

Intro:

This is Michael Cowen. 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. 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. 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. Now here's your host, noteworthy author, sought after speaker, and renowned trial lawyer, Michael Cowen.

Michael Cowen:

Today in Trial Lawyer Nation, I have Attorney Sara Williams. She's on service out of Birmingham, Alabama with Alexander Shunnarah Trial lawyers. She's got a bunch of great verdicts, including a \$12 million verdict she's going to tell us about. She does more than just try cases though. She is really trying to bring up and empower the next generation of trial lawyers, both by teaching and coaching at law school, and by working with lawyers to try to get more lawyers into the courtroom that may otherwise shy away from the world. So welcome to the show.

Sara Williams:

Thank you for having me.

Michael Cowen:

So tell me a little bit about yourself.

Sara Williams:

So I'm an army brat. I was born in Tallahassee, Florida, but grew up in Germany, Holland and White Sands Missile Range, New Mexico. Graduated from Florida State University and attended law school in Birmingham at Cumberland School of Law and stuck around. I practiced insurance defense for the first seven years of my practice, including a trucking defense practice for the latter part. Then I just couldn't do it anymore and joined the Shunnarah Firm to help develop their litigation practice.

Michael Cowen:

So what did you do to develop yourself as a trial lawyer? To get the kind of skills you need to get a \$12 million verdict?

Sara Williams:

So Cumberland is one of the country's top trial advocacy schools. Although I didn't attend for that reason when I was a first year law student, my mentor made me do on the first year a mock trial competition. I really just fell in love with it. I found that it encompassed my nerdy desire to put a puzzle together. It made me realize I was not as introverted as I thought I was. It was something that it's like a bug that just grabs hold of you. So from that point forward, which I love about it is like I knew my purpose, like I didn't know where I was going to work. But I knew as long as I was trying cases, the job would be okay for me.

Sara Williams:

Then I went to work for an insurance defense firm, trying just car wreck cases. But I mean, I tried my first case two weeks, two weeks after bar results because we just had so many cases. So I sat second chair, and it was just off to the races. We were picking up files on Friday and trying them on Monday. It was a lot of fun until you get old enough to realize that there are more factors that go into wanting a job than just trying cases.

Sara Williams:

So I wanted to handle more serious cases. So I started working for firms that did trucking litigation and got my feet wet and that and tried some big cases as a defense lawyer, that I'm probably paying penance for sometimes when I get certain results. Then just develop my skills that way, just trying cases as a defense lawyer, figuring out what works in our conservative venue and what doesn't, and then eventually did it on the other side.

Michael Cowen:

What made you want to be a plaintiff's lawyer?

Sara Williams:

I actually, when I was in law school, wanted to be a plaintiff's lawyer. But at that time, and I think it's just changed the job market. Plaintiff's firms in our market weren't really hiring directly out of law school. So I ended up just handling insurance defense, and then it got to a point, I remember the point where I decided I couldn't do it anymore. The last case, big case I tried as a defense lawyer was a wrongful death case involving the drowning of a nine-year-old. I tried to get as much money as I could on it because I knew I was going to beat those lawyers because I knew I was a better trial lawyer than them. But it didn't sit well with me. It was the first time I ever won a trial and went home and did not celebrate it. I said to myself, like, if I'm not celebrating my wins and this doesn't feel good, then I need to do something else. So it took a little bit, but probably it was less than a year later that I left and joined Alex's firm.

Michael Cowen:

I want to go back to something you said earlier, and I want to go back to the trials closer to home. You said you were an introvert, that is just blowing my mind.

Sara Williams:

I know.

Michael Cowen:

Because for the first time I met you, I thought you're instantly my friend. You're easy to get to talk to, it's just ...

Sara Williams:

So it's one of those things where I grew up. So our last duty station was in Germany, and then we moved back to the States, and it was like a completely different world. I've always been a big reader, I've always been a huge nerd. I mean, my nickname in high school super nerd. So I was always just very self conscious and just really quiet. People who went to high school with me are actually surprised at who I

have become now. But I think that the gift trial advocacy gave me was really recognizing the value of my voice, if that makes any sense.

Sara Williams:

So I think that I was not an introverted person. But I had always been told that I was shy, right? It wasn't that I was shy, that I said things when I needed to say things. But I internalized that. So I think that when it came to our trial advocacy program and being coached by the coaches who did a phenomenal job, just bringing out who we were and being authentic, like the real me just came out. So that's why when we say, a lot of people say, "Look, you seem like my friend." It's like, "Yeah, because I'm now being me." I was given the freedom to do that in the strangest most conservative school, but it worked out well.

Michael Cowen:

It's interesting because when I'm in sport, when I'm on stage, I feel very real, very neat. When I'm here in our tribe of trial lawyers, now I feel very comfortable. But when I go on to other groups, I'm not that extroverted.

Sara Williams:

So I have that experience sometimes too. It takes me a little bit to warm up. These are our people, right?

Michael Cowen:

Right. We're here at the ATA Convention. We are with our tribe.

Sara Williams:

That's right. So I think part of it is what I've discovered for me is it's like, we speak the same language. We like the same jokes. When you go out and you're talking to folks that you don't know if they're your people, and you're so afraid, right, you're afraid of saying something that doesn't sound cool or ... So that that is something that I still struggle with a little bit. I think that the more and more I do things like this, when I was managing the firm, I had to attend mass torts conferences. There are lawyers who do both. But obviously single events lawyers or mass torts lawyers are different. So there were those instances where I felt uncomfortable, but had to develop the I guess stamina to get comfortable. I've had that same feeling but I've kind of worked through it.

Michael Cowen:

I've heard a rumor, y'all learn how to do a run on that sports.

Sara Williams:

Yeah. We do all right.

Michael Cowen:

Right. I've always been too scared to put my toes in that water. But maybe one day.

Sara Williams:

You have to I think have a stomach for a risk. I'm risk averse.

Michael Cowen:

I have a stomach for risk, but risk and swimming in a pool of sharks and bloody water is a whole different thing.

Sara Williams:

Yeah, I could tell you some stories, but it's worked out. It's worked out.

