

LAWDRAGON

Lawyer Limelight: Mariano Garcia



By Emily Jackoway

Mariano Garcia's commitment to justice is rooted in community. As a child, his family immigrated to the U.S. from Argentina. Now in West Palm Beach, Fla., a diverse city with a large immigrant population, Garcia is passionate about providing pathways to justice for families like his own – inside of the courtroom and out.

As shareholder at renowned Florida personal injury firm Searcy Denney Scarola Barnhart & Shipley, Garcia pursues claims for victims of negligence in cases of medical malpractice, motor vehicle crashes, product liability and more. While his fight is for the everyman, his case results have been anything but ordinary. In one career-defining case, he took on Big Tobacco in a wrongful death suit involving a woman who died of emphysema following a tobacco addiction. The case went to trial, and the jury returned a verdict of \$20M for Garcia's client.

Garcia's other results have included a string of multimillion-dollar settlements, including a \$14M settlement in a slip and fall case, a \$14.5M settlement in a surgery case and a \$12M settlement in a hospital death case. Garcia and his firm were also involved in the mammoth litigation involving the Surfside condo collapse in Miami, which garnered nationwide attention.

Garcia devotes a significant amount of time to furthering the well-being of his community outside of his firm, as well. He is a past president of the Legal Aid Society, which provides free legal services to the most vulnerable members of the community, including immigrants seeking lawful permanent residence, upholding fair housing laws and more. In addition to legal efforts, the Society also assists victims of domestic violence with housing and healthcare, ensures disabled children receive accessible education and spearheads other community-driven efforts.

Garcia is a member of the Hispanic Bar Association and served a four-year term screening judicial applicants on the 15th Circuit Judicial Nominating Commission. He also volunteers for the non-profit Jack the Bikeman, which supports migrant workers and their children.

Lawdragon: How does your experience immigrating to the U.S. as a child inform your practice now?

Mariano Garcia: My experience with immigration informs a lot of what I do, and my approach to clients who have had a similar experience. I represent many Latino clients in our community and throughout the state, and I can relate to them on that level.

When I think about what it was like to come to a new place – not speaking the language, having to learn how things work – I think about what an enormous and risky decision that must have been for my parents. As a parent myself, I don't know if I would've had the courage to undertake such a challenge.

Not many people leave the country of their origin willingly. People are usually forced to make that decision due to sociopolitical strife and wanting something better for their family. My parents left Argentina at a very difficult time there. So, I think understanding that struggle gives me credibility with clients since they know I've also been through that experience and can relate to their circumstances and can empathize with them. Understanding that experience breaks down a lot of barriers.

LD: How did you decide that you wanted to become a lawyer?

MG: I was very involved in scouting growing up, which was formative for me. The Boy Scouts are a public service organization, so that helped to mold a dedication to community service and helping others.

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LD: How did you get into personal injury law specifically?

MG: I did insurance defense for the first eight years of my career. Then I just got to the point where I decided that that was not what I wanted to do long term. Being on the other side aligned better with my belief system, my personality and my goals relating to trial work.

LD: What early cases in your personal injury practice stand out as particularly formative?

MG: Many of the early cases involved representing clients who didn't speak English. Spanish is my first language. Being bilingual gives me a distinct advantage not only in terms of helping native speakers express what they need to express, but I also understand how they're thinking in the Spanish language. Language isn't just linguistics, but cultural expression.

Representing people who were not native speakers instilled in me a confidence in the judicial system because my clients were able to obtain justice despite the prejudices that many people have against those who don't speak English.

Many people think that if you're going to access the judicial system, you should be able to speak English. So, being able to represent folks who would otherwise not have the ability to access and interact with the judicial system and see their cases to conclusion is extraordinarily satisfying.

LD: Did you have any mentors who helped shape your career in those early days?

MG: I was very fortunate to have good mentors. My earliest mentor was Brooks Rica. Another one is John Lurvey. I still stay in touch with them. They are very good lawyers and were both excellent mentors in a traditional way. Both made sure that I had every opportunity to get into the courtroom and that I developed as a trial lawyer. It's so important to have that guidance.

And now, of course, I work with the most extraordinary group of lawyers, including [Chris Searcy](#), whom I've had the good fortune to try a couple of cases with.

LD: What do you enjoy about working with the attorneys at your firm?

MG: Everybody takes their work very seriously, they're fearless advocates, and all are dedicated to obtaining excellent results on behalf of our clients.

LD: Tell me about the \$20M verdict you achieved in the tobacco-related wrongful death case.

MG: That case was a highlight of my career. We assembled a terrific trial team with my partners Sia Baker-Barnes and Hardee Bass, we worked so well together. The defendants and their lawyers were formidable. There were many obstacles to overcome, since people who don't know the history of cigarettes view smoking as a choice, not an addiction, so we had to combat a lot of stereotypes.

I handled jury selection, which took a little over a week. We started with over 300 people, and after we got through hardships, we were left with 167 jurors to interview. So, I started off talking to a group of 167 people, and we whittled that down to six jurors, the minimum required to hear a civil jury trial in Florida, with no alternates, which was risky because if any of the six were dismissed, it would be end of the case. Remarkably, all six jurors hung in there until the very end. But then, intermediate appellate court reversed the verdict, finding that the amount of the verdict wasn't justified, and we appealed to the Florida Supreme Court. Ultimately, the Florida Supreme Court agreed with us and reinstated the verdict, which was ultimately paid when SCOTUS refused to accept review.

