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At 50, Greene Broillet & Wheeler plans for its future

By David Houston
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How does an institution with a storied history and footprint far beyond its doors prepare for continued success?

That's the question the lawyers at Greene Broillet & Wheeler in El Segundo have been contemplating as they marked the firm's 50-year anniversary on Jan. 1. New technologies that complicate their case investigations and the technologies required to conduct modern litigation are top of mind, they say.

"Nobody is resting on 50 years of achievements. It's, 'What is coming up next? What are the new frontiers that we are headed to?'" said Bruce Broillet, who joined the firm in January 1977.

Four lawyers from the 17-lawyer plaintiffs' firm — Broillet and Browne Greene, who built the firm, and Molly McKibben and Alan Van Gelder, who represent the next generation — talked recently to the Daily Journal about its history and how it hopes to continue making an impact. They recounted fierce litigation battles that brought millions of dollars to people who were badly harmed. But mostly they talked about the satisfaction of bringing cases that forced improvements in business, government and society.

"We are out here to make an impact with our cases, to make change," said McKibben, who started at the firm as a law clerk and was part of its fellows program after law school. "We want bad products either removed from the marketplace or adjusted so they are no longer dangerous."



From left: Browne Greene, Alan Van Gelder, Molly McKibben, Bruce A. Broillet | Emilio Aldea / Daily Journal photo

Van Gelder, who started at the firm in the fellows program, went to law school thinking he would be a regulatory lawyer. He described the moment he realized he could work on the same issues being a plaintiffs' attorney. "All of a sudden, I was like, 'Oh wait. You can look at these standards. Did they follow the OSHA standard? Did they follow the standard for tires? Did they do these regulations? But it goes in a different way when you are trying to show a product defect,'" Van Gelder said.

Greene founded the firm on Jan. 1, 1973, with Richard C. Voorhies. They had worked together at another plaintiffs' firm and tried a case together. The trial lasted 12 weeks and they lost, but forged

a friendship. The pair decided to hang out their own shingle at 2500 Wilshire Blvd. in downtown Los Angeles with a few cases they had between them.

"The two of us pledged to sleep in our cars until we made it," Greene recalled.

Their success came fairly quickly, and other lawyers joined the firm — Charlie O'Reilly, Gerald Agnew and Broillet, all of whom moved from a defense firm — where they built big reputations bringing product liability and personal injury cases. By 1979, Greene was president of the Los Angeles Trial Lawyers Association, the predecessor to the Consumer Attorneys Association of Los Angeles.

"The thing that really got us there

was the idea that we were going to build a firm that was going to recognize people for what they really were," Greene said.

"We were going to be a family," he added. "We were going to be close. And we were going to enoble young people to try cases."

Greene tried a case in 1973 for a worker who had lost all the fingers on one hand after it was caught in a piece of machinery. "It was the first trial we had at the firm," he recalled, and it laid the groundwork for early successes.

The law firm went on to build a reputation in the early days trying cases involving people injured by machinery.

"Industrial machinery, before the lawsuits started to hit, really did

List of impactful Greene Broillet & Wheeler cases

not pay a lot of attention to the safety of the worker,” Broillet said. “We literally began to see changes in the design. ... We don’t see those cases anymore because of the improvement in design.”

The firm soon had a national reputation for bringing cases against the automotive industry and tire manufacturers over faulty designs — a reputation that continues to this day under the leadership of Christine D. Spagnoli, who won a record \$4.9 billion verdict in 1999 against General Motors over a defective fuel tank that badly injured two adults and four children.

“She gets calls from lawyers all across America working on cases against the auto industry or the tire industry, for guidance on things,” Broillet said. “She is a fountainhead of information.”

The national tobacco industry litigation presented the firm another chance to wage a battle for change. Los Angeles County hired Broillet and the firm to join the litigation against the industry. When the national settlement was negotiated, the county received \$3.3 billion. The contingency agreement with the county entitled the firm to a hefty fee award, but instead they entered an arbitration agreement to negotiate a lower fee.

“It was very fair and it was a lot of money,” Browne said. “But it wasn’t what we would have made.”

“It was tort reform time and we would have been besieged,” he added. “So what we had to do was walk away from boxcar fees that were earned. ... We did the right thing. We weren’t greedy. We were looking ahead to being part of a solution.”

“What was far more important than the money involved was the public health benefits that were built into the settlement,” Broillet said, recalling hearing an announcement over the radio that the iconic billboard on Sunset Boulevard of the Marlborough Man was being removed. “I get chills thinking about it now.”

In 2016, Broillet won \$55 million for sports broadcaster Erin Andrews in a case against a Marriott hotel in Nashville. Staff at the hotel told a man who had been stalking Andrews what room she was staying in and even allowed him to book an adjacent room. He filmed her through a peephole and posted the video

online where it received millions of views.

