

DAVID R. LUCCHESI, ESQ.
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DAVID R. LUCCHESI

David R. Lucchese is a senior partner in the law firm of Galloway, Lucchese, Everson & Picchi, which specializes in the defense of complex litigation, including medical malpractice.

Education: University of California, Berkeley
B.A., 1966

University of California School of Law at Davis
J.D., 1969

Employment:

Consultant, Assembly Majority Consultants, California Legislature, 1969-1970

Assistant, State Senate, Senator Peter H. Behr, 1971-1972

Deputy District Attorney, Alameda County, 1972-1975

Private practice, insurance defense, trial attorney, 1975 to date

Trial Experience: Mr. Lucchese has tried to verdict over 85 cases throughout Northern California, in superior courts and federal courts. In addition, he has also arbitrated multiple cases. Many were catastrophic injury cases where the damages were in the millions of dollars (present cash value). Based on his extensive trial experience, Mr. Lucchese has achieved Diplomate status in the American Board of Trial Advocates, a position held by less than three percent of ABOTA members nationally.

Board Certification: Board Certified Civil Trial Advocate
National Board of Trial Advocacy, July, 1999 – July, 2009

Fellow: American College of Trial Lawyers, 2001 – present

Fellow: International Academy of Trial Lawyers, 2000 – present

Member: California Medical-Legal Committee, 1986 – present
Association of Defense Counsel, Board of Directors, 1992-1993
The State Bar of California
Alameda and Contra Costa County and American Bar Association
Defense Research Institute

Listed In: The Best Lawyers in America, 1993 to 2008
Northern California Super Lawyers, 2004 to 2007

Top 100 Super Lawyers in Northern California, 2007
Best Lawyers in Bay Area: Civil Litigation; in Bay Area Lawyer Magazine (September/October, 2005; January, February, 2006)
Who's Who in American Law (Eleventh Ed.), 2000/2001
Martindale-Hubbel Law Directory: AV rated

Speaker and/or Panel Member

- 12/1/07 **Speaker**
- NORCAP Education Forum
Monaco Hotel, San Francisco, CA
- Paper and presentation:
"Report from the litigation trenches: medical malpractice lawsuits and their defense in the MICRA environment - observations from 30 plus years of defending doctors"
- 6/8/07 **Faculty and Speaker**
- Antepartum and Intrapartum Management, presented by
University of California at San Francisco
Department of Obstetrics, Gynecology and Reproductive Sciences
Grand Hyatt Hotel
San Francisco, CA
- Speaker and presentation of paper:
"The Electronic Fetal Monitor – An Attorney's Perspective"
- 4/24/07 **Speaker**
- Annual Membership Meeting of the Physicians Reimbursement Fund, Ltd.
Mikado Hotel, San Francisco
- Speaker and presentation of paper on:**
"You do not want to be sued; but if you are, you will survive. Observations from 30 plus years of defending doctors."
- 3/31/07 **Facilitator and Speaker**
- MIEC Defense Counsel Seminar
Silverado Resort
Napa, California
- Speaker and presentation of paper on:**
"Causation in Medical Malpractice"
- 3/28/07 **Speaker**
- Community Hospital of the Monterey Peninsula
Meeting of perinatal staff, obstetricians, anesthesiologists, and risk management
- Topic: Defense of the Obstetrical Malpractice Case
- 3/19/07 **Co-presenter**
- 2007 Willis Healthcare Reinsurance Forum
Renaissance Scottsdale Resort
Scottsdale, Arizona
- "Reducing the Risk of Perinatal Brain Injury: The Mainstream Health Solution"

2/26/07 –
2/27/07

Chairman of conference, speaker and co-presenter

American Conference Institute
Hilton Philadelphia City, Philadelphia, Pa.
Advanced National Forum on Bariatric Surgery Malpractice

Speaker and presentation of paper on
“Appropriate Pre-Op Preparation of the Patient.”

Speaker at workshop, and presenter of paper on
“Litigating a Bariatric Surgery Case.”

