the Verdict

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Fall 2024

Alameda-Contra Costa
TRIAL LAWYERS' ASSOCIATION



In this Issue

Work-Life Balance

Alan Charles Dell'Ario

Certified Specialist, Appellate Law
State Bar of California, Board of Legal Specialization



Charles Dell'Ario has been representing individuals and small businesses in the California and federal courts since 1974. Beginning in 1997, Mr. Dell'Ario has specialized in appellate matters and has participated in over 250 appeals in the California Courts of Appeal, Supreme Court of California, Ninth U.S. Circuit Court of Appeals and the United States Supreme Court.

Fighting the Good Fight for Plaintiffs

Now in my 49th year, I continue to fight successfully for tort plaintiffs in the appellate courts. In connection with my trial lawyers, ACCTLA-member Todd Walburg and co-counsel Celine Cutter, I established the duty of public agencies to maintain their streets and roads free of dangerous conditions that would increase the risks of recreational cycling. Our client was grievously injured when her bike struck a large pothole, throwing her to the pavement. The defendant argued she had assumed the risk of its bad roads. (Williams v. County of Sonoma (2020) 55 Cal.App. 125.)

Former ACCTLA and CAOC president Micha Liberty and I have teamed to fight the cause of school children victimized on account of their disabilities. The Supreme Court of California granted our petition for review and will decide the issue of first impression whether the state Unruh Act applies to the 7 million public school children. The high court only grants about 55 of the 3,500+ petition it received each year.

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from the president



Casey Kaufman

Welcome to the fall edition of *The Verdict*! Since our last issue, we have had some excellent social events. In May we held our Spring Social at Trader Vic's in Emeryville, where we honored Alameda County Judge of the Year Jo-Lynne Lee. It was a well-attended event and the company, and Mai Tais, were excellent. In September, we honored Contra Costa County Judge of the Year Joni Hiromoto, at our Fall Social held at the Lafayette Park Hotel. This was another great event, where we were able to socialize and again recognize Judge Hiramoto. I continue to be inspired by these incredible and personable jurists.

In this issue we have excellent articles from our members, as well as from a law student. One of the themes explored more than once concerns the life/work balance, a topic that is particularly important to me. I have three children under 12 and truly believe that a successful practice can be achieved while prioritizing family.

Looking forward, the next few months are going to be rough in our country. It is difficult to remain optimistic given the state of our democracy, the daily barrage of negativity, and that looming cloud of existential crisis. We have donated, sent postcards to voters, and stress the importance of voting to family and friends in the handful of states that will decide the next president. This election will set our county on one of two paths that could not be more divergent or fundamentally different. In times of doubt, I look to our community and know that, regardless of the outcome, together we will continue to fight for our common good and our essential democratic ideals. ◆

I wish us all the best of luck!

— Casey Kaufman represents plaintiffs in the areas of personal injury, product liability, and actions against public entities. He is a member of the California, Arizona, Washington State, and Washington D.C. bars and can be reached at casey@caseykaufmanlaw.com.

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Tiega-Noel Varlack


Laurel Halbany

To our readers,

As we say goodbye to the summer months and transition into the vibrant energy of fall, we take this moment to reflect on the importance of balance in both our personal and professional lives. Summer provided us opportunities to relax, recharge, and enjoy the fruits of our labor, whether through time spent with loved ones or in the company of our professional circles. We shared our accomplishments outside of the courtroom at our diversity mixer, membership barbeque and learned together at our CLEs. Now, as we get back into the swing of things, we are reminded of the critical role we play as lawyers, advocates, and change agents.

Fall brings with it a renewed sense of purpose and responsibility. Our collective efforts to uphold the rule of law, advocate for our clients, and protect individual rights are more important than ever. As we prepare for a busy season of civic engagement, we must continue to exercise our rights and support our communities through advocacy, voter engagement, and public policy initiatives.

Yet, as we take on the challenges and opportunities that lie ahead, let us not forget the importance of finding joy and community along the way. Whether it's through professional networking events, volunteer work, or simply taking a moment to reflect on our accomplishments, this season should remind us that fulfillment in our careers comes not only from hard work but from the meaningful connections we make.

Let's embrace this busy fall with a spirit of resilience, community, and fun. Together, we continue to make a difference, both inside and outside of the courtroom. ◆

— Tiega-Noel Varlack is the founder of Varlack Legal Services in Hayward. She handles a wide range of matters, including personal-injury litigation, business disputes, criminal defense and immigration matters. She can be reached at tiega@varlacklegal.com.

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Disqualification of Defense Counsel in Personal Injury Cases

Ethical and Legal Implications

by Tiega Varlack

On December 16, 2022, renowned plaintiff's attorney Teresa Li filed suit in San Mateo Superior Court on behalf of Francko Lee, a 74-year-old retired Muni driver, who sustained severe injuries in a car accident on April 15, 2021. The accident resulted in Lee suffering from a traumatic brain injury, as well as injuries to his neck, lower back, both shoulders, and knee.

The accident occurred when defendant Adam Kerrel, employed by Milwaukee Electric Tool, was driving a truck on I-101. Kerrel abruptly changed lanes, causing a collision with another vehicle in the number one lane. This impact led Kerrel's truck to strike the left rear of Lee's sedan, forcing it into the central median. Lee's airbag deployed upon impact, and he was rushed to Stanford Hospital by ambulance.

Lee's injuries are extensive, and include:

- *Traumatic brain injury:* He suffers from memory loss, headaches, dizziness, ringing in the ears, vision changes, light sensitivity, insomnia, fatigue, and cognitive impairments.
- *Lower back pain:* Accompanied by tingling and numbness in his legs.
- *Bilateral shoulder pain*
- *Knee pain*
- *Neck pain:* With tingling and numbness radiating into his upper extremities, as noted in Lee's verified responses to the Form Interrogatory.

Teresa Li is known for her expertise in personal injury litigation, where she advocates for clients who have endured life-changing injuries. In Lee's case, her efforts are focused on seeking justice and appropriate compensation for the extensive physical, emotional, and financial toll the accident has caused.

During the litigation, Ms. Li was forced to move to disqualify defense counsel because they improperly accessed and used Francko Lee's privileged medical records obtained by subpoena. Despite a stipulation between the parties that limited the scope of the subpoenas and protected confidential records, defense counsel reviewed and utilized unredacted medical records, some of which predated the accident, during Lee's deposition. This conduct violated both the agreed-upon stipulation and California's ethical rules, including the *State Fund* Rule, which mandates that attorneys refrain from reviewing privileged information inadvertently received and promptly notify the opposing party.

Defense counsel's actions, including questioning Lee about these privileged records during his deposition, jeopardized the integrity of the proceedings. Despite being informed of the breach, defense counsel continued to use the confidential records and failed to return or destroy them as required. Given these ethical violations, Ms. Li had no choice but to move to disqualify defense counsel to ensure a fair legal process and to protect Lee's rights. The Honorable Raymond Swope granted Li's motion on July 8, 2024.

INTRODUCTION

In California, the disqualification of legal counsel is a serious remedy designed to maintain the integrity of judicial proceedings. The court's authority to disqualify attorneys is grounded in its inherent power to oversee the conduct of legal professionals in the interest of justice, as established in *Jarvis v. Jarvis*, 33 Cal.App.5th 113 (2019). Disqualification motions are often complex, requiring the balancing of several competing interests, including a client's right to retain their chosen counsel, the attorney's interest in representing the client, and the potential for misuse of disqualification as a tactical maneuver.[1] Most importantly, courts focus on upholding public trust in the judicial system and ensuring adherence to ethical standards, particularly with respect to maintaining client confidentiality.[2]

Courts assess disqualification motions on a case-by-case basis, with particular scrutiny on whether an attorney or law firm has obtained privileged or confidential information that may create a conflict of interest. *Id.* When attorneys gain access to such information, particularly through prior representation or inadvertent disclosures, disqualification is often necessary to preserve the integrity of the legal process, as seen in *California Self-Insurers' Security Fund v. Superior Court* 19 Cal. App.5th 1065 (2018). The case of *Lee v. Milwaukee Electric Tool* Corporation highlights these issues, demonstrating the serious ethical implications when defense counsel exploits privileged medical records.

BACKGROUND OF THE CASE

The case involves plaintiff Francko Lee, a 74-year-old retired Muni driver who suffered a traumatic brain injury and other significant physical injuries in a car accident in April 2021. During discovery, the defendants subpoenaed Lee's lifetime medical and billing records, which prompted Lee's legal team to object on the grounds of physician-patient privilege. The parties ultimately agreed to a stipulation limiting the scope of the subpoenas and outlining procedures to protect privileged and confidential records.

However, defense counsel reviewed and used unredacted medical records, including those predating the accident, during Lee's deposition. This conduct breached the stipulation and violated California's ethical rules governing the handling of privileged information, notably the *State Compensation Insurance Fund v. WPS, Inc*. (1999) ruling, which imposes strict duties on attorneys who receive privileged information, even inadvertently.

Despite being notified of the violation during the deposition, defense counsel continued to use the privileged records and, to date, has not destroyed or returned them as required. This misconduct forms the basis of Li's motion to disqualify defense counsel.

LEGAL BASIS FOR DISQUALIFICATION

The central legal argument for disquali- ▶

fication rests on California's well-established ethical framework, particularly the *State Fund Rule*, which addresses the inadvertent receipt and improper use of privileged materials. Under this rule, an attorney who receives privileged information is obligated to refrain from further examining it and to promptly notify the opposing party. Defense counsel's failure to adhere to this rule, along with their continued use of Lee's confidential medical records, violates both the stipulation between the parties and Rule 4.4 of the California Rules of Professional Conduct.

Rule 4.4 of the California Rules of Professional Conduct governs attorneys' ethical obligations when they receive privileged or confidential information that they are not entitled to. Specifically, Rule 4.4 states:

• *Respect for Rights of Third Persons:* In conducting a legal practice, a lawyer must respect the rights of third parties and must not use methods to obtain evidence that violate the legal rights of such individuals.

• *Inadvertent Transmission:* If an attorney receives a document or information related to the representation of their client and knows or reasonably should know that the document was inadvertently sent or disclosed, the attorney must:

1. Refrain from examining the materials any more than necessary to determine whether they are privileged or confidential.

