

Daily Journal

SERVING THE LOS ANGELES LEGAL COMMUNITY SINCE 1888

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Jurors Express Concern About Evasive Replies

Witness Recalls Little Of Events In Reputed Gang Member's Arrest

By Anne La Jeunesse Daily Journal Staff Writer
A growing pattern in the Los Angeles police courtroom trial interrupted Thursday as jurors saw Superior Court Judge Jacqueline A. Connor handwrite notes asking how they should evaluate the testimony of witnesses whose answers are evasive.

The questions indicated that jurors are growing weary of sitting through hours of testimony in which witnesses — either on a gang member — answer that they don't remember incidents about which they've been questioned.
Jurors' questions came after four full days of testimony in the case against four Los Angeles Police Department officers, the first to be charged in the scandal that emerged from former Rampart Division gang-suppression Officer Rafael A. Perez's allegations of police misconduct.

Perez implicated Officers Paul Harper and Michael Buchanan and Sgt. Edward Ortiz and Brian Liddy in the scandal, claiming they framed suspects, planted evidence, falsified police reports and lied under oath.
They are among 30 former colleagues whom Perez has implicated in the scandal, including his former partner, Nino Duran, who was in a car trial of the attempted murder of unarmed gang member Javier Ovando, the case that broke the scandal open.

On the Spot
An alternate juror handed the bailiff a handwritten question about 10 a.m. Thursday just as defense attorney Barry Levin, a former LAPD officer who represents Ortiz, began cross-examination.
Prosecution witness Officer Mark Richardson, an 11-year department veteran, in his second day on the stand.

Richardson had just been questioned by Deputy District Attorney Laura L. Laesche about the April 26, 1996, arrest of reputed gang member Alan Lobos, whom prosecutors claim was framed by Liddy, Ortiz and Harper.
Richardson professed to recall little of the events surrounding the Lobos arrest in a Los Angeles parking lot.
Prosecutors contend that Harper and Liddy planted the gun on Lobos but stated in their arrest report that they saw him stash the weapon in the wheel well of a parked car.

Apparently referring to Harper and Liddy being separated during part of the action surrounding the parking lot arrest, at which there were more than a dozen gang members, Laesche grilled Richardson over the advisability of one partner leaving another's presence to obtain someone else's name.

Richardson, who also has been a member of the department's elite Metropolitan Division and a training officer, acknowledged leaving would not be advisable, but it does happen, especially during a riot.
See Page 9 — JURORS

Legal Briefing

DAILY APPELLATE REPORT

CIVIL LAW
Civil Procedure: Court allows limited discovery by partly opposing attorney fees under California's private attorney general statute. See Open Space Santa Monica Mountains Superior Court (County of Los Angeles), C.A. 2nd.
Probate and Trusts: Notice regarding trust, which is not printed in full but is being enforced. Harustak v. Wilkins, C.A. 5th.
Real Property: Development agreements between County and landowner prior to fully-designed and approved project are permissible by statute. Santa Margarita Area Residents Together v. San Luis Obispo County Board of Supervisors (Santa Margarita Limited), C.A. 2nd.

LATE REPORTS

PRISON CHIEF TO RETIRE — California's prison chief announced his retirement Thursday, citing a heart condition.
Cal Terhune, 71, has been director of the Department of Corrections since 1997, when he was called out of an earlier retirement by former Gov. Pete Wilson.
He said a heart condition means he needs to take it easy, and he plans to step down Nov. 4.
Gov. Gray Davis immediately appointed Steve Cambra Jr., the department's chief deputy of field operations, as acting director until a permanent replacement is named.
Davis called Terhune "a dedicated public servant who has tackled a tough assignment for two administrations — one Republican, the other Democrat."
In his letter to Davis, dated Monday, Terhune said it was "with great reluctance" that he agreed with his wife that he should "return to the less demanding life of a retiree" because of an ongoing heart condition.
Terhune served under Wilson as deputy secretary of the Youth and Adult Corrections Agency in 1991. He worked for the California Youth Authority for 26 years and was the director of that agency from 1981 to 1990.

