

NEW LAWYERS EDITION

VALLEY LAWYER

NOVEMBER 2013 • \$4

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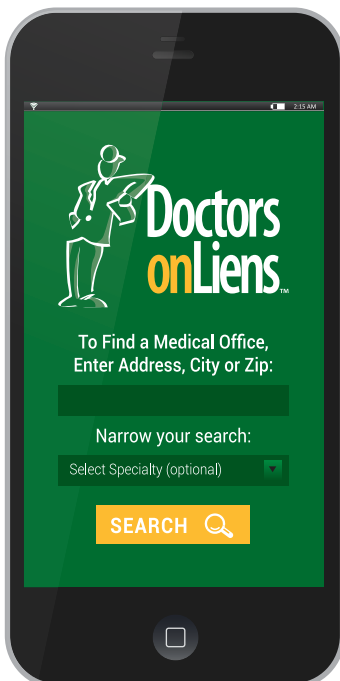
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New Lawyers

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It's Time to Look for Opportunities, Not Impediments



ADAM D.H. GRANT
SFVBA President

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RECENTLY RETIRED STATE and federal judges met in San Francisco during the American Bar Association's annual meeting and discussed the impact of the economy on the court system across the nation. California Chief Justice Tani G. Cantil-Sakauye commented, "What's new is the absolutely intensity of our recession in California. We are not dying, but we are certainly on life support." In a discussion about the \$1 billion cuts, Cantil-Sakauye further commented "Because the reductions have been so long and so severe, we are having new conversations across the board with people and partners we've never had discussions with—with unions, with business, with civil plaintiffs, with civil defense, with criminal defense, with criminal prosecution—about different ways of how we can maximize the dollar."

She added, "We believe that we are operating in an entirely new environment where we will never see what we saw and had three to five years ago." As part of the same discussion, Yale Law School Professor and panel moderator Judith Resnik noted that there are roughly 4.5 million unrepresented civil litigants in California.

In an effort to offset budget cuts, state legislators in 2012 authorized a 20 percent increase in certain filing fees. According to Cantil-Sakauye, after convening a meeting between the plaintiffs' bar and defense bar, all agreed that raising fees would help but acknowledged it was "a stop-gap measure."

Now that we are almost two years beyond implementation of the "stop gap measure," what is next? Interestingly, in the Virgin Islands, which has its own budget crisis, an op-ed piece suggested that prosecution of

crimes associated with the possession of small amounts of marijuana be stopped. The criminal law section of the Florida Bar met on similar issues and concluded that "when household finances get tight, you don't make ends meet by paying 90 percent of the mortgage. And when it comes to the gamut of services funded by state government, the justice system and related agencies are more like the mortgage payment than dinner out and a movie, which can be trimmed from a tight budget."

Among the criminal law attorneys in Los Angeles, some suggest that disputes which are quasi-criminal in nature, such as neighborhood disputes, local municipal violations, and other

similar crimes, could be shifted toward court alternatives, such as private mediation or police community mediation.

In this column I am not going to be so presumptuous as to suggest that I have the silver bullet idea which will solve all the financial woes befallen by the court. To the contrary, I do not know what will or will not work. However, I do believe I know what will significantly benefit the process of finding out what will work. I believe it comes down to how we, as lawyers, view the situation.

I believe solutions come from recognizing uncomfortable situations as opportunities, not as impediments. One of my partners recently shared



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with me an interesting comment. He said, "Adam, while some people shy away from doing things because it is out of their comfort zone, you don't shy away from anything because you don't seem to have any zone in which you aren't comfortable."

I had not thought about how I approach matters using such parameters. After thinking about the comment, I concluded: it is not that I don't have a comfort zone, it is more the case that, because of competing in Ironman distance triathlons, I am used to operating in a zone of extreme physical and mental discomfort for extended periods of time. Consequently, whether I am litigating or training, operating in zones of extreme discomfort is..... comfortable.

So, how does this relate to the court's financial crisis? Every time during an Ironman I reach what my coach identified as "the critical moment." This is the moment when you decide how you are going to manage those feelings of extreme discomfort; you can cave in and stop, or you can push through the discomfort one moment at a time until you reach the goal. I believe the courts have reached their "critical moment." The stop gap measure of implementing an increase in fees which occurred two years ago has had its effect. The elimination of the ADR program throughout all the courts is now several months old. The reduction in staff, court rooms and court reporting services has taken its toll.

What is the San Fernando Valley Bar Association doing at this moment to meet the opportunity? We are working hard to establish the Valley Bar Mediation Center. We are looking to partner with other bar associations to insure that litigants across Southern California can resolve their disputes in cost effective forums. We are coming together as responsible members of the bar to partner with bench officers so their case loads decrease and our constituents benefit. We will work from one point to another, in shorter increments, to insure that we reach our goal. Please join me in welcoming the opportunities before us. 🙏

A Magazine for All



IRMA MEJIA
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THIS ISSUE WAS INITIALLY DEVOTED TO THE new attorney—from the doe-eyed idealist to the mature second- or third-careerist. The articles within provide valuable information, tips and insight into the realities of the day-to-day practice of law. Successful new attorneys, Tiffany Feder and Shirin Behrooz, draw from their personal experience to offer advice to colleagues interested in establishing their own practice. Their perspective on what most would expect to be inconsequential (e.g., a phone number) is enlightening, as is their experience with the latest office trends (coworking has taken on a whole new meaning).

Slightly older (i.e., wiser) attorney and mediator Sean Judge explains the basics about mandatory fee arbitration, a sometimes inconvenient but beneficial process for resolving fee disputes. L.A. Law Library Reference Librarian Ryan Metheny reminds us in his column of the valuable (and free) research tools available to Los Angeles County attorneys. Finally, Judge Michael Hoff (Ret.) provides words of wisdom to new attorneys who may have their eyes set on the bench. In truth, these articles will inform seasoned attorneys as much as newbies.

New and old attorneys alike are welcome to share their expertise and insight with our readers throughout the year. What makes *Valley Lawyer* such a great publication is the information SFVBA members share with one another. The following Editorial Calendar provides submission deadlines

for the 2014 issues. Members are encouraged to submit original articles to the email address listed above. Editorial guidelines are available at www.sfvba.org. Don't miss this opportunity to showcase your expertise! I look forward to working with you on our upcoming issues. 📧

Valley Lawyer 2014 Editorial Calendar

2014 Issue	Content Focus	Editorial Deadline
January	The Courts	December 2
February	Diversity	December 2
March	Business Law	January 3
April	Taxation Law	February 3
May	Criminal Law	March 3
June	Work/Life Balance	April 1
July	Bankruptcy Law	May 1
August	Probate and Estate Planning	June 2
September	Back to School/ Education and Family Law	July 1
October	New Lawyers	August 1
November	Attorney Resource Guide	<i>Special Issue</i>
December	Public Service/Law Practice Management	October 1

Consensus ad idem

Valley Lawyer is pleased to announce the results of our September survey:
Who is the all-time greatest TV lawyer?

1. Perry Mason, *Perry Mason*, played by Raymond Burr 45.3%
2. Alan Shore, *Boston Legal*, played by James Spader 12.0%
3. Alicia Florrick, *The Good Wife*, played by Julianna Margulies 10.1%
4. Jack McCoy, *Law & Order*, played by Sam Waterston 9.2%
5. Captain Harmon Rabb Jr., *JAG*, played by David James Elliott 3.7%
6. Victor Sifuentes, *L.A. Law*, played by Jimmy Smits 3.7%
7. Bobby Donnell, *The Practice*, played by Dylan McDermott 2.7%
8. Ben Matlock, *Matlock*, played by Andy Griffith 2.7%
9. Dan Fielding, *Night Court*, played by John Larroquette <1%
10. Ally McBeal, *Ally McBeal*, played by Calista Flockhart <1%



Congratulations

to Susan Izenstark of Oldman, Cooley, Sallus, Gold, Birnberg & Coleman, LLP in Encino. Susan is the lucky survey participant who won the drawing for Fandango and Cheesecake Factory gift cards.

Intellectual Property, Entertainment & Internet Law Section Digital Millennium Copyright Act

NOVEMBER 1
12:00 NOON
SFVBA CONFERENCE ROOM

Justin Goldstein, entertainment and intellectual property litigator and partner at Carlsmith Ball, will discuss the safe harbor provisions of the Act and its notice and takedown provisions. A discussion of recent decisions and best practices for corporations and individuals to comply with the DMCA will also be covered. (1 MCLE Hour)

All Section Meeting Pull the Right Levers in Your Practice

NOVEMBER 5
12:00 NOON
SFVBA CONFERENCE ROOM

What are the levers that you use to grow your law practice? FocalPoint Business coach Mike Alpert will discuss the simple formula to identify the only six inputs to business success and show you how to identify the levers in your practice to drive the results you want. FREE TO CURRENT MEMBERS! (1 MCLE Hour)

Employment Law Section Know Your Enemy: Employment Law Discrimination Suits

NOVEMBER 6
12:00 NOON
SFVBA CONFERENCE ROOM

John Belcher and Jeremy Golan will discuss employment discrimination lawsuits and what plaintiff's counsel looks for in evaluating a case. The presentation will touch on arbitration agreements, how plaintiff's counsel conducts an evaluation of evidence, the importance of pre-litigation collection of evidence, assessment of employer's adherence to anti-discrimination policies and proper investigation of discrimination and damages. The seminar is intended for counsel who represents employers or consumers. (1 MCLE Hour)

Probate & Estate Planning Section Heir Today, Expectancy Gone Tomorrow

NOVEMBER 12
11:45 AM
PLEASE NOTE EARLY START TIME DUE TO JUDGE STEELE'S PRESENTATION.
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Probate Judge James Steele will precede the seminar with a special PowerPoint presentation on the new Pro Bono Probate Settlement Program. Immediately following, Seth Krasilovsky of Mitchell Silberberg & Knupp will discuss the case *Beckwith v. Dahl*, in which the Court of Appeal recognized the tort of intentional interference with an expected inheritance (IIEI) as a viable claim for an injured party without a remedy in probate court. This program will explore the controversy of how recognition of IIEI might impact the California probate system. (1 MCLE Hour)

Business Law Section Content Protection Strategies for the Business Lawyer

NOVEMBER 13
12:00 NOON
SFVBA CONFERENCE ROOM

Konrad Gaiten will discuss effective strategies that lawyers can use to assist in the protection and enforcement of client's trademarks and brands. (1 MCLE Hour)

Small Firm & Sole Practitioner Section What You and Your Clients Need to Know about Mobile App and Online Privacy Law

NOVEMBER 18
12:00 NOON
SFVBA CONFERENCE ROOM

Attorney Adam D.H. Grant will delve into the fast-changing world of cyber security and discuss what you need to know to keep your information safe. (1 MCLE Hour)

Taxation Law Section Small Businesses Do's and Don'ts

NOVEMBER 19
12:00 NOON
SFVBA CONFERENCE ROOM

Tax attorney Ronald Hughes will discuss what to do and not to do when dealing with the Internal Revenue Service. (1 MCLE Hour)

Family Law Section Hot Tips

NOVEMBER 25
5:30 PM
MONTEREY AT ENCINO RESTAURANT

Always one of the Section's most popular seminars, Gary Weyman will give the latest on what to do and not to do in the courtroom! (1.5 MCLE Hours)



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Welcoming a New Sponsor



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THE SAN FERNANDO VALLEY Bar Association is proud to announce our newest Affinity Silver Sponsor, Hutchinson and Bloodgood LLP, a leading California full-service certified public accounting and consulting firm providing trusted advice and quality service to businesses and clients since 1922. Headquartered in Glendale with four offices throughout California, Hutchinson and Bloodgood LLP was named in *Accounting Today's* Firms to Watch Beyond the Top 100 and Top Firms in the West for 2013.

