



Profile: Seth Rosenberg

A knack for engaging, listening to and helping people. And winning big verdicts by focusing on key issues

By STEPHEN ELLISON

The people-person gene is one that comes in quite handy in many professions, and with plaintiffs' personal injury lawyers, it's practically a prerequisite. In that regard, Seth Rosenberg could be considered a natural.

The partner with San Francisco-based Emergent LLP has a knack for engaging with people from all walks of life. He enjoys exchanging personal stories, he genuinely wants to hear their opinions on key issues, and he's a great listener. (He might even offer up some sushi. More on that later).

If that sounds more like a made-to-order politician, well, that wouldn't be too far-reaching. Rosenberg was on that path at one time. "I was first interested in politics," he recalled. "I worked in D.C., and it was a miserable experience. I thought that was a terrible idea; let's do something better."

What he did was essentially follow the path of his mother, who went to law school when she was in her 30s and received offers from big firms but wanted to be a trial lawyer. Rosenberg said his mom instilled in him a love for helping people who needed it most. Both of his parents were instrumental in helping him succeed, he said.

"They were really great in teaching me about always striving to help people, that it's never about you, it's always about them, the people who need the help," Rosenberg said. "I was fortunate; I come from a good family, well off enough that I didn't have to worry about food and housing and clothing. There are so many people who do (worry about the necessities of life), and those are the people we need to take care of."



Rosenberg

After graduating from law school, Rosenberg began working at an international firm in San Francisco where he did intellectual property litigation and white-collar criminal defense. Eventually, he switched to the plaintiffs' side, where over the past 11 to 12 years he has obtained tens of millions of dollars in jury verdicts, arbitrations and settlements for his clients.

In his most recent high-profile case, Rosenberg went to trial in Los Angeles last October on behalf of a woman named Jennifer Fraissl, who was at an EDM concert featuring Skrillex. The DJ, whose real name is Sonny John Moore, got up on the stage podium and stage dove, hitting Fraissl in back of her head; two weeks later, she had a stroke. The pretrial offer was \$300,000, and the defense tried to blame Fraissl for her own injury. The jury didn't buy it and came back with a

\$4.5 million verdict for Rosenberg's client.

"That was a large part of my life and still is," he said. "It was an amazing experience to be able to do that for my client. Honestly, I feel that what is the greatest predictor of trial success is the plaintiff and the defendant. I had a very believable and likeable client. She admitted her faults, she didn't run away from them, she was willing to be vulnerable, and the jury believed what she was saying. The defendant came across as arrogant, and while not completely unlikable, (the jurors) didn't have a problem hitting him for a lot of money.

"The hardest thing for a trial lawyer to realize is it's not about you," Rosenberg continued. "Really, it's about the evidence and the client and us having to present it the right way, and that's what happened. I was able to present the evidence in the right way. I think the other thing is, it was like (the defense) was trying the case to lawyers, not 12 random people in L.A. I was talking about how things work on a day-to-day, living-life experience, and they were talking about random still (photo) shots and what they showed, and I just don't think it resonated with the jury."

The verdict has since been reduced to \$3.8 million because the jury found Fraissl 15 percent at fault, according to a blog on the Emergent website.

Journey east then west

Born and raised in Wisconsin, Rosenberg was taught the value of a good education, and he attended Penn for his undergrad studies then went on to law school at Columbia in New York. But the East Coast did not suit him, and after he graduated from law school, he found



himself in a position to launch his career pretty much anywhere he wanted.

“Being an attorney in New York would be a pretty miserable experience,” he said. “I literally had no connection to San Francisco, but I just came out here to visit and thought it was the greatest thing ever and thought that’s where I want to be. I got an interview with O’Melveny out of law school, came here and never left. I decided from day one this is where I would be the rest of my life.

“I never would have dreamed when I was growing up in Milwaukee that this is where I’d end up,” he added. “I’m just fortunate and thankful for that.”

Rosenberg stayed with O’Melveny and Myers for about three years then moved on to Hersh and Hersh, where he spent another three years. He stayed with Minami Tamaki for more than eight years, becoming a partner in 2014. Finally, Rosenberg landed a partnership with Emergent in 2016.

“It’s relatively new; we all do different stuff,” he said. “We’re not all personal-injury attorneys. Great people and great lawyers, and I consider it a real blessing to have them.”

