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Jury Awards \$33 Million In Lawyer Fight

By Scott Sandlin

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It's a legal battle between two prominent New Mexico lawyers that started as a dispute over \$160,000 in legal fees and allegations of a "stolen" client.

On Wednesday, a Bernalillo County jury delivered a verdict that included more than \$33 million in punitive damages for attorney Robert McCorkle in his countersuit against one-time friend and colleague Turner Branch and the Branch Law Firm.

The punitive damages award dwarfed the \$165,000 in compensatory damages awarded in the case, and Branch's lawyer said he expected to appeal.

Jurors had been hearing testimony in the lawsuit— actually a complicated tangle of lawsuits— the past two weeks before Chief Judge William F. Lang in state District Court. They returned a verdict in a little over four hours, counting their lunch hour.

To find for McCorkle, jurors had to find that Branch intentionally harmed McCorkle, who had left the Rodey law firm to work with Branch at the Branch offices but incorporated as a separate law firm.

When the underlying lawsuit was initiated in 2003, however, it was Branch who claimed he had been harmed by McCorkle taking a client and a case file when he left his association with Branch.

A district judge in Santa Fe twice ruled Branch wasn't entitled to any fees from the case.

Branch then filed a lawsuit in Bernalillo County, claiming that McCorkle had lied to the court in the Santa Fe case.

McCorkle countersued. He claimed abuse of process by the Branch firm because the matters already had been decided in the Santa Fe case.

McCorkle also said the Branch firm had improperly sued Thomas Hassler, a Texas trucker injured on the job by a falling crate. Hassler was a client of the McCorkle and Branch firms before deciding to go with McCorkle when the Branch-McCorkle business relationship soured.

Lang dismissed Branch's complaint last month, and McCorkle's claims went to the jury.

Damon Ely, McCorkle's attorney, argued that the Branch firm cared more about money than about clients.

"When you say clients aren't important, you don't have to worry about what courts do and you can use the process to harass and intimidate," he told the jury in closing argument. He called Branch a bully who sued McCorkle in an exercise of raw power.

Branch used Hassler as a pawn to get back at McCorkle, he said.

Ely asked the jury for the \$165,000 in compensatory damages ultimately awarded— recompense for time McCorkle couldn't tend to his own clients and fees for the attorney who defended him.

He asked for unspecified punitive damages to send a message that Branch is not the model to follow.

"Our lives begin to end the day we become silent about things that matter," he said, quoting the Rev. Martin Luther King Jr.

Paul Kennedy, co-counsel with Mary Han for Branch, told jurors, "there should be no doubt in your mind that he (McCorkle) stole that file." He said McCorkle had had "the best year of his life when he made \$600,000 working for Branch."

McCorkle and Branch had made plenty of money, Kennedy said in his closing.

"Send Mr. Branch back to the Branch law firm. Send Mr. McCorkle back to Rodey. And let's call it a day," he said.

Branch had no statement after the verdict was read.

Kennedy said, "We have every hope and expectation that it will be reversed on appeal."

Kennedy had opposed the punitive damage instruction to the jury as well as some testimony permitted in the case.

"The manner in which the court improperly admitted evidence resulted in unfair prejudice by the jury," Kennedy said. The punitive damages are so out of proportion with the compensatory damages that the verdict "cries out for reversal," he said.