

# Membership update

By Liz Teves, Membership Manager



The year is off a great start with our first membership phone drive on Feb. 21 in Los Angeles at the offices of Greene, Broillet & Wheeler LLP. Board member attendance was at an all-time high, and the day resulted in 32 new members of Consumer Attorneys of California.

We will continue our efforts in the year ahead. The key to success is a big turnout of board members ready to hit the phones and recruit new members on a peer-to-peer basis. We depend on our veteran CAOC

members to step up and make the calls to legal colleagues they know. The pitch on behalf of CAOC is quick and simple, informing the uninitiated about all our great organization has accomplished to help protect the rights of their clients and the health of their practices.

Many thanks to the folks at Greene, Broillet & Wheeler for hosting this tremendous kick-off recruitment event. We would also like to thank the following participants for taking time out their busy

schedules to help boost our membership: Danny Abir, Joy Auerbach, Chris Aumais, Bruce Broillet, Liz Hernandez, Catherine Knapp, Ken Lipton, Molly McKibben, Doug Rothen, Laura Sedrish, Christine Spagnoli, Derek Tran, and Geoff Wells.

**Upcoming phone drives:**

- March 28 – Stebner & Associates, San Francisco
- April 3 – Thompson Law Offices, Burlingame



# Never needed you more than now

By Abbas Kazerounian, Diversity Committee Chair



California is one of the most diverse communities in the United States; we live in 2019 in an era that is approximately half a century after the civil rights movement and within a country that was created by immigrants. And what the last three years have taught us is that racism, bigotry and lack of acceptance of what is perceived to be different, is still a massive and absolute reality of the modern United States culture as we know it. We have almost been in shock for two solid years watching our President and his supporters take our country back fifty years. This has happened by a non-stop media propaganda campaign to build a foundation for equally offensive political policies agendas. We have to stop observing, shake ourselves down and begin to take a stand against what can only be an attack against the core of real American values and the great American constitution. We find ourselves in an era fighting against the building of a wall for \$5 billion to keep out foreigners,

instead of working together to ensure that every American has health care, every child has educational opportunities to further themselves and make sure no one in the world's richest nation is homeless or hungry. That can only happen if we decide to do it as a society and leaders rise up and do what leaders do – lead.

We have to attack ignorance and bigotry head on. One way is to educate; and we can only do that in force. That is why the Diversity Committee is such an important part of CAOC. We try to ensure that our educational programs throughout the year are as diverse as possible. That diversity can only resonate through our organization and have a ripple effect. California's strength as an economy and as a society has been built on diversity. And we have to continue that in our profession as lawyers because it is that diversity of cultures, ethnicities, sexes, religions and sexual orientations that bring about truly original ideas and viewpoints. That

perspicacity and strength can only come about when we are united and lead as a diverse group. That strength is something that non-lawyers will look at and whether they like it or not, they will have to pay attention. It is hard to argue with success; you can resent it but sooner or later people will want to imitate that success; and to do that they will need to incorporate the secret sauce – diversity.

This is why it is more important than ever for all our members to encourage our friends and colleagues to join CAOC and of course the Diversity Committee within CAOC. Even if you are reading this and thinking "I'm just too busy to get involved," all I ask is that you join our community at CAOC. Just joining is a first step and a help to our cause in itself.

We have already chosen the candidates for the Leadership Academy to be held over two weekends this year. This is a very special program that was set up by Vincent Howard and Micha

## SJCTLA Tort & Trial Seminar

By Lawrence Knapp, SJCTLA President

Star Liberty and it is needed now more than ever before. This unique program will empower leaders in diversity. The Leadership Academy will teach those who are admitted about what CAOC does, its importance to legislation for the enhancement of rights for consumers, and how it goes about doing that from grassroots membership, to CAOC leadership to its extremely talented and tenacious full time staff in Sacramento. It will also give the admittees a unique opportunity to enhance their organizational skills, leadership skills, communication skills and leave them in good stead to be the future of leaders within CAOC, our profession and society as a whole. It is this very diverse leadership that can assist in fighting the scary political movements within this country, help educate our future leaders and try to preserve the work of people that gave their lives to ensure our protections today.

Lastly, it is important to thank those that have made the Leadership Academy a possibility. I have to thank the staff at CAOC who work tirelessly for us, and a key mention to Laurie Klimchok for heading up the Leadership Academy. I would also like to thank Casey Johnson for his innate ability to never say “no,” and pass on his wisdom (the epitome of a leader) to make sure the Leadership Academy continued. And finally, I want to offer a massive thanks on behalf of the Diversity Committee and CAOC to our sponsors: Aitken\*Aitken\*Cohen; Kazerouni Law Group, APC; DiMarco | Araujo | Montevideo; McCune Wright Arevalo, LLP; Rizio Liberty Lipinsky; and The Veen Firm.

