

Intro:

This is Michael Cowen, and welcome to Trial Lawyer Nation. You need to show people the worst possible harm that that negligence could have caused, because that's what the case is about- What I'm asking you to do is to focus on what you can control, because that's where the power lies- The Dalai Lama has a saying that, in the face of anger, justice evaporates- If you can't focus group it, you have to be very, very critical of your process- If the facts aren't good, you can't create a miracle- We can agree to disagree, and be zealous advocates for our clients- Quit worrying about looking perfect, you're not going to. That'll come in time. But you can still be an effective litigator- Welcome to the award winning podcast Trial Lawyer Nation, your source to win bigger verdicts, get more cases and manage your law firm. And now here's your host, noteworthy author, sought after speaker and renowned trial lawyer, Michael Cowen.

Michael Cowen:

Today on Trial Lawyer Nation, we have attorney Brendan Lupetin, a trial lawyer out of Pittsburgh, Pennsylvania. He actually has tried a case recently during the COVID pandemic and got a \$10.8 million verdict on a medical negligence case. Not only is that hard to do on a medical negligence case, but I've talked to some of my friends in Pennsylvania. And he did it in the county where I heard that plaintiffs just don't win any case, much less a medical negligence case. So I wanted to talk to Brendan about his experience. And what it was like to try a case during a pandemic, and then how he got such a great verdict, not only during these trying times, but in what I understand to be a very challenging venue. So welcome to the show.

Brendan Lupetin:

Hey, thanks so much, Michael. I'm so, so excited to be on the show. Really is a thrill and an honor for me.

Michael Cowen:

Well, I'm both excited and jealous to talk to someone that's getting to try cases right now. I'm dying to get back in there. And I'm really glad that you were able to do it.

Brendan Lupetin:

Yeah, I think we all feel the same way. You get antsy and crazy when you don't get to try any cases. And then worrying, am I ever going to get to try a case? Or when will I get to next when my partner asked me to try this case and told me "No, for real, this case is going to go forward in August." I couldn't believe it. But I was so excited. And then to realize what a righteous and good case it was to try in this climate. It was really, truly exciting. And I know you know that as a fellow trial lawyer, there's a lot of luck, I think in our practices, in our life. And I was really lucky and fortunate to get to try this case now of all times.

Michael Cowen:

Yeah. So tell me a little bit about yourself. Before we get into the case. Let's talk about you a little bit.

Brendan Lupetin:

So I am from Pittsburgh, Pennsylvania, pretty much born and raised here. A wife and three little boys that are the central focus of my life. And I'm a trial lawyer. I pride myself on being a student of the game, a trial nerd. I read and reread every book from Trial Guides, I go to every seminar I can get to that

doesn't take away from my family life and my job. And I just eat up everything that is on Trial Lawyer Nation, all the amazing lawyers that you share with us right now. And just I love it.

Brendan Lupetin:

And I was thinking a lot when I listened to your interview of Mark Mandell, and he was talking about how back in the day there, there really wasn't a lot of knowledge or sources of trial information out there. And now, I mean, it's just unbelievable how much information there is out there to improve yourself as a trial lawyer, I mean it can be a little overwhelming, especially in the pandemic, it seems like it's even exploded further. But it is just such an awesome time, I think to be a trial lawyer because of just the unbelievable sharing of information that's out there. And honestly, for me, your show, Trial Lawyer Nation is leading the pack in that. It's an awesome program. And it's just an awesome time for geeks of the trial like me.

Michael Cowen:

And me. Absolutely. It's almost overwhelming how much there is out there, then figuring out how to use it. But it is awesome that we have so many incredible lawyers sharing great things right now. So have you been able to try many cases before this? How many cases have you tried?

Brendan Lupetin:

Yes. So my background, I've been practicing for 15 years. And I mean, the reality is I wasn't a particularly good student in law school. I didn't really know what I wanted to do and I sort of fell into a personal injury firm. And was still kind of disillusioned with the practice of law until I got pretty quickly thrown into of all things a medical malpractice case out in a rural county, and had literally no idea what I was doing. But when I got in there and had this opportunity to talk to these people, and the whole process sort of struck me about "Wow, like, this is what it is. This is why I'm doing these complaints with these motions, and all this different stuff. And there's real people involved." And this group of people right here can decide the outcome of the case, it was a terrible case.

Brendan Lupetin:

And we lost very, very quickly. But I was hooked at that moment, that I have to figure out how to do this. And I mean, my next probably nine to 10 cases, I lost in brutal fashion. I felt like I was making progress. And I was reading and trying to find more materials. I think the first book I ever read was David Ball On Damages, and then eventually found my way to Reptile and Trial Guides and started reading more and more, and then started to slowly get a little bit more just positive response for the effort that I was putting in. I think my first verdict was literally \$500 on a rear end car case. But now I've probably tried close to 40 cases to jury verdict at this point and had some pretty good success over my last 10 trials. I've really been having some good outcomes. And I attribute it so much to just my obsession to learning everything that's out there right now to get better.

Michael Cowen:

Plus, as you get more experience, you get to try better cases. I mean, I think a lot of us when we're starting, if you're trying enough cases, you're going to take a lot of Ls, you're going to lose some cases, because no one's going to give the biggest, best slam dunk case to the baby lawyer to try. And if you want to get in there, you got to be willing to get there. I'm trying to remember the name of the book, there's a really good book and what it looked at is they did a study, and they looked at people that did like really well in school, people that did mediocre, people that did poorly, people that came from

privileged backgrounds, different stuff. And they looked at them so many years afterwards, and to see who succeeded and who didn't.

Michael Cowen:

And one of the biggest correlations with success wasn't how people did in school, they found like high school grades, for example, correlated best to learning to do what the teacher wanted you to do. And learning how to make the teacher happy, not necessarily learning the material or being bright, but that people's reaction to failure was the key correlation to success. Because people who failed and didn't give up like a lot of people, they fail at one thing, and then they give up and they try something else. And then you have the separate people that they fail, and they keep failing, because they don't change anything. They keep doing the same thing, beating against the wall, but the people that they would repeatedly fail, but every time they would learn something from it, and then try again and try again. And those people were the ones that ended up having really incredible lasting success, because they learned from it, they didn't give up they were resilient, and then eventually got really good.

Brendan Lupetin:

Yeah, there's an awesome TED talk about grit, which I think is what that boils down to. And yeah, I think that is one of the most critical traits that a trial lawyer has to have if you want to eventually succeed, I think more than anything. Because you're going to lose, and it's absolutely heartbreaking and devastating and psychologically difficult to deal with. But you have to be willing to try to find Okay, in the rubble what can I learn from that? What were the things I did well? How can I apply that to my next case. And I don't want to get all sort of too deep, but-

Michael Cowen:

No get deep. People like that.