2. Promptly notify the sender to allow that person to take protective measures.

The case law, including *McDermott Will & Emery LLP v. Superior Court (2017) 10 Cal.App.5th 1083, 1117* and *Rico v. Mitsubishi Motors Corp.* (2007) 42 Cal.4th 807 supports the principle that disqualification is necessary when an attorney's misconduct risks compromising the integrity of the proceedings. In *McDermott*, disqualification was warranted even though the attorney-client privilege was not at issue, as the lawyer's access to confidential materials created an unfair advantage that could influence the case's outcome. *10 Cal. App.5th 1083* Similarly, in Lee's case, the defense firm's improper use of his privileged medical records could unduly impact the proceedings. *Id.*

BREACH OF ETHICAL DUTY

Defense counsel's actions demonstrate a clear breach of their ethical duty. Under Rule 4.4, attorneys must avoid reviewing or using privileged materials once they are aware of their protected status. In this instance, defense counsel not only failed to return the records promptly, as required by the stipulation, but also leveraged the information to question Lee during his deposition. The defense's conduct undermined the fairness of the judicial process and eroded public confidence in the legal system.

Disqualification is warranted in situations where an attorney's access to privileged information creates a potential for misuse that could affect the case's outcome. Courts have consistently ruled that protecting the integrity of judicial proceedings takes precedence over an individual's right to choose their attorney. The disqualification of defense counsel in this case prevented further exploitation of the privileged information and helped restore fairness to the proceedings.

CONSEQUENCES OF VIOLATING PRIVILEGE

The disqualification of defense counsel was a necessary step to preserve the integrity of the case. California courts have long held that the disqualification remedy is appropriate not only when attorneys have directly violated the attorney-client privilege but also when they have improperly used any confidential information, such as medical records. Here, Attorney Li successfully argued that the knowledge gained from reviewing these materials cannot simply be "unlearned," and disqualification serves to eliminate the potential for unfair advantage.

CONCLUSION

Disqualification in cases like *Lee v. Milwaukee Electric Tool Corporation* ensures the fairness of legal proceedings and maintaining public trust in the judicial system. California courts have consistently enforced strict ethical standards regarding the handling of privileged materials, recognizing that disqualification is sometimes the only remedy to prevent the exploitation of confidential information. As demonstrated in *McDermott* and similar cases, the use of privileged records — even if inadvertent — can taint the proceedings, necessitating the removal of counsel to uphold the integrity of the process. Thank you counsel Li for helping uphold the highest standards of the profession. ◆



[1]As we have noted, a "trial court's authority to disqualify an attorney derives from the power inherent in every court '[t]o control in furtherance of justice, the conduct of its ministerial officers, and of all other persons in any manner connected with a judicial proceeding before it, in every matter pertaining thereto.' [Citations.]" *Jarvis v. Jarvis* (2019) 33 Cal.App.5th 113, 129 [244 Cal.Rptr.3d 722, 732]

[2]The primary fiduciary value at stake in each of these context[s] differs, and the applicable disqualification standards vary accordingly. In successive representation cases, 'the chief fiduciary value jeopardized is that of client confidentiality.' *Jarvis v. Jarvis* (2019) 33 Cal. App.5th 113, 130 [244 Cal.Rptr.3d 722, 732]

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The Work-Life Balance
An Interview with Lex Hamilton



by Tiega Varlack

Could you start by telling us about your journey in law and what inspired you to start your own law firm?
I've been honored to work for some stellar law firms in my career. At each place, I learned different ways to practice and run a business, and those lessons helped shape both my business and my legal practice. Ultimately, I was ready for something different and really loved the challenge, control and flexibility of being a business owner.

How do you balance the demands of running a law firm with being a mother to small children?
Having an equal partner in my spouse is crucial. Also, I recognize that no day, week, or month is going to be a perfect balance. The balance between work and family shifts depending on priorities and deadlines.

What have been the most significant challenges you've faced in establishing and managing your law firm?
The biggest challenge so far is determining how and when to scale my firm. Every firm has a different approach, and my goal is to grow organically while ensuring the core values of the firm remain the same.

How do you divide your time effectively between your legal responsibilities and managing your firm?
As a solo practitioner, I'm able to streamline firm management by utilizing technology, partnering with others in the legal field, making decisions efficiently and hiring or contracting meaningfully.

Integrating wellness into a busy law practice can be challenging. How have you managed to incorporate wellness principles into your firm?
I admit that I'm not the best person to ask about this, but I try to carve out time to fill my own cup — whether that's by spending time with my family, seeing friends and colleagues, reading, or walking.

What wellness practices have you found to be the most beneficial for you and your team?
The most beneficial practices include spending quality time with loved ones, engaging in hobbies like reading, and staying active through activities like walking.

What is the core mission of your law firm, and how does it reflect your personal values?
The core mission is to provide compassionate representation by being my clients' voice, advocate, and ally as they navigate the litigation process. This means developing strong relationships with my clients and being someone they can lean on and trust.

Who are your primary clients, and how do you aim to impact their lives through your work?
My primary clients are people who have been injured due to the actions of another person or entity — whether that's a motor vehicle collision, construction site accident, or premises case. My goal is to simplify the process for them and maximize their recovery so they can close this traumatic chapter in their lives to the best of their abilities.

Can you discuss the support systems you have in place to help manage both your professional duties and your responsibilities as a parent?
Having an amazing, supportive, and equal partner in my spouse makes a significant difference.

How do you plan to evolve the role of wellness in your firm and your personal life as your children grow and your business expands?
Understanding that life happens and being able to adapt professionally to accommodate life's challenges rather than trying to do it all and burning out. That could mean bringing on more employees, shifting priorities, employing technology, or being mindful of what's a manageable caseload.

How important has it been to build a reliable team at your law firm?
It's very important, but it's equally important to build a reliable team outside my firm — such as vendors, co-counsel and colleagues.

What advice would you give to other lawyers who are considering starting their own firm, especially those who are parents to young children?
Do it. As plaintiffs' attorneys, we are blessed with an amazing community of attorneys who rally, collaborate and support one another.

Are there specific strategies or resources that have been particularly helpful in managing your dual roles?
Understanding that you will never have a perfect balance between both roles is key.

What are your future goals for your law firm? Are there particular areas of law you plan to expand into?
My goal is to sustainably grow in a way that allows me to continue working closely with clients because my relationships with them are what inspire me daily. ◆

ACCTLA Annual BBQ
July 21, 2024 | Roberts Regional Park



Family

Fun





Friends

Almost Drowning
A summer story

by Jayme L. Walker

In the last five years, I've given birth to two babies at home and taken a few difficult cases to trial. Some with very good results, some with okay results and one big loss. I have had to try a case as lead counsel, partially remotely while I had Covid and no childcare (except for my husband, who was also trying to work his demanding job) while everyone else was in court in person. I've had to do a closing argument after I was up all night with a barfing baby.[1] With my first baby I stopped breastfeeding sooner than I wanted to because I just couldn't handle pumping during trial,[2] and I've had to leave my sick children in the care of nannies or my husband — which always broke my heart. It would be an understatement to say that these last five years have been the most trying time of my life.

When I was asked to write a summery article about lawyering with kids in the summertime…what I wanted to do was write the truth. I wanted to write something that might help someone who is late-night-panic googling about whether they are going to make it through a challenging time, especially if that challenging time is how to be a trial lawyer with young children. So far, Google gives me different answers depending on the tone of my inquiry. (Reading tip: there is a great book about midlife that also has a hilarious chapter about internet algorithms — See Nathan Hill's *Wellness*. Basically, if you click on doomsday stuff, you will see more of that. After typing "burnt out lawyer mom" — you will see articles that say you can persevere and succeed and articles telling you that it is impossible and to quit now. Which one you click on dictates what you see in your next search.)

On one such late-night-panic google, I encountered Maryann Gallagher's article in Advocate magazine (https://www.advocatemagazine.com/article/2024-march/you-can-be-a-mom-wife-the-pic-trial-lawyer-and-law-firm-owner). Maryann was the "yes you can" I needed to hear that night and it made me feel better to hear a mom on the other side with older kids who appreciate her and the sacrifices she made. She talks about how she felt when she had to leave her feverish kids at home to go to court and how even if you think you are giving only your B game on some days, that it is probably better than a lot of lawyers' A game on good days. Most importantly, she said to choose happiness and to be grateful for our multi-faceted lives as trial lawyers and parents. Thank you Maryann — I needed to hear that.

I encourage parents who are out there thinking *how the hell can I keep going, keep giving so much of myself in so many different places* to read Maryann's article, as well as Courtney Rowley's (in footnote 2). And I encourage you to read my own article, that I wrote with my partner Gary Gwilliam on stress reduction (https://plaintiffmagazine.com/recent-issues/item/being-a-lawyer-doesn-t-have-to-be-this-stressful).

I also encourage everyone to start their day right with a good morning routine. Don't start with your emails. I've practiced a morning routine now for years and when I miss it, it noticeably changes how I respond to challenges that arise and my mood for the day. My routine is to get up, drink lemon water, do some yoga or strength training or take a walk, and then have a cup of tea and sit on my porch and meditate for at least 5 minutes, preferably 10. On days when I wake up really early, I journal. I get to do this maybe 40% of my mornings, the other 60% my children have other plans for my mornings. The older they get, the more I can maneuver in my routine. I also pull in my husband when I really need it and make him get out of bed. He is generally the middle-of-the-night guy and I am the morning person — so that is how we split things, but sometimes I need those mornings and I have to pull him in to take over.

Here is what I am not going to do though — I am not going to say you can have it all as a lawyer and a parent, and that you can do everything you want to do. I don't think that is true and trying to have it all may kill you. You are going to have to choose different things at different times. That's life and that is true no matter what you are choosing between. This is discussed in a delightful way in a great book by Oliver Burkeman called *Four Thousand Weeks*, which is the average human lifespan (another reading tip if you want to go deep about mortality and time management). Sometimes you are going to have to cancel a deposition at the last minute because your child really needs you. Sometimes you will have to leave a child that really needs you and that is the hardest thing in the world.

