



Trial Warriors: Louisiana

Cajun Country's Tough Litigators

In judicial hellholes, litigation managers need a short list of trial warriors with great judgment and the ability to connect with local juries. These four leading Louisiana lawyers can do both—and more.

By Marni Halasa and Ari Kaplan



Gary A. Bezet

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GARY A. BEZET

Partner, Kean, Miller, Hawthorne, D'Armond, McCowan & Jarman LLP, Baton Rouge

Four years after graduating from Louisiana State University Law School in 1979, Gary A. Bezet cofounded what has become one of the largest law firms in Louisiana. The Baton Rouge native and self-described “performer” is driven by the desire to win, and he loves audiences. “When you’re conducting voir dire, trying to build rapport with jurors and put a human face on your corporate

“Gary is very savvy about the realities of presenting a case to a jury, and firmly oriented toward the big picture.”

—EARL WEED, SENIOR LITIGATION COUNSEL, SHELL OIL

client, that is fun,” Bezet says.

“Getting to know nice and wonderful people as clients” is also fun, says the trial lawyer. “In fact, some of the friendships have outlasted the legal work.”

Bezet—whose experience ranges from oil and gas litigation (one of his earliest cases landed in the Louisiana Supreme Court) to lender liability and toxic tort—is currently defending an insecticide manufacturer against a class action brought by Louisiana’s crawfish farmers. When he’s not in the courtroom, the avid auto enthusiast spends his free time tooling around in his red 2002 Ford Thunderbird or sailing a 35-foot sloop named *Class Action* on Lake Ponchartrain.

Practice Areas: Toxic tort and class-action defense.

Career Victory: In the mid-1980s, Bezet defended American Bank & Trust Company, a Baton Rouge-based state bank,

IN BRIEF

This issue’s trial warriors are:

- Gary A. Bezet
- Ronald J. Sholes
- Deborah D. Kuchler
- Roy J. Rodney Jr.

in a lender liability lawsuit. Phil Wittmann, of New Orleans, one of Louisiana’s preeminent litigators, brought the suit under the Racketeer Influenced and Corrupt Organizations Act. After three weeks, the jury returned a unanimous verdict in favor of Bezet’s client. “Having to go up against such a seasoned litigator so early in my career was, to say the least, scary,” he recalls. “It made the win all the more special.”

Recent Victory: Last November, Bezet defended Mobil Oil Corporation in a Jones Act suit by a former employee who alleged exposure to asbestos while working on Mobil tankers

in the 1940s and 1950s. Despite trying the case in New Orleans, a difficult jurisdiction, Bezet secured a defense verdict after a two-week jury trial. "Insofar as I can tell, this is unprecedented in Orleans Parish asbestos cases where the medical diagnosis is not disputed," says the litigator. Although the judge overturned the jury's verdict and awarded \$1.8 million to the plaintiff, Bezet says that "winning a case in front of an Orleans Parish jury when representing 'Big Oil' against 'the little guy' is one of my greatest wins."

Key Clients: ExxonMobil Corporation, Shell Oil Company, ChevronTexaco Corporation, Bayer CropScience, BASF Corporation, and ConocoPhillips Company.

Client Comment: "Gary's experience is unusual in that he has tried several asbestos cases to good results by the standards of this difficult docket, and I consider him one of the most seasoned of the trial lawyers with whom I work," says Earl Weed, senior litigation counsel for Shell Oil. "Gary is very savvy about the realities of presenting a case to a jury and firmly oriented toward the big picture." —A.K.

RONALD J. SHOLES
Partner, Adams and Reese
LLP, New Orleans

It's a great feeling to connect with a juror," says Ronald J. Sholes of his recent win in *Scott v. Morris*, Louisiana's largest class-action lawsuit. Representing the defense, Sholes drove

home the point that smokers make a personal choice every time they light up—and walked out of the courtroom with the victory of a lifetime.

"Let's face it: Most juries are made up of folks coming from modest backgrounds, and often lawyers haven't been able to connect with them," notes Sholes, who says his family background—his father was a laborer for a moving company and his mother was a homemaker who raised three children in New Orleans' inner city—helps him bond with jurors. "I always thought I could, but I probably underestimated how significant that skill would turn out to be."

