



# Profile: Lyle Cavin

## Bay Area native doesn't travel far to come a long way in 47-year career

BY STEPHEN ELLISON

Always a fighter at heart – even from his grade-school days – Lyle C. Cavin, Jr. has managed to channel that fury and passion into a hugely successful career standing up against corporations and government entities as if they were bullies in the schoolyard.

The principal of his own Oakland-based firm, Cavin has been a specialist in maritime law for nearly five decades, recovering tens of millions of dollars for clients in California and across the globe. The firm has been through various stages and sizes but has held steady under Cavin's watch for 45 years, relying heavily on his expertise in maritime law, which these days amounts to about 70 percent of the firm's caseload and about 90 percent of its income, he said.

Oddly enough, it wasn't the job Cavin was targeting when he graduated from Golden Gate University School of Law in San Francisco. He knew of an opening in the Tuolumne County District Attorney's Office and had plans to interview for it before another call came his way.

"Originally, I applied for an assistant DA job, and almost the same day I was told that position was going to be available (in the DA's office), I interviewed at a firm that did plaintiffs' work in maritime law," Cavin recalled. "And when they found out I had a background in longshore work, by virtue of my family and myself, they pretty much hired me on the spot. Let's just say they gave me an offer I couldn't refuse – and I haven't looked back since."

Cavin made partner in two years because he brought in Local 10 as a new client, he said. Then, in 1974, he started his own firm, which stayed in San Francisco until the Loma Prieta earthquake in October 1989. That's when Cavin



Cavin

decided to move the firm to Oakland, which made his commute much easier, he recalled. He bought a building in the East Bay city and has been

through different durations of Oakland addresses since.

Cavin's decision to leave the firm that gave him his start and make a go of it on his own seemingly wasn't a difficult one.

"I was doing a lot of work, and I was one of the rainmakers in the firm, but we had reached an impasse on how the money should be divided – the same old issue that always comes up amongst lawyers," he said. "And (his partners) thought it would be better if I left. So I did. But I took a big hunk of the business with me. I had a lot of contacts in the longshore and maritime industry."

Cavin's maritime expertise came somewhat naturally as he grew up in a family of longshoremen in Oakland. His father, uncles and great grandfather were longshoremen, and he worked part time as a longshoreman during his last year in high school as well as a couple of years during college. It was easy to get work in the industry because of the Vietnam War, he said, and little did he know at the time, the experience turned out to be his first form of career networking.

"I had a lot of word-of-mouth referrals because my family name was in Local 10," Cavin explained. "This (first) firm

represented different maritime unions, and I got fairly known among the crew members of the ships: the sailors' union, marine firemen and marine cooks.

"Fortunately, I got to try a lot of cases when I first started out," he added. "I had like six or seven trials my first year as a lawyer. A lot of them were court trials because the government was the defendant in the Vietnam War for the ships they chartered. I got a lot of trial experience early on. I had around 12 trials under my belt by the time I was 35."

Those "bread-and-butter" maritime cases have ranged from catastrophic container ship accidents and slips and falls on tanker decks to benzene exposure and a fisherman's traumatic head injury. And most of them have resulted in seven-figure awards or settlements.

### Transbay travels

Cavin grew up in a rough East Oakland neighborhood, where he learned as a youth he had to protect himself with his fists. And while there's no disputing it was the way of the times in certain communities, the fisticuffs actually prompted a pivotal moment in his life.

"I was constantly getting in fights, and around eighth or ninth grade, one of my teachers pulled me out of a fight on the school lawn and took me aside," Cavin recalled. "He said, 'How would you like to fight and never get hit and make a lot of money doing it?' He said, 'Go to law school – you can become a lawyer and beat people up and get paid doing it.' I never forgot that."

Still, young Cavin's initial aspiration was to become a fighter pilot and go to war.

"During the Vietnam War, I was trying to join the Air Force when they told me I wasn't eligible for flight school because of asthma," he said. "And a couple of months later, I got what's called a 1-Y classification



and wasn't eligible for the draft either. So, I decided to follow up and enroll in law school."

Cavin graduated from Saint Mary's College in Moraga and went on to Golden Gate University. He was the first in his family to earn a college degree and a law degree. That path, he said, could have been quite different had it not been for his father.

"I had been working part time as a longshoreman until my father (a retired walking boss) called the union and told them to stop giving me as much work, as he didn't want me to get used to the money," Cavin said. "Maybe I would have followed in my father's footsteps and ascended the ranks of the longshoremen."

Nowadays, perhaps he's considered an honorary longshoreman for all the work he's done to help and protect the workers in the industry. Of course, as a plaintiff's trial lawyer, he's truly a member of another distinct professional community and has been recognized many times over for his work with organizations such as the Consumer Attorneys of California, the Western Trial Lawyers Association, the San Francisco Trial Lawyers Association and as past president of the Alameda-Contra Costa Trial Lawyers Association.

Cavin also is a Fellow of the American Board of Trial Advocates, and he has participated as a panelist in multiple maritime seminars, including the 1985 joint American-English American Bar Association meeting in London, where he spoke on maritime punitive damages.

