



Profile: Theo Emison

Fourth-generation lawyer from rural Tennessee makes his own way in the big city

BY STEPHEN ELLISON

There are certainly advantages for attorneys coming from a family with a long history in law. The difficult part for those individuals is making a name for themselves.

Theo Emison, indeed, followed in his father's, grandfather's and great grandfather's footsteps by becoming a lawyer, but the direction he took and the milestones he has achieved are all his own. Emison's path to becoming a personal-injury attorney and founding partner of his own firm has been far different from that of his elders, both logistically and geographically. The starting point, however, was pretty much the same: an impressionable boy watching his father at work.

"My dad was a personal-injury attorney in a small town in Tennessee, a town of about 2,500," said Emison, of San Francisco-based Emison Hullverson LLP. "He handled cases from kind of a broad geographical area in southwest Tennessee and also various states that border Tennessee. During the holidays, I would go around with my father, and we would deliver country hams; that was kind of his marketing effort. And I remember almost without fail, universally, we would be invited into homes, there would be hugs and smiles. You could just see the very sincere appreciation these folks had for my dad's efforts on their behalf.

"From that point on," he added, "I had it in back of my head that being a personal-injury attorney would definitely be something I might do in life."

While that vision would become a reality, Emison had different ideas about where and how he would run his practice. He made a conscious choice to leave rural Tennessee for a large metropolitan area. That brought him to San Francisco

where, despite the shrewd competition, he would establish himself as one of the top personal-injury trial lawyers in the Bay Area.

It may have been Emison's destiny from the get-go that he landed where he is today, but the route was not so direct. It had its share of twists and turns, including a stint at a large firm practicing complex business litigation. And even before he became a practicing attorney, Emison had thoughts about straying from his original plan of entering personal injury law.

"I entertained for a little while criminal defense," he said. "That was triggered by meeting my wife at USF law school. She went to work interning for Tony Serra on the Bear Lincoln trial." Bear Lincoln was accused of killing a sheriff's deputy in 1995, Emison explained, and Serra was notable for what he termed "cultural defense for Native Americans." The argument, Emison said, is that Native Americans' perception of danger posed by a uniformed law officer is different because of their cultural background, and therefore the bounds of self-defense are broader in that context because self-defense is defined by reasonable use of force in response to a perceived threat.

Serra was able to obtain a full acquittal in the 1997 trial, even though there was no disputing Lincoln pulled the trigger of the gun that killed the deputy.

"My wife was part of the team that supported him in that trial," Emison said. "I remember going up there with her. A person in Ukiah volunteered their house for the trial team, and they would spend the weekends strategizing, Tony leading the discussions. I remember voir dire was going on forever. It was just hard to find jurors who didn't already have an impression of what should happen in the case.



Emison

"I did do a short internship for Tony myself," Emison said, "but ended up in the long run going the personal injury route instead."

From rural to urban

Emison was raised in Alamo, Tennessee, watching his dad serve underprivileged people who otherwise had no voice. He stayed close to home for his undergrad education, earning a bachelor's degree in philosophy from Vanderbilt University before going to law school at University of San Francisco. The City by the Bay had been merely a nice place to visit until then, and there was no question in his mind that it provided all the amenities for what he deemed the ideal locale for launching his career.

"We took several trips here with my parents when I was growing up. My parents always had an affinity for San Francisco, and that kinda wore off on me," Emison said. "This is the first big urban area I lived in. I knew I wanted to be in an urban center with access to arts, theater, music, food but that also had a quick release valve. And the quick



release here is the Marin Headlands and the ocean for surfing and the mountains three hours away for climbing and skiing.

“The choice was driven by I know I’m going to start my professional life, but having a good lifestyle was also very important to me, and this is the location that provided it.”

Out of law school, Emison got a job at the large firm of Brobeck, Phleger & Harrison, which eventually broke up and was succeeded by Morgan, Lewis & Bockius. About four years in, after gaining experience in court and some insight into defense strategies, he decided it was time for a transition.

“I thought to myself, ‘I’ve gotten my chops a little bit, learned how to write, taken depositions, let’s go do this.’ That’s when I started this firm,” he said. “That’s when I became a personal-injury attorney and began doing what I knew I wanted to do from the outset.

