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CAALA Annual Awards – Dale Galipo named Trial Lawyer of the Year

THE VOTE WAS VIRTUAL, THE STORIES WERE REAL

On October 15 CAALA's Board of Governors met for the 49th time to select the winners of our Association's annual awards. This continued an unbroken tradition that began in 1972 when Sandy Gage was elected CAALA's first Trial Lawyer of the Year. While the basic process was the same as in 1972, the method of selecting the award recipients was considerably different. This year, although the number of voters was a record, the CAALA Office Conference Center was empty. Instead of in-person, the meeting and election were conducted as a Zoom videoconference.

Dale Galipo was selected as the winner of the 2020 Trial Lawyer of the Year Award and there were four outstanding finalists for the award: Chris Dolan, Joseph Low, Alan Romero, and Courtney Rowley.

All of the verdicts resulted in substantial jury awards, but in the words of the five attorneys, I'd like to share with you the stories and, more importantly, the changes that came about because of the verdicts. The method of electing the Trial Lawyer of the Year may have been different, but the noble work done by trial lawyers on behalf of their injured clients and the community is still the same.

DALE GALIPO (Trial Lawyer of the Year)

"The case involved the death of Fermin Valenzuela from the misapplication of the carotid restraint. The fatal event happened in the parking lot of a 7-11. Back-up officers arrived including a sergeant who was supervising the officers who initially responded to the call. One of the initial officers again applied a carotid restraint to Fermin while the sergeant encouraged the officer to "hold the choke." Fermin eventually stopped moving and stopped breathing.

"I was able to convince the jury that the officers all used excessive force and



GALIPO

the sergeant was also responsible for the death as a supervisor. The jury found that the use of excessive and unreasonable force was the cause of death and that the City of Anaheim's policy on the carotid restraint was unconstitutional because it allowed officers to use the carotid restraint when a suspect was merely resisting the officer without necessarily being assaultive with the officer.

"I am particularly proud of the verdict because it is rare to get a large verdict in a police case and a finding against an entity for an unconstitutional policy. After the jury verdict, the City of Anaheim changed their policy on the carotid restraint."

Four finalists for the award

CHRIS DOLAN

"This case involved a collision in the City of Long Beach. Richard Castro suffered a blow to his head and was later diagnosed with Pseudo Bulbar Affect (PBA), a condition causing extreme emotional reactions. At the scene, the intersection's stop sign was partially obstructed by the branch of a low-hanging tree.

When it was time for Richard to testify, his wife helped him to the stand. I asked him to please lift up his glasses and he began crying. This developed quickly into a panic attack and he stood up and walked into the judge's bench and the wall. The judge, seeing his state, reached out and took his arm and said, "It's OK, it's OK," and then suggested that his wife come and get him off the stand. The Defendants said it was extremely prejudicial and might be grounds for a mistrial.

I said to the judge: "That is who he is, how he is, because of what he has suffered. That wasn't scripted, it's the best evidence of how he copes."

The tree has been removed and the curb painted. The City has instituted a



DOLAN

program of inspection to make sure signs are visible and trees are trimmed."

JOSEPH LOW

"The case involved a motor vehicle collision (truck vs. car). The defendant was operating a flat-bed truck when it collided with an SUV. There were three people in the car. The mother, Tomasa Cuevas, suffered a skull fracture and a mild traumatic brain injury. Her 15-year-old son, Alejandro, was seated in the passenger seat and also suffered skull and facial fractures, as well as a mild traumatic brain injury that, according to medical experts, meant he might never be able to run again. Prior to the accident, Alejandro was a decorated high school cross country runner. Her 13-year-old daughter, Maritza, was sitting in the back seat at the time of the crash and witnessed the injuries. Maritza suffered only scratches but later was diagnosed with post-traumatic stress disorder.

"The jury returned a verdict that set a record for a personal injury case in Kern County. I was given the honor to represent Tomasa, a mother of four and a Central Valley farmworker, who through her diligence had been able to send two of her children to college and was filled with hope for her younger children. She didn't deserve to be injured by another's negligence; she didn't deserve to be taken advantage of by the defendant and its insurance company because her injury left her with no memory of the collision; she didn't deserve to have her life treated as unimportant because she was a low-wage-earning, aging woman of the type society does not give the respect they deserve."

ALAN ROMERO

"The case involved Andrew Rodriguez who was retaliated against for reporting illegal acts by his Field Training Officer at Industry Sheriff's Station.



LOW

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These practices were so well-entrenched in the LASD that Field Training Officers regularly perform these acts while training new patrol deputies.

“As this was my first jury trial on my own, I was completely terrified while picking the jury.

However, as the court days rolled on, I found my stride, all the pieces began to fall into place for me and my client through trial.

“The verdict has added to calls for police reform and contributed to ongoing investigations surrounding police officer misconduct. The verdict served as a



ROMERO

warning shot across the bow of the nation’s largest sheriff’s department, significantly by a young lawyer of color, during this historical era of national change and growth.”

COURTNEY ROWLEY

“The case involved L.A. Times sports columnist T.J. Simers, who was wrongfully terminated because of age and disability. With Simers, we set a highly publicized precedent for the cost of discriminating against a “boomer” based on age and disability and showed the defense what they get when they want to ‘re try’ a case.

“Please know how grateful I am to all of you who are reading this. Especially in these times. Yes, especially in these times. I hope you and your families are okay. It

has been such a scary year and many fear the worst is yet to come.

What I am doing is keeping my chin up and looking forward to the days when we get to wrap our arms around those we have missed. I believe that some of our most important work lies ahead of us and this is the time for us to get ready – mentally, spiritually – for that work. With what we do, all of us, representing human beings, we preserve and restore dignity to our justice system, the last true place where a vote actually counts in a recognizable way.”



ROWLEY