Right now, I am choosing to step back from leadership roles in organizations and I am saying no to a lot of different asks. Learning to say no, honestly and compassionately, is a vital skill. I even had to say no to my partner recently about getting involved in a case. I did not do it gracefully, but I am trying to give myself grace anyway (which we would all do well to keep practicing giving ourselves, our clients, our partners, our colleagues, our opponents — grace). More is not always better, saying no is okay. Sometimes you have to say no to maintain the balance that you know you need. That means, even if you could say yes, if doing so would make your life less happy, less balanced, just say no. And if it is going to leave you just barely treading water, you have an obligation to yourself to say no. You can jump back in and say yes too — when it is right.

I am also not going to say that you have to work exceedingly long hours to be a successful lawyer, because I don't think that is true and it always demoralizes me to hear that. I have been reasonably successful for the last five years, largely maintaining a 30ish hour per week schedule (outside of being in trial, of course). I don't think it is a badge of honor to work unsustainable hours and be away from your family. I work often from my home office and pick up my children by 5pm. I generally don't work weekends because that is my time with my kids. I take vacations several times a year, and I strive to disconnect from work during those times. I do all this, but sometimes I still feel completely depleted. That is the nature of this business and probably the nature of parenting. No matter how balanced you try to be, you still wake up in the middle of the night and stew on it. We can change the way we think about this, just like you can shift your perspective on stress. We do this because we care deeply about the work we do, and we stress about it, because we care so much. You work hard when you have to, you may have to put in long hours from time to time, and especially during trial, but you can be a good and present parent and still be a successful lawyer who is prepared and there for your clients.

Sometimes you are going to be depleted as a parent, and again, I think that is true even if you are a stay-at-home parent. My favorite meditation teachers all teach you to get comfortable with negative emotions. They are just thoughts, they don't define you, and they are not permanent. (See *Wherever You Go, There You Are* by Jon Kabat Zinn). Although I go through times of feeling depleted, and these last years with young children at home that has been more often than I would like, on balance, I have had a career that is full of passion, fulfillment, and extraordinary support and community from other lawyers.

> "I don't think it is a badge of honor to work unsustainable hours and be away from your family.

In order to have the balance that I've been able to cultivate, I have had the incredible good fortune to have partners and staff who have supported me through pregnancy, maternity leaves, the many times that I have stayed home with sick kids and probably more teary, depleted, venting office visits than they really wanted to endure, but they did so, and with grace. Thank you to Gary Gwilliam, Randy Strauss, Winston Moody, Rob Schwartz, Linda Lim, Marie Denurra, Stephanie Wickizer, Diane Rames, Brittany Smith, Anthony Ramos, Lou Bruno, Joe Villalobos, Bridget Blount, and Svetlana Kovpak for all the hard work they do to support me and our clients.

I have been lucky to also have been blessed with incredible clients with righteous cases. The vast majority of my career, I have had lovely clients that I care deeply about and have willingly made sacrifices for, but I have sometimes made sacrifices for less deserving clients or because I cared what another lawyer thought about me. As I come into midlife and midcareer, I am going to stop making sacrifices to do what other lawyers think I should be doing. I've come to realize that sometimes those lawyers do not even expect what I think they expect. The example I want to set is that you put your own health and well-being and your family first. I want to show the next generation of lawyers that being a lawyer is fun, it's worthwhile, and you don't have to live only for lawyering. You can have other interests, as my talented musician partners Winston and Randy will readily demonstrate. For me, that means a lot of balance, not too many long hours, time to pursue other interests and good wine with inspiring and interesting people. And doing that gives me the bandwidth to put my heart and soul into a case and really be present when my clients need me the most.

I am an empath. That is what makes me good at telling the stories of what people have lost and connecting with jurors. But that also makes it really hard to not soak up like a sponge every fleeting emotion my toddlers, my colleagues, or my clients have. And it makes it really hard not to let the roller coaster of emotions of parenting and helping people who have been catastrophically injured, lost loved ones or lost their livelihoods completely deplete you. It also makes it hard to really understand that sometimes this crying child is crying over the fact that you packed them the blue water bottle instead of the pink one. Empaths like me are always thinking this crying must be some adult emotion about the fact that I am leaving them all ▶

Have you heard???

Did you know that ACCTLA is on social media? You didn't? ACCTLA has had social media accounts for a while, but perhaps you haven't noticed. We'd love to have everyone like/follow our social media accounts. Take a moment to like/follow us using the QR codes below. Here's how:

1. Open the camera app on your phone.

2. Focus the camera on the QR code by gently tapping the code.

3. Follow the instructions on the screen for each code to follow up on LinkedIn, Instagram and Facebook! What??

You say you don't have a social media account? You can reach out to the members noted below for help setting up your account!! Then you can like/follow us to hear what's going on with ACCTLA.

Our facebook person is Ann Kariuki (ann@lawofficesofamk.com) and here is the QR code to our page.

Our Instagram person is Jeena Jiampetti (jeena@benefitslaw.com) and here is the QR code to our feed.

Our LinkedIn person is Sophia Achermann (sophia@thefafirm.com) and here is the QR code for our account.

Our Products and SignUp person is Mariana Harris (acctriallawyers@gmail.com) and here are the QR codes for those pages.

day at daycare again, but I've been assured they are actually displaying this level of upset over the color of the water bottle. I'm not totally convinced that it isn't a little bit about daycare, but they generally seem happy when I pick them up.

Which brings me to the end of this article and why it has the title it has. There have been times these last five years that I have felt like I was almost drowning, even with the support that I have. What has lifted me up is hearing from other lawyers that have been there and gotten through it and thrived. What also lifts me up, is always this incredible community of plaintiff's lawyers. Reading Maryann Gallagher's article, Courtney Rowley's article and a great column by Miles Cooper in *Plaintiff* magazine has inspired me in trying times and motivated me about the important work we do. I hope that someone reading this late-night googles and finds this article helpful. Or at least feels a little less alone. In gratitude to and solidarity with this incredible community at ACCTLA, I thank you from the bottom of my heart for all of your support and grace when the going gets tough. Onward. ◆

— Jayme L. Walker is a partner at Gwilliam, Ivary, Chiosso, Cavalli & Brewer, a past president of ACCTLA and an active member of CAOC. Her practice consists of employment discrimination, retaliation and harassment cases, police misconduct, sexual assault and abuse, as well as catastrophic personal injury cases. She has been named a Super Lawyers Rising Star from 2014-2023 and a Super Lawyer in 2024, and was named by U.S. News Best Lawyers as One to Watch.

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[1]Remarkably, I just got an email notifying me that this trial was the number one verdict last year in the category of OBGYN malpractice.

[2]See this amazing article from Courtney Rowley on breastfeeding during trial. https://www.advocatemagazine.com/images/issues/2017/01-january/reprints/Rowley_article.pdf.

Alameda-Contra Costa
TRIAL LAWYERS' ASSOCIATION

Disqualifying a Defense Firm for Unethical Conduct

Teresa Li will speak about her recent successful disqualification of Gordon, Rees, et al. from a personal injury matter after the firm's unethical conduct was exposed. Rosie Torres will moderate this fascinating discussion.



Teresa Li, ACCTLA President-Elect is a trial attorney with Law Offices of Teresa Li, PC where she focuses on catastrophic personal injury cases, including sexual assault and wrongful death cases against AirBnB. Many of her cases have been featured in the New York Times, Bloomberg, the Guardian, and the San Francisco Chronicle. She has recovered over $30 million for injured parties. She has been repeatedly selected by SuperLawyers Magazine as Super Lawyers Rising Star from 2014-2023 and Super Lawyers Award in 2024. Teresa is also on the Board of CAOC.

Date and Time
Thursday, Oct 10, 2024 - Noon
Location
Zoom – details provided following registration
Cost
$15 for ACCTLA Members
$30 non-members
To Register
Visit http://acctla.org/products-page/
e-mail ACCTrialLawyers@gmail.com
MCLE 1 hour
The Alameda-Contra Costa Trial Lawyers' Association is a State Bar of California approved MCLE provider. #5132

Moderated by MCLE Committee Co-Chairperson Rosie Torres:
Roseann Torres is the founder of Torres Law Group, opened in March 2004. TLG handles personal injury matters with a fully bilingual staff including the attorneys. Roseann began her legal career in government in San Joaquin County as a Deputy County Counsel followed by a position as a Deputy District Attorney. She has handled over a dozen jury trials in her career. In 2013 Roseann was awarded "Business Woman of the Year" by Assemblyman Mark DeSaulnier and Assemblywoman Joan Buchanan.



ACCTLA 4450 Mira Loma Drive Pittsburg, CA 94565 ACCTrialLawyers@gmail.com ACCTLA.org

The Alameda County Judge Pro Tem Program

The Judge Pro Tem Program in Alameda County is an initiative by the Superior Court of California, County of Alameda, that allows qualified attorneys to serve as temporary judges. "Pro tem" is short for "pro tempore," a Latin term meaning "for the time being." These temporary judges assist the court by presiding over certain types of cases, helping to manage caseloads and ensure timely access to justice.

Roles and Responsibilities

Case Types. Judge pro tems often preside over small claims, traffic violations, unlawful detainers and settlement conferences.

Decision-Making. They have the authority to make rulings, manage courtroom proceedings, and in some cases, render judgments just like full-time judges.

Ethical Standards. They are required to adhere to the same ethical guidelines and codes of conduct as permanent judges, ensuring fairness and impartiality.

Qualifications for Attorneys

Experience. A minimum number of years in legal practice, usually at least 10 years, with expertise relevant to the cases they'll oversee.

Good Standing. Active membership in the State Bar of California without any disciplinary actions.

Training. Completion of mandatory training programs provided by the court, covering judicial ethics, courtroom management and procedural rules.

Application Process. Interested attorneys must submit an application, references, and may need to undergo an interview or evaluation process.

Benefits of the Program

For the Court. Helps alleviate heavy caseloads, reduces delays and improves the efficiency of the judicial system.

For Attorneys. Provides valuable judicial experience, professional development opportunities, and a chance to contribute to the community.

How to Get Involved

Contact the Court. Attorneys interested in participating can contact the Alameda County Superior Court's administrative office or visit their (https://www.alameda.courts.ca.gov/) for further information.

