

Association of Southern California Defense Counsel

61ST ANNUAL SEMINAR

MARCH 17-18, 2022 JW Marriott LA Live Los Angeles, California



Keynote Speaker:

VAN JONES,

CNN Host and Dream Corps Founder



— LUNCHEON SPEAKER —

Van Jones

— GUEST SPEAKERS —

Hon. Eric Taylor & Hon. Erick Larsh

— PROGRAM SPEAKERS —

J. Bernard Alexander, Ill
Michael D. Belote
Kenny C. Brooks
Hon. Rupert Byrdsong
Marshall R. Cole
Hon. David J. Cowan
Hon. Daniel Crowley
Gary A. Dordick
Stacy Douglas
Codie Dukes
Christopher E. Faenza
Steven Fleischman
Dan Gallipeau
Angela S. Haskins
Benjamin J. Howard

Jennifer R. Johnson
Diana P. Lytel
Amy Rose Martel
Hon. Kenneth J. Medel
Mina Miserlis
David A. Napper
Robert A. Olson
Frances M. O'Meara
Lisa Perrochet
James R. Rosen
Eleanor Ruth
Linda Miller Savitt
Hon. Patricia Schnegg (Ret.)
Eric C. Schwettmann
Linda Star

Hon. Wendy Wilcox

President's Message

elcome to the 61st Annual Seminar! We are thrilled to be back in person in the center of Los Angeles at our favorite LA Live venue. This year's seminar is focused on trial tactics where we will sharpen our skills as we begin to get back into the courtroom and do what we do best, try cases.

We will begin with our Annual Business Meeting on Thursday, followed by the crowd favorite, "A Year in Review" featuring California and Federal appellate decisions of importance to the civil defense bar. Presented by Past President Robert "Bob" Olson and Ellie Ruth, you will get up to speed on the critical cases that are relevant to your practice.

We are honored to have with us some of the preeminent trial lawyers in California who will demonstrate their skills and give us practice pointers in developing our own strategies for voir dire, openings, closings and more. Following "Year in Review," the trial track will begin with a panel focusing on voir dire including a mock session with a jury consultant and jurors. If jury selection doesn't interest you, an alternative offering is an ethics session presented by Lisa Perrochet.

Following lunch, our trial track will pick up with opening statements. This all-star panel from the bench and both sides of the bar will dialogue and debate on important topics. Concurrent with this panel, join the Honorable Rupert Byrdsong of the Los Angeles County Superior Court, Stacy Douglas of Everett Dorey LLP, and J. Bernard Alexander, Ill of Alexander Morrison + Fehr LLP for a discussion on the impact of implicit bias in employment law.

The last sessions of the day will focus on closing statements in a medical malpractice case and a hot topic panel covering third-party relationships, coverage and cumis counsel. Thursday will end with an update on the status of civil in LASC by Supervising Judge, Civil Division, Honorable David Cowan.

Following a full day, we will adjourn to a cocktail reception followed by a special optional event at Crypto.com Arena which will include tickets to the LA Kings vs. San Jose Sharks hockey game. Join friends and colleagues in the private Hyde Lounge to enjoy food, beverages, camaraderie, and the game.

Friday morning will begin with an update from legislative advocate, Michael Belote, who will apprise us on current events and legislation in Sacramento. Steven Fleischman will present a session on discovery issues to consider in light of *Howell* and *Pebley*. Our last panel on Friday morning will feature the Honorable Eric C. Taylor, Presiding Judge of the Los Angeles Superior Court, and the Honorable Erick L. Larsh, Presiding Judge of the Orange County Superior Court for a discussion about diversity and inclusion and why it matters.

For Friday's luncheon, our keynote speaker will be CNN host, political commentator, Emmy Award-winning producer, and author, Van Jones. Van has found success as a social entrepreneur, having founded and led many thriving enterprises. A Yale-educated attorney, in July 2021, Jones was awarded \$100 million from Amazon founder Jeff Bezos with his inaugural Courage and Civility Award, to give away as he sees fit.

I would like to close with a special thank you to our Annual Seminar Committee, chaired by Marta Alcumbrac, for adeptly putting together this phenomenal event. Marta will be taking over as President, and we are honored and privileged to have her.

Thank you for your support of ASCDC. I look forward to seeing you all in person at the seminar.

Diana P. Lytel 2021-2022 President

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

Thursday, March 17, 2022

7:30 am – 6:30 pm Diamond Foyer	Registration Open
7:30 am – 9:00 am Diamond Foyer	Continental Breakfast in the Vendor Faire Area
7:30 am – 4:30 pm Diamond Foyer	Vendor Faire
8:30 am – 8:45 am <i>Diamond 5</i>	Annual Business Meeting
0.45 and 10.15 and	"A Veer in Deview"

8:45 am – 10:15 am *Diamond 5* "A Year in Review"

- Case Highlights of 2021

(MCLE - 1.5 hour of general credit)

The ASCDC Annual Review features the 2021 California and Federal appellate decisions of importance to the civil defense bar and insurance claims personnel.



