

ASCD

Association of Southern California
Defense Counsel

52ND ANNUAL SEMINAR

Making It Happen

FEBRUARY 28 TO MARCH 1, 2013

Millennium Biltmore Hotel
Los Angeles, California



Keynote Speaker
KARL ROVE

GUEST SPEAKERS AND SESSIONS

California State Bar Update with Patrick M. Kelly,
President, California State Bar

Plus

Civility Matters with Justice William W. Bedsworth, *Fourth District Court of Appeal*, William B. Smith, *Abramson Smith Waldsmith*, and Christopher P. Wesierski, *Wesierski & Zurek, LLP*

Plus

The Year in Review – Case Highlights and Hot Issues
and Substantive Law Mini-Sessions

ASCD

Association of Southern California Defense Counsel

LUNCHEON SPEAKER

Karl Rove

FEATURED SPEAKERS

Justice William W. Bedsworth

William B. Smith, Esq.

Christopher P. Wesierski, Esq.

PROGRAM SPEAKERS

Arden Beavers

Greg Beavers

Michael D. Belote, Esq.

Arthur Chapman, Esq.

Richard Chernick, Esq.

Honorable Jacqueline A. Connor

Joshua Dowell

Edmond G. Farrell, III, Esq.

Honorable J. Gary Hastings

Honorable Margaret Grignon

Honorable Joe Hilberman

Honorable Amy D. Hogue

Jay Cordell Horton, Esq.

Patrick M. Kelly, Esq.

Rick Kraemer

Lisa Maki, Esq.

Edward J. McKinnon

Honorable Louis M. Meisinger

Robert Morgenstern, Esq.

Honorable Michael G. Nott

Robert O'Connor, Esq.

Robert A. Olson, Esq.

Jeffrey Stoner

Cynthia E. Tobisman, Esq.

President's Message

It's time to gather for ASCDC's 52nd Annual Seminar at the Millennium Biltmore Hotel in Los Angeles. This year the theme is "Making it Happen."

On Thursday, catch the "Year in Review" in a longer format to accommodate the breadth of developments from the past year. Hone your defense lawyering skills with practice-oriented seminars that will address sub-rosas, technological aids, apps and iPads, and ADR. This year we introduce "Mini-Seminars" to teach our Young Lawyers, to update the Products Liability and Insurance practitioners and appeal to the Medical Malpractice interests.

On Friday, get the latest legislative news from our lobbyist Mike Belote, and then hear our State Bar President Pat Kelly talk about his number one priority, access to our courts. Receive Ethics MCLE credit for "Civility Matters."

Stay for lunch to hear the "anti-James Carville," Karl Rove. The GOP took some hits on many levels in the last election, and Mr. Rove's election-night reaction to the re-election of President Obama was jaw-dropping. With the Republican Party in recovery mode, you will want to hear what Mr. Rove has to say now: What lessons (if any) can the Party learn from the last election? How can the party move forward after the losses of 2012?

Join us and see.



ASCDC Connect

Program Schedule

Thursday, February 28, 2013

7:30 am – 5:00 pm **Registration Open**
Gold Room

7:30 am – 9:00 am **Morning Hospitality**
Gold Room

7:30 am – 4:00 pm **Vendor Faire**
Gold Room

8:45 am – 9:00 am **Annual Business Meeting**
Crystal Ballroom

9:00 am – 10:45 am **"A Year in Review"**
Crystal Ballroom – **Case Highlights of 2012**
(MCLE – 1.75 hours of general credit)

Review of 2012 California and Federal appellate decisions of importance to the civil defense bar and insurance claims personnel.



Edmond G. Farrell, III, Esq.,
Murchison & Cumming



Robert A. Olson, Esq.
Greines, Martin, Stein & Richland

10:45 am – 11:00 am **Break**
Gold Room

MCLE Credit

This activity has been approved for Minimum Continuing Legal Education credit by the State Bar of California in the amount of **7.25 hours, including 1.5 hours of Legal Ethics credit.**

The Association of Southern California Defense Counsel certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing minimum continuing legal education.

Please make sure to include your State Bar I.D. number on the registration form in order to receive your MCLE credits.

Additionally, please make sure you sign the attendance sheet located in the Gold Room and retain the Certificate of Attendance for your records.

