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The LITIGATOR

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Inside This Issue

Win or Lose, We Cannot Give Up the Fight

By: Jill P. Telfer, CCTLA President

"We have an obligation to fight for the world as it should be . . . that is the thread that connects us." The inspiring words of Michelle Obama aptly describes our mission as trial lawyers representing those who need help. Win or lose, we cannot give up the fight. These last several months CCTLA members have stacked up tremendous victories in the courtroom as well as brave defeats. Each one of you should be commended because you walked with your client into the courtroom, and fought for what should be. Losses do not reflect poorly on our skills as trial lawyers because sometimes events occur beyond our control. Giving up or putting our own self-interest ahead of the client is what reflects poorly on our profession.

The challenges we continue to face are trial delays, which benefit the defense, and the cynicism of the American public, which has bought the argument of corporations and insurance companies that there are too many frivolous lawsuits and as a result, those who sue can not be trusted. These challenges have been compounded by the dramatic downturn in the economy that effects all of us. As a result, we need to actively assist in the efforts to bring cases promptly to trial, we need to educate the public of the necessity of the right to a jury trial to place checks and balances on the powerful, and we need to provide support to each other given the difficult path we follow.

Our current United States Supreme Court appears to have turned its back on the consumer this year. In Exxon Shipping Co. v. Baker (2008) 490 F. 3d 1066, the Supreme Court refused to hold a powerful corporation fully accountable for the harm it caused with its reckless disregard for the people and the environment, when the Exxon Valdez destroyed the environment, killed thousands of animals and irreparably harmed thousands of fisherman (See article, page 3).

In particular, the Supreme Court majority held that when a tortfeasor does not benefit from the tort and does not act intentionally malicious, punitive damages can not exceed an amount equal to the total compensating damages awarded. The punitive damage verdict was slashed from $2.5 billion to approximate $500 million. It should be noted, last year Exxon Mobil's annual *profit* was approximately $40.16 billion.

The disparity between those with power and those without becomes greater each day. We must not despair. In the words of Atticus Finch, the courtroom is the great leveler. It is the only place where the voice of a child is as strong as the voice of the

Continued on page 8

Allan's CORNER

By: Allan J. Owen

Here are some recent cases that were culled from the Daily Journal. Please remember that some of these cases are summarized before the official reports are published and may be reconsidered or de-certified for publication, so be sure to check and find official citations before using them as authority.

Punitive Damages Against Religious Organization

In Little Company of Mary Hospital v. Superior Court, 2008 DJDAR 5738, plaintiff sued a religious healthcare provider and included a claim for punitive damages. Defendant moved to strike the punitive damage claim because they were a religious healthcare provider; plaintiff opposed the motion because it was an elder abuse case and the California Supreme Court has held that elder abuse claims are exempt from the medical malpractice/punitive damage statute which is virtually identical to the punitive damage statute applying to religious organizations. Trial court denied the motion, and the Second Appellate District reverses.

Action Against Bank

In Rodriguez v. Bank of the West, 2008 DJDAR 5912, attorney's office manager forged attorney's signature, opened bank accounts in the attorney's name, deposited money lawyer had received in trust from clients and then stole the money. Client sued lawyer to recover the money, and the lawyer cross-complained against the office manager and the bank. Bank demurred, contending their contract was with the office manager, not the lawyer and since the lawyer was never their customer, they did not owe him any duty. Trial court sustained demurrers without leave to amend, and the appellate court affirms.

Landowner Liability for Criminal Conduct

In Yu Fang Tan v. Arnel Management Company, 2008 DJDAR 6242, plaintiff was shot in an attempted carjacking in his apartment complex. Plaintiff sued the management company and property owners for failure to take steps to secure the premises against foreseeable criminal acts. Trial court ruled in limine that three prior violent crimes against others on the premise's common areas were not sufficiently similar crimes to impose a duty on the defendants to protect tenants of the apartment complex and entered judgment for defendants. Appellate court reversed finding that the three prior acts were similar enough to provide substantial evidence of the necessary degree of foreseeability to give rise to a duty.

Arbitration

In Luce, Forward, Hamilton & Scripps, LLP v. Koch, 2008 DJDAR 6301, arbitrator disclosed that he had served as an arbitrator in three cases in which the law firm was a party and other members of the firm had participated as counsel. He advised that none of those arbitrations concerned issues in the case at hand and stated that he did not believe this impacted his ability to be fair to both sides. At the arbitration hearing, the arbitrator said that one of the witnesses was someone that he knew well and had served on boards with. Lawyer tried to get the arbitrator to disqualify himself, arbitrator denied it and the appellate court affirms finding that the judge was not legally required to make these disclosures and therefore you can't disqualify him because he did.

Court Reporter Fees

In Serrano v. Coast Court Reporters (official cite may show different), 2008 DJDAR 6613, Coast was the court reporter for plaintiff's expert deposition. Defendant's counsel requested expedited

Continued on page 13

TRIAL LAWYERS FOR PUBLIC JUSTICE: ANALYSIS

U.S Supreme Court Slashes Punitive Damages in Exxon Mobil Shipping Co. v. Baker

By: Leslie Brueckner, Public Justice Staff Attorney

On June 25, the United States Supreme Court slashed a $2.5-billion punitive damages award against oil giant Exxon Mobil Corp. and its shipping subsidiary for the massive 1989 oil spill in Alaska's Prince William Sound—an incident that sparked a 13-year courtroom battle over money damages.

In 1994, after a lengthy trial, the jury ordered Exxon to pay $5 billion in punitive damages for the economic harm and devastation its misdeeds caused the people and commercial fisheries who fished in the formerly-pristine area. The federal district court and appeals court upheld the verdict, but Exxon kept fighting, and with the Supreme Court announcing new limits on punitive damages in other cases, ultimately got the verdict cut in half, to $2.5 billion.

Exxon then persuaded the Supreme Court to take the case, arguing that the company should be totally insulated from punitive damages because the case arises under maritime law—which Exxon said does not permit punitive damages. Exxon also argued that even if punitive damages are available in maritime cases, the award should be slashed because the punishment—so said Exxon—did not fit the crime.

Public Justice had joined an amicus brief in the case (principally authored by Robert Peck and Jeffrey White of the Center for Constitutional Litigation), urging the Court to reject Exxon's bid to evade full punishment for the harms caused by the notorious wreck of the Exxon Valdez oil tanker. The Court agreed with Public Justice and other amici that the punitive damages award is not preempted by federal law, but it held that the punitive damages award was excessive, ruling that, in maritime cases, "a numerical 1:1 ratio [of compensatory to punitive damages] is a fair upper limit..."

