

Profile: Robert Buccola

Record-setting trial lawyer remains humble and competitive

By Stephen Ellison

Humility oftentimes can be a tough sell. With Robert Buccola, it seems to come as naturally as breathing.

Buccola is lightning-quick at deflecting credit to the colleagues and associates that surround him with each successful achievement, helping to make him one of the top trial lawyers in California. Whether he's explaining the elaborate process his firm follows when a case is going to trial, or he's recounting a recent trial victory or even when he's humbly speaking of what he considers his strengths in the courtroom; each anecdote culminates in high praise for his team at Dreyer Babich Buccola Wood Campora.

"I'm blessed to have the most brilliant, talented, incredible group of lawyers to work with," said Buccola, managing and founding partner at the Sacramento firm. "Without them, honestly, I would be lost."

The one place where Buccola is able to find his way – and make it look unbelievably easy – is in the courtroom during trial. He purports to have the keen ability to deliver two-hour opening statements or closing arguments without ever looking at a note, committing to memory every name and every date and keeping it all in perfect order. Judges have stopped him after trials to ask, "How do you do that?"

Then, suddenly, he's at a loss for words. "I honestly couldn't tell you how or why it happens, but I get in that setting, and my juices are going, and I'm hyperfocused," Buccola said. "I don't know, everything is just there in my head, and I'm just reeling it off. That's not a good thing, I wouldn't recommend



Buccola

it. Most lawyers use a nice outline, know exactly where they're going.

"It just comes very naturally to me, it really does," he continued, "and I love doing it. My mood appreciably improves when I'm in trial."

Likewise, Buccola's stock has appreciated leaps and bounds in his 23-plus-year career as a plaintiffs' trial lawyer. Over that span, he has obtained verdicts and settlements totaling more than $250 million. Those results include record verdicts in Sacramento, Marin and Tehama counties, not to mention Trial Lawyer of the Year awards from the Consumer Attorneys of California (1998) and the American Board of Trial Advocates (2001). He is a longtime and frequent lecturer in trial practice for both CAOC and ABOTA, as well as for the Continuing Education of the Bar.

Buccola also has been certified as a Civil Trial Specialist by the National Board of Trial Advocacy.

In December, Buccola added to his already impressive trial record with a $34.9 million verdict in *Hackett v. Silva Trucking, Inc*. The award exceeded his mark for the largest personal-injury jury verdict in Sacramento County history. Of course, it's not about records, Buccola said. But the records say – with fervor – that he was able to persuade a jury to do justice in a way that hasn't been done before. "Juries are generally conservative, particularly where we practice," he said. "This isn't downtown L.A. Juries don't like to give away big money, and they view the plaintiff as a scammer to begin with. So we really have to win our cases – to prove our case beyond a reasonable doubt to get these verdicts."

Early start

Born and raised in Sacramento, Buccola said he was "preprogrammed" by his parents to become an orthodontist. But when the young Buccola was selected as one of the lawyers in a mock-trial exercise in the eighth grade, he was fascinated. Then, as a high-school freshman, he got his hands on a copy of "Bailey for the Defense" by F. Lee Bailey, and decided to tell his father he was thinking of becoming a lawyer. "Without batting an eye, he said, 'That's great. You ought to become one like Mort Friedman (a neighbor) because he represents the little guy and makes his successes only when he wins.' And I thought that would be a pretty good thing," Buccola recalled.

So Buccola decided he would become a plaintiffs' lawyer. He attended UC Berkeley and earned a political-science degree then went to law school at the University of the Pacific's McGeorge School of Law. While taking night courses at McGeorge, he received some critical advice from a young lawyer who told him to go to work as a clerk for a firm that does extensive trial work, no matter if it's plaintiff or defense, and work your tail off, and hopefully they'll eventually offer you a position. "So that's what I pursued," he said.

A good friend at law school, Jim Donahue, persuaded him to clerk at his

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father's defense firm, which Buccola estimated was in trial about 10 months out of the year. "They did government entity cases, insurance cases, garden-variety injury cases; they had a product liability business," Buccola recalled. "And it was old-fashioned, evaluate the case, get it set up, line up your experts, and if the plaintiffs get greedy, we'll take it to trial. They tried some of the most challenging cases around, cases that other firms would have paid policy limits on. They really were risk takers and did it successfully."

