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A portrait of Karen Deming, a woman with long blonde hair, smiling. She is wearing a dark blue top with a large black floral brooch and a pearl necklace. The background shows a window with light-colored curtains and a table with several decorative ceramic bowls.

Karen Deming
of Troutman Sanders
Practice Profile

ICONIC
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LAWYERS
EDITION



Karen Deming

Never Passing Up An Opportunity

By Laura Maurice

Karen “Kay” Deming clearly recalls her first day of work at Troutman Sanders LLP. “It was Sept. 1, 1978. Jack Dalton, who was head of the litigation section at the time, always took new attorneys to lunch on their first day,” she remembers. Having been a summer intern at the firm, Deming had worked on various matters with attorneys throughout the firm, including litigation matters. Despite initially believing she would never want to litigate under any circumstance, it was her work with Bob Pennington and Dan Reinhardt on personal injury cases, including medical malpractice and product liability claims, that really piqued her interest. So when offered a job at the end of the summer and asked what section she wanted to join, Deming announced that litigation was indeed what she preferred – she wanted to be a trial lawyer.

It was this choice that Dalton discussed at his first lunch with this new associate. Dalton warned her, “You may have a tough row to hoe; there are not many women lawyers who try cases.” Deming recounted that

in 1978, there were no women trial attorneys that she knew, who could serve as role models. “I remember looking at Jack and saying, ‘All I want is a chance.’”

Opportunity is defined as a set of circumstances that makes it possible to do something. Deming, a Troutman partner since 1986, credits her 37-plus years of success as a trial attorney specializing in the defense of complex product liability actions involving primarily pharmaceutical products claims, to the many opportunities that the firm and her clients have offered her.

Her achievement in this area was not a foregone conclusion, despite having written a law review article on product liability when she was still at the University of Georgia Law School. Nor was the launch of her career in product liability particularly auspicious. One Thursday, when Deming was a fourth-year associate, she was asked by Dalton to participate in a conference call with a potential, new and important pharmaceutical client, Johnson & Johnson, the following Monday.

Dalton told Deming – who had initially wanted a medical career – that the case was the first of its kind involving the product at issue, and it had to be won. Deming spent the weekend reading everything she could about the case and the product, and once on the conference call with Dalton, Pennington and the in-house attorney for Johnson & Johnson, she launched into a barrage of questions that she had prepared. The client listened, but then asked to be taken off the speaker phone.

Deming was nervous; had she been too pushy, too demanding? On the contrary, the Johnson & Johnson attorney wanted her to work on that case, as well as other cases pending in several Southeastern states. She was relieved, but she knew her work was cut out for her.

“We ultimately tried that first case the year I was up for partner. It was tried in front of a federal judge rather than to a jury in order to get an earlier trial date. Unfortunately, he entered a \$5 million judgment against us. While we lost that case, I still made partner! But even more importantly,

Johnson & Johnson is still a valued and loyal client 30 years later,” she says.

In fact, Johnson & Johnson became one of Troutman Sanders’ largest clients at the time. And that representation turned out to be a boon to Deming’s career. The loss of that case though was devastating to the then-young associate. The case gained national attention, with some experts in the field criticizing the result suggesting that the court’s ruling had the potential to set epidemiology back years. Remarkably, experts from institutions like the National Institute of Health called Deming offering to file amicus briefs on appeal in support of Johnson & Johnson. Deming knew that the medicine and science had been on her side, so she could only feel that the loss was the result of something she failed to do. “I thought I’d lost it – that the result was my fault. But the firm’s support was unbelievable. They had given me the opportunity to have senior responsibility on a big case, and they didn’t desert me when the chips were down.”

