

Asbestos attorney continues to make his mark in the field

By Brian Cox



For the first decade of his career, trial attorney James Nevin worked at a relentless, breakneck pace, trying asbestos and other tort cases nearly nonstop.

“I would finish one trial and the next day start a new one,” he recalls. “I would get a verdict in one trial and the next day I’d be doing motions in limine in the next trial. It was just trial after trial after trial, which was an amazing experience.”

The law firm Nevin had joined right out of law school, Brayton Purcell LLP in California, was awash in cases of workers victimized by toxic exposures in the workplace, and the young lawyer dived in head first. It was a rare opportunity for an attorney who had the necessary litigation talent and drive.

“We had the need for more trial attorneys and I had the desire,” he says. “They just threw me right in. With most firms you’re going to be there for many years before you get to first-chair a trial. I don’t think anywhere else I would have received the opportunity to try so many cases at such a young age.”

Nevin began first-chairing trials only a few years out of law school. He remembers his first trial in 2005, in which he won a \$1.25-million verdict for a client with asbestosis, and says the defense attorney, the judge and the clerk couldn’t have been more accommodating to a young lawyer. He remembers the clerk let him in the courtroom early to set up and allowed him to stay late, if necessary.

“They were as gracious as they could be,” says Nevin. “It was a great first experience and I was just lucky to have that situation. It could have easily gone the other way.”

There were many more favorable verdicts over the next several years – so many, in fact, that a mere six years later – at



James Nevin with his family (l-r), daughter Shelby, wife Brigit, son Sean, daughter Claire and son Colin.

the age of 36 – he was invited to join the American Board of Trial Advocates (ABOTA), which requires its members to have at least five years of active experience as a trial lawyer and to have first-chaired at least 10 civil jury trials to conclusion. Nevin became the second youngest member in the history of ABOTA nationally and the youngest member in the history of the organization’s San Francisco chapter.

It was a high distinction he earned through working 12- to 13-hour days seven days a week. He drew from a seemingly inexhaustible energy source that was fed by the belief that he was representing people who had been unjustifiably wronged.

“When you are doing good for deserving people, I think it helps you find that inner strength to keep going,” he says.

Ironically, for as skillful a trial lawyer as he turned out to be, Nevin had never given litigation much thought. He had initially set his eyes on practicing international corporate law.

That he would become a lawyer, though, was likely always in the cards.

Born and raised in Marin, CA, which is in the northwestern corner of the San Francisco Bay Area, Nevin comes from a large family that traces its roots to Kilkenny, Ireland, and that has a long tradition of careers as nurses, police officers, and lawyers. His grandfather, one uncle, and numerous cousins were police officers; his father, two uncles, and one aunt were lawyers; and his mother, sister, as well as both grandmothers were nurses.

“I’ve tried to instill in my children that I feel that coming from a family of immigrants, every generation has a duty to try to achieve more than the previous generation and to give back to society,” says Nevin.

Nevin and his wife, Brigit, have been married 20 years and have four children – Sean, who is a senior in high school; Shelby, who is a sophomore; Claire, who is in the eighth grade; and Colin, who is in the fifth grade. Brigit was an enforcement scientist for the EPA before retiring to raise the children. She is a passionate advocate for children with learning disabilities.

Nevin’s legal career path began when he resolved to experience more of the world.

Having lived his entire life in the bubble of Marin County, with its giant redwood trees and views of the Golden Gate Bridge, Nevin decided after graduating high school to travel across the country to pursue a B.A. in international studies from Boston College. In addition, he studied abroad at Beijing University and Nanjing University in China and at the Foreign Affairs Institute in Belgium, as part of building his international resume.

He returned to his home state after undergrad to obtain a master’s degree from Stanford in East Asian Studies with a focus on government and business before attending UCLA Law School, where he was the Law Review editor.

A depressed market for transactional lawyers at the time

Asbestos attorney continues to make his mark in the field

and a preference for not raising a family overseas, led Nevin to change his career focus from international business law and took him and Brigit, his fiancé at the time, back to Marin.

The move returned Nevin to his roots in more ways than one. The position he took in the Novato office of Brayton Purcell, where he had law clerked during his third year in law school, returned him to helping people in a fashion that his family had championed for generations. The 37-year-old firm concentrates on cases involving mesothelioma and other asbestos-related



Attorney James Nevin with his children (l-r) Colin, Sean, Claire and Shelby on vacation in Hawaii.

disease.

"It really helps when you are representing the good guy," he says. "It helps when your heart's in the right place because you're doing right."

