

## Lawyers Getting Lattes: David S. Casey, Jr.

**D**avid S. Casey, Jr., and I met for lunch at Cucina Urbana, Table 41. It's his table in the back corner of the restaurant. David sits in the same seat. The staff already knows his order. Being a witness to this tradition is a reminder how essential is it to reinforce values we hold dear. Our lunch began with tales of his legendary father. We discussed the importance of giving back, resilience, passion, and preparation. David even divulged a few war stories of his courageous days defeating legislation that could have wiped out all our practices. Next time you see him, shake his hand and say thank you. I left our lunch feeling nothing but inspired to make the most of this upcoming year to serve as CASD's President. I hope you enjoy these excerpts:

By: Maria Kelly, CASD President



**David Casey:** When my dad came to San Diego in 1947, there were 400 lawyers in San Diego. He started back the Bank of America Building. He had practiced in Saint Louis and in World War II, volunteered to go in the Navy. He was in World War II based in Japan. If I survive, I'm goin' to San Diego. He came out to San Francisco and he said I need somebody to help me study for the bar. And he met a judge out there and the judge said let me introduce you to my law clerk, Bernie. It was Bernie Witkin.

**Maria Kelly:** Oh, wow.

**David Casey:** We have a longstanding tradition. I grew up really immersed in the legal culture. My dad would be in trial. Sunday nights, he would tell me a story and I found out when I was a little bit older that was opening statement. He tried about 700 jury trials. In those days, if he disagreed over a \$50 or \$100, they'd go to trial over it. My dad loved that practice.

**Maria Kelly:** Being a part of your community is very important to you.

**David Casey:** That's true, I like giving back.

**Maria Kelly:** Why is it important?

**David Casey:** You get far more by giving back to the community. The ripple effects are gonna ripple through many, many lives. Over the years, I've had many lawyers I knew clerked for me in '75, '76, '77. They've had distinguished careers since then. I love mentoring people. I love putting people in the palm of my hand and try to raise them up to, to do a better job.

**Maria Kelly:** You've been a mentor of mine for over 10 years. I was running around those halls doing contract work and your firm just started sending me cases. Essentially, telling me, "Maria, you don't need to be doing contract work, here are cases; get your firm going."

**David Casey:** I love to see people do well. Even when we are interviewing new clients and I'll have somebody come in to tell me they are interviewing two or three other lawyers and they'll tell me their names and I'll say those are great lawyers. You're gonna be in great shape. To me, you always take the high road. And my dad taught me that and, and I've seen over the years some people stumble into trouble over the years because they get maybe too focused on money or too focused on themselves.

**Maria Kelly:** How do you have time to do all of your community work to do, to run an amazing law firm, and then be present at new initial client meetings?

Maria Kelly is the founder of Kelly Law and this year's President of CASD. For over 10 years, her firm has focused exclusively on representing people who are injured. She earned a Bachelors of Science in Biochemical Engineering from Florida State University and a Juris Doctor from California Western School of Law. Maria can be reached at [maria@mariakellylaw.com](mailto:maria@mariakellylaw.com).

David Casey leads Casey Gerry Schenk Francavilla Blatt & Penfield in obtaining multi-million dollar results each year in a complex range of cases and most recently reached an unprecedented settlement with tobacco company for the wrongful death of Tony Gwynn. He is past president of the Association of Trial Lawyers of America (now American Association for Justice) – the world's largest trial bar – and has been lauded with more than 60 professional awards, including a perpetual award in his honor, the "David S. Casey, Jr. Consumer Advocate Award" from the Consumer Attorneys of San Diego. In 2016, he was named among the Top 100 attorneys in California by the Los Angeles Daily Journal, lauded as one of the state's top 30 Plaintiff's attorneys by the same publication and was inducted into the Consumer Attorneys of San Diego's Past Presidents Trial Lawyer Hall of Fame.

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David Casey: In our practice, there's no client whose case is too small for me to pay proper attention to because I measure our firm by how we treat each individual client and I mean that seriously. That's what I preach at my firm. My dad taught me when clients went out of his office he made them feel important. That their case was important. That they were important. And over the years, over the decades, I would have people come back to me whose parents or grandparents were represented by my dad and they said, you know, your dad always made my dad feel he was important, or he truly did care. It was real.

David Casey: And so that I think has been kind of a touchstone in my career is when somebody walks in my office, I want to really let them know that our

feelings are real and I want them to know that we're passionate.

David Casey: Years ago I, and this has happened a few times, a case has been rejected by 4-5 firms. It comes to me. I almost take that as a challenge. I sit down and try to figure out is there a way I can turn that around and make it work. And I've had a lot of seven figure results on cases turned down by 3 or 4 other firms in trial and settlement, because I would sit down and peel through the layers until I can find a pathway from where I am to get the client the help they need. I still really enjoy making a difference in people's lives.

