



A CONVERSATION WITH...
MARK ERNST ON THE CHANGING IMAGE OF H&R BLOCK

»10



INFLUENCING THE OUTCOME
ARM TWISTING AND RELATIONSHIP BUILDING

»22



NO PROBLEM
STOLEN BASES

»14

SPECIAL SECTION:
SBA CELEBRATES
50 YEARS

»15

GREATER
Kansas City Business
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Jennifer Gille Bacon,
Shughart Thomson
& Kilroy, partner

the Jury is In

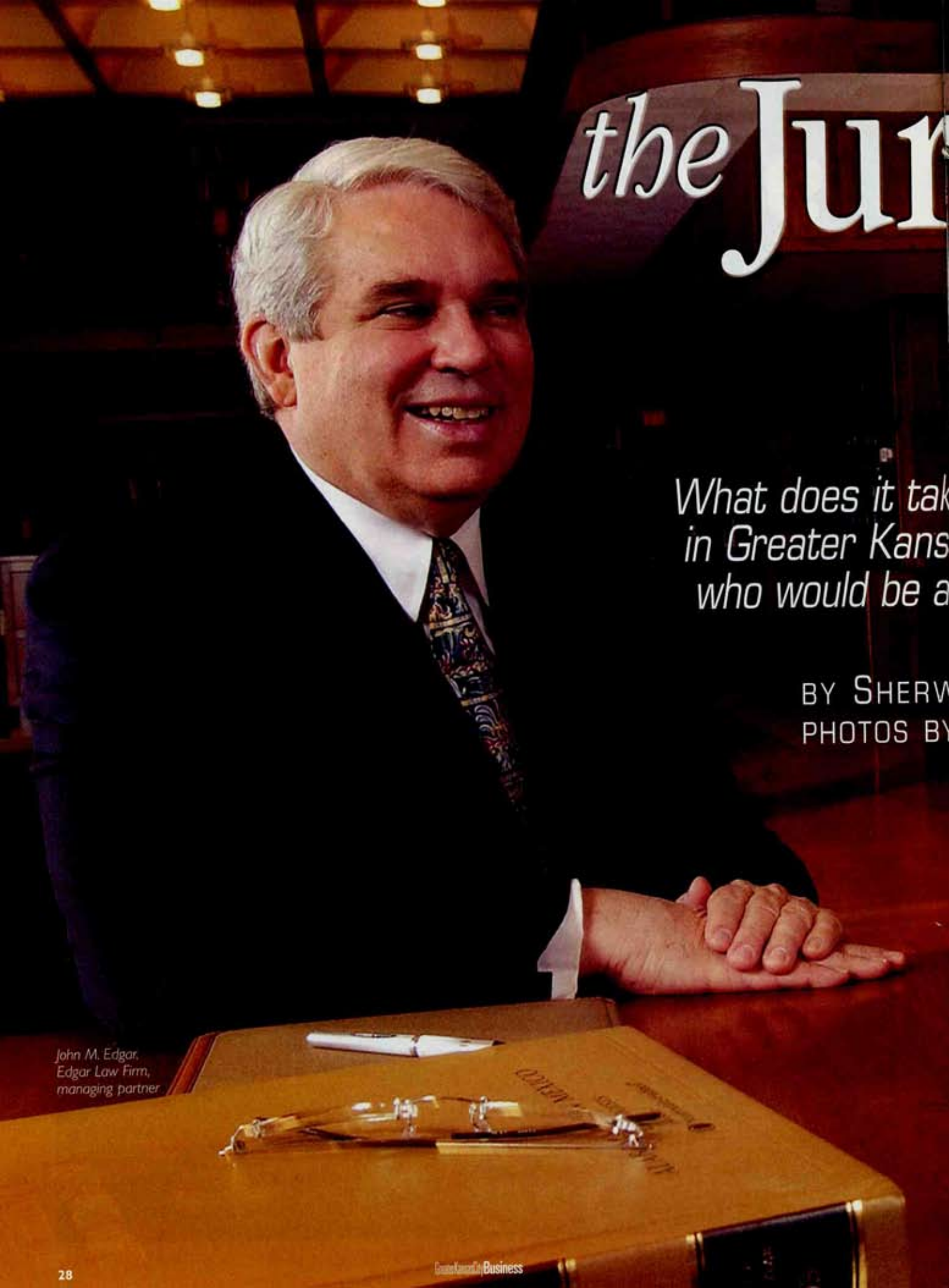
Inside the Courtroom with
Four of Greater Kansas
City's Top Litigators

