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Society

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Signature Profile



“When I come out on the road of a morning, when I have had a night's sleep and perhaps a breakfast, and the sun lights a hill on the distance, a hill I know I shall walk across an hour or two thence, and it is green and silken to my eye, and the clouds have begun their slow, fat rolling journey across the sky, no land in the world can inspire such love in a common man.” - Frank Delaney, Ireland

Not too long ago—August 26, 2014--Ed Nevin's [Jr.] father, Edward Nevin, celebrated his 100th birthday. It was held at the Irish Cultural Center in San Francisco, the city the Nevin family has lived since 1905—it sold out the center. Birthday guests numbering over 350 lined up in the auditorium to pay their respects to someone they considered to be a “legend.” Highly respected, Edward Nevin [Ed's father] served the San Francisco Police Department with great distinction for 34 years. He began his career as an officer at the Richmond Station, followed by posts of great distinction such as Chief of Chinatown detail, Director of Special Services [aka Vice Squad], Commander of the S.F. Housing Authority Police, and ultimately as Chief of the S. F. International Airport Police—a post he retired from in 1976. Edward



Nevin was the seventh son of seven children born to Irish Immigrant parents in 1914. These immigrants were Ed's grandparents and he recounts how they ended up in San Francisco:

“My grandfather came alone in 1905, directly from the port of New York. He took about a year tending the horses at the Drayage Company in downtown San Francisco to raise the money to bring my grandmother and his then 3 children from Ireland. The owner of the Drayage Company loved him because he was such a good horse handler that he was able to save all of them by running them down Old Mission Road to South San Francisco when SF was hit with the famous 1906 earthquake and fire, which destroyed the City. “

Edward and his wife Mazie likewise had seven children, of whom Ed Nevin, Jr. was one. If you mention the name “Nevin” to those acquainted with San Francisco history, it is a name met with a great deal of respect and admiration. It is a family known for its integrity, work ethic, determination, decency, honesty, loyalty, commitment to the community, to each other, and to truth and justice. This is the family that Ed Nevin, Jr. was born into. He was raised to live his life honorably and with integrity, to be respectful, courteous and kind—and equally importantly—to make a difference in the lives of others. Therefore likewise, if you mention Ed Nevin, Jr. to anyone acquainted with San Francisco history or to anyone in the legal community, it is met with that same degree of respect and admiration; for he has lived his life as a true and worthy representative of his family name. This is the family legacy and quite a legacy it is.

Having said this however, you still cannot really begin to understand the Nevin family, or Ed in particular, without considering their--or his--Irish heritage.

Here are a few things you must know about Ireland and the Irish:

1. Ireland Remembers Her Past: Reverence & Respect for History & Tradition

Ireland is steeped in history and her ancient past is visible everywhere you look; there are crumbling castles, burial tombs, moss covered arched bridges, rounded romantic towers and monastic ruins. There is an appreciation and acceptance of the influences that have shaped and defined her. Irish traditions, culture and legendary conquests lives on through folklore, myths and legends that are still passed down from generation to generation and serve as a treasured inheritance of the nation.



2. The Irish are Master Storytellers: The Shanachie

“When they had finished they made me take notes of whatever conversation they had quoted, so that I might have the exact words, and got up to go, and when I asked them where they were going and what they were doing and by what names I should call them, they would tell me nothing, except that they had been commanded to travel over Ireland continually, and upon foot and at night, that they might live close to the stones and the trees and at the hours when the immortals are awake.” — W.B. Yeats

The “Seanchai” or “Shanachie,” means “Bearer of Old Lore.” The Shanachie were servants to the chief of the tribe and kept track of important information for their clan. In ancient Celtic culture, the history and laws of the people were not written down but memorized in long, lyric poems which were recited back to the villagers, tribe or clan. The Shanachie were listened to with great reverence and respect, and were given a very special place in the community. Their tales and legends date back to Druid priests and early Celtic poets who preserved the stories of Ireland’s heroes and heroines.



3. The Irish are famous for their hospitality and kindness towards strangers:

“There are no strangers here, only friends that have not yet met.” - W.B. Yeats

In olden times, it was believed that turning away a stranger would bring bad luck and a bad name to the household. The front doors of houses were commonly left open at meal times. Anyone who passed by would feel free to enter and join in the meal. While many of the old superstitions are a thing of the past, Irish warmth and hospitality toward strangers remains. “Céad míle fáilte” is one of the most loved Irish expressions worldwide, and it literally means “A hundred thousand welcomes.” Irish people are very proud of the welcome they extend to visitors.



4. The Irish have an extremely strong loyalty to the family:

The nuclear family is the primary family unit. Bonds between siblings are unusually strong and there is a deep respect for one’s elders—most particularly one’s mother. An Irish mother is considered the heart of the family.

