

Michael Cowen:

This is Michael Cowen, and welcome to Trial Lawyer Nation.

Audio:

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When you figure out your theory never deviate.

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Voiceover:

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:

Welcome to Trial Lawyer Nation. Today, we are joined by Mike Neff. Mike is an incredible lawyer out of Georgia who has gotten some incredible results on some tough cases. Mike, thank you so much for joining us today.

Michael Neff:

Yeah, thanks for having me.

Michael Cowen:

Before I dive in, I want to as always say thank you to our sponsor LawPods. LawPods does all the work of producing, editing, and helping us distribute this podcast. We really appreciate them. If you think about doing your own podcast, which is a lot of fun, I highly recommend LawPods. That being said, Mike, how are you doing today?

Michael Neff:

Doing well, thank you. I just got back from a legal conference, which got my juices flowing. It's always great to see other trial lawyers, other litigators. Those people know what we do on a daily basis.

Michael Cowen:

Well, great. Well, for those that don't know, Mike is a lawyer out of Georgia. You've got some in... I don't want to ask you to brag on yourself, so I'll brag for you. You've got some incredible results, including a \$47 million verdict, a \$35 million verdict, and a bunch of seven-figure verdicts and settlements. On top of that, you've written a couple books on Premises Liability, the trial guides publishes, plus other trial

guides, materials out there, and you were nice enough to come and share some of your knowledge with us today, and I appreciate that.

Michael Neff:

Well, thank you.

Michael Cowen:

Tell me a little bit about yourself.

Michael Neff:

Oh, wow. Okay. Well, I'm father of three. I've been a trial lawyer for about 30 years, which is hard to believe. Love basketball, love getting outside, and love getting in nice beaches.

Michael Cowen:

Okay. What drew you to doing premises cases? And that's a tough way to make a living.

Michael Neff:

Yeah, it really is. It was kind of a confluence of circumstances. I grew up in a family that had two lawyers for parents. My father did a lot of real estate law, so I always had interest in real estate and property. In fact, my first real job at 18 was as a licensed real estate agent in New Jersey, and I specialized in non-conforming vacant lots that needed to get variances and developed. So it was pretty nichey. But once upon a time I thought I was going to be a real estate guy. And then I kind of got bit by the tort bug in law school.

And then as I got into my own practice, I was looking around for areas that interested me and I found and continue to find some really unique cases and Premises Liability has been kind of the redheaded stepchild of tort law, but it really has grown so much in the last 15 or 20 years. People have gotten so much more sophisticated about how they approach these cases. It's challenging like medical malpractice, but with the right experts, with the right research, with the right resilience, you can win these cases.

Michael Cowen:

Well, let's start by talking about, what do you mean by premises cases? What is the universe cases you're talking about?

Michael Neff:

Well, I guess the most basic premises case would be like a slip-and-fall. My fraternity brother, when he found out that I was practicing personal injury, said he was going to call me slip-and-fall as a nickname. And initially, I was embarrassed and said, "No, I don't do those cases." And then eventually I did. But slip-and-fall and trip-and-fall, which are really different means of falling, are kind of the basics. But undefined define premises liability pretty broadly. There's negligent security cases. There's water scald cases, there's Legionnaires cases, there's nursing home cases, there's all types of sexual assault cases, unfortunately. So premises liability is really an interesting area because property rights are important to so many people emotionally and safety rules are available universally, but a lot of people either aren't educated or aren't willing to spend the money.

So premises is so different from car wreck cases because everybody intuitively knows what a car wreck case is. They either have a driver's license, or they've ridden in a car thousands of times. But the

overwhelming majority of people are not aware of OSHA rules or antsy rules or standards and best practices in industries. And so you have to learn a lot and you have to be able to teach a lot in order to successfully work on these cases.

Michael Cowen:

You've learned a lot over the years about how to do this stuff. And you mentioned learning what the roles are, where to find them. How did you learn this stuff?

Michael Neff:

Well, it's kind of a funny story. I married a woman that was a commander in the Navy. She was a CB, they do construction work. And when she got out of 10 years at active duty, she became a property manager. And then she did 10 more in the reserves so as I started my career in this area, she was very much a secret weapon until I learned the network of experts. And of course, the internet is really amazing because if you have the curiosity, a lot of the answers are out there, if not all of them.

