

In Bankruptcy Court

Effective Courtroom Advocacy[^]

Marty Brimmage

Jeff Tillotson

Victor Vital

Part One:
Some Basic Principles

Go in Knowing the Rules.



Preparation, Preparation, Preparation



Manage Your Time Carefully



Part Two:

Advocacy Pointers

I can be
persuaded by a
logical argument



The Advocate's Credibility

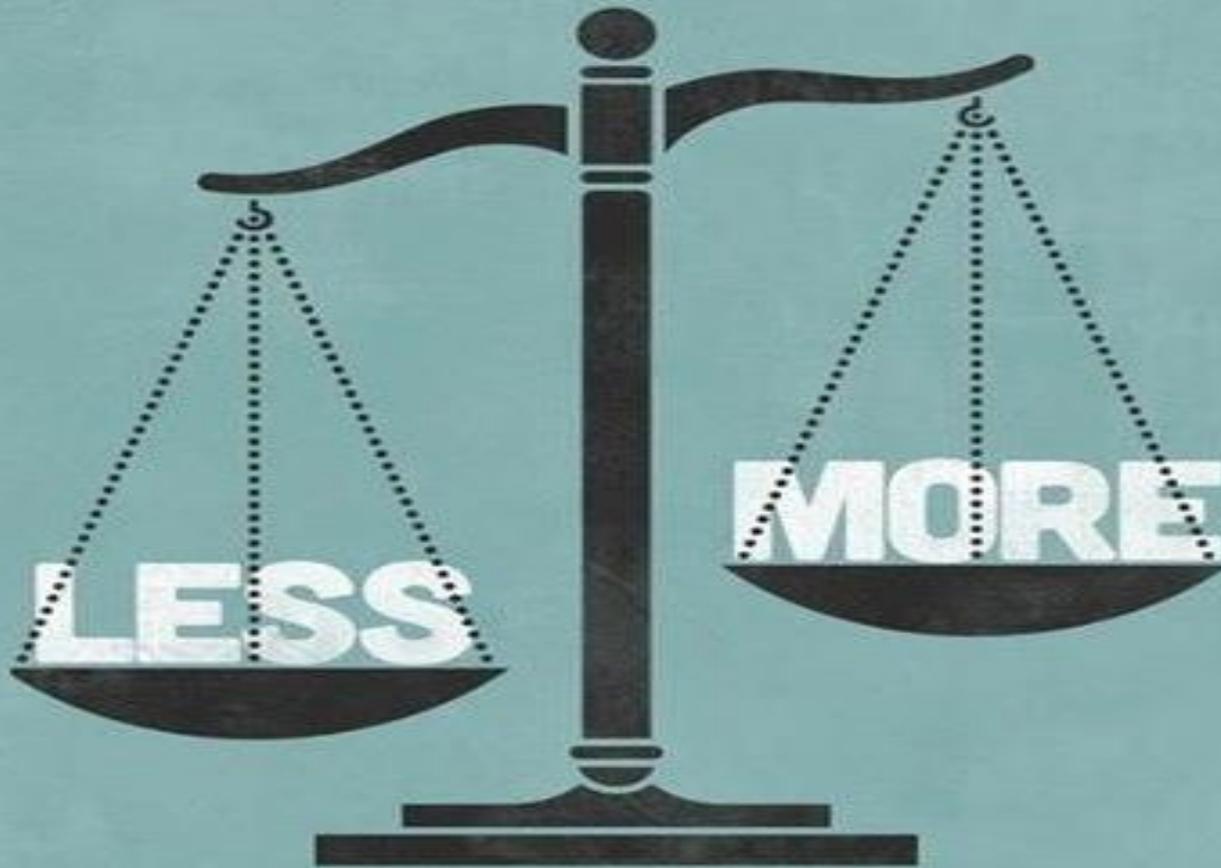


Stay on Message



**KEEP
CALM
AND
STAY ON
MESSAGE**

The Virtue of Minimalism

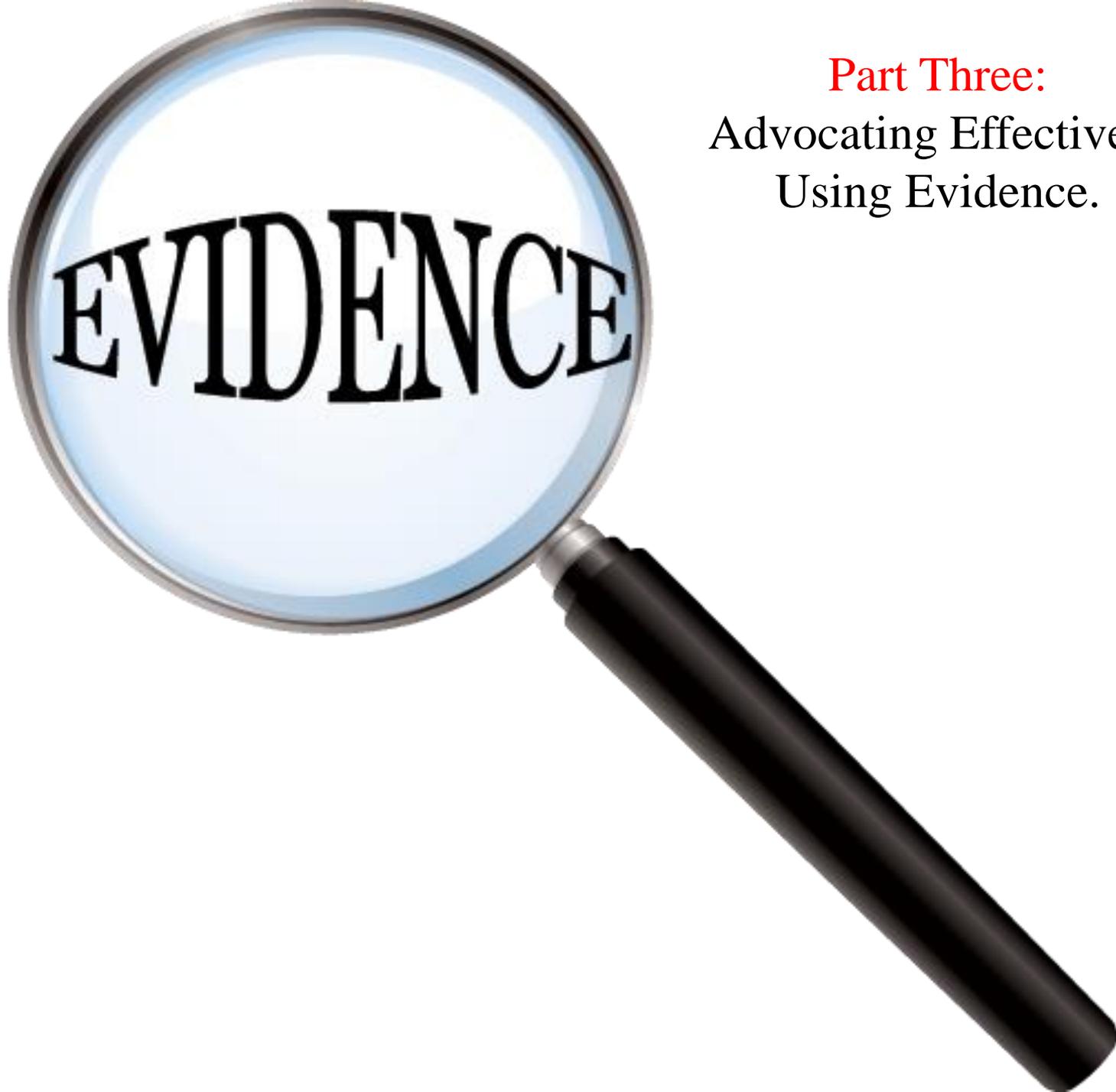


The Virtue of Inherence



Develop positive rapport with all





Part Three:

Advocating Effectively
Using Evidence.

