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Meet Peter Keane

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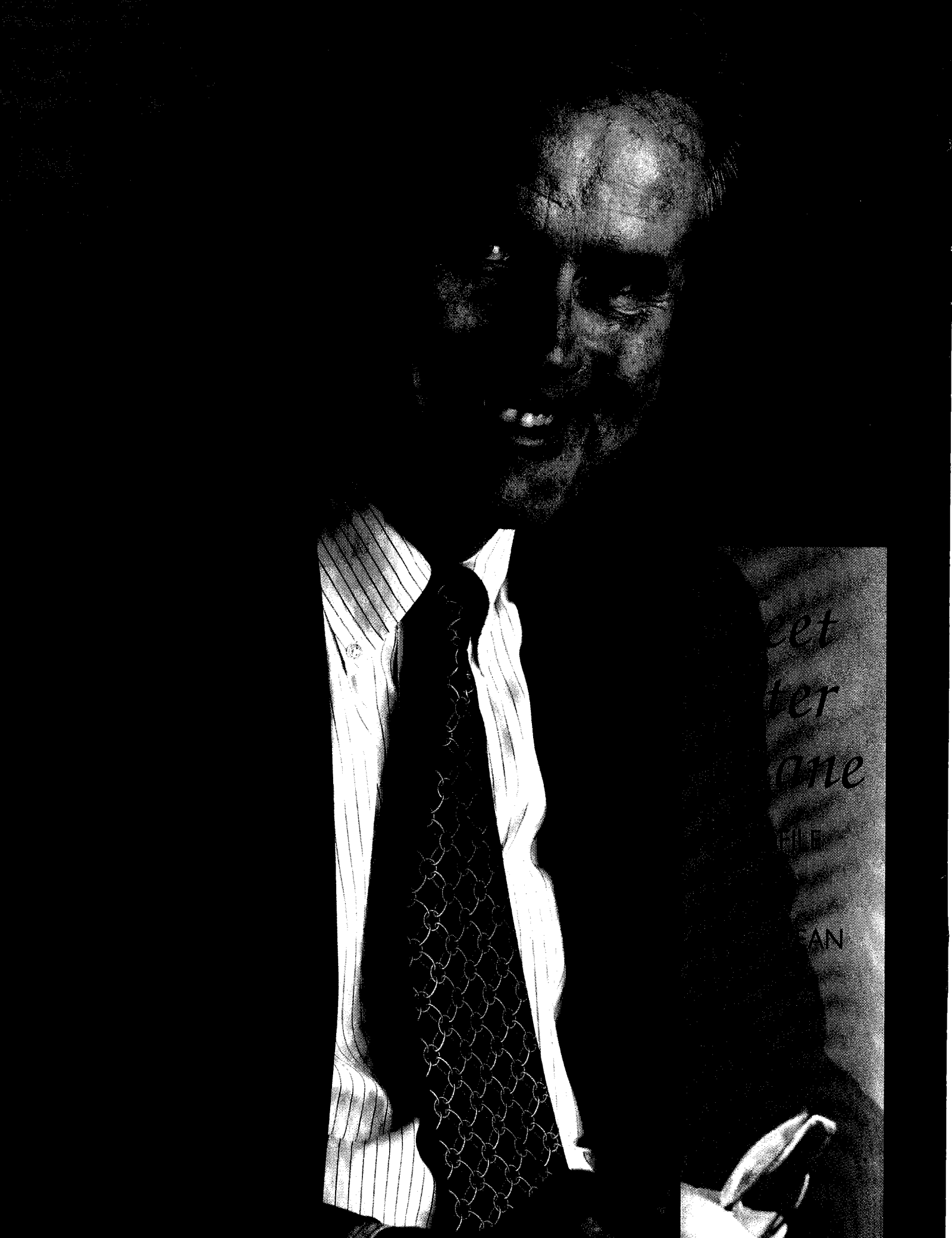
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Peter Keane believes that everything he did in his more than 30 years as a lawyer amounts to preparation for his new position as dean of Golden Gate University School of Law. Keane, who took over as dean when Tony Pagano stepped down at the beginning of this year, has had a varied, high profile legal career in the San Francisco Bay Area.

