

MVP: Gibson Dunn's Randy Mastro

Law360, New York (December 21, 2017, 2:19 PM EST) -- Gibson Dunn & Crutcher LLP's Randy Mastro beat the U.S. Securities and Exchange Commission, scoring a rare and high-profile victory before an administrative law judge that freed investment manager Lynn Tilton and her companies from allegations they defrauded investors, placing him among Law360's 2017 Trials MVPs.

HIS PROUDEST MOMENT THIS YEAR:

Mastro said his proudest moment was when the SEC's administrative law judge issued a rare and thorough ruling against the agency in its case against his client Tilton.

He said he truly believed in his client's case and was paired with an "amazing" Gibson Dunn litigation team that "just crushed it."

"To me, it was a holy mission," Mastro said. "Lynn Tilton was an innocent person falsely accused. She deserved to be fully exonerated. And it was so satisfying after a three-week trial to have that SEC ALJ issue a lengthy opinion in which she ruled for Lynn Tilton on every issue, found every factual allegation unproven, and dismissed every charge."

Adding to Mastro's satisfaction is that he only had 10 weeks to prepare for the complicated three-week trial. The administrative court's rules don't allow for a lengthy discovery and deposition process like federal district courts do, Mastro said, so he had less time to prepare and familiarize himself with the case.

"It was a profound challenge, but we were up to the challenge and we proved exactly what we said we would prove," he said. "We didn't just beat the SEC, we proved that Lynn Tilton never should have been charged in the first place."

WHAT MOTIVATES HIM AS A TRIAL ATTORNEY:



Mastro said he's a trial attorney because he loves getting justice for his clients. He says he craves that "Perry Mason moment" in the courtroom, rare as it may be — that sudden, dramatic revelation that changes the course of the trial.

"There aren't that many Perry Mason moments that come along, but when they do, it's the most satisfying thing in the world," he said. "I love being in the courtroom. I love the challenge. I love the performance. I love the advocacy. And I love getting justice for clients."

But beyond the thrill of trial work, there's a grave sense of responsibility, Mastro said.

Many of the cases he handles are challenging and carry high stakes. Tilton, for instance, could have had her career ruined and been forced to disgorge \$200 million, he said.

"Clients place their trust in us to handle their most challenging, threatening matters — the true bet-the-company or bet-the-reputation matters where they have to be vindicated," he said. "So for me, that always motivates me to dig deeper and do more to find a way to help our clients in their time of greatest need."

HIS OTHER NOTABLE CASES THIS YEAR:

Mastro is representing former Katten Muchin Rosenman LLP attorney Evan Greebel in a fraud trial over Greebel's work with former Retrophin Inc. CEO Martin Shkreli. Greebel is accused of helping Shkreli defraud the pharmaceutical company by using assets to pay off bilked investors in Shkreli's MSMB hedge funds, as well as another plot to manipulate Retrophin stock. Mastro calls it another "holy mission."

"It's a shameful prosecution," he said. "And we have to win. Because if an Evan Greebel, an innocent man falsely accused, can be charged with a crime for, as a big-firm law partner, doing his job representing a corporation and resolving disputes on behalf of the corporation, that is a chilling prospect for all of us who are partners in BigLaw firms."

HIS ADVICE FOR ASPIRING TRIAL ATTORNEYS:

Attorneys who want to become trial stars need to focus on getting into the courtroom early in their careers, said Mastro, who gained his own courtroom and trial experience as a federal prosecutor.

"There's no substitute for doing," he said. "It's called the practice of law, so you need to practice it."

Beyond that, the job requires real passion and honesty, he said. There are a lot of courtroom styles, but none of them work without those two ingredients.

"The most important thing," he said, "is to always maintain your credibility with the court, and tell a story that's true and will hold up to the evidence, and zealously advocate that on behalf of your client."

— *As told to Brandon Lowrey*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2017 MVP winners after reviewing more than 1,000 submissions.

All Content © 2003-2017, Portfolio Media, Inc.