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HOW HILDA GALVAN Beat the Odds

The intellectual property litigator didn't let neighborhood gangs or a naysaying teacher derail her dreams

BY ALISON MACOR
PHOTOGRAPHY BY JEREMY ENLOW

WHEN SHE WAS IN GRADE SCHOOL IN THE 1970S, HILDA GALVAN told a teacher how much she loved math, and the woman responded, "You're a girl, so you probably should focus on your reading so you can be a schoolteacher."

Galvan relishes the memory of that conversation. "I became even more obsessed with math, and then science," she says. She remembers lulling herself to sleep by puzzling over math problems. "Calculus was my favorite. I could go to bed thinking about a calculus problem, and then I would wake up and know what I was going to do. It was just very logical to me."

Her obsession paid off. A partner in Jones Day's Dallas office and a nationally recognized intellectual property attorney, Galvan has successfully represented IBM in patent enforcement lawsuits against Amazon.com and defended Mattel in a trade secret-misappropriation suit. Last year, Galvan played a lead role in persuading the U.S. Patent and Trademark Office to open a regional office in Dallas.

"What I've learned over the years," Galvan says, "is that if you tell me that I can't do something, then I'm going to do it just to show you that I can."

HILDA C. GALVAN

· PARTNER, JONES DAY

· INTELLECTUAL PROPERTY
LITIGATION

· TEXAS SUPER LAWYERS: 2007–2013;

TOP 100 TEXAS: 2013; TOP 50

TEXAS WOMEN: 2011–2013; TOP 100

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JONES DAY'S DALLAS OFFICE OCCUPIES

nine floors in a sleek 10-story building just north of the city's downtown hub. On a breezy Friday in late spring, attorneys and other employees, some of whom are dressed down in anticipation of the weekend, walk up and down a spiral staircase that connects the firm's upper and lower floors. Snatches of animated conversation filter into the expansive reception area. Removed from the general hustle and bustle, Galvan is relaxing on a low couch in an adjoining conference room, dressed in black slacks and a purple knit jacket.

Galvan joined the firm in the fall of 1996 to focus exclusively on patent litigation. She coordinated Jones Day's IP practice for about six years and has been its hiring partner since January 2012. Galvan champions the firm's philosophy of working across office lines by pairing the best lawyers for each case from among Jones Day's 40 offices around the world. "The great thing about that as a young associate is that you meet people in different offices. You get to work on all types of cases, and you learn from different lawyers," says Galvan. This strategy, she believes, also helps retention, and she is a good example.

In 1999, having been with Jones Day about three years, Galvan and her husband, Mike, now a retired engineer, were juggling demanding careers and parenting their 6-year-old son, Justin. "We had a parent-teacher conference that I couldn't make, and my husband went. The teacher said Justin was a little bit behind on his reading," says Galvan. She blamed herself for not spending enough time with him and decided to return to Southwestern Bell, where she had worked as an engineer prior to attending law school at the University of Texas at Austin. A routine schedule, she reasoned, would allow her to be more available to Justin.

"I was bored out of my mind," she recalls. "I wasn't doing patent litigation, and I just wasn't having fun. And I have fun practicing law." Her husband encouraged her to call Jones Day; and Robert Turner, then head of the IP practice at the Dallas office, asked her to come back. "I was very disappointed that she left, but of course I understood her reasoning," says Turner,

now practicing at McDole & Williams. "It was a no-brainer to bring her back."

"I think if I had stayed at Jones Day and not left, I would have always wondered if I didn't do something right for my son," says Galvan. "But by going, I realized that my career and what I do is such a big part of who I am. I love what I do at the pace that I do it and that's just who I am." It's a message that she shares with Jones Day's younger female lawyers who find themselves in similar situations: Figure out what works for you. "My husband understood me well enough to say, 'This isn't working,' so we made the change. He started staying home with our son, and it was the best thing for all of us."

Today Justin is a junior majoring in finance at Texas A&M University. Galvan herself attended the University of Texas at El Paso in the same city where she grew up. Her mother, Luisa Estela, is from Mexico, and her father, Emedes, grew up in Marfa. Although neither of her parents graduated from high school, they raised Galvan and her brother and sister with the expectation that they would all attend college, which Galvan said was not the norm in her neighborhood.

