



Profile: Nabilah Hossain

Making partner in a little more than a year, she went from criminal prosecutor to being a “civil DA”

By STEPHEN ELLISON

Helping scarred victims and punishing the bad actors who harmed them is not easy work, but for Nabilah Hossain, it's been an easy choice of livelihood, as it allows her to strive toward her goal of leaving the world a better place.

Hossain, a partner with Cotchett, Pitre & McCarthy in Burlingame, initially entered law with the intention of becoming a prosecutor, and she did precisely that, first as an assistant district attorney for nearly seven years in New York City, then in the same role but for a much shorter tenure with the San Francisco DA's Office. Her title in the City by the Bay remained the same, but the job itself didn't.

“Around 2019, life circumstances led me to move to California,” Hossain recalled. “My fiancé at the time had just finished business school, and he got this great job I was really excited about. ... The job was supposed to be in Brooklyn, but the company got bought out, and the job suddenly moved to San Francisco. So, I took a leap of faith, and I said, ‘Let's do it.’ I moved here, and I worked at the San Francisco DA's Office for a little bit, but the job was just not the same as it is in New York. So, I thought it was time to do something different.”

ADA's job differs in New York and San Francisco

In the Big Apple, Hossain described working in the assistant DA job as a “public-facing role,” in which the prosecutor investigates their own case, interacting not only with the victims, but also with witnesses and the police. An important part of the ADA's job was making sure to do right by the public, by the defendant and by the victims, she said. In California, she said, the police do all the investigating and the prosecutor generally doesn't talk to witnesses or police officers. It was a process she just couldn't get comfortable with.



Hossain

Hossain left the San Francisco DA's Office after just 10 months and took another leap – this time into civil practice as a senior associate with Cotchett, Pitre & McCarthy. There she found her New York DA experience would not go to the wayside.

“I jokingly call this job being like a civil DA – all (the same elements) are there,” she explained. “You meet a client. It's really important that you're honest with them about what your causes of action can be, what their potential recovery can be, that you explain to them, sort of, how the world works, how this case works. And you have to go out and do your own investigating because you don't have a police department or an investigator; you have to go figure it out yourself.”

“A lot of that requires you to get the best story out of (your client), even the details that they don't know are important,” Hossain continued. “So, it kind of ended up being the exact same thing, and I didn't even know it at the time. It's beyond my wildest dreams.”

Indeed, her dream of becoming a district attorney was realized, just in a different form. Hossain worked her way

up to partner in a little more than a year at CP&M, having worked on class action cases against PG&E related to the Kincade and Dixie wildfires as well as claims against Tesla, Boeing and large insurance companies. She's currently working on cases related to the January 2023 Half Moon Bay mass shooting and the August 2023 Maui wildfires.

Hossain specializes in sex abuse, mass casualty, wrongful death and catastrophic injury cases. She certainly doesn't shy away from the most complex litigation.

“I'm really lucky to be at a firm that gets a lot of these bigger cases that have a lot of victims, and a lot of victims of the same accident or negligent act,” she said. “So, it's got its own complicating procedural aspects and managing aspects.”

Criminal DA to “civil DA”

Hossain is of Bengali descent, and in her particular “diaspora,” there aren't many lawyers. Doctors, engineers and scientists are plentiful, she said, but she didn't know any lawyers growing up. She did, however, get right to work after graduating from New York University with a degree in politics and Middle Eastern and Islamic studies.

“After college, I worked at Merrill Lynch right before the 2008 disaster,” she recalled. “There was one attorney there who had been a DA at the corporate VA office, and he just pegged me one day and said, ‘You know, I think that you'd be really good at this. The combination of your skills and how you approach the world, I just think you'd crush at this job.’”

“So, I went to law school to be a DA because once I looked into it, it was just everything that I wanted to do and be,” she added. “He and his wife actually ended up being huge influences in my life. I interned for her out of the Brooklyn DA's office, and I got to see what she was doing. And I was just hooked.”



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During her time at Brooklyn Law School, Hossain interned with the U.S. Attorney's civil division, where she got her first hint of experience in civil litigation such as wrongful death cases, tort claims and fraud cases. She also clerked for Judge Robert Levy in U.S. District Court.

