

CALIFORNIA LAW TODAY™

**Going to Bat for Victim of
Tragic Dodgers Beating**

**Lawyer Uses CSI Techniques
to Win Millions**

**Victim of Disney Ride Left
Legacy of Justice**

**Taking on the \$234B
Prescription Drug Industry**

*An Exclusive
Interview with*
**Thomas
V. Girardi**

A SPECIAL ADVERTISING SUPPLEMENT TO THE
Los Angeles Times

A SPECIAL SUPPLEMENT TO

THE AMERICAN LAWYER **CORPORATE COUNSEL** **THE NATIONAL
LAW JOURNAL**

Dear Friend,

Hi. My name is Tom Girardi and it's been a great honor to call Los Angeles my home since my parents moved here from rural Colorado many years ago. Jane and Al raised my brothers and me here and taught us the importance of helping others.

I've been very lucky to be able to do just that, working as a lawyer who represents people who've been injured. I started my law firm in 1965, just me and a secretary. We've been fortunate over the years and have grown to 30 attorneys, including a state bar president and 10 members of the American Board of Trial Advocates, more than any other firm.

I wanted to take a moment of your time to share with you some of the work our attorneys at Girardi | Keese are doing to help you and your neighbors, who have been hurt by others, physically or financially.

I'm very proud of our firm and these lawyers who work so hard for you every day. I think when you get to know them, you'll be proud of them too.

Tom

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CALIFORNIA LAW TODAY™



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**All-Star Lawyer Goes To Bat
For Dodger Fans**



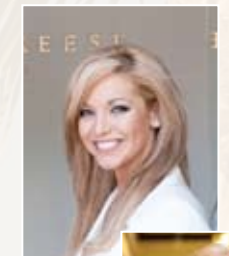
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ALL-STAR LAWYER GOES TO BAT FOR DODGER FANS



Bryan Stow holding his 12-year-old son and 8-year-old daughter



“Ballparks are where you go to be with your family, they’re a place for children. Not a bank for an owner who cares nothing about his fans or team.”
—TOM GIRARDI



Girardi & Keese's
Chris Aumais



Dodger owner Frank McCourt

Lawsuit on Behalf of Beaten Fan Claims Team Owner Diverted Resources for Lavish Lifestyle

A funny thing happened on the way to Tom Girardi's Major League Baseball career. He was riding the bus to Albuquerque with dreams of joining a farm club and making it to the big leagues. The bus pulled into a parking lot at a diner, and Girardi went inside and called home. His parents told him he had been accepted at Loyola Law School, but he had to be there the next day. “My coach called me ‘great glove, no hit,’” says Girardi, who caught the next plane out to a different field of dreams. His career as a lawyer has been that of an All-Star, with hits too numerous to count: the first million-dollar medical malpractice verdict in California; \$633 million for the residents of Hinkley, Calif., poisoned by Pacific Gas & Electric, made famous in *Erin Brockovich*; \$2 billion for California consumers overcharged by Sempra Energy; and \$4.85 billion against Merck for heart attacks caused by Vioxx.

Still, he's been in love with baseball his whole life, regularly

attending Dodgers games and cheering on the home team. “A day at the ballpark, there's nothing better than that,” says the infectiously enthusiastic Girardi, his blue eyes sparkling. He still animates discussions about a recent victory with a mock swing at a ball crossing the plate. His feelings about the Dodgers began to change over the past few years, however, as he watched the storied franchise begin to erode under the ownership of the McCourts. He noticed the Dodgers' beloved organist, Nancy Bea Hefley, become largely silenced, and even Vin Scully seemed occasionally dismayed. The team did not invest in top talent when it became available, yet charged fans ever higher prices to attend. A certain hooligan element began to pervade the stadium. Then, about two years ago, a young man was attacked at the stadium and suffered a fractured neck. Girardi represented the fan in his claim against the Dodgers. That suit came before the McCourt divorce made public their structuring of the team's operations into a series of corporations intended not only to

insulate the McCourts from liability, but also allowing them to take extraordinary amounts of cash out of the team, by some estimates \$14 million a year. Girardi was not at opening day this year, but read with dismay the accounts of the attack on Giants fan Bryan Stow. The 42-year-old paramedic from Santa Cruz traveled to Los Angeles with five friends for the special occasion. The Giants had asked if the opener could be moved to San Francisco to celebrate their World Series victory last year, and though Major League Baseball agreed, the Dodgers refused. In addition, the game was scheduled for a 5 p.m. start — a change from the Dodgers' tradition of a day opener. Throughout the game, Stow and his friends were heckled, and food wrappers were thrown at them by Dodger fans, who packed the stadium. There were 56,000 spectators in attendance that night, the largest seating capacity of any Major League Baseball stadium. At 7:03 p.m., Stow texted his family that he was scared. The Dodgers won the contest, 2-1, and Stow left, heading for the taxi