John M. Edgar,
Edgar Law Firm,
managing partner

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the Juror

What does it take
in Greater Kansas
who would be a

BY SHERW
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John M. Edgar,
Edgar Law Firm,
managing partner

Why is In

*to be a top-notch litigator
City? Meet four lawyers
who come in any courtroom*

D GOODENOUGH
D RUNDSTROM



*Jennifer Gille Bacon,
Shughart Thomson
& Kirroy, partner*

Every court date is a duel. The letter of the law has its place, but in the unexplored, unprecedented frontier where plaintiffs and defendants meet to settle their differences, it all comes down to who's faster, who's tougher and who luck loves more.

Trial lawyers are often viewed against an absurdly inconsistent media backdrop studded with images of "The Practice," Johnnie Cochran and "L.A. Law."

The untelevised truth is more perilous, less glamorous and possibly the closest thing to a legal gunfight left in civilized society.

JOHN M. EDGAR

Edgar Law Firm, managing partner

Sitting in the courtroom moments before trial begins, John M. Edgar meditates. Behind still, foreboding eyes the color of storm clouds Edgar performs a sacred ritual preparing his mind for cognitive pugilism.

"The image I always try to call to mind is, frankly, Muhammad Ali and the way he was in the ring," Edgar said. "As he put it, 'Float like a butterfly, sting like a bee.'"

After 35 years of duking it out in the courtroom, Edgar has a healthy stack of wins on both sides of the bench, but his passion is quarterbacking for plaintiffs.

"You have the fast side of the ball, as they say in football," Edgar said.

Experience, confidence, intellectual dexterity and the verbal sharpness of a rapier are prerequisite equipment to get into the arena with Edgar and his colleagues.

"You have to react in an instant," Edgar said. "You don't have the time to spend thinking about it. You

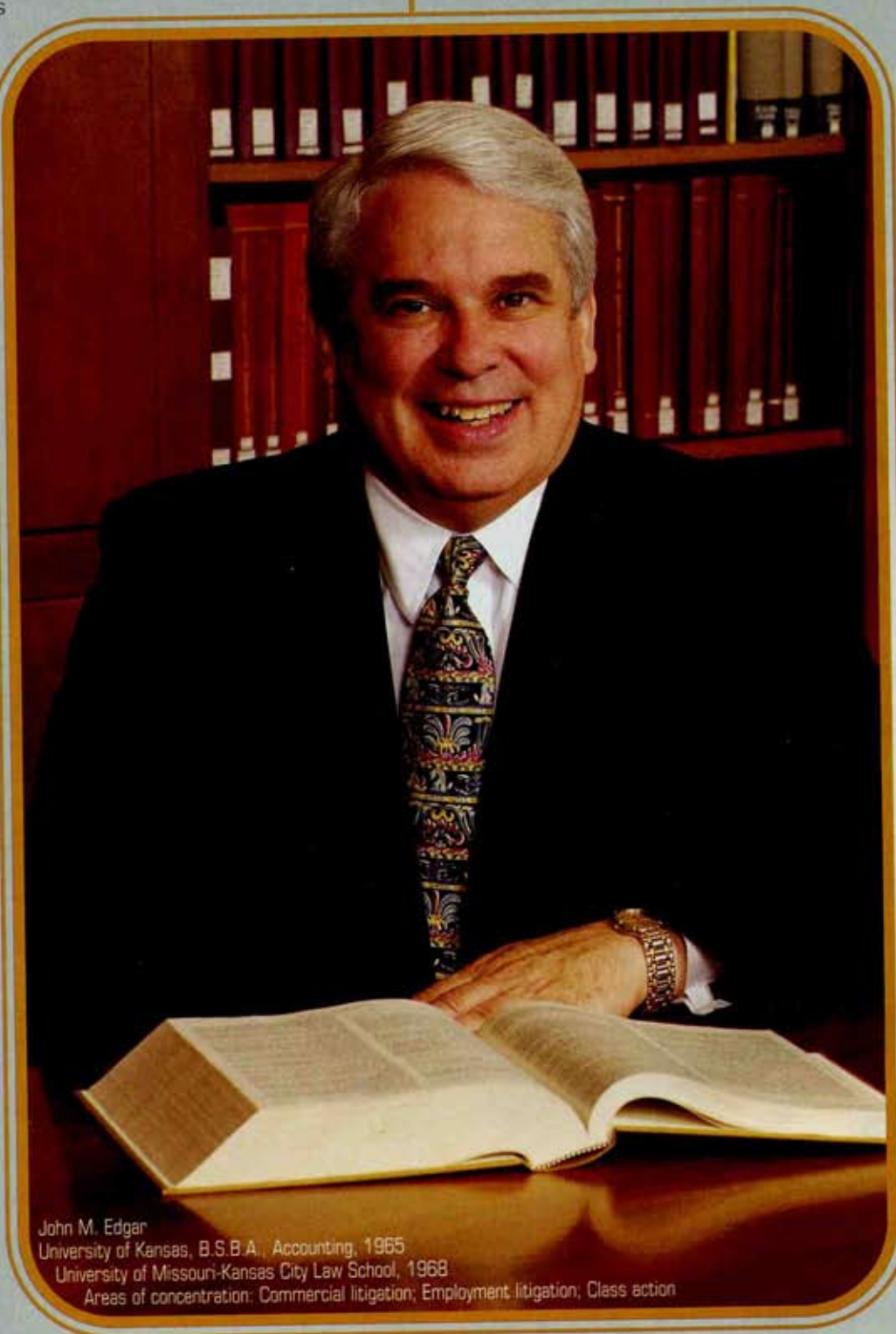
have to absolutely react, and if you don't react correctly the results can be devastating."

