

LAWYERS WEEKLY USA

• The National Newspaper for Prosperous Small-Firm Lawyers •

ISSUE 96-7

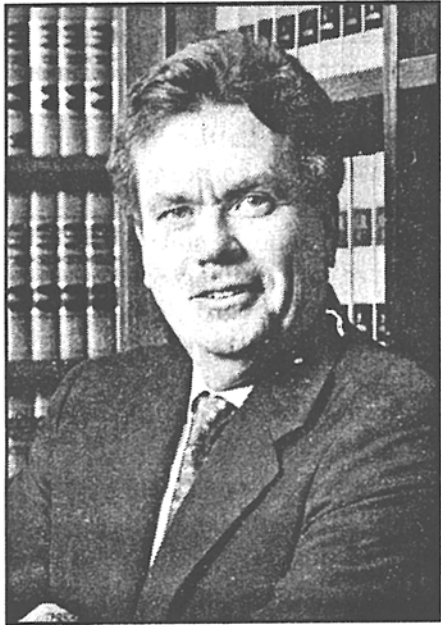
MARCH 25, 1996

A BI-WEEKLY NEWSPAPER FROM LAWYERS WEEKLY PUBLICATIONS

\$6.00 PER COPY, \$125.00 PER YEAR

THE RICHEST SMALL-FIRM LAWYERS IN AMERICA

4. Richard Mithoff, \$13 Million



Richard Mithoff
Houston

Practice area: Personal injury,
med mal, product liability

Age: 50

Firm size: 5 lawyers

Firm name: Mithoff & Jacks

Law school: The University of
Texas School of Law, '71

Luxuries: Fast cars, skiing, seven
houses and condos

Charities: Established and en-
dowed three scholarship
programs

By Bill Ibelle

Any successful lawyer will tell you that it's essential to be honest with the jury, but Richard Mithoff adds his own twist to this well-worn advice:

"Always be straight with the other side," he says.

This is not another plea for civility in a profession plagued by image problems; Mithoff offers the advice as one of the keys to his own stratospheric success.

"Develop a reputation for settling cases fairly and honestly," he says. "This is the single most valuable tool a lawyer has short of his ability in the courtroom."

"Most of my cases don't go to court anymore. I settle most of them for top dollar because my opponents believe I can prove what I say. I can pick up the phone and settle for a multi-million-dollar amount."

For instance, Mithoff won an \$11 million verdict for a brain-injured baby in 1990. He has settled several cases for amounts ranging from \$15 million to \$20 million on behalf of other plaintiffs with similar injuries.

As a result, clients flock to Mithoff knowing he can get the job done quickly, saving them enormous amounts of time and legal fees by avoiding protracted litigation and appeals.

The Road to Success

Becoming a million-dollar lawyer didn't come easy to Mithoff. After nearly flunking out of college — the result of too many parties and too few hours at the library, he says — he buckled down to hard work at the University of Texas School of Law, winning a spot on the law review and graduating near the top of his class in 1971.

After graduation, Mithoff spent two years "watching a lot of lawyers try a lot of cases" as a clerk for a federal judge, then joined the firm of Joseph Jamail, the nation's richest lawyer, according to *Forbes* (See accompanying story about Jamail in this issue, page B2).

For the next 10 years, Jamail acted as Mithoff's mentor, eventually promoting him to name partner.

But during his early years with the firm, Mithoff scrambled for courtroom experience.

"Every Friday I would go around the office looking for a case I could try," he says. "I took all the cases no one else wanted. But I got to pick a jury every two weeks."

"I tried a lot of little auto-accident cases and small-town medical malpractice cases. No one wanted them because it was practically impossible for a doctor to lose a case in a small town where he had delivered everyone's babies."

"After a while I started winning some of them and gaining notice."

Mithoff's big break came in 1978 when he won a \$170 million verdict in the nation's first successful breast-implant suit.

"That didn't start a landslide of breast-implant litigation but it did win me some local notoriety," he says.

Since then, breast-implant litigation has taken off. Mithoff says he has been offered thousands of breast implant cases, and has accepted about 400.

Starting His Own Small Firm

In 1983, 10 years after hooking up with Jamail, Mithoff ventured out on his own. Though his reputation and his verdicts have grown steadily, Mithoff has kept his firm small.

"The reason I've stayed small is that I want to retain control," he says. "I'm the one most of our clients want to try their case if it goes to court. Other lawyers work up the cases, but I'm the one who tries them."

Mithoff adds manpower to his cases by contracting with other firms around the country to assist him in litigation. He is currently contracting with firms in Denver, Pittsburgh and Little Rock.

Life in the Fast Lane

Like most successful lawyers, Mithoff

Continued on page B9

4. Richard Mithoff, \$13 Million

Continued from page B5

is a workhorse.

A typical week includes 12-hour days and at least one weekend morning. Though he takes off "quite a bit of time" to ski at his mountaintop home in Park City, Utah, he rarely takes off more than a few days at one time; the demands of his practice won't allow it.

But when he does relax, Mithoff has plenty to entertain him: The ski house in Utah, a beachside home in Galveston and condominiums throughout the Southwest. In all, he owns four homes and three condominiums, plus a host of fast cars including a Porsche, an old MG and a Mercedes.

Mithoff balances his luxuries with hefty contributions to charity. He has also established three scholarships at the University of Texas and endowed each with \$100,000. His law-school and business-school scholarships are for students with disabilities; his medical-school scholarship is earmarked for pediatric training to help avoid brain injuries to babies.

No Intention of Resting On His Laurels

Now that he is a millionaire several times over, Mithoff has considered, but ultimately rejected, the idea of leaving the law to bask in his wealth.

"I don't know what I'd do," he says. "I'm not interested in playing golf. I love to ski, but after three days I'm going crazy and want to get back into the action."

"I really enjoy what I'm doing. I love taking on a case that looks hopeless but where I think some injustice has been done. I enjoy the people I meet, and when I can help someone out, I feel good about it."

Tips for Other Lawyers

Among Mithoff's tips for lawyers starting out:

"The reason I've stayed small is that I want to retain control."

◆ EARLY IN YOUR CAREER, FIND A PLACE YOU CAN TRY A LOT OF CASES

"I tell young lawyers they should go to the DA's office, where they can at least learn how to pick a jury. But lately I'm told that even the DA's office is filled with the best and the brightest."

"Now the only way to learn is to go to the courthouse and pick up the cases no one else wants. If you do that for a while, you will start getting referrals from other lawyers and even from the jurors."

◆ TAKE CASES YOU BELIEVE IN

"You don't develop a reputation as a first-rate trial lawyer by advertising for cases and then settling them in bulk."

◆ BE TRUE TO YOURSELF

"It sounds like a cliché, but the most important thing is to convince the jury that you're real. The most effective lawyers are not necessarily the smoothest lawyers. You want to know your case inside out, but not come across as too rehearsed."

◆ DON'T OVERSTATE YOUR CASE

"You want the jury to get angry with the other side, but the best way to do that is to present the facts in an understated fashion. Let the jury untangle the knot for themselves."