



PHILLIP C. HENRY Cash Krugler Fredericks

Introduced by
Harvey Spiegel

I cannot tell you how honored I feel that my friend Phil Henry asked me to introduce him. But I believe that the true mark of a man is not what his friends say, but what his adversaries say. And for Phil, that is universal praise. Every conference I have ever been to where a defense attorney mentions the names of plaintiff's lawyers they respect or admire, invariably Phil's name is on that list. Phil is routinely referred cases by defense attorneys, and often by medical malpractice adjusters whose family members have medical legal issues, and once he was even referred a case by a doctor he had formerly sued.

To what does Phil owe this universal admiration and his incredible success?

First, a little history. Phil grew up in Lafayette, Georgia. His father did not have the opportunity to go to college, but he valued education and made sure that his children went to college, and two of them, Phil and his brother Bryant, went to law school. Phil graduated from UGA undergrad Samford law school, both with honors. Before law school he married his wife of 43 years, Sue. They have 2 wonderful children, and now, his true pride and joy, 3 beautiful granddaughters. After a year practicing law in Birmingham, Phil moved to Atlanta and joined Phillips Hart and Moseley in 1980 doing insurance defense, primarily med-

ical malpractice defense. Seven years later, Phil and two other defense attorneys left the financial comfort and stability of good defense practices to form a plaintiffs firm specializing in medical malpractice and other personal injury cases. The first few years were difficult. They started the firm with almost no cases and no money. They took out second mortgages to pay the bills. But after a few years Phil was on a roll. And that roll has continued to this day.

Perhaps that history demonstrates some of the qualities that have led to Phil's success. The optimism and courage necessary to leave a stable defense job is the same optimism and courage he instills in his clients and demonstrates to the jury. Also, Phil has a incredible enthusiasm for the practice of law. He is not the kind of lawyer who lets others do the work and then jumps in as the closer. Rather, he is intimately involved in his cases from day one, from the drafting of the complaint through depositions and motions and trial and appeal. And when he gets his teeth into a case, he does not let go. If one angle does not pan out, he tries another. He sees both the forest and the trees—he knows the day-to-day details of the case but also can see the big picture and the overriding principles. And he has an incredible mind. I don't know how many

times I have discussed an issue in one of my cases with Phil and he will bring up some point from a deposition of another witness a year earlier that I had completely forgotten about. And the crazy thing is, I had taken the deposition and had only told what had transpired to him, but he remembered the detail. And I can not count how many times when discussing legal issues Phil says something like—there was a case about 30 years ago that held such and such. And he is always right.

One of the truly special things about Phil is his steadiness, his absolute calm. He is completely unflappable. And it is that calm and steadiness that endears him to clients and jurors alike, not to mention his partners who find his calm a stabilizing force in difficult times. How can you not trust someone who exudes such confidence and authority without any hyperbole or exaggeration. Phil is never flashy, and almost never raises his voice. I say almost never because usually during closing argument Phil does get angry. And when he does, it comes as such a shock to everyone in the courtroom that his point rings true.

Phil exudes confidence. I don't know if it is a confidence that comes from done plaintiffs and defense work so he can see both sides, or from knowing he is as prepared as he can possibly be, or if

it comes from just being Phil. But the confidence is real. It was demonstrated several years ago at a trial against an emergency room doctor. Phil was just finishing up the Plaintiffs case. His world renown ER expert had just decimated the defendant doctor. The jurors came back into the room after a break and an elderly juror fell and smashed her head. The defendant doctor immediately rushes over to assist the injured juror. For those of you who do not do medical malpractice work, this is a nightmare for a plaintiffs lawyer. The defendant is now the hero. Of course EMS was called and the juror transported to the hospital. Dogma says you ask for a mistrial. But Phil was confident that he had put on a convincing case, that

it had gone well, and he did not request a mistrial. The jury returned a nice verdict for the plaintiff. After the verdict Phil polled some of the jurors and asked them how this incident affected them. One juror looked at him and said, didn't you hear what she was saying. Phil said no, what did she say. She said "Don't let him touch me, don't let him touch me."

Finally, the trait that best characterizes Phil is integrity. Defense attorneys and malpractice adjusters send their friends and family to Phil because they know he is scrupulously honest. From providing an honest and thorough evaluation of a potential case, to dealing honestly with the client and opposing counsel, to presenting an honest case to the

jury, Phil is all about the truth. And Phil genuinely cares. In his understated quiet way he demonstrates concern and kindness not only to his clients and his law partners, but also to young lawyer. He has helped countless young lawyers start out on the plaintiff's side, and has even been a generous and understanding adversary for young defense attorneys. He aggressively pursues his cases through a keen intellect and exhaustive preparation, not by taking cheap shots or unnecessarily harassing the other side.