stand in Lot 2, where they arrived at about 8 p.m. Two assailants attacked Stow in the ill-lit lot with no security to intervene. He was beaten in the head, fell to the ground and then was kicked in the head. It took security more than 10 minutes to respond. Stow has been unconscious ever since. When friends in law enforcement connected the Stow family with Girardi, he decided to do his best Kirk Gibson and swing for the fences, filing a mammoth lawsuit claiming Frank McCourt's financial shenanigans and mismanagement are endangering the fans. And, like any other maker of a defective product, McCourt is putting profits over people with disastrous consequences. “It's fairly simple,” Girardi explained. “The Dodgers have shown a total disregard for public safety. They've gotten rid of security people, they've had all these incidents at their games, more than other teams, there's also a known gang presence. What did they think was going to happen?” The suit names 14 defendants, all of which are essentially McCourt holding companies, allowing the embattled owner to transfer money among the various entities and pay himself among the highest rents in baseball, helping to support a lavish lifestyle that included eight homes, including one that was allegedly just for doing the laundry. To make ends meet, the lawsuit claims, the Dodgers cut the security force and increased promotions like half-off beer night. “It's just incredible that anyone could allow this to happen,” says Girardi. “Once you know you have a real security problem and then you decide to do nothing about it, you are liable under the law. Especially when you cut security by up to two-thirds, fire the security director, and sauce everybody up with beer.” The suit itself is drawing praise from legal experts for the parallels it draws to corporations that choose profits over safety, and tying those profits to an executive living a life of excess. Filed by Girardi and Christopher Aumais, Stow and his children, Tyler and Tabitha, have sued through his conservators and the children's guardian ad litem. “It is unfortunate that such a storied and well-respected baseball club such as the Los Angeles Dodgers has been made to suffer due to the cutbacks and mismanagement by its owner Frank McCourt and his various corporate entities,” Aumais says. The suit claims that McCourt's mismanagement and divorce woes caused him to cut security, with measures that accelerated in 2009. “The over approximately 21 McCourt entities are comprised of a myriad of companies and corporations, each purposefully and intricately designed to fund McCourts' lavish lifestyle while depleting the Dodgers of necessary funds to operate adequately and properly. This led to a disturbing reduction in security staff for Dodgers games.” The suit also makes clear that McCourt has been on notice about the consequences of these cutbacks with similar incidents occurring at Dodger Stadium since 2004, including a death. “This is one of the worst things I've ever seen,” says Girardi. “Ballparks are where you go to be with your family, they're a place for children. Not a bank for an owner who cares nothing about his fans or team.”

LAWYER USES CSI TECHNIQUES TO PROVE HIS POINT

David Lira Has Bought Planes and Busses to Show the Harm his Clients Suffered

The 19-year-old girl and her mother were traveling together, taking a bus excursion from Las Vegas to the Hoover Dam. The daughter, Meng Qiu Sun, was a student at Shanghai International Studies University, and planned to be a diplomat. Her mother and father were successful businesspeople in China, who operated a store on Nan Jing road, the busiest business street in Shanghai. Her parents had recently divorced following her father's cancer diagnosis as he wanted his wife to get on with her life.

They decided to tour the United States on a trip arranged by DW Tours of San Gabriel, Calif. They flew from Shanghai to San Francisco with a group of tourists, and had traveled by bus to Las Vegas, where they stayed at the Riviera Hotel & Casino. On the way back from seeing the engineering marvel, Meng took a seat right behind the driver, on the left side of the bus. Her mother sat alone four rows back. As the bus traveled up U.S. Highway 93, it veered left, then right across the median before rolling over just outside of Rosie's Den near Dolan Springs, Ariz.

Meng and her mother were killed, as were five other passengers, and nine were severely injured. Most were ejected from the bus in a horrific scene strewn with bodies and dollar bills.

"A lot of lawyers would love to have that case," says David R. Lira, who has won more than \$250 million for clients. "But to do the case right, you need resources and the financial wherewithal to prove your case."

Doing the case right for Lira is several steps beyond what you might expect: think more CSI than Perry Mason. First, he had to spend \$99,000 to buy an identical bus in pristine condition. "I have to compare the crashed bus with an unwrecked one to do animations of how the wreck occurred and how the injuries and deaths were sustained."

"And then I have to wreck the bus," he says. "That costs a fortune. You have to hire automotive design experts. Then you have to hire computer experts to put the instrumentation in the bus to measure dynamic forces, the range of steer and understeer." All in, preparing the case will cost him \$1.5 million — all of which will come from Girardi | Keese, and none from their clients.