Robert A. Olson Greines, Martin, Stein & Richland



Eleanor Ruth Greines, Martin, Stein & Richland

10:15 am – 10:30 am Diamond Foyer **Vendor Break**

MCLE Credit -

This activity has been approved for Minimum Continuing Legal Education credit by the State Bar of California in the amount of **8.5 hours**, including **1.25 hours** of **Recognition and Elimination of Bias in the Legal Profession and Society** credit and **1.5 hours** of **Legal Ethics** credit.

The Association of Southern California Defense Counsel certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing minimum continuing legal education.

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

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

Register Online at www.ascdc.org

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

Thursday, March 17, 2022 - continued

TRIAL SCHOOL TRACK

Diamond 5

10:30 am - 12:00 noon Picking a Wrongful Termination Jury In the Pandemic Era

(MCLE - 1.5 hour of general credit)

Picking a jury in Los Angeles County in employment cases remains as challenging as ever, particularly during the pandemic. The seasoned trial attorneys, jury consultant, and judge on this interactive panel will demonstrate the art of jury selection using audience members as potential jurors.



Eric C. Schwettmann Ballard Rosenberg Golper & Savitt



Gary A. Dordick Dordick Law Corporation



Dan Gallipeau **Dispute Dynamics**



Linda Miller Savitt Ballard Rosenberg Golper & Savitt, LLP



Hon. Patricia Schnegg (Ret.)

HOT TOPIC PRACTICE TRACK

10:30 am - 12:00 noon Diamond 1-3

Don't Waiver From Risk Management: Learn to Spot Conflicts and Other Red Flags at Intake

(MCLE – 1.5 hour of Legal Ethics credit)

It's so great when your business development efforts pay off and a new client contacts you for representation. It's also rewarding to get that vote of confidence when an existing client calls with a new matter. But does the rush make you ignore that little voice in the back of your head that says to slow down and check up on who exactly you will and will not be representing, what exactly the representation will entail, and what you need to document along the way? Attend this panel for tips on safe practices for defense lawyers entering into an attorney-client relationship.



Frances M. O'Meara Freeman Mathis & Gary, LLP



Lisa Perrochet Horvitz & Levy, LLP

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

Thursday, March 17, 2022 - continued

12:00 noon – 1:30 pm

Lunch On Your Own

Visit www.ascdc.org for dining options.

TRIAL SCHOOL TRACK

1:30 pm – 2:45 pm *Diamond 5* No Second Chances for First Impressions: Outstanding Opening Statements

(MCLE – 1.25 hours of general credit)

Opening statements can be a powerful tool in presenting your trial theme and providing the jury with an overview supporting your client's fact pattern. This all-star panel from the bench and both sides of the bar will dialogue and debate on topics such as mini-openings, anchoring damages, trial themes, bad facts, storytelling, and more.



Benjamin J. Howard Neil, Dymott, Frank, McCabe & Hudson APLC



Christopher E. Faenza Yoka & Smith LLP



Amy Rose Martel Chihak & Martel



Hon. Kenneth J. Medel Superior Court of San Diego County

HOT TOPIC PRACTICE TRACK

1:30 pm – 2:45 pm *Diamond 1-3* The Impact of Implicit Bias in Employment Law

(MCLE – 1.25 hours of Recognition and Elimination of Bias credit)

Workplaces can be fraught with unconscious biases related to race, gender, and disability resulting in implicit bias claims by employees. This experienced and all-star panel will discuss the growing trend of these types of claims including approaches and strategies with perspectives from the bench and both sides of the bar.



David A. Napper Chapman, Glucksman, Dean & Roeb



J. Bernard Alexander, III Alexander Morrison + Fehr LLP



Hon. Rupert Byrdsong
Los Angeles County
Superior Court



Stacy Douglas Everett Dorey LLP

2:45 pm – 3:00 pm Diamond Foyer **Vendor Break**

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

Thursday, March 17, 2022 - continued

TRIAL SCHOOL TRACK

3:00 pm – 4:15 pm *Diamond 5* How to Cure the Common Closing Argument

(MCLE - 1.25 hours of general credit)

Come learn the best closing argument strategies from seasoned medical malpractice attorneys.



