



SALL SPENCER  
CALLAS & KRUEGER  
A LAW CORPORATION

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## **RESUME OF ROBERT K. SALL**

### **BACKGROUND**

Admitted to California Bar 1978  
Bar No. 83782

Certified Specialist in Legal Malpractice Law  
(State Bar of California Board of Legal Specialization)

#### **Admitted to Practice:**

Supreme Court of California (1978)  
United States District Court  
    Northern District of California (1978)  
    Central District of California (1987)  
    Eastern District of California (2013)  
United States Tax Court (1984)  
United States Court of Appeals, Ninth Circuit (1998)

### **EDUCATION**

**Undergraduate Education:** University of California at Los Angeles  
B.A. (1975), magna cum laude

**Legal Education:** Juris Doctor (1978) University of California, Hastings College of Law;  
Hastings College Moot Court Board (1977-78)

**Other Post Graduate Education:** Attended Master's Program in Taxation, Golden Gate  
University (1981-1983)

### **AFFILIATIONS AND MEMBERSHIPS**

American Bar Association  
ABA Center for Professional Responsibility  
Peter M. Elliott American Inn of Court  
Orange County Bar Association  
Los Angeles County Bar Association

## PROFESSIONAL AND VOLUNTEER ACTIVITIES

State Bar of California  
Office of Trial Counsel  
Special Deputy Trial Counsel  
September 2010 to present

Member (2006 – present)  
Professionalism and Ethics Committee  
Orange County Bar Association

Member (2007 – present) and Past Chair  
Professional Responsibility and Ethics Committee  
Los Angeles County Bar Association

Former Trustee and Past President (June 2016 – June 2018) - UC Hastings Foundation Board of Trustees (2007-June 2018)  
Hastings College of the Law

Member (2003-2006)  
State Bar of California  
Standing Committee on Professional Responsibility and Conduct

Arbitrator (2003 – present)  
State Bar of California  
Mandatory Fee Arbitration Program

Master of the Bench, Peter M. Elliott Inn of Court (1996 – present)  
President of the Inn (2002-2003)

Member (2000-2003)  
Orange County Bar Association  
Judiciary Committee

Committee Chair (1998-2000); Member and Vice Chair (1995-1998)  
State Bar of California  
Standing Committee on Mandatory Fee Arbitration

Co-Chair (1995-1998); Chair Emeritus (2005-2007)  
Orange County Bar Association  
Mandatory Fee Arbitration Committee

Arbitrator (1985-1986; 1990-1995; 2000-2006)  
Orange County Bar Association  
Mandatory Fee Arbitration Committee

Vice Chair (1993-1995)  
Orange County Bar Association  
Client Relations Committee

Probation Monitor (1994-1995)  
State Bar of California  
Office of Trials - Probation Unit

Member (1993-1998)  
Orange County Bar Association  
Mandatory Fee Arbitration Advisory Committee

Arbitrator (1979-1980)  
San Francisco Residential Rent Stabilization Board

## PUBLICATIONS

Author            Ethically Speaking: *“The Fiduciary Duty to Communicate With Your Client About Acts of Legal Malpractice”*  
Orange County Lawyer Magazine, April 2022

Author            Ethically Speaking: *“Navigating Fees and Retainers: A Sea of Change”*  
Orange County Lawyer Magazine, May 2021

Author            *“Joint Representation and Disqualification in Disputes Over Entity Control”*  
County Bar Update, March 2021  
Los Angeles County Bar Association

Author (co-written with Suzanne Burke Spencer):  
Ethically Speaking: *“Counseling Civil Disobedience in the Age of COVID-19”*  
Orange County Lawyer Magazine, July 2020

Author            *“Implied Consent and Inordinate Delay Estop a Party from Seeking Disqualification”*  
County Bar Update, January 2020  
Los Angeles County Bar Association

Author            Ethically Speaking: *“Are Lawyers Immune From Liability When Making Judgment Calls?”*  
Orange County Lawyer Magazine, April 2019

Author            Ethically Speaking: *“Fixing Your Mistakes: The Ethical Implications of Duty When Things Go Wrong”*  
Orange County Lawyer Magazine, February 2018

