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Game Changer: Brian Panish on his life in and out of the courtroom

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Brian Panish and his wife Rosie.

Brian Panish, based in Los Angeles, is one of the most successful trial lawyers in the United States. He's won billions for his clients, helped to change laws and worked with celebrities such as Michael Jackson's mother Katherine. DEBBIE MCGOLDRICK talks to Panish about his life in and out of the courtroom.



When Brian Panish began his career as a plaintiffs' trial lawyer in the late 1980s in Los Angeles, he lost his first three cases.

It's safe to say that he's since reversed that trend with a capital B, as he and his partners have won over \$10 billion in settlements for their clients from all walks of life.

Panish is one of the country's most renowned trial attorneys, with hundreds of successful verdicts, many of them historic not only financially but in other impactful ways as well.

A local police force committed to more transparency after Panish's diligence exposed a systemic cover-up in the death of a teenager, while the transit system in Los Angeles adopted improved safety features for one of its train lines after Panish took on the case of a blind man who fell to his death on a track.

"It's what I like best about my job – being able to help people make the best of their situations. You're never going to be able to put them back to where they were before, but you can help them start over," Panish told the *Irish Legal 100* during an extensive interview about his life and career.

“What my clients have gone through is horrible. Some of them are able to get back at least a little bit, but unfortunately some of them struggle their whole lives.”

BRIAN Panish's professional life was always going to go one way or another. He loved sports as a child growing up in Los Angeles, where his Brooklyn-born parents had met and married. Football was, and still remains, a passion, but lawyering was right up there as well thanks to the influence of his father Howard Panish, a trial attorney of acclaim who in 1974 won California's first million-dollar punitive damages award.

“My dad was in World War II and he went to college in Texas and then out to Los Angeles and went to night law school,” Panish said. “And my mom was working as a nurse in labor and delivery here. They met in LA, though they were both from Brooklyn.”

Howard Panish was a “strict, tough but very funny” father, Brian recalls, and his impact was quick to rub off.

“He tried hundreds of cases and he was very successful,” Panish says. “Having dinner every night was sometimes like being in one of his cross examinations. I learned some of my best techniques from my dad.”

For a while, Panish dreamed of a career on the gridiron. He played football in high school and attended California State University Fresno on an athletic scholarship, but making the jump to the NFL, he thought, would likely be too big a stretch. He took some time off after college to coach a Catholic high school football team before enrolling in Southwestern Law School, where he graduated with honors.

Starting out, Panish worked as an associate with a Los Angeles firm and defended insurance carriers. He honed his trial skills and won some cases, garnering valuable experience and putting his name out there.

A plaintiffs' firm by the name of Greene, O'Reilly, Broillet, Paul, Simon, McMillan, Wheeler & Rosenberg

took notice, and hired Panish after he applied for a job. He worked under one of the partners, Browne Greene, a renowned attorney who happened to also try cases against Howard Panish back in the day.

“The firm gave me tons of opportunities. I started at the bottom and kept working and working, even though I lost my first three cases,” Panish said.

The next one, though, turned out to be huge in more ways than one. Kelly Rastello was 19 years old in 1984 and riding a motorcycle in the LA suburb of Torrance when he was struck and killed by police sergeant Rollo Green, who had been heavily drinking before crossing a double yellow line in his truck and colliding with Rastello, who died from the injuries.

The Torrance Police Department wrapped a blue blanket of protection around Green, who reeked of alcohol at the accident scene and was clearly inebriated, yet wasn't taken into custody. The cops instead blamed Rastello for the accident, telling his grief-stricken family that he had been speeding and the accident was, unfortunately, unavoidable.

Rastello's brother Timothy was a lawyer in Denver and “knew something just wasn't right with what the cops were saying,” Panish recalled. The Rastello family retained Panish's firm to get to the bottom of what really happened, and though it took six years, justice was eventually served.

“When I started working on the case there was a huge, foot-high stack of legal motions that I had to oppose, and I was like, wow, maybe I didn't want to have this job,” Panish says.

