

Profile: Daniel Dell'Osso

Former fighter pilot says accountability matters

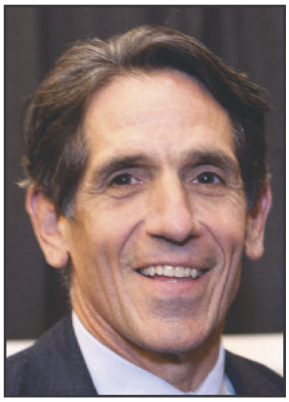
By Stephen Ellison

Accountability is a virtue in Daniel Dell'Osso's book. So it stands to reason he has excelled in fields – military, aviation, engineering, law – where such an attribute holds the most merit. Of those vocations, however, only the law has put him in the position of trying to persuade others – jurors – that accountability matters. It's a task that suits him just fine.

"Believe it or not, people think that coming from a military background, a conservative background, that somehow those things would be inconsistent or incompatible with plaintiffs' practice. But they're not," said Dell'Osso, a senior partner with the Brandi Law Firm in San Francisco. "When you have a military case, there's ultimate accountability. There's no excuse – you either did it or you didn't. Either you did it the right way or you didn't do it right, and if you didn't, you had to stand up and admit it. So, the two are not as far apart as people think.

"I do product liability, where manufacturers have to be accountable," he continued. "They're going to make decisions – some will be good, and some will be bad. And at the end of the day, they have to be held accountable for those decisions the same way you and I are. It's that simple. … You can't excuse bad behavior – on any level."

Such is the drive behind Dell'Osso's decorated career. For 30 years, he's been a shrewd advocate for those who have been injured, killed or generally wronged in some way by the bad behavior or bad decisions of big corporations and/or insurance companies. His work has focused primarily on product liability, with emphasis on the areas of aviation accidents and automobile crashworthiness, where he is able to draw from his engineering and flying background.



Dell'Osso

He is licensed to practice in California, Nevada and Arizona and has represented clients in product liability cases against automobile manufacturers in all three jurisdictions.

Dell'Osso's auto cases have run the gamut. They include defects in rollovers, tires, seats, seat belts, airbags, child safety seats, roofs and doors. When his cases reach trial – which occurs only about once or twice a year on average – he tries to model his approach after one of his mentors, Bruce Walkup. It's based on integrity, congeniality and respect.

"Respect the fact that the jury is intelligent and listening," Dell'Osso said. "And make sure you preserve your credibility and the credibility of your case. In my view, that means calling a spade a spade. If you have something about your case that's awful or ugly, you get out front and admit it. If your client has done something that's not that great and it's coming into evidence, you get out there and say 'OK, here it is.'"

Dell'Osso recalled once watching Walkup in court, applying this very approach with a client who was homeless and an alcoholic. The man had suffered a broken back and was rendered a paraplegic after a construction wall fell on him. In his final argument, Dell'Osso remembered, Walkup didn't bring the client into the courtroom. He proceeded to tell the court, in so many words, that the man he was representing was a mess, a train wreck and in a "pretty crappy place." Walkup held nothing back, Dell'Osso said.

"He was just very straight with them, and of course he got a very nice verdict for the man," Dell'Osso said of Walkup. "But the point was he didn't try to hide it; he didn't try to make it something it was not. He didn't try to make the jury feel sorry for his client because his client was an alcoholic and a mess. He was very honest with them.

"It doesn't mean (the client) is not entitled to justice, and it doesn't mean his legs aren't important to him," Dell'Osso said. "He just comes from a different place."

Early exposure to law

Born and raised in Oakland, Dell'Osso was exposed early to the fine points of practicing law as his father worked in the Alameda County District Attorney's Office and later ran his own practice. He recalled the summers when his dad would pick him up, and the two would go for a workout at the local YMCA then head to the courthouse when the elder Dell'Osso needed to file papers or attend an afternoon hearing.

"Since he'd been at the DA's office, everyone down there knew him – it was pretty interesting," Dell'Osso said. "Mostly, I just saw him for the clerical parts. I didn't actually see him in court at all.

"But I grew up around it," he continued. "I have six brothers and sisters, and my older sister also is a lawyer."

Dell'Osso graduated from Bishop O'Dowd High School and then attended Virginia Military Institute, where he graduated with honors and was selected as a Rhodes Scholar nominee for the state of Virginia. After graduation, he took a commission in the U.S. Marines and

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went to flight school. He spent six years on active duty as an F-4 fighter pilot then served 16 more years as a pilot in the Marine Corps Reserve, retiring with the rank of lieutenant colonel.

