Down and Dirty

While in a supermarket parking lot, an elderly woman saw Steve Murow's license plate: DIRTONU. "Do you work for the National Enquirer?" she asked him.

No he doesn't, but Murow isn't afraid to get down and dirty. For 17 years, he's been an expert witness specializing in, well, dirt. That's on top of his 40 years as a general engineering contractor.

He has so much experience – about 300 litigation matters, including 54 depositions and 26 trial appearances – that attorneys will inevitably ask if he knows someone, and chances are he does.

The following is an actual conversation he had:

Attorney: Do you know Sukut Construction?

Murow: Yes sir, I started my career there in '78.

Attorney: Do you know ACI (Altfillisch Contractors, Inc.)?

Murow: Yes sir, I went to school with the VP.

Attorney: You've got the dirt on everyone.

Murow: Well, I've got the dirt on you.

"And I thought, hey, attorneys really like that," he continues. "My wife affectionately calls me Dirt-tanu (after d'Artagnan from "The Three Musketeers")."

He provides testimony on various matters pertaining to dirt: landslides, grading of land, cost to complete and cost of repair, construction defects, drainage problems and underground utilities, to name some. It doesn't matter if the dirt is sand, clay or rock because he only needs to analyze the soils data.


Steven Murow

He has provided testimony in high-profile cases involving Alex Trebek property, Troy Polamalu's home and Zeta Graff's easement issues. He's testified for plaintiffs and defendants, owners and contractors. An attorney who hires him in one case might end up seeing him on the other attorney's witness list the next time.

Steve Murow can dig up so much "dirt" on people as an expert witness in litigation that his wife affectionately calls him Dirt-tanu -- after d'Artagnan from The Three Musketeers.

Although he's based in Irvine, he's testified up and down the state, in Las Vegas and Reno, Nev., Dallas and Conway, Ark. Only three out of 150 times has his testimony not helped his side emerge successful.

"I don't say winning side," he is quick to point out. "I don't win or lose the case, the attorney does. But it sounds really good to say I've been on the right side all but three times. And those three deserved to lose."

What makes him so good, he says, is his ability to tell a story and explain issues a jury can un-

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derstand, getting it to "buy in" while maintaining the truth.

"Because I don't have a degree in engineering, and I don't hold a masters or a doctorate, I can relate to your 'typical' juror," he says. "You basically can offer specialized knowledge, and that knowledge is: How did that guy bid the job, how did they do it, how they should have bid the job and how they should have done the job."

It also helps that he has spent decades in construction and currently owns Murow|CM, which provides services to enhance managing and administrating any construction project. He knows so many people that he can spot a phony.

Like the time an expert claimed membership in 13 different organizations. Having served as president of organizations such as the Orange County Forensic Expert Witness Association and the American Society of Professional Estimators, Murow successfully challenged the memberships, destroying that person's credibility and helping his side obtain a highly-successful result at arbitration.

He typically finds himself in cases dealing with payment issues or disagreements over how much earth was moved. But he has weighed in on wrongful deaths. In one case, a person accidentally got buried and survived but suffered untold problems. Another time, a worker walking behind a large piece of construction equipment with a sack of cement on his left shoulder and his phone in his left ear didn't hear the truck's backup alarm and got crushed to death.

Murow estimates that about 10 percent of the time, his being a contractor leads to a job. In one case, the defense claimed the repairs would cost $3 million. Testifying for the defendant, Murow said it could be done for less than $200,000. The sides settled and Murow did the job for about $174,000.

One of those times was a case in which attorney Jeff Carvalho of the San Diego firm Ryan/Carvalho LLP hired Murow. The homeowners (opposing side) were so impressed with Murow, Carvalho says, that they hired him.

"Steve's testimony changed the whole dynamics of the case, and we're probably going to resolve the case based on the knowledge," Carvalho says. "If I have a case involving an excavation or any type of surface pavement or dirt works or anything like that, he's certainly an expert I'm going to look to."

Murow got into the expert witness game by accident. After losing a previous construction company because a large real estate company refused to pay multiple change orders and the subsequent court battles wiped him out, a general contractor in Costa Mesa, Ed Slater, suggested that with his experience, Murow ought to consider expert witness work.

"I said, 'What's that?' He says, 'All you got to do is show up and tell the truth and you can get a nice hourly rate, $300 an hour,'" Murow recalls. "Twenty years ago, that sounded pretty darn good."

He started at a consulting firm and got a chance on a case in which a contractor sued the city of West Hollywood. His work during mediation led to a settlement, which led to him again to testify for the city in its suit against a civil engineer from the first case. News of the city's victory led to more calls, and the business grew.

His rate is now $355 for case development and $550 for mediation and trial.

It's not dirt cheap, but he's apparently worth it.

"My mentor Gregory Clayton said, 'when preparation meets opportunity,'" he says with a smile, "you get good fortune." — By Lee Barnathan, California Business Journal

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