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Tried and True: The Legal Career of Trial Attorney Roy Cheatwood

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December 02, 2019

In addition to being an esteemed colleague, mentor, and dear friend, Roy Cheatwood is also an elite member in the highest echelons of the Louisiana trial bar.

A graduate of Tulane Law School, where he served on the moot court board, Roy began his law practice in New Orleans 45 years ago, after a detour through Vietnam, where he served his country in the U.S. Army as a decorated combat infantry officer, earning two bronze stars for valor and service, the Army Commendation Medal, two Republic of Vietnam Gallantry Crosses with Bronze Star, and the Republic of Vietnam Training Service Medal First Class.

A founding member of Baker Donelson's New Orleans office, Roy has served in numerous Firm leadership roles, including multiple stints on the Firm's board of directors, 12 years as the Firm's Louisiana managing shareholder, and most recently as a member of the Firm's Strategic Planning Committee.

A fierce opponent and tireless advocate, Roy is also a cherished personality, equally quick with a story to diffuse tense moments and that critical insight that has made all the difference for so many clients (and colleagues) over the years.

I have had the privilege to practice with Roy for more than a quarter-century, and was able to corner him long enough to capture just a few stories from a very storied career:

KL: You have had the chance over your career to try cases across a pretty diverse spectrum of issues, clients, and areas of law...

RC: I'd say that I have been around long enough to have tried a lot of different business cases for some truly memorable clients. Early in my career, I was lucky to be in a position to get into the courtroom pretty routinely. The group I practiced with tried cases for NOPSI (when its streetlights jumped out in front of motorists), handled premises liability matters, and other cases that allowed younger lawyers great trial experience. Early in my career, I was fortunate to work with some truly brilliant trial attorneys, including Ernest Carriere, John V. Baus, Jerry Weigle, Donald D. Collins, and Herschel L. Abbott Jr. In fact, I have been blessed throughout my career to practice with and against truly great professionals. In the 1980s and early 1990s, I was lucky to be practicing with great teams that handled a number of "take-or-pay" (and "son-of-take-or-pay") cases, litigating disputes over interstate gas purchase agreements. With Nancy Scott Degan, we successfully defeated summary judgments on massive cases that paved the way for successful resolutions over the next several years. Nancy, Paul Peyronnin, and I tried a case for a major New Orleans hotel over building defects associated with severe vibration damages. We tried the case for several months before the other side approached us about settlement, leading to a resolution very favorable to our client.

We have also been involved in some really difficult cases –wrongful death and severe injury cases – including trucking cases, maritime "kill switch" cases, residential gas-explosion cases, and other matters that presented some truly devastating circumstances. Those cases were difficult and humbling, but were likewise deeply significant. Our clients benefited from some truly talented teams. And, of course, we have handled many

different business matters – business torts, contract disputes, business divorces, and regulatory matters across an extremely diverse spectrum of industry and business sectors.

KL: Any recent trial stand out?

RC: A few years ago, we tried liability in litigation arising from the collapse of a massive underground salt dome cavern that triggered a major sinkhole. There were potentially hundreds of millions of dollars at issue in principal demands by various plaintiffs and complex incidental demands among a number of defendants. The case presented thorny tort and contract-based issues and was litigated by elite lawyers from major law firms in Louisiana, Texas, and even California. The liability trial went three weeks, involving the presentation of some highly technical evidence in areas such as geophysics, seismology, mechanical and structural engineering, and drilling and mining practices. We put together an extraordinary trial team, augmented by a talented and experienced in-house counsel, and achieved an excellent result, although the case remains ongoing even now, several years later, in both the appellate courts and before the trial courts, and recently spawned ancillary proceedings that have reached the United States Supreme Court.

KL: Who are some notable personalities you've worked with?

