



Profile: Frank Pitre

*Be true to yourself, work hard, persevere
– and stay out of the fruit and vegetable business*

BY STEPHEN ELLISON

Parting ways with the family business isn't always optional, and for those who have a choice, it's hardly ever an easy one to make. Frank Pitre was fortunate enough to have options, and in the end, he made the most of them.

From the tender age of 11, Pitre was tasked with awaking at 1:30 in the morning to count zucchini for his father's produce service in South San Francisco. During this tedious work, he often found time to think about the future – and the one thing he always seemed sure about was zucchini would not be in the picture.

"When you sit there and look around and see all the people you're working with, and you see the back-breaking work they do and the grind they have every day, you ask yourself, 'Where am I headed? Where am I going?'" said Pitre, a name partner with Cotchett Pitre & McCarthy LLP in Burlingame. "I just saw a lot of stuff that made me really want to do something for people – I wanted to make a mark."

Indeed, Pitre as a youth felt a stinging need to become a person who stood for something, he explained, and ultimately he wanted to be remembered that way. "It's about character, about having a purpose in life," he said. "Like being able to say you accomplished things and made this world a better place."

High school civics and a mock trial

Aiming high was one thing, certainly, but how he would reach such heights still was not clear. Enter high school civics. In his senior year, Pitre experienced a re-birth of sorts as a student when he took the class that covered the three branches



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of U.S. government. The one he understood the least – the judiciary branch – essentially became his new favorite subject. He was learning about America's civil and criminal justice systems, and he couldn't get enough. The best part, he recalled, was the teacher had the class conduct mock trials.

"I got the assignment of playing a defense lawyer in a case where they were trying somebody for treason back in the early 1700s, and I got a flavor for what it was like to be able to argue on somebody's behalf, and I just loved it," Pitre recalled. "I loved the fact that somebody's fate was in your hands, and you would have the ability to do something for them to try to change their life."

"So that is what inspired me," he continued. "I said 'I can see myself doing this.' The combination of I'm not counting zucchini at 1:30 in the morning for the rest of my life and having that government class really kind of gave me my direction and made my mind up. I was going to law school."

Pitre parlayed that pivotal moment into a career spanning more than three decades, nearly 30 jury trials, a handful of high-profile cases and several prestigious honors, all with the same firm he started working at after passing the bar. He admits luck has been a factor in his

success, but he also attributed his accomplishments to three underlying characteristics: hard work, perseverance and being true to himself.

"In this day and age, if you want to be a success in the law, you have to work harder than people ever have. It's very tough," Pitre said. "It's tough to get a job, that's why you have to persevere. If you persevere and work hard, you're going to find the place you want to be and you're going to get to practice the law you want to practice. That's why you have to be true to yourself. ... I realize some people will take a job in law to get their foot in the door – they may take something that might not be the ideal job. But ... if it's not exactly the place you want to be, don't give up."

If one doesn't have the work ethic, however, things probably won't go as planned, Pitre said. "There are no easy solutions, no shortcuts, no book you can read that says 'here are the five keys to life,'" he said. "You just have to work hard. If things don't work out exactly the way you want, hang in there."

Law school and zucchini

Pitre was born in San Francisco and grew up first in the city and later on the Peninsula. He stayed close to home for college, attending the University of San Francisco, where he graduated with a degree in business administration. He had little to no exposure to the law as a youth – until, of course, that eye-opening civics course. His grades and study habits in high school left much to be desired, he admitted, and no one in his family was in a position to offer him advice about college, let alone a career. He would be on his own in trying to accomplish his mission of becoming a lawyer.



“I had my mind set on it. So when I started at USF, I buckled down,” Pitre said. “All I did, literally, was work in the morning at the produce market two days a week and went to school three days a week. That’s all I did. I just became the most focused son of a bitch you’ve ever seen.”

And all he did was finish his undergrad studies with a 3.77 grade point average. Pitre stayed at USF for law school and was determined to become a trial lawyer. Then, during his second year, crisis hit the Pitre family – his dad suffered a stroke. Pitre had little choice but to take leave from law school and assume leadership of the family business, not knowing when – or if – he would ever return to chasing his dream.

“I thought to myself, ‘The place I didn’t want to be, the produce market, is where I might end up for the rest of my life if my dad doesn’t make it.’ You know, because it was the sole source of income for my family.” Fortunately, his father recovered – as did Pitre’s quest. “It was a defining moment in my life.”