However, contrary to the Hollywood mythos and the common images portrayed in prime time legal dramas, the sharpness and success of trial attorneys isn't proportional to

their misanthropy.

"They're nice people, courteous people, people who'll extend courtesy to their peers, their adversaries," Edgar said. "You have to understand people to really be able to present to a jury, to be able to relate to your client."

Trial lawyers do need a modicum



John M. Edgar
University of Kansas, B.S.B.A., Accounting, 1965
University of Missouri-Kansas City Law School, 1968
Areas of concentration: Commercial litigation; Employment litigation; Class action

“You have to understand people to really be able to present to a jury, to be able to relate to your client.”

—John M. Edgar
Edgar Law Firm, managing partner

of “sand” in their foundation to litigate well, Edgar said.

“I think most good trial lawyers are emotional people, but they’re not ruled by emotion,” Edgar said. “They control the situation. It makes no difference if you’re in a settlement negotiation or a mediation or a trial. You’re doing that same thing.”

And though he doesn’t advocate rudeness, Edgar confessed a little intimidation doesn’t hurt.

“In other words, if it takes a flare up or getting up on your hind legs like a bear and working it, then you do that,” he said. “It can happen in a settlement conference like I was in the other day when I told the other lawyer to, ‘Shut up while I’m talking, and don’t interrupt and this will go a lot better.’”

Recently, Edgar won a settlement and the opposing counsel told him, “We’re paying this money because we know what you can do,” Edgar said. “That was one of the best compliments I could receive.”

However, the husband of 38 years and grandfather of three prides himself on his sentimental side. He likes barbecuing and takes a father’s pride in mentoring as he practices law beside his two sons.

His son David Edgar considers his professional relationship rewarding, not just because he’s been watching his father practice law since he was 3 years old, but because the man who signs his

paycheck has the presence of mind and wealth of patience to nurture his growth.

“In all candor, there are an awful lot of top-shelf attorneys in this town that have been in business for a long time, but in the scope of great attorneys in Kansas City there are a handful that are great teachers as well,” David Edgar said.

DAVID OLIVER
Berkowitz Stanton Brandt Williams & Shaw, partner

David Oliver is a true Kansas City guy. He graduated from Pembroke Country Day School (now Pembroke Hill). He lives at one end of the Country Club Plaza and goes to work at the other. His father was appointed by President John F. Kennedy to serve as a federal judge in Kansas City and his mother still lives just south of the Plaza in the house where he grew up.

Most importantly, the turning point of his career was the Union Station case, where Oliver won a complicated legal dispute for Kansas City, Mo., against the Pershing Square Redevelopment Corp. Winning that case helped advance the renovation of Union Station.

“That was a very significant development for me,” Oliver said. “That trial helped me realize that there isn’t any curve ball that could be thrown at me that I couldn’t hit back in some sort of way.”



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“I think the system is that down very c way that or going to und

want billable hours.”

