



Christopher Whelan: The “defamation king”

Sacramento area sole practitioner specializes in employment and labor law

BY STEPHEN ELLISON

Patience, persistence and a tireless drive to succeed on a case-by-case basis make Christopher H. Whelan the envy of many a fellow lawyer, including the ones who have dared make him an adversary.

An employment and labor law specialist based in the Sacramento area, Whelan is known to some as “The Defamation King,” and his workaholic tendencies are the stuff of legend. He admits to having a guru-like flair for defamation “within the confines of employment law.” And since he counts research, depositions and trial preparation as hobbies, it’s no wonder his work ethic has captured the awe of his peers.

“He loves what he does and that comes across when you first meet him. He lives for this stuff,” said Lara Villarreal Hutner, a defense attorney based in San Francisco. “Chris is very well-known in the community as somebody who goes above and beyond. He’s dedicated his life to his profession.”

A sole practitioner who also specializes in sexual harassment and wrongful termination, Whelan said he takes on only private sector cases, and he never goes in with the idea that he and his client will make a quick buck. “I pick cases I can win,” he said. “I don’t pick a case for the purpose of settling it, because then you’re trapped.”

Indeed, Whelan’s cases are notorious for enduring numerous appeals and last-



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ing several years, a testament to his determination for seeking justice. One ongoing employment discrimination case that has lasted eight years returned a verdict of \$18.5 million (*Roby vs. McKesson*, Superior Court, Yolo County, no. CV01573). An appeals court since reduced the total damages to \$4.1 million, and the case was slated for a Sept. 3 review by the California Supreme Court. Whelan said the best pre-trial offer his client received from the defendant was \$10,000.

Jill Telfer, a Sacramento-based plaintiffs’ attorney who has known Whelan for about 20 years, couldn’t think of a more resolute colleague. “He takes cases all the way up. He keeps going forward and many times ends up changing the law,” she said.

Persistence pays off

Whelan has won his share of million-dollar verdicts – he once strung together four in a 12-month span – and, for the most part, has done so on an uneven playing field.

“I’ve not seen a lawyer with the percentage of trial victories and results he’s been able to obtain,” said Robert Buccola of Sacramento-based Dreyer Babich Buccola Callahan & Wood. “The thing that’s most remarkable about Chris is that it’s

typically a one-man show with him – Chris Whelan against a team of very skilled and heavily resourced lawyers. And those lawyers very seldom walk away victorious; you can just ask them. Chris gets a lot of referrals from opponents due to his skill and ability to marshal the evidence.”

Flying solo against those heavily resourced opponents – usually large corporations – would seem a bit daunting, but Whelan said being a sole practitioner today is not as challenging as it once was, and of course has its perks.

“The ups are you don’t have to deal with politics, there’s no management or employees – it simplifies life that way,” he said. “The downs that existed are no longer there thanks to the Internet and the community of people you have at your disposal. Being a member of CELA is almost like having an 800-member law firm without having to put up with the overhead and many different personalities. It’s a great way to match the resources of defendants.”

Whelan has been on the executive board for CELA (California Employment Lawyers Association) for 12 years and is a longtime member of the National Employment Lawyers Association (NELA). He has published numerous articles for his fellow plaintiffs’ lawyers and frequently lectures for CELA, the State Bar and Consumer Attorneys of California. In 2001, Sacramento Consumer Attorneys named him Advocate of the Year.



A life of law

Born in Santa Monica and raised in the Central Valley, Whelan received “a lot of encouragement from my parents” to pursue law and was influenced by a large family of lawyers, including his oldest sister, a brother, several cousins and an uncle who was a Los Angeles judge.

After earning his bachelor’s degree in economics from UCLA in 1974, Whelan attended University of California Hastings College of the Law in San Francisco, graduating there in 1977. Upon his admission to the State Bar in 1978, Whelan earned his courtroom stripes with a sole practitioner in the Central Valley. He worked insurance defense and medical malpractice defense cases for about a year down in Southern California then returned to Sacramento for another year of insurance defense before going it on his own as a plaintiffs’ lawyer.

“I guess I was more pulled to that side,” Whelan said of his decision to cross over. “I prefer to work for the underdog rather than big corporations.”

Whelan found a niche in employment law and then a niche within that niche with defamation in employment. Because he’s considered a defamation expert, Whelan said he’s “really never off the clock,” and he receives two to three calls a day – sometimes at odd hours – from colleagues seeking help with a defamation issue.

“I call him The Defamation King,” Telfer said. “He knows it forward and backward. I’ll pick up the phone to call him and he’ll always take the time to talk to me, to help me or find an answer for me.”

Whelan said he’s been studying defamation in employment since the late

1980s. “It tends to be a confusing area of law,” he said. “But it’s beneficial to know it, and very dangerous for the defense not to know it.”

Respect all around

Defense attorneys have great respect and more than a cautious fear of Whelan’s litigating acumen, according to Buccola. Hutner, for one, would agree, calling Whelan fearless, creative and incredibly smart. “He’s the kind of plaintiffs’ lawyer that defense lawyers dread, because it’s impossible to force him to do something he doesn’t want to do,” she said.

Hutner, however, was able to establish a working trust early on in her dealings with Whelan. “I remember at one point in a case I said something he didn’t like, and he sent me a three-page letter,” Hutner recalled. “So I called him up and said ‘you don’t have to write a letter, to document our conversation. If you don’t agree with something, just tell me or call me.’ I think he respected me for confronting him like that. We’ve had a great working relationship ever since.

“I have enormous respect for him,” Hutner added. “You can point to very few people who have dedicated their lives to their profession and gotten the results he has.”

Although Whelan’s underlying theme seems to be all work and no play, he does manage to mix in some dry humor and a penchant for practical jokes during those long days. Telfer, who sits with Whelan on the boards for CELA and the Capitol City Trial Lawyers, recalled one particular stunt he pulled years ago at a CELA convention:

“There’s tons of vendors there, you know, and Chris set up this vendor booth

– I think it was made of cardboard – and put up a sign that read, ‘Learn how to hypnotize a jury and judge to get what you want from them.’ Some people were actually walking up and asking him what it’s all about.”

What leisure time?

Because employment law is complex and constantly changing, Whelan insists his is a seven-day-a-week job and vacations are all but nonexistent (his last one was about 10 years ago, he said). And one gets the impression that he wouldn’t have it any other way. “I enjoy working closely with clients – I have a lot of respect for their courage and honesty,” Whelan said. “And I enjoy going to trial.”

When he does have time, Whelan pursues another passion: his green thumb. “He’s great with roses – he has the most phenomenal rose garden,” Telfer said. “And I believe he takes care of his mother’s garden over near Modesto.”

With all that’s been documented of his tenacity and shrewdness and the success those qualities have produced, Telfer said she’s most impressed with Whelan’s understated kindness. “He is one of the most kind persons I’ve ever met,” she said. “He’s so bright and yet so down to

earth. If I had to pick one person in law that I respect the most as a person and as a lawyer, it would be Chris.”

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