2008

Patrick Coughlin: Smoking Joe Camel

Frederick White
Golden Gate University School of Law

Follow this and additional works at: http://digitalcommons.law.ggu.edu/pubs
Part of the Legal Biography Commons

Recommended Citation
http://digitalcommons.law.ggu.edu/pubs/111

This Article is brought to you for free and open access by the Faculty Scholarship at GGU Law Digital Commons. It has been accepted for inclusion in Publications by an authorized administrator of GGU Law Digital Commons. For more information, please contact jfischer@ggu.edu.
“Defense counsel thought I was a Californian and called me a surfer boy.”

- Patrick Coughlin

Born in Germany, raised in Arizona, educated in California—with a side trip to Mexico—Patrick J. Coughlin (GGU Law ’83) has taken a circuitous and adventurous route to become the Chief Trial Counsel for Coughlin, Stoia, Rudman and Robbins LLP, one of the country’s most prominent law firms specializing in class actions, with its headquarters located in downtown San Diego, California.

Besides being a “name” partner at the firm, Coughlin has forged his formidable legal career by serving as lead counsel in a number of high-profile securities cases, including the famous Enron matter, in which his firm recovered over $7 billion for disgruntled investors.

An avowed nonsmoker, he was plaintiffs’ counsel and heavily involved in the infamous “Joe Camel” cigarette ad campaign which targeted teenagers. His persistent work in that hotly contested matter helped secure a $12.5 billion judgment for the cities and counties of California.

But Patrick’s successes against corporate wrongdoers did not come overnight. Rather, he laid the groundwork for his high-profile
litigation career with his service in the Department of Justice Honors Program, as well as in the offices of the United States Attorney, in both the District of Columbia and in the Southern District of California. In those positions, he went after big-time criminals, including occasionally, murderers for hire. Not bad for an Army brat born overseas.

The third of four siblings, Patrick Coughlin began his childhood as the son of military parents, Daniel and Lillian Coughlin. He was born at a United States military installation in Frankfurt, Germany. His father, an Army Major born and raised in New York City, was drafted into World War II at the age of 18. His father was also a Korean War veteran; his mother was an Army nurse. After his service in Germany, when Patrick was three, the elder Coughlin packed up his family and brought them to America, where they settled in at Fort George Meade in Maryland.

Nearing retirement from the Army, Daniel Coughlin began to ponder where he wanted to raise his family. He was a native New Yorker. In contrast, his wife was from Arizona, where at the time, places like Phoenix, Tucson and Scottsdale were still sleepy little towns.

After discussing where they wanted to live, the Coughlins decided to move their large family to Phoenix, for a better way of life and, hopefully, better job opportunities. Once they moved, they found that Mrs. Coughlin, now a school nurse, had an easier time securing employment than did Mr. Coughlin. According to Patrick, “It was harder for somebody who was 47 when he retired from the Army to get a good job in Phoenix, which was a small town then, somewhere around 5,000 people. My mom was a nurse, so she had an easier time. She was a school nurse for 25 years.”

Patrick’s father has long since passed away. His sister, Lillian, a producer of the television program “Good Morning Arizona,” still resides in Phoenix with her two children. One brother, Ted, is a lawyer who works for the US Attorney’s office in the Drug Task Force in the Southern District of California. The other, Michael, works for the Massachusetts State Lottery in Boston. Patrick jokingly says that “Michael refuses to give me any tips on the lottery.”

It would be easy to say that Patrick wanted to be a lawyer from the beginning, but that would not be the case. He was a good student who originally wanted to be either a veterinarian or a medical doctor. He also loved sports. His principal high school extracurricular activities were football and track.

“I played cornerback in high school. I also had the third-fastest intermediate hurdle time in the state when I was a senior and the fifth-fastest high hurdle time. I was offered football scholarships to both Arizona State and the University of Arizona and I was seriously considering them. They were both in state and my family would have been able to see me play.” But remaining in Arizona was not to be. This time his destination was Northern California.

Buoyed by football scholarship offers from two large, well-known universities, it seemed that Patrick Coughlin’s natural career progression would be to play for either the Arizona State Sun Devils or the University of Arizona Wildcats, but his guidance counselors at Delphi High School in Phoenix had other plans for him. Delphi was a Jesuit school, and his counselors felt that Patrick would get a better education at a Jesuit college than he could at either Arizona State or U of A. Accordingly, they steered him to Santa Clara University a Jesuit college located in Northern California in what is now part of the so-called “Silicon Valley.” He received a half academic, half ath-
letic scholarship.

