



PROFESSIONAL EXCELLENCE

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ATTORNEY OF THE YEAR FINALIST

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REPORT*

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BRANDON PEAK of Butler Wooten Peak persuaded a jury to award \$280 million to his clients after a weeklong trial in Muscogee County State Court.

At issue was the death of Judy Madere, 58, who was riding in the back seat of a Nissan Rogue SUV, buckled in between her grandchildren, 4-year-old Jaxson and 7-year-old Trinity. Her daughter, Carrie Jones—the children’s mother—was driving. Judy Madere’s twin sister, Trudy Hebert, was sitting up front next to her niece. They all died when a tractor-trailer carrying a bin of scrap metal came into their lane and hit them head-on, according to court records.

The trucking company, Columbus-based Schnitzer Southeast, admitted liability for the at-fault driver’s negligence. The parent company, publicly-traded Schnitzer Steel Industries of Portland, Oregon, denied responsibility. But the jury held that the two companies were operating as a joint venture and that the driver was an agent of both.

The jury awarded more than \$280 million: \$150 million for the value of the life of Judy Madere, and \$30 million for her pain and suffering, plus \$100 million in punitive damages and \$65,000 in attorney fees.

A Mercer Law School graduate, Peak tried the case, on behalf of Madere’s survivors, with partner Joel Wooten. The winning team also included: LaRae Dixon Moore of Page Scramtom Sprouse Tucker & Ford in Columbus; Chris McDaniel and Ramsey Prather of Butler Wooten & Peak; paralegal Marci Martinez; IT specialist Ray Davis; investigators Nick Giles and AB Calhoun; and legal assistants Heather Byrd and Ginger Busby.

What was the biggest challenge in the Madere case, and how did you overcome it?

Our trial team (and it was a total team effort) had many interesting legal challenges in the case. The biggest challenge, however, was helping the jury understand why they should care about the case and why Judy Madere’s life was so valuable.

The way we overcame that challenge was by being totally authentic with the jury. We explained that, although Judy did not have much in terms of material wealth, her life was very valuable in terms of the things that truly matter. The witnesses and exhibits allowed the jury to get to know Judy and what made her tick. The jury was consequently able to see that, although Judy’s day job was that of a cafeteria worker, she was a wonderful person who devoted her life to making other peoples’ lives better.

How did you get interested in representing plaintiffs in personal injury and wrongful death cases?

I have always known that I wanted to try cases. After starting my career at a large law firm defending cases, I quickly realized that I was better suited to represent people in their times of need. There is no better feeling for me professionally than knowing I have played a small part in helping someone in a time of need—and hopefully preventing the bad thing that happened from happening again.

Getting to play a part in helping people and families put their lives back together after a devastating loss is a tremendous responsibility I take very seriously. Large verdicts and settlements are great, but the thing I value the most is when clients are genuinely appreciative of the work we have done at the conclusion of a case.

Who are one or two people who helped you achieve your career success, and how did they do that?

This is really a difficult question for me to answer, as there are so many people (many more than one or two) who have given their time and talents to help me along the way. We are blessed to live in a state with many outstanding judges and lawyers who have taught me what to do—and equally as importantly—what not to do over the years.

But undoubtedly the people who have had the greatest impact on my legal career are my current and former partners—and specifically Jim Butler, Joel Wooten and George Fryhofer. I am incredibly fortunate to have learned at the feet of masters who have given me opportunities to grow as a person and lawyer. As to how they did that, it is equal parts 1) showing me how things are done and why and 2) throwing me in the briar patch when they thought I was ready.