Maria Kelly: Are there any rules you follow in order to run a successful practice?

David Casey: I want the lawyers to always talk to the clients. I want the lawyers to personally call because that's a person out there.

We're in the service industry and you take care of your clients.

Maria Kelly: Right.

David Casey: I always put clients to the top of my list.

Maria Kelly: And that's, that's the goal.

David Casey: That's the goal. And if you do that your client base will grow. Other people will hear about you. You get referrals.

Maria Kelly: Who are your heroes in your life?

David Casey: Well, my father is, is the real hero of mine and, and my partner, Richard Westbrook, who died 36 years ago. He and I started off as prosecutors together. He came and joined me and he, he was irreverent. He was funny. He had a slow Texas drawl. When I used to try a case, everything was organized. Everything was smooth. Sometimes juries used to

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say was like a jet plane. I took off and they couldn't even keep up with me I talked so quickly. Richard would stumble with his words, paper'd be falling off the, his table. They loved him. They embraced him and I always thought I would practice my entire career with Richard. He was my best friend in life and tragically he died of cancer in his 30s. That had a huge impact on my life. I also have a lot of respect for individuals who have good marriages, who have balance in life, in our profession. When I grew up there was a lot of alcoholics, who were trial lawyers, who had bad divorces, so achieving balance, I respect.

**Maria Kelly:** Congratulations on Tony Gwynn and Junior Seau.

**David Casey:** Well, thank you. Before we started in the NFL litigation, the common phrase by a high school coach was getting

your bell rung is part of the game. Young people would hit their heads, suffer a concussion, and they'd be back to play; that's not happening anymore. One of my great memories on that case was I spoke to the head of Scholastic Federation, CIF, for all the schools in California and when I was done speaking, he turned to me and said I want to thank you for what you've done, because that has created an awareness in coaches, students and parents in a way we could never have done it, and we are seeing a significant decline in head injuries in high school and throughout the country.

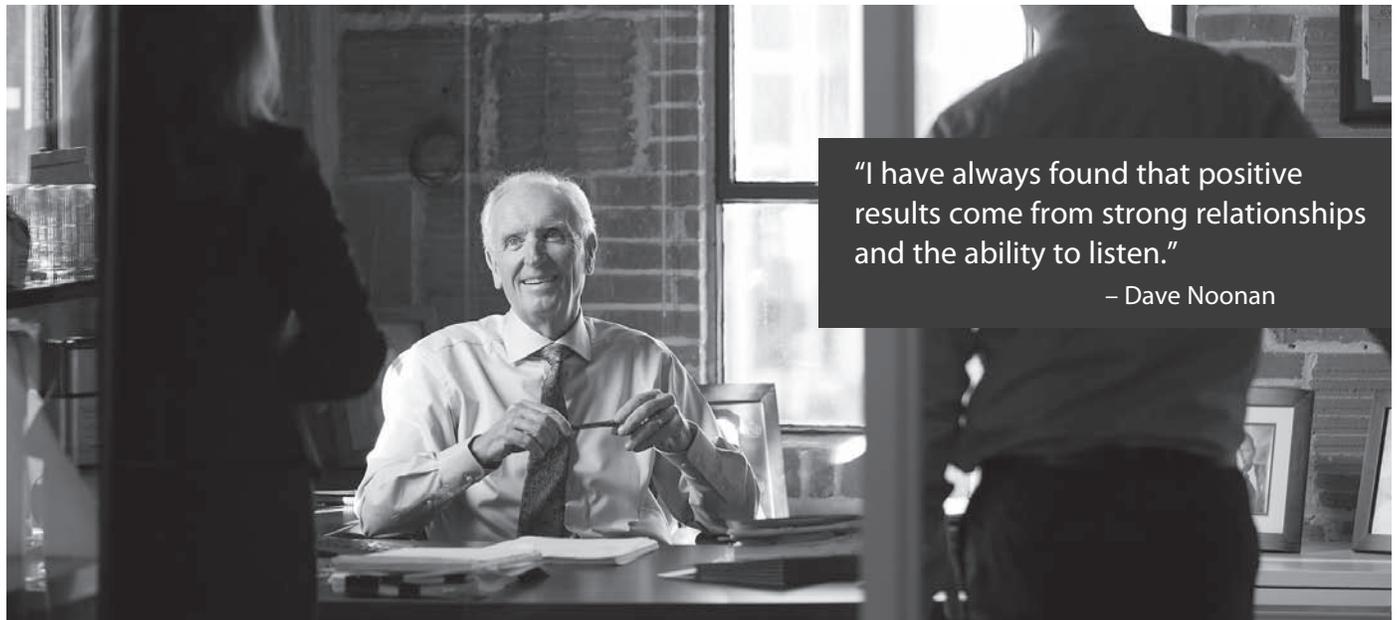
**David Casey:** Those cases made a difference. The other thing that's important is resilience. Because years ago, when I was in my 30s, my partner calls me from Alaska and says, you know, there's been a oil spill here, Exxon. My partner, Dick Gerry asked me, do you

think we ought to get involved against Exxon and in 3 minutes, I said absolutely, yes. We ended up representing those guys and individual fishermen up there, 26year case. It took 26 years. So, you have to be resilient.

