

The 2nd Annual Los Angeles Attorney Fee Conference: “It Pays To Be Reasonable”



Southwestern Law School
Los Angeles, CA
June 24, 2010
Noon-1pm (Lunch Buffet)
1pm-5pm (CLE Program)

With the increase in fee-shifting provisions and the growing body of attorney fee jurisprudence, attorney fees are becoming an area of specialty. Whether you're seeking to recover attorney fees in court or adjudicate a fee dispute with a former client, today's litigators require substantive and procedural knowledge of attorney fee jurisprudence. In fact, knowing the right attorney fee strategy can often mean millions of dollars more in attorney fees.

From court awarded attorney fees, to legal billing ethics, to tripartite fee disputes, the 2nd Annual Los Angeles Attorney Fee Conference, “It Pays To Be Reasonable” covers a variety of the complex issues in the attorney fee arena. This CLE event is widely regarded as Los Angeles's most comprehensive program on attorney fees and legal billing. The program also includes a course book with over 100 pages of substantive material on attorney fees and legal billing issues.

You will hear from top attorney fee experts, litigators, and trial lawyers on:

- **Court Awarded Attorney Fees in Prevailing Party Situations**
- **Attorney Fees in Class Action Cases**
- **Attorney Fees in the Insurance Coverage Context**
- **Tripartite Fee Disputes: Who Pays the Legal Bills?**
- **Reviewing Legal Bills for Reasonableness**
- **Disputes over Legal Fees: Litigation & Mediation**
- **Attorney Fees & Legal Billing Ethics: A Practical Guide**

With millions of dollars in attorney fees at stake, you can't afford to miss this program!

For more information on the L.A. Attorney Fee Conference, or to register for this program, visit www.thenalfa.org/CLE-Programs

Faculty Members

AASHISH Y. DESAI is a partner at Mower, Carreon & Desai, LLP in Irvine, California. For three years running Mr. Desai has been selected by his peers as a “Rising Star” in Class Action Litigation by *Super Lawyers Magazine* and judged one of the “Best Young Lawyers in Southern California.” Aashish obtained a landmark judgment of \$2.1 million in attorney fees in a class action settlement. This award made headlines because it set a standard for how fees are calculated when defense counsel unnecessarily obstructs litigation. In addition to his successful class action record, Aashish also contributes by regularly writing articles for local and national publications and speaking before business, trade, and bar associations.

BRIAN S. KABATECK is a managing partner at Kabateck Brown Kellner, LLP in Los Angeles. Mr. Kabateck is a plaintiffs-only attorney who currently represents thousands of victims in mass tort litigation, class actions, insurance bad faith, insurance litigation, and commercial contingency litigation. Brian is lead counsel for the NAACP’s class action against Wells Fargo, HSBC, Citi, GMAC, Washington Mutual and 10 other leading financial institutions for discriminatory lending practices. A nationally-recognized expert on consumer protection, Brian has worked with the California Legislature and California Department of Insurance to draft several laws including the Policyholder’s Bill of Rights and a groundbreaking law to help Earthquake victims recover from their insurance companies. Brian has represented celebrity clients such as Ed McMahon, Michael Jackson, Leigh Steinberg, and Jose Canseco.

HON. PETER D. LICHTMAN was appointed to the Los Angeles Municipal Court in October 1993 and elevated to the Los Angeles Superior Court in March 1997 by Governor Pete Wilson. Judge Lichtman served as the Supervising Judge of the Complex Civil Litigation panel and was one of its founding judges. Judge Lichtman presided over complex cases for 10 years (2000-2010). He served as a Civil Fast Track Judge from 1997-2000. Judge Lichtman currently serves as head of the Los Angeles Superior Court’s Mandatory Settlement Program. Judge Lichtman is co-editor and co-author of the following published treatises: California Pretrial Civil Procedure, LexisNexis, October 2003 – Matthew Bender Practice Guide; California Civil Discovery, LexisNexis, October 2003 – Matthew Bender Practice Guide.

SUSAN PAGE WHITE is a partner at Dickstein Shapiro, LLP in Los Angeles where she manages an active trial practice in the firm’s Insurance Coverage Practice. Ms. White represents corporate and individual clients in complex insurance coverage matters, including bad faith, and other commercial litigation matters. Susan has been at the forefront of new developments in insurance coverage in numerous jurisdictions including Director and Officers liability claims, fiduciary and employee benefit liability claims, and claims for coverage for wage hour class actions. Susan also provides risk management advice on insurance policy procurement and renewals and contracts.

JOHN D. GUERRINI is the principal of the Guerrini law firm in Pasadena, California. Mr. Guerrini maintains a practice that emphasizes complex attorney fee and settlement collection and business and real estate litigation. Over the past decade, he has successfully brought and defended numerous cases at trial and appellate levels involving business disputes, partnership disputes, real estate disputes, non-disclosure actions, B&P 17200 defense, FDCPA and Rosenthal Act violations, and both foreclosure and defense of mechanics liens. As an adjunct to his litigation practice, John also counsels clients in the area of creditors' rights and debt collection practices. He regularly speaks and writes on issues related to judgment enforcement.