HIGHLIGHTS OF STORIES INSIDE

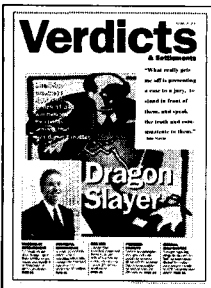
SOUTHERN CALIFORNIA
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CALIFORNIA
The Los Angeles Police Protective League withdraws its endorsement of District Attorney Gil Garcetti in order to back his opponent, Steve Cooley. Page 2.
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Against All Odds

In this week's special issue focusing on small-firm attorneys, Verdicts & Settlements examines trials in which small-firm practitioners Warren and Joan Kessler and John B. Marcin (left) took on much larger adversaries and won.

Also in today's issue:
■ Southern California neutral Robert R. Devich's laid-back style gets cases resolved.
■ Recent legislation promises better protection for workers on construction sites.

■ As always, Verdicts & Settlements provides case reports in all areas, including premises liability, medical malpractice and wrongful termination.



QUOTABLE

'We need reform of the entire criminal justice system and we want to start from the top. We need a new DA to reform the system so that another Rampart doesn't happen.'

Geoffrey L. Garfield, spokesman, Los Angeles Police Protective League Page 2



EVIDENCE — In July 1997, a 1996 GMC Suburban carrying six U.S. Air Force officers and enlisted personnel on a Saudi Arabian highway was "launched airborne," rolling 2 1/2 times before coming to rest. Two of the three who died had their skulls crushed as the roof caved in, and the third was killed by armor plating that came loose in the accident. One of the three survivors was ejected during the rollover.

Suits Reveal Goodyear Danger Tread Separation Cited in Eight Deaths Since 1995

By Chris Ford Daily Journal Staff Writer
Tread-separation accidents similar to those that have plagued Bridgestone/Firestone but involving large sport utility vehicles and passenger vans equipped with tires made by Goodyear Tire & Rubber Co. have taken at least eight people and inflicted often gruesome injuries on at least a dozen more since 1995, according to lawsuits filed nationwide.
However, details of these cases are limited, but some courts have allowed Goodyear to seal documents which plaintiffs say are crucial shed light on the extent of the threat posed by Goodyear tires in public safety. Goodyear claims it needs the protective orders to protect proprietary information.

The nine sport utility vehicles and vans in the roll-over crashes were equipped with Goodyear Wrangler all-terrain Load Range E tires and carried a total of 40 occupants, according to Santa Monica attorney Christine A. Spagnoli.
Because the big sport utility vehicles and vans can carry relatively large numbers of passengers, Goodyear could face an avalanche of cases, according to Spagnoli, a partner at Grone, Broffitt, Taylor, Wheeler & Pausch.

"An accident can produce a staggering bill by high body count, and it won't take very many more of these to have a Firestone-size problem," she said.

Each of the nine accidents involved tread separations similar to those in widely publicized accidents involving Ford Explorers equipped with Firestone tires. The Daily Journal obtained court and police documents that detail the injuries allegedly suffered as a result of the accidents and spoke with attorneys who have represented plaintiffs in cases involving the tires.

While Goodyear's legal liability for the See Page 9 — TIRE

Iron Mountain Cleanup Funded by \$1-Billion Deal

By Hudson Bangrove Daily Journal Staff Writer
SACRAMENTO — One of the nation's most contaminated sites, the Iron Mountain Mine near Redding, will be cleaned up under a settlement valued at nearly \$1 billion, state and federal officials announced Thursday.
The deal helps solve a pollution problem of almost mythical proportions, which produced toxins so powerful they could melt teeth. For decades, the mine discharged millions of gallons of water containing extremely high concentrations of acids and heavy metals into the Sacra-

mento River and San Francisco Bay.
The catalyst for the enormous settlement — one of the largest in the history of both federal and California environmental protection programs — was an innovative insurance-based financing scheme. Officials said it was the first time such a method had been employed by the federal Environmental Protection Agency.
Thursday's agreement, filed as a consent decree in U.S. District Court in Sacramento, settles a lawsuit brought in 1991. U.S. v. Iron Mountain Mines, CV-788 (DCA).

