



Profile: Carter Zinn

A second stint in law school helps academic find his path into personal-injury law

BY STEPHEN ELLISON

The best laid plans for Carter Zinn may not have included running his own plaintiffs' personal injury firm. But when fate or fortune, passion or persistence – or all of the above – came into play, Zinn landed in a place where he could realize his ultimate goal: to make a mark and make a difference.

The principal of the Zinn Law Firm in Mill Valley took a somewhat jagged path into plaintiffs' law. Initially, when a young Zinn graduated from prestigious Williams College in Massachusetts, he had designs on becoming an academic, aiming for a Ph.D. in political theory. But at the advice of others, who told him there's no money in a doctorate degree, he went to law school to study critical legal studies. Then, he would be able to teach and earn more money, he was told, and if it didn't work out, he could practice law.

"That seemed like a great idea to me, and in 1990, I went to Harvard Law to study critical legal studies, and I just completely blew up," Zinn recalled. "I didn't make it through the first semester. All I wanted to talk about was post-capitalistic society and a world without money, real kind of juris prudential kind of stuff, and I couldn't get through the first year of contracts and torts.

"The classes have 120 people, and they're very Socratic, so you're not supposed to talk unless you're called on," he continued. "I would just start saying stuff. I wasn't really with the program, so I dropped out, didn't even get to finals."

He returned home and began writing about the subjects he was so passionate about. But his financial and personal struggles mounted, and as



Zinn

he was approaching 30 years old, Zinn was ready to give law school another run. He took the LSAT again and was accepted at Boalt Hall, now UC Berkeley Law School, where he took an entirely different approach.

"I just wanted a job, wanted to pay my bills, wanted to make enough money to go golf with my friends occasionally," Zinn said. "So, I didn't take a single legal theory class. I took all the basics, just tried to keep my head down and study. I got to meet a group of older law students because I was 30, and I met some really awesome people who helped me stay with it.

"My first semester, I wrote in all my law books with a pencil because I'd just assumed I would drop out again, so I wanted to be able to resell them," he continues. "But I stayed, and a lot of it had to do with this group of cool, older law students that I met."

When it was time to hunt for a job, it was the late 1990s, and the economy was going crazy with the dot-com boom, Zinn said. Summer jobs were plentiful, and he took a job at a now defunct corporate defense firm called Heller Ehrman, "a big, white shoe, old-time law firm" that had a reputation for being liberal.

"I just got staffed on some really evil cases, defending (corporations in) a lot of consumer class actions," he said. "But I was enjoying my life; they paid us a ton of money. I bought a car and moved out of my terrible apartment. And I liked everything I was doing except the clients I was working for."

Moving on

After two years at the Heller firm, Zinn was ready to move on, and his target was environmental law on the plaintiffs' side. He received a job offer from Lief Cabraser to work in its toxic tort department, he said, and at that point, they had a working relationship with Jan Schlichtmann, the attorney whose story was told in the celebrated book and film "A Civil Action." He was two years into his law career and about to walk into his dream job, he said. Zinn had one foot out Heller's door and inside Lief Cabraser. Then, it suddenly was yanked away.

"I was excited. I'm going to work at Lief Cabraser, I'm still going to make decent money at a big firm, I'm going to have a nice office. But I get to do Jan Schlichtmann's case!" he recalled. "So I accepted the job, but when I was at Heller, I was staffed on this big defective product case – there were 10 lawyers on it, and I was a junior lawyer, I was



nothing. Our client was Masco, parent of Behr paint. ... It just so happened Lief Cabraser was one of the lead plaintiffs' firms in that case. I had told everyone at Heller I accepted the job at Lief Cabraser. So, Masco, when they were approached to sign a conflict waiver, they refused to sign.

"It was incredibly disappointing to me," Zinn continued. "I kind of punched my clock at Heller because they all knew I wanted to be on the plaintiffs' side."

In the end, it worked out fine for Zinn. He found a job with Levy Ram and Olson, a small plaintiffs' firm started by Mike Ram, who was a former partner at Lief Cabraser. It was mostly defective home product cases, but Zinn got a chance to work on one personal injury case against a Chevron refinery for toxic exposure. That's what whetted his appetite for the personal injury arena, he said.

Out on his own

When the time came, along with a modest windfall from a settlement in a lawsuit of his own from a bicycle accident he was in during law school, Zinn launched his own practice.

"When I was still with Heller, I filed the lawsuit; I called my sister, who worked at JAMS, and she recommended I hire Al Stoll," Zinn recalled. "We ended up settling the case, and I walked away with about \$50,000. I took that money and started my own law firm, started practicing out of my dining room out on the marina. ... I literally taught myself to do PI law using the SFTLA listserv. I didn't know one thing about the substantive law of PI; I learned it by looking up everything on the listserv, posting like a madman."

Through that process, Zinn was able to connect with established plaintiffs' PI lawyers he considers his mentors, starting with Tom Brandi, he said. When he

got his first trial in 2005, Brandi offered to help, and to this day they have a long-standing relationship, both professional and personal.

