

This is a newsletter prepared by lawyers to apprise folks about the law, cases, safety, and significant events. Coopers LLP has lawyers licensed in California, Oregon, and Washington state, and accepts referrals and co-counsel opportunities to better serve the plaintiff community.



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COOPERS' COUNSEL

Stories, case studies, and practice pointers
from personal injury law experts

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COOPERS LLP
TRIAL LAWYERS

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Coopers LLP helps seriously injured people and accepts referrals and co-counsel opportunities from lawyers. We excel in strategizing. Have a matter you'd like to brainstorm? **Call or text us at 866-912-2789.**

Coopers LLP has lawyers licensed in California, Oregon, and Washington state, and can affiliate with local counsel on matters where Coopers can make the difference.

Visit us at coopers.law.

Cover: The Coopers team convenes in San Francisco for the annual Summer Session.

A LETTER FROM THE COOPERS



A successful personal injury practice demands relentless dedication, creativity, and deeply collaborative teams. This issue of *Coopers' Counsel* pulls back the curtain on these very elements, demonstrating our commitment to justice and the rule of law, no matter the challenge.

We believe that complex matters can be resolved favorably by simplifying the issues, developing compelling themes, and telling powerful stories, all the while applying overwhelming pressure on the other side. Whether it's parsing medical histories or dismantling aggressive comparative fault arguments, we go "all in," which we put in quotes here as it was our theme for this year's Summer Session. Our annual opportunity to refine our knowledge and expand our talent, Summer Session brings our hybrid teams together in San Francisco for two-and-a-half days. We delve into this and other topics.

We spotlight a recent resolution where we successfully countered claims of comparative fault and pre-existing conditions. We also provide insight on a common issue: delivering difficult news. For podcast enthusiasts, our Coopers' Code feature highlights Debra Bogaards' insightful journey from trial lawyer to mediator, along with the wisdom she's learned from the defense and plaintiff side. Finally, we reflect on our decision to stand for the rule of law in a time where our legal system is under unprecedented attack.

Enjoy, learn, and let us know what you think. Got a case? Reach out so we can collaborate!

*Happy hunting,
M&M*

Miles B. Cooper, Maryanne B. Cooper, and everyone at Coopers LLP

CASE SPOTLIGHT

BEATING THE BLAME GAME

Arguing against comparative fault and preexisting conditions

On a sunny April afternoon in Portola Valley, the T-intersection of Indian Crossing and Alpine Road — an intersection the Coopers team is unfortunately familiar with — became the site of a life-altering collision. John Doe, an active 26-year-old cyclist, was riding along Alpine Road, exercising his right of way. Unbeknownst to him, Defendant Driver, 73, a resident intimately familiar with the intersection, failed to stop at the stop sign on Indian Crossing, crashing directly into John Doe's right side. Defendant Driver later admitted he didn't even see John Doe until the sound of impact.

Liability seemed straightforward. California Vehicle Code mandates a stop and yield at that intersection, and there were no visual obstructions. However, the defense attempted to shift blame, arguing John Doe was comparatively at fault for wearing dark clothes and not having a light in daylight. Our counter? While his clothes might have been dark, he was wearing a bright, neon yellow helmet — a detail the defense conveniently overlooked but we were ready to highlight to any jury.



The T-intersection of Indian Crossing and Alpine Road.



Incidents aggravating pre-existing conditions are fully compensable under California law.

The true battle lay in the injuries. John Doe experienced immediate right knee pain after the crash, but the waters became murkier with his lower back pain, which didn't fully manifest until a few months later. Complicating matters, John Doe had a history of both lower back and right knee issues, including physical therapy for his back just months before the incident. Defense counsel relentlessly harped on these pre-existing conditions and a period where John Doe reported his knee feeling better after initial physical therapy.

Our strategy was clear: leverage John Doe's treating physicians. While medical records sometimes ambiguously described his right meniscal tear as "degenerative vs. acute," his doctors unequivocally concluded that the crash was a substantial contributing factor to both his knee and lower back pain and subsequent injuries. We emphasized that our client was "unusually susceptible," and the incident aggravated his pre-existing conditions, which is fully compensable under California law. It was crucial to demonstrate that we didn't need to prove the crash was the sole cause — only a significant one. The defense knew their hired orthopedic surgeon would struggle to overcome the consistent opinions of John Doe's long-term treating doctors.

John Doe's journey since the incident has been arduous. He endured two right knee surgeries and extensive physical therapy. His injuries led to lateral compartment arthritis, requiring future treatments including a potential knee replacement. His lower back pain, stemming from an L3 transverse process fracture and aggravated disc bulges, continues to haunt him daily, impacting his ability to sit, stand, walk, and lift. Once active in sports and outdoor activities, he now moves with caution, struggling with weight gain and the emotional toll of his physical limitations, leading to depression and anxiety requiring ongoing therapy.

