

Intro:

This is Michael Cowen, and welcome to Trial Lawyer Nation. You've got to have the right case because if you take it up, and it's the wrong case, then you can make some really bad law that's going to affect a lot of plaintiffs- There's always an answer. The joy is in finding it- One of the reasons that I love being a lawyer is this exact process- The way we live our life has nothing to do with the presentation sequence at trial- As trial lawyers we pick up and move on, and keep going- You're losing or gaining one out of every 10 jurors, which can really make a huge difference in the ultimate result of the case- Whatever you think about, you create- Learn all you can and never stop, and then have the guts to try case after case, after case. 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, I have a good friend of mine, and actually one of my secret weapons when we try cases, Pat Salcido Montes. Pat, how are you doing today?

Pat Montes:

Wonderful. How are you?

Michael Cowen:

I'm doing great. Thank you for asking. Not everyone knows who Pat is. More and more people know who she is, but she's a lawyer, but she also helps lawyers and witnesses discover and tell stories. If you look behind a lot of big verdicts in Texas, you would find that Pat was intimately involved in them, even if she wasn't the person in the courtroom that you saw publicly. I think if you talk to me and the verdict that I got this year, and other people with their verdicts, you would see that Pat is the secret weapon that really helps you learn to discover and tell your story. How are you doing today, Pat?

Pat Montes:

Well, I am... like I said, I'm wonderful, but I'm stuck, like we all are, but excited that we get to talk about this.

Michael Cowen:

Yeah, and there's hope on the being stuck. I mean, we've got vaccines on the horizon. We have more treatments getting approved. I'm just believing that by next summer, that we're going to be fairly back to normal. I'm praying that's true. Well, let's go into... Tell me a little bit about yourself.

Pat Montes:

Well, I grew up in El Paso, Texas, so I'm fully bilingual, fully bicultural. I actually grew up in Juárez my first 10 years of school. When we were brought to the US, my mom, a widow at that point... my dad got killed in a car wreck, actually by a-

Michael Cowen:

Oh no.

Pat Montes:

-drunk driver. So, she brought us back to El Paso. You and I grew up in the border towns where, back then people lived in Mexico, and they worked in El Paso... in the US side. We were all born in the US, so she brought us back. There went my trajectory from there. My mom was a housekeeper, cleaned homes, and six of her kids now have college degrees.

Michael Cowen:

Wow.

Pat Montes:

So, I come from a strong woman, a very proud culture. I'm very proud of being a Mexican American.

Michael Cowen:

So, this probably has nothing to do with what we're talking about today, but I'm just curious. What do you think it is that your mother did? Because statistically, a single mother working as a housekeeper doesn't have six children going to college and graduating college, and now you're a successful lawyer. I think several other of your siblings are very successful. What is it you think about your family that allowed you all to do that?

Pat Montes:

I think it comes with being proud of your culture and proud of who you are, and proud of who come from. I'm actually writing a book on that, because-

Michael Cowen:

Oh, you are?

Pat Montes:

Yes, because I think that that's what we lack. I mean, I know part of my family... well, just my mother. My mother was a basketball player that played for the city of Juárez and she was... In 1952, they won the state championship. She used to sing on the radio. She was very proud of how her mother raised her, even though her mother really was cleaning somebody else's home. I think it has to do with pride. My father comes from another family that's very proud of who they are, very nationalistic.

Pat Montes:

I think that sometimes we don't know... not knowing where we come from and how... Like, I love my Mexican culture and I think that that Just knowing who the people are in my ancestry, the Indians that built these great civilizations and invented the calendar, and that kind of stuff. I think it just fuels you. I think that my mother had that strength of character, of perseverance and just a 'can do' attitude.

Michael Cowen:

Yes.

Pat Montes:

I think it comes from being proud of who you are.

Michael Cowen:

Like I said, it's got nothing to do with our topic. It's just such a... for those of us that want our society to be a better place, you always wonder what is the motive... what works? Because it's hard to have just programs and stuff make society change. It's within families, it's within communities, and it's just how do we get there? I'm always curious to that. Well, let's go talk a little bit more about the work stuff. So, what is it that you do? I mean, you're a lawyer. You handle your own cases, but aside from that, what is it you do, that has brought you so much... brought you to come here?

Pat Montes:

Well, so you know that I attended the Trial Lawyer's College, and I did that back in 2000, the first time. I attended the college in 2002, where I met you, and you were my teacher. So, through that, I realized that I was handling my cases in a way where I really, really didn't know the clients that I was representing. I was supposed to be their voice, but I didn't know them. I didn't know what their voice really was. I begin scaling down my practice and I actually started... They teach you something... they teach you a way for you to discover your own story. I started really going to seminars, that kind of seminar, to learn my own story and really deal with things within myself.

Pat Montes:

I was doing it for me, but it started training me and making me be a little bit more intuitive to not only myself, but to people around me, and the clients. Since I spoke Spanish, some of my friends that I met there asked me to go in and help them with their clients. I started doing that. After a while, I remembered that I could speak English. I started helping people to find the client story and be able to tell it. So, that's how it all started. It wasn't like I was focused on doing that. I'm consulting with other people, but it ended up being that that's what I do mainly now.

Michael Cowen:

Yeah, and just follow up on that, what kind of seminar did you go to, to learn the techniques that you use?

Pat Montes:

I went to psychodrama training, is what it's called. I don't do psychodrama, but the techniques that they use in getting past the client's outer shell, or people's outer shell, our own outer shell, and finding what is behind that. It's not like I'm actually doing that, but it taught me that there's layers that sometimes those jurors don't get to see, sometimes we don't get to see. And we have to see those layers.

Pat Montes:

We have to see behind those layers, so that we're able to get the people that we're representing, our clients, we get them to get in touch with their own feelings, with what's really going on inside. And when we learned that story, then we're able to get them to connect that story to the jurors and have the jurors hear the story from a totally different layer, from the inner layer. Not just the outer layer, the inner layer.

Michael Cowen:

I know you don't do psychodrama, but we're going to have a big spectrum of listeners. So, some people will have taught at the Trial Lawyer's College, have been to psychodrama workshops, but we also

probably have a couple 1,000 people listening that have never heard the term before, or maybe heard it once and have no idea what it is. Could you just tell us, in plain English, what psychodrama is?

Pat Montes:

Psychodrama is finding the truth in action. I mean, it's just very easy. You have a group and you have the person who is doing a psychodrama. You have a director who's directing this person to go into different scenes of their life, and as we're watching the scenes, we get to be parts of that person's drama, that's what you call it, the drama, but in reality, what we're doing is we're stepping into client's truths, into people's truth. So, we're trying to find the truth in action, and sometimes, the person who's doing the action, the person who... one of my mentors called the star.

