

Profile: Jeff Mitchell

His med-malpractice cases are "tried in expert depositions" so that, at the actual trial, he can play out the same script to the jury

By Stephen Ellison

If there was a classification of attorneys known as "medical malpractice geeks," Jeffrey Mitchell would probably be among its leaders. In fact, he admits to being borderline nerdy about an area of law that most plaintiffs' attorneys tend to shy away from.

It wasn't necessarily a path he set out for, but once the partner with San Francisco-based Mitchell Leeds sort of happened upon the medical-malpractice domain, he went all in. His numbers don't lie: Over the course of his 25-year career, Mitchell has obtained favorable results totaling more than $700 million for his clients.

That success aside, there's no arguing his passion for the work.

"I enjoy the science of it. I enjoy the deductive reasoning involved," he explains. "I think I've seen every case a million times. It's challenging and dynamic and interesting. You know, I still get goosebumps when I'm trying cases.

"I just think it's intellectually, completely, utterly fascinating," Mitchell adds. "Because the law is very simple, generally speaking. But the underlying medicine and science and taking very complicated things and making them simple for a jury is an art. And that's the fascinating part. You're taking something that's complicated and trying to teach – although not talk down to – jurors. You're trying to teach them in such a way that you can create a powerful story."

Mitchell's firm is one of very few in the Bay Area that focus solely on medical malpractice, and along with partner Nathaniel Leeds, they cover a broad range of cases that include amputations, birth injuries, brain and spinal injuries, failure to diagnose, hospital negligence, sepsis infection, surgical malpractice and wrongful death.

With that variety, one might expect a specialist such as Mitchell to have a slew



Mitchell

of approaches depending on which of those cases he's preparing for and/or trying. But his strategy is quite simple and for the most part straightforward no matter the case type, he says. Also, it makes very little difference to Mitchell, strategically, if the case settles or goes to trial.

"I try to try my cases in expert depositions, where the minute I'm giving my opening statement, I know everything I'm going to tell the jury," he explains. "I keep on message. I use all the information from every expert deposition, and deposition of a defendant or a witness, and I'm kind of trying my case in discovery. That way, I stand up there, and I'm just playing out that same script in front of the jury. It's almost a template.

"I don't go into depositions trying to get information. I know all the information, right?" Mitchell continues. "I'm trying to pin people down and get them to concede things and admit things and state things that are obvious. I can get up and argue in front of a jury, and I've been doing that for 25 years. I literally do it the same way to everything, regardless of what kind of case it is. I'm trying to win my case in every deposition. … I'm trying to cross-examine those people in such a way that if the case doesn't settle, I can stand up there tomorrow and try it, and I know exactly what's going to come out of my mouth."

California man

Mitchell was born and raised in Long Beach, California, where his father was an auto-body painter and his mother worked as a receptionist. Becoming a lawyer wasn't on his initial career radar after college at California State University, Long Beach. For a minute or two he entertained the notion of becoming a California Highway Patrol officer but realized it wasn't the right fit. He then worked in the wine industry for a brief time.

As he considered post-graduate studies, Mitchell says he had an interest back then in earning a Ph.D. But he remembers one of his college professors, a Ph.D. and lawyer himself, advising the young Mitchell to go to law school because it would provide him more options.

"He basically said, 'Why do you want to get a Ph.D. and write a dissertation that no one in the world but you cares about?'" Mitchell recalls.

He attended California Western School of Law in San Diego, where he earned his juris doctorate. While in law school, Mitchell worked as a law clerk at the Redondo Beach City Attorney's Office, which piqued his interest in public entity law. During those two summers, at a city attorney's office that worked all its own misdemeanor cases, he was helping try cases and doing various motion practice, he said. It was a mix of civil and criminal cases in a town with a lot of bars and "all the regular stuff that goes down around that," he said.

Once he graduated from law school and passed the bar, Mitchell was offered the job of deputy city attorney in Redondo

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Beach. But at about that time, the city had a budget issue and instituted a hiring freeze, so the deputy city attorney offer was swept off the table.

With nothing else in the works, Mitchell then took an interest in politics, working on a couple of local campaigns. That experience led to a job as a committee consultant with the state senate in Sacramento. He was hired by the committee chair at the time, who then passed away not long after. And though he was out on the street again, it didn't keep Mitchell from getting the political bug.

