

President's 2011 Recap and Thank You

As 2011 draws to a close, this is my final President's column for CASD. After leading CASD this year, and my nine or ten prior years of Board service, I am looking forward to settling into next year's less demanding role as Immediate Past President. I was honored to be CASD's President this year and very grateful to everyone who made this year wonderful.

by Joel R. Bryant



Members Helping Members

CASD's success this year is best measured not in dollars and cents, but rather in the quantity and quality of members who selflessly shared their time, analysis and, in many cases, their excellent work-product, for the greater good of other CASD members and CASD itself. As is evidenced on CASD's list serve on a daily basis, CASD members are exceedingly willing to share invaluable information on judges, mediators, arbitrators, opposing attorneys and expert witnesses. That type of information can't be learned in books and often gives our members the edge necessary to prevail against our powerful adversaries. CASD members share on a daily basis motions *in limine*, post-trial motions, legal research memorandums, complaints, trial briefs, etc. Again, sharing such documents with other members saves those members many, many hours of research and can be the difference between winning and losing a case for our clients. Similarly, at the Trial Master's Committee meetings, CASD's stable of trial stars regularly provide invaluable trial tactics, insight and tips regarding judges, opposing attorneys, trial themes, voir dire, opening statement and closing argument to those members who wisely choose to participate in the monthly meetings. Such selfless and generous contributions are one of the things that make CASD great. Such collegiality reinforces the fact that we are all in this together, and that we must continue to work together to defeat the well-funded, politically powerful foes of liberty and justice for all. The fact that we must stick together in our common fight is more important now than ever because of the ever-increasing attacks on the rights of our clients in the legislature, the courtroom and the media. As you must know, these attacks will only grow more frequent and harsh in the future. Consequently, each of us must remain vigilant and contribute our fair share of time and dollars to the efforts to defeat them.

Joel R. Bryant is CASD's President for 2011. He is a partner in the law firm of Green Bryant & French, LLP, where he represents elders and their families in both nursing home abuse and financial elder abuse litigation. Additionally, he represents individuals in probate, personal injury and employment litigation. Joel received his Bachelor of Science degree in Finance, *summa cum laude*, from Arizona State University in 1987 and his Juris Doctor from University of San Diego School of Law in 1990. Joel is a two-time recipient of CASD's President's Award and has been on CASD's Board of Directors since 2001. He can be reached at jbryant@gbflawyers.com.

Board of Directors

CASD's 2011 Board consisted of 17 Board members and 6 officers. Although all Board members made valuable contributions this year, I would like to specifically mention a few.

Educating members has always been an important part of what CASD does. Continuing education is particularly important among plaintiff's firms, most of which lack the associate training programs commonly found in bigger, defense firms. **Skip Babbitt** spearheaded CASD's Education Committee for the second year in a row. Skip poured his heart and soul into the Education Committee and his passion for educating members was evident at every seminar. The speakers were excellent and they made it a point to not only tell CASD members the best ways to handle various trial issues and other legal issues but showed them as well.

John Rice, along with **Don De Camara**, explained how to save thousands of dollars for our clients at CASD's annual lien seminar, and both gentlemen

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continue the lien education throughout the year by always making themselves available to answer the constant and varied lien questions on CASD's list serve.

George and Susanne De La Flor once again organized the CASD blood bank drive in front of the courthouse. This year, 150 members showed up to contribute and 120 pints of blood were collected. This shattered our previous record and made our blood drive among the largest, most successful in San Diego. Notably, George and Susanne are a committee of two. Despite their busy legal and family schedule, George and Susanne tirelessly worked the phones, met with our members and sent emails convincing our members of the importance of donating blood and made sure that our members showed up on time and contributed. The blood drive is a sterling example of our members banding together to help others, in this case the many persons in our

community who need donated blood to survive and prosper.

Brett Schreiber chaired the Events Committee for the second or third year in a row. As a result, our events were well-attended, fun and inspiring. Once Brett commits to do something, he does an excellent job, with a smile and a great sense of humor. Brett was also co-chair of the Community Outreach Committee and was an integral part of that committee.

Jennifer Chapman chaired our annual Golf Tournament and it was one of our more successful events. Organizing the tournament requires a ton of energy and Jennifer rose to the challenge. Everyone had fun, no one got hurt (unless a hangover counts) and most did not take the golf too seriously. Jennifer also played a major role in the success of our Mock Trial Competition at Porter Elementary School. The kids and teachers loved it, and all of our members who participated with Jennifer (Dana Grimes,

Roy Newman, Rob Chambers, Lea Fields-Bernard, Brett Schreiber, Scott Blumen and Jim Iagmin, among others) found it so enriching and fun that they will be back to do it next year.