Hutchinson and Bloodgood LLP's 33 partners and 100 professional staff members have extensive experience in providing specialized consulting, tax and accounting services to law firms and their clients. Many law firms and their clients are taking advantage of the services provided by Hutchinson and Bloodgood LLP, which understands attorneys' needs for professional and timely service. Providing expert services to legal professionals has enabled Hutchinson and Bloodgood LLP to save law firms and their clients time and money.

Hutchinson and Bloodgood LLP identifies solutions designed to increase efficiency and productivity of their law firm clients. Clients in the legal profession have benefited from the following services the accounting firm provides: financial reporting, tax planning and compliance, audits of employee benefit plans, cost segregation studies, information technology consulting, litigation support, business valuation, and estate and retirement planning.

"We are available to serve as a resource to member firms and believe that our partnership with San Fernando Valley Bar Association will result in collaborative opportunities in providing value-added services to both the members and their clients," says Glendale Partner Jenny Chen.

In addition to serving law firms, Hutchinson and Bloodgood LLP also has expertise in serving the following

industries: financial institutions, construction franchises, hospitality and leisure, real estate, manufacturing and distribution, agribusiness and nonprofit organizations.

"SFVBA members should welcome our new sponsor, and get to know their professionals. Hutchinson & Bloodgood can be another great resource to help SFVBA members deliver great services to our clients and for our own professional accounting needs," said immediate Past President David Gurnick who adds that, since becoming a sponsor, several of the firm's professionals have been working with him on initiatives in accounting services for franchising companies, which is one of the firm's practice areas.

This month, Hutchinson and Bloodgood LLP's headquarters will move down the street from 101 North Brand Boulevard to 550 North Brand Boulevard in Glendale. The firm has been doing business on Brand Boulevard since its inception in 1922.

The San Fernando Valley Bar Association would also like to recognize and express our heartfelt gratitude to the Bar's longtime accounting sponsor, Krcyler Ervin Taubman & Walheim. Since 1991, Mike Krycler, Scott Ervin, Jeff Taubman and Ken Walheim have been omnipresent at SFVBA section meetings and events (as well as the back cover of this magazine).

After 22 years, Krcyler Ervin Taubman & Walheim is stepping down as the official sponsor of the San Fernando Valley Bar Association, but the Sherman Oaks accounting firm, specializing in litigation support and forensic accounting, has vowed to continue their involvement in the Bar Association and with our members.

The Bar is seeking additional sponsors to offer SFVBA members a variety of legal services. The Bar-wide sponsorships range from the entry-level Bronze Sponsorship, up to the exclusive Platinum Sponsorship. Interested vendors and members should contact me to receive the sponsorship package. 📧

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Hanging Your Shingle: Tips for Starting Your Own Practice



By Tiffany E. Feder

for where you want to be, geographically. In time you will surely be able to get a few attorneys together, lease space together and be able to share the overall expenses.

Network

Get yourself a network of attorneys. These are the people that are worth more than their weight in gold. It is crucial to have fellow attorneys that you can turn to at that precise moment when you are grasping for air, looking out into nothing in particular and not sure where you can successfully hide under your desk. It happens. I can safely say that we have all been there. This is the moment you want to have a few numbers on your speed dial where one of the three will certainly answer. I cannot tell you how many times this very phone call gave me the strength, courage, and knowledge to continue my practice of law.

I firmly believe that there is a very big benefit to meeting with one or more attorneys at least once a month for lunch—once a week is better if they are nearby—and creating an environment in which you can discuss your cases and raise issues. Certainly email works well for this but sometimes sole practitioners need a reminder that we are not relegated to an office somewhere on the seventeenth floor with a beautiful view overlooking Encino. Another important reason to build a strong network is to have it serve as a great referral base, another important aspect in building your practice.

Research

Westlaw, Lexis, Jurisearch... Take advantage of the trials these research tools offer. Remember the wheels need not be reinvented and the prominent role of listservs all across the internet are priceless! It is always ok to ask for samples from other attorneys. Remember, some will say no—try not to take it too personally. These attorneys forgot that they were exactly where you are a

SO YOU FINALLY REACHED that point in your career where you are ready to venture out on your own? Having the utter (mis)fortune of passing the Bar exam at a time when most law firms decided to downsize, I had no choice. I did it. I hung my shingle. I reached out to everyone I knew to ask how, what, when, and how much?

Insurance

There was one common theme among the answers I received from seasoned attorneys: the importance of malpractice insurance. Getting insured was the first thing I did. Luckily, in your first years as an attorney, the rates are low. The rates are low because you have not yet managed to sink, make mistakes, or get hit by a discovery iceberg while sailing on the Titanic of litigation with no placating Celine Dion singing to you.

Phone Number

Next, you have to get a phone number. You want to have your own number

because virtual office companies, for those who need them, get to keep the phone number they assign to you. By setting up your own business phone line, you retain control of your own number. You will learn that this is crucial. In the event that you resort to a virtual office situation, you learn quickly to forward your calls to your virtual secretary, should you have one of those.

Office Space

Parking? Validations? Reception area? Commitment? This is yet another frightening abyss in the legal world. I have been fortunate to be able to sublease my office space but my greatest fortune is my office mate, another attorney who handles family law and is absolutely exquisite. Having the right people around you makes everything that much better. This is important to note because when looking for space, you really want to have attorneys around who can help you. I strongly recommend subleasing in the beginning so you can have a feel

long, long time ago. Do not forget to Shepardize the case law on the sample motions you have. In time, you will have your own base of motions. Make sure that the case law is current. Start making changes and in time, you will have your own sample.

Advertising

This topic is frightening because of the potential associated cost. I recall many decades ago when I started my own practice (okay, okay so maybe it was closer to three and a half years ago), I would spend a lot of time on the phone with telemarketers promising me a castle in the sky, an “animal style” In-n-Out burger, and a much-needed gift certificate. They all promised the same thing. They were the rainmakers, the people that were going to make me the top searched attorney.

My trusted colleague swears by SEO strategists. It’s not a cheap thrill in the least. This is a commitment that could cost you more than your rent. But, this is also one way of generating a strong and constant client base. Do your research and weigh your options as you decide if this type of investment is right for you. In the meantime, you will learn to refine how you market yourself in person and how to identify good potential clients and those who are out seeking free legal advice.

Business Cards

Get a lot of them and hand them out at every opportunity possible. You’re on your own now. A business card is a useful accessory that allows your name to resound in people’s minds. Hopefully they will use it for more than just tossing between their fingers, examining your address, and checking to see if the font is raised.

QuickBooks/Quicken

Get knowledgeable about your finances quickly. Know how much money is coming in and how much is going out. This is utterly important. Invest in this program and know it inside and out.

While you build a client base, take your time to develop these skills. I do not believe in delegating that which you cannot do yourself. This is a recipe for disaster. So, get to know how to use it and, by all means, use it! This way, at the end of the year, you simply email the whole thing to your CPA.

Owning your own business is about control. You need to have control over how much is coming in and how much is going out. In the event that you have more going out than coming in, you have some issues. This is why these programs genuinely help you. They will help you to have and maintain control.

Accountant

An accountant will be absolutely indispensable. I simply adore mine. I went through a couple of them until I came upon the perfect one. It is important to look for one who works with attorneys. Let’s be honest, we have so much on the line. We need someone who understands how our practice is run and can help us retain control. Ask your fellow attorneys for recommendations.

Banking

I like to know who I am banking with. I loathe those hidden fees. There is also the beauty of being able to get a business line of credit when you are starting out. A good banker will explain these things to you. I appreciate being able to make a phone call, speak to the same person and have all my questions answered. I am not a fan of the big banks, where you have to wait hours to speak to a representative.

Conference Room

It is important to have a conference room. It is nice to be able to sit and meet with a client with no interruptions and no phones ringing. I believe the clients appreciate this as well. Common courtesy goes a long way. Offer the client something to drink before you start. I have always preferred to meet with clients in a conference room.

I do not like to have to clear everything off my desk so that names are not jeopardized. We have a duty to our clients. I take this very seriously. A conference room makes life easier.

Efax

I love Efax. I can get my faxes anywhere. No more wasting trees. No more not knowing whether you have received a fax. It comes right into your inbox. You can even have a setting that allows you to attach an electronic signature. Frankly, this is brilliant. You can even send faxes from your electronic inbox.

Scanner

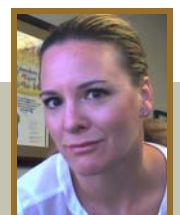
This is the most important item you will have in your office. Do not skimp. Personally, I appreciate a scanner that is just a scanner. It makes life easier.

Do Not Be Intimidated

Sometimes we need to remind our colleagues that before they had gained their thirty or forty years of experience, they were just like us. One colleague told me recently: “Do not file this motion. You will lose. I have forty years of experience. This is likely longer than you have been alive.” I reached a quick realization. I truly had nothing to lose. I did not back down and went on to settle this case for three times the amount my client thought she would receive.

