



Profile: Loren Schwartz

“People have biases against PI attorneys and our clients. We have to be a beacon of integrity.”

By **STEPHEN ELLISON**

Adversity comes with the job, most plaintiffs’ lawyers will admit, though not all of them embrace it. Loren Schwartz does. In fact, he practically invites it.

To Schwartz, a partner with Dunn and Panagotacos LLP in San Francisco, being true to his clients, being candid with jurors and just being himself have been fundamental to his success as a plaintiff’s personal injury attorney.

“One of the things I frequently tell clients is that when we walk into a courtroom, we generally are going to start at a disadvantage,” he explained. “I am a personal-injury attorney. (Jurors) see my client as someone who’s bringing a personal-injury lawsuit. Based on years and years of stuff people have seen in the media, a lot of people have biases against both personal-injury attorneys and people who are bringing lawsuits. Because of that, one of the things I tell my clients is that we basically have to be a beacon of integrity and all honesty in everything that we do because some people are automatically working with a suspicious eye.”

To that end, during trial, transparency with the jury is paramount. Schwartz downright refuses to hide any weaknesses in his case; he lays it on the line straight away before the defense can pounce on it. Most important for him is to be himself.

“You know, I’ve had an opportunity to work for some really good attorneys. What I’ve done over the years is take things that I’ve seen other attorneys do, and I might incorporate that into how I do things. But I’m never going to be someone who I’m not.

Making the best impression

“I had a professor in law school, and



Schwartz

one of the things he said, I’ll never forget: He told me trial is not always about the law. It’s not about the medicine. But it’s a battle of impressions. For my client and me, it’s important that we make the best impression possible on the judge and the jury.”

On the other end of that, Schwartz also tries to draw the same kind of candor out of jurors by confronting their biases head on. He’s not afraid to ask, right off the bat, whether potential jurors have reservations about personal-injury attorneys and their clients. He believes such a straightforward inquiry is likely to elicit truthful responses, including people’s natural prejudices.

“One of the things I try to do with a jury is just be real,” he said. “Jurors can sense (BS), and it’s just important that they know I am going to be real with them. The entire time.”

Such an approach seems to work well for Schwartz when he gets the chance to use it. The pandemic has placed a minimum on court business for the past couple of years, and Schwartz, like many of his colleagues, hasn’t had many opportunities to try cases. He said his last trial was in 2019, a rare medical malpractice trial that meant a lot to him. But just getting to trial, regardless of the case, is an extraordinary rush for him.

“No, unfortunately, I haven’t been in trial much these days, but when I am in trial, it’s the most alive that I feel as an

attorney,” he said. “It is a ton of adrenaline. Obviously, it’s a lot of work. But there’s no other area or forum where I feel more alive than when I’m in trial.”

Trial or not, Schwartz’s track record in his 16-year career is exemplary. In the past eight years with Dunn and Panagotacos, he has obtained several six-figure and seven-figure settlements as well as one jury verdict in the high six-figure range. He started with the firm as senior counsel before making partner within his first year there.

Major transition

Schwartz was born in Miami, but his family didn’t stay there much longer, moving to San Francisco when he was six months old. They lived in the city until young Schwartz was two, then moved to Marin County, where he effectively was raised.

Schwartz attended UCLA for his undergrad studies, initially majoring in economics. During his first semester there, he also took a political science class, which involved the study of the American constitutional system, and he “fell in love with it.” He almost immediately changed his major to political science, and from that point forward, he enrolled in every undergraduate law class UCLA offered, he recalled.

But there was one other slight possibility for Schwartz, in terms of professions, and he felt obligated to take some time to really explore all his options.

“My dad’s a (doctor), and when I went through college, I was pretty sure I wanted to be an attorney. But I was positive I always wanted to help people,” he explained. “And I was relatively confident that was going to be in the field of law. Based on just being around what my dad did growing up, I also had some



interest in medicine, and in the past, I had gone with my dad on these expeditions to South America and Central America, where they would take a team of physicians and go into these remote villages and provide medical care to people who otherwise wouldn't have access to it. So, I knew that medicine was one vehicle where you could really help people and change people's lives.

"What I ended up doing was after I graduated college, I took a year off and basically studied for the LSAT," Schwartz continued. "But I also went around shadowing different doctors. I spent a night in the emergency department; I spent some time with a cardiologist; I spent some time with an orthopedist; to try to get a little bit of a flavor of what a licensed physician or health care provider might be like. ... I thought medicine was cool and interesting, but it didn't call me the way law did."