For ten years he was a successful trial lawyer who earned a reputation as a skilled and formidable litigator of both civil and criminal cases. "Trials are theater—mostly high drama," Keane says. "A good trial lawyer has to have a feel for theatre and a passion for the role he or she plays in court."

In 1979 Keane was appointed chief attorney of the San Francisco Public Defender's Office. For twenty years he administered the day-to-day operations of the 70-lawyer office. "We were responsible for the protection of people whom society rejects and despises. Those people's lives and freedom were in our hands, and I lived with the palpable reality of that every day." Because of his high standards of performance for criminal defense attorneys, Keane is credited with being the driving force that changed the reputation of the San Francisco Public Defender's Office from lackluster to a highly renowned national model.

As well as overseeing the operation of the Public Defender's Office, Keane continued to try cases personally on a regular basis, always taking on complex homicide trials. They were usually death penalty cases, the most difficult cases for a defense attorney to handle because of their complicated legal procedures—and also because of the physical and psychological toll they take upon a lawyer. In the early 1990s, he defended a rape-murder case in which DNA evidence was first used in San Francisco. "I had to become familiar with DNA. Lawyers are not scientists

(we became lawyers because we failed science courses), so this was a sharp learning curve. I went to the FBI Forensic Lab in Quantico, VA, to learn all I could about DNA identification. Because of the questionable reliability of the DNA evidence in this case, I was able to dissuade the prosecutor from using it."

Later, Keane represented Ernest Kirkwood, who was charged with a double murder and had fled to England. On his extradition, Keane argued that Kirkwood could not face the death penalty because England had abolished it and under the terms of both the United States-Britain extradition treaty and the European Human Rights agreements governing Britain, Kirkwood could not be executed. After a lengthy trial that resulted in a hung jury, a plea bargain was reached in which Kirkwood was convicted only of second degree murder with a fifteen-year sentence.

In addition, as overseeing chief attorney of the Public Defender's Office, he developed and shepherded the budget through the annual political process with the mayor and board of supervisors. As a result, he honed his diplomatic and political skills in the high pressure, and sometimes brutal, Byzantine world of San Francisco city government.

Keane became a high powered force in both San Francisco and California's legal scenes. He was elected president of the San Francisco Bar Association in 1988, making him the first and only government attorney who has held that post. In 1992, he was also elected to the State Bar Board of Governors, representing San Francisco and Marin Counties, and in 1994 he was vice-president of the State Bar of California. "Bar Association activity gave me a network of connections to virtually every other area of law and to practitioners in those areas. It helped keep me from becoming parochial and tunnel-visioned on just criminal law."

"In November 1978, Jeff Brown and I were sitting in the public defender's office when someone told us that George Moscone and Harvey Milk had been shot and killed. When we heard that Dan White was a suspect, we thought, 'This guy needs a lawyer.' We started talking about Lee Harvey Oswald and the fact that he was held for a day and a half without a lawyer.

So we went looking for White. We went over to City Hall and heard that White had surrendered. We zoomed over to the San Francisco Homicide Detail offices. The place was jammed with reporters. Jeff and I crashed through the reporters into the area where the interviews were held. White was sitting in a tiny room about 10 feet from us, looking like death—ashen. The investigator was walking toward him with a tape recorder to take the now infamous confession.

We started toward the room, and this homicide detail cop came right at us and stiff-armed us. He pushed us out. We were yelling and screaming about rights being violated. The D.A. said that he would let the police handle it.

So White gave the confession in which he essentially blamed all his troubles on Moscone and Milk. The ironic result of that is that if I had gotten in there, and done what a good criminal defense lawyer does, I would have killed the confession. Dan White would not have confessed—and probably would have ended up in the gas chamber. It was that confession that saved him. He didn't have to take the stand and testify, where he would have been chewed up by the district attorney. So in this case, a good defense attorney doing his job probably would have killed off his client."

