



# Profile: William B. Smith

*Forty-year veteran embraces new technology, urges a return to civility and remains passionate about the law*

BY STEPHEN ELLISON

Middle-aged professionals seasoned in traditional work practices often are apprehensive – even downright resistant – when new technology is introduced in their field. Credit William B. Smith for being an exception.

One might even say Smith, who has practiced law for 40 years and is a partner with San Francisco-based Abramson Smith Waldsmith, experienced a renewed enthusiasm for his work when he and his colleagues became some of the first to utilize an electronic and computer-based approach to presenting cases.

“We’ve changed the way cases are being tried. We’re one of the leaders in that area here in California,” Smith said. “And it’s made a huge difference in our cases and in my interest in what I do because we can present three or four times as much evidence in the same amount of time, or shorter, in a jury trial. It’s exciting because, basically, anything you can imagine, you probably can do, or you can show.”

“And with today’s jurors,” he added, “they’re younger, they go home and watch CNN, they see people playing with their screens all day long, and then they go to a jury trial, and you’re just talking to them – they’re going to fall asleep. So you have to adjust your approach; you have to make it fast-paced, make it visual and make it short. That’s what we’ve done.”

And that, Smith proclaimed, is what wins. His firm handles many traumatic brain and spinal-cord-injury cases – complicated cases in which the afflictions and their effects on the victims are difficult to explain with mere words. To help, the firm produces computerized animations of injuries as well as videos chronicling daily interactions between victims and



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their families. These tools, Smith said, present a more vivid and human view of his clients’ suffering. “Especially with brain injuries, people look to be OK,” he said. “Once their skulls are put

back together, they look fine. But they don’t act fine. We have to be able to show – just telling people isn’t enough – you have to show these people in their environment not acting and reacting properly.

“So the challenge is how do you explain that to a jury, how do you show that to a jury?,” Smith added. “We’ve found a better way to do that. And I love those cases for that reason.”

## The lure of the law

Smith said he had designs on being a lawyer from the time he first learned to read. He also took an early interest in politics, perhaps influenced by Robert “Fighting Bob” La Follette, a distant relative who served as Wisconsin governor and U.S. senator early in the 20th century and ran for president in 1924.

Law, Smith figured, was a way to sate those political cravings, and so he was programmed early to aim for law school. “Sure, I thought about other things, but law school was always number one,” he said. “There was a time when I thought maybe I’d be an architect. But what I do now isn’t far off from that – I design cases rather than buildings. I get a thrill out of designing a case as a plaintiff’s lawyer – and planning it and making it come true.”

Smith earned his bachelor’s degree from Tulane University in New Orleans

before heading west to attend Hastings. Though he initially considered becoming a corporate lawyer, he soon realized he wanted to represent people. While in law school, he helped usher in a new program called National College of Advocacy. He was the program’s student director when it debuted at Hastings, and for him, it was the ultimate introduction to trial law.

“I got to see all the great trial lawyers from the ‘70s perform,” Smith said.

One of those “all-star” trial attorneys was Albert Abramson, who would become Smith’s first boss and mentor – and then a colleague for the next four decades.

Since joining the Abramson firm in the mid-1970s, Smith has tried more than 35 cases to verdict “and settled many more during trial on the courthouse steps,” he said. Colleagues and adversaries alike marvel not only at his skills as a trial lawyer but also at the intangibles he brings to the job.

“He’s tireless, creative, smart, just the whole package,” said Mike Ney, a Walnut Creek-based defense attorney who opposed Smith in a burn case related to the 1990 Oakland Hills fire. “I’ve never seen anyone with the energy level that Bill has.”

Ney also spoke to Smith’s character as something that sets him apart from most other plaintiffs’ attorneys. “He doesn’t alienate anyone. And he doesn’t try to force himself on people,” Ney said. “He doesn’t try to intimidate like some lawyers try to do. That says a lot about what kind of person he is.”

Plaintiffs’ attorney Noël Ferris, who met Smith through various professional organizations, said if she were a plaintiff, Smith is the person she would want to represent her. “He’s extremely vital, filled with energy,” said Ferris, a sole practitioner based in Sacramento. “He’s



very inventive and creative and he devotes himself fully to his cases.”

