



Profile: Steven Kazan

This asbestos pioneer helped create the trust funds that compensate victims and their families. And he's not ready to "sit back and let somebody else screw it up"

BY STEPHEN ELLISON

When it comes to expertise in one area of plaintiffs' law, very few would be able to match the hold Steven Kazan has on litigating against asbestos offenders and advocating for their victims.

Kazan, founder and principal of Oakland-based Kazan McClain Satterley & Greenwood, has devoted the bulk of his career to representing workers who have been stricken with mesothelioma and other diseases related to asbestos. For the better part of four decades, he has taken on dozens of manufacturers, contractors, distributors and property owners across the state and the country in third-party asbestos lawsuits.

And his work in asbestos law is not limited to the courtroom. He also is an appointee of the U.S. Bankruptcy Court to serve as counsel to victim members on almost all asbestos bankruptcy reorganizations involving corporations such as W.R. Grace, Kaiser Aluminum, Owens Corning, General Motors and several others.

Through it all – the court filings, the legal maneuvering, the settlement and trust negotiations and holding the wrongdoers accountable – Kazan has never lost sight of the chief objective of his work: taking care of his clients.

"They are good people that have been badly hurt," he said. "Most of the injured are men, although there are a fair number of women that we represent. They're mostly older, although some are young. By and large, what they say is, 'I know I'm dying; I want to make sure my wife and family are taken care of. Can you help me?' And that's the object of what we do. We try to let these guys leave knowing that their family's financial



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situation is secured, hopefully in a way beyond what they ever thought was possible.

"Obviously, the money doesn't come close to making up for (their death)," he added. "So my approach is,

'I'm a lawyer, this is what I can do.' If I could take away their disease, I would do it, but if that were the case, I wouldn't be practicing law – I would have a church. We do what we can – that's the part that, for us, is rewarding."

The genesis of the asbestos litigation for Kazan was the Johns Manville case in the early 1980's. It started with multiple worker claims out of Manville's Pittsburg (CA) plant, and after a three-month trial in Contra Costa County court in Martinez, Kazan won his first asbestos verdict. The San Francisco Chronicle ran a front-page story on the trial, Kazan recalled, and it mentioned Kazan and defense counsel Jack Moore prominently.

When workers at Manville's Lompoc plant on the Central Coast saw the story and the two attorneys' names, they wrote a letter addressed to both lawyers detailing their concerns about asbestos and the number of death certificates they'd amassed over the previous 10 years – and ultimately they sought representation. The letter, which initially was delivered to an "in care of" recipient at the county courthouse, was forwarded to Moore, the defense lawyer.

"Jack was such an honorable guy," Kazan recalled, "he opened the letter, read it and then called me and said, 'I got this letter; it's obviously addressed to me by mistake because they don't understand.' ... I think in the modern day, there are a significant number of defense lawyers who would say, 'Holy s---!' and destroy it. He was honorable enough to send it off to me."

In response to the letter, Kazan and his colleagues arranged to meet with the workers in Lompoc and came away with 40 or 50 clients, he said, which really jump-started the asbestos litigation in Northern California. "The take-home lesson was there are some things you just can't plan for," said Kazan, who ironically considers Moore a mentor. "Jack and I became good friends. He was a very wise man. ... He once told me, 'Steven, your dad is a retail florist, right? Well, you're also in the retail business. Just like at the flower shop, everything is for sale – just don't fall in love with the merchandise (the cases). You're not there to just keep them; you're there to take care of them and resolve them and send them on their way.' It was a very useful lesson."

East Coast transplant

Born and raised in the Bronx, New York, Kazan studied politics and economics at Brandeis University with an eye on going to graduate school and possibly getting a Ph.D. With his focus on the graduate record exam (GRE), he noticed that the LSAT was scheduled about a week earlier and saw it as an opportunity to warm up for the GRE. When his LSAT results came back high, it caused him to rethink his future.

"I realized that graduate school would be like four or five more years of



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college, with sort of a limited range of what one could do afterward," Kazan recalled. "But law school was only three years, and I could kind of do the same stuff. I could teach constitutional law or political science with a law degree, so I figured, what the hell, I'll go to law school. And I had some very good choices of where they would accept me."

