

## Rising Star: Ropes & Gray's Aaron Katz

*Law360, Los Angeles (July 27, 2017, 4:39 PM EDT)* -- Ropes & Gray LLP's Aaron Katz has played a key role in some of the firm's highest-profile white collar trials, including Stryker Biotech's stunning victory over off-label marketing charges, earning him a spot among five trial attorneys under 40 being honored by Law360 as Rising Stars.

### **WHAT DREW HIM TO WHITE COLLAR DEFENSE WORK:**

While Katz first started out in Ropes & Gray's insurance defense practice, his mentor in that group, Marshall Moriarty, retired in 2007, leading the young attorney to branch out. Katz said he ended up getting put on a seemingly small case — which turned out to be the government's off-label marketing case alleging Stryker Biotech LLC tricked orthopedic surgeons into using its bone-growth product OP-1.

After obtaining a successful result in that case, Katz realized that white collar defense work was what he was fated to do.

"If you were to look at my personal history and background, I was really acting like a criminal defense lawyer in elementary school," he said. "I was always the person defending my classmates against accusations leveled at them by teachers and principals and things like that, all in good faith, but I'm sure I drove some teachers nuts."

### **HIS PROUDEST MOMENT AT TRIAL:**

In the Stryker Biotech case, Katz, then still an associate, spearheaded a unique strategy of seeking out the surgeons that Stryker allegedly defrauded, which led to a shocking result at the 2012 trial: The U.S. Department of Justice voluntarily dropped all felony charges against the company only days after opening statements.

**RISING**  
 ★★★★★  
**STAR**



**Aaron Katz**  
**Ropes & Gray**

**Age:** 38

**Home base:** Boston

**Position:** Partner

**Law school:** Harvard Law School

**First job after law school:** Associate at Ropes & Gray

It was Katz's persistence to follow his instincts that led him to first persuade a multi-firm joint defense group that reaching out to the surgeons was a good idea, and then to travel the country, sitting in doctor's offices and persuading nurses and secretaries to let him speak with the surgeons at issue.

"Not to bang my own drum, but I was the person that wanted to reach out to these doctors, I didn't see anything to lose," he said. "Coming from a family of doctors, a lot of uncles, cousins, friends who are surgeons, including orthopedic surgeons, I just had a gut sense that these doctors were not going to agree with the government and were going to be favorable to us."

Katz said that thanks to the Ropes & Gray team's clever inclusion of some red herrings on its pretrial witness list, like a Boston Bruins hockey player that had OP-1 injected in a broken thumb shortly before the Stanley Cup finals, it was clear the prosecutors didn't expect those surgeons to actually show up, leading to the dramatic trial result.

"When [Ropes & Gray partner] Brien O'Connor in his opening said, 'No, these doctors are going to be here, the government didn't talk to them, we did, they're all going to come here and testify they were not tricked, they were not lied to and they were not defrauded,' you could see the prosecutors' shoulders just slump, their jaws hitting the table, so we pulled it off perfectly."

#### ***WHAT MOTIVATES HIM:***

Katz said that there's nothing like going to trial, because it challenges every aspect of an attorney's skills, including writing, strategy and performing in front of a judge and jury. Katz, who is married and has three young children, said getting deep enough into a case to secure victory for his clients requires not just dedication, however, but also an understanding family.

"You really have to have a family that appreciates what you're doing and allows you to do it," he said. "Because, at a minimum, the last couple months before trial, it's what encompasses your life."

Katz also noted that working in white collar defense, he gets to work with and for individual people needing help, like Kurt Mix, a former BP engineer who was accused of obstruction of justice after the Deepwater Horizon oil spill and ended up with only a misdemeanor plea and no jail time or fine, and Boston real estate developer Dustin DeNunzio, who was acquitted after trial on charges of defrauding casino magnate Steve Wynn in a land deal.

Katz keeps this focus on changing individuals' lives in his pro bono work, where he has represented political asylum seekers, death row inmates and more. As a junior associate, he even covered three months' worth of rent for one of his pro bono clients, an asylum-seeker from Cameroon.

"I satisfied myself I could do this, and it just felt like the right thing to do. Just because I'm his lawyer doesn't mean I can't also be his friend, so that's what I did," he said.

***HIS ADVICE TO YOUNG ATTORNEYS:***

For young attorneys looking to follow in Katz's footsteps, he notes that on his biggest wins, it wasn't his name that drew clients in, and that it was the senior partners who let him take his at-bats early on that allowed him to have success.

"In this space, as a young lawyer, if you want to get trial experience on big cases like this, you've really got to earn the trust and respect and everything else from the senior partners in your group."

— *As told to Daniel Siegal*

*Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2017 Rising Stars winners after reviewing more than 1,200 submissions. This interview has been edited and condensed.*