



# Profile: Casey Kaufman

## Science and math education are the drivers for East Bay solo PI practitioner

By **STEPHEN ELLISON**

Integrating science and math in a plaintiffs' law practice is not a novel concept by any stretch, but Casey Kaufman may be taking such an approach to another level. The sole practitioner out of Oakland uses the method with aplomb and, in fact, may have found a niche in melding his science-based background with an unbridled passion for helping individuals harmed by others.

While many personal injury lawyers use science and math to argue cases in trial, Kaufman sees them as key elements for his entire practice. Being able to apply scientific and mathematical concepts on a regular basis in a profession that typically relies on opinion, recitation and interpretation is what keeps him going.

"I'm not the kind of guy who reads Shakespeare, and I don't have a strong rhetoric background," he said. "The law and how it's applied can be very linear and very scientific in nature; there's lot of procedures and lots of intricate combinations. The thing I love about my cases is there are very scientific components. When you're dealing with a product liability case, there's the physics behind why it happened and why the product was defective. And in a dangerous condition of a public property case or a bad car accident or an auto product defect – the biomechanics and the physics are fascinating to me. I've always latched on to using (the scientific part) to be quote-unquote successful."

"There are a lot of better writers out there, a lot of better legal minds, it's true," Kaufman continued. "And I'm OK with that. You have to know your strengths, and you have to accept your weaknesses. I think at the end of the day, in those cases where there was a



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scientific end that made a difference, those were the ones that I really enjoyed the most and that I was able to find some success with."

That success includes

millions of dollars for his clients in wrongful death, traumatic brain injury, property liability, product liability, auto accidents involving bicyclists and pedestrians and workplace injuries. In those cases, Kaufman has faced off against insurance companies, property owners, city and state governments and private corporations, including Pacific

Gas and Electric in the deadly gas pipe explosion that destroyed an entire San Bruno neighborhood in September 2010.

Some of those victories came before Kaufman went out on his own in 2019. He had spent the better part of 16 years with the (Thomas) Brandt firm in San Francisco, honing his skills as an across-the-board personal injury lawyer. The theme there, he said, was "we are trial lawyers, we can do a wide array of cases," and that enabled him to learn a lot of different types of law. But for several reasons, including being able to make his own case selections, Kaufman had a burning desire to go it on his own.

"I have three young children ... 9, 7 and 3," he explained. "I felt like being on my own would allow me to have a bit

more control over my work-life balance. Not that there's less work; the work is there. But you have a little more control over when you do it. You make your own schedule, and if you want to shift something to ten at night because you want to go to a function at the elementary school, you can do that – that's part of it. I've lived in the Bay Area since I came to school in 1993, and most of that in the East Bay. I just love it out here. I love Oakland, loved it before a lot of other people loved it."

### Transition from pre-med

Kaufman was raised in Palos Verdes, among a family of doctors – his father is a surgeon, his sister is a radiologist and several cousins are doctors, he said. And he was on his way down that path himself with pre-med studies at UC Berkeley when his interests shifted from biological to environmental science. After earning his bachelor's degree with a vision of becoming an environmental lawyer, he worked a couple of years as a paralegal in San Francisco before being accepted at University of San Francisco School of Law.

During law school, Kaufman clerked with an environmental attorney in Oakland who represented outfits such as the Sierra Club. He also worked with the Alameda County District Attorney's Office in the consumer and environmental protection department but soon realized the processes involved in environmental law in the public sector were not what he had envisioned for himself.

"I loved it, but it wasn't doing it for me. I loved the idea of it, more accurately," he said. "When I found out about the civil side, it felt like change was very hard, it was incremental. I didn't feel like there was enough impact. You work hard at the court level, but then there's legislation



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and lobbying and all these things that take away your power to do something. I didn't feel like I could be satisfied doing it."

So, he looked around a little bit and then took a trial practice class in law school co-taught by Robert Arns and Thomas Brandi. Kaufman said he kind of "caught the bug a bit" and felt as if plaintiff-side work scratched his itch a little more in terms of helping people and being a source of making bad situations better. Soon thereafter, Brandi would become his boss and Kaufman would go on to establish himself as a top personal injury attorney.

At the Brandi firm, he honed his skills in cases involving elder abuse, products liability, dangerous condition of a public property and other personal injuries.

The scientific approach, however, was all his. To this day, he concedes, it plays a part in how he selects cases and how he approaches a trial.