Simple, credible themes



Use Evidence to Persuade (Rather than Induce Sleep)



Use Documents Effectively



Part Four:
Advanced Tips



DEATH BY POWERPOINT

CRIME SCENE DO NOT CROSS CRIME

BLAH BLAH BLAH

- BLAH BLAH BLAH
 - BLAH BLAH BLAH
 - BLAH BLAH BLAH
 - BLAH BLAH BLAH
 - BLAH BLAH BLAH
 - BLAH BLAH BLAH
- SLIDE 75

TOM
FISH
BURNÉ

Never let 'em see you sweat





“He is recommended for his ability to handle complex multiparty litigations. ‘He is truly gifted - probably the most naturally gifted guy I've ever gone against,’ remarks one admiring peer.”

Chambers and Partners 2016

PROFILE (a/k/a “Self Promotion”)

Jeff is a well known and well regarded commercial litigator. He is best known as the lawyer who deposed and then exposed cyclist Lance Armstrong in a ground-breaking case in which Jeff obtained a \$10 million award against Mr. Armstrong on behalf of his client SCA Promotions, Inc. The case was later profiled in several major documentary films and in the full length feature film, “The Program.” Other high profile wins include obtaining a defense verdict for Visa USA after a month long jury trial in which the plaintiff sought \$1 billion in damages in one of the first internet defamation cases ever tried (the victory was honored as the Defense Win of the Year by the National Law Journal); successfully obtaining a take nothing verdict on behalf of Florida Power & Light (NextEra Energy) after a three week trial against TXU in a dispute over Texas’ burgeoning wind energy sector; successfully representing Media 8, the small company that made the very big movie “Monster” (with Charlize Theron) in a dispute with Blockbuster over the amount of royalties it was owed (the case resolved on very favorable terms during the third week of trial); successfully defending music icon George Michael in a high profile lawsuit over his album “Outside” and his subsequent publicity appearances on “The Tonight Show,” “Late Night with Dave Letterman” and other shows (a trial court win was later affirmed by the Ninth Circuit Court of Appeals because, well, you gotta have “Faith”); successfully defending credit card company First USA in a series of class action lawsuits, including prevailing in trial in Oregon state court (the case was later profiled on ABC’s “Nightline”); successfully defending CitiFinancial in a class action lawsuit over its lending practices (successfully resolved during the fourth week of a jury trial in Pennsylvania and the case was later profiled in The New York Times).

RESUME (Not listing graduation dates is on purpose)

J.D., University of Texas School of Law (with honors)

B.S.F.S., Georgetown University of Foreign Service and the London School of Economics

HONORS (a/k/a “Stuff”)

Honored as a "Leader in His Field" in Chambers & Partners.

Recognized as a "Texas Super Lawyer" since 2013.

DFW Top 100 Lawyers, Texas Super Lawyers

Listed with Best Lawyers® in America

Recognized as a "Litigation Star" by Benchmark Litigation: The Definitive Guide to America’s Leading Litigation Firms & Attorneys,

The Advocates: Litigators You Don't Want to Face in Court, D CEO Magazine 2008

Leading Lawyers in America, Lawdragon

40 Outstanding Texas Lawyers Under 40, Texas Lawyer 2001

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Victor D. Vital, a litigation partner in Barnes & Thornburg's Dallas office, is recognized as a Top 100 *Super Lawyer* in Texas. Clients turn to Mr. Vital to handle difficult, high-profile and high-stakes disputes of all types. Mr. Vital's courtroom breadth includes trial matters involving major crimes, white collar criminal cases, high-stakes business and commercial disputes, and a wide variety of other complex or multiparty disputes in a variety of forums such as civil, probate and bankruptcy courts. Because of his tenacity and keen oral advocacy skills, Mr. Vital is well-suited for tough courtroom cases and battles of all types.

