

Sacramento lawyer discovers nuggets of humor in his work

By Brian Cox



Sacramento insurance coverage attorney Blane Smith can be quick with a quip.

Ask him if there are other lawyers in his family and he may dryly answer, “No, I was the first to go wrong.” And then execute a perfectly timed pause to allow for a laugh.

“I don’t think you have to be a stiff to be a professional attorney,” Smith says, but he also cautions that there is a time and place to “crack wise,” and it’s critical to know the appropriate when and where.

“When you get a laugh out of people, suddenly you feel better,” he says. “It puts you at ease. But one place you really can’t do that is in a courtroom. If a judge thinks you think it’s open mic in his courtroom, he’s going to cut you off at the knees and you’ll end up looking really bad in front of the jury.”

Smith’s sense of humor is evident in a 1979 comment he wrote as a law student for the University of the Pacific Law Journal that carries the lengthy title “The California Legislature Steers the Antitrust Cart Right Off the Illinois Brick Road” and that he claims incorporates “the most obscure pun of any scholarly work on antitrust law.”

California’s antitrust statute is called the Cartwright Act and Smith’s comment concerns an amendment made to the act in response to the U.S. Supreme Court’s decision in *Illinois Brick Co. v. Illinois*. The court ruled that indirect purchasers of goods or services cannot seek damages for antitrust violations committed by the original manufacturer or service provider. The amendment to the Cartwright Act allowed for exceptions.

Smith says he had to fight with his editor to keep the title and five years later the comment was cited by the California Supreme Court in *Union Carbide Corp. v. Superior Court*.

“I’m convinced the only reason they cited it was because of the title,” says Smith, who handed out autographed photocopies of the decision to colleagues at a firm retreat that year.

Born in Kirkland, Washington, Smith spent the majority of his childhood in Bremerton, which is home to the Puget Sound Naval Shipyard and headquarters of the Pacific fleet. His father was a warehouse supervisor for a power utility and his mother was a homemaker. Growing up in a Navy town may have contributed to his early interest in joining the military, though by his early teens, with the Vietnam War nearing its peak, his views on a military career changed. In high school, his interests turned to archaeology and forensics. After receiving a degree in history and speech education from Western Washington University, Smith considered going into teaching for a time before settling on becoming a lawyer.

After spending the first 22 years of his life in the Puget Sound area, Smith decided to head south to attend Pacific McGeorge

School of Law in Sacramento.

“I wanted to get out of the rain, so I moved to California,” he quips.

Smith has now practiced insurance law in the Sacramento area for more than 40 years, primarily focusing on insurance coverage, a subset of the law that he stumbled across as a young associate at the defense firm of Thompson Heller.

As his comment on *Illinois Brick* may have indicated, Smith gave some thought to practicing antitrust law, but he ultimately found the field not a good fit.

“I thought it was unspeakably dull,” he says. “And I say that as someone who reads insurance policies for a living.”

He also briefly entertained the idea of being a prosecutor, but the work didn’t align with his sensibilities. Instead, Smith started his law career with a workers’ compensation firm as an applicant’s attorney. Within six months, he was ready for a change. He found the work too bureaucratic, and he didn’t feel like a lawyer.

It was then that he found a long-term home at Thompson Heller and discovered his affinity for insurance coverage, which concerns the interpretation of liability insurance policies and how they apply to various claims or events. It is work that draws on Smith’s penchant for deep research and analysis.

“There are not a lot of people who want to do this,” he says. “There is a great deal of research and analysis involved. And the consequences of getting things wrong can be really severe. You’ve got a fair amount of stress in terms of making the right call.”

His work includes consultation and litigation related to the duties of insurers to their insureds and bad faith claims. He typically represents only the insurance company and its own interests against the insured.

He finds satisfaction and reward in his ability to be thorough and exact with his advice.

“There’s a challenge to finding coverage,” says Smith. “I’m trying to find coverage whoever I’m representing. If I’m representing the insured, they want there to be coverage and that’s what I’m there to do. But if I’m representing the insurance company, it’s pretty important that I be right if I tell them there’s no coverage. I try to exhaust every potential avenue; I want to be able to say that if I can’t find coverage, there’s no coverage.”

He compares the work to panning for gold.

“Sometimes you have to shovel through a lot of gravel to find a nugget,” he says.

Smith was with Thompson Heller nearly 15 years, eight as partner.

“It was a great environment in which to grow and develop as an attorney,” he says.

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But as the firm grew, its culture changed to one Smith found unappealing, and in 1996 he became a partner at Farmer Murphy Smith & Alliston. Eleven years later, he started Farmer Smith & Lane, LLP along with Craig Farmer and David Lane.

Two years ago, following an amicable break with his longtime partner Farmer, Smith branched out on his own, forming the Law Office of Blane A. Smith. It was a move made possible, he says, by the invaluable assistance of his experienced office manager and paralegal who handle the business end of the firm, allowing him to concentrate on clients and practicing law.

"I have never wanted to be a businessman," he says. "I don't like tending to the nuts and bolts of running a business."

Smith credits the pair for making the transition to a solo practice fairly painless.

"I've had good staff and I've had bad staff and I know the difference," he says. "It makes all the difference in the world."

And he is busier than he's ever been, he says.

In his four decades of practicing insurance law, Smith has seen a range of changes in the industry, but none so consequential as the trend by insurance companies to deprioritize the training of their agents.

"When your people aren't trained, they make a lot more mistakes," he says. "That's how people get into trouble."



Sacramento attorney Blane Smith enjoys hiking in the Sierra Nevada Mountain Range.

Smith has been a Primerus™ member since 2017. He admits to being skeptical when he was first approached about joining, but he was surprised when he attended an informational meeting in New York. He expected to find hundreds of "carefully selected peers," but instead there were only a dozen or so attorneys from around the world. And while he was interested in business development and marketing, it was not the focus of the gathering.

"They focused on the 'Good People Who Happen to be Good Lawyers™' motto," Smith recalls. "That meeting wasn't all about we're going to get you all kinds of work. It was more about the sorry state the profession had sunk to with the introduction of advertising. They really drove home the significance of restoring the profession. That sold me."

He says Primerus™ has yet to disappoint him.

"My institutional clients need a resource for attorneys to use in other jurisdictions and I can't think of a better resource than Primerus™," he says.

Smith and his wife, Shannon, have been married 35 years. The two met when she moved from San Diego to Sacramento to find affordable housing. They have three children. Their daughter, Cara, is an interior designer and event planner. Their son, Cal, works for Airlock, a breathing mask manufacturer, while their second son, Cole, followed in his father's footsteps and became a lawyer. He works with Smith at the firm.

Smith is effusive in lauding his wife's accomplishments. A graduate of California Western School of Law, Shannon Smith-Crowley was a registered lobbyist in California for 20 years, including time with the California Medical Association. Now retired, she devoted her career to women's reproductive rights and health issues.

She was active in the campaign against slave trafficking, including getting legislation passed that made it easier for consumers to determine if the products they are purchasing were manufactured somewhere under slave labor conditions.

Other notable legislative successes during her career include developing a California law that requires maternity coverage in all health insurance policies, well before the enactment of similar provisions in the Affordable Care Act, and contributing to bills allowing HIV+ men to safely create families using Assisted Reproductive Technologies.

"If there is a heaven, I'm getting in as her plus-one," he says with a humorous twinkle in his eye.