

Litigation Leaders: Zuckerman Spaeder Chair Dwight Bostwick on How Teaching High School and Coaching Prepared Him to Lead

“It’s so important to establish a culture where people see themselves as part of a team and recognize and celebrate the importance of each person’s role in the group’s success. Doing so is fundamental to successful outcomes, whether you’re a team on the field or a trial team in court.”

By Ross Todd
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Welcome to another edition of our *Litigation Leaders* series, featuring the heads of some of the country’s leading litigation firms.

Meet **Dwight Bostwick**, the chairman of the executive committee and partnership board of litigation boutique **Zuckerman Spaeder**. The firm has about 80 lawyers spread across four offices in Washington, D.C., New York, Baltimore, and Tampa. Based in D.C., Bostwick handles a mix of complex commercial litigation and white-collar defense work.

Litigation Daily: Tell us a little about yourself — beyond what’s in your law firm bio.

Dwight Bostwick: I’ve been extremely fortunate to have a varied and satisfying professional career, but it’s equally important to me that I’ve been able to do so while being active in other areas of life.

As with so many people, family is important to me. My wife has had her own accomplished career. She started a small civil rights law firm with five partners, was later appointed to head a federal agency, and has recently been confirmed by the Senate to be a federal judge on the U.S. Court of Federal Claims. At times, it was challenging for

us to balance work and family. We put a lot of effort into finding what worked for us.

We devoted a lot of our free time to our kids. I coached their baseball, soccer and basketball teams every season for over a decade. Before law school, I had taught high school and coached, so I enjoyed re-living some of those experiences with my own kids and their friends as they were growing up. As a coach, I love helping build a sense of camaraderie, setting individual and team goals, giving nicknames to the kids, and creating a loose, fun, and cooperative atmosphere that helps them excel.

People often ask what prepared me to lead a law firm. I always say that the two best things I did were teaching high school and coaching. It’s so important to establish a culture where people see themselves as part of a team and recognize and



Dwight P. Bostwick

Courtesy photo

celebrate the importance of each person's role in the group's success. Doing so is fundamental to successful outcomes, whether you're a team on the field or a trial team in court.

As firm chair, what are some of your goals or priorities for the next year?

A core tenet of our firm philosophy is balance – balance in the type and volume of work we do and balance between our personal and professional priorities. We believe that maintaining a balanced life in and out of the office has a positive cumulative effect, resulting in happier, more effective attorneys who deliver on the firm's promise of thoughtful, customized client service.

Like many firms during the pandemic, we continue to explore the balance between remote and on-site work. For me, trying to maintain a sense of shared purpose throughout all levels of the firm while working remotely has been a major priority. We're in the process of developing a framework that will allow us to enjoy the benefits of flexibility while maintaining that sense of connectedness and inclusion at all levels. The latter point is especially important. We have been working with a respected diversity, equity, and inclusion consultant to further cultivate an environment that supports and celebrates the contributions of every individual.

How many lateral litigation partners have you hired in the last 12 months? What do you look for in lateral hires?

We recently welcomed two excellent new partners – **Candace Jackson-Akiwumi** and **Dan Braun**.

Candace joined the firm following many years as a public defender, which is consistent with our firm's tradition of hiring those from public service. After coming to the firm, Candace was nominated by the President and confirmed by the Senate to serve as a federal judge on the Seventh Circuit

Court of Appeals. While we miss her, we take pride in her accomplishment and are confident she will make a positive and meaningful impact in her new role.

I've known Dan Braun for many years, and I'm glad to have him as a colleague again. He is a tremendous asset to our firm. With over 30 years of experience as a litigator, Dan spent half of his career serving in high-ranking positions at the DOJ and U.S. Attorney's Office for SDNY, and the other half in private practice. Both of these partner additions have complemented and enriched our culture.

We are always on the lookout for highly accomplished attorneys who will allow us to expand our ability to deliver excellent client service. We've been fortunate to have expanded our associate talent pool significantly in the past few years and continue to be impressed with the energy, effort, and ability they bring to the firm.

What were some of your firm's biggest in-court wins in the past year, and can you cite tactics that exemplify your firm's approach to success?

In May 2021, the firm was engaged to represent Sabrina Meng, Chief Financial Officer of Huawei Technologies, in connection with her federal prosecution for bank and wire fraud. After lengthy negotiations, prosecutors in the Eastern District of New York and the National Security Division agreed to a deferred prosecution agreement resolving all charges against her. Ms. Meng had been detained in Canada while contesting extradition for over two years, and the agreement provided for termination of the extradition proceedings and allowed her to return to her home and family. Success in that case required experience and outside-the-box solutions given the international implications that served as an overlay to the complex criminal allegations.

We are particularly proud of our work on behalf of Black NFL retirees in the pro football concussion MDL settlement, which built on more than 15 years of Zuckerman Spaeder's advocacy for NFL players injured by concussions. Our lawsuit in the Eastern District of Pennsylvania exposed the use of "race norming," which assumes that Black players started with lower cognitive ability than White ones, and our litigation brought an end to this practice. And this is not just a huge win for thousands of Black former NFL players, who stand to gain greater benefits from the settlement. The lawsuit also catalyzed a public discussion of how race norms throughout medicine and mental health contribute to health inequities and discrimination against people of color.

Another team of Zuckerman Spaeder attorneys represented the University of Pittsburgh Medical Center (UPMC) in the Western District of Pennsylvania against a publicly-traded actuarial firm. UPMC alleged that the defendant had massively understated pension plan liabilities, saddling our client with these unknown liabilities after an acquisition closed and threatening the plan's solvency. After a month-long jury trial, the defendant settled the case for \$41.5 million shortly before closing arguments.

While not all of our successes are matters of public record, as these examples show, our firm consistently employs lean, agile, and coordinated trial teams. We believe this approach gives us an advantage. Each member of the trial team participates in developing pragmatic, effective arguments and helps coordinate the presentation of evidence to a judge or jury. Clients frequently seek us out because of this philosophy. I'm so impressed by the

many lawyers at our firm who have put forth such dedicated effort into those cases, and I'm sure our client feels the same way.

Where are you looking to build or expand in the next year?

Unlike some firms, we don't have an aggressive plan of growth solely for the sake of expansion. We have had success over many decades by knowing what we do, doing it well, and sticking to that formula. We believe our firm's size and approach to litigation allows us to be effective, adaptable, and to deliver the highest quality work in highly complex cases. Our ability to respond to the challenges presented by the pandemic have reinforced our confidence in our approach.

With that said, we manage with our eyes open. We are attuned to changes within the market and changes in our clients' needs. We want to remain flexible to improve our ability to support our clients if certain changes or additions make sense.

What does your firm's coming trial docket look like?

As a litigation firm with more than our share of trials, we are preparing for a busy 2022. In addition to serving as lead counsel in a sprawling MDL, we have a number of trial-bound matters. On behalf of several non-profit organizations, we will take United Healthcare to court for its alleged illegal handling and denial of office-based surgery claims. We're also preparing for a criminal trial relating to alleged anti-kickback violations by doctors in a large medical practice, a jury trial in SDNY over breach of contract allegations, and several others, including as part of our dynamic pro bono practice.