STEVEN A. TASHER is the Co-Chief Executive Officer and Managing Director of Wyatt Partners, LLC in Berkeley Heights, New Jersey. Mr. Tasher has had a legal and corporate career spanning 35 years and areas of expertise ranging from environmental issues and energy programs to all aspects of corporate operations. Before launching Wyatt Partners, Steven served as Vice President, Environmental Affairs and Facilities Operations and Associate General for Wyeth and as Senior Vice President of Wyeth Pharmaceuticals. His tenure included strategic responsibility for five global operating departments of the company as well as supervision of major legal matters affecting the company. Steven's legal expertise in environmental matters grew from leading environmental practice groups at two major international law firms, and as an attorney for the DuPont Company.

JACQUELINE S. VINACCIA is Senior Litigation Counsel at Lounsbery, Ferguson, Altona & Peak, LLP in Escondido, California. Ms. Vinaccia provides consulting and auditing of attorney fee invoices for several large business and insurance companies. Jacqueline has been litigating and trying cases for twenty years in many areas of civil litigation, from pre-trial work through trial and into appellate courts. She practiced for 14 years at one of the nation's largest insurance defense firms, and began working for a medium size boutique firm in 2007 in order to grow her practice and her consulting/expert witness services. For the last 15 years, Jacqueline has assisted several large business and insurance clients in managing attorney fees incurred in large multi-jurisdictional litigation and large contribution cases as an expert witness. Her opinions have been cited by courts in California, Arizona, Nevada, and Washington.

JAMES E. KING is the founder of the King Law Corporation in San Diego. Mr. King specializes in attorney fee disputes, legal ethics, and advises corporate counsel and law firms on litigation costs. Jim has testified as an expert witness on numerous attorney-client fee disputes and has skillfully represented prominent clients such as Prince Fahd Aziz of Saudi Arabia and Heisman Trophy winner Rashan Salaam. Jim serves as a Special Master for the State Bar of California and is Vice-Chair of the Fee Arbitration Committee for the San Diego County Bar Association. Jim also lectures and publishes works on attorney fee ethics and other related topics.

JOEL MARK is partner of Nordman, Cormany, Hair & Compton, LLP in Oxnard, California. Mr. Mark has concentrated in trial practice, complex business litigation, and arbitration. Joel has represented numerous attorneys and accountants in professional liability litigation. He is often called to testify as an expert witness on attorney fees, legal ethics, and litigation practice and procedures. Joel was the lead editor for the 1997 Edition of the State Bar of California's Form Attorneys' Fee Agreements publication and co-authored the State Bar of California's The Practical Ethics of Attorney Fees. Joel is the former Chair of the State Bar of California's Standing Committee on Mandatory Fee Arbitration and served on the California State Bar Committee on Professional Responsibility and Conduct.

GERALD F. PHILLIPS is of counsel at Phillips, Lerner, Lauzon & Jamra in Los Angeles. Mr. Phillips is a highly respected mediator, legal billing expert, and legal scholar. One of the nation's leading advocates for ethical billing, Gerald has spent a lifetime working to improve the standards in the legal profession. As a renowned mediator and arbitrator, he has worked in the entertainment industry, including a landmark motion picture case involving First Amendment issues, censorship, and antitrust. In addition to being an adjunct professor at Pepperdine Law School, Gerald also is a member of the Los Angeles County Bar Association's Professional Responsibility and Ethics Committee.

Program Agenda

Noon-12:45pm Buffet Lunch

12:45-1:00 CLE Registration

1:00-1:50 Attorney Fees & Legal Billing Ethics: A Practical Guide

James E. King, Joel Mark, and Gerald F. Phillips survey a host of attorney fee and billing ethical issues. Panelists provide a comprehensive review of the ethical rules surrounding attorney fee and billing practices in California. Specific topics of discussion include bill padding, block billing, forfeiture of fees, and fee collection. Comprehensive manual included in course book.

1:55-2:45 Attorney Fees and Class Action Litigation

Hon. Peter D. Lichtman, Aashish Y. Desai, and Brian S. Kabateck discuss the various theories for awarding attorney's fees in class actions, the methods for determining the amount of the award, and practical tips for what works in state and federal courts. Specific topics include the common fund analysis, the private attorney general doctrine, establishing a lodestar, and reversion issues. Panelists also discuss the implications of

Perdue v. Kenny A. (08-970), the recent attorney fee case handed down by the U.S. Supreme Court this term.

10 Minute Break

2:55-3:45 Reviewing Legal Bills for Reasonableness

Steven A. Tasher and **Jacqueline S. Vinaccia** discuss the legal billing, attorney fee rates, and legal spend expectations of corporate counsel and insurance carriers. Panelists provide practical advice and suggestions for law firms to get their legal bills paid in a timely manner.

3:50-4:45 Attorney Fees in the Insurance Coverage Context & Post-Judgment Fee Collection Cases

Susan Page White addresses legal fee disputes between insurers and insureds, including *Cumis* counsel, when California Civil Code section 2860 does and does not apply, rates to be paid by the insurer, and how disputes are resolved. Susan also discusses insurer billing guidelines and how insureds can respond to insurers' attempts to impose these guidelines on defense counsel.

John D. Guerrini discusses what steps to take once you have your judgment for attorney fees, including an overview of the collection process, whether to obtain collection counsel, timing of retention of collection counsel, perfecting liens, writs of execution, bank levies, debtor exams, third party exams, and post-judgment receiverships.