

BUSINESS

Bill Manning, a lawyer honored and hired by an old adversary

By NEAL ST. ANTHONY, STAR TRIBUNE
nstanthony@startribune.com

Bill Manning, a Minneapolis patent and personal injury lawyer, is kind of the legal-wars embodiment of that adage: "If you can't beat 'em, join 'em."

Manning's been named one of the dozen best intellectual property lawyers in the land, based on research and surveys of Fortune 500 general counsels by BTI Consulting Group, creator of the annual "BTI Client Service All-Stars" ranking. He is also one of Robins, Kaplan, Miller & Ciresi's top revenue producers, say senior partners.

Manning was nominated by the in-house lawyers at Advanced Micro Devices (AMD).

The irony is that Manning's side thumped AMD and the titanic likes of Dell, Intel, IBM and Toshiba in a celebrated patent infringement case that brought hundreds of millions in awards to Manning's smaller client, Intergraph Corp. of Alabama, in 2004.

After Manning made a compelling case that the larger company had unfairly copied Intergraph's microprocessing-system design, AMD engaged in settlement talks led by AMD General Counsel Harry Wolin that resulted in licensing-related payments of \$25 million over several years.

"Bill, whom I had never met until we were sitting across from each other when we settled that [Intergraph] case, came across as a man of integrity," Wolin said in an interview this week. "I was impressed with him and the results he got in that case and other cases in which he was involved.

"I felt that he was the kind of lawyer who, if your case was good, he would tell you. If not, he would tell you that. I thought he was the kind of outside counsel that I would want to hire."

Over five years, Manning-related cases led to recovery of about \$500 million against AMD and the other technology companies that Intergraph accused of ripping off its patented "Clipper" memory-cache design that boosted PC speed and functionality.

Today, Manning represents AMD in defending its patents against Samsung in federal court in San Francisco. Manning also successfully defended AMD recently against

alleged infringement by Silicon Graphics in a case brought in Milwaukee.

The 59-year-old Manning, who served as an assistant state attorney general in the 1980s, has engaged in more than 300 lawsuits over the past 30 years representing the taxpayers, corporations and injured individuals in a rare practice that has settled at the confluence of intellectual property and personal injury.

Manning, a basketball player and psychology major out of Creighton University, started out as a medical products salesman in New York before he returned home to the Twin Cities 35 years ago to enroll in law school at Hamline University.

Manning is happy to delve into the mind-numbing technical minutiae of his patent cases. But he says the trick is to present a cogent, understandable and appealing case to jurors. Research shows that jurors make decisions based on less than half of the evidence and testimony. And the simpler you can make the case, the better, in most cases.

"Sometimes lawyers get too close to their cases," said Manning, who sometimes rehearses before citizens who are brought into the firm's mock courtroom. "Jurors make decisions at a ninth- or 10th-grade level [of understanding]. I try not to stand up here and present a lot of legalese."

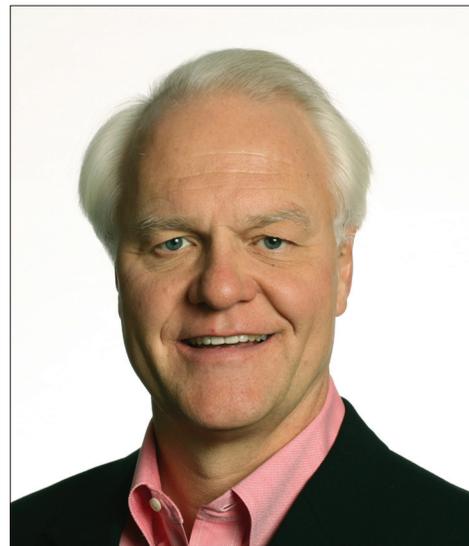
A pretty measured guy by most accounts, Manning gets most passionate when he talks about the other dimension of his practice—personal injury work.

'Their one chance at justice'

One that got national attention was an \$8.5 million jury award, upheld by the Wisconsin Supreme Court in 1999. Steven Sharp, an Oregon teenager, lost both arms when the power takeoff mechanism on a Case tractor started up on its own, thanks to a design failure that Manning said Case has yet to address.

An award-winning book about the case was written by retired University of Minnesota professor William Mishler: "A Measure of Endurance: The Unlikely Triumph of Steven Sharp."

Manning also won a confidential, seven-figure settlement prior to trial for former Minneapolis Police Officer David Holm, whose wife died in an accident in which Holm



Bill Manning

was severely burned after their minivan burst into flames thanks to a well-documented fuel-leak defect that Chrysler Corp. had failed to warn about or correct.

"Telling the corporate story can be a challenge because it requires deep listening to come to know the story that needs to be told," Manning said. "It is frequently not apparent in the beginning of a case. Representing an individual who is seriously injured is a qualitatively different experience ... standing in that person's shoes and attempting to give them voice is an awesome responsibility. It is their one chance at justice."

Despite some high-profile cases and attendant notoriety in the legal and computer-industry trade press, Manning has avoided most publicity. He said he is humbled by the plight of his personal injury clients, and grateful for the technical experts who school him and the colleagues with whom he develops cases.

"No one accomplishes anything alone," said Manning. "It is my style to let actions speak for themselves and let the results speak as they occur."

Manning's legal hero is Nelson Mandela, the onetime political prisoner and lawyer who emerged from prison to be elected the first black president of South Africa. Manning endowed a scholarship fund at Hamline Law School in Mandela's name instead of his own.