

Behind *The Verdict*

Inside Five Landmark Plaintiff Wins

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Editor's *Note*

BY

Adam Ramirez
Managing Editor
The Tort Report

The lawyers in this collection won big verdicts. But they'll tell you that what actually decided their cases came weeks earlier.

The wins came earlier than you'd think: in focus groups and late nights with the evidence on the floor, in jury data that told them what the case was worth before they ever picked a panel, in mid-trial pivots made in minutes when the defense changed its theory. By the time the verdict came back, most of them already knew.

That is not the story most people tell. It usually starts with the closing argument, the jury deliberating, the clerk reading the number. It is a good story. It just starts too late.

- Bibi Fell walked into a **\$105 million** case with social anxiety and won by preparing twice as much as anyone asked her to.
- Sean Claggett walked into a Provo courtroom on a case that had already been tried once and lost, turned down a \$1 million offer, and let the jury tell him **\$81 million** — because he already knew the number before he picked the jury.
- Casey Geiger and Chris Brown were blindsided mid-trial by a defense theory nobody anticipated, and had their counterpoints ready within minutes.
- Sharif Gray won **\$20 million** for a thirteen-year-old boy whose entire medical treatment was a single packet of Neosporin — after three other firms had already turned the family away.
- Megan Burns, who tried fifty criminal cases before she ever filed a PI complaint, won one of her **two top-50 California verdicts** by deciding not to ask a question.

That last one is worth sitting with. The best voir dire question, she says, is the one you never ask.

None of these stories are about the loudest person in the room. None of them are about a closing argument that brought down the house. They are about preparation, framing, restraint, and two questions that run underneath all of them: what is this case actually about, and what is it actually worth?

If you try cases, the answers in here are worth your time.

How I Won a \$105M Verdict With Social Anxiety



BY

Bibi Fell

Founder, Fell Law

The verdict came back at \$105 million, including \$15 million in punitive damages.

The largest intentional tort verdict in California that year. The second-largest overall plaintiff verdict in the state. A top ten verdict nationally.

I drove to court that morning wondering what I signed up for. I have social anxiety. At a cocktail hour, my first instinct is to turn around and leave.

In 2018, I tried *Kali v. Young* in San Diego. Robert Young called himself a doctor. He was not. He was the self-proclaimed father of the Alkaline Diet. He promised cancer patients he could cure them with an alkaline lifestyle and IV treatments that were little more than baking soda.

My client, Dawn Kali, had been diagnosed with treatable Stage 1 breast cancer. She had everything she needed at her fingertips. A real doctor. The right medical advice.

She chose not to follow it. She went to Young's ranch instead. And when she could not afford his treatments, she agreed to work for him. She became part of the machine that was bringing other desperate patients through the door.

The hardest question at trial was not what Robert Young did. It was why a jury should care about someone who made that choice.

Our strategy was radical honesty. We laid Dawn bare on the stand. She did not

VERDICT

\$105m

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That anxiety is the reason I over-prepare for everything. It is not a weakness. It is the engine behind my results.

minimize what she had done. She carried the full weight of the decision that was going to cost her children their mother. We had her journal entries from years earlier, written in real time as she was making these choices.

In one entry, she blamed herself for her cancer growing because she had eaten two bites of a hot dog. That is how deep this man's manipulation ran.

I did not ask the jury for anywhere near what they gave us.

I had prepared for that trial the way I prepare for everything. I read every document. I knew every argument forward and backward. I probably used half of what I had ready. That is what anxiety-driven preparation looks like. You walk in with twice what you need so that what comes out feels effortless.

What Most People Get Wrong

Here is the part that surprises people. I would rather have one real conversation than work a room. If I could not be a lawyer, I would be a therapist.

None of that sounds like someone who just told you about a nine-figure verdict. I know.

But here is what most people get wrong about trial work. They think it self-selects for the loudest person in the room. The table-pounder. The showboat. I am none of those things. What trial work actually selects for is the willingness to be uncomfortable and the discipline to show up anyway.

