



Profile: Steger Johnson

Veteran litigator and mediator takes a step back from a decorated, fast-paced career

BY STEPHEN ELLISON

Slowing down the pace is hardly Steger Johnson's style. And yet, earlier this year, the veteran plaintiffs' litigator and mediator decided to ease up a bit on what has been a full-throttle career for nearly four decades.

With every venture Johnson has entered, doing things halfway never has been an option – whether he's representing a plaintiff, defending an insurance company, mediating a civil case or serving as a public official. He threw himself wholly into each one of those capacities – indeed, he served on the Planning Commission, the City Council and as mayor in his hometown of Belvedere – and now he's decided to give himself a break of sorts, as he recently retired from his partnership at the Jones Clifford firm in San Francisco.

As it turns out, retirement may be the one pursuit Johnson can't bring himself to offer a 100 percent commitment. But the move away from full-time litigation work, he contends, certainly will present other opportunities such as refocusing on mediation work and taking select cases as a contract attorney. Most important, it will allow him to spend more quality time with his family.

"I'm still doing some legal work," he said. "I'm doing it on my own and as co-counsel with Bill McDevitt, who is a former partner of mine with Jones Clifford. But he's now out on his own – he has a practice in San Rafael. So I'm doing some contract work with him and handling a couple of cases on my own.

"I would like to do more mediation," Johnson added. "I'm taking on cases but far fewer in terms of number, and I'm being very selective in terms of the cases I take, simply because I want to balance work and life a bit more. I lost my oldest



Johnson

son in 2000, and that was a real blow. ... Fortunately, I have two other children, both of whom live here, and I want to spend as much time with my family as I can. That's going to be more of my focus going forward."

Looking back, Johnson recalled that early in his career he was consumed with work, starting with an insurance defense firm, where he spent 11 years putting in marathon hours, working his way up to partner and playing a defendants' game that was making him increasingly cynical. In his latter years with Eliassen, Postel & Mee, he had been in contact with a few plaintiff law firms, making concrete plans for his inevitable defection.

"Through the course of defending cases, I really came to empathize more with the plaintiffs," Johnson recalled. "The mentality on the defense side was often, from the insurance company's perspective, 'There is no merit to this case; the plaintiff is fabricating the injury or exaggerating it.' There was always an emphasis on the plaintiff being deceitful. I didn't find that to be the case. I always found people to be legitimately injured and looking for some recompense for their injury. But with the defense firm, it was always do whatever you can to lessen their claim and call their credibility into question, and over time that just got to me. So I gravitated to plaintiffs' work."

In 1989, noted plaintiffs' attorney Stanley Bell persuaded Johnson to join

his busy firm in San Francisco. Bell's practice emphasized construction injury cases, and as an offshoot of that area, there were also auto and product liability cases and several other plaintiffs' cases that emerged merely from the volume of business the firm was doing. Johnson recalled. It turned out to be great exposure for Johnson to a wide variety of plaintiffs' litigation. It also meant countless hours on the road, either flying or driving all over the state for case management conferences, court appearances and trials.

"Over time, it became very taxing," he said. "I had a young family in those days. I was working many hours a week and trying to maintain some work-life balance – but most of it was work."

In 1996, Johnson left the Bell firm and made a full-fledged leap into politics and public service. He had been on the City Council in Belvedere and eventually was elected mayor, a job that was going to "require some time to address," he said. He would not be able to fulfill his duties with the Bell firm and run a city simultaneously, so he took a hiatus of sorts, doing select contract work during his term as Belvedere's top official.

In 1999, Johnson rejoined the ranks of private plaintiffs' law with Jones Clifford, where he became a partner and stayed until March of this year.

As for mediation work, it was something Johnson took up in earnest back in the 1990's with the American Arbitration Association, but it began to conflict with his litigation caseload at that time, he said, so he decided to scale back on it. He has mediated hundreds of cases, and over the past couple of years he has slowly revived that aspect of his career – slowly being the key concept – with Resolution Remedies in San Rafael. "Of course, everybody is a mediator these days," he said, "so there's much more competition."



