

Scott Schlesinger's Key to Avoiding Burnout: Fight For Something Worthy

Fighting the tobacco industry can be a Sisyphean task, but Fort Lauderdale attorney Scott Schlesinger said it's the most fulfilling one he's ever taken on.

"I feel so lucky to have fallen into it as a veteran lawyer," Schlesinger, 58, said. "What do lawyers my age tell you? What's the truth? They're burned out. A 30-year lawyer, a litigator and trial attorney, that's doing the same thing for the whole time by and large is at risk of being burned out."

The Schlesinger Law Offices partner has won more than 20 multimillion-dollar verdicts for plaintiffs in the past six years, many of them for elderly smokers who were surrounded in their youth with tobacco industry advertisements concealing the harmful effects of cigarettes.

For most attorneys, trying that many cases takes a toll. That's because trial is like war, Schlesinger said, to the point where "your neurobiological system truly believes that its life is in danger."

"So to get into something new and different that is uplifting and empowering and makes you feel like 'I'm doing something really important,' that's how I feel about what I do now for a living," he said. "I feel like I am a public health advocate."

Tobacco litigation runs in the Schlesinger family. Scott Schlesinger's late father, Sheldon "Shelly" Schlesinger, was part of Gov. Lawton Chiles' "dream team" that won \$11.3 billion in Medicaid expenses for Florida from the tobacco industry in the 1990s. Scott and his brother, Gregg, both became lawyers and joined their father's firm.



J. ALBERT DIAZ

Fort Lauderdale attorney Scott Schlesinger says fighting the tobacco industry has been the most fulfilling experience of his career.

"He never pushed me to become an attorney," Scott Schlesinger said. "He never pushed us in that direction, so it ended up going that way because it went that way. I can't say that I chose it. It chose me."

The firm's philosophy for young lawyers was "we throw you in the pool and you learn

to swim," Schlesinger said, so he made strides quickly in personal injury and medical malpractice cases.

"Pretty much everything I know I learned from Dad — all the ideas, all the philosophies, all the wisdom," Schlesinger said. "That was one of the great things about having Shelly as a dad. He was a true giant in his field. He wrote the book, right? Everything was blank on the map when Shelly started in personal injury."

In his first deposition, Schlesinger was up against Rex Conrad, the legendary defense attorney who co-founded Conrad & Scherer. Conrad represented a hospital Schlesinger's firm was suing for malpractice.

"I could get nothing out of this nurse, nothing," Schlesinger

said. "But the one thing I knew that Shelly had said was 'Stay with it. Don't give up.'"

Eventually, Schlesinger's dogged questioning persuaded the congenial Conrad to tell his client to spill useful information about procedures. From there, Schlesinger started to get the hang of examining witnesses.

In another malpractice case, the attorney said, "we had a full-on Perry Mason moment mid-trial, where I'll never forget it."

Schlesinger was representing a teenage ballerina who had a botched hip arthroscopy procedure. He contended the surgeon broke off a surgical instrument in the girl's hip. There was a nurse in the operating room, but opposing counsel had guaranteed the judge the nurse

knew nothing, and she had never been deposed.

Late at night in the middle of trial, Schlesinger was going over the patient's chart again, and he decided to call the nurse at her home in California. As soon as he introduced himself, she said, "Stop. Don't say another thing," Schlesinger said.

"She goes, 'Let me tell you what happened. The guy was in there with the instruments. He went and he started drilling a third hole into her hip in the middle of the procedure. And when I asked why, because you're only supposed to put two holes ... he said to retrieve a foreign object.'"

The insight broke open the case, and the nurse flew out to testify at trial, leading to a \$2.15 million verdict against the surgeon.

Nowadays, Schlesinger is using the skills he's built over three decades to expose what he calls Big Tobacco's "endeavor to target and addict children, building a powerful multibillion-dollar industry that even today has its hooks in every segment of society."

"It's absolutely the most worthy thing if you're a white hat, if you think of yourself as somebody trying to do good and trying to do the right thing: something that's fulfilling, something that drives you, the overriding concern of doing something good," he said. "This tobacco litigation is far and away one of the most fulfilling things I've ever done."

Contact Celia Ampel at campel@alm.com. On Twitter: @CeliaAmpel

SCOTT SCHLESINGER

Born: 1959, Miami

Spouse: Anne

Children: Molly, Tessie, Sam and Teddy

Education: Brown University, B.A., 1981; University of Florida, J.D., 1984

Experience: Sheldon J. Schlesinger P.A., 1984–present; Schlesinger Law Offices P.A., 2007–present