After painstaking work, fought by the City of Torrance at every turn, Panish and Rastello's research uncovered astonishing untruths: Green was a known alcoholic who left the scene of the crime for 15 minutes before returning, and four months later he was again reported to be drunk driving by a gas station attendant who he also propositioned. His crimes were concealed by his colleagues every step of the way.

The City of Torrance refused to release internal affairs police files that Panish and Rastello sought to prove their case of a cover-up. But the courts ruled that the files were fair game for the plaintiffs and were eventually made available. Their contents were chilling: a rape cover-up involving several police officers, and cases of discrimination against blacks and minorities among other crimes.



Brian Panish.

The case went to trial and a momentous victory was achieved – \$5.5 million against the City of Torrance and the officers involved in the cover-up, and hundreds of thousands against Green. Because of public outrage – the case received widespread media coverage in California -- Torrance subsequently adopted measures to make the police department more accountable.

“Remember that this happened in 1984, way before Rodney King or other cases of police misconduct,” Panish said. “And the trial came at a time when most people didn’t think that the police would lie.”

Panish’s career as a trial lawyer took off after the verdict. He won a string of cases culminating in a record that came in 1999: an unprecedented \$4.9 billion verdict against General Motors for a defective gas tank in one of its Chevy Malibus that exploded after the car was rear-ended on Christmas Eve in 1993, causing catastrophic injuries to the four children trapped in the car. The case attracted international media attention for the size and scope of the verdict.

Panish was still employed at Greene, Broillet, Taylor, Wheeler & Panish where he made partner, and he was questioned by many as to why he wouldn’t branch out on his own.

“I liked the firm and things were going well. I also had young kids so I decided to stay,” Panish said.

The verdicts kept coming in his favor -- \$58 million against Caterpillar when one of its employees was severely burned after one of the company’s vehicles exploded while he was operating it; several multi-million settlements involving plane crashes – and eventually Panish decided to branch out on his own.

He brought two other attorneys with him, Adam Shea and Kevin Boyle, and Panish Shea & Boyle LLP was born in 2005.

The firm started small – “there was the three of us, and some support staff in a makeshift office,” Panish recalled – and within the first week one of his longstanding cases went to trial. He won, and then ventured north to San Francisco to try a case against the city in the death of a four-year-old girl who was killed in front of her mother by a city municipal truck. The end result was a \$27 million verdict, a record in San Francisco.

Though Panish’s huge financial settlements are legendary, the case that gives him probably the most satisfaction involves not money but justice for the family of a blind 48-year-old African American man who died after he fell onto the tracks of a Los Angeles MTA commuter line in 2009 due to the lack of a protective barrier. The Blue Line Metro services the economically disadvantaged South Los Angeles area of Compton, and the minister, Cameron Cuthbertson, fell to his death because the train cars on the Blue Line didn’t contain barriers to assist the blind – unlike other trains servicing other areas of Los Angeles.

Cuthbertson lived in a gang-riddled neighborhood but was a beloved figure respected by the good guys and the not so good ones. He lived with his elderly, hard of hearing mother who was devastated by his sudden loss.

“If you’re blind you have to be able to rely on public transport or else you will be stuck inside your house,” Panish said. “Cameron was using his cane, doing everything right when he got on the train – it’s on video – and there were no guards or barriers between the train doors. So he stepped between the train, fell below and he was killed. It just wasn’t right.

“The Blue Line had the most passengers, but yet the trains that went to the most affluent areas, they were the ones that had the proper guards.”

The financial result was substantial -- \$17 million for Cuthbertson’s mother, even though the Los Angeles County MTA fought the case furiously and offered \$25,000 to make her go away. The MTA has now taken steps to properly secure its Blue Line trains.

“I was very moved by that case. Mrs. Cuthbertson was so happy that her son’s life actually stood for something, that the MTA was forced to do the right thing,” Panish said.

“They were each other’s best friend. She was Cameron’s eyes, and because she couldn’t hear so well, he was her ears. I learned a lot about the blind and what they have to go through. And the courtroom was filled every day with blind people with their service dogs and aides. It was shown that they had written letters to the MTA to fix the barriers. So the outcome of that case really helped a lot of people.”

