

California Law Business

Supplement to the Los Angeles Daily Journal and the San Francisco Daily Journal

January 10, 2000

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On a Roll

Bill Price of Quinn Emanuel Urquhart Oliver & Hedges has never lost a case, despite having represented some decidedly jury-unfriendly clients — including the IRS. **By Katherine Gaidos**

If Bill Price is nervous in the courtroom, it's not because he's scared of trying cases. Nor is it because of the multimillion-dollar sums at stake in most of his trials.

If Bill Price is nervous, it is simply because out of the 30 cases he has tried to verdict since his career began in 1984, he has never lost — and he can't help but wonder when his winning streak will end.

Price, a partner at Quinn Emanuel Urquhart Oliver & Hedges in Los Angeles, is in the courtroom more than most of the firm's lawyers since he takes on the cases of many of his partners, in addition to his own, when they approach the trial stage. At the rate he's going, many feel the odds are stacked against his continued success.

"I don't know of another firm that takes as many cases to trial as we do," says Quinn Emanuel name partner John Quinn. "Because of Bill, we keep raising the bar. The cases get tougher and tougher, and every time he's saying, 'I can't possibly win; it's not going well.' And everybody's bracing themselves for Bill's first loss — and he pulls it out again."

Price himself thinks there might be some advantages to finally losing a case and ending his streak. He had one close call in 1998 during his 28th case, *Darghous v. Johnson Controls*, BC179937. A jury returned a verdict for the plaintiff which was later reversed by the judge, but for more than two months, Price thought his power over juries had finally failed him.

"In some ways I felt like these college basketball teams who are undefeated and finally get a loss before the Final Four," Price says. "On the other

hand, I was glad that I no longer had a streak to protect."

But the near-defeat was heartbreaking for Price because of his faith in the jury system. Price believes that 12 people talking in a room will almost always come up with the right answer, and he was unhappy that those 12 people had disagreed with him about the case. In fact, he still considers the trial lost because he was unable to convince the jury, and although his Quinn Emanuel colleagues place his record at 30 wins, Price now tallies it at 29.

"When you lose a jury trial, you ask yourself whether you did anything wrong. You question whether the system works," he says. "And I'm a strong believer that the system works."

At least, the system has been working for him. Price attributes his trial successes to an understanding of the jury and an ability to portray the issues and "themes" of a case in the way that an average person can understand. It's a skill that, according to Price, is too often left uncultivated by trial attorneys.

When he was fresh out of Yale School of Law, Price clerked for San Francisco U.S. District Court Judge Stanley Weigel, who recently died, and had an opportunity to observe trial lawyers in action.

"I saw a lot of trials, and I was kind of surprised at the quality of the advocacy," he says. "When I was a clerk, it seemed to me that very good trial attorneys from large firms were not approaching their trials in the most persuasive ways. They didn't treat their trial as an opportunity to get up to 12 ordinary people and convince them that you were on the right side. They

treated the trial as a game, the game of 'litigation.'

In the courtroom, Price plays a different game. He tries to convince the jury that, essentially, the other side is lying.

"I think the most important thing for someone in court is to be honest with the jury. Juries think that lawyers know everything, which means a jury thinks that one side of the case is wrong. And since lawyers know everything, that means that one side or the other is trying to fool them," says Price, who adds that his job is to convince the jury that the trickster lawyer is his opposing counsel.

Given the nature of Price's clients, convincing the jury of that is not necessarily easy. More than 10 of Price's last clients at Quinn Emanuel have been large companies. Many of Price's trials are employment litigation, in which he defends his corporate clients against allegations from former employees of abuse and discrimination. Most recently, Price secured a victory for Denver-based TeleTech Holdings Inc. against an ex-employee who alleged she had been discriminated against and cheated out of commissions for years. *Moore v. Teletech*, LC033016.

In another case for Quinn Emanuel, Price had to battle a jury's natural preference for movie stars, as he defended Centre Reinsurance against a breach of contract suit brought in part by actor Martin Landau. After Price received a favorable verdict, he also received compliments from Landau.

"After the jury was back, he came over and shook my hand and said 'I really enjoyed your performance,'" says Price. "I thought he showed a lot of class."

In addition to winning the respect of a plaintiff whom he defeated, Price has made fans of his opposing counsel.

