

Profile: Anne Marie Murphy

She made the transition from defense, enjoyed some early success and never looked back

By **STEPHEN ELLISON**

As a third-generation trial attorney whose father and grandfather both enjoyed careers on the defense side, Anne Marie Murphy may have felt a natural pull toward the other side of the aisle. And while she followed that course in the beginning – she worked as a defense lawyer for her first six years – Murphy felt her true calling was in tackling policy issues and social injustices that affected everyday citizens.

“(Defense work) was intellectually stimulating, but I missed the human aspect I had when I was working in the (U.S.) Senate, where we were really having an impact on people’s lives, working on policy issues,” said Murphy, principal with Cotchett Pitre & McCarthy LLP. “Not that I’d ever want to be a politician myself, but I really enjoyed the practice of law, and I missed that policy aspect of work. I decided that I would be most fulfilled working on the plaintiffs’ side, and it’s been wonderful – particularly at the firm I ended up with because it really stands out as one of the firms that is involved in socially just issues.”

“Not only do I do plaintiffs’ cases,” she continued, “but a lot of them end up having a very important policy aspect, whether it’s smaller elder abuse cases where you’re helping senior citizens, or a big case like our state buildings case where we sued Gov. (Arnold) Schwarzenegger for selling off our state buildings. There’s a varying range of size of cases, but that’s the theme of the work we do.”

It didn’t take long for Murphy to show her prowess in the litigation arena. In her very first trial, she took the first chair in a case against a credit card debt collection agency. She obtained a jury verdict for a woman who was claiming intentional infliction of emotional distress and violations of the California Fair



Murphy

Debt Collection Practices Act. It is believed to be one of the largest verdicts in the country for a single plaintiff claiming credit abuses. And on appeal, several important issues of first impression were decided in the plaintiff’s favor, Murphy said.

As for Murphy’s trial-by-fire encounter with trial law, she said it was both nerve-racking and exhilarating. “I’d never sat through a single day of a jury trial,” she said. “It was a somewhat terrifying experience. I was lucky to be joined by Justin Berger as the second chair, and we figured it out as we went.”

Finalist for Consumer Attorney of the Year

Not long after that victorious debut, Murphy was selected as a finalist for 2008 Consumer Attorney of the Year by the Consumer Attorneys of California (CAOC). And since then, she has become a stalwart advocate for consumers, senior citizens and at-risk youth across Northern California. In 2010, Murphy was appointed to the California Commission on Access to Justice, which plays a vital role in bringing together the three branches of government, judges, lawyers and civic and business leaders to find long-term solutions to the lack of legal assistance available to low-income and vulnerable residents.

She also recently joined the board for CANHR (California Advocates for Nursing Home Reform), a leading non-profit on issues related to senior citizens. She serves on the board for Seven Tepees

Youth Program, an organization “close to my heart for a number of years” that serves inner-city at-risk children in San Francisco. She also served as the chair for the CAOC women’s caucus two years ago.

From Alaska to D.C.

Born and raised in a small community in Alaska, Murphy at first wasn’t quite sure she wanted to follow in her dad’s and grandfather’s footsteps. Even though she had worked as a deputy clerk at the superior court in her home state, she had interests outside of law in biology and other sciences as well as technology. She attended Vassar College in New York and by her sophomore year had made up her mind to go to law school. Her next stop was Georgetown Law. Between classes and studies, she held a job as a legislative assistant for Sen. Ted Stevens, of Alaska, working on policy issues. After graduating from law school, she left the Senate and moved back west – but not back to her home state.

“I loved Alaska, but I knew I didn’t want to move back there to practice law,” Murphy said. “It’s such a small community. At the time, my dad was a judge, and I wanted to spread my own wings. I felt that San Francisco had the mixture of access to beautiful outdoors and activities and the feel of a West Coast city. And it became home.”

Fresh out of law school, Murphy took a job as a first-year associate with a defense firm in the city, working on complex commercial litigation matters. It was all pretrial work, along with some regulatory hearings, but no trials, she said. Though she has fond memories of working with Len Weiss on water utility cases and found defense work generally rewarding, she felt she would be happier representing plaintiffs. She arrived at the Cotchett firm in 2007 with an eye on trying cases. And it didn’t take her long to realize that goal, only months later winning that debut case.

An analytical approach

Murphy takes an analytical approach to just about every case she tries, breaking down the claims in the case and piecing together exactly how she’s going to present evidence for each one, as well as every element of the jury instruction.