WHAT'S the secret to being a great trial lawyer? By every measure Panish is one of the best in the U.S. He's received every honor out there, is annually named to every "best of" list in creation, and his firm has grown from its humble origins to 25 lawyers.

The secret sauce, Panish says, is just sticking to the basics.

"It's all about talking to the client, listening to what they have to say. That is really so important," he offers.

"You have to be a people person, and I am. When you are in front of a jury, you have to be able to tell your client's story in the first person about what happened, so that the jury can relate. You've got to be able to talk in plain English. You don't want to use big words; you don't want to come across as some big shot lawyer.

"The pressure is big, no doubt. You are their only hope, and you have to try and make their lives better for them."

Successful trial attorneys don't know what a 9-to-5 day is, Panish says, though he stresses it's important to keep some semblance of a work-life balance. For him, that comes via his family – Panish and his wife Rosie have three children, one of whom, Kathryn, is in her second year at Georgetown University Law Center – football and other interests like horse racing. He credits Rosie, also an attorney, for always being there and being instrumental in his success in life.

"You better be willing to work seven days a week, but you have to have an outlet too," says Panish. "I maintain a family life, I coached my kids' sports teams when they were younger, and you have to stay in good physical shape because the job takes a toll on you. You have to try and leave your work at the office, which sometimes doesn't happen because of what you are dealing with."

Not every case ends in a victory for Panish's clients, but the losses are rare. "I've lost five or six cases," he says. "I lost a case this year that I actually thought we'd win. I was surprised, but we ended up getting a settlement before so it wasn't as bad. You have to be accepting that at times you will lose a case.

"When that happens, you can't feel sorry for yourself. You've got to get back and focus on what else you have to do. Our firm has a lot of cases going on at the same time."

Undoubtedly, Panish's most high profile loss came in 2013, in his role as attorney for Michael Jackson's mother Katherine. Jackson's estate brought a wrongful death case against the concert promoter AEG Live, alleging that AEG was responsible for hiring Dr. Conrad Murray, the physician convicted of involuntary manslaughter for supplying Jackson the drugs that led to his tragic overdose death in 2009.

So much has been said and written about Michael Jackson. Panish never met him, and was recommended to Katherine Jackson by the celebrated criminal attorney Thomas Mesereau, who successfully defended Jackson in 2005 against child molestation charges. Mesereau calls Panish "the best plaintiff's civil trial lawyer in LA ... no one else comes close."

Panish deals with many celebrities and athletes in his practice, and says the Jackson family is superb. The jury in the high-profile case against AEG ruled against Jackson's estate, and an appeal was also unsuccessful.

"I learned so much about Michael. Of course, first, we lost the case, and I was not happy about that, but Katherine is just a lovely, incredible woman. I learned what a wonderful, great father and son Michael was, and that everything he did, he did with his children in mind," Panish says with obvious affection.

"Michael was a great father. He was very close to his kids and very close to his mom. He did everything for them.

"He lived in Ireland for a while too. In Co. Westmeath. And he loved it there."

PANISH will undoubtedly love Ireland too, once he gets there. He holds his Irish heritage in the highest regard – his Murphy maternal grandparents were born there, and immigrated to Brooklyn early last century.

"My grandfather was Bernard Ambrose Murphy – Bernard is Gaelic for Brian -- and he was a cop in the NYPD. He was from Co. Westmeath. I was named after him," Panish says.

Many summers, Panish would travel to Brooklyn with his mother and siblings to visit the Murphys. Mom would head back to Ireland for a few weeks with her mother, a native of Co. Longford, and Panish would get to know his Irish cousins.

"I got to know my Irish cousins very well. My mom loved going back there with her mom. I would stay with the cousins in New Jersey or Long Island or Brooklyn. We had lots of great get-togethers," Panish recalls.

"My mom sometimes brought one of my siblings with her. All of the kids made the trip there, except for me."

One day, Panish vows to travel to Ireland. Trial after trial after trial so far has prevented him from doing that.

"I'll get there for sure. I would love to. It will happen," he says.

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