Brendan Lupetin:

But as I was trying this case, and we were in the middle of it, and this family were such good people, and this really just rocked their entire world. It wasn't just our client, it was everybody, his older parents have to take care of him now because of how bad his brain injury is. And his kids' lives turned upside down in his life. And everybody we talked to. And in the middle of the trial, I'm there with my partner Greg, and we're with the father of our injured client and I said to Tim, the dad, I was like "This will sound weird, but I feel like I was meant to try this case. Like all my hard work and all my failures at times, it was meant to get me to the point where I was qualified and capable for trying your case."

Brendan Lupetin:

I don't know, it just struck me I was like, all the hard work was here to try to help this family like it was just kind of meant to be, in a weird way. And I don't really believe in stuff like that, but it just, I don't know, it's just like all the hard work and not giving up finally kind of paid off for somebody else in particular.

Michael Cowen:

There does feel like there is a somewhat of a... And I don't want to say like everything happens for a reason because I can't believe that the God that I live and worship will like, "I'm going to go paralyze somebody to teach someone else a lesson."

Brendan Lupetin:

I'm the same way.

Michael Cowen:

I know some people may think that way. I just don't. But there does seem to be some kind of spiritual aspect to what we do. And I can't put it in words. It's not a traditional... But you it's a vocation and you feel it. And you get these... You learn to tune into things and you realize that, ask this question, or look here, you just get these, this intuition or you get this flow state and things just kind of come to you. It's a strange-

Brendan Lupetin:

Absolutely. It's like Mitnik says, it's a calling, right?

Michael Cowen:

It is, it really is. And it's great, because it doesn't feel like... Some parts are the fun parts, the trial part at least. And when you're even pre-trial, when you're onto something you're getting there it doesn't feel like work.

Brendan Lupetin:

No, no. It's brutal.

Michael Cowen:

When I was trying to e-file a summary judgment response on Monday night at 11:51pm because it was due by midnight, that felt like work.

Brendan Lupetin:

Oh, totally.

Michael Cowen:

I'm not gonna say that doesn't feel like work.

Brendan Lupetin:

And it's an interesting point that you're bringing that up. So I tried to consciously in lead up to this trial... Because like you said, when you're in the zone, and you're in the middle of the trial, it's just like your... Well, when it's going well, at least like you're just kind of flowing and things are just there and it feels good. Like there's nothing to compare that to. But there are those... I made a point of like videotaping myself at 12:45am in my hotel room, before opening statement and just to kind of capture how tired and burnt out and stressed I was, too. Because I think it's like, you have to remember all of that, that everything goes into that final product.

Michael Cowen:

Yeah, it's funny, when I'm in trial. Like when I'm in, I'm in and I'm great. And I feel alive. As soon as the jury leaves the courtroom as soon as I walk out of the courtroom, I am so spent and worthless and tired. And it's funny how it goes on and off. So a little bit before we get into the trial, what are the things that

you've done then over your 40 plus trials to develop and get better and get to the point where you can get a \$10.8 million verdict in a rural conservative county.

Brendan Lupetin:

I think it's just a complete desire and passion and interest to keep learning. And, I mean, I listened to everything I can. I mean, all I read is trial books. And I mean, the list of, in addition to Trial Lawyer Nation, all the credible information that you've squeezed out of all these awesome lawyers, I mean Keenan Ball, Rowley, Mitnik, Rick Friedman's on Becoming a Trial Lawyer. That is like my go to, get in the right frame of mind when I'm in the middle of trying a case are about to try a case. And then Malone, The Rules and Mark Mandell's framing books. And McGinn, Artemis, Phil Miller's focus group books, because I'm a focus group junkie.

Brendan Lupetin:

I mean you just go down the list and I'm a believer I personally, I like what Trial School's talking about, this MMA, mixed method advocacy, because I think that all these lawyers, there's so much amazing stuff out there. But either you can't apply it in every case. And also, there are certain concepts or things that you could do that don't connect with you as a trial lawyer. And you have to find the things that work for you, that resonate with you. And I feel like you can only find all those different pieces by exposing yourself to Reptile Edge, to Trial by Human, and to all these other amazing lawyers. Leizerman's Zen Lawyer, and taking what connects with you. Then as you do that, they all start to interconnect for you, and you can make this kind of bigger picture view of "Wow that's how I can convey this better to a jury and do a better job for my client." So it's just the list is endless, of how many influences there are that are out there for all of us.

Michael Cowen:

That is so important about what works for you. And of course part of it, you have to go try some cases to see what works for you, or at least do some focus groups or something and practice different things. And I went to the Trial Lawyers College way back in 1998. I'm dating myself a little bit. And I learned a lot but Spence will give an example of a closing. And he does this one thing where he's talking about you're trying to empower the juror, you're putting them in their hands. And tells some story about like, there's a kid, he takes a bird and he's going to trick somebody and he's got the bird. Is it alive or dead and he's going to kill the bird.

Michael Cowen:

I tried telling that and I felt like an asshole that wants to kill a bird.

Brendan Lupetin:

I felt the same way.

Michael Cowen:

It doesn't work for me, but it works for him. Or at least it did work for him where he did it in the time period he did it. But it doesn't work for me. And so I've had to learn that... What Spence said was don't imitate me word for word and gesture for gesture, what he says, become who you are. And-

Brendan Lupetin:

Well, on a very related note, so one of my absolute favorite closing pieces to do these days is, and I've tried it so many different ways and I think I've kind of finally figured it out is sort of the, what would the sort of the fair trade value. But I'm sure you've heard of it. Like, what I've heard is that Jude Basile was one of the first ones to tell it at Trial Lawyer's College. It was like the black limousine pulls up, time stops. And this kind of scary looking person comes out and says like, "Are you so and so. Well I've got a bunch of money for you." And they're sort of saying well, "What did I do to deserve this?"

Brendan Lupetin:

And then they start to tell them, "Well it's not what you deserve, it's what's going to happen to you." And they go through all the different bad stuff that happened. Person says, "I don't want all that money. I just want my life the way that it is." "Well, too bad." But to your point about finding the way that it connects with you. So I've done that now, in several different trials over the past 5 years, because the first time I heard it, I was like, "Oh, I got to try this. I love it. I love it." And the first time it was just horrible the way that I did it.