Pat Montes:

The star, who is our client, they don't even realize some of the things, or why they did the things. Once they get put back in there, they get a different realization of that. The group itself is... One of our mentors also says that the person who's doing who's being the star, they're carrying everybody's pain. So, their people start connecting with that experience that they're seeing, and it makes everybody travel to a different experience in their own life, and so we're connecting. To me, it's a way of being able to connect with other humans, without human experiences.

Michael Cowen:

Yeah. Now, I think, if I remember right, psychodrama was developed by Jacob Moreno, one of the contemporaries of Freud, Sigmund Freud, actually, but it was originally developed for actually group psychotherapy. What is the difference between the true psychodrama that a therapist would do for mental health reasons, or even just personal discovery reasons, and what you do, which is using some of these techniques in discovering a witness's story, or helping the witness get ready to testify, or helping the lawyer get ready to tell a story. How would you describe the differences?

Pat Montes:

The difference is that we are... Well, what I use is things like reversing roles. With reversing roles, the lawyer is reversing roles with the client, to identify with what the client may be feeling, things like that. Getting the client out of their shell by... something that is used is concretizing. Find something in the room that represents how you're feeling, because people don't... it's hard for them to concretize things or come up with really what they're feeling. If you ask them, "How are you feeling?" "I'm feeling fine." "Now, find something new that represents how you're really feeling."

Pat Montes:

"Well, that picture right there, the clouds, it's making me feel like that." So, what I use helps the client be able to translate some of their feelings, right? Now psychodrama, it actually... that's done by a therapist, and it's... Somebody who's having an issue, they get taken to deal with that issue, and it's done by psychodramatists. It has to do with one issue, and it may take them places where they need to go, but it's done by a therapist. What I do is I use some of those techniques, which are really... it's reversing roles with somebody, or reversing roles with the other person, from the other side.

Pat Montes:

What might they have felt? That's different. Then another thing that... another reason why my method, which is a little bit... it's different. My method is different because I'm always thinking... I prepare clients for the deposition, okay? Right, first. So, in the process of preparing, the lawyer has to be there. The lawyer team is usually there. I prepare the lawyer and the client for a deposition to begin with, and I'm preparing them... I'm always getting them to realize that as they're doing this process, their audience is going to be a jury.

Pat Montes:

In the process, the law will be part of it, will be coming in and out, and they find themes. Sometimes we think, well, what's the theme of this slip and fall case? You're asking your fellow lawyers. Well, what's the theme, specifically from what you find in the story, that you find about this case and about this client? Right? Anyway, the point is that it is very different than doing a psychodrama on somebody's personal issues. This is not about personal issues. It's about finding the truth of the story.

Michael Cowen:

Yeah. One thing I found that really is helpful is a lot of our clients, and even some of us as lawyers, as much as we don't want to admit it, but a lot of our clients don't have great communication skills. I mean, in their daily lives, they don't need to describe something with such particularity and such accuracy that they can withstand a cross examination on it. I mean, they can just describe things in generality because it doesn't really matter. Whereas we need to give very descriptive things that are going to move a jury and withstand cross. How is it that you found that putting things into action, helps the client later orally describe something better?

Pat Montes:

Okay. Well it, I'll go a little bit through what I do, because I think that I-

Michael Cowen:

Sure

Pat Montes:

... what I think that this process does is get the client convicted about what they feel. So, what I do is I take them... first of all, I start off with asking them the effect of this crash on their life, right? I find out a lot about, about their life, or about the way they deal with even this question from their first answer. Sometimes they say, it's been an inconvenience. Okay, well, and I had this happen in this one case out in Houston, with one of our trial lawyers.

Pat Montes:

I look at the lawyers and they're like... their mouth open. This lady lost her eye, and I ask her husband, "You give me a word." He says, "She stole my word." So, I know that this couple is not really dealing. They're not somebody who... they're not people who are really identifying with what's really going on, but they're also not comfortable with complaining.

Michael Cowen:

All right. Well, you and I had one where my client who had lost a limb. The word she used was blessing, but because it allowed her to find out how much she could overcome and how much she could

accomplish by overcoming her loss. It took a day to just get her to get real and tell the whole story of, yes, she is an amazing human being because of what she overcame, but it doesn't mean that there was nothing to overcome, and learning to tell that story. That was an interesting day.

Michael Cowen:

I was a little scared of that one, but the process worked when we went through the whole thing, but it was when you put her life into action and made her show us what she did, that she couldn't fake it anymore. She had to show us how she did things, and she realized that they weren't the same, and it just... It was very cathartic for her. I think she talked about, emotionally, how good it was for her to go through that, even though that was, I think, the first time she had cried, actually, since she lost the limb, was that day.

Pat Montes:

And the truth is, she does feel it's a blessing. That is part of the truth. I mean, it's not...

Michael Cowen:

Yeah, absolutely.

Pat Montes:

Yeah, and for us to know it... And it's part of the truth that this was an inconvenience, and so now it's...

Michael Cowen:

It's not the whole truth.

Pat Montes:

Yeah, but it's not the whole truth, right. We're trying to find the truth, but then that truth, it even makes us feel even more... like in your case. I just had somebody I work with they had a miss, and she said, this was a blessing. The same thing, because it got worse, but the thing is that it makes us admire that person more. So, I guess what we're doing is, we're getting convicted about our client. We're trying to find, and what I always say is, I find the good in people.

Michael Cowen:

Yeah.

Pat Montes:

I'd want us... There's always this good. There's always something that we can admire about the client, and if we go into trial admiring our client, loving who we're walking with it makes the whole thing so different. But even before we do that, if the client is feeling like they're understood, like there's no judgment, they feel like they're able to tell the story.

Michael Cowen:

Right.

Pat Montes:

Yeah.

Michael Cowen:

I think so many times, our clients are afraid to tell us the whole story because they think there's a story they're supposed to tell us, and there's a story we want to hear. And juries have such great bullshit detectors. I mean, if you say something that is not true, they sense it and they punish you for it. I mean, you really have to work hard to discover what is the whole truth of the story. So, if you go in and talk about, "My husband I lost was the absolutely perfect man, and he never raised his voice, and he never said a bad word, and he went to mass every morning," it's just not a believable story.

Pat Montes:

Yeah, and this is part of the discovering it. You know what? When I first start off, I want... I'll ask them not only the effect, but when does this crash happen? They say it was devastating. When did this crash happen? "Well, I don't know. It could have been two years, maybe three years." Then I'll place myself, because what I do is I come in not knowing anything about the case. You know that. Because I tell the client, I come in as if I were a juror, trying to figure out, what do I want to know?

Pat Montes:

Because we as lawyers are mired in the legal. We've already been hearing all this pre-existing conditions, and your client can't speak English, and all this stuff. So, our mind is... we've got the lawyer mind, right? I come in trying to figure out, what do I want to know about the story, right? I tell the client, "Okay, look..." and I'll move myself and say, "I'm this juror." You're taking three days of my life. You say your life is devastating, and you can't even remember the date of the crash?