It’s Not about You

This is not the profession for the ego-driven. We need to constantly remind ourselves that we are advocating on behalf of someone. This means that you are not intimidated by other attorneys. This is quite alright. But you need to remember that your client has entrusted with you with a serious matter. You are advocating for them. An adversarial relationship with opposing counsel is not necessary. Granted, sometimes we have no choice. But we often have more of a role in shaping this important relationship than we realize. ⚡



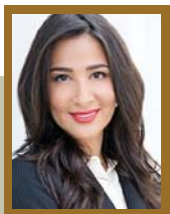
Tiffany E. Feder specializes in criminal defense, particularly federal criminal defense. She graduated from the University of West Los Angeles School of Law and is fluent in both Hebrew and Spanish. She was admitted to the State Bar of California in 2009. Feder can be reached at tiffany@tiffanyfeder.com.

Office Space: Finding the Right Fit

By Shirin Behrooz

ONE OF THE MOST IMPORTANT FACTORS IN starting your own law practice is choosing your office space. There are various ways to set up your office so that you can work in the manner that best suits you. In my first year as a sole practitioner, I experimented with nearly every option available and here is what I found. You must first consider whether you want a home office or an office space outside your home. There are many reasons why you may prefer one over the other but the biggest reason may likely be your finances.

Once you decide to go solo, two major things happen: you no longer receive the steady stream of income you were receiving in your previous employment and you incur business expenses in starting your own practice. Thus, it is very important that you budget your finances wisely. Rent can be a major business expense and it may be that you simply cannot afford to spend hundreds to thousands of dollars on an office space upfront.



Shirin Behrooz is a sole practitioner and the owner of Legal Services LA in Los Angeles. Her practice focuses on business transactions and litigation, fashion and entertainment law, and personal injury. She was admitted to the State Bar of California in 2012. She can be reached at info@legalservicesla.com.

Physical Office Space

If you've decided that you do want a physical office space outside your home, there are many factors to examine before signing a lease. The most important factor is the physical location of your office space. The location of your office space can be determinative of the type of clientele you receive. For instance, many law firms are located in the 90210 zip code primarily because they want to attract high-end clients. Many firms also choose locations that receive constant foot traffic in order to be more readily visible to the public.

Another approach to selecting an office space is to find a location that is in close proximity to other attorneys so that you are better able to develop professional relationships with colleagues. Not only will many seasoned attorneys be happy to guide you in your career, they may also send business your way by sharing cases or referrals.

When I first started out as a sole practitioner, I subleased a single office space out of a small law firm. While it was helpful in the sense that I had access to legal resources and guidance at no additional cost, I did not receive overflow

work from the firm. Before you commit to your office lease, it may be wise to get better acquainted with the attorneys and other professionals neighboring your potential office space and determine how beneficial those relationships can be to your business development.

Of course, you want your office to be located somewhere that is convenient for you as well, whether it be close to your home or close to the courthouse. As a sole practitioner, there will be times when you feel you are spread too thin and wasting time and money in transit and traffic is not an option. Keep in mind though that you also want your office space to be in a location that is convenient for your clients. While it is difficult to find the perfect office space at the right price, these considerations will help you sort out the best options for you.

Home Office Space

You may decide that, either because of finances or personal preferences, you want to forego the physical office space and work from home instead. I arrived at the same decision for a variety of reasons by the end of my first year as a sole practitioner.

First, I noticed that most of my clients rarely came into my office. With today's technology, most communication with clients takes place via telephone, email, fax, and video connections. Even when I met with my clients in person, we would usually meet at a place more convenient to the client. This was often somewhere near or at their home or place of business.

Second, although I had a physical office space away from home, I found myself working from home solely because I was more comfortable and efficient in doing so.

Third, I was paying rent for a space that wasn't of much use to me. At one point, rent was my largest business expense as a sole practitioner and, considering how little I actually used it, I quickly realized that I could allocate that money toward more beneficial business purposes like marketing.

Finally, a home office allows for a tax deduction. If you regularly use part of your home exclusively for conducting business and as your principal place of business, you can deduct expenses for the business use of your home. The amount of the deduction is generally based on the percentage of your home used toward your business.

Virtual Office

If you decide to start your solo law practice out of a home office, the biggest piece of advice I can give is to go ahead and invest in a virtual office. A virtual office provides you with a physical business address as well as communications and technology services that allow you to run your business from any location. A virtual office allows you to work from home (or anywhere else) while maintaining a more professional business image to clients and the public. Another reason for getting a virtual office is to keep your personal life separate from your professional life. For example, it may not be very safe to publicly display your home address on your website or business cards.

For those times when you need to personally meet with clients and other legal professionals, most virtual offices also

provide conference room rentals at low rates, allowing you to keep up the appearance that the virtual office is your actual office. Virtual offices also come at a relatively low cost (as low as less than \$100 per month), which is much less than the cost of leasing a physical office space.

Coworking Space

If neither leasing a physical office space nor having a home office appeals to your needs as a sole practitioner, there is a newer alternative called coworking or shared spaces. A coworking space is usually a large office environment where several freelance professionals from all backgrounds come to work independently as well as in collaboration with each other. For instance, a sole practitioner in a coworking space may generate business by providing legal services to the other businesses in the coworking space. Thus, you have the benefit of business networking and referrals just by joining a coworking community.

The cost of coworking spaces can range anywhere from \$200 to \$1,000 per month, depending on the size and type of space you need as well as additional business amenities like mail forwarding or receptionist services.

So much goes into starting your own law practice. Any one decision may require long deliberation. Although setting up your office space seems relatively simple on the surface, there are several factors to consider before making a long-term lease commitment. Whether you decide on a physical office space, home office, virtual office, or coworking space, it is important that you take the time to see what works best for your individual needs. 📌

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What You Need to Know About Mandatory Fee Arbitration

By Sean E. Judge





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California's Mandatory Fee Arbitration system exists to resolve attorney-client fee disputes. Attorneys should familiarize themselves with the process and its benefits to avoid confusion in the event of a dispute. Fee agreements, time keeping procedures and billing practices ought to be reviewed to help ensure success in fee arbitration.

AT SOME POINT, MANDATORY FEE Arbitration (MFA) is a distinct possibility in a lawyer's career. Having a working knowledge of the procedural aspects of MFA proceedings will certainly make the process a bit less daunting, and possibly less stressful. Though this article is not intended to address everything that could possibly arise, it is intended to provide an overview of key procedural and substantive points to better assist in the preparation and conduct of MFA hearings.

What MFA Does and Doesn't Do

MFA is designed to address disputes between attorneys and their clients over attorney's fees and costs. It is a consumer friendly, efficient, and low-cost alternative to court. It keeps many fee disputes from clogging already overwhelmed court logs while providing a valuable service to the public and the profession.

The MFA system was established through a state mandate and is codified as Business & Professions Code §6200 et seq. The statute does not apply to disputes in which the attorney is not admitted to practice in the State of California; does not maintain an office in the state; and in which no "material portion" of the legal services were performed in the state.¹ The statute also does not apply to claims for damages against an attorney based on allegations of malpractice and disputes in which the attorney's fees or costs have been court-ordered.²

Arbitrations conducted under the MFA statute are conducted through State Bar-approved programs administered by local bar associations. The State Bar has its own MFA program, but it only accepts cases for which no local program exists or for which a fair hearing would not be possible in a local program.

Fee arbitrators have no jurisdiction to order anything other than the payment of fees by the client, or the refund or disbursement of fees by the attorney. Fee arbitrations do not address attorney discipline with the State Bar, nor do they address legal malpractice issues other than to make a determination of the impact malpractice has on the fees that have been charged. Although disciplinary proceedings may run concurrently, they are distinct from the MFA proceeding.³

Attorneys should note that participation in fee arbitration is mandatory for attorneys when the arbitration is initiated by a client (or eligible third-party) through a State Bar-approved MFA program.⁴ It is voluntary for clients (or eligible third-parties) unless the client has previously agreed in writing to arbitrate fee disputes.⁵ An attorney's failure to participate in MFA will result in the loss of his or her right to a trial de novo.⁶

Fee arbitration may be initiated by an attorney, a client, or a third-party who is liable for or potentially entitled to a

refund of attorney fees.⁷ Third-parties are often involved in criminal cases in which a family member pays the attorney's fees for a criminal defendant. In those types of cases, the attorney and the paying family member are entitled to MFA. Attorneys must note, however, that in arbitrations involving third-parties, client confidentiality must be maintained unless the client signs a waiver.⁸

Addressing the Resolution of Fee Disputes Early

It is good practice for attorneys to include a clause in the fee agreement in which the client and attorney both agree to submit any disputes over costs and fees to mandatory fee arbitration. However, it should be well noted that fee arbitrations may be non-binding even if the fee agreement provides for binding fee arbitration. Such a provision is unenforceable by the State Bar or local MFA program. Fee arbitration may only become binding upon written agreement by the attorney and client after a dispute has arisen and before evidence is taken at an MFA hearing.⁹ However, a binding arbitration clause may be enforceable after the initial non-binding arbitration has concluded.¹⁰

Notice of Client's Right to Fee Arbitration

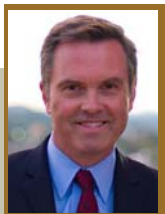
Attorneys are required to issue a written notice of the right to fee arbitration to the individual responsible for the payment of attorney's fees. Such written notice should be issued on the State Bar-approved form prior to or at the time of filing a lawsuit to collect an outstanding fee.¹¹ The State Bar and local programs, such as the one administered by the San Fernando Valley Bar Association (SFVBA), make available for download the Notice of Client's Right to Fee Arbitration form on their websites. A client may stay any lawsuit to collect fees and commence fee arbitration if a notice of their right to fee arbitration was not provided by the attorney.¹²

It is good practice to issue a Notice of Client's Right to Fee Arbitration when the parties are unable to resolve a fee dispute, even if there is no outstanding balance. Once the notice is issued, the client has thirty days to request arbitration through a local State Bar-approved program. Failure to request arbitration within the thirty days will result in the waiver of the client's right to fee arbitration.¹³

While an attorney should issue a notice to the client when a fee dispute arises, it must be noted that a client does not have to have received such a notice to request arbitration. A client may request fee arbitration at any time so long as his or her right has not been waived.

Commencing the Arbitration

The party who initiates fee arbitration is able to file with whatever program he or she prefers so long as the program has jurisdiction over the dispute. Jurisdiction varies among



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programs. For example, the SFVBA MFA Program has jurisdiction over disputes in which the attorney maintains an office in Los Angeles or Ventura Counties or did so at the time the legal services were rendered.¹⁴

The forms, rules of procedure, filing fees and requirements differ from program to program. An individual requesting arbitration must contact the local program in the county where the majority of legal services were performed. Most programs make their materials available online.

