



# Profile: Chuck Geerhart

*“With us, it’s our client’s only case. We have a much more personal connection.”*

## BY STEPHEN ELLISON

The day Chuck Geerhart got fired by a corporate client was perhaps the best day of his professional career.

It was 1999, and Geerhart was a seasoned defense lawyer with a steady stream of business from a large retail chain. “I was Kmart’s designated slip-and-fall lawyer in Northern California,” recalled Geerhart, a founding partner with Paoli & Geerhart of San Francisco.

On that fateful day, Geerhart said, Kmart lost a discovery motion – the company was ordered to produce records of every one of its slip-and-fall incidents in California for the previous three years – and the corporate counsel was not happy. Although he had fought the motion tooth and nail, Geerhart would take the fall. “They fired me via fax,” he said.

“I didn’t realize it at the time, but they were doing me the biggest professional favor I had ever been given,” added Geerhart, whose defense work also included such clients as Pacific Gas & Electric and Ford Motor Co. “It forced me to jump-start my career as a full-time plaintiffs’ lawyer. I found out, of course, that I enjoy representing people a million times more than representing companies.”

All those years on the defense side have amounted to a blessing in disguise for Geerhart. Unlike many plaintiffs’ attorneys, he is able to immediately recognize an adversary’s inclination for scare tactics and gamesmanship, not to mention their knack for inefficiency.

For instance, with defense attorneys, it’s all about billing, Geerhart said. “When I was a defense lawyer, it involved billing hours – you have to bill at least eight hours a day,” he said. “It involved a lot of status reports to corporate defendants or insurance carriers. It involved a



Geerhart

lot of paperwork that we just don’t have the time for on the plaintiff side.”

Even more important to Geerhart, being a plaintiffs’ attorney carries with it a dimension defense lawyers rarely, if ever, get

to experience. “There’s a bit of a hardball element to defense work that we see far too often. The typical defense lawyer is getting lots of repeat business from a client – the same corporation or insurance company over and over,” he explained. “With us, it’s our client’s only case. We have a much more personal connection to that case because it involves a client who is physically injured, financially injured, trying to put back the pieces of their life.

“The defense is about loss adjusting, risk adjusting,” he continued. “They really don’t care about the human aspect to the case because, quite frankly, for them, there is no human aspect.”

### The military route

Geerhart, who was raised in Washington, D.C., studied English literature at Cornell University while on a four-year Naval ROTC scholarship. Upon graduation, he joined the U.S. Navy supply corps as an officer, thus beginning a four-year commitment he owed to the Navy. While he was at sea on various extensive deployments, Geerhart had plenty of time to think about his future – which, he said, did not involve a career in the military.

“So on one of our deployments, I started practicing the LSAT and found I

was doing pretty well at it,” he said. “So I took the LSAT, and that cleared the way for me to go to law school.

“The other alternative for me was journalism,” added Geerhart, who wrote for the Cornell campus newspaper and is currently the editor of SFTLA’s Trial Lawyer Magazine, “but frankly, I thought it was going to be pretty hard to make a living as a journalist.”

After landing in the Bay Area for his final year of military service at Moffett Field, Geerhart traveled south to attend UCLA School of Law, where he was a member of the Moot Court Honors Program and clerked at the U.S. Attorney’s Office. Following law school, he moved back to the Bay Area for a job with a leading civil defense firm, Sedgwick, Detert, Moran & Arnold. “I have to confess, I did what a lot of people at the time were doing: I took the best job that was offered to me, the one that paid the most money,” he said. “I knew I wanted to be a litigator, but that was about it.”

After about six years with Sedgwick, working for a large firm began to wear thin, Geerhart said. In 1995, he moved to a mid-size defense firm, Arnelle Hastie McGee, where he began his work with Kmart and eventually became a partner.

That firm went out of business two years later, and Geerhart was left with his one client, trying to figure out what to do. “Tom Paoli, who was doing all plaintiff work, approached me and convinced me that we ought to join forces,” Geerhart said. “I would take this client I had that was providing a steady monthly income and join up with his plaintiff firm, and we would work together.”

### Cases big and small

Today, with Kmart far in the past, Paoli & Geerhart continue to get results – several in the seven-figure range – in the



areas of personal injury, wrongful death and product liability.

Geerhart recalled two cases that stood out in his memory – one for its rewarding human element, the other for its complexity.

The first case involved a 52-year-old woman who began experiencing numbness and tingling in her legs. Her doctor referred her to a neurologist, who ordered an MRI exam of her middle and lower back, the goal being to rule out the spinal compression by a tumor, Geerhart said. But the hospital performed only the lower-back MRI, and the neurologist failed to follow up on the exam, Geerhart said. As a result, they missed a tumor on the woman's spine, and three days later she was a paraplegic.

Geerhart filed a medical-malpractice suit against the neurologist and sued the hospital.

"This woman had multiple myeloma, and her life expectancy was three to five years – with or without the malpractice she was going to die," Geerhart said. With her health declining, the woman moved back to Massachusetts to live with her sister, and Geerhart realized that he needed to get her testimony down on videotape. "So we all went back to Massachusetts for the deposition, and when we showed up, she and her sister had put out some Dunkin Donuts and a big thing of coffee – they were going to feed the defense lawyers."

The case settled on the eve of trial, and the woman died three months later, Geerhart said. While it was a satisfactory result

for him, Geerhart was most touched by his client's mindset in spite of her plight. "She wasn't happy about what happened to her," he said, "but she had a wonderful attitude, and she was able to joke about her case and, of course, buy doughnuts for the defense. I felt she was a real friend."

The second case – Geerhart's biggest – involved a man on a trans-Pacific flight to the Far East who began vomiting and showing other symptoms of disorientation. It turns out that the man was having a stroke. But there was no doctor on board, and the flight crew didn't know what was happening nor what it should do. "They should have landed as soon as possible," Geerhart said, "but instead they continued to fly another 11 hours to the Far East. By the time they got there, the guy was comatose."

It was a liability case, but there was a medical causation problem, he said. The defense hired a UCSF medical expert who said the man "was a goner" by the time the stroke had started. Geerhart went through three experts before finding one who would testify that if the plane had landed within 90 minutes, his client would have had a better outcome.

After agreeing to trade medical expert reports with the defense and explaining to his own apprehensive clients about the medical causation disagreement, the case settled for \$4.2 million.

### Staying active

Outside the office, Geerhart serves on the SFTLA board and is involved with the

association's diversity committee. He also is active in the recovery community, having spent the past 18 years as a member of The Other Bar, a nonprofit network of lawyers and judges recovering from alcohol and substance abuse. "That's an important part of my life," he said.

In his leisure, Geerhart enjoys hiking, biking, jogging and backpacking. He is a self-proclaimed political junkie and an avid reader.

Asked what advice he would pass on to young lawyers today, Geerhart reverted to his keen sense for dealing with defense lawyers. "I think that civility in litigation – or lack thereof – is a big problem," he said. "I've run into defense lawyers who are truly unhappy people and are acting out. Don't take that stuff personally; take the high road. Don't be a doormat, but don't stoop to their level because it'll only hurt your case. There are other ways to win cases."

In trial, Geerhart advises to put the pressure on the defense. "Trial dates settle cases," he said. "When you get a case, push to get that trial date set as soon as possible, and prepare every case as if you're going to trial. Defense lawyers will notice that, and hopefully that will bring them to the negotiating table sooner."



Ellison

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