Lira spent \$200,000 the year before on a Cessna plane fuselage to use as demonstrative evidence for a jury that would decide liability for a plane crash off the coast of Orange County that killed a man. "We had it crated and delivered to the basement of the courthouse so the jury could visualize what happened," he said. The case settled on the eve of trial for \$5 million.

"It's like CSI," he says. Lira has also exhumed bodies to determine if an overworked coroner missed something, like a cardiac event suffered by a pilot in a plane crash. In one case, he personally flew some brain tissue from Los Angeles to a medical examiner in San Francisco to make sure it was uncontaminated and that the test results could not be challenged on the type of 'chain of custody' issues that tripped up the prosecution of O.J. Simpson.

The ability to properly resource a case is an area in which Girardi | Keese increasingly offers a critical distinction with the majority of other plaintiff firms. "We get a lot of our cases from other attorneys who know we have the ability to do a case right," says Lira, who also points out that they are very generous to referring attorneys.

Resources mean more than money, however. It also means being able to attract the best network of experts on a range of issues, from groundwater contamination to air crash cases. Lira won \$45.5 million against Ford Motor Company for severe injuries suffered by 5-year-old Johan Karlsson due to a defectively designed lapbelt. And there was a particular design expert at Ford that Lira wanted for the case. "And he interviewed me!" says Lira. "If they blow a case, it's not like they're blacklisted, but other lawyers can then ask if their opinions have ever been excluded from a court of law. That can happen if their lawyer doesn't prepare them right."



"To do the case right, you need resources and the financial wherewithal to prove your case."

—DAVID LIRA

its attorneys now regularly are tapped for the coveted steering committee spots by federal judges

in claims over pharmaceutical products like Yaz, Accutane, and Vioxx, or over mass disasters like the Chatsworth train crash. That's also put the firm in a prime position for international air disasters, like the Air France case. "All the aviation manufacturers are still U.S. companies, so European lawyers look to us to file the suits here," he says.

Still, no matter how huge the cases are that the firm now handles, there's a part of Lira that still is concerned about the little guy who needs a lawyer for a simple matter. "We all get calls from these guys who are a little shy and almost

apologetic because they think we won't have time for their small little case," says Lira. "And everything here starts with Tom [Girardi] and there's no other lawyer like him, but they need to know that even if they don't get Tom, there are 25 other lawyers equally dedicated and skilled in advocacy.

"Tom doesn't want us to become one of those firms that would turn away your average guy who lost a child or wife in an auto accident. And we'll never leave that because that's how we started," Lira explains. "But we have evolved. And the common denominator of it all is you have someone who was damaged, wrongfully denied something or subject to someone's negligence. And we are here to help those people. It gives you peace of mind knowing you're doing everything you can for those folks who have no one else to fight for them."

A WORLD-CLASS LAW FIRM WITH UNSURPASSED RESULTS

For 46 years, Girardi | Keese has set the standard for excellence in law practice.

When Thomas V. Girardi opened the doors of The Girardi Firm in downtown Los Angeles in 1965, he had a vision of building a law firm that would help anyone who had been injured, by providing excellent counsel and a willingness to go to court to help them achieve a measure of justice.

“There is a moral component to every one of our cases, and that’s been true since day one,” says Girardi. “That’s allowed us to create a world-class law firm that’s truly here for the little guy.”

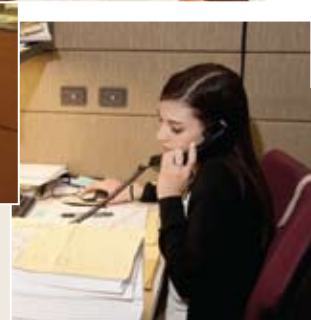
That philosophy has made Girardi | Keese into a firm that has succeeded far beyond Girardi’s original dreams. Today, it employs 30 lawyers and 30 law clerks in an office downtown where, “there’s always something happening,” says partner David Lira.

The firm has achieved more than \$10 billion in verdicts and settlements during its history, including \$4.85 billion against Merck for harm caused by Vioxx; \$2.2 billion for California consumers defrauded by Semptra in the California energy crisis; \$785 million against Lockheed in the Skunk Works litigation; \$633 million for the residents of Hinkley, California poisoned by PG&E; and \$545 million in a class action against Farmers Group and Zurich Financial Services.

While big dollars tell part of the story of Girardi | Keese, they leave out the larger impact the firm has on the thousands of people who walk through its doors. “One of the things that’s most amazing about Tom and the firm is that it’s still a firm that represents a single individual who suffered an injury because it’s the right thing to do,” says partner Robert Finnerty. Because of that, leading trial lawyers including Lira, Finnerty, Amy Solomon, James O’Callahan, David Bigelow, and Jack Girardi have amassed more million-dollar results in California than any other plaintiff firm.