"I loved working in the building. I loved it," he says. "I loved the inner workings of bureaucracy and politics. But, at the time, I had a young wife who just got a Ph.D., so we weren't making a lot of money, and I had student loans, and she had student loans. So, I figured I had to go into private practice, actually pay my loans. The only kind of exposure I had had to private practice lawyers was a friend of mine from law school whose father was a very prominent medical-malpractice defense lawyer in L.A. I called him and asked if he could look for a job for me or offer me a job. … He got me a job with a newly formed firm in Manhattan Beach that had all these different hospital and malpractice cases. So that's kind of how I got into it."

Mitchell worked at the Manhattan Beach firm for a while before his then-wife landed a job as an English professor in the Bay Area. The couple moved north, and he was hired by yet another defense firm, where he spent the next several years until he was recruited by famed plaintiffs' med-mal attorney James Bostwick.

"When somebody like Jim calls you and thinks you'd be good at it and recruits you away, you take it," Mitchell says. "So, that's what happened. And I was partners with him for probably 10-11 years."

Med-mal focus

Working alongside Bostwick all those years, building on his expertise in plaintiffs' medical malpractice, primed Mitchell to launch his own med-mal firm, Mitchell Law Group, which he ran for nearly 13 years before founding his current firm with Leeds.

Their focus on medical malpractice is a rarity in California, with the state's Medical Injury Compensation Reform Act (MICRA) placing a cap on pain-and-suffering damages. And even after the California Consumer Attorneys of California negotiated changes to the law in 2022 that have bumped up the decades-long cap of $250,000 on general damages, many plaintiffs' lawyers are still reluctant to work such cases because they just aren't financially viable.

Mitchell agrees it's wrong but has learned to live with it.

"It's horrible. I think it's a violation of the 14th Amendment," he says. "But, you know, our Supreme Court in the early eighties said it was under the California Constitution and the 14th Amendment, the U.S. Constitution, said it's constitutional, even though most other states' Supreme Courts with similar laws have struck it down. It's ridiculous, yeah, but it is what it is. And I think that's what drives people to stay out of it; you don't have the high exposure to general damage awards. I've gotten it myself. MICRA as a whole is unfair, especially to patients, but that's the environment we live in."

Economic damages, however, are not capped, and in those cases, Mitchell and Leeds have excelled. Mitchell has obtained several seven- and eight-figure awards, including a recent jury verdict of $68 million in Fresno County for medical personnel's failure to comply with the hospital's patient safety standards, leaving an elderly man in a permanent coma after he went into cardiac arrest; and a $22 million jury verdict against a Palo Alto medical group for causing a patient's paralysis with an unnecessary procedure that was performed due to an error in reviewing the patient's X-rays.

In both those cases, the defense offered nothing to settle, Mitchell says.

"The most complicated part of these cases is when the defense throws a bunch of concepts and terminology and data and science at us – and peeling back that onion and exposing it for what it is," he says. "Often, it's a simple error or a simple choice or a simple lack of knowledge. Every case I have, they're throwing everything but the kitchen sink at me.

"At this point, these [defense attorneys] all know [that] I know the deal, so I don't get a lot of it as much anymore," he continues. "But that's the fun part. I've settled lots of cases in eight figures. When some defense lawyer calls me up and says, I 'have no case,' I don't even chuckle anymore. I just move along and wait for my money."

Playing and learning

When Mitchell is not collecting on his clients' rightful paydays, he plays golf, enjoys listening to jazz and is a military history enthusiast "almost obsessively, for some reason," he says. He also loves to travel, and mostly treks across the Golden State, though he has been to Europe, Mexico, Canada and other places across the globe.

"I travel a lot up and down California because there's always someplace you've never been," he says.

If he were offering advice to a young lawyer or law student, Mitchell says they should seek out mentors, observe what they do and how they carry themselves; listen to them and learn from them. But then apply what you learn in such a way that is your own.

"Soak it all in," he says. "Be around good lawyers. Watch good lawyers. Ask questions. But always be yourself. You can't emulate anybody, but you can learn a

REDIRECT
Favorite getaway: San Diego
Go-To Music or Artist: Ragtime
Recommended Reading: "Dubliners" by James Joyce
Dream Job: Major League Baseball general manager
Words to Live By: "Fortune favors the bold."

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lot by osmosis. That's where I learned everything; I've always been around very good lawyers. I learned how to be a lawyer. I learned how to be civil. I learned how to carry myself. I tell people that all the time – I'm a lucky beneficiary of that school of thought."

Publisher's Note: This is the last attorney profile that will be written by the talented freelance writer, Stephen Ellison. Steve has crafted over 200 interviews and profiles for us. We appreciate his many years of excellent writing and wish him well in his retirement.

– Richard Neubauer, Publisher
& Maryanne Cooper, Editor

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