



# "I HATE INJUSTICE"

## An Interview with Richard Zitrin

James Marion

asked San Francisco attorney Richard Zitrin how he might define the impetus behind his passions. His response was both charmingly succinct and tellingly modest. "I never put it this way myself," he explained, "but my friends say that 'I hate injustice.'" After a conversation detailing a career accented by a long list of philanthropic endeavors, I have to agree that the sentiment encapsulates him quite nicely.

Zitrin is of counsel to Carlson, Calladine & Peterson and is a full-time professor at UC Hastings College of the Law. Attorneys and law students alike have probably read at least one of his three books on legal ethics. Yet despite his otherwise busy schedule, he has never been content to have just one altruistic undertaking on his radar. It is therefore altogether fitting that he is also president of the Arthur and Charlotte Zitrin Foundation, a charity originally founded by and named for Zitrin's parents.

The foundation has long been a vehicle for Zitrin, in collaboration with the Justice & Diversity Center (JDC) of The Bar Association of San Francisco (BASF), to award annual scholarships to deserving minority law students throughout the Bay Area. The scholarship program was created in 1998, in direct response to a resolution ending affirmative action and race-based admissions at University of California schools. "We began by awarding recipients \$5,000 scholarships to offset the high cost of law school," Zitrin recalls. "It quickly became apparent that this was only making a



*From left, 2013 scholarship recipients Chris Ballard, Lidia Lopez, Christina Fletes, Guadalupe Aguirre, and Angelo Villareal with Richard Zitrin*

small dent. In a year or two we doubled the scholarship to \$10,000 annually.”

Initial interest in the scholarship program within the legal community was encouraging, and in spite of one dot-com bust and two recessions, the number of yearly recipients has remained steady from three to five. To augment this number, Zitrin, through the foundation, recently decided to take action by fully endowing a \$200,000 reserve scholarship trust to ensure at least one continued annual scholarship. The scholarship is being named in memory of one of the first scholarship recipients, Shanna Yvette Bradford (see page 36).

Zitrin sees no need to stop there. He continues to implore others to join in the effort. “The cost per partner in each large Bay Area firm to fund a \$10,000 annual scholarship would be negligible,” he contends. “The legal world is missing a great opportunity by failing to take part in its own diversification.”

To elaborate on this theory, Zitrin cites an example from time spent in the classroom. “I tell my law students that I am not here to *teach* [them] what is ethical—what one person considers ethical varies depending on his or her experience, on his or her personal and cultural background.

The key then is to encourage people to ask the right questions. I can tell you what I think is ethical, but inquisitiveness and the ability to identify with the perspectives of others will lead you to make ethical choices.” For Zitrin it seems, the health of the legal system improves directly from inclusion of a minority perspective and this, in turn, fosters more ethical behavior among attorneys.

## Effecting Change

Taking big steps in encouraging attorneys to act ethically is high on Richard Zitrin’s current list of priorities. This past year he played an integral part in drafting bipartisan legislation known as the Sunshine in Litigation Act of 2014, or SILA. In May, Senators Richard Blumenthal (D-CT) and Lindsey Graham (R-SC) introduced the bill in the U.S. Senate. Representative Jerrold Nadler (D-NY) had earlier introduced a corresponding bill in the House of Representatives. The act would require federal judges to consider transparency before sealing court records in civil cases and in settlement agreements where public health and safety are at risk.

SILA gained momentum on the heels of the revelation that General Motors had been actively concealing information linking its defective ignition switches to thirteen

# The Arthur and Charlotte

## Zitrin Foundation

In the early 1960s, Arthur and Charlotte Zitrin, both graduates of New York University School of Medicine and both well-known New York psychiatrists, met a young stockbroker who impressed them. They soon decided to give him much of their nest egg, a five-figure sum, to invest and manage. Over the years, that small investment grew exponentially in the hands of a man who turned out to be one of Wall Street's best money managers.