An EPA spokesman emphasized the funding mechanism's ability to keep money flowing for many years to come.
"Today's announcement is hugely significant because it ensures that we have the money and the resources to clean up one of the country's most toxic waste sites far into the future," said the EPA's Leo Kay. "This site has wreaked havoc on one of the state's most valuable ecosystems for years. It's been a God-awful mess and it's being contained and, thanks to the settlement, it will stay contained."
Under the settlement, the Franco-German chemical giant Aventis, which is See Page 9 — XXXX

La Verne Law School Lauds Paul Egly at a Fund-Raiser

By Tessa Jarrett Daily Journal Staff Writer
REVERSIDER — No one, aside from Nixon, garnered more ink in the Los Angeles papers in the 1970s than Paul Egly, a reporter who told him. A former Los Angeles Superior Court judge, Egly worked on two major civil rights lawsuits in San Bernardino and Los Angeles counties that helped pave the way for the desegregation of schools in both districts.
San Bernardino Superior Court Presiding Judge Roberto McPeters remembers what a controversial issue it was and how adeptly Egly handled it.
"That issue was wrenching for communities. ... It was a courageous thing he did. He was taking heat, emotional and racially inflected issues and dealing with them and making decisions that were very difficult to do," McPeters said.
The uphill fight of desegregation wasn't the only such battle Egly waged,

McPeters said. Starting with a handful of students in the basement of an old building, Egly nurtured a tiny, struggling West Covina law school and moved it to the Inland Empire, affiliated it with La Verne College and guided it through State Bar accreditation.
Egly's associates are honoring him this evening at a party to raise money to create a scholarship in his name. The Paul Egly Scholarship at the University of La Verne will go to students who otherwise would "fall through the cracks," such as single mothers with children, Egly said.
The University of La Verne College of Law for which Egly served as dean until 1976, had a tremendous impact in the Inland Empire legal community, McPeters said.
"There are literally hundreds who would not have had the opportunity we had without him starting that school," she said.
See Page 9 — PARTY



PIONEER — Following the Constitution, that's what I was supposed to do, and I think I did. It recognized that life is changing and all persons are entitled to the same things. We've taught it, I teach it and I believe it, named Los Angeles Superior Court Judge Paul Egly said of his battle to desegregate area schools in the 1970s.

