

VALLEY LAWYER

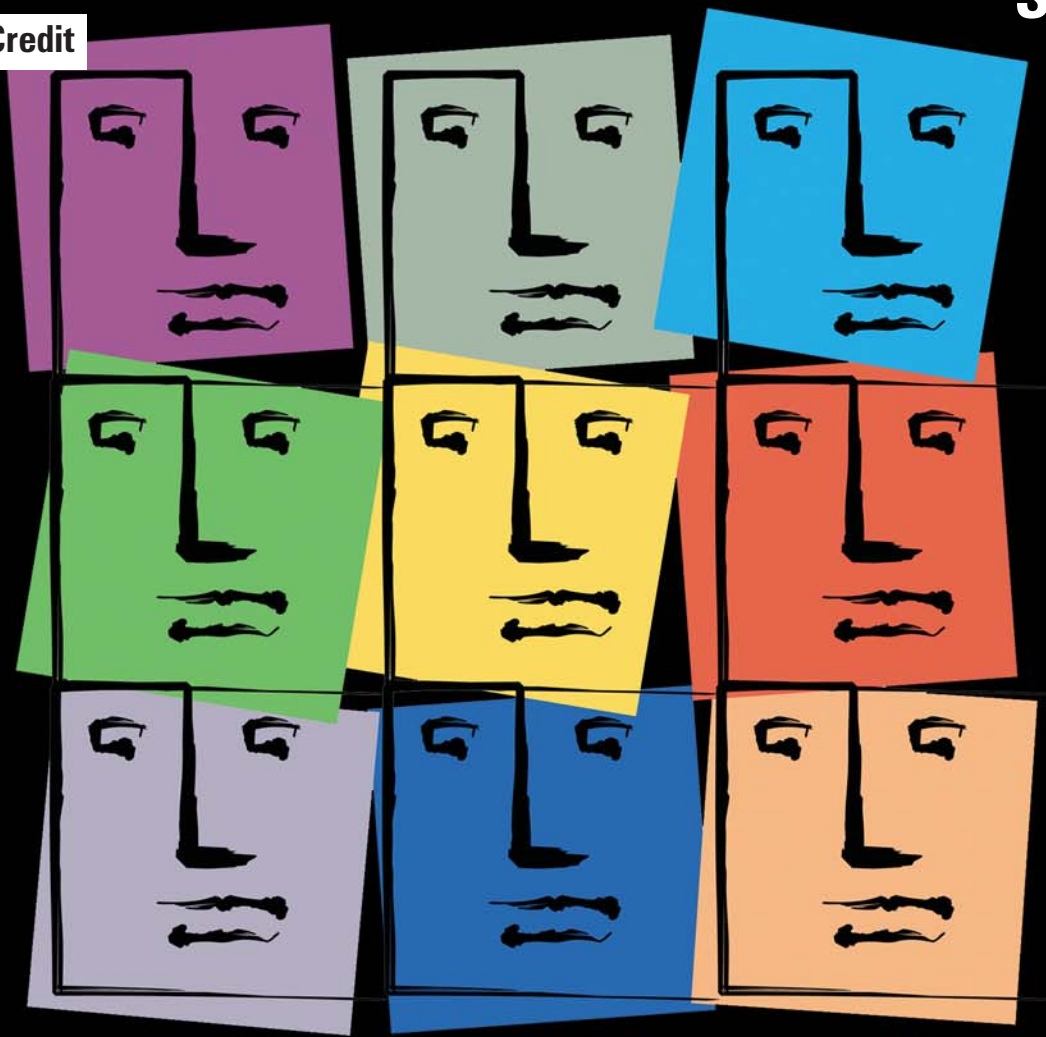
JANUARY 2009 • \$4

A Publication of the San Fernando Valley Bar Association

Sex Crimes and Deviants

Earn MCLE Credit

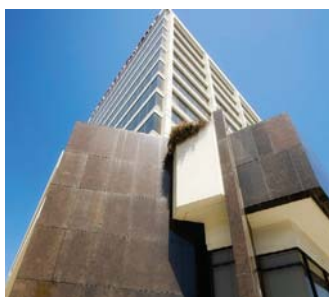
Diversity in the Legal System



PRSRT STD
US Postage Paid
Canoga Park, CA
Permit No. 348

The Law Goes Open Source

The Power You Need The Personal Attention You Deserve



Lewitt Hackman is a full-service business, real estate and civil litigation law firm. As one of the premier law firms in the San Fernando Valley, we are a powerful and forceful advocate for multinational corporations, privately held and family businesses, start-up companies, and individuals. At the same time, we are personal enough to offer individual and detailed attention to each and every client, no matter what their size.

Protecting Your Business.

Protecting Your Life.



LEWITT HACKMAN

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

16633 Ventura Boulevard, 11th Floor ■ Encino, California 91436-1865
(818) 990-2120 ■ Fax: (818) 981-4764 ■ www.lewithackman.com

BUSINESS PRACTICE AREAS

(Transactions & Litigation)

- Corporations/Partnerships/LLCs
- Commercial Finance
- Employment
- Environment
- Equipment Leasing
- Franchising
- Health Care
- Intellectual Property, Licensing & Technology
- Land Use/Development
- Mergers/Acquisitions
- Real Estate Finance/Leasing/Sales/Acquisitions
- Tax Planning

CONSUMER PRACTICE AREAS

- Family Law
- Personal Injury/Products Liability
- Tax and Estate Planning
- Probate Litigation/Will Contests

VALLEY LAWYER

A Publication of the San Fernando Valley Bar Association

VALLEY LAWYER

SAN FERNANDO VALLEY BAR ASSOCIATION

21250 Califa Street, Suite 113
Woodland Hills, CA 91367
Phone (818) 227-0490
Fax (818) 227-0499
www.sfvba.org

EDITOR

Angela M. Hutchinson

BOARD OF TRUSTEES

PresidentTamila Jensen
President-ElectRobert Flagg
SecretarySeymour I. Amster
TreasurerAlan J. Sedley
Past PresidentSue Bendavid
Executive DirectorElizabeth Post

TRUSTEES

Chancela Al-Mansour Robert M. Mansour
Leonard J. Comden Carmen McDonald-Goldberg
Matt Crowley Steven G. Mehta
Natasha N. Dawood Sanford L. Michelman
Brent M. Finch Lisa Miller
Adam D.H. Grant Caryn Brotzman Sanders
David Gurnick John F. Stephens
Wendy Hartmann

STAFF

Director of Public ServicesRosita Soto
Referral ConsultantGayle Linde
Referral ConsultantLucia Senda
Referral ConsultantAileen Jimenez
Director of Education & EventsLinda Temkin
Communications ManagerAngela M. Hutchinson
Member Services CoordinatorJennifer Jimenez

SECTION CHAIRS

ADR
Business LawSteven R. Fox
.....Brent Finch
Criminal LawJeff Yanuck
.....Louisa Pensanti
Family LawRhonda Rauch Miller
.....Ellen Friedman Tinero
Intellectual Property,
Entertainment & Internet LawJohn Stephens
LitigationDavid Gurnick
New LawyersNatasha N. Dawood
Probate & Estate PlanningCharles Shultz
.....David Coleman
Small Firm & Sole PractitionerLisa Miller
Women LawyersRoxanna B. Kaz
Workers' CompWilliam Kropach

Valley Lawyer is published 11 times a year. Articles, announcements, and advertisements are due by the first day of the month prior to the publication date. The articles in Valley Lawyer are written for general interest and are not meant to be relied upon as a substitute for independent research and independent verification of accuracy.

Layout, Pre-press & Printing
Master Graphics Printing (818) 343-0500

© 2009 San Fernando Valley Bar Association

FEATURES

- 9 The Risks and Rewards of Calendaring for Small Firms **BY JOSEPH C. SCOTT, J.D.**
- 11 Honoring Jurists on Both Sides of the Hill **BY ADAM D.H. GRANT**
- 15 Diversity in the Legal System **BY ANGELA M. HUTCHINSON**
- 16 The Law Goes Open Source **BY DANIEL FISHER**
- 20 Sex Crimes and Deviants **BY LOUISA PENSANTI**
PLUS: Earn MCLE Credit. MCLE Test No. 7 on page 23.
- 24 November MCLE Article Reprint **BY MARSHALL A. GLICK**
Keeping Exempt Organizations Exempt

DEPARTMENTS

- 5 President's Message
Los Angeles Clergy Conference Update
BY TAMILA JENSEN
- 7 From the Editor
Passion for Diversity
BY ANGELA M. HUTCHINSON
- 13 Valley Community Legal Foundation
Making a More Child-Friendly Justice System
BY STEPHEN T. HOLZER
- 13 New Members
- 22 Above the Law
The Whole Truth
BY MARC R. JACOBS
- 27 Santa Clarita Valley Bar Association
Installation Dinner's Great Success
BY ROBERT MANSOUR
- 28 Classifieds
- 30 Event Calendar
PLUS: More SFVBA Events



Lawyers Professional Liability Insurance Program Available to SFVBA Members

Wells Fargo Insurance Services in partnership with the San Fernando Valley Bar Association offers an exclusive **Lawyers Professional Liability** insurance program for law firms of 1-10 attorneys.

Product Overview

Wells Fargo Insurance Services' Lawyers Professional Liability program protects you, your lawyers, your employees, and your firm against damages and claims expenses which the insured shall become legally obligated to pay because of claims arising out of any act, error or omission of the insured in rendering or failing to render professional service for customer.*

Program Features

- 1-10 Attorney Law Firms (or larger)
- Competitive Pricing
- Limits of Liability \$500,000 to \$2,000,000
- Optional Defense Costs in Addition to the Limits of Liability
- Defendants Reimbursement Coverage
- Title Agency Coverage
- Personal Injury Coverage
- Full Prior Acts Coverage
- Deductible 5,000 minimum
- Spousal Coverage including Domestic Partners
- Increased Supplemental Payments Limits (for court imposed arbitration hearings)
- BI/PD Exclusion Amended
- 60 Days Post-Policy Reporting
- No Threshold for New Attorneys
- Severability Coverage as Respects Application
- Coverage Enhancement Endorsement Designed Specifically for SFVBA Members

* Please refer to the policy for actual coverage specifications

Terri Peckinpaugh

Vice President
818.464.9353



Wells Fargo Insurance Services

Los Angeles Clergy Conference Update



TAMILA JENSEN
SFVBA President

NOT LONG AGO I HAD THE OPPORTUNITY TO attend the Fifth Annual Court-Clergy Conference at St. Nicholas Greek Orthodox Church in Northridge. The purpose of the conference was to foster cooperation between local churches and the courts to assist the clergy in helping their communities with legal issues of all kinds.

Not only was it a well-organized event, but also it provided an opportunity to see the legal community from a different perspective, taking a look from the outside in. In doing so, the many ways our courts and we in the legal profession are integrated into the community at large was placed in vivid focus. We lawyers are part of the larger social fabric and it is good to be reminded of this from time-to-time. We know we have an excellent court system and this conference confirmed it.

In the future, the SFVBA hopes to work with the court on the Court-Clergy Conference here in the San Fernando Valley.

Included in the material used in the court-clergy program was the 2008 Los Angeles Superior Court Annual Report. Likely, many of us have seen it and glanced at its pages. A closer look gives some very useful information about the court, its programs, and how we as attorneys relate to it.

I am now going to rely heavily on the Annual Report, which is available from the Los Angeles Superior Court Public Information Office at Stanley Mosk or through the court's website. The court does a lot of things we do not really think about as we argue our clients' cases there, but which we ought to think about from time-to-time as part of a bigger picture.

For example, the Los Angeles Superior Court is not only the largest court in the State of California but probably also in the world. It includes 50 courthouses and related facilities, 431 judges, 135 commissioners, 39 referees, and operates 591 courtrooms. Court facilities range from the one judge courthouse on Catalina Island to the mega-Central courthouse, Stanley Mosk. Stanley Mosk is, again, not only the largest courthouse in California, but also one of the largest in the world.

