Partner A Interview

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Thank you so much for joining us. We are so excited to learn more about what it was like entering into litigation, especially representing the plaintiff's side. So I'll let you take it away

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Absolutely. So I think for me to go to law school, I rose almost organically when I was in my late teens into early 20s, where in all the sports I was playing, I kept on gravitating towards being referee, a referee. I mean, rural seemed important, and understanding how to use them to your advantage was just something I thought was very intuitive to me. So as that started growing and continuing, my God, no bit of politics and thought that I wasn't doing enough there. And kind of meandered into the law from there, getting into law school, I started to where I came into law school, actually, at first thinking that I want to do corporate commercial because I thought it would be really interesting to work with big corporations to help with those rules and how you can apply them and in large scales and have large effects on the economy and things like that. But as I got into law school, I started enjoying things like trial advocacy and arguing in front of judges which corporate commercial just did not really have avenues for and as I started meeting mentors and people in the field and things like that, I kind of fell into plaintiffs work one day, in fact, as a funny story, my girl from the time now, wife and mother of four of My children, had a great friend in college who was interning for a radio show who's on air town is Robert [redacted], and the firm I still work for, and he'd come into the that morning and was complaining that somebody missed an interview. When I heard that, I said, Give me his get oh, call your friend immediately. Get me this guy's cell phone number. I want to work there. So I called up [redacted] out of the blue and said, I want I heard that somebody missed an interview. Would you want me to interview tomorrow? I can be in [redacted] and interview for the position? Well, I showed up. He gave me the job, and I've been at the same firm ever since. This firm, being has changed iterations over time, but at the heart of it, we've always been a plaintiff firm. We start off with, or at least when I started. Let me say it more specifically to me, when I started here about 1214, years ago. Now we are doing, or I was mainly doing single event. So that was motor vehicle accidents, nursing home cases, medical practice cases, and working within those paradigms to or those cases to help bring change for individual people. And I found it very rewarding, because although we could not change what happened to people. Well, you can't undo that medically. We can't put them back to where they were, but what we can do is help bring accountability and put them close to where they were. One of the first big cases that made a difference for me was a child or teenager. He was 12 years old at the time, and the doctor missed a cancer cell behind his knee, and had they caught it when this kid was in the doctor's office, and had the MRIs done, and they would have listened to this child, they would have been able to remove this cancer growth without a problem is that That's when they had it. The size was fine. Them missing it resulted in him as losing and then him losing his leg above his name. He was an athlete. He wanted to go and play baseball. He was being skeleton ready for various teams. And once he lost a leg, that wasn't possible. What we were able to do was we were able to a prove the medical malpractice side. And as part of the damages, we were able to make sure he will have the best prosthetic leg every seven years, not status, no, not rely on whatever one's being offered the best one possible. We make sure that his houses that he will be in, and his parents houses until he's of age, will be wide enough and have the things needed to make his life a bit easier, to ensure that, you know, again, we can't give him his leg back, but that he can live as best as possible. Those are that was a very important moment for me to understand that we can make differences in people's lives and have a positive impact, even on this side of the fence, another seminal moment for me that's put me onto the trajectory that I am currently on was actually early in that case, or actually a bit before that case started, when the. Wasn't that busy, and I didn't have a very large docket. In order to continue to show my worth, we had our computer system go down, and we needed a new one, and one of the things I wanted at the time was to be able to work from home one day. That's all I wanted, which was very funny, because when it came true in March of 2020, other firms are freaking out. I just said, Hey guys, everything I prepped for, go home. We're fine, but we start with that. And, you know, I started, you know, creating the architecture of our system. And as I was doing that, because market cell, the boss said, you know, do what you want. Like, if you can figure it out, I'll buy whatever you want, just tell me why, and we'll go do it. So that's what I did. And after doing that, I started realizing that every corporation, from our size through to the biggest corporations in the country, have the same architect that we have. There's nothing different. It starts with the same computer. Systems at their core, even though they might have more money, they're larger and they have more people, it still starts at that same core. And [redacted] said, if you want to keep researching that and learning about that, go for it. So I did, and I sat with computer scientists from Case Western, which is one of the local universities here in [redacted], and I started to understand from them how the schemas and databases are built and rely and talk to each other, and started you and started utilizing that in our cases. So for example, medical malpractice cases, I started to learn about how Radiology Departments get their information from MRI machines, and how they use a language called HL seven, and how the APIs work between those different systems, and even how they go to their long term data centers. So we can now start pulling up and doing audits on each image where you know before we were being told by the doctors and the defense the hospital it wasn't possible. Now, all of a sudden, we're able to show specifically no your doctor looked at this, or could have looked at this and chose not to. And these different understanding how these things worked and pieced together allowed us to start putting a lot of pressure on defense and finding the truth of what actually happened in those rooms or at that time that we were dealing with that knowledge has come with me and jumped forward into mass torts, which is a little bit different than the personal injury stuff I started off doing. They're a bit larger scale in which we're proving things on behalf of 1000s of different clients now, but we brought forward the same ideas, nothing's changed with that. We are working through understanding systems and how to get the documents out of them, and how we utilize that in discovery, because that discovery helps us get to the truth of the matter. One of the cases early on in the mass torts I was doing was a case in which we were pursuing the makers of the cladding [redacted]. It was a building that unfortunately caught fire, went up in flames, and about 177 people died as a result of it, and the problem was the cladding. They were more than two stories tall, and one of the first fights we had with our [redacted]. Now, how medica was, where was the data located? Because they were trying to get out of US courts. They wanted to be in Europe, where we wanted to be here in the US to hold accountability. Our [redacted] is a US company based out of Pittsburgh, and I was able to come in and take depositions, and again, understanding system architecture, we were able to prove where the servers were located here in the United States through depositions and talking to their it and pulling through all of the APIs and data sharing between their systems to eventually get to its headquarters here in the US, and this is where the information ultimately resided, and how they could have put something in that would have helped make a difference moving forward.

