



Profile: Todd Emanuel

A passion for the underdog fuels his practice as a plaintiff's attorney just as it did in criminal defense. And if he talks about getting into a "boxing match," you might want to take him literally

BY STEPHEN ELLISON

For Todd Emanuel, like many others in his profession, education in the law came *after* he graduated from law school. But unlike many of his peers in the plaintiff's bar, that schooling took place inside a criminal courtroom before he had even received his bar exam results.

"I didn't enjoy law school very much," said Emanuel, managing partner at Emanuel Law Group. "I knew that I wanted to be in the courtroom, and I knew that I would enjoy it. ... I wanted to get a job as a deputy DA or a deputy public defender, and my leaning was on the defense side because I love representing the underdog. But all of the county DAs in the Bay Area had budget freezes at the time. So, while I was awaiting my bar results, I second-chaired three felony trials on the defense side with a close friend and learned more during those back-to-back trials over a period of a month or so than I did in three years of law school. It was a phenomenal experience that really confirmed my decision to become a trial lawyer."

Indeed, Emanuel learned in that relatively short time how to prepare a case for trial, the dynamics between lawyer and judge and jury, as well as the attorney-client dynamic. He had subsequently pursued and interviewed for positions with multiple public defenders' and DAs' offices in the region, and several were ready to hire him. What was missing, he said, was a paycheck. The first one to offer one of those was the San Mateo County DA's office. It was there Emanuel continued his law education and developed into a true trial lawyer – and then started to envision what direction his career ultimately would take.



Emanuel

"The entire time I was working in the DA's office I really enjoyed it, but I always had this curiosity, looking across the counsel table at the inmate in the orange jumpsuit," Emanuel explained.

"There was always some empathy and some curiosity, and in terms of trying to find my best self as a trial lawyer, my preference is to do that under circumstances where the odds are against my client."

After a couple of years and dozens of criminal trials with the DA's office, Emanuel decided to go it alone, opening his own practice with a plan to satisfy his curiosities further in criminal defense but to also learn even more about another sort of underdog – plaintiffs.

"One of the things I love about plaintiffs' work is feeling that I'm helping an individual who has been wronged by a corporation or a big insurance company or a government agency. ... I'm helping a person who has been wronged and who does not have the resources to match up with their adversary," he said. "So I continued to do criminal defense ... to stay connected to the courtroom and to pay the bills as I was trying to figure out how to become a contingency-fee plaintiffs' lawyer."

He did figure it out, and the result is a plaintiffs' firm that has collected tens of millions of dollars for clients in matters including wrongful death, catastrophic injury, premises liability, sexual assault

and elder abuse. Emanuel has served as president of the San Mateo Trial Lawyers Association and on the board of Consumer Attorneys of California – and in 2012 was a nominee for that organization's attorney of the year.

Today, Emanuel's firm has five attorneys working out of four offices across the Bay Area. It's a small firm, he contends, and he wouldn't have it any other way. "I never worked for a law firm, but I've been very lucky to have amazing mentors all throughout my career," he said. "It's been great to be able to call on friends or seek out resources within CAOC. Being a solo practitioner or member of a small law firm doesn't really put me at a disadvantage."

Familial influences

Emanuel grew up admiring both his grandfathers, each of whom struggled but persevered in his own way during the Great Depression. His maternal grandfather dropped out of school after the eighth grade, Emanuel said, and would become a self-educated engineer. In the meantime, to scrape by, he competed as a prize fighter. After trying and failing at various businesses, he eventually invented a part NASA used in its space shuttles. "So he was really a self-made man," Emanuel explained.

Emanuel's paternal grandfather also was a "tough guy" who had been permanently disabled from a junior college baseball injury and a subsequent surgery gone awry. He walked with a pronounced limp, Emanuel recalled, because he couldn't bend his right leg very far. "What I remember distinctly about him is he walked faster than anyone," Emanuel said. "It was obviously his way of compensating. ... I think my



family influences were to work your ass off and try to be self-determined and autonomous. ... Ultimately, my decision to start a small law practice was largely inspired by my experiences with those grandparents – and my dad.”