RC: I tried a securities fraud case in federal court in New Orleans involving Stephen Baldwin as a plaintiff and Kevin Costner as a defendant. It was an interesting experience. Back in the 1990s, I tried a case in California representing Jean Paul DeJoria of John Paul Mitchell Systems hair products – a different kind of celebrity, but just as interesting. I also represented the McIlhenny Company from Avery Island, Louisiana, known for Tabasco pepper sauce. And, of course, here at Baker Donelson I have enjoyed working with some of our own great personalities, including the late James H. "Roach" Roussel, among many others.

KL: You have had the opportunity to try cases before some legendary Louisiana jurists, and I know you have some stories.

RC: I recall an interesting trial before Judge Henry Mentz of the Eastern District of Louisiana. I represented an interstate gas pipeline. It was a technical case with some important expert issues. As it happened (and unbeknownst both to us and, I think, the other side's lawyers), their key expert had been brought in maybe a month or two prior to the trial to make a substantive presentation to our client's board of directors on topics that touched on issues at trial. We brought out that fact at trial, objected to his participation as an expert, and the court agreed, excluding his testimony altogether. Later in that same trial, we turned that circumstance around against the other side. I all but qualified one of my client's technical witnesses as an expert, but did not tender him. A key issue for us in the case was rebutting the other side's position that we could – and should – have taken additional gas from the plaintiff producers by "packing" our lines. Our position was that doing so was unsafe, because it could cause blowouts. To that point, I took our witness through his experience with blowouts. I remember asking him if he'd ever seen one. His answer was great: "From how far? I've seen the fire from a blowout from 30 miles away. I've seen gas from over-packed lines forced out through aquifers into water systems so bad that it came out people's kitchen sinks (and, of course, it isn't odorized, so they had no idea what was going on)." By that point, the Judge had become engaged, and asked the witness about other circumstances he'd seen. The witness described seeing jets of fire shooting under water down the middle of streams. At that point, we tender the witness for cross. The other side dove right in, asking the witness questions as though he had been qualified as an expert. I objected, as he had not been tendered. The judge seemed surprised, and then told the other side that the witness seemed qualified, so he would recognize him as an expert if they wanted to tender him. They did (needing an expert), and just like that, our witness was their expert. The redirect was powerful. A segment of the pipeline we were dealing with ran over an underground coal mine, so I asked the witness (as plaintiffs' expert) what, in his professional opinion, would be the result of

over-packing that line. His answer stilled the courtroom: "Kaboom! ... and three or four hundred dead miners." The case settled soon thereafter.

There are other stories, but I know you have a deadline, so I'll just add that I have been lucky enough over time to appear in the Eastern District of Louisiana here in New Orleans before Judges Arceneaux, Rubin, Schwartz, Sear, Duval, Vance, and Africk, among others. All giants of the bench. Our team tried one of the last jury trials handled by Judge Arceneaux. And I've likewise had the opportunity to appear before other great judges throughout the state and at every level.

KL: And, you've worked with notable clients from around the world and represented your clients in proceedings around the country ...

RC: I have represented companies from China, Mexico, South America, Europe ... and, of course, from around the United States. I've tried cases in California, Virginia, and a few stops in between.

KL: You have had some landmark moments over the years.

RC: Everything comes down to great teams, and I've been fortunate to be a part of some really extraordinary ones that achieved what were, at least for us, significant outcomes. In the 1990s, we successfully represented an insurance company that had been placed into receivership by the Louisiana Insurance Department on what were highly suspect grounds. For many years, at least, that stood as the only time an insurance company successfully litigated its way out of an involuntary receivership. We actually went to trial in that one, although it didn't finish. Very early in the trial, we succeeded in excluding a key expert for the department, and the case settled thereafter. The result was only possible because of the many people who pushed through some truly intense stretches to get the job done and done well. And that is not the exception, but rather the rule. I have worked with great teams throughout my career. I recall jumping into an extremely complex case for a major Louisiana client related to the piping system at a silicates facility in eastern Washington with a team that included commercial, construction, and complex litigation expertise from multiple firm offices, including Danny Shaw and Mark Mercante, both elite construction attorneys. It always comes down to the people and their commitment to the client, to one another, and to getting the job done.