Brendan Lupetin:

And my partner, Greg was like, "Man, I don't know if you should do that one again." And then I worked with it. And then I heard my friend, Bob Simon had a version of it out in Los Angeles that I have used. And then I heard Nick Rowley's that he does, where he ties it to kind of the constitutional arguments. And I've since taken that and tied it to a constitutional argument that Keith Mitnik's been talking about. And now it works for me so well, I feel like I get the message across now properly what I was trying to accomplish. But you had to find it to get to the point that it resonated with you basically.

Michael Cowen:

So do you mind telling us how you do it now?

Brendan Lupetin:

Yes, so the one I do now, like the one I just did was... I always like saying that, you find kind of a poignant moment right before the bad thing of the case happens. And then it's either the time stops, but the one I like the best is the person's at their house just before the bad event happens. And to dramatic effect, you knock on the podium, or you knock on the table in the courtroom. And you pause and, "Was that for me?" Were you expecting somebody? No, and your client goes over and opens the door. And there's this kind of intimidating looking person says, like, "My client's name was Chris, are you Chris?" And his family's there behind them? And he says, "Yeah, I'm Chris." He's like, "Okay, well I found the right guy, I've got something for you."

Brendan Lupetin:

And he drops a giant bag. And he looks in and there's more money than he's ever seen before ever. And he says, "What's all that?" And he's like, "Well, that's for you." And he's, "What are you talking about?" And you know, just basically then goes on to say that this is for something that's about to happen to you, because in just a moment, you're going to hug your dad goodbye, you're going to go to the hospital, and your life is never going to be the same again.

Brendan Lupetin:

And because what's going to happen is you're going to get injected with a chemical, and it's going to cause you to have an allergic reaction. And then you just kind of go into all the terrible stuff, what he was experiencing as he's "Please, get me medical care." And they're not going to come and save you and your brain is going to die in part. But that's just the beginning of it. You know, Chris, because then you're going to be the equivalent of a seven year old kid and your parents are going to have to take care of you. But you're going to have enough wherewithal to realize that they're fighting, and they're crying, and you're going to realize that they're fighting crying because of you, Chris, because of how much trouble you cause your parents and your kids. And

Brendan Lupetin:

you're going to see your daughters, and you're going to remember the dad you used to be, and you're going to realize you can never be that person again, Chris. But don't worry, all this money over here is going to be for you. And then eventually he gets to the point and says "Well, so what do you think, Chris?" "Well, I don't want it, get the hell off my property. I don't want any part of anything that you just showed me." And the guy says, "Well, too bad because you never had a choice." And then I turn to the jury. "He never had a choice in any of this. He was an innocent person."

Brendan Lupetin:

Now the part that Keith Mitnik has done on his Brushstrokes recently that I thought was a tremendous way of tying one that I heard. Rowley was tying all that to your constitutional right to, A, file a lawsuit, and that to pursue your life, liberty, and pursuit of happiness. That those are these inalienable rights, this is the most important aspect of what we have. And tying and connecting that to the sort of man or woman at the door story, for me, I think is very effective.

Brendan Lupetin:

And in fact, Michael, I can tell you because I like data. I don't like anecdotal stuff. In two separate verdicts over the past two years. I have had jurors call me to talk about their experience. And tell me, and I did not bring it up. I didn't talk to them. And say, "That point you made about the guy saying here's what you're going to get, how much money will it take?" Really helped us think how to talk about the non-economic damages. So when I hear people say that unsolicited in two separate cases, I haven't heard yet for this, one if it had any effect. But it makes me think that there's something to it.

Michael Cowen:

Well, you can't argue with a result. So...

Brendan Lupetin:

There was more to it than that argument in this case.

Michael Cowen:

Well, the facts of the case and all the other work you do, but still, it didn't hurt if nothing else.

Commercial:

Each year, the law firm of Cowen | Rodriguez | Peacock pays millions of dollars in co-counsel fees to attorneys nationwide on trucking and company vehicle cases. If you have a case involving death or catastrophic injuries and would like to partner with our firm, please contact us. We have experienced

finding potential defendants that other firms miss. And we've added millions of dollars to cases by finding these sources of recovery. If you have a catastrophic injury or death case where the policy limits appear to be insufficient, give us a call. If we can find another defendant we can partner on the case. And if we can't, then we won't ask for any of the fees. You can reach Delisi Friday by calling 210-941-1301 or send an email to [podcast@triallawyernation.com](mailto:podcast@triallawyernation.com). She will coordinate a time for Michael Cowen to speak with you in person or by phone to discuss the case in detail. And now back to the show.

Michael Cowen:

Tell a little bit then about the case.

Brendan Lupetin:

So in a nutshell, like you said earlier, it was a systems failure case. So it was a 41 year old man, he's got a great job. He's a project manager out at a telecommunications company, but he's got a chronically bad back, for years. Being prescribed oxycodone, and he's had prior surgery, it didn't work. So his doctor sends him for an MRI. It's a contrast and non-contrast MRI, he goes in. And at the time that he goes in the hospital had had this MRI for about one year. And as part of the new MRI, they put two policies in place that were good policies. And that was one of the things that we stress, like they had the policies to have prevented this.

Brendan Lupetin:

One was the drug box policy, which said that in any room where they're going to quit contrast agents and people, whether it's the CT with iodine, or the MRI with gadolinium, we're going to make sure there's a medical box that has the medicine to treat allergic reactions, that even though they're rare, they do happen. And when they do happen, they can be life threatening. So we're going to have the medicine right nearby to treat the patient if necessary.

Brendan Lupetin:

Number two, because this MRI was sort of in like a tomb of a part of the hospital, the technician's in there all by themselves with a patient through three different doors, nobody can hear a word they have to say. So if something goes bad, the hospital has a policy that there's a button in the computer room of the MRI room, they can hit. It sounds an alarm in the emergency department. And that is to signal that the emergency room doctor and other staff members to immediately come down and treat the patient.

Brendan Lupetin:

Well, there wasn't any training of the ER personnel. And for reasons that were as silly as "Well, we have the medicine somewhere else in the hospital." They didn't keep a drug box in the MRI. So you have their two policies that are designed to specifically treat patients that would have a life threatening reaction in place, but they're both not followed. People aren't trained on them and or violated. So inevitably, unfortunately for Chris, he has one of these rare reactions. And there's no medicine so nobody could give them epinephrine to treat allergic reaction if they wanted to. But more sort of theatrically bad, it's one of those I can't get over type moments. When the technician hits the alarm to signal I need help right now the emergency room doctor has no idea what the sound is. Literally doesn't know what the alarm sound is.