Pat Montes:

It starts getting the client to realize, okay, so it's not like we're telling them. They're actually going through the process with us, right? And any time they say the same thing. "It's been an inconvenience," and I get back here, "It's uncomfortable." I become the juror. "Really, uncomfortable? I'm uncomfortable sitting here in this chair." "Yeah. Well, I'm really... it's not really..." Is that what it is? But I'm not telling them. They have to figure it out themselves. They have to be a part of the team, and sometimes we leave the clients in the dark.

Michael Cowen:

Yeah.

Pat Montes:

We can't do that. The client has got to be a part of knowing what it is that we need to do for the deposition, for the trial. Let them convince themselves, "Okay, I get it." All right. I only have to do a few of those, but whenever they go off, it's like I'll become the juror. It's like, okay. Really? That's one of the things that I think that is important for them to realize who their target audience is.

Commercial 1:

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. 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.

Pat Montes:

Then once I do that, then I'll ask them, tell us... give us a word to describe your life before, a word or a phrase. They may say... A lot of the times, because it's been two years, let's say, it's hard for them to realize or to go back in time. What I want to do is I want to take them back in time because I feel like, if the jury can see the before, the jury can feel the loss. But before the jury sees that before, they have to go back into that vivid before so that when they're telling them before... Because let me tell you what I have found. It's hard. I don't do the "woe is me." We don't want to ever do the "woes is me."

Michael Cowen:

No.

Pat Montes:

Right? We want them to talk about what life was like. We want to see that life. We, as the jurors, want to figure out... want to say, you know what? Wow. Why would you want to go from a joyful, active life, to go to a life that's devastated? Doesn't make sense. It intrigues the jurors and it intrigues us. Let's see what actually happened to you to get us to that point. Right. They'll give me one word, but sometimes they say, "My life is in transition," or, "I was almost getting back to life," or, "I was almost getting back to where I used to be."

Pat Montes:

Maybe they, I don't know, lost their house or something happened. So, now we know... and you're right. It's not going to be... it was perfect and joyful all the time. What was it like? And I leave it at that. I've got one word of the effect of it. I've got another word of what life was like before, and then we go back in time to figure things out, right? We go into the clients' damages to the body, and symptoms, because sometimes the clients will say, "Well, I've had a back injury and a neck injury."

Pat Montes:

Well, let's really look at that. Your neck injury, any problems with your arms? Any problems with your hands? "Oh, yeah, my hands used to tingle. They still tingle a lot. I get this thing." So, it's telling you, the lawyer, how your client sees things, what they really... how they testify. Because a lot of times, we give the clients the medical records so they can review them, but they don't mean anything. Half the time, they don't read them. So, then I go through things like that.

Pat Montes:

One of the things that has been happening... because I work with a lot of catastrophically injured clients, or clients who have been in 18 wheeler cases and stuff like that, they'll eventually... When I say symptoms, well, now I have this ringing in my ear all the time. It's like this pipe pitch. Then I start asking them questions. "Well, any problems with your visual... any visual disturbances?" I had a client who said

not too long ago, she said... She started crying, and she said, "I keep seeing people appear on the side, and I look, and they're not there, and I get so scared."

Pat Montes:

So, these questions have not been asked by doctors. The clients go to a chiropractor. They go to their... they don't understand, or they don't connect what's going on with their head damage, and I'll ask. Did you hit your head? And I'm asking questions, and I'm being very careful not to... I just ask. I have to be very careful. I want to make sure because part of what is happening, actually, is that as they're telling their story, I'll ask... Like that lady that started crying, okay. There's credibility there, right? It's like, look, you're not going to start crying with...

Pat Montes:

So, I want to make sure that the lawyer is seeing the reaction of the client. Because let me tell you what, a lot of these cases the first person that has to be convinced is the lawyer.

Michael Cowen:

Absolutely.

Pat Montes:

Yeah. And you and I that, I had a client and lawyer... a lot of times, the lawyers will bring me in because they don't understand the client. The way they say it is, the jury is not going to understand the client. What that means is that you don't understand the client, right? A young lady gets hit by a two wheeler and she had this exquisite pain. I call it exquisite now, because I know what it is now, but this pain that... and he said, "I have a real hard time with this client. She keeps complaining. She overly complains."

Pat Montes:

Well, when I started asking her about her symptoms, she said, "I've got these weird things. My leg is a different color than the other leg. My leg sweats." You know where I'm going with this one, right? Because you and I know that. So, even though I'm helping discover the story, I've got my 30 years of lawyering that comes into play, and I'm like, oh, my gosh. I said, "I think we need to... Has the doctor ever said anything about CRPS?" Right? Complex regional-

Michael Cowen:

Complex regional pain syndrome. Yeah.

Pat Montes:

Right, and she said, "He said something about something that I might have, that used to be called something else." So, RSD, right? But the lawyer wasn't aware first of the syndrome. You and I know that that's a horrible syndrome, but things like that, when you talk about symptoms, which we never talk about, then it starts getting the client to reveal other things that even the doctors have not asked about. That process is eye opening, I think, for the lawyers.

Michael Cowen:

As we're talking, I'm really thinking that we need to try to find some way to incorporate at least some of this, not necessarily the full on, a lot earlier than when we're getting ready for depositions, because one

problem I've noticed is that the doctors... One, clients don't want to feel like complainer's and they don't think about everything before they go in there. Then the doctors don't give them much time. I mean, they want to get in, get out, see so many patients per day. So, they only get the big stuff, and I think a lot of stuff gets missed where, if we could find a way to systematically spend more time and ask these questions early on-

Pat Montes:

Right.

Michael Cowen:

... not only would it make our clients realize that we actually care about them, but also, then we could say, okay, well, let's write this down and take it to the doctor with you, so you don't forget, and the doctor can properly diagnose you and give you the treatment you need. Because we want... in an ideal world, we're trying to make our cases a little smaller, because we want our clients to get better, if they can, and if they can't, at least document what's going on, so we can get what's fair for them.

Pat Montes:

Right. So, let me tell you how that can be done.

Michael Cowen:

Yeah, please.

Pat Montes:

One of the steps that I... the next step, or one of the steps... the next step. One of the steps that I take, is I'll say... Okay, so I'll have the lawyer... because this is hard to describe. I'll have the lawyer describe a pain that they've had, I don't know, in the last two, three years, right? With younger lawyers, it's like 10 years because they haven't had a pain in the last year, or whatever.

Michael Cowen:

Yeah. For you and I, it's probably in the last 12 hours.

Pat Montes:

Last three months, right? So, I start getting the client... I'm preparing the client to begin describing things by themselves in a very different manner. So, I asked them to describe the pain of pain, say the back pain. Describe the sensation of the pain, but I'll have the lawyer model their pain. Describe the sensation of the pain, compare that pain to something else, then tell how it makes you feel, right? So, the sensation of my back pain, or let's say the sensation of my pain that runs down my leg, right?