This is the first time in history that the Supreme Court has imposed a precise numerical limitation on the permissible amount of punitive damages. The ruling will inevitably have a ripple effect in myriad future maritime cases by restricting the ability of judges and juries to punish particularly outrageous misconduct, thereby reducing the deterrent effect of damage awards. But the immediate practical effect of the ruling is cause enough for concern: the decision will reduce the $2.5-billion punitive damages award against Exxon Mobil to a little over $500 million, which is only a tiny fraction of the company's total annual net profits.

In fact, according to CNN (http://money.cnn.com/2008/02/01/news/companies/exxon_earnings/), the company recently made history by reporting the highest quarterly annual profits ever for a U.S. company, boosted in large part by soaring crude prices. Just last year, Exxon Mobil set an annual profit record by earning $40.61 billion—or nearly $1,300 per second. That exceeded its previous record of $39.5 billion in 2006.

In light of the enormous environmental, social, and economic devastation wreaked by the 1989 crash, the reduction of the punitive award to what amounts to a mere slap on Exxon's wrist is deeply troubling.

The underlying facts of the case are well known. The Exxon Valdez oil tanker was piloted by an alcoholic captain known to the company to be experiencing a relapse. The

Continued on next page

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Exxon Mobil Ruling

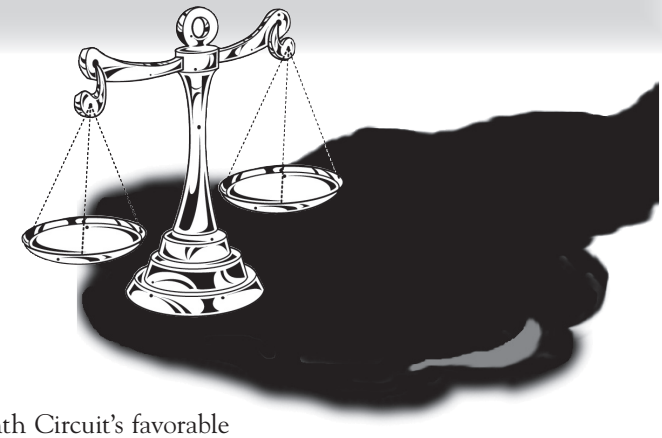
Continued from page 3

tanker crashed into a reef located in Prince William Sound, which ripped open the ship's hull, releasing 11,000,000 gallons of crude oil into the Sound. The crash resulted in what the U.S. Supreme Court previously called the "most notorious oil spill in recent times." United States v. Locke, 529 U.S. 89, 96 (2000). The devastation to the environment and the wildlife contained within it was unprecedented. The oil spill also disrupted the lives and livelihoods of thousands of people in the area for years, destroying much of the fishing industry and the subsistence activities of Native Alaskans.

Although victims of the oil spill have been provided with some compensation for their injuries, the industry and others affected by the oil spill have been forever damaged. Many believe that Exxon Mobil has not adequately been punished for what is viewed in many circles as outrageous misconduct.

The Supreme Court's decision cutting the punitive damages award is a horribly sad ending to a terrible chapter in American history. But there is some good news. First, because Justice Alito recused himself from the case, the Court deadlocked four-to-four on the question of whether a shipowner can be held vicariously liable for the reckless acts of its "shipmasters." (Exxon argued that it could not, but the United States Court of Appeals for the Ninth Circuit disagreed.) This split decision means that the Ninth Circuit's favorable ruling on that point remains on the books.

"The Supreme Court's decision cutting the punitive damages award is a horribly sad ending to a terrible chapter in American history."



Second, the Supreme Court refused to buy Exxon's argument that the federal Clean Water Act "preempts"—i.e., totally wipes out— the punitive damages claims against the oil company. If the Court had adopted that argument, it not only would have been grim news for Clean Water Act cases, but it also could have restricted the availability of punitive damages in numerous other areas involving similarly worded statutes.

Third, the part of the decision that imposed a 1:1 ratio between compensatory and punitive damages is restricted to maritime cases, and it seems unlikely that it will have any impact outside that narrow area of the law (despite what some conservative pundits are saying to the contrary).

There are at least two reasons for this. First, the Court itself made clear that its ruling is limited to maritime cases, where it has a rare authority to enunciate "federal common law" (i.e., federal judge-made law). The Supreme Court has no such authority with respect to ordinary civil litigation, where the Court's role is limited to considering whether punitive awards imposed under state law violate the U.S. Constitution's due process clause.

An equally powerful reason why the Court's ruling will most likely be restricted to maritime cases is that two of the Justices who agreed with imposition of a 1:1 compensatory-to-punitive-damages ratio in maritime cases—Justices Scalia and Thomas—have previously written in dissenting opinions in numerous other punitive damages cases that they do not believe that there is any constitutional due process limitation on the amount of punitive damages that can be imposed in ordinary (i.e., non-maritime) civil cases. So it is virtually certain that those two justices, at least, would not support any future efforts to apply a strict 1:1 numerical ratio in other contexts.

In short, even though the Supreme Court's decision is heartbreaking in many respects, it could have been worse. Such are the victories of our times.

JUDGE JAMES MIZE

"Pillah" Talk©

with Judge James Mize

An ongoing series of interview with pillars in the legal community
By: Joe Marman

Q. Tell me about your past life before becoming a judge. You used to practice Family, didn't you?

A. Early on, I practiced Personal Injury, Criminal, Family, Probate and general civil. It sounds silly now, but you could do that 30 years ago. Frankly, in college, I didn't even want to be a lawyer. I wanted to be a pilot. My dad was in the Air Force, and I wanted to go to the Air Force Academy. I ended up going to Cal because they had a cyclotron. Do you know what a cyclotron is?

Q. I follow science, but I don't know what a cyclotron is.

A. Cyclotrons smash atoms. A cyclotron takes a charged particle and pushes it in a spiral pattern at a huge speed until it crashes into another atom or particle and something happens. It can combine with other particles, break apart other particles and either release or absorb energy—probably more than you wanted to know? So, that is what I wanted to do. I moved to Berkeley because they had a cyclotron and I wanted to become an engineer.

Q. What did you want to do with your engineering? Make bombs?

A. No, I just wanted to smash atoms and make rockets that go to the moon and develop energy sources, which are totally self-sustaining, etc. Ultimately, I discovered that I enjoyed science as a hobby but did not have the focus to do only that. Then I wanted to be a doctor, and I changed my mind again, and got my Master's degree in social policy planning from Berkeley. Finally I realized I didn't have a club I needed to make the social change I wanted to effect. I figured that law would give me that club. I wanted to say to someone, " See you in court." I wanted to be a trial lawyer.

At that time I was at Cal for almost seven years, obtaining my Bachelor's degree and my Master's degree. I finished 10 years of college at USF in SF with my law degree.

Q. Do you have any comments on any brilliant strategies watching lawyers as a judge?

A. I just want to say that the Bar in Sacramento is superb. For the most part, the attorneys are excellent; they come in prepared. I appreciate the job of a lawyer, having been in the trenches myself for over 25 years before I became a judge. When lawyers come into court, for the most, part they are very well prepared. I have a lot of respect for the Bar in California in general, but in Sacramento in particular.