Through diligent advocacy and a compelling presentation of John Doe's extensive damages — including over \$75,000 in past medical expenses and an estimated \$1.6 million in future medical needs — the Coopers team secured a successful resolution. The firm's strategic focus on the treating physicians' testimony and the clear aggravation of pre-existing conditions proved decisive. The case ultimately resulted in a settlement of \$775,000 from the defendant.

Prosecuting attorneys: Robert Igleheart, Maryanne Cooper, Miles Cooper of Coopers LLP.



Robert Igleheart, Maryanne Cooper, and Miles Cooper.

Have you been injured due to someone else's negligence? If you or a loved one has been involved in an accident resulting in serious injury or wrongful death, Coopers LLP is here to help. Contact our experienced personal injury attorneys today for a free consultation.
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PRACTICE POINTER

TELL IT LIKE IT IS

Delivering difficult information with compassion and clarity

By Miles Cooper

Law school doesn't teach us how to tell folks they don't have a case or that a judge's recent decision ended things. Most of us learn this the hard way. We see it or do it poorly and then modify our approach over time. Oncologists tend to do this well, and we can take a page from their training. Before delivering difficult news, consider the setting. "We've completed our investigation. We need to discuss important findings with you. We prefer to do that face to face, although video can work." This allows the recipient to mentally prepare for significant news — and allows the one delivering it to see how the person is doing.

Direct is kind

People sometimes fear being direct, instead offering platitudes or unrealistic hope. That's not kind. The best approach? A simple greeting, then deliver



the information directly. “There are limitations on cases against the government. One is called discretionary immunity. Unfortunately, after investigating we see that as a complete bar to this claim, meaning we do not think your case can be won.” The news comes first, followed by space for emotional reaction. Then any further explanations and question answering. Clarity honors the recipient’s dignity and emotional intelligence. Dancing around difficult information or drowning it in pleasantries creates confusion and extends suffering.

Many professionals were taught to soften difficult messages: start with positives, sandwich criticism between compliments, or begin with extensive context. These approaches feel kinder to the deliverer but often create anxiety for the recipient, who just wants the answer.

Processing time is essential

The silence following difficult news is powerful and necessary. After delivering bad news, pause and allow space to process. This might feel uncomfortable, but filling the void deprives the necessary emotional processing time for the recipient. This pause serves another critical purpose: it gives the recipient dignity. They can compose themselves, formulate questions, or express emotions without being rushed into the conversation’s next phase. That next phase can include anger or denial. Rather than becoming defensive or attempting to defuse legitimate emotions, one should acknowledge the responses.

Once the core message is delivered and processed, then — and only then — comes the explanation. For a declined case, this might include specific legal hurdles, causation issues, or evidentiary problems. The explanation should be thorough but accessible. This isn’t the time to dazzle with Latin or five-dollar words. Good lawyers explain complex issues in simple terms. The client deserves to understand precisely why their case lacks merit, explained in terms they can comprehend and relay to others who ask.

The path forward

After delivering the information and explanation, the lawyer should acknowledge that it is a lot to take and can be difficult to process it all. One should make clear that the conversation isn’t the only opportunity for questions. “This is a lot of information to absorb all at once. If you or others you speak with have additional questions that arise later, we’re happy to have a further conversation.”



Oncologists tend to deliver difficult news well. We can take a page from their training.

Law, as we often hear, is a practice, not perfection. When declining a case, there’s wisdom in acknowledging that other lawyers analyzing the facts might see a different path. When the events are particularly catastrophic and complex, it can be useful to recommend getting a second opinion. This can include giving the names of those with experience in that particular area. Offer to provide the file and answer any questions to others looking at the case.

Don’t give false hope to those who have already tread many paths. If one is the second, third, or umpteenth lawyer, and no-one has been direct enough to say it like it is, have the courage to do the right thing. Most legal malpractice lawyers recommend against telling people they do not have a case as far as one is concerned. The result? People who receive vaguely worded rejection letters telling them the case was declined for business reasons and to consult another lawyer immediately or risk blowing the statute of limitations. Let these individuals off the hook. Be direct. Tell them that if several firms have said no, then it likely means there’s no winnable case. That information is theirs to do with as they will: but the important thing is that they have it in the plainest terms possible.

A version of this article originally appeared in Plaintiff magazine, where Miles has written his monthly Back Story column for almost 15 years. Interested in Plaintiff and its coverage? Read more at plaintiffmagazine.com.



Trial lawyer and mediator Debra Bogaards. Photo: Adrian Elliot / @adrianelliot

COOPERS' CODE

DEBRA BOGAARDS: PURPOSE AND PRACTICALITY

A recent favorite from our podcast

We recently sat down with Debra Bogaards, a formidable trial lawyer turned full-time mediator — and longtime friend of the firm. She also serves on the faculty for UC Law San Francisco, teaching negotiation and settlement. In a wide-ranging three-part interview, she delves into her legal career's evolution, having a purpose-driven practice, and the art of resolution.

