

CAOC 2019 awards

By J.G. Preston, CAOC Press Secretary

Consumer Attorneys of California honored its attorneys for the year during its 58th Annual Installation and Awards Dinner on Nov. 16, 2019, at The Palace Hotel in San Francisco. The award winners follow.

Consumer Attorney of the Year

Mary Alexander of Mary Alexander & Associates in San Francisco and Joseph Cotchett and Justin Berger of Cotchett, Pitre & McCarthy in Burlingame are CAOC's 2019 Consumer Attorneys of the Year for holding paint manufacturers responsible for removing hazardous lead paint from California homes.



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 this year's award was limited to cases that finally resolved between May 15, 2018 and May 15, 2019, with no further legal work to occur, including appeals.

In *County of Santa Clara, et al. v. Atlantic Richfield Co., et al.*, Alexander, Cotchett and Berger represented 10 California cities and counties seeking to hold lead paint manufacturers accountable for the damage caused by their products in homes. Manufacturers knew for many years their products were hazardous to children, but sold them anyway. The companies' internal documents going all the way back to 1904 acknowledge that lead paint was "poisonous to a large degree." The companies stopped selling lead paint when it was banned nationally in 1978, but hundreds of thousands of homes across California still have the paint on walls, windowsills and exteriors.

The 19-year legal battle began in 2000. By 2003 all claims had been dismissed by Santa Clara County Superior Court judges, but in 2006 the Sixth District Court of Appeal allowed the case to proceed as a public nuisance claim and, after a six-week trial, in 2014 a Santa Clara County Superior Court judge ordered Sherwin-Williams, ConAgra and NL Industries to pay into a fund to inspect for and abate lead paint. This was the first win against lead paint manufacturers anywhere in the country and recognized manufacturers must pay to clean up the hazard they created in homes.

The paint companies then threatened to mount a ballot initiative that would have let them off the hook and shifted all cleanup costs to California consumers, but dropped the initiative after pushback from the state Legislature. In 2018 the United States Supreme Court refused to hear an appeal, leading to a settlement,

in which the companies agreed to pay \$305 million to remove lead paint in homes built before 1980 in the 10 cities and counties.

Street Fighter of the Year

Sevy Fisher and Greyson Goody of The Simon Law Group in Hermosa Beach and appellate attorney Jeffrey Ehrlich of The Ehrlich Law Firm in Claremont were honored as CAOC's Street Fighters of the Year for a case that gives injured Californians the power to choose the medical treatment that is best for them, regardless of their insurance network.



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. Eligibility for this year's award was limited to cases that finally resolved between May 15, 2018 and May 15, 2019, with no further legal work to occur, including appeals.

In *Pebley v. Santa Clara Organics, et al.*, Fisher, Goody and Ehrlich represented Dave Pebley, who was seriously injured in a Ventura County crash caused by an employee of Santa Clara Organics. Pebley had health insurance but chose to treat outside his insurer's network. A jury awarded Pebley compensation for both his past and future medical expenses based on his out-of-network costs, but Santa Clara Organics appealed, arguing that under a 2011 California appeals court decision (*Howell v. Hamilton Meats & Provisions, Inc.*), it would be liable only for what Pebley would have paid had he seen a provider in his network.

The Second District Court of Appeal ruled that the party that causes the injuries cannot force an injured person to use his or her insurance to obtain medical treatment for those injuries, and thus compensation is not limited to what would be paid under the insurance plan. As a result of this ruling, Californians who are injured through no fault of their own get to choose the doctor they prefer to treat their injuries, even if that doctor is not part of their insurance plan.

Robert E. Cartwright, Sr., Award

Doris Cheng, shareholder, Walkup, Melodia, Kelly and Schoenberger, San Francisco, received this honor, which is given each year to a CAOC member "in recognition of excellence in trial advocacy and dedication to teaching trial advocacy to fellow lawyers and to the public." Cheng has taught various aspects of trial advocacy and depositions at numerous CAOC



events, including the Annual Convention and the annual Kaiser Seminar. She also teaches a two-day intensive trial advocacy training for women for the Bar Association of San Francisco (for which she currently serves as president), and she has trained trial lawyers and judges all over the world for the National Institute for Trial Advocacy.

In addition, she teaches a trial advocacy course at the University of San Francisco School of Law – the same course she took as a student there that led her to pursue a career doing courtroom work. Looking back, she said, “I think that class was the first place in law school where I felt comfortable.”