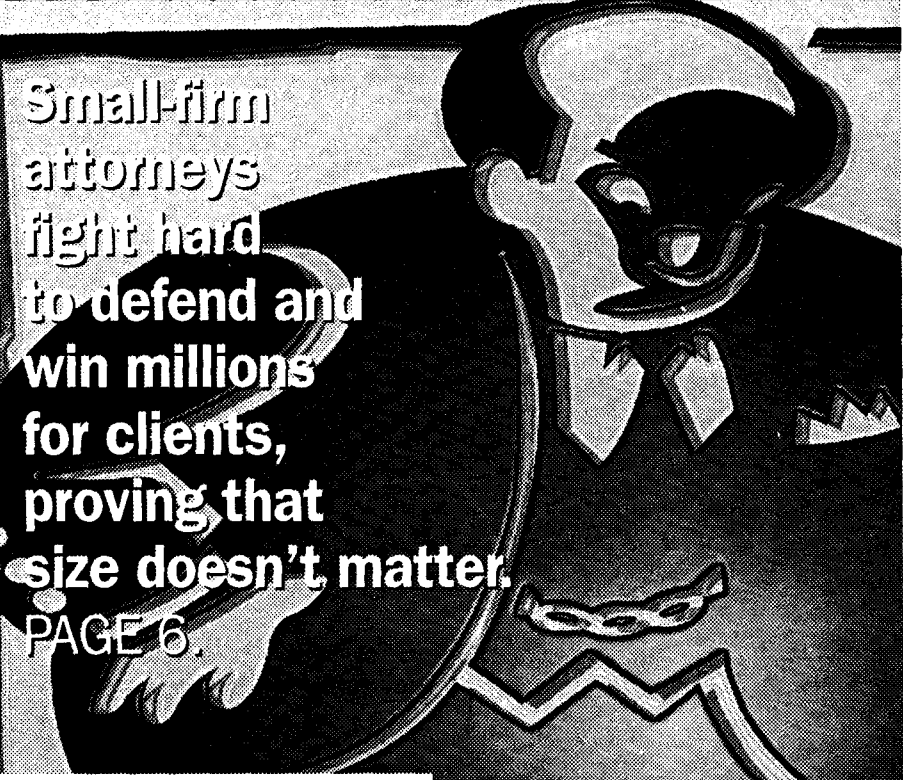
Orange County Defense Attorney Michael A. Horan Dies of Cancer

By Jason W. Armstrong Daily Journal Staff Writer
SANTA ANA — Services will take place today for Michael A. Horan, a longtime Orange County criminal defense attorney and former prosecutor, police officer and FBI agent. Horan died of cancer Tuesday at his home in Laguna Niguel. He was 65.
Horan, who practiced in Irvine, was remembered by friends and colleagues as an "incredibly kind and generous person."
A native of Long Beach, Horan went to work as an FBI agent while earning his bachelor's degree at California State University, Long Beach. After graduation, he got a job as a police officer with the Huntington Beach Police Department. He enrolled at Western State University College of Law while on the police force, and earned his law degree in 1973.
Horan went to work for the Orange County office of the district attorney right out of law school and served as a deputy prosecutor for six years. He left the office in 1980 to form a criminal defense partnership with Orange County practitioner Gary Pollock, who prosecuted cases with Horan.

Pollock remembered his former colleague as a lawyer who worked extremely hard and cared deeply about other people.
"There was so much I admired about him," Pollock, a partner with the Laguna Hills firm of Pollock, Moorhead & Overhals, said. "He was truly one of those people who always goes 110 percent."
Horan loved sports, Pollock added, and was an "excellent" basketball player. He participated every year in the Baker-Davis-Vegas relay with his law enforcement friends.
Orange County Public Defender Carl Holmes said Horan was known not only as a dedicated lawyer, but also as a "kind and gentle man with a wry sense of humor who charmed all he met."
Horan is survived by his wife Allyn, his mother Helen, four children and 10 brothers and sisters.
The services will take place at 11 a.m. at St. Timothy's Church, 25102 Crown Valley Parkway, Laguna Niguel.
In lieu of flowers, the family requests that donations be made to Kids Runned Cancer Group, 27071 Cabot Road, Suite 102, Laguna Hills, 92653.

Verdicts

& Settlements



Small-firm attorneys fight hard to defend and win millions for clients, proving that size doesn't matter.

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“What really gets me off is presenting a case to a jury, to stand in front of them, and speak the truth and communicate to them.”

-John Marcin

Dragon Slayer



John Marcin

All in a Day's Work

Small-firm attorneys Warren and Joan Kessler and John B. Marcin never seem to have time on their side as opposing lawyers try to wear them down, but they love the challenge and a good fight.

BY LEONARD NOVARRO

All in a Day's Work

Continued from page 6

Sometimes it seems as if small-firm lawyers are being paped to death. Time is never on their side as opposing attorneys try to wear them down by dragging things out. And the full weight of the federal government or a 500-attorney law firm bearing down on them is all in a day's — and sometimes, a year's — work.

