

Profile: Andrea Posey

Personal-injury stalwart coming into her own as a voice for clients, wins $10 million dog-bite verdict

By Stephen Ellison

Empathy might come relatively easy for Andrea Posey, but when it comes to persuading others to conjure up such feelings, well, it's merely one of the biggest and most important challenges she faces on a regular basis when she's advocating for her clients.

Posey, a partner with Coopers LLP in San Francisco, said most personal-injury cases involve everyday people who have experienced some sort of misfortune that could happen to anyone, and expressing that aspect of a given case – a client's life-changing ordeal – is a key part of her strategy when trying to connect with jurors.

"It's about how you tell the story and being a good storyteller, making it relatable to them," she said. "Everybody who's there has gone through periods where they're in pain. A lot of people bounce back, but for a lot of our clients, they don't; they continue to live with pain. So, make it relatable to (the jurors)."

Posey cited a recent trial in San Mateo County in which her client was injured in a crash caused by a hauling truck driver with several prior incidents. That company allowed its driver back behind the wheel without penalties, discipline or additional training. "We want to focus on the bad things (the defendant) did, of course, but more importantly, we want to focus on the safety of individuals on the road because those jurors are those people on the road," she said. "Or, you know, it's their husbands, it's their wives, it's their parents, their children that are out there on the road. We really want to have them step into the shoes of our clients and make (the case) relatable to them."

Posey handles some of the more complex personal-injury cases for Coopers LLP, such as wrongful deaths, catastrophic injuries, complicated crashes and product liabilities. She's been at it for more than 10 years and has made a name for herself with multiple seven- and eight-figure decisions to her credit.



Posey

One case she's particularly proud to recall – before her arrival at Coopers – actually took her out of the personal-injury realm and into fraud and ethics within her own profession. In 2016, she won a $7.2 million trial verdict against an attorney who had been unlawfully modifying clients' wills and trusts after the client died by including himself or his life partner as a beneficiary.

"He did this with many, many clients and recovered millions of dollars in cash and property over the years," Posey said. "We were able to uncover that fact in a recent case here in Santa Barbara and found similarities with all of it … so we were able to go after him to get the entire property from the estate returned. In that case, the victims were elderly people who by that point had passed away and no longer had a voice. We had to step in and be their voice.

"It's even more disheartening because he would prey on members of the gay community who didn't have children and distant relatives, and that made it easier to pull off the scam," she continued. "The good thing about this is now an attorney cannot draft an estate plan for someone where either they are a beneficiary or someone who's living with them or their spouse … without having to go through another attorney. The laws have changed since then. But unfortunately, sometimes it takes cases like that for (changes) to happen."

With Coopers for the past two and a half years, Posey has found a home. She said it's a place where she can achieve her professional goals as well as pursue her passion to one day be a leader and mentor, especially for other women at the firm.

NorCal-SoCal connection

Born and raised in Orange County, Posey always wanted to help people, and she saw the law as an avenue for fulfilling that passion. A family tragedy also had a huge impact on her decision to pursue a career as a plaintiffs' lawyer.

"My cousin who was six months younger than me was actually killed in a motorcycle crash," she explained. "A young girl that was heading to a party and texting and driving hit him. He was my aunt's only child, so it was devastating for our family. But what really was appalling to me was there's this stigma surrounding motorcyclists, bicyclists, anybody that's on the road other than in a vehicle. And the police report had said he was speeding and that he was the cause of the crash when the evidence said otherwise.

"So, I think that's always been in the back of my mind," Posey added, "having it personally affect my family. I can relate to some of the clients and their families and what they're going through."

Posey completed her undergrad studies at University of California, Santa Barbara then returned to UCSB for law school. While still in school, she started working at an insurance defense law firm, first as a legal assistant then as a paralegal, learning along the way. During law school, Posey interned with the Santa Barbara County District Attorney's Office, another experience she attributes to her affinity to be on the side of justice.

