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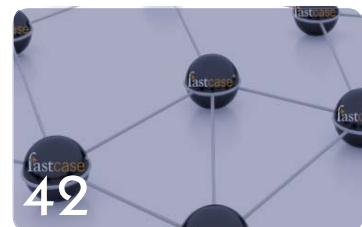
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Sarah Tillman and *Hutchinson and*
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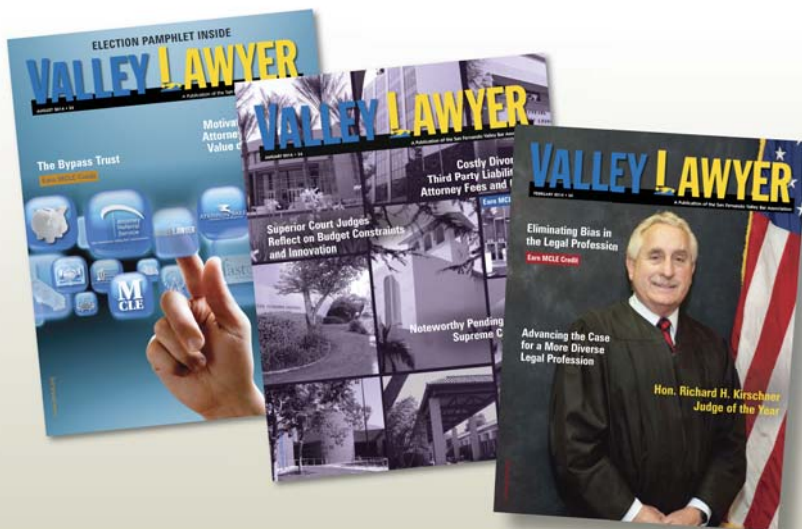
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Playing Nice

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SFVBA President



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EVENTS OF THE PAST COUPLE OF WEEKS HAVE prompted me to write this article about respect and civility in our profession and beyond. Before I get too far into this, I will fully acknowledge that I am at times as guilty as anyone of failing to show respect or act civil and I am not proud of it. Perhaps the best current example of a lack of respect on my part is the fact that I am writing this column well beyond its due date which is disrespectful to the *Valley Lawyer* staff that works so hard to produce this wonderful magazine every month. For that I sincerely apologize.

As attorneys, most of us are educated, type-A personalities who are tasked with always winning for our clients. We are overly busy, deal with difficult people, are plagued by constant deadlines, and try to balance heavy workloads with our personal lives. Unfortunately, this seems to have occasionally and perhaps too frequently turned us into disrespectful and uncivil people. As members of a profession that is already the subject of numerous jokes and a certain level of disrespect by a portion of the population, we do not have to add fuel to the fire by exhibiting bad behavior.

We have increased our use of mediation, which is fabulous, but on occasion, it is because the attorneys cannot negotiate in a civil manner without the help of a third party. I could probably fill this magazine with examples of disrespectful or uncivil behavior, but here are a few to consider:

Running Late

Some attorneys constantly arrive late to meetings, depositions or court hearings (without a really good excuse) and expect everyone to wait for them. This is compounded when the attorney has not communicated with the people who are waiting, especially their client (which incidentally leads to a lot of State Bar complaints).

Constant Use of Electronic Devices

I recently sat through a deposition where one of the attorneys stopped the deposition to ask the court reporter to repeat the question at least six times because he was so busy on his phone that he was not listening. There was another deposition in which an attorney thought it appropriate to answer calls during the deposition. He was speaking quietly, after all.

Talking While Someone Else Is Speaking

Yes, I am going to go there. I have attended many events and MCLE seminars where the “whispering” prevented the speaker from being heard. And let’s not forget Judges’ Night where the chatting was so extreme that I think a portion of the audience actually missed Judge Randy Rhodes receiving the

Administration of Justice Award, which is unfortunate because the award was so well deserved. This is in no way personal because I presented the award; it is a common occurrence.

Refusal to Accommodate Reasonable Requests


The worst example of this that I have seen lately was the refusal to move an ex parte hearing on a non-emergency issue for a couple of days when informed that the attorney had had a heart attack.

The issue has become so important, that the Judicial Council in California and other states have felt the need to draft and enact rules of conduct regarding civility as if we are kindergartners and need rules about how to behave on the playground. We have rules requiring that we meet and confer before we can seek court intervention and more seem to be added annually, including some that require us to meet and confer in person. While I hope that it is truly a case of the few ruining it for the many, the bottom line is that as attorneys, we are seen by some as having devolved to the extent that we need rules governing our behavior and telling us to play nice.

Interestingly, I have talked with a lot of people about civility—or the lack thereof—in the legal profession and received very different responses. Civil litigators are generally viewed as having the least civility toward their counterparts. However, having been a civil litigator for more than 20 years, I can honestly say that it is only a minority of my colleagues who need to seriously step back and look at whether their uncivil and disrespectful behavior actually serves them well.

I recently had the opportunity to appear in both criminal and family court. While some of those attorneys clearly have their own civility issues, they seem to be a more collegial bunch. I asked some criminal and family law practitioners why they thought that might be the case. I was told that because there are fewer courtrooms and few practitioners, they see/oppose each other often and it doesn’t help their clients to be “that attorney,” the one with the bad attitude and lack of respect.

Civility and respect for one another often leads to better plea deals or better settlements. The lesson there is that we can all be civil while zealously advocating for our clients at the same time.

The San Fernando Valley Bar Association is often described as a very congenial bar and I am truly proud of that description. Let’s all try to make an effort to be congenial, respectful, and civil. Let’s try to be on time, be attentive, listen when others are speaking, and zealously advocate without being a bully. Let’s just try to play nice. 

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
					HAPPY PASSOVER	4
5	6	7	8	9	10	11
 Valley Lawyer Member Bulletin Deadline to submit announcements to editor@sfvba.org for May issue.	Probate & Estate Planning Section A Practical Approach to <i>Anderson and Lintz</i> 12:00 NOON MONTEREY AT ENCINO RESTAURANT	Business Law & Real Property Section Common Pitfalls in Commercial Real Estate Transactions 12:00 NOON SFVBA OFFICE Attorney Alan Insul outlines what to avoid in commercial real estate transactions. (1 MCLE Hour)	Membership & Marketing Committee 6:00 PM SFVBA OFFICE			
12	13		15	16	17	18
Tarzana Networking Meeting 5:00 PM SFVBA OFFICE	Mark Phillips and Dr. Steve Hunt update the group on California's new rules of testamentary capacity. (1 MCLE Hour)					
19	20	21	22	23	24	25
		Taxation Law Section Tax Court Litigation 12:00 NOON SFVBA OFFICE Steven R. Mather gives a primer. (1 MCLE Hour)	Workers' Compensation Section 12:00 NOON MONTEREY AT ENCINO RESTAURANT ADMINISTRATIVE PROFESSIONALS DAY 	Litigation Section What Every Personal Injury Attorney Should Know about Tinnitus, Sound Sensitivity and Hearing Loss 12:00 NOON SFVBA OFFICE Dr. Murray Grossan will update the group. Free to current members! (1 MCLE Hour)	Bankruptcy Law Section Update on Ninth Circuit Bankruptcy Appellate Published Opinions 12:00 NOON SFVBA OFFICE Judge Victoria Kaufman and attorneys Shai Oved and David Shevitz headline the distinguished panel. (1 MCLE Hour)	
26	27	28	29			
Family Law Section Numbers 5:30 PM SPORTSMEN'S LODGE This interactive workshop focuses on presenting accounting analysis, financial theories and securing favorable conclusions for your client. Approved for Legal Specialization. (1.5 Hours MCLE)	Editorial Committee 12:00 NOON SFVBA OFFICE					
				30		



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SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
<p>Valley Lawyer Member Bulletin</p> <p>Deadline to submit announcements to editor@sfvba.org for June issue.</p>			<p>Get Found on Google!</p> <p>12:00 NOON SFVBA OFFICE Sponsored by</p> <p> HighConvertingMedia.com SEO and PPC Management Solutions</p> <p>See page 28</p> <p>Membership & Marketing Committee</p> <p>6:00 PM SFVBA OFFICE</p>			
10	11	12	13	14	15	16
<p>Tarzana Networking Meeting</p> <p>5:00 PM SFVBA OFFICE</p> <p></p>		<p>Probate & Estate Planning Section</p> <p>12:00 NOON MONTEREY AT ENCINO RESTAURANT</p> <hr/> <p>Board of Trustees</p> <p>6:00 PM SFVBA OFFICE</p>	<p>Business Law & Real Property Section</p> <p>New Developments Re: CAR Forms</p> <p>12:00 NOON SFVBA OFFICE</p> <p>Allan Wallace updates the group on the new residential real estate purchase contract. (1 MCLE Hour)</p>	<p>Intellectual Property, Internet & Entertainment Law Section</p> <p>12:00 NOON SFVBA OFFICE</p>	<p>Bankruptcy Law Section</p> <p>The Flawed Chapter 13 Plan</p> <p>12:00 NOON SFVBA OFFICE</p> <p>The attending attorneys will be provided with a flawed chapter 13 plan with a lot of gray line provisions as well. Attendees will break into groups and compete to see who can develop the best list of errors and issues. (1.25 Hours MCLE)</p>	
17	18	19	20	21	22	23
<p>Family Law Section</p> <p>5:30 PM SPORTSMEN'S LODGE</p> <p>(one week early due to holiday)</p> <p>Approved for Legal Specialization. (1.5 Hours MCLE)</p>		<p>Taxation Law Section</p> <p>Creative Use of Sec. 1031 Tax Free Exchanges</p> <p>12:00 NOON SFVBA OFFICE</p> <p>Robert Briskin updates the group on creative ways to use Sec 1031. (1 MCLE Hour)</p>	<p>Workers' Compensation Section</p> <p>12:00 NOON MONTEREY AT ENCINO RESTAURANT</p> <p>Karinneh Aslanian will present. (1 MCLE Hour)</p>	<p>Networking Mixer with San Fernando Valley Bar Association and Eastern European Bar Association</p> <p>6:00 PM OLIVA TRATTORIA SHERMAN OAKS</p> <p>Sponsored by</p> <p> CITY NATIONAL BANK The way up.™</p> <p> EG EISNER GORIN LLP</p> <p>STATE AND FEDERAL CRIMINAL DEFENSE</p> <p>See page 31</p>		
24	25	26	27	28	29	30
31	<p> Memorial DAY</p>		<p>Editorial Committee</p> <p>12:00 NOON SFVBA OFFICE</p>			

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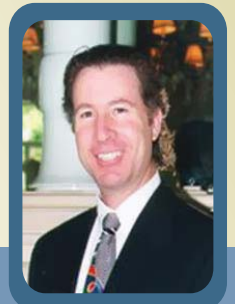
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FROM THE EDITOR

Time to Reboot

IRMA MEJIA
Publications & Social
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WE'RE IN THE MIDST OF SPRING AND ITS WARM, SUNNY DAYS. The nicer climate give us an overall boost in mood and energy.

It's an excellent time to assess what is working in our professional and personal lives and what can be done to makes ourselves thrive. The feature articles in this issue focus on just that: ways to improve and thrive professionally.

Law professor Douglas E. Abrams' article on the writing lessons derived from the works of Pulitzer Prize-winning historian Barbara W. Tuchman offers helpful insights into what makes writing most effective. Lawyers taking heed of his advice will find their writing improve. A well written brief can make all the difference!

The MCLE article on mindfulness tackles the issue of stress and explores the ways it can be managed through meditation. Overwhelming stress is an issue faced by many legal professionals and it's not to be taken lightly. As attorney Carla Galindez points out, chronic stress can lead to serious illness and jeopardize careers. Resources are available to help lawyers struggling with stress, depression or substance abuse. Everyone can benefit from a few moments of calm reflection to help improve their overall well-being.

