

## PRESIDENT'S COLUMN

### *A Sizzling Fall Line-Up*

by Wayne Alan Hughes

*Wayne Alan Hughes is CASD's President for 2009. He practiced criminal and domestic law before joining with his "significant other," Tracee Lorens, to practice in various areas of complex civil litigation. Their first trial, as co-counsel, served as a chapter in Judge Ehrenfreud's book, You Be the Jury. Currently he practices in the areas of mass torts and class actions for which he received two Outstanding Trial Lawyer Awards. He is blessed with three children: Alexander Zaharopoulos Hughes, MBA Oxford, Vice President at Wells Fargo; Cassandra Zaharopoulos Hughes who just completed Vet. school; and Alexandra Rose Lorens, first year college student and dynamic carbon copy of Tracee. You can reach Wayne by email at: waynecloud@aol.com.*

Between now and the end of the calendar year there are three important CASD events which you should mark down on your calendar and plan to attend. Those events are:

**October 23-24, 2009: Second Annual Class Action Symposium**

**October 29, 2009: "An Evening with the Trial Stars"**

**November 12, 2009: "Return to Evidence" seminar with Judge Robert J. Trentacosta**

## SECOND ANNUAL CLASS ACTION SYMPOSIUM

**October 23-24, 2009**

**Westin Gaslamp Quarter**

Tracee Lorens' 2008 edition of the Class Action Symposium brought speakers and attendees from around the state. It was highly praised by the attendees and was the most successful seminar held by CASD in recent years. This year, Tracee has brought together what many are telling us is the best panel ever assembled for a Class Action Symposium in the State of California. In two days, more than 24 panel members, plaintiff and defense, will discuss the most important current topics in class action litigation. This panel contains **several current sitting judges** on the Federal and State Court.

In addition, there will be at least **three retired judges** who currently handle class action mediation in the State of California.

The following topics will be covered during the seminar:

- (1) How to spot a good class action lawsuit, evaluate issues, screen cases, and anticipate litigation costs;
- (2) Pre-certification Disposition Motions;

- (3) The pitfalls and opportunities of CAFA [Class Action (UN) Fairness Act];
- (4) Class communications and notice; who can talk to whom and about what;
- (5) Prominent ethical issues in class action litigation;
- (6) Bringing and opposing Class Certification Motions;
- (7) Future trends and hot cases such as *Brinker*, *Tobacco II*, Utilization of Business and Professions Code §17200, *Arias v. Superior Court*;
- (8) The politics of class actions;
- (9) Early management of the class action in federal courts: a judges' panel including a federal Magistrate, a federal District Court Judge and one or two Superior Court Judges, on the topic of what works and what doesn't from their perspective in class action litigation;
- (10) How to successfully mediate a class action;
- (11) Settlement pitfalls and the handling of objections;
- (12) The use of surveys and statistical evidence to manage the class action featuring the return of Dr. Jon Krosnick, the Stanford professor who was extremely popular with last year's attendees.

Written materials for the course will include all of the *Brinker* Court of Appeal and Supreme Court briefings, including numerous Amicus Briefs and samples of class action Complaints, Demurrers, Opposition to Demurrers, Motions for Class List, Motions in Opposition to Class Certification and other pivotal pleadings.

On Friday, October 23, there will also be a Judges' Reception with the opportunity to meet judges from our entire county. This reception is going to be held at the docks of Fraser Yachts. Hosted refreshment will include hors d'oeuvres and beverages. At the dock, the beautiful 140 foot Leight Star Yacht will be open for touring- - or you can buy it for a mere \$14 million.

In alphabetical order, the following speakers are committed to the program:

1. Jan Adler -- Magistrate Judge, Federal District Court, San Diego, California;
2. Michael Bandemer -- Managing Director with LECG and leader of the firm's Finance and Accounting Services (FAS) Legal Technology and Analytics consulting group;
3. Anthony Battaglia -- Federal District Court Judge, San Diego, California;
4. Harvey Berger -- Attorney in private practice who is well known for handling both class action prosecutions and defense work;
5. Raymond D. Bertrand -- Attorney partner at Paul Hastings Janofsky & Walker, Los Angeles office; authors the *Matthew Bender* Employment Law updates each year and will be speaking on "future trends and hot cases;"

