

TOP OF THE DOCKET  
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## Bartlit Beck's Secret Weapon: Associates



BRIAN PRESTES



JOHN HUGHES

HEADING NORTH ON I-94 TOWARD Milwaukee in his black Acura on a May afternoon, Brian Prestes turned off the rock music and rehearsed his argument out loud two last times. The sixth-year associate at Bartlit Beck Herman Palenchar & Scott was scheduled to appear in court the following morning to argue a key motion on future claims against client NL Industries, Inc.

At stake was \$108 million of a \$160 million public nuisance claim filed by the city of Milwaukee against NL, a onetime producer of lead pigment. Although Prestes, 31, had already first-chaired and won two jury trials for a gas company client, this would be his first significant role in litigation in which more than a few thousand dollars in liability was at stake. And Pre-

stes knew that a ruling could affect the future of such public nuisance suits.

Prestes owed his big chance to his former roommate and debate partner—and fellow Bartlit Beck associate—John Hughes. Hughes had been working on the lead paint case since he arrived at the firm and had recommended Prestes for the job two months earlier. Prestes, who was already representing three clients in multiple cases, cleared his schedule, working ten hours a day on the brief over the next two weeks. Searching on LexisNexis, Prestes hit upon his precedent: *Cobb v. Smith*, an 1875 Wisconsin Supreme Court case that rejected one landowner's claim that his neighbor's dam was a continuing nuisance.

To prepare for the hearing, Prestes, whose office is in Chicago, practiced over the phone with Hughes and performed the argument in front of his wife. By the time he pulled into the Pfister Hotel in downtown Milwaukee the afternoon before his presentation, he had run through his argument more than a dozen times.

Facing him the next day were experienced litigators Richard Lewis, 52, of Cohen, Milstein, Hausfeld & Toll, and Terry Nilles, 55, of von Briesen & Roper. Colleagues say that Prestes pre-

sented his argument clearly and without theatrics. After a lunch break, state court judge John Franke made the lawyers squirm a little—before dismissing with prejudice 100 percent of the future damages claims. "It was bit of a roller coaster for both sides," Prestes says.

Granting associates responsibility for major motions is apparently not unusual at Bartlit Beck. When Milwaukee's lawyers attempted to add about \$10 million more to the city's damages claims mid-trial, Hughes, a third-year, found himself arguing against Michael Hausfeld, a name partner at Cohen, Milstein who graduated from law school before Hughes was even born. The judge rejected Hausfeld's motion. "You could tell he's a star," Nilles says of Hughes. "He's not only capable, but he has that extra little spark." On June 22 jurors also let NL off the hook for the cost of its past cleanup program.

Fred Bartlit, the firm's cofounder, sees newer lawyers involved in any case as trump cards. "Sometimes the highly experienced guy thinks he can walk into court and operate by the seat of his pants," he says. "But for young men and women, this is a huge deal, and they're going to be prepared beyond all human understanding."

—JOHANNAH CORNBLOTT