



Profile: Tom Paoli

The public defender was not hiring, so he threw himself into personal injury law and never looked back

BY STEPHEN ELLISON

There's a saying that everything happens for a reason, and whether or not Tom Paoli believes it, perhaps he just wasn't meant to be a criminal defense lawyer.

Coming out of law school in the early 1980s, Paoli had his heart set on being a trial lawyer, specifically a public defender. But, as fate would have it, at that time, there were zero openings in the public defense field around the Bay Area, and Paoli was forced to improvise to get his trial law career up and running.

"So I found my way to civil litigation," said Paoli, partner with Paoli and Geerhart LLP in San Francisco. "And then I went to work for some fellas that were suing asbestos companies, and that's how I became a personal injury lawyer.

"Moving to the valley or out of the Bay Area, really moving out of San Francisco, wasn't an option," added Paoli, whose wife also is a Bay Area native. "Everything worked out great. I just took a little bit different path."

That path, for the past three decades, has been distinctly focused on representing plaintiffs in personal injury cases. And while it's a far cry from criminal defense, Paoli embraced the work and never had second thoughts. His record speaks for itself: several dozen jury trials resulting in the recovery of millions of dollars in compensation for his clients.

Paoli handles accidents and injuries of all sorts, including those involving products liability, premises liability, workplace mishaps and crimes such as assaults and molestations.

Over the years, he has developed a thorough knowledge of pre-trial and



Paoli

trial procedures, enabling him to handle a wide range of cases using innovative approaches. He has been enlisted by other firms to assist or take the lead in their trials.

While Paoli has not shied away from the latest scientific strategies regarding trials – such as the reptile strategy that focuses the jury on a defendant's transgressions rather than on client sympathy – he insists it still all comes back to his client's story.

"Every case, I try to find the story," he said. "I try to find the human story – the trust and the betrayal – so that I can make a connection with the case, my clients, the story and the jury's story. That's basically it in a nutshell."

Getting to that story, however, is another story in itself. Preparation is critical because a good plaintiffs' attorney wants to build a foundation that will allow effortless recall of any little detail about the case, Paoli said. That foundation allows him to understand his case deeply enough so that he is able to communicate it instinctively. "You can stand up in front of a jury and be extemporaneous, it's all there," he said.

Paoli said he utilizes a combination of components from the Reptile strategy as well as other approaches that research shows to be effective with juries. "Then that combination becomes mine," he said. "It's really a matter of incorporating things I can use from

who I am and use them effectively. And not trying to be someone else."

Two memorable cases

Born in San Francisco and raised in San Mateo, Paoli grew up in a working-class family. Both his parents were immigrants, his father from Italy and his mother from Croatia. The senior Paoli made a living as a meat cutter and always pressed his children to work with their heads instead of their hands.

Paoli's older brother became a lawyer, and that encouraged young Tom to follow a similar path. He earned a bachelor's degree in political science at San Francisco State, and then went to nearby University of San Francisco for his law degree.

Paoli recalled two memorable cases his firm worked on in recent years. One involved a woman who was eating a chicken pizza at Round Table Pizza and got a bone fragment stuck in her throat. Paoli sued the pizza chain and the chicken supplier, Foster Farms.

It was a case, Paoli said, where he was able to present the client's story in such a way that it became the jury's story.

"All of them could relate to our client's plight," he said. "And the trust and the betrayal were there because here's a piece of pizza, and you expect it to be safe to eat. ... and Round Table and Foster Farms agreed that there could be bones in the chicken." Based on that case, Paoli and his partner, Chuck Geerhart, were selected as finalists for SFTLA's Trial Lawyer of the Year award.

Another case, last year, involved a realtor falling from an attic ladder that had collapsed. It was another case that contained trust and betrayal, Paoli said.



“The folks had left this ladder up for everyone to use in a home that was for sale – there was no way it should have been used that way,” he said. “The defense was, ‘Your client was a realtor. She should have known it shouldn’t be used that way.’ So the jury came back and gave us a whole bunch of money.”

