

# Empowering Our Future Litigation Leaders

► **Riqui Bonilla and Nitika Gupta Fiorella of Fish & Richardson discuss the firm's Next Gen initiative and what seasoned attorneys and clients can do to further the success of developing trial lawyers.**

**CCBJ: Earlier this year, you were named leader of the firm's Next Gen initiative. What does your new role entail, and what aspect of it are you most excited about?**

**Riqui Bonilla:** Our Next Gen initiative provides opportunities for the "next generation" of lawyers, which includes any lawyer who's had fewer career development experiences, regardless of age or seniority. We also work to promote their abilities and experiences so that clients and Fish lawyers know they can trust these lawyers to handle future opportunities.

What excites me the most about the role is the opportunity to work with, learn from and help promote the future leaders of our firm. As someone who has benefited tremendously because colleagues gave me early opportunities and promoted my work, I understand the importance of doing the same for others, and I am very excited to lead this effort at Fish.

**What do you see as the firm's strengths as far as developing the future generations of trial lawyers? In what ways do you feel most supported?**

**Nitika Gupta Fiorella:** Fish has done an excellent job of advocating for junior attorneys to get experience and exposure. The firm's formalized commitment through its Next Gen initiative sends a powerful message to senior attorneys at the firm that they should be helping to create these opportunities. It also lets our clients know that we are actively training our attorneys to serve them better and with continuity. Beyond that, it is the individual people at this firm that make all the difference.

I personally have worked with a number of senior attorneys who understand the value of training and supporting junior attorneys, often because they themselves benefited from opportunities that others before them provided. The firm's pay-it-forward culture gives me confidence that when an opportunity arises for me to further develop my trial skills, or to show a client that I have the trial skills necessary to zealously represent them, I will be not only given that opportunity but also will be fully supported to succeed.

**What are your priorities as the firm's Next Gen leader? Where do you believe you can make the most impact?**

**Bonilla:** My main priority is to align the reality of Next Gen with the way that it is promoted and advertised by firms, clients and even judges. Everyone knows that this work is vital to the continued evolution of our practice, but as much as people tout its importance, there are too many areas where these initiatives are not being fully implemented. I want to ensure that when opportunities come up, our lawyers and clients think, "We should entrust this to a more junior lawyer on the team."

We can accomplish that by touting these attorneys' achievements. The more comfortable a team and client are with the abilities of these lawyers, the more likely they will be to give them these opportunities. Oftentimes, it's the younger lawyers who know the case best and are most equipped to handle the opportunity.

**In April 2020, you argued and won your first-ever oral argument at the Federal Circuit. It also had the notoriety of being the first-ever remote telephone hearing at the Federal Circuit. Tell us how you navigated both of these "firsts."**

**Fiorella:** It was a very exciting experience. It was my first argument, so I was a bit nervous, but I had wonderful support from the principals I worked with – the same

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ones who persuaded the client to let me handle the argument in the first place. Since it was also the first-ever remote argument at the court, that actually calmed my nerves. It felt like more of an even playing field – even though the other arguing attorneys likely had more experience than me, the remote aspect was a first for all of us. In the end, everything went smoothly – no technical issues whatsoever, and we won a Rule 36 judgment in our client’s favor just two days after the argument.

**You were given “stand-up” litigation opportunities from the time you arrived at Fish as a first-year associate. Can you share some of these experiences with us and how it’s made you a better lawyer and leader at the firm?**

**Bonilla:** Fortunately, I was offered significant responsibilities right from the start of my career, and I was eager to get more. For example, I was given the opportunity to second chair a trial before I had practiced a full year, primarily because I happened to be in the right place at the right time and was willing to say yes to the work. That experience was phenomenal. With only two lawyers working on the case, the first chair and me, I was involved with every facet of the case all the way through trial. In the legal field, as in many others, the best way to learn is by doing, and I was able to participate in everything it takes to get a case through trial.

Those early opportunities working various aspects of different cases prepared me for managing my first case during my third year of practice. The supervising principal called me into his office and told me I would be responsible for the entire case, and I set to work on our strategy. We

won the case on a motion for judgment on the pleadings, which the other side appealed, and the principal argued, with me in support. After we were awarded our attorneys’ fees, I assumed I would again support the principal on the second appeal, but he offered me the chance to argue it. I will be forever grateful to him for that opportunity. Stepping up for these responsibilities was the best thing I could have done as a younger lawyer because each opportunity led to another.