Curiosity and a creative approach to problem solving are the most central traits of successful trial lawyers, Oliver said.

His wife of 20 years, Mary Gresham, attributes his tenacity to his success.

“I don’t think David gives up,” Gresham said. “He doesn’t come across as a bloodthirsty lawyer in any sense. He’s very diplomatic. He’s very smooth. He’s very kind and compassionate.”

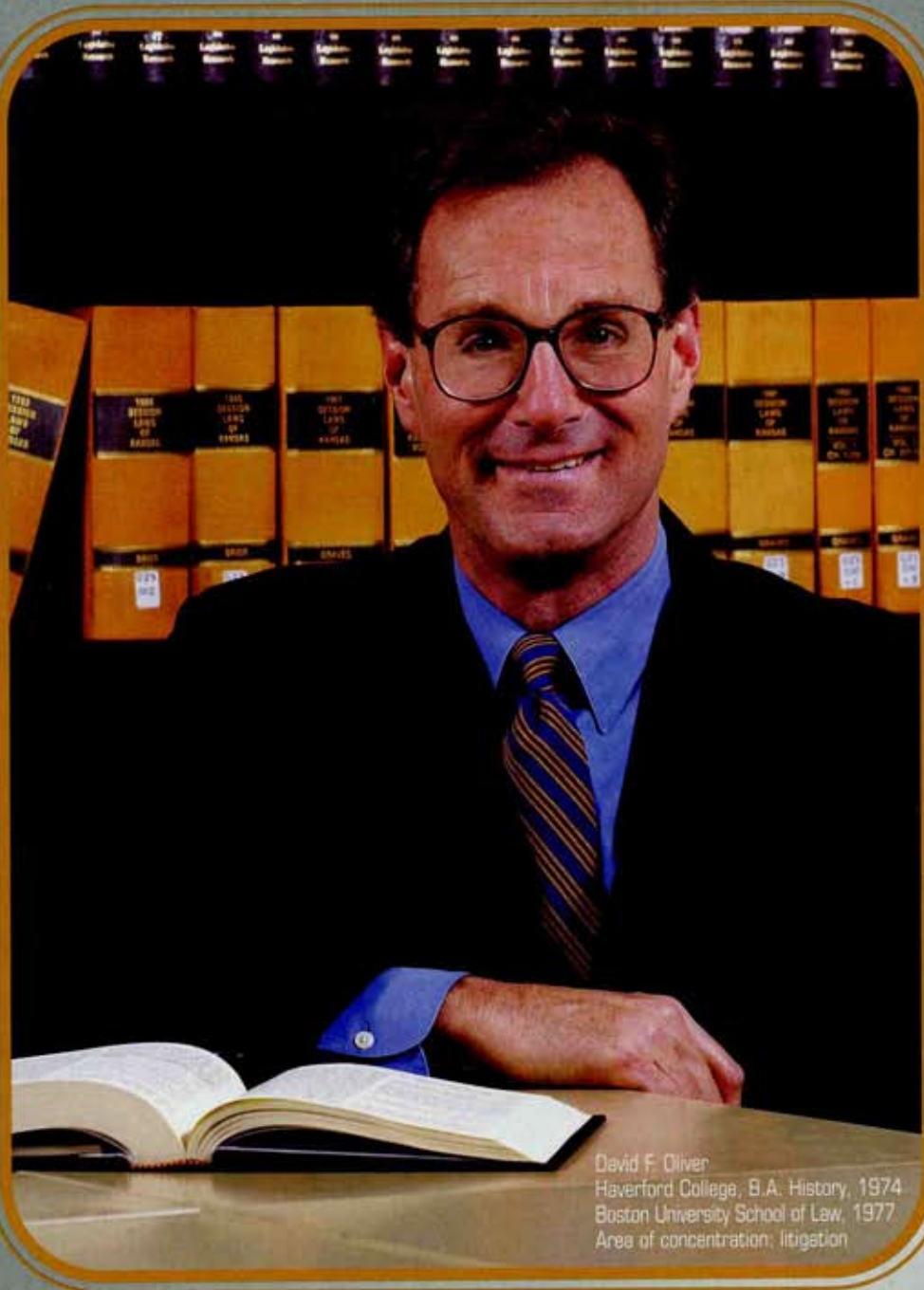
Gresham, the career broadcast journalist and amateur equestrienne, cherishes her role as one of the people Oliver credits most for nurturing his success.

