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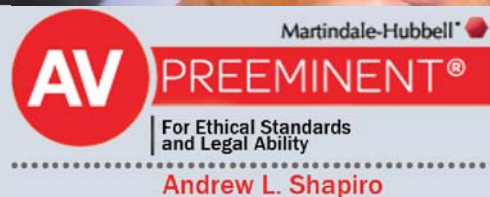
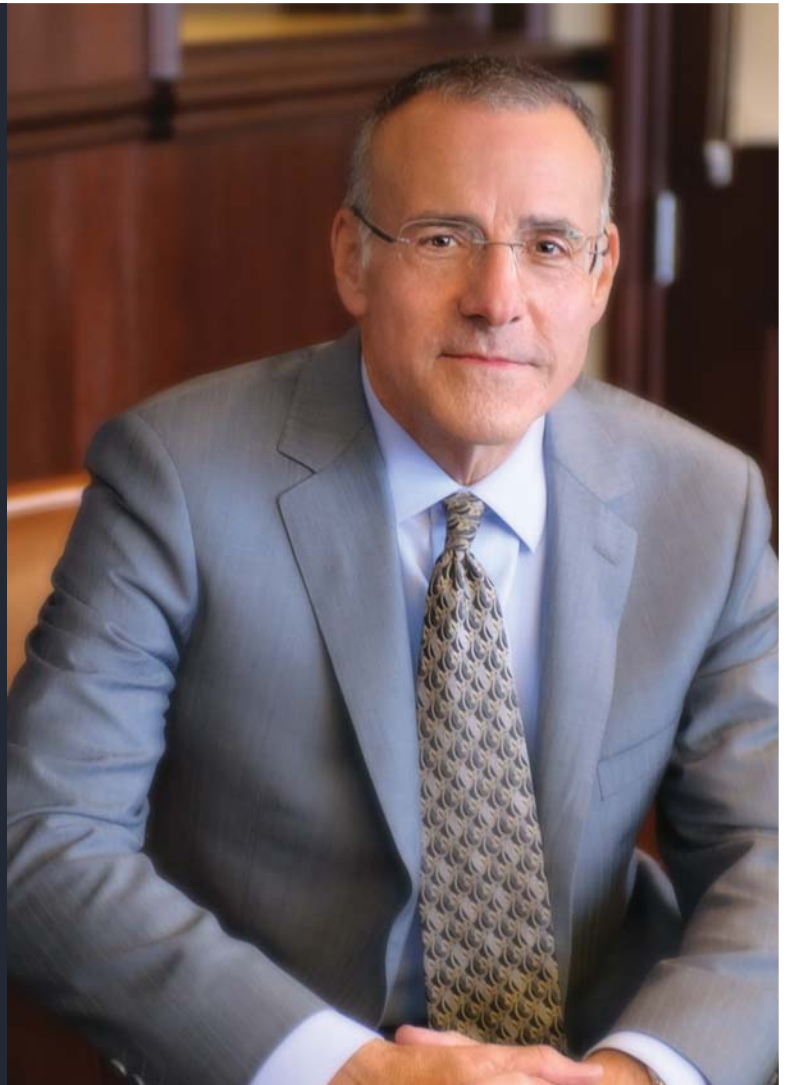
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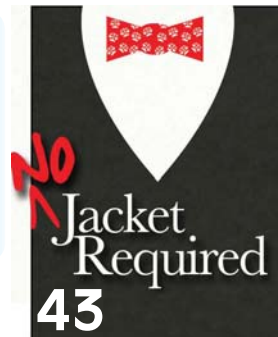
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Community Courts

AT THE MOST RECENT meeting of our Inclusion & Diversity Committee at the Van Nuys courthouse, our recent honoree, the Hon. Huey Cotton, told us about two initiatives which the Los Angeles Superior Court is currently spearheading in the Criminal Courts since the beginning of this year. The word needs to get out to the legal community and the public about these programs. As a civil litigator, I knew nothing about these programs. I was intrigued, and spoke with the Hon. Gregory A. Dohi from the Van Nuys Superior Court to find out more. The following article is based on my conversation with Judge Dohi as well as publicly available information.

These initiatives stem from the realization among judges, prosecutors, defense attorneys, and probation officers that the legal community needs to try something different to work toward better outcomes with offenders who are mentally ill or chronically homeless, in order to promote public safety both in the near and the long term. Additionally, more needs to be done to produce better outcomes with veterans. So while there have always been collaborative approaches in these cases, a dedicated courtroom with access to services and familiarity with service providers will help in these types of cases.

Community Collaborative Courts

The first such program is the Community Collaborative Courts, of which there are four, in Van Nuys, downtown, Compton, and Long Beach. These courts handle

CAROL L. NEWMAN
SFVBA President



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nonserious, nonviolent felonies involving the mentally ill, chronically homeless, substance abusers, and veterans.

As of the writing of this article, the Van Nuys court has handled only nine cases. There are at least two reasons why there are not more cases in the system. One reason is that the universe of nonserious, nonviolent felonies is small, especially in light of Proposition 47. Another reason is that the program is just getting underway, and more people need to find out about it.

The first step in qualifying for one of these courts is for a defense attorney to approach the District Attorney with an appropriate case. The District Attorney's office then screens these cases thoroughly, but if the case is deemed appropriate, the case must be approved at the head deputy level.

The District Attorney's office has a commitment to a team approach in handling such cases. If the case is approved, it would then be referred to one of the Community Collaborative Courts, where it would be evaluated by a dedicated probation officer who consults if necessary with a social worker from the Department of Mental Health. If a qualifying case is identified in a district that is not one of the four participating courts, the case can be transferred to one of them. The judges in this program are also working closely with the Veterans Administration and Veterans Justice Outreach social workers.

The Community Collaborative Court is designed to address the multiple issues presented by the at-risk populations it serves. The client must

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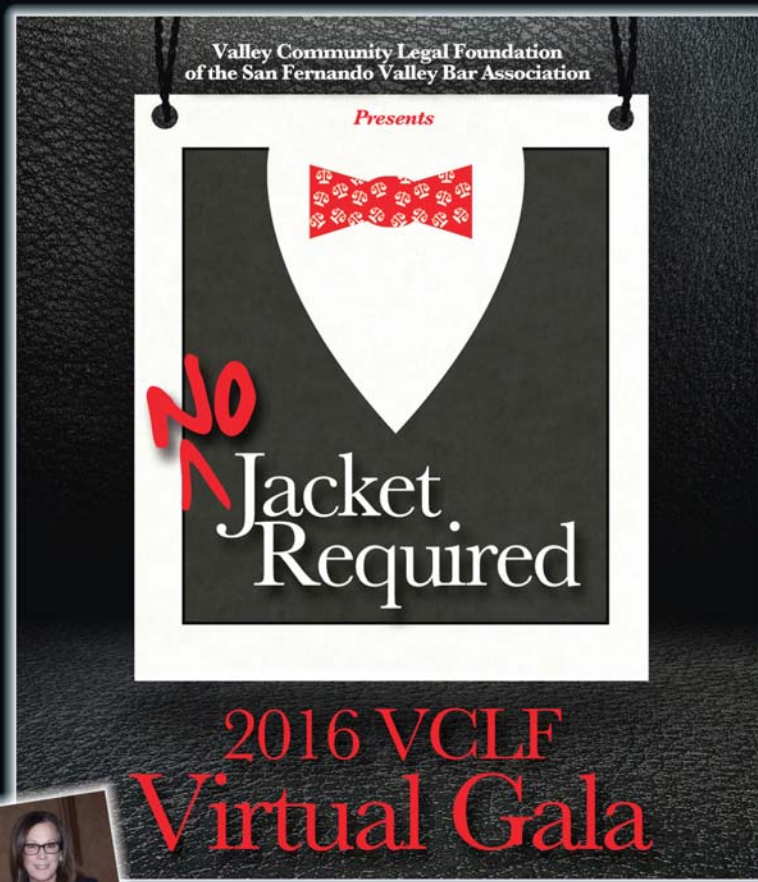
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participate in treatment as a condition of the program, such as residential drug treatment. This could be a very productive alternative to languishing in jail for a year.

One great benefit of this program is that it has a very gifted probation officer, Talibah Coffee, who has been exceptional in finding out what clients need and matching them with the appropriate programs. Another benefit is frequent and constant monitoring by a single judge who is personally familiar with the cases and the clients. Clients know that they will face the same judge repeatedly, which leads to better oversight and more consistency.

Third District Program for Chronically Homeless

The second such program is for the chronically homeless and mentally ill in the Third Supervisorial District, and deals with misdemeanors as well as felonies. In this program, the court works directly with the San Fernando Valley Community Mental Health Center. This program provides housing. If the clients have committed misdemeanors, their misdemeanors can be dismissed if they live in the designated housing, attend sessions and receive treatment, including medical management through the Center, and pick up no new cases for 90 days. For felonies, they would have to enter a plea and be convicted, and then they can get their probationary term reduced if they live in the designated housing and receive their counseling and treatment from the Center for typically 18 months (but could be longer). This program, which has a larger eligible population, is already obtaining some very good outcomes.

The bigger message from both of these programs is that for the chronically homeless, mentally ill, substance abusers, and veterans, there may be an option other than just traditional jail and probation. To quote Judge Dohi, "The court is working toward an option that is a win-win-win for the clients, courts, and community." 

Changing the Guard

MICHAEL D. WHITE
SFVBA Editor



editor@sfvba.org

MY NAME IS MICHAEL WHITE AND I HAVE THE privilege of being named editor of *Valley Lawyer* magazine and content manager of the SFVBA's website. A daunting task, to be sure, but it's always rewarding to take on a fresh challenge and advance a worthy goal—that of providing you with useful, substantive information in a timely fashion that will assist you in better serving your clients.

Change, once again, proves to be the only constant. Under Irma Mejia, *Valley Lawyer* reaped a fresh embrace from its readers, garnering a shelf-load of prestigious awards from its professional peers along the way.

It's an honor to 'carry on' in consort with the committed and talented staff of an Association that does so much to serve its members and the community that they, in turn, serve.

My sincere thanks for the opportunity and each of you has my promise that I will do my best to build on that foundation and carry on that good work.

All in the Family

In the true spirit of full disclosure, both my niece and nephew are attorneys. Extremely intelligent and capable, the trails they've blazed through the legal forest primeval have gone in markedly divergent points of the compass. Niece Natalie has spent the last five years practicing personal injury law here in southern California, while nephew Chris serves as an Assistant District Attorney in northern California.

Tri-lingual and well-traveled, she has taken an interest in international affairs, with the goal of working for the U.S. State


Department. He, on the other hand, spent three years clerking for a federal appellate judge in Anchorage, Alaska, followed by a tour of duty with the Los Angeles County District Attorney's office.

The sheer breadth of their experience has enlivened many a family holiday gathering with chuckles, grins and sometimes epic stories of satisfaction and frustration, victory and defeat, justice applied and, sometimes, justice denied. But, interestingly, as disparate as their niches are, their paths converge at one critical point—they both possess an almost ethereal reverence for the law.

"I really couldn't see myself doing anything else," my nephew once told me, calling the law "the glue that holds our society together." Natalie nods.

Without it, he said, "there would be chaos. As disjointed and ill-applied as it sometimes is, it's just about all we have that holds us together. It's quite a responsibility to see that it's evenly applied and respected."

Sometimes, he said, "it's easy to forget that what we do is a high calling."

Michael D. White has a B.A. in Journalism from CSUN and a Certificate in International Business from the Japan External Trade Organization's (JETRO) Institute of International Studies & Training in Tokyo. Michael has 38 years' experience as a journalist for the San Fernando Valley Business Journal, Los Angeles Daily News, and Long Beach Press-Telegram, among other newspapers and trade publications. He was also the Web Content Editor for the Los Angeles County MTA. 



