



APRIL 2015

Profile: Christopher Keane

Product of Motown builds a niche practice focused on injured and abused children

By STEPHEN ELLISON

As a relative newcomer to the Bay Area, Christopher Keane has wasted little time making a name for himself in the region's tight-knit plaintiff-law community. For years, he had maintained a reputable practice in his hometown of Detroit, taking the baton passed from his father and colleagues in the family business. And when the time came to build his own plaintiffs' practice here in Northern California, Keane never lost his stride – and even broke away with his own niche firm.

The Keane Law Firm, based in San Francisco, indeed, is one of the area's only practices focused almost exclusively on protecting the rights of children and representing children who have been injured, abused or are deceased. For Keane, it began as a challenge at his father's firm in Detroit – to take on plaintiffs' cases his dad usually handed over to other lawyers around town.

"Dad was a pretty big fish in a small pond in Detroit, which is kind of a parochial place – there's lot of word of mouth there," Keane explained. "He would get a lot of bigger plaintiff cases, and that really wasn't what he did. He would refer them to his friends. So I, in essence, talked him into letting me run them up the flagpole. I would gravitate toward the bigger challenges ... and I got tossed in the fire really right away. I had more guts than sense, and I tried my first case probably within a few weeks of passing the bar. I ended up trying maybe 20 cases back in Michigan in the first 10 years I had been practicing – just whatever came up; I would do it."

One of those cases turned out to be a shaken-baby case referred to him by a colleague working in juvenile dependency law in the same Dearborn, Michigan building. Keane was not familiar with this type of case, where an infant had been abused or neglected, and a mandated reporter failed to notify authorities. It was his first exposure to the child advocacy area, and it essentially opened up a whole new world – or at least a genuine purpose – for him within the confines of his law career.

"At that point my dad had passed away, and I was looking for things I like to do that had meaning to them," Keane said. "And I figured out that these kids (shaken-baby cases) had significant ... pretty traumatic brain injuries. Also, it involved social justice issues related to child-abuse prevention. So that's how I got into it."

Today, Keane not only is credited with attaining multiple six- and seven-figure awards in cases protecting children's rights, but he also extends his expertise beyond the courts by serving on the board of the San Francisco Child Abuse Prevention Center, as well as other community advocacy organizations.



The Keane family

A learning process

For Keane, achieving such success has been a process: For years after he graduated from Wayne State Law School in Detroit, he remained a student of law, attending bar conferences, watching his predecessors in court and learning what will fly and what won't, especially in areas such as jury selection and storytelling.

"You eventually figure out as or before you're learning those things that some of what you've been doing just wouldn't work," Keane said. "There are explanations for why you get verdicts against you, and eventually you're going to find out where the weak link is – either personally in how you're telling your story or usually about the time you end up in trial anyway – a lot of the people on the other side of the case are seeing it totally differently. It's like going into a casino; usually the house doesn't lose money. Me, I was just happy to lace them up and get in there."

Keane even took a stab at criminal defense, helping a friend try a case in Detroit, just to feel what it's like to be second chair, he said. And he was fine with it right up to the point where his buddy got threatened by the gang members involved and ended up in the hospital. Keane said he had to tell the criminal judge he had absolutely no interest in taking over the case – and at that point, he said, his foray into criminal defense ended.

In the beginning, Keane got most of his cases through referrals and was happy to take them all, including a lot of medical malpractice suits that made far more economic sense when he was in Michigan, where they are not burdened with MICRA. Over the years, in line with his learning-by-doing approach, he became more selective, using mock trials with focus groups to



APRIL 2015

determine how a case is likely to unfold in trial. Eventually, he said, he developed a sense for a case's trial-worthiness. Beyond that, he said, it's all about the attorney's worthiness.

"You really have to believe in what you're doing – I think people can sense insincerity," Keane said. "Also, you're taking up people's time ... and if you're there over something silly or you're just overreaching, it's been my experience people aren't going to find that very credible. It's about how you present your case. You can have a small case and still be credible about it."

