



## Stephen D. Susman (1941 ? 2020) Former Managing Partner

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### Overview

**STEPHEN D. SUSMAN, P.C.**, born Houston, Texas; admitted to Bars of Texas, District of Columbia, New York, and Colorado.

Steve Susman was a titan. His professional success can be measured in many ways: his founding and building of the premier litigation boutique, Susman Godfrey; his extraordinary record of winning complex, high-profile cases for both plaintiffs and defendants, large and small; the number of young lawyers he mentored, molded, encouraged, and believed in; and his personal crusade to enhance and preserve civil jury trials. He accumulated almost countless professional honors and awards over a legal career that spanned 55 years. He had a deep-rooted commitment to justice and the rule of law.

#### Career History

##### *The Early Years*

A native Houstonian from a highly respected family of lawyers, Susman worked his way through Yale University, graduating magna cum laude in 1962. Returning to his home state and the University of Texas Law School, he served as Editor-in-Chief of the Law Review and graduated first in his class, with the highest-grade point average in the school's history at that time.

After serving as a law clerk to The Honorable John R. Brown of the Fifth Circuit Court of Appeals, Susman clerked for then-United States Supreme Court Justice Hugo Black. A biography of Justice Black revealed that Susman was the first law clerk whom Black trusted to draft opinions for him.

Early in his career, Susman joined a large Houston-based firm, quickly rising through the ranks to become a partner. He took a one-year sabbatical to teach law at the University of Texas. He soon touched on the magic niche that led to a new style of law practice – representing plaintiffs in complex commercial disputes.

##### *Building Susman Godfrey*

In 1980, Susman founded Susman Godfrey, one of the first boutique law firms to limit its specialty to commercial litigation. Susman built the firm on the idea of handling large commercial cases on a contingency basis. At the time, the use of contingent-fee arrangements was largely limited to personal injury cases. Susman's core belief was that if a lawyer was not willing to take a case on contingency, the case was not worth litigating.

Clients liked the concept because it signaled the lawyer's confidence in the case, aligned their interests with their lawyer's, and conserved cash. **Decades before “alternative fee arrangements” became a catchphrase at corporate counsel gatherings, Susman had made them a key ingredient in the firm's recipe for success.**

## ***A Winning Model***

Susman Godfrey reaped the benefits of this high-risk, high-return model by carefully selecting its cases, handling them efficiently, and winning some of the largest jury verdicts in the country. In the 1990s, the contingent-fee model gave way to a spectrum of alternative arrangements, including pure contingent models, success bonuses, fixed fees, hybrid fees arrangement, hourly fees and combinations of the above.

At the time of Susman's death, Susman Godfrey had grown into a powerhouse litigation boutique, with offices in Houston, Los Angeles, New York and Seattle, providing home for over 130 trial lawyers. *American Lawyer* (ALM) named the firm one of the [top two litigation boutiques in the country](#) in 2005 and [Boutique Law Firm of the Year](#) in 2019. In 2017 it was profiled in *Lawdragon's* feature story, "[Don't Mess With Texas, How Lawyers at Susman Godfrey Formed America's Leading Trial Firm.](#)"

***"You will succeed as a trial lawyer if you love what you do."***

– Stephen Susman

Susman first established his national reputation when he won a landmark victory as a plaintiff's attorney in 1980 with an award of more than \$550 million to victims of a nationwide price-fixing conspiracy – it was the largest antitrust jury verdict of its time.

Throughout his career he represented both plaintiffs and defendants including Northrop in its suit against McDonnell Douglas over the F-18 jet fighter, [House Speaker Jim Wright in his ethics battle](#), the Hunt brothers in the largest lender liability case in history, the state of Arkansas in a milk price-fixing case, NASDAQ in multiple high-profile matters, and Steven Kumble in a high profile contract dispute against Lincolnshire Management.