Until next time, I implore you to do just one thing to make a difference. ■

Lawyers and judges from all over the Central Valley flocked to the Valley Brew Restaurant for the SJCTLA annual “What’s New in Tort and Trial: 2018 in Review” seminar on January 25, to see our presenters, Anne Kepner, Raymond E. Mattison, Kirsten Fish and Andje Medina. This program’s popularity has been proven time and again. What a great opportunity to review the latest case law. Every year the participants walk away with information immediately beneficial to their cases. The top ten 2018 cases (according to our

speakers) were identified. A great tri-tip lunch was provided by the superb kitchen staff of the Valley Brew Restaurant to the more than 40 people in attendance.

The program was sponsored by The Alcaine Halterbeck Group of Baird and California Deposition Reporters, without whom the program would not be possible. Thank you to all the attendees who supported the program, the presenters and the sponsors. Until next year! Cheers! To find out 2019’s case law highlights don’t miss the program next year. See you there! ■



Steve Halterbeck, Raymond Mattison, Anne Kepner, Kirsten Fish, Andje Medina, and Lawrence Knapp

# NLD Report

By Jayme Simpson, NLD Publication Chair



The new year is off to a great start for the NLD! Moving with momentum the NLD Board Members are already setting up Breakfast Clubs, a law school speaking panel, CLEs and more!

The Breakfast Club concept, started in San Diego in 2014 by this year's NLD Chair Parisima Roshanzamir, has been wildly successful. Thank you to the speakers and the members who attend the monthly events. The concept continues to expand through California as the NLD adds Sacramento to the list of locations where monthly events are held, with the recent meeting held on March 19. NLD Members interested in attending the Sacramento breakfasts can email Paul Hoybjerg at [paul@pennylaw.com](mailto:paul@pennylaw.com) for more information.

The other Breakfast Clubs locations continue strong. In February, NLD hosted meetings in San Diego and Inland Empire. On February 28, Ben Coughlan, a partner at The Gomez Trial Lawyers, spoke to the San Diego group. Also that day, attorney

Justin King spoke to the Inland Empire group on Analyzing P.I. Cases From Both Sides' Perspective. The turnout at both events was fantastic for the first speakers of 2019. All NLD members are encouraged to attend these free monthly events. If you are interested in attending in San Diego contact Kacie Vinel at [kvinel@thegomezfirm.com](mailto:kvinel@thegomezfirm.com), for Inland Empire contact Brian Shapiro at [brian@wshapiro.com](mailto:brian@wshapiro.com), or in Los Angeles contact Karan Gill at [karan@kkglawoffices.com](mailto:karan@kkglawoffices.com).

This year's Law School Development Committee Chair, Jonathan Bakhsheshian, is actively working to get consumer law groups established at the following schools: USC, UCLA, Pepperdine, and Southwest. Once these groups are authorized by the schools, the NLD will look for members to speak on panels at the campuses. There is currently a speaking panel being set up for Loyola Law School in April. Speaking on a panel about what it is like being a consumer attorney is a great experience. If you are interested in



NLD Political Chair Paul Hoybjerg with Asael Sala, who is the Deputy District Director for Assembly member Kevin McCarty of the 7th District

participating on a panel in the future contact Jonathan Bakhsheshian at [jonathan@ellisbakh.com](mailto:jonathan@ellisbakh.com).

Kicking off the NLD's political involvement this year, NLD Political Chair Paul Hoybjerg met with the staff of Assembly-member Kevin McCarty of the 7th District. NLD's goal in reaching out to politicians and their staff is to educate them on key issues CAOC is fighting and invite them to utilize CAOC as a resource for knowledge and perspective. The NLD looks forward to participating in many more political events throughout the year. If you are interested in attending contact Paul Hoybjerg at [paul@pennylaw.com](mailto:paul@pennylaw.com)

The NLD is excited to announce that it has a new Instagram page: #CAOCNLD. Make sure to follow the page in order to keep up with all of the fun and educational events the NLD puts on. If you are an NLD member and would like to share a photo on the Instagram page, you can share your photos from CAOC events by emailing them to Alexis Domb at [adomb@alderlaw.com](mailto:adomb@alderlaw.com). ■

# Women's Caucus Report

By Elizabeth Hernandez, Women's Caucus Chair



Justice Day is just around the corner on Tuesday, April 30. Over the years, the Women's Caucus has played a major role at Justice Day events. This year will be no different. The Women's Caucus and the Diversity Committee will be hosting the annual Legislative Reception from 5:30 p.m. to 7:30 p.m. on Monday, April 29, at Mix Downtown in Sacramento. The Legislative Reception is a great event which gives attendees the unique opportunity to interact with members of the California Legislature in a fun and vibrant social setting. CAOC members will also get the opportunity to connect with fellow consumer attorneys from all over California. The Legislative Reception is a good way

to help start off Justice Day. Although we all have busy schedules, it will be worth your time to attend the Justice Day events on both days to really connect with different members of the California Legislature along with colleagues throughout the state.

