

Business Goliaths' Advocate Taking on One of the Biggest

Chicago lawyer Fred Bartlit aims to prove the plaintiffs' case as the trial enters its second week in Topeka

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Deep navy suit impeccable. Silk handkerchief placed in a breast pocket just so. White shirt starched, bright. His dark gray hair accented by white temples, perfect.

Bartlit's manner and style befit his background as a West Point graduate and U.S. Army Ranger. Dedicated, diligent, disciplined, say those who know him. Whip-smart.

He's the guy who takes the complicated, high-profile, "bet-your-company" big-money cases.

Bartlit, who is 65, has a long history of big wins as a Chicago-based, nationally known trial lawyer.

Often, he represents Goliaths, big corporations such as United Technologies Corp., General Motors, Pratt & Whitney, Dun & Bradstreet, Amoco, Monsanto. Twice, he's argued before the U.S. Supreme Court.

Bartlit is the lead attorney for Bill Koch in his \$1 billion lawsuit against brothers Charles and David Koch and the Wichita-based company they run, Koch Industries. Frederick Koch, the oldest of the four Koch brothers, also is a plaintiff.

Bill and Frederick Koch, along with several former Koch Industries shareholders, are seeking at least \$1 billion -- the difference, with interest, between what they were paid for their shares by the company in 1983, and what they claim the shares were really worth.

Bartlit took on the case five years ago, not having been acquainted with Bill Koch before. The lawsuit was filed in 1985.

Because of a gag order imposed by the judge in the Koch vs. Koch trial, Bartlit declined to be interviewed for this story, but his colleagues described some of his characteristics.

One of his habits is to be up by 4 a.m. and head to the gym before beginning work, they say.

Staying in top physical shape gives him the stamina to endure the rigors of a long trial, said Donald Vinson, author of the book "America's Top Trial Lawyers: Who They Are and Why They Win." Bartlit's trial techniques are described in the book.

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"You're not going to beat Fred by wearing him out -- the man's a machine," Vinson said in an interview.

Big cases are like D-Day on the beach at Normandy, Bartlit once told an author.

"It's a war," he said, and in a war, there are strategies and day-to-day tactics.

Of 44 cases he has tried since 1971, Bartlit won 32 and lost four. Seven were settled. One resulted in a mixed verdict.

Bartlit's courtroom style is unique, said one attorney who lost a case against him last year in Florida.

"I never saw a legal pad in his hand, and we negotiated for at least two years," said Robert Daisley, a Tampa-based lawyer.

Bartlit takes notes by personal computer and keeps all the trial depositions on it as well, Daisley said. He uses audio-visuals when showing exhibits to a jury.

Bartlit grew up outside Chicago in Harvey, Ill. His father, a World War I Army pilot, was a neighborhood lawyer; his mother a nurse. At West Point, he earned an engineering degree, intending to make the Army his career.

But four years later, with a young family and after nine moves, Bartlit left the military and entered law school at the University of Illinois. He finished first in his class.

He was hired in 1960 for \$6,000 a year by the law firm of Kirkland & Ellis in Chicago, eventually becoming a partner. Ten years ago he was already commanding \$235 an hour.

In 1993, Bartlit and several partners left to form Bartlit Beck Herman Palenchar & Scott LLP, described by The National Law Journal as one of the nation's "hottest defense boutiques." The journal named Bartlit as one of the 100 most influential lawyers in America.

At the office, Bartlit's doors open to an indoor basketball court -- complete with regulation-height basket and three-point line. He also golfs and snow skis.

Jana, his second wife, travels with him when he's trying cases. She's in Topeka for the Koch trial. He has three children; Jana has one.

Bartlit has the ability to take cases down to a straightforward morality issue -- a classic struggle of good against evil, said Jim Palenchar, a law partner.

Even so, Bartlit will still face the problem of explaining the complexities of corporate finances to a jury.

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"I'm not going to make it simple," he told prospective jurors at the start of the trial, "because I don't think it can be done." But his partners say he's a whiz at making hard things seem easy, and he clearly expects to come close.

"It's complicated," he said, "but not impossibly so."

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