Michael Cowen:

I always want to start with the slip and fall or trip and fall cases. How do you win one of those cases? What do you need to do to, I guess, prove liability, and maybe disprove or minimize your client's own liability?

Michael Neff:

Well, there's a big distinction in my view. I think trip and fall cases are easier cases unless there's a video. So obviously, the fun simple answer is there a video that shows what happened? And in an even better world, does the video show what happened for the hours before the incident, i.e., doesn't show the condition of the property where the injury occurred. 'Cause that's important to put the property owner or manager on notice of a hazard. So when you look at either a slip or a trip you're looking for, is there a hazard? Is there a safety violation? And how long was it there? Could it have been eliminated easily or could it be managed or avoided or mitigated? So yeah, there's a lot of assessment in terms of what the rules are. And another kind of offset of trips falls from height where you may have stairs that don't meet code and they throw off your gait, your walking, you may have a step on a curb, same type of thing.

We're all conditioned when we learn how to walk and when we learn how to use stairs that, especially in our country, the United States, the stair riser is going to be seven inches. And so we are conditioned to raise our foot more than seven inches, and we are conditioned to put our foot down as we go down. And I've heard walking down the stairs described as a controlled fall, basically, you have to let your body weight go in order to get down the stairs. And you have to trust that when you step down on the riser, you're going to get support where you expect to. And if you don't, you lose your balance and you can fall and obviously get seriously injured. And that's one of the important reasons for handrails. Those are some expectations that are kind of hardwired in us by life experience.

Michael Cowen:

And where do we find the roles that apply to these types of cases for what the premises owner should do?

Michael Neff:

Well, the building codes are a great place to start. So a lawyer new to this area also would probably want to confer with an expert. Could be an architect, could be a loss manager, could be an OSHA person, could be a builder. Although there are a lot of builders that aren't as familiar with code as we would hope they would be. So it is an area where you kind of have to be a self-starter and seek out your education and ask questions.

Michael Cowen:

And as far as experts, you mentioned an architect, a builder, what other type of experts might one use to prove the liability of the premises owner?

Michael Neff:

Oh, there's so many. An engineer can talk about the structural integrity or lack thereof of a deck or a railing in case there's a failure. A security expert, like a retired police officer or someone in the industry can talk about ways to prevent access to property, ways to detect people, ways to deter people, ways to react to people.

Michael Cowen:

That would be more for a negligent security case though, wouldn't it be?

Michael Neff:

Right.

Michael Cowen:

Okay.

Michael Neff:

Which to me is part of premises. But yeah, you want to stick to trips and slips. I mean, I got a tremendous break when I was introduced to Jeff Gross, who was my not-so-secret weapon as I started in practicing premises law. He retired a few years back, but he got his start working for Marriott, which he got in there when there were six hotels.

Michael Cowen:

Wow.

Michael Neff:

And Marriott, I didn't know, but Marriott operated theme parks. They operated nursing homes, they operated movie theaters. They obviously operated bars and restaurants and hotels. So Jeff had gotten exposed to all kinds of things in loss management from flooring surfaces. What's the right product, what's the right cleaning material? How do you make sure it's done the right way? So there's so much that's involved in property management and hospitality that a good company is going to have a lot of rules and a lot of training materials to help assist new employees do things the right way.

Michael Cowen:

And as far as the theme or the story of the case, I mean, how do you make the case something that motivates the jury to do something? It seems to me like one employee who just missed a little bit of liquid on the floor one time doesn't seem that enraging to a jury.

Michael Neff:

Well, that may be the case, but there's two parties involved. What was the consequences of the defendants, either choices or actions? So yeah, I mean, I think most big verdicts first start with big damages and then yeah, a lot of times the defendant makes choices in how they defend the case that the jury may not appreciate.

Michael Cowen:

But are you also looking for systemic failures? They've had multiple problems in the past or they don't have good policies and procedures, or they don't train their employees well or they don't inspect enough, that kind of thing.

