



Profile: John McGuinn

Veteran employment attorney still going strong after five decades of practicing law

BY STEPHEN ELLISON

There's a practical side to John McGuinn that enables him to stare down even the most convoluted issues and make them clear. It's a trait that has served him well in his life and career and one that he believes is crucial to the success of any trial lawyer.

"The goal of the plaintiffs' attorney is to take a complicated set of facts and make it simple," said McGuinn, founding partner of San Francisco-based McGuinn, Hillsman & Palefsky. "I think you should list the five most important pieces of your case – the five things (evidence) that prove your case the most. The more you can focus on those, the stronger your case will be. It's almost like leading an army – you want to harness your energy, to break through enemy lines by focusing on their weakest point. If you spread your troops too thin, you're not going to win the battle."

McGuinn has used a similar mechanism – a straightforward process of elimination – to navigate his 50-plus years of practicing law. From choosing law school to working as a merchant seaman to immersing himself in his chosen profession, McGuinn has, for the most part, made sensible decisions that have paid off in the form of success and contentment.

Not to say his path has been easy or without blessings. "I look back on it and think how lucky I've been," McGuinn said, "to have been born with a pretty good head on my shoulders, to be relatively healthy, to have had a good environment, good parental guidance, to have had a good education and happened to pick a profession that, it turns out, I was really made for. I have just gotten so much fulfillment and satisfaction and reward from it."



McGuinn

As a result, McGuinn has been happy to reciprocate. He has served as president of the San Francisco Trial Lawyers Association, the San Francisco chapter of the American Board of Trial Advocates (ABOTA) and Cal ABOTA. He's also a member of the International Society of Barristers, the American College of Trial Lawyers and the American College of Employment Lawyers.

The decision to get more deeply involved in his profession was a no-brainer, he said. "You get exposure to people who are doing different things, that are doing things that excite you," McGuinn said. "Go to every single seminar, lecture, conference you can because they truly stimulate. You're going to always get something out of it. They sort of renew your juices. With that kind of exposure, you can't help but become a better lawyer and advocate."

Indeed, it's no secret how McGuinn has come to be one of the best and most respected attorneys, not just on the plaintiffs' bar, but throughout the entire legal community. During a recent employment case, his professional and personable approach did not go unnoticed by opposing counsel Melinda Riechert, who said she doesn't always have good things to say about her adversaries.

"Many plaintiffs' attorneys can be difficult to deal with, and then some are a pleasure to work with," said Riechert,

who practices out of the San Francisco office of Morgan Lewis. "That's not to say they aren't working diligently for their clients, but they do it in a respectful manner. John certainly practices that way. "These cases involve a lot of emotion, and it's often hard for the lawyers to put aside personal feelings," Riechert added. "John acted professionally and gentlemanly at all times, and we bonded well."

A flexible plan

As a college undergrad at UC Berkeley, McGuinn had a simple plan: "Initially, my criteria for the classes I took were which ones were the easiest."

His customary process of elimination led him first to follow his contemporaries in studying business, and his introduction to that field of study – a basic economics course – fell far short of inspiring. Then he discovered an area in which he thrived – one might say he found a calling. "I had to take Speech 1A, and I had a fantastic teacher who just excited me and kindled a flame," he said, "so I ended up switching my major from business to speech – they later renamed that major communications."

Upon graduation, McGuinn wasn't ready to leave Berkeley. He was destined for graduate school but, again, with a vague plan. He knew what he *didn't* want to do – doctor, dentist and engineer were out of the question – and he'd heard good things about studying law from friends and acquaintances at the gym. He applied to one law school: Boalt Hall on the UC campus.

"My rationale if I got accepted and went there was one semester is better than none, and two are better than one, and three are better than two," McGuinn said. "I didn't know. Lo and behold, I got accepted and loved it and did well."



Before starting law school, however, McGuinn needed a way to pay for it. So he set out on the high seas – sort of. He became a merchant seaman, helping discharge cargo on ships coming into San Francisco Bay. In those days – before the advent of container ships – break-bulk cargo ships would come into the Port of San Francisco, where crew members would get off and he and his shipmates would board. They would then take the ship on the “loop,” he said, across to Oakland, up to Stockton and Sacramento and back to Oakland before returning to San Francisco, where the three-to-four-day journey ended.

“I made quite a bit of money, and then I became a member of the union,” McGuinn recalled. “I basically put myself through law school in the summertime and during semester breaks.”

After his first year at Boalt, he got the thrill of a lifetime, landing a job in the nation’s capital as a law clerk with the Justice Department. At the time, John F. Kennedy was president, and Robert Kennedy was attorney general. “Bobby Kennedy made a point of meeting all the law clerks – they had a reception for all the summer clerks out on the lawn, and he came around and chatted with us, and he was a very engaging guy,” McGuinn recalled. “Here I am a 22-year-old kid on top of the world – JFK is president, Bobby Kennedy is my boss, and you really felt like you were doing terrific things. It was really an exciting time.”

Launching his own ship

Back down to Earth, McGuinn naturally gravitated toward maritime law,

borrowing on his merchant seaman experience. His first job was with Dorsey Redland’s firm in San Francisco, where he represented longshoremen in cases ranging from criminal defense to plaintiff worker’s compensation.

After about two-and-a-half years, McGuinn needed a broader challenge. With the help of a colleague at the Redland firm, McGuinn landed an interview with and a subsequent job offer from Bruce Walkup, one of the preeminent plaintiffs’ attorneys of the time. Walkup asked McGuinn when he could start, and McGuinn immediately said, “Tomorrow,” followed by, “If I tell Dorsey, she’s going to have a heart attack.” At that point, Walkup had a sudden change of heart and rescinded the offer. “But in hindsight, he did me a great favor,” McGuinn insisted. “I ultimately went with a guy named Mike Lewton, a sole practitioner.” Lewton set him up with an office, a secretary and a guaranteed \$600-a-month income through referrals. After about a year, Lewton made him a partner, and McGuinn was well on his way to building his own practice.

In 1984, McGuinn, along with Cliff Palefsky, brought a pivotal wrongful termination suit against IBM. Their client, an IBM manager, was fired for dating an employee of an IBM competitor. It turned out to be a landmark case, one that raised several questions about an employer’s power over an employee’s private life. McGuinn and Palefsky won, and the case essentially launched the employment side of the firm, McGuinn said. From that point, McGuinn officially became a full-time employment lawyer.

No stopping him now

Today, after trying more than 50 cases to jury verdict, McGuinn, 73, doesn’t even hint at the “R” word. “People don’t say anymore, ‘Are you retired?’ They say, ‘Are you still working?’ I say, ‘Yeah, I’m a lawyer.’ I really love what I’m doing, and as long as I’m doing it well, I’m going to keep doing it,” McGuinn said. “In many ways, I think I’m a better lawyer today than I was 20 years ago.”

When he’s not perfecting his trade, McGuinn stays active, riding horses or skiing in the Sierras with his wife, attorney Cynthia McGuinn. He also enjoys golf, riding his bike and keeping himself in shape.

After five decades in the profession, McGuinn still carries the same get-up-and-go attitude. “I look forward to going to work every day. It’s exciting. How many people can say that?” he said. “But the only way it happens – and it’s very easy – you don’t just sit back and wait for it to happen. You’ve got to put in the time and the effort. And when you do, it really does pay off.”



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