

PLAINTIFFS BAR PERSPECTIVE: Grant & Eisenhofer's Beth Graham

Law360, New York (April 24, 2017, 1:09 PM EDT) – **Elizabeth (Beth) Graham** leads **Grant & Eisenhofer PA**'s complex pharmaceutical and medical device litigation practice in Wilmington, Delaware, and has focused her career on complex mass tort and class action litigation since 1989. Graham serves as co-lead on the Plaintiffs' Executive Committee and as chairwoman of the Law & Briefing Committee in the Zofran litigation, Liaison Counsel and a member of the Executive Committee in the Essure litigation, and is co-chair of the Law & Briefing Committee and a member of the Xarelto Bellwether Selection Committee in the Xarelto litigation. In addition to pharmaceutical and medical device cases, Graham is also leading litigation on behalf of drivers affected by the General Motors key ignition switch scandal.



Graham has served as lead counsel in high-profile class actions, such as those against American Honda Motor Corp., which resulted in a \$435 million settlement; litigation against Chrysler over its minivan doorlatch failures and ABS brake defects; and served on the Plaintiffs' Steering Committee representing victims in the Sulzer Hip and Knee Prosthesis liability case.

Graham is an accomplished speaker, is co-chair of the American Association for Justice Zofran Litigation Group, and is a member of the Publications Committee for the American Association For Justice.

Q: What's the most rewarding aspect of working as a plaintiffs attorney?

A: Achieving a great result for a client. This always has been the case since I began practicing in the plaintiffs bar and remains so today. As lawyers, we often lose sight of the human factors involved in what we do when we focus on the law, on the strategy, on winning. Getting bogged down in the daily grind of an adversarial system can make you lose sight of your clients' daily struggles. But at the end of the day, handing a check to a client who really needs it, being able to tell a client that "Yes, the court agreed that what happened was wrong," is satisfying beyond words. I still receive holiday greeting cards and calls from clients I represented years and years ago, because having a lawyer who stood up for them has meant so much to them and their families.

Q: What skill do you feel is most important for achieving success as a plaintiffs attorney?

A: The ability to tolerate and manage risk and still be able to sleep at night is somewhat critical! What we do every single day is very high-risk — we advance time and money on behalf of our clients, relying simply on our judgment and experience. We believe that if we work hard to uncover the truth, justice will be served and our clients will be compensated. We put our firm's resources, our law partners' livelihood, and our family's security on the line every day in the name of justice for the people we represent. It takes an unwavering degree of confidence and patience (and sometimes a little antacid, just in case).

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Q: When it comes to trial strategy, what's the biggest difference between representing a plaintiff and representing a defendant?

A: In a former life, I was a defense attorney, so I know both sides of the field. In my experience, putting together your case from beginning to end is very different for plaintiffs attorneys versus defense attorneys. Defendants mostly react — they block and tackle to prevent something from occurring. Plaintiffs trial attorneys, on the other hand, are in the business of creating — we need to call the plays, quarterback the game and have the flexibility to call an audible based on what the defense throws at us. Sticking to our offense rather than going on the defense in response to something the other side puts up is not always easy.

Q: What advice would you offer to young lawyers interested in practicing as a plaintiffs attorney?

A: (1) Find a mentor. I cannot stress enough the importance of having good mentors — and how they have affected my career. Unlike defense firms, where training can be a bit more structured, the plaintiff world learns out on the field. Identifying a mentor who has the skills you want to develop really helps young attorneys grow professionally. (2) Ask for work, even if it is outside of your comfort zone. There often is not the same “lock step” advancement in our bar as there is on the other side, so there are more opportunities. So if you want to hone certain skills, roll up your sleeves and don't be afraid to get dirty. It will make you a better lawyer. (3) Most importantly, keep a good attitude and recognize that our job is very difficult at times. Winston Churchill once said, “Success consists of going from failure to failure without loss of enthusiasm.” Helping our clients in today's world requires a great deal of enthusiasm — even at times when it's difficult to muster.

Q: What's one thing defense attorneys don't understand about practicing as a plaintiffs attorney?

A: Most defense attorneys don't understand that plaintiffs attorneys also have actual clients. My clients are human beings — mothers, fathers, children, etc., who are trying to navigate their lawsuit while often managing to live with an awful, unfortunate injury. We get daily phone calls from clients asking why the resolution of their case is taking so long. The reality is that our clients are hurt and they often have outstanding medical bills and unpaid mortgages. So, it may seem to defense lawyers that we are pushing cases hard just to be aggressive, but in the complex cases that we handle, we represent hundreds of people whose lives depend on how quickly we can resolve a case. We have to fight hard to stick to deadlines to push a case towards trial or settlement for that reason alone.

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