

# The LITIGATOR

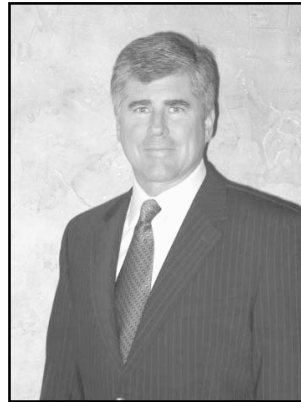
VOLUME IV

Official Publication of the Sacramento Consumer Attorneys

ISSUE 1

## President's Message

BY: CRAIG SHEFFER, PRESIDENT 2005



As we embark on 2005 our challenges remain the same: to preserve access to the courts for all so that redress may be had by those who are harmed by those who act badly; and, to keep ourselves educated and informed so that we can vigorously and effectively advocate for our clients. Unfortunately, for 2005 we still have Bush and Arnold in power, and the Corporate Welfare (tort reform) movement is stronger than ever both at the National and State levels.

We practice in an environment where the Corporate Welfare advocates (Arnold and his special interest groups such as the Chamber and the insurers) in our state are circumventing the legislative process and pushing their victims rights-limiting programs by way of the initiative and referendum process. Today, not even our Judges are safe from chilling attempts by special interest groups. In our environment we have an extremist group who, disgruntled with a judge who followed the law in ruling, mounts a recall campaign against the judge rather than taking their cause to the Court of Appeal, or working with the legislature to change the law – in other words, circumventing proper channels.

Fortunately, we are a sturdy lot! We have faced challenges to our practices, and our clients' rights, year-in and year-out. By banding together with CAOC, ATLA and each other, we have been able to fight the good fight in the political arena, and better ourselves educationally and practically so that we are able to fight the good fight for our clients when they do get their day in court.

This year, more than ever, we need to band together with our National and State-wide "partners", ATLA and CAOC, to fight

the political fights that are certain to arise. I will work hard, as your President as well as a CAOC Board member, along with the other local Board members and local CAOC Board members, to keep you apprised of the political battles as they arise. We will also let you know how you can help, as we all must be involved.

Now, more than ever, we also need to band together locally, as Capitol City Trial Lawyers Association members, to look after our local issues (such as Judicial recall attempts). Additionally, I am asking each of you to share your talents with our other members so that all of us have the ability to be equally educated and informed on the topics that affect our practices as trial lawyers. The better educated we are as a group, the better we can effectively advocate for our clients, and the better we look as a group. I wrote to each of you in late December asking for your help with our educational programs. We need SPEAKERS and we need IDEAS for program topics. Additionally, you can share your talents by submitting articles for publication in the Litigator. The articles do not need to be fancy--nuts and bolts "how

to" topics are great, as are reports of verdicts. In short, lets ALL get involved in our organization this year.

I am proud to be the President of CCTLA. I see this year as an opportunity to get back to the "roots" of our proud organization. With our new/old name – a name that more accurately reflects what we do – comes an opportunity for us to go into 2005 with our heads held high as TRIAL LAWYERS. Although we will face challenges to our clients' rights, and our practices, in the coming year, all is not "doom and gloom". Remember, we are trial lawyers, and we have the daunting, exciting, fulfilling, and socially important task of ensuring access to the courts for those who have been harmed by the conduct of others and who, in most cases, could not seek redress without us. Let us all contribute our time, talent and resources to our organization this year for the good of all.



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Check out our web page at:

[www.s-c-a.org](http://www.s-c-a.org)

# SCA's New Officers and Board

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456-8390 (home)

*Welcome to the  
Officers and  
Board of Directors*

## Calendar of Events ...

*(Sacramento Consumer Attorney's Upcoming Activities)*

### TUESDAY, JANUARY 11, 2005

Q&A Luncheon • Time: 12 Noon  
Location: Mexico 70 (6601 Folsom Blvd.) • SCA Members Only

### TUESDAY, JANUARY 25, 2005

SCA Seminar • "What's New In Tort and Trial: 2004 In Review"  
Speakers: *Craig Needham, Esq. and Patrick Becherer, Esq.*  
Time: 6:00 to 9:30 p.m. • Holiday Inn Capitol Plaza

### THURSDAY, JANUARY 27, 2005

SCA Problem Solving Clinic • "Internet Based Medical Research"  
Speaker: *David E. Smith, Esq.*  
Time: 5:30 to 7:00 p.m. • Sacto Courthouse, Dept. 2

### TUESDAY, FEBRUARY 8, 2005

Q&A Luncheon • Time: 12 Noon  
Location: Mexico 70 (6601 Folsom Blvd.) • SCA Members Only

### TUESDAY, MARCH 8, 2005

Q&A Luncheon • Time: 12 Noon  
Location: Mexico 70 (6601 Folsom Blvd.) • SCA Members Only

