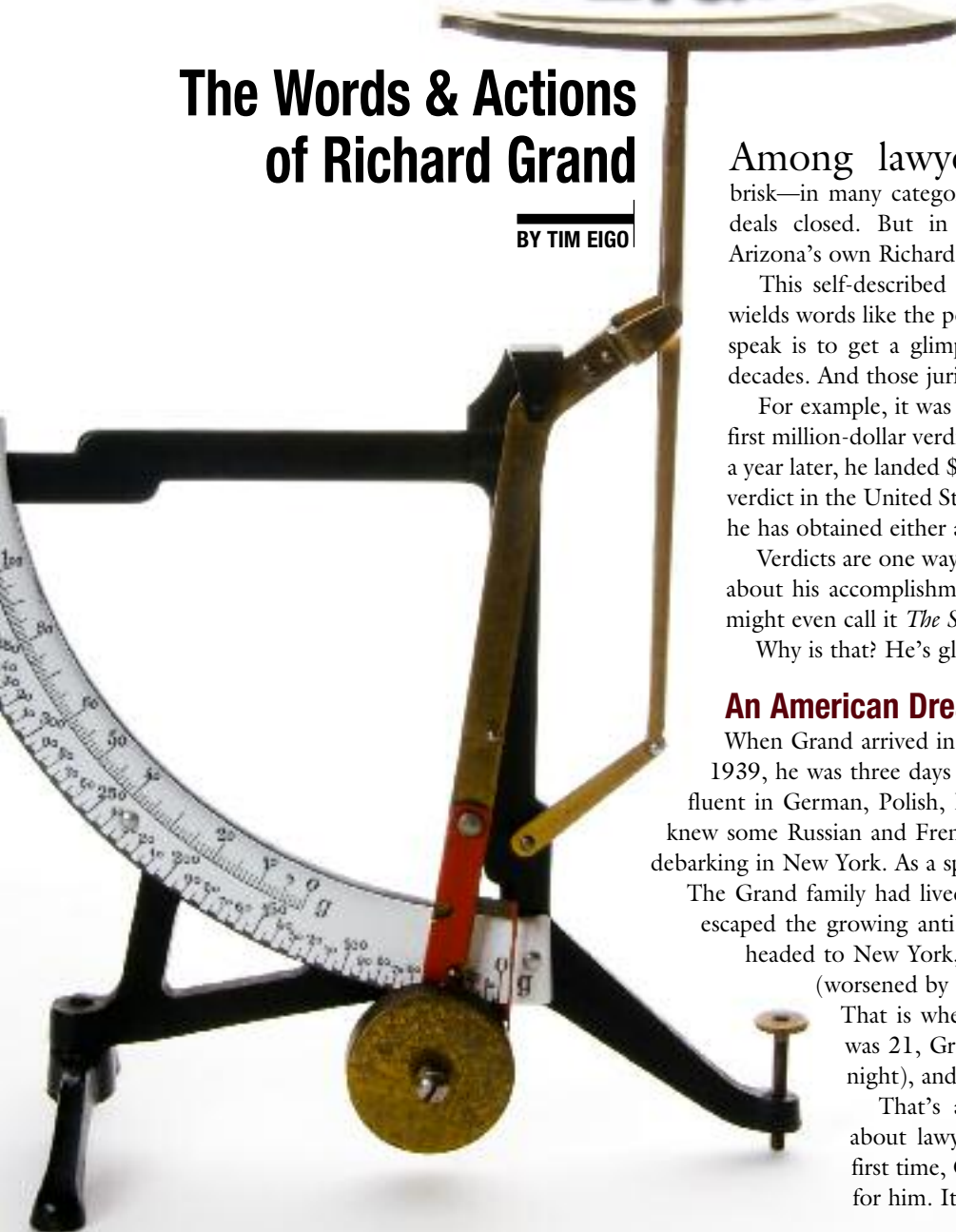




give good WEIGHT

The Words & Actions of Richard Grand

BY TIM EIGO



Among lawyers, competition is always brisk—in many categories. They keep track of verdicts, rulings and deals closed. But in proverb creation (non-professor category), Arizona's own Richard Grand may take the prize.

