

Rainmaker Q&A: Choate Hall's Paul Popeo

Law360, New York (August 15, 2013, 9:33 AM ET) -- Paul D. Popeo is a partner in the intellectual property litigation group at Choate Hall & Stewart LLP in Boston. He also serves as co-leader of the firm's trade secret group, where he represents companies in all aspects of trade secret protection and litigation across a broad range of industries and technologies.

Popeo currently represents EMC Corporation in several cases involving former key employees who left the company and took stolen trade secrets to market competitors. Popeo and EMC have already obtained injunctions in those cases. Other high profile trade secret litigation matters include representation of New England BioLabs concerning the theft of biological reagent trade secrets by former employees who founded a competing company, and representation of AICana Technologies and its executives in trade secret litigation involving delivery systems for nucleic acid therapeutics brought against AICana and its research collaboration partner, Alnylam Pharmaceuticals, by Tekmira Pharmaceuticals Corp.

Popeo has extensive trial experience and served as a special assistant attorney general for the Commonwealth of Massachusetts and as a special assistant district attorney for Suffolk County. He is a member of Choate's executive and hiring committees.

Q: How did you become a rainmaker?

A: I certainly didn't set out to be a "rainmaker" per se. From the earliest time, the most enjoyable aspect of this job for me was developing relationships with the incredibly interesting and talented people at the companies we represent. For me, developing business was an almost unintended consequence of an eagerness to learn the intricacies of the clients' business and to understand the various issues that they genuinely worry about and struggle with. When a person realizes that you care about their problems in the same ways that they do, with the same urgency that they do, it's very powerful. As these individuals became more senior in their organizations, or joined different ones, many became clients and referral sources. Initially, it was largely organic. There was a fair amount of luck involved as well.

One of the first cases I ever worked on was for a medical device startup. During that engagement, I developed a great relationship with a young marketing executive at the client, and I ended up helping him on a personal matter after the case was over. As things turned out, he was an unusual talent and became a major player in the industry. As his career accelerated, he joined a succession of different companies at increasing positions of seniority — and engaged me along the way. Ultimately, he became president of one of the largest companies in America. The various clients and referrals I can trace directly back to this one relationship are pretty remarkable.

Q: How do you stay a rainmaker?

A: First, you must be responsive. Clients call us with questions and issues that are very important — particularly to them. You must demonstrate that you treat their questions and problems with the same level of seriousness that they do. Oftentimes, these issues are highly sensitive or even deeply personal. Providing good judgment and assistance in that context creates tremendous loyalty — in both directions. It's the hallmark of a genuinely strong relationship.

Next, it sounds crazy, but you must call your clients! Sometimes lawyers think — my clients are too busy to talk to me — I won't bother them. That's a mistake. I am not saying that I waste a client's time, but you must maintain communication with clients. They need to know that they are top of mind — not only when you are actively working on a matter for them but when you see an article about their industry or hear a news report about an issue of importance to them, etc. These are critically important relationships. They are either getting better, or they are getting worse. It takes work, just like any other good relationship in your life.

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

A: Never forget that every interaction you have with people is a potential business development opportunity. That means, in any context or setting, you are exposed to people that have the potential to hire you or recommend you to a new client. Simple interactions matter. People very naturally assess your credibility and competence, and begin to form rapid judgments about you — does this person inspire confidence, is he or she trustworthy, discrete, thoughtful, etc.? If the people with whom you interact even socially don't regard you as someone from whom they would seek advice and expect to get good advice, nothing about your experience or courtroom abilities will make a difference. You lose opportunities, and oftentimes you will never even know about it.

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

A: In one particular instance, I received a call out of the blue from an individual who I had met on a few occasions socially. This individual was the CEO of a very successful privately held business, and had showed up to the office one morning to find that his key card had been deactivated, and that he had been “fired” from the business that he had founded and built over many years. The law firm that he had worked with for more than a decade advised him that nothing could be done, and that he had been removed through an irreversible vote of the other unit holders — “corporate democracy at work” is the phrase that I recall. Most of his net worth was tied up in the business, and he was embarrassed, betrayed and emotionally ruined.

I drove out to see him immediately. He still had access to the company computer system and certain other information. We put a team together right then and spent the next 72 hours scouring all of the files and other information that we could get our hands on — we “went to the mattresses” is how he likes to refer to it today. We found evidence that his partners had been plotting for months to oust him, including by conspiring with an outside entity that had a financial interest in his removal. There was evidence of substantial impropriety — some of it likely rising to the level of a violation of criminal law.

We requested a meeting with his former partners and their attorneys, and presented the results of the investigation that we had already performed. We also showed them a copy of a complaint and request for emergency injunctive relief that we had prepared, and we had an associate standing by at the federal court ready to file everything. By the end of the meeting, our client was reinstated as CEO, and his former partners had resigned and forfeited their ownership stakes in the business. The entire affair was over in a matter of days. The company has been an incredibly important client since that time, and the CEO has been a vocal champion and active referral source.

The opinions expressed are those of the author and do not necessarily reflect the views of the firm, its clients, or Portfolio Media Inc., or any of its or their respective affiliates. This article is for general information purposes and is not intended to be and should not be taken as legal advice.

All Content © 2003-2013, Portfolio Media, Inc.