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Q&A With Haynes and Boone's Lynne Liberato

Law360, New York (September 17, 2009) -- Lynne Liberato is a partner with Haynes and Boone LLP in the firm's Houston office and co-chair of the firm's appellate section. She has argued jurisdictional issues to the U.S. Supreme Court, met with the president in the Oval Office regarding judicial appointments and lobbied Congress for funding of legal services for the poor.

Among other achievements, Liberato was selected as "Volunteer of the Year" for the United Way of Greater Houston and elected as president of the State Bar of Texas. She is also a frequent speaker and writer, and co-authored the article "Summary Judgments in Texas."

Q: What is the most challenging case you've worked on, and why?

A: My most challenging cases involve a combination of concerns that cannot be resolved by reading cases. More than one case has involved evaluating collateral damage to a client's business if the court handled an issue a certain way, the threat of bankruptcy, suspending the judgment pending appeal, coordinating the perspectives of trial counsel and out-of-state counsel, and advising our clients so that they could make appropriate business decisions.

Q: What do you do to prepare for oral argument?

A: I talk to the other lawyers who worked on the case. A good oral argument is a conversation, not a speech. Because they are so artificial, I do not find moot courts helpful, except that they force me to prepare sooner.

Q: What are some of the biggest problems with the U.S. appeals process?

Lack of predictability, because some judges are prone to fact-driven opinions.

Q: Aside from your own cases, which cases currently on appeal are you following closely, and why?

A: I watch my cases and cases that could affect the cases I am working on. I also keep an eye on cases involving summary judgments, because I co-author with District Judge David Hittner an ongoing law journal survey on summary judgment practice.

Q: Outside your own firm, name one lawyer who's impressed you and tell us why.

A: Warren Harris, who is the head of the appellate section at Bracewell & Giuliani LLP, because he is not only a skilled craftsman, but also a practical business advisor. Appellate lawyers tend to get lost in “the law.” It is the nature of the practice. Warren adroitly addresses clients’ business problems, which includes their appeals.

Q: What advice would you give to a young lawyer interested in getting into your practice area?

A: Apply for a judicial clerkship. Write law review articles. Become active in the Bar, because most referrals come from other lawyers.