Because that case involved more than five years of litigation, and Paoli won an appeal from a motion for summary judgment that was reversed from published opinion, he was honored with the Civil Justice award from the San Francisco Trial Lawyers Association.

Where others fear to tread

Over the years, Paoli and Geerhart have developed a reputation for taking cases other firms have turned down – often winning favorable results. One such case involved a young man working as a manager at a San Francisco automobile dealership service department who got into a fight with a co-worker that ended with him being taken to a hospital with a head injury. He suffered brain trauma and didn’t even remember what happened.

“My aunt helped me to search for a lawyer to help me sue the co-worker, and after several lawyers turned my case down, Paoli & Geerhart agreed to try to help,” said Gabriel Zapata, 23, in a testimonial on the firm’s website. “Their persistence, creativity, and thorough knowledge of the law turned up a winning strategy. They were able to reach the liability insurance my employer had to cover these kinds of accidents, and following some pretty intense negotiations, we were able to make a settlement that helped compensate me for my injury.”

Also a mediator

In addition to his courtroom savvy and expertise in trial advocacy, Paoli also has extensive experience in settling complex cases. He has received formal

negotiation and mediation training for the purpose of representing his clients more effectively in the settlement process. He is well schooled in obtaining the best possible results for his clients through mediation and litigation.

Paoli has served as a mediator and arbitrator for the San Francisco Superior Court, and in 2010, he was accepted as a neutral arbitrator by the Office of Independent Administrator for the Kaiser Permanente Member Arbitration program.

Paoli said some of the most rewarding work he has done is in the pro bono arena. His wife, attorney Margaret Coyne, is the co-founder and executive director of Advokids, a nonprofit that educates and advocates for foster children, particularly young foster kids ranging in age from birth to three-years-old who are vulnerable to bad outcomes if their needs are not met.

“She’s provided me with some pro bono opportunities that have been just fantastic for me,” Paoli said. “I did a trial up in Eureka in a dependency case, and coming away from that trial, which ended up being three days, I just felt so much satisfaction from that. It was great. I really recommend lawyers who have skills to give to somebody without any kind of personal reward in return.”

Paoli also enjoys giving back to his alma mater, getting involved with a program at SFSU called the Guardian Scholars Program, which supports former foster children who are in college. Because these students don’t have a traditional family support system that most other college students enjoy, they need assistance with things like paying for books and other costs such as summer housing for which the students don’t have the resources.

“I’ve been very supportive of that program and of SFSU in general because I believe strongly in public education,” Paoli said. “I’ve done some pro bono work for some of the students in

that program, and that’s been very rewarding. That’s the kind of stuff that really makes you feel good about being a lawyer.”

Paoli also volunteers in the Bar Association of San Francisco’s Lawyer Referral and Information Service for Attorneys (LRIS) and for the San Francisco Homeless Connect Project.

Passion and flexibility

When he’s not in the office or courtroom, Paoli can be found with his wife and two daughters. He’s also an avid swimmer, belonging to the South End Rowing Club, a group that swims in the Bay every morning starting at 6:30.

“I love doing it. I love being with this community of people who look after each other,” he said. “You know, because we’re not just swimming out there – we’re having a group experience. It’s really fun. I’ve been doing that for the past 18 years. It’s a great way to start the day.”

While Paoli may not have achieved his initial career goal of becoming a public defender, it all worked out for the better, as far as he’s concerned. That’s why he recommends young lawyers look beyond their first impulse – namely the almighty dollar – when considering their life’s work.

“I would tell them to find their passion and find what they think they really want and go for it,” Paoli advised. “And don’t be distracted by money or status. I think that’s one of the big problems we have now; that the money corrupts, it diverts us from what we really should be doing. Have a plan, have a goal that really turns you on, that you’re really excited about, and you may be surprised how well things turn out.”

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