- Author            *“Denial of Fees in the Absence of Written Contract”*  
County Bar Update, February 2018  
Los Angeles County Bar Association
- Author:            *“Attorney Billing Statements Revisited: The California Supreme Court Creates  
More Uncertainty over Attorney-Client Privilege than it Resolves”*  
County Bar Update, February 2017  
Los Angeles County Bar Association
- Author:            *“When is Production of a Privileged Document Inadvertent?”*  
County Bar Update, November 2016  
Los Angeles County Bar Association
- Author:            Ethically Speaking: *“Advance Waivers Continue to Draw Criticism from  
Courts”*  
Orange County Lawyer Magazine, February 2016
- Author:            *“Attorney Billing Statements: Are They Privileged or Not?”*  
County Bar Update, October 2015  
Los Angeles County Bar Association
- Author:            Ethically Speaking: *“Protecting In-House Consultation: Attorney-Client  
Privilege and Intrafirm Communications”*  
Orange County Lawyer Magazine, February 2015
- Author:            *“Beware of Strangers Bearing Gifts – the Perils of Purloined or Privileged  
Evidence”*  
County Bar Update, April 2014  
Los Angeles County Bar Association
- Author:            Ethically Speaking: *“Communication – An Essential Skill to Avoid Malpractice  
Liability and Discipline”*  
Orange County Lawyer Magazine, March 2013
- Author:            *“New Theories for Non-Clients to Seek Disqualification of Counsel”*  
County Bar Update, February 2013  
Los Angeles County Bar Association
- Author:            *“Revisiting the Enforcement of Arbitration Clauses”*  
County Bar Update, May 2012  
Los Angeles County Bar Association
- Author:            *“The Crossroads of Confidentiality and the Litigation Privilege”*  
County Bar Update, January 2012  
Los Angeles County Bar Association

- Author: Ethically Speaking: *“Ethical Concerns Regarding Mediation Confidentiality and the Implications of Cassel”*  
Orange County Lawyer Magazine, April 2011
- Author: *“Discounting Your Fees: Is it an Ethical Violation?”*  
County Bar Update, February 2011  
Los Angeles County Bar Association
- Author: *“Managing Expectations: What Lawyers Can Do to Avoid Malpractice”*  
Orange County Lawyer Magazine, October 2010
- Author: *“Promoting Business Under the Advertising Rules”*  
County Bar Update, December 2009  
Los Angeles County Bar Association
- Author: Ethically Speaking: *“Testing Loyalty’s Limits – Thoughts on the Proliferation of Advance Waivers”*  
Orange County Lawyer Magazine, October 2009
- Author: Ethically Speaking: *“Who ‘Ya Gonna Call?’: A Primer on Ex Parte Contacts with Employees of Adverse Parties”*  
Orange County Lawyer Magazine, March 2009
- Author: *“The Screening Debate Continues”*  
County Bar Update, November 2008, Los Angeles County Bar Association
- Author (co-written with Carole J. Buckner):  
Ethically Speaking: *“Is Screening on the Horizon in California?”*  
Orange County Lawyer Magazine, August 2008
- Author: Ethically Speaking: *“The Coming New Ethics Rules – New Concepts”*  
Orange County Lawyer Magazine, May 2008
- Author: *“Proper Conflict Disclosures for Joint Clients”*  
County Bar Update, April 2008, Los Angeles County Bar Association
- Author: Ethically Speaking: *“Rough Sailing on the Seas of Inadvertent Disclosure”*  
Orange County Lawyer Magazine, March 2008
- Author (co-written with Carole J. Buckner):  
Ethically Speaking: *“Point/Counter Point – Sex with Clients: Prohibition or Permission”*  
Orange County Lawyer Magazine, February 2008
- Author: *“The Lawyer’s Ten Commandments”*  
Los Angeles Daily Journal Forum, August 8, 2007

Author: Ethically Speaking: “*Practicing Law by the Code of the West*”  
Orange County Lawyer Magazine, July 2007;  
Republished, California Litigation Magazine, November 2007

Author (co-written with Carole J. Buckner):  
Ethically Speaking: *The Self-Defense Exception to the Ethical Duty of Confidentiality*”  
Orange County Lawyer Magazine, July 2006