They do it because they love the challenge; they do it because they love a good fight. And while playing to a jury turns them on, playing David to someone else's Goliath is what really motivates them.

Such is the case with Warren and Joan Kessler, a husband and wife team who went beyond their spousal partnership to form their own Century City firm six years ago, and John B. Marcin, who took a friend's advice to leave a large San Francisco firm to set up his own law offices, also in Century City, in 1992.

In July, the Kesslers successfully represented two taxpayers in defeating a partial summary judgment motion brought by the Internal Revenue Service. The case, *the Estate of Morton B. Harper, Deceased, Michael A. Harper, Executor v. the Commissioner of Internal Revenue*, 19336-98, before the U.S. Tax Court 9th Circuit, could spell the way in which the tax agency deals with family limited partnerships in the future.

In the other matter, *Loren Peterson v. Bowne of Los Angeles Inc., Bowne & Co. Inc.*, BC198904 (L.A. Super. Ct.) Marcin won a \$3.5 million wrongful termination verdict for a client fired from his job on claims of sexual harassment.

However, according to Marcin, it didn't come easily. Referring to the defendant's attorneys, Latham & Watkins of Los Angeles, he says, "They tried to overwhelm me with paperwork. They'd file papers before lunch. I'd grab a diet Coke, go to the county library to do research and come back for a court appearance."

In the end, however, the preparation helped him. "Working up a case and doing all the menial work, you're able to talk plainly and truthfully to a jury and explain facts," Marcin says. "The reading, the endless writing, the studying. It pays off. It comes off the tip of your tongue when you're speaking to the jury."

For the Kesslers, Goliath came in the form of the IRS agent auditing their clients' estate tax return.

"He raised more legal questions than any revenue agent in my experience ever raised," Warren Kessler says. "He just dragged things out and tried to paper us

see ALL IN A DAY'S WORK, page 8

to death, asking questions when he had no authority to make a settlement on legal issues. He was the Goliath we dealt with in this case."

What made the case somewhat unusual was that it was argued over the telephone in six conference calls from Century City and Westlake Village, where IRS attorney Donna Herbert is assigned, and presided over by Thomas B. Wells, chief judge of the U.S. Tax Court, from his Washington, D.C., office.

The Kesslers did win a ruling from Wells that a limited partnership designed to protect the assets of their clients was consistent with California law. The IRS had argued that the tax code should supersede local law because it was more restrictive.

What has to be decided for tax purposes is what the partnership is worth. For that, according to the Kesslers, Wells probably will meet with both sides in Los Angeles in the spring.

Customarily, the IRS "doesn't comment on any open cases," agency spokeswoman Deborah Guajardo explains. However, Warren Kessler says his clients' tax liability is a little more than \$400,000.

"If the IRS had prevailed on these motions, the interest on these estate taxes would have been huge," he adds.

In 1994, the Kesslers set up a limited partnership between Morton Harper of Palm Springs and his children, Michael and Lynn Harper, to protect his assets in an event of his death. A person who is a limited partner is permitted a discount on a partnership interest so that the value of the estate can be reduced for tax purposes, although the Kesslers argued that was not the purpose of the partnership.

"The size of the discount may be disputed," Warren Kessler says, "but entitlement to that is not disputed and is well recognized in case law."

The IRS, however, saw it differently. A little over a year after the agreement, Harper died, whereupon his heirs filed an estate-tax return claiming a 35 percent discount on taxable assets in a class A limited partnership worth \$410,000.

In 1996, the IRS audited the return and claimed that under Section 2703 of the tax code the partnership was not a valid business agreement but a device for estate planning and, therefore, the assets that were passed on were not subject to a discount. The Kesslers, on behalf of the heirs, filed a motion for partial summary judgment under 2704(b) of the tax code last year, arguing that the right to liquidate the partnership and transfer assets was no more restrictive than California law, which would apply in the absence of any partnership agreement.

