



ARNE WERCHICK

Admitted to practice in California in 1965, Arne Werchick completed fifty years of active practice as a civil trial attorney emphasizing representation of plaintiffs in professional liability and similar complex civil litigation and now is fully retired from the private practice of law. Volunteer activities for 2018 include County of Hawaii Board of Appeals; Board of Directors, Friends of the Libraries, Kona; and Board of Directors, Aloha Performing Arts Company. In addition to serving as Presiding Arbitrator of the State Bar of California, President of the California Trial Lawyers Association, and Special Counsel to California Advocates for Nursing Home Reform (CANHR), his prior community service included Adjunct Assistant Professor of Law at Hastings College of the Law, Administrative Law Judge pro tem, Chair of the Palm Desert Rent Review Commission, and numerous professional and civic organizations.

Arne Werchick is also the author of *CIVIL JURY SELECTION* (1988, 2d ed. 1993), *THE GREAT BARRIER REEF* (1986, 2d ed. 1988), and two teaching loose-leaf texts and many articles and other publications, and was frequently an invited lecturer at continuing education programs.

He and his wife Ruth continue to be avid travelers from their home base in Kailua Kona, Hawaii, and he has now visited more than seventy countries and chairs the ***NJABCTCC*** (Not Just Another Book Club Travel Conversation Circle) monthly at the Kailua Kona library. Countries visited include Argentina, Antigua, Australia, Austria, Bahamas, Barbados, Belgium, Brazil, British Virgin Islands, Cambodia, Canada, China, Comoros, Costa Rica, Cuba, Curacao, Cyprus, Czech Republic, Denmark, Egypt, England, Estonia, Fiji, Finland, France, Germany, Greece, Grenada, Guadeloupe, Haiti, Hong Kong, Hungary, Iceland, India, Ireland, Israel, Italy, Jamaica, Jordan, Kenya, Laos, Latvia, Lithuania, Luxembourg, Martinique, Mauritius, Mexico, Morocco, Myanmar (Burma), Netherlands, New Caledonia, New Hebrides (Vanuatu), New Zealand, Norway, Portugal, Russia, St. Lucia, St. Martin, Scotland, Seychelles, Singapore, South Africa, Spain, Switzerland, Tahiti, Thailand, Trinidad, Tunisia, Turkey, Uruguay, Vietnam.

Personal and Community Service

County of Hawaii Board of Appeals (2018 -)

Board of Directors (and Board Secretary), [Friends of the Library, Kona](#) [F.O.L.K] (2016 -); organized and chairs the *NJABCTCC* [Not Just Another Book Club Travel Conversation Circle], F.O.L.K. (2017 -)

Board of Directors, [Aloha Performing Arts Company](#) [APAC] (2017 -)

Palm Desert Rent Review Commission (2006 – 2015; Chair 2009 - 2015)

Town of Truckee Planning Commission (1999 - 2001)

Tahoe Donner Association Governing Documents Revision Committee (1997- 2000)

Tahoe Donner Architectural Standards Committee (alternate 1997-1999, member 1999 - 2000)

USTA NorCal certified umpire (1998 - 2000)

Tahoe Donner Tennis Club Board of Directors (1997-1999)

Conseiller, Confrerie des Vignerons de Saint Vincent Bourgogne et Macon USA (1984-1990)

Vice President, United Nations Association of San Francisco (1969-1970). Vice President, Medical & Professional Society (1977; Director 1978-1979)

Life member, Sierra Club and East African Wild Life Society

Born April 20, 1940, San Francisco

Wife: Ruth. Children: Leah and Jessica

Professional Background

Special Counsel, [California Advocates for Nursing Home Reform](#) [CANHR] , 2009 – 2015).

Special Deputy Trial Counsel, State Bar of California, Office of Trial Counsel (2010 – 2015).

Presiding Arbitrator of the State Bar of California (2006 - 2008).

Administrative Law Judge *pro tem*, California Office of Administrative Hearings - *Keyhea* hearings regarding involuntary administration of psychiatric medications to prison inmates (1998 - 2003).

Judge *pro tem*, San Francisco Superior Court, civil jury trial, settlement conferences, small claims appeals (1991-1997). Nevada County Municipal Court, small claims (1996 – 2004).

California State Bar Committee on Professional Liability Insurance (2011).