To make matters even more interesting, the court must accommodate many non-English speakers. Last year, the top ten languages for which interpreter services were requested were: Spanish, Armenian, Korean, Mandarin, Sign, Farsi, Vietnamese, Cantonese, Cambodian and Tagalog. The court must deal with the special complications of celebrity and high profile trials with which few other courts need be concerned. We take all this in stride, but this is highly unusual.

The court has reached out to the public in creative ways. There are new videos explaining to the public the ADR process and jury service. There are eleven self-help centers throughout the system offering various levels of service. Last year, more than 46,000 people were assisted in the self-help center at Stanley Mosk. Another 115,000 were assisted at other centers.

There are many specialty courts such as the Proposition 36 Court, Teen Court, Women's Re-entry Court which was started in 2007, Drug Court, and Homeless Court, also started in 2007. The court runs a Drug Store Program which in 2007 let 1,200 middle-school children follow a student through the criminal and judicial process after a pretend drug arrest.

We are familiar with Adoption Saturday which has been operating for ten years and which helps more than 200 children be adopted each year.

When the courthouse is where we work every day, it seems like an old home. We do not see beyond the familiar courtrooms and people. But seen from a step back, the Los Angeles Superior Court is a world class institution doing an excellent job of delivering the services it is charged with providing, often in new and creative ways.

The SFVBA has always been proud of its association with our courts and judges. On February 21, join hundreds of members of the Bench and Bar at our Annual Judges' Night, honoring Judge Ronald Coen as the San Fernando Valley Bar Association Judge of the Year and Justice Barry Russell as the recipient of the Stanley Mosk Legacy of Justice Award. ⚖️

LAW OFFICES **PISEGNA & ZIMMERMAN**

WILLIAM ZIMMERMAN & LORI DECRISTO
Attorneys at Law

SOCIAL SECURITY DISABILITY

All cases on Contingency Fee Basis - 25 years Experience

Accepting Cases From:

**Los Angeles County
Ventura County
Santa Barbara County
San Bernardino County
Riverside County
Kern County**

**5170 N. SEPULVEDA BOULEVARD, SUITE 230
SHERMAN OAKS, CALIFORNIA 91403**

**TEL: (818) 377-2200
FAX: (818) 377-2211**

Referral Fees paid within Guidelines

Robert M. Weinstock, JD, MBA

formerly of Business Enterprise Appraisal Co. (BEACo) has formed:

Strategic Valuation Group, LLC



Providing Real Estate and
Financial Valuation Services



23801 Calabasas Rd., Suite 1016, Calabasas, CA 91302 • (818) 591-9282
rweinstock@svgvalue.com • www.svgvalue.com

When Bankruptcy May Be the Best Solution...

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

Law Offices of Steven R. Fox
Bankruptcy & Related Matters

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



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

From the Editor

For question, comments or candid feedback regarding Valley Lawyer or Bar Notes, please contact Angela at (818) 227-0490, ext. 109 or via email at Angela@sfvba.org



ANGELA M. HUTCHINSON
Editor

Happy New Year!

I hope you had a pleasant holiday season. My husband Arthur and I had a wonderful time. What joy our son brought to our family and friends during his first Christmas. Now 6-months-old, Alexander recently landed his first job...a Gerber commercial!

More exciting news, it is with great enthusiasm to announce my one year anniversary working at the San Fernando Valley Bar Association. I have had a wonderful experience interacting with our amazing staff, personable members, professional Board and talented attorney writers. This month, *Valley Lawyer* is focused on Criminal Law and Diversity, which is one of my passion topics.

During this historic time in our country, diversity is taking a front seat in all fields. In the legal profession, diversity initiatives are being implemented at law firms, the courts, bar associations and law schools. A few months ago, I had the opportunity to help the Diversity Committee develop its mission. The diversity statement created was later approved by the Board and added to the SFVBA Bylaws.

Depending on your background and life experiences, diversity has varied meanings. I think it is also important to note that various categories may fall underneath the diversity umbrella. Each category is unique with its own significance, contributions or as some might argue, setbacks to our society. When in support of a diversity initiative, I always strive to acknowledge the merits of the initiative at hand rather than trying to piggyback one diverse thought onto another or trying to equate an initiative to another one.

I believe diversity should be celebrated rather than simply tolerated. We can do this by embracing our history, cherishing the present and preparing for our dynamic future ahead. The greatest aspect to diversity is that it encompasses everyone and endless issues. Even so, in the most diverse environments, commonalities exist.

Inside this issue, we introduce you to a Diversity Survey that is available for SFVBA members to download online. If you have an interest in exploring diversity in the legal profession, I encourage you to review the survey in the *Valley Lawyer* section of our SFVBA website.

The Bar's commitment to creating a more diverse and inclusive legal profession, by focusing on education and outreach programs for the San Fernando Valley community, is the reason I take great pride in serving as a member of the SFVBA staff. It is an honor to be employed by an organization that genuinely values diversity. 🙌

Have an exhilarating year!

Angela M. Hutchinson



Case Settled!

BRIAN GHIGLIA MEDIATOR

- Personal Injury
- Business
- Insurance
- Commercial
- Employment
- Professional Negligence

Call me to discuss your case!
(818) 758-1900
(800) 616-4000
www.westcoastmediations.com

Serving Southern California and beyond!

GROSSLIGHT INSURANCE, INC.

Superior service and quality products for your law firm

LAWYERS' PROFESSIONAL LIABILITY

ALL AREAS OF PRACTICE
SMALL & LARGE FIRMS
FULL TIME & PART TIME
IN-HOUSE COUNSEL
"A" RATED CARRIERS
NO BROKER FEE
NO MEMBERSHIP REQUIRED

(310) 689-5325

ADDITIONAL PRODUCTS FOR BUSINESS & HOME

BUSINESS OWNERS' PACKAGE
WORKERS' COMPENSATION
EMPLOYMENT PRACTICE LIABILITY
UMBRELLA
FUDICIARY BONDS
EMPLOYEE BENEFITS
AUTO/BOATS/YACHTS
HOMEOWNERS' / CONDO OWNERS'

(310) 689-5344

SINCE 1950

1333 WESTWOOD BOULEVARD . LOS ANGELES, CA 90024
LICENSE NO.0247283

BANKRUPTCY. DON'T LET YOUR CLIENT'S PROBLEM END UP BEING YOURS.

Looking for advice on a bankruptcy case? With over 25 years of experience, more than 1,000 referral sources and the ability to serve most Southern California areas, Andrew Goodman isn't just an expert - he's the solution.

The Law Offices of Andrew Goodman

200 North Westlake Boulevard, Suite 202 • Westlake Villages, California 91362
805-379-2010 • agoodman@andyglaw.com • www.agbankruptcylawyer.com

The Risks and Rewards of Calendaring for Small Firms

BY JOSEPH C. SCOTT, J.D.

FOR ATTORNEYS THROUGHOUT the San Fernando Valley, the court calendar represents one of the most difficult aspects of law firm management. Ensuring that every attorney and staff member meets every deadline for every matter involves an enormous amount of time and effort. But if law firms fail to invest those resources, the results can be devastating to both attorneys and clients. According to the American Bar Association, calendar/deadline-related errors are the leading cause of legal malpractice claims.

In its most recent report, the ABA found that 16.63 percent of legal malpractice claims were due to not knowing or properly responding to legislated dates. Calendar causes for malpractice include: 7.09 percent due to failure to know or ascertain calendar, 5.19 percent due to a failure to calendar properly, and 4.35 percent due to failure to react to calendar.

For most attorneys and staff, tracking down court dates, properly entering them into the firm calendar and regularly checking those dates is a lengthy and tedious process. Large firms with comprehensive court rules-based calendaring programs enjoy an advantage, since most of the work is done automatically. For firms that are too small to justify the significant costs of a rules-based software package, the calendaring process has to be done manually. Someone at the firm, whether it is a lawyer or staff member, must research court dates via the Web, looking up information in relevant reference guides or through numerous telephone calls. Then, those dates must be entered into the firm-wide calendar, where errors can occur by failing to calculate dates precisely or by not correctly factoring in holidays.

The situation is less onerous for law firms that rarely practice in jurisdictions outside the Valley; but even firms that are very familiar with all of the rules at their local courthouses need to regularly check that dates have not been changed.

To help ease this burden, some smaller firms have adopted simple, non-legal specific calendaring programs. While such programs are an improvement over paper calendars, they can still leave lawyers open to calendaring errors. Even with an electronic calendaring program, someone at the law firm must first verify the dates for each relevant matter, calculate and input court dates by hand, and then enter them into the computer or

PDA. Deadlines must be constantly re-checked and, if the court or a rule change alters a deadline or court date, the entire process must begin all over again. The more complex the case, the more likely errors are to occur.

Fortunately for smaller firms struggling with the court calendar, there are now Internet-based, cost-effective options that do not require any new software or special training. Automated online deadline calculation technology can calculate relevant court dates and electronically populate calendars in seconds, while virtually eliminating the risk of human error. Such Web-based

eventually found itself dismissed by the client. In another case, a small New York law firm missed a deadline and tried to excuse its oversight by pointing out that one partner was serving in Iraq at the time, the other was in China adopting a baby and the firm's secretary had gone into premature labor. According to the court, none of these absences amounted to "excusable neglect," and the firm's error cost several malpractice claimants the opportunity to be compensated for damages.

In each of these cases, an automated deadline calculation method would have helped the law firms avoid the client's ire or court sanctions. With such online systems, attorneys can quickly and painlessly generate a complete list of court deadlines by entering only a few pieces of information, such as the area of law, court location and the date of an event, such as a trial. With that initial information, the deadline calculation service produces a full list of deadlines.

This information can then be printed, downloaded directly to the user's desktop calendar, such as Microsoft Outlook, or sent via email and uploaded into attorneys' PDAs.

Such deadline calculation services also address a major concern for those who oversee the court calendar – a changing court date. The most sophisticated programs will automatically send out email notifications with a convenient link to run new searches for updates to court rules. Rather than taking the time to continuously check and re-check dates, the process is done with virtually no effort by those at the law firm.

Instead of scrambling to stay on top of the court calendar, attorneys at smaller firms can master the task with only an Internet connection. These services save time and reduce errors, while protecting clients and law firms alike from the dangers of missing a crucial deadline. ▲

Joseph C. Scott is an attorney and Vice President/General Manager of CompuLaw, LLC and Deadlines On Demand, LLC, the premier online rules-based deadline calculation service, located at www.deadlines.com. He can be reached at jscott@compulaw.com.



Joseph Scott will explore Calendaring as a Risk Management Strategy at the SFVBA's 12th Annual MCLE Marathon on January 16, 2009 at Pierce College.

technology offers reliable docketing information that includes actual court rules. This information can then be downloaded into a calendaring program to create accurate deadlines for filing legal documents with the court and opposing parties. With many of these applications, court dates can be accessed through any Web browser on a pay-per-use basis, and the jurisdictions available cover a wide range of geographic and practice areas.

The Trouble with Calendars

As lawyers know all too well, the ramifications of missing a court date can be devastating to the client's case. And anything that negatively impacts the client can also cause significant issues for the attorney and the firm involved in the case. In the worst case scenario, a judge could toss out a case, which can promptly lead the client to file a malpractice lawsuit. In the "best-case" scenario, a missed deadline is embarrassing to lawyers and reflects badly on their clients.

In one case, a San Francisco law firm missed a court deadline by a full month because of an error in calculating a deadline; a calendaring clerk thought the firm had 60 days to file an appeal, when the deadline was actually 30 days. Fortunately for the firm, the appeals court excused the missed deadline. However, a Chicago-based law firm was not so lucky. After missing a court deadline, the firm

The 9 to keep in mind for 2009!