Author (co-written with Joel S. Miliband and David Casey):  
“*Attorney Fee Arbitration in California*”  
Orange County Lawyer Magazine, July 1998

### TEACHING POSITIONS

Adjunct Professor of Law, Whittier Law School  
Courses in Professional Responsibility  
Fall 2004, Fall 2005

Adjunct Professor of Law, Western State University College of Law  
Course in Legal Malpractice and Fee Disputes  
Fall 2001

### EDUCATIONAL PROGRAMS

Speaker: “*Conflicts for In-House Counsel*”  
Stradling’s CLE Marathon, January 2022

Speaker: “*Ethics Update 2021*”  
Orange County Bar Association, December 7, 2021  
(presented with Robert L. Kehr, Carole J. Buckner, Kevin E. Mohr)

Speaker: “*Legal Malpractice and Fiduciary Duty Claims: Ethical Considerations, Avoidance and Defense*”  
Orange County Bar Association, Last Dash Program, January 16, 2021  
(presented with Gerald A. Klein)

Speaker: “*Ethics Update 2020*”  
Orange County Bar Association, December 10, 2020  
(presented with Robert L. Kehr, Carole J. Buckner, Kevin E. Mohr)

Speaker: “*Legal Malpractice Claims: Elements, Avoidance, Prosecution and Defense*”  
Orange County Bar Association, Last Dash Program, January 11, 2020  
(presented with Gerald A. Klein)

Speaker: *“Ethics Update 2019”*

Orange County Bar Association, December 4, 2019  
(presented with Robert L. Kehr, Carole J. Buckner, Kevin E. Mohr)

Speaker: *“Conflicts and Consequences in Joint Client Representation”*

for Cotchett, Pitre & McCarthy, LLP, Burlingame, CA, June 22, 2019

Speaker: *“Emerging Ethical Challenges to Fee Agreements and Fee Claims”*

State Bar of California, 23rd Annual Statewide Ethics Symposium, April 12, 2019  
(presented with Matthew Hodel, Kenneth Baker, and Lorraine Walsh)

Speaker: *“Ethics Update 2018”*

Orange County Bar Association, November 29, 2018  
(presented with Robert L. Kehr, Carole J. Buckner, Kevin E. Mohr)

Speaker: *“California’s New Rules of Professional Conduct: Be Prepared!”*

Orange County Bar Association, October 17, 2018  
(presented with Robert L. Kehr, Carole J. Buckner, Kevin E. Mohr)

Speaker: *“Cutting Edge Issues in Fee Agreements, Conflicts and Advance Client Waivers”*

UC Hastings College of the Law, Palm Springs Program, January 27, 2018  
(presented with Joel Mark and Peter J. Engstrom)

Speaker: *“Legal Malpractice Claims: Elements, Avoidance, Prosecution, and Defense”*

Orange County Bar Association, Last Dash Program, January 13, 2018  
(presented with Gerald A. Klein)

Speaker: *“Ethics Update 2017”*

Orange County Bar Association, September 28, 2017  
(presented with Robert L. Kehr, Carole J. Buckner, Kevin E. Mohr)

Speaker: *“Evidence Code Section 958 and Beyond: When Can Lawyers Disclose Confidential or Privileged Information in Their Own Defense”*

State Bar of California, 21st Annual Statewide Ethics Symposium, April 21, 2017  
(presented with Jonathan B. Cole, Hon. Peter J. Wilson, Suzanne Burke Spencer)

Speaker: *“Ethics Update 2016”*

Orange County Bar Association, December 3, 2016  
(presented with Robert L. Kehr, Carole J. Buckner, Kevin E. Mohr)

Speaker: *“Ethical Issues Surrounding Mediation Confidentiality”*

California State Bar Annual Meeting, San Diego, September 30, 2016  
(presented with Caroline Vincent, Kyle Kveton, and Phyllis Pollack)

Speaker: *“The Unintended Consequences of Mediation Confidentiality Statutes”*

USC, Gould School of Law, Judge Judith O. Hollinger ADR Program and Symposium, April 15, 2016 (presented with Caroline Vincent, Kyle Kveton, and Phyllis Pollack)

Speaker: “*Legal Malpractice: Common Pitfalls and How to Avoid Them*” - Orange County Bar Association, Last Dash Program, January 16, 2016 (presented with Matthew A. Hodel)