Michael Neff:

Yes, you're definitely looking for that timeline prior to the incident to see whether the defendant was doing business the right way, and doing business the right way is important, I think to juries. And it is certainly to me, we live in a country that we don't mind if you make a lot of money, if you do things the right way. But if you're making a lot of money and putting people in jeopardy, then that's not okay.

Michael Cowen:

And how do you deal with the defensive attribution? The jurors thinking, "Well, I would've been more careful. I wouldn't have slipped over that. I wouldn't have tripped over that."

Michael Neff:

Yes, I think it's education. There are reasons why these rules have developed these safety rules. The Rules of the Road was such an important book to me as I was working my way to do in Premises Liability. It was written by Friedman and Malone, and most of the examples in the book are about insurance, bad faith. But every time I was reading these rules, I was thinking about my premises cases and saying, "Wow, yeah, this is 100% right." And one of the experts I met somewhere on my journey made a statement to me that has stuck with me for many years. He said, "The building code is written in blood."

Michael Cowen:

Oh, wow.

Michael Neff:

Every time something bad happens, a fire, a death, we learn from it. And the building code has evolved over the years because people got killed or seriously injured. And we want to prevent that from happening again. And once most people appreciate that these safety rules are not gotcha technicalities, that they're really serious business to keep people safe, then most people appreciate that there's a right way and a wrong way of doing things.

Michael Cowen:

That's good. That's really helpful. I want to turn now to negligent security cases because that's also another type of case that you've had incredible success. But in my own personal experience, having done just a couple of them, they're really tough cases because you're trying to show why a property owner should be negligent for typically the horrible acts of a criminal.

Michael Neff:

Yes. It sounds like you've said in on a few focus groups of mine.

Michael Cowen:

I have.

Michael Neff:

No, I mean, starting out I've heard that. And it is an emotional landmine that as a plaintiff's lawyer, you better be prepared to address. And again, it gets back to rules, and I think it goes back to the right way and the wrong way of doing things. So if you have noticed that your property has hazards on it, particularly with regard to businesses, it's really tough to sue an individual homeowner because so many people relate to there. But for the grace of God, go on. But again, going back to being in the United States, if you invite people onto your property to spend their money, then most people accept that you have an obligation to act with ordinary care or to act reasonably to keep them safe. That's not really hard sell. And so here's where your security expert has to educate on the foreseeability of crime under the circumstances and the preventability of it, the steps that can be taken or should have been taken, that would've eliminated or mitigated the risk.

Michael Cowen:

So I know the law of every state's different in Texas, foreseeability is a huge issue on those types of cases. What do you look for when you're screening the case? Obviously, you have to have massive damages to do one of these kind of cases, but besides the damages, what are you looking for in deciding, is this a case where I think I can make a negligent security case, or is this one where I should just pass and do some maybe go to the beach instead of working on the case?

Michael Neff:

Yeah, that's a great question. Case selection is huge, and it's actually one of the chapters in my first book on Premises Liability. Because if you choose wrong, you can spend a lot of time and a lot of money and eventually learn a lot of lessons the hard way. So I honestly view the practice of law for me as more of an art than a science. So the case really needs to speak to me. And once it has economic viability, meaning you can invest your time and money into it with the hopes that you'll eventually get a fair resolution for your client and get back what you put into it and hopefully be compensated for your time so you can pay your overhead and keep going as a business, then you kind of need to get into the story. I don't do volume. Our firm has usually 20 to 25 cases spread out over four lawyers.

Michael Cowen:

Wow.

Michael Neff:

So when we get into a case, we have to really feel passion for the cause. And not every case is like that, but if you're lucky, most of your cases are like that.

Michael Cowen:

And specifically in the negligent security, what are the kind of things that create that passion in you? What are things you've seen before that have made you feel that way?

Michael Neff:

Well, you have a victim or a survivor that really had their life impacted or changed and then the worst cases ended because someone didn't follow the rules. And that's really tragic to me. One of the first cases that went to a big verdict for our firm was a negligent security case involving an alarm company Monitronics, which no longer exists. And because people didn't do their jobs, my client was held hostage in her home with knife point and-

Michael Cowen:

Oh, my gosh.