**Hon.
Dzintra
Janavs
(Ret.)**



**Hon.
Coleman
Swart
(Ret.)**



**Hon.
Alexander
Williams III
(Ret.)**

Also Available



**Hon.
James
Albracht (Ret.)**



**Linda Bulmash,
Esq.**



**Hon.
David
Horowitz (Ret.)**



**Leonard Levy,
Esq.**



**Myer Sankary,
Esq.**



**Hon.
Thomas
Schneider (Ret.)**

Conference Rooms



Lucie Barron, President
1900 Avenue of the Stars
Suite 250
Los Angeles, CA 90067



t 310.201.0010
f 310.201.0016
www.adrservices.org

IMMIGRATION LAW AND EMPLOYER SANCTIONS

Tasoff and Tasoff

Founded 1949

Certified Immigration
Law Specialist

California Board of
Legal Specialization

Former Immigration
Judge and
Law Professor

(818) 788-8900

16255 Ventura Boulevard, Suite 1000

Encino, California 91436-2302

Fax: (818) 788-5900

E-Mail mail@Tasoff.com

L.A. EXPRESS APPRAISALS

Patti Kraakevik:

Licensed General

Certified Appraiser

25+ years experience

Federal Estate Tax - Estate Tax Planning, including Gift Taxes
Single Family Residences - Apartment Buildings
Condos - Commercial/Industrial Buildings
Business Valuations - Discount Analysis

Located in the Encino Law Center

15915 Ventura Boulevard, Suite 303

Encino, California 91436

Tel: 818.343.7802 • 310.832.5211 Fax: 310.831.6954

CA Lic. # AG016568



Honoring Jurists on Both Sides of the Hill

By Adam D.H. Grant

AT THE 2009 JUDGES' NIGHT DINNER, THE SAN Fernando Valley Bar Association will honor judges from both "sides of the hill." This year, the Bar will recognize significant contributions by a state judge for his tireless efforts at the San Fernando courthouse and a federal judge for his life-long achievements in the U.S. Bankruptcy Court, Central District.

Judge Ronald Coen has been selected as the San Fernando Valley Bar Association's Judge of the Year. Justice Barry Russell has been selected as the recipient of the Stanley Mosk Legacy of Justice Award.

This year's dinner will be held at the Woodland Hills Hilton on February 19, 2009. Cocktails and socializing will begin at 5:30 p.m.; dinner and program will begin at 6:30 p.m.

When asked to speak, Judge Ronald Coen often delivers his words in an easy manner, including a blend of personal experience and dry wit. Judge Coen even admits to once being a long-haired hippie type and leading a strike at Cal State Northridge in 1970. Today, Judge Coen, who specializes in death penalty cases, is tough on criminals.

In the recent past, he sentenced a retired teacher and former Los Angeles County Sheriff's Deputy to 25 years-to-life in prison for the murder of his wife. He is equally forthright with the jurors who serve in his San Fernando courtroom. He has been heard often telling jurors, "My courtroom is your courtroom...come visit and see it work."



Tamila Jensen, the Bar's current President, remarked, "We are pleased to honor Judge Coen. His involvement with the San Fernando Valley from the bench and throughout the community has motivated many attorneys. We look forward to a wonderful evening."

Seymour Amster, a member of the Executive Committee for the SFVBA Board of Trustees and long-time criminal defense attorney stated, "Judge Coen is an excellent selection for Judge of the Year. He is one of the finest jurists in the San Fernando Valley. He has had an impact on judges state-wide due to his instruction on death penalty cases."



Since 1974, Justice Barry Russell has provided reasoned rulings and scholarly opinions for the United States Bankruptcy Court. Justice Russell served on the Bankruptcy Appellate Panel and guided the panel as its Chief Justice. From 2003 to 2006, Justice Russell also served dutifully as the Chief Judge of the Bankruptcy Court, Central District.

Justice Russell has literally wrote the definitive book on bankruptcy evidence.

As a member of MENSA, Justice Russell is sure to share some pearls of wisdom as he accepts the award. 🐘

Adam D.H. Grant, a principal with Alpert, Barr & Grant, APLC, has nearly 18 years of legal experience, focusing on all forms of civil litigation, including construction, real estate, commercial, general liability and employment. He is a Trustee and Chairman of the SFVBA Programs Committee.



www.sfvba.org

Now Available Exclusively at ARC

HON. ROBERT A. SCHNIDER

Los Angeles County Superior Court, Retired



One of the state's most experienced Family Law jurists, **Judge Robert Schnider** spent nearly three decades assigned to the court's Family Law Department in the Central District. He handled thousands of settlement conferences and regularly made rulings in high-profile custody, paternity and other disputes involving celebrities such as Michael Jackson, David Hasselhoff, Kim Basinger and Anna Nicole Smith.

Judge Schnider resolves Family Law disputes of all types, including those involving custody, visitation, move-away, property and support disputes, and elder abuse.

Amy Newman, President • Steven Davis, Esq., CEO

Complete profiles at www.arc4adr.com

CENTURY CITY • 310.284.8224

1875 Century Park East • Suite 450 • Los Angeles, CA 90067

DOWNTOWN • 213.623.0211

700 S. Flower Street • Suite 415 • Los Angeles, CA 90017



ARC – Providing Conflict Resolution Services Since 1987

SEYMOUR I. AMSTER

Attorney at Law



- Member of the SFVBA Board of Trustees since 2002
- Experienced in handling Appellate, Federal and State Criminal Cases
- Certified Criminal Law Specialist, Certified by the Board of Legal Specialization of the State Bar of California

6320 Van Nuys Boulevard, Suite 300
Van Nuys, CA 91401

(818) 947-0104 FAX: (818) 781-8180
siaesq1@aol.com

RICHARD F. SPERLING, ESQ.



- Complex, contested, and collaborative family law matters
- Mediations
- Member, *Los Angeles Collaborative Family Law Association*
International Academy of Collaborative Professionals
- Professor of Law:
Southern California Institute of Law
California State University, Northridge

Sperling & Associates

5743 Corsa Avenue, Suite 116

Westlake Village, CA 91362

(818) 991-0345 • sperlinglaw@hotmail.com

Sometimes numbers are the only prints left behind.

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

Chris Hamilton, CPA, CFE, CVA

805.306.7890

www.arxisfinancial.com

chamilton@arxisgroup.com

ARXIS

FINANCIAL, INC.

FORENSIC ACCOUNTING

BUSINESS VALUATION

FRAUD ANALYSIS

SAN FERNANDO VALLEY BAR

A s s o c i a t i o n

founded in 1926

12th Annual MCLE Marathon

SFVBA Members Earn Up To 12.5 Hours Of MCLE For Only \$149!

Two-Day Seminar to help attorneys meet the requirements of minimum continuing legal education mandated by the State Bar of California.

Co-sponsored by

The Law Offices
of Alice A. Salvo



THOMSON REUTERS



**DEADLINES
ON DEMAND**
a CompuLaw company

January 16 and 17, 2009

Pierce College
Student Community Center's
The Great Hall
6201 Winnetka Avenue
Woodland Hills

January 16, 2009

▼ 9:30 a.m.

Calendaring as a Risk Management Strategy

Joseph Scott
Deadlines on Demand
1 Hour MCLE (Legal Ethics)

▼ 10:30 a.m.

Mediators' Panel

Judge Michael Hoff, Ret.
Judge Bruce Sottile, Ret.
Judge Ruth Essegian, Ret.
Alternative Resolution Centers
1 Hour MCLE

▼ 11:30 a.m.

Is That Malpractice?

William Holden
Wells Fargo Insurance Services
1 Hour MCLE (Legal Ethics)

▼ 12:30 p.m.

Lunch Break

Box Lunch Will Be Provided

▼ 1:30 p.m.

Bias in the Legal Profession

Judge Michelle Rosenblatt
Los Angeles Superior Court
1 Hour MCLE (Elimination of Bias)

▼ 2:30 p.m.

After the Gold Rush: Issues in Residential Property Sales Transactions and Legal Update

Mark Loeterman
Alternative Resolution Centers
1 Hour MCLE

▼ 3:30 p.m.

Nuts and Bolts of Estate Planning

Alice A. Salvo
Law Offices of Alice A. Salvo
1.5 Hours MCLE

January 17, 2009

▼ 9:30 a.m.

Deposition Strategies in Today's Electronic Age

Jason Primuth
Thomson Reuters LiveNote/RealLegal
1 Hour MCLE

▼ 10:30 a.m.

Playing It Safe: How to Avoid Bar Discipline

Professor Robert Barrett
University of West Los Angeles
School of Law
2 Hours MCLE (Legal Ethics)

▼ 12:30 p.m.

Lunch Break

Box Lunch Will Be Provided

▼ 1:30 p.m.

Mortgage Meltdown

Mark Blackman
Alpert, Barr & Grant APLC
1 Hour MCLE

▼ 2:30 p.m.

Intellectual Property 101

John Stephens
Sedgwick, Detert, Moran & Arnold LLP
1 Hour MCLE

▼ 3:30 p.m.

Prevention of Substance Abuse

Greg Dorst
The Other Bar
1 Hour MCLE
(Prevention of Substance Abuse)

Registration

Name _____

Firm _____

Address _____

City, State, Zip Code _____

Phone _____

Fax _____

E-Mail _____

State Bar No. _____

Bar Admission Date _____

	Member	Non-member
▽ 2-Day Seminar	\$149	\$359
or		
▽ Friday, January 16	\$89	\$199
▽ Saturday, January 17	\$89	\$199
or		
▽ Per CLE Hour	\$25	\$50
✓ (Class Attending)		
▽ Late Registration Fee	\$40	\$60
(Pre-Registration Deadline is January 9)		

(Includes written materials and refreshments)

Total Enclosed: \$ _____

Credit Card Payment

_____ - _____ - _____

Credit Card No. _____

Expiration Date ____ / ____

Signature _____

Cancellations must be received by January 9, 2009; no cancellations will be accepted after January 9, 2009.



DIVERSITY IN THE LEGAL SYSTEM

By Angela M. Hutchinson

*Review the Diversity Survey on
the SFVBA Website.*

REACHING TRUE DIVERSITY IN THE system is at its worst with gender, ethnic, cultural, religious and economic exclusion and bias. One year ago, the San Fernando Valley Bar Association formed a Diversity Committee to create a more inclusive legal profession by actively developing and participating in programs designed to improve diversity.

In an effort to explore diversity within the law, the Diversity Committee found a Diversity Survey which was created by the Missouri Bar Association. This is available at www.sfvba.org/memberresources/pdfs/Gender_Justice_Survey.pdf. We are not asking our members to take the survey, but members may choose to review it and consider how personal actions and perceptions affect diversity. Being aware of exclusion is a critical step to improving diversity.

A. Hillary Grosberg, one of the Diversity Committee's members, speaks to *Valley Lawyer* about her thoughts after reviewing the diversity survey. Grosberg specializes in business and real estate litigation, probate, estate planning and the representation of creditors.

Q&A WITH SFVBA MEMBER



A. Hillary Grosberg

Q: How did the Diversity Survey impact your thoughts on diversity?

A: It made me go "HMMM." As I completed the survey, I found myself giving serious thought to my reactions and when my behavior might be part of the "problem" (exclusive) and when it might be part of the solution (inclusive). I read the survey a few questions at a time and asked myself: Do my actions and beliefs help or hurt? What can I do in my everyday life that makes our judicial system fair to all? I'm not thinking grand effects. If each of us affects our own small circle professionally and personally, the effects will ripple.

Q: Did any questions surprise you, where you did not recognize a diversity issue?

A: Yes. Even so, these questions made me think that perhaps I was missing something that someone else would recognize as a diversity issue. As a result, I will be more aware and look to be part of the solution. As we engage with lawyers, clients, jurors, employees of law offices, judges, court personnel, litigants and the families of all these people, can we do something that helps create less bias.

