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A trial lawyer, and proud of it



DEAN J. KOEPLER/The News Tribune

Tacoma trial lawyer John Messina, at home with cat Max, is celebrating his 40th anniversary as an attorney. He's earned the respect of clients, colleagues and opposing council. One courtroom opponent, Seattle attorney Anne Bremner, says, "He makes you proud to be a lawyer."

TACOMA:

An attorney for four decades, John Messina's mission has been to make people's lives better

BY ADAM LYNN
The News Tribune

Trial lawyer.

The words engender strong feelings – mostly negative – in many people. Attorneys who practice personal injury law are blamed for everything from the high cost of health care to those "Caution: contents hot" warnings on fast-food coffee cups.

Trial lawyers know this, and some are trying to shed the label.

The heretofore named American Trial Lawyers Association recently changed its name to the American Association for Justice. Same with the Washington Trial Lawyers Association, now the Wash-

ington Association of Justice.

Not Tacoma attorney John Messina.

Messina, who is celebrating his 40th anniversary as a lawyer this year, is unapologetic about his profession and wears the label "trial lawyer" as a badge of honor.

"Whenever I'm asked to put down my profession, I don't put down attorney or lawyer. I put down trial lawyer," Messina, 69, said during a recent interview. "I'm a trial lawyer, and I'm not afraid to say that."

Many people – clients, colleagues, even opposing

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counsel – say Messina defies the stereotype. His work in the courtroom and in the community has made Tacoma, the state and their individual lives better, they said.

“He makes you proud to be a lawyer,” said Anne Bremner, a Seattle attorney who has faced off against Messina in the courtroom. “Trials are like organized combat. So when you can say that about one of your opponents, it means a lot.”

‘ALWAYS HAD THE LAW IN MIND’

Messina grew up on Tacoma’s Hilltop, back when families of Italian and Greek heritage dominated the neighborhood. As a boy, he spoke Italian at home, played football in the local parks – boyhood friend Michael Panagiotu said they called him “Plug” on the gridiron – and once thought he’d like to become a priest, a choice he abandoned after four years of study.

“When it got down to it, it seemed like a very lonely life,” Messina said. “You were told, repeatedly, that you had to give up your family. That was too much to give up.”

Instead, he gravitated to education, got a teaching degree and went to work at Puyallup High School. He spent four years teaching in Puyallup before deciding to give law school a try.

“I always had the law in mind,” he said. “I saw the trial practice as a means of really rectifying some of the problems in our society.”

Messina moved to Spokane, got a job teaching at Lewis & Clark High School and enrolled at Gonzaga University, where he attended classes at night. After graduating first in his class, he returned to Tacoma in 1969 with a law degree and a growing family – three of his four kids were born in Spokane – joined a small firm and embarked on his life’s work. The early years were full of divorce cases, criminal defense, contract disputes – the lawyer’s equivalent of paying dues.

“I got an awful lot of trial practice experience doing criminal law,” Messina said.

Then came the case that changed everything.

TURNING POINT CASE

Bob Mortimer was 21 in 1976 when he got into a car with his brother Tom one night. The two left a tavern where they’d been drinking and were driving down a Thurston County road when Tom lost control of the car and it slammed into a utility pole.

Bob Mortimer wasn’t hurt in the crash, but he wound up losing both legs and an arm when he crawled out of the car and onto a power line knocked down in the wreck.

THE MESSINA FILE

Age: 69

Personal: Tacoma native; married to Guelda (Lewis) Messina for 45 years; four children; six grandchildren.

Resume: Worked as a school teacher in Puyallup and Spokane before entering law school; graduated first in his class at Gonzaga Law School; started Tacoma practice in 1969.

Notable: Named one of top 100 lawyers in Washington by the American Trial Lawyers Association; one of 500 members of the International Academy of Trial Lawyers; listed as “Super Lawyer” by Washington Law and Politics magazine.

Cases of note:

■ **Mortimer v. Thurston County and Puget Power**; in 1978, won what at the time was the largest civil-damage amount in state history – \$3.2 million – for a man who lost both legs and part of an arm in a traffic accident; successfully argued the road was poorly designed and power poles too close to the roadway.