The IRS stipulated that while 2703 did not apply, 2704(b) of the code restricted the right to liquidate the



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agreement and, therefore, the partnership's terms could not be used in evaluating the partnership's interests.

A 1999 opinion in a similar case in Texas, *Kerr v. Commissioner*, 113 T.C. 449 (1999), held otherwise. Wells asked both sides to argue whether or not that ruling applied in this case. As a result of the Kesslers' argument, the judge concluded that "the limitations on liquidation contained in the partnership agreement are not applicable restrictions within the meaning of section 2704 (b) and, consequently, must be taken into account in valuing the limited partnership interests ... in the ... case."

"We were not going to walk away from this case," Warren Kessler says.

"We've been doing a good job of beating down the IRS on their positions and we can see the light at the end of the tunnel," he adds.

Marcin's client, Loren Peterson, 50, was hired by Bowne, a company that prints documents for financial offerings, to start an office in Phoenix, which he did out of his home in 1986. Within a year, the office had grown to 100 employees. Because of his success, Peterson was asked to take charge of the company's entire West Coast operation, based in Los Angeles. Then, in 1997, after a new president, Jim O'Neill, took over, Peterson fell out of favor, according to his claim.

Peterson's suit against the company for wrongful termination claims that O'Neill sent someone out from the company's New York headquarters to undermine his position in Los Angeles, but it wasn't until an incident at a company party that things came to a head. At the outing, which took place in Mexico, Peterson was accused of making improper advances to a former secretary. While Peterson didn't deny the claim, Marcin contended that the company used the action, mild by most standards, as a pretext to fire his client.

At the trial, the secretary testified that she filed a complaint against Peterson only after being pressured by company officials.

A company attorney, under cross-examination by Marcin, also admitted that the company's sexual harassment policy was based on guidelines supplied by the Equal Employment Opportunity Commission which, Marcin argued, did not constitute serious sexual harassment in Peterson's case.

"It has to have a serious or pervasive effect on the employee," Marcin argues. In questioning several company officials, Marcin also was able to establish a pattern showing that the "defendants did not act in good faith, and that the reason for the termination was 'pretextual.'"

Robin Dal Soglio, of Latham & Watkins, representing the company, claimed otherwise.

"Our defense was very simple," she says. "Mr. Peterson violated a clear company policy against sexual harassment. It's a policy we feel very strongly about and we're not going to tolerate such an extreme violation of that policy by such a high-level officer of the company."

She says the company is appealing the jury's decision, which was unanimous.

Dal Soglio also disagreed with the argument that the incident was used as a pretext to fire Peterson.

"The company had gone to great lengths to bring in a consultant to work with him to improve his performance. If we wanted to get rid of him, we wouldn't have spent thousands of dollars on those things," Dal Soglio says.

SIDEBAR

Case: *Estate of Morton B. Harper, Deceased, Michael A. Harper, Executor v. the Commissioner of Internal Revenue*, 19336-98, U.S. Tax Court 9th Circuit.

Type: Motion for partial summary judgment.

Ruling: Granted in favor of the plaintiff.

Attorneys: Plaintiffs — Warren and Joan Kessler, Kessler & Kessler, a Law Corporation, Los Angeles.

Defendant — Donna Herbert, Steven Roth, IRS, Westlake Village.

Judge: Thomas B. Wells, chief judge, U.S. Tax Court.

SIDEBAR

Case: *Loren Peterson v. Bowne of Los Angeles Inc., Bowne & Co. Inc.*, BC198904 (L.A. Superior Court).

Type: Wrongful termination of employment.

Jury verdict: \$3.5 million wrongful termination verdict in favor of the plaintiff.

Attorneys: Plaintiff — John B. Marcin, Law Offices of John B. Marcin, Los Angeles. Defendant — Robin Dal Soglio, Latham & Watkins, Los Angeles.

Judge: James R. Dunn, Los Angeles Superior Court.

Above and Beyond

John B. Marcin and John Samberg represented the widow of a man killed in a truck accident and recreated every detail of the crash.

