



Robert Cartwright, Jr.

Second-generation plaintiff lawyer is a zealous advocate in his own right.

BY STEPHEN ELLISON

A man with many passions is bound to settle on one as his livelihood. As a youth, Robert E. Cartwright, Jr., had his share of career options and eventually discovered that, for him, plaintiff law would be more than just an occupation. It would be his calling.

Although he wasn't aware of it at the time, Cartwright's passion for law began to develop when he was a mere child listening to his father talk about cases at dinner time.

"What impressed me most was his passion for it, listening to him tell stories about particular cases every evening while sitting at the dining room table," Cartwright said of his father, Robert E. Cartwright, Sr., one of the most prominent plaintiff attorneys of his time. "I didn't initially want to be a lawyer after seeing how hard he worked. But I became increasingly passionate about it, and at this point in my life, I can't think of anything else I'd rather be doing."

Before that realization, Cartwright toyed with the idea of becoming an architect, but found the work rather tedious – "...the creative part of architecture wasn't all it was cracked up to be," he said. At another juncture, he was set on becoming a rock drummer – he played in a band for a few years – but again found the creative aspect to be minimal. During that time, Cartwright began working part-time at his father's law firm.

"It became fascinating and important to me," Cartwright said. "Law is endlessly creative – every case is new. I've never spe-



Cartwright

cialized in any kind of case. You're constantly learning about new laws. You have to become an expert in areas like medicine and vehicle dynamics. You're cross-examining experts for the defense, so you have to be as knowledgeable as they are. The challenge of it is what's so fascinating to me."

Today, Cartwright runs his own firm in San Francisco and is an authority on personal injury and products liability. He's tried and won dozens of cases; he addresses large audiences of his peers; he tutors and mentors law students; he's written numerous articles; he's even occasionally provided legal commentary for the FOX National News television broadcast. The public speaking and coaching skills may seem to come naturally to Cartwright, but those who know him well know better.

"He has a great charismatic presence about him, he's a gifted natural speaker," said Claude Wyle, a senior partner with Choulos Choulos & Wyle of San Francisco. "However, he's always extremely well-prepared – he works really hard, so that by the time he gets up to speak, it may look like he's speaking off the cuff because he has prepared so well."

And Cartwright still possesses a zeal akin to the pupils he instructs. "He's open to learning new things despite the fact that he's very experienced," Wyle added.

Advocacy or bust

Choosing plaintiff law was essentially a no-brainer for Cartwright. In fact, he went so far as to say that if he hadn't become a plaintiff's attorney, he wouldn't be an attorney at all – he'd be doing something else altogether. "You're helping real people with real problems – helping to make society a safer place," Cartwright said. "I really do believe that we are the voice of the voiceless; we're the sword and shield against corporate powers. We play a very important role in society."

One case Cartwright is particularly proud of involved a client whose hand had been severed by a radial arm saw. On behalf of Henry Dendy, Cartwright sued the retailer, Sears Roebuck & Co., and the manufacturer, Emerson Electric, claiming the saw lacked proper warnings and a lower blade guard (*Dendy v. Sears Roebuck & Co., et al, 1990 (unpublished)*.) The defense made no settlement offer; it had yet to lose in 25 prior cases involving similar circumstances. Cartwright, however, found evidence of hundreds of incidents involving the product and produced video simulations of how a blade guard would prevent accidental amputations such as the one Dendy sustained (his hand was surgically reattached). The result, after nine years of litigation, was a \$5.1 million verdict, later affirmed by the California Court of Appeal.

Making a difference

But the most significant victory in Cartwright's mind was in convincing the Consumer Product Safety Commission to recall the defective saws and order a



product redesign from the manufacturer that included a blade guard. “That’s one case where I really felt like I made a difference,” he said.

