

# The Texas Lawbook

Free Speech, Due Process and Trial by Jury

## Q&A With Trial Lawyer Angela Zambrano

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Angela Zambrano often tests her arguments on her children before presenting to a judge or jury.

Because if there's one thing kids understand, it's fairness, Zambrano reasoned.

"If you can't say it in a way that convinces them that what you're saying is fair, then you have a problem," Zambrano said in a February interview with *The Texas Lawbook*.

For the first time, Zambrano's kids — ages 19, 16 and 14 — witnessed her in court when she argued a whistleblower case before the Fifth Circuit Court of Appeals in January.

And they had a lot of critiques for Zambrano's opponent.

Whether their assessment is aligned with the judges remains to be seen when the appeals court issues its ruling. But the kids' input has so far helped the highly accomplished lawyer, who is co-leader of both Sidley's Dallas office and the firm's global litigation practice group.

Zambrano spoke with *The Lawbook* about some of her big wins, what's ahead and other pre-trial rituals in the following interview. It's been edited for length and clarity.

**The Lawbook:** What is keeping you busy right now?

**Angela Zambrano:** A lot. I was set for trial on Feb. 3 in Cook County on a false claims case, and we reached a settlement in principle. I've been doing a lot of false claims litigation in the last year. I also represent a global dating platform, and



**Angela Zambrano**

I'm handling a matter for them against the FTC that's been in the Northern District of Texas for several years. We won summary judgment on a lot of it, but there's a remaining claim or two that lingers. The judge set that for trial in June. Those are pretty big matters — the plaintiffs seeking hundreds of millions of dollars.

But I also have some smaller monetary matters. I represent a plaintiff medical staffing company, and during the height of the Covid pandemic they were staffing nurses across the country. Mississippi did not pay them all that they were owed. The state had a hurricane during Covid, so the client had people who were deploying in the middle of the hurricane, to a southern state where Covid rates were really high, and the state is not paying them for that. The case is set for trial later in the summer in Mississippi state

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court.

I'm also representing a financial services company against the federal Consumer Financial Protection Bureau, and these are interesting times. I've never had a case where my adversary might just go away. The government has ordered everyone at the CFPB to stop working and sent them home. Strange times to say the least.

**The Lawbook:** What would you point to as some of the biggest trials that you've handled?

**Zambrano:** One that has received a lot of press is an earn-out arbitration that I did in 2020 for a private equity firm that acquired a company and there was a difference of opinion on whether additional sales price was owed [HeidelbergCement AG sought \$100 million from water and drainage pipemaker Forterra Inc. An arbitrator decided Heidelberg was owed nothing.] It was an interesting matter in that the decider, the judge in that case, was actually an accountant, not a lawyer. I'm very interested, of course, in how deciders make decisions. And so, watching an accountant make a decision was really interesting. I learned a lot in that case about how the "typical accountant" thinks about things.

Another case I had during Covid that was a big win and really impactful for the client involved a company that made a special chemical sealing product that keeps the wood dry. And remember, during the Covid era, construction was booming. So, they were doing very, very well. And they were the sole supplier to a customer that was using a lot of the chemical to make their products. Because the customer was paying so much money to our client, they decided they wanted to go around them and start making the product in-house. The problem was the customer didn't know how to make it. So, what they did was basically buy the blueprints to the device that made the chemical for our client from the builder who had the blueprint. And the builder — shame on them — secretly sold our customer the blueprints. So, we had to get

a temporary restraining order preventing the delivery of the device made from those blueprints. Now here's where it gets fun.

We obtained the TRO from a state court two weeks before Covid forced shutdowns, but it was removed to federal court, where temporary restraining orders are a short-term measure and can be extended only once under the law. After that one extension, you have to get into court and prove that you are entitled to an injunction. No one was getting into any court in March of 2020, so we had a really, really great judge in the Northern District of Georgia that basically said to us: "Look, here's the bad news, I'm not going to keep this injunction in place indefinitely. Here's the good news, I am going to hear this somehow." And this was right when [the online communications platform] Zoom was starting. So, we tried it on Zoom in April 2020, and I literally was sitting in my closet with my clothes hanging behind me, putting on a dozen witnesses because that is where my computer sits in my house. We won, and it was really impactful to the client because they had a huge contract with this customer. If the customer were permitted to go around us, it would have really impacted the client's business.

