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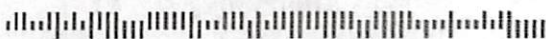
## PROFILE

### Brian Gearing

Third-generation attorney comes full circle with his solo plaintiff law practice



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# Profile: Brian Gearinger

## Third-generation attorney comes full circle with his solo plaintiff law practice

By STEPHEN ELLISON

Seizing opportunity has been a common theme across the multifaceted law career of Brian Gearinger. And, though it may have taken longer than he had planned, the third-generation attorney finally did land the opportunity he had been seeking all along – representing individuals in his own plaintiffs’ law practice.

One might say Gearinger took the scenic route to his own practice, having worked for an insurance defense firm for several years, then the San Francisco City Attorney’s Office for another five years before starting his own practice. But along the way, he learned a lot, went to trial frequently and figured out where his passions lay.

“I’m representing individuals, trying to have an opportunity to make an impact on someone’s life,” he said. “They come in with a problem they can’t solve on their own, and it’s my job to solve their problem. I just enjoy representing individuals, the personal connections I’m able to make. I’ve maintained contact with people I’ve had a positive impact on by resolving their legal problem. I’m 53, and I’ve finally figured out what I want to do when I grow up.”

Growing up, Gearinger had a pretty good idea what he was headed for. His father was a lawyer, as was his grandfather. The early exposure – hearing his two closest role models talk about their daily work lives – sparked his interest, he said, and by his senior year of college, when Gearinger was trying to figure out what to do next, law school became the obvious route. But before he actually stepped foot in a University of Michigan law school classroom, he had an opportunity to get an up-close view of trial proceedings in a high-profile case in the big city.

“My senior year of college, I did an externship, where I went to Chicago for a month and got to observe a trial in



Gearinger

It was a corruption trial – a local judge had been soliciting loans from lawyers who appeared in front of him on a regular basis. The lawyers felt pressured because, how do you say no to a judge?

“It was fascinating and interesting,” Gearinger added. “And one of the U.S. attorneys at the time was a young, aspiring novelist named Scott Turow. I just thought this looks exciting.”

The influences were many for Gearinger, as were the offers coming out of law school. It was the late 1980s, the legal field was booming, and many civil law firms on the West Coast were flying out students from top schools such as Michigan, he said. Gearinger quickly became interested in San Francisco after one of his roommates who had attended UC Berkeley undergrad suggested it. In the summer of 1988, he was flown out to San Francisco to interview with a mid-size insurance defense firm, and he fell in love with the City by the Bay. When they offered him a job, he jumped at the opportunity.

Before he left for the Bay Area, however, Gearinger took a detour of sorts to Australia, where he spent six months working in the Melbourne office of Minter Ellison. During his stint there,

he analyzed liability and insurance coverage issues with a dam collapse in Papua New Guinea. And on the weekends, he played American football for the Peninsula Sweathogs.

Not long after that, he began his legal career in earnest.

“I came out in the fall of ’89; I got here about a month after the earthquake,” Gearinger recalled, referring to the Loma Prieta temblor that killed 63 people and caused billions of dollars of damage across the Bay Area in October 1989. “I started working for Hancock Rothert & Bunshoft, and I enjoyed it. It was a great firm as firms go, but after a while, it wasn’t fulfilling. We were representing insurance companies, and you didn’t have the personal connection that I’ve found now, that I truly enjoy. And I decided I didn’t want to make a career out of being a defense lawyer.”

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### ‘Be careful what you wish for’

After about eight or nine years with the Hancock firm, Gearinger indeed started networking, trying to figure out alternatives, he said. He had an acquaintance at the City Attorney’s Office in San Francisco, and that essentially got his foot in the door. Additionally, it turned out one of his bosses at the Hancock firm was a classmate of then-City Attorney Louise Renne, so he came with good credentials. They offered him a job.

“It was one of those be-careful-what-you-wish-for because within a month of setting foot in the office, I was picking a jury,” Gearinger recalled. “And I didn’t know what I was doing. But I was having fun, and you learn best by being in the courtroom.”

In about five years with the City Attorney’s Office, Gearinger took eight jury trials to verdict as well as numerous bench trials. He was getting the hands-on trial and appellate work he so desired, and the best part: It was all law all the time, he said. No billing hours, no



managing client relationships. He just focused on his cases.

But, again, after five years or so, Gearing started to get antsy, and he wasn't looking to be a career deputy city attorney. Now that he had the trial experience, the opportunities would be more plentiful. Eventually, Gearing hooked up with a former colleague from the City Attorney's Office, Mark Mosley.

