



Robert Allard

Santa Clara trial lawyer believes “it’s not about winning awards, it’s about helping others get back on their feet.”

BY STEPHEN ELLISON

It’s an all too common tale in the law profession: “Son follows in father’s footsteps to forge his own successful practice and career.” But B. Robert Allard hasn’t exactly trudged the same path cut by his well-known dad, Bernie Allard.

Still, the comparisons are made, and the younger Allard, who is actually a third-generation attorney, doesn’t seem to mind so much. “Without question I inherited some qualities from my father, but for the most part, we are different people with distinct personalities and philosophies,” he said. “This is due in large part to the fact that my parents divorced when I was very young, and I was basically raised by my mother although my father was always around and had considerable influence on me.”

Bernie Allard, in his heyday, worked as a defense attorney for high-profile corporations such as Ford Motor Co., Southern Pacific Railroad and Aetna Insurance Co. He was known for his aggressive style and win-at-all-costs approach, which, according to one close friend, was indicative not only of his personality but also of the way things were done in his day.

“I loved Bernie Allard like a brother,” said Jim McManis, a partner with San Jose-based McManis Faulkner, “but he was a wild man. He would be all over the courtroom; you never knew what he was going to do next. But that worked for him. It’s one of those things that’s part of that bygone era.”

Robert agrees that there’s no disputing the success of his father’s style when



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you look at the trial results. It’s not, however, a technique today’s courts would readily endorse, nor does it suit the demeanor of the younger Allard, who characterizes his own approach as more reasoned and reserved. McManis de-

scribes it as controlled and smooth.

“My style is more akin to Robert Popelka, my godfather and my father’s partner for over 40 years,” Allard explains. “Bob Popelka was a fascinating man. I was raised around a lot of lawyers, but I learned from Bob that (being a lawyer) was a great way to help people.”

Carving his own path

Helping others, indeed, became Allard’s mission from the day he graduated from University of San Francisco law school and began working for Popelka Allard. At the time, the firm was undergoing a transition to personal injury practice. “There was big change in the ‘90s with insurance defense work drying up,” Allard explains. “Popelka Allard was a stalwart defense firm in the region, so with the changes, it splintered off into four or five other firms.”

Allard began blazing his own distinctive trail and building quite a reputation around the South Bay law community. Colleagues, opponents and judges alike couldn’t help but be impressed with the next-generation Allard. Tyler Draa, a defense attorney for the Hinshaw Law Firm

of Saratoga, was pleasantly surprised the first time he faced Allard in court.

“I noticed that, unlike usual first-time attorneys, he was quite polished, so it was obvious he was a quick study,” Draa says. “He was unflappable and very interested in the welfare of his client. That made it difficult for me to be irritated with him, as I am with many of my opponents.”

In 2006, Allard would team with another of his father’s pupils, Tim McMahon, as well as a top personal injury litigator in Brad Corsiglia, to found the present firm of Corsiglia McMahon & Allard (CMA). Allard’s exceptional courtroom savvy has been well documented, as he was named Santa Clara County Trial Lawyers Association’s Trial Lawyer of the Year twice in a three-year span (2007, 2009). Four times last year he won verdicts in excess of \$1 million.

“He tries cases, which his dad did when it wasn’t all that uncommon,” McManis says. “These days, there aren’t many cases going to trial. Not only does he try cases, he wins them. He’s a hard worker, very personable, and I imagine jurors really like him for those qualities. He’s a real credit to the trial bar.”

Adds Draa: “He definitely caught my attention. He’s an adversary I always look forward to having because he’s the consummate pro.”

Determined advocate

Of those million-dollar verdicts in 2009, Allard was most touched by the case he won for Shaun Egbert, a public school employee who suffered major injuries in a high-speed, head-on collision



while on the job. The driver at fault had limited liability insurance, and even though the school district contributed to a reserve fund for just such instances, it denied Egbert any benefits. "This poor woman. After all the surgeries to repair her injuries and all the hospital time, not to mention her inability to work and earn an income, then she has to go through this," Allard said of the case.

