COOPERS' COUNSEL

Stories, case studies, and practice pointers from consumer law experts

ISSUE #4 | WINTER 2025

COOPERS LLP
TRIAL LAWYERS

This is a newsletter prepared by lawyers to apprise folks about the law, cases, safety, and significant events. Coopers LLP has lawyers licensed in California, Oregon, and Washington state, and accepts referrals and co-counsel opportunities to better serve the plaintiff community.

FREE MCLE CREDITS
Available on select Coopers' Code episodes

Several of our podcast episodes have been approved by the State Bar of California for MCLE credit — all you have to do is listen and fill out a form afterward.

Scan the QR code to go to our YouTube playlist.

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TRIAL LAWYERS

Coopers LLP helps seriously injured people and accepts referrals and co-counsel opportunities from lawyers. We excel in strategizing. Have a matter you'd like to brainstorm? **Call or text us at 866-912-2789.**

Coopers LLP has lawyers licensed in California, Oregon, and Washington state, and can affiliate with local counsel on matters where Coopers can make the difference.

Visit us at coopers.law.

A LETTER FROM THE COOPERS

Everyone's talking about artificial intelligence. There's a reason why: The impact upon our profession cannot be understated. There are those reading this (or even writing this) who can recall when typewriters dominated the workplace. Those who then embraced word processors increased their capacity dramatically. Similarly, some of us date back to an era when the internet's connectivity was a figment of DARPA's imagination. Now imagine trying to practice without the productivity (and distractions) instant connectivity brings.

With past as prologue, we can only imagine the force multiplier effect AI will have on the practices that embrace it. We discuss AI in our Practice Pointer session. We've also been presenting on it for various legal organizations the past few months.

Technology also featured in our recent casework. By working with an accident reconstructionist and a talented animation team, we were able to visually demonstrate why the driver had nearly 10 seconds to see and avoid our client.

Finally, we check in quickly with a couple newly-minted attorneys. We love our community, our colleagues, and our work, and we enjoy sharing what we're working on with you. If there are any cases or issues you think we can provide some input on or help with, please reach out — until (and even after) our robot overlords decide if we're still relevant enough to be consulted.

Happy hunting,
M&M
Miles B. Cooper, Maryanne B. Cooper, and everyone at Coopers LLP

$3.5M POLICY-LIMIT SETTLEMENT: DRIVER HITS CYCLIST

Securing justice with no memory and no witnesses

John Doe, a vibrant 80-year-old entrepreneur, was living life to the fullest. Founder of an innovative clothing company, John was passionate about his work while enjoying simple pleasures, like his daily bike rides through the picturesque Sonoma countryside. One Thursday morning, this was irrevocably changed.

While enjoying his usual ride, John was struck by a car driven by Defendant Driver. The impact was catastrophic, leaving John with a traumatic brain injury severe enough that he had no memory of the collision or what led up to it. The driver provided a self-serving statement to the police, who found the cyclist and not the driver responsible for the collision.

> "
> *The impact was catastrophic, leaving John with a traumatic brain injury severe enough that he had no memory of the collision or what led up to it.*
> "

The Coopers team faced a formidable challenge: proving liability in a case where there were no witnesses to the crash. The only evidence was the physical damage to the car and bicycle, which was inconsistent with the driver's description of how the collision occurred.

John's brain injury and multiple fractures led to surgeries, prolonged hospitalization, and the agonizing reality of a life forever altered. John's wife watched helplessly as her husband, once so active and independent, struggled to regain some cognitive abilities and mobility.

An animation team brings an accident reconstructionist's analysis to life.

In addition to disputing legal responsibility, the defense also argued that John's move into a skilled nursing facility after the incident was caused by unrelated medical issues, including a post-incident stroke.

Despite these challenges, the Coopers team remained unwavering in our commitment to justice for John and his wife. We aggressively pursued discovery, conducted thorough investigations, and strategically navigated the legal landscape. Ultimately, through skillful negotiation and unwavering advocacy, we won a $3.5 million insurance policy-limits settlement — a significant victory given the initial facts presented by the case.