"He's got a wonderful demeanor," says Larry Berman of Berman, Blanchard, Mausner & Resser in Los Angeles, who lost to Quinn Emanuel on *Puhl v. Lockheed* in 1993. He describes the trial as "the only case that I really got wumped on."

"I've done a lot of trials myself, and been very successful," Berman says. "Puhl-Lockheed was the only case in my entire life where I felt I got out-lawyered."

The case was a breach of contract suit involving former executives from Lockheed, Quinn Emanuel's client. Before the trial, Price advised Quinn to switch the "theme" of his presentation of Lockheed's case. Price also advised Quinn to adopt his own theory that the jury will always think one lawyer or the other is lying to them, and pick away at the credibility of Berman during the trial. Berman, surprised by the new angle of Quinn's case, soon learned that although Quinn was the only Quinn Emanuel lawyer in the courtroom, he took much of his strategy from Price.

"Quinn said, 'I was just doing what Bill told me to do.' Bill had the approach that eventually killed me," says Berman, who adds that during the trial, he would occasionally check in with opposing counsel to confirm the origins of his defeat.

"I would go up to John and say, 'What are you doing?' and he would say, 'That was Price,' and I would go back to my office and say 'I knew it. That fucking Price.'"

This discovery led to Berman's decision to hire Price as primary counsel in three trials since 1993.

"I realized that if I needed a trial lawyer, either because I couldn't do it or because I just needed the best I knew, I'd work with Bill," Berman says.

Berman, Price's past opponent, attributes Price's success in part to the idea that he supplies the likeability his corporate clients may sometimes lack.

"Sixty to seventy percent of most jurors think that a company would lie," says Berman. "You start off when you're defending a company with the presumption that they've done something wrong. You have a guy like Bill, and he psychologically turns that around, just by the weight of his demeanor."

Price's trial success comes not just from his personality but from techniques he has adopted over the years and implemented at Quinn Emanuel.

For instance, he has helped to develop a cheaper mock-trial method, which allows Quinn Emanuel

lawyers to hone their approach before they ever step into court. Instead of hiring a jury consulting firm, lawyers at Quinn Emanuel now commission a temporary agency to find them 12 people off the street. The lawyers then try their case in front of the mock jury to test the effectiveness of their approach. When the jury returns a verdict, the lawyers obtain reactions to their trial methods.

"We debrief them to find out what they liked and what they didn't like," says Price. "Since lawyers can get so out of touch, it's a real helpful tool."

The total cost of the process is around \$2,000 — substantially cheaper than hiring a jury consultant, which can cost as much as \$20,000 per mock trial. The less expensive system means that the lawyers can repeat

Winning Streak

Here's a sampling of cases in which Bill Price won defense verdicts:

- *Moore v. Teletech*, Los Angeles Superior Court LC033016 (1999) — an employment discrimination suit in which the plaintiff sought \$4 million in compensatory damages.
- *Silver Street Pictures v. Centre Re*, U.S. District Court 98-8895 SW (1999) — a breach of contract suit in which the plaintiff sought \$22 million in compensatory damages.
- *Graniti v. Walt Disney Co.*, Los Angeles Superior Court BC149580 (1997) — a sexual harassment suit in which the plaintiff sought \$2.25 million in compensatory damages.
- *Adams v. Lockheed Corp.*, Los Angeles Superior Court LC025011 (1997) — a racial harassment suit.
- *Mahne v. Crown Roll Leaf*, Los Angeles Superior Court BC069435 (1995) — an employment suit in which the plaintiff sought \$2 million in compensatory damages.
- *Chang v. Optical Radiation Corp.*, Los Angeles Superior Court KC012585 (1995) — a wrongful termination suit.
- *Wamer v. Wynn's International*, Los Angeles Superior Court LC019999 (1994) — a violation of contract suit.
- *Russell v. Hughes Aircraft Co.*, San Diego Superior Court 646295 (1993) — a wrongful termination suit.
- *Houshmand v. Marriott*, Riverside Superior Court 206638 (1992) — a wrongful termination suit.
- *Martinez v. Lockheed Corp.*, U.S. District Court 90 1463 LEW (1991) — a wrongful termination suit.

the process again and again until they get it right.

The system has also come in handy on three occasions, when Price was reluctant to take what he felt was a weak case to trial. Price used the mock trial tool to show his clients what their chances in front of a jury would likely be. In two out of those three times, however, the client decided to try the case anyway.