"That jury trial ended up going very well for me," Zinn said. "Allstate made a \$3,500 offer, and the jury awarded \$150,000. And it just so happened that within weeks of that jury award, Tom Brandi got a lifetime achievement award from the SFTLA. He gave this speech, and one of the things he said was, 'I want to call out the next generation of trial lawyers, and I want to mention Dawn Hassell and Al Stoll and Carter Zinn, who just got a jury verdict two weeks ago.' And he started talking about my case. That was an incredible honor – it helped put me on the map."

Full circle

Zinn was born and raised in Berkeley and comes from a family of lawyers. His father and grandfather were lawyers, and he has cousins and uncles who are lawyers, he said. His grandfather was in-house counsel for RCA in the 1940s and 50s and worked in Manhattan around the time the company was developing the color picture tube. Zinn's father went to University of Chicago Law School and clerked for the 9th Circuit in San Francisco, "and that's kind of how my family ended up in the Bay Area," he said.

During his second stint in law school at Berkeley, Zinn first delved into environmental law studies and got on the school's board of ecology law. But he soon figured out he wasn't all that interested in administrative law and really wanted to do civil law. He became keenly interested in torts and found his torts class to be the most inspiring academically.

"The whole notion of we all owe each other due care; I just think it's a brilliant concept," Zinn said. "I'm a Democrat, and I think there's a role in our

lives for government to regulate our behavior. I think it's important – I think entities need to be regulated, I think people need to be regulated. I don't think people always do what's best for themselves and other people.

"But even though I don't have a problem paying taxes and having a big administrative state, it's still clear to me the government can't regulate our behavior all the time," he continued. "We need a tort system, so if one guy runs over another guy on the road, the government doesn't have to prosecute that case – we can fight it out for ourselves. I love the concept of citizens holding each other accountable by their own citizens in a jury trial. ... I think it's very powerful. It makes me come to work excited every day."

Unforgettable case

Zinn has worked on a number of high-profile cases over the years, but there's one in particular he likely won't ever forget. He represented a man named David Zeller in a medical malpractice case at San Francisco General Hospital, which is run by the City. Zeller walked in with complaints of lower extremity weakness, sudden weakness in his legs and other symptoms. It turned out he had a rare condition that wasn't diagnosed immediately, and the doctors didn't put him on spine precautions.

"They actually did the right thing, they did an MRI," Zinn said. "But when they moved him from the gurney to the MRI table, the technician kind of shoved him in an aggressive way, and in that moment paralyzed him. It was tragic. So, when he went into the MRI tube, he was in searing pain, he couldn't hold still, and he knew something was wrong. When he came out, they said, 'Oh God you have a horrible herniation, we've got to get you to immediate surgery.' They tried to relieve the pressure but the damage was done,



and he was a paraplegic for the rest of his life.”

Zinn and his team spent \$160,000 on the case and got to a \$1.5 million settlement. But, sadly, that wasn't the end of it. After the settlement agreement, the San Francisco City Attorney's Office waited four months before initiating the settlement process, Zinn said.

“They just sat on it, did nothing while my client was suffering in public housing, living off \$563 a month,” Zinn recalled. “When they finally started the process, David couldn't hold on, he got very sick.”

Unable to cope, Zeller took his own life, and at that point, the city tried to back out of the settlement, saying the case had no value.

“We fought and mediated it further and finally settled for a fraction of the original settlement,” Zinn said. “I thought it was disgraceful. David was a friend of mine, and he was just someone who needed a break in life. ... It was a huge loss, took us years to get over.”

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Getaway Spot: Crystal Lake Michigan with family; and any golf course

Go-To Music or Artist: Freddie Hubbard and Miles Davis; the Rolling Stones, Tower of Power

Recommended Reading: J.D. Salinger

Dream Job: The one I have. Or shortstop for the Giants

Words to Live By: “The Earth is God's gift to us. But despite what some seem to think, this does not mean we get to do with it whatever we please.”

Work, play and teach

When he's not at the office or in court, Zinn coaches Little League baseball in Mill Valley, where his young son plays, and is an avid bicyclist. He has long been a bicycle and pedestrian advocate in his hometown, having served for six years on a city committee to help make the streets safer.

He also is a regular adjunct faculty member at the UC Hastings College of the Law in San Francisco, teaching medical malpractice litigation, and has been a guest lecturer at his alma mater UC Berkeley School of Law.

With regard to his sage advice for aspiring lawyers, Zinn wondered aloud why law school isn't a requirement for all citizens. As for those actually pursuing a law career, he recommended simply picking up the phone and actively seeking help.

“You start not knowing anything,” he said. “I'm always looking for those relationships – we need them. Those guys are my competitors, in a sense. But those are my friends and colleagues. It's only because of them that I'm where I am now. Those relationships can last a lifetime, and we need them.”

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