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## President's Message

Thanksgiving is fast approaching and we are getting our winter wardrobes ready-that means boots, coats, and yes, lots and lots of wool. There are still many great events remaining before all of the GBA members start hibernating.

At the end of October, we are enjoying the Halloween season with lots of treats at our newly formed "Thirsty Thursdays". These are simple informal and casual opportunities to end a rigorous day in court or in the office by relaxing with your friends and colleagues during a well-deserved happy hour. October's Thirsty Thursday is scheduled at the newly renovated 5 Star Cinema Lounge on Maryland. Hang up your suit jackets and stay awhile!

Next, the GBA is hosting a very exciting CLE program at the Smokehouse on November 5. We have Peter J. Senuty and Wesley Hampton educating the group on "How to Minimize Our Malpractice Risks by Improving Our Client Relationships". Later in November, the GBA is assembling a billiard's tournament at Charles Billiard in Glendale. There will be prizes and other great offerings.

Following the Thanksgiving holiday, the GBA will host its annual Christmas Party at the Elk's Lodge during the first week of the month. The event is scheduled for Thursday, December 4, 2014. It is free to all GBA members. We are trying a new venue because it is guaranteed to have the best cuisine in town! Some of the board members have volunteered to help decorate. There is no doubt it will be festive! Additionally, we will have great entertainment and an open-bar. It does not get any better or more exciting than that. Come mix, mingle and network as we close out the year. This group is certainly the most amazing, remarkable and fairest of them all. \*\*\*Please bring a new wrapped toy to the Christmas Party and contribute to our annual Salvation Army toy drive.\*\*\*

My very best wishes that all of our members (and non-members friends thinking of joining the GBA) have a safe and wonderful holiday season.

Warmest regards,

Monica R. Molina

## CALENDAR – UPCOMING EVENTS Save the Dates!

- October Networking Lunch- Wednesday, October 29, 2014-Paella anyone?-We are headed to Spain-Casa Cordoba-Montrose-Noon
- Thirsty Thursday (Halloween Edition), 5 Star Cinema Lounge-Thursday, October 30, 2014- 5:30pm-7:30 p.m.
- November 5, 2014-CLE- (Lunch)-Smokehouse, Restaurant-Legal Malpractice Insurance Workshop-CLE speakers: Peter J. Senuty of Knapp, Peterson & Clark; Wesley G. Hampton of Narver Insurance
- November 12, 2014, Charles Billiards-1<sup>st</sup> GBA Billiard's Tournament-prizes, raffles, food, beverages, and other surprises! 6-9 pm
- November Networking Lunch Wednesday, November 19, 2014- Trattoria Amici at The Americana at Brand-Noon
- Thursday, December 4, 2014-**Annual Christmas Party-Elk's Lodge**-Mark your calendars for the holiday event of the year! More details to follow.

## **GBA November Speaker In the News**

### **MASLO CASE REKINDLES 790.03 BAD FAITH CLAIM AGAINST UM INSURER**

Did you think first party bad faith claims under Insurance Code section 790.03(h)(5) went away after the decisions in *Moradi-Shalal v. Fireman's Fund Ins. Companies* (1988) 46 Cal.3d 287 and *Zephyr Park v. Superior Court* (1990) 213 Cal.App.3d 833, 835 ("We hold *Moradi-Shalal* determined that section 790.03(h) cannot be used as the basis for a private action, whether brought by 'first parties' or 'third parties'")? Then you need to think again.

In *Maslo v. Ameriprise Auto & Home Insurance Company* (2014) 227 Cal.App.4th 626, the Court of Appeal held that the failure to attempt to effectuate a prompt settlement of a UM claim can expose the carrier to bad faith liability, relying on section 790.03(h)(5).

Under *Maslo*, UM insurers may be exposed to "bad faith" claims after virtually every UM claim concluded by arbitration, even where the insured recovers at arbitration far less than the policy limits claim payment amount demanded by the insured, and with no allegation whatsoever that the insured would have accepted less than the policy limits he demanded.

Mr. Maslo was injured by an at-fault UM driver. After submission of his medical billings and the police report, he demanded his \$250,000 policy limits. The carrier disagreed and demanded arbitration, resulting in an arbitration award of \$164,120.91. Mr. Maslo sued the carrier alleging the carrier's inadequate investigation and failure to make an

offer or attend mediation at the insured's invitation breached the implied covenant of good faith.

The Court of Appeal agreed, holding Mr. Maslo's complaint ". . . alleged facts sufficient to state a tort claim for the insurer's breach of the duty of good faith and fair dealing under common law and for failure to attempt to effectuate a prompt and fair settlement under the Insurance Code. It further adequately alleged that the insurer's breach of its duty of good faith and its failure to attempt to effectuate a prompt and fair settlement directly and proximately caused appellant to suffer damages, including incurring unnecessary costs and fees of arbitration."

The *Maslo* opinion calls into question the manner of handling UM claims. If allowed to stand as precedent, it can affect every UM insurer.

Knapp, Petersen & Clarke's attorneys assisted the Association of Southern California Defense Counsel by preparing the Association's request to the California Supreme Court asking that *Maslo* be depublished as precedent for other cases. We continue to monitor developments closely. We are available to provide training to insurance company personnel on claims handling of UM claims in particular, on first party



claims in general, and to address issues you have raised by *Maslo*. Please contact Peter J. Senuty to request training for your personnel.

Come meet Mr. Peter J. Senuty at our next CLE lunch on November 5, 2014, where he and Mr. Wesley G.