Pat Montes:

Sciatica coming from the back. It's a pain that runs down my... it starts in my back. It's sharp. That's a sensation. It's sharp down my thigh, up to my knee. It throbs when it gets to my calf. My large toe is numb. It's like if... so, compare it to something else, and we're finding the metaphor. It's like if somebody is injecting me with a cold, blue liquid. When it gets in the calf, it feels heavy. It's like if I have a piece of metal, and in my calf, it feels like I've got little fists that are hitting me from inside.

Pat Montes:

My toe sometimes feels like I don't have it, and it makes me feel it makes me feel helpless and it just makes me feel sad. I'm just sad that it's there. Totally different perspective. You're not complaining. You're telling it like it is. So, that's where the clients who are very stoic, that helps them. The clients that are very histrionic, that helps them because all that they're doing is they're telling it like it is.

Michael Cowen:

I think that analogy or metaphor, I don't know what it is when you say like. I mean, when I took English in high school. It's been a while, but when your describing like, to me, the medical type... terminology, sharp, dull, radiates, tells me nothing. I don't feel anything when I hear that. "Oh, I have a sharp pain in my back." I don't feel anything viscerally when I hear that, but when you talk about, I feel the ice cold going down my leg, I feel like someone's pushing it from the inside, that I feel. When I get those visual descriptions, I actually viscerally feel something.

Pat Montes:

Yeah. Well, and sometimes, though, even though it... a lot of times they'll start off with sharp, but sometimes the clients will say, it's like a pinching. It's like a hitting me. I mean, they will actually come out with their sensation. It's like it's a pounding, like a... So, it helps them jump into the 'it's like if'. So, I'll ask the lawyer... I'll ask the client... sometimes they can't find a metaphor. I'll say, "Okay, so what would you have to do to Michael for him to feel that?" "Oh, man, I'd have to hit him with a hammer. I mean..."

Pat Montes:

Then, so is it like they're hitting you with a hammer? So, really, what it does... I think that this is something that yes, we do have to incorporate very early on, because they're missing telling the doctors, and it brings so much credibility, because we will have a group... everybody's got a back injury, but everybody's describing it differently. "Well, mine is burning, and mine is like a hot coal, and mine is this, and mine is that." In the struggle to describe it, it brings a lot of credibility.

Michael Cowen:

Absolutely.

Pat Montes:

Yeah.

Michael Cowen:

So, what are some of the other techniques you use to discover the client's story?

Pat Montes:

Well, when I first start off, I also ask everyone... Let's say, it's... they say, it's been a devastating... it had a devastating effect on my life. I'll ask the group to describe a moment where they felt devastated, because I want them to see that in this little group, in our little group, everyone has been in a moment where they felt devastated.

Pat Montes:

Because I tell them, look, these jurors are not going to identify with your life being devastated from this wreck, because you look fine, but they will be able to identify with what it feels like to be in that moment, where you feel devastated, where you feel abandoned, you feel distraught, you feel depressed. I want them to identify with that, and I'll ask the client, it's been two years. It's true that you have felt like people just don't understand you. People don't get it. Every single person will say yes.

Michael Cowen:

Yeah.

Pat Montes:

And I say, so, what do you do? You clam up. You don't talk about it. They're like, yeah. It starts with them to start opening up with us, because then they realize, okay, maybe somebody will understand, right, but it starts with them realizing that they're going to have to do extra for these jurors. And I tell them, what I want you to do, I just want you to trust that those jurors, they've had something in their life, where they have felt like that, and they'll be able to understand at least that. So, it puts them at ease. It lets them... okay. Then knowing that the group feels, or are open to understanding them, I think that it just changes the whole perspective of how they're going to be through our session.

Michael Cowen:

I tried a case earlier this year with a widow, and it was a case I took over from someone else, and you helped us on the case. It's a case that had been going on for 10 years before we got involved. I mean, it just ... Long story. There were some insurance coverage issues, and I guess a lot of lawyers, so there wasn't a sure way to get paid. Didn't really want to spend the time and money to try it. One thing I noticed, that really, really hit me, was when we're getting ready for trial, she said, in the 10 years since her husband died, this was the first time she felt like anyone actually listened to her, and anyone actually valued what she had to say.

Pat Montes:

Yeah, and it's scary to go there with our clients, but then we want the jurors to go there. You said it at the beginning. Those jurors, they're... Well, we all detect what really is going on in front of us. You don't have to tell us with... so, when they go to a deposition or when they go to trial, what I'll do is I'll find them a safe place to testify.

Michael Cowen:

Yeah, it's just this woman had such a hard shell before you worked with her, and we were really worried about it. So, tell us a little bit of that safe place.

Pat Montes:

Well, so I take them to a place. Sometimes the client is very, very shy, doesn't speak up for herself. I'll take her... let's go to a place where you have felt very emboldened, very proud. You felt like you really needed to tell your peace. A lot of times that mom is going to go to where she had to go to school and speak for her kid, because she can't speak for herself, but she can speak for a kid. I tell them, and this is really what we're doing, let's go to a moment in your life where you have felt... a lot of times I'll use proud, but in this case, let's say you felt very emboldened, very good about who you are. Let's go there.

Pat Montes:

And I always tell them, it could be any time of your life, so let's go there. Describe the moment, sounds and smells, and colors. How old are you? And they start imagining in their mind that moment. They start going... they take themselves there. So, then I have them describe it. What's in front of you. "Well, there's the principal," and what do you see behind them? "There's all these books." What does it smell like? So, I tell them that what they're doing is that they're practicing telling a story, practicing describing a scene, because that's really something that you're going to get them to do at trial. So, they're practicing it. Anyway, so at the end, she says her piece, and it smelled of the lavender... It's lavender, because it's a teacher that's got lavender...

Michael Cowen:

Right.

Pat Montes:

So then, the smell is a very strong, powerful scent that brings you back to that place. Anyway, so they recreate the scene, and they get themselves to feel that, and then I have them close their eyes and take us there, and they're recreating it. They take themselves there. Then I ask them, what's the feeling? Invariably, they'll say, "I feel strong. I feel powerful. I feel confident," right? And when they open their eyes, it's like, wow, I went there. And I'll have the lawyer also be in that moment, and they'll say, what was the feeling?

Pat Montes:

I felt honored or I felt... and so they see that whenever they describe this, and what happens is that the audience goes into your story. Now, you may go into the story when you stood up for your little brother in front of a bully, but you're connecting with feelings. Once the client gets that, once they get it so that they can understand why you're going to take them through that at trial, but two, what I do is I tell them, for the deposition, instead of walking into the deposition, you're going to walk into Mrs. Martinez's office, right?

