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# Profile: Megan Burns

## Longtime criminal-defense lawyer says trial skills helped her make a seamless transition to PI practice

By **STEPHEN ELLISON**

Getting into the courtroom to try cases was a very important goal Megan Burns set for herself when she decided to pursue law. And while it has remained a priority to this day, it may now run a close second to another crucial objective: helping people who have suffered wrongful harm.

The managing partner with Mirador Law in the East Bay became accustomed to the courtroom early on, first in private practice and then when she went to work for public defender's offices in Vallejo and San Francisco. She has completed more than 50 jury trials, and that number puts her in rather exclusive company in the personal-injury bar.

"There's only a small percentage of lawyers that actually go to court in front of juries and represent people," she said. "And that's really what my focus was. A lot of people have started their careers in criminal law. It's a great foundation to come from to really develop those trial skills."

Indeed, Burns believes she is part of a subset of attorneys who want to help "real people with real problems" and who are willing to go to trial to get them justice. She spent nearly a decade as a public defender and is a certified criminal law specialist with the State Bar. That experience, she says, has been a great launching pad for developing her trial skills, and now as the managing partner of a firm representing people in plaintiff personal-injury matters, she is building on that foundation in a different manner.

The work, however, remains the same, she says, in the sense that she's still representing individuals going up against institutions and organizations that are much better funded.

"I think that when my career kind of shifted to focusing on representing people in plaintiff personal injury matters, my initial belief was that there wouldn't be that same pressure because the focus would be about money," Burns said. "Whether people would get money and how much, as opposed to liberty – is my



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client going to go to jail or prison? And that's such a weighty issue when you're representing people, particularly against the government. ... Now that I have been trying personal-

injury cases, I feel that same responsibility to the client in some respects."

### Preparation for trial

"As a criminal defense attorney, one of my mentors was (former San Francisco Public Defender) Jeff Adachi," she continued. "And one of the things he always used to say is that when he prepared for trial, the first thing he did was write the other side's opening statement. So, being able to think like the other side is an important skillset that you develop when you do trial after trial. You have to kind of think: What is the prosecutor going to do? It's invaluable when you prosecute civil cases on behalf of individuals. You are essentially the prosecutor in the courtroom. So, having that as a mindset, I think, really helps me do my job."

Another influence for Burns came in law school when an experienced trial lawyer came to her class to speak and offer advice to the students. That lawyer told them that when in trial, they should know their case better than anyone else, and Burns took it to heart, she said. From her work in public defender's offices to her current role fighting for justice on behalf of personal-injury plaintiffs, that has been her mentality.

Burns says she studies her cases, studies the evidence and takes a pointedly strategic approach to trial. She describes it as "intellectual warfare" because the essence of this method is akin to moves on a chess board, and she must be able

to see two or three plays ahead of her opponent.

"That comes with experience, to be able to cross-examine a witness without notes, or to have the self-confidence that I don't need a podium to make an opening statement, or to know when to speak loudly and when to speak softly in front of a jury," Burns explained. "That comes with time and just doing it over and over and over again. It's hard to imagine people who do civil trials that haven't either been prosecutors or criminal defense attorneys, to have that breadth of experience just getting up in front of juries and in front of judges and speaking on your feet."

### Motor City roots

Burns was born and raised in a blue-collar household in a suburb of Detroit, where her father worked as an airline pilot. Athletics were a big part of her life growing up, especially soccer, she said. While still in high school, she was talented enough to play at a highly competitive level and was on the U.S. national team's Olympic development roster that played in Europe. She earned a soccer scholarship to Boston College and played four years at the NCAA Division I level.

Burns believes there's something to the theory that athletes make good trial lawyers, and identifying that was an affirmation of sorts for her chosen career path. She offered the example of California Supreme Court Justice Martin Jenkins, who was a star defensive back for the Santa Clara University Broncos football team and went on to play briefly with the NFL's Seattle Seahawks before he began his law career.

"He started as a prosecutor and then became a judge and is now on the California Supreme Court," Burns said. "I think there's a discipline aspect to being a trial lawyer and ability to handle stress that is translatable. When you're an athlete, you may hear that you could do better, that wasn't good enough, you know, don't take it personally. So, when a judge is ruling against you, you don't take it personally; you move on to your next thing. That



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kind of training helps in trial work because it's really hard. It's 24/7. There's a lot on the line for clients, and you can't waver. So, I do think (being an athlete) is helpful. I think that's probably the biggest thing about my upbringing that's relevant to me being a lawyer."

