

FEBRUARY 2009

Christopher Dolan

Persistence pays: A top lawyer learns not to take "no" for an answer.

By Stephen Ellison

Most boys grow up reading comic books, sports magazines or children's fiction before bedtime. Christopher B. Dolan's upbringing was a tad different. "I lived with my father in his (law) office for a while," Dolan recalled during a recent phone interview. "At night, I would read his casebooks as if they were stories."



Christopher Dolan

Dolan's early legal education, which also included watching his father in action in the courtroom, laid the foundation for what has become a prosperous and rewarding career as a plaintiff's trial lawyer. The founder of The Dolan Law Firm in San Francisco saw the fruits of his labor ripen in 2006 when he secured an unprecedented $61 million verdict in an ethnic harassment and discrimination case against Federal Express (*Issa v. Roadway Package Systems* (2006) Superior Court, State of California, case no. C-841208-9). Judge Stephen Dombrink later reduced the award to $12.4 million, but the jury's initial decision had trial lawyers, as well as employers, buzzing.

"To get $61 million in an employment law case for two guys who are still employed is unheard of," said Jerry Spolter, a mediator for JAMS.

The suit, originally filed in May 2001, claimed that for two years Stacy Shoun, a FedEx terminal manger in Oakland, harassed Lebanese-American drivers Edgar Rizkallah and Kamil Issa, calling them "camel jockeys" and "sand niggers," among other racial epithets.

The drivers were independent contractors for Roadway Package Systems, since acquired by FedEx, and the case, according to Dolan, would become the first application of a state law enacted in 2000 that extended coverage of the Fair Employment and Housing Act to independent contractors. Previously, only employees had been protected by FEHA from unlawful harassment.

Dolan said the plaintiffs had been turned down by a number of other firms before they arrived at his office. When Rizkallah and Issa explained their case, two thoughts crossed his mind: 1) Don't take it; 2) This is wrong and somebody needs to stand up for these guys. "My head was saying this case doesn't make economic sense," Dolan said. "My heart was saying, 'this is why I became a lawyer.'"

Dolan was inspired further when, after accepting the case, the FedEx lawyers "told me they were going to bury me." When the verdict was read on June 2, 2006 – five years after the suit had been filed and seven weeks after opening statements – Dolan said it was akin to being in a movie. It was, he added, the fulfillment of every dream he'd ever had growing up watching his father and idolizing fictional heroes such as Frank Galvin (played by the late Paul Newman) in The Verdict.

"It was the best feeling," said Dolan, who was selected as the Consumer Attorneys of California (CAOC) Consumer Attorney of the Year a few months later. "It's right up there with witnessing the birth of my daughter and hearing my wife say yes to my marriage proposal."

Clearing hurdles

As the youngest of five children growing up in New Canaan, Connecticut, Dolan seldom felt he had any rights within his own family. So, taking matters into his own hands, he became financially independent at 17, the result of being self-employed as a lawn-mowing and tree-cutting business owner. "I worked as a tree surgeon," Dolan said. "It was an interesting way, a good way, to teach me how to take on a big challenge piece by piece."

After high school, Dolan studied economics and business at Boston University and followed that up by traveling to Madrid to not merely study the Spanish language, but to become fluent. "I realized that the U.S. was fast becoming a bilingual country, and I didn't think I had what it took to learn Chinese," he said.

Meanwhile, Dolan had applied to several law schools with the hope that Georgetown University Law Center, where his father attended, would accept him. Unfortunately, the transcripts with his name on them forwarded from Boston University showed another student's grades – and they weren't those of a *magna cum laude* graduate. They were, in fact, the complete opposite of an honor student's marks. The rejection letters poured in and Dolan was devastated.

"Some of the responses said my (application) letter was inconsistent with my transcripts," he recalled. "They told me, 'You're saying you're attending school in Europe, but your transcripts say you flunked out.' By the time I figured out what had happened, it was too late for law school that year, so I went to London to study for my MS in management."

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Determined to follow in his father's footsteps at Georgetown, Dolan reapplied for law school, only to be rejected again. Once more taking matters into his own hands, he went to Washington, D.C., to confront the school's director in person. "I introduced myself, and he remembered me as an applicant," Dolan said. "I think he was kind of amused at my boldness in going down there and sort of barging into his office. I said, 'Tell me what it is I need to do to prove to you I'm good enough for your school. Because I know I am.'"

As it turned out, Dolan was more than good enough. He served as executive editor of the American Criminal Law Review, was presented with the Order of the Coif and the Dean's Award, and graduated *magna cum laude*. To this day, the rejection letter from Georgetown hangs just below his law degree on his office wall. "It reminds me to not always take the first no as an answer," he said.

Leader of the pack

While Dolan's academic achievements are notable, his win over FedEx and the Consumer Attorney of the Year award are now ideal toppers to a long and impressive list of professional accomplishments. He is a lecturer on several legal issues, has authored many scholarly articles and textbooks and is a successful business owner, having built his practice from sole proprietorship to a thriving firm with eight attorneys and 16 staff members.

Dolan, however, is not resting on his laurels. He was recently elected as president of the CAOC, a post he will assume in December 2009 – and one he is sure not to take lightly.

"He's not doing this so he can have another button next to his name," Spolter said. "He's absolutely, unequivocally devoted to the underdog. He will not hesitate to work all hours of the night to make sure the CAOC fulfills all its responsibilities and objectives."

Ingrid Evans, a San Francisco-based plaintiffs' lawyer and former Deputy City Attorney, knows what it's like to be on the opposite side of the courtroom from Dolan. She said the experience was "intimidating" and without hesitation called him the best personal injury trial lawyer in California right now.

"I'm so excited," Evans said about Dolan's election to the top CAOC post. "He's tremendously creative, and he's a fantastic leader because he's not afraid to take on new challenges, not afraid to think out of the box. And that's what we need."

For his part as President-elect of the CAOC, Dolan sees an opportunity to reach out to all levels of trial lawyers throughout the state. "The CAOC was formed by a generation of individual lawyers, so it was a very personal thing back then," he said. "That generation is nearing retirement. We now have a situation where firms are much more corporate – owners and partners of firms take care of the responsibility, pay the dues, attend the meetings – and associates don't have as much at risk, or don't think they do. I want to make sure (the CAOC) remains relevant to all those for whom the civil justice system is important."

All work and... some play

While his courtroom skills and exceptional work ethic are lauded by many within the trial lawyer community, Dolan certainly isn't opposed to the idea of a little downtime. He is an avid motorcyclist, having logged more than 250,000 miles through five countries on his two-wheeler. He also has an affinity for the arts.

"He's a real Renaissance man," Spolter said. "He's an artist, a poet, a photographer. And he devotes himself 100 percent to everything he does."

That includes his clients. Dolan took to heart his father's advice to "do what you have to do, then go have fun." So, as the boss of his own firm, as an industry leader, as a husband and father and as a truly dedicated lawyer for the underdog, he won't often be caught kicking his feet up on his desk.

"This isn't merely a job," Dolan said when asked what advice he had to offer young trial lawyers. "It's an honorable profession, and we are entrusted with the power, the ability and the responsibility to offer hope to those who otherwise have no access to justice, have no voice. If you carry that kind of spirit in your heart, it's an honor to do what we do."


Ellison

Stephen Ellison is a freelance writer based in San Jose, Calif. He also writes about business, sports and family matters. Contact him at ssjellison@aol.com.

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