Michael Cowen:

Good. I'm glad to hear that. Your boss is such a nice guy too.

Sara Williams:

He is.

Michael Cowen:

I'm sorry.

Sara Williams:

I mean, he's my boss. He's so nice and I think has been the greatest partner to have in the legal space. It's weird when we met the first time. I was like, "Man, I don't know that I want to come and work for you." Then like three hours later, he was like, "Okay, so you're starting in two weeks." We've been like best friend since then. People are always like, "Y'all are such an odd couple." But he's just a genuine person. I think he has really helped me be open enough to be vulnerable in my cases and use my emotional intelligence, which I think a lot of lawyers don't talk about, but which is important to what we do. He's so good at that. So he's a great leader and a great guy. I can't say enough good things about him.

Michael Cowen:

That's awesome. What's some of the differences between what you had to do to be successful as a defense trial lawyer versus what you're having to do now be a successful plaintiff's trial lawyer?

Sara Williams:

I know my friends on the defense are going to hear this and and wring my neck. But I absolutely, I tell people this all the time, what I do now is so much harder, crafting the arguments and crafting the theory and figuring out how to ensure that the jury understands the effect your client's injuries actually had on them as a person and figuring out what the emotions of your case are. When I was a defense lawyer, the formula for us was, I needed pre existing medical conditions, a lie. I practice in a pure contributory negligence state. so the bar was not as high, I feel now that I've done it on both sides. So as a plaintiff's lawyer, I have done more attending CLEs and trial skill seminars and reading books to develop and hone those skills than I ever did as a defense lawyer. Just because I just think our burden, obviously it's our burden, but I just think we have such a huge mountain to climb when it comes to presenting our cases to juries.

Michael Cowen:

Absolutely. What are some of the books and seminars you found the most useful?

Sara Williams:

I'm obviously ATA. I've actually been following this group since it was with 360 Advocacy. But the AAI Trial Skills Colleges are so great. Sari de la Motte's From Hostage to Hero. If you're not listening to that podcast, in her earlier podcast too, it's required listening for my advanced trial skills students at Cumberland. I've done the Keith Mitnick Don't Eat the Bruises.

Sara Williams:

But I will tell you the other books that have really helped me in terms of digging into my own vulnerability and empathy, I love Renee Brown. I just read Amy Cuddy's book on presence, which is something we teach a lot about at Cumberland. But it really allowed me to connect the dots between what we teach and the actual psychological foundation for it. So I'm always looking for books that help me delve into my mindset and improve my mindset because I think when we're in the right state of mind, and are viewing our cases in the right state of mind, that's when we can really tap into the emotions, and the empathy, and the vulnerability and and best communicate that to a jury.

Michael Cowen:

Absolutely. Actually when we first started, invited Renee Brown to be on this podcast, but she's so good at setting boundaries, she's politely said, "No, thank you." She's not a trial lawyer, so I get it. Because there is I think so much interaction between learning to take care of yourself and learning to take care of her clients.

Sara Williams:

Absolutely.

Michael Cowen:

I never understood this. I'd heard it. I never really internalized it until the last year or so, is that for a long time, I thought what I needed to do to get paid great earnings was to love my clients. That's absolutely true. We have to get to know them. You have to find what there is to love about them.

Sara Williams:

Right.

Michael Cowen:

But if I don't love myself, I don't think the jury is going to love me. That's been so hard for me to do.

Sara Williams:

If you don't love yourself, and I think the reason why is because you can tell when someone is standing in front of you, and they are not comfortable with themselves, right? I think that when someone appears comfortable and relaxed, that exudes confidence. Then the jury looks to that person as a leader. But when you are not comfortable with yourself, right, and trying to figure your own emotions out about the case, I think juries pick up on those things. I don't think you present your case as confident. That's one thing we teach. You are the leader in the courtroom, right? You want the jury to be looking to you for the answers. If you're not confident in yourself, you're not going to be their leader.

Michael Cowen:

Yeah, so far. The one thing, I've got it from Sergeant Lamad, our mutual mentor and friend, is imagine that we could be as gracious and forgiving with ourselves as we are with everybody else.

Sara Williams:

Absolutely.

Michael Cowen:

Which is a wonderful thing.

Sara Williams:

We are so hard on ourselves as trial lawyers. I think it's because our business, it's like your entire reputation is based upon the outcome. Alex and I were actually just having this conversation today about verdicts, and I haven't had one recently. I said, "I really have gotten to the place in my career where I am only concerned with whether I tried this case the best way I could, whether I did the best job for my client, whether I tried it better than I tried cases last year and the year before that." But I think just because of the advertising and marketing and just how we've all come up, we get so focused on if I lose this trial, that says something about me. I think we internalize that as our worth is based upon the outcomes of these trials. We don't know what a jury is going to do.

Sara Williams:

I'm not going to allow a jury, what 12 people think of my case if I tried the best to the best of my ability, and I do what I know I needed to do. That doesn't establish my value or my worth. But I think most lawyers feel like that. Our results equal our worth. We've got to get away from that.

Michael Cowen:

I agree, let your happiness or your love yourself or your worth be based on something that's totally outside your control, and honestly, no matter how great of a job you do, what the facts are and what juries you end up getting on that panel.

Sara Williams:

I mean, there are so many variables, right? That you just cannot control how one juror. You don't know what they have going on in their lives at that particular time. You can only control what you can control. I think if you have done the things right that you can control, then that's all you have to worry about. But it's difficult. That's why I say that part of I think your trial advocacy training has got to be mindset work too. Right?

Michael Cowen:

Yeah. Absolutely. It wasn't for me. I've been doing a lot of work right now. It's funny. When I first started working with Sari de la Motte, we wrote some goals down. At the time, one of my goals was an eight-figure win. I still would like one. But now my goal is to try cases and be alive in the courtroom. Instead of worrying about the score, I'm going to worry about the plan for them.

Sara Williams:

Absolutely, absolutely.

Michael Cowen:

It takes so much pressure off of me because it's not my job. It's the jury's job to give me the eight-figure record. That's not my job. My job is to give them what they need to do. If they screw it up, that's on them.

