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Profile: Conor Kelly

Stepping out of his father's shadow to make a name for himself serving clients

By STEPHEN ELLISON

The Chinese philosopher Confucius described humility as “the solid foundation of all virtues.” Those wise words seem to ring true with Conor Kelly, especially when the subject of the conversation turns to himself.

Kelly, a senior attorney and shareholder with Walkup, Melodia, Kelly & Schoenberger, goes to great lengths to credit those who came before him as well as those who surround him when he recounts his successes in law. It’s a character quality he perhaps learned at a young age while watching his father and his father’s contemporaries at work, and one that he wants to either emulate or maybe even exceed.

By Kelly’s account, as a youth he didn’t take an overwhelming interest in his dad’s work as a lawyer, but he was always “exposed” to it, and it would pique his interest. It wasn’t until college at Cornell University, however, that he experienced for the first time the workings of a law office.

“When I was in college, I interned at a law firm in New York and was exposed to some really tremendous attorneys there, and they really provided sort of firsthand evidence of that experience,” he said. “Working with those lawyers actually led me to go to law school.

“I don’t think I saw him (his father) in trial until I was in law school,” Kelly added. “As a young kid, I don’t know how it might have shaped my experience other than I understood the importance and the stress on lawyers – and of trials. But, you know, I got more interested and learned more about it.”

Whether it was the exposure at home or the experience in college or a combination, Kelly built on that knowledge and made a name for himself in the legal community fairly early in his career. In what was one of his first trials, he won a rare eight-figure jury verdict in a medical



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malpractice case involving a teenager who suffered a stroke. And the success has since continued, with several more multimillion-dollar decisions to his record in the past decade.

While he’s not the type to keep score or gloat over those big victories, Kelly does get a small amount of satisfaction from being a versatile advocate when it comes to plaintiffs’ personal injury cases.

A varied caseload

“I try to be able to handle different types of cases,” he said. “I do medical malpractice cases, premises liability cases; primarily individuals’ cases. I’ve tried to have the experience and a knowledge base to handle whatever case might come in the door, whether that be civil rights, a public entity, product liability. I don’t consider myself to necessarily specialize in any one of those areas, but I take pride in being able to handle all of them, skillfully and competently.”

That skill set indeed has been put to the test, as Kelly counts among his seven-figure verdicts and settlements medical negligence, premises liability,

vehicle collision, maritime and carbon monoxide poisoning cases.

One premises liability case garnered special recognition in 2019, with Kelly and Andje Medina of *Allair Law* receiving Trial Lawyer of the Year honors from the San Francisco Trial Lawyers Association. The case, *Belo v. Bally Hallinan Properties*, resulted in a \$3 million settlement after a property fire caused by a San Francisco building owner’s negligence resulted in a resident’s wrongful death.

In explaining his process in trial, Kelly said he tries to develop a reason for people appointed as jurors to care about a case they know nothing about.

“Anytime we’re getting ready for trial, it’s always very busy. But I try to focus on the big picture and try not to get obsessed with the small details,” he said. “I try to think about the case from the perspective of someone who probably is somewhat skeptical of the plaintiff to begin with. And I try to come at it from that perspective, to take off my hat as somebody who’s been working on the case for two years or three years or however long, being an advocate for (my) client, and try to put on the hat: What do people think about this who don’t care about my clients when they first walk in, don’t care about me? And I try to understand it from their perspective, what will be interesting to them, what will get them to pay attention, what will be persuasive.”

Kelly feels such an approach is among his strengths as a trial lawyer, as is his ability to remain on an even keel, meaning he doesn’t concern himself too much with what happened on any given day of a trial. “Whatever happens, you got to kind of roll with it,” he said. “Focus on the next day. ... Drive things forward.”

Full circle

A Bay Area native, Kelly no doubt felt the influence of his father Mike Kelly, who is widely regarded as a top plaintiff’s lawyer. The younger Kelly attended



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college 3,000 miles away at Cornell, where he majored in history, made the dean's list and played for the Big Red baseball team. He returned home to attend UC Hastings College of the Law in San Francisco, where he graduated cum laude in 2009.

