

Most Admired Attorneys: Cooley's Anthony Stiegler

By **Samuel Howard**

Law360, New York (August 26, 2010) -- Cooley LLP's Anthony Stiegler has a rare ability to teach clients, juries and judges about confoundingly complex issues and technologies, rallying an audience to his side. This gift for spelling out problems and drawing in listeners has been a major boon to clients large and small, making Stiegler one of Law360's 10 Most Admired Intellectual Property Attorneys.

A Chicago-land native but a decades-long San Diego inhabitant, Stiegler's practice spans an array of industries and intellectual property issues, but his most visible successes have come in high-stakes litigation for leaders in the biotech, life sciences and technology sectors.

Among many others, Stiegler's roster of clients includes Gilead Sciences Inc., Ichor Medical Systems Inc., The Salk Institute for Biological Studies and Websense Inc.

Stiegler's prominence in a competitive IP field, where mazy legal issues tangle with increasingly arcane technology, requires a mastery of the subjects. He distinguishes himself, however, in his ability to overcome the complexity and instruct others, converting bystanders into believers, and opponents into castaways.

An effective teacher doesn't inundate an audience with information but explains things and fosters understanding, leaving the student, or the fact finder, to make their own informed determinations, Stiegler said.

This educational aspect of trials often eludes attorneys, who, focused on their own knowledge of the legal and technological issues, fail to connect with their audience, imposing their analyses and mistaking authority for credibility, Stiegler said.

"It boils down to being an effective communicator," Stiegler said. "I've got to understand things at a technical level but ultimately need to communicate it all to laypeople. It's a matter of teaching, setting out the facts in a way that fits the legal theories and letting people come to their own conclusions. People want to arrive at their own opinions, not be force-fed viewpoints and told what to think."

Of course, excellence is never as easy as it looks, and successful trial lawyers don't just present information hoping that judges or juries conform to their view. Over years of trial experience, Stiegler has learned how to sow ideas effectively and convincingly.

"Teaching is a process of simplification, explanation and repetition, all calculated to allow people to arrive at their own conclusions," Stiegler said.

Unlike most classrooms, however, the courtroom holds skilled opponents bent on dismembering the lesson.

In complex cases, each side is armed with sophisticated arguments as well as experts, and victory goes to the party able to establish credibility. The key to success, Stiegler said, is gaining trust, fashioning a compelling argument that personally engages the fact finder, who moves from understanding to belief.

“Rigorous preparation includes anticipating what the other side will say, appreciating the strengths and weaknesses of your case and shaping it into a credible package that is unassailable and that jurors will want to accept,” Stiegler said.

A resourceful trial lawyer finds ways to establish credibility rather than merely leave jurors or judges to weigh the technical arguments and competing claims.

Stiegler’s thoroughness — and his penchant for drama — paid off in spades when he represented Ichor Medical Systems Inc. in a trade secret case against Cyto Pulse Sciences Inc. in 2003, ultimately winning a jury award valued at roughly \$20 million.

Near the close of the trial, Stiegler called the CEO and chairman of CytoPulse to the stand, determined to show which side the jury should believe in the case over rights to a drug delivery device.

Prepped to impeach the CEO’s testimony, Stiegler was armed with videotaped depositions he knew would discredit the witness’ assertions to the jury.

“I cued up footage of the CEO that directly contradicted everything he was saying. It got to the point where it was Pavlovian. I would simply reach for the barcode reader to play the video, and he’d begin to quiver and shake,” Stiegler said. “He soon threw up his hands, exclaiming ‘What do you want me to say!’ and the jurors broke out laughing.”

In addition to educating jurors, a well-executed trial should grip them, animate the human aspects of the dispute and make them eager to attend, Stiegler said.

Kenneth Fitzgerald of Chapin Fitzgerald Sullivan LLP said that few attorneys share Stiegler’s powers of communication, which enable him to attack the most complex and contentious cases and distill the issues so they are accessible, even inviting.

“Tony has a rare combination of fierce intelligence, technical prowess and plainspoken charm,” Fitzgerald said. “The big failing with a lot of IP lawyers is that they are not very good at talking in simple terms. Tony is. He is also exceptionally adept at rising above the fray and talking to juries and judges in a low-key, likable and lucid way.”

While Stiegler is a veteran trial attorney, his practice is largely devoted to helping clients navigate thorny IP issues and avoid unnecessary litigation.

Security software company Websense has turned to Stiegler over the years to resolve an array of intellectual property and commercial matters, including trade secret and patent disputes.

Websense general counsel Mike Newman emphasized that Stiegler’s talents as a communicator are not reserved for the courtroom, and make him a trusted adviser in day-to-day matters, as well as in moments of crisis.

He can quickly assess the most intricate legal problem and offer an unambiguous and unvarnished solution, Newman said, thoroughly explaining the issues to business owners to ensure they make an informed decision.

“One of Tony’s many strengths is his ability to drill down a problem before getting to trial,” Newman said. “When IP conflicts are tremendously complicated and there’s a lot of money at stake, Tony not only understands the law and the technology, he leads the client to a sound conclusion.”

Credited with being as genuine and civil a trial lawyer as he is tenacious, Stiegler said clerking for Judge Edward J. Schwartz in the U.S. District Court for the Southern District of California made an indelible impression and turned him on to IP law.

In keeping with his down-to-earth demeanor, Stiegler doesn’t limit his work to Fortune 500 companies. He brings the same grit and finesse to major cases as the co-chair of Cooley’s national pro bono practice and chair of the firm’s San Diego pro bono practice. He is also president-elect of the Legal Aid Society of San Diego.

In pro bono cases against U.S. Immigration and Customs Enforcement and San Diego’s immigration detention facility, Stiegler has successfully challenged overcrowding and improved health care for detainees.

“But for the intervention of the [American Civil Liberties Union] and firms like Cooley, detainees would have no voice,” Stiegler said. “It’s a great way to give back. As attorneys, we are in a privileged position. We know the law and are able to extend our resources to those otherwise unable to engage in the legal process.”

Methodology: From May 25 through June 11, Law360 invited readers to nominate attorneys they admire to be profiled for the "Most Admired" series. Readers were asked: "Is there an attorney you've argued against in court who you respect — or whose briefs you fear? What about a lawyer whose views on the latest hot-button issues you eagerly seek out? Or a former classmate who is practicing the law in novel ways?" Survey participants were not permitted to nominate attorneys from their own firms and submissions from public relations and marketing professionals were not considered.

Separately, Law360 sought out nominations from practice group heads at the 100 largest law firms in the United States. In total, 1,016 nominations were received.

Nominations were reviewed by a board comprising experienced lawyers and Law360 editorial staff. Sixty-five attorneys covering seven practice areas of the law were then selected to be profiled for the "Most Admired" series.

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