

Product Liability MVP: Jones Day's Stephanie Parker

By **Gavin Broady**

Law360, New York (November 20, 2013, 5:33 PM ET) -- As R.J. Reynolds Tobacco Co.'s top gun in nearly 1,200 Engle progeny cases, Jones Day's Stephanie Parker has spent the last year scoring a string of low or complete defense verdicts in high-profile tobacco liability trials, earning her a spot among Law360's Product Liability MVPs.

For the second year in a row, Parker is being recognized for her success in navigating the aftermath of the Florida Supreme Court's 2006 decision in *Engle v. Liggett Group Inc.*, which overturned a \$145 billion verdict but allowed the 700,000 members of the decertified class to sue tobacco companies independently using several of the Engle jury's findings, including that smoking causes certain diseases and that tobacco companies hid smoking's dangers.

In the deluge of so-called Engle progeny cases that followed — there are currently around 5,000 plaintiffs with state or federal cases pending — Parker has positioned herself as a legal trailblazer, trying more cases to verdict than any other defense attorney and bringing home the first-ever complete defense verdict for the tobacco industry, according to Jones Day.

Parker says her impressive success rate in the notoriously difficult cases stems in part from her ability to present the issues at play to a jury in the context of fairness and the right of consumers to exercise their individual freedom of choice.

"I really believe juries want to be fair, and so I think calling on basic issues of fairness works." Parker says. "In the Engle progeny cases, saying 'this particular person knew about the risk of smoking' does work. There was a warning on the package, or they learned from their family or their church or their friends, yet they made a choice that that's how they wanted to live their lives."

This approach has helped Parker secure five significant trial wins for Reynolds in the past year, with the most recent coming just last Friday in *Chamberlain v. Reynolds*, a case with particularly impact because it was the first federal Engle progeny suit to be tried where the plaintiff was still alive, according to Parker.

Her other signature wins in 2013 include a March decision in *Fazekas v. Reynolds*, a wrongful death suit that was notable for the fact that even though the Jacksonville, Fla., jury found against Reynolds and Liggett Group LLC on every claim, Parker successfully argued that the plaintiff should nonetheless be held 100 percent at fault, according to the firm.

That win came on the heels of another complete defense verdict in February in *Wilder v. Reynolds*, which followed 10 days of proceedings in what was the first federal Engle progeny trial in Florida's Fort Myers division, according to the firm.

As one of the nation's reigning experts in Engle progeny defense, Parker says bringing home a victory ultimately comes down to old-fashioned hard work and faith in the idea that trials are often won during case preparation.

"I'm very, very careful about these cases," Parker says. "There's no stone left unturned in preparing. I always make it my goal to know more about the case than anyone else in the courtroom, and I always make sure I have the best team with me, because winning these cases is a team effort."

Parker also has a knack for securing impressively low verdicts in a realm of litigation where multimillion-dollar awards are common.

Last October, she tried a case in which the plaintiffs sought \$10 million but came away with only \$333,000, including a \$20,000 punitive damages award that was the lowest ever in more than 100 Engle progeny trials, according to the firm.

Then in May, Parker persuaded a Jacksonville, Fla., jury to find a smoker 70 percent liable for the claims brought on his behalf, fending off the plaintiffs' \$6 million compensatory damages request and securing a verdict that instead called for \$550,000 with no punitive damages, according to the firm.

The relationship that Atlanta-based Parker has with Reynolds stretches back to the late 1990s, when she helmed Florida tobacco cases that were tried as straightforward product liability suits before the Engle decision made those suits significantly more complex and numerous.

She has been on the front lines ever since, and her team has represented Reynolds in federal challenges arguing that the application of findings from the original Engle case violates the company's constitutional rights, though Parker says that even while the appeals are in progress, the courts are still allowing cases to be tried with full faith and credit given to the Engle jury's findings.

Faced with a seemingly endless tide of Engle progeny litigation, Parker says she relies on such simple ideas as a positive outlook and an unqualified commitment to each of her clients as her own personal formula for success.

"I love my work, I really do, and I think that makes a difference," Parker says. "And I always think of every case as important, because it's always the most important case for whoever is involved in it."

--Additional reporting by Juan Carlos Rodriguez. Editing by Edrienne Su.