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Profile: Craig Peters

Trial lawyer makes transition from criminal defense look easy because he loves what he does

BY STEPHEN ELLISON

The public defender's office is not a common training ground for plaintiffs' trial law. And yet Craig Peters made the transition from criminal defense to civil litigation seem as easy as well – stepping across the courtroom aisle.

After 14 years working in the public defender's offices of Contra Costa and San Francisco counties, Peters was propositioned – “somewhat out of the blue,” he said – by a large plaintiffs' law firm to work as a trial attorney representing clients who had contracted mesothelioma from asbestos exposure. It was a far cry from defending people charged with crimes. But it was an opportunity for Peters to test his talents and hone his trial skills in a different arena.

“I was feeling like I wanted to try something new,” said Peters, currently a trial team leader at The Veen Firm. “I loved my job; I still loved the idea of being a public defender. I turned 40 and thought that if I was going to make a change in my career where I could explore a different area of law, I was losing time to do that.”

In some ways, Peters said, the transition for him meant coming full circle. He'd started law school with the idea of becoming a civil plaintiffs' attorney, satiating his desire to help the type of people who really needed it. Then, when he began an internship with the public defender, he was drawn by the proliferation of cases and trials, and he soon realized his goals had changed – what he really wanted was to be a criminal defense attorney. Finally, after he'd accomplished a great deal in criminal



Peters

defense and moved up through the ranks of the public defender's office, he considered a change – although he very much wanted to continue helping individuals who had been victimized and marginalized. Plaintiffs' law seemed the logical area to pursue, and of course timing was everything: When the offer came from Paul & Hanley, it was exactly what he'd been looking for.

After two years of working asbestos cases, Peters made the move to The Veen Firm, one of the top personal injury firms in the Bay Area. In a relatively short time, he has made quite an impact, trying three large cases to verdict in three not-so-friendly venues – Sonoma, Monterey and Fresno counties. “It's been a busy time since 2011, and it's not slowing down,” said Peters, who heads up his own trial team handling catastrophic injury and wrongful death cases. “This year looks like it's going to be as busy as ever. Once May rolls around, I'm pretty much in trial through February of next year.”

Peters said his approach to trials varies with each individual case, but there are elements that must remain consistent, regardless of what type of case it is – or even whether it's a criminal or civil trial.

First, a trial lawyer should have a clear theme of what happened, he said. What went wrong, what didn't go wrong. It must be clear enough that the jury can easily understand it, and it has to be woven through the entire case.

The second key element that is consistent with every case, according to Peters, is credibility. Whether it's the attorney, the client or the witnesses, he said, the jury is trying to figure out who's credible and who's not – perhaps even more so than the facts in the case. It seems like such a simple issue to Peters, but he still sees some attorneys losing their way. “I can't tell you how many times I've gone into a courtroom, and I watch people arguing, and I say, ‘You don't sound credible; you don't sound reasonable.’ And as a result, they're not going to be believable to a judge or a jury. And that's a real problem.”

The other element Peters finds common across all types of trials – and one that falls back on the credibility issue – is facts that are harmful to a case – “bad facts.” One of the valuable lessons he learned as a public defender, he said, is every case has bad facts. As a public defender, he knew he had at least one bad fact: His client was charged with committing a crime. “You investigate the case, you figure out what your defense is, but those bad facts don't go away,” he said. “So you're left with two choices: You either ignore them or you embrace them. If you ignore them, you'll get killed. So you have to embrace them; you've got to tell the jury about them. It's no different with a civil case – when you've got bad facts, you've got to talk about them.”

“It all plays into the credibility idea,” Peters continued. “You have to be



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credible to the jury and the judge, and the only way to do that is by acknowledging what you have in front of you – the good, the bad, and the ugly.”

