

Profile: Richard Alexander

Belli protégé carves own path against big corporations

By Stephen Ellison

As much as he believes in the American system of justice, Richard Alexander is more a believer in doing right by the people it was designed to protect. These days, however, that mission seems to be tougher to accomplish than at any other time in his decades-long career.

Even as countless regulatory and oversight agencies are charged with shielding citizens from unfair practices, the principal of the Alexander Law Group, based in San Jose, feels large corporations and their insurance companies wield too much power and influence over how those regulations are written, interpreted and enforced.

"We live in the most complicated, sophisticated legal society in the history of the world," Alexander said during a phone interview while taking time off from a Baltic cruise vacation. "We're talking on phones right now that are controlled by the FCC. I'm sitting in a chair that is subject to the jurisdiction of the Consumer Product Safety Commission. We drive cars that fall under the auspices of the National Highway Traffic Safety Administration … you live in a house somewhere that is subject to zoning regulations, and on roadways, there are standards for building roads and protecting the public from dangerous conditions. Sadly we've turned over control of the law to corporations and big money and the end result is that many people are the worse for it.

"My job as a lawyer is to make sure that the weak and the powerless are protected from the powerful, to have the law administered humanely," he continued, "and that people are helped and supported by the rule of law and not destroyed by it."



Alexander

Indeed, the concept of helping people – in his case, aiding the underdog – has been a lifelong pursuit of Alexander's. With any issue between the powerful and the weak, he's always known exactly where he stands, he said, so plaintiffs' law was a natural calling. In a career that has spanned more than 40 years, Alexander has worked alongside some of the most prominent attorneys in the country – Melvin Belli and Robert Lieff to name a couple – and has been a pioneer in class-action cases against some of the largest private and public entities in the state and the U.S., including IBM, General Motors, Pacific Gas & Electric, Chevron, Dow Chemical, Allstate Insurance and Caltrans.

From his first courtroom experience, during which he impressed a judge with his keen knowledge of selective service law, to his flamboyant-by-association status while with the Belli firm, to his more recent breakthroughs in spinal cord injury and traumatic brain injury cases, Alexander has been a shrewd advocate through it all, without fear or regret.

"I've enjoyed swinging a sword for those who could easily be run over by the legal system," he said. "My job is to navigate through a jungle of rules that can easily entangle. Sometimes it is more like swinging a machete, but the goal is to clear a path. Lawyers know the system works imperfectly … and we need to protect and preserve the rights of our clients and make sure they obtain all the benefits and protections they're entitled to under the law. And to do it honestly, ethically and courteously."

Making an impression

Alexander was born and raised in the Western Reserve of Connecticut, located in northeastern Ohio, where he attended Paul Revere Elementary School, Nathan Hale Junior High and John Adams High School. Being born and raised in a place filled with tributes to the Revolutionary War-era caught the fancy of a young Alexander and he became quite the history buff, possibly triggering in him the notion of some-day becoming a lawyer. "I was very impressed by the fact that a small group of primarily well-educated lawyers put their heads together and defeated the British Empire," he said.

Alexander attended nearby Ohio Wesleyan University, where he graduated under a double major of economics and political science. He then was awarded a full-tuition National Honor Scholarship to the prestigious University of Chicago Law School. During law school, he did some editing for a selective service law reporter and became somewhat of an expert in the area, he said. After graduating, he joined the faculty of Michigan State University, where he continued working on selective service cases. He even gave a speech to the Lansing Bar Association on selective service law and encouraged others to take on those cases. But that only led to more work for him: He started getting calls from colleagues requesting his counsel on their selective service cases and eventually took one case

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– involving a college dean's son who had ignored all the draft board notices – to court.

"I advised the young man that he should refuse to step forward when he was called by the military, and he was later indicted," Alexander explained. "I appeared for him in the Western District of Michigan federal court before Judge Noah Fox and made my argument. (Fox) followed the gist of the argument but wanted me to repeat part of it, so I repeated it, and he said 'I think I got it, except this part.'… Next thing, he dismissed the indictment, one of the first dismissals of a selective service case in the Western District. The bottom line was the draft board regulations were created during World War II, and there was a head-on collision between selective service rules and due process constitutional rights that developed after World War II that only a court could resolve."

The judge was so impressed with Alexander's grasp of the law that he appointed him as the attorney for the defendant in 22 selective service criminal prosecutions, even going so far as to call the president of Michigan State to have Alexander relieved of a major university project so that he could fulfill the judge's appointment.

