



Portfolio Media, Inc. | 860 Broadway, 6th Floor | New York, NY 10003 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

Trial Pros: Foley Bezek's Roger Behle

Law360, New York (April 22, 2016, 1:21 PM ET) -- Roger N. Behle Jr., a partner with Foley Bezek Behle & Curtis LLP and head of the firm's intellectual property and entertainment law departments. He is the former chairman of the Orange County Bar Association Intellectual Property Section and a member of the Intellectual Property Sections of the American Bar Association and State Bar of California. He is also a member of the Los Angeles Copyright Society and the Federal Bar Association.



Roger N. Behle Jr.

Behle brings more than 20 years' litigation experience to the firm, and has tried multiple federal and state jury trials through verdict, including nationally publicized cases involving copyright infringement, trademark infringement, trade secrets, breach of contract, fraud and related claims. He has represented clients in the motion picture, television, music, art, advertising, apparel, toy and technology industries, as well as related businesses such as broadcasting, book publishing, and professional sports licensing. Behle also has experience in securing IP protection for clients, from clearance and registration of copyrights and trademarks, through drafting complex patent and technology license agreements.

Q: What's the most interesting trial you've worked on and why?

A: I tried a federal copyright and trademark case years ago against two defendants, one represented by counsel and the other representing himself. What made the trial interesting was how the jury reacted to the two different defense presentations. The pro per defendant must have watched every courtroom movie and TV show he could get his hands on, from 12 Angry Men to My Cousin Vinny. He took a crash course in trial lawyering, courtesy of Hollywood. As you might expect, he was big on theatrics and short on substance. But, interestingly, because many jurors (and indeed the general public) often form opinions of what "good" lawyering is from the very same movies and TV shows, some of the jurors in our case appeared to react more favorably to the pro per defendant's theatrics than they did the "professional" lawyer's substantively sound trial presentation. That strategy got him through opening statements and a few witnesses. However, the strategy collapsed (and the case settled) just as the cross exam of the pro per defendant was about to be begin.

Q: What's the most unexpected or amusing thing you've experienced while working on a trial?

A: During voir dire in a state court case, prospective jurors were being run through the standard series of questions by the judge, one of which was "marital status." One of the jurors, a man in his early 70s, reported to the judge that he was recently divorced after over 50 years of marriage.

The judge offered his condolences to the man for his recent divorce, to which the man replied: "Are you kidding me? That is the best thing that has ever happened to me." The courtroom erupted in laughter.

Q: What does your trial prep routine consist of?

A: Preparation, preparation and more preparation. You have to know the trial exhibits and witnesses deposition testimony inside and out, backward and forward. One thing you can expect in every trial is something you did not expect. You can anticipate only so much. Some things will occur that will require you to react quickly. A thorough knowledge of the trial record, exhibits, deposition testimony and relevant law are absolutely essential to being able to think quickly on your feet.

Q: If you could give just one piece of advice to a lawyer on the eve of their first trial, what would it be?

A: Be confident in your preparation and be yourself in front of the jury.

Q: Name a trial attorney, outside your own firm, who has impressed you and tell us why.

A: I had the opportunity to arbitrate a case being handled by a colleague, Rich Cohn. It was a highly emotional medical malpractice case. I remember being impressed not only by Rich's mastery of the facts and law of the case, but also his genuine interest for his clients' well-being. It showed in his presentation. We all can get caught up in the nuts and bolts of trial work, and lose sight of the impact cases can have on clients.

The opinions expressed are those of the author(s) 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 © 2003-2016, Portfolio Media, Inc.