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	VBN VALLEY BAR NETWORK See page 37					
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19	20	21		23	24	25
					Bankruptcy Law Section Settling with the Trustrees 12:00 NOON SFVBA OFFICE Attorney Stella Havkin leads this popular seminar. (1.25 MCLE Hours)	
26	27	28	29	30		

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Meet the Talented New Team Member

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THE ATTORNEY REFERRAL SERVICE IS PROUD TO introduce our new ARS Consultant, Catherine Carballo-Merino. Catherine was born and raised in Los Angeles and she recently graduated from UC Davis with a B.A. in English. She is a first-generation Hispanic American, and was the first in her family to graduate from college.

Catherine's passion for public service stems from her own family's experiences growing up. She recalls how difficult it was for her parents to get any form of help because they didn't understand English. Looking back, she believes that their lives would have been easier if there were more people who are bilingual or who render interpreting services. Those experiences are what motivated Catherine to want to become an interpreter or translator. She has already completed several projects as a freelance translator, which have taught her how important it is to break through language barriers.



Catherine describes herself as more book smart than street smart. She recognizes that there is a lot to learn and experience before she can become an effective interpreter. That experience is what she hopes to get out of working as an Attorney Referral Service Consultant.

March 1 was Catherine's first day. These past two and a half months, she and fellow ARS Consultant Fanny Arellano have fielded nearly 2,000 calls and over 100 online referral requests from persons in need of legal assistance. Catherine

spends most of the day helping Valley residents, particularly monolingual Spanish speaking clients and senior citizens, to find a qualified lawyer or appropriate legal resources. Another chunk of her time is well spent speaking with panel members and their staff about potential referrals.

"These past few months have been a great learning experience for me," Catherine says. "There are many aspects of law and the courts that I was misinformed on. Television

advertisements, movies, and even attorney ads all make it sound as if suing someone is easy." Thanks to the help of experienced ARS panel members, Catherine has become a better intake consultant, understanding that there are a lot of factors to determining whether or not there is even a case.

Catherine is also administering the Senior Citizen Legal Program and is currently working to expand such services. The job requires Catherine to tap into her compassionate and caring side, which by far will be the most rewarding part of the job. After a few weeks of public service work, Catherine gets it. "Being in the referral service isn't just about making money for attorneys," she says. "It's also about sending people to the right place so they can receive the legal help they need—and no one needs this help as much as senior citizens."

"I hope to continue on this learning path and to help grow the attorney referral service into something community engaging. I also hope to learn more about the legal system and terminology."

Catherine can be reached at catherine@sfvba.org. 

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The Emerging Locality of International Law

By Jonathan Arnold

LET'S START WITH WHAT'S happening across the Atlantic. The United Kingdom is abuzz with "Brexit," whereby there may be a referendum on anything ranging from an all-out exit by Britain from the European Union to a renegotiation of the scope and terms of England remaining.

On this side of the pond, the U.S. Department of Commerce's Bureau of Industry and Security and the Department of the Treasury's Office of Foreign Assets Control is progressively revising export restrictions and expanding the range of authorized

financial transactions regarding Cuba. Meanwhile, abutting the Pacific, the North American Free Trade Agreement (NAFTA) continues apace.

Most recently, with the emergent Trans Pacific Partnership (TPP) and the correlative increase in international trade that is sure to further develop, it has become more important than ever for transactional attorneys in California to become not only fluent with the Uniform Commercial Code (UCC), but also more familiar with some of the key norms of private international law and the application of same to international commercial contracting.

International Commercial Terms

Let's use the UCC as a jumping off point. Pursuant to state-specific enactments, Article 2 contains some ready-to-use shipping terms, one of the most familiar of which is Free on Board (FOB) at the named location. Utilization of FOB, with the named place, generally determines whether a particular contract contains a set of delivery or destination obligations in connection with shipped goods. However, agreements where one of the parties, or one or more of the shipment destinations, is outside of the United States typically rely upon



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International Commercial Terms, which are published by the International Chamber of Commerce.

The utility of these terms (the most recent set are known as INCOTERMS® 2010) is that they provide for more specifically defined obligations for both the seller and the buyer. This is especially relevant in the arena of international transportation, which necessarily includes who-is-supposed-to-do-what when it comes to export and import obligations. The INCOTERMS® 2010 also speak to insurance, risk of loss and all the other valences that may come into play with international shipments.

For example, utilization of Free Carrier (FCA) generally requires that the seller deliver the subject goods, cleared for export, to the carrier that has been named by the buyer to be authorized to pick up the goods at the seller's premises or some other named place. FCA obligates the buyer to assume all risks and costs associated with delivery of goods to the final destination, including any and all transportation after seller's delivery to the named carrier, as well to pay any customs fees to import the goods into a foreign country.

Letters of Credit

Returning to the UCC and again pursuant to state-specific enactments, Article 5 of the UCC contains a statutory scheme in connection with letters of credit: a specific undertaking by an issuer—typically the buying party's bank—whereby the party entitled to draw against the letter of credit—typically the seller or the seller's agent—may do so once certain conditions precedent have occurred. In many international transactions, this is usually by presentation of documents (e.g., shipping documents) that strictly conform to the terms of the applicable letter of credit.

The utility of letters of credit are threefold. First, they show that a buyer is sufficiently creditworthy for

a bank to agree to provide a letter of credit. Second, many banks follow a known custom and practice in the banking industry known as the Uniform Customs and Practice for Documentary Credits (UCP) and UCC §5-116(c) specifically contemplates application of the UCP—which is currently UCP 600.


The third is application of the independence principle when an issuer of a letter of credit (i.e., the buyer's bank) is provided with the proper documents by the seller, the issuer pays the seller out of the issuer's own liquid assets, thereby providing some protection against a buyer's insolvency (though this subissue alone could also be the subject of a treatise).

Choice of Law

Now, we'll turn to one of the heavy hitters—choice of law. Absent a clear choice of law provision in an international agreement (or, arguably, one that is ultimately inapplicable due to the totality of the contracting circumstances), a default position taken by many courts is that the United Nations Convention on Contracts for the International Sale of Goods (CISG) will apply. Similar in many respects as to form as the UCC, the CISG was developed by the United Nations Commission on International Trade Law.

The CISG was agreed to in Vienna in 1980 and came into force in 1988, so it's relatively new. While case law interpreting many of its provisions (e.g., Art. 19) remains a work in progress, the CISG is generally more favorable to the seller, as opposed to the UCC, which tends to favor the buyer. Art. 6 of the CISG provides, in pertinent part, that, "[t]he parties may exclude the application of this Convention or...derogate from or vary the effect of any of its provisions."

One takeaway from this is that a clear choice of law provision should be drafted into any agreement where either the buyer or a delivery point is



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outside of the United States. Another is that even with today's nearly direct communications capabilities (e.g., Skype), most international agreements have very involved sets of correlative performance obligations.

There is also the ever-present urtext of differing legal cultures, often running long the lines of either common law versus civil law, or different national traditions. For example, the second party is a German company, conditioned by the norms of the Bürgerliches Gesetzbuch—essentially the civil code of Germany. In light of this, any choice of law provision should be linked with an escalation provision so that the parties' respective representatives can progressively discuss any and all issues, and then must exhaust whatever regime is specifically contemplated by the operative agreement prior to any party resorting to arbitration or litigation.

Also, what if your California client is selling something to a large international entity? Imagine, if you will, that AT&T stands for Australian Telephone & Telegraph and that the government of the Commonwealth of Australia maintains a 20% stake in AT&T. Things start off well but differences as to the performance specifications of what your client is selling to AT&T reach an impasse. Your client seeks to commence arbitration but AT&T refuses to even accept service, claiming sovereign immunity.

Whenever working with a parastatal entity (government owned companies or companies funded or secured by state investment), it is a very good idea to have a waiver of sovereign immunity provision. This will serve to preclude a buyer of your client's goods from raising defenses to jurisdiction, execution pursuant to judgment and/or award, and ultimately enforcement of execution in any nation where the prevailing party may seek to attach assets. So based

on the above, a typical subset of provisions might look like:

Concurrent with the execution of this Agreement, Buyer shall deliver to Seller a confirmed and irrevocable letter of credit from Buyer's bank for the amount of the total Purchase Price hereinabove and Buyer shall instruct Buyer's bank to make payment(s) to Seller in U.S. dollars against the letter of credit in accordance with the terms thereof in the form attached hereto as Exhibit X (Letter of Credit). The Letter of Credit shall be valid until all payments under the Agreement are made to Seller. Should the validity period of said Letter of Credit expire prior thereto, Buyer shall arrange for the validity period to be extended until all such payments have been made. Such payment(s) shall be made upon demand and without any administrative and/or judicial action. All charges related to the Letter of Credit shall be borne by the Buyer.

Shipment shall be FCA Seller's facility, Van Nuys, California (INCOTERMS® 2010).

In the event of any dispute, claim or controversy arising out of or in any way related to this Agreement, including any question as to the formation, validity, interpretation, performance, breach or termination (Dispute), the Parties shall attempt to resolve such Dispute as outlined herein.


The U.N. Convention on the International Sale of Goods shall not apply to this Agreement. This Agreement shall be governed and construed according to the laws of the State of California, excluding from such law the rules

regarding choice of law. Any Dispute that has been unable to be resolved by the Parties pursuant to this Agreement shall be brought in the federal or state courts, as applicable, in Los Angeles County, California and each Party irrevocably submits to the exercise of jurisdiction and venue of such courts.

Buyer expressly and irrevocably agrees to waive any claim to immunity based on being an agency, instrumentality or organ of a government regarding any proceedings to commence litigation or arbitration or enforce any award of any court or tribunal brought pursuant to this Agreement. Buyer's waiver herein includes, but is not necessarily limited to, any claim of immunity from service of process, immunity of jurisdiction and immunity of any of Buyer's property from levy and/or execution.

Exports

Finally, remember that this has been about selling something internationally and any item that is sent from the United States to any foreign locale is deemed to be an export. And something being an export triggers application of U.S. export controls—most typically those of the Department of Commerce, less often the Department of State.

Most exports will proceed under the auspices of the Department of Commerce and, thankfully, most exports probably will not require a license. However, every seller that exports (and every seller's counsel) should at least be aware of this. Do not merely rely upon a freight forwarder, if for no other reason to see that the paperwork required to be tendered by the seller to the buyer in our FCA scenario has run according to plan...and to the operative agreement. 

