

ASCD

Association of Southern California
Defense Counsel

56TH ANNUAL SEMINAR

FEBRUARY 23-24, 2017

**JW MARRIOTT LA LIVE
LOS ANGELES, CALIFORNIA**

**— KEYNOTE SPEAKER —
BILL WALTON**



**— INSPIRATIONAL SPEAKER —
JAMES P. OWEN**

— SEMINAR TOPICS INCLUDE —

- Putting the “How” in *Howell* – Strategies in Dealing with Plaintiffs’ Medical Bills and Liens, from Discovery to Trial
- Successful Motion Practice – Getting the Right Kind of Attention from the Court for Your Law and Motion Brief
- 998s and Factors Determining Case Value
- *Sargon* – Trial Expert Testimony

ASCD

Association of Southern California Defense Counsel

— LUNCHEON SPEAKER —

Bill Walton

— MOTIVATIONAL SPEAKER —

James P. Owen

— PROGRAM SPEAKERS —

Michael Alder

Joseph M. Barrett

Joseph Beem

Michael D. Belote

Richard D. Carroll

Hon. David Chaffee

Robert Dato

Douglas M. DeGrave

Chris Denove

Richard Farlow

Janet Fields

John Gomez

Hon. Rex Heeseman (Ret.)

Robert L. Kaufman

Pamela S. Liosi

Michael P. Maguire

William (Woody) Woodland

R. Bryan Martin

Hon. Dan Oki

Steven C. Pasarow

Lawrence R. Ramsey

Rahul Ravipudi

Hon. Lawrence Riff

Troy D. Roe

David S. Rosenbaum

William Shapiro

Robert T. Simon

Alice Chen Smith

Stephen H. Smith

Eric Traut

Vikki Lynn VanderWoude

Christopher P. Wesierski

Andrew S. Williams

President's Message

Welcome to the 56th Annual ASCDC Seminar and Meeting. We are extremely pleased to be back at the J.W. Marriott at LA Live in downtown Los Angeles where we plan to keep the program for years to come due to its outstanding facilities and location, including proximity to nearby restaurants and entertainment venues. Our program has been organized by incoming President Chris Faenza with Yoka & Smith and his excellent committee of board members from throughout Southern California who have put together an outstanding program including this year's special guest speaker **Bill Walton**. Walton is not only a former NBA great, but is also a successful announcer, humanitarian, author and motivational speaker. Walton is sure to entertain us with Walton-isms covering sports, politics, the Grateful Dead and any number of topics in between. We also welcome inspirational speaker **James P. Owen** who founded the Center for Cowboy Ethics and Leadership to help spread the message that "we can all be heroes in our own lives."

The seminar will begin as always with "A Year in Review" Case Highlights of 2016 which by itself makes the seminar worth attending. Other topics include panels on CCP Section 998 Offers to Compromise, Binding Arbitration, *Howell* Strategies from Discovery through Trial, *Sargon* and the Gatekeeper issue, Attacking and Defeating the Reptile approach and successful Motion Practices. The panels have leading plaintiff and defense attorneys, mediators and multiple sitting judges to ensure the topics are covered from all angles. Finally, as ASCDC seeks to lead the charge and set an example for all attorneys, Friday morning we have set aside time for a distinguished panel comprised of leading trial attorneys on the topic of Civility Matters.

In addition to these outstanding topics and speakers, this is our opportunity as leaders of the Civil Litigation Defense bar to network, exchange ideas and socialize with our fellow attorneys, clients, judges, our vendors and sponsors. This tradition has been ongoing for more than half a century and this is sure to be one of the best programs to date. It is through your support as well as our vendors and sponsors that ASCDC and this event in particular remain strong.

Finally, and most importantly, we will conduct our annual business meeting and welcome our new President, Clark Hudson, with the law firm of Neil, Dymott, Frank, McFall, Trexler, McCabe & Hudson. Clark served our country in the Marines and is now one of the most respected trial lawyers in the United States so we are truly fortunate to have him take over the reins for 2017.

Thank you all for continuing to support ASCDC and I look forward to seeing you at our 56th Annual Seminar and Business Meeting.



