

Industry Watch

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Trial Lawyer Trio Keeps It All in the Family

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LOS ANGELES — When Matthew S. McNicholas was inducted into the American Board of Trial Advocates over the summer, he joined an organization filled with 6,000 well-respected litigators from all over the country—and two who are a little closer to home.

Like right-down-the-hall, same-last-name closer to home.

McNicholas, 35, joined his older brother, Patrick McNicholas, 46, and their father, John McNicholas, 71, when he entered the organization, making them all a little part of the American Board of Trial Advocates' history.

The McNicholases, who practice at the plaintiffs' firm McNicholas & McNicholas in Los Angeles, are the first three members of a family to be a part of the national group at the same time.

"Really, you can't say enough about these guys," said Steven C. Glickman, the president of the group's Los Angeles chapter. "John really exemplifies what a trial lawyer should be, and his sons proved the old saying that acorns don't fall far from the tree."

Glickman put his own mark on the American Board of Trial Advocates when he and his father David R. Glickman, of Glickman & Glickman in Beverly Hills, became the first father-son members of the group's Los Angeles chapter when Steven joined a decade ago.

Brian Tyson, the executive director of the national organization, said that although the group has several pairs of relatives as members, the McNicholases are the first threesome of which he is aware.

"We don't keep that hyper-accurate records, but it's pretty unique," Tyson said.

Family ties are important to the group, he said, because they add continuity.

The McNicholas law firm is certainly a lesson in continuity. Aside from sons Patrick and Matthew, one of John's daughters, Courtney C. McNicholas, practices part time at the firm. She has scaled back her time there to focus on her family but helps out with the firm's police department employment cases.

The McNicholases are trial attorneys through and through. John has tried more than 250 cases to verdict, and his sons are in trial more often than not.

Sitting around a table in John's office, Matthew jokes that the only reason he beat his brother into the organization in terms of age upon entry (Patrick was 38 when he was inducted) is because Patrick must have been "dilatatory in handing in the application."

"His rate of trials has been faster than mine," Matthew said. "The rate is constantly slowing. Trial experience is going the way of the buffalo. Pretty soon we won't have any younger trial lawyers with experience."

But Matthew is getting plenty of experience. In the next few months, he has three trials. One scheduled for Oct. 22, is the case of a minor who was sodomized by another minor in his custody cell at juvenile hall. *Nunez v. County of Los Angeles*, BC333416 (L.A. Super. Ct., filed Nov. 16, 2005).

Another, scheduled for Nov. 26, involves a deaf, mute and mentally disabled male who was sexually assaulted by another male student in a school bathroom. *Sergio N. v. Los Angeles Unified School District*, BC340142 (L.A. Super. Ct., filed Sept. 20, 2005).

The third case, scheduled for trial in April, involves a female high school sophomore who was in a sexual relationship with her 34-year-old male swim coach. *Dagny B. v. Los Angeles Unified School District*, BC330232 (L.A. Super. Ct., filed March 14, 2005).



GERARD BURKHART / for the Daily Journal

"Because of our age difference, you see the continuity and tradition of things — how the law was practiced in three different generations," said Patrick McNicholas, left, who shares an office with his brother, Matthew McNicholas, center, and their father, John McNicholas.

Matthew said he grew up thinking all attorneys were trial attorneys. Being inducted into the American Board of Trial Advocates was just "part of my marching orders."

"That's what I'm supposed to do," he said of the accomplishment. "If you try cases, try cases."

Attorneys who have opposed Matthew say he earned his admission on the merits of his own work.

"Matt and I got along so well he asked me to join him on a panel about taking depositions," said Robert T. Hanger of Hanger, Levine & Steinberg in Woodland Hills.

"They're outstanding, very ethical," he said of the threesome. "They're a pleasure to deal with on the other side."

Patrick McNicholas said part of what makes being three members of a family in the group important is the generational span they provide.

"Because of our age difference, you see the continuity and tradition of things — how the law was

practiced in three different generations," he said.

He didn't even have a computer in college. But Matthew did; when he joined the firm, he handled all the computer technology issues.

"They had dittos when he first started," Matthew said, pointing to his father.

"The technology has changed, the methodology has changed, but the principles, the integrity, remain the same," Patrick finished.

Matthew said having more experienced trial attorneys like his father in the system was an "invaluable resource."

And he should know a little bit about looking up to another generation. He is the youngest of seven children in the McNicholas family.

Sandwiched between his father and brother at the table in John's office, he is teased as John says all the children were growing up.

"Matthew is the caboose," his father said.

Patrick interjects.

"Isn't that another word for 'butt?'"