■ **Martin v. Abbott Laboratories**; in 1984, successfully argued all pharmaceutical companies that produced the drug diethylstilbestrol should have to prove at trial that it was not their generic version of the medicine that sickened his client; the argument created new law in Washington state regarding market share and liability.

■ **Scott v. Magnolia Sollitt**; in 1992 won a \$4 million verdict for a brick mason who was paralyzed after falling from a roof while working at a construction site at McChord Air Force Base; successfully argued project managers did not have a required safety plan in place.

causes and for people who need help in obtaining justice.”

David Snell, president of the Tacoma-Pierce County Bar Association, raved about the legal seminars Messina teaches, calling them “world class.”

“He’s really kind of cloning his institutional knowledge,” Snell said. “He’s trying to give it back, which is cool!”

Even former adversaries said they respect Messina as a lawyer and as a person. His boyhood friend, Panagiotu, went on to become risk manager for Pierce County government. As such, it was his job to help defend the county against lawsuits.

Messina brought several over the years, including some accusing the county of poorly designing roads on which people later crashed. Panagiotu



"I just figured the night was one of those unlucky things that happen," Mortimer recalled recently.

Many lawyers deemed the case impossible to win. The Mortimer brothers had been drinking before the crash, after all.

Messina took it.

He ultimately convinced a jury that the county was at fault for poorly designing the road and the power company for putting the poles too close to the pavement and failing to maintain them properly.

The verdict – \$3.2 million in damages for Bob Mortimer – was the largest in state history at the time.

"It just changed my life," said Mortimer, who went on to become a motivational speaker and minister. "I don't think we were the most likely clients to take on, but he didn't back down from it."

He and Messina remain friends.

Suddenly, Messina became a hot commodity among people looking for a personal-injury lawyer. More cases came. More wins.

He began to develop a reputation.

"Success generates more business," he said.

INVOLVED IN THE COMMUNITY

Messina is a legend among many local lawyers. Jack Connelly, himself a highly sought-after personal-injury attorney, called Messina the "dean of Tacoma's trial lawyers."

"His success in front of juries has been due in large part to the use of his Italian Catholic wisdom and an ability to articulate difficult concepts in a clear manner that is easy to understand and appears to be so right that it must be accepted," Connelly said.

What's more, Connelly said, Messina's success isn't relegated just to the courtroom. He's involved in community issues and local, regional and national politics, he said.

Messina has helped write changes to the Tacoma city charter and serves on a Washington State Supreme Court committee that writes standardized jury instructions for the state, among other things.

"He cares about Tacoma," Connelly said. "He has spent his life working for

said he found those kinds of cases particularly bothersome, but he also respected Messina's work.

"When I got a case from John Messina, I knew it was going to be properly prepared, and we would have to put up the best defense we could," said Panagiotu, who recently retired. "He was always a fair person to deal with, always ethical. You knew you were up against a pro."

Messina does have detractors.

He gets anonymous letters criticizing trial lawyers as money grubbers and troublemakers.

In 2000, a former client sued him and his law firm over \$10,000 she'd been charged for hiring an expert witness. Michelle Waterman complained in court documents that the firm did not provide an adequate accounting of what the expert did to earn the money.

"I can't imagine why any attorney would jeopardize their reputation and name for the sake of money alone," Waterman wrote in a letter to the lawyer representing her in the case against Messina.

Attorneys for Messina countered that the expense was legitimate and ultimately got the case – which dragged on for 10 months – dismissed.

Attempts to reach Waterman for comment for this story were unsuccessful.

'PROUD TO BE A TRIAL LAWYER'

Messina doesn't regret his four decades in the fray – occasional hate mail notwithstanding.

He remembers with a smile one of his first personal-injury cases. It involved a 19-year-old man who lost a leg in an industrial accident at a lumber mill.

"We got this tremendous result and changed this kid's whole life," Messina said. "That kind of struck me as the real mission of trial lawyers, despised as we are by some people."

"I'm very proud to be a trial lawyer. I'm very proud of my colleagues. Somebody's got to police the police, as they say. I'd hate to think of a world that didn't have this recourse."

Adam Lynn: 253-597-8644
adam.lynn@thenewtribune.com
blog.thenewtribune.com/crime

