

Lawyers Getting Lattes: Janice. F. Mulligan

In 2018, Janice Mulligan's amazing trial work earned her Orange County's Trial Lawyer of the Year and a Finalist for CASD's Trial Lawyer of the Year. She's one of the great medical malpractice fighters. For the past 33 years, she has worked very hard to overcome every hurdle imaginable to get justice for her clients. Jan lives around the corner from me, so we met at her lovely historic home. What I have come to learn about Jan is that she is present; she's real. Her positivity and encouragement are infectious. Her success is grounded in her unwavering curiosity, tenacious work ethic, and knowing who she is. It's an incredible combination. I hope you enjoy these excerpts.

By: Maria Kelly, CASD President



Jan Mulligan: You're my neighbor.

Maria Kelly: I am. And the more I get to know you, the more I want to get to know. Reading your biography, a few things happened around '86. You started a law practice. You were also on the Board of Consumer Attorneys and the County Bar.

Jan Mulligan: Before that I was part of a practice: Mulligan, Ezell and Sayre. I hated practicing corporate litigation at a local boutique law firm and I was going to quit practicing law altogether. I wanted to teach, because I love teaching. I went out to dinner one night with my law school colleagues, Cindy Ezell and Patty Sayre. We were all bitching and moaning about what we were doing. The three of us decided that we had spent all this time and all this money to go to law school; we would try practicing law together before we quit the practice and so we formed our own firm of Mulligan, Ezell and Sayre. We later all got pregnant at the same time, so that didn't work very well. We dissolved it. I had my baby in 1988. I started had my own firm.

Maria Kelly: I love it. What got you into medical malpractice?

Jan Mulligan: I love the more complicated injuries on the PI cases. I found that I gravitated towards it, and that's what I like. And then I had back surgery in 1991. After my back surgery, I thought man, you know, I don't know if I can hear people talking about their back pain when I was so close to it with my own pain. I was out for 6 months. I couldn't do anything. I stopped doing routine back injury PI cases and I had one medical malpractice case. It was a catastrophic case, and it was my first med mal. I went to the clients and said I think you need to get another lawyer because I'm told I'm going to be out for 6 months or so. I can't walk. I can't carry books. I can't do anything. They said no, we're going to wait for you. I didn't have anything else to do. I was bored stiff. For 6 months I thought about this one malpractice case, researched the medical issues and thought about the case some more.

Maria Kelly: That's amazing.

Jan Mulligan: I only had one case to work on.

Maria Kelly: Yeah, it's perfect...

Jan Mulligan: Well, in, in retrospect.

Maria Kelly: ...for them.

Jan Mulligan: They had such faith in me. I had the luxury of time to sit there and think about one case for 6 months. I find practicing med mal to being

Maria Kelly is the founder of Kelly Law and this year's President of CASD. For over 10 years, her firm has focused exclusively on representing people who are injured. She earned a Bachelors of Science in Biochemical Engineering from Florida State University and a Juris Doctor from California Western School of Law. Maria can be reached at maria@mariakellylaw.com.

like a Sherlock Holmes character. That's what I still love about it; I go in and it's a puzzle to solve. I personally read all the records line by line, word by word; I read the same records over and over and over and over during the course of a lawsuit.

Maria Kelly: In your bio, you credit your success to amazing mentors.

Jan Mulligan: Yeah, lots of them. I'm still a mentee. You have to be both. One of my first legal mentors was Gretchen North. She never graduated college. She did that program where you can test to become a lawyer. She passed the first time she took the bar exam, and she had every position in a prestigious law firm for which she worked from filing clerk to legal secretary, to paralegal to junior associate, to partner to managing partner.

Maria Kelly: That's amazing.



Janice Mulligan

Jan Mulligan: I was very lucky to know her and to have her as a friend.

Maria Kelly: She was accessible, supportive and you admired her.

Jan Mulligan: Everything about her. She was a transactions attorney on high-end commer-

cial leases. She would work like a dog and then every year, she would go six weeks to Europe. I think we pay it forward, so Gretchen was one of my mentors. A recent mentor would be Daniel Rodriguez.

Maria Kelly: How did you and Dan Rodriguez develop this develop this mentor- mentee relationship? I think even saying the word "mentor" is odd. It doesn't have to be so formal. All it has to be is someone who is there when you need it.