As a presiding judge, my role is a little different. Going back to my interest in technology, I helped several prior PJ's to install, in every courtroom in this courthouse, a complete tech package, including a beautiful projector—a visualizer that is so powerful you can focus in on the head of a pin and show it to a jury. In addition, each package includes a connection to a laptop so that you, as an attorney, can project anything to a jury, including the major points of your argument.

Presiding over my civil and criminal trials, I always use a power point presentation in opening, voir dire and pre-instruction. At the end, of course, I use a PowerPoint final instruction. In this multimedia age, I believe it is critical that jurors get the opportunity to see what they are supposed to learn as well as hear it.

Judge Couzens developed one of the first PowerPoint trial packages. I started with his and made some changes to it. Now I am delighted to say that four to five judges in our court use PowerPoint in their courtrooms.

As an attorney, this stuff should be pretty exciting. Now all you need to bring in to court is a little flash drive that can store every slide you could ever want for a two-day or two-year trial. If I had to give some advice to young lawyers, the old lawyers are too old and will not change (smile here!) but if I had to give advice to young lawyers, it would be: If you do not put together some visual aid in your opening or in your closing

Continued on next page

Pillah Talk

Continued from page 5

arguments, then the jury will perceive you as being far behind the other side, and that perception may carry over to a conclusion that you are not as prepared—or worse, that your facts are not as convincing. It is not a risky prediction that in 10-15 years, attorneys, judges and jurors alike will think it quaint that a trial would be attempted without using computer-aided multimedia.

Our jurors are bombarded with multimedia. When they come to court, they may expect something that looks like Clarence Darrow, but deep down, they would prefer something closer to the Beijing Olympics. If all we want to do is "look" distinguished, then maybe the 19th Century is adequate, but if we are trying to convince people or to help them understand the law and the facts, then it is silly to not take advantage of 21st Century science. Your laptop is a friend who can take you there. And now you do not even need to bring your own laptop because the court is providing one for you.

I recall one case where the two attorneys had never used a computer in a trial. I did my normal PowerPoint opening and by the time we got to argument, both were convinced (shamed??) to try it. They became so adept in such a short time that while the defense put on his PowerPoint argument, the prosecution was modifying his reply on his laptop. He was able to project on the screen a visual argument against what the defendant had projected only minutes before.

When people see it projected with graphics, words and large numbers, it cannot but help but aid the jurors to understand your case. Whether it is convincing, of course, depends on a lot of things, like, maybe the facts. But if you believe the facts are in your favor, then you want to do everything you can to assist the jury to come to the same conclusion you drew when you took the case.

Q. Do you think civil practice should change in anyway?

A. Well, I strongly believe in the jury system and the rights of individuals to get redress against grievances for personal injuries, and other damages. There are the twin problems of cost and time. Today, as many of your readers have heard me say, we simply do not have enough judges in Sacramento. We have roughly 60 judges, and by a neutral study, we need 90. If we had 90 judges, we would be begging attorneys to come to court and try their cases. In spite of that deficit, we do an incredible job in this court in getting trials out. Of the 30 judges that we need, we are going to get six in July of 2009 and five more in July 2010. In addition, we have five retiring judges who need to be replaced by the governor. Nevertheless, we are getting every single criminal case out, along with many civil cases. Some other counties have had to entirely close their civil departments.

Until we will get those new 11 judges, we will be a little short. I spoke to groups of select attorneys at CCTLA and the defense bar about the need to be creative for the next two years, e.g. eight-person juries on the smaller cases? We do have an aggressive settlement department. It is a function of the tremendous contribution by pro tem attorneys from both sides who take their jobs very seriously

Q. Do you think that part of the budget problems that we are experiencing in the state, which caused this shortage of judges, is President Bush spending so much money in Iraq, where otherwise, we would have more money coming from the feds to give to the states, and then we could hire more judges and fix our state's budget problems?

A. Sorry Joe, in this court, the judges including the PJ, do not wear "red" and "blue"—we all wear black.

Q. Can you comment on the restriction of civil rights in America, such as what is happening in Guantenamo, or in the telecommunications personal phone data searching that is going on?

A. To the extent that an issue is only political, the courts should not get involved. Politicians and the people who elect them should make these decisions. Where I think the courts can make an effective and necessary contribution is in advocacy for the Rule of Law. If the Rule of Law is not followed, then whatever system results won't be worth saving. A country without respect for law is at best chaotic and at worse, ruled by tyrants. Judges have a sacred obligation to remind our brothers and sisters in the other two branches about this imperative.

I have heard of a colonel, a JAG officer who came back from Iraq and said that no amount of boots on the ground will ever bring peace to Iraq until they have a judicial system that is fair and honest and that people can trust. We in America take that for granted. Inconsistent or corrupt judiciaries are the norm in the rest of the world. If it were not for lawyers doing their jobs honestly, and assertively, and if not for judges doing their jobs honestly, and dispassionately, then our civilization would fall apart and there would be no reason for this country to exist.

Q. When you become a judge or others become judges, is there a change of philosophy? Do you find there to be a problem in certain judges handling certain types of cases?

A. Number one, in the Sacramento Courts, for the most part, all of our judges are all generalists. Further, each understands that their role is different from that of an advocate. Their role is to decide the case on the facts and the law, regardless of the potential impact on their own political philosophy or "agenda." I would say that what is amazing to me is not that there may be an occasional judge who does not do that, but that there are so many judges who, day after day, apply the same dispassionate neutral standard in making their decisions.

But having said that, I do not consider, in making appointments, where somebody came from, whether they were or are Republican or Democrat. All I care about is whether they can do the job. In Sacramento, it is pretty easy, since all the judges on the bench here can do their jobs.

When I first came to the bench, I did wonder whether I would have to

Continued on next page

Pillah Talk

Continued from previous page

throw into jail a guy who stole a loaf of bread to feed his family. Well frankly, that situation has never come up. The people who I have sent to prison I thought deserved to go to prison, and that is why I did it. And the people that I put on probation deserved to be put on probation. Probably 95-99% of all cases would be decided the same way by any judge on our court. There are only a few cases where the differences in sentencing or result would be substantially different—and those are the exceptions that prove the rule.

Q. Locally, in our Sacramento court system, who came up with this horrendous court case numbering system and the need to file an additional copy of all documents for scanning? It is quite a waste of postage and paper for us attorneys.

A. You are talking about CCMS. CCMS is a system that is designed by the Administrative Office of the Courts and when completed and bug-free, will be a system to allow statewide sharing of case data. The numbers have to be consistent throughout the state and, thus may seem a little odd. We all hope that the state computer folks can do that job in the near future Remember, it wasn't that long ago when there were 400 different jurisdictions in this state. We had ZERO case data sharing then. Today we still have 58 separate jurisdictions, so there is still a lot of coalescing to do.

