



Profile: Tom Brandi

Veteran trial lawyer hits the ball out of the park

BY STEPHEN ELLISON

Tom Brandi might not call himself an athlete. Nor would he purport to be an artist, adviser or ambassador. But in essence, the veteran trial lawyer and principal of The Brandi Law Firm in San Francisco is all of those things rolled into one.

As many plaintiffs' attorneys do, Brandi carries with him and wears any number of these hats on a given day — perhaps even all of them when he's in the midst of a trial. It is that versatility and flexibility that Brandi points to as he waxes analogous about his work as a trial attorney. As a collegiate baseball player at San Jose State and an avid fan of the game, it's only natural for Brandi to find parallels in his two favorite pastimes.

"A lot of people think baseball is boring because they don't understand all the different factors that hinge on every pitch, every at-bat," said Brandi. "It's an accumulation of strategy. It's very much like trying cases. You have to be able to account for different approaches, and you have to be able to adjust on the fly to counter the opponent's approach."

Brandi has been on both sides of the courtroom, having worked on defense cases for the Caltrans early in his career. "The people I worked with, they were terrific teachers," Brandi said of his colleagues at the DOT. "It was an opportunity for me to learn and build some experience toward what I really wanted to do, which was be a plaintiffs' attorney."

"Being a plaintiffs' attorney is much harder than being a defense attorney," he added. "You have to put a case together, consider all possible approaches and develop a plan of attack. Whereas a defense attorney can just sit back and wait to see what happens."

Brandi would know. He has tried cases in more than 30 California counties — 15



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separate jurisdictions, including three federal jurisdictions. He has achieved 17 verdicts of \$1 million or more and at least seven of those cases started with the defense offering zero compensa-

tion. He also has completed more than 100 settlements in excess of \$1 million.

No surprise then that Brandi's resume is brimming with recognition. In 2004, he was named Trial Lawyer of the Year by the Consumer Attorneys of California, an award for which he also was nominated in 2002. Also in 2004, the CAOC presented Brandi with the Robert E. Cartwright Award for excellence in trial advocacy. And in 2005, he received the Lifetime Achievement Award from the San Francisco Trial Lawyers Association.

Staying home

Not bad for a kid from a working-class family with virtually no influences in the areas of law and academia.

Raised in the outer Sunset district of San Francisco, Brandi was one of the many neighborhood kids whose streets were their playground. His father came from an immigrant family and worked in the shipyards his entire life. Like many men in such vocations, the elder Brandi eventually contracted mesothelioma, a terminal cancer of the lining of the lung caused by asbestos exposure. He succumbed to the disease a short time later.

Brandi's mother was the executive secretary to the president of a big corporation and apparently was pretty good at what she did because when her first boss retired, the company asked her to stay on, Brandi said. "Mom was very bright," he

said. "Probably the smartest person in our family."

As for the young Brandi, he had dreams not unlike many of those neighborhood boys who grew up watching the likes of Mays, McCovey, Mantle and Aaron — except he was one of a select few who had the talent to make it happen.

Following an accomplished high school career at St. Ignatius, where he was an All-City second baseman, Brandi accepted a full scholarship to San Jose State, where he had an up-and-down four-year run. By his senior season, Brandi's dream of playing pro ball was all but dashed. "He couldn't hit a curveball," joked longtime friend and colleague, Judge Al Chiantelli. "So he had to leave for another profession."

Actually, Brandi was asked to stay with the SJSU baseball program as a graduate assistant, and that represented what Brandi saw as an open door to a new career. "I saw it as an opportunity to go to grad school and get my master's," Brandi explained. "Then I decided to go to law school."

Growing up fast

By the time he started classes at University of San Francisco Law School, Brandi also was starting a family. In his first year at USF, he attended class during the day and drove a truck full-time in the evenings to pay the bills. The following year, he accepted a teaching job, so he had to switch to night school. "We also had two kids during that time, so it was a pretty intense couple of years," Brandi said.

Brandi chose USF partly for its convenience but mostly because the faculty was "very understanding of us working and going to school. It wasn't that they went easy on us," he said, "they just recognized you as a human being."

Post-law school and working for Caltrans, Brandi worked on eminent domain



cases in which the state essentially was the plaintiff. He also served as a defense attorney in cases where the state was being sued for defective highways. "I worked on a lot of cases and got tremendous trial experience," he said. "I tried cases all over the state against some of the best plaintiff lawyers in the state."

With that experience under his belt, Brandi was able to go after the job he really wanted. He accepted a position as an associate with Abramson & Bianco, a San Francisco personal injury law firm. Several years and dozens of cases later, Brandi became a partner in a new firm, Bianco, Brandi & Jones. After 10 more years of favorable verdicts and settlements, he started the firm he owns today.

One of his highest profile cases was a class-action against Bank of America on behalf of 1.1 million clients whose Social Security funds were seized to cover account overdrafts (*Miller v. Bank of America*, 301917 (S.F. Super. Ct. Feb. 25, 2004)). The jury awarded over \$75 million in compensatory damages plus \$1,000 for each class member. On non-jury claims, the court entered judgment for \$296 million. The judgment was later reversed on appeal.

In July 2011, Mr. Brandi completed a 22-day trial in Solano County against the State of California and a driver for the absence of a median barrier in a cross-over accident on State Route 12. The jury returned a verdict of \$29 million, \$20

million of which is the State's responsibility. It was the first verdict holding the State liable for absence of a median barrier on a two-lane road in California.

Brandi also tried one of the California Vioxx cases as well as the last two Dalkon Shield cases in 1998.

Currently, Brandi is one of five lead attorneys on the Plaintiffs Steering Committee in California for a class-action suit against GlaxoSmithKline concerning the drug Avandia. The medication has been prescribed to Type 2 diabetes patients to help keep their blood sugar below dangerous levels, but recent studies have shown the drug can cause increased heart problems. Brandi and his fellow plaintiffs' attorneys are holding the drug manufacturer accountable for placing a dangerous or defective product on the market. The trial is set to begin in November.

Pressing on

Brandi at trial is a formidable adversary because he knows his opponent's case as well as he knows his own.

"He prepares very well — not only for his case, but he also prepares to defend and do damage control on each and every part of the defense's case," Judge Chiantelli said. "Every case has cracks ... and if the defense manages to find them, he's always ready to counter with good arguments."

Besides being a prolific trial attorney, Brandi is a shrewd advocate for

consumers. He is a former president of CAOC (2000) and SFTLA (1998) and speaks passionately about the ongoing battle against tort reform. "Every plaintiff's lawyer needs to recognize that it's much bigger than their individual case," Brandi said. "It's insurance companies, banks, drug companies, all trying to take away their rights. We plaintiffs' lawyers don't get to say 'the issue of tort reform doesn't affect me.' It affects all of us."

When a retirement pitch is delivered, the ever-patient Brandi keeps the bat on his shoulder. As long as he remains happy and healthy, he'll continue to work. "I think I have a lot I still want to accomplish," he said. "I love the process of trying a case, and I look forward to trying many more cases."

As an adjunct professor at USF, Brandi also gets many a chance to pass on to promising young trial attorneys his more than 30 years of wisdom. His advice? "Be true to your principles," he starts. "Understand who you are and what you're trying to achieve, so when you look in the mirror, you can be proud that you protect people, preserve their rights and build a better society."



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