California State Bar Committee on Mandatory Fee Arbitration (2001–2008; Chair 2004-2005; Vice Chair 2002-2004).

President, California Trial Lawyers Association (now CAOC) (1980); Vice President (1978 and 1979); Board of Governors, California Trial Lawyers Association (1976-1986).

Chair, California Trial Lawyers Association *Amicus Curiae* Committee (1982, 1985 and 1986, member 1974-1976, 1978, 1980-1986).

Assistant Editor, California Trial Lawyers JOURNAL (1970-1977).

Chair, California Trial Lawyers Association Committee on Malpractice Law Litigation (1976).

Vice chair, Bar Association of San Francisco Committee on Arbitration and Mediation of Fee Disputes (1996 - 2009).

Assistant Professor of Law [adjunct faculty], University of California Hastings College of the Law, 1971-1984, teaching courses in Legislation and Legislative Advocacy, Government Tort Litigation, and Trial Practice.

Board of Contributors, Medical Malpractice Law & Strategy, affiliated with New York and National Law Journals (1983-90).

Advisory Committee on Voir Dire, Judicial Council of California (1988-1992), established originally by statute as California Task Force on Voir Dire; coauthor of standardized Juror Questionnaire for Civil Cases adopted by California Judicial Council (form MC-001) (1993).

Editorial Board, San Francisco Attorney, Bar Association of San Francisco (1991-1995).

Chair, Section on Insurance, Negligence & Compensation Law, Bar Association of San Francisco (1971)

Vice Chair, California State Bar Committee to Confer with the California Medical Association (1979-1980)

Vice Chair, Medical-Legal Liaison Committee, Bar Association of San Francisco (1970)

Chair, CTLA Legal Students Committee (1970).

Member, Private Judging Advisory Panel, Institute for Social Analysis (1991).

Lawyer delegate to Ninth Circuit Judicial Conference, Seattle, Washington (1969).

Board of Governors, Western Trial Lawyers Association (1983-1986).

Chair, State Legislation Subcommittee, Association of Trial Lawyers of America (1981-1982); Vice-chair, ATLA Administration Department (1983); member ATLA Board of Governors, (1980-1983).

Consultant to Nevada Trial Lawyers Association before Assembly Judiciary Committee of the Nevada legislature (1985).

Consultant to Alaska Bar and Trial Lawyers Associations to Alaska Governor's Commission on Medical Malpractice (1975).

Faculty member: National College of Advocacy, Association of Trial Lawyers of America, Reno, Nevada (1981).

Civil College of Advocacy, San Francisco, Hastings College of the Law (1978).

Instructor, "Law for the Layman," YWCA of San Francisco, 1965.

Teaching Assistant, Department of Speech, University of California (1961-1964).

J.D., University of California (Boalt Hall, 1964); A.B., "Communications and Public Policies," University of California (Berkeley, 1961).

Course certificate, Aircraft Accident Investigation, Institute of Aerospace Safety and Management (University of Southern California (1969).

Mediation training: Commercial Mediation, 40 hours, ADRA (1994); Commercial Arbitration, 7 hours, American Arbitration Association (1994); Fee Dispute Mediation and Arbitration, Bar Association of San Francisco, 11 hours (1992, 1995 and 1996); Advanced Mediation, 13 hours, John Paul Jones Group (1997)

Admitted to practice: California Bar, U.S. Court of Appeals for the Ninth Circuit, and United States District Court for the Northern District of California (1965); United States District Court for the Eastern District of California (1982); United States District Court for the Central District of California (1998); United States Supreme Court (1968).

Legal Experience

From 1965-2005 full-time preparation and trial of civil cases. Areas of primary emphasis were professional liability (attorney or physician malpractice) and

medical-legal issues generally; attorney fee disputes; technical liability; personal injury; product liability. Additional experience included business and real estate disputes, insurance carrier liability (in particular insurance bad faith claims), construction defect, elder financial abuse, maritime personal injuries, and other types of damages litigation in California Superior Courts, Nevada District Court, and the United States District Court.

Appellate practice included approximately fifty cases before the California Courts of Appeal and Supreme Court. Appellate case of interest included:

American Bank and Trust Company v. Community Hospital of Los Gatos-Saratoga (1984) 36 Cal.3d 359; briefed and argued (and reargued) before the California Supreme Court on behalf of *amicus curiae* California Trial Lawyers Association testing the constitutionality of the 1975 Medical Injury Compensation Reform Act.

