



# Profile: Dan Wilcoxon

## Hard work, honesty and a little luck have been the pillars of success for 48-year veteran of the bar

By **STEPHEN ELLISON**

Turning questionable decisions into smart moves seems to be a specialty of sorts for Dan Wilcoxon, and he'll be the first to admit that time has a way of helping generate such reversals of fortune.

But the founding partner of Wilcoxon Callahan LLP out of Sacramento took nothing for granted while establishing himself as a shrewd, hardworking attorney on both sides of the civil bar – not even his good conscience. That character quality led to one of those questionable decisions: leave a prosperous position with an insurance defense firm to go it on his own and represent plaintiffs.

"I saw people that deserved to win were losing because their lawyers weren't as good as they should have been," he explained. "I thought that was wrong."

Wilcoxon recalled settling cases as a defense attorney for much less than he believed they were worth. In one such case in 1978, the insurance carrier told him he was authorized to offer \$600,000, "a lot of money" for the time. He settled it for \$200,000, and he thought the opposing lawyer just wasn't good enough to get more.

In another case in which the parents of six children were killed after a defective water heater valve caused a gas explosion, Wilcoxon thought his clients would have to pay out millions in a case that was "absolute liability." He settled it for a total of \$620,000 from four different defendants.

"I just thought these people deserved better," Wilcoxon said, "and I bet I could get it for them."

So, after seven years, he left a six-figure salary as a rising star at a reputable firm to start a law practice of his own. On his way out the door, Wilcoxon made another one of those



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head-scratching decisions. He refused his boss's offer to take 400 files with him, believing it was wrong to "steal" from a man who had given him the training, opportunity and knowledge necessary to represent high-profile clients such as Rawlings Sporting Goods and JC Penney.

"I must have been crazy," Wilcoxon said. "I had \$24,000 from my retirement program, and I owed taxes on it because I wasn't fully vested. I rented an office, just me and my secretary. I don't think I had a brain in my head to do it. I sat behind my first desk (which he still has), and I thought, 'Are you out of our mind? You were an up-and-comer, everybody respected you, and you had more work than you knew what to do with. And now you have three cases. What have you been smoking?'"

Despite his second-guessing, Wilcoxon's motive and heart were well-intentioned, and those virtues ultimately paid off sooner than he could have imagined. It was 1979, amid rough economic times, but about six weeks into his new venture, he managed to settle a case for half a million dollars. Within three months, he settled another case for \$3.5 million. Ultimately, in his first 10 months as his own boss, he earned more than he would have made at his previous job in five years, he said.

"I think it was luck, hard work, honesty and doing the best you can for your client," Wilcoxon explained. "I spent a lot of hours working, and it wasn't good

on my marriage. I just had this dedication. And fear of failure."

Today, Wilcoxon is at the top of his profession, serving as a mentor for young lawyers and teaching the ins and outs of trial law for prestigious organizations such as the American Board of Trial Advocates and institutions such as his alma mater, the University of the Pacific's McGeorge School of Law. Over the better part of four decades in the plaintiffs' bar, Wilcoxon has obtained more than 75 multimillion-dollar verdicts and settlements. He is considered a pioneer in the area of lien law and has had a lot of success in the medical malpractice arena, one of the more challenging areas for plaintiffs' lawyers because the odds are stacked high against them.

"When you try a case against Joe Lunchbox, it's a lot different than trying a case against a person with 12 years of [medical] education and who might lose their license to practice," Wilcoxon said of suing doctors. "They're very liberal on their interpretation of what they think is right and wrong. You can figure out what they might do if they lose their business, so it's not exactly easy.

"The lawyers who defend doctors are the smartest and best lawyers around," he continued. "That's because they've learned the medicine, and they get all the experts, and they've got all the witnesses. When they need a witness, the insurance carriers will find them the very best witnesses, and it doesn't cost them a dime. It's a whole different ballgame when you try to find someone in Sacramento to testify against a doctor. They won't do it."

### Trial and error education

Raised in San Diego, Wilcoxon won a Navy ROTC scholarship to Harvard, but before he hopped on a plane to



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Massachusetts, he realized neither he nor his family would be able to afford the added expenses involved with attending a university 3,000 miles away for four years. He had to turn down the scholarship, and in the process, he lost nine other offers, he said.

So, Wilcoxon worked his way through college in his hometown, then served a tour in the military and then, at his father's behest, joined an apprentice program at General Dynamics, which sent him to Los Angeles.

