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# Profile: Mike Danko

*Aviation-law specialist takes flight from big defense firm to make his mark in plaintiffs' trial law*

BY STEPHEN ELLISON

It would be easy to say one client changed Mike Danko's life. But it wouldn't be entirely accurate. The truth is that one client – a victim in a wrongful-death case – opened a door to a career transformation that, when it was complete, surprised even Danko himself.

During what he refers to as the “first half” of his legal career, Danko had been gliding along as a top-notch defense lawyer at an international firm representing large financial institutions. He was handling complex-fraud cases, and unlike most of his colleagues, he actually enjoyed the work and was thriving in a brutally competitive environment.

## Happenstance

After a number of years climbing the so-called corporate ladder, Danko did a favor for a friend of a friend, somehow convincing his bosses at the hourly-based defense firm to let him work on that contingency-based, wrongful-death case. Little did he know that it would trigger a profound shift in the way he thought about the law and used his skills as a lawyer.

“I'd gotten to a point in the (defense) practice that everyone kind of wanted, working directly with the general counsel for a bank, and we had a lot of important cases,” Danko recalled. “Instead of calling the senior partner, he would call me direct, and that's a very big deal. So I had become more or less the go-to guy.

“One day, the reception desk called me and said the general counsel was on the phone, and I thought about it,” he continued. “My (plaintiff) client was 18 and lost her two-year-old baby in a fire. On Thursdays at 10:30, it was her coffee break at work, and I knew that sometimes she liked to call, just to chat, see what was going on. When the general counsel



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called, it was 10:28 ... I said, ‘You know, take a message.’ It was unheard of to blow off the general counsel like that, and I realized at that point, you know, something's changed for

me – now my priorities have switched.

“That's how it happened. It was total happenstance, not what I intended to do and certainly not what I thought I was cut out to do.”

Danko left the plush, high-rise offices of that international firm and took his plaintiff's case with him. He joined up with an established personal injury lawyer, diving headlong into plaintiffs' trial law with virtually no training. But with experience came competence – and then proficiency and, ultimately, expertise.

## Becoming a trial lawyer

Danko's work as a trial lawyer, which has been recognized by Consumer Attorneys of California as well as other professional associations, has garnered several multimillion-dollar jury verdicts and settlements in wrongful death, catastrophic injury and product liability cases. He believes his education in trial law came on the job, in the courtroom, trying cases, listening to clients' stories, interacting with witnesses and presenting cases to juries. Ninety percent of his work today is in trial practice, he said, and as it happens, law school at University of Virginia did very little to prepare him for it.

“In law school, there's certainly trial practice classes, and I took one of those,” Danko said. “Maybe five percent of what

they teach you in law school is relevant to trial practice, and that's basically for anybody. Law school does not prepare you for being a trial lawyer at all.

“Really the only way to become a trial lawyer is to try cases and to develop experience,” he continued. “Because you can't predict what's going to happen. You think you can plan it out, but you really can't.”

In other words, there's no shortcut, he said. There's no way of predicting how a witness will perform on the stand, unless you've directly examined and cross-examined witnesses under similar circumstances previously. There's no way of knowing how an opening statement will be received or how effective it will be unless you've delivered quite a few and actually have seen jurors' reactions.

“How you think it's going to work out in your mind is not how it works out because it's a dynamic thing,” Danko explained. “It's not just you making a presentation. You're getting a response from 12 or 14 people. You have to develop a sense for what you're doing and the plan you've put together and what the response is to that.”

## Finding solutions

Danko became the first in his family to graduate college, majoring in psychology and philosophy at Dartmouth. Although his initial interests were in medicine, he said he chose a career in law because it best suited his personality. “From a very young age, I was always able to see two sides of an issue, kind of go back and forth to try to get the right answer,” he explained.

And though a career in medicine wasn't meant to be, Danko did not have to give up his interest in science and engineering entirely. Much of the work he does requires a certain knack for those subjects. “To do what I do, lots of product



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liability stuff, you really do have to have an interest in science – how things work, how they go together and what makes things tick.”

### Rising to aviation law

That certainly applies to one of Danko’s specialties, aviation law. He has achieved a number of large verdicts and settlements in cases involving airplane and helicopter crashes, and he is especially proud that the results of some of those cases have promoted change in the industry and “made aviation safer for everyone.”

In one case that he and partner Kristine Meredith handled a couple of years ago, they took on the largest manufacturer of piston aircraft engines. It involved an engine that had been in production for 30 years – and it was defective, Danko said. Even the National Transportation Safety Board, which had called on the manufacturer in the past for assistance in investigations when one of the engines went down, had been duped, he said.

“Basically, the manufacturer was able to distract the NTSB, and as you look at the record, in all of those crashes, the NTSB never faulted the manufacturer,” Danko said. “We were able to prove that the engine was indeed defective, that it had caused the crash at issue and had caused previous crashes. And that brought about changes in how those engines are built and the way that company does business.”

### Being real at trial

Following his belief that there are no shortcuts at trial, Danko said it’s

important to him that he be open and candid with jurors about the weaknesses of a case. The strengths are important to project, too, he said, but by conceding that there may be some shaky aspects of a case, it allows jurors to relate better to his client – and it gains their trust.

“My view is jurors can really detect BS,” Danko said. “They can also detect good lawyering, and they know you’re a good lawyer, and they know you have skills, and they distrust those skills.

“If they see what you’re trying to do, and they see what you know, what you don’t know, that you’re not trying to keep anything from them, they’re more likely to accept what the case is really about.”

Down the road, Danko said he and Meredith will be spending more of their time and efforts in the area of mass torts against pharmaceutical companies, teaming with another firm, Girard Gibbs. They’ve already spent the past few years on one case involving a harmful birth control pill made by Bayer, Danko said. They plan on taking other cases involving a diabetes drug that purportedly causes cancer.

“Many people were talking about Big Pharma, and they would talk about these companies’ practices being suspect, and I didn’t really know what they were talking about,” Danko said. “But once I got into it, in all my years, I have not found an industry that does more unnecessary harm to people than the pharmaceutical industry – driven entirely by profit motive.”

### Knowing right from wrong

Outside the office, Danko is an aviation nut. He is an experienced pilot with more than 3,000 hours logged flying

airplanes and helicopters. “My airplane is really a traveling machine that I use for my work. It’s a great machine for getting places,” he said. “The helicopter is totally impractical and has no use other than basically harassing your friends and neighbors by flying over their houses – and not leaving until they come out and wave.”

Danko often advises young lawyers or just talks with them casually about the law, and he is refreshed by their proclivity for doing the right thing. He cited a recent conversation among a diverse group of lawyers – four veteran and two “inexperienced” attorneys – talking about a case.

The experienced lawyers talked about all the problems with the case, Danko recalled, and that’s what was driving the conversation. The two younger lawyers just listened, and when they had heard all the facts of the situation, their only response was it didn’t seem right that this company would do that to this client.

“I thought, ‘that’s pretty good,’” Danko said. “Young lawyers I see today, I tell them, ‘You’ve got it in your gut, you know what right and wrong is, and you’re willing to pursue that.’ My feeling is don’t lose that – I guess that’s what I would tell them.

“Take what’s good – the ability to see what’s right and wrong and to feel it in your gut – and let that motivate you, and you’ll be fine.”

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