

Q&A With Robins Kaplan's William Stanhope

Law360, New York (June 28, 2011) -- William H. Stanhope is a partner in the Atlanta office of Robins Kaplan Miller & Ciresi LLP. He is chairman of the firm's insurance group. His trial and appellate experience includes property insurance coverage and subrogation, with a focus on business interruption issues, fire and explosion litigation, and inspection defense cases.

His cases involve turbine generator failures, construction defects, geotechnical issues, metallurgical failures, and boiler and pressure vessel incidents. His experience also includes financial and premium-related disputes under various types of coverages.

Q: What is the most challenging lawsuit you have worked on and why?

A: We investigated a whistleblower complaint in which the whistleblower described relatively minor fraudulent claims in an overall \$50 million claim from a weather catastrophe in northern Georgia. In order to evaluate the credibility of the whistleblower, over the end-of-the-year holidays we interviewed people at 17 different companies in two states.

Eventually, these minor claims led to admissions by the foreign owner of the Georgia subsidiary of very serious fraudulent or exaggerated claims and the termination of the general manager of the facility. A corporate officer admitted that some inventory was obsolete and intentionally damaged so that it could be submitted in the insurance claim. Well over a third of the claim was withdrawn, and some amounts were paid back.

Finally, our client had to evaluate whether to seek to void the policy because of fraud and try to recover all amounts paid for the real losses from the natural catastrophe event. This would have led to closure of the north Georgia plant. Working with our client to address the values of pursuing fraud and recognizing the policyholder's redemptive efforts provided a challenge that went beyond litigation strategy.

Q: Describe your trial preparation routine.

A: As defense counsel, it is essential to establish themes early on and set forth a strategy to prove an affirmative case rather than simply reacting to the plaintiff's claim. Particularly in the insurance context, as trial approaches, I seek to eliminate weaker positions and focus on a limited number of core issues that are the basis of my client's defense. Finally, the trial theme is very dependent upon the witnesses who can effectively present our evidence. As trial approaches, I spend time with the key witnesses to make sure that my thinking is aligned with their testimony.

Q: Name a judge who keeps you on your toes and explain how.

A: While we have many excellent judges in Georgia, I particularly respect Judge Thomas Thrash of the United States District Court for the Northern District of Georgia. Judge Thrash is always well prepared on motions and at oral argument challenges attorneys on each side with the key questions that will decide the issue.

One senses that Judge Thrash has analyzed the case both from the perspective of the plaintiff and the defendant. Judge Thrash always presents his questions with great respect for counsel and almost immediately provides a ruling that advances the case.

Q: Name a litigator you fear going up against in court and explain why.

A: I have great respect for Michael Russ of King & Spalding in Atlanta, who presents his clients' positions based thorough legal analysis and factual preparation. What distinguishes Mr. Russ, however, is his practical approach to recognize what each side values and seeks to accomplish in a dispute in order to find the best possible outcome for his client that the other side may accept. Mr. Russ provides a level of professionalism that permits the parties to sidestep many procedural obstacles to case resolution and, instead, to address the "brass tacks" of the dispute.

Q: Tell us about a mistake you made early in your career and what you learned from it.

A: In my first jury trial in Minnesota, I learned that each jurisdiction has different rules and that each court believes that its rules are followed throughout the country. My legal education was in Illinois and during my third year, I attended court as part of the legal clinic program.

When I started practice in Minnesota, at my first jury trial, as plaintiff I stood to address the jury with my "opening" closing argument, fully expecting a rebuttal or "closing" argument following the defendant's argument. An experienced defense counsel looked quizzically at the judge who shrugged and I proceeded to address the jury. After the defense argument, I rose to present my final argument, and defense counsel objected.

I then learned that in Minnesota the defense argues first and the plaintiff closes, which was different from the Illinois practice at the time. I have practiced in more than half of the 50 states, and I never assume that I know the rules and, whether in federal or state court, always check on all rules and procedures with counsel who regularly appear in the court where we are trying the case.

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