Sara Williams:

That's right, that's right.

Michael Cowen:

Now, I have no problem being hard on myself. So I don't want to sound flippant. But 10 days out for trial and I'm really working on mindset. I'm going to try the hell out of that case. That's right. But I don't control that thumb. So I'm giving it up. In fact, my partner was awfully strong, it was all stressed. Last week, they said, "Well, I'm going to delegate the stress to you." Whenever I start feeling good, I'm going to think, "Well, that's Sonia's job. Sonia could feel the stress." I mean, she just ...

Sara Williams:

I still get caught up in it sometimes. I think it's because it's the nature of our business. That's right.

Michael Cowen:

I'm trying real hard to let it go because I have to remember, if I focus my energy on what I have control over, which is my preparation, my effort, then I'll have the best effort. If I'm stressed out, if I'm tired, and I'm spending all this energy worrying about something over which I have control, then that's all the time, energy, I've not spent getting ready. It's really counterproductive.

Sara Williams:

There's only so much space in your brain to think about things, right? When you're in trial, you got to think about what objections to make. You got to think about whether you're preserving the record. You got to try to read the jury and how are they taking in what you're putting out there. You got to think about how you are delivering whatever it is you're delivering. So if you have to think about all those things, and then have space in your brain to also hold onto that fear of their outcome, then you just don't have that brain space.

Michael Cowen:

So what made you decide you wanted to not just work magic law firm, try cases, but then somehow find time to teach at law school and coach a mock trial team at law school?

Sara Williams:

So I have been coaching mock trials since 2010. It's funny because I went to law school because I was an English Lit major, but I did not want to teach. So now here I am. But I think that there is nothing better than seeing a student who is like I was, introverted, doesn't think they have the skills, doesn't think that they have the personality, right. They are not some legacy trial lawyer. They've never been in a courtroom, and taking them, and training them, and having that aha moment. Every student always has it for them. When they realize and crossover into that, say from good to great and they own themselves, and they're just being who they are, it really motivates me. It helps keep my skills sharp too for when we're not trying cases on evidence and things of that nature.

Sara Williams:

But I really get enjoyment. Then when my students go out into the real world and are trying cases, I've had a student with one of the largest verdicts in one of our counties in Alabama. I'm so proud of her. So that motivates me, but there were so many people who poured into me. It's largely volunteer at Cumberland. So I just feel a responsibility. I feel like I was given so much. So I feel a responsibility to give that back.

CRP Commercial:

Each year, the law firm of Cowen | Rodriguez | Peacock pays millions of dollars in co-counsel fees to attorneys nationwide on trucking and commercial vehicle cases. If you have an injury case involving death or catastrophic injuries and would like to partner with our firm, please contact us. You can reach Delisi Friday by calling 210-941-1301 or send an email to [Delisi@CowenLaw.com](mailto:Delisi@CowenLaw.com). That's D-E-L-I-S-I@CowenLaw.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 see where we can add value in a partnership. Now back to the show.

Michael Cowen:

Now one other thing I've noticed is we interact a lot on social media. You have this incredible omnipresence. It's also not creepy, follow her. Because you have just inspirational great videos, great quotes.

Sara Williams:

Thank you.

Michael Cowen:

That you're putting out. By videos, I mean, videos of you. You're not just finding YouTube videos. What inspired you to start doing that? I mean, I don't know how you find time to do all them to do.

Sara Williams:

Well, I know. Yes, that's all that constant struggle. That's my 2022, time management, that's my mission. So when I decided, managed our firm from October of 2017 through December of 2020, but I decided in January of 2020, pre-pandemic, that I wanted to get back in the courtroom more. Because to manage a firm that had grown from 40 lawyers to over 100 lawyers was taking up a lot of my time. I just didn't want to get out of the game. Some things you do well, but are not your ministry. So I think I did a good job managing the firm, but it wasn't something I loved to do.

Sara Williams:

So Alex and I sat down and he said, "Well, why don't we branch you separately from me in terms of marketing?" But I was never comfortable with the traditional legal marketing for me, because I'm still somewhat of an introvert. So I decided that I would do more of a thought leadership type branding. So one of the things I'm passionate about as encouraging people who don't think they can be trial lawyers to be trial lawyers. What I've seen as a law school professor is I will have so many talented women lawyers or future lawyers, law students, who I just expect to have great careers as trial lawyers. Then they get out in practice, and I never see them again. When I catch up with them, they are not trying cases. It's such a waste of talent. I think it's a disservice to our potential clients.

Sara Williams:

So I really wanted to do something to encourage women lawyers to empower them to step into the courtroom to try cases, to advocate for themselves at their law firms. But I get so many messages from men as well saying, "Hey, I really was motivated by your video." So it's been a great response. I've been really happy with it. I was nervous about it.

Michael Cowen:

Yeah. I know I'm not your target demographic, but I love them. I'm motivated. I don't just love your videos. I love what you're doing. I love that you are putting yourself out there and to have to work with like Alexander, he's one of the hugest advertisers in multiple states. To have someone that would encourage you to build your own brand, most people would be scared to build your own brand. It means you can leave with your brand.

Sara Williams:

It's so funny you say that. He said, the first conference we went to after it launched, he said people came up to him and said, "Why in the world would you let Sara do that?" He said, "Well, first of all, I don't let Sara do anything. She wanted to do this and I wanted to support her in it because I think it's a great idea and I believe in it. But also, if I had said no, she was going to do it anyway. She just would not do it with me." But it was so funny. He was like, it's so weird. People are asking me why I let you do it. I'm like, I don't own her. He's been such a great partner for me. But yeah.

Michael Cowen:

What a relationship of trust and confidence for him not have the fear to like, "Yes, she's good." Let her branch. Maybe someone would want to hire her that wouldn't want to hire me, and then I still ...

Sara Williams:

He still benefits, right?

Michael Cowen:

If not, if one of my lawyers, God forbid Mallory left me, I mean, but if that happened, I'd be happy. I would want to see her blossom. I would want her to succeed.

Sara Williams:

That's exactly right.

