



Profile: Scott Righthand

Personal injury specialist refuses to back down, even when faced with improbable odds; still takes med-mal “250 cases” when the client “gets to me”

By **STEPHEN ELLISON**

While the role of underdog is not an enviable one for most, Scott Righthand seems to thrive when the odds are stacked against him and has made a career out of pulling off major upsets.

Righthand, who runs his own firm out of San Francisco, has a long history of success in the personal injury arena, not only because of his relentless pursuit of justice for his clients but also due to his willingness to take on the atypical cases with the fervor and poise needed to see that a wrongdoing is righted.

“My heart from day one has always been on that side,” Righthand said. “My desires have always been to serve the underrepresented people in the country who would not otherwise have access to counsel and be able to stand up to the HPs and the Fords and the GMs of the world and to try to make the playing field a little more even.”

Righthand’s practice is 100 percent plaintiffs’ personal injury, with an emphasis on product liability and catastrophic injury cases. As an aside, a small percentage of his caseload consists of medical malpractice work; he feels someone needs to do them, even though he acknowledges they’re not cost effective, and they’re often a nightmare.

He said he cut his teeth in trial law in medical malpractice cases in the early 1980’s, and because of the MICRA law in 1975, it became more and more obvious he had to be extremely selective with those cases. “Even then, my heart gets in the way sometimes, and I get a call from somebody who was just really done wrong,” Righthand said. “Even if it’s what we call a ‘250 case,’ we’ll do it one way or



Righthand

another if that person gets to me.”

Products liability

The rest of his time in the practice focuses on representing individuals mainly in two areas:

product liability and catastrophic injury. He said he won’t do big drug cases with multiple clients or other class-action work because he doesn’t want to get into the mix with dozens of other plaintiffs’ lawyers and not have any control over what the end result is to his client. What he will do is see his cases through to the end.

“I’ve done everything in my practice,” he said. “It’s been wonderful for me over the years. I love what I do, and I’ve done everything, taking a case from start to finish, really doing appeals by myself on those cases that were unsuccessful, either at the discovery stage or the trial stage. I’ve argued a case before the Supreme Court and appellate cases throughout California earlier in my career, and now I primarily focus on catastrophic injury cases and taking them to conclusion.”

Indeed, Righthand’s firm has earned several six- and seven-figure results over the years, including typical vehicle collisions and product defects cases as well as extraordinary cases such as misdiagnosed

spider bites and hazardous road designs. His skills, dedication and fearlessness have paid off in the form of professional honors, too, including being named as a fellow of the Litigation Counsel of America in 2009 and being inducted into the American Board of Trial Advocates last year.

For all that success, however, he is most gratified with being an advocate for plaintiffs.

“I’ve never done a defense case my entire career and never (since starting his own firm) billed an hour of time,” Righthand said. “I’m pretty proud of that. Everything we do is contingency work, and I like to keep it that way.”

East Coast transplant

Righthand was born and raised in New York and as a youth often dreamed about seeing the rest of the world – or at least the rest of the United States. When he was 12 years old, he and his family took a trip to San Francisco, and the young Righthand fell in love with the city. He had always wanted to get back to the West Coast, so when the time came for him to go to college, he was intent on enrolling at Lewis and Clark University in Oregon. But his parents had reservations.

“I was on my way there, and my parents, who were going to foot the bill for all this, said it’s a little far away, and they’re not going to pay if I’m going that far away,” Righthand recalled. “But they gave me an option. They said Colorado has a decent school, and I can go to college there. I looked at the brochure – those were the days before college visits – and the brochure looked pretty good. So I said, ‘OK, let’s do it.’”



“When I got off the bus on my first day and looked up at mountains I had never seen the likes of before, it was fabulous,” he continued. “But I only had eyes for San Francisco from the time I was a little guy.”

Once he graduated, studying law seemed to mesh with his vision of what he could do that would keep him engaged and interested, be transportable, allow him to live where he wanted and enable him to do something for somebody else, all while making a good living. So he applied to several law schools across the country.

