

VALLEY LAWYER

DECEMBER 2015 • \$4

A Publication of the San Fernando Valley Bar Association

Taking a Stand for Justice: A Profile of Attorney Jack Goodchild

Civility in Lawyers' Writing

Earn MCLE Credit

Official Sponsors of the San Fernando Valley Bar Association

KRYCLER ERVIN TAUBMAN & KAMINSKY

FULL SERVICE ACCOUNTING FIRM

CONTACT MICHAEL J. KRYCLER, CPA, FCA | SCOTT R. ERVIN, CPA

*When you need more than just numbers...
you can count on us...*

- LITIGATION SUPPORT
- EXPERT WITNESS
- FORENSIC ACCOUNTANTS
- FAMILY LAW MATTERS
- BUSINESS VALUATIONS
- LOSS OF EARNINGS
- DAMAGES

MEMBERS OF
American Institute of Certified Public Accountants
California Society of Certified Public Accountants

15303 Ventura Boulevard, Suite 1040
Sherman Oaks, California 91403

info@ketkcpa.com
t: 818.995.1040
f: 818.995.4124
www.ketkcpa.com



ANDREW L. SHAPIRO

now available as a private

MEDIATOR & ARBITRATOR

Andrew L. Shapiro is utilizing his extensive negotiation and trial experience to expand a growing mediation practice. Over the years he has personally handled over 1,500 pro bono cases as a Court Settlement Officer, Arbitrator or Mediator for Los Angeles and Ventura County Superior Courts.

PRACTICE AREAS:

- Wrongful Death
- Spinal Cord Injuries
- Premises Liability
- Traumatic Brain Injuries
- Products Liability
- Dangerous Conditions of Public Property
- Bicycle, Auto, Motorcycle & Truck Accidents
- Serious Dog Attacks
- Medical Malpractice

MEMBERSHIPS:

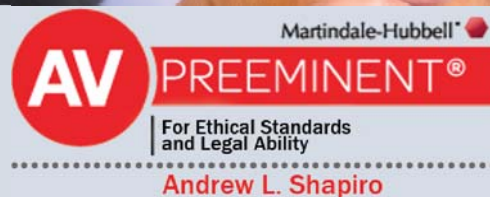
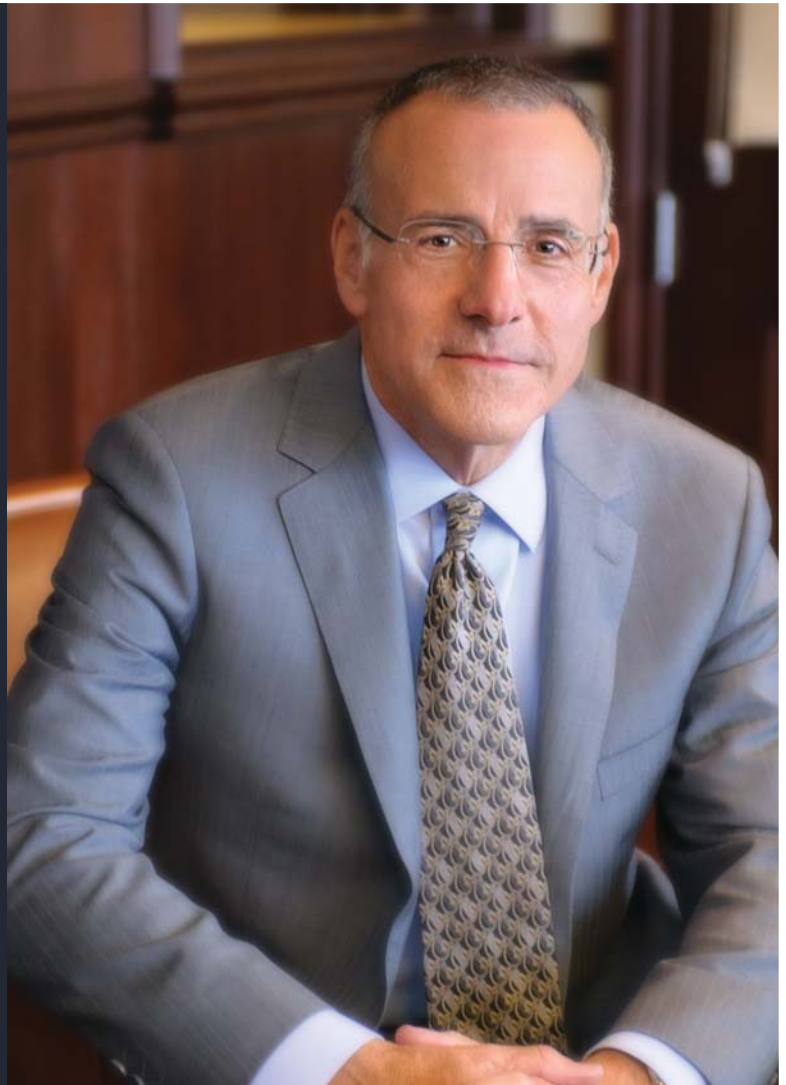
- American Board of Trial Advocates (ABOTA)
- Consumer Attorneys Association of Los Angeles (CAALA)
- Consumer Attorneys of California (CAOC)
- Los Angeles County Bar Association
- San Fernando Valley Bar Association



LEWITT, HACKMAN, SHAPIRO, MARSHALL & HARLAN
A LAW CORPORATION

818.907.3266
AShapiro@LewittHackman.com

16633 Ventura Boulevard, Eleventh Floor
Encino, California 91436



Andrew L. Shapiro

"Andy is an excellent lawyer with a firm understanding of not just the law, but the personal injury business. More importantly he is a wonderful person, who has the right temperament to be a fantastic mediator. Trial lawyers on both sides of the fence will benefit from Andy's mediation skills. It will only be a short time until the personal injury community will recognize his talents and he will join the ranks of elite mediators."

– Matthew B.F. Biren, Biren Law Group

"I have known Andy Shapiro for over 30 years. I had cases against him when I was practicing and have mediated and arbitrated cases with him in my more recent capacity as a Neutral Hearing Officer. Based on my experience with him, Andy has the skills and more importantly, the temperament, to be extremely effective in this endeavor. His many years of experience will serve him well, and I enthusiastically endorse and support his entry into the field."

– Darrell Forgey, Judicate West

EMPLOYMENT LAW REFERRALS

Professionals Serving Professionals

Our referral program can be your profit center! **Stephen Danz & Associates** is recognized as one of the most experienced and successful employment law firms representing whistle blowers and victims of wrongful termination, retaliation, discrimination and sex harassment. Our clients are executive, technical, administrative and hourly employees. We pay generous referral fees in accordance with State Bar rules. We also provide regular updates on your referred case.

- Regular bi-monthly report on status of referred cases
- Highest possible referral fees pursuant to state bar rules
- Reciprocal referrals where appropriate
- Referral fees paid religiously at case closure with a complete distribution report to you
- Regular email updates on new significant developments in employment law



“Recently a friend of mine contacted me because I was the only lawyer she knew. Her sister was being pushed out of her job because of her age. With complete confidence, I referred her to Stephen Danz, who immediately met with her and gave her an honest assessment of her legal options. Steve informed me when he met with her and sent me an unexpected, but much appreciated, surprise- a referral fee. I hadn't realized it beforehand, but referral fees are a standard part of his practice. My friend's sister was extremely satisfied with Steve, which of course made me look good too. It's important for me to know attorneys like Steve, who I know will do a great job for the people I refer to him.”

- David L. Fleck, Esq.



877.789.9707
www.employmentattorneyca.com

2655 First St., Simi Valley, CA 93065

Los Angeles Orange County Pasadena San Bernardino San Diego Fresno San Francisco Santa Rosa Sacramento



The Matloff Company has been a top insurance broker to Southern California attorneys, their firms and families for over 32 years.

**RATED A+ A.M.
BEST INSURERS.**

Life Insurance

Term, Universal Life, Survivorship, Estate Planning, Key-Person

Disability Insurance

Insure your most important asset—"Your ability to earn income"
Insures you in your own occupation
Benefits keep up with inflation

Long Term Care Insurance

Several quality carriers for individuals and firms

Health Insurance

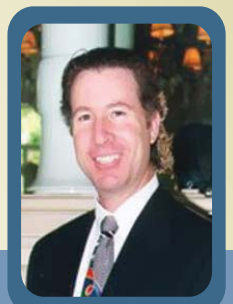
All major insurance companies for individuals & firms



An Insurance and Financial Services Company

Phone: **(800) 468-4467**

E-mail: elliott@matloffcompany.com



Elliot Matloff

www.matloffcompany.com



Winner of the
2014-2015
LA Press Club
Award



On the cover: *SFVBA member*
Jack Goodchild
Photo by Chris Jurgenson

FEATURES

12 Blanket the Homeless Makes a Difference
Over Twenty Years | **BY ROSIE SOTO COHEN**

14 It's 2:00am, Do You Know Where Your Data Is? | **BY ORIE RECHTMAN**

16 Civility in Lawyers' Writing | **BY DOUGLAS E. ABRAMS**
MCLE TEST NO. 86 ON PAGE 23.

24 Taking a Stand for Justice:
A Profile of Attorney Jack Goodchild | **BY ELIZABETH POST**

32 Overconfidence: Tips on Getting the Parties
Unstuck as Early as Possible in the Mediation | **BY JAN FRANKEL SCHAU**

COLUMNS

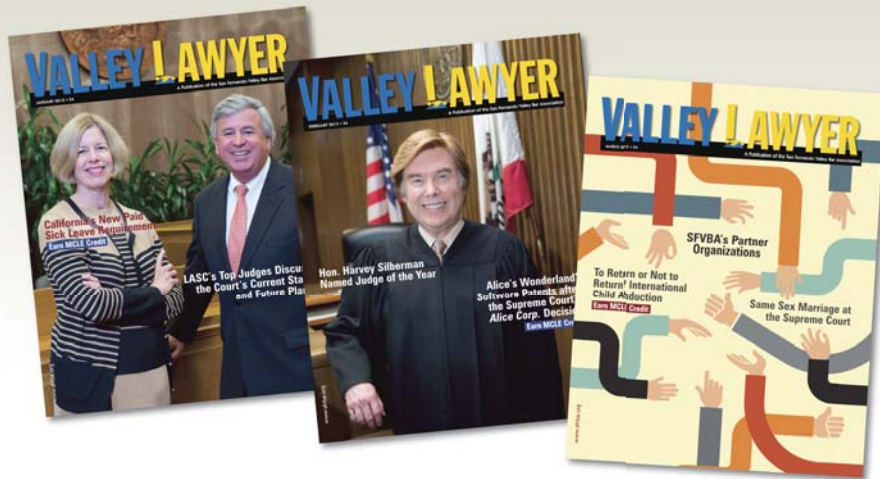
34 Book Review
Not a Joke: A Review of *The Trouble with Lawyers* | **BY CHRIS W. BLAYLOCK**

DEPARTMENTS

- 7** President's Message
- 9** Executive Director's Desk
- 10** Event Calendars
- 38** New Members
- 39** Santa Clarita Valley
Bar Association
- 43** Photo Gallery
- 44** Classifieds

INTERESTED IN ADVERTISING IN Valley Lawyer?

*Grow your practice. Promote your service.
Market your firm.*



VALLEY LAWYER

SAN FERNANDO VALLEY BAR ASSOCIATION

5567 Reseda Boulevard, Suite 200
Tarzana, CA 91356
Phone (818) 227-0490
Fax (818) 227-0499
www.sfvba.org

GRAPHIC DESIGNER

Marina Senderov

BOARD OF TRUSTEES

President Carol L. Newman
President-Elect..... Kira S. Masteller
Secretary..... Alan E. Kassan
Treasurer Anie N. Akbarian
Past President..... Caryn Brottman Sanders
Executive Director..... Elizabeth Post

TRUSTEES

Jonathan Birdt	Nicole Kamm
Vito A. Costanzo	Yi Sun Kim
William A. Daniels	Kathy G. Neumann
Michelle E. Diaz	Samuel R.W. Price
Barry P. Goldberg	Marlene Seltzer
Peta-Gay Gordon	John F. Stephens
Alexander J. Harwin	Toni Vargas
Sean E. Judge	

STAFF

Director of Public Services..... Rosie Soto Cohen
Referral Consultant Lucia Senda
Referral Consultant Fanny Arellano
Director of Education & Events..... Linda Temkin
Member Services Coordinator..... Melissa Garcia

SECTION CHAIRS

Bankruptcy Law Steven R. Fox
Business Law & Real Property Steven J. Shapero
..... Neil M. Sunkin
Criminal Law..... David S. Kestenbaum
..... Angela Berry-Jacoby
Employment Law Kimberly Westmoreland
Family Law Sandra Etue
..... Kenneth Nahigian
..... Amir Aharonov
Intellectual Property,
Entertainment & Internet Law John F. Stephens
..... Thomas M. Morrow
Litigation Christopher P. Warne
New Lawyers Christopher Blaylock
..... Hannah Sweiss
Probate & Estate Planning..... John E. Rogers
Small Firm & Sole Practitioner..... Arsalan Hayatdavoodi
Taxation Law..... Ronald Hughes
..... Hratch J. Karakachian
Workers' Compensation..... Jeffrey S. Swartz

Valley Lawyer is published monthly. Articles, announcements, and advertisements are due by the first day of the month prior to the publication date. The articles in Valley Lawyer are written for general interest and are not meant to be relied upon as a substitute for independent research and independent verification of accuracy.

Printing Southwest Offset Printing

© 2015 San Fernando Valley Bar Association

VISIT www.sfvba.org FOR
THE 2015 MEDIA KIT



CONTACT (818) 227-0490, EXT. 101
TO PLACE YOUR AD.

PRESIDENT'S MESSAGE

Diversifying the Legal Profession

THE SAN FERNANDO VALLEY Bar Association has a long history of promoting diversity in the legal profession through, among other things, its unprecedented membership in the Multicultural Bar Alliance; its involvement with schools at all levels, from middle schools through junior colleges, seeking to nurture budding lawyers and legal professionals (the pipeline); and its law posts, which proved so successful that they now have an existence of their own.

The SFVBA has striven to clear any roadblocks which may prevent minority students from getting into college, finishing college, getting into law school, and finishing law school. But what about the bar exam? What if all of those efforts were to be compromised because the law school graduate could not pass the bar?

Based on voluntary information provided by exam takers, the State Bar Office of Admissions Data has determined that the pass rates for persons taking the July bar exam for the three years 2012 through 2014¹, including both first time and repeat takers, are as follows:

2012

White	63.2%
Black	27.6
Asian	52.2
Hispanic	42.2
Other minorities	44.0

2013

White	63.65%
Black	26.93
Asian	51.72
Hispanic	43.74
Other minorities	44.9

2014

White	56.7%
Black	24.9
Asian	42.8
Hispanic	37.2
Other minorities	38.3

CAROL L. NEWMAN
SFVBA President



carol@anlawllp.com

In short, the bar passage rates for ethnic minorities appear to be declining, and were not that high to begin with.

