

LAWDRAGON



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LEADING LAWYERS
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Alexandra “Lexie” White
SUSMAN GODFREY (HOUSTON)



ALEXANDRA “LEXIE” WHITE

BY KATRINA DEWEY

YOU DON'T KNOW LEXIE.

Hard to not think about stories discussing the dearth of women trial lawyers while watching her dismantle a court executive while bringing down the discriminatory Harris County cash bail system. Or watching her argue, as lead trial counsel for Chevron, for the removal of a slew of cases to federal court in the massive litigation over destruction of the Gulf ecosystem.

And yes, it's unfair to hang the gender disparity of courtrooms throughout the U.S. on one lawyer. But you know what? We think she's up to it. That's what Steve Susman thought when in her second jury trial he audibled the opening statement to her.

She joined Susman Godfrey after graduating top of her class at Louisiana State University Law School in Baton Rouge in 2004. She grew up there and vividly remembers sitting on the bench in her father's courtroom. She learned to have a big heart and an endless thirst for justice as she watched folks come with their cases and trust in the court system. Fast forward a few decades – and insert the trial lawyering boot camp that is Susman Godfrey – and she is now leading cases with billions hanging in the balance, in courtrooms across the country, and for clients on both sides of the “v.”

She loves everything about being a trial lawyer at Susman, the risk, the rewards – and the duel that we call cross-examination. It's a faceoff based on wits, preparation and intuition that gives her an opportunity to expose flaws in her opponent's case in real time, before a judge and often, a jury. A competitive swimmer through college, it's perhaps not surprising that she relishes the competition – if not a little scary to her how very much she loves it.

“I'm 100% confident that I was no good at it, at first,” White says, recalling an early foray into cross-examination during an evidentiary hearing with Neal Manne, the firm's Houston-based managing partner. “I remember thinking it was so frightening. How do you do this effectively?”

The more questioning White handled, however, the more addictive it became. Late last year, during trial in a \$20-million breach of contract dispute in a D.C. courtroom, she took on a witness who hadn't been deposed beforehand. Asking the open-ended questions she chose was risky, since she didn't know what the answers might be, but there was also an upside: The witness wasn't familiar with her style and didn't know what to prepare for.

“Particularly if you don't have a good deposition transcript, where you can structure your cross around impeaching the witness, then it can be challenging,” White says. “But now, it's a fun challenge to think about how you're going to build and lay the trap and then lead the witness right into it.”

Lawdragon: Tell me a little more about the recent breach of contract case you tried.

Lexie White: We were against an \$8-billion hedge fund, and our client was a small, family-owned company. The dispute went to the heart of our client's business, which depended almost entirely on enforcing contracts like the one our opponents were ignoring. It was very much a bet-the-company case for our side.

LD: Sounds like an intriguing case. And one you were passionate about. I do think cross-examination is what some of the greatest trial lawyers are driven by, because that's where so much of the truth is exposed. There's tremendous satisfaction in exposing a lie.

LW: I can't get enough of it. It's the one thing that I can see even in my retirement, that I would almost pay to do.

LD: Right? It's like you're putting yourself in this duel. Most people who are in a position to lie on the stand, they've rehearsed their lies, they've set them in stone, in a way, and so you're the gladiator going in, looking to unravel their story.

LW: Exactly. So much fun. Now that I've been doing it longer, I'm much more comfortable taking risks. I don't think I would've been able to be as present and in-the-moment when I was starting out. I always try to remind the young lawyers that I mentor – no one expects you to be a rock star right out of the gate. It's a process. And it's tremendously rewarding to see that progress.

LD: What practice area did you get your start in?

LW: Patent cases. Those were the cases that I cut my teeth on. I started volunteering for the cases where it appeared that I could get a lot of experience. I could take a lot of depositions, and I could argue at a lot of hearings, and if I mastered the record I would be in a position to assume a leadership role quickly. When I was a baby lawyer, those opportunities were on patent cases. And being in Houston, so many great trial lawyers seemed to be trying patent cases in the Texas federal courts, Marshall and Tyler especially. So that's where I wanted to be, where I could see fantastic cross-examinations and the kind of lawyering that I wanted to emulate. Learn by

example. In every trial I'm in with great lawyers, I love to just take one thing, like, "I love the way you phrased that question. That's going in my back pocket." I had so many opportunities to do that when I was just starting out. I'm very grateful.

