

Leading litigation firms

Highly recommended

Friday Eldredge & Clark

Quattlebaum Grooms Tull & Burrow

Williams & Anderson

Wright Lindsey & Jennings

Mitchell Williams Selig Gates & Woodyard

Recommended

Everett Law Firm

Rose Law Firm

Arkansas

In a recent study done by the University of Chicago Law School, the Arkansas Supreme Court ranked high, second in the nation, for productivity, independence and quality of opinions. This bodes well for the state, in what one lawyer described as a “hot bed” for class action litigation activity. Attorneys also mentioned the growth of intellectual property in the form of patents.

Highly recommended firms

Peers describe Friday Eldredge & Clark as a “strong top to bottom law firm.” The firm, the largest in Arkansas, includes practice areas in business litigation, medical malpractice, class action litigation and intellectual property. The firm also prides itself on the use of an internal data network that allows its attorneys to access their work from anywhere in the world. The program is run by several information technology professionals working to make sure that the secure system runs smoothly at all times. Offices are located in Fayetteville, Little Rock and Rogers.

Partner **William Griffin** devotes 100 percent of his practice to litigation and focuses on products liability, professional malpractice, insurance and commercial matters. Past clients include Browning Arms, Brass Eagle and Zurich North America.

Kevin Crass is head of the class actions group and focuses primarily on business litigation. Past clients include Ernst & Young, Cargill and Tyson Foods. Associate **Kimberly Young** practices in civil and commercial litigation arenas. Past cases involve wrongful death claims, toxic torts, premises liability, motor vehicle collisions and breach of contract disputes.

Quattlebaum Grooms Tull & Burrow is a young firm that continues to grow and prosper in the Arkansas market. Described with an “entrepreneurial and fresh approach” to litigation, they continue to attract top talent to their firm. Roughly 11 associates at the firm clerked for federal judges prior to joining the firm, a practice encouraged by Quattlebaum Grooms Tull & Burrow. Past clients include The Lincoln Electric Company, Entergy Arkansas and ExxonMobil. However, the firm maintains that it does not say “no” to smaller cases that give its younger associates the experience they need, at a smaller cost. Associates are also encouraged to take depositions in their first year, and sit as second or third chair during litigation to

gain more experience. Practice areas for the firm include bankruptcy, business, employment, product liability, media and toxic tort litigation among others. Clients vary greatly but many remain loyal to the firm’s litigators, and carried over when the firm started in 2000. While the firm only started nine years ago, litigators all carry a broad range of experience.

Attorney **Steven Quattlebaum**’s practice includes serving as lead attorney for cases involving business torts, products liability, securities fraud and trade secrets among others. A recent case involved the defense of personal injury claims allegedly caused by welding fumes. The favorable verdict came after a two month trial with a substantial win for their client. **John Tull**, also a founding partner at the firm, focuses his practice on a wide range of matters including business torts, breach of contract, products liability, toxic torts, environmental litigation, trade secrets and First Amendment matters. His recent work includes the defense of a professor at the University of Arkansas suing his students for allegations of racism. Peers noted associate **David Curran** for his work in complex commercial and business litigation. Based in the Little Rock office, peers describe Curran as “not afraid to go to trial.”

Law firm **Williams & Anderson** focuses its practice solely on business matters. Formed in 1988, practice areas include securities, business litigation, intellectual property, construction and employment law. The firm is also well known in the Arkansas area for its media law practice. The firm prides itself on the technology available to attorneys, and frequently backs up all work done on office servers that later gets sent off-site each week. Past clients at the firm include the Arkansas Department of Economic Development, Hot-Springs Sentinel Record and Sysco Food Services of Arkansas.