As a result of these demographics, the State Bar Board of Trustees, along with the Council on Access & Fairness and the California Bar Foundation, are rolling out a bar passage program intended to help disadvantaged communities pass the bar exam. There are presently several different projects working toward that goal, but the State Bar's intention is to create a concerted single effort, which will include the assistance of host schools (such as the University of San Diego, which has already committed to the project), volunteer mentors and tutors, and guest speakers.

One of the models for this program is the Minority Legal Education Resources (MLER) Program, which was created in Chicago in the 1970's by Ronald E. Kennedy. Shortly after taking the Illinois Bar Exam in 1973, Kennedy learned that only 33% of the African-Americans who had taken the exam with him had passed, compared to, at that time, a 75%-85% passage rate for the general population of exam takers. Along with the Cook County Bar Association, the Chicago Bar Association, and the ACLU, he petitioned the Illinois Supreme Court to investigate whether the bar licensing procedure disproportionately disadvantaged minorities.

Although the court never made that determination, Kennedy developed his own solution: a supplemental bar review program combined with tutoring. Ultimately the program expanded and resulted in the formation of a not-for-profit corporation called Minority Legal Educational Resources, Inc.

BOUTIQUE CRIMINAL DEFENSE FIRM

EG

EISNER GORIN LLP

STATE AND FEDERAL CRIMINAL DEFENSE

FIRM PARTNERS INCLUDE:

Former Senior Deputy District Attorney
UCLA and Pepperdine Law Professor
Bar-Certified Criminal Law Specialist



*Super-Lawyers Top 2.5%
A.V. – Preeminent Rating
Avvo 10/10 Superb*

RECENT VICTORIES:

- \$3 Million Fraud Case - Dismissed, Government Misconduct (Downtown, LA)
- Murder - Not Guilty by Reason of Insanity, Jury (Van Nuys)
- Medical Fraud Case - Dismissed, Preliminary Hearing (Ventura)
- Domestic Violence - Not Guilty, Jury Finding of Factual Innocence (San Fernando)
- \$50 Million Mortgage Fraud - Dismissed, Trial Court (Downtown, LA)
- DUI Case, Client Probation - Dismissed Search and Seizure (Long Beach)
- Numerous Sex Offense Accusations: Dismissed before Court (LA County)
- Several Multi-Kilo Drug Cases: Dismissed due to Violation of Rights (LA County)

877.781.1570

Eisner Gorin LLP
14401 Sylvan Street, Suite 112
Van Nuys, CA 91401

24/7 Immediate Intervention

ERISA LAWYERS

**LONG TERM DISABILITY,
LONG TERM CARE, HEALTH,
EATING DISORDER, AND LIFE
INSURANCE CLAIMS**

**WE HANDLE BOTH
ERISA & BAD FAITH
MATTERS**

- California Federal and State Courts
- More than 20 years experience
- Settlements, trials and appeals

**Referral fees as allowed
by State Bar of California**

**Handling matters
throughout California**

818.886.2525

**KANTOR
& KANTOR LLP**

www.kantorlaw.net

**Dedicated to helping people
receive the insurance
benefits to which they
are entitled**

In 2009, MLER further expanded and now supports and implements pipeline programs for grade school, college, and law school, as well as a Bar Process Management Program, which is an intensive supplemental program intended to supplement, but not replace, a commercial bar review course. Hundreds of dedicated attorneys volunteer their time to support MLER.

MLER still serves only Illinois. California has a much larger population of bar takers. One of the goals of our State Bar will be to see if it can replicate MLER, but on a much larger scale. The target date for putting the program into operation will be the July 2016 bar exam. Clearly this is a major undertaking for the State Bar, but one which, if successful, will broaden and diversify the population of the lawyers practicing in this state. If you would like to help, please contact SFVBA Inclusion & Diversity Committee Chair Joanna Sanchez at joanna@gantmanlaw.com.

Rollout of New Program

A few years ago, a partner in one of our President's Circle law firms said to me at the holiday party, "If only the Bar were more like [a prestigious networking group that shall remain nameless]." I agreed with him. I've never forgotten that comment, and soon the Bar may be embarking on its own program to try to drive business to its members.

If all goes as expected, you may soon be hearing from our very active Membership & Marketing Committee about this program. If you would like to participate in the discussions regarding the rollout of this program, and other membership issues, please attend the meetings of the SFVBA Membership & Marketing Committee, which are usually held the first Thursday of every month at 6:00 p.m. at the Bar office. All are welcome and encouraged to attend. 

¹ The results of the 2015 bar exam have not yet been measured.

LEMON LAW ATTORNEY *Over 30 Years' Experience*

JACK L. CHEGWIDDEN

All Lemon Law matters; leased or purchased; automobiles, trucks and motorcycles

- Free Consultation
- NO Recovery-NO Fees
- Referral Fee Paid Per State Bar Rules

For Lemon Law Referrals, contact the Law Offices of Jack L. Chegidden
Call: **(866) 453-1428** or Email: j.chegwidden@calemonattorey.com

WORKERS' COMPENSATION STATE CERTIFIED SPECIALIST



WILLIAM J. KROPACH *Over 35 Years Experience*

- ✓ All Workers' Compensation Injuries
- ✓ Referral Fee Paid Per State Bar Rules
- ✓ Chairman, Workers' Comp Section of SFVBA (1987 to 2009)
- ✓ Director, Valley Community Legal Foundation of SFVBA (1980-2000)
- ✓ Former Trustee of SFVBA

For Workers' Compensation Referral, call **818.609.7005**

www.williamkropach.com • email: william@kropachlaw.com

Volunteer of the Year 2003

Circle of Life

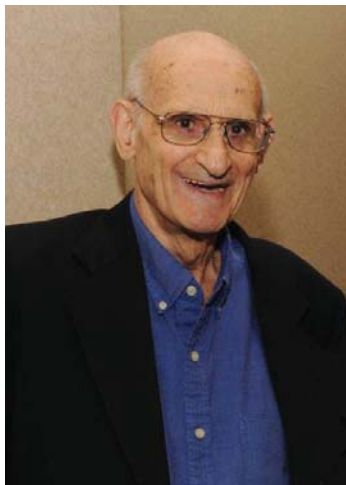
ELIZABETH POST
Executive Director



epost@sfvba.org

THIS MONTH THE SAN FERNANDO VALLEY BAR Association welcomes a new class of Valley lawyers. We congratulate all new admittees on graduating from law school and passing the bar exam. What a proud accomplishment! But as we say hello to dozens of new members, it is with deep sadness and fond memories that we must say goodbye to three mainstays of our Bar Association. On the last Monday in October, we learned about the passing of long-time members Bernie Grossman, Connolly Oyler and Mel Kohn. Bernie, Connolly and Mel were members of the SFVBA for 51, 43 and 25 years, respectively.

Bernard Grossman passed away last month at the age of 88. He retired in 2007 after practicing appellate and probate law in the Valley for 51 years. Bernie served as

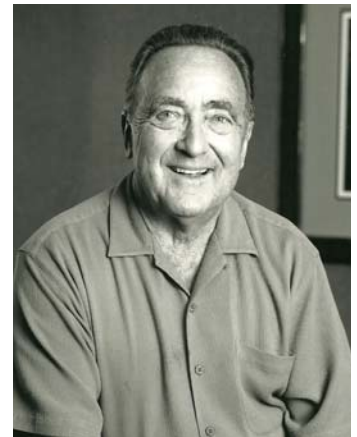


SFVBA President from 1975 to 1976 and prior to his retirement, was an active member of the SFVBA's Probate & Estate Planning Section and the Conference of Delegates. Even following his retirement, from time to time Bernie would pop up at these meetings or a Judges' Night with fellow past president and long-time suitemate Tamila Jensen to share in our organization's comradery.

Bernie was an avid storyteller. He could reminisce for hours about time gone by: the Bar's Hi Jinx productions he helped start in the late 50s, the general monthly meetings that predated MCLE (that he hoped the Bar would resurrect), and the Valley's close-knit legal community that grew as the San Fernando Valley transformed from a sleepy bedroom community to its own metropolis. Bernie was instrumental in the Bar's History Project, appearing prominently in the 2001 documentary, *Lawyers of the Valley*, which members can view on the Bar's website under History of the SFVBA.

Respected family law attorney Connolly Oyler passed away on October 23 at the age of 81. Connolly served

as president of the San Fernando Valley Bar Association from 1983 to 1984. He was known throughout the family law bar for his wit and wisdom. While Connolly long ago moved his practice from the San Fernando Valley to Santa Monica, and was a leader in that community's bar association and Rotary Club, he never let go of his




Valley roots and sustained his SFVBA membership until his passing. Connolly would appear occasionally at a Family Law Section meeting, and not a month went by that our Director of Education & Events Linda Temkin didn't receive a *Valley Lawyer* MCLE article test from him.

Long-time associate member Mel Kohn passed away at the age of 74 on October 25. Mel was a founding partner of CPA firm, Kirsch Kohn and Bridge LLP in Woodland Hills. Mel participated in many Valley professional and civic organizations, including the San Fernando Valley Bar



Association. Mel and his wife of 52 years, retired Los Angeles Superior Court Judge Wendy Kohn, were supporters of the Bar's Judges' Night and other gala events. He was an integral and proud member of *Valley Lawyer's* Editorial Committee. While soft-spoken, his contributions to the magazine were immense and will endure his legacy.

I do not consider myself a very religious person but I know there is one heck of a tailgate party going on now in heaven. In addition to their shared affinity for the SFVBA, Bernie, Connolly and Mel all bled true blue and gold. These UCLA Bruins and Sons of Westwood will long be remembered and celebrated by the San Fernando Valley Bar Association. 

SUN	MON	TUE	WED	THU	FRI	SAT
		Valley Lawyer Member Bulletin 1 Deadline to submit announcements to editor@sfvba.org for January issue.	2	Membership & Marketing Committee 3 6:00 PM SFVBA OFFICE <hr/> Criminal Law Section Immigration Consequences: Your Duty to Know and Advise 6:00 PM SFVBA OFFICE	IOLTA Accounts and Doing Business with a Trust Department 4 Sponsored by CITY NATIONAL BANK  The way up. [®] 12:00 NOON SFVBA OFFICE Free to all current members! (1 MCLE Hour) See ad on page 36	5
6	7	Probate & Estate Planning Section 8 Recognizing and Eliminating Age Bias (Ageism) 12:00 NOON MONTEREY AT ENCINO RESTAURANT Judge James Steele, Ret. will discuss how to recognize and eliminate impermissible bias in the courtroom, law office, and attorney-client relationships. (1 MCLE Hour) Elimination of Bias SFVBA Holiday Open House! See ad on page 40	Business Law & Real Property Section and New Lawyers Section 9 Law Practice Choice of Entity 12:00 NOON SFVBA OFFICE Bill Staley will discuss how a law practice should be organized—sole proprietorship, general partnership, registered limited liability partnership, or professional corporation—and how tax and liability protection issues affect the decision. (1 MCLE Hour)	Deputy Public Defender Graciela Martinez, an authority on immigration issues, will discuss the latest on AB 1343 in regard to defense attorneys' obligations. (1 MCLE Hour)	Bankruptcy Law Section Exemptions 11 12:00 NOON SFVBA OFFICE Michael Kwasigroch discusses exemptions and the federal and state laws that apply. (1.25 MCLE Hours)	12
13	14	E-Discovery 15 Sponsored by  Comprehensive Litigation Support 12:00 NOON SFVBA OFFICE Free to Current Members! See ad on page 40 <hr/> New Lawyers Section Understanding Student Loan Repayment 6:00 PM SFVBA OFFICE Todd Golper from Quail Street Analysts will outline the options available. Free to new lawyers! (1 MCLE Hour)	WEBINAR 16 Business Transactions Involving Marijuana Laws 12:00 NOON Michele Brooke will discuss the intricacies of the marijuana laws. (1 MCLE Hour)	17	18	Blanket the Homeless and ARS Legal Clinic 19 8:00 AM L.A. FAMILY HOUSING NORTH HOLLYWOOD  See ad on page 37
20	21	22	23	24	25 	
28	27	29	30	31	26	

SUN	MON	TUE	WED	THU	FRI	SAT
				Happy New Year 1		2
3	Valley Lawyer Member Bulletin Deadline to submit announcements to editor@sfvba.org for February issue.	5	6	Membership & Marketing Committee 6:00 PM SFVBA OFFICE	8	9
10	Tarzana Networking Meeting 5:00 PM SFVBA OFFICE	12 Probate & Estate Planning Section 12:00 NOON MONTEREY AT ENCINO RESTAURANT	13	14	 SFVBA 19th Annual MCLE Marathon See page 31	
		Board of Trustees 6:00 PM SFVBA OFFICE				
17	18	19 New Lawyers Section Networking Mixer Sponsored by  The Tenant's Advantage 6:00 PM LAKESIDE CAFE ENCINO	20 Workers' Compensation Section 12:00 NOON MONTEREY AT ENCINO RESTAURANT	21	22	23
						
24	25 Family Law Section New Laws 5:30 PM MONTEREY AT ENCINO RESTAURANT Start the New Year right and get the latest updates. Approved for Family Law Legal Specialization. (1.5 MCLE Hours)	26 Editorial Committee 12:00 NOON SFVBA OFFICE	27	28 Diversity Mixer 6:00 PM THE VILLA WOODLAND HILLS See ad on page 30	29 Bankruptcy Law Section Abandonments in Bankruptcy 12:00 NOON SFVBA OFFICE Jeffrey Shinbrot and court law clerk Chris Wong will discuss select and scary issues. (1.25 MCLE Hours)	30
31						



The San Fernando Valley Bar Association is a State Bar of California MCLE approved provider. Visit www.sfvba.org for seminar pricing and to register online, or contact Linda Temkin at (818) 227-0490, ext. 105 or events@sfvba.org. Pricing discounted for active SFVBA members and early registration.



Blanket the Homeless Makes a Difference Over Twenty Years

By Rosie Soto Cohen



SAN FERNANDO VALLEY BAR ASSOCIATION (SFVBA) members are invited to participate in Blanket the Homeless on the morning of December 19 at LA Family Housing in North Hollywood. The event marks the twentieth anniversary of the launch of the Bar's popular program. Blanket the Homeless began on December 16, 1995 in the Bar's parking lot in Encino. SFVBA members and staff handed out blankets and sleeping bags to Valley-based homeless and battered women shelters.

In the program's inaugural year, the SFVBA collected donations from members and law firms of more than \$4,000 to purchase almost 900 blankets. An additional 70 sleeping bags were donated by sporting goods manufacturers.

Blanket the Homeless was conceived twenty years ago by then Bar President Robert A. Weissman. According to Weissman, "My theme for my year as President was 'One person can make a difference' and I wanted to make a difference. One of the ways I tried to make a difference was by creating Blanket the Homeless.