6. Timothy G. Blood -- Attorney partner at Coughlin, Stoia, Gellar, Rudman & Robbins who practices consumer fraud and unfair competition litigation with a concentration in actions brought by policyholders against life, property and casualty insurers for deceptive sales practices;
7. Christopher Chorba -- Attorney who represents clients in consumer class actions and specializes in the defense of claims under California Business & Professions Code §§17200 and 17500;
8. Mary C. Dollarhide -- Attorney partner of the Employment Law section of Paul Hastings Janofsky & Walker LLP, in San Diego, California; named one of the top 25 women lawyers in San Diego and a “San Diego Super Lawyer;”
9. Julie A. Dunne -- Attorney partner at Littler, Mendelson, PC in San Diego, California; specializes in representing employers and management in labor and in employment matters;
10. Edward M. Gergosian -- Attorney who has practiced for 21 years with a nationwide securities and antitrust class action firm;
11. J. Richard Haden -- Judge (Retired) who joined JAMS following nearly 21 years of distinguished service on the San Diego Superior Court;
12. Patrick F. Kennedy – Economist and managing Director with LECG in San Diego; prior to joining LECG, Dr. Kennedy was an economist with the Board of Governors of the Federal Reserve System in Washington, D.C;
13. Kimberly A. Kralowec -- Attorney partner at Schubert, Jonckheer, Kolbe & Kralowec, LLP, in San Francisco, California; famous for her blog on the California Business and Professions Code §17200 at [www.uclpractitioner.com](http://www.uclpractitioner.com);
14. Jeffrey L. Krivis -- Attorney founder of First Mediation Corporation and one of the best mediators in the State of California in the class action arena;
15. Kari L. Krogseng -- Attorney partner at Remcho, Johansen & Purcell in Sacramento, California; provides legal advice to CAOC and will discuss ethical issues in class action litigation;
16. Jon A. Krosnick -- Senior Fellow at Stanford University; a “world renowned” survey expert who has worked on notable cases such as *Sav-On*; *Brinker*, etc;
17. Miles E. Locker -- Attorney who served for 16 years as Chief Counsel for the Division of Labor Standards Enforcement;
18. L. Tracee Lorens -- Attorney and past president of CASD; lead counsel in *Brinker* as well as my significant other;
19. Lisa L. Maki -- Attorney and Officer of CAOC as well as Consumer Attorneys of Los Angeles (CAALA); she is also the Chair of AAJ’s National Employee Rights Section and a member of AAJ Leader’s forum and Women’s Trial Lawyer Caucus;

20. Meryl C. Maneker -- Attorney partner at Wilson Turner Kosmo LLP in San Diego whose knowledge and meticulousness in the drafting of class action settlement agreements, approval motions and communications to class members is unparalleled in the City of San Diego;
21. Wayne Peterson -- Judge (Retired) of San Diego Superior Court and now with ADR Services, he is known as one of the best, brightest, effective, yet kind, retired judge/mediators in our area;
22. Ronald S. Prager -- San Diego Superior Court Judge who has presided over class actions in San Diego and is the statewide coordination trial judge in the California Tobacco class actions and the natural gas pipeline and indexing anti-trust class actions; co-author of *Matthew Bender Practice Guide: California Trial and Post Trial Civil Procedure*;
23. Michael D. Singer -- Attorney and managing partner of Cohelan, Khoury, and Singer in San Diego; serves as Wage and Hour Amicus liaison for CELA and is a contributing author to the upcoming CEB publication *California Wage and Hour Law: Compliance and Litigation*;
24. Robin A. Wofford -- Attorney partner at Wilson Turner Kosmo LLP in San Diego; a brilliant, feisty, and effective litigator defending employers against class action lawsuits in California;
25. Mark C. Zebrowski -- Attorney partner at Morrison & Foerster, LLP in San Diego and co-lead counsel for SDG&E on the San Diego Wild Fire Cases, among many other accomplishments.

## **AN EVENING WITH THE TRIAL STARS**

**Thursday, October 29, 2009**

Join us for cocktails, dinner and award presentations at the U.S. Grant Hotel. This annual event gives you the opportunity to learn what it is our colleagues have done to justify Outstanding Trial Lawyer or Outstanding Advocacy awards. The Awards Committee does an extensive job investigating cases nominated for these awards. Most cases require 40 hours of research attempting to talk to experts, opposing attorneys, the court when possible, jurors, and others. The significance of the work performed by the attorneys nominated for the award determines who is selected. We will be honoring Daniel M. Gilleon, John H. Gomez, James S. Iagmin, Julie K. Parker, Penelope Phillips, Gary A. Sernaker, Ken Sigelman and Cassandra C. Thorson. Additional awards may be approved by the Board but were not available at the time of the writing of this article. Join us to celebrate quality work.

**“RETURN TO EVIDENCE”**

**WITH HON. ROBERT TRENTACOSTA**

**Thursday, November 12, 2009**

When I scheduled the first seminar on the topic of Evidence with Judge Trentacosta, I had been told by someone that he was the most dynamic speaker they had ever heard. Cynical person that I am, I thought that such a recommendation had to be a hyperbole. Having now sat through several seminars conducted by Judge Trentacosta, I have to tell you he is one of the most awesome speakers I have had the pleasure of listening to in 34 years of continuing education. If you go into one of his seminars thinking you know the subject matter, you're going to be surprised by what you still have to learn. He teaches with humor and great clarity. In many ways our profession is all about evidence. If you can't find it, get it admitted and present it well, you will lose the case. This is a "can't miss" seminar.