Speaker: “*Recent Developments in California Legal Ethics*” – Continuing Education of the Bar, December 1, 2015 (presented with Robert L. Kehr, Carole J. Buckner, Kevin E. Mohr)

Speaker: “*Purloined Evidence and Other Perils of Practice for Solo and Small Firms – A Primer on Recent Developments in Ethics*” – Orange County Bar Association, Solo Practitioner/Small Firm Section, February 19, 2015

Speaker: “*Legal Malpractice: Common Pitfalls and How to Avoid Them*” - Orange County Bar Association, Last Dash Program, January 17, 2015 (presented with Matthew A. Hodel)

Speaker: “*Ethics Update 2014: Recent Cases, Statutes, and Rules*” - Orange County Bar Association, December 10, 2014 (presented with Carole J. Buckner, Kevin E. Mohr and Robert L. Kehr)

Speaker: “*What Every Corporate Counsel Should Know About Conflicts*” – Orange County Bar Association, Corporate Counsel Section, October 14, 2014

Speaker: “*Complex Conflicts Issues Deciphered*” - State Bar of California’s Eighteenth Annual Ethics Symposium; April 12, 2014 (presented with Dan L. Carroll, Michele K. Trausch, William K. Mills)

Speaker: “*Legal Ethics: Do the Right Thing and Avoid Legal Malpractice*” - Orange County Bar Association, Last Dash Program at Whittier Law School; January 18, 2014 (presented with Karla J. Kraft)

Speaker: “*Ethics Update 2013: Recent Developments in Legal Ethics, Legal Malpractice and Risk Management*” - Orange County Bar Association, December 2013 (presented with Robert L. Kehr, Carole Buckner and Kevin E. Mohr)

Speaker: “*Civility in Relationships Between Opposing Counsel and the Courts*” - Los Angeles County Bar Association, December 2013 (presented with David B. Parker)

Speaker: “*The Ethical Limits of Advocacy*” - Orange County Bar Association, October 24, 2013 (presented with Hon. Peter J. Wilson and Matthew A. Hodel)

Speaker: “*Ethics Update: Recent Developments in Confidentiality and Conflicts Avoidance in Elder Law*” - Orange County Bar Association, Elder Law Section, August 9, 2013

Speaker: “*Legal Ethics: Do the Right Thing and Avoid Legal Malpractice*” - Orange County Bar Association, Last Dash Program at Whittier Law School; January 19, 2013 (presented with Matthew A. Hodel)

Speaker: *“Ethics Update 2013: Recent Developments and Proposed New Rules from the California Rules Revision Commission”* - Irvine and Los Angeles, January 2013 (presented with Robert L. Kehr, Prof. Kevin E. Mohr and Prof. Carole Buckner)

Speaker: Orange County Bar Association Solo and Small Practice Section – *“Ethics of Referrals and Referral Fees”*, January 17, 2013

Speaker: Orange County Bankruptcy Forum – *“The Practical Ethics of Bankruptcy Practice”*, October 2, 2012 (presented with Scott B. Garner and Lei Lei Wang Ekvall).

Speaker: Orange County Bar Association, Masters Division – *“Ethical Issues Arising from New Technologies”*, March 15, 2012 (presented with Shawn Harpen and the Honorable Kim Dunning).

Speaker: ABA National Legal Malpractice Conference, New York, NY – *“Outside the Box: Non-Traditional Means of Resolving Legal Malpractice Cases”*, April 19, 2012 (presented with Frederick B. Warder, III, Jimmy Biondolillo, and Peter H. Woodin).

Speaker: Ethics Program – *“2011 Entertainment Law Year in Review”*- Beverly Hills Bar Association, January 18, 2012 (presented with Edith Matthai, Murray Greenberg and Tom Layton ).