"I felt the SFVBA was not doing enough in the community (the Foundation was not nearly as active as it is today). I was aware of the need for blankets in homeless shelters and battered women's shelters, so the idea came to me that our association could help, do something good for a part of our community which was

in need, and at the same time, do something to feel good about our organization."

David R. Hagen, who succeeded Weissman as SFVBA president, recalls, "The thought was for the Bar Association to be able to show its appreciation for the entire San Fernando Valley community and to provide a way to 'give back.' It also addressed a pressing need in our community. Without Bob, the program may have never gotten off the ground."

Blanket the Homeless was originally a project of the Lawyer Referral & Information Service (now the Attorney Referral Service) and was administered by LRIS Director Brad Capener. Recognizing Capener's role launching the program, Weissman acknowledged, "If not for the assistance of Brad, we would have never got started."

By its second year, the Bar doubled the number of blankets and sleeping bags distributed to the shelters. Since its inception, more than 40,000 blankets have been provided to nonprofit agencies in the San Fernando Valley, including Children of the Night, M.E.N.D., Women's Care Cottage, BRIDGES, El Nido, Hillview Mental Health, Haven Hills, San Fernando Valley Interfaith Council, San Fernando Valley Mental Health Center and LA Family Housing.

Blanket the Homeless continued to grow under the stewardship of Past Presidents Mark S. Blackman and Christine C. Lyden. "The blankets were distributed in the parking lot of the Bar offices in the first couple of years




of Blanket the Homeless,” Lyden reveals. “Mark and I made the decision to move the program to the LA Family Housing shelter in North Hollywood. At the same time we started the legal clinic.”

Blanket the Homeless was expanded in 1999 to include ARS attorneys offering free legal counsel to the tenants at the distribution site, LA Family Housing. “SFVBA members have helped not only with distribution of blankets but also have contributed their time and expertise in free consultations to LA Family Housing residents,” Lyden reports. “These residents have received assistance with a wide range of legal problems from our volunteers.”

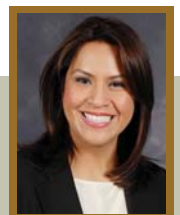
The good works the SFVBA provides the San Fernando Valley community through Blanket the Homeless have been reported on by the local media throughout the program’s twenty years. Lyden states, “Blanket the Homeless has extended SFVBA’s community outreach by providing blankets to several homeless shelters and programs in the San Fernando Valley and also by providing pro bono legal services.”

Hagen lauds Blackman’s and Lyden’s efforts. “Mark and Christine have been faithful stewards of the program. Each and every year, they put tremendous time and energy into keeping the program vital and relevant. The Bar owes them both a tremendous amount of gratitude.”

On November 17, the Los Angeles City Council unanimously declared a shelter crisis in response to the city’s growing homeless problem. Weather forecasts predict this winter’s El Niño will be the most powerful on record. The SFVBA is committed to raising sufficient funds in 2015 to provide enough blankets to meet every shelter’s needs. All members are asked to dig deep into their hearts and wallets this holiday season to make a donation to blanket the homeless when they need it most!

In 2014, Blanket the Homeless became a joint program with the Valley Community Legal Foundation (VCLF), the charitable arm of the SFVBA. Donations earmarked for Blanket the Homeless through the VCLF are tax deductible as a charitable contribution. Donations can be made online at www.thevclf.org/donate. 

Rosie Soto Cohen is Director of Public Services for the San Fernando Valley Bar Association. She supervises the Attorney Referral Service. She can be reached at rosie@sfvba.org.



It's 2:00am, Do You Know Where Your Data Is?



By Orie Rechtman

AS MORE AND MORE LAW firms make their move from physical IT infrastructure to remote virtual cloud operation, there are several aspects that must be taken into consideration as part of this move. Cloud computing provides many benefits to businesses, such as considerably lower costs of running the IT department, efficiency, accessibility, compliancy, and built-in backup, storage and business continuity in case of disaster. This article deals with how secure is your data in the cloud.

According to a survey conducted in 2014 by information technology research company Gartner, 66% of businesses using cloud were running cloud email; 53% were using cloud to store files in electronic form; 39% were hosting their database in the cloud; and 34% were using cloud-based software. There are four main types of cloud services:

- **Public Cloud.** Amazon, Microsoft, and Rackspace are examples of vendors completely responsible for maintaining data, security and maintenance of all equipment in their data centers. Information is segregated but the client has no control over any aspect of the service provider functions.
- **Private Cloud.** The client is provided their own private equipment either by the vendor at a remote data center or owned by the client and installed at a remote data center. The client has knowledge and certain controls over where the data is at all times, knowledge of the security and load balancing and encryptions, as well as disaster recovery aspects. There are cloud vendors who specialize in private cloud services and will deploy a fully managed cloud service, meaning they will also support

legal applications, filing, billing and accounting, contacts and email hosting. They can also become your IT service provider and cover all your IT needs, in the office and in the cloud.

- **Cloud-Based Software.** Certain functions such as accounting and legal applications are hosted by the software vendor in their cloud.
- **Cloud Storage Services.** Businesses and individuals store files for sharing in the cloud using Google Drive, Box, Dropbox, and other services.

One of the main issues when considering what cloud provider to choose is knowing where your data is. Most large cloud providers such as Amazon, Microsoft, Verizon, Rackspace and the likes use server farms around the globe to store data. In most cases,



Orie Rechtman is CEO of 4Service Cloud Tech, a provider of fully managed and compliant private cloud services to the legal field, and an associate member of the San Fernando Valley Bar Association. He can be reached at orie@4service.com.

the client does not have any control over what country the data is in at any given moment, which could present challenges and potential legal jurisdiction issues in the event of dispute and uncertainty about the applicable law.

Security breaches concerns should be elevated when dealing with data centers located outside of the United States and the liability and accountability of the provider must be carefully scrutinized.

When choosing a cloud service provider, it's important to verify where the data center is located. If close by, take a tour of the center to find out how secured it is and how well it is prepared for a disaster or loss of power, water, and internet services.

Discuss with the vendor the redundancy of their infrastructure. A cloud service provider should have more than one data center, preferably in a different location in the United States, where the data is backed up to and can be retrieved in the event of equipment failure or a disaster—natural or human created. The vendor also needs to demonstrate their firewall capabilities and their own infrastructure to prevent malicious attacks by any outsiders.

One very important step a business needs to take is to ensure that the data is encrypted before it is uploaded to the virtual cloud. Another is to verify with the vendor the encryption methods of the stored data in the cloud. This is even more critical with more and more businesses using cloud storage services, and employees using these type of service to share files.


Accessing company's documents and services in the cloud has seen a sharp rise. According to a recent survey published in September 2015 by data security firm WinMagic, 70% of employees use company's data outside the business, either through company equipment or personal devices. Many times the employer does not have in place strict policies of data usage outside the company's infrastructure,

either used remotely or via mobile devices. This practice represents a threat to the business of data loss, loss of privacy and security controls, threats of cyber-attacks, and malware insertion and penetration. To mitigate these threats, companies must create strict policies and better training of their employees and build awareness of these risks.

Security Risks

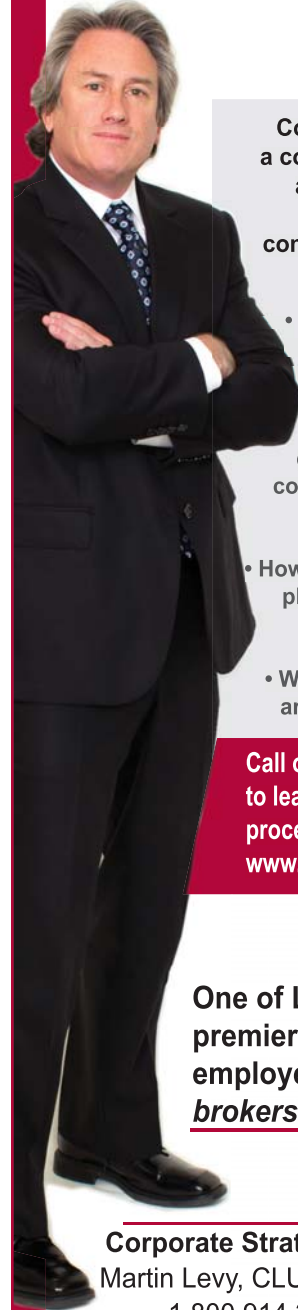
Businesses can lose visibility of content when documents and data are stored on consumer file sharing apps. To combat this, Dropbox Enterprise recently came out with a new set of tools available to businesses, which includes scalable deployment through domain verification and account capture. Employers will be able to see which workers already have existing personal Dropbox accounts, and can easily onboard these employees onto enterprise accounts. Additionally, administrators will be granted visibility and access into employee's usage of their Dropbox accounts on the company domain.

Even still, according to news writer Ramin Edmond in an article published last month in *TechTarget*, it may be difficult for Dropbox to overcome a long-standing stigma that its platform can't be trusted in business. Just prior to the Dropbox Enterprise release, Mobile Iron named Dropbox its number one blacklisted consumer app because it poses the biggest security risk to businesses. Google Drive and Box were also among the top ten security risks.

According to Edmond, a notable difference between Box and Dropbox is that while both companies have consumer and business versions of their respective platforms, Box's enterprise version is widely used in business, while Dropbox lags in that area compared to its competitor. Compliancy is also an important factor. While Box has been HIPAA compliant since 2012, Dropbox was not compliant until the latest release of Enterprise Version. 

HEALTH CARE REFORM HAS CHANGED THE WAY YOU BUY AND DELIVER BENEFITS

IS YOUR PRESENT BROKER BRINGING YOU THE BEST POSSIBLE SOLUTION?



Contact us for
a comprehensive
analysis of
NEW ACA
compliant plans:

- How to exploit the ACA for your benefit
- Why plan design and communication are vital
- How the exchanges play into your programs
- Wrapping plans around Kaiser

Call or Email us
to learn about our
process, or visit
www.CorpStrat.com

One of Los Angeles
premier and **largest**
employee **benefit**
brokers

Corporate Strategies Inc
Martin Levy, CLU, Principal
1 800 914 3564
www.Corpstrat.com
Ca. Lic 0C24367





By reading this article and answering the accompanying test questions, you can earn one MCLE credit in Legal Ethics. To apply for the credit, please follow the instructions on the test answer form on page 23.

Civility in Lawyers' Writing

By Douglas E. Abrams

Incivility can manifest itself in a lawyer's written derision of an opponent and a lawyer's written disrespect of the court. Either manifestation can weaken the client's cause and compromise the lawyer's own personal enrichment and the lawyer's professional standing among the bench and bar.



A FEW YEARS AGO, AMERICAN BAR Association President Stephen N. Zack decried the legal profession's "continuing slide into the gutter of incivility."¹ An ABA resolution "affirm[ed] the principle of civility as a foundation for democracy and the rule of law, and urge[d] lawyers to set a high standard for civil discourse."²

The ABA initiative echoes federal and state courts that call civility "a linchpin of our legal system,"³ a "bedrock principle,"⁴ and "a hallmark of professionalism."⁵ Justice Anthony M. Kennedy says that civility "defines our common cause in advancing the rule of law."⁶ Chief Justice Warren E. Burger called civility a "lubricant[] that prevent[s] lawsuits from turning into combat."⁷ "Courtesy is an essential element of effective advocacy," agrees Justice John Paul Stevens.⁸

The adversary system's pressures can strain the tone and tenor of a lawyer's oral speech, but the strain on civility can be especially great when lawyers write. Words on paper arrive without the facial expression, tone of voice, body language, and contemporaneous opportunity for explanation that can soothe face-to-face communication. Writing appears cold on the page, dependent not necessarily on what the writer intends or implies, but on what readers infer.

This article is in three parts. Part I describes two manifestations of incivility, a lawyer's written derision of an opponent, and a lawyer's written disrespect of the court. Part II describes how either manifestation can weaken the client's cause. Part III describes how incivility in writing can also compromise both the lawyer's own personal enrichment and the lawyer's professional standing among the bench and bar.

Part I

"[C]ivility is not a sign of weakness," President John F. Kennedy assured Americans in his Inaugural Address in 1961 as he anticipated four years of faceoffs with the Soviets.⁹ "Civility assumes that we will disagree," says Yale law professor Stephen L. Carter, "It requires us not to mask our differences but to resolve them respectfully."¹⁰ The advice prevails, regardless of whether incivility pits lawyer on lawyer, or whether it pits lawyer against the court. Each of the two manifestations of incivility warrants a representative example here.



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.

Lawyer-On-Lawyer Incivility

When Chief U.S. Bankruptcy Judge Terrence L. Michael (N.D. Okla.) recently considered whether to approve a compromise in *In re Gordon*, the contending lawyers in the Chapter 7 proceeding detoured into written lawyer-on-lawyer invective.¹¹

In a filing to support its motion to compel discovery from the bankruptcy trustee in *Gordon*, the lawyer for creditor Commerce Bank charged that the trustee and the United States had engaged in "a pattern . . . to avoid any meaningful examination of the legal validity of the litigation plan they have concocted to bring . . . a series of baseless claims."¹²

"[T]hey know," the bank's lawyer continued, "that a careful examination of the process will show the several fatal procedural flaws that will prevent these claims from being asserted."¹³ "Only by sweeping these issues under the rug will the trustee be able to play his end game strategy of asserting wild claims . . . in hopes of coercing Commerce Bank into a settlement (which the Trustee hopes will generate significant contingency fees for himself)."¹⁴

The trustee charged that the bank's lawyer had impugned his character with accusations that he had compromised his fiduciary obligations for personal gain. Judge Michael denied the trustee's sanctions motion on procedural grounds, but he chastised the bank's lawyer because "personal and vitriolic accusations have no place as part of a litigation strategy."¹⁵ The court instructed the parties to "leave the venom at home"¹⁶ because "[w]hether you like (or get along well with) your opposition has little to do with the merits of a particular case."¹⁷

Some courts have moved beyond instruction. In the exercise of inherent authority, these courts have sanctioned lawyers, or have denied attorneys' fees, for incivility.¹⁸ Some courts have even sanctioned the client who, having retained the lawyer, bears some responsibility for the lawyer's conduct.¹⁹

Lawyer-on-Court Incivility

Gordon's written recriminations pitted counsel against counsel, but lawyers sometimes venture into incivility that disrespects judges and the court. Every appeal involves at least one party who believes that the lower court reached an incorrect outcome, but few judges deserve criticism for incompetence. Lawyers for aggrieved parties are more likely to receive a serious hearing (and more likely to perform



Coverage You Can Trust

Did you know we are a full service insurance agency, offering everything from professional liability to personal insurance? We are here as your one-stop shop, and our knowledgeable team will deliver the personalized customer service you deserve.

We offer competitively priced, quality products from stable, highly-rated companies.

