

## Lawyers Getting Lattes: Stephen Estey

Stephen Estey is a founding partner of Estey & Bomberger, LLP. With his law school friend, Mike Bomberger, they have collaboratively grown the San Diego personal injury firm from its 1994 inception into one of the most formidable trial firms in California. Stephen is a two-time recipient of CASD's Trial Lawyer of the Year and several Outstanding Trial Lawyer awards.

He is a force to be reckoned with. If he's not getting 8-figure jury verdicts, he is settling cases for the largest amounts in the nation and going up against the United States Olympic Committee. Luckily, he shares how he got here. He offers candid advice on the importance of focus groups, practice, and being yourself in front of the jury. Our conversation also turned from sharing memories of the great Harvey Levine to why juries are beautiful. Thank you to CASD's Past President, Jim Iagmin, who we ran into and was kind enough to join in the photo.

I hope you enjoy these excerpts:

**Maria Kelly:** Talk to me about how you and Mike started and how you've become so successful.

**Stephen Estey:** Thank you by the way. It's interesting because Mike and I started like two knuckleheads out of law school, and then we really didn't have any money, didn't have any idea of what we wanted to do. I had tried a couple dumb cases and then we got into the internet early. I mean we were way ahead; now it's saturated, but we were active on the internet way before attorneys got wind of it.

The first sex abuse case was in San Jose. One of my mentors, who was an older guy, said we got to try this case and I said okay. I had never tried a sex abuse case before.

**Maria Kelly:** At this point, how many cases have you tried?

**Stephen Estey:** I've probably tried seven or eight. But the most I've ever got was like a half million dollars. Here, I was going to ask for \$58 million dollars. I had to get comfortable asking for that much money. But we banged it for \$30 million dollars, and I was like all the sudden from there I'm an expert in sex abuse, right?

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By: Maria Kelly, CASD President



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](mailto:maria@mariakellylaw.com).

### Member Accomplishment Information Sought

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Maria Kelly: Right.

Stephen Estey: We hit a turning point back then because I started doing focus groups and started to get comfortable in front of juries. I really could be myself and I know that sounds cliché like always be yourself, but until you're comfortable in your own skin and just talking to people and then they trust you. As long as you're authentic and genuine.

Maria Kelly: How many focus groups do you do as you prepare for trial?

Stephen Estey: 5 to 10. We did 5 this last time. We just had a 17-year-old male assaulted by his hot teacher. It was an abuse case, but because he was bragging to his buddies, I knew there's a gender double standard. The focus groups told us that. If a 43-year-old male had sex with a 17-year-old girl; it would have been a \$10 million-dollar case. But this was \$1.5 million.

Maria Kelly: I thought you were going to say you lost it. That is a great achievement.

Stephen Estey: It was, and part of it was my own insecurities because if I'm truly going to represent sexual abuse survivors, I've got to represent boys as well as girls, but the reality is, that gender double standard is not going to change, at least in my lifetime. It's engrained. But the rest of the stuff's really fun. I really like trying the cases. I have a really good team.

Maria Kelly: \$30 million-dollar verdict?

Stephen Estey: I had just kind of slipped in s\*\*\*, landed in gold. But we did something in that case I thought that was genius and it wasn't my idea. It was my co-counsel's idea is that we figured out this guy had been abused two or three times a week

for maybe 2½ years. We added it up. It was like 585 times.

We need an anchor. What if we had 585 clients, little boys or little girls each had got abused one time, then you'd have no problem giving each survivor \$100,000.00. In this case, there's no discount.



Jim Iagmin, Maria Kelly & Stephen Estey

He got abused 585 times, so it's 58.5 and that's how we went in and anchored it. If you give 'em an anchor like that, something to hang on to, it works every time. And we focused it too.

Maria Kelly: What advice would you give to attorneys, who have been practicing as a solo for 7 to 8 years and want to take it to the next level?

Stephen Estey: Two things. You got to try cases, but the first thing is you've got to practice. You can't practice on your own. If the first time you're giving your opening statement is in front of the jury; some will say that's malpractice. I will do it a minimum of four or five times in front of a group. By the time I get up there, I'm ready to go.

