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Profile: Peter Koenig

As a defense lawyer, decisions on resolving a case were “out of my hands.” Not anymore

BY STEPHEN ELLISON

After 20 years of “eat what you kill” and jetting to ski resorts around the globe in the insurance defense arena, Peter Koenig decided an “all-boats-rise-with-the-tide” atmosphere would be much more to his liking and converted to the plaintiff’s side of the bar.

The verdict? Koenig, a partner with Walker Hamilton & Koenig in San Francisco, feels fortunate to have been able to start over from scratch and essentially have a second career in law.

“I feel blessed to have my clients,” Koenig said. “I had a gold pass to ski any ski area in California whenever I wanted to. But if there was an incident or catastrophic injury, I had to travel to the ski area to oversee these things. ... It just got to a point in the end where the decision on how to resolve a case was really out of my hands. I could make my recommendation, but it was ultimately up to an insurance carrier on behalf of the company. So, my life was upside down.

“I didn’t know if I was going to trial with that case,” he continued. “I had to get it absolutely ready to go, and I was just kind of sitting on the sidelines waiting to be told whether we’re actually going to do this. And then they say, ‘We’re gonna pull the plug, we’re gonna pay.’ It was out of my hands.”

Meanwhile, Koenig was getting plaintiff’s cases that needed representation, and he had to refer them to competent lawyers. Skip Walker was one of those attorneys, and he would get great results, which prompted Koenig to ask himself why he wasn’t just doing those cases himself. Over a period of about two years, Koenig reacquainted with Walker and had “discussions” about converting, and Walker convinced him to make the big move.

“There were more times than not (as a defense lawyer) that my best relationship, most enjoyable relationship, was with my opposing counsel,” Koenig said. “And



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it goes all the way back to the early days with Chris Dolan, Bill Veen, Bob Arns – local legends who I would be actively litigating against. They would talk to me: ‘Hey, you’re

on the wrong side, you should consider this, you seem like the kind of guy who would do well over here.’ So, at the end of the day, you start to buy into it and say, ‘I should give it a shot.’”

With Walker’s firm, Koenig indeed was starting fresh again, but he ascended quickly, using his defense experience and knowledge as tools for strategy in defeating the very institutions he had been defending for years. While that part may come with a certain gratification, Koenig couldn’t say enough about the collegiality and team environment he has seen since flipping sides.

“I found the firm that we’re in, all boats rise with the tide,” he explained. “And it’s the same thing with the plaintiff’s bar itself. The plaintiff’s trial lawyer organization is all about sharing information, sharing strategies, sharing successes – because it’s to their benefit. As long as one of us is successful, it sends a message to insurance companies that they’ve got to be careful. Everybody’s victory is a victory for the total group.

“On the defense side, it’s not an efficient model,” Koenig continued. “It’s a pyramid scheme in some respects, where the more people you have working beneath you and billing time on a daily basis, the more bills you put out, the more revenue you generate, the more profits you’ll make.

So, there’s no incentive to wrap a case up efficiently and expeditiously. The notion is if you handle it for a lengthy period of time, and you work it up, you’re going to make more money off it.”

That may have served Koenig well in the beginning, but he has embraced the contingency model of plaintiff’s law and its efficiency. He has achieved numerous multimillion-dollar results for clients in the areas of catastrophic personal injury, commercial, and employment-related cases. One in particular, a wrongful death civil rights case in Fresno, garnered SFTLA’s 2018 Trial Lawyer of the Year honors for him and Walker.

Paternal influences

Koenig was born and raised in Sausalito. His father passed away when he was 12 years old, and his mother eventually married a “wonderful gentleman” who was a partner at a law firm in San Francisco. His stepfather, who had five children of his own, giving the family a “kind of Brady Bunch mixture,” was a big influence, he said, so much so that the young Koenig made his college decisions with thoughts of going to University of San Francisco law school.

But another event during his junior year in high school also made quite an impact on his career path.

“We took a field trip to Marin Superior Court and watched a trial underway,” Koenig recalled. “Afterwards, the judge called me up to the bench, and I was a little scared at first; I thought I had done something wrong. He said, ‘I couldn’t help but notice you look a lot like your father – are you John Koenig’s son?’ Mind you, my dad had been dead for five years by then.

“I just felt comfortable there, and I enjoyed the process,” he continued. “That led me to the door to getting into law school and pursuing it at that point.”

Koenig attended the University of Colorado for two years before returning



to the Bay Area to finish his undergrad studies at UC Berkeley. He went on to USF School of Law, where he served as an extern for Judge Eugene Lynch in the federal court for the Northern District of California.

While he was in law school, Koenig played rugby with some club teams in the Bay Area, where he developed relationships with a couple of lawyers and ended up doing an apprenticeship with one. He also played softball with the likes of one Skip Walker – on the same team.

