



Mike Arias



## The CAALA Plaintiff Trial Academy (PTA)

A civil trial college for CAALA members — let the rhinos charge!

“A jury consists of twelve persons chosen to decide who has the better lawyer.”

— **Robert Frost**

“The only real lawyers are trial lawyers, and trial lawyers try cases to juries.”

— **Clarence Darrow**

I have been a CAALA member since the late 1980s — when we were all proud of our recognition as the Los Angeles Trial Lawyers Association. Back then most young lawyers learned to try cases by observing or second chairing trials. Some were lucky enough to work with trial lawyers who were in trial enough times to help develop trial skills rather quickly. However, many young lawyers did not have this option and, therefore, learning trial skills came a lot slower. Some were fortunate to be able to be accepted into one of the several trial colleges or academies available. Over the decades many of these young lawyers have become some of the best trial lawyers in the country — or in others’ opinions, something more fearful:

“Successful trial lawyers are like heat-seeking missiles carrying payloads of information prejudicial to their

opponent’s case, constantly looking for the chance to unload their cargo, right up until the final moments of trial.”

— **David Berg**

New lawyers today have a litany of options to access to develop their trial skills: Webinars, videos, the Internet, unlimited MCLE courses are just a few of the options available to help hone these skills.

A couple of years ago, when I assumed a leadership role in CAALA, I searched for something I could do to leave a lasting impact with the association. Going back to the basics of this organization, I reflected on how I had learned how to try cases. I concluded that providing our younger members with a way to learn to try cases from these successful trial lawyers in a concise, efficient and thorough format would help many of our newest and youngest members gain the skills and confidence necessary to try cases much sooner in their careers. For those who had significant trial experience, they would learn how successful CAALA trial lawyers try cases.

However, the CAALA Plaintiff Trial Academy (PTA) needed to be different.

There are plenty of other trial colleges out there — so the PTA needed dynamics that would set it apart from others. Those dynamics are the quality and trial experiences of the faculty, the distinct style differences each faculty member possessed, a format that engages the students, and the direct interaction the faculty have with the students throughout the process.

Along with the traditionally emphasized and stylistic trial skills of voir dire, opening statement and closing, the PTA would stress aspects of a trial that we don’t always focus on such as pre-trial preparation, proper presentation of evidence, dealing with the defendant’s evidence and preserving issues for appeal. In the end, the hope was that the students graduating from the PTA would not only be good trial lawyers but would also learn ways to enhance the preparation of their cases for trial and learn how to properly preserve issues that may help them overturn a bad result.

“The great trial lawyers are the ones who help their jurors by providing them with the tools with which to reach the right verdict.

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“The most successful trial lawyers are often master storytellers, making their cases come to life for their jurors. The reason is that stories matter... stories are the deepest and most obvious way that humans organize, communicate, receive, and digest facts.”

— **G. Christopher Ritter**

### The main premise of the PTA

The premise of CAALA PTA is simple: Teach our CAALA members how to try cases like the best CAALA lawyers try their cases. Additionally, expose them to as many different styles and methods as possible.

We were able to accomplish this by spreading the main trial topics/sections over several weeks with two distinguished trial lawyers serving as faculty for each topic. This was typically during four to eight hours over three non-consecutive days. The schedule required a significant time commitment from some very busy and successful trial lawyers. Genie Harrison and Dave Ring instructed on pre-trial preparation for four hours over two sessions; Bruce Broillet and Jack Denove instructed on voir dire for eight hours over three sessions; Ricardo Echeverria and Brian Panish instructed on opening statements for eight hours over three sessions; Conal Doyle and Christine Spagnoli instructed on presenting plaintiff’s case in chief for three hours; Carl Douglas and Vic George instructed on handling defendants’ case in chief for three hours; Gary Dordick and Arash Homampour instructed on closing arguments for eight hours over three sessions; and Sharon Arkin and Jill McDonell instructed on preserving issues on appeal and post-trial issues. This time and energy commitment is what made the PTA a success.

Having moderated most of the program, I was able to see firsthand the depth of the instruction, the passion of the faculty and the almost addictive quest for knowledge by the students. The format of the instruction also provided a consistent and lively delivery by the dual instructors, with two hours of lecture and interactive discussions on night one,

a half hour of actual examples with 2.5 hours of individual videotaping of each student on the second night, and concluding with three hours of critiquing on the following Saturday.

The videotaping of the student’s voir dire, opening statements and closings and the subsequent critiquing of over 30 different attorneys provided the students with a unique opportunity to see many different styles, and ultimately consider and adopt various techniques for later use. Of even more value is that the videotapes of all of the subjects were made available to all students.

