

Upcoming election brings back memories for local attorney

Jeffrey Wadsworth was on the winning side in 2000



JEFFREY A. WADSWORTH

With President Donald Trump frequently raising alarms about the potential for voter fraud due to an increased number of absentee mail-in ballots being used to avoid in-person contact during an international pandemic, experts have speculated

that the upcoming presidential election could trigger a legal battle to decide the contest.

It's likely that the campaigns of both Trump and Democratic challenger Joe Biden already have legal teams gearing up for potential litigation. In fact, presidential candidates have been retaining attorneys ahead of time in anticipation of contested results for two decades.

It all started with the 2000 race between George W. Bush and Al Gore where the Supreme Court of the United States ultimately stopped a recount of voting in Florida.

Back then, Jeffrey A. Wadsworth, now a partner at Harter Secrest & Emery LLP in Rochester, was a young associate at Gibson, Dunn & Crutcher LLP.

A New Hampshire native and a graduate of George Washington University Law School, Wadsworth moved to Rochester in March 2007 and now specializes in business litigation.

After law school Wadsworth was law clerk to a judge on the Fourth Circuit. In October 2000 he joined the litigation group at Gibson Dunn, focusing on the appellate work and constitutional law.

"When the election happened, and then the dispute popped up, almost immediately I was among the lawyers who were in the practice

group that would be handling that type of issue, so I was asked if I'd be interested in joining the team," he recalled.

About 20 Gibson Dunn lawyers at the firm were involved in the case over about 40 days, in addition to attorneys from other law firms.

"The Gibson Dunn team was sort of the lead set of lawyers for the appellate strategy and Supreme Court advocacy, but certainly there were other lawyers from other firms that were involved in different ways along the way as well," he said.

Wadsworth did a lot of legal research and helped draft the appellate filings. When the case went to the Supreme Court, he worked on the statement of facts.

Eventually, he became the "scribe" who had control of the key documents to be filed.

"I would have partners coming into my office dropping off their handwritten edits and notes on the current draft, and I was responsible for reconciling the different comments and trying to get it all into the brief," he said.

While several of the firm's attorneys went to Florida where the recount was being contested, Wadsworth stayed in the office.

"The stakes could not have been higher in any case that I've ever been involved with, and so the pressure to really do almost perfect work and to do it quickly, and knowing that there are a lot of really smart people who are going to be looking at your work product and would be quick to criticize if they thought where I was going was wrong, or that kind of thing ... It was a high-intensity type of work," he said.

Colleagues have referred to Wadsworth as unflappable during that case.

"You had to bring your A-game every step of the way and do it in a way where you weren't going to get real flustered by the chaos

of the moment," he said.

Wadsworth said he was especially struck by the magnitude of the situation one day as he rode the train to work and "everyone around me had their Washington Post up and they were all reading about the stuff that I had been working on, and it kind of hit me at that point that this was pretty cool, pretty unique, and it kind of drove home the significance of what we were working on," he said.

That 2000 election "changed the landscape," Wadsworth said. Since then candidates have teams of lawyers ready to swoop in if necessary.

"I think both sides have lawyers at the ready who are already involved with sorting through what some of the issues might be. In 2000 it was the 'hanging chad,' or the 'dimpled chad.' This year, who knows what it'll be. I suspect it might have something to do with the mail-in ballots, but no one really knows yet," he said.

The Bush v Gore case was an education for Wadsworth. It taught him about the importance of teamwork and keeping cool under pressure.

"Each person on the team had their role and understood their role and was also able to make a contribution to the final product," he said. "It's important to understand the value of collaboration and working with others to kind of get the best product."

Being involved in what he calls a "bet-the-company" kind of case showed Wadsworth he was capable of working at a high level under that sort of stressful situation.

"I find that I really enjoy those types of cases and sort of thrive in that situation and that environment," he said.

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