

Top Female Trial Attorney: WilmerHale's Cynthia Vreeland

By **Natalie Rodriguez**

Law360, New York (May 23, 2012, 8:49 PM ET) -- Calm, cool, collected — that's the impression WilmerHale partner Cynthia D. Vreeland gives off when under the spotlight in court, even when she's standing her ground against a judge who is making it very clear he's skeptical of her arguments, according to William F. Lee, a fellow partner in the intellectual property litigation practice and former co-managing partner of the firm.

The late Chief Administrative Law Judge Paul J. Luckern had a reputation for being tough on lawyers in the courtroom. When Vreeland stepped in front of him in 2004 to argue that her client, a global semiconductor manufacturer, could not be held liable for patent infringement because of the inventors' inequitable conduct — or basically that the plaintiff's own actions of failing to provide the U.S. Patent and Trademark Office with certain art nullified any claim — he wasn't buying it at first. And he made no qualms about telling her so, according to Lee.

But Vreeland, whose quiet demeanor belies a fierce tenacity, refused to back down during the two-week trial.

"She just stood her ground every day and said, 'No, your honor, I think this is the issue.' She won on that," Lee said.

That tenacity has garnered Vreeland a pretty impressive track record in her 22 years of practice — of the 16 trials she's worked on, she's won 14 and settled another during trial, according to the firm. With just one loss in more than two decades and a growing reputation as a stellar litigator who keeps her head when things get hot in the courtroom, she's earned a place among Law360's Top 15 Female Trial Attorneys.

Vreeland didn't particularly plan to become a trial lawyer when she graduated from the University of Chicago Law School in 1990, but a chance brush with a major case early in her career set the stage for her future path: "I had the very good fortune as a second-year lawyer to be involved in a major antitrust case for American Airlines," she said.

Drawn in by the piles of documents and witness testimonies, Vreeland threw herself into a crash course on the airline business as the case hurtled from filing to trial in just about a year. She was hooked.

"I was fascinated by the process of taking a huge number of complicated facts and figuring out how to tell a simple story," she said.

Taking in and processing the complicated technologies and minutia of details that make or break a patent or trade secret case is Vreeland's specialty, according to her team members.

"She has a quiet confidence that many people don't have. She always understands what's important to the audience and what isn't," Lee said.

Vreeland needed that intuition when she helped WilmerHale represent ASML Holding NV in one of several related suits lodged by its chief rival Nikon Corp. It was a matter of the biggest company in Japan at that time suing the biggest company in the Netherlands in the U.S. International Trade Commission, and there was "a huge amount of money at stake," according to Vreeland.

Specifically on the table was about \$1.8 billion in annual sales for the advanced photolithography equipment that was used to manufacture computer chips. "It involved incredibly fascinating technology. The level of precision these machines have to hit is amazing," she said, her inner technology buff bubbling up.

Ultimately, Vreeland's understanding of the technology and subsequent arguments helped Lee and the rest of the WilmerHale team prove to the ITC that ASML was in the right.

At the time, Vreeland was just about two years into having made the jump from junior partner to full partner. "It wasn't even a hard decision. She was a real star from the day she arrived. When she could first become a partner, she became a partner," Lee, who interviewed Vreeland for the job when she first considered jumping from Baker Botts LLP to WilmerHale in 1996, said.

And she continues to impress colleagues with her poise and razor-sharp arguments. "She never stretches. She won't use an argument she doesn't believe in, so she builds a lot of credibility," Sarah Petty, a senior associate at WilmerHale, said.

Beyond being a good communicator, Vreeland also works exceptionally well under pressure, according to her team members. Where the average top-notch attorney might try one or two trials a year, she took on three cases back-to-back in the summer of 2004.

Three years later, she again shouldered another hefty trial load: Vreeland defended gastrointestinal pharmaceutical company Braintree Laboratories Inc. in an antitrust suit filed against it by Schwarz Pharma Inc. in Delaware, then — just four months later — represented Broadcom Corp. in a three-week fight in California federal court in its patent infringement case against Qualcomm Inc.

But it was in 2008 and 2009 when she faced a particularly challenging situation as lead trial counsel for spinal surgery equipment maker Medtronic Sofamor Danek USA Inc. in its patent infringement case against Globus Medical Inc.

Midway through the case, Vreeland's husband broke his neck in an accident and required a spinal surgery of his own. "The Medtronic case had strong meaning for me professionally, but also personally," she said.

Rather than let the pressures get to her, Vreeland buckled down and handled both taking care of her family, including her two children, and successfully arguing the suit. In the courtroom, she used what Lee calls one of her strengths: explaining tough, complicated science to the judge and jury in a smart, yet simple tutorial.

She did so using her own signature of strong visuals, including colorful drawings showing how Medtronic's tool inserted rods and ridged screws into a patient's spine in a minimally invasive way without opening the spine. A few weeks later, her son, then a fifth-grade student, borrowed her same slides to give a presentation to his own class.

The case served up a plethora of hurdles as Vreeland and the rest of the WilmerHale team were tasked with representing a major global corporation against a small startup. "They had young, likable engineers ... but we also had a strong story to tell, and we knew we were on the right side," Vreeland said.

Even when the other side threw in a slew of new witnesses at the eleventh hour, "We just took them on. The key is to not get flustered and to stay with your plan," Vreeland said.

Preparation is key for Vreeland. Every week, she makes it a point to gather her team to make sure everyone is on the same page and to keep abreast of all the moving parts in a case. "For any case, it's important to have a plan from the beginning, and that's one thing we definitely focus on here," Vreeland said.

By the time her team gets to the last stretch of a trial, they almost feel like a family, according to Petty.

"Every member of the team, from the most senior to the most junior, has a chance to talk and we would figure out who was covering each task," Petty said about the regular check-in meetings.

Fresh out of law school, Petty joined WilmerHale's Medtronic team just as it filed the complaint, and followed the case through until trial nearly two years later. Under Vreeland's mentorship, she was guided into taking on important tasks, including working on summary judgment briefs as a first-year associate.

"Cindy's best piece of advice was to never let myself be intimidated — not by the technology, not by a tough legal issue and certainly not by the lawyer on the other side," Petty said.

Part of that unassailable confidence is spurred by the methodical ways in which Vreeland prepares for trial. Armed with her own notes and a deep bench of technical knowledge, she nailed the closing arguments at the Medtronic case, according to Petty.

"We had been at trial for over a month in Pennsylvania and Cindy had to marshal all the evidence," Petty said. "She did it brilliantly and concisely ... and she kept it positive from the first word to the last."

When it comes to working a courtroom, Vreeland is confident but not argumentative, exuding a friendliness that draws juries in, according to team members.

"She's analytically superior, capable of understanding complicated statutory legal issues and communicating that to clients and the courts. But she's also just phenomenally poised in a courtroom — just calm and collected," Lee said, adding that Vreeland is one of the select half-dozen litigators trying major cases at WilmerHale.

It is these character strengths that she will tap into as she takes on one of the firm's biggest current cases: representing Facebook in a patent infringement suit against Yahoo Inc. The case, still in its early stages, started with Yahoo's claims that the social media giant infringed on 10 patents and has grown as Facebook has lodged counterclaims of its own.

But Vreeland looks forward to the task, as she does in every trial.

"You spend a year or two before a trial learning all you can — investigating facts, accumulating all the pieces. Trial is where you get to put them all together," Vreeland said. "It's very rewarding to see the case distilled down to its most important parts."

--Editing by Katherine Rautenberg.

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