

## Trial Pros: Morrison & Foerster's Mark Zebrowski

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Mark Zebrowski is a commercial litigation partner at Morrison & Foerster LLP who has practiced in San Diego for 30 years. His practice also includes real estate, section 17200 litigation, partnership and shareholder disputes, and legal malpractice defense.

Zebrowski is a founding master in the Wallace Chapter of the American Inns of Court; a director of Conversations About Cancer and of the Thomas Jefferson School of Law; a past president of the San Diego Chapter of the Association of Business Trial Lawyers; and the former managing partner of Morrison & Foerster's San Diego office.



Mark Zebrowski

Zebrowski is recommended by Legal 500 US (2013), Best Lawyers in America (2010–2016) and Super Lawyers (2007–2016). He has also been recognized by the San Diego Daily Transcript as a top attorney in corporate and real estate litigation (2009–2013) and as Real Estate Litigation “Lawyer of the Year” in San Diego by Best Lawyers (2015). In 2016, San Diego Best Lawyers recommended him for bet-the-company, and commercial litigation as well as environmental, M&A and real estate Law.

Zebrowski has presented at numerous continuing legal education seminars, including for the Lawyers Club, the Association of Business Trial Lawyers, the Consumer Attorneys of California and the American Inns of Court.

### **Q: What’s the most interesting trial you’ve worked on and why?**

A: Every trial is interesting for one reason or another, but perhaps my most interesting trial was my first. I was a young associate filling the second chair. The first chair partner was an extremely accomplished, successful, respected trial lawyer — a lawyer the judge called his clerks out to watch to see “how it was done.” I was responsible for essentially all the trial preparation and the examination of several witnesses in trial. I had a front row seat to learn from a master in the craft and an opportunity to see a case from beginning to end at a very early stage in my career. I was sure I wanted to be a trial lawyer.

### **Q: What’s the most unexpected or amusing thing you’ve experienced while working on a trial?**

A: I was defending a personal injury claim against General Dynamics Corp. and obtained terrific impeachment video. After I finished cross-examining the plaintiff, the day ended and the judge asked “What makes me think you have a video of this guy playing golf?” When I put the private investigator on

the stand, the jury immediately perked up. The plaintiff, Mr. Clark, and his counsel sat in front of the jury box to watch the video, and the judge sat in the jury box. During the video that was devastating to the plaintiff's case, one juror stood up. The judge asked if anything was wrong. She replied in a most sarcastic voice "Your honor, I have to stand up to see past Mr. Clark because he keeps moving around so much because of his pain."

**Q: What does your trial prep routine consist of?**

A: Preparation and more preparation. I make every effort to be sure I am completely familiar with all the evidence, the motions, the jury instructions, etc. I carefully construct direct and cross-examinations. I prepare everything that will be published graphically to the jury in coordination with my trial graphics consultant. I hold mock jury presentations as appropriate, and work with expert and percipient witnesses to prepare them to testify. I take care coordinating the efforts of the entire trial team.

**Q: If you could give just one piece of advice to a lawyer on the eve of their first trial, what would it be?**

A: You cannot be too prepared, and the better prepared you are, the more comfortable and confident you will be.

**Q: Name a trial attorney, outside your own firm, who has impressed you and tell us why.**

A: J. Michael Hennigan. Hennigan is a very accomplished, polished, zealous trial lawyer who is also courteous, civil and professional. It was a pleasure to try a case against him and we were fortunate to prevail.

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