Our cover story is a profile of the Bar's Silver Sponsors, City National Bank and Hutchinson and Bloodgood LLP. Both companies are committed to supporting the SFVBA and regularly host educational and social events for members. They are trusted organizations with long-established roots in the Valley. In this issue, we offer a closer look at the companies and their representatives, Sarah J. Tillman and Jenny J. Chen. The services they provide can enhance any law practice.

Whether it's in our professional or personal lives, there's always room for improvement. All it takes is for us to seek out the right resources and put in the time to practice new techniques. There's no better time than now to get started. 

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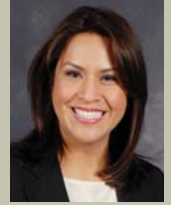
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WHEN THE ATTORNEY REFERRAL SERVICE (ARS) of the San Fernando Valley Bar Association began its 2014–2015 fiscal year, it did so with the intention of creating programs for the public that focus on the legal interests of the people in the community.

So last month, the ARS collaborated with San Fernando High School (SFHS) to provide educational programs on issues that matter to local residents. ARS also worked with ARS panel member Braden Cancilla to bring a Spanish-language educational program on immigration and the Deferred Action programs. The public was not disappointed.

Last month, on the evening of the school's open house, over fifty people turned out to hear Cancilla speak. Cancilla, who concentrates his Pasadena-based practice on immigration law, spoke about the status of Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parental Accountability (DAPA).

Leading up to the program, History Honors teacher Emilio Rivas and I met with SFHS students from the History Honors class and members of the Government and Protective Services Academy to brainstorm ideas on a program that would be worthwhile.

First, we needed to have a clear understanding of the needs in the community. Therefore, it was important to allow the students to define the needs, as seen through their eyes. This process also allowed the Bar to highlight the ARS and its programs to the teenaged students, who we learned oftentimes serve as resources on legal documents and translations for monolingual Spanish-speaking adults. The students quickly reached a consensus on the topic of immigration.

For the program to be successful, it was necessary to conduct it in Spanish and hold it on Back to School Night.

Once the speaker was secured, the students took the lead in promoting the program at the school and in the surrounding community. Mr. Rivas and his students took the task of following the appropriate protocol to invite the Bar to speak at the school. The students committed to doing the work, and they came through. They secured the appropriate location, designed flyers, created posters, and took to the streets to get more people to attend.


On the evening of the program, students from the SFHS Government and Protective Services Academy greeted

attendees at the registration desk. Attendees made their way into the presentation room with handouts, writing materials, promotional giveaways, snacks and refreshments courtesy of the ARS.

By 4:30 p.m. the first session was underway. Cancilla put together an informative PowerPoint presentation, available in Spanish and English, with a wealth of information about DACA and DAPA. He responded to questions, some of which would require follow-up consultations with an immigration panel member. The second session got underway at 5:30 p.m. and wrapped up at 7:00 p.m.

In closing the program, I provided additional information on the ARS, particularly concerning follow-up consultations, which clarified the process for everyone. After the formal program, attendees returned with more questions. ARS Consultants

Lucia Senda and Martha Benitez were on hand to answer questions regarding services provided by the ARS and to respond to requests for follow-up appointments.

What is the next step for this partnership with San Fernando High School? The ARS will continue to sponsor the Law Post programs at SFHS and other participating schools to provide students' families direct access to the SFVBA's legal services. 



Emilio Rivas, Braden Cancilla, Rosie Soto Cohen, Lucia Senda and Martha Benitez

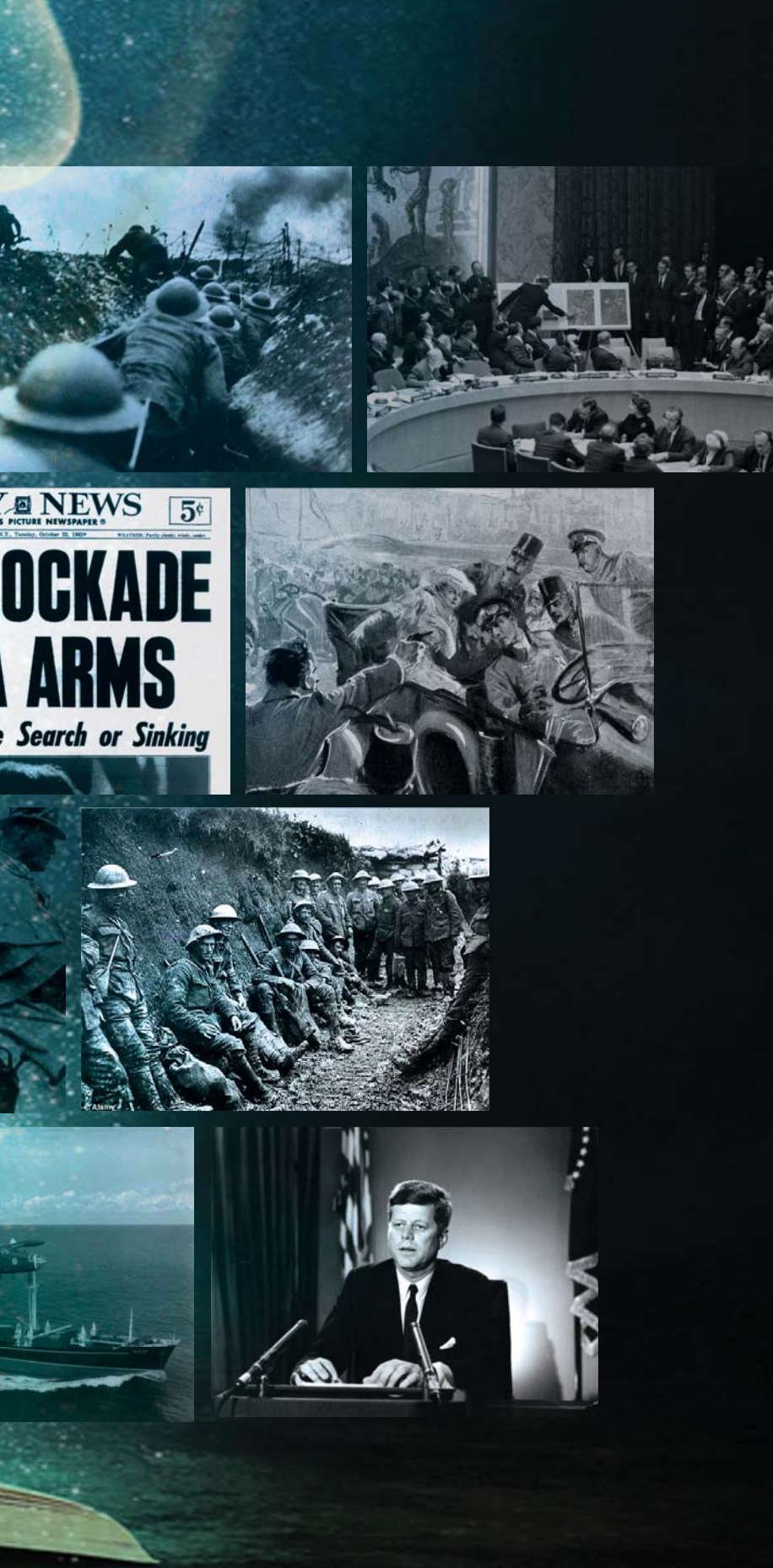


Attorney Braden Cancilla

Historian Barbara W. Tuchman on the *“Art of Writing”*

By Douglas E. Abrams





IN OCTOBER OF 1962, THE WORLD stood on the brink of war as the United States demanded dismantling of offensive medium-range nuclear missile sites that the Soviet Union was constructing in Cuba, potentially within striking range of American cities. From behind-the-scenes accounts, we know that a book by historian Barbara W. Tuchman, a private citizen who held no government position, contributed directly to the negotiated outcome of the Cuban Missile Crisis as the world watched and waited. After chronicling Tuchman's contribution, this article discusses her later public commentary about what she called the "art of writing,"¹ commentary that holds valuable lessons for lawyers who write for clients and causes.

The Missiles of October

In the last week of January 1962, Barbara W. Tuchman was a little known historian whose three books had not won much popular attention. Then she published *The Guns of August*, a military history of the antecedents and first month of World War I. The book presented a penetrating, carefully researched, and eminently readable account of the chain reactions that led European powers to stumble into the four-year conflict in the summer of 1914, after an obscure 19-year-old Bosnian Serb assassinated the obscure Austrian Archduke Franz Ferdinand and his wife during a motorcade in Sarajevo.

Few European leaders wanted the war, some thought it would last only a few weeks, but none could overcome the miscalculations, national resentments, and interlocking alliances that abruptly ended years of peace.² When the guns finally fell silent more than four Augusts later, thirty nations had suffered a total of 20 million military and civilian deaths, plus 21 million more wounded.³

The Guns of August sold more than 260,000 copies in its first eight months, remained on the New York Times best seller list for nearly a year, and won Tuchman the first of her two Pulitzer Prizes. The war's origins continue to intrigue historians today,⁴ and the Modern Library ranks *The Guns of August* as number 16 on its list of

the 100 best non-fiction books of all time.⁵

One of the book's earliest and most avid readers was President John F. Kennedy, who requested his aides to read it, had copies distributed to U.S. military bases throughout the world,⁶ and reportedly gave copies as gifts to dignitaries who visited the White House.⁷ In a world overheated by Cold War tensions, the President was particularly struck by Tuchman's account of a late 1914 conversation between the former German chancellor and his successor about the blunders that sparked the outbreak of war.

"How did it all happen?" asked the first. "Ah, if only one knew," answered the other, without even trying to make sense of things.⁸

During the tense faceoff with the Soviet Union, President Kennedy explained the price of miscalculation to aides who had not yet read *The Guns of August*. "If this planet is ever ravaged by nuclear war—and if the survivors of that devastation can then endure the fire, poison, chaos and catastrophe—I do not want one of those survivors to ask another, 'How did it all happen?'" and to receive the incredible reply: "Ah, if only one knew."⁹

Nearly all of Kennedy's advisors urged him to bomb the Cuban missile sites that American reconnaissance flights had photographed. The Joint Chiefs of Staff urged a full-scale invasion of the island, but the President resisted escalation that might have slid the United States and the Soviet Union into World War III.

The Guns of August directly influenced Kennedy's thinking. "I am not going to follow a course which will allow anyone to write a comparable

book about this time, *The Missiles of October*," he told his brother, Attorney General Robert F. Kennedy. "If anyone is around to write after this, they are going to understand that we made every effort to find peace and every effort to give our adversary room to move."¹⁰

A "What If" of History

When *The Guns of August* appeared late in January of 1962, President Kennedy was a busy man beginning the second year of the New Frontier,



[T]here is no such thing as good writing. There is only good rewriting."

with little time outside the Oval Office for extracurricular reading. Tuchman's book was more than 450 pages long, and any White House aide dispatched to the Library of Congress could easily have returned with other books to satisfy the President's appetite for written history.¹¹

What if President Kennedy found *The Guns of August* opaque, stodgy or inartful and put it aside after a few pages, without drawing lessons that helped stiffen his resolve to avoid the sort of impetuous missteps that led Europe into total war nearly fifty years earlier?¹²

Instead Tuchman delivered prose that observers have called "erudite and highly readable,"¹³ "elegant,"¹⁴ "illuminating,"¹⁵ lucid and graceful,¹⁶ and "transparently clear, intelligent,

controlled, and witty."¹⁷ Historiography held real-world consequences during the tense superpower standoff, and her best-seller sent a powerful message with powerful writing that kept legions of readers (including the President of the United States) turning the pages.