Political or not

Peters grew up in the Bay Area and journeyed south for his undergraduate studies at UC San Diego, where he earned a bachelor’s degree in philosophy and communications with designs on entering politics. He returned to the Bay Area for law school at University of San Francisco, where he was editor-in-chief for *The Forum*. It was during law school when his career aspirations veered away from politics.

“I have a propensity for getting involved in fights where I feel somebody’s getting picked on – somebody’s not being treated fairly,” Peters explained. “I thought politics would be a good way to help level the playing field and help people who needed it. As I was going through law school, I thought probably my ability to make an impact would be felt more directly if I could go out and represent individuals – and that came to me actually when I did an internship at the public defender’s office. I saw how I could impact somebody’s life on a very real basis by simply being their voice.”

Peters acknowledged that when he was younger, there were two firm role models in his life that likely influenced his entrance into law. His older brother, Mark, who has a plaintiffs’ employment law firm in San Francisco, went to law school three years ahead of him. “Certainly he’s been a big influence on me,” Peters said. “Just seeing someone in your family go to law school, seeing that it can be done, that’s pretty powerful.”

Just as powerful, the Peters family was good friends with veteran plaintiffs’ attorney Paul Melodia. Peters, as a youngster, would observe Melodia from afar. “I always knew generally what Paul

did; I just didn’t have a lot of insight into what his job really entailed,” Peters recalled. “I just knew that he represented people who had been injured or killed as a result of someone else’s negligence.

“So, I had this vague idea,” he added, “that there was this kind of work out there to be done.”

A quick study

Today, less than five years after making the transition from criminal defense law, Peters is right in the mix. He is frequently enlisted by professional organizations and law schools to lecture about trial skills. He traveled to India, as part of the International Bridges to Justice program, to help train lawyers in New Delhi representing the indigent.

In addition to his guest lectures and classes, Peters has taught at UC Hastings College of the Law and USF School of Law.

His case in Fresno County last year involving a laborer who was electrocuted on the job resulted in a \$13.3 million verdict and garnered Peters a finalist nomination for the San Francisco Trial Lawyers Association’s Trial Lawyer of the Year award. That case along with two others in difficult venues, he said, helped reassure his faith in the jury system – as well as in the common sense of good people. “At the end of the day, we share more common values than I think we would like to recognize,” Peters said. “When you turn on MSNBC and Fox, you see what appear to be all these disagreements between all the different sides – the left, right, conservatives, liberals. But it turns out we actually share a lot of common ground when it comes to values that we think are important. And that shows through in jury verdicts ... for the most part.”

When Peters is not in court – or waxing philosophical – he enjoys spending time with his family. Saturdays

are usually explore-the-city days for him and his nine-year-old daughter. “We like to bike around the city. When it’s baseball season, we might go to a Giants game – we live close to the stadium, so we like to walk or bike there,” he said. “We’ll go kayaking in the Bay or head over to Mission Cliffs and go rock climbing. Every weekend it’s a different thing.

“Spending time with my wife and my child is definitely what I like to do most,” he continued. “That’s what makes it all worthwhile.”

When asked about handing down critical advice to law students or young lawyers, Peters recommended following a passion rather than chasing the dollar.

“I feel like I have an equal number of friends and colleagues who hate their job as those who love it,” Peters said. “When you go to law school and acquire a great deal of debt, you’re anxious to start paying that debt off, so decisions are sometimes made based on money instead of the love of what you’re doing. My advice is, when you’re deciding what you want to do with your law career, pick something you love and the money will follow.

“I often go back to a story I tell my students,” Peters continued. “I made less money my first year as a public defender than I made in school working for Nordstrom. Was it a struggle? Sure. It wasn’t easy when I first started, and there wasn’t a lot of money lying around – I ate a lot of burritos and ramen. But I was doing stuff I loved and loved the work I was doing. And it’s worked out for me. My family takes vacations, my daughter gets to grow up in San Francisco, and I can put food on the table for us. I’m not fabulously wealthy, but I feel fortunate and lucky to have the life I do.”

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