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# Profile: Miles Cooper

Navy SEAL hopes dashed, trial lawyer reaches a different level of elite status

By **STEPHEN ELLISON**

Attorney may not have been his first choice of profession, but Miles Cooper found he had an affinity for upholding the law without having to wield a firearm. Brandishing a shrewd mind and a sharp wit, Cooper preserves justice within the confines of the plaintiffs' bar, and it still provides him with the proper rush.

"I didn't think I wanted to be a lawyer," said Cooper, a founding partner of Coopers LLP Trial Lawyers. "I was pretty bummed that I didn't get the chance to be a (Navy) SEAL. But the intensity associated with trial is pretty amazing. ... There's nothing else I ever wanted to do. Not within the law."

Cooper's penchant for trying cases came almost the moment he started working at the Veen Firm with seasoned litigators Bill Veen and Cynthia McGuinn – before he even started law school. He recalled working with the firm while attending UC Berkeley for his undergraduate studies and spending more time at the law office than at school. Eventually, Veen and McGuinn persuaded him to consider getting a law degree.

Cooper did just that at University of San Francisco Law School and secured his first job as an attorney continuing to work and learn at the Veen Firm. What he has gleaned since those early days, in terms of a career in plaintiffs' law, is a formula for success that has allowed him to build his practice and open his own firm with his wife Maryanne, also a very successful trial attorney.

That career formula, or "toolbox" as it is called in his online biography, consists of eight key elements: Compassion, trial experience, strategy, risk assessment, passionate communication, growth, relentless pursuit, and community involvement.

The first two elements often go hand in hand when connecting with clients, Cooper says, and some lawyers just have a knack for finding the optimal balance.



Cooper

"I feel that trial skills are becoming a lost art," he said. "There's a positive aspect to this: For most clients, violence is horrible. It's dehumanizing. It's stressful. If we can get a good settlement for a client,

that's wonderful. At the same time, the best way to get a good settlement is really for the other side to know that they've got a fight on their hands with a hell of a trial lawyer."

That would be one way to describe Cooper, who at a relatively young age was invited to be a member of the American Board of Trial Advocates, a prestigious organization that admits trial lawyers based on their skills, ethics, and civility. That affiliation places him in the exclusive area of trial specialist, a status that prompts other attorneys with less trial experience to request Cooper and his team to take over their cases.

"The people who seem to find themselves at trial the most are the ones who are willing to co-counsel other people's cases," Cooper said. "If I talk to a lawyer who is trying a lot of their own cases, that usually indicates that it's not necessarily in the client's best interest (to be at trial).

"With the passage of the Discovery Act back in the '70s, it started a clock where a lot of the great trial lawyers are of an age now where the vast majority of them are retired," he added. "And then there's this kind of mixed bag of former criminal lawyers or oddities like me who fought to get trials as the other lawyer."

Still, Cooper says if he's lucky, he gets to trial about once a year. The last case he tried was about a year and a half ago, he

said, and since that time, he's been at the courtroom door six times before settling, something he chalks up to "crazy eyes that say, 'Yes, we're willing to go' that gets the other side to resolve things."

## Best laid plans

Born at Yosemite National Park, where his father managed the Ahwahnee Hotel, Cooper moved around quite a bit throughout his childhood. When he was a year old, the family moved to Salt Lake City, where he spent his elementary school years and got into skiing and biking. Then another move took the family to Baltimore for a couple of years, "and if that sounds like prison, it's a pretty accurate description," he said.

Finally, Cooper's family moved back to California, spending a couple of years living on the San Francisco Peninsula in the Bay Area, then in the Los Angeles area before he left for college in Berkeley. At Cal, Cooper was on the rowing squad, so after he graduated with a degree in political science, he was looking for something "outdoorsy" and challenging. He joined the Navy, with the intention of becoming a member of the elite SEALs.

After getting through boot camp, Cooper found out he had an eyesight condition that disqualified him from becoming a SEAL. So, it was back to square one in his search for a livelihood – until a family friend, Bill Veen, who had just finished a trial, was having dinner at his family's house and set Cooper up to work in his law office.

On his first day with the firm, Veen introduced him to McGuinn, and she took Cooper under her wing, introducing him to the fundamentals of preparing cases.

"Think 'Karate Kid,' wax on, wax off, little things along the way," Cooper said about his training with McGuinn. "Then at a certain point, I still thought I wanted to do something with a gun, CHP, FBI, and the two of them sat me down and



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said, 'Your talents would be wasted handing out tickets on the I-5 – you should go to law school.' That's how I ended up working in the law."

About nine years later, when McGuinn moved on to help form Rouda Feder Tietjen McGuinn, Cooper went with her: "It was a very tough decision," he recalled. "It was very much like: Do I go with Mom or stay with Dad?"

After nearly five more years and a partnership with McGuinn's new firm, Cooper departed from "Mom" and teamed with John Hullverson and Theo Emison, becoming their third partner to form what was then Emison, Hullverson. Over time, the other two partners moved on, and Cooper joined forces with his wife Maryanne, transforming the firm to Coopers LLP.

Cooper said he felt very little apprehension at becoming the boss because of how he'd always been mindful of the business aspects of his cases.

