

winning litigators

CRAVATH, SWAINE & MOORE

EVAN CHESLER

■ **TELL US ABOUT YOUR BIGGEST TRIAL WIN FROM JANUARY 2017 TO JULY 2018 AND HOW YOU ACHIEVED THE RESULT FOR YOUR CLIENT.**

American Express was facing allegations that certain provisions in its merchant agreements were anti-competitive. Though we lost following a two-month bench trial in the district court, we were able to re-examine our argument to reach success on appeal in the Second Circuit. This year, I handled the U.S. Supreme Court appeal—my first argument before the nation’s highest court. I argued that AmEx’s business model does not restrain competition because its impact should be considered with respect to consumers, not just merchants, as it takes both coming together through a credit infrastructure to accomplish a transaction. The Supreme Court agreed, newly defining how federal antitrust law applies to two-sided markets.

■ **SHARE TWO TRIAL TIPS THAT HAVE BEEN KEY TO YOUR SUCCESS.**

1) Try to translate the particulars of a case into language the judge or jury can comprehend. If they can’t understand what you’re talking about, even the most eloquent arguments won’t help you.

2) Don’t set your strategy in stone. Go into trial with your eyes and ears open and be willing to shift with the dynamic of how things develop. ■



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