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From NFL Sundays to Trial Days: McKool Smith's Michael Catapano Leaves the Gridiron for the Courtroom

By Ross Todd
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How does preparing to stand up to argue a key *Daubert* motion compare with running out of the stadium tunnel in front of a crowd of 80,000 screaming fans before a professional football game?

Well, **Michael Catapano**, a second-year associate in the New York office of McKool Smith has to be one of the few people on earth who can adequately compare the two experiences. Catapano, who played football in college at Princeton, was the first player drafted out of the Ivy League in more than a decade when the Kansas City Chiefs took him in the seventh round in 2013. Over the course of five seasons, he also logged downs as a pass rusher for the New York Jets, his hometown team, and the Houston Texans before eventually attending St. John's University School of Law.

With the National Football League set to kick off its regular season next week, we reached out to Catapano to discuss his career transition and the skills he picked up in football that he applies to his practice.

What follows has been edited for length and clarity.



Courtesy photo

McKool Smith litigation associate Michael Catapano.

Lit Daily: So what is this time of year like for you these days? Do you still have great anticipation for football season or does a part of you miss reporting for camp and putting pads back on?

Mike Catapano: Reporting for camp? Oh, gosh. Man, one thing I'll never miss about the NFL is training camp!

This time of year I feel like I still wake up very early morning. I still have kind of a sweat that develops at about 5:20 in the mornings. I feel

like I'm getting ready to go out and boil myself out and do a nine-on-seven [drill] or something. But now this time of year, it's very different. I definitely don't miss training camp at all. I don't miss feeling like physical crap every day either. But football was my life, my first love since I was eight years old. I like watching the game. And I still keep in touch with the guys and want to see them do well.

I had to scratch and claw and fight for every little moment that I had in the NFL. It wasn't a very glamorous or luxurious experience. And so for me having done that and just knowing that whatever I had in the tank was all gone and left behind, it was very easy for me to transition. My body and my instinct and my mind knew when it was over for me. This time of year, I'm definitely getting tired, but it's a different type of tired now. Mentally tired from doing different things. But I'm happy I'm not waking up and strapping up and getting ready to go boil in a nine-on-seven today, that's for sure.

Five years in the NFL probably sounds like a blink of an eye to some of my readers, but it's actually longer than average for players who actually make it to the league, right?

Yeah, that's longer than average for a Princeton guy, too. I remember when I played in the East-West game, everybody wears the helmet from their college and they were like: "What the hell is that school? Who's that guy?" For me, obviously coming from Princeton was kind of an anomaly. To last for five years, I definitely was proud of that. I think the average career was somewhere around like 2.5. When I played it was four active seasons to get vested in the pension. They just moved it down because people aren't even lasting that long now. As you know, there's a lot of turnover. It's a very tumultuous business.

Describe for me your career transition and your decision to pursue life as a trial lawyer post-football.

I never really had a plan where I knew at a very early age that I wanted to be a lawyer. I didn't have any lawyers in my family. I think when I was on the Texans my last year, and my wife was pregnant at the time, I had a bunch of injuries. At the end of the year, I had some potential contracts to try to continue playing—kind of "prove it" deals with other teams to move and try to start anew. You've got to be 1,000% fearless, not worried about anything, to make it. At that point, I found myself thinking about my health and thinking "I don't want to be a 60- or 50-year old man who could barely bend over and pick up my daughter." So I thought maybe I should try to save whatever brain cells I had left and try to capitalize on the degree that I snuck in.

For me, it was more of a competitive analysis of myself: What do I think I do well off the field? I know I compete really well in these high-octane stressful moments, those clutch moments. As a third-down pass rusher, you get thrown in for maybe one play and are expected to get a result on that one play that could change the game. So I think that I realized I could perform in those moments. I know I prepare really, really hard. I know that I have a certain presence about me and that I really wanted to make an impact—beyond that physical impact, right? So I wanted to see what else was out there as far as making a difference.

I just put the pieces together and thought "Maybe I want to be a trial lawyer." At that point that offseason I was training because I didn't know if I was going to continue playing and take one of those "prove it" deals. But I also picked up an LSAT book just to see what it looked like. I thought that maybe my brain worked that way, and I'd actually love it. So, I was training and doing my LSAT work at night. And then once I took the test and got accepted to some schools, it became clear that I was ready for the transi-

tion. I was ready to go compete now for clients that needed somebody to show up in the clutch moment. And so that was the goal. I just dove right in naively with a kid in tow. I think I did it without realizing I was going to go three years without an active income. My wife had to be at home and deal with the kid. But we kind of just went for it. We didn't have time to really get all my ducks perfectly lined up in a row. It turned out to be the best thing. Now it's my second year in practice, and I'm so grateful for where I am now and that decision just to dive in and not worry about lining up everything being perfectly buttoned up.