Michael Neff:

... sexually assaulted and driven around to ATMs to withdraw money. So that's a tremendous responsibility personally if someone puts their well-being in your hands because when you are representing a sexual assault survivor, they obviously can be re-traumatized by having to go through testifying. And honestly, it takes tremendous faith for them to confront a jury and face judgment because a lot of survivors unfortunately blame themselves. They shouldn't because it was the evil person that did it. And unfortunately, a lot of society blames people that have gotten through it too. And there's a defense mechanism psychologically that would never happen to me or someone I love because of insert the reason. So yeah, I feel like you got to be in it to really do justice for the client.

Michael Cowen:

And I guess, what do you do to screen the case before you file it? I mean besides, obviously you have to have the damages, you got to feel for the client, but to see if you're going to be able to make the liability part. What do you do to screen?

Michael Neff:

That's a great question. And at my firm, we work as a team. We have four lawyers and I'm kind of the big picture guy and some of the other lawyers like Shane Peagler and Dwayne Adams and Susan Kramer. Excellent at getting to the details. Susan is a former nurse, so she looks at all the medical records, really scrutinizes them to make sure there's no preexisting issues and causation is clean. And Dwayne and Shane will go look at the scene, they will look at open records requests to see what prior crime might be like. Those types of things are essential because you have to confront foreseeability. So yes, the details are out there, you need some good detectives flew thing that puts some elbow grease into it. But I'm normally the person at this stage that's thinking big picture and asking the questions, what do we know about prior crime? Or what do we know about this incident? What do we know about that evening? What do we know about the property condition?

Michael Cowen:

Now vast majority of states that don't have automatic joint and several liability, what do you do to get the percentage of fault up on the premises owner when there's such a natural bias towards saying, "Well, the criminal needs to have the vast, the lion's share of the responsibility if they're the ones that actually did the crime."

Michael Neff:

Yeah. Michael, you've been doing this a while. Those are the key questions. Yeah. So David Ball was tremendous influence on me. I've read his damages books, all three editions, and somewhere in there, or maybe hearing him or both, he made a comment that really resonated with me that a play is about what it spends the majority of its time. So that was a reference to some Shakespearean play. A trial is about what you spend your time on, and obviously, from a defense, defense has all kinds of motivations and perspectives, but my perspective is what choices did the defendant make and over what period of time did the defendant make those choices? And what power did the defendant have to eliminate the hazard that changed the course of my client's life? So that's the liability focus.

Michael Cowen:

Yeah. I think on the percentage too, and whether you can actually say it or not, but if the jury believes that they need to do something to keep it from happening again.

Michael Neff:

Yeah, let me ask you this hypothetical or this rhetorical question. Most premises liability cases are against corporations and most plaintiffs are individuals. So who has the power, the greater ability in this case to have prevented the damage from occurring? Is it the individual or is it the corporation that's been on the property for years and years and had notice for years and years and had loss prevention people and security people available to it to minimize or eliminate the hazard? And if you're suing a publicly traded company then clearly, they have the resources to take care of their property the right way, generally. And if they don't, then you want them doing business if they aren't doing what the law requires, and that is act with ordinary care.

Michael Cowen:

That's a great argument.

Voiceover:

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 by calling 210-941-1301 to discuss the case in detail and see where we can add value in a partnership. And now back to the show.

Michael Cowen:

For a lot of our listeners, I mean, we have 40, 50-year lawyers who listen to the podcast, but a lot of our listeners are up-and-coming lawyers, the one to 10-year lawyer, what would you recommend if a lawyer wants to get really good at these kinds of cases, what can he or she do to get really good?

Michael Neff:



Yeah, invest in yourself. And there's a lot of CLE out there, some of it is good. Actually, during COVID created an organization called NAPLA, the National Association of Premises Liability Attorneys. And we just had our first in-person conference in Chicago last week, and it was really gratifying to see people come from across the country to hear speakers from across the country and kind of vetting organizations for what their priorities are. So there are some really good organizations out there that I'm a member of Georgia Trial Lawyers, the American Association for Justice, the National Crime Victims Bar Association. Those are really important to me, but I don't think there's another organization out there that has a spotlight that is exclusively on premises liability and is broad enough to cover multiple areas of premises liability than NAPLA.