Stay Updated. Watch for announcements regarding training sessions, application deadlines, and any changes in qualification requirements.

Additional Considerations

Conflicts of Interest. Judge pro tems must avoid cases where there may be a conflict of interest and disclose any potential biases.

Term of Service. The length of service can vary; some may serve for a single day, while others may have longer-term commitments based on the court's needs.

The Judge Pro Tem Program in Alameda County plays a crucial role in supporting the judicial system by leveraging the expertise of seasoned attorneys. It ensures that the courts run smoothly and that the public receives timely resolutions to their legal matters.

Jeffrey B. Wolfert, Esq.



Workers' Compensation Specialist

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Honoring

Hon. Jo-Lynne Lee

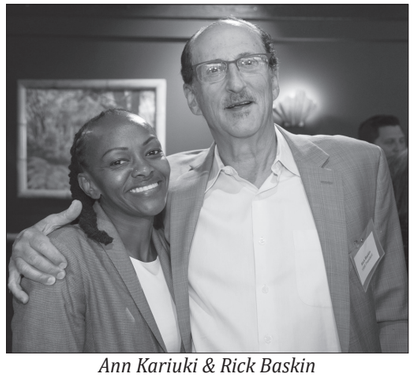
Alameda Trial Judge of the Year



Suizi Lin, Matt Haley & Rosie Torres



Var Fox, Judge Russell Hom (Ret) & Tiega Varlack



Ann Kariuki & Rick Baskin



Sophia Achermann & Casey Kaufman



Judge Jo-Lynne Lee

Julie Welsh, Judge Paul Herbert (Ret) & Judge Evelio Grillo (Ret)





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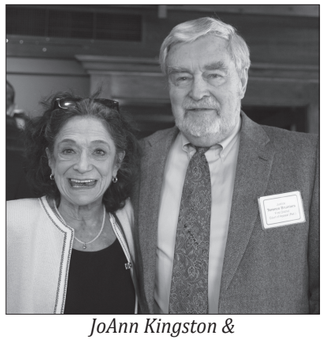

JoAnn Kingston &
Justice Terence Bruiniers (Ret)



Jessie Johnson, David Gordon & Susan Kang Gordon

Judges Tara Desautels, Russell Hom (Ret),
Paul Herbert (Ret) & Margaret Fujioka





Spencer Young, Paul Garrison & Casey Kaufman

Rosie Torres, Reginald Whilite & Peter Lim



Top five reasons why the Alameda County Law Library is better than AI



by Pauline Afuso
Public Services Librarian, Alameda County Law Library

Although AI tools to help with legal research have been slowly improving since the debacle that made the front page of the New York Times, you should still be wary of its use. We at the Alameda County Law Library can offer you an alternative — a robust legal collection staffed with professional librarians to help with your research. Let us tell you about the resources we have and how our law library can help you be a more efficient and effective litigator.

WE HAVE REAL BOOKS – NO HALLUCINATIONS!

The law library has a rich collection of print materials to help legal researchers. The first floor of the library contains our collection of California legal materials, beginning with the *Deering's Annotated California Codes*, followed by the *California Code of Regulations*, county and city municipal codes, and cases from the California Supreme Court and the Court of Appeals.

In addition, we have authoritative practice guides, form books and treatises pertaining to California law, including:

- *California Forms of Pleading and Practice*
- Rutter Guides
- Witkin (*Summary of California Law, Criminal Law, Evidence, Procedure*)
- CEB Treatises (including *Civil Procedure Before Trial, Civil Writ Practice, Trust and Probate Litigation, Criminal Law Procedure and Practice, Practice Under the California Family Code*)
- Civil and Criminal Jury Instructions

... and more!

We also have a core collection of print Federal materials, including *U.S.C.S.*, *CFR*, Rutter Guides, bankruptcy and immigration treatises.

However, the offerings of our print collection only scratch the surface of legal material available in the law library. Many of the print items are also available digitally via our online research databases.

ACCESS TO TRUSTED LEGAL DATABASES

The law library subscribes to the major legal research databases, which can be accessed free of charge on library computers: Lexis, Westlaw, OnLaw (CEB), and Bloomberg Law. In addition to access to core primary sources (cases, statutes, regulations), each of these databases offer unique sources that will help with your research. In fact, the number of sources available through Lexis, Westlaw, OnLaw, and Bloomberg far outnumber the sources we have in print!

For example, **Lexis** has two core titles used by litigators — *California Forms of Pleading and Practice* and *California Points and Authorities*. For attorneys who focus on transactional law, there is *California Legal Forms Transaction Guide*, with topics encountered in a typical practice, including: Business and Non-Profit Organizations; Real Estate Transactions; Commercial Transactions; Wills and Trusts; Contracts and Obligations; Performance of Services; and Personal Transactions.

Lexis has also compiled a database of California Forms and California Checklists, which are collected from California state courts and treatises.

In addition, our subscription to Lexis' secondary source collection is more robust than our print collection, particularly with general federal treatises (e.g., *Moore's Federal Practice*, *Bender's Forms of Discovery Interrogatories*).

Through our **Westlaw** subscription, you can access the *Rutter Guides*, but also *Witkin*, *CalJur*, *Miller and Starr California Real Estate*, and titles from the *California Civil Practice Series*. Westlaw also has a Form Finder Tool to locate forms and templates included in its publications.

However, the biggest advantage of using Westlaw is when you are looking for cases. Attorney editors (lawyers — real people) review all cases and categorize all the legal issues found in each case. Each issue is linked to a unique Topic and Key Number (TKN). Thomson Reuters has over 80,000 TKNs linked to legal issues in federal and state law. These TKNs are applied consistently across all case law. Thus, if you can find a TKN that encapsulates your legal issue, you can use that unique search term to find cases that match your legal issue in any jurisdiction.

From Lexis and Westlaw, you can email, print, or download your results to a flash drive.

Another very useful online database is **OnLaw**, which has the digital versions of all California Continuing Education of the Bar (CEB) publications. While OnLaw does not have the same robust searching tools as Lexis or Westlaw, it doesn't really need it, as its focus is its own publications. A list of all CEB treatises can be viewed on the home page. CEB treatises have detailed explanations, practice tips, and sample forms. CEB allows you to print or save results as a pdf (no emailing or downloading, unfortunately).

Bloomberg Law, our newest resource, is the best tool for topical research pertaining to Tax, Employment or Business research. The current BNA *Tax Management Portfolios* are available via Bloomberg. Feel free to ask a reference librarian for help accessing and printing this content.

Another research database is **Trellis**, the most comprehensive source for accessing state trial court records. In addition to being able to run a full-text or Boolean search through all their content, Trellis also has created a motions tab, which lists a plethora of different motions filed in Superior Court. Each motion type is linked to a new page, which explains what the motion is, what elements are required for a successful motion, and links to examples of that motion in its database. In addition, the Trellis editors (again, real people!) have read through the motions and have placed well-drafted examples (Trellis calls them "Useful Examples") of that type of motion in the right-hand column.

If you prefer to search court documents by issue, you can click on the "Legal Issues" tab on the Motions page. This is quite a helpful tool, as you cannot search for filings on the Court website via topic. Trellis states:

California has strong labor and employment laws, strict environmental regulations, extensive consumer protection laws, robust anti-discrimination measures, sanctuary policies for undocumented immigrants, specific real estate transaction regulations, strong privacy protections, and laws allowing for the recovery of damages for personal injury. With Trellis, you can learn about each of these areas of law, and easily find relevant cases that can help you.

Another helpful tool on the Trellis site is their Analytics tab, where you can see a summary of a California Superior Court judge's record. Each page has a biography of the judge, a Motions tab that shows the "motions granted" rate for each type of motion presented, an Outcomes tab that shows the Case Outcome breakdown, and a final tab for Case Milestones. The Milestones tab gives three types of information: Average Case Duration, Average Time to Trial, and Average Time to Dismissal Following Dispositive Motions. The numbers displayed show the Judge's time, the average time compared to other Superior Court judges in the same county, and the average time compared to all California Superior Court judges.

Trellis also provides jury verdict searching. (This service is especially helpful because the other online service that has a robust jury verdict collection is Lexis, and that database is only available at the law library.) From the Verdicts tab, you can run a search through the documents or use the template provided below the search bar. You can search by type of injury, verdict type (for plaintiff or defendant, settlement, etc.) as well as award amount. ▶

Your results list will include cases, and also a brief graphical description of the value of the verdicts.

***Note**: Library card holders can also access Trellis remotely.*

While Trellis will provide access to select state Superior Court filings, PACER is the site to access Federal briefs and motions. We provide a link to **PACER** on our research computers, but you will need to create your own account to log in, as the library does not have a public access account. But not to worry — *getting a PACER account is free!* Moreover, you are allowed to search and view documents in PACER (document views are ten cents a page) for free as longs as your use does not go over $30 per quarter. Since it is your account, that means you can also access PACER from anywhere you have internet access.

But wait, there's more!

For library card holders, you are not limited to just the databases available on our research computers. You can access several of our subscribed legal databases remotely! These databases can be accessed from your home or office:

- Gale Legal Forms
- Lexis Digital Library
- National Consumer Law Center (NCLC) Digital Library
- Nolo Press EBSCO Legal Information
- Trellis

Gale Legal Forms is geared more towards non-attorneys, but this database has hundreds of sample forms that can be modified or adapted for use in California.

The **Lexis Digital Library** contains digital copies of all the Lexis publications that we currently receive. That includes *California Forms of Pleading and Practice, California Family Law Practice and Procedure, California Criminal Defense Practice, Deering's California Codes*, *Bender's Federal Practice Forms*, *Bender's Immigration Regulations Service*, *United States Code Service*, and many other titles.

The **NCLC Digital Library** focuses on consumer law, with 21 treatises covering topics including:

- Debtor Rights
- Mortgages and Foreclosures
- Credit and Banking
- Deception and Warranties
- Consumer Litigation

In addition, the site also has updated articles, pleadings, and conference materials that supplement the treatises.

Nolo Press is known for publishing authoritative legal self-help books, with many of their titles addressing the law in California. Through the Nolo EBSCO Legal Information Reference Center database, library patrons can access over 220 titles for free on topics such as civil litigation, real estate, probate and estate planning, real estate transactions, and small business formation. These titles are a great starting point when you are unfamiliar with a legal topic, and are also a resource to pass on to clients who are seeking legal information,.