“One of my most interesting cases was right after Jim Jones and his followers had committed suicide down in Guyana after killing Congressman Leo Ryan. There was a small group of survivors that had been playing basketball in Georgetown and so had not taken the poisoned drink. One of them was Tim Jones, Jim Jones’ adopted son. He was in his twenties with a wife and three children. They had all died in Jonestown. He and about fifteen others straggled back, survivors of this terrible massacre. They landed at JFK in New York and tons of FBI agents swooped down on them. They were interrogated for hours and hours and held incommunicado. Then they were handed subpoenas to appear before the Grand Jury in San Francisco. Judge Peckham, who was the chief judge of the U.S. District Court—a wonderful man—assigned me to represent Tim. Tim and I were the first to go before the Grand Jury, less than two weeks after the tragedy. Press was everywhere, and it took us about thirty minutes to get into the courthouse. Tim went before the Grand Jury, which was absolutely out of line, trying to accuse him and others of ridiculous things such as that Jones had had some nuclear device down in the Guyanese jungle, or that there were always plans to kill all these people. Finally, I went to Judge Peckham and asked him to stop it, and he did.”

Throughout all of this, Keane maintained strong connections to legal education. “Teaching was my substitute for Prozac and Valium during all the years of high pressure criminal litigation and the gut-wrenching politics of running a San Francisco city department,” Keane says. “Law students are still fresh, still idealistic, and they still believe things should be on the level. That has been a wonderful refuge that never failed to recharge my batteries.” He taught Evidence, Professional Responsibility, Criminal Procedure, and Trial Practice as an adjunct professor at Hastings continuously from 1982, and at Golden Gate from 1986. In recent years he also taught classes at the University of San Francisco Law School and periodically lectured at Boalt, Stanford, and Santa Clara. He is a highly popular professor whose students compliment him on a relaxed, easy-going style that blends storytelling and humor while keeping students’ attention with his polished delivery developed over years in courtrooms before juries.

If all of this were not enough, Keane is also a media star both locally and nationally. His first legal commentaries were more than twenty years ago on local television during the trial of Dan White, the slayer of Mayor George Moscone and Supervisor Harvey Milk. Since then he has commented on and analyzed subjects such as the O.J. Simpson

“As a trial lawyer, I did mostly criminal trial work, but a lot of civil trials as well, including divorces, wills, bankruptcies, and adoptions. The first adoption I did was a couple who wanted to adopt a two-year-old girl. They wanted not only to change the child’s last name but also to change the first name from Theresa to Tootsie. I said, ‘No, you can’t do that. You’d be consigning her to a life of misery.’ I argued and argued and couldn’t

talk them out of it. Even the judge tried to change their minds but couldn’t, so this poor child got her name changed to Tootsie.

About four years ago I received a call from a woman whose mother had died. She told me, ‘The only lawyer she had ever gone to was you. I’m trying to find out if she made a will.’ She gave me her mother’s name, which I recognized. I asked, ‘What did you say your

and Richard Allen Davis trials, the Clinton impeachment proceedings, and virtually every other legal topic of interest in recent years. He is legal analyst for the San Francisco affiliates of CBS television and radio, and he appears regularly on news and commentary programs. He has appeared on *Larry King Live* at least five times and has done commentary for ABC and NBC national news, *Nightline*, *Court TV*, *Burden of Proof*, and CNN News. For four years, Keane hosted his own weekly radio program called *Keane on the Law*, a three-hour legal issues talk show, on KPIX AM and FM in San Francisco. Keane hopes to be able to use his visibility and recognition in the Bay Area and national legal communities to boost Golden Gate University School of Law.

Asked about his priorities for the Law School, Keane says bricks and mortar will be a big ticket item. “We have to have a new building. The old facilities are somewhat rundown and outgrown. Beyond that, Golden Gate University School of Law is known by everybody in the Bay Area legal community as a superb law school. I believe it is positioned now to be recognized nationally as one of the foremost institutions of legal education for the next generation of lawyers. I am going to use all of my energy and whatever abilities I have to see that this happens.”

name was?’ and she said ‘Theresa.’ Then I asked, ‘When did you change your name back from Tootsie?’ There was this long pause on the phone, and then she said, ‘I hated that name. I was tormented and tortured all through my growing up years.’ I told her how the judge and I had tried to talk her parents out of naming her Tootsie. She thanked me for trying.’



