

LOS ANGELES

Daily Journal

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OFFICIAL NEWSPAPER OF THE CITY OF LOS ANGELES AND THE COUNTY OF LOS ANGELES

VERDICTS & SETTLEMENTS

Friday, April 19, 1996

CASE IN FOCUS

LITIGATOR PROFILE

Lawyer Finds Satisfaction Fighting for the Underdog

Name: Timothy Clifford Riley.

Name of firm: Law Offices of Timothy Clifford Riley.

Location of firm: 13412 Burbank Blvd., Suite 6, Van Nuys, CA. 91401.

Education: Benjamin N. Cardozo School of Law, Yeshiva University (J.D., 1982); Pace University (B.P.S., 1978).

Affiliations: The State Bar of California; State Bar of New York; and the Los Angeles County Bar Association.

Publications: Riley co-author of a chapter on legal causation "Causation" Chapter 9, Forensic Sciences, published by Matthew Bender.

Faculty Appointments: Adjunct Professor of Law, Pepperdine University School of Law, Malibu, California, 1985.

Length of time practicing law: 13 years.

Types of cases: Civil litigation and appellate practice, including insurance bad faith, personal injury, medical malpractice, product liability and business litigation.

Times. Additionally, his photographs of the Alvin Ailey Dance Company were displayed in a one-man-show at City Center in New York. Despite his accomplishments in the arts, his interest in the practice of law could not be squelched. After appearing in the courtroom drama "Inherit the Wind," he was "fascinated with the dynamics of the courtroom." Highly motivated, he decided to return to college and enrolled at Pace University, where he completed three years of coursework in one year and graduated with distinction. His passion for litigation led him to enroll in Benjamin N. Cardozo Law School. He arranged his law school schedule so that he could appear in court as a litigation assis-



HUGH WILLIAMS / The Daily Journal

CHOOSING HIS CLIENTS — Timothy Clifford Riley only takes on cases that he firmly believes in. "It bothers me greatly when I see someone picked on or taken advantage of," he says.

of discovery devices "to lock in your opposition." He analogizes trial strategy to chess: "Trial strategy should be approached with precise detail and with the foresight of a chess match, and it should not unfold like a game of checkers erroneously hoping that your opponent won't see your next move." Riley also credits his success to talking "plainly and simply" to jurors. He feels that his wife is invaluable in making sure that he does not use "legalese" and that his arguments make sense. "If it does not make sense to her, then it will not make sense to the jurors." According to Riley, "too many lawyers want to showboat." While it is important to

nearly four years to his wife, Hayden. He believes they are something of a legal "Hart to Hart" as she joins him in court as his legal assistant. They enjoy sailing, hiking and working out together. Their hobbies include learning sign language, building furniture and working in their garden. They also follow the Lakers, love to prepare dinner parties and host a Bible study in their home. Riley also occasionally indulges in a "fine cigar before a cozy fire."

What other lawyers and judges say about this attorney: California Supreme Court Justice Marcus M. Kaufman, retired, described Riley as a "sensational, conscientious and skilled attorney." "I can't say enough about him." Judge Kaufman reviewed an appeal by Riley: "He had insight into issues that interested the court and knew how to present them." David A. Van Riper of Campion, Rodolff & Van Riper, Santa Ana, a former student of Riley's at Pepperdine University School of Law, described Riley as a "powerful

Background: Riley was born and raised in a very small town in Connecticut. The town was so small that everyone seemed to be a relative or an in-law, and he grew up with "old country" family values and traditions. As a high school student, he was scouted as a baseball pitching prospect. However, much to his father's dismay, he decided instead to accept a theater scholarship to the University of Connecticut. During his freshman year, he was seen in a theater production and was asked to join the Hartford Stage Company. He was cast as a member of the American Shakespeare Theater and Academy in Stratford and remained in the Shakespeare repertory company for two years, appearing in the Broadway productions of "Henry V" and "Othello." He also exercised his creativity through photography and had his own photography studio. He photographed top models and celebrities such as Bette Midler, Donna Summer and the Bee Gees, and his prints appeared in Glamour, Harper's Bazaar, Rolling Stone and the New York

tant to Herman B. Glaser, the dean of continuing education for New York State Trial Lawyers. Although he enjoyed working for Glaser during his three years of law school, he declined Glaser's offer to join his firm after graduation and moved to California. His first legal job was with a plaintiff's personal injury firm. After approximately two years, he started his own firm. Riley's practice is plaintiff oriented. He explained that his father was paralyzed as a child in a hit-and-run accident and he witnessed how dramatically his father's life was affected by his injury. He believes that this is the reason why he always "fights for the underdog" and it bothers him greatly when he sees "someone picked on or taken advantage of."

Keys to success: Riley stated, "To be effective, you really have to be prepared" and "preparation begins with the client interview." "If you don't like your potential client, the chances are a jury won't either." He takes on only cases and clients that he firmly believes in. Riley maintains it is important to take full advantage

present the case in an interesting way so as not to lose the jury's attention, a successful lawyer does it with "style and dignity." Riley feels that "honesty must run through everything" and that the lawyer's job is to "tell a story without story telling."