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Where should I go next, actually, Megan. I'll kind of give shared out a bunch of stuff there about how I, kind of colloquial got to where I am, but any more specific? Do I need to go more into depo stuff? I can talk about how that has helped me. Okay, yeah, the depositions is great. Okay, that's for a bit to depose. Okay, starting off as a young attorney. Depositions are odd to watch, and it's odd to watch because so many people believe that being in a deposition or conducting a deposition is sounding like somebody who they think is a lawyer. They're not doing them. They're not. Being who they are. And one of the pieces of advice is that we give to all of our attorneys here, and I give to attorneys when I listen to them, is, you know, how can we figure out how to be you? We hired you for you. I didn't hire someone to read off of I didn't hire somebody to read off of outlines and just get those answers, because when you do that, you're running into a wall that you know is already there. What we teach here, but we'd love others to know about, is how to is to be yourself. So for example, one of the first questions I start with in a deposition, to try to even start to change the way people think, is, when I find out what they did in life, I ask, how did it come to be that you got into medicine? Or if I was talking to you, Megan best deposing you, I would be, how would it come to be Megan that you got into into AI? That's a pretty cool thing. How did you do that? And hopefully you'd tell me a story and I remember. And then the goal of that story, by the way, is to then pick up and hopefully get you comfortable with me, so you'll tell me the truth, or at least break down some of the barriers. And what happened once was very cool to watch at work for me was, was deposing a nurse, and I asked her how it came to be thinking I'd get just a generic answer. She started with, well, when I came from Cambodia and I started, you know, at my parents restaurant when I was 14 years old, I'm thinking, going, oh my goodness, what did I get myself into here? But what the story turned into was how she wanted to help people in that restaurant. Turned out as you talked at the restaurant for about 15 minutes, got into and then there were these people who came in every morning at 7am and they were always happy and seemed really eager what they do. And when I asked them what they did, they told me they were nurses. And she goes, that's what I knew. I had to be a nurse, and I had to be a nurse, because I wanted to help you like that, and I saw what they did, and I know, I know I could do that better, and serving food was part of it, and I knew I could do more for people. And that deposition, now that story is fun to share, that part of it, but what's more important was she actually helped us out in that case. She wants the medical records in the depot with her attorney, objecting the entire time and telling her to stop would go through and was telling me all the problems the other nurses did in the case because she wanted to help me now, because she remembered why she became a nurse and why this person who got sick, our client, should not have had that happen to them. And it is amazing when you break down those barriers. People want to tell the truth, they're ready to you. Just gotta give them the the pulpit to do it. And if they sense that I'm trying to be biased or I'm trying to follow a checklist, they pick up on it and just shut down. And even though we break up our depositions, the first hour is learning the person like I won't ask any about the case. I'll just ask about them and meander through their life experiences, trying to hopefully attach myself to some of those good experiences and use them as anchors before I get to ask the hard questions about the case. Or I might, you know, I know what the case is. Always, I'm not entirely blind going into but I try to attach underlying themes. So a person's like, I'm here to help people. I might ask them about what they think of safety and helping people and preventing harm or doing what's best for people, trying to make them raise the standard that we're going to hear about. So when I asked them later on, like, well, no one checked on this person for 14 hours, they might say, then they might remember saying, well, that's not fine. I was hoping to do better for people, and that's where you try to use that going on, or to show those inconsistencies to a jury one day to show this is when they were honest in the first hour, this is where they lied to me, or when they chose to be on board. So Depositions are really important to us for understanding how to talk and get into the theories or the underlying biases that are there people and using them to help us get to the truth.