“And now,” says Lira, “we’re creating a whole new generation of trial lawyers who will be here to help those who’ve been injured.” In the past few months, three of its young attorneys won back-to-back-to-back million-dollar verdicts, including Shawn McCann and Graham LippSmith, while Christopher Aumais scored headlines with his pleading on behalf of Bryan Stow against Frank McCourt and the Dodgers.

The firm takes great pride in its results and the character of its lawyers, as well as the preparation it brings to each case. “One thing that sets us apart is the resources we can dedicate to a case,” says Lira. The firm conducts millions of dollars of research on its own dime, hiring the best experts to ensure each client has the best shot at justice. “And we do this almost always with absolutely no cost to the client unless we win.”



“Always, always there have been the fundamentals that existed then and do now,” says Solomon, who joined the firm in 1986 as a law clerk. “We have the passionate desire to fight for the little guy. And to help people who have been harmed get their lives back to the best that it can be done, and to do that in the most professional and ethical way. But always, we have an eye on putting 12 jurors in the box and letting the civil justice system do what it does best. That has never changed and will never change.”

“We all learned from the beginning from Tom that being a trial lawyer is the ultimate warrior for the voiceless,” she says.

Top Photo From Left: James O’Callahan, Amy Solomon, Robert Finnerty, David Lira, Tom Girardi, Robert Keese, Keith Griffin, Howard Miller, John Girardi. Bottom Photos Clockwise From Left: David Bigelow, Clerks conferring, John Courtney, Demonstrative evidence, Robert Finnerty, Graham LippSmith, GK Staffer in action at the office

Victim of Disney Ride Left a Legacy of Justice

A tough trial lawyer with a heart of gold won \$43 million for a little boy severely injured at the Happiest Place on Earth

Amy Solomon remembers the moment she fell in love with the handsome lad who looks down on her as she works.

A trained ballerina, tomboy, and a communication major, Amy had the perfect performance skills and disposition to become Girardi | Keese's first female attorney. As a second-year student at Loyola Law School, she won a position as a law clerk for the summer of 1986. She tried her first trial months after getting her bar card, helping an elderly lady from South Central win compensation after losing her home to a swindler.

She tried her second trial with Tom Girardi, winning \$3.7 million for Elaine Fleischman, who had been rendered blind when an 18-wheeler changed lanes and pushed her car into the freeway divider. They met at 6 a.m. each morning and she volleyed Girardi's questions. "What are we doing today? What witnesses are we calling? Why?"

Solomon spent the next decade winning millions for individuals injured in horrific accidents or through medical malpractice while becoming a leader of the consumer bar. And then, in Autumn 2000, her heart went "zing."

She was standing alone in the doorway of Brandon Zucker's room in a rehabilitation facility, watching the four-year old laying in his bed. Brandon was experiencing every child's dream, a day at Disneyland, when he joined his mother and older brother on the Roger Rabbit ride. An attendant ushered them into the taxicab, letting the 25-pound Brandon sit nearest to the gate. The attendant also failed to properly lower the safety bar. When the carriage began to spin, Brandon flew out and was pinned under a carriage for more than 10 minutes before emergency personnel arrived.

Solomon remembers standing in that doorway as if it were yesterday.

"He's quadded out," she explains, having suffered such a severe brain injury that he can't move his arms or legs. "He can't move, he can't talk. So I just stood there in the doorway watching him breathe." Moments later, his six-year old brother Nick came squealing down the hallway.

Brandon's eyes lit up. And in that moment, Solomon realized that while the boy's body was dead, his soul was firmly intact.

"And I thought, 'Damn it! Disney has done the ultimate bad deed and what an awful thing to put this precious four-year-old little boy and his family in this position. And I just got this fire in my belly that I needed to do whatever I could to hold Disney responsible for this awful thing they had visited on this family,'" she recalls.



"I just got this fire in my belly that I needed to do whatever I could to hold Disney responsible."

She went to war to give the family what it wanted more than anything: to bring Brandon home, which would require a house and medical staff to support 24-hour care. She also wanted Disney

to change its ways. And she won, through a meticulous and unflinching examination of Disney's failures, including the first investigation of amusement parks by the state division of Occupational Safety and Health (Cal OSHA), shutting down the ride for 10 months, and riding Roger Rabbit herself with experts to reconstruct the accident. She pried secret documents from Disney that showed the sides of the ride had been designed too low, that the training and procedures for loading passengers were very lax, and that the reliance on emergency personnel coming from outside the park caused critical delays.