I've had a first-chair trial lawyer who was an Academic All-American tell me he actually seeks out athletes in the recruiting process, because he knows that they can learn a role and execute and they can deal with the physical stress of being in trial. You've touched on some of this just in talking about your own transition, but what skills or practices from your football life do you think translate to being part of a trial team?

For me, first and foremost, it's that sense of composure when the heat is on. I think that one of the reasons I lasted for as long as I did in the NFL is that I was someone who was very dependable as far as understanding our defense, how to get people lined up, and how to react when the offense is making changes pre-snap—how to keep people composed. Live in that moment. Just do your job in that moment. So when 80,000 people are roaring and your helmet is vibrating and things are moving around, that's very similar to sitting at counsel table and all of a sudden the witness is saying the wrong thing. You've got to have composure. Just do your job. I think that sense of being in those high-octane moments and knowing how to deal with that adrenaline rush and feed on it and use it correctly is a huge thing.

But then also, I think there's the process, right? Football is such a process. It's such a long process of preparation, and then you have one day to execute. So you're used to what it feels like to prepare for such a long time and then come through and execute on one day. Now it's trial day versus Sunday.

There's also, I think, that ability to know how to prepare and what it takes to really out-work and out-prepare your opponent and not be afraid to just really put in the sweat equity. It's going to be a long process because after a case is filed it usually takes a very long time before you're getting somewhere. But those moments are like the preseason, right? You're preparing. You're going through everything you can. Getting the reps that you need. And then when it's game day, it's whether you put in everything you needed to do throughout the process.

If you know how to compete in those moments, and you're used to those moments, and know how to channel that rush and the stress and just focus and execute: That's what athletes, I think, learn to do naturally just by the process.

You've now been to trial once in the Eastern District of Texas. How does it compare to life in the NFL?

I prepped our corporate witness. We defended the case. The corporate witness, it was his grandfather's company. There was a ton on the line. We were defending this case against a very large damages claim. You never know what's going to happen when the jury goes back. We went through this whole process together and got very close. I just remember standing next to him and feeling my heart pounding out of my chest when all of a sudden the jury walked out to deliver their verdict. I was on deck to argue to keep our expert in the case. And I remember sitting at counsel table, and I have a weird stomach thing that I used to get in the NFL. I remember the same exact feeling. That adrenaline when

you're getting ready to go up there and execute, it's the same whether it's running out on the football field or whether you're going to go argue for a \$100 million dollar case. It's exactly what I wanted in that regard. It gives me all the competitive feelings that I was hoping I would get out of this job that translates from my last one.

Well, what are your goals for your new job short-term and long-term?

I'm at the point in the process where things are starting to slow down. In the beginning, when you become a litigator, especially at a firm like mine that's lean and mean, not 1000s of lawyers, you're going to come in and be expected to substantively contribute because that's how we are rigged. That's how I think we do really well because we have lawyers who are very young who are getting substantive trial experience early because that's what we want to do. So for the first year, it's a kind of a process of trial by fire. You're trying not to bite off more than you can chew, but you're trying to earn the respect of your peers and your mentors, and I have great peers and mentors here. So now I'm in this phase where things are slowing down and I'm feeling more comfortable. So now I think I'm just trying to get as much experience and get as many reps so I can build this trial resume where I can come into whatever aspect of the trial or whatever aspect of the litigation and feel comfortable with whatever it may be. I think at this point I'm just trying to keep getting better regularly—keep taking the depositions, keep arguing motions, keep doing all this stuff. Those assets are like gold for me in this business if I can say as a two-year lawyer or a three-year lawyer that I've already sat at counsel table at a trial, I've already taken all these depositions. That ultimately is what a client wants: Someone who's going to come in and

win, especially when it's a bet-the-company case. I'm prepared and confident to do that.

It's definitely a transition period. Now it's like when you first go from high school to college: Things are really fast and it slows down a little bit eventually. And then the same thing when you go from college to the NFL: Really, really fast. Actually, it probably stays faster in the NFL, but it slows down a little bit after two, three years. So right now it's slowing down for me and I'm getting much better and much more comfortable with what I'm doing. I think I'm producing a much better work product. So I'm just trying to be better in the short term. Long term, I'm just obsessed with this job. Everything's new every day. It's just a constant learning experience.

So what advice do you have for anyone considering the sort of dramatic career transition that you made?

I think that everybody has this idea that before you're ready to make a really big decision, everything has got to be buttoned up in a perfect, neat, ordered fashion. That's just not usually right. You always will find the students who are like "I don't have the money right now. I don't have the time right now." Or whatever it may be. But if it's possible, and you want to make it possible, it can be possible.

I wasn't 1,000% sure that this was the right financial decision, the right decision for my family, but I kind of just knew that I could do what I did for football: There's no secret recipe, whether it's football or whether it's law or whatever else. If I work hard, if I prepare, if I just keep doing what I'm doing, stay disciplined, stay in my routine, it'll translate. You don't have to have everything perfectly buttoned up. You don't have to have your ducks lined up. You can go forward and bet on yourself.