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The Children's Crusader

Don Keenan looks
after the kids

the children's crusader

Don Keenan almost gave up on the law because he stopped caring; now he cares so much he often lives with his clients before trial

by Kenna Simmons
Photography by Larry Marcus

The *Collected Works of W.B. Yeats* sits on a table in Don Keenan's office in downtown Atlanta, and it's not there for show. Yeats' poetry speaks to Keenan's ethnic heritage — the ruddy-faced lawyer proudly proclaims himself 100 percent Irish, and adds, "Yeats has always embodied the essence of being Irish. If I have a feeling I can't express myself, I can find it in Yeats." Though Keenan credits much of his success to luck or serendipity, he also shares with the Irish poet the experience of remaking himself several times during his career. Yeats' famous line "It is myself that I remake" is an apt description of Keenan's own life.

It was serendipity, Keenan says, that led to one such remaking — when in the 1980s Phil Donohue proclaimed, on live TV, that Keenan, then a criminal-defense lawyer, was one of the country's leading child advocates.

The designation came at an opportune time. The attorney, who says he can't remember a

moment when he didn't want to be a lawyer, was initially convinced "I was going to be God's gift to the criminal-defense bar. I was successful, but I became disillusioned representing guilty people," he recalls. Just as he decided to transition out of law, he was engaged by the Committee to Stop Children's Murders, a group of some of the mothers of the 29 black children killed between 1979 and 1981 in the Atlanta Child Murders case. Keenan was on the Donohue show to draw attention to the mothers' campaign.

When Donohue made his remark, Keenan says, "I had never represented a child in my life. But I realized he meant that I was speaking up for these children who didn't have a voice. If that was the definition, I agreed with it." When he left the studio and called his office, a family from Kentucky had called to tell him about their child who had been injured; another family from St. Louis contacted him about a child who had been injured by a toy. "It was," says Keenan, "as if one day I had a case list with rapists, murderers and drug dealers, and the next day I have the



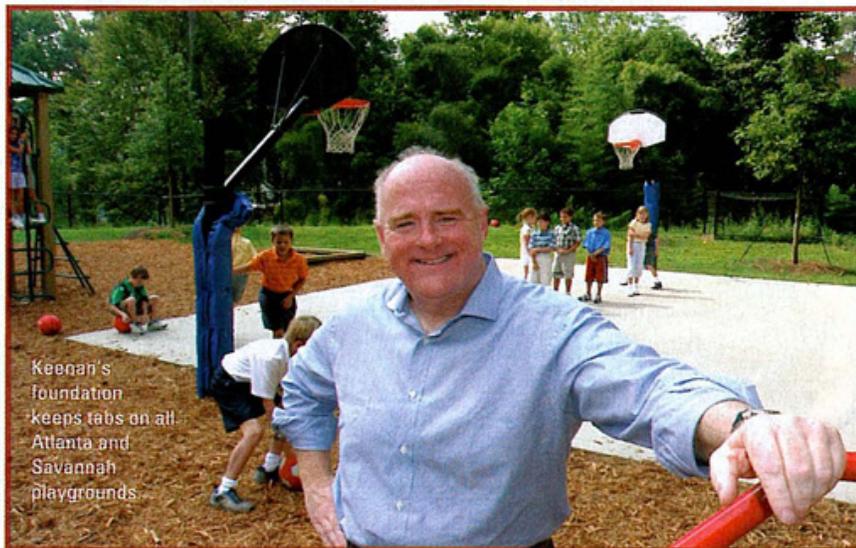
Keenan shares a lighter moment at Imagine It! Children's Museum in Atlanta.



"I lament the young lawyers who say they are frustrated and disillusioned," says Keenan. "I don't care if you work plaintiff employment law or real estate law or criminal defense. There are things you can do to improve the world."

purest victims that will ever be — innocent children injured by someone else's negligence. I took to it like a Labrador takes to water. It's what I was meant to do."