Emanuel majored in psychology at University of Southern California – “because (it) was the only course I enjoyed in high school” – and finished his undergraduate degree at UC Berkeley. He had designs on becoming a clinical psychologist but also entertained a growing fascination with the law. At some point in college, he recalled, he had a vision of what a career in clinical psychology would entail on a day-to-day basis. That’s when it hit him that law was the logical choice. “I’m a good listener, but I can’t sit still for very long,” said Emanuel, who was a boxer in college in the same weight class as his grandpa. “So I think the field of law appealed to both my fascination with the human condition and why people behave the way they do under various circumstances, and it also appealed to my joy of competing. I like the adversary process.”

Opening his own firm probably wasn’t part of his initial career plan, but less than five years removed from law school at University of San Francisco, Emanuel went all in and hung out his shingle. That decision brought a strong sense of liberation and opportunity combined with a strong sense of fear, he said. As for the timing, it was as close to ideal as he could imagine. “I think I was in a good situation when I decided to take that risk because I was a single guy,” he said. “I liked my apartment, I had a car, I had a few suits and was ready to rock and roll. ... If I had decided to take the leap after I got married and had children, it would have been far more stressful. That was sort of my mindset – on my worst day, I’ll fall on my face, and there will be some safety net there for me. And I won’t harm my kids.”

In Todd he trusts

During trials, Emanuel feels it is critical to be himself – and trust himself – in

the courtroom, and he would advise other trial lawyers to do the same because jurors will recognize BS when they see and hear it. “If you try to look like a lawyer, whatever that means, or sound like a lawyer, whatever that means, your audience is going to question your sincerity,” Emanuel said, “and that will extend to their perception of the credibility of your witnesses.”

He said he goes into a shell of sorts and, like most trial lawyers, tends to obsess about his case from start to finish. When it’s over – after he’s made his final rebuttal—is when he finally exhales. “I just want to feel like I’ve done everything possible to give my client the opportunity for fair compensation,” he explained. “Inevitably, you’re going back to your office thinking, ‘I should have said this, and I should have done that’ ... I think it’s always healthy to do an autopsy after trial. Win, lose or draw, determine where you need to improve. But it’s just as important to loosen up and not be too hard on yourself – you know, for the sake of longevity.”

One recent plaintiffs’ case that Emanuel called memorable involved an attorney who was severely injured in a taxicab crash (*Fua v. Yellow Cab Cooperative, Inc.* (2011) Superior Court of San Francisco Case No. CGC-11-515542.) The woman, a corporate securities lawyer, was a passenger in the backseat of a Yellow cab, not wearing a seatbelt, when the driver caused a high-speed accident. She suffered a traumatic brain injury and left-side hemiparesis (paralysis of one side of the body). Yellow Cab claimed it wasn’t responsible because the driver was an independent contractor working for another party who had leased the cab from Yellow. The company also said Emanuel’s client was partly to blame for her injuries because she hadn’t worn a seatbelt.

“This was sort of a classic opportunity for me to represent an underdog plaintiff who is going up against a corporation that does everything possible to deny responsibility and minimize damages

and then play a shell game with the money if you win,” said Emanuel, who received a verdict of more than \$8 million but continues to litigate the four-year-old case. “In October, we’re going back to court to seek to pierce the corporate veil of (Yellow Cab) because they’ve created what we believe to be alter-ego entities that also should be on the hook jointly and separately with the cab company. I don’t know how that’s going to turn out, but it’s certainly memorable. It’s been a long ordeal.”

Lots of work and some play

When he’s not hard at work in the courtroom, Emanuel tries to stay healthy and fit through exercise and then devotes the remainder of his waking hours to his family. He and his wife have a daughter just starting high school and a son in the seventh grade. He said he wakes up about 5:00 a.m. to get in a workout – either in the pool or at the gym – then tries to get home at a reasonable hour “to be Dad. That is the most important thing I’ve got going on right now,” he said.

He also likes to travel whenever possible, having recently taken the entire family on a “fantastic” two-week trip to Southeast Asia, which included stops in Tokyo, Hong Kong, Thailand and Singapore.

As for navigating a successful law career, Emanuel said it’s OK to take chances and change course in order to find an area where you’ll experience fulfillment and joy. “I think a lot of lawyers who are not enjoying their careers feel paralyzed,” he said. “You should never feel that way. Working as a lawyer is tough, there’s no getting around that. Make sure one of your primary goals is having fun doing this.”

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