Program Schedule

All functions will be held in the Diamond Ballroom area on the third floor of the JW Marriott

Thursday, February 23, 2017

7:30 am – 5:00 pm **Registration Open**
Diamond Foyer

7:30 am – 9:00 am **Morning Hospitality**
Diamond Foyer

7:30 am – 4:00 pm **Vendor Faire**
Diamond Foyer

8:45 am – 9:00 am **Annual Business Meeting**
Salon 5

9:00 am – 10:45 am **"A Year in Review"
– Case Highlights of 2016**
Salon 5
(MCLE – 1.75 hours of general credit)

The ASCDC Annual Review featuring 2016 California and Federal appellate decisions of importance to the civil defense bar and insurance claims personnel.



Edmund G. Farrell, III
Murchison & Cumming



Robert A. Olson
Greines, Martin, Stein & Richland

10:45 am – 11:00 am **Refreshment Break**
Diamond Foyer

TRACK 1

11:00 am – 12:00 noon **998s and Factors
Determining Case Value**
Salon 5
**(MCLE – 1.0 hour
of general credit)**

The seminar will be a discussion regarding issues that affect value of cases we defend. It will also deal with 998 offers.



MODERATOR:
William (Woody) Woodland
Ford, Walker, Haggerty & Behar



Joseph Beem
Interinsurance Exchange of Southern CA



Chris Denove
Trial Survey Group



Janet Rubin Fields
Judicate West



Rahul Ravipudi
Panish Shea & Boyle

Program Schedule

All functions will be held in the Diamond Ballroom area on the third floor of the JW Marriott

Thursday, February 23, 2017 – continued

TRACK 2

11:00 am – 12:00 noon **Arbitration:
Salons 1-3 The Good, the Bad, and the Ugly**

(MCLE – 1.0 hour of general credit)

Strategies to Maximize the Advantage and Secure Better Outcomes in Arbitration

This distinguished and experienced panel of attorneys and professional neutrals will explore and discuss strategies and solutions to maximize your success at arbitration.



MODERATOR:
R. Bryan Martin
Haight Brown &
Bonesteel LLP



John Gomez
Gomez Trial
Attorneys



Hon. Rex Heeseman (Ret.)
JAMS



Stephen C. Pasarow
Knapp, Petersen &
Clarke



Andrew S. Williams
Transamerica Life
Insurance Co.

12:00 noon – 1:30 pm **Lunch On Your Own**
Visit www.lalive.com for restaurant listings.

TRACK 1

1:30 pm – 3:00 pm **Putting the “How” in Howell – Strategies
Salons 1-3 in Dealing with Plaintiffs’ Medical Bills
and Liens From Discovery to Trial**

(MCLE – 1.5 hours of general credit)

The panelists will discuss defense, plaintiff, and bench perspectives on relevant hot topics throughout the course of litigation, including discovery motions, motions in limine and preserving issues for appeal at trial.



MODERATOR:
Alice Chen Smith
Yoka & Smith



Hon. David R. Chaffee
Orange County
Superior Court



David S. Rosenbaum
McDowall * Cotter
APC



William D. Shapiro
Law Offices of
William D. Shapiro

Program Schedule

All functions will be held in the Diamond Ballroom area on the third floor of the JW Marriott

Thursday, February 23, 2017 – continued

TRACK 2

1:30 pm – 3:00 pm
Salon 5

Sargon / Trial Expert Testimony

(MCLE – 1.5 hours of general credit)

Opportunities to challenge the admission and scope of expert testimony are available via pre-trial discovery, expert deposition, motion in limine, Evidence Code 402 hearing and cross-examination. The nationally recognized members of our panel will discuss the impact of *Sargon v University Southern California* on California court's handling of experts and expanded role of 'gatekeeper' as to the admissibility of expert testimony, as well as techniques and strategies to both attack and fend off challenges to such testimony. Presenters from the plaintiff and defense bars are involved in high stakes product liability/personal injury litigation where the scope of expert testimony carries great weight in the outcome of a case, and the judicial perspective is provided by a trial judge with extensive experience on expert-related issues.



MODERATOR:
Lawrence R. Ramsey
Bowman & Brooke
LLP



Joseph M. Barrett
Layfield & Barrett
APC



Hon. Lawrence Riff
Los Angeles
Superior Court



Stephen H. Smith
Yoka & Smith

3:00 pm – 3:30 pm
Diamond Foyer

Refreshment Break

TRACK 1

3:30 pm – 5:00 pm
Salon 5

Is Reptile Working?

(MCLE – 1.5 hours of general credit)

The panelist will provide a case study of "The Reptile" during trial and whether the recent trend of the "Reptile Strategy" is the reason for the spike in verdicts and settlements over the past five years or is it due to other factors?