Brendan Lupetin:

So much so that he begins walking around looking to find out where it's coming from and what it is because he thinks maybe something's broken, or there's some kind of pipe burst or something. And literally, at the time that somebody finally comes down to get him he's standing on a chair with his head inside of a drop ceiling trying to echo locate where this sound is coming. And at that point, the director of radiology tells him, "Hey, man, we need you down in the MRI, there's this guy, and something's really wrong with him."

Brendan Lupetin:

And so there were significant delays in time. And they finally get them there, there was a big controversy about whether our client arrested in the actual MRI room versus he was still sort of alive. And they brought him down to the emergency room and arrested. But ultimately, he suffers a cardiac arrest due to the allergic reaction. And because he doesn't get proper circulation for a period of time suffers a very significant anoxic brain injury.

Brendan Lupetin:

And the damages were not really contested. Everybody in the case pretty much agreed he had a very significant brain injury. It was more, the defense was saying we acted very quickly, we're a small hospital, we did the best that we could. These reactions are very rare. Your client was taking oxycodone, that probably sped up the process and gave us less time. And our sort of counter theme or frame was that's all the more reason, the less time there was that's all the more reason you have to follow policy and procedure. That's the case in a nutshell, basically.

Michael Cowen:

Well, those kind of violations of their own rules, much less than industry standards, why'd they let you try the case? Why weren't they just begging you to settle it?

Brendan Lupetin:

Well, Michael, so Dan Kahneman, the Nobel Prize winning cognitive psychologist. He always talks about in his books, despite all the science, how much luck there is in our lives. Or bad luck. I mean, it can go either way, and I look back on this case, and I feel like I was very lucky to try the case. My clients were unlucky that they were forced to try this case and go through that whole process that they shouldn't have been. But I and my partner, Greg Unatin were lucky to get to try this case, because it was such a good case.

Brendan Lupetin:

You just don't get to try a lot of really good cases. And I think that somebody somewhere on the other side, if it was the lawyers, or the clients, or the insurance company. Somebody I think was banking on pandemic, mixed with rural county that really hasn't had any verdicts, mixed with people love doctors, and no one's going to hold these people responsible for this, I think. Because I always felt going into this. And I said, "Compared to any other trial I've ever tried. The facts of this case, in my mind, are head and shoulders better than anything I've ever tried before."

Michael Cowen:

And it may not have started off this way. But you ended up with such a simple theory.

Brendan Lupetin:

Yeah, and we did work hard to... I mean, I tell the story, like, "Oh, it's obvious that that's what it was." There was a lot of other stuff that happened. So originally, the defendants were hospital, radiologists, emergency room doctor. Because we had doctors, experts telling us that the resuscitation process, and everything, once they even discovered that our client was in real distress medically, was extremely substandard.

Brendan Lupetin:

However, that's the tougher event type case, rather than a systems failure type case. And I was always a little, once I got involved in the case, I was like, "I don't know, if I really want to get into that." So we did tons of focus groups, sort of the individual four to eight person focus groups to get a... What were the things that are resonating with people? And then once we got a pretty good sense that it was the policy violations, that people could not get over that kind of stuff. That's when serendipitously I listened to your episode, and who are you interviewing three and a half weeks out from my trial?

Brendan Lupetin:

John Campbell, Empirical Jury. And I said to Greg, I said, "Look, Greg, if there was ever a case where it would warrant an Empirical Jury study, it is this case." Pandemic, big damages case, you know rural, med-mal, you name it, it's got all of it. And so we then took everything we've learned from our focus groups and our own intuition, as lawyers, did what John and his wife and their whole group told us to do. And when he came back, he said your case is one of the highest ever in favor of plaintiff liability cases we've ever run.

Michael Cowen:

Wow.

Brendan Lupetin:

Yeah. He said... I mean, I can show you the numbers, but it was like 94% of all people polled. And they did like 300 something we're finding fault against the hospital, and then pretty good numbers against both doctors. Now, ultimately, because we felt that the case against the emergency room doctor was most likely to... You know, get some of that halo effect of the frontline provider, and he was the weakest of the liability. And his involvement. You know, he was more a victim of circumstance as opposed to really super negligent as far as the jury is going to care. We dropped him about a week before trial. And just went with the radiologist and the hospital. Because those two theories were congruent.

Michael Cowen:

I mean, that was really smart. It's hard to tell multiple stories of... I guess, I think it's a Russian proverb, I heard from Rodney Jew, if you chase two rabbits, you won't catch either one. It's really, really hard. And sometimes you have to, because you don't have enough coverage or something, and you need to get different policies. People going to point fingers at each other, but even if you're going to have a multiple defendant case, I think you need to pick a story and then let people point at each other or something. It's just so hard to try to say these three people all messed up.

Brendan Lupetin:

Yeah, and I think you have to make really big decisions like that. I mean Mitnik talks about that, in Don't Eat the Bruises of... You got the case where the person committed tax fraud, but you just have this giant lost earnings claim that you just want to... And that's going to sink your whole case if you do something like that.

Michael Cowen:

Right.

Brendan Lupetin:

And I'm sure you've had it so many times where you have to make decisions that are tough sometimes. You don't you don't know if they're the right one. But that one felt right. We don't need the emergency room doc in this case. And I and we wanted to win the case so bad because it was a no offer case. We just desperate to do something for this family.

Michael Cowen:

And I helped try a medical negligence case, and this was a long time. This was 2001, 2002. It was a long time ago. Around 2000, this was a long time ago. But I was begging the lawyer who brought me in the case, like the person went into the emergency room and there was an argument about where the pain was, but seemed pretty clear, like on the flank not on the chest. And he eventually gets an exploratory abdominal surgery, they don't do an EKG before surgery, which to me is like, really clear negligence. And then he dies from a heart attack because of the increased clotting and stuff after the surgery. So we had a real simple case. But it was 10 days after the ER admission, but the ER doctor had a million dollar policy and the lawyer brought me in would not let the ER doctor out. And just the lack of credibility of that claim, just brought everything else down. And we got a zero verdict on everybody. I think if we had just focused on our clear case...

Brendan Lupetin:

Which raises another point, again, what Mark Mandell was talking about in his podcast about how the frames work. And this was something that we were really conscious about in this case. So you know, that framing concept is you want to do everything you can to keep the jury's attention on your best case determinative facts. And that idea of fits in with this other concept that I'm obsessed with, which is just the focusing effect. Again Dan Kahneman says that's like the most powerful cognitive bias going basically in humans is whatever you focus on, that's what's important.

