



# Profile: Kimberly Wong

## Quiet by nature, her meticulous preparation moves defendants towards substantial settlements, often in catastrophic cases

By **STEPHEN ELLISON**

A mentor once told Kimberly Wong the reason she seldom goes to trial is that, because she works up a case so well, the defense has no choice but to offer a favorable settlement. And Wong has the track record to back that up.

Wong, a trial team leader for the Veen Firm in San Francisco, has won seven-figure and larger settlements for clients who suffered catastrophic injuries or wrongful deaths of loved ones. She said one of the primary keys to favorable settlements is raising the expectations of her opponent as high as possible and doing it from the very beginning of the case.

“If you really want to work up your case well, it starts before even filing, ideally,” Wong said. “Also anticipating that the case has some challenging liability issues, and you’re going to face a motion for summary judgment, and if you don’t defeat that, the case is over. So, you spot the issues right when you take the case, and you make a plan, research and pursue it.”

Oftentimes, that plan consists of pinpointing what evidence she would like to exist “in my dream world” and then trying to find it. In the end, such evidence may not exist, she said, but at least she can rest assured she looked for it, did the research and did her homework.

Another important aspect of building a case, Wong said, is evaluating the damages; the injuries and what the case is worth. This is how she maximizes the value of the case, she said. And that’s where those crucial expectations come in.

“So, your first conversations are how you see the case and what it’s worth,” Wong



Wong

explained, adding a lesson she learned from firm founder Bill Veen: “You want to make the other side look like a hero.

“In other words, if their expectations (the defense)

are low to begin with, it’s hard to get them up later,” she continued. “The thing is, it’s on you to do the work, to set those expectations high early. Otherwise they’re going to make up their own assessment, and guess what? It’s probably going to be inaccurate and low.”

As the case goes on, Wong said, she continues pushing, building her case and showing the opponent what’s in store for them and their client. She gets her experts lined up and reveals exactly what they’re going to say.

“I don’t hide the ball, unless there’s a good strategic reason,” she said. “I like to share everything and say, ‘Look, I’m prepared, this is what trial is going to look like.’ I have an answer for everything. And then see if they have a response. But usually they don’t.”

Then, of course, if the defense postures in return, there are more pivotal moments in litigation, such as the motion for summary judgment, which “...the defense feels confident they’re going to win.” And when they don’t win? “They’re really deflated ... and then they have to seriously reconsider,” she said.

### Law school internships lead towards plaintiff’s work

For her part, Wong can chalk up her poise as a litigator to the better part of a decade of experience with the Veen Firm, much of which has been focused on complex catastrophic injury cases. Not bad for a woman who as a youth was soft-spoken, shy and lacking in self-confidence – and for whom law was not the obvious career choice. Even as she entered law school, plaintiffs’ law was not her initial aim.

Wong was born and raised in San Francisco and was a quiet student, afraid to raise her hand and speak up in class. That changed a bit when she went off to college, studying psychology at Tufts. She graduated magna cum laude, but then came to a crossroads. She asked herself: What do I do with a psychology degree? “I’m not going to become a psychology professor or a psychologist,” she said. “So, I thought, ‘What else can I do with this degree?’ A friend said, ‘You belong in law school – you need to become a lawyer. There’s nothing you can’t do with a law degree.’

“I gave it some serious thought and took a leap of faith and went straight from college into law school,” Wong continued. “My path was going to be a different kind of counselor – I was going to be a counselor at law. I didn’t think the courtroom environment was for me, and I thought employment law was fascinating. I thought I would counsel large companies on employment issues and human resources. That was my mindset going into law school. And then things changed.”

As it turned out, Wong’s internships during her three years at Golden Gate



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University School of Law were pivotal in directing her toward plaintiffs' law. She did two internships with judges, one in state court and one in federal court. And she did an internship at the court of the Facilitator's Office, helping people who didn't have lawyers with their paperwork. She also worked with a women's employment rights clinic and with the Tenderloin Housing Clinic. That was the flip of the switch: "I really liked working with people and helping people," she said.

### Taking charge

When Wong went out looking for jobs, she ended up at a very small plaintiffs' firm, with just her, one other lawyer and no staff, she said. All they did was plaintiffs' employment law and personal injury, and she didn't have any familiarity with personal injury.

After two years she was hired at the Veen Firm, in a move she referred to as a big transition. Over the years, Wong has been to trial five or so times, and she hasn't been the lead. But she found her niche in achieving excellent settlements for her clients, and quickly became one of the firm's leaders.