For your Legal Practice

- Professional Liability Insurance
- Health Insurance (Group and Individual)
- General Liability, Business Property Insurance
- Workers' Compensation Coverage
- Employment Practices Liability Insurance

For You, Your Family, and Staff

- Personal Auto, Homeowners, and Personal Umbrella Liability Insurance
- 401(k) Benefits
- Employee Benefits
- Long-Term Care Insurance
- Disability Insurance
- Term Life Insurance


Let us be your One-Stop Shop for Insurance. Call us today for a second opinion consultation at **800.371.9024**.



NARVER

We are a supporter of the
San Fernando Valley Bar Association





HON.
RICHARD A.
STONE (RET.)

LOS ANGELES SUPERIOR COURT

www.JudgeRichardStone.com

ADR SM 310.201.0010
 SERVICES, INC.

their roles as officers of the court) by firmly, forcefully, but respectfully arguing a judge's good faith misapplication of the law to the facts, rather than by resorting to insinuations about the judge.

Insinuations surfaced during the federal district court's review of the magistrate judge's report and recommendation in *In re Photochromic Lens Antitrust Litigation*.²⁰ A party's lawyer contended that the magistrate judge was "misled" concerning relevant legal standards, and that the judge made her recommendation without "any reference to the voluminous underlying record." The lawyer further contended that she "conducted no analysis, much less a 'rigorous analysis,'" and decided "based on no evidence, a superficial misreading of the evidence, or highly misleading evidence."²¹

The district court approved the magistrate judge's recommendation and report in significant part, but did not stop there. The court also publicly reprimanded the lawyer for crossing the line: "It is disrespectful and unbecoming of a lawyer to resort to such language, particularly when directed toward a judicial officer. Its use connotes arrogance, and reflects an unprofessional, if not immature litigation strategy of casting angry aspersions rather than addressing the merits . . . in a dignified and respectful manner."²²

Part II: Incivility's Costs to the Client

Lawyers whose writing descends into incivility risk weakening the client's cause, perhaps irreparably. The Chief Justice of the Maine Supreme Court confides that "[a]s soon as I see an attack of any kind on the other party, opposing counsel, or the trial judge, I begin to discount the merits of the argument."²³ As they determine the parties' rights and obligations by applying fact to law, perhaps judges sometimes react this way because civility projects strength and incivility projects weakness. "Rudeness is the weak man's imitation of strength," said philosopher Eric Hoffer.²⁴

The lawyer's first step toward civility may be an early candid talk with the client, who may feel grievously wronged and may believe that the surest path to vindication is representation by a junkyard dog waiting to be unleashed. The client's instincts may stem from movies and television dramas, whose portrayals of lawyers sometimes sacrifice realism for entertainment.

Without this early talk, the client may mistake the lawyer's civility for meekness, and courtesy for concession. The client needs to understand that a take-no-prisoners strategy can disgust any decision maker who shares the sensibilities expressed by the Justices and judges quoted above. One Illinois trial judge recently had this advice for lawyers: "No judge has ever been heard to endorse or encourage the use [of mean-spirited] writing. Not one. You may feel better writing it and your client may feel better reading it, but your audience is the judge, and judges abhor it."²⁵ Judicial abhorrence scores the client no points.

Justice Sandra Day O'Connor says that, "It is enough for the ideas and positions of the parties to clash; the lawyers don't have to."²⁶ "It isn't necessary to say anything nasty about your adversary or to make deriding comments about the opposing brief," adds Justice Ruth Bader Ginsburg, who says that such comments "are just distractions. You should aim to persuade the judge by the power of *your* reasoning and not by denigrating the opposing side. . . . If the other side is truly bad, the judges are smart enough to understand that; they don't need the lawyer's aid."²⁷

Judges are not alone in advancing civility for projecting strength. John W. Davis, perhaps the 20th century's greatest Supreme Court advocate, understood his judicial audience. "Controversies between counsel," he wrote, "impose on the court the wholly unnecessary burden and annoyance of preserving order and maintaining the decorum of its proceedings. Such things can irritate; they can never persuade."²⁸

Part III: Incivility's Costs to the Lawyer

Aside from compromising the client's interests, incivility can damage the lawyer's own personal enrichment and professional standing. Incivility "takes the fun from the practice of law," says Judge Duane Benton of the U.S. Court of Appeals for the Eighth Circuit.²⁹ "Being a lawyer can be pleasant or unpleasant," explains Judge William J. Bauer of the U.S. Court of Appeals for the Seventh Circuit, who adds that "[w]hen we treat each other and those with whom we have professional contact with civility, patience and even kindness, the job becomes more pleasant and easier."³⁰

Moving from the lawyer's personal enrichment to professional standing, the Preamble to the ABA Model Rules of Professional Conduct recites "the lawyer's obligation zealously to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous, and civil attitude toward all persons involved in the legal system."³¹ Model Rule 8.4(d) operates against "conduct that is prejudicial to the administration of justice."³²

The Model Rules' spotlight on professional obligation is fortified by commands for civility in federal and state court rules;³³ state admissions oaths;³⁴ and unofficial codes that some professional organizations maintain for their member lawyers.³⁵ The ABA Model Code of Judicial Conduct imposes reciprocal obligations of civility on judges in the performance of their official duties.³⁶

These professional commands and expectations mean that descent into incivility can damage the lawyer's reputation with judges and others lawyers. The damage seems greatest when the court's opinion calls out the offending lawyer publicly, either by name or by leaving the lawyer readily identifiable from the appearances listed atop the opinion. In the two decisions featured in Part I of this article, the



TURNER'S APPRAISALS



**IRS Qualified and
California State
Certified Residential
Real Estate Appraiser**

Mike Turner (818) 384-6869
www.TurnersAppraisals.com

Appraisals For

● Bankruptcy	● Mediation
● Date of Death	● Prenup Agreement
● Divorce	● Probate
● Estate & Portfolio	● Retrospective






OVER 60 YEARS OF EXPERIENCE

IMMIGRATION LAW

Green Cards, Work Permits, U.S. Citizenship



**Law Offices of
Tasoff & Tasoff**

(818) 788-8900

www.tasoff.com

Founded 1949






offenders may have had belated second thoughts when the court shined the spotlight.

“Just as lawyers gossip about judges and most litigators have a ‘book’ on the performances of trial judges, we judges keep our own book on litigators who practice before us,” confides one federal district judge.³⁷ During my judicial clerkship, I learned early that when many judges pick up a brief or other submission, they look first for the writer’s name. A writer with a track record for civil, candid, forceful advocacy gets a head start; a writer who has fallen short must make up lost ground.

Incivility brings tarnish, but civility brings luster. Justice Kennedy calls civility “the mark of an accomplished and superb professional.”³⁸ A veteran federal district judge concurs: “The lawyers who are the most skillful tend to be reasonably civil lawyers because they project an image of self-confidence. They don’t have to stoop to the level of acrimony.”³⁹

Even without public rebuke or other disdain from the bench, word gets around. In cities, suburbs and outstate areas alike, the bench and bar usually remain bound by mutual relationships, word of mouth, recollections, and past experiences. Lawyers with sterling reputations for civility stand a better chance of receiving civility in return. Sooner or later, for example, a lawyer may need a stipulation, consent to a continuance, or similar accommodation from opposing counsel or the court. Like other people, lawyers get what they give.

In a challenging employment market, maintaining a reputation for civility can also enhance a lawyer’s professional mobility. Lawyers sometimes receive appealing lateral job offers from a nearby public- or private-sector adversary who respects not only their competence, but also their professionalism. Being smart is not enough. Plenty of lawyers are smart, but fewer lawyers earn respect for genuine professionalism as they seek the best possible outcomes for their clients. Because few Americans (including few lawyers) spend their entire careers with their first employer, enhanced lateral mobility can be a significant reward for unswerving commitment to an honorable law practice.


As members of a largely self-governing profession devoted to the rule of law,⁴⁰ lawyers are judged by expectations sometimes higher than the expectations that judge other professionals. President Theodore Roosevelt said that “[c]ourtesy is as much a mark of a gentleman as courage.”⁴¹ “The greater the man, the greater courtesy,” wrote British Poet Laureate Alfred, Lord Tennyson in his epic poem, *Idylls of the King*.⁴²

The greater the lawyer too.

Conclusion: The Will to Win

“All advocacy involves conflict and calls for the will to win,” said New Jersey Supreme Court Chief Justice Arthur

T. Vanderbilt, but the will to win is only one ingredient of professionalism. Advocates, he added, also “must have character,” marked by “certain general standards of conduct, of manners, and of expression.”⁴³ One prime marker of an advocate’s character is civility.

Civility in advocacy resembles sportsmanship in athletics. Sportsmanship presumes that each athlete wants to win within the rules of the game; a sportsmanlike athlete who does not care about winning should not play. Civility similarly presumes that each advocate wants to win within the rules of professionalism; a civil advocate who does not care about winning should not represent a client. Civility and forceful advocacy, like sportsmanship and forceful athleticism, define the total package. 

¹ James Podgers (ed.), *From Many Voices, a Call for Public Civility*, 97 A.B.A.J. 58, 58 (Sept. 2011) (quoting Zack).

² *Id.*

³ *Wilson v. Airtherm Prods., Inc.*, 436 F.3d 906, 912 n.5 (8th Cir. 2006).

⁴ *Wescott Agri-Prods, Inc. v. Sterling State Bank, Inc.*, 682 F.3d 1091, 1096 (8th Cir. 2012).

⁵ *Cardello v. Cardello*, No. FA020088156S, 2002 WL 31875435 * 1 (Conn. Super. Ct. Dec. 4, 2002).

⁶ Louis H. Pollak, *Professional Attitude*, 84 A.B.A.J. 66, 66 (Aug. 1998) (quoting Justice Kennedy).

⁷ Warren E. Burger, *The Necessity for Civility*, 52 F.R.D. 211, 214-15 (1971).

⁸ Marvin E. Aspen, Let Us Be “Officers of the Court,” 83 A.B.A.J. 94, 96 (July 1997) (quoting Justice Stevens).

⁹ Joint Congressional Comm. on Inaugural Ceremonies, *Address by John F. Kennedy*, 1961 (Jan. 20, 1961).

¹⁰ Stephen L. Carter, *Civility* 132 (1998).

¹¹ 484 B.R. 825 (N.D. Okla. 2013).

¹² *In re Gordon*, 484 B.R. 825, 827 (N.D. Okla. 2013).

¹³ *Id.*

¹⁴ *Id.* at 827-28.

¹⁵ *Id.* at 828.

¹⁶ *Id.* at 830-31.

¹⁷ *Id.* at 830.

¹⁸ G.M. Filisko, *You’re OUT OF ORDER!*, 99 A.B.A.J. 32 (Jan. 2013); *Wescott Agri- Prods, Inc.*, *supra* note 5, at 1095-96 (citation omitted).

¹⁹ *See, e.g., Wescott Agri-Prods, Inc.*, *supra* note 4, at 1096 (citation omitted).

²⁰ No. 8:10-md-02173-T-27EAJ, 2014 WL 1338605 (M.D. Fla. Apr. 3, 2014).

²¹ *Id.* at *1 n.1.

²² *Id.*

²³ Leigh Ingalls Saufley, *Amphibians and Appellate Courts*, 14 MAINE B.J. 46, 49 (Jan. 1999).

²⁴ Eric Hoffer, *The Passionate State of Mind: And Other Aphorisms* (1955).

²⁵ Naomi Kogan Dein, *The Need for Civility in Legal Writing*, 21 CBA RECORD 54 (Feb./Mar. 2007) (quoting Judge Michael B. Hyman).

²⁶ Sandra Day O’Connor, *Professionalism*, 76 Wash. U. L.Q. 5, 9 (1998).

²⁷ *Interviews with United States Supreme Court Justices: Justice Ruth Bader Ginsburg*, 13 SCRIBES J. LEG. WRITING 133, 142 (2010) (quoting Justice Ginsburg) (italics in original).

²⁸ John W. Davis, *The Argument of an Appeal*, 26 A.B.A.J. 895, 898 (1940).

²⁹ Duane Benton, *Chief Justice’s Address to Members of the Missouri Bar*, Sept. 24, 1998, 54 J. MO. BAR 302, 302 (1998).

³⁰ J. Timothy Eaton, *Civility, Judge Bauer and the CBA*, 28 CBA RECORD 8 (2014) (quoting Judge Bauer; citation omitted).

³¹ ABA Model Rules of Prof’l Conduct, Preamble [9] (2015).

³² *Id.*, R. 8.4(d) (2015).

³³ *E.g., Standards for Professional Conduct Within the Seventh Federal Judicial Circuit* 120-21, 123 (2013).

³⁴ Filisko, *supra* note 18 (quoting S.C. oath).

³⁵ *See, e.g., Am. Bd. of Trial Advocates’ Principles of Civility, Integrity, and Professionalism*, <https://www.abota.org/index.cfm?pg=Civility>.

³⁶ ABA Model Code of Judicial Conduct R. 2.8(B) (2015).

³⁷ Aspen, *supra* note 8, at 96.

³⁸ Louis H. Pollak, *supra* note 6 (quoting Justice Kennedy).

³⁹ Laura Castro Trognitz, *Bench Talk*, 86 A.B.A.J. 56 (Mar. 2000) (quoting Judge John G. Koeltl, S.D.N.Y.).

⁴⁰ ABA Model Rules of Prof’l Conduct, Preamble [10] (2015).

⁴¹ Cliff Sain, *Earth’s Atmosphere*, Springfield (Mo.) News-Leader, Feb. 26, 2008, at 3C (quoting Roosevelt).

⁴² Alfred, Lord Tennyson, *Idylls of the King, The Last Tournament* (1859-85).

⁴³ Arthur T. Vanderbilt, *Forensic Persuasion*, 7 Wash. & Lee L. Rev. 123, 130 (1950).