Q. How is the scanning system working where we need to present the original and one copy to the court?

A. Slowly, but we are getting there. We are going to do all the things we need to do to get it to work. Frankly, we really want to get to a totally paperless system. You press a button in your office, charge it to you credit card company, and your complaint or motion is filed and you never set a foot outside.

Q. Can we talk about your personal life? I understand that you volunteer for a charity frequently. Tell me about that.

A. It is called Sharing God's Bounty. For the last 26 years, on each Tuesday between 6 and 7 p.m., we serve several thousand meals a month to anyone who is hungry, at our church at Bell and El Camino. In these 26 years, we have served over 750,000 meals. We have never missed a Tuesday. We also give out bread and some bagged food; clothes, blankets and sleeping bags in the winter; and advice to those in need of social services in Sacramento. Everyone can volunteer; not just those in our church. It happens to be a Catholic church, but our volunteers are Jewish, Muslim, even atheists and probably every other religion in the Sacramento Valley. What they all believe is that folks who are hungry should be shown dignity and provided a hot, nutritious meal. That's all I care

Continued on next page

Q&A Luncheon is opportunity to benefit from shared info

By Jack Vetter

An exceptionally large group met at Vallejo's in August. We followed up on the results of earlier evaluations by the group and found that clients and attorneys had increased their recoveries as a direct result of input from the group. Some shared information on experts, and the inevitable lien quirks, filled out the day.

Collaboration works. Come on over. Mark your calendar now so you don't discover you just missed it. Jot a note when an issue comes up so you have it ready on the day. No reservations needed. No advance blind food selection. No MCLE. No handouts. No cancellation fee. No late arrival penalties. BUT....No non-members of CCTLA. You get really good Mexican food, cooked to order. Bring a question and your own experience to share with others.

We meet the second Tuesday (Oct. 14, Nov. 11) at noon at Vallejo's Restaurant, 4th and S streets.

See you there.

President's Message

Continued from page one

most powerful of corporations. Hopefully, our next President of the United States will appoint Justices who recognize the rights and needs of the consumer.

CCTLA strives to benefit its members. On the educational front, CCTLA has offered some excellent programs over the last several months. I would like to especially thank Judge Judy Hersher for taking time out of her busy schedule to provide the insightful voir dire interactive educational program which was extremely well attended.

Likewise, John Demas' problem solving seminar, "Anatomy of a Jury Verdict," provided a wealth of valuable information to our members. Jack Vetter's luncheons continue the second Tuesday of each month for roundtable discussions of legal issues that directly effect your practice. Please let me know what other educational programs you believe will benefit our members.

The CCTLA Form Bank hit a few roadblocks but will be up and running by the end of the month. It consists of excellent and winning law and motion, trial and pretrial papers, as well as pleadings, arbitration and appeal briefs that our members will be able to download and use in their practice.

For those of you who want to contribute to the form or depo bank to assist members, please email in Word, Word Perfect or in PDF format all of your papers to me or our executive director, Debbie Keller, at jilltelfer@yahoo.com or debbie@cctla.com. When accessing the form bank, you will find a table of contents which directs you to all of the documents under specific categories. You will be able to download these forms to use soon.

CCTLA remains active in the community, including sponsorship of the Mustard Seed Spin and the Volunteer Center of Sacramento Birthday Wishes Event. Nearly 300 children are homeless every day in Sacramento County. The Mustard Seed Spin is a cycling event for kids on the American River BikeTrail that raises money for the Mustard Seed School for these underprivileged children. The Birthday Wishes Event brings personalized birthday parties to children who reside in local homeless shelters. I welcome your input in ways CCTLA can become further involved in improving our community.

In closing, congratulations to each of you for fighting the good fight. Together, we can effectively place limitations on corporate/insurance abuses of power that harm our clients and the world in which we live.

Pillah Talk

Continued from page 7

about. Yesterday, we fed a crowd of 745. The week before we had 670.

Q. What other hobbies or things do you do outside of your job?

A. I play basketball twice a week—full court. I need it to counterbalance the endless sitting that is one of the more difficult requirements for being a judge

Q. I see you limping. Isn't that hard with basketball?

A. No, I had blown out both knees at different times. They are OK now, but I no longer have the speed, skill and hops of Michael Jordan—but, come to think of it, I'm not certain I ever did.

Q. So, you are busy on every Tuesday, Thursday and Sunday evenings.

A. And Wednesday if you count teaching Catechism.

Q. What are you going to do with your retirement?

A. I do not see myself retiring. I can see working for another 15 years—until I am pushing up tulips, and they drag me by my heels off the bench.

CCTLA hosts Mustard Seed Spin

Photos of the 2007 Mustard Seed Spin
www.mustardseedspin.org promises 2008 photos soon

The fourth annual Mustard Seed Spin took place on Sunday, Sept. 28 on the American River Parkway, staged from William Pond Park. We had 631 registered riders—children and some adult supervisors— who traveled between Watt Avenue and Lower Sunrise Park on their bikes. Raley's Deli sandwiches were served at sunrise, and ice cream greeted the kids at the finish of the 20 mile ride. Nine new bicycles were raffled off.

Capital City Trial Lawyers sponsored the event and donated helmets to those in need and paid the registration fees for those kids who could not afford it.

Other sponsors included Kaiser, Fox 40, Jelly Belly and many more which raised funds for the Mustard Seed School for homeless children (affiliated with Loaves & Fishes), estimated to exceed last year's $24,000 contribution.

It was a warm and wonderful day along the scenic American River, and the event promoted a feeling of community, bicycling safety and physical fitness among the broad crosssection of kids who attended. Many children expressed their gratitude to the sponsors for promoting this annual, and growing, event for them.

RECENT VERDICTS

On July 31, CCTLA Board Member Michelle Jenni, of Wilcoxen Callahan, Montgomery & Deacon, won a Plaintiff's verdict of $218,736 with 20% of comparative fault by Plaintiff in a Muni bus passenger case. Plaintiff Arlene Mackenroth was boarding a San Francisco Muni bus when it suddenly lurched forward, knocking her off her feet and into the edge of a hard plastic seat. Three other passengers who also were boarding fell or almost fell. Arlene did not report the incident at that time because she thought she had just bruised her hip and it would get better. When the pain did not subside with physical therapy and when it began to radiate down her leg, she made a claim with the City of San Francisco, requesting to be reimbursed in the amount of $110, plus her Kaiser visits. Her claim was rejected.

Arlene continued treatment at Kaiser but did not feel she was progressing. She sought a second opinion from Dr. William Duffy, an orthopedic surgeon who had treated other memebers of her family. Dr. Duffy suggested an MRI, which Kaiser performed, and it was discovered that she had a herniated disc at L4-5. Dr. Duffy recommended management of her condition with conservative measures such as acupuncture, exercise and medication. Fortunately, Arlene was able to successfully manage her condition with these modalities.

