

F. Gregory Barnhart '76

Taking On Corporate Defendants in the "Ultimate Game"

"A trial is the ultimate game," says **F. Gregory Barnhart '76**. "It's a contest, so somebody wins and somebody loses. It's intellectually challenging. It's a play, in a sense. It's clearly theater; the jury wants to be entertained and expects to be entertained, and you have to be sharp." Barnhart certainly is sharp—he is consistently recognized as one of the best trial lawyers in the country, and regularly takes on Big Tobacco, the pharmaceutical industry, and other corporate defendants in cases that have an impact on a national scale.

"It's a hard job," Barnhart adds. "There's a lot of traveling and the hours are bad at trial law. But it's fun. There are times when you're in court and you say, 'You know, I can't believe I get paid to do this.'"

Barnhart is a partner at Searcy Denney Scarola Barnhart & Shipley, the largest trial law firm in Florida, which he joined in 1978, shortly after his graduation from Cornell Law School. In the three-and-a-half decades he has been with Searcy Denney, which has offices in West Palm Beach and Tallahassee, Barnhart has won 77 verdicts worth over one million dollars.

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in the crash, and the case became a major part of a book by Pulitzer Prize-winning journalist David Cay Johnston.

Another widely followed case saw Barnhart representing Al Gore in the "butterfly ballot" controversy following the 2000 presidential election, where many residents of the overwhelmingly Democratic Palm Beach County said they had miscast their votes because of confusing ballots. "Every time we went to court at the trial level we won," Barnhart says. "Ultimately, they waited too long and the Florida Supreme Court and the United States Supreme Court called it, but that was an interesting one."

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biggest corporate defendants on the other side. Our firm's one of the very few that can match the defense dollar for dollar and lawyer for lawyer." In one case, following a deadly Amtrak derailment in 1991, the firm was able to prove that CSX Railroads, the owner of

the tracks, had falsified inspection records—the employee claiming to have conducted the inspections turned out to be on vacation at the time. Barnhart's team eventually won a \$56 million verdict for their client Angel Palank, the wife of one of the people killed

Besides his duties at Searcy Denney, public-service work keeps Barnhart busy. An outdoorsman, he goes to court pro bono for 1000 Friends of Florida, a nonpartisan group promoting environmentally responsible growth. "There are just times when we need to



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sue," Barnhart says. "They're always trying to demolish something, pave over some pristine wetlands or whatever and put in a parking lot." Barnhart also has been appointed by three Florida governors to the state commission that nominates judges, and has served as president of various bar associations. "In part it's just my nature," he says. "In another part, it's good to rub shoulders with the judges, it's good to get to know all the lawyers. And if you want changes within the system, it's better to work from within so that you get to be known as somebody who knows what's going on."

Barnhart, who grew up in Florida, says he got the trial litigation bug early, when he stayed home sick one day when he was 12. His mother tuned the television to *To Kill a Mockingbird*, and a young Barnhart watched Gregory Peck play the courtly lawyer Atticus Finch, defending a black man falsely charged with rape in Jim Crow—era Mississippi, at great cost to Finch and his own family. "I said at that point, you know, that's

what I want to do," Barnhart says. "And I never changed. I sort of geared my life that way."

After earning an English degree at Vassar College, Barnhart arrived at Cornell Law School in 1973. Over the next three years, he met classmates who would turn into lifelong friends, as well as one, Susan Gordon '76, who became his wife. "It's people that make the place," Barnhart says.

Two of those people were Professors Faust Rossi, who retired in 2013 and is now a professor emeritus, and Irving Younger, who died in 1988, and whom Barnhart says was "probably the best public speaker I ever saw." Barnhart said that after taking Younger's evidence course one semester, he turned around and audited the same course taught by Rossi. "I wanted to know it so it was at the tip of my mind. I really wanted to know and memorize the law of evidence," he says.

Barnhart says that compared to other law schools, "the ability to delve into the theory and the fabric of the law is explored

more deeply at schools like Cornell. And so I think my writing skills, my ability to analyze was well served and certainly well instilled by Cornell."

In April 2013, Barnhart got to return to Cornell to give a speech on how to succeed in trial litigation. "You know, I give lectures all the time," Barnhart said. "But I spent more time on that one because

it was a different type of audience. The people who came to see me had an interest in being trial lawyers. The people who had an interest in being real estate lawyers would not."

Barnhart advises aspiring trial lawyers to rack up as much time in court as possible. "The one thing that I would say is to get experience," he says. "And there's only one way to get experience and that is, you've got to try cases." ■

~ IAN MCGULLAM



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