Debra's unique blend of plaintiff and defense experience allows her to swiftly identify the core issues in any dispute. In her conversation with Miles, she highlights the importance of meticulous preparation, strategic communication, and a deep-seated commitment to ethical practice throughout all phases of a legal career. She believes truly effective legal work — whether in trial or mediation — stems from a clear understanding of all parties involved and a dedication to finding equitable solutions, aligning with her value of “tikkun olam,” or repairing the world.

These episodes serve as a masterclass not just in mediation techniques, but in how to build a fulfilling and impactful legal career. From navigating challenging courtroom dynamics to the intricacies of launching her own firm, she shares candid reflections and actionable advice, including:

- How trial lawyers have an edge in mediation
- The power of preparation
- The importance of civility (even in difficult situations)
- Storytelling and embracing dual perspectives
- “Tikkun olam” in practice
- Launching your own firm while balancing humility with effective marketing
- The advantages of authenticity and empathy

Use the QR code to go directly to the first episode.



TEAM STORY

COOPERS GOES “ALL IN”

A report from the annual Summer Session

The Coopers team recently brought our distributed workforce together for the annual Summer Session, an eagerly anticipated event built around this year’s theme “All In.” This gathering serves as a vital opportunity for colleagues, whether remote or in-office, to connect, collaborate, and reinforce the tight-knit culture that defines our firm’s commitment to its clients and each other.

The session explored what it means to be “All In for our Clients.” Discussions centered on recent client successes, highlighting not just legal expertise, but also the team’s unwavering dedication to advocacy, creative problem-solving, empathy, and crafting exceptional client experiences. Participants shared stories from the frontlines of their client work, reinforcing the profound impact of their collective efforts.

The “All In for Coopers” segment offered a reflective look at the firm’s journey, celebrating past achievements, current strengths, and future aspirations for continuous growth and excellence in talent, firm culture, and results.

Beyond the insightful conversations, the Summer Session fostered strong bonds over shared meals and engaging activities, including a spirited scavenger hunt across San Francisco.

The event was well-received by the group. Andrea, a Partner, shared, “It was nice to see the progression and growth of the firm... Coopers prioritizes team building and recognizing its employees for their hard work.” Preeti, a Bookkeeper, echoed this sentiment: “Every detail felt thoughtful and uplifting—a perfect blend of fun, relaxation, and Coopers!” For new team members like Sr. Marketing Manager Sonja, it was “an incredible introduction to the heart of Coopers,” allowing her to witness firsthand the firm’s deeply held values. As Shareholder Miles Cooper summarized, it’s “a wonderful opportunity to deepen relationships, share our learning, and make sure we at Coopers are constantly iterating and improving.”

To us, being “All In” means being committed to not only achieving justice for our clients, but also fostering a supportive, collaborative, and thriving culture.



COMMUNITY

STANDING PROUD

Over 500 firms come together to fight for the rule of law

While the U.S. Constitution has survived with the checks and balances between the three co-equal branches of government, the branches sometimes seek to push things out of balance. Right now the forces seeking to strengthen the executive branch, enabled by a short-sighted legislative branch and conservative-led judicial branch, are forcing the pendulum dangerously rightward. This includes punitive executive orders leveled by the executive toward what the administration perceives as political enemies and adverse political positions. Many firms were targeted. Some chose to bend the knee, collectively offering over \$100 million in free work for administration-aligned interests to maintain government contracts, security clearances, and access. Others did not, and faced the administration's wrath. Perkins Coie LLP was one who fell within the executive's gunsights.

The executive issued a March 6, 2025 Executive Order which specifically targeted Perkins Coie LLP. This unprecedented order imposed severe penalties on the firm, including revoking security clearances and denying access to federal facilities, ostensibly due to its past legal work, particularly concerning the 2016 presidential campaign and election laws. This move was widely seen as an attempt to punish a law firm for representing clients and positions disfavored by the administration.

Perkins Coie LLP fought back on constitutional grounds. While many firms chose to remain quiet, over 500 firms and non-profits — an unprecedented coalition — opted to stand up and fight alongside Perkins Coie LLP for the rule of law. These firms, including Coopers LLP, signed on to an amicus brief prepared and submitted by Munger, Tolles & Olsen LLP. The amicus brief argued forcefully that the Executive Order was unconstitutional. It contended that the order violated fundamental constitutional rights, including free speech, due process, and the crucial right to select counsel without government retribution. Furthermore, the brief highlighted how such executive actions undermine the separation of powers and pose a grave threat to the independence of the legal profession and the very fabric of the rule of law.

We believe that an independent legal profession, where lawyers can zealously advocate for their clients without fear of government reprisal, is essential for a functioning democracy and a just legal system. The District Court for the District of Columbia agreed, with Judge Beryl Howell ruling the Executive Order unconstitutional and preventing its enforcement. Coopers LLP stands firmly with our colleagues in safeguarding these vital principles and will continue to advocate for a legal environment where justice can prevail, unimpeded by political pressure.



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