Program Schedule

Thursday, February 28, 2013 – continued

GENERAL TRACK

11:00 am – 12:00 noon
Emerald Ballroom

**“iPads & Apps for Lawyers,
Claims Representatives and Clients”**

(MCLE – 1.0 hour of general credit)

A demonstration of the latest iPad technology for use in daily practice, arbitration/mediation and trial. We will discuss the essential apps/accessories and how to integrate them into your practice.



Joshua Dowell
*Executive
Presentations*



Rick Kraemer
*Executive
Presentations*

PRACTICE TRACK

11:00 am – 12:00 noon
Crystal Ballroom

**“Sub-Rosa: Understanding One of
the Best Tools in Defending a Case”**

(MCLE 1.0 hour of general credit)

In this session we will cover many aspects of sub-rosa aka video surveillance including;

- When is the best time to obtain video?
- When is the most effective time to use video?
- Do you have to disclose and, if so, when?
- How to provide foundation at trial and overcome objections?



Arden Beavers
*Beavers and
Associates*



Greg Beavers
*Beavers and
Associates*



**Robert
Morgenstern,
Esq.**
*Maranga
Morgenstern*

12:00 noon – 1:30 pm **Lunch on your own**

Program Schedule

Thursday, February 28, 2013 – continued

GENERAL TRACK

1:30 pm – 2:30 pm
Crystal Ballroom

“Arbitration: Litigating In Another Forum”

(MCLE – 1.0 hour of general credit)

This panel of experts will discuss procedural issues, discovery, presentation of evidence, findings, costs and appellate review from each of their perspectives.



Lisa Maki, Esq.
*Law Offices of
Lisa L. Maki*



**Arthur
Chapman, Esq.**
*Chapman,
Glucksman, Dean,
Roeb & Barger*



**Honorable
Joe Hilberman**
*Los Angeles Superior
Court (Ret.), ADR
Services, Inc.*



**Richard
Chernick, Esq.**
JAMS



**Honorable
J. Gary Hastings**
*Appellate Justice
(Ret.), Alternative
Resolution Centers*



**Honorable
Michael G. Nott**
*Appellate Justice
(Ret.), Judicate
West*



Jeffrey Stoner
*Cooperative of
American
Physicians*



Program Schedule

Thursday, February 28, 2013 – continued

PRACTICE TRACK

1:30 pm – 2:30 pm
Emerald Ballroom

“How Come My Case Never Gets to Trial?”

(MCLE – 1.0 hour of general credit)

Are you frustrated that even your most defensible cases seem to settle? Does it seem that it is always the “other gal or guy” who gets the trial experience? Have you attended seminars learning how to do everything from jury selection to closing arguments yet never get a chance to practice these skills? In this



**Robert
O'Connor, Esq.**
*Crandall, Wade &
Lowe*



**Edward J.
McKinnon**
*Claims Resource
Management, Inc.*

seminar, the panelists provide tips and advice on how best to position your case so that if it needs to be tried, you are ready to try it. The panel will also discuss how to make sure that when cases go to trial, you are the attorney selected by your client to present the case to a jury and how you as a supervising attorney or client can be confident that you have the right lawyer to try the case.

2:30 pm – 2:45 pm
Gold Room

Break

GENERAL TRACK

2:45 pm – 3:45 pm
Emerald Ballroom

“Sealing the Deal In Mediation”

(MCLE – 1.0 hour of general credit)

This session will address making sure that the time spent in mediation results in a settlement rather than getting to the end with no deal. Learn techniques from successful mediators and settlement officers that will help you walk out of the mediation with a signed agreement to settle.



**Honorable
Louis M.
Meisinger**
*Los Angeles
Superior Court*



**Honorable
Jacqueline A.
Connor**
ADR Services



**Jay Cordell
Horton, Esq.**
Judicate West

Program Schedule

Thursday, February 28, 2013 – continued

PRACTICE TRACK

2:45 pm – 3:45 pm **“Writing to Win”**
Crystal Ballroom

(MCLE – 1.0 hour of general credit)

Motion practice. Appeals. Written advocacy can make or break your case. Hear directly from your audience – Trial Judge Amy Hogue and Retired Trial Judge and Appellate Justice Margaret Grignon – about what works and what doesn't. Learn from the people you're trying to convince how to make a compelling written presentation and what pitfalls to avoid. Hear what experienced counsel, reviewing attorneys, clients, and newer lawyers need to know (or remember) about the process.



