

Lawyers Getting Lattes: John H. Gomez

Back in 2005, when I was a brand-new lawyer looking for a job, I met John at a CASD event. We met for lunch at Downtown Johnny Browns and he hired me as an associate to help start up his new law firm. Now 14 years later, John made time for this interview right in the middle of back-to-back trials. He lost the first one (which recently was granted a new trial) and was gearing up for the next in just a few days. Some lawyers may have brought that loss into the next trial. But John's not just some lawyer. He used that loss like Muhammad Ali's rope-a-dope in '74, goading his opponent into thinking he was worn down and then ended up walking away with a \$6,500,000 verdict. He's ready for the fight. He's constantly learning, evolving, and striving to make himself a better person and trial lawyer than he was the day before. It's really admirable.

I hope you enjoy these excerpts:

Maria Kelly: This is pretty cool because we can look back 14 years ago, when you had a cell phone and folding table to start your firm. I was the first lawyer you hired. One of your goals was to be one of the biggest injury firms in San Diego. You've done it. Well done and congratulations. What are some highlights over the past 14 years?

John Gomez: Well, highlights have been expanding the reach of people I can help. That's rewarding. Touching more lives in a positive way. As we get bigger, we can not only serve more clients, we can also serve our internal family. That's the highlight, for sure.

Maria Kelly: I thought you were going to say the \$16,500,000 Bakersfield verdict.

John Gomez: Nah, man, because we're the firm that gets tossed in the fire and gets burned. That money lasts about month anyway. I mean, sure, that's a good thing. It was nice to help those people, but I can't look at my verdicts and say they are the highlight.

Maria Kelly: A lot of people say, it's not about money.

John Gomez: I could have made a lot more money if I stayed small. But it's a matter of trying to expand your reach and support lawyers in their growth. There's a lot of better ways to make money than being a trial lawyer. Being a trial lawyer is a tough profession.

Maria Kelly: Well, you're very good at it. You make it look easy.

John Gomez: I work really hard at it. Hopefully, I have some success, but I think we all agree it's one of the toughest things you can do. The absolute uncertainty and your lack of control over things, it's a daunting endeavor.

Maria Kelly: And it's still daunting for you?

John Gomez: Yeah, if you were a professional athlete, you know what the score is at the end of the game. Or even if you're a fighter, even if the fight's a little dirty, generally know if you're going to win. In this business, you have zero idea. You can be demolishing the other side every single day and you get a wacky jury and you lose. And when you do, that's not on you.

Maria Kelly: When you do lose, it's not about you?

John Gomez: I've learned that. I used to believe every time I won a case;

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.

John Gomez founded the firm alone in 2005. He acts today as President and Lead Trial Attorney. From humble beginnings, he attended three separate San Diego public high schools and Grossmont Junior College before graduating from the Nation's top ranked law school, Yale University, in 1993. He was voted by peers as the number 1 attorney in San Diego for 2015 and 2016 overall in polling conducted by Super Lawyers rating service. Since 2000, he has recovered over \$500 million in settlements and verdicts for his clients with more than 100 separate recoveries of one million dollars or more. A prolific trial lawyer, John has tried to jury verdict more than 50 separate cases. He has obtained verdicts in excess of \$1,000,000, \$10,000,000 and \$100,000,000. Perhaps most notably, John has obtained 6 separate jury verdicts of one million dollars or more in which the defendant offered absolutely nothing to settle prior to trial.

it was a case that should have been won. I didn't take a whole lot of pride in it. If we lost a case, then it was my fault. Now, I don't really think that any longer, because I've accepted that there's a luck component to it. I can start talking to that jury and I pretty much know that it's going to go okay. If I get a fair shot, it's going to go okay.

But then other times, I have a conversation at the beginning of things and it's frickin' very, very, very evident that I'm going to have a lot of work to do to convince these people. You get into the case and forget about that initial impression, but those initial impressions remain true, despite your best work.

Maria Kelly: How did you evolve to not blame yourself when it is a loss?

