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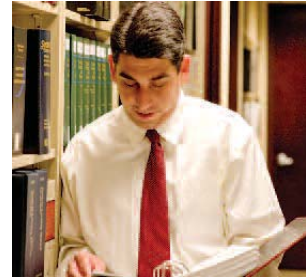
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# VALLEY LAWYER

A Publication of the San Fernando Valley Bar Association

## VALLEY LAWYER

### SAN FERNANDO VALLEY BAR ASSOCIATION

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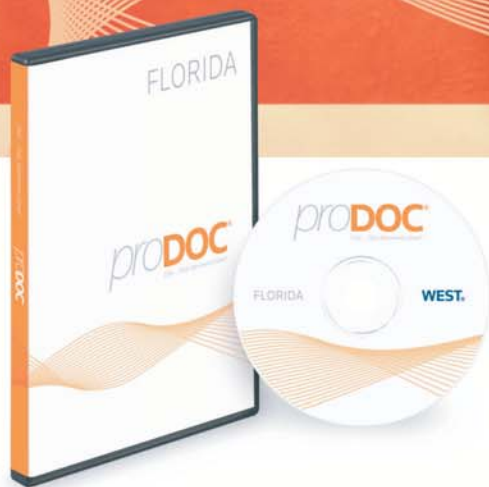
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## Passing the Gavel



**T**HIS IS MY FINAL PRESIDENT'S message. The year has passed quickly and it has been a busy one. Things I thought would be straight forward turned out to be more complicated than expected. Things I thought would be a challenge turned out to be fun. I certainly learned that careful planning gets you only so far and then you have to trust the Executive Committee, the Board of Trustees, section and committee chairs, Liz and staff, to all of whom I extend my thanks.

One thing I did not expect was that we would find ourselves facing a budget deficit which will require not only belt tightening and reorganization from our courts (although it does do that), but also extensive court closures. Presiding Judge Charles McCoy and Assistant Presiding Judge Lee Edmon and a committee of judges have developed a plan for dealing with the budget shortfall, which I will call the "Plan" for purposes of this article. At the time that I am writing this, the governor and the legislature have produced a budget for the State of California which does not appear to resolve the budget crisis and still more budget problems loom on the horizon. Certainly, the court's deficit is not going to disappear any time soon.

The Plan presumes there will be a substantial deficit in the court's budget, not only for 2009-2010, but also for at least the next 2 or 3 years and even beyond. We should all be aware that the court is expecting difficult times for the next few years. The actions taken now to deal with the problem will have their own consequences for years to come. The Plan is based on present projections. There will be a deficit of at least \$138.4 million for 2009-2010, \$149.9 million for 2010-2011, \$161.3 million for 2011-2012 and \$166.9 million for 2012-2013. This is not a situation in which a little "belt tightening" is going to solve the problem, although that certainly will occur. We are looking at the possibility of extensive courtroom closures and reduction of the work force.

The plan is based on a division of the county into 5 "quadrants" with the Stanley Mosk Courthouse as the hub in the center. The goal is to allocate resources fairly across the quadrants and across the county. After all the belt tightening, the next obvious place to get savings in any large budget is the expense associated with the entity's employees. Based on the court's budget estimates, in order to bring its budget into line, it would lose 576 employees in the first year of the budget cycle either through attrition or by letting employees go. This would be followed by a loss of 1,705 employees in the second year and 1,917 in the third year, representing 36 percent of the current work force.

The rule of thumb for the Los Angeles Superior Court is ten employees to support one judge and his or her courtroom. Therefore, a reduction of employees equates to a closure of courtrooms in roughly a 10 to 1 ratio. For every ten employees lost, one courtroom is closed.

As a first measure of cost cutting, the courts will be looking at a reorganization of how the criminal courts do business and closing criminal courtrooms and courthouses. Some criminal courts will be closed, some will do only pretrial work and other courtrooms will do only trials. At the present time, there are 280 criminal courts operating in Los Angeles. The proposal at this time is to close 48 courtrooms and 15 courthouses for criminal cases. Each quadrant will have 1 or 2 courthouses in operation. The closures will phase in over 3 years. It is anticipated this will create considerable dislocation not only for the court itself, but also for all related services such as police, sheriffs, district attorneys, public defenders, and others, which are associated with the closed courts.

The court will next look for savings in the juvenile departments. It is anticipated they would close 7 courtrooms in the first year and overall (in the next 2 or 3 years) 2 courthouses. The burden would fall mostly on

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# New Members

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dependency courts because the delinquency courts fall under the criminal rules which would require more courtrooms to remain in operation. This would have an obvious social impact because the needs of the vulnerable population that comes before these courts would be difficult to meet.

