

Lifetime Achievement Award: Professional Excellence



Mike McKool

» FOUNDER AND CHAIRMAN, MCKOOL SMITH

Mike McKool has notched more than 100 jury trials in his 40-year-career, using his superlative courtroom skills to earn a reputation as one of the nation's most sought-after lawyers. The 66-year-old founder, chairman and chief executive of Dallas-based McKool Smith said his greatest satisfaction comes from successfully defending his clients' rights in court.

"As a lawyer, it's never about you," McKool said. "It's all about clients and strategizing ways to cause a judge or jury to appreciate their rights and agree with your position."

Following his graduation from the University of Texas law school in 1974, McKool landed a job with the Dallas firm Hewett Johnson Swanson Barbee, where he rose to co-managing partner. In 1991, he left to launch McKool Smith. Under McKool's leadership over the last quarter-century, his firm grew from a small litigation boutique with 11 attorneys to a national powerhouse employing 185 lawyers spread out through eight offices, from the East Coast to the West Coast. Over the same time span, McKool has secured substantial verdicts and settlements for major airlines, energy companies, telecommunications firms, investment banking houses and industrial conglomerates, among others.

McKool and partner Phil Smith founded the firm and focused on commercial litigation. One of McKool's first signature cases involved former Texas Rangers and Dallas Stars owner Tom Hicks, who, along with his partners at his equity firm, were sued by the bankruptcy trustee of health care company Healthco International for mismanagement. The trustee sought half a billion dollars in damages.

When court proceedings began, McKool said, he presented evidence that the trustee,

who had portrayed himself as Healthco's savior, was going to benefit financially by garnering 3 percent of the \$500 million if the lawsuit prevailed. McKool also made a solid argument that Healthco was already sinking when Hicks and his partners took over.

After a two-month trial, the jury ruled in his client's favor.

In recent years, McKool has also become well-known for his work in intellectual property cases. For example, he led a patent infringement case that his former client Versata Software filed against SAP America Inc. McKool convinced a Texas federal jury that SAP had infringed on a patent for product pricing software that Versata had developed. Versata won Versata \$260 million in compensation and \$85 million in royalties.

In addition, McKool successfully represented i4i, a Toronto-based software company that filed a patent infringement action against Microsoft.

McKool said his recent defense of global conglomerate Alcoa against a lawsuit brought by the state of North Carolina over the ownership of four hydroelectric plants stands out as one of his career's most defining moments. "It was a complicated, tough case in a jurisdiction I had never tried a case before," McKool said. "Winning it brought an enormous source of satisfaction for me and the client."

McKool was also recently lead counsel for Freddie Mac in a complaint against Deloitte for more than \$1 billion in damages; represented Ericsson in its patent infringement dispute against Samsung; and defended Lockheed Martin in an antitrust lawsuit filed by L-3 Communications in the Northern District of Texas.