Another interesting and valuable tool provided to the students was the opportunity to hear the critiques of the other videotaped performances of the other students during the Saturday morning sessions. These three-hour sessions provided the faculty’s insights on the various styles and techniques used by the other students in their videotaped sessions.

### Valuable feedback

While measuring the level of success in various ventures can sometimes be hard, in this instance, in my opinion, the success of the PTA is best measured by the observations, experiences and conclusions reached by its graduates. Several of the PTA graduates have offered some insight on their experiences:

**Nareg Kitsinian** commented: “I was honored to be a part of the inaugural class of the Plaintiffs Trial Academy. When I received the invitation to enroll, I was astonished to learn of the curriculum that would be taught by such renowned attorneys. I couldn’t enroll quickly enough. Where else would I ever get the opportunity to have my opening argument constructively reviewed by Brian Panish and my closing with Gary Dordick? The depth of the curriculum was substantial and the experience was tremendous. The hands-on instruction from giants in our profession is something that you can never find in a practice guide or a one hour seminar. I along with several members of the academy have already successfully utilized our training

in obtaining a substantial jury verdict in the few months since the Academy.”

**Michelle Iarusso** commented:

“I can’t say enough good things about CAALA PTA and the people who were in the inaugural class. I only knew one person going in, but ended up making many new friends with whom I tried and won my first trial. Of course I learned from the masters, but I also learned a lot from the other participants. I really appreciated having the opportunity to push myself and to make mistakes. The most valuable lessons were learned over failures.”

**Rhett Francisco** commented: “Some

have said that the CAALA PTA provides an invaluable learning experience, but I have to disagree because what I learned resulted in a verdict and a seven-figure outcome at trial only four months later! That’s not invaluable, that’s worth millions! I don’t know of anywhere else that a young, hungry attorney can receive one-on-one instruction and feedback from the best of the best. There may be other trial programs, but there aren’t any better than the PTA: The proof of the quality is in the proverbial pudding. At least four graduates of CAALA’s inaugural PTA have already obtained verdicts in the high six, and low seven, figures, and it has only been a few months since the class graduated. The PTA isn’t for everyone; it’s for the hungry, motivated, driven litigator who wants to try cases and *win!* The CAALA PTA is a challenging program that will make even a seasoned litigator a better trial attorney. The PTA class members work with each other to make everyone better at each stage of the program.”

**John Machtinger** commented:

“The most important thing I took away from the PTA was the inspiration to take the risk, get in the ring, and try my cases. The class also provided us with dozens of nuts-and-bolts techniques and tips from the top plaintiffs’ trial lawyers in Southern California. The instructors shared with us what works and what doesn’t work, which would take us dozens of trials to learn on our own. I took

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detailed notes which I will read before every trial.”

With comments and reactions like these, the vision I had hoped for, that the PTA would not only train and educate our members to become better trial lawyers but would motivate them with the confidence and passion to take more and more cases to trial, was realized. Over time, this will, in turn, send the message to the corporate powers and insurance companies: If you have a CAALA trial lawyer in your case know this - if you don't want to be fair and reasonable *we will see you in trial!* Hence, with every graduating PTA class we will be arming ourselves with more and more highly skilled and trained trial lawyers to help in our fight to seek justice for all of our clients.

The success of the first CAALA PTA could not have been accomplished without the commitment of PTA committee

members Michael Cohen, Minh Nguyen, Christa Ramey and Doug Silverstein – and the never ending support of Cindy Cantu.

As we prepare for the Second Annual PTA we expect applications to well exceed the number of available spots. We envision a few tweaks here and there, but the foundation we have set for this Academy will remain true — to teach our CAALA members how to try cases like the best CAALA trial lawyers try their cases and expose them to as many different styles and ideas of as many successful trial lawyers as possible.

“Lawyers are like rhinoceroses: thick skinned, short-sighted, and always ready to charge.”

— **David Mellor**

Let the CAALA Rhinos “always be ready to charge!”

The application process for the next PTA opens in March 2015. Check the CAALA Website ([www.caala.org](http://www.caala.org)) for more information.

*Mike Arias has a national practice. He has been practicing law for over 30 years and has been a CAALA member since 1986. His practice is diverse: While he is litigating class and mass tort actions throughout the country he is also handling personal injury, employment, business and other individual cases. His trial experience is diverse as well, having tried cases involving serious personal injury, medical and dental malpractice, products liability, false imprisonment, fraud, breach of contract and employment issues. In addition to his leadership role in CAALA, he is a vice-president of CAOC and serves on the Board of Governors of AAJ.* ☒