After just a few decades, the Zitrins had developed a sizable net worth—far more than they ever could have imagined. Yet, living in reasonable comfort, they saw little reason to spend more money on themselves. “My parents were always interested in changing the world for the better,” Richard Zitrin explains. “They looked at this money as though they had landed on Free Parking.” Indeed, his parents soon contributed the bulk of their fortune to create their own charitable foundation dedicated to promoting higher education in medicine and the law, as well as other philanthropic causes.

Today the Arthur and Charlotte Zitrin Foundation's list of beneficiaries now includes environmental groups such as the National Resources Defense Council (NRDC), a minority scholarship and support for the jazz building at Richard's alma mater, Oberlin College, and many other “inside-the-beltway” consumer protection and social advocacy organizations. Locally, the foundation is dedicated to promoting access to and equality in the legal system, funding scholarships, programs in the Justice & Diversity Center, and many other Bay Area legal advocacy organizations, as well as music and arts programs from SFJAZZ to the San Francisco Opera's Merola fellowships, to San Francisco MOMA, and art programs for kids.

The foundation does not review unsolicited grant proposals or donation requests.

deaths and numerous serious injuries. But for Zitrin the issue has been front and center since his days trying automotive product liability cases against the big automakers. The Arthur and Charlotte Zitrin Foundation also has a record of support for consumer protection groups.

While SILA is still stalled in Congress, Zitrin takes on this cause not with his well-honed litigation skills, but with another familiar weapon of choice, the pen. Through op-eds in *The Recorder* and interviews for the *New York Times*—Zitrin cut his teeth as a sports columnist for the *San Francisco Chronicle* in the 1980s—he has preached that aside from the obvious concern for public safety, legislation of this nature provides a better moral compass for attorneys. The argument is that transparency discourages in-house counsel from enacting policies of concealment and defense attorneys from settling dangerous claims on the condition of secrecy. Furthermore, plaintiffs' attorneys would hesitate to opt for large cash awards for their current client at the expense of depriving future victims of vital information.

For Zitrin this is as much about justice as it is about morality. “Our legal system is stacked against the majority of people in this country,” he exclaims. “They're always out to get the little guy—that's something I want to fight against.” He remains confident that SILA has a good chance of passage the next time it comes to a vote.

## Fair and Equal Access to Justice

Friends and colleagues may have one phrase to interpret his zeal, but I want to see if Richard Zitrin will expand on his underlying ethos in his own words. He puts it to me in three simple parts. “First of all, money is important, but it should not be the thing that drives you. Second, treat people well. And third, give to those less fortunate than yourself.”

The last factor in this equation keeps Zitrin busy well beyond the scope of charitable donations. For him, contributing pro bono hours through local groups can often take on the feel of a full-time job. “We see a lot of Social Security claims, immigration issues—simple bureaucratic things where people are getting screwed over because basic access to legal services has become so unaffordable.” As income

inequality has risen to the forefront of the American political landscape, Zitrin is clearly concerned with closing that gap in his own vocation, propounding the idea that unequal access to justice is not at all just.

It is also clear that Zitrin relishes a good contest. I inquire as to what sort of pro bono case he prefers to take on. “They tend to contact me for the ‘nobody else knows how to deal with this’ kind of cases,” he laughs. “But those are probably my favorite. They challenge you to get creative. Of course, it also occasionally demands that you be [somewhat] of a jerk on someone’s behalf.” With a grin, he confesses that his years in criminal defense provided him a distinct skill in deploying this latter tactic, though he prefers to use it sparingly.

## Work-Life Balance

Zitrin is quick to point out that he considers himself lucky to have reached the point in his career where he enjoys this level of flexibility. “Young lawyers don’t typically have the luxury of being selective with the clients they represent,” he admits. Still, he sees this as an ideal goal. “I’ve gotten to the point where I’m in a reorganization phase,” he explains. “I’m choosing only to try cases where I get to be on the ‘right’ side of the issue, and this allows more time for writing, the legislation, and the foundation.”