Michael Cowen:

Selfishly wanted to succeed with me because she's great. I just love her as a person and love the working relationship. But if she decided that she'd rather be on her own, why would I want her to do anything but flourish?

Sara Williams:

I think that happens when you are comfortable with yourself. He's very comfortable with his own success. He has been the greatest mentor. He's really the one that has ingrained in me, "You are competing against you." we've had some big firms come into our market, and people have always called

us up and said, "Hey, are y'all worried?" He said, "No, because I'm competing against myself. As long as I'm getting more cases than I was before, I can't worry about the competition." But we're also friends. I think when you care about someone, you care about their success. It may not be with you, right? We've had lawyers leave, and I'm happy for them to be successful. But also he'll tell you, he'll, he says, "Look, if you leave, it doesn't matter, I'm still going to send you cases."

Michael Cowen:

That's awesome. It's also you have a good thing going.

Sara Williams:

We have a great relationship. I think it's very rare. But I think it's because we are very honest with each other. The folks that my firm will tell you, we have some knockdown drag outs, but we usually can talk it out. But I think when you have the ability to be honest with whoever is in leadership at your law firm, and be able to say, "Hey, these are the things I need to be successful here," just great things will happen. That's, again, one of the motivations for my videos because I have always, at all the firm's I've been at, have done things that folks are like, "Wait, you got the opportunity to do this?" I said, "Yeah, because I asked."

Sara Williams:

So I want to encourage young lawyers, like if you have a goal, don't sit in your office. Tell somebody, tell them, "I want to try a case, I want to get involved with trucking litigation." I had to ask, "I was stuck in an office and was assigned to an employment lawyer." I thought, that's what I wanted to do. It was so boring. I walked down the hall to the guys who were doing trucking litigation, and I said, "Can I get on one of your cases?" They said sure. The next day, I was off to an inspection I oddly fell in love with it. So something that I didn't know I would love to do. So I just think you have to be able to say, "Hey, these are my ambitions." So I try to encourage young lawyers to do that.

Michael Cowen:

That's great advice. Matter of fact, you read my mind. I was going to ask you, what advice do you give to someone that wants to do more who feels stuck at their firm?

Sara Williams:

Yeah. You have to find someone. You know what I hate, is I'm now like the older partner, right? Sometimes folks will say, "I'm so intimidated to come into your office." Although it's like, "Dude, I have a nine foot pink couch. You cannot be intimidated to walk in here." But I get it. I don't know what it was. I think that I had just a level of like cockiness because I had done well in law school. I thought I was something and so I just didn't have any fear in terms of walking into a partner's office and saying, "Listen, my goal is to be a great trial lawyer. These are the things I feel like I need."

Sara Williams:

So I mean, I was on a DRI trucking board, who's on their board is like a fourth year lawyer. But it was because I said, "Look, I want to get involved and I want to figure this out." So I think you have to harness your fear. My next video for October is going to be about harnessing your fear and approach people that you don't think you can approach and just say, "Hey, this is what I would like to do. Cannot talk to you

about best steps for getting there." The worst they can do is say no. That's it. But if they say yes, I am proof that amazing things can happen for you. So you just-

Michael Cowen:

Except for the organization's like, it's got to Truck X Attorneys, AAJ, I mean, we're actually actively wanting. Just we only have so much time and energy to go out befriending people. But if people ask-

Sara Williams:

That's exactly right.

Michael Cowen:

Then when you get put on a committee, but I'm going to do something.

Sara Williams:

Do something.

Michael Cowen:

Don't just, "Okay, I've got it on my resume, I've done this." Now, I want all the glory, I don't want to do the work." I mean, do the work, and then you move up.

Sara Williams:

I think the biggest mistake lawyers make when they come to these conferences is not getting to know the speakers, and going to the cocktail parties, and just standing in the corner. Obviously, we usually have a larger crew. So it is probably a little easier for us to approach people because we approach them as a group. But there were times when I was coming to these things by myself, and other conferences by myself. I am still shy sometimes.

Sara Williams:

But you just have to, again, harness that fear and get to know folks because there have been so many people, like Jean Marie has been amazing in terms of opening up opportunities, explaining things to me. So you don't know the types of people that you can meet and who can open up opportunities for you if you go to the conference, and then go to your room. Then I get that you're away from your family, and maybe your kids. It's a fun city.

Sara Williams:

But I think it's so important to identify conference events and identify people. Like, you know what, my goal is to talk to Michael Cowen about X case at this conference. Once I do that, I've checked it off the list, and I've done it. But I think that people miss opportunities to grow within their industry and to brand themselves and market themselves within the legal industry, by just sitting there, taking their notes and going back to their room.

Michael Cowen:

Absolutely. No one's going to bite your head off. Most of the people that speak, I mean, when you speak at a conference, typically you're not getting paid. Typically, you're paying your own travel. You're getting

your own hotel room. You're getting there because you want to make an impression on people. You want to meet people.

Sara Williams:

Right. So we're not Rene Brown.

Michael Cowen:

Yeah. We want people to go up and talk to us.

Sara Williams:

Absolutely.

Michael Cowen:

I love that. I had lunch with lawyers who I had never had lunch with before.

Sara Williams:

Right. Well, in our firm, and I think what I've seen, we were Alex ... is branded as the billboard lawyer. But in the new markets we're going into, we're not even really buying billboards other than like Atlanta because digital marketing is the trend. I think what I've seen is when firms are marketing themselves digitally, social media, SEO, they're going to get cases in your market. So one of the things that is a mission for us is to establish relationships with lawyers in other states because you never know when you're going to get a case in Seattle. You need to know who to call immediately if it's a trucking case, right? But you never know. Someone may end up with the case in Alabama. We've had cases referred to us from Canada. You just don't know. So it's just a waste to come to these things and not meet somebody new.

Michael Cowen:

I mean, I was hired and had to referred to Canadian nurses that were in South Texas on a trip. The bus got in a crash.

Sara Williams:

Right.

Michael Cowen:

It happens. It's all top of mind. You could be the best lawyer in the world, but the person doesn't remember you when they're making that decision. What we remember with people we make connections with.