"The Art of Writing"

Barbara W. Tuchman said that "the art of writing interests me as much as the art of history."¹⁸ In 1981, she wrote *Practicing History*, a slim volume of essays drawn from her earlier articles and speeches. The book opened with observations about what she called "that magnificent instrument that lies at the command of all of us—the English language."¹⁹

Historians' writing can yield helpful, though not necessarily perfect, analogies for lawyers' writing. These analogies remain readily adaptable by lawyers because there are only two types of writing—good writing and bad writing. Good historical writing is good writing about history, and good legal writing is good writing about law.²⁰ Tuchman's major observations about good writing appear in italics below.

Personal and Professional Commitment

"[B]eing in love with your subject . . . is indispensable for writing good history—or good anything, for that matter."²¹

For practicing lawyers, "being in love" may often be an inapt phrase. "Being committed" may better describe the impulse that should sustain legal writers, even ones not moved by "love" of subject in the general sense of the word. In private practice and the public sector alike, lawyers sometimes



Douglas E. Abrams, a University of Missouri law professor, has written or co-authored five books. Four U.S. Supreme Court decisions have cited his law review articles. This article originally appeared in *Precedent*, The Missouri Bar's quarterly magazine. Reprinted by permission.

write for clients or superiors whom we find difficult or may not know very well, and we sometimes argue forcefully for positions that would draw our ambivalence, distaste, or even rejection if we were writing for ourselves and not as representatives.

As an advocate, the lawyer “zealously asserts the client’s position under the rules of the adversary system.”²² Zealous representation advanced by the Model Rules of Professional Conduct does not always afford lawyers the personal autonomy to choose among topics that pique our interest, and then to pursue research wherever it leads.

Personal and professional commitment, however, does matter to lawyers. When fueled by commitment to client or cause, the lawyer’s research and writing can show life and vitality. But when research and writing remain unstimulated by that commitment, the final product inevitably sags. Perceptive readers can distinguish between legal writing that (in the words of former U.S. District Judge Charles E. Wyzanski, Jr.) “shines with the sparkling facets of a diamond,”²³ and legal writing that appears dry and listless.

“[C]oupled with compulsion to write must go desire to be read. No writing comes alive unless the writer sees across his desk a reader, and searches constantly for the word or phrase which will carry the image he wants the reader to see and arouse the emotion he wants him to feel. . . . [T]he reader is the essential other half of the writer. Between them is an indissoluble connection.”²⁴

Lawyers summon personal and professional commitment most effectively when we recognize that just because we write something does not necessarily guarantee that anyone will read it, wholly or even

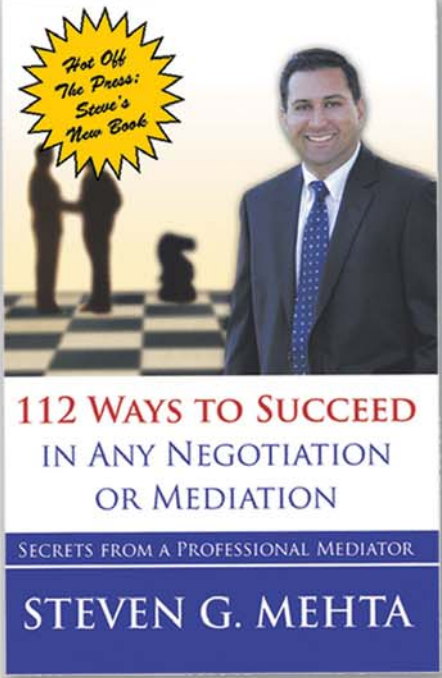
in large part. This frank recognition, drawn from humility and not entitlement, led Catherine Drinker Bowen to keep a simple sign posted above her desk as she wrote her well-crafted biographies: “Will the reader turn the page?”²⁵

This remains a good question for lawyers too. “The writer’s object is—or should be—to hold the reader’s attention. I want the reader to turn the page and keep on turning to the end,” Tuchman said.²⁶ Achievement of this desire does not normally follow from taking readers for granted.

Before a lawyer ever puts words on paper, the effort to spark a dialog with prospective readers begins with a threshold inquiry: “Who is likely to read this?” The answer is usually well within the lawyer’s grasp because most legal writing targets a discrete audience readily identifiable in advance. Before ever hitting the keyboard, the lawyer may even know the prospective readers personally or by name or reputation.

Lawyers know, for example, that briefs, motion papers, and contracts target the parties and the court, but hardly anyone else. An opinion letter is usually for the client’s eyes only. A judicial opinion speaks first to the parties, and then to future courts and litigants, academic researchers, and (this invites spirited debate) perhaps lay readers when the decision touches on matters of social concern.²⁷

Once the legal writer identifies the intended audience, the writer can tailor style, tone and content in ways that help engage readers. This rhetorical empathy is particularly important to quality writing in today’s frenetic legal practice. Federal and state judicial dockets have increased faster than population growth for most of the past generation or so, leaving judges with limited patience for submissions that remain bloated, sloppy, or off the point.²⁸



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Judges may sense when they have read enough of a brief, just as counsel researching precedents may grow bored with an overwritten judicial opinion. Counsel may have no choice but to plod through an opponent's unwieldy brief or motion papers, or through unnecessarily verbose legislation or administrative regulations, but even here the writer risks obscuring important points amid the fog.

"I never feel my writing is born or has an independent existence," said Tuchman, "until it is read."²⁹ In the legal arena and elsewhere, the sinews of her "indissoluble connection" with readers depend on writers who recognize, as stage and screen actress Shirley Booth said soon after winning an Academy Award in 1952, that "the audience is 50 percent of the performance."³⁰

Writing without readers is not writing, and writers without readers are not writers.

Research and Expression

*"The most important thing about research is to know when to stop. . . . One must stop before one has finished; otherwise, one will never stop and never finish. . . . I . . . feel compelled to follow every lead and learn everything about a subject, but fortunately I have even more overwhelming compulsion to see my work in print."*³¹

Tuchman was right that "[r]esearch is endlessly seductive."³² Legal research, however, serves a mission different from the mission served by research that provides historians with raw material for engaging narratives. Lawyers' writing sometimes tells a story, but usually only for a greater purpose.

This greater purpose is to establish or maintain someone's status, rights

and obligations under the law. This "someone" is usually the client or the public agency that engages the lawyer. Legal research may involve a maze of binding and persuasive judicial decisions, statutes, administrative rules and decisions, court rules, and such unofficial sources as treatises, restatements, and law review articles. In legal matters worth writing about and disputes worth taking to formal resolution, these sources may point in different directions without initial harmony.

Lawyers too must know when to stop, but different missions call for different conclusions about when that time comes. Court deadlines and other filing obligations directly or indirectly

constrain lawyers who, for the client's sake, must "see their work in print." The lawyer exercising professional judgment must sense when to turn primary attention from efficient, thorough

research of fact and law to the process of writing. At some point, the lawyer determines that the salient arguments or advice can be delivered thoroughly and effectively, and that further research might diminish opportunity for translating research into effective writing.

Quality legal research does not necessarily showcase the lawyer's ability to plumb every nook and cranny. Legal writing usually fulfills its mission best when readers remember the message, though not necessarily the messenger. "People," said Tuchman, "are always saying to me in awed tones, 'Think of all the research you must have done!' as if this were the hard part. It is not; writing, being a creative process, is much harder and takes twice as long."³³

"The writer . . . must do the preliminary work for the reader,

**The writer's object
is... to hold the
reader's attention."**

assemble the information, make sense of it, select the essential, discard the irrelevant . . . What it requires is simply the courage and self-confidence to make choices and, above all, to leave things out."³⁴

In addition to time constraints imposed by court deadlines and other filing obligations, lawyers commonly encounter space constraints. The latter may be direct (when imposed by page and font restrictions in court rules, for example), or indirect (when imposed by the likely attention spans of busy readers). Taken together, constraints of time and space summon the cardinal rule of writing: The writer should finish before the readers do.

"Structure is chiefly a problem of selection," said Tuchman, "an agonizing business because there is always more material than one can use."³⁵ Lawyers without the courage, wisdom and self-confidence to "make choices" can easily clutter the final product with string citations, distracting footnotes, extraneous commentary, or similar underbrush that disorients readers without illuminating the status, rights and obligations that underlie the writing itself.

*Words are seductive and dangerous material, to be used with caution. . . . "[C]areless use of words can leave a false impression one had not intended."*³⁶

Lawyers know what Tuchman was talking about. When a person reads personal messages or newspaper columns by writers friendly to our point of view, the reader sometimes recasts inartful words or sentences to help cure imprecision. "I know what they really meant to say," the reader thinks silently, even if the words on the page do not quite say it.

Readers normally do not throw lawyers such lifelines. Legal writers

typically face a "hostile audience" that "will do its best to find the weaknesses in the prose, even perhaps to find ways of turning the words against their intended meaning."³⁷ Judges and law clerks dissect briefs to test arguments, but only after opponents have tried to make the arguments mean something the writers did not intend. Advocates strain to distinguish language that complicates an appeal or creates a troublesome precedent. Parties seeking to evade contractual obligations seek loopholes left by a paragraph, a clause, or even a single word.³⁸

Guy de Maupassant, France's greatest short-story writer, was no lawyer, but his advice can help guide lawyers who seek precision in their writing. "Whatever you want to say," he asserted, "there is only one word to express it, only one verb to give it movement, only one adjective to qualify it. You must search for that word, that verb, that adjective, and never be content with an approximation, never resort to tricks, even clever ones, and never have recourse to verbal sleight-of-hand to avoid a difficulty."³⁹

Maupassant sets the bar high, indeed perhaps too high because some imprecision is inescapable in language. Justice Felix Frankfurter, a prolific writer as a Harvard law professor before joining the Supreme Court, was right that "[a]nything that is written may present a problem of meaning" because words "seldom attain[] more than approximate precision."⁴⁰

Imprecise tools though words may sometimes be, they remain tools nonetheless because (as Professor David Mellinkoff put it) "[t]he law is a profession of words."⁴¹ Tuchman stated a universal truism when she flagged seduction, danger and caution; achieving the greatest possible precision the first time remains a legal writer's goal.

