

**DAVID CARICO, CERTIFIED APPELLATE SPECIALIST**  
**CURRICULUM VITAE**

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**EDUCATION**

**BACHELOR OF ARTS**

Stanford Overseas Program, London, England – 1979

*Focus on international political relations in Europe*

Stanford University, Human Biology – 1980

*Program Developed by Donald Kennedy, President, Stanford University (1980-1992)  
& Former Commissioner of the FDA – interdisciplinary study of biological sciences,  
anthropology, sociology, and philosophy*

**JURIS DOCTOR**

University of the Pacific, McGeorge School of Law – 1983

*Focus on contracts and commercial transactions (UCC) and written legal scholarship*

**LAW REVIEW**

Associate Managing Editor, Law Review, McGeorge School of Law – 1983

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**LEGAL PRACTICE  
EXPERIENCE**

**CARICO LAW, PRINCIPAL**

1988 – Present

*Appellate and Litigation Responsibilities*

- Appellate practice in state and federal courts
- Consultation with trial counsel on litigation strategy and appeals
- Motion practice in civil and criminal cases
- Evidentiary hearings
- Defense of professionals in administrative hearings before  
The Office of Administrative Hearings, State of California
- Fee arbitration

**CARICO JOHNSON TOOMEY LLP, OF COUNSEL**

2005 – Present

*Appellate Responsibilities*

- Appeals in Estate and Probate matters in state court
- Writs and appeals in general civil and business litigation
- Providing advice on appellate practice and procedure for general civil,  
business, real estate, and labor practices

**LEGAL PRACTICE  
EXPERIENCE  
CONT'D****CRIST, GRIFFITHS, SCHULZ & BIORN, ASSOCIATE**

April 1987 to May 1989

*Litigation and Appellate Responsibilities*

- Appellate and writ practice in state court
- Real estate litigation in state court
- Securities litigation in state and federal court

**HOGUE, FENTON, JONES & APPEL, INC., ASSOCIATE**

January 1986 to April 1987

*Litigation Responsibilities*

- General civil litigation
- Medical malpractice litigation in state court

**JUDICIAL CLERKSHIPS****California Court of Appeal, Fifth Appellate District, 1983-1984**

- Research attorney for Justice Pauline Davis Hanson
- Wrote memorandum of law and worked on legal opinions for Justice Hanson
- Wrote "By the Court" opinions for the court

**Superior Court of California, County of Monterey***Sole research attorney for all eight judges of the court*

- Wrote published and unpublished opinions for the appellate department. Authored *People v. Williams* (1985) 175 Cal.App.3d Supp. 16, which upheld California's 55 m.p.h. speed law against constitutional challenge.
- Prepared tentative rulings for the judges in civil and criminal cases
- Reviewed and issued memoranda opinions on all complicated law and motion matters before the court
- Reviewed challenges to Monterey County General Plan

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**ADMITTED TO  
PRACTICE**

- U.S. Supreme Court
- Ninth Circuit Court of Appeal
- U.S. District Court, Eastern District
- U.S. District Court, Northern District
- State of California

## NOTABLE CASES

## RECENT

*Rand v. Board of Psychology* (2012) \_\_\_ Cal.App.4th \_\_\_ – I represented the appellant, Dr. Rand, on appeal from the partial denial of his petition for writ of administrative mandamus. I helped coordinate the preparation and filing of an amicus brief by the Association of Certified Family Law Specialists. My advocacy in conjunction with other groups resulted in California Assemblyman Wagner introducing a bill (AB 1864) in the California Legislature that gives experts in family law cases additional protections from frivolous lawsuits.

*Arnold v. PG&E; Braun v. PG&E* (2011) – I prepared the 50+ page mediation briefs for the plaintiffs resulting in the largest civil settlements in California in 2011 (Mediator, Edward Panelli, former Associate Justice of the California Supreme Court).

*People v. Landry* (2010, Butte County Case No. CM026101) – I represented Mr. Landry on a motion to withdraw his guilty plea to the crime of child molestation. After a six-day evidentiary hearing which took place over the course of several months, the court took the unusual course of requesting that I prepare the court order granting the motion on the grounds of trial attorney incompetence. The case garnered media attention because the trial attorney had built his reputation in the McMartin Pre-school case which was the longest running criminal trial in US history. (See Evan George, Attorney May Pay the Price For ‘All or Nothing’ Defense Strategy (June 3, 2010) San Francisco Daily Journal, Vol. 116, No. 106; <http://www.lawyerdup.com/2010/06/attorney-told-client-to-accept-plea.html>.)