Although they were not on the Board of Directors this year, **Ahmed Diab** and **John Fiske** showed great foresight and initiative and set up **San Diego TrialWatch**, a service which allows members to watch other members in trial and gain valuable experience in the process. **San Diego TrialWatch** ("SDTW") embraces the omnipresent concept of social media and provides real time access to CASD members' trials. Members can subscribe to these real-time notifications via blog, text, Twitter and Facebook (coming soon, a separate list serve). Members can simply email SDTW at trialwatch@gmail.com, let them know when they or another CASD member will be in trial and real-time

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Special thanks to **Kerry Hoxie**, our *Trial Bar News* Editor-in-Chief. Ten times a year she patiently reminds us to submit our articles on time, she edits and formats the articles, writes the Notices and Event reports and then coordinates the layout with the printer to arrive at the final product you see in each edition. Kerry's wisdom, patience, creativity and commitment are invaluable and she has been a pleasure to work with.

Steve Vosseller and **Diana Khoury** were co-chairs of the Awards Committee. Both worked hard to make sure that the committee objectively, fairly and expeditiously investigated the various cases handled by the many, fine attorneys who were nominated for Outstanding Trial Lawyer and Outstanding Advocacy awards.

Rebecca Lack Mowbray once again graciously chaired our Membership Committee and did a wonderful job of educating our current members and potential members about the superb benefits of CASD membership. Consequently, our membership increased again despite the pitiful economy that has caused declining membership in other trial lawyer organizations.

Tim Blood and **Raul Cadena** chaired our Legislative Committee this year as they have done in years

past. Tim and Raul regularly organized meetings with local legislators to provide our members an opportunity to meet with the legislators in an informal setting and discuss issues important to us and our clients. Tim and Raul kept us up to date on the happenings in Sacramento and reminded us that we need to be successful not only in the courtroom but in Sacramento as well. To drive home that point, Raul and Tim led a big group of CASD members up to Sacramento for Justice Day (formerly known as Lobby Day) where we were able to meet face-to-face with legislators, to advise them of the issues which are important to us and to learn from them about other Legislative issues which may negatively effect us and our clients.

Platinum Sponsor

Special thanks to Manny Valdez, Sr. and Manny Valdez, Jr. of Ringler & Associates. The structured settlement gurus are CASD's sole Platinum Affinity Partner and, like any good friend, have always been there for us. Manny and Manny put on a fabulous "Day at the Races" this past summer. "Day at the Races" has become one of CASD's most fun events and we should all note this event on our calendars now as a "can't miss" for next year. Manny and Manny also sponsor a number of our other events through-

out the year. Many thanks to them for their participation and support.

CASD Staff

Throughout the year, I had the pleasure of working closely with Bonnie Benitez, our Executive Director. Over the past few years, Bonnie has really grown into the position. Bonnie always has CASD's best interests in mind and her efforts on strategic planning will allow CASD to prosper into the future. I have also enjoyed working with Chloe Petcharaporn, our Events Coordinator. Chloe worked enthusiastically, tirelessly and effectively throughout the year and always did so with a smile and a sense of humor. Our Membership Coordinator, Kolin Durrant, was new to CASD in 2011. I enjoyed working with Kolin and admire his commitment to CASD, to increasing its membership and to enhancing the benefits and value of membership.

Thank You to CAOC

CAOC is our statewide organization that keeps track of what the California Legislature is doing and should be doing on behalf of consumers. It sponsors legislation to protect consumers and opposes legislation which would hurt consumer rights. CAOC is always there to

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President's Column Continued

respond to our questions and to provide information for our members to keep them aware of the legislative developments that affect their practices. We need to get involved in our Legislature both through CASD's regularly organized meetings with local legislators to discuss issues important to us and our clients and through CAOC's activities in Sacramento.

Thank You to our Members

It has been an honor and privilege to serve as CASD's President this year. I want to thank everyone for welcoming me into this fine organization, supporting my efforts on the Board of Directors and making CASD feel like family to me. I have met many friends through CASD, learned a bunch and enjoyed more than my fair share of fun and laughter. I will soon pass the torch to my friend, John Gomez, CASD's 2012 President. As many of you already know, John is not only a capable leader and gifted trial attorney, but a fine human being as well. I look forward to John's year as President and to remaining a committed member of CASD and enjoying all it has to offer. **TBN**

Tort Law Continued

that is the reason behind the duty discussion at the outset of the *Seabright* decision. While unnecessary to decide the matter before it, the Court wanted to make clear its belief that a hirer owes no duty under Cal-OSHA to anyone other than its own employees. Of course, this completely guts Labor Code §6304.5 and *Elsner* of any meaning, but the majority seems unconcerned with that.

Two unpublished appellate decisions have followed *Seabright*: *Pellegrino v. J. Metcalf Construction, Inc.*, 2011 WL 4017433 and *Garcia v. ESS Prisa II, LLC*, 2011 WL 4036151, although the *Seabright* holding was not necessarily central to either case. How the appellate courts handle the situation from here on will be interesting to see.

Well, that's it for this month. If you learned nothing else from this column, remember to always hire someone else to do anything you think might be dangerous. And make sure they are licensed, so you can avoid being deemed their employer. **TBN**

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