Finally (and principally), the court would look to the civil courts for cuts. The Plan provides for closing 43 courtrooms and 15 courthouses in the first year. This includes the 7 juvenile courts and 7 family law courtrooms. This means that about 576 employees would lose their jobs. In the second year of the Plan, 7 more juvenile courtrooms would be closed along with 7 more family law courtrooms and 54 more civil courtrooms for a total of 68 courtrooms. In year 3, the Plan would close another 20 civil courtrooms which would be a total of 145 courtrooms closed.

There is some hope because the court has a reserve fund which can help ease the transition in the first year and possibly into the second year. The courts, the legislature and the AOC and other interested parties doubtless will continue to try to find ways to close the budget gap. However, in July, Presiding Judge McCoy advised bar leaders that he has already instructed the criminal courts to start their plans for the courtroom closures.

In any event, the outlook for the court's operating budget over the next few years remains grim at this time. The judicial officers responsible for long range planning are not expecting a quick recovery. We will see courtroom closures this year. The local court furloughs already have gone into effect.

This constitutes a serious threat to the judicial system in Los Angeles County because it represents a significant loss of facilities, staff, institutional memory, and a gross diminution in services to our communities. This impacts the long range plan for a unified system of courts throughout California. We must ask how likely it is that a courtroom or courthouse, once closed, will reopen.

Clearly, the effect on access to justice and on the ability of our courts to fill their constitutional mandate will be drastic. Therefore, as members of the bar, I urge each one of us to speak up whenever the opportunity presents itself and work to support the judicial branch. ✎

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# 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](mailto:Angela@sfvba.org).



ANGELA M.  
HUTCHINSON  
Editor

Welcome Back!

Our September focus this issue is Litigation and Law Practice Management. We also discuss in-house Bar news which includes the passing of the gavel from one SFVBA president to the next. I must say it was a pleasure working with Tamie. She wrote such well thought out messages and always provided resourceful, newsworthy information. Moving forward, I am excited to work with Robert and am confident we will benefit from his President's Message column.

I hope you enjoy reading this issue as much as you enjoyed your summer vacation time with family and friends. I love that our July/August issue is combined. During the magazine's hiatus, I was revving up to execute our SFVBA communications campaign of enhancing the editorial content of *Valley Lawyer*, as well as launching

media convergence initiatives. To assist with this effort, SFVBA established an Editorial Committee thus far composed of 5 members: Marc Jacobs, Lisa Miller, John Stephens, Renee Leff-Kaplan and Michelle S. Robins. These attorneys were selected because their contributions to *Valley Lawyer* have been well received by our members and the legal community at large.

The mission of the San Fernando Valley Bar Association's Editorial Committee is to serve in an advisory role to ensure that *Valley Lawyer* magazine continues to engage SFVBA members along with other readers of the publication by creating compelling and original content.

The Editorial Committee will be involved in advising our staff on other tech-savvy communications efforts such as our e-newsletter Bar Notes and social networking campaign on Twitter ("sfvba"). The Editorial Committee will meet in person quarterly and communicate via email throughout the year. If you have an interest in joining the committee, please contact me. Otherwise, I encourage you to continue submitting articles on topics related to the **newly released 2009-2010 Editorial Calendar** that is adjacent to my column.

Next month begins an enhanced *Valley Lawyer* with a niche issue focus each month and even more relevant editorial content. The SFVBA Communications Department is passionate about providing you with the legal news and media tools needed to serve our Valley community. 📧

Have a revolutionary month!

Angela M. Hutchinson



SFVBA Editorial Committee Members (L-R)  
Marc Jacobs, Lisa Miller, John Stephens,  
Renee Leff-Kaplan and Michelle Robins.

## VALLEY LAWYER

### 2009-2010 EDITORIAL CALENDAR\*

MONTH	ISSUE FOCUS/ MCLE TOPIC	DUE DATE
NOV.	New Lawyers/ Legal Ethics	Sept. 15
DEC.	Year-in-Review/ Nonprofit Law	Oct. 15
JAN.	Health and Wellness/ Alternative Dispute Resolution	Nov. 13
FEB.	Judiciary/ Civil Law	Dec. 15
MARCH	Diversity in the Law/ Discrimination	Jan. 15
APRIL	Law and Technology/ Estate Planning/Taxation	Feb. 15
MAY	Human Interest/ Family Law	March 15
JUNE	Real Property Law/ Bankruptcy	April 15
JULY/ AUGUST	Employment Law/ Workers' Compensation	May 14
SEPT.	Business Law/ Contract Negotiation	July 15

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M. Lawrence Lallande, Long Beach: Frequent lecturer on medical expense reimbursement claims, including statutory liens.

Will Shapiro, Dallas, Texas: Nationally recognized expert on lien resolution and Medicare Set Asides.

Ron Dean, Los Angeles: Expert in ERISA and Employee Benefits Litigation.

