

LAW DRAGON 500 LAWYER LIMELIGHT: Peter Bicks



The type of litigator who makes the Lawdragon 500 guide varies, but inevitably that person brings a certain extra quality or characteristic that makes him or her deserving of the elite distinction. For Peter Bicks, who also heads Orrick's New York office, it's an impressive track record of winning cases or earning favorable settlements in a range of high-stakes commercial, mass tort, product liability and intellectual property disputes – regardless of the jurisdiction in which he may find himself.

Bicks first captured our attention with his work for one of his regular clients, Union Carbide Corp.; his defense in 2004 against billions of dollars of claims brought by the Kelly-Moore Paint Co. in a Texas state court trial was among the most highly touted defense verdicts of the past decade.

More recently, he successfully defended Nintendo against patent infringement claims by Motiva over the popular Wii game system. That case originated in federal court in the Eastern District of Texas but landed before the International Trade Commission, where Bicks prevailed in a 2011 bench trial against storied trial lawyer Mark Lanier (who was also the plaintiffs' lawyer in the Kelly-Moore case).

Lawdragon: You've had experience in a wide range of jurisdictions, but had you been before the ITC before? And did you find any aspect of the process particularly challenging or enjoyable?

Peter Bicks: I had never tried a case before the ITC until last summer and I loved it. Winning is always a thrill, particularly when you have a great client, high stakes, and a great Orrick team behind you, as I did. The ITC does present unique challenges: The judge manages the clock to the minute, so wisely using time is absolutely essential. In a five-day trial, 15 live witnesses were presented. The direct testimony is presented in writing, so a premium is placed on cross-examination skills and efficiency. And the procedural rules are strictly enforced so I had to learn a whole new set of rules. Fortunately, I was able to draw on the client's and Orrick's deep experience at the ITC which was a great benefit.

LD: How do you explain your success across multiple jurisdictions and types of trials? Can you discuss a core skill that is equally relevant regardless of the venue?

PB: Success across multiple venues and types of trials is a function of preparation and organization: mastering the audience, the story, the adversary, and ultimately having a great team both at the client end and at Orrick. Getting to know and respecting your audience is critical because each venue is so different. At the ITC, the judge was very focused on the ground rules and making sure every second of courtroom time was used wisely. When I picked a jury in Tuscaloosa, Alabama, in a major mass tort case two years ago, it was useful to make analogies to the Crimson Tide football team. When I was in Texas state court, it was important to know when the local high school football team was playing because I didn't want to make the jurors late for the game.

LD: Do you have a favorite case from your career, even if it's not one of the highly covered cases?

PB: This is a tough one as I have been a part of some great trials involving everything from worldwide rights to airbag royalties, accountant's liability, mass tort, and intellectual property. But my favorite has to be the win for Union Carbide against Kelly Moore in Brazoria County, Texas state court. The stakes were huge (multi billions), the adversary was great (Mark Lanier), and for a "New Yorker" to win in Texas was really fun. I had a great team who worked with me and we lived together at an empty golf resort in Columbia Lakes, Texas. The heat was so intense, no one was playing golf.

On the way back from the war room to our bedrooms at night there were all sorts of wild animals accompanying us. As much as the victory, the experience of going through a demanding trial as a group was truly rewarding. We always managed to have some fun and hang out together even though we prepared around the clock. I can still remember getting the call from the judge that the jury had returned a verdict within a day after the closing arguments — which is generally a good sign for the defense.

LD: Is there a key lesson you try to instill in aspiring trial lawyers at Orrick?

PB: There are two lessons. The first is that our job is to serve the interest of our clients no matter what, and to make sure they look good to a jury or judge, to the media, and to their peers. The second is to be yourself. I have had the great fortune of being around and going up against great trial lawyers so I have been able to see a wide range of effective styles and to then mesh them

with my own personality. Don't try to imitate someone else in a way that is not who you are. Study the style and tactics of other great lawyers and pick and choose what works for you.

LD: Do you remember when you first knew you wanted to be a trial lawyer, and why?

PB: I spent a lot of time while growing up at my Dad's office on the weekends and it was inspiring to see the togetherness and loyalty engendered by a great lawyer and leader, which my Dad was. Running up and down the hallways, using the Xerox machine and office supplies and just hanging out created fond memories. I also acted a lot in high school ("Casablanca" and "A Midsummer Night's Dream"), and played competitive tennis at the national collegiate level. I really enjoyed both activities. Trying cases combines skills of an actor and an athlete. When I was in my third year at Georgetown Law, I took a trial advocacy class taught by Greta Van Susteren – we did mock opening statements and cross examinations, and that sealed it.

LD: Can you expand on the influence your dad had?

PB: My father was a tremendous lawyer with great accomplishments. After he graduated from Yale Law School, he became head of the Antitrust Division under President Eisenhower when he was 30 years old, then a successful litigator at a major firm. He never bragged about his accomplishments and always told me that he saw skills in me that he didn't have. He took great pride and interest in my successes as if they were his own. And when things didn't go the way I hoped, he was always there. I try to draw on his example in mentoring young lawyers and my own kids.

LD: What was your interest in taking over leadership of the New York office back in 2006?

PB: I took over leadership because I was excited about telling our story to the market, a story of growth on strength. It has been really gratifying to see how far Orrick has come in New York, in both our litigation and transactional practices. Because I have such a great administrative staff, ninety percent of my time is spent litigating cases. There also is a real gratification in having the opportunity to make a difference in the lives of our staff.

LD: Just about every firm has had its ups and downs since 2007. How is the New York office faring? What do you think makes it stand out, or what are its selling points for recent grads and prospective lateral additions?

PB: Our New York office is doing great. Developments since the financial crisis have changed our practice and presented opportunities to bring in partners from other top New York and California firms. We now are handling major financial crisis litigation for top banks; Josh Rosenkranz, who heads our Appellate practice, was just named American Lawyer Litigator of the Year; and we recently added a superb leveraged finance team. We have beautiful cutting-edge space at the BlackRock building, we are growing and we have great energy and enthusiasm. The selling point for recruits remains the same: our one-firm culture. It's something we are able to demonstrate through our fishbowl interview process. When partners join Orrick, they consistently tell me that our focus on collaboration and creativity was what attracted them to Orrick.

LD: What do you do for fun outside the office?

PB: I play tennis with my 14-year-old son and drive him to tennis tournaments, I watch my daughters in ballet, we sail and ski together – and they listen to me practice my opening statements! My wife and I ran the New York marathon together – we tied – so maybe I can talk her into that again.



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