



Profile: Matthew Davis

Avid cyclist and bicycling advocate steered his way from the City Attorney's Office to a partnership at the Walkup firm

BY STEPHEN ELLISON

Integrity, passion and a tenacious ability to stare down the most daunting legal challenges have guided Matthew Davis through his nearly three-decade law career, and they are the very qualities that landed him – and kept him – at one of the most prestigious plaintiffs' law firms in California.

Over the first half of his career, Davis worked at a business law firm and then in the San Francisco City Attorney's Office. It was with the latter that Davis carved a niche in representing city employees in a wide range of civil matters, and those experiences eventually steered him to join Walkup Melodia Kelly & Schoenberger, where he's spent the past 15 years.

"I was very fortunate to have landed at this firm," said Davis, who served San Francisco as deputy city attorney for about nine years before joining Walkup. "When I worked for the city, the Walkup firm had a reputation. It was like, 'Uh oh, Walkup is on the other side.' That usually meant two things: It was a good case, you could trust the lawyers to do a good job and be prepared; and you'd have the difficult choice of either paying a good settlement or facing the prospect of going to trial."

Davis has done his part to uphold that reputation, obtaining several six- and seven-figure verdicts and settlements for his clients. As an avid bicyclist, he has a particular knack for representing injured cyclists and pedestrians. He said he used to commute on his bike to law school in San Francisco in the late 1980s, and he still rides to work about three times a week.

"I've gravitated to representing a lot of injured bicyclists because I've



Davis

loved bicycling since childhood," Davis explained, adding that he and his brother biked through Europe for five months after college. "Our firm distributed 15,000 bicycle safety lights on Bike to Work Day

this year. I live in San Francisco, and I'm a big advocate for a safer bicycling infrastructure, including a protected bike lane down the entire length of Market Street."

Two recent cycling cases involved settlements for riders in the city injured in collisions with Muni vehicles. The first was a bus that made a left turn into the path of an oncoming cyclist, which resulted in the man breaking his collar bone. The matter settled for \$95,000. The second involved a Muni railway employee who opened the door of a pickup truck and caused a bicyclist to crash, injuring his shoulder. That case settled for \$65,000.

Another recent cycling case involved a rider in the Donner Lake region of the Sierra Nevada who was struck by a left-turning car. The crash fractured the cyclist's pelvis and caused a partial amputation of his left thumb. Davis obtained a \$625,000 settlement in that case.

Davis also has worked a number of pedestrian injury and death cases, including one where he and partner Rich Schoenberger obtained a more than \$4 million settlement for a recent business school graduate who suffered a traumatic

brain injury after being struck by a car while walking in a crosswalk. Though the driver had limited insurance coverage (\$50,000), Davis and Schoenberger discovered she was an employee of a large Silicon Valley company, and they were able to prove she was still on the clock, driving from one campus to another, when the accident occurred. The company contributed \$4 million to the settlement.

"The cases that really stand out for me are ones that looked like difficult cases because maybe it didn't look like there would be enough coverage, or liability seemed questionable at first," Davis said. "Of course, it's always very satisfying when you find someone who really needed help because you knew they'd been hurt or someone they loved had been killed, and you're able to get them a good result. There's a whole bunch of cases that fall into that category."

East Coast transplant

A native of Boston, Davis stayed close to home for undergraduate studies, graduating from Boston University with a degree in economics. After his trek through the mountains overseas, he returned to the States and moved west to Sacramento, where he had some relatives. Unsure of what he would do next, Davis was tending bar when he met some lawyers and was impressed with the way they analyzed problems. After picking their brains on what it took to be a lawyer, he backed out of a job he'd just accepted in hospitality management and took the LSATs. He did well enough on the exam to be accepted to UC Hastings College of the Law, a good enough reason to call the Bay Area home.

"I had done some research and found out Hastings was a good school,"



he explained. “At the time, tuition was relatively low, and San Francisco just seemed like a dream place to live.”