I get nervous before every single court appearance. Every deposition. Every oral argument. I will be driving to the courthouse with my heart pounding, wondering what I signed up for. That feeling has not gone away in over twenty years of practice.

But I have learned my pattern. I know that when it is my time to speak, about two or three sentences in, the nerves disappear. Because at that point I stop thinking about myself and start thinking about the job I am there to do. You can only think about one thing at a time.

That anxiety is the reason I over prepare for everything. It is not a weakness. It is the engine behind my results.

The Nerves Never Go Away

When a law student tells me they could never be a trial lawyer because they hate public speaking, I tell them that is not disqualifying. I have social anxiety. I competed as a professional salsa dancer in San Diego. I grew up surfing in Honolulu. Every one of those things terrified me and every one of them taught me the same lesson. The nerves do not go away. You just learn your pattern and you show up.

I teach Advanced Trial Advocacy at the University of San Diego School of Law.

I have been teaching for almost twenty years. The thing I try hardest to instill is pattern recognition under pressure. My students get trial skills training in other classes, but it is all sanitized. Clean fact patterns, plenty of time to prepare. In my class, I put them in positions where they do not feel ready and they have to perform anyway. Because that is what real trial work is.

The first five years of your career, you have to outwork everybody. There is no substitute for time spent getting better at your craft. AI will not replace it. A better work-life balance will not replace it. I have a lot of freedom in my practice now. I choose my cases. I control my calendar. I earned every bit of that by putting in twenty-plus years of relentless work first.

I still get nervous. I still overprepare. I still feel that adrenaline hit when it is time to stand up and speak.

Bibi Fell is the founder of Fell Law in San Diego and a founding partner of Athea Trial Lawyers, a nationwide plaintiff's firm composed of six prominent women trial lawyers. She is the 2026 President of the San Diego Chapter of the American Board of Trial Advocates and teaches Advanced Trial Advocacy at the University of San Diego School of Law.

He Knew the Verdict Before He Picked the Jury



BY

Sean Claggett
*Founder of
Claggett & Sykes
Trial Lawyers*

VERDICT

\$81m

Anchoring is a myth. The number that wins is knowable, and guessing it loses cases.

A few months before trial, I sat down with a mediator in Salt Lake City and told him my best day in court. \$78 million.

He wanted to know where it came from. So I walked him through the data. That number wasn't a wish. It was what the evidence added up to if the jury saw every piece of it the way I did.

Everyone who had an opinion, in Utah and outside it, told me the same thing. You can't get a big verdict in Provo. It doesn't happen there. And this case had already been tried once and lost. The first jury blamed an eleven-year-old boy for his own death in a crosswalk and sent his family home with nothing.

When the defense offered \$1 million, I thanked them for their time and we left.

The jury came back at \$81 million.

I wasn't surprised. I had the number before I ever picked the jury. That's not a story about being fearless. It's a story about not guessing. The single most important thing I've learned in twenty-three years of trying cases is that the value of a case is knowable, and almost nobody bothers to find out.

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The verdict is the only justice the system knows how to give. Asking for too little is its own kind of harm.

Big numbers don't move juries

There's a belief in this profession, held by a lot of defense lawyers and more than a few plaintiff lawyers, that the number you say out loud is a lever. Say a big one and the jury floats toward it. Say \$100 million and maybe you land at \$75 million.

People point to the psychology, to Thinking, Fast and Slow and the studies on anchoring, and they treat it as settled science. It isn't settled in a courtroom. My partners and I have spent years and more than a thousand cases proving it doesn't work that way.

Anchoring works in a vacuum. Ask a stranger for a number with no context and yes, you can nudge them. A jury trial is the opposite of a vacuum. Twelve people sit for days and listen to evidence. Tell them a broken leg is worth \$100 million and they don't split the difference. They decide you can't be trusted.

The number has to match the harm. If the leg is broken, you get a broken-leg verdict no matter what you shout. If the person is paralyzed, the big number and the injury line up, and the jury can see it. They decide on the evidence in front of them, not on the anchor you tried to drop.

