

LITIGATION

CALIFORNIA  
LAWYERS  
ASSOCIATION

California Lawyers Association  
Litigation Section and Appellate Committee

Earn up to 8.25 Hours of MCLE Credit  
Includes 1.0 Hour of Legal Ethics—Litigation Track  
Earn 6.25 Hours of MCLE (Includes 6.25 Hours of Legal  
Specialization in Appellate Law)—Appellate Track

# 2019 Litigation and Appellate Summits



Friday, September 20, 2019  
JW Marriott Los Angeles L.A. LIVE  
900 W Olympic Blvd, Los Angeles, CA 90015

Register Online:  
[CALAWYERS.ORG/LITIGATION](https://CALAWYERS.ORG/LITIGATION)

KEYNOTE LUNCHEON SPEAKER  
California Supreme Court Justice  
Leondra Kruger



## Welcome from the Chair

Tom Greene—Litigation Chair

Welcome to the 2019 Appellate and Litigation Summits. This a special day and evening for members of the Litigation Section. Join your colleagues and renowned speakers for a glittering array of programs. Special again this year, you can shift from the appellate to the litigation tracks as you see fit. We are honored to present California Supreme Court Justice Leondra Kruger as our luncheon keynote speaker. Close the day with a glass of wine (or a cocktail) and join us for the induction of one of our best to the Appellate Lawyer Hall of Fame.

### The Litigation Summit

Friday, September 20, 2019

Earn 8.25 Hours of MCLE (Includes 1.0 Hour of Legal Ethics)

Join the Litigation Section for its Litigation Summit. The Summit will have everything you want in a one-day program designed just for trial lawyers. Top-notch panels will update you on new developments; Trial Lawyer Hall of Fame members will demonstrate key trial skills; general counsel will tell you what they really want from their lawyers and a panel of federal and state judges will tell you what you need to know to be more effective in the courtroom. Luncheon will feature a discussion with California Supreme Court Justice Leondra Kruger.

### The Appellate Summit

Friday, September 20, 2019

Earn 6.25 Hours of MCLE (Includes 6.25 Hours of Legal Specialization in Appellate Law)

This Appellate Summit will provide updates and insights into the latest developments in appellate practice by jurists and experts from across the state. Luncheon will feature a discussion with California Supreme Court Justice Leondra Kruger.



Leondra Kruger

## Registration Information

### CANCELLATIONS & REFUNDS:

Cancellations and requests for refunds must be received in writing no later than Friday, September 13, 2019 and are subject to a \$50 service charge. Refunds will not be available after September 13, 2019.

### QUESTIONS:

For registration information please call (916) 516-1757. For information regarding the program please call (916) 516-1750.

### SPECIAL ASSISTANCE:

For special assistance please call (916) 516-1750.

### ON-SITE REGISTRATION:

On-site registration will be on a space available basis. Call to confirm space availability.

### PROGRAMS MATERIALS:

Registrants will receive a USB storage device with an electronic version of all program materials the day of the conference. Before the conference, registrants will receive a link with information on how to review and download the program materials. It may be helpful to review a program's reference material before the class. Hard copy materials will not be available. This website is not available to the public, and access is given only to conference registrants. Late breaking supplemental materials not available before the conference will be added at a later date.





## The Litigation Summit

Friday, September 20, 2019

Earn 8.25 Hours of MCLE (Includes 1.0 Hour of Legal Ethics)

**7:30 AM – 5:30 PM**     **Registration and MCLE Sign-In**

**7:30 AM – 8:30 AM**     **Continental Breakfast**

**8:30 AM – 10:00 AM**     **Litigator's Update**  
**1.5 Hours of MCLE Credit**

The witty and knowledgeable Jim Wagstaffe will bring you up to date on the latest developments in the federal system. Justice Eileen Moore of the Fourth District Court of Appeal will take over to provide her pithy updates on state law developments designed just for litigators. This panel will be rounded out by the thoughtful commentary of Jordanna Thigpen on new legislative developments crucial to trial lawyers.

**Moderator:** **George Wailes**, Offices of George Wailes, San Mateo

**Speakers:** **James M. Wagstaffe**, Partner and Co-Founder, Kerr & Wagstaffe, LLP, San Francisco  
**The Honorable Eileen C. Moore**, Associate Justice, Fourth District Court of Appeal, Santa Ana

**Jordanna Thigpen**, Johnson & Johnson, LLP

**10:00 AM – 10:15 AM**     **Break**

**10:15 AM – 11:15 AM**     **Trial Lawyer Hall of Fame Master Class; Opening Statement: Getting Off to a Good Start**  
**1.0 Hour of MCLE Credit**

Robert Van Nest, one of California's leading trial lawyers and a Trial Lawyer Hall of Fame member, will illuminate the purposes, goals and objectives of any opening statement. He will discuss the process through which opening statements are formulated, prepared, tested, and ultimately delivered. He will also provide examples of approaches he has seen and taken; the effective use of graphics and other evidence; and common mistakes in the presentation of opening statements.

