

Profile: Nina Shapirshteyn

Ukrainian immigrant cherished her chance at success in the U.S. and developed a passion for products-liability cases

BY STEPHEN ELLISON

As if enduring law school and the bar exam weren't difficult enough, Nina Shapirshteyn had a few bonus challenges to meet on her way to a successful law career.

The partner with the Alexander Law Group did not speak English until she was in high school, and she had come to the United States from a country where law served a much different and rather dubious purpose.

"I grew up in Ukraine, where the judicial system is based on and survives on corruption," said Shapirshteyn, who was raised in the city of Kiev. "So, being a lawyer there not only meant bending the rules but also living, breathing and enabling corruption. Corruption is the rule, not the exception."

After she arrived in the U.S., Shapirshteyn quickly took to the ideals of opportunity and liberty and equality. They were the unfamiliar, novel elements of a free society that people from her homeland just were not accustomed to. And they eventually became motivating factors for a young, impressionable Ukrainian immigrant.

You have to fight for your chance

"Ultimately, as I became older, I found that what I loved and cherished about this country was the chance that this country has, not the chance it gives you," she said. "But you have to fight for it. And if you do fight, you have to fight honestly, and you can get it. You can't really do that everywhere. To me that chance at equity was important. I don't know if it's partially because of my background, but that became key."

Indeed, overcoming a language barrier and extreme cultural, political and socioeconomic differences were



Shapirshteyn

University School of Law in New York.

Perhaps a tax lawyer

While in law school, Shapirshteyn said, she had a tax law professor who made the subject "a ton of fun." After graduating, Shapirshteyn then got a job offer from a tax law firm, and that brought her to a crossroads.

"I literally was blacklisted at that firm because as much as I tried, I could not start there," she said with a chuckle. "I realized I wanted to do litigation, and I could not sit behind a desk. So I said yes, and then I backed out, then said yes again and backed out again. I can't believe how many times I said yes to this firm. I can't even talk to these people anymore because I feel so bad."

Shapirshteyn instead followed her litigation desires to a job on the West Coast, joining O'Reilly Collins in San Mateo, where she spent five-plus years doing insurance bad faith, products liability and personal injury work.

"I always enjoyed my tort class and constitutional law class, and so I always had that affinity for plaintiff law – for people who are injured or whose civil rights are impacted," Shapirshteyn said. "I recently wrote an email to my tort law professor, caught him on his last day of

challenges, but Shapirshteyn persevered. Despite the obstacles, her success in Ukrainian schools carried over to America, and she attended UC San Diego for her undergraduate studies, then Pace

work before retirement. He told me there are only two things he would take with him, and my email would be one of them. My email thanked him for steering me into the field."

\$79.8 million products-liability verdict

In 2012, Shapirshteyn moved on to the Alexander Law Group, where she made her mark as one of the top plaintiffs' lawyers in the state. In 2015, she was selected as a Trial Lawyer of the Year by the San Francisco Trial Lawyers Association for her work as lead counsel in a case against Johnson & Johnson that garnered a \$79.8 million jury verdict, the largest verdict in California and the 18th-largest in the U.S. that year.

But even before that large verdict, she was being recognized for her achievements. In 2013 and 2014, Shapirshteyn was honored as a Northern California Super Lawyers Rising Star, an honor limited to only 2.5 percent of the attorneys under the age of 40.

From Kiev to California

Shapirshteyn grew up about 90 miles from Chernobyl, the site of the worst nuclear power plant accident in history in April 1986. Soon after the accident, her parents were looking for ways to get the family out of the country because of the radiation fallout that would not be going away for generations to come.

There were other factors in considering a move: It was an incredibly unpredictable country, Shapirshteyn said. Even after the Soviet Union collapse, the chaos didn't get much better, she said. Her father had built a successful business, but nothing was safe. There were threats, and she recalled having guns in their house, even though her parents were not the type of people who would fire guns. Despite all the turmoil and lingering

fear, it was a difficult decision for her parents because they loved their homeland as well as their friends and family, she said.

It was also a difficult time for Shapirshteyn and her sister. As teens, moving to another country was life-changing to say the least.