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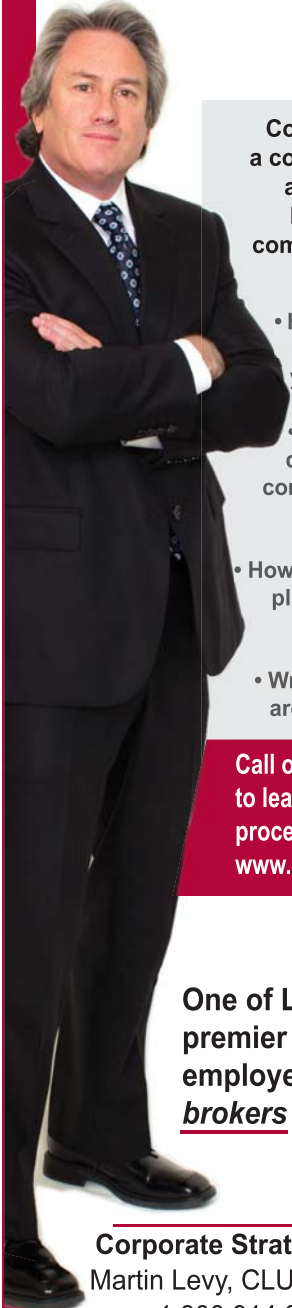
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*"[S]hort words are always preferable to long ones; the fewer syllables the better, and monosyllables, beautiful and pure . . . , are the best of all."*⁴²

Novelists William Faulkner and Ernest Hemingway went back and forth about the virtues of simplicity in writing. Faulkner once criticized Hemingway, who he said "had no courage, never been known to use a word that might send the reader to the dictionary." "Poor Faulkner," Hemingway responded, "Does he really think big emotions come from big words? He thinks I don't know the ten-dollar words. I know them all right. But there are older and simpler and better words, and those are the ones I use."⁴³

Humorist Will Rogers wrote more than 4,000 nationally syndicated newspaper columns, and his wisdom about language resembled Hemingway's.⁴⁴ "[T]here is always a short word for it," Rogers said. "I love words but I don't like strange ones. You don't understand them, and they don't understand you. Old words is like old friends—you know 'em the minute you see 'em."⁴⁵

In a letter to a twelve-year-old boy, Mark Twain praised his young correspondent for "us[ing] plain, simple language, short words, and brief sentences. That is the way to write English—it is the modern way and the best way. Stick to it; don't let fluff and flowers and verbosity creep in."⁴⁶

"Use the smallest word that does the job," advised essayist and journalist E. B. White.⁴⁷ "One of the really bad things you can do to your writing," says novelist Stephen King, "is to dress up the vocabulary, looking for long words because you're maybe a little bit ashamed of your short ones."⁴⁸

"Broadly speaking, the short words are the best, and the old words when short are best of all," attested former British Prime Minister Winston Churchill,


who also knew a thing or two about writing.⁴⁹

*"[I]t is a pleasure to achieve, if one can, a clear running prose . . . This does not just happen. It requires skill, hard work. . . . It is laborious, slow, often painful, sometimes agony. It means rearrangement, revision, adding, cutting, rewriting."*⁵⁰

From years at the bench and bar, Justice Louis D. Brandeis instructed lawyers that "there is no such thing as good writing. There is only good rewriting."⁵¹ Literary giants often make

writing look easy, but they have said the same thing about what needs to happen behind the scenes before their work ever reaches readers.

"I'm not a very good writer, but I'm an excellent rewriter," reported James A. Michener, who could not "recall anything of mine that's ever been printed in less than three drafts."⁵² "To be a writer," attested Pulitzer Prize winner John Hersey, "is to throw away a great deal, not to be satisfied, to type again, and then again and once more, and over and over."⁵³ Hemingway believed that "easy writing makes hard reading,"⁵⁴ and he made no secret that he rewrote the last page of *A Farewell to Arms* 39 times before he signed off on the novel.⁵⁵ "The wastepaper basket," said Isaac Bashevis Singer, "is a writer's best friend."⁵⁶

Dean William L. Prosser called law "one of the principal literary professions," and he estimated that "the average lawyer in the course of a lifetime does more writing than a novelist."⁵⁷ More perhaps than many historians too, but Barbara W. Tuchman was one of the 20th century's best. Her advice about the art of writing can help guide lawyers who remain committed to excellence in their everyday practices. 

“
Lawyers too must
know when to stop.”

¹ Barbara W. Tuchman, *Practicing History: Selected Essays* 38 (1981).

² Margaret MacMillan, *The War That Ended Peace: The Road to 1914* (2013).

³ Christopher Clark, *The Sleepwalkers: How Europe Went to War in 1914*, Introduction (2013).

⁴ E.g., id.; Paul Ham, *1914: The Year the World Ended* (2013); Sean McMeekin, *1914: Countdown to War* (2013); MacMillan, *supra* note 2.

⁵ Modern Library, *100 Best Nonfiction*, <http://www.modernlibrary.com/top-100/100-best-nonfiction>.

⁶ Jordan Michael Smith, *What JFK Didn't Know*, Boston Globe, Oct. 21, 2012.

⁷ Richard Pearson, *Pulitzer-Winning Historian Barbara Tuchman Dies at 77*, Wash. Post, Feb. 7, 1989, at B6 (obituary).

⁸ Robert Dallek, *An Unfinished Life: John F. Kennedy 1917-1963*, at 505 (2003).

⁹ Id.; see also, e.g., Theodore C. Sorensen, *Kennedy 513* (1965); Richard Aldous, *How Did It All Happen?*, N.Y. Times, Oct. 25, 2013 (reviewing MacMillan, *supra* note 2).

¹⁰ Robert F. Kennedy, *Thirteen Days: A Memoir of the Cuban Missile Crisis* 127 (1969); see also, e.g., Arthur M. Schlesinger, Jr., *A Thousand Days: John F. Kennedy in the White House* 692-93 (1965); Meredith Hindley, *The Dramatist: Barbara Tuchman Saw History as a Grand Tragedy*, 33 Humanities (Sept./Oct. 2012).

¹¹ JFK Presidential Library & Museum, *John F. Kennedy Fast Facts: President's Favorite Books*, <http://www.jfklibrary.org/Research/Research-Aids/Ready-Reference/JFK-Fast-Facts/Favorite-Books.aspx>.

¹² Clark, *supra* note 3.

¹³ Hank H. Cox, *Blood Royal: True Tale of Crime and Detection in Medieval Paris*, Wash. Post, May 18, 2014, at B7 (book review).

¹⁴ Charlotte Gray, *IOFA Author of the Day*, Toronto Star, Oct. 29, 2010, at E12 (quoting Gray).

¹⁵ *The Tuchman Touch*, L.A. Times, Feb. 8, 1989, at 6.

¹⁶ Malcolm Jones & Lucas Wittmann, *Read All About It*, Newsweek, Apr. 2, 2012.

¹⁷ Robert K. Massie, *Foreword*, in Barbara W. Tuchman, *Practicing History: Selected Essays* viii (1981).

¹⁸ Tuchman, *supra* note 1, at 38.

¹⁹ Id. at 17.

²⁰ Jay Withingrad & Douglas E. Abrams, *The Lawyer's Bookshelf*, N.Y.L.J., Dec. 12, 1980, at 2 (reviewing Richard C. Wydick, *Plain English For Lawyers* (1st ed. 1979)).

²¹ Tuchman, *supra* note 1, at 14.

²² ABA Model Code of Professional Conduct, Preamble [1] (2014).

²³ Hon. Charles E. Wyzanski, Jr., *Judge Learned Hand's Contributions to Public Law*, 60 Harv. L. Rev. 348, 348 (1947).

²⁴ Tuchman, *supra* note 1, at 58, 81.

²⁵ Ruggero J. Aldisert et al., *Opinion Writing and Opinion Readers*, 31 Cardozo L. Rev. 1, 39 n.87 (2009).

²⁶ Hindley, *supra* note 10 (quoting Tuchman).

²⁷ Compare Alexander Meiklejohn, *Free Speech and Its Relation to Self-Government* 58 (1948) ("The Supreme Court . . . is and must be one of our most effective teachers."), with William H. Rehnquist, *Act Well Your Part: Therein All Honor Lies*, 7 Pepperdine L. Rev. 227, 227-28 (1980) ("[T]he Supreme Court does not 'teach' in the normal sense of that word at all. In many cases we hand down decisions which we believe are required by some Act of Congress or some provision of the Constitution for which we, as citizens, might have very little sympathy and would not choose to make a rule of law if it were left solely to us.").

²⁸ See, e.g., Judicial Conf. of the U.S., *Long Range Plan For the Federal Courts* 9-12 (1995); ABA Comm'n on the 21st Century Judiciary, *Justice in Jeopardy* 39 (2003) (state courts).

²⁹ Tuchman, *supra* note 1, at 81.

³⁰ Shirley Booth, *News Summaries*, Dec. 13, 1954 (winner for Best Actress in *Come Back, Little Sheba*).

³¹ Tuchman, *supra* note 1, at 21.

³² Id.

³³ Id. at 69.

³⁴ Id. at 17, 62.

³⁵ Id. at 49.

³⁶ Id. at 38, 39.

³⁷ George D. Gopen, *Writing From a Legal Perspective* 1 (1981).

³⁸ Jay Withingrad & Douglas E. Abrams, *Book Review*, 1981 Duke L.J. 1061, 1063 (reviewing Gopen, id.).

³⁹ Guy de Maupassant, *Selected Short Stories* 10-11 (Roger Colet ed., 1971) (Maupassant quoting French writer Gustave Flaubert).

⁴⁰ Felix Frankfurter, *Some Reflections On the Reading of Statutes*, 47 Colum. L. Rev. 527, 528 (1947), reprinting Felix Frankfurter, *Sixth Annual Benjamin N. Cardozo Lecture*, 2 Rec. Bar Ass'n City of N.Y. (No. 6, 1947).

⁴¹ David Mellinkoff, *The Language of the Law* vii (1963).

⁴² Tuchman, *supra* note 1, at 16-17.

⁴³ A.E. Hotchner, *Papa Hemingway* 69-70 (1966) (quoting Hemingway).

⁴⁴ Mark Schlachtenhaufen, *Centennial Snapshot: Will Rogers' Grandson Carries On Tradition of Family Service*, Okla. Publishing Today, May 31, 2007.

⁴⁵ Betty Rogers, *Will Rogers* 294 (1941; new ed. 1979) (quoting Rogers).

⁴⁶ Robert Hartwell Fiske, *The Dictionary of Concise Writing: 10,000 Alternatives to Wordy Phrases* 11 (2002) (quoting Twain).

⁴⁷ Max Messmer, *It's Best to be Straightforward On Your Cover Letter, Resume*, Pittsburgh Post-Gazette,

Nov. 29, 2009, at H1 (quoting White).

⁴⁸ Stephen King, *On Writing: A Memoir of the Craft* 110 (2000).

⁴⁹ Susan Wagner, *Making Your Appeals More Appealing: Appellate Judges Talk About Appellate Practice*, 59 Ala. Law. 321, 325 (1998) (quoting Churchill).

⁵⁰ Tuchman, *supra* note 1, at 48, 21.

⁵¹ Eugene C. Gerhart, *Quote It II: A Dictionary of Memorable Legal Quotations* 462 (1988) (quoting Justice Brandeis).

⁵² Camille Lamar Campbell, *How to Use a Tube Top and a Dress Code to Demystify the Predictive Writing Process and Build a Framework of Hope During the First Weeks of Class*, 48 Duq. L. Rev. 273, 310 (2010) (quoting Michener); Bill Knott, *The Craft of Fiction* 159 (1977) (same); Kathryn Ann Lindskoog, *Creative Writing for People Who Can't Not Write* 62 (1989) (same).

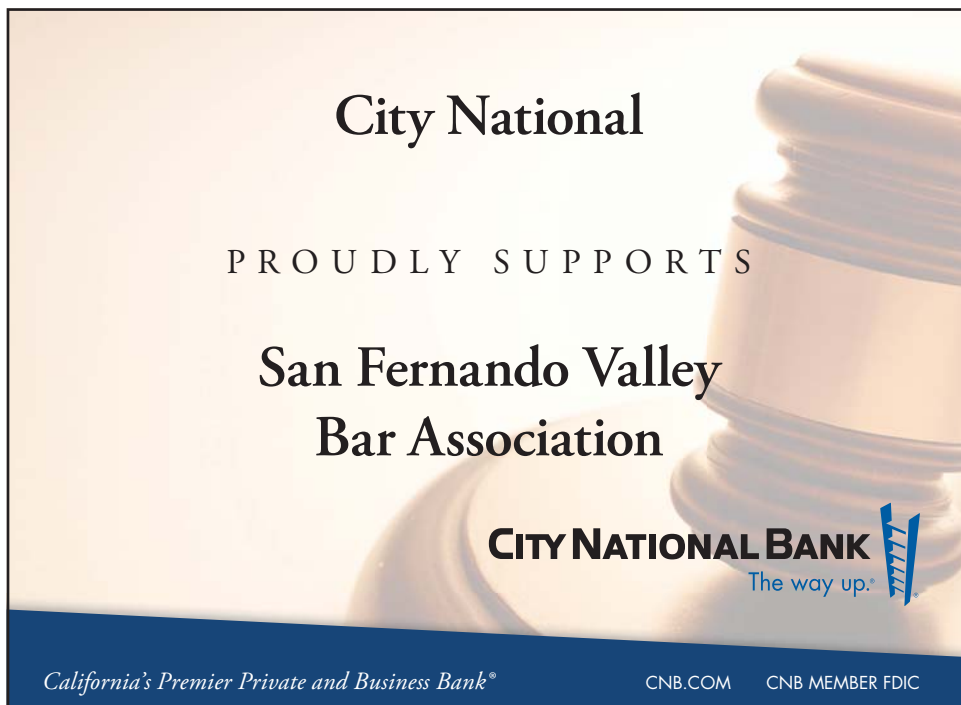
⁵³ Donald Murray, *The Craft of Revision* (1991) (quoting Hersey).