5. The Irish are both visionaries and realists:



“Everyone is a visionary, if you scratch him deep enough. But the Celt, unlike any other, is a visionary without scratching.”

— W.B. Yeats



"To be Irish is to know that in the end the world will break your heart."

— **Daniel Patrick Moynihan** [Former member of U.S. Senate]

Two of Ireland's greatest poets were W.B. Yeats and Patrick Kavanagh. Yeats was also a mystic and a visionary; Irish folklore and myths were a constant source of inspiration for him as he incorporated many of these stories and legends into his writings. He was intent on making the world more conscious of the ethereal beauty of the land he loved, and its literature. Kavanagh's background and life's experiences were quite different than those of Yeats. Kavanagh was from a rural farming community and Catholic--contrasted with Yeats Protestant upbringing and more aristocratic family—and his poetry was focused on personal experience and historical realities, as opposed to the mystical and transcendental nature of Yeats work. His thoughts on Yeats:



"Yeats, protected to some extent by the Nationalistic movement, wrote out of a somewhat protected world, and so his work does not touch life deeply."

- **Patrick Kavanagh**

Ed's Path to Becoming a Lawyer: Irish Families & Priests

Parents of any large, devout Irish Catholic family—such as the Nevin family--usually expect one of their children to become a priest; Ed's parents likewise assumed the same. It was always hoped that one of the children would devote their life to the religion that had continually served as the strong foundational structure of the family. Ed's mother Mazie had always hoped or somewhat expected, that of all her children, that "calling" perhaps would have fallen upon Ed. He did in fact go to school with the intention of coming out a priest, but instead became a lawyer—he was intrigued by the sense of deep tradition inherent within the legal system and he respected the high degree of integrity and professionalism that it intrinsically represented. Furthermore, all of his studies and natural interests, seemed to gravitate toward the law and he ultimately felt compelled to move in that direction. That decision, however, was accompanied by the sense that he had most likely deeply disappointed his beloved mother in the process. He was to find out years later, much to his surprise and consolation, that this was not true.

Nevin vs. USA: The Story That Needed to be Told

One of the most rewarding and challenging cases that Ed encountered involved his own family. It was related to biological testing that was done in the early fifties in San Francisco, which resulted in the death of his grandfather, whom he was named after. It was a particularly satisfying case for Ed in that he was representing his family. Ed filed the case in the U. S. District court, and he said at the time, "My grandfather wouldn't have died except for that, and it left my grandmother to go broke trying to pay his medical bills." The lower court ruled that the government was immune from lawsuits. The Nevin family appealed the suit all the way to the U.S. Supreme Court, which declined to overturn lower court judgments.

The Story:

In 1951, Edward J. Nevin, Ed's grandfather, checked into a San Francisco hospital, complaining of chills, fever and general malaise. Three weeks later, he died of a bacterial heart infection. The doctors said it was an infection caused by the bacterium *serratia marcescens*. Decades later, Ed's family learned what they believe was the cause of the infection, which was also linked at the time to the hospitalizations of ten other patients.

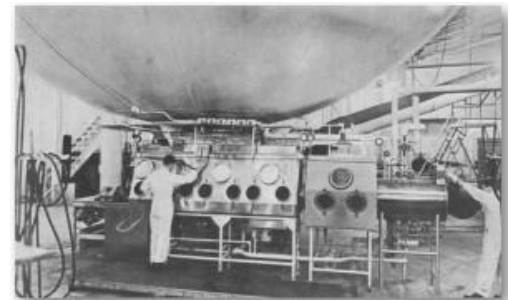
In Senate subcommittee hearings in 1977, the U.S. Army revealed that weeks before Mr. Nevin died, the Army had staged a mock biological attack on San Francisco; from offshore, US Navy ships had secretly sprayed the City with the live bacteria—*serratia marcescens*—and other agents they thought to be harmless. The "point" of this "exercise," was to see what might happen if another country launched a real germ-warfare attack against the United States. The experiment, which involved blasting a bacterial fog over the entire 49-square-mile city from a Navy vessel offshore, was rather clinically and coldly notated by the Army in a 1951 classified report: "It was noted that a successful BW [biological warfare] attack on this area can be launched from the sea, and that effective dosages can be produced over relatively large areas."



In 1980, Ed brought a wrongful death lawsuit against the Department of the Army, representing 67 members of the Nevin family; all of the children, grandchildren and great-grandchildren of Edward Nevin. Several weeks into the trial, Ed reduced his request for punitive damages from the government from 11 million to \$300,000. He stated at the time, "We are far more concerned about principle than about monetary damages, and we have been motivated by the horrible specter of the Government conducting potentially fatal tests on an uninformed public." The Government's assertion was that it believed at the time that the bacteria were harmless. However, it was established in trial that the bacteria could be harmful to a small group of people if their natural immunities had already been compromised by sickness or illness.