**Susman regularly secured landmark monetary awards for his clients.** As co-lead counsel to Texas Instruments, he secured a \$1.1 billion settlement in a breach of contract dispute with Samsung. He also won a \$536 million jury verdict for GHR Energy in its contract dispute with El Paso Gas Corp. Over the course of his career Susman scored multi-million-dollar trial victories for clients such as General Electric, Wellstat Therapeutics, Joe Brand, Inc., Industrial Recovery Capital Holdings, and Masimo Corporation; and faced off against industry titans such as RJR Nabisco, Exxon Corporation, Xerox, and Jeffries.

You can read a full list of Susman's trials [here](#).

### **Recognition**

Throughout his career, Susman was routinely recognized for his significant work. *American Lawyer* and *Texas Lawyer* (ALM) honored him with Lifetime Achievement Awards in [2016](#) and [2015](#), respectively. In 2014, *Law360* named Susman one of their first "[Titans of the Plaintiffs' Bar](#)." In 2011 the Texas Association of Civil Trial and Appellate Specialist awarded Susman with the [Lifetime Excellence in Advocacy Award](#).

Susman was among four of the best trial lawyers in the country selected to compete in the "Best of the Best Shoot-Out" at the Litigation Section of the American Bar Association's annual meeting. After final arguments by each top lawyer, the 30-person jury voted unanimously for Susman as the most persuasive.

In 2006, Susman was honored as one of the nation's Top 10 litigators by *The National Law Journal* (ALM). He was also among a highly select group to have been included Chambers USA for over 10 years and be ranked in The Best Lawyers in America (Woodward-White) for over 25 years. A *Business Insider*, Law Review 2010 issue named him one of the eleven lawyers you, "definitely do not want to see across the aisle."

*Texas Lawyer* (ALM) placed Susman among the ten lawyers "[whose actions had the greatest impact on the Texas legal profession from 1985 to 1995](#)." *Business Week* has called him "a lion of the Texas Bar"; *Town &*

Country, “the Houston courtroom gladiator best known nationally”; the *Houston Business Journal*, “the reigning prince of Houston business litigators.”

Susman also appeared on The International Who’s Who of Lawyers list (Law Business Research Ltd.) and was consistently hailed as one of the Top 10 Lawyers in Texas by *Texas Super Lawyers* (Thompson Reuters).

International Commercial Litigation’s worldwide annual poll of lawyers ranked Susman as the Litigator of the Year and then Top Litigator in the United States in two separate years.

Jury consultant, Don Vinson, in his book [America’s Top Trial Lawyers](#), ranked Susman among the 14 best trial lawyers in the United States and John Jenkins featured Susman in his best seller, [The Litigators](#).

#### **Dedication to the Legal Community**

***“I hope that my legacy will be that I restored an interest in the legal system in trying cases in front of a jury.”***

– Stephen Susman

Although the stakes were high and challenges immense in his private practice, that did not stop Susman from tirelessly pursuing causes of justice and reform. Teaching lawyers around the world effective advocacy—instituting reforms in the civil justice system, improving jury comprehension, streamlining class actions, and promoting efficient trials—topped Susman’s priorities in his dedication to law. In his later years, Susman penned a series of articles for *Law360* called “Innovating for Wise Juries Series,” which explored “resuscitating the American jury trial.”

#### ***Trial By Agreement***

Susman was known for the Susman Agreements promoted by his website [TrialbyAgreement.com](#). Trial by Agreement is a forum where trial lawyers, in-house counsel, clients and judges can discuss improvements, agreements covering other subjects and keep some record of what works and what doesn’t. Susman created it after serving as a member of the Texas Supreme Court Advisory Committee and as the Chairperson of the Discovery Subcommittee and experiencing first-hand the difficulties in creating procedural rules that fit every civil case.

The agreements available on the website help litigants, judges, juries, and lawyers come to agreement on simple rules at the beginning of a case to streamline discovery and trial. Susman believed these agreements reduced expense, stress, and many of the uncertainties that are associated with pretrial rulings and jury trials.