⁵⁴ Carlos Baker, *Hemingway, the Writer as Artist* 71 (4th ed. 1972) (quoting Hemingway).

⁵⁵ George Plimpton, *Writers At Work* 124 (1963); Ernest Hemingway, *The Art of Fiction*, The Paris Review Interview (1956).

⁵⁶ Michael D'Antonio, *Sneer When You Say 'Journalist'*, L.A. Times Mag., Aug. 24, 2003, at 20 (quoting Singer).

⁵⁷ William L. Prosser, *English As She Is Wrote*, 7 J. Legal Educ. 155, 156 (1954).



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Mindfulness in the Practice of Law: How to Reduce Stress and Thrive

By Carla Galindez

Lawyers are affected by stress more intensely than most other professionals. Chronic stress can lead to mental and physical illness and substance abuse. It is important to learn the warning signs of chronic stress and know what options are available for assistance. Lawyers can learn to manage and reduce stress through the practice of self-awareness and meditation.



STRESS SEEMS TO BE A NATURAL PART OF everyday life. Americans tend to stress most about family, finances, and work. In Los Angeles, long commutes in heavy traffic and the struggle to find the last parking spot can easily add to the pressure. Although the elimination of all stress from daily life is impossible, what happens when stress becomes unmanageable and overburdens daily life?

A 2010 national survey conducted by the American Psychological Association found that seven in ten Americans suffer from physical symptoms due to stress, and 67 percent report they experience high levels of daily stress.¹ However, lawyers are affected by stress more intensely than most Americans. According to the Centers for Disease Control, lawyers rank fourth in suicide rates among professionals.² The American Psychological Association also identified lawyers as being 3.6 times more likely to suffer from depression than other professionals.³

The effects of stress on lawyers' lives and professional careers can be daunting. Lawyers today are under insurmountable pressure, even more so than their counterparts faced just a few decades ago. The need for clients to be instantly updated via text message and cell phone calls around the clock adds to the constant scrutiny lawyers are under. Moreover, this incessant access to technology provides the brain with a dose of "feel-good chemicals each time we anticipate a new message,"⁴ potentially making addicts out of all those who are digitally plugged in.⁵

Demanding clients, coupled with ever-increasing caseloads and pressure to please upper management, often results in a life under a constant state of emergency. Gone is the day when a lawyer could get away from the office and relax for the weekend. What happens when a lawyer is unable to step away and work-related stress becomes overwhelming?

Physical Reaction to Stress

Mental health counselor and author Heidi Hanna explains that the body's stress response is similar to that of all other vertebrates: in stressful situations, we "release hormones such as adrenaline and cortisol to mobilize energy throughout the body."⁶ However, the human response to

stress differs in one significant way: we are the "only species able to imagine a potential threat and respond as if it were actually happening in the moment."⁷ Even if the stress is only imagined, the reaction of our brains and bodies is the same as it would be when faced by real danger.

As a result of acute stress, the body adapts to fight the threats. Lawyers are particularly prone to being in a constant fight stage. Over time, this begins to cause the same response even if not truly in danger. Hence, lawyers' internal responses meant to protect the body start to have the opposite effect, causing wear and tear on the body and brain. Although initially this fight stage may appear beneficial when preparing for a complex hearing, trial, or deposition of an opposing party, it takes a serious toll on the body over time. For example, an increase in adrenaline in the short term causes an increase in cortisol over the long term.⁸ Additionally, under stress, humans experience an increase in heart rate. Over a long period of time, an increased heart

rate can cause continued strain on both the heart and its arteries.

In other professions, such as emergency first responders, the impacts of chronic stress are more visible. Retired police captain, author and wellness trainer Dan Willis details the common warning signs of the impact of the profession on first responders: isolation,

irritability, difficulty sleeping, anger, emotional numbness, lack of communication, cynicism, distrust, loss of work satisfaction, depression, and the consumption of alcohol as a perceived need or habit.⁹ Many of these warning signs are rampant among lawyers. Exacerbating the problem is the fact that due to the nature of the profession, lawyers must deal with the effects of stress without self-reflection due to lack of time and heavy workloads.

Easy Fixes: Drugs and Alcohol

When work becomes overwhelming it becomes easier for lawyers to head to happy hour for a drink with co-workers to vent about the day's problems. This seemingly benign social activity can lead to disastrous results. It may start with a cocktail or glass of wine on Fridays, then lead to drinking a few times per week, and maybe even to drinking every night to cope with the stress of the legal profession. Some lawyers may also turn to drugs in order to escape.



Knowing yourself is
the beginning of all
wisdom."—Aristotle



Carla Galindez is the owner and trial attorney at Galindez Law, a firm focused on criminal defense and family law. Galindez is passionate about serving disenfranchised populations, specifically inner city youth. She has been practicing mindfulness and varied forms of meditation for over five years. She may be reached at carla@galindezlaw.com.



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Research suggests that lawyers are more predisposed to turning to alcohol and drugs to cope with work stress. The American Bar Association estimates that 15 to 20 percent of all U.S. lawyers suffer from alcohol or some other form of substance abuse.¹⁰ Studies have shown that problem drinking among lawyers is higher than it is among the general population: 18 percent of lawyers versus 10 percent of the general population.¹¹ It should be noted that these statistics are dated and the American Bar Association has commissioned a survey to analyze current statistics related to lawyers with substance abuse issues.

Lawyers experience problems with substance abuse very early in their careers. It begins with law school, where law student functions and networking events have a heavy focus on drinking. Many of these events have an open-bar where students can easily engage in binge drinking. One study revealed that 15 percent of first-year law students and 24 percent of third-year law students reported concerns about their alcohol consumption.¹² Overtime, problem drinking can worsen and quickly become unmanageable.

When compared with other professions lawyers with substance abuse problems are more likely to have an accompanying psychological disorder. In fact, lawyers are three times more likely to struggle with depression compared to the general population.¹³ The fact that lawyers with substance abuse issues closely correlates to attorney discipline and disbarment is not surprising. In 2008, 75 percent of California attorneys “who sought help for substance abuse were also involved in disciplinary proceedings.”¹⁴ For this reason, early detection and prevention of a substance abuse problem is key.

Solution: Practicing Self-Awareness and Self-Care

Becoming Self-Aware

The first step to combatting the ill-effects of the legal profession is to practice self-awareness. During the first year of law school, students are taught to analyze case law and write briefs and memorandum using the IRAC (Issue, Rule, Analysis, Conclusion) method. In order for a lawyer to begin to resolve a legal problem, the first step is to spot the client’s issue or issues. This means to first have a grasp of what the problem is. Attorneys can adapt this approach by first identifying his or her own sources of stress.

One practice that lawyers can incorporate into their daily lives which does not require much time to master is becoming more self-aware. Becoming self-aware involves taking inventory of emotional, physical and mental well-being.

Becoming more self-aware will assist lawyers in the prevention of long-term negative effects of stress on the mind and body.

Author and renown teacher of Buddhist meditation practices Sharon Salzberg suggests writing everything down that comes to mind when it comes to stress. She advises readers to create a list and not worry if the list becomes too long. Then she suggests creating a second column, a list of those things which de-stress (e.g., activities which bring peace and joy). Lastly, in a third column, she suggests opining on the effectiveness of the second column in combatting stress. She advises individuals to reflect on the content of their lists, how well they are coping with the items that cause stress, and to evaluate whether they should adjust some of the ways in which they cope.¹⁵ By taking a self-inventory of stress and finding positive coping mechanisms which work, lawyers can proactively learn their stress “triggers” and determine the most effective solution to regaining balance.

Another suggestion offered by Salzberg is to ask the question, “What does work mean for you?” She asks readers to articulate their personal mission using key quality words and then considering how their current work situation allows them to experience these qualities. Examples of the qualities are: connecting, encouraging, integrating, leading, and restoring.¹⁶

There are many ways lawyers can de-stress in a healthy manner. The information below is meant as a resource for lawyers seeking to incorporate mindfulness and meditation into their everyday lives. It is not meant as a substitute for seeking professional assistance. It is best to first consult with a mental health professional if you are dealing with serious symptoms such as anxiety, depression, or if you believe you may have an issue with alcohol or drugs.

Mindfulness: What Is It?

Merriam-Webster defines mindfulness as “the practice of maintaining a nonjudgmental state of heightened or complete awareness of one’s thoughts, emotions, or experiences on a moment-to-moment basis.”¹⁷ *Psychology Today* defines the term as a “state of active, open attention on the present,” so that when a person is mindful, he or she observes his or her thoughts and feelings from a distance, without judgment.¹⁸ It means “living in the moment and awakening to experience.”¹⁹

In essence, being mindful is accomplished by active presence—by paying attention to each day, one moment at a time. Training the brain through the practice of



By non-doing, all
doing becomes
possible.” — *Lao Zi*

mindfulness has been shown to “strengthen areas of the brain responsible for attention, emotional control, and problem solving.”²⁰

In recent years mindfulness discussions have begun to increase in popularity among lawyers. The reason? There is a better way to handle life’s stressors as a legal professional than turning to harmful and addictive substances that may lead to destructive behavior, including discipline or disbarment.

The University of California, Berkeley School of Law has recognized the positive impact mindfulness has in the practice of law and developed the Berkeley Initiative for Mindfulness in Law. The program works to build a community in which both students and faculty and staff can incorporate mindfulness into their lives and professional careers.²¹ In 2010, the school held a national conference on the integration of mindfulness in the practice of law.²² One of the workshops hosted at the national conference focused on alleviating stress, depression and substance abuse via mindfulness meditation. The event highlighted the importance meditation plays in the practice of law, including its key role in the reduction of stress among legal professionals. The Berkeley Initiative for Mindfulness in Law has posted several videos from the conference to its website.²³ These may be used as resources for lawyers wanting to incorporate mindfulness into their legal practice.

The ABA has recently published an excellent resource for law students that can easily be applied by practicing attorneys everywhere. *The Substance Abuse and Mental Health Toolkit for Law Students and Those Who Care about Them* is the result of a collaborative effort of the ABA Commission on Lawyer Assistance Programs (CoLAP), the ABA Law Student Division, and the Dave Nee Foundation.²⁴ It offers various self-care techniques, including the practice of mindfulness. One such tip for law students is to practice mindfulness meditation in order to treat both panic attacks and anxiety. Another technique offered in the toolkit is to practice positive self-talk and to monitor inner dialogue using mindfulness. It also analyzes risk factors for substance abuse and provides various tips and resources.

