

Leading LAWYERS

Ten of the D.C. Area's Top Business Litigation Attorneys

Michael Jones

Kirkland & Ellis

"Emotional torrents run throughout these cases," Michael Jones says of the toxic torts matters that he handles. Defendants often walk in seeming like the bad guy, and sympathies can overwhelm the facts. How does a good defense attorney keep his clients from being flattened?

Jones looks to the old Westerns. "When they want to stop a stampede, they don't stand in front of the cattle, saying, 'Stop! Stop!' Their strategy is to redirect the animals, slow them down. I think it's the same with emotions. The juries will analyze the case, but they will want to go in the direction their heart is tugging. The challenge on the defense side is to find an emotional hook to redirect them."

That kind of jury sense makes for happy clients. Count Robert Graham, general counsel of Dallas-based NL Industries Inc., as one satisfied customer. Jones, a partner at Kirkland & Ellis, has successfully defended the company in a host of lead-paint cases, his most recent victory coming in June 2006.

Says Graham, "When you get him in a trial setting, he is totally consumed, working out what his next steps are going to be and revising and reworking throughout the process."

Sherry Bellamy, deputy general counsel at Verizon, describes Jones' method of constantly updating his theory of the case: "It's brilliant. As you go along, he sees what gaps there are and says, 'I need facts on these points.' And if you don't have those facts, you revise your approach and the story you're presenting to the decision-maker." Jones is defending Verizon against breach-of-contract claims brought by GTI Inc. in Fairfax County, Va.

That rigorous preparation fuels what Jones' clients say are dazzling courtroom skills. Rather than overload the jury with facts and rhetorical flourishes, Jones, 47, focuses on a few key threads,

often using anecdotes from his own life. He has a knack, says Graham, "for presenting information in a way that can be recalled. He gives the jury the nuggets they'll use to deliberate."

When Jones was growing up, people thought he would follow in his family tradition and become a church leader. From the age of 7, he was called upon to address the congregation. In other words, he's been honing his oratorical skills for some 40 years.

In terms of more traditional legal training, Jones is a 1985 graduate of Georgetown University Law Center. And he clerked for Senior Judge Elbert Tuttle of the U.S. Court of Appeals for the 11th Circuit before joining the D.C. office of Kirkland & Ellis.

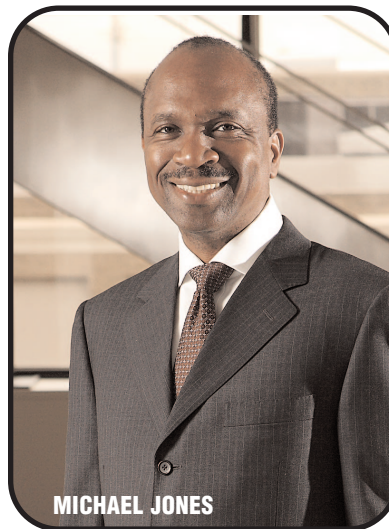
Jones remains an avid student of his craft, tracking down transcripts to analyze the work of other star litigators. In turn, he shares his own tips for winning cases. A multimedia presentation on his approach to opening and closing statements, titled "Getting Juries to Listen: Creating Memorable Stories and Images," is used in several law schools.

"A key to his style is his ability to tell an honest story at a human level," says David Garten, now general counsel for Chevron Global Downstream. He points to Jones' handling of an expert witness in the first of the major lead-paint cases in 2000, when Garten was general counsel for NL Industries. The defense witness, a doctor at Johns Hopkins Hospital, was preparing to testify before a jury for the first time.

Garten recalls what Jones said to the doctor: "When you speak about the plaintiff, speak to the jury like they're the family of your patient—be frank, caring, respectful." The doctor spoke to the jury with no animosity toward the plaintiff and explained to the 'family' why the plaintiff's problems were not caused by lead paint. In five minutes every juror wanted him to be their own doctor."

Garten adds, "Needless to say, NL won the case."

—SIOBHAN ROTH



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