



JULY 2023

# Profile: Martin Murphy

## Third-generation San Franciscan launched firm with law school buddies after years of experience on both sides of the aisle

BY STEPHEN ELLISON

The notion of “family business” carries sort of a double meaning for Martin D. Murphy. Not only did he follow his father into the law profession, but in a way, he also partnered up with the very people he grew up with professionally.

Murphy, a founding partner with LMS Law (Liuzzi Murphy Solomon Churton Hale Winnett) in San Francisco, may have gone a different direction than his dad, who was an estate attorney, but he and his law school buddies, Frank Liuzzi and Michael Solomon, charted the same general course into plaintiffs’ personal-injury law and eventually came full circle.

“We started our own firm back in 2003,” Murphy said. “We were all classmates at USF. And we were all the same in that we did plaintiffs’ and defense work prior to starting our own firm. So, we had that exposure to both sides; we thought it was really helpful. Also, Frank and I both had a workers’ compensation background. So that helped because a lot of our cases have a worker’s comp carryover.

“We do all aspects of personal-injury cases: auto, premises liability, construction site accidents, wrongful death, product defect,” he continued. “We’ve handled all sizes, all types ... and have been doing that for 20-plus years now.”

Murphy indeed cut his teeth in workers’ compensation, handling his own caseload in his first job out of University of San Francisco law school. It was then he realized how much he enjoyed helping others navigate through the workers’ comp system, and the whole experience opened his eyes to plaintiffs-side litigation.

After a few years, Murphy landed a job at a defense firm “to get my feet wet in litigation,” he said. He did insurance defense for about seven years and eventually realized he couldn’t continue to do that type of work. But the experience was invaluable, he said, as he learned how to report to carriers – what kind of things to report to adjusters; what



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kind of issues come up on that side; and strategies they use during depositions and discovery.

Murphy equated it to an extension of his law education.

“It really helped me to get a perspective of

how to prepare my cases against an insurance defense client and against an insurance carrier; what information I needed to get to them, to report to them and to realize you need that level of cooperation, that many of these defense attorneys need information to bring back to their client in order to resolve the case,” he explained. “So, being cooperative and getting as much information and not hiding the ball. Because I was in that same situation on the opposite side going, ‘You know, you’re really not helping your case here because you want to try to resolve this case. I need to report back to my carrier with the facts, and if I don’t have it, we can’t evaluate it properly.’

“So, I kind of understood how that process went,” Murphy continued. “It really opened doors (for me) to effective advocacy with the defense counsel, knowing what they had to do, how they had to report to the carriers, how they had to set reserves, all those things that are important on their end. And all that ultimately helps in trying to resolve a case for your client.”

That skill set and versatility have served Murphy well, as he and his LMS Law colleagues have obtained many six- and seven-figure results over the years.

### Third-generation San Franciscan

Born and raised in San Francisco, Murphy is a third-generation native of the city and a descendant of some of the

first California pioneers. His ancestors were part of the Stephens-Townsend-Murphy Party, better known as the Stephens Party, which took the first wagon train across the Sierra Nevada at the point now known as Donner Pass in November 1844, according to the Truckee-Donner Historical Society. That was two years before the Donner Party’s fateful expedition.

Murphy grew up watching his father work in estate law and enjoyed gaining general knowledge about the profession. He wasn’t necessarily drawn to that particular area of law, he said, but the business and social aspects of practicing law sparked his interest.

“I had an early-on exposure to just the field of law ... I liked how he went about his business and the people he met and just the whole idea of helping others,” Murphy said about watching his dad work. “And his ability to break down law, analyze facts, come to conclusions – all those things kind of intrigued me.”

Murphy stayed local for his schooling, attending Santa Clara University, where he earned a bachelor’s degree, then USF School of Law, where he made several friends and connections and where he still serves as an alumni liaison. His affinity for advocating and interacting with people nudged him toward a career in litigation.

“Coming out of law school, I didn’t have a set area of law, other than I thought about litigation,” he said. “I didn’t see myself doing transactional type law, you know, kind of just in an office, looking at a document. I really enjoyed being with people. So, my first job out of law school was working in a small firm that did workers’ compensation, applicant work and personal injury.”

After that three-year stint with the Law Offices of Vincent Scotto, Murphy moved to Bradley Curley Asiano and then Tobin & Tobin for several years, working primarily in insurance defense litigation to further his legal education. Then, in



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2003, he and his fellow USF Dons launched LMS Law.