While pursuing litigation was born out of necessity, he quickly discovered he had a natural talent for the work.

"I immediately found that not only do I like this, but I am really good at it," he says.

What's more, he encountered Gil Purcell, one of two senior partners of the firm who proved to be a no-nonsense mentor that shot straight from the hip and carried high expectations.

"Trial attorneys are both born and bred," says Nevin. "You must have the innate skills and desire, but then you also need good training and mentorship, and I was fortunate to have both."

Nevin responded well to Purcell's mentoring style, which could be blunt and unforgiving. When Nevin left the courtroom after his first trial, he was jubilant and flush with victory – Purcell, who had been listening out in the hallway with his ear to a crack in the door, handed Nevin a 10-page list written in purple ink of all the things he'd done wrong in the trial.

"He was a great mentor," says Nevin, who goes on to tell the story of when he was co-captain of the high school football team and went home one day to tell his father that the coach kept yelling at him every day. His father, a former college football player, told him: "You do not have to worry about when coach is yelling at you because it means that coach knows you can do it. You only need to worry if coach stops yelling at you."

"I think my relationship early on with Gil was the same way," says Nevin. "He was providing very aggressive constructive criticism because he knew I could do it. There are very few attorneys who can first-chair a complex trial well. There are many

attorneys who try. Not many people who do it well. He clearly saw that I could do it and then instilled the knowledge and skills in me."

Nevin is now a long-time partner at the firm and has tried more than 200 complex asbestos cases that include three bench verdicts and 25 jury verdicts. While he is not taking nearly as many cases to trial as he was 15 years ago (he estimates 99 percent settle), the number of asbestos-related cases has not abated.

"Everyone always thinks asbestos litigation is going to go away soon and they have thought that for 35 years and it hasn't," says Nevin. "That is because it takes decades after you were exposed before you develop an asbestos-related disease. Peak asbestos use in the United States was in about 1980. So, it won't be until 60 or 70 years from then that we will see the disease levels go down."

He calls asbestos "America's dirty little secret."

"Big asbestos-related companies knew in around 1910 that asbestos would kill people," he says. "They used it anyway. It was such a good product. It worked well as intended, to make hardy, fire-proof, acid-proof resistant material – it just had this catastrophic byproduct that workers who inhaled the dust were going to die decades later from it. And the companies decided that they could live with that."

Currently, Brayton Purcell LLP has a strong group of seasoned attorneys and a solid structure of mentoring programs to train new attorneys, according to Nevin, who describes a handful of traits he looks for when considering hiring a young trial attorney.

"They have to really want to be on the plaintiff's side," he says. "We always look for attorneys that want to be either in the courtroom or want to be the responsible attorney for a case and are capable of handling the responsibility. They need to have both the drive and confidence to hit the ground running."

The firm adapted quickly to the remote environment necessitated by the COVID-19 pandemic. Where some plaintiff attorneys opposed trying cases over Zoom, Brayton Purcell embraced the challenge.

"We were different. We decided let's go. We can do this," says Nevin.



The partners at Brayton Purcell LLP include (l-r) Alan R. Brayton, David Donadio, James Nevin, and Gilbert Purcell.

Asbestos attorney continues to make his mark in the field

The firm converted two conference rooms into Zoom studios and helped attorneys and staff design their home offices to be conducive to working from home. The firm's trial attorneys have successfully conducted numerous jury and bench trials over Zoom.

"What we found, contrary to the concern that you might lose a personal connection, is no, you don't," says Nevin. "The amazing benefit of Zoom trials is jurors have a screen right in front of them. They can see you well. They can hear you well. They can actually see the exhibits. We have found that juries really like Zoom trials more than in-person trials, and they pay more attention."

The pandemic didn't just change how the firm conducts its trials, Nevin says. It fundamentally changed how the firm is managed. Ninety percent of its staff and attorneys now work from home, including Nevin.

"We found that if people just have the technology that they need, that if anything we have more face-to-face than we did before," he says, adding that they've found the vast majority of employees are more productive working from home. "The pandemic has changed forever the practice of law for firms that are willing to embrace that."

As co-manager of the firm, Nevin has spearheaded an effort over the last 1 and 1/2 years to increase firm-wide efficiency by bringing all aspects of the firm's operations, communications, data, and documents under one case management system.

"It has taken a lot of effort because we are changing 35 years of a way of operating," he says, characterizing the ambitious project as his second job. "I think this is the path that all law firms should follow."

He expects to go live with the new system early next year.

"After 20 years as an attorney, I am privileged, along with great colleagues, to continue to serve deserving clients," concludes Nevin.