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Profile: Karman Guadagni

Change of course leads a once aspiring journalist on the road to elder law

By STEPHEN ELLISON

A law career does not always follow the best laid plans. Sometimes, it evolves via unexpected detours that steer unsuspecting professionals in an unfamiliar direction until they arrive at a clearing. In a way, that's how Karman Guadagni found her calling as an advocate for elderly victims and their families.

Guadagni, the managing partner with Stebner & Associates in San Francisco, is one of only a handful of plaintiffs' lawyers in the Bay Area specializing in elder abuse and neglect, and there's no questioning her passion when it comes to helping people who need it most. She may not be in the place she envisioned when first embarking on her law career, but she certainly wouldn't change a thing.

"As I got more involved with the practice and did more elder-abuse cases, I got just so much more connected with the people we represent and the fact that we were in a field where you could see the need for smart, capable, passionate people to get involved and help make a difference," Guadagni explained. "And you could see, on a case-by-case level but also more generally on a policy level in California, the work was actually making a difference. So, although I thought maybe I would eventually go do something else, I never have found anything I want to do as much as what I'm doing now."

About 90 percent of Guadagni's cases are in the elder-abuse arena, with a particular focus on physical abuse and neglect cases, which usually scream out to her, she said. She also handles the occasional personal injury case or mishandling of remains case.

Because there are not a lot of plaintiffs' attorneys who focus on elder



Guadagni

abuse cases, she and firm founder Kathryn Stebner get a lot of clients by referral from other lawyers. Some people also will reach out directly, as Guadagni or Stebner's names "come up pretty often" if someone with an elder-abuse issue searches online. And some cases will come to them via word of mouth, as friends and relatives of old clients oftentimes pass along their names to other families they meet at assisted living facilities.

Guadagni said when elder abuse cases get to her, they typically fall into one of two categories in terms of defendants: big corporate facilities or small, mom-and-pop homes. Either way, the general strategy is to focus on the bad conduct of the defendant, especially when the case makes it to trial, she said.

"It's easy for jurors and judges to imagine themselves in that situation. Being at the mercy of the people who are

doing everything with a motive toward profit rather than caretaking is something particularly terrifying for people," Guadagni said. "I think that's a way to really get traction in these cases. Obviously, the individual client's story is important and tragic, but it's only when you can imagine your mom or dad in that situation that you can get people to take notice.

"In these cases, there's such a huge profit margin [for the defendants]," she continued. "Whether it's in assisted living, where it's private pay so there's a big incentive to try to get more people in your facility and charge them as much as you can, or whether it's in a nursing home, where you're getting payments from insurance or Medicare, it's all a profit-driven business. And unfortunately, the people who suffer are the residents and their family members. One of the ways to maximize your profits and cut your costs is to cut labor, and labor is really key in this industry. People providing care is what makes [elder] care work, and if you don't have enough [staff] people, it's just set up to fail."

Northwest transplant

Guadagni grew up in Klamath Falls, Oregon, where her father was a lawyer who basically worked any case that came his way, from criminal law to immigration law to divorces. As a youth, it seemed to her like such an exhausting career because her dad dedicated himself to essentially being on-call, 24/7, a "country lawyer" of sorts, Guadagni said.

It wasn't something that appealed to her at the time, although she did admire her father's commitment to helping people and making a difference. While there were times when his work pulled him away on the weekends or may have



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interfered with family time in another way, Guadagni remembers his devotion to his clients as a positive, even exemplary trait.

“My father definitely instilled in me – and both my parents, really; my mom was a teacher – the idea that you have to stand up for what’s right and do the right thing,” Guadagni said. “That it’s important to follow the law, respect the law, think about when the law might not be right, and there are times when you have to fight for a change. No matter what, there are always going to be people who need help and people with big problems. They need people who are smart and willing and passionate there to help them. That’s what he did, and that’s what I hope to do or what I hope I’m doing.”

Journalism was original direction

In college at the University of Oregon, Guadagni initially pursued journalism, but the media industry was going through myriad changes at the time and was becoming increasingly competitive in terms of the job market. In 2005, she moved to San Francisco with her future husband and sort of “stumbled” upon Stebner when a family friend referred her for a job putting away files in Stebner’s garage.

“I got to know her and her practice, doing something specialized and what you believe in,” Guadagni said. “She and I overlap in that we’re both really close with our families, with our grandparents and just the passion and conviction she had with standing up for elders and doing elder abuse cases. It really connected with me.”

That connection prompted Guadagni to go to law school at UC Hastings in San Francisco while continuing to work with Stebner in various capacities. While at Hastings, she held onto the notion of getting into constitutional law, but the more she helped and watched Stebner, the more she realized she had found her place.

