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Koskoff Leads Superstar Lawyer Group

Inner Circle of Trial Advocates is tort law think tank

Like a small personal injury dynasty, Bridgeport's Koskoff, Koskoff & Bieder has been a landmark on the national map for trial lawyers since the early 1960s. That's when Theodore Koskoff helped create the American Trial Lawyers Association. That tradition continues, with his son, Michael, the firm's senior partner, recently achieving the honor of being elected president of the Inner Circle of Trial Advocates for a two-year term.



Contributed Photo

Michael Koskoff is the new president of a group of elite personal injury lawyers who have won millions for plaintiffs. The invitation-only, national organization is limited to those who have won verdicts of between seven and 10 figures.

This group of superstar plaintiffs' lawyers is dedicated to improving personal injury trial practice at the highest levels. Koskoff is described as "one of America's most respected lawyers" by

Honolulu attorney Mark Davis, who is the outgoing president of the Inner Circle. Davis also said Koskoff is “a thoughtful teacher and an innovator in the court room.”

The group was started 40 years ago by Tucson trial lawyer Richard Grand, who was the first attorney in the U.S. to win a \$1 million verdict. Grand brought together others who were in the \$1 million category, and the invitation-only group eventually set a 100-member limit. The men and women in the group have included famous names like Ron Motley, of tobacco settlement fame, Morris Dees, who has successfully sued hate groups, Johnnie Cochran, and John Edwards.

Koskoff is the only Connecticut lawyer currently in the group. “I think right now we have 86 or 87 members,” said Koskoff. “You have to have numerous seven figure or eight figure verdicts, and some of our members have actually had nine and 10-figure verdicts.”

Beyond the money, the biggest payoff is the educational benefit, said Koskoff. Joining him as Inner Circle vice president is Seattle trial lawyer Richard (Rick) H. Friedman, the co-author of several well-known books on trial law, including “RULES OF THE ROAD: A Plaintiff’s Lawyers Guide to Proving Liability.” Koskoff’s recent studies of persuasive communication draw heavily on the classical Greek philosopher Aristotle, spreading wisdom from 300 B.C. in a manner that is fresh, enthusiastic and insightful. Koskoff spoke recently with Senior Writer Thomas B. Scheffey.

LAW TRIBUNE: Are these multi-million verdicts the most important aspect of your group?

MICHAEL KOSKOFF: No. There’s a commitment to a sharing of ideas. If you don’t attend the annual meeting at least once every three years, you’re out of the organization. What has happened over the years is they had to become so much better, in order to take on those industries. It’s an idea-sharing organization. It’s to stimulate creative thought, help one another through thorny legal problems, and be creative in the way you go about things.

LAW TRIBUNE: What have you been focusing on recently?

KOSKOFF: I’ve talked to the group about different kinds of communication techniques, talking about Aristotle’s rules of persuasion. Virtually all the techniques people use in persuasion were developed by Aristotle. He talked about pathos and logos — sympathy and logic. And he gave the framework for most of the things that we take for granted in communication.

LAW TRIBUNE: How do you use this in court?

KOSKOFF: Well, Aristotle said three things influence persuasion. The character of the speaker is called ethos; the argument, which is logos; and the emotional state of the listener — those are the three things that influence persuasion. Everybody who’s been successful in the courtroom knows that the character of the speaker is incredibly important. One of the things is to be honest with the jury. You don’t start off where the client was under the influence of alcohol and try to convince people that the alcohol doesn’t make a difference. You don’t try to convince people of things that are not true.

LAW TRIBUNE: That certainly makes sense. What else?

KOSKOFF: The third Aristotelian feature is the emotional state of the hearer. What's important about persuasion is that the lawyer understand the emotional state of the people he's dealing with. In order for communication to be effective, it has to take place on an emotional level. Emotion brings in the limbic system of the brain, which brings in past memory. In order to elicit past memory — the full cognitive ability of a person, you have to reach the whole self. Communication techniques have to reach people on all kinds of levels. You use speech, vision, feeling, touch. You use sound. These are all basic techniques that go toward making learning a fully round experience for the listener. You can't try a case by trying to convince people that everything they've believed their entire life is wrong. You start to try to understand the jury.

Also, the order in which you present facts has enormous persuasive power, as powerful as anything that is inherent within the argument. Often the least persuasive way to tell a story is chronologically, especially in the law. The jury is sitting there, and they don't know what's important.

LAW TRIBUNE: For example....

KOSKOFF: If you had a simple case of a woman falling down carrying packages; if you simply [say] she was coming home, she had packages, there was a little pothole, she tripped in the pothole and she broke her leg. Presenting those facts in that order is a very unpersuasive way of doing it. The immediate thought is, she obviously wasn't looking where she was going. It focuses on the wrong thing.

On the other hand, if you started out talking about the pothole, and said that for many years the town of Stamford knew there was a danger. They had a whole program requiring them to look at the sidewalks to find out if there were potholes, because potholes could cause serious injury. There was a pothole on the corner of State and Main. It had been there for a year. As the year went on it grew bigger, and bigger. Ultimately it was clear that that pothole was going to cause somebody some harm. And one day, along came Mary Smith, carrying packages. And I don't have to tell you what happened next!

LAW TRIBUNE: How do you measure courtroom success by plaintiffs' lawyers?

KOSKOFF: About 30 years ago, anesthesiologists were sued because of all the people who died or came out of anesthesia comatose. They were sued like crazy. Then, they had the highest malpractice premiums. [In response to the litigation, they established excellent safety protocols.] Now, they have the lowest malpractice premiums. •