Sara Williams:

That's exactly right. That's exactly right.

Michael Cowen:

You forget about who gave the great speech, but you remember the person you had lunch with. You remember the person you had sat with at the bar afterwards.

Sara Williams:

That's right, that's right. Then you can just develop, I've developed some of the best friendships. My brother recently passed. There are so many people who I've met through these conferences who reached out and donated to his GoFundMe. It was just like the amount of support that I received from across the country was just astounding. I think that you miss out on that when you just are like, "Okay. I'm going to go and then I'm just going to go do my own thing." It ends up being a waste of your money.

Michael Cowen:

Well, even though we're not going to measure our self worth with verdicts. They are still really cool. You've got a \$12 billion verdict. Can you tell us about that case?

Sara Williams:

So that was a case that me and one of my partners, Brandon Bishop, tried against the Birmingham Bus System, the BJ CTA in December of 2017. But it arose out of a 2014 wreck. Once the driver had a fainting spell, passed out, turned the bus over on its side, it fell down in a ravine. The worst injury was our primary named plaintiff who had her leg amputated above the knee. What developed throughout the course of discovery was the reason why she actually lost her leg was because when she saw the bus driver lean to the side and pass out, she ran up to the front of the bus and tried to ... She was trying to get control of the bus to steer it back on to the roadway. As they were turning, as the bus was turning over, the handicap ramp fell onto her leg. She's such an amazing person.

Sara Williams:

Alabama has municipal caps. So there were huge discussions in regards to that and issues in regards to that. So we tried to almost ... Joe Free talks about the speedy trial. We tried to in a week, but we had 17 plaintiffs. We called the bus driver and the corporate rep first, and took some time with them. Because what we discovered was this particular driver had been having syncopal episodes while driving buses since 1999.

Michael Cowen:

Wow.

Sara Williams:

It was one of those simple things of he had a congenitally narrowed arteries in the back of his neck. So what would happen is when he got congested, and he couldn't breathe well, he couldn't get oxygen to those arteries. So he would pass out. His doctor said, "Look, the only fix for that is, if you don't feel good, don't drive." That's it. when we pulled the video, when we finally got the video and had to fight for it, the good version of it, we could hear him telling the passengers, "Man, I sure don't feel good today." They'd ask about him, and he'd say, "Man, I couldn't even go to church on Sunday." Living in the south, if you can't go to church on Sunday, you feel real bad.

Sara Williams:

So he eventually passed out. Verdicts like that are tough in our state. Our state has not affirmed a verdict that large. This one, it went up on appeal. But we concluded it prior to that. So it was a great case to try. Our clients, I will tell you, in the beginning of this trial, I will never forget this, the courtroom was small. So our clients had to sit behind us in the well. Then we had the panel across from them. But

the judge had each of our clients walk up to the well to introduce themselves. When our client who had the amputation walked, limped up, because for a long time, she had a prosthetic that didn't fit well. When she limped up, I will never forget, there were people in our panel laughing at her. I remember just thinking, they have no empathy for her. But I tell my students all the time, I think that the thing that shocks folks is that sometimes jurors will have more empathy for the the defendant, and they did.

Michael Cowen:

Right. Absolutely.

Sara Williams:

So when he stood up, jurors were smiling at him, nodding at him. So we knew we had an uphill battle in terms of developing the emotion of the case. We knew, all right, we got to go ahead and get him on the stand and get this 30 B6 on the stand and flip the emotions of this jury. We cannot call our plaintiffs first because these folks don't feel sorry for our clients. So we've got to get the anger out. Then we went through 17 plaintiffs in a day because we stipulated to their medicals. We spent half the day with the lead plaintiff and then spent half a day with the rest.

Michael Cowen:

What was it you did that got the jury upset with the defense?

Sara Williams:

Established the notice, the BJ CTA's failure to one, they had an issue with their record keeping. So they had been changing management constantly over the years. So it took us a long time to get all of this particular driver's records. Because the records, they would change companies who did their safety and then start a new record keeping. It was very odd. So we established one, that all the driver had to do was call in to dispatch. There were relief drivers at the terminal who will pick up his pick up his route. Two, we had to establish with the 30 B6 representative that the BJ CTA had notice of these prior problems, and they continue to let him drive.

Sara Williams:

What actually did it, when we talked to the jurors afterwards, which I'm sure you know, is that our argument that what is it going to take for them to protect the roads that these buses drive on? I was 19 years old when he had his first fainting spell. Here I am, 37. I mean, he was driving for them until I was 34. What is it going to take? Who's going to be next? Whose mom, whose sister, whose niece, whose brother whose father is going to be next?

Sara Williams:

What really got them and this was something we didn't know they would admit to, we knew in depositions that they had no system for tracking prior medical conditions of their drivers. But we took the depositions in 2015. Since that time, they had not developed any.

Michael Cowen:

Wow.

Sara Williams:

So I remember when I was crossing that 30 B6 and going through that line of questioning, you see the jury, and people were just like, okay. So that's one of the things we brought out in closing, and you're not supposed to ask a question you don't know the answer to. But I had a sneaky suspicion that they had not done anything.

Michael Cowen:

I disagree with that. I think don't ask the question you don't know answer unless you listen to your gut.

Sara Williams:

That's right.

Michael Cowen:

And it tells you to ask. I don't know what it is, I don't know if it's God, I don't know if it's magic.

Sara Williams:

That's right.

Michael Cowen:

But you get in a space when you're in the moment in trial, and you feel it. Nine times out of 10, you get gold when you do it.

Sara Williams:

That is true. It's funny, I just had my cross examination lecture with my students. I was like, "Look, I know everyone says don't ask a question you don't know the answer to." But when you start feeling yourself, and you feel that intuition, and trusting yourself, right? But the other thing is, sometimes there are questions where the answer does not matter, right?

Sara Williams:

So at that point, I was like, "You know what, if they have developed one, then we can argue they could have done it before." Right? If they haven't, and that's what we ended up with, then the jury is upset about it. So it really was that, which it was kind of frustrating because I thought that our client, our plaintiffs did so well. They just did an amazing job in terms of describing their fear during the wreck. But that wasn't what triggered the jury. It wasn't. It was the fact that self preservation.