This case highlights the importance of:

- **Meticulous investigation and expert analysis:** We methodically pieced together the accident's details and leveraged expert testimony along with technology to build a persuasive presentation for why the driver was legally responsible for the crash.
- **Aggressively pursuing justice:** We fought diligently against significant obstacles, including a lack of witnesses and a complex medical history, to secure a favorable outcome for our clients.
- **Prioritizing client needs:** We understood the devastating impact of John's injuries on his family and focused on securing the resources they needed to navigate this difficult chapter in their lives.

Even in the face of complex challenges, Coopers remains dedicated to achieving justice for our clients. We are privileged to have helped the Doe family navigate this difficult time and secure the compensation they deserved.

Prosecuting attorneys: Miles Cooper, Maryanne Cooper, Kimberly Wong, and Carole Okolowicz of Coopers LLP.

Have you been injured due to someone else's negligence? If you or a loved one has been involved in an accident resulting in serious injury or wrongful death, Coopers LLP is here to help. Contact our experienced personal injury attorneys today for a free consultation.

coopers.law | 866-912-2789 | hello@coopers.law

CALL ME AI
What lawyers should know about AI (this month)

By Miles Cooper

Whether you're an early adopter or avowed Luddite, artificial intelligence is here, and it is already impacting the practice. And with the 2021 update to Cal. Rules of Professional Conduct 1.1, competence dictates that one must "...keep abreast of the changes in the law and its practice, including the benefits and risks associated with relevant technology..." Luddite lawyers are not exempt. Ignorance is now incompetence. So, here's a crash course with the fundamentals. This includes how artificial intelligence works so one can better understand AI's output based on what's going on under the hood.

Generative artificial intelligence, what one may know as ChatGPT, Claude, or other brand names, creates new outputs from learned data. In the lawyer world we're most likely to encounter outputs from large language models, known as LLMs. These models use billions of words harvested from various places (hence the intellectual property lawsuits from authors and the New York Times), look for statistical relationships between words, letters, and numbers, and produce information from the relationships. Ask a model a question and you're tapping into this. An example? Ask ChatGPT for California's state capital. This could produce

Sacramento (present day), Vallejo (1852-1853), Benecia (1853-1854), or San Francisco (1862). While most would be looking for Sacramento, the other three are also correct, just less likely to appear. This differs from what are known as hallucinations, or situations where the model creates factually incorrect information based on statistical relationships. The New York lawyer who submitted a brief researched by AI without checking citations learned this the hard way. The LLM saw statistical relationships between case citation formats and produced some. Unfortunately, they weren't real, a fact the federal judge was less than pleased about.

The American Bar Association's Formal Opinion 512, Generative Artificial Intelligence Tools*, tackles AI uses' ethical implications. It is worth a full read. A massive oversimplification? (1) One must check AI's work and signing one's name to its output means one owns any errors, (2) one must still keep client information confidential, (3) one must be transparent with clients and the court about AI use, and (4) one can't bill massive hours for what AI spat out instantaneously. The concerns about factual issues, client confidentiality, and sometimes clunky language raise a logical question: What is generative AI actually useful for in the practice?

Confidentially, what's AI good for?

Let's address confidentiality first. Here's where Anthropic's Claude shines. As of this writing, Claude has a version that is HIPAA-compliant. This means it doesn't learn with the data one dumps in. In other words, one can put a client's medical records into Claude and ask for a summary without worry that those records will appear in some stranger's Claude use next week.

Information sandboxing is a hot topic right now and varies from product to product. Before one turns on Microsoft's CoPilot AI, Adobe's AI, or any other AI service, one needs to know where that data is going or risk violating confidentiality rules.

With confidentiality addressed, one is limited only by one's imagination and prompting skills. Learning good prompting makes all the difference in output. The answers generated by AI improve with context. "Imagine you are a personal injury lawyer preparing for trial and the defense has disclosed an expert whose deposition has been taken many times before. I am dropping those depositions into the chat. I want you to review them for inconsistent testimony, with citation to the deposition, pages, lines, and a one-sentence summary for each inconsistency." AI becomes a powerful research and drafting tool when given the right guardrails.

