

Profile: Brittany Rogers

Products-liability case taught her to be a discovery hound, leaving no stone unturned

By Stephen Ellison

Information is power. It's an old adage, and it's one that many plaintiffs' attorneys eagerly embrace. Brittany Rogers is no exception.

Rogers, a personal-injury trial attorney with the Law Office of Scott Righthand in San Francisco, is as passionate as one could imagine about the discovery phase of trial. It's merely one aspect of the trial process, sure, but it's one that she believes sets the tone for what's to come.

From a trial lawyer's perspective, she makes sure she has discovery about three to four months in advance of the trial, and she's "locked up, tightened up, narrowing the issues and really holding people's feet to the fire about what issues are going to be on the plate for the jury to decide."

"So, once we start to get into expert witness discovery, I know exactly what I need to prepare those experts for, what we're going to be arguing about, what we're not going to be arguing about," Rogers said. "Every case is different in terms of how important those experts are. In a medical malpractice case, they're going to be very important. In a product case, also probably very important. In a personal injury case, it kind of depends. Sometimes it's pretty clear what happens, sometimes it's not.

"But I like to get as much information as possible, depending on where I'm trying the case," she continued. "Because many times in many counties you don't have a single assignment, you don't know who your judge is until the day that it happens. Some counties meet and confer in advance and documents are due in advance. In other counties, you take everything there the day of. So, as I'm thinking about the case, I'm making sure everything's there that I need, making sure all the discovery is done right so the experts have the right foundation to make their opinions. That's all tied up with a bow by the time I'm putting them in front of the court."



Rogers

Rogers handles a variety of cases from complex medical malpractice cases to complex or general product liability cases to smaller, simpler motor vehicle accidents. Her approach depends on the scope of the case and who the client is, she said, because with catastrophic injury cases, she has clients with brain damage or severe physical limitations – they've had their life upended, and the emotional trauma is beyond difficult.

Those cases require a lot more interaction and discussion with the client, as well as preparation for what is sure to be a stressful, adverse environment for them.

Meanwhile, getting to trial in the first place has been a hurdle for a lot of plaintiffs' lawyers, even before the pandemic shut down the courts. But Rogers managed to persuade a judge in August 2020 to schedule a trial on a minor personal-injury case in one of the first virtual trials in Alameda County.

"It was just like a two-day, little rear-render, soft tissue case," she explained. "I said to the judge, 'Look, it's the perfect case to try this (virtual process) on. It's a couple of days. I have the tech skills to help facilitate (it). Let's get these cases going because cases need to go to trial.'

"But now I hear that Alameda County is not getting out of Zoom trials, and nobody can get [an] in-person there anymore," Rogers added. "I'm sorry for setting off the trend there. … But you do need to get people into the courtroom because otherwise they don't resolve cases. You need that enforcement mechanism – getting to trial is not that easy. But when you push for it in the right way, you can get there."

Talking the talk

Born and raised in the Bay Area, Rogers knew she wanted to be a lawyer from a relatively young age, and that interest was all her own. Her father was a computer engineer, coming to the U.S. from England in the 1980s to work with IBM. Her mother was in retail and ran her own clothing company before working in human resources for big retail chains. Her parents both were knowledgeable, intelligent people who voted and talked about issues of the day – "and we would have those kinds of conversations around our dinner table," Rogers recalled.

Such discussions helped spur her interest in politics and the law, and especially the topic of why we make laws, she said. Rogers went to college at UCLA with the intention of getting into the law profession. She declared a double major in history and political science, and when she finished her undergraduate studies, she worked at a Los Angeles civil litigation firm. Soon thereafter, she took the LSAT and then returned to the Bay Area to study law at UC Hastings, with the general goal of entering an area of law where she could help people.

"I was interested more in the philosophical side of it; we make laws; and why do we? It was something that I was interested in based on my experience in the world," Rogers said. "And I wanted

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to help people. When I was younger, I rescued animals; I worked with Animal Rescue Foundation and always liked to be someone who protected others who needed help. That kind of drives my choices.

"I wasn't really aware that (plaintiffs' law) was a path until my experience with the firm in Los Angeles and then during law school," she continued. "I explored international human rights. … But it seemed to me that a lot of people in those fields started out as prosecutors or in the criminal realm, and I knew I didn't want to do criminal law; I don't think I'm cut out for either side of it. I didn't want to defend certain people, and I didn't want to, you know, prosecute people for smoking weed."

