

The LEGAL Update

PERSONAL INJURY & WORKERS' COMPENSATION

JONES | CLIFFORD SUPPORTS LEGAL AID SOCIETY-EMPLOYMENT LAW CENTER



Jones|Clifford partner Alex Wong chats with George Takei, "Lt. Sulu" of Star Trek fame, at the 100th anniversary gala for the Legal Aid Society- Employment Law Center (LAS-ELC). Takei received the 2016 Mathew O. Tobriner Public Service Award for his work as a social justice advocate for immigrant and LGBT rights. The LAS-ELC is located in San Francisco but provides assistance to low-income employees across the state. Jones|Clifford attendees included: attorneys Melanie Carr, Kenny Sheppard, Chris Dehner, Alex Wong, Steve Bell, Ross Psychogios, Isabella Shin and Josh White; staff Michael Suwczynsky and Teddy Wilson. In law school, Mr. Sheppard worked for the Workers' Rights Clinic at LAS-ELC as part of his Hastings Law School curriculum. Ms. Carr interned for the director of the Wage Claims Project and also participated in the Workers' Rights Clinic at LAS-ELC. Both Ms. Carr and Mr. Sheppard continue to volunteer at the Workers' Rights Clinic, lecturing on workers' compensation law to groups of law students.

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FRANK CLIFFORD REFLECTS ON RETIREMENT



Memories of the Early Days

Tucked carefully inside Frank Clifford's desk is this 1978 photo of his former legal partners. A reminder of the early days with the firm was known as Jones, Brown, Clifford and McDevitt. Pictured at the firm's retreat in Yosemite are (bottom row left to right) Barbara Clifford, Eugenia Jones, Paulette McDevitt, Bill McDevitt and (top row left to right) Frank Clifford, Tom Morlock, Linda Brown, Yale Jones.

Some day in the next few weeks Francis "Frank" Clifford will wrap up his last case for one of Jones|Clifford's workers' compensation clients. It will mark the end of an era for Clifford, who has been representing injured police officers, firefighters, highway patrol officers and others for almost 40 years.

Sitting in his Market Street office, Clifford recently reflected on his career and the changes he has seen. "When I started, it wasn't uncommon for a single attorney to handle 400 to 500 cases at a time, but these days the system has become so complicated and so contentious that 250 is a heavy caseload for most attorneys," he notes.

The San Francisco native blames insurance companies for many of the changes, but points out, "every three or four years they convince the governor or legislature that reforms are needed to improve the state's business climate, but every time they make a change, they cut the benefits to injured workers, without making any substantial change to the overall costs of the program."

Clifford's retirement planning actually began in early 2015 when he decided to cut back on his workload. "It was tough at first," he says. "I was in my office or at the Workers' Compensation Appeals Board every day for over 38 years, and cutting back was difficult, but I'm looking forward to retirement now."

It's easy for him to detail what he will miss most, and least. "I will miss the people I work with the most. It still startles me that when I started in this practice in 1977 we had three attorneys and a three-person support staff. I had a little office suite at 100 Van Ness Avenue, and now we are at twelve lawyers and a staff of over twenty, and continuing to grow."

Without missing a beat he adds, "The thing I will miss the least is the commute from Marin County, which has gotten progressively worse over the years as the Bay Area has continued to grow."

Leaning back in his chair, he reflects on the list of the people with whom he has worked, including a short stint at the start of his career with a workers' compensation defense firm, or "the dark side," as he says now. "In 1973, I started before I had even passed the bar, and they said we want you to do workers' compensation. I told them, sure, but I don't know anything about it. They said not to worry, they'd teach me, and they did."

The job afforded him the opportunity to work with one of the true legends in California workers' compensation law, C. Gordon Taylor, who eventually became the chairman of the state Workers' Compensation Appeals Board.

Then, in 1977, he was recruited by Yale Jones to help replace William Donahoe, who had a long-standing relationship with the California Highway Patrol, but wanted to retire. Clifford reflects, "I told Yale, I would join the firm, but only as a partner," adding that Linda Brown apparently made the same request, so the firm became Donahoe, Jones, Brown and Clifford.

Ms. Brown left shortly thereafter, and other partners came and went over the years, changing the firm's

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FRANK CLIFFORD REFLECTS ON RETIREMENT (CONT.)

moniker until they finally decided to rebrand as Jones|Clifford four years ago, after they moved from 100 Van Ness Avenue to their current offices at 1390 Market Street.

Clifford notes the move from just practicing workers' compensation law to also personal injury law was really organic and natural. He points out that many workers' compensation cases include third party civil lawsuits which have to be settled in conjunction with the workers' compensation case.

"We used to send the personal injury cases out to other firms, but after a while, it made more sense just to handle them in-house, rather than involving another firm." Now, the work has expanded to include construction, auto, pedestrian, bicycle and other personal injury cases.

The twelfth floor offices of Jones|Clifford offer a commanding view of the city, looking out to the Harvard of the West – as Clifford refers to his alma mater the University of San Francisco – as well as City Hall, Russian Hill, downtown and even the relatively new state office building which houses the Workers' Compensation Appeals Board across Civic Center Plaza.