"I've never told a client I won't represent them," Price says. "But I give them a fair assessment of their chances at trial, and if I think they're going to lose and lose big, I tell them."

Price also relies on cross-examination techniques to help save weak cases and succeed with strong ones. His methods involve replaying segments of videotaped depositions recorded onto a CD-ROM. When a witness says something contradictory to deposition testimony, Price will access the part of the videotaped testimony in the courtroom and play an image for the jury of the witness contradicting his or herself.

"He wins cases in cross-examination," says Quinn. "You've heard the saying that some people cross-examine with a sword and just lop off whole chunks of a witness. The other approach is a nick here, a nick here, a nick here and pretty soon your witness realizes he's bleeding to death — well, that's Bill."

But when Price began his career as a trial lawyer, he had no intentions of making anyone bleed to death. He simply wanted to find his way to the courtroom. Since the early days of his ambition to be an attorney, Price felt the courtroom would be his natural home.

"I wanted to be a lawyer because I enjoyed watching Perry Mason. I liked the idea of standing up and performing, and combining intellectual challenges with also putting on a show," says Price.

However, it wasn't easy for Price to get into the

courtroom. He decided to practice in Los Angeles because he suspected the city would provide him with more trials than most others. When he interviewed at firms, he made the opportunity to try cases a primary factor in his decision. Some firms were a little taken aback by his approach.

"I didn't meet with opposition, I met with bemusement," Price says, adding that the firms' most common response was "If we have a trial, we will try to get you involved in it."

"Most large civil litigation firms simply don't have that many trials," he says. Eventually he selected the Los Angeles office of Brobeck, Phleger & Harrison because they agreed to meet his request for an early first trial.

"They convinced me that they would make sure I had a jury trial within the first three years," he says. And he did receive a trial, a pro bono slip-and-fall case that he won. But trouble lurked around the corner, in the form of long-term, slow-moving multi-district litigation, otherwise known as MDL.

"After that trial, I was going to be put on a huge MDL case involving oil companies and the city of Long Beach," he says. "I wasn't looking forward to working on that thing and rarely seeing the inside of a courtroom."

So Price allowed a friend to lure him into the U.S. Attorney's office in Los Angeles, where he knew he would be constantly in the courtroom.

"When I announced I was leaving, [Brobeck] said they would take me off the MDL case, but by that time I had my heart set on going into the public sector and kind of getting a baptism by fire," says Price.

Price spent more than three years as one of about 80 criminal prosecutors in the U.S. Attorney's office, during which time he tried cases ranging from bank robbery to drug smuggling. Price also represented the IRS in a tax fraud case and received his first experience presenting a less-than-sympathetic client to the jury — an experience he was later to duplicate with his corporate work at Quinn Emanuel.

"I would certainly say the bias against the IRS was at least as strong as against corporations," he says.

But even against everyone's favorite government agency, Price was able to find an angle for the average person on the jury.

"What you learn doing IRS cases is that if you present them correctly, jurors resist

people not playing by the same rules they do," he says. After more than three years as a criminal prosecutor, Price left the U.S. Attorney's office for mercenary motives.

"I got a call from a headhunter, and I said, 'I would not leave this job for twice the money,'" he says. "And she said, 'OK, how about three times?'"

Price took the deal and left in 1989 for New York's Milbank, Tweed, Hadley & McCloy, which was opening its Los Angeles office. Price didn't get the trial experience there that he wanted; he again found himself assigned to a huge, slow-moving case that would take years to see trial. Price helped Milbank Tweed represent Bank of Tokyo in a case involving several Japanese banks accused of defaulting on loans. Eleven different firms represented the score of banks.

"That never went to trial," says Price. "It was resolved after a couple of years and millions of dollars of attorney fees."

While representing Bank of Tokyo, Price met Quinn, whose firm was representing Sanwa Bank, another defendant in the case. Quinn offered him a position at Quinn Emanuel, and in 1991 he made the move, still in the hope of finding his way back to the courtroom.

Since joining Quinn Emanuel, Price has had his wish fulfilled. He has tried 16 cases and won them all — with the exception of the case he doesn't consider a win. And so far, his streak continues, as does his modesty.

"Some cases anyone will win, and some cases anyone will lose," he says. "It might be a small percentage of cases that can go either way, that really make or break a trial lawyer."

And Price admits he has had a few of those defining cases. Did they make or break him?

"We got good results," he says. ■