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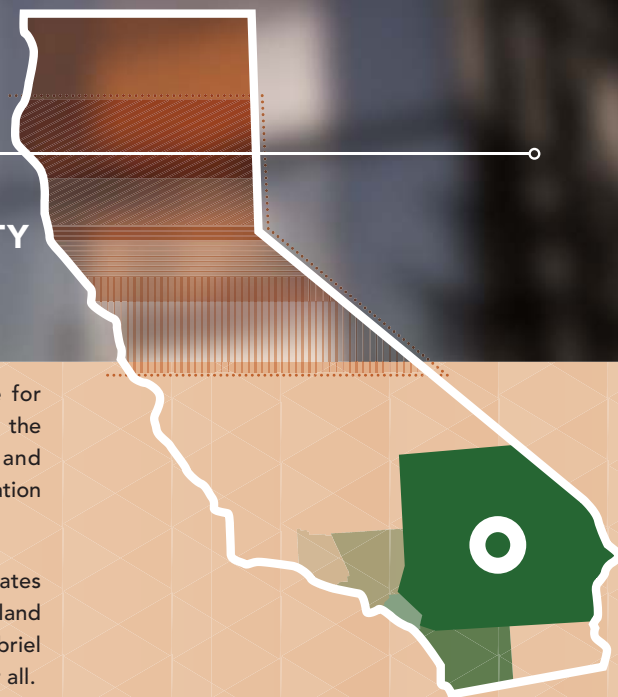
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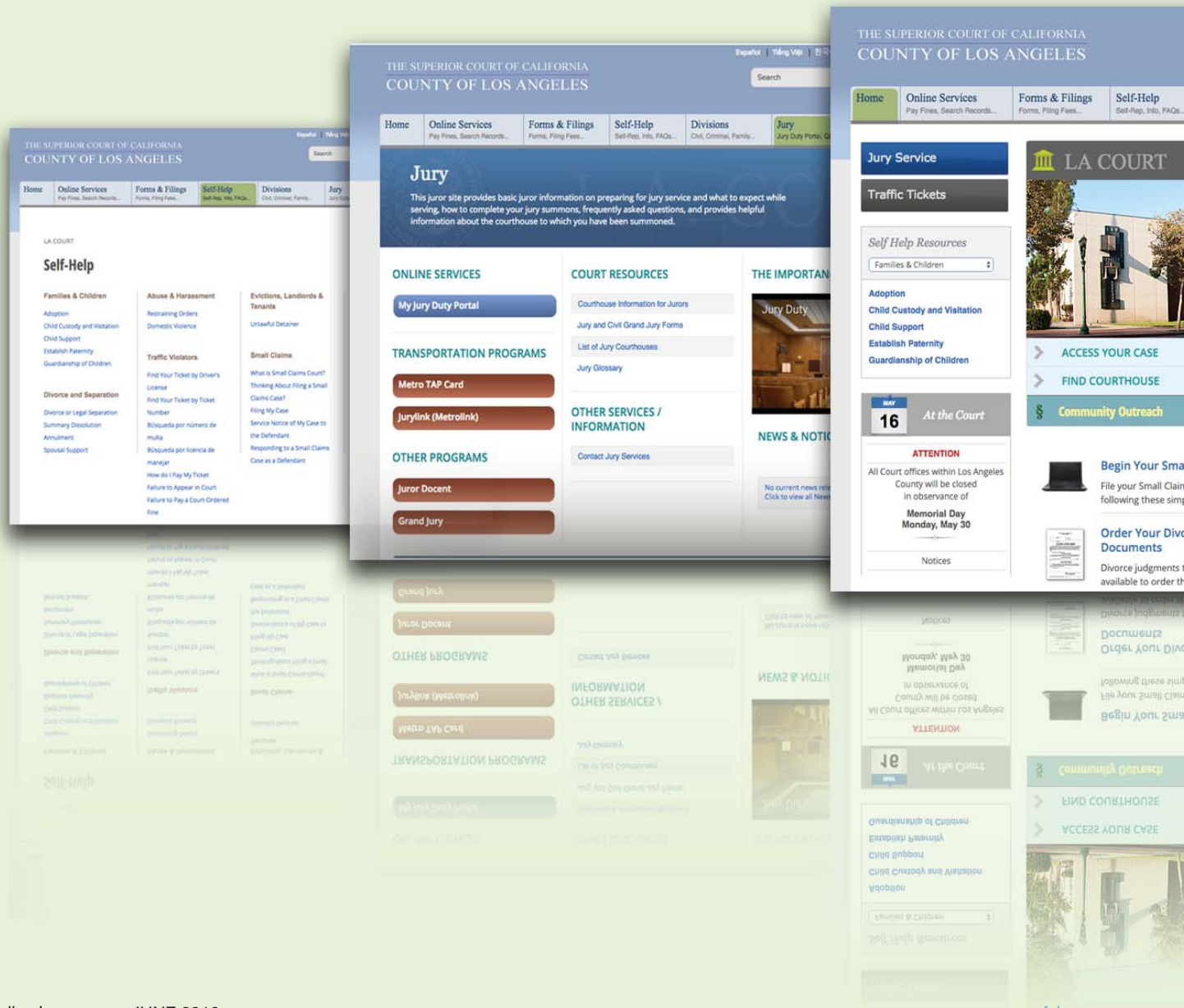
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Get Online, Not in Line:

Los Angeles Superior Court's Technology Innovations

By Judge Michelle Williams Court and Judge Samantha P. Jessner





By reading this article and answering the accompanying test questions, you can earn one MCLE credit. To apply for the credit, please follow the instructions on the test answer form on page 25.

With the court's goals of achieving efficiencies with technology, overcoming the effect of budget cuts, saving money in the future with technological innovations, increasing access to justice, and working towards e-filing and paperless work processes, the Los Angeles Superior Court has implemented, and plans to implement in the future, many technological innovations to achieve the court's mission of administering and delivering justice.



THE LOS ANGELES SUPERIOR COURT (LASC) is improving its technology and technological functions in significant ways. This article will discuss the technological innovations that have been implemented and those that will be implemented in the near future. In addition, this article will discuss why the court has prioritized technology upgrades and how the improvements will be funded.

If you have recently used the services of the court either as a litigant or an attorney representing a litigant, you have no doubt noticed some of the LASC's technological improvements. For example, if you have (unfortunately) received a traffic ticket, you may have noticed that the LASC now has an avatar on its website (www.lacourt.org) that helps parties through the process of paying a ticket and other procedures.

In addition, the avatar answers frequently asked questions. If you have filed a motion in a civil courtroom, you have used the Court Reservation System (CRS) to calendar the motion and pay the filing fee—the closest the court can get to the Open Table app where one can make a restaurant reservation online.

If you practice regularly in the personal injury departments, you may have delivered your filing to the court electronically rather than have a bike messenger wend her way through traffic in a mad dash to get to the courthouse before it closes. These are a few examples of technological upgrades intended to enable the court and practitioners to work more efficiently and in a more cost-effective way and to increase access to justice.

Why Is the LASC Prioritizing Technology Upgrades and Innovations?

The court's decision to prioritize technology improvements is not without significant costs. But to understand how essential technology upgrades are to maintaining the fundamental functions of the largest court system in the country, one must have an appreciation for where the court was in terms of technology not that long ago. Here are some fun facts that show how important technology improvements are to the LASC.

- 1 The current case management systems for the Civil and Probate Divisions are DOS-based (short for disk operating system). Some readers of this article are too young to remember DOS because it has been out of commission since 2000, although the LASC kept using it.

- 2 For decades, the court has had no fewer than 12 different case management systems. Because the 12 systems do not communicate with each other, there are essentially 40 data repositories of case information. By the end of 2017, the LASC will have new case management systems in each division (Civil, Criminal, Juvenile, Probate, and Family Law), most of which will be able to communicate with each other.
- 3 In adoption proceedings, although it sounds apocryphal, the court has never had a computerized case management system. As a result, all adoption records are maintained either by handwritten record or in an Excel spreadsheet. This means that many adoption records are maintained the same way they were more than a hundred years ago.
- 4 The most fun fact: the LASC maintains paper files that, if they were stacked one on top of the other, would be thirteen times taller than Mt. Everest!

By the end of 2017, with the installation of new case management systems for all case types, which will include electronic filing, we will begin to get rid of the reams of paper that the court must store. In addition, all documents, filings, and data in every type of case will be electronically stored in state-of-the-art computer systems (in other words, not DOS). Finally, litigants and lawyers will easily be able to transmit documents to the court by means of electronic delivery and filing.

Given Recent Budget Cuts, How Can the Court Afford to Upgrade Technology?

Given the unprecedented budget cuts in recent years that have greatly affected courts throughout California, one might wonder how the LASC can afford to invest in the technological innovations discussed in this article. A big part of the answer is that several years ago a decision was made that courts in California are required to keep only 1% of their budget in reserve. Previously, a court could keep an unlimited amount in reserve. In other words, individual courts could independently decide how much they wanted to save for a rainy day.

As part of this policy change, the year-end funds cannot exceed 1% of a court's budget. As a result, two years ago LASC had to spend its reserve funds or lose them. Because these monies are only available once, they cannot be spent on a continuing expense such as an employee's salary.



Judge Michelle Williams Court and **Judge Samantha P. Jessner** are judges in the Civil Division of the Los Angeles Superior Court and Vice-Chairs of the court's Technology Committee, chaired by Assistant Presiding Judge Daniel J. Buckley.



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The Executive Committee of the LASC, after extensive consideration and analysis, chose to prioritize technological improvements, among other expenses and projects, in spending what the court refers to as one-time funds. The court's goals in upgrading technology are to create cost savings, to increase efficiencies in light of the loss of courthouses, courtrooms, and staff, and to increase access to justice.

Technology Innovations the Court Has Implemented

Court Reservation System

In response to the budget cuts of several years ago, the LASC not only was forced to lay off employees but also to close courthouses. Because the number of cases the LASC handles did not change, the court was forced to figure out how to do more with less. In other words, the court had to figure out how to work smarter, better, and more efficiently with fewer resources. To that end, the court developed its own court reservation system (CRS). CRS is an online system that enables parties in civil limited and unlimited jurisdiction courts to reserve motion hearing dates.

In the past, if a party wanted to secure a motion date for a hearing, the party had to telephone the court and confer with the courtroom assistant. This meant that staff spent a considerable portion of the day answering the phone and finding a mutually convenient motion date with a party on the telephone. In 2013, in response to budget cuts, the LASC hubbed all of the personal injury cases filed in the LASC (except PI cases filed in the Antelope Valley) into three courtrooms in the Mosk courthouse. (There are now five PI courtrooms.)

At the time, approximately 15,000 PI cases were being handled in three courtrooms. (The number of PI case filings has increased since 2013.) Because of the number of cases and the loss of staff, the LASC was forced to develop a way for parties to obtain motion reservation dates without having to call an already overburdened staff that was handling about 5,000 cases in each department. (At the time, telephone hours for each courtroom were limited to about two hours per day.)

The answer was to develop an online court reservation system enabling parties to reserve motion dates without having to coordinate with a staff member in a courtroom. The LASC's Court Technology Services department (headed by Snorri Ogata, the court's Chief Information Officer) developed the first iteration of CRS (fondly referred to as Chris).

Every type of motion is given a weight which is determined by the amount of work involved for the research attorney and the judicial officer in preparing the motion for hearing and decision (e.g., a motion to be relieved as counsel is "extra light" and a motion for summary judgment is "extra

heavy"). Each judicial officer determines how many motions of a particular weight she is able to hear per day and what days she wants to hear certain types of motions. The availability of dates on CRS is based on this criterion.

Once attorneys and court staff grew accustomed to using CRS, it became evident that CRS does save courtroom staff members' time. As a result, CRS frees up courtroom staff to concentrate on the many other tasks created by swollen dockets in civil courtrooms. The court then gradually expanded CRS to unlimited courtrooms in district courthouses and a handful of other courtrooms in the Mosk courthouse.

The Court Technology Services elicited feedback from staff and judicial officers in courtrooms that had implemented CRS and made changes and improvements to CRS as a result of the feedback received. In January 2016, the court implemented the latest version of CRS in all general jurisdiction courtrooms. Although CRS has taken some getting used to by litigants, court staff, and judicial officers, it has enabled courtroom staff to work more efficiently and allowed litigants to easily make and change hearing dates.

PI E-Delivery

On March 1, 2016, the LASC implemented an electronic delivery pilot project in the personal injury courts located in the Mosk courthouse and the Antonovich courthouse in the Antelope Valley. The project is called PI E-Delivery. It enables a party to deliver a filing to the court electronically. The goals of this project are (1) to begin to transition the court and court users to filing documents electronically and using electronic records as the official court record; (2) to prepare for the launch of the new case management system later this year, which will eventually include e-filing capabilities; and (3) to decrease the lines at the filing windows, or, as we like to say, to get filers out of line and online.

PI E-Delivery requires that the filing party deliver or transmit an electronic version of the filing/document (usually a PDF) and any fees associated with the filing to an E-Filing Manager (EFM). The EFM then transmits the filing and fees to the court. (The procedures for PI E-Delivery can be found on the court's website.) Upon receipt of the document by the court, the court sends the filing party a Notice of Receipt of Documents by email, which includes an identifying number.