"I wish I went to trial more; it's hard to get into the courtroom," he said. "It's one of the reasons I went out on my own – the hope to increase that – and had COVID not changed everything, that may have been the case. But, yes, I think it does (affect case selection) because when I'm talking to someone on the phone, as a lawyer you're trying to figure out a lot of things: How would I pursue this? Do I like this person? Is this somebody I think a jury would like? Was there a wrongdoing? How would I prove it? Certainly, when you only can work within your skill set ... that's what goes through your mind."

### Diligence wins

One of Kaufman's more memorable cases, perhaps because he has children, involved the death of a young child at a horse-riding arena in Northern California. A five-year-old girl had been learning to ride, and was thrown from a horse. The arena chose the wrong type of horse for such an inexperienced rider, but it was something no one could have known until it was litigated, he said. Kaufman traveled internationally to depose someone for the case and learned not only that a child should have never been on that particular horse but also there was a

### REDIRECT

**Getaway Spot:** Anything with my family, water, sand, and sun – Palm Springs, Hawaii

**Go-To Music or Artist:** Radiohead, Arcade Fire, Beck, '90s Hip Hop

**Recommended Reading:** "Interior Chinatown" and all other books by Charles Yu, Chuck Palahniuk, and David Wong

**Dream Job:** I love being a plaintiff's lawyer, and sticking it to the man!

**Words to Live By:** "The devil is in the details."

question of whether anybody should have been on that horse.

Kaufman said he and his team found out the horse was young and inexperienced, but there were additional signs that would have alerted anybody that the horse had the wrong temperament for inexperienced riders. Those signs were well hidden from the parents; there was no way to know about those things as a customer unless they were well-versed in horse-riding themselves, he said.

"It vindicated the parents because they had been blaming themselves for what happened," Kaufman said. "It was their activity, just like soccer or baseball or whatever it is. They lose their child, and they feel responsible. I remember learning the details about how it occurred and the effect it had on them. Nothing brings their child back, and money was really secondary – they felt the entire time they needed to know what happened.

"They not only found out what happened, but also it allowed them, at least in my opinion, to forgive themselves a little bit for letting their child be in that situation in the first place," he continued. "Because you can see how someone would feel responsible in that situation. But when they learned how the truth had been hidden from them, as well as everybody else, I think it allowed them maybe to get a little closure. ... I think it was really healthy for them. I felt glad to be part of that process."

Another more recent memorable case was more in Kaufman's science-based wheelhouse. It involved a woman who suffered a significant brain injury after entering a single-occupancy restroom inside a San Jose coffee shop. The woman, a tech worker, went in and never came out, he said, and it turned out she had fallen and struck her head. She had no recollection of how it happened, so Kaufman had to collect enough evidence to show the coffee shop was responsible. In the end, he obtained a \$3 million settlement.

"I worked very closely with a bio-mechanic," Kaufman said. "We tested the floor for slip differential – there was evidence the floor was wet, so we thought she may have slipped. We had to do a laser scan of the interior of the bathroom to get dimensions and to re-create (the fall). It turns out, in a very classic fall pattern, she ended up having all the injuries on her body in the right places, so we could actually figure out how it happened: She struck her head on the sink.

"One of the things I enjoy and home in on is how do we prove this scientifically, because it's hard to argue against that," he added. "And juries are smarter than you think. If you give them the theories and you show them the evidence of why you think it's there and then you show them the scientific principles, they understand. It's a matter of understanding it yourself as a lawyer and to be able to translate it to lay-speak and be convincing; to simplify not only the terminology but also the concepts of physics and put it into a diagram that just makes sense. That's something I just love doing."

### Time for happiness

Kaufman said between opening the firm and raising his children, he has very little time lately for himself. But he loves just being present with his family because, in his eyes, there's only so much time kids want to hang out with their parents, and he doesn't want to miss any of it. He enjoys taking bike rides with them, being



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outside and active, and that takes up most of his nonworking time.

For aspiring young lawyers, Kaufman advised they should take stock in what makes them happy rather than what brings in the most dough.

“Make sure you like what you do,” he said. “I think a lot of people make career decisions based on purely financial reasons. I have lots of friends in law school who went a certain route and just didn’t like it and got stuck there. Whatever

it is, if you’re able to do something you like and something you can be proud of, money matters less. Because happiness is essential these days.”

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