

Profile: Tim Tietjen

Shrewd litigator picks his battles – and ultimately wins the war

By Stephen Ellison

Trial lawyer was not at the top of Tim Tietjen's list of dream careers when he was younger. In fact, it likely wasn't even on his radar when he enrolled at Cal State Hayward in the late 1970s. That all changed on the day he beat a traffic ticket in municipal court.

Tietjen had been cited for running a red light – to this day, he insists it was still yellow when he entered the intersection – as he drove to school one morning. He decided to challenge it, and when he arrived in court that day, along with dozens of others hoping their citing officers would be no-shows, Tietjen came prepared. "So, my case is called, and the officer is there," he recalled. "I cross examine the officer and get him to acknowledge that he couldn't have actually seen the signal from his vantage point that day."

After hearing both sides, "the judge says, 'I think there's cause for reasonable doubt,' and dismisses the ticket," Tietjen continued. "So then the officer gets up and, as he's walking out, slams the swinging door (between the bench and public seating), and this group of Hell's Angels sitting in the back starts applauding."

Clearly impressed, the muni court judge turned to Tietjen and suggested he consider a career in law. "I thought, 'What the heck?' And the following year, I was off to law school," Tietjen said.

Of course there's much more to his career story line than putting one over on a cop. Tietjen had already given up on high aspirations of becoming a professional golfer. It was a dream that would stay a dream because "I just didn't have the talent nor did I have the temperament to make it," he explained.



Tietjen

So even before that fateful day in traffic court, Tietjen already had been exploring his career options – and perhaps law was one of them, a seed that had been planted years ago by his lawyer uncle.

"During our frequent family gatherings, sitting around the dinner table, he'd tell stories about cases," Tietjen said. "I was always fascinated by those stories."

Today, Tietjen, a partner with Rouda, Feder, Tietjen & McGuinn of San Francisco, has his own stories to tell, countless tales of triumph in the familiar tone of David and Goliath. Tietjen has conquered many a large insurance company to the tune of tens of millions of dollars for his clients. He is diligent in his preparation, methodical in his approach and always savvy to the key issues of a case.

"He's always very prepared, down to the most minute details," said longtime colleague Rick Baskin, a sole practitioner based in Oakland. "He really sees the big picture. He's able to take what looks like a very complex case and put all the pieces together. And he doesn't let up; he's persistent as hell. And yet he has a pleasant demeanor. Some lawyers, you know, they can get pretty nasty. He doesn't – he's always a gentleman."

The Natural

Born and raised in Oakland, Tietjen's inclination for plaintiff law began early with his uncle's influence, and as he worked his way through law school at University of San Francisco, clerking for Judge Ira Brown. While at USF, he was awarded the American Jurisprudence Award in Torts, one of the highest honors the school bestows upon its law students.

Although he seemed a natural for the plaintiff side, Tietjen also clerked at an insurance defense firm and began his career working in that area. He soon discovered that it was an environment not well-suited for him.

"I remember one insurance defense case I worked on – it was an elderly woman who was knocked down by a car in a crosswalk," Tietjen recalled. "She ended up with a broken hip among other bumps and bruises. So our senior attorney says, 'Try offering $75,000.' I said, 'There's no way they're going to take that amount.' But he told me to just try it, see what happens. So, I went back with a $75,000 offer and (the plaintiff lawyer) took it. I couldn't believe it. My boss told me 'good job,' but I felt pretty bad. Those sorts of things soured me on the insurance defense world."

Soon thereafter came another fateful day for Tietjen. Still barely a year out of law school and paying his dues at the insurance defense firm, he bumped into John Feder on the street. Feder asked Tietjen if he knew anyone interested in joining a small personal injury firm, someone who could jump right in, take the initiative. "I said, 'You're looking at him.'

"We've been together ever since – going on 30 years now," Tietjen said with a hint of pride. "That's unusual in plaintiff law."