Kazan chose Harvard Law. After he graduated, he got married and thought he'd "better get a job." He decided he wanted to work in Washington, D.C., and applied all over the area before landing a government job at what was then the Interstate Commerce Commission, in the general counsel's office as an appellate lawyer. The work entailed defending administrative decisions in courts all over the country. Although cross-country travel back then was a pain, Kazan said the one area he was happy to take was California, his then-wife's home state.

"So I did that for a couple of years, and every time I came out to California, I would sit down and write a bunch of letters to 20 or so law firms in San Francisco," he recalled. "Then I would get a bunch of interviews, but nothing very exciting."

While he was in the city representing the government in district court, Kazan got to know the lawyers at the U.S. Attorney's Office and decided that was the place to go. He was hired by that office about an hour after President Richard Nixon's inauguration in 1969, making him the first assistant U.S. attorney anywhere in the country officially hired by the Nixon administration.

Kazan worked in the civil division trying cases, many of which were against a leading medical malpractice firm, Werchick & Werchick. After a few of those trials, the father-and-son firm's founder, Jack Werchick, offered him a job. "I told him I didn't understand why he needed me – he was making more money off me where I was because he was regularly beating me," Kazan recalled. "His answer was, 'You're the first government lawyer I met who ever fought back.'"

"I worked for him for a couple of years, then opened my own office in Oakland. That was 42 years ago," Kazan said. "I sent out announcements that I specialize in medical and legal malpractice work ... and nobody ever called and said, 'Who says you're an expert?' People called and said, 'Oh, that's great – let me send you this case.'"

From a small, sublet space to the penthouse

Since that day, when Kazan put up a shingle in a small, sublet space in the Oakland Tribune tower, he's been the go-to guy in the asbestos litigation arena. He has represented hundreds of clients directly, and when you consider his role as an advocate – testifying before congressional committees on asbestos legislation and working as a member of the Trustees' Advisory Committee on behalf of asbestos victims' trust funds – the number of people his work has impacted over the years grows exponentially.

In turn, Kazan also has grown his business significantly, adding partners and several associates and upgrading his digs three times – first to a small office adjacent to a restaurant near the courthouse, then to a 2,000-square-foot space across the street from the courthouse, then to a custom-designed, 25,000-square-foot office, where his firm resides now, with a view of the Port of Oakland and the San Francisco skyline.

"It's a good place to be," he said.

Kazan said his leisure time is spent doing what he loves the most – his work. For him, shifting his focus from trying asbestos cases to advising and overseeing the asbestos bankruptcy trusts feels as if he gets to play every day. "I'm in the same place, but I'm doing something different," he explained. "Our office is involved in more of the trust funds and more of the assets than any other law firm in the country. And we're not a giant firm – we're not a mass case filer, not a big TV advertiser."

The asbestos trust fund

"We pioneered the focus on dealing with the people dying of cancer with the big cases," Kazan continued. "We've worked really hard to get all this money into the trust funds, and I'll be damned if I'm going to sit back and let someone else screw it up. Because there's still \$30 Billion there, and it has to last, it has to take care of people. That's what takes a lot of my time."

That, perhaps, is also why Kazan is not yet ready to hang it up. He said, although he doesn't work today the way he did 20 or 30 years ago, he still loves going to the office every day and hasn't really given retirement any thought. "I think what I do makes a difference that's real important to working people and their families," he said. "And we're still doing it – we're involved now in trying to undo the biggest bankruptcy in America in the last 10 years, a \$46 Billion utility-power company deal out of Texas, because it's going to hurt asbestos victims. ... Our clients deserve as much help as they can get, and we can do it better than anyone else."

"I've already decided I'm not going to sign up for any other crusades," he added. "If asbestos goes away – and that's not likely to happen very soon – I'll find something to do."

In the meantime, Kazan is happy to pass along any wisdom he has acquired over his 40-plus years in the profession – for starters, these basic principles: If you break something, you fix it, and if you hurt someone, you apologize. Applying that approach to the law, Kazan feels the civil justice system serves an important purpose, regardless of one's religious or philosophical beliefs. It's about taking care of people and watching out for one another, and that's the way the world should run, he said.

On a lighter note, Kazan said there's a very simple approach to the profession that he subscribes to. "The practice of law really is a relationship business where nothing is more important than personal integrity," he said. "In the end, trial work



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is talking to people, but (lawyers) need to remember nobody really ever learned anything while they were talking. So it's really important to listen too."

Steve Ellison is a freelance writer who has written Plaintiff magazine profiles for the past eight years.