Test No. 86

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 in Legal Ethics. 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. Courts have sanctioned lawyers but never deny attorneys' fees for incivility.
☐ True ☐ False
2. Some courts have sanctioned the client who, having retained the lawyer, bears some responsibility for the lawyer's conduct.
☐ True ☐ False
3. Personal and vitriolic accusations have an important place as part of a litigation strategy.
☐ True ☐ False
4. Lawyers for aggrieved parties are more likely to receive a serious hearing by firmly, but respectfully, arguing a judge's good faith misapplication of the law to the facts, rather than by resorting to insinuations about the judge.
☐ True ☐ False
5. In *In re Photochromic Lens Antitrust Litigation*, the court publicly applauded the lawyer for crossing the line.
☐ True ☐ False
6. Lawyers whose writing descends into incivility strengthen the client's cause.
☐ True ☐ False
7. Justice Sandra Day O'Connor said that, "It is enough for the ideas and positions of the parties to clash; the lawyers don't have to."
☐ True ☐ False
8. The Preamble to the ABA Model Rules of Professional Conduct recites "the lawyer's obligation zealously to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous, and civil attitude toward all persons involved in the legal system."
☐ True ☐ False
9. ABA Model Rule 8.4(d) operates against conduct that is prejudicial to the administration of justice.
☐ True ☐ False
10. The ABA Model Rules' spotlight on professional obligation is not fortified by unofficial codes that some professional organizations maintain for their member lawyers.
☐ True ☐ False
11. The ABA Model Code of Judicial Conduct imposes reciprocal obligations of civility on judges in the performance of their official duties.
☐ True ☐ False
12. As members of a largely self-governing profession devoted to the rule of law, lawyers are judged by expectations sometimes lower than the expectations that judge other professionals.
☐ True ☐ False
13. Justice Kennedy calls civility "the mark of an accomplished and superb professional."
☐ True ☐ False
14. Aside from compromising the client's interests, incivility can damage the lawyer's own personal enrichment and professional standing.
☐ True ☐ False
15. The lawyer's first step toward civility may be an early candid talk with the client.
☐ True ☐ False
16. An ABA resolution affirmed the principle of civility as a foundation for democracy and the rule of law.
☐ True ☐ False
17. President John F. Kennedy assured Americans in his Inaugural Address in 1961 that "[C]ivility is not a sign of weakness" as he anticipated four years of faceoffs with the British.
☐ True ☐ False
18. The client may mistake the lawyer's civility for meekness, and courtesy for concession.
☐ True ☐ False
19. Attorneys should aim to persuade the judge by denigrating the opposing side.
☐ True ☐ False
20. If the other side is truly bad, the judges are smart enough to understand that; they don't need the lawyer's aid.
☐ True ☐ False

MCLE Answer Sheet No. 86

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:

San Fernando Valley Bar Association
5567 Reseda Boulevard, Suite 200
Tarzana, CA 91356

METHOD OF PAYMENT:

- ☐ Check or money order payable to "SFVBA"
☐ Please charge my credit card for \$_____.

Credit Card Number _____ Exp. Date _____

Authorized Signature _____

5. Make a copy of this completed form for your records.
6. Correct answers and a CLE certificate will be mailed to you within 2 weeks. If you have any questions, please contact our office at (818) 227-0490, ext. 105.

Name _____
Law Firm/Organization _____
Address _____
City _____
State/Zip _____
Email _____
Phone _____
State Bar No. _____

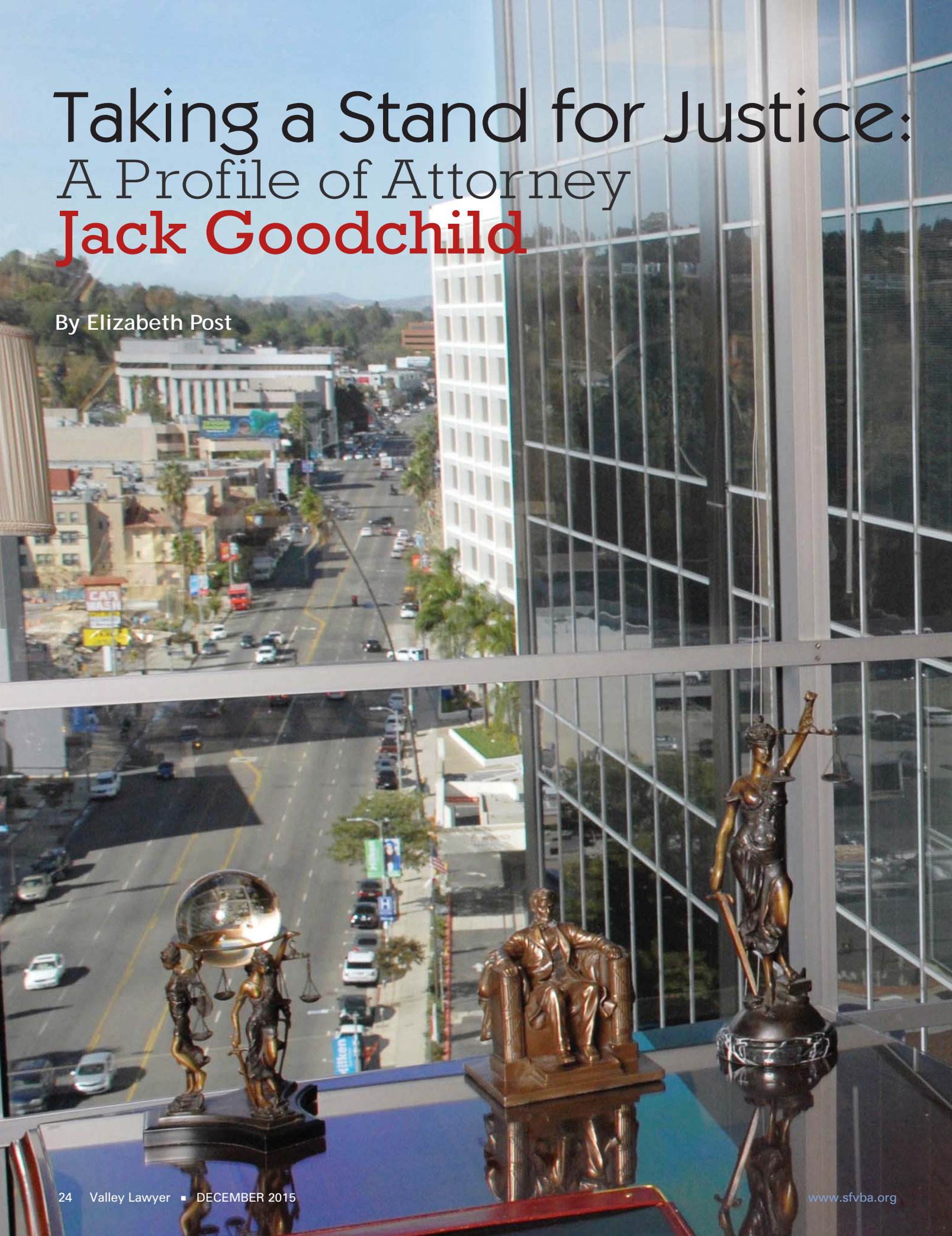
ANSWERS:

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

- | | | |
|-----|-------------------------------|--------------------------------|
| 1. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 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 |
| 5. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 6. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 7. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 8. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 9. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 10. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 11. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 12. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 13. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 14. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 15. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 16. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 17. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 18. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 19. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 20. | <input type="checkbox"/> True | <input type="checkbox"/> False |

Taking a Stand for Justice: A Profile of Attorney **Jack Goodchild**

By Elizabeth Post





Over almost forty years practicing workers' compensation law, Valley attorney Jack Goodchild has been guided by the deep principles of justice and equality. Born to survivors of the Holocaust and coming of age in The Sixties, Goodchild's upbringing greatly influences his work today as a voice for the disadvantaged and a representative of injured workers.

FOR THE THIRD STRAIGHT YEAR, *VALLEY LAWYER* auctioned its cover to raise funds for charity and to profile a Valley attorney for their public service. Proceeds from the auction benefit Blanket the Homeless and the Valley Community Legal Foundation. This year's highest bidder is Encino lawyer and long-time SFVBA member Jack Goodchild.

Jack Goodchild moved with his mother Sonja, father Abraham and sister Rebecca from Antwerp, Belgium to the United States in 1950 when he was only three months old. His parents were Holocaust survivors who were liberated by the Allies from Buchenwald concentration camp in Nazi Germany five years earlier.

Goodchild grew up in New York City with other families of Holocaust survivors. His best friend since he was 11-years-old, David Schwartz, is also a son of concentration camp survivors. Goodchild attended public schools. His strong grades earned him scholarships to the State University of New York (SUNY) at Stony Brook, graduating cum laude in 1971 with a B.A. in English, and SUNY Buffalo, earning his Juris Doctor degree in 1974. His parents had both passed away by that time, and he relocated to Los Angeles where he built his family and career.

After being admitted to the State Bar of California in 1975, Goodchild practiced for a small firm with a focus on personal injury litigation. He began with about 25 workers' compensation files. Five years later, he was supervising over 800 cases, as well as handling personal injury matters and Social Security Disability cases. In 1981, Goodchild was certified as a specialist in Workers' Compensation Law by the Board of Legal Specialization of the State Bar of California. In 1989, Mr. Goodchild founded his own law firm, the Law Offices of Goodchild and Duffy, APLC.

Since 1984, Goodchild has volunteered as a Judge Pro Tem for the Workers' Compensation Appeals Board (WCAB). He served as an advisor during the 1993-1994 legislative session to Los Angeles Assemblyman Burt Margolin, who spearheaded the reform of the California's workers' compensation system. Goodchild's recommendation of six months minimum employment for psychiatric claims was included in the final law.

Goodchild has been married to his wife Carrie for thirty-four years. They have two adult children, son Adam and daughter Sarah.

Goodchild considers himself a child of the sixties, even attending Woodstock, the 1969 music festival in upstate New York. His strong feelings about justice and equality stem from this influential period. "I very much associated myself with the image of David versus Goliath in the struggle for equal rights and justice in our world," reflects Goodchild. "This clearly influenced many of the choices I made in my life. I believe in standing up for the little guy and fighting against oppression by big moneyed interests."

Valley Lawyer conversed with Goodchild about his career choices, public service endeavors, and the obligation of the legal profession to the community.

Q: Why did you become a lawyer?

A: I wanted to make a difference in the world. I wanted to leave it a better place than when I started and I have always felt compassion for the underdog, the abused, and the downtrodden. I have an affinity for the truth and for the fair treatment of the disadvantaged. At the same time, I enjoy the process of litigation and strive to win the battles I fight on behalf of those I represent.



I believe in doing what needs to be done, rather than talking about it too much. In the words of Teddy Roosevelt, "Talk softly, carry a big stick."

Q - What was your first work as a lawyer?

A - This was a couple of years before the United States Supreme Court allowed attorney advertising. As every potential client was a potential source of a good



case, law firms tended to try to handle just about anything in order to get business in the door. Because of this, at first I handled everything, from personal injury to workers' compensation, from bankruptcy to DUI and divorce matters. Social Security Disability was also in the mix.

Q - What have you enjoyed most about practicing workers' compensation law for over 39 years?

A - Next year will mark my thirty-fifth year as a certified specialist. I am privileged to be able to help the workers of this state. I find fulfillment in striving to make my clients lives better in spite of unfriendly laws and regulations.

Q - What do you find most rewarding about your work?

A - It may sound corny but the best part of what I do is being able to help people who really need my help. There is truly nothing more satisfying than having a client tell me what a difference I have made in their lives. As a famous playwright said, "You can't take it with you," and money is ephemeral and illusory in true value after a point.

What is most meaningful to me is the opportunity to be of valuable service to those who truly need and deserve my assistance. Making a difference in the lives of my clients and their families is something I am extremely proud of. Being able to enjoy a good living and to do well in my practice is something that I am very lucky to have been able to have accomplished.

Q - What has been the most difficult aspect of your career?

A - It is difficult when you are as compulsive about what you do as I am at times, to accept that you are not superman, you get ill, tired, and even disheartened at times, and that even though you try, you cannot win every battle. It is also disheartening to deal with clients who are not as honest and well-meaning as you would expect them to be.

Q - What satisfaction do you get by serving as a Judge Pro Tem?

A - I have served as a Judge Pro Tem, an arbitrator and a mediator on behalf of the Workers' Compensation Appeals Board. I enjoy giving back. It is rewarding and enjoyable to change one's pace from time-to-time and to get the perspective from seeing things from the viewpoint of the bench for a while.

Q - What organizations and causes are you involved with?

A - I am an active member of the State Bar Workers' Compensation Law Section Executive Committee, and five or six of its subcommittees. The Committee is composed of both defense and applicant attorneys as well as workers' compensation judges and retired judges. We meet several times throughout the year and confer by conference calls frequently. We are concerned with educating the public and the bar, raising the level of practice, and with elevating the reputation of our bar. No one is compensated for any of their time and a great deal of very worthwhile work is done on behalf of the community.



The Committee presents educational conferences throughout the year, including at the State Bar Annual Convention. I presented at the most recent convention in Anaheim on the current state of the law regarding medical treatment in California. We are mounting a speaker program to raise awareness about the system. This year I have added being a co-chairman of the subcommittee on publications to my responsibilities. We publish legal articles online and in print.

I am also active in the California Applicants Association where I am involved in efforts to fight for the interests of the injured workers of this state. I am involved both at the local level and statewide. I am currently President of the Los Angeles Valley Applicants Attorneys Association (LAVAAA). I have spoken to various organizations, including the Insurance Educational Association, and other defense groups, as well as to the Consumers Attorney Association.

Q - Please tell us about your experience as the current president of LAVAAA?

A - This is a very trying time for our area of the profession. Many of the needs of injured workers are not being met and insult is being added to injury as a regular way of doing business. There is a tendency to throw the "baby out with the bath water" when so-called reform gets out of control. The safety blanket upon which our entire society depends has been severely eroded. So I sincerely believe that there is a need for leaders to come to the forefront to confront these challenges.

I have been advocating on behalf of injured workers for over thirty-nine years. I have seen multiple "reforms." Unfortunately, things have become very bad for the injured worker and it is my intent to fight back to the fullest extent to which I am able.

Q - Why do you think it's important for attorneys to get involved in these types of organizations?

A - If not us, then whom? If we don't speak up, someone else will and we may not be happy with what happens if we do not participate. In a democratic society, if you sit on your hands, the system doesn't work. There is no one else to blame if we are passive and do not step up both to express our priorities and to work to make them happen.

Q - Why do you feel it is important for lawyers to give back to the community?

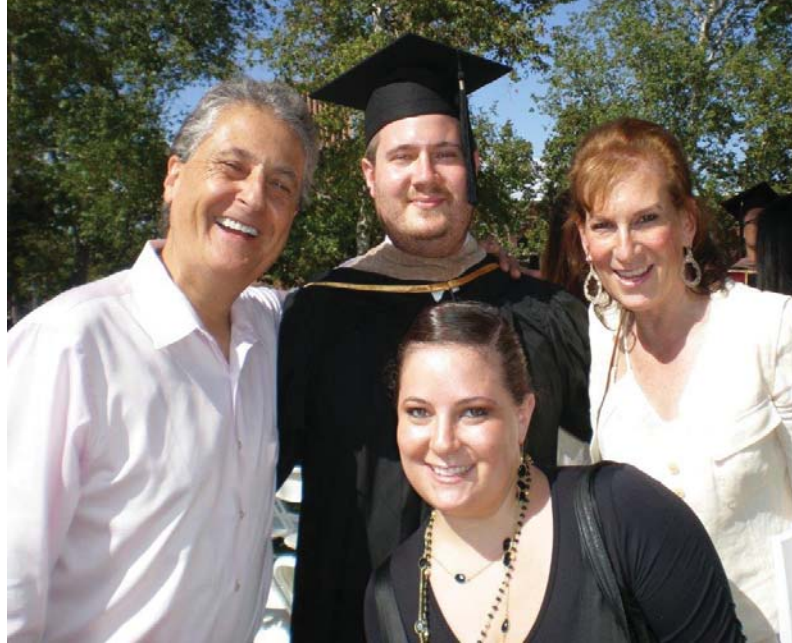
A - Professionals have a responsibility to the communities in which they practice. This is something I believe goes hand-in-hand with the privilege



of being admitted to a profession. In addition, it is enjoyable and satisfying. There is also the feedback you get, which is always enlightening.

