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THE LAW OFFICES OF DALE K. GALIPO
CAALA TRIAL LAWYER OF THE YEAR 2020

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On becoming a civil-rights trial lawyer

LESSONS FROM MY FATHER, AND THE PATH FROM PI LAW TO CRIMINAL LAW TO BECOMING A CIVIL-RIGHTS LAWYER

My interest in being a lawyer started at a young age and I attribute key aspects of my upbringing to my formation as a trial lawyer. I recall as a child being very outgoing, inquisitive, and always seeking adventure. I am told by my mother that I often caused her nerves to rattle because on any given day I would be found on a rooftop, a bridge, or other precarious places involved in some adventurous mischief.

I was introduced to law because my father, Charles Galipo, was a personal-injury lawyer although not a trial attorney. My father claimed he only prevailed in a few trials and that was because they were court trials with a sympathetic judge. My father recently passed at the age of 88, and he was great storyteller and had a

good sense of humor. His ability to tell stories and make people laugh remained intact even through his declining health. I thank my father for the gift of storytelling that he unwittingly bestowed to me. In my opinion, a good trial lawyer, among many other things, has to be a good storyteller. Each case has a unique story that must be told in a manner that connects with the jury.

I was born and raised in Cleveland, Ohio. At age 11, after moving away from a working-class suburb, I was introduced to the Orange school system – a very academically competitive school unlike my prior school system. I enjoyed the challenge of competing with very bright students who were already on a college

track. My desire to excel at this new school started my work ethic and discipline that I believe I have to this day. Due to my hard work and academic achievements, I was accepted to the University of Michigan in Ann Arbor as an undergraduate and then to UCLA law school.

Getting started

After graduating law school in 1984, I did not practice law for five years and instead explored my adventurous spirit. I even dabbled as a master of ceremony at entertainment gigs. Finally, at the risk of being disowned by my parents, I took and passed the bar exam in 1989. I worked at a personal-injury law firm for a short time

and opened my own office in 1991. Initially, I only handled personal-injury cases. Many of those cases were disputed-liability cases and because of my stubborn nature, I would often not accept the nuisance-value offers from insurance companies and I went to trial on these difficult cases. I knew early on in my career that I wanted to be a trial attorney. My personality and the ease I had with talking to strangers allowed me to be comfortable in a courtroom and in front of a jury. I have been described as a people person and whether I am in an elevator or a courtroom, I enjoy talking with people.

A break-through moment

In 1992, I got my first potential big personal-injury case involving a fifteen-year-old female student who was crossing the street near her high school in Burbank and was struck by a car. The young student had sustained a brain injury and was left permanently blind from the accident. The driver of the car claimed he never saw her and was not aware that students were customarily crossing the street at that location. The driver only had \$15,000 of insurance coverage and was not working at the time of the accident. I decided to pursue a dangerous-condition-on-public-property case. Since I did not have the money to hire the liability and damages experts I would need, I started taking on criminal-defense cases to finance the dangerous-condition case, as I refused to give up on helping this young student.

My desire to get justice for my young client led me to take on many serious felony cases, including homicides, attempted homicides, and three-strikes cases. It was during this time in the 1990s that I developed my trial skills, and particularly honed my cross-examination skills and persuasiveness in closing arguments. Unlike many other attorneys, I never had a mentor. I basically learned from reading books and through trial and error. Many people thought I was courageous doing so many trials on disputed-liability personal-injury cases

and difficult criminal cases. Upon reflection, I would say there is often a slim line between courage and stupidity. Nonetheless, trying difficult cases made me a better trial attorney.

In 1997, I was finally able to take the dangerous-condition case to trial and the jury awarded my client a sizable verdict that would allow her to live out her life with amenities and support for her permanent disability.

Early losses made me stronger

At one point in 1993, I lost two criminal cases in a row and was so emotionally upset about the losses, I was ready to stop trying criminal cases. But I knew I had a calling for trial work, and I used the hurt of losing these cases to dig deeper and work harder. Instead of quitting, I kept trying cases and went on to win six consecutive criminal trials, all with major felony charges. I tried many three-strikes cases and prevented people who deserved a second chance from being put away for decades due to this unfortunate law. The Daily Journal took note and wrote an article dubbing me the "Strikes Man."

It was through working on criminal cases that I started discovering the breadth of police misconduct and developed an ability to cross-examine police officers and to challenge them on their investigations and credibility in front of juries. I also gained a better understanding of physical evidence and forensic evidence. I learned to reconstruct incidents, particularly shooting incidents, using anything that would resemble a trajectory rod to determine bullet trajectories and likely positions of the victim and shooting officer. I would reenact scenarios at any given place, including restaurants, parking lots, driveways, or wherever I happened to be when I needed to act out the likely scenario. I also became immersed with forensic evidence including casings, gunshot residue, trajectory, blood spatter, and bullet strikes to reenact a shooting. Of course, I would consult with experts, but I often came up with reconstruction

scenarios without the assistance of experts.

Leveling the playing field in civil-rights cases

As I transitioned into civil-rights cases, I wondered why so many cases against police officers were defended and why there was virtually no accountability for police wrongdoing in the civil cases. In the early 2000s, I learned that 90% of the civil-rights cases were won by the police and the few plaintiff's verdicts were relatively low in amount. The reasons often given for the low success rate for the plaintiffs' civil-rights cases was due to a strong bias in favor of the police, a lot of negative evidence to deal with on behalf of the decedents and plaintiffs (e.g., alcohol, drugs, criminal history, criminal behavior, weapons, etc.), semi-professional witnesses in terms of the police officers, and the need for a unanimous verdict in federal court. Hearing this deeply motivated me, and I wanted to accept the challenge and be the lawyer who could level the playing field and start winning civil rights jury trials on a regular basis, including in federal court.

