

## SmallLaw®

Advice and insights for forward-looking small law firms.

# The Two Hundred Million Dollar Lawyer

By Marin Feldman

May 8, 2014

*In 2005, Kevin Fox more than stood his ground against four law firms in a six-week medical malpractice trial that resulted in a favorable verdict of more than \$212 million. In this issue of SmallLaw, lawyer and journalist Marin Feldman profiles personal injury lawyer Kevin Fox of Kevin M. Fox PLLC. You'll learn which software he considers essential, his recipe for success both as a law firm and in the courtroom, and other wisdom gained from his decades of experience.*

**R**eturn on investment (ROI) is notoriously hard to calculate when you make a technology purchase for your firm. Managing partners of small law firms often simply assume it's better to have the latest and greatest product without actually crunching the numbers to see if the purchase benefits their clients and practice.

But Kevin M. Fox, Esq., a personal injury lawyer in Riverhead, New York, has crunched the numbers from his purchase of [Sanction trial presentation software](#) and calculated this ROI — \$212,685,000. And counting.

### Technology Wins Big in Court

You read that correctly — \$212 million dollars and change. You see, back in 2005, Fox litigated a medical malpractice case involving a birth injury that resulted in severe and permanent brain damage that made him dependent on others. The courtroom in Suffolk County Supreme Court in Riverhead, NY was outfitted with monitors. Fox took advantage and leveraged Sanction to visualize and narrate his case to the jury by displaying relevant medical records, radio-logy images, video deposition

clips, and medical illustrations from his laptop. By contrast, the four medical malpractice defense firms Fox failed to use any of the technology.

The trial lasted six weeks and resulted in a verdict of \$212,685,000 for Fox's client — the largest verdict ever obtained in the New York on behalf of an injured plaintiff.

### Fox's Recipe for Success? Selectivity, Selectivity, and Selectivity

The damages award might be remarkable, but it wasn't a fluke. Fox has over 35 years of jury trial experience, including 30 years specializing representing plaintiffs in personal injury cases. Since receiving his law degree in 1977 from Western New England College School of Law, Fox honed his skills prosecuting felonies as an Assistant District Attorney in Suffolk County, and then later as a general practitioner at Russo Fox and Karl, a small firm in Hauppauge, NY.

---

**Fox has over 35 years of jury trial experience, including 30 years specializing representing plaintiffs in personal injury cases.**

---

Fox now runs his own personal injury practice, [Kevin M. Fox PLLC](#), and is also of-counsel to a 20+ lawyer firm that leases space in the same building. He tries most of his cases in the Suffolk County Supreme Court directly across the street where he has won more than \$250 million on behalf of clients injured in cases



involving automobile and premises accidents, medical malpractice, and products liability.

Of course, plenty of litigators have experience in the courtroom and with software, but not all of them obtain such high verdicts. So what else is in Fox's secret sauce? Turns out, Fox takes a "Jerry Maguire" approach to his practice: fewer cases, more attention.

"We are very selective in the types of cases we accept," says Fox who typically manages 50-60 cases at a time. Fox's small caseload compared to most lawyers in his field seems counterintuitive but the results speak for themselves. "The only way to maximize the recovery in a personal injury case is to prepare it as if it will be tried before a jury," he observes. As such, he spends more time and effort on each case than a high-volume law practice could.

Fox's reputation for good results keeps his pipeline of cases full. "We receive a lot of referrals

from former clients and other attorneys who know our abilities,” he reports. But far from resting on his laurels, Fox is “always looking for a better way to prepare a case and to present it in the most persuasive way possible. It’s about better ideas which usually come from other personal injury attorneys concerned about the same issues.”

**The trial lasted six weeks and resulted in a verdict of \$212,685,000 for Fox’s client — the largest verdict ever obtained in New York.**

#### Allocating Resources Where It Matters

Fox relies heavily on technology to handle the reams of paper that go hand in hand with personal injury cases. “[E]very case involves a large volume of medical records, investigative reports, photos, diagrams, medical illustrations, and

more,” he tells me. “I’m always looking for better ways to organize and present information at depositions, hearings, and trials.”

**Fox relies heavily on technology to handle the reams of paper that go hand in hand with personal injury cases.**

By scanning all of his documents and organizing them using [CaseMap](#), Fox can manage more cases and stay true to his philosophy than would otherwise be possible. He also leverages [TextMap](#) to store deposition transcripts, [TimeMap](#) for graphical timelines in court, and [NoteMap](#) for preparing summations and question outlines for direct and cross-examinations.

However, Fox doesn’t spend much on litigation software relatively speaking. He allocates most of his capital for people. “Our biggest

expense is expert witness fees. The best [thing] we can do for our clients is find experts who are excellent in their field, responsive, and capable of conversing with ordinary people.”

But having current technology has its place, too. Thanks to the latest mobile gear and an office assistant to hold down the fort, Fox and his wife, both travel buffs, recently spent a month working very remotely — in Hawaii. That sounds like a trial prep strategy all solos and small-firm lawyers can get behind.



**Kevin M. Fox, PLLC**

PO Box 570

33 West Second Street  
Riverhead, NY 11901-0570

(631) 779-3400

[kmfox@kevinfoxlaw.com](mailto:kmfox@kevinfoxlaw.com)

[www.kevinfoxlaw.com](http://www.kevinfoxlaw.com)

*Marin Feldman is a (recovering) attorney, marketing professional, and freelance journalist based in New York City.*

#### About SmallLaw

Small firm, big dreams. Written by practicing lawyers who manage successful small firms and legal technology and practice management experts who have achieved rock star status, SmallLaw provides practical advice on management, marketing, and technology issues in small law firms, as well as comprehensive legal product reviews with accompanying TechnoScore ratings. SmallLaw also ensures that you won’t miss anything published elsewhere by linking to helpful articles (and podcasts and videos) about solo practices and small law firms. SmallLaw is free. Learn more at [technolawyer.com/smalllaw](http://technolawyer.com/smalllaw).