Michael Cowen:

And how would someone join NAPLA?

Michael Neff:

You can go to [premierliability.org](https://premierliability.org), if you're a plaintiff's lawyer and join NAPLA like that. National Crime Victims Bar Association. Again, that's [ncvba.org](https://ncvba.org), I believe they do a tremendous job helping lawyers and survivors, their education is on crime victims. So it is the organization I think that really focuses on from a plaintiff's lawyer perspective, negligence, security, and other instances, other premises liability instances like access control at a hotel or an apartment building where people can get assaulted or killed if you don't have proper security.

Michael Cowen:

Well, I'd like to really commend you for starting NAPLA, because honestly, you've got the books out, you've got the big verdicts. I mean, you could just sit back and tell people, "Well, if you have a premises case, just give it to me and refer it." And instead, you're sharing your knowledge and helping bring everybody up, and well, I'm sure some of those people are going to see the wisdom of, well, maybe I should bring in someone that's done it before, but you're not requiring that to join NAPLA, that the people refer you cases and stuff. So I'm just really grateful that you're doing that. It's a great example and I wish you great success in it.

Michael Neff:

Well, I appreciate it. There are a lot of mentors that I had on my journey as a trial lawyer and a lot of really experienced great lawyers that are on the advisory board of NAPLA, like Robert Baum in Seattle, or John Layton in Miami that have taught me many things over the years and that are resources to the plaintiff's bar. So AHA is a great organization, been active in it for many years, but it has a lot of things on its plate and politics... AHA is the only organization that represents plaintiff lawyers and their clients nationally. So they're hugely important. NAPLA, all that we care about is premises liability cases. So one of the things that I thought was important was to have another option potentially for amicus briefs because premises liability cases are being challenged in the appellate courts, particularly when there are big verdicts. The defense bar is obviously looking for opportunities to avoid ultimate responsibility for their client.

Michael Cowen:

Absolutely. Now, you've also been doing outside of the, I guess it's the similar concepts, but outside of the actual premises thing, you've been doing some really cutting-edge types of cases lately. I guess the

first one, I know you, you've got these companies get courts to put in crazy protective orders that I don't agree with, but we have to follow them. But to the extent you can tell us about it, you've sued Snapchat-

Michael Neff:

Yes.

Michael Cowen:

... for crashes.

Michael Neff:

Yes. I spent a lot of the middle part of my career working on premises liability cases and developing relationships with other lawyers that have sent us cases over the years. Obviously, we'll do a great trucking case, we'd love to work on them too. We'd work on an auto case with proper coverage and things like that. But I got a call from my friend Todd Henningsen in Atlanta about a case about 2015 and a man, Wentworth Maynard was driving out of his apartment complex at night, and he was an Uber driver, and he was about to go on duty for the evening, but hadn't yet gone on duty. And as he pulled out, there was a collision, and his vehicle was struck from the rear. And in that collision, he suffered brain damage. And Todd is a diligent lawyer, and he was doing research on this, what he thought was just a car wreck. And he learned that the passengers in the backseat gave statements eventually that the driver had been using Snapchat and specifically wanted to post the speed through the speed filter.

Michael Cowen:

What is a speed filter? I know my kids use Snapchat, I've never used it, and they particularly don't want me looking at their stuff, so maybe I should, but I don't.

Michael Neff:

Right.

Michael Cowen:

So what is the Snapchat speed filter just for old people like me that don't get it?

Michael Neff:

Well, fortunately it no longer exists, but when it did exist, it was an overlay that users, Snapchat users could access that would track the speed that you were traveling at that time.

Michael Cowen:

Well, what could possibly go wrong with that?

Michael Neff:

Right. Snapchat's predominant user base is 13 to 24-year-olds. So yeah, you have undeveloped frontal cortexes and inexperienced drivers in that group. So also, that group of people doesn't really judge risk the same way that you or I would because their brains are not as developed. We actually got a really interesting amicus brief from professor, I believe Steve Smith or Scott Smith, I'm trying to remember. The battles have been six or seven years in that case.

Michael Cowen:

And so what was the legal theory against Snapchat?

