



Profile: William C. Johnson

“You develop confidence by being prepared and knowing the law.”

BY STEPHEN ELLISON

True friendship can be defined in many ways, but in almost all cases, it lasts a very long time, and the manner of its rewards oftentimes cannot be predicted. William C. Johnson’s career as a trial lawyer is proof.

When reflecting on how his law career began and then flourished, Johnson, a partner with Oakland-based Bennett Johnson, recalled a couple of turning points – or fortunate accidents, to paraphrase his description – and it was clear how much he valued friendship and its invaluable role in his life and work.

The first key turn essentially launched his law career. Not long after Johnson completed his undergraduate studies at UC Berkeley, he was working as a bar manager at a restaurant in the city, still mulling over his career options. A friend told him about a clerkship opening up at a high-profile law firm in Oakland, and Johnson went for it.

“After I graduated from Cal, I really didn’t know what I was going to do,” he recalled. “I bartended in San Francisco, and a good friend of mine who I played football with at Cal was working for an attorney in Oakland by the name of Irving Hurd. He was clerking for him, and he was about to graduate from law school, and I was thinking of going to law school, so he said, ‘Do you want to come clerk at Irving Hurd because I’m going to be leaving?’ So I did. I quit my bartending job and clerked for Irving Hurd and went to law school at night while I worked there.”

Baptism into trial law

The second career milestone was his baptism into trial law. It came just after



Johnson

Johnson graduated from law school and landed his first job with a firm run by Rick Bennett, the same friend who told him about the Hurd opening (and his current partner). Soon after he started at Bennett’s firm, another friend – this one from high school – called him up out of the blue. She was living in Portland, Oregon, she had a child and her husband had been shot to death by a security guard at a building there. At the advice of her lawyer, she was about to accept a wrongful death settlement of \$2,500.

“I hadn’t tried a case yet, and I went to the partners and told them she wants to be represented, but the attorney handling her case says the case has been settled for \$2,500,” Johnson recalled. “I told them I want to get involved with this, and they gave me the green light. So I went up there and got the case resubmitted.”

First, Johnson had to try the issue of settlement before the court, which he did and won. Then he took the case against the security company and the security guard to trial. A week later, he won a jury verdict of \$650,000. “I was like 29 or 30 at the time, never tried a case before, and here I am trying a case in Oregon, where there’s very little structured jury selection,” Johnson said.

“It was a great start to a career that led me down the right path.”

On that path, friendship continued to play a big part – and does to this day. Johnson continued winning cases for Bennett’s firm and eventually won a partnership. The former teammates and longtime friends have been working side by side now for more than three decades.

“I’m blessed in many respects,” Johnson said. “I have a great partner in Rick Bennett. He’s a smart, capable, very accomplished lawyer who has a gift when it comes to getting along with people while at the same time being aggressive as an advocate. And the fact that we’ve been able to get along for 30 years is something in and of itself that I really value.”

A great training ground

Johnson’s interest in law may be rooted in his grandfather’s career as the district attorney in Northern California’s Siskiyou County from the 1930s into the 1950s. As a youth, Johnson enjoyed reading True Detective magazine with articles about cases his grandfather had tried “back in the old days.”

His upbringing helped, too. Johnson said he was raised on the ideals of fair treatment and doing what’s right, and that made the plaintiff bar a natural pursuit.

“I’ve always been very much a believer in good versus evil,” he said. “I’ve been brought up in the thinking that the wronged parties always deserve their fair share, their fair cut; and with insurance companies, it’s never been an even playing field. I’ve seen a lot of what I thought were abuses. It’s been a real



blessing for me to represent these people and do right.”

Law, however, was not on Johnson’s radar as he developed into a star athlete at Napa High School and then went to Cal on a football scholarship. When he did finally decide to go to law school, he chose John F. Kennedy University College of Law, where he took night courses. In the meantime, as a clerk with the Hurd firm, he got a real-life law education during the day.