Brendan Lupetin:

You know, he calls it the what you see is all there is. And I have many, many times in other trials, I've gotten so fixated on defense arguments or these other issues that weren't important. And I almost did it in this case. And I think it would have been a massive mistake, thank goodness, my partner, Greg disabused me of this. So what the defense was trying to say, in our case was all this happened in less than five minutes. He went from having the beginning of a contrast reaction to getting all the way down to the emergency room, where there he had his arrest, it happened in less than five minutes with all these other shenanigans that we knew had happened.

Brendan Lupetin:

And I was like, "Greg, we can, we can blow this up, we can show definitively that it wasn't five, it was probably more like six minutes or 6:30." Greg's like, "Dude, if you do that, you're going to make it seem like that's a big deal. Like, it's important that we know a different timeline." And I was like, "Ah, you're right." And what the real issue was, is policy violations, cause delay, delay is never good in an emergency. And that's all we had to do. And then passively, we could blow up their timeline without having to sort of... What's the term? Kind of, say this is the timeline that you have to use. So, that was just one of those many near misses that I almost probably walked into.

Michael Cowen:

So what are some other things that you've learned through all your study of advocacy that you used in this trial?

Brendan Lupetin:

Oh, I mean, everything. Everything's there. So you can see it. So I record all my openings repeatedly. So in preparation I record it on my iPhone, and I watch it and I listen to it, and then I go do it again. I record it again. And I try to just... Just hearing it and watching myself just helps me realize, "No, this is bad, this could be better, this could be tighter, this should be cut". And I have my opening, the one closest in time I did to the trial posted on my YouTube channel. So if anybody wants to watch it, but you'll see all the different influences. So this one has-

Michael Cowen:

If you send me a link, I will link in the show notes. Because I think it would be really, really cool to watch your opening.

Brendan Lupetin:

Oh, that would be awesome. I mean, I figured people would be interested to maybe to see it. But the influences of it, just in the opening would be, I start off right off the bat with a rule. And the rule was hospitals and doctors must follow their policies and procedures to prevent patients from suffering avoidable harm. Or something to that effect. So then did kind of the initial... I mean, it's probably not this week's most current Reptile or edge type outline, but a version of the Ball Keenan opening, where after the rule is taught, or explained, go into the story of the case. Again, using focusing effect, it's all about the actions of the defendants, and the key defendants and the key mistakes. But then keeping in mind what Rowley has talked about lately that you don't need to put every piece of your case and your opening statement and leaving something for the trial and for closing.

Brendan Lupetin:

And so I tried to keep it condensed, and to the point, just hitting a couple critical points, and hopefully allowing the jury to reach the conclusion of... They're thinking of the facts or the frame of the rule, and coming to their own conclusion, rather than me beating them over the head with it about what was wrong and why it was important. And then after the story is done, revealing Chris, and this injury, and that we represent him, and then going into who we're suing and why.

Brendan Lupetin:

And there was a great point that somebody made on one of the recent trial school lectures on opening statements, and they said, "It's absolutely critical that you show, not just what they did wrong. You have

to show what they did wrong versus what they should have done and clearly demonstrate the important difference that it would have made." And as many times as I've done, the who we're suing and why section and that just has definitely been tried to be articulated to me by David Ball and Keenan before, hadn't really clicked. When I heard this lawyer say it on trial school, I was like that is important. So I really stressed that point.

Brendan Lupetin:

Then... I'm forgetting the names of all these guys, but Cusimano. So Cusimano talked about the importance of if you can, when you're talking about rules and holding people to standards, especially in the med-mal, I stress look, "We're not trying to hold this hospital to one of these giant tertiary care centers. Or the highest standards out there. All we're saying is just follow your own policies. That's it." Try to keep the bar as low as possible of what we're trying to hold them to.

Brendan Lupetin:

And then I did putting things in context from Mitnik, because I love that. And then just throughout the course of the case, I think definitely, like Mandell talked about, we brought everything back to policies and procedures. Every expert, whether it was ours, or theirs, we would always say, whatever they say, "You have policies and procedures at your facility, right? Do you train people on them?" "Yep." "Is it important to follow them?" "Yep." You know, "Why do you have them?" And they would have to give it to you. And that just constant reminder, throughout the case that everybody does this, and everybody on the jury in some form or another has to deal with their own rules and policies and procedures.

Michael Cowen:

I've been surprised in jury selection. I'm at a construction site injury and also I went OSHA. And teachers were talking about having to follow OSHA rules that applied to them. There was a kid that in summer theater helped set up stages, and he had to follow OSHA rules and learn what they were to set up a stage. I was just shocked at how universal this stuff is and how accepting the jurors are of them.

Brendan Lupetin:

And I think that's why the system failure, if you can find it is such a stronger case generally. Because it's so much easier to connect that people's lives. Because they're at the end of the day, they're either trying to analogize or compare what they're doing to their own lives or their own belief system or their own judgment scale. And if you can do it in something that they're very familiar with, that they're going to be much more likely to be able to make that comparison. Especially in a medical context, I think where probably a lot of jurors are thinking like, "Well, who am I to be judging the actions of doctors, these super high qualified and trained individuals who at the end of the day are trying to care for people." So when you get it back to that basic thing that everybody can identify with, I think more often than not, you're in a better position than just trying the straight event case.

Michael Cowen:

Absolutely.

Commercial 2:

Thank you to everyone who attended Cowen's Big Rig Boot Camp in August, we had an excellent virtual turnout this year, and are already thinking of how we can continue to raise that bar for next year. If

you'd like to attend virtually in 2021, be sure to mark May 20, 2021 on your calendar now and save the date. To stay updated with details as they become available, visit [BigRigBootCamp.com](http://BigRigBootCamp.com) and sign up for our mailing list. And now back to the show.

Michael Cowen:

So what was it like then trying a case during the pandemic?

Brendan Lupetin:

It was fun.

Michael Cowen:

Okay.

Brendan Lupetin:

I have had so many people talk to me and Greg about what was it like with the mask and the social distancing? And first and foremost, I have to just give so much credit to the court system, and our judge, Judge Jackie Bernard, because they did everything so safely and so smartly. And I think that they... I wish they would do a seminar for other courts around the country to see how feasible that this is. So let me just rewind, because I think people might be a little interested in some of this.

Michael Cowen:

I'm very interested because I'm trying to persuade judges to have trials.

Brendan Lupetin:

Yes. So I think some of the really big things that a lot of courts could implement. And I also have to say, look. Clearly, we're not going to get back to running the same volume and number of trials that we were doing pre-pandemic until we get COVID, and everything under control much more than we are presently. But there's absolutely a way that most court systems can be at least trying some jury trials. Okay, so that's my belief, my starting point.