Philip Anderson’s extensive media law experience extends to prominent clients such as The New York Times, The Associated Press and HBO. He has a broad

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- Quattlebaum Grooms Tull & Burrow

Local litigation stars

Philip Anderson
Williams & Anderson

Sherry Bartley
Mitchell Williams Selig Gates Woodyard

RT Beard III
Mitchell Williams Selig Gates Woodyard

Kevin Crass
Friday Eldredge & Clark

Richard Donovan
Rose Law Firm

John Everett
Everett Law Firm

William Griffin
Friday Eldredge & Clark

Philip Kaplan
Williams & Anderson

Edwin Lowther
Wright Lindsey & Jennings

Steven Quattlebaum
Quattlebaum Grooms Tull & Burrow

Gordon Rather
Wright Lindsey & Jennings

John Tull
Quattlebaum Grooms Tull & Burrow

Future stars

Dawn Bicker
Mitchell Williams Selig Gates Woodyard

David Curran
Quattlebaum Grooms Tull & Burrow

Paul Morris
Wright Lindsey & Jennings

Michael Muskheli
Williams & Anderson

Kathryn Perkins
Rose Law Firm

Kimberly Young
Friday Eldredge & Clark

experience on the trial and appellate levels. Also noted for his trial work is **Philip Kaplan**, who has practiced law in Little Rock for more than 40 years. He focuses primarily on employment law and commercial litigation. Future star attorney **Michael Muskheli** practices in several areas including general litigation, business and commercial law, employment law and media law.

Wright Lindsey & Jennings has two offices in Little Rock and Rogers respectively. The litigation practice includes bankruptcy, commercial litigation, construction litigation, toxic torts, products liability, maritime, insurance defense, and

personal injury defense. He was also the former president of the American Board of Trial Lawyers. **Paul Morris** is an associate in the Rogers office and frequently participates in commercial litigation disputes. Morris has also handled matters in product liability and insurance.

Arkansas law firm **Mitchell Williams Selig Gates Woodyard** recently added another office to its roster. The new Austin, Texas office now adds to the existing groups in Little Rock and Rogers. The firm recently added several new associates to its already large practice. The firm is often noted as a strong competitor in the litigation market of Arkansas by its peers.

Bartley's areas of practice include both commercial and civil litigation matters. She frequently represents insurance companies and is involved with toxic tort litigation matters. **Dawn Bicker** is an associate in the Little Rock office focusing on litigation matters in insurance and medical malpractice defense cases. She is also a member of the firm's information management and security practice team that focuses its efforts on data security and electronic discovery.

Recommended firms

Everett Law Firm is well known for its litigation services throughout the state. Based in Fayetteville, the firm carved out a distinct niche in the northwest Arkansas market for criminal law. **John Everett** leads the small team of attorneys in the office. He excels in matters of criminal defense.

Rose Law Firm focuses on "complex commercial business transactions and litigation." Practice areas within litigation include antitrust, class actions, product liability, securities and technology. Litigators are consistently rated high among their peers within Arkansas. Community events are also of importance to the firm and the attorneys regularly give back to their community of Little Rock.

Richard Donovan practices general commercial litigation and regularly handles cases relating to class action matters. **Kathryn Perkins** is an attorney within the litigation department. She is consistently recognized by her peers for the work she handles in intellectual property and internet law.

"The firm prides itself on technology available to the attorneys, and frequently backs up all work done on office servers that later gets sent off-site each week."

- Williams & Anderson

workers' compensation. The firm also makes time to give back to the community. For example, lawyers donated nearly 1,000 pounds of food to the Arkansas Foodbank Network, an organization committed to eliminating hunger in the state.

Noted attorney **Edwin Lowther Jr** has litigated for the firm since 1981, and currently acts as the firm's managing partner. Lowther focuses his practice on medical malpractice, toxic tort, product liability and employment litigation. **Gordon Rather Jr** focuses his litigation practice on product liability, toxic tort, and maritime

Litigation areas include construction, environmental and toxic tort, intellectual property and technology, product liability and securities. Mitchell Williams also supported several non-profit organizations within the past year including the American Red Cross Central Arkansas Chapter, Habitat for Humanity and the University of Arkansas at Little Rock School of Law.

R T Beard III focuses his practice on civil litigation, insurance and medical malpractice defense, and is praised as having an extensive "understanding of the client's business" and needs. **Sherry**

Supreme Court of Arkansas holds choice-of-law analysis unnecessary for certification of nationwide class

E.B. “Chip” Chiles IV, Quattlebaum, Grooms, Tull & Burrow PLLC

Trial courts in most jurisdictions conduct a choice-of-law analysis in determining whether to certify a multi-state class. In a case in which a trial court will have to employ multiple states’ liability standards to decide the putative class’ claims, a choice-of-law analysis can demonstrate that individual questions of law and fact predominate over common questions or that the difficulty of managing a multi-state class counsels in favor of individual litigation more than class litigation. The choice-of-law analysis, in this way, can decide the issue of class certification. *General Motors v Bryant*, a recent decision from the Supreme Court of Arkansas, departs from the general practice of analyzing choice of law in the context of deciding whether to certify a multi-state class.