After more than two years as a clerk at the Donahue firm, he was offered a job there, and starting on the defense side proved to have its advantages. Buccola learned how to review medical records and many other tricks of the trade, including how to recognize plaintiffs' mistakes. He sat in on strategizing sessions and heard how the firm was going to do things such as set traps – ethically – that unprepared plaintiffs' lawyers would allow their clients to stumble into. "And the entire time, I'm saying to myself, 'I sure would have done this if I was on the other side,'" Buccola said. "It was an unbelievably invaluable educational experience."

Trial without error?

Today, he is on the other side, sidestepping the defense's traps and methodically tearing down their cases. When there's a substantial case going to trial, he and his team go to work. He may divide tasks up among a couple of the associate lawyers or even another partner in the firm. They put together what he calls a goal approach, which asks a number of simple but critical questions: What do we want to prove, and how do we want to prove it? What is the defense going to say or do, and what are their strong points going to be? How can we neutralize those; how can we turn it around? What facts are bad that we just have to live with and own? What experts do we need?

"Our job is not just to retain experts and react as everything unfolds at trial," Buccola explained. "It's preplanned, set in place. That's what we do."

And that's where his team comes in. "Steve Campora, I don't think there's a smarter person on the planet – a great strategist," Buccola said. "Hank Greenblatt – the guy is completely fearless. What he has in place in his cases when they get ready to go to trial is always a surprise to a certain extent to the defense. And there are others – Jason Sigel, Robert Nelsen. So, I'm really blessed."

Another part of the team's approach, of course, is determining whether a case should be settled or tried. Buccola said the most important part of that process is trying to gauge what the general public would think of the issue in a basic, right-vs.-wrong argument. "You have to strip yourself completely of lawyer-type thinking and figure out whether or not the act that you claim as being negligent is the type that would resonate with the average person as being a bad thing," Buccola said. "In other words, is it something when they hear what occurred, the average person sitting at Starbucks says, 'Ooh, that wasn't very good on their part.'"

Buccola's record speaks for itself, and with so many verdicts and settlements under his belt, he finds it difficult to nail down specific cases as more memorable than others. He did point out that oftentimes the ones he tends to recall most are those that have settled – "the defendant realizes that you got them, and there are real changes," he said. Cases involving institutional acts of negligence are good examples, he said. As he settles such cases, part of the agreement is that the defendant must make systemic changes so that the negligent act will not happen again.

"I firmly believe that if you do our crazy business for the money or for the fame, you're in the wrong business, and you're going to wear out, and you're not going to do a good job for your client," Buccola said. "You have to do it because something inside you gets that thrill when you're able to put a case together and do justice for somebody."

"It's the ultimate competition," he added. "But more than that, it's the notion that your client is now taken care of in terms of what they need, not just medically but with other life-care necessities that would never have been available. It's just so heartwarming to see that."

Sticking around

And it's reason enough for Buccola to keep at it. He said he has no plans to retire, although he may consider scaling back his workload a few years down the road. "I can't imagine not being involved in the representation of these injury victims, and I hope to continue to be, at least to the extent I still have my fastball," Buccola said. "Plus I'd like to stick around to see these younger great lawyers that are oftentimes in the shadows at this firm start doing things where they get more recognition, because they deserve it, and they're so damn talented."

When he's not at work, Buccola said he basically likes to just hang out. He enjoys going to high-school football games, having a barbecue or spending time with his 19-year-old son and his friends. He also enjoys traveling, mostly short trips to Tahoe or camping and fishing treks.

Buccola's best advice to young lawyers would be to figure out what in the practice of law excites them – what keeps their interest. "Because when you love what you're doing, it's not work – it's part of your DNA, part of who you are," he said. "You'll be a better professional for it, have a better psyche for it and you'll live longer. Do what strikes your passion, don't chase the dollar."

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