

Conal Doyle: Always a Risk-taker

By Sally Bowman



Conal Doyle has never been one to shy away from adversity. His legal practice has been aided in many instances by his willingness to take on challenges that may seem larger than life to many. “I’m a huge risk-taker,” he said. As a plaintiff’s attorney, he has “simple case intake criteria: if I can afford to take a case to trial and lose, I’ll take the case. I won’t accept a case if I am not prepared to see it through trial and appeal.” So far, he hasn’t had to face the losing end of a verdict.

Doyle’s willingness to tackle adversity head-on has most recently culminated in a \$1.735 million jury verdict in *Castaneda v. State of California*, honored as one of the *Daily Journal’s* Top 10 most impactful verdicts in California in 2010; a United States Supreme Court oral argument that netted him national “Appellate Lawyer of the Week” honors from the *National Law Journal*; and a \$1.95 million settlement from the federal government for the same client. The San Francisco Trial Lawyers Association honored him with the 2011 Civil Justice Award for the impact that his legal efforts have had on immigration detainee health care.

His willingness to try new things led him to California just a few years prior to taking on the landmark case of Francisco Castaneda. Doyle, a 1997 graduate of Florida State Law, had built a successful career defending large corporations and governmental entities in Tampa at Fowler White Boggs Banker (now Fowler White Boggs P.A.), but never really appreciated the Florida sunshine and humidity. “I’m a fair-skinned Irishman from the Northeast,” he laughed. Doyle knew that if he stayed any longer, he

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would have acquired the proverbial “golden handcuffs” at Fowler White. So, in a giant leap of faith, Doyle moved to San Francisco in 2003. The move brought him closer to the mountains he loves dearly and to his sister, but he was without a client base or a clear idea of his next career step.

During a brief respite from law practice, Doyle reacquainted himself with his other passion: competitive alpine skiing. Despite having been born with a congenital defect that led to his having only one leg, Doyle skied competitively as a child against able-bodied competitors. After moving to California, he raced for a season against the American, Canadian and Australian disabled ski teams, while contemplating a try-out for the 2006 Paralympics Games in Torino. He did not have the time to dedicate to both skiing competitively and maintaining a law practice, so he wisely chose to stick with his “day job.” He worked at a prominent San Francisco plaintiff’s firm for a year and a half, before starting his own practice with one medical malpractice case, involving a leg amputation. At age 35, Doyle sunk more than \$100,000 of his own money into the case, and it resulted in a \$2.4 million settlement after two years of litigation.

Shortly after that settlement, Doyle received a phone call that led him to represent Francisco Castaneda, an immigration detainee who had his penis amputated and then died from penile cancer because the government refused to provide him a biopsy. The phone call was from Public Justice; the Washington, D.C., public interest law firm was looking for someone to act as lead counsel in the case. At the time,

Doyle was among the least well-known of attorneys considered for *Castaneda*, but Public Justice and the American Civil Liberties Union finally settled on Doyle to handle the litigation. “To be a plaintiff’s lawyer, out there on your own, especially taking on giant entities — and the United States is obviously the most powerful entity in the world—you have to be willing to risk it all,” he said.

Two lawsuits were filed in 2007: one against the State of California and the other against the United States, who both detained Castaneda and refused him medical care. The cases garnered extensive international media coverage, including a *60 Minutes* documentary and a *Washington Post* expose. It was the first case in which Doyle had ever been involved during which he “knew the plaintiff and filed the suit, and the case went from a wrongful injury case to a wrongful death case.”

An undocumented alien with a drug conviction, Castaneda lost his life in a slow and painful manner. As Doyle stated in *JustLaw* — a Southern Trial Lawyers Association newsletter, “As I paid my last respects to my client, I promised myself that his death would not pass unavenged.”

The state case was tried in October 2010, and resulted in a \$1.735 million verdict; the highest pre-trial defense offer was \$10,000. The companion federal case has been much more circuitous. About six months before the plaintiff’s death, Castaneda testified before Congress about immigration detainee health care. Doyle then argued *Hui v. Castaneda* before the U.S. Supreme Court, which determined whether public health service doctors can be sued for violating

the Constitution. The Supreme Court granted immunity to the doctors, but remanded the case for trial against the United States under the Federal Tort Claims Act. The United States agreed to settle the case for \$1.95 million — eight times the amount of the California medical malpractice damages cap that the government argued applied to the case — just prior to trial.

The state verdict is on appeal, but Doyle said, “Now that the family has been taken care of and the case costs paid off, we will see the appeal through the end.” Castaneda is survived by a daughter, now 18, who finished high school, started college and has been working since her father’s litigation began. “She’s a wonderful young woman,” Doyle said.

Doyle’s firm, Willoughby Doyle LLP, has remained “fairly lean” through these successes. Doyle and his partner have one associate and work with contract attorneys. The firm now has offices in Beverly Hills, Oakland and Tampa, where Doyle flies frequently to handle cases.

He’s never regretted his move to California, but returns to Florida for cases and to keep in touch with old friends. Although he doesn’t have as much free time as he would like, he enjoys skiing, physical fitness, traveling, and visiting his new nephew Declan. He has fond memories of his time in Tallahassee, and his law school professors and classmates.

He may have given up competitive ski racing, but he is still in pursuit of powder. “I don’t believe in ‘warm-up’ runs, I go straight to the top of the mountain,” he added. Taking chances has taken Doyle to the top of his field as well. ■