John Gomez: You try enough cases and you see the results with not



John Gomez

terribly talented defense lawyers or not terribly substantive defenses. It comes to reason that the jury system can sometimes be a little bit unpredictable.

Maria Kelly: What was your best day practicing law?

John Gomez: Man, I don't know. That's a hard one. I think one of

the very good ones was with you when we got the \$106,000,000 deVillers' verdict. We'd just opened the firm and that was a really hard case. We were pretty broke. We pretty much poured everything we had into it and worked really hard.

Maria Kelly: After all the years? That's still your best day?

John Gomez: I think so.

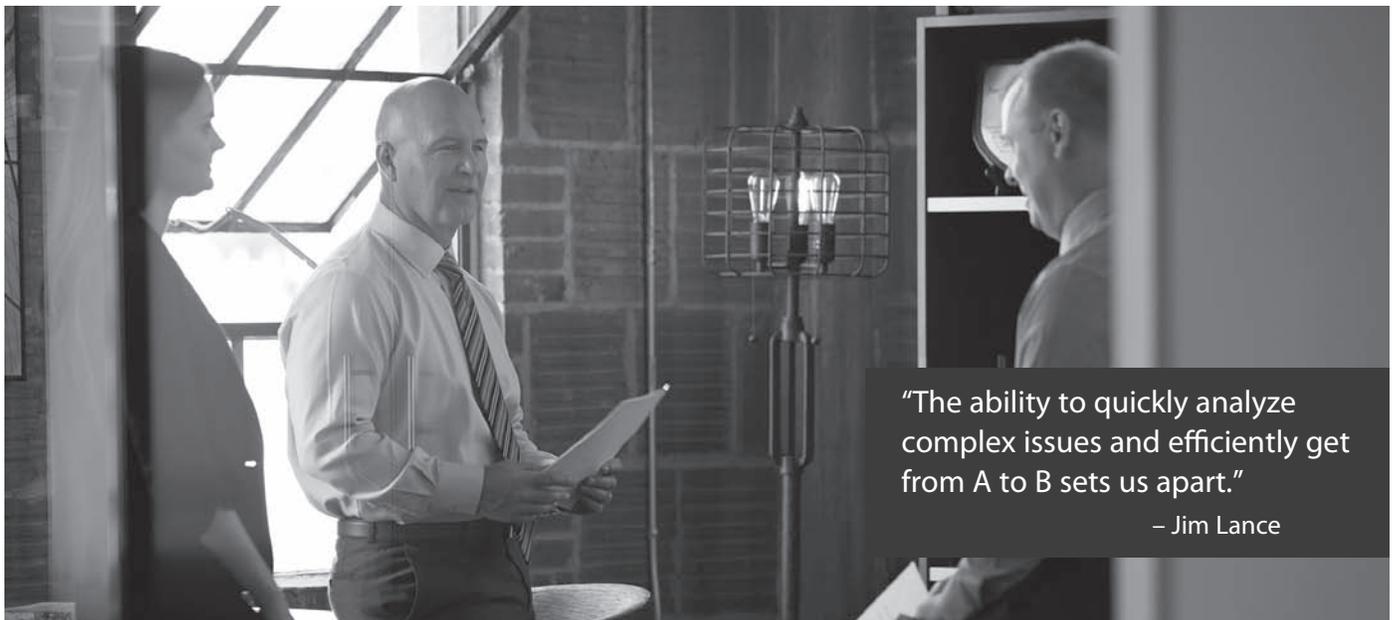
Maria Kelly: Not many people would have tried that case. You made no money. It cost you a lot of money. But you used it as a launching pad just for your firm.

John Gomez: Right.

Maria Kelly: Was that verdict a turning point for you?

John Gomez: 100%. CASD awarded me Trial Lawyer of the Year and we started getting cases. The appellate court didn't uphold the verdict against the County,

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which I thought we would get paid on that portion for sure. But it was still worth it. I've kept to the vision - if you've tried enough cases, you're gonna lose, but in the long run, you get a reputation for being willing to try really difficult cases. So yes, that was my best day. We were young and dumb and we won like this massive case. It was in the news every day.