Michael Neff:

Products Liability. This was, from our perspective, a dangerous product. It didn't have much value, and from our perspective, we alleged that it influenced young drivers to drive fast for social recognition.

Michael Cowen:

Would they be video themselves while they're driving too?

Michael Neff:

Yeah, that's a possibility. From my understanding, either you take the picture or use the video, and if you just Google Snapchat speed filter and car wreck, you'll see some other reported instances.

Michael Cowen:

So people were actually out there like taking pictures of themselves and then, or taking videos and Snapchat would show how fast they're going at the time.

Michael Neff:

Yeah, I believe I remembered Draymond Green of the Golden State Warriors posting a video. I'd have to double-check that just to make sure. But yeah, it was a thing.

Michael Cowen:

So you've got encouraging distracted driving plus encouraging speeding, that's brilliant. And can you tell us anything about what happened with that case?

Michael Neff:

Well, that case is still pending actually.

Michael Cowen:

Oh, it is. Okay.

Michael Neff:

What's interesting is the case was thrown out three times and then resuscitated by the Court of Appeals in Georgia. And in that case, the court threw out the case on a motion to dismiss. One of the barriers to suing tech companies and especially social media companies, is the Communications Decency Act. And Communications Decency Act was created when the internet was in its infancy and the federal government was concerned that lawsuits could kill the commercial development of the internet. Well, clearly that didn't happen. The internet is like the predominant form of commerce just about, it's not precisely that. So it is a much, much, much more established and mature industry than it was back then. But courts have applied the Communications Decency Act to throw out a lot of cases that involve websites and social media companies.

And this is particularly important because there were a lot of websites that have been used for human trafficking and believe Backpage was sued, and I think is out of business now. But courts have struggled

with applying the Communications Decency Act to ongoing businesses and assessing whether or not a business can be sued for content. And what we had to do in order to pursue these cases is to distinguish that we weren't suing Snapchat. We're not suing Snapchat because of content of the user. We're suing Snapchat because Snapchat chose to release this product that included a speed filter. And from our perspective, that is not a safe product.

Michael Cowen:

I always thought the Communications Decency Act is like you're not supposed to hit Facebook because some Facebook user put an idiotic comment out there. But it doesn't mean that if Facebook did something encouraging you to drive distracted and fast, that those choices wouldn't be hit. I mean-

Michael Neff:

Well, you can look up Lemmon versus Snap. The Ninth Circuit really did an interesting job of correcting the trial court judge.

Michael Cowen:

Oh, good.

Michael Neff:

And then we went back into discovery in that case, which I can't really get into the specifics of, and the case resolved.

Michael Cowen:

Well, good. I know you can't talk about what the resolution was, but the fact that it was a resolution probably is a good sign for the family. You've also done a lot of cases against ride-share companies when their drivers sexually assault somebody. Tell me about those.

Michael Neff:

Well, again, really challenging emotional fact and a really relatively new industry in part, in some respects, it's not different than a taxicab company, which has been around for 100 years. But because there's this tech overlay, again, the courts are sometimes really befuddled by how to apply the law. And in part, it depends on what obviously the plaintiff lawyer is alleging in terms of causes of action. So that's part of the equation too. But long story short, Uber and Lyft are taking the position that all of their drivers are independent contractors, which has been a controversial topic in many states, specifically with regard to employee benefits and taxation. Experienced lawyers likely appreciate that control is an important issue in assessing whether or not a person is an independent contractor or they're actually a statutory employee. So litigating the facts of control and the relationship between those parties is going to be important in this type of litigation among a lot of other issues.

Michael Cowen:

Yeah, I would think the driver of backgrounds would be a lot too. But that's...

Michael Neff:

Yes, that is definitely an issue that needs to get looked at carefully by plaintiff's lawyers or survivors looking to select an appropriate lawyer.

Michael Cowen:

So what are you looking for as far as when you're deciding whether or not to take such a case? What kind of fact patterns are you looking for against an Uber or Lyft?