Broadening horizons

Johnson grew up the son of a physician and had two uncles who not only were successful lawyers but also enjoyed what they were doing. The young Johnson saw that as a good sign. But the main reason he chose law as a profession, he said, was a deep-seated desire to help people.

After completing his undergraduate studies at UC Santa Barbara, Johnson attended UC Hastings College of the Law, where he began to envision opportunities for professional “independence” by opening his own practice someday. “I didn’t anticipate working for a huge law firm,” he said. “I could better see myself hanging my shingle and working for myself. As it turned out, that didn’t happen, but that was my motivation when I chose law.”

He also did not anticipate working in insurance defense right out of the gate. But he paid his dues and today is able to leverage those years and courtroom experiences on the defense side for his mediation duties.

On the plaintiffs’ side, Johnson has won numerous verdicts and settlements on behalf of his clients. He uses a simple, no-nonsense approach: Always be prepared to take a case to trial. “You can’t try a case effectively unless you know it well and are intimately familiar with the details of the case,” he said.

Once the trial begins, it’s important to establish a rapport with jurors early, Johnson said – usually during jury selection. There’s a tendency, he added, mostly with younger lawyers, to ask a question during voir dire as if it’s a checklist question – get your quick answer and move on. That’s a far cry from his style.

“Really my goal is to draw that person out and really get a sense of who that person is,” he said. “If you can form a connection with someone on the jury, that connection can last all throughout the trial. You can also get a

real good sense, in talking with jurors, whether a juror is somebody who is holding back. ... When someone is holding back, it’s usually because they’re going to do something you don’t like. So when I get a sense that people aren’t being forthright and holding back information, those were usually jurors I tried to exclude from the panel.”

Johnson recalled a trial last summer in which connecting with his own client was a considerable challenge because the client did not speak English and all communication was done through an interpreter. The man had suffered a severe back injury while working as a janitor at PG&E headquarters in San Francisco. The injury occurred when he slipped on oil that leaked from a trash compactor. After four surgeries and constant pain, the man was miserable – and angry, Johnson said.

The first barrier Johnson had to clear was trying to get the message across to his Spanish-speaking client that he wasn’t going to outsmart the defense. “I wanted to make sure that, while some anger might be appropriate, trying to get into it with the defense attorney – to have him hear his story as he wanted to tell it – was not going to do it,” Johnson said.

To help with the proceedings, Johnson brought in a Spanish-speaking co-counsel to represent the man’s wife in a loss of consortium. It was an ideal way to break through the language barrier and make sure his client understood what was happening as the trial proceeded. Finally, with the initial hurdles cleared, Johnson went on to prove the leaky compactor that caused his client’s injury was PG&E’s responsibility – to the tune of \$4.3 million.

“That was a very difficult, hard-fought case,” he said. “They (PG&E’s lawyers) were arguing that his injuries were exaggerated. They argued that the independent contractor that had been hired to do the (maintenance on the compactor) didn’t do it properly, and so on. ... Fortunately, we proved otherwise, and it turned out well for us.”

New chapter

Now that he’s semi-retired, Johnson theoretically will have more time to spend on leisure activities such as snow skiing, running and traveling with his family. He said a return to politics likely isn’t in the cards, but he will continue his service and devotion to the community through his ongoing volunteer work.

“Politics is really a full-time commitment – it’s not something you can do on a part-time basis if you really want to be effective and get things done, which is what I would want to do,” said Johnson, who in 2011 was named Belvedere’s Citizen of the Year. “I still do volunteer work. I was on the library agency board of the Belvedere Tiburon Library – I did that for about six years. I’m off that agency now, but I still from time to time serve in a volunteer capacity when asked. But mostly, I’m trying to spend more quality family time to make up for some of the years when I was always working.”

Although Johnson never really captured what in his mind would have been the ideal livelihood – running his own law practice – he urged young lawyers to find or carve a path that will lead to contentment and fulfillment.

“I would say follow your heart,” Johnson said when asked what his top piece of advice would be to aspiring attorneys. “Law is a very rewarding career, but there are many aspects to it, and I think litigation is not the avenue for everyone. But that doesn’t mean you can’t have a rewarding career in law. You can still do other types of law and be very happy. So follow your heart, follow what you love to do, and it will probably work out.”

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

