



2020 MVPS

Mike De Vries & Adam Alper

Mike De Vries and Adam Alper make an accomplished trial team at Kirkland & Ellis, in just 18 months scoring nearly \$1.3 billion in verdicts and public settlements across three cases, a figure that keeps rising as post-verdict rulings come in. One of the pair's key wins in the last year was on behalf of Motorola Solutions in a huge trade secret row with competitor Hytera. Their collaborative success landed them among Law360's 2020 Trial MVPs.

Their biggest accomplishments this year:

De Vries and Alper were hoping to cinch some wins at trials that had been set to take place earlier this year, but the coronavirus outbreak quickly changed all of that. De Vries noted that trials are resuming, and the trial team has a jury trial starting in New York.

"And the ones that keep getting put on the books are stacked up ... one after another, going forward," he said. "But

in the six months before the pandemic hit, we did two different jury trials."

Along with Motorola, they represented EagleView Technologies in major patent litigation brought

against competitors Xactware Solutions and Verisk Analytics.

"I think that they were both outcomes that we're very proud of," De Vries said.

"[We have] been working together very, very closely for many, many years ... and essentially have done everything together."

The judge issued an order against EagleView's rivals "rejecting literally all of their arguments on every single issue in the case essentially and confirming the jury verdict," he added. "For us that experience, going through that trial, and having the jury see things clearly from our perspective, [was] very gratifying."

Alper noted that the team has "been working together very, very closely for many, many years ... and essentially have done everything together. And this last year has really been a tribute to that collaboration."

"[When] we take a step back and look at it from a little bit more global perspective, to be trying cases for six months straight, shoulder to shoulder, in cases that involve ... big competitors versus big competitors, real market share issues at play, and big issues, big things that go beyond just technical issues in our practice, [the outcomes have] been incredibly gratifying," he said.

"...One thing that [we] tend to really focus on is [strategies that] can, with some creativity, deliver results in accordance with all the rules and guidelines, but in a unique way to get you to the goal line."

Their biggest challenges:

De Vries told Law360 that the impact of the restrictions related to the pandemic, may have represented the top challenges over the past year, but the team has done a lot of work remotely "in a way that we could never have dreamed of before. And I think that a lot of that is great, and is really interesting. But I think that we're first and foremost trial lawyers, jury trial lawyers in particular."

"We are very happy that trials are getting started again; it's an important part of the practice," he added.

"But I do think that there is a sort of a time shift that's occurred for these matters, while simultaneously the number of cases that are proceeding towards trial if anything seem to have only increased during the time," De Vries said.

"One thing that Adam and I have talked with one judge about was actually doing an outside trial at a concert venue in Berkeley, California, as an idea, and although I have no idea if that will actually go forward, [the] sky's the limit in terms of some of the creativity that we've seen in addressing that, up to and including the idea of us providing our trial presentations from the stage in a concert venue," he said.

Alper noted that the big jury trials they work on can be "pretty intense and grueling, and then you stack up ... six months of that nonstop, where you're in court [a lot of that time]."

"It is challenging, keeping teams motivated in those circumstances sometimes," he said. "And that [is] all part of what we do and part of what probably makes us successful."

"When we look back on this year ... there are so many high points, but probably the biggest challenges have been that in the context of some very complicated cases between players that are on the other side of us that are taking those matters very seriously and attempting to prove their side of things," Alper said.

How they became trial attorneys:

De Vries recounted a class in junior high, when he had a political science teacher who had the students do a trial. "And the trial involved putting American officials on trial for dropping nuclear weapons on Japan ... and it was an exercise that was supposed to get us to think about [that] issue. So it was a very interesting exercise, but we got to be the lawyers and the witnesses."

"What I do remember was loving that experience," he said. "And no one in my family, I don't think was even a lawyer at that time and currently, so I didn't have a personal connection to it, or somebody who told me, 'Hey, this is really great to do.' But that experience at my public school in Southern California, at the age of 12, was I think eye-opening. And then after that, I had the fortune prior to law school in a college class, and ... through summer jobs, to sit through

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multiple jury trials and watch them. And I found myself as I did that just really enjoying that process and wanting to do it.”

De Vries also recalled a civil trial practice class at Berkeley. “It culminated in a trial that we did for mock jurors. And I just frankly had so much fun doing that, that by the time I got through that process, I knew that all I wanted to do was try cases.”

Alper said that for him, the early and first reason is the “performance aspect of it.”

“I always had a real attraction to getting up in front of people; particularly in this line of work, there’s certainly an important kind of factual function [and] providing the facts to the audience, whether it’s a jury or a judge.”

“Certainly, at least in our cases ... there is a dramatic element to it,” Alper said. “And there can be a

lot of drama, and there are points about right or wrong that need to be conveyed that certainly play into how people are performing in the context of the trials.”

“And then I think as I got into the field, and started actually doing the work, I think ... many other aspects of it became a real focal point for me, including just explaining complicated subjects in a way that is understandable and compelling, and in a way that makes people interested and feel good about being a listener and not feel like they are ... incapable of understanding or that they’re listening to someone who thinks they’re better than them,” he said.

“And one thing that Mike and I tend to really focus on is [strategies that] can, with some creativity, deliver results in accordance with all the rules and guidelines, but in a unique way to get you to the goal line,” Alper said.

Their advice for junior attorneys:

De Vries said he considers it “a good idea to push people to get all the experiences that you can, including in circumstances where you think that they’re going to say no, or they might think it’s unrealistic.”

“I think it’s really hard to become a trial lawyer if you don’t love it. And that isn’t to say, ‘Hey, if somebody

you know doesn’t know right now that they love it, they should give up because frankly, you need to collect all those experiences up in order to get yourself to the point of being able to do that,’” he said. “But if you find yourself enjoying it, that’s a very good signal that you should continue to keep going.”

“Going to a trial and doing that part of it is incredibly fun at the end of the day, and so I think keeping everyone’s eye on what you’re enjoying doing is important,” De Vries concluded.

Alper said if he were talking to junior lawyers, he would give them a few points to think about: “Keep it simple and straightforward, so it is unmistakable what your point is. Stay creative, and always think about all the possibilities, including the ones that are not the road most traveled.”

“Learn to be a great writer, because that’s such an important part of our field,” Alper said. “And never give up, even when the chips are down.”

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