**Maria Kelly:** And I think flexible; embarking on these new challenges, what did anyone know about all these concussions or what did anyone really know about tobacco dip.

**David Casey:** Tony Gwynn is a good example. We spent 1 year doing detailed research on Tony Gwynn's life. When we went out to San Diego State, we found in the newspapers, articles by the Skoal brothers, who were hired by U.S. Tobacco to sell, to give away free samples and so we did a lot of indepth research. I had two people do research for one year on that case before we

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ever filed. Because I knew when we filed it, we would be facing one of the toughest defendants in the country. I wanted to make sure we had our facts right, so when going in these new areas, you must do your homework.

David Casey: And, I flew all over the country. I had all our experts lined up before I even moved forward in that case.

Maria Kelly: Before even filing.

David Casey: Yeah.

Maria Kelly: You must work on the offense.

David Casey: Right.

Maria Kelly: I've learned that lesson; it's just helped me tremendously in all my cases.

David Casey: Preparation is key, getting your facts collected.

Maria Kelly: What's the biggest lesson you learned in a loss?

David Casey: You have passion for your client. If you don't have passion for your client of a case, let some other lawyer handle it. On Tony Gwynn, that's not a case anybody ever should have undertaken unless they felt passionate, because you had to really dig in very deeply. Unlike smoking cases where there's a lot of information out there but dip tobacco, there are only four cases in the history of the United States.

Maria Kelly: Has your practice turned out better than you ever expected?

David Casey: In my, in my furthest dreams, I never imagined I would have the career or the kind of cases I have had with the kind of impact. I just never imagined that, and I never imagined I'd be president of American Trial Bar. I never imagined I'd be overseeing federal judicial appointments in California or be in some of the

very high-profile cases I've been in. It's a trajectory I didn't anticipate. I'm kind of humbled. I received a lot of different honors and I'm a little bit humbled. You know, one thing, every step of the way, I try to give it 100%. Whatever I do.

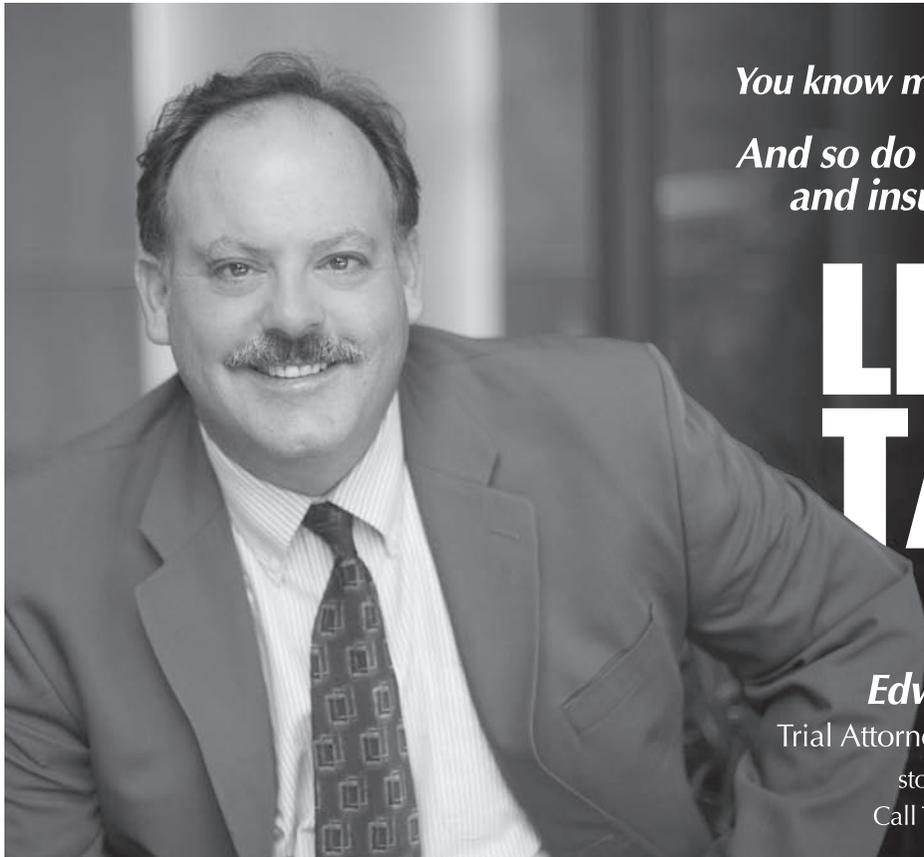
*I asked him to fill in the following blanks:*

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