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That is really fascinating. I just want to drill in on your particular methodology, because I actually spoke with a number of litigators when we first started building our deposition tool. And what was interesting about it is that they had on the call, you know, another litigator, I think, on the call, and then I actually had on my end, our engineer, and he's our chief architect, and he's one of the nicest people ever. And the litigator started to demonstrate how a good deposition should go by making an example of my engineer. And after that call, my engineer was so taken aback that he was like, I don't think I want to do the litigation side. Like, can we not build. Like anything in litigation for now. And I said, Well, you know, I think that, like, the litigators have to follow this, like script, and I think if they tend to be a little bit more aggressive, it just seems like, you know that the type of thing you've seen before. And he was, like, I like, I don't usually feel like, I want to, you know, feel that overwhelmed, but I definitely feel overwhelmed from this experience, and kind of what I'm hearing from you is the polar opposite that there is, I think, at the heart of it, trying to figure out, not only for the attorney, where the humanity lies for them as a person, but also kind of drawing out the story for whoever is being deposed. That I think, from the get go, you're not looking for what gaps you want to fill, but you're trying to figure out their story, knowing kind of already the background. And I think that that is something I actually have not heard before. And so this is really, like, exciting for me, because it will, I think, really change the way that we change almost our deposition tool going forward. Yeah, so thank you for that. Yeah. I wanted to also kind of drill in from the deposition perspective, or any other stories. Has there ever been a young associate come to you and you really sort of unlock within five minutes. So I always talk about the five minute moment. If they've ever come to you and they've been working and trucking maybe for hours on one particular task, maybe it's kind of looking through existing depositions. You know that you might only have a limited number of hours. You don't want to kind of exhaust. What you know is, either you know the witness only has two hours, or something like that, you've gone, gone through an hour of the deposition. Is there like little tips and tricks to, kind of, not necessarily tricks, but I guess ways in which you allow them to kind of overcome some of these mental blocks,

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absolutely so a situation where we see or start over at that one, but in situations where another attorney comes to me, whether it is an associate or even another partner, As we all run into these roadblocks of, okay, I don't know where to go with this. Depo, my tool bag of tools seem to all be hitting a dead end. What do I do? And what we do as a group, collectively, what we'll talk about? And even one of the cases recently was helping somebody with that you take a step back and you think to yourself, okay, there are so many things that we can't prove to this person for whatever reason. Sometimes getting the inverse will help, and reminding the person What's the inverse that we can do here, right? So with expert reports, sometimes, when an expert says, I know what caused this, well, a nice way to maybe cross that person is to do negative space. Negative space is to think of every potential question that shows a piece of information that expert never considered or was even given. So if it's the I know what caused the accident, it was your client that actually cost it well, and this expert might be beating them up, because they're really strong in their field. So every question they had, they were running into a dead end. I might say, Well, did you ask them how many feet it was between the car door and the headlight of that car. Expert probably say no, and then you keep going like did you did you know how tall each person was, what height the sun was, at what the temperature was, at what the road conditions were? Did you know how heavy the cars were? Did you know what marks were left on the road? Do you know how long it was between the car accident and the police showing up? Did you know how long it was between the EMS getting there? Do you know how many EMTs came out of the car? Do you know what was moved on the facility and doing all these questions in the negative to hopefully show a jury one day that maybe when this person says they're so sure, they might not be or on the flip side is, again, if we're thinking about what to do with the jury here. So if someone again, you can't prove the lie. It maybe is understanding to expand what it is you're talking about. So we have a situation in a case where a doctor says, I knew all I need to know from this company. And I would say, and I might question to them on this specific topic, was, okay, it's a demo I had recently. Even I said, Okay, doctor, that's great to hear. Is it? Would you agree with me, potentially? Would there be something that could change your mind? Well, I have no idea. Okay. Are you telling me nothing could possibly change your mind? At all this is a trick question, if you want to use the word trick here, because if you say no, we all know that's not true, or you can or you can say yes. And you know one of the dangerous, most dangerous questions we can ever ask anybody is always or never, because all it takes one time to prove it wrong. So that's when he asked him, nothing could ever change your mind. No, great. Off to now trials show one thing that could change his mind, and now we've undermined him. Person says, Yes, though in this scenario, and he starts listing off all these things that could change his mind. And I went and I said to him, okay, so we both agree. After he gives me this whole thing and tries to show how smart he is to me, I said, Great. So it sounds like there is something, and if that company knew it, would you have wanted to share it with you? Well, yes, I would, because it would have made a difference to my patient. Now, wouldn't it? I guess it could have hypothetically, great. Thank you. I'm done. The law we had to deal with was learn intermediary and things like that, which go about what the doctor knew or didn't know. And our cases against this manufacturer of a specific drug that we know they didn't share certain information. So it's, did they share everything? So the doctor could make an informed decision, and we were able to go through that. And again, it was and it was a dejected day for me, because the doctor went through and is in love with the company and loves the product, and is still using the product on patients and other patients that we're saying is very dangerous. So it's a hard day for us, and then we're getting into the into our meeting afterwards, saying everybody, this is what I'm running into. And someone reminded me, like there is something that we can change here, and that's what we do, is undermine those things.