Finally, **Trellis** is also available to library card holders remotely. Please contact the reference librarians for instructions and passwords to access Trellis and the other sources.

IMPROVE YOUR UNDERSTANDING OF THE LAW WITH MCLE COURSES

The law library regularly hosts free MCLE courses, open to all. These classes are available via Zoom, so you can conveniently attend from your office or home. The upcoming classes are always listed on the law library's home page.

In September, we offered *It's All in the Process: Thoughtful Methods to Prepare for Deposition, Trial, and Mediation*. Registration was free! If you would like to be added to our mailing list (one email a week), where we announce the upcoming CLE's and other library events, please click the "Subscribe to our email newsletter" link on our webpage.

In addition to the programs we curate, the Alameda County Law Library is an approved *MCLE Multiple Activity Provider in California*. For a small fee, items from our collection of MCLE CDs and DVDs can be checked-out for *self-study* or for *participatory credit* by patrons with a Library Card. You can click there to see a current list of MCLE CDs and DVDs we have in the library for check-out. For attorneys who need participatory credit, Library staff will provide a "Certificate of Completion" for your records. We also provide CD players and a portable DVD player and headphones if needed, or you may use your laptop.

THE NUMBER ONE REASON WHY THE LAW LIBRARY IS BETTER THAN AI — OUR REFERENCE LIBRARIANS CAN HELP YOU!

The Alameda County Law Library staffs its reference desk with skilled law librarians (again, real people!). All our reference librarians have ten or more years of experience working with legal information and we are happy to help you use our legal databases and print materials.

WHAT ARE SOME OF THE THINGS WE CAN DO?

We can help you find resources in the library. That includes a book, practice guide, form, template, ordinance, code, analysis – if it is in the library, we can help you find it. That includes finding the source in print or online. If you are having trouble with the index or pagination (confusing sections with page numbers — we're looking at you, Matthew Bender!) we can help!

We can also help you develop a search strategy. If you are starting your research, we can help you find information in secondary sources, and then progress to finding the pertinent statutes and cases. If you have questions about searching online with Lexis and Westlaw, we can help you with Boolean and template searching. If you are searching in Westlaw and can't remember if you should place quotation marks around a phrase, or how to search the synopsis and digest of a case, we can help you! If you are on Lexis and want to Shepardize a case, we can help you! If you want to know the difference between the two versions of *California Civil Procedure Before Trial* (Rutter Guide or CEB), we can help you!

We can help you find California Appellate Briefs. One of the more unique services we provide is access to California Appellate Briefs. The library is one of four county law libraries in the state with access to *California Public Law Library Briefs Service* that has CA Supreme Court briefs from 1990 and CA Appellate briefs from 1996. For older briefs, we have a microfiche collection that contains briefs for some older CA Supreme Court cases (dating back to 1895) and for selected CA Appellate Court briefs. In addition, the library also has a personal archival collection of records and briefs for cases from 1972 to 1996. Briefs on microfiche can be viewed on the library's microfiche reader. If you want to read more about accessing appellate briefs, you can visit our blog!

Note: Most of the briefs are for civil case appeals; briefs from Criminal cases are limited in number.

We can help you with computer questions. The reference librarians can help you use our computer applications and office equipment, assisting with Microsoft Word, Adobe pdfs, printing, emailing documents, or saving to a flash drive.

We can help reserve a conference room. Do you need a private space to speak with a client? Are you waiting for the jury to reach a verdict? Do you need to schedule a mediation or deposition? The Law Library has conference rooms of varying sizes that will seat 6–28 people comfortably. We do charge an hourly fee to rent a room. Please see the library's website for pictures of the rooms and the corresponding rates.

We can email you a document. If you can't come down to the library, the library has a *document delivery service*, where, for a small fee, a reference librarian will find your document and email it to you. We can pull documents from Lexis, Westlaw, OnLaw, or Bloomberg Law. To place an order, email lawlib@acgov.org or call (510) 208-4832.

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We hope to see you soon! ◆



My Journey through Law School

by Jasenka Eminovic
ACCTLA 2024 Scholarship Recipient

The Beginning

My journey at Santa Clara Law officially began in the Fall of 2021. I joined the program as a part-time student, a full-time employee, and a single mom of two. I knew the work I was about to undertake would be challenging and that professors — and peers — would expect nothing but the best. To come to class on time, to come prepared, to have completed all the readings, and to be able to discuss the readings during class. The scariest part for me was the final exam, which I knew I had to be ready for. The preparation for the end of the semester started at the beginning.

First Year

The Curriculum

As a first-year law student, I followed a designated course of study. Here are some of my favorite classes from my first year:

Contracts. From offer, acceptance, and consideration to enforceability and remedies, this class was one of my favorites!

Legal writing. Learning legal research and writing were critical for my law school education and I found the class to be intellectually engaging. Through this class, I feel I got some exposure into different areas of law, which was particularly interesting.

Property law. The Rule Against Perpetuities may have been challenging, but learning about landlord-tenant duties was fascinating, as well as learning brand new concepts such as Easements, Conveyancing and Concurrent Estates. I simply loved this class.

Torts. This class was also very interesting, especially touching on things that may be seen day-to-day, such as acts of negligence, but also different things, such as defamation, nuisance and strict liability, to name a few.

Extracurricular Activities

Student Organizations. Our school had a number of student organizations that were a great way to connect with other students. Each organization seemed to have its own goal and a focus on a specific legal field. There were many "societies," such as an Environmental Law Society, Student Intellectual Property Law Association, and Women and Law Association, to name a few. While it was difficult to find the time to be actively engaged, these groups were doing some amazing things, such as putting on interactive events. Everyone was welcome to come. The leaders of these groups were also phenomenal and very welcoming. Sometimes, in a non-event moment, you could just talk about any subject concerning the legal field and the members were happy to give their time and discuss.

Moot Court. Some of my friends joined Moot Court. From what I heard, this experience was exceptional. Drafting written briefs and oral arguments seemed exceptionally important — so important that, at times, I'd find my close friends working until very late hours to perfect the writing and presentation.

Law Review. This was another popular area that some of my peeps talked about. While, unfortunately, I didn't get a chance to try out for law review, I heard some fantastic things from my peers. Throughout my education, I have read a number of law review articles and found them to be a great source of research, even superb for referenced legal topics and analysis. In fact, for one of my independent study classes, I truly admired an article written in a law review, so much that it made me think about submitting my own work (or at least trying).

Volunteer opportunities

Santa Clara offered a number of centers and clinics to develop lawyering skills and help real-life clients under the supervision of faculty. I joined a clinic where we focused on working with clients on record expungement. Our other clients were those in need of assistance for family law services, and we focused on different matters being assigned to different clients. There was nothing greater than seeing a client gain some better understanding and a client whose day just got a little bit better. This is certainly my mission and continues to be — to care for each other and, one day hopefully soon, to use my legal education to do well for our community, especially those who might be in greatest need.

The Support

I feel very lucky to have had the support throughout my education. First off, our overall legal community at school was very supportive. No door was ever closed and the Office of the Academic Success was incredible. I found that group to be ▶

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impressive educationally and support-wise. I felt I was in good hands.

For some of us who have been out of school for a moment or two, academic software may not be that intuitive. The incredible IT team seemed always "on the ready." They knew the ins and outs of each system and how to actually make the computer work! They offered support before exams to ensure that the software is set up correctly as well as being available.

I also felt that the professors were exceptional. Each professor that I had provided his or her office hours and availability. However, each of them was always willing to schedule a time when I asked, even when asked for outside of the office hours. I felt that I could be myself and really talk about what I didn't understand. I felt supported — being given the time, an ear, guidance and engagement. I think the faculty that I had is simply exceptional.

Academic Success Program. In our first year, we were so lucky and grateful to have the support of the Academic Success Program fellows. This program was a gift, and those fellows were nothing short of extraordinary. Our sessions – to my recollection — were offered in the evening, and we met throughout the year. During the sessions, we did various things — sometimes we talked, sometimes we worked through different multiple-choice problems, and sometimes we worked on our outlines. This program was so solid that I felt it gave me the footing to succeed. I'm forever grateful for the program.

Home Support. They say it takes a village to raise a child. It certainly does, and I feel I had my own village to help me. With two kids in two different schools, it took a lot of good and willing people to help me make my dream come true. As a part-time student and some classes being offered at night, I was able to count on them to help me attend the classes. I'm forever grateful for that support and will always look for ways to give back.

The Fun

An important aspect that usually doesn't come to mind when talking about law school is fun. However, our school provided just that. We were able to decorate the lounge and make it festive for several holidays.

We also had a book club headed by a faculty member, and read books for reading pleasure. We met and talked about the books. It was a great way to break away from the required readings and the club provided a social outlet. Overall, I felt the club was wonderful and it brought people together.

Second and Third Year

Second and third year of law school were a little bit different. Different in a way that I felt I got into the rhythm of things. Some things were certain — classes would start and there would be a final exam. That gave me some predictability. Also, having "survived" the first-year finals, I knew what to expect. Planning got a bit easier, and the Office of Academic Success was always available. It was time to take on the next (level) challenge.

The Curriculum

In addition to the required classes, more options for classes opened up — elective courses and upper-division curriculum courses. My goal was to take as many as possible prior to graduating. Here are some of my other favorites from the offerings:

Business Organization. As I already work in a corporation, I was so excited to learn about it. The corporate structure and the structure of partnerships were fascinating.

Remedies. This class seemed like it would fit with just about every topic! I truly enjoyed learning about it and all the case law that came with it!

Criminal Procedure. It was such an informative class and a great, thorough review of the applicable amendments.

Community Property. Before even taking the class, I felt it was a "must-have." And it truly was. All the concepts are "real-life," and so much law accompanies it! It was definitely one of my top and favorite classes.

Environment Law. So much to learn in this elective class! We addressed different topics surrounding this area of law. I'm so glad I had a chance to take it.

Negotiations. This was such an interactive class! It was great to combine the theory, and learning and working in different groups with my peers and professor. I loved this class.

