

SACRAMENTO LAWYER

March 2001

**Sacramento Chapter of
the American Board
of Trial Advocates Names
Roger Dreyer
Lawyer of the Year**



Crusader Against Elder Abuse

BY GEOFFREY GOODMAN

After 6 years as a general business litigator, Lesley Clement found her true calling in April 1994. That was when she learned that her great aunt had been physically abused and mistreated in a Northern California nursing home. Lesley was sickened and fought back. She opened her own practice and immersed herself in the law (there wasn't much on elder abuse at the time) and the operation and economics of nursing homes. She met with ombudsmen and patient advocates. And, she sued the nursing home and its owner and won.

The experience changed her life. She now commits her practice exclusively to combating elder abuse any way she can. In addition to handling cases (over 100 so far), she trains other lawyers and works with advocacy groups, legislators and regulators to beef up oversight in the nursing home industry.

Lesley has seen the number of lawyers involved in elder abuse skyrocket since she began in 1994. She welcomes others to the field, but only if they are committed to change the system. To her this is a cause and reform movement as well as a law practice.

She also enjoys the challenge of the cases. "Everything is a big mystery" she explains. "Most of the victims are either deceased or unable to recall events. You have to reconstruct the events, usually through tracking down former employees."

Lesley has had some great successes in the field. In addition to obtaining the largest reported settlement in California, she was trial and appellate counsel in *Delaney v. Baker* (1999) 20 Cal. 4th 23. There the Supreme Court held that California's Elder and Dependent Adult Civil Protection Act applies to all healthcare providers, including nursing homes. Lesley graduated from University of San Diego Law School in 1988 and is chair of the Nursing Home Litigation Group of the Association of Trial Lawyers of America. ↵

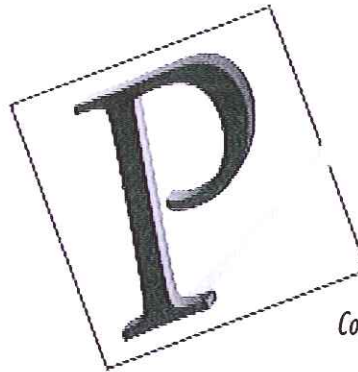
Dedication to Consumer Advocacy Returns World Traveler to His Roots continued from page 21

been affected by an excessive late fee on automobile leases. Cutter is hopeful of obtaining a favorable verdict.

Cutter has played a leading role in promoting consumer advocacy in the Sacramento legal community. In the past year, he served as president of the Sacramento Consumer Attorneys (SCA). "SCA does a good job of providing a forum for attorneys to get together and share information," Cutter notes. He emphasizes that SCA has an important role in improving the representation of consumers by providing continuing education events, seminars, and by staying active in the political arena.

Despite his busy work schedule, Cutter still finds time for some extracurricular activities. He enjoys spending time with his family, skiing, and hiking. Also, he is active in Sacramento Rotary Club, Stanford Alumni Association, and the Heavenly Ski Foundation. ↵

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**The High Point of Management
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David E. Smith Loves "Medical Mysteries" continued from page 13

Wilcoxon & Callahan firm, whose principals enjoyed a statewide reputation for the level of their advocacy. During the 1990's, Smith expanded the breadth and scope of his medical knowledge litigating a multitude of medical malpractice and medical products cases, while at the same time deepening his awareness and appreciation for the extraordinary complexity of medical practice and the fragility of human life.

Smith notes that one of the most unanticipated - yet most appreciated - developments in his legal practice during the past decade has been the development and evolution of digital and electronic research tools -- most notably the explosion of Internet-based medical and scientific data bases. Using Internet research sources, he finds that he is able to obtain more accurate, more complete and more up to date information at a fraction of the time and effort that was previously needed, all of which gives him more time for his recreational pursuits ranging from racing his sailboat, to gardening (a.k.a. "dirt therapy"), to photography and travel with his wife, attorney Elisa Zitano, and their daughter, Arianna, who is currently a freshman at UC Davis.

Smith is unabashedly enthusiastic about the recently announced merger of the three separate law firms headed up by Daniel Wilcoxon, Clayeo Arnold and Gary Callahan into a single firm. "This will enhance our individual firm resources and allow us to expand our practice further in the areas of medical products and pharmaceutical litigation, as well as to continue to provide superlative representation of injured consumers in serious accident and injury cases." ↵