“That case changed safety, security and privacy for all of us all over the world,” Broillet said, pointing out that most hotel chains now have policies against giving out information about their guests.

Over the years, the firm has used legal education as another way to agitate for changes. Many of the lawyers have led local, state and national bar groups. Geoffrey S. Wells is in line to become president of Consumer Attorneys of California in 2025. “The firm is very invested in sharing knowledge, whether that be with people internally or the legal community as a whole,” McKibben said.

“We do that with a sense of joy,” Broillet said. “Because if we can share some of the ideas we’ve had on cases and the way to better handle a case and get a good result for the client, that’s good for the justice system.”

To continue the firm’s success and break into new areas with new clients, the attorneys recognize they have to keep adding to their skills and knowledge too. Even the younger generation must stay abreast, or ahead, of the technological changes in almost every aspect of life.

“You really have to be interested in learning and not be intimidated by admitting that you might not know something, and working with an expert who can teach you about coding or the way a car operates,” McKibben said.

“A car used to be a piece of machinery. And it was very easy to identify defects,” she added. “But now they are computers.”

Broillet said he has confidence that the firm’s up and coming leaders will meet those challenges.

“They understand the technology. All the e-discovery. Understanding the way the internet works. And the way communication is done. The way corporations communicate. To understand the cellphone,” he said.

“One of the cases I have coming up has to do with distracted driving,” he said. “And so understanding the cellphone, how it records its data. What can be deleted? What can be changed? This is a whole new issue that our young lawyers are very much attuned to.”

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Anderson v. General Motors — \$4.9 billion

In what is considered the largest individual products liability verdict in history, the jury awarded a family of Greene Broillet clients \$4.9 billion for severe burn injuries arising from an exploding defective gas tank in their Chevy Malibu. Partner Christine Spagnoli was an integral member of the trial team that persuaded the jury that General Motors’ defectively designed fuel system caused the car to burst into flames after it was rear-ended.

Los Angeles County v. Tobacco Companies — \$3.3 billion

Greene Broillet attorneys represented Los Angeles County in the litigation that resulted in a national settlement with the four largest tobacco companies in the nation. L.A. County received \$3.3 billion as part of the settlement that also included public health benefits, including prohibiting tobacco advertising to minors and eliminating outdoor, billboard and public transit advertising of cigarettes.

Mauro v. Ford Motor Co. — \$73 million

This case exposed Ford’s failure to provide information about recalled, defective tires from the manufacturer, Goodyear, to the owners of E-350 Econoline 15-Passenger Vans. A Sacramento County jury found Ford Motor Co. responsible for a rollover crash involving a Ford passenger van that experienced tread separation. The jury found that the 15-passenger vans were dangerously defective and susceptible to loss of control from tread separation. The jury also determined that Ford had information from Goodyear about defective tires that had been installed on the vans but failed to provide information to Ford dealers and owners that the tires needed to be replaced. The jury’s award included \$50 million in punitive damages and \$23 million in compensatory damages to the crash victims. Greene, Broillet & Wheeler partner Christine Spagnoli represented the family of the driver and passenger.

Erin Andrews v. West End Hotel Partners et al. — \$55 million

Greene Broillet partners Bruce Broillet, Scott Carr, Tobin Lanzetta and Molly McKibben obtained a landmark \$55 million verdict for Fox Sports reporter and TV personality Erin Andrews in her case against the Nashville Marriott hotel for misconduct. This verdict held the hotel accountable for failing to provide adequate protection, privacy, safety and security. The trial team proved the hotel’s conduct led to a stalker secretly shooting a video of Andrews in her room. She sued the hotel and the perpetrator.

Dr. Robert Pedowitz v. The Regents of The University of California — \$10 million

After an eight-week trial, partners Mark Quigley, Ivan Puchalt, and Christian Nickerson won a \$10 million settlement in a whistleblower retaliation lawsuit involving a contentious battle between the chairman of UCLA’s orthopedic surgery department and one of the state’s most influential organizations, The Regents of The University of California. The plaintiff, Dr. Robert Pedowitz, uncovered and exposed evidence of corruption and cover-up at the UCLA David Geffen School of Medicine.

Escamilla v. Durham School Services — \$36.1 million

Greene Broillet partners Geoff Wells, Ivan Puchalt and Christian Nickerson secured a \$36.1 million verdict against a school bus company for a student injured near a bus stop. The San Bernardino County Superior Court jury awarded the 11-year-old girl \$36.1 million for severe injuries when a car struck her while she tried to cross the street to board her school bus. In the wake of this judgment, transportation administrators from school districts across the nation are working to implement new safety measures to prevent another accident like this from happening.