Having tried more than 100 cases in two decades of trial practice, Mr. Vital is well-versed in difficult and complex courtroom matters. He also is experienced in representing an array of clients—including high net worth individuals, officers and directors, franchise and distribution clients, banking clients, corporate-finance clients, healthcare and pharmaceutical clients, sports and entertainment clients and persons involved in government—in high-stakes cases and matters. He was inducted into the *Texas Lawyer Verdicts Hall of Fame* for securing the largest employment verdict in Texas in 2012 for a corporate plaintiff in a complicated non-compete/trade secrets matter. In April 2016, Mr. Vital secured a jury verdict exceeding \$20 million (including \$16 million in punitive damages) in a partnership dispute involving claims of fraud and breach of fiduciary duty. Mr. Vital's versatility in handling many types of difficult courtroom matters has led to him being a frequent author and lecturer on trial issues, a talented teacher of trial-practice techniques, and frequently sought by the media to comment on major trials and cases.

Mr. Vital has previously been a partner in national and international law firms and has prosecuted cases in a prominent district attorney's office.

Active in the Dallas Bar Association (DBA), Mr. Vital is former secretary-treasurer of the board. Mr. Vital currently serves in numerous capacities within and for the DBA, including serving as a current member of the Board of Directors and as board advisor for the Judiciary Committee and the Corporate Counsel Section. Having served last year as the co-lead chair of the Bench Bar Conference Committee, Mr. Vital currently serves on the Golf Tournament Committee. In the month of January 2016, he completed his co-chairmanship of the DBA's 2015-16 Equal Access to Justice Campaign, leading a campaign that raised over \$1,000,000 in support of the Dallas Volunteer Attorney Program. Mr. Vital is active in the bar beyond the DBA, serving as the vice-chair and chair of the Evaluation Committee of the Committee for Qualified Judiciary in Dallas, Texas and as a member of the distinguished American Law Institute, the American Bar Association, The Fellows of the American Bar Foundation, and The Trial Law Institute. Finally, he is a fellow of the Dallas Bar Foundation and Texas Bar Foundation, and he is a senior fellow of the Litigation Counsel of America.

Mr. Vital has been recognized by *Best Lawyers in America*, *Chambers USA* and *Super Lawyers Magazine* (in which he is recognized as one of the Top 100 *Super Lawyers* in Texas). He received the *Dallas Business Journal's* "Minority



Bar Admissions

Texas

Other Court Admissions

U.S. Court of Appeals for the 5th Circuit

U.S. District Court for the Southern District of New York

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Northern District of Texas

U.S. District Court for the Southern District of Texas

U.S. District Court for the Western District of Texas

U.S. District Court for the Northern District of Illinois

Education

Texas Southern University
Thurgood Marshall School
of Law (J.D., 1995),
summa cum laude

Oakwood University
(B.S.W., 1992), *magna
cum laude*

Business Leader Award” in 2015 and was included in the National Association of Distinguished Counsel’s “Nation’s Top Attorneys (Top One Percent)” in 2015. In 2013, the Litigation Counsel of America awarded him with the “Peter Perlman Service Award.”

In the community, Mr. Vital is the chair of the Dallas Education Foundation. He also serves as vice chair of the Dallas Housing Authority Board of Commissioners. Mr. Vital also is a member of Rotary International, Leadership Dallas 2014 Class and the Mayor’s Business/Arts Initiative Arts Action Team.

Mr. Vital earned his J.D., *summa cum laude*, from the Texas Southern University Thurgood Marshall School of Law in 1995 and his B.S.W., *magna cum laude*, from Oakwood University in 1992.

In addition to being admitted to practice in the state of Texas, Mr. Vital is admitted to practice before the U.S. Court of Appeals for the 5th Circuit, U.S. District Court for the Southern District of New York, the U.S. District Courts for the Eastern, Northern, Southern and Western Districts of Texas, and the U.S. District Court for the Northern District of Illinois.