



Profile: Jamie Goldstein

Five-day trial by Zoom results in \$1.37 million verdict

BY STEPHEN ELLISON

If Jamie Goldstein had made a list of a hundred things she wanted to accomplish in her career, getting a favorable jury verdict without leaving the comfort of her own home likely wouldn't have been on it.

But that accomplishment deserves a write-in vote.

The partner with Arias Sanguinetti Wang & Torrijos indeed tried and won a case in Alameda County last year that was all virtual because courtrooms were closed to prevent the spread of the coronavirus. And it went about as smoothly as anyone could have imagined, she said.

Goldstein and her team represented a young woman, a college student, who was walking to lunch with friends one day when one of the male friends ran up behind her, picked her up and started running with her before he dropped her. The woman flew into a parked car then fell onto a curb, and then the friend fell on top of her and crushed her. She suffered serious injuries to her hip, back and shoulder, requiring multiple surgeries.

"The case went forward all Zoom, tried over five days," Goldstein said. "Our jury was amazing. They were attentive, they showed up every morning, they looked really interested. We talked to them after the trial, and they all were more than happy to be on a jury in their own homes. No one seemed to think this was a bad experience or said 'I'm not happy I had to deal with this.' It was very exciting, and we got a good verdict."

The defense never objected to going forward virtually, Goldstein said, although they did want to postpone for another reason: her client was supposed to undergo surgery a week after the trial was supposed to end, and they thought it would be best for everyone to wait until the plaintiff recovered.

Nonetheless, the trial was on, and in the virtual courtroom, the defense had



Goldstein

their own IT person at their office, pulling up exhibits, while Goldstein and her team did the entire trial from their homes and did everything on their own. It was basically a matter of adapting to the circumstances.

"I'm the eternal optimist," she said. "My partner wasn't sure. She wanted to do it (virtually), but wasn't sure the court would give the green light. The judge was really itching to try a case."

The one problem, Goldstein said, was squashed quickly by the judge. The court only had preference cases on the docket, and even though Judge (Stephen) Pulido had presided over one other virtual trial in August, the presiding judge soon thereafter halted trials for 60 days and pushed Goldstein's date to November. Pulido, she said, "went to bat for us and got us to go."

"It was so cool. It was amazing," she said. "I would do it again. I know people are terrified to do it, but you just have to get out there and do it, adjust. There's advantages and disadvantages just like anything."

Even the all-virtual jury deliberations went off without a hitch, Goldstein said. The jurors picked the presiding foreperson the first day, and at the end of the closing arguments, the court made a Zoom breakout room for jurors only. A court attendant also was in the virtual room but not to listen or pay attention, just to make sure everyone was there and handle any issues that emerged. The attendant also helped streamline questions. In the end, the jurors, she said, were more than happy about the virtual aspect of the trial.

"Our case was 8:30 to 1:30 every day, with a few breaks," Goldstein said. "And there was no commute, so they were fine. When we were doing selection, we went 8:30 to 4:30, so we were required to take lunch, which actually gave them time to work if they needed to. I think it just worked out really well for the jurors. They had a lot of flexibility with that, so it was kind of cool."

When the verdict came back, the jury awarded \$1.37 million to Goldstein's client.

Midwest transplant

Originally from the Chicago area, Goldstein received her undergraduate degree in early childhood education from the University of Illinois. And though she was sure about her desire to help people, she wasn't convinced teaching was the way to do it. She worked for a couple of years, then decided to go back to school for an advanced degree. That would turn out to be a law degree from Chicago Kent College of Law.

"I just wanted to be able to help people without a voice," she said. "I thought that was something I would be able to do, and I thought it would be fulfilling. Because what I was doing wasn't fulfilling my career needs at that time."

While in law school, Goldstein intended to keep her options open, though she knew she wanted to be a



litigator. She went through the process of having several jobs in different areas of law while she was still in law school, and it just so happened that her first job after graduation was a keeper.