The Trial:

Early in the trial, Judge Conti asked John M. Kern, an assistant United States Attorney, why the germ warfare test could not have been conducted in an uninhabited or less populated area. "*The results would not have been valid,*" Mr. Kern asserted, adding that the experiment was intended to simulate an attack on a densely populated urban area with tall buildings.



Witnesses called by Mr. Kern included retired military personnel and scientists. One of the principal defense witnesses was a former technical director of bacteria warfare testing at Camp Detrick, Md., who had in fact ordered the 1950 experiment. He adamantly maintained that the test was safe and that it was justified by the danger an attack on the West Coast would pose. He stated, "*The Bay area populace should be pleased that the danger of attack is somewhat relieved.*" Another defense witness who was a researcher at the Centers for Disease Control in Atlanta, told the court that there was "less than one chance in 100" that the germ warfare experiment killed Mr. Nevin. He asserted that the strain of bacteria used in the test had little or no immunity to antibiotics, and he speculated that in all likelihood, a different, more virulent strain of bacteria in Mr. Nevin's hospital room had caused his death. His assertion was contradicted by Dr. Stephen Weitzman, who was called by the Nevin family. Dr. Weitzman was a physician and a former professor of microbiology at the State University of New York at Stony Brook. He testified that, "*The coincidence of time and place is absolutely*

overwhelming. There is a very good probability that the organisms used by the Army are the organisms that killed Edward Nevin."

Members of the Nevin family, who nearly filled Judge Conti's courtroom on most days of the trial, referred to Edward J. Nevin as "*our patriarch.*" They said they had not been aware of the germ warfare testing and had not questioned the cause of his death until newspaper articles on military germ warfare experiments appeared in 1976.

The Result:

US District Court Judge, Samuel Conti, found in favor of the government on all issues. In Ed's words, "*I knew it wasn't a case that could be "won," as it was against the U.S. government, but it was a story that needed to be told.*"

The public benefit resulted from the fact that the National press was seated in the jury box, because juries are not allowed for suit against the United States Government. The press carried daily stories and thus the historical facts were made known across the nation by both newspapers and television and radio. The Story was also told by Dan Rather on 60 Minutes.

ABOTA: Rule of Law, Mutual Respect & Community

The American Board of Trial Attorneys (ABOTA) came into existence in 1958. It was the first law association comprised of both plaintiff and defense attorneys, who were united in one common goal: "To recognize how America's greatness lies in its people, and in its people lies the foundation of justice—trial by jury." Integral to this process, was to find a way to properly certify competent trial attorneys, so that America would have a country-wide, "Inn of Court" like what exists in England. ABOTA would certify the right lawyers to try cases, establish a much higher standard in respect to what constitutes a true trial attorney, as well as foster a greater sense of community and collegiality similar to what exists in England among their barristers.



In 1994, the ABOTA president Robert C. Baker expressed it in the following way, "*It doesn't matter whether you're in Omaha or New York City, [ABOTA members] share a common bond.*"

In 1984, Ed was invited to become a member of ABOTA. He was elected President of the San Francisco Chapter in 1996; He became Treasurer from 1998-2000 and he was elected National President in 2003-2004. Noting that ABOTA recognized the need to archive and preserve its past, in 2003, Ed commissioned a national committee to videotape and archive interviews with ABOTA's founders and past presidents. Charting ABOTA's growth, these interviews place into context how ABOTA began with 49 members and had grown to more than 6,300 members [In 2003] with a presence in all 50 states and Washington, D.C. Membership also included judges and international members.

Honor, Remembrance & Heritage:

"A nation reveals itself not only by the men it produces, but also by the men it honors, the men it remembers."

- John F. Kennedy

During his tenure as president, Ed advanced ABOTA and the rule of law internationally through special programs in honor of lawyers and judges who lost their lives in defending human rights and the rule of law in Czechoslovakia, Italy and Northern Ireland. In so doing, he greatly contributed to the establishment of ABOTA as a leading trial lawyer's organization.

In 1999, at the ABOTA International Meeting in Florence, Italy, an award known as “The Courageous Advocacy Award,” was collectively given to 24 murdered lawyers, judges and their families for exposing the blatant corruption and terrorism that had undermined the entire legal system of Italian society. In 2003, at the ABOTA International Meeting in Belfast, Northern Ireland, this same collective “Courageous Advocacy Award” was collectively given in memory of 13 judges, barristers and solicitors who were maimed or murdered while displaying extraordinary courage and unwavering commitment to the rule of law following the 1968 political and social unrest in that country known as “The Troubles.”

Ireland: What Were the Troubles?

