



Profile: Scott Montgomery

Trial lawyer comes full circle, winning big sex-abuse verdicts for a hometown law firm

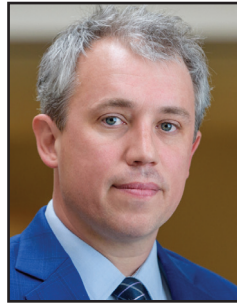
By **STEPHEN ELLISON**

Sometimes intangibles are just as much a factor in one's success as are concrete skills. That's the essential idea Scott Montgomery conveys when he recounts his trajectory into a decorated law career, winning recently a Daily Journal Attorney of the Year Award and a CAOC President's Award.

Montgomery, a trial lawyer for 13 years with Santa Rosa-based Abbey, Weitzenberg, Warren and Emery, was once a talented ice hockey player, good enough to have played in the ranks of Junior Hockey, a developmental league that for some is a prelude to the pros. While a serious injury ended any NHL dreams he may have entertained, having competed as an athlete at such a high level provided him with those intangibles that he believes help breed success.

"I think that competitive sports make for very competitive lawyers and people," Montgomery said. "So, the hockey thing was really important for my development. It doesn't mean you have to be a competitive athlete to be a good trial lawyer or a good planner. That's not true at all. I have found that the skills that I learned playing hockey, like being tenacious, working really hard, being willing to put in the time to try to get to a goal and being willing to work with teams – all those non-academic life skills – are important to being a good lawyer. And it all came from that competitive sports background."

Of course, the athleticism and its inherent competitiveness paint only part of the picture of Montgomery the attorney. His upbringing likely played a larger and even more significant role, with his father being a longtime practicing lawyer.



Montgomery

Admired his father, a lawyer

The younger Montgomery has long admired his dad, and from the time he was no more than three or four years old, he says

he can remember both his parents speaking to him not in simple terms that adults often use with their young children but in a more sophisticated manner. And it helped that Montgomery was curious, listened to them and retained all of it.

"When I was really small, (my father) would always talk about law," he recalls. "As they explained it to me – my parents – I would ask questions that were pretty advanced for my age. There was a story where a house burned down near our house, and we would drive by it. I must have asked a lot of questions, generally, like, 'What happened?' My dad said, 'Oh, the people were negligent and their house burned down.' So, for years, every time we drove by, I would say, 'That's where the negligent people live.' Apparently, I seized onto those (legal) concepts from a young age."

That youthful curiosity grew into a genuine interest in the law – with the help of his parents' encouragement – and Montgomery's competitive nature along with his eloquent public speaking ability completed the resumé. While his father was a family-law practitioner, Montgomery gravitated toward the plaintiffs' bar. The timing, however, was not right when he was first starting out.

After he graduated from law school, hiring times in the law profession were

tough. Montgomery recalls feeling somewhat disenchanted at the time that he was unable to land a position at one of the big Bay Area firms. But as he looks back today, he counts himself fortunate to have caught on and excelled with a small but successful firm back in his hometown, even if it took a few years to seize that opportunity.

Started at a hybrid trial firm doing defense work

"I'm really lucky that I got on [at] the plaintiffs' bar because it was what I always wanted to do," he says. "I got a job as a law clerk here at this law firm, and they actually did, we actually do, both [plaintiff and defense work] – the firm did insurance defense; it represented some wineries and businesses, kind of just general civil litigation in a smaller town like Santa Rosa. And originally, I was doing some of that – not because I didn't want to do plaintiffs' work, but because they didn't have space for me on that side.

"When the opportunity came due," Montgomery continued, "and they let me have a chance to switch and work with the plaintiffs' side, I jumped at the chance. And I've never looked back."

Indeed, Montgomery has had his share of success, having handled more than a thousand cases across California and obtaining more than \$225 million for his clients. Recently, he has gravitated toward sexual abuse and assault cases and done quite well, with a jury verdict of \$46 million for a child sex-abuse victim and another jury verdict of \$24.8 million for three child sex-abuse victims.

Those are just a few of Montgomery's many seven- and eight-figure results, not just in child sexual abuse, but also in automobile crashes and other personal-injury actions.



Staying full circle

Montgomery grew up in Santa Rosa, where he learned and developed his hockey prowess at the local ice rink built by perhaps the city's most famous resident, cartoonist and "Peanuts" creator Charles Schulz. The ice itself is not ideal for hockey, Montgomery said, and when his aspirations for playing the game at a high level became serious, he moved away to a place where he would be able to hone his hockey skills against fiercer competition.