"It was through one of my professors on the trial advocacy team in law school," she said. "He was working with my boss who eventually hired me and told me they were looking for someone, and I said, 'OK, sounds good.' I knew I didn't want to work in a big law firm; I didn't think that was where I wanted to be. But it worked. It was great, and once I got into it, I thought, no, I can't go anywhere else."

Goldstein practiced in Chicago for almost 10 years before she and her husband packed up and moved to the Bay Area in 2014. The short answer for why? Her husband was in the restaurant business and wanted to get into the wine business. They had just been married and came to the mutual decision that if it was something he really wanted to do, and if she was able to find a job in the area too, they would try it.

"The worst thing is you go back and try something else," Goldstein said. "I had been out here before, had done work out here through my job in Chicago. So, I knew some attorneys out here, and I started connecting with them, and that started me down that path. I actually got a job fairly quickly.

"It's amazing. I can't really complain," she continued. "I was fortunate enough to get an amazing job doing what I love to do and got to meet some great people. It was actually good for my career. I loved my job in Chicago. I cried when I told my boss I was leaving because it was difficult; I had worked for him for almost 10 years. But coming out here really gave me the opportunity to get more involved and meet a lot of people and really come into my own. So, it's been a positive experience."

Winning for losing

One memory Goldstein didn't leave in Chicago was a client she won't soon forget in a medical malpractice case she

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Go-to music or artist: So many, but tonight Paul Simon's "Graceland"

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lost. The woman was 82 and had undergone back surgery, and after she had a follow-up procedure, she was having trouble walking. The surgery had gone fine, Goldstein said, but a blood clot formed, and the woman was given a blood thinner. The medication, however, was overprescribed, and the woman ended up bleeding into her spine, which caused paralysis.

"They completely missed it because there was a first-year resident working on the weekend, which is cause for disaster because there's no attending seeing her, and they missed it," Goldstein said. "Her husband, who was 10 years her junior, took care of her every day. They were just lovely people.

"Just watching her be able to talk and tell her story was amazing," Goldstein said. "This was a woman who went to school, had a college degree, had a family. She was such an inspiration. She had her own business as a landscape architect. I remember telling her I'm so glad I got to sit there and understand what happened. It was awful we lost the case. I wanted to cry, but you can't really cry in court."

Even though Goldstein didn't win the case, the woman was going to be OK financially, and she had her husband to take care of her over the seven to eight years she lived after being paralyzed. Goldstein was thankful just to be able to give her a day in court and let her tell her story.

"That's part of it; you help people the best you can," she said. "But it's such a privilege to be a part of someone's life. We remained friends until she died."

Overprepare. Then relax

Goldstein said she approaches every case as if it's going to trial, and that means being prepared for anything and everything. She reads and rereads, she has detailed outlines for all her depositions and all her witnesses, so they're tied together, and she keeps medical chronologies when necessary. Such meticulous logs and records, she said, help her avoid missing or forgetting something crucial, especially in the cases that might drag on in litigation for two or maybe three years.

"My preparation for trial is to overprepare," she said. "It's the only way. You can be lucky, but that's not going to make you successful. And luck doesn't last that long."

When she's not working, Goldstein said she just tries to relax. These days, many of the activities she and her family enjoy are off-limits because of the pandemic, but they've tried to make the best of it. Under normal circumstances, she loves traveling, wine tasting and generally just being outdoors, whether it be for a run or a workout or hiking. In the past year, she said, they've just been mostly hanging out at home, sitting out on the back deck, listening to music – "my husband has quite a collection of vinyl" – and enjoying the view from their mountain home.

When asked about what advice she had for young lawyers or law students, Goldstein said they should establish themselves with hard work and practice patience, but not bargain when it comes to their character.

"Be patient because your time will come, and hard work will pay off," Goldstein mused. "But don't ever compromise. Don't compromise your integrity or your ethics or your values because the first time you do it, it gets easier to do every time after that. Your name and reputation are everything, and if you lose that, you've got nothing."

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