



Profile: Kevin Morrison

Shrewd, passionate trial lawyer embraces challenges in the courtroom and on the bike

BY STEPHEN ELLISON

There's probably nowhere Kevin Morrison would rather be than on his bike, traipsing the Italian Alps. Except maybe in the courtroom, taking down unscrupulous companies and their insurers.

In a little more than two decades practicing law, Morrison quickly developed a reputation for being a thorough and resilient trial attorney in the plaintiffs' personal-injury arena. He was elected to the exclusive American Board of Trial Advocates about three years ago, becoming one of the organization's youngest members, and while he's humble about his success, there's no mistaking his passion for the work.

"I just absolutely loved plaintiffs' work from the first day I did it," said Morrison, a partner with Jones Clifford in San Francisco. "Trying to produce a case is very challenging, intellectually fascinating and ultimately rewarding because you're benefiting someone who's in desperate need of help."

The intellectual challenge is what drew Morrison to the law profession at the very beginning. As a youth, he would watch law-related TV shows, enraptured by the courtroom processes, and that fascination steered him toward law school, he said.

"The intellectual rigors of going to court had a strong attraction for me from a very early age," Morrison recalled. "So I went to college knowing I would probably go to law school and become an attorney. After a brief career in insurance sales after college, which was incredibly depressing, I went to law school and got into litigation."

Morrison's diligent preparation and courtroom savvy made him a natural in the trial setting, and he quickly developed a reputation as one of the most formidable plaintiffs' attorneys in California. His work has translated into multiple



Morrison

seven-figure verdicts and settlements, with an increasing number of his cases reaching the latter result.

While he would love nothing more than getting to the trial stage in all of

his cases, Morrison understands that's just not the way the system works in this day and age. So, in addition to his trial experience, he serves as an arbitrator and settlement conference panelist for the San Francisco Superior Court. He also is active in the American Association of Justice, the Consumer Attorneys of California and the San Francisco Trial Lawyers Association, for which he served on the board for five years.

East Coast transplant

Raised in Albany, New York, Morrison was a bit of a ham when he was a kid and was always up for an intellectual challenge. Politics and law were two subjects that intrigued him because he believed leaders in those fields made a difference in a lot of people's lives.

He stayed fairly close to home for his undergrad studies, earning a bachelor's degree in economics from Bucknell University in Pennsylvania, then returned home to attend Albany Law School. In his third year of law school, the young Morrison caught up with some long-lost family members who lived in the Bay Area and flew out to finish his studies at University of San Francisco School of Law.

"I came to the Bay Area for the first time in 1990, and as soon as I got off the

plane, I fell in love with San Francisco and wanted to make it my home," he recalled.

Morrison knew from the time he entered law school he wanted to be in the courtroom, and the best way to gain that trial experience would be at offices of either a district attorney or public defender. But at the time, those positions were tough to come by, so he took a job doing worker's compensation and insurance defense for about a year and was miserable, he said. But along the way, he met a couple of plaintiffs' lawyers named Stanley Bell and Robert Barnes on a case he was working.

"I just said to myself: 'That's what I gotta be doing.' Then about six months later, I got a call from them, and they hired me," Morrison said. "I worked with a guy named Tom Caselli. It was a wonderful mentorship, wonderful experience. Tragically, Tom in his mid-40s developed brain cancer and died about four months later. It was horrendous. He was such a huge personality; everybody loved Tom. One of his slogans was 'Kill 'em with kindness.' That's kinda my personality anyway; I like to get along with people, I like to get to know them and not just consider them adversaries. Tom was masterful at that. I think I learned some of that from Tom."

After Caselli passed away, Bell entrusted Morrison with more cases and more opportunities. Morrison said he was handling cases a two- or three-year lawyer had no business handling, such as a wrongful death case against Honda and a case against the city of Bakersfield. But the experience was invaluable, he said. And the mentorship continued under Bell.

"A line Stan always liked to use was when you go from defense work to plaintiffs' work, you go from being a critic to being a producer," Morrison recalled. "It's so true. Because a movie critic sits there and picks apart the things that are



good and bad about the finished film, right? Much like a defense lawyer picks apart a case. But a producer is the one who puts it all together – the story, the scenes, the players – which is what the plaintiffs' lawyer does."