Clifford says he followed the path of many Catholic natives, from local parish school to St. Ignatius College Prep, and then to USF. He went to USF undergrad and then law school. He tells people, "I found a good parking spot and didn't want to lose it."

Clifford and his wife Barbara moved to Marin where they raised three children in San Rafael before moving to their Tennessee Valley home. "We look at it as an extension of the City's Richmond District since our weather is closer to that than the rest of Marin."

He and Barbara, who retired from a long career as an administrative assistant for the Tiburon Fire Protection District, have started to travel a bit more, visiting Italy recently, but he says the real focus in retirement will continue to be sports.

"I played sports when I was younger and my wife was raised in a home with two brothers, so she figured she could either learn to talk about sports or could just be left out of dinner-time conversations," adding, "She knows her teams."

"We belong to the Olympic Club where I have tried to play golf at least once a week for many years, but we're also season ticket holders for Cal football and basketball, as well as the Giants."

"I was also very active in Marin youth sports, particularly when my children were involved, and now I have grandchildren who are starting to play sports," he adds, "so the cycle starts all over again."

"I enjoy it," he says. "Plus, there's a group of us who go to all the local Marin Catholic High School events, and we've become great friends over the years."

Clifford says that after taking some time off, he may come back to the firm on a part-time basis to do some consulting, "if I'm needed," but otherwise expects to expand his time with family, friends and a number of Bay Area golf courses, rather than the Workers' Compensation Appeals Board.



Frank Clifford in his Market Street office overlooking San Francisco.

UNINSURED MOTORIST INSURANCE: A GREAT BARGAIN

The next time you pay your automobile insurance bill, take a look at the coverage page and make sure you have uninsured motorist (UM) coverage. According to Jones|Clifford associate Josh White, it may be the best bargain on the policy.

White notes that the advice goes double for companies with vehicle fleets, and elaborates that a 2011 case, which was recently resolved, proves his point.

"Our client was driving a company vehicle to a worksite along Route 99 south of Sacramento," he says. "As usual, traffic was pretty heavy, and at one point, the line of vehicles came to a complete stop."

"Our client was in his car just sitting on the highway when another driver apparently didn't realize that traffic ahead had come to a stop. He plowed into the back end of our client's truck, pushing him off the road and down an embankment."

White says the driver of the vehicle which failed to stop was uninsured, "But," he adds, "luckily both our client and his company had uninsured motorist insurance."

The resulting case got very complicated since it involved workers' compensation issues, because the client was working, and he suffered significant injuries which left him permanently disabled.

Since Jones|Clifford handles workplace injuries as well as personal injuries, the firm was able to navigate the legal issues and eventually negotiate a significant settlement, White notes.

"The real key was the fact that our client was covered by uninsured motorist insurance," White says. "His own UM insurance would have covered the situation whether he was in his own car or a company car, but because his firm's insurance had higher limits, we were able to secure a better settlement."

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UNINSURED MOTORIST INSURANCE: A GREAT BARGAIN (CONT.)

White says that many people fail to buy UM coverage, trying to save money, but he says, "It's almost always a great value, adding only about \$200 annually to the average policy."

Points to remember about UM coverage include:

- You are generally covered whether you are in your own vehicle or not.
- You are covered whether you are the driver or a passenger.
- You just need to show that the other vehicle was at fault and that they had no insurance.



White notes that the coverage cannot be greater than your liability coverage (1,000,000 is recommended to cover medical bills and other expenses), and UM may not be covered by "umbrella policies."

White also suggests that if your current insurer does not offer the policy limits that you want, you might want to shop around for different coverage.

"And finally," he says, "if you are injured in an accident, you should definitely check with an attorney before you give a statement to an insurer. You want to make sure that all factors are taken into account before the case is resolved."

WHITE FAMILY FUN AT WALK SF, PEAK TO PEAK EVENT



Jones|Clifford associate Josh White, his wife, Melissa, and their daughters Amelia and Ava pose for a selfie during the recent Walk SF, Peak to Peak event. Almost 300 people participated in the event. Above, a group of fellow hikers wave from atop the Bay Area Ridge Trail. (Photo by Matt Brandwein)

SHEPPARD NAMED TO HEAD STATE BAR GROUP



Jones|Clifford partner Kenny Sheppard has been named chair of the California State Bar Workers' Compensation Section Executive Committee. The committee provides education and training seminars for workers' compensation practitioners, publishes scholarly articles on workers' compensation matters, reviews state legislation and proposes recommended changes, and promotes better legal practice, education and legislation affecting workers' compensation issues state-wide.

JONES|CLIFFORD PRESENTS AT PORAC MEETING



Kenny Sheppard, partner at Jones|Clifford, gives a presentation to the quarterly meeting of the Police Officers Research Association of California. Sheppard, along with partners Chris Dehner and Alex Wong, lectured the group in Reno, CA on workers' compensation and disability retirement issues. The group represents over 66,000 local, state and federal law enforcement professionals and more than 900 associations, making it the largest statewide association in the nation.