Not everything is serious business for Zitrin. He is a movie buff and keeps a regular basketball game, two hobbies that once allowed him to network his way to working as a legal technical advisor and occasional cast member opposite Gene Hackman in Michael Apted’s legal drama, *Class Action*. He is also an avid jazz fan and has played reeds and piano since his undergraduate days at Oberlin College. It should probably come as no surprise that the college offers a Zitrin Family Scholarship for underprivileged students and that the Arthur and Charlotte Zitrin Foundation donates to promote jazz and opera in San Francisco. “Jazz is a true American art form. But much like classical music, it has trouble surviving today without some help.”

All this leads me to wonder how someone with such a meritorious résumé manages to keep his achievements in



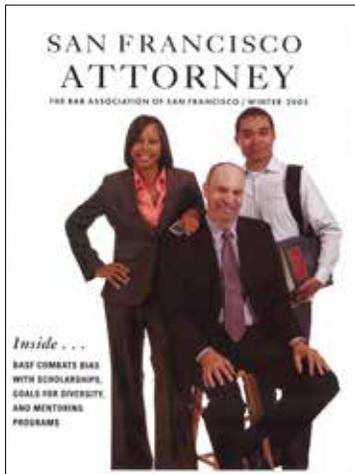
*Richard Zitrin handing scholarship endowment check to BASF Interim Executive Director Yolanda Jackson*

perspective. Richard Zitrin sums it up with a story. “My dad has an old expression that he loves to use to describe a guy who’s riding too high on his own horse,” he tells me. “He likes to say it in his Brooklyn accent, and the line is, ‘Dat guy? He likes to t’ink who the hell he is.’ For me, the idea of becoming that guy is anathema.” Concerned with the idea that any more talking about himself will make him “like to t’ink who the hell he is,” I decide this is an appropriate time to conclude the interview. Zitrin graciously excuses himself and hurries off. He has to wrap up work on a case in time to take his wife out to dinner.

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# SHANNA YVETTE BRADFORD

1977-2009



*Editor's Note:*

*The photo shoot for the cover of our December 2005 San Francisco Attorney magazine assembled three people who symbolized the segments of The Bar Association of San Francisco's (BASF) Bay Area Minority Law Student Scholarship Program: a donor, a current scholarship recipient, and a former scholarship recipient who was then a second year associate. Shanna Bradford rushed into BASF from a full day of meetings at her firm, Bingham McCutchen, ready to take on another stressful assignment—an hour of smiling at the camera while looking cool and calm.*

*Shanna Yvette Bradford died July 25, 2009, after a prolonged illness. She was thirty-one. The following profile was part of the Winter 2005 magazine and was written by legal journalist and former lawyer Leslie A. Gordon.*

**B**orn in 1977 in Oakland, Shanna Bradford was raised by her grandparents, a truck driver and a Del Monte cannery worker whom she calls “the biggest influence on my life,” along with her mother, who works as a teacher’s assistant for elementary school children with learning disabilities. A public school product, Bradford became only the second member of her family to graduate from college when she earned her degree in theoretical math from UC Santa Cruz in 1999.

When she applied to the University of San Francisco (USF) School of Law, she also filled out a form for a brand new scholarship awarded by The Bar Association of San Francisco (BASF). She “got a call out of the sky blue” notifying her that she was selected as the very first USF recipient, Bradford remembers. Soon after receiving the scholarship, she met personally with attorney Richard Zitrin, one of the scholarship’s funders, who was so impressed with Bradford that he gave her another \$5,000.

With BASF’s assistance, Bradford was able to switch from USF’s night school to become a full-time law student, tutoring incoming students in civil procedure and graduating in three years. She spent her first summer during law school interning at the San Mateo district attorney’s office and her second summer working at what was then McCutchen Doyle. After graduation she spent a year clerking for a judge on the United States Court of Appeals for the Sixth Circuit and now practices at Bingham McCutchen in San Francisco.

Bradford now supports her family—including her grandparents—and donates her own money to the same BASF scholarship fund that helped her fulfill her dreams of becoming an attorney. In her spare time, Bradford helps BASF select scholarship recipients and spends pro bono hours on homeless rights advocacy issues. With the pride of a father, Zitrin calls Bradford “the perfect scholarship student.”