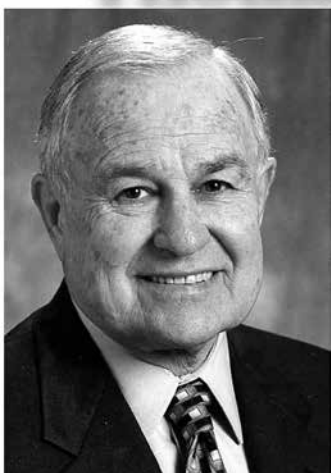
Jan Mulligan: If I call and ask him a question.

Maria Kelly: Right, he'll be there.

Jan Mulligan: I first met Daniel when I had a commercial truck rollover case right outside of Bakersfield. If a case is beyond my experience, I'll always have somebody that knows what they're doing to co- counsel with me. As a

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matter of fact, that's another way to learn, how to practice in different areas of law.

For the commercial truck rollover case in Bakersfield, I did research. I found Daniel in Super Lawyers, and I cold called him, you know, I'd like to speak with Mr. Rodriguez. He's in trial. Okay, well how long is he in trial for? About three weeks. Okay, well when he's done with trial can you have him call me? He returned my call the next day at like 5:00 at night. He didn't even know who I was and yet he is there, returning my call while he is in the middle of a trial.

He talked to me about the case and then I met with him and, and then later, I knew him better from shared friends in the Trial Lawyers College. For the trial I had in Orange County last year, he helped to reorganize and streamline my opening.

We haven't co-tried a case together yet. That's one of the things on my bucket list is to try a case with Daniel Rodriguez. He's amazing. I would count him as a mentor.

Jan Mulligan: Oh, that's awesome.
Jan Mulligan: 38 years practicing and I'm still learning.
Jan Mulligan: You can't stop learning.

Jan Mulligan: If you do, you go backwards, I think. Plus it would be boring to stop learning. Perry Mason was my first legal mentor, because when I grew up, I didn't know any lawyers. My dad and I would read Erle Stanley Gardner books about Perry Mason and watch him on television. When Perry Mason won, he didn't do it by being a bully. He did it by being prepared, being gracious and respectful.

Maria Kelly: Because we're neighbors, I see you and Harvey all the time. You have been married forever and you have this beautiful home and have the appearance of just being a happy, well-adjusted couple. Any advice?

Jan Mulligan: Thank you. I think we are happy. We never agreed on anything in law school, but we respected each other. That's just been the template. I think that's why I get along with other lawyers very well. I don't have combative experiences with most opposing counsel. Just because I disagree with them doesn't mean that we have to fight about it. As long as they are ethical we're okay. It's when somebody's unethical, I have a problem.

Maria Kelly: Who are your heroes?

Jan Mulligan: My parents.
Maria Kelly: What's the biggest lesson you learned from a loss?
Jan Mulligan: Well my biggest loss was when my dad died last year. He was my biggest fan. He never said you can't be a lawyer because you're a girl or because no one in our family had ever been a lawyer. Instead, in the 1960s, when I'm watching Perry Mason with him, my dad would say, "You want to be a lawyer? Let's go to the library and we'll get all those books and we'll read about Perry Mason. We'll talk about them." I mean no matter what I did, it was always right in his eyes. During my first jury trial, my parents were in the back of the room and my mother was crying and the jury thought that she was related to the plaintiff.

Maria Kelly: No, that's my mom weeping for me.
Jan Mulligan: Right, my mom was crying because she was finally watching me helping people as a trial lawyer.

Maria Kelly: What's biggest the lesson from a loss in relation to the law?
Jan Mulligan: I lost a car accident case; that went up on appeal and

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I was granted a new trial, which was good, except it was also the worst because then I had to try it again. Exam lines for numerous witnesses had to be prepared using the statement they gave in the police report; the statement they gave to the insurance company; their deposition; the trial testimony in the first case; and then, years later, they are going to take the stand yet again. How could witnesses be expected to remember all of this stuff years later? Good luck preparing them.

I didn't know how I was going to retry the case because I didn't know where I went wrong in the first trial. This was before TLC. I went to an AAJ program in San Francisco where I spent a week with trial masters from around the country who brainstormed with me about this case. I even brought the suits that I wore, I brought my exam lines and my exhibits. I basically retried the case in front of these master plaintiff's attorneys and they gave me wonderful feedback. They helped me to understand that I had overtried the case. I had too many exhibits and too many witnesses. What I learned from that loss: Nobody on the jury cares about every detail. For example, there were

five witnesses to the accident. I had called all five. I learned to just call the strongest two witnesses and give the rest up. Streamline the case. Less is more.

