

## Tyson & Mendes Leaders On New Defense Litigation Strategy

By **Adrian Cruz**

Law360 (June 13, 2025, 3:34 PM EDT) -- Since insurance defense firm Tyson & Mendes LLP was founded in 2002, it has focused on defending clients from so-called "nuclear verdicts," which are jury awards exceeding \$10 million typically found in personal injury or wrongful death litigation.

As part of the firm's emphasis on preventing nuclear verdicts, which it said has negative impacts on both corporate entities and individuals, founding partner Robert Tyson wrote a book called "Nuclear Verdicts: Defending Justice For All" in 2020, a self-described "defense playbook" that he said is a major aspect of the firm's goal to inform attorneys about the different strategies they've developed to help combat "runaway jury trials."

Tyson & Mendes announced on Wednesday that the firm will be releasing a second book in October that highlights its new litigation and trial strategy called "Nuclear Verdicts: The Apex – Break the Pattern."

The firm said its new "Apex" strategy was developed over the course of several years, and includes an analysis of 100 nuclear verdicts, in which it discovered patterns in the way plaintiffs' counsel approaches cases and how the defense tends to respond.

"The insurance defense industry is notoriously slow to adapt, and the data we've analyzed bears that out," Tyson said in a statement. "The good news is that we know what works. If there's a pattern, we can break it. But it will take a proactive response from the defense and a proven method, which we have."

Tyson and national managing partner Cayce Lynch spoke with Law360 Pulse on Thursday about the firm's new insurance defense strategy, the upcoming book and the impact nuclear verdicts have on the average person. This interview has been edited for length and clarity.

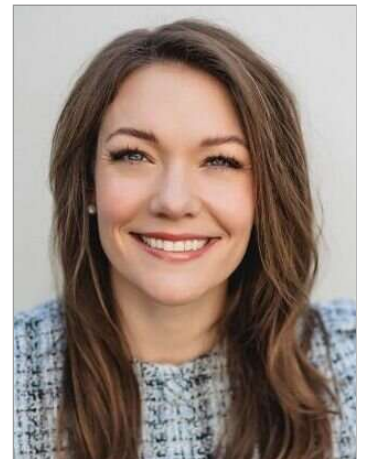
### Tell me about Tyson & Mendes' new legal strategy and how was it developed?

**Lynch:** We're super excited to roll out the Apex strategy. It helps us and other defense lawyers and claims professionals stop the number one driver of social inflation [the increase in insurance costs beyond economic inflation], which is the unjust nuclear verdict. Apex is really a blueprint for the defense with tools we use at trial to defuse juror anger. When we curb juror anger, they're able to reasonably assess through the arguments and find a more just outcome.

This method has been developed by our expert trial lawyers based on our data-driven analysis of over 100 nuclear verdicts that have come out over the last 10 years, really looking at what's happening in the courtroom when a case goes nuclear, what message is the plaintiffs' lawyer using and how the defense is responding.



Robert F. Tyson Jr.



Cayce E. Lynch



Tyson & Mendes' new legal strategy to combat nuclear verdicts is represented by the image of a pyramid, with the firm highlighting that the main goal for defense attorneys is always to "Reach the Apex," which in this case is defusing potential juror anger. (Courtesy of Tyson & Mendes)

This analysis has really illuminated and affirmed that the methods we use work to defuse anger and avoid nuclear verdicts. Now we've been able to truly structure our methods. It shows how all of our different approaches work together and build upon one another to reach that apex and avoid nuclear verdicts.

### Why the name Apex? What is the firm trying to convey with it?

**Lynch:** The goal is that you reach the apex of the pyramid. If at any point during the trial, trial preparation or during the defense of a case you're not quite sure which strategy you need to take, you just look up with this method. You ask yourself, "Is this option that I can take going to defuse juror anger?" If it is, then that sounds like a great method to employ in the case, and if not, you need to go back to the drawing board and reassess.

### How long has this been in the works for?

**Tyson:** It's been in the works for a long time, and it was an evolution of the first book. That was a culmination of mine and the firm's 25 years of trial experience, and the number one question we received from insurance companies and defense folks was, "Do we have any data" to support what we're saying? It's been a multiyear project where we've hunted to find information on nuclear verdicts, and it's not always easy to get the actual trial transcripts before even being able to analyze them.

We had two trial lawyers working for nearly two years analyzing this data on an almost full-time basis, and our groundbreaking in-house AI technology helped. What it really does is shed light on what's causing nuclear verdicts and what the trends are. A lot of things have to go wrong to get a nuclear verdict but when you break it down to the core, there are four things present in every nuclear verdict and if you can address them, you can stop them.

It's been an active project for the last two or three years but really, it's been an ongoing project for over 35 years.

### What is the firm's main goal in publishing this second book?

**Tyson:** Unlike most defense firms out there that work just for their clients, we're trying to take back justice for all

Americans. We think this is going to benefit all Americans, not just our clients. It will benefit everyone from our clients to our neighbors, friends and fellow citizens, because what's happening with nuclear verdicts isn't just or fair. If the defense industry is able to adopt our core methods, it will be able to take back justice and hopefully stop social inflation at all.

Since we are specialists in the field, we're brought in to try the largest tort cases in every city we have an office. The reality is that by using these methods, we're able to take back justice and, unlike what other defense firms do, we're sharing it with everyone. Defense lawyers usually don't share anything with each other, while we were the only ones to write a book with our defense methods, and now we're the only ones to write a second book. In addition to having groundbreaking research, the fact that we're sharing it across such a large platform is unheard of in our industry. We're breaking the mold, and I think it will have a tremendous impact on everyone.

## **It's easy to tell how nuclear verdicts impact large corporations, but what kind of effect do they have on the average person?**

**Lynch:** When you drive across any highway in America, you're going to see plaintiff attorney billboards that say something along the lines of, "Get a wreck, get a check," and I wish more Americans would be educated on how nuclear verdicts do not necessarily mean justice. By definition, a nuclear verdict is an unjust result and when individuals are winning the lottery, the question is, where does that money come from?

A lot of people think it just comes from the deep pockets of corporations and insurance companies, but it actually has a real impact on the lives of everyday Americans, because companies can't sustain tens of millions of dollars in nuclear verdicts over and over again while staying in business. The real impact is that it drives up the cost of insurance, which then drives up the cost of goods and services, especially when they're tied to things like the transportation industry.

It's not just simply, "Oh, I'm so glad they got \$50 million, they're set for life." Someone has to pay and that cost trickles down to all of us.

**Tyson:** When it hits corporations, they have to find the money somewhere. We think that \$50 or \$100 million doesn't matter but it starts to add up, and it impacts their employees who lose their jobs when businesses, such as trucking companies and medical clinics, are forced to make cuts or even close, and us as consumers, whether by the price of goods going up or costs going up from the price of insurance.

The other interesting [thing] about it is that when you do win a \$50 million nuclear verdict, everyone tends to think that the plaintiff makes all the money, but the dirty underbelly of what's going on is that sometimes the plaintiff only receives a small fraction after lawyers, experts and financing companies are paid. What's left for the actual aggrieved party is often shocking. There's a lot going on behind the scenes, and we're trying to shed light on it one step at a time.

--Editing by Nicole Bleier.