#### ***Civil Jury Project***

As his career progressed, Susman often questioned why less than one percent of federal civil cases were decided by a jury (You can watch Susman discuss the right to civil jury trials [here](#)). In 2015 he set out to investigate the reason when he donated \$2 million to New York University, and partnered with its law school to establish and fund [The Civil Jury Project at NYU Law School](#). The project was and continues to be a collaborative effort between law students, lawyers, judges and political bodies across the nation who intend to examine the factors leading to a decline in civil jury trials and educate the legal community and public on methods to revitalizing the dying system.

The Civil Jury Project, headed by Susman as Executive Director, launched in September 2015 to investigate the impact of lower jury trial rates on the public’s constitutional right. The project engages a variety of legal professionals and policy makers to discuss the importance and mechanisms for preserving the right to a jury trial. Susman spent time and effort to address this issue, even serving as a guest-professor in the programs

first year.

### ***Service to Legal Organizations***

A board-certified civil trial specialist, Susman served on the National Board of the American Board of Trial Advocates. He also served on the Advisory Board of the Center of Civil Justice at NYU Law School and the University of Texas School of Law's Review of Litigation. Susman was also a Board Member of The University of Texas Law School Foundation, the University of Houston Law Foundation, the National Tort Museum, and of Modern Courts.

Susman also was a member of the Bentham Advisory Panel, the Warren Burger Society, the New York Intellectual Property Law Association, the Houston Intellectual Property Law Association, the American Intellectual Property Law Association, the American Law Institute, the Colorado Bar Association, the New York State Bar Association, and the City of New York Bar Association.

Susman served as former Director of Texas Association of Civil Trial and Appellate Specialists and a Trustee of the U.S. Supreme Court Historical Society.

### ***Civic Affiliations***

Susman also dedicated time to non-legal matters that were close to his heart. He served as a Trustee for the Yale University Art Gallery, a member of the MD Anderson University Cancer Foundation Board, a member of the University of Texas Health Science Center Development Board and the University of Texas Development Board; and a member of the Leadership Council of the Yale School of Forestry & Environmental Studies and the national Eagle Scout Association.

### **Profiles**

A **self-made phenom**, Susman was routinely profiled in highly viewed legal and national media.

- In 2016, *American Lawyer* named Susman a "[Lifetime Achiever](#)." In the article Susman is called "ahead of his time," and "a trial lawyer's trial lawyer."
- In 2016, *The Brunswick Review*, profiled Susman in an article called "[Making the Case](#)" where he discussed the media and the benefit of challenging conventional wisdom.
- In 2015, Susman was named a "[Lifetime Achiever](#)" by *Texas Lawyer* in the publication's first annual Professional Excellence Awards.
- In 2015, *Lawdragon* profiled Susman in their Lawyer Limelight series, in an article called "[Stephen Susman On NYU's Law's Civil Jury Project](#)," that took a deep dive into Susman's endeavors with New York University.
- In 2010, *Business Insider* profiled Steve in the article, "Lawyers You Definitely Don't Want to See Across the Aisle."
- In 2008, ABA Journal published "[The G-Man – A Week in the life of a \\$1,000 an Hour Lawyer](#)," an article that describes Susman as a "breed of one," and a "first-rate hustler," who can, "throw a party."

At the time of his death, Susman's [list of references](#) was 13 pages long and [letters of recommendation](#) continued to come in.

### **In Memoriam**

Stephen Susman died on July 14, 2020.

The legal community mourned Susman's death and extolled the legacy he left on the profession:

- "[Obituary: Stephen Daily Susman](#)," *Dignity Memorial*
- "[Steve Susman: 1941- 2020](#)," *Lawdragon*