Before filing suit, Arlene offered to settle her case for $6,500. After filing suit, the city took the position that it was unable to identify the driver of the bus despite the fact that Arlene gave them the date, the time, the direction, the bus line and that the driver was a male in his late 40s and of Asian or Hispanic descent. Plaintiff did a 998 for $45,000; defendant did a 998 for a waiver of costs. On the eve of trial, defendant offered $10,000. The jury awarded $10,036 in past economic damages, $70,000 in future economic damages, $10,950 for past non-economic and $127,750 in future non-economic.

Plaintiff's only expert was Dr. Duffy; Defendant did not put on any expert medical testimony nor did it ever identify a driver.

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RESULT DATE: July 9, 2008
Orlando Diaz v. Kevin A. Williams (06AS01162)
Hon. David W. Abbott, Sacramento Superior Court
TOPIC: Personal Injury / SUBTOPIC: Auto v. Auto
FURTHER DESCRIPTION: Lane Change Collision
VERDICT: $135,000

ATTORNEYS: Plaintiff - Matthew P. Donahue (Sevey, Donahue & Talcott, LLP, Granite Bay); Defendant - Michael M. McKone (Law Offices of G. Michael Johnston, Sacramento).

MEDICAL: Plaintiff - Otashe N. Golden, M.D., general practice, Elk Grove; Tami Hendricks, P.T. physical therapy, Sacramento. Defendant - Ronald F. Dugger, M.D., neurology, Stockton

FACTS: On Feb. 14, 2005, plaintiff Orlando Diaz was driving in the farthest right lane, going north on Howe Avenue near Hallmark Drive, Sacramento. Kevin Williams cut off Diaz with his vehicle, causing Diaz to veer right in order to avoid a collision. In doing so, Diaz crashed into a vehicle in a parking lot that was stopped and waiting to turn right on Howe. Diaz brought an action against Williams, alleging he caused the accident with the third car.

DEFENDANT'S CONTENTIONS: Williams claimed that the car in front of him did not have working brake lights. Thus, when that car suddenly halted, Williams quickly reacted by swerving, which caused him to cut off the defendant.

PLAINTIFF'S CONTENTIONS: Diaz denied all allegations and called as a witness the driver whose car allegedly lacked functional brake lights to testify that his lights were actually in working condition and that he did not suddenly stop in front of the defendant's car.

INJURIES: Diaz received medical treatment on the day of the incident for back and neck pain and claimed a concussion. Later it was determined Diaz did not have a concussion. He was released. Two days later, he had X-rays taken as well as thoracic and lumbar spine MRIs, showing loss of signal and height at C7 absent herniation plus some straightening of the lumbar lordosis. After Diaz complained of continuous neck and back pain, he received physical therapy. He testified that he still felt pain in his neck and back and that his doctor said these conditions would not improve. Diaz claimed he could not work for 10 days.

JURY TRIAL: Length, three days; Poll, 8-0 (on liability), 7-1 (on damages). Deliberation, three hours. SETTLEMENT DISCUSSIONS: A demand for $25,000 was made and an offer for $6,000 was returned. RESULT: Jury found in favor of Diaz, finding Williams 100 percent at fault and awarding the plaintiff $135,000 in damages.

OTHER INFORMATION: Insurer was Allstate Insurance Co.

"What's New in Tort & Trial: 2008 in Review"

A seminar presented by CCTLA, featuring Patrick J. Becherer, Esq. and Craig Needham, Esq.

Thursday, Jan. 15
6 - 9:30 p.m.
Capitol Plaza Holiday Inn at 300 J Street

Appetizers to be served.
Registration begins at 5:30 p.m.

Earn 3 MCLE Credits
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Thursday, Dec. 11
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Open to all CCTLA members and those who make our jobs possible. Free to honored guests, CCTLA members and one guest per invitee

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JUDICIAL INCREMENTALISM IN MEDICAL DAMAGES

Olsen v. Reid, the Collateral Source Rule and Possible Legislative Intervention

By: Steve Davids

Charles Dickens was the literary equivalent of the first insurance defense attorney: he was paid by the word, which may explain the 912 pages of Dombey & Son. His novels were also serialized, meaning that eager readers had to wait a week or more to read the next chapter in their favourite periodical. Litigating medical damages in 21st Century California feels a little like waiting for the next Dickens serial. Hanif v. Housing Authority (1988) 200 Cal.App.3d 635 capped a plaintiff's *recovery* at the amounts actually paid or incurred for medical damages.

Nishihama v. S.F. (2001) 93 Cal. App.4th 298 agreed with Hanif regarding recovery, but refused to remand the case for re-trial just because the jury had learned of the billed amounts, reasoning that these were likely a more accurate indicator of extent of injury.

Greer v. Buzgheia (2006) 141 Cal. App.4th 1140 agreed with Nishihama, and added another incremental piece: to effect the post-trial reduction in medical damages envisioned by Hanif and Nishihama, the verdict form had to itemize medical damages as a discrete amount from other economic damages.

Part of the problem here is that both Hanif and Nishihama involved activist judges (John McCain: be alerted!) who dictated the terms of revised judgments to the trial courts, instead of remanding them for further proceedings consistent with the respective opinions. Greer was a tantalizing prospect, since it was the first case (of which I am aware) that presented to the appellate courts the sticky issues of the procedural niceties of what is often called a post-trial Hanif (or Nishihama) hearing. Unfortunately, the Greer Court never addressed procedural issues.

On June 23, the Fourth Appellate District in Orange County furthered our incremental journey in Olsen v. Reid (2008) 164 Cal.App.4th 200, an overall "good result" for the plaintiff's bar but something of an analytical train wreck with three separate opinions (two of which were by the same justice)! The defendant moved *in Limine* to admit evidence of what was actually paid for medical damages, which was (properly, in my view) denied by the trial court, which stated that any reduction would be handled post-trial. (Page 202.)

At the post-trial hearing, the defendant submitted a 22-page hospital bill, one page of which contained abbreviations purportedly showing "cap adjustments" of over $57,000 against the total billings of about $62,500, and also contained "handwritten notes from an unclear source." (Page 202.) The trial court felt the "write-offs" were "clear" and reduced the judgment. (Page 203.)

In a one-page discussion, Justice Moore (for the Court) reversed the trial court's ruling, proclaiming that "we find it far from clear as to what was paid, if anything was 'written off,' and to what extent" the plaintiff remained liable for any charges. The abbreviations were "cryptic" and the hand-written notes were also discounted because "Their provenance is unknown." (Page 203.)

So far, so good. However, adopting a disheartening judicial reluctance to meddle in the everyday realities of trial court practice (even though the trial courts are often thirty for guidance), Justice Moore declined to answer the "question of what form a motion to reduce the judgment under the purported Hanif / Nishihama rule should take."