Michael Alder
AlderLaw



Richard D. Carroll
Carroll, Kelly, Trotter,
Franzen, McKenna
& Peabody



Richard A. Farlow
BerkleyMed



Troy D. Roe
Law & Mediation
Office of Troy D. Roe

Program Schedule

All functions will be held in the Diamond Ballroom area on the third floor of the JW Marriott

Thursday, February 23, 2017 – continued

TRACK 2

3:30 pm – 5:00 pm
Salons 1-3

Getting the Right Kind of Attention For Your Law and Motion Brief

(MCLE – 1.5 hours of general credit)

A distinguished and experienced panel representing both parties filing motions with the courts and the attorneys and judges receiving them will speak in plain and practical terms about the best ways to attract the positive attention of the Court and its research attorneys, as well as the best ways to lose your motion through briefing pitfalls attorneys commonly, and often unwittingly, encounter.



MODERATOR:
Robert L. Kaufman
Woodruff, Spradlin
& Smart



Robert Dato
BuchalterNemer



Hon. Dan T. Oki
Los Angeles
Superior Court



Robert T. Simon
The Simon
Law Group



Vikki Lynn
Vander Woude
Orange County
Superior Court

5:00 pm – 6:30 pm
Salon 4

Cocktail Reception

Join your fellow members and colleagues for appetizers and cocktails at the Annual Seminar Reception – an opportunity to wrap up your day and enjoy the camaraderie amongst seminar attendees.

— MCLE Credit —

This activity has been approved for Minimum Continuing Legal Education credit by the State Bar of California in the amount of **7.75 hours**.

The Association of Southern California Defense Counsel 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.

Please make sure to include your State Bar I.D. number on the registration form in order to receive your MCLE credits.

Additionally, please make sure you sign the attendance sheet located in the Diamond Foyer and retain the Certificate of Attendance for your records.

Register Online at
www.ascdc.org

Program Schedule

All functions will be held in the Diamond Ballroom area on the third floor of the JW Marriott

Friday, February 24, 2017

7:30 am – 12:00 noon **Registration Open**
Diamond Foyer

7:30 am – 9:00 am **Continental Breakfast
in the Vendor Faire Area**

7:30 am – 11:00 am **Vendor Faire**
Diamond Foyer

8:30 am – 9:15 am **California Defense Counsel
Legislative Update**

(MCLE – 0.75 hours of general credit)



**Michael D.
Belote, Esq.**
*California
Advocates, Inc.*

Hear the latest from California Defense Counsel Legislative Advocate, Mike Belote, who will provide attendees with a review of new and pending legislation impacting the defense practice in California.

9:15 am – 9:30 am **Refreshment Break**
Diamond Foyer

9:30 am – 10:45 am **Civility Matters**
Salon 5
(MCLE – 1.25 hours of Ethics credit)

ASCDC is pleased to present this ABOTA Program. One of the primary tenets of ABOTA is a responsibility for elevating the standards of integrity, honor, ethics, civility and courtesy in the legal profession. Through the Civility Matters program, ABOTA strives to promote the importance of professional and civil behavior in the practice of law. They do this through the use of film, humor and anecdotes to foster collegiality in the legal profession.



Douglas M. DeGrave
Poliquin & DeGrave



Pamela S. Liosi
Traut Firm



Michael P. Maguire
*Michael Maguire
& Associates*



Eric V. Traut
Traut Firm



**Christopher P.
Wesierski**
Wesierski & Zurek

10:45 am – 11:00 am **Final Break with Prize Drawings**
Diamond Foyer

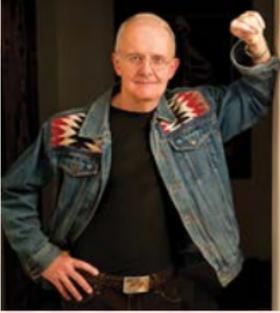
Program Schedule

All functions will be held in the Diamond Ballroom area on the third floor of the JW Marriott

Friday, February 24, 2017 - continued

11:00 am – 11:45 am
Salon 5

Inspirational Session “Standing Tall in an Upside Down World”



James P. Owen

James P. Owen is Founder and Chief Inspiration Officer of the Center for Cowboy Ethics and Leadership, (www.cowboylethics.com) the foundation he created to help spread the message that “we can all be heroes in our own lives.” He is also an inspirational speaker, author, and social entrepreneur. It was not until later in life that Jim found his “true purpose.” After more than thirty-five years in business, he was so dismayed by the country’s spreading epidemic of corporate scandals and social discord that he felt compelled

to speak out, urging a return to the basic core values that all Americans can share. Ever since, he has dedicated his time to projects offering inspiration to those who want to be their best selves, with a special focus on young people and those in business.