Edwards v. Pacific Fruit Express (1968) 390 U.S. 538, 20 L.Ed.2d 112, 88 S.Ct. 1239.

Chambers v. Kay (2002) 29 Cal.4th 142.

Gallo v. Peninsula Hospital (1985) 164 Cal.App.3d 899; limited use of undisclosed expert witnesses.

Gampell v. Superior Court (1982) 33 Cal.3d 242; established the authority of the Governor to fill appellate court vacancies authorized by the Legislature.

Nogueiro v. Kaiser Foundation Health Plan (1988) 203 Cal.App.3d 1192; establishing arbitrators' authority to determine law applicable to arbitration awards.

Price v. Shell Oil (1970) 2 Cal.3d 245; expanded the product safety doctrine of strict liability to apply to leased products.

Ramirez v. Superior Court (1980) 103 Cal.App.3d 746; prohibited enforcement of arbitration agreements involving individual patients where the patient did not knowingly and voluntarily agree to arbitration.

Truman v. Thomas (1980) 27 Cal.3d 285; expanded the doctrine of "informed consent" in medical malpractice cases.

Recognition of Experience certificates: "Professional Negligence," "General Trial Lawyer," and "Products Liability," California Trial Lawyers Association, 1979.

Publications

BOOKS

A. Werchick, CIVIL JURY SELECTION (Colorado Springs CO: Wiley Law Publications, 1988; 2d ed. 1993)

A. Werchick and R. Werchick, THE GREAT BARRIER REEF: A GUIDE TO THE ISLANDS AND RESORTS (San Carlos CA: Wide World, 1986; 2d ed. 1988)

A. Werchick, LEGISLATION AND LEGISLATIVE ADVOCACY [looseleaf: cases and materials for course in Legislation] (San Francisco: Hastings College of the Law, 1981, revised 1983)

----, GOVERNMENT TORT LIABILITY [looseleaf: cases and materials for course in Government Litigation] (San Francisco: Hastings College of the Law, 1974)

PAMPHLET

Werchick and Hobart, The Great No-Fault Hoax of 1980 (Sacramento: California Trial Lawyers Association, 1980)

ARTICLES [PARTIAL LIST]

----, Letter: "A Reluctance to Divest," New York Times, page A30 [New York edition], December 9, 2016

----, Editorial opinion: "TMT and the Importance of Scientific Discovery," West Hawaii Today, page 5A, May 27, 2016

----, "Attorney Fee Agreements and Fee Disputes: Cases, Source Materials and Recent Developments," California Continuing Education of the Bar (CEB) program, "Attorney Fee Agreements and Fee Disputes" (2007; 2010; revised, updated and retitled 2013)

----, "Recent Developments in the Law of Attorney's Fees," Program Materials (program 141), California State Bar Convention (October 2006), revised 2010.

---, "Who's Afraid of the Presiding Arbitrator?," Desert Bar Association Journal (Spring 2007)

----, "Thou Shalt Not Sue Thy Client," Desert Bar Association Bulletin (April 2006)

----, "Fletcher v. Davis: Is this the End of Liens to Secure Attorney Fees?" Consumer Attorneys of California Forum (September 2005)

----, "Recent Developments in the Law of Attorney's Fees: Are You Protected?" Program Materials (program 87), California State Bar Convention (September 2005)

----, "Attorney Fee Disputes, Arbitration Agreements, and Aguilar v. Lerner," California State Bar Journal (May 2005)

----, "So You Think You're Goint to Get Paid: Legal Obstacles and Ethical Traps Affecting Attorney's Fees," Program Materials (program 76), California State Bar Convention (October 2004)

----, "Awarding Program Filing Fees," Arbitration Advisory prepared for State Bar Committee on Mandatory Fee Arbitration (October 2003)

----, "Division of Attorney Fees: Selected Cases and Materials", (July 2002); used as Reference Materials for program, "Will Your Fee Agreement Survive the Supreme Court?", California State Bar Convention (October 2002)

----, "Tort Liability for Architectural Barriers under the Americans with Disabilities Act", CTLA Forum (January 1997)

----, "To Speak the Truth," San Francisco Lawyer (February 1994)

----, "Glebe House," San Francisco Lawyer (December 1993)

----, "Briefly Noted: Deposition Reporting and the Computer," San Francisco Lawyer (August 1993)