Pat Montes:

If you're walking in you, you get some lavender. Put it in your ear and your wrists. Smell that lavender as you're walking in, into the deposition room, you're walking into Mrs. Martinez's office. So, I tell them, if they're going to be in a zone. You're not nervous. You're not intimidated. You're not defensive, and I always... when I say that, I bring in their defensiveness. It's like, your defensiveness is you laugh whenever you tell stories, or whenever you feel bad, and you laugh instead, and it's not congruent. "Yeah, I do." Or, you feel shy about saying things, whatever that defensiveness, and you're not going to be angry.

Pat Montes:

A lot of the times, anger is what stops these clients... and I offer the lawyer to pick up that anger at that point, but when they testify, I mean, they love it. They just come in, and they're doing this. And I tell them, "You're in a zone," right? And sometimes, when it's guys that have played football, you're in the zone. You're not going to hear smack from the other side. You're not going to be distracted by that. Anyway, so that teaches them to create scenes, or to describe scenes, so they can bring in that jury, the

audience or the other side, and that teaches them... and that takes them to a place where they can actually feel better about what they're talking about.

Michael Cowen:

How long does this process take?

Pat Montes:

Well, it could take all day. I've done it in sometimes two days. A lot of the times, half a day, depending on what the case is. So yeah, but and when I first created this, I started doing work with a big law firm in town who... She had mid-sized cases more back then. We were doing shorter sessions, but it was... even if it's a smaller case, and really, they were probably smaller to medium cases, but if it was a smaller case, it made the case better.

Pat Montes:

The other side, when they hear the way the client speaks, how vividly they speak and how in touch they are with everything that's gone on, they write a better report. So, that's how I started, because we'll talk next about all the activities and the hobbies, and pastimes. I'm getting them to get in touch with the before so much, that the other side, it's like, okay. They think twice about the way these clients testify.

Michael Cowen:

Yeah. It's one thing we've been talking about a lot at the firm. Well, we have a lot of clients right now who just don't want to get a lot of medical treatment because of COVID. They are legitimately afraid that if they go in to get all these injections or other procedures, they're repeatedly exposing themselves, and some, like El Paso, Maverick County, both of them have really high COVID rates right now, and I don't know about you, but I have a lot of friends.

Michael Cowen:

I mean, I got a text. One of my friends, thank the Lord, just got out of the hospital in the last few hours with COVID. It's just a frightening time, so we're really looking at getting out of the mindset of what is the medical treatment? Does this person have surgery or not? Has the doctor said they need surgery or not, and build back into what is it they loved to do before?

Pat Montes:

Right.

Michael Cowen:

What were the joys in their life? How has this affected them, and what's the difference? Let's think about what the person went through in the loss, not about what the doctors... what the medical bills were, or the medical treatment was. I think if we tried cases that way, we're going to do a lot better.

Pat Montes:

Right. And some people...

Michael Cowen:

Now, it's going to be harder to settle them, because it's not the algorithm that the insurance companies have in their computer systems, but why should we let them decide what cases are worth?

Pat Montes:

Right. Well, people are going to trial without putting in the medical bills.

Michael Cowen:

Yeah.

Pat Montes:

So what we do in that regard, we'll have the client list the stuff that was going on in their life, but then we'll have them tell us what it meant or brought to their life. Because a lot of times, I'll tell you, they'll describe the job. They'll talk about the job, but they'll say, "It brought me respect. It brought me joy. It brought me friendships." They don't even talk about money, because these things... And I think that this is what we represent the clients on, the things that have been taken, the loss of choices and the struggles.

Pat Montes:

And the struggles... and I think with COVID, I think we can focus even more on the struggles, but when it comes down to what each one of these things meant or brought to the client's life, I think that that's where we get that anguish. That's where we figure out... and then I have the lawyer reverse roles with each one of these parts of their lives, and the client might say, it brought me joy, and the lawyer will say, flexibility.

Pat Montes:

It brought me freedom. It's like, wow. Yeah. And the client is realizing that this lawyer gets it. It's really interesting when the client shows us, not only the activities, the passions, the activities or hobbies, the rest, but what they meant or brought. To me, I think that it opens the lawyer's mind as to, wow, that the losses are even worse.

Michael Cowen:

Yeah.

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 20th, 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. Now, back to the show.

Michael Cowen:

You said the struggles, and I think that's really important. I'd like you to give a little bit more detail. What do you mean by the client's struggles?

Pat Montes:

So, there was a period of time when, whenever the client's would say... I'd asked them the effects of this crash, and all they would talk about is the loss of their car. "I lost my car. I couldn't get to this," and the lawyers were like, okay, yeah, but yeah. Well, we don't want to step into where... This is about the damage to your body. "Well, yes, but this..." Just even losing your car, when you don't have a car, when that's how you get to work, when that's where your whole family gets... all that, we need to deal with that. Right?

Pat Montes:

But also, with all these things, at the end, I ask about the effect of each one of these parts of their life and it's not like they're not going to go back to work, but now you're going to go in pain, on pain medications. You're going to go up... you've got to do things slower. You've got to ask other people for help. You're going to do things less frequently. You're going to not do some of the things, or you're going to do some of the things and you suffer later. I bring this up to the clients, because I tell them... sometimes the client will walk into the office and say, "I can't even walk anymore." Well, what he really means is, they have to define, "I can't walk without paying. I can't..." because that's another thing that we have to... This is all about communication.

Michael Cowen:

Right.

Pat Montes:

We've got to tell the client, we don't undermine anything, but we do not exaggerate anything-

Michael Cowen:

Exactly.

Pat Montes:

... but we will define, right? So, in that is the struggles. I think that sometimes when the client's say, "I can't even walk," we, as lawyers, turn off. Because that's not really what they meant, but it's like, oh, this lady complains a lot, or I just had a guy this week that, he's like, "Nope, I'm back at work, and I'm very fine." Okay, well, let's explore that. No, that's true. I do have to take pain medication. That's true. Now, I'm not doing this job. I don't get on the forklifts anymore.

Pat Montes:

They put me to be the supervisor, all that stuff. Which takes me to another one, another thing that I think that is very important for us to know, as lawyers. I asked them, who influenced you to be the kind of person that you are? There's where we find, "Well, my dad said, I don't care what. You work for your family. Don't be a lloron." Don't be a crybaby. Right? So, when we do that, in some of the... in the end, when we're talking about the effects of the crash, and each one of the parts of their life, I'll remind them.

Pat Montes:

So, you've got dad right here telling you, "No, you go back to work. I don't care if it hurts. You support your family," because that's what we can't get away from. We understand that. They understand that... because that's how you and I are, right? It's like, what is it that keeps feeling you? The first question that

you asked me. You think I'm going to complain when my mother was out there cleaning homes? You think that I'm going to complain and say that I don't... no. I mean, look at what she did with six kids. Look at me. One child? Really? What do I have to complain about?

Michael Cowen:

Yeah.

