

# California

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Jay Wheeler 1947-2008

## Attorney Was Known for Winning Verdicts, Mentoring Talent

By Pat Broderick  
Daily Journal Staff Writer

**SAN DIEGO** — Trial attorney Jay Wheeler loved a good joke, hated dishonesty and would push his young litigators to center stage in order to prove his faith in them.



That's how his partner and a former protégé recall the man who died Thursday after complications from a heart attack that he suffered Dec. 17. Wheeler was 61.

"He was a unique person, bigger than life, but he had the common touch," said Ed Chapin, who, with Wheeler, formed the law firm of Chapin Wheeler in 2005, representing plaintiffs in complex and high-stakes cases. "He could be comfortable with the big ex-

ecutives of big companies, and talk their talk, yet he was comfortable with those who cleaned the offices of big companies and talked their talk."

Wheeler spent 20 years at Latham & Watkins, chairing its San Diego litigation department from 1996 to 2000. Wheeler's cases ranged from insurance and intellectual property issues to business torts, real estate and construction disputes, representing such Fortune 500 clients as Eastman Kodak and ITT.

During his years at Latham & Watkins, he mentored many young lawyers, including Kenneth Fitzgerald, now a partner in the firm's San Diego office.

"He was an extraordinarily good trial lawyer, and he had a great ability to relate to juries and talk to people about complex issues in a very simple way," Fitzgerald said. "He taught me that every trial

ought to have a very simple theory and basic theme that ordinary people could embrace. He talked about giving opening statements and closing arguments as though you are telling someone a story in a bar."

A longtime friend and fellow resident of Point Loma, Chapin recalled how he and Wheeler had jostled over whose name should go first in the new partnership.

"I told him, 'I am pretty adamant that it should be Wheeler Chapin,'" Chapin said. "But he said, 'It's got to be Chapin Wheeler. It sounds better.' He prevailed. It's the only disagreement we had as partners. It was a wonderful three years. It's sad that it was such a short season."

One of Wheeler's largest verdicts occurred while representing Credit Suisse in San Diego Superior Court in 1996. The bank had financed a small

hydroelectric dam project in the northern Sierra, but the general contractor failed to complete the job and was terminated. The developer went bankrupt, and the bank took over the project.

Although a performance bond had been issued, guaranteeing that the work would be completed, the insurance company denied responsibility, claiming that the contractor had been misled about the difficulty of the project.

During discovery, Wheeler uncovered alleged schemes and hidden memos that tipped the case in Credit Suisse's favor, leading to a mid-trial, undisclosed settlement that was later revealed to be in the eight-figure range. *Valley Engineers v. Electric Engineering Co.*, 158 F.3d 1051 (9th Cir. 1998)

Chapin said that a memorial fund will be established in Wheeler's name for a San Diego County Bar Association program, promoting

civility, integrity and professionalism among lawyers.

"He optimized those principals," said Chapin, who will continue the Chapin Wheeler firm with his senior associate Jill Sullivan.

In lieu of flowers, donations may be made to the Joseph J. Wheeler Educational Fund for Civility, Integrity and Professionalism, c/o Karen Korr, San Diego County Bar Association, 1333 Seventh Ave., Suite L, San Diego, CA 92101.

Wheeler graduated from the U.S. Military Academy and the University of Virginia School of Law. He is survived by his wife, Ann, and children Amanda, Christopher and Savannah.

A memorial service will be held at 2 p.m. Thursday at First United Methodist Church, 2111 Camino del Rio South in San Diego.