



Profile: Nathaniel Leeds

Veteran trial lawyer bucks the plaintiff's bar trend and successfully focuses on medical malpractice cases

By **STEPHEN ELLISON**

A cancer diagnosis typically wouldn't be the pivot point on a career change, but for Nathaniel Leeds, the news seemed to jump-start his pursuit of what he really wanted to do: become a lawyer.

The partner with Mitchell Leeds LLP of San Francisco had studied urban planning after college at University of Chicago, but it didn't work out. He then became involved in a variety of other ventures before he encountered that critical crossroads in his mid-20s.

"I had a fortuitous thing happen: I got cancer," Leeds said. "It was probably the best thing that could happen to a 25-year-old, and it made me think about, 'what do I really want to do if I make it through this?'" Three weeks after my diagnosis, I signed up for LSATs."

When the time arrived for him to take the exams, Leeds was going through chemotherapy treatment. His hair had fallen out, and he felt horrible, but he decided to power through it. "I showed up – no hair, looked like s---, felt like s---," he recalled. "They told me they'd give me a room downstairs."

The results were "fair enough," Leeds said, and he was accepted into UC Hastings College of the Law. During his time at the San Francisco law school, he clerked for The Veen Firm, one of the gold standards in the California plaintiffs' bar where many a young attorney has launched his or her career. But Leeds quickly realized: While the firm consisted of many wonderful trial lawyers, they worked on only the biggest cases, and that meant for someone like him just starting out, it could be a 10-year wait or longer before he got any real trial experience.

So, he quit The Veen Firm and decided working at a district attorney's



Leeds

office would be an ideal way to get some of that coveted trial experience under his belt.

"My wife was applying for a job at Merced County as counsel, so I thought I would just walk

into the DA's office and see if they want to hire me," Leeds said with a chuckle. "Well, of course, that's not the way things work. But the DA was kind of a weird guy ... he had just recently got his hands on the reins. He offered me a job on the spot. But it was about two or three months before he finally came through with the hire."

With the Merced County DA, Leeds tried a lot of cases, many with good verdicts, including hard-to-win trials such as misdemeanor manslaughter cases and misdemeanor domestic violence cases. With those successes, he graduated to trying felonies before he started to question whether he wanted to stay on much longer as a DA prosecutor.

"I was not loving the culture of the office," he said. "My heart stayed in San Francisco and with litigation. So, I came back to San Francisco and worked for a lower-end defense shop, then a higher-end defense firm, and then I did one big trial and got my feet wet. That's when I started realizing I wasn't cut out to be anybody's employee."

Keying in on case selection

Leeds decided he wanted to go it on his own on the plaintiffs' side of the bar. He started his own firm in July 2011 and practiced law out of his home, he said.



The biggest challenge was trying to figure out how to get cases. Then Leeds had an idea: The plaintiffs' lawyers he knew were not going to send him any of their good cases, so he needed to find something that doesn't appeal to them. Some areas of law consist of cases that require a lot of discovery, known as cases "in a box." Examples of such cases were employment law, legal malpractice, insurance bad faith and medical malpractice.

"If you think about it, medicine is a really big part of our lives – something like 16% of the U.S. economy is health care," Leeds said. "It's amazing there's so few lawsuits."

Most plaintiffs' attorneys and firms in California tend to stay away from medical malpractice cases because they aren't feasible under the state's long-standing Medical Injury Compensation Reform Act (MICRA) that caps noneconomic damag-



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es in such cases at \$250,000. That law was established in 1975, and the cap has remained the same since then despite soaring inflation and cost of living in the state.

Advocates have been fighting for decades to change MICRA. Leeds's malpractice-victim clients could have benefited from Prop 46 in 2020, which would have raised the antiquated MICRA cap to \$1.1 million, but was soundly defeated by voters.

Despite the MICRA cap, Leeds said there's no shortage of medical malpractice cases out there – it's just a matter of having enough sense of medicine to accept the good ones. In fact, the first med-mal case he took was successful, he said. For his part, Leeds said having been raised by a mother who was a doctor gave him a sense that physicians are human, and they make mistakes. That in turn gave him the confidence to do medical malpractice cases almost exclusively.

