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CEO

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Left to right:
MARTIN ROSE
FRANK BRANSON
MARK WEBNER

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Masters of the Corporate Lawsuit

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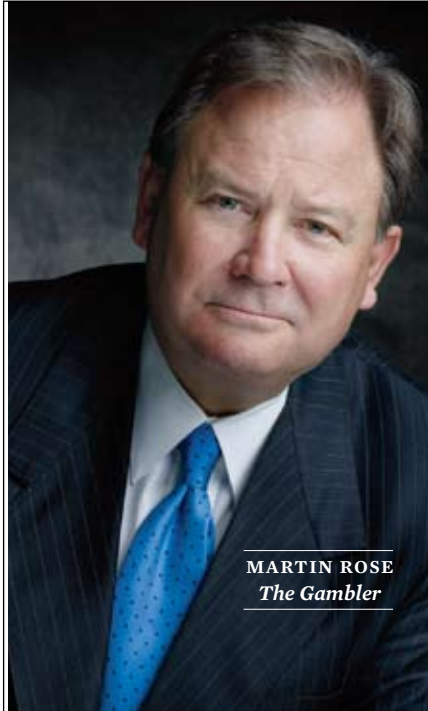
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MARTIN ROSE
The Gambler

'Be There—And Care'

MARTIN ROSE [ROSE-WALKER]

If Frank Branson is the Hollywood special-effects wizard of this elite group, then Martin Rose of Dallas' Rose-Walker is the high-stakes poker player. The lawyer with more than 70 trials under his belt—who in fact played competitive bridge and poker during law school—contends that, "If you want to win at anything, you have to be willing to lose as much as you're willing to win. You can't be like the golfer on Sunday afternoon who plays it safe." It's a maxim that has paid off handsomely for Rose.

When his client Interstate Southwest, an aircraft engine parts manufacturer, was blamed by Textron Lycoming for a number of fatal air crashes, Rose sued the bigger company for fraud and obtained findings that Lycoming's faulty design of crankshafts that failed was really to blame. After a seven-week

trial in Grimes County, Rose prevailed with a \$96 million verdict against Lycoming, wiping out a \$180 million claim against his client, in a decision legal analysts called one of the biggest wins of the year.

Such wins in the face of long odds and stiff opposition have become almost commonplace for Rose. In 2001, he obtained a \$25.2 million verdict for Raytheon against Learjet in a fraud/breach-of-contract lawsuit stemming from a Federal Aviation Administration contract. Before that, Rose successfully defended trucking giant Yellow Freight in a wrongful death case tried in small-town Mississippi, a case Rose describes as a "defendant's nightmare"; his defense verdict was upheld in 2005 by the Mississippi Supreme Court. And, last year in Dallas County, the veteran trial lawyer won a \$9.8 million wrongful-termination and defamation case for Dr. Neal Fisher, who was fired by Pinnacle Anesthesia Consultants after voicing concerns about the company's billing practices. This last victory, however, was overshadowed by tragedy when Rose's longtime law

partner, Hal Walker, died suddenly during the trial. It is a loss felt to this day by Rose and the rest of the firm co-founded with Walker, a man Rose describes as "fearless," and someone who "loved the theater of the courtroom."

Rose's track record in Texas and nationwide has made him a "must-have" defense attorney for many corporations, though he regularly wears the plaintiff's hat in everything from complex patent infringement and commercial litigation to wrongful-death cases. His experience in trying highly technical cases instilled in him early on the importance of reducing a case to a few simple, easy-to-grasp concepts. "This is what juries react to—right or wrong, truth and falsehood," he says. To illustrate the point, Rose cites an example from the Pinnacle Anesthesia case. When the CEO testified at trial, Rose relates, he "did the right thing—acknowledging that the firing wasn't done right, and so on. But then, they made the mistake of bringing him back the next day and having him recant all of that."

A CEO's testimony, according to Rose, can make or break a case. He cautions executives to remember

that "half the jury is prepared to respect you, and half is prepared to loathe you. Be humble, be approachable, and don't try to take on the lawyer." Above all, he says, "be there—and care. Stay in the courtroom."

An executive in the Lycoming case learned that lesson the hard way. Though he attended most of the trial, he was conspicuously absent for the punitive-damages phase. Knowing that he had caught a flight after the initial verdict, Rose called him and other absent executives as witnesses, betting on the chance that the absences would leave an impression on the jury. Afterwards, Rose asked the jury, "Where [were they] to tell you [they] heard your message?" Since Lycoming's executives apparently hadn't heard the jury's message, Rose urged the jury to "make [their] message louder." The result: more than \$86 million in punitive damages.

If you don't want to hear a message like that, you'd best heed the advice Rose and these other top trial lawyers have to offer. Reading it here beats learning the hard way—in the courtroom—any day.