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Profile: Debra Bogaards

It's not enough to do well, but you have to do good, for others

BY STEPHEN ELLISON

Despite spending 33 years working in insurance defense, Debra Bogaards never lost her zest for helping people who really need it and fighting for justice when it's the right thing to do.

Bogaards developed that passion for selflessness at a young age, when she would ride her bicycle around her Southern California neighborhood, raising money for those less fortunate, even as her own family was trying to make ends meet. So, when the opportunity came to make the underdog her full-time profession, Bogaards did not miss a beat – like riding a bike.

“Rather instrumental for me was when I was going through public school, concurrently I was going to Hebrew school and university Judaism,” she explained. “And there I think ... it was just embedded in my classes in the Torah that you really have to do good. In other words, it's not enough to do well, but you have to do good, for others. And so, as a young woman growing up, I always wanted to help others.”

While those early altruistic endeavors had young Bogaards going door to door supporting causes such as The Leukemia Society and March of Dimes, today she goes courtroom to courtroom advocating for individuals who have been injured in an accident caused by either negligence or malicious misconduct. Not surprisingly, she treats those clients and their cases as if she was chasing justice for a family member, something that defense work very rarely offers.

“I think the problem with many lawyers on either side of the fence is they just don't communicate well with their client, or as often as maybe they should,” Bogaards said. “I can do that on the plaintiffs' side more easily. I find that I can make a real difference in their lives when I do that.



Bogaards

“When I get the case resolved, usually I'm big into celebration, so the whole family will go out with me,” she added. “And we won't really celebrate it as a kind of conclusion

of this part of our life. I am friends with many of my clients to this day.”

For Bogaards, the gratification on the plaintiffs' side starts from the very beginning when she first meets her clients and makes an immediate connection. She not only empathizes with their plight but also is genuinely fulfilled when she is able to guide them through their medical odyssey to the right doctor, whether it's a leading orthopedic surgeon, a neurologist or a specialist for foot, knee or wrist injuries.

And that's just the beginning. Once Bogaards ensures her client is receiving the proper care and is on the road to recovery, she gets to work on her primary role as a trial attorney: pursuing justice and compensation on the client's behalf. An example of such a journey occurred with one of her early cases when she was still doing defense work. It was pivotal to her transition over to the plaintiffs' side.

“One of the first people who came to me was through an expert; it was his housekeeper who had been just walking in a crosswalk and ended up with a very severe wrist injury,” Bogaards explained. “I really identified with her. There was an emotional component as well as the physical trauma that can be devastating to plaintiffs. I was able to help her navigate the medical system. She needed to find

the right wrist doctor because I thought she probably needed surgery.”

The Latina woman, who indeed was not getting the medical direction she needed, also had reservations about the legal system, and Bogaards said she was able to manage those and provide her client with reasonable expectations. In the end, Bogaards resolved the case at mediation, obtaining more than half a million dollars, she said. Bogaards felt the result changed her client's life forever.

“I'm still in contact with her,” Bogaards said. “She changed my life too.”

Drawn to the city lights

Bogaards's parents hailed from New Jersey and moved west to raise their family in Southern California. Following her pattern of youthful goodwill, there was a time in high school, she recalled, when after reading a book, she had a deep desire to help victims of rape. And while she never had the chance to act on it, she believes that sense of compassion sent her down a path toward the law.

Upon graduating from high school at 17, Bogaards began her college studies at UC Davis then transferred to UC Berkeley. There she caught a glimpse of the sparkling San Francisco skyline one evening and promised herself she would go to law school in the City by the Bay.

By the time she started at UC Hastings at age 20, Bogaards didn't even know what a plaintiff or a defendant was. She also didn't know what she wanted to do after law school and didn't really have someone providing direction or serving as a mentor that could steer her right.

“What it did for me instead was imbued in me a fierce desire to be a mentor,” Bogaards said. “So, every legal assistant who came through Pave & Bogaards, Bogaards Davis and Bogaards Law, I have mentored. And every year, I have a reunion for all of my former legal assistants. Usually somewhere between



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25 and 40 come here, and it's the first week in January. They're like my children. I love seeing where they've gone.

"Then at UC Hastings, I'm a mentor to many of my students," she continued. "I will take them out to lunch and kind of keep abreast with email or take them to Wingtip for a glass of scotch. I'm interested in where they're heading in their careers, and maybe the absence of the mentor in my life is why I now have such a fierce desire to be one."

When she graduated from Hastings, Bogaards was working for a maritime firm, and she didn't pass the bar. So, she ended up leaving the firm and enrolling in a program at McGeorge School of Law for a post-JD certificate in international law in Salzburg, Austria. While she was there, she did defense work with maritime firms in London and Holland. It was during this time Bogaards met and eventually married her husband Pieter. They wed in 1983 in DeRijp, Netherlands, a 17th-century town near Amsterdam.

