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DISTINGUISHED COUNSEL





John W. Keker

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John Keker was cross-examining a mobster from Camden, New Jersey, when the witness delivered a line that still haunts him decades later. The case involved an arson defendant who'd suffered suspicious fires at lumber yards in both New Jersey and California — each conveniently insured just before burning. Six arsonists had been caught, including the individual whom Keker had interviewed and decided to put on the stand.

Keker recalled the rapid-fire exchange: "You're a murderer." "Yes, I'm a murderer." "You're a robber." "Yes." "You're a liar, you're a criminal, blah blah blah." But then the mobster grew tired of the questioning. In front of the jury, he said, "John, I wouldn't even be here if your guy had paid me that $60,000 that he promised." As Keker noted, "having the snitch call you John in front of the jury was tough."

Such unpredictable moments have punctuated Keker's 55-year career, during which he co-founded what became the 140-attorney litigation powerhouse Keker, Van Nest & Peters LLP. But Keker insists truly unexpected moments shouldn't happen. "I try to think about everything that could possibly happen," he said. "If something happens that you haven't thought of, then you're not paying attention."

This meticulous preparation has served Keker well throughout cases ranging from his early days as a federal public defender — when he tried 30 cases in two years defending clients accused of bank robberies, counterfeiting, and even airline hijacking — to representing major corporations and high-profile individuals including cyclist Lance Armstrong, Enron executive Andrew Fastow, and Major League Baseball.

One case still keeps him awake at night: representing Autonomy CFO Sushovan Hussain in a fraud case stemming from Hewlett-Packard's $8 billion acquisition. Despite Keker's efforts, Hussain was convicted and served three years in prison. Years later, Autonomy's CEO Mike Lynch was acquitted of similar charges, but the vindication came too late. The CEO's celebratory yacht trip in the Mediterranean ended in tragedy when the vessel sank in a storm, killing defense attorney Chris Morvillo and his wife. "That keeps me up at night because it was just a miserable ... stupid, vindictive, wrong case," Keker said.

His first case as a public defender taught him a crucial lesson about the human element in trials. Spencer Goodlow, a 19-year-old repeat offender, had robbed a federal bank after learning in prison that tellers were instructed to hand over money without resistance. The evidence was over-whelming — he was caught outside with the cash, the note was in his handwriting, and he'd confessed. When Keker asked his boss how to argue such a hopeless case, the answer was simple: "argue reasonable doubt."

Keker considered it a victory to keep the jury out through lunch. "Spencer had a great time having a trial, thought he was the center of attention, and he enjoyed it," Keker recalled. The case taught him that "trials really matter to the people who were being" tried, and that pleading guilty isn't always the answer — a lesson particularly relevant as white-collar defense has evolved toward plea bargaining.

The firm Keker co-founded in 1978 with law school classmate Bill Brockett has launched the careers of more than 300 lawyers,

including California Attorney General Rob Bonta and multiple federal judges. Alumni serve throughout government and major tech companies, all having begun their careers trying cases at Keker with John's exemplary mentorship.

Recently, Keker led his firm in becoming the first to publicly challenge executive orders targeting law firms, writing with partners Robert Van Nest and Elliot Peters in a New York Times op-ed: "Our Law Firm Won't Cave to Trump. Who Will Join Us?" The stance drew national attention and California Senate recognition. The principled stand reflected Keker's lifelong commitment to service that began with his tour as a Marine infantry platoon leader in Vietnam, where he was wounded in action after eight months in country and medically retired for disability. After graduating from Yale Law School and clerking for retired Chief Justice Earl Warren, he arrived in San Francisco as a federal public defender.

His advice to younger lawyers reflects hard-won experience: "You can't win them all." Losing trials, he said, requires winning about 10 cases to "cover up for the pain." Trial work demands putting yourself before jurors and asking them to "believe me and accept what I have to say." When they reject that plea, "it's a very painful experience. And you've got to be able to handle that and not be fearful of it."

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