"I feel like I've always tried to think like an owner in terms of the costs that we're incurring for the client or the overhead for the firm," he said. "So, I didn't have any fear going into that side of things. And there is a lot to do when you're running your own firm beyond just running the cases."

But when it comes to the business side of managing the firm, Cooper says Maryanne "fortunately" has taken on the managing partner or CEO role of the firm, which frees him up to conduct more of the strategy and trial work.

### Beyond preparation

That work starts well before Cooper shows up on a trial date, and his approach goes far beyond preparing for the case itself. A colleague recently ran into Cooper at a particular courthouse even though Cooper wasn't on the docket that day. "Sounds about right," Cooper said. Indeed, he acknowledged he was there to scout out the venue thoroughly for an upcoming trial date.

"I'll use an analogy: When a SEAL team or Delta is going to take down a place, one of the things they want to know is how thick

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**Favorite getaway:** Marin Headlands

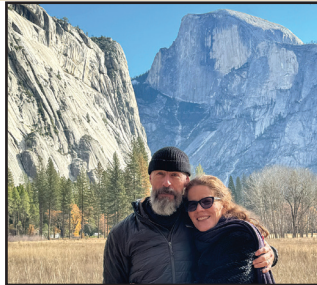
**Go-to music:** Post-punk – The Cure, Echo & the Bunnymen

**Favorite book:** "Foucault's Pendulum" by Umberto Eco

**Dream job:** I'm doing it.

**Words to live by:** Memento Mori – "The Stoics worked to remember that death could happen at any time, so be present and thankful for what might not be here in the next moment."

Miles and Maryanne standing outside his first home



are the doors," Cooper said. "It seems like a granular detail, and yet it speaks volumes. They want to know how thick the doors are because when they prepare breaching charges, they want to be able to breach just the thickness of the door without hurting the hostages who are inside. So, when I say it starts well before we get to the courtroom, I want to know everything I can about the other side. I want to know everything I can about that courthouse. ... I want to know who the clerks are, who the research attorneys are, who the corporate attendant is, what her preferences are, the local rules. We'll spend time in those departments before we go in.

"When we go in, we go in with granular knowledge," he continued. "What we try to do is demonstrate our mastery of the information and why we are the trusted guides to the court staff, the judge, the jury, and to a certain extent, opposing counsel. ... It's the little things, the minutia, that give you just small tactical advantages."

One of Cooper's cases that often comes up involved a client injured by a spicy burger. A bar in San Mateo served what it called the world's spiciest hamburger, the Habanero Triple X, and customers had to sign a waiver to eat it, he said. Cooper's clients were not among the culture of people who travel

around and take on spicy food challenges. They were simply doing a garden show at the San Mateo County Fairgrounds right outside the restaurant, and one of them decided he was going to eat the Habanero Triple X. After the man finished the burger, instead of giving him dairy, the prescribed way for helping people experiencing challenges with spicy food, the bartender gave him two pitchers of water.

"When he retched, there was more volume than could go out his throat, out his mouth, so it ripped up his esophagus, and he ended up with what the thoracic surgeon described as a debris field of burger in his body," Cooper said. "He went septic and into a coma.

"Then what we came to learn as we handled the case was the new owner of the bar had decided they were going to kick it up a notch, and they spent a month coming up with the hottest substances known to put into this sauce. And they didn't spend a second on any safety precautions. So, the case was very challenging because of the waiver piece and because of assumption-of-risk issues, and despite that, even a conservative county like San Mateo decided that this was not OK."

Cooper won a verdict of just over \$1 million, and his client was assessed 50 percent at fault because he ate the entire burger.

### Family and adventure

When Cooper is not working, he enjoys spending time with his children, ages 12 and 11, he practices yoga, and he's an avid bicyclist. His cycling treks may not be on a competitive circuit, but they are no small feats.

"I'm more of an adventurer than a racer," he said. "I will do big rides. I've done ... longer trips, ridden from Big Bear to Pasadena along fire roads with a friend. That's sadly through a lot of the area that was recently burned. So, I put it in big mileage, but I'm not a racer."

Cooper also enjoys covering his profession via a monthly magazine column called Back Story and through a podcast during which he interviews other plaintiffs' lawyers. He also gives back to



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the community with contributions through legal aid volunteer work and active transportation advocacy. He's a regular volunteer with the legal aid clinic and with Project Homeless Connect for the Bar Association of San Francisco's Justice and Diversity Center. And he advocates for improved bicycle, pedestrian, and transit safety and access.

Cooper's advice to younger lawyers is simple: There's no rush to success.

"I think that to succeed in this practice, you need to recognize that it's a marathon, not a sprint, and you need to approach your career accordingly," he said. "There was a joke at the Veen Firm that, given the number of hours I worked, I was paid less than minimum wage. I put a lot into the early years of my practice. ... It did not benefit me from a human perspective.

"I just hit my 10-year mark on being sober," Cooper continued. "There's a lot

of stress in our profession, and there's a lot of alcohol. I guess a corollary thing that I would suggest to young lawyers is really think about what role substances play in your life, and whether you really need them. The thing about it, for those of us who have hung up the bottle is, it's not all of us as trial lawyers, but it's a lot of us."

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