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## Appellate Hot List 2020: Beck Redden

Russell Post discusses the firm's top U.S. Court of Appeals win.

By **ALM Staff** | November 01, 2020



**Russell Post, with Beck Redden. Courtesy photo**

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**Tell us about your top U.S. Supreme Court or federal appeals court victory over the past year and how you and your team achieved the win.**

*Hewlett-Packard Co. v. Quanta Storage Inc.:* The U.S. Court of Appeals for the Fifth Circuit upheld a judgment for \$438.65 million in favor of Beck Redden client HP Inc. This antitrust judgment based on a price-fixing conspiracy is one of the largest civil judgments ever affirmed by the Fifth Circuit. The opinion turned on the sufficiency of the damages evidence, and the appellate strategy included 1) careful application of often-overlooked circuit precedent regarding preservation of error under Rule 50; 2) painstaking analysis of all the record evidence; and 3) a creative alternative basis for affirmance designed to give the court multiple paths to the same decision and inspire confidence about the outcome.

**What was your firm's key to appellate success over the past year?**

Our senior lawyers engage deeply in each appeal, bringing expertise and judgment to bear while collaborating with younger lawyers to execute our appellate strategy. We are a close-knit team that aims for excellence and solid legal analysis every time.

**What is the most satisfying element of appellate practice, in your opinion?**

Appellate advocacy is primarily a written art form, and we strive for the same elements that define satisfying art: careful composition, structure that suits the subject, proportionality in the elements, and a sense of the artist's personality. Achieving those objectives is its own reward.

**What's the most valuable lesson you learned as a young lawyer?**

In response to youthful concerns that a particular strategy might be too ambitious and invited risk, an accomplished senior lawyer said: "Never be afraid of winning."

*Submitted by Russell Post, a partner at Beck Redden.*

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