The Hearing

Depending on the individual rules of procedure of the MFA program, the dispute will be heard before either a single arbitrator or a panel of three arbitrators. Smaller disputes (usually those that are less than \$1,000) are often decided without hearing.

The arbitrators hearing a case are volunteer attorneys and non-attorney professionals. They have undergone State Bar training and are assigned to cases based on availability and lack of conflict with the parties.

The non-attorney professionals who serve on a panel are vital for providing input from the perspective of a person who is not involved in the legal profession. The balance of perspectives is crucial to maintaining a program in which the parties feel their arguments have been given a fair assessment. For this reason, parties are prohibited, with limited exceptions, from communicating directly with the arbitrators.

While the arbitrators are volunteers, there is usually a limit to the time they are expected to serve on a case. This limit varies among MFA programs throughout the state. Some programs, including the SFVBA's, require the parties to pay additional fees to the arbitrators for any additional hours dedicated to a hearing beyond the allotted time limit. Parties should be aware of this rule to avoid incurring additional fees.

It must also be noted that attorneys may not charge a client for costs or time for participating in arbitration.¹⁵ However, in a post-arbitration trial de novo, a court can, at its discretion, award attorney's fees or costs.¹⁶

While discovery is not allowed in fee arbitration, subpoenas for witnesses and documents can be issued by approval of the arbitrator, or panel chair. Hearings are closed and confidential, though the ultimate award is public. Depending on program rules, personal appearances may be waived with prior approval from the panel chair. However, a waiver of appearance will prevent the parties from often crucial cross-examination opportunities.

The Award

The award sets forth in detail the amount of the fees that should have been paid, the amount the client actually paid and the difference as either an amount owed or to be refunded. The award also may include a pre-arbitration interest, and in the discretion of the arbitrator or panel, an allocation of the arbitration filing fee. If a panel is deciding the arbitration, a majority is required to issue the award. Any dissenting opinion is served with the final award.

As set forth above, the MFA arbitrations are non-binding unless the parties agree in writing and submit that agreement to the arbitrator before a hearing commences. A non-binding arbitration allows the parties thirty days to request a trial de novo. If a trial de novo is not requested within the thirty days, the arbitrator's decision automatically becomes binding and final.¹⁷

Enforcement of Award

While the MFA process is governed by Business & Professions Code §6200 et seq., post-arbitration action is governed by the Code of Civil Procedure §1285-1288.8. Any petition to confirm or vacate an award must be filed with the appropriate civil court.

In the event that a refund of fees is ordered, and an attorney fails to comply, the client may turn to the State Bar for assistance in enforcing a binding award. The State Bar has the authority to place the responsible attorney on involuntary inactive status until the refund has been paid.¹⁸

It is because of this enforcement provision that fee arbitrators are required to identify the responsible attorney, or attorneys, in a fee dispute. The responsible attorney is the individual person responsible for carrying out the provisions of an arbitration award, namely issuing a refund to a client.

A firm cannot be named the responsible attorney since the State Bar is not authorized to enforce awards against firms. Nor should the lowly first-year associate who handled certain aspects of a case be named the responsible attorney. The responsible attorney is always the person in the position to issue a refund to a client, should one be awarded.¹⁹

Common Issues Leading to MFA

Communication Failure

In many MFA cases, the attorney has failed to properly communicate information to a client and is seeking a fee for work performed that generated substandard or surprising results. Business & Professions Code §6068(m) and Rule 3-500 of the California Rules of Professional Conduct require a lawyer to keep a client reasonably informed about significant developments relating to the representation and promptly comply with reasonable requests for information.

A lawyer must inform the client of significant developments. Clients hate bad surprises and they often will dispute a fee if they get them.

Voidable Fee Agreement

Several MFA cases involve fee agreements that fail to comply with Business and Professions Code §6146-6149.5. Such failures include, but are not limited to, (a) failing to enter into a written agreement in matters for which attorney fees are reasonably expected to exceed \$1,000; (b) failure to have the fee agreement signed by both the attorney and client and copied to the client; (c) unconscionable fees; and (d) failure to advise client that contingency or flat fees are negotiable and not set by law and/or that the client has the right to consult outside counsel on contingency fee cases.



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These omissions may result in the fees being determined by *quantum meruit* and not by the fee agreement.²⁰

Invalid Non-Refundable Retainer

Fee agreements often contain a line declaring the retainer as “non-refundable” or “earned upon receipt.” However, a true non-refundable retainer is rare. A non-refundable retainer is a fee that has been paid for the sole purpose of securing an attorney’s availability. Any retainer that is used to cover attorney costs or hourly fees is not a true non-refundable retainer and is therefore subject to the Rule 3-700(D)(2) of the Rules of Professional Conduct which states that any unearned fees ought to be promptly refunded upon termination of employment.²¹ Attorneys should carefully review their fee agreements to ensure compliance with California law and minimize client confusion.

Unclear Billing Practices

Business and Professions Code §6148(b) requires that all bills clearly identify the work that was performed, and “the amount, rate, basis for calculation, or other method of determination of the attorney’s fees and costs.” Failure to follow this requirement may result in the fee dispute being determined by quantum meruit. These situations arise when attorneys “block bill” by including a number of tasks within a lump time of hourly work. More often, clients are confused by seeing a number of tasks lumped into one entry with a simple “6 hours \$1800” after it.

If a matter requires the work of more than one attorney, each attorney must describe the work done, the rate and the basis for calculation. It is good practice to break up each attorney’s work on a bill so that it can be clearly understood.

Bill Padding

This includes charging for work that is incidental and does not advance the case in a meaningful way.²² An example of such a dispute may involve a criminal defense attorney speaking with a client’s family member on non-protected communications but the conversation mostly involves setting their mind at ease about upcoming proceedings. The attorney is entitled to a fee only for the time spent discussing issues related to the representation of a client. While a conversation may have lasted 45 minutes but only 15 minutes was devoted to discussion of a case, an attorney is entitled to a fee for only those 15 minutes.

Fee disputes with clients can be among the most unwelcome aspects of the practice of law. However, attorneys ought to embrace the MFA system as a valuable way of resolving contract disputes without having to resort to a lawsuit. To make the process go as smoothly as possible, attorneys should familiarize themselves with their local program’s rules and procedures. 🐼

¹ Business & Professions Code §6200(b).

² *Ibid.*

³ See “Arbitration Advisory 2012-03: Handling Legal Malpractice Claims and Ethical Issues During Arbitration,” State Bar of California Committee On Mandatory Fee Arbitration, July 17, 2012. The State Bar issues what are called “Arbitration Advisories” which are in-depth analysis of important issues that often arise in fee arbitration. All Arbitration Advisories are available on the State Bar’s website at www.calbar.ca.gov.

⁴ Business & Professions Code §6200(c).

⁵ *Ibid.*

⁶ Business & Professions Code §6204(a).

⁷ Paragraph 13, *Guidelines and Minimum Standards for the Operation of Mandatory Fee Arbitration Programs*, Amended May 15, 2010.

⁸ See “Arbitration Advisory 2007-02: Preservation Of Client Confidences In Arbitrations Involving Parties Other Than The Client,” State Bar of California Committee On Mandatory Fee Arbitration, July 20, 2007.

⁹ *Ibid.*

¹⁰ Arbitration Advisory 2012-02: Arbitration Agreements,” State Bar of California. Committee On Mandatory Fee Arbitration, February 1, 2012.

¹¹ Business & Professions Code §6201(a).

¹² Business & Professions Code §6201(b).

¹³ Business & Professions Code §6201(a).

¹⁴ Rule 11.0 “Jurisdiction by the Program,” *San Fernando Valley Bar Association Rules of Procedure for Fee Arbitrations*, Approved by the State Bar Board of Governors November 17, 2006.

¹⁵ Business and Profession Code §6203(a)(c).

¹⁶ Business and Profession Code §6203(c), §6204(d).

¹⁷ Business and Profession Code §6203(b).

¹⁸ Business and Profession Code §6203(d).

¹⁹ See “Arbitration Advisory 1994-04: Identification of ‘Individual Responsible Attorney’ in Fee Arbitration Awards,” State Bar of California Committee On Mandatory Fee Arbitration, August 19, 1994.

²⁰ See “Arbitration Advisory 2012-01: Voidability of Fee Agreements,” State Bar of California Committee On Mandatory Fee Arbitration, January 27, 2012.

²¹ See Michael J. Fish, “Enforcement of Non-Refundable” Retainer Provisions,” *Valley Lawyer*, March 2011; “Arbitration Advisory 2011-01: Arbitration Advisory Re: Enforcement of ‘Non-Refundable’ Retainer Provisions,” State Bar of California Committee On Mandatory Fee Arbitration, January 28, 2011.

²² See “Arbitration Advisory 2003-01: Detecting Attorney Bill Padding,” State Bar of California Committee On Mandatory Fee Arbitration, January 29, 2003.