“But every case is unique so you need to have a plan to tailor to the case,” she explained. “For instance, I don’t regularly use a jury consultant, but in some cases I do. So you analyze things like that and how much do you think you need in the way of consulting. Are there any issues that are particularly difficult that you’re going to have to address with the jury? For example, I represented a Muslim couple where the wife didn’t speak English. They had lost a child, and part of the issue in the case was their religious beliefs regarding burial. We were suing the hospital for mishandling the remains. That scenario presented a lot of difficult challenges with the jury. The case wound up settling a day or two before trial, but it was important to get a jury consultant involved to advise about what type of prejudice we would need to draw out from the pool and how to handle that.”

Preparation – and teamwork

Like many attorneys, Murphy counts preparation as the most important part of a trial. And a critical part of preparing, she said, is making sure she has the right team in place – having the case properly staffed according to its size and in relation to the strength of the opposition. Pretty much everything must be ready before the first day of trial, she said.

While there are many complicated aspects to preparing for a trial, Murphy these days finds that one of the most difficult parts is maintaining a balance between work and family life, particularly when it comes to raising her 5-year-old twins. “I’ve had to figure out how to make that work, and my wonderful mother usually comes out and stays at our house and takes over for me,” she explained. “Because when you’re at trial, you can’t have any distractions, and you can’t be doing anything else. Fortunately, I’ve made it work. But it is

difficult, finding that balance as a parent, and I’m sure it’s the same whether you’re a mother or a father.”

Another key during trial is making a connection with the jury, and Murphy feels first and foremost a trial lawyer must be true to herself and not play a role – not try to emulate someone else she has seen in the courtroom – because it just won’t work, she said. It’s OK to pick up stylistic points from other trial attorneys and try them out, but be genuine to the jury. Also, court awareness is crucial. In some ways, she said, a trial lawyer is on stage for the duration of the trial so she must be careful about perceptions and interactions with opposing counsel, with co-counsel, with courtroom staff and with paralegals.

“The jurors see everything when they’re sitting in the jury box,” Murphy explained. “They aren’t always going to be focused, as you would hope, on what the witness on the stand is saying. So you have to be aware of everything that’s going on in the courtroom.”

Suing the governor

As memorable cases go, that splashy debut, in which she took her very first jury trial to a landmark verdict, will always stay with her. Another interesting case Murphy recalled involved a suit against then-Gov. Arnold Schwarzenegger, who fired two building authority officials for questioning his plan to sell off 11 iconic state properties, including the San Francisco Civic Center, the Ronald Reagan Building and numerous court-houses. Murphy and her colleagues had filed the case in mid-November, and at that point it had become clear the sale would be rushed through. In the span of two months between the date of the filing and when Gov. Jerry Brown took office, the case started in trial court, went to preliminary injunction, went to a court of appeal and got a temporary stay, and was then appealed up to the state Supreme Court.

“That would have cost California taxpayers several billion dollars,” Murphy said. “It was the first time since the 1980’s that the entire (California)

Supreme Court had to recuse itself because the state courts were at issue. So they had to replace the panel with appellate court judges from unaffected court-houses.”

Finally, when Brown took office in January, he was able to stop the sales.

Knowing that you “love the law”

When she’s not working, Murphy spends time with her family, traveling, camping and hiking – and of course devotes a good portion of her time to organizations within and outside the law community. Those endeavors include appearances on local and national television programs, frequent lectures on trial practice and numerous published articles.

For lawyers just starting out, Murphy recommends they get as much experience as possible – even before law school, if they can – so they’re able to determine the path they want to take. “It’s surprising the directions your career will take you,” she said. “But it’s always good at the beginning to have the experience to know you definitely love the law; that you know, for instance, you want to be a trial attorney.”

“I don’t regret starting off on the defense side, and I think it had some benefits for me as a plaintiffs’ attorney. A lot of people will start law school or finish law school thinking they want to do X, Y or Z – they want to go into environmental law or international law. I know some of those people, and inevitably they will have a different career path. I was fortunate that before I got to law school, I worked in different capacities at law firms and in court.”

As for her own career path, Murphy said she will stay the course for now. “What I intend to do for the foreseeable future is continue to develop as a trial attorney,” she said. “I’ve been fortunate in some ways because I’ve had more opportunities than probably most female trial attorneys get. But this is definitely what I see myself doing for quite a while.”

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