Brendan Lupetin:

So some of the things this court did tremendously was one, ahead of time, weeks ahead of time, they sent out their own set questionnaire. And the questionnaire has people fill out their basic demographic information, but what it included is a hardship section. And it was in that area that there were lots of people that had legitimate COVID based reasons for not being able to participate. Either I'm at risk, I care for an older person, or I just generally am hyper freaked out and couldn't do this period. So what they did was they notified those people we're going to punt you on your jury service until a later date.

Brendan Lupetin:

So now you've got a veneer that's already excluded from a lot of the people that you would have wasted time finding out that they've got hardships or whatnot. So then what they did is A, they had a huge courtroom where we did our selection. They had 45 people in our room, another 45 or so in another room that watched via video all of the voir dire questions. And the way that the court approached it was all the people in our courtroom had paddles with numbers. And when we would read a bloodier

question. And the voir dire was done as basically, yes, no questions that we could basically ask whatever we wanted. But it had to be yes, no.

Michael Cowen:

Okay.

Brendan Lupetin:

So do you whatever you think of the question, yes, no. Paddle raises, Judge would say everybody that answered affirmatively line up on this side of the court. Seven, eight feet apart. We'd go out into a hallway, and we would do individual volunteer on their response spread out with a court reporter, everybody masked up. And it worked really well. I mean, we picked a jury... We started at, I don't know, 9:15. We had our jury by 1:00 PM.

Michael Cowen:

Wow, how big was your panel?

Brendan Lupetin:

Well we did 12 jurors with four alternates?

Michael Cowen:

Wow.

Brendan Lupetin:

Yeah. Because the judge was understandably concerned that with a seven date day trial factoring in who knows what we could lose some people. And I think one thing that was sort of implied, we didn't talk about was if one of the jurors, we found out another trial, tested positive for COVID. I think that would have been the end of the trial. Because I don't know how you could continue I don't think an alternate is going to do any good if you know someone that's been in the courtroom has now tested positive. Fortunately-

Michael Cowen:

Plus everyone's going to have to quarantine...

Brendan Lupetin:

But my partner and I have made a real point of that and tried to really implement you know, the speed trial concepts. We tried our case two opening statements to start, 17 witnesses, we got our entire case in chief in two and a half days.

Michael Cowen:

Wow.

Brendan Lupetin:

With four separate experts to whom reliability, two or three actual economists, life care planner, two, no I should say six. Six experts. We did that in two and a half days so much. So much so, we finished at

2:00 on a Thursday with our case in chief. And defense counsel was not prepared to call witness until the following Monday afternoon.

Michael Cowen:

Wow.

Brendan Lupetin:

Which worried me because I thought that was an opportunity for somebody to get COVID or something over the weekend. So I wasn't exactly thrilled with the delay.

Michael Cowen:

Yeah that really comes from learning your story and having the courage to stick to it, and the discipline to stick to your story and not get caught up in all these other things. And you tell it and you sit down.

Brendan Lupetin:

Exactly. Exactly. So just a couple other quick points about what it was like trying it is, the masks were not a problem, at least for me and my partner. So much so we had masks on the entire time. And we were so used to them, by the end of the day, we would get back to our hotel and realize we still had them on. We hadn't even thought to take them off yet because you're just used to it by that point. And all trial lawyers know that the second the gavel hits or whatever it is in the courtroom, you're zoned in. I'm not sitting there worried about "Oh, my mask doesn't feel right, or that kind of thing."

Brendan Lupetin:

I would recommend for those of us like me who wear glasses a lot you wear your contacts because your glasses fog up. And that can be a little bit of pain in the butt. Other things that were important. They had plexiglass around the judges. She was all plexiglassed in but she always wore a mask. They had plexiglass around the witness stand. Now they had done sort of a bellwether smaller criminal trial a week and a half before our trial. And the judge said if this goes poorly, you're not going to have a trial. But, because of how well they run things over there it went just fine.

Brendan Lupetin:

But what they found was the jurors asked the court if it would be possible for witnesses to take their masks off. Because I guess maybe for credibility purposes or something they wanted to see them. Now the only way that masks really had any impact in our trial was pretty much every witness, the first question was "Sir or ma'am. We can't hear you, you got to get closer to the mic," kind of thing, if they had opted to keep their masks on, and just everybody having to deal with microphones. So we had to do all of our questioning seated at counsel table talking into a microphone. There really was no walking around the courtroom except in opening and closing, you could stand at a podium that was centrally located. But because of how far spread apart the jurors were, imagine 20 yards across, and maybe 15 feet deep with a elevated platform in the back so that people's view wasn't blocked, jurors spread way out across, you had to be in front of a microphone for people to hear you.

Michael Cowen:

Where were the jurors? And they weren't in the jury box, then?

Brendan Lupetin:

Well, some of them were in the jury box. And judge Bernard had a good idea that because of how people had to be spread out, you couldn't just line all 16 people up in a line across horizontally. So you had to have some people, you had to have rows. So she had, before their first criminal trial, people come in and build a riser in the back. So there was kind of this wood platform that ran all behind the jury box. And there were jurors up there and then they just kind of had them spread out wide, maybe three rows deep and 20 yards across. Everybody very far apart. Jurors were masked the entire time. And I found them to be very compliant with it whenever I looked over.

Michael Cowen:

Did anyone get sick?

Brendan Lupetin:

No, no. I mean, not that I've heard. And I'll tell you what, I mean, I'm pretty cautious about taking precautions, personally. And I felt very safe. Just the way that the administration had people even coming in to go through the metal detector, they had a sort of an anteroom to get into the building. And there was the big green circles where you stand on, that was probably eight feet apart, then people just stay outside before they go in. Now, I think that, not an impediment, but something that's important for other courts looking to try some cases, again, is you need some space. I don't think that this is feasible in a tiny courtroom. And the courtrooms at different courthouses are all different shapes and sizes. And certainly you need a bigger courtroom to I think carry out proper social distancing and the safety precautions that are necessary.

Michael Cowen:

But some trials are better than the no trials, because at least... Not only there are cases that need to be tried, but even for settlements, my significant cases are not settling right now.

Brendan Lupetin:

No.

Michael Cowen:

Because there's no trial threat. Until you get down there and basically, like Bunker Hill until you see the whites of their eyes and they realize they're going to get shot, if there's any hope of escape, they don't come up with the big money.