Solomon won \$43 million for Brandon, and he came home. She also insisted that Disney implement new procedures providing greater safety for future children going to Disneyland.

"I'm happy to say the devastating park injuries are fewer and far between now," says Solomon, who's gone on to handle ever bigger cases while volunteering to help inner-city children.

But she still has that boy she fell in love with looking over her shoulder. Brandon died in January 2009 at the age of 13, having survived eight years following his accident.

"I was so lucky to have known him," she says.

TAKING ON THE \$234 BILLION PRESCRIPTION DRUG INDUSTRY

Vioxx, Phen Fen and Avandia Are Just a Few Medications with Hidden Risks

With 48 percent of Americans taking at least one prescription drug a month, it's no surprise that pharmaceutical litigation has become a multi-billion dollar industry. Americans spent \$234 billion on medication in 2008 to reduce their cholesterol, control asthma, and maintain healthy blood pressure.

It's probably also no surprise that pharmaceutical litigation has become big business, with plaintiff lawyers nationwide helping consumers seek compensation for drugs they claim caused more harm than good – sometimes with the drug makers' knowledge.

Vioxx was one of the first blockbuster "Big Pharma" litigations, resulting in a \$4.85 billion settlement in November 2007 by its maker, Merck. It took plaintiffs lawyers five years to persuade Merck to take the pain reliever off the shelves because it put patients at risk of a heart attack or stroke. Three years and \$1.5 billion in legal fees later, Merck settled.

Tom Girardi was one of the primary negotiators of the Vioxx settlement on behalf of 50,000 plaintiffs.

"The real issue is a moral issue," Girardi told jurors in the case of Stewart Grossberg, 71, who survived a heart attack after taking more than 200 Vioxx pills in two years. Merck "absolutely, positively, without a doubt knew they were going to harm a bunch of people and they said, 'Go for it.'"

Vioxx is just one medication among hundreds that have been manufactured and marketed for consumers despite studies that show they have serious side effects. Among others that have resulted in hundreds of millions of dollars in settlements are Yaz, Xyprexa, Bextra, Zolof, Accutane and Chantix. Girardi | Keese has won billions in settlements in pharmaceutical litigation over defective drugs including Vioxx, Phen Fen, Celebrex, Bextra and Rezulin. Next month, John Girardi will go to trial in New York against Merck over Fosamax, an osteoporosis drug that allegedly causes 'dead jaw' and other ailments.

And, later this year, Girardi | Keese partner Keith Griffin will likely begin a series of trials over Avandia, a diabetes drug from GlaxoSmithKline, that has been estimated to have caused between 60,000 and 200,000 heart attacks in the U.S. between 1999-2006. Griffin is representing 4,200 patients who took the medication to regulate their blood sugar.

"It's particularly concerning given that the population of patients



"Nothing is more satisfying than helping someone who was hurt because a major pharmaceutical company was more concerned about profits than safety."

—KEITH GRIFFIN

taking this drug is already fragile and in a weakened cardiac state," Griffin says. "And rather than help them, you push them into a risk of having a heart attack."

One of his clients, Nancy LaVoise, had battled diabetes for much of her life. In 1999, she was trying to lose weight and develop a healthier lifestyle, so she talked to

her doctor about her options. He told her about a new drug, Avandia, which he believed was showing good results. He felt so strongly it could help her that he wrote several letters requesting insurance coverage for Avandia for LaVoise. Just two years later, LaVoise was rushed to a local hospital after suffering a heart attack, which required triple coronary artery bypass surgery. Now 72, LaVoise works as a clerk for the Los Angeles County Sheriff's Department. Griffin believes GlaxoSmithKline knew of the dangers of Avandia when it marketed the drug to doctors—including a 45 percent increase in the risk of heart attack.

He also sees recognition of Avandia's dangers in the recent decision by the Food and Drug Administration to take Avandia off the shelves and allow it to be prescribed only as a drug of last resort. Its maker, GlaxoSmithKline, paid \$460 million to settle 10,000 similar lawsuits in 2010.

"When you go to law school, you think about how great it will feel one day to make the closing argument or to argue before the Supreme Court," he says. "But the truth is that nothing is more satisfying than helping someone like Nancy LaVoise, who was hurt because a major pharmaceutical company was more concerned about profits than safety."

"Nancy would never have known that a drug like Avandia had caused her heart problems had it not been for consumer lawyers spending thousands of hours sifting through internal GlaxoSmithKline documents, emails, and studies," he says. "It is massively satisfying to help someone who has been the victim of such despicable conduct."

It could be a little dangerous for a lawyer to represent a parapsychologist. Still, that's the situation Howard Miller found himself in arguing a case before the federal appellate court.