### MARCH 18-19, 2005

CAOC/SCA Annual Tahoe Ski Seminar, Lake Tahoe, NV  
Additional details to come

### TUESDAY, APRIL 12, 2005

Q&A Luncheon • Time: 12 Noon  
Location: Mexico 70 (6601 Folsom Blvd.) • SCA Members Only

### TUESDAY, MAY 10, 2005

Q&A Luncheon • Time: 12 Noon  
Location: Mexico 70 (6601 Folsom Blvd.) • SCA Members Only

*Contact Debbie Keller @ SCA @ 916/451-2366 for reservations  
or additional information with regard to any of the above seminars.*

### SCA COMPREHENSIVE MENTORING PROGRAM

The SCA 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 @ 441-4441, Allan Owen @ 444-0321 or @ ajowen@saclaw.net, Christopher Whelan @ 635-5577, or Joseph Marman @ 721-3324.

# Recall of Judge Loren McMaster

BY: CHRIS KREEGER

As many of you are aware, a small group of critics has launched an effort to recall Superior Court Judge Loren McMaster because of a recent decision he made.

On Tuesday, December 14th Loren was formally served with a Notice Of Intent for Recall that allows recall proponents to move forward with their petition.

Friends of Judge McMaster and a number of concerned citizens in Sacramento County have formed a political organization to defeat this recall effort and to defend Loren. The organization's contact information is:

Committee For Judicial Independence  
To Retain Judge McMaster  
FPPC I.D. No. 1272577  
1717 I Street  
Sacramento, CA 95814  
Email: nojudgerecall@yahoo.com

The committee has enlisted the help of political consultants at Townsend, Raimundo, Besler & Usher. The primary contact person for the anti-recall campaign is Bob Pence (916) 444 – 5701.

Lance Olson is heading up legal and political compliance efforts.

A number of supporters have indicated a desire to help defeat this recall effort. If you would like to make a contribution, please make a check payable to the Committee for Judicial Independence to Retain Judge McMaster and send it to the address above.

Contributions are not tax deductible. There are no limits on the amount you may contribute.

The campaign against the recall is expected to focus on the need to protect judges from the whims of political opponents and to support the constitutional separation of powers and the independence of the judiciary.

The campaign will update you with further information on the campaign as it develops in the coming weeks and months.

Please feel free to forward this email to others you think might be helpful in defeating this attempt to recall Judge McMaster.

If you do not wish to be on this e-mail list, please reply back to this e-mail requesting your removal from future emails.

If you would like to receive future updates but at a different email address please reply back to this email with the email address best for contacting you.



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## Hey Judge!

*(visualize the music of "Hey Jude" while reading)*  
"BASTARDIZED" BY CHRIS WHELAN

Hey, Judge, don't make it bad.

Take a sad case and make it better.

Remember to let a plaintiff into your heart,  
Then you can start to make it better.

Hey, Judge, don't be afraid.

Though you were made judge to be a gatekeeper.  
The minute you let plaintiff under your skin,  
Then you begin to make it better.

And anytime you feel her pain, hey, Judge, refrain,  
Don't worry the judgement's not upon your shoulders.  
For well you know that it's the defendant who pays. It's cool.

Now make the plaintiff a little wealthier.

Hey, Judge, don't let me down.

They have found for her, now go give it all to her.  
Remember to let a plaintiff into your heart,  
Then you can start to make it better.

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# A President's Fond Farewell

BY MARGARET DOYLE



2004 was a year of many challenges at SCA and our Board and membership were instrumental in making my year as President a very successful event. For that, I would like to thank you. At every juncture, whether it be the Tahoe Seminar, Problem Solving Clinics, Luncheons or Programs, the Board members were always eager to volunteer their time and expertise to make it a success. Without your support and generosity, my job could not have been accomplished. I would also like to give my partner, Dan O'Donnell my special thanks for understanding and supporting my role as President and especially for giving his time to cover my commitments allowing me the time necessary to attend to Presidential tasks. Lastly, I would like to thank my family for their unending love and support.

I look forward to my continued involvement in CCTLA and I know that this Board will continue to flourish under the guidance of Craig Sheffer. Thank you all once again.



