



# Profile: Jim Butler

## *Rebellious son of a plaintiffs' lawyer finds his own way into the profession*

BY STEPHEN ELLISON

Taking the traditional route to a law career may not have been in the cards for James G. Butler Jr. In the end, though, it seemed he had little choice but to play the hand he was dealt.

### **Rebel with a cause**

Like many young American men, Butler rebelled against his father, a plaintiffs' lawyer, and vowed not to tread the same career path. So his first area of study in college, indeed, was Indian classical bamboo flute music. But his musical inclinations didn't translate into a stable livelihood, and eventually he graduated from UC Berkeley with a degree in rhetoric.

Unsure of his next move – “What does one do with a degree in rhetoric?” he had asked himself – Butler sought advice from a college mentor. “He told me I should do what I believe in,” Butler recalled, “and I was skeptical. I said, ‘Like what?’ And he told me to go find an ad in the newspaper and give of yourself and build a better world.”

Butler offered himself up as a volunteer receptionist at the Legal Aid Society of Alameda County, and several years later, after working his way up through the ranks to paralegal and developing a penchant for litigation, he found himself contemplating law school – albeit reluctantly.

“As a paralegal, I did Social Security cases, and I had had a long streak of wins without losing a case,” Butler said. “So my boss said, ‘You gotta go to law school,’ and I said, ‘No, I don't want to do that because my father was a lawyer, and I don't want to be anything like my father.’ She said, ‘Well you like to help people, right? You could help more



Butler

people if you got a better education.”

Today, nearly three decades after that pivotal conversation, the founding partner of Butler Viadro in Oakland is

one of the best in the region at helping people. He specializes in workers' compensation cases and representing those injured in the workplace. But over the course of his career, he has worked plaintiffs' cases across the board – and, while it took him some time to fully understand the “why” and the “how” of his professional life, once he was in a position to help people who needed help, plaintiffs' law was a no-brainer.

“I gradually saw the light about the social importance and the political importance of helping people who had been seriously injured,” Butler explained, “and who had no recourse other than under a contingency fee to hire a lawyer who would be good enough to beat the moneyed interest that always represented the corporations.”

Much of Butler's caseload these days consists of representing union workers, who seek his help because they know he does simultaneous litigation: He handles the third-party case, the workers' compensation case, the Social Security case and the pension case, he explained, therefore making it a simpler and less-convoluted process for the

client. He's also fluent in Spanish, French and Italian, which can simplify communication with some clients.

As a trial lawyer and workplace injury specialist, Butler has been a prominent presence in professional organizations. He is the author of the “Injured Worker Survival Guide” (published annually from 1987 through 1995) and has been a member of the San Francisco Trial Lawyers Association board since 1997. He has served on SFTLA's Community Involvement Committee and Health Insurance Committees and is past chair of the organization's Third Party Work Place Injury Practice Group. He is currently board president of the California Applicants' Attorneys Association and serves as Third Party Issues Committee chair for that association as well.

“It gives me an opportunity to give back,” Butler said of his extensive professional involvement. “The law has been very generous to me; I've been very successful over the years, and as one grows conscious of the fact that one is part of a community of people, for me, the desire to lend my talents to organizations that are by, for and of the community becomes very important.”

### **More than just a job**

Born and raised in Compton, Butler grew up the namesake of a prominent attorney who handled the high-profile American thalidomide cases. Butler's father introduced him to some of the children who were born with limb deficiencies as a result of the drug, and that resonated with him – it still does to this day, he said.

As much as he rebelled against his father, Butler did have a desire to emulate him in at least one respect: helping



people. The volunteer position at Legal Aid turned into a paid secretary position, followed by a promotion to office manager, then a promotion to paralegal. When he started law school at night at the University of San Francisco, he also worked half-time at Legal Aid and half-time at the U.S. Attorney's Office, where he served as a clerk in the civil division. He described his position at Legal Aid as "the best job I ever had," but as a husband and father with a mortgage, he couldn't afford to keep it.

Upon graduating from law school and passing the bar, Butler was hired by The Veen Firm and quickly progressed to trial team leader. He spent the first 22 years of his career there and considers Bill Veen an important influence on his career. "I looked to him when I was perplexed and didn't know what to do," Butler recalled. "He has the uncanny ability to see what is important in a case and focus only on that."

After such a lengthy stay, leaving the Veen firm to start his own practice certainly was not an easy decision, and there were plenty of obstacles at the beginning, Butler said. But it was something he felt he had to do for the betterment of his career and his life. "There comes a point where you need to step away in order to continue your professional growth," he said. "For me, opening my own firm has been a key source of liberation and self-esteem. In retrospect, I'm happier about that decision and the wisdom of that decision than perhaps any other professional choice I've made."

Making wise choices is an important skill for any trial lawyer, Butler contends. He said when you decide to take a case to trial, you better believe strongly in that case even when its weaknesses are obvious and easy for the opponent to latch onto. Oftentimes, Butler said, he is able to see what aspects of his case will move a jury and get him through all the flak brought forth by the

defense. Then, he can just sell the justice of his cause.

"I think of Winston Churchill often when I'm going to trial," Butler said. "When the odds for England looked long in the face of the German onslaught on the continent, he said 'We will fight them on the beaches, we will fight them in the air, we will fight them on our seas, we will fight, we will fight, we will fight.' And that's how one has to be – relentless in the pursuit of justice and willing to fight for what you believe in."

### Perseverance pays off

Persistence also is crucial for trial lawyers, Butler said. It certainly paid off during a recently concluded catastrophic injury case in which he represented a construction worker who severely burned his arms after making contact with a high-voltage line. The man's employer changed the books to make it appear as though he was employed by another corporation, Butler said, thus invalidating the insurance coverage and indemnity agreements between the employer and the general contractor. The case dragged on for years until Butler and his cohorts tracked down the ex-wife of one of the principals of both corporations.

"She testified about the fraud and that her ex-husband had participated in it and talked to her about it while it was going on," Butler explained. "And using that, we were able to get ourselves back into the coverage under the insurance policy by showing (the worker's employer) was Corporation A and resolved his case for \$5 million."

Another case Butler took against long odds and turned around through perseverance involved a worker who fell through a plywood floor nine stories onto concrete – and he wasn't wearing a safety line. Originally, the employer contended either the man jumped or he wasn't at work. Butler was able to prove

those scenarios false and that his client was the victim of negligence. "So I got three things," he said. "I got him his workers' comp benefits, I proved liability against the contractor who had put the plywood in on the ninth floor, and I was able to prove liability on the part of the general contractor, who had supervised the placement of the plywood."

As hard as he works, Butler manages to find time to reboot himself every so often. In his leisure time, he enjoys swimming and surfing and, at any given time, he's immersed in one or more books. He also sets aside time every day to meditate, something he has practiced since 1991, he said. "I find that it's a wonderful relief from the tensions of practicing law," Butler said, adding that all of the activities in which he partakes "provide a feeling of peace and flexibility so that when I come back to my work, I'm refreshed."

Butler believes success alone in one's profession does not translate to a happy, fulfilling life, so he advises that young lawyers try to remember that day – or moment – when they first realized they wanted to pursue law. "I would tell them to listen to the voice that they heard in their head on their very first day of law school about what they would do in the law," Butler said. "Only if one does what one thinks is the most important thing, the right thing, does he have a chance at happiness. I can't tell you how many lawyers I know who work for insurance companies and really don't like the work they do – which can make them depressed, which can make them turn to drugs or alcohol. And as long as I have been doing this, I've followed my sense of justice, and in doing so, I feel sociologically and politically, like I'm doing the right thing – like I'm serving a function within a society that is important."

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