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BOUTIQUE LAW FIRM OF THE MONTH

THE WARSHAUER LAW GROUP

TRIAL LAWYERS
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Boutique Law Firm of the Month

By Jan Eilon-Jaben

For most trial lawyers, the weekend before a trial is spent preparing their opening remarks; but that's not what Michael J. Warshauer was up to, on the eve of trial in a recent case in Connecticut in which he was brought in to be lead trial counsel. Warshauer, a co-founder of Warshauer Law Group, P.C., was actually building a forklift out of foam core for use in the courtroom. At the trial – revolving around a forklift, which resulted in a woman losing one of her legs below the knee – Warshauer showed the jury how easy it is to wreck a forklift. "He drove it around the courtroom, banging into everything," recalls Michael E. Pérez, the firm's managing partner.

"That personifies Warshauer. He goes beyond the practice of law to win a case," Pérez says. "Whatever it takes." In that case, a \$5.2 million verdict facilitated the plaintiff moving from living in a chicken coop without running water, into much better accommodations. And, this was certainly not the first time that Warshauer, a master of demonstrative evidence, took extraordinary measures to win a challenging case. When Doug Burchfield lost his legs in an incident at General Mills, Warshauer was asked to be lead counsel after the case had been turned down by other top trial lawyers. As part of the arduous work in finding CSX responsible for the accident, at one point Warshauer had a 500 pound "huge metal rig with giant air powered lifters" created to simulate the accident in the courtroom. That case ended with a \$20.5 million verdict.

"We're known for taking difficult cases," says Lyle Griffin Warshauer, co-founder of the firm and Michael's wife. "It doesn't sound like the best business model," she notes; "but Michael has never met a seriously injured person who doesn't deserve his help."

Prior to the husband-wife team launching their practice in June 1996, they had worked in the Atlanta office of a firm based in Birmingham, Alabama. That firm focused on railroad litigation giving Michael the opportunity to represent hundreds of injured railroad workers under the Federal Employers Liability Act (FELA). He notes that litigation in this area has served to substantially improve

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the lives of the railroad industry's workers. While that was rewarding practice, with great lawyers, after the back to back deaths of first a client and then a beloved employee, the two decided, "if we're going to go out on our own, this is the time." Unfortunately, the timing wasn't all that great. The Atlanta Olympics consumed the city. "No one was working," says Lyle. "There were no trials, no depositions." It was tough first few months to say the least.

One of the reasons to leave their prior firm was to broaden the firm's practice beyond the FELA. The Warshauers succeeded, as now the firm's practice is equally split between medical malpractice cases – Lyle's focus -- and products liability cases, many involving forklifts that result in

catastrophic injuries, which is Michael's expertise. "Both are expensive and hard," she notes.

Lyle started her legal career working for David Wm. Boone. Immediately she was assigned as an associate on a high-profile, wrongful death trial in which a man was charged with killing his wife. "It was Baptism by fire," she laughs, noting that the lengthy trial was covered by Court TV.

It's fitting that Lyle Warshauer's legal work focuses on medical malpractice cases; she initially thought she wanted to be a doctor. However, she "fell in love with law" after taking a constitutional law class in undergraduate school at Furman University. From there she attended Cumberland School of Law at Samford University, and after working with an insurance defense firm, "I knew I wanted to handle medical cases and I knew I wanted to represent the people, the plaintiffs." Since the start of her career, Lyle has handled a wide variety of medical claims. Lately, however, she has focused more on representing injured children, primarily regarding birth injuries.

The firm's focus is not on a particular area of law, however. As Michael Warshauer puts it: "We do 'torts of sorts.'" In fact, they explain that their focus is more on the person and the injury. "The first question is 'who are we being asked to help?'" Lyle says.

Bringing malpractice claims against doctors and hospitals isn't easy. Lyle notes that "the cases are hard to prove and the deck is stacked against the plaintiff. There's always a bias in favor of doctors. Jurors have a psychological belief that doctors don't make mistakes. And it's difficult to make the cases simple to tell. We overcome these challenges by making their cases about the person and their family. Still, you need compassion not



Trent Shuping, Partner

only for the people you represent, but also for the people you are working against. We are talking about people's lives on the other side, too."

Although potential medical malpractice cases are brought to the firm regularly, Lyle says they decline to represent 99 for every one they take. Oftentimes, she works together with Pérez on these cases and their motto is: "kill them with kindness, fight them, but with a level of respect." While many legal defense firms employ nurses to help them with their legal fights, since 2010, the Warshauer Law Group has employed a doctor – specifically Dr. Jennifer D. Motley. "We're proud of that," says Lyle. "She's wonderful with clients and very smart."

Motley grew up in a house in which there were two choices for a career: law or medicine. She chose medicine, but ended up working for a law firm. "I'm the last line of evaluation on a case. I listen to the medical side and I'm the interpreter;



Jennifer Motley, M.D.

medical language is like a foreign language."