Q - Do you look to the San Fernando Valley Bar Association and other bar associations to provide public service opportunities?

A - Of course, that is one of the most valuable services that it can provide both to its member and to the community. People are busy and distracted but we all need more community in our lives. Providing opportunities enables good deeds, which betters all of us and the community in which we serve.



Q - To date, what do you consider your greatest accomplishment?

A - Well, I have done a lot of things in almost forty years of practice, everything from hundreds of trials, to handling appeals all the way through the U.S. Supreme Court. But what really sticks out is the feeling of satisfaction from doing a good job on a regular basis; nothing is more important than being able to look in the mirror in the evening and still liking what you see.


I have clients going back thirty-nine years who are like an extended family. Once I represent someone, they

tend to become part of our extended family and we are available to them as other needs arise. I am happy with the service and results which I have been able to provide to my clients. Nothing is more satisfying than working hard and getting a great result.

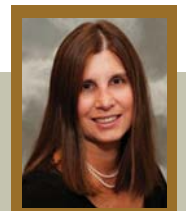
Q - What made you participate in the Valley Lawyer cover auction?

A - I saw it as a good vehicle to raise my profile in the community and to encourage other people to follow me in some of the lessons I have learned in many years of practice. I also hope it helps me in my other efforts to raise the level of practice and of the reputation of our profession, especially in my area of the law.

Q - What do you and your family do for fun during the holidays?

A - We love to ski, hike, and walk my dog along the beach and enjoy the holiday decorations and splendor throughout the city we happen to be in at that time of year. I also enjoy nature and finding spirituality in it and the experience of it. Skiing combines that wonderfully for me, though I have been a little busy of late. 

Elizabeth Post is Executive Director of the San Fernando Valley Bar Association, a position she has held since 1994, and Publisher of *Valley Lawyer*. She can be reached at epost@sfvba.org.



San Fernando Valley Bar Association
INCLUSION & DIVERSITY COMMITTEE

PRESENTS

Culturally Diverse Attorney Mixer

January 28, 2016

6:00 PM — 9:00 PM

The Villa, Woodland Hills

FREE TO ALL SFVBA MEMBERS
(INCLUDES ONE FREE DRINK DURING THE FIRST HOUR)

RSVP to events@sfvba.org.

Sometimes numbers are
the only prints left behind.

Arxis Financial is a proven forensic accounting and litigation specialist. We will examine the financial data and help you determine the "bottom line." Arxis provides financial and valuation analysis needed to resolve a variety of legal disputes from family court to civil, criminal, and probate courts. In many cases our experts can help you reach a settlement. If trial or arbitration is required we give you the support you need to win.

Chris Hamilton, CPA, CFE, CVA

805.306.7890

www.arxisfinancial.com

chamilton@arxisgroup.com

ARXIS
FINANCIAL, INC.

FORENSIC ACCOUNTING

BUSINESS VALUATION

FRAUD ANALYSIS

SFVBA 19th Annual MCLE Marathon

January 15 and 16, 2016

Braemar Country Club • 4001 Reseda Blvd., Tarzana

Supported by

LAW OFFICES OF
ALICE A. SALVO
FAMILY LAW PRACTITIONER

NEMECEK & COLE
Attorneys At Law

NARVER
INSURANCE

EG EISNER GORIN LLP
STATE AND FEDERAL CRIMINAL DEFENSE

LH LEWITT HACKMAN
LEWITT HACKMAN, SHAPIRO, MARSHALL & HARRIS
A FIRM WITH A DIFFERENCE

Friday January 15

San Fernando Valley Bar Association Members Earn Up
to 12.5 Hours of MCLE for Only \$199!

9:30 a.m.
**Caring for Clients during Firm
Perpetuation, Partner Disruption and
Disability**
Christen Berman and Debra Mondragon
Narver Insurance
1 Hour MCLE (Legal Ethics)

10:30 a.m.
Transportation Law
Gregg Garfinkel and Alan Haroutounian
Nemecek & Cole
1 Hour MCLE

11:30 a.m.
Attorney-Client Trust Accounts
Sayar Pouyanrad, VP, Sr. Trust Advisor,
City National Wealth Management and
Wes Bryant, VP, Law Firm Banking
Relationship Manager
1 Hour MCLE (Legal Ethics)

12:30 p.m.
Lunch

1:30 p.m.
Employment Law Update
Hannah Sweiss and Tal Yeyni
Lewitt Hackman et al.
1 Hour MCLE

2:30 p.m.
**Understanding and Mitigating Bias:
A Scientific Cognitive Perspective
for Lawyers**
Myer Sankary
1 Hour MCLE
(Recognition and Elimination of Bias)

3:30 p.m.
Prevention of Substance Abuse
Greg Dorst, The Other Bar
1 Hour (Competency Issues)

Saturday January 16

9:30 a.m.
Nuts and Bolts of Estate Planning
Alice A. Salvo
Law Offices of Alice A. Salvo

10:30 a.m.
Avoiding Bar Discipline
Prof. Robert Barrett
2 Hours MCLE (Legal Ethics)

12:30 noon
Lunch

1:30 p.m.
Online Negativity: How to Fight Back
David Gurnick, Lewitt Hackman et al.
1.5 Hours MCLE

3:00 p.m.
**Ends do Not Justify Means:
Fourth Amendment Violations in
Police Investigations**
Alan Eisner
Certified Criminal Law Specialist
Eisner Gorin LLP
1 Hour MCLE

4:00 p.m.
**Civil Lawyer's Guide to Addressing
Criminal Law Issues During Litigation**
Dmitry Gorin
Certified Criminal Law Specialist
Eisner Gorin LLP
1 Hour MCLE

MCLE KEY DRIVE

Only \$149 for MCLE Marathon Registrants!
Contains 13 Popular Valley Lawyer MCLE Articles

Earn the Maximum 12.5 Hours
of Self-Study Credits
(Including All Specialty Credits)



Registration Form and Membership Application

(Pre-Registration deadline is January 9, 2016.)

Name _____

Firm _____

Address _____

City _____

State, Zip Code _____

Phone _____

Fax _____

E-Mail _____

State Bar No. _____

Bar Admission Date _____

MCLE MARATHON REGISTRATION FEES

	Member	Non-member
<input type="checkbox"/> 2-Day Seminar	\$199	\$459
or		
<input type="checkbox"/> Friday, January 15	\$129	\$249
or		
<input type="checkbox"/> Saturday, January 16	\$129	\$249
or		
<input type="checkbox"/> Per MCLE Hour	\$40	\$65
<input checked="" type="checkbox"/> Class Attending		
<input type="checkbox"/> Late Registration Fee	\$40	\$60
<input type="checkbox"/> MCLE Self-Study Key Drive (with Marathon Registration)	\$149	\$149
<input type="checkbox"/> MCLE Self-Study Key Drive Only	\$199	\$279

Membership Dues: \$ _____

Total Enclosed/To be Charged: \$ _____

If paying by credit card:

Credit Card # _____ - _____ - _____ - _____

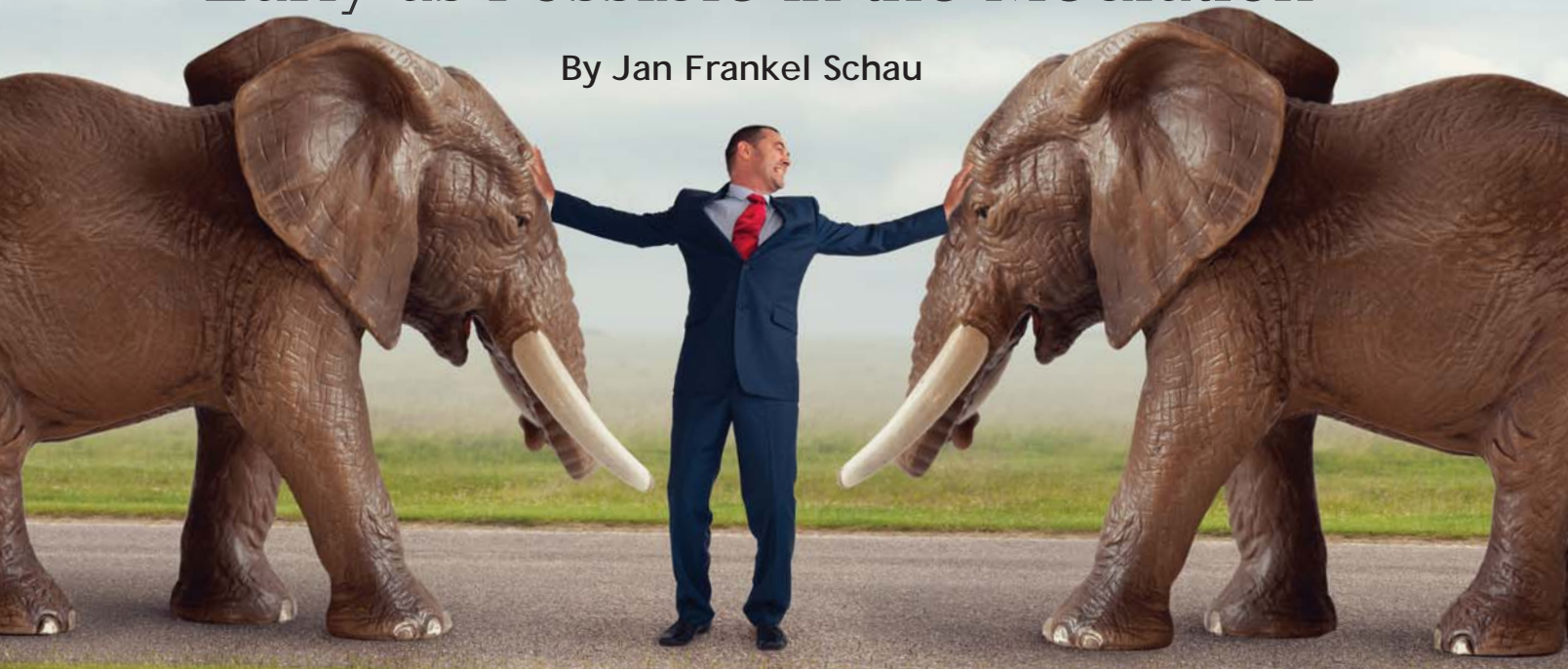
Expiration Date _____ / _____ / _____

Signature _____

OVERCONFIDENCE:

Tips on Getting the Parties Unstuck as Early as Possible in the Mediation

By Jan Frankel Schau



BEFORE PRODUCTIVE NEGOTIATION CAN BEGIN, the parties often spend the first few hours of a mediation posturing and explaining to the mediator and their adversary why they are so very confident that they will win the lawsuit entirely. You don't have to waste precious time getting stuck in this phase if you do the following.

Randall Kiser published a fascinating study in the *Journal of Empirical Legal Studies* in 2008. He analyzed 2054 litigated cases and found that 61.2 % of the time, plaintiffs who turned down a settlement offer in a negotiation or mediation made the wrong choice. More than half would have done better by accepting the highest offer than they achieved at trial.


Defendants, on the other hand, were only wrong 24.3% of the time. They usually did better at trial than the plaintiff had demanded when they chose to turn it down. But here is the hitch: plaintiffs were usually only off by an average of \$43,000, whereas defendant's missed

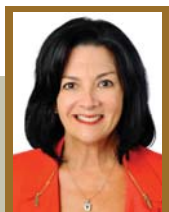
the mark by an astonishing average of \$1,140,000. The cost of making the wrong decision and daring to go to trial became very high. You can read the study at www.blakemcshane.com/Papers/jels_settlement.pdf.

For mediations, sometimes the greatest challenge is getting the parties to admit that they don't know what they don't know. Juries and judges are not entirely predictable either in findings on liability or damages. Typically, not all of the evidence has been gathered and the proposed testimony is still somewhat unknown by the time the mediation occurs.

Until you can move the parties from their positional obstinance to an acceptance that they may be wrong, and if they are, the cost of that wrong decision could be anywhere from the tens of thousands to over a million dollars, you can't really get into "the trading zone" in these most challenging cases.

Once you can get to that frank and honest reevaluation, you can more readily move into an earnest negotiation based upon probabilities, not certainties.

Good luck! 



Jan Frankel Schau settles litigated cases arising out of employment, business and tort disputes. With over twenty years of experience as a litigator, half in insurance defense and half representing plaintiffs in employment and personal injury, Jan has an unique ability to understand and evaluate both sides of every claim. She is also a professional speaker and author. She can be reached at jfschau@schaumediators.com.

WHY FIGHT TRAFFIC TO GET OVER THE HILL FOR A FEE DISPUTE?

Resolve your matter easily through the San Fernando Valley Bar Association's Mandatory Fee Arbitration Program.

The Mandatory Fee Arbitration Program offers a neutral, efficient and cost-effective forum for resolving attorney-client fee disputes. Through the Mandatory Fee Arbitration Program, your disputes can be resolved quickly and confidentially by local arbitrators.

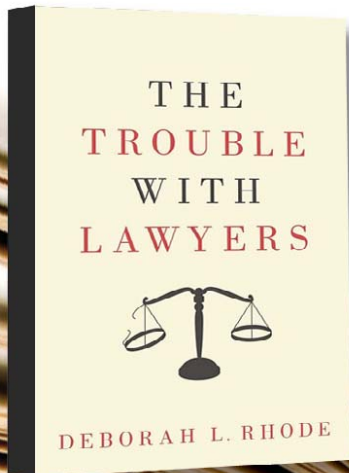
THE MANDATORY FEE ARBITRATION OFFERS

- Qualified attorney and lay arbitrators
- Confidential hearings
- A quick and less expensive alternative to court



San Fernando Valley Bar Association

Visit www.sfvba.org for more information or contact Program Administrator Melissa Garcia at (818) 227-0490, ext. 107 or melissa@sfvba.org.



NOT A JOKE:

A Review of *The Trouble with Lawyers*

By Chris W. Blaylock

THE TITLE OF DEBORAH L. RHODE'S BOOK READS like the beginning of a bad attorney joke. Instead, the reader gets a well-researched, and forceful argument as to why immediate reform is needed in the legal profession. The evidence presented by Ms. Rhode persuasively makes the case that the law's shortcomings are no joking matter.

Ms. Rhode is a Professor of Law at Stanford Law School. It shows. *The Trouble with Lawyers* reads like a law review article of extreme importance. Each chapter contains a number of notes, which support her examinations of the challenges facing today's bar. The scope of her analysis includes a number of different areas. The book is broken up into five different chapters: Conditions of Practice; Access to Justice; Diversity in the Profession; Regulation of the Profession; and Legal Education.