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One thing I'm really fascinated by is it seems that time and time again, starting with sort of the case that you mentioned in medical malpractice, that was a watershed moment for you was you're very interested in looking at things that are not the variables that people like to look for. You're starting with the question of system architecture from a technology standpoint, that kind of carried through for so many different cases. But here, when you talk about the negative space, again, that's all of the areas that people kind of just don't see any value really looking for, and it seems like you tend to drill into those and actually find gold sometimes, so to speak. And so that's super impressive for me. And again, I think I'm learning a lot from this, because I've never, at least my encounter with the litigators that we helped, that helped us with some of the other tools, this was not the perspective I got at all. And so really appreciate that. One thing that I wanted to also kind of follow up on is, are there often any resources that you share with young attorneys on how to get better? So they've seen, for example, that they you've given them the advice. They've met this roadblock. They, you know, looked into the negative space, or, you know, doing that in verse, but they're still kind of figuring out how to piece together the story, for example, or what where to go from there is there kind of additional, you know, directions that you point them to, or you, for example, ask them to role play with other people or other things like that. So wanted to hear your thoughts on that

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absolutely nothing replaces in what we're doing. Unfortunately, doing that is what is so important. Here is doing and role playing going to conferences. There are conferences out there were role playing as part of the conference where you sit down and we take the time to run deposition skills, one of the things the firm has here in several of our offices are dedicated spaces Mock Trial rooms that you will see our young associates in all the time that we're running through it, even when We talk with each other about giving advice or ideas. We're talking before the negative space, we turn that immediately into a mock at that moment more sitting there. That's okay. So even as you walk through, I'm like, okay, so doctor says no, or I even know showing a few moments ago the negative space, I was answering the doctor's answers to go to my next question, so we can rip it apart together and try to figure out what's going to happen in there. Sometimes we'll play a very if we know the witness from past experiences, I will somebody who knows and will try to embody them. I will sometimes be a very, very, very difficult witness where I will rip apart every question, every word in it, or try to be non evasive, or be very evasive in my answers, and seeing how they can pin me down. So I guess the question is you asked specifically is mocking as much as we can and putting them in the experiences to feel. That pressure of sitting there and thinking of the next question and being yourself the same time you don't want to fall into being something else. There are also books and things like that out there, like I'm looking at my shelf right now behind my head that you can't see.

[redacted]

The idea is flight or flight. How can you make it so that's safe to the you know that what happened here could happen to anybody, and to kick in a jury's fight or flight to protect the community. So the idea is to do that, and, you know, to bring in theories and show the dangers at everybody. So if it's a nursing home, to show that a nursing home could, you know, yes, my client got hurt, but this nursing home does this habitually, and therefore, you need to teach a nursing home a lesson so they don't do this to anybody else legally, if you talk to others at the Golden Rule and things like that, it's more nuanced, and how I described it, it really gets into how you pull on certain things that will hopefully evoke this emotion in people. So the bias, I mean, we're looking for biases. Always. We're looking for trends that people will fall or get in line with, or, you know, read the book rules of the road. We tell our associates, because it helps understand how to frame a case and stick to that framing from witness one through trial, or polarizing a case, which is another book which talks about how, you know, pushing people off to the limit, right? So if they say it's okay to poison people, make them make this case about poisoning or not poisoning, that's it's you might hear a trial for 10 weeks. It might be this really long thing by the end of the day, every depo, every witness, everything comes down to, what is it?

[redacted]

28:16

I'm curious how often there's a sense of ego that comes into play for a lot of the witnesses or people that you have to depose. Because I think from what I'm hearing, there's a consistency around trying to figure out their story, but and part of it requires them to, in a sense, feel comfortable with you, and you know, not shut down, so to speak. So. But some people kind of whether it's shut it's considered shutting down or not, they just like to put up a guard. And I think you mentioned earlier that the doctor wanted to tell you how smart he was, for example. And so how quickly do you tend to sense like the ego kind of playing a role in the way that the story is actually being told right now and then? How do you kind of figure out and navigate around that? Or do you know sometimes how to play into that? For example, if you're trying to get certain admissions,

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we all have toolbox. I always call your deposition toolbox. So we all have various tools in there to get us out of problems that you've run into, or, you know, situations that you're now sitting within. And what might work at the beginning of the deposition might not work later in it. So I think your question is really spot on here in that when you run into a situation with ego or other social norms that you might experience at a party, for instance, there's no reason why you can't deal with it in the same way. So if there's somebody who's being very egotistical or very obstinate, this fight might be funny, but. Uh, in the small confines of that depot room that you're sitting in with you the opposing counsel, court reporter, maybe a videographer, maybe a few dozen attorneys watching it online. Just fine. They might be winning that they might think, but sipping sitting back when you see the scenario presenting itself and thinking to yourself, Okay, this video isn't going to play to a juror one day who's not going to care about my ego. I'm not on the camera, quite frankly, in this in these depots, nor is the other council only the witness. So they're being a jerk or over egotistical. You might want to let it play up, because that might be phenomenal in front of a jury, a jury is not going to understand everything, all doctors saying, or an engineer or anything they my their eyes might gloss over after four or five sentences of talking about the actual issue. What will not leave them is the impression they feel about that witness and feelings and emotion drives decisions. So if you can now put that situation together so that there is going to be a jury that will not like this witness later on, you've already accomplished your goal, even if it might not be based on the legal facts that you might have to fight with them for a bit to make sure you get over the legal hurdles you need to get to that situation you're telling while your engineer controlling somebody and controlling their words and really across examining them. Yeah, we can do that too. I mean, we, all a bunch of us, have that in our toolbox when needed to get out of the depth of what you must have, but destroying them in front of a jury one day because they're an ego tisk or a pompous jerk is also a win. It doesn't have to be just because the words they said were correct or incorrect, that feeling will drive a decision one day. It always does.