In addition to opportunity, loyalty is another word that keeps cropping up in conversations with Deming. Loyalty to her clients has been crucial to her success, and as a result, many of her clients have been loyal to her and the firm. “When you give all you can give to the client, most clients are loyal in return.” After that verdict, Deming learned an important lesson. “My dad had always told me that there was nothing I couldn’t have or do if I worked hard enough. This was the first time in my life that I worked as hard as possible and had given it everything I had, but still, in my view, failed. Yet, neither the firm nor the client second guessed me. Instead they encouraged me to keep plugging, reassuring me that ‘if I wasn’t a good lawyer, I wouldn’t have been working on a big case,’ and this was a big case.”

Thereafter, the firm supported Deming in every way to develop this area of practice because she truly enjoyed the work. So, for

example, when she asked them to send her to courses (to learn more about science and medicine and product liability law), they supported her. “That support allowed me to work with attorneys throughout the country, and as a result, I developed a network of colleagues, many of whom have become dear and valued friends. That has been one of the great blessings of my career.”

Although Deming never planned out her life as she was growing up in Valdosta, Georgia, she did know that she wanted to be a part of the larger world. “I love Valdosta, but I knew there was a world beyond.” People were shocked when she decided she wanted to become a lawyer. “I was raised in an environment and with parents who insisted that I always be a Southern ‘lady,’ no matter what. But in this new world I had entered, I had to be tough; I couldn’t be shy about strongly and forcefully asserting my client’s case when necessary, and not infrequently going toe-to-toe with some adversaries. And to do that didn’t always meet my parents’ definition of being a ‘Southern lady.’”

After earning her undergraduate degree at Valdosta State College and realizing that her difficulty with chemistry might deter her medical path, she started thinking of what would challenge her intellectually, but yet provide a means of income. “I didn’t even think of law school at first. I had no lawyers in my family. My mother was a banker and my father worked for R.J. Reynolds. But they always encouraged me and pushed me to exceed even my own expectations and comfort level.”

In fact, although Deming says there have been a number of people in her life who

have inspired her, she points first to her father. “Sometimes I wanted to wring his neck because of his relentless demands that I work harder. He didn’t want me to settle for what he perceived as less, when I was capable of doing more.” When she received her first “excellent” grade in first grade, her father knew she was capable, so anything less was unacceptable. “Dad instilled in me a work ethic to do my best; to give everything 150 percent. If you do that, then no one can expect more and you can go to sleep knowing you did the best you could. This has followed me throughout life, and now that work ethic is something I try to explain and instill in younger lawyers who work with me. I can’t help but believe that that work ethic has been critical to client development throughout my career.”

Getting through the first year of law school, however, was a challenge. “In the first year, it seems as though they try to tear you down so that they can build you back as a lawyer. Even before the end of the first quarter, I’d had enough,” says the first woman elected to Troutman Sanders’ executive committee. She wanted to quit. She even spoke to the registrar about withdrawing, but he encouraged her to just stick with it through the first exams. Deming passed those exams, remained in school, and ultimately graduated among the top of her class.

If asked, she would encourage young adults contemplating their career paths to go to law school, to get a law degree. Deming urges that one need not be “wedded to the practice of law. It doesn’t mean you have to go to a law firm or actually practice law; there are so many options for a fulfill-

“They had given me the opportunity to have senior responsibility on a big case, and they didn’t desert me when the chips were down.”



David Norden, Deming & Eric Rumanek

ing career with a law degree. Law school is about learning how to think analytically; how to pay attention to detail. One benefit of law school is that you have three years to learn how to think like a lawyer.”

As she approaches retirement, she looks back at a practice that required knowledge and fluency in medical, epidemiological and other scientific disciplines, and afforded her the opportunity to meet and work with respected and world-renowned experts throughout the country. “I have had a rich, fulfilling and incredible professional life. Never in my wildest dreams would I have thought that I’d be sitting across the table from innovators like one scientist who was instrumental in developing IVF,” referring to in vitro fertilization, which has changed so many lives. “I am so grateful for the opportunities I have been given.”

The cooking aficionado who says she would rather read a cookbook than a novel, is grateful, too, for the relationships she has built over the years. “It all boils down to true relationships, letting clients and colleagues know you have their back, that they can depend on you,” she says.