It ain't me

Generative AI isn't yet ready to replace one's own language. I know — I've tried. I dumped 160 prior articles I wrote (about 128,000 words) into an AI window and prompted it to use my language and tone to write 800 words on what lawyers need to know about AI. The result was a mildly informative but chunky word salad with a few try-too-hard obscure movie and hip-hop references that a Reagan-era kid would get. Similarly, one can ask CoPilot to draft all one's email responses, but for now they'll sound exactly like what they are: AI-generated responses. That will likely change soon. In the short term, if one is looking for a "Wow!" try dumping the next thing one needs to learn (20 peer-reviewed articles debating glyphosate's carcinogenic propensities, for example) into Google Notebook LM and ask it to create an audio overview. The resulting insta-podcast, complete with humanizing verbal tics, is jaw-dropping. We humans may need to give up our podcasting jobs soon.

More broadly, expect AI tools for the legal field to improve significantly in the short term. AI won't replace lawyers. But much like the textile machines loathed by the 19th-century Luddites, AI will allow lawyers who adopt it to do far more in less time. Adopting it now and being creative with its use in improving workflow will provide one with a significant advantage over those who don't.

A version of this article originally appeared in Plaintiff magazine's December 2024 issue, where Miles has written his monthly Back Story column for almost 15 years. Interested in Plaintiff and its coverage? Read more at plaintiffmagazine.com.

SHAHRAD MILANFAR: TRIAL SKILLS FOR RECORD-SETTING VERDICTS

A recent favorite from our podcast

We recently sat down with Shahrad Milanfar, trial attorney and mediator who has leveraged his defense and neutral experience to catapult himself and his plaintiff-side clients into stratospheric case results. We talked about a recent record-setting 8-figure elder abuse verdict, a tragic story involving a catastrophically unprepared nursing home and a wildfire.

Shahrad's practice includes personal injury, police brutality, and wrongful death cases. Shahrad also has a family practice — and that's a play on words in that he runs his office along with his spouse, who held a leadership role with a 900-lawyer law firm before running the Milanfar Law Firm.

Like many modern trial lawyers, Shahrad developed initial trial skills serving the community as a district attorney before transitioning to civil work. A passion for trial work and technology has led to Shahrad teaching at the National Institute for Trial Advocacy, developing his own course on using iPads in trial, and serving as an adjunct professor at Golden Gate University Law School.

During our 3-part discussion (all of which are available on your favorite podcast platforms, and in full video on YouTube), we covered a wide range of topics including:

- Overcoming impostor syndrome
- The importance of mentorship and giving back
- Embracing awkwardness and vulnerability in trial
- Lessons from a $32 million elder abuse verdict
- Tips for thriving in trial law
- Using iPads and other technology in court

… and many other subjects. We hope you enjoy this in-depth conversation as much as we did.

Use the QR code to go directly to Shahrad Milanfar episode 1.

Shahrad and Miles in the studio.

PRESIDENTIAL AWARD & POST-BAR UPDATES

Kimberly Wong: Presidential Award at CAOC

We're proud to share that Kimberly Wong, Partner and Litigation Manager at Coopers, was presented with a 2024 Presidential Award by the Consumer Attorneys of California.

In Kimberly's own words: "I was honored to receive the Presidential Award. I've spent several years being involved in the women's caucus leadership on the board. In the plaintiff's world, particularly personal injury, women are really underrepresented, so I enjoy promoting opportunities and networking for women. I'm part of the leadership, but I can't take all the credit — it's a group effort.

"I'm proud of what the women's caucus has accomplished in the past several years. We've created a trial skills seminar at CAOC every year. This year's was the largest, most inspirational, and most inclusive yet. We've also supported and sponsored a couple of bills that have significant impact on women's rights in the courtroom."

Kimberly is also passionate about creating a pipeline for diversity in the legal profession. "One thing I appreciate working with Coopers is that we want this to be a teaching firm. One of the long-term goals for the firm is to help start that pipeline with students."

Congratulations, Kimberly — onward and upward.

Corey Jollie: Post-bar clerk to attorney

We recently caught up with newly minted attorney Corey Jollie, who was understandably "very glad to never have to take the bar again." Here's what he had to say.

What got you interested in law?