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## CALIFORNIA SUPREME COURT

*People v. Minifie* (1996) 13 Cal.4th 1055 – I obtained a unanimous decision reversing the defendant’s assault with a deadly weapon conviction. The case resulted in the amendment of the standard jury instructions on self-defense to require jurors to consider the history of assaults or threatened assaults by the victim’s group in determining the reasonableness of the defendant’s response to a threat by the victim.

*People v. Badgett* (1995) 10 Cal.4th 330 – I represented the defendant in the Court of Appeal and the California Supreme Court on appeal from his conviction of murder. The Court of Appeal reversed the defendant’s conviction. The Supreme Court held that a defendant’s due process rights would be violated by the admission of a third party’s coerced confession absent proof of the reliability of that confession.

NOTABLE CASES  
CONT'D

## OTHER PUBLISHED DECISIONS

- *People v. Tran* (1996) 47 Cal.App.4th 759
- *People v. Parnell* (1993) 16 Cal.App.4th 862
- *People v. Flores* (1992) 7 Cal.App.4th 1350
- *People v. Vallejo* (1991) 1 Cal.App.4th 760
- *People v. Wright* (1990) 222 Cal.App.3d 1002
- *People v. Derello* (1989) 211 Cal.App.3d 414
- *People v. Wade* (1989) 208 Cal.App.3d 304
- *People v. Vargas* (1988) 204 Cal.App.3d 1455
- *In re Heather P.* (1988) 203 Cal.App.3d 1214

## CERTIFICATIONS

Certified Legal Specialist in Appellate Law by The California State Bar Association  
Certificate of Completion – Trial Advocacy Project (TAP) 2010 Los Angeles County  
Bar Association

## COMMENDATIONS

“David Carico has been my research attorney since September 1983. I have come to know him very well, professionally and personally, and give him my highest recommendation. [par.] Mr. Carico is an excellently qualified attorney. He analyzes exceedingly complex legal issues, structures his thoughts in an orderly fashion, and effectively communicates his ideas. His written and oral presentations are superior.”

– *Pauline Davis Hanson, Associate Justice  
California Court of Appeal, Fifth Appellate District*

“Your treatment of the subjective/objective distinction is a superior piece of legal argument and indeed quite a scholarly accomplishment as well, It’s as good as anything I’ve seen on this subject. I could steal it for my casebook.”

– *Robert Weisberg,  
Edwin E. Huddleston, Jr., Professor of Law, Stanford University  
Facility Co-Director, Stanford Criminal Justice Center*

“The committee would like to commend you on your exemplary work in this case. The petition for a writ of habeas corpus in which you interviewed expert witnesses and prepared and submitted declarations supporting an argument that your client received ineffective assistance from his trial counsel was excellent.”

– *Hon. Rodney Davis, Char., AIDOAC Judicial Council*

“We commend the parties, both here and in the trial court, for their excellent motions and briefs.”

– *Court of Appeal, Sixth Appellate District  
(People v. Badgett (1994) 34 Cal.App.4th 903 [30 Cal.Rptr.2d 152, 153, fn. 1.]*

**COMMENDATIONS  
CONT'D**

“I have found David’s work to be exceptional. He is a valuable asset to all of us who strive to provide our clients with quality representation. He is also a wonderful asset when trying a case.”

– *Sam J. Polerino, Esq., Pres., Santa Clara Bar Association*

“Thank you very much for providing this office with the relevant code sections and case law to support the information we requested. The information you provided was directly on point and very helpful to support our position in the Motion we intend to file on behalf of our client. [par.] Should this office come across any clients in the need of the services of an appellate attorney, we will refer them to you. Again, thank you for your time and help.”

– *William P. Glavin, Esq., Hermes & Glavin, LLP.*

**PUBLICATIONS**

*“Right-wing attack on court nominee” (May 30, 2009) Letters to the Editor, San Francisco Chronicle*

*“To Handle Your Own Appeal, or to Hand it Over to a Specialist –That is the Question” (Winter 2002) California Legal Specialization Digest*

*Preferential hiring of court clerks is a problem of class and race, The Daily Recorder (1999) Vol. \_\_, No. \_\_*

*Comment, Wheelchair Participation in Road Racing: A Right Not A Privilege (1982) 13 Pac. L.J. 1117-1156*

*Review of Selected 1981 California Legislation, 13 Pac. L.J. 513*

**PROFESSIONAL  
ASSOCIATIONS  
& MEMBERSHIPS**

- California State Bar Association
- Appellate Section, California State Bar
- California Appellate Defense Counsel
- California Attorneys for Criminal Justice
- Bar Association of San Francisco
- San Francisco Trial Lawyer’s Association
- National Association of Criminal Defense Lawyers
- Criminal Trial Lawyer’s Association of Northern California
- Los Angeles County Bar Association