Miller is nothing if not illustrious. He became president of the State Bar of California after years of handling cases and appeals throughout the country. He also was a law clerk for California Supreme Court Justice Roger J. Traynor, taught law at USC, hosted "The Advocates," a renowned public broadcasting series, and edited the nation's largest daily legal newspaper.

Recently, he represented Larry Montz, who popularized parapsychology through such shows as "Ghosts of New Orleans."

Montz claimed he had a contract with a television network to be paid for his creative ideas for "Ghost Hunters," a reality show that later appeared on the Syfy Channel. Montz lost at the trial court and Miller's job was to persuade 11 judges of the 9th U.S. Circuit Court of Appeals that Montz should be allowed to sue for compensation under state law for breach of a promise to use his creative work, the arguments of which can be seen on Youtube at Montz v. Pilgrim.

Following the arguments, Miller and Montz stopped for lunch in Pasadena and Miller cautiously predicted they would win. Gazing ahead, Montz said, "Of course; this morning I foresaw we would win by a vote of 7-4."

And you know what? When the decision was handed down in Montz v. Pilgrim Films, the little guy won by exactly that vote.

"It really was the ultimate David versus Goliath victory," said Miller, who faced not just Pilgrim Films, but all of Hollywood which lined up to support the producers, including all the major networks and the Motion Picture Association of America. He also sees Montz as the perfect example of creative individuals abused by the marketplace who could never afford to take on those who have harmed them. "If you are an author, artist or inventor, and someone has broken a promise to you, or taken your creative property, we are here to help, whether for breach of promise, trade secrets, patent, copyright or trademark infringement."



"If someone has broken a promise to you, or taken your creative property, we are here to help."

—HOWARD MILLER

WINNING THE David Vs. Goliath Battles

Finding the right lawyer is key to winning \$500 million for policyholders and creative protection for artists

Farmers emphasized some aspects of the fees to insurance regulators while emphasizing other aspects to Wall Street analysts. In one 2005 presentation to analysts, for example, a Farmers executive acknowledged that while the companies acted as fiduciaries to the insureds, "We completely understand that it is the golden goose that lays the eggs that we harvest."

LippSmith and his co-counsel worked on the Farmers case for eight years, helping win a key appellate decision that laid the groundwork for class certification. "In applying for class certification, the prospect of transforming the action from an individual case for one plaintiff to a class action for 12.5 million plaintiffs with the stroke of a pen was critical," he says. "Most attorneys would not bring a claim where the average recovery would be just above \$35. But when you multiply that by 12.5 million, that's the power of a class action."

Taking on Goliath is also LippSmith's motivation for a case that has recently been certified as a class action in Hawaii, alleging a developer installed faulty and non-compliant hurricane straps in 2,000 homes. "We discovered that not only were this development's straps non-compliant, but that some straps in older homes were so corroded they had cracked all the way through, creating a substantial health and safety hazard to the homeowners in the event of high winds."

In his nine years of practice, LippSmith has already amassed hundreds of millions in verdicts and settlements, an accomplishment he attributes to two things. First, "it's just Tom's approach," he says, of Tom Girardi. "He gives you the ball and lets you run with it, and if you want to run with it all the way to the end zone, he'll give you what you need to get there." It helps, as well, that lawyers are given the ability to work up a case and, when it begins to look promising, bring in Girardi to knock it out of the park.

And second, "We all have the same hard work ethic here and a really stubborn desire to just win."



"Just because a harm may be small to an individual doesn't mean it doesn't have larger ramifications."

—GRAHAM LIPPSMITH

that is pending final approval. LippSmith and the firm discovered that Farmers was charging a huge management fee on its policies that it did not disclose as a line item to policyholders. So, LippSmith explains, on a \$100 premium, Farmers would add a \$12 management fee, \$6 of which was pure profit for Farmers. The kicker was that Farmers was charging that fee to 12.5 million insureds to whom it owed a fiduciary duty. Because Farmers was the management company for reciprocal exchanges, rather than a publicly held insurance company, the insureds who Farmers overcharged were essentially its stockholders.

Through extensive research and analysis about Farmers' business practices, LippSmith and his co-counsel uncovered that

ANOTHER DAY, Another \$500 Million Lawsuit

Highly Experienced Trial Lawyers Juggle Groundwater Contamination with Hip Implant Failures

When Johnson & Johnson's DePuy Orthopedics division recalled 93,000 hip replacement systems in August 2010, it came as no surprise to James O'Callahan. One of California's most experienced and respected trial lawyers, O'Callahan had been visited a month earlier by a client suffering pain following a hip replacement. Following the visit, O'Callahan did what he always does when he thinks there might be a case: he starts researching, studying and putting together a case that will prove to a court that a particular defendant caused an injury.