9/15/06 –
9/16/06

Speaker

2006 NORCAL Mutual Insurance Company
Hotel Nikko, San Francisco, California
Defense Counsel Seminar

Speaker and presentation of paper on:
“Defending Obstetrical Malpractice Cases – Current Trends”

6/20/06 –
6/22/06

Chairman of conference, speaker, and co-presenter

American Conference Institute
Park Hyatt Hotel, Philadelphia, Pennsylvania
5th Advanced National Forum on Preventing, Managing and Defending Claims of
Obstetric Malpractice

Co-presenter with Dr. Frank Manning, and presentation of paper on
“Forceps and Vacuum Extraction: The need to minimize bad outcomes”

Speaker and presentation of paper on
“Adverse Outcomes: strategies for identifying, disclosing and documenting error”

Co-panelist with Kathleen Nastri, Bridgeport, Connecticut “Attorneys’ Guide to
Handling an Obstetric Malpractice Case from Start to Finish: experts, litigation strategies,
damages, etc.”

2/24/06 –
3/3/06

Co-panelist and presentation of paper

University of California Defense Counsel Seminar
Oakland, CA and Newport Beach, CA
Paper: “The Defense Presentation of Damages at the Trial of a Severe Injury, Medical
Malpractice Case”

1/5/06

Co-presenter

Optima Healthcare Insurance Services
San Antonio Community Hospital, Upland, California
Obstetrical Risk Management Seminar

“Issues and Solutions in Ob Malpractice –
Two Perspectives: The Clinician and the Defense Attorney”

8/2/05

Speaker

Dameron Hospital, Stockton, California
Lecture to perinatal physicians and nurses

“The Defense of the Obstetrical Malpractice Case”

4/20/05 –
4/21/05

Co-chairman of Conference, Faculty and Speaker

American Conference Institute
"The Advanced Forum on Practices and Procedures to Minimize the Risk of Charges of
Obstetrical Malpractice"
Swissôtel, Chicago, Illinois

Speaker and presentation of paper

Topic: "You Can Successfully Defend An Obstetric Malpractice Case"

Moderator of panel of judges

Topic: "Judicial Advice on proving the obstetrical case; what works and what doesn't."

Panelist

Topic: "Family physicians, obstetricians, hospitals and nurses: what is the responsibility
along the continuum of obstetric care?"

4/2/05

Program Facilitator and Panelist

MIEC Defense Counsel Seminar
Silverado Resort, Napa, California

Topic: "Damage Control: The Defense Perspective"

12/3/04

Co-presenter

Association of Defense Counsel of Northern California and Nevada
Annual Meeting: "Champions of the Courtroom"

Topic: "Closing Arguments in a Medical Malpractice Case"

10/26-28/04

Co-chairman of Conference, Faculty, Speaker, and Co-workshop Director

American Conference Institute
"The Advanced Medical-legal Guide to Reducing the Risk of Obstetric Malpractice"
Grand Floridian Resort, Orlando, Florida

Topic: "Other Potential Causes of Fetal Brain Damage: Congenital, Infectious,
Metabolic, Blood Disorders and Genetic Defects"

Topic: "Family Physicians, Obstetricians, Midwives and Nurses: What are the
Responsibilities along the Continuum of Obstetric Care?"

Workshop: "How to Document and Disclose Adverse Outcomes: Effective Strategies for
Every Obstetrician and Medical Malpractice Attorney"

3/8 & 3/9/04

Co-chairman of Conference, Faculty, Speaker, and Panelist

American Conference Institute
"Reducing the Risk of Obstetric Malpractice"
San Francisco, CA

Topic: "Other Potential Causes of Brain Damage: Infection, Metabolic and Blood
Disorders and Genetic Defects."

Topic: "Family Physicians, Obstetricians, Midwives and Nurses: Responsibility Along
the Continuum of Obstetric Care."

