

RICK RICHMOND, Partner

Rick Richmond is a commercial litigator and a founding partner of Jenner & Block's Los Angeles office. He represents clients in matters ranging from misappropriation of trade secrets and other forms of intellectual property infringement to commercial cases of all kinds, including breach of contract, fraud, and class actions. His extensive experience as a trial and appellate lawyer includes representing clients in state and federal courts, in federal and local administrative proceedings, and before arbitration panels, which has led to his listing on the roster of commercial arbitrators for the American Arbitration Association. Mr. Richmond has tried 30 cases and argued nearly 20 appeals. He also counsels clients with respect to compliance issues in an increasingly complex legal environment.

Mr. Richmond has received numerous national, statewide and local recognitions:

- **National**
 - "Litigator of the Week" - *The American Lawyer*
 - "Winning Litigator" - *The National Law Journal*
 - "Legal Lion," *Law360*
 - "Intellectual Property Trailblazer" - *The National Law Journal*
 - "MVP" (Technology) - *Law360*
 - "Top 100 Verdicts of 2016" (#5) - *Verdict Search*
 - "Client Service All-Star"- BTI Consulting (twice)
- **California**
 - "Attorney of the Year" - *California Lawyer* (twice)
 - "Top 100 Lawyer" - *Daily Journal* (three times)
 - "Top IP Lawyer" - *Daily Journal* (twice)
- **Los Angeles**
 - "Leader in Law" - *Los Angeles Business Journal*
 - "Top Litigator & Trial Lawyer" - *Los Angeles Business Journal*
 - "Outstanding Lawyer" - J. Reuben Clark Law Society (Los Angeles chapter)
 - "Southern California Super Lawyer" every year since 2005

Among his many trial victories, Mr. Richmond won what is believed to be the largest verdict (\$940 million) of any kind in Wisconsin, which is also one of the largest trade secret verdicts in US history.

Mr. Richmond is a member of the Complex Commercial Litigation and Class Action Practices. He served as the managing partner of the Los Angeles office, from the day of its founding, for nearly 10 years. Previously, Mr. Richmond served as an appellate lawyer in the US Department of Justice's Civil Division and was a US Court of Appeals law clerk.

Mr. Richmond is active in the community, currently or previously serving as chair



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PRACTICE GROUPS

Class Action

Complex Commercial Litigation

Consumer Law

Japan Practice

Litigation

Trade Secrets and Restrictive Covenants

EDUCATION

George Washington University, J.D., 1986;
with Honors; Senior Managing Editor,
George Washington Law Review

Brigham Young University, B.S., 1983; *cum laude*

ADMISSIONS

California, 1998

Colorado, 1988

District of Columbia (inactive), 1988

Illinois (inactive), 1987

Massachusetts (inactive), 1988

COURT ADMISSIONS

US Supreme Court

US Court of Appeals, Federal Circuit

US Court of Appeals, DC Circuit

US Court of Appeals, First Circuit

US Court of Appeals, Fourth Circuit

US Court of Appeals, Fifth Circuit

US Court of Appeals, Sixth Circuit

US Court of Appeals, Seventh Circuit

of the Criminal Justice Legal Foundation, chair of the J. Reuben Clark Law Society (Los Angeles chapter), president of the George Washington Law Alumni Association, founding chair of the Los Angeles Eagle Scout Association, and secretary of the California Club. He has also served as chair of the Mormon Studies Council of the Claremont Graduate University, a director for the Los Angeles Area Council of the Boy Scouts of America and the Los Angeles Chamber of Commerce, and is a member of the Chancery Club. He currently serves on the Advisory Committee of the Claremont Institute's Center for Constitutional Jurisprudence, the Advisory Board of the George Washington University Law School, and the Advisory Board of The Federalist Society (Los Angeles chapter).

Representative Engagements

Over the course of more than three decades, Mr. Richmond has publicly litigated scores of complex and cutting-edge disputes in federal and state courts and represented clients in numerous private arbitrations. In addition to a host of complex commercial, class action, and government related cases, Mr. Richmond has represented his clients' interests in trade secrets and other high-stake intellectual property matters.