LD: It's like you learned to practice law from the Marshall, Texas, trial lawyer handbook.

LW: The patent docket in Texas was on fire when I started. I remember getting the flyers from the Holiday Inn, in Marshall or Tyler, saying, "We can handle your war room and your ..." I mean, it was fascinating to me that this whole cottage industry had formed around these cases. When you practiced there, you realized why. The judges were so smart. They had developed a real expertise in how to construe patents for jurors, in how to formulate local rules that moved the cases to trial quickly, that got everybody focused on the triable issues and out of needless discovery fights. It helped me to form good habits and to expect a lot of myself, and my opposing counsel, and the judges, because everyone was at the top of their game in that arena.

LD: That really shows your competitive instincts. You knew that if you jumped in the deep end against good lawyers, then you would learn more quickly, and that led you to your patent clients.

LW: I benefitted from some lucky breaks. The first client I had, after I handled his initial case as an associate, asked me to take over as first chair in a follow-on case. I felt like I had fallen backwards into my first lead counsel role. We were opposite several of the big-tech players, which was a career-high in terms of a learning experience, because our opponents could afford to really throw the book at us - and they were great trial lawyers. Eventually we were able to get those cases to trial and turn our client's six-patent portfolio into more than \$70 million in licensing revenues. It taught me a ton about how to evaluate risk, how to anticipate what the other side would argue, to weather the setbacks, and how to really gauge our odds of success.

LD: And, like many a great Susman partner, you also seem to have a high tolerance for risk.

LW: I don't think I would have said that when I began practicing here. I think that risk tolerance, as opposed to what is maybe just "big talk," comes with experience. In retrospect, I'm so grateful to have cut my teeth on contingency cases, because it did two things. It allowed me to gain experience beyond what I ever realistically would've gotten as a small cog in the large wheel of a huge defense-side docket. I didn't need multiple levels of permission to take the depositions I took, or to argue the

hearings I argued, or to make the strategy calls I was making. The client knew that we were staffing the case in a way that made sense, because our interests were aligned.

But contingency practice also shaped my habits. Can you imagine if losing a case meant you might not be able to cover your partner draw that year? It brings an energy to your practice that I for one am grateful for. And that type of practice demands efficiency - no task is worth taking the time to even think about unless it's going to help you win. We don't write a lot of esoteric research memos on my cases. Now, at least fifty percent of my docket is cases where I'm the defendant. And guess what, I can't just turn those habits off - nor would I want to. It's what makes the job fun. I think it's only by allowing people to gain early experience in every aspect of trial practice, and by forcing them to form good habits aimed at producing good results, that firms can cultivate that risk tolerance, as you say, or really the confidence needed to run the dockets of high stakes cases we at Susman Godfrey are increasingly tapped to lead.

LD: Tell me about some of the dockets you are currently handling?

LW: I am defending Chevron in more than 40 related lawsuits filed by the state of Louisiana and a handful of coastal parishes and private landowners. The claim in each case is that the oil industry's dredging and drilling practices going back decades have contributed to the state's disappearing coastline, which the state's estimates peg at costing upwards of \$50 billion to restore. I'm also nearing trial as the plaintiff in a group of patent infringement cases pending in Delaware federal court where the dispute relates to core 3G and 4G wireless technologies.

LD: What a diverse and interesting docket. Tell me more about the coastal cases?

LW: We are in a jurisdictional fight right now, it's currently pending at the U.S. Fifth Circuit. We need that court to tell us in which forum, state or federal, the cases should be heard. It's a fabulous docket because my client has taken a leadership role in defending the cases and because all of the lawyers involved are top-notch. My appellate co-counsel with whom I split the removal arguments in the trial court is former acting Attorney General Peter Keisler from Sidley Austin, and my Susman Godfrey trial team includes Eric Mayer and Johnny Carter and Trey Peacock and Ryan Caughey to name a few - and we have terrific local counsel in Mike Phillips from Kean Miller. It's the dream team of superstar trial lawyers, which is good because the cases are far from over in whichever forum they land. *View the full Q&A www.lawdragon.com/2019/10/23/lawyer-limelight-alexandra-lexie-white.*