

**INTERVIEW WITH DERRICK BRENT,  
VICE PRESIDENT AND ASSOCIATE GENERAL COUNSEL  
MASIMO CORPORATION**

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Derrick Brent is Vice President and Associate General Counsel of Masimo Corporation, a manufacturer of noninvasive patient monitoring technologies. His diverse professional experience has included Senior Counsel for U.S. Senator Barbara Boxer, Senior Trial Attorney in the Department of Justice, and Associate at Vorys, Sater, Seymour and Pease LLP. His work has principally focused in litigation and policy related to intellectual property, civil rights, employment and commercial law.

This interview is about his unique career path in the public and private sectors.

**OF: Tell me about your background before you came into law.**

DB: In high school, I was very good at music – playing all band instruments except bassoon and oboe, and writing music for jazz combos and orchestras. I began college at The Ohio State University in the music department as a jazz composition major, with trumpet as my principal instrument. However, I knew that after four years of music school, I should not expect Quincy Jones or Wynton Marsalis to knock on my door and just offer me a job. I needed a backup plan with good short term and long term prospects. I was also good at math and science, so I chose Mechanical Engineering as my second major because the job placement immediately following graduation was high and it was considered a good base for law, which also interested me.

I finished undergrad in mechanical engineering, dropping the music major – tough for me, because music was a passion, and remains so. My first job after college was with the Powertrain Division (transmission) of General Motors, managing the engineering and business operations at five subcontracted plants. It was daunting to me to have the responsibility of managing the plants just after graduation. However, I dove in, headfirst, and had a great experience. The job taught me much about business and leadership, and also allowed me to travel and gain exposure to different parts of the U.S.

While I loved my job, I knew that there was a next step ahead – either law or business grad school. I chose law because if it did not work out, I could always return to engineering/business. I had a wonderful three years in law school, made lifelong friends, and the law became my career.

**OF: During your early years out of law school, you practiced intellectual property law. What interested you in that area of law?**

DB: To be honest, my initial interest in intellectual property came about because there were job opportunities for someone with an engineering background. I was originally interested in securities law, but people would say “yes, you are taking those classes but you do not have a background in that.” So actually, IP recruited me more than I sought it out as a practice.

During my summers in law school, I worked at an IP litigation boutique in Chicago, and it was there that I began to realize what a “cool” and interesting area of law IP was. The issues were interesting, and ranged from business deals (licensing) to litigation over ground-breaking inventions to constitutional issues. The head of the firm, who remains a friend and mentor, would spend time telling stories from his long career and explaining aspects of the practice. From my time with the firm over two summers, I came to view IP as a great way to blend my engineering skills with my new legal training, and work on cutting-edge legal issues because the area of law was rapidly expanding and changing.

I practiced IP for my first years out of law school at a large general practice firm in Chicago that had an IP group. I pivoted from IP to employment and civil rights law after my clerkship, but something told me I would return to IP again one day. And sure enough, while working in the Senate, IP issues became a hot button policy issue on several fronts during my tenure. My prior experience working as an IP litigator allowed me to advise and counsel my Senator on many complex issues from both a policy perspective and a practical perspective as someone with experience. Many constituents appreciated my previous IP experience and my ability to dig deep into the details of issues.

**OF: After that, what inspired you to go into public sector work?**

DB: During my second and third years of practice, I began feeling that I wanted to pursue a passion, working for the Department of Justice in the Civil Rights Division. I have always been a fan of history, particularly Thurgood Marshall who was an excellent lawyer and jurist. While I appreciated my work at the firms, I felt an inner calling to “serve something greater than self” – a principle I learned from a childhood pastor. I remember being particularly affected by a

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series of church arsons that took place during the late '90s, people attacked in a place where they came for peace and prayer. It made me feel that for all the progress that had occurred in the country – progress that allowed me, the great-grandson of a sharecropper to be the first in my family to attend college and graduate school – we still had a long way to go, and I wanted to contribute.