"We met on that program, and then we married a year later," she recalled. "So, I guess the moral of my story is that hard work pays off, through persistence, dedication and a little sweat. I did pass the bar exam, found out while we were in the Netherlands. So, you know, the road can lead to something unexpected, right?"

Gradual transition

When they returned to the States, Bogaards started working in insurance defense because "the market was really bad, and it was the first job offer I got." She was raising a young family, who relied on her income. She didn't exactly hate the work; in fact, she loved depositions and trial prep work and working with experts, all of which she did much of on the defense side. She tried about three to four cases a year and got used to working the long, "absolutely insane" billable hours.

Indeed, she stayed with insurance defense for the better part of three decades up until 2018, and for a time, she was doubling up on plaintiffs' and defense work. She started on the plaintiff

REDIRECT

Getaway Spot: Stinson Beach by bike for a latte from Parkside Café

Go-to Music: John Coltrane, Stan Getz, B.B. King, Charlie Parker, Earl Klugh, Frank Sinatra

Recommended Reading: "The Weight of Ink," "We are the Lucky Ones," "Night, Sunflowers"

Dream Job: Being a trial attorney and mediator

Words to Live By: "Luck is the residue of preparation."

side in 2002, and from that point until 2010, she compiled about \$3.5 million in settlements for her plaintiff clients all while continuing to carry a caseload on the defense side. In hindsight, Bogaards thought she probably should have launched her own firm then.

"I think the one mistake I made, if one looks at that, was when I ended the firm Pave & Bogaards in 2010, I should have just gone out on my own, opened my own plaintiff's practice. But I think I was too afraid to do so," she said.

The transition to get to 100 percent plaintiffs' work was gradual, Bogaards said, because she never developed the contempt or cynicism toward the defense work that many of her contemporaries had. Her approach was a bit more liberal than what's expected of most defense lawyers. Even when she was working against plaintiffs, she couldn't help but empathize.

"If there's a very strong plaintiffs' case, I believed we, the defense, should pay to get it settled. I would actually fight for those plaintiffs in very strong cases, to make sure they were more than adequately compensated and not take those cases to trial," she said. "That's where I might differ from people you've talked to in the defense world. ... That's why I don't have that same ... anger or frustration."

The big case

Last year, Bogaards worked on perhaps the biggest case of her career, involving a client who lost his leg in a motorcycle crash in January 2020. He had been riding along a street in the beach town of Capitola when a van pulled out in front of him from a side

street. His fractured leg led to a lot of blood loss, which affected his kidneys and lungs, and doctors put him into a medically induced coma, eventually amputating the leg below the knee.

Bogaards met her client while he was in the coma and got to work quickly, dodging a lot of "wild twists and turns" in the case, including a girlfriend who got representation then took off for London. As was customary with Bogaards, she called her client every day for the duration of the case. She was able to get a lot done in a short time. From inspecting the motorcycle and crash scene to guiding her client's medical and rehabilitation needs to expediting expert reports, she had it prepped about five weeks ahead of schedule and went to Capitola to be in person with her client during his Zoom mediation deposition. Her diligence, savvy and compassion paid off.

"There was an \$11 million policy, so it was a big-stakes case," she said. "And we got it settled at mediation six months from the date of the accident: \$8.35 million. It was a huge difference in his life. It was a huge difference in *my* life."

In fact, Bogaards was able to establish a scholarship to help students at UC Hastings with the rising cost of tuition, "so that they may complete their education and be a true mensch by paying it forward."

Embracing 'adventure'

When she's not making a difference in court, Bogaards enjoys taking care of her young grandson, Dusty, who's not quite a year old. She spends every Monday with him and belongs to a Facebook Group where she can share her "adventures" with her newest family member. "That's a big change in my life," she said.

She also is an avid road cyclist, known for taking "modest" 100-mile-a-week treks that include stops at Stinson Beach or Point Reyes National Seashore or the Marin Headlands. And every year, except for during the past year of the pandemic, Bogaards tries to do a five-day ride in Israel, something she fully expects



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to do this October. It's 350 miles in the desert in five days, she said.

As for advice she might offer young lawyers or law students, Bogaards said they should try to engage and get to know their adversaries because those opposing counsel are just doing their job the same as they are. Find some way to reach out, find something in common, and be more gracious, she said.

"We can disagree on maybe the value of the case or aspects of it, but after all is done, we can still have a glass of scotch and chat," she said. "That's the hallmark of really good collegial relationships that I would like to see brought back.

"I really like people," she continued. "Your friendships you develop over your lifetime are really your true treasures. And for me, the one thing that I enjoy

most in the law is getting together with colleagues, on both the plaintiffs' and defense sides, and having a drink or going to a Giants game, and you know, enjoying their company. I think that collegial aspect needs to come back."

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