His baptism into law may have been the firm in New York, but his first real test came with a summer job at the Alameda County District Attorney's Office during law school. While there, Kelly said he got the opportunity to try two cases and called it a "tremendous experience," so much so he considered going for a permanent position with the office after law school. Ultimately, though, he knew he was destined to do plaintiffs' work in the long term.

Little did he know at the time, but that term began with a bang. Kelly went to trial in 2013 with a medical malpractice case during a time when such cases rarely made it to trial. He was representing a young man, Kody Myrick, 19, who had recently graduated from high school and suffered a stroke while working with his father herding cattle on a ranch in Bakersfield. A stroke for someone in that age group was unusual, Kelly said, and ultimately it wasn't treated properly in the emergency room at Bakersfield Memorial Hospital nor after Myrick was admitted to the hospital.

Myrick's neurologic condition deteriorated overnight without the proper treatment for a stroke, and by the time the stroke was properly diagnosed the next morning, he had suffered permanent damage to his brain stem, rendering him a quadriplegic.

"It was a case similar to several that had settled out before trial, but (the defense) just refused to offer any money," Kelly recalled. "It was one of those cases where you feel like you're doing a good job every day throughout the trial, but we didn't really get much of a response during the case. The jurors were pretty stoic when they walked into the courtroom, and I wasn't sure what they were going to do."

What they did was deliver a \$38.6 million verdict, which included past and

future medical costs, past and future lost earnings, and noneconomic damages (limited of course, by MICRA).

Causing change

Another of Kelly's memorable cases that went to trial in 2018 involved a woman who died after an electrical fire inside her rental apartment in San Francisco. Representing the family of Lorraine Belo, 55, he sued the property owner, Bally Hallinan Family LLC, for negligence after it was discovered an improperly installed electrical outlet in a hall closet was the source of the fire.

Belo was found on the kitchen floor of her apartment unconscious from severe smoke inhalation and died days later from complications of smoke inhalation, according to the case facts. During discovery, Kelly along with co-counsel Medina, found out the outlet was not permitted nor was it installed by a qualified electrician. One of his expert witnesses testified the outlet did not include a ground wire that would trip the circuit breaker if there ever was an electrical short. The expert also determined the outlet was installed carelessly, with loose wiring, and that faulty wiring caused it to overheat and start the fire.

Meantime, the defense tried to fault Belo, first questioning her mental state and claiming she started the fire intentionally then claiming she was a hoarder, and that her hoarding contributed to her own death.

After just a day of deliberations, the jury came back with a \$3 million verdict for Belo's family. Kelly said such premises-liability cases are always memorable because they result in more than just compensation for his client.

"Cases like that are very interesting to me," he said, also recalling a recent case involving a tenants' elevator in an apartment building. "All of those cases have resulted in some change to how defendants are operating their business, some tangible change that's going to impact all the tenants."

Finally, Kelly recalled a case he assisted on, representing the victims of an infamous 2015 balcony collapse in Berkeley. Six college students in their early 20s died, and seven others were injured after a fifth-floor balcony they were standing on collapsed due to faulty construction. The Walkup team sued the property owner, property manager and construction company. It was determined the dry rot in the wood that served as the structural frame and base of the balcony caused it to collapse.

It was not a case that went to trial, but it was extremely rewarding litigation for a group of very deserving clients, Kelly said.

Time for family

When he's not in court or at the office, Kelly enjoys spending time with his family.

"I have three young children, so when I'm not working, I'm almost always with them or my wife doing some soccer party or concert. It's a busy schedule," he said.

He said he also is an avid Bay Area sports fan, taking in games or cheering from afar when the 49ers, Warriors or Giants are in action.

Staying involved in professional organizations and serving the young law community also is a huge part of his nonworking repertoire. Kelly is active with the San Francisco Trial Lawyers Association, Consumer Attorneys of California, the American Association of Justice and the San Francisco Bar Association. And he teaches in the mock trial programs at Lowell High School in San Francisco and UC Hastings.

In terms of advice to young lawyers or law students, Kelly kept it simple and, not surprisingly, humble.

"I would tell them to work hard and to focus on doing the best you can for your clients," he said, "and the rest will kind of work itself out."

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