

Defense Lawyers Took Challenge And Organized

SDDL Claims 520 Members, Now Educates, Socializes; Bacalski Becomes President

By MARTIN KRUMING
San Diego Daily Transcript Editor

As Jack Winters tells it, he was chatting with Superior Court Judge Michael Greer one day in the mid-1980s in his chambers when Greer said, "You guys in the defense bar are just not organized" — or something like that.

So Winters, who was with McCormick & Royce at the time, got to thinking: Why not start a group for defense attorneys in San Diego? If anything, it would sure beat having to drive to Los Angeles for seminars put on by the Los Angeles-based Association of Southern California Defense Counsel (ASCDC).

"I made the decision on my own to write 30 to 40 defense attorneys in San Diego," said Winters, "the majority of whom were young."

"We were not the heavyweights in town," lawyers like Peter Dean, Patrick McCormick and Thomas Sharkey, he added.

A number of attorneys showed up for the informal meetings on the second floor of the old Cuyamaca Club downtown, and out of that grew a steering committee which created San Diego Defense Lawyers, an organization which today has 520 members, most of whom are still doing insurance defense work. Charles Grebing was the first president in 1985.

Why Grebing?

"He was a great lawyer and a great guy," said Winters, and provided legitimacy to the fledgling organization. He was "not one of the young punks."

Installation Tomorrow

Tomorrow night at the U.S. Grant Hotel, Daniel Bacalski of Bacalski, Holdway & Prindle succeeds Sidney Stutz of Stutz, Gallagher & Artiano as the organization's eighth president. During the installation dinner-dance expected to attract more than 200 persons, Fourth District Court of Appeal Judge William Todd Jr., a former defense attorney, will be honored for his years of service to the legal community. John Wingert will present the award.

Why did it take until 1985 to establish such a group?

About 10 or 12 years ago, "trial attorneys viewed themselves as

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Bacalski

trial attorneys and not segmented," said Stutz, who started practicing here on Jan. 1, 1961, after Harvard Law School and a tour in the Navy. "People didn't really feel a need to stay within a smaller group that was oriented to a specialty or the type of practice they had."

"A lot of specialty bars were established here in the last decade," he said.

The main thrust of Defense Lawyers is education, although there are social functions. It puts on between five and six educational programs a year, and is a Minimum Continuing Legal Education provider.

Expanding Membership

While members are primarily involved in defense work, including a high percentage who do exclusively insurance defense, "a lot of defense lawyers do plaintiffs' work," said Bacalski. Stutz, Gallagher is one such firm.

Said Stutz: "We've made an effort to expand (the membership)." The group also holds attorneys who represent institutional clients like banks and manufacturing companies, as well as in-house counsel and government attorneys.

In the early days of the organization a thorny issue for some was whether to allow insurance members in or keep it to lawyers.

Today, there are questions of who should control the case: insurance companies or insurance defense lawyers?

Although the insurance companies pay the bills, "we've got a fiduciary duty with the insured — our client," said Bacalski. "Sometimes there are non-insurable claims that must be defended."

Could members of San Diego Trial Lawyers, chartered in the mid-1970s but started as an informal group in 1960, join SDDL? Possibly, even though SDTLA bylaws state that attorneys can't join SDTLA if 50 percent or more of their practice or caseload is devoted to the representation of insurance companies or public entities, among others. Also, prosecutors can't join SDDL.

"I know there are some (SDTLA members in SDDL)," said Stutz. "Also, 'we work with them (SDTLA) on a number of things,' like court procedures and pending legislation."

Networking Available

The networking is evident in other ways.

Defense Lawyers and SDTLA sponsor an annual event, and the two — along with the American Board Of Trial Advocates (ABOTA) — co-sponsor the Red Boudreau Memorial Dinner each year.

Outside San Diego, for defense attorneys there are the ASCDC and the Association of Defense Counsel of Northern California, headquartered in San Francisco. Both were founded in the early 1960s.

San Diego Defense Lawyers is not a chapter of ASCDC although the two work together and San Diego attorneys sit on its boards and committees.

"San Diego has always regarded itself as separate and apart from Los Angeles," said Bacalski, a former deputy district attorney in Riverside County who called the regional organization "very strong, very powerful."

"We intertwine with the Southern California Defense Counsel group, although it isn't a formal linkup," said Stutz.

Edward Chapin has one year remaining as a director and Daniel M. White is beginning a two-year term, succeeding George Fleming. Robert Harrison is membership chairman.

ASDC has 2,200 members and is the largest such group in the country, according to Executive Director Carolyn Webb. About 1,700 attorneys belong to its Northern California counterpart.

insurance defense — support the California Defense Counsel, a lobbying organization in Sacramento headed by attorney/lobbyist Jon Smock.

Stutz and Chapin are among San Diego attorney/panelists for the Century City seminar later this month, and Chapin is slated to be an at-large board member of California Defense Counsel.

Stutz said the issues facing the San Diego organization this year include no-fault legislation and the talked-about merger of municipal and superior courts.

Will he miss his SDDL work? "I will miss the contact," he said. But he's vice president of the local ABOTA chapter this year and due to succeed Chapin in 1993.

Stutz started practicing law 30 years ago with Schall, Nielsen & Boudreau, forming Stutz, McCormick & Mitchell on Jan. 1, 1971. He stayed there for 11 years and 10 years ago this Jan. 15 established his present firm, which now has 19 attorneys, including nine partners. His wife, Judith, is a non-practicing attorney.

Bacalski, on the other hand, was graduated from Golden Gate Law School and was a Riverside prosecutor from 1973 to 1980. He came to San Diego and joined McCormick and Royce before establishing his own firm in 1984. Bacalski is also a member of ABOTA.

While SDDL is opening up its membership, there is still a heavy emphasis on insurance defense — as indicated by its 1992 board of directors.

New Officers

In addition to Bacalski, officers include Gene Royce of Royce, Grimm, Vranjes, McCormick & Graham, vice president; Kevin Enright of Butz, Lucas, Dunn & Enright, secretary; and Marci Daniels of Lewis, D'Amato, Briscois & Bisgaard, treasurer.

New directors are Steve Cologne of McInnis, Fitzgerald, Rees, Sharkey & McIntyre; Harry Carter of Higgs, Fletcher & Mack; Carolyn Emme of Shifflet, Walters, Bailey & Kane; Bruce Lorber of Lorber, Volk & Greenfield; and Robert Coffin of Ault, Deuprey, Jones & Gorman. Michael Anello of Wingert, Grebing, Anello & Brubaker and Richary Sooy of Edwards, White & Sooy stay on as members at large.

What happened to Winters, who had his bachelor's party on the second floor of the Cuyamaca Club two years after the original SDDL meetings took place?

By 1987 or 1988 he'd gotten out of insurance defense, and "the majority of my work was plaintiffs' work," he said. Winters & Associates has three associates and does insurance bad faith as well as personal injury and business litigation.

Will he be there tomorrow night? "They don't invite me to that meeting anymore," he laughed.