



Declaration of Candidacy

Candidates for election as Second Vice President or Director Elected Nationally must complete this form and submit it to the Executive Director at the principal headquarters of DRI by 5:00 PM (CDT) on July 1st of the year in which the election is held.

National Director Requirements - Directors Elected Nationally or by Region must be Individual Members of the Corporation admitted to the practice of law. Each such director must meet the following qualifications at the time of election: (a) The candidate shall have been a DRI member for a total of at least five (5) years, and (b) The candidate shall have been a member of at least one DRI substantive law committee for at least three (3) years, and (c) The candidate must have registered for and attended at least one (1) DRI Annual Meeting within the previous three (3) years, and, within the three (3) years prior to the final day of the Annual Meeting, the candidate must have 1) registered for and attended at least two (2) DRI seminars, or 2) registered for and attended one (1) DRI seminar and one (1) DRI Regional Meeting.

Position sought

Second Vice President* Secretary- Treasurer **National Director**

*If you have declared your candidacy for Second Vice President and are not the successful candidate, will you consider the Secretary - Treasurer Officer position?

Yes No

Name David L. Brandon

Firm/Company Morris Polich & Purdy LLP

Address 1055 West Seventh Street, 24th Floor, Los Angeles, CA 90017

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Born (location) Glen Cove, NY

Education CSU Northridge, BS Business Admin, 1979; Loyola Law School, JD, 1982

Awards and achievements

I have been an adjunct professor of law at Loyola Law School, in Los Angeles, for approximately 25 years. In that time, I have taught Appellate Advocacy and Law Practice Management. I also co-created and taught (with a full time professor) a course on professional liability.

Areas of practice Professional liability, commercial litigation, appeals

Years as a defense attorney 35

Employment history Morris Polich & Purdy LLP, 2002-present; Brandon & Hilton, 1991-2002;

Grace, Skocypec, Cosgrove & Schirm, Inc., 1988-1991; Fields & Brandon, 1983-1988

Noteworthy defense work

Published professional liability appellate decisions: Benun v. Superior Court (2004) 123 Cal.App.4th 113; Weseloh Family Ltd. Partnership v. K.L. Wessel Const. Co. (2004) 125 Cal.App.4th 152; Carlson v. Blatt (2001) 87 Cal.App.4th 646; ITT Small Business Finance Corp. v. Niles (1994) 9 Cal.4th 245; De La Pena v. Wolfe (1986) 177 Cal.App.3d 481.

Professional affiliations

Los Angeles County Bar Association, Professional Responsibility and Ethics Committee: member, 2004-present; Vice-Chair, 2013-2014; Chair, 2014-2015

Defense Research Institute, Professional Liability Committee: Seminar Chair, Professional Liability Seminar, December 6-7, 2012; Vice-Chair, 2013-2015; Chair, 2015-present

California State Bar Committee on Professional Liability Insurance, member approximately five years

Association of Professional Responsibility Lawyers, member

ABA, member

DRI member since 1994

Please describe your previous involvement in DRI, including but not limited to, leadership positions held. Projects contributed to, Committee memberships, presentations given, and written materials authored. Special accomplishments should also be noted.

Defense Research Institute, Professional Liability Committee: Seminar Chair, Professional Liability Seminar, December 6-7, 2012; Vice-Chair, 2013-2015; Chair, 2015-present

Presenter, "Don't Get Burned: The Effects of Burning Limits Policies on the Duties of Defense Counsel and Insurance Professionals," presentation at DRI Professional Liability Seminar, December 2016

Author, "The Narcissism of Small Differences," For the Defense, October 2016

Presenter, "Making Order Out of Chaos," presentation at DRI Professional Liability Seminar, December 2011

Author, "Easing the Burden on Your Heirs in the Event of Your Death," Riding the E&O Line, DRI Professional Liability Committee Newsletter, Volume 3 Issue 1, March 14, 2011

Presenter, "Don't Get Burned: The Ethical and Practical Dilemmas That Arise from Burning Limits Policy Claims," DRI Professional Liability Committee Webcast, November 2, 2010

Presenter, "Ethical Issues in Burning Limits Policies," presentation to Insurance Coverage and Claims Institute, April 15, 2010

List any leadership roles in other defense organizations.