Angela S. Haskins Haight, Brown & Bonesteel, LLP



Jennifer R. Johnson Law Office of Jennifer R. Johnson



Linda Star Collinson, Daehnke, Inlow & Greco



Hon. Wendy Wilcox Los Angeles County Superior Court

HOT TOPIC PRACTICE TRACK

3:00 pm – 4:15 pm *Diamond 1-3* 2022 Primer on Malpractice Trends and Common Pitfalls

(MCLE – 1.25 hours of general credit)

In 2022 the landscape of how to be a lawyer has changed and It's easier to make mistakes now, more than ever. The remote work environment has led to less associate oversight, poorer work product and increased demands from clients. The standard of care remains the same, yet how attorneys are viewed in the community is changing. This panel will provide an in depth discussion with perspectives from both the plaintiff and defense side in relation to hot topics, current trends and updates with respect to the relevant case law.



Marshall R. Cole Nemecek & Cole



Kenny C. Brooks Nemecek & Cole



James R. Rosen Rosen * Saba, LLP

4:15 pm – 4:30 pm Diamond Foyer **Vendor Break**

Register Online at www.ascdc.org

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Thursday, March 17, 2022 - continued

4:30 pm – 5:00 pm *Diamond 5* LASC Court Update (MCLE – 0.5 hours of general credit)

Supervising Judge of the Civil Division of the Los Angeles County Superior Court, Hon. David J. Cowan, will discuss the state of California courts.



Hon. David J. Cowan
Los Angeles County
Superior Court

5:00 pm – 6:30 pm Diamond 4 **Cocktail Reception**

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

7:00 pm Hyde Lounge LA Kings vs. San Jose Sharks Special Event at Crypto.com Arena

Join your friends and colleagues for a special offsite event in the private Hyde Lounge at the Crypto.com Arena and enjoy food, beverages, friends, and a hockey game! **Separate advance ticket purchase required; space is limited.**



Register Online at www.ascdc.org

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

Friday, March 18, 2022

7:30 am – 12:00 noon Diamond Fover Registration Open

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

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

8:45 am – 9:30 am Diamond 5 California Defense Counsel Legislative Update

(MCLE – 0.75 hours of general credit)

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



Michael D. Belote California Advocates, Inc.

9:30 am – 9:45 am Diamond Foyer **Vendor Break**

9:45 am – 11:00 am *Diamond 5* Discovery Strategies for Lien Providers (MCLE – 1.25 hours of general credit)

Many of us hoped the California Supreme Court's seminal decision in *Howell v. Hamilton Meats & Provisions, Inc.* (2011) 52 Cal.4th 541 would put to rest the notion that personal injury plaintiffs can recover for the grossly-inflated amounts billed by medical providers that, in real life, are never paid. However, the last eleven years have taught us that *Howell* marked only the beginning of the battle.

Notwithstanding Howell, decisions like Pebley and Qaadir have permitted plaintiffs to treat on a lien basis and try to recover the full amount billed. Hear from the defense firm who handled Howell from the trial court to the California Supreme Court, an appellate attorney and from a Los Angeles Superior Court judge regarding discovery issues related to lien treatment and how to obtain the discovery needed to prepare your case for trial.



Steven Fleischman Horvitz & Levy



Hon. Daniel Crowley
Los Angeles County
Superior Court



Codie Dukes Tyson & Mendes



Mina Miserlis Tyson & Mendes

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

Friday, March 18, 2022 - continued

11:15 am – 12:00 noon Diversity and Inclusivity – Why It Matters
Diamond 5 (MCLE – .5 hours of general credit)

Please join Presiding Judges of Los Angeles and Orange County Superior Courts, two of the largest trial courts in the country, for an in-depth discussion about diversity, inclusion and why it is important. Presiding Judges Eric C. Taylor and Erick L. Larsh will discuss why it is imperative that we all play a role in promoting diversity which works to ensure fairness and equity under the law. Our courtrooms should reflect California's rich and varied demographics and this panel will focus on court initiatives that work toward achieving this goal.



Diana P. Lytel Lytel & Lytel, LLP



Hon. Eric C. Taylor Los Angeles County Superior Court



Hon. Erick Larsh Superior Court of Orange County

12:00 noon – 2:00 pm *Diamond 1-4*

Annual Seminar Luncheon with Keynote Speaker



Keynote Speaker:

VAN JONES

CNN Host and
Dream Corps Founder

Van Jones is a CNN host, political commentator, Emmy Award-winning producer, and author of three New York Times best-selling books: The Green Collar Economy (2008), Rebuild the Dream (2012) and Beyond the Messy Truth: How We Came Apart, How we Come Together (2017).

Van has also found success as a social entrepreneur, having founded and led many thriving enterprises including the REFORM Alliance, Color of Change, the Ella Baker Center for Human Rights and the Dream Corps, which works to close prison doors and open doors of opportunity in the green and tech economies.