Growing up, she occasionally had run-ins with local gangs. "There's a real bias within the Mexican gangs, and they didn't like me because I wasn't dark enough," she relates. "I was a little bit intense, very into school. There would be parties, and before you know it, you're outside and you're alone, and they were very good about surrounding you." Galvan's training as a basketball player served her well, however, and she knew that she could outmaneuver most anyone. "I have a real instinctive fighter in me, and so if I get pushed, that comes out. It keeps me going when things get tough," says Galvan, who adds with a laugh, "You know, it's not a bad thing that I grew up in that neighborhood."

Galvan took a computer programming class in middle school and participated in a high school program that offered engineering as a career option for minority students. At UTEP, she majored in electrical engineering and participated in a co-op program that allowed her to work at Hewlett Packard. "I really enjoyed the design part of engineering," she says.

During her senior year, Galvan began working part time as a receptionist for a general practitioner lawyer in El Paso. Eventually she became his legal assistant. "It was a little bit of everything. He did some criminal defense work, some immigration. Someone would come in and need a temporary restraining order because they were in an abusive relationship," says Galvan, who interviewed witnesses and went to the courthouse to obtain temporary restraining orders (TROs). She discovered that she enjoyed being in the courtroom, but she also realized that family law was not for her. "I couldn't eat when we would get the TRO. I couldn't do that kind of law because I don't know how to draw that line; to say, 'OK, it's just work.' But I thought maybe I would go to law school."

After graduation from UTEP in 1985, Galvan began work as an engineer for Southwestern Bell. Her job involved supervising a group of union members who were older men, and she was just 22. She sought advice from her father, a mail carrier, who encouraged her to ask questions. Galvan stayed at Southwestern Bell for five years. "I learned a lot. They just taught me about life. One of the men told me, and I always give this advice to people when they ask, that the worst thing in life is to say, 'I wish I had' If there's something you want to do, do it. And if it's not the right thing? At least you did it."

She took his advice to heart and enrolled at UT-Austin's School of Law in 1990. "I thought it was much easier to be a law student than it was to be an engineering student," says Galvan. "But life as a lawyer is much more intense than life as an engineer." After law school, she took a position at Gibson Dunn & Crutcher, where she did international corporate work, but she missed focusing on technology. Eventually, she moved to Jones Day.

"Every case is a new technology. Even if it's a similar technology, it could be a different industry," says Galvan, who loves learning how digital sensors work in the oil and gas industry as much as she enjoys figuring out how software is used to make soft drinks.

"Hilda doesn't talk down to the jury," says Turner. "She's very patient in her presentation, and the jurors are probably somewhat fascinated by the fact that she's

so good at it. ... I think Hilda's biggest strength is the fact that she does care very much for her clients; cares very much for the people that are on her team, and that shows in everything she does."

Ken Adamo worked in Jones Day's Dallas office for more than 25 years and, like Turner, became a mentor to Galvan. "Hilda's good at altering pace and voice. She's good at watching the jury, and she understands the technology well enough that she can get it into plain English ... and then get the expert to agree to it," says Adamo. "That's being a trial lawyer."

Mike McKool, with McKool Smith, has faced Galvan in court. He thinks the secret to her success is that she's genuine: "Hilda combines two things that are rare in a courtroom: analytical ability and trustworthiness. The analytical side is not just about understanding the patent, but also about taking positions on it, analyzing the words and the way it's written."

THESE DAYS, IT ISN'T A NEW TECHNOLOGY

or even a courtroom competitor that Galvan finds most challenging—it's the rise in the number of cases being filed by non-practicing entities that concentrate predominantly on patent licensing and litigation. Recent estimates suggest that more than 50 percent of the cases involving patent infringement in 2012 were filed by non-practicing entities. "Oftentimes those cases are all about settling early," says Galvan. From the client perspective, she notes, "it used to be that you approached from just the merits of the case: The patent's invalid; there's no infringement. Now the message may be: We're going to fight when we need to fight; we're going to settle when we should settle. It's a real balance, and it's a difficult one." Galvan credits the America Invents Act of 2011 with helping to level the playing field by adding procedures that can be used to invalidate patents and resolve

patent cases more efficiently. The recent creation of the Dallas branch of the U.S. Patent and Trademark Office could also facilitate the process.

The adrenaline rush of a trial is something Galvan first experienced during her college job as a legal assistant, and again at her first trial, on behalf of the Walt Disney Co., in front of Judge Sam Sparks, who threatened to hold a senior opposing attorney in contempt if he persisted in repeating previously asked questions. "You're terrified, but at the same time you're representing your client, so you have to get your act together," says Galvan. It's a strategy she honed early on, evading the neighborhood gangs in El Paso. "I survived it all," she says, "and here I am." 