Schwartz attended University of San Francisco School of Law, where he was publisher of the Law Review, and after graduating, he started his career with the Dolan Law Firm in San Francisco. After nearly five years, he moved on to Emison Hulverson LLP, where he spent another two years honing his skills until he was hired by Dunn and Panagotacos.

Solving a puzzle

Over the years, Schwartz has had his share of intriguing cases. He said some cases to him often are like getting a box of puzzles where some of the pieces are missing, and he so enjoys finding those pieces.

One such case came along when Schwartz represented a 58-year-old window washer who fell 125 feet from the roof of a multi-story building in San Francisco, landing on a car – and survived. The catch is no one saw what happened, and the window washer had no recollection of the event, Schwartz said. So, Schwartz's team had to do a very detailed accident reconstruction and came away with a \$3.25 million settlement.

REDIRECT:

Getaway Spot: Rogue River, Oregon

Go-To Music or Artist: Pearl Jam (all day every day)

Recommended Reading: "Guns, Germs, and Steel"

Dream Job: Being a dad

Words to Live By: "Things turn out best for the people who make the best of the way things turn out." – John Wooden

"Nobody was able to prove definitively how the fall took place," he recalled. "What we were able to show, however, was had there been a guardrail in place, which complied with the applicable OSHA requirements, more likely than not, he never would have fallen. It was really a one-of-a-kind case with an amazingly resilient client."

Another memorable case for Schwartz was the aforementioned medical malpractice trial in 2019, when he represented a woman who had gone to the doctor with a bout of ear wax. She's a single mother of four living in the Sacramento area and works as an analyst for the Veterans Administration. On that initial visit at UC Davis Medical Center, the doctor tried to irrigate the woman's ear to flush out the wax and, in the process, perforated her eardrum. As a result, Schwartz's client suffered a certain level of hearing loss that's likely permanent, he said.

One of the defenses in the case was that a broken eardrum is merely a risk of the procedure. And Schwartz faced the added challenge of the defendant physician being incredibly likable, he said.

"I liked her. I think she was a good doctor who made a mistake," he recalled. "There was no purpose in trying to cast her as something that she wasn't."

An issue helping Schwartz's case was a simple failure to follow procedure. The hospital had clear policies and procedures for cleaning out a patient's ear that the doctor didn't follow, and that resulted in

the patient's injury. The defense argued such policies and procedures are for nurses or physician assistants, and physicians get to do it differently, but Schwartz said it all boiled down to patient safety.

"The reason these policies and procedures are in place is to promote patient safety, such that if they're not followed, you are increasing the risk of harm unnecessarily to patients," he said. "Ultimately, regardless of who is performing the procedure, whether it's a physician's assistant or a nurse or a doctor, it should be done in a way that promotes patient safety."

Schwartz won a \$700,000 verdict: \$100,000 for future medical expenses, \$100,000 for noneconomic loss and \$500,000 for future noneconomic loss. The noneconomic damages automatically are reduced to \$250,000 in California because of the state's Medical Injury Compensation Reform Act, or MICRA.

"Getting that verdict on her behalf meant a lot to me," Schwartz said. "We shared a good cry in the courtroom because this was a case that took three-plus years to get from the beginning to trial. To go from a case where we knew the other side didn't think highly of our case, and that was reflected by the fact that they didn't offer any money. But to be able to go in and prove the case for her, to be able to show that policies and procedures that promote safety for patients are things that should be followed by everyone, including doctors, it felt real good."

Family time

When Schwartz isn't working, he enjoys family time as much as possible. He and his wife have a three-year-old daughter and a five-month-old son. One of the things fatherhood has done, he said, is force him to become more efficient with his time.

"Before, when you're unmarried and you don't have any kids, you can work later hours; you don't necessarily have to be as efficient," he said. "Now, I am much



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more efficient with my time because it's really important to me that I get home at night and have time to play with my kids."

Schwartz also enjoys playing poker, though he hasn't played as much as he used to since becoming a family man. Similarly, he was playing in different soccer leagues in the city, but now there's a lot more time spent taking his daughter to gymnastics class.

"I love being a lawyer," he said, "but man, I love being a dad even more."

Stephen Ellison is a freelance writer based in San Jose. Contact him at ssjellison@aol.com.