**Moderator:** **Norman J. Rodich**, Partner, Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP, Irvine

**Speakers:** **Robert Van Nest**, Kecker, Van Nest & Peters, San Francisco

**11:15 AM – 11:30 AM**     **Break**

11:30 AM – 12:30 PM **Breakout Sessions**

**Session 1. Access to Justice**

**1.0 Hour of MCLE Credit**

People rely on the justice system to keep their families together, to protect their homes, to retain their savings, to assure their health and safety, and to hold the powerful accountable to the rule of law. But many would-be litigants are discouraged or unable to engage the justice system due to high costs of hiring attorneys, language barriers, complex court procedures, and other issues. Presenters will consider the current state of affairs for pro se litigants, assistance provided where a right to counsel is not guaranteed, promoting access by overcoming language and other barriers, efforts to promote self-representation in the courts, and what might be done to further promote access to justice in the future.

**Moderator:** **Chad Stegeman**, Deputy Attorney General, Office of the California Attorney General, and Vice-Chair, Access to Justice and Civic Engagement Committee, Litigation Section, San Francisco

**Speakers:** **The Honorable A Howard Matz**, District Judge (Ret.), Central District of California, Los Angeles

**The Honorable Suzanne Segal**, U.S. Magistrate Judge, Central District of California, Los Angeles

**Bert Deixler**, Partner, Kendall Brill, Los Angeles

**Session 2. How To Protect Your Client on Appeal While You Are Still in the Trial Court**

**1.0 Hour of MCLE Credit**

Not every trial court error result in reversal on appeal. Why? An appellate court justice and a senior appellate court attorney discuss harmless error affirmances, prejudicial error reversals, and creating a useful record for appeal. If a trial court's error is hurting your client, what can you do while the litigation is ongoing to create a clear record of the error, preserve your client's claim for appeal, and put your client in position to demonstrate prejudice later? If the error is favoring your client, what can you do to help render it harmless and protect your client's favorable trial outcome on appeal? Practical insights on these topics for trial court litigators will be provided from an appellate perspective.

**Speakers:** **The Honorable Martin J. Tangeman**, Court of Appeal, Second District, Division Six, Ventura

**Katy Graham**, of Counsel, California Appellate Law Group





## The Litigation Summit and Appellate Summit

12:30 PM – 2:00 PM



Leondra Kruger

### Keynote Speaker Lunch .75 Hour of MCLE Credit

Justice Kruger will share her views on the challenges facing the California courts and the lawyers who serve them. Expect thoughtful commentary on cutting edge legal issues, important perspectives on effective advocacy and the story of her personal journey to the high court.

**Speaker:** **Justice Leondra R. Kruger**, California Supreme Court (Joint Session with Appellate Summit)  
**Interviewers:** **Greg Wolff**, California Appellate Law Group  
**Katy Graham**, of Counsel, California Appellate Law Group

2:00 PM – 3:00 PM

### Managing High Stakes Litigation in Federal and State Courts 1.0 Hour of MCLE Credit

Effective management of big cases is often the key to victory. Learn from our panelists about how best to manage high stakes litigation in federal and state courts. Get tips on effective pre-trial motions, effective management of discovery, and effective trial advocacy in major cases.

**Moderator:** **Michelle Galloway**, Cooley, LLP, and Stanford Law School, Palo Alto  
**Speakers:** **The Honorable. S. James Otero**, District Court Judge, Central District of California, Los Angeles  
**The Honorable Daniel J. Buckley**, Judge of the Superior Court, Superior Court of Los Angeles

3:00 PM – 3:15 PM

Break

3:15 PM – 4:15 PM

### Now I See It! How to Collect and Graphically Present Data in Modern Litigation 1.0 Hour of MCLE Credit

Today's litigator needs to appreciate that jurors spend more time looking at screens—TVs, computer monitors, iPads, and smart phones—than listening to other human beings. They expect to not just hear, but see the evidence. Join Morgan Smith as he dives into some of the more common data sources in today's world, examine some of the discovery issues involved in obtaining that data, and then focus on the best ideas on how to use this data in an understandable and graphic manner that jurors or mediators will comprehend.