If the filing is submitted in correct form, the court will accept it for filing and send an email notifying the submitting party of the fact that it has been accepted for filing. In addition, the court will email an electronic conformed copy of the document(s). If the filing is rejected for some reason, the court will send the submitting party an email notifying the party of the rejection. If the document is accepted, it is stored in the court's document management system.

Essentially, the PI E-Delivery project replaces two procedures, fax filing and having to send a bike or other

messenger to the courthouse to file documents with the court. As of March 1, 2016, the court no longer accepts fax filings in general jurisdiction personal injury cases. However, a litigant can still file at the filing window in the Mosk courthouse and the Antonovich Antelope Valley courthouse.

There are fees associated with the PI E-Delivery project. There is a \$4.95 convenience fee that is paid to the third party (EFSP or EFM). If a customer doesn't use the third party vendor's payment system, the cost is 2.75% of the filing and/or first paper fee, plus the \$4.95 convenience fee.

There are some limitations on the types of documents that can be submitted to the court by means of the PI E-Delivery system. Specifically, the following documents cannot be submitted:

- Documents involving an attorney-client fee dispute
- Any filing where the filing party is legally incompetent, is a guardian ad litem, or is under a conservatorship
- Request to Waive Court Fees (FW-001)
- Request For Accommodations By Persons With Disabilities (MC-410)
- Civil Deposit Form (LACIV 083)
- Documents in a PI case deemed complicated and transferred to an independent calendar court

Along with the development of the PI E-Delivery project, the court also developed a program that enables the personal injury judicial officers to access and view all of the documents in a case file online. In addition, it allows a judicial officer to make notes or annotations regarding documents in the system. It also allows the judicial officer to receive legal memoranda from research attorneys and review and make changes to these work-ups. This system is called Judicial BenchView.

As a result of the functionality of Judicial BenchView, rather than having to pick up a large stack of pleadings to review and analyze a motion and prepare a tentative ruling (and perhaps lug it home over the weekend), the judicial officer is able to review all pleadings online, annotate and highlight if desired, review the research attorney's memoranda, and prepare a tentative ruling. The judicial officer can also access the Judicial BenchView from the bench during a hearing or proceeding. In short, the Judicial BenchView enables a judicial officer to work in a paperless environment if she wishes.

As of the time of writing of this article, over 300 law firms and attorney services have signed up to use the PI E-Delivery portal. In addition, the number of filings using the PI E-Delivery portal has increased every week in the approximately six weeks that the project has been available as attorneys become more familiar with this service and how to use it.

The PI E-Delivery portal is the first step toward decreasing and someday eliminating those Everest-sized stacks of paper and toward court users, judicial officers, and staff working in a paperless or nearly paperless environment.

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Technology Innovations the Court Plans to Implement in the Future

Case Management Systems and E-Filing

By the end of 2017, the LASC will move from 40 different databases in 12 case management systems that do not easily communicate with each other, if at all, to a new case management system in each case type—Civil (including Unlimited, Limited, and Small Claims), Criminal (including Traffic), Probate (including Mental Health), Family Law, and Juvenile. The Appellate section will be a hybrid of Civil and Criminal given its docket.

The court's schedule for implementation is ambitious. The estimated implementation dates are as follows:

May 2016	Probate
May 2016	Civil Small Claims
September 2016	Limited Civil
October 2016	Traffic
November 2016	Unlimited Civil
February 2017	Juvenile
July 2017	Family Law
August 2017	Mental Health
September 2017	Criminal

The companies with which the court has contracted to design and implement new case management systems allow for a good deal of customization so that the case management system product is designed to fit the needs of the LASC and its constituents. For over a year, the court has reassigned subject matter experts (SMEs) from all aspects of court operations (e.g., management, judicial assistants, clerk's office personnel) to work offsite with these two vendors to work through every aspect of the court's case management processes to design case management systems that will create efficiencies and function smoothly while forging the path to eventual paperless courtrooms.

In addition, for each case management system, either the vendor or the LASC's Court Technology Services department has designed a Judicial BenchView program enabling the judicial officer to view all filings and court documents online in the courtroom, chambers, and remotely, to annotate and highlight documents, and to receive and review memoranda and other documents from research attorneys.

Courtroom Technology

In most trials or evidentiary hearings, some evidence, if not all, is presented in electronic form. For example, in the digital and visual world that we live in, jurors expect to see a PowerPoint presentation during closing argument. With the increase in the use of body cameras by law enforcement, it is anticipated that digital recordings will be admitted with more frequency in criminal trials. Attorneys and parties often seek to admit

evidence that has been electronically recorded in some fashion, whether it is a voicemail message on a cell phone, a scene filmed with a cell phone, a photo taken with a cell phone, or some other type of digital recording.

Historically, if an attorney or party wished to present digitally recorded evidence or an electronic presentation, the attorney or party had to bring equipment to the courtroom to play or display the evidence. This will no longer be the case in certain courtrooms. The LASC is installing a Digital Evidence Presentation System in a number of courtrooms that often hold criminal or domestic violence trials or evidentiary hearings. The system comprises a document camera, laptop hookups for the attorneys, large screen LCD TVs for viewing, and controls for the judge to deactivate the devices if necessary.

The court will provide litigants and court staff with training materials and guides that explain how the system works and what adaptors or cords must be provided by the litigants to enable them to play or show digital recordings and evidence. The intent is to enable litigants to present evidence to the fact finder in an easy and reliable manner and have continuity of equipment throughout the County. It is anticipated that the Digital Evidence Presentation Systems will be installed by this summer.

LASC Website

Most people rely on technology in some way every day. It has become more and more common, especially in metropolitan areas like Los Angeles, to conduct both personal and business transactions electronically using computers, smart phones and tablets. And this transformation makes sense—it saves valuable time and resources and provides the opportunity to engage in real time transactions to create efficiencies in everyday life.

Access to Justice

The LASC has turned to technology to help it fulfil its mission to serve the community by providing equal access to justice to the public in the face of persistent budget constraints. In addition to hardware and case management software improvements (some of which are discussed herein), the court has also implemented a plan to optimize its online presence using the website.

These improvements are not simply limited to organization and design. In updating and upgrading the website, the court has added functionality to ease the burden on the public in accessing information and services. These innovations benefit attorneys, self-represented litigants and the public at large.

Get Online, Not In Line!

In March 2015, the court launched its "Get online, not in line!" campaign designed to encourage court users to take

advantage of the services offered on the court's website, saving litigants, attorneys, and others time and money.

The best tangible example of the effect of these innovations to date is the way the court has leveraged its online presence to provide services and information to users concerning traffic matters. The upgrade started with a redesign—the traffic page offers a comprehensive traffic questions and answers section and an interactive online assistant created to provide a more tailored experience for the customer. The assistant guides the customer through the traffic pages while asking questions and giving instructions in order to provide information and options specific to the user's traffic situation.

Instructions are provided in English, Armenian, Chinese, Korean, Spanish, and Vietnamese. Services available include: payment and closing of tickets, requests for payment plans, extension requests, traffic school applications, court date reservations, and ticket status updates. This automated assistant provides audio assistance in all six languages and walks the user through various screens providing information and prompts that aid the user with the completion of the service requested.

Prior to the implementation of these features, customers were required to appear before a judicial officer to make requests for payment plans and partial payments could only be made at a courthouse. Now, customers have the option of conducting this business using the website or by way of an in-person visit to a courthouse.

The impact of these improvements is clear. At the Metropolitan courthouse in downtown Los Angeles, the busiest courthouse handling traffic matters, wait time has gone from hours to minutes on most days.


Innovations in the way the court serves the public in traffic matters is just one of many ways in which the court is implementing technological enhancements to provide improved access to justice. Improvements in the website have been made across the board in every case type.

In the next sections, the article will summarize the website improvements and innovations with an emphasis on those features most applicable to civil practitioners.


Design

For those of you who remember the old website design, the new design is a breath of fresh air. The template is the same basic template used by the Judicial Council and many other Superior Court websites across the state. It is informative, organized and user-friendly for novices and experienced internet users alike.


Court users can access the home page at www.lacourt.org. The homepage includes quick links to commonly sought information, such as case summaries and case calendars, the ever-popular court date calculator, information concerning remote appearances, and the filing court locator. Information




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concerning online services, forms and filings, self-help, jury duty and division specific information can be accessed by selecting the corresponding tab at the top of the home page.

Civil Division

The most efficient way to access information and services available relevant to civil cases is to navigate to the Civil Division page (from the homepage, select the Divisions tab and then select the link to the Civil Division page). This page provides access to a trove of information and services essential to civil practitioners, including online services, information concerning the specialty courts, court resources, other services and information, news and notices and the civil Q&A.

Online Services

The new website is designed to be a powerful tool to assist attorneys and the parties in litigating their matters. Available online services include access to civil case document images, party name search, CRS, case calendar, case summary, courtroom information, filing court locator, personal injury e-Delivery and tentative rulings.

Are you looking for the courtroom email address or telephone number? Do you want to know how your judge handles ex parte applications, law and motion or trials? Not sure about the e-Delivery project and how to file your documents? Online services is the place to go for answers to all of these questions, assistance in filing documents via e-Delivery, making hearing reservations and more.

Specialty Courts

To facilitate uniform dissemination of information about the way the specialty courts operate, the court dedicated a section of the Civil Division page to links to pages dedicated to each of the civil specialty courts—complex civil litigation, unlawful detainer, general jurisdiction personal injury, limited civil collections, limited civil non-collections and settlement. Each page includes information and links to additional resources of value to attorneys practicing in those courts.

For example, the Complex Litigation Program page features an overview of the Program and links to important documents like the complex civil case questionnaire, initial status conference order, and model protective orders. The General Jurisdiction Personal Injury page includes links to all of the General Orders and Notices to Attorneys applicable to cases pending in the personal injury hub. And the Settlement Programs page provides an explanation of the parameters of the settlement program, a list of settlement officers and a link to the settlement conference intake form.

Court Resources

If you need a LASC civil form or directions to your

courthouse, navigate to the court resources tab. There you will find links to every Los Angeles County courthouse, which in turn provide contact and location information as well as access to Google Maps driving directions, and a brief description of parking options and other services available at that location.

You will also obtain access to PDF copies of relevant court approved local forms, like the Motion/Opposition/Stipulation to Transfer Complicated PI Case to IC Court and Order, Informal Discovery Conference form, and Request for Refund form. The Los Angeles Superior Court Local Rules and current fee schedule can also be accessed from this page.

Other Services and Information

This section includes links to the case number prefix matrix, information about expedited jury trials and instructions for those wishing to make an appearance in a matter using CourtCall. It also includes links to useful tools for litigators like model protective orders, efficient litigation stipulations, and agreements concerning discovery conferences and motions in limine.

News and Notices

The court periodically issues news releases and notices concerning court-related activities, changes and projects. This page contains a repository of news releases and notices to attorneys issued by the court as well as the posting of public notices relating to court events, annual reports and other court publications.

Civil Q&A

This section includes answers to basic questions about civil litigation. While geared toward self-represented litigants, this section might prove useful to less experienced practitioners as well.

The Los Angeles Superior Court is the largest court system in the United States, serving 9.5 million people living and doing business within 4,000 square miles. Its ability to fulfill its mission to provide equal access to justice depends on the efficient use of resources, especially technological resources.

By the end of 2017, the LASC will offer electronic filing in all case types and will have the technological capacity to store all court records electronically. The LASC website will continue to evolve to meet the needs of court users, many of whom conduct daily business regularly over the internet using smart phones, tablets and other portable devices. And the court will continue its valued partnerships with the bar, justice partners and other stakeholders to meet the important and changing needs of the community. 