Pat Montes:

So, when we understand that, that that's where the client lives, in that world, and they're going to make themselves... Despite what it is, that, "Well, why didn't you go to the doctor?" "Because you know what? If I take a day off, I may lose the job. And you know what? It's not you telling me, lawyer. It's my dad saying, 'you better not.'"

Michael Cowen:

I think sometimes when clients are overstating, is because they are so afraid that no one's going to believe them, that they have to... and I think when we spend the time to build the trust with them, which what you do really does build that relationship of trust, then they'll be more comfortable telling it like it is, and not feeling like they have to go above and beyond to be believed. Now, some people just want to get more money, and there's not much we can do about that, other than try to convince them that it doesn't work.

Michael Cowen:

It's a bad idea, but I find more often than not, when a client is overstating to me, it's because they're so worried I'm not going to believe them, because there's something in their life where people don't believe them, unless they make a big deal about it, and they just feel like that's what they have to do. Or they think that's the role. They think that's what they're supposed to do, because maybe that's what other people told them, or what they saw on TV. I don't know how many times I've had someone that's like, "Is it okay if I go back to work? I don't want to mess up my case."

Michael Cowen:

Yeah, go back to work. I mean, why would you not go back to work? I get more money from jurors when people do go back to work, honestly, is what I've found, that they like helping people that are helping themselves, but I think a lot of it just goes down to, can we get enough trust between us and the client, where the client will actually tell us the whole truth, and expose themselves that way? Because it is a vulnerability that a lot of times people aren't comfortable doing until they really take the time. I think one good thing about what you do is that there's so much non-judgmental listening, that the clients actually start to believe, "Oh, my lawyer actually does care."

Michael Cowen:

It's not just about he wants me to say X, Y and Z, so we can get some money on this case, but he actually, or she actually does care what's really happening with me." Then they feel like, "I don't have to play the role of the victim. I can start telling you what's really happened to me so we can go develop the true story," because I think that's one of the biggest mistakes I see, is people get what they think is the ideal story, and that's the story they want to tell, and it's not the truth. The lawyer doesn't want hear

the truth, and the client doesn't think they're supposed to tell the truth, and then it all goes downhill. The truth is just so far... even if it's not a perfect story, the truth is just so powerful in the courtroom.

Pat Montes:

Yeah. Well, and one of the things that people... sometimes people think that, like you said, they have to have a perfect story before, but what I do want them to know is that if they... the less they have, the more they lose. They'll say, "My life is in transition." I'll tell them, the last thing you need in your life is a crash. The last thing you need in your life was for you to have surgery. So they feel okay. It's like, okay. I'm going to reveal what was there. I was homeless. I was already homeless. Well, the last thing you need is to not even have a car to sleep in.

Pat Montes:

So yeah, it's a journey that we take with our clients and it feels very honorable, honored. I feel very honored, and I think you do the same. You feel like, wow, and at the end, after we've gone through, specifically, what each one of those parts... there's one little thing that I do that I think that is very, very important. The client said that their life is active. After we go through their life, through the activities in their life, I'll ask us lawyers, define some of the words that describe their life. I've got one right here.

Pat Montes:

His life was athletic, he was social, and he was a servant, and he was trustworthy. He was full, he was happy, he was stable. He was a caregiver. He was respectful, hardworking, friendly, confident, strong, family focused. We find all these words that his life is showing, so the person just feels like, wow, because he agrees, but he knows... There's an ease of, wow, my life does show who I was. Like what you said, I don't have to make sure that you know. My life shows. So, it gives them an ease because what I think that the clients, like you said, that they feel like they have to tell the story when they've already told us a story.

Pat Montes:

Our journey is they tell us a story, and then they know that you're going to be able to guide them to really tell the story when you go to trial. They're so trusting after that. You have a connection, and when you share, which is the last thing that I do, and you know that we do this with... This is from drama, from psychodrama. You share what you related, or how you identified, or what resonated from your own life. So many times, it might be something like, you know what? My mother told me the same thing when I was growing up. You work, I don't care what. Or it might be, I don't care what I'm going to do, but I'm going to be home with the kids. I don't care if I have to do whatever it is, I'm going to be home with the kids.

Pat Montes:

That resonates with me. The important thing is that this... where you resonate with the client, what I have found out and I tell the lawyers, what you share with a client at the end, that's what hits you. That's where you connect with them, and that's going to be your more dire question. How many of you in this room feel like they'll do whatever it takes to be home with the kids? They don't care what they'll do to provide for the kids or to be home with the kids. Then the case now is about you and how you connect with the client, because for you, that's the bigger truth. That's a universal truth for you. Anyways, you'll find... I mean, beautiful things come from doing this process, and you know that. In fact...

Michael Cowen:

Yes. Another beautiful thing I found, when we do it early enough, if you wait till right before trial, this doesn't work, but one thing you do is you reenact scenes from their life. So, when you talk about, what's something that brought you joy, and they talk about, well, what's the time you went... Then you go back there and you reenact, let's say a family gathering, or being at work, or doing something athletic, and then you have different people...

Pat Montes:

Can I say a Tamalada?

Michael Cowen:

A Tamalada, yeah, we did do a Tamalada. What we can do then is, so we don't have to put it on our client to tell the whole story. We can then go find the real people that were in those scenes and interview them, and see, will these people make good witnesses? We don't have to have it all on the client to tell their story, especially the bad parts, when the client can talk about their wonderful life before, and how they are struggling to get better and do the best they can.

Michael Cowen:

Then we bring in other people to talk about not just the wonderful life before, but then let the other people talk about the devastation, so it's not coming from the client. It's so much more powerful, but the client, they just don't think. We ask them... because we do it from the very first meeting, "Who else can tell your story?" "Well, I don't know." Then we'll give them examples. Well, maybe family members, maybe neighbors, and they'll list their family members and members. They're not thinking about, okay, what are all the things I used to do? Who did I do them with?

Michael Cowen:

So, that's the best way. I mean, a way I've tried to do it, because we don't always have time to do all this, is I ask, what did you love to do before, and then who did you do it? Then try to get the list that way, but it's so much better when we do the acting out because there's things that they just don't... people they wouldn't have thought to list it. Maybe they, "Well, I don't know that person that well. I don't know that they would come and speak for me." Well, why don't we find out? What's the worst that can happen?

Pat Montes:

Yeah, right.

Michael Cowen:

So, if they don't like you, we don't have to put them on our witness list.

Pat Montes:

Right. I always have them... the one thing that I do have them... the two things that I have them recreate is, they recreate a job scene, let's say, because that's where they spend most of their day. As they're recreating it, I have them focus on the movements. It's not, "I get on the forklift." It's like, "I pull myself with my right hand." Can you feel it? I have them do it, and it's like, "Oh, yeah, I can feel it in the back. I

can actually feel it in the neck, too." They actually recreate it, and then who's there? Then different people that would have never come out, come out. Right? That's one thing.

