



Profile: Richard Watters

Central Valley native returns home to become one of the state's top trial lawyers

BY STEPHEN ELLISON

A father's advice may not always be heard – or followed – and certainly doesn't always turn out favorably. But in Richard Watters' case, he gave his dad the benefit of the doubt, and the result has been a lengthy, flourishing law career in Watters' own hometown.

A Fresno native, Watters was attending law school at Santa Clara University and clerking at an insurance defense firm in San Jose when he got what would turn out to be a career-altering phone call from Dad.

"My father told me there's a very good small firm here in Fresno you should talk to," Watters recalled, "and like most college kids, I thought, 'What did my dad know?' My dad was a salesman. But I came back home and interviewed with Miles, Sears and Eanni – they did 99 percent plaintiffs' work – and they hired me. I started before I took the bar in August of 1973, and here I am. I've spent my whole career at one firm."

Today, Watters is among the top catastrophic injury, wrongful death and product liability plaintiffs' attorneys in the state, having worked more than 90 jury trials to verdict, in both state and federal court, and matching track records with the best big-city attorneys around, all while working out of what is essentially a small-town firm.

He started with small personal injury cases – numbering in the hundreds. "I had many clients to satisfy, and having clients on small cases is difficult because there's not much money and there are liens and things of that sort," he explained. "So I was just



Watters

kind of immersed in plaintiffs' law and didn't have much time to think about (the transition from insurance defense). I was also involved in

applicants' worker's compensation cases. We were not a big player in that, but we did that as well. So I was very busy."

Watters worked his way up to large plaintiffs' clients, which then evolved into working on catastrophic cases, which are the firm's main focus.

"We're a relatively small firm," he said, adding that a high-percentage of its cases go to trial. "I would say there's not more than 30 cases in the building."

Watters has taken on large product liability cases, including several against auto manufacturers. One in 2008 did not turn out with a favorable result for his client and haunts Watters to this day. "What I felt bad about was there was a beautiful little girl, five-years-old, and a seat-belt defect allegation against GM and Takata seat belts, and we lost," he recalled. "The little girl was paralyzed from the chest down and (suffered a) neurogenic bladder and bowel... I attempt to not get too close to clients in these cases, but it's very hard to take when you see a little girl like that."

Watters is currently involved in another product liability-catastrophic

injury case, against Ford Motor Company, that goes to trial Sept. 30.

Most recently, Watters was hired to represent one of the plaintiffs in a high-profile wrongful death case involving a horrific limousine fire in the Bay Area that killed five women. On May 4, 2013, a 1999 Lincoln Town Car stretch limo was carrying nine passengers, all nurses, who were celebrating one of the women's recent marriage and an impending ceremony in her native Philippines. As the vehicle was crossing the San Mateo Bridge on its way to a party in Foster City, the rear of the car burst into flames. Four of the women managed to escape. The others died in the blaze.

"I've been retained by the husband and dependent parents of one of the nurses who died in that fire. It's a very interesting tragedy," Watters said. "Two of the nurses worked at Community Regional Medical Center here in Fresno, and I've been retained by the family of one of those nurses. In fact, she was the young lady they were having a bridal shower for.

"It's a pretty big case. As you can imagine, they probably interviewed lawyers all over California."

Schooled in business

Watters stayed close to home to attend college, earning his bachelor's degree and MBA from Fresno State University with designs on a career in business. But as he was finishing his master's studies, he had a change of heart. With a law degree, he thought, maybe he could become a tax lawyer. He applied to eight law schools in California and was accepted to four.



About that time, his wife-to-be, whom he had met in high school, had a family emergency up in Sacramento, and Watters went with her. They married about a year later, and Watters enrolled at Santa Clara University School of Law.

While in law school, he took a summer job at Farmers Insurance in Hayward as a claims adjuster. In his final year at Santa Clara, he landed a clerk's job at a small insurance defense firm in San Jose.

But Watters' destiny was to return home and try cases for plaintiffs. Indeed, trial work posed a challenge that he just could not pass on. "I enjoy jury trials; I enjoy the competition," he said. "I've tried over 90 cases to jury verdict in federal court and state court. Federal court is challenging because they have their own rules. They're very stringent, and cases move quickly. When you pick a jury, you have only about 15 minutes of voir dire. And when you strike a juror, the strike sheet gets handed back to you, and you have about 30 seconds to think about it. You have to move quickly on your feet."

Watters believes jury selection is one of the most important parts of a trial – establishing a rapport with jurors through intelligent and strategic questioning and listening.

"I find very experienced opponents of mine who don't know how to do that. A lot of them like to talk about themselves,"

he said. "During jury selection, the whole goal is to acquire information. So it's not about you, it's about hearing what the jurors have to say."

In the midst of a trial, cross examination can be critical, Watters said. A good trial lawyer has to be able to find flaws in opposing witnesses' testimony. "And then once you've made that dent, you have to know to be quiet," he said.

Speaking volumes

While Watters certainly can let his record speak for itself, he gives no pause to stepping up and helping with furthering the education of the bar. He has been enlisted by several institutions – including the American Board of Trial Advocates and multiple law schools – on numerous occasions to speak, teach or moderate on topics such as preparing for trial, handling evidence and preparing and examining expert witnesses. He has been a part of ABOTA's Masters in Trial program since 1995 as both a panelist and a co-chair.

When asked what advice he might emphasize most in his lectures to young lawyers or law students, Watters hinted at courage and fearlessness in the name of the client. "If you want to be a trial lawyer, you have to be able to weigh the benefits and risks (of going to trial) for your client," he said. "If the benefits outweigh the risks, you have to go to trial – you have to have the confidence to go to trial."

That strategy, along with all his accomplishments and achievements with the plaintiffs' bar, have led Watters to be inducted into three of the most exclusive trial lawyer associations: the International Society of Barristers (since 1989), the American College of Trial Lawyers (since 1993) and the International Academy of Trial Lawyers (since 2004).

When he's not in court or teaching and mentoring younger attorneys – including his son, who is a sixth-year lawyer at Miles, Sears and Eanni – Watters enjoys getting away with his wife of 43 years. They have a second home in Santa Cruz, traveling there "as often as we can," and take a yearly trip to Maui. They also enjoy spending time with their two grandchildren.

In addition to the travel and family time, Watters and his wife are active in philanthropy, having established scholarships at the four universities family members have attended.

Not bad for a guy who could have succeeded anywhere but chose to take his father's advice and stick around the old neighborhood.

"I was very fortunate to be hired by (Miles, Sears and Eanni), and I'm glad I stayed the whole way," Watters said. "It has benefited me and my family and the clients I've represented over all these years."

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