Meditation for Lawyers

Meditation can take many forms. Software engineer, author and motivator at Google Chade-Meng Tan describes meditation as mental training. He writes that the big secret of meditation is that it “gets you to a state where your mind is [both] relaxed and alert at the same time.”²⁵ It can be done anywhere and can be free or low cost and is highly effective in reducing stress. When quieting the mind, stress is decreased and health increased. He points out that because “the body and mind are totally intertwined, relaxing the mind also helps relax the body.”²⁶

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To begin your meditation practice, focus on creating a peaceful space with minimal distractions. Find a place in your home or office with minimal street and background noise. Sit on the floor in lotus position (with your legs crossed) and your hands placed on the tops of your knees or sit in a sturdy office chair with both feet planted firmly on the ground. Make sure you have good posture as this will assure that you remain alert throughout your meditation session. It is important that you remain awake and alert throughout your meditation practice. Once you are comfortably seated, gently close your eyes.

Mindfulness meditation can begin with setting an intention for the session. Tan writes that you should “start by creating an intention, a reason for wanting to abide in mindfulness.”²⁷ The next step should be to follow your breath, paying particular attention to the feeling of breath as it flows in and out of your nostrils. You may focus on your diaphragm inflating and deflating. After a few deep breathes you may already begin to feel centered and calm.

As you continue to meditate and focus on your breath, you may eventually notice that your mind begins to wander. This is normal. Remember to acknowledge the thought, regain concentration and continue to focus on your breathing. It is important to not judge yourself during this mental training. Focus instead on your progress with each session. Soon you will begin to reap the rewards of meditation. In fact, newer findings indicate that changes in brain function can occur much more immediately than once thought.²⁸

Meditation is a learned skill. The more often you meditate, the better you will become at gaining concentration and focus and clearing away the mental chatter and internal dialogue. Some people find it useful to meditate to classical music, while others find it distracting and prefer to focus on the breath. Some lawyers find it useful to meditate at the same time of day every day. In addition you may find it helpful to state words of affirmation or an affirmation phrase at the close of your meditation. You can use the close of your meditation session to set the tone for your day. Once you have completed your session you will likely feel more at peace, centered, and refreshed to conquer the challenges of your day.

As with any new practice, it is best to try different methods and select one that suits your needs. One thing for sure is that no matter what method you practice, remember to be kind to yourself and practice self-care routinely.

Helping a Colleague in Need

It is equally important for lawyers to help one another spot the dangerous symptoms of the profession. If you believe a colleague is in need of support, please lend a helping hand. One of the symptoms of the ill-effects of stress is isolation. Even with the recent interest and awareness in the mental health of lawyers, there still exists a stigma. Often, conditions remain undiagnosed until it is too late. As professionals and colleagues,

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lawyers should be mindful of one another and offer help when someone is in need.

Lawyer Assistance Program (LAP)

The ABA CoLAP educates lawyers on the ill effects of stress on the legal profession. The State Bar of California has a corollary Lawyer Assistance Program (LAP), created in 2001 by an act of the California legislature set on ensuring lawyer competence and providing support to its members. LAP became operational in 2002. In 2014, LAP assisted 179 new participants.²⁹

The State Bar provides free counseling for lawyers who need help. Counselors are available to discuss both personal and professional issues. LAP will arrange up to two free one-on-one counseling sessions with a local therapist who specializes in working with legal professionals regarding personal issues which impact work productivity, including stress and burnout. For information on counseling services call (800) 341-0572 or email LAP@calbar.ca.gov. 

¹ Kirk D. Strosahl & Pamela J. Robinson, *In this Moment: Five steps to Transcending Stress Using Mindfulness and Neuroscience* 9 (2015).

² Rosa Flores and Rose Marie Arce, Why are lawyers killing themselves? CNN, (January 20, 2014, 2:42 PM), <http://www.cnn.com/2014/01/19/us/lawyer-suicides>.

³ *Ibid.*

⁴ Heidi Hanna, *Stressaholic: 5 Steps to Transform Your Relationship with Stress* 17 (2014).

⁵ Larry Rosen, Phantom Pocket Vibration Syndrome: What does it tell us about our obsession with technology? *Psychology Today*, (May 7, 2013), <https://www.psychologytoday.com/blog/rewired-the-psychology-technology/201305/phantom-pocket-vibration-syndrome> (revealing that a recent study commissioned by mobile giant Nokia determined that the average consumer checks their cell phone once every 6.5 minutes per day, or a total of 150 times per day during waking hours.).

⁶ Hanna, *supra*, 10.

⁷ *Ibid.*

⁸ *Ibid.*, 11.

⁹ Dan Willis, *Bulletproof Spirit: The First Responder's Essential Resource for Protecting and Healing Mind and Heart* (2014).

¹⁰ D. Jones, *Career Killers in A Guide to the Basic Law Practice* 180-197 (B.P. Crowley & M.L. Winick eds., 2001).

¹¹ Justin J. Anker, *Research Update: Attorneys and Substance Abuse*, Butler Center for Research, Hazelton Betty Ford Foundation (September 2012) available at <http://www.hazelden.org/web/public/researchupdates.page>.

¹² Anker, *supra*.

¹³ *Ibid.*

¹⁴ Mari J. Frank, Substance abuse prevention: Dealing with the stress of lawyering, *California Bar Journal* (February 2014), available at http://apps.calbar.ca.gov/mcleselfstudy/mcle_home.aspx?testID=82.

¹⁵ Sharon Salzberg, *Real Happiness at Work: Meditations for Accomplishment, Achievement, and Peace* 131 (2013).

¹⁶ *Ibid.*

¹⁷ Mindfulness Definition, *Merriam-Webster Dictionary*, <http://www.merriam-webster.com/dictionary/mindfulness> (last visited March 16, 2015).

¹⁸ Mindfulness, *Psychology Today*, <https://www.psychologytoday.com/basics/mindfulness> (last visited March 16, 2015).

¹⁹ *Ibid.*

²⁰ Strosahl, *supra*, 3.

²¹ Berkeley Initiative for Mindfulness in Law, <http://www.law.berkeley.edu/mindfulness.htm> (last visited March 17, 2015).

²² The Proceedings of the Mindful Lawyer Conference, <http://www.mindfullawyerconference.org> (last visited March 17, 2015).

²³ The Proceedings of the Mindful Lawyer Conference, Resources, <http://www.mindfullawyerconference.org/resources.htm> (last visited March 17, 2015).

²⁴ ABA Commission on Lawyer Assistance Programs et al., *Substance Abuse and Mental Health Toolkit for Law Students and Those Who Care about Them* (2015), available at http://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/lsc_colap_mental_health_toolkit_new.authcheckdam.pdf.

²⁵ Chade-Meng Tan, *Search Inside Yourself: The Unexpected Path to Achieving Success, Happiness (and Word Peace)* (2014).

²⁶ William L. Mikulas, *Taming the Drunken Monkey: The Path to Mindfulness, Meditation, and Increased Concentration* (2014).

²⁷ Tan, *supra*.

²⁸ Strosahl, *supra*.

²⁹ Lawyer Assistance Program, State Bar of California, *2014 Annual Report* (March 1, 2015).



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Test No. 78

This self-study activity has been approved for Minimum Continuing Legal Education (MCLE) credit by the San Fernando Valley Bar Association (SFVBA) in the amount of 1 hour (Prevention of Substance Abuse). SFVBA certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing minimum continuing legal education.

1. One in seven Americans suffers from physical symptoms due to stress.
☐ True ☐ False
2. 20 percent of Americans report experiencing high levels of daily stress.
☐ True ☐ False
3. Lawyers rank fourth in suicides as compared to suicides in all other occupations.
☐ True ☐ False
4. One of today's stressors on the legal profession is the need to have constant connection with clients.
☐ True ☐ False
5. Warning signs of chronic stress include constant laughter and a sense of euphoria.
☐ True ☐ False
6. Attorneys are not more likely than other professionals to suffer from depression.
☐ True ☐ False
7. Humans are the only species able to imagine a potential threat and respond as if it were actually happening in the moment.
☐ True ☐ False
8. An increase in adrenaline in the short term causes an increase in cortisol over the long term.
☐ True ☐ False
9. A short term increase in heart rate can cause continued strain on both the heart and its arteries over the long term.
☐ True ☐ False
10. It is estimated that 15 to 20 percent of all U.S. lawyers suffer from alcohol or some other form of substance abuse.
☐ True ☐ False
11. Problem drinking among lawyers is not as high as problem drinking among the general population.
☐ True ☐ False
12. Some lawyers report having problems with drinking as early as in law school.
☐ True ☐ False
13. By taking a self-inventory of stress and finding positive coping mechanisms which work, lawyers can proactively learn their stress "triggers" and the most effective solution to regaining balance.
☐ True ☐ False
14. Mindfulness is defined as the practice of maintaining a nonjudgmental state of heightened or complete awareness of one's thoughts, emotions, or experiences on a moment-to-moment basis.
☐ True ☐ False
15. UC Berkeley School of Law has recognized the positive impact mindfulness has in the practice of law and developed the Berkeley Initiative for Mindfulness in Law.
☐ True ☐ False
16. The ABA's recently published mental health toolkit contains many helpful tips and self-care techniques for practicing attorneys.
☐ True ☐ False
17. When meditating, it is important to create a peaceful space with minimal distraction.
☐ True ☐ False
18. Meditation is a learned skill. The more often you meditate, the better you will become at gaining concentration and focus and clearing away the mental chatter and internal dialogue.
☐ True ☐ False
19. The ABA CoLAP educates lawyers on the ill effects of stress on the legal profession. The State Bar of California has a corollary LAP created in 2001.
☐ True ☐ False
20. The State Bar of California LAP will arrange up to two free one-on-one counseling sessions with a local therapist who specializes in working with legal professionals.
☐ True ☐ False

MCLE Answer Sheet No. 78

INSTRUCTIONS:

1. Accurately complete this form.
2. Study the MCLE article in this issue.
3. Answer the test questions by marking the appropriate boxes below.
4. Mail this form and the \$20 testing fee for SFVBA members (or \$30 for non-SFVBA members) to:

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Mark your answers by checking the appropriate box. Each question only has one answer.

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| 2. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 3. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 4. | <input type="checkbox"/> True | <input type="checkbox"/> False |
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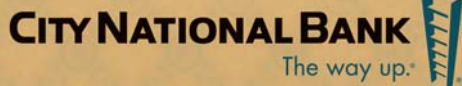
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SFVBA's Silver Sponsors:

Focus on City National Bank and Hutchinson and Bloodgood LLP

By Irma Mejia

The San Fernando Valley Bar Association counts on the support of its trusted sponsors to provide members with unique benefits and to continue the quality programming members have come to expect and enjoy. The Bar's Silver Sponsors offer exceptional services and can provide members the right tools to help their law practices thrive.



Photos by Paul Joyner

THE SAN FERNANDO VALLEY BAR ASSOCIATION has established fruitful relationships with local financial and business service providers for the benefit of its members. Through these relationships, SFVBA members are able to access unique benefits from qualified and trusted local companies. The Bar is proud to count these companies, City National Bank and Hutchinson and Bloodgood LLP, as its Silver Sponsors.

"We chose to partner with sponsors that will not only support the Bar's mission, but those with whom we feel we can create a mutually beneficial relationship," says SFVBA President Caryn Sanders. "We try to work with sponsors that understand the Bar and the practice of law and who have products and services that may be of interest to our members."

The SFVBA's Silver Sponsors are very involved with Bar activities and events, so much so that their representatives have become familiar faces to many members. Sarah J. Tillman, Vice President & Manager at City National Bank, and Jenny J. Chen, CPA, Partner at Hutchinson and Bloodgood LLP, are their respective company's direct liaison with the SFVBA. Both representatives are enthusiastic about connecting with Bar members.

City National Bank

City National Bank became a Silver Sponsor of the SFVBA in 2014. It was founded in 1954 to serve entrepreneurs and its first office in the San Fernando Valley was opened in 1960 in Studio City. "City National Bank was founded by entrepreneurs for entrepreneurs with a mission to provide the ultimate banking experience through an uncommon dedication to extraordinary service, proactive advice, and complete financial solutions," says Tillman. "We are available to local firms as a resource of knowledge, service, and financial advice." City National focuses on a customized approach to serve more than 3,000 law firms nationwide.