A pattern is seen throughout, despite what chapter you may find yourself reading. Attorneys, judges, and members that comprise the American bar are keen to precedent. The

default position of the bar: we do things a certain way, and there is no reason to change the ways of doing things as they always have been done. Ms. Rhode then challenges the assumptions and offers alternatives that possibly could help the bar and the public, whom the bar is supposed to serve.

Conditions of Practice, the first chapter after the introduction, is a chapter of self-examination. The current law firm structure, particularly at larger firms, encourages competition rather than teamwork. Partners encourage survival of the fittest mentalities. Billable hours are treated like a religion; associates must put profit over client satisfaction and their own personal lives, to the detriment of both. As imagined, these priorities do not lead to attorney happiness.

Professional satisfaction for the legal profession is dangerously low compared to other similarly situated professions. Ms. Rhode proposes that institutions offer more flexible hours, foster mentorships, and understand the financial benefits of having happier attorneys.



Chris W. Blaylock is a criminal defense and personal injury attorney. He opened his own practice in 2012 and represents clients throughout Los Angeles County. He can be reached at chriswblaylock@gmail.com.

Individuals are encouraged to demand more from their employers, including requests for sufficient work-life balance.

Chapter Three, Access to Justice, stood out the most to me. It raises the issue of inequity in an emphatic way. There is, simply put, a crisis. Low to middle income individuals are having a difficult time finding legal representation, both in civil and criminal cases. The inequality of not being able to receive effective representation leads to wrongful incarceration in too many cases. And, in civil contexts, the people who need help the most—the elderly seeking benefits, disabled children who lack educational services, and defrauded consumers pursuing justice—are left helpless and unserved. Certainly, practicing attorneys in the San Fernando Valley are aware of this unfortunate reality.

What seems like common sense is often avoided, however; there is no political will to increase financial resources for indigent defense. More money must be spent on public defenders or alternative methods of appointed counsel. Ms. Rhode also proposes more liberal standards of appointment of counsel in civil cases.

Perhaps the most controversial, but best way to secure access to justice, according to Ms. Rhode, is to allow paralegals, or non-lawyer specialists, to represent clients in limited situations. In Canada and the United Kingdom, where non-lawyer practice was authorized, more citizens secured access to legal advice. It was no surprise that Ms. Rhode indicated that nonlawyer representation would be difficult to implement. A number of counterarguments would likely be raised by the American bar, including the lack of job vacancies for newer attorneys, which was not brought up in depth until later.

Diversity in the profession is the one issue that most attorneys can likely agree on. However, Ms. Rhode shows that the legal profession lags behind other industries. The solution is not controversial comparable to other proposed solutions in the book. Law firms, and individuals within, must make it an objective to improve diversity—offering opportunities for women and minorities. The economic benefits of diversity is too large to ignore. The chapter was necessary to remind the American bar that not enough has been done with respect to diversity, but it lacked the urgency of the other chapters.


The one chapter that will face the most resistance by the bar: Regulation of the Profession. The chapter begins by explaining that attorneys are regulated by the judiciary rather than the legislative branch. Such insulation does not serve the public; it serves the bar. Also contained within the chapter are three issues under the umbrella of regulation: multijurisdictional practice, multidisciplinary practice and nonlawyer investment.

Ms. Rhode realizes that her calls for reform will be met with byzantine road stops. Attorneys are not prone open to consider new approaches. It is unfortunate. Australia is given as an example of a country that implemented a national standard for attorneys, allowed multidisciplinary firms, and

permitted nonlawyer investment. It turned out that the biggest winners were the clients. Attorneys are not the only professionals who can respect duties of confidentiality and the complexities of potential conflicts of interest.

Finally, the last chapter addresses the law school crisis. Appropriately, Ms. Rhode saved the best chapter for last. Law school is too expensive, debt burdens are too high, and law schools are not transparent. Progress has been made on some fronts; law schools are now required to accurately display employment information for graduates. But not enough has been done in making law school more affordable, particularly for minorities or low income students.

Ms. Rhode calls for loan forgiveness in the Bankruptcy Code, increasing subsidies for eligible students, shortening the length of school from the current three year requirement, and changing the way law school is financed. Curriculum too is brought up. Socrates is still a popular philosopher, as well as his “Socratic method,” but law schools must be willing to embrace more practical curricula, like encouraging participation in not for profit clinics.

In all, the book is a success because it calls for change. There is a reason why there are too many lawyer jokes. The profession risks becoming more disconnected from its clients if it ignores its problems. Like other industries, the American bar must adapt. Ms. Rhode concisely provides a path on how it can be done. 



Jenny Chen, Partner
Specializes in serving law firms and other professional services

**DELIVERING
VALUE**

- * Attestation/Accounting
- * Tax Planning and Compliance (Multi-State, International)
- * Audits of Employee Benefit Plans
- * Tax Credits and Incentives
- * Controllership
- * Business Valuation
- * Estate and Trust Planning
- * IT Systems Review and Consulting



HUTCHINSON AND BLOODGOOD LLP
Certified Public Accountants and Consultants
550 N. Brand Blvd., 14th Floor Glendale, CA 91203
t 818.637.5000 www.hbllp.com

SAN FERNANDO VALLEY BAR ASSOCIATION PRESENTS

IOLTA ACCOUNTS AND DOING BUSINESS WITH A TRUST DEPARTMENT

Sponsored by



Friday, December 4, 2015

12:00 NOON ■ SFVBA OFFICE

Free to SFVBA Members

Attorney-client trust account responsibilities require the highest fiduciary standards and are not delegable. Find out what exactly attorneys' responsibilities are and what the account requirements are.

Presented by: Sahar Pouyanrad, VP, Sr. Trust Advisor, City National Wealth Management
Wes Bryant, VP, Law Firm Banking Relationship Manager

(1 MCLE Hour Legal Ethics)

When Bankruptcy May Be the Best Solution...

Choose an experienced & knowledgeable attorney who provides personal & timely attention and recommends bankruptcy only when it is the best solution.

Law Offices of Steven R. Fox
Bankruptcy & Related Matters

Debtor and Creditor Representation
Chapter 11 Reorganization
Bankruptcy Litigation
Developing and Rebuilding Companies



17835 Ventura Blvd., Suite 306
Encino, CA 91316 III (818) 774-3545
SRFox@FoxLaw.com

BLANKET THE HOMELESS

A Project of the San Fernando Valley Bar Association and
the Valley Community Legal Foundation of the SFVBA



**Share the spirit of the Holidays - Help Blanket
the Homeless when they need it most!**

Since 1995, the SFVBA has delivered more than 40,000 blankets to homeless and battered women shelters in the San Fernando Valley. SFVBA members are invited to assist with the blanket distribution and volunteer for a legal clinic on December 19, 2015 at 8:00 a.m. at L.A. Family Housing, 7843 Lankershim Boulevard, North Hollywood.

Thank You for Supporting Blanket the Homeless!

A \$75 donation buys 10 blankets. Please accept my donation for \$_____.

Name _____

Firm/Company _____

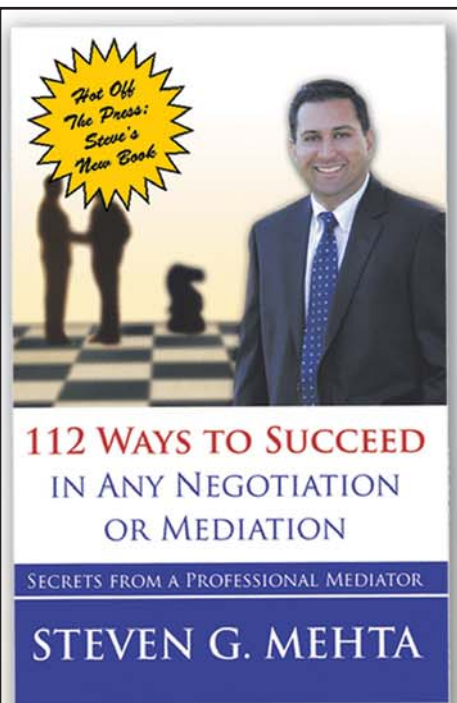
Address _____

Phone _____ Email _____

Credit Card No. _____ Expiration Date _____

Make checks payable to VCLF of the SFVBA. The Valley Community Legal Foundation (VCLF) of the SFVBA is a registered 501(c)(3) organization (Tax ID No. 95-3397334). Your contribution is tax-deductible to the extent allowed by law.

Mail donation to VCLF, 5567 Reseda Blvd., Ste. 200, Tarzana, CA 91356 or fax to (818) 227-0499.
For more information, please call (818) 227-0490.



Steven G. Mehta is one of California's premier, award-winning attorney mediators, specializing in intensely-difficult and emotionally-charged cases.

Steve's book, **112 Ways to Succeed in Any Negotiation or Mediation**, will turbo-charge your negotiation skills regardless of your experience.

To schedule your mediation or order a copy of Steve's new book, call **661.284.1818** or check with your local bookseller, preferred online retailer, or online at:

www.112ways.com or www.stevemehta.com

Locations in Los Angeles & Valencia
Mediations throughout California

NEW MEMBERS

The following new members were approved by the SFVBA Board of Trustees:

Garen A. Ananian
Encino
Personal Injury

Steven Baer
Woodland Hills
Associate Member, Estate Planning, Wills and Trusts

Melanie K. Baghdaian
Baghdaian Law Corporation
Sherman Oaks

Rachel E. Balchum
Hilliard Hopkins, LLP
Westlake Village
Elder Law

Michael F. Baltaxe
Sottile Baltaxe
Westlake Village
Labor and Employment Law

Pamela Blattner
Blattner Fiduciary Services and Consulting
Encino
Associate Member, Court Appointed Fiduciary

Mark E. Brenner
Canoga Park
Bankruptcy

Gerogina Judith Cetto
Law Offices of Georgina J. Cetto
Van Nuys
Family Law

Ellen M. Cheney
Mansfield Cheney, PC
Simi Valley
Bankruptcy

Steven B. Chroman
Law Office of Steve B. Chroman
Valencia
Family Law, Landlord/Tenant

Shalini Dogra Magana
Bell Canyon
Law Student

Eric Figueroa
Koppel, Patrick, Heybl & Philpott
Westlake Village
Patent

Jacob M. Krall
Rehwald, Glasner & Chaleff
Woodland Hills
Labor and Employment Law

N. Alex Lopez
DeWitt Algorri & Algorri
Pasadena
Personal Injury

Janice L. Miller
Calabasas
Business Law

Debbie Moreno
Lewitt Hackman
Encino
Paralegal

Angela Muki
Santa Clarita
Associate Member, Conservatorships

Benjamin Seth Nachimson
Sherman Oaks
Bankruptcy

Lauren J. Peterson
Rehwald, Glasner & Chaleff
Woodland Hills
Labor and Employment Law

Orie Rechtman
Woodland Hills
Associate Member, Computer

William Romero
Neighborhood Legal Services of LA County
Van Nuys
Non-Profit Organizations

Jeremy D. Scherwin
Sottile Baltaxe
Westlake Village
Labor and Employment Law

Nicole G. Smith
Reape-Rickett, APC
Valencia
Family Law

Chantal J. Van Ongevalle
CVO Law Firm
Valencia
Bankruptcy

In the Holiday Spirit

**SAMUEL R.W.
PRICE**
SCVBA President



sprice@pooleshaffery.com

THERE IS SOMETHING ABOUT the holiday season that is invigorating. In my mind, part of it can be attributed to (relatively) crisp fall air. But there is more to it than the weather. And there is certainly more to it than sales and shopping. There is a holiday spirit that tends to permeate even the most hardened among us.

That is not to say that the season is not without its own unique form of stress. Still, there is something about the season that makes people a bit kinder to one another, a bit more joyful, and much more charitable (with the clear exception of any interaction in a shopping mall parking lot). Even as the days grow darker, spirits often tend to grow brighter. Perhaps the greatest aspect of the holiday season is the opportunity to spend time and reconnect with friends and family... to gather together and share in feasts and festivities.

The holiday season also provides a natural opportunity for reflection. Beginning with Thanksgiving, we take the time to gratefully reflect upon the many gifts in our life—both the significant, and the less so. And as the season winds down, we have the opportunity to reflect upon the year gone by and to look to the year ahead. Even if January 1 is a day just like any other, the end of one calendar year and the beginning of another provides, at least symbolically, an opportunity for a fresh start, not just in our personal lives, but in our professional lives as well.

For the leadership of any organization this is also an opportunity to reflect upon the group's

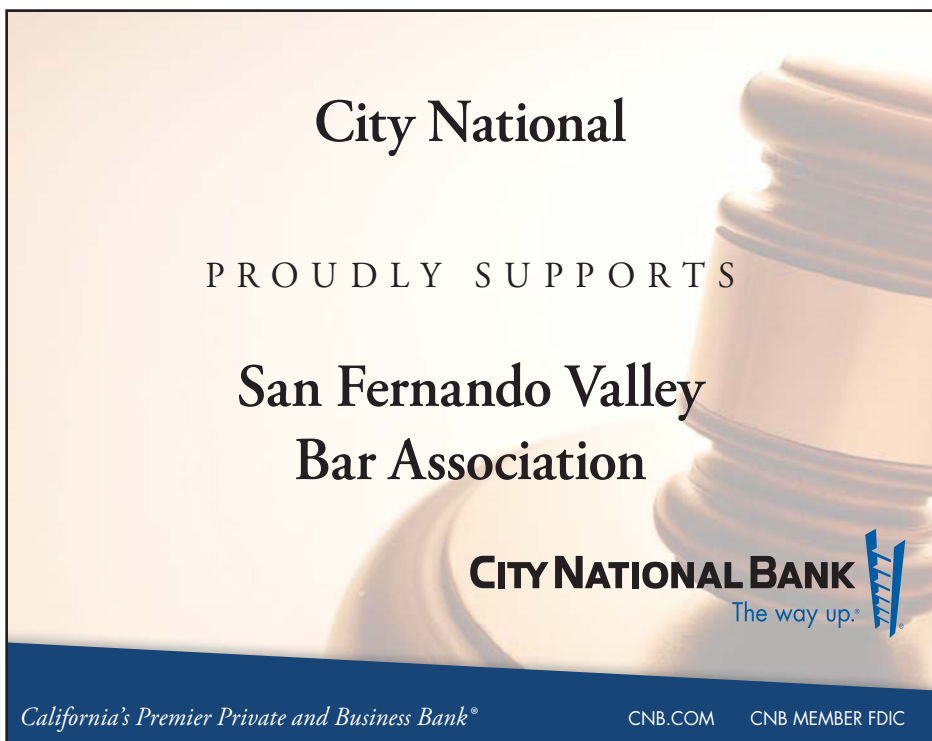
accomplishments, its goals and its mission, and to renew the focus on attaining those goals and meeting its members' needs.