Upon graduating from Hastings, Davis began his law career working in business litigation for a boutique firm in San Francisco, where he did some commercial litigation and environmental work but never got inside a courtroom, he said. Then, a friend from law school who had been working at the City Attorney’s Office told Davis about the work he was doing.

“He was having a lot of fun; he was trying a lot cases, and he encouraged me to apply for a job,” Davis recalled. “He just talked about how much he was enjoying it, and I couldn’t get it out of my head. So, I applied, and then-City Attorney Louise Renne eventually hired me. I took a pay cut, but I was having a lot more fun and did work that was meaningful to me.

“Louise was a terrific lawyer, but she was kind of a plaintiffs’ lawyer at heart,” Davis added. “We were the first city to sue Big Tobacco. So I started to work on some plaintiffs’ cases and realized, even though I did a lot of defense work, I preferred the plaintiff side. It was exciting and rewarding psychologically.”

Getting inside the courtroom and trying cases, indeed, revitalized Davis. He took the ball and ran, learning quickly and developing his own successful style. While he stood fast on the two most important keys for trial lawyers – preparation and credibility – he also emphasized being truthful and genuine.

“I’m at my best when I’m most who I am,” Davis explained. “I don’t try to pretend to be someone else. I’m not a real fiery speaker – I think if I tried to be that way, it would come across poorly. I’m probably more Jimmy Stewart than Alec Baldwin. I’m at my best when I’m ready,

I’ve built a case, I’ve got a good case theme that’s honest and I’m approaching things with credibility and integrity.

“And passion,” he added. “I do get passionate but in a more lower-key way than most folks do.”

Civil rights: Wrongful conviction

One of Davis’s more memorable cases occurred eight years ago, a civil rights case involving a man who had been convicted of a murder he didn’t commit. The client spent 12 years in jail and prison before he was exonerated. Davis represented him against Santa Clara County and settled the case for \$2.75 million. But it wasn’t just the result that mattered.

“I really liked him, and we ended up becoming really good friends,” Davis said. “It was a terrific result, and he’s done really well since then. That’s really gratifying.”

Berkeley balcony collapse case

Currently, Davis is working with partners Schoenberger and Mike Kelly representing the victims of the fatal Berkeley balcony collapse in May 2015. While the incident was tragic, Davis feels it’s an honor to work on behalf of the families of those students who died or were severely injured when a balcony collapsed at an apartment complex in Berkeley during a birthday celebration.

“The clients are just some of the most terrific people I’ve ever represented, and the lawyers on the other side of the litigation are very good, too,” Davis said. “I don’t know what the future holds for this case, but this is one of those where you’re in it for a couple of years, it’s going to consume your life and it’s really important for a lot of reasons to do a good job. And it’s rewarding, even though something horrible has happened.”

Davis said his team is handling 12 of 16 cases in the incident that killed six students and injured several more. Some trial dates are expected in August, and then more will come in 2017, he said.

Keeping it real

When he’s not in the office or in court, Davis enjoys spending time with his wife and two sons. Along with his affinity for cycling, he is quite the swimmer, taking to the San Francisco Bay on a regular basis. He’s been doing a morning swim down at Aquatic Park for the past 20 years with a “hard-core group” that, oddly enough, includes a lot of lawyers, he said.

“I was brought down there by a guy who works at the City Attorney’s Office – a good friend,” Davis said. “Once you start doing it, it’s not that big of a deal. It wakes you up in the morning and keeps you focused. It’s a nice way to start the day.”

Davis also enjoys cooking and said it’s not uncommon at his house to have a bunch of people over for Sunday dinner for a big meal that he prepares.

With advice for those who are seeking similar success in law, Davis kept it short and simple – but meaningful. “Follow your bliss; do the work you find most interesting and rewarding,” he said, also stressing what his City Attorney’s Office mentors, Renne and Pat Mahoney, taught him about honesty and integrity. “You hear it over and over again, but it’s a profession, and if you have a reputation for being less than honest, that’s bad.”

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