One of her more memorable cases involved a 29-year-old client who was rendered a quadriplegic after he suffered a fall at a construction site while on the job. Wong said she knew the moment she got the case that it was going to be a big fight against a big company. Her client fell 50-60 feet and survived. But he was paralyzed from the neck down and suffered a severe brain injury. The young man was newly married and had a child on the way.

"This is my bread and butter: construction site cases or multi-employer worksite injuries, where you're injured at work and you sue someone who's not your employer," she explained. "This is one of those cases where it looked like there would be a lot of employer fault and fault on (the plaintiff's) part for what he did to cause this fall. I felt bad for him and his family and wanted to help so much.

### REDIRECT

- **Getaway Spot:** Locally, Coastal Trail; true getaway, France
- **Go-To Music or Artist:** Whatever is playing on today's top hits
- **Recommended Reading:** "The Life-Changing Magic of Tidying-Up" by Marie Kondo
- **Dream Job:** If I weren't a lawyer, I'd be a professional organizer.
- **Words to Live By:** "With the new day comes new strength and new thoughts." Eleanor Roosevelt

I knew it was going to be extraordinarily challenging: How do you establish fault on the part of the property owner?"

Before filing the suit, Wong pored through hundreds of pages of OSHA records and put together a plan of attack of what she hoped to find, what she expected to find, through investigation and discovery. She was preparing for the defense's motion for summary judgment (that she wouldn't see for another year or year and a half) and she needed to find "a needle in a haystack." After thousands of pages of production in discovery and 15 depositions of company representatives from the multibillion-dollar company, Wong found it.

"I defeated summary judgment, an interim appeal was unsuccessful, and ultimately we got within a few months of trial when (the defense) was persuaded that they needed to pay a reasonable settlement, regardless of them thinking that my client and the employer are at fault," Wong recalled. "I actually really respect the lead defense lawyer – he's so sharp. He said he told the (insurance) carrier at the beginning of the case they were going to win summary judgment, and they didn't.

"It was a great result for this deserving client," she continued. "He was just so young, newly married, and his wife found out she was expecting while he was in a coma. The family was so sweet and amazing despite their circumstances. He was the most seriously injured person I've

ever represented, and he came a long way too. Before the accident he had just recovered from a grand mal seizure and he wasn't really alert or verbal. Then over time, you began to see his personality, and that he still had a sense of humor."

### Channeling a huge loss

Recent turns in Wong's personal life have given her an even deeper perspective on the plight of her clients. In August, she lost her husband of 13 years suddenly and unexpectedly. Danny Wang, who also was an attorney, was just 39 years old and seemingly healthy when he died of a heart attack. Understandably, Wong said it felt like her world turned upside down, and it's still hard to cope with the fact he's not there.

As she slowly comes to grips with the tragedy of losing Danny, she has tried to channel her emotions into her work with families suffering similar heartbreak.

"With this job, I really appreciate that life is short," Wong said. "I've seen a bunch of different scenarios. But it still hits home in a different way when it happens to you personally. Suffering the loss of my husband ... I feel like I can relate to clients in a different way. I think I've always been empathetic, sympathetic, more than being just their advocate. And everyone has their own experience of loss, their own journey. Certainly, I can relate in a new way."

Wong also has channeled some of that emotion toward her passion for supporting other women trial lawyers because she knows firsthand how hard it can be in the male-dominated profession. That goes for her belief in increasing diversity in the legal profession as well. She's focused a lot of her efforts on being a mentor and reaching out to law students, serving as a member of the diversity leadership for the Consumer Attorneys of California, the women's caucus and the Queen's Bench, a local women's law group.

While helping those young professionals is gratifying, it's only part of her motive.



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“Soon after my husband died, I found out I was pregnant with our first child – life hit me all at once,” Wong said. “I know it’s hard being a woman trial lawyer already, but even harder when you have a family. I’m more compelled than ever to be a trail blazer for women lawyers. I hope to create a path and be a resource for those other women lawyers

who follow me. I’m expecting a daughter, and I want to be a role model for her.”

Being a role model comes with the responsibility of professing wisdom, so Wong’s advice is to be tenacious, persistent, follow your gut and do what’s right. But there’s no substitute for being thorough.

“Part of the challenge I face is I’m a woman lawyer; a minority, Asian, quiet,”

she said. “I say underestimate me at your own risk. Because ultimately, I’m successful because I’m often the most prepared person in the room.”

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