

MVP: Boies Schiller's Karen Dunn

By **Cara Salvatore**

Law360 (November 20, 2019, 3:31 PM EST) -- Karen Dunn's successful defense of Uber this year in a \$124 million trial against Boston taxi companies claiming the ride-hailing giant operated illegally has earned the Boies Schiller Flexner LLP partner a place as one of Law360's Trials 2019 MVPs.

Dunn's win following a July bench trial against 34 taxi companies saved Uber from claims that when it swept into Boston — allegedly against the law — it caused hundreds of taxi medallions' value to drop by \$342,000 apiece.

Dunn, a political campaign communications specialist and former Supreme Court clerk, said that trials are where all of her talents shine together.

HER BIGGEST CASE THIS YEAR:

The win for Uber, which came in bet-the-company litigation, was the biggest case Uber has successfully tried through to judgment, Dunn said.

The cab groups, which are currently appealing Dunn's win, said that Uber swept in and stomped all over an existing regulatory structure. Uber said it followed other ride-hailing companies into Boston and never had any suggestion from the city that there was an issue — in fact, at times the mayor signaled his approval, Dunn said at trial.

It was "a righteous win based on both the law and the facts, and the judge's opinion tracked very closely my closing argument," she said.

HER PROUDEST MOMENT:

Dunn said that any time she's able to have an all-female trial team, it brings a burst of pride, and the team on the Uber trial was a diverse team exclusively populated by women. She also noted the presence of women at the counsel table on the day she presented summary judgment argument on behalf of

MVP



Karen Dunn
Boies Schiller

client Apple in the closely watched Apple v. Qualcomm litigation. The case ultimately settled on the first day of trial.

"I staff matters with the best people for the matter," and on a high-profile trial, having them all be women is "particularly gratifying," Dunn said.

WHAT MOTIVATES HER:

Dunn cited two motivations, one of which is her experience in politics, where she is considered a top gun in debate prep and communications for Democratic candidates.

"I treat all my trials as if they are political campaigns," Dunn said. "Complicated legal cases are not linear. And so there's always different levers to press, different strategic routes to take, different things to try. And if one thing doesn't work, something else will."

Dunn also said that any time she's confronted with doubt about her capabilities, it lights a fire in her.

Before clerking for Supreme Court Justice Stephen Breyer as well as eventual Supreme Court nominee Merrick Garland, Dunn said she "heard one of my first-year law professors tell somebody that I couldn't do it." That "may have been" the reason she ended up clerking in the nation's highest court, she said.

HER ADVICE FOR JUNIOR ATTORNEYS:

Dunn said that anyone who undertakes a life in trials must understand this line of work's all-consuming nature. They must also understand that every member of every team will, at some point, be called on to do even the most menial tasks.

"The process of being in trial for weeks is like being in a hermetically sealed box ... The people you're in the trenches with are eating, breathing, sleeping the same thing as you. And you have a mission," Dunn said.

"If you're not the kind of person who is going to crawl around on the floor putting binders together, then this is not the profession for you."

— As told to Cara Salvatore

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