

Q&A With Akin Gump's Stephen Mansfield

Law360, New York (May 18, 2011) -- Stephen A. Mansfield is a partner in Akin Gump Strauss Hauer & Feld LLP's San Francisco and Los Angeles offices and co-leader of the firm's white collar defense and corporate investigations practice.

Mansfield is a trial lawyer who has defended and prosecuted complex criminal actions for over 20 years. He conducts corporate investigations and defends corporations, officers, directors and employees against U.S. Securities and Exchange Commission and U.S. Department of Justice investigations involving allegations of securities fraud, Foreign Corrupt Practice Act violations, health care fraud, technology and trade secret theft, payola, tax fraud, antitrust violations, environmental crimes, money laundering, customs fraud, political corruption, and unfair and deceptive trade practices. He is the partner in charge of Akin Gump's San Francisco office. He is a former Assistant U.S. Attorney in Los Angeles.

Q: What is the most challenging lawsuit you have worked on and why?

A: My most challenging trial was a prosecution of a rocket scientist for illegally exporting military technology to Japan and South Africa. A two-month ordeal, with outstanding defense counsel, involving highly complex, interfaced computer programs that were used in the design and deployment of military satellites by predicting contamination on sensitive spacecraft surfaces.

The defendant was one of 50 rocket scientists in the world who understood the technology. He was able to recruit key members of that rocket science community to testify on his behalf that the portions he exported were not restricted technology, but could be found in the public domain.

The rocket science community was generally hostile to the government's case. The government's only expert was not a rocket scientist, but a highly capable computer programmer with the U.S. Air Force. Together we focused on one small, unique computer program that was in every export the defendant made and existed nowhere else in the public domain. It was the key. It carried the day and we won the case.

Q: Describe your trial preparation routine.

A: Always start with the outline or draft of the closing argument. Every case comes down to that. Complexity must be distilled to lead inescapably to a straightforward compelling result. This can be done in every case on either side. Identify key proof and articulate credible themes to fit the closing argument outline. Less is more. Simple, honest presentation with jury-friendly themes is most persuasive.

Q: Name a judge who keeps you on your toes and explain how.

A: The Honorable Ronni B. MacLaren, who is a Superior Court Judge in Alameda County, Calif., and my wife.

Q: Name a litigator you fear going up against in court and explain why.

A: Mark Beck [of Orrick Herrington & Sutcliffe LLP] was the defense lawyer in the rocket scientist case described above. He is smart, hard working and very likeable. He arrives in the courtroom with the goal of knowing all of the facts better than anyone else and holding on to his winning themes. He has all the qualities of an outstanding trial lawyer and is one.

Q: Tell us about a mistake you made early in your career and what you learned from it.

A: As a young federal prosecutor, I was prepping a very intelligent witness in an environmental crime prosecution. The witness was nervous about testifying and had a tendency to mumble and speak very softly such that jurors would not hear key testimony.

As part of his prep, I took him to a vacant grand jury room, sat him in the witness box, turned on the microphone and advised him to speak into the microphone to practice testifying clearly. Within five minutes, he figured out how to speak into the microphone.

At trial, the witness spoke into the microphone, but unexpectedly failed to pull his mouth away from the microphone when he wasn't speaking. As a result, to the great amusement of the jurors and the judge (and me), the courtroom was filled with his amplified heavy breathing while questions were being posed on direct and cross-examination. It sounded like an obscene phone caller. It was very funny and, though the jurors likely never focused on his helpful testimony, it gave me a chance to bond with them by sharing a laugh together (which I referenced in closing.)