Q: How is the survey structured?

A: There is an introduction aimed at an audience who would be answering the survey. Members may want to print the 30-page survey or download it in order to digest it in bits and pieces as time permits.

Q: From each of the nine sections, what questions or topics stood out most?

A: *Background* asks the percent of your clients who are female or members of a racial/ethnic minority. Those questions gave me pause to consider accessibility issues. Other questions dealt with equal compensation for men and women and racial and ethnic minorities and equal chances to be hired and rise in law firms. There must be something in our everyday existence each of us can do to improve the gap – even just the recognition is a step.

Judicial Selection deals with whether diversity is a plus on the bench. How do you really feel? Also discussed is whether judicial appointment is as blind as justice should be.

Access to the California State Courts asks about who can pay a retainer and who are your (intended) pro bono clients.

Court Treatment has several questions about how the courts treat the lawyers, litigants, jurors, court personnel and what you might do if you witness inappropriate treatment by someone in the courtroom. As a litigator, this section was a huge "Hmmm" for me.

Family Law deals with the treatment of the parties in many of the issues arising – support, division of property, custody and attorneys' fees. If you practice family law, you will have "Hmmm" after "Hmmm" after "Hmmm".


Domestic Violence presents several interesting issues about the access by the unrepresented and how the purported victim and purported aggressor. Both civil and criminal attorneys will find much to consider.

Criminal Law questions the decision to prosecute, bail, sentencing, where one is incarcerated and issues faced by those involved with charges of sexual assault. Must reading for criminal attorneys.

Juvenile Law involved issues dealing with our troubled youth and their families. Just reading the questions opened my eyes to problems that never entered my thoughts.

Law Firm Treatment questions the everyday internal actions in law firms such as the treatment of staff and comments made in the hallways, so to speak.

Q: How can attorneys contribute to enhancing diversity in the legal profession?

A: All of us have something to offer in moving to a more diverse legal profession and the smallest of acts ripple outward to the larger circle, just like the ripple effect of the stone in the river. For those of us who have been practicing over 20 years, we can say we have seen great strides, but have the perspective to see the road to the goal. For newer practitioners, progress continues and hopefully, you too will see great the continuation of improvement and learn more about the history and evolution of diversity in the legal profession. 

The Law Goes Open Source

A new breed of online services is putting the law within the reach of everybody



By Daniel Fisher

First published by Forbes Magazine on June 30, 2008



PHILIP ROSENTHAL AND Edward Walters were young lawyers at Covington & Burling, a prestigious Washington firm, when they got an unusual request from a large corporate client to start looking up legal case histories on the Internet. The client was fed up with paying the firm's stiff bills for legal research.

At first they were shocked. Rosenthal and Walters were used to racking up hours on the online research services lawyers snidely call Westlaw, after Westlaw, a unit of Canada's Thomson Reuters, and LexisNexis, owned by Anglo-Dutch publishing conglomerate **Reed Elsevier** (nyse: ENL - news - people). Big law firms pay as much as \$4 million a year for access to Westlaw and Lexis.

This was in 1999. When the two lawyers started trolling for cases on the Web, they noticed courts around the country were beginning to post filings online. Why pay Westlaw and LexisNexis so much for documents that were already in the public domain?

"The courts produce this stuff at taxpayer expense, it gets shipped to these foreign companies for free and then they charge us to read it," says

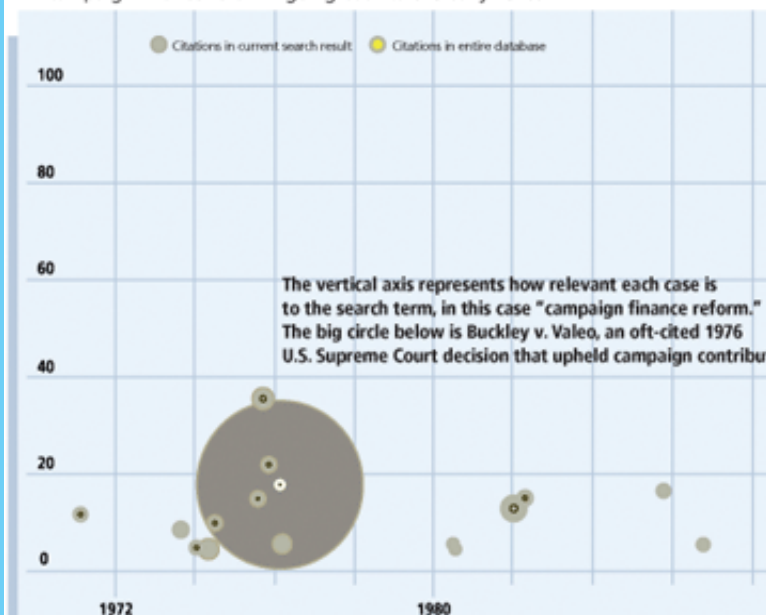
Rosenthal, a Caltech-educated physicist who graduated from Harvard Law School.

"I thought, 'This is completely stupid. I've got half a mind to start the alternative to Lexis/Westlaw,'" adds Walters, who attended law school at the University of Chicago and was once a speechwriter for George H.W. Bush.

Eight years and \$7 million later Rosenthal and Walters have their alternative, an online legal-research service called Fastcase. It uses computer algorithms to perform all the case indexing now done by the thousands of human editors at Westlaw and Lexis. Operating out of a slightly seedy Washington office building, Fastcase brings in less than \$10 million a year in

A New Way of Looking at the Law

For centuries lawyers have ranked cases by how often other cases cite them, much to the chagrin of the legal system. Fastcase, an online legal database, is creating new tools like this "bubble" view. Here's a "campaign finance reform" going back to the early 1970s.



revenue, hardly a threat to the Westlaw duopoly, which last year roughly split a combined \$1.6 billion in pretax profit on sales of \$6.5 billion.

Disruption is in the air, however. Fastcase sells bulk memberships to state

bar associations for as little as \$2 per member per year, a compelling reason for law firms to at least try it out. Just as cheap personal computers undermined the mainframe business in the 1980s and open-source programs like Linux and Mysql are challenging Microsoft (nasdaq: MSFT - news - people) and Oracle (nasdaq: ORCL - news - people) today, outfits like Fastcase are attacking Lexis' stranglehold on legal research from the bottom up.

A mix of for-profit and not-for-profit firms have missions similar to Fastcase's, including PreCydent, Public.Resource.org and Collexis Holdings' Casemaker division. They are assembling a digital version of the collections that fill miles of shelves at law libraries across the country.

What people will do with it is anybody's guess. Public.Resource.Org is the brainchild of Carl Malamud, a data-access advocate who in the mid-1990s started putting filings from the Securities & Exchange Commission

With the help of influential backers like Ebay founder Pierre Omidyar's foundation, Malamud's Public.Resource.Org is filling up a 24-terabyte Sun Microsystems (nasdaq: JAVA - news - people) server with case law going back to 1754. (That's a lot of bytes, enough to type out 12 million novels.) Malamud bought some data from Fastcase while building his service, which is available for free on the Web.

"If we do it and do it right, there are 100 other people who will copy our data and use it in interesting ways," Malamud says.

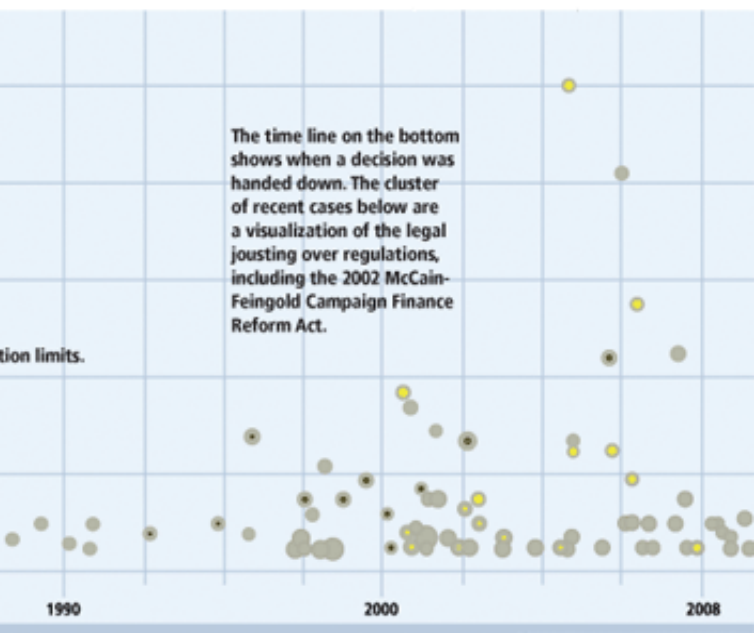
Bigger law firms will continue to use Westlaw and Lexis for a long time. The established vendors have the most current and comprehensive databases, and, says Thomas Fleming, lawyers know them best. Fleming oversees the research department at 150-attorney Jeffer Mangels Butler & Marmaro in Los Angeles. His firm uses Fastcase for quick searches and to cross-check citations, but he says it has a

"phenomenal niche" serving smaller firms that can't afford Lexis.

Those who would unseat Lexis have the arduous task ahead of digitizing all of the court records still in books. Optical scanning systems have a 98% accuracy rate, which means an unacceptable 40 errors per page. So Fastcase and others are paying Indian data-entry firms 40 to 60 cents per 1,000 characters to "triple-key" the books into digital form, with three typists entering the

text and a computer picking the version at least two agree upon. Malamud estimates it will cost \$6 million to digitize all 10,000 books covering the entire history of district, appellate, Supreme Court and

the way Google ranks Web site search results.
are the results of a search for case law on



online for free. The SEC later took up his idea and created the Edgar online service for accessing filings. Malamud prodded the U.S. Patent & Trademark Office to do the same with patents in 1998.

We provide solutions.

23 Years of Professional Service

**Locates
Asset
Investigations
Background
Investigations
Personal Injury**



Ken Shigut
Lic. # PI 14084



SHORELINE
Investigations

The Power of Knowledge.

www.shorelinepi.com

800-807-5440

bankruptcy law. The Indian typists have to leave out the editors' notes in the Westlaw or risk copyright infringement.

Another tricky task will be training computers to determine whether a holding in a case has been overruled or altered by a subsequent decision. The army of lawyers and editors at Westlaw and Lexis do this now, coding cases with helpful symbols like red flags to warn lawyers that a particular section of a case is no longer valid. "In the free-

case world, it's all probably there, but is there a way to relate one case to another?" asks

Richard King, chief operating officer of Thomson Reuters' West division.

Working in the open-sourcers' favor is the fact that what lawyers do for

a living is quite similar to what Google (nasdaq: GOOG - news - people)'s software algorithms do with Web sites.

Lawyers prepare cases by looking through old court decisions to find arguments that will help their cause. Then they rank those cases according to a well-established hierarchy. Decisions that have been cited frequently by other judges are considered more reliable than ones that nobody cites. Appeals courts rank higher than trial courts. Recent decisions trump old, stale ones. Google's servers use similar logic, ranking Web sites according to how

analyst at Outsell, a market research firm that tracks the legal information business.

Fastcase, with seven full-time programmers, is working on new ways to display data, including a four-dimensional chart that sorts cases by relevance and time (*see chart*). Type in "abortion" and "privacy," for example, and Fastcase displays a field of circles, with the largest at 1973: *Roe v. Wade*, the U.S. Supreme Court decision that

legalized abortion. Click on the circle and the case is displayed, with hypertext links to other cases cited within it.

This is a fundamental break from the way legal research has

***The San Fernando Valley Bar Association
offers Fastcase as a free service
to all SFVBA members. Click on the Fastcase
logo at www.sfvba.org to enjoy unlimited
usage, unlimited customer service and
unlimited printing, all at no cost.***

many other sites link to them and how lofty the referring sites are in the ranking.