After passing the bar, it wasn’t long before Guadagni established herself as a

REDIRECT

Getaway Spot: On a tropical beach with a good book or on a hike with my family

Go-To Music or Artist: Leon Bridges, Courtney John, Manu Chao, Junior Kelly or Joni Mitchell

Recommended Reading: “Normal People” and “Conversations with Friends,” by Sally Rooney

Dream Job: Elder abuse attorney or magazine journalist

Words to Live By: “Success is only meaningful and enjoyable if it feels like your own.” – Michelle Obama

specialist in elder abuse law. For the better part of the past decade, she has made dozens of presentations on a wide range of subjects for organizations such as Consumer Attorneys of California, the San Francisco Trial Lawyers Association and other state and national organizations. In 2019, she was named Distinguished Female Attorney of the Year by the SFTLA.

‘Why we do it’

The trial lawyer in Guadagni would very much like to see the inside of a courtroom more often, but lately because of the coronavirus pandemic, that notion has been placed on the back burner. Even under normal circumstances, Guadagni’s cases tend to settle before going to trial.

“As a general sense, people on both sides are more averse to going to trial,” she explained. “Something unique about my caseload is that so many of my cases are preferentially-set trial cases because of the statute that says if you’re over 70 and have health issues, you can get a preference trial within four months. A lot of our cases are on the fast track, so to speak, kind of on this rodeo where you go out of the gate, and it’s basically like a race to try the case or get it worked up and get it resolved before you get to the courthouse steps. We get to the courthouse steps a lot. I’d like to get more experience in the courtroom. Partially, it’s a function of

what’s happening in the world, and part of it is our client population – it’s not really a group of people who can take risks going forward.”

One of the cases Guadagni is proud to have worked on arose in Sonoma County after the deadly Tubbs Fire. An assisted living facility in Santa Rosa, where many of the residents suffered from dementia or were wheelchair users, was in the path of the fast-moving blaze, and the multi-story facility had to evacuate. The few staff that were on duty at the time abandoned the residents, she said, and it was only because of a few concerned family members’ heroic efforts, with the help of emergency responders, that the residents were able get out before the building burned.

Guadagni referred to it as a “cluster case” – not a class action, but rather a small group of people who basically had the same set of facts and the damages were different. She and her team represented more than 25 people, one of whom fell in the evacuation center and ultimately died; other people had damages like post-traumatic stress, she said. It was a preference trial filed in November that settled the night before trial in August.

“Nine months beginning to end,” she said. “We just did a tremendous amount of depositions, work and research. It was a case unlike any other; the injuries were sort of unique, and the facts were horrific, and the people we represented were lovely. That was a case I was really proud of and will be for the rest of my life.”

“The other thing that made that case even more impactful was we were able to work with the Legislature and various organizations to actually change the law, to make assisted living facilities have higher standards in terms of their evacuation plans and equipment they have on site. That’s kind of why we do it. The best thing about doing this kind of work is it’s a bit like being a public interest lawyer – the hope is if you call attention to these abuses and wrongful conduct, there will be some way to change



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the system so that it won't happen again in the future."

Embracing life's detours

Guadagni has come to love the Bay Area as her home and counts herself fortunate to be able to enjoy its natural beauty and many attractions. That's precisely how she spends her time away from work, with her husband and two children – day trips, hiking, camping, walking the beach. It's her way of decompressing.

She also enjoys getting her exercise outdoors.

"I really like running, and for the past few years, I've been doing various distance races, anything from a 5K to a half-marathon," she said. "It's kind of a

good way to just get out of my head. I like being in nature, outside – anything to get away. We're very lucky, we have a nice backyard my husband designed and built, and we've been able to spend a lot of time back there too."

When asked about advice she had to offer aspiring attorneys, Guadagni thought of her parents. They had plans for when they retired, but her father passed away suddenly before they could even get started on their next chapter. Guadagni was in her early 20s at the time, and her dad's passing affected her not only emotionally but also philosophically.

"As I advance in my career and have a family, I think along the way, you should remember that it's OK to check in with your original goals and motivations

and see if those are still your goals and motivations," she explained. "And if they've changed, it's OK to sort of get off the exit on the freeway of your life and change directions. It's important to remember we're not just here to work ourselves to the point of retirement because we don't know what's going to happen between now and then. And we should make sure we're doing work that makes us feel proud and also having time to be with our loved ones, so that if we had to stop tomorrow to see if we had regrets, the answer would be no. Or at least close to no."

Stephen Ellison is a freelance writer based in San Jose. Contact him at ssjellison@aol.com.