

JOSEPH COTCHETT:



FIGHTING THE GOOD FIGHT

Joe Cotchett has cut an imposing figure throughout his life.

First, on the rough-and-tumble streets of Brooklyn, where, to get along, he says, "You had to use your head *and* your fists."

Then, during his college years, when he resisted segregation on his own terms.

And later, in the courtroom, where he's dominated the legal scene since graduating from Cal Poly in 1960 and the University of California Hastings Law School in 1964.

Left: Cal Poly alum Joseph Cotchett, outside the Burlingame law firm of Cotchett, Pitre, Simon & McCarthy

A passion for justice

Considered among the most effective and renowned trial lawyers in the United States, Joseph W. Cotchett has made a career – *a life*, really – of "standing up for the little guy." While he has represented powerful litigants (including U.S. senators and congress members, the National Football League, and the world's largest winemaker), Cotchett has earned a reputation and the respect of even his toughest legal opponents by representing the down-trodden (from Native Americans, to abandoned Amerasian children, to senior citizens bilked out of their life savings by white-collar felons).

Today he stands poised to gain even greater national attention as he takes on some of the financial world's dishonest practitioners and
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*Engineering alumnus
Joseph Cotchett has
built a nationally
respected legal
practice by taking
on tough cases.*

By Jeff Bliss
Photos by Acey Harper



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practices. In his sights are the investment banks and audit firm being investigated for defrauding investors by selling them Enron bonds – even while the energy conglomerate was struggling financially – and shifting funds to offshore corporations that were purportedly nonexistent.

Filed in February against financial-world heavyweights Arthur Andersen, Goldman Sachs, Salomon Smith Barney, and Banc of America Securities, the Enron lawsuit promises to be complex and tough. Cotchett, a partner in the prestigious Burlingame law firm of Cotchett, Pitre, Simon & McCarthy, has strong feelings about the case.

"When you're talking about all of these financial scandals that have been going on, you're talking about the theft of a person's lifetime of blood, sweat, and tears," Cotchett says. "Someone's got to stop this from happening again and help these people get back what rightly belongs to them."

And Cotchett, along with his clients, believes he's just the man to do it.

Getting his start

As tough as his New York childhood might have been, it was tempered by life lessons learned at the knee of his mother, Jean Carroll, who herself battled against the odds. She left an orphanage as a teenager for the bright lights and promise of Broadway, where she became one of the legendary Ziegfeld Follies showgirls. She was also a celebrated world-class bridge player.

But it wasn't a taste for show business or card play that was her great legacy. It was her sense of compassion.

"My mother was bringing homeless people into our home before it became fashionable," Cotchett says. "She cared about others deeply." She also made an impression on the young Cotchett by hiring African-American men off the street to work at their home, then inviting them to stay for dinner. "God threw away the

mold with her," Cotchett once told a reporter.

Blessed with brains as well as brawn, Cotchett entered North Carolina State at the age of 16 to play basketball and study engineering. In the Deep South of the late 1950s, he experienced a racial discrimination that was codified and enforced.

"I was the rebellious kid from up north and I just had to drink out of the 'Coloreds Only' fountain," he recalls with a grin. "Some good ol' boy sheriff took me to the station to explain the rules. The same thing would happen when I'd ride the bus. I'd sit in the back and the driver would say, 'Boy, I'm not going until you move to the front.' When I refused, he called the sheriff and I'd get another lecture."

Cotchett transferred to Cal Poly, where he studied engineering, played basketball, and generally had a rip-roaring time. "All of my memories of Cal Poly are great," Cotchett says. "I loved every minute of it – even the food. Hell, I'd always be the first one in line at the

cafeteria. On weekends we'd hang out at Avila Beach or one of the lakes, like Nacimiento. I had a great time and I got a great education."

One aspect of Cal Poly life that didn't sit well with Cotchett, however, was its segregated fraternity system. "It wasn't that Cal Poly frats all wanted to keep blacks out," he says. "It was the national fraternities that wouldn't allow the chapters to integrate."

If the quiet, 4,000-student college in sleepy San Luis Obispo was hoping to stay that way, it had admitted the wrong person when it took in Cotchett. Angered by a system he saw as unjust and out of place, he took matters into his own hands and founded the Phi Kappa Sigma fraternity – Cal Poly's first integrated greek organization.

"Being a ballplayer, I was able to recruit some of the black guys from some of the teams, as well as other students, for the new fraternity," he remembers. "The next year, everyone started welcoming black members. That was definitely one of my proudest accomplishments at Poly."

