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WAUGH vs. INGERSOL-RAND, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ALAMEDA

CASE NO. HG03101413

Record of Proceedings:

THE COURT: ...I felt that I had time to review your request because it is a fairly serious request for a judge to report an attorney to the State Bar and cite that attorney for misconduct. So I wanted to review that.

And after reviewing it [a video of a train smashing into an 18-Wheeler in a trial where the plaintiff claimed brain injury after a 10 MPH fender bender saying “it was like being hit by a train”], I was not prepared to cite Mr. Hanson [who represented the Defendant] for misconduct.

That is a trial tactic, ... but ... not an act that was unethical and for which I should cite him for misconduct and send that to the State Bar.

It was an adversarial position that he took.... I wouldn't -- probably wouldn't have done it. I probably never was as good a trial lawyer as he is. I know lots of good trial lawyers who do very aggressive things.