The similarity struck Thomas Smith, a professor at the University of San Diego School of Law, a few years ago. Thomas got LexisNexis to share data on millions of court citations, and with the help of mathematician Antonio Tomarchio, he showed that citations display a highly skewed distribution, similar to that of links among Web sites or the likelihood that top movie stars will appear in a film together. Out of 4 million cases he studied, 400,000 weren't cited at all, and 773,000 were cited only once. Only 0.3% had been cited more than 500 times.

Smith and Tomarchio used this knowledge to develop a free search engine called PreCydent. In recent tests Smith and others have shown that PreCydent turns up those cases legal experts consider the most authoritative more reliably than any of the existing legal-research services.

"These little guys [Fastcase and PreCydent] are throwing a lot of Internet technology at the problem, and they may be getting close to replicating human analysis," says David Curle, an

been performed since the mid-1700s, when Sir William Blackstone revolutionized the practice of law by putting English common-law cases into categories. A century later Westlaw founder John West began collecting U.S. court decisions as they were issued and compiling them in volumes he called "reporters," so lawyers could keep track of the law as it evolved. Many courts still require lawyers to use the West volume and page numbers in their citations.

The Ohio Bar Association built the first large-scale computer legal research system in the late 1960s, using technology developed for the U.S. Air Force. That system later became LexisNexis. Both Westlaw and LexisNexis still index cases according to preset legal topics, lumping them into categories in much the same way as Blackstone did. "I think of it as pre-computer technology," says Fastcase's Walters. "Pull a book off the shelf and see how your point of law fits into their outline."

Tradition may be an obstacle now, but never underestimate what smart programmers and a lot of cheap processing power can do. 

PROCEDURALAW

Stephen N. Johnson
(Former Court Filing Clerk)

15 Years of Experience

- Word Processing
- Managing Discovery
- Transcription
- Calendaring/Tickler
- Completing JC Forms
- State & Federal Filing
- E-Filing
- Accounting/Bookkeeping
- Timeslips/Time Matters, etc
- Scanning/Imaging
- PI/PD/PL/Civil/WC
- Some Troubleshooting

(818) 270-4738
www.proceduralaw.com

The San Fernando Valley Bar Association Presents

FREE COMPREHENSIVE FEDERAL & 50-STATE LEGAL RESEARCH

A \$995 value - free to all members of the SFVBA.

Join over 290,000 attorneys who have
Fastcase for their online legal research.
Log in today at sfvba.org.

(click on the Fastcase logo to log in)



Get free CLE credit just by attending our free training webinars! See our webinar announcements and more at <http://fastcase.blogspot.com/search/label/announcement> or call 866-77-FASTCASE (866-773-2782).

MCLE ARTICLE AND SELF-ASSESSMENT TEST

By reading this article and answering the accompanying test questions, you can earn one MCLE credit.

To apply for the credit, please follow the instructions on the test answer form on page 23.

Sex Crimes and Deviants



By Louisa Pensanti

DEFENSE OF SEX AND deviant crimes is a growing trend in criminal law since new laws pertaining to sex deviancy have emerged. Scandalous revelations among Roman Catholic clergy as well as lay folk vividly humiliated on NBC's *Dateline* show, "To Catch A Predator," have provoked a public outcry that society is suffering a sex-perversion epidemic. The *Dateline* show caught America's fascination with the humiliation of adult males seeking sexual gratification from underage females. Based on the show's ratings one might presume that our neighborhoods harbor numerous convicted sex perverts poised to strike at our children at any moment.

How fascinating was NBC's "reality" exhibit of pathetic males who responded to an Internet chat-line "manned" by imposters, actual adults posing as under-aged females hungering home alone to meet a grown man for sexual pleasure. These poseurs were members of Perverted Justice, a vigilante group of assorted evangelicals from Texas, copywriters from

Wisconsin, and even – according to *Rolling Stone* magazine – 20-something geeks and gamers involved in the greatest online game they ever played. Via Yahoo!, AOL and MySpace they enticed adult males to a hidden-camera-laden home where a barely pubescent-looking adult, in most cases female, preyed upon the predator by demurely inviting him to wait a few minutes while she coyly carried a basket of laundry and called out that there was some "sweet tea" waiting on the kitchen counter.

After *Dateline*'s host Chris Hansen walked onto the "set" and asked "What are you *doing* here?" the men typically cringed, cowered, bolted, and ran in various postures while Chris Hansen repeated his mantra, "Do you know who I am? I am Chris Hansen of *Dateline NBC*." As every viewer knows, the men desperately fled the house but, in a theatrical climax, they were tackled, pinned, and cuffed by police officers who had been lying in wait. If convicted, those charged would face attempted sexual assault sentences ranging from probation to ten years

in prison as well as being required to register as sex offenders for life. All this without an actual victim!

Recent laws against online predators have become increasingly harsh: Internet solicitation of a minor is now a crime in a majority of states, regardless of whether an actual minor is involved. By this year the country's convicted sex offenders – including those who never met an actual minor – will be required by the new federal Adam Walsh Act to be listed on a national registry of sex offenders. There, on an easily accessed nationwide map, their photos and home addresses will appear next to sentences, aliases and whether or not a computer was used in their offense.

Twenty-four states, including California, now ban sex offenders from living near all sorts of public places – schools, parks, day-care centers and bus stops – effectively forbidding them to live in most cities. Moreover, some states, for example, California, require some sex offenders to submit to GPS monitoring for the rest of their lives.

Manufactured Crime

Anti-predator sting operations involving decoys outnumber actual crimes involving real victims. The problem began when *To Catch A Predator*, Dateline estimated that there were 50,000 predators online at any moment - an estimate that was never verified or confirmed by one shred of evidence. But a study conducted by the University of New Hampshire estimated that there were fewer than 2,900 arrests for online sexual offenses against minors in a single year. What is really fascinating is that only 1,152 actual victims - not decoys - were approached by strangers on the Internet; more than half this number was actually cops posing as kids.

This public frenzy about online strangers has diverted attention from the real source of child sex abuse: relatives and acquaintances. According to the Bureau of Justice Statistics ninety-three percent of perpetrators of child sexual abuse are known to the child. The fanatical focus on "stranger danger" makes people less suspicious of those they know like relatives, acquaintances, coaches and clergy.

California Sex Offender Management Board

Governor Arnold Schwarzenegger signed Assembly Bill 1015 on September 20, 2006 creating the California Sex Offender Management Board. Introduced by California Assembly Members Judy Chu and Todd Spitzer, that bill had passed the California Legislature with nearly unanimous bipartisan support. The Board's website states that there are 88,000 identified sex offenders (*per U.S. Department of Justice, August 2007*). But currently the California Department of Corrections and Rehabilitation supervises only about 10,000 of those 88,000 - and of those 10,000, only 3,200 have been designated as High Risk Sex Offenders (*CDCR Housing Summit, March 2007*).

The Board's web site also agrees that, "While it is commonly believed that most sexual assaults are committed by strangers, the research suggests that the overwhelming majority of sex offenders victimize people known to them; approximately 90 percent of

child victims know their offenders, as do 80 percent of adult victims [per Kilpatrick, D.G., Edmunds, C.N., & Seymour, A.K. (1992) *Rape in America: A Report to the Nation*. Arlington, VA: National Victim Center].

Crime in California in 1953

The following article appeared 56 years ago in *Time* magazine on Monday, March 2, 1953:

When two particularly gruesome sex murders occurred in California in 1949 and 1950, there was a statewide outcry that all sex offenders should be locked up for life, sterilized or even executed. California decided to go slow on new legislation and find out some facts, e.g.: How common are sex crimes? Who commits them? And why? Last week, after three years of study, a team of researchers at the University of California's Langley Porter Clinic, headed by famed Psychiatrist Karl M. Bowman, turned up some of the answers.

Nobody can estimate how many sex "crimes" are actually committed, the researchers concluded, but in recorded court cases, the investigators could find

no evidence of a great wave of sex crime, or that "sex fiends" were everywhere on the prowl. Serious sex offenses made up one-tenth of all the criminal cases tried in the superior courts. The fact finders considered the commoner misdemeanors (such as exhibitionism and peeping) as "socially offensive but non dangerous."

No Deterrent. It would do no good to enact still harsher punitive laws, the researchers suggested, because the people who are going to commit sex crimes are so emotionally disturbed that they do not count the possible cost. Unhappily, there is no sure way to spot them before they go wrong. But the courts are making more use of the state's "sex-psychopath law," which provides psychiatric treatment for convicted offenders. And they rarely repeat their offenses after they get out on parole.

Today: Proposition 83 - Jessica's Law

On November 21, 2008, a ruling by the Fourth District Court of Appeal in Santa Ana was the first by a California court to find that the residency

STRUGGLING WITH RISING HEALTH INSURANCE PREMIUMS?

Looking for ways to manage and control one of your biggest expenses?

- ALTERNATIVES TO STATE BAR BX PLAN
- HEALTH SAVINGS ACCOUNT DESIGN
- SFVBA MEMBER
- FIRMS OF 2 TO 250 MEMBERS
- DISCRIMATORY MEDICAL EXPENSE PLANS

CALL TODAY
1-800-914-3564
extension 12

We're one of Los Angeles' leading employee benefit brokers, currently insuring dozens of law firms statewide. Ranked as a "Top 50" Anthem Brokers statewide! (This item is too expensive to leave to inexperienced advisors.)

We can show you how to minimize your health insurance costs, and minimize the out-of-pocket expenses for you and your employees, no firm too small.



16255 Ventura Boulevard / Suite 320
Encino, California 91436 / www.corpstrat.com
info@corpstrat.com / CA Lic. # 0C24367

ABOVE THE LAW,

By Marc Jacobs



restrictions in Proposition 83, a November 2006 initiative, are not just public safety measures but also would punish ex-offenders by forcing them out of their homes.

Prop. 83, called Jessica's Law by its sponsors, imposes "traditional banishment under another name," the court said.

The United States Constitution forbids laws that retroactively impose criminal penalties or increase punishment for past offenses. The challenge to Prop. 83 before the state Supreme Court argues that the ruling should prevent the state from imposing the residency restrictions on parolees who committed sex crimes before the ballot measure passed.

The state now is applying the 2,000-foot buffer zone requirement to any former sex offender who has been paroled since Prop. 83 passed, even if the parolee committed a sex crime many years earlier and was serving a sentence for an unrelated crime. At least 2,000 parolees fall into that category, and the number is growing by hundreds each month.

"You can't criminalize conduct after it's already happened, can't increase the punishment, because everyone's entitled to notice of what's criminal now," Attorney Galvan said.

State law previously prohibited only convicted child molesters from living within a quarter-mile of a school. Prop. 83 makes most densely populated areas of California off limits to paroled sex criminals, including nearly all of San Francisco.

The state initially sought to apply the residency restrictions to all 90,000 registered sex offenders in California, but federal judges ruled that it did not cover anyone paroled before Prop. 83 passed.

The case pending before the state Supreme Court argues that the limits should be applied only to those who committed crimes against children.

Taking a Stand

Attorneys have a duty to the Constitution of the United States. Standing back and not fighting violations to the Constitution that are to be upheld is a breach of that duty. When individuals take a stand for justice, equality and diversity they are in fact standing for themselves. The point to understand is that one may not ever be in the majority but one will always belong to a minority of some sort – in thought, belief, opinion or expression. Therefore, unless one is prepared to defend the rights of others, their rights will never be secure.

The ancient Greek historian Thucydides puts it succinctly when he was asked when justice will come to Athens and he replied, "Justice will not come to Athens until those who are not injured are as indignant as those who are injured." 🐘

Louisa Pensanti is a private criminal defense attorney practicing in the Southern California Counties of Los Angeles, San Bernardino, Riverside, Orange, and Ventura and all Federal Courts. She can be contacted at LawLouisa@aol.com.