Summer School

After the first year, many of us part-time students took one or two classes during the summer. This allowed me to reduce my course load during the regular school year. It also allowed me to take on more units during the summer so that I could graduate as soon as possible.

The Finish Line

The last semester of law school is particularly difficult for a number of reasons. First, I tried to take as many bar classes as possible and fit them into my work-life schedule. Through our school's generous course offering, I was able to select a few. Second, I was taking a bar prep workshop, which was fantastic but required a good deal of work and engagement. As I was up for a challenge and wanted to finish the program, I pushed through. To highlight, Advanced Legal Analysis is a superior course focusing on just that — legal analysis and writing. It was fantastic, but once again, it was a lot of work. Third, I was looking to start my Bar preparation early so that I could continue to work some prior to the Bar Exam. The Office of Success was incredible in helping select the right balance between the Bar preparation courses and learning through practice, such as multiple choice and published Bar Exams. There were several of us part-timers who were reaching the finish line, so we were able to work together some — it was really wonderful.

Nostalgia

As I approached some of my last days at Santa Clara, I felt a feeling of nostalgia. I was going to miss school. I made some great memories, and truly I enjoyed all the learning. But I do know that the school is close by, and some professors and friends are a phone call away.

A law school experience is like no other — it teaches more than just law — it builds communities, and it expands the good. It is an honor to go to law school. I can only imagine the honor of passing the Bar and being called an attorney.

Thank you again for providing me with the scholarship opportunity! I'm forever grateful, and I hope to be able to do some good for our community. Thank you so much again. ◆



—Jasenka Eminovic is an ACCTLA 2024 scholarship recipient, 2024 law school graduate, a patent professional, and a mom, who spent the summer studying for (and took) the July Bar Exam. She is anxiously awaiting the results!

ALCOHOLIC BEVERAGE CONTROL APPEALS BOARD

The Alcoholic Beverage Control Appeals Board: Where ABC Licensees Plead their Case

The California Alcoholic Beverage Control Appeals Board may be a lesser-known state entity to some, but it has real significance for alcoholic beverage licensees who may at some point face disciplinary action from the California Department of Alcoholic Beverage Control (ABC).

The Board is an entirely separate state entity from ABC. The three-member Board provides quasi-judicial administrative review of ABC decisions regarding issuing alcoholic beverage licenses, license conditions, protests against a license, and violations of law by a licensee. Common appeals heard by the Board involve licensees selling alcohol to minors, drug sales or illegal gambling by a licensee, and protests against the issuance of licenses involving noise ordinances or other community concerns.

If a licensee receives a final decision from ABC, they may have a right to appeal with the Alcoholic Beverage Control Appeals Board. The questions that may be considered by the Appeals Board are limited by the California Constitution and by statute.

The Board hears appeals at monthly hearings, and it decides matters based upon a review of the administrative record, legal briefs, and oral argument presented by the parties. The Board issues written decisions with orders affirming, reversing, and/or remanding ABC decisions. Judicial review of the Board's order may be obtained by filing a petition for writ of review with the California Supreme Court or the Court of Appeal.

Appellants range from billion-dollar corporations to mom-and-pop shops. The same ABC laws apply to all, and all licensees have the same right to an independent review by the Board.

The timeline to file an appeal with the Board is quick – 40 days from ABC's decision (unless the decision is effective immediately, then an appeal must be filed 10 days following ABC's decision). Licensees choosing to file an appeal may represent themselves or be represented by an attorney.

The Board provides all Californians who appeal with an efficient, timely, and approachable appeals process with fair and transparent legal review. The Alcoholic Beverage Control Appeals Board's decisions have broad impacts on business owners, public safety, and across California.

For more information on filing an appeal, guides, forms, videos, and informational materials translated into several languages, please see the ABC Appeals Board's website.

Disclaimer: Information contained in this article is not legal advice and should not be relied upon as legal advice. Before making any personal or business decisions, please consult with a private attorney.

Wrapping Up the Legislative Session

by Nancy Peverini
Consumer Attorneys of California Legislative Director

The 2023-2024 legislative session ended on August 31.
Presented here are the major bills CAOC worked on in 2024.

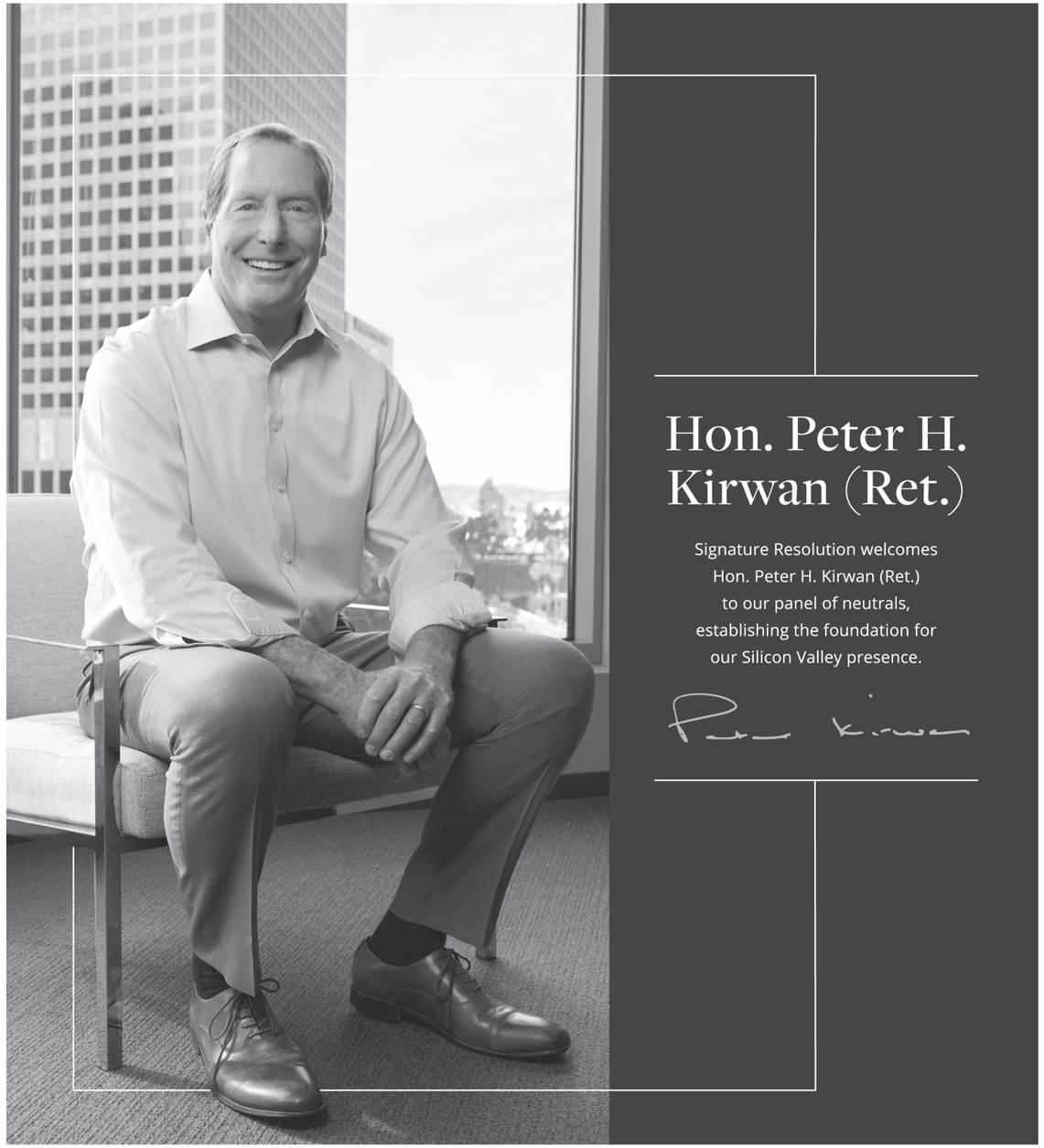
SPONSORED BILLS SENT TO THE GOVERNOR

AB 1755 (Kalra):
Improving California's Lemon Law and Avoiding a Fee Initiative
AB 1755 was introduced to address urgent problems in the handling of lemon law cases, while ensuring California remains a national leader in consumer auto rights. This legislation is the result of negotiations between Consumer Attorneys of California and General Motors, and is supported by other vehicle manufacturers and the California Judges Association. It includes an agreement for a mutual moratorium between CAOC and the Civil Justice Association of California (CJAC) on filing an affirmative state or local ballot initiative against the interests of each organization's respective members through the 2026 election cycle. Specifically, AB 1755 addresses litigation procedures by (1) creating an email/mail structure with strict deadlines on the manufacturer to repurchase or replace a defective vehicle before a lawsuit for double civil penalties; (2) enacting streamlined litigation procedures to front-load discovery and avoid discovery disputes; (3) establishing a standardized statutory release with offsets detailed in statute; (4) allowing for an action for repurchase or replacement for a vehicle up to six years old, the longest statute in the nation with civil penalties.

AB 2773 (Kalra):
Protecting Seniors Abused by Nursing Homes and Assisted Living Facilities
AB 2773 will protect seniors abused in nursing homes and discourage facilities from intentionally destroying legal evidence in violation of the law. Normally, to show elder abuse, the victim must show "reckless neglect" by clear and convincing evidence. However, to deprive victims of exactly that evidence, some defendant nursing homes intentionally destroy that very evidence. AB 2773 will address this narrow issue by stating that when a judge has found that a nursing home has intentionally destroyed legal evidence, the victim's burden of proving the case is by a preponderance-of-evidence standard, and not the higher clear-and-convincing standard. AB 2773 gives seniors and their families a chance at justice after a nursing home or RCFE unscrupulously destroys evidence when elder abuse has occurred.

SB 278 (Dodd):
Holding Banks Accountable for Financial Elder Abuse
Financial scams against elders are on the rise in California, and too often banks turn a blind eye while scammers rob older Californians of their life savings. Often called the "crime of the 21st century," financial scams against elders are an epidemic, with estimates of annual economic losses of $3 billion. As mandated, reporters, banks, credit unions, and other financial institutions are uniquely positioned to detect when a customer might be the victim of a scam or other financial abuse — and take action to protect elders from the devastating loss of their life savings. SB 278 will institute first-in-the-nation scam prevention policies within every California bank and credit union to stop scams before they occur and includes a private right of action to ensure accountability.