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1. Mandatory Fee Arbitration is codified as Business & Professions Code §6200 et seq.
☐ True ☐ False
2. Third-parties are barred from requesting fee arbitration through local Mandatory Fee Arbitration programs.
☐ True ☐ False
3. The State Bar Mandatory Fee Arbitration program accepts fee arbitration cases when a local fee arbitration program maintains inconvenient hours.
☐ True ☐ False
4. Attorneys may bill clients for the time and costs spent resolving a dispute through a Mandatory Fee Arbitration Program.
☐ True ☐ False
5. In Mandatory Fee Arbitration, a client has the right to elect non-binding arbitration even if the attorney-client fee agreement calls for binding arbitration of fee disputes.
☐ True ☐ False
6. Clients must wait to receive a Notice of Client's Right to Fee Arbitration before being able to request arbitration through a local program.
☐ True ☐ False
7. Arbitrators in fee arbitration programs are volunteer attorneys and non-attorney professionals.
☐ True ☐ False
8. Arbitrators in Mandatory Fee Arbitration programs charge an hourly rate for their time.
☐ True ☐ False
9. Attorneys are required to use the State Bar-approved form when notifying clients of their right to fee arbitration.
☐ True ☐ False
10. Clients must request fee arbitration through the program that is most convenient to the attorney's office.
☐ True ☐ False
11. A non-refundable retainer is a fee that is paid to cover attorney costs and hourly fees.
☐ True ☐ False
12. Block billing is permitted in big cases.
☐ True ☐ False
13. In Mandatory Fee Arbitration, awards for damages may be ordered at the discretion of the arbitrator.
☐ True ☐ False
14. The State Bar may place an attorney on involuntary inactive status if the attorney fails to comply with an arbitration award ordering a refund of attorney fees.
☐ True ☐ False
15. In Mandatory Fee Arbitration, the responsible attorney is the person in the position to issue a refund to a client, should one be awarded.
☐ True ☐ False
16. Non-binding fee arbitration awards automatically become binding if a new trial is not requested within thirty days.
☐ True ☐ False
17. Participation in fee arbitration is mandatory for attorneys when the arbitration is initiated by a client.
☐ True ☐ False
18. A client may stay any lawsuit to collect fees and commence fee arbitration if a notice of their right to fee arbitration was not provided by the attorney.
☐ True ☐ False
19. When a fee agreement is voided, the attorney fees are determined by quantum meruit.
☐ True ☐ False
20. A client has one year to request arbitration after receiving a Notice of Client's Right to Fee Arbitration.
☐ True ☐ False

MCLE Answer Sheet No. 61

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 \$15 testing fee for SFVBA members (or \$25 for non-SFVBA members) to:

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METHOD OF PAYMENT:

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

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ANSWERS:

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

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|-----|-------------------------------|--------------------------------|
| 1. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 2. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 3. | <input type="checkbox"/> True | <input type="checkbox"/> False |
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| 20. | <input type="checkbox"/> True | <input type="checkbox"/> False |

Rising Stars of the Valley Legal Community

By Irma Mejia



Rising local attorney leaders Hrach Karakachian, Yi Sun Kim, Corilee Racela and Alfonso Martinez share their passions, experiences and hopes for the future of the legal profession.



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



Photo by Robert Reiter

THE NEWEST GENERATION OF LAWYERS IS energetic, driven and passionate in spite of today's challenging job market and economy. Newly minted attorneys are rising above those obstacles with innovative tools not available to previous generations. They are adapting to today's challenges and finding their way to the top. *Valley Lawyer* spoke with a few rising legal leaders in the San Fernando Valley. These new attorneys draw from their unique experiences to strengthen their practice. They are the future of the legal profession. And the future looks bright.

Corilee K. Racela, State Bar Admission 2010
Neighborhood Legal Services of Los Angeles County, Pacoima

Racela grew up in Riverside County, where as a girl she dreamed of becoming a lawyer. She attained her undergraduate degree from Harvard University and her law degree from American University in Washington, DC. As a new lawyer, she cut her teeth working in family law in New York and disability rights in Los Angeles before joining Neighborhood Legal Services of Los Angeles County (NLSLA) two years ago to work in their Health Consumer Center.



Q: Why did you decide to become a lawyer?

A: I have always been passionate about social justice and human rights. As the U.S. wars in Iraq and Afghanistan escalated, my interest in human rights, U.S. foreign policy and the rule of law took on a new urgency. I felt that becoming a lawyer was the best way for me to contribute to systemic change. While in law school, I was drawn to promoting human rights and access to justice in our own country.

Q: How did you choose your specific area of practice?

A: I find this area of law so fascinating. It is at the intersection of public benefits, public health policy, insurance regulation, and consumer debt. I feel very lucky to do work I care so much about and which has an impact on so many people. High medical costs affect nearly everyone. The effects are absolutely devastating—physically, emotionally and financially. There are few places consumers, especially low-income individuals, can turn to for help. I am so proud to be part of a team that promotes and protects health consumers' rights and holds the entire system accountable.

Q: Why did you choose to work for a non-profit organization?

A: My passion is helping people. I am not motivated by personal gain (which my mom believes is sometimes to my own detriment). Between college and law school, I had plenty of jobs that were at for-profit companies, but I never felt fulfilled. I must have a job that has a clear social

justice mission and commitment to improving the lives of others. I am at the height of my productivity, creativity, and effectiveness when I have a sense of purpose and a cause in which I strongly believe.

Q: How important do you think legal aid organizations are to the legal community?

A: Non-profit legal-aid organizations are absolutely vital to the general public's access to justice. With the budget sequestration, ongoing state and local budget cuts, and the census reports which allocate federal funding, financial support for local public legal services is in constant jeopardy. During hard times, whole communities are left out of the legal process. It is important in our society to have organizations that focus on those populations that wouldn't otherwise have a voice in the system.

Q: What do you like most about being a lawyer?

A: The people I work with: my clients and my colleagues at NLSLA. My clients are incredible, hard-working people fighting to keep themselves and their families healthy and secure. It is so rewarding to work on a problem with a client and know that my help can contribute to their lives. I also adore and admire my coworkers at NLS. They are all such smart and dedicated advocates. Their passion and commitment inspire me.

Q: What do you dislike the most about being a lawyer?

A: The hardest part of my job is the fact that sometimes there is more work than I can ever do.

Q: How can bar associations remain relevant to a new generation of attorneys?

A: Professional networks are as important as ever but I think the old model of networking is outdated in the era of social media. The old model reminds me too much of the "old boys club." That idea is so foreign and irrelevant to me—it inhibits diversity and excludes ideas and perspectives. Networking events often involve just half-hearted attempts to make a few key contacts, while most people end up chatting with individuals they already know.

The bar association plays a crucial role in revolutionizing how people come together across media and in person to promote community. Social media is a great equalizer—we have so much more access to people at all levels—and I want that to come to life in person. I want to hear what leaders in my community are doing to change the world in which we live and I want to learn how to emulate them. I want to tell my community about the work I do at NLS and teach them how to get involved. The local bar is a place to start those conversations.

Q: What specifically would you like your local bar to do to keep you engaged?

A: More social and service-oriented bar association programs would help younger attorneys get involved. I want to have an opportunity to meet other lawyers in the Valley and the county in a non-professional setting: planting trees, tutoring kids, painting a mural, serving meals at a shelter, even at a fun happy hour. I think the SFVBA has a

unique opportunity to bring like-minded people together for a greater cause that will also allow us to get to know each other first as people, then as professionals.

Q: What advice would you give to a current law student or recent graduate?

A: First, take on all assignments, big and small, to acquire a variety of experience and knowledge. Second, learn another language!

Hratch Karakachian, State Bar Admission 2012

Hratch J. Karakachian, CPA, Glendale



Though Karakachian was sworn in as an attorney in December 2012, he brings with him many years of professional experience. Karakachian has been a Certified Public Accountant since 2000 and sought a law license to enhance his already successful accounting practice. As an older law student, Karakachian juggled the demands of his full-time accounting career and the

challenging law courses at University of West Los Angeles. He currently volunteers his time to serve as Co-Chair of the SFVBA's Taxation Law Section and as Treasurer of the Armenian Film Foundation, while also serving as an adjunct faculty member of the California Lutheran University's MBA program.

Q: With a successful accounting practice, why did you feel the need to pursue a law license?

A: After receiving my undergraduate degree in accounting, I soon realized that having a legal education would make me a better tax professional. Knowledge of the law is necessary to interpret and understand changing tax rules and regulations. An attorney can perform all the services a CPA can but a CPA cannot provide all the services of an attorney. A law license allows me to advocate on behalf of clients in litigating tax matters, an area in which I was otherwise prohibited from practicing as a CPA.

Q: What was it like being an older law student?

A: Miserable. At the time, I had a very demanding job working full-time as a Senior Manager at Deloitte Tax LLP. My life for four years involved leaving early in the morning for work at my office downtown, then driving to Woodland Hills or LAX at the end of the day for classes, and finally getting home around 10 p.m. I did it three nights a week for four years. Eventually, I transformed my commute into study sessions with audio lectures. I was lucky to have a supportive wife and no children at the time, which allowed me to immerse myself in my law books on weekends. It was an enormous struggle just to survive in law school.

Q: What were you not taught in law school that you wish you knew when you started practicing?

A: That there is always a "right" answer, especially in tax law.

Q: Do you plan to branch out to other areas of law?

A: No, keeping up with tax laws is hard enough! However,

A: I will continue expanding my legal education. I plan to take the State Bar Legal Specialist Examination in taxation law in 2015 and am also considering an LLM in taxation law.

Q: What is your favorite aspect of being a lawyer?

A: What I like most is the trust and confidence my clients

A: bestow on me to assist and advise them.

Q: What is your least favorite aspect?

A: Billing and collecting.

Q: What kind of role do you think bar associations play in the legal community?

A: Bar associations, particularly local bar associations such as the SFVBA, are invaluable in giving new lawyers an opportunity to meet experienced lawyers and bar leaders in an educational and non-adversarial setting. Young lawyers should take advantage of the many educational and networking opportunities provided by local

bar associations. A new lawyer can develop an informal mentoring relationship with a seasoned lawyer and seek his or her counsel. The SFVBA has approachable leaders who are generous with their time. Our bar leaders truly believe in sharing their knowledge by mentoring new lawyers. This mentoring will lead to more professionalism, better lawyers and ultimately better human beings, thus elevating the legal profession as a whole.

Q: What can local bar associations do to reach out to new lawyers?

A: I would welcome a monthly or quarterly roundtable Q&A-type of discussion forum where new lawyers could bring challenging issues they've encountered for direct informal feedback from a group of seasoned lawyers and bar leaders.

Q: What advice would you offer to a current law student or recent graduate?

A: I suggest law students develop a professional relationship, early in their academic careers, with one or two seasoned alumni from their school or with local attorneys. These professional relationships can be very valuable to students during their studies and again when they begin practicing law. In business school, I met an adjunct faculty member and local tax lawyer who has been a close friend and colleague for nearly twenty years. I am a better tax professional primarily due to his invaluable counsel and feedback.

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Yi Sun Kim, State Bar Admission 2007
Greenberg & Bass, Encino



Born and raised in the San Fernando Valley, Kim took a cautious approach to selecting her career. As a pre-med undergraduate, she learned that medicine was not her passion. To gain insight into the day-to-day operations of a legal career, she chose to work as a file clerk with local firm Greenberg & Bass. The hands-on experience in a law office and guidance from strong female attorneys led her to discover that the legal field

was right for her. After graduating from Loyola Law School, Los Angeles, she returned to Greenberg & Bass, where she primarily focuses her practice on bankruptcy and business litigation. In September, she was sworn in as a Trustee of the SFVBA.

Q: Do you plan to branch out to other areas of law?