**Moderator:** **Timothy Sullivan**, McCormick Barstow, LLP, Fresno  
**Speaker:** **Morgan Smith**, Founder and President, Cogent Legal, Oakland, Sacramento, Seattle and Telluride

## The Litigation Summit and Appellate Summit

4:15 PM – 4:30 PM

Break

4:30 PM – 5:30 PM

### Ethical Marketing and Branding in the Digital Age 1.0 Hour of Legal Ethics

Digital branding strategies are crucial for all practitioners. The modern attorney needs effective strategies for building online networks and this presentation will provide an understanding of best practices in social media and web-based marketing, including dealing with online review sites and techniques for staying top-of mind with your contacts while also focusing on the ethical obligations of an attorney engaging in any type of marketing. The panelists will also address the updates to the California Rules of Professional Conduct as they pertain to attorney advertising while exploring what make sense from a marketing perspective and what is legal from an ethics perspective.

**Moderator:** **Ana Sambold**, Sambold Law & ADR Services, San Diego

**Speakers:** **Kristen Dennis**, attorney & founder of WebPresence, Esq.

**Emery Ledger**, attorney and founder of Ledger Law

**Arleen Milian**, in-house marketing director at Murchinson Cumming

5:30 PM – 7:00 PM

### Reception for the Appellate Lawyer Hall of Fame Awardee



**Jon B. Eisenberg**





# The Appellate Summit

Friday, September 20, 2019

Earn 6.25 Hours of MCLE (Includes 6.25 Hours of Legal Specialization in Appellate Law)

**7:30 AM - 5:30 PM**     **Registration and MCLE Sign-In**

**7:30 AM - 8:30 AM**     **Continental Breakfast**

**8:30 AM - 10:00 AM**     **What's Appealable and When  
1.5 Hours of MCLE Credit**

Knowing when to appeal is essential. A Court of Appeal Justice and two experienced appellate practitioners discuss the complicated rules regarding when orders and judgments become appealable, specific types of orders that are immediately appealable, what must be appealed by writ, notice of appeal considerations and timing, and when post-trial motions are required.

**Speakers:**     **Honorable Frank J. Menetrez**, Fourth District Court of Appeal, Division 2, Riverside, CA  
**Glenn Danas**, Robins Kaplan LLP, Los Angeles, CA  
**Jocelyn Sperling**, Law Office of Jocelyn Sperling, Berkeley, CA

**10:00 AM - 10:15 AM**     **Break**

**10:15 AM - 11:15 AM**     **Access to Justice in Appeals: Pro Bono and Other Opportunities to Develop Your Expertise for  
the Public Interest**  
**No MCLE Credit**

Learn about opportunities to put your skills into practice for the public interest. Representatives from the Family Violence Appellate Project, Second District Court of Appeal's self-help clinic, 9th Circuit's appellate clinic, Loyola Law School Project for the Innocent, and CAP/LA will discuss numerous opportunities to provide pro bono and compensated services to those in need.

**Speakers:**     **Erin Smith**, Family Violence Appellate Project, Oakland, CA  
**Paula Mitchell**, Loyola Law School Project for the Innocent, Los Angeles, CA  
**Tyna Orren**, Orren & Orren, Public Counsel's Appellate Self-Help Clinic, Los Angeles, CA  
**Jennifer Hansen**, CAP/LA, Los Angeles, CA

**11:15 AM - 11:30 AM**     **Break**

**11:30 AM - 12:30 PM**     **California Supreme Court Practice**  
**1.0 Hour of MCLE Credit**

Learn from two insiders how the California Supreme Court decides whether to grant review and dos and don'ts for Petitions for Review. Also learn about what happens if review is granted: briefing tips, insights on amicus briefs, and best practices for oral argument.

**Speakers:**     **Greg Wolff**, California Appellate Law Group, San Francisco, CA  
**Lisa Walker**, Supreme Court of California, Los Angeles, CA



## The Litigation Summit and Appellate Summit

12:30 PM – 2:00 PM



Leondra Kruger

### Keynote Speaker Lunch .75 Hour of MCLE Credit

Justice Kruger will share her views on the challenges facing the California courts and the lawyers who serve them. Expect thoughtful commentary on cutting edge legal issues, important perspectives on effective advocacy and the story of her personal journey to the high court.

**Speaker:** Justice **Leondra R. Kruger**, California Supreme Court (Joint Session with Appellate Summit)  
**Interviewers:** **Greg Wolff**, California Appellate Law Group, San Francisco, CA  
**Katy Graham**, of Counsel, California Appellate Law Group, Los Angeles, CA

2:00 PM – 3:00 PM

### Handling Evidentiary Issues on Appeal 1.0 Hour of MCLE Credit

Full-time Court of Appeal Justice and part-time Evidence professor Brian M. Hoffstadt leads an interactive discussion on the California and federal rules of evidence, highlighting those rules that the California courts have interpreted (or re-interpreted) in the last year. Bring your smartphones and laptops, so you can cast your (anonymous) vote on the hypos that will drive the discussion.

