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## **Trial Pros: Arnold & Porter's Keri Arnold**

Law360, New York (February 24, 2016, 2:05 PM ET) -- [Keri Arnold](#) is a trial attorney who has experience defending product liability and mass actions. She has served as trial counsel for major pharmaceutical, tobacco and energy companies in both state and federal court. Currently, Ms. Arnold is representing Philip Morris in connection with thousands of personal injury cases filed in Florida following the aftermath of the decertification of a class action. She has tried five of these individual actions, and served most recently as first chair trial counsel. Ms. Arnold has also served as trial counsel for a major oil company in a mass action filed by gas station and convenience store franchisees asserting claims regarding wholesale gasoline pricing and third-party vendor selection. Ms. Arnold has extensive experience dealing with complex medical and scientific issues. She has taken the depositions of hundreds of expert and treating physicians, and has prepared and presented prominent physicians in a number of specialties for testimony in federal and state court trials.

### **Q: What's the most interesting trial you've worked on and why?**

A: Last summer, I worked on a trial team representing a global energy company in a case brought by franchisees asserting claims for breach of contract and unfair competition. Prior to that time, I had spent my legal career working on product liability cases and had no experience whatsoever with the energy industry, the legal claims being asserted or the facts underlying those claims. That trial was the most challenging case that I have worked on, but also the most interesting. I learned that I had the ability to delve into an area outside my wheelhouse and figure out a way to present evidence in a simple but persuasive manner to a jury. I also learned that not being an expert in a particular field can actually be an advantage as a trial attorney. Because my knowledge base was much closer to that of the individual jurors walking in off the street, I was able to naturally discuss the relevant issues with them on a very basic level and avoid getting bogged down by details that would only have distracted them from the conclusions we wanted them to reach. That learning experience is one that I have already put into use in subsequent trials.

### **Q: What's the most unexpected or amusing thing you've experienced while working on a trial?**

A: The very first witness I ever cross-examined completely changed her testimony on the stand on a critical issue relating to a statute of limitations defense. I ended up having to ditch the carefully constructed outline that I had spent hours preparing beforehand and conduct the cross-examination on the fly, inquiring in a set of open-ended questions about the various meetings she had with opposing counsel prior to her changed testimony. It was this experience — my first cross-examination ever — that I learned to always expect the unexpected at trial.

### **Q: What does your trial prep routine consist of?**

A: I like to have as much work product completed as possible before jury selection even begins — from opening statements to trial graphics to witness outlines and legal briefs. In my experience, no matter how much you and your team prepare in advance, as noted in response to the prior question, you can and should expect the unexpected. Having the bulk of the work

completed beforehand, gives me and the lawyers I am working with the time and flexibility we need to adjust and fine-tune our strategy during trial in response to those unexpected events.

**Q: If you could give just one piece of advice to a lawyer on the eve of their first trial, what would it be?**

A: I have been lucky enough to work with and learn from a number of top-notch first-chair trial attorneys over the past several years. While they are all effective and successful advocates, I have noticed that they all have different styles and demeanors in the courtroom that reflect their own personalities and backgrounds. Based on these observations and my own more-limited experience, my one piece of advice for a lawyer on the eve of their first trial would be this: Be yourself! As much as you may admire or wish to emulate other talented trial attorneys who you have observed in action, in order to trust the evidence and arguments you are presenting, the jury has to trust you. Make sure that you present arguments that you believe in, use language that you feel comfortable with and carry yourself in a way that is consistent with your personality outside the courtroom. In my experience, this approach will allow you to break away from your script, relax and communicate in a persuasive and genuine way with the court, witnesses, and most importantly, the jury.

**Q: Name a trial attorney, outside your own firm, who has impressed you and tell us why.**

A: I have a great deal of admiration and respect for Kat Gallagher — a trial attorney from [Beck Redden](#) in Houston. Kat exudes a calm confidence in all aspects of trial, from working with team members back at the trial site, to negotiating with other parties, to cross-examining hostile witnesses in front of the jury. She has a knack for being able to distill a complex set of facts down into two or three simple points that the jury needs to decide the entire case — and in favor of Kat's client, of course. Outside the courtroom, Kat has committed herself to being a thoughtful and devoted mentor for women attorneys both in her own firm and outside her firm. Kat is a natural trial attorney and role model. I consider myself extremely lucky to have worked with and learned from her over the years.

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