Jim’s book credits include the best-selling first edition of *Cowboy Ethics* (2004), *Cowboy Values* (2008), and *The Try* (2010), a collection of profiles highlighting the character qualities that enable ordinary people to do extraordinary things. ASCDC Annual Seminar attendees will have the opportunity to purchase Mr. Owen’s latest book, the 10th Anniversary Edition of *Cowboy Ethics – What it Takes to Win at Life*.

Jim is a summa cum laude graduate of Regis University. He and his wife, Sanya, have two grown children and reside in Austin, Texas.

COWBOY ETHICS

What Business Leaders Can Learn from the Code of the West

James P. Owen



SPECIAL TENTH ANNIVERSARY EDITION

Program Schedule

All functions will be held in the Diamond Ballroom area on the third floor of the JW Marriott

12:00 noon – 2:00 pm
Salons 1-4

Annual Seminar Luncheon with Keynote Speaker



Bill Walton

Bill Walton has a passion – for his work, for family & friends, for music, for life and for greatness! Bill brings his outsized passion to the stage and inspires audiences with tales from an improbable life in sport and beyond. Walton speaks about the secrets of world-class performance, personal and organizational excellence, and how he overcame nearly impossible odds – on the court and off – to persevere and win. As entertaining as he is insightful, Walton is widely considered one of the best speakers from the world of sports.

The lessons Bill learned on the basketball court became life lessons that served him well throughout his sports, broadcasting and business careers. No lesson was more important than the words from the legendary John Wooden, Bill's basketball coach at UCLA, who simply said, "Do your best." Wooden never asked players to go out and win – simply to do their best and not beat themselves. Walton never forgot those words which helped him throughout his extraordinary career.

Bill Walton is an authentic and true original who personifies greatness and is one of the most compassionate figures in sport with an extraordinary record of giving back through his work with numerous charities and non-profits.

This Keynote Luncheon is sponsored by Hughes Marino.



2017 Exhibitors

(at the time of publication)

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JW Marriott LA Live Los Angeles, California



Discover unparalleled luxury, style and convenience when you stay at the JW Marriott Los Angeles LA LIVE. You will find yourself surrounded by plush amenities, irresistible cuisine and unforgettable experiences just steps from your room.

The Hotel is located at 900 West Olympic Boulevard, Los Angeles, CA 90015 – near to some of the most popular attractions. Explore the Staples Center, Microsoft Theater, Grammy Museum, Club Nokia, Griffith Park and so much more. Sights that are not to be missed!

Catch an LA Kings vs. Boston Bruins game at the Staples Center on Thursday, February 23rd at 7:30 pm or a Clippers vs. San Antonio Spurs game on Friday, February 24th at 7:30 pm.

To see all the attractions, check out L.A LIVE's website: www.lalive.com.

Parking is available at the JW Marriott Los Angeles LA LIVE with the ASCDC rate.

Daily Rates: \$16 Valet Parking

Overnight Rates: \$42 Valet Parking

A block of rooms has been reserved for ASCDC members and guests attending the 56th Annual Seminar, but **you must call the hotel no later than January 25, 2017** to reserve a room.

For reservations, call 213.765.8600. Please indicate you are attending the Southern California Defense Counsel's 56th Annual Seminar to receive our special room rate of \$289 (king or double). Please visit the hotel website for further details: www.marriott.com/hotels/travel/laxjw-jw-marriott-los-angeles-la-live.

Registration Information

Advan­ce registration for the Annual Seminar is a necessity. There are three ways to register:

- Online via the ASCDC website – www.ascdc.org.
- By fax by completing the form in this brochure and faxing it to 916-924-7323.
- By mail by completing the form in this brochure and mailing it to the ASCDC office in Sacramento.

REGISTRATION FEES:	EARLY by 1/20/17	REGULAR from 1/21/17 to 2/20/17	ON-SITE after 2/20/17
ASCDC Members	\$395	\$435	\$460
Claims Personnel	\$185	\$185	\$185
Non-Member Attorneys	\$505	\$535	\$560
Young Lawyer Member*	\$305	\$335	\$360
Luncheon Companion Ticket	\$125	\$125	\$125
Reception Companion Ticket	\$ 85	\$ 85	\$ 85

* In practice up to five years

The registration fee covers attendance at the seminar on Thursday and Friday, attendance at Thursday's reception, and the Annual Luncheon on Friday.