Guess the number and you lose

Here's the part that should scare you. The number isn't a tactic you save for closing. It's evidence, weighed like everything else. And you can get it wrong in both directions.

Ask for too much and the jury punishes you. They feel the overreach, it boomerangs, and a case you should have won comes back at zero.

Ask for too little and you do something quieter and worse. You can lose a winnable case by signaling that even you don't believe it's worth much. And when you do win, you've left your client short. I've watched lawyers settle a \$20 million case for \$4 million, take the fee, and feel like heroes. The client is thrilled with \$2.8 million, right up until you remember that an ordinary house costs \$1 million now. That money doesn't last. The case was worth \$20 million. The client lost most of it to a guess.

We don't guess the number. We measure it.

The alternative to guessing isn't a better hunch. It's data.

Picture an alien who lands on Earth, flips a coin ten times, gets eight heads, and flies home to report that coins land heads 80 percent of the time. We'd laugh. Flip that coin 350 times and you land near 50 percent, which is where the truth was the whole time.

Your gut is the alien. It has tried a handful of cases and it's certain it knows the number. That's all big data is: running the case enough times that the flukes cancel out and the real number shows up. It's what John and Alicia Campbell and I built our practice around, and what we teach every year at JuryBall Vegas.

We take a case and write the strongest possible version of both sides, the plaintiff's and the defendant's, because a weak defense statement gives you a fantasy, not a forecast. Then we put it in front of 300 to 700 people and ask them to decide it.

We throw out the noise, the juror who would award a billion and the one who would never give a dime, because those people won't sit on your jury. What's left is a tight range, from the cautious juror at the 25th percentile to the generous one at the 75th. That range is the forecast.

In every trial I've ever tried, the verdict has landed inside that range. I've come in a little above the top. I've never once come in below the floor. In Provo, the data said my best day was \$78 million. The jury said \$81 million.

You owe your client the real number

Here's what it costs to guess the number instead of measuring it. Lawyers who don't know what their cases are worth settle the ones they should try, and try the ones they should settle. They let go of the \$20 million case for a fast fee, then take a hopeless one to verdict because the insurer offered nothing, lose it, and decide they're bad trial lawyers. They aren't bad trial lawyers. They never found out what they were holding.

You don't need a full study on every file. You can put ten people in a room for a couple thousand dollars and learn whether your liability problem is fatal before you ever invest a year in the case. The point is to find out, instead of walking a family down a road that only ends in heartbreak.

Because in a case like Michael Madsen's, the number was never a trophy. Money doesn't bring a child back to anyone. English doesn't even have a word for a parent who has lost a child. We named the widow and the orphan and left that one blank, because it's unspeakable.

The verdict is the only justice the system knows how to give. Asking for too little is its own kind of harm. So don't guess what your case is worth. Do the work and find out. You owe yourself the discipline to know the number before you ever stand up.

Sean Claggett is the founder of Claggett & Sykes Trial Lawyers and co-author of JuryBall: The Big Data Revolution Is Here.

The Defense Called It a Rash. The Jury Called It \$15.2 Million.



BY

Casey Geiger
*Managing
Attorney*

**Christopher P.
Brown**
Partner

Geiger Legal
Group

VERDICT

\$15.2m

Julia Reidy had \$161,000 in medical bills. No surgery.

The defense doubted her brain injury and generated a host of excuses why it wasn't related to the crash; at one point they even argued the real culprit was a rash on her leg.

Their last offer before trial was \$350,000. We turned it down. We asked the jury for \$15 million, and they gave us \$15.2 million, one of the largest personal injury verdicts in Georgia history for a case that didn't involve death or surgery.

What won this case wasn't the medicine. It was the decision, made long before trial, to stop thinking like lawyers and start thinking like storytellers.

The Woman She Used to Be

On November 6, 2021, Julia was just 22 years old and had recently graduated from Villanova. She was biding her time at home before leaving for a new job in Ohio. Her whole life was in front of her, and her future was bright.

