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In-House Counsel Name Favorite IP Attorneys

By Allison Grande

Law360, New York (January 26, 2010) -- The intellectual property attorneys identified in a recent survey of corporate counsel for providing exceptional client services share the ability to combine their legal knowledge with their strong commitment to earning successful outcomes for their clients.

A new [report](#) by The BTI Consulting Group Inc. (Wellesley, Mass.) lists 165 lawyers nominated by corporate counsel for providing exceptional client services, and 11 of the corporate counsel favorites specialize in intellectual property matters.

The report — based on interviews with 240 corporate counsel — attributed client focus, an exceptional understanding of a client's business, solid legal skills and the ability to deliver efficient service with outstanding results as the primary drivers behind the All-Stars' performance, an assessment that many of the intellectual property honorees echoed.

"I think great client service means understanding the client's business objectives and how they relate to whatever the issues are in litigation, understanding and being sensitive to the client's budgeting and any concerns that arise in handling the litigation, and making sure that the services you're providing leave the clients feeling like they got a good value for your work," said Henry Gutman, a partner at Simpson Thacher & Bartlett LLP. "And winning always helps, too."

For Richard Lehv, a partner at Fross Zelnick Lehrman & Zissu PC, the factors that play into successfully relating to clients can be summarized in four words: communication, competence, confidence and caring.

"Clients are looking for a strong, confident advocate that is willing to go to bat for them," Lehv said. "At the same time, they also want to know their chances of winning, to have an accurate estimate of what it's going to cost, to stay informed about what's happening in the case and to be told what's expected of them as a client."

Conveying this information requires an attorney to maintain a constant, direct and honest line of communication, because it's clear to these lawyers that one thing clients don't like is surprises, according to attorneys.

"If the lines of communication stay open and frank with respect to both the potential outcomes and the cost of the case, then that helps maintain some balance in the unpredictable world of litigation," Gutman said.

And on the rare occasion that communication breaks down, the best solution is to quickly and effectively mend these problems, attorneys said.

"It's really important that if there is an issue with a client, you reach out to them right away," DLA Piper partner Christina Martini said. "Although the natural human tendency is to run the other way, it's important to keep the lines of communication open and check your ego at the door. Depending on the way you handle it, a bump in the road situation may make the clients like and respect you even more."

Rick Rambo, a partner at Morgan Lewis & Bockius LLP, said that laying the groundwork of a strong relationship at the beginning helped to avoid problems down the line.

"Those attorneys who have cultivated trust with their clients, when issues come up, those clients have a level of understanding and openness that allows them to effectively evaluate the scope of the problem that needs to be addressed," Rambo said.

The All-Stars also routinely use this open communication line to better fit their ideas to the needs of their clients, lawyers said.

"It's always been my focus to try to understand the client's business and what their objectives are in order to tailor my advice to make a plan," said Scott Baker, a partner at Reed Smith LLP. "And once you lay out that plan, you have to execute."

Carl Butzer, a partner at Jackson Walker LLP, said that when it came to litigation, it's important to find out the client's ultimate goal before devising a plan.

"Taking the time have a conversation with the client about their business plan allows you to start creating a strategy" that takes into account the business' priorities, according to Butzer.

And in sorting out those priorities, it's also important to maintain a broad view of the situation, attorneys said.

"You have to have an ability to deal with clients' problems as a whole and work towards the end result instead of just solving what's on your desk today," said Thomas McDonough, a partner at Neal Gerber & Eisenberg LLP.

In the technical world of intellectual property litigation, attorneys who think outside the box in creating their litigation strategies earn high marks among their clients, lawyers said.

"Even though there are elements in patent litigation that seem repetitive, you need to look at each new case with a fresh perspective and figure out what makes that case different in order to provide your client with an advantage," Gutman said.

John Biernacki, a partner at Jones Day and the only intellectual property lawyer to earn an MVP distinction for being named to the list for the second consecutive year, attributes part of his success to using the new developments in the intellectual property field to craft creative approaches to his work.

"The patent field, especially in the software and business method areas, has seen such dramatic changes over the past 10 to 12 years, so the ability to keep up with case law helps in crafting the best protection schemes for clients and allows the practice to develop along with the case law," he said.

Kilpatrick Stockton LLP's Mitchell Stockwell, Robins Kaplan Miller & Ciresi LLP's William Manning and Ulf Dahlgren of the Stockholm firm Lindahl round out the 11 intellectual property lawyers named in the list.

No matter what combination of methods these attorneys use to foster relationships with their clients, they said that ultimately, achieving exceptional client services comes down to being dedicated to the task at hand.

“I really try to approach each day as a new adventure and a new opportunity to go the extra mile for my clients,” Martini said.

And this attitude doesn't seem to be going out of style anytime soon, Gutman said.

“Although new laws and procedures have changed how you get there, the objective of delivering a good result to a client in a cost-effective manner hasn't changed and probably never will,” he said.