

DAVID CARICO, CERTIFIED APPELLATE SPECIALIST
CURRICULUM VITAE

EDUCATION

BACHELOR OF ARTS

Stanford University – 1980

JURIS DOCTOR

University of the Pacific, McGeorge School of Law – 1983

LAW REVIEW

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

**LEGAL PRACTICE
EXPERIENCE**

CARICO LAW, PRINCIPAL

1988 – Present

Appellate and Litigation Responsibilities

- Appeals and writs in state and federal courts
- Consultant to trial counsel in all aspects of appellate practice (perfecting the record, appellate issues, review of briefs, etc.)
- Post-trial motions
- Evidentiary hearings
- Administrative writs
- Extensive civil and criminal appellate experience

CARICO JOHNSON TOOMEY LLP, OF COUNSEL

2005 – 2018

Appellate Responsibilities

- Appeals in Probate, Estate, General Business, Real Estate, Employment and Trust litigation

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

**LEGAL PRACTICE
EXPERIENCE
CONT'D****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

Superior Court of California, County of Monterey

- Research Attorney
- Wrote published and unpublished opinions for the appellate department
- 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

**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

**REPRESENTATIVE
CASES**

State v. Bergquist (2019) 211 A.3d 946 – I represented the appellant in his appeal to the Vermont Supreme Court from a judgment of conviction for aggravated sexual assault. I successfully argued that a twenty-five-year-old Vermont statute that allowed a child to testify in a criminal case outside the presence of the defendant was unconstitutional.

Corman v. Corman (2015) – I successfully represented the Guardian Ad Litem in two appeals in this lengthy and complex probate litigation: an appeal challenging the court order awarding fees to the Guardian Ad Litem, and an appeal challenging the trustee's accounting.

**REPRESENTATIVE
CASES CONT'D**

Rand v. Board of Psychology (2012) 206 Cal.App.4th 565 – I represented the appellant in this appeal from the denial of a writ of administrative mandamus.

Arnold v. PG&E; Braun v. PG&E (2011) – I drafted the mediation briefs for the plaintiffs resulting in the largest civil settlements in California in 2011.

People v. Landry (2010, Butte County Case No. CM026101) – I successfully represented the defendant on a motion to withdraw his guilty plea to the crime of child molestation. The case was reported on the front page of the Los Angeles Daily Journal. (See Evan George, Attorney May Pay the Price For ‘All of 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?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+WestCoastCriminalDefenseStrikeforce+%28Lawyered+Up%29)

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.

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

Appellate Certifications Earned

Certified Legal Specialist in Appellate Law by The California State Bar Association

Trial Practice Certifications

Certificate of Completion – Trial Advocacy Project (TAP) 2010 Los Angeles County Bar Association

Dispute Resolution and Mediation Certifications

Los Angeles County Bar Association, 40-Hour Mediation Training

COMMENDATIONS

“David, your appellate work is outstanding.”

– Attorney Darold Shirwo, *Sherman Oaks* (2019)

“The first Excellent plus grade I’ve ever given [for a brief] in my 25 years.”

– *California Appellate Project, Los Angeles* (2018)

“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, Special Assistant to the Provost Stanford University*

“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.*

**LEGAL
PUBLICATIONS**

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

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****CURRENT**

- California State Bar Association
- Appellate Section, California State Bar
- California Appellate Defense Counsel
- Los Angeles County Bar Association
- California Attorneys for Criminal Justice
- National Association of Criminal Defense Lawyers

FORMER

- Consumer Attorneys of California
- American Bar Association
- Bar Association of San Francisco
- San Francisco Trial Lawyer’s Association