As part of its outreach to SFVBA members, City National Bank sponsors Bar-wide events, including regular MCLE seminars. Its MCLE seminar last month on cyber security for law firms was so popular the room was filled to capacity. City National Bank's sponsorship of the Bar has provided members with opportunities to learn about financial services that can help augment the success of their practices.

Tillman explains that the strength of City National Bank's offerings is in its individualized client approach. "We provide law firm clients with intelligent financial solutions that utilize efficient, flexible banking solutions to optimize operational integrity and billing efficiencies while supporting the growth of a firm by leveraging credit for strategic advantage," she says. "We also offer tailored banking, lending, and investment services for sole practitioners and



their households." City National Bank has a customized banking services package available for SFVBA members.

City National Bank's interest in the SFVBA stems from its desire to connect with prominent professional organizations. Tillman explains, "We recognize the strength of strategic partnerships with influential bar associations, such as the San Fernando Valley Bar Association. We hope to become better acquainted with the Valley's legal community and make them aware of the benefits of partnering with City National. We can share expertise, offer financial solutions, as well as banking, lending and investment services to lawyers and their firms."

Tillman, a native of Washington D.C., has had nearly 20 years of banking experience. She has been working with City National Bank in the San Fernando Valley since 2009. "I adore the diversity and energy of the San Fernando Valley. The Valley is simultaneously busy and quiet, brash and beautiful, full of life and a place of retreat," says Tillman. "The business owners are practical, realistic, and a lot of fun to work with. I am very blessed to have the opportunity to partner with organizations that serve the community with dignity and dedication, and to represent City National Bank in the San Fernando Valley."

When asked what she enjoys most about interacting with our attorney members, Tillman highlights their dedication. "Attorneys have an uncompromising dedication to a goal, and I see that in myself. I believe this is the basis for any solid, sustainable relationship—a common foundation of ethical principle." Tillman may be reached at sarah.tillman@cnb.com

Hutchinson and Bloodgood LLP

Hutchinson and Bloodgood LLP became a Silver Sponsor of the SFVBA in 2013. The Glendale-based accounting firm

has been serving the San Fernando Valley and surrounding areas since 1922. In addition to traditional audit and tax services, Hutchinson and Bloodgood offers expertise in business valuations, estate planning, information technology, and cost segregation of real property assets to assist clients manage cash flows. The full-service CPA firm has four offices in California to assist in different areas, including manufacturing, distribution, financial institutions, hospitality, restaurants, franchising, real estate, construction, professional services, agribusiness, nonprofit and employee benefit plans.

Hutchinson and Bloodgood prides itself on providing customized world-class service to clients of all sizes and revenue. "We serve law firms of all sizes, whether it is a sole proprietor with \$500,000 in revenue or a law firm with \$60 million in revenue and multiple offices," says Chen. "As a member of PKF North America and PKF International, networks of independently-owned accounting and

In addition to sponsoring events, including popular networking mixers at Golden Biersch Brewery in Burbank, Hutchinson and Bloodgood is a regular contributor to *Valley Lawyer*, offering members valuable information to enhance their practice. SFVBA members also benefit from a 15 percent discount off any services in the first year of becoming a Hutchinson and Bloodgood client. "SFVBA members are welcome to contact us at any time with any questions that they may have, even if they just want obtain a second opinion on something that they are working on," adds Chen.

At nearly a hundred years old, Hutchinson and Bloodgood is the oldest member of the Glendale Chamber of Commerce, alongside Forest Lawn. Chen jokes, "I guess what they say is true about death and taxes."

At the time the firm was established, Glendale was an orange grove with a lot of agribusiness. As their clients expanded to other areas such as El Centro and Watsonville, they followed and established offices nearby to better serve them. "Our practice diversified and grew organically and through strategic acquisition over the years," explains Chen. "We are now a \$25 million revenue firm with approximately 120 employees and ranked as one of the Top Firms of the West by *Accounting Today*."

A transplant to the San Fernando Valley, Chen enjoys the greenery and relaxed lifestyle that the Valley has to offer. "With the horse ranches near our home, it feels like we are out in the country even though we're not far from the city," says Chen. "It also does not hurt to have delicious dining options that are not major chains, like Brent's Deli, Carousel, Raffy's, Granville, Commonwealth, and Brother Sushi."

The relaxed lifestyle translates to more easygoing professional relationships. "People are the reason why I enjoy what I do. Whether they are team members, clients or potential referral sources, the people who I have interacted with in the Valley are very down-to-earth and real," says Chen.

consulting firms across North America and throughout the world, we have the depth and breadth of an international firm while being able to provide resources with the personal attention and rapid response of a local firm."

When deciding where to allocate their sponsorship funds, the SFVBA stood out as a natural choice. "When we met with SFVBA Executive Director Liz Post and former SFVBA President David Gurnick, we felt that our culture and personality would be a good fit with the members of the SFVBA. We knew there would be synergy in working together because of the services we offer and the similarities in the industries that the members and Hutchinson and Bloodgood serve," explains Chen.






Of the Bar, Chen notes that “everyone is friendly and easy to get along with. The attorney members have also been very eager to collaborate with us, which makes our sponsorship of SFVBA that much more meaningful.” Hutchinson and Bloodgood worked with SFVBA members David Gurnick and Tal Grinblat of Lewitt, Hackman, Shapiro, Marshall & Harlan, ALC on a recently published article in the ABA’s *Franchise Lawyer* on the role of accountants in franchising. “We look forward to many more collaborative efforts with members.” Chen may be reached at jchen@hblp.com

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The relationships the Bar enjoys with City National Bank and Hutchinson and Bloodgood are a reflection of the rich diversity and strength of experience of its members. SFVBA members

are a unique and powerful group of professionals who attract the area’s best financial firms. These symbiotic relationships expose SFVBA members to valuable services while providing significant support for the Bar’s programs.

“Our Silver Sponsors support our members and our Bar through major events such as Judges’ Night and MCLE seminars,” says Sanders. “Without the financial support and the services and relationships contributed by our sponsors, we would not be as able to provide all the programming that we currently offer to our members, such as Fastcase and affordable MCLE.”

With such long-established, trusted organizations as featured sponsors, the Bar is able to continue its mission of responding to the challenges of the San Fernando Valley’s legal community and helping attorneys develop and improve their practices. 



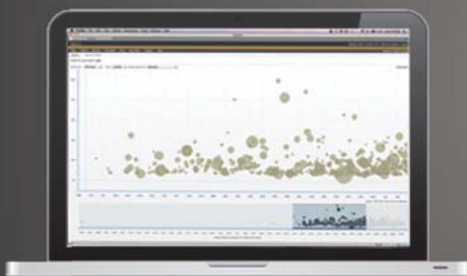
Irma Mejia is Editor of *Valley Lawyer* and serves as Publications and Social Media Manager at the San Fernando Valley Bar Association. She also administers the Bar’s Mandatory Fee Arbitration Program. She can be reached at editor@sfbva.org.

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PHOTO GALLERY

Annual Judges' Night Dinner

THURSDAY, FEBRUARY 26, 2015 | WARNER CENTER MARRIOTT



Photos by Paul Lester. 1. Over 50 members of the bench attended Judges' Night 2. Judge Randy Rhodes, Administration of Justice Honoree 3. Judge of the Year Harvey Silberman and Presiding Judge Carolyn Kuhl 4. SFVBA President Caryn Brottman Sanders and Judge Harvey Giss, Ret. 5. Sanders and Judge Wendy Kohn, Ret. 6. Sanders and Commissioner Mitchell Block, Ret. 7. Sanders and Judge Lesley Dunn, Ret. 8. Judge Susan Lopez-Giss and Judge Gregg Marcus, Ret. 9. Court staff members Shaunder Mitchell and Gina Girder with Judge Alan Schneider 10. Judge Rhodes with local high school students 11. Judge Silberman receiving his award from Family Law Section Chair Cari Pines and SFVBA Trustee Michelle Short-Nagel 12. Steven Fox, David Hagen and Justice Armand Arabian, Ret. 13. Mary Lund, Judge Silberman, Lynette Berg Robe and Angus Strachan 14. Bill Molfetta, Deanna Armbruster, Milan Slama and Enrique Koenig 15. Sandi and Dan Davisson, Commissioner Patricia Ito and Neal Tenen 16. Etan Lorant, Ilene Fletcher and Jodi Berman Levine 17. Judge Rhodes and Judge Silberman 18. Judge Schneider, Amy Newman and Judge James Kaddo 19. Judge Silberman and friends 20. Judge Martin Herscovitz, Justice Arabian (seated), Judge Marcus, James Blatt, Judge Michael Harwin (seated) and Judge Melvin Sandvig



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LEGAL

TRIVIA



IN FEBRUARY, *VALLEY LAWYER* TESTED YOUR KNOWLEDGE OF THE HISTORY OF AFRICAN AMERICANS IN THE LEGAL profession. The majority of readers who participated in our quiz answered all the questions correctly. One keen member, Robert Flagg of Farmers Insurance in Woodland Hills, pointed out a controversy with one of the questions. Question 6 asks members to identify the first African American admitted to the State Bar of California. Academic sources identify the answer as Robert Charles O'Hara Benjamin. However, Flagg pointed to a 2002 publication of the State Bar of California which identifies Oscar Hudson as the first African American admitted to the State Bar of California in 1911. *Valley Lawyer* reached out to the State Bar for clarification and will publish the result of this dispute as soon as it is resolved.

Below is the answer key. Check your answers with those listed below. Thanks to everyone who participated in our quiz!

1. In 1981, who became the first African American to serve as the president of the State Bar of California?

Samuel Williams

2. Who was the first African American Supreme Court Justice?

Thurgood Marshall

3. Who holds the distinction of being our nation's first African American licensed to practice law and the first African American to hold a judicial position?

Macon Bolling Allen

4. In 1977, who was the first African American appointed to the California Supreme Court?

Wiley W. Manuel

5. In 1941, who became California's first African American trial judge and the first African American trial judge west of the Mississippi River?

Edwin Jefferson

6. In 1887, who became the first African American lawyer admitted to the State Bar of California?

Robert Charles O'Hara Benjamin

(The accuracy of this answer is pending confirmation from the State Bar of California).

7. In 1929, who became the first African American woman admitted to the State Bar of California?

Annie Virginia Stephens Coker

8. In 1980, who became California's first African American Speaker of the Assembly?

Willie Brown Jr.

9. In 1973, which lawyer became the first African American mayor of Los Angeles?

Thomas Bradley

10. In 1872, who became the first female African American lawyer in the United States?

Charlotte E. Ray



Congratulations

to **Andrew Krikorian**, a new lawyer from Chatsworth. Andrew is the lucky trivia participant who won the drawing for a P.F. Chang's China Bistro gift card and AMC Theatres tickets.

ADVANCED CASELAW SEARCH

Framing a Search

By Charles J. Lowry

IN THIS SERIES OF ARTICLES ABOUT MAKING Fastcase work for you through your SFVBA membership, we have so far looked at the general process of access through the SFVBA website and the uses of the opening screen, including the Quick Caselaw Search box. We shall now move to the proper search function, which users may launch by clicking on Advanced Caselaw Search at the top of the left column of options on the welcome Quick Caselaw Search screen. On this screen the user must simply tell the database two things: what to look for and where to look.

In this article, we'll look at how we tell the database what we want it to search for. In next month's article we'll run an actual search and discuss ways of arranging the results to make them as responsive and accurate as possible.

