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Free Speech, Due Process and Trial by Jury

Asked & Answered with Gibbs & Bruns' Caitlin Halpern: A 48-Hour Trial Prep and a Hurricane-Day Release

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Gibbs & Bruns partner Caitlin Halpern was involved in competitive public speaking and debate in elementary school, and from an early age she knew she wanted to be a lawyer.

"Once I learned that I could debate professionally and get paid for it and do that for life, I knew that was really appealing, and it really locked in," Halpern said.

She said *Lawrence v. Texas*, a 2003 U.S. Supreme Court decision finding state laws criminalizing private, consensual same-sex sexual activity are unconstitutional, had a big impact on her.

"I was just so impressed seeing what lawyers could do to create justice in the world and change the laws," Halpern said.

A graduate of Columbia University who earned her law degree from Harvard, Halpern spent most of her life on the East Coast before moving to Houston in 2019 to join Gibbs & Bruns.

Halpern recently sat down with *The Texas Lawbook* to discuss her first trial, a pro bono win and a pre-trial playlist. The following conversation has been edited for length and clarity.

Lawbook: What was your first trial?

Halpern: My first trial was in Napoleonville, Louisiana. It was related to the Bayou Corne sinkhole, which was a natural disaster in 2012, where a salt mine collapsed and created a 40-acre lake where a town used to be. We represented the landowner in litigation adverse to the company that had been managing the cavern and mining for salt.



Photo credit: Sharon Ferranti/The Texas Lawbook

They'd accused our client of fraud, and we ended up going to trial on about 48 hours' notice. It was just a really crazy all-hands-on-deck situation. I was in the war room all night with the partners, making witness binders and trying to grab some food at the Sonic behind the Comfort Inn. So that was just a short bench trial, but definitely memorable given the circumstances. And we did end up prevailing, which is also always nice.

Lawbook: What has been a memorable experience in your career?

Halpern: A couple of years ago I worked with the Innocence Project on a parole application for one of their clients who was very severely disabled. It was physically and intellectually impossible that he had committed the crime that

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he was convicted of, but they really weren't getting any traction with the habeas proceedings. So they had reached out to me because I do a lot of parole representation. We ended up getting his parole granted, which was incredible. And the day he happened to be released was the day there was a big hurricane. He was just released in the middle of this huge storm, and his family sent me this wild, grainy cell phone footage of his whole family surrounding him and holding him, so he literally didn't blow away or get washed away in this crazy hurricane, and carrying him to the car. And so that was a really special moment. I'd gotten to know his family in the course of working on the parole application, and just to see him get to go home after decades and decades in prison for a crime that I truly believe he did not commit was really special and really memorable.

Lawbook: What were your takeaways from clerking for U.S. District Judge Paul A. Engelmayer of the Southern District of New York and U.S. Circuit Judge Kim McLane Wardlaw of the U.S. Court of Appeals for the Ninth Circuit?

Halpern: I think in terms of what I learned about myself, I discovered that I really love having a varied practice. One of the great things about clerking is that every case is totally different, and so every day is different. I quickly learned at the public defender's office that I did not care for doing the same thing every single day.

One of my favorite things about this job is being a generalist and getting to dive into litigation on any type of issue, whether it's securities or probate, or the Bayou Corne sinkhole that I'd mentioned earlier. Then I also, particularly from Judge Engelmayer in the Southern District, really learned to know my audience. He cared a lot about making sure his opinions were helpful to other courts and litigants, but also comprehensible to lay people, whether that's clients or the public. I think a lot of my writing style is still very informed by

clerking, trying to write clearly, concisely, directly in a way that'll be helpful to the court, but also comprehensible to my client or anybody else who happens to be reading my filings.

Lawbook: What trends are you seeing in your practice area?

Halpern: One big one is I'm seeing a lot of shifts of cases to the Business Court. So my firm tends to handle large, complex commercial litigation matters that are in the Business Court's jurisdiction. We were excited about those courts when they opened, and so far we've been really impressed both with how quickly they're able to move and with the knowledge and preparation of the specialist bench. That's been a big development — having this whole new court that we're able to appeal to. And I'm hoping that in the long term that will help relieve some of the docket congestion on the district courts, which have enormous case loads.

Lawbook: Do you have a pretrial ritual?

Halpern: I definitely have a pump-up playlist. Sometimes it's case-specific, but I often just go back to the playlist that I made to listen to before oral arguments in my public defender days. It's a lot of pop songs I'd be embarrassed to admit that I like, but it still gets me there.

Lawbook: Who or what inspires you?

Halpern: It's really a combination of so many people that I encounter. I'm still really inspired by the more senior partners at my law firm and more senior attorneys that I get to work with. In particular, I've worked closely with Kathy Patrick at my firm for many years. From being a first-year associate, trying to learn to write like her, to being more midlevel and splitting opening arguments at trial with her, to more recently trying to level up and be more of a peer in some big cases. And then conversely, I still learn a ton from the younger associates who are coming in with so much energy and

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knowledge and different perspectives. Then the last people I would have to shout out are my clients, particularly in the pro bono cases, but also in the paid cases; I always really appreciate the opportunity to work collaboratively with those folks.

Lawbook: What are your hobbies?

Halpern: I definitely love both cooking and eating. I'm a huge fan of art, so having the Menil Collection in particular right here is fantastic. The museum is free and beautiful, and their tastes really align with mine. There's a surrealism wing, and then there's this incredible room that has indigenous art from the Pacific Northwest. Just little rooms or even separate buildings dedicated to pretty much everything that I love. And then the last thing that I always spend a lot of time on is reading contemporary fiction, especially more unusual experimental fiction. I definitely try to keep up with New Yorker fiction and the podcast, and then any time I can carve out to read some favorite authors is great.

Lawbook: What is a recent book you've read?

Halpern: Ben Lerner is one of my favorite authors. I've loved him since his debut novel, *Leaving the Atocha Station*, and his most recent novel, *Transcription*, was just so him. I thought it was absolutely perfect.