



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

Lira, Girardi, Buchanan, Burbidge selected as CAOC's Consumer Attorneys of the Year

Keane and Chang named Street Fighters of the Year at Awards Dinner

SACRAMENTO (Nov. 18, 2017) – David R. Lira, Thomas V. Girardi, Martin Buchanan and Richard D. Burbidge are Consumer Attorneys of California's 2017 Consumer Attorneys of the Year for their 13-year legal quest to change seat belt safety requirements that went all the way to the United States Supreme Court.

The announcement was made Saturday night at the awards dinner as part of CAOC's 56th Annual Convention at The Palace Hotel in San Francisco.

Christopher J. Keane of The Keane Law Firm in San Francisco and **Andrew N. Chang** of the appellate firm Esner Chang & Boyer in Pasadena were also honored Saturday night as CAOC's Street Fighters of the Year for protecting victims of child abuse by requiring sheriff's officials to cross-report evidence of such abuse to Child Protective Services.

Consumer Attorney of the Year is awarded to a CAOC member or members who significantly advanced the rights or safety of California consumers by achieving a noteworthy result in a case. Eligibility for Street Fighter of the Year is limited to CAOC members who have practiced law for no more than 10 years or work in a firm with no more than five attorneys. To be considered for either award the case must have finally resolved between May 15, 2016 and May 15, 2017, with no further legal work to occur, including appeals. The winners are determined by a vote of CAOC's Board of Directors.

In *Williamson v. Mazda Motor Corp.*, Lira, Girardi, Buchanan and Burbidge represented the family of Thanh Williamson, who was killed in a head-on crash in Utah in 2002 while riding in a Mazda MPV minivan. She died from injuries caused by her "two point" (lap-only) seat belt when the forces of the crash caused her body to jackknife around the belt. Her husband and daughter, both of whom had "three-point" (lap and shoulder) belts, survived. In 2004 Lira began what turned out to be a 13-year quest for justice for Thanh's family that involved state courts in California (where Mazda's North American headquarters are) and Utah and eventually the U.S. Supreme Court.

Lira claimed the two-point seat belt was a defective design that caused Thanh's death. Mazda argued, as other defendants have successfully argued in similar cases, that because it complied with federal safety standards that gave car makers a choice between different types of belts, state law was preempted. An Orange County Superior Court judge agreed with Mazda, a decision that was upheld by the California Court of Appeal, and the California Supreme Court denied a request to review the ruling. Lira and Buchanan then went to the U.S. Supreme Court, which, in a rare pro-consumer decision, voted unanimously in 2011 to overturn the California ruling,

finding that Federal Motor Carrier Safety Regulations related to seatbelts do not preempt a state tort lawsuit, in a ruling that will help many others in similar cases nationwide. The case was later removed to U.S. District Court in Salt Lake City, and a confidential settlement was reached earlier this year.

Lira and Girardi are with Girardi | Keese in Los Angeles; Buchanan is with the Law Office of Martin Buchanan, an appellate firm in San Diego; and Burbidge is managing partner of Burbidge | Mitchell in Salt Lake City, Utah.

In the case honored with the Street Fighter award, *B.H. v. County of San Bernardino, et al.*, Keane represented a two-year-old San Bernardino County boy who had bruising all over his body after court-ordered visitation with his father. A family friend reported suspected child abuse to the San Bernardino County Sheriff's Department, but a deputy who responded to investigate subjectively concluded that the boy was not abused, and she ultimately downgraded the child abuse report to a miscellaneous incident report. As a result the sheriff's department never cross-reported to Child Protective Services that the suspected child abuse report had been made. A month later the child suffered catastrophic brain damage consistent with shaken-baby syndrome while in the custody of his father.

Nine law firms turned down this case before Keane, a sole practitioner, took it. He sued the county for violating a mandatory duty to cross-report the child abuse report to CPS, thus precluding CPS from investigating and intervening to protect the child. A San Bernardino County Superior Court judge ruled that no duty existed for the sheriff to cross-report to CPS, and the California Court of Appeal upheld the ruling. Keane and Chang took the case to the California Supreme Court, which reversed the ruling and allowed the suit to proceed. A settlement was reached to compensate the boy for his injuries, and the attorneys' work to strengthen cross-reporting requirements will protect other abused children in the future.

Also honored at Saturday's dinner were:

Carl E. Douglas (president, Douglas/Hicks Law, Los Angeles), winner of the Robert E. Cartwright, Sr., Award, given "in recognition of excellence in trial advocacy and dedication to teaching trial advocacy to fellow lawyers and to the public." For many years he has traveled across the state to speak at CAOC's educational seminars, specializing in civil rights and police abuse issues, and has earned great reviews from his fellow attorneys for his presentations.

Wylie A. Aitken (founding partner, Aitken*Aiken*Cohn, Santa Ana), winner of the Marvin E. Lewis Award, given "in recognition of continued guidance, loyalty and dedication, all of which have been an inspiration to fellow attorneys." The youngest-ever president of CAOC when he held the office in 1977, Aitken has provided invaluable support to the organization ever since and is an active participant on CAOC's Amicus Curiae Committee.

Steven Kazan (founding, senior and managing partner Kazan, McClain, Satterley & Greenwood, Oakland), winner of the Edward I. Pollock Award, given "in recognition of many years of dedication, outstanding efforts and effectiveness on behalf of the causes and ideals" of consumer attorneys. He has spent more than four decades fighting on behalf of victims of

mesothelioma, asbestos lung cancer and asbestosis, and his firm's foundation has made significant contributions to medical research facilities that are seeking treatment for asbestos-related diseases.

The awards dinner also included the installation of CAOC's 2018 President **Lee S. Harris**, partner of Goldstein, Gellman, Melbostad, Harris & McSparran in San Francisco. A graduate of Harvard University and the University of San Francisco School of Law, Harris was a pioneer in handling mass disaster insurance cases in the San Francisco Bay Area in the 1980s and '90s and has served as chair of the American Association for Justice's insurance and bad faith litigation groups.

Also during CAOC's 56th Annual Convention, the CAOC Women's Caucus honored **Deborah Chang**, of Panish Shea & Boyle in Los Angeles, with its Woman Consumer Advocate of the Year Award for her outstanding commitment to furthering the education and careers of women trial attorneys.

Consumer Attorneys of California is a professional organization of plaintiffs' attorneys representing consumers seeking accountability against wrongdoers in cases involving personal injury, product liability, environmental degradation and other causes.

For more information:

J.G. Preston, CAOC Press Secretary, 916-669-7126, jgpreston@caoc.org
Eric Bailey, CAOC Communications Director, 916-669-7122, ebailey@caoc.org