Over the years, Rosenberg has had “wonderful mentors,” including Dale Minami, who taught him about damages and how to evaluate the damages his clients have suffered – not just the economic harm, but the pain and suffering, he said. He also counts Berne Reuben as a tremendous influence on his career. Reuben, a trial lawyer, taught Rosenberg to be himself and not try to be somebody he’s not during trial.

Reuben also offered up an important guide to trial law. The mantra went as follows, according to Rosenberg: “Rule 1, have a good case. Rule 2, have a good case. And Rule 3? Don’t mess it up.” For his part, Rosenberg said he always tries to determine what the key issues are in a trial and keep the focus on those.

“There’s a million different issues that you can accentuate during a trial, and I try to figure out what are the ones

REDIRECT

Getaway Spot: Having a drink and hearing (or telling) a good story

Go-To Music or Artist: Powerful, energetic music – Kanye’s “Stronger,” anything by Social Distortion, Linkin Park

Recommended Reading: “City of Thieves” by David Benioff (showrunner for “Game of Thrones”)

Dream Job: Plaintiffs’ lawyer – “I have it. I honestly cannot think of a job I’m better suited for.”

Words to Live By: “You can only control the process, not the results.”

that resonate with a jury,” he explained. “I try not to get caught in the weeds or the minutia. You kind of want to think about what matters to a jury.”

People guiding the way

Trial preparation, Rosenberg said, starts from day one, the minute he decides to take the case. So, if the case makes it to trial, he’s ready. That’s not to say the trial still won’t consume his life for the duration.

“It’s interesting because with a lot of my cases, I’m living and breathing them for years,” he said. “So, I don’t really have to prepare for trial because I’ve already prepared – I’ve been living and breathing the case for so long, it just becomes second nature.

“The other thing is I talk to people. A couple of months ahead of trial, I start talking to people and ask, ‘Hey, what do you think of these issues?’ People bounce ideas off me, and what they think matters, and I start to see what I need to focus on, where are the troubles. Probably the most important part of my preparation is talking to people and getting their thoughts on issues.”

While the Skrillex case was a memorable one for its notoriety and success,

Rosenberg really came into his own as a trial lawyer years earlier with a case he worked with the Minami firm. His client was injured by a drunk driver, who worked as a salesperson for a wine distributor. And even though the man wasn’t driving home from work at the time, Rosenberg was able to pin a good portion of the damages on the driver’s employer by proving the reason he was drunk on that given day had much to do with what was going on with his work and his life. While the driver had only a \$100,000 policy, the employer ultimately paid more than \$1 million in damages.

“It was a tough case, but I was able to put enough out there that the employer had to pay too,” Rosenberg said. “It was really rewarding because when we first got (the case), it seemed like it was going to be \$100,000, and that’s it – and this poor guy wasn’t going to see hardly anything. Instead, he was able to realize a good amount of money.”

Providing guidance ... and raw fish

When he’s not in court or at the office, Rosenberg spends time with his family, doing things with his two young children, ages 9 and 7. He enjoys watching and playing sports and said he tries not to think too much during his down time. So, while some people like to read serious material, he enjoys a good science fiction book.

Then, there are the times he plays chef.

“My one real hobby is I make sushi,” he said. “I like to make it for family, friends. The best part about it is there’s an easy synergy between making sushi and drinking alcohol. If you’re painting and drinking, people think it’s weird. But if you’re making sushi and drinking, they say, ‘Oh yeah, makes sense.’ It’s a free opportunity to drink Saki or beer.

“It’s a lot easier than it sounds,” Rosenberg said about being a sushi chef, “but that’s fine because people think what



I'm doing is perfectly great. It's fun, there's a lot of creativity involved – I'm able to figure out different combinations of fish and other things.”

When asked to provide one key piece of advice for young lawyers, Rosenberg piggybacked on his mentor's words of wisdom.

“You can't be somebody you're not. You're not going to be successful if you

just see what other people do and try to mimic them,” he said. “You've gotta be who you are. If you're a humorous person, you've gotta use humor; if you're an analytical person, you've gotta do that. Use what works for you.

“The other thing I would say to a young lawyer is take chances when you're young,” Rosenberg added. “Don't wait until your older, when you're burdened

with a mortgage and other life commitments that make it tough to take chances.”

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