I started my pivot by becoming a federal law clerk. That allowed me to gain valuable court experience, enhance my legal writing skills, and work in-depth on civil rights cases in the docket. Justice Department jobs do not open on a regular schedule, and the Civil Rights Division is one of the most competitive to enter. I worked at firms for two years after my clerkship before finally having what I considered the opportunity of a lifetime – interviewing for a position with the Civil Rights Division in Employment Litigation. Truly, one of the happiest days of my life when I got the call, telling me that I had been selected for a position in the division. One of the most emotional days of my life was stepping off the Metro in DC, seeing the White House, then reporting to a building and being sworn in on the same day my mother had been sworn into the Air Force. And there is nothing like the first time appearing in court, saying those words . . . “Derrick Brent, representing the United States, your Honor.”

**OF: So from there you changed courses again, pursued a different career path, working at the Senior Counsel for U.S. Senator Barbara Boxer. How did you make that career move?**

DB: The years at Justice were some of the best of my career, hands down. Great people, great work. But after six years, I felt it was time to move on. I was pursuing a position as in-house counsel on the west coast when I was called to interview with Senator Boxer and her staff. I admit I was skeptical about the position initially – Congress was gridlocked and I did not see how anything I could do would help or grow my skill set. But I met with her senior staff, and then the Senator herself, and it quickly dawned on me that this was another great opportunity to serve with an unbelievably courageous and dedicated person. The position offered me a chance to work at a senior level on a wide range of legal and policy issues. It was a unique opportunity to advise the Senator on constitutional matters, civil rights, judicial nominations, IP and technology.

**OF: So bring it full circle. Now that you work at Masimo Corporation, having diverse experiences in private and public sectors, in the legislature, and in the judiciary, how do you think we could create a better partnership between businesses and policy makers?**

DB: For this partnership to become truly effective consistently, both sides will have to trust each other more, and view cooperation as a necessary ingredient. Policy makers need input and information from businesses – they cannot legislate in a vacuum. But policy makers have to learn that sometimes, a new law, whether it is viewed as more or less regulation, may not be the answer to an issue raised. Sometimes the answer is using human capital – time and collaboration – to bring different stakeholders to the table to forge solutions they can implement.

Businesses tend to be a little bit wary because they worry that sharing information with policy makers will lead to new laws and regulations, increasing the cost of doing business. Businesses will have to trust that their cooperation will not be used against them, to their detriment.

It goes back to that old saying, “through dialogue, we find better understanding” and I think that is certainly true to mend the relationship of businesses and policymakers.

**OF: What do you think is keeping other businesses from getting involved where some already have? What is the biggest barrier in keeping communication happening between Silicon Valley to the Midwest or Silicon Valley to even as close as Sacramento?**

DB: That is a great description; there are communication gaps between businesses. There is a gap between Silicon Valley and Hollywood, and, gaps between the software and medical technology industries. That is just within the state of California. How do you foster these streams of communication that can lead to understanding and perhaps innovative collaboration? We must put on our hats and have an open mind, and once you start with that kind of attitude, you will see new opportunities for partnerships that you never thought existed. I think that in terms of policy makers, we already have a great cauldron for fostering cross-country communication in the Senate and House of Representatives. They simply have to talk to one another and say “come to my state and see this, see that.”

**OF: What are some surprising places that you are seeing this collaboration start to happen?**

DB: Partnerships between universities and private companies on research and commercialization is an area of great collaboration. The private companies provide resources for professors and students to engage in research on complex problems. When there are results, the professors and students have materials on

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which to publish, and the private companies obtain new technology to commercialize for the marketplace.

There has also been some work at federal agencies, such as the National Institutes of Standards and Technology (NIST) and the Justice Department where sections collect information on “best practices” that are then shared nationally. NIST also collaborates with and helps standard-setting groups from industry.

**OF: What advice do you have for prospective and young lawyers in the practice.**

DB: The mentality of reaching out and having an open mind is important here also. Somewhat like law school, the legal community, both locally and across the country, is made up of people from different slices of life, bonded by our common profession. The mindset of constantly looking for new ideas and new ways to learn should be maintained for a successful and enriching career. I would encourage them to not let themselves be side-lined. No matter where you are working, overcome the desire to sit at your desk each day – go out and join a community, allow yourself to be open to influences. I shun the use of the word “networking” because I feel it implies an intentional action to meet people as a means to a business end. I like to meet people just to meet people, learn about their experiences, influences and perspectives. I think particularly in the law, this is the best way to stay fresh. We must be less insular for ourselves and for the sake of others.

**OF: Thank you for your time.**