The following are exemplars of Mr. Richmond's publicly litigated cases.

Complex Commercial Litigation

As **lead trial lawyer**, won a defense verdict in a two-week jury trial in California state court in a \$250 million breach of partnership case.

- "Jury Says Man Can't Sue Brother for \$250 Million in Partnership Dispute," *Daily Journal* (June 5, 2019)
- "Law360's Weekly Verdict: Legal Lions & Lambs," *Law360* (June 6, 2019)
- "And the Litigator of the Week Runners Up ...," *American Lawyer* (June 7, 2019)

As **lead trial counsel**, defended an air cargo transporter in a three-week jury trial in California federal court against plaintiff's \$200 million fraud and breach of contract claims.

As **lead trial lawyer**, represented a Southern California financial institution in a breach of contract dispute in California state court. Obtained a TRO and then a preliminary injunction to stop a former business partner from destroying the value of a \$2 billion investment portfolio.

As **lead trial counsel**, defended a major international satellite television company in New York state court in a \$100 million breach of contract and fraud case involving Japanese programming for satellite television customers in Japan. The case settled on the eve of trial.

As **lead trial counsel**, defended a major international heavy equipment manufacturer based in Japan against fraud, breach of contract, and breach of fiduciary claims in California federal court. The case settled on the eve of trial.

US Court of Appeals, Ninth Circuit

US Court of Appeals, Tenth Circuit

US District Court, District of Arizona

US District Court, Southern District of California

US District Court, Central District of California

US District Court, Northern District of California

US District Court, Eastern District of California

US District Court, District of Colorado

US District Court, District of Columbia

US District Court, Northern District of Indiana

US District Court, Western District of Wisconsin

JUDICIAL CLERKSHIPS

Hon. Harlington Wood, Jr., US Court of Appeals, Seventh Circuit, 1986 - 1987

Hon. Warren E. Burger, US Supreme Court, Office of the Administrative Assistant to the Chief Justice, 1985 (Internship)

Defended a major defense contractor during a five-week California state court bench trial in a \$60 million real estate breach of contract and fraud dispute with a major Southern California developer and commercial landlord. The case ended with a defense judgment following trial.

Defended a major defense contractor in a two-week jury trial in California state court against a \$60 million breach of contract case brought by the daughter of the client's former CEO.

Trade Secrets

Served as **lead trial lawyer** in *Epic Systems Corp. v. Tata Consultancy Services*, winning a \$940 million jury verdict based on claims of misappropriation of trade secrets, breach of contract, fraud, and violations of state and federal law involving confidential information about the client's leading healthcare software. This Wisconsin federal court verdict is believed to be the largest verdict of any kind in Wisconsin history and one of the largest trade secret verdicts in US history. In recognition of this victory, Mr. Richmond was named nationwide "[Litigator of the Week](#)" by *The American Lawyer* (Apr. 21, 2016).

- "India's Tata Consultancy Services to Appeal Jury Verdict: U.S. Jury Ordered Tata Consultancy to Pay Nearly \$1 Billion in Intellectual Property-Infringement Case," *The Wall Street Journal* (Apr. 18, 2016).

As **lead counsel**, represented a major international pharmaceutical company in California federal court in a theft of trade secrets case involving a critical marketing employee who departed to work for a key competitor in the developing area of testing blood samples for the presence of HIV.

- *Bayer Corp. v. Roche Molecular Systems, Inc.*, 72 F. Supp. 2d 1111 (N.D. Cal. 1999) (court imposed significant discovery obligations on departed employee that adequately protected client's trade secrets, in lieu of entering a preliminary injunction that would have been based on the "inevitable disclosure" doctrine advocated in *PepsiCo v. Redmond*, 54 F.3d 1262 (7th Cir.1995), which was seen as counter to California's policy of allowing free movement of employees between competitors).