In *Bryant*, putative class representative Boyd Bryant alleged that General Motors Corporation d/b/a Chevrolet, GMC, Cadillac, Buick and Oldsmobile sold approximately four million 1500-series pickup trucks and sport utility vehicles made between 1999 and 2002 with defectively designed parking brakes. He further alleged that GM discovered the defect in late 2000 and redesigned the defective part in 2001 but failed to notify its dealers of responsibility for the defect until early 2003. GM’s failure to admit responsibility immediately, he contended, allowed GM to avoid millions of dollars in warranty claims. Bryant brought “causes of action” for “breach of express warranty, breach of the implied warranty of merchantability, violation of the Magnuson-Moss Warranty Act, unjust enrichment, and fraudulent concealment/failure to disclose.” He sought damages to remedy the alleged remaining defective vehicles or to reimburse the out-of-pocket expenses allegedly associated with previous repairs to vehicles or disgorgement and restitution.

Following a hearing on Bryant’s motion for class certification, the Circuit Court of Miller County certified a class of owners or subsequent owners of the allegedly defective GM pickup trucks and sport utility vehicles registered in any state in the US. In so doing, the court found, among other things, that the potential application of multiple states’ laws did not cause concerns about the predominance of common issues over individual issues under Rule 23 of the Arkansas Rules of Civil Procedure.

GM took an interlocutory appeal from the certification order to the Supreme Court of Arkansas. GM argued, in part, that “significant variations among the fifty-one motor-vehicles product-defect laws defeat predominance and prevent certification” and that the circuit court’s failure to conduct a choice-of-law analysis before class certification resulted in an incomplete and insufficient analysis of the class-certification factors in Rule 23 of the Arkansas Rules of Civil Procedure and allowed constitutional due-process considerations to evade appellate review. On the other hand, Bryant contended that Arkansas precedent did not require a choice-of-law analysis prior to class certification and relied on the circuit court’s “broad discretion to certify and manage a class action, which includes the ability to conduct a choice-of-law analysis subsequent to class certification.”

The Supreme Court of Arkansas affirmed the circuit court’s class-certification decision. Holding that the circuit court did not abuse its discretion in rejecting GM’s predominance arguments, the Supreme Court explained that, in Arkansas, the predominance element requires only that “preliminary, common issues may be resolved before any individual issues.” This precedent arises from the view that the resolution of common questions of law or fact in a class action will enhance efficiency for all parties, even when significant individual questions remain for resolution. The Supreme Court made clear that multi-state class actions are “not per se problematic” for Arkansas courts and the mere fact that a circuit court may have to conduct a choice-of-law analysis to decide liability in relation to the common questions does not itself warrant a denial of class certification in Arkansas. In *Bryant*, according to the Supreme Court, whether the identified vehicles contained a defectively designed parking-brake system and whether GM concealed the defect presented “predominating questions.”

Deciding a “question of first impression,” the Supreme Court held that Arkansas law does not require an Arkansas circuit court to conduct a choice-of-law analysis prior to certifying a multi-state class. The Supreme Court supported its decision with five points. First, it recognized the long history of affording broad discretion to circuit courts in matters regarding class certification. Second, the Court clarified its position that Arkansas courts view any choice-of-law decision as similar to decisions on individual issues, and, under Arkansas law, the mere presence of individual issues cannot defeat class certification. Third, the Supreme Court noted that, unlike some federal courts, it had explicitly rejected any requirement of a rigorous analysis of the Rule 23 class-certification factors by Arkansas circuit courts and that nothing would prevent later decertification of the class. Fourth, dismissing GM’s argument that the circuit court’s decision not to conduct a choice-of-law analysis would allow the choice-of-law decision to evade appellate review, the Supreme Court indicated that GM could appeal the circuit court’s eventual choice of law after the entry of a final order. Finally, the Supreme Court reasoned that a choice-of-law analysis prior to class certification “could potentially stray into the merits of the action itself, which shall not occur during the certification process.”