This reluctance is indeed regrettable. I was recently before the Third District Court of Appeal (on a matter that was ultimately not published), which bemoaned the fact that these medical damages cases have been litigated for fully 20 years since Hanif, and we still have no clear answers regarding the method of adjudicating reductions to amounts paid.

In a separate concurring opinion

Continued on next page

Olsen v. Reid

Continued from page 11

to his own majority opinion in Olsen, Justice Moore agreed with the Third District that "Procedural confusion as to the form of this hearing demonstrates another problem with judge-made rules of this kind": none of the cases so far have addressed what form the post-trial hearing is to take, or what the appellate standard of review should be. In Olsen, the parties agreed that the plaintiff had the burden of proving the amount of reasonable medical damages during trial, but "each contended the other had the post-trial burden of proving the amount actually paid." (Footnote 3.)

That issue certainly needs clarity. I can imagine a Pollyanna plaintiff declining to research amounts paid on the assumption that the defense had to perform that leg work, and then being told by the trial judge that if the plaintiff could not prove the amounts "paid or incurred" under Hanif that medical damages would be entered on the judgment as zero.

Instead of attempting to wade into the messy work of fashioning a procedural mechanism, Justice Moore's separate concurring opinion went off on a somewhat unfortunate tangent, questioning whether Hanif and Nishihama were even consistent with the collateral source rule. As a plaintiff's partisan, it's nice to have a reported opinion (even if it is only the opinion of a single judge) that makes this argument. Unfortunately, I can't bring myself to agree with it. Instead, I agree with the separate concurring opinion of Justice Fybel that Hanif was adequately based upon statutes, case law, and the Restatement 2d of Torts section 911, comment h, which establishes the "reasonable exchange value of the services at the time and place" they were provided as the measure of recovery. The Restatement also says that if the injured person pays less than then exchange rate, then he or she "can recover no more than the amount paid, except when the low rate was intended as a gift…"

My personal view is that the collateral source rule is a rule of evidence, and was properly applied by Nishihama, Greer, and Katiuzhinsky v. Perry (2007) 152 Cal.App.4th 1288 to allow admissibility of the full billed amounts. Hanif, however, is a rule of recovery, not evidence.

The counter-argument is that individuals with insurance pay less for medical care than uninsured persons, and therefore are able to collect fewer dollars for medical damages. Facially, this seems inconsistent with the collateral source rule.

However, this argument ignores the consequences of liens. In 2006 my daughter underwent spine surgery for congenital scoliosis. The hospital billed over $212,000 for the procedure, but accepted only $22,000 from my employer's insurer. Had my daughter received her injury in a car accident, I would have recovered $22,000 from the defendant, and paid some or all of it back to the insurer. Had I been uninsured, I would have incurred a debt to the hospital for $212,000, and would have recovered that amount from the defendant and paid some or all of it back to the hospital.

The numbers are vastly different but the effect is the same in either scenario: I am a pass-through for the hospital or the insurer. While my net recovery under the two scenarios may have depended on my facility with lien negotiation, the fact remains that my daughter's and my actual damages that we incurred were largely the same.

As the presidential candidates would likely acknowledge, medical insurance in this country has become a Byzantine world of private, public, and supplemental insurance coverage, including negotiating groups, co-payments, provider agreements, liens, and the like. (See Olsen, page 212-213.) There are experts who can and do testify that numerous non-financial incentives and collateral agreements with insurers and other payment entities motivate hospitals to vastly alter what they are willing to accept in payment.

"As the presidential candidates would likely acknowledge, medical insurance in this country has become a Byzantine world of private, public and supplemental insurance coverage, including negotiating groups, co-payments, provider agreements, liens, and the like,"

In my daughter's case, I was part of Blue Cross, which probably sends all of its members who need spine surgery to Sutter hospitals. That volume dealing has real economic value *to the hospital* that drastically reduces its fee, but how can that be squared with the concept of medical damages paid or incurred by an individual plaintiff who (in my case) did not even personally pay a dollar in premium or co-payments? Those non-financial incentives cannot, except in the most gross *pro rata* sense (which likely would not dramatically affect a plaintiff's recovery), be linked to an individual patient-plaintiff.

I would like to think that omnibus medical damages legislation could clarify procedures, burdens of proof, competence of evidence. Getting the various parties to agree on a legislative package could be much trickier.

Meanwhile, we await the next judicial exercise in incrementalism, much as Dickens's initial readers awaited the solution to the Mystery of Edwin Drood. Unlike them, I hope we eventually receive an answer.

Allan's Corner

Continued from page 2

copy of the transcript and asked if plaintiff's counsel also wanted expedited copy. Plaintiff's Counsel was billed $373.65 for a 141-page depo plus $14 for exhibits plus $261.56 for an expedite charge, $10 to e-mail an asci version, and $40 for shipping and administration. Plaintiff's counsel objected to the expedited service charge feeling that defense counsel should bear the additional cost. Trial court on motion by plaintiff felt that he had no authority to lower the cost. Appellate court reverses finding that these orders are appealable as collateral orders and thus an exception to the one final judgment rule and further finds that the trial court does have jurisdiction to hear and decide the dispute, has the authority to order a deposition reporter to provide a copy of a transcript to a non-noticing party for a reasonable fee and to determine the amount of the reasonable fee.

Government Tort Liability

In California Highway Patrol v. Superior Court, CHP officers responded to a non-injury car accident involving a drunk driver. Car was stored rather than impounded. Drunk released that day and retrieved his vehicle. 9:30 that evening (three hours later), he collided with another car causing fatal injuries. Decedent's wife and son filed wrongful death complaints against CHP, claiming that the CHP had a mandatory duty to impound the car rather than simply store it. CHP moved for summary judgment, arguing that they did not have a mandatory duty under Vehicle Code §14602.6(a), and Judge Chen here in Sacramento found that the CHP is not under a mandatory duty to take any action, but once it does, because this person's license was suspended, there was a mandatory duty that they impound the car for 30 days. Third DCA reverses finding no mandatory duty.

Premises Liability

In Sheila Stone v. Center Trust Retail Properties, Inc., 2008 DJDAR 7871, landlord owned a shopping mall in which restaurant was a tenant. Restaurant defaulted on the rent, five-day notice to pay or quit was served and then an unlawful detainer complaint was and default of the restaurant was taken. Judgment for possession was entered on December 3, writ of possession was issued December 13, and landlord took possession on December 27. Plaintiff attneded a party at restaurant and tripped on a dangerous condition. Jury entered a verdict against the landlord. The court notes that landlords generally are not responsible where they have relinquished possession to a tenant unless the landlord has actual knowledge of the dangerous condition and the right and ability to cure. Appellate court holds that a landlord has a duty to inspect during unlawful detainer proceedings especially when landlord knew the restaurant was violating its lease by running an after-hours dance club and landlord should know that during unlawful detainer proceedings and after default on the lease, a tenant will ignore the premises' physical conditions. The landlord had the right and duty to inspect after it got the judgment of possession (not during the unlawful detainer action). Moreover, the lease gave the landlord here the right to inspect if the restaurant defaulted.