Maria Kelly: It was.

John Gomez: It was our first big win as a firm. I've had a lot of good days as a lawyer, but that's my best memory.

Maria Kelly: But what about the man, who drank a bottle of wine and then slipped and fell after chowing down on burritos at Pollo Loco?

John Gomez: That's a good day and it was a great verdict. That was a very challenging case. That result was really good.

Maria Kelly: I like that you did the sub rosa on them.

John Gomez: I did, I flipped that switch.

Maria Kelly: Is that the first time you've done that, sub rosa on the defense?

John Gomez: In terms of bringing a camera and putting a camera on them, I think so. That was satisfying because that gets done to our clients all the time. It was fun to flip it on 'em.

Maria Kelly: It's brilliant.

John Gomez: Yeah. But between the two, I would take the deVillers. That was a great win for a super deserving family in a tough venue with tough facts. I'm going to get a lot of verdicts like the El Pollo Loco, but I'll never get another first like deVillers.

Maria Kelly: It was exciting.

John Gomez: Super exciting.

Maria Kelly: Where do you see the firm in 5 years or 10 years? Any plans to grow?

John Gomez: We're not really getting any bigger. We got too big for a little while and so we cut back some. I think I have like 14 full-time and like 3 of counsel and it's a good size.

Maria Kelly: Is there anything you would have done differently?

John Gomez: I would not have been as full of myself, as eager, early in my success. Time has taught me a bit more humility. I've dropped the big ego and become a lot more aware of other people - people outside of my firm, people outside my practice, or even people within my firm or practice. I've become a lot more sensitive to other people's needs and feelings, and maybe I was a little tone deaf early on. I got a little intoxicated with early suc-

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cess and so you asked one thing I would change?

Maria Kelly: Sure.

John Gomez: We grow up when we grow up, you know? I just grew up a little later than most. I don't know if I would change that, but it's a reflection that I have.

Maria Kelly: That's a good one.

Maria Kelly: You're always learning and supporting others to grow and to learn. Why?

John Gomez: The law is quickly evolving. I see lawyers trying the same cases, the same way from 20 years ago. It's remarkable to me that they do that. Imagine if you were on the PGA tour and using wood clubs. It wouldn't work. I think you always have to be evolving just to be competent and be at your best. I'm always looking for new ideas ways to do things.

The reason that I support other lawyers is I like to touch lives. I like to improve people or people's lives or professions. I see lawyers, who are hungry for success. They haven't had a big verdict yet. I see how hard they're working and how bad they want that. If I can help that in some fashion, that's satisfying to me.

And why do I keep trying cases like a crazy person? I'm good at it. It's the best way that I can provide not only for my clients, but for the firm and my family. I don't think you can call yourself a trial lawyer unless you're trying cases. If I want to have that reputation or the firm to have that reputation, I have to be front and center.

Maria Kelly: You're not risk adverse. Is that an important trait for a trial lawyer?

John Gomez: I think so. It's a high risk, high reward endeavor. If you don't take risks, then I don't think

get to have the high rewards. Like in the El Pollo Loco case, a slip and fall with an old dude in Bakersfield after he drinks a bottle of wine. That's a high-risk case to go and spend a lot of money. You never know what's going to happen, and so they come back at 16 ½ million. I could have tried that case and totally gotten zero. But over time, if you do a decent job, then most times the results are going to come back good. If you want to establish that reputation as a practice, you have to take the risk.

Maria Kelly: Are there any kind new things in trial that you're working on?

John Gomez: I've been doing Trojan horse stuff. Their framing method. The last opening I did was heavily Trojan horse influenced. I combine all this stuff that I do.

Maria Kelly: Do you combine all of the methods you learn and then make it your own?