### A simple approach

Murphy said his approach to cases is practical and based on constant communication with the client. Cases with clear liability, limited insurance and smaller damages may benefit the client to resolve at the claims stage, he said.

When a case definitely is headed for trial, Murphy said the key is relentless preparation, but also keeping it simple and not mucking it up.

“You want the jury to understand the two or three main issues and then plan the case around those main facts,” he said. “But don’t make it too complicated, knowing that you’re going to have a jury panel that’s not going to have any clue about the case and may have different interest levels. So, our approach has always been to keep it simple, get down to the facts and prepare to make our client shine ... you know, portray how this has affected their life.”

Murphy believes his strengths in trial include preparation and grasping the big picture instead of getting “bogged down on a million facts.” He and his law partners collaborate to summarize the facts into an understandable, cohesive unit through discovery and then figure out from there what will move the case forward. He calls it getting down to the core of the case.

The preparation part means knowing the case, establishing a theme or themes and fitting all of it into the rules of evidence. But, also, he believes in having contingency plans.

“Try not to over-control the situation. There’s a lot of things that can happen and come up that you’re really not controlling,” he said. “Try to be prepared as much as you can for things that are going to come up, and if negative things happen, stay positive and get through it.”

### Cases to remember

That philosophy likely helped Murphy with a few notable cases he recounted. The first was a construction site accident in which he represented a

#### REDIRECT:

**Getaway Spot:** Lake Tahoe/Tahoe Donner

**Go-To Music or Artist:** Classic rock

**Recommended Reading:** Michael Lewis

**Dream Job:** GM of professional sports team

**Words to Live By:** “Love is shown more in deeds than in words” – St. Ignatius of Loyola

worker for an HVAC company who tripped over a two-by-four that was hanging over a temporary ramp at a site in San Francisco. His client was hurt so badly that he was unable to work in the same capacity again.

The case brought its share of battles, Murphy said, specifically over his client’s behavior and health records – what was related to the incident at hand and what was pre-existing. Despite the hurdles, Murphy prevailed, getting a near-million-dollar result.

“We got \$950,000. And that very easily could have been zero, with the liability issues,” he said. “So, he was able to do really well for himself. That’s why I enjoy those type of cases, where you’ve got a lot of discovery. They’re fun to work up; they’re interesting. You’re dealing with a lot of different witnesses, documents, you’ve got plenty of insurance typically, and you typically have somebody who’s in a union or large-wage earner.

“A lot of times (a worker) can’t return to that employment. Either their injuries prevent them from (returning) or they now have limitations that can’t get them back into the workforce doing that type of job. So, then you’ve got to find a job that they can be trained into, and that’s often very difficult, especially for someone who’s been in the trade for 30 years.”

Another million-dollar case Murphy logged involved a roofer in Alameda County who fell about 30 feet from scaffolding after a protection bar gave way. His client’s injuries were severe enough where he was unable to return to work as a roofer. There were issues and questions, specifically surrounding who was responsible for the protection bar.

“Who touched it last,” Murphy said. “Many times, depositions will add clarity, as well as other pretrial discovery. But it was a very difficult case. ... The defense counsel were basically blaming the plaintiff for causing the accident. We were able to get a very good result with that one as well.”

### At his leisure

Murphy considers himself an outdoors person, so when he’s not working, he enjoys working out any number of ways: skiing, mountain biking, golfing, hiking, swimming and workout classes of the high intensity variety. He also enjoys his family time, especially taking trips to the Lake Tahoe area with his two teenage daughters. Further, he is a life-long avid Bay Area sports fan, especially the Giants, 49ers and Warriors.

Also, Murphy is involved with a number of philanthropic-type activities, including launching a scholarship fund for a late USF classmate and friend.

“One of our classmates passed away in the 101 California Street shooting; his name is John Scully,” Murphy said, referring to the 1993 mass shooting in San Francisco that claimed the lives of 10 people, including the shooter. “So, I as well as a couple of other classmates have brought a scholarship forward, which we’re continuing to fund for students in need on John’s behalf. We’re still trying to raise money for his scholarship and his legacy. ... It’s called the John Scully Memorial Scholarship.”

Asked about what wisdom he would hand down to a young lawyer today, Murphy said it’s important to be able to be prepared to roll with the punches.

“Stay positive and don’t take yourself too seriously,” he said. “You’re going to have a lot of conflict. You’re dealing with a lot of different personalities, you know. Don’t take it personally. Stay positive. And don’t be intimidated by the process.”

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