

‘A Whole Different Ballgame’—What Associates Are Learning by Standing Before Juries

There’s no substitute for a live jury trial when it comes to figuring out one’s personal presentation style. And being on a case from start to finish will make them smarter when it comes to future pretrial maneuvering, five associates with recent trial experience said.

BY SCOTT GRAHAM

What You Need to Know

- Some law firms believe age diversity is important when it comes to jury trials.
- It’s hard to know if trials are what you really want to do until you’ve done one.
- Associates draw on diverse presentation styles and then strive to mold their own approach.

Jury trials in the intellectual property space tend to be few and far between. Even veteran IP litigators in some firms can go years between trials.

For IP associates, the opportunity to stand up before a jury—even if just briefly—is even more rare. But a handful of firms make a point of giving an associate or two a speaking role in their trials—as long as the client is OK with it.

“I think it is critical for associates to be able to start to see themselves as trial lawyers, and get a sense of what a career progression might look like,” said Durie Tangri co-founder Daralyn Durie. “I also think that juries really



Photo: Drew Bird

(Left to right) Durie Tangri associates Joyce Li and Matthaeus Martino-Weinhardt and **Latham & Watkins associate Brett Sandford.**

appreciate seeing diverse trial teams, and that includes age diversity as well.”

But what do the associates themselves take away from the experience? Law.com interviewed five who went to trial in the last year in high-stakes IP showdowns. All described it as a singular development opportunity—plus hard work and even some fun.

Each said it has made them better overall litigators.

“People tell you to begin with the end in mind, backward plan, think about the case you’re going to make to the jury,” said Russell Rennie, a third-year associate at Susman Godfrey, who examined a patent infringement expert last month. “Until you’ve walked through the process from A to Z, it’s difficult to fully appreciate what that means.”

‘Spend All Season Practicing’

Twelve years ago, Brett Sandford was winning Academic All American honors as a baseball player at the University of Redlands. After briefly playing professional ball in Europe, Sandford returned to California to attend UC Berkeley School of Law. He joined Latham’s Silicon Valley office in 2014.

The choice of career and firm were intentional. “I thought it would be the closest I could get to that competitive team aspect, in a professional setting,” he said. With trials, “like in baseball, you spend all season practicing to perfect your craft and to prepare to execute when the opportunity arises.”

Sandford has already participated in a handful of jury trials and a few bench trials.

“Great opportunities in the Latham IP group here,” he said.

In June’s *Philip Morris Products v. R.J. Reynolds Vapor* trial over vaping patents, Sandford put on Philip Morris’ damages case, including examining its damages expert. He said he was thrilled when an Eastern District of Virginia jury awarded all of the \$10.75 million Philip Morris had sought for the infringed patents.

The trials have given him the opportunity to find his voice in front of a jury. “The biggest thing is just the presence in the courtroom,” he said. “Some people have a natural loud, affirmative presence in the courtroom, whereas others are more soft spoken, but just as effective in how they connect with the jury.”

Sandford worked with partners Max Grant and Matthew Moore on the Philip Morris team, and other Latham trial lawyers over the years. “You get to take all of those teaching moments, that experience, and then kind of mold your own path,” he says. “Because everyone’s different. And everyone’s gonna present in a different way. The worst thing you can do is not be authentic.”

To hone that skill, there’s no substitute for game day.

“In front of the jury is just a whole different ballgame,” Sandford said.