Defended a major defense contractor in Texas federal court against its joint venture partner's claims of misappropriation of trade secrets, breach of contract, and antitrust violations in connection with the development of the US Army's next generation high-tech anti-tank missile, potentially worth \$1 billion or more to the successful bidder. Plaintiff voluntarily dismissed its complaint after its request for a preliminary injunction was denied at the conclusion of an evidentiary hearing.

Trademarks

As **lead trial lawyer**, won a defense judgment for a Netherlands based international legal publisher in a two-week bench trial in California federal court. A competitor and business partner had asserted \$40 million trademark infringement and breach of contract claims.

- "Wolters Kluwer Beats Contract Suit Over Bar-Prep Biz," *Law360* (Dec. 12, 2012).

As **lead counsel**, represented a furniture manufacturer in Missouri state court in a trademark infringement and conversion case against former executives who started a competing business in China by misappropriating the client's trademark and holding themselves out as if they were the client. Obtained a preliminary injunction against the executives and their business entities, which had the effect of shutting down the improperly competitive business.

As **lead counsel**, represented family members in a California state court case against a well-known astronaut for trademark infringement, breach of contract, and theft of business opportunities.

- "Astronaut Divorce Triggers All Out Family War," *TMZ* (June 20, 2011).

Copyrights

As **lead counsel**, defended a major motion picture studio in California federal court against claims of copyright infringement asserted by owners of copyrights, who alleged that their music was used in the television show “Santa Barbara” without proper permission. The case was resolved with a mediated settlement protocol.

Patents

Represented a spinal fusion surgeon and medical device inventor in Tennessee federal court in a patent infringement and breach of contract dispute with a major international medical device manufacturer over undeveloped medical devices and unpaid royalties. At the conclusion of a four-month trial, the jury awarded our client nearly \$160 million in compensatory damages, royalties predicted to be worth multi-millions of dollars annually, and \$400 million in punitive damages. The case settled for \$1.35 billion.

- “Medtronic to Pay \$1.35 Billion to Inventor,” *New York Times* (April 23, 2005).

Defended a content delivery network provider in a three-week jury trial in Virginia federal court against claims of patent infringement by a competitor. The client won a defense verdict on all claims.

- “Tempe Firm Wins Ruling in Patent Suit,” *The Arizona Republic* (Jan. 26, 2009).

Class Actions

As **lead counsel**, defended a major international electricity producer in Hawaii state court in a \$1 billion class action alleging overcharges for electricity provided to Oahu residents since the early 1990s. The case ended when the Hawaii Supreme Court affirmed the trial court’s dismissal of the case.

As **lead counsel**, defended a major international bank in consolidated class actions and individual cases in California state court involving a \$100 million structured settlement fund. Also represented the client in related proceedings in federal court in Montana and in bankruptcy court in Connecticut.

- “Big Suits: In re Structured Settlement Litigation,” *The American Lawyer* (Feb. 2004).

As **lead counsel**, represented a major international bank in a class action alleging misrepresentations about interest owing on a liquid asset fund. The case was dismissed on SLUSA grounds.

- *Kenneth Rothschild Trust v. Morgan Stanley Dean Witter*, 199 F. Supp. 2d 993 (C.D. Cal. 2002).

As **lead counsel**, defended a major international electricity producer in a class action in Mississippi federal court alleging that the client and others emitted so-called greenhouse gases, allegedly causing global warming, which supposedly exacerbated Hurricane Katrina, which, in turn, allegedly caused damages to the class members. The case was dismissed and affirmed on appeal.

- *Comer v. Murphy Oil*, 585 F.3d 855 (5th Cir. 2009), *vacated*, 607 F.3d 1049 (2009).

Defended a major international oil company in California state court in a wage-and-hour class action brought by 1,100 California gas station managers claiming they were misclassified as exempt from overtime laws and were entitled to \$100 million in unpaid overtime charges. The case settled before trial.

Government Related

As **lead trial lawyer**, won a California state court mandamus proceeding challenging a City of Redondo Beach administrative ruling involving the improper imposition of a \$72 million utility users tax.