After law school, she was ready to pursue her dream job of District Attorney and got started in that capacity right away as an assistant DA in New York, where there was no shortage of cases and trials. Hossain prosecuted hundreds of cases that ran the spectrum of crime, from domestic violence and assault to drug possession to identity theft. She also tried 18 cases to verdict and assisted on four other trials.

Fewer trials in the civil world

Today, as a plaintiffs' attorney, Hossain has found trials are few and far between, and in her short time with CP&M, she's still waiting patiently to try her first case.

"You know, I joined this practice in 2020, and I have not tried a civil case. They're just not going out," she said. "I think that the court systems are really backed up, and they're prioritizing their criminal cases, as they should. I've heard anecdotally that some cases that routinely used to go out or used to get tried are no longer getting tried. So, I'm hoping that the after-effect of COVID is going to clear up soon, and we'll get to trial.

"I love trying cases," she continued. "I've learned through the years it's what I love about being a lawyer. The rest of it is just kind of what you do to get to trial. And that's the best part about it."

Trying to compare her approach in a criminal prosecution trial with how she might approach a plaintiffs' personal-injury trial, Hossain said it's just different, based on what she has observed as a spectator and while helping the firm conduct focus groups. She said although the liability aspect of a civil case is similar to a criminal case when it comes to proof and evidence, the damages in a civil case makes it a "totally different ballgame."

REDIRECT:

Getaway Spot: Costa Rica

Go-To Music or Artist: East Coast Hip Hop

Recommended Reading: Interpreter of Maladies by Jhumpa Lahiri

Dream Job: Interior Designer

Words to Live By: "Don't let perfection get in the way of getting it done."

"I think I've picked up little things along the way as to how I would do it, but the fundamentals are sort of the same," she said. "You have to be honest and true to yourself when you're conveying the arguments that you're making. And what works for one person is not going to work for you if it's not authentic and genuine."

"I mean, jurors are so bored throughout a trial that they are just examining what the lawyers are doing the entire time," she added. "What you're wearing, your shoes, how you're acting, how you're behaving. And they can see right through the (BS) so quickly."

Seven-figure justice

Even without the benefit of trial, Hossain has litigated some high-profile cases that will stick with her for a long time. Two of those cases that recently wrapped up came against an ambulance company, in which both of her clients were elderly patients that had been sexually abused by the same EMT in the back of an ambulance, she said. Hossain and her team were able to get \$7.2 million combined for the two clients, who not only were elderly, but also had been diagnosed with dementia. In the case of her first client, police and the patient's own family did not believe her claims.

"It was really validating to show those two individuals that we believe them, that we could prove that they were believable, and ultimately that we were able to get civil justice for them," Hossain said.

The EMT was criminally prosecuted and sent to jail, she said.

Hossain also continues to work on the Maui wildfire case, which she called a humbling, learning experience. The people of Maui are different from clients in California, she said – their culture, their values and how they see their losses all are different. She's also learning that the legal community there is tight knit, so fortunately she was able to team up with a local attorney.

"Cynthia Wong, she has been incredible," Hossain said. "She knows how to respect her community and her clients and bring them justice swiftly and quickly. It's been great to work with her on these cases."

In early August, the defendants in the deadly fire that leveled the resort town of Lahaina agreed to settle more than 600 lawsuits for just over \$4 billion. Hossain was most proud of the fact they were able to resolve the case before the one-year anniversary of the fire.

Family time

When she's not working, Hossain has a 2-year-old son at home who keeps her very busy. But when she does get the chance at leisure, she enjoys outdoor activities with her family such as running or hiking or just relaxing at the beach. She also makes sure to get back to the East Coast whenever she can to see friends and family from her old stomping grounds.

On the subject of advice, Hossain said young attorneys shouldn't be afraid to seek out a mentor or someone willing to show them the ropes.

"Find someone that you admire and could realistically emulate and latch on to them like a leech so that you can learn from them," she said. "I just think that we are told that lawyers are supposed to be a certain way and look a certain way and talk a certain way, and that's just absolutely not true. When you find someone that you feel like you can learn from, you shouldn't let that person go."

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