

Old Is New

LITIGATOR PROFILE: Since graduating from law school in 1996, this San Diego sole practitioner has won some large settlements, including a landmark elder-abuse claim.

BY DIANE TAYLOR

As a teenager in the 1980s, when millions of Americans sat glued to their television sets watching "L.A. Law," William M. Berman decided that he too wanted to become a lawyer. Like the characters on the TV show, Berman aspired to work for a large, elite law firm where he would litigate exciting and meaningful cases.

When he graduated cum laude from California Western School of Law in December 1996, however, he found that the legal market was not exactly flourishing. Also, choice positions at prestigious firms were filled with graduates from the top-10 law schools.

As an alternative, instead of working for any firm that would offer him a job, Berman decided to open up his own practice in downtown San Diego.

Soon after hanging up his shingle, Berman's first client—a "little old man"—walked in the door. The client related that his car had just been crushed by a 60-ton bulldozer. The man had been stopped at a red light when the bulldozer rolled off a flatbed truck and landed on his car. He was not seriously injured, although he suffered post-traumatic stress disorder and frequent urination as a result of the accident.

As a first-year lawyer, Berman had some concerns about his ability to represent this client. His worries were short-lived, however. When Berman

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William M. Berman

examined the accident scene, he noticed a bank at the corner of the intersection where the incident occurred. On a hunch, Berman subpoenaed the bank's videotapes, which monitored the activity outside the building.

"My thinking was, 'Wouldn't it be

PROFILE

WILLIAM M. BERMAN

Law School: California Western School of Law, 1996

Case Types: Catastrophic personal injury, elder-abuse, wrongful death, product liability, employment and business litigation

Career Highlights: Sole practitioner, Law Offices of William M. Berman, 1997-present

wild if the videotape captured the entire accident?" says Berman. "As it turned out, it did."

Perhaps because of that videotape, which corroborated his client's version of the events, as well as Berman's aggressive discovery tactics, the case ultimately settled for \$150,000—a figure that was quite substantial to Berman, his client and his new firm.

Less than two years later, the 29-year-old Berman, a plaintiffs' lawyer, has amassed a full roster of clients and a significant number of six-figure settlements. Recently, he settled an elder-abuse case for \$2.2 million on behalf of the decedent and her daughter, despite the usual \$250,000 limitation on pain and suffering damages imposed by the Medical Injury Compensation Reform Act in similar cases. It was one of the largest elder-abuse settlements ever reported.

"The counsel for the defendant in the elder-abuse case were all experienced, reputable litigators from Los Angeles," Berman says. "I don't think any of them took me seriously at the inception of the case. They probably looked at my bar number and thought, 'There's no way he's going to be able to prove the allegations in the complaint.' But I'm not easily intimidated, and I'm not afraid to fight for my client with everything that I've got."

In addition to several elder-abuse cases, Berman handles catastrophic personal injury, product liability, wrongful death and employment matters. Although the majority of his clients are plaintiffs, he has also represented some defendants in noninsurance business litigation matters. For the most part, however, Berman prefers plaintiffs' work.

"I find it really fascinating to deal with real people and real life events,"

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he says. "The law may be the same, but no two cases are ever identical. I also enjoy interacting directly with the client, as opposed to dealing with a faceless [insurance] carrier."

According to some of Berman's opposing counsel, his relative inexperience is not easily perceptible in his litigation skills.

"I was really impressed with Bill's preparation and intensity," says Brian Maienschein of San Diego's Chapin, Fleming, McNitt, Shea & Carter, who settled a personal injury case against Berman last year. "Bill is an excellent attorney and an aggressive advocate for his client."

Even as a law clerk at San Diego's William Turley & Associates, Berman's knack for the law was apparent to his opposing counsel, says Earl H. Maas III, another Chapin Fleming partner.

"Bill came into a rather complex products liability case in which [we] had been reasonably successful in keeping plaintiffs' counsel very busy," Maas says. "Before we even knew Bill had gotten involved in the case, we noticed that the tenor of the pleadings and arguments had changed significantly. Bill did a very good job in encapsulating the precise nature of the claim, and in bringing to light certain facts which only the defendants had previously known about. After Bill put together these facts, two of the defen-

dants became very concerned that their exposure in the case was pretty significant."

Ultimately, the case settled for more than \$1 million.

"For a guy still in law school to figure out this complicated set of facts was very difficult and showed that he had a lot of promise," Maas continued.

Berman was born in Los Angeles, where he lived until moving away to college. Wanting a big-campus environment, Berman enrolled at Arizona State University, and in 1993 he obtained a bachelor's degree in justice studies. While at Arizona State he met his future wife, Kelley, who was attending the University of Arizona.

Upon graduation, they both entered law school at California Western, where in 1996 they earned their juris doctorates. On June 14, 1997, two weeks after obtaining their successful bar results, they got married. At that time, Berman's wife decided to join San Diego's Neil, Dymott, Perkins, Brown & Frank, a civil defense firm, while Berman took the opposite path by starting his own plaintiffs' practice. Since then, he's never looked back.

"When most associates join a large civil litigation firm, they have to wait five to seven years to be able to conduct all of the depositions in a case, argue motions, attend settlement conferences or handle mediations," he says. "As a sole practitioner, I've been able to experience all of the demands of litigation much quicker, which has allowed me to develop my litigation skills and ultimately become a better attorney."