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TOP 100

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Lawyers in California

Olson



State Supreme Court litigation is a high stakes game, and Olson has had some major wins — and losses — in the past year and a half. He calls it his “year of living tortiously,” a reference to the number of high profile cases involving questions of tort reform and damages.

In August 2011, Olson convinced the state high court to limit what plaintiffs can recover in personal injury lawsuits. The court ruled that plaintiffs cannot recover medical damages in excess of the amount that health insurers actually paid on their behalf. *Howell v. Hamilton Meats & Provisions Inc.*, 2011 DJDAR 12533.

Robert A. Olson

Greines, Martin Stein & Richland LLP

Los Angeles

Litigation

Specialty: civil appeals

The stakes in the case were huge. While the difference between the billed amount and the negotiated rate isn't a lot in any individual case, industry experts estimated that a ruling in the plaintiffs' favor would have inflated damages awards by between \$500 million and \$2.8 billion a year. The ruling set California apart from most states. A bill intent on limiting the precedent set in *Hamilton Meats* died in the state assembly last month.

Olson struck out in a second case at the state Supreme Court. The issue involved an old common law rule on settlements not made in good faith. On behalf of a hospital facing millions of dollars in liability to a brain damaged boy, Olson argued that the court should affirm the common law rule that a settlement with one defendant that is deemed not in good faith automatically releases all other defendants from liability.

The boy's family reached an agreement with the doctor in a settlement deemed not in good faith, meaning the hospital would have been off the hook when it came to paying damages. But the court unanimously rejected that argument, ruling that Olson's client was not only liable but

responsible for more than its proportionate share of responsibility under a policy of joint and several liability. *Leung v. Verdugo Hills Hospital*, 2012 DJDAR 11751.

The coming months will see Olson focusing on a new topic — the hot-button issue of arbitration. He is counsel on an important case that could have long-term ramifications for employers seeking to enforce arbitration clauses. The case goes to the heart of an unresolved issue in California law: whether state laws invalidating certain mandatory provisions in consumer contracts can stand in light of the U.S. Supreme Court's sweeping 2010 ruling green-lighting mandatory arbitration provisions. *Sanchez v. Valencia Holding Co. LLC*, S199119.

Olson says he has a good perspective on how to appeal to the justices. “There is a misconception that oral argument is about making a speech or preaching to a court,” he said. “In fact, if done right it's about stimulating and answering questions, and making the court comfortable with the position you're arguing.”

— Emily Green

Olson

Olson, name partner at Munger, Tolles & Olson LLP, is heavily involved in Silicon Valley companies and recently counseled the Yahoo Inc. board through some challenging times.

“The board was fundamentally reconstituted. Over half the board was re-

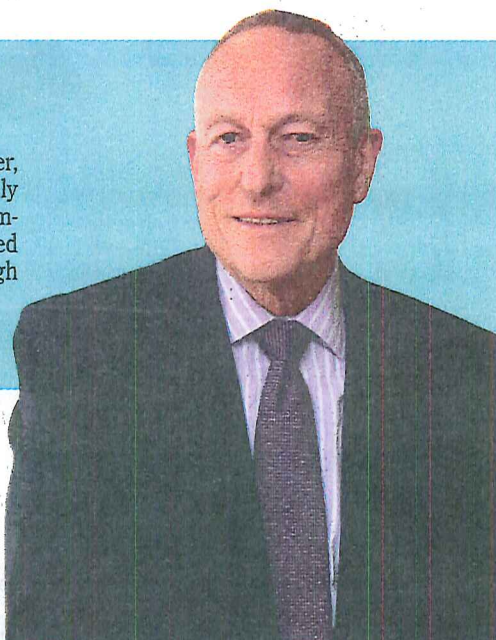
Ronald L. Olson

Munger, Tolles & Olson LLP

Los Angeles

Litigation and corporate counseling

Specialty: advising boards



placed,” he said. “I counseled them through termination of a CEO and the hiring of a second CEO and the early termination of that one because of resume inflation.”