- [“Profession Loses Steve Susman to COVID,”](#) *Above the Law*
- [“Susman Godfrey Founder Loses Battle with COVID-19,”](#) *Law360*
- [“Stephen Susman, a Father Figure in His Firm and Dean of the Litigation Bar, Revolutionized Trial Work,”](#) *Law.com*
- [“Burns Charest Recognizes the Life, Impact, and Passing of Legendary Lawyer Steve Susman,”](#) *Burns Charest*
- [“Houston Lawyer Loses ‘Valiant Battle’ to Coronavirus After Bicycle Accident,”](#) *Houston Chron*
- [“Trial Bar Titan Stephen Susman Passes Away After Cycling Accident, COVID-19 Battle,”](#) *Texas Lawyer*
- [“Founder of Houston Law Firm Susman Godfrey Dies,”](#) *Houston Business Journal*
- [“Houston Lawyer Steve Susman’s Valiant Battle is Over,”](#) *Texas Lawbook*
- [“Trial Icon Susman Wasn’t Done Winning, Laughing, Teaching,”](#) *Law360*
- [“Trial titan Stephen Susman dies following accident, COVID-19 diagnosis,”](#) *Westlaw Today*
- [“In Memoriam: Stephen Susman,”](#) *NYU Law*
- [“Remembering Steve Susman,”](#) *Texas Appleseed*
- [“On the Passing of Steve Susman,”](#) *MoloLamken*
- [“A Year after the Loss of Its Founder, Susman Godfrey Keeps Moving Forward,”](#) *Reuters*

## Education

- University of Texas (J.D., with highest honors)
- Yale University (B.A., *magna cum laude*)

## Clerkship

Law Clerk to Justice Hugo L. Black, United States Supreme Court

Law Clerk to The Honorable John R. Brown, United States Court of Appeals, Fifth Circuit

## Honors and Distinctions

### Recognition

- *Benchmark Litigation*
  - Top 100 Trial Lawyers in the Nation (2018)
  - National Litigation Star, 2015
  - Top 100 Trial Lawyers in America, 2014
  - America’s Leading Litigation Attorneys, 2009 – 2014
- *Best Lawyers in American* (Woodward White, Inc.)
  - Commercial Litigation (1983 – 2020)
  - Bet-Company and Antitrust (2006 – 2020)
  - Litigation: Antitrust, Environmental, IP, Patent (2011 – 2020)
  - Lawyer of the Year: Litigation: Antitrust/Houston (2012)

- *Chambers Global*
  - Leaders in Their Field (2015)
  - Trial Lawyers (2006 – 2013)
- Chambers USA
  - Nationwide Trial Lawyers (2009 – 2019)
  - Nationwide Antitrust: Plaintiffs (2015-2019)
  - Texas: IP (2007 – 2019)
  - Texas – Antitrust (2003 – 2019)
  - Texas -General Commercial Litigation (2003 – 2019)
- *Law360*, Titan of the Plaintiffs Bar (2014)
- *Lawdragon*
  - Hall of Fame (2019)
  - 500 Leading Lawyers in America (2005 – 2020)
  - 500 Leading Plaintiff Financial Lawyers (2019, 2020)
- *Legal 500*, Legalease Ltd.
  - Antitrust: Civil Litigation/Class Actions – Plaintiff (2020, 2019, 2013-2007)
  - General Commercial Disputes (2020, 2018)
  - Litigation: Mass tort and class action: plaintiffs' representation: (2013 – 2007)
- *Legal Media Group's Expert Guides*
  - Top Thirty Litigation Attorneys in the United States (2013)
  - Litigation (1997, 1999, 2000, 2003, 2005-6, 2008, 2010, 2012)
  - Competition and Antitrust (1996 – 2012)
  - Best of the Best USA (2006, 2008-9, 2011, 2013)
- *National Law Journal*, Litigation Trailblazers & Pioneers (ALM, 2014)
- *Super Lawyers* (2003 – 2020, Thomson Reuters)
  - Top 10 Lawyers in Texas (2003-2007, 2009)
  - Top 100 in Texas (2003-2016, 2018)
  - Top 100 in Houston (2003-2019)
- *Who's Who Legal* (Law Business Research Ltd.)
  - Among Top Ten Leading Litigators in the World (2010)
  - Commercial Litigation (2000 – 2014)
  - Texas, Commercial Litigation and Competition (2007 – 2008)

