



Profile: Greg O'Connell

Longtime prosecutor makes a smooth transition into personal-injury law

BY STEPHEN ELLISON

When Greg O'Connell goes into a courtroom for trial, he knows he's not alone in his efforts to help his suffering client. The jury is there to help, and it's his job to convince those 12 strangers why they should.

O'Connell, a personal-injury attorney with Rains Lucia Stern St. Phalle & Silver, takes great pride in his ability to connect with people, including jurors, one of the key trial law skills that came somewhat naturally to him and for which, he said, there's still room for improvement.

O'Connell's interest in law was born from competition and a keen desire for exercising his brain.

"I guess it started with my fascination for debate and argument," he said. "I started doing parliamentary debate in high school my junior and senior years. Then when I went to UCLA, I took debate there. I just enjoyed the art of thinking on your feet, making your point and ultimately defeating your opponent.

"It was probably halfway through college that I realized I enjoyed the art of persuasion," he continued. "So, I decided law school would be a good career path for me. I place a high value on education, and I just love learning."

Indeed, fresh out of Golden Gate University law school in San Francisco, O'Connell got a quick lesson in trial law as a prosecutor with the Alameda County District Attorney's Office. He spent eight years there prosecuting serious felonies such as robbery, sexual assault and murder before deciding to transition to plaintiffs' law, mainly because he wanted to help people more directly.

The switch-over, he said, wasn't as difficult as some might imagine.

"I feel they're very similar – being a prosecutor or a plaintiffs' attorney, you



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represent people who have been wronged either by people who commit crimes or by corporations who commit torts," O'Connell explained. "You're utilizing the court system, forcing the offender to comprehend their wrong and making them pay for it – in the most dramatic way – whether it's a seven-figure verdict or years in prison. I enjoy bringing the case, coordinating how the evidence will be presented and then ultimately persuading the jury to a particular result based on the evidence."

Prosecutor burnout

The time he spent with the DA's office was invaluable and enjoyable to a point, O'Connell said. Toward the end of his tenure there, he was fairly burned out.

"The DA's office was great; Alameda County is one of the best in the country, definitely the best in the state," he said. "The continuous exposure to the criminal defense system can be frustrating for everyone involved; judges, DAs, public defenders, other private defense attorneys. It can really wear on you. It's a difficult job in that regard because you're not helping people as much as you like.

At times, it feels like you're punishing people more than you're helping them."

O'Connell's first venture into plaintiffs' law was with the Dolan firm, where he learned from one of the best, Chris Dolan. He polished his skills handling various types of personal injury cases, including vehicle accidents, construction site accidents, premises liability incidents and general negligence claims.

After about two and a half years at the Dolan firm, O'Connell landed a job he had been sort of targeting with Rains Lucia Stern, having already become familiar with two of the firm's principals, Harry Stern and Eustace de St. Phalle.

"When I got ready to leave Dolan, it just seemed like a natural fit at Rains Lucia Stern," O'Connell said. "Eustace is one of the best lawyers I've ever worked with; brilliant mind, very creative, organized, and we work together on things. He's kind of selfless and just lets me have autonomy and kind of manage cases the way I see fit. Harry Stern is not directly involved with the plaintiffs' part of it, but he's an experienced attorney, a tremendous asset. They're good mentors to have."

At home in the courtroom

Born and raised in Alameda, O'Connell was the first lawyer in his family. His great grandfather first came through Ellis Island, and his grandfather settled in the East Bay island city, he said. His parents, who still reside in Alameda, were professional people, his father an accountant and his mother a teacher. He considers his father one of his biggest influences, if only from the aspects of valuing education and setting a good example as a career man.

"My father is just generally successful and a great man," O'Connell said. "He created an environment, as did my mother, where education is a priority, and you get to do whatever it is you want to do."



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Still relatively new to plaintiffs' law, O'Connell said he tries to avoid having a specialty, not wanting to get pigeonholed, and will try just about any case. In addition to catastrophic injury and wrongful death cases, he's done breach of contract, derivative shareholder suits and qui tam cases. "I think experience is probably the best asset you can have as a lawyer, and I try to take on anything and everything," he said.

