



2021 MVP

Adam Alper & Mike De Vries

Kirkland's Adam Alper and Mike De Vries have won major trade secrets trials over the past year, even during the pandemic, including one for TriZetto, making them one of Law360's Trials MVPs.

The duo has been working together for years after meeting while representing codefendants. They developed a specialty in technology theft and have moved into the trade secrets space with the Defend Trade Secrets Act as their greatest tool.

It's led to great big wins.

“ It takes a lot of discipline, drive, hard work, work-life balance...in order to deliver in a way that is constant and unwavering.”

- Mike De Vries

Their biggest accomplishment this past year:

In October, a New York federal jury slapped Syntel Inc. with an \$855 million verdict after finding that the information technology company misappropriated trade secrets and infringed copyrighted software related to TriZetto, a popular insurance administrative platform owned by Cognizant.

Although a judge later decided the punitive damages were excessive,

the two said the verdict showed they were able to do amazing things with just eight hours of trial time per side and all the other COVID-19 safety restrictions they had.

“We were all masked; there was a Plexiglas box that we got into that had a HEPA filter, and only once you were inside that, only then could you remove your mask and address the jury,” De Vries said. “We cross-examined witnesses who participated in a live jury trial via Zoom.”

“The court and the jurors and counsel worked together in a very cooperative way that was focused on getting those extremely important judicial processes moving forward so that justice could continue to be done,” he said.

Other big accomplishments:

This past June, in Oakland, the team did it again. A jury found that Sequoia Capital-backed customer service technology company [24]7.ai ripped off trade secrets belonging to Alper and De Vries’ client LivePerson.

The jury said the defendant engaged in unfair competition that helped it land contracts with heavyweights like Sears and Capital One, and awarded LivePerson \$30 million in damages.

The multi-week trial was among the first held in the San Francisco Bay Area since the coronavirus pandemic began.

LivePerson said its intellectual property was stolen for its rival’s own customer service chat platform, allowing [24]7.ai to whisk away customers by offering them LivePerson’s technology under a different name and at a lower price.

Since 2006, [24]7.ai had supplied call center agents to LivePerson clients and had been granted access to LivePerson’s technology.

LivePerson said [24]7.ai secured major outsourcing contracts with previous LivePerson customers, including Sears, Capital One and Optus. The trial focused on those three deals.

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- Adam Alper

The jury was spread out throughout the gallery and the public was not allowed into the courthouse, but could listen over the phone.

“There were definitely family members who were on throughout the case,” Alper said.

“Mike and I have been doing this for a very long time, over 20 years, and my mother has never seen me work in the entirety of my career. And she wrote a text to me, which was directed to Mike and I, that I conveyed to him, that she felt closer to us than she ever had in the balance of my career,” he said.

Their advice for junior attorneys:

To win the competition for opportunities by any means necessary. “Insist on getting opportunities to practice your craft,” De Vries said. He added that Kirkland makes a practice of involving younger lawyers in trial teams.

A second piece of advice for those earlier in their careers is to always commit to work to the utmost.

“It takes a lot of discipline, drive, hard work, work-life balance, you

know, all of those things, in order to deliver in a way that is constant and unwavering,” De Vries said.

Why they are a team:

De Vries and Alper said that when they worked side-by-side representing codefendants years ago, they realized that they look at things the same way.

That extends from big-picture strategy all the way to how to handle key waypoints like motions, depositions and hearings, they said.

“All of that we coordinate very closely on,” Alper said.

“There’s no greater pleasure that we have than sitting in a court in trial, shoulder to shoulder, trying a case. And we thankfully get to do that quite often. We get hired to try cases, and very important, big ones,” he said.

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