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Profile: Kimberly Levy

Trial lawyer often represents the underprivileged, achieves success through her persistent, competitive nature

By **STEPHEN ELLISON**

No extra motivation is necessary for Kimberly Levy when it comes to seeking justice and fairness, especially when she's doing it for someone who's most likely considered an underdog. Those advocacy traits were rooted within her early on in life, and she has managed to leverage her compassion for equality – along with her fierce competitive nature – into a decorated career in personal-injury law.

Levy, managing senior trial attorney with the Dolan Law Firm in San Francisco, was on a path for a career in library science, having worked extensively with the library at University of California, Santa Cruz while finishing her undergraduate studies in history. It was during that time she began a serious self-assessment on her future and saw the proverbial light bulb glowing over her head.

"As I was doing that work, I was like, 'OK, I'm not really accomplishing anything for anyone here; I'm not getting anything for anyone.' So, I just decided I'm going to start studying for the LSAT at night," Levy recalled. "I had a full-time job at the UC Santa Cruz library and then I drove over to San Mateo County to take a class because there was nothing close by. So, I studied to take the LSAT, and I just kind of jumped into it and never looked back."

Indeed, Levy said farewell to the library – but not to the books – and attended Santa Clara University School of Law, where her initial goals pointed toward criminal law. She got involved with the Northern California Innocence Project while still in law school, but she soon found out that the underdog clients in that realm were of a different element – one she wasn't really prepared for.

"We would investigate cases of inmates that were claiming they were factually innocent," she explained. "I went to visit inmates in a prison, I want to say it was a Salinas Valley prison, and while I was there, I don't want to say it



Levy

was a riot, but a fight broke out. And the next thing I knew, there were rubber bullets being shot and they were throwing a tear-gas can, and I was like, OK, maybe this isn't what I want to do."

Not long after that harrowing experience, Levy took a job as a paralegal with a plaintiff's personal-injury firm in San Mateo, and she was at last on track to apply her passion for helping those who were up against the odds. She eventually became an associate attorney, then a senior associate attorney, finding the work to be an ideal fit for her goals and passions.

"It was eye-opening to see how this industry worked, how all of these people were being railroaded by insurance companies to try to get them to settle for the least amount of money possible," Levy said. "And the phrase 'Oh, it's just soft-tissue injury' kind of entered my world. ... It was really upsetting to see this. Also, it was kind of the first thing that I was given a chance to do.

"I think I had been barred for maybe three or four months when I went to an arbitration with my boss," she continued. "And part-way through the arbitration, she says to me, 'OK, I have to leave and take a deposition in another case. You got this.' I was thrown into the fire. But it was a great experience, and honestly, if she had told me ahead of time, I probably would have panicked. That's how I ended up being in personal injury."

Helping underprivileged clients

After more than seven years at that first PI firm, Levy was primed for her next career move to one of the best-known PI firms on the West Coast, The Dolan Firm. For the better part of six years now, she has been focusing on catastrophic personal injury, wrongful death, government liability, premises liability and medical malpractice cases with Dolan. She enjoys working with underprivileged populations such as non-English speakers or people who are unhoused. Levy stops short of calling it a specialty.

"You know, I think it's just the fact that most of the population I serve is in the San Francisco area," she said. "Plus, I think a lot of attorneys do shy away from taking on those clients. It is difficult; it adds a layer of difficulty getting in touch with people and other practical matters like that. Also, (some lawyers) tend to view those cases as having decreased value.

"In the last few years, I had a client who was unhoused," Levy continued. "He was hit by a bus, and I lost track of him. I had to search all over for him, and I actually found him at Stanford Hospital. Luckily, he had just been taken there. I bought him a cellphone, and I made sure that I could keep in touch with him. He had some pretty grave injuries. He ended up passing away (years later), but after his case was over he and I kept in touch. He was able to buy a house, and he later moved back East where his family



APRIL 2024

was. He sent me a key to his house with a note that said, 'You're welcome anytime.' He became like family to me. So, I guess what I'm driving at is all people have value, and we shouldn't shy away from helping those who maybe don't seem like A-plus plaintiffs."

