

Profile: Valerie Rose

Trial attorney strives to keep it simple, and human, as she takes on complex and challenging cases

By Stephen Ellison

Creativity, variety, continued growth and facing down fears are some of the drivers that have carved Valerie Rose's successful path as a trial lawyer. They may not be typical traits one conjures up in the plaintiffs' law profession, but Rose believes those very elements helped her establish not only a sense of belonging, but a sense of empowerment as a trial attorney.

"I think being a plaintiffs' lawyer is one of those professions where you always have something new to learn, and you can always get better and mine deeper into yourself to translate that into different aspects of your practice," said Rose, a shareholder with Walkup, Melodia, Kelly and Schoenberger. "When I was a law student, if you told me I was this far out in my practice and I still got challenged by things I didn't know or I felt scared about or were new, that would have been intimidating to me. But the thing that I've learned is that part of the power is being comfortable in the discomfort. It's having that feeling when you're at trial or in a deposition where you don't know exactly how it's going to go, but you've grown comfortable enough in your own skills to be OK with that, and you're able to be creative in that space and take risks in it.

"I just feel so grateful when I'm in a position that I have that feeling," she continued. "And I know that part of having that feeling is knowing that you're always still going to feel those other things, like scared and challenged and that there's a risk. That's part of the fun of it – and the challenge of it."

At the Walkup firm as a young lawyer, Rose had the opportunity to work on an important landmark case: the DePuy hip implant litigation. It was her first big project when Walkup senior shareholder



Rose

Mike Kelly was named the plaintiffs' liaison counsel. Rose helped work up the liability case for thousands of victims of defective hip implants, and the firm directly represented hundreds of those people. Working alongside attorneys with other firms, Rose said she spent a couple of years helping dig into the millions of pages of evidence that were "dumped on us by the defense."

She also was there for the first bellwether case that went to trial prior to the settlement. Rose spent six weeks in trial helping feed documents and assisting behind the scenes. The entire Walkup trial team was nominated for the Consumer Attorney of the Year award for what was the first successful product-defect verdict against DePuy's metal-on-metal hip implant.

"That was such an honor because that was the first huge project I did when I was at Walkup," she recalled. "And to be able to kind of get immersed in that and learn from such titans of the plaintiffs' bar was an invaluable experience – and I think an uncommon one for such a new lawyer.

"I think that really shaped my thoughts about how to be a trial lawyer," Rose continued, "how to develop yourself and be yourself and approach cases from a thorough, complex perspective."

A record of large verdicts and settlements

These days, Rose is among those so-called titans, having recorded several seven- and eight-figure verdicts and settlements for clients who have been injured or killed as a result of defective products, vehicular negligence, dangerous property and medical malpractice.

Rose's success in her approach at trial can be attributed to a process of simplification, she said. It's about telling a story.

"I think when you're in a case file for two years or three years, it's easy to get lost in the minutia," she said. "But I was trying to take a step back and think if I just had a Saturday off and I was going to see one of my old girlfriends and I was gonna tell her what was going on with this crazy situation … what would I tell that person? Because that's really the story; that's the heart of it. And you've got to get back to that and simplify and strip it back. What makes it interesting? What makes it unique? What makes it something that somebody would want to hear more about or identify with or relate to?

"We have human interests, we're human beings," she added. "We want to know: What is the thing that makes this interesting or different or worth caring about and worth engaging in?"

Mocking it up

Rose said she decided she wanted to be a trial lawyer during her high school years when she participated in mock trials. They were at once fun and challenging, and most of all, game-changing when it came to her career path.

Copyright © 2023 by the author.
For reprint permission, contact the publisher: **www.plaintiffmagazine.com**



"There's just something about the storytelling part of it, the ability to be creative at conveying a narrative to people that you don't know and the rush of the uncertainty of being in a forum where you can't control everything," Rose explained. "And the competition of it and feeling that you're doing it for a good reason, even though at that point, you know, it's a made-up narrative. All of that was just incredibly addicting, and I think it followed through like the rest of my educational trajectory."

Rose began her undergrad studies at a community college while supporting herself with a job at a department store. She then transferred to UC Berkeley, where she earned a bachelor's degree in political science. But the next step in her education wasn't law school. It was politics.

"I was considering going to Georgetown for a while because they had a joint master's in public policy and law degree, and I didn't know whether that same urge to tell a story and advocate was better served in politics or in law," she said. So, I did the politics thing for a while; I worked on John Kerry's campaign. I traveled to Minnesota and worked on that and lived in somebody's house while I was canvassing and creating volunteer organizations to get out the vote. "And I worked as a contract lobbyist in Sacramento for a few years," Rose added. "But I kind of always had that addiction to trial, and that brought me back to law school."