**What can clients and senior lawyers at firms do better to ensure that young litigators get these important stand up opportunities and gain the experience they need?**

**Fiorella:** Be vocal and be present. One of the best ways to ensure junior attorneys get the experiences they need is for senior lawyers to continuously involve and promote those junior attorneys – both within the firm and with clients. If a client is regularly being told about the junior attorney’s role in working up the case, brainstorming the strategy, writing the briefs and more, then it will come as no surprise when the senior attorney recommends that junior person for the argument. Similarly, when others at the firm hear about the junior attorney’s skills, they too will be more inclined to provide that attorney with stand-up opportunities earlier on in another case.

Helping junior attorneys secure stand-up opportunities is the first step; the next is helping these attorneys perform to the best of their abilities. It is not just about being chosen. Junior attorneys need to show they can succeed when given the opportunity, and senior lawyers are instrumental in making sure that is the case.

**Bonilla:** As I mentioned before, it is often the most junior lawyers who have the best grasp of the facts in a case because they are the ones analyzing document reviews, preparing deposition outlines, completing first drafts of briefs, and helping support others to argue in court. Whenever I have an argument coming up in a case, I ask

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myself if I'm really the right person to handle this argument, or would it be better if the individual helping me prepare does it themselves? I can supervise them and help make their presentation stronger, and that may actually be the most efficient and best use of time for both of us.

Most clients just want the job done well, and they will be comfortable with having a less senior lawyer handle the task if they are informed of just how well prepared and hardworking that lawyer is.

**You both took breaks during your associate training to gain different kinds of trial experience. What did you do and how did it contribute to your career development?**

**Fiorella:** I spent two years clerking at appellate courts – one year for Judge Kent Jordan on the Third Circuit and one year for Chief Judge Prost on the Federal Circuit. Both clerkships were fantastic experiences that helped hone my writing and reasoning skills, and improved my oral advocacy skills. I was also Judge Jordan's patent clerk, which meant that I assisted him on the patent cases he presided over, when he sat by designation as a District of Delaware judge. That experience gave me great insights into what it is like to be on the other side of the bench, which has helped me become a more pragmatic and strategic litigator.

My clerkships also helped me grow my appellate practice at the firm. I've been involved in dozens of appeals since I returned from my clerkships and am slated to argue two more appeals in the coming six months.

**Bonilla:** I spent three months as an assistant district attorney at the Dallas County District Attorney's office, where I prosecuted misdemeanors. It was an incredible experience. I saw a completely different side of the law and was in court almost every day. One of the most useful things I learned was how to deal with extemporaneous issues. In my civil practice, I usually have a lot of time to prepare for hearings or other events and can plan for contingencies. In criminal

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court, things move much faster and the rules of discovery did not allow me to know as much about my opponent's strategy as I would in a civil case.

For example, in my first criminal trial, the first witness put on by the defense was someone I had never spoken to before and did not immediately recognize. I had to come up with my cross-examination on the fly. I learned not to panic even when things go unexpectedly.

**What's on the horizon for both of you? Are you still busy despite the slowdown in trials due to the COVID-19 crisis?**

**Fiorella:** COVID-19 has not caused any slowdown in my practice. In fact, I think I've been busier these last six months than I was most of last year. With two more Federal Circuit appeals on the near horizon, which I anticipate will be telephonic like my first argument, I may well become known as the seasoned attorney for telephonic oral arguments by this time next year. Overall, I think we're going to continue to see just how adaptable the legal profession can be, and hopefully we'll have some positive takeaways for after the pandemic is over.

**Bonilla:** My practice has also continued to be busy. The main change has been that I have not traveled at all, after traveling several times a month every month for the last few years. While moving client meetings, depositions, hearings and trials to a virtual setting has taken some getting used to, we've all learned that it is possible to practice law remotely quite effectively. For now, I plan to continue developing my practice, sharpening my skills and working to make our Next Gen initiative successful. ■