John Gomez: Yes, I think that's the best. I don't think any approach is going to work in every case. But maybe you take a little piece of the work here and piece of the work there, and maybe a little of this and a little of that. I think that sort of mixed method advocacy is the best and that's what I try to do. I also spend a lot more time doing more framing, strategic stuff ahead of time. I can kind of figure out what exactly do I want to sell here and what's the best way to sell it.

Maria Kelly: Are you preparing for trial the minute you have the client interview?

John Gomez: No, it's so random. I can't put my finger on a case that we're going to try. Some of the cases, I'm certain will settle, don't, and some that I think never will, do.

Maria Kelly: You're a big marketer. What's the best and worst money you've spent on marketing?

John Gomez: Third party vendors are not worth the spend.

Maria Kelly: Like Avvo, calling 65 times a day.

John Gomez: That's an excellent example. I must get ten emails or calls a day. John Gomez, can you handle more personal injury? All of that is always and inevitably a complete waste of money. The best marketing is our body of work and that just leads to more work. That's the most consistent source of new, good cases.

We do some Internet optimization. Most of the stuff that comes in through that, we refer out. It doesn't meet our threshold. I really like our newsletter and that's free. We do it through constant contact. We have 20,000 people that get. I think Facebook and Instagram are increasingly important.

Maria Kelly: I was going to ask you about social media.

John Gomez: If I was like a new firm, that's what I would do. I would just use Instagram, Facebook and a little web site. A newsletter is easy. You start collecting your contact database and then just add to it.

Maria Kelly: I also think it is very important to pay the referral fees on the lawyer referrals. Pay the referral fees no matter how small, how big. I find it an honor to pay them and I think it's very important to honor those relationships.

John Gomez: 100% agree with that.

Maria Kelly: Do you make note of the lawyers that are sending you referral fees?

John Gomez: We track it.

Maria Kelly: You track it?

John Gomez: Because we send out a lot of cases and we don't get a whole lot of checks.

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Maria Kelly: How many books do you read a month?

John Gomez: If I'm not in trial, then probably five. Different modalities of learning. I'll read fiction maybe some jujitsu or judo books. Trial books. I've got a big stack right now, but I'm in back-to-back trials. The Zen Lawyer. Trial by Woman.

Maria Kelly: Do you think there is an advantage to women trying more cases?

John Gomez: Obviously, yes. But unfortunately, there's probably some degree of self-optout. Woman trial lawyers might get into the mistaken mindset that, if I want to pay attention to my family, then I can't do both. They think I'm going to do one or the other, but that's what I liked about your article with Theresa that you can do both. If more women realize that and embrace that,

then you would have more women trying cases.

Maria Kelly: Is it hard for you to juggle family, fiancé, firm, trial?

John Gomez: It was a lot harder than it is now. The more cases you try, it takes you less time. You can become much more efficient.

Maria Kelly: Is it a sense of gratification for you to provide your kids opportunities that you never had when you were young?

John Gomez: 100%

Maria Kelly: Your son's riding horses and playing tennis.

John Gomez: I was worried about getting my ass kicked everyday walking to school, and we have a tennis court in our backyard now. That's the best part, providing that.

