

Insights, News & Events

## TRIAL PROS: FISHER PHILLIPS' KARL LINDEGREN

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Karl Lindegren is a partner in the Irvine and Los Angeles offices of Fisher Phillips. He represents employers in all areas of labor and employment law.

His litigation practice includes jury trials, bench trials and arbitrations, as well as appeals before the California Courts of Appeal, the 9th Circuit U.S. Court of Appeals and the Montana Supreme Court. Lindegren frequently speaks to employer groups and provides training to clients and human resource groups.

He provides clients with preventive advice and counseling on issues ranging from union avoidance to compliance with state and federal laws, such as the Americans with Disabilities Act and the Family and Medical Leave Act, defending and preventing wrongful discharge and discrimination claims and protection of trade secrets.

Lindegren was recognized as a Litigation — Labor and Employment Lawyer of the Year by *Best Lawyers in America* for 2014.

### Q: WHAT'S THE MOST INTERESTING TRIAL YOU'VE WORKED ON AND WHY?

A: Ptak v. Fletcher Jones is one of the most interesting trials I've handled. The case was in Las Vegas and included instances of witness tampering by the plaintiff — both before and after trial. We had missing witnesses and had to deal with allegations of kickbacks being demanded by the plaintiff. After we noticed we were being followed from the courthouse to our offices we ended up having armed body guards escort us to and from court. There even was an

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attempted break-in at our client's home. The apartments in which we were staying during the trial were "burglarized" over the Thanksgiving weekend in such a fashion that we would know someone had been there. That same weekend, the heater at my co-counsel's home malfunctioned and he and his wife nearly died of carbon monoxide poisoning. At one point the plaintiff was caught sitting in the middle of all of the jurors during a break. Ultimately, given the tensions in the case and concerns the plaintiff might become violent, we had a courtroom packed with Marshalls for the verdict. It was a high stakes case and there were great lawyers on all sides. Even better, we won.

### **Q: WHAT'S THE MOST UNEXPECTED OR AMUSING THING YOU'VE EXPERIENCED WHILE WORKING ON A TRIAL?**

A: During closing argument in a multiplaintiff and highly-charged race and religion discrimination case, I was talking about one of the employees who had become key in disputing the harassment allegations. The gentleman had a Hispanic surname and throughout the trial my team had indicated it was pronounced a certain way. While closing, as I said his name, a young woman juror in the front row of the jury box looked up at me with a big smile and corrected me on the pronunciation. While I suppose that could have been mortifying, I greatly appreciated the unexpected help. I smiled, thanked the young woman and corrected my pronunciation. We went on to win the case despite some pretty outrageous conduct and slurs being attributed to a supervisor who also was a defendant.

### **Q: WHAT DOES YOUR TRIAL PREP ROUTINE CONSIST OF?**

A: Hard work and more hard work. You can never be too prepared. You need to know the case, witnesses and facts cold. Beyond that, I typically run the facts — good and bad — by anyone and everyone who will listen to me. I'm always looking for weaknesses in my case and insights into how the facts will be perceived. Jurors typically are not lawyers. It helps dramatically to have others outside of your case and outside of your experience help you.

### **Q: IF YOU COULD GIVE JUST ONE PIECE OF ADVICE TO A LAWYER ON THE EVE OF THEIR FIRST TRIAL, WHAT WOULD IT BE?**

A: Relax — even though you can't. It is like an athletic contest. If you have put in the work, you need to let go and get at it. Trust the work you did to prepare. Beyond that, remember to be humble and honest no matter what. It is an honor to be able to present a case to a jury. Respect that. Respect the jury.

**Q: NAME A TRIAL ATTORNEY, OUTSIDE YOUR OWN FIRM, WHO HAS IMPRESSED YOU AND TELL US WHY.**

A: Of those I personally knew and worked with I would have to say Bruce Laxalt out of Reno, Nevada. Bruce lived to try cases and I learned a lot from him. He was one of the best, if not the very best, trial attorney with whom I have worked. Bruce had been a district attorney and then a civil defense lawyer. He was also one of the hardest working and most humble people I have met. When we tried a case together, only once did I beat him to the office and that was at about 4:00 in the morning. I also like the fact that he would take off for Little Cayman Island to immerse himself in a case just before trial and then, when trial was over, would return to Little Cayman to unwind. He invited me for the trial prep, but having a young family, I declined. When we won the case, Bruce realized we needed to celebrate. He offered the client and me shots of Wild Turkey from a bottle he kept in the office.

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