**Honorable
Amy D. Hogue**
*Los Angeles
Superior Court*



**Honorable
Margaret Grignon**
*Appellate
Justice (Ret.)*



**MODERATOR:
Cynthia E.
Tobisman, Esq.**
*Greines, Martin,
Stein &
Richland, LLP*

3:45 pm – 4:00 pm **Break**
Gold Room

4:00 pm – 4:45 pm **Substantive Law Mini Sessions**
(MCLE – 0.75 hour of general credit)

New to the traditional program, these interactive and informative mini-sessions will allow attendees the opportunity to learn about hot topics and general issues that relate to their specific specialty area of law practice

Insurance – *Corinthian Room*

Medical Malpractice – *Bernard's Room*

Products Liability – *Athenian Room*

Young Lawyers – *Emerald Ballroom*

Please check the ASCDC website often for updates regarding mini session topics and speakers: www.ascdc.org.

5:00 pm – 7:00 pm **Cocktail Reception**
Crystal Ballroom

Program Schedule

Friday, March 1, 2013

8:00 am – 12:00 noon **Registration Open**
Gold Room

8:00 am – 9:00 am **Morning Hospitality**
Gold Room

8:00 am – 11:00 am **Vendor Faire**
Gold Room

9:00 am – 9:45 am **Legislative Update**
Crystal Ballroom

(MCLE – 0.75 hours of general credit)



**Michael D.
Belote, Esq.**
*California
Advocates, Inc.*

Hear the latest from California Defense Counsel Legislative Advocate, Mike Belote, who will provide attendees with a review of new and pending legislation impacting the defense practice in California.

9:45 am – 10:00 am **Final Break with Prize Drawings**
Gold Room

10:00 am – 11:30 am **Civility Matters**
Crystal Ballroom

(MCLE – 1.5 hours of Legal Ethics credit)

Civility Matters is a program that uses real life examples of incivility to illustrate what you do not want to do. The law is a profession, not a business. Civility is profitable and it makes life a lot easier. Scorched earth tactics waste time and money and rarely lead to success. Civility takes some effort and the panel will discuss strategies for achieving a more enjoyable practice of law.



**Honorable
William W.
Bedsworth**
*Associate Justice,
4th District Court
of Appeal*



**William B.
Smith, Esq.**
*Abramson Smith
Waldsmith*



**Christopher P.
Wesierski**
*Wesierski &
Zurek, LLP*

Program Schedule

Friday, March 1, 2013 – continued

11:30 am – 12:00 noon **California State Bar Update**
Crystal Ballroom



Fellow ASCDC Member, Patrick M. Kelly, was recently elected as the 88th President of the California State Bar. Mr. Kelly will provide attendees with important information and updates from the State Bar.

Patrick M. Kelly, Esq.
Wilson, Elser, Moskowitz, Edelman & Dicker,
President, California State Bar

12:00 noon – 2:00 pm **52nd Annual Seminar Luncheon**
Biltmore Bowl **with Keynote Speaker Karl Rove**



Karl Rove

- Iconic Political Strategist
- Former Deputy Chief of Staff and Senior Advisor to President George W. Bush
- Bestselling Author, *Courage and Consequence*
- *Fox News* Contributor & *Wall Street Journal* Columnist

Karl Rove, an iconic political strategist and one of the most sought-after political pundits of our time, is best known for his provocative and robust knowledge of the major political issues of the day.

Rove served as Senior Advisor to President George W. Bush from 2000–2007 and Deputy Chief of Staff from 2004–2007. At the White House he oversaw the Offices of Strategic Initiatives, Political Affairs, Public Liaison, and Intergovernmental Affairs and was Deputy Chief of Staff for Policy, coordinating the White House policy-making process.

Before Rove became known as “The Architect” of President Bush’s 2000 and 2004 campaigns, he was president of Karl Rove + Company, an Austin-based public affairs firm that worked for Republican candidates, non-partisan causes, and non-profit groups.