He then counseled them in the eventual hiring of the third CEO, he said.

Olson also represented Google Inc. founders Sergey Brin and Larry Page in connection with the design and adoption of a third class of stock, and he's defending them in Delaware court in a shareholder lawsuit challenging the recapitalization.

In addition to counseling Silicon Valley heavy hitters, Olson is involved in representing homeless veterans who are mentally impaired in pro bono cases. He said he loves the opportunity to get engaged in a significant pro bono case.

“We're suing the United States Department of Veterans Affairs, claiming they have an obligation to provide supportive housing to these homeless veterans so they can access psychiatric care,” he explained. “We have a challenge here in Los Angeles,

[with] 8,000 to 10,000 homeless veterans and a significant number of them are mentally impaired as a result of their war injuries.”

Last year, Olson represented Warner Bros. Television in its legal battle against actor Charlie Sheen, of “Two and a Half Men” fame, a high-profile case that later settled out of court.

Olson envisions adding more top-notch talent to the already prestigious firm.

“It's all about recruiting the best people available and maintaining the kind of high quality lawyers that we have,” he said.

“We don't have any five-year strategic or two-year strategic plan; we are pretty opportunistic,” Olson said. “We are driven by our recruiting of top talent. That's what we would like to be able to continue to acquire.”

— Ameera Butt

Panish



borhoods, is the only Metro route that lacked a protective measure between train cars.

The victory was one of five verdicts in an eight-month period, totaling roughly \$100 million, he said.

Panish won almost \$18 million in December 2011 for the surviving relatives of three family members in San Diego who

Brian J. Panish

Panish Shea & Boyle LLP

Los Angeles

Litigation

Specialty: personal injury

Panish won larger verdicts in the past year, but none was more important to him than the \$17 million award he won for the mother of a 48-year-old blind man who died in January 2009 when he mistook the gap between two Metro Blue Line train cars for the door to the train.

“This poor guy fell in and was run over by the train,” said Panish, who had asked the Los Angeles jury for \$15 million in damages.

The man's mother, Mary Cuthbertson, has been writing Panish poems in gratitude ever since the two first met, and he keeps many of them in a drawer in his desk. Panish said he gives the woman credit for pushing her blind son, Cameron Cuthbertson, to live the most normal life he could.

“She was like the best mom,” Panish said. “She took care of this guy, encouraged him to get out.”

In return, her son helped her mother, who is hard of hearing, he said.

“She said she was his eyes, and he was her ears,” Panish said. “They were a team.”

Panish called the Los Angeles County Metropolitan Transportation Authority arrogant for allowing the case to go to trial.

The MTA argued that it was not bound by the Americans with Disabilities Act and that the man had negligently used his cane while trying to board the train. Panish said he noted that the Blue Line, a light-rail line that connects some of the county's poorest neigh-

were killed when a U.S. Marines fighter jet crashed into their home in 2008.

U.S. District Judge Jeffrey T. Miller awarded the money after a three-day bench trial. Panish had asked for \$56 million but said he thought Miller's decision was fair.

Still, presenting his case directly to a federal judge was different for Panish, who often speaks to state court juries.

“He was just up there listening,” Panish said. “You don't know. Are you are communicating with him or not?”

But Panish had no trouble connecting in June with a Riverside County Superior Court jury. In what plaintiffs' lawyers are calling the county's largest verdict ever in Riverside, he helped a married couple recover \$36.5 after a semi-truck collided with their Toyota Camry. The driver of the truck, owned by Schneider National Inc., had been trying to change lanes.

Panish said he has not lost a jury trial since 1994. But he said he does not want to be overconfident.

“My dad said if you say you have never lost, you're not trying enough cases,” he said. “I'm not afraid of losing. I'm just relieved when I win for my clients.”

Panish likely will stay in the news in coming months. He is representing Michael Jackson's mother and three children in a wrongful death case against concert promoter Anschutz Entertainment Group Inc.

— Brian Sumers