Armed with an undergraduate degree from Louisiana State University Department of Physical Therapy (1976) and a master's degree from Tulane University School of Public Health (1980), Sholes originally planned a career in hospital management. But his plans shifted after the chairman of a hospital board half-jokingly suggested that he should get a law degree so they could rewrite health care legislation together. While Sholes didn't end up rewriting health care law, he did graduate from Loyola University New Orleans School of Law in 1984 and practiced medical malpractice for several years until the opportunity to be a Civil District Court judge for the Parish of Orleans came his way in 1991.



Ronald J. Sholes

ILLUSTRATION BY ROBERT SHERRILL

"It really was a dream of mine to be on the bench, so when the opportunity presented itself, I took it," he recounts. "Being on the bench gave me the chance to see some excellent lawyers try some difficult cases, but after 10 years, I got tired of being the referee and wanted to be the quarterback."

Sholes joined Adams and Reese, where he heads the alternative dispute resolution team, in 2000. He has since served as trial counsel in class-action and products liability cases, most recently winning a landmark verdict for his client, Philip Morris USA, which is part of Altria Group Inc., in the *Scott* case. R.J. Reynolds

Tobacco Company, Brown & Williamson Tobacco Corporation, and Lorillard Tobacco Company were also defendants in the suit.

Practice Areas: Complex litigation, products liability, and insurance defense.

Career/Recent Victory: In a New Orleans federal district court, Sholes was trial counsel for Philip Morris in *Scott v. Morris*, a case that alleged that the top four cigarette manufacturers hid the dangers of smoking from the public, manipulated nicotine levels to keep smokers hooked, and targeted youths with advertising. Defendants countered that the dangers of smoking have been well known for years and that smokers made the choice to smoke.

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— JOHN MULDERIG,
ASSOCIATE GENERAL COUNSEL,
ALTRIA CORPORATE SERVICES

On July 28, the jury found that while the tobacco companies engaged in fraud and gave distorted information to the public, they were not responsible for financing a 25-year program of medical monitoring, since such tests are unreliable, other smoking cessation programs already exist, and the companies were responsible for funding a smoking cessation program. The verdict represented a substantial victory because the issue of providing medical monitoring (free tests for smokers and former smokers to detect smoking-related diseases) was the linchpin of the plaintiffs' case, representing about 90 percent of the estimated costs to the companies.

Key Clients: Altria Group, ExxonMobil Corporation, Whirlpool Corporation, and General Electric Company.

Client Comment: "To see Ron Sholes in action was to see him during closing arguments in the *Scott* case," says John Mulderig, associate general counsel for Altria Corporate Services, Inc. "He has a presence that fills a courtroom, and he gave a dynamic performance that had all the drama of Perry Mason. He certainly was a critical and crucial player in the outcome of the case."—*M.H.*

DEBORAH D. KUCHLER
Partner, Abbott, Simses & Kuchler, P.C., New Orleans

On reflection, Deborah D. Kuchler sees a striking similarity between her two

careers, one as a former high school teacher in Louisiana and the other as a lawyer with Abbott, Simses & Kuchler: both involve compiling large amounts of information, condensing the material, and presenting it so an audience can quickly grasp its message.

"One of my personal philosophies is that less is more," asserts Kuchler. "The less information you throw at a jury, the better. I try to boil the information down to three or four main themes that will hit throughout the entire trial. If you try to defend every point, you end up exploring the plaintiff's story instead of your own."

Kuchler, now considered an expert in toxic tort defense, almost didn't go to law school. But when the harsh realities of teaching high school—student discipline and drug problems—surfaced within her first year on the job, she began attending Loyola Law School at night. In 1985, she graduated in the top 10 percent of her class. Then she clerked for the Honorable Patrick J. Carr in the U.S. District Court for the Eastern District of Louisiana before joining Abbott, Simses & Kuchler in 1987.

It wasn't until she became a trial lawyer that Kuchler discovered the advantage her easygoing nature and blue-collar background brought in the courtroom. "Many lawyers

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—TOM SAGER, VICE PRESIDENT AND ASSISTANT GENERAL COUNSEL, DUPONT

from the Northeast come to the South with expensive suits and well-spoken grammar," she says. "While all that is impressive, it doesn't sell in front of the jury in the Deep South. People here can't even begin to imagine where a person like that came from. I've always had a rapport with the jury because I am one of them."