Deming considers her single most important professional honor to be her induction in 2007 into the American College of Trial Lawyers. “This was the pinnacle for me,” she says. “You can’t just join the college. You must be thoroughly vetted, not only by your peers, but by your adversaries, and judges as well. And it was the greatest honor for me to be recognized as a peer by attorneys whom I had respected and admired throughout my career. The relationships I have formed with some of the most skilled and respected trial lawyers throughout the country have added a whole new dimension to my enjoyment of the law.” Launched in 1950, the college limits membership to no more than 1 percent of the total lawyer population in any state or Canadian province. There are currently about 5,700 fellows, throughout the United States and Canada, including all the U.S. Supreme Court justices and the Supreme Court of Canada.

She has also been recognized for many years both on the local and national level as one of the Best Lawyers for product liability litigation, personal injury litigation and mass torts.

Deming considers herself to be a “demanding task master” – demanding not only of herself, but the people who work with her. She looks at her valued colleagues Eric Rumanek and David Norden and notes that “they love this practice as much as I do, and they work as hard as I ever thought about doing.” Both Norden, who joined Troutman Sanders earlier this year, and Rumanek work on national litigation for large pharmaceutical and other manufacturers and are helping expand the practice Deming so enjoys. Norden and Rumanek, she says, “are terrific lawyers; are honest and professional to a fault, and hopefully they’ll expand this practice with any help I can give. In the future, I will continue to represent pharmaceutical companies and I want to make sure that this practice I helped establish at Troutman endures.”

“In the final analysis,” Deming says, “I’ve had a great life and great career and it’s not ending anytime soon, I hope. But I am so grateful for the opportunities I’ve had and for the relationships I’ve had a chance to develop.”

Still, Deming realizes that “you are only as good as your last good deed.” That’s why she launched a college scholarship for youth in Valdosta in honor of her mother that requires the high school seniors to whom a scholarship is awarded, to “do five random, anonymous acts of kindness during the year of their scholarship with no expectation of return or recognition.” At the end of the year, they must write about what they gained from the experience.

“I want these young people to learn that it’s important not to always seek credit for what they do. The reward is in the act, and it just makes you feel good to do something for others just because it is a nice thing to do, not because of what it might get you. It’s the whole pay-it-forward notion,” she says “I have been given incredible opportunities, and I’m just trying to pay it forward.”

AT A GLANCE

Karen Deming Partner

Education

Juris Doctor, University of Georgia, 1978
Bachelor of Science, Valdosta State College, 1975

Practice Areas

Pharmaceutical Litigation
Products Liability

Professional Memberships

American College of Trial Lawyers, Fellow
Lumpkin Inn of Court, The University of Georgia School
of Law, Master

Awards

Product Liability Atlanta Lawyer of the Year, Best Lawyers
in America, 2014
Mass Tort Atlanta Lawyer of the Year, Best Lawyers in
America, 2013
Inclusion in Best Lawyers in America, Mass Tort, 2008-2014
Inclusion in Best Lawyers in America,
Product Liability, 2007-2014
Inclusion in Best Lawyers in America,
Personal Injury, 1999-2014

Partner Eric Rumanek

Education

Juris Doctor, University of Alabama, 2007
Bachelor of Science, University of Alabama, 2004

Professional Memberships

Trial Attorneys of America
Defense Research Institute, Drug and Medical Device
Committee Complex Medicine/Experts Specialized
Litigation Group, Vice-Chair
Defense Research Institute, Legislative Liaison
Subcommittee, Georgia Liaison

Of Counsel David F. Norden

Education

Juris Doctor, Case Western Reserve University, 2003
Bachelor of Arts, Indiana University, 1994

Community Involvement

Autism Society of America, Georgia Chapter, Board of
Directors
CURE Childhood Cancer, Advisory Board, Board
Member

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