Test No. 92

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. 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. An avatar is available on the LASC website to help traffic ticket recipients pay their fine.
☐ True ☐ False
2. Currently, LASC maintains all adoption records by handwritten record or an Excel spreadsheet.
☐ True ☐ False
3. The court has yet to implement its own court reservation system (CRS).
☐ True ☐ False
4. Documents involving an attorney-client fee dispute or a request to waive court fees cannot be submitted to the court via the PI E-Delivery system.
☐ True ☐ False
5. The Judicial BenchView system allows judicial officers to receive legal memoranda from research attorneys.
☐ True ☐ False
6. At the time of writing this article, only 100 law firms and attorney services have signed up to use the PI E-Delivery portal.
☐ True ☐ False
7. The PI E-Delivery portal is the first step toward decreasing, and someday eliminating, the Everest-sized stack of paper the court uses.
☐ True ☐ False
8. The new case management system for Family Law cases is estimated to be implemented in July 2017.
☐ True ☐ False
9. In most trials or evidentiary hearings, some evidence, if not all, is presented in electronic form.
☐ True ☐ False
10. Historically, an attorney wishing to present digitally recorded evidence had to bring their own equipment into the courtroom to play or display the evidence.
☐ True ☐ False
11. Judges will not be able to deactivate the devices in the new Digital Evidence Presentation System.
☐ True ☐ False
12. The LASC homepage provides quick links to case summaries, case calendars, information concerning remote appearances, and the filing court locator.
☐ True ☐ False
13. Court users can access the homepage at www.lacourt.org.
☐ True ☐ False
14. The most efficient way to access information and services relevant to civil cases is to navigate to the Civil Division page.
☐ True ☐ False
15. Available online services include access to civil case document images, party name search, CRS, case calendar, case summary, courtroom information, filing court locator, and PI e-Delivery.
☐ True ☐ False
16. You cannot find courtroom email addresses or telephone numbers with the new online services.
☐ True ☐ False
17. Initial status conference order and model protective orders will be provided via a link on the Complex Litigation Program page.
☐ True ☐ False
18. You will be able to obtain PDF copies of relevant court approved local forms when you navigate over to the court resources tab.
☐ True ☐ False
19. Useful tools for litigators, like model protective orders, can be found under the LASC webpage titled Other Services and Information.
☐ True ☐ False
20. By the end of 2017, the LASC will offer electronic filing in all case types and will have the technical capacity to store all court records electronically.
☐ True ☐ False

MCLE Answer Sheet No. 92

INSTRUCTIONS:

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

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ANSWERS:

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

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The Bare Facts:

Lawyers Defend Free Speech and the Valley's Adult Entertainment Industry

By Elizabeth Post



**ADULTS
ONLY**

FOR MANY YEARS, THE SAN FERNANDO VALLEY was the hub of the adult entertainment industry, home to hundreds, perhaps thousands, of adult film studios, websites, adult “toy” makers, phone sex companies, and porn magazines. The Valley’s status was underscored when the communities of Reseda and Van Nuys served as the backdrop for *Boogie Nights*, the Academy Award-nominated film that chronicled the porn movie industry of the late 1970s and early 1980s.

Adult entertainment nested in the Valley in the mid-1900s. The area was close enough to Hollywood so filmmakers could obtain necessary film equipment and assistance provided, often incognito, from persons knowledgeable in pre- and post-production work needed to make a film. But the outer reaches of the Valley, such as Chatsworth and Canoga Park, were sparsely populated and far enough from urban Los Angeles, so that pornographers could avoid public attention and the reach of police and other law enforcement.

Today, industry leaders, including Vivid Entertainment with its global headquarters in Universal City and Chatsworth-based AVN Media Network, employ thousands in the San

Fernando Valley. At the same time, free content available on the internet, rampant content piracy, a greater tolerance nationwide for the production of adult content, increased competition, and an upsurge in local regulation, such as the passage of Los Angeles County’s Measure B, have slowed local adult film production considerably in recent years. In 2012, when Measure B passed, 480 film permits were issued by FilmL.A. (the nonprofit that processes on-location film permits). Between 2013 and 2015, no more than 40 were issued annually.

The Canoga Park-headquartered Free Speech Coalition (FSC) is the adult entertainment industry’s trade association and legal watchdog. Since its founding in 1991, the FSC’s positions and issues have been defended and championed by a cadre of lawyers in California and across the nation who are dedicated to advocating for free speech and the First Amendment.

In the following report, *Valley Lawyer* profiles some key legal issues faced by the adult entertainment industry in the San Fernando Valley and the lawyers who represent the industry in legislatures and courts across the nation.

Measure B

Measure B—The Safer Sex in the Adult Film Industry Act—was passed in 2012 by Los Angeles County voters, garnering about 57 percent of the total votes cast. The Act requires adult film performers to use condoms while engaged in sex acts.

Prominent First Amendment defense attorney H. Louis Sirkin has been involved in litigation over Measure B, which settled earlier this year. Though the settlement upheld the condom requirement, he says, many provisions of Measure B were determined to be unconstitutional, and enforcement of the condom requirement is not likely to occur for several years.

According to Sirkin, “Its requirements inhibit actors, writers and producers from exercising their free choice in expressing their message regarding human sexual behavior, in violation of their constitutional right to free expression protected by the First Amendment and also their right of free association.”

Measure B, he states, “also infringes upon their right to privacy protected by the Fourth Amendment and their right to substantive due process protected by the Fifth and Fourteenth Amendments to the U.S. Constitution. In a free society an individual has the fundamental right to self-determination and choice in the manner in which he or she performs in the performing arts.”

Free Speech Coalition Executive Director Eric Paul Leue, adds, “I believe it is important that we realize that an industry that has successfully self-regulated and coexisted for decades is being pushed underground. Thousands of jobs, tens to hundreds of millions of dollars in lost tax revenue, and what we call a true ‘lawsuit bonanza.’”



H. Louis Sirkin was raised in Cincinnati, Ohio. He received a B.A. in Political Science in 1962 and a J.D. in 1965 from the University of Cincinnati. Admitted in 1965, his practice is primarily criminal, with an emphasis on white collar crime, civil rights, and constitutional law, in particular First Amendment issues.

Sirkin began representing clients in the adult industry due to his strong desire to prevent censorship, which he views as a threat to freedom and liberty and the “cancer of democracy.” In 1990, he represented Dennis Barrie, Director of Cincinnati’s Contemporary Art Gallery, who was indicted for obscenity in the Robert Mapplethorpe exhibition entitled “The Perfect Moment.” This year, his acquittal celebrates its 25th anniversary and the Los Angeles County Art Museum and Getty Center are currently presenting a joint exhibition of Mapplethorpe’s works.

Sirkin’s most notable accomplishment was his 2002 victory before the *United States Supreme Court* in *Ashcroft v. Free Speech Coalition*. The Court struck down two overbroad provisions of the Child Pornography Prevention Act of 1996 that abridged “freedom to engage in a substantial amount of lawful speech.”



Jeffrey J. Douglas of Santa Monica practices criminal defense in state and federal courts. He received a B.A. with high honors from UC Berkeley and a J.D. from UCLA. Since his admission to the State Bar in 1982, he has advised all segments of the adult entertainment industry. Douglas has served as Chair of the Board of Directors of the Free Speech Coalition since 1995 and currently acts as Chairman Emeritus of the First Amendment Lawyers Association and as a Director of the ACLU Foundation of Southern California.

A nationally recognized spokesperson for the adult entertainment industry, Douglas has successfully defended clients in state and federal obscenity cases and is considered among the leading authorities on 18 U.S.C. §2257, a key federal adult film regulatory statute. He has testified before the California legislature and, on occasion, before Congress, and was the plaintiff's representative in *Ashcroft v. Free Speech Coalition*.

When asked about opportunities for Valley lawyers to practice in the industry, Douglas says, "The adult entertainment industry is significantly underrepresented by the legal community. While there are lawyers who handle the typical range of matters associated with both entertainment and technology [intellectual property, contractual corporate and tax matters, litigation, estate planning, family law, etc.], there are just a few practitioners in each arena."

State Ballot Initiative

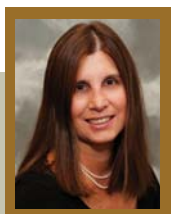
California's Condoms in Pornographic Films Initiative will be one of potentially eighteen measures on the upcoming November ballot. The measure would require use of condoms and other protective measures during pornographic filming, and compel pornography producers to pay for certain health services and checkups. The measure was proposed by AIDS Healthcare Foundation President Michael Weinstein and authored by Valley attorney Bradley W. Hertz. It is opposed by the Free Speech Coalition and the Valley Industry and Commerce Association (VICA).

"The Initiative creates a cause of action for any California resident, without any injury pleading requirement, against any producer, distributor or seller, or aider and abettor, of recordings [film, internet, photography, etc.] which appear to depict oral or penetrative sex if a condom is not visible," says Free Speech Coalition Chair Jeffrey Douglas. "Although the defendant has as a defense that a condom was used, this is a fact question that can be established only after full discovery and well past the demurrer stage."

This is not limited to the so-called adult entertainment industry in this era of increasingly sexually explicit content, he says, asserting that "mainstream producers and distributors of motion pictures, including theater owners, cable and streaming services, are all subject to such lawsuits. Even more astonishingly, workers can be sued by members of the public, based on the perception that the Initiative's requirements were not followed."

Unlike those in more mainstream entertainment, says Douglas, "actors and actresses commonly have a financial interest in the productions. The initiative language purportedly protecting workers is an intentionally disingenuous and deceptive. Never before have workers faced the possibility of being personally liable for safety rule violations purportedly for their protection, or being subject to harassing lawsuits by the public."

According to FSC Executive Director Leue, "From a change to the private right of action, to rebuttable presumptions, and making workers liable to lawsuits—even injured workers—the state ballot initiative in California is a grave threat to our workers."



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.

OSHA

The scope of California's Condoms in Pornographic Films Initiative is far reaching. "The Weinstein Initiative treads upon and tries to supersede the authority of Cal/OSHA," according to Sonoma County employment law attorney Karen Tynan, who provides advice and assistance to the FSC on issues of regulatory compliance and California employment law.

"There are current Cal/OSHA regulations in place, and we've been trying to get 'industry appropriate' regulations passed for six years. The initiative violates worker privacy, conflicts with Cal/OSHA regulations, and tries to create some type of new rights of action for civil complaints against performers and others in the industry."

The initiative, she says, "would make changes to the Labor Code that would cause worker harassment, create liability for distributors, and other 'crazy' results."

2257 Recordkeeping Requirements

18 U.S.C. §§2257 and 2257A impose burdensome recordkeeping and labeling requirements on whoever produces a visual depiction of actual or simulated sexually explicit conduct. Under the statutes enacted in 1988, it is a federal crime to refuse to permit the Attorney General or his designee to conduct an inspection, without a search warrant, of the records, and for any person to knowingly sell or transfer any matter that includes a covered sexual depiction that does not have the statement on it describing where the required records are maintained.

The law is aimed at prohibiting the employment of minors in adult productions; however, any person who produces a sexual image is subject to the law, even if the image is created for private, personal use such as 'sexting' or sharing personal sexual imagery on adult dating websites and social networking sites.

"The adult industry has always condemned child pornography, has been dedicated to its eradication, and has encouraged enforcement of the laws prohibiting the use of minors in sexually explicit films," says Cleveland-based attorney J. Michael Murray. "Adult film producers have, for decades and long before the original version of the statute was enacted in 1988, always checked IDs of their performers to verify they were over the age of majority. In all those years there have been only a handful of cases in which an underage performer appeared in adult films. In each instance the underage performer used a fraudulent ID to gain access to the production."

Murray and his firm have represented the Free Speech Coalition and other plaintiffs in a suit challenging the constitutionality of 2257. Since 2009, the case has wound a circuitous path through the U.S. District Court for the Eastern District of Pennsylvania and the U.S. Court of Appeals for the Third Circuit. Murray argued the case for a third time before the same Third Circuit panel last December and, he says, "By the time this is published, however, a decision may have been rendered."