Trying cases for Joe Cotchett

Upon graduating from law school, Pitre started asking around about which firms would allow him to try cases right away. Someone told him about a lawyer with a small firm in San Mateo by the name of Joe Cotchett, who had been handling the Oakland Raiders’ suit against the National Football League in the team’s quest to move to Los Angeles. Pitre was told the Cotchett firm tried a lot of cases and was looking for young lawyers who were willing to work hard. He interviewed on a Saturday, he recalled, and was hired the following Wednesday.

“At that time, I was the firm’s sixth lawyer, so there were lots of opportunities to do everything,” Pitre said. “So you argued motions, you took depositions, you handled cases start to finish, and you tried them. And what I used to do was go around and ask people which cases were their biggest problems that they didn’t want to handle – ‘What case is barking at you when you open up the drawer?’ I wanted that case because I knew that case would go to trial.”

Pitre cut his teeth on some small but tough cases and got his “rear end kicked.” It was the best learning experience he could have had, he said. Within a year and a half of starting with Cotchett, he had enough experience and know-how in the courtroom to give him the confidence to proceed with bigger and more complicated cases.

In fact, Pitre went on to handle some of the biggest cases in the state on both the defense and plaintiffs’ sides of the bar. Most recently, he has served as plaintiffs’ liaison counsel on behalf of passengers of Asiana Airlines Flight 214, which crashed at San Francisco International Airport in July 2013. The cases are pending in U.S. District Court. He’s also serving as co-lead counsel in a shareholder derivative action against members of PG&E’s board of directors related to the utility’s compliance with safety regulations leading up to the deadly explosion and fire in San Bruno in September 2010.

CAOC Attorney of the Year

In November 2013, Pitre was honored by the CAOC as Consumer Attorney of the Year for his efforts in coordinating, prosecuting and resolving more than 200 claims against PG&E in the San Bruno disaster. “Being able to prove PG&E’s conduct raised clear and convincing evidence of malice, fraud and oppression – and to be able to help out families in the neighborhood where you grew up ... I look back and say, ‘How lucky can I be?’

“The firm has given me such enormous opportunities,” he added. “I’ve been able to try cases ... not only injury and wrongful death, but antitrust, product liability, air crash ... business fraud, shareholder disputes, defamation cases. I’ve been blessed to have a number of opportunities to do what I really wanted to do – try a lot of cases in a variety of contexts.”

Building a plan to win the case

Despite his diverse caseload, Pitre likened his trial approach to blocking and tackling in football – the fundamentals are always the same, he said. First, he focuses on a theme – what the case is about. Once he has refined that, he tests it on other

people using focus groups, where sometimes you might find it’s not the right message and needs to be changed, he said.

When the message is clear, Pitre goes to work on the story – and in doing so, he begins at the end, he said, thinking first about his closing argument, then his jury instructions and how the story fits into each aspect. From there, he goes back to develop his opening statement. “Then I’ve got my bookends,” he said. He then takes a good hard look at what evidence is bad for him, what evidence is good, what legal issues he has, and then he returns to his jury instructions to figure out if there are any holes, he said. Finally, when all those elements are in place, Pitre puts together his witness list and determines how that will unfold.

The whole process, he said, is contingent upon preparation. “You’ve got to be prepared...” Pitre said. “You’ve got to know what your witnesses are going to say, what your legal issues are. You’ve got to know the legal requirements you have to satisfy to get your evidence in. And you’ve got to know what to do to make sure this record is bulletproof on appeal.”

The appeal process is something he learned the hard way: “You can work your rear end off and put it all together (in the courtroom), but if you haven’t done a good legal analysis and covered yourself, the court of appeals can take it all away.”

Sunday dinner is Italian

During his precious time away from work, Pitre enjoys spending time with his wife and three adult daughters. To this day, his family gathers at his mother’s house for Sunday dinner. He also enjoys traveling, especially back to his roots in Sicily, where his grandfather also parted from the family business of harvesting lemons, came to the U.S. and made a life for himself.

You cannot do it by yourself

Otherwise, Pitre looks forward to spending time with his second family – at the office.

“I feel like I have been living a dream. I have to pinch myself every once in a while



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to think about how blessed I've been to work with the people I work with," he said. "These guys bring their A-game every day, so you can imagine the energy you have when you walk into that office. Every day somebody is doing something that's not just making headlines, it's changing the way we as a society are conducting business."

And it truly does take a village, Pitre said.

"No lawyer can do what they do by themselves. Whatever success Joe or I or Niall (McCarthy) or anyone in this office has had, it's a byproduct of the fact that we have great people that we work with who are equally committed to our civil justice

system and to representing clients. That to me is the key to success."

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