Open a
Signature Checking Account¹
and enjoy



Plus:

- Lifetime free check orders³
- One overdraft fee waiver yearly

Van Nuys Branch 6440 Sepulveda Blvd., Van Nuys, CA 91411 Tel: 818-988-6668

www.ibankunited.com

Member FDIC

1. Minimum opening balance is \$1,500. For details about Signature Checking Account, please refer to our "Consumer Account Agreement and Disclosures" and respective "Supplemental Terms and Conditions Disclosures." 2. The Visa® / PLUS® ATM Network provides universal ATM coverage through more than 1 million ATMs in 162 countries. A 1% conversion fee will apply to every foreign currency transaction. 3. Limited to corporate image style checks only.

©2008 United Commercial Bank®. All Rights Reserved.

MCLE Test No. 7

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

1. The California Sex Offender Management Board states that there are 88,000 identified sex offenders.
True
False
2. Approximately 10 percent of child victims know their offenders.
True
False
3. Proposition 83, called Jennifer's Law by its sponsors, imposes "traditional banishment under another name," the court said.
True
False
4. On November 21, 2008, a ruling by the Fourth District Court of Appeal in Santa Ana was the first by a California court to find that the residency restrictions in Proposition 38, a November 2006 initiative, are not just public safety measures but also would punish ex-offenders by forcing them out of their homes.
True
False
5. State law previously prohibited only convicted child molesters from living within a quarter-mile of a school.
True
False
6. Governor Arnold Schwarzenegger signed Assembly Bill 1115 on September 20, 2008 creating the California Sex Offender Management Board. Introduced by California Assembly Members Judy Chu and Todd Spitzer, that bill had passed the California legislature with nearly unanimous bipartisan support.
True
False
7. California Civil Procedure Section 1286 et seq. provides the exclusive grounds for the review of an arbitration award under California law.
True
False
8. Serious sex offenses made up one-fourth of all the criminal cases tried in the superior courts.
True
False
9. A study conducted by the University of New Mexico estimated that there were fewer than 2,900 arrests for online sexual offenses against minors in a single year.
True
False
10. Forty-four states, including California, now ban sex offenders from living near all sorts of public places – schools, parks, day-care centers and bus stops – effectively forbidding them to live in most cities.
True
False
11. Anti-predator sting operations involving decoys outnumber actual crimes involving real victims.
True
False
12. Defense of sex and deviant crimes is declining in criminal law since new laws pertaining to sex deviancy have emerged.
True
False
13. Recent laws against online predators have become increasingly harsh: child pornography is now a crime in a majority of states, regardless of whether an actual minor is involved.
True
False
14. In one year, more than 1,000 child victims were approached by strangers on the Internet; more than half this number was actually cops posing as kids.
True
False
15. By this year the country's convicted sex offenders who never met an actual minor will be required by the new federal Adam Walsh Act to be listed on a national registry of sex offenders.
True
False
16. When two particularly gruesome sex murders occurred in California in 1929 and 2000, there was a statewide outcry that some sex offenders should be locked up for life, sterilized or even executed.
True
False
17. Prop. 83 makes most densely populated areas of California off limits to paroled sex criminals, including nearly all of San Francisco.
True
False
18. NBC's Dateline show, "To Catch A Predator," showed that society is not suffering from a sex-perversion epidemic.
True
False
19. California requires all sex offenders to submit to GPS monitoring for the rest of their lives.
True
False
20. The focus on "stranger danger" may make children less suspicious of those they know, like relatives, acquaintances, coaches and clergy.
True
False

MCLE Answer Sheet No. 7

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:

San Fernando Valley Bar Association
21250 Califa Street, Suite 113
Woodland Hills, CA 91367

METHOD OF PAYMENT:

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

Credit Card Number _____ Exp. Date _____

Authorized Signature _____

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

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

ANSWERS:

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

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

Keeping Exempt Organizations Exempt*

*First published by California Lawyer magazine in July 2003, and updated for this article.

AT SOME POINT IN THEIR CAREERS careers, many attorneys are called on to assist their clients, friends, or some local volunteer group by securing tax-exempt charitable status under IRC §501(c)(3). Although many are willing to donate their time occasionally to a worthwhile cause, few have much experience in nonprofit law. Fewer still have more than a rudimentary understanding of the requirements of the formation and exemption process. And many practitioners simply do not realize that, with their well-meaning actions, they are cracking open a Pandora's Box of complex tax and legal issues that could leave them vulnerable to creating unwitting errors and omissions.

Consider the following scenario: An attorney formed a nonprofit organization, XYZ Charity, for a client interested in benefiting low-income Los Angeles residents. The attorney struggled through the arduous and time-consuming process of filing articles of incorporation with the secretary of state, Form 1023 with the IRS, and Form 3500 with the Franchise Tax Board (FTB) – all of which are required to attain XYZ's exempt status on the federal and state levels.

After responding to some IRS questions, XYZ's officers eventually received determination letters from the IRS and the FTB conferring tax-exempt status on the organization. Attorney and client were justifiably delighted. Since then, XYZ has been operating in the public interest, and the targeted low-income community in Los Angeles has been served well. And XYZ has also received substantial public donations over the years.

Attorney blithely assumes that all is well. But that assumption is shattered by a frantic call from the client informing the attorney that the IRS and the FTB are threatening to revoke XYZ's exempt status – and that the California Registry of Charitable Trusts (the Registry), a division of the California Department of Justice, has kicked off an investigation. The exempt status may be revoked because of a number of alleged compliance failures, including the charity's failure to file forms with the Registry, the IRS and the FTB.

To make matters even more grim, XYZ's president says he has just received an order to cease and desist from all fund-raising from the Charitable Services Section of the Los Angeles Police Commission, citing the organization's failure to file additional paperwork before beginning its activities in the city.

A chill runs down the attorney's spine when trying to recall what instructions were given to the client back in those hopeful days of seeking nonprofit status for XYZ. When the file is retrieved, the attorney is unable to find any notes or copies of any correspondence about any of these matters.

Ounces of Prevention

The hope is that this nightmare scenario will

never haunt those who form and advise private foundations and public charities. Complying with all federal, state and local governmental filing requirements is essential to retain exempt status and avoid severe penalties and other adverse consequences, both to the attorney who is involved and to the exempt organization.

In truth, attaining federal and state tax-exempt status reflects only the tip of the iceberg of compliance requirements. After that, a nonprofit organization must also satisfy a number of additional federal, state and local requirements – most of which are ongoing from year to year.

As part of the formation process, inform the client of all applicable federal, state and local filing and compliance requirements. Though there may be no legal obligation to continue rendering services to an exempt organization after it is formed, the standard of practice in nonprofit law requires attorneys to inform their clients about the additional compliance requirements. And for evidentiary purposes, it is always best to give these instructions in writing. Failing to provide such basic information may leave attorneys open to a legal malpractice action based on errors and omissions.

A Look at the Most-Often Overlooked

The adage that an ounce of prevention is worth a pound of cure is particularly relevant in nonprofit law. After the IRS, Registry or FTB begins an investigation of alleged compliance failures, it can be very difficult, time-consuming, and costly to backtrack and cure any deficiencies. The most significant and most often overlooked requirements for maintaining a charity's continuing exempt status are highlighted here.

File Form CT-1 with the Registry. Most nonprofit organizations, including corporations, associations, and trusts holding assets for charitable purposes or doing business in California and carrying out activities for the benefit of the public, are required to file a completed Form CT-1 with the Registry. Only corporations organized primarily as hospitals, schools or religious organizations are exempt from this requirement. Gov't C §12583.

Form CT-1, last revised in June 2007, must be filed in many cases long before the IRS issues the federal determination letter conferring exempt status. A copy of Form 1023 as filed with the IRS for exempt status must be submitted with Form CT-1. The deadline for filing is 30 days after the charity first receives assets such as cash or property donations. After receiving Form CT-1, the Registry will issue a state charity number. Many prospective donors may ask an organization for this number before agreeing to make a donation to it. There is no federal "Charity number" and exempt organizations are identified on the federal level by their employer identification number or "EIN."

Charity

By Marshall A. Glick

File Form RRF-1 with the Registry annually.

All charitable nonprofit corporations, associations, or trusts holding assets for charitable purposes that are required to register with the Registry are also required to file Form RRF-1 each year. Organizations must meet this requirement even though they did not receive any assets, have not filed Form 990 with the IRS, or are on extended reporting as described below.

A few California nonprofits are exempt from this filing requirement. They include governmental agencies; religious corporations; certain cemetery corporations; political committees; charitable corporations operated primarily as religious organizations, educational institutions, or hospitals; certain licensed health care service plans; and corporate trustees subject to the jurisdiction of the California Superintendent of Banks.

Form RRF-1 must be filed within four months and 15 days after the close of the organization's accounting period—either calendar or fiscal year-end. For example, a calendar year organization must file no later than April 15 of the following year. Although the regulations require filing for the most recent full accounting period, new organizations should also file within four months and 15 days of their initial accounting period rather than risk severe penalties for filing late.

According to legal strictures, no extensions are allowed for any Form RRF-1 filing, regardless of the circumstances. Failing to file on time each year – even for years in which there have been no charitable receipts and no assets – may result in the FTB revoking the exempt status and imposing a possible minimum tax of \$800, interest, fines, and filing penalties. Gov't C §12586.1. However, despite its own prohibition on issuing extensions, the Registry is currently processing late filed Form RRF-1's when there is good cause and an explanation of why the filing was late.

Though most nonprofit organizations normally need not pay a filing fee, a \$25 fee is required for accounting periods in which total assets exceed \$100,000.

File Form 990 (or 990-EZ or 990-N or 990-PF) with the IRS annually.

If the nonprofit organization is other than a church, a state institution, an instrumentality of the United States, a stock bonus, a pension or profit-sharing trust, or certain other excepted entity, and normally has gross receipts of \$25,000 or less, commencing with tax years ending in 2008 it must electronically file Form 990-N, Return of Organization Exempt From Income Tax. For tax years beginning in 2008, if an organization has gross receipts less than \$1,000,000 and total assets at the end of the year less than \$2,500,000, it may choose to file Form 990-EZ, Short Form Return of Organization Exempt From Income Tax,

instead of Form 990. For exempt organizations having gross receipts more than \$1,000,000 and total assets more than \$2,500,000, Form 990 (as revised for 2008) must be filed.

The following schedule sets forth the modified thresholds for filing Form 990-EZ during the transition period:

May file 990-EZ for:	If gross receipts are:	And if total assets are:
2008 Form (generally filed in 2009)	<\$1,000,000	<\$2,500,000
2009 (generally filed in 2010)	<\$500,000	<\$1,250,000
2010 and later Forms	<\$200,000	<\$500,000

An organization's gross receipts are defined as the total amount received from all sources during its annual accounting period without subtracting any costs or expenses. Private foundations continue to file Form 990-PF, but this soon may also change.

Organizations that receive a Form 990, 990-EZ, 990-N or 990-PF package, which the IRS generally mails to nonprofits as a matter of course, should file the return even if they are not required to do so, based upon the amount of their gross receipts for the applicable year. They should also check the box in the heading of the form to indicate that gross receipts are normally not more than \$25,000.

There is no filing fee for any of the 990-derived forms. The deadline for filing Form 990 (or one of its versions) is the 15th day of the fifth month after the organization's accounting period ends (i.e., May 15 for calendar year filers). If the regular due date falls on a Saturday, Sunday or on a legal holiday, filing should occur by the next business day. A business day is defined as any day other than Saturday, Sunday or legal holiday. Unlike Form RRF-1, the due date for Form 990 may be extended. The IRS grants an automatic three-month extension to those who file Form 8868, Application for Extension of Time to File an Exempt Organization Return, prior to the original due date. After that, Form 8868 may also be used to apply for one additional three-month extension if the original extension was insufficient and there is a showing of reasonable cause for the additional extension.

