



Profile: Anne Costin

Employment law specialist, she fosters a nontraditional relationship with clients as she continues to fight for them as a solo practitioner

BY STEPHEN ELLISON

For Anne Costin, being a plaintiffs' trial lawyer goes far beyond winning big-money verdicts and taking down large companies. It's a perpetual and immeasurable mission to do right by people who have been wronged, regardless of the scope of their plight.

Costin, a sole practitioner based in San Francisco, learned a lot in a relatively short time as she established herself in the employment law arena. And even as her practice has thrived, she believes there is still much knowledge and wisdom to absorb.

"I'm still learning," said Costin, who first graduated from University of San Francisco Law School and then from the Dolan Law Firm. "Every day in the courtroom is a new learning experience. The day I stop learning, I'm done with this work."

For now, Costin is just getting started, and she's coming off a pretty decent run of success, including a \$20 million verdict in a whistleblower case she tried with her mentor, Chris Dolan, in November. But oftentimes she finds that the smaller cases are the ones that make the biggest impact on people's lives. Those clients, she said, are just as grateful, if not more so, for the result and the work she does.

"Personally, I'm not going to turn down a case, even if it's a smaller financial case," Costin said. "If it's a strong liability case, a plaintiff who's really deserving and was wronged, I will take it regardless of the value. In the employment world, a majority of people that are taken advantage of are low-wage workers because employers think those people have no recourse.



Costin

So, I think it's even more important when you have a low-wage worker to step up and take those cases."

Working mostly with that demographic of low-income clients, Costin embraces a hands-on approach. During trials, this can be especially taxing, as she doesn't have an associate or assistant to do all the logistical preparation, the exhibit preparation and the administrative work. Not to mention, she does all her own depositions, witness interviews and other required leg work.

The connection with clients

But the payoff, Costin said, is being the one and only face of the firm, which is critical in establishing a connection with her clients.

"Maybe I have a nontraditional relationship with my clients," she said, "but I feel the better I know them and their families, the better I can tell their story,

explain that to others who've never met them, what they've gone through and how they've been affected."

That's not to say, by any means, the work is easy. In her last two trials, Costin said she probably slept an average of four hours a night while working seven days a week. At her most recent trial, she was near tears when the court clerk swore in the jurors. During some of those late nights, working into the early-morning hours, she said, a bit of self-doubt began to surface and resulted in some despondently themed 2 a.m. emails. But, in the end, persistence won out.

"You do it for those moments, when you feel that connection with a witness during a cross, and you know you can get them to tell the truth, that they're ready to tell the truth," Costin said. "When you get the payoff, it's so exciting. ... You just have to keep showing up and putting one foot in front of the other and just every day do the best work you can and don't give up. Because the system is there to protect you. And the jury will see the truth."

Full circle

Born in San Francisco, Costin moved with her family to Denver when she was very young, then lived in Reno during her high school years.

Law first entered into Costin's career plans during her undergrad days at UC Santa Cruz, where she earned a bachelor's degree in sociology. She had been summoned as a juror in a criminal case and was immediately enamored with the trial process. She was most impressed by jurors being given incredible authority and ability to dictate the outcome of justice, she said. That was the first time the prospect of law school occurred to her,



and she proceeded to take a somewhat lengthy, winding path to get to the point of actually applying.

“I worked at many different jobs before I made that decision,” she said. “I worked in a factory, restaurants, and I used to teach dance classes. But when I moved to San Francisco, I started working as a secretary at a law firm. They represented employees in wage and hour class-action cases, and my bosses were very supportive of me trying to figure out if that was something I wanted to do myself. So, they encouraged me to take the exam for law school.”

At USF, Costin heard a panel of lawyers talk about employment law issues, and one of them was Shawn Miller, who at the time was working at the Dolan firm, she said. Miller had recently done a big trial, and Costin was so intrigued, she ended up getting a law clerk position at the Dolan firm.

“It may sound cheesy, but I always knew my goal was try to help people in some way,” she said. “I originally thought I might want to do family law and tried doing that during law school. It was just so emotionally draining to go through that kind of personal anguish with family law clients. So, I decided that wasn’t the best fit for me. But I’ve always worked with employees. During law school, I started working with low-wage workers on wage and hour issues, with people who weren’t getting paid at all. ... That was sort of my first foray into employment stuff.”

A strong mentor

During her time at the Dolan firm, Costin continued working on wage and hour cases and developed her trial skills. She credits Chris Dolan for getting her started and setting a standard for her to aim for. Once she reached a certain level of experience and confidence in the courtroom, Costin figured out it would be best to develop a style all her own.