Tietjen quickly established himself as a shrewd litigator. He took cases other attorneys dodged. He approached trials as if going to battle, preparing for every

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angle an opponent could dream up. Each case, in his mind, represents a unique challenge and therefore requires its own unique thought process.

"It's a war – made up of battles," Tietjen said of his approach to a trial. "You don't necessarily win all the battles, but that doesn't mean you'll lose the war. If you're cautious and careful about pushing certain issues, it goes a long way toward winning the war. Essentially, it's about picking your battles."

Cases in point

That strategy has translated into several multimillion-dollar verdicts and many favorable settlements in the seven-figure range. Although he calls all his cases "memorable on some level," Tietjen recalls fondly the ones that posed the greatest challenges.

Stewart v. American Poultry was just such a case. Tietjen's client, a 69-year-old woman, fell off a loading dock at a San Francisco produce market, broke her neck and was rendered quadriplegic. She claimed she slipped on ice and fish residue.

The defense offered nothing, claiming she fell forward, tripping over a metal truck ramp located between the loading dock and a parked truck. They even brought in an engineer to re-create the accident in a computer animation.

During a strategy session for the case, Tietjen was beaming with confidence. "I told Ron (Rouda, his law partner) I thought we could get $5 million," Tietjen recalled. "He said there's no way a jury is going to give a 69-year-old $5 million."

Tietjen retained his own expert engineer, who ultimately proved the defense's animated accident re-creation was flawed – it depicted a physically impossible scenario. The jury came back with a $6.9 million award. "That was exciting," Tietjen said. "To have that kind of optimism and be able to talk about it that way (with colleagues) and not get caught up in any roles. That helped me."

Another challenging case – one that was turned down by several lawyers – involved a 36-year-old line worker who was electrocuted when he came in contact with a 7,200-volt power line. As a result of the accident, Sifa Tuiaki had both his arms amputated, was burned over 45 percent of his body and was rendered quadriplegic.

Tuiaki had been working from an elevated workbasket, installing a fiber-optic cable system, when he backed up into the power lines. It was a complex case, but one Tietjen felt was legitimate. "In the back of my mind something didn't sound right," he said. "I found out that because of the slope of the road, it was difficult to gauge the height of the lines – it looked like about 50 feet, but it was actually 28 feet. And it was one of those deals where [the cable company] was trying to rush the project through."

Tietjen's claim included negligent construction management against the cable company and its subcontractors, negligent premises maintenance against the utility and telephone companies and their tree-trimming company; and products liability against the manufacturer of the non-insulated bucket tree. The result was a $29 million settlement, which remains one of the highest amounts awarded to an injured worker in California.

Time out for advice, golf

After nearly 30 years and a career's-worth of accomplishments, one might expect Tietjen would be considering a more relaxed future. But he said he still handles his share of cases – although not as many as in the past – and is quite content where he is. "I'm very happy just doing what I've always done," he said. "Ron Rouda, John Feder and myself, and of course, Cynthia McGuinn, who is someone I admire greatly, we have a good thing going here."

That said, Tietjen continues to pursue his first love: golf. A scratch golfer, he's a regular at San Francisco's Olympic Club and is the reigning club champion at Silverado Country Club in Napa.

"I play year-round – one of the great things about living in this area. That and there are so many courses to choose from," Tietjen said. "That's what I love about golf. The courses are all different they all have their own personalities. Just like cases – they're all unique."

In addition to golf, Tietjen also enjoys traveling and wine tasting during his leisure time.

So what words of wisdom would this seasoned law veteran share with young pupils?

For law students: "Get as much practical experience as possible – get out and clerk. Law school is basically an abstract exercise – you don't learn how to practice law until you're actually working at a law firm."

And for aspiring trial lawyers: "Cases are about clients – about what's best for the client – and that changes from case to case. Getting top dollar is not always most important. As lawyers, we need to pay attention to what the client wants.


Ellison

"You have to never give up if you want to do what we do. Any small victory represents hope."

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