

RICHARD T. McCAULLEY, JR.

39

Area of Practice Commercial; Patent Law

Law School University of Notre Dame Law School

How talented a lawyer is Rick McCaulley? Perhaps a judge who was hearing one of McCaulley's patent cases said it best following that trial:

"I've tried hundreds, maybe thousands of cases in my life and can honestly say I've never tried a case better prepared or better presented than this case," the judge said. "Each of you should be commended for your professionalism, for your preparation, for your knowledge and for your grasp of the issues, factually as well as legally. It has been a pleasure having you in my court."

This was high praise, and much of it went McCaulley's way. He questioned many important witnesses in the case and delivered critical portions of the closing argument.

To McCaulley's peers, this praise is more than deserved.

"Over the last 10 years, I have often consulted with Rick on difficult legal issues that have arisen in some of my patent cases, and relied upon his general advice and counseling with great success," said nominator Raymond Niro Jr. of the Chicago law firm Niro, Scavone, Haller & Niro. "Rick has the unique ability to clearly define a legal challenge and quickly formulate a winning strategy."

McCaulley, working from the Chicago law firm of McAndrews, Held & Malloy, Ltd., has crafted a successful career in the commercial law arena. He is even responsible for a bit of legal history. McCaulley served as a primary author on the briefing that led to a favorable decision for his client in *SciMed Life Systems v. Advanced Cardiovascular Systems* in 2001. The case became the seminal case that created the doctrine of specification estoppel, a unique aspect of patent law.

In another case, *Nike, Inc v. Nike Sec.*, McCaulley was responsible for the decision in a case of first impression for Northern District of Illinois holding that the Federal Dilution Act could not be applied retroactively against his client.

Fellow attorney Randi Engel Schnell, with the law firm of Bondurant, Mixson & Elmore in Atlanta, came away especially impressed after working closely with McCaulley on a complicated patent case. During the case, which took several years, Schnell watched as McCaulley skillfully worked with several attorneys and legal assistants; wrote complicated briefs; prepared and deposed experts; and prepared for trial.

During the trial, which lasted six weeks, McCaulley examined and cross-examined numerous witnesses, made closing arguments and handled successful arguments during hearings, all with equal levels of skill.

"Rick's ability to coordinate witnesses and staff was skillful," Schnell said. "Rick's ability to master voluminous documents and complicated legal issues and science was masterful. Importantly, Rick's 'on-your-feet' skills, both with witnesses and during hearings, were quite impressive. It was an honor and a pleasure to work with Rick, both professionally and personally."

Despite his successful practice, McCaulley finds time to volunteer for his community. He is an active member of LINK, an organization that raises money to pay private high school tuitions for minority students. McCaulley is currently sponsoring a sophomore at St. Ignatius High School, a process that involves mentoring responsibilities. McCaulley and his family also volunteer each month for a local homeless shelter where they prepare meals for the shelter's guests.

"Rick possesses all the skills required of a litigator," said one nominator. "He is extremely bright, has a tremendous work ethic, engenders confidence and makes a great impression in front of a jury."



McAndrews, Held & Malloy, Ltd. 500 West Madison Street, 34th Floor Chicago, Illinois 60661
T 312.775.8000 E rmccaulley@mhmlaw.com