Speaker: *“Legal Ethics: Do the Right Thing and Avoid Legal Malpractice”* - Orange County Bar Association, Last Dash Program at Whittier Law School; January 14, 2012 (presented with Matthew A. Hodel and Hon. David A. Thompson, Orange County Superior Court)

Speaker: *“Ethics Update 2012: Recent Developments and Proposed New Rules from the California Rules Revision Commission”* - Irvine and Los Angeles, January 2012 (presented with Robert L. Kehr, Prof. Kevin E. Mohr and Prof. Carole Buckner)

Speaker: *“The Rules of Professional Conduct and Legal Malpractice Claims”* – Los Angeles County Bar Association, December 3, 2011 (presented with Joan Mack)

Speaker: *“Beginning and Ending the Attorney-Client Relationship”* – Los Angeles County Bar Association, January 29, 2011 (presented with Prof. Clare Pastore)

Speaker: *“Ethics Update 2011: Recent Developments and Proposed New Rules from the California Rules Revision Commission”* - Irvine and Los Angeles, January 2011 (presented with Robert L. Kehr, Kevin E. Mohr and Ellen Peck)

Speaker: *“Entertainment Law and Ethics”* – Beverly Hills Bar Association’s 2010 Entertainment Year in Review, January 20, 2011 (presented with Murray Greenberg and Neville Johnson)

Speaker: *“Legal Malpractice and How to Avoid It”* – Orange County Bar Association, Young Lawyers Division, September 2010 (presented with Eugen Andres, David B. Parker and Gregory H. Halliday)

Speaker: “*Current Issues in Ethics for Attorneys*” – Orange County Bar Association, Litigation Section, August 2010

Speaker: “*Ethics Update 2010: Recent Developments and Proposed New Rules from the California Rules Revision Commission*” - Irvine and Los Angeles, January 2010 (presented with Robert L. Kehr, Kevin E. Mohr and Ellen Peck)

Speaker: “*Ethical Paradigms for 2010*” - USC Tax Law Institute, Los Angeles, January 2010, (presented with Judith Gilbert, David B. Parker and Carole Buckner)

Speaker: “*Legal Malpractice and How to Avoid It*” – Orange County Bar Association, November 2009 (presented with Eugen Andres, David B. Parker, Mitchell Mulbarger, Gregory H. Halliday and Ellen Peck)

Speaker: “*Making Rain in a Dry Season*” – Federal Bar Association, Chapman University, panel discussion of business promotion and the advertising rules, October 2009 (presented with Wayne Gross)

Speaker: “*Ethical Paradigms for 2009: Navigating Ethics and Thriving in this Contracting, Increasingly Mobile and Hyper-Competitive Legal Marketplace*” (presented with Judith Gilbert, David B. Parker and Carole Buckner); October 2009, University of Southern California/Beverly Hills Bar Association Institute on Entertainment Law and Business;

Speaker: UC Hastings College of Law, “*Conflicts, Screening and Waivers: Are You Really Protected?*” June 2009, Los Angeles, California (presented with Joel Mark and Edith Matthai)

Speaker: “*Ethical Obligations of Counsel in Joint Venture Consultations*”  
Law Seminars International: Real Estate Joint Ventures Conference, February 2009

Speaker: Continuing Education of the Bar: *Ethics Update 2008: Recent Developments and Proposed New Rules*; December 2008 (Presented with Robert L. Kehr, Ellen Peck, Kevin E. Mohr)

Speaker: “*Elimination of Bias, and Ethics in Real Estate Transactions*”, OCBA Real Estate Section, November 2008

Speaker: Continuing Education of the Bar: *Ethics Update: The Latest Recent Developments and Proposed New Rules*; Anaheim – November 2007, Century City – December 2007 (Presented with Robert L. Kehr, Kevin E. Mohr, Ellen Peck)

Speaker: Continuing Education of the Bar, Century City, December 2006  
“*Ethics Update 2006*” (Presented with Robert L. Kehr, Kevin E. Mohr, Stanley Lamport)

Speaker: Orange County Bar Association, December 2006, December 2007  
“*Ethical Issues in Dealing with the ‘Impaired Lawyer’*” (Presented with Carole Buckner)

Speaker: Orange County Bar Association Mandatory Fee Arbitration Committee and Client Relations Committee, September 2006  
*“Ethics Update”*

Speaker: State Bar of California, Tenth Annual Ethics Symposium, May 2006  
*“Using Client Secrets: Reconciling the Duty of Confidentiality with the Lawyer’s Right to Defend Himself or Others”*

Speaker: Orange County Trial Lawyers Association, September 2005  
*“Finding and Using the Smoking Gun”* (Presented with Douglas Schroeder)