This self-described product of the American dream collects and wields words like the powerful little projectiles they are. Hearing him speak is to get a glimpse of the specter that has greeted juries for decades. And those juries often have been impressed.

For example, it was in 1972 that Grand says he won his client the first million-dollar verdict in the state—\$1.1 million, to be exact. And a year later, he landed \$3.5 million for a single injury, the biggest such verdict in the United States at the time. More than 100 times, he says, he has obtained either a verdict or settlement higher than \$1 million.

Verdicts are one way to keep score, but when Grand speaks frankly about his accomplishments, he ventures far beyond dollar signs. He might even call it *The Story That Couldn't Happen Today*.

Why is that? He's glad you asked.

An American Dream

When Grand arrived in the United States with his family in February 1939, he was three days shy of his ninth birthday. The young boy was fluent in German, Polish, Hebrew and Yiddish. Grand says that he also knew some Russian and French. But he hadn't spoken any English before debarking in New York. As a speaker, he's been going strong ever since.

The Grand family had lived in Danzig (later Gdansk, Poland), and they escaped the growing anti-Semitism to reach London. From there they headed to New York, where he lived for 12 years, until his asthma (worsened by a cigarette habit) took Grand west to Arizona.

That is where he met his wife Marcia. Married when he was 21, Grand worked as a disc jockey (11 p.m. to midnight), and later sold radio time.

That's about when he read a *Life* Magazine story about lawyer Melvin Belli—the King of Torts. For the first time, Grand saw the possibility of law as a profession for him. It fit his outlook and experience.

“I have really lived the American dream. I came here with nothing and didn’t speak any English. I’m a true American success.”

“In Yiddish,” says Grand, “*emes* means to tell the truth. I have that one purpose in my work. The same opportunity I had, you can have. You can really do good for people.”

In 2008, Grand celebrated the 50-year anniversary of his graduation from the University of Arizona Law School. And he has never ceased to be awed by his progress and the opportunities available to him. More and more, he feels the need to pass his experience on to others.

“I have really lived the American dream. I came here with nothing, didn’t speak any English, and came to the state because I had asthma. I’m a true American success.”

That success, says Grand, has largely come about by toiling as a “freelancer.” Not a bad way to describe a man who, like Belli, is among our torts royalty.

Freelance Lawyer

Grand’s success may put him in an internationally renowned tier of lawyers. And he notes with some evident pride that his solitary plaintiffs’ practice has set him well outside the back-slapping, networking center of legal life. He appears alternately disdainful of and bewildered by the mainstream of the legal profession: Glitzy *lawyer-ati* he is not. Despite that, like all lawyers, he enjoys a good “legal” war story. Get him chatting, and here are some he relishes.

A few come from his earliest work in criminal law. Although those cases gave him great courtroom experience, he—and some of his former clients—might agree it was good for him to move to the civil side.

“Sworn in on Saturday, tried my first case on Tuesday” is how Grand tersely describes his debut.

“I lost 14 out of 15 jury trials in three and a half months,” Grand admits readily. “I learned about trials, and I learned not to have any fear.”

Those may not be bad odds for a criminal defense lawyer—but Grand was a prosecutor. (“Maybe he had bad cases,” offers a colleague charitably. “Maybe he was too new.”)



Whatever the situation, one of his first courtroom interactions should give any new lawyer pause.

“The judge asked me, ‘Do you want to *voir dire* the panel?’”

“I turned to the two lawyers behind me—one of whom ended up Chief of the Appellate Court in Tucson—and I said, ‘What’s *voir dire*, and what’s the panel?’”

One of those fellows behind him—the future Chief—was Larry Howard.

“I told Richard, ‘Stand up and say you pass.’”

Grand did. And he later lost. Howard still chuckles at the memory.

“He lost the case and blames it on us for not telling him to poll the jury!”

Richard Grand admits to being eager to get into the courtroom. He recalls that Raul Castro was running for judge, and Grand’s boss, the county attorney, was going to politick for him. “So he said, ‘Here’s the file; go try the lawsuit.’”

Ever since he caught that bug, Grand would walk through the office daily, asking, “Anyone want me to try a lawsuit?”

One of his most notorious successes came in criminal law, but on the defense side.



Richard and Marcia Grand review Richard's law diploma with his father, Morris Grand, on graduation day, May 28, 1958. "It was hot," Richard Grand recalls.