Pat Montes:

Another thing when you're recreating the scene, it's interesting the way they're like... we put them in the scene, and it's like, "Oh, I remember my glasses flew out." The clients have got to... they've got to realize themselves, how they were... the mechanisms of injury. It becomes even more convincing for them. It's like, "Oh, that's how I threw out my shoulder, because I went like this and then the airbag exploded." So, the way that we create, the way they tell it after is so different, but all these little details come out when you recreate things.

Michael Cowen:

If a lawyer wants to take advantage of these types of techniques, what are some things the lawyer can do to get someone to help them, or to learn to do it themselves?

Pat Montes:

Well, to learn it themselves, just listening to some of the things that we're doing today, just getting the idea of maybe I don't know my client, and I need to go beyond, because I think that just even our lawyer analytical mind doesn't even let us realize that we need to step in and do something different. Right? That's one thing. I mean, just right off the bat, but also, I used to go to Trial Lawyer College seminars, that they still hold seminars, that they help you... it'll help you know how to get into your own hide and your client's hide doing that. So, those kind of things. I think that there are a lot of seminars right now, that will take you to the legal stuff, but this is a little bit different take.

Michael Cowen:

Yeah, I do think it's hard to do this. I think it's hard to be the lawyer and the person directing the story discovery, because I used to try. I met you. I used to teach at the Trial Lawyers College. I've been through psychodrama seminar. You go away for a weekend and it's mostly people in the mental health field, and you're learning the techniques of how to do a psychodrama, though I wouldn't pretend to be anywhere near qualified to do something with someone with a mental health issue, or for therapy, but I mean, I think I know the reversal chair back, some of the basic techniques.

Michael Cowen:

But I found that either someone says something, and my lawyer brain turns on thinking like, oh, that's not relevant, or that's going to create a problem in the case, and then it keeps me from being in the moment doing the directing, or I get so into the directing, I don't remember anything that happened. I don't remember how to... I'm not thinking about how to use it in the case. It seems like, to be so much better to have one person doing the directing and just worry about the story, then the lawyer can experience it, not while having to go through it, but to actually experienced what's happening, and then they'll apply it. It just seems like it's too much to do at once.

Pat Montes:

Right. Another thing that happens is, there are things that you can say to the client... that I can say to the client, that you can't, because the client can't see you... They have to see you in court all the time. There are things that I can say. It's like, okay, if you're going to do that... and I can say it because I'm

going to be gone, and they learn to trust me. They know that I'm doing good for them, but easier for you as a lawyer to sit back. I tell the clients and I laugh about it. It's like, okay, I think your lawyer is going to kick me out of here, because I've been scolding you too much.

Pat Montes:

Are you going to kick me out, Michael? I use a lot of humor when I work, because this is a very unnerving thing for the clients, but yeah. So, I do agree that a lot of the lawyers that I work with, they've learned that they got to do this early. Before we even do stuff for the deposition, they're bringing me in to discover the story, which is, it's basically the same thing, but it gets you, as the lawyer, working on, oh, man, I've got to find these people. I ask the clients about people that are in the context of their life, and I tell them not... it could be your neighbors, it could be your coworkers, it could be your grandkids.

Pat Montes:

It could be people that are important in your life, in the backstory, in your context. They don't need to know about what's happening to you. They don't need to be in town, because what I want to know is who knows your character. It's grandpa in Houston that you used to drive to see every month and you can't do it, I want to know about that. Because we're starting to see... we've seen all the characters in the client's life. It's starting to get you... and a lot of times, you're right. When we ask them, give me names of witnesses, and they won't even... they don't want to involve people. That's another thing.

Michael Cowen:

That's another thing. They're totally...

Pat Montes:

I tell them, I just need to see your life. I need to see the context of your life. I need to see who could speak about... or who knows your character. Not who could speak of, but who knows your character, and then at the same time, while I'm doing this, what is your... you're telling me about your child, little Richard. That's not a... little Tommy. Right? "So, Tommy. How old is he?" "He's 10," right? So, he was eight years old. "Oh, okay, well what's his career like?" "What do you mean his career?" "Well, what kind of things did he like to do?" "Oh, he was in baseball, and I used to have..." Then they're off into the back world, the world that was. "Oh, I forgot. I used to go coach," or maybe I didn't coach, but I used to be the one that... I was the cheerleading mom. So, there's just so many ways, if you walk into people's lives in this way, just actually open, being intuitive and just going wherever they take you.

Michael Cowen:

Yeah, and just to do this... and it's going with a common theme. We've taken on fewer and fewer cases over the years. You really do have to make the time to get to know your clients, and there's no substitute for time. I mean, you've got to put the work in.

Commercial 3:

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Michael Cowen:

Why is it you think that the lawyer who's going to try the case needs to be there and not just say, "Well, you and my paralegal go get the client ready for depo."

Pat Montes:

Because the lawyer needs to connect with the client. It needs to, and I'll tell you something. Sometimes, by the time we do our work, and you know this. By the time we do our work, you can do a direct, you can do an opening statement, you can do a closing argument. Sometimes we'll step into the defendants hide. You can do a cross examination. You're seeing it. You're don't even need the notes. Well, you're not going to take notes when we're doing this work, but it's already in you. I was reading something that somebody said about a case, and they were talking about a case at trial. They said, "These things that I know about the client were coming up, and I wasn't even..." It was already in there, like you really have stepped into their shoes.

Michael Cowen:

So, how do you use these techniques then, in actually preparing for the trial? We've talked a lot about how preparing the witness to testify. Now let's talk about how do we apply this to trial?

Pat Montes:

Well, when we prepare for trial, we usually have already done this deposition practice that I've talked about. We will bring out the post-its, the huge ones, right? We'll take them back out. What I do is I'll set up a jury, I'll set up chairs, and I will have the client become a juror. We learned this in Trial Lawyers College, but I'll have the team become jurors. So, then I will have the client go through the... I'll go through everything with the client, right, starting off with this is what life was and then ending up with the effect of these parts of life.

Pat Montes:

Then, so by that time, what I'll do is sometimes I'll have the client stand up... First of all, before I have them stand up, I will have him be a juror and tell us what he wants to hear. Then I'll tell him... I'll show him what needs to be brought out, the pain, the medical, the suffering or whatever, right? I'll ask the client, okay... sometimes I'll be the defense lawyer and say all these horrible things, right? Then I'll have them be themselves there and give an opening statement for themselves. All these beautiful things come up, because I'm pushing them, right?

Pat Montes:

They've already become the juror. They know what a juror needs to hear, but when they're being attacked like that, they're like, "You're crazy. How dare you say that?" So, it's this very raw emotion, after they've been reminded of all this stuff. The lawyer is being the juror and they're sitting there, wow. Then they can take copious notes. Then I have them practice going through a direct. Then maybe I'll be... or one of the other lawyers be the defense lawyer and ask, and just have them practice talking to a jury and get... Josh Karton, beautiful Josh Karton, who taught us to get up and shake everybody's hands as you're talking, and that kid of stuff.

