

## Rainmaker Q&A: Faegre's David Gross

*Law360, New York (August 14, 2013, 1:37 PM ET)* -- David J.F. Gross is partner in Faegre Baker Daniels LLP's Minneapolis office and head of the firm's IP litigation practice area. He began his career in Washington, D.C., in the early 1990s, first as a trial attorney at the U.S. Department of Justice, then as a litigation associate at Covington & Burling LLP, and finally as a litigation associate at Skadden Arps Slate Meagher & Flom LLP. He came home to Minnesota and joined Faegre Baker Daniels in 1995, where he soon became a successful IP trial lawyer.

Gross's trial victories in IP cases have led the Minnesota Lawyer to name him an "Attorney-of-the-Year" for the years 2003, 2008 and 2011, and the National Law Journal named him one of the "Top Ten Winning Litigators in the United States" based on his role as lead trial counsel in a major jury trial victory for Seagate in the Central District of California in 2008. Gross is the co-author of the NITA book, *The Power Trial Method*, and a national speaker on trial advocacy and IP litigation. He recently passed the dreaded California Bar Exam and, upon formal admission to the California bar, will soon split his time in the firm's new Silicon Valley office.

### **Q: How did you become a rainmaker?**

A: My personal equation for successful business development was speaking, plus teaching, plus writing, plus winning. Early in my career, I designed full-day seminars where I spoke about trial advocacy, as well as IP litigation. I also began teaching a law school course called "Winning Patent Litigation." Along the way, I co-wrote both a trial practice book (*Power Trial Method*, published by NITA), and a self-published casebook (*Winning Patent Litigation*). After years and years of speaking, teaching and writing, the phone finally started ringing and former seminar attendees started hiring me for various cases and trials. We kept winning trials, and as a result, the phone kept ringing. Over the course of about 10 years, our intellectual property group grew from a handful of lawyers to more than 100 IP professionals.

### **Q: How do you stay a rainmaker?**

A: I continue to speak, teach and write about trial advocacy and IP litigation, but I really think winning cases — especially important cases with high stakes — is the key to building a national litigation practice. We have a saying: We win cases; we celebrate; we tell others; we get new cases (repeat from the top).

For example, when we won a trade secret trial for a large pharmaceutical company around 10 years ago, we received some great national press coverage, and that victory led to other companies hiring us for major IP cases. A few years later, we won a big patent infringement jury defense verdict for Seagate

Technology in federal court in Orange County, Calif., and we once again received excellent national press coverage and national recognition. This trial victory led to another round of exciting cases. In recent years, we have won several jury trials and summary judgment orders for 3M, Thomson Reuters and other leading companies. These wins continue to fuel the growth of our national IP practice.

**Q: What advice would you give to an aspiring rainmaker?**

A: Before you worry about going out to lunch with potential clients or otherwise becoming their buddy, make sure you are a really good lawyer with an impressive track record. I often worry that younger lawyers think it's all about building relationships instead of FIRST becoming a really good lawyer, and THEN building relationships. And if you choose to speak on a topic, make sure your presentation is the best presentation you have ever given in your entire career. People notice when you stand out.

**Q: Tell us a tale of landing a big client.**

A: I can't name the company, but I will always remember flying to a company's headquarters and giving a two-hour pitch for a big intellectual property case in which we were competing against six other national firms. I did a horrible job at the pitch — nothing seemed to be working for me that day. At the airport, I told my two other partners that we were no longer going to waste time on these big pitches in which we were competing against five or more law firms. Of course, we were hired three days later, and since then I have never complained about a pitch. You just never know what's going to happen, so go full speed and hope for the best!

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