I started trying civil-rights cases in federal court on a consistent basis in 2005 and have not stopped. I believe each case brings different challenges and provides an opportunity to keep growing as a lawyer. Every case I try provides me an opportunity to learn and improve.

The importance of sincerity

By nature, I am an empathetic person. My heart has always gone out to the disadvantaged and less fortunate. But I never feign emotion and always strive to be sincere and authentic while demonstrating my passion for my clients. Through my work as a civil-rights lawyer, I want to give victims of police abuse and misconduct a voice and a better chance of obtaining justice in court and hold police officers accountable for their misconduct. Through my trial victories I have helped to increase the value of these cases for settlement and get the attention of police officers and the entities they work for.

My hope is to reduce the amount of police abuse and have the entities make changes to their policies and training.

Answers to commonly asked questions

I have often been asked how to get unanimous jury verdicts in federal court in civil-rights cases when there is so much negative evidence to deal with, most commonly drugs, criminal history, gang activity, failure to comply with police commands, and weapons. First, I attempt to present the case in an objective, unifying manner in an attempt to persuade even the most conservative jurors who are usually strong supporters of the police. I am polite and respectful to everyone, even the defendant police officers. I do not vilify the police, but impart that the police should be held accountable when their wrongful actions seriously injure or kill someone. It is easier to argue that the officer overreacted or made a mistake as opposed to casting them as people with bad intent. Conservative jurors can more easily accept this concept of overreaction or mistake than specific criminal intent.

Secondly, I attempt to be up front with negative evidence. I file motions in limine to exclude or limit the negative evidence arguing it is irrelevant, unduly prejudicial or improper character evidence. When court rules the negative evidence is only admissible on damages, I request the court to bifurcate liability and damages. When negative evidence will be admitted, it is important to discuss the negative evidence in voir dire and during opening statement. I also point out in my cross-examination of the police officers and the defense police practice experts that you cannot use force or excessive force against somebody just because they are under the influence or are involved in criminal activity. I often point out that there were less intrusive means available to detain or arrest the individuals.

Third, I set the standard for the type of force involved so I can educate the jury when it is appropriate and inappropriate to use a taser, pepper spray, a police baton, a bean bag round, a choke hold,

or deadly force. I set the standard by discussing police policies, police training and standards, and through cross-examination of the police officers and police practices experts. Of course, by the end of the case, I attempt to show that the involved officers' conduct violated the standards. Further, I work very hard in preparing my cases for trial with extensive discovery and depositions. My preparation for trial includes voir dire, opening statement, direct and cross-examination, closing and rebuttal arguments.

Fourth, I simplify the case. This is easier said than done because civil rights cases can involve a host of complex issues, including cause of death, medical issues, multiple defendants, various claims and complicated jury instructions. The reason for exhaustive preparation is to distill the case to manageable facts and focus on the main issues. I see many good lawyers get caught up in minutia or with details that are collateral to the main issues.

Lastly, I pride myself in my ability to stay calm and focused with effective cross-examination while maintaining a nice and friendly demeanor in front of the jury. And, of course, everything needs to come together with a persuasive and powerful closing argument. I think rebuttal argument is probably the best opportunity to respond to the defense closing with passion and some select best points which the defense cannot respond to. And, like most trial lawyers during deliberations, I wait and pray. It is easier to accept a loss knowing that you did your best.

Some advice to young lawyers

My advice to young lawyers and lawyers who want to improve their trial skills is not earth-shattering or novel, but hopefully will reinforce what many already know. Above all, put in the time to prepare — not just one day but multiple days. Preparation is not a short or easy process, or a process that can be circumvented under the illusion that the material can be absorbed overnight. Write out voir dire questions, practice opening statements and closing arguments, outline

direct and cross-examinations. Do not be afraid to go to trial on difficult liability cases. It is in these cases that one develops trial skills and gains invaluable experience. Be prepared to lose. Not all cases will be won, and it takes courage to try difficult liability cases. Do not get too discouraged. Each loss provides an opportunity to learn and become a better lawyer, and somewhere down the line that loss will be part of a tremendous trial victory. Finally, part of being a good and respected trial lawyer is doing things the right way, with integrity, courtesy and professionalism to all. To be effective, one does not need to be overly aggressive or nasty. Impress the jury with preparation, kindness, respect and staying focused on the important issues.

Conclusion

I am honored to have been selected by both CAALA, as the Trial Lawyer of the Year for 2020, and by CAOC as the Consumer Attorney of the Year for 2020. I feel privileged to be a civil-rights lawyer and humbled by the opportunity to be able to do what I love. I lost my father on November 28, 2020 and I take joy in having had the opportunity to share my cases and successes with him. I look forward to continuing to help victims of police abuse and misconduct and hope to change the policies, training and culture to help lessen the instances of police excessive force in the future. I also look forward to continuing to teach and mentor the next generation of trial lawyers and civil rights attorneys.

Attorney Dale K. Galipo obtained his J.D. from the University of California, Los Angeles School of Law in 1984 and was admitted by The State Bar of California in 1989. Mr. Galipo has since earned a reputation as one of the top civil rights attorneys in the nation. Having been awarded the CAALA Trial Lawyer of the Year 2020 and also the CAOC 2020 Consumer Attorney of the Year, he is often asked to speak about his civil rights practice, most often on how to successfully try a civil-rights case.