Whether he's taking on Johnson & Johnson to help tens of thousands of people who will have to endure multiple surgeries or Lockheed over contamination from the Skunk Works facility that injured thousands of people in Burbank, the process is the same.

"You have to understand how to try a case, but it's always going to come down to liability, causation and damages," the veteran of 43 jury trials explains. "Particularly for more sophisticated types of cases, causation is always the battleground."

O'Callahan views one of his key skills to be the ability to invest resources in experts to prove a defendant caused the plaintiff's injury. He learned that lesson early on, working on the first toxic tort case Girardi | Keese handled. "Most people now know what a toxic tort is from Julia Roberts in the Erin Brockovich movie," O'Callahan explains. But in the '80s, we had to ask ourselves "how are you going to prove that too much toxic stuff got into the water and harmed people?"

That first case was brought to the Girardi | Keese firm by one of the network of lawyers who've referred large-scale cases over the years because of the firm's ability to conduct sizable investigations through a network of experts. The firm sued a manufacturer of explosives based in Agua Dulce, where 120 residents relied on wells for their water supply, wells that had been contaminated. O'Callahan tracked down retired toxicologists with experience in large-scale contamination, and put together the technical and scientific evidence to prove the defendant caused the residents' ailments. "Once it was recognized we were going to be able to put on a case, settlement was clearly in the cards," he says.

The firm went on to sue Lockheed over the Skunk Works plant, and then PG&E over the massive damage suffered by residents of Hinkley. The firm won \$785 million from Lockheed for the Skunk Works contamination and \$633 million for residents of Hinkley.

O'Callahan is currently building his case for the victims of the defective hip implants. He expects those cases to shine a bright light on a shortcut the Food and Drug Administration allowed



"You have to understand how to try a case, but it's always going to come down to liability, causation and damages."

—JAMES O'CALLAHAN

Johnson & Johnson, known as the 510(k) approval process. The FDA approved the metal-on-metal DePuy hip implants in 2005, and patients began to experience swelling, pain and difficulty walking in 2007. One study indicates that 12 % of the hip replacement systems will fail, requiring a second surgery.

"These cases are going to have great significance over the next couple of years," he

explains. "In particular, we will find out what the motivation is for the manufacturers to use that grandfathering mechanism. Sometimes, a manufacturer will use the 510(k) process because it wants to maintain market share when a competitor's device is starting to make inroads and that becomes a reason to not go through the regular FDA approval process."

The 510(k) process allowed the DePuy hip replacement system to be sent to the market without going through clinical trials. It's just one of 67 medical devices approved through the process since January 2009. According to testimony before the U.S. Senate, there is a greater likelihood products approved through the process will fail and be subject to recall.

O'Callahan feels especially lucky that he's had an ability to help people in a job he loves. "I fell into a great opportunity and I was able to recognize it," he says. "It's allowed me to stay at the forefront of cutting-edge issues both legally and those confronting society. You never know when you start out where you're going, but I can't imagine being in a better place."

Law Clerks Get Valuable Hands-On Experience

Early Training Proves a Key to Trial Success



"We at Girardi | Keese are acutely aware that our strengths and values come from our surrounding community, and we work tirelessly to give something of value back."

—ERIN O'NEILL

From the moment Erin O'Neill set foot in the law office of Girardi | Keese, she knew what she wanted.

"I really love this firm. I felt that way from my interview with Mr. Girardi, Mr. Courtney and Mr. Griffin," she says. They made eye contact, and used words like "honor, integrity and work ethic. They really put the client's interest at the forefront."

O'Neill grew up in Fresno, and heard of the firm through a friend aware of Girardi's significant toxic tort work in the region. After graduating from Northwestern University, O'Neill went to law school at Notre Dame. When Girardi offered her the job, she accepted before he could finish his sentence.

Like O'Neill, every attorney who has ever been employed by Girardi | Keese with two exceptions started as a clerk, allowing the firm to develop a tight corps with shared values and skills. Today, the firm has 30 clerks preparing documentation for mass torts like the 4,200 cases against GlaxoSmithKline over its Avandia diabetes drug.

Keith Griffin clerked his first-year summer at the Los Angeles County District Attorney's office, and joined the firm from Southwestern Law School for his second-year summer, in 1998.

"There was no question even back then, that if you wanted to go to a plaintiff firm, there was really only one firm to look at," he said. A year later he tried his first case, learning how difficult it is to win medical malpractice cases against doctors. His second case went better, and he was on the winning side of a \$9 million verdict.

