



# Profile: Steven Brady

## *Trial lawyer becomes a disciple of visual advocacy in the courtroom*

BY STEPHEN ELLISON

About 30 years ago, when Steven Brady was entering the legal profession, there was no way he could have imagined the trial methods he would be using in 2015. But when time and technology called for change, he embraced new techniques willingly and has now become a veritable master of trial presentation.

“About 10 years ago, I was achieving some exciting results in cases, but there were still cases where I was getting more than I should have gotten or less than I anticipated getting,” explained the principal of the Brady Law Group in San Rafael. “I still believed there was a sort of horse-race element – like the insurance companies would like us to believe – in taking a case to trial. So I looked around at what people I held in the highest esteem were doing here in the Bay Area, specifically Bill Veen and Bob Arns; they had gotten in front of the technology curve.”

Indeed, certain trial lawyers had begun to realize the advantages of what Brady dubbed “the digital promise” – using PowerPoint technology and other forms of electronic visual aids to present cases more effectively to juries. Determined not to get left behind, Brady enlisted his office IT expert, and the two of them started attending seminars and reading extensively on multimedia presentations in trial. After a couple of years, they had mastered the new wave of trial presentation, Brady said.

“We really started working on elevating our game, and I started speaking to other groups of lawyers on the subject,” he said. “It set the trajectory for my whole trial practice. ... We approach every case now from a place of visual advocacy, where we’re constantly trying to think of



Brady

ways to show our jurors rather than tell them what our theories of liability and causation are and what our client’s damages are. We know that most people are visual

learners, and we know most people don’t like to be told what to do.”

So instead of getting up and simply telling jurors about the case, Brady immediately turns on his projector, says very little and shows the jury what the evidence is – and, in turn, shows them why they need to care about the case and why the plaintiff is entitled to their verdict. He keeps the projector running throughout the trial, he said, showing evidence early and often using his visual aids. “We have a separate PowerPoint for every witness – on direct and cross,” Brady explained. “We have it all laid out. I can reduce any case to about 300 slides, and then regardless of what happens during the trial, we have the whole case already in slides; I can pick and choose and grab whatever slides I need to make or refute whatever points are an issue. And we can do that on the fly because we’ve prepared it all ahead of time.

“It’s been a lot of fun, and it’s really opened a whole lot of doorways and expanded our horizons,” Brady said of his visual-advocacy approach. “It’s been a very successful way of obtaining consistent trial verdicts for our clients.”

Another key element in Brady’s trial approach is immediacy. He is a firm believer that most jurors make up their mind about a case within the first hour of trial. So from the outset, his opening statement, he subscribes to a focused message and approach, taking the opportunity to lay out his entire case. He said he typically does about an hour-and-a-half opening, sometimes two hours, in the PowerPoint format, during which he employs the didactic method, calmly teaching the jurors the issues in the case. And he has found they respond very well.

### **Make it a tough act to follow**

“Most people are used to getting their information from the TV and the computer. Why wouldn’t we want to give them the information in the way they’re used to and most comfortable getting it?” Brady said. “The first time I did one of these long openings, several esteemed lawyers told me I was out of my mind; the jurors wouldn’t have the patience for it. But we’ve been successful in capturing their hearts and minds. ... We try to remember to be respectful of the jurors’ time and keep it as short and sweet as we can. But many of our clients, by the time we get to trial, have been receiving medical treatment for about five years; sometimes they’ve had multiple surgeries. It’s a complicated fact sequence that you have to start teaching the jury about at the first opportunity you have.”

After his lengthy opening, Brady said, the judge typically orders a break and everyone gets a little rest. When they reconvene, the jury will be waiting for the defense to start their show. “Then a funny thing happens,” Brady said. “About 30 seconds into the defendant’s opening, you look at the jurors’ faces, and they look a little confused. Then about



45 seconds in you can see they've figured it out ... they realize the defense lawyer is going to just stand there and talk to them – he doesn't have a show. Then at about the one-minute mark, you can see them just turn down the volume, and right there it's over. They go back to thinking about what they want to think about and what we've just shown them. I really believe that's the key to the case."

### **Fell in love with trial advocacy**

Born in Chicago and raised in Southern California, Brady was exposed to the law at a fairly young age, watching his father work as a corporate attorney specializing in tax and mergers and acquisitions work. He remembered his dad finding the job interesting and fulfilling, and that was enough to pique the younger Brady's interest and steer him toward law school.