Michael Cowen:

Absolutely. How do you get around caps and things like that?

Sara Williams:

So in that case, when you have violated a rule, and so the BJ CTA had a rule that if you were feeling ill, you had to call someone. So we argued around the caps, but we actually never had to reach that issue because simultaneously, like after we got the verdict, the driver filed a bad faith lawsuit against the insurance company for the BJ CTA because we had previously made a demand for their policy limits. There was an argument, and my co-counsel is brilliant, made the argument that we were entitled to the caps for both the driver and the BJ CTA.

Sara Williams:

So it was essentially double, which would have given \$600,000. So we fought about that for years. Then the week before trial, they said, "You know what, y'all are right." We said, "Well, no you had the opportunity to resolve this case in 2015, and you didn't take it." So during the course of litigate, the bad faith case being litigated, things went away.

Michael Cowen:

It did.

Sara Williams:

Yeah.

CRP Commercial:

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Michael Cowen:

I'm fascinated about how you manage a firm that big, how you manage the litigation and keep quality without totally ... I'm asking selfishly because I try to manage other lawyers.

Sara Williams:

So for me, our lawyers are all their own departments. So really, when it comes to managing them, it was more so putting structure in place in regards to running report. We have trial works, making sure that we had different processes in place in terms of statute checks and when things need to be filed, and different procedures for resolving cases and hiring experts, right? Because we ended up with some cases where experts were hired without approval. We lose six figures on a case that probably shouldn't have hired experts in or taken in the first place.

Sara Williams:

So I spent most of my three years putting in place a lot of policies and procedures to help with that. But for the most part, our lawyers do a good job of managing their own dockets. I mean, they are all eager to kill. So if they're not managing their dockets, they're not making any money. But for me, I have a great team and managing the firm and then managing my own docket, I've got a great, great, great, great, great, great staff.

Michael Cowen:

That's awesome. So what's next?

Sara Williams:

Oh, man, you would ask me that. Actually, I'm at a crossroad in my career. I don't know if it's the 41 threshold, like that seems like I'm really into my 40s now. I think that I have gotten to the point where

my legacy is much more important to me than the outcomes. I feel like I've done the mindset work that I am not, like you said ... I would love an \$8 million dollar verdict, right? But I'd much rather know that I'm doing all the things to make sure that when I leave this earth, I had the best skill set that I could possibly have.

Sara Williams:

I think as trial lawyers, we're always learning. So it's to continue to learn. But I think that is to really narrow down my cases. I will probably handle less cases because I would like to teach more and maybe even write a book. I think that there is a gap in ... This is for women trial lawyers. I think that there is a gap in mentoring for women trial lawyers. There are just some obstacles that women in this space-space that are just different. There aren't a lot of people out there talking about that. So I'm much more focused I think in the next 10 years of my life on what is my legacy going to be, what impression am I going to leave in this world that is not based on verdicts and cases tried.

Michael Cowen:

I want to talk a little bit more about. I thought we're going to finish it up. But you've ...

Sara Williams:

I know. When you asked it, I was like, oh.

Michael Cowen:

I'm in my 50s, not my 40s. But the mentoring, I tried arbitration with Mallory, my partner. It's funny because I took a proud demo of their expert. They ended up not calling directs. But we played it cool, so good for us. I felt like it was the best I ever did. But that's not what I was proud of the case. What made me so proud was watching her cross. The best thing is I'm seeing ask a question or when I made a note like, "Needs to ask leading questions," like coaching after the trial is over, but before the verdict comes in, go on these things.

Michael Cowen:

She absolutely totally given them the way I do it. Then she had the witness like fell into a trap because of the way she asked it. Then she very gently obliterated the witness and made her point and scratched off my notes. She has grown beyond ... I mean, first of all, she learned for me, which was awesome and it felt really good. But she's now growing on her own. She's got her style, she's got owning her own greatness. It feels good. To be happy for someone else, you have to get over your own humble first.

Sara Williams:

That's right.

Michael Cowen:

We have another one growing and then trial lawyers. The guys that work for my firm, I also want to mention them. That I want them to succeed equally. But I know it can be harder for women. What are some of the challenges women still face? I mean, it's insane that it's 2021 and we still have these issues.

Sara Williams:

It is. I think part of the challenges that we face are in dealing with ... I think as just a society, it's in dealing with our roles. I've faced that challenge. My husband will tell you, I'm not real domestic like that's not my ministry. I will cook but I'm not cooking every night because I was managing a firm with 100 lawyers. I'm not washing clothes. We're not going to have a Pinterest worthy birthday party that I did. I'm going to pay someone for it.

Sara Williams:

But I think that all of those societal pressures of being like a good Stepford wife and keeping up with all of that, plus trying to develop your skill set, trying to develop your mindset, trying to brand yourself, trying to market yourself, even within your own firm, trying to find opportunities, you only have so many hours in the day. People will say, I hate this quote like, "I have the same 24 hours as Beyonce." No, you don't. Beyonce has four personal assistants and three nannies and a private chef. You don't have that. You don't have as many hours as she does in a day. That expands her time.

Sara Williams:

I think that as a as a collective society, we have to say, "Okay, women have been in the workplace for a long time. It's time for us to start looking at making our partners more comfortable with taking on the load of things, the mental load of things that I think can often hold women back." I remember why. My husband would go to ... He was the one who took our daughter on the field trips for school. He was made to feel so uncomfortable. Folks will call him Mr. Mom. It's like, "No, he's her dad," right? Dads can do these things too. This idea that they shouldn't be or cannot be or that there's something wrong with that, I just think we have to eradicate. So that's one hurdle.

Michael Cowen:

Yeah. I think you need a strong man to handle a strong woman. If you're an insecure man, you're not going to be able to handle a successful woman. I don't think it's part.