Brendan Lupetin:

Michael, we all know that, especially on a significant cases, that you're never going to get the full value for your client without the impending threat of a trial. And that's why I just think that the court systems, really... And I know that everybody's working hard, but I just get the sense that some are more motivated than others. And my thinking also is, nobody knows what the future is going to hold. So you know, people that are kicking trial terms until the spring of '21. Well, you don't know that we're just magically going to be all better by then. So why not try to start figuring out something now and then iterate as time goes on. And rather than just doing nothing, basically now, it's just... I don't understand that. And again, I really hope and I'm going to try to push her now that our case is resolved to... I just

think that Judge Bernard in the way they did things at the Blair County courthouse was commendable, and provided a good blueprint for a lot of other court systems out there.

Michael Cowen:

Well, I'm definitely going to get this transcribed, this portion, and send both the transcription and a link to the recording to some of our local judges in the hope that we can start having some trials. Because we need to be safe. And your trial's about safety and not letting people be harmed, we have to make sure that we don't ask people to risk personal harm to have a trial or that we don't expose people to sickness and death to have a trial. But you can do it safely. The world just can't stop spinning. And I think if we're willing to be creative, work hard and find a way to do it, I think we can still have trials.

Brendan Lupetin:

I couldn't agree more.

Michael Cowen:

Whether it's live or virtual or something. There's got to be some way to do it. I've got one question, though, that I keep hearing from people. You talk about you did a written questionnaire and people that had just an incredible fear of COVID were excluded. And the fear I've had is "Well, it's the blue people who are really scared of COVID and they won't show up and you'll just get the red super Trump supporters that don't like lawsuits." Supposedly, if there's really a correlation there. They're not afraid, and they're not worried about safety. And so that those won't be good jurors for you.

Brendan Lupetin:

So I did not... Okay, so the starting point in this county is that it's a very red county, went for Trump in 2016. And it's weird when you drive through neighborhoods and see a house that doesn't have a Trump flag on it. And in doing our research, because we could view the questionnaires of the potential venire we were researching and trying to find out information about them beforehand. And it was apparent that probably 80% of our venire was Republican, was registered as much.

Brendan Lupetin:

But I did not find a big distinction between red versus blue, not wanting to come into court, period. Now, maybe that's different in a more urban type environment. You know, I haven't tried one in Allegheny County, which is our court here in Pittsburgh. But I didn't find that being a problem. I mean, John Campbell from Empirical Jury, he was worried about who we could select from given who they had identified were our better jurors, which was older, that was the real one he was worried about. And women. Not that the female versus male, was a problem from COVID. But it was more the age thing, he was concerned that we'd lose a large percentage of the aged population, older population. That was not the case at all. I would say the average age of our jury, ultimately, it was probably 50s. And there was a number of people in the venire that were in their late 60s, early 70s.

Michael Cowen:

That's good to know.

Brendan Lupetin:

Again, it's going to depend on probably different jurisdictions.

Michael Cowen:

And I really don't think there's a really big red, blue, Republican, Democrat distinction on who's a good juror for a personal injury case anyway. And I think people get their own politics and political leanings mixed up. Because we're so tribal now with who would be good or bad on a particular issue, and we have universal issues. And sometimes the conservative juror is better for us.

Brendan Lupetin:

In our case, what John Campbell found was that we had an overwhelming support from almost everybody that we had a strong liability case. And that proved to be true in deliberations, because they were done with liability in less than 40 minutes in deliberations.

Michael Cowen:

Wow.

Brendan Lupetin:

So the political component, or the leanings of people's political views really had no effect in our case, as far as liability, but it did have a potential impact on damages it was found. And what we did not want were young male conservatives. That was our worst juror so to speak. So there is, or at least there was in the research in our case, some political component to it, but it wasn't what was going to change whether we win or lose, it was more probably a matter of how much we would win, probably.

Michael Cowen:

And on that, how close was Campbell to calling the result of the trial on his Empirical Jury work?

Brendan Lupetin:

Like the number?

Michael Cowen:

Yeah.

Brendan Lupetin:

Freaky. So they did something like 300 people. And I know this, because I got the result before the trial. And they, 300 people that come back, people are all over the place, and they come back and they say the median or mean number was \$11.16 million, but, and I can't remember why, I have to go back and read what it said there was a reduction ratio. I think it was because we couldn't... We're not allowed to ask for an anchor number in Pennsylvania for non economic damages. We can't suggest a number that the jury should award. So he had to reduce it by 2.3%. And so the number the dead on number that they said was the value was \$10.86 million.

Michael Cowen:

Well, he was off by 60 grand.

Brendan Lupetin:

I know, I said I want my money back.

Michael Cowen:

Ask for your money back. Yeah.

Brendan Lupetin:

Yeah. But it was really... Michael it was so eerie, because the way that the burden came in, there was all these different components. And they didn't... It wasn't like added up at the end to tell you. So just because I'm such a nerd about all this stuff and you're curious about the science. As soon as we got back to our friend's office, afterwards, I started calculating because I just wanted to see where the number fell. And I was like "Wait a second, I think that was the number that he predicted." So who knows? I mean I don't know if that's an outlier on our case, but it certainly was eerily accurate in our case.

Michael Cowen:

Well, he tells me that the numbers are within a pretty small margin of error. But everyone tells you that. And I like him a lot. And I'm actually... We're gathering the data, waiting for some extra opinions, we're getting ready to use them on a case. And we have another case, I'm hoping to try, we have a hearing I'm hoping to try in Houston, Texas in November if they'll let us have trial, and we'll use them for that one. But it's always nice to know that it really works in the real world. Because not every person that has some product to sell is always selling you on it. But you never know until you talk to other people that work with him, does it really, really work or not.

Brendan Lupetin:

And, I think you're like me. I mean, it's like I pride myself on being sort of a healthy skeptic. And I don't think it's a crystal ball, it couldn't possibly be in every case, but it's certainly helpful. And one thing I was doing throughout the case was I felt like the trial was going well. And I really worked hard as part of the empirical jury study to put all of the key defenses in our defense statement that I could. To try to really be as brutally accurate as I could on everything that they were going to say and not pull any punches.

Brendan Lupetin:

And so through the case as they're different defense themes would come in, I'd go and say, "I covered that, right, I covered that." And sure enough it was in there. And I think that it was pretty darn accurate. Because that overwhelming in favor of us in the empirical jury, I think bore out in the matter of time, that it took them to blow through the first several questions of negligence, causation and apportionment of harm. I mean, they were asking for our non economic damage numbers 40 minutes into deliberations which-

Michael Cowen:

In medical especially, that's incredible.

Brendan Lupetin:

It doesn't happen. I mean, there's usually a lot of time spent on causation or liability, whatever. But man it was... And I talked to one juror afterwards just by chance. And he was like, "Boy the way you guys laid it out, it was so clear. There wasn't even a question about fault in the case."