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And so I am curious how often do depositions actually entirely change the, I guess, the direction of the case? Because I think, okay,

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so I see your question. I didn't mean to even cut you off here, but like it is, I um, if you are doing your job well, I don't mean that to put others down. One of the things that I think is so important, another watershed moment for me as well, was when we switched at this firm to a dedication to the facts, as the facts may be. I know it seems very basic, and you're thinking to yourself, well, who doesn't do that? What so often happens with lawyers, and where so much the fighting comes in, and I think lawyers lose their credibility is they paraphrase the facts, or they give the facts they want to have, or the facts that deep down they believe actually happened. That's not what's pro proven in front of us. And to have a dedication to actually sticking to the facts means that for every fact you get, you must re evaluate the direction that you're in. It might change the trajectory of the case by 180 or a 90 degree sharp left hand turning here, this person said this. That means this. Now we don't just chug along because, you know, another depo pop it in the pile. It's no if you're learning from them, something has changed because that person gave you more facts you did not have before that depot started. So you hear it, and you must. You should be changing now. Not everyone believes that. Some people say, my theory is profits over people profits over over safety, and that's they want to run with the entire time. What if it's not there? What if this is not a case about that? What if the case is about a few greedy employees? What if it is a systems failure? What if it's really a systems failure on a failure to monitor because they will tell you, big corporations get up there and they start every every opening statement, or when they can with some of their key witnesses. We are a corporation. Have been around since for 150 years, and have employed 1.4 million people, and we give to charity 45 million every year, and we care. So how do you you know? You flip that on the head. Sometimes you can't the marketing these companies have done. They do it for a raise, and it buys goodwill. So how do you change that? How do you deal with that? If the story changes, after several depots, after something that needs to change, you have to be willing to do

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it. I mean. We often hear that definitions are important strategic moment, but I didn't realize that it's it's actually a tide turning movement from what you're sharing here. I'm almost wondering, is there ever this pressure to the young associates about the significance of getting to this deposition moment, and if so, have they ever run into kind of mistakes that you know later on you had to figure out how to rectify because the deposition had gone away that was not expected.

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I can use a seminal story for myself here on this one, the most I learned about depositions and their impact came from a trial that I was pulled into at the last second, so discovery was already done and in the books. So to say the cast was die, where I'm only being brought in to try the case with somebody else, and we got our heads bashed in pretty badly, actually, at the trial. It was a 14 day trial that was very much, very, very unpleasant to be part of, but it was an amazing learning experience, because every little trick or game or thing they wanted to put up that was going to destroy each part of our case was all laid in the depots and the discovery 18 months earlier, so you don't learn about your mistakes until much later, typically, and that's what we explained to others. Like, look, you know, you gotta step back a good or bad depo, no one knows what that means until you step back. I'll never forget another case where as recently as a med mount case because of COVID. The Depo happened before COVID, but the trial was like going to be in 2023 so a four year gap, and something had changed from our expert and our negotiation tactic. And remember, like sitting there going, I took that depot. I never thought about that before. Oh, dear goodness, please tell me. I ask questions about that. We get to the transcript, and like ripping through it all of us, we find it. I I'd asked all these questions. I had no idea why I was asking them. It was dumb luck on that one, but it happens the other way. I mean, I told a good story there, because it's nice to have those stories. I can tell you other stories where we said, go back and look at that. I flipped through. I'm like, Guys, it's not there. Didn't ask a single question one way or the other. We have no answer, which means they can come in and undermine us a trial if we choose to. So we have to pivot. I mean, just things like that. It's it's hard to learn it afterwards, at that exact moment, because those other pieces fall in place. And when I was telling you about how a depot, you learn from them it might cause a 90 degree turn. Well, if you're on depo, if you've been going straight for four depots, on depot number five, you make a 90 degree turn. Well, you didn't know what you knew at depo four or depo five, at Depo one. So how would I ask the questions that would, you know, help us in our 90 degree turn now? But what that might mean is, well, let's reevaluate again, and now we might be going the other direction by 45 degrees. So, yeah,

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hey, one of the goals, actually, of the original deposition tool that we built was for us to kind of do post mortems on those depositions kind of quickly after that, whenever you get that formal transcript. And so one of the things that the examples you mentioned like, Oh, I thought I had kind of asked it, and then you realized that it wasn't our goal. Is, for example, if you thought that the witness had admitted like that they were there in april 15, but they actually only said April and so you didn't actually get the precision that you wanted, for example. And so one of the things that we were hoping is that the comments back would help you within the period of time that you were doing, kind of a consecutive number of depots, and to be able to kind of figure out what the gaps might be. But I'm wondering if there is kind of historically, through experience over time, that you can already sense it, or is it very much, you know, you get to depo five, and you really are kind of taken by the 90 degree turn.