Sara Williams:

That's exactly right. But I think part of it is people project their own insecurities. Yeah, it goes great for us. Then somebody says something, it's like, I don't know about this. It's like, "Hey, hey. This is our thing." You can't let those, what other people think, invade that. So that's one hurdle. But then I think that so many of us, we've just been socialized differently. That's what I see.

Sara Williams:

I started a women's initiative at our firm. So we would meet and I'm like, "You have got to advocate for yourself," right? Like Joe said, if you want to do something here, you got to tell us. We won't know. Right? But I think that we're so accustomed to, if I just do the work, at some point, someone's going to recognize the work. Then they're going to ask me to do this thing.

Sara Williams:

I have sat. Alex, we have a building and his office is in the penthouse. I've sat there and watched male lawyers come into his office and brag about a result on a case that like one of our female lawyers handle primarily. Right? It's like, but they took that opportunity. The first person to talk about it is usually the one who gets the credit for it.

Sara Williams:

So I think there's just so many ways that we were socialized by our moms who we have to forgive because they didn't know any better, that affect the way we operate within firms. But then I think firms have to do a better job of ensuring that women are being given opportunities to showcase their talents, right, and to showcase, and to brand themselves, and to do certain things. So there are a lot of hurdles, but I think we can overcome them.

Sara Williams:

I really, really do. I've watched like Heidi de Lorenzo at our firm, and Stephanie Balsley, who was here. I have watched them just come into their own. It really just takes encouragement and someone to say, "Uh-uh, that was your result. You go talk to Alex about it." So just part of what I like to do is not just encouraging women lawyers, but also law firm leaders. To ask people, "What do you need as support? What do you need to be successful?" I think if we all work together, law firm leadership, women lawyers, we can overcome these hurdles, but it's going to take the effort.

Michael Cowen:

Absolutely. It's worth the effort. I will tell you, I mean having tried a lot of cases with all kinds of different people, on the other side and on my side, once you get started, I mean, maybe at first when you're first walking, and you're sizing everybody up, they notice that something. Once you're in the story and once you examine a witness, they don't care if you're a man, if you're a woman, if you're Hispanic, black, white, Asian, gay, straight. They don't care.

Sara Williams:

That's exactly right.

Michael Cowen:

They get into the story. They get into what you're doing.

Sara Williams:

I try cases and some of the most ... I fuss at Alex about this all the time. I end up in the most conservative red venues in the state of Alabama. People always say like, "Aren't you worried about trying a case up there?" I don't because I think that the one commonality that people have is they respond to authenticity. When you are just being you and not pretending to be something else that you think they may want or that you think they may want to hear or changing your voice, I think people respond to that. People respond to confidence. People respond to authenticity. That's just what I found in my real practice. So yes, absolutely. But I think people worry about it so much more than they should.

Michael Cowen:

They really do. Matter of fact, I've come full circle. I'm trying a case hopefully, in a week and a half. A lot of people, many in the board are in fact that my client's African American and those jurors aren't. I don't think it matters. I think it's almost demeaning that you hear things.

Sara Williams:

It only matters to us because we have been trained, I think to take race into consideration. Now look, there are some counties that, and there are certain times that race is an issue. Say a racial slur was used,

right? I had a lawyer call me recently to flesh out some issues on jury selection because their client was accused of yelling a racial slur, and then shooting the victim, right? You got to deal with race.

Michael Cowen:

Well, that's a little different.

Sara Williams:

Exactly.

Michael Cowen:

Generally, I think it's almost you're telling the jury, "I don't trust you."

Sara Williams:

I don't trust you. I think you're racist. Right?

Michael Cowen:

Yeah. I've come full circle on this. The one thing I've noticed in Marvel, the movies, have shown it because 10 minutes into Black Panther and my son, I'm telling you, my son's seen 10 minutes of the Shang-Chi.

Sara Williams:

I haven't seen it.

Michael Cowen:

I haven't seen it yet. But I don't think they have any white actors. I could be wrong.

Sara Williams:

Oh, really?

Michael Cowen:

I think it's an all Asian cast. Black Panther was mainly a black cast. They have white bad guys.

Sara Williams:

Right.

Michael Cowen:

But you don't notice. Well, you might notice because it's different. thank God, it's happening.

Sara Williams:

Right.

Michael Cowen:

But once I got into the story, I'm not thinking, "This is a story about-"

Sara Williams:

All black cast. Yeah.

Michael Cowen:

No. This is the story, and it's a great story.

Sara Williams:

Well, and I think ... People are always like, "Oh, I can't believe you track cases in Birmingham, Alabama. You live in the south. We have our issues. Clearly, we have some significant issues. But one thing I recognize, I definitely think that when it comes to certain issues about just humanity, right, and about the safety of our communities, and about the safety of the roads that we all travel on, and about motherhood. We have much more in common than we are different. I really think that if you just focus on the human element of your case, those issues, I've never voir dire-d on race.

Sara Williams:

I've never gone into an almost all white county and said, "Hey, is anyone going to hold it against my client the fact that she hired a black lawyer?" I mean, I work for a Palestinian. Think about this. Alexander Shunnarah, right, has become one of the largest law firms in one of the most conservative states. Right? We are hired by people who, I think if if you were to put them on a focus group, our colleagues would say, "Man, I'd be really nervous about having an Arab client." But they trust us and they trust him.

Sara Williams:

I think that says a lot more about how we just have more in common than we do differences. I think if you do a good job, connecting to the emotions of the case and not worrying about ... I think those things are very surface level. That I think is the problem with our industry is a lot of lawyers are afraid to dig deeper because then they have to do the work with themselves too. Right? But when you don't do the work with yourself, you're not going to be willing to dig deeper into the emotions of your case either. So you worry about surface level things. Right? I think you're making the right decision.

Michael Cowen:

Yeah. We'll find out.

Sara Williams:

I know, right?

Michael Cowen:

But I don't see how else you can make a difference. I really don't. I know really good lawyers that I think may disagree. A lot of them also came up during a very different time. While we're certainly not perfect, people complain about things, there's a lot of hope.

Sara Williams:

I have a lot of hope.

Michael Cowen:

There's a reason there's 14,000 people who live in horrible conditions under a bridge trying to get here.