On the few occasions when those cases make it to trial, O'Connell first and foremost tries to establish a theme that will educate the jury as to who his client is, what happened to his client and what the jury should do to help his client. He sets the theme early on, usually when he first meets the client. With that initial connection, he's already thinking about how he's going to present it to a jury or a judge.

"Once I have decided on a theme, I immediately start collecting evidence and creating interesting theories and arguments, again to kind of educate the jury, entertain the jury and prove my point," O'Connell explained. "It's probably the most important thing to be educational, entertaining and keep the jury focused and understand your argument."

Once at trial, O'Connell avoids pandering to the jury or trying to be someone he's not. He believes in proceeding with integrity and being comfortable in his own skin. Jurors are in the courtroom with the lawyers for hours, and the last thing they want to see is a performance, he said.

"You can't be a character; you just have to be honest, and just be yourself and be comfortable," he said. "I've seen it backfire. I've seen other attorneys force tears or get on their knees, and juries see right through that."

Preparation and persistence

O'Connell recalled two of his recent cases that had unique twists. The first involved a relatively young man in his early 40s who was driving by a construction site when a piece of equipment struck his car. The impact caused part of the car's roof to collapse and strike his head, causing a

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traumatic brain injury and eventually leading to cortical blindness.

"It was not immediate; it took several months for this cortical blindness to set in," O'Connell said. "So, there was a big problem with causation, as people thought he was just making it up, he's lying. We prepared that case really well and got a seven-figure verdict – but at the cost of losing one's sight. If you ask my client, I think he'd take back his sight."

Another memorable case was a medical malpractice trial involving a doctor who had accidentally overprescribed a certain amount of medication. O'Connell's client was unaware of it and was taking the medication for several months. It affected his job, his daily living and his relationship with his wife. He had been a very successful man, made good money, had a very happy marriage and a lovely daughter, O'Connell said.

"His life was turned upside down – this guy had no idea what the problem was," he said. "And, of course, whenever you do a medical malpractice case you have to deal with MICRA, which is difficult to navigate. It's all expert driven – you have all these doctors, and there's actually a lot of politics in medical malpractice cases, which also can be difficult. That case was about helping (the client) hold the doctor accountable, get his life back on track, and working with him to improve his relationship with his wife and daughter. It's almost as fulfilling as winning the case."

Indoors and outside

When he's not in the courtroom, O'Connell is active in professional organizations, including the San Francisco Trial

Lawyers Association, the Alameda County Bar Association and the Consumer Attorneys of California.

And when he's away from work altogether, he enjoys some of the finer elements of the Bay Area such as the food, the slew of outdoor activities and the world-renowned destinations in close proximity.

"I'm a huge foodie – I love restaurants, but I also love to cook," he said.

"When I was much younger, I was a cook in a kitchen and prepared all kinds of dishes; I could do the whole menu. That's kind of my go-to and what I love to do most."

O'Connell also loves traveling to the Lake Tahoe area and Napa Valley – one of those destinations once a month, he said. He enjoys playing golf and basketball and just generally exercising to stay fit.

"Also, I have a girlfriend, so spending time with her and just generally hanging out with family and friends," he said.

Down the road, O'Connell sees himself continuing to work as a trial attorney for at least the next five to 10 years. He realizes the schedule and pace that comes with being a trial lawyer is not for everybody, so he's cognizant and open-minded about when it becomes too hectic or too much.

"I've thought about putting my name in to become a judge – I've really only started to think about that," he said. "It's not something I'm eager to get into. Besides, I like to talk too much. To be a good judge, you have to be a good listener."

For young lawyers or law students, O'Connell said it's critical that they get experience if they want to be successful, regardless of what area they choose to practice or which side they represent. And they shouldn't be shy.

"Be aggressive in getting it," he said. "I have a motto: Don't talk about it, be about it. It's one thing to say something or to discuss it; it's another to just get off your ass and go do it."

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