



**Jennifer Keller**

KELLER RACKAUCKAS (IRVINE, CALIF.)

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## VETERAN TRIAL LAWYER

Jennifer Keller, the founder of Keller Rackauckas in Irvine, Calif., is no stranger to high-stakes cases, whether criminal or civil. The former public defender has successfully represented individuals accused of murder and is a recognized expert in white-collar civil matters.

In 2011, Keller's client MGA faced a bet-the-company case in the "Barbie v. Bratz" retrial, which followed a decision by the 9th U.S. Circuit Court of Appeals to overturn the first verdict against MGA – \$100 million for copyright infringement over the company's popular Bratz dolls. Keller did not work on the first trial and had only two weeks to prepare for the second, as she had to replace another prominent trial lawyer, Patricia Glaser, whom Mattel lawyers had fought to disqualify from the case.

In what was widely hailed as a stunning reversal of fortune, a federal jury in California found that Mattel had failed to prove its claims of copyright infringement and instead found that the company had misappropriated MGA's trade secrets, awarding MGA \$88.4 million in damages. The trial court then added another \$85 million in punitive damages and \$137.4 million in attorneys' fees and costs. Keller's performance added to her reputation as one of the most versatile and toughest trial lawyers in the nation.

**LAWDRAGON:** How did you transition from being a high profile criminal defense attorney to trying bet-the-company cases?

**JENNIFER KELLER:** My first big civil trial was the defense of Chapman University, which had been sued by students in its inaugural law school class for fraud and misrepresentation about the school's prospects of ABA accreditation. The founding dean wanted me to represent him as an individual because he thought I was the best trial attorney he'd seen. He didn't care what my field of specialization was. Then the university asked me to take over as lead counsel right before the five-month jury trial, which I won. Other civil cases followed, and I've since come to see that the dean was right: A good trial attorney can handle any subject matter. Trial skills are eminently transferable.

**LD:** How old were you when you tried your first criminal defense case? What lessons did you learn during your rookie years?

**JK:** I was sworn in as an attorney on Friday and tried my first case the following Monday, which I won. I was 25. I tried my first murder case at 27. That's how it was in the

Public Defender's Office in those days. One enduring lesson I learned was that every clerk, bailiff, court reporter and staffer is part of the "court family" and can have great influence on how your judge perceives you, your character and your case. Be nasty or oblivious to them at your peril. Another lesson is that a case can look great or terrible on paper, and become a completely different animal in an actual trial. Trials are living, breathing, organic creatures with their own special gestalt – which you can't experience completely until you get there, no matter how many mock trials you conduct.

**LD:** What do you consider the most challenging case you've ever handled in your career as a lawyer?

**JK:** MGA v. Mattel was the most challenging. The subject matter – copyright and trade secrets – was brand new to me and I had no time to learn either the law or the facts. We had the hardest-working judge you can imagine; he brought us in all day almost every weekend, kept us working at night after the jury went home – sometimes until midnight – and generally maintained the most punishing schedule I've ever seen. This meant I couldn't repair to the office after court to read depo transcripts, look at exhibits or read briefs. I had to do everything on the fly, and if my colleague Allison Shalinsky hadn't spent months pulling all-nighters to prepare witness exam outlines for me, I would have been cooked. The night before closing argument I had no sleep whatsoever. But after four months of that grind I managed to limp across the finish line, 25 pounds lighter. We didn't have much time to eat.

**LD:** Who is Jennifer Keller when she's not practicing law?

**JK:** Well, for openers, I'm the mom of a son who just finished his first year at UCLA Law School. I'm betting that he'll be a better trial lawyer than I've ever been – he just "has it." I'm an avid golfer when I get the time; it may be the realm of masochists but I'm addicted. I have season tickets to two live stages and also love movies. I'm a patron of LA Opera, to which I also have season tickets. Love to travel. I'm a trustee of Chapman University and a trustee of the UC Hastings Foundation. And I have a second home on California's wild North Coast, up by the Oregon border, in a little town called Trinidad. I try to get up there whenever I can, do a little hiking, play golf in the redwoods and hang out on my deck overlooking the ocean. And I'm a promiscuous reader who always has two or three books going at once. So I'm never bored.

**See the full Q&A at [www.lawdragon.com/lawyer-limlights/jennifer-keller](http://www.lawdragon.com/lawyer-limlights/jennifer-keller).**