- “There Will Be Blood,” *Easy Reader News* (Mar. 13, 2008).

As **lead trial counsel**, won a California state court mandamus proceeding to compel the City of Redondo Beach to re-write a ballot initiative intended to impose a new multi-million dollar municipal tax on client.

- “Ruling Rewords Redondo Beach Tax Measure,” *Daily Breeze* (Sept. 9, 2009).

As **lead trial lawyer**, won a contested union election challenge for a pharmaceutical company against the Teamsters Union in a two-week evidentiary administrative hearing before the NLRB.

Pro Bono & Community Representations

As **lead trial lawyer**, represented Dietrich Canterbury in a murder case. Dietrich was raised in South Central Los Angeles and later graduated from UNLV, where he was the captain of the football team. The prosecution sought a first-degree murder conviction, which carries a penalty of 24 years to life. The jury returned a verdict of involuntary manslaughter, and the judge imposed a 4-year sentence.

- “In First Criminal Case, Lawyer Is Defending Accused Killer,” *Daily Journal* (Dec. 21, 2017)

Represented three California nonprofit housing groups in a dispute over a \$331 million special fund, negotiated by Attorney General Kamala Harris, intended to help financially distressed homeowners. Governor Jerry Brown diverted the money out of the special fund to address a general budget shortfall. The California state court ruled that the funds had been “unlawfully diverted” and that the state was “obligated to restore/return those funds” to assist the struggling homeowners. The California Court of Appeal affirmed, with instructions to the trial court on remand to issue a writ of mandamus.

- “California Told to Repay \$331M Diverted From Mortgage Relief,” *Law360* (June 15, 2015).

As **lead trial lawyer**, represented a nonprofit medical foundation in an expedited breach of contract dispute with Los Angeles County, which managed the King-Drew Medical Center. These California state court injunction proceedings arose in the midst of long-running troubles that plagued this community hospital (established in an underprivileged area of Los Angeles in the aftermath of the Watts riots of 1965), which ultimately led to its shut-down.

- “The Troubles of King/Drew,” *Los Angeles Times* (five-part Pulitzer Prize winning series) (Dec. 5-9, 2004).

As **lead counsel**, represented a retired public school teacher in a dispute in California and New York state courts over the ownership of artworks created by “outsider” artist Martín Ramírez, while he was institutionalized in California in the 1940s and 1950s.

- “Heirs of Martín Ramírez Seek to Reclaim Lost Work,” *National Public Radio* (Oct. 28, 2008, “All Things Considered”).
- “Martín Ramírez Artworks Spark Legal Battle,” *Los Angeles Times* (Aug. 13, 2008).
- “Artist’s Family Sues Sotheby’s, Therapist Over Works,” *New York Sun* (Aug. 12, 2008).

As **lead trial lawyer**, represented the City of Hermosa Beach as a special prosecutor in a three-week jury trial in California state court against three defendants charged with obstructing police officers attempting to discharge their official duties.

- “Hermosa Police Probed by FBI,” *Los Angeles Times* (June 20, 2005) (discussing FBI probe into police conduct during arrest of defendants in this case).

As **lead trial counsel**, won a one-week bench trial to a three-judge panel in Louisiana federal court representing private citizens challenging a Louisiana congressional district (re-drawn after the 1990 U.S. census) as an unconstitutional racial gerrymander.

- *Hays v. Louisiana*, 936 F. Supp. 360 (W.D. La. 1996), *appeals dismissed as moot*, 518 U.S. 1014 (1996).
- "Redistricting Trial Underway: Voting Expert Testifies District Primarily Drawn on Race," *The Shreveport Times* (Oct. 31, 1995) (describing a "fierce cross-examination" by Mr. Richmond of the defendants' expert witness).