“I knew going into a large business litigation firm was not a career choice for me,” Emison continued. “I knew that I did want to go into personal-injury law and represent individuals. I didn’t know whether that was going to be by starting my own firm or working for someone else, and the pieces just kinda fell into place.”

Emison was introduced to John Hullverson, who had just left a big firm himself, and the two had much in common, both coming from a background of lawyers in their bloodlines. Hullverson was in solo personal injury practice when the pair met, and they decided to join forces, Emison said.

Sincerity and civility

The firm litigates each case as if it is headed to trial, and Emison has obtained a number of jury verdicts or arbitration awards in medical malpractice, wrongful death, auto accident and general personal injury cases. In 2008, Emison and Hullverson obtained the third

largest arbitration award against Kaiser Permanente in the state of California. Since 2009, Theo has been selected annually as a Rising Star, and then a Super Lawyer in personal-injury litigation, and he has served on the board of Consumer Attorneys of California.

Emison has found that trials have picked up at the firm in the past two to three years, especially since joining forces with partners Miles Cooper and Maryanne Cooper. Emison and his partners prepare for trials several times a year and are getting out to trial annually, he said.

Since every case is treated as if it’s going to be tried, the key is preparation, Emison said. To him, that means having “superior knowledge” over opposing counsel regarding the facts of the case, plus having equal or superior knowledge of a case’s medical issues over any medical experts.

“We want a step up on opposing counsel on every aspect at every trial,” he said. “Another very important aspect for me is civility with opposing counsel. Even though we are in an adversarial profession by nature, that doesn’t mean we need to be adversarial in terms of our civil discourse with opposing counsel. I believe that maintaining civil relations benefits everybody involved – clients, us and opposing counsel. Even if we’re preparing for war, we do it civilly.”

When it comes to connecting with jurors, Emison said sincerity is critical. That includes getting to know the client intimately so he can advocate on their behalf in a genuine and sincere way, he said.

“I am not a fist-pounder, not a theatrical presence in the courtroom,” Emison said. “I’m a sincere, genuine, serious presence. So, the key to my success is going in and being phenomenally well prepared and speaking with the jury, making eye contact and allowing them to see my sincerity and my genuineness and the level of care for my client. I believe that really does sway the day in the end.”

A ‘doozy’ of a first trial

Emison recalled his first trial as quite a memorable one. It was a dog bite case in San Francisco with a slew of kinks and curls. His client was a woman in her 30s, a longtime resident of the city’s Mission District, who was out walking her dog when two pit bulls tied to a newspaper stand broke free and attacked her dog on the sidewalk. The woman got wrapped up in the leashes, fell to the ground and had a large portion of her face bitten off, Emison said. The co-owner of the pit bulls ran out from a nearby restaurant, grabbed his dogs and fled the scene.

Fortunately, an off-duty police officer happened by and followed the owner of the pit bulls and helped apprehend the man. It turned out the man was a heroin addict without a job, so he had no assets. He lived with his grandfather, a retired plumber who wrote a local communist manifesto and was living in a house under rent control for 20 years. He too essentially had no assets.

Emison kept digging and eventually learned there was a middle generation in the family – the grandfather’s daughter and the heroin addict’s mother. She was a homeowner who lived across town, and in a previous incident with the dogs, the woman had promised a judge she would take care of the dogs in a plea to prevent them from being taken away from her father. That was enough to establish her as a de facto owner, Emison said, and he got an 11-1 jury determination finding that the mother was in fact the co-owner of the two pit bulls.

“We recovered every cent of the judgment against her homeowner’s insurance policy,” he said. “For a dog bite case, it was a doozy.”

A very involved dad

When he’s not in court or in the office, Emison’s priority is the family. He has two daughters, ages 14 and 11, and he coaches sports teams for both. He said



being home for dinner the majority of the nights of the week is important to him.

“My primary responsibility outside of work is my family,” he said. “I am a very involved dad and pride myself on that. I make time for it and make it a priority. On top of that, I also maintain an active

lifestyle, and that is also important to me. My primary interests are surfing and ski-mountaineering.”

When it came down to the best advice he had to offer younger lawyers and law students, Emison gave it a lot of thought, then kept it short and sweet:

“Strive for perfection in your work product, and never compromise your integrity.”

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