“Everyone has sort of their own personality, and you have to stay true to yourself,” she said. “Chris Dolan is an incredible, amazing, dynamic storyteller. I’m different; I may not do things exactly the way he did, but I think having your own vibe, your own energy is important. If you come off being false at all in front of a jury, they know it immediately. I’m a younger, newer lawyer, and being open about that and recognizing it and not pretending I know everything, it really rings true.”

Taking control: Terror and reward

Costin said she decided to start her own firm because, essentially, she wanted the independence, the control. Being her own boss means she’s able to work when she needs to and travel when she doesn’t. If that means working six months straight and then taking a month off, so be it, she said. But at least she is the one calling the shots and dictating that schedule.

And, of course, the financial benefit is a huge factor, she said.

“It is hard to be an associate at a plaintiff’s firm because you see just how much money you are bringing in on cases and know the differential between those numbers and your paycheck,” Costin said. “But I will tell you that one thing I didn’t truly understand until I had my own firm is the overhead. It takes a major investment just to operate a business and fund these cases. Rent, insurance, deposition and expert costs add up. Your own life is truly tied to your case results, which can be both terrifying and incredibly rewarding.”

Fortunately for Costin and her clients, 2016 was a terrifying and rewarding year. The \$20 million whistleblower retaliation case in San Francisco involved an employee for a time-share company who complained that her co-workers were committing serious sales fraud – taking advantage of elderly clients by opening credit cards without their knowledge and

lying about huge purchases. People were walking out of time-share presentations not even knowing they had purchased anything and then getting a credit card bill six months later totaling \$50,000, Costin said.

“I was the fourth lawyer on the case,” she said. “It had been pending in litigation for years before it came to me. I decided to take it on and quickly realized, with the defense firm’s team of lawyers, I was beyond outnumbered. At some point, I realized I needed help, so I asked Chris if he wanted to come in and try the case with me. We made a really good team.

“He takes every case seriously, and he taught me to do that,” Costin added. “Whether it’s a \$20,000 case or a \$20 million case, you fight every step of the way with all the effort and passion that you can. Every client deserves that.”

A few months earlier, Costin and Denise Top wrapped up a negligent supervision case in Solano County involving a workplace attack. The pair got a \$1.9 million verdict after proving the employer knew the attacker was violent and did nothing to make the workplace safe. Costin said several witnesses were “sort of living off the grid” and had to be tracked down, which entailed Costin and her husband driving around Vallejo and Vacaville and “knocking on trailer park doors” to talk to those people, a tribute to her hands-on approach.

Doesn’t get much respect

It also was a case where the defense made a minimal settlement offer, forcing Costin and Top to try the case.

“I’m starting to see, being a sole practitioner, you don’t get the same level of respect,” Costin said. “When I worked at the Dolan firm, there was this widespread understanding that the case is worth value just because of which firm is on it. But when you’re on your own, that doesn’t necessarily track. So you have to prove yourself. I think that case by case you need to show you will try your cases,



you will show up for your clients and not be frightened away by some meager offer that's designed to terrify you."

A similar scenario played out in February, when Costin won a \$453,000 disability discrimination case in arbitration. The defense told her she was going to lose and made a settlement offer a week before arbitration that was less than the cost of her case. "It was very clear to me they thought they were just going to run me over," Costin recalled. "And we won a really good award. It was all my client's wage loss through her retirement age, which was huge, and I got my attorney fees and a multiplier."

Getting away and giving back

When she's not working, Costin enjoys the outdoors, music and traveling. Every once in a while, she and her family travel somewhere exciting, she said, disconnected from electronics. A few years

ago, she traveled to Patagonia and hiked up to a glacier, she recalled.

One extracurricular activity Costin takes much pride in is running a volunteer mock trial clinic for high school students through the YMCA. She and her husband have been teaching in the program for the past six years. A group of students from around the Bay Area come together in the spring, and Costin writes a case for them. The students learn how to do opening and closing, jury selection and witness exams. And the teachers are all lawyers volunteering their time, she said.

"For the last six years, I've pulled together the most amazing group of people," Costin said. "A large number of them have been my prior opposing counsel. We went from having a contentious litigation relationship to them dedicating hundreds of hours of their time to helping these high school kids learn how to do this work."

On advising such young, aspiring lawyers, Costin said she would tell them to be humble, keep your eyes and ears open, and always be prepared to learn. Also, be ready to work hard.

"I didn't think I'd go into this line of work, and it's so difficult that sometimes I wonder if it's sustainable," she said. "Because it's just so physically exhausting and financially risky and mentally challenging. But it has turned out well for me, and I've made such wonderful friends doing plaintiffs' work. ... I met my husband doing this work. So truly I can say the core of my life is centered around this work – and this fight for justice."

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