#### Moderated by:

Steven B. Stevens, Los Angeles: Consumer Attorneys Association of Los Angeles Appellate Lawyer of the Year

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# Civility Encouraged by Law and State Bar Guidelines

By Stephan Mihalovits and David Gurnick

**I**N 2007, THE STATE BAR APPROVED A SET OF guidelines for “Civility and Professionalism” as an aspirational, statewide code of professionalism. The guidelines state desired qualities for attorneys as they engage with fellow attorneys, parties, the courts, and the public. They are accessible at the State Bar Web site. Attorneys can pledge to adhere to these guidelines in daily practice.

Though the guidelines are non-binding, they are not the first word on civility. California law has long encouraged civility, and running afoul of the guidelines can lead to violation of statutes, possible sanctions, and other problems. The following examples of select guidelines relating to litigation illustrate penalties for offending attorneys and cases, showing how the aspirational Civility Guidelines are sometimes often in law.

Section Nine: Discovery states, “[a]ttorneys are encouraged to propound and respond to formal discovery in a manner designed to fully implement the purposes of the Civil Discovery Act.” This guideline is sage advice. Running afoul of the Civil Discovery Act can also lead to sanctions against offending attorneys. (See C.C.P. §2023.030, authorizing sanctions for misuse of the discovery process.)

In *Corns v. Miller* (1986) 181 Cal.App.3d 195, an attorney was sanctioned due to discovery circumstances that seemed beyond his control. The case was an action to quiet title. Plaintiff served defendants, a married couple, with interrogatories. No answers were ever received, despite motions to compel response. The court entered defendants’ default and ordered monetary sanctions against their attorney Bradbury. *Id.* at 198. In a motion for reconsideration, Bradbury explained he was unable to locate one client, the wife, and could not convince the other client, her husband, to answer. He said he kept plaintiffs’ counsel informed of these problems. *Id.* at 199. Nonetheless, sanctions against the lawyer were upheld. Though there was no evidence he advised or participated in the disobedience, he failed to carry his burden of proof because he failed to appear and oppose the motion for sanctions. *Id.* at 201.

Section Nine: Discovery also states, “[a]ttorneys are encouraged to meet and confer early in order to explore voluntary disclosure...” Attorneys should take this guideline into consideration, but also note that law already exists to

sanction offending attorneys for such conduct. C.C.P. §2023.010(i) states failing to confer with opposing counsel to attempt to resolve disputes informally concerning discovery is a misuse of the discovery process. C.C.P. §2023.020 authorizes monetary sanctions for attorneys who fail to confer. *Leko v. Cornerstone Bldg. Inspection Service* (2001) 86 Cal.App.4th 1109 illustrates how the failure to act civilly can lead to monetary punishment.

In *Leko*, attorney Pyfrom unilaterally noticed two depositions and informed opposing counsel Blake. Due to misunderstanding and possible lack of diligence by Blake, Blake did not calendar the dates. *Id.* at 1123. A week before the depositions, Pyfrom called to confirm, and Blake wrote back informing Pyfrom the deponents and she would be

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unavailable that day, but sought to arrange another date. Pyfrom ignored the request and instead insulted Blake by letter. Blake wrote again to try to arrange a mutually convenient date, after which Pyfrom moved to compel the depositions. *Id.* The court imposed sanctions against Pyfrom, not for the insulting letter per se, but for filing an unnecessary motion to compel. *Id.* at 1124. The court noted that the letter was also relevant, as it demonstrated Pyfrom's disregard for the obligation to try to informally resolve the discovery issue. *Id.*

Courts can also enforce other civility guidelines, such as Section 15: Default, which states, "[a]n attorney should not take the default of an opposing party known to be represented by counsel without giving the party advance warning." A recent case noted that such conduct is unfair, and that a warning is an ethical obligation of counsel. *Fasuyi v. Permatex, Inc.* (2008) 167 Cal.App.4th 681, 701 (granting relief from default judgment under C.C.P. §473(b) in products liability action, where plaintiff counsel gave no advance warning that default would be entered, and where plaintiff would suffer no prejudice from relief other than delay).

Related to the guideline on defaults, Section 10: Motion Practice states, "[a]n attorney should consider whether, before filing...a motion, to contact opposing counsel to attempt to informally resolve or limit the dispute." Failure to abide by this suggestion can lead to negative consequences. In *Britts v. Superior Court* (2006) 145 Cal.App.4th 1112, 1121 the court determined that petitioners who filed an anti-SLAPP ("strategic lawsuit against public participation") motion were also entitled to attorneys fees against plaintiff Berg, but reduced the amount from over \$13,000 to \$5,000, since petitioners and their counsel had not met and conferred with their adversary before filing the motion.