As a *Fox News* contributor, Rove provides a “genuine feel of inside knowledge,” says David Zurawik, *Baltimore Sun* television critic. Megan Garber, of the *Columbia Journalism Review*, says Karl Rove has “focused his punditry on what he knows best: strategy.” Even the *New York Times* acclaims that “Rove’s substantive contributions may now inspire a little work ethic among the celebrity talking heads who may be forced to bring to the news a little more data and a little less opinion, a recalibration that would be welcome to its devoted viewers.”

Rove writes a weekly op-ed for the *Wall Street Journal* and is the author of the *New York Times* Bestseller, *Courage and Consequence: My Life as a Conservative in the Fight*. He has written for various publications, including *The Daily Beast*, *Financial Times*, *Forbes*, *FoxNews.com*, *HumanEvents.com*, *The Iconic Times*, *Washington Post*, and *The Weekly Standard*.

A Colorado native, he attended the University of Utah, the University of Maryland-College Park, George Mason University, and the University of Texas at Austin.

2013 Exhibitors

(at the time of printing)

ARC, Dispute Resolution
Compex Legal Services, Inc.
ExamWorks
Executive Presentations
EZ Subpoena
ForensisGroup, Inc.
Ivey Engineering, Inc.
Judicate West
Liberty Med-Legal Admin., Inc.
Macro-Pro, Inc.
Peterson Reporting
PMA Dispute Resolution
Quest Discovery Services, Inc.
Second Image National, Inc.
Stein Investigation Agency

2013 Sponsors

(at the time of printing)

SILVER SPONSOR

Patfarber.com

GENERAL SPONSORS

Executive Presentations
(Photography & Signage)

ForensisGroup, Inc.
(Thursday Morning Break)

EZ Subpoena
(Thursday Afternoon Break)

Officers, Directors & Committee Chairs

2012 EXECUTIVE COMMITTEE

Diane Mar Wiesmann, President
N. Denise Taylor, President-Elect
Robert A. Olson, Vice President
Michael N. Schonbuch, Secretary-Treasurer
Linda Miller Savitt, Immediate Past President

EXECUTIVE DIRECTOR

Jennifer L. Blevins, CMP

BOARD OF DIRECTORS

Glenn T. Barger	Gary T. Montgomery
James B. Cole	Stephen C. Pasarow
Michael A. Colton	Lisa Perrochet
Peter S. Doody	Lawrence R. Ramsey
Thomas P. Feher	Laurie Rau
Dana A. Fox	Ninos P. Saroukhanioff
Clark R. Hudson	John W. Shaw
Lisa J. McMains	Patrick Stockalper
Jeffrey A. Walker	

COMMITTEE CHAIRS AND COMMITTEE MEMBERS

Susan Knock Brennecke	Ivan Mnatzaganian
Steven S. Fleischman	Matthew S. Pascale
Christopher E. Faenza	David P. Pruett
Thomas P. Gmelich	Paul B. Salvaty
Donna R. Kirby	Eric C. Schwettmann
Daniel K. Kramer	Chris Stouder
John J. Manier	Joshua C. Traver
J. Alan Warfield	

EMERITUS COMMITTEE

Phillip A. Baker
Harry W.R. Chamberlain
Randall J. Dean
Paul R. Fine
Robert A. Morgenstern
Walter M. Yoka

Past Presidents

1960	Forrest Betts (dec.)
1961	Joseph W. Jarrett (dec.)
1962	Clarence S. Hunt (dec.)
1963	Hon. Gerold C. Dunn (dec.)
1964	Hon. John A. Loomis (dec.)
1965	Donald E. Ruppe (dec.)
1966	George Maslach (dec.)
1967	William D. Still
1968	Hon. Robert C. Todd(dec.)
1969	Robert C. Carlson (dec.)
1970	Fulton Haight (dec.)
1971	Donald A. Ruston
1972	Donald B. Black
1973	James O. White (dec.)
1974	Caywood J. Borrer (dec.)
1975	Robert L. Dickson (dec.)
1976	Francis Breidenbach
1977	Hon. Harrison R. Hollywood (dec.)
1978	Charles A. Lynberg (dec.)
1979	Richard B. Goethals (dec.)
1980	Gary C. Ottoson
1981	Frederick W. Kosmo
1982	John J. Collins
1983	John J. Collins
1984	George F. Martin
1985	Donald A. Way
1986	Timothy L. Walker
1987	Phillip R. Marrone
1988	Michael I. Neil
1989	Robert C. Baker
1990	Wayne J. Boehle
1991	Patrick A. Long
1992	Hon. Stephen M. Moloney
1993	Lori R. Behar
1994	Michael B. Lawler
1995	Darrell A. Forgey
1996	John W. Marshall
1997	James P. Collins, Jr.
1998	Karl A. Keener
1999	Robert A. Davidson
2000	Jeffrey S. Behar
2001	Edith R. Matthai
2002	Walter M. Yoka
2003	Robert W. Harrison
2004	Paul R. Fine
2005	Dennis R. Thelen
2006	Harry W. R. Chamberlain II
2007	Phillip A. Baker
2008	Randall J. Dean
2009	Robert A. Morgenstern
2010	James R. Robie (dec.)
2011	Linda Miller Savitt