Embracing new, unfamiliar, and often stressful assignments hastened her growth as a litigator, so Kuchler now advises young lawyers at the firm to volunteer to work in unexplored legal terrain—be it a challenging deposition, addressing the court, or taking a witness into trial. "I have grown leap years after going through some of the most stressful times in my career," she says. "After you've done a good job [in a tough situation], you become a better lawyer for it."

Practice Areas: Toxic exposure, environmental law, pharmaceutical litigation, class-action litigation, maritime personal injury, insurance defense, and products liability.

Career Victory: Kuchler was one of three lawyers serving as plaintiffs' counsel—an unusual role for Kuchler—in a jury case involving the claims of a captain of a sea vessel, the ill-fated *F/V Northumberland*, against Natural Gas Pipeline Company of America. The jury returned for the captain the highest reported general damage



Deborah D. Kuchler

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award for post-traumatic stress disorder, totaling more than \$1.4 million, after a five-day trial.

Recent Victory: In *Roger Crowe, et al, v. Pearl River Polymers Corporation, et al*, Kuchler was part of a team that represented one of two defendants in a case involving a chemical release. Plaintiffs sought to certify a class covering the town of Pearl River, Louisiana. In May 2003, a judge denied class certification, finding that significant areas of Pearl River did not reach airborne contamination sufficient to cause injury.

Key Clients: E.I. du Pont de Nemours & Company, Dow Chemical Company, Alpha Therapeutic Corporation, ConocoPhillips Company, Cytec Industries Inc., and Deere & Company.

Client Comment: "I have worked with Debbie Kuchler for the better part of a decade, and without a doubt, she is an exceptional trial lawyer," says Tom Sager, vice president and assistant general counsel for DuPont. "Her ability to create strategies and solutions to problematic litigation as quickly as possible is of immense value to a corporation like DuPont, which has to deal with thousands of matters throughout the year." —M.H.



Roy J. Rodney Jr.

ROY J. RODNEY JR.
Partner, Rodney Law Firm, New Orleans

After 20 years of practicing law, Roy Rodney is looking forward to the next 10. "The thing I like most about our profession is that you improve over time," says Rodney, who represents plaintiffs and defendants of all sizes. "Every victory is important to me because every case is important to my client."

Rodney, who is a member of the New Orleans Regional Chamber of Commerce and one of the owners of the New Orleans Brass hockey team, was awarded the Louisiana state pro bono award in 1986, along with Mark Morial, president of the National Urban League and former mayor of the City of New Orleans.

"I am proud to have had such a balanced career and a life outside of the law library," says Rodney, who spends his free time writing fiction, studying the history of the Plains Indian tribes, and spending time with his four children.

Practice Areas: Civil trials, commercial, casualty, and environmental litigation.

Career Victory: In 1986, Rodney began working pro bono on the landmark *Chisom v. Romer* voting rights case that resulted in the redistricting of the Louisiana Supreme Court. As a result, the first African

American was able to sit on the court, and the court "now has the highest per-capita African-American judiciary in the country," he says. "For history's sake, it was incredible."

Recent Victory: Last year, Rodney represented CSX Corporation in the NOTX Railroad litigation involving a tank car derailment. Prior to his involvement, the first phase of plaintiffs in the class action were awarded \$300,000 in damages (representing a possible multibillion-dollar total liability to his client). After being selected as co-lead counsel, the awards in the next phase were less than \$3,000. "I'd like to think the work that we did contributed to the benefit of our client," he says.

Key Clients: CSX; Shell Oil Company; The Coca-Cola Company; Ford Motor Company; Clorox Company; and the governments of South Africa, New Guinea, and Surinam (formerly Dutch Guyana).

Client Comment: "His work in protecting the interests of the Housing Authority for the past eight years has been very impressive," says Yves Gelin, general counsel of the Housing Authority of New Orleans. Describing Rodney as a well-prepared professional, Gelin adds, "With Roy Rodney on the case, I can relax knowing things are being taken care of." —A.K.

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—YVES GELIN, GENERAL COUNSEL, THE HOUSING AUTHORITY OF NEW ORLEANS