Karen Tynan, originally a "southern gal" from Georgia, graduated from the U.S. Merchant Marine Academy and served in the Merchant Marine for ten years. After starting a family, she left the sea to attend night school at the Empire College School of Law in Santa Rosa, California while raising her family during the day. Since her admission to the Bar in 2001, Tynan has practiced employment law and regulatory law throughout California.

Tynan is proud to represent Kink, Evil Angel, Intersec, and many other companies that prefer to remain nameless since she began working with adult clients seven years ago. "We have amazing business people in the industry, leading technology people, and frankly, just darn fine employees. We really do want to contribute to the economy and be a great part of the entertainment business, but this harassment and targeted prosecution goes too far."



J. Michael Murray was born and raised in Cleveland, Ohio. He received his B.A. from the University of Notre Dame and his J.D. from Cleveland State University's Cleveland-Marshall College of Law. Admitted to practice in Ohio in 1976, Murray's areas of practice include First Amendment and other constitutional litigation, criminal defense, civil litigation, and federal and state appeals. He is a Fellow of the American College of Trial Lawyers and Past President and National Chairman of the First Amendment Lawyers Association.

Murray recalls, "In the late 1970s and the 80s into the early part of the 90s, state and federal obscenity prosecutions against those involved in the production and distribution of adult sexually explicit materials were commonplace. Indeed, in those years, the Department of Justice waged a war on pornography and the adult industry. I defended numerous obscenity prosecutions in many state and federal courts in the country. Those prosecutions subsided in the 90s and 2000s as adult materials grew in acceptance. Now obscenity prosecutions are uncommon."

The issues, he says, "shifted to licensing and zoning regulations, restrictions on hours of operation, and other regulations directed against adult establishments. The adult nightclub industry became more of a target of various regulations."



Corey Silverstein was born in Canada, but spent his teenage years in Michigan and Indiana. He received a B.S. from Purdue University and his J.D. from the University of Detroit Mercy School of Law.

Silverstein was admitted to practice law in Michigan in 2006, the District of Columbia in 2007 and Arizona in 2012. More than half of his practice is devoted to adult industry clients and his areas of practice include First Amendment, criminal defense, civil litigation, intellectual property, information technology law, internet law, and transactional law.

While in law school, he became acquainted with an individual who owns a stake in an internet hosting company that provided its services for a large number of adult entertainment websites. As a result, his clients now include website operators, internet hosting companies, content producers, billing companies, programmers, developers, software engineers, and other technology service providers. According to Silverstein, "The adult industry is very technology driven and traditional geographical business boundaries do not exist due to all of the various technological tools currently available and those that are created each and every day."

Silverstein is a member of several professional associations, including the First Amendment Lawyers Association and the Foundation for Individual Rights in Education (F.I.R.E.).


Digital Millennium Copyright Act of 1998

The Digital Millennium Copyright Act (DMCA) is a U.S. copyright law (17 U.S.C. §512) that implements two 1996 treaties of the World Intellectual Property Organization. The law has provisions, frequently referred to as the 'safe harbor provisions,' limiting liability of online services for copyright infringement by their users.

"In the adult industry, the DMCA is an everyday issue because of the growth and dominance of user submitted content websites (such as tube sites and forums) and a substantial increase in content piracy," says Michigan attorney Corey Silverstein.

In essence, he says, "the adult industry is divided into content producers seeking to protect their intellectual property and websites that permit user submitted content and seek protection from copyright infringement claims related to content submitted by users. The Federal Trade Commission is very active and in the past few years has become aggressive in investigating consumer complaints against online businesses, including those operating in the adult industry space."

According to Silverstein, "The U.S. Copyright Office recently decided to review the DMCA's safe harbor provisions and accompanying notice-and-takedown procedures, and the Library of Congress has requested public comment. The FSC's position is that this is a great opportunity for the industry to have its opinions heard and urges all industry members to capitalize on the opportunity to have a voice while the government is demonstrating its openness to reform."

The DMCA, he says, "remains valid and enforceable law regardless of the Library of Congress seeking public comment. All website operators—especially those dealing with user submitted content—need to comprehend and implement the DMCA as both an intellectual property enforcement tool and defensive mechanism against potential third party claims." 

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Sreoshi S. Datta
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Ehrlich Law Firm
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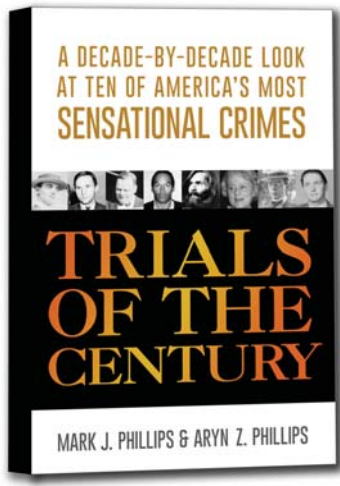
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Trial of the Century

The recent O.J. Simpson miniseries has brought the epic trial to the forefront of the public's mind more than 20 years after the murder case against the football legend consumed our attention and televisions. The 1995 criminal trial is one of ten stories told by long-time SFVBA member Mark Phillips and his daughter Aryn in their new book, *Trials of the Century: a Decade-by-Decade Look at Ten of America's Most Sensational Crimes*. Following is a condensed excerpt from the Phillips' soon-to-be-released book.

By Mark J. Phillips and Aryn Z. Phillips

IF YOU ARE OLD ENOUGH TO read this, you likely experienced firsthand the trial of O. J. Simpson for the murder of his ex-wife, Nicole Brown Simpson, and her friend, Ronald Lyle Goldman. No trial before or since has captured the passions of so many Americans, or sparked so much media attention.

That is partially because O. J. Simpson was the most famous American celebrity to be charged with murder in three generations. Celebrity victims, certainly, and even notorious criminals, but not since the trial of Roscoe "Fatty" Arbuckle for the murder of actress Virginia Rappe in 1921 had an American of Simpson's popularity and stature been charged with murder. Also contributing to the coverage was

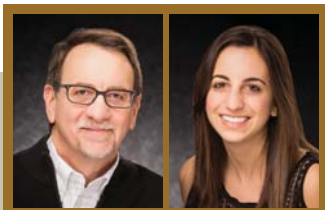
the fear and fascination Americans have with race relations, as the trial was that of an African American for the murder of his Caucasian ex-wife and her Jewish friend, surrounded by the aura of potentially racist white policemen allegedly driven to frame him for a murder he didn't commit, with guilt determined by a predominantly female black jury. But overriding all was the fact that television reporting had come of age in the 1990s, matured from its grainy youth of the 1960s. More than one station carried every moment of the nine month trial from gavel to gavel, and every other television network, newspaper and news magazine covered the story on a daily basis.

Simpson was born on July 9, 1947 in San Francisco, the son of

working class parents who separated when he was five. He grew up in the housing projects of the Potrero Hill neighborhood, where as a teenager he ran with a fast crowd and was briefly incarcerated at the San Francisco Youth Guidance Center. But he excelled in athletics and earned a scholarship to USC, where he played running back for the Trojans in 1967 and 1968, setting records and winning awards, including the Heisman Trophy.

He was drafted by the Buffalo Bills in the first round and had breakout years from 1972 to 1976, winning the NFL rushing title four times. He was elected to the Football Hall of Fame in 1985, his first year of eligibility.

As his professional football career wound down, Simpson smoothly



Mark J. Phillips has been practicing law for 35 years at Goldfarb, Sturman & Averbach in Encino and is a Certified Specialist in Estate Planning, Trust & Probate Law. He can be reached at mphillips@gsalaw.com. **Aryn Z. Phillip** holds BAs in History and International Relations from Emory University, a Master's in Public Health from Harvard University, and is pursuing her PhD in Public Health at UC Berkeley.

moved to a career in acting in the late 1970s, starring in several major films and as a commentator for Monday Night Football. His fame and popularity led to numerous endorsements, including that of spokesman for Hertz, in whose commercials he sprinted through airports like a running back, dodging obstacles and leaping suitcases. He was more than a popular football player; he was a personality. At 6'1", 210 pounds, and classically handsome, he was "O.J.," and instantly recognized wherever he went. He thrived on the attention, stopping to sign autographs for all who asked.

Simpson met the blond and beautiful Nicole Brown in 1977 at a Beverly Hills nightclub where she worked as a waitress. She was then eighteen and just three weeks out of high school. After many years of dating, Simpson and Nicole were married in February of 1985. Physical and mercurial, Simpson was unquestionably abusive to Nicole and police were called at least nine times to break up domestic disputes. Articles in the National Enquirer reported that Nicole aborted six pregnancies during her relationship with Simpson because she had come to believe that he was clinically insane. She filed for divorce on February 25, 1992.

Shortly after 10:00 p.m. on June 12, 1994, Nicole and Ron Goldman were murdered outside Nicole's condo on Bundy Drive in the affluent Brentwood neighborhood of Los Angeles, just a few blocks from Simpson's Rockingham Avenue estate. A veteran LAPD detective, one of the first officers to arrive at the scene, said "It was the bloodiest crime scene I have ever seen." Nicole and Ron were found in pools of blood. Barefoot and wearing a loose shift, Nicole lay curled up at the foot of the stairs outside her front door, stabbed seven times in her neck and head. She was apparently face down when the murderer put a foot in her back, pulled her head up by her hair, and nearly decapitated her with a

fatal slash across her neck. Ron was stabbed thirty times all over his body. Both victims had defensive wounds to their hands, incurred trying to ward off the assault.

The evidence against Simpson was initially overwhelming. His long history of physical violence against Nicole included a conviction in 1989 for spousal abuse. Photographs surfaced of a bruised and battered Nicole from prior altercations with Simpson. Police had responded to her 911 calls, and she had warned them that she feared Simpson would kill her. At the crime scene, five drops of blood led away from the bodies, four of which were on the left side of bloody size 12 shoe prints, indicating that the assailant was injured on the left side of his body. Simpson wore size 12 shoes, and the next day police observed him wearing a bandage over a deep cut to the middle finger of his left hand. Preliminary tests on all five blood drops at the crime scene matched Simpson, and Nicole's and Ron's blood was found in Simpson's car, and more of his blood on the driveway of his home. A bloody glove recovered from his home matched one left at the murder scene. And while he could account for most of his time that day, he had no alibi for the hour in which the murders took place.

On Friday, June 17, the LAPD notified Simpson's lawyer, Robert Shapiro, that they were ready to charge and arrest his client. Shapiro negotiated a delay until 11:00 a.m. for Simpson to voluntarily turn himself in. That morning Simpson was at the home of friend and lawyer Robert Kardashian, and with him was Al Cowlings, who had known Simpson since their high school days in San Francisco, and had played football with him for USC and the Buffalo Bills. The two friends left the Kardashian residence in the late morning in Cowlings' matching white Ford Bronco, leaving behind a cryptic suicide note. "I can't go on," Simpson wrote. "Please think of the real O. J. and not this lost person."

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When Simpson did not appear at Parker Center, police announced an all points bulletin that lasted the day.

Six hours later, Simpson and Cowlings were located by tracking their cell phone use to a freeway some 80 miles south in Orange County, near the cemetery where Nicole had been buried just the day before. What followed was the now famous two-hour slow speed chase at 35 miles per hour along Los Angeles freeways back to Simpson's home in Brentwood, a media event watched by millions of people both in the United States and abroad. Television coverage of the event shows spectators pulled over on the freeway and out of their cars to watch and wave as the procession went by, and thousands of others lining overpasses to witness the spectacle of Cowling's Bronco trailed by a string of squad cars. Some held up crudely lettered signs in support of the football legend.

More than a dozen helicopters followed overhead.

Back at the Rockingham estate, Simpson was allowed to call his mother, drink a glass of orange juice, and was then taken into custody.

