

Most Admired Attorneys: Latham's Lawrence Gotts

By Samuel Howard

Law360, New York (September 01, 2010) -- Latham & Watkins LLP's Lawrence Gotts has the uncommon ability to exploit the most complex aspects of a patent dispute while presenting a straightforward and undeniable argument at trial. With a track record that includes recent sweeps for Honeywell International Inc. and AU Optronics Corp., Gotts is among Law360's 10 Most Admired Intellectual Property Attorneys.

Among the creme de la creme of IP litigators, Gotts has conducted roughly 15 patent trials and litigated more than 75 patent and other intellectual property cases, and while he has certainly striven for success, his record suggests an innate affinity for the field.

"I feel like I have IP in my blood," Gotts said, noting that a great-uncle and a cousin were senior examiners at the U.S. Patent and Trademark Office.



Lawrence Gotts, Esq.

After his own stint at the USPTO, Gotts had an auspicious start to his legal career, successfully representing Rolls Royce Ltd. in a six-week patent trial that convinced Gotts he had found his milieu: the courtroom.

Maximilian Grant, co-chair of Latham's IP litigation practice group, agreed that Gotts is one of those rare IP lawyers with the knack for trial, someone endowed with the impeccable training and character required to thrive in such a challenging environment.

"Larry has the glint in his eye. It isn't only that he's not afraid, Larry even looks forward to going to trial," Grant said. "He is fiercely prepared, exudes confidence and is unmistakably comfortable with the fate of a case in his hands."

While a background in mechanical engineering and a career as a patent examiner provides Gotts with formidable technical skill, trying cases is his forte. Gotts said that for all of the technical and legal complexities of patent litigation, victory at trial hinges on total preparation, on-the-fly execution and authenticity.

"Cases are won on credibility. In the typical case, there's a tipping point where the decision maker, whether judge or jury, starts to look to one side of the room or the other for the straight answer," Gotts said. "If you win the credibility battle and prove yourself to be a straight-shooter, most often you'll prevail."

Wilson Sonsini Goodrich & Rosati PC's Ron Shulman, who worked alongside Gotts on the AU Optronics case against LG Display Co. Ltd., said Gotts often wins the credibility battle because he draws people in rather than trying to overwhelm them.

“Larry’s a formidable litigator but he’s also a very likable fellow. Judges and juries can cozy up to him because he’s extremely capable and extremely down-to-earth,” Shulman said. “Plus, he speaks like a human being, not a lawyer.”

Gotts’ amiable demeanor, plainspoken delivery and sheer presence certainly help to strike a chord with the court, but credibility can’t live on charisma alone. Preparation — knowing the record, the law and the technology cold — is key to establishing credibility.

“Knowing the record also is critical to control in the courtroom — including control of the witness and control of your opponent. If you have control of the record, and the witness begins to stray, you can rein him or her in,” Gotts said. “But doing so in the split-second context of a trial or hearing requires brute force preparation and command of the record, facts and law.”

Trial lawyers often lose credibility because they don’t have command of the record, not because they intentionally overstate their point, Gotts said.

A watertight understanding of the case, from the deposition testimonies to the technology and legal principles in play, enables you to make the right decisions without hesitation and ace the thousands of judgment calls that collectively establish credibility, Gotts said.

Building credibility is an incremental process and mastery of the record allows an attorney to best prioritize the issues in the case. Sometimes, you even decide to relent on certain secondary issues you know you can win, preferring not to come across as overzealous or pushy, Gotts said.

Matthew Moore, Gotts’ colleague at Latham & Watkins, said that Gotts is able to give judges and juries the “straight story” because he engages a case at the very earliest stages and builds a position strong enough to deal plainly with his audience, avoiding all embroidery or grandstanding.

“Larry doesn’t just parachute in a week before trial. He works the case from the very first day and knows all the facts so he is never uncertain or off-balance,” Moore said. “The way he approaches a case ensures that Larry advises clients reliably from Day 1 and knows the issues well enough to pursue a dispute all the way through appeals, if need be,” Moore said.

Gotts’ painstaking approach paid off big time for AU Optronics in May, when he defeated a four-patent, \$700 million infringement action brought by rival LCD manufacturer LG Display.

Knowing the record backwards and forward, Gotts spotted subtle disparities in an expert’s testimony and managed to track down the pivotal document and expose the altered data — all in the span of an hour-long lunch break during the trial.

But consummate knowledge of the record doesn’t only allow Gotts to pinpoint problems, it also instills confidence, allowing the trial maven to pull off bravura performances without overplaying his hand.

Recently representing a Fortune 50 aerospace company in a patent trial against the U.S. government, Gotts waited as the opponent’s technical expert testified for several hours on direct examination, ready to follow with an equally lengthy examination.

“On the fly, I determined that the best cross-examination was no examination at all in view of the expert’s testimony,” Gotts said. “I stood, up announced I had no questions, and sat down. This conveyed in no uncertain terms our view that the witness didn’t hurt us. It was unconventional but effective, and perhaps my greatest cross-examination ever.”

This constant balancing act — the ability to appreciate the case at its most complex level while advancing a pithy and compelling argument, to demonstrate authority without being overbearing and to reflexively make the right choices at the right time — all combine to give Gotts that intangible but unassailable quality, courtroom presence.

Moore said that 15 years ago, long before he and Gotts joined up at Latham, Gotts attracted attention as a rising litigation star, and since then has only burnished the trial prowess that sets him apart from other practitioners.

Unlike the bulk of IP litigators, Gotts engages the most rarefied aspects of a case without succumbing to obscurantism and articulates the issues without oversimplifying them, Moore said.

“What I really think works for Larry is his presence, it allows him to do what a lot of lawyers can’t — establish authority and credibility at the same time,” Moore said. “Larry can relate to a jury and he can relate to appellate court judges, which are two very different skills.”

Moore said that Gotts showcased his singular talents and “pulled the rabbit out of the hat” when successfully appealing Honeywell’s case against the government, Lockheed Martin Corp. and L-3 Communications Corp.

The U.S. Court of Appeals overturned the lower court on numerous issues, finding that the government failed to invalidate a patent for night vision technology and granting Honeywell standing to seek compensation under the Invention Secrecy Act.

“Even the most complex cases often boil down to telling a compelling story of right and wrong,” Gotts said. “The trick is achieving the delicate balance that allows you to make the record to support your case in all its complexity and depth, while getting the story across in a direct and uncomplicated way.”

Methodology: From May 25 through June 11, Law360 invited readers to nominate attorneys they admire to be profiled for the "Most Admired" series. Readers were asked: "Is there an attorney you've argued against in court who you respect — or whose briefs you fear? What about a lawyer whose views on the latest hot-button issues you eagerly seek out? Or a former classmate who is practicing the law in novel ways?" Survey participants were not permitted to nominate attorneys from their own firms and submissions from public relations and marketing professionals were not considered.

Separately, Law360 sought out nominations from practice group heads at the 100 largest law firms in the United States. In total, 1,016 nominations were received.

Nominations were reviewed by a board comprising experienced lawyers and Law360 editorial staff. Sixty-five attorneys covering seven practice areas of the law were then selected to be profiled for the "Most Admired" series.

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