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Dowd Bennett wins with millions at stake



DILIP VISHWANAT

Jim Bennett (left) and Ed Dowd

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It seems as if the St. Louis law firm of Dowd Bennett is always in the middle of one big case or another, with millions of dollars hanging in the balance.

When Barbara Morriss, whose family long had a stake in Weyerhaeuser Timber Co., sued Wells Fargo, claiming mishandling of her trusts, she hired Dowd Bennett, which won a \$78 million verdict, the largest plaintiff's verdict in St. Louis County Circuit Court history.

When Anheuser-Busch was sued for \$15 million by former executive

Francine Katz, who claimed gender discrimination in compensation, the brewery hired Dowd Bennett, which won a total victory and defeated a motion for retrial.

When Emerson Electric was sued for more than \$10 million in a trade secret and contract dispute, Dowd Bennett won on all counts and won \$5.4 million in damages on a counterclaim.

When the St. Louis Cardinals were under a government investigation for a hacking scandal involving the Houston Astros, the franchise hired Dowd Bennett to conduct an investigation, which cleared top team executives of

wrongdoing.

When four Busch siblings opposed brother Billy Busch's plan to buy Grant's Farm, they hired Dowd Bennett.

The firm showed promise from its founding 10 years ago. Ed Dowd, 67, is a former U.S. attorney for the Eastern District of Missouri and member of a large St. Louis family with deep connections in the legal community. Jim Bennett, who will turn 46 July 27, is a former clerk for U.S. Supreme Court Justice Anthony Kennedy and a well-respected trial and appellate lawyer.

Quickly Dowd Bennett became a hot commodity nationally. Bennett travels

all over the U.S. trying lawsuits and arguing appeals.

Valero Texas Refinery, the nation's largest refiner, has been using Bennett since the days he and Dowd were partners at Bryan Cave. "He had so much poise in the courtroom and is such a good trial lawyer that I soon began using him all over the country," Rich Walsh, Valero's deputy general counsel, said. "He reads people well and makes connections with juries and judges." In 2014, Bennett won a unanimous jury verdict in a suit seeking \$6 million from Valero in the County of Galveston, Texas, seeking damages for exposure to benzene and other toxins.

In 2012, Bennett won a \$95 million tax benefit in favor of client Fresenius Medical Care, which operates dialysis centers, in a lawsuit against the United States in a Massachusetts court. The U.S. Department of Justice Tax Division had made no monetary offer to settle the case.

In 2008, just two years after its founding, Bennett was the lead lawyer defeating MetroLink in a \$130 million, nine count case involving responsibility for cost overruns in the \$550 million rail extension from Forest Park to Shrewsbury. "MetroLink got zero," Dowd said. "We asked for \$4 million for bills not paid to the engineering firm and got \$2.5 million."

STV Inc., the engineering firm that Dowd Bennett defended in the MetroLink case, also followed the two lawyers when they left Bryan Cave. "Jim exudes self confidence," said Judy Held, STV's general counsel. "The first time he came to our offices in New York, he walked into the office of my CEO, a very conservative guy, put his feet up on the coffee table, looked at my boss and said, 'We can win this case.' He kicked butt in court."

Bennett doesn't shy away from discussing his losses, both of them. "You can't win them all. I've lost two jury verdicts in cases in the last 10 years, and it seems like one loss cancels out a lot of wins. One was in the City of St. Louis and another was in a smaller county in Illinois. It took me some time to recover each time, and I don't look forward to it ever happening again, but I know if you do this much it is inevitable."

Attorneys who opposed Dowd lawyers in their biggest St. Louis cases begged off commenting about their work.

Mary Anne Sedey of Sedey Harper, who represented Katz against Anheuser-Busch, declined, as did Don Lents, a Bryan Cave partner and former chairman.

Get to know Jim Bennett and Ed Dowd

The decision Dowd and Bennett made in 2006 to leave Bryan Cave, where they were comfortable as partners, was almost spur of the moment. At a firm retreat in Dallas, the two took a walk together. "Jim said, 'Why don't we leave here and start our own firm?'" Dowd recalled. "And I said, 'I thought you would want to stay here.' He said, 'No, I'm good to go.'"

The move was nonetheless filled with trepidation. "Both of us were leaving despite the fact we both liked Bryan Cave," Bennett said. Would their clients follow them? Would they be able to attract new clients?

Boy, did they. As is common practice, Bryan Cave, Dowd and Bennett sent out joint letters to clients informing them of the break-up and offering them a choice of representation in the future. "Every client we sent the letter to went with us," Dowd said. "I told one to stay with Danny O'Keefe at Bryan Cave because he was doing a great job for the client."

Dowd and Bennett have assembled a team of 27 lawyers uncommonly accomplished for a firm so young. They hold undergraduate and law degrees from the University of Chicago, Notre Dame, Northwestern, Duke, Georgetown, Harvard and the U.S. Naval Academy, as well as Washington University, Saint Louis University and the University of Missouri. In addition to Bennett, 10 served as judicial clerks. In addition to Dowd, partner Jim Martin served as U.S. attorney and others as assistant U.S. attorneys. Several came from Bryan Cave, as well as prominent national firms such as Jones Day, Sidley Austin and Williams and Connelly.

Every lawyer and his brother is related to Ed Dowd

"Dowd Bennett has really high standards for its team, and hangs onto them," Valero's Walsh said. "The firm is full of good lawyers. We have several of them handling our dockets."

"The biggest surprise to me is how much I have enjoyed hiring lawyers," Bennett said. "It's fun to interview, hire and see people develop."

A Dowd Bennett hire who needed no interview is former Sen. Jack Danforth, who left Bryan Cave last year. Bryan Cave, which represents Wells Fargo, objected

to the fact that he had helped friend Barbara Morris find legal representation in her suit against the financial giant.

It wasn't the first time Danforth, a Republican, paired up with Dowd, a Democrat. In 1999, Danforth was chosen by U.S. Attorney General Janet Reno, a Democrat, as special counsel to investigate the federal raid on the Branch Davidian compound in Waco, Texas, and he chose Dowd as his deputy special counsel.

"It was very important that this be a bipartisan investigation, and Janet Reno recognized that," Danforth said. "Ed had been the U.S. attorney immediately before, and he had the experience and credibility. It was a perfect fit. It was also the meshing of personalities. He's a joy to be around."

As for what has attracted so many clients with big-dollar cases, Danforth said, "Success breeds success. At a lot of the big law firms, the litigation departments do a lot of motion and discovery work. This office does that but is always ready to go to trial, ready to go to war."

Held, the STV general counsel, said something similar: "Almost no lawyers love going to trial if they can settle a case instead. Jim Bennett lives to go to trial. He almost gets depressed if a case settles."

Tom Dittmeier, also a former U.S. attorney here, is another Republican who has worked repeatedly with Dowd. They met in 1981 when Dittmeier was appointed U.S. attorney by President Reagan, and Dowd was already a lawyer in the office. Reagan started drug task forces in U.S. attorney offices across the country, and Dittmeier appointed Dowd to run the one here. Why? "We're both law enforcement people who want to see things done the right way. His dad was an FBI agent and circuit attorney, and Ed has an outstanding reputation in the St. Louis region."

When Dowd was appointed U.S. attorney by President Clinton in 1994, he called Dittmeier and asked him to return to the office to try major cases, and he agreed. "Our relationship is real incestuous," Dittmeier said with a laugh.

As for what's ahead, Dowd said, "That's the question I never know the answer to. From the time we started Dowd Bennett, the cases that come in determine that. But we don't have any desire to be a large firm."