

An Interview With...

Nicholas C. Rowley

Carpenter, Zuckerman & Rowley



When tragedy occurs as a result of the wrongdoing of another we must hire the right individual to represent the victim and his or her family.

Being a personal injury lawyer is no easy job; you need to believe in your client, have faith in the justice system, and, very importantly, learn and develop the skills necessary to convince

a judge and jury that the clients represented are not overreaching or crying out for mere sympathy, but instead are persons deserving of civil justice. Money is often the only justice available in a civil case.

Nick Rowley, who we have spoken with previously on Lawyer Monthly, has repeatedly achieved excellent outcomes for his clients, winning record-setting jury verdicts and settlements across the country. Nick has won some very difficult and complex cases that not only provided compensation for his clients, but have also given strength and courage to those who have lost faith in our justice system. As one of the youngest top trial lawyers in the US, Nick has won over \$1 billion for his clients.

We decided to learn a little bit more about Nick and how he got where he is. Nick has a lot of experience under his belt; by the age of 40 he has tried over 130 cases. His key behind becoming established at such a young age was to commit to becoming a trial lawyer. In the beginning of his journey, Nick made a name for himself trying other lawyers' cases, living by the mottos: "I will try any case anywhere and against anyone if it's for a deserving client" and "I am not afraid to lose or get knocked down, I will just get up again and win the next one."

One thing about Nick is that he has no problem answering tough questions:

We have heard about your wins. Have you also lost cases, and if so how have you coped with loss?

Losing absolutely sucks. It's the worst, but it is part of being a real trial lawyer. I know because I have lost cases. Waiting for a jury verdict is one of the most stressful experiences I have endured. It's as if the world stops turning the moment the jury gets the case and begins deliberating. The experience of losing a case and feeling that we have failed somebody we care about is just, well, it's awful. The cases I have lost, whether true or not true, I can point to something other than the mirror to blame for the loss (the opposing side's experts were better, the judge was unfair and made bad rulings, the client didn't listen, or the case was just a super tough case). But then there are the cases where if we are truly honest with ourselves, we know it was our fault. Those are the toughest to deal with but it is absolutely necessary to own up to our mistakes in order to get better and do better in the future.

Gerry Spence taught me many years ago that we learn most through painful experiences and being honest about our role. I remember losing a medical malpractice case years ago and I still blame myself completely for that loss because of two jurors I left on the case. I had convinced myself that I thought they would be fair and I believed in my case that much. I didn't listen to my gut and use pre-emptory challenges I had. Sure enough, they railroaded the case. The jury came back in our favor on negligence but against us on causation. Interviewing the jury afterwards, it was those two jurors who led the assault on tanking the case. It was my choice to leave on the jury or kick them off and I was wrong. I still feel that

pain every time I pick a new jury. But, I don't feel it as anger or resentment, I remember the lesson I learned. We learn more from losing than we do from winning if we are able to get past the anger and resentment.

Importantly, and I know this because I know the best of the best, is that the best trial lawyers in our country know what it is to lose. They know because they have gotten to the point where they are by being true warriors, being knocked down but finding the courage to get back up again and keep going. To be a great trial lawyer we must commit to trying the difficult cases, the unpopular ones, and not just pick and choose those we know we will win. It doesn't take much courage to go in and try to slam dunk a case against an opponent we know we are going to beat. It takes great courage to go in and put everything on the line, including your reputation as a winning trial lawyer, knowing there is a good chance you will lose. We must be willing to talk about our losses and the lessons learned as much as, even more than, the wins.

The cases I have lost are part of the foundation upon which I stand when I win other cases. I know I will win and lose cases going forward if I am going to commit to continuing to be a real trial lawyer for humans who deserve representation.

You handle many emotional, gut, and heart-wrenching cases, so how do you handle the emotions and channel them to your advantage, in a way that helps you win at trial?

The short answer to your question would be that I have learned the importance of being honest about where we are emotionally at every stage of a case.

Handling catastrophic medical malpractice, personal injury, and wrongful death cases is very tough, especially when we deeply care. I live and breathe my cases, especially when it comes to trial. When I sleep, most of my dreams are about the cases I am getting close to trial on. I make most of them personal, which can be exhausting. On the same token, it is what motivates me to stop at nothing to get the best result possible.

Finding balance with emotions such as anger, fear of failure, caring and compassion, takes a lot of work. Emotions do not win cases in and of themselves, and out of control emotions can lose a case. Lawyers who think a case is going to be won based on emotions or sympathy without logic and hard evidence learn tough lessons. Jurors take an oath to base their decision on the law and evidence and I have found that most jurors work very hard to keep their oath.

We live in a society where tragedy is on television or smart devices 24/7. Some people are very numb and don't feel emotions. Others will turn away from overwhelming emotions in a case. It is therefore important to reel in and control what we feel. There were times in the past when it was tough for me, even to the point where I lost control of my temper and locked horns with opposing counsel and even a couple judges when I didn't have to and when being in better control of my emotions would have been the better thing to do. I have a hard time being a rational lawyer once I am invested in a case, but it is important that I reel myself in and stay in control.