Around 10 p.m., she went to run an errand at the grocery store five minutes from her house. On the way home, a drunk driver—driving on the wrong side of the road—hit her head-on. She suffered a concussion, which evolved into postconcussive syndrome, and ultimately permanent brain damage.

Julia's previous counsel had given them an opportunity to settle within the

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What won this case wasn't the medicine. It was the decision, made long before trial, to stop thinking like lawyers and start thinking like storytellers.

\$250,000 policy limits. They passed. By the time the case got to trial, we gave them an opportunity to resolve for \$1,000,000. They passed again. So we tried it.

What made this case work wasn't the medical bills. What made it work was the story. My partner, Chris Brown, handled Julia's direct examination, and there wasn't a dry eye in the courtroom.

She was shy, timid, someone who didn't want to be in the spotlight. We worked with her for weeks getting her comfortable with sharing her story in front of a courtroom of strangers. Eve was incredibly helpful in the preparation of not just Julia's testimony, but all of our witnesses. For Julia specifically, we began preparing her by informal, interview-style conversations. The notes from those conversations were then plugged into Eve to assist with structure, wording, and relevant exhibits. Eve was even able to suggest demonstratives that would assist the jury in fully understanding Julia's testimony.

On the day she testified, everything came out. She described who she had been before, a top student, a writer, a prolific reader, and how that compared to who she was now. She ended her testimony with words that would stay with the jury: "The things that made me, me, cause me pain or I can't do them."



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We built the damages presentation around Julia's life, not her bills.

Tell a Story, Not a Damages Argument

Our theme was simple: “Julia was doing the time for Vincent Cellini’s crime”.

Cellini had been drinking at a friend’s basement bar before getting behind the wheel. We wanted the jury thinking about his choices the entire trial.

We built the damages presentation around Julia’s life, not her bills. We barely touched the \$161,000 in medical expenses. We used a “pain wage” to explain her true damages to the jury. We started small: what would Julia pay for an hour without the brain injury symptoms and the back pain from 13 herniated and bulging discs. Then we took that hourly pain wage and turned it into a daily wage, then a week, and eventually built it out across her 58.2 remaining years.

The defense made a mistake in closing. They challenged the bills line by line and asked the jury to award \$88,000. The jury got so irritated they took the defense’s own number and added it to our full \$161,000 instead. You can’t script that.

The theme came out of collaboration before trial, our whole team pushing ideas through Eve. Chris landed on the literacy angle: Julia had been passionate about reading and language before the crash. We kept refining until it sharpened. Once it clicked, everything organized around it.

We used AI-generated images as B-roll throughout our opening and closing powerpoints—every slide had a visual. A young woman in a dark setting, head down, somber. A basement bar scene with pool, darts, and drinks, putting the jury inside Cellini’s night. The actual wreck. I wasn’t at a podium with a notepad. I had a confidence monitor on the floor showing me the next slide, moving, talking directly to the jury. The defense lawyer was talented but he read from notes. We got the B-roll idea from Mark Lanier and will use it in every trial going forward.

What Happens When the Defense Throws a Curveball

We had prepared extensively on their defense theory, which centered on Graves disease. Then their lawyer stood up in the opening and announced they weren’t going to argue Graves disease anymore—they were pivoting to “vasculitis”.

Vasculitis was in the records, but it had never come up in any of the preservation depositions. Because they had not flagged it earlier, it was not something we had expected to address in depth.

As soon as they raised it, I pulled up Eve and ran the vasculitis references in the records. What came back was exactly what I needed: she didn’t have general vasculitis—she had leukocytoclastic vasculitis, inflammation in small blood vessels that presents as a rash on the leg with no bearing on brain function. The defense was arguing her brain injury came from a rash on her leg.

I had my counterpoints within minutes. When I got to cross-examine their expert,

I was ready. If you don't have a tool that can do that, you're either scrambling or hoping you remembered something from three months ago in the records. Neither is good enough.

The best way I can describe Eve at trial is this: it's like having four associates at the table whose only job is to find what you need, right now. You type a question, you get an answer with citations. That's it.