39:14

We are not typically taken by the 90 degree turn as being unbelievably shocked. That's where the years of experience, that's where you hear attorneys often talk about, you can't replace me. You have no idea what I know. And my 30 years, okay, it's true. I mean, there's some truth in that. You know that the 30 years experience is sitting through those aha moments at beer, at depo number five, it is sitting through a similar med mal or 10 similar med mals, and pull them back in your experience, and you sit back and go, Okay, oh yeah. What are these cases in 20 years ago? Okay, here's a story to help with this one. We're sitting preparing for a. The end is trial, which would have been 2012 maybe April 2012 I think, yeah, April 2012 somewhere in that range, getting ready for that depo and that trial. You're saying, depos trial, at that point, we're trying to line things up, because we're missing we're missing something here. We know we're missing something here. And senior Merck's dad, who's still at the far, he's more involved the time. And he said, you know, back in the day, I used to like, just check faxes. I was like, check faxes. I was like, Wait a second. I know I asked questions about how data transferred between these two systems. I know that's where the transfer happened. So I had to grab the two systems last printouts, like they used to with old faxes. I could look at them and say, Okay, which one's different and why? Because one came at it. We knew one came out of the operating room at the real time. Did that when the doctor updated. So I was able to line them up and define what the differences were, and it gave us the timeline that we needed for the case at that moment, so seniors experience how they used to play around with faxes when they first came out, where you'd grab the second facts that came out and look to see what's what was different on it to understand the timeline, we could still use it in today's modern technology, where there's no faxes, it's all API transfers, but those transfers go into systems that you know are essentially frozen In time, especially if you figure out what the social sole source of truth is your SSO, whatever it is in the in the equation, or where your forest trust goes, and if it gets broken, if you ask an IT person, when that breaks, where do you go by but this system, like, great. That's the first system that has all my data. So it is like taking that experience and applying it to something new that wasn't forthright or like visible to any of us at first. Those sort of things help us dramatically, even in today's date here, of like, how we can use that information. So I think, to answer your question with all around about ways I just got here is it's not truly a surprise. A lot of people can predict what they are by looking at patterns and asking questions about those patterns to what we have here. The hard part is understanding, you know, I don't think until today's age, we've ever had the ability to have computers without human input be able to find patterns that weren't existed. And another thing that, for those who are dorky like me, 42 if you know what 42 is, you know, I'm referencing Douglas Adams, the chariots guy to the Galaxy, that's the answer. We know what the question was, but we know the answer. And the point is like, same thing's true here. We don't always know what questions to ask. We feel we usually can find the answer stumbling through it, and the patterns are always there, and those 30 year comments just means you can't replace my pattern thinking, or you can't replace, you know, a witness. I mean, I had a witness one time have a mental breakdown in the middle of a depot and started yelling at me about his time in Vietnam. By the way, it was a case about a police car. He was a mechanic on a police car, so nothing to do with Vietnam, let me be clear. No overlap. Young me about Vietnam, but how do I get through that situation and how we can use the tour advantage in that depot? How he calmed him down. He talked about how bad the city was, and his triggering issue was that the city had become as rough in [redacted], we ended up with a $50 million verdict against the city over this case, but it was how bad the city had become from somebody who worked at the city because he was having a breakdown trying to talk about the stuff that was going on, referencing back to Vietnam.

43:44

That is, it's so impressive that, you know, so much of it is kind of deeply psychological.

43:52

I'd say, How is it not? I mean, yeah, if you read since one of we have a partner at the firm, he's the head of our trial department. We do focus groups. We spend and dedicate time to learn, learning and understanding people's biases, whether implicit or not, understanding how people make decisions. And we're going to influence decisions. You know, I think the old school from 40 years ago, getting up there as a lawyer, as a lawyer, saying you should trust me because I'm a lawyer, no longer holds water. And I think some of the attorneys you might have been interviewing might have come from that school of thought. They will believe me because I am, I am. They hate me because I am. You know, so I know. I think I say I have to earn that right from them, from every depot, from every question to opening statements to every time I speak or stand in that courtroom, they want to hate me and not believe me, is the bias I believe they bring with them. So how do I get around that? How do I break that down? I.