A: I was lucky to join the firm just as its bankruptcy practice became more active. I was able to branch into that field which ended up being a good fit for me. Since Greenberg & Bass is a "full service" firm, I'm able to practice various areas of law already. Aside from bankruptcy and litigation, I handle transactional matters, including formation, maintenance and dissolution of companies, sale of business assets, and intellectual property. I plan to add more to that list as I further develop my own skills and expertise.

Q: Where do you see yourself in ten years?

A: I'm very happy where I am. I hope to still be at Greenberg & Bass, working with the same people I've known for more than ten years. In ten years, my contribution to the firm would be greater, in terms of new business and adding to the firm's supportive environment. I also hope to be even more active in the legal and general community at large.

Q: What were you not taught in law school that you wish you knew when you started practicing?

A: How to bill and keep track of your time! Although I don't think there really is anything more you can be taught in law school; it's practice and experience that teaches you the most.

Q: What do you like most about being a lawyer?

A: The most satisfaction I get as a lawyer is when I walk out with clients after they have been examined by a bankruptcy trustee and they finally breathe a sigh of relief knowing the bankruptcy process is nearly over and they can move on. The best part is when they say it wasn't as bad as they thought it would be because I made it so much easier for them to handle. Anytime you see that you actually helped someone, it makes you want to work harder for the next one.

Q: What is your least favorite thing about practicing law?

A: Driving to Riverside for morning court appearances.

Q: How do you think bar associations can remain relevant to a new generation of attorneys?

A: Newer attorneys may be intimidated to get involved in organizations, thinking the emphasis is in networking and referring business. Highlighting the other aspects of a bar association, including meeting other new attorneys and attending informative programs on more basic matters that attorneys learn in their first few years, may make it more beneficial for them to participate.

Q: What is it like being one of the SFVBA's youngest trustees?

A: I'm actually a very introverted person. Starting out, it made me so nervous to go to court, let alone try to network with other professionals. During these past few years, however, I've been challenged to overcome these anxieties. I'm a much different person today. It would have been harder for me to serve on the Board before, especially as one of the younger members. But now I'm very excited.

Q: What are your goals for your time on the Board?

A: I want to focus on new members and new attorneys. I feel like it takes people like me, who are on the cusp between being new and not-so-new, to engage incoming attorneys based on our own shared experiences. Being on the Board now, I see it as my responsibility to attract other members who may need a little extra encouragement to get out there like I did.

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Q: What advice would you give to a law student or recent graduate?

A: Expect to make mistakes and know you will get better with practice. Also, be nice to your staff because you're not going to get anything done without them.

**Alfonso J. Martinez, State Bar Admission 2011
Dion Law Firm, Westlake Village**



A Ventura County native, Martinez chose to become a lawyer after four years of active military duty. He obtained his law degree from the University of San Francisco School of Law and is currently an Air Force reservist celebrating his thirteenth year in the military. He conducts mediations and training for the Air Force at Channel Islands Air National Guard Station. He started his practice

as a sole practitioner in Ventura County before joining the Dion Law Firm in 2011, where his work focuses mainly on family and criminal law matters.

Q: How did you choose your specific area of practice?

A: The day after I was admitted, I volunteered as a pro bono attorney for California Rural Legal Assistance, Inc., a non-profit legal aid organization. I was asked to assist the local bar association on a family law matter which had a cross-over criminal element. Though I had little time to prepare for the next day's hearing, my client prevailed because of my cross-examination of a witness. The District Attorney's office eventually discharged the complaint. My client was so happy he could see his children again. He was in tears and hugged me. At that moment, I realized that I did not have to choose my areas of practice—they chose me.

Q: Do you plan to branch out to other areas of law?

A: I am branching out, slowly. I have received more calls recently from clients and attorneys needing assistance in other areas of practice, mainly because a majority of Spanish-speaking clients feel more comfortable with an attorney who is fluent in Spanish.

Q: Do you think the profession needs more bilingual attorneys to meet the community's need?

A: Language barriers exist. If we cannot communicate with each other, then how can we resolve problems effectively? We need to understand language and cultural values and norms in order to effectively communicate with clients. This may signify a need for more bilingual attorneys, court certified interpreters, or paralegals. Whatever the answer is, I feel there will always be a need for attorneys who speak a client's native language.

Q: Do you think the legal profession needs to be more diverse?

A: We all are diverse. We grow up with unique talents and capabilities. It would reflect favorably on the legal profession if our ranks inched toward more diversity in line with our community. But to increase diversity, you have to start in grade school. That's partly why I volunteer to coach a local high school mock trial team and contribute to scholarship funds like the ones run by the National Latino Peace Officer Association Scholarship and the Mexican American Bar Association.

Q: What do you like most about being a lawyer?

A: The fact that I can give a voice to someone who would otherwise not have one. Most people know what they want to express but because they are not familiar with our legal system and are oftentimes ruled by emotion, they cannot effectively articulate what they want to the court. I enjoy that I can be that voice for them.

Q: What do you dislike the most?

A: The lack of professionalism between attorneys. I have personally experienced overly-aggressive attorneys who try to preach case law, code sections and their numerous years in practice as a form of intimidation. Some fail to return phone calls and exhibit a lack of respect for the court. I was on active duty in the Air Force before becoming an attorney and I am still in the reserves. I come from a work environment where respect and professionalism are sacrosanct.

Q: What were you not taught in law school that you wish you knew when you started practicing?

A: The administrative requirements of practicing law. I started as a sole practitioner with no employees and suddenly found myself having to run a business. I had to learn about billing, file maintenance, calendaring, liability insurance, business permits and other minutia I did not anticipate. I wish I had at least been exposed to these administrative details in law school.

Q: How can the bar association be more relevant to a younger generation of attorneys?

A: My generation and younger generations grew up having information at our fingertips. Bar matters should be more accessible and more fun. I would also cater bar events and functions towards young attorneys by providing free MCLE courses or mentorship opportunities. Values are also important. If you want to make an organization relevant, it must appeal to the younger generations through their values.

Q: What advice would you give to a law student or recent graduate?

A: The best way to learn is to do. I challenge all new attorneys to roll up their sleeves and not be afraid or intimidated by the profession. Get involved. Become familiar with others in your legal community. Make an effort to know your judges and get involved in your bar association. 🐾

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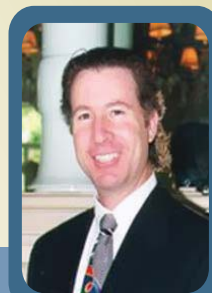


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Tricks of the Trade for New Researchers: Make Your Legal Research Easy!

By Ryan Metheny

AS A NEW LAWYER, YOU will spend a large amount of your time doing legal research. This is true regardless of whether your first position is at a large firm, a small firm, or if you start as a sole practitioner.

When teaching legal research, law schools tend to focus on newer modes of research like Boolean or “terms and connectors” searches of databases like Westlaw, Lexis and Bloomberg Law. As a result, many new law grads do not realize that a “shot in the dark” database search is rarely the best way to start a legal research project.

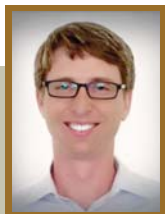
The missing component in most new lawyers’ research skillset is simply this: use of secondary sources. Remember, other people have almost certainly done much, if not all, of the

research for you already. Thus, it is usually more efficient, and much less frustrating, to begin your research by locating these “prefab” research resources, i.e., secondary sources, like treatises and practice guides. The right secondary source will not only provide you with an accessible summary of the law, it will also serve as a springboard into much of the controlling primary law you need, since it will cite the cases, statutes, regulations, and court rules relevant to your question.

You may be surprised by how much time consulting the right source can save you. Let me give you a recent example from my own work at the LA Law Library to illustrate how going to the secondary sources first can save you tremendous amounts of time and stress. The question presented was

whether an intoxicated passenger in a car could be charged under California’s drunk driving laws if his/her conduct endangered others on the road. I have no prior knowledge of drunk driving law. So, to help the library patron answer this, I knew a good place to start would be a general legal encyclopedia, like Witkin’s *Summaries of California Law*.

I went to the general index for Witkin’s, found the heading for “Driving Under the Influence,” and saw that there was an entry for “‘driving’ defined,” in §275 of volume 2 of Witkin’s *Criminal Law* treatise. I took this volume off the shelf, cracked it open, found §275 on “What Constitutes Driving” and from there saw there was a subsection entitled “Passenger May Be Driver,” which cites two cases interpreting two Vehicle



Ryan Metheny is the Members Program and Educational Partnerships Librarian at the Los Angeles Law Library. He was admitted to the State Bar of California in 2010. He can be reached at rmetheny@lalawlibrary.org. Check out the library at www.lalawlibrary.org. Call (213) 785-2502 for assistance with your legal information needs.

Code statutes for this proposition. I then handed this volume over to a very pleased patron. This entire process took only a few minutes. (Note that I also could have done this research electronically through the library's e-resource subscriptions.)

Of course, not every question will be answered by a general legal encyclopedia. Secondary sources go into different levels of detail and serve different purposes, so finding the right one(s) for your research task is important. Briefly, most sources fall into these categories, from least to most in-depth:

- **Nutshells.** These familiar pocket-sized summaries of an area of law provide accessible, easily understood starting points when you have very little background in a new area. Some well-known nutshells include Edward Kionka's *Torts in a Nutshell* and Claude Rowher's and Anthony Skorcki's *Contracts in a Nutshell*.
- **Legal Encyclopedias.** These collect short- to medium-length articles introducing a given legal subject. They also provide a good starting point for an area in which you are not overly familiar, but articles will often be somewhat specialized, as well. They include volumes like *American Law Reports* (ALR) and Witkin's *Summaries of California Law*.
- **Formbooks.** These collect legal forms, both litigation-oriented and transactional, by topic. They also include summaries of the law in the guise of instructions for use of the form. Major formbooks include Matthew Bender's *Forms of Pleading and Practice* and West's *California Code Forms*.
- **Practice Guides.** These provide a manual for practitioners in a certain area of practice. They include procedural checklists, practice pointers, and forms, but they also give brief summaries of the law. California guides include Rutter Group's *Civil Procedure Before Trial* and Continuing Education of the Bar's *UCC Sales & Leases*.

■ **Treatises.** These are comprehensive summaries of a specific area of law. The major treatises are the Bible for practitioners in an area, but are hard to navigate and comprehend without a background in the subject. They include volumes like *Nimmer on Copyright* and *Collier on Bankruptcy*.

