

STRATEGIES

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DAVE KAUP | KCBJ

Jim Cooling (left) and Paul Herbers are partners at Cooling & Herbers PC, an aviation law firm that handles litigation and transactions for clients such as the owner of this Falcon 900 corporate jet.

Flight path

Cooling & Herbers steers a course to success with aviation deals, litigation

BY PAUL KOEPP | STAFF WRITER

Serendipity and resourcefulness have played large roles in helping Cooling & Herbers PC take flight.

And although their path has been largely under the radar,

that's by design for a Kansas City law firm known for keeping quiet about the airplane transactions it handles for clients in politics and Hollywood who, if identified, would be household names.

Jim Cooling was a young lawyer at the old Dietrich Davis firm of former Kansas City Mayor Ius Davis when it

worked on litigation from the 1976 airplane crash that killed Jerry Litton, a congressman who was running for U.S. Senate.

With a family background in aviation — his father flew Constellations for TWA — and a pilot's license in hand, Cooling started a firm in 1976, with Paul Her-

bers joining from Smith Gill.

"I realized law was a lot more fun if you could tie airplanes into it in some way," Cooling said.

Early on, Cooling & Herbers was hired by insurance company INA (now

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Cigna) as its Midwest “strike force” for airplane crashes. The company would call the firm immediately after a crash.

“Our job was to be on the scene of the accident before the NTSB gets there and start taking statements and photographs,” he said. “It allowed us to be way ahead of the plaintiff’s attorneys.”

Each litigator at Cooling & Herbers is a licensed pilot. The firm paid for Herbers’ and other lawyers’ flying lessons.

“A lot of the cases that we have been involved in have resulted in some change that’s made that airplane or the industry safer,” Cooling said. “The industry has gotten a lot safer, so the amount of aircraft litigation there used to be is not quite as strong, and we’re fine with that. That’s good.”

A particular accident showed off the firm’s know-how – and introduced it to transactional work in a roundabout way.

In the early 1990s, a plane owned by Merv Griffin crashed into two other planes on takeoff in Aspen, Colo., causing \$25 million in damage. Cooling & Herbers represented Griffin’s insurance

company and demonstrated that the plane had a mechanical problem, allowing the case to settle on favorable terms.

A month later, Griffin’s nephew asked Cooling to handle an airplane transaction. The firm had never done that kind of work, but once Cooling did it, the firm’s reputation began spreading by word-of-mouth.

One month after that, Griffin’s aviation consultant asked Cooling to do a transaction for JPMorgan, whom the consultant also represented. In the years since, Cooling & Herbers has done hundreds of airplane deals, though the firm can’t talk about many of them.

“When you think about who can afford to own \$65 million airplanes or even \$3 million airplanes, we have the finest clients in the world,” Cooling said.

It’s not unusual for him to go to a movie and see a client on the screen.

“The word is privacy with the Hollywood group,” he said.

Jeff Peier, an aviation attorney with Klenda Austerman LLC in Wichita, said Cooling & Herbers’ reputation has allowed it to become one of the few aviation firms that does litigation and trans-

COOLING & HERBERS PC

Description: Law firm specializing in airplane transactions and litigation

Managing partners: Jim Cooling and Paul Herbers

Attorneys: 10

Founded: 1976

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Telephone: 816-474-0777

actions. Confidentiality is a hallmark.

“Many folks using business jets do so for security reasons,” Peier said. “They like the fact that they can travel place to place without having to run the gauntlet ... at the airport.”

Airplane transactions are expensive and complicated, with myriad tax and regulatory concerns. In a back-hallway of the firm sit six bookcases full of thick binders, each containing the paperwork for a different client.

Sometimes, though, the trick is getting a client *out* of a deal, like the time Ewing Kauffman decided he didn’t, after all, want to buy a plane from a prominent (not-to-be-named) Middle Eastern figure. Cooling placed a call to the seller’s lawyer in Washington prepared to pay

to back out of the transaction.

“The lawyer on the other side spoke first and offered \$100,000 if we would let (his client) out of the contract,” Cooling said. “Mr. Kauffman was very pleased. I always had a good relationship with Mr. Kauffman. He used to tease me that I was the kind of lawyer he liked because I made money for him.”

And thanks largely to the connections made in transactional work, the firm has taken on “more of an international flavor in litigation” the past few years, said Herbers, who expects that to continue.

Cooling handles transactions, and Herbers manages litigation work, much of it for insurers associated with Lloyd’s of London or manufacturers such as Texas-based Mooney Aviation Co.

The firm defended Rocky Mountain Helicopters in cases where plaintiff’s lawyer Gary Robb, of Robb & Robb LLC in Kansas City, won more than \$400 million in 1995 from a French helicopter manufacturer. Cooling & Herbers’ client escaped unscathed.

“Paul is a scary litigator because he is an absolute gentleman,” Robb said. “Juries trust him and like him.”