The Supreme Court acknowledged in its opinion that other courts take a different view of the importance of a choice-of-law analysis on a class-certification decision. The Supreme Court observed that “those decisions do not bind this court, nor do they dictate that were we to permit a choice-of-law analysis after class certification, such a decision would be erroneous.” The Supreme Court also commented that the reasoning of these decisions did not persuade the Supreme Court because it had “previously rejected any requirement of a rigorous-analysis inquiry by our circuit courts.”

This decision by the Supreme Court of Arkansas exemplifies the fact that Arkansas’s approach to class certification diverges from the approach taken in many other jurisdictions.

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Quattlebaum, Grooms, Tull & Burrow PLLC, a regional law firm with offices in Little Rock in Central Arkansas, Springdale in Northwest Arkansas, and Jonesboro in Northeast Arkansas, provides a full range of legal services to individuals and business organizations of all forms and sizes, including sole proprietorships, partnerships, limited liability companies and corporations. We offer a broad range of business-oriented legal services and can meet litigation, transactional and regulatory needs. Since its founding in July 2000, the firm has grown from five lawyers to 36 lawyers, many of whom served as judicial law clerks. The firm is one of the largest in Arkansas.

We recognize that our success depends on exceeding the expectations of our clients by providing exceptional service and achieving extraordinary results. Every lawyer in the firm, from the most junior associate to the most senior partner, shares our goal of providing superior representation to our clients. This dedication has led to long-term client relationships founded on mutual trust and respect.

We handle litigation matters across a spectrum of issues, including deceptive trade practices, breach of contract, breach of fiduciary duty, fraud, state and federal securities violations, franchise rights, antitrust, unfair competition, defamation and First Amendment violations, construction disputes, toxic tort claims, products liability, civil racketeering, environmental disputes under both state and federal law, ERISA matters, employment law, real estate disputes, intellectual property and state and federal constitutional issues. Complex litigation is the mainstay of our litigation practice, and we have extensive litigation experience in trial and appellate courts within the state and federal systems throughout the state and region.

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Mr Quattlebaum is a founding partner of Quattlebaum, Grooms, Tull & Burrow PLLC. His practice includes complex commercial litigation, products liability litigation, toxic tort litigation and environmental litigation. He has served as lead counsel in over 70 jury trials for large and small businesses and individuals involving business torts, antitrust, breach of contract, products liability, toxic torts, environmental litigation, securities fraud, franchise disputes, trade secrets and personal injury. Some of his corporate clients include technology companies: chemical, pharmaceutical and automobile manufacturers; wood-treatment companies; banking institutions; utilities; telecommunications companies; major retailers; and timber companies.

Mr Quattlebaum is a Fellow of the International Academy of Trial Lawyers and the American Bar Foundation and a member of the American Board of Trial Advocates, International Association of Defense Counsel, Defense Research Institute, Arkansas Association of Defense Counsel and the Products Liability Advisory Council. He is a Master of the William R Overton Inn of Court. He has held leadership positions in the American, Arkansas and Pulaski County Bar Associations.

Mr Quattlebaum is a graduate of Western State College of Colorado and the University of Arkansas School of Law.



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Mr Tull is a founding partner of Quattlebaum, Grooms, Tull & Burrow PLLC. His practice includes newspaper law, products liability and complex commercial litigation. In approximately 75 jury trials, he has served as lead counsel on behalf of large and small businesses and individuals involving business torts, breach of contract, products liability, toxic torts, environmental litigation, securities fraud, franchise disputes, trade secrets, personal injury and First Amendment issues. He serves as general counsel to the Arkansas Press Association and instituted the libel hotline for the Association. Upon graduation from Vanderbilt University in 1980, he served as a legislative aide to former United States Senator David Pryor.

Mr Tull is a member of the American Board of Trial Advocates, International Association of Defense Counsel, Defense Research Institute, Arkansas Association of Defense Counsel and Libel Defense Resource Center. He is a Master of the Henry Woods Inn of Court and a member of the American, Arkansas and Pulaski County Bar Associations.

Mr Tull is a graduate of Vanderbilt University and the University of Arkansas School of Law.