None.

Describe your goals if you are elected to the above position.

Two: education and involvement.

Education:

I have spent approximately 25 years as an adjunct professor, teaching future lawyers various aspects of the practice of law, including substantive law, writing briefs and arguing in court, ethics, and law practice management. I have also dedicated many hours to teaching and training the younger lawyers in my law firms. I also have presented to other lawyers, within my firm and without, on various topics, from substantive law to ethics, in an attempt to share my knowledge and experience. All of this has been to further my goal of improving the profession to better serve our clients specifically, and the public at large.

I have found DRI to be an excellent organization to assist me in continuing in this role as an educator. (My family has a history of producing educators.) I started out as an ethics presenter at an ICCI program, where I met members of the Professional Liability committee. As it happened, the PL committee was planning its first seminar (at least, its first in quite some time) and I was able to get involved in that planning. I was then named Seminar Chair, Committee Vice-Chair and then Chair. In those years I have been proud to have been a part of this excellent seminar, in the planning process and in the presentation process.

I would like to continue in this area, by developing new methods of training and educating attorneys. In particular, I would like to focus on methods of reaching new attorneys, either

while still in law school or in their early years of practice, and determine how to use evolving technologies to improve education methods.

Involvement:

At times our committee leadership has struggled with getting more committee members involved. Committee leaders should broadcast the existence of these awards to our committee members. Members should be made aware of these awards, not just for the purpose of encouraging to compete for awards, but to emphasize the goals for which DRI strives. When one joins an organization, one should be aware of the organization's goals, and should be encouraged to assist the organization in achieving those goals. A protocol that committee leaders can use to advertise those goals and encourage participation by members should be developed. In addition, members should be encouraged to incorporate these goals into their "sales pitch" when attracting new DRI members.

What do you believe is the most important issue confronting the defense bar?

Competition from new areas, including non-lawyer competition, competition from foreign services and from increasingly large and multi-state firms. It is quite common for me to receive solicitations from services that offer brief writing from CA licensed attorneys who are living in foreign countries, and who can afford to do the work for a substantially lower cost due to a lower cost of living. With the advent of improved communication technology – electronic filing and service, video conferencing and depositions, telephone (and eventually video) court appearances – it may be only a matter of time before much or most of the legal services we provide can be provided regardless of physical location. This raises a host of ethical issues, not the least of which is: when are you practicing law without a license? A uniform standard may need to be developed.

In addition, there are issues arising from services such as Rocket Lawyer. At the moment, it appears that the majority of the documents being offered by these services are transactional or estate documents. But litigation documents are likely not far behind. Rocket Lawyer already offers documents to be used in bankruptcy filings.

Define the appropriate role for DRI as the national defense bar organization.

DRI, as a national organization, should identify evolving areas of the law that will have significant effects on the defense industry, and should take steps to shape the law as it evolves so that, as much as possible, the law evolves uniformly on a national scope as favorable as possible to the defense. For example, in my small corner of the law (the defense of professional liability claims in CA), I have endeavored to unify the law as much as possible. I have had some success, e.g., in *Weseloh Family Ltd. Partnership v. K.L. Wessel Const. Co.* (2004) 125 Cal.App.4th 152, I obtained the first published opinion in CA that applies the law restricting the duty owed by a professional to a non-client to the field of design professionals (it previously

had been applied to attorneys and accountants). Identifying these issues and influencing the evolution of the law, by scholarly articles, amicus briefs and education, should be a high priority.

While the most difficult part of such an initiative may be the identification of the issues, because it will depend on input from our members, DRI outreach on this should be effective. In addition, encouraging involvement from members who are associated with national law firms should increase the identification and communication of these issues.

Hobbies and/or interests: Horseback riding, gardening, cooking

Family

My wife is an elementary school librarian. I have four daughters. The oldest is an administrative assistant at a school district in Santa Clarita, CA, and is studying for her Masters in Speech Pathology. The next oldest is a publicist in Los Angeles, representing talent in the recording industry. The next oldest has a Bachelor's Degree in Animal Science, is a licensed falconer and works at the Henry Doorly Zoo in Omaha, NE. The youngest is studying at the University of Nebraska, Omaha, and hopes to work at the Library of Congress. I have one grandchild, with another on the way.
