

Rising Star: Desmarais' Tamir Packin

By Daniel Siegal

Law360 (July 10, 2020, 4:06 PM EDT) -- Tamir Packin of Desmarais LLP stepped onto center stage with a smash this year, winning a \$400 million patent trial for Cisco in his debut as first chair and earning him a spot as one of four attorneys under 40 honored as Law360's trials Rising Stars.

HIS BIGGEST CASE THUS FAR:

Packin said that while he's been on teams that have notched significant wins, being the lead attorney for the trial team that defeated software company Egenera's claim that Cisco infringed its virtual networking patent fulfilled a long-time goal.

The three-day bench trial in Massachusetts federal court came with a major time crunch, however, as the Jan. 2 trial date was set just a month out. With weeks to go, Egenera produced new evidence.

"So we literally took all their trial witnesses, four fact witness depositions, Christmas week," Packin said. "The case was really coming together right on the eve of trial. We had to absorb the new information quickly and figure out how it fit within our trial theme."

Egenera's claim hinged on whether inventor Peter Schulter had been involved in developing the technology at issue. Packin said Schulter was combative and admitted nothing when he deposed him about the newly produced evidence, but he realized he could turn the Schulter's obstinacy against him.

"He was just such an advocate for the position where it was very clear to the judge that he was essentially arguing for the other side in a way that made him lose a lot of credibility," Packin said.

WHY HE'S A TRIAL LAWYER:

The holder of an engineering degree from Princeton, Packin said he



Tamir Packin
Desmarais

Age: 37
 Home base: New York
 Position: Partner
 Law school: Yeshiva University's Benjamin N. Cardozo School of Law
 First job after law school: Associate at Kirkland & Ellis

discovered soon after graduation that he needed to look into a different career.

"I didn't know what I wanted to do, but what I had decided was that I could not sit in the lab. I sat in the lab for my senior project, and it was interesting, but I like interacting with people," he said. "I needed to do something where I'd have more human interaction."

Packin said he still wasn't sure that he was destined to be an attorney when he headed to the Cardozo School of Law on scholarship, but he fell in love with trial work thanks to a brush with organized crime.

Packin was an extern for U.S. District Judge Jack Weinstein in the Eastern District of New York, who oversaw "one of the last big mob trials." The criminal trial saw two former NYPD detectives accused — and later convicted — of moonlighting as hitmen for the Lucchese crime family.

"So these were super high-profile lawyers — both on the defense side — lawyers who had defended John Gotti and got him the nickname 'The Teflon Don,' and obviously on the U.S. attorney side they were very experienced trial lawyers," Packin said. "That's when I caught the trial bug, watching that trial from sitting on the court's side of the well. And I was just awed by the attorneys in the courtroom from both sides."

WHAT MOTIVATES HIM:

Now that he is a trial attorney, Packin says two factors drive him to put in the hours needed for courtroom success: a desire to help out longtime clients and an innate competitiveness.

"Over the years you build relationships with your clients. and they become your friends," he said. "And when your friends have a problem it's only natural to want to help him or her out."

Packin added that in the gym he has a "go big or go home" attitude, and said he brings that same approach to his work.

"I'm very competitive. I don't think you can find a successful trial lawyer who is not. So I'm very much an all-or-nothing kind of guy," he said. "You win cases, you lose cases, but I wouldn't be able to sleep at night if I lost a case and it was just because I didn't put in the effort."

HOW HE SEES THE FUTURE OF TRIAL ADVOCACY:

As the coronavirus pandemic has forced court closures and pushed some trials online, technology's role in the courtroom looms larger than ever. But Packin says that once the virus recedes, he sees that trend reversing.

He said that he and several of his partners have in recent trials swapped out the de rigueur contemporary trial presentation with slides and graphics for the well-worn foam board, and with physical demonstratives for witnesses to use.

"At root trials are really a human-to-human interaction, and you need to connect with people, and you need your witnesses to connect with people," Packin said. "And sometimes too much technology gets in the way of that."

— *As told to Dan Siegal*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of

Law360 editors selected the 2020 Rising Stars winners after reviewing more than 1,300 submissions. Attorneys had to be under 40 as of April 30, 2020, to be eligible for this year's award. This interview has been edited and condensed.

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