The role of the Women's Caucus at Justice Day does not begin with the Legislative Reception. In 2016, the Inaugural Women's Caucus Political Justice Forum led off the annual Justice Day program. The Women's Caucus organized the Political Justice Forum which included speakers such as State Senator Hannah-Beth Jackson, Assembly Member Cristina Garcia, State Controller Betty Yee, and Executive Secretary to former Governor Brown, Nancy McFadden, who also worked for President Clinton. The Political Justice Forum was a successful program which the Women's Caucus continued to host in 2017 and 2018.

This year, there will be a twist. Rather than hosting a Political Justice Forum right before the Legislative Reception, the Women's Caucus will be hosting a speaker at CAOC's Board meeting during the afternoon of Monday, April 29. The Women's Caucus has reached out to members of the Legislative Women's Caucus so that a state senator or assembly member will speak at the CAOC Board meeting about the important role women have in lobbying legislators to help fight for the rights of consumers, among other topics. This discussion will tie into one of the Women's Caucus' goals in 2019 – implementing a legislative engagement plan where the Women's Caucus focuses on legislative issues which are important to not only our members, but primarily to our clients and practices. We are proud to be hosting various events at Justice Day

this year and assisting CAOC in any way we can to help make the whole program a complete success.

The Women's Caucus has been busy over the past couple of months. On February 6, we held our first meeting of the year. As mentioned in a previous report, the Women's Caucus meetings in 2019 will be held every other month. We have continued our tradition of having a speaker at the beginning of each meeting to provide words from the brain trust. The speakers at each meeting provide words of wisdom to our members and answer questions. At the February 6 meeting, Micha Star Liberty was our speaker. Micha is the CAOC President-Elect, recipient of the 2018 Women's Consumer Advocate Award, and an excellent trial attorney and person. We were so pleased and honored to have Micha as our first speaker of the year. Our next meeting will be on April 6 at 4:30 p.m. We hope you can join us.

CAOC's first Membership Drive of the year took place on February 21st at Greene, Broillet & Wheeler, LLP in Santa Monica. Many CAOC members participated by making phone calls throughout the day to recruit new members or to bring back members who have let their memberships lapse. The Women's Caucus supports CAOC's efforts to increase membership and we were happy to have some of our members help out at the phone bank.

Just as CAOC is increasing its membership, the Women's Caucus also wants to increase our membership. We welcome new and former members of the Women's Caucus to get involved. There are many opportunities for you to get involved. To find out how to join or get involved in the Women's Caucus, please contact [samantha@caoc.org](mailto:samantha@caoc.org). ■

# Amicus Curiae Update

By Kevin K. Green



If you practice in state court, you likely consult the California Rules of Court at least once a week. Sometimes you don't like what you find. Recall the moments when you thought, "now that rule doesn't make sense" or, chiding its absence, "there should be a rule on that."

Departing from my ordinary focus, this column is about your ability as a practitioner to shape the California Rules of Court. Despite their shackling feel, these rules are not set in stone and you are not powerless to change them. Like case law, they evolve. California follows a democratic process for amending its statewide rules of court. This ongoing process, in fact, depends on the bar's input to get the rules right.

Attorneys have several avenues to change rules that are out of date, or simply don't work in practice, and to propose new rules. By participating in the rulemaking process – beyond amicus briefs filed in litigation – we are friends of the courts in another way critical to the administration of justice.

## A little background on Judicial Council rulemaking

Since 2013, I have served on the Judicial Council's Appellate Advisory Committee. Its primary function is vetting and recommending amendments (typically adopted as proposed) to the appellate rules. In California court governance, multiple

advisory committees serve as filters for proposed rule amendments. There are also, for example, advisory committees for small claims court, family/juvenile proceedings, and civil jury instructions.

The advisory committees are where the nitty gritty of the rules goes under the microscope. These committees prepare the Invitations to Comment issued every spring on proposed rule amendments. This is not the place for a full primer on Judicial Council rulemaking, but for an overview see Cal. Rules of Court 10.30 et seq., and visit the California Courts website at <http://www.courts.ca.gov/policyadmin-jc.htm>.

In my experience, the advisory committees are not just highly competent and fair-minded, but open to input from practicing attorneys. And, in light of the "open meetings" rules that now apply to the work of advisory committees, the rulemaking process is highly transparent.