Second career

In the meantime, he had started his second career.

"I got to a place in my career where I had to make a decision," Dell'Osso said about opting to leave his full-time post in the Marines. "I'd been on active duty almost seven years, and at that point, for most people, you say I'm either going to stay for 20 or go do something else. I thought I'd do something else, and what I knew was law – it's what I had been exposed to as a young man. So, I took the LSAT, applied to law school and went to Golden Gate."

In his first year of law school, Dell'Osso landed a clerking job at the Walkup firm, one of the most coveted training grounds for young lawyers in Northern California at the time. It was such a great fit for both parties that Dell'Osso ended up staying for 18 years before coming to yet another career crossroads.

Dell'Osso left Walkup in 2000 and packed up and moved to Arizona to start a practice focused solely on auto cases. He forged a partnership down there with another lawyer with similar objectives. "I wanted to focus on auto products cases because I really liked them, and this was a guy I'd known for years who had left his firm in Philadelphia and moved to Arizona to do the same thing," he explained. "So we kind of joined forces. And it really was fascinating. We tried cases in a number of states – Ohio, Hawaii, Arizona, California.

"But once you've lived in California, you really can't live anyplace else," Dell'Osso added. "After six years down there, I thought, 'What am I doing? I need to be home; I need to be around my folks, the ocean, be back in the water... because I love the water. So we moved back."

Upon his return to the Bay Area, Dell'Osso joined the Brandi firm and continued his focus on auto and aviation cases.

Incidentally, when Dell'Osso was asked about his most memorable cases, he recalled one that involved neither a vehicle nor an aircraft – although it did contain critical engineering aspects. It involved a malfunctioning hot tub that had reached 160 degrees and a young girl who was scalded and ultimately died. In the course of discovery, Dell'Osso said, his team learned there was a temperature cutoff switch that was supposed to turn off the hot tub when the water reached 104 degrees. However, the cutoff switch on that particular tub only turned off the heater and not the pump, he said, and it was determined that the 2.25 horsepower pump had enough energy and displacement to heat the water one degree an hour – just from the exchange of the water going through the pump.

"The company actually wasn't aware of that," Dell'Osso said. "So then, on their own, having discovered this problem, they found every single hot tub that wasn't wired properly and installed the panels that shut off the whole system. Now, whether they did that because they were afraid of future lawsuits or because it was the right thing to do is anyone's guess. … It got fixed. We found a problem and we did more than just get some bucks for somebody; we actually made them fix it so it wouldn't happen again. That's why it's a highlight for me.

"We couldn't fix all of it, right? We couldn't bring the little girl back," he continued. "But the family was compensated in a way that made them understand that the company truly felt bad about what happened. And the product got fixed. That just doesn't happen very often."

Active and balanced

When he's not at work, Dell'Osso tries to stay active, with a daily training and workout regimen. His exercises of choice are running and swimming, as he has participated in the Boston Marathon, as well as open-water distance swims such as the trek through icy bay waters from Alcatraz to the San Francisco waterfront – "without a wet suit," he added – and the annual relay swim across Lake Tahoe. "That's just a blast," he said. "The lake's gorgeous, there are between 180 and 200 teams, you go out on a boat and you jump in to swim for a while, then get back out and someone else swims. The sun's out, the water is beautiful and clear, and you've got all these boats playing music, and you're just bopping along. It's very cool."

On the topic of advising young lawyers or law students, Dell'Osso said it's important they find a way to maintain equilibrium in their lives. The practice of law has a propensity for being all-consuming and becoming the most important thing in the world to ambitious lawyers just starting out, he said.

"Balance is critical. Balance helps you see your cases and practice more clearly, and balance makes sure you stay in touch with the other parts of your life that are critical to being happy," Dell'Osso contended. "If you get too far out of balance and the law and practice become all-consuming, at some point, you risk that law becomes a source of bitterness.

"I think it's a great tendency for lawyers," he continued. "We think what we're doing is the most important thing in the universe – and on some level it is. But you know what: The beat goes on, the sun's coming up tomorrow, there will be traffic or no traffic. … Maintain balance. It makes you a better lawyer, makes you a better person and, ultimately, I think it enhances the experience of practicing law."

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