It was a murder case. His client had admitted on the stand that she had shot and killed her husband. She also had prevented Grand from arguing for second-degree murder or manslaughter due to diminished responsibility or self-defense. In fact, she told Grand that Jesus had informed her that she would be acquitted.

Dismayed, Grand had a psychiatrist examine her, and he found her insane. Constrained by his client's wishes, "I didn't know what to do."

His dilemma evaporated, says Grand, when the prosecutor made his closing argument and said that the jury "can properly assess the death penalty." The budding wordsmith mulled that one over.

When he rose for his own closing, "The jury expected violins."

"So I told them, 'You *must* put her to death. Look at her. She's nothing but a fat murderess. Put her to death.' I went on like that for about two hours. And I ended with, 'Only God can take life.'"

"To me it was desperation."

"Today I wouldn't do it," continues Grand, "but I was 32 years old, so I was an idiot. But the jury felt the county attorney and the defense lawyer were against her, so somebody's got to be for her. They let her go scot-free."

"It worked. And if it hadn't, somebody would have handled the appeal and said she had incompetent counsel."

Jurors emerged understandably in conflict over their decision. In fact, one approached Grand afterward and said, "We let her go in spite of you."

(Grand notes wryly that his client then tried to hire a law firm to sue him for slander because he called her a murderess. That's when he decided to move on to the civil side.)

Others have noted his persuasive style. Judge Lina Rodriguez, retired from the Pima County bench, says, "He was brilliant in his closings."

Court of Appeals Chief Judge Larry Howard (retired from Division 2) agrees. Though he laughs as he says "He wasn't the greatest criminal lawyer," Howard adds, "He's a good communicator. He's an

excellent lawyer—and a very nice person."

Retired Judge Ray Haire, formerly Chief of Division 1 of the Court of Appeals, is pleased to call himself a great friend of Grand. They first met when Haire, an accomplished law student (he graduated first in his law school class) tutored Grand, who balanced school with a part-time job. Haire says that Grand is enigmatic to some people.

"If I had heard of his reputation and had never met him, I would say, 'Boy, this isn't what I expected. How does this guy win these huge lawsuits against some odds?'"

Haire calls Grand a great lawyer. But he admits, "In law school, I would have picked him to be a great lawyer, but I never would have picked him to be a great plaintiffs' attorney, which he is."

"He has an intuitive sense of what's going to affect a juror."



Lonely But Lovely

Richard Grand may be overstating it when he says he has always worked alone. He certainly has teamed up with others for particular cases.

But his practice has always been a pretty solitary one—a “lonely but lovely” living, as he puts it. And he would not want it otherwise.

“I fell in love with it. Not to be dramatic, but I pictured myself as the freelance lawyer sitting in front of the courtroom, sitting on a hard chair in a monk’s robe with a chain around my neck from which hung a sign: ‘Lawyer for Hire.’ People would come up, they’d say, ‘How much?’ I’d say, ‘What’s your case?’ and we’d walk in and I’d do my job.”

Not to be dramatic.

At noon, he stays in or near the courtroom, carrying his brown-bag lunch. He’s been known to roll up his jacket as a pillow and lie under a table to catch a quick nap.

Grand is hard on those he perceives to be focused on camaraderie rather than competence.

“If you apply yourself, if you’re a hard worker—which most are not, because they want to get together and bullshit and have a few drinks—the opportunities are here. And you’re doing some good for people.”

“I don’t have a bunch of buddies. It’s me, myself, with no one to pat me on the back and give me high-fives.”

He’s sure his work would have changed if he had been surrounded by others. For instance, some of his more, um, noteworthy, courtroom performances would not have occurred.

“Most lawyers would have had partners who told them to be mild and predictable. I had nobody to talk it over with; I was by myself.”

In a refrain oft repeated, he says, “I learned on the job, the same way the jurors learned it. I just had a sense.”

Learning on the Job

Richard Grand chuckles when he reports that he almost failed torts in law school. It was only his better contracts grade that kept him from flunking out.

In the same situation, many new lawyers might have a hard time generating and maintaining self-confidence. But Grand could bottle and sell the stuff.

He seems genuinely mystified at experienced lawyers who pay tens of thousands of dollars for pretrial courtroom “tryouts” or for jury consultants.