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After law school, Posey worked for a couple of firms in the Santa Barbara area and remained active in the Central Coast legal community. She even opened a law office of her own in 2019. That was the same year she landed at San Francisco-based Coopers LLP, while still living in Santa Barbara.

"I was actually kind of finishing up the case against that attorney, and luckily COVID has kind of changed the way that we practice, right?" Posey said. "You can pretty much be anywhere, and you don't have to be commuting all the time to court and mediations."

Try, try again

While trials have been few and far between for many lawyers over the past few years, Posey had a busy 2023, with two big verdicts. The first involved a client who was in a vehicle crash with the aforementioned dump-truck driver in San Mateo County, a monthlong trial she and partner Miles Cooper led. Their client was riding in a Lexus sedan along a freeway when the truck driver made an unsafe lane change with such force that it caused the sedan to rotate, skid across the road and slam into the center divider, then careen across all lanes and end up on an embankment, Posey said.

"The interesting thing about that case was the truck driver had just recently obtained his commercial driver's license, and he was working for a kind of mom-and-pop company that had been in San Mateo since 1998," she said. "But they just did not do their due diligence with this guy, and he had had five prior crashes, one of which involved running over a pedestrian in a crosswalk in San Francisco two months before our crash. After each of these incidents, the company did not do any training and didn't take him off the road – no safety courses, no nothing, just let him go back out on the road. We not only got over a $1.1 million verdict, but we also got punitive damages against the trucking company. I think the people of San Mateo County … didn't appreciate the fact that this trucking company chose their profits and their truck drivers over the safety of the public."

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Another trial took place in the latter half of 2023 in Alameda County, where Posey's team got a $10 million verdict on a dog-bite case during a bench trial. She said the case was particularly egregious because the pit bull attacked a boy and his mother, both of whom suffered severe trauma as well as post-traumatic stress.

"The psychological part definitely outweighed the physical scars," Posey said. "I mean, those were pretty bad to begin with. But just the terror that this put on the mother, thinking that her son was going to be killed, was horrific."

In addition to those trials, Posey talked about one other case she counts as memorable. It involved a hardworking family man who was severely injured in a construction site incident that disabled him to the point where he couldn't continue in his job as a sprinkler fitter. On the day of the incident, he was brought in by a subcontractor on a project to install some new sprinkler pipes and repair some old ones. The general contractor on the project "got a little sloppy toward the holidays," Posey said, and left a large trench unmarked with a few boards covering it. Posey's client, while walking through the site, was studying the pipes and stepped on the boards, which slipped out from under him, causing him to fall and break his ankle in several places.

"It was a really touching case for me because the client was such a great individual and had such a great family," Posey said. "He had a high school education, and being in the laborers' union is a great job with great benefits. He was on his way to being a foreman and moving up in the company, and this absolutely just shattered his future. He tried to get back into it, but with his limitations, he will probably never return to that field.

"So, here was a man who had his life planned out to go down a certain path, and then in a split-second due to someone's negligence, it changes everything," she continued. "And now he has to rethink: What do I do now? So, that was a really touching case."

"Believe"

When she's not working, Posey enjoys spending time with her family and dogs and has a very active lifestyle, including running, hiking, cycling and just generally spending time outdoors in the vibrant Santa Barbara area.

Posey's advice to younger colleagues or aspiring lawyers is to be relentless in their pursuit for justice and don't lose sight of why they entered the legal profession.

"I told myself that if I ever feel like I'm no longer helping people or that that wasn't my main goal, then it's time to do something different," she said. "Believe in yourself, believe in your client, believe in your case. Otherwise, you're not going to be able to convince others of that either.

"There's this stigma surrounding personal injury attorneys – I can't stand the term 'ambulance-chasing' because I always tell people that I've never met a client, no matter how much money they get, who would not give all of it back to go back to the day before the crash," Posey added. "Not one. No matter how great of a recovery we can get for clients for what they've gone through and what they continue to go through, it will never be enough. All of them would give that back to never have it happen."

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