Favorite trial moment: Riley's favorite moment occurred in 1985, during his first trial in California. He was plaintiffs' co-counsel in a medical malpractice wrongful death suit. The decedent was a 63-year-old deaf-mute, who was survived by his wife and five children. During deliberations, the jury submitted a question to the trial judge. "Usually, trial counsel tend to get very curious and concerned whenever the bailiff informs them that the jury has a problem and wants to ask the judge a question. My concern soon turned into a big smile after the jurors' note was read. The jurors wanted to know if they were limited in the amount of damages that they could award the plaintiffs." The plaintiffs were ultimately awarded \$1.9 million.

Personal: Riley has been married for

speaker. When he talks, people listen . . . he is a very credible man." Van Riper praised Riley as "an excellent professor" who is able to "simplify difficult and complex concepts. This probably accounts for [Riley's] success as a trial attorney." Kenneth A. Maranga of Garcia, Emmons, Maranga & Morgenstern has tried several cases against Riley. He described Riley as being "tenacious." Riley "never lets up and is always a challenge. . . . When you go up against him you know he is not going to miss anything." He also noted that Riley has the "rare ability in our business to be able to lock horns with someone and then have an amicable relationship afterwards." Alan Gooding of Pearman & Wilson, Glendale, is a defense attorney who retained Riley to handle a personal matter. Gooding was "very pleased" with the work Riley performed on the case. Riley "is an excellent trial lawyer . . . highly principled, ethical, charming and articulate." "He's a heck of a guy and thinks fast on his feet."

THE CASE

Jury Awards \$3 Million in Verdict Against Insurance Company

Type: Insurance law, uninsured motorist claim, punitive damages.

Verdict: \$3,060,000 (against Continental); Defense Verdict in favor of Delores Nicholson (insurance adjuster).

Case/Number: Patrick and Lou Ann Crowe v. Continental Insurance Company, et al. / V22577.

Court/date: Solano Superior / January 12, 1996.

Judge: Hon. William Harrison, Dept. 2.

Disbursement: The verdict included \$25,000 each (economic damages for Patrick and Lou Ann Crowe), \$380,000 each (non-economic damages for Patrick and Lou Ann Crowe) and \$1,125,000 each (punitive damages for Patrick and Lou Ann Crowe) with a 12% comparative negligence reduction in the economic and non-economic damages

recoverable by Patrick Crowe for a net to him of \$1,481,400 and a net to Lou Ann Crowe of \$1,530,000.

Attorneys: Plaintiffs - Timothy Clifford Riley (Law Offices of Timothy Clifford Riley, Van Nuys). Defendants - L. Thomas Wagner (Hardy, Erich, Brown & Wilson, Sacramento) for Continental (liability phase); Robert M. Peterson (Long & Levit, San Francisco) for Continental (punitive damages phase); Richard Edson (Edson & Laplante, Sacramento) for Delores Nicholson.

Technical experts: Plaintiffs - Alan Paul Gooding, Esq., insurance industry & claims handling expert, Glendale; Raymond G. Schultz, Ph.D., economist, Pasadena. Defendants - Vincent Anderson, claims handling expert, San Francisco; John Dugan Barr, Esq., insurance industry expert, Redding.

Medical experts: Plaintiffs - James Moore, Ph.D., psychologist, Vallejo.

Facts: In August of 1985, the plaintiff, Patrick Crowe, and his 10-year-old son, Bryan, were broadsided by an uninsured motorist while making a left hand turn on a green arrow. (The uninsured motorist was subsequently convicted of vehicular manslaughter for the wrongful death of Bryan Crowe.) Patrick Crowe submitted an uninsured motorist ("UM") claim to the defendants, Underwriter's Adjusting Company and Continental Insurance Company ("Continental"). The plaintiffs, Patrick and Lou Ann Crowe, claimed wrongful death of their son. Patrick Crowe claimed personal injury and made a *Dillon v. Legg* claim. Lou Ann Crowe claimed loss of consortium. The defendants' claim file substantiated that they had determined liability was 100% clear and rested with

the UM within approximately one month of Bryan Crowe's death. The defendants made their first offer of settlement approximately sixteen months later on December 11, 1986. The Crowe's UM coverage was for \$300,000 but the defendants offered \$25,000 cash up-front and a structured annuity which would pay out over 25 years at a cost to the defendants of \$27,000. The defendants offered the plaintiffs \$52,000 (present value) total for the wrongful death of their minor child. The defendants' claim file substantiated that the comparison jury verdict values were as high as \$1,200,000, including seven other verdicts in excess of the \$300,000 policy limits. The plaintiffs brought this action against the defendants based on breach of the covenant of good faith and fair dealing and intentional infliction of emotional distress theories of recovery.

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