A common omission in filing is the inadvertent failure to attach Schedule A, Organizations Exempt Under Section 501(c)(3). Schedule A must be filed with Form 990 or Form 990-EZ if a 501(c)(3) organization is not a private foundation and has gross receipts exceeding \$25,000 for the reporting period.

Failing to file Form 990 and Schedule A on time, or filing incomplete or inaccurate documents, may result in a fine of \$20 a day, not to exceed the lesser of \$10,000 or 5 percent of the gross receipts of the organization for the reporting year. For larger organizations, with annual gross receipts exceeding \$1,000,000, the penalty for late, incomplete, or inaccurate filing is \$100 a day-with a maximum penalty of \$50,000 for any one return.

Form 990 is lengthy and complex, and an organization's accountants might be better equipped to prepare it. The attorney's

Elder Law & Nursing Home Abuse & Neglect

Law Offices of Steven Peck is seeking association or referrals for:

- 1) Nursing Home Abuse & Neglect (Dehydration, Bedsores, Falls, Death)
- 2) Financial Abuse (Real Estate, Theft, Undue Influence)
- 3) Trust & Probate Litigation (Will Contests, Trusts, Beneficiaries)
- 4) Catastrophic Injury (Brain, Spinal Cord, Aviation, Auto, etc.)

26 years experience

TOLL FREE **866.999.9085** LOCAL **818.908.0509**

www.californiaeldercarelaw.com • www.premierlegal.org • info@premierlegal.org

WE PAY REFERRAL FEES PURSUANT TO THE RULES OF THE STATE BAR OF CALIFORNIA

Coming to a **Mediation Near You.**

"Steve Mehta is ranked as one of the best mediators..."
Gerald Macrae

"[S]ettled...an unseizable case..."
Paul Bigley

"You have a rare gift to bring about a meeting of the minds..."
Kathryn DiCarlo

"This man is a miracle worker."
Adam Silverstein

 **Steve Mehta**
MEDIATIONS THROUGHOUT CALIFORNIA

**SUPERLAWYER
MEDIATOR 2005-2006**

VALENCIA
661.284.1818

CENTURY CITY
310.657.1001

www.stevemehta.com



responsibility is to inform the client of the Form 990 (or one of its derivatives) filing requirement and to clarify (in writing) who will have the responsibility for preparing and filing this form in a timely manner.

File Form 199 with the Franchise Tax Board.

Form 199, California Exempt Organization Annual Information Return, is filed with the FTB and is the state equivalent of IRS Form 990. It differs, however, from the federal form in many ways, including but not limited to a \$10 filing fee – which is increased to \$25 if Form 199 is not filed by the original due date. However, the filing fee is not required for most exempt organizations that receive public funding or are exclusively religious or charitable.

Except for private foundations, organizations with gross receipts that normally do not exceed \$25,000 are not required to file this form. Other organizations exempt from filing include exclusively religious organizations; state-controlled organizations; certain political organizations; qualified state tuition programs; education IRAs; and most stock bonus, pension, or profit-sharing trusts.

Like Form 990, Form 199 must also be filed by the 15th day of the 5th month (i.e. by May 15 for a calendar year organization) after the end of the organization's accounting period. If it is not filed by its original due date, and if the organization was in good standing in California on the original filing date, an automatic extension of up to seven months is provided. There is no need to apply for the extension. If the organization was not in good standing, then no extension applies.

Organizations that fail to file the return by its original or extended due date may be required to pay a penalty of \$5 a month, not to exceed \$40, until the return is filed. The FTB may waive the penalty on a showing of good cause for late filing. Form 199 is not nearly as formidable as Form 990, but the client's accountant may still be the person who is best qualified to prepare it.

File Notice of Intention. In XYZ's haunting tale of noncompliance, the charity also failed to file a Notice of Intention with the Charitable Services Section of the Los Angeles Police Commission.

All charities that wish to solicit public donations in Los Angeles are required to file this form at least 15 days before the start of each fund-raising campaign or special event. A Report of Results of Activity must also be filed within 30 days after the special fund-raising event. The report discloses receipts, expenditures, and distribution of net proceeds from the public solicitation. Los Angeles Mun C ch IV, art 4, §§44.00-44.15.


Check the local municipal ordinances for similar filing requirements for organizations operating in other locales.

Resurrecting Fallen Organizations

All may not be lost for nonprofit organizations that fail to comply or fall out of compliance. The facts and circumstances of each case usually determine whether exempt status can be preserved or resurrected.

Absent actual fraud, gross negligence or willful misappropriation of charitable funds, many organizations can be resuscitated and their exempt status retained through candid disclosures to the IRS, the FTB, and the Registry.

Retaining exempt status often depends on whether or not the organization is voluntarily willing to come forward with an admission of its prior compliance failures. Even clients who have neglected or repeatedly failed to file the requisite forms with the requisite authorities will rarely lose exempt status, as long as the omissions are voluntarily and fully disclosed to the proper agencies. However, those agencies may impose substantial penalties for late filing.

The problem most frequently encountered is the failure to maintain complete and accurate records of all expenditures and all revenue, such as donations and other income. At the outset, inform the client in writing of the importance of good, complete, and accurate record keeping and of the need for timely and complete filings on the federal, state and local levels. 


Marshall A. Glick practices nonprofit law in Encino. He is the author of *Forming the Exempt Organization* (CCH, Inc., 2002, updated in 2006). He can be reached at glicklaw@sbcglobal.net or visit his website at www.glicklaw.com.



*MCLE Self-Assessment Test No. 5 is on page 23 of the November 2008 issue of Valley Lawyer available on the SFVBA website at www.sfvba.org/memberresources/valley_lawyer_mag.htm.

To Aid Families

In those moments
when difficult issues arise



• Family Law

• Probate





• Estate Planning

Richard Lewis, Esq.
Attorney at Law

Past president of the San Fernando Valley Bar Association.

Providing services to the
San Fernando Valley
for over 18 years


(818) 704-0585
www.RichardLewis.com

DOMAIN NAME PROTECTION

Domain Name Arbitrations
Cybersquatting Litigation
Trademarks

John R. Yates
jyates@greenbass.com



GREENBERG & BASS LLP

16000 Ventura Blvd., Suite 1000
Encino, CA 91436
818-382-6200
www.greenbass.com

Messenger Service

Discounts to SFVBA Members



**24th Year of Service to the
San Fernando Valley/Southern
California Legal Community**

- Noon Court Run - same day filing in all So. Cal. Courts
- Process Serving Per Your Exact Specifications
- Last Minute Court Filings in All Southern California Courts
- Mobile Notary
- Custom Courier Routes
- Regular, Rush and Hot Rush
- Licensed/Bonded/Insured Uniformed Messengers

(818) 774-9111 • (323) 851-7500
(310) 273-3002 • (805) 777-7170

“We Don’t Promise Anything
We Can’t Deliver”

Installation Dinner's Great Success



**ROBERT
MANSOUR**
SCVBA President

THE SANTA CLARITA VALLEY Bar Association would like to take this opportunity to thank *Valley Lawyer* Magazine for giving us the opportunity to present this column.

As a recap to SCVBA's year-end events, on November 20, 2008, the SCVBA hosted its annual Installation Dinner at the Tournament Players Club (TPC) in Valencia, California. This beautiful location served as the backdrop for the induction of new officers to the Bar Association. The TPC is a local golf course club with an extraordinary restaurant facility. This year, the SCVBA started regularly meeting at this new facility. The new location has proven successful with the members, encouraging new faces to show up at Bar events.

Robert Mansour was inducted as president, but others were also honored and recognized. Brian Koegle of Poole & Shaffery will be president-elect this year. He will be installed as president in 2010. Gary Weinstein, who served last year as a board member at-large, will serve as secretary to the board. Caryn Sanders will be the liaison between the SCVBA and SFBVA. Jane McNamara will resume her position as Treasurer. Barry Edzant and Paulette Gharibian will serve as board members at-large. Tamiko Herron will serve on the board as past president. Outgoing members Stephen Holzer, Rand Pinsky and Bill Lively were also honored.

The Installation Dinner was a great success. Wine tasting was provided by VINO 100 with live music by Alex Pinto (local musician and student with Santa Clarita's own Cal Arts – one of the top arts schools in the country) while members networked with one another and enjoyed a wonderful meal. Present at the event were Judge Lloyd Nash and Judge Richard Naranjo. Also, representatives from Michael Antonovich's office and Buck McKeon's office were also present. Awards from State Senator George Runner, State Senator Tom McClintock,

Assemblyman Cameron Smyth and Mayor Bob Kellar were also bestowed upon members of the outgoing board. The SCVBA was also honored to be joined by Tamila Jensen, SFBVA President, and Robert Flagg, SFBVA President-Elect.

On December 18, the SCVBA presented "Filming in Santa Clarita: The True 'Behind the Scenes' Story." Jessica Freude from the SCV Film Office and Mike Delorenzo of Santa Clarita Studios led a lively discussion about what brings productions to the SCV and much more "behind the scenes" commentary.

2009 promises to be an exciting year for Santa Clarita's growing bar association. Membership increased about 30% in only one year. Now 132

members strong and growing, the association is doing its best to be responsive to its membership. Efforts will be made to increase the quality of MCLE events, with meetings every month alternating between lunches and dinners. Plans are under way to sponsor more networking events so attorneys can grow to know one another more. Outreach plans to the community are under way including more programs at local high schools in the form of presentations and potential mock trial programs.

Of course, the Santa Clarita Valley Bar Association will continue to nurture its strong ties to the San Fernando Valley Bar Association. For any questions, please feel free to visit the SCVBA's website at www.scvbar.org. 🐾

Hoefflin & Associates, A Law Corporation

Personalized representation to attain client goals

Hoefflin & Associates delivers results by putting client interests first and using a team-based approach to creatively, intelligently, and effectively resolve legal matters. Specializing in disputes and litigation including:

- Real Estate
- Partnerships/LLC's
- Business and Corporate
- Estate Planning
- Executive Employment
- Alternate Dispute Resolution
- Entertainment
- Trademark and Copyright

Refer with confidence



Left to Right

*Richard M. Hoefflin • Jason M Burrows • Tamara L. Harper • Steven A. Meadville
of Counsel*

2659 Townsgate Road, Suite 232
Westlake Village, CA 91361
805.497.8605
www.hoefflinlaw.com

Classifieds

ATTORNEY TO ATTORNEY REFERRALS

APPEALS & TRIALS

\$125/hour. I'm an experienced trial/appellate attorney, Law Review. I'll handle your appeals, trials or assist with litigation. Alan Goldberg (818) 421-5328.

ARBITRATOR/MEDIATOR SERVICES

Edward J. Howell (818) 906-1976. Sherman Oaks Attorney, 30 years experience in civil litigation, LASC/LACBA Certified. Available on short notice, your office or mine. Reasonable fees.

EMPLOYMENT LITIGATION

Sexual Harassment Discrimination, Wrongful Termination, QuiTam/ Whistleblower, Overtime Violations, etc. 25% Referral Fee paid to attorneys per State Bar Rules. Law Offices of Jill B. Shigut (818) 992-2930.

PERSONAL INJURY/WRONGFUL TERMINATION

25-30% Referral Fee paid to attorneys on all personal injury, products liability, wrongful termination, sexual harassment, overtime violations and discrimination. Firm (Flaig, Mirroknian & Gordon LLP) has over 25 years combined experience. Contact Donald W. Flaig, Esq. (818) 255-0800 or dflaig@fmglp.com.

STATE BAR CERT. WORKERS COMP SPECIALIST

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

EMPLOYMENT LAWYERS GROUP

Terminations • Sexual Harassment • Disability Pregnancy • Medical Conditions • Unpaid Wages & Commissions • Referral Fees Paid per State Bar Rules • 15 Years in Sherman Oaks doing Labor Law; near 100% Success Rate • Contact Karl Gerber (818) 783-7300.