"Growing up in Southern California, my grandfather (a former reserve police officer), would constantly give me and my brothers lessons on how to protect yourself with, and from, the law. He was a firm believer that knowledge is power, and he made sure to spread the wisdom he had gained."

How'd you get linked up with Coopers?

"I was introduced to the Coopers through a great mentor of mine, Richard Schoenberger. Then, Miles and I connected over coffee, and the rest is history.

"A really great thing about the Coopers is that they make the effort to establish and maintain relationships. On either the day before or the day of the bar, Miles and Maryanne reached out to me to wish me luck and to assure me that my worth is not tied to the results of a standardized test. I had not been officially hired at that time, so the fact that they reached out to encourage me meant a great deal. It is little things like that which make me happy to be a part of the team at Coopers."

What was the most challenging part of the bar for you?

"The uncertainty. For me, it felt like my main goal was to gather data: What subjects might be tested? How well do I analyze the fact patterns for those subjects? How long does it take me to go through the multiple-choice questions?

"After I took the bar, the uncertainty of whether I passed became my focus. I would like to say to future bar examinees that it is better to not focus on what you cannot change, but, if I am being realistic, no one would listen to

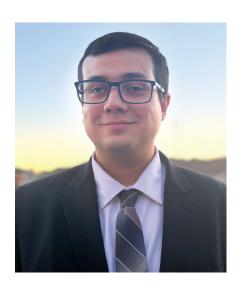that advice. Instead, I recommend taking a walk when things get too overwhelming."

How did you feel after you got your results?

"Stupefied. When a single moment serves as the culmination of years of studying and effort, years of emotion are unleashed. Mainly, I felt gratitude and pride. I would not have become an attorney had it not been for the mentoring I had along the way."

Congratulations, Corey. We're happy to have you aboard.

A fond farewell: Anthony Hidalgo

When Anthony Hidalgo arrived at Coopers in 2022 as a San Francisco Trial Lawyers' Summer Fellow, neither he nor those of us at Coopers realized his initial month-long visit would expand into years of collaboration. We very much enjoyed watching Anthony's skills develop, benefited from the tremendous work he performed, and were thrilled when he passed the bar.

While we are sad to see Anthony go, we understand his decision to accept a position with a national elder abuse firm and wish him nothing but the best.

A few words from Anthony:

"During my time at Coopers, I had the opportunity to work on cases at every stage, from pre-litigation tasks like drafting demands to litigation responsibilities such as preparing discovery. I attended multiple successful mediations and even helped prepare for trial, gaining invaluable experience representing plaintiffs at the highest level. What stood out most to me was the firm's hands-on mentorship and its unwavering dedication to securing justice for clients. As someone who has personally experienced the tragic loss of family members in accidents caused by others' negligence, I saw how Coopers strived to achieve the best possible outcomes for those who need it most."

SPEAKING ENGAGEMENTS

Kimberly Wong: CAOC two-parter

In addition to being honored with an award at CAOC's 63rd annual convention, Kimberly also took part in two speaking engagements.

The first was a Women's Caucus Trial Skills Session, "Damages at Trial." She not only moderated at the Women's Caucus this year, but was sworn in as a board member.

For the second, she served as a panelist on "Digging Deeper: Attacking Discovery with a Sword and a Shield." Kimberly presented specifically on "In Full Disclosure: California's New Disclosure Discovery Tool."

Miles Cooper: The AI road show

Given the firm's passion for innovation, including technology, we found ourselves talking quite a bit about artificial intelligence and the law recently.

Miles partnered with Shahrad Milanfar, presenting MCLEs on technology and the law for the San Francisco Trial Lawyers Association in November and for the Alameda-Contra Costa Trial Lawyers Association in December. Many of the technical topics they discussed are also covered in Shahrad's recent podcast appearance on Coopers' Code, discussed on page 8 in this newsletter.

Miles also partnered with Nemecek & Cole's Marshall R. Cole at the Association of Defense Counsel of Northern California and Nevada's annual conference in December to present on artificial intelligence in litigation, as well as for the American Board of Trial Advocates in January.

If you, your legal organization, or your firm feel you'd benefit from an AI presentation, reach out to us at 866-912-2789 or info@coopers.law and we'll work to set something up!