



Profile: Chantel Fitting

She hates to lose, but it happens when you take cases that other PI attorneys won't touch

BY STEPHEN ELLISON

Learning to lose may be one of the most difficult things Chantel Fitting has had to do as an attorney.

The partner with San Mateo-based Galine, Frye & Fitting said she has struggled mightily with her fear of losing and would love nothing more than eliminating defeat altogether. But she has come to realize there are lessons in those losses, and they ultimately serve a greater purpose.

"If you ask any lawyer the cases they most remember, it's not the home run they hit, it's the loss," Fitting said. "I just really try to not repeat mistakes and forgive myself when things don't work out. I guess I've learned to accept that you've just got to do your best, and the only thing worse than losing is not getting in the arena in the first place."

To that end, Fitting seems to be more motivated when others tell her a case is a sure loss. She cut her teeth on small personal injury cases, specifically slips, trips and falls, which tend to be scoffed at not only by insurance defense attorneys but also by jurors. She recalled the first time she selected a jury for a slip and fall case and hearing remarks such as "Why didn't your client watch where she was going?" or "I never would have fallen on that; I would have seen that." Her legal colleagues were equally cynical.

"I've been laughed at by judges and insurance companies," she said. "They would say things like, 'You're gonna get defended on this, you're never gonna see a penny.' I've hit some real home runs on traditionally hard cases. I just love that feeling of doing something someone tells you that you can't do. There's no better feeling professionally."



Fitting

Fitting has since graduated to more complex litigation, becoming a recognized expert in evaluating serious injuries related to catastrophic claims such as brain and spine injuries and

presenting that evidence to juries. Her record of success includes jury trials in which her clients have recovered millions of dollars after minimal settlement offers from insurance companies. Fitting recently tried a bodily injury case in San Mateo where the insurance company offered \$20,000, and the jury awarded nearly \$1 million to her clients. In another trial, the defense offer was \$100,000, and a jury rendered a verdict of \$500,000 to her client.

"I tried a handful of cases where it's an invisible injury, soft tissue," Fitting said. "And the insurance company will say, 'Well it's just soft tissue – there's no broken bones.' Basically, there's no objective sign of injury; it's all subjective."

Fitting's expertise in physical injuries as well as trial practice has translated into high recognition within the legal community. She is a frequent speaker at seminars on recent developments and trends in the law and trial techniques that are essential to achieving favorable outcomes for clients. She serves on the board of directors for Consumer Attorneys of California

and is a former president of the San Mateo County Trial Lawyers Association. She was nominated for Trial Lawyer of the Year by CAOC in 2005.

Bay Area native

Fitting was born and raised on the San Francisco Bay Area peninsula. Her family moved to San Mateo from nearby San Bruno when she was 5 years old. She grew up in a working-class household – her father was a firefighter and her mother a beautician – and her parents taught her the importance of strong morals and values, honor and hard work, she said.

"I've always had a strong sense of right and wrong, wanting to protect those who are more vulnerable and who didn't have their voice at the time and didn't have the courage to stand up for themselves," she said when asked why she became a lawyer. "I watched my dad always stand up for what he believed in. My family always had a strong sense of community. I joke because I'm the only one in the family who didn't go into civil service."

"I'm the first person in my family to go to college, let alone law school," she added. "I feel really lucky they were able to give me what they didn't have."

Fitting attended UC Davis for her undergrad studies. Initially, law school was not part of her plans, and after graduating from college she took a couple of years to figure out what she really wanted. During that time, she tried her hand at being an administrative assistant but was "terrible at it," she said. That's when she realized she needed to go back to school.

She was accepted at UC Hastings College of the Law, where she was determined to become a trial lawyer. While studying there, Fitting found her calling.



“I knew I wanted to do trial work. I had two choices, criminal law and civil law, and the only area I knew in civil where I could get trial experience was personal injury,” Fitting said. “I did the masters swimming program and got introduced to Don Galine. I had my interview in Lane 1 of the Joinville pool when I was in my second year at Hastings. I started as a law student interning (at the Galine firm), and now I’m a partner.”