Millennium Biltmore Hotel



Designed in the style of the Spanish Italian Renaissance, the Millennium Biltmore Hotel opened in 1923 to national acclaim, and was designated a Historical Cultural Landmark in 1969. The Biltmore Hotel continues to rank as the preferred downtown hotel for government dignitaries, presidential candidates, and state functions, not to mention visiting celebrities and travelers from around the world.

The Hotel is located at 506 South Grand Avenue, Los Angeles, California 90071-2607, in the financial and cultural heart of downtown Los Angeles. The hotel is within close proximity to the Museum of Contemporary Art, Music Center, Staples Center, Garment and Jewelry districts, Metro rail station, Dodger Stadium, Convention Center, City Hall, University of Southern California, shopping centers and fine restaurants. Please visit the hotel's website for further details www.millenniumhotels.com/millenniumlosangeles.

For those of who are not staying at the Biltmore, parking is available in Pershing Square garage, directly across the street from the hotel.

A block of rooms has been reserved for ASCDC members and guests attending the 52nd Annual Seminar, but **you must call the hotel no later than Sunday, January 27, 2013** to reserve a room.

For reservations, call 213-624-1011 or 800-245-8673. Be sure to indicate that you are attending the Southern California Defense Counsel's Annual Seminar to receive our special room rate of \$169 (single or double).

Registration Information

Advance registration for the Annual Seminar is a necessity. There are three ways to register:

- Online via the ASCDC website – www.ascdc.org.
- By fax by completing the form in this brochure and faxing it to 916-924-7323.
- By mail by completing the form in this brochure and mailing it to the ASCDC office in Sacramento.

REGISTRATION FEES:	EARLY by 1/27/13	REGULAR from 1/28/13 to 2/28/13	ON-SITE
ASCDC Members	\$395	\$425	\$450
Claims Personnel	\$325	\$325	\$325
Non-Member Attorneys	\$495	\$525	\$550
Young Lawyer Member*	\$295	\$325	\$350
Reception Companion Ticket	\$ 75	\$ 75	\$ 75

* In practice up to three years

The registration fee covers attendance at the seminar on Thursday and Friday, attendance at Thursday's reception, and the Annual Luncheon on Friday. **Tickets will not be sold separately for the luncheon.**

REFUND POLICY – Requests for refunds must be made in writing and submitted to the ASCDC office no later than Friday, February 22, 2013. A \$100 surcharge will be assessed to all cancellations received on or before this date. No refunds will be given after Friday, February 22, 2013.

GUESTS – Each person registered for the Annual Seminar is entitled to bring one guest to Thursday night's reception, for an additional cost of \$75.00. All reception guests must be registered in advance.

Be sure to register early to avoid onsite fees.

Please make checks payable to the Association of Southern California Defense Counsel.

Association of Southern California Defense Counsel
2520 Venture Oaks Way, Suite 150
Sacramento, CA 95833
(800) 564-6791 • (916) 239-4082 • (916) 924-7323 Fax
ascdc@camgmt.com • www.ascdc.org

Registration Form

Register online at www.ascdc.org Save paper and postage!