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We represented a wonderful client who had a compelling story about what happened to her mother – and the jury obviously agreed. That case stands out not just because of the result, but because of the wonderful working experience with my partners.

LD: It must have been fulfilling to see that case all the way through trial with such a large verdict.

Can you discuss any recent cases you’ve worked on?

MG: The last trial that I had was in December of 2021. This was during the time when courts were opening up, shutting down and then opening back up again in response to the pandemic. The Miami Courthouse, where we tried this medical malpractice case, closed after the Surfside collapse which prompted an inspection of the courthouse building. The courthouse reopened on Dec. 6., in time for us to start trial. We tried the case, got a nice verdict on a Friday, and on the following Monday, the courthouse closed again because of the pandemic.

LD: Wow. And tell me about working on the Surfside collapse suit.

MG: One of our founding partners, Jack Scarola, was appointed to the leadership committee which meant that we all did common benefit work for the entire class including investigating the claims that could be brought against various potential defendants. Then, after a recovery of more than \$1B was accomplished for the benefit of wrongful death and personal injury claimants, we represented four families who were in the building when it collapsed. Two of those families experienced multiple deaths and the other two families were in the building when the collapse began, but were miraculously able to escape, and they brought PTSD claims.

The case was a remarkable experience because of the speed with which the case moved. Judge Michael Hanzman, was a task master, held everyone to very strict timelines and became intimately involved in every detail of the case, including the victims and their families. He knew who they all were and where they lived in the building.

In one case, we represented the family of a husband and wife and their 1-year-old child. She was pregnant, expecting their second child. They were all killed. It was just heart-wrenching. There wasn't a dry eye in the courtroom during their damages hearing.

Although I consider myself as having played a very small role in this case, it was a an extremely valuable experience.

LD: Looking outside of your firm, tell me about your work as the past president of the Legal Aid Society.

MG: Legal Aid is one of the larger law firms in our community. Bob Bertisch, who has been the executive director almost since its inception, does valuable work on behalf of the most

vulnerable people in our community, and he has an exceptional team of lawyers. I served as president of the board for years because I believe in their mission. We all have an obligation to help others, especially those who need access to our justice system.

LD: Tell me about your work with judicial appointments, as well. You served on the 15th Circuit Judicial Nominating Commission, and you also advocate for Hispanic judges with the Hispanic Bar, right?

MG: Right. I got involved with the Hispanic Bar as a young lawyer and became president of the organization. I then continued to serve as a board member and I'm now serving as an advisor of the organization.

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LD: Why is it so vital to have judges from underrepresented communities?

MG: We have one of the fastest-growing Latino communities in Florida. It's projected that by 2050, Latino individuals will make up 50 percent of the population of Palm Beach County. So, we believe that the judiciary should reflect the population, and there should be qualified judges who are of Hispanic background. We'll support them in any way the organization can to help them achieve that goal.

LD: Outside of your practice and your public service work and bar association memberships, what do you do for fun?

MG: I've been around cars and airplanes all my life. My father's a mechanic. I worked with him, so I've been around cars and car racing for a long time. I'm a member of the Sport Car Club of America. Ten years ago, I did some club racing, and now I just do track days or high-performance driving events. So, I have a car that I take to those events every couple months.

LD: That's so fun.

MG: Some people think I'm crazy for doing it, but it's done on a racetrack which is a very controlled environment.

I was also exposed to aviation as a youngster. I'm a commercial multi-engine instrument-rated pilot and I've owned several airplanes throughout the years. I think the experience rubbed off on my son, who is an airline pilot. I don't fly as much anymore, but aviation is still one of my passions.

LD: Wow. Is that experience helpful in your aviation crash cases?

MG: It is. Over the years I've been involved in a number of airplane and helicopter crash cases. I understand the aviation language and what's involved in flying and maintaining an aircraft, which comes in very handy for those types of cases.

LD: You mentioned your son – do you have any other children?

MG: I do – a daughter, as well, who's a junior at Harvard University.

I don't think that any trial lawyer could do their job without the support of a very understanding and patient spouse and family. I hit the lotto when I met my wife, Shelley. I don't think that the families, and spouses in particular, get enough credit for what they have to tolerate in terms of the demands upon our time and the stress associated with representing people who have experienced something awful in their lives. I think that in order to do this job well, you have to really absorb a lot of what your clients are experiencing, since so many of the stories are just heartbreaking.

LD: How do you take care of yourself in that regard?

MG: Rest, exercise and caffeine.

LD: Do you have any advice for newer lawyers?

MG: Being a lawyer gives you a platform. It gives you the ability to learn about a lot of different things. Although the work is great, it's important to leverage our knowledge and abilities by becoming involved in the community that we serve.

I've been lucky to have had the support of my law firm in serving the community. For me, it's kind of selfish because I always get a lot more out of it than I put into it. The sense of satisfaction, the people that I meet and the ability to make a small difference in somebody's life is very rewarding.

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