Tom Carlock said "Phil is what we call quality, quality all the way." And so I present to you one of the finest lawyers I have ever known, Phil Henry.

Remarks by

PHILLIP C. HENRY

Thank you Harvey for that very generous introduction. You know how much I respect and admire you, so those comments mean a lot to me.

Let me begin by congratulating Laura, Judge Wong, and Tom. Also, my sincere thanks to the General Practice and Trial Law Section of the State Bar for this very special award.

We all know that an award to a single person that recognizes a history of activity over a long period of time is founded on guidance, support and help from many others who are not up here with me but who are equally deserving of recognition.

Like all others, I stand here because of the many who have guided, taught and supported me my entire life.

Forced to reflect on why I am here, I realized I have benefited from two different families; my legal or professional family and my nonlegal family.

Mine is not a hard luck story or a tale of hard ship with regard to either of my families.

Instead I have been blessed from day one by both families.

Biologically, I hit the parental jackpot. My parents were unbelievably good people. They provided love, support, encouragement and guidance at every

step along the way. They taught by example the virtues of hard work, honesty and decency in all that you do. Each received recognition and awards by and from their community for all the contributions they made. There is a street in my hometown of LaFayette, Georgia named after my father called Fred Henry Avenue. It leads to the local golf course that he worked tirelessly to create. There is a day named in honor of my mother, Emily Henry Day, in recognition of her love of and contributions to the City of LaFayette. These are but one example for each representing years of giving of themselves.

My brother Bryant, and my sister Marilyn, were cut from the same cloth. Being the youngest, I benefited from the way they carried forward the examples laid down by our parents. That continues to this very day.

I then had the incredibly good fortune, while still a teenager in college, of having a blind date with the beautiful young girl who would become my wife. Sue and I are now celebrating our 43rd year of marriage. She has been a tremendous partner to me in all aspects of my life. She is what some call a lifer. We married before law school, so she supported me financially and emotionally while I was in law

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Remarks by Phillip C. Henry

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school. Every step along the way she has provided support, encouragement and wise counsel about professional and nonprofessional issues that have appeared over the long course of time. Here is one example of her trust, encouragement and belief in me. It was 1986. Our first child was one year old. I was gainfully employed, happy in my work, making decent money and most importantly, secure in my future. Those are very important features for that time of life. I received a call on a Wednesday from a friend telling me he and another friend were leaving their firm the following Monday to start a new firm and wanted me to join them. This was completely out of the blue. If I went with them, we would be switching from a defense firm, with hourly work and steady paychecks, to become a plaintiffs firm. We would be taking no business with us and we would have no income for the foreseeable future. Sue was out of town with our daughter visiting her parents. I called her and told her about this invitation. I asked her what she thought. She said if it is something you want to do, do it. I did it. Under no circumstances would I be standing here this morning without her belief in me and her support.

Together, our two greatest accomplishments are our children Elissa and Alexander. They bring me great joy and have certainly kept me grounded. I have appreciated their support and understanding over the years when the practice of law sometimes kept me from being there with them, whether physically or emotionally.

Now let me recognize my professional family. I had the good fortune of working for a solo practitioner by the name of John Lavette both during and after law school in Birmingham. He was a true independent spirit. He was committed to giving voice

to those who did not have one. He recognized the importance of every person having access to good legal representation in order to provide a level playing field no matter what one's social or financial status. It was a great beginning in the trenches.

When I came to Atlanta in 1980, my boss was George Hart. He was a fearless defense lawyer who was also a very decent human being. Despite a strong desire to win every case, I learned from George that litigation has boundaries, some legal and some moral, and that it is not all about winning. That is a valuable lesson for a young lawyer early in his career seeking to make his way.

Over the last two decades, I have had the privilege of practicing with an assemblage of lawyers and staff that I think have no equal. The lawyers, Harvey Spiegel, Clay Milling, Wendy Huray, Marla Eastwood and along the way, Joe Fried, along with our staff of Angel Moore, Debbie Sullivan, Trish Keeney, Melanie Wheeler, and previously Shawn Smith, are just stellar. Their dedication, pride in their work and work ethic permeates everything they do. They have all been great partners in every respect.

Finally, I will always have a special fondness for my collaborations with Wendy and Marla. Although diminutive in size, they are giants in every other respect. Almost daily, I find myself sitting in my office with them discussing issues, problems, strategizing or being schooled on the law by them. Those two, along with our nurse Debbie, who patiently schools me on medicine, make me appear smarter and better than I ever could have hoped to be.

I am very humbled by and grateful for this recognition and share it with many others. Thank you.