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Q&A With Hogan & Hartson's Richard Stone

Law360, New York (June 04, 2009) -- Richard Stone is a partner in the Los Angeles office of Hogan & Hartson LLP and is a leader in the firm's antitrust, competition and consumer protection practice. He has experience handling business litigation matters, including through jury trials.

Stone concentrates his practice on matters involving unfair competition, trade secret, trademark, copyright, securities and media industry disputes. He represents businesses engaged in the communications, Internet, entertainment, finance, technology and retail industries, among others.

Q: What is the most challenging case you've worked on, and why?

A: EchoStar vs. NDS. This case was exceptionally challenging because of the enormous amount of money at stake and the fact that some of our key witnesses were, or had been, satellite TV pirates. Additionally, the judge in this matter was not sympathetic to our client.

On the plus side, we had a top-notch trial team and a very intelligent jury. Our first job was to educate the jury so that they could understand the intricacies of satellite piracy.

Then, we needed to prove that although our client did have the motive, the knowledge and the means to commit the illegal acts that were the subject of the litigation, that there were numerous individuals not connected to our client who were as likely — if not more likely — to have committed those acts.

The jury, which awarded EchoStar \$45.69 (the basic fee for one month of satellite service), obviously got the message. The plaintiffs had requested damages of \$1.6 billion during closing arguments to the jury.

Q: What accomplishment as an attorney are you most proud of?

A: The arbitration verdict in the case of Yuen vs. Gemstar. In that case Henry Yuen, the former CEO of Gemstar sued the company for allegedly failing to pay him his severance package.

Gemstar, after unsuccessfully trying to reach a settlement with Yuen and put the matter behind it, eventually filed a cross complaint against Yuen for more than \$100 million.

After a lengthy arbitration, the arbitration panel determined that Yuen had defrauded Gemstar and awarded the company more than \$100 million in damages, while denying almost all of Yuen's claims.

This accomplishment stands out because Yuen, after defrauding Gemstar and its stockholders of billions of dollars, had the audacity to claim that he was entitled to even more millions in severance. We strongly believed he was not and the arbitration panel and the New York Court of appeals, which denied Yuen's motion to vacate the award, both agreed.

Q: What aspects of law in your practice area are in need of reform, and why?

A: Reform is probably too strong a word, but enhancing the confidence of the judiciary to make dispositive rulings at the trial court level, especially on summary judgment, would be a welcome development.

Enhancing the judiciary's confidence in not allowing runaway discovery would similarly be beneficial. The reasons are to temper the costs of litigation and the ultimate workload of the courts, which are daunting.

Maintaining judicial salaries and prestige at a level that encourages highly qualified judges to resist the temptation for an exodus to private adjudication services is also a constant, though understandable, challenge.

Q: Where do you see the next wave of cases in your practice area coming from?

A: For litigation generally, two growth areas are handling U.S.-based litigation for international clients given the globalization of economies, and IP (including patent) cases due to the increasing value and strategic importance of IP portfolios to virtually any type of company, as well as new opportunities for piracy and the developing nature of the legal standards governing infringement when dealing with new technologies.

With respect to antitrust law, I expect to see a rise in the number of cases relating to government investigations of cartels, as well as an increase in private lawsuits over price fixing.

Q: Outside your own firm, name one lawyer who's impressed you and tell us why.

A: Having worked closely with Darin Snyder on a major case, I was impressed with his ability to explain complex concepts in straightforward language, thorough command of the facts of a case and strategic ability to keep focused on the goals to be achieved.

Darin's talent translated into an outstanding ability to present a case to the jury and cross-examine witnesses. A true professional both in and out of the courtroom, Darin possesses the skill and commitment to his firm to serve as chair of the IP and technology practice, while still managing a heavy caseload.

The breadth and size of major cases he has handled throughout his career is a true testament to his proficiency, commitment and intensity. Darin is an experienced and excellent trial lawyer, and during our time working on a matter together proved himself to be a team player and a true gentleman.

Q: What advice would you give to a young lawyer interested in getting into your practice area?

A: Obtain the broadest, earliest exposure you can to meaningful courtroom experience through small and midsize cases, pro bono cases and the like.

Similarly, devote significant attention to observing experienced lawyers and the way they handle different situations that we all encounter; it helps in ultimately assimilating these influences into your own "style."

Finally, work to maintain the balance between your dedication to achievement in the practice of law on the one hand, and your fairness, integrity, and professionalism with opposing counsel and support of the legal community on the other.