Fitting’s philosophy regarding trials, she said, has always been there’s no substitute for hard work and preparation. She said there’s nothing glamorous about being in trial – it’s just about putting in the time. After preparation, when the trial starts, it’s about telling a story, trying to keep it interesting, trying to entertain the jury but most importantly trying to show the jurors through demonstrative evidence how her client’s life has been impacted by the defendant’s actions or inactions.

“My focus is more on giving them the information they need to make the decision I want them to make,” Fitting explained. “Obviously I want them to like me, but I feel if I try to force that, it’s not going to happen. I am who I am. I’m pretty serious when I’m in trial; I’m very prepared. I’ve received lots of comments from jurors like, ‘You’re so organized; thank you for keeping the trial on track and not wasting our time.’ I learned that early on. I had a juror come up to me and say, ‘You need to find a way to identify your exhibits better; you’re wasting our time.’ So, I learned that lesson.”

Unforgettable case

Fitting recalled one trial that will stay with her for the rest of her life. It involved a woman in her 60s who had special needs. She had a condition that amounted to reduced cognition, Fitting said – even though she was in her 60s, she had the mentality of a 10-year-old. The woman had been hit as a pedestrian and suffered hip and brain injuries. The insurance company took the position that she was already damaged to begin with. It was a very emotionally charged case, Fitting said.

“I was furious that they would say that,” Fitting recalled. “She was just so innocent and naïve. I will never forget that direct examination of her. I had to put her on the stand to testify, and even though we prepped her for hours, I had no idea what she was going to say. Because she couldn’t slant the facts in her favor to save her life – she just didn’t have that capability. So, she was going to answer every question brutally honestly, for better or worse.”

Fitting said she will never forget the moment when she stood to begin her direct with her client. Before she could start, her emotions got the best of her.

“I just looked at her, and she looked so innocent, and I was so upset that this went to trial – she shouldn’t have to go through that, they should have given her a fair settlement,” Fitting said, describing what was going through her mind. “I just broke down. But I refused to let the jury see me cry. So, I approached co-counsel and said, ‘Do you mind if we approach the bench?’ The judge said, ‘go back and collect yourself,’ and I took about 15 minutes, and I don’t think I’ve ever cried like that.

“When I came back, I got a thumbtack, moved the podium, and I sat down in a chair right in front of the witness stand,” Fitting continued. “And I had the thumbtack in my hand and used it to keep myself from crying. Just sat down and had a conversation with her. It was the most beautiful conversation; we forgot the jury was there, and she did amazing.”

Fitting’s client got a jury verdict of \$500,000 after a \$150,000 settlement offer.

Being a mom and a trial lawyer isn’t easy

Over the years, Fitting has managed to achieve such success while also raising a family. She has two daughters, ages 15 and 10, and she remembers when they were younger feeling a lot of guilt from just not being home with them.

“Then one day when I was home,” she recalled, “my husband said to me, ‘Listen to the kids, they’re playing in the other room.’ They were playing with their Barbie dolls and arguing over who could be the lawyer Barbie doll. I’m like, OK, there is a silver lining here. That made me feel good.”

In her spare time, Fitting loves to be in the ocean; she tries to go for a swim every weekend. She also coaches her daughters in basketball. Sports, she said, carry a lot of weight in her everyday life. “I think they’re so valuable; there’s lessons in sports that can be applied to every aspect of a person’s life,” she explained. “I actually keep Stephen Curry’s MVP speech from two years ago in my top desk drawer, and whenever I’m feeling I need some motivation, I take it out and read it. I think everything he said is so applicable to life, law, family, friendship.”

Fitting believes the best advice she has for aspiring lawyers is to believe in themselves. She said her confidence has taken her a long way. For instance, with the special needs case, her boss approached her afterward and said, “God, I was so nervous.” But it had never even crossed her mind that she wasn’t going to win.

“Just keep stepping”

“You have to believe in yourself even when other people don’t,” she said. “And just have the strength to keep stepping.”

The best advice I ever got was when I did amateur boxing for about a year. My trainer had spent 20 years in jail for bank robbery; we were from very different worlds, and we became best friends. He said, ‘No matter what life throws your way, just keep stepping.’ That has served me well.

“It’s like if you have the momentum to carry on, you’ll come out of any down period,” Fitting added. “And right outside that down period, a case is going to settle for you, or something else will go your way. The important thing is to just keep moving.”

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