Hurd was a distinguished member of the Inner Circle of Advocates, an invitation-only association honoring the top 100 plaintiffs’ lawyers in the country. So it wasn’t your everyday clerkship.

“He had a very active plaintiffs’ firm,” Johnson said. “This was back in the days when the discovery statutes were very vague. Everything was being developed at the trial court level. We fought discovery motions weekly – it was just a great training ground for me, fighting motions every day, writing letters. It was at a time when the Discovery Act was in its infancy, so you really got an understanding and feel for how to practice civil litigation.”

Over the years, Johnson developed into an exceptional trial attorney, winning numerous multimillion-dollar verdicts and settlements. He has been a member of the American Board of Trial Advocates since 2001, and in 2012 was invited to join the prestigious American College of Trial Lawyers. While his practice is concentrated on catastrophic injury and wrongful death cases, Johnson also has done product liability and medical malpractice work, although the latter has become increasingly less feasible.

“Last year, I tried two medical malpractice cases. Because of the \$250,000 cap, those cases are not all that attractive any more to plaintiffs’ lawyers,” Johnson explained. “Medical malpractice cases are so difficult and time-consuming and expensive that it’s difficult to justify (them). But I tried two of

them last year and got verdicts in both of them – in excess of the 250, and of course, they got reduced.

“I found those to be kind of satisfying. I’ve developed a few med-mal cases in my practice because of either the age or the economic situation of the client, especially when there’s not a lot of economics. I’ve probably tried more of those kinds of cases than I’d like.”

No short cuts

Johnson attributes his success to two of the most fundamental aspects of practicing litigation: preparation and hard work. Being smart and quick-witted and charming are all fine traits for a trial lawyer, he said, but if you don’t do your homework, you’ll be exposed rather quickly.

“I don’t think there’s ever any substitute for preparation,” he said. “You can’t outsmart your way in a trial. A trial is difficult enough because of the uncertainties and all of the surprises that occur. But you can minimize those through preparation.

“Trying lawsuits is kind of a love-hate relationship,” Johnson continued. “I equate it oftentimes to when I was playing football at Cal. You enjoy the rush of playing in a large game in front of 80,000 people, but you might be shaking in your shoes before the game starts. It’s kind of similar with trying cases – it’s a challenge, and you have to rise to the top if you’re going to be successful at it. And, of course, you have to work very, very hard.”

But Johnson was quick to point out there’s more to it – especially in today’s world of media overkill and diminished attention spans. He said he has embraced the many tools now available for presenting cases and keeping jurors interested – and awake.

“Trial work is so demanding and it’s such an evolution that in some sense you have to be able to recalibrate the old habits and incorporate and implement

the new, state-of-the-art tools that exist in trying lawsuits these days,” Johnson explained. “It’s very different trying cases now than it was 20 years ago. The media is so prevalent that (jurors) know things or think they know things that they never would have thought about 20 years ago.

“So utilizing all the things that exist for trial lawyers these days with regard to visual media is very important. It takes a fair amount of relearning, and I think if you don’t do that, you’re going to get passed by.”

Time away

Outside the office, Johnson, 63, might be found on a golf course or a body of water – either Lake Tahoe or the Delta – relaxing on his boat. He may even be inclined to occasionally strap on the water skis, “although my wife tells me it’s probably not a good idea anymore.”

And while he enjoys the time away, he’s not yet considering a permanent departure. “I like what I do; I like coming to work,” he said. “There’s certainly peaks and valleys as in any profession, but I can’t imagine doing anything else.”

Through the years, Johnson has passed on his share of insight and wisdom to colleagues. His one piece of advice to young lawyers can be summed up in three words: Believe in yourself.

“Don’t be afraid to trust your instincts and take some risks,” he said. “A lot of young lawyers, I think, try to mimic other good lawyers. (They) are reluctant to be themselves because they don’t feel confident enough. My advice to them is to be yourself. You develop confidence by being prepared and knowing the law. And then, you go out there and just do it.”

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