Speaker: State Bar Annual Meeting, Committee on Professional Responsibility and Conduct, September 2005  
*“Methods for Identifying and Avoiding Conflicts”* and  
*“How to Collect Your Fee and Avoid A State Bar Complaint”*

Speaker: Orange County Bar Association for the Mandatory Fee Arbitration Committee, July 2005  
*“The Arbitrator’s Consideration of Malpractice in Fee Arbitrations”*

Speaker: State Bar Annual Meeting for the Committee on Professional Responsibility and Conduct, October 2004  
*“Other People’s Money: An Overview of Client Trust Accounts”*

Speaker: Orange County Bar Association, Real Estate Section, August 2004  
*“Disclosing Conflicts of Interest”*

Speaker: Orange County Bar Association, MFA MCLE Program for Fee Arbitrators, July 2004  
*“Identifying and Handling Non-Refundable Retainers”*

Speaker: Orange County Bar Association, Business Litigation Section, April 2003  
*“Stealth Malpractice - The Failure to Identify, Disclose and Resolve Conflicts”*

Speaker: State Bar Annual Meeting for the Committee on Professional Responsibility and Conduct, October 2002  
*“The Practical Ethics of Attorney’s Fees”* (presented with Joel Mark)

Speaker: Orange County Bar Association, May 2002  
*“Malpractice and Ethical Issues in the Practice of Law”*

Speaker: Orange County Bar Association, Solo and Small Practice Group, March 2002  
*“Drafting Conflict Letters”*

Speaker: State Bar Annual Meeting, Insolvency Law Committee, September 2001  
*“Ethical Dilemmas of Pre-Bankruptcy Exemption Planning and Other Transfers”*  
(Presented with Rebecca Callahan, Joel Pores, and the Hon. James Barr)

Speaker: Orange County Bar Association, November 2000  
*“Avoiding Improper Conflicts of Interest – Issue Spotting and Training in Writing Conflicts Letters”*

Speaker: State Bar Annual Meeting, October 2000  
*“Arbitration Clauses, Attorney’s Liens and ‘Non-Refundable’ Retainers”* and  
*“User’s Guide to Fee Agreements and the Mandatory Fee Arbitration Process”*

Speaker: State Bar of California Section Education Institute, May 1998, presented for the State Bar of California Standing Committee on Mandatory Fee Arbitration  
*“Cutting Edge Issues in Fee Agreements”* and  
*“Your Client Demands Fee Arbitration - Now What?”*

Speaker: State Bar of California Section Education Institute, May 1997 and November 1997, presented for the State Bar of California Standing Committee on Mandatory Fee Arbitration,  
*“Attorney’s Fees: Traps to Avoid and Tips for Getting Paid”*

Speaker: State Bar of California Section Education Institute, May 1996 and November 1996, presented for the State Bar of California Standing Committee on Mandatory Fee Arbitration;  
*“Advanced Issues in Attorney’s Fees and Fee Disputes”*

Speaker: Orange County Bar Association MCLE Last Dash Seminar, January 1997 and January 1998  
*“Getting Paid Avoiding and Surviving Fee Disputes”*

Speaker: State Bar Annual Meeting, October 1997; presented for the State Bar of California Standing Committee on Mandatory Fee Arbitration  
*“Your Client Demands Fee Arbitration - Now What”* and  
*“Attorney’s Fees: Traps to Avoid and Tips for Getting Paid”*

Speaker: State Bar of California, Standing Committee on Mandatory Fee Arbitration Fee Arbitrator Training Programs (1996-2000)

Speaker: State Bar Annual Meeting, October 1996; presented for the State Bar of California Standing Committee on Mandatory Fee Arbitration  
*“Getting Hired and Getting Paid”*

Speaker: Orange County Bar Association Hawaii Seminar, October 1993  
*“Difficult Attorney-Client Relationships”*

Speaker: Orange County Bar Association  
Fee Arbitrator Training Programs (1993-1995)

EMPHASIS OF PRACTICE

Legal Malpractice Cases (Prosecution and Defense); Attorney-Client Fee Disputes; Ethics Consulting; Business Litigation; Real Estate Litigation and Transactions