For law school, she returned to UC Berkeley, which offered a return to mock trial. That's where her path crossed with some of the lawyers from the Walkup firm. Before those encounters, she, like many law students at that point in their education, thought the best way to be a trial lawyer, to get to trial on a regular basis, would be as a public defender or in a DA's office. But she had the good fortune to get a peek at "this whole other world of civil plaintiffs' work" listening to and working with the Walkup lawyers in mock trials.

REDIRECT:

Getaway Spot: A beach – any beach.
Go-To Music or Artist: Electronic ambient during the workday; maybe some Guns 'n Roses or some other throwback as I'm driving home.
Recommended Reading: "Nowadays" "The Pout Pout Fish"
Dream Job: If I wasn't a trial lawyer, an interior designer. Or aquarium store owner.
Words to Live By: "Never give up."

Still, as Rose was toiling through law school, she did some work for the U.S. Attorney during her first summer. Then, during her first summer after law school, she took an associate position with Orrick, Herrington & Sutcliffe in its employment department in Sacramento. She said working in "big law" was a good experience, in which she was able to work with smart people. But it wasn't for her.

"I knew that I wasn't going to be able to try a case for many years, and then when I did, it wasn't going to be on what I thought was the right side," she recalled. "So, I started talking to the folks at Walkup, who I never lost touch with. At first, I was thinking, you know, let me pay off some loans and maybe I can think about the plaintiffs' bar in a few years. Then there was a point where they were like, 'How about now?' And I had to say OK. It's a risk, I'm gonna be moving towns, I'm gonna be starting a new thing, but I just kind of jumped in and went for it. And I haven't looked back."

Taking the lead

Rose said she's had the opportunity to work on a number of different types of cases, and some are memorable to her for different reasons. For instance, the first case in which she was the primary counsel, making the day-to-day decisions, developing the strategy and directing discovery. The client, she recalled, was a young woman with her whole life ahead of her who happened to walk off the side of an unlit, unmarked pier in the middle of the night on the premises of a hotel and became paralyzed. Rose remembers her client at the time was in many ways similar to her.

"It was really tragic, but I was really inspired by her continued optimism and hope, and because I felt so akin to her, it really kind of hit home for me how much it affected her," Rose said. "That was a case where we were able to achieve an eight-figure settlement. … I still get messages from her, hearing how she's doing in life and very tangibly how that settlement is helping her. Like. 'I bought this new wheelchair' … and 'I'm still pursuing my career.' That has been really cool to hear."

Rose also recently started taking complicated abuse cases involving special-needs students who have been victimized by their teachers or other students. They are uniquely challenging, Rose said, because the victims are minors and nonverbal, and thus cannot report the abuse for themselves. These types of cases often point to systemic issues at a school or district that may extend across several years with the same perpetrator, she said.

"We had one of those a couple of years ago, where it was a special-needs student who was nonverbal and autistic, and through ongoing litigation in federal court, discovery hearing after discovery hearing, we gradually tried all of the evidence on the defense that uncovered what we believed to be evidence that there was long-standing, multiyear knowledge that a particular teacher was abusing his students," Rose recalled. "We were able to achieve a multimillion-dollar settlement for that first child, and through that case, I found 10 additional students who we were able to represent and got an eight-figure settlement on behalf of those students. … It was pretty clear what had happened, and that we held them accountable for not taking action to help the kids."

Creativity and passion

Maintaining her creative side is what Rose enjoys doing when she's not working. At the time of the interview, she

Copyright © 2023 by the author.
For reprint permission, contact the publisher: **www.plaintiffmagazine.com**



had been working on sewing Halloween costumes for her kids. She also loves to paint and refinish furniture, do "art-smart projects" with the whole family, and just last year, she refinished the fireplace in her old Victorian house.

"My kids and I recently dug a small pond in my backyard. We thought it would be fun, and it has been an interesting thing to do that's different," she said. "I also have a large aquarium in my house, so we put fish in the pond."

On the subject of advice for young people in the legal profession, Rose said it's important to seek out an area of law you're passionate about.

"This is a hard job, and as a law student, nobody straight out told me that," she said. "I think everybody expects that you're going to work hard, but over time, it's an incredibly difficult job to do for the rest of your life. For that reason, I think it's incredibly important for somebody to be passionate about the law that they're practicing. Because that's what makes all that hard work worth it."

Stephen Ellison is a freelance writer based in San Jose. Contact him at ssjellison@aol.com.

Copyright © 2023 by the author.
For reprint permission, contact the publisher: **www.plaintiffmagazine.com**