Meanwhile, when he wasn't busy changing accepted cultural norms or studying the finer points of engineering, Cotchett was an ROTC cadet. After graduating from Cal Poly, he became an army intelligence officer, where he rose to the rank of captain in the fabled Special Forces' Green Berets. Later, given the opportunity to soldier on in Europe or

join the reserves and go to law school, he chose the latter. Cotchett enrolled at Hastings College of Law and while there became active in local politics. He remained in the U.S. Army Reserves, serving with the Judge Adjutant General corps, where he retired as a full colonel and commander of the 5th Military Law Center.

Right makes might

Cotchett began his rise to legal prominence when he was named



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to the State Bar of California's board of governors at age 33 and shortly thereafter to the State Judicial Council. But he gained wider notice winning a civil lawsuit against a Los Angeles tortilla manufacturer whose machinery ripped the arm off Cotchett's Mexican factory-worker client. Cotchett convinced the jury that a \$1.50 safety switch would have saved the worker's arm.

That case helped propel Cotchett to a career filled with taking on the "big guys."

Cotchett won a \$3.3 billion jury verdict (later reduced to \$1.7 billion) against Lincoln Savings & Loan (Charles Keating's failed S&L). He helped secure a \$160 million settlement for shareholders who alleged securities fraud when NationsBank took over B of A. And in what he characterizes as two cases involving "pyramid schemes," he won a jury verdict for \$140 million for 1,200 plaintiffs against Technical Equities and negotiated a \$62 million settlement for hundreds of investors in a suit against J. David Dominelli after a trial.

Even Uncle Sam hasn't avoided his ire, intellect, and initiative. A lawsuit he filed against the FBI on behalf of a civil rights worker slain by a Ku Klux Klan member (who also happened to be an informant) lost in court but resulted in the bureau changing its policies on informants. Likewise, a suit he filed on behalf of children

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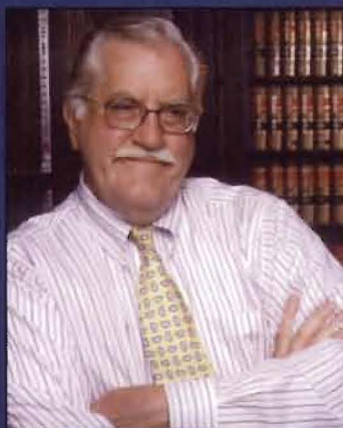
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of American military personnel abandoned when the United States pulled out of the Philippines lost in court, but resulted in the U.S. government allocating millions of dollars to fund education and health care for the more than 8,000 children. (He views this as one of his greatest victories.)

In addition to his good works before the bar, Cotchett and his wife, Victoria, operate a family foundation that gives to children's, women's, and animal welfare nonprofit organizations. They have also played a role in helping to resettle Bosnian war refugees, and both are active in Bay Area community projects. He and Victoria, an art critic and a graduate of CSU Hayward, have two children, Quinn and Camilla. Cotchett also has three children – Leslie, Rachael, and Charles – from a prior marriage.

Values for our time

Cotchett finds time to pass along his experience, whether in classes he occasionally teaches at law schools, through legal texts he has penned that are *de rigeur* in law libraries, or in speeches he gives to attorneys, jurists, lawmakers, and the public. In June, speaking at Cal Poly's commencement exercises – where he received an honorary doctorate – Cotchett addressed



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what he calls America's slide into a "casino society mentality."

"It is the erosion of ethics in our nation's professions, business, and government," he says. "The proud work ethic made our country great, but the pursuit of wealth and material gain in total disregard for ethical or moral considerations is destroying that ethic."

"We have a duty to work to help reverse the ethical bankruptcy gripping our nation," he adds. "The core of a free and democratic society depends upon involvement and ideals. Our democracy represents freedom but it comes with a price."

It is here that Cotchett becomes most emphatic, tightly gripping the arms of his office chair, surrounded by photographs of his political friends and heroes – many of whom have also devoted their lives to serving their fellow Americans.

"That price is honesty, integrity, and the work ethic," he says. "Our future prosperity is not going to come from money. It's going to come from each and every person's own moral code, through vigilance – to make sure we continue living in a country governed not by men but by laws. And it's going to come through involvement in our communities, state, and nation."

Big words, some might say.

But Joe Cotchett's got a lifetime to back them up.