In a case involving another underprivileged client, Levy and a colleague co-chaired a trial in Sonoma County, a Native American woman who was temporarily unhoused. She was living in a tent on a trail when a police officer on a motorcycle spotted a suspect on the trail who he believed had a warrant out for his arrest, Levy said. A chase ensued, and the officer lost control of his motorcycle and crashed into the tent where Levy's client was staying.

In addition to road-rash injuries, the woman experienced quite a traumatic event, Levy said. The city of Santa Rosa was named as a defendant in the case, and it didn't want to take responsibility for the actions of its police officer. Levy and her colleague put on their best case, and ended up winning, but her client's compensation was less than it should have been.

"It was really disheartening to see that the jury assigned fault to the phantom person that was running away from the scene," Levy said. "We heard from jurors that they knew assigning fault [to that person] would decrease the amount of money she received. So, it was really sad. It was a very eye-opening experience. As a white person, I don't experience those types of things. And that was even something that was said by one of the jurors: 'If it was a white woman at a farmers market, I bet you she would have gotten a lot more money.' But it doesn't stop us from fighting for these folks."

Be like Matlock

A Bay Area native, Levy says she was argumentative as a child, especially when it came to standing up for others who couldn't or wouldn't stand up for themselves. One fond memory of her childhood, she says, is spending time at

REDIRECT:

Getaway Spot: Santa Cruz

Go-To Music or Artist: 90s music, Pixies, Nirvana, Green Day, Smashing Pumpkins, Weezer, REM, etc.

Recommended Reading: "Educated" by Tara Westover, "The Poisonwood Bible" by Barbara Kingsolver

Dream Job: Freelance writer

Words to Live By: "Be yourself; everyone else is already taken." – Oscar Wilde

her friend's house every day after school to watch their favorite TV shows.

"We watched normal 1980s TV shows like "Saved by the Bell," but we also watched "Matlock." I just loved how magical it was that Matlock could always win," she said. "Obviously, that's not real life. But I always just kind of thought that was cool and that he's always fighting for the underdog. So, that just stuck with me."

Perhaps that's where Levy picked up her approach to trial. She prepares every case as if it's going to trial, and once she files a lawsuit, she'd better be ready and willing to take the case to trial. She strives to remain amicable, when possible, with opposing counsel, mainly because it's the right thing to do from a professional standpoint, but also because such professionalism reflects well in front of a jury. In terms of a style, she aims to be her authentic self and hopes that the jury accepts her for who she is.

"I just try to get up there and tell the truth," she said.

But regardless of whether Levy is able to win over a jury, trials tend to place a temporary hold on any given lawyer's typical lifestyle, she said.

"I think the most difficult part of trial is trying to handle every single thing that's coming your way, and to know that you'll get to rest after trial," Levy said. "My philosophy is you really have to put every single ounce of effort that you possibly can into each day of trial. And that includes when you really start to work, which is after you leave the courtroom for the day to plan for the next

day to figure out what kinds of motions you might need to bring or oppose and to try to get inside the head of your opponent so that you can understand where they're going with their case and how you're going to cut it off.

"My style is self-deprecating," she added. "I can never let my guard down by thinking I'm good at this or good enough. There is too much at stake for me to be cocky, too confident, or feel comfortable. This keeps me on my toes and working hard. No matter what results I get in a case, I still always feel like I could have done better or handled something better."

'Keep fighting'

When she's not in court or at the office, Levy loves spending time with her husband, an 11-year-old daughter, a 9-year-old son and a dog. They enjoy going on hikes, swimming and playing sports together, anything that gets them outdoors, she said. They're also big Bay Area sports fans and love going to the ballpark to watch the Giants or listening to the games on the radio.

Regarding advice for young lawyers or those aspiring to the profession, Levy says it's perfectly fine to be assertive and persistent when it comes to your own career.

"Keep fighting. If you want to become an attorney, don't let any adversity keep you from doing it," she said. "It was very difficult for me to find a job at first, and I thought, 'Gosh, how am I going to do this?' A lot of my friends from law school decided they were going to manage a Starbucks or something like that, and that's actually what a lot of people did. But, if you feel like you want to give up, just give that extra effort and push forward because eventually you'll make that breakthrough, and you'll find out what you want to do. Life is full of things that are going to knock you down, so you've got to just keep pushing forward."

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