Because the murders were committed in the upscale West Los Angeles neighborhood of Brentwood, the District Attorney's office would have been within its rights, indeed would have kept with practice, by filing the charges in the Santa Monica judicial district where the crimes occurred. Instead, District Attorney Garcetti filed the case in the central district downtown, allegedly for the convenience of attorneys and court staff, but where the percentage of potential black jurors was much higher. It was a tactical blunder.

That was evident when jury selection got underway on September 24. The ultimately chosen jury of ten women and two men consisted of eight blacks,

two Hispanics, one Caucasian/Native American and one Caucasian female. The racial composition of the jury differed dramatically from that of the community, and even from the pool of prospective jurors, which had initially been 40% white, 28% black, 17% Hispanic and 15% Asian.

Simpson quickly assembled for himself a powerful team of lawyers, led by Robert Shapiro. Though well-respected, Shapiro had yet to try a murder case. He was soon joined by Johnnie Cochran, an experienced criminal defense attorney best known for his unsuccessful defense of Black Panther member Elmer "Geronimo" Pratt some twenty years earlier, and the more recent acquittal of Michael Jackson on child molestation charges. Next to come aboard was F. Lee Bailey, long past his youth but famous for the defenses of Sam Sheppard and Patty Hearst. Two New York lawyers, Barry Scheck and Peter Neufeld, were hired to handle the blood evidence, and nationally known Harvard law professor Alan Dershowitz was retained to manage appellate issues. Arguably the best lawyers money could buy, they were quickly dubbed by the media the "Dream Team."

Arrayed against them was the entire weight of the prosecutor's office, marshaled under lead trial attorneys Marcia Clark and Christopher Darden, assisted by a small army of consultants, experts, investigators and attorneys. All told, twenty-five prosecuting attorneys were assigned to the case, thirteen full-time and twelve part-time.

After opening statements by both sides, the prosecution presented more than 70 witnesses over 99 full trial days in a detailed and complex presentation. These witnesses were grouped into what attorneys Clark and Darden believed was a coherent system designed to prove the guilt of Simpson beyond a reasonable doubt, but the sheer number of witnesses was daunting. The first group included relatives and friends of both Simpson and Nicole, whose testimony was intended to evidence



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Simpson's former brutal treatment of Nicole and his documented history of abuse. The second set of witnesses were offered to prove that Simpson had the time and opportunity to commit the murders. The final group were those intended to tie Simpson directly to the murders, including detectives Phillips, Lange, Fuhrman and Vannatter, and long and technical testimony regarding the results of tests on blood, fibers, hair and footprints from the crime scene and Simpson's residence. Forty-one blood samples had been harvested, with tests that clearly implicated Simpson. This line testimony, difficult for even lawyers to follow, occupied nearly twelve weeks of trial.

But in the midst of this testimony came what many saw as the turning point in the trial, the prosecution instruction to Simpson to try on the bloody gloves. They were unusual and uncommon gloves, with only a few hundred made, and there was both evidence of Simpson's purchase of identical gloves and photos of him wearing them. There was no doubt that Simpson owned these gloves, or ones exactly like them. Yet still it was a reckless miscalculation by a prosecution so convinced of Simpson's guilt that they chanced a demonstration without knowing with certainty that the gloves would fit.

It was a disaster. To all appearances struggling to pull the battered gloves on over latex under-gloves, Simpson said loud enough for the jurors to hear "They don't fit." The latex gloves may have inhibited the fit, or the leather gloves may have shrunk from wetness, exposure or non-use, but it was a setback from which the prosecution never recovered.

On July 10, Simpson's lawyers began their defense in chief, and they went on the offensive. Their argument was two-fold; first, that the blood evidence was collected and tested in such a way that it was corrupted and thus unreliable, and second that Simpson was framed by the

investigating officers, primarily Mark Fuhrman and Phillip Vannatter, who the defense contended had dripped Simpson's uncorrupted blood on the back gate of the crime scene, his driveway and his home, and had intentionally removed a bloody glove from the Bundy crime scene and planted it behind Simpson's guesthouse.

As the defense presentation unfolded, the claim that Simpson had been framed resonated ever more clearly. The arguments for a police frame-up were based on circumstantial evidence, but played well to the minority jury. The defense discredited the police department's chain of possession of the reference blood drawn from Simpson at Parker Center the day after the murder. There was surprising testimony about the bloody glove found at the Simpson residence. It was still wet and sticky at 5:00 a.m., when independent tests showed that blood exposed to the air for some seven hours should have dried, and there was also no evidence of blood on the ground or leaves around it. Finally, there were the socks allegedly found on the floor of Simpson's bedroom. Police investigators claimed to have found a pair of the defendant's socks marked with both his blood and that of Nicole. But they didn't appear on an inventory video tape initially taken by the LAPD to protect them from later claims of theft from the property, and Simpson's blood allegedly contained traces of a preservative added to his reference blood taken for sampling. Most tellingly, the socks had splatter patterns on both sides, suggesting that the blood had soaked into the socks when there was no foot in them.

But the most electrifying testimony came from detective Mark Fuhrman. Questioned by F. Lee Bailey whether he had ever used the "N" word in the past ten years, he responded that he had not. Yet in the possession of the defense were 13 hours of taped interviews that Detective Fuhrman had given to professor and aspiring screen writer Laura Hart McKinney. In those tapes,

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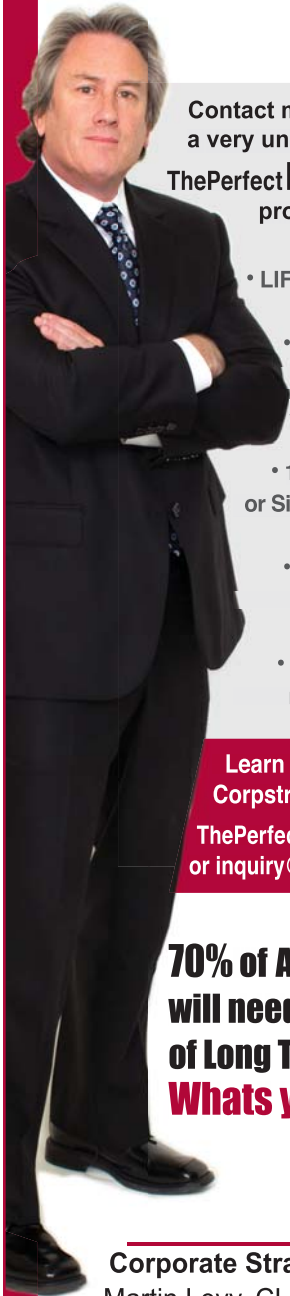
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recorded between 1985 and 1994, he used the epithet some 40 times, along with racially tinged statements against blacks, Jews, and other minorities. With the jury absent on September 6, 1995, Fuhrman was asked by defense attorney Gerald Uelmen whether he had ever falsified a police report, planted or manufactured evidence in the Simpson case, and whether his testimony given at the preliminary hearing was completely truthful. To each question, Fuhrman asserted his 5th Amendment privilege not to incriminate himself.

Simpson never testified in his own defense.

Final summation by both sides occupied four days in the last week of September 1995, and the jury retired for deliberations shortly after 9:00 a.m. on October 2, but in only four hours they notified Judge Ito that they had reached a verdict. The court adjourned with instructions that the verdict would be read at 10:00 the following morning, October 3.

The entire country came to a halt to hear the verdict that morning. Ninety-one percent of all televisions in operation in America were turned to the coverage, only the first U.S. moon landing and the funeral of John F. Kennedy attracting a larger share of the audience. The LAPD went to full alert, arrayed against a repeat of the Rodney King riots. President Clinton was briefed on national security measures, then left the Oval Office to watch with staffers, one of an estimated 140,000,000 Americans tuned in. Larry King, host of CNN's *Larry King Live*, told his viewers "If we had God booked and O. J. was available, we'd move God."


To the surprise of most of America, the jury found Simpson not guilty.

That the Simpson case was ultimately about race was understood by the media immediately. It is tempting to believe that by 1995 a post-Civil Rights America had shrugged off its legacy of prejudice, but the reality is different. Most white Americans polled opine that the laws and institutions

in America are color-blind, and this lets them rationalize the abolition of affirmative action and a judicial system that incarcerates a much greater percentage of black males. In their turn, black Americans feel abandoned by the loss of preferences that only sought to make up for the centuries-old head start that white Americans enjoy. Consistent with their beliefs, white Americans polled before the verdict predominantly believed Simpson to be guilty, while black Americans believed the opposite. Those beliefs did not change with Simpson's acquittal.

In fact, that acquittal only fed those divergent beliefs. Black Americans felt vindicated in the face of a biased police establishment, while white Americans were convinced that a black jury ignored the evidence to free a clearly guilty black celebrity. Defense counsel Allan Dershowitz is more nuanced. While not asserting Simpson's innocence, he believes that the prosecution intentionally put on a case it knew to be partially false, in order to prove what it honestly believed to be Simpson's guilt. Such conduct being improper under the law, he contends Simpson to have been properly acquitted. Others are more direct: in an opinion piece published in the *LA Times* six weeks before the verdict Joseph Wambaugh, former LAPD officer and best-selling author of *The Onion Field*, wrote:

"The bottom line is this: although the crimes perpetrated in the King and Simpson cases had nothing to do with racism, the aftermath of those events had everything to do with racism. Johnnie Cochran has not only played the race card, he's dealt it from the bottom of the deck."

More information on Trials of the Century: a Decade-by-Decade Look at Ten of America's Most Sensational Crimes can be found at www.trialsofthecenturybook.com. 

Networking the Valley Bar

ALAN E. KASSAN
SFVBA Secretary



akassan@kantorlaw.net

WHY DO BAR ASSOCIATIONS EXIST? NOT exactly a profound existential question, but instead, a pragmatic one that the SFVBA Membership & Marketing Committee continuously debates at its monthly meetings. Bar associations obviously exist to facilitate continuing education, to liaise with the community, to encourage knowledge sharing across practice areas, and to mediate fee disputes. Our Association also happens to have a very successful Attorney Referral Service, which aids people in our community identify qualified attorneys to assist with legal matters.


The SFVBA strives to excel in managing and offering these and a litany of other incidental benefits to our members, but we decided we needed to do more. We wanted to build a forum to enable more substantive, positive interaction between our members, with the goals of building our businesses and enhancing our professional lives. So...we developed the Valley Bar Network (VBN).

The VBN mission statement is "to enhance SFVBA membership with a dedicated, consistent networking program so as to promote new and ongoing professional relationships, and to facilitate collaboration and reciprocal business referrals."

We launched VBN in March of this year. At our March and April meetings, we had around 30 people. Once word started to spread, interest exploded, and we had over 60 people attend our most recent meeting on May 2. The idea was to start with one meeting group, and then to expand with other groups of 20-40 people meeting in different parts of the Valley.

The meetings are fun and informal, but we do have some structure to help facilitate networking. Our members have already made new professional connections, new friends, and from this we've seen a multitude of business referrals in the group.

VBN is in its infancy, but is certain to grow and become a powerful business development tool for members. Our charter group meets the first Monday of the month from 5:30 p.m. to 7:00 p.m. in a private setting at a Valley restaurant.

Our next meeting is scheduled for June 6. If you are interested in participating, please contact SFVBA Director of Education & Events Linda Temkin at events@sfvba.org or (818) 227-0490, ext. 105, or email Membership Committee Chair Alan Kassan at akassan@kantorlaw.net. 



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- David L. Fleck, Esq.



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Equilibrium — The Art of the Work/Life Balance

FOR MANY ATTORNEYS, MANAGING BOTH A legal career and any sort of life outside of work is a difficult, if not impossible task. Long hours, deadlines, and client maintenance often increase stress and make any downtime all the more precious. Adding to that stress, the billable hour requirements set by most firms create an inhospitable environment for a healthy work/life balance. That stress will commonly manifest itself in burnout, substance abuse and other stress-related illnesses, will frequently reduce productivity, and can even end in catastrophe.

