

ARNE WERCHICK



Admitted to practice in California in January 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 2017 include 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.

Professional Background

Special Counsel, CANHR (California Advocates for Nursing Home Reform, 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.

Personal and Community Service

Board of Directors (and Board Secretary), Friends of the Library, Kona [F.O.L.K].(2016 -); Chair and Founding Member, 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.

Invited Lectures by Arne Werchick [PARTIAL LIST]

Alameda - Contra Cost County Trial Lawyers Association (1988)

American Bar Association National Legal Malpractice Conference, "The Millennium Approaches - A Look at the Next Five Years (Phoenix, Arizona, 1995)

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

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

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

California Applicants Attorneys Association (1981)

California Continuing Education of the Bar (CEB) -- "Attorney Fee Agreements and Fee Disputes" (2007, 2010, 2013); "Attorney Fees" (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" (2006, 2005, 2003, 2000, 1997); "Civil Discovery" (1999) "Focus Groups" (1993); "Joint and Several Liability: The Tough Issues" (1986)

California Court Reporters Association Midwinter Seminar (Reno, Nevada, 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 Annual Conventions -- "Attorney's Fees: You Put in the Time, But Can You Collect?" (2008 two-hour program, Monterey); "Lawyers Getting Paid Ethically: Not an Oxymoron" (2007 two-hour program, Anaheim); "Two Dozen (or more) Reasons You May Not Get Paid" (2006 two-hour program, Monterey); "Recent Developments in the Law of Attorney's Fees: Are You Protected?" (2005 two-hour program, San Diego); "So You Think You're Going to Get Paid: Legal Obstacles and Ethical Traps Affecting Attorney's Fees" (2004 two-hour program, Monterey); "Attorney Fee Sharing and Referral Fees" (2003 two hour program, Anaheim); "Fees in Flux" (2003 two hour program, Anaheim); "Will Your Fee Agreement Survive the Supreme Court?" (2002 two-hour program, Monterey)

California State Bar arbitrator training programs: Beverly Hills Bar Association (advanced program, 2008), Contra Costa County (2002), Desert Bar Association (2006), Los Angeles County (2004, 2005), Nevada County (2003), San Bernardino County (2004), Santa Clara County (2003)(advanced program, 2006)

California Trial Lawyers Association Midwinter and Annual Conventions (1970-1987)

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

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

Contra Costa County Bar Association -- "Nuts and Bolts of a Solo Litigation Practice" (1999)

Desert Bar Association -- "Lawyers Getting Paid Ethically: Not an Oxymoron" (2006)

Los Angeles Trial Lawyers Association (1979)

Louisiana Trial Lawyers Association (1985)

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

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

Northern California Association of Defense Counsel (1983)

Northern California Chartered Property and Casualty Underwriters (1981, 1982)

Practising Law Institute - faculty (1981, 1982, 1983, 1984, 1985, 1986)

San Francisco Law School Moot Court Program (1987)

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

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

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

Countries, Possessions and Territories Visited (as of 2017)

Argentina, Antigua, Aruba, Australia, Austria, Barbados, Belgium, Brazil, British Virgin Islands, Cambodia, Canada, China, Comoros, Costa Rica, Croatia, Cuba, Curacao, Cyprus, Czech Republic, Denmark, Devils Island, 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, Montenegro, 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