Patrick became a pre-med student at Santa Clara, where he also played cornerback on the football team. "I did that for a couple of years," he says. "Then I got hurt. Ended up coaching for the last year and a half—I had too many concussions."

His football career ended, Patrick turned to coaching and going to school in, of all places, Pueblo, Mexico, located about 10 miles southeast of Mexico City. How did that happen?

"Well," explains Coughlin, "U of A was the medical program I was trying to get into." They counseled him that it would be to his advantage to get a bachelor's in biology or chemistry, and then apply to medical school. "So I went right away to a program in Mexico. I needed to support myself, so they were going to pay me to be a football coach at the university. And so I thought, 'Oh well, I will just go down there and do that,' and it was a good experience."

Although not fluent in Spanish, Patrick had taken some Latin and Spanish in high school. He spent six months in Mexico—going to school, coaching and catching up on his Spanish. He had originally wanted to be a veterinarian when he applied to medical school, but after working in a hospital for an entire year, he decided that med school was not for him.

Patrick next applied to Santa Clara School of Law, his college Alma Mater.

"I applied late in the process to both Santa Clara and Golden Gate and Santa Clara told me their process was closed. Golden Gate, on the other hand, looked at my grade point average and admitted me. It turned out great for me in so many ways because of the atmosphere at Golden Gate."

He painted houses in the summer because he wanted to go to law school full-time. Patrick was slightly older than some of his classmates in the day program at Golden Gate; most of them had recently graduated from college. In spite of the age difference, he developed close relationships with his classmates and his professors, particularly Bernie Segal, Myron Moskovitz, Tony Pagano and Roger Bernhardt. He was especially impressed that his instructors were excellent teachers who also "brought a real practical side to their teaching."

Patrick was always a "self starter." During his second year of law school he took it upon himself to seek employment with the San Francisco US Attorney's office. He recalls, "My roommate was going to interview in the civil side (of the US Attorney's Office), so I walked over there with him. They gave me an interview on the criminal side, and I started working there. That led to trying misdemeanor cases at the end of my second year of law school and into my third year. It was unusual for a student to have those kinds of experiences, but at the time Golden Gate encouraged practical experience, including getting practical experience while you were in law school. So I did that."

Patrick credits Sandy Scetcov, the first assistant in the US Attorney's office in San Francisco at the time, as one of his early mentors. Their relationship has endured, and now Sandy is one of Patrick's partners in the Coughlin Stoia firm. "Sandy kind of watched over me," Patrick says. "Later on, he picked me to interview for the Department of Justice Honors Program."

Coughlin's most lasting impression of GGU Law was "there was always somebody there that wanted to help me do something or understand something, or get to the next level of something. There was never any criticism without guidance. And if there was a need to
reach out—let’s say it was Law Review or something else I was doing—my advisor looked it over.”

Although he was a full-time day student, Patrick often took night classes. In addition to supporting himself and going to school full-time with a challenging schedule, he also managed to become Notes and Comments Editor of the Law Review. Although his work schedule made his life difficult, he worked hard enough in school to finish the Department of Justice Honors Program in the appellate section.

After law school graduation, Coughlin moved to Washington, DC and did a stint at the US Attorney’s Office, trying cases. After getting a taste of trial work, he returned to the Department of Justice, requesting that he be transferred to the US Attorney’s Office. Protocol at the time did not allow for transfers, so after a few years with the Department of Justice, Patrick took the calculated risk of quitting the Justice Department with the hope of being rehired by the US Attorney’s Office. His gamble paid off. After a few years at Justice, he worked for the US Attorney’s Office in Washington, eventually moving on to the office in Southern California.

He worked in Southern California for the US Attorney’s office for two more years before going into private practice. His years of trial experience with the Department of Justice and the US Attorney’s office prepared him well. While in Washington, he acted as co-counsel with another federal prosecutor trying the largest RICO (Racketeer Influenced and Corrupt Organizations Act) case the government had ever tried at that time, United States v. Brown. The trial lasted six months, resulting in a verdict in the government’s favor.

Another case, United States v. Boeckman, involved an infamous oil fraud scheme resulting in a complex murder-for-hire trial. The case involved a plot to shoot an Oklahoma congressman, and also concerned issues of criminal prosecution across state lines. Although the criminal acts occurred in Oklahoma, the case was tried in California, the location where the defendants had been hired to act as hit men. Patrick recounts the bizarre testimony of one of the men who, having been accused of lying on the stand, boldly declared, “I may be a murderer, but I am not a liar.”

