

WARRIOR THE

A tip to any witness about to be questioned by David Mazie: Get your story straight

by G. Patrick Pawling
Photography by Larry Marcus

Lawyers excel in a variety of ways. Some enjoy the writing. Others the research. Then there are the warriors. They see the courtroom like big cats see the savanna — with the vision, anticipation and cunning to draw blood. When they strike, often during

the examination of a crucial witness, they leave the opposition stunned, their case shattered and their minds centered on a single word: “Settle.”

David Mazie is a warrior. He’s a senior partner at Nagel Rice & Mazie of Roseland and has won more than \$160 million in verdicts and settlements in the last two years alone. You don’t run up those kinds of numbers unless you love conflict.

“A trial is war. Nobody will tell you otherwise,” Mazie says. “But you’re not just talking about a case — it’s somebody’s life. If somebody has their life ripped apart and if I can help them, then there is no better high.”

The 44-year-old Mazie is a certified civil trial attorney, a distinction held by less than 2 percent of New Jersey attorneys. His practice is diverse: He works in personal injury, product liability, professional liability, medical and legal malpractice, complex commercial litigation and class actions. Odds are you’ve heard of his cases.

There was his history-making *Verni v. Aramark*, in which he represented a 7-year-old girl who was rendered quadriplegic after a drunk driver hit the car she was riding in head-on. Mazie prevailed against Aramark Corporation, the concessionaire that served beer to the driver at Giants Stadium during a football game, and secured a \$105 million award, the largest liquor-liability verdict ever in the United States (Aramark is appealing.)

Then there was his battle on behalf of a Pathmark employee who said she was part of a group of 33 employees who had pooled their money to play the lottery. After the group won a \$33 million prize, the person organizing the pool claimed the plaintiff was never part of it. Though this appeared to be a classic “he said, she said” dispute, Mazie was able to prove that



Since he accepts only 10 percent of the cases that reach his desk, Mazie makes them count. “We hold out for top dollars and are prepared to go to trial if we don’t get it.”

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PHOTOS BY CARMEN NATALE
LONG ROAD AHEAD: David Mazie, left, the lawyer who won the record \$105 million, dram shop case, and Ronald Verni explain why huge sums will be needed for the lifetime care of Verni's paralyzed daughter, Antonia.

Jury Duns Stadium Beer Vendor \$105M For Paralysis Caused by Drunken Fan

By Henry Gottlieb

had consumed the equivalent of 16 12-ounce beers, mostly at Giants Stadium in

Mazie made big news, as seen here in the *New Jersey Law Journal*, when he secured a \$105 million win for a 7-year-old girl rendered quadriplegic by a drunk driver — the largest liquor-liability verdict in U.S. history.

former state bar association president who represented the NFL. “Dave did what any smart litigation lawyer would do — he looked at the entire landscape and decided to cut out all the nonessential defendants. There were so many other battles going on between lawyers

and clients, but he focused on how best this young lady should be dealt with. I was delighted the moment he was in the case. I knew it would take shape.”

the woman had in fact played the lottery with the group. The court awarded her a full share of the winnings. “I righted a wrong,” Mazie says. “I really like that.”

Recently he fought for a man who suffered a stroke from alleged medical negligence. Mazie won a \$3.5 million settlement from the insurers of the man’s two doctors; the physicians were accused of failing to diagnose an arterial occlusion, which led to the apparently preventable stroke that partially paralyzed the then-42-year-old man. According to evidence Mazie presented, the numbness in the man’s arm, face and neck was not a pinched nerve, as thought by both doctors, but a transient ischemic (a warning sign of a stroke) attack, which led to the stroke. “Before this, [his client and his client’s wife] were destitute,” Mazie says. “The man’s wife was working 60 hours a week, going to work at night after her day job. Now they’re buying a piece of land on a lake. It’s not just about the case — we changed somebody’s life.”

The Aramark case is a good example of how Mazie operates. All big cases are complex, but this one was littered with dueling attorneys, briefs and fights within fights. Naming the NFL in the suit gave the case publicity, but Mazie decided Aramark should be the focus. So he settled with the NFL and five other defendants for about \$1 million and then set his sights on the concessionaire.

“It was almost like Kosovo — you had all these little skirmishes going on — all kinds of moving parts,” says Tom Curtain, a

At 5 feet 11 inches tall, Mazie has the frame of a runner. But he isn’t one. He’s just one of those genetically gifted people — thin, smart, driven and photogenic enough to regularly get his face in the newspapers and on TV, which he doesn’t mind. His courtroom style is ... whatever it takes. Quiet. Animated. Funny. Emotional. He’s happy to lie back and let a witness self-destruct. But if a more aggressive tack is required, he doesn’t hesitate to go for the jugular. “There is nothing better than eviscerating a witness on cross,” he says.

A diehard Mets fan, Mazie grew up in North Jersey. He completed his undergrad work at Rutgers and earned his law degree from George Washington University. He lives in Montville, about 10 minutes from the office, with his wife, Karen, and their two children.

He’s not one of those people who drifted into law. “I think I wanted to be a lawyer before I even knew what it was — probably in second grade,” he says. “People meet me and say, ‘You’re a lawyer, aren’t you?’ He not only looks the part — he has a commanding, distinguished presence — he has a quickness that makes it clear that this is a guy with a sharp, logical mind.

Mazie describes himself as relentless, aggressive and creative, especially when it comes to using technology. In Aramark, one

company official said in deposition that all the stadium beer servers were trained in alcohol awareness. When the official got on the stand, he admitted, yes, he was wrong — only half the beer servers had training — and then claimed that Mazie made him nervous during depositions because of his intimidating manner. Mazie’s response was to roll video of the deposition. The video showed Mazie asking questions in a straightforward manner. It reached the point where the jury was snickering.

Attorney Jeff Kadish, who has been an opponent, says Mazie has an innate feel for juries. “He knows you can’t proceed like a bull in a china shop, you have to modulate. But he is aggressive. [In court] he can be like a wave, a caravan of 18-wheelers, and you have to work hard to derail him.”

Mazie accepts about one of every 10 cases that come to him, taking three or four a year to trial. He makes those three or four count. His prep is legendary. He doesn’t just do focus groups: He runs cases past anybody who will listen — friends, staff, family. He educates himself on every technical aspect that may come up in trial, which can require learning all there is to know on topics such as cardiology, actuarial law, engineering. Whatever it takes.

“You become an expert in these areas,” he says. “It’s actually kind of fun.”

He has strong opinions about the trial-readiness of lawyers at other firms. “A lot of litigators don’t litigate,” he says. “They don’t really know how to put a case together — a case that’s ready to go to trial. A lot of firms aim at settlement, and that lowers the threshold for great work. We hold out for top dollars and are prepared to go to trial if we don’t get it.”

And so it was in Aramark. Mazie kept his 7-year-old client out of the courtroom except for when she was testifying and during the closing argument, which maximized the emotional impact when her mother wheeled her in. He ran a slide show of the girl’s life while she described the scenes and sang songs from kindergarten. “The jurors started crying and I started crying,” Mazie says.

He turned his back to compose himself. The jury watched. The courtroom barely breathed. And when it was over, the jury awarded a record-breaking nine-figures. Another life changed. ❧