Personal injury lawyers know too well that insurance companies can be difficult to deal with

and anger can reside when big corporations often lack sympathy in hope of retaining financial gain. Nick believes that channelling honesty can have a hard impact on a case.

What I have found to be the most important thing to do in situations like this is being honest about where I am in the moment. That means being honest with the judge, opposing counsel, oftentimes the insurance company representative (which I have found is always the person behind the scenes controlling the money decisions and is the reason the case is going to trial; the powerful decision-maker who the judge and jury never meet or even get to know about), and most importantly, the jury. By being honest, embracing and separating my emotions from logic and evidence, I can step outside of myself for a moment and have an honest conversation about everything that is at play in a case with credibility that I otherwise might not have. It shows the people involved in the case that I am a human who cares, which is something my opponents often are not capable of, because they are being directed and controlled by an insurance company and corporate decision-makers.

At the age of 40, Nick has won more than \$1 billion on behalf of injury victims and families but he says "it's not just about the money; it's about changing lives, effectuating change, and the ripple effect that cases I handle have."

When dealing with cases that potentially do not involve a lot of money or that have a high risk of losing at trial, how do you 'keep positive' and motivate yourself to be the best you can be for your client?

I have found that money comes

in and I am successful at making an income when I focus on doing what is right and not so much on the money. Being a smart business person is certainly necessary, but I have found that the energy we put in and what our intentions are for our communities is even more important when it comes to being a trial lawyer and being successful at it. Individual cases can greatly affect the greater good. I have seen that most lawyers who are primarily focused on the money settle most of their good cases and often take cases they should not, with the hope of making an easy buck. These lawyers settle their good cases for mediocre amounts, making easy money and always looking at the case with that goal: a settlement that they get a chunk of where they never intended on trying the case. The defense knows who these lawyers are and pay accordingly less, resulting in deserving people never getting full justice. It's sad, gross actually, and anybody reading this who works in the field of personal injury knows the truth of what I am saying. My message is that it is never too late to change and do better. I know that may not be the answer to the question you anticipated, but let me explain why it is responsive. **Johnny Cochran said it best: 'sometimes money justice is the only justice'.** I have experienced this and seen that money is often the only justice available to injury victims and families who have suffered horrific consequences of misconduct and negligence. When we look at a case and its importance based on the amount of money - with a large amount of money being an important case and a small amount of money being a less important case -, we can make the mistake of misjudging the case by the end result and not the reason why pursuing it is important.

Over the past 16 years of practicing law, I have handled cases with passion and the end goal of exposing the wrongdoing of negligent health care providers, exposing the truth of what happened which victims and their families deserve, knowing that what I get paid, if I get paid, is sometimes minimum wage at best. But, doing these cases, investing the time and caring about the outcome as much as I would if the end result is a big pay-day makes the medical community better. Pursuing these cases improves patient care and even saves lives.

The same goes for cases in other states where there are caps on damages. As lawyers handling personal injury, medical malpractice and wrongful death cases, we are policing our communities and achieving truth and justice that makes the world a safer and better place. If we limit consequences and justice for wrongdoing to criminal cases where a case must be proven by a reasonable doubt, tens of thousands badly behaved people, HMO's, corporations and insurance companies will have no motivation to change their ways and do better in the future.

With that said, the short answer to your question is that I stay positive and motivated in cases by knowing that as a lawyer, I have the power and duty provide something that injury victims, families and the community deserve, and that is the truth. By exposing the truth and holding those who are badly behaved responsible, the world ends up being a safer and better place. When we are doing things for the right reason, the money will take care of itself. The more we give, the more we receive, that

is energy, which is the essence of life. And, importantly, what is small to the rest of the world might be a very big deal to the humans who are asking us for help. We must not lose sight of what is important by only focusing on the money.

You often teach across the country; what would you say is a motto young lawyers should live by?

Remember who you were before law school, the human beings you were raised to be before you had to read tens of thousands of pages of legal 'mumbo jumbo'. The law is important, but it exists so there can be justice. It is our job to breathe life and humanity into the law so that there can be justice. Get out there and get experience and whether it is good or bad make it part of the foundation upon which you stand to make a difference. Be willing to take the risk of failing, but always give it your best. It is the getting back up again that will make you a champion of justice.

You've recently won a \$131,000,000 jury verdict; can you share with Lawyer Monthly more about the case and the challenges you faced and overcame?

The verdict in that case speaks for itself. It is a big number, but it was a very catastrophic injury and the value of a young woman's life that was being appraised by the jury. I asked for almost double that amount. The woman I represented will never walk again or be able to use the toilet or feed herself. While her motor function is mostly gone because of the spinal cord injury, she can still feel everything and experiences 24/7 pain in most of her body from the neck down. She won't be able to flick the flies off of her

nose when they land because her arms don't work. She is a mother of four. Representing her was scary; I didn't think I was going to win the case going into it because liability was really tough. In the end, the world will be a safer place because we chose to go to trial and made what happened a public issue. I think the verdict should have been higher than it was.

