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Specializing in Attorney Fees and Legal Billing

Welcome

## Events



**The Attorney Fees Conference - 2011**  
Loyola Law School  
Los Angeles, CA  
November 17, 2011  
Noon-5pm

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## Conference Summary

In today's litigation practice, the economics of attorney fees has never been more important. With the rise in fee-shifting litigation and the growing body of attorney fee law, attorney fees have become a highly specialized practice area. Whether you're seeking to recover fees in court or to adjudicate a fee dispute with a former client, today's litigators require both substantive and procedural knowledge of attorney fee jurisprudence. In fact, pursuing the right attorney fee strategy from the outset can often mean millions of dollars more (or less) in attorney fees.

This seminar provides useful and practical information on the economics of attorney fees in complex cases. From achieving prevailing party status, to well-documented fee requests, to allocation issues, to rates and billing issues, the Attorney Fee Conference 2011 covers a range of complex attorney fee issues in a number of underlying litigation areas. This conference is widely regarded as the nation's largest and most comprehensive program



on attorney fees. The program includes a course book with over 100 pages of substantive material on attorney fees matters.

You will hear from top attorney fee experts, trial lawyers, and sitting judges on:

- **Court Awarded Attorney Fees in Prevailing Party Litigation**
- **Class Action Litigation & Attorney Fee Awards**
- **Attorney Fee Issues in Chapter 11 Bankruptcy Proceedings**
- **Insurance Coverage Litigation: Who Pays the Legal Bills?**
- **Reviewing Legal Bills for Reasonableness**
- **Disputes Over Legal Fees: Litigation vs. Arbitration**

### Conference Panelists

**Hon. Jay C. Gandhi** is a United States Magistrate Judge for the Central District of California. Judge Gandhi serves out of the Los Angeles courthouse. At 39, he is the youngest federal judge in the District, and one of the youngest in the country. Prior to joining the federal bench, Judge Gandhi was a partner at Paul, Hastings, Janofsky LLP, where he specialized in class action litigation for nearly 12 years. Judge Gandhi is the recipient of numerous awards, and frequently speaks and writes about best practices in litigation.

**Hon. Deborah J. Saltzman** is a United States Bankruptcy Court Judge for the Central District of California. Judge Saltzman serves out of the Riverside Courthouse. Prior to joining the federal bench, Judge Saltzman practiced bankruptcy law for 12 years, most recently with DLA Piper LLP (US) in Los Angeles.

**Hon. Carl J. West** is the Supervising Judge of the Complex Litigation Panel of the Los Angeles Superior Court. Judge West has been a member of the Complex Litigation Panel since 2002. He is a frequent lecturer on complex case management, class action, and electronic discovery issues.

**David H. Paige** is the founder and Managing Director of Sterling Analytics Group, a legal cost consulting firm. He has over 20 years experience as a legal fee consultant and was a practicing attorney and managing partner in his law firms for over 20 years. David has acted as a legal fee consultant for major financial institutions, insurers and not for profits. He has also been retained as an expert in various legal fee disputes.

**Andre E. Jardini** is the founder and president of KPC Legal Audit Services, Inc., and a partner in the law firm Knapp, Petersen & Clarke. He is a member of the American Board of Trial Advocates, with Advocate status, and has an active and diverse litigation practice, including class action cases. Mr. Jardini has served as a consultant and expert witness on attorney fee issues for more than 25 years.

**Aashish Y. Desai** is a name partner at Mower, Carreon & Desai LLP in Irvine. He has recovered tens of millions of dollars in successful class actions and is best known for his landmark judgment of \$2.1 million in attorney fees in a historic class action case.

**Brian S. Kabateck** is a name partner at Kabateck Brown Kellner LLP in Los Angeles. He is



a plaintiffs-only attorney and a nationally recognized expert on consumer class actions who successfully represented thousands of victims of mass tort litigation.

**Susan P. White** is a partner at Manatt Phelps & Phillips LLP in Los Angeles. She manages an active litigation practice in her firm's Insurance Recovery Coverage Practice where she has obtained substantial recoveries for her policyholder clients in arbitrations and mediations regarding the rates and reasonableness of attorneys' fees and costs.

**Craig H. Averch** is a Partner at White & Case LLP and leads the Financial Restructuring and Insolvency Practice Group's Los Angeles-based team. His experience includes workouts and restructurings of problem loans and investments, as well as insolvencies, throughout the United States and Eastern Europe. He counsels clients in a wide range of industries, including transportation, real estate, retail, energy, banking and financial services, and telecommunications. Mr. Averch regularly represents bondholders, bank groups, strategic and financial investors, sovereigns, and debtors in connection with bankruptcy and restructuring matters.