- 2/19/04 **Faculty and Presenter**
- Masters in Trial
American Board of Trial Advocates
San Francisco, CA
- Topic: "Examination of the Defense Neuropsychiatrist"
- 11/20/03 **Faculty and Speaker**
- American Conference Institute
Reducing the Risk of Obstetric Malpractice
Philadelphia, PA
- Topic: "Other Potential Causes of Brain Damage: Infection, Metabolic and Blood Disorders and Genetic Defects"
- 3/6/03 **Speaker**
- California Society for Healthcare Management
Emeryville, CA
- Topic: "Managing the Catastrophic Injury Case"
- 10/21/02 **Speaker**
- TIG Specialty Insurance
Napa, California
- Topic: "Obstetrical Malpractice Cases"
- 10/19/02 **Speaker**
- Litigation Education Retreat
Northwest Physicians Mutual Insurance Company
Cooperative American Physicians, Inc.
Pleasanton, California
- Topic: "The Malpractice Lawsuit: Fact and Fiction"
- 12/08/01 **Co-Panelist**
- Norcap Educational Forum
Pan Pacific Hotel, San Francisco, California
- Topic: "Surviving Malpractice Litigation"
- 11/19/01 **Speaker**
- Alta Bates Medical Center – Obstetrical Grand Rounds
Alta Bates Medical Center, Berkeley, California
- Topic: "You Do Not Want to be a Defendant in a Birth Injury Case"

- 5/4/01 **Speaker**
- Association of Defense Counsel of Northern California and Nevada and the California Medical Association, "A Meeting of the Minds, A Medical/Legal Training Seminar for the Legal and Medical Professions," San Francisco, California
- Topic: "How to Survive Litigation for Physicians"
- 10/25/00 **Speaker**
- Oral Maxillofacial Surgery Patient Care Association
Annual Meeting, Oakland, California
- Topic: "Advise for Avoiding Third Molar/Lingual Nerve Injury Litigation"
- 6/20/00 **Speaker**
- East Bay Perinatal Medical Associates
Summit Medical Center, Oakland, California
- Topic: "Informed Consent in Obstetrics"
- 5/22/00 **Speaker**
- American College of Obstetricians and Gynecologists
San Francisco, California
- Topic: "A Mock Trial: Tales from the Witness Chair"
- 2/28/00 –
2/29/00 **Co-Chairman of Conference, Faculty and Speaker:**
- The Advanced Forum on Complex Medical Malpractice Claims
American Conference Institute
New York, New York
- Speaker and presentation of paper on
"Nursing Malpractice: Liabilities/Practical Solutions"
- 06/02/99 **Speaker**
- Norcal Mutual Insurance Company
San Francisco, California
- Topic: "The Defendant Doctor as a Witness and Participant in a Medical Malpractice Trial"
- 01/25/99 **Speaker**
- Medical Staff, Marin General Hospital
Greenbrae, California
- Topic: "The Defense of Medical Malpractice Cases"
- 09/27/97 **Panelist**
- Norcal Mutual Insurance Company Seminar
Los Angeles, California
- Topic: "Plaintiffs' Expert Witnesses"

- 02/12/97 **Speaker**
- California Medical Association, Committee on Legislation
CAP/MPT Headquarters, Los Angeles, California
- Topic: "Contractual Arbitration of Medical Malpractice"
- 03/13/93 **Visiting Faculty**
- Meeting: Obstetrical Anesthesia, 1993
Department of Anesthesia, UCSF
Grand Hyatt Hotel, San Francisco, California
- Topic: "Avoiding Lawsuits"
- 12/12/92 **Faculty**
- 46th Postgraduate Assembly in Anesthesiology
The New York State Society of Anesthesiologists
New York, New York
- Topic: Mock Anesthesia Malpractice Trial
- 12/04/92 **Speaker**
- Association of Defense Counsel of Northern California
San Francisco, California
- Topic: "Trial of the Sensitive Injury Case"
- 03/28/92 **Panel Moderator**
- MIEC Defense Counsel Seminar
Carmel, California
- Topic: "Laws and Legislation Impacting Medical Malpractice Cases"
- 03/21/92 **Visiting Faculty**
- Obstetrical Anesthesia 1992 meeting
Department of Anesthesia, UCSF
Grand Hyatt Hotel, San Francisco, California
- Topic: Mock Medical Malpractice Trial
- 12/05/91 **Panel Member**
- Association of Defense Counsel
Annual Meeting
San Francisco, California
- Topic: "Honey, I Shrunk the Damages: Reducing Economic Damages
in Major Injury Cases"
- 06/25/91 **Speaker**
- Monthly Meeting Department of Ob-Gyn
Merritt Hospital, Oakland, California
- Topic: "Defense of the Obstetrical Malpractice Case"