Michael Neff:

Well, obviously, a major red flag would be if there was a criminal history for the driver and how recent it was and what type of offense it was, and whether they were convicted or pled guilty. Another issue obviously would be prior complaints. If you can get that from the ride-hail companies, that would be something that you'd have to litigate to get. So you want to do a deep dive on the driver for sure. The police report is obviously a major document to see what the police have uncovered. In some cases, there's a dash cam, but that isn't in all cases. So you have to look and see what has happened. In some cases, the rider may have contacted someone or attempted to contact someone. In some cases, alcohol's involved and it's late at night, which is an interesting issue. If you look at it, Uber has marketed the benefits of riding with Uber rather than driving drunk.

Michael Cowen:

Yeah, I have a son about to go to college. I preach that daily.

Michael Neff:

Right. Well, that part sounds great, but when people imbibe too much sometimes, they are not able to make choices that they otherwise normally would. In some cases, they pass out. In some cases, predators take advantage of that, and that is obviously emotionally repugnant. So you want to look at those circumstances as well. What did the driver do? Was there potentially a pattern that might be, did he drive or did she, but presumably he and the majority of cases, did he drive to a deserted area? Did he drive to a location other than the intended destination? These are issues that you'd look at when you're assessing a potential case.

Michael Cowen:

Great. Do you know when your next NAPLA event's going to be?

Michael Neff:

We do a monthly webinar. So we just finished our first meeting, and that was in Chicago. It was a three-day conference. Kudos to Truist Wealth Management for sponsoring a trip to Wrigley Field. That was-

Michael Cowen:

Oh, fun.

Michael Neff:

Yeah, it was amazing. We went to one of those rooftop places across the street, which was really great way to hang out with people. And we hit the lottery on weather, so we're still tired from that. We have to plan our next webinar, and we had 19 speakers over three days.

Michael Cowen:

Oh, wow.

Michael Neff:

Yeah. So we're tired. We're going to plan another webinar for June, and we'll send out a blast to members or potential members to attend. So that's kind of what we're doing for right now with NAPLA. And when we come up for air, we'll think about what do we do next for another live meeting.

Michael Cowen:

Yep. You always have to top the last one. It's a never-ending battle. I've got my own big rig boot camp coming up on June-

Michael Neff:

Oh, excellent.

Michael Cowen:

June 16th. Right now, it's May 9th as we're recording. We're working real hard already, even though it's more than a month away. And how that goes.

Michael Neff:

If you've never planned a professional conference, it is remarkable how much work it is. And in a lot of ways akin to getting ready for a very big trial.

Michael Cowen:

Absolutely.

Michael Neff:

So many details that need to get locked down. So Shane Peagler in my office did an amazing job, and Beverly Gable, our paralegal, kind of made sure we were running in the right direction most of the time. So yeah, it was fun. It was a lot of work, but I think it is exciting to see other people's passion, shared passion for something that you have worked on for a long time. I'm sure, you get similar feelings when you look at truck wrecks and when young lawyers are trying to figure out all the regs and the Federal Motor Carrier Safety Regulations and the rules of the road. I mean, it's a lot. But yeah, it's fun to talk through it all.

Michael Cowen:

Absolutely. Now, I know if people want to learn more from you. You can go to [trialguides.com](http://trialguides.com) and get your books and your videos and everything you have out there. But what if somebody wants to actually get ahold of you either to ask a question, talk about a potential case, what is the best way to reach you?

Michael Neff:

So you can definitely get me via email. I'm still 20th century like that, [michael@neffinjurylaw](mailto:michael@neffinjurylaw), N-E-F-F, like Frank, Frank. [Michael@neffinjurylaw](mailto:Michael@neffinjurylaw) or call me on the phone 404-531-9700 and we'll go from there.

Michael Cowen:

Well, Michael, thank you so much for coming on. I know you've inspired me. I'm going to talk to my lawyers, anyone that's got a premises case, I'm going to try to get them to join NAPLA and really go back

and look to see, let's do a deeper dive on what standards and roles we can find. And it excites me to hear this stuff.

Michael Neff:

The more the merrier. It is a journey that you don't go on alone when you embark on being a trial lawyer, and half of it is the factual information, and half of it is your own emotional self in presenting. But that's probably a whole another podcast.

Michael Cowen:

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

Voiceover:

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