Hampton of Narver Insurance will be speaking on “Minimizing the Risk of Malpractice Claims by Improving Your Client Relationships” starting at 11:45 a.m. at the legendary Smokehouse restaurant located at 4420 Lakeside Drive, Burbank, California 91505.

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#### WEBSITE UPDATES

We will continually update our website with new, relevant information. Please ensure that your personal information is updated and accurate. Please contact our administrator, Faye Golden, with any updates. Submit information and a photo of yourself (in JPEG format) to Faye Golden, at [info@glendalebar.com](mailto:info@glendalebar.com).



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### State Bar Updates

**SAVE THE DATE:** Wednesday, June 10 - Thursday, June 11, 2015

**WHERE:** The California Endowment - Conference Center, Downtown Los Angeles

**WHAT:** A 2-Day Conference to help advocates identify and learn best practices and innovative, practical approaches to using the legal system to advance justice for low-income clients.

**WHO SHOULD ATTEND:** Legal services, pro bono, court-based program and LRS staff, judges, pro bono attorneys, board members, law school practitioners, law students, small claims advisors, law librarians, court interpreters, paralegals, and other justice partners. The programming offered at Pathways to Justice is rich and diverse--there is something for EVERYONE!

**Looking to start an Incubator Program?:** Earlier this year the Access Commission's Modest Means Incubator Project was launched. The project's ultimate goal is to enable the creation of law practice incubators that will provide legal services to underserved low and moderate income people while also providing training and entry into the legal profession for new attorneys facing a dearth of employment prospects.

The project has moved to its next phase with the release of a **Request for Proposals** and **Incubator Guide** for entities planning to start modest means incubators. Grants soon will

be awarded to the most promising applicants. The Incubator Guide already is serving as a resource across the country. Deadline to submit an application is December 1, 2014.

**Commission on Access & Fairness Leadership Summit:** A must-attend event for aspiring or established LEADERS in the legal profession! The dates are October 30<sup>th</sup> and 31<sup>st</sup> in San Francisco.

Summit Highlights:

- What it takes to become a leader
- Bar association leadership opportunities
- Navigating the process for appointed positions
- Attorneys as political leaders
- Multiple strategies for becoming a judge
- Non traditional settings for lawyers
- Opportunities in academia
- Attorneys as community activists
- Tips for career and professional development
- Life lessons from lawyer leaders

**Board Meeting Agendas:** State Bar Board agendas have been posted on the State Bar's website at <http://board.calbar.ca.gov/>:

- Nominations and Appointments Committee Meeting - November 3, 2014 [conference call]
- Audit Committee Meeting - November 5, 2014 in San Francisco [conference call option]
- 2014 Admissions and Discipline Day - November 5, 2014 in San Francisco

Other Legal Organizations

**ABA's Commission on Racial and Ethnic Diversity in the Profession:** One of the recipients of the 2015 Spirit of Excellence Award for their commitment to racial and ethnic diversity in the legal profession is **Jacqueline H. Nguyen** circuit judge with the U.S. Court of Appeals for the Ninth Circuit in Pasadena, Calif. She was born in Dalat, Vietnam, and moved with her family to the United States when she was 10 years old, after the fall of the South Vietnamese government in 1975. She is the first Asian-American female to serve as a federal appellate judge. She is also the first Vietnamese-American federal judge, and the first Asian-Pacific American female federal judge in California.

The awards will be presented during a ceremony on Feb. 7, 2015, at the ABA Midyear Meeting in Houston.

The American Bar Association is sponsoring a National Pro Bono Celebration to highlight the continued need for pro bono service and to acknowledge the outstanding contributions of attorneys who have joined in this effort. We can celebrate pro bono by recruiting pro bono volunteers and reaching out within the legal community and elsewhere to increase support for pro bono efforts. More information is available on the **ABA Website**.

If you haven't done so lately, this is also a good time to see what's new in pro bono events and opportunities on **the California Pro Bono Website**.

**Networking Lunches**

***Be ready to eat and network! We look forward to seeing more of you!*** The GBA had its ninth monthly networking lunch on October 29<sup>th</sup>, at Casa Cordoba, where members discussed many recent topics, mostly movies with lawyers and great actors! The quaint restaurant located in the heart of Montrose took us to Spain with authentic paella and other tasty dishes. Special cider imported from Spain was also shared among friends. What's the best way to meet a group of attorneys to whom you can refer clients with confidence? Come to the monthly networking lunches! Meet your fellow GBA attorneys, learn about their practice areas, and get to know them. As an added bonus, if you want, the GBA will assign you to a small, 3-4 person group or "Troika," which will allow you to form an even better relationship with your fellow members (Troikas change every month). Join us for the tenth and final networking lunch of the year on Wednesday, November 19, 2014 (Please note monthly week change due to the Thanksgiving holiday), from 12:00 p.m. to 1:30 p.m. at "Trattoria Amici's" located at The Americana at Brand, 889 Americana Way, Glendale, CA 91210 where we will get our Italian on. Don't forget to bring your business cards!

**Past Events**

Congratulations to Glendale Fire Chief, Harold Scoggins, 2014 Glendale Bar Association Liberty Bell Award Recipient (Pictured on right-Chief Scoggins, Monica Molina and Sheldon Eskin)



Congratulations to Glendale Community College Board Trustee, Ann Ransford, 2014 Glendale Bar Association Liberty Bell Award Recipient (Pictured on left-Ann Ransford)

*In 2014, these two individuals exemplified outstanding community service to the City of Glendale while stimulating a sense of civic responsibility. The Glendale Bar Association acknowledges and congratulates you both!*