- 03/16/91 **Visiting Faculty**
- Obstetrical Anesthesia 1991 meeting
Department of Anesthesia, UCSF
Grand Hyatt Hotel, San Francisco, California
- Topic: "Legal Implications of Obstetrical Anesthesia"
- 02/22/91 **Speaker**
- The Association of Defense Counsel of Northern California, Seminar
Fairmont Hotel, San Jose, California
- Topic: "How to Slice the Blue Sky out of Economic Damages:
Handling the Large Damage Case"
- 10/10/90 **Faculty and Speaker**
- Congress of American College of Surgeons
San Francisco Hilton, San Francisco, California
- Topic: "When Should a Physician Settle?"
- 06/03/89 **Faculty and Speaker**
- "Non-Ionic Contrast: Practical Issues"
Educational Symposia, Inc.
Mark Hopkins Hotel, San Francisco, California
- Topic: "The Medical-Legal Implications of Non-Ionic Contrast Media"
- 05/20/88 –
05/21/88 **Panel Member**
- Seminar for Defense Counsel on Medical Injury Compensation Reform Act (MICRA)
Los Angeles Marriott Hotel (5/20/88)
San Francisco Airport Hilton (5/21/88)
- Topic: "The Role of Annuities in the Trial of Catastrophic Injury Cases"
- 10/25/86 **Panel Member**
- Annual Meeting of Association of Defense Counsel of Northern California, Bank of
America Auditorium, San Francisco, California
- Topic: "Selection, Preparation and Depositions of Expert Witnesses"
- 10/24/86 **Speaker**
- Obstetrical Grand Rounds, Stanford University Medical Center, Stanford, California
- Topic: "Defending the Obstetrician in Medical Malpractice Lawsuits"
- 06/17/86 **Speaker**
- 3-day seminar, "Medical Legal Issues in Obstetrics," presented by Contemporary Forums
Sheraton Plaza Hotel, San Francisco, California
- Topic: "Defending the Obstetrician or the Nurse: Techniques and
Strategy"

- 05/10/86 **Speaker**

Truck Insurance Exchange, Annual Meeting
Viscount Hotel, Los Angeles, California

Topic: "Handling of Collateral Sources in Medical Malpractice Actions"
- 11/11/85 **Speaker**

Obstetrical Grand Rounds, Mt. Zion Hospital
San Francisco, California

Topic: "Defending the Obstetrical Malpractice Case"
- 10/26/85 **Panel Member**

Truck Insurance Exchange, Annual Seminar
Viscount Hotel, Los Angeles, California

Topic: "Defending the Birth Defects Case"
- 09/19/83 **Speaker**

Meeting of Obstetricians and Gynecologists of Alameda/Contra Costa Medical
Association, Oakland, California

Topic: "Obstetrical Malpractice"
- 11/82 **Speaker:**

Meeting of Medical Malpractice Defense Attorneys
Silverado Country Club, Napa, California.

Topic: "Defending the 'Bad Baby' Case"

PUBLICATIONS

Lucchese, D.R. "How to Survive Litigation" The Bulletin of the Santa Clara County Medical Association (February 2002) 8(2):16-17.

Lucchese, D.R. "Pretrial and Trial Factors Affecting the Jury Verdict in a Medical Malpractice Case" Risk Reporter (July-August 2006) 18(4): 1-10.

Lucchese, D.R. "Adverse Verdicts in Catastrophic Medical Malpractice Cases – what are the options for defense counsel?" ADC Defense Comment (Fall 2006) 21(3):17-21.

Lucchese, D.R. "Defending the Perinatal Brain Injury Lawsuit" For The Defense (DRI) November 2007; 49(11)65-83.