Coughlin does not recall exactly when he decided to make the transition to private practice, but almost immediately after going into private practice he became immersed in large class actions suits involving corporate securities. One of his largest cases was against Apple Computer in which he obtained a jury verdict of over $120 million. The case was ultimately settled, but it got him started on an interesting career. He was fascinated by what he began to learn.

“When you do this kind of work, you get to examine a lot of companies and their problems—whether it was the savings and loan disaster, the junk bond disaster, or things that have befallen the high tech-biotech industries coming to the brink. Then there were the disasters that went on in the late ‘90s and early 2000: Enron, WorldCom, Global Crossing meltdowns—some of the biggest financial frauds that have ever hit our markets.”

Eventually, Coughlin became the lead plaintiff’s attorney in the Enron case, representing the University of California Regents, which had suffered a $140 million loss through its investments with Enron. As the lead plaintiff’s counsel in the class action suit against Enron, Coughlin’s firm has recovered $7.2 billion…so far.

Unlike some of his contemporaries, and some of the pundits, Coughlin does not have a condescending view of the jury system. “I have a different view of jurors,” he says, “I see them as extremely...
sophisticated in coming to the right conclusion, even if they brush over many of the technical details that so often might trip them up. Jurors are pretty perceptive of what is right and what is wrong in a given situation, but are often criticized for skipping a few steps to get there.”

Coughlin admits to having suffered a few big jury losses, but concedes that it goes with the territory. He recalls that he once tried a Big Tobacco case in Ohio on behalf of union pension funds. According to him, over 400,000 union members were being impacted by the costs associated with years of smoking while the tobacco companies continued to conceal their knowledge concerning the dangers of smoking. The jury was not convinced, taking the position that “you take responsibility for your own decision about whether you smoke or not.”

Coughlin adds, “Defense counsel thought I was a Californian and called me a surfer boy. I understand that, and yet I think I must have done a poor job of getting the idea across that, yes, everybody understood that smoking was bad for you. But what people didn’t understand is how addictive it was at an early age, and when you make a decision to smoke between 12 and 17, you can’t have the same comprehension of how deadly the addiction.”

But all was not lost for Coughlin in his battles against tobacco companies. It took years and a few losing cases in succession before his firm was able to produce evidence that the Joe Camel ad campaign had been outlawed in France and had been tested in Canada for its particular attractiveness to teenagers. With these “smoking guns,” he was eventually able to force a large settlement with Big Tobacco. His firm represented the cities and counties of California and settled for $12.5 billion.

Patrick’s class action practice takes him all over the country. He is known as a tenacious litigator. His style and attitude are born out of what he calls the opportunity to “do the right thing when you can and help others, so when you see big corporations with no reason to be deceptive and they continue to do it, then someone has to step up and try to do something about it. I guess that’s me.”

Because of a combination of high-profile cases and some internal strife brought on by the departure of a former partner, Coughlin’s firm has garnered some high-profile media attention over the years. He disagrees with those who think such attention is always bad.

“At different times,” he observes, “some of the media attention actually helps us because somebody would see us in the media. For example, in some of the tobacco cases, different scientists would come to us with new information that we never would have uncovered on our own.”

Since Patrick is a courtroom lawyer at heart, managing a firm that carries his name does carry a price. He continues to personally litigate cases all over the country, but it has become more difficult to meet individually with clients like the UC Regents or the various boards of directors of pension funds his firm represents. It does help that the firm has offices in San Diego, Los Angeles, San Francisco, New York and Florida. Sometimes, for big cases like Enron, the firm will establish “satellite” offices in cities like Houston that will be around until the case finally winds down.

Believe it or not, even with his frenetic schedule, Patrick occasionally has time to relax. His favorite spot is located in the Aisen region, found in the middle of Chile. Says Coughlin, “It is just a beautiful place, with big glacial streams and the Andes rising up 14,000 feet behind you while you are down about 3,000 feet and the
water rushes by. And it is nice because their summer is our winter, so you can go down there in a t-shirt and you can fly fish to your heart's content. It's very peaceful."

Coughlin attributes his success as an attorney to both motivation and good fortune. He feels lucky to have received the kind of education that his father did not have the opportunity to secure. Further, he feels fortunate to have been helped along the way by many people, including his professors at Golden Gate Law.

"I have never taken my opportunities for granted, and I try to make the most of them," he says.

Patrick's immediate and long-term goals are ensuring the financial health of the firm that bears his name. But, despite his busy schedule, he still hungers to try the big cases.

*Interview with Patrick Coughlin on February 5, 2008.*

*Frederic White is former Dean of Golden Gate University's School of Law and is currently Dean of Texas Wesleyan University School of Law in Fort Worth, Texas.*