You know, I used to be afraid of voir dire. What if they don't talk to me? But when you practice working a room and you practice, you know, talking to 12 people and looping and getting people involved, it's easy. It's my favorite part of the trial now. I know it scares the hell out of most attorneys, is getting up in front of a group and falling on your face. It's hard but once you practice it enough, as long as you're comfortable with people, and you have to be comfortable with people that's my favorite part now is just talking to people. Because they'll talk to you.

Maria Kelly: Learning to be yourself, because then you're more likeable. You're more relatable.

Stephen Estey: You're more authentic. Credibility. That's the thing we work on. We have to be almost perfect in what we do. It goes to credibility. They [juries] know. We've heard about you guys. And so, you have to be the exception to the rule. You have to prove that you can be trusted and so you got to start in voir dire, and you got to honor them.

Whatever you say in your opening, you better start with your first witness. And that's one thing we've been working on in the last couple cases is that we use their key witness – their witness. We call them first. We basically take our opening statement and have it turned into the examination. It helps credibility, because they've just heard your opening and then all of the sudden their own witness is confirming everything that you said, or 80 percent of what you said in your opening and so it goes a long way.

Maria Kelly: I remember like a couple years ago, you said you tried a small one. And thought, maybe I can do this. Then another

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Stephen Estey: I think I heard that.

Maria Kelly: He was down to earth, and you are that everyday kind of guy too.

Stephen Estey: It's funny you say that because Harvey Levine and Gerry Spence, I could listen to. I'm probably the dumbest one on my team. I mean, Finley's super smart. Ed's super smart. They're really smart, so I'm a canary in a coalmine. I'm the one talking to the jury, so if I don't understand it; we know the jury's not going to understand it, so I'm kind of the filter. That's one advantage I do have; I am more of an everyday guy than some of these other guys who come from Ivy League schools.

Maria Kelly: Did you ever think sitting here now that this would be your career?

Stephen Estey: No, I never thought it. When I came out of law school,

I was the bottom of my class. I was working for a defense firm for 6 months and I'm like, I don't know what I'm doin' but I'm not gonna work for you. I'm lucky too, because Mike's one of my best friends and we're partners.

Maria Kelly: What's your motto?

Stephen Estey: If you're gonna be a bear, be a grizzly. If you're gonna do somethin', do it right.

Maria Kelly: Any plans to slow down, or are you still gearing up?

Stephen Estey: You don't get good at what you're doing until you're about my age. I mean, really, because you accumulate 30 years of knowledge and then you're good but then what do you do with it? So, I'll ride the wave another 10 years.

Maria Kelly: How do you maintain humility and keep yourself grounded after all the success?

Stephen Estey: That's funny. I have an ego. Everyone has an ego, to get in the courtroom you have to have an ego. I look at it as a team. I honestly believe that. You want people on your team to succeed and you're gonna be the leader of the team then you need to make sure everyone's included and they feel important.

Maria Kelly: Do you think it also helps that you're self-made?

Stephen Estey: I'm lucky I came from nothin'. The funniest thing is we were doing a remodel. We got our first year of taxes, 1998, I think together both of us made \$37,000.00 that year, I mean, combined. But it's never been about the money.

Maria Kelly: Justice is?

Stephen Estey: Justice is to right a wrong.

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Maria Kelly: Trial is?

Stephen Estey: Fascinating. It's a human mechanism, and you just never know.

You just don't know until you put it in motion, right? You say what you can say, but then you put it in motion with the defense attorney and with the judge and, and then you put 12 people and you think you know what is going to happen. But you don't know what's gonna happen. That's the beauty of it.

Maria Kelly: Trial lawyers are?

Stephen Estey: \*\*\*holes.

Maria Kelly: Juries are?

Stephen Estey: I think juries are...I wanna say lifesavers but I think that they are the last bastion of ... We're the only two countries in the world that have jury system and the fact that I can get up and take on big law firms and big defen-

dants and a jury gets to decide, so I think they're beautiful.

Maria Kelly: The solution to every conflict is...

Stephen Estey: Is there a solution to every conflict? I'm not sure there is.

Maria Kelly: Anything advice you want to give the members?

Stephen Estey: My grandma always told me you can do whatever you want. I was just dumb enough to believe her. I get to go to work and I get to represent survivors. It's like, a contest; how you get to go in and kick someone's ass. It feels good when this last case we settled for was the largest single settlement in the f\*\*\*\* nation, ever. \$8.2 for one. **TBN**



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