“I’m very ambitious and very competitive and I tend to push everyone I love pretty hard,” she said. “We banter and have good discussions all the time, and he comes from a family where people love to debate.

“I’m really proud of him. He makes mistakes. Everybody makes mistakes. It’s kind of like when he rides. He got bucked off a couple of months ago and he got right back on. That’s David. He’s ready to ride another day.”

WALT COFER
Shook Hardy & Bacon, partner

Going into court is never easy. It’s harder when the judgements at stake are huge. It’s even harder



David F. Oliver
Haverford College, B.A. History, 1974
Boston University School of Law, 1977
Area of concentration: litigation

The evolution of his career taught him a strong personal appreciation of the sober, solemn process of legal advocacy.

“I think the beauty of our jury system is that you have to boil down very complex things to a way that ordinary people are going to understand it,” Oliver said. “It is not anything like what’s on TV. A lot of it – to a lay observer – would be very boring, very tedious.

“I’m not saying you ought to bleed all the emotion out of it. I think you can be very passionate and very zealous, but I don’t think being bom-

bastical or theatrical is the same thing. The logic of your argument and the soundness of your argument is what sells. You have to be a gentleman.”

A gentleman, yes, but trial lawyers also need ambition, zeal and an ego, he said.

“Our ethics tell us we have to be zealous advocates,” Oliver said. “This is not for shrinking violets. You have to have a very healthy ego.

“You have to know that your instincts are right. You can’t be bullheaded and think, ‘Well, Goddamn, if I said it, it’s right!’ Clients want results, they don’t

beauty of our jury
you have to boil
complex things to a
binary people are
understand it."

—David Oliver
Berkowitz Stanton Brandt
Williams & Shaw, partner

When a relentless national public relations campaign vilifies your clients in every form of media.

So, as an attorney representing big tobacco companies in product liability cases, Walt Cofer knows how much negative stereotypes weigh against him.

"I have cases all over the country. Typically, when you first go into a jurisdiction and you meet the judges for the first time and you meet the plaintiffs for the first time, initially they're skeptical of you," Cofer said. "They want to expect and believe the worst."

Yet, Cofer is famously even-tempered and well-mannered. He's humble, understated, soft-spoken, has kind eyes and a winning smile. Despite being a relentless advocate for clients, he maintains an idealistic appreciation of the law and an inescapable politeness, all of which seem iconoclastically innocent.

Consequently, it's hard for juries not to like him.

"I think there's a difference between being tough minded and being a tough, mean, unpleasant person," Cofer said. "The fact that you're a nice person or the fact that you're easy going or polite, that doesn't mean you're not defending your client and that doesn't mean the jury doesn't understand your side of the story."

A confessed dreamer from Wichita who fantasizes about dunking in the NBA and strumming a guitar onstage with John Mayer, Cofer is a far cry from the popular perception of lawyers.

Russ Smith, a trial lawyer from Akron, Ohio who unsuccessfully

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faced Cofer in 2001 said Cofer proves that nice guys don't always finish last. Cofer upholds the golden rule's jurisdiction in the courtroom.

"I'm very biased against tobacco companies, I'll tell you that up front. But (Cofer is) a good guy," Smith said. "Besides being a good lawyer, I never had the sense I was going to catch one in the back."

"I tried to persuade him to become a plaintiff's lawyer. He sure whipped me."

Maturity continually cautions against accepting arrogance as a prize for victory, Cofer said, and open mindedness has proven a precious tool to excise egoism.

"I think when I was younger I did have the view that, 'Gee, gosh, I can beat anybody,' or 'I can persuade anybody of anything,'" Cofer said. "I recognize now that's not true."

"If you've really dug your heels in, you've been really tenacious, you've been really difficult many times you polarize the other side and you're not going to get a reasonable settlement because they're just mad at you. So this perception of lawyers as being rough and gruff can be ineffective."

As the first member of his family to practice law, the first lawyers to ever win his admiration were Atticus Finch from "To Kill a Mockingbird" and Perry Mason. Today he feels those childhood heroes who championed justice have been supplanted by a public portrayal of attorneys as cannibals in ties.

"I don't think that's how lawyers are viewed nowadays," Cofer said. "I think lawyers are viewed as mercenary, sharp. I think they're viewed as money hungry. That's not what lawyers are supposed to be."

"I do think a lawyer's job is a lot broader than just running into court or having a great closing argument or having a nice Armani suit or whatever."