IMMIGRATION & TAXATION

Deportation/Removal Proceedings: Write/Assist with briefs to Immigration Courts, Appeals to BIA & Federal courts. IRS Representation, Tax Returns, payroll taxes, W-2s, 1099s. Licensed in NY & CA. Valerie Ibe (818) 346-8777; valerie@cvalerieibe-law.com.

EXPERT

STATE BAR DEFENSE & PREVENTATIVE LAW

Former: State Bar Prosecutor; Judge Pro Tem. Legal Malpractice Expert, Bd. Certified CA & ABA. BS, MBA, JD, CAOC, ASCDC, A.V. (818) 986-9890 Fmr. Chair SFBA Ethics, Litigation. Phillip Feldman. www.LegalMalpracticeExperts.com. StateBarDefense@aol.com.

SPACE AVAILABLE

VENTURA COUNTY - OXNARD

Office space available - Make the move into Ventura County - Prime space in Morgan Stanley "Tower" - 11th Floor. Multiple offices - Short or long term, full amenities available. Contact DK at (805) 988-4848.

WESTLAKE VILLAGE

Law offices for sublease. Individual attorney offices, secretarial bays available in our Westlake Village real estate law firm. Conference rooms, reception included. Phone, copy, fax avail. Contact (818) 865-2200 or jay@rockeywahl.com.

Brand new upscale executive office suites, 140-230 sqft. Friendly receptionists, high-speed T1 Internet, elegant, private conference room with 60" Plasma, copier/scanner, and kitchen/Breakroom. Call (805) 431-9607. Susan@GOWCA.com.

WOODLAND HILLS

Corner window office 18'x18' with adjoining 14'x14' secretarial area and one 11'x14' window office available in terrific penthouse suite on Ventura Blvd. Great views. Receptionist, library, kitchen and conference rooms. Call Jim (818) 716-7200 x. 141.

As of November 1, 2008, Attorneys/CPA are offering large corner window office for rent (sublease) plus reception space in prime Woodland Hills area on Ventura Blvd. to attorney whose practice includes business/employment/landlord/civil litigation. Attorney must be an experienced litigator and willing to take on referral business from existing attorneys in the office. Office includes reliable fast T1 internet line access, shared extensive legal research liability, "A" building, photocopier with email scanner, easy parking for clients, easy freeway access, well kept grounds and building, other amenities. mikeesq@michaeldaniels.com. Or call (818) 227-5648.

Beautiful view office overlooking Warner Center. Available now. \$1250 includes parking, library and fully furnished office. Month to month okay. Call Diana (818) 348-5340.

Share office space at 20700 Ventura Blvd., Ste. 220. \$1,000/mo. Window offices available. Secretarial bay. Available immediately. Call (818) 992-6588.

SUPPORT SERVICES

NOTARY OF THE VALLEY

Traveling Notary Public. 24 hours-7 Days. Attorneys' Office • Clients' Office • Homes Hospitals • Jails. David Kaplan (818) 902-3853 SFVBA Assoc. Mbr. www.notaryofthevalley.com.

HELP WANTED

LEGAL SECRETARY

Wanted: Part time experienced legal secretary, with excellent client, technology and organizational skills, for solo litigation and mediation attorney. Please call Sean Judge (818) 610-8799.

Legal Secretary w/18 years litigation experience seeking full-time employment in San Fernando Valley; team player. Resume available upon request. Contact perfectorder3@aol.com or (818) 388-3469.

- EXPERT WITNESS - CONSTRUCTION

41 YEARS CONSTRUCTION EXPERIENCE

SPECIALTIES:

Lawsuit Preparation/Residential Construction, Single and Multi-family, Hillside Construction, Foundations, Vibration Trespass, Concrete, Floors, Tile, Stone, Retaining Walls, Waterproofing, Water Damages, Roofing, Sheet Metal, Carpentry/Rough Framing, Stairs, Materials/Costs, Building Codes, Construction Contracts.

CIVIL EXPERIENCE:

Construction defect cases for insurance companies and attorneys since 1992

COOK

CONSTRUCTION COMPANY

STEPHEN M. COOK

California Contractors License B431852
Nevada Contractors License B0070588

Graduate study in Construction
L.A. Business College, 1972

Tel: 818-438-4535 Fax: 818-595-0028

Email: scook16121@aol.com

7131 Owensmouth Avenue, Canoga Park, CA 91303



Est. 1982—Better Business Bureau AAA Rated

Attorney & Courier Services

- 24/7 Messenger/Courier!
- Cars, Trucks & Vans!
Deliveries up to 1000 lbs.
- Fast Motorcycle Couriers!
- Uniformed Employee Drivers!
Because Your Reputation Matters!
- Court Filings Nationwide!
- Trial Delivery Logistics!
"Your work & flexibility were pivotal to the successful outcome of this trial"—Major Ins. Carrier Representative
- On-Line Order & Tracking!
Saves You Time, Resources & \$\$\$!
- Registered Process Servers!
Aggressive-Accurate-Local and Nationwide
- Check 'status' of 'Process' Assignments On-Line 24/7!
Saves You Time, Resources & \$\$\$!
- Email 'Status' Notification!
- Multiple Delivery Discounts!
- SFVBA Member Discounts!

For More Information or To Order
Call Toll Free 866-255-2727
WWW.AMSTAREXPRESS.COM

Piecing Together Solutions To Your Most Difficult Problems



m&r

MICHELMAN & ROBINSON, LLP

www.mrllp.com

Michelman & Robinson, LLP is San Fernando Valley's largest full service law firm and is dedicated to bringing its clients the highest caliber legal services.

Business & Commercial Litigation * Legislative & Administrative Advocacy * Professional Liability Advice & Litigation * Insurance Coverage & Bad Faith Litigation * Premium Financing * Labor & Employment * Real Estate & Commercial Leasing * Corporate Securities & Business Transactions * Banking * Intellectual Property * Unfair Competition & Trade Secrets * Appellant Advocacy * Insurance Defense * Healthcare & Medical Law * Estate Planning & Trust Administration

*Los Angeles Office * 15760 Ventura Boulevard, 5th Floor * Encino, CA 91436 * (818) 783-5530*

*Orange County Office * 4 Hutton Centre Suite 300 * Santa Ana, CA 92707 * (714) 557-7990*

*San Francisco Office * 455 Market Street Suite 1420 * San Francisco, CA 94105 * (415) 882-7770*

Calendar

Women Lawyers Section Women and Bankruptcy

JANUARY 6
12:00 NOON
SFVBA CONFERENCE ROOM
WOODLAND HILLS

In the current critical economic climate, attorney Steven Fox will discuss bankruptcies and how they particularly impact women.

MEMBERS	NON-MEMBERS
\$30 prepaid	\$40 prepaid
\$40 at the door	\$50 at the door
1 MCLE HOUR	

Small Firm & Sole Practitioner Section Best Practices to Stay Out of State Bar Court

JANUARY 7
12:00 NOON
SFVBA CONFERENCE ROOM
WOODLAND HILLS

David Parker of Parker & Mill will discuss what attorneys need to know in order to avoid bar discipline.

MEMBERS	NON-MEMBERS
\$30 prepaid	\$40 prepaid
\$40 at the door	\$50 at the door
1 MCLE HOUR (LEGAL ETHICS)	

Intellectual Property, Entertainment & Internet Law Section Year-End Wrap-Up

JANUARY 9
12:00 NOON
SFVBA CONFERENCE ROOM
WOODLAND HILLS

Attorneys Mishawn Nolan and John Stephens will highlight the important cases of the year and discuss the impact these cases will have on the intellectual property arena.

MEMBERS	NON-MEMBERS
\$30 prepaid	\$40 prepaid
\$40 at the door	\$50 at the door
1 MCLE HOUR	

Probate & Estate Planning Section New Laws

JANUARY 13
12:00 NOON
MONTEREY AT ENCINO
RESTAURANT
ENCINO

Join Jim Birnberg and Sandy Rae for their annual seminar. Get the latest legislative updates, a must for all practicing probate and estate planning attorneys.

MEMBERS	NON-MEMBERS
\$35 prepaid	\$45 at the door
\$45 at the door	\$55 at the door
1 MCLE HOUR	

Litigation Section Opening Statements, Special Verdicts, Jury Instructions and Closing Argument

JANUARY 15
6:00 P.M.
SFVBA CONFERENCE ROOM
WOODLAND HILLS

Van Nuys Superior Court Judge Richard Wolfe will offer insight into preparing your opening and closing statements and share his perspective on jury instructions and special verdicts.

MEMBERS	NON-MEMBERS
\$35 prepaid	\$45 at the door
\$45 at the door	\$55 at the door
1 MCLE HOUR	

Santa Clarita Valley Bar Association Meet, Mingle & Margaritas

JANUARY 15
6:00 P.M.
EL TORITO RESTAURANT
VALENCIA

Meet the new board and network with fellow attorneys.

MEMBERS
Free

Criminal Law Section Eyewitness Identification: Wrongful Convictions and Mistaken Identification

JANUARY 20
6:00 P.M.
UNCLE CHEN RESTAURANT
ENCINO

Robert Shomer, Ph.D., forensic expert, will discuss how perception, memory and suggestibility factor in the determination of the credibility of eyewitnesses.

MEMBERS	NON-MEMBERS
\$35 prepaid	\$45 at the door
\$45 at the door	\$55 at the door
1 MCLE HOUR	

Family Law Section What's New in 2009? New Judges, New Cases, New Laws

JANUARY 26
5:30 P.M.
MONTEREY AT ENCINO
RESTAURANT
ENCINO

Attorneys Barry Harlan and Michelle Robins along with Commissioner Patricia Ito will highlight the latest happenings in the courts and the legislature for '09.

MEMBERS	NON-MEMBERS
\$45 prepaid	\$55 at the door
\$55 at the door	\$65 at the door
1 MCLE HOUR	

*Save the Date
for*

SAN FERNANDO VALLEY
BAR ASSOCIATION

**Annual Judges'
Night Dinner**

February 19, 2009
Woodland Hills Hilton Hotel

The San Fernando Valley Bar Association is a State Bar of California MCLE approved provider. To register for an event listed on this page, please contact Linda at (818) 227-0490, ext. 105 or events@sfbva.org.

Stay Right Where You Are!

Is your Option at Market? What's Market?

For answers to these and other tenant questions,
call us today. You'll like the answers we have.



Consultations ■ Relocations of Office Facilities ■ Acquisitions of Office Properties

Dispositions of Office Properties ■ Subleasing of Excess Office Space

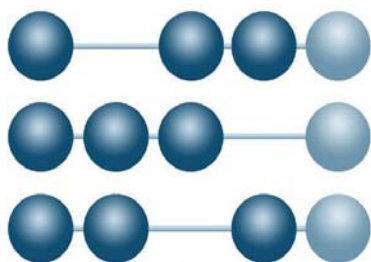
Renewals of Leases at Existing Facilities ■ Representation for the Exercising of Options

Representation for Expansions at Existing Facilities ■ Lease Restructuring



MAZ  ROW
COMMERCIAL, INC.
Tenant Representation & Advisory Real Estate Services

818.757.1164 ■ www.tenantadvisory.com



KRYCLER
ERVIN
TAUBMAN &
WALHEIM

AN ACCOUNTANCY CORPORATION

Phone: (818)995-1040

Fax: (818)995-4124

15303 Ventura Boulevard, Suite 1040

Sherman Oaks, CA 91403

E-mail: INFO@KETW.COM

Visit us @ www.KETW.COM

Litigation Support • Expert Witness
Forensic Accountants • Family Law Matters
Business Valuations • Loss of Earnings • Damages

**OFFICIAL SPONSORS OF THE
SAN FERNANDO VALLEY BAR ASSOCIATION**

Member SEC Practice Section

American Institute of Certified Public Accountants

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

Call Mike Krycler or Ken Walheim