44:59

That that is such a massive difference from I mean, at some point everyone talks about the pivot out of the adversarial into the advisory. And advisory, obviously, is just very much what's anchored in transactions work, but hearing kind of from the adversarial perspective, it's still very much ingrained in trust. But kind of the opposite of that. It's a lack of trust as the starting position I'm I'm honestly, really impressed with the work that your firm does and you do, because I think this is probably the first interview that I've had, a very different, honestly, set of stories that I've heard historically, and I'm really excited that. I think if you're comfortable, I might even want to create this agent to integrate into another simulator that we're figuring out. If you're okay with it,

45:57

always happy to talk and figure out step by step from that nothing's A No, nothing's Alright, yes, either, but we'll figure it out. Because, again, things to help all of us, giving back, I think, is important, as I've taken from so many different people, to get to where I am in my career. You'll probably need a four hour to seven hour interview. One hour, and you'd probably have to have multiple ones, I would imagine. But you know, it is something that, you know we he'd even go back the history of Jerry Spence and how some of this area of what we're doing started from, and how he's built from some of those parts, and how he's gone to the storytelling mode, and the time he spent with people like Robert McKee and others in storytelling and how to bring it to here, and how the decision making happens, and how you get coverage in your story. The scariest thing to us right now, at least to me. Others might feel differently at the firm, but the scariest thing to me is a jury going back to the jury room and filling in a hole in the story was something that we don't even know about that is so scary to me, right? So, you know, what if they heard, you know, the story is something as benign as red car gets into accident. Blue car, red car person or red is at fault. Blue person's really hurt. We represent blue person. We you should give them a lot of money. And all half the jury is thinking about is, well, why was red car speeding that day? Why was red car doing this like and they fill in their mind saying red car was actually on their way to a doctor's appointment. We should give them a break on it like that was like filling the gaps that we all naturally do that is just what we do as humans. Scares the heck out of me. That's where he's focus grouping. We haven't got to focus grouping, or any of that stuff as to how some of the stuff we got to get gets here, but we'll leave that alone for now. But the point is that coverage issue is so scary for me, so like, even, like, we tell the younger like, what's the story? What is it that we need to fill the holes in? Like, what do you think is missing from the story? Forget legal stuff, and the jury gets into that room. All right? Legal stuff, none of it matters. Even judges, right? They're people. A judge is a person. Still, you telling me a judge doesn't rely on their bias and their storytelling ability and their experiences and coming in at a decision. Of course, they do. Of course. You know, if you can echo back a judge's words to the judge based off of what they've written over the years, their prior experience, I'm going to do that. You know, anything like new to help

48:35

this is, it's just super interesting to me, because in the other interviews that we've had, everything was tethered to a very specific document or set of workflows that are all kind of circulating around this universe of documents. But here where you keep coming back to time and time again, is the person, or the people that were involved and how you put together the story. I think, you know, the work that you do touches upon kind of the very heart of not just like unpredictability, but natural human unpredictability alongside, like, I think a set of emotions and everything about it is definitely not capable of automation. I think, like a lot of what transactions are, for example, that is always cited is like the redlining, because it is getting to a point of predictability. And so I'm just honestly taken aback by this interview that we've had.

49:38

Well, I didn't mean to shock you too much, but I'm happy that I did, because I think there is area and again, like going back to you asked the question, but do I know there's gonna be a 90 degree turn on the case? Okay, not always, not what the turn is, but there is predictability. If you look at things on a large enough scale, there just is. I. Yeah, there just is,

50:01

I think, like, when I think about predictability, I'm thinking almost like repetition of work, whereas I think, like, here you're almost like gaging a sense of how people tend to react to certain things. And there's a sort of like nuance to that that it would be really interesting to kind of add, I always think, like adding humanity to the tools that we're building, and so like putting together, you know, the depositions and the transcripts that hopefully like, as we start working on this together, that I can see all those moments and when we kind of provide advice to a young attorney that I really can have your AI agent share your voice in it, because I think that's what would make this much more powerful. I'm cognizant of time. So

50:54

my 10 o'clock got canceled, so I do a few more minutes, though, and now that if you have more time, it's not a hard stop like it was before, maybe double check that actually, but I'm like 90% sure what I was what I was referencing, was canceled. Where's my calendar? Where's my Yep,

51:15

my 10 o'clock was canceled. Yeah. So I have a few more minutes if you like, you'd like, I can easily do another 15 without a problem.

51:26

Okay, well, I am going to take this opportunity if you're okay, Nate, are you okay?

51:33

He's probably asking, I

51:35

do have a 10 o'clock so I'm gonna but this has been very enjoyable. Thank

51:39

you guys for inviting me and let me sit there. Thank you. Nate question too, if we have time. All right, bye, guys.

51:46

I think I wanted to kind of ask a last question, if you're okay with it, absolutely is, I think if you were to say that thinking back to your first deposition and kind of how you approach one now, what I what would you say is the biggest difference in your approach to preparing for it now that you've had all these years of experience in that space.

