

## Trial Lawyers Have a Reputation for Being Generalists. What If Going to Trial Is Their Specialty?

“I actually think the act of taking a case to trial, preparing it for trial, and executing a trial is itself a specialty,” says Karen Dunn of Paul Weiss.

By Ross Todd  
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Gifted trial lawyers have a knack for boiling things down without oversimplifying. They often persuade you without you noticing you’ve been persuaded.

I think that’s precisely what **Karen Dunn of Paul, Weiss, Rifkind, Wharton & Garrison** did last week when we hopped on the phone to talk about trial work. Dunn came out of the gate with a digestible, compelling takeaway: Lots of people think of trial lawyers as generalists, including many trial lawyers who describe themselves that way. But she says from her perspective, trial is a specialization of its own sort.

“I think having tried cases with people who are veteran trial lawyers and tried cases with people who are not, it’s clear that the actual act of trying the case is the specialization,” Dunn said. “There’s the skill that comes with examining witnesses, with cross-examining witnesses, with speaking to the jury, or the judge. But there’s also an immense amount of infrastructure that goes into organizing a case for trial and winning it.”

I think Dunn’s two Litigator of the Week wins from last year are pretty illustrative of this whole generalist/specialist trial lawyer paradox. Dunn and



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**Karen Dunn, partner at Paul Weiss.**

her team took [a leading role](#) alongside co-counsel at **Gibson, Dunn & Crutcher** in Apple’s antitrust trial showdown with Fortnite maker Epic Games last spring defending the App Store business model. Then later in the year, alongside co-counsel at **Cooly and Kaplan Hecker & Fink**, she and her team represented clients who were injured during the “Unite the Right” rally in Charlottesville, Virginia, [securing a verdict](#) of more than \$26 million against event organizers in December. The clients, the legal subject matter and the venues are about as different as they get, but the skillset translates.

So what is the “infrastructure that goes into a trial and winning it”?

Dunn was a bit hesitant to give away all her trade secrets. But she did tell me that she thinks each experienced trial team that works together regularly has its own way of doing some basic things. There are certain organizing documents like an order of proof for key themes the trial will revolve around. “There’s a certain amount of work that goes into organizing the case around the themes of the case and then fitting the evidence into the themes,” she said.

But she added as someone who started out her career in communications it’s always been important to her to make things understandable in ways that are not always seen as valuable in other parts of the legal profession. She said she thinks people “who truly love trial work” enjoy the process of organizing a large universe of facts into a compelling narrative that people who aren’t lawyers are going to understand.

“The more that you work together with the other members of your team, there’s few transaction costs to getting things done. You’re more agile. You’re more in sync. And I think the value of that really can’t be overstated,” she said.

Dunn says at trial there’s no job too small for anybody on the team. “I always like to say to people, if you do not love crawling on the floor putting binders together, then trial work is not for you,” she said. “Everybody at every level of seniority on the trial team at some point is crawling around on the floor with binders.”

She said the flipside of that is true for her teams as well: Anyone on the team can find a great point to make during cross-examination in real-time,

pass it to the person who’s doing the examination, and help make a client’s case come together. “Everybody has to be engaged at a very high level of acuity and functionality in order for that to happen,” she said.

Earlier this week, I ran Dunn’s concept of trial work as a specialty in and of itself past a few other Big Law trial lawyers including **Alli Brown of Skadden, Arps, Slate, Meagher & Flom** and **Bart Williams of Proskauer Rose**.

Both agreed with Dunn’s premise.

Brown, in particular, said that there’s a growing specialty of trial lawyers who come into a case in its latter stages when it becomes clear that a trial is going to take place. “You’re coming in and looking at the facts and the science just like the jury,” Brown said. “I think one of the challenges when you work up a case from start to finish is you’re too close to everything.” That, she said, often means getting caught up in the jargon or the prior skirmishes in a case, without thinking how a judge or jury coming to an issue for the first time will think of it. “This specialty where you just come in at the last minute to do the trial — sometimes I think that brings even more value than if you had been in the case.”

Williams, who has tried everything from entertainment profit-sharing disputes to employment discrimination cases to product liability matters, also whole-heartedly endorsed the idea of trial as a specialty. “My specialty is trying cases and putting on witnesses and arguing to courts,” he said. “The cases that I do are general in the sense that they cover the gamut of topics, but the specific skill set that was brought to bear was being a trial lawyer.”