Working for 'The King'

During one winter break while still teaching at Michigan State, Alexander and his wife set out on a road trip to California. It was their first and essentially last visit to the Bay Area as they would become permanent residents soon thereafter. "I remember it was late in the evening, and we'd just crossed over the Sierra, and I pulled into a Chevron station at the Carquinez Bridge on I-80," Alexander recalled. "I pulled on my down jacket and gloves and got out to gas up, and I smelled these orange blossoms – they could have been almond blossoms, I guess. I don't know what kind they were, but that's all I had to know. It was December, and it was 60 degrees, and there were blossoms in the air.

"So my wife and I promised each other we would not tell anyone back in Michigan – we would keep it a secret," he continued, "and we came back the next summer, and I took the California bar and got sworn in shortly thereafter."

Around that time, Alexander received a call from a law school classmate who had been with the Belli firm and told Alexander of an opening there. Alexander leapt at the opportunity and took the position. He tried three cases in the fall of 1971 and was honored with one of Belli's infamous cannon firings. It would be one of the last ones. "When you got a verdict, Belli had a small signal gun on the roof, and he would fire a charge," Alexander explained. "The Transamerica Insurance Company finally screamed and put an end to Belli firing his 'cannon.' But we would go to the roof, run up the Jolly Roger, toast the Holy Grail insurance company and go downstairs to Doros for lunch. That was how the King of Torts ruled his kingdom."

Alexander recalled several fond memories working alongside Belli, one being in the background on a patent infringement case in Phoenix involving the Cross-Your-Heart bra. He was actually tasked with hiring the models that Belli would use for courtroom demonstrations. While he thought he had selected appropriate models, they didn't quite meet Belli's "artistry," Alexander said. "So (Belli) called down a couple of 'ladies' from Vegas who had ample proportions, and he dressed them in white coats and the Cross-Your-Heart bra," Alexander recalled. "We put up screens in the courtroom so when they demonstrated the bra, the audience could not see … The record would show that Mel treated Miss Lou-Lou and Miss Jane with great courtesy as demure innocents, which they were not. In the courtroom, he held back his own laughter with a puckering smile and a twinkle in his eye. With Mel running the show, the judge, reporter, bailiff and jury were all reduced to giggles – everyone except the lawyer defending Playtex."

"The end result was a six-figure verdict for the original designer," Alexander continued. "How many young lawyers get to see a ringmaster run a circus?"

Alexander went on to team with Belli partner Lieff on some of the first class-action cases in California, including one in which pregnant flight attendants were being terminated and couldn't get their jobs back even if their pregnancy failed. "Our theory was the male pilots were allowed to have children and keep their jobs, so why can't the women flight attendants?" he said.

The pair also won a class-action case against Nissan in which they got the automaker to buy back – "that's *buy back*, not recall," Alexander said – 30,000 defective delivery vans and destroy them. "We weren't afraid to take on major corporations," he said.

Expanding his horizons

Today, Alexander expends much of his time and energy on spinal cord injury and traumatic brain injury cases. One of his recent triumphs was a case involving a 12-year-old boy who was struck by an auto speeding in a school zone. San Jose police officers actually blamed the child for the injury, Alexander said, and it turned out to be an issue of knowing the speed limit in a school zone, which very few people know, including the police, he said. "The insurance company wouldn't pay $50,000," Alexander said, "and when it was all over, we got a judgment for $10 million – against the wrongdoer, and then we got the bad-faith action against the carrier."

Alexander's firm has been a leader in Northern California in collecting extra contractual dollars, he said. What it amounts to, he explained, is giving insurance companies a chance to follow the law, and when they don't, they breach the covenant of good faith and fair dealing. At that point, the limits on an insurance

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policy are waived, he said, and eventually his client can collect directly from the carrier for the full value of the injury. "Not too many people have done that – a lot of lawyers have no idea what extra contractual dollars are," he said. "But I've been doing this for the better part of a decade, and I've taught others how to do it. For people who have suffered terrible injuries, who have been blamed for causing their own injuries and who are facing life in a wheelchair, we have to do everything possible to avoid being saddled with policy limits of $50,000 or $100,000. I like doing this best of all."

Because he's so passionate about his work and the law in general, Alexander spends much of his leisure time writing guest opinion pieces and letters to the editor – "I can't help but think of things that need to be said," he explained – and participating in community politics in Santa Clara County and at the state and national levels. He's also an avid reader and collector of flags – he owns one of the better collections of Revolutionary War prints in the U.S., he said.

He said retirement is not in the cards for him. "I'm not going to stop enjoying what my firm does so well," Alexander said. "People retire from jobs. How many people give up their passions? Not me, especially with a firm of talented lawyers and a superb support staff."

"I'm very fortunate that I've found a calling that is intellectually stimulating, challenging and one that provides new beginnings," he continued, "and on top of it I get to do good and work with an exceptional team that makes people's lives better. I'm proud to be a lawyer."

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