global warming litigation.

I think there are at least 5 attributes for Lifetime Excellence in Advocacy—Intellect; Hard Work; Professionalism; Vision; and Giving Back. I had the singular privilege of learning to be a trial lawyer under Steve for 26 years. I can think of no one else who excels in these 5 areas more than Steve.