

Rising Star: King & Spalding's Susan Clare

Law360 (August 17, 2018, 3:07 PM EDT) -- King & Spalding LLP's Susan Clare has navigated high-exposure product liability and mass tort matters for numerous automotive and transportation clients, defeating plaintiffs' attempts to circumvent General Motors' 2009 bankruptcy, earning her a spot as one of four transportation law practitioners under age 40 honored by Law360.

ON THE BIGGEST CASE OF HER CAREER:

General Motors' 2009 bankruptcy, the fourth-largest U.S. bankruptcy reorganization on record, has generated a continuous stream of complex product liability litigation. As a result, Clare has had a leading role strategizing the automaker's defenses, successfully beating back tens of millions of dollars' worth of claims in wrongful death, catastrophic injury and other product liability cases leveled at the former General Motors Corp., or Old GM, and other arms of GM.

In one of her biggest wins, the U.S. Supreme Court in June 2017 refused to hear German citizen Florian Hinrichs' appeal of an Alabama Supreme Court's decision affirming that General Motors of Canada Ltd. couldn't be pulled into court in Alabama just because it made an allegedly defective truck that was involved in a crash there that left Hinrichs paralyzed.

That case built on Clare's earlier win at the Alabama Supreme Court, which said that it hadn't found any case in which a trial court exercised specific jurisdiction over a foreign manufacturer based on its sale of an allegedly defective vehicle in a foreign jurisdiction unless the vehicle was ultimately sold in the state where the case was brought. It was a significant win for GM Canada, which Hinrichs had substituted in as a defendant in the amended version of his original 2008 suit.

RISING ★ ★ ★ ★ ★ STAR



Susan Clare
King & Spalding

Age: 37
Home base: Atlanta
Position: Partner
Law school: Emory University
School of Law
First job after law school:
Associate at King & Spalding

“When you’re up against aggressive plaintiffs lawyers on the other side — and we always are in these high-stakes cases — you have to be persistent and dogged in the pursuit of your client’s rights,” Clare told Law360. “What seems like the same issue dozens of times that we’ve won at every turn, you just have to be very persistent.”

HER PROUDEST MOMENT AS AN ATTORNEY:

In November 2015, Clare was among seven female lawyers to be elected partner at King & Spalding. Five of those newly elected lawyers were from same Atlanta office in which Clare is based.

“All seven of the women who made partner that year have spent their entire legal careers at King & Spalding,” Clare said. “I saw it as a real testament to the firm’s strong commitment to the growth of our women attorneys [and] opportunities for women in the legal profession. As a woman partner in BigLaw, I think that one of the most rewarding aspects of my practice is mentoring women associates to ensure that that continues.”

WHAT DREW HER TO TRANSPORTATION:

During her entire legal career at King & Spalding, Clare built up a broad product liability practice covering the automotive, transportation, life sciences and consumer products sectors. But over time, she said the automotive cases have become some of her favorite to work on because of the complexity that’s involved in investigating an accident and the performance of a vehicle.

“All of these cases are highly technical, [have] a lot of unique issues, and no two cases are ever the same in terms of the accident reconstruction, occupant kinematics, injury causation [or] vehicle design,” she said. “And so to really effectively defend these cases you have to become an expert in technical issues in a variety of scientific disciplines, which was really interesting to me. You have to become an expert in engineering, in medicine, on the human factors.”

She says her undergraduate studies at Georgia Institute of Technology gave her a technical foundation that has served her well as a product liability litigator specializing in the automotive sector.

“I’ve always been drawn to the combination of the personal and emotional aspects of these cases — these are life-altering events for everyone involved — and the mixture of the law and the science,” she said. “It’s like being an investigator essentially. You’ve got to dig in, you’ve got to get your hands dirty.”

WHAT MOTIVATES HER:

The BigLaw grind is undoubtedly tough, but Clare says she’s driven by her passion for working with people and her respect and admiration for her clients and colleagues.

“Being a litigator is very collaborative. You’re all working together to achieve a common goal of providing the best representation possible to your client,” she said. “And I really value the relationship I have with the in-house lawyers, the engineers and the co-counsel I work with from both a personal and professional perspective.”

Additionally, Clare says now is an exciting time to be involved in the transportation industry, given the development of self-driving vehicles.

“With the introduction of autonomous vehicles, we’re truly on the brink of a societal revolution in terms of how we all think about every aspect of transportation,” she said. “From a legal perspective, autonomous vehicles impact so many different areas: regulatory, liability, cybersecurity, data privacy, insurance. And these are all issues that are going to shape the landscape in the transportation industry for many years to come.”

HOW SHE THINKS THE PRACTICE WILL CHANGE IN THE NEXT 10 YEARS:

In addition to navigating the new legal questions that come with the arrival of autonomous vehicles, Clare said there's been a growing trend with traditional individual product liability cases evolving into larger class actions involving multiple plaintiffs, particularly in consumer warranty and fraud actions.

"It's the same issues with class actions, but you're escalating it to a scale dealing with many more plaintiffs, as opposed to just an individual," she said. "The exposure is higher, but a lot of the issues are the same from a technical perspective, but you're not dealing as much with what happened in this particular accident as you are more dealing with a vehicle line as a whole."

— *As told to Linda Chiem*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2018 Rising Stars winners after reviewing more than 1,200 submissions. This interview has been edited and condensed.