“So, I did have access to plaintiff’s lawyers in those days,” Koenig said. “But at the time, through USF, I received a job offer from a defense firm, and it was intriguing because it was a firm that represented all the ski resorts (near) the Bay Area. They had an office in Lake Tahoe and San Francisco and eventually in Los Angeles, and I thought it sounded kind of interesting. It had a sports background, and I did as well, so I was intrigued by that. Much to Skip’s dismay, he was suing the Alpine resort while I was there, and at the same time, I was playing softball with him.”

‘Backroom view’

While that early connection with Walker turned out to be a key factor in Koenig’s successful “second career,” his vast experience in defense work provides him and his plaintiff’s law colleagues with an exceptional advantage when discussing strategy in cases. He said he brings an element of focus that others in his office may not be privy to.

“I bring a perspective where I try to talk them off the ledge and say, ‘Look, you shouldn’t be upset at that defense lawyer, it’s really not their call. I know from experience they’re being told by the carrier X, Y and Z. What you really need to do is build up that defense lawyer so that they have the ammunition and the materials they need to prepare that report they’re being asked to prepare so they can seek the money you want and get this thing wrapped up.’ It’s a back-

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Getaway Spot: Home, Wine Country, Stinson Beach, Tahoe, Hawaii

Go-To Music or Artist: Southern Rock (Lynyrd Skynyrd, Allman Brothers), Classic Rock (AC/DC, Green Day)

Recommended Reading: WWII Fiction/ Historical Fiction (Unbroken, The Nightingale, Sarah’s Key, Book Thief, All Light We Cannot See), Murder Mysteries (Walter Walker: Crime of Privilege)

Dream Job: Firefighter (after attorney, of course)

Words to Live By: “Fool me once, shame on you. Fool me twice, shame on me.”

room view of what’s going on with the other side. You try to be a dealmaker, not a deal-breaker.”

Koenig also made a point of saying Walker was taking a chance on him when he swayed him away from the defense side. But it paid off in the end.

“It’s a gamble for the firm that took me in, Skip’s firm,” he said. “At the same time, it’s a trust that I have enough relationships and contacts here in the Bay Area that I’m going to bring in business, and I relied on that. And, in fact, over 13 years, many of my best referral sources are former lawyers from the defense side that I worked with. They have a trust for me because I used to be one of them.”

Control with a little theatrics

Koenig admitted that at this stage of his career, he’s not the most high-tech attorney when it comes to trials. He still makes sure to have his own trial binder that he’s comfortable with from start to finish, with all his witnesses, key pleadings, outlines, transcripts, bench memos, everything he hopes to need. That doesn’t mean, however, he’s averse to being innovative in his approach to certain aspects of a case.

In the 2018 Fresno wrongful death case that featured a fatal officer-involved shooting, Koenig and his team were

deciphering live communications between officers, audio and time-date stamps. Then body-worn camera footage with time-date stamps. They had to coordinate all of it so by the time they got to trial, they would be able to piece it all together to put the jurors at the scene of the shooting in real time.

Additionally, Koenig used a tactic on a key defense witness that may have been unprecedented. Nationally renowned forensic pathologist Vincent Di Maio, who wrote a book on bullet pathology and had testified for the defense in the Trayvon Martin case, was on the stand for the defense in Fresno. Di Maio laid out a foundation to the jury that Koenig’s client was pointing a gun at officers as they were shooting at him. Koenig and Walker contended the officers were shooting at each other because of the way they were aligned.

Walker originally had been slated to cross-examine Di Maio, but at the eleventh hour, he asked Koenig to do it. It turned out to be a very good move.

“I get Di Maio out of his chair, on the ground, out in front of the jury box, laying on his side,” Koenig recalled. “I’m leaning on the jury box, with a .45 pistol in my hand, pointing it at Di Maio’s back, and I’m asking him questions about this shot and then this shot. Of course, all the marshals are getting closer and closer to me. It was a moment of theater and control. ... I get to the final officer shot and ask him, ‘What would be the consequences of this shot?’ And he said, ‘Oh, he’d be dead within minutes.’ And that was the final shot, which our expert called the *coup de grace*.”

“The jury ultimately concluded that final shot was the excessive force,” Koenig continued. “So that was an interesting moment.”

Work to live

When he’s not working, Koenig spends much of his time enjoying the outdoors, traveling and gathering with friends and family. He loves mountain biking and hiking around the Golden



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Gate National Recreation Area, and he still enjoys snow skiing, only not for business. Most important, he has relatives and close friends to spend quality time with.

“At the end of the day, I’m one of these guys who works to live, spends time with friends and family,” he said. “Most of my siblings live close to or around the Bay Area, so we get together as much as we can. I have many friends that I grew

up with still in the area. Spending time with them is quite a pleasure.”

Asked about what advice he would offer young lawyers or law students, Koenig said observe the masters, but don’t try to be them.

“Attend seminars or continuing education programs where master trial lawyers are explaining what they do and how they do it,” he said. But “you can’t

be some other lawyer; that’s not your personality, not your character. And a jury is going to see through that in a heartbeat. There are plenty of programs out there that teach strategies, but you’ve got to apply them and be true to who you are.”

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