Brady went back to the Chicago area to study philosophy at Northwestern University then returned to Los Angeles to attend Loyola Law School. Though he was certain he wouldn't follow his father into business and corporate law, Brady wasn't quite sure what area he would enter – until his first year of law school, when he "fell in love" with a trial advocacy competition. From there, he targeted a clerkship in the L.A. area and eventually landed a job with a top plaintiffs' attorney, Ned Good.

With Good, Brady got the chance to work on an American Airlines DC-10 crash case that served as his baptism into plaintiffs' law. "I jumped into working on those cases, and really got hooked. It was just fascinating," he said. "I lost my virginity there when I found out how American Airlines and McDonnell-Douglas had prior knowledge that there were major cracks and structural flaws on the engine mounts and pylons of those planes. What we found out was truly tragic; 300-plus souls perished in that crash.

"We live in a society where corporations put profits before safety," Brady continued, "and the only ones who are in

a position to change that, to put safety before profits or at least start to move in that direction, are the trial lawyers. I've been blessed for the last 30 years to work in an area where we get to do service not only for our clients and their families, but we get to bring about real change that will make the lives of a whole community of people – and sometimes even larger groups – safer."

### **On the defensive**

After graduating from law school, Brady was all set to go to work at a plaintiffs' firm in Los Angeles when one of the senior partners of that firm told him he should start by getting some experience working as a defense lawyer. That senior partner pointed Brady to a growing defense firm and even set up an interview for him. So he spent the first three years of his career doing defense work and learning how claims are analyzed, how defense lawyers work up claims and the thought process they go through, he said. He also learned a little bit about defense firms' hierarchy. "It was without a doubt the best decision I ever made," Brady said. "Truly an invaluable experience."

Though he spoke highly of the work and the people for whom he worked, there was still something missing. Brady hadn't yet been given a chance to take the lead on a trial, and he was eager to get that aspect of his career moving. In the spring of 1987, he ran into a plaintiffs' lawyer to whom he was bemoaning the fact that he had yet to be lead counsel in a trial. The plaintiffs' lawyer invited Brady to join his firm and start trying some cases. "I was given some awful cases at first," Brady said. "I learned quickly that you couldn't make pigs fly. ... But I got to try some really difficult cases and managed to achieve a modicum of success. And that led the way to getting better cases ... and really learning the craft."

### **Bay Area-bound**

Brady endured the L.A. riots in 1992 and the Northridge earthquake in '94 in

what he called "a crazy time" in Southern California. It was about that time, he and a colleague from Stockton named Dick Katz began talking about the possibility of Brady joining Katz's busy practice. "Dick was talking to me about how it was a busy time for him and that he could use another lawyer," Brady recalled. "And I said, 'What about me?'" He said, "Send me the names of a dozen lawyers you've tried cases against, and not just ones you've won ... and a dozen judges you've tried cases in front of." I put together the lists and sent them to him and then didn't hear from him for months.

"Then I made the fortunate mistake of telling my wife one day about this, and she said, 'Why don't you call him?'" So I did, and he said he had my list and he'd get back to me," Brady continued. "A couple of hours later, he called back and said, 'I want you up here next weekend.'" We came up a week later, and we fell in love with it. We found out about that time that my wife was pregnant with twins. Four or five months later, we packed it up and moved to Marin County. That was 20 years ago. Since then, I've been blessed. I found a community of lawyers here in the Bay Area that enjoys a much greater sense of fraternity than anything I saw down in Southern California. I got the chance to raise all three of my kids up here in a great public school system, and I'm planning to grow old here."

When he's not in the office or working his projector in the courtroom, Brady enjoys traveling and spending time with his family. He is an avid mountain biker, often taking treks to the top of Mount Tamalpais and frequently riding into work. "Exercise of one kind or another is a necessary daily buffer between the giant-slaying we're often forced to do in this office," he said.

After 30-plus years in the profession, Brady feels he's just beginning to master that giant-slaying. And yet, he's having more fun than ever, he said.

"I'm blessed. I love what I do, I wake up excited every day to be in a job where we get to do a service for people who



can't often speak for themselves or can't often obtain any kind of justice for themselves and their families. It's really just so rewarding to have the opportunity to do fulfilling work that gives you a great deal

of self-esteem. You know what they say: If you want self-esteem, do esteemable acts. Well, we get a chance to do that on a daily basis as plaintiffs' trial lawyers here in California."

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