**Speaker:** The Honorable **Brian M. Hoffstadt**, Second District Court of Appeal, Division 2, Los Angeles, CA

3:00 PM – 3:15 PM

### Break

3:15 PM – 4:15 PM

### US Supreme Court Discussion 1.0 Hour of MCLE Credit

A discussion with two leading constitutional scholars about major cases and noteworthy trends in the Supreme Court's recently concluded and upcoming terms as we approach the 2020 presidential election.

**Moderator:** **Karli Eisenberg**, Office of the Attorney General, Sacramento, CA  
**Speakers:** **Professor Eugene Volokh**, UCLA School of Law  
**Dean Vikram Amar**, University of Illinois College of Law

4:15 PM – 5:15 PM

### Anti-SLAPP Update: Keeping Up Is No Easy Task 1.0 Hour of MCLE Credit

Learn about the latest developments in anti-SLAPP law, with a focus on California Supreme Court decisions and selected Court of Appeal opinions issued within the last 12 to 15 months.

**Speakers:** The Honorable **Anne H. Egerton**, Second District Court of Appeal, Division 3, Los Angeles, CA  
The Honorable **Ignazio J. Ruvolo (Ret.)**, JAMS, San Francisco, CA  
**Gary Watt**, Hanson Bridgett LLP, San Francisco, CA

5:30 PM – 7:00 PM

### Reception for the Appellate Lawyer Hall of Fame Awardee



Jon B. Eisenberg



## The Litigation Summit and Appellate Summit

September 20, 2019 • Los Angeles, California

One registrant per form. Photocopies may be used

### Register online: CALAWYERS.ORG/LITIGATION

Deadline: In order to pre-register, your form and check, payable to California Lawyers Association, or credit card information, must be received by September 13, 2019.

#### Mail

Program Registrations  
California Lawyers Association  
400 Capitol Mall, Suite 650  
Sacramento, CA 95814

#### Email To

Program Registrations at ProgramRegistrations@calawyers.org. In order to email your registration, credit card information is MANDATORY. (Photocopies of checks will NOT be accepted.)

#### Registration Form

Bar Number: \_\_\_\_\_

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Firm Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

*(Required for email confirmation)*

#### Credit Card Information (VISA/MASTERCARD Only)

I authorize California Lawyers Association to charge my program registration to my Visa/MasterCard account. (No other credit card will be accepted.)

Account Number: \_\_\_\_\_

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The California Lawyers Association is an approved MCLE provider by the State Bar of California.

Litigation Summit includes 8.25 Hours of MCLE including 1.0 Hour of Legal Ethics, program materials, continental breakfast, lunch and reception.

Appellate Summit includes 6.25 Hours of legal specialization in Appellate Law, program materials, continental breakfast, lunch and reception.

Check here, if you do not want your contact information released.

This event may be recorded. By attending this event, you consent to be photographed, filmed, and/or otherwise re-corded, and to any use, by the CLA, of your likeness, voice, and name in any and all media including social media. If you do not want your name or photo to be used, please let us know in advance. We cannot, however, honor requests to opt out of the use of your image or voice if you choose to ask a question during one of the event sessions.

#### Pre-Registration Fee (pre-registration through September 13, 2019) (Select one fee option)

##### A. The Litigation Summit, Friday, September 20, 2019

	By Sept. 13	Total Cost
<input type="checkbox"/> Current Litigation Section Member	\$185	\$ _____
<input type="checkbox"/> Non-Litigation Section Member	\$275	\$ _____
(Includes enrollment in the Litigation Section for 2019)		
<input type="checkbox"/> Government, Non-Profit, CYLA and Panel Attorneys*	\$125	\$ _____
OR		

##### B. The Appellate Summit, Friday, September 20, 2019

<input type="checkbox"/> Current Litigation Section Member	\$185	\$ _____
<input type="checkbox"/> Non-Litigation Section Member	\$275	\$ _____
(Includes enrollment in the Litigation Section for 2019)		
<input type="checkbox"/> Government, Non-Profit, CYLA and Panel Attorneys*	\$125	\$ _____

\*\*Onsite registration fees are \$285 for Section Members and \$375 for Non-Section Members after September 13.

Amount Enclosed or To Be Charged: \$ \_\_\_\_\_

*Thank you*  
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California Lawyers Association  
Litigation Section  
400 Capitol Mall, Suite 650  
Sacramento, CA 95814



# 2019 Litigation and Appellate Summits

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September 13, 2019 Program Pre-Registration Deadline

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