Still, as a man driving a 10-year-old car, who beams about the pro bono work of his firm and the spirit of American justice, he makes a convincing argument in favor of the human side of law.

"I do still think it's an honorable profession," Cofer said. "I think we do

make a difference in people's lives.

"Lawyers are supposed to be counselors. Lawyers are supposed to be able to sit down with clients and advise them through difficult legal situations and help guide them through it."

JENNIFER GILLE BACON

Shugart Thomson & Kilroy, partner

In addition to serving as 1998-1999 president of the Missouri State Bar and having won some of the largest business trial verdicts ever upheld in Missouri, Jennifer Gille Bacon has 25 years of commercial trial experience in both plaintiff and defense work.

She blithely claims the secret to her success is laziness.

She says she's too lazy to have to jump through hoops during the trial, so she takes as long as she needs to research every conceivable nuance of the trial before she ever files the paperwork. By the time she's standing in a courtroom, she's over-prepared and generously handing opposing counsel all the rope they need to hang themselves.

"From the minute I start a case, I'm thinking I'm going to take it all the way to the court of appeals," Bacon said. "I'm not getting ready to dismiss the case. I'm not getting ready to research the case. I'm not getting ready to settle the case."

She also respects what it means to be an officer of the court.

"I'd like to say, and I hope it's true, that I'm perceived as entirely professional," Bacon said. "These days I find it's distressingly rare to think of your colleagues as entirely professional."

"I think in this age there are clients out there who are looking for junkyard-dog lawyers. I think that clients are doing themselves a disservice when they choose that kind of a lawyer. Even though you must be passionate about your client, you can't be blinded by your passion for the case."

Her mentor, Harry Thomson, was among the most respected attorneys in the area's history. He was as combative as a wolverine in and out of the courtroom, but he was steadfastly dignified and respectful, she said.



Walt L. Cofer
Wichita State University, B.B.A. 1977
University of Kansas School of Law, 1981
Area of concentration: Products Liability Litigation

"Harry Thomson was always extremely polite and gracious to his opponents," Bacon said. "He simply commanded the room because of the force of his character. He never beat



"I think there's a difference between being tough minded and being a tough, mean unpleasant person..."

—Walt Cofer
Shook Hardy & Bacon, partner

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up or vanquished his opponent."

Bacon's respect for the law is paramount and she learned that solemn appreciation in, of all places, a baseball park.



Jennifer Gille Bacon
 University of Kansas, B.A. in Psychology,
 Political Science and French, 1971
 Ohio State University, M.A. in Psychology, 1973
 University of Kansas, J.D., 1976
 Areas of concentration: Business Law;
 Commercial Law; Antitrust

“...the fundamental duty of lawyers: to maintain order, to help – to sort of knit up the holes in the fabric of society.”

—Jennifer Gille Bacon
 Shughart Thomson & Kilroy, partner

Less than 10 years into her career, she was charged with entertaining the president of the African Bar Association, Roger Chongwe, who would go on to be a key figure in Zambian politics. Because Chongwe was a good cricket player, her colleagues suggested Bacon take him to a ball game.

“The game was boring, and I’m sure I wasn’t interested,” Bacon said. “I was only in my late 20s or early 30s and I asked him, ‘So what do you do as the president of the African Bar Association?’ It was intended to be a light question, conversational. He looked at me and said in a wonderful very liquidy African accent, ‘I work to

establish the rule of law in Africa.’

“I looked at him with sort of a Valley Girl look in my eyes. He sighed and he said, ‘You don’t understand. Americans never understand. In this country everyone grows up with the rule of law. It’s always there. It part of everything you do. It works because everyone respects the rule of law.’

“In Africa there is no rule of law. How can we move forward? We cannot move forward in Africa until we

can understand and respect the rule of law. People complain about there being too many lawyers in America. Because you have respect for the rule of law you need lots of lawyers.”

That moment cemented her idealism about the law and her profession.

“I was in the midst of a hot sticky afternoon in Kansas City and I was absolutely transfixed and transformed by his statement,” Bacon said. “It made me look at my profession in a very different way.”

“I’ve thought, and I’ve felt since then, that it is the fundamental duty of lawyers: to maintain order, to help – to sort of knit up the holes in the fabric of society. Lots of people aren’t proud to be a lawyer. We get trashed all the time. We get made fun of, but I’m very proud of what I do.” ●

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