REGISTRATION FEES:

	EARLY by 1/27/13	REGULAR from 1/28/13 to 2/28/13	ON-SITE
<input type="checkbox"/> ASCDC Members	\$395	\$425	\$450
<input type="checkbox"/> Claims Personnel	\$325	\$325	\$325
<input type="checkbox"/> Non-Member Attorneys	\$495	\$525	\$550
<input type="checkbox"/> Young Lawyer Member	\$295	\$325	\$350
<input type="checkbox"/> Reception Companion Ticket	\$ 75	\$ 75	\$ 75

* In practice up to five years

Name/State Bar ID:

Companion's Name for Reception:

Company/Firm:

Address:

City/State/Zip:

Phone:

Fax:

E-mail:

SUBSTANTIVE LAW MINI SESSIONS:

Please check if you plan to attend one of these.

Insurance Medical Malpractice Products Liability Young Lawyers

LUNCHEON TABLE RESERVATION:

Please reserve ____ table(s). *(You must register 10 people to reserve a table.)*

PAYMENT INFORMATION:

Enclosed is my check for \$_____

Please charge \$_____ to my MasterCard Visa

Card Number:

CID Number:

Expiration Date:

Signature:

Name as Appears on Card:

Credit Card Billing Address:

City/State/Zip:

**MAKE CHECKS
PAYABLE AND
FAX OR MAIL TO:**

ASCDC
2520 Venture Oaks Way, Suite 150
Sacramento, CA 95833
(800) 564-6791 • (916) 239-4085
Fax: (916) 924-7323 • www.ascdc.org

Membership Application

Name/Bar #: _____

Firm: _____

Address: _____

City/State/Zip: _____

Phone: _____

Fax: _____

E-mail: _____

Website: _____

MEMBERSHIP in the Association of Southern California Defense Counsel is open by application and approval of the Board of Directors to all members in good standing with the State Bar of California. A substantial portion of your practice must be devoted to the defense of civil litigation.

Are you now devoting a substantial portion of your professional time to the practice of the defense of civil and business matters, including the prosecution of eminent domain proceedings? Yes No

If full-time employee of an Insurance Company, Corporation or Public Entity, give name of your employer and your title or position:

Name/Bar #: _____

PRACTICE/SPECIALTY AREA SECTION(S):

In order to provide you with targeted information, please check all that apply

- | | |
|---|---|
| <input type="checkbox"/> Appellate | <input type="checkbox"/> Products Liability |
| <input type="checkbox"/> Construction Law | <input type="checkbox"/> Professional Liability |
| <input type="checkbox"/> Employment Law | <input type="checkbox"/> Public Entity |
| <input type="checkbox"/> Insurance Law & Litigation | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Intellectual Property | <input type="checkbox"/> Toxic Torts |
| <input type="checkbox"/> Landowner Liability | <input type="checkbox"/> Young Lawyers |
| <input type="checkbox"/> Medical Malpractice | <input type="checkbox"/> Managing Partner |
| <input type="checkbox"/> Personal Liability | |

MEMBERSHIP FEES:

- \$255 \$185 Young Lawyer Member (*in practice 3 years or less*)

PAYMENT INFORMATION:

- Enclosed is my check for \$ _____
 Please charge \$ _____ to my MasterCard Visa

Card Number: _____

CID Number: _____

Expiration Date: _____

Signature: _____

Name as Appears on Card: _____

Credit Card Billing Address: _____

City/State/Zip: _____

If elected to membership, I agree to abide by the bylaws of this Association

Signature: _____

Date: _____

Contributions or gifts (including membership dues) to ASCDC are not tax deductible as charitable contributions. Pursuant to the Federal Reconciliation Act of 1993, association members may not deduct as ordinary and necessary business expenses, that portion of association dues dedicated to direct lobbying activities. Based upon the calculation required by law, 15% of the dues payment only should be treated as nondeductible by ASCDC members. Check with your tax advisor for tax credit/deduction information.

**MAKE CHECKS
PAYABLE AND
FAX OR MAIL TO:**

ASCDC
2520 Venture Oaks Way, Suite 150
Sacramento, CA 95833
(800) 564-6791 • (916) 239-4085
Fax: (916) 924-7323 • www.ascdc.org

ASCD

Association of Southern California
Defense Counsel

**2520 Venture Oaks Way, Suite 150
Sacramento, CA 95833**

Presorted
First Class
U.S. Postage Paid
Permit #1660
Sacramento, CA