SB 1386 (Caballero):
Protecting Rape Survivors and Clarifying the Civil Rape Shield Law
SB 1386 would clarify that evidence of a victim's unrelated sexual assault or sexual history may not be brought in to impeach their testimony as to consent or damages. This clarifying change will protect survivors from being further victimized when seeking justice, consistent with the intent ▶



of California's long-standing civil rape shield laws. Co-sponsored by CAOC and Equal Rights Advocates.

AB 3061 (Haney):
Data for Testing and Deployment of Autonomous Vehicles
CAOC co-sponsors AB 3061 with the Consumer Federation of California and the California Teamsters Public Affairs Council to enact a statutory minimum for data collection regarding the testing and deployment of autonomous vehicles in California. Driverless vehicles have made headlines for injuring pedestrians, shutting down and blocking intersections, causing gridlock and obstructing emergency vehicles. There is a public interest in the highest level of transparency as the state determines the level and extent of the deployment of autonomous vehicles. Thus, a statutory minimum is essential to ensure that the need is met with public transparency and safety.

PRIORITY SUPPORT

AB 1846 (Bauer-Kahn):
Protects Victims of Sexual Assault
AB 1846 protects victims of sexual assault by requiring that California court judges have victim-informed training. Currently, there is no mandated training for judges about the best practices when interfacing with alleged victims of sexual assault. AB 1846 directs the Judicial Council to create training for judges on sexual assault, with an emphasis on appropriate treatment and trauma.

SB 949 (Blakespear):
Lactation Accommodation
SB 949 would require state superior courts to create a confidential process for allowing breaks in a court proceeding for a person to use a lactation room, starting July 1, 2026.

AB 2288 (Kalra):
Allowing Injunctive Relief for Workers with Labor Violations
AB 2288, co-sponsored by Consumer Attorneys of California and the California Labor Federation, was part of a two-part bill package with SB 92 (Umberg) to preserve the Private Attorneys General Act (PAGA) from the California Chamber of Commerce's ballot initiative. Among other negotiated changes, AB 2288 strengthened worker protection by allowing injunctive relief under PAGA.

LEGISLATION DEFEATED

AB X (Valencia): *Reducing Uninsured/Underinsured Motorist Limits from $1 Million to $50,000 for Uber/Lyft*
Not introduced after CAOC opposition and action.

AB 2496 (Pellerin): *Complete Immunity for Foster Care Agencies.*

AB 2049 (Pacheco): *Motion for Summary Judgment Timeline.*

AB 2743 (Pacheco): *Insurance Personal Vehicle Sharing (reduced insurance limits).*

AB 2317 (Nguyen, Stephanie): *Child Day Care Facilities: Anaphylactic Policy (immunity).*

AB 2677 (Chen): *Sureties: Liability.*

SB 1149 (Niello): *Government Claims Act: Liability.*

AB 2635 (Irwin): *Agrotourism Immunity.*

AB 2811 (Lowenthal): *Attorneys: Court Filings: Artificial Intelligence.*

AB 3205 (Essayli): *Civil Actions Attorneys Fees and Costs.*

SB 1141 (Niello): *Mediation: Amount in Controversy.*

SB 1296 (Niello): *Insurance Secondary Sources.*◆

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Maria Guadalupe Jimenez, et al. v. New Haven Unified School District
Case No. RG200818087
Verdict - $9,573,616
Hon. Jenna M. Whitman
Alameda County Superior Court

On January 7, 2020, plaintiffs Esmeralda Gomez and her mother, Maria Jimenez, went to James Logan High School, where Esmeralda was a sophomore at the time. They were there to speak with school officials because Esmeralda had been threatened and bullied, including that morning before school, by another James Logan High School student, T.S. Once they arrived at the school parking lot and got out of their car, the plaintiffs were immediately approached and physically attacked by T.S., and D.S, a teenager from a different high school. T.S. and D.S. were accompanied by a school security guard who failed to prevent or intervene in the attack. Numerous school employees had knowledge of the bullying for nearly a year prior to the violent attack.

Plaintiffs argued that the New Haven United School district was negligent in failing to prevent the violent attack on the school campus and to protect its student, Esmeralda Gomez, and her mother. The New Haven School District denied that it was at fault. The School District claimed that it properly supervised its employees and that the attack by T.S. and D.S. was unforeseeable.

Plaintiffs issued CCP 998 offers prior to trial in the amount of $750,000 for Esmeralda Gonzalez and $1,650,000 for Maria Jimenez. Defendant issued CCP 998 offers prior to trial in the amount of $50,000 for Esmeralda Gonzalez and $115,000 for Maria Jimenez.

Meds were waived. LOE $58,000 in past lost earnings for Maria Jimenez were awarded by the jury. $123,000 in future medical expenses for Jimenez and $20,000 in future medical expenses for Gonzalez were awarded by the jury.

Maria Jimenez suffered a mild traumatic brain injury, bilateral nose fractures requiring surgery, a retinal injury to her right eye and severe post-traumatic stress disorder. Esmeralda Gonzalez suffered minor physical injuries from the attack and post-traumatic stress disorder.

After a jury trial, the jury awarded Esmeralda Gonzalez damages in the amount of $2,570,000 and Maria Jimenez damages in the amount of $7,003,616. The jury concluded that the New Haven Unified School District was negligent by failing to control escalating bullying behavior by a fellow student who physically attacked the plaintiffs on the campus of James Logan High School.

The District filed a motion for judgment notwithstanding the verdict and a motion for new trial, contending there were multiple errors in evidentiary rulings and decisions by the trial court. Both motions were set for hearing on July 3, 2024.

Plaintiffs' Attorneys: Megan Therese Burns, Emily Dahm and Alan Charles Dell'Ario
Defense Attorney: Marina Pitts

Wilson, et al. vs. City of Martinez
Verdict: $8,165,042
Contra Costa County
Judge Gina Dashman

On October 27, 2019, a large tree fell in downtown Martinez during a farmer's market, injuring many people. Defendant City of Martinez owned the tree that fell. The City of Martinez was responsible for burying the tree too deep in the ground and for planting the tree inside of a wooden nursery box. There was also other conduct by the City that led to the tree being comprised, including damaging it during a downtown beautification project. The City had 19 years to notice and remediate the problem but failed to do so. At trial, the City of Martinez stipulated that it was liable for a dangerous condition of public property pursuant to California Government Code §§835(a) and 835(b).

Plaintiff Sosa witnessed her 10-month-old son's stroller be crushed by the tree. Although the child only suffered minor physical injuries, Sosa was subsequently diagnosed with chronic Post-Traumatic Stress Disorder. She also suffered a fracture of the left medial talar bone in her ankle that required surgery, including an Open Reduction Internal Fixation (ORIF) of the left medial talar body and a left medial malleolar osteotomy and fixation. The ankle injury caused Sosa to suffer past and future wage loss as a pediatric occupational therapist in private practice.

Plaintiff Wilson was holding her two-year-old in her arms when the tree struck ▶

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her in the back, causing fractures to the cervical C7 lamina, cervical C6 spinous process, and thoracic compression fractures with loss of height at T6, T8 and T11. Wilson was a stay-at-home mom at the time of the incident but had intended to return to work as a preschool teacher. One of Wilson's treating physiatrists testified that she would suffer from neck and back pain for the rest of her life and that the goal of future treatment would be to prevent things from getting worse.

Plaintiffs' Attorneys:
Megan Burns and Adam Carlson
Defense Attorneys:
Martin Ambacher and Christopher Allard

Angel Aguirre v. AEG Management Oakland, LLC and Tommy Harman
Case #RG20-074680
$8.29 Million Verdict
Alameda Superior Court
On September 28, 2019, Angel Aguirre, an employee of SGPS Showrig, was responsible for the stage set-up and breakdown during the Rolling Loud Festival at the Oakland Coliseum for the artist 21 Savage. Another stagehand was operating a forklift during the stage breakdown — the forklift that would end up crushing Mr. Aguirre's hand. This forklift driver was required to ensure he could see Mr. Aguirre in a safe position before moving the forks. The visualization was crucial due to the noisy environment created by the crowd and performer.

As they began their work, the sun was setting, shrouding the area in darkness. The forklift operator claimed that he heard Mr. Aguirre provide a verbal instruction to move the forks, an instruction that never occurred, and that led to the disaster. Mr. Aguirre was left in harm's way when the forklift operator moved the forks, crushing Mr. Aguirre's hand. He screamed as his hand was crushed and his body stretched as the forks were raised in the air. The forklift-operator eventually realized what was happening and stopped the forks, but it was too late. Mr. Aguirre had suffered a severe crush injury to his hand. He passed out from the pain and was then taken away by ambulance.

After the incident, Mr. Aguirre was taken to Highland Hospital, and it was noted that he suffered a degloving injury with lacerated nerves and severe injury to the tendons and ligaments of his right hand.

The lawsuit was brought because Mr. Aguirre's safety was sacrificed when AEG Oakland Management, LCC and Tommy Harman acted negligently. The operator was responsible for the 25 feet around the forklift and failed to ensure that Mr. Aguirre was clear when he moved the forks. AEG failed to have proper safety policies in place to ensure the safe use of forklifts by its employees.

Mr. Aguirre suffered severe lacerations, nerve damage, tendon damage and a significant crush injury to his dominant right hand, including his index and middle fingers. He now has pain and numbness in his right hand, wrist, and shoulder. He also has Complex Regional Pain Syndrome (CRPS), which is a chronic progressive and debilitating pain disorder that causes pain disproportionate to the severity of an initial injury.

He has undergone significant treatment, including surgery, over the past five years, and will require continued treatment well into the future. The cost of his past and future medical care is substantial. He is unable to work now and in the future due to this injury.

Past meds: $144,688.72
Future meds: $580,400
Past wage loss: $259,650
Future loss of earning capacity: $2,432,311
Past pain and suffering: $1,250,000
Future pain and suffering: $3,630,000
Total: $8,297,049.72

Settlement discussions were held, with defendants making a $600,000 offer and plaintiffs making a $4.86 million demand.