There's no question Keenan is passionate about his choice to specialize in child injury and wrongful-death cases. Though he has no children of his own (he serves as mentor and surrogate father to a young man whose case he championed), he speaks often of "my kids." To get to his private office, you have to pass by a wall of photographs of smiling children Keenan



Keenan's foundation keeps tabs on all Atlanta and Savannah playgrounds.

has represented ("I tell the parents, 'I don't represent you, I represent the child'"). The positioning of the photos is deliberate: Staffers have to walk by the wall several times a day. "You can talk in the abstract all you want, but there is something powerful about seeing those faces," he says.

His methods can be unorthodox, but their success is unrivaled: Keenan has represented more than 1,000 children who have been injured or killed through negligence in 44 states and several countries. Among his high-profile Georgia cases are those of Kathy Jo Taylor and Terrell Peterson. Both children were abused while in foster care — Taylor's foster parents beat her into a coma, and Peterson's foster parent (the grandmother of his siblings) starved and tortured him to death. Keenan's involvement in these cases, a decade apart, turned him into a crusader to improve the state's Division of Family and Children's Services through both litigation and lobbying for such legislation as the Terrell Peterson Bill, which gives physicians authority to take temporary custody of children they suspect are being abused. He's notched more than 100 verdicts and settlements that totaled \$1 million or more, seven that were more than \$10 million and one in excess of \$100 million. He is a past president, the youngest ever, of the Inner Circle of Advocates, an organization of exactly 100 outstanding plaintiff lawyers from around the country. In 1997, *The National Law Journal* dubbed him one of the three best medical negligence lawyers in the country. And he's been on *Oprah* and the *Today* show.

One of Keenan's more unusual practices is to live with his clients before trial. He does so, he says, to truly connect with them — and to know how to convey to a jury the emotional devastation caused by a child's death or injury. "There's something about sitting at the breakfast room table with a bathrobe on that plugs you into the chemistry of that family," he says. "Pretty soon it's not 'Mr. Keenan' anymore."

He also insists on visiting a child's gravesite. He recalls one West Virginia mother whose 5-year-old had died; when Keenan wanted to visit the gravesite, she was reluctant. He prevailed. At the cemetery, Keenan spied something beneath the snow; as he brushed away the powder, he discovered wrapped Christmas presents. "I just sat down on the ground," he remembers. "Something made me keep brushing the snow aside, until I got to the second layer, the presents from the Christmas before. All the wrapping paper was gone; there were just the presents and a bow." He put some of the gifts in his bag and returned to the mother's house, where she was waiting, embarrassed. Keenan reassured her that he thought more of her, not less, knowing that she'd left the presents for her child. "I didn't talk another word of it," he says, but when the mother was on the witness stand, Keenan took the presents out of his bag and asked her to talk about what her child meant to her. "I don't know if it was 20 minutes or 40 minutes, but I didn't ask another question," he says. "Not one word of what she said did we go over, not one word had I recommended. That's why I live with

my clients. When it comes time for trial, I've been in the home and I've seen it." The hospital agreed to settle the morning after the mother testified.

Despite his success and his dedication as a child advocate, Keenan faced another career plateau. "If you are a plaintiff's lawyer," he says, "you hear all the remarks about being greedy and never helping anybody." Keenan realized that though he could feel good about helping individual families, he wasn't doing anything to address the larger problems. "All I did was come in after the fact," he says.

Take Hannah Helms, a 2-year-old who was killed in 2001 when a dead tree limb fell on her at an Atlanta playground. The limb had been ordered removed two weeks before the accident. It was, says Keenan, his fifth playground death case and the 22nd involving a brain injury or loss of limb on a playground.

So he devised his "One-Third Solution," which acknowledges the need for prevention of injuries. The first third involves the case itself; the second third is concerned with public awareness or advocacy; and the final third aims to influence needed legislation or regulation. A playground safety effort, conducted through the Keenan's Kids Foundation, is now in its fifth year and aims to prevent tragedies such as Hannah's from happening again. The foundation releases a Playground Safety Report Card evaluating Atlanta and Savannah area playgrounds; it has received extensive media coverage.