Jan Mulligan: Before I lost that trial, I didn't even know what over trying a case meant. I said what does it mean to over try a case?

Maria Kelly: You took the time to learn what it meant.

Jan Mulligan: That's correct.

Maria Kelly: Pick and choose what's really important. Edit.

Jan Mulligan: Tell the story. Edit, edit, edit, edit, edit, edit.

Maria Kelly: What's your best day of practicing law?

Jan Mulligan: Tomorrow.

Maria Kelly: Do you know want to hear what Brian Findley said about you?

Jan Mulligan: Sure.

Maria Kelly: "She leads our firm through positively and encouragement rather than punitive approach."

Jan Mulligan: Oh, cool.

Maria Kelly: "When people come to work for Jan, they make, they mark the time in decades, not years, because she treats us like family."

Jan Mulligan: Aww, thanks Brian.

Maria Kelly: "She gives her professional colleagues a selfless love most people reserve for family."

Jan Mulligan: He's good.

Maria Kelly: "I don't know how she does it, but I have a feeling she just can't help it."

Jan Mulligan: You're making me tear up.

Maria Kelly: I know. "A great lady and can't imagine my life without her".

Jan Mulligan: That's so sweet. I am fortunate to have wonderful people like Betsy and Brian work with me. But, you know, we have amazing clients too. That's part of our screening. We only represent nice people.

Maria Kelly: It's so important.

Jan Mulligan: We have to work with them, and we have to listen and to respect each other. If I give somebody advice, I don't want them second guessing me in a pinch with, who, what, where, when, how, or why? We have to get to know each other before we are in a pinch at a deposition or trial. Our clients have my cell phone number, and they can text me. They can call me on week-ends, evenings. And nobody ever

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abuses it. That's the weird thing. You would think people would potentially abuse it.

Maria Kelly: Because they're good people.

Maria Kelly: My theory is I'd rather spend the time marketing or working to get the next case, then deal with a nasty client.

Jan Mulligan: Absolutely. When business is slow, enjoy it, because it won't last. Be appreciative of the down time. The good cases always seem to come.

Maria Kelly: It works out.

Jan Mulligan: When we are a little light on cases, we work harder on the cases we have, we do marketing, and it's time to have people take vacations. I don't compromise the quality of the cases we take. Earlier in my career, I did and then when the good cases would come in, I found I don't have the time, the energy, or the resources.

Maria Kelly: I'm a part of this women lawyer group. When we first got together, the majority were associates. But without even saying anything, a handful went out on their own.

Jan Mulligan: Businesses are getting bigger and bigger. Where

in this universe, in this day and age, can a person successfully go out on their own, as a craftsman, except in the practice of plaintiff's injury law? I think of us as artisans really, because to practice law well is an art and it's not to be done assembly line. I actually think that that's one of the keys to success in a plaintiff's practice; it can't be done assembly line..

Maria Kelly: I agree.

Jan Mulligan: It's all about people.

Maria Kelly: Perfect example. I was referred a slip and fall. Good injury, but I said hold on, let me consult with an expert. I simply texted the expert the picture. Expert wrote me back quickly, "don't take it" with the reasons. But then he writes, "how's your husband doin' in SWAT; he's my hero..." It hit me; that's the value of experience and relationships. I developed a relationship with this expert, for I don't know, over 10 years.

Jan Mulligan: He trusts you. It's about trust and relationships. The expert also saved you a lot of time, effort and heartache.

Maria Kelly: Yep.

Jan Mulligan: How you treat people is a huge part of running a successful firm.

Maria Kelly: Do you have any mottos or anything that you believe in?

Jan Mulligan: It is the Golden Rule. "Do unto others..." The reason we can't say the Golden Rule in trial is because it is so powerful and persuasive—but while we can't say it in trial, we can try to live by it.

I asked Jan to finish these sentences...

Justice is? **What people make of it. The arc of justice may be long and headed in the right direction, but there are no guarantees. Am I getting cynical?**

Trial is? **A battle.**

Juries are? **People.**

Trial lawyers are? **People too, right?**

Women trial lawyers are? **People. It's all about realizing we are all people. TBN**

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