"I wouldn't have had this opportunity anywhere else," says

Griffin. You learn to handle yourself in a courtroom, to conduct yourself well with judges, to be 100 percent prepared for every witness and know the case backward and forward, inside and out. "Not only does Tom bring in the talent, he nurtures that talent by sending us out to try cases, giving us responsibility for our own caseload, making us into lawyers."

James O'Callahan has become one of the firm's most accomplished trial lawyers, with 43 trials under his belt. He joined the firm in 1984 after his first year at UCLA. He worked as a political consultant for five years before law school and didn't expect to join a plaintiff firm. However, that summer he found that he was having fun — and that fellow law students were not enjoying the big corporate firms they joined.

"They talked about how many of the partners they worked for disliked practicing law," he recalls. "And these were people of Tom's vintage, which was just a huge contrast to being around Tom. Every day, he says 'can you imagine doing anything more interesting, more challenging?' That made a huge impact on me."

That infectious love of the law still pervades the firm, according to O'Neill, who was one of 10 clerks hired for the 2011 class. Nine of them were women. "It's a compelling case study of what's going on in the legal profession as a whole. It used to be a man's world and obviously we're not trying to oust them. But it's neat to see capable, well-educated women who aspire to help their community get the opportunity to do it at a world-class law firm."

Another difference with prior years was the crunch the firm placed in securing employment for all its 2011 class. Typically, the firm hires one or two of the clerks as associates and readily places the rest in other firms. However, because jobs are incredibly tight for young attorneys following the recession, the Girardi clerks faced the prospect of unemployment with student loans coming due. Girardi couldn't watch that happen. So after all 10 clerks passed the bar, he took them out to celebrate. He offered each of them \$100,000 for a year's fellowship or until they found a job at another firm.

"I wanted to make sure I did something for them because they had done so much for me," said Girardi.

That level of commitment made an impression on O'Neill, as it did many others who now practice at the firm.

"Our bottom line can't be found on the last page of a spreadsheet; it's found in our unwavering commitment to our clients' needs and interests," she says. "This shared devotion at Girardi | Keese lends itself to a collegial legal practice marked by dynamic advocacy against injustices and misconduct.

"I didn't know what I wanted until I got it," says O'Neill. "We at Girardi | Keese are acutely aware that our strengths and values come from our surrounding community, and we work tirelessly to give something of value back."

www.girardikeese.com

AN EXCLUSIVE INTERVIEW WITH TOM GIRARDI

California Law Today: *Tom, you always seem like you're having fun, even when you're in the midst of settling a billion-dollar lawsuit. Do you really enjoy life that much?*

Tom Girardi: Oh, heck, yes. What's not to love? We get to help people with their problems and do so as lawyers, which is just the greatest profession.

CLT: *Why do you love being a lawyer so much?*

TG: Our justice system, our courts, are the best things about this country. We have these very smart people who decide to become judges so they can help people settle their problems, or to preside over cases where the parties won't settle. In other countries, they settle their problems through violence, and here we go to court and everyone gets to give it their best shot at persuading a judge or jury.

CLT: *I know you've done a lot of work trying to encourage professionalism among lawyers and in other associations. What are some of the highlights?*

TG: It's been an honor to be the president of the International Academy of Trial Lawyers, which brings together the top advocates from around the world, and to watch 10 members of our firm be admitted to the American Board of Trial Advocates, which you have to have 20 trials to get in. It's very important for the lawyers who handle cases in court to work together to ensure we do everything we can to strengthen our justice system.

CLT: *Speaking of your firm, you sure have come a long way.*

www.girardikeese.com



TG: We are very lucky to have the very best lawyers and because of that we get the best cases. I'm also really appreciative of all the other lawyers who refer us cases because they know we have the resources and abilities to do a great job for their clients.

CLT: *Still, I've read that when you started out, some of your cases were just over \$500.*

TG: And those were the big ones! But that's how you learn.

CLT: *Do you have a favorite case?*

TG: All of them, to be quite honest. Any time you have a chance to really change the life of someone, that's my

favorite. You know, we represent people who have been very severely harmed. Sometimes they'll need medical care for the rest of their lives. And if we can help them get the medical care or support that will make just one day of their life better, that's a good day.

CLT: *And what about Frank McCourt and the Dodgers?*

TG: That's such a sad and despicable thing. You know, here is this man, Bryan Stow, who drives 300 miles to Los Angeles to go to a baseball game and celebrate his team's World Series win. And he will never be the same after that night. I love Los Angeles and the Dodgers, and we should not be a city that allows that situation to continue.

CLT: *Any final thoughts?*

TG: It's really an honor to be a lawyer and help people. That's what I've tried to do my whole life, and you know, it's been a pretty good life.

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