

## Rainmaker Q&A: Podhurst Orseck's Steven Marks

Law360, New York (September 22, 2016, 5:30 PM EDT) -- Steven C. Marks is a managing partner at Podhurst Orseck PA in Miami. Marks focuses his practice on personal injury and wrongful death litigation, product liability, aviation litigation, commercial litigation, class actions, medical malpractice, premise liability and admiralty.

He has acted as lead counsel, appointed court counsel and/or counsel representing victims in a number of commercial class actions and major airline crashes. He also acts as lead trial counsel for countless victims of general aviation and military accidents, many involving foreign claimants and in addition to his aviation, general personal injury and wrongful death practice, he also counsels foreign governments, including the Russian Federation, the Republic of Venezuela, Ecuador, Belize, Honduras and numerous Brazilian states.



Steven C. Marks

He currently represents families of victims from Malaysia Air flight MH370, victims from the Germanwings crash, as well as victims from the Metrojet bombing on a flight from Egypt to St. Petersburg, Russia.

Marks was recently appointed as a victim's representative to the legal advisory committee for the International Civil Aeronautical Organization.

### **Q: What skill was most important for you in becoming a rainmaker?**

A: In my practice, I am so often dealing with people from all parts of the globe who are undergoing incredible heartache and pain over the serious injury or death of a loved one. Being successful requires a great deal of empathy, as well as an understanding of their cultural differences. Clients want to feel that you care and that you will fight for them as if the loss they are suffering is your own.

### **Q: How do you prepare a pitch for a potential new client?**

A: For me, it is not as much about the time spent preparing for the meeting or making a "pitch" as it is about the time spent with the prospective client. My meetings are often with a family or groups of families who have lost loved ones in a plane crash or similar tragedy — and they have usually brought me in because they have already researched me.

So while it is important to briefly discuss my professional experiences, it is even more important to show compassion and to listen. At the same time, I try to communicate that while I cannot undo the damage that has been done, I will do everything possible to uncover the truth about why and how their loss occurred, to do what we can to prevent future tragedies and to fight to hold those responsible accountable through the terribly inadequate compensation system. If you can connect with the victims on a personal level, it goes a long way to building trust as a counselor and advocate.

**Q: Share an example of a time when landing a client was especially difficult, and how you handled it.**

A: The Malaysia Air Flight (MH370) underscored how cultural differences can create potential legal challenges. The Chinese culture is very superstitious and many families wanted to sue but could not get themselves to sign a wrongful death claim that would essentially acknowledge that their loved one was never coming home. We were able to reword the claim as a "missing/loss of a loved one," but some families continued to struggle with signing it, despite confirming they still wanted to sue.

While I did not want them to feel rushed or pressured, the delay posed a real risk of prejudicing their case and impacting the ability to negotiate settlements for the rest of the victims' families who had already signed. Ultimately I had to give them a final date by which they had to sign in order for me to represent them, which I did to preserve their interests and that of my existing clients. In hindsight, it turned out to be the right approach since they ultimately felt better by finally doing something than struggling with the paralysis of indecision.

**Q: What should aspiring rainmakers focus on when beginning their law careers?**

A: Trial work is largely a referral business, so relationships are key. You have to distinguish yourself by your skills and expertise, but you also need to garner the right level of trust with other attorneys that you will serve their clients well. That means more than just marketing yourself, but by establishing and reestablishing relationships through meaningful interactions. Go to lunch with colleagues; get involved in the community; maintain friendships. That is what will keep you visible and top-of-mind.

**Q: What's the most challenging aspect of remaining a rainmaker?**

A: Never forget how you got to where you are. It's a dangerous thing to assume you will always have business just because you have it today. Stay hungry and never get complacent. As my partner and mentor, Aaron Podhurst, has said to me many times, you are only as good as your last case.