When choosing a secondary source, you need to ask two different questions. First, what is my level of prior knowledge? You should not dive straight into *Nimmer on Copyright*, for example, if you have not dealt with copyright issues before; a nutshell or encyclopedia article would provide a better starting point and give you the vocabulary and concepts you need to understand *Nimmer*.

Second, for what purpose am I using the source? If you need to know how to put together a motion for summary judgment in a personal injury case, you should consult a civil procedure practice guide or formbook for checklists and forms, not *Prosser and Keeton on the Law of Torts*.

Once you know the type of secondary source you need, the next question becomes, how do you find a specific, reputable source? And how do you get access to this source? It is hard to find and assess resources in an unfamiliar area of law, and subscribing to them in print or through Westlaw or Lexis, once you find them, is shockingly expensive.

You can consult colleagues, of course, and online tools like Georgetown Law Center's Treatise Finder can help if you need a treatise as opposed to practice materials.¹ But remember, this is why California has public county law libraries. Accessing secondary sources on-site, and consulting a reference librarian either on-site or remotely by chat or phone for help finding the right source, is free. And many county law libraries, including the LA Law Library, offer document e-delivery, allowing you to get the source you need quickly and affordably.

Good luck to all you new attorneys out there and happy researching! 📖

¹ See www.law.georgetown.edu/library/research/treatise-finders.

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So You Want to Become a Judge?

By Hon. Michael R. Hoff, Ret.

BEING AN EFFECTIVE JUDGE IS A REWARDING career. Judges are in a position to help people and hold a great deal of power which they must learn to use wisely. New attorneys should keep in mind that their work and activities early in their career will later have a major influence on their chances to fill a judicial seat.

The challenges faced by new attorneys are more daunting now than when I started law school more than four decades ago. The job market was certainly quite different. Back then, the opportunities for new attorneys were nearly limitless.

Today, everyone hears that there are too many attorneys and that many clients do not have the money to hire them. There are companies run by nonattorneys that proclaim to do legal work at a bargain price. The internet is filled with websites that offer inexpensive “legal” assistance. (It has been my experience as a judge, mediator and arbitrator that those who use the low cost services usually do not do so well in the end.)

Navigating through these challenges can be difficult, but for those who emerge unscathed, a seat on the bench could be a viable option.



Hon. Michael R. Hoff, Ret. is a current SFVBA Trustee, a volunteer arbitrator in the SFVBA Mandatory Fee Arbitration Program and a Past President of the Valley Community Legal Foundation. Judge Hoff served as a Superior Court judge for 21 years and now works as a private mediator and arbitrator.

To become a member of the Superior Court, which is California's only trial court, one has to be a member of the State Bar of California for at least ten years.

Those interested in a judgeship should first understand the process of becoming a judicial officer. There are two roads to the bench: election or appointment.

Judicial Election

Judges are elected for six year terms. If an incumbent judge is not challenged, then his or her name does not appear on the ballot and he or she is deemed re-elected.

To challenge a sitting judge or run for an open seat, you will need to file the necessary paperwork with the county elections office, including an intent to run for a particular seat (each seat is assigned a number and it is not the number of the courtroom you seek to sit in). You must also gather a certain number of signatures of registered voters and pay a fee equaling 1% of a judge's annual salary.

Campaigning for a judicial office is quite different than running for mayor or city councilperson. There are strict rules of conduct that must be adhered to in judicial races.

You should think twice before deciding to run against a judge that ruled against you or made an unpopular ruling on

a high profile case. Challengers to incumbent judges seldom win. Furthermore, if you do decide to challenge a sitting judge, be prepared to spend several hundred thousands of dollars.

Judicial Appointment

Most of California's roughly 1,600 Superior Court judges are first appointed by the governor.¹ Getting the governor's attention and being selected over the other applicants depends on many factors.

You will first need to file a formal request for appointment. A Judicial Appointment Application can be downloaded from the Office of Governor's website.² It is a lengthy and complicated application.

Your application, along with many, many others, may just sit in the Governor's Office. If you are fortunate, the governor may refer your application to the Commission on Judicial Nominees Evaluation (JNE) of the State Bar of California.

Once your application is sent to JNE, a number of things happen. The JNE members review the application and send out several hundred questionnaires to judges and attorneys in your county, some of which you have included in your application. These questionnaires are confidential and ask whether the applicant would be a good bench officer and the reasons for the recommendation.

If, after the questionnaires are returned, the applicant appears to be a good candidate, an interview is set with a few representatives from JNE. If you get to this point you are doing well. The JNE interview is confidential and is conducted by two or three JNE members.

After the JNE interview, the members that interviewed you will report to the entire JNE Commission. The entire JNE Commission will then rate you as "highly qualified", "qualified" or "not qualified." If the applicant is rated "not qualified," the attorney is generally notified of that rating and given an opportunity to see if he or she can change it somehow. Changing an "unqualified" rating is possible but probably will not do the applicant any good.

The JNE Commission will then return the applications to the Governor's Office and his or her legal affairs officer will review them. The Governor's Office is under no time limits and can sit on a "highly qualified" application until he or she leaves office. Just getting a "highly qualified" rating does not guarantee an appointment.

If the Governor wants to make an appointment, he or she will have someone from his or her office conduct an interview with the applicant. If you do well on the latest interview, the governor's representative will report that fact to the governor.

At this final stage, you may wish to have any influential friends or colleagues (and hope they are also friends of the governor) send a letter to the governor urging that you be appointed.

Then you wait.

I was fortunate in that I got to know Governor George Deukmejian. While in practice, I volunteered on his re-election campaign and ended up the chairperson of the

San Fernando Valley Committee. I reported directly to his sister, Anna.

After the Duke was re-elected, I thought long about becoming a judge and submitted my application. I went through the interviews and got a call from now Justice Marvin Baxter, who was at the time Duke's judicial appointment secretary.

Judicial Career

If you are fortunate, one day your phone will ring and it will be either the governor or his or her representative offering you appointment to the Superior Court. Of course, you can turn the offer down but few have done so. Let's assume you have gotten the call from the Governor's Office offering you the position and you jump up and down with glee.

The next call you will get is from the presiding judge of the county you were just appointed to. You and the presiding judge may have a short visit and instead of getting that complex civil or felony criminal assignment, you learn that you have been assigned to a misdemeanor trial court miles from your home. You happily say thank you to the presiding judge, get sworn in and start your judicial career. You will probably have to work your way up to the complex civil or felony court.

Governor Deukmejian had a habit of appointing new judges first to what was then the Municipal Court and I found myself working at the Hill Street Court hearing DUI cases. I then got transferred to an experimental night court at the Criminal Courts Building and heard arraignments and preliminary hearings. After a while I was transferred to San Fernando where I had a misdemeanor court.

After about two years on the Municipal Court, I applied for elevation to the Superior Court. I went through the usual process, got the phone call and was elevated. I was first assigned to Central Civil to fill in for a judge that suddenly fell ill. After he returned, I was assigned to a felony court at the Criminal Courts Building for a few years.

I had an opportunity to transfer to Van Nuys to work a long cause court on the fourth floor of what is now the East Wing. I was supplied a court that was high security. (Stop by and take a look at it. It was a mess. Until recently, the probate attorney and his staff filled that courtroom.)

I was then sent to San Fernando to work a felony court for a year and then back to Van Nuys criminal. I was the Assistant Supervising Judge of the District for four years. I was then assigned as the Supervising Judge of the District and went to probate where I stayed for years. My last assignment in Van Nuys was an unlimited civil trial court.

I enjoyed my career and retired from the bench after 21 years. Those who are interested in pursuing an equally satisfying career as a judge should start preparing now. It is never too early to get acquainted with the process and be mindful of your conduct as a newly minted attorney. 🏛️

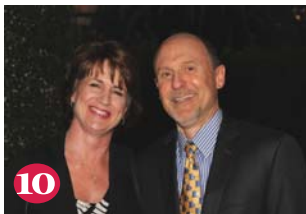
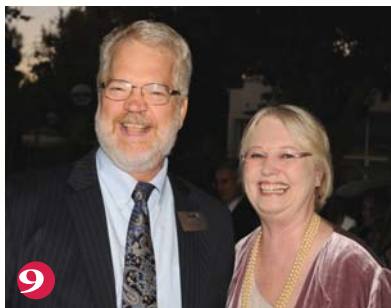
¹ Ashley Powers, "California Voters Often Don't Know Much about Judicial Candidates," *Los Angeles Times*, June 4, 2012.

² http://gov.ca.gov/s_judicialappointments.php.

87TH INSTALLATION

Gala and Award Dinner

Saturday, September 28, 2013
Warner Center Marriott



1. Adam D.H. Grant being sworn in as President of the SFVBA 2. 2013-2014 SFVBA Board of Trustees 3. Mark Shipow as Master of Ceremonies 4. David Gurnick 5. Lee K. Alpert 6. Etan Lorant and Mark Eisenberg 7. Irma Mejia, Liz Post, Adam D.H. Grant, Linda Temkin and Rosie Soto-Cohen 8. Seymour Amster and Marlene Seltzer 9. Robert F. Flagg and Tamila C. Jensen 10. Melissa and Alan E. Kassan 11. Gary L. Barr 12. Larry Bovshow, Paul A. Hargraves and Sean E. Judge



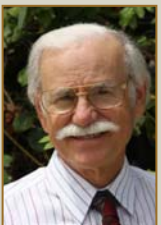
13. Adam D. H. Grant and family 14. Gary L. Barr, Jerry and Merry Neitlich, Lee K. Alpert and former City Councilman Dennis Zine 15. David Gurnick and Liz Post, recipient of the 2013 President's Award 16. Irma Mejia, Karen Castellanos and Joi Jibotian 17. Terri Peckinpugh, Richard A. Lewis and Julie Pritiken 18. Caryn Brottman Sanders, Stephen T. Holzer and Tal Grinblat 19. Mark Rosenblatt, Catherine Carpenter, Martin Carpenter and Hon. Michelle Rosenblatt 20. Larry Boyshow, Paul A. Hargraves, Alice A. Salvo and Mel Stein 21. Liz Post and Carol L. Newman 22. Rich and Kira Mastellar 23. Marshall Shepardson and May-Lin Wilgus 24. Anie Akbarian and Robert Aghajanian 25. Alan J. Sedley, Marc S. Blackman, Joy Barr, Alexander S. Kasendorf and Carol L. Newman 26. David Gurnick, Jo Ann Stipkovich and Terri G. Lynch 27. Mark and Julie Goldstein and Stephanie and Mark Shipow

Bulletin Board

The Bulletin Board is a free forum for members to share trial victories, firm updates, professional and personal accomplishments.