The Jury Never Knew We'd Been Blindsided

If the vasculitis curveball had landed and I hadn't had a way to respond quickly, I would have had to absorb it and hope. Instead, within minutes I had everything organized, I knew exactly what I was going to do on cross, and I could stand there looking unfazed because I actually was. The jury never knew something unexpected had happened.

This what AI at trial actually looks like. Not a demand letter writer. Not a gimmick. A tool that closes the gap between what you're facing and what you're ready for. A lawyer who doesn't know how to use AI in ten years is like a lawyer today who doesn't know how to use Microsoft Word. The attorneys who get there first will be better prepared, better organized, and harder to rattle in the moments that decide cases.

They Went Straight to Julia

Nine of the twelve jurors came up to Julia after the verdict. They didn't want to debrief the attorneys. One juror sat with her for ten minutes, held her hands, and told her that her life was going to be fine.

Julia was crying. The juror was crying.

We had spent months building a story that was true, that treated Julia as a full human being rather than a collection of medical records. By the end of it twelve strangers felt personally responsible for her future.

That's not a legal outcome. That's what happens when a jury has been told the right story, in the right way, about someone who deserved to have it told.

Casey Geiger is the managing attorney at Geiger Legal Group in Canton, Georgia, where he focuses on catastrophic personal injury and trial litigation. Christopher Brown is a partner and focuses on medical malpractice and catastrophic personal injury cases.

A \$20 Million Verdict with Zero Medical Bills



BY

Sharif Gray
*Partner and Trial
Lawyer at Gray
Broughton PLLC*

The entire course of treatment was a single packet of Neosporin.

No medical bills. No economic damages or lost wages. No expert witness. The defense's last offer, made during trial, was \$250,000. The jury came back at \$20 million.

Our client was a thirteen-year-old boy named Charlie Clark. The defendant was the psychiatric residential treatment facility entrusted with his care. Most plaintiff's lawyers would look at those facts and tell you the case was worth maybe \$5,000. We told the jury it was worth \$38.4 million. After the verdict, jurors told us that several of them wanted to award significantly more and that they had to negotiate down to \$20 million.

That gap between \$5,000 and \$20 million shows how plaintiff's lawyers are too often their own caps.

The Case Three Firms Turned Down

Charlie was thirteen and a patient at Grafton's Berryville facility when, on December 21, 2022, a residential manager named Michelle Yates grabbed him, dragged him across a dormitory floor by his clothing, which wrapped around his head and neck, and shoved him alone into a hallway. Surveillance cameras caught it.

VERDICT

\$20m

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If plaintiff's lawyers can learn to believe in their cases and their clients, truly believe, they can bring juries along with them.

Charlie's family had exhausted every other option. History of physical, emotional, and sexual abuse. Psychiatric hospitalizations dating back to age three. PTSD, anxiety disorder. Grafton knew all of it: his triggers, his diagnoses, his propensity for self-harm. They took the family's money and promised care. Three law firms turned his father away before he found us. My partner, Gray Broughton, was the first attorney willing to take the case.

Forget Being a Lawyer for a Minute

The turning point came months before trial, during a focus group. The feedback was clear: the conduct was bad enough that jurors didn't need hard damages to award real money. That told us to stop thinking like personal injury lawyers and start asking ourselves what this case was actually about.

Trust. Institutional betrayal. Accountability.

Our first words to the jury: "Every one of us has taken a loved one to a school, a treatment center, a nursing home, a hospital. We did our research. We spoke with the people there. We shook their hands. And ultimately, we trusted that when we walked away, our loved one would be safe."

That framing carried the entire trial. The case wasn't about a kid getting dragged. It was about a family shaking hands with a caretaker who promised safety and broke that promise. Then refused accountability when it went wrong.

When the Defense Helps You Win

Grafton argued Yates had acted outside the scope of her employment. The defense also raised contributory negligence and self-defense against Charlie. Their retained expert called the incident "relatively minuscule": "a drop of ice" on an "iceberg" of prior trauma.

