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Trial Pros: Ulmer & Berne's Jeffrey Dunlap

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Jeffrey S. Dunlap is a partner at Ulmer & Berne LLP, where he is co-chairman of the firm's business litigation group. His practice involves complex business, securities disputes, employment discrimination cases and unfair competition matters. He has successfully tried many cases before juries, judges and arbitrators. He also helps clients avoid litigation, counseling a range of businesses on designing and implementing sound employment policies and procedures.



Jeffrey S. Dunlap

Q: What's the most interesting trial you've worked on and why?

A: About five years ago, I handled a case in which I sought both injunctive relief and damages. The injunctive relief aspect of the case was tried before a judge and the damages portion of the case was tried to a jury. The case was very interesting because (1) it involved numerous parties, (2) because it involved huge amounts of stolen trade secrets, (3) because the case took over three weeks to try and (4) because the verdict for our client totaled many millions of dollars.

Q: What's the most unexpected or amusing thing you've experienced while working on a trial?

A: I was defending a client sued for breaching a restrictive covenant. After I cross-examined the plaintiff and exposed a number of outright fabrications, the judge called me and my opposing counsel to the bench. The judge asked my opposing counsel to give him a good reason why he (the judge) shouldn't call the prosecuting attorney immediately given the plaintiff's testimony. Literally, the plaintiff dismissed his case with prejudice within minutes of the judge's question.

Q: What does your trial prep routine consist of?

A: Leaving aside the preparation of voir dire questions, jury instructions, jury interrogatories and the like, my trial prep always starts with the documentary evidence. I separate the pertinent documents into two groups: (1) those documents I will seek to introduce into evidence and (2) those documents I know my opposing counsel will use to

cross-examine my witnesses. Once I ensure that I know the documents cold, I build my witness outlines (direct and cross) around the documents. Then I thoroughly prepare my witnesses with mock examinations.

Q: If you could give just one piece of advice to a lawyer on the eve of their first trial, what would it be?

A: Try your best to relax so that you can think clearly, react well and truly shine before the judge and jury.

Q: Name a trial attorney, outside your own firm, who has impressed you and tell us why.

A: A trial attorney who has impressed me is David Schaefer of McCarthy Lebit Crystal & Liffman Co. LPA. David is smart, creative, always prepared and good on his feet before a jury.

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