----, "A Reasonable Facsimile," San Francisco Lawyer (February 1993)

----, "Don't Call Me . . . ," San Francisco Lawyer (June 1992)

----, "Warp Two: Life in the Fast(Track) Lane," San Francisco Lawyer (December 1991)

----, "Potent Portables," San Francisco Lawyer (December 1991)

----, "Legal Malpractice: the Case for Evidence of Settlement and Verdict Value," Barristers Law Journal (October 1991)

----, "A Beach in Fiji," San Francisco Lawyer (August 1991)

----, "Judge Not . . . : Controversy in Private Judging," San Francisco Lawyer (August 1990)

----, "A Bill of Rights for South Africa," San Francisco Lawyer (April 1990)

----, "Arbitration and Good Faith," CTLA Forum (October 1989)

----, "Who Will Question Jurors?" CTLA Forum (September 1988)

----, "When Doctors Sue Doctors," Medical Malpractice Prevention (May-June 1987)

Shore and Werchick, "Exempting Malpractice Death Cases from MICRA," CTLA Forum (May 1986)

Werchick, "New Malpractice Trouble: Be Prepared!" Physician's Management (September 1984)

----, "Four Baffling Litigation Syndromes," Medical Malpractice Law and Strategy (February 1984)

----, "Fifty Percent of Dead: The Indivisible Injury and the Joint Liability Doctrine," CTLA Forum (October 1983)

----, "Deposing the Doctor Defendant," PRACTICING LAW INSTITUTE (1983)

----, "Method Not Madness: Selecting Today's Jury," Trial (December 1982; reprinted in The Best of Trial [ATLA Press 1990] pp. 161-170)

----, "Ten and a Half Magic Steps for Deposing the Opposition Expert," CTLA Forum (September 1982)

----, "Periodic Payments: The New Crisis in Compensation," California Trial Lawyers Association JOURNAL (19:1 1981)

----, "Twelve on Trial," CTLA Forum (October 1980)

----, "Better than a Thousand Words," PRACTICING LAW INSTITUTE (1982)

----, "Suing the Hospital: The Plaintiff's Case," P.L.I. (1977)

----, "Special Problems of Evaluating and Settling Medical and Dental Malpractice Cases," and "Bad Faith and the Settlement of Personal Injury Cases," P.L.I. (1976)

----, "Trial Tips: Voir Dire Revisited," California Trial Lawyers Association JOURNAL (14:2 1975)

----, "Trial Tips: Arguing Obscure Instructions," California Trial Lawyers Association JOURNAL (14:2 1975)

----, "Pitfalls in Federal Tort Claims Suits," California Trial Lawyers Association JOURNAL (1972)

----, "Trial by Jury" (Book Review), The Brief Case (1964)

LETTERS and EDITORIAL COMMENTS

Werchick, "High-Profile Firings for Sexual Misdeeds," letter, *New York Times*, page A26, December 1, 2017

----, "Doubling our troubles is no answer," letter, *West Hawaii Today*, page 6A, September 13, 2017

----, "How to Fix Our Broken Health Care," editorial opinion, *West Hawaii Today*, page 4A, July 11, 2017

----, "Don't be fooled by 'RyanTrumppcare' ", editorial opinion, *West Hawaii Today*, page 4A, March 12, 2017

----, "A Reluctance to Divest," letter, *New York Times*, page A30 [New York edition], December 9, 2016

----, Editorial opinion: "TMT and the Importance of Scientific Discovery," *West Hawaii Today*, page 5A, May 27, 2016

INVITED LECTURES

[PARTIAL LIST]

Alameda-Contra Costa County Trial Lawyers Association (1988)

American Bar Association National Legal Malpractice Conference, "The Millennium Approaches - A Look At The Next Five Years," American Bar Association Standing Committee on Lawyers' Professional Liability (Phoenix, Arizona, 1995)

American College of Legal Medicine (Kona, Hawaii, 1983)

Association of Trial Lawyers of America (ATLA), National Convention - "Preserving the Doctrine of Enterprise Liability Against Legislative Attack" (Montreal, Canada, 1981)

Bar Association of San Francisco Advanced Arbitrator Training Workshop (2002, 1999)

Bar Association of San Francisco Word Perfect Users Group - "Computerizing the Small Firm Civil Litigation Practice" (1991)