BY LEONARD NOVARRO

No one can ever say that John B. Marcin doesn't prepare for his cases. While representing the widow of a driver who was killed when his big rig smashed into an overturned truck blocking a rural road in southern Utah, Marcin and co-counsel John Samberg decided to recreate the accident and videotape it. After hiring a film crew from Northern California, two 18-wheelers, two huge tow trucks and getting the Utah Highway Patrol to block off an area in the middle of the Utah desert, they flipped over one tractor-trailer and filmed the roadway from the inside of the second one.

The accident had occurred in the middle of the night after the other driver had exceeded the speed limit and fallen asleep at the wheel before turning over. Marcin and Samberg recreated the accident to show that their client's husband, whose lights were turned down by law, couldn't have seen the overturned vehicle. To do so, they hired a vision-science expert to calculate how quickly the eye and mind react to visual stimuli and they had three engineers to determine the speed of both trucks from skid marks.

"We were ready to try that case. We were itching, itching, itching to try," recalls Marcin, 39, who left a large San Francisco firm to open his own practice in Century City eight years ago.

The case, however, never went to trial because the company employing the truck driver settled for \$1.5 million, one of the largest settlements ever reached in Utah, according to Marcin.

As much as trial excites Marcin, preparation is the fuel that fires his imagination — and he hopes a jury's.

"What really gets me off is presenting a case to a jury, to stand in front of them and speak the truth and communicate to them," he says. "But it's through a lot of preparation and organization that enables you to come off as if you really know what you're doing.

"If you have a full understanding of something, it allows you to feel comfortable with decisions you make on the spot," he adds.

Of their work together, Samberg says, "John brought a true collaboration of skills and enthusiasm. A lot of times when you co-counsel, there's a division of labor based upon the number of years you've been practicing,"

SNAPSHOT

John B. Marcin

Law school: Pepperdine University School of Law, Malibu, 1990.

Career highlights:

Associate, Murphy, Weir & Butler, San Francisco, 1990-92; founder, Law Offices of John B. Marcin, 1992-present.

Case types: Business litigation and employment law, specializing in wrongful termination claims.

Samberg, a partner in Bisno and Samberg of Pasadena, says. Samberg was a practicing attorney 10 years ago when he first met Marcin, who had just graduated from Pepperdine University School of Law.

"In this case, John and I truly shared every aspect of the case — the work-up, the organization and the pleadings. It was an excellent team effort."

Marcin grew up wanting to be a lawyer and as a teen-ager read almost everything F. Lee Bailey had written. But it wasn't until he worked as a paralegal for the New York office of Finley, Kumble, Wagner & Heine that his interest really piqued. In 1986, the firm represented the old United States Football League in an antitrust suit against the NFL. The USFL, backed by financier and real estate mogul Donald Trump, won, but was awarded \$1 in compensation.

"But we got attorney fees," Marcin recalls. "It was a fun case to work on. That's where I caught the bug. I was astounded that lawyers, from papers and depositions, could put together a story that ended up in trial. I got to the point where I felt I could accomplish that."

The next year he entered Pepperdine, graduating in 1990 and going to work for Murphy, Weir & Butler in San Francisco, where he met attorney Kerry Kinney.

"From the very beginning, he was very enthusiastic and showed the tenacity that would serve him well in the legal profession," says Kinney, who served as a mentor, eventually encour-

see ABOVE AND BEYOND, page 11

Above and Beyond

Continued from page 9

aging Marcin to pursue a solo career.

Marcin never regretted the decision to go out on his own.

"I felt that I'd have the most opportunity to grow handling the kind of work a sole practitioner or smaller firm would handle," he says. At the same time, Marcin participated in the Los Angeles County Trial Attorney Project prosecuting misdemeanor jury trials for the city of Los Angeles.