52:21

I think the biggest change between what I used to do to what I do today is looking at outside information. So what I mean by that is, before I'd be so into if a single event, the medical records that were in front of me, if it was in MA, you know, it's in the MA court cases, the presentations that we got our hands on, the emails and all those sort of fun things. Now I'm taking more time to sit back and learn about the person and figure out ways to make a connection with them. Sometimes we use the term Bluetooth, like, make that Bluetooth connection. You know, when you have with somebody, it kind of connects you, like, Oh, I got it like you, you feel it sometimes, and how I can do that and that, I think, is the biggest change. So for example, if I'm deposing a doctor or an expert, I want to find every organization that they are a part of, then I want to go pull their ethics from each one of those, and I can use those credos in our discussions, for example, if I was deposing you, I would start by going and learning as much as I could about you, social media and all that sort of fun stuff. Then I would turn to Stanford, and I start pulling all your mission statements. And I'm assuming Stanford, like most other very got that right. Stanford right? I don't want to make sure. Yeah, good. All right, so, like most other you know schools that caliber are going to have a very strong mission statement, that your duty as a school is summing to the effect of we're here to promote learning and helping you know, the world be a better place by giving ethically and doing what's right all the time. And let's say it's a case where we don't think you'd write all the time. I would spend time going through that mission statement with you. Do you believe it? Do you agree with it? Were you part of making it like, do you teach your students that? Do you teach your research assistants that? And then I would turn then I would know that would be my hook to turning into the harder questions about of the depo is understanding, like what last step I could use outside of what was given to me to help me get to the next step. And it is amazing what you find there, or in a company's 10k announcement to the securities department, if it's a publicly traded company, the stuff they put in there, oh, about how good of a corporate citizen they are and things like that, and you can use that so that is like, well, so back to your question at hand, how it changed. I will utilize more real world thinking, real world based conversations, real world information outside of the confines of what our litigation might be. Code to bring to the deposition I would have never done when I was younger, I was so focused on what's in front of

55:08

me, and is this kind of the direction you tend to share with all of the associates going forward. Because it really honestly, I am still taken aback by the difference in how like our, one of my first interviews with an M and a partner, all they said was, you know, you have to, kind of, like, make sure you have all the documents in place.

55:29

I have the documents. I gotta control the room. You gotta control the witness. You gotta control their lawyer. No one can talk about you. You will not let them do anything. Okay,

55:39

not my, yeah. And so, like, we our approach ended up being, you know, we take an experience and tether it to a particular document. And here, like it seems very different, like I have to almost figure out a way to find out the person that is being deposed in the deposition tool so that the associate can see in advance, how figuring out who they are as a person has such a impact on kind of how well that deposition can go. And so this is actually changing how I almost imagine us building or improving the deposition tool. But

56:17

beside you, I said it sounds like you've only work with, like, corporate and defense side. You haven't worked with our side. I wasn't being mean when I said that. I just like hearing the way you were described, like you're not hearing our side of it, like you're not hearing what we are doing. Before I go on, I just, I was, like, my eyes hopped during that your presentation is like, this is unbelievable. You hit like, we can do this on this side too.

56:42

Yeah, I mean, so I it's, it's not really related to, like, our choices. It's, it's more just like we, we just accept anyone that wants to be volunteer on our and so we just, this is the first time we ever had this. And so we are really thankful for that. And I think on our side, like, we mostly work with companies, or how many partners, it kind of transactions partners. And so naturally they they it's also easier for them, because I think at the end of the day, they can always ground back to a document. And so they didn't want to share anything more. They're like, it's all in the literature, like, it's all like in the contracts that we see. But things I always talk about is these models are just trained on the documents alone, and that doesn't tell any story. And some of my engineers have come to a place where they think that with enough data that it could tell the story. But what I'm figuring out is that isn't necessarily the case, or in large part, is not the case.

57:42

Don't forget that there's pre litigation, litigation differences. But pre try, I use the wrong word, I apologize. Pre trial and trial, there are two games being played any given time. They might be playing to a different end game as well. So that might be a way of marrying the two. Is, you know how many M and A's or contract disputes end up at trial or even at a final arbitration, where, you know, arbitration, they claim, gets rid of some of the stuff that we do, because you don't have a closing argument, you just have it to an arbitrator that you wrote a long brief to so they can, like, detach from things, hopefully. So they argue. I disagree, because I you never, you can never check your biases at the door. They are what they are. I mean, I am a 40 year old Canadian who loves hockey, live in the US with four children. My wife's an adolescent psychiatrist. My brother's, you know, he's a surgeon of a younger brother beyond that, who's not. You can't just make me forget all of that. You can't forget, you know, all those sort of things, my religion, how my family got to Canada, all those sort of things you can't replicate, or you can't. I shouldn't say they're not replicate. You can't replicate. You can't ignore, and I will never ignore my decisions. It has an impact on my decisions, full stop. It just does.

1:03:09

Well, I mean, these are all the questions I had. Thank you so much.