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DON KEENAN

ATTORNEY OF THE MONTH



THE KEENAN LAW FIRM

When Don Keenan talks about growing up in a town of 800 people in North Carolina where his first generation Irish grandfather, mayor for life, bravely and quickly desegregated the town's establishments when the "flames of segregation were blowing through the South," he says - seemingly without any sense of double meaning - "There's no doubt I wanted to fight for the little people."

Those "little people" who became the focus of Keenan's work as a lawyer turned out to be children. For the last four decades he has dedicated his practice to child injury and wrongful death cases arising out of negligence, medical malpractice, products and premise liability. He's scored 322 case outcomes over \$1 million, 12 over eight figures and one 100-million-dollar verdict. "There's never

been a more successful national lawyer," he says proudly. He's handled cases in 47 states and three foreign countries. "In the last 25 years I've had more clients in many states other than in Georgia," he points out.

"There's no time in my life when I didn't want and I didn't know I'd be a lawyer," he relates. "My father died when I was 1 1/2 years old from a preventable boiler explosion, my grandfather died from preventable malpractice by the town doctor." He grew up with his mother and grandparents who were first generation Irish. Early on he learned about anti-Irish discrimination and believed that he could help the underdog. However in his first years at legal practice as a criminal defense lawyer, he "unfortunately never represented an innocent person." The experience was very discouraging and he decided to

retire from law. "My life dream was shattered," he says, but serendipity called in the late 1970s. Atlanta was in turmoil over the murdered and missing children tragedy. Fifteen African-American mothers, frustrated because officials ignored them and the possible links between the murderers, stormed city hall. "I was approached by business leaders asking me to represent the mothers." These women wanted him to become their public spokesperson partly because he was white and could easily dispel racial tensions.

As their spokesperson, he was invited to appear on the Phil Donohue Show. He was introduced as "one of the country's leading child advocates". It took him a minute to realize Donahue was speaking about him. Then he walked into the role that changed his life. He spoke so passionately about

the forgotten children that immediately after the show his office phone lines lit up from parents “around the country wanting me to represent their injured or deceased children. I knew in an instant without any reflection that to represent children was the purpose in my life.” His first case was about a child in Kentucky who had worn flammable clothes and “almost burned to death”. Keenan sued the clothes manufacturer. Then he was called by parents whose child lost an eye due to a defective toy. From there his practice just took off. He remembers what his grandfather told him: if one is passionate about what they do, success will follow.

Success has certainly followed Keenan.

In 1992 he became the youngest national president of the American Board of Trial Advocates (half the membership being civil defense lawyers and the other half plaintiffs lawyers). During his tenure he led a delegation of lawyers to then Czechoslovakia and later was invited to Russia to demonstrate the first civil jury trial in the history of those two emerging democracies. As the youngest member ever inducted into the Inner Circle of Advocates he became its national president in 1997. This is an exclusive group of plaintiff trial lawyers numbering only 100 in the United States. In 1999 he was given the prestigious Chief Justice Award for civility and professionalism and later in 2008 received the highest award from the Georgia Bar Trial Section, the Tradition of Excellence Award. He’s been named by the National Law Journal as one of the top three medical malpractice lawyers in the country.

But these are not the criteria he points to as his success.

In 2009 he became bored as he connected with “some people who were attuned to the role of the subconscious in our decision-making opinions. This is something that was never recognized in trial practice but acknowledged and used in driving public relations, marketing,

politics and even theology, everything except the profession that has to persuade 12 strangers.”

Keenan linked up with a national jury expert and “we tried to prove it wrong. We traveled around the country and in five years did 22, two-day focus groups in nine separate states. We were trying to prove that juries will decide cases logically and fact-based. We found that not to be true. They don’t check their emotions or life experiences on the doorstep of the courthouse.” Keenan ended up writing a book about this and in 2009 began to conduct seminars which have been attended by over 7,000 lawyers nationwide. “In 2013 I decided it wasn’t enough to lecture lawyers. I had to mentor them,” he says. He created the Keenan Ball Trial College. The class size is restricted to eight lawyers who bring their cases and with trained lawyer faculty, separate the work into all aspects of the case such as damages and voir dire. He has now graduated over 120 from the college with a course being taught somewhere in America every two weeks.

Keenan now works with a network of 7,000 lawyers with whom he works around the county, while 6,300 read his weekly trial blog. “When I go to work on a case, I get together with our lawyers and we have adopted a new trial technique. It’s not really a new way but the origin of Tort law, which says that the purpose is to compensate a person but the second purpose is to defer a defendant from do-

ing it again. It’s always been the law, but plaintiffs haven’t used it.” Keenan does, and is now directing the writing of a text entitled “Essentials of Tort Law”. Lawyers in this network have told him that they have now documented recoveries of over \$7 billion in settlements and verdicts using his technique.

