

*Of Counsel Interview ...*

## **Barb Dawson: Winning Cases and Leading Lawyers in and from the Valley of the Sun**

If you're a litigator, preparation is everything.

That's essentially the message attorney Barbara Dawson—a partner at Phoenix-based Snell & Wilmer—delivered this past August at a conference for young attorneys from around the world at the Lex Mundi Institute in Monterey, California.

Dawson's presentation even impressed her mentor, Chief Judge of the United States District Court for the District of Arizona, Roslyn Silver, who Dawson had invited to present at the conference, which was sponsored by Lex Mundi, the international affiliation of law firms; Dawson served a term as chair of the organization.

"Her presentation was outstanding," says Chief Silver. "She covered a lot of ground about the importance of preparing for litigation, including discovery disputes, organization for the purpose of scheduling and completing your litigation. And, she did it without a single note."

Judge Silver had met the now highly celebrated Dawson when she was a young attorney. The judge helped Dawson navigate her way through the male-dominated world of litigation. And, today Dawson credits her mentor with teaching her the importance of

preparation and demonstrating by example how women leaders can be both strong and feminine.

Now a couple of decades later, Judge Silver says she likes what Dawson has become—a lawyer who wins a whole lot of cases and who does so with grace, smarts, and modesty. "Barb's as good as they get," the judge says. "She's professional, well-prepared, articulate, and persuasive. She's well-regarded by people who I have high regard for."

Recently *Of Counsel* talked with Dawson, who co-chairs Snell & Wilmer's commercial litigation practice group, about her career, her trial work before the Arizona Supreme Court, her experience as chair of Lex Mundi, the status of women in the legal profession, and other topics. What follows is that excerpted interview.

***Of Counsel:*** Barb, what initially attracted you to the legal profession?

**Barbara Dawson:** There's nothing in my upbringing that would suggest that law would be on my horizon. I had no lawyers in the family. I didn't know any lawyers. But when I went to Iowa State as an undergrad, the two areas I found myself drawn to were psychology and communications—the two areas where I got degrees.

## Of Counsel Profile

There are a couple of paths you can take coming out of those areas. One would be going down the PhD path in psychology and looking at counseling and related work, which sounded appealing. Then there was the scarier path, which was taking what I learned in these subjects and going to law school. That was the one that looked both terrifying to me and a lot more interesting and perhaps more suited to my interest in business and organizations generally. So I thought I'd give it a shot.

**OC:** Was there an experience that inspired you to enter law school or was it more of an evolution of thought that led you there?

**BD:** I probably pulled the trigger a little bit late, which was likely because I didn't have exposure to lawyers. But then I had the opportunity to work with a lawyer for Iowa State University, who was a great role model. The way that he talked about his enjoyment of problem-solving and the ability to do that through the tools of the law—it became very appealing to me.

### Wined-and-Dined Under the Palms

**OC:** So you went from Iowa State to in-state rival University of Iowa for law school. Where did you go after you got your law degree?

**BD:** I came to Arizona. When firms in the Southwest or South recruit you and bring you down during the winter and let you sit outside for dinner under palm trees with sparkly lights, it's kind of appealing [chuckles]. I loved, and still do love, the feel of Arizona, its environment and that it's filled with people from elsewhere. It's very welcoming.

**OC:** Did you go right to Snell & Wilmer?

**BD:** I did not. I went to a firm that was the oldest one in Arizona, Evans, Kitchel and Jenckes. It had a great reputation but it imploded during my first year of practice. So I had to regroup and make a move but I was happy to have had the opportunity to work there, with a lot of great people. I quickly developed a network of people with whom I had ties throughout the community as the attorneys and staff scattered to different locations.

I then came to Snell & Wilmer. I came as good Iowans do. We are heavy in Midwesterners and in particular, Iowans, and we consider that to be a really good thing.