"Without much planning, we set up our own shop," Gearing said. "We practiced as mostly plaintiff attorneys for about three years then we split ways amicably, and I've been on my own now for 10 years. I'm a slow learner – it took me about 15 years to figure out what I really liked, and that's plaintiff work."

Gearing was raised in Akron, Ohio, where his father, Buck, ran his own law practice for decades. Buck Gearing had served as Judge Advocate General in the U.S. Marines just as his father had before him. After completing his active duty, Buck moved to Akron from Chattanooga, Tennessee, to start a private practice with a prominent insurance defense firm. Buck Gearing eventually started his own firm in 1979, specializing in representing individuals in personal injury claims, and in 1991, he was inducted into the prestigious International Society of Barristers.

Gearing's grandfather, H.H., volunteered to serve in the U.S. Navy following the Japanese attack on Pearl

Harbor. He served the duration of World War II as a PT boat skipper. After finishing his military duty, H.H. set up a private law firm in Chattanooga, where he maintained both a civil and criminal defense practice until his death in 1980.

### Different path, similar outcome

The youngest Gearing may have taken a different route to his own practice, but one might say he has matched the good work of his forebears. For Brian Gearing, being his own boss certainly has its advantages, primarily having control over who he represents and when.

"I only work for people I want to work for," he said. "Over the years, I've gotten better at screening. I take into account three things: I have to like the client, I have to be interested in the legal dispute, and I have to have a reasonable chance to make money on the case. With those three factors, I've only parted ways with one client in my 10 years.

"So, every day, I enjoy coming to work because I like the people I work for," Gearing continued, "and because of that, I want to make my best effort on their behalf."

Gearing also said he has more control over his calendar. At the Hancock firm or City Attorney's office, if someone threw a file on his desk, that's what he had to work on. Now, he has more control over his schedule. "My wife works full time, and we have a child," he said. "It allows me to better plan my off time – family vacations, child care responsibilities, those type of things. I have greater flexibility because I'm my own boss."

Of course, being his own boss comes with some extra responsibilities as well. He said running a business has been a learning process, and he equates it to maintaining his client list: it's all based on personal relationships.

"What I've learned is you want to have at least two vendors for everything, so you have choices," he said. "Vendors can make or break your daily life. I outsource as much as I can, but I also have to know a little. I never took an accounting class, and I'm certainly not an accountant, but I need to know enough

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about it to be able to work with a book-keeper on my profit and loss printout. I'm in my tenth year now, and I think I finally have it figured out.

"Managing employees, again, the key is maintaining personal relationships," Gearinger added. "Figure out how to best motivate, correct and inspire each person because each individual is unique. It comes back to people skills. To be a good plaintiff lawyer, I think you have to develop competent people skills. I think I'm better than average."

### Teamwork and organization

Gearinger said he doesn't get to trial as much as he'd like to, mainly because individuals tend to be more risk averse, as opposed to representing corporations or insurance companies. Typically, if a settlement gets to a ballpark figure, he'll tell his client to take it. But when cases get zero offered from opposing counsel, like his last trial, that takes the pressure off the client's decision, he said.

Gearinger also has learned that even as a pure sole practitioner, he doesn't want to go to trial by himself. So, early in a case, he'll bring on co-counsel, selecting from a roster of attorneys he's

worked with over the years – certain attorneys for certain types of cases, he said.

Having a family also means having to plan ahead when a trial may be approaching.

"It's different going to trial with family responsibilities," Gearinger said. "I have to coordinate with my wife – she's a physician, and so she has to be sure to not be on call during that time. It's hard because with state court, you never really know until the day of the trial whether you're going to have a judge, a courtroom. And you never really know when you're going to start. So, about a month out, I give my wife a heads-up that I might be going to trial. Because, you know, once they start, trials are 24 hours a day until they're over."

When he's not in the courtroom, Gearinger enjoys traveling and spending time with his family. He has visited several major cities across the globe, including a recent return trip with his wife and son to England and France.

"I've always enjoyed traveling, but it has changed because now it's family vacations," he said. "Last year, we took a couple of trips of a lifetime. I called it our

tale of two cities trip. Over Christmas, we flew to Paris and London. I'd been to both, but it was the first time with my wife and son."

### The advice

Gearinger recently had a young law student reach out to him, asking him for pointers on practicing law, so when the question of advice came up, he was at the ready.

"The number one rule is to network," he said. "Make connections with law school classmates when you're young. I've gotten some of my best referrals for cases from defense attorneys because I've maintained cordial relations with all opposing counsel. You can be a devil's advocate without playing the asshole.

"Also, always be professional," he added. "Do the best job for your client. Establishing a good reputation and a good network is crucial, because then when certain situations come up, you know who to call."

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