Because the fund managers contended that Egbert's incident did not fall under the parameters of its coverage, she was forced to hire an insurance coverage expert in conjunction with an arbitration to interpret the fund's literature. The arbitrator ruled in favor of Egbert. The fund managers then insisted Egbert was not entitled to compensatory damages, which led to another arbitration before retired Santa Clara County Superior Court Judge John Flaherty of JAMS. After two days of hearings, Flaherty rejected the fund's argument that only past medical expenses could be recovered. He awarded Egbert \$2.056 million (*Shaun Egbert v. Nor Cal ReLiEF*, JAMS #1110011923).

"We got \$2 million against zero offered," Allard said. "What was most satisfying to me was we didn't quit – we were persistent. We did what we had to do to get her the compensation she deserved."

An advocate for the community

Beyond the victories and the million-dollar awards, Allard sees himself as a true advocate for the community by making it safer and more secure. Two recent cases his firm initiated speak volumes in that regard.

The first involved a man who was shot to death in a Bank of the West parking lot shortly after withdrawing money from the ATM (*Hosseini v. Bank of the West*). Police records showed an inordinate number of robberies at that location, a sure sign adequate security did not exist. "The bank, to its credit, shortly after this incident implemented several security measures, both companywide and at the

subject San Jose location," Allard said. "Consequently, the number of robberies has decreased significantly, and therefore the safety of both bank employees and patrons has been greatly enhanced."

More recently, Allard has been handling a matter involving a minor child who had been molested on more than 100 occasions by her swim coach (*Jane Doe v. U.S. Swim*). The coach, Andrew King, has in fact pleaded guilty to criminal molestation charges and was due to be sentenced Jan. 29. King had been molesting young female swimmers since the mid 1980s, carrying on sexual relationships and even impregnating one, Allard said. "As a result of (our) lawsuit, the relevant swim entities have implemented strict guidelines which must be followed whenever a coach is hired and his or her performance reviewed," he said. "Hopefully, with these guidelines in place, no child will ever be subjected to this kind of abuse again."

Personal battle

In 2008, while Allard was fighting so diligently on behalf of his clients, he undertook a battle all his own: prostate cancer. His father and three of his uncles had been stricken with the illness, so Allard, while visiting his doctor for a routine physical, inquired about a screening. His physician essentially said he was too young to worry about it. But Allard, 38 at the time, insisted. "The next day, I get a call from my doctor, and he tells me to come in immediately, there are some irregularities," he recalled. Allard was referred to a specialist, who told him he had "an aggressive cancer" in his prostate. "The good news was it was discovered early enough that (the cancer) hadn't spread – it was isolated to the prostate," Allard said.

In June 2008, Allard had his prostate removed, and thus far, there have been no signs of the cancer returning. The experience inspired him to spread the word that men should get tested at an earlier

age. He told his story to the American Cancer Society, which currently recommends that at-risk men begin testing at age 45. He wants the ACS to change its literature. "It's not an old man's disease like most people think," said Allard, who recently launched two Web sites – www.increasecancerawareness.com and www.increasecancerscreening.com – to help spread his message. "I'm 40 now, and I'll live to see my kids graduate high school. If I did not go in to have that test, it would have been a very hard situation.

"There was definitely an angel on my shoulder that day," he said of asking the doctor for the test. "I'd be sitting here talking to you now without knowing I have cancer."

Family man

Perhaps the only thing more important to Allard than representing clients is being there for his family. With four young children at home, time away from the office is time with them, whether it's at a church function, coaching flag football or simply helping with school work, he said.

Even while on the job, Allard recently gave a family member – his law-student niece – some of his time, as well as some words of advice, while she sat with him during a successful trial. "She saw (my client's) reaction when that case came down, saw the impact it had on him," Allard said, "so, I told her don't go punch a clock and make as much money as possible – go make a difference.

"The beautiful thing about representing people," he continued, "is you can directly impact someone's life. It sounds like a party line, but it's true – it's not about winning awards, it's about helping others get back on their feet."



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