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## ATTORNEY OF THE YEAR FINALIST



**Thomas M. Melsheimer**  
Managing Partner,  
Winston & Strawn, Dallas

Thomas M. Melsheimer had a busy year in 2017. Aside from opening a new office for big law firm Winston & Strawn, he co-authored a book on jury trials and won several big jury trials.

"If I'm doing something I really enjoy doing you always can find time," said Melsheimer, managing partner of Winston & Strawn's Dallas office. "It's stuff you don't like doing you end up

not getting done and often blaming lack of time."

Chicago-based Winston's new Dallas office opened with 21 lateral partners from eight law firms: Locke Lord, Fish & Richardson, Jones Day, Norton Rose Fulbright, Greenberg Traurig, Squire Patton Boggs, K&L Gates and Miller, Egan, Molter & Nelson. Melsheimer, who is well-known for representing and clearing Mark Cuban against insider trading charges by the U.S. Securities and Exchange Commission, was an intellectual property litigator and managing principle of Fish & Richardson before he left to open Winston's new office. He told Texas Lawyer at the time he wasn't looking to change firms, but Winston's commitment to Dallas impressed him.

"They really went out and got some of the best lawyers in town in their respective

practice areas. I've never seen that before," he said. The office has grown to more than 60 attorneys. Just a couple of months after opening in April 2017, Winston elected Melsheimer to its executive committee.

"Opening the office—that was something I was very excited about," he recalled.

If launching a new Big Law office wasn't enough to do in 2017, Melsheimer also co-authored a reference book for both young and seasoned trial lawyers to seek practical advice about jury trials. Melsheimer and 192nd District Judge Craig Smith of Dallas authored, "On the Jury Trial: Principles and Practices for Effective Advocacy." Melsheimer squeezed in writing on airplanes or waiting in airports, Law.com reported. The 254-page book—often funny—contains

a tremendous amount of hard-earned wisdom. The book covers voir dire, opening and closing statements, preparing witnesses, cross examination, using exhibits, jury research and more, according to the book's description.

The authors have been donating all of the proceeds of the book—already in its third printing—to the University of North Texas Dallas College of Law. The popular \$22 book has sold between 3,000 and 4,000 copies now and it's preparing for its fourth printing.

"We weren't looking to make money off this book and I didn't want people to see it as some commercial enterprise," Melsheimer noted. "I've had lawyers walk up to me and say, 'I read your chapter on opening statements and I used those tips.'"

Melsheimer also had successes in the courtroom.

In the lawsuit *SAP America v. InvestPic* in the U.S. District Court for the Northern District of Texas, Melsheimer in 2017 won his client, SAP America Inc., a ruling invalidating all claims of InvestPic's patent to a statistical technique because it was directed to a "patent ineligible abstract concept." Later that year, Melsheimer got another victory when the judge granted SAP attorney fees.

Among other wins, in April 2017, Melsheimer argued and won a ruling from the U.S. Court of Appeals for the Federal Circuit that ended the lawsuit *AmerisourceBergen v. FFF Enterprises* in favor of his client, FFF Enterprises Inc. Earlier in the case, Melsheimer had defended FFF when AmerisourceBergen sued it in 2013

for patent infringement. The Patent Trial and Appeal Board, part of the U.S. Patent and Trademark Office, conducted a covered business method review and found in 2015 that AmerisourceBergen's asserted claims weren't patentable. Melsheimer's 2017 appellate victory finally killed AmerisourceBergen's patent and ended FFF Enterprises' legal woes.

"I enjoy the excitement of helping a client solve what can be a very serious problem," Melsheimer said. "I feel I'm a participant in the justice system that is an outstanding dispute resolution system and it's hundreds of years old, and hopefully will last hundreds of years longer."

*Angela Morris is a freelance journalist. Follow her on Twitter at @AMorrisReports* ■