“All you think (as a teenager) is ‘I’ve just established my social life here, and now it’s going to be completely destroyed.’ And it is,” Shapirshteyn said. “It’s very hard to move as a teenager. I remember I was wearing everything that would be stylish right now. I didn’t fit in; everything was wrong. I remember in math getting a B on a test for a decimal point; I would put a comma instead of a period because that’s what we did in Ukraine. It was traumatizing.”

Shapirshteyn said it took her a while to get used to having four gas stations on one corner and having new clothes as opposed to the hand-me-downs she had been accustomed to her entire life. And she certainly didn’t miss the grocery lines in Kiev, standing in line for bread and going from one store to the other because, despite a two-hour wait, the first store runs out.

No English-Second-Language courses

The language barrier in the U.S. also was not easy, but Shapirshteyn was determined to avoid English as a second language courses because they made her feel isolated.

“So over one summer, I actually learned English from watching TV with subtitles,” she said. “I watched ‘Sister Sister’ and ‘Fresh Prince of Bel Air.’ That’s how I learned to speak English. I tested out of ESL and then took regular English then went on to honors and AP English, and things got better from then on.”

Another big deal for the young Shapirshteyn at the time was having carpet and stairs in their home. “I never had carpet in my life, and I loved the stairs,” she recalled. “It’s funny because now I live in a place with stairs, and I curse them every day.”

Taking on big companies

Shapirshteyn said she does a few trials a year and believes confidence and credibility with jurors are critical at trial. Her cases range across several areas of personal injury as well as insurance bad faith and products liability. The latter she sort of considers her specialty, mainly because she is so passionate about it.

“It’s the area I enjoy the most because there’s just so many different facets to products liability litigation,” she said. “A lot of times, there are defects not because of negligence on the part of the company, but because the company knowingly is choosing profits over safety. That is something that is outrageous and I can get very angry about, and that fuels me.”

Shapirshteyn said before she goes to trial, it’s important for her to resolve any doubts and be completely invested in her client and her case. She believes she is not a strong public speaker and that puts her at a disadvantage when trying to win over the jury.

“You need to stand behind what you say 100 percent, or the jury will know you’re not telling the truth or will think you don’t believe in your case, that you’re faking it,” she said.

While the Johnson & Johnson case was a huge verdict and a nice outcome for her client, Shapirshteyn said the case continues to go far beyond the money. She and her team fought for a sharing provision in the protective order requested by Johnson & Johnson so that Shapirshteyn could share information from the trial with other plaintiffs across the country. It turned out, Johnson & Johnson forgot to seal the court documents they alleged contained confidential information, and Shapirshteyn put them out there.

“Big companies when they do something egregious, they fight very hard to hide it through protective orders,” she said. “Many plaintiff lawyers won’t fight protective orders because it is too annoying or too much work, or they will fight it just enough for their client and their case to make life easier on them. What we did

with the Johnson & Johnson ... that really did make a difference. Even though my case was essentially over, I fought in court to do that. It’s not to the benefit of my client, but it does benefit everybody else.

“The ironic part is my case was still on appeal,” she continued, “but shortly after the verdict and shortly after the documents were released, cases all around the country had settled.”

Taking time away

When she’s not taking on big companies, Shapirshteyn loves to travel. She was getting ready for a trip to Greece in May, and she said she uses every opportunity she’s afforded to take quick trips to places such as Mexico, Panama and South America. She also enjoys surfing but doesn’t get to do it much in California, instead hitting the waves when she travels to places like Costa Rica.

Shapirshteyn also hikes, does yoga and loves ballroom dancing.

Though her journey into the law profession was quite unique, Shapirshteyn tries not to dwell on the past too much. She did face challenges because of her accent and myriad other reasons, but she said she’s almost forgotten them and instead just focuses on the work in front of her.

“Because if you focus on those differences and the biases of people, you’re just going to drive yourself crazy,” she said. “There are a lot of challenges in the profession. It’s getting better, but there are a lot of challenges: Being young, inexperienced; couple that with being a female attorney, the school you went to, the area you’re from. There are so many biases, especially when it comes to opposing counsel. They will try to capitalize on those biases. It’s hard to resist it and to not be intimidated, especially in litigation in that it can be such a hostile, adversarial environment. You have to know you’re right and believe in your own work and persist.”

Stephen Ellison is a freelance writer based in San Jose.