#### Awards

- Clarence Darrow Award, Harris County Democratic Lawyers Association (2018). Click [here](#) to see a video of co-Managing Partner Neal Manne present the award to Susman.
- Lifetime Achievement Award, *American Lawyer* (ALM, 2016)
- Lifetime Achievement Award, *Texas Lawyer* (ALM, 2015)
- Lifetime Achievement Award, Texas Association of Civil Trial and Appellate Specialists (2011)
- Distinguished Counselor Award, Antitrust and Business Litigation Section of the State Bar of Texas (2005)
- Outstanding Alumnus, University of Texas School of Law (2001)

## Distinctions

- Visiting Professor, New York University School of Law (2015/2016)
- Editor: "ABA Civil Antitrust Jury Instructions" (1985)
- Board Certified, Civil Trial Law, Texas Board of Legal Specialization (1978)
- Special Counsel to Attorney General of Texas (1975)
- Visiting Professor of Law, University of Texas (1975)
- Friars Society
- Fraternities: Phi Delta Phi; Order of the Coif; Chancellors, Grand Chancellor; Phi Kappa Phi

## Speeches

Susman was tapped to deliver important speeches many times over the course of his career. He spoke about the law and a multitude of related subjects at the ACC Legal Symposium, the American Law Institute, the Attorney General's Distinguished Speakers Series, Columbia Law School, the Federal Bar Association, the Houston Bar Association, the International Bar Association Conference, the Kansas City Metropolitan Bar Association, New York University, Oregon State Winter Series on Global Climate Change, Stanford University, University of Houston Law Center, University of Pennsylvania Law School Center on Professionalism, Yale Law School and many more.

Click [here](#) to see a full list of Susman's speaking engagements.

## Professional Associations and Memberships

- Member, Bentham Advisory Panel
- Member, Warren Burger Society
- The New York Intellectual Property Law Association
- Houston Intellectual Property Law Association
- American Intellectual Property Law Association
- The University of Texas Law School Foundation Board
- University of Houston Law Foundation Board
- American Board of Trial Advocates National Board
- Director of Texas Association of Civil Trial and Appellate Specialists
- Trustee, U.S. Supreme Court Historical Society
- Advisory Board, University of Texas School of Law's Review of Litigation
- American Law Institute
- Colorado Bar Association
- New York State Bar Association, City of New York Bar Association
- Board of National Tort Museum
- Board of Modern Courts
- Board, Center on Civil Justice of NYU School of Law

## CIVIC AFFILIATIONS

- Trustee, Yale University Art Gallery

- MD Anderson University Cancer Foundation Board of Visitors
- The University of Texas Health Science Center Development Board
- The University of Texas Development Board
- Leadership Council of the Yale School of Forestry & Environmental Studies
- National Eagle Scout Association

## Video



Jury Trial Webinar

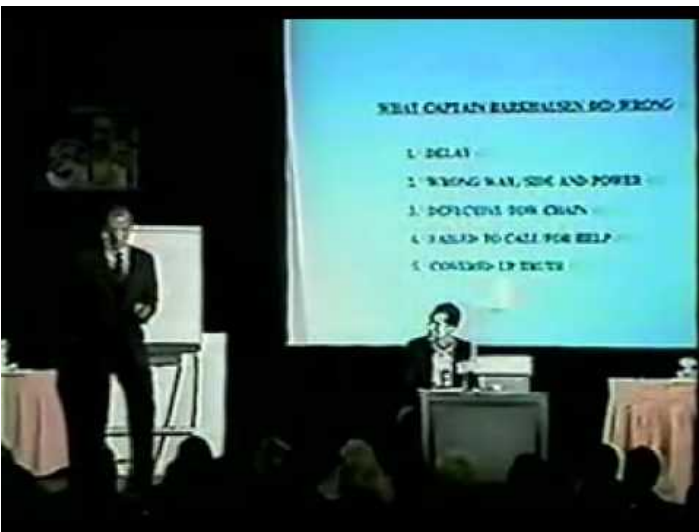


Practice of Law





Corrugated Container



Closing Argument Shootout



2013 Good Apple Award



Yale Law School Talk



Joy of Lawyering



Mayor's Press Conference



Truth Finding



Justice Sonia Sotomayor



Susman Conversation