Plaintiff's Attorneys:
Elise Sanguinetti and Jamie G. Goldstein

Estrella-Trujillo v. J.S. Builders, Inc.
Case No. 22CV013096
Alameda County Superior Court
Settlement: $575,000.00
On November 6, 2020, an 18-year-old man was rear ended by a pickup truck driven by defendant's employee. The client sustained injuries to his head, left shoulder, and neck. The subsequent MRI of his lumbar shows disc bulging at L1-2 and MRI of his cervical spine shows annular tear at C4-5 and C5-6. His left shoulder MRI shows SLAP tear, to which he received an AC joint injection. His brain MRI T2 FLARI shows white matter changes and DTI shows asymmetries in his left ILF and right cingulum, which is "highly suspicious for post traumatic injury." After the injuries, he dropped out of college due to the cognitive impairments. He then started an apprenticeship as an electrician through his family connection.

His past medical is $102,337.12 with no past wage loss. Defendants dispute causation and damages, arguing that the first time plaintiff saw a doctor to complain about concussion-related symptoms was six months after the injuries. Defendants also argued that the medical costs were not reasonable since some of them are on liens.

The case was mediated by Debra Bogaards of ADR, who made a mediator proposal of $815,000, which was not accepted by the defendants. Early during the mediation session, the defendants' adjuster left, and this was not informed to the plaintiff until after the mediation. The mediation was not productive.

The case settled at mandatory settlement conference for $575,000. The defen- ▶

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dants did not pay the settlement amount by the deadline set forth in the release. The plaintiff had to file a motion to enforce settlement before the defendants finally paid the settlement amount the day before the hearing of the motion. Defendants' insurance is Starr Indemnity.

Mandatory Settlement Judge:
Hon. Jo-Lynne Q. Lee
Plaintiff's Attorney: Teresa Li

Taiclet v. Devaney Engineering, Inc. et al.
Case No. 21CV004045
Alameda County Superior Court
Settlement: $800,000

On February 24, 2021 around 1 pm, a 61-year-old immigration paralegal flew off his bike handlebar after his bike hit a pile of fresh asphalt left by Devaney Engineering, Inc. on the shoulder of a single lane road in Alameda. Plaintiff landed on his head and left shoulder. He lost consciousness and was sent by ambulance to a hospital. Plaintiff sustained head injury, fracture to his left shoulder, and fracture to his left wrist, which required open reduction and internal fixation surgery.

His past medical is $151,121.64. He took six months off work to recover from his wrist fracture and his past wage loss is $34,473.50. Plaintiff loves playing his guitar and after the incident, he could no longer play guitar. At the same time of this case, he was sued as a defendant by his neighbor for a dispute of a pot of land. After the incident, his immigration law firm laid him off and he was able to find another position with his real estate lawyer's law firm. Plaintiff claims that defendant Devaney Engineering improperly stored the pile of fresh asphalt in the shoulder of the roadway without a traffic control plan which violated MUTD. Defendants disputed liability and damages, claiming that the location of the storage is a parking-only lane and is not supposed to be used by cyclist. Defendants filed a summary judgment motion on duty, breach, and causation, and Judge Jeffrey Brand properly denied the summary judgment motion. Defendants also filed multiple motions to compel production of unredacted past medical records, to which Judge Brand correctly denied.

After Judge Brand's retirement, the case was then transferred to Judge Brad Seligman, who properly denied defendants' request to conduct physical exam on body parts that were not in controversy.

The case settled after mediation per mediator's proposal of $800,000 on May 8, 2024.

Mediator: Ken Gack of JAMS
Plaintiff's Attorney: Teresa Li

Meng v. Bhathal
Case No. 22CV014414
Alameda County Superior Court
Settlement $1,500,000

In February 2021, a family of four were hit at a crosswalk by a Nissan Leaf driven by defendant Bhathal. Defendant claims that the sun was in her eyes and her vehicle's pillar was too large for her to see the pedestrians. The father fractured his rib and left shoulder and sustained a mild traumatic brain injury. The 9-year-old boy sustained a fracture to his left hip which required open reduction and internal fixation surgery. The mother and 6-year-old daughter sustained mild injury but suffered severe emotional distress for witnessing her family getting hit by the car. The defendant was insured by Farmers Insurance for $1.5 million. Farmers insurance first paid $500,000 to the 9-year-old boy and was going to proceed the case against the rest of the plaintiffs. During mandatory settlement conference, the defendant tendered the remaining $1 million.

Mandatory Settlement Judge:
Hon Jo-Lynne Lee
Plaintiff's Attorney: Teresa Li

Chang v. Webb
Case No. 22CIV02340
San Mateo Superior Court
Settlement $1,500,000

On October 4, 2020, plaintiff, a real estate agent, was hit in a parking lot of Safeway when defendant ran a stop sign. The impact was mild and only incurred $2000 in property damage. However, plaintiff was a breast cancer survivor who just completed a session of radiation therapy for her left breast. Plaintiff was also on blood thinner at the time. The seatbelt injury caused hematoma in her left breast and right hip. A few days later, she was hospitalized for sepsis from the infections from the hematoma. The infection in her left breast could not heal and plaintiff had several surgery to her left breast, attempting to clean out the infection. Eventually, plaintiff's doctor has to completely cut off the left breast. Defendant contends that the infection has nothing to do with the collision but was due to urinary tract infection. Defendant is insured by Farmers Insurance. The case settled at mediation for the policy limit of $1,500,000. ◆

Mediator: Bradley Bostick
Plaintiff's Attorney: Teresa Li

Unable to make it to the Diversity Scholarship Fundraiser on October 4? You can still donate to ACCTLA's Scholarship by using the QR code below and donating through our website!

Espinosa v. State of California
Settlement: $15,000,000 (Napa)
Judge Cynthia Smith

On June 30, 2020, William White, a fire captain with the CalFire, killed 22-year-old Vanessa Espinosa when he sped through an intersection on a red light in violation of the California Vehicle Code and CalFire policy and practice. White was driving a CalFire engine on route to a non-injury brush fire. Compounding the severity of White's recklessness was the experience of Retired Napa County Sheriff, Douglas Koford. A few minutes prior to the subject collision, the former elected Sheriff of Napa County witnessed White careening through an intersection three miles north of the subject intersection. Both he and his wife were terrified and believed they would be killed as the truck narrowly avoided colliding with them. For four years, the State of California denied liability and blamed the decedent for the crash, arguing she was under the influence of marijuana, and was distracted by her phone. Shortly before trial was scheduled to begin, the State of California suddenly reversed course and admitted 100% liability for the incident. The decedent was survived by her divorced parents, who remained on good terms, Elsa and Robert Espinosa.

The case settled following the pre-trial conference and 48 hours before jury selection was set to begin.

Plaintiffs' Attorneys:
Marjorie Heinrich and Ethan Wimert
Bryan Lamb and Richard Frischer
Defense Attorneys: Daniel Alweiss, Rohit Kodical, and David Weisman

Ward v. Ranger Pipelines, Westland Contractors, City of Alameda
Settlement: $8,000,000
Hon. Jocelyn Jones

On October 26, 2021, Defendants Ranger Pipelines, Inc. and Westland Contractors, Inc. left an unrestored pipeline trench and loose gravel in a residential roadway that caused 17-year-old Tyler Ward to lose his balance on his Amigo Warrior Scooter, crash and slide into a construction backhoe on the side of the road. Mr. Ward sustained severe, open, comminuted fractures of his right leg and complex ligament injuries resulting in permanent disability. This was the second of two known crashes caused by the same roadway conditions that same evening. The case was extraordinarily complicated because of the interplay between the defendants and the plaintiff Tyler Ward was responsible for the crash due to speed and inattention. The case settled following the pre-trial conference, rulings on Motions In Limine, the completion of the jury questionnaires, and hardships.

Plaintiff's Attorneys:
Marjorie Heinrich and Ethan Wimert
Andje Medina and Jeremy Cloyd
Defense Attorneys:
Jeffrey Vucinich and Sherrett Walker
Vanessa Whirl and Jennifer Willis

Baron v J&A Seven Wonders, Grocery Outlet Inc.
Verdict: $6,600,000 with 20%
Comparative Fault Attributed to Plaintiff
Judge Samuel Feng

This matter concerned a major injury incident that occurred on the afternoon of October 16, 2019. On that afternoon, Plaintiff Carol Baron suffered severe injuries when she caught her ankle on the platform of a U-boat cart and fell forward, hard onto her outstretched right arm and chin. The incident was captured on video. Ms. Baron and her husband, Paul, had been shopping at the Grocery Outlet location on Bayshore Avenue in San Francisco at the time. She suffered, including but not limited to, a severely displaced humerus fracture coupled with biceps and rotator cuff tears in her dominant right arm, which required major surgery. Though the operation was "technically" successful, Ms. Baron continued to live with severe pain and dysfunction and was eventually diagnosed with chronic regional pain syndrome ("CRPS"). Heinrich Law sued the operator of the store, J&A Seven Wonders Corp, and the parent company, Grocery Outlet Inc. J&A argued Carol Baron was responsible for tripping and falling over the open and obvious U-boat cart; and Grocery Outlet Inc. argued J&A was an "independent operator" and therefore it could not be held responsible pursuant to principle agency and/or joint venture claims. The matter was set to begin trial on August 26, 2024. Heinrich Law sought a stipulated trial continuance approximately 30 days prior to trial due to a conflict with Espinosa v. State of California. Judge Feng, who would ultimately be the trial judge, denied the continuance. Heinrich Law associated in Andje Medina and Kevin Morrison with Altair Law shortly before trial was to begin. Ms. Medina and Mr. Morrison tried the case to verdict. They displayed extraordinary lawyering, trial skills, and advocacy throughout the trial. Notably, not only was liability established with little comparative fault, but the jury found there was a principal agency and joint venture relationship between Grocery Outlet, Inc. and J&A, claims that were vehemently denied throughout the litigation and at trial.

Plaintiff's Attorneys:
Andje Medina and Kevin Morrison
Marjorie Heinrich and Ethan Wimert
Defense Attorneys:
Jerry Popovich and Miles Maurino
Laurie Yoon ◆

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