



Profile: Stephen Murphy

“Be passionate about your case, but remain skeptical”

BY STEPHEN ELLISON

When Stephen Murphy is working a case – taking depositions, reviewing testimony, studying potential jurors, cross-examining witnesses – there is almost as much activity occupying the depths of his creative mind as is taking place at the surface.

Murphy, a sole practitioner based in San Francisco, is most notably a plaintiff’s lawyer, a shrewd litigator who has been recognized many times as one of the top trial lawyers in Northern California.

He is also a successful writer. “It’s much different than being a lawyer – you’re so isolated,” said Murphy, who has penned three books, including the mystery novel, *Alibi*, published by Penguin Putnam in 2005. “I don’t think I could ever do it full time, but it’s nice to get out and do something different.”

Catching the writing bug

An avid reader since childhood, Murphy caught the writing bug in 1989 after reading *Presumed Innocent*, by Scott Turow, a fellow attorney. That year, when Turow was scheduled to make an appearance in San Francisco, Murphy thought it an opportune time to interview the emerging author and write an article about him. “So I called him, and he agreed to do the interview,” Murphy said.

The resulting piece was published in S.F. Trial Lawyers Magazine, and thus began a string of more than 40 articles Murphy would publish about lawyer-novelists. Those interviews and stories became the subject of his first book, *Their Word Is Law: Best-Selling Lawyer-Novelists Talk About Their Craft* (2002, Penguin Putnam), which includes anecdotes from such acclaimed lawyer-turned-authors as Turow, David Baldacci and Steve Martini. “I’ve sort of used (the interviews) as my own private tutorial,” Murphy said.



Murphy

His third book, *What If Holden Caulfield Went To Law School?* (2007, Lawyers Writing) is a collection of short fiction, essays and book reviews, as well as more author interviews. All

three of Murphy’s tomes are available at Amazon.com, as well as at his writing Web site, www.lawyerswriting.com.

Duty before passion

As much as he loves writing, Murphy is not about to quit his day job. And why would he? Being the owner of a firm – The Law Offices of Stephen Murphy in San Francisco – has its advantages. “For me, the biggest benefit of being on my own is getting to choose which cases I take,” he said. “When you’re working for someone else, and they give you a case that’s a piece of crap, you have no choice but to take it. Now if a case is a piece of crap, I have no one to blame but myself.”

Murphy also enjoys being called on to act as co-counsel, getting a particular charge from coming in and rescuing a case. “It’s a challenge when you pick up a case – especially when it’s about to go to trial,” he said.

Last year in Sonoma County, sole practitioner Candice Clipner was about to start her first trial, but realized that she had the wrong attorney as co-counsel. “He really saved me,” Clipner said of Murphy. “He came in late in the case. I had associated (in) with another attorney with a lot of experience, but it had become obvious that she just wasn’t right for it. So I thought of Steve. He agreed to take the case – and there was nothing stressful about it; he

didn’t make any demands. He just stepped in and basically saved the day.”

Clipner was taken in by Murphy’s ability to focus and make decisions. “When I posed a question, he would just have a response; no hesitation. It was wonderful,” she said. “Something like that not only makes me more comfortable having him as co-counsel, but it also gives the client more confidence.”

At trial, Murphy “was able to just pinpoint what’s necessary and what’s not,” Clipner said. “He’s not focusing on the million other things I might think are worth mentioning. He knows what’s most important for the jury to hear.”

Inspiration – Clarence Darrow

Born and raised in Massachusetts, Murphy grew up in a working-class family – his father was a firefighter for the city of Boston – with little or no familial influences steering him toward a legal career. And yet, he said, he knew at a relatively young age that he wanted to be a lawyer. His inspiration? A book, of course: *Clarence Darrow For the Defense*, he said. “I was impressed with Darrow’s fight for the underdog. I was probably one of a select few who went to college with the idea that I’d go to law school.”

When it came time to choose a destination for that venture, Murphy looked west at the pleasant climes of Northern California – and was sold. He went to University of San Francisco School of Law not knowing what type of law he wanted to practice, he said, but it soon became clear that trial law was more interesting, and “more to my liking.”

Upon graduation, Murphy returned to New England and took a position as a clerk for a New Hampshire Superior Court, hoping to gain some experience and take the time to figure out what he wanted to do. “It was a great experience;



I saw a lot of trials,” he said. “I worked for one judge who went on to become a U.S. Supreme Court justice – David Souter. Eventually, I realized I’d rather be in San Francisco.”

Murphy began practicing law in 1982 with Bianco, Brandi & Jones, a plaintiffs’ firm in San Francisco. “I couldn’t see spending my life helping insurance firms get richer,” he said. “I interviewed with a couple firms, got several offers. I got one offer from a plaintiffs’ firm and went for it.

“I was very fortunate – all three of those guys helped me considerably,” Murphy added. “I got a good break.” Some years later, the firm became Bianco & Murphy until Murphy decided to put up a shingle and start his own practice in 1999.

Truth and justice

Among his numerous verdicts and settlements in the discrimination and employment law arenas, Murphy noted one in particular that was both pleasing and humbling.

The disability discrimination case involved a MediCal caseworker for Sonoma County who had been diagnosed with agoraphobia, a fear of being in open places with strangers. Murphy’s client would go to the MediCal office – he was fine around people he knew – and interview clients by phone, Murphy said.

For reasons unexplained, the company suddenly decided it wanted him to

start interviewing clients face to face. “They offered to move him into another position, but he wanted the job he’d been working for 25 years, as well he should,” Murphy said.

Murphy filed suit, and the county offered \$12,000. Murphy won a \$6.5 million verdict.

“As gratifying as the verdict was, it got totally distorted by the media,” Murphy recalled. “I got a call from Fox News – they wanted me to go on a show with host John Kasich – he was so obnoxious, grandstanding, he made comments about crazy juries. They thought (my client) never left his house, even after I explained to them otherwise. It was a good lesson in distortion of the truth by the media.”

Murphy’s approach in the courtroom boils down to staying true to your case and to yourself. He said the most important thing in trial is maintaining credibility with the jury, “and you do that by not making claims that aren’t substantiated,” he said.

His greatest challenge at trial is *voir dire*, he said. “It’s tough to avoid tainted juries; getting them to admit bias is so difficult.”

Witnesses, on the other hand, are another story. Murphy considers cross-examination his greatest strength in trial. “I love poking holes in people’s testimony – picking out where they’re stretching the truth or lying. That takes a lot of preparation,” he said. “I outline all my crosses,

noting specific testimony. That’s a lot of fun.”

Off hours

Murphy joked that he may never retire, although he said with some measure of sincerity that he hopes to one day decrease his litigation time and increase his writing time. He’s already at work on his next book. “I’m writing a historical novel – set in 1798 in Ireland. It was the time of the great rebellion,” he said. “Once I got into it, I couldn’t stop. But it’s definitely a challenge to write about a time period.”

Otherwise, traveling and photography take up most of Murphy’s leisure time. His most recent global trek was to exotic Asia, and he even turned the pictures of that into a book titled, *Portraits of Asia*.

Asked for a snapshot of what a new trial lawyer should strive for, Murphy responded quickly: “Be passionate about your case, but remain skeptical. A lot of lawyers put blinders on and don’t bother



Ellison

looking at the other side. Come up with a strategy to oppose the defense position. Do that and you establish credibility with the jury. And that’s the key to winning your case.”

Stephen Ellison is a freelance writer based in San Jose, Calif. Contact him at ssjellison@aol.com.