Rogers found international law boring. It didn't have the teeth civil law has to hold people and organizations accountable, she said. She then explored public rights work in homelessness advocacy and helping domestic violence victims. She came to realize that in the law school context, the opportunities for those positions were just not that great, and she was competing with students from the likes of Harvard. The bottom line was it wasn't a feasible opportunity for her.

Soon after, however, during that second year of law school, Rogers met Scott Righthand as she continued to search for something that aligned with what she wanted to do with her law degree.

"I didn't know too much about personal-injury law," she said. "I mean, I did some civil litigation, but it was more consumer fraud stuff; it wasn't necessarily for injured people. But I found it to just be a really good combination of what I was looking to do with my career. And I'm still there today."

Walking the walk

Rogers has been with the Righthand firm for 12 years, and among a number of honors, she received the San Francisco Trial Lawyer Association's 2018 Outstanding New Lawyer of the Year. She's also the co-chair of the New Lawyer's Division of the SFTLA.

REDIRECT:

Getaway Spot: Lake Tahoe
Go-To Music or Artist: Kendrick Lamar
Recommended Reading: "She Said" by Jodi Kantor and Megan Twohey
Dream Job: If I wasn't a lawyer, I would be an actress.
Words to Live By: "You can never be overdressed or overeducated." – Oscar Wilde

With as many cases as she's tried over the years, Rogers had little trouble recalling her most memorable – a lithium-ion battery case against Hewlett-Packard in 2016. It involved a family vacationing in an RV park whose laptop computer exploded and caught fire while they were sleeping. Half of them escaped the RV, and the others didn't, she said.

It happened during a time when a lot of cellphones and other devices using lithium-ion batteries were exploding in people's pockets, and there were no warnings on devices back then, Rogers said.

"It was essentially a double products case because there were questions of what caused the fire and also about the escape-ability of the RV," she said. "This is probably where I developed, or at least executed, my love of discovery. I went through the whole big 'company pretending to not know what they're talking about, doesn't produce anything and then document-dumps me late in the case' … It was like two-and-a-half years of discovery motions, and they told me they had 10,000 documents. I think it ended up being 400,000 documents that they produced a couple of weeks later."

It was at a time before proper server-hosting existed for the type of mass data Rogers and her team were dealing with. Even with today's technology, she said they probably still would have had to hire an outside company to host the data and make it searchable.

"It ended up ultimately with a good result for our clients, we thought, but it was a case where it was a mom who had watched her baby burn in front of her," Rogers said. "It was so emotionally impactful. And it meant so much that she was able to help the child she still had live a reasonably productive life because he had burns all over his body. Getting them a house and the right medical treatment and [transportation] because with their specialized medical treatment they had to be flown into places. It was just so gratifying to hold this company accountable for something that it obviously knew….

"That was a big case where I think I honed a lot of love for discovery," she continued. "Locking people down to their statements, walking the scope of what the issue is, teeing it up for a trial … and working for a client who obviously deserved [the award]. It really impacts them for the rest of their life."

Active, "balancing" life

When she's not in court or at the office, Rogers stays active (she was even getting her walk in while doing the interview). Rogers just recently got her first dog and walks many miles a day with her. Yoga is part of her daily morning activities at home, and on the weekends, she enjoys hanging out with her boyfriend, gardening, cooking and just relaxing.

Rogers also enjoys spending time with her parents at their place in the North Bay. "Hanging out with my family is also important," she said. "I'm very lucky my parents live in Napa – it's a pretty fun place to visit. I will go see them and hang out in wine country, which just has such a different flow of life from the big city. It's very balancing."

In terms of advice for younger lawyers and law students, Rogers said they should try to pick a path that aligns with who they are as a person and with what they want to do long term with their career. Everybody has to start at the bottom, and they'll eventually be faced

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with a question of whether or not they want to climb that totem pole, she said.

"I see a lot of friends, who for understandable reasons, took a route into law that they thought was going to be financially successful and that would bring their version of success for themselves," Rogers said. "The majority of them are very disheartened with that route and have looked for their home in this world of practicing law that always has long hours of high stress. But if you do something that you can say 'this is what I wanted to do in terms of what fits my skill set, my personality, my life goals' … it's important to choose what's going to fit for you and to be honest about who you are."

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