For those attorneys who also have families, making and spending quality time with their spouses and children, while a priority, often takes a backseat to work, career and progress. Consequently, the relationships that really matter suffer at the expense of our own professional accomplishments.

The problem has become so prevalent among attorneys that the American Bar Association and the State Bar of California have both committed significant resources to assist attorneys in balancing their careers with a healthy and happy personal life. Articles, books, seminars and videos are specifically designed to focus us on avoiding burnout, refining time management skills, and enjoying our (limited) downtime, all in an effort to help those within our profession cope with the natural stressors we experience on a daily basis. The problem is for most attorneys, these resources rarely affect any real change in our behavior!

Sadly, this lack of balance is increasingly leading to discontent within our industry. According to an ABA survey of attorneys, as reported by the *New York Times* in January 2008, 44% of lawyers surveyed indicated they would not recommend the profession to a young person interested in the field. Further, although the statisticians disagree on the relevance and/or significance of the data, it is undisputed that the number of reported cases of substance abuse, including alcoholism, major depressive disorder and suicides among U.S. practicing attorneys have steadily increased over the course of the last twenty-five years, to reach all-time highs within our industry.¹

The Santa Clarita Valley Bar Association proudly encourages its members to enjoy a healthy work/life balance. Nearly all of our members live or work in the Santa Clarita Valley, with many doing both within the community. The SCVBA encourages members to interact and network socially through our monthly events and networking mixers, and through our expanding social offerings.

SAMUEL R.W. PRICE
SCVBA President




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SCVBA Past President



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The Bar Association also provides its members with access to continuing legal education credits, which helps to alleviate the stress associated with searching out programs needed to comply with the State Bar requirements. Finally, we encourage our members to give back to the local community through our community outreach committee and the many events it holds, including blood, toy, and food drives, our annual high school speech competition and scholarship program, and our first annual day of service, which will take place later this year.

While we all strive to succeed in our chosen profession, it is important for each of us to remember that life is short, and you will never read an epitaph that reads "I really wish I had billed more hours." 

¹ www.abanet.org; see also Connie J. A. Beck, Bruce D. Sales & G. Andrew H. Benjamin, *Lawyer Distress: Alcohol-Related Problems and Other Psychological Concerns Among a Sample of Practicing Lawyers*, 10 J.L. & Health 1 (1995-1996).

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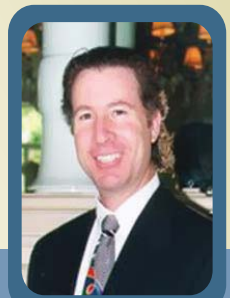


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Helping Jayden Find Family

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THEY THOUGHT THEY WERE just going to see a baseball game. But when six-year-old Jayden and his newly adoptive mother, Shellie, arrived at the minor-league Kane County Cougars' ballpark in Geneva, Illinois over Labor Day weekend, they realized something was up.

"Welcome to our family, Jayden! Congratulations!" read the banner on one wall of the luxury box. A loop of photos of Jayden played against another wall. A table in the middle of the room overflowed with presents.

You see, Shellie's adoption of Jayden (a journey that began years before in Los Angeles) had just been finalized. It was official and family and friends turned out for the big surprise in force. The size of the party spoke to the excitement that had been building since Jayden and Shellie met. More than 50 family members and friends were in attendance. So was Jan Miller, Jayden's Court Appointed Special Advocate (CASA), who flew in from Los Angeles as a surprise guest.

CASA of Los Angeles improves the lives of children in the dependency system by pairing them with trained volunteer advocates. CASA seeks to reduce and reverse the effects of child abuse and neglect. Nowhere in the

nation is the problem greater than in Los Angeles County, where 30,000 children who have been abused or neglected are under the jurisdiction of the Dependency Court.

Jayden and Shellie met years before, following Shellie's inquiry about adoption with an online adoption registry. Then 4-year-old Jayden was living in a group home for medically fragile children. He had a rough start to life, having suffered life-threatening



injuries—cervical/spinal-cord damage, compression fractures to two vertebrae, and upper extremity deformity—as a result of extreme physical abuse. When Shellie met him, he was a quadriplegic but was becoming more verbal, could sit with support, and was learning to use his legs.

"I introduced myself as a friend," Shellie remembers. "I told him I brought a friend with me. It was a teddy bear.

We played together for a while and then I left for the day. When I went back the next day, he had that teddy bear with him, and he started talking about how friends can't leave friends alone. It broke my heart."

Shellie flew back to Chicago that evening convinced they were a good fit. She eagerly contacted the adoptions worker and stated her desire to adopt him. That weekend, she met Jan, Jayden's CASA, who

had been working with the boy since July of that year.

"My role in the beginning was to connect with him, to be a part of his life as much as I could be," Jan explains. "He had no family in his life, and I would visit him at school and his group home, and attend his doctor's appointments and physical therapy appointments. I would take pictures and videos of him to share with

Shellie, the court, and his social workers."

Meanwhile, Jan was working with others on the case to get Jayden the equipment he would need for his life outside of the medical home, including a portable gastronomy tube—he wasn't able to eat on his own at the time—and a gait trainer, to allow him to stand upright and walk within a harness so he could develop strength in his legs.

About the VCLF

The Valley Community Legal Foundation is the charitable arm of the San Fernando Valley Bar Association. The Foundation's mission is to support the legal needs of the youth, victims of domestic violence, and veterans of the San Fernando Valley. The Foundation also provides educational grants to qualified students pursuing legal careers. The Foundation relies on donations to fund its work. Please visit thevclf.org to donate.

By June 2013, everything was finally in place for Jayden to live with Shellie. She flew back out to Los Angeles to pick him up, allowing a day for a trip to Disneyland before the flight back. Jayden, however, couldn't wait to get to Chicago. He desperately wanted to leave his old life behind.

For the first few months, life in Chicago was full of ups and downs. Jayden was so insecure that Shellie literally couldn't leave his side. If

she just went to the restroom, she would have to talk to him through the door. Jan continued as his CASA. She visited him in his new home in September of 2013, talked to him by Skype at least once a month, talked to Shellie even more often, and participated in school and therapeutic conferences by speakerphone.

Still, Jayden talked constantly about his adoption. It was clear that he wouldn't be truly at ease until it


was finalized, although he dreaded having to go back to California for the hearing. He refused to answer questions about his life in California and would speak of no one he knew there—except for Jan, whom he began calling Grandma Jan. He got a nice surprise in August, when the judge agreed to conduct the final adoption hearing from Los Angeles via Skype.

"Mom, I'm adopted now, so I don't have to go back to California," he said afterward. "We're a family now. You're my mom and I'm your son and that's it. It's all done."

"You're right. It's all [done]," Shellie told him.

With that, the last of his insecurity about his family melted away. Now Jayden talks instead about school, cars, food (he's eating on his own), and—his favorite activity—buddy baseball, in which an able-bodied boy hits the ball for him and he runs the bases in his wheelchair. His prognosis is still in many ways uncertain and he often asks whether eventually he will be able to drive a car or walk on his own, but he has a poise about it all, that can only be described as precocious.

"I may not be able to do everything other kids can do," he says, "but I can do them my way."

"There are a lot of Jaydens in the San Fernando Valley, too many," tells Laurence N. Kaldor, president of the VCLF. "Support of the Bar and the VCLF are very concrete ways an attorney, a judge, or a business person can make a real difference. Whether it's an individual or a firm or corporation, your donation to the VCLF will let us help the next Jayden find a new family." 

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Valley Community Legal Foundation to Hold First Ever Virtual Gala

By D. Shawn Burkley

THE CHARITABLE FOUNDATION of the SFVBA—the Valley Community Legal Foundation—will be holding its first ever virtual gala this year from May until the end of July. The initiative is the first of its kind for the group, which has been studying ways to increase the percentage of each donation that can be allocated to the Foundation's many charitable projects.

"When all is said and done, the Virtual Gala could result in more than 90% of the money raised going directly to the causes that we all care about. This is not always the case with traditional events, which incur much higher overhead costs," says Foundation President Laurence Kaldor.

In other words, by holding most of the traditional fundraising activities online, more revenue can be allocated directly to help the legal needs of the San Fernando Valley's youth, veterans, victims of domestic violence, and our Valley's most socioeconomically challenged with programs like family law mediation and Blanket the Homeless.

The Concept

But what is a virtual gala and how is it different from a traditional event? Well, first there is no physical event that requires attendance. Hence, the Virtual Gala's tagline, *No Jacket Required*.

All of the elements of a traditional gala will remain in place, including

tickets, an honoree, opportunities for sponsorship, and a donor-based auction. The Foundation will be selling virtual tickets, which will include information about the honoree, a raffle entry, instructions regarding the auction (which will be, of course, online), and be accompanied by a few fun items for a nominal sum. Because the tickets will be priced to sell, participants are encouraged to purchase as many tickets as their budget will allow.

Importantly, the Gala will have for its honoree retiring Judge Michelle Rosenblatt. "Her honor served in a variety of key roles for the Foundation, and the Gala is our opportunity to show our appreciation," says Kaldor.

Participants are also welcome to honor the estimable Judge Rosenblatt through tributes and testimonials which are being offered through the Foundation, and will be printed in the July issue of *Valley Lawyer*.


Sponsorship of the Gala is also being offered by the Foundation at a variety of levels. Name sponsors, for example, will have the opportunity to be associated with all aspects of the Gala, including a presence in *Valley Lawyer* and the *Metropolitan News*, as well as online. More information regarding sponsorships can be obtained by emailing info@theVCLF.org.

An online auction, always one of the most popular aspects of a traditional

gala, will be held between July 8 and July 22. Auction items are donated by Board members, supporters and members of the SFVBA. All revenue from the sales will go directly to Foundation programs. Items continue to be added but currently include tickets to the American Music Awards, VIP luxury box tickets to see Carrie Underwood, jewelry, sports and movie memorabilia, vintage wine, and much more... with items being added weekly. The auction site can be found at <http://bit.ly/1TaY4wD>.¹

The Opportunity

So how can you make the Virtual Gala a success? Simple. Buy tickets. Become a sponsor. Donate items for the online auction and bid on others. In the coming weeks, emails will be going out to the legal community providing information on how to do all of these things. If you would like to be sure that you receive these emails, please provide your email to info@theVCLF.org and the Foundation will be glad to include you on their list.

The Foundation is depending on people like you to make this, the first ever Virtual Gala, a 21st century success. 

¹ Full URL: <https://www.biddingforgood.com/auction/auctionhome.action?auctionId=258704318>

D. Shawn Burkley is a Board Member of the Valley Community Legal Foundation of the SFVBA. He was recently admitted to the State Bar of California. He can be reached at shawnburkley@gmail.com.



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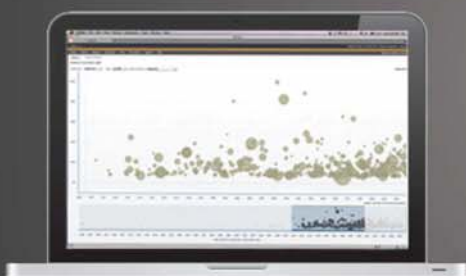
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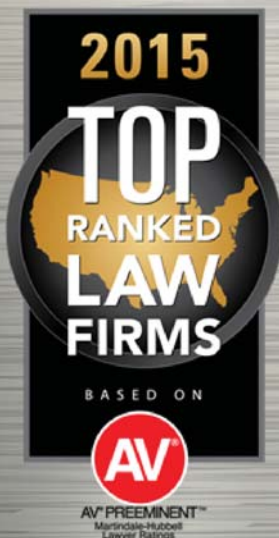
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