

CASE IN FOCUS LITIGATOR PROFILE

He Specializes in Turning Tough Cases Into Winners

Name: Thomas C. Zaret.

Name of firm: Law Offices of Thomas C. Zaret.

Location of firm: 11755 Wilshire Boulevard, Suite 1350, Los Angeles, CA 90025.

Education: University of San Francisco (J.D., 1984).
Michigan State University (B.S. Psychology, 1981).

Affiliations: Consumer Attorneys Association of Los Angeles, Consumer Attorneys of California, Beverly Hills Bar Association, and Los Angeles County Bar Association.

Length of time practicing law: 11 years.

Types of cases: Plaintiff's tort litigation. Zaret is also representing "Bud" Deboe, the bus driver who was recently assaulted after a traffic accident. Zaret had represented him in negotiations with Inside Edition and is currently negotiating a deal with NBC for a Dateline segment that will focus on bystander apathy.

Background: Zaret, a sole practitioner, was inspired to practice law in elementary school when he participated in a mock trial in the sixth grade. He decided to become a lawyer because he wanted to help people who are not capable of helping themselves in the legal system. He prepared for the practice of law by doing externships with Justice Joseph R. Grodin (retired California Supreme Court Justice) and Judge Frank W. Shaw Jr., a San Francisco trial judge. Zaret authored a law review article, "Negligent Infliction of Emotional Distress: Reconciling the Bystander and Direct Victim Causes of Action" 18 USF Law Rev. 145 (1989) in *Thing v. La Chusa*, 48 Cal. 3d 644 (1989), the California Supreme Court cited to Zaret as one of the scholars who noted confusion in the state of the law concerning emotional distress. Justice Mosk's dissent quoted Zaret's interpretation of the law as providing a simple answer to the complex issues confronted by the Court. For the past 11 years, he has been a trial lawyer representing plaintiffs' rights. He spent six years learning the practice from Erwin



HUGH WILLIAMS / Daily Journal

GOOD AND LUCKY — Thomas C. Zaret says that "sometimes I can maximize recoveries... and there is an element of luck" that is the result of hard work and preparation.

Sobel before starting his own practice. He has tried premises liability, motor vehicle, and dog bite cases.

Keys to success: Zaret attributes his success to using a common sense approach to make the case simple for the jury, a good sense of humor, a desire to win, and a little luck. He also attributes his success to preparation and hard work. Zaret has had success with cases that have inherent difficulties such as low medical specials, aggravations of preexisting injuries, or questionable liability. The challenge of turning a case around excites him and makes him work harder to win the case. His sense of humor is a tool he utilizes in presenting his case to the jury. He enjoys "making people laugh...making people happy." He believes that when the jury starts out, everyone is on edge and uncomfortable. At the appropriate time, he will make an off the cuff joke that he feels helps ease the tension of the jury. Zaret has turned a number of low specials cases into six figure verdicts and settlements. He accounts for his success in not having preconceived notions limiting the case because he feels they can be self fulfilling.

In the case in focus, Zaret attributed the settlement in excess of 40 times the medical specials to detailed preparation. In that case, he researched the background of the defendant's orthopedic expert. He obtained copies of transcripts where the doctor had testified in other cases similar to his case as an expert for plaintiffs and defendants. That research enabled him to cross-examine and convert the expert to his own witness. Finally, Zaret calls himself lucky—lucky in his personal life and his professional life. The luck he attributes to his professional life sounds a lot like hard work, a winning attitude, and confidence in himself and his clients. He indicates that "in my cases, I feel that sometimes I can maximize recoveries... and there is an element of luck" that is probably the result of hard work and preparation.

Favorite trial moment: Zaret worked his magic in the *Thompson v. Roxbury* case (published in the May 6, 1994, Verdicts & Settlements) where he represented a swimsuit model who slipped and fell down the stairs at a restaurant and scarred her knee. It was Zaret's favorite case because of the difficulties that had

to be overcome, including medical bills of \$10,000. The jury awarded his client \$325,000. Zaret's favorite and least favorite trial moment came in one of his first trials, a premises liability case, where his client, the plaintiff, was "not exactly the pillar of society." During cross-examination, the client admitted to having been convicted of a felony robbery and purse-snatching. All the female jurors clutched their purses. Although Zaret knew he was in trouble, he convinced the jury that everyone is entitled to equal justice.