As a California lawyer, you have at least three ways to get involved with rulemaking – and even see your preferred rule become law.

## How you can change the California Rules of Court

*First*, consider applying for an advisory committee. Of various outside activities I have done in two decades of practice, serving on the Appellate Advisory Committee has been among the most rewarding – and productive. Rule changes that I proposed have been adopted. More often, as a practitioner member of the committee, I've had direct input on rule proposals.

The advisory committees are also good for making connections. The composition is generally a mix of trial and appellate judges, practitioners, and court

administrators or attorneys. By serving on the Appellate Advisory Committee, I have collaborated with people from virtually all walks of the profession as we parse potential changes to the appellate rules.

*Second*, comment on proposed rule amendments. The Invitations to Comment are not an empty exercise. The rulemakers truly want to know whether a proposed change misses the mark in some respect. Although practitioners serving on the committees help draft the Invitations to Comment, your perspective is valuable to unearth unintended consequences and the practical implications of rule amendments. The rulemakers appreciate that they don't have all the answers.

So take advantage of your right to weigh in. All comments are carefully and seriously considered. Invitations to Comment are usually released in early April, for a 60-day comment period as elaborated at <http://www.courts.ca.gov/policyadmin-invitationstocomment.htm>.

*Third*, be proactive by proposing your own rule amendments. The rulemakers are not busy bees floating rule changes annually just for the thrill of it. Indeed, most rule proposals originate from a judge or practitioner who wrote, even just by email, to the Judicial Council with an idea.

In closing, a word on substance v. procedure. Although lawyers sometimes grumble about statutory amendments, often we must just live with them. The California Rules of Court – codifying much of this state's procedural law – are more akin to living documents. When justified by reason and experience, more often than not, a rule will be changed. And who can forget this time-tested principle of lawmaking: "I will give you substance, but take procedure, and beat you every time!" ■

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# AAJ Washington Update

By Linda Lipsen, CEO, American Association for Justice



We witnessed the introduction on February 28 of fantastic, new legislation to end forced arbitration and restore the rights of consumers, patients, and employees. This comprehensive bill (introduced in past congressional sessions under a different name) is now known as the Forced Arbitration Injustice Repeal (FAIR) Act. Congressman Hank Johnson of Georgia introduced the bill in the House of Representatives, and Senator Richard Blumenthal of Connecticut is taking the lead in the Senate. As of this writing the House bill has 155 co-sponsors and the Senate bill has 33.

As you know, arbitration is a one-sided, rigged system that takes away Americans' constitutional right to trial by jury. That's why AAJ has been working diligently with congressional leaders in the newly-elected pro-civil-justice majority to make a big push in Congress to draw attention to this important bill and build momentum toward getting it passed.

The press conference for the bill's introduction featured a number of AAJ members' clients. Forced arbitration had taken away these clients' rights – and voices; but at the press conference, these clients had the chance to be heard. They told their stories, and the media listened. You can find a recording of our Facebook livestream of the entire event at [www.Facebook.com/JusticeDotOrg](http://www.Facebook.com/JusticeDotOrg).

The stories told at the press conference helped explain why forced arbitration must end. Media outlets such as The Hill, Politico, The Los Angeles Times, Slate, and others, published stories about the bill and the clients. Some also cited a recent nationwide poll that shows broad bipartisan support for legislation to end forced arbitration. Pollster Geoff Garin of Hart Research was on hand to present the compelling results.

You can help build support for this bill by writing your senators and representative to ask them to co-sponsor the FAIR Act. Visit AAJ's public education and grassroots site [www.TakeJusticeBack.com](http://www.TakeJusticeBack.com) and scroll down to the "take action" picture/button. The more co-sponsors we gain, the greater chance we will see a vote.

We are planning other opportunities related to this bill: additional actions items, op-eds, advertising, and more. I will share further news concerning this bill and others, as we move forward.

## Membership Momentum

AAJ held its 2018 Winter Convention in Miami Beach, Feb. 2-5, 2019. AAJ Education offered 10 continuing legal education programs featuring more than 65 speakers

on topics such as deposing and cross-examining experts, sexual harassment and assault, and discovery in drug and device cases. Convention attendees learned about cutting-edge legal strategy, brushed up on advocacy skills, and gained insight into trends in their practice areas. Members attended more than 100 AAJ Section and Litigation Group meetings and events in which they discussed past cases, discovery developments, trial strategies, and received legislative updates from AAJ's Public Affairs staff. During convention, AAJ certified two new Litigation Groups: Climate Change and 3M Combat Ear Plugs.

We'd love to see you at our next convention, the 2019 Annual Convention in San Diego, July 27-30. For more information, visit [www.justiceannualconvention.org](http://www.justiceannualconvention.org). ■