Terri Asanovich, MFT, Child Custody Evaluator and Expert Witness, co-chaired and was a panel participant for "Meet the Mental Health Professionals Night" with the Beverly Hills Bar Association. She can be reached at tasanovichmft@aol.com.



Ronald S. Marks recently relocated his offices to Westlake Corporate Plaza, 2625 Townsgate Road, Suite 330, Westlake Village, CA 91361. He continues to represent physicians, pharmacists and other health care professionals before licensing boards and agencies.



Alex Kasendorf of Alpert, Barr & Grant promoted a five-part series of Food Truck Movie Nights to support ONEgeneration, a multi-generational non-profit organization in the Valley. Movies continued every Saturday night through October 26, 2013. For more information, contact akasendorf@alpertbarr.com.



David I. Karp, in addition to his private mediation practice, is now on the mediator panel of the California Association of REALTORS® Real Estate Mediation Center for Consumers.

Email your announcement to editor@sfvba.org. Announcements are due on the fifth of every month for inclusion in the upcoming issue. Late submissions will be printed in the subsequent issue. Limit one announcement per firm per month.

SFVBA Wins National Association of Bar Executives Luminary Award

The SFVBA's electronic newsletter designs earned it a Luminary Award for Excellence in Electronic Publications at this year's Communications Section Workshop of the National Association of Bar Executives. Publications & Social Media Manager Irma Mejia accepted the award on behalf of the SFVBA.



Photos by RCL Portrait Design's Vickie Marshall.

SFVBA HOSTS FIRST TEN TARZANA MEETING

On October 14, the SFVBA hosted the first meeting in its partnership with The Esquire Network (TEN). TEN meetings are designed exclusively for attorneys to help them develop a network of referrals. The SFVBA will host its next TEN meeting on November 13.



INSURANCE PROGRAM FOR SFVBA MEMBERS



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Is There Such a Thing as a Victimless Crime?



AMY M. COHEN
SCVBA
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WHILE SCHOOL SHOPPING with our daughter this past August, I consulted the list of recommended supplies regarding crayons. As she grabbed a box of 24 and started to put it in the cart, I stopped her and commented that the supply list specifically said “box of 16.” She switched out the box of 24 for a box of 16 (somewhat sadly) and we moved on. Volunteering during the first week of school, I heard the teacher ask the students to take out their crayons for a project and then ask if there were any students who did not have crayons. When several raised their hands, she went to her supply cabinet and brought out several boxes for those students—boxes of 24. For a moment, I felt sorry for my daughter, who now seemingly had a supply of crayons inferior to those provided by the teacher to other students. Luckily, she did not seem to notice and happily went about the business of coloring.

A few days later, I was driving through the parking lot at the Valencia Town Center mall, near the Chick-Fil-A restaurant which sits at the edge of the mall property. Due to problems with traffic patterns, a “no left turn” sign was placed near the Chick-Fil-A drive thru. As I passed by, I saw several cars turning left, going around the “no left turn” sign to do so.

This past Labor Day, I ran in my first half-marathon at Disneyland. Excited and scared at the same time, I poured over the race instructions and suggestions. But I must have been one of the few who actually read those rules. As I ran, I encountered so many others who seemingly had no idea of the rules, such as those who were walking on the left (walkers were supposed to stay to the right) and those who were travelling in packs of five or more people (racers were supposed to only walk or run two abreast.) In the end, I suffered through the “traffic” and zig-zagged my way, ultimately running almost two extra miles because of it.

These situations beg the question, is there such a thing as a victimless crime? If you exceed the speed limit but there is no police officer to note it and ticket you, have you really done anything wrong? If the teacher requests a box of 16 crayons, but then passes out boxes of 24 on her own, is anyone hurt? If you bring a stroller to a race when the rules clearly say “no strollers,” do you owe anyone damages? Some might argue that unless an injury results (your stroller hits someone’s foot and breaks a toe or your excess speed causes an accident), it is a “no harm, no foul” situation. But where do we draw the line? And more importantly, how do we teach the next generation and society at large to obey the rules (and the law), even when it seems that those laws can be broken without impunity? How many drivers did you pass on your way to work today who were talking on their cell phones without a handsfree device? How many of you texted while driving today?

Unfortunately, society seems to be falling into a pattern of obeying only those rules or laws that the individual believes they should follow, or wants to follow, feeling that they have the option to choose. Is this a slippery slope? Is there a line in the sand where individuals decide to follow or not follow the rules? Does it begin with supply lists for school and rules for racers at marathons? Where does it end?

I believe that we must be careful, not only in following the rules and laws that could lead to an injury or harm another person (such as speeding or texting while driving), but we also need to be careful about what our children see us following or breaking. Are we showing the next generation the importance of following rules and respecting authority, or are we showing them that we are above the law and can choose on our own what is right or wrong? I will leave it to you to make that decision for yourself. In

the meantime, my daughter continues to color with her 16 crayons and I will continue to step to the right if I’m walking and leave the stroller at home when racing.

The Santa Clarita Valley Bar Association offers monthly programs in the Santa Clarita Valley, including continuing legal education seminars and networking mixers. Elections took place in October and the newly elected Board of Trustees will be installed at the Annual Awards and Installation Dinner on November 21, 2013, at 6:00 p.m. at TPC Valencia. Please check our website www.scvbar.org for more information on the event or to purchase tickets. 🐾

The Santa Clarita Valley
Bar Association

*Awards &
Installation
Gala*

November 21, 2013
Cocktail Hour 6:00 PM
Dinner & Program 7:00 PM

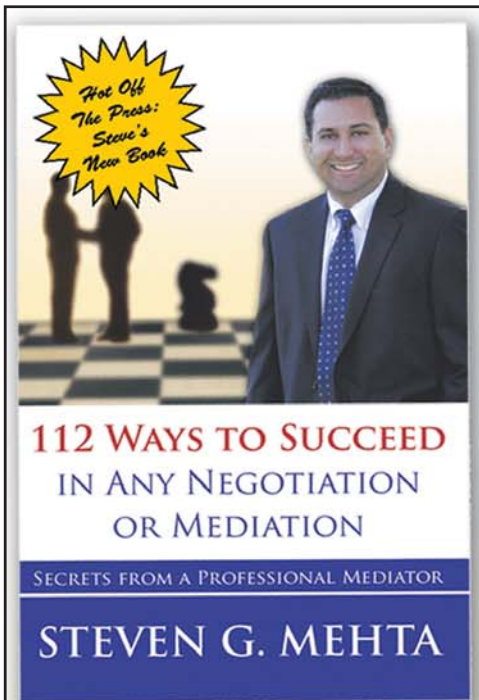
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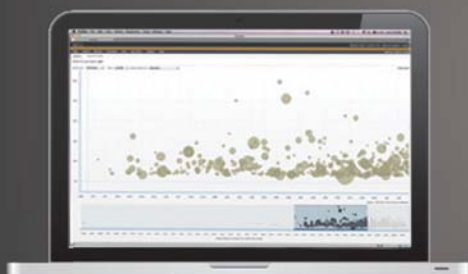
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VETERANS DAY GOLF TOURNAMENT

Proceeds fund grant and scholarship programs of the VCLF of the SFVBA

MONDAY NOVEMBER 11, 2013

PORTER VALLEY COUNTRY CLUB • NORTHRIDGE

10:00 AM CHECK-IN ⌚ 10:30 AM PUTTING CONTEST ⌚ 11:30 AM SHOTGUN START—
BEST BALL FORMAT PER GROUP ⌚ 5:00 PM AWARDS RECEPTION AND DINNER

GOLFER'S PLAYER PACKAGE

- **\$150 "Early Birdie Special"**
(Purchase by October 1)
- **\$175** (Purchase after October 1)
- **\$560 "Early Birdie Foursome Special"**
(Purchase by October 1)
- **\$600 Foursome** (Purchase after October 1)
- **\$150 Sitting/Retired Judges**

Includes green fees, cart, tee gifts, beverages, continental breakfast, luncheon and awards reception and dinner.

FREE GIFT BASKET to Each Golfer. \$275 Value, including one custom built pitching wedge and one hybrid fairway metal custom built courtesy of **WARRIOR CUSTOM GOLF**. (shipping not included)

SPONSORSHIP OPPORTUNITIES*

- **Eagle Sponsor** **\$5,000**

Includes two golf foursome packages, two additional tickets for awards dinner, on-course beverage station with sign, sign at tee, name/logo prominently displayed in promotional material and banner.

- **Birdie Sponsor** **\$2,500**

Includes one golf foursome package, one additional ticket for awards dinner, name/logo included in promotional material and sign at tee.

- **Hole-in-One Sponsor** **\$1,500**

Your sponsorship sign will be placed on a par 3 hole on course. You may hand out gifts and info to the golfers at your sponsored hole. Includes two tickets to the luncheon and awards dinner.

- **Tee Sponsor** **\$250**

By sponsoring a tee/green sign on the course your firm or company can show your support for the VCLF's goodworks. You may hand out gifts and information to the golfers at your sponsored hole. Includes two tickets to luncheon.

OTHER SPONSORSHIP OPPORTUNITIES*

- **Cocktail Reception Sponsor** **\$2,000**



- **Lunch Sponsor** **\$1,500**



- **Photo Sponsor - SOLD** **\$1,700**



- **Beverage Station Sponsor** **\$1,500**

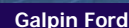
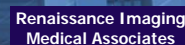
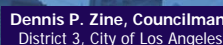
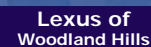
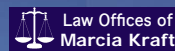
Golf Cart with cold beverages so you may hand out beverages and your gifts or info to golfers around the course. Two lunch and two dinner tickets. Tee Sign at hole of your choice.

- **Putting Contest Sponsor** **\$1,000**

We'll display a sign at the putting contest showing your support. We'll mention your sponsorship when we announce the winner of the putting contest. Includes two tickets to the luncheon.

- **Sponsor a Veteran** **\$140 per veteran**
\$560 per foursome

SOME OF LAST YEAR'S SPONSORS



Contact (818) 227-0490, ext. 105 or events@sfvba.org for player and sponsorship information.

* All sponsors receive recognition on the VCLF website, in *Valley Lawyer* magazine and acknowledgment at awards dinner.

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