**The Lawbook:** What news, developments or trends in law are you particularly keeping an eye on at the moment?

**Zambrano:** In Texas, we're really keeping an eye on this business courts, and that's really top of mind. There's a lot of litigation as to jurisdiction and removal of cases to those courts and all that. As the cases matriculate in, we are wondering what the litigation will be like. It's really interesting. One of our judges here described the court system as a little bit of state court, a little bit of federal court and a little bit of almost an arbitration. So, I'm watching those developments very carefully because a lot of what is considered to be within those courts' jurisdiction is exactly what I do. We've had so many businesses that have moved to Tex-

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as in the last 10 years, so we should be leading the country in terms of corporate law, and I am excited to see us do it.

**The Lawbook:** Is there a trial that you weren't involved in that you wish you had been?

**Zambrano:** Our products liability group is a really interesting group of people. They have a lot of multidistrict litigation and mass torts. When the rubber hits the road and they actually have to try one of these cases — sometimes they can be a bellwether trial, sometimes it's just somebody that opts out of a class action settlement, that sort of thing — they are really interesting, complicated cases, and there's usually a pretty significant causation burden. They have persuasion difficulty because they're representing a large company, and somebody has gotten hurt. And we've had some great wins in this area, and I always want to be on those teams, because, as I said before, I'm fascinated with how people make decisions. And those are hard decisions for people to make.

Constitutional criminal law also interests me. When I got out of law school, I clerked for a judge in the 10th Circuit who sat in Kansas, where I grew up. And the most difficult cases that my judge had were always criminal cases. I was really drawn to those matters because they were the most challenging under the Fourth Amendment. I have something in me, deep down inside, that really likes criminal law. But I don't think I have a second act in me to do it; it's something that I just admire from afar.

**The Lawbook:** Do you have any pre-trial rituals?

**Zambrano:** I do. There's a couple of songs that I listen to — I'm not going to tell you which ones they are — that just sort of pump me up. I'm also a big believer in literally looking at yourself in the mirror and talking through the argument to make sure I'm convincing and not looking nervous. Because if you're nervous saying something, it probably tells

you that you need to prepare that part of the argument a little bit better. I also think about whether I can, and I often try to, describe the case to my children in a way that they understand.

**The Lawbook:** What is your favorite task to handle that trial?

**Zambrano:** I love cross-examination so much. I had a cross-examination a couple of years ago — I couldn't believe it — an important witness to the other side had been convicted of a felony, and it had not come out in discovery. I thought: "This is the closest to a Perry Mason moment that I'm going to get in my career." I don't like liars. If I can make somebody uncomfortable about the fact that they're a liar, I think I'm doing God's work. I loved it.

**The Lawbook:** On the other hand, do you have a least favorite task to handle at trial?

**Zambrano:** Well, I don't like when cases settle. It is usually good for my client, but I actually go through a little bit of a depression personally. I guess the other thing I would say is I don't like being the person that does the settlement negotiations when I'm preparing for trial, because I want to really stay in that trial mindset. I learned as a young lawyer that there's value in being ready to go to trial when the other side is thinking a case will settle. [In one case] we were going to trial shortly after the Fourth of July weekend and our trial team had no idea that there were settlement negotiations going on. We knew that we were not going to have a holiday weekend and were acting like it, but the other side had been in the loop on the settlement discussions, so they were really struggling to prepare. That put a lot of pressure on the other side to settle, and our client benefitted from it.

**The Lawbook:** How do you celebrate after a trial win?

**Zambrano:** One of my partners said recently that I stink at celebrating and

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that I've got to be better about taking my moment after I have won something. I don't really slow down.

**The Lawbook:** If you were not a lawyer, what career do you think you would have chosen instead?

**Zambrano:** I always say that I would be a writer, because I really do love writing so much. I love language and persua-

sion, which are cousins of good writing. However, my youngest child is into theater, and the more that I watch him perform and move through the process of becoming a young actor, I think he gets his love of the dramatic from me. I would have loved to be an actor or director or something like that, but that is not something that was on my radar growing up as a poor kid in Kansas.