

Rainmaker Q&A: Robins Kaplan's Martin Lueck



Martin Lueck

Law360, New York (July 26, 2013, 11:43 AM ET) -- Martin R. Lueck is a partner in Robins Kaplan Miller & Ciresi LLP's Minneapolis office and chairman of the firm's executive board. He has spent more than 25 years trying cases, deposing and cross-examining hundreds of witnesses, and connecting with juries. That experience, together with his innate talent and personal interests, fuel his ability to deliver a client's message to the trier of fact. Lueck's love of the outdoors, training as a jazz musician and interest in restoring vintage machinery also contribute to his unique gift for unraveling complex cases and arguing them persuasively to juries and courts alike. He has tried and won "bet the company" cases on both sides of the courtroom in the areas of intellectual property, antitrust, commercial and business litigation.

Lueck is currently co-counsel for *In re Payment Card Interchange Fee and Merchant Discount Litigation*. He was trial counsel in *Omnicare Inc. v. UnitedHealth Group Inc., et al.*; *Electromotive Division of General Motors Corporation v. Transportation Systems Division of General Electric Co., et al.*; *Eolas Technologies Inc. and The Regents of the University of California v. Microsoft*; *Fonar v. General Electric Co.*; *Honeywell Inc. v. Victor Company of Japan and U.S. JVC Corp.*; and *UNOCAL Corp. v. ARCO, Chevron, Exxon, Mobil, Shell and Texaco*.

Lueck is a fellow of both the American College of Trial Lawyers and the International Academy of Trial Lawyers. He is a member of the American Intellectual Property Law Association, the Training the Trial Lawyer Task Force of the American Bar Association, the American Association for Justice, and the International Bar Association.

Q: How did you become a rainmaker?

A: From my earliest days as an attorney, I aggressively sought every jury trial I could, regardless of the type of case, and regardless of its "attractiveness." Within a few years, I had built up enough credibility to first chair more complex and, at times, eye-catching cases. In 1995, I co-tried a patent infringement case with my partner Ron Schutz, *Fonar v. General Electric*, which resulted in a \$110.5 million verdict in favor of our client. This was followed by a \$91 million judgment for Union Oil involving reformulated gasoline in 1997, and a \$520.5 million verdict against Microsoft on behalf of Eolas and the University of California in a patent infringement fight involving Internet Explorer. These, and other results, allowed me the opportunity to begin attracting new business opportunities.

Q: How do you stay a rainmaker?

A: Nothing sells like results and success, so the first focus is on delivering the gold standard in representations together with world-class client service. Many little things go into that, like remembering that your clients are real people with real problems and they will naturally seek out those who help them through those problems with practical thinking and efficiency. I also listen. I am amazed by how often this simple act is overlooked by attorneys. It is one of the most powerful relationship tools at your disposal.

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

A: Two easy and practical tips. First, always look for opportunities to help someone out by making a connection for them or by solving a small problem regardless of whether there is anything in it for you. You will be surprised to find how often these small acts pay back many-fold down the road. The lesson here is you never know where your next case or matter might come from.

Second, look around your firm or community and identify some successful rainmakers. Observe what they do, and copy and incorporate key elements of their successful rainmaking strategy into your personal approach. I learned a great deal by watching my partner Elliot Kaplan. What I found was that he approached his clients' issues not as legal problems, but as business problems that involved legal aspects — but were first and foremost business problems to be solved. By doing so, he has brought tremendous value to his clients and that value will always be in demand.

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

A: Early in my career, I tried a case against a local real estate developer based upon a construction defect which led to a fire on a town home unit and damaged attached units. My theory at trial was that the developer himself made the design choices which created the conditions surrounding the cause of the fire. The case was vigorously defended, the developer and his insurer having essentially refused to offer anything in settlement. We won a large verdict, constituting 80 percent of the damages. During closing argument, I pointed to the developer (who was sitting at counsel table) and told the jury that as he had made the design choices, he was responsible for the consequences. Soon after the resolution of the case, the developer called me with both a litigation matter and a business matter, which I referred to one of our business attorneys.

There are two lessons in this story. The first is that one of your best sources of business in the future are your current opponents, and the second is that you increase your chances of getting business from your opponents by yielding no quarter whilst treating them with respect and allowing them to keep their dignity through trial.

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