"I despised it – not because of the city but because of the hustle and bustle," he said of L.A. "So, I decided to get out, and I came up to Sacramento and got a job with the state installing traffic signals. I thought: 'All my dreams, why did I let that slip away?'"

"One day, I saw (the students at UOP) graduating," he continued, adding that he aspired to be a doctor or a lawyer. "And I thought to myself, 'I bet I could do that.' One of my friends was running the admissions for medical school at USC and UCLA, and he told me, 'You gotta realize, most doctors come from families with doctors or with money – they can't afford to flunk anyone out of medical school, and they don't want to pay your way. Look into becoming a lawyer.' So, I did."

Wilcoxon started law school at McGeorge in 1967 and was tied for No. 1 in his class. When he graduated, he was working full-time, married with a kid and a dog, he said. And he finished fifth in a class of 108.

Wilcoxon was admitted to the California Bar on Dec. 13, 1972, and started working for a defense firm on a case the very next morning. He wasn't lead counsel, but he was tasked with arguing motions, cross-examining witnesses and even contributing to the closing arguments.

"I was excited," he said, adding that the enthusiasm wore off quickly. "But I got pissed. Three lawyers at the firm came to me and said, 'You come in too early, you go home too late, you do not

#### REDIRECT

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**Go-To Music or Artist:** Linda Ronstadt, Eagles

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**Dream Job:** Living it, being a lawyer

**Words to Live By:** "Always help someone in need."

take enough time for lunch ... and you're making us all look bad.' I was so pissed that when I got offered a job from another defense firm that was hustling me, I took it."

Days after he quit, Wilcoxon's old bosses came to him and tried to win him back. So, Wilcoxon, perhaps feeling he had some leverage, went to his new boss and gave him the option to second-guess his hiring. Instead, the new boss gave him a raise, and he stayed there for the next seven years.

"I got to be pretty good at what I did," Wilcoxon said. "I was good at cross, and I was a really hard worker. If you have a decent brain and a good work ethic, you'll be successful."

#### Shrewdness pays off

Wilcoxon has been practicing 48 years and has tried about 50 cases, 40 to conclusion. Some of his more memorable cases, he said, are ones that settled, especially one in particular that settled during the middle of a trial. Wilcoxon was representing a woman who suffered scars on her face after a Walgreens pharmacy incorrectly labeled a prescription medication. The pharmacy had a 19-year-old girl typing up the labels for the pill bottles, and she made a critical typo on the plaintiff's pills. The label read: "Take these pills so you finish the last one the day before your surgery." The label should have read: "Take these pills starting the day before your surgery."

As a result, Wilcoxon's client got a horrible infection. The woman's first

lawyer told her she should take the defense's offer of \$125,000. But the defense rescinded and said they wouldn't pay more than \$100,000. That's when she went to see Wilcoxon.

"I took over a week before the trial," he said. "I called all of (the defense's) witnesses, and the other side said, 'OK we'll pay the \$125,000.' I said, 'Screw that, I want the original \$250,000. The next day, he paid it during trial.'"

In another unique settlement, Wilcoxon had been trying a products liability case on behalf of a quadriplegic against a well-known automaker for three months and ended up getting an \$18 million settlement during closing arguments. "We caught the defense playing hanky-panky," he said. "They were destroying evidence."

#### Camraderie and honor

Outside of work, Wilcoxon historically spent much of his time fishing and golfing, but in recent years those activities have been increasingly difficult to undertake, and now with the pandemic, they are virtually non-existent, he said. The deep-sea fishing treks used to be annual with a group of friends in exotic locales.

"I've ruined my life to the point where I don't have as many hobbies now as I used to have," Wilcoxon said. "I used to love going fishing with my buds. We had a group of about 20 guys, and we would go to Costa Rica and Cabo and Panama and Alaska. We would spend a week together, take over a lodge – good food, good fellowship, catch marlin, tuna, swordfish. It was a lot of fun."

Sadly, three of his buddies have passed away since they last took a fishing trip two years ago.

But Wilcoxon seems to have found a similar camaraderie, networking, teaching and socializing with his colleagues in professional organizations such as ABOTA, for which he has served as president of the local chapter. He enjoys



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the conferences ABOTA arranges each year in places such as Canada, Seattle, England and Africa and has attended and taught seminars for the organization.

When the time came to offer sage advice for younger attorneys, Wilcoxon was brief and to the point.

“Honor is everything,” he said.

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