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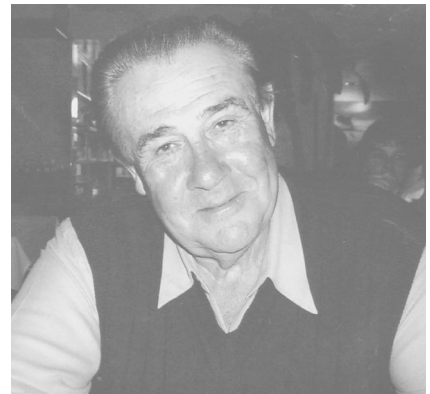
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## MICHAEL J. VIRGA

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and Disputes.*

### REFERENCES:

*Call any experienced trial attorney in Sacramento.*

# SCA Annual Meeting & Holiday Reception 2004

Another enjoyable and successful SCA Holiday Party was held on December 9, 2004. With 125 in attendance the evening was highlighted with the following awards:

JUDGE OF THE YEAR – Honorable MICHAEL G. VIRGA

CLERK OF THE YEAR – STEPHANIE JACOBS

CLERK OF THE YEAR – PATRICIA BANKS,

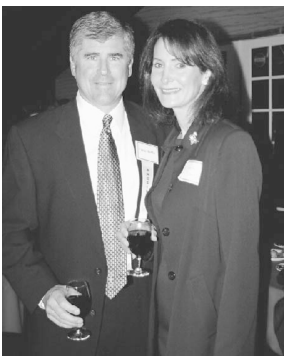
COURT ATTENDANT OF THE YEAR – TONI RUNKE

ADVOCATE OF THE YEAR – JILL P. TELFER

LIFETIME ACHIEVEMENT AWARD – In Memory of VANCE J. VANTASSELL

AWARD OF MERIT – HARTLEY T. HANSEN

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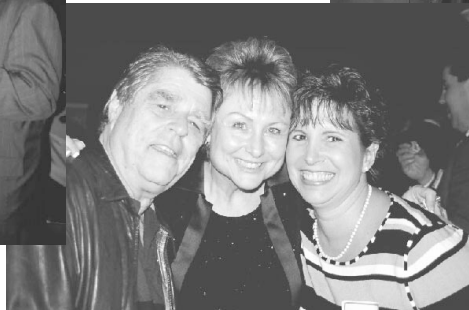
*Advocate of the Year Award - Jill Telfer*



*The Doyle gals*



*Judge of the Year Award presented to Honorable Michael Virga*



# SACRAMENTO CONSUMER ATTORNEYS

announce a seminar on

**“WHAT’S NEW IN TORT & TRIAL: 2004 IN REVIEW” (22<sup>nd</sup> Anniversary)**

## **Speakers:**

**Patrick J. Becherer, Esq. • *Becherer, Kannett & Schweitzer***

**Craig Needham, Esq. • *Needham, Davis, Kirwan & Young***

## **EARN 3 MCLE CREDITS**

**(2 = general civil litigation & 1 = ethics)**

*All seminar attendees will receive written material regarding the seminar topic.*

**Date & Time: Tuesday, January 25, 2005**

**6:00 p.m. to 9:30 p.m. (Registration: 5:30 p.m.)**

**Location: Capitol Plaza Holiday Inn, 300 J Street, Sacramento**

***~Appetizers will be provided ~***

### **PROGRAM**

6:00 p.m. Welcome & Introduction - Craig C. Sheffer, Esq., SCA President

6:10 p.m. Judicial Decisions & Statutes Affecting Tort Liability - Duty, Negligence, Intentional Misconduct, Liability for Acts of Others, Premises Liability, Causation, Damages, Government Liability, Product Liability, Wrongful Termination, Medical Malpractice, Attorney Malpractice, Attorney Fees, Insurance Bad Faith/Third Party Excess Liability, Insurance Coverage, Workers' Compensation, Indemnity, Settlements & Setoff, Fraud, Defamation, Privacy, Malicious Prosecution & Abuse of Process, Commercial Torts, Statutes of Limitations. *(Cases include those list in the attached.)*

Judicial Decisions & Statutes Affecting Civil Procedure - Jurisdiction, Parties, Venue, Process & Pleading, Discovery & Privileges, Dismissal for Delay in Prosecution, Summary Judgment, Trial, Judgment, Appeals & Writs, Sanctions, Arbitration, Statutes & Rules of Court. *(Cases include those list in the attached.)*

Cases Pending in the California Supreme Court - *(Cases include those list in the attached.)*

**PRE-REGISTRATION FORM • “What’s New In Tort & Trial” • January 25, 2005**

**Registration Fees:  
ALL ATTORNEYS WELCOME!**

- \$125.00 SCA attorney member
- \$ 62.50 SCA member law clerk/paralegal
- \$175.00 Non-Member
- \$ 87.50 Non-Member law clerk/paralegal

**Mail this form to:** SCA, PO Box 541, Sacto, CA 95812-0541.

*(SCA reserves the right to substitute speakers.)*

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*by attending this seminar on*

**“WHAT’S NEW IN TORT & TRIAL: 2004 IN REVIEW”**

*\*This activity has been approved for Minimum Continuing Legal Education credit by the State Bar of California in the amount of 3 hours, of which all 2 hours will apply to general civil litigation and 1 hour will apply to legal ethics. SCA certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing minimum continuing legal education. SCA will maintain your MCLE records for this seminar.*

*2005 SCA  
Officers & Board*

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*-Socrates*

*SCA Wishes Each  
Of You A Very  
Happy 2005!*

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