



# Profile: Eric Ratinoff

*Sacramento trial lawyer believes that behind every case, there's a story dying to be told*

BY STEPHEN ELLISON

If you've ever been told a purportedly true story, found its plot to be stretching the boundaries of belief and then tried to retell that same tale to others in such a way that would make them believe it, you have a sense of what it's like to be a trial lawyer.

That, in a roundabout sort of way, is the essence of Eric Ratinoff's philosophy. The partner at Sacramento-based Kershaw Cutter & Ratinoff insists one of the first things a plaintiffs' attorney should do when taking on a client is get to the heart of the case – or more specifically, the heart of the story.

"Trying cases is all about discovering the truth, the core story of the case and presenting that to the jury so the jury can have the opportunity to rebalance the scales," Ratinoff said. "Every case we have is about somebody who has had something very dear taken away from them – whether it's somebody they love that was killed or their health or the security that they built for themselves through an insurance company. Every single case is an opportunity to rebalance and to give back what's been taken from (our) clients. I try to approach every case in that way."

Ratinoff's musings come from years of experience and learning from what he calls the best trial law educators in the country at the prestigious Spence Trial Lawyers College (TLC). According to Ratinoff, students at the TLC are taught that job number one is truth: about themselves, about their clients and about their cases.

But there are certainly other important facets to consider when going to trial, Ratinoff concedes. While discovering the truth of the case may be primary, secondary is finding that pivotal moment in the story when one of the key players tried to stretch the truth in their favor.



Ratinoff

"If you study the way really great trial lawyers have tried cases – you read this all over, and it's true – every case has a moment in the story when a trust has been betrayed," Ratinoff said. "Discovering that part of the story is, I think, one of the fundamental aspects of any case. Most important, though, is truth."

Help on the way

The son of immigrants who grew up during the Great Depression, Ratinoff was taught to appreciate the freedoms all American citizens are afforded and to stand up for those rights. His father was raised in Chile and became a doctor. His mother was raised in "the Jewish ghetto in Toronto" and became a nurse. The two met in New York.

Eventually, the couple headed west and settled in Southern California, where Ratinoff was raised. Even as a child, he began displaying some lawyerly skills. "I was a pretty argumentative little kid," he said. "You could not shut me up until I got what I was asking for. So, I was wired early to go into this profession."

The core of what his parents did – help people – also had a tremendous impact on the young Ratinoff. His dad's practice consisted mostly of Hispanic patients on MediCal or Medicare, and he could tell, even at a youthful age, that his father thrived on making a difference. "Always in our family, we had a sense of we're kind of all in this together, we've got to help each other; and I knew that I was going to become a lawyer to help people," he said. "I love that about being

a lawyer. Every day of the week, we have an opportunity to make a real positive difference in someone's life. It's an awesome responsibility, but at the same time, it's a really wonderful gift."

Ratinoff received his undergraduate degree from UC Santa Cruz and went to law school at UC Davis. He knew from the outset that plaintiff law was his calling. "That was pretty much why I went to law school – to become a plaintiffs' lawyer," he said. "And I knew I wanted to do trial work. There was a short period when I toyed with the idea of doing criminal defense work. And I still think about it."

## On the case

But plaintiff law always will be Ratinoff's main focus. Whether it's a small, low-impact case or a high-profile trial, his devotion knows no limits – and pays no mind to clocks and calendars. "When I get ready for trial, I'm all in," he said. "I work almost around the clock, and it's every day of the week. Every single case is an absolute pitch battle – we're working our tails off to get the best result we can. It's always hard – and I always love every minute of it."

Which may explain why, in Ratinoff's mind, his most memorable cases aren't necessarily the seven-figure verdicts and settlements but rather the ones that didn't end in his favor and kept him second-guessing. "It's an amazing thing because you win a case and pat yourself on the back, and you move forward and learn almost nothing from it," Ratinoff said. "Cases that I've lost stick in my mind forever. I can tell you every detail of a case I've lost because I tend to go over and over it again in my mind."

One such case, he said, occurred a couple of years ago. Ratinoff represented a young child whose father had died before the boy was born. It was a failure



to-diagnose-cancer case, and it was built around a relationship between the son and a father whom he'd never met. With myriad complex legal issues involved, the case had been turned down by several lawyers before it arrived at Ratinoff's office. It's a case that dogs him to this day.

"I've retried that case in my head probably a hundred times, trying to figure out different ways I could have done it to try to win it," Ratinoff said. "I've run into the judge in that trial a few times, and he still shakes his head because he was convinced that the jury got it absolutely wrong. But that happens."

### Taking the risk

He does, however, recall fondly a challenging case on which he and partner Brooks Cutter teamed up – and succeeded. It involved a young woman who, as a 14-year-old in 2003, had experienced symptoms of numbness and immobility in her legs and had been treated and tested at UC Davis Medical Center. Essential to the case was an MRI exam performed on her spine. After spending a week in the hospital, the girl began regaining the feeling in her legs and was able to walk again. She was discharged.

Five years later, the symptoms returned, and the woman, who now had a child of her own, was rushed to the emergency room, where another MRI exam was performed. This time, a mass was detected. An arteriovenous malformation

on her thoracic spine had bled out and damaged her spinal cord. She underwent surgery, but it was too late. The young mother was a paraplegic.

Ratinoff and Cutter employed an expert radiologist from Stanford who looked at the 2003 MRI film and said the mass was actually evident at that time. The pair were able to prove there was a breach of standard care and a failure to detect the mass. The result was what is believed to be the largest medical-malpractice verdict in Sacramento County history – \$7.6 million. "It's a case I will never forget," Ratinoff said. "There was a full-court press (by the defense) to try to blame the family for the outcome – try to justify the mistakes that were made by this medical center. But with a lot of love, hard work and dedication, we were able to get the jury to embrace the truth of that case.

"We're sort of a dying breed of lawyers at this firm," Ratinoff continued, referring to the many medical-malpractice cases he and his partners take on. Because noneconomic damages are capped by MICRA, "We take on a huge risk when we pursue these cases. But if we weren't doing it, I don't know what would happen to medical care in our state and community."

### Quality time

Like many in his profession, Ratinoff finds very little time for leisure. Any spare

minutes are spent with his family, reading the latest great novel or trying to stay fit. He loves taking advantage of the inviting Northern California climate and terrain by hitting the running and biking trails.

"Living here, we have the opportunity to connect with the environment, connect with nature," he said. "It kind of puts your place in the world in a little bit of perspective."

Ratinoff also teaches trial practice through several venues, including at the Trial Lawyers College, and has served in multiple roles – including president – on the board of the Capitol City Trial Lawyers Association. There really is no mistaking his passion for trial law. "I had a conversation with another lawyer recently, and he said he's never as happy as when he's in a courtroom trying a case," Ratinoff recalled. "That's not exactly how I feel – I mean, I've had happier moments in my life, obviously. I guess you could say I



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never feel quite as alive as I do when I'm in trial."

On the subject of last-thing advice, Ratinoff reverted to telling the story like it is: "Always be true to who you are in everything you do."

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