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The foundation, formed in 1993 from Keenan's dissatisfaction with the inefficiency of his charitable donations, began with a simple clothing drive. It is also part of Keenan's larger passion to exhort lawyers to be role models. "We started talking about what we'd do if we didn't give money to these other charities," Keenan says. "We were representing foster kids who needed clothes, so why didn't we gather up some clothes?" A postcard mailing to 5,000 Atlanta lawyers netted 21,000 items of clothing. The firm already had experience with direct action, making bologna and cheese sandwiches each week and distributing them to the homeless. Involvement like this is key to Keenan's vision of what the legal profession should be.

"I lament the young lawyers who say they are frustrated and disillusioned," Keenan says, recalling Yeats' lines in "The Second Coming" that "[t]he ceremony of innocence is drowned; the best lack all conviction, while the worst are full of passionate intensity." Law school is often the first blow to innocence and conviction, he says, followed by increasing despair and a misplaced comfort in material things. Keenan is adamant about changing that outlook. "I don't care if you work plaintiff employment law or real estate law or criminal defense. There are things you can do to improve the world. If you are a real estate lawyer, look at all the underdeveloped countries trying to form a justice system about property. You can teach over the Internet — you don't even have to leave home. Don't just close the file and go on. Use the lessons you've learned to prevent problems from recurring."

Today the foundation also conducts programs around toy safety (annually listing the 10 most dangerous toys) and gun safety (distributing more than 8,000 trigger locks), among a multitude of other activities.

Keenan's early lessons helped him relate to his young clients. His father was killed in a boiler explosion at the plant where he worked when Keenan was just a year old. Though his father — and his supervisor — had asked that the boiler be fixed, the plant ignored their requests. "There was no such thing as a lawsuit for negligence," he says. "Just, 'Here's \$1,000 in death benefits, and see you later.'" His mother moved in with his grandfather, who became Keenan's hero and role model, and who encouraged him to go to law school. When Keenan was 19, his grandfather went to the doctor several times complaining of chest pains, but was sent home. The night

after his last visit to the doctor, he died of a heart attack. Keenan keeps photos of both his father and his grandfather on the table in his office.

"Clearly, looking at a burned or brain-injured child, I can't compare my loss to theirs," says Keenan. But he believes his early experiences of loss and insecurity allow him to understand, say, a 5-year-old's fear and confusion at having to be encased in an MRI machine for 45 minutes, in a way that lawyers accustomed to adult clients might not grasp. "I'm attuned to their perception. It's just part of my life experience to think that way," Keenan says.

Keenan can't imagine retiring. He remains committed to counseling young lawyers about fulfillment and responsibility. He's written a book — *365 Ways to Keep Kids Safe*, which, as we go to press, is scheduled to be featured on *Oprah* in February — and he still feels passionate about his cases, such as the lawsuit filed on behalf of teenager Rachel Boim, who was suspended from an Atlanta-area school after a teacher seized her personal diary. Boim, an honors student, had written about a girl who falls asleep in class and dreams of shooting a teacher. The lawsuit asks \$1 in damages — and that the suspension be erased from her record.

Keenan connects Boim's fight for the right to express herself with another image that hangs on the wall in a downstairs conference room. In 2000 he purchased the artist's proof of Norman Rockwell's "The Problem We All Live With," which depicts Ruby Bridges, a first-grader who integrated the New Orleans school system in 1960, walking to school surrounded by federal marshals. Bridges now has her own foundation, and she hosted her first board meeting in Keenan's conference room, where the painting hangs.

"Ruby has written a book about her life [*Through My Eyes*], and I got a copy for Rachel," he says. "I wrote 'Please read about my friend Ruby because she, like you, was brave enough to stand up for her constitutional rights.' And I like to think that maybe 20 or 30 years from now Rachel will have her own foundation."

He smiles, delighted with the idea of one of his clients finding her own one-third solution. It makes him think about his own book, and about sacrifices in general. "If I had known what kind of sacrifices the book would require, I would never have done it," he says. "But the lesson is, when you start walking down that road, so long as you have a good intention, you don't have to know where it's going. You might not be willing to pay the price if you did. But when you take it one step at a time, you can pay the price. And it's worth it." ❖