Pat Montes:

So, I'm actually having them be there in the courtroom, and knowing what it's like, but I think that one of the things that is very, very important is hearing the raw emotion of that client, giving them their opening statement. A lot of times, if the husband is there, I'll have him get up and do the same thing. It depends on what is needed, but I do want them to realize... to become a juror and realize what a juror needs. I'm going to have them practice the direct and practice the cross exam. So, just a little bit different, but I think the important thing is to get them back into thinking vividly about all this stuff.

Michael Cowen:

Yeah.

Pat Montes:

Yeah, and then getting that rolling motion, and then they're ready for trial at that point.

Michael Cowen:

Then what we do to follow up on what you do is we actually then go, when we can, to an empty courtroom. We try to do the courtroom, if the judge will let us and it's empty. If not, a sister courtroom in the same courthouse, and then practice there, have them practice talking, then have them sit in the jury chair, and then show them the difference between eye contact and no eye contact, and how it feels, and just do a little practice there. The only thing I would say is, if you're going to be the person examining the client at trial, do not be the defense lawyer in a practice cross.

Pat Montes:

Yeah, and you're right. Because I step in... and it's the same thing. You need to... you're right. Because I do that. I won't let them do that. It's the same thing. The clients can hear things from me, but they can't hear from you, and it shouldn't be, because you're stuck there. You're right.

Michael Cowen:

Yeah, we're the protectors and if we go, and no matter how much we say we're role playing, when we beat up on them, it somehow affects it, so we always try to... and if you're a solo, get a friend, and you do it for your friend and your friend does it for you, but get someone else to practice the cross and you practice the direct, because we need... People are very vulnerable. They're in a foreign environment.

Michael Cowen:

I mean, the courtroom is so different for everybody, that they need you to be the protector, and they need to have that 100% trust in you. So, while it's important, I think, to practice some cross, at least the key points that you know that they're going to try to get them on, it's important that you not be the one... The same person doesn't ask those questions, that's going to be the protector in the courtroom.

Pat Montes:

Yeah. Especially when you have clients who don't speak English. They need to practice not talking to the interpreter. They need to... and what I have to do is I... Let's say that the spouse is going to do the same thing. I'm going to have the spouse talk to the jury. Then I have the client be the juror and they're like, "No, he wasn't looking at me." It's like they get it.

Michael Cowen:

Yeah.

Pat Montes:

Okay. So, it's not just having them do it. They have to be the juror to realize what it feels like, "Man, he wasn't even looking at me. He just kept looking..." It's so interesting. When you put them as jurors, sometimes as jurors, they'll say, "I don't know. They're going to have to prove to me they did it." You're talking about yourself. "I don't know. I mean, if he didn't go to the doctor, he's going to have to prove to me." It's like, "Okay, sir?" You know, because now they know. It's so interesting how they get caught off, not realizing it themselves, right?

Pat Montes:

But now they understand what this juror... And one of the things, one of the one thing that I tell them at the end. I tell them, "These people that are sitting..." because when I have them become... You're the construction worker, they're not going to pay you today. I tell them, "I want you, not only you, but the lawyer to really understand that we've got to give this jury all the respect in the world. We're walking in there with all the respect in the world, because you're the construction worker. Are you going to get paid? No.

Pat Montes:

You're the girl that works at Whataburger. Are you going to get paid? No, not really. When they start realizing that... and they have to realize it themselves, because they need... You know these clients that say, "Well, why do I have to prove anything?" One of the clients then told me, "Well, they just need to look at the picture." So, they don't really understand that it is our burden, and we have to understand that it's not easy. It's not going to be easy for them, and they are honoring us by giving us their time, but they have to feel it in their own bones.

Michael Cowen:

Absolutely, and that role reversal works so well. It's so natural to us. I mean, we all did it as kids. Once we start doing it, it comes right back. I've yet to have a client not thank us afterwards. Even when it's rough, even when it's emotional, they've all felt happy they did it. I think even though it's not being done for therapeutic purposes, I think there is a therapeutic side effect. They all feel a little better, but they also just feel respected, loved, cared for. I think that goes a long way.

Pat Montes:

Well, the therapeutic part is just the human part of being understood. I always tell the lawyers, "Okay, you're not the husband who wants to fix it, okay? Remember, we just want you to listen to us." When people listen to us, and when we feel understood, it just feels like therapy. So, it's not really therapy, but it feels like, okay, somebody in this world gets me.

Michael Cowen:

Exactly.

Pat Montes:

They love that. That's beautiful that we can offer that to our clients.

Michael Cowen:

Yeah, love and understanding are always beneficial, and you don't need a PhD to give them.

Pat Montes:

Right.

Michael Cowen:

So, if somebody wanted to see if you were a good fit to consult with them on a case, how would they get ahold of you?

Pat Montes:

They would email me at [patmontes@monteslaw.com](mailto:patmontes@monteslaw.com).

Michael Cowen:

Pat Montes, M-O-N-T-E-S@monteslaw.com.

Pat Montes:

Right.

Michael Cowen:

And that'll be in the show notes for any that... I do. I hate to say this because you're already really busy, and I want to make sure that we can keep working with you, but I have to... as someone telling the truth, since we're talking about truth, Pat is incredible. I will tell you that she is one of the reasons that we've gotten some of the verdicts we've gotten, because she's helped our... not only just helped our clients learn to testify, but helped us learn the story that we needed to tell so that a jury would care and want to do right by our clients.

Michael Cowen:

So I do recommend... Anyone out there, as much as I'm scared that y'all are going to book her up and I won't be able to use her anymore, I do highly recommend working with Pat. We started off, I think, just working on Spanish language cases, because I was working with some psychodramatists, but once we really started working with you, we used you on everybody. Although you are, I think, the only person I know of that does this in Spanish. There's some other people that do... they can do English language, but I think you have a pretty unique gift that you can do it in either language.

Pat Montes:

Yeah, I can. I'll simultaneously translate, so it doesn't escape, if the lawyer's really in it.

Michael Cowen:

For those that need it.

Pat Montes:

Pardon me?

Michael Cowen:

I'm showing off. I said, For those that need it.

Pat Montes:

For those that need it, yes. I will say that not only do you... I'm so impressed. Not only do you speak Spanish, but you speak slang Spanish, which, that... Yeah, you grew up with us border people. That's who...

Michael Cowen:

I am the border person in my family... yeah. You can take me away from the border, but it's still in my blood.

Pat Montes:

I know, right?

Michael Cowen:

Well, thank you so much for coming on. I'd like to talk to you more, but we have a natural time for a podcast. Thank you so much, Pat.

Pat Montes:

All right. Thank you.

Outro:

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Commercial 4:

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