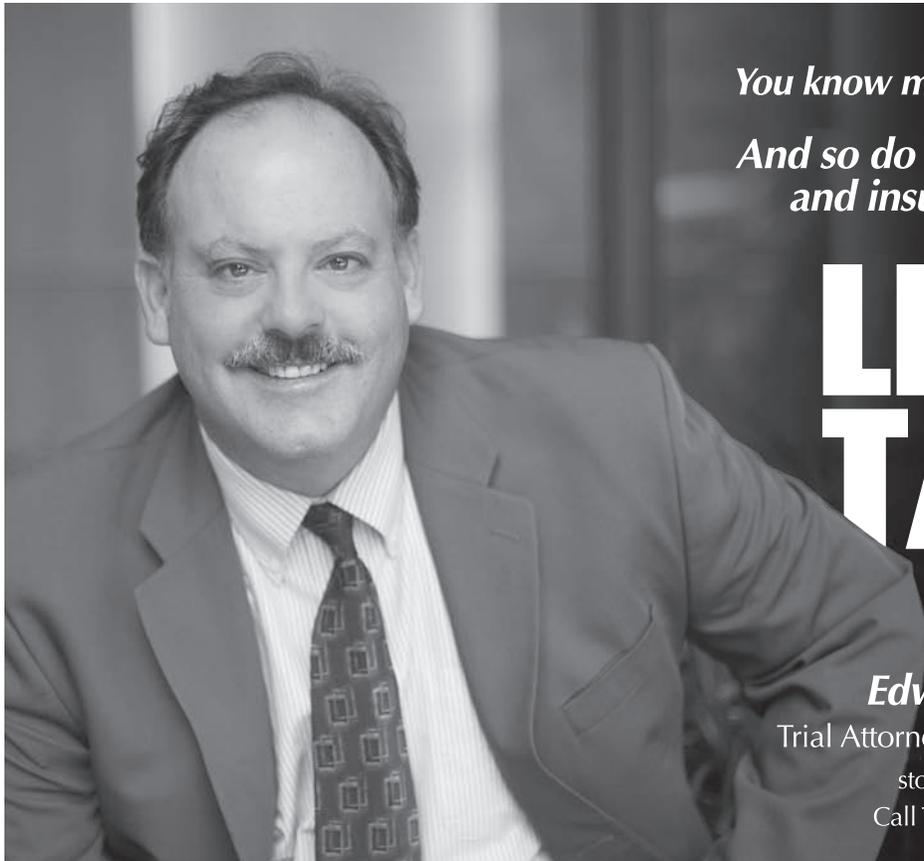
Maria Kelly: What one piece of advice would you want to share given the past 14 years running your firm?

John Gomez: To be successful at law, you have to really work hard at it and put your heart into, but it's important to have something in your life more important than law. Law is up and down. Nobody should say the most important thing is being a good lawyer. If you do, then I don't think you're going to have fulfillment. You'll probably not last in the profession. I would encourage people to have good relationships, good health, spirituality, just something higher than law. That'll make you a better lawyer, too. Because you'll go freakin' crazy if all you care about is law.

Maria Kelly: Do you ever get scared getting in the court room or intimidated by the defense?

John Gomez: I get nervous that I'm going to lose, but I've not been intimidated by a defense lawyer

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for a long time. I imagine there may be some lawyer out there that could do that, but I haven't met any recently.

Maria Kelly: Any advice for a solo, who's starting out?

John Gomez: Try as many cases as they can, but in a way that's not going to ruin your business. You must be able to afford to lose. I hear about these young lawyers trying the worst cases and that's okay, if you can afford that within your business model. There's nothing like time in court for improvement, but you don't want to bankrupt you or your firm in pursuit of that. Sometimes you gotta be smart. Pick your fights.

Maria Kelly: And know your limitations.

John Gomez: Yes, exactly.

Maria Kelly: I've heard from NITA, you learn the evidence and then TLC, you learn about yourself, your style. Do you have any kind of system to learn to try cases?

John Gomez: You'll see TLCers that lack the fundamentals and so I'm a big believer in fundamentals. I think you must have that. NITA is a great for that or even the San Diego Inn of Courts program. I do think TLC is, if you're a plaintiff's lawyer, a good thing to attend and it will help you understand yourself more. But I don't think you want to be dogmatically wed to any sort of school. If you do that, you're not going to maximize your potential. Especially if it doesn't fit with you. It's gotta be about you.

Maria Kelly: Because then you're just mimicking someone else.

John Gomez: Right, maybe you could pretend to be Jerry Spence in 1972 in Wyoming, but it's not going to work. Especially if you're a 26-year-old in San Diego, it is just not going to work.

Maria Kelly: Thanks for the time, John. Can you finish these sentences?

I believe...**that most people are inherently good.**

Justice is...**fulfilling.**

Trial is...**imperfect.**

Juries are...**a matter of luck.**

Trial lawyers are...**an idyllic band of misfits. TBN**

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