

The Stories Behind Outstanding Verdicts: SFTLA Trial Lawyer of the Year 2013

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Last night I attended the Trial Lawyer of the Year Gala hosted by the [San Francisco Trial Lawyers Association \(SFTLA\)](#), and as always, it was fun to reconnect with so many great attorneys. I always enjoy this event not only because it showcases outstanding legal advocacy, but also because I volunteer to create the video that introduces the nominees and their cases.

This assignment to produce SFTLA's video feels really gratifying since it gives me a chance to delve into the cases and summarize them by interviewing the nominees for Trial Lawyer of the Year. While I don't try cases anymore—having done so for many years—I still have a litigator's mindset, and I find the tactical issues that arise out of difficult cases intriguing.

What is notable to me is the great lawyering that occurred on all four cases that were up for the big award. I hope you'll watch this video that features the attorneys talking about the challenges they overcame on the way to successful verdicts.





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Steven Brady received over \$1 million in verdict on a case that many would have settled for under \$10,000 (and was handled by two other firms before he took over). There was no issue of liability, only whether the plaintiff suffered any injury in a slow-speed rear-end accident. This was not an easy case and could have gone either way. What's impressive is trying the case with the great danger of losing and putting your all into obtaining that kind of result.

Craig Peters and **Anoush Lancaster** were a trial team nominated for two cases tried within one week of each other. The first was a motor vehicle accident with good liability against one defendant, but extremely difficult liability against the one with the insurance, and a client that the defense claimed was uninjured. The second was a products liability cases against Caterpillar for a rollover accident that killed a fire fighter while driving their equipment. Not only did they obtain top dollar for both cases, but the logistics of having to finish one case, do all the expert depositions for the second case in the week before trial, and then try a complicated products case is daunting to say the least. Getting through that situation, and prevailing so strongly in both cases, is an amazing accomplishment they should be very proud of.

Chuck Geerhart and **Tom Paoli** also should feel proud of the great result they received on a case where their client swallowed part of a chicken bone while eating pizza at a Roundtable restaurant. Since a chicken bone is naturally occurring under California case law, they could not make a claim for strict product liability. That means they had to prove that Roundtable was negligent and Foster Farms, which supplied the chicken, was negligent as well. To try this case, they had to become experts on all aspects of the chicken meat process (which probably wasn't easy to stomach). I love how this case typifies what being a good attorney so often boils down to: Becoming an expert on an esoteric thing so that you know the issues inside and out for the duration of the case. It is a steep and constant learning curve to understand the issues better than the expert hired by the other side, and it's what leads to great results like Chuck and Tom got on this case.

The **Rick Simons** case is truly exceptional—and for that, Rick received the honor of the 2013 Trial Lawyer of the Year award. This case, involving the Jehovah's Witnesses, was originally referred to Rick by my good friend and pretty much the first client of Cogent Legal ever, Ed Casey. Ed referred the case since Rick had done a number of church molestation cases in the past, and there are issues with those cases that make them difficult. Number one among them is how to handle the huge anger that a jury will feel against the actual perpetrator of the crime, and how to focus that anger on the actions of an organization that was in the best position to stop such crimes. It may sound easy, but it's not. Rick received the highest verdict ever, \$28,000,001, for a single plaintiff, thanks to his hard work, empathy and ability to tell the story of his client and the defendant.



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All these finalists really do represent the best about the legal profession when it comes to trial work, which always will be more of an art than a science. My congratulations to these artists.

*Morgan Smith is the owner of **Cogent Legal**, a litigation graphics and trial strategy firm based in the San Francisco Bay Area that develops clear and compelling visual presentations for attorneys to use in mediation or trial. Services include animations, 2D and 3D graphics, medical illustrations, PowerPoint or Keynote presentations, interactive timelines, videos, strategic consulting and trial support. Cogent Legal integrates the legal expertise of a successful trial attorney with the creative and technical talent of a design firm.*