At times, Keane said, his personal experiences with his own kids may trump how he sees a case as opposed to how others see it: "Sometimes I catch myself and think, 'I don't think I can say that with sincerity.' I'm also a parent, and you get a little bit of experience taking care of kids, seeing things that can go wrong, how they can get hurt. Once you get that kind of personal sample coupled with your forensic work, you get a pretty good idea whether you believe it. In those situations, I literally don't care if the defense doesn't see it. I never let someone else tell me what I think about my case."

From Motown to the Golden Gate

Keane grew up in Detroit and went to the University of Michigan, Ann Arbor, with designs on becoming a doctor. When he didn't fare so well in his freshman chemistry class, his dad suggested he give law school a try instead. Keane spent part of his college years in the University of London's Hansard Scholars Parliamentary Program. After he graduated from Michigan, he attended law school at nearby Wayne State.

Upon passing the bar, Keane started working at his dad's practice, which was one of the first commercial surrogate parenting practices back in the 1970's. His father eventually opened an office in the Bay Area. After his dad passed away, Keane's mother stayed out here, leaving Keane on his own back home. "I was left

holding down the fort in Michigan," Keane said. "I ended up marrying my brother's roommate in Manhattan, and she didn't think Michigan was quite as much fun as I did. So we had to pick either New York or San Francisco, and we chose here."

That first shaken-baby case Keane picked up in Detroit struck a nerve. It involved a health-care provider who observed an infant's injury and knew it was suspicious, in the sense that it was an inflicted injury on a child who was not ambulatory, Keane recalled. Basically, the health-care provider, a mandated reporter, bought the caregiver's explanation for the injury and didn't report the abuse, he said. The child ended up with a later-inflicted, much more significant injury in the form of brain damage.

When he came out to California, Keane sought more of those cases, even as most of his contemporaries were generally avoiding them. "I find that most plaintiffs' lawyers – probably because it's difficult to prove these cases and difficult to figure out where the compensation is going to come from – turn these cases down," he said. "Or personal injury attorneys just aren't looking for these cases or don't know them when they see them. Sometimes I have several pro bono cases that I've taken just because the case just pissed me off. (I) may end up getting judgments against people that aren't collectible, but I've at least helped these people correct the injustice in their minds."

Inevitably, Keane's work has expanded into child molestation cases, and like many of the shaken-baby cases, they're absent of criminal prosecution. Even though prosecutors pass on these abuse and molestation cases, he said, the people involved are still looking to correct the injustice, and oftentimes he can help them do that in civil court. For criminal prosecutors in shaken-baby incidents, the timing – meaning the causation of who did it – can be difficult to prove. "You know, the parent has the kid, drops off the kid at the babysitter ... a few hours later, the kid is unconscious, and it's

difficult to pinpoint (when the injury occurred) because the science isn't that advanced as to what minute or hour the baby was shaken," Keane explained. "So, sometimes prosecutors pass on those cases because there are too many potential defendants. But I take those because there's more than just the criminal case, and I've had some great results for these kids."

Family man

Away from the office and courtroom, Keane spends time with his wife and three active children, ages 11, 10 and 2. He coaches basketball and soccer teams, trying to teach all the kids "the right way to play," he said. And the play goes beyond sports, reaching into community involvement and service: Keane and his daughter recently started a program called Cupcakes for Caregivers, in which the two of them periodically bake cupcakes together and pick a caregiver to surprise with the goodies.

The Keane family also enjoys the occasional trek to their second home up on the Russian River in Sonoma County. "I'm lucky because I work for myself, and I've set up my practice to be pretty flexible," Keane said.

That sort of pliability in one's livelihood may not be for everyone, but if that is indeed what a young lawyer is shooting for, he advises being industrious and patient in the beginning and then particular and not too greedy when they arrive at the luxury of choice.

"Pick cases that mean something to you," he said. "All our wounds are self-inflicted on the plaintiffs' side. I mean, we're not getting court appointments. And if you're at a firm, and shit's rolling downhill, you can use those cases as an opportunity to hone your skills. But when you're finally in charge of your own destiny, pick cases where you can look someone in the eye and say this means something to you – and it means something to me."

Stephen Ellison is a freelance writer based in San Jose. Contact him at ssjellison@aol.com.