

WINNING | A SPECIAL REPORT

The lawyers in our 2016 special report all have something in common—they score big wins in court. But how do these battle-tested litigators make their clients happy? As they detail, it's as much about the process as it is the outcome. They have learned that they must trust their own styles of trial practice, be credible, know the documents, and connect with and respect the jury. In cases ranging from products liability to patent law, they've mastered their craft. These are the stories of our winning litigators.

CUNNINGHAM BOUNDS

LUCY TUFTS

While politicians may jawbone about making economic gains for working folks, Lucy Tufts, a partner at Mobile, Alabama's Cunningham Bounds has achieved precisely that through recent courtroom wins.

In March, she won a \$102.9 million judgment for victims of a debt-settlement scheme against defendants who allegedly used a Montgomery law firm as a front.

And in June, a federal district court in Mississippi approved a nearly \$150 million class action settlement for more than 3,000 employees and retirees of the Mississippi-based Singing River Health System, sparing her clients from massive losses due to a pension crisis.

Big discovery fights preceded both of those wins. "The defendants initially denied the very existence of the database, but eventually produced the electronic equivalent of taking a paper telephone directory, shredding it, placing the pieces in a barrel, shaking it up, and then producing the pieces. The format in which the defendants



produced the information rendered it completely useless," Tufts said about the debt-settlement scheme litigation in the U.S. Bankruptcy Court for the Middle District of Alabama, *Hamm v. Americorp*.

Notably, the court sanctioned all three defendants in that litigation to \$999,457 for discovery abuse—in addition to the final judgment.

Tufts explained that, to win the discovery fight, her team increased the pressure on the defendants "until the risk of failing to respond was greater than the risk of responding." The payoff came eventually. "We were able to

TRIAL TIPS

■ Hone your own style: "Figure out and trust what works for you. You may not look, act, think or be like any of your partners, which is why simply copying their methods rarely results in success. Have the discipline to learn from those who came before you, but the confidence to do things your own way."

■ Be who you are: "Do not pretend to be loud and angry if you are not. Do not pretend to be deeply emotional if you are not. Effective advocacy in the courtroom can come in many forms. Authenticity leads to trust, and trust creates space for persuasion." —LUCY TUFTS

clone defendants' database, secure the software application that interpreted the information in it, and restore operational links to documents saved in the electronic system," Tufts said.

—MIRIAM ROZEN