If you could change something about the legal industry that would benefit your clients, what would you chose?

Two things:

1. I would make the involvement of insurance companies in cases admissible so that judges and juries know the brutally honest truth about who is going to pay a jury verdict and why some cases are going to trial (insurance company greed and denials of legitimate claims). Some states allow a lawsuit to be brought directly against the insurance company rather than the insured policyholder. Those states have the right idea. Making this a uniformity across the country would balance out the false beliefs and propaganda that have been put into the minds of people in our communities over the past 50 years. People coming in to serve as jurors have been led to believe that a large percentage of lawsuits that are brought are frivolous. I have seen very few frivolous lawsuits but tons of frivolous defenses to legitimate cases, yet the public perception that civil lawsuits for money are often frivolous and will financially impact the defendant being sued or otherwise jack up insurance rates are false beliefs that many of our jurors have been led to believe because of propaganda and fake news

(I hate to borrow a term from Trump, but it is one we can all understand).

2. I would get rid of caps on non-economic damages. Non-economic damages are usually the worst part of suffering a catastrophic injury or losing a loved one who is negligently killed by wrongdoing. Non-economic damages are items such as pain and suffering, emotional distress, loss of enjoyment of life and in wrongful death cases, the loss of the love, companionship and fellowship of the person who was negligently killed. The truth is that caps on damages do not lower our insurance rates, not at all. The only thing that caps on damages do is help the insurance industry make more money to the detriment of safety and accountability in our communities. Caps on non-economic damages means that corporations can get away with the negligent maiming and killing of human beings and that when legitimate claims exist they get denied because the insurance company decision-makers look at the case as one of low to zero risk and therefore they don't pay the justice that is due. Caps on non-economic damages mean that the people injured most who are the least able to provide for themselves (members of the low socioeconomic classes, the elderly, stay at home parents, children) are not fairly compensated when they fall victim to negligence and wrongdoing, and most importantly that these classes of people are not protected in the future by able trial lawyers willing to take their cases because of the caps which exist that make taking such cases bad business decisions because the law firms do not get fairly compensated.

Our system of justice in the United States of America was founded on the principal that every human has inalienable rights (life, liberty, and the pursuit of happiness) and the constitution we believe so much in made it the job of a jury to decide what damages (money) should be when there is civil wrongdoing that affects the life of another American. Caps on damages invade the province of the jury and only exist because of insurance company and corporate greed and the power that such entities have to influence our governments and change the laws. Courts who uphold such caps on damages are not looking to the constitution and the fact that one of the most important job jurors have is determining the amount of damages in civil cases. In fact, the constitution specifies that the purpose of a jury in a civil case is to decide damages. It makes no sense that our justice system would empanel and swear in a group of jurors to decide wrongdoing in a civil case but take away the decision-making power of the jury to decide "how much" damages should be. I think that is despicable, fraudulent and disrespects our citizens who are serving their duty as jurors. If there are going to be caps, then put caps on what insurance companies can make in each state off of policyholders and put a floor on cases where damages are proven. If we do not trust our juries then let's be honest with them about it. Hopefully, judges will have the courage in the future to invalidate caps on non-economic damages and declare the laws that impose such caps unconstitutional. **LM**

ABOUT NICHOLAS ROWLEY

Many consider Nicholas C. Rowley to be the most accomplished trial lawyer of his generation. He has extensive courtroom experience representing victims of serious injuries and medical malpractice, especially those who have suffered traumatic brain injuries, spinal injuries, and chronic pain. In 2016, the Consumer Attorneys Association of Los Angeles (CAALA) named Nick as a finalist for its prestigious "Trial Lawyer of the Year" award. Nick was also recognized by the Los Angeles Daily Journal for winning a "Top Verdict of 2010" for his \$31.6 million jury verdict for the victim of a traumatic brain injury. In 2012, Nick was a finalist for the "Consumer Attorney of the Year" award, given by CAOC (Consumer Attorneys of California). In 2009, the Consumer Attorneys of San Diego awarded Nick its "Outstanding Trial Lawyer" award. In 2013, Nick was honoured with the organization's top award - "Outstanding Trial Lawyer of the Year". Nick is the author of the book 'Trial By Human', where he candidly shares his approach that brings brutal honesty and humanity into the courtroom.

FIRM PROFILE

Carpenter, Zuckerman & Rowley was founded on the principle that justice for injured people is more important than insurance company profits. CZR is one of the largest law firms in the State of California exclusively dedicated to the representation of injured people. Because of our size and our strength, CZR has the resources to match the firepower of big insurance companies which do everything in their power to try to get a discount on the payment of legitimate claims. Carpenter, Zuckerman & Rowley will work with you on a contingency fee arrangement. If there is no recovery, you pay no fee. CZR is dedicated to the pursuit of justice. We will never settle for anything less than the maximum compensation for your injuries. CZR can arrange for you to see top medical specialists. We can help you receive the medical care you need in order to return to the life that you had before you were injured.



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