**OC:** What drew you to commercial litigation?

**BD:** As we define it, commercial litigation is a wonderful, broad area in which to practice. It encompasses all of the different areas and industries that don't fit neatly into one of our other groups. The common thing is the skill set of assisting in problem-solving once there's a dispute and the court system has to be used. To me, that was very interesting—to go deep in the knowledge of dispute resolution and litigation but to go broad as far in touching lots of different businesses and learning something new every day.

*One of the benefits of getting older and having done things for awhile is that you get to help other clients because they realize it's not your first rodeo.*

**OC:** Barb, you've tried cases in a lot of very prestigious venues, including the Arizona Supreme Court. What's a case or two that you're particularly proud of and gave you a lot of satisfaction?

**BD:** One area that I really enjoy is assisting clients when they're the subject of a test case by the government and in particular often taxing authorities. Which means the govern-

ment has put them first in line to test a new theory that's going to apply across their entire industry or even broader.

One case, which I think you were referring to, involved Brinks, the security company. They were a test case rising up through the administrative ranks and through the trial court, the Court of Appeals and ultimately the Arizona Supreme Court. At issue was how far the cities could go in taxing the telecommunications area and how far they could go without violating Arizona law and constitutional limits under the Commerce Clause. We all understand and appreciate the growing tendency of the government and taxing authorities to be looking for resources wherever they can. But it's gratifying to help companies that are on the front lines of such challenges to make sure that the laws are followed, the constitutional limits are respected, and the statutes are interpreted as the legislature meant for them to be.

## Pitching a 5-0 Shutout

**OC:** So you represented Brinks before the Arizona Supreme Court. What was the outcome of the case?

**BD:** Oh, it was a good one. I'm happy to report that it was 5-0 decision in favor of Brinks, reversing an adverse decision both at the court of appeals level and at the trial court level. The case was finally resolved this year.

**OC:** How did it feel walking into that courtroom, seeing the justices, and arguing the case—knowing how important it was? Were you nervous? Were you right in your element? Was it a mix of the two?

**BD:** I love to argue to our appellate courts and in particular to the Arizona Supreme Court. We are so lucky here in Arizona to have a very strong judiciary. I felt good in that, in order to get in front of our Supreme Court, you have to submit a petition and ask them to take the case, explaining to them that it is of statewide significance and worth their time.

So by the time you get there, you understand that they want the case. They know the case is important and they're well-prepared for the arguments. So it's a lot of fun to argue to them. What you find is that because they are very good at what they do, they ask a lot of questions. That's the really fun and challenging part—to make sure that we're well-prepared for wherever they might want to go. Of course, they understand the ramifications of the case before them and look at the precedential effect of their decisions.

**OC:** I'm sure this case generated a lot of attention around the state and in the legal press. As an ancillary effect, did you also find that you were getting calls from potential clients? In other words, did the case help market your practice?

**BD:** [laughs] Yes. I think in-house counsel and companies are very savvy about not wanting to be the test case, if you will, for outside counsel. One of the benefits of getting older and having done things for awhile is that you get to help other clients because they realize it's not your first rodeo.

**OC:** Other than word-of-mouth and potential clients seeing what you've been doing for your clients—that is winning a whole lot—how else do you market the commercial litigation practice group?

**BD:** One of the things that we're really proud of is our links outside of our footprint. That works in a couple of respects. Because our footprint covers the southwestern US, we take that seriously and think it's our job to not just know the courts but also know the government regulators as well as opposing counsel and the business community very, very well. So a lot of us are involved in organizations that take us well outside the Southwest. We absolutely love to work as local counsel or lead counsel for companies or other lawyers who have needs in the Southwest, on our turf. So we make sure that it's well known that we can offer assistance in that respect. Wherever you need us within the framework of our platform, we can help.

The flipside of that is all of us have been involved in organizations that have taken us outside of our region. That helps when our clients from here need assistance in other parts of the country or really around the world because we can be the conduit for them from a legal perspective. We can help them get our equivalent elsewhere when they have needs in other parts of the nation or world.