Awards

- **National**
 - "Litigator of the Week" - *The American Lawyer*
 - "Winning Litigator" - *The National Law Journal*
 - "Legal Lion," *Law360*
 - "Intellectual Property Trailblazer" - *The National Law Journal*
 - "MVP" (Technology) - *Law360*
 - "Top 100 Verdicts of 2016" (#5) - *Verdict Search*
 - "Client Service All-Star" – BTI Consulting (twice)
 - *Legal 500* - Intellectual Property - Trade Secrets (Litigation and Non-Contentious Matters), 2017, 2018, 2020
General Commercial Disputes, 2020
- **California**
 - "Attorney of the Year" – *California Lawyer* (twice)
 - "Top 100 Lawyer" - *Daily Journal* (three times)
 - "Top IP Lawyer" - *Daily Journal* (twice)
- **Los Angeles**
 - "Leader in Law" - *Los Angeles Business Journal*
 - "Top Litigator & Trial Lawyer" - *Los Angeles Business Journal*
 - "Outstanding Lawyer" - J. Reuben Clark Law Society (Los Angeles chapter)
 - "Southern California Super Lawyer" since 2005

Community

- Criminal Justice Legal Foundation
Chair and Trustee
- J. Reuben Clark Law Society
Chair and Board Member (Los Angeles chapter)
Chair, Sections Committee (international)
- California Club
Secretary and Director
- Chancery Club
Member
- Lincoln Club
Member

- Los Angeles Eagle Scout Association
Chair
- Los Angeles Area Council of the Boy Scouts of America
Director
- Los Angeles Area Chamber of Commerce
Director
- The Federalist Society (Los Angeles chapter)
Advisory Board Member
- Republican National Lawyers Association
Member, Advisory Council
Member, National Lawyer Panel for Media Comment
- Quayle 2000
Member, National Finance Committee
- Lawyers for Bush/Quayle 1992
Regional Coordinator

Educational

- George Washington University Law School
Board of Advisors
- George Washington Law Alumni Association
President and Chair, Executive Committee
- Claremont Graduate University
Chair, Mormon Studies Council
- Claremont Institute Center for Constitutional Jurisprudence
Advisory Committee
- The Federalist Society
President, GWU Law School chapter 1984-1986
- Beta Gamma Sigma
Member
- Omicron Delta Kappa
Member

Publications

- “Protecting Trade Secrets in Government Contracting,” *Government Contracting Law Report*, March 2018
- Co-Author, “Hiring Lateral Employees? Consider How to Mitigate the Risk of Trade Secret Litigation,” *Employee Relations Law Journal*, Autumn 2017
- Co-Author, “Keeping Your Trade Secrets Secret,” *Employee Relations Law Journal*, Autumn 2017

- Co-Author, "What Do You Do When an Employee With Access to Your Company's Trade Secrets Leaves to Work for a Competitor?" *Employee Relations Law Journal*, Vol. 32, No. 2., Autumn 2017
- Co-Author, Trade Secret Update: "Key Developments and Issues to Watch in Trade Secret Law", Fall 2016
- Co-Author, "Guidance for US Trade Secret Law," *Right Now Magazine*, August 2006
- "Can You Keep a Secret?," *Pharmaceutical Executive*, April 2004
- "Eyes Wide Open," *US Business Review*, November 2002

Speaking Engagements

- Panelist, "The Power and Influence Which Come From a Law Degree," 2015 Women in Law Regional Conference, 2015
- Panelist, "Global Trends in Arbitration & Mediation," Minority Corporate Counsel Association, 2014
- "New Risks and Trends around the Computer Fraud and Abuse Act and the Law of Trade Secrets," Northwestern University Law School - Executive and Professional Education: 48th Annual Corporate Counsel Institute, San Francisco, CA, December 03, 2009 to December 04, 2009
- Moderator, "Debates on International Arbitration," California State Bar, 2007
- Moderator, "Issues in International Arbitration," California State Bar, 2006
- Guest Lecturer, Complex Civil Litigation, Pepperdine Law School, 2002; 2004
- Guest Lecturer, Trial Practice, Pepperdine Law School, 2000 to 2003
- Guest Lecturer, Appellate Advocacy, Georgetown Law School, 1995
- Moot Court Judge, George Mason Law School, 1991; 1993; 1995