After graduating from Boston College with a degree in finance, Burns worked for a couple of years in intellectual property and management consulting, an area she found interesting but not fulfilling in terms of having an impact on people's lives. So, she headed west for law school at Lewis & Clark College in Portland, Oregon, with the intention of becoming a trial lawyer.

### Driven to help people

At that time, Burns entertained thoughts of becoming an international human rights lawyer but then got her first taste of trial law while serving as an intern with the San Francisco Public Defender's Office, representing indigent people accused of crimes, and that became the focus of her career over the next decade. After she graduated from law school, where she had met her wife, Burns returned to the Bay Area to work for a couple of private defense firms and then two public defender's offices, where she began working with her current law partner, Emily Dahm. They made the transition to PI law together.

"My whole goal was to go to school and have a practice that was driven and a professional career that was about helping people," Burns said. "I don't know why it was that I got being a lawyer in my head, but it was something I wanted to do from a very young age. I just really, truly wanted to help people."

For Burns, not much changed when she moved to the plaintiff personal-injury arena. She and Dahm, in their most recent trial, got a \$9.5 million jury verdict for a mother and daughter in a bullying-assault case against an East Bay school district. But the smooth shift to civil work was affirmed in Burns's very first trial, a slip-and-fall case at a grocery store in Alameda County that resulted in a serious,

### REDIRECT:

**Getaway Spot:** Caye Caulker (off the coast of Belize)

**Go-To Music or Artist:** Beyonce's Cowboy Carter album

**Recommended Reading:** Anything written by N. K. Jemisin

**Dream Job:** Trial Lawyer (no, seriously, it is)

**Words to Live By:** It takes years to build a reputation and a single ethical lapse to lose it.

traumatic injury, she said. She recalled walking into the courtroom in front of a judge with whom she had a good relationship but who also seemed annoyed at the time to have a slip-and-fall case at trial.

It was an important case, however, to Burns's client, who'd had three surgeries, needed a fourth procedure and had been out of work for almost four years. The judge told Burns and her team they had five court days to try the case. They did it within the allotted time and got a jury verdict that was much higher than the last offer made by the defense.

"It just reaffirmed the skillset I had developed representing indigent people was translatable to this work as a plaintiff attorney," she said. "When you represent people that are accused of crimes that can't afford a lawyer, it feels very meaningful to do that work. And one might say that very few things in the law can be as important, but I really feel that way about plaintiff personal injury work."

"It is not about the money," Burns continued. "It is about helping people who don't have a voice and taking that foundation and saying, 'You know what, the same kind of injustices that I saw in the criminal justice system also apply in so many different institutions.' Whether it's insurance companies trying to deny people fair and just settlement amounts or public entities that aren't taking responsibility for failing to follow their own rules and regulations. That is really what I live for. I'm not just saying that. I just can't imagine doing something where I was not representing the little guy."

### "Practical experience is key"

When she's not in the office or at trial, Burns enjoys the outdoors and

staying active. Soccer no longer is one of those activities, however, as she suffered an injury to her Achilles tendon about a year and a half ago while playing her favorite sport. But she is still able to go hiking and spend time with her family and travel. "Sleep is always a good thing, too, with two young kids," she joked.

Asked about the one piece of advice she had to offer young lawyers or law students, Burns emphasized the need for practical experience, saying in no uncertain terms that law school doesn't teach one how to be a lawyer. There are misconceptions about what it means to be a lawyer, she said, and being a lawyer actually can mean a lot of different things. She advises an aspiring lawyer should be sure it's something they want to do.

"I really enjoy mentoring young lawyers, especially for trial work," she said. "People like the idea of being a trial lawyer. But I had a couple of interns that thought that was what they really wanted to do until they tried it and realized it was not for them. So, yeah, practical experience is key."

"We talked about mentorship, but then there's something called sponsorship," Burns added. "You really need to find a lawyer that you want to emulate, that's willing to help you get to where you want to be. ... Most lawyers, if they're honest about where they're at in their careers, and particularly for lawyers that have achieved some level of success, they haven't gotten there on their own. They've had somebody else sponsor them and help them learn how to do the work. So, it's incumbent on lawyers to pay it forward. And that's one of the main reasons I'm really active in organizations like the Alameda County Bar Association – because we want to promote the next generation of young lawyers and help them find their community."

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