In 1921, Ireland gained independence from Britain. However, the majority of those living in Northern Ireland were protestant, so they remained under British rule. These Protestants received favored treatment from the British, which caused contention with the Catholics still living in Northern Ireland. The "Troubles," began in the late 1960's when Catholic Irish nationalists, favoring unification with the Irish Republic to the south, began a campaign against Britain and the Loyalist Protestant paramilitary groups who supported continued British rule. Extreme violence erupted on both sides. Over some 30 years, more than 3,500 people were killed—soldiers, suspected informers, militia members and civilians caught in bombings and crossfire—and thousands more were injured, some maimed for life.



ABOTA later said of these awards, “The ‘Courageous Advocacy Award’ has been given by our organization in honor of judges or advocates anywhere in the world who have demonstrated courage in the performance of their professional duties and who have displayed a strict adherence to the rule of law even at great risk to their personal freedom and safety.”

Master of Ceremonies:

Ed was in attendance and served as Master of Ceremonies, when the “Courageous Advocacy Awards” were presented in Italy in 1999 and in Ireland in 2003. In Italy, the awards ceremony was held at The Palazzo Medici Riccardi, in the Cianguie Cento Room. In Belfast, it was presented at the Belfast City Hall. Ed read out the proclamations to the honored guests and members. He was extremely proud to be a part of such momentous occasions which honored those who had sacrificed all they had for the rule of law and for justice.

The Irish and Ireland:

The Irish have an innate sense of both realism and symbolism; resulting from the turbulence and violence of a history that has been deeply imprinted upon a country that exudes a deep peace and unsurpassed, transcendent beauty. Yes, one might well see the innumerable, misty waterfalls as magical prisms serving as “portals” to “another world,” but they also suggest the lure of the escape from this one; mystical disappearing and reappearing rainbows—not only the promise of hope, luck and good fortune, but the constant reminder of their elusive and transitory nature; dramatic windswept mountains—timeless fortresses of gods and goddesses standing in stark contrast with the mortality of man; spectacular severed cliffs rising up sharply from a raging sea—tombstones of the immortals, but equally, an unforgettable defiance of fate and the triumph of tenacity.....And those ghostly, abandoned villages—nagging reminders of hardship, homelessness and despair, but also hard choices and the new beginnings which are born out of them.





The Practice of Law:

To a young man growing up in San Francisco, you might well wonder how Ed would know anything of this; but Ireland isn't just a country or a home. Being Irish is a state of mind, a way of being, a way at looking at life regardless of where you grow up or how many generations have passed. It is something you always carry with you because it is who you are, and it is your heritage. When Ed made the decision to become a Medical Malpractice lawyer, he felt it would put him in a unique position to help those in desperate need. He also did so with the realization that it appealed to his sense of tradition, honor, integrity and compassion—while enabling him to acknowledge and apply both the realistic and visionary aspects of his nature. Committing to make a difference in the lives of those who sought his help meant accepting the harsh realities of a tragic situation, but still visualizing a solution and being compelled to transform it to a new reality. This is what lies at the very heart of the practice of law for Ed.

Yeats: The Stolen Child

One of Yeats best known works is a poem entitled, *The Stolen Child*. In it the “faeries” of the supernatural world, try to lure away a child from the world of reality, with the line, *“For the world is more full of weeping than you can understand.”* In its broadest sense, it could be indicative of the struggle between living a “visionary” life and one that is considered to be more “realistic.” Surrounded as he was by both, in Ireland – the world of myths and folklore versus the world of much harsher realities of the time and age he lived in—one can well understand why Yeats was so intrigued by the subject. Being raised in a strong Irish Catholic family, as Ed was, one can well understand the dilemma he faced with regard to his life's pursuit. With the unspoken expectation placed upon Ed to be a priest, versus becoming a lawyer, it seems very clear the perception surrounding either—life in the priesthood perhaps being considered to be in pursuit of a higher calling. However, Ed found a way to bridge “both” worlds by applying his idealistic or visionary self to the practical world of law—and thereby creating, and achieving, justice for his clients.

Over the years, Law has become a way for Ed to utilize his most Irish attributes, by extending the hand of compassion, passing on some hard won wisdom, and by truthfully and respectfully sharing the lives and stories of those who have experienced deep tragedy. But most importantly, it is a means of helping families stay strong and move forward after life-altering events.

Ed says, *“I pride myself in being known for my integrity, both from clients and from my peers. Being professional and dedicated to the task at hand and using integrity to represent clients - allowing the law to work the way it should.”* He continues, *“You always carry a connection with those you have represented, after having working so closely with a client and their family. You always have those emotional ties. The satisfaction comes from knowing that you provided the necessary means for the injured party to have their needs met, going forward.”*



And with regard to his belief that he had disappointed his mother by becoming a lawyer, Ed had this to say, *“After one of my first trials, where she was present, after the closing arguments, she said to me, ‘You are still a priest, just in a different way, to a different congregation.’ That made me realize that she wasn’t disappointed in me—and that meant everything to me.”*