Indeed, Smith prepares every case as if it's going to trial, regardless of the magnitude or circumstances. Such a commitment, he said, means conducting a thorough investigation, obtaining the very best experts, spending the time and money necessary – and being aggressive.

“If the case settles along the way, that's great,” he said, “but the first and foremost goal is to develop the case for jury trial and be prepared to try that case. We're not settlement lawyers, we're trial lawyers.”

### Advocate for change

Once in trial, says Smith, the objective becomes twofold: Make sure his client is properly compensated and achieve some sort of change for the good of society, whether it applies to the law or to the policies of the defendant. “You want to make social change,” he said, “so that this type of behavior that you're going to trial about doesn't happen again.”

In one such 2003 case, Smith represented a UC Davis diver who was rendered a quadriplegic after an accident at a city-operated pool in Walnut Creek. The city rented the dive pool to the diving team and a synchronized swimming team to share during the same time frame without providing a means for separating the two. As he was starting a dive from a three-meter board, Smith's client did not see one of the swimmers enter his landing area. He struck the swimmer head first.

Smith sued the city, the case went to trial, and the result was a \$28 million verdict, believed to be the highest single jury award in Contra Costa County to date. “That was our first big electronic trial,” Smith said, “and the jurors just ate it up.”

More important, the case brought a change: The city began requiring the use of floating lanes at the pool when separate activities were taking place simultaneously.

Smith's firm has developed a knack for trying and winning sports and

recreation-related cases, which can be challenging and risky, he said. “What's happening is these sports-minded entrepreneurs are having everyone sign a release, which often contains very scary language, so people don't do anything about it,” he explained. “But you can beat a release – easily if you have the right approach. And then, of course, you have to have primary assumption of risk as well.”

“They're very expensive and time-consuming,” Smith added, “but I love them.”

### Civility, politics and more

After 40 years, Smith's passion for the law hasn't waned one bit. As president of the San Francisco chapter of the American Board of Trial Advocates (ABOTA) and a member of the organization's national board, he has taken on a pet project called Civility Matters. The program involves a series of panels brought before law firms, bar associations and law schools.

“The goal is to bring civility back into the practice of law and to eradicate shark practice and unethical behavior,” Smith said. “There's no place for incivility in our dealings. The State Bar has civility rules, and we're trying to educate everybody on those rules in California.”

In addition to ABOTA, Smith is a member of the American College of Trial Lawyers, the International Academy of Trial Lawyers and the International Society of Barristers, all of which involve work that Smith not only enjoys but also takes very seriously.

“Bill is very conscious of promoting others in the profession,” said Ferris, whom Smith sponsored in the IATL. “He's a very generous man in many ways.”

Said Ney: “There aren't very many who have been [elected] members of all four of those organizations. And he's not just in them to hang a plaque on the wall.”

It's with those organizations that Smith also gets his political fix. And though he has no designs on entering politics, he said part of his job as a

plaintiff's lawyer is to keep abreast of the issues that affect his work.

“You have to be aware of what's going on politically because a lot of legislators would like to do away with lawyers who represent people,” Smith said. “They want to take away the people's right to hire lawyers at a reasonable fee, to take away their right to a jury trial and force people into arbitrations and compromise their rights. We believe in the Seventh amendment, and to preserve the Seventh amendment rights you've got to be vigilant with what's going on politically – and you need to support candidates that feel the same way you do.”

As dedicated as Smith is to his work and its supporting causes, he's not opposed to breaking away once in a while. He is an avid cyclist and gets out on the bike at every opportunity, including an annual trip to France that usually coincides with the world's premier cycling event, the Tour de France. “I spend all my time there riding my bike amongst the sunflowers – try to re-energize myself,” he said.

He also loves skiing and often takes his family up to the Tahoe region to hit the slopes.

Smith, however, isn't about to take a permanent break anytime soon. To this day, he approaches work with a youthful zeal, a practice-what-you-preach method if there ever was one.

“Make sure you take time to experiment in the different areas of law to find out what you love,” Smith professed as his one piece of advice, “because you have to approach law with a passion to be successful. The reward (for that success) is being able to look your client in the eye and know they are taken care of, to be able to give them a hug and say you're going to be all right. That's the goal. That's what allows us to sleep at night.”

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