To make this article as useful as possible, we'll take a look at a general federal case search. The steps taken with this general federal appellate search, members can do within their particular jurisdictions, whether searching for "allowable rate of interest" in Missouri or "sentencing and mitigation" in Maryland or "patent and obvious and registration" in the U.S. Court of Appeals for the Federal Circuit. In short, we'll use the mutatis mutandis approach: the search we run now will demonstrate principles and methods that you will be able to import into your own research projects.

Here is what the Advanced Caselaw Search page looks like. In particular, note the content box and the jurisdictional buttons.

Syntax	Example (click to run a search)	Result
AND, &	copyright AND preemption	cases with both the words "copyright" and "preemption"
OR	landlord OR tenant	cases with either the word "landlord" or "tenant"
NOT	chemical waste NOT management	cases with the words "chemical" and "waste" but not "management"
{ }	{security OR pledge} AND assignment	cases with either "security" or "pledge", and also the word "assignment"
" "	"felony murder"	cases containing the exact phrase "felony murder"
w/2, /2	capital w/2 punishment	cases in which the word "capital" appears within 2 words of the word "punishment"
*	mitig*	wildcard - cases containing variations of the stem, such as "mitigate", "mitigated", "mitigation"
?	advise?	single letter wildcard - cases with the words "advise", "advised"

So how do we tell the database what to look for? We use search terms that cover the subject matter and that are the terms likely to have been used by the court. It matters how we express these terms, and the search system that Fastcase (and virtually all other databases you will search, legal and non-legal) uses is called Boolean, after George Boole, a nineteenth century British mathematician and logician.


There is no reason to be intimidated by a fancy term like Boolean searching. Immediately below the box for search terms you will find a collection of rules and hints for Boolean searching, with some further advice offered in this entry from the Fastcase blog: <http://www.fastcase.com/tip-learn-to-use-boolean-operators>.



Below are just a few of the most common and useful Boolean choices you will have to make:

- **Do you want an *and* or an *or*?** The default connector on Fastcase is *and*. Thus, a search for *adoption parent consent* will yield cases containing all three of those words. If you want cases containing any one of those words, you must specify *adoption or parent or consent*.
- **Do you want a word or a phrase?** If you want cases that contain the words *summary* and *judgment*, you need only search for *summary judgment*. If, however, you want the term *summary judgment* as a phrase, you can specify that choice by using quotation marks to search for “*summary judgment*” instead. Using the quotation marks will give you only that exact phrase in your results.
- **Are you not sure how the courts may have said something?** You can tell the database to search for options. To give an example, you have a client who underwent a spontaneous search of his car trunk during a traffic stop. How do the courts treat these matters? Have they set down conditions for consent or exigent circumstances or intrusiveness or probable cause that would shed light on the propriety of the search? It’s an easy enough search: *warrantless search trunk car*. Wait, you say: what if the judge says not car but automobile? Do I run the risk of missing cases or having to run duplicative searches? There is a way, using parentheses, that you can tell the database to search for alternatives even within an *and* search. If you type into the search box *warrantless search trunk (car or automobile)*, your results list will give you cases containing the words *warrantless*, *search*, *trunk* and either *car* or *automobile*. This is the sort of flexibility that makes your research time much more productive and efficient.

- **But what if you know what words the judge will have used in the decision but not the precise order in which they will be arranged?** Is the judge likely to have said *standard of comparative evidence* or *comparative standard of evidence*? You can tell the database to search for and report back on proximities. A search for *(comparative w/3 evidence)* will bring back instances in which *comparative* occurs within three words of *evidence*, thus bringing to your list both *standard of comparative evidence* and *comparative standard of evidence*.

These are, as we noted, just a couple of the ways in which Boolean searching can give you results which are—and this is the hard part—both comprehensive and precise. In the next article in the series, we’ll use these principles and hints to run a search and look at ways of using our results to bring usable and effective outcomes to our research session. 

Syntax	Example	Result
AND, &	copyright AND preemption	cases with both the words “copyright” and “preemption”
OR	landlord OR lessor	cases with either the word “landlord” or “lessor”
NOT	chemical waste NOT management	cases with the words “chemical” and “waste” but not “management”
()	(security OR pledge) AND assignment	cases with either “security” or “pledge,” and also the word “assignment”
“ ”	“felony murder”	cases containing the exact phrase “felony murder”
w/2, /2	capital w/2 punishment	cases in which the word “capital” appears within 2 words of the word “punishment”
*	mitig*	wildcard—cases containing variations of the stem, such as “mitigate,” “mitigated,” “mitigation”
?	advis?r	single letter wildcard—cases with the words “advisor” and “adviser”

Charles J. Lowry is a representative for Fastcase, the research benefit offered to members of the San Fernando Valley Bar Association. He holds a B.A. in Philosophy from the Athenaeum of Ohio and a Ph.D. in Classics from the University of Cincinnati. Before joining Fastcase, Chuck held editorial, product development, sales and marketing positions at Matthew Bender, LexisNexis, Kluwer Law International and American Lawyer Media. He can be reached at clowry@fastcase.com.

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Contact SFVBA Executive Director Liz Post at (818) 227-0490, ext. 101 or epost@sfvba.org to sign up your firm today!

NEW MEMBERS

The following new members joined the SFVBA in February 2015:

Cyrus Borhani
Los Angeles
Law Student

Megan I. Braun
Los Angeles
Law Student

Tal Burnouski-Yeyni
Lewitt, Hackman, Shapiro, Marshall & Harlan
Encino
Labor and Employment

Richard W. Christensen
Pasadena
Law Student

Kristen N. Gozawa
Westlake Village
Criminal

Justin Hanassab
Irvine
Law Student

Louis V. Kosnett
Kosnett Law Firm
Los Angeles
Criminal

Denise Mamaliger
Tarzana
Law Student

Greg May
Jones & Lester LLP
Oxnard
Appellate

Joseph McNabb
Studio City
Real Property, Real Property

Shelly Mosallaei
Los Angeles
Law Student

Mahsa S. Motavvaf
Los Angeles
Law Student

Maria O. Padgett
Valencia
Family Law

Ebony Randolph
Los Angeles
Law Student

Carol Rushay-Otero
Rodeo Realty
Northridge
Associate Member

Shabnam Sarani
Los Angeles
Law Student

Christina Sarkiss
Porter Ranch

Jairo I. Segueira
Valencia
Law Student

Juan F. Villatoro
Panorama City

Sal Waki
Los Angeles
Law Student

Sherron L. Wiggins
Los Angeles
Law Student

Stephanie O. Zhubrak
Calabasas
Law Student

Dear Phil

My Client Dropped Me and I'm Dying to Know Why

Dear Phil,

A client engaged me pre-litigation. He seemed satisfied with my handling of the matter but I was not able to get it settled. The other side sued, and the client retained new trial counsel. Should I try to find out why? Can I try to convince him to retain me? Or should I just let it go?

Sincerely,

Dumped and in the Dark



Illustration by Gabriella Sandomir

THE ATTORNEY-CLIENT relationship is professional, not social. You provide a service, in exchange for a fee, so long as the client wants it, easing the client's burden, not adding to it. The client can end your service any time.

The client moved on for any number of reasons and is not obligated to justify his or her decision, ever. The reason may be based on a business calculus or could be highly idiosyncratic. The client's reason is likely to remain confidential.

Asking this client to return may be unethical and might interfere with his or her relationship with new counsel. Devote your time and energy to doing

your best for your current clients and working to identify future clients.

Some law firms send satisfaction questionnaires to current and former clients. If you promise to use the questionnaire only for self-enlightenment, and not discussion with a former client, you may want to think about sending surveys out across-the-board. You may use questionnaires for quality control and to gather information for professional marketing and self-evaluation purposes, only. Samples abound on the internet.

Best,

Phil

Dear Phil is an advice column appearing regularly in *Valley Lawyer Magazine*. Members are invited to submit questions seeking advice on ethics, career advancement, workplace relations, law firm management and more. Answers are drafted by *Valley Lawyer's* Editorial Committee. Submit questions to editor@sfvba.org.

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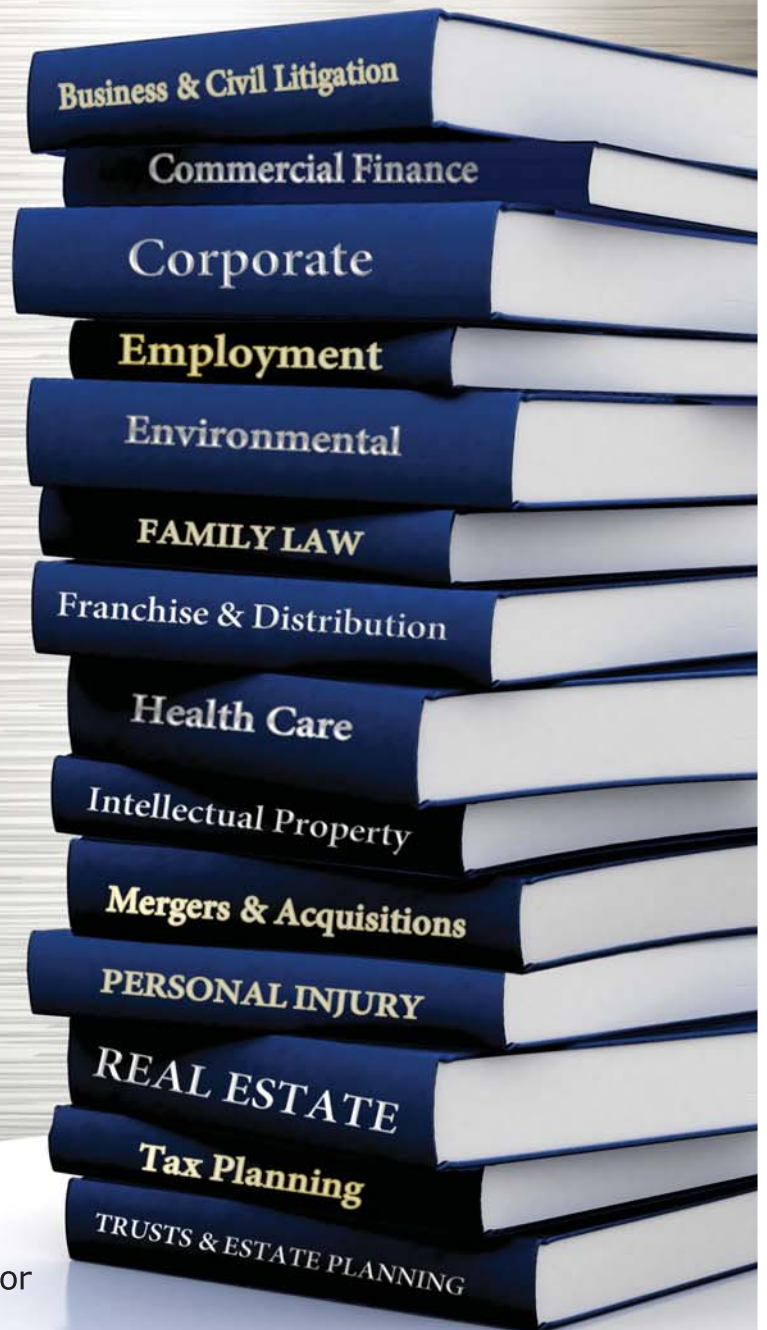
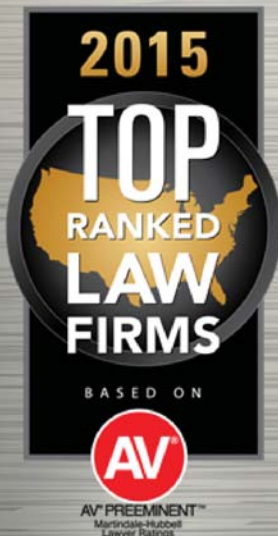
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