

# BAR BULLETIN

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## Profile / Kevin Coluccio *Breaking Away*

By **Lincoln Sieler**

I first met Kevin Coluccio when we were randomly assigned as roommates at the first Trial Lawyers College regional we attended. We became fast friends, and I have had the good fortune of working with him on several cases.

What I noticed immediately about Kevin is how welcoming, generous, open-minded and genuine he is to everyone around him.

The second of five children, Kevin grew up in Kent. Neither of his parents attended college, but his father took evening classes in the late 1950s to become a well-respected engineer at Boeing where he worked for more than 45 years.

When Kevin was 14 years old, his parents sent him to work on his aunt and uncle's dairy farm in Enumclaw. Kevin was skeptical, but he took to farm work quickly. He learned to drive, and spent hours in the fields driving a tractor or a truck to haul in the hay. Throughout high school, he spent a lot of time during the school year and summer break helping on the farm. Kevin says his family and his years on the farm taught him the real value of hard work.

After graduating from public school in Kent, Kevin attended Seattle University where he played Division I soccer. He earned his undergraduate degree in 1981; uncertain of his career path, he took the opportunity to work in a cannery in Ketchikan, Alaska, and then returned to Seattle, where he worked construction.

He thought about a career in the law, but resisted the idea because he wasn't sure he

wanted to follow in the footsteps of his brother, Bryan. Nevertheless, Kevin decided to take the LSAT, and in 1983 was admitted to law school at the University of Puget Sound.

He recalls orientation day when the Law School admissions director gave the students the old line from "The Paper Chase": "Look to your left, look to your right — one of you won't be here next year."<sup>1</sup> Kevin doesn't remember who was on his left or right, but he was still there at the end of the year. He ultimately graduated in 1986.

Kevin knew after his first year of law school that he wanted to represent people as opposed to corporations. He also knew that he wanted to be in the courtroom, not a boardroom.

Although he readily admits that he was far from the top of his law school class, Kevin was given a great opportunity for his law career when he landed a second-year law clerk position with Kargianis & Austin. At the time, the firm was involved in several major tort claims.

On his first day, he was handed a stack of cases and told to get to work on them. Two of those involved longshoreman personal injury claims. His initial success with those two cases started his relationship with the



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longshoremen's union, which continues to this day. It's a testament to his character that Kevin is still in touch with many of his first clients and counts several of them among his good friends.

After clerking for Kargianis & Austin, he was offered an associate position. He says he was fortunate to work with George Kargianis, whose courtroom presence and persuasive argument skills helped create a foundation for Kevin's own trial lawyer career.

In the early 1990s, Kevin became an associate — and eventually, a partner — at Schroeter Goldmark & Bender. Many talented lawyers at the firm helped advance his legal career. Kevin developed a reputation for his skilled handling of maritime and railroad injury cases, as well as other complex personal injury claims.

A few years later, Kevin joined Paul Whelan and Mike Withey to found the firm that became Stritmatter Kessler Whelan Withey Coluccio. Leonard Schroeter joined them as of counsel. They began working on a number of major personal injury cases along with a few noteworthy class actions.

One class action that Kevin is particularly proud of is the *Smith v. Behr* case. Behr formulated, marketed and sold two products to prevent mildew, but the firm brought claims that the products were defective and actually promoted mildew growth.

Kevin was tasked with handling discovery and developing the damage model. As the litigation progressed, Behr claimed that no product testing had been conducted: therefore, no test data were available. To Kevin and others on the team, this seemed extremely unlikely.

Kevin used all the available discovery tools to obtain the testing protocols

and data — but nothing was produced. An outside supplier finally provided the missing testing data at a deposition just three days before the start of trial.

The trial was delayed and the court held a hearing on sanctions for the failure to produce the testing data. During the hearing, the court commented that the discovery efforts seeking to obtain the material could not have been more detailed and complete. Ultimately, in *Fisons*-like fashion, the court issued a default order, finding it to be the appropriate sanction for Behr's failure to produce the data in light of the comprehensive discovery Kevin and his team conducted.

The complex damage issues in the case involved restoration of siding and wood components on the homes in which the mildew prevention products had been applied. There were numerous aspects to the restoration of the class members' homes. Kevin worked with a restoration expert and formulated simple damage matrix charts for the restoration costs, which were completely accepted by the jury.

Withey, one of the Behr trial team members, said the damage matrix charts could not have been prepared any better. They were unusual in that they were capable of calculating damages for each class member victimized by the products.

According to Withey, "Kevin took what could have been complex issues and created damage matrix charts which made it easy for the jury to understand the nature of the damages and the costs to restore the homes. The charts allowed the jury to apply the matrix to each individual class member."

The year 2014 has been a big one for my friend Kevin. After nearly 30 years of practice, he started

Coluccio Law in January. Kevin says it was a difficult to leave his partners and friends at Stritmatter Kessler Whelan Coluccio, but that he would regret not trying to hang his own shingle.

Whelan, one of Kevin's partners since the early 1990s, said, "I was fortunate to have been one of Kevin's partners for over 20 years. Kevin is truly dedicated to bringing justice to his clients."

Following our first meeting at the Trial Lawyers College, Kevin, Jeff Tuttle, Ken Selander and I made a commitment to travel around the country to the College's regional programs in order to graduate from the College. Recently, we were lucky to spend a week together at Gerry Spence's ranch in Wyoming where we participated in a graduation program. Through our travels, I have gotten to know Kevin and his deep commitment to the civil justice system. He truly has a passion for serving his clients and for bringing them the justice they deserve.

Away from work, Kevin spends time coaching and watching his boys' sporting events. He enjoys golf and playing with both of his boys. He and his wife Margie are both very active in their community and with the nonprofit Water1st, where his wife is on the board.

It has been my privilege to get to know Kevin Coluccio over the years, and I would encourage any of you to do the same. You can reach Kevin at [kc@coluccio-law.com](mailto:kc@coluccio-law.com). ■

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<sup>1</sup> **Editor's Note:** Depending on the online source — and not having seen the film since it scared the editor away from attending law school right out of college — Professor Kingsfield also is credited with saying, "One of you will be gone before graduation." Based on fading memory from 21 years ago, the editor heard it said in jest at his 1L orientation the way it is written above. Scott Turow, who attended Harvard Law School, where the eminent and fictional Professor Kingsfield terrified James Hart, also is credited with a similar remembrance in *One L*.