Peter Keane on his radio show (above), on Larry King Live (right), and with Dave McEllhaton on Channel 5 TV.

"When my wife and I first came to San Francisco in November 1969, we learned that we were not

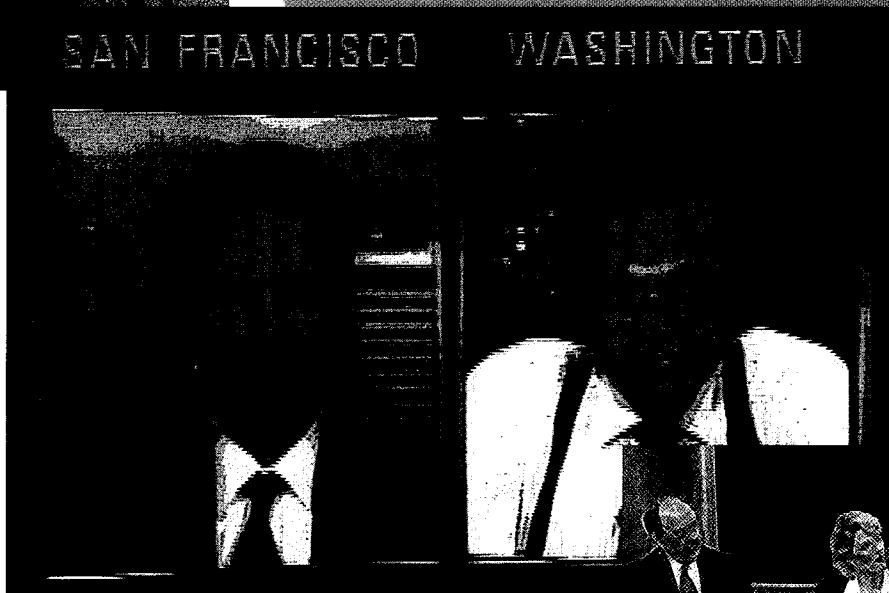
eligible to vote because the state had a one-year residency law. We decided that sounded screwy, so we sued to overturn the one-year voting requirement in California.

In order to sue, we first had to attempt to register and be refused, so we went to Mr. Mihaily's office and said, 'We want to register to vote, but we're not eligible. We haven't lived here a year.' He said, 'Then, why are you here?' We explained that we had to have him refuse to let us vote. 'Gee, I don't want to do that,' he answered. He was a nice guy, and this ruined his day.

*We filed the lawsuit claiming that the one-year residency requirement was unconstitutional. The California Court of Appeals agreed with us and threw out the requirement. As a result of **Keane v. Mihaily**, one-year residency requirements were thrown out around the country. That was my first foray into the San Francisco legal system."*

"Back in 1970, the San Francisco street artists were all getting arrested down near Ghirardelli Square because they had no permits and the city wouldn't issue them. I represented them for nothing. Well, actually, they paid me in belts, leather wallets, hand-crafted jewelry, that kind of stuff. One weekend, the police chief sent in the

Tac Squad who rounded up all the artists—a couple hundred of them—and forcibly put them in paddy wagons. The tourists, who liked the street artists as part of the



city scene, were outraged. Some argued with the police, and they got arrested. The

next day it was on the front page of the *Sunday Chronicle*.

This event had really shaken the merchants on Fisherman's Wharf because it was not good for business. Mayor Joseph Alioto's cousin had a big restaurant on Fisherman's Wharf and had asked the mayor to 'take care of this.' Alioto was a man who took care of things quickly. He 'summoned' me to his office.

This was the first time I was in the mayor's office. The whole thing took five minutes, which was probably five times as long as Alioto wanted to spend on me. He shook my hand, hurled me into a chair, and said, 'Look, here's what we're going to do. We'll issue these people permits, change the law and make it so that a number of them get permits, but they'll have to do it on a rotation basis. That way we'll stop all these arrests, right?'

My one contribution to that conversation was, 'Right!' and I was out the door.

As a result, we crafted an ordinance and passed it through the board of supervisors. The street artists got permits through the same system used today." □