More recently, Cartwright was instrumental in helping achieve the largest settlement in drug litigation history, a \$4.85 billion agreement between drug-maker Merck and more than 20,000 plaintiffs nationwide. In 2002, The Cartwright Law Firm was one of the first to file a products liability suit against Merck for its drug Vioxx and Cartwright served on the Plaintiff’s Steering Committee for the case’s California coordinated actions.

Regardless of the size of the opposition or the number of clients involved, Cartwright is known for not pulling punches. “I’ve mediated about a dozen cases for Rob,” said Ken Gack of JAMS, “and part of my admiration for him is that he is just as zealous an advocate for small cases as big ones.”

Carrying the torch

A Bay Area native, Cartwright grew up attending all the major conventions with his father, who served as president of the American Trial Lawyers Association (now the American Association for Justice) and the California Trial Lawyers Association (now Consumer Attorneys of California). From age six, he missed only “maybe one or two” conventions, Cartwright recalled, and along the way made friends with “a great number” of second-generation lawyers-to-be from around the country, including Caesar Belli and George Choulos. “We would explore the hotels, find all the little back ways around the building, play in the elevators – just that sort of innocent mischief,” he said.

Not long after Cartwright graduated from Golden Gate University School of Law, as his law career was just starting to blossom, his father died from complications during an angioplasty procedure.

“I’d been practicing for about three years,” Cartwright recalled. “It was rather sudden and unexpected.”

The junior Cartwright found himself trying to fill some pretty big shoes. Keeping foremost in his mind his father’s legacy as a hard-working, determined advocate, he did so with aplomb. “He was a tremendous influence – extremely honest,” Cartwright said of his dad. “He loved people. He was fascinated by people and their problems. And he was extremely dedicated to getting justice for his clients. Ultimately, he was more interested in doing a good job than making money.”

Cartwright had the privilege of trying a few cases with his father, calling it “a tremendous learning experience for a young lawyer.” Does he see himself emulating his father? “Definitely,” he said. “I probably could have made more money. But part of what I learned from my dad was that causes are more important – they’re what make it all worthwhile. Causes may not be profitable but they’re very fulfilling.”

Like his father, Cartwright is a past CAOC president (2001-02) and serves on the boards for the AAJ, CAOC and the San Francisco Trial Lawyers Association. His efforts for consumer rights have been well-documented. “He has a capacity to do work on a lot of different things at the same time,” said Wyle, who has traveled out of state with Cartwright on consumer fundraising campaigns. “He has a lot of personal charm and credibility – he’s very likeable. Again, he makes it look easy, but he works his ass off to make it look that way.”

Cartwright believes making time for professional development is a crucial part of the law business. “I can’t imagine how most practitioners continue to grow without being involved in organizations,” he said. “You put a lot into these organizations but you get a lot out – at least as much as you put in.”

“Take my advice ...”

Cartwright said he’s been asked for advice from many a law student or young lawyer, and he almost always opens with how competitive the field is for those looking to work for a big firm in the big city. Then he offers this: “Get your foot in the door – offer to work for free one or two days a week. Once you’re there, get to know the people, and then over time, make yourself indispensable.”

One young attorney, David Yen, took the advice to heart. “Not long after I talked to David, he called me up and asked, ‘Can I come in one day a week – for free?’ Now he’s an associate.”

That said, Cartwright has shown through the years that he doesn’t subscribe to an all-work, no-play philosophy. Once very active as a runner, mountain climber and race car driver, the 53-year-old has been forced to slow down a bit outside the office, although he still rides motorcycles, hikes and occasionally skis. He also recently dusted off his drum set, saying he’s thinking seriously of joining a workshop that eventually will lead to weekend gigs.

Back at the office, Cartwright has compiled a stellar resume and yet feels there’s much more ahead. Retirement hadn’t even entered his mind. “My thinking is I’m just hitting my prime, the next 10 to 15 years,” he said. “I hope to keep working as long as I can get around. You hear about many lawyers who work up until their last day – they feel that when you retire you go to the elephant graveyard. I don’t know if that’ll be me, but I hope to always have a finger in it and stay stimulated.”



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