

Rick Stone brings diverse experiences to courtroom

Portland lawyer Rick Stone is well known for obtaining an \$850 million jury verdict for German truck manufacturer MAN AG in a fraud suit against Freightliner LLC, now Daimler Trucks North America.

It was the largest in the country in 2006, and the largest in Oregon history. The \$350 million in punitive damages, though later dropped in negotiations, was also an Oregon record.

Stone, a partner at Ball Janik LLP, has plenty of other highlights in his career.

During the Carter administration, Stone served in key positions for the Department of Defense — dealing in part with intelligence matters — and the Department of Energy.

Stone later made his mark in California. He headed a police commission investigation of the emergency response to the 1992 Los Angeles riots sparked by a jury's acquittal of police officers accused of beating Rodney King. He also was president of the Legal Aid Foundation of Los Angeles and helped found Dispute Resolution Services Inc.

In 2007, Oregon Gov. Ted Kulongoski appointed Stone to the state's Public Health Advisory Board.

The Business Journal recently asked Stone about his experiences.

1. What factors led to such a huge Freightliner verdict?

I think the jurors based their decision on the evidence we presented, most of which came from the defendants. Of the 31 witnesses we called, 25 were adverse.

We used these witnesses to prove our case — through their own documents and videotaped deposition testimony. The evidence was powerful and persuasive.

In my closing, I asked the jurors to send a message that the kind of conduct we proved was not acceptable in Oregon. Our jury understood the evidence and wanted to send that message.

2. How has your experience in intelligence, the military and the U.S. Department of Energy contributed to your current practice?

My service at the Pentagon and the Energy Department with President Carter fulfilled a longtime dream.

Every day I felt I was doing something important that really mattered. And every day I learned something new about the complicated issues of defense, intelligence and energy policy, and about the even more complicated issue of how people with diverse backgrounds and interests can work together toward common goals.

Some lessons were positive: As a member of the U.S. delegation to the Micronesian Political Status Negotiations, I helped bring about a successful end to our trust relationship with the Pacific Territories. Others were not: I argued unsuccessfully with powerful Rep. Phil Burton to prevent re-settlement of Enewetak Atoll, the site of more than 40 nuclear tests conducted by the U.S. after World War II.

All of these experiences, hopefully, added to the store of accumulated wisdom that I bring to the table whenever I represent a client.

3. What have you learned through your work with the Oregon Public Health Advisory Board?

Probably the most important thing I've learned is how essential a healthy public is to Oregon's economic prosperity.

Unfortunately, we are not investing in public health. Oregon ranks 28th in state spending per capita for public health, at \$28.99.

Intuitively, we know that public health is more important to our future today than ever before. If we can find a way to help people live healthier lives, there will be less need for treatment and the overall cost of individual health care will decrease.

Besides this cost argument, there are manifold social, political and moral reasons for us to want all Oregonians to live healthier and more productive lives. This is what public health programs are supposed to accomplish for us.

4. What led you to found Dispute Reso-

lution Services Inc.?

All good trial lawyers know they need more than trial skills; they also need settlement skills. Clients don't hire you because they love to go to trial. They hire you to help solve their business disputes, and the most efficient way to solve business disputes is by working with the other side.

Of course, not everybody can afford a lawyer's help. We founded DRS to provide mediation services for ordinary folks who need help solving their disputes. DRS provides third-party mediators at a low cost to help parties negotiate solutions to their disputes.

5. What challenges do young litigators face?

Probably the biggest challenge for young trial lawyers is how to get experience trying

cases. Every generation thinks this is a new problem, but it really isn't. It's always been hard for new lawyers to get trial time.

One of the best ways to get experience is to volunteer your way into cases going to trial. If you practice with other lawyers, anyone going to trial will usually welcome another helper at crunch time.

If you're alone, then you have to be creative. You can learn a lot watching other lawyers in trial, even when you're not on the trial team. Pro bono work will also get you into court.

Real-life experiences are the best teachers for a trial lawyer. For example, I was a door-to-door salesman and I worked on political campaigns as a surrogate speaker. Teach yourself to talk with, and listen to, people and you'll make yourself a trial lawyer.



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Ball Janik's Rick Stone urges young litigators to get inside courtrooms most anyway they can.



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