Sara Williams:

That's a right.

Michael Cowen:

There's people I love, and there's a little bit of a criticism about people I love. But when we talk about listening to jurors, we treated them with respect. We give them the benefit of doubt that they're going to do the right thing, even though they think different than us or having a different opinion. But when we get into politics or social issues, we automatically condemn and assume the worst and assume if someone disagrees with us, they have a bad motive for doing it.

Michael Cowen:

If we would just treat other people who disagree with the same kind of love, compassion, and at least opening our mind the possibility that they may have a non evil reason for disagreeing with us. We may both have the same goal and very, very different ideas on how to get there. We may totally disagree with their idea of how to get there. I think if the tone would change, the chance for healing may change.

Sara Williams:

I think that that goes, we have become such a superficial society, right? With social media. I know, look, I market on social media. But I think that because I can just text my friends and not have to see them to connect with them, we're not connecting with people. That goes back to being surface level. I think when you have disagreements, and you just look at the facts of the disagreement, right and not, "Okay, let me try to understand your perspective.

Michael Cowen:

Right.

Sara Williams:

Right? I may disagree with that perspective. But I want to understand you. For some reason, we just don't do enough of that. We just don't. I think it translates into what we do as trial lawyers.

Michael Cowen:

Totally. I think one of the advantages of living in a more conservative part of the state or part of them like you and I do is that you get to know people. You say, "You and I are going to disagree on some issues. I still like you. I still think that we both love this country and want this country to be a better place. We may disagree like how we get there or exactly what that is. But I'm not going to condemn you. We'll vote our vote. Let the winner win.

Sara Williams:

I think more of us want the same things. If we focused on the things that we all have in common, I think we focus too much on our differences. I think if you start off with "Okay. What do we have in common?" Right. Then you establish that bond. So I have to tell you the story.

Sara Williams:

I just started doing trucking defense. It's funny because it was one of those monster cases where the firm that was handling got fired. It got dropped on us. It was my nephew's first Christmas. I remember I had to skip Christmas to review all these documents, but I was so excited about it. I was like, "We're going to do great." It was in a terrible venue for defense lawyers. My driver, we couldn't track them down. Finally, he walks into the office one day, and he says, "My name is so and so. I'm here to meet with Sara Williams because I've been sued by two N words." My poor receptionist freaks out. So she calls me and says, "He's here." I was like, great. I've been trying to find this guy, we got trial in six weeks. But at the same time, she ran to my partner's office and told him what the client had said. I don't know.

Sara Williams:

So I walk out of my office, and I'm like, "Hey, Mr. so and so. I'm so happy to see you. I didn't expect you." You could have knocked him over with a feather. Right? So I put him in a conference room. I said, "I'm going to go get you some water and get your file." So as I'm coming back in, two of the oldest partners in the firm are coming through the other door in the conference room. They are about to fight this guy because they think he said it to my face. I'm like, "What are y'all doing? Get out of here."

Sara Williams:

As get them out of the conference room, I go back and my client's gone. I go to my partner's office, and I hear him yelling and screaming. I was like ... All the staff, I'm the only black person in the office. All the staff is in a corner talking and looking at me. I was like, "Will somebody tell me?" So they tell me what he said. I was so upset.

Sara Williams:

So I went to my office. I worked so hard on this case. I was upset because I said, "I'm going to get pulled off of this file. Right? He's going to demand that I not work on the file. I have worked so hard on this case, I want to try this case." I was just angry, mad. Then my partner came in and said, "Hey, I've set him straight. Go have your meeting. He's going to be polite to you." So we try this case, we get a great result. This guy until the day he died would call me once a year. He actually apologized to me at trial. He said, "I'm so sorry that I said that. You have been a great lawyer. I'm so glad that you represented me, I wouldn't have wanted anybody else. I tell my whole family about you. It's really changed my perspective on people." I'm just so glad that we had the chance to be able to get to know each other.

Michael Cowen:

I think our shared humanity can do a lot more to heal than-

Sara Williams:

Absolutely. He would call me every year. Even when I changed firms, he actually referred me cases.

Michael Cowen:

That's awesome.

Sara Williams:

then he passed a couple years ago.

Michael Cowen:

Yeah. There's always hope.

Sara Williams:

I could have reacted completely differently, right? I could have said, "I'm not going to represent this person." But one, I wanted to try this case because I knew it was a case that would help brand to me and our community. But I also had worked so hard on it. I think that if people would do more of having difficult conversations from a place of empathy and understanding and commonality, that we could do so much more.

Michael Cowen:

Because even something as bad as that may have come more from ignorance and upbringing than actually actual hatred. I mean, I'm not forgetting it. I mean, but don't-

Sara Williams:

I mean he was my grandparents' age. He grew up in a different time. Right?

Michael Cowen:

Yeah. What you did may have made a little change to the world. Whereas they're just taking you off the case, all it does is reinforce. Why do you give the power to ignorance? Why do you let ignorance take an opportunity away from you?

Sara Williams:

That's right. That's right. So yeah. I think one of the things that Alex has told me that sticks with me is to be great, you have to get comfortable with being uncomfortable. That was an uncomfortable experience for me. But at the end of the day, one, we got a great result. I argued a closing argument at a young age and a huge venue and a huge case. It really elevated my career. Again, I'm still paying penance because I was a defense lawyer then.

Sara Williams:

But at the end of the day, had I said, "This is too uncomfortable for me, right? I'm not going to proceed." I don't really know what my career will be like. I think sometimes it's uncomfortable to walk into a partner's office or to walk up to a speaker after a conference and say hello or volunteer to do something or speak in front of crowds like this, where you have so many talented lawyers. I still get imposter's syndrome. Why do they want to listen to what I have to say? But I think when you just get comfortable with having that weird feeling in your gut and pushing through it, on the other side of that are so many great opportunities.

Michael Cowen:

Absolutely. Well, I hope you keep having great opportunities. I'm looking forward to continuing our friendship, to continue to be inspired by you with all your great online stuff. I look forward to seeing you at our next event.

Sara Williams:

Thank you so much for having me.

Outro:

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