

## Trial Aces: Greenberg Traurig's Lori Cohen

By Kelly Knaub

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With 57 trials under her belt, and a whopping 56 wins, Greenberg Traurig LLP's Lori Cohen has made a name for herself as a fearless attorney known for out-preparing her competitors and not letting anything get in her way — not even an emergency root canal.

The Massachusetts-born, Atlanta-residing Law360 Trial Ace, who has tried some of the most high-profile pharmaceutical and medical device product liability cases, is “brilliant,” “tenacious,” “exceptionally hard working” and “unbelievably organized,” according to her colleagues and clients. They also lauded her “great interpersonal skills,” which shine from the moment she takes on a case to the minute she steps foot in a courtroom.



Lori Cohen

“She’s the best multitasker I have ever met in my life,” Mary-Olga Lovett, co-managing shareholder of Greenberg Traurig's Houston office, told Law360. “To call her a dynamo is probably the understatement of the century.”

Once, on a trial day defending Medtronic Inc. in 2011 against a pair of plaintiffs who sought more than \$20 million in damages on claims that its implantable neurostimulation device and surgeries associated with it caused a patient to suffer permanent neurological injuries, Cohen discovered she needed a root canal, according to Lovett, who worked alongside Cohen on the case.

Cohen found an endodontist and had the procedure done — while holding her BlackBerry in front of her in the chair to watch the report from trial — and was back in court the same afternoon.

“You have to do whatever it takes when you’re in trial,” Cohen said. “It’s in the trenches. You have to go the distance for your client even if it means a little bit of pain.”

Cohen — a firm shareholder who chairs Greenberg Traurig’s pharmaceutical, medical device and health care litigation practice, as well as its trial practice group, and serves as co-chair of its Atlanta litigation practice — never missed a beat, according to Lovett, despite the unexpected dental hurdle.

“That’s the kind of stuff that trial legends are made of,” added Lovett, who has known Cohen for at least a decade.

The Howton v. Medtronic case was challenging on a number of fronts, Lovett said, noting that the plaintiffs, represented by whom she said was an excellent attorney she's known for many years, were trying some "novel theories." The Greenberg Traurig team was also up against a very sympathetic plaintiff with long-term issues — which she said were obviously not caused by the product or any effects of the products — adding that the Texas state court venue could also be considered by some to be a "dangerous jurisdiction."

Despite that backdrop, the all-female Greenberg Traurig team, led by Cohen, obtained a defense verdict after less than two hours of deliberations.

Lovett said Cohen, who has tried cases of all sizes in federal and state courts all over the country for two decades, is in perpetual motion, constantly assessing threats and looking for potential curveballs.

"She's two or three chess moves ahead," Lovett said. "That's just the way she handles the trial."

Cohen obtained another defense verdict in 2013 for Medtronic in a case brought by Luvera Law Firm — known for obtaining some of the highest verdicts in the state — following an intense, eight-week trial. The plaintiff had alleged damages of more than \$30 million, claiming catastrophic injuries had resulted from the negligent design of a laser-resistant endotracheal tube.

According to the firm, the plaintiff brought negligence claims against the doctors, who in turn pointed at Medtronic, unlike many cases where the defendants present a consistent defense.

Cohen said it was a great case in the sense that because they had it since its inception, they had a chance to mold it the way they wanted, as opposed to being called in at the end of a difficult case, as she often is. But the challenges they faced were great.

In addition to the alleged damages being extremely high and having to find a way to help the jury overcome the tremendous sympathy they would undeniably feel for the plaintiff — who Cohen said had gone in for a 10-minute outpatient procedure and ended up on a ventilator for the rest of her life — the co-defendant doctors went on a "full-frontal attack" against Medtronic.

Under attack from the front and the sides at the same time, Cohen said they had to hold their ground and defend their case and product without getting sidetracked. They did that, she said, by making a strategic decision not to focus on damages but to instead concentrate on defending their product and client as well as the aspect of liability.

Cohen said that the strategy for each case has to be customized and that being more prepared than anybody else is key.

"The most important rule is that I'm thinking about the trial. I'm thinking about opening statement and closing argument and cross-examinations literally from the time I open a file," Cohen said. "I'm thinking about how this is going to play before a jury."

Cohen has a stellar reputation for building a strong rapport with juries, something she said she does by being authentic. Not being afraid to show some of your personality in the courtroom, and having a little bit of a sense of humor and the ability to laugh at yourself at the appropriate moments also helps, she added.

In the Howton case, as well as another Medtronic case Cohen successfully tried in 2008 — Hurley v. Medtronic

Inc. — Cohen was able to explain to the jury and the judge why it's important to have sales representatives involved in not only the sales of the devices, but in educating the doctors on their proper use and providing technical support during the surgery itself if necessary, according to Barb Ashley, principal litigation counsel at Medtronic, who has known Cohen for at least 17 years.

"It's a lot easier to try to convince a jury that a sales rep did something negligent than it is to prove why a complicated medical device may have not performed as intended," Ashley said.

Another one of Cohen's strengths is her ability to collaborate with other counsel, generously sharing her work product, Ashley added, emphasizing how important it is to have outside counsel that works well together.

Cohen's ability to connect with everyone in the courtroom — along with her great perseverance and work ethic — is what makes her an exceptional trial lawyer, according to Jean Holloway, general counsel of CryoLife Inc., who also worked with Cohen when Holloway was with previous companies, going back more than a decade.

"She gets along well with everybody, which I think is exceptionally important, particularly when you're dealing with large-scale litigation, both on the defense side as well as the plaintiff's side, and the judge's chambers," Holloway said. "She has a great facility to work with people in all aspects of the litigation."

Cohen's trial skills have been recognized not only by her colleagues and clients, but also by opposing counsel and jurors.

One juror wrote Cohen following the end of trial, commending her for the "feverish integrity" she displayed.

"You fought passionately while remaining within the bounds of sound reasoning," the juror wrote. "The level of respect that you demonstrated towards all of your colleagues was admirable."

Lovett said Cohen has "superb communication" with her in-house legal team, saying they're "friends and colleagues and foxhole buddies" who all work together very closely.

The team has expanded over the past several years and currently consists of associates, four nurse paralegals and a trial technology expert, as well as other shareholders and other core members located in the firm's offices worldwide, Cohen said.

All told, Cohen has served as first chair in about 47 trials.

Cohen, who earned her law degree from Emory University School of Law and her undergraduate degree from Duke University, said she recognized early on that she wanted to be a trial attorney.

Several amazing mentors from her initial law firm, Alston & Bird LLP, helped her forge her path after she showed up on their doorstep and insisted on them taking her to trial, she said.

Lovett said Cohen has an incredible gift for pulling together details and then just very masterfully crafting her story.

"She's always telling a story. It's always the truth, it's always told very professionally, but there's an art to it that you can't teach. People are just born with it. And she's tremendous at it," Lovett said. "She's an artist."

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