



## Profile: William Berg

*Sole practitioner, shrewd businessman and public servant advises lawyers to figure out what area of law they like in order to be successful*

BY STEPHEN ELLISON

The evidence is clear on William Berg: He's not afraid of taking risks. This is a man who, upon graduating from college, took a solo trip around the world, carrying nothing but a backpack and sleeping bag. He's a man who early in his career walked away from a sky-is-the-limit large firm to go it alone and start his own practice. He's gone out on a limb by employing marketing strategies most lawyers consider voodoo. He's even undermined his own business in the name of public service.

Berg attributes his success to a couple of age-old, basic business practices: showing up for work every day and re-investing in his firm, Berg Injury Lawyers. "After law school, I went to work for a large firm in San Francisco defending insurance companies," Berg recalled. "That wasn't a whole lot of fun. I wanted to represent individuals. So, I left there and put up a shingle in Oakland, and I basically took anything that walked through the door.

"When I first started out, I did everything myself," continued Berg, whose firm currently has offices in Alameda, Sacramento, Modesto and Fresno. "Today, we have 11 lawyers – and looking to hire two more – with about 75 staff. It's a fairly large operation. In fact, I believe I'm the largest personal injury sole practitioner in Northern California."

At first, Berg represented both personal injury and criminal defense clients. But after about five years, he phased out the criminal defense portion because "the money was horrible," he said. He took



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about 20 cases to trial until turning his focus on the administrative side of the business. "I haven't tried a case in 15 years, and I'll probably never try another case," he said. "I'm still involved in brainstorming cases – discussing strategies and

those sorts of things – for most of the cases at the firm.

"Even though I personally haven't tried a case in a long time, the firm goes to trial about once a week," he added.

### Global path to civil law

A history buff, Berg grew up in the 1960s and became enthralled with the civil rights and anti-war movements that marked the era. Both battles were ultimately fought out in the courts, Berg said, and thus his interest in the legal process took root.

He attended UC Berkeley in the early 1970s and earned a bachelor's degree in criminology. Eventually he would attend the University of San Francisco School of Law – mainly because it had an accredited evening program – but not before he set out on the backpacking trip of a lifetime: a trek around the world.

"I once went through Khyber Pass on the border of Pakistan and Afghanistan – that was around early 1976," Berg recalled. "I was one of the last tourists to go through there, because it wasn't long after that when Russia invaded. And that region has been at war ever since."

Once back home, Berg went on to complete his juris doctorate at USF, clerking with the Alameda County District Attorney's office on the way. He was admitted to the bar in 1980 and soon went to work for San Francisco-based Long & Levit. But it took him less than a year there to realize defending insurance companies was not for him. He started his own firm in 1981 and never looked back.

"It's right for some people, not for others," Berg said of being a sole practitioner. "I enjoy it – there's a whole different set of pressures. Obviously, you have to worry about paying the rent. If I had (college) to do over again, I would probably study business. But I enjoy what I do – I enjoy coming to work every day, and I think that's very important in our line of work."

Fellow sole practitioner Steven Choi of Oakland credits Berg for pushing him towards personal injury law. The two shared office space during the mid- to late 1980s, when both of them were fairly green. "It was just him and me and one secretary," Choi said. "We did that for about three or four years. Then we expanded the office, and finally Bill's firm got so big that he had to move out, and I took over the office.

"I kind of feel like I learned the personal injury ropes from him – and a lot of the business side of practicing law," Choi continued. "I don't think he has a peer when it comes to the business side of the practice."

Although Berg is lauded now for his business savvy, he had his moments as a trial lawyer. Perhaps his most notable ac-



complishment in the courts came in 1992, when he helped change California law with *Mexicali Rose v. Superior Court* (1992) 1 Cal.4th 617. The case involved a client who choked on a chicken bone while eating chicken enchiladas at a restaurant. At the time, restaurants and other food preparers were not held liable if customers were harmed by natural substances in food. It was a 55-year-old law, but it didn't stop Berg from taking his case to the state Supreme Court.

"We were able to persuade the court to change the law," he said. "Now, if you can prove that the preparer of the food was negligent, they can be sued."

### Commercial business

Berg continued his risk-taking ways in the 1990s by implementing what he dubbed "modern marketing techniques." He started doing TV ads in 1995, and today he claims to be the largest TV advertiser among lawyers in Northern California. But it's not without controversy.

"A lot of lawyers don't like TV advertisers – it's sort of frowned upon throughout the legal community," Berg said, "but studies show that consumers don't really care.

"It's about competition," he continued. "Many lawyers think they're competing with other lawyers. I disagree. Our competition is the insurance industry – they are getting to injured victims, giving them a few bucks and getting them to sign a release. And they're kicking our ass."

Berg shrugged off the common "ambulance chaser" label and pointed to facts

regarding lawyers and TV advertising. According to Berg, studies show that an injured person gets three times the compensation when enlisting a lawyer rather than accepting an insurance settlement. Another study he referenced showed the effectiveness of TV ads: The average dollar amount spent on legal advice in Las Vegas and Memphis – cities with highest ratio of lawyers' ads – is about \$12. The average in Northern California is about 68 cents, he said.

Berg had still another positive take on TV advertising: It's a way of advising consumers of their rights. "The most fascinating thing I've learned regarding the contingency-fee model is many lawyers make the mistake of assuming everyone knows about it," Berg said. "To this day, even after all the advertising, I still get at least one or two e-mails a month from potential clients asking, 'How much is this going to cost me?' TV ads educate people. They tell consumers that the contingency fee basically hands them the keys to the courthouse."

### Public servant

Choi has always been impressed with Berg's business sense, saying, "He doesn't let his emotions get in the way of decision-making, which is something I often do. So I've always admired him for that." But as shrewd a lawyer and businessman as he is, Berg also displays a good sense for public service, regardless of the cost.

For the past five years, he has sponsored the Safe and Sober Free Ride Home, a program that offers free cab

rides four times a year – St. Patrick's Day, Cinco de Mayo, Halloween and New Year's Eve – to persons too intoxicated to drive in the cities of San Francisco, Oakland, Berkeley and Alameda. To date, Berg has covered the cost of more than 5,000 cab rides. "All they have to do is tell (the cab company) to send the bill to Berg Injury Lawyers," he said. "I don't know if we've saved any lives, but we've definitely gotten some drunk drivers off the road."

Along the same lines of public service, Berg takes part in the Lawyers at the Library program in Alameda County. The first Wednesday of each month, a lawyer shows up at a given library and provides answers to legal questions free of charge. "So people basically get free legal information," Berg said. "It's a program I've participated in for about 20 years on a rotating schedule."

For advice on the profession, Berg maintains common-sense mode. "Figure out what area of law you enjoy working in – and then do whatever it takes to make it happen," he said. "I started out at a big firm that was offering a lot of money. But I didn't enjoy the work. Figure out what area you're best at, because when you're good at something, you'll enjoy it all the more. It's the only way to go."



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