Michael Cowen:

I think the other thing is you want to hone in on a theory, and then you test it. And you know that the theory works, you know it resonates. I think it makes it easier to have the courage and discipline to stick to your theory and not, "Let's throw 10 things at the wall and hope that the one of them sticks."

Brendan Lupetin:

100%. Couldn't agree more with that.

Michael Cowen:

So anybody else significant about the trial you want to let us know about?

Brendan Lupetin:

I think the significant thing was how insignificant the feeling of trying a case during the pandemic was. I think people will imagine that it's going to be this crazy, weird experience. But it really was no different than trying a case in a courtroom you've never tried in before. Or in front of a judge you never tried in. There's always new things that you have to adapt to. Whatever the judge's rules are, or the way that the courtroom is set up. It was no different than that. I mean, really in hindsight, it was just more much ado about nothing in my head.

Brendan Lupetin:

And I was very concerned about it. Well, am I going to get all sweaty in my mask. Am I going to have a hard time talking? It really had little impact on the way that the case tried from just a practical standpoint. And it's the same things, your tech people just have to be more mindful of where the visuals are, and the sight lines are and the volume, that kind of thing. I do really think, and I think this goes for all trials period. But I think in particular during the pandemic, that we need to strive to be as streamlined in our presentations as possible. And that the faster that you can try your case and get it to the jury the better you are on so many levels.

Brendan Lupetin:

If you are dragging your case on, that's never a good thing. But it's probably going to be particularly bad when your jurors have to have masks on all day, and are now being exposed this extra level of threat that you're increasing by every minute longer you make your trial take. So I think that is something to be really mindful of in this day and age.

Brendan Lupetin:

And I also think that On a related note that makes doing things by video more, I think, interesting, then maybe it has been in the past. I've always been a big video guy, I love video. I think it allows me to try a much more concise case. I'm never wasting time because I've always got a witness if need be. I get the trial going before the trial actually starts. I'm in a better frame of mind. I've always been in it. But I understand there's lots of lawyers out there that eschew the use of video during trial. And personally, I think especially now with the pandemic and how much time people are spending in front of their screens it's fine, as long as you make it entertaining, and you are mindful of the general rules of keeping people's attention. The more video, maybe not the better, but more video is probably more appropriate in this day and age.

Michael Cowen:

Yeah, I agree. 100%. Any other advice you give to the rest of us? And maybe the judges that rest of us go in front of, on how we can get back into the courtroom?

Brendan Lupetin:

I think just that sentiment that you and I shared a little bit ago, Michael, that we have to get trials going again. And are we waiting and pausing... I mean, unless it's to implement some kind of really important safety precautions that need to be built or something like that. But just waiting for the sake of waiting because maybe things will be different six months from now. I think that what does John Morgan always say, "Hope is not a plan."

Michael Cowen:

Yeah.

Brendan Lupetin:

And that's it, there's no benefit to anybody, defense, plaintiff, the parties involved. Insurance companies probably benefit. But nobody else benefits from just hoping that somehow it's going to be better down the line. You know, people need to try to figure out at least how to do some degree of trials now. And we're all fighting the same battle. Right here in Allegheny County they have pretty much put off trials until '21. And there's a lot of lawyers that are fighting hard to try to figure out ways to get cases trying now. So I think it's eminently doable. I saw it happen. I experienced it. And it was run with amazing precision. I mean, we never started late. We never had problems with jurors, or issues that were COVID related, or it takes longer to get them into the courthouse. Now the court just planned for when the jury needs to be here and when they need to be in the jury room. And I mean, everything started and ran on time. I mean it was so commendable, but also just a demonstration of how eminently doable this is.

Michael Cowen:

Well, thank you so much. And, first of all, thank you for being a leader out there and trying a case during this time and showing us it can be done safely, and that we can win. And thank you for coming on the show and sharing it with us. If anybody out there wants to get a hold of you either to learn more, or maybe because they've got a good case in Pennsylvania and they want to get a lawyer that can win big cases to help them out on it. How do they get hold of you?

Brendan Lupetin:

So my law firm is Meyers Evans Lupetin & Unatin and we're at Meyers, M-E-Y-E-R-S [medmal.com](http://medmal.com). And like I said, I have a YouTube channel that I do all my nerdy, different psychology and trial tips and strategies and takeaways from trials on. So you can find me there and check out some of the other stuff if you're into that kind of thing. And Mike I just want to say thank you, I'm the biggest fan of your show. It's awesome. Please keep doing all these episodes. They're the best. And I just can't tell you what an honor was to be on your show.

Michael Cowen:

Well, thank you and you've made me a fan of yours. And I appreciate you coming on and I look forward to hearing from you on your future huge verdicts and maybe you can come back on the next one.

Brendan Lupetin:

I sure hope, you're the man.

Outro:

Thank you for joining us on Trial Lawyer Nation. I hope you enjoyed our show. If you'd like to receive updates, insider information and more from Trial Lawyer Nation, sign up for our mailing list at [triallywernation.com](http://triallywernation.com). You could also visit our episodes page on the website for show notes and direct links to any resources in this or any past episode. To help more attorneys find our podcast please like, share and subscribe to our podcast on any of our social media outlets. If you'd like access to exclusive plaintiff lawyer only content and live monthly discussions with me send a request to join the Trial Lawyer Nation Insider Circle Facebook group. Thanks again for tuning in. I look forward to having you with us next time on Trial Lawyer Nation.

Commercial:

Each year the law firm of Cowen | Rodriguez | Peacock pays millions of dollars in co-counsel fees to attorneys nationwide on trucking and company vehicle cases. If you have a case involving death or catastrophic injuries and would like to partner with our firm, please contact us. We have experience finding potential defendants that other firms miss. And we've added millions of dollars to cases by finding these sources of recovery. If you have a catastrophic injury or death case where the policy limits appear to be insufficient give us a call. If we can find another defendant we can partner on the case. And if we can't, then we won't ask for any of the fees. You can reach Delisi Friday, by calling to 210-941-1301 or send an email to [podcast@triallywernation.com](mailto:podcast@triallywernation.com). She will coordinate a time for Michael Cowen to speak with you in person or by phone to discuss the case in detail.

Disclaimer:

This podcast has been hosted by Michael Cowen it is not intended to nor does it create the attorney-client privilege between our host, guests or contributors and any listener for any reason. Content from the podcast is not to be interpreted as legal advice. All thoughts and opinions expressed herein are only those from which they came.