Jones was the main advocate for the Green Jobs Act. Signed into law by George W. Bush in 2007, the Green Jobs Act was the first piece of federal legislation to codify the term "green jobs." During the Obama Administration, the legislation resulted in \$500 million in national funding for green jobs training. In 2009, as the Green Jobs Advisor to the Obama White House, Jones oversaw an \$80 billion dollar investment in clean energy jobs.

A Yale-educated attorney, Jones has won numerous awards, including the World Economic Forum's "Young Global Leader" designation, Rolling Stone's 2012 "12 Leaders Who Get Things Done," TIME's 2009 "100 Most Influential People in The World," the 2010 NAACP Image Award, a 2017 WEBBY Special Achievement Award, a 2019 Lumiere Award and a 2020 Primetime Emmy Award for Outstanding Original Interactive Program.

JW Marriott LA Live Los Angeles, California



iscover unparalleled luxury, style and convenience when you stay at the JW Marriott Los Angeles LA LIVE. You will find yourself surrounded by plush amenities, irresistible cuisine and unforgettable experiences just steps from your room. The Hotel is located at 900 West Olympic Boulevard, Los Angeles, CA 90015 – near to some of the most popular attractions. Explore the Crypto.com Arena, Microsoft Theater, Grammy Museum, Club Nokia, Griffith Park and so much more. Sights that are not to be missed!

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

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

Daily Rates: \$20 Valet Parking before 5 pm; \$23 after 5 pm Overnight Rates: \$49 Valet Parking Rates do not include taxes.

A block of rooms has been reserved for ASCDC members and guests attending the 61st Annual Seminar, but **you must reserve your rook no later than February 23, 2022**. The ASCDC discounted rate is \$279/night plus taxes and fees. For reservations, call 213.765.8600 or 877.622.3056 or follow this link: https://book.passkey.com/go/ASCDC2022. Please indicate you are attending the Association of Southern California Defense Counsel's 61st Annual Seminar to receive our special room rate of \$279 (king or double). Please visit the hotel website for further details: www.marriott.com/hotels/travel/laxjw-jw-marriott-los-angeles-la-live.

COVID-19 - Please be aware that we are working closely with the venue and our partners to create a safe, worry-free and comfortable in-person experience for all attendees. We are monitoring the COVID-19 pandemic and tracking guidelines that may affect the onsite environment, and we will update you with any additional information you need to be aware of to attend the inperson program. Please plan to follow all applicable guidelines in place at the time of the Annual Seminar.

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202	1 Diana	P. Lytel

The Patrick A. Long President's Award

This award, named in honor and memory of ASCDC 1991 President, Patrick A. Long, is presented during the Annual Seminar In recognition of exemplary service to the organization. Congratulations to the past recipients.

2013 Lisa Perrochet, Esq.
2015 Steven S. Fleischman, Esq.
2016 Lawrence R. Ramsey, Esq.
2017 Diana P. Lytel, Esq.
2018 Lisa Collinson, Esq.
2019 Eric C. Schwettmann, Esq.
2020 Benjamin J. Howard, Esq.





Registration Information

A dvance registration for the Annual Seminar is a necessity. Registering is easy and may be done as follows:

- Online via the ASCDC website www.ascdc.org.
- By mail by completing the form in this brochure and mailing it with your check to the ASCDC office in Sacramento.

REGISTRATION FEES: ASCDC Members Claims Personnel Non-Member Attorneys Young Lawyer Member* Luncheon Companion Ticke	2/19/22 – 3/14/22 REGULAR \$435 \$185 \$535 \$335 \$125	after 3/14/22 ON-SITE \$465 \$185 \$565 \$365 \$125
Reception Companion Ticke	\$ 85	\$ 85
Thursday Hockey Event**	\$ 160	\$ 200

^{*} In practice up to five years

The registration fee covers attendance at the seminar on Thursday and Friday, attendance at Thursday's reception, and the Annual Luncheon on Friday. A separate fee is required for Thursday's special event at Crypto.com Arena.

REFUND POLICY – Requests for refunds must be made in writing and submitted to the ASCDC office no later than Friday, March 11, 2022. A \$100 surcharge will be assessed to all cancellations received on or before this date. No refunds will be given after Friday, March 11, 2022.

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

Be sure to register early to avoid onsite fees.

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

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

^{**} Advance purchase required; limited availability

Registration Form

Save Time and Postage Register online at



or to pay by check, fill out the form below and mail

	on or before 2/18/2	2 2/19/22 – 3/14/22	after 3/14/22	
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Are you now devoting primarily (i. civil litigation?	e., at least 75%) of your professional time to the practice in Student
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Join online at https://www.ascdc.org/#memRenewals.html.



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