*We made sure that if there were dips in practices, people filled their time with pro bono opportunities because you're not only doing good for society, you're getting great experience.*

As you know, I had the great opportunity to chair the board of Lex Mundi, the global affiliation of 160 law firms in 100 countries. The fabulous thing about that is that it linked me very closely with leaders in other firms around the world. So now when a business in Arizona is expanding throughout South America and needs to make sure they're in compliance with laws in lots of different countries, we're able to reach out to our colleagues and get them what they need pretty quickly. That's a part of what we've been focusing on in the firm and it's been a benefit to our clients and consistent with our values of wanting to support the businesses here and see their growth and success everywhere they want to go.

## Going Global Pro Bono

**OC:** Yes, I wanted to ask you about your Lex Mundi leadership experience. In addition to the networking opportunities you developed, what else did you get from it?

**BD:** The experience was great in many respects. Certainly from a business perspective, it was wonderful to help our clients and

the clients of our friends around the world. On a more personal basis, I found it to be gratifying in that the organization has a pro bono foundation. So you have a 160 law firms with a commitment to their communities, using their lawyers for purposes of good to support people who need it. Through our links we've been able to help social entrepreneurs as they're coming up with good ideas and needing to navigate through the legal maze to see if their ideas can make a difference. That pro bono foundation has been a nice component of the Lex Mundi experience.

Sometimes I think people get stuck because their needs fall way outside their jurisdiction, their home turf. And, the world is very small when you think of the various ways people are linked for problem-solving. For us to offer a network around the world for legal problem-solving for people to get up and running with businesses or non-profits that can make a difference was really fun and rewarding.

**OC:** Speaking of pro bono, I know that during the recession as firms tightened their fiscal belts sometimes the budgets for their pro bono programs were cut. What's the status of the Snell & Wilmer pro bono program and did you and your partners have to reduce its budget and slow it down when the recession was at its deepest?

**BD:** We actually went the other direction. We offered graduates who came to our firm the opportunity to go work for someone else with compensation from us for a year. We made sure that if there were dips in practices, people filled their time with pro bono opportunities because you're not only doing good for society, you're getting great experience. Part of what we found is that pro bono allows our more junior attorneys to get into court very quickly and get the kind of experience—like arguing to the Ninth Circuit—that you might not get in your first or second or third year of practice.

I cut my teeth on pro bono cases. My first trial was a pro bono trial so I'm a big believer that this is a good way to go. So we

didn't limit what people could do during the downturn in the market. In fact, we pumped it up a bit as a way to make sure that they were continuing to stay busy and get lots of experience.

## Diversity Broadens Perspectives

**OC:** Thanks for that answer. Barb, you've been a leader, a leader who is a woman, in your law firm, at Lex Mundi, and in other regards. What are your thoughts about women in the legal profession?

**BD:** First of all, I know that this has been on your radar for a long time and thank you for doing so. It's an important topic. I think we should encourage our best talent to go to the places where they'll be most useful and where they want to use their tools, wherever that might be including into law and into law firms. We are doing better but we can always continue to make progress.

I must say I don't feel like I faced impediments where the door was closed because of gender. I will tell you that I faced a whole lot of

situations where if I wasn't the first, I was the second or the third of my gender to go through the door. When you look at the composition of the law schools—I think that's the starting point. Historically, this wasn't a profession that was perceived to be open to women. When I went through the University of Iowa, we were approximately one-third women. A lot of the women who graduated then went into firms but a lot of them made choices to go into government or go down other paths. So you didn't get one-third coming to firms.

There are a lot of options for people with law degrees and I think firms ought to continue to look at ways to keep the best and the brightest, including women and people of color.

It just makes sense to have teams problem-solving who will understand things from all different backgrounds and perspectives. It makes us better to work closely with people who may view the world differently than we do or who might have different experiences. It broadens our perspective. ■

—Steven T. Taylor

Snell & Wilmer  
L.L.P.  
LAW OFFICES