"I actually ended up living in the Midwest for a few years playing hockey," he recalls. "I went to a boarding school and played hockey during high school, and then actually played a year in between high school and college ... in what's called Junior Hockey. Then, I suffered a severe ankle fracture during a game and ended up in a cast for months. That was what led me to college. At that point, I just wanted to keep playing and maybe try to play in college, at the D1 level. Ultimately, I went to (University of Colorado) Boulder and played club hockey, then came back to UC Hastings for law school."

During his time at what is now UC Law San Francisco, Montgomery got his start at Abbey, Weitzenberg, Warren and Emery as a clerk. He's been with the firm ever since.

Trial record includes losses

Despite the ongoing trend of fewer cases reaching the trial stage, Montgomery and the Abbey firm have been able to average about two to three trials a year since 2021, he says. The firm's policies and the timing of a case each play a small role in that statistic.

Montgomery notes three keys to his and the firm's ability to get to trial: One, big damages, clear injuries, "things people can get behind and understand," he says; two, diligent preparation, which includes focus groups – "conceptualizing what it's going to look like from all perspectives;" and three, luck – the defense must offer the opportunity to try the case, "because if they offer you

REDIRECT:

Getaway Spot: Somewhere warm... but also sometimes somewhere cold.

Go-To Music or Artist: Anything that I can run to.

Recommended Reading: Do busy lawyers have time for pleasure reading? If yes, I'm doing it wrong!

Dream Job: This is it.

Words to Live By: "You miss 100% of the shots you don't take." – Michael Scott ("The Office") quoting Wayne Gretzky.

enough money, you're never going to get that opportunity."

"So, I think we've been lucky of late that we have good cases, we work very hard, and then we get that third opportunity where they aren't settling the case and letting us have a chance to end up in the courtroom and to do something meaningful," Montgomery says.

"I also lose cases, which is something I really do want you to know," he adds. "I think that's important too. I am not going to ever tell anyone I always win. Attorneys telling war stories about how they win, and all they ever did was win – and sometimes you hear that from people – I think they're either not being completely honest or they've only tried one or two cases in their lives."

Recent record of great success

Montgomery's successes in trial have been massive of late. In a case that was filed in 2022, he won a \$46 million jury verdict out of Sonoma County in October (pending appeal) against a man who sexually abused a minor, with the man's ex-wife also named as a defendant. The man is in jail for his criminal acts, but his ex-wife was found negligent for not preventing the abuse. The eight-figure jury verdict may very well be the largest in the county in a sex-abuse case, Montgomery said.

In 2023, Montgomery won a \$25 million jury verdict out of Sonoma County for three foster children who were sexually assaulted by their foster father. The abuser's wife and the foster-care placement agency also were defendants

in the case. The agency was found 60% responsible for the damages.

"Lately, I've been handling more child sexual abuse cases against institutions than (against) individuals," he said. "Those really are impactful on your psyche. In these cases, to get those kind of results with these people leaning on you, needing that help, knowing they had had a lifetime of harm – and to get that result. And in both cases, no one's rolling over. The defense is arguing [hard] because these are negligence cases against third parties for basically failing to prevent sexual abuse by an offender."

"So, in the first case, it was a wife whose husband was abusing all these kids in the home," Montgomery continued. "And we only represented one, but it's just a pure negligence theory that's actually covered by your homeowners insurance. They had good lawyers, and the homeowners insurer on her claim offered \$250,000. It's a million-dollar policy. To get that kind of verdict, there's a moment when you just ... I started to cry; I couldn't help it."

Fear, failure, fun

On the seldom occasions when Montgomery is not in the office or the courtroom, he's spending time with his family, watching the San Francisco 49ers or gearing up for his own athletic endeavors. He enjoys running and other exercise and still tries to lace up the hockey skates every so often.

But, most times, when he gets home, he knows how he's going to spend the evening.

"When you have small children, as soon as you walk through the door, it's like, that's your freaking job," he says about spending time with his two-year-old. "Basically, I'm spending time with her or playing sports. ... I like to run. I think exercise is super important for anyone who is doing a high-stress job like this. I try to get out there and jog for 30 minutes, and I try to do it in the morning. Doing that little bit of [exercise] time, versus doing 30 more minutes of



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work or reviewing an outline, is actually way more important because it centers you for the whole day.”

As for advising the next generation of plaintiffs’ lawyers, Montgomery says his guidance would be twofold: Become a trial lawyer who tries cases, and don’t have a fear of losing. The former is rewarding emotionally, and the latter is

inevitable, so in the long run, it only will help you learn how to accept failure and get past it, he said.

“Losing is going to happen; just get up and do it again,” Montgomery says. “Being a trial lawyer is a great job, and I recommend anyone who’s interested in it should do it. But just do it knowing there will be failures, and be willing to

accept those and just keep going. Because honestly, this job includes failure every day. But if you just curl up in a ball and fall apart, you’re not going to serve yourself or your client. That’s what’s most important.”

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