

Top Female Trial Attorney: Jones Day's Stephanie Parker

By **Amanda Bransford**

Law360, New York (May 17, 2012, 4:55 PM ET) -- Jones Day partner Stephanie Parker doesn't fit the image of the barracuda you might expect to find in charge of courtroom defense for a major tobacco company, but those who have worked with her say her genuine character and ability to relate to people are the keys to her success.

Parker wins over juries — in cases ranging from wrongful death suits against R.J. Reynolds Tobacco Co. to major public corruption cases to a toxic tort suit over dioxin against Georgia-Pacific Corp. — with a natural credibility and a gift for connecting with listeners, observers say.

"She's a very believable person and comes across as very sincere and very honest. She's got a great ability to relate to people at all levels, which is part of her magic in connecting with juries," Robert Klonoff, the current dean of Lewis & Clark Law School who previously worked with Parker, said.

This magic is one of the attributes that landed Parker a place among Law360's Top 15 Female Trial Attorneys, and has also garnered Parker significant wins: of the more than 20 trials in which the Atlanta-based lawyer has headed up the defense, only one resulted in a final judgment for the opposing side.

Parker credits her success at trial in part to how much she enjoys the work.

"If you don't love what you're doing, you're not going to be as good at it," she said.

Parker said she particularly values the opportunity she gets to work with people as a litigator. She always looks for the human story that is at the center of every case, which enables her to connect with the people in the courtroom.

"It's important to be able to understand what the human element is and to be able to explain that to a jury," she said.

Parker got a taste for trial work early on when she took class in trial advocacy while she was at Vanderbilt Law School. She clerked for a judge for two years after finishing law school in 1984, getting an idea of the storytelling skills trial attorneys need and observing how great lawyers zero in on issues that are going to resonate with the jury.

The first case she worked on as an attorney was an exciting one. She was on the team defending Georgia's Douglas County School District in a First Amendment case over the school's practice of delivering an invocation before football games. As a member of the trial team, part of Parker's role was to attend the high school games and record the invocation. The Supreme Court reviewed a very similar case shortly after the Douglas County case was decided.

Thoroughly inspired, Parker went on to develop an accomplished trial career, including extensive experience defending product liability and mass tort cases along with white collar criminal matters and high-profile public corruption cases.

For over 10 years, Parker has served as lead trial counsel for R.J. Reynolds Tobacco Co. She is currently leading the litigation for Reynolds' so-called "Engle progeny" cases in Florida, which involve over 9,000 plaintiffs.

The Engle progeny suits stem from the Florida Supreme Court's decision in *Engle v. Liggett Group Inc.*, a class action originally filed in May 1994 on behalf of about 100,000 smokers who said tobacco companies had enticed them to become addicted to nicotine without warning of the potential dangers of smoking.

In 2006, the Florida Supreme court decertified the class of Florida smokers because the group was too diverse, but stipulated that each class member could file his or her own suit with certain findings from the classwide phase of the trial upheld. The Engle progeny plaintiffs say that those findings preclusively establish some of the elements of their individual claims against the tobacco company defendants, which make the cases particularly hard for the companies to win.

Parker recently represented Reynolds successfully in *Gollihue v. R.J. Reynolds*, the first Engle progeny suit to be tried all the way to verdict in federal court, though more than 50 of the suits have been tried in state court. After a Jacksonville, Fla., trial that lasted more than 80 days, the Gollihue jury returned a verdict February 16 in favor of the company.

Parker was also head trial attorney in *Gelep v. R.J. Reynolds*, the first Engle progeny trial that ended in a complete verdict in favor not just of R.J. Reynolds, but of any tobacco company.

According to Parker, her technique at trial in the Engle progeny cases has been to appeal to the jury's fair judgment.

"Juries understand that these plaintiffs — the smokers or their families — have made a choice and the awareness has been out there. Smokers have made a choice that they want to smoke, knowing the health consequences," she said.

Jurors generally want to do what they believe is right and what they believe is fair, Parker said. The attorney said she has utmost faith in the jury system, believing it to be the reason why the U.S. has the best judicial system in the world.

Klonoff said that Parker's ability to talk to everyone in the same way — be they judge, jury member or opposing counsel — serves her well in the tobacco trials. Juries, who may view corporations with suspicion and may not have a lot of sympathy for the conduct tobacco companies are accused of, are drawn in by Parker's honesty.

She doesn't come across to juries like she's trying to hide anything, he added.

Mickey Pohl, head of Jones Day's business and tort litigation practice, said he has seen how effective this characteristic is in the courtroom.

He went to watch Parker at trial in a difficult case, he said, where Reynolds was taking on a likeable family who had suffered a tragedy. Parker was cross-examining the relative of someone with serious health problems, and though this might not put her in the best favor with the jury, she behaved professionally and asked nicely the questions the jury wanted the answer to, according to Pohl.

You could see the jury starting to root for her, he said.

"With her composure and the way she carefully dissected the cross-examination of the key witness, you could see the jurors were thinking, 'I really respect this,'" he said.

Pohl described Parker's style as "politely aggressive" and called her a quintessential 21st century litigator, saying that society has evolved past the idea that a trial attorney has to be a big powerful man with a booming voice.

Parker agreed that things have changed for women in the courtroom in the nearly 30 years she's been in practice. When she first started out as an attorney, there was only a small number of women doing stand up trial work in front of juries. Today, it isn't at all unusual to see a woman arguing before the jury, she said. There are also more female judges, which has helped level the playing field in the courtroom.

One such judge, M. Yvette Miller of the Court of Appeals of Georgia, counts Parker not only as a respected colleague, but also a good friend since the two met on the board of the YWCA over 20 years ago and found they had a lot in common, such as their middle Georgia roots.

Parker has also served as the treasurer on Miller's campaigns for years, including this November's run for re-election. It's a time-consuming task that a lot of busy trial attorneys wouldn't take on, Judge Miller said, but Parker's support has been invaluable to the judge, who said she especially values the attorney's impeccable judgment.

Despite all of her professional success, Parker still makes a lot of time for giving back, Judge Miller said.

"She just has a heart. She has not forgotten about the simple things, the little people," Judge Miller said.

Parker grew up very close to her grandmother and has old-fashioned values and roots, the judge said, in addition to very contemporary legal expertise. The attorney is always ready to help out her mother, sister, husband and friends, Judge Miller said.

That's not to say that Parker is always nice. She will fight as hard as she can to defend her clients, according to those who have worked with her.

Sean Costello, who was at Jones Day for a number of years and is now managing counsel at Nationwide Mutual Insurance Co., said he never worked harder or had more sleepless nights than when he was on a trial team led by Parker.

Costello said he has never seen anyone prepare harder for a trial than Parker, and while she is a "quintessential Southern lady" — Costello said he has never heard her swear — she also has a strong drive to win under her likeable courtroom style.

"In the courtroom, she's got this girl-scout-with-a-dagger approach," he said.

Parker thinks of the answer before trial to every question she might potentially be asked, said Costello. She has every possible contingency outlined and all the supporting documents organized in binders, but when she's in the courtroom, she doesn't need the outline because she's thought through all the issues so thoroughly, he said.

Parker has a strong character and is a kind and genuine person, Costello said, but she does what it takes for her clients.

"What you see is what you get — except in the courtroom, where you think she's very nice ... but she's really not," he said.

--Editing by Katherine Rautenberg.

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