"At this point in my career, we're screening 200 to 1,000 cases for every one we're taking," he said. "Every case we take that doesn't work out is costly to us."

No shortage of cases

Medical malpractice cases vary widely and don't necessarily fall into identifiable categories. But Leeds's cases over time can be broken down as follows, according to his firm's website:

- Emergency room malpractice: Injuries resulting from emergency room staff failing to monitor a patient, failing to diagnose diseases and more.
- Failure to diagnose: Malpractice from failure to diagnose diseases, cancer, heart attack, brain aneurysm and more.
- Hospital negligence: Negligent acts resulting in catastrophic injuries by hospital staff, including doctors and surgeons.
- Sepsis/infection: Infection resulting from failure to monitor

REDIRECT

Getaway Spot: The Lawn at the Conservatory of Flowers

Go-To Music or Artist: Of Montreal, Sister Rosetta Tharpe

Recommended Reading: William Langewiesche or Hannah Arendt

Dream Job: Any job where you get to regularly be the dumbest person in the room. OK, I have my dream job.

Words to Live By: "Bad taste never goes out of style."

a patient post-operation, failing to recognize signs of infection.

- Surgical malpractice: Malpractice resulting in injuries or infection from surgical errors, including post-operative errors.
- Anesthesia injuries: Malpractice from anesthesiologists failing to monitor a patient closely.
- Birth injuries: Brachial plexus injuries, spina bifida, injuries from lack of oxygen to the brain and more.
- Brain and spinal cord injuries: Injuries resulting from surgical errors, errors during birth and more.
- Medical product defects (hip replacements): Handling defective hip replacements from manufacturers including DePuy, Zimmer and more.
- Wrongful death: Deaths resulting from any of the above.

"There's no such thing as a small medical malpractice case," Leeds said. "They almost always involve death or severe injury to somebody, and all of them have to be treated with that same respect. It's just a matter of: How do you filter?"

'Suing for information'

Mitchell Leeds has obtained several seven-figure awards in medical malpractice, most of which were settlements, and

three eight-figure awards, two of which were jury verdicts. The firm recently obtained the largest jury verdict in Fresno County history at \$68 million in a case where hospital staff left an elderly man in a permanent coma after cardiac arrest.

In another jury verdict, the firm won \$22 million for its client, who was paralyzed after an unnecessary procedure due to an error in reviewing X-ray images. And in a confidential settlement, a client received \$10.8 million after suffering a catastrophic injury from a stroke.

While those cases are memorable, Leeds recalled a medical malpractice verdict he obtained when his client, a methamphetamine addict, was misdiagnosed. When she got home from the doctor, she did some meth like she had done for the past 40 years, and she died, Leeds said. "She was not a wonderful person – she was a difficult person," he said. "Meth killed her. That case was about getting the care you deserve from a hospital.

"I'm not suing for money, I'm suing for information," he continued, explaining his approach. "When a man walks into a hospital and ends up dead, I'm about understanding what happened in between. Oftentimes, I don't know enough."

Leeds said some of the best witnesses in medical malpractice cases are other doctors because they are genuinely offended by what happened to unsuspecting patients. Mostly, he added, it comes down to organizational dynamics: Where did the culture break down?

"I had a horrible case involving a three-year-old who went in with an infection," he said. "Nobody (in the hospital) saw him for three days, and he died. It was simple miscommunication, but it turned out to be fatal in this case."

When Leeds is not in the office or in court, he enjoys spending time with this wife, a fellow attorney, and their two sons. He's an avid bicyclist and sometimes rides competitively. He also loves cooking and



baking and, when he has time, tinkering around with vintage cars.

His advice to young lawyers or law students today would be to not allow themselves to be intimidated in a profession that breeds fear.

“Don’t be scared,” he said. “Law school attracts a lot of people who are scared. They believe that without something they’ll be nothing, and that fear motivates people to look for a

clearer road. A lot of firms prey on that fear and end up with people who have not developed themselves. Don’t be afraid to quit your job if you’re not happy, or to take a (bad) case. Those are the things that keep us honest and keep us moving.”

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