Quiet on the [courtroom] set

It's exactly what Morrison has been doing for the past 20-plus years, panning all the "critics" on the way. Those early cases against Honda and Bakersfield set the tone for other big cases to come. And Morrison showed he's not one to shy away from the complex cases other attorneys tend to turn down. One such case involved a young off-duty police officer in the East Bay riding his motorcycle to his girlfriend's house and getting into a horrific crash with a truck that turned left in front of him. He was comatose for about seven weeks and suffered catastrophic injuries that required multiple surgeries, Morrison said.

Because witness accounts had Morrison's client riding at an excessive rate of speed leading up to the crash, passing cars and generally driving recklessly – and of course he couldn't give his side of the story because he couldn't remember – lawyers initially declined to take the case based on those police reports, Morrison said.

"This poor guy calls us about two months after the accident; he's mad at the police department because they won't let him go back to work," Morrison explained. "One of his legs is barely attached, he can't walk, and he wants to sue the police department. I said, 'What are you talking about?' I went over the police report because it didn't make sense to me how this truck would turn left in front of him and not see him. So I took the case, filed it, and after a whole bunch of work, ended up getting a very high seven-figure result for this guy."

Even though Morrison's client would never be able to work again, the settlement set him up so he could live independently and receive medical treatment and household services to take care of

him for the rest of his life. "To make that kind of difference is just wonderful," Morrison said. "His mom was crying and said she'll be able to die knowing he can take care of himself. Pretty powerful stuff."

Legal case vs. jury case

Morrison is a firm believer in using focus groups while preparing for trial as well as an approach that's known as "judo law." About 12 to 15 years ago, he discovered focus groups, found they were highly effective and started using them in all his cases. His philosophy is that there are two different phases to each case in trial: the legal case and the jury case.

"The legal case is the one you prove legally: there's negligence, and here's how they breached it, and here's the damages," Morrison explained. "But ultimately, a textbook or law professor isn't going to decide your case; a jury is. And they've got completely different questions, thoughts, beliefs, images. So it's critically important that all cases be reviewed by focus groups, real people."

Focus groups, Morrison insists, are going to come up with things that a plaintiffs' attorney never thinks of. So they will inevitably improve a case, whether it's exhibit material or the way things are phrased, he said. One case he tried about four years ago perfectly illustrated this point.

"We got involved with a case after discovery was closed, a pedestrian versus a Hummer," Morrison said. "The pedestrian had a backpack, and the Hummer came up from behind and kinda snagged the backpack, drove off and then eventually stopped. The 911 tape had the driver saying, 'I almost ran her down.' Well, the focus group hung on those words – he didn't hurt her, but she could have gotten hurt. So after learning that he did almost run her down, and (the vehicle) snagged her backpack and twisted her around, twisted her neck, we needed animation to show that. We adopted the language I knew (the jurors) would adopt and used it to our advantage. That's why they call it judo law – taking your best shot."

Two-wheel therapy

When he's not pulling such judo moves in court, Morrison is an avid bicyclist. He and law partner Josh White recently traveled to Europe to catch the 100th Giro d'Italia, the world's second-largest professional cycling race.

"We would ride our bikes 50-60 miles and climb about 8,000 feet, and then we'd come back and eat some bird and drink some beer and watch the pros do it," Morrison said. "Trip of a lifetime. Three days in the Italian Alps then three days in the Italian Dolomites."

He also enjoys riding the many magnificent roads and trails the Bay Area has to offer. For him, it's much more than a physical activity. "Some of my greatest thoughts come when I'm riding the bike," he said. "It allows me to clear my head and think about a case, about something I hadn't thought of before."

Morrison also enjoys swimming and spending time with his wife and three children, ages 16, 14 and 12.

As for the advice he would offer law students or aspiring lawyers, Morrison said it's OK to be shrewd and aggressive when strategizing a case, but it's not wise to let that carry over to a negative dynamic when interacting with others, specifically opposing counsel.

"What comes around goes around – treat people with kindness," Morrison said. "Just because it's litigation, doesn't mean it's war. In fact, it should be the opposite; you need to cooperate and get along professionally with opposing counsel. The golden rule is treat others as you would want to be treated yourself, whether it's your client, defense lawyer, judge. Treat people with professionalism and compassion. You see young lawyers today, they want to fight, and they want to send a message and be tough, and that means be a jerk. It's the opposite. As Tom Caselli would say: Kill 'em with kindness."

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