

Trial Pros: Alston & Bird's Doug Scribner

Law360, New York (February 23, 2016, 1:02 PM ET) -- Doug Scribner is a trial lawyer working principally in complex commercial litigation. Scribner is the former co-chairman of Alston & Bird's litigation and trial practice group, and he often represents plaintiffs in high-stakes commercial cases. In 2014, he was lead counsel for the corporate plaintiff in a case where the jury awarded his client more than \$93 million (Mohawk Industries Inc. v. Arizona Chemical Co. LLC, Duval County, Florida circuit court). It was the largest Florida commercial jury verdict in 2014, and the case was featured in The National Law Journal's "Top 100 Verdicts of 2014." In 2011, he was lead counsel for Norit Americas Inc. in a case where the arbitration panel awarded his client more than \$100 million.



Douglas Scribner

As lead trial counsel, Scribner has experience representing Fortune 500 companies at trial and in arbitration. He has been lead trial counsel in 25 different states. He was recently inducted into the Florida Verdicts Hall of Fame and has been selected by his peers for inclusion in Super Lawyers magazine every year since its inception.

Scribner is the seventh of seven children and the first to attend college. He is also more than one-third Native American.

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

A: That's like asking me which of my children I love the most — I love them all equally! I just finished a very interesting jury trial in which I represented the plaintiff, a Fortune 500 manufacturer, who claimed that its flagship product line was destroyed by a vendor's supply of a defective component part. The case involved very complex scientific testimony regarding rosin ester resins, hydrocarbon resins, antioxidants and the potential for resins to oxidize and degrade over time. But the case ultimately turned on the jury's evaluation of testimony and documents suggesting that the vendor secretly changed its formula and determined early on that its component part would fail, yet refused to share this information with the manufacturer at the time the problem first surfaced. The jury found for our client in a big way.

Great trial lawyers who try complex commercial cases have a way of making the exceedingly complex seem real simple and framing the case in terms of right vs. wrong, good vs. evil or credible vs. incredible.

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

A: Years ago I tried a case in South Georgia where I learned for the first time during jury

selection that my opposing counsel had once been the mayor of the city in which the case was being tried. The entire jury panel knew, respected and admired my opponent. Jury selection was, shall we say, a challenge for our side.

Q: What does your trial prep routine consist of?

A: I try cases all over the country, so I spend a fair amount of time in taxi cabs with colleagues. In the months leading up to the trial, when we get inside a taxi (or lately, an Uber), I ask my colleague to take the plaintiff's side or the defendant's side (I take the other) and we each get five minutes to convince the taxi driver that our side should win the case. Then I ask the driver "Who wins and why?" I call it the Taxi Cab Test. Over the years, I have learned a lot from my taxi drivers.

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: Be firm with the opponent's witnesses, but be kind, courteous and respectful as well. Jurors are very skeptical of lawyers, and often with good reason. Give them a reason to change their opinion of our profession. And if I can give a second piece of advice, it would be don't try to do too much on cross-examination. Don't try to make 10 "pretty good" points on cross. Make three excellent points and sit down with confidence. In turn, the jury will have confidence in you.

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

A: Tom Bishop of Tanner Bishop in Jacksonville, Florida. Tom is smart, creative and always thoroughly prepared. But I admire him most because of his integrity and professionalism. When he says something in the courtroom, the judge and jury know that it's true. All of us in this profession who try cases should aspire to be like Tom.

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