“When I got out of college in Boulder, it was pretty competitive, and I was thinking I was going to have a hard time getting into law school,” he said. “And somehow, I got into Hastings, which was a gift. What a wonderful place.”

Landing at UC Hastings College of the Law in San Francisco indeed was a dream realized. Upon graduating from Hastings, Righthand worked in antitrust and administrative law with the Furth firm in the city. He called it a brief three-year education on complex litigation. From there, he moved over to the personal injury and medical malpractice areas of the firm, and he’s been on the plaintiffs’ side ever since, he said. Eventually, Righthand became a partner in that firm but then decided to open his own plaintiffs’ practice in 1992.

Standout cases

Over the years, Righthand has had a number of memorable cases, some for their distinctive nature such as the back-to-back med-mal cases he worked involving Brown Recluse spider bites. One of those resulted in his client’s quadruple amputation, and the other resulted in a client’s disarticulation of a leg and hip, he said. Those are memorable, he added, because of the cause of the injury and the nature of how it had to be treated as well as how those came to be malpractice cases.

He remembers several of the airbag cases, in which airbags failed to deploy

and people could have been saved if not for the product failures.

Finally, he remembers some of the most devastating cases he’s seen, such as a recent head-on collision case against a company that worked its employee so hard, he was unable to keep his eyes open while driving home one night. That man fell asleep at the wheel and crossed the double-yellow line down in the Half Moon Bay area, killing a young husband and father who was on his way to work at a hospital at 11 o’clock in the evening, Righthand said.

“It was difficult to prove, but it came together so well because we were able to track emails to and from him over the last month before (the accident) – emails that were sent all hours of the day and night by supervisors and clients,” Righthand explained. “Then we were able to track his comings and goings at the office because he had a badge every time he checked in and left. Then we were able to find the best experts in the United States in the area of sleep deprivation and what its impact is on function. Those people were able to come in and tell us in tremendous detail about how this man was functioning and about how the hours he was expected to keep impacted his ability to drive a car. All of that was verifiable and backed by all the presentations and work that he had to put together for his employer in Silicon Valley.

“This is not an uncommon issue in those industries in Silicon Valley and in the financial industry in New York,” Righthand continued. “They just work their people so hard. Some provide rides home or beds at the office, and this company did not. And it’s a big company. ... That was one case where we had a wonderful result. I’m very proud of that work.”

“Painstaking work”

Righthand feels there are a lot of important parts to trials, but preparation is 90 percent of it. He said he typically has a vision of the case from the day it walks in

the door and an idea of what he’s going to tell the jury about his client. It’s all about knowing the specific details of a case both on the liability side and damages side and being conversant with exactly what the evidence is and how to get at it, in terms of presentation to the jury, he said.

“Then, it’s about how you focus your case and frame it to best educate the jury about what really happened,” he said. “So when you’re standing in front of that jury, what comes out of your mouth has been thought about and considered in light of everything you’ve learned during the discovery stage. And when you cross examine a witness, you know what that witness is going to say – and I’m still of the old school, I do my best not to ask a question that I don’t already know the answer to of a witness I’m cross examining. So that means poring over deposition transcripts; it means personally sitting down and summarizing every deposition and cross-matching it with whatever testimony that you get. You know, it’s painstaking work.”

When he’s not in court or at the office, Righthand tries to stay active. He has two grown children whom he spent countless hours with while they were growing up, coaching Little League and softball teams. His daughter was a jazz singer, and his son currently is a rock ‘n’ roll musician, so he tries to attend performances whenever he can, he said. He enjoys riding motorcycles and took up surfing when his son was in his teens.

On the subject of advising young and aspiring lawyers, Righthand said it’s truly about being happy.

“You have to love what you do,” he said. “If you don’t, you need to find something else to do. Because unless it comes from the heart and you immerse yourself in your cases, you’re not going to have the outcomes you want.”

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