

The American Lawyer, March 1997

A LITIGATOR'S LONG, STRANGE TRIP TO THE GARCIA DIVORCE CASE

David Phillips likes wearing his Jerry Garcia designer ties in the office. They look great, he says, and even more important, merchandise like this benefits, in a small way, the late Grateful Dead singer's estate. Phillips helped his client - Garcia's second wife, Carolyn Adams Garcia - fend off a challenge to her \$5 million claim against the estate in Marin County, California, family court on January 15.

Phillips, who devotes 95 percent of his practice to civil litigation - mostly entertainment law and intellectual property - and the rest to probate work, knows about musicians and their money. He has represented big names like Madonna and Journey and the personal managers for The Doobie Brothers and the neopunk band Green Day in copyright infringement and marital and contract disputes for half of his 35-year legal career.

Phillips's role in the Garcia family saga began in 1992, when he was brought into divorce proceedings between Garcia and Adams Garcia by Adams Garcia's family law attorney, Barbara Rohan. After Garcia died in August 1995, Garcia's third wife, Deborah Koons Garcia - who married Garcia 18 months before his death - disputed the validity of the \$5 million divorce settlement between Garcia and Adams Garcia and, upon Garcia's death, cut off Adams Garcia's monthly alimony payments of more than \$20,000. Among Koons Garcia's claims was an assertion that Garcia had been coerced into signing the settlement.

The contract-challenge aspect of the case, Phillips says, made it a unique melding of the two parts of his career. "The underlying case here is pretty simple: a straightforward contract action," he says. "The twist is that it involved the interplay between family and probate court."

Phillips, 60, dove into the entertainment law scene in the early 1980s, when he was contacted by legendary rock promoter Bill Graham, who at the time was managing

guitarist Carlos Santana's career, to handle a copyright infringement suit against the singer by some of his band members. Phillips won the case in a jury trial and continued to represent Graham and his merchandising company, Winterland Productions, until his death in 1991. Phillips graduated from Harvard Law School in 1961, practiced admiralty law for seven years with San Francisco's Graham, James & Rolph, now Graham & James, and then joined his now-eight-lawyer firm, San Francisco's Goldstein & Phillips[, the predecessor to his current firm].

The special counsel for Garcia's estate, Paul Camera of San Rafael's Camera & Halbert, says he may appeal the January 15 ruling in Adams Garcia's favor, but must wait for the judge to sign the final statement of decision, which might not be until April. But Phillips says he is confident that Adams Garcia's settlement will withstand the appeals process. "Carolyn and her three daughters were Jerry's real family for about twenty-five years," Phillips says. "The agreement that they had reached, which was at issue, was what Jerry wanted."

- Alicia Philley