"The great thing about Jen is that she follows us through the life of a case and is part of the team," says Pérez.

Teamwork is one of the unusual characteristics of the firm. Many firms assign a lawyer, an associate and a paralegal to work together on all cases. Not the Warshauer Law Group. "Our focus is on the client, and we choose the best team for the case," which entails putting two lawyers on each case. "We're more fluid about meeting clients' needs," says Lyle.

She describes working as a husband-wife team as "fun, if you think you're working with the smartest person and you don't have divergent goals." Her husband adds that in many small firms, some partners may have more risk aversion than others. "Our family goals are always the same. We complement each other and try a lot of cases together. While it's not unusual for husband-wife lawyers

to work together, there aren't many husband-wife trial attorneys. When we try cases together, clients get the best team I can imagine."

Outside of the courtroom, and even their law offices, the couple also work together to promote civil justice. In fact, they call their firm a "civil justice firm." Both attorneys are extremely active in this mission, estimating that they devote more than 10 percent of their time to these efforts. In fact, after their youngest child was born, Lyle gave up her practice for a year to do pro bono work with the Georgia Trial Lawyers Association (GTLA) in challenging Georgia's tort reform legislation.. A few years later, Michael Warshauer served as president of GTLA; and as GTLA Parliamentarian, Lyle is on the road to follow in his footsteps. "We are also politically active and raise money for politicians who are pro-civil justice," Michael says, underlining the importance of the Seventh Amendment to the U.S. Con-

stitution, which guarantees the right to a trial by jury. "People talk about a small government, but 12 people in a jury box is the ultimate small government," he points out.

Both partners have led continuing education courses for attorneys and presented seminars sponsored by organizations, including the GTLA, the Georgia Institute of Continuing Legal Education, the National College of Trial Advocacy, the American Association for Justice, The Federal Bar Association, and the American Board of Trial Advocates. Michael is one of only a handful of Board Certified Civil Trial Advocates in Georgia who limit their practice to the representation of catastrophically injured plaintiffs.

For his accomplishments, Michael has been named a Georgia Super Lawyer for nine consecutive years, was the recipient of the 2009 and 2012 AAJ Wiedemann & Wysocki Award, and the 2013 and 2014 Distinguished Service Award by AAJ, was recognized by the GTLA with its Guardian of Justice Award in 2015 and is listed in Best Lawyers in America. Lyle received GTLA's Guardian of Justice Award in 2009 and was named Super Lawyer every year since 2006.

The couple explain that their involvement in these legal organizations is based on the same goals of promoting civil justice. "We want to make our community better so that other lawyers can best represent their clients," she explains. "The Plaintiffs' bar in general is privileged, because of its members' willingness to share information." Often, the Warshauers are sought out because of their success, and they are happy to give of their time and experience. As Michael explains, "we think every lawyer needs to pull an oar on the boat of justice and our success means we have to pull a bigger oar. We give back to the legal community. At the end of the day, what is important is access to justice and a jury trial. That's what levels the playing field and gives the working person the same rights as the richest person."

The bottom line is that this is why Michael Warshauer became a lawyer. He had been a finance major in college at a time when "greed was considered good and people built wealth instead of

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industries. I worked briefly on the defense side representing corporations and insurance companies and it made me uncomfortable seeing a plaintiff's case not handled correctly. I hated seeing people lose a good case. I decided I'd be happier helping people than focusing on helping myself."

The firm's desire to give back is not limited to the partners' commitment to the legal profession. The Warshauers believe that it is important to create an environment where service is encouraged. In this regard, the firm is associated with Second Helpings, a program that collects surplus food from stores and restaurants throughout Atlanta and delivers it to agencies that feed the hungry on a daily basis. Every person in the firm is expected to han-



Michael E. Pérez, Partner

dle a regular shift, picking up food at a local Target and delivering it to a shelter in Sandy Springs.

The business side of law still doesn't attract the Warshauers. "Despite acting in adversarial roles, we don't like confrontation. But someone has to make the hard decisions at a firm," says Michael Warshauer. That's why a year ago they made Pérez managing partner. "I appreciate the trust Lyle and Michael have given me. With them, it's an easy job. I see it as a way to take the day-to-day stress and hassle off of them," Pérez says. But he admits that it's a challenge balancing a normal caseload and management responsibilities. "You have to stay organized. But having a great team comes in handy."

One of those teammates is partner Trent Shuping. According to Lyle, "Trent represents the character we try to portray. He's steadfast, insisting we do things right. There are no grey areas in morals or quality for Trent. Hopefully he's gotten some of that from us."

As the firm has evolved in the past 20 years and developed increased expertise, the partners have taken on larger, more complex cases. Lyle says that although "we take fewer cases now, the ones we take have a higher value." Most of the time, these are cases brought to them by other attorneys who want the Warshauers' experience and knowledge. "We're lawyers' lawyers," says Michael Warshauer. "We try to hold ourselves to a high level of expertise." Mediocrity is simply not an option.