

CAOC 2017 awards

By J.G. Preston, CAOC Press Secretary

Consumer Attorneys of California honored David Lira, Thomas Girardi, Martin Buchanan and Richard Burbidge as 2017 Consumer Attorneys of the Year for their 13-year legal quest to change seat belt safety requirements that went all the way to the United States Supreme Court. Christopher Keane and Andrew Chang were honored as CAOC's Street Fighters of the Year for protecting victims of child abuse by requiring sheriff's officials to cross-report evidence of such abuse to Child Protective Services.

The announcements were made Nov. 18 at the Annual Installation and Awards Dinner during CAOC's 56th Annual Convention at The Palace Hotel in San Francisco.

Lira and Girardi are with Girardi | Keese in Los Angeles; Buchanan is with the Law Office of Martin Buchanan, an appellate firm in San Diego; and Burbidge is managing partner of Burbidge | Mitchell in Salt Lake City, Utah. Keane is a solo practitioner in San Francisco, and Chang is with the appellate firm Esner Chang & Boyer in Pasadena.

In *Williamson v. Mazda Motor Corp.*, Lira, Girardi, Buchanan and Burbidge represented the family of Thanh Williamson, who was killed in a head-on crash in Utah in 2002 while riding in a Mazda MPV minivan. She died from injuries caused by her "two point" (lap-only) seat belt when the forces of the crash caused her body to jackknife around the belt. Her husband and daughter, both of whom had "three-point" (lap and shoulder) belts, survived. In 2004 Lira began what turned out to be a 13-year quest for justice for Thanh's family that involved state courts in California (where Mazda's North American headquarters are) and Utah and eventually the U.S. Supreme Court.

Lira claimed the two-point seat belt was a defective design that caused Thanh's death. Mazda argued, as other defendants have successfully argued in similar cases, that because it complied with federal safety standards that gave car makers a choice between different types of belts, state law was preempted. An Orange County Superior Court judge agreed with Mazda, a decision that was upheld by the California Court of Appeal, and the California Supreme Court denied a request to review the ruling. Lira and Buchanan then went to the U.S. Supreme Court, which, in a rare pro-consumer decision, voted unanimously in 2011 to overturn the California ruling, finding that Federal Motor Carrier Safety Regulations related to seatbelts do not preempt a state tort lawsuit, in a ruling that will help many others in similar cases nationwide.

The case was later removed to U.S. District Court in Salt Lake City, and a confidential settlement was reached in early 2017.

In the case honored with the Street Fighter award, *B.H. v. County of San Bernardino, et al.*, Keane represented a two-year-old San Bernardino County boy who had bruising all over his body after court-ordered visitation



with his father. A family friend reported suspected child abuse to the San Bernardino County Sheriff's Department, but a deputy who responded to investigate subjectively concluded that the boy was not abused, and she ultimately downgraded the child abuse report to a miscellaneous incident report. As a result the sheriff's department never cross-reported to Child Protective Services that the suspected child abuse report had been made. A month later the child suffered catastrophic brain damage consistent with shaken-baby syndrome while in the custody of his father.

Nine law firms turned down this case before Keane took it. He sued the county for violating a mandatory duty to cross-report the child abuse report to CPS, thus precluding CPS from investigating and intervening to protect the child. A San Bernardino County Superior Court judge ruled that no duty existed for the sheriff to cross-report to CPS, and the California Court of Appeal upheld the ruling. Keane and Chang took the case to the California Supreme Court, which reversed the ruling and allowed the suit to proceed. A settlement was reached to compensate the boy for his injuries, and the attorneys' work to strengthen cross-reporting requirements will protect other abused children in the future.

Consumer Attorney of the Year is awarded to a CAOC member or members who significantly advanced the rights or safety of California consumers by achieving a noteworthy result in a case. Eligibility for Street Fighter of the Year is limited to CAOC members who have practiced law for no more than 10 years or work in a firm with no more than five attorneys. To be considered for either award the case must have finally resolved between May 15, 2016 and May 15, 2017, with no further legal work to occur, including appeals. The winners are determined by a vote of CAOC's Board of Directors.

Also honored at the awards dinner were:

Carl E. Douglas (president, Douglas/Hicks Law, Los Angeles), winner of the Robert E. Cartwright, Sr., Award, given "in recognition of excellence in trial advocacy and dedication to teaching trial advocacy to fellow lawyers and to the public." For many years he has traveled across the state to speak at CAOC's educational seminars, specializing in civil rights and



police abuse issues, and has earned great reviews from his fellow attorneys for his presentations.

Wylie A. Aitken (founding partner, Aitken*Aitken*Cohn, Santa Ana), winner of the Marvin E. Lewis Award, given “in recognition of continued guidance, loyalty and dedication, all of which have been an inspiration to fellow attorneys.” The youngest-ever president of CAOC when he held the office in 1977, Aitken has provided invaluable support to the organization ever since and is an active participant on CAOC’s Amicus Curiae Committee.



Steven Kazan (founding, senior and managing partner, Kazan, McClain, Satterley & Greenwood, Oakland), winner of the Edward I. Pollock Award, given “in recognition of many years of dedication, outstanding efforts and effectiveness on behalf of the causes and ideals of consumer attorneys.” He has spent more than four decades fighting on behalf of victims of mesothelioma, asbestos lung cancer and asbestosis, and his firm’s foundation has made significant contributions to medical research facilities that are seeking treatment for asbestos-related diseases.



Sen. Bill Dodd (D-Napa) was recognized as Senator of the Year for authoring Senate Bill 33, legislation co-sponsored by CAOC and signed into law by Gov. Jerry Brown that ensures California



consumers can pursue fraud and identity theft cases against financial institutions in court rather than be forced into arbitration.

Asm. Susan Eggman (D-Stockton) received the Assembly Member of the Year award for authoring Assembly Bill 859, co-sponsored by CAOC, which would have changed the burden of proof in civil cases when nursing homes intentionally destroy evidence that would prove their culpability when residents are harmed. That bill passed the Legislature but was vetoed by Gov. Brown.



The awards dinner also included the installation of CAOC’s 2018 President Lee S. Harris, partner of Goldstein, Gellman, Melbostad, Harris & McSparran in San Francisco. A graduate of Harvard University and the University of San Francisco School of Law, Harris was a pioneer in handling mass disaster insurance cases in the San Francisco Bay Area in the 1980s and ‘90s and has served as chair of the American Association for Justice’s insurance and bad faith litigation groups.



Also during CAOC’s 56th Annual Convention, the CAOC Women’s Caucus honored Deborah Chang, of Panish Shea & Boyle in Los Angeles, with its Woman Consumer Advocate of the Year Award for her outstanding commitment to furthering the education and careers of women trial attorneys. ■



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