

# ASCD

**Association of Southern California  
Defense Counsel**

## **56<sup>TH</sup> 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	R. Bryan Martin
Joseph M. Barrett	Hon. Dan Oki
Joseph Beem	Steven C. Pasarow
Michael D. Belote	Lawrence R. Ramsey
Richard D. Carroll	Rahul Ravipudi
Hon. David Chaffee	Hon. Lawrence Riff
Robert Dato	Troy D. Roe
Douglas M. DeGrave	David S. Rosenbaum
Chris Denove	William Shapiro
Richard Farlow	Robert T. Simon
Janet Fields	Alice Chen Smith
John Gomez	Stephen H. Smith
Hon. Rex Heeseman (Ret.)	Eric Traut
Robert L. Kaufman	Vikki Lynn VanderWoude
Pamela S. Liosi	Christopher P. Wesierski
Michael P. Maguire	Andrew S. Williams
William (Woody) Woodland	

# President's Message

**W**elcome to the 56<sup>th</sup> 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 56<sup>th</sup> Annual Seminar and Business Meeting.



**ASCDC PRESIDENT**  
**Glenn T. Barger**



# 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  
*Diamond Foyer*

**Registration Open**

7:30 am – 9:00 am  
*Diamond Foyer*

**Morning Hospitality**

7:30 am – 4:00 pm  
*Diamond Foyer*

**Vendor Faire**

8:45 am – 9:00 am  
*Salon 5*

**Annual Business Meeting**

9:00 am – 10:45 am  
*Salon 5*

**"A Year in Review"  
– Case Highlights of 2016**

**(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  
*Diamond Foyer*

**Refreshment Break**

### TRACK 1

11:00 am – 12:00 noon  
*Salon 5*

**998s and Factors  
Determining Case Value**

**(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 Ruben 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  
Salons 1-3

**Arbitration:  
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.



**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](http://www.lalive.com) for restaurant listings.

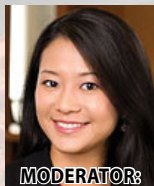
## TRACK 1

1:30 pm – 3:00 pm  
Salons 1-3

**Putting the “How” in Howell – Strategies  
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.



**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](http://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**  
*Diamond Foyer*

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

8:30 am – 9:15 am **California Defense Counsel  
Legislative Update**  
*Salon 5*

**(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.cowboyethics.com](http://www.cowboyethics.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 10<sup>th</sup> 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, Stanya, 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**



# 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)

ADR Services, Inc.  
Alternative Resolution Centers (ARC)  
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Arrowhead Evaluation Services, Inc.  
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(at the time of publication)

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Kinsel Forensic Accounting LLP  
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Peter S. Doody, Secretary-Treasurer  
Michael Schonbuch, Immediate Past President

## EXECUTIVE DIRECTOR

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Woody Woodland  
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# Past Presidents

1960	Forrest Betts (dec.)
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1983	John J. Collins (dec.)
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2008	Randall J. Dean
2009	Robert A. Morgenstern
2010	James R. Robie (dec.)
2011	Linda Miller Savitt
2012	Diane Mar Wiesmann
2013	N. Denise Taylor
2014	Robert A. Olson
2015	Michael Schonbuch
2016	Glenn T. Barger

# JW Marriott LA Live Los Angeles, California



**D**iscover 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 23<sup>rd</sup> at 7:30 pm or a Clippers vs. San Antonio Spurs game on Friday, February 24<sup>th</sup> at 7:30 pm.

To see all the attractions, check out L.A LIVE's website: [www.lalive.com](http://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 56<sup>th</sup> 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 56<sup>th</sup> 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](http://www.marriott.com/hotels/travel/laxjw-jw-marriott-los-angeles-la-live).



# Registration Information

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

- Online via the ASCDC website – [www.ascdc.org](http://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](mailto:info@ascdc.org) • [www.ascdc.org](http://www.ascdc.org)**

# Registration Form

Register online at [www.ascdc.org](http://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:

City/State/Zip:

## MAKE CHECKS PAYABLE

## AND FAX OR MAIL TO:

*(please do not e-mail this form)*

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:

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## PRACTICE/SPECIALTY AREA SECTION(S):

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

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Appellate                  | <input type="checkbox"/> Intellectual Property  | <input type="checkbox"/> Public Entity  |
| <input type="checkbox"/> Business Litigation        | <input type="checkbox"/> Managing Partner       | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Construction Law           | <input type="checkbox"/> Medical Malpractice    | <input type="checkbox"/> Toxic Tort     |
| <input type="checkbox"/> Employment Law             | <input type="checkbox"/> Personal Liability     | <input type="checkbox"/> Young Lawyers  |
| <input type="checkbox"/> General/Premises Liability | <input type="checkbox"/> Products Liability     |   |
| <input type="checkbox"/> Insurance Law & Litigation | <input type="checkbox"/> Professional Liability |   |

## 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

## PAYMENT INFORMATION:

- ☐ Enclosed is my check for \$ \_\_\_\_\_  
☐ 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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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  
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FAX OR MAIL TO:**

ASCDC  
2520 Venture Oaks Way, Suite 150  
Sacramento, CA 95833  
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Fax: 916.924.7323 • [www.ascdc.org](http://www.ascdc.org)



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