The jury rejected every affirmative defense. All seven jurors confirmed the verdict on polling.

AI was firepower for us. We used Eve to move through thousands of pages of records quickly — deciphering information, putting together briefing, and building our presentations in a way that would have taken far longer without it. These tools were a force multiplier.

We played Grafton's own promotional video in opening and used their core values and corporate witnesses against them. My teammate Zac Grubaugh turned the COO's testimony about their de-escalation program into evidence of institutional failure: trained staff were present during the incident and none of them intervened.

The Footage They Didn't Want Anyone to See

One of the most powerful elements of the trial was evidence the jury never saw. Through discovery, we established the hallway cameras were operational.

Grafton had that footage but chose not to preserve it.

A Clarke County Sheriff's investigator watched that footage during the criminal investigation. It showed Charlie screaming, looking for help, trying to strangle himself with his own shirt. He was alone for at least forty-two seconds.

Through Grafton's own witnesses, we established what the footage showed.

The Psychology of the Ask

Something I learned from Joe Fried a few years ago changed how I practice. The test for what a case is worth isn't what you find on a listserv. It isn't the last local verdict or the last settlement. It's when you close your eyes and imagine this happened to your most vulnerable loved one, and you ask yourself how much money would you accept as a trade?

I have two kids. When I ask myself how much would I accept for my child to be dragged by the neck by a caregiver he trusted, left alone to strangle himself at the very place that was supposed to help him, I wouldn't take \$20 million for that.

Medical bills anchor jurors to small numbers. Stop leading with them.

For Charlie's case, we asked for \$8 million in the focus group. The mock jurors gave it without hesitation. That told us the ask was too low. So we told the jury that the case was worth every penny of the \$38.4 million. We said that looking the jury in the eye. We believed every word. And because we believed it, they ultimately did too.

What I'd Tell a Room of Plaintiff's Lawyers

This case gave me two lessons I'll carry for the rest of my career.

First, trust yourself and don't hesitate to break the mold. The judge thanked us after the trial and said we brought new things into his courtroom. We fought for a full day of voir dire. We showed up with four lawyers ready to try the case. For example, on cross, we would turn our backs to the witness and face the jury while asking questions, because we weren't looking for answers. We were telling the story of our case. If plaintiff's lawyers can learn to believe in their cases and their clients, truly believe, they can bring juries along with them.

Second, focus group your cases. And I mean something broader than a mock trial. Stop being a lawyer for a minute and figure out why your case matters to regular people. Our case had no bills, no experts, no physical injuries beyond bruising

and scrapes. Under a traditional lens, there was nothing. But when we stopped evaluating it like lawyers and started asking what it was really about, we found a \$20 million story about broken trust.

Six days after the incident, Charlie was interviewed by investigators. He'd been dragged by the neck and left alone to hurt himself. He said: "I don't want her fired. This is her only job that she might be able to get. If I get her fired for that, she could go to jail for this."

Think about that. Then tell me the case was only worth \$5,000.

Of course, none of this happens without our exceptional trial team. Zac Grubaugh worked up the case and ran devastating cross-examinations of Grafton's experts and COO. Nathan Hittle delivered the closing and took Michelle Yates on cross. Gray Broughton handled all negotiations. Our paralegal Lara Bradshaw kept the operation running smoothly.

Sharif Gray is a partner and trial lawyer at Gray Broughton PLLC, a Virginia personal injury law firm. A former Army officer and prosecutor, he focuses his practice on plaintiff's civil litigation with an emphasis on institutional accountability cases.

What 50 Trials With Nothing to Lose Teach You About Winning



BY

Megan T. Burns
*Managing Partner,
Mirador Law*

VERDICTS

\$9.57m
\$8.16m

The night before a trial, I put Coltrane on and lay the evidence out on the floor of my office.

The actual evidence. The photos, the records, the blown-up exhibits, the deposition binders. Every piece I think is going to matter, spread out where I can walk around it, pick it up, hold it, put it back down in a slightly different order. By the time I step into the courtroom the next morning, I know that case better than anyone in the room, and the trial is already 90 percent done.

