



# Peter J. Hinton – pupil of the world

*East Bay attorney wields influence; garners respect throughout the legal community*

## STEPHEN ELLISON

“I’ve always said that plaintiff law is learning about the world from the inside of a law office.” That’s one man’s unique take on the labors of trial attorneys, and who dares to argue with Peter J. Hinton, a pupil of the world for better than four decades?

The principal of Walnut Creek-based Hinton, Alfert & Sumner has combined the aforementioned philosophy with a tireless work ethic and an engaging demeanor to forge a successful career fighting for others’ rights.

“He’s committed to ensuring people get their day in court, their fair shake,” said Paul Fogel, a partner with Reed Smith of San Francisco who does appellate work for Hinton’s firm. “He’ll take a case on principle and not accept a dime in return if he believes something wrong has happened. He makes sure people are taken care of even if it means he’s not taken care of. You don’t meet many people like that.”

Fogel, a one-time associate under Hinton, could not say enough about his friend’s managerial savvy – “he has people that have been working for him for 30 years and there’s a reason for that” – and he’s not alone in admiring Hinton’s unwavering combination of kindness and determination.

“He’s a likeable guy, very respectful of the process and that spills over to his clients,” said Robert Dossee, former Justice for the California Court of Appeals



Hinton

and now a mediator with JAMS. “At the same time, he can be a very tenacious and strong advocate. He’s always very professional and extremely well-prepared. Not only does he know his case forward and backward, but any one of

his associates is on top of the case also.”

## Righting wrongs

For those reasons, Hinton has won his share of verdicts and settlements. He was lead counsel for the victims – some of whom were his own neighbors – of the 1991 Oakland Hills fire, a sensitive case that the judge felt required a unique set of parameters.

“It was interesting in a number of ways,” Hinton said. “First, the defense had co-opted all the engineers from the University of California. So we went to MIT and got an exceptional person there. We rented an auditorium in Walnut Creek, and the judge said ‘Here are the rules: You’ll each have your witnesses; there will be no cross examination; you will be allowed rebuttal.’ All the adjusters were in the room. At the end of the three-day session, (the lawyers and judge) all met and settled the case.”

Hinton also led a case against Tosco Corporation after a 1999 explosion at its Martinez oil refinery killed four workers and critically injured one. Hinton recov-

ered a total of \$21 million for three of his clients.

A separate case against Tosco involved another fire at the plant and a neglected fire hose that Hinton said essentially became a flamethrower. While building the case, he uncovered what amounted to a written confession. “It turns out gasoline somehow got into the fire waterline, a problem that had been identified previously,” Hinton recalled. “The recommended fix had been ordered, but when the boss saw how much the repair was going to cost, he actually wrote on the repair document, ‘I wasn’t asking for a capital investment, I wanted a low-dollar solution to this.’ It was the best piece of evidence I’d ever seen.”

Another highly publicized case involved a well-known East Bay doctor who was killed while defending his family during a 2000 home invasion in Alamo. One of the suspects, who also died during the ensuing struggle, had cased out the home several weeks prior while delivering items the doctor had bought from a Santa Clara auction house. Hinton went after the auction company for its failure to inquire about the delivery employee’s background, which included a felony firearm conviction. The case settled two days before going to trial.

## Following family footsteps

Born in Indianapolis, Hinton was exposed to the law profession early by his practicing father and then influenced to some degree by two brothers who became



attorneys. For his part, Hinton discovered an affinity for history and political science and excelled on the debate team in high school, which put him on a course toward following the family pattern. "I thought (the law) was something I would enjoy, and it has been," he said.

After receiving his bachelor's degree from the University of Oklahoma and doing some graduate work at the University of Colorado, Hinton went on to earn his juris doctorate from Boalt Hall School of Law at the University of California. From there, it didn't take long for him to find trial law. "When I got out of law school, I spent three years in the deputy district attorney's office in Stanislaus County (Modesto)," he said. "I tried a lot of cases – that's pretty much all you do there – probably did about a hundred or so jury trials. That was at a time when more (cases) went to jury."

Four years with a San Francisco defense firm provided further exposure to the courtroom before Hinton joined forces with a criminal defense lawyer in Walnut Creek. Hinton had begun gravitating toward plaintiff cases while his partner continued to favor criminal defense. Their split was inevitable, yet amicable in the end, Hinton said. "I wanted to focus more on plaintiff work," he recalled. "(Criminal defense) wasn't what I enjoyed. So we went our separate ways, and that's when I started my own firm."

### Earning respect

Thirty-two years later, Hinton has one of the most respected law firms in the Bay Area, with seven lawyers and about 30 staff members. "We have a very cordial atmosphere," he said. "When we hire someone, they tend to stay here – we have some people that have worked here for more than 20 years."

Not only is Hinton lauded for his exemplary skills and work ethic, but he's also praised for exercising his powers of influence on legislation that has made life easier on both clients and colleagues. "Tirelessly working for the rights of plaintiffs, for the jury system, for the court system," Fogel said when asked about Hinton's greatest contribution to trial law.

Indeed, Hinton has spearheaded significant changes in the system. Among them: extending from 100 days to six months the time to file claims against public entities; abolishing a procedure that requires attorneys to publicize the dollar amount of damages being sought; and improving California's *voir dire* process during jury selection.

With that last change, attorneys can now ask potential jurors in California their views on issues such as large plaintiff awards. "It's one that I believe is still the best in the country in terms of what attorneys are entitled to ask," Hinton said. "A lot of people just don't believe in that kind of (plaintiff) compensation, and identifying those people can be difficult."

Hinton's leadership abilities carry over to local and national organizations, too. He has presided over the Alameda-Contra Costa Trial Lawyers Association (1977), the California Trial Lawyers Association (1986-1987), and the San Francisco chapter of the American Board of Trial Advocates (2005-2006). And he's been on the Board of Governors for the American Association for Justice since 1989.

"He is very much respected in our legal community," Justice Dossee said. "That comes from being a very good trial lawyer and a true gentleman. He's one of the best around, very polished. I would

have no hesitation in recommending him."

### Still work to be done

Hinton may not be handling the same case load as 10 or 20 years ago – he's quick to credit his partners for easing some of that – but neither does he have the proverbial foot out the door. At 72, and with an impressive list of accomplishments, he would seem primed for retirement. But he simply dismisses the notion. "I'm sure there will come a time, but as long as my health holds out ...," he said. "I like to do what I do."

All the same, Hinton said he's enjoying his time away from the office. He spends his leisure hours with his wife: traveling, collecting wine and frequenting the ballet and opera. He's grateful to be living in Berkeley, which he insists has "the greatest restaurants in the world."

To his fellow plaintiffs' lawyers he offers this advice: "Work hard, don't fight over the small stuff, don't argue with a client about money. Maintain your integrity, and always keep sharpening your skills, because it's a never-ending process what we do."

That process, he added, has its rewards beyond making a good living.

"It's not always about money, about getting something," he said. "I like to think that we really do make it a safer world out there."



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