

WINNING | A SPECIAL REPORT

"I just show up in court and wing it," said no Winning Litigator—ever. But the lawyers in our special report bring more to the table than just meticulous preparation. They find new applications for decades-old laws. They take mind-numbing details and condense them into tidy bits of information. They strike the right balance of likability and decorum with fact-finders. They regroup and evaluate every step of the way. And when it's all over but the bill-paying, they end up with some very happy clients.



JOHN KECKER OF KEKER & VAN NEST

Keker & Van Nest

JOHN KECKER, PARTNER

When you think of the former Marine Purple Heart recipient who prosecuted Oliver North in the Iran-Contra scandal and has spent his career defending celebrities and business executives, you don't necessarily think "public-agency counsel."

But when a San Diego water authority launched a legal challenge over billing rates, John Kecker stepped in. "It's part of the water wars of Southern California," said Kecker, who co-founded San Francisco litigation boutique Keker & Van Nest in 1978. "Who wouldn't want to be involved in the water wars? It's 'Chinatown' sort of stuff."

Keker's team prevailed in two bench trials on behalf of the San Diego County Water Authority, resulting in a \$188 million judgment plus \$44 million in interest. A state court in San Francisco found that the Metropolitan Water District of Southern California, which delivers water to 26 entities, including Keker's client, set illegal rates from 2011 to 2014 using a formula designed to create a monopoly on water supply.

"What's at stake is not only the four years over which we litigated, but, over the course of 45 years—which is the term of the underlying transaction—the overcharge would have grown to over \$2 billion," said Dennis Cushman, assistant general manager of the authority.

He called Keker and the team he assembled "outstanding."

Keker faced off against John Quinn and Eric Emanuel of Quinn, Emanuel, Urquhart & Sullivan. Additional litigation is pending, and an appeal is expected.

TRIAL TIPS

■ "A jury needs to feel good about its verdict. Jurors have to want to rule for you," John Kecker said. "That is very different from a bench trial or arbitration, because judges want to feel they have followed the law and that the court of appeals will agree with them. It's a different kind of persuasion."

■ "In a complicated civil case, don't push too hard," Kecker said. "The verdict [in a civil case] is simply the first stop along the path to the appeal," he said. "If you win too much in the trial court, it's going to be harder to win the appeal. If you get too many good rulings or stretch the law too much, you will lose the appeal."

After nearly four decades of trying cases, Kecker confesses that he still gets anxious. "If I'm not nervous, I can't concentrate enough to focus. I'm a classic crammer."

— GINNY LAROE

KEKER & VAN NEST LLP