**Eric Winston** is a partner in the Los Angeles office of Quinn Emanuel Urquhart & Sullivan LLP. Mr. Winston's insolvency and restructuring practice includes representing debtors, creditors' committees, secured lenders, bondholders, hedge funds, and asset acquirers in and out of court. Recent representative cases include *Lehman Brothers Holdings*, *Station Casinos*, *SemGroup*, *Fontainebleau Las Vegas*, *Persik Productions*, and *SK Foods*.

**Susan J. Field** is a partner in the Los Angeles office of Musick Peeler & Garrett LLP. Her principal practice involves the representation of insurers in counseling and litigation, regarding issues arising under primary, excess and reinsurance coverages, with a particular emphasis on environmental and other long-tail coverage litigation. Ms. Field has handled matters before the California state and federal and trial and appellate courts, and courts in states in the Western United States.

**William M. (Mike) Hensley** is a lawyer with over 30 years of litigation, appellate, and real estate transactional experience. He currently is a shareholder with AlvaradoSmith, A.P.C. in Santa Ana, CA and is a co-contributor with Marc D. Alexander for a California attorney's fees blog called [www.calattorneyfees.com](http://www.calattorneyfees.com). He also has extensive experience prosecuting and defending against state and federal attorney fee petition requests.

### Conference Agenda

**Noon-12:45pm: Light Lunch & Registration**

**12:45-1:45pm: Attorney Fees in Prevailing Party Litigation**

**Hon. Jay C. Gandhi, David H. Paige, and Mike Hensley** address attorney fee awards in prevailing party situations. Mr. Paige discusses the impact of recent decisions applying ethical standards to the reasonableness factors in determining the propriety of legal fee petitions. Mike Hensley covers mandatory versus discretionary prevailing party entitlement statutes, similarities and differences in prevailing party and successful party fee provisions, as well as law-and-motion tips for framing parties to maximize fee



recovery, such as the use of hourly rate surveys and fee experts. Throughout the discussion, Judge Gandhi provides his judicial perspective on fee awards.

### **1:50-2:50pm: Class Action Litigation & Attorney Fee Awards**

**Hon. Carl J. West, Aashish Y. Desai, and Brian S. Kabateck**, focus upon the various theories to award fees, including the common fund doctrine, private attorney's general doctrine, contract, and statutory fee provisions. Panelists also discuss how to determine the size of the award – i.e., the use of the lodestar multiplier and percentage of the benefit theories. Finally, the panelists will share their experiences and offer practical tips for documenting your time, establishing the hourly rate, differences in federal versus state court, and allocation issues when multiple law firms are involved in the same litigation. In addition, throughout the discussion, Judge West adds his perspectives on fee awards from the bench.

### **2:55-3:55pm: Attorney Fee Issues in Chapter 11 Bankruptcy Proceedings**

**Hon. Deborah J. Saltzman, David H. Paige, Craig H. Averch, and Eric Winston** discuss attorney fee issues that commonly arise in Chapter 11 Bankruptcy proceedings. Topics covered will include court approval of fees of debtor's estate and committee professionals, court approval of fee incurred by parties in interest making "substantial contribution" to the reorganization process, use of court-appointed fee examiners, and the enforceability of contractual and statutory fee provisions in connection with assertion of claims against a debtor. Throughout the discussion, David Paige will contrast typical court analysis of legal fee applications with prevailing commercial standards for the payment of outside legal costs.

### **4:00-5:00pm: Insurance Coverage Litigation: Who Pays the Legal Bills?**

**Andy Jardini, Susan P. White, and Susan J. Field** address attorney fees in insurance coverage litigation. Panelists cover a range of issues that arise under California Civil Code 2860 and when an insurer may have a duty to pay defense costs, but not the "duty to defend." Andy Jardini covers tender of defense, rates and reasonableness issues at 2860 fee arbitration, as well as selected issues concerning *Brandt* fees. Susan P. White addresses the duties of an insurer to pay for the insured's attorney fees when a policy does not obligate the insurer to "defend" the insured, such as with directors and officers liability and other professional liability policies, as well as related issues such as an insurer's duty to advance payment of fees, allocation of defense fees, priority of payments among insureds, selection of defense counsel, billing guidelines, and reasonableness of the fees. Susan J. Field discusses when an insurer with a "duty to defend" must provide independent counsel and how much that insurer must pay.

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