I learned that discipline in a place most civil lawyers never set foot. That kind of preparation is not natural talent. It is a habit I built over 50 trials where no one was going to bail me out.

I spent close to a decade as a public defender in San Francisco before I ever filed a personal injury complaint. By the time I did, I had tried nearly 50 cases to verdict. The cases moved fast. The stakes were real every time. Nobody was going to carry me.

Last year, my law partner Emily Dahm and I had two of the top 50 plaintiff personal injury verdicts in California. The first was \$9.57 million. The second was \$8.16 million. Everything I know about how juries work, I learned standing up in courtrooms where nobody was watching and the client had nothing except me.

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That kind of preparation is not natural talent. It is a habit I built over 50 trials where no one was going to bail me out.

The credibility contest is won before the other side knows it started

The first of those two verdicts was a school bullying case in Alameda County. Our clients were a mother and her fifteen-year-old daughter. The daughter had been bullied and threatened for months by another student at her East Bay high school. One morning in January, the mother drove her to campus to meet with school officials about it. They got out of the car in the parking lot and were immediately attacked by two teenagers, accompanied by a school security guard who stood there and did nothing. Numerous school employees had known about the bullying for nearly a year. The school district was our defendant.

After the jury came back at \$9.57 million, one of the jurors stopped to tell me what they had been waiting for. The whole trial, he said, they had been waiting for the district to give them something. Anything. A reason. A defense theory they could rest a not-liable feeling on. It never came.

That did not happen by accident. We won the credibility contest, one inch at a time, from voir dire forward. The way you win that contest is counterintuitive. You go at your own bad facts before the other side does. You do not hide them. You do not spin them. You do not try to teach a juror that what they are seeing with their own eyes is not what they are seeing. The moment you bend a fact, you have told the jury you are willing to bend, and they are finished with you.

That instinct did not come from a CLE. It came from standing up hundreds of times in front of twelve people who had no reason to trust me and earning it anyway.

The best voir dire question is the one you never ask

The second top-50 verdict came a few months later against the City of Martinez. Our clients had been standing at a downtown farmers market when a large tree the city had improperly planted and ignored for nineteen years fell on them. Bone fractures. Spinal injuries. A mother who watched her infant son's stroller get crushed and later developed chronic PTSD.

One of my clients was in a same-sex marriage, and a meaningful piece of her non-economic damages involved her relationship with her wife. Contra Costa is a more conservative county than Alameda. I did not know how that was going to land. Intuition is not a good way to find out.

We used a big-data jury model, the kind that samples jurors in similar jurisdictions and builds real attitude profiles across a large enough sample to mean something. The data told me cleanly that my client's marriage was a non-issue for the jury pool we were heading into. I dropped the whole line of voir dire I had drafted. Not a softer version. Not a more careful version. I did not raise it at all.

Every voir dire question costs you something. You are signaling to the jury what you think might matter, and sometimes raising the subject is the thing that activates the bias that was not there before. The best tool I had that week was the one that told me what I could safely not ask.

If the Jimenez case was about earning trust through offense, this one was about having the judgment to know when to leave something alone. That is a different muscle. You only build it with reps.

The jury came back at \$8.16 million.

Same job, different institution

When I left the public defender's office and started trying plaintiff cases, I did not feel like I was changing jobs. I felt like I was changing which institution I was standing against. As a public defender, I was between an indigent client and the weight of the government. Now I am between an injured family and an insurance company that has decided their pain has a spreadsheet value. The adversary changed. The job did not.

The plaintiff's bar is going to split over the next decade into firms that can try cases and firms that cannot. The ones that cannot will settle for less than their cases are worth, on behalf of clients whose pain deserved a better fight.

I know what side of that line I am on. I picked it the first time I stood up in a courtroom with nothing but preparation and a client who needed me to be ready. I have been picking it ever since.

Megan T. Burns is the managing partner at Mirador Law in the San Francisco Bay Area. She spent nearly a decade as a public defender in San Francisco before moving into plaintiff personal injury work.

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