Obviously, the best way to understand how well an organization is operating is to hear directly from its members. To that end, the Santa

Clarita Valley Bar Association recently sent surveys to its members along with the ballots for 2015-16 Executive Board election. The results have been quite positive, and suggest that our members are pleased with the benefits that they are receiving from the Association. But that



DARRYL H. GRAVER, ESQ.
**EXPERIENCED
ARBITRATOR/MEDIATOR**
"Have Gavel Will Travel"™
OVER 3,000 SUCCESSFUL CONCLUSIONS
TO SCHEDULE, CALL JUDICATE WEST 800.488.8805
818.884.8474
fax **818.884.8388**



City National
PROUDLY SUPPORTS
**San Fernando Valley
Bar Association**
CITY NATIONAL BANK
The way up.™
California's Premier Private and Business Bank®
CNB.COM CNB MEMBER FDIC

E-Discovery

Sponsored by



Tuesday, December 15
12:00 Noon
SFVBA Office

**This seminar will outline
how to contain the costs
of e-discovery and
attorney review.
(1 MCLE Hour)**

Free to Current Members!

doesn't mean there is not room for improvement.

Started as an outgrowth of the San Fernando Valley Bar Association, the Santa Clarita Valley Bar Association is now beginning its twelfth year of existence. As the Association continues to grow and evolve, the leaders of the Association continue to strive to improve the organization.


One way that the trustees of the SCVBA are improving the organization is through the expansion of offerings and benefits for our members, in part by increasing the number of Association events, especially those offering MCLE credit. One of the Association's goals is to offer enough MCLE credit that our members will be able to fully comply with their MCLE requirements through participation in our events alone.

Of course, social interaction among members is also critical. Just as we do every year, we will continue to host networking events in January and May, and co-host a joint networking mixer with the SFVBA,

our sister organization, in August. We will also be adding more networking events and social outings to our calendar this year.

As the population of the Santa Clarita Valley continues to grow, so too does the number of attorneys residing and practicing in the area. One of the focal points this year will be to increase awareness of the Association and its offerings to all of the attorneys in our valley, regardless of membership status.

As we reflect upon the time passed, the SCVBA is grateful for the hard work of the attorneys that founded the organization twelve years ago, for all of the trustees and other members who gave generously of their time to support and foster the development of the Association, and for the continued support the Association receives from the SFVBA.

We also look forward to a promising year ahead and to the continued growth of our Association, and its dedication to serving the citizens and attorneys of the Santa Clarita Valley. 

HOLIDAY OPEN HOUSE

Tuesday, December 8, 2015

5:30 pm to 7:30 pm

Join us for our Holiday Celebration!

Please bring giftcards to benefit the children of Haven Hills.

RSVP to (818) 227-0490, ext. 105 or events@sfvba.org.



San Fernando Valley Bar Association

Referring the Best Attorneys Since 1948



Attorney Referral Service



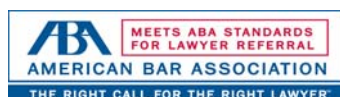
@ReferralsSFVBA



The **Attorney Referral Service** of the **SFVBA** is a valuable service, one that operates for the direct purpose of referring potential clients to qualified attorneys. It also pays dividends to the attorneys involved. Many of the cases referred by the ARS earn significant fees for panel attorneys.

(818) 227-0490

www.sfvbaReferral.com





VBM Valley Bar Mediation Center

Building Community Through Mediation

- ▶ Helping diverse populations in San Fernando Valley and beyond gain access to justice
- ▶ Resolving disputes & educating the public
- ▶ For those engaged in litigation or trying to avoid it
- ▶ Highly qualified panel of professionals offering mediations at exceptionally affordable rates
- ▶ Mediators with expertise in wide variety of disputes practice highest ethical standards
- ▶ Learn the benefits of using mediation through educational and training programs

(818) 856-0232

www.valleybarmediationcenter.com

5567 Reseda Boulevard | Suite 200 | Tarzana, CA 91356

An IRS Approved 501c(3) non-profit organization

Need a Meeting Space for Mediations or Depositions?

- COFFEE AND COLD DRINKS SERVICE
- AMPLE FREE PARKING
- COPY MACHINE ACCESS
- WI-FI ACCESS
- PROFESSIONAL STAFF SUPPORT

600 square-foot conference room easily accommodates 20 people.

**Reserve meeting space
for only \$150 per day!**

Spacious Breakout Room

5567 Reseda Blvd., Suite 200 | Tarzana, CA | 91356
Tel (818) 227-0490 | Fax (818) 227-0499 | www.sfvba.org

VCLF GOLF TOURNAMENT

The Valley Community Legal Foundation Columbus Day Golf Tournament brought out attorneys, judges, active military personnel, and veterans. Retired LAPD detective **Bill Speer** served as chair of the event. Thanks to the generosity of SFVBA members and sponsors, military personnel and veterans enjoyed a fun and relaxing day of golf at Breamar Country Club and the Foundation raised needed funds for grants and scholarships. The Valley Community Legal Foundation, the charitable arm of the SFVBA, thanks everyone for their kind support.



CLASSIFIEDS

ATTORNEY-TO-ATTORNEY REFERRALS

STATE BAR CERTIFIED WORKERS COMP SPECIALIST

Over 30 years experience-quality practice. 20% Referral fee paid to attorneys per State Bar rules. Goodchild & Duffy, PLC. (818) 380-1600.

SPACE AVAILABLE

CALABASAS

Two-man furnished, attractive and spacious office (13x20) to share with CPA. Large secretarial area with ample file cabinets, storage. Kitchen. Rent portion \$1,950/month. Call Dennis at (818) 591-1758 or Mike at (818) 225-7134.

SHERMAN OAKS GALLERIA

High-end offices in immediately available for sublease (windows, interiors and sec. bays). Top floor of the Comerica Bank Bldg., best location in SF Valley. Adjacent to both 405 and 101 fwy on/off ramps. Would be leasing from AV rated law firm, Levinson Arshonsky & Kurtz, LLP. Offices offer reception, library, conference rooms + kitchen & amenities. Please contact Lissa at (818) 382-3434.

VAN NUYS

Office for rent near the Van Nuys Courthouse. Conference room, receptionist and tenant parking included. To view, please call (818) 988-9840.

WOODLAND HILLS

Window offices in Warner Center Towers, spectacular views, available immediately, secretarial bays available, flexible terms. To view this suite, please call (818) 883-5510.

SUPPORT SERVICES

PROFESSIONAL MONITORED VISITATIONS AND PARENTING COACHING

Family Visitation Services • 20 years experience "offering a family friendly approach to" high conflict custody situations • Member of SVN • Hourly or extended visitations, will travel • visitsbyllene@yahoo.com • (818) 968-8586/(800) 526-5179.

CLASSIFIED ADVERTISING PER ISSUE

Member

25 words or less	\$45
Each additional word	\$1.80
Add logo	\$30

Non-Member

25 words or less	\$90
Each additional word	\$3.60
Add logo	\$55

Contact epost@sfvba.org or
(818) 227-0490, ext. 101
to place your ad.

HAS YOUR CLIENT BEEN BURNED BY A STOCKBROKER?

SECURITIES LAW

Claims Against Stockbrokers

Stock Market Losses Caused by:
Excessive Trading in Account
Unsuitable Investments
Misrepresentation Variable Annuities

LAW OFFICES OF

JONATHAN W. EVANS &
ASSOCIATES

39 YEARS IN PRACTICE
ARBITRATOR FOR SUPERIOR AND
MUNICIPAL COURT

NO RECOVERY – NO FEE
FREE INITIAL CONSULTATION

Call today for an appointment
(818) 760-9880 • (800) 699-1881
(213) 626-1881
www.stocklaw.com

12711 Ventura Blvd., Suite 440
Studio City, CA 91604

SFVBA MCLE

Seminars on Audio

COULDN'T ATTEND AN IMPORTANT SFVBA SEMINAR?

Most SFVBA
seminars since 2013
available on
audio CD or MP3.

Stay current and
earn MCLE credit.



Versatape

Who is Versatape?

Versatape has been
recording and marketing
audio copies of bar association
educational seminars to
California attorneys since 1983.

www.versatape.com
(800) 468-2737



PRESIDENT'S CIRCLE

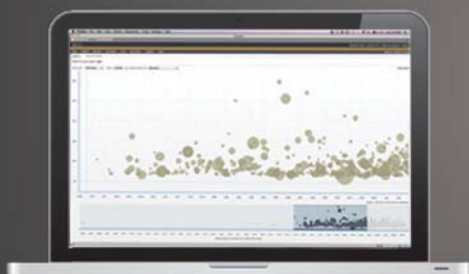
- SFVBA membership for every firm attorney and paralegal
- Prominent listing in *Valley Lawyer* and firm logo on President's Circle page of SFVBA website
- Recognition and 5% discount on tables at Bar-wide events, including Judges' Night
- Invitations to President's Circle exclusive events with bench officers, community leaders and large firms

WE RECOGNIZE THE FOLLOWING PRESIDENT'S CIRCLE MEMBERS FOR THEIR DEMONSTRATED COMMITMENT AND LEADERSHIP IN SUPPORTING THE LEGAL PROFESSION AND ITS WORK IN THE COMMUNITY.

Alpert Barr & Grant APLC
Christie Parker & Hale LLP
Law Offices of Goldfarb Sturman & Averbach
Kantor & Kantor LLP
Law Offices of Marcia L. Kraft
Pearson Simon & Warshaw LLP
Greenberg & Bass LLP
Oldman Cooley Sallus Birnberg & Coleman LLP
Stone | Dean LLP
Lewitt Hackman Shapiro Marshall & Harlan ALC
Neighborhood Legal Services of Los Angeles County
Nemecek & Cole
Parker Milliken Clark O'Hara & Samuelian APC
University of West Los Angeles School of Law

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

Turn to smarter tools for legal research.



fastcase®

Smarter by association.

Log in at www.sfvba.org

h results to
est results

active map of
see the most
ong lists of
orted well),
orting the
sort the
ong the
t the
om.

LTN
#1

2010 Customer
Satisfaction
Survey

Available on the iPhone
App Store



Free to members of the San Fernando Valley Bar Association.

Members of the San Fernando Valley Bar Association now have access to Fastcase for free. Unlimited search using Fastcase's smarter legal research tools, unlimited printing, and unlimited reference support, all free to active members of the San Fernando Valley Bar Association. Log in at www.sfvba.org and click the Fastcase logo. And don't forget that Fastcase's free apps for iPhone, Android and iPad connect to your bar account automatically by Mobile Sync. All free as a benefit of membership in the San Fernando Valley Bar Association.



Personal
COURT REPORTERS, INC.

Grand Opening Santa Ana

Visit all 8 of our locations

Van Nuys	Downtown LA	Ventura	Ontario <small>New!!!</small>
Santa Barbara	West LA	San Bernardino	Santa Ana

www.personalcourtreporters.com

**Court
Reporting**

**8 Great
Locations**

**The road to
success starts
with us.**

**Mediation
Rooms**

**Video
Conferencing**

**Trial
War
Rooms**

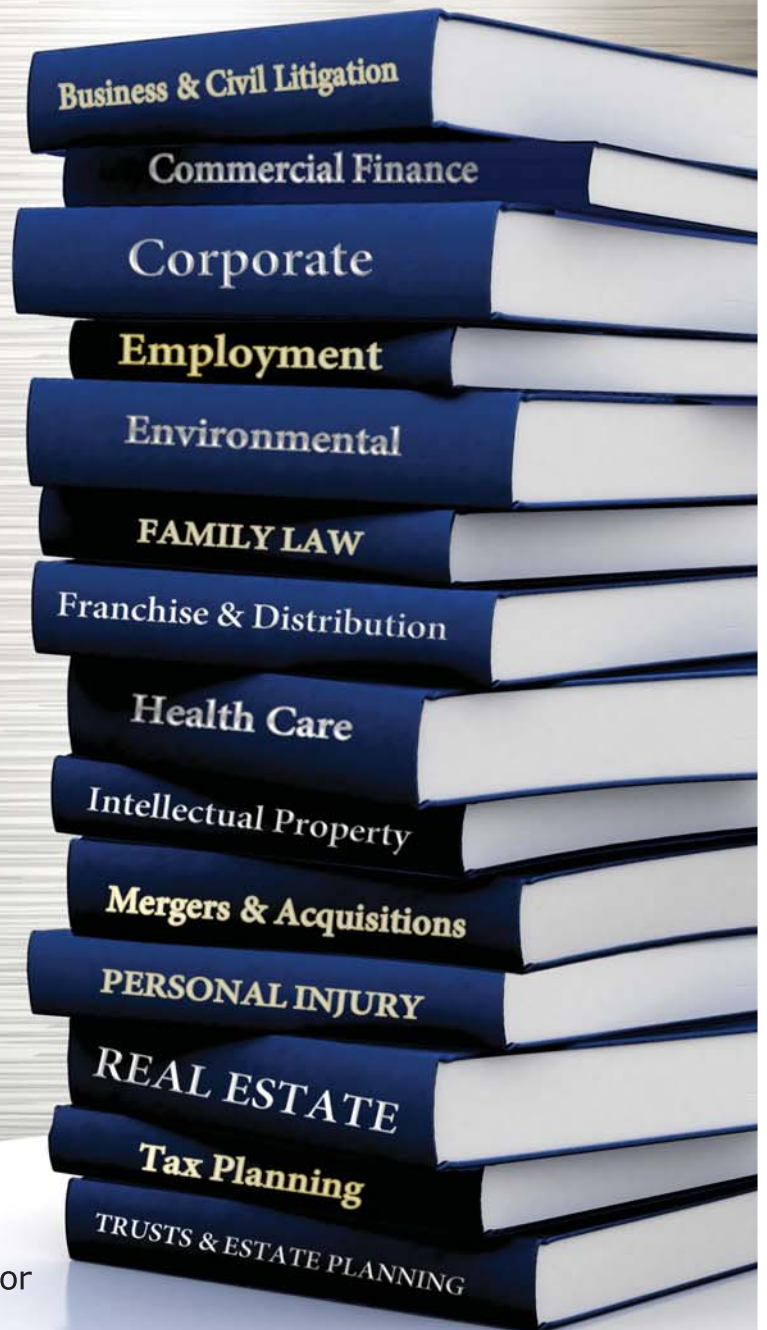
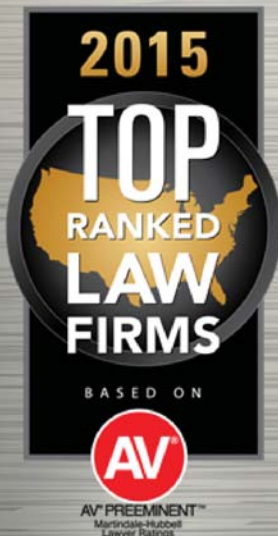
**Jury Trial
Focus Groups**

800-43-DEPOS



LEWITT HACKMAN

LEWITT, HACKMAN, SHAPIRO, MARSHALL & HARLAN
A LAW CORPORATION



16633 Ventura Boulevard, Eleventh Floor
Encino, California 91436

www.lewithackman.com
818.990.2120