

Women attorneys launch initiative to close gender gap in patent litigation

By Sunidhi Sridhar
Daily Journal Staff Writer

While defending technology company Garmin Ltd. in patent litigation brought by a Silicon Valley startup, Baker Botts LLP partner Rachael D. Lamkin looked around the courtroom to see that she was the only woman first chair in a case with 12 defendants.

"It was everybody in fitness. Fitbit, Under Armour, Adidas, you name it," said Lamkin, adding that she joked during a hearing before U.S. District Judge Yvonne Gonzalez Rogers about how almost all of the lawyers were men. "Thankfully, the judge laughed, but ... I left that hearing thinking that this was a problem we could solve," Lamkin said.

Lamkin reached out to women colleagues about tackling the gender disparity in patent and intellectual property litigation and said she received an overwhelmingly positive response within a few weeks. These attorneys started the Lead Counsel Summit to increase the number of women serving as first chairs in this area of law.

Morrison & Foerster LLP partner Bitra Rahebi said she was "thrilled" when asked to be a part of the Lead Counsel Summit, describing it as a grassroots effort by "an amazing slate" of women attorneys. "We have made great strides in terms of diversity over the past two decades of my career, but there is much work to be done on the



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trial front," said Rahebi.

The inaugural summit will be held in San Francisco in August and include various panels and workshops. Corporate executives, in-house and lead counsel, and judges will attend the weekend-long event, and the summit's objective is to have 25% of each graduating class take on lead counsel roles in significant litigation within two years of the program. Attendees will learn about "everything from how to speak, how to dress, how to interact with ... nonlead counsel and other lead counsel and sort of how to exist in the world of coming up to be lead counsel and how we can help with the transition," said Kassie Helm, a partner at Dechert LLP.



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Helm received a Ph. D. in neuroscience before attending law school at night through a "tech advisor" program run by boutique firm Fish & Neave LLP. She said her science background and technical training helped her navigate patent law. Patent disputes are rarely inconsequential, since they are valuable in almost any industry, especially in the biotechnology sector, which makes it harder for women to get their first opportunity to lead those kinds of cases, said Helm.

Fish & Richardson PC partner Juanita R. Brooks practiced criminal defense law for over 20 years but said she was drawn to intellectual property and patent law because they seemed to be constantly evol-



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ving areas that allowed her to learn about emerging technologies. However, she was told that "girls don't do science" when switching fields. "It's sort of this inherent bias ... that I would be the fourth chair and cross-examine the corporate face and it took a good four years to disabuse people of that [notion]," said Brooks. Women litigators "have to compensate for the stereotypes that go with our gender and how we look and how we speak" to be thought of as equally effective as their male counterparts, she added.

Brooks, who has successfully represented major companies including GlaxoSmithKline and Microsoft Corp., said one goal of the Lead Counsel Summit is to help

attendees make connections that will serve them throughout their careers and become role models for other women in intellectual property. “Not every firm has a Rachel or a Bitu or a Kassie, and so those women need to be able to turn to others who are not at their firm for guidance and support,” she said.

This year’s summit – facilitated by Lamkin, Orrick Herrington & Sutcliffe LLP partner Mel Bostwick, and Morrison & Foerster partner Daralyn Durie – will feature panels on what it means to be a first chair,

how to navigate firm politics, and how to be a “storyteller” as a lead counsel. Rahebi said organizers received insightful feedback from people who went to the “prototype” summit last year and noted that many attendees found the soft skills workshops helpful. The event will also include a mock exercise in front of in-house counsel and judges, which Lamkin said will allow participants to showcase their talents to companies that may hire them.

“We’ve gotten a lot of reachouts from impressive women already that write to us individually and col-

lectively just to say, ‘I’ve heard of this. I want to be a part of it.’ We feel like there’s a groundswell of interest and that’s very exciting,” said Helm.

Lamkin said the Lead Counsel Summit is a significant undertaking that has everyone taking time out of their busy schedules, and while she hopes to organize more events in the future, wants other lawyers to work toward closing the gender gap in their fields. “We want people to steal from us, which I think is an odd thing for a patent lawyer to say,” she said.

All the interviewees said they hoped for the summit to continue for years to come. “It would be terrific if you can look back in five years and see all of the people that you helped bring along and helped open the door for,” said Brooks. “For every one of us that opens a door, hopefully 100 other women will be able to walk through it, and that takes time.”

sunidhi_sridhar@dailyjournal.com