"The project really teaches young lawyers to do jury trials," says Marcin, who tried a wide variety of cases, including drunk driving, battery, loitering and prostitution. Above all, it taught him to think on his feet.

"You'd be assigned to a deputy district attorney. They'd hand you a file when you walked into the courtroom and say, 'OK. Pick a jury.' That's what whetted my appetite for more experience," he says.

It didn't take long for him to get that through his own practice in which he specialized in business litigation and employment law, including wrongful termination cases, as well as wrongful death and catastrophic injury claims.

Marcin's ability to react quickly and decisively has earned him the reputation of being a straight talker.

"He's very straightforward and tells you exactly what he thinks," says Ira Katz, a sole practitioner in Los Angeles, who has known Marcin for several years.

Marcin's organization and dedication also has impressed Katz.

"I've seen him here late at night and on weekends, working late and doing whatever it takes to get the job done," Katz adds.

Until recently, at least, Marcin did find time for something else — racing his Honda Blackbird, one of the fastest production motorcycles in the world. Then he skidded off the road in the Angeles National Forest and was thrown over his handlebars the length of a football field.

"To tell you the truth, I was blessed," says Marcin, who survived but did break a few bones.

He is quick to point out that he didn't take up the sport without some training and only after spending months attending racing school.

So much for preparation.

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"In this case, John and I truly shared every aspect of the case — the work-up, the organization and the pleadings. It was an excellent team effort."

Marcin grew up wanting to be a lawyer and as a teen-ager read almost everything F. Lee Bailey had written. But it wasn't until he worked as a paralegal for the New York office of Finley, Kumble, Wagner & Heine that his interest really piqued. In 1986, the firm represented the old United States Football League in an antitrust suit against the NFL. The USFL, backed by financier and real estate mogul Donald Trump, won, but was awarded \$1 in compensation.

"But we got attorney fees," Marcin recalls. "It was a fun case to work on. That's where I caught the bug. I was astounded that lawyers, from papers and depositions, could put together a story that ended up in trial. I got to the point where I felt I could accomplish that."

The next year he entered Pepperdine, graduating in 1990 and going to work for Murphy, Weir & Butler in San Francisco, where he met attorney Kerry Kinney.

"From the very beginning, he was very enthusiastic and showed the tenacity that would serve him well in the legal profession," says Kinney, who served as a mentor, eventually encour-

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aging Marcin to pursue a solo career.

Marcin never regretted the decision to go out on his own.

"I felt that I'd have the most opportunity to grow handling the kind of work a sole practitioner or smaller firm would handle," he says. At the same time, Marcin participated in the Los Angeles County Trial Attorney Project prosecuting misdemeanor jury trials for the city of Los Angeles.

"The project really teaches young lawyers to do jury trials," says Marcin, who tried a wide variety of cases, including drunk driving, battery, loitering and prostitution. Above all, it taught him to think on his feet.

"You'd be assigned to a deputy district attorney. They'd hand you a file when you walked into the courtroom and say, 'OK. Pick a jury.' That's what whetted my appetite for more experience," he says.

It didn't take long for him to get that through his own practice in which he specialized in business litigation and employment law, including wrongful termination cases, as well as wrongful death and catastrophic injury claims.

Marcin's ability to react quickly and decisively has earned him the reputation of being a straight talker.

"He's very straightforward and tells you exactly what he thinks," says Ira Katz, a sole practitioner in Los Angeles, who has known Marcin for several years.

Marcin's organization and dedication also has impressed Katz.

"I've seen him here late at night and on weekends, working late and doing whatever it takes to get the job done," Katz adds.

Until recently, at least, Marcin did find time for something else — racing his Honda Blackbird, one of the fastest production motorcycles in the world. Then he skidded off the road in the Angeles National Forest and was thrown over his handlebars the length of a football field.

"To tell you the truth, I was blessed," says Marcin, who survived but did break a few bones.

He is quick to point out that he didn't take up the sport without some training and only after spending months attending racing school.

So much for preparation.