Personal: Zaret loves to spend his free time with his wife, Liz, and 19-month-old daughter, Perri. A doting father and husband, he believes that his wife is the best thing that ever happened to him. His wife has a master's degree in psychology and assists him in voir dire preparation, one of Zaret's favorite aspects of trial practice because he has to make split second judgments and interpret the jurors' answers on their feelings about issues affecting the case. Zaret tries to play a game of tennis when possible. However, since the birth of his daughter, he has spent most of his free time introducing her to the music of the Beach Boys and Louis Armstrong.

What other lawyers and judges say about this attorney: The Hon. Richard Neidorf of the Los Angeles Superior Court — West District, called Zaret "the magician," referring to a case Zaret tried in his courtroom where Zaret was able to procure a verdict of approximately \$80,000 with low medical damages. Judge Neidorf stated that Zaret "won the first plaintiff's verdict in my court" ... in about 18 months. Attorney Erwin Sobel of the Law Offices of Erwin Sobel, Zaret's mentor, described Zaret as "a very talented trial lawyer... He's got a great ability to persuade juries." Sobel characterized Zaret as an "aggressive but very honest" litigator. Abram Zukor of Zukor & Nelson described Zaret as "smart," "hard working," and "fun to work with." Abram Zukor noted that "the most important thing is that he gets excellent results for his client."

THE CASE

Officer's Dog Incident Claim Results in \$488,500 Settlement

Type: Personal injury, premises liability, dog incident.

Settlement: \$488,500.

Case/Number: Case I.D. Confidential.

Court/Date: L.A. Superior Central / November 1, 1995.

Judge: Florence-Marie Cooper, Dept. 33.

Disbursement: The city accepted \$38,500 for its \$51,000 lien with \$450,000 net to plaintiff.

Attorneys: Plaintiff — Thomas C. Zaret (L.A.). Plaintiff-in-Intervention — Raymond H. Williams (City Attorney's Office, L.A.). Defendant — W. Thomas Maskey (Thomas Moore & Associates, Glendale).

Technical experts: Plaintiff — Bryan C. Conley, Ph.D., economist, Pacific Palisades.

Medical experts: Plaintiff — Robert A. Audell, M.D., orthopedic surgeon, L.A.; Steven Silbart, M.D., orthopedist, Westwood. Defendant — Jacob E. Tauber, M.D., orthopedic surgeon, Beverly Hills.

Facts: On October 27, 1993, plaintiff, a 37-year-old on-duty police officer, responded to a robbery alarm call at defendant's home. When plaintiff arrived at the front gate of defendant's property, defendant stated everything was "okay." Plaintiff entered defendant's outdoor gate to make sure everything was okay when defendant's unrestrained dog, a "labrador/great dane" mix charged at plaintiff. The plaintiff pulled out his baton to defend himself from the attacking dog. The dog did not bite plaintiff. However, while he retreated from the defendant's dog, the plaintiff stepped back and fell down the defendant's outdoor stairway.

Contentions: The plaintiff contended that the defendant, a veterinarian, knew his dog had dangerous propensities and became aggressive with males in uniform. The plaintiff asserted that the defendant was strictly liable and negligent in exposing plaintiff to the dog without warning of the dog's presence. The plaintiff also contended that he was not barred by the "Fireman's Rule" because he was injured due to misconduct unrelated to his presence. The defendant contended that the plaintiff was comparatively negligent for not closing the outdoor gate when the dog appeared. The defendant also contended that the plaintiff was barred from recovery pursuant to the "Fireman's Rule." The defendant asserted that the city was negligent in failing to train its police officers on how to deal with dogs. The defendant also contended that the plaintiff's claimed in-

juries were caused by pre-existing abnormalities to plaintiff's spine.

Injuries: Protrusion of C6-7, and L4-5 discs and protrusion/herniation of L2-3 and L5-S1 discs

Specials in evidence: MEDS \$10,000; Future MEDS \$35,000; LOE \$59,000 (includes \$30,000 plus \$29,000 in overtime pay); Future LOE \$230,000 in lost overtime opportunities.

Settlement Discussions: The plaintiff and city made a joint C.C.P. #998 policy limits demand for \$300,000, inclusive of the \$51,000 worker's compensation lien. The policy limits demand was withdrawn after expiration of the C.C.P. #998 offer. One week before trial, the defendant offered \$150,000. The offer was increased to \$250,000 three days before the trial date.