“It’s like the theatre,” he marvels. “They have dress rehearsal.”

“I pick a jury one way: If the hairs go up on the back of my neck, I try to strike that juror if I can. This instinct I had to learn. I either don’t have the fear, or I have the amount of fear I need.”

Grand is still smitten by his wife Marcia, and he makes a connection between trial skill and confidence of the heart.

“This is like chatting up a girl,” he says. “You don’t walk onto the dance floor or into the bar or restaurant with seven index

Grand seems genuinely mystified at experienced lawyers who pay tens of thousands of dollars for pretrial courtroom “tryouts” or for jury consultants.

cards or a PowerPoint presentation. You just say something and hope it strikes a little spark.”

The courtroom is the same, he says. “You speak the truth; you cannot B.S. the jury. You can’t do it with PowerPoint; you can’t do it by being cute.”

As a “freelancer,” Grand says he immerses himself into cases.

“I’ve visited every accident site, I saw probably 10 or 20 autopsies, I got permission to be in an open-heart surgery and delivery of a baby. I’ve witnessed orthopedic procedures. I don’t know how you replace those experiences.”

“What does a jury do? It smells out the strengths and weaknesses of a case. And if it isn’t fresh, it doesn’t pass the smell test.”

Finally, Grand returns to courting: “How do you know she’s the right partner for you?” he lectures. “You feel it. You don’t test it out to a focus group.”

He and Marcia are certainly “of the moment.” They eloped, he says, and “learned on the job.”

Sayings, We’ve Got Sayings

It was in civil cases representing plaintiffs that Grand began developing his roster of enigmatic phrases and sayings. In the context of a particular trial, they may be striking and evocative. They even may lead a jury to a conclusion. Out of context, though, they can be a bit odd.

Take this one, a Grand favorite: “Happy Death Day To You.”

That one arose from a case in which his client was the widow of a man crushed by a crane. As Grand sought a way to convey his message to a jury in the 1970s case, he asked the jurors to wonder when the woman would remember her husband. On his birthday? On Christmas?

Certainly. But now, Grand told them, she had another day she could never forget: February 4, 1972, the day he was killed. And then, in a quavering voice, Grand began to sing: “Happy death day to you”

The courtroom went silent, jurors sat bolt upright, the judge turned white.

Grand discovered that suggestive phrases held a tremendous amount of power. They have led to his life’s chapter in which he shares his annual “Thoughts for Law Students.”

The Verdict

Grand's latest goal—sharing his experience and insight—may be viewed through what he calls the world's two best words: "Bubble reputation."

Like the soap bubble, Shakespeare explained in *As You Like It*, the memory of a person fades quickly once they pass. Or, as Grand puts it, "Once God takes your life, you will not be remembered."

Grand knows he will not cheat death of vengeful oblivion, but perhaps he can delay its triumph over memory. One way that he has broadened his impact is by establishing an eponymous society (www.richardgrandsociety.com) in England, and the Inner Circle of Advocates here in the States. Each seeks to bring together experienced personal injury attorneys. Founded in 1997, Grand Society membership is limited to 50—plus the president, Grand himself.

Grand created the Inner Circle (www.innercircle.org) in 1972, with membership limited to 100 lawyers in the United States who have successfully tried at least 50 personal injury jury trials, and gained at least three verdicts greater than \$1 million or one verdict in excess of \$10 million.

Beyond founding societies of lawyers, Grand sponsors two writing competitions at the UA Law School. And he has created evolving rosters of "thoughts" over which many a law student (and others) has pondered. Among them: "Sizzle/steak," "Be bold," "One egg or two," "His wit was his passport," "I have unraveled many a knot but not the MASTER KNOT," and "We are born astride a grave."

For those confused by his phrases, he merely directs "Sit on a hard chair and sweat. No one is going to hand it to you."

Just do it, courtesy of Gdansk.

The phrases that have baffled and enlightened students for years come from Grand's own experience. He gives special credence to one from his father: "Give good weight." The butcher who kept his thumb off the scale and gave true value for money was the one to trust.

Lawyers must do the same for their clients, says Grand. He's tried to give good weight for decades. Now, "78 and still curious," he's hoping he can encourage others to do the same. 