Exclusive Remedy Rule

In Caso v. Nimrod Productions, Inc., 2008 DJDAR 8207 (how could you expect to not get hurt if you're working for Nimrod?) plaintiff was a professional stuntman. The stunt he was performing for a television show called "MD's" required him to fall through a scored drywall ceiling onto a collapsible gurney and crash pad. The stunt coordinator advised Caso and Touchstone (producer) that he was unavailable the day the stunt was to be performed, and so he was replaced by another coordinator. Coordinator and producer refused to drill a hole in the ceiling at plaintiff's request and also failed to ensure that the center of the crash pad was properly placed. Crash pads were poorly maintained, and due to all this, plaintiff fell to the ground at an improper angle, missed part of the crash pad and slammed his head onto the ground. Motion for summary judgment was based on the individuals, stunt coordinators, etc., being special employees of Touchstone and therefore the exclusive remedy rule barred the suit by plaintiff as they were all co-employees. Trial court granted the motion and the appellate court affirms. A nice discussion of the special employee doctrine.

Uninsured Motorist Coverage

In Bouton v. USAA, 2008 DJDAR 8415, the California Supreme Court overrules Vantassel v. Superior Court, (1974) 12 Cal 3d 624, and holds that the issue as to whether or not someone is insured under the uninsured motorist provisions of the policy is an issue for the court and not the arbitrator. The court also holds that whether or not a default judgment obtained by the insured against the uninsured tortfeasor binds the insurer is subject to arbitration since that goes to liability and damages. This was an underinsured motorist claim so there was no problem going to judgment against the tortfeasor.

Government Tort Liability - Summary Judgment

In Labbs v. City of Victorville, 2008 DJDAR 8749, plaintiff sued the city on a dangerous condition theory. Her complaint did not mention the placement of a light pole. In her opposition to the motion for summary judgment, she added in undisputed facts an argument regarding the placement of the light pole without seeking leave to amend the complaint. The court held that those arguments and allegations and facts could not be considered. The court found that the city may be liable for an allegedly dangerous intersection even though they did not own that small portion of the intersection where the accident occurred because the site problems which were the dangerous condition would have affected drivers using the public entity's roadway.

998 Offers

In Chen v. Interinsurance Exchange

Continued on next page

Allan's Corner

Continued from page 13

of the Automobile Club, 2008 DJDAR 9227, defendants in a bad-faith case served a 998 that required execution of a release of all claims. The insureds had two claims as part of the bad faith case but also a third claim pending which was not part of the lawsuit. The appellate court (Second District) holds that this is not a valid offer. This would come in handy in a situation where the defendant's 998 requires the signing of a form release which includes a release of bad-faith claims against the insurance carrier and/or the defense attorney as many general releases now have.

Hanif and Nishihama Reductions

In Olson v. Reed, 2008 DJDAR 9393, the court holds that where there is no evidence of the true nature of the reduction and no evidence that the plaintiff is not still on the hook for the full amount of the bill, you cannot do a Hanif and Nishihana reduction. In briefing and oral argument, the court was asked to "overrule" the idea of these reductions on several theories. The court ducked it since the record was not complete enough in this case. There is an excellent concurring opinion by the PJ who wrote the majority opinion; however, it is concurring and not binding. Petition for rehearing that requested the court to remand for a further evidentiary hearing on the reduction was recently denied.

Government Tort Liability and Evidence

In Monroy v. City of Los Angeles, 2008 DJDAR 9664, defendant admitted that the police vehicle was not traveling Code 3 at the time of the accident in requests for admissions. At trial, they tried to introduce expert testimony regarding Vehicle Code Section 21055 exempting the vehicle due to the emergency nature of the call. The trial court allowed that and appellate court reversed finding the admissions are binding. Other requests for admissions attempted to be used by the defendant should not have been allowed to be used to contradict the earlier request because responses to requests can only be used against the admitting party. The court also stated the trial court erred in not allowing a deposition of a civilian witness to be used because all of the facts before the court (hearsay foundational facts) showed the witness was in Mexico.

Good discussion if you need to use a deposition because a deponent is unavailable. Further, the court had really good comments regarding unduly limiting expert testimony and opinions as well as cross-examination. Case should be read by anyone preparing for trial.

Insurance Coverage

In State Farm v. Superior Court (Wright), 2008 DJDAR 9798, defendant picked plaintiff up, threw him into a pool and missed the water, landing plaintiff on a cement step and breaking his clavicle. State Farm denied coverage and refused the defense, claining it was not an" accident" as defined in the policy. Trial court found in a dec relief case that State Farm owed a defense and the appellate court agrees. The basic holding is that "an accident can exist when either the cause is unintended or the effect is unanticipated." Nice coverage case.

Federal Tort Claim Act

In Hensley v. USA, 2008 DJDAR 10423, the Ninth Circuit holds that a claim accrues at the time of a motor vehicle collision and not later when an attorney general certifies that the driver of the other vehicle was acting within the scope of his federal employment at the time of the collision. The plaintiff's ignorance of the employment status of the federal employee is irrelevant.

Underinsured Motorist Coverage

In Explorer Insurance Company v. Gonzalez, 2008 DJDAR 10896, the Third DCA holds that where the underlying policy was $100,000 CSL (so it includes both BI and PD), and the UIM policy is $100,000, the policies are equal and therefore there is no underinsured motorist coverage. The court relied heavily on the State Farm v. Messenger case.

In my humble opinion, the court misconstrued the Messenger case's main holding (that you trigger UIM coverage "by a comparison of the tortfeasor's bodily injury liability limits with the injured person's underinsurance limits.") by here, comparing a combination of BI and PD limits to underinsured motorist limits. In other words, the court in Gonzales has compared a package containing both apples and oranges to another package containing only oranges and found them to be identical.

Civil Procedure

In Julius Schifaugh, IV Consulting Service, Inc., v. Abarus Capital, Inc., 2008 DJDAR 11077, the court holds that where a default judgment is entered in excess of the amount prayed for in the complaint (or 425.11 letter), the court does have jurisdiction to set aside the default judgment and allow an amendment to the complaint.

Mediation Confidentiality

In Simmons v. Ghaderi, 2008 DJDAR 11107, the Supreme Court holds that the mediation confidentiality statutes are not subject to court-created exceptions and thus oral settlements reached at mediation are not enforceable.

Juror Misconduct

In Bandana Trading Company v. Quality Infusion Care, Inc., 2008 DJDAR 11135, one of the jurors applauded at a point in respondent's closing argument when he read the jury instruction about disbelieving all evidence from a witness found to be willfully false. Appellant moved to disqualify the juror. The trial court interviewed all jurors, found that none of them were prejudiced or influenced by this applauding, and the appellate court agreed that while technically misconduct, this was not grounds for removal of the jury or reversal.