REFUND POLICY – Requests for refunds must be made in writing and submitted to the ASCDC office no later than Friday, February 10, 2017. A \$100 surcharge will be assessed to all cancellations received on or before this date. No refunds will be given after Friday, February 10, 2017.

GUESTS – Each person registered for the Annual Seminar is entitled to bring one guest to Thursday night's reception for an additional cost of \$85, and one guest to the Friday Lunch for an additional cost of \$125. All reception and lunch guests must be registered in advance.

Be sure to register early to avoid onsite fees.

Please make checks payable to the Association of Southern California Defense Counsel.

Association of Southern California Defense Counsel
2520 Venture Oaks Way, Suite 150
Sacramento, CA 95833
(800) 564-6791 • (916) 239-4082 • (916) 924-7323 Fax
info@ascdc.org • www.ascdc.org

Registration Form

Register online at www.ascdc.org Save paper and postage!

REGISTRATION FEES:

	EARLY by 1/20/17	REGULAR from 1/21/17 to 2/20/17	ON-SITE after 2/20/17
<input type="checkbox"/> ASCDC Members	\$395	\$435	\$460
<input type="checkbox"/> Claims Personnel	\$185	\$185	\$185
<input type="checkbox"/> Non-Member Attorneys	\$505	\$535	\$560
<input type="checkbox"/> Young Lawyer Member	\$305	\$335	\$360
<input type="checkbox"/> Luncheon Companion Ticket	\$125	\$125	\$125
<input type="checkbox"/> Reception Companion Ticket	\$ 85	\$ 85	\$ 85

* In practice up to five years

Name/State Bar ID:

Companion's Name for Reception:

Company/Firm:

Address:

City/State/Zip:

Phone:

Fax:

E-mail:

LUNCHEON TABLE RESERVATION:

Please reserve ____ table(s). *(You must register 10 people to reserve a table.)*

PAYMENT INFORMATION:

Enclosed is my check for \$_____

Please charge \$_____ to my MasterCard Visa AmEx

Card Number:

CID Number:

Expiration Date:

Signature:

Name as Appears on Card:

Credit Card Billing Address:

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MAKE CHECKS PAYABLE

AND FAX OR MAIL TO:

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ASCDC

2520 Venture Oaks Way, Suite 150

Sacramento, CA 95833

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Membership Application

Name: _____ Bar #: _____

Firm / Law School: _____

Address: _____

City/State/Zip: _____

Phone: _____ Fax: _____

E-mail: _____ Website: _____

MEMBERSHIP in the Association of Southern California Defense Counsel is open by application and approval of the Board of Directors to all members in good standing with the State Bar of California. A substantial portion of your practice must be devoted to the defense of civil litigation.

Are you now devoting a substantial portion of your professional time to the practice of the defense of civil and business matters, including the prosecution of eminent domain proceedings?
 Yes No Student

If full-time employee of an Insurance Company, Corporation or Public Entity, please provide the name of your employer and your title or position:

Employer: _____ Position: _____

Sponsoring Member: _____ Firm: _____

PRACTICE/SPECIALTY AREA SECTION(S):

In order to provide you with targeted information, please check all that apply

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MEMBERSHIP FEES:

- Regular \$295 Associate (Public Entity, Corporate or Employee of Insurance Co.) \$195
 Law Student \$25 Young Lawyer (in practice 5 years or less) \$185

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 Please charge \$ _____ to my MasterCard Visa AmEx
(If paying by credit card, please fax to 916.927.7323. Please do not e-mail.)

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CID Number: _____ Expiration Date: _____

Signature: _____

Name as Appears on Card: _____

Credit Card Billing Address: _____

City/State/Zip: _____

If elected to membership, I agree to abide by the bylaws of this Association

Signature: _____ Date: _____

Contributions or gifts (including membership dues) to ASCDC are not tax deductible as charitable contributions. Pursuant to the Federal Reconciliation Act of 1993, association members may not deduct as ordinary and necessary business expenses, that portion of association dues dedicated to direct lobbying activities. Based upon the calculation required by law, 15% of the dues payment only should be treated as nondeductible by ASCDC members. Check with your tax advisor for tax credit/deduction information.

**MAKE CHECKS
PAYABLE AND
FAX OR MAIL TO:**

ASCDC
2520 Venture Oaks Way, Suite 150
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Association of Southern California
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