Beverly Hills Bar Association - "Advanced Fee Arbitrator Training Program" (2008)

California Applicants' Attorneys Association (1981)

California Continuing Education of the Bar [CEB] "Attorney Fee Agreements and Fee Disputes" (2006, 2007, 2010); "Preparing For, Taking and Using Depositions in California" (2003, 2005, 2006); "Malpractice" (2004);

"Strategic Tips for Successfully Propounding and Opposing Written Discovery" (2004); "Effective Jury Voir Dire" (2002, 1997, 1991); "Fundamentals of Civil Pretrial Practice" (2002); "Preparing For, Taking and Using Depositions" (2000, 1997); "Civil Discovery" (1999) "Focus Groups" (1993); "Joint and Several Liability: The Tough Issues" (1986)

California Court Reporters Association Midwinter Seminar (1989)

California Judges Association, Media Conference on California Courts (1986) - "Analysis of Tort Liability and Insurance Issues in the Context of Proposition 51"

California State Bar Association -- "Attorney's Fees: You Put In the Time, But Can you Collect?" (two hour program, Annual Convention, 2008, Monterey); "Lawyers Getting Paid Ethically: Not an Oxymoron" (two hour program, Annual Convention, 2007, Anaheim); "Two Dozen (Or More) Reasons You May Not Get Paid" (two hour program, Annual Convention, 2006, Monterey); "Recent Developments in the Law of Attorney's Fees: Are You Protected?" (two-hour program, Annual Convention, 2005, San Diego); "So You Think You're Going to Get Paid: Legal Obstacles and Ethical Traps Affecting Attorney's Fees" (two-hour program, Annual Convention 2004, Monterey); "Fees in Flux: Fee Sharing, Forfeiture Risks, Arbitration Clauses and Other Pitfalls - Will Your Fee Agreement Survive?" (two-hour program, Annual Convention 2003, Anaheim), "Attorney-fee Sharing and Referral Fees" (two-hour program, Annual Convention 2003, Anaheim); "Will Your Fee Agreement Survive the Supreme Court?" (two-hour program, Annual Convention 2002, Monterey); State Bar Fee Arbitrator Training Programs: Contra Costa County (2002), Desert Bar Association (2007), Los Angeles County (2004, 2005), Nevada County (2003), San Bernardino County (2004), Santa Clara County (2003).

California Trial Lawyers Association (now CAOC) (annually 1978-1987); Advanced Advocacy College, San Francisco (1983)

Century City Bar Association (2002) - "Will Your Fee Agreements Survive the Supreme Court?"

Civil College of Advocacy (Hastings College of the Law, San Francisco, 1978)

Contra Costa County Bar Association - Arbitrator Training Workshop (2002); "Nuts and Bolts of a Solo Litigation Practice" (1999)

Desert Bar Association - Attorneys Fees and Ethics (2006)

Los Angeles County Bar Association - Arbitrator Training Workshop (2004, 2005)

Los Angeles Trial Lawyers Association (1979)

Louisiana Trial Lawyers Association (1985)

National College of Advocacy (ATLA, Reno, Nevada, 1981)

Nevada County Bar Association - Arbitrator Training Workshop (2003)

Nevada Trial Lawyers Association (1982, 1983, 1985, 1986, 1992)

NHK - Interview, "Beyond the Century: Fight Against Cancer", discussion of the doctrine of informed consent (Japanese Public Television, broadcast 11 June 2000)

Northern California Association of Defense Counsel (1983)

Northern California Chartered Property and Casualty Under-writers (1981, 1982)

Practising Law Institute (PLI) faculty (multiple programs spanning 1981 - 1986)

San Francisco Law School Moot Court Program (1987)

Santa Clara County Bar Association - Arbitrator Training Workshop (2003)

South Africa Law Commission - "Professional Liability" (Pretoria, South Africa, 1990)

Tahoe-Truckee Bar Association - "Nuts and Bolts of a Solo Litigation Practice (1999); "Automating the Small Law Office (1994)

University of San Francisco Health Law Association - "Consumer Consequences of Medical Malpractice Litigation" (1991)

PERSONAL INFORMATION

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E-mail: ArneWerchick@Gmail.com

website: www.Werchick.com

Date of Birth: April 20, 1940, San Francisco. Wife: Ruth Werchick. Children: Leah and Jessica.