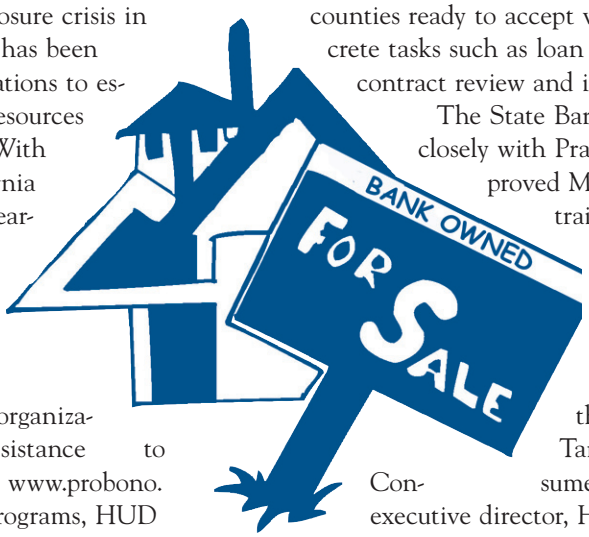
Sanctions for Violating In Limine Motions

In Clark v. Optical Coating Laboratory, Inc., 2008 DJDAR 11446, the First District finds that the courts have no inherent power to order opposing party's attorney's fees to be paid as sanctions for violation of in limine motions. Pretty much guts the whole idea of in limine motions, doesn't it?

CALIFORNIA MORTGAGE CRISIS

State Bar establishing website for public resources, attorney volunteer opportunities

In response to the mortgage foreclosure crisis in California, the State Bar of California has been mobilizing efforts with various organizations to establish a central repository for public resources and attorney volunteer opportunities. With the support of a grant from the California Bar Foundation, the Public Interest Clearinghouse is finalizing its foreclosure resource website for members of the public and for attorneys, with assistance from State Bar staff. The new website is ForeclosureInfoCA.org.



This site will list all agencies and organizations providing mortgage foreclosure assistance to consumers. The site also will link with www.probono.net/ca and will list the legal services programs, HUD counseling agencies, local bars and LRSs interested in using volunteer attorneys to address mortgage foreclosure issues on behalf of home owners and renters.

The official release of this website is expected to be no later than the end of September.

Legal services programs, bar associations and lawyer referral services that would like to be listed as an organization accepting potential volunteer attorneys to work on foreclosure-related issues within your organization or local task force can provide contact information and a description of the type of services needed to these contacts:

Legal Services Organizations:
Kate O Connor, Kate.Oconnor@calbar.ca.gov
Bar Associations/local task forces:
Leanna Dickstein, Leanna.Dickstein@calbar.ca.gov
Lawyer Referral Services:
Rodney Low, Rodney.Low@calbar.ca.gov

The website will offer resources for homeowners facing issues, along the full spectrum of foreclosure-related matters, including those individuals who are first-time buyers who are precariously close to going into foreclosure or who are facing foreclosure. The site will also provide information and resources for renters who are facing evictions from foreclosed properties.

The State Bar recognizes that attorneys are in a unique position with their knowledge and skills to offer very specific volunteer services and has been working with HUD counseling centers and contacts through the California Reinvestment Coalition, NeighborWorks America, and Housing and Economic Rights Advocates to identify those agencies in the hardest hit counties ready to accept volunteer attorneys to help with discrete tasks such as loan renegotiations on behalf of borrowers, contract review and identification of predatory lending, etc.

The State Bar is fortunate to be working very closely with Practising Law Institute (PLI), an approved MCLE provider that is developing training modules to educate attorneys on California law and loan modifications, recourse for renters who are facing eviction from a property in foreclosure, and other issues pertaining to this crisis. PLI is developing the programming with the assistance of Tara Twomey, Of Counsel at National Consumer Law Center and Maeve Elise Brown, executive director, Housing and Economic Rights Advocates (HERA).

The live training sessions will be free of charge and will be open to all volunteer attorneys, legal services advocates and HUD Counselors. Simultaneous webcasts also will be set up. All training modules will be available continuously online and free of charge to anyone interested in volunteering. It is anticipated that the training will occur in early November. Once the training dates have been confirmed, you will be notified. The information also will be posted on the volunteer attorney site.

If you are interested in viewing the training outline, send an email to bar.relations@calbar.ca.gov. Questions regarding remote sites for simultaneous webcasts can be coordinated through Rodney Low at Rodney.Low@calbar.ca.gov or (415) 538-2219.

Members of the public will be notified of this web resource through an informational postcard that will be distributed throughout the state, announcements on LawHelpCalifornia, the State Bar's website, and hopefully, through the various channels provided through your organizations.

State Bar President Jeffrey Bleich will reach out to the State Bar's membership emphasizing the importance of their help and directing them to ForeclosureInfoCA.org for volunteer opportunities.

Anyone with suggestions on the type of training needed or channels for distributing information to the public and the attorneys or who wishes to discuss any aspect of this project can contact Patricia Lee, director, Office of Legal Services Access & Fairness Programs, Patricia.lee@calbar.ca.gov or (415) 538-2240 or Carol Madeja, director, Bar Relations Outreach, Carol.madeja@calbar.ca.gov or (213) 765-1329.

California Mortgage Crisis:

State Bar coordinating public resources via new website

Page 15

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OCTOBER

Tuesday, October 14
Q&A Luncheon—noon
Vallejo's (1900 4th Street)
CCTLA Members Only

Thursday, October 23
CCTLA Problem Solving Clinic
Topic: TBA, Speaker: TBA
Location: Sacramento Courthouse, Dept 5
Time: 5:30 to 7 p.m.
CCTLA Members, $25

Friday, October 24
CCTLA Luncheon
Topic: TBA, Speaker: Ed Semansky
Location: Firehouse Restaurant—noon
CCTLA Members, $25

DECEMBER

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Time: 5:30 to 7:30 p.m.

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Speakers: Craig Needham, Esq., and Patrick Becherer, Esq.
Location: Holiday Inn, 300 J Street
Time: 6 to 9:30 p.m.
Cost: CCTLA Members TBA * Non-Members TBA

CCTLA COMPREHENSIVE MENTORING PROGRAM

The CCTLA Board has developed a program to assist new attorneys with their cases. If you would like to receive more information regarding this program or if you have a question with regard to one of your cases, please contact:

Jack Vetter: jvetter@vetterlawoffice.com Chris Whelan: chwdefamation@aol.com
Cliff Carter: cliff@ccalawcorp.com

Contact Debbie Keller @ CCTLA at (916) 451-2366 for reservations or additional information with regard to any of these events.

CCTLA Calendar of Events