She finds her teaching work very rewarding. “When I’m teaching trial advocacy, I am learning from the students as well as other faculty members, and it’s just incredibly collaborative,” she said. “You know you’re giving back to your profession. You know you’re making the profession better. When we have advocates that are playing at a higher level, we’re all better for it.”

Marvin E. Lewis Award

Cynthia Craig, partner, Kubota & Craig, Irvine, received this annual award given “in recognition of continued guidance, loyalty and dedication, all of which have been an inspiration to fellow attorneys.” Craig said early in her career, even before she became a lawyer, she “saw what CAOC does for the people in our state, and how they help and protect the people in our profession.” Her wide-ranging involvement with CAOC has included speaking at education programs, working on the Palm Springs seminars and being part of the legislative committee. “I did a lot of work trying to get our legislators familiarized with why we needed court funding to help the people of our state have access to the court system,” she said.



Craig worked as a paralegal before deciding to go to law school. “My sister asked me, ‘Why do you want to be a lawyer?’ I told her, ‘I just want to try to help people who don’t have anybody to help them.’”

She said she is “extremely humbled and extremely honored” to receive the Marvin E. Lewis Award, named for a titan of the plaintiffs bar who served as CAOC’s first president. “I try to listen to my clients, and it’s an honor for me to get an award named for someone who seemed to have that common thread in his practice.”

Edward I. Pollock Award

Frances Schreiber, of counsel, Kazan, McClain, Satterley & Greenwood, Oakland, received the Pollock award, which is given annually to a CAOC member “in recognition of many years of dedication, outstanding efforts and effectiveness on behalf of the causes and ideals of consumer attorneys.” Schreiber is a political leader with CAOC and has been involved in legislative battles on asbestos, whether it’s pushing back on California Chamber of Commerce-led efforts to take away workers’ rights or finally bringing relief to dying workers who are pursuing their legal rights. And it’s driven by her passion for justice and fighting for working people.



Schreiber “provides free advice to unions and other worker organizations that might not be able to afford an attorney of her experience and caliber,” according to her firm’s website. Before joining the firm, she represented the State Building and Construction Trades Council and also taught at the University of San Francisco School of Law.

She is a board member and volunteer for the Working America Education Fund, the community union of the AFL-CIO, working in key states across the country to build local political infrastructure and win elections. “You make change in our society by having progressive legislators making good laws, and by electing chief executives to sign those laws and also appoint fair judges,” she said. “I got involved with CAOC because their political and electoral work is critical.”

Lifetime Achievement Award

Sen. Bill Monning (D-Carmel) received the Lifetime Achievement Award to honor his work as a leader in protecting the civil justice system. This year, Sen. Monning was the author of Senate Bill 645, sponsored by CAOC and signed into law by Gov. Newsom. SB 645 will, with rare exceptions, limit depositions to no more than seven hours for terminally ill patients suffering from mesothelioma or silicosis, the most common illnesses caused by asbestos exposure. The bill will spare dying Californians from grueling marathon deposition sessions that take a toll physically and psychologically, and can sometimes hasten their death.



In 2016, Sen. Monning was the author of Senate Bill 1065, also sponsored by CAOC, which speeds the appeal process for dying seniors when a judge denies forced arbitration in cases against nursing homes filed under the Elder and Dependent Adult Civil Protection Act.

Sen. Monning was first elected in 2008 to represent the 27th Assembly District, and in 2012 he moved to the Senate, representing the 17th Senate District. He is Senate Majority Leader Emeritus (2015-2018) and has served on the Judiciary Committee in both the Assembly and Senate during his entire tenure in the Legislature. He will be termed out of office in 2020.

Women’s Caucus Consumer Advocate of the Year Award

Also during CAOC’s Annual Convention, the CAOC Women’s Caucus honored eight trailblazing members who have made significant contributions to the profession by serving as a leader of their local trial lawyer association. The Women’s Caucus’ top annual award went to Kristy Arevalo (president, Consumer Attorneys of Inland Empire), Karine Bohbot (president, San Francisco Trial Lawyers Association), Lauren Cerri (president, Santa Clara County Trial Lawyers Association), Patrice L. Goldman (co-president, Marin County Trial Lawyers Association), Erika Jacobsen-White (president, Alameda-Contra Costa Trial Lawyers Association), Maria F. Kelly (president, Consumer Attorneys of San Diego), Jennifer E. Scotto (president, San Mateo County Trial Lawyers Association) and Christina Vanarelli (president, Ventura County Trial Lawyers Association). ■