All of the cases impact children in one way or the other. He explains about his recent case in Boston resulting in a

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\$6.6 million verdict for a woman who was traumatized by a rape but that her children were also traumatized as well. “The long-lasting impact is on our kids,” he says. “Ninety percent of our cases our lawyers handle are essentially children cases.”

Keenan explains how he approaches juries. “When jurors are composed in a wrongful death case they think about their parents dying. It’s not to manipulate them but to touch the true core of us as people. The lawyers must tell them they are the conscience of the community.” Keenan advises referral attorneys in his network to put themselves into the situation to better understand their clients’ cases. For example, he went to truck driving school to learn about



AT A GLANCE

The Keenan Law Firm

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Founder

Don C. Keenan 1975

Firm Composition:

No Partners

Associates

Alan Galbraith, Andrew Gould, Michael Peterson,
Trip Thompson (2016)
Fellowship; Elizabeth Larrick

Practice Areas:

All forms of personal injury and wrongful death, intentional torts and commercial.

Community/Civic Involvement

Founded the Keenan's Kids Foundation.com 1993 as a 501(c)(3) foundation with offices in Atlanta, New York City and Santa Rosa Beach, California.

Pro Bono Activities

All www.KeenansKidsFoundation.com activities, plus author of award-winning parent book "365 Ways to Keep Kids Safe". 2011 Parent Child national 1st place award

Awards:

Professionalism and Civility award from the Chief Justice Council Georgia
Ellis Island Medal of Freedom
Oprah Winfrey's "People with Courage" award.
Trial Lawyer of the Year
National President of two trial lawyer associations (ABOTA and Inner Circle).
Georgia State Bar "Tradition of Excellence Award."
Emory University Lifetime Achievement award for child advocacy

Other Locations:

Southern California, Palm Desert
Santa Rosa Beach, Florida

it because many of his cases involve trucks. "I also attended a garbage truck training school because I had such a case. Juries want to see us as human and caring," he explains. "Many of my peers don't share my idea of teaching my referring lawyers, because they might not refer additional cases. But that's not been my experience; they want and need the collaboration," he says. Besides he got to the point that he couldn't handle all of the cases as lead counsel that he was getting so he set up a new form of referral called a "consult", which means doing focus groups for the cases, prepping for depositions, the mediation and a template for trial -- everything except providing his actual presence. "On the consult cases I don't have to go anywhere," he exclaims from his Florida beach house where he often works, although he has offices in Atlanta and Los Angeles as well. Within a 3 month period two of Keenan's consult cases resulted in two 15 million dollar verdicts then the following month a 9 million dollar settlement. No more than one third of his practice consists of this new form of "consulting" referring attorneys. "That's because I want to try cases," he says. "But when I get something that works, I spread it through my many referring attorneys through workshops and my blog." He uses a Keenan Law Firm Office Management Template. "If you want to work with us this is how you do it, this is how to get greater verdicts and settlements by training these attorneys. Long after I'm gone this consult concept will finally be accepted," he says.

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He's also been nicknamed "Papa Don" which is endearing to him because that's what he call his grandfather, Papa. "I challenge anybody on who gets more Father's Day cards than me. Each year I say I'm not going to cry this year and every year I cry." He receives the cards not only from the children whose cases he worked. In 1993, he started the Keenan's Kids Foundation through which five employees and hundreds of volunteers raise and distribute close to \$1 million in cash and in-kind donations. The Foundation also published an award-winning book, "365 Ways to Keep Kids Safe"-the title coming from Oprah Winfrey who gave Keenan the prestigious "People with Courage" Award in 2009. The Foundation also built the Murphy House, a home for 23 children with Down's Syndrome and other disabilities. The Foundation has created safety projects and conducted public advocacy campaigns and collects items and clothes for children at risk. "We were the second largest giver of children's clothing in the aftermath of Katrina," he says.

Another project that gained the Foundation much attention is the bologna and cheese sandwiches which they make and give to shelters, although Keenan says for health reasons it's now turkey and cheese sandwiches.

The Foundation has won numerous national awards and he is a seven-time recipient of "Top 100 Irish Americans" presented by the Irish American Magazine. But the most treasured award outside law that he's received was one of the only 100 Ellis Island Medals of Honor presented in 2007. To be the recipient, a person must have ethnic parents who enabled him or her to get the success they dreamed of for their offspring. "This is an award for my great grandparents and mother," he says. "Never would I have been able to do what I've done without standing on their shoulders."