### **Courtroom is a sanctuary**

Indeed, all that early trial experience was tantamount to his success, but the landscape for trial lawyers changed dramatically in the past decade or so.

"It's hard to get to trial because of mediation," Cavin said. "In the early days, a client would leave it up to me whether we would settle or not, and I had a pretty good eye for cases that were going to play favorably with a jury. So,

### **REDIRECT**

**Getaway spot:** A second home in Carmel Valley and the Big Island of Hawaii

**Go-to music or artist:** Van Morrison, George Winston and any '50s-'60s rock

**Recommended reading:** Really enjoy the WWII history stuff, but I read voraciously.

**Dream job:** Trying cases or cycling anywhere.

**Words to live by:** What I often use to rebut arguments in closing: "There are more things in heaven and earth ... Than are dreamt of in your philosophy." – Shakespeare; Hamlet, to Horatio; Act 1, Scene 5

I tried a ton of cases over the years. But in the last 20 years, it's cut down dramatically. I'm lucky to get out to trial once a year nowadays."

When he does get to trial, Cavin said it's important to connect with everyone in the courtroom: the judge, the jury, bailiffs, the defense and all the witnesses. And a trial lawyer should be comfortable in his or her own skin because that brings out the best in someone trying to perform at a high level, he said.

"It's funny, when I get into the courtroom, it's like a sanctuary to me," Cavin explained. "I don't have to answer phone calls, I don't have to do any more prep, no one can come in and bother me. It's a wonderful feeling once a trial starts. Not that it's not tension filled. It's like when I played sports – I hated practice, but once I got on the baseball field or football field, I just totally enjoyed it.

"Once I'm in the courtroom, I'd rather not be anywhere else," he added. "Unless I was riding my bicycle somewhere in the hills of Ireland."

### **Case for the ages**

Being a trial lawyer for as long as Cavin has means he inevitably has a number of memorable cases. He recalled handling an explosion of the Chevron Hawaii ship in 1979 and the Matsonia disaster in 2007, in which four crew members were catastrophically injured. But he called

those "everyday stuff" that he was used to doing.

Probably his favorite case, he said, was an unusual one in which he ended up representing a British couple who were injured in a rafting accident in New Guinea. A colleague referred him the case, and it ended up being a journey that lasted three years and involved a trip to the island just north of Australia.

The case ended up in trial against a U.S. defendant, and Cavin traveled to Papua New Guinea to re-create the event by rafting the same river as his clients.

"We went down the Wagi River in the highlands of New Guinea and witnessed tribal conflicts firsthand," Cavin recalled. "It was like a Saturday morning jungle gym serial. We rafted the river to know exactly how dangerous it was when (his clients') raft capsized, and we brought all that information back to California against only a nominal offer that didn't even amount to our costs. We got a verdict in federal court for sizeable compensatory and punitive damages."

It was in the early 1980s, and the resulting \$500,000 award was significant at the time. One of the parties was not severely injured – it was more emotional distress, Cavin said. The plaintiff with biggest recovery had been captured by natives on the river and bartered back to the authorities in order to rescue him.

There were still other remarkable aspects to the case. A deposition of the "priest-doctor" who treated the plaintiffs had to be interrupted multiple times because the man kept getting called to the "emergency room" hut to treat the natives for arrow and knife injuries suffered during the tribal war.

But the defining moment came on the plane ride out of New Guinea, Cavin said. It was related to the defendant's denial of any previous incidents.

"I'm sitting on this little prop engine plane, leaving the highlands, and I'm sitting next to a nun on the flight, and I'm white-knuckling it as we gain elevation," he recalled. "In the course of my



conversation with her, she asked what I was doing in New Guinea, and I explained the rafting accident. She said, 'Oh I heard about that occurring last year.' And I said, 'This happened in April.' And she said, 'No, young man, it happened in February.' She was talking about a prior accident that involved injury to a BBC cameraman. I got enough info from her to run the guy down in England, and I flew him in for the trial. Keep in mind, the defendant had denied this previous accident all along. And, when the witness walked into the courtroom to testify in rebuttal, the expression on their faces remains one of my most joyous memories. Truly, that was help from above, as they say."

### **Leisure passions**

When he's not working, Cavin blows off steam by running his Porsche at Laguna Seca Raceway in Monterey County or Thunder Hill Raceway in the Sacramento Valley. He also enjoys playing golf and spending time with his kids and grandkids.

His biggest passion, however, is being on his bicycle. He's ridden extensively across Ireland and through Europe.

"I've circumnavigated Ireland, been over there a dozen times and made it a point to always pick up where I left off on the previous trip," Cavin said. "I've also cycled a good part of the Lewis and Clark trail, just self-contained with panniers on the back of the bike."

Cavin's advice to aspiring attorneys, that patience is a virtue, may sound familiar. But that doesn't mean it's unwise.

"You have to be patient, you have to grind away," he said. "It's kind of like painting a room or a house: When you're doing the prep work, you think the job will never end. But once you get done with the prep work, and you start rolling through the case, everything speeds up, and it seems so much easier than the anticipation."

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