Courts sometimes remind attorneys "it is vital to the integrity of our adversary legal process that attorneys strive to maintain the highest standards of ethics, civility, and professionalism in the practice of law." *In re S.C.* (2006) 138 Cal.App.4th 396, 412 (discouraging personal attacks against opposing counsel, parties, and witnesses). It is important to remember these are not empty words. Apart from the aspirational guidelines, judicial precedents exist to penalize attorneys who do not act civilly toward adversaries. ⚖️

**Stephan Mihalovits and David Gurnick** practice business litigation with Lewitt, Hackman, Shapiro, Marshall & Harlan in Encino. Mr. Mihalovits received his J.D. from UCLA School of Law in 2008. Mr. Gurnick received his J.D. from Boalt Hall, UC Berkeley in 1984. They can be reached at (818) 990-2120.





## Section Profile

### Litigation Revs Up!

By Linda Temkins,  
Director of Education & Events

THE SAN FERNANDO VALLEY Bar Association's Litigation Section is involved in a wide range of activities of interest to litigators. These activities present an opportunity for SFVBA members to grow professionally, while networking with fellow Bar members who have a shared interest.

The Litigation Section sponsors a wide range of programs on pre-trial and trial skills, effective advocacy, and other topics, which are certified for MCLE credit.

The Section plans to continue its series of discussions with prominent judges. Previous seminars with Judge Michelle Rosenblatt, Judge Richard Adler and Judge Bert Glennon were not only educational but gave the attendees a chance to converse with the judges in a relaxed, informal setting.

"Attendees have found intimate sessions with the judges to be exceptionally informative," says Litigation Section Chair David Gurnick. "It helps attorneys gather precious nuggets of information they normally would not have been able to obtain."

With a new executive committee in place, the Section is diligently planning this year's meetings. Section members can expect more of the same great programs. The September 17 dinner meeting will feature Judge Michael Mink and attorney Keith Gregory. The discussion will focus on collegiality, both inside and outside the courtroom.

Section meetings are held the third Thursday of each month at 6:00 p.m. at the SFVBA offices. To learn more about getting involved with the Litigation Section Executive Committee, contact David Gurnick at [dgurnick@lewitthackman.com](mailto:dgurnick@lewitthackman.com). 🐾

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# Courting Disaster by Not Understanding Technology

By James Ellis Arden

**S**OME FOLKS WHO RECENTLY visited a shopping mall in Grand Forks, Iowa, were surprised when they returned to their cars to find parking tickets under their windshield wipers, reading: "PARKING VIOLATION This vehicle is in violation of standard parking regulations. To view pictures with information about your parking preferences, go to [website redacted]."

The specified website showed pictures of cars in the area, with license plate information removed; the user is asked to download a "picture search" toolbar to "find" the user's vehicle. But ... the toolbar installs a trojan horse, creating other Internet connections from which all sorts of malware (computer viruses, worms, trojan horses, etc.) springs forth, including fake computer virus infection warnings and prompts to install even more secret malware.

"[I]n 1966, there were no personal computers, no Internet, no Blackberries, no teleconferencing, no emails, and the only person who had a two-way wrist radio was cartoon character Dick Tracy." (*Winterrowd v. American General Annuity Insurance Co.* (9th Cir. 2009) 556 F.3d. 815, 819.)

Before computers became installed in nearly every facet of life, standard equipment for most attorneys was a pen, a yellow pad, and a secretary with a typewriter. Nowadays, typewriters are virtually extinct. Lawyers type on their own computers, communicate by e-mail and work with documents scanned from paper into weightless, invisible electronic bits.

Internet users who do not understand the rudiments of their magic electronic communications are prime targets for

malware attacks and "phishing" scams. E-mail addresses can be faked, marks of authenticity can be copied, and malware can be hidden in any Web page or e-mail attachment. Everybody is a target. Everybody gets attacked. Everybody needs virusware and spyware to minimize the effects of all those attacks.

Once a computer is compromised by an invader, any private or confidential information stored within might be compromised, a "keylogger" might be installed surreptitiously, trapping

Considering how trials and litigation are now conducted evokes author and inventor Arthur C. Clarke's comment, "Any sufficiently advanced technology is indistinguishable from magic."

everything keystroke typed into the keyboard, addresses, phone numbers, passwords; or, the computer might be turned into a zombie used to attack other computers.

Modern technology brings these new risks to lawyers too. Lawyers owe themselves and their clients a duty to stay abreast of technological advances and consider the hazards involved in using new technology. (See, e.g., New York State Bar Association Committee on Professional Ethics Opinion 782 (2004).)

Currently, lawyers everywhere are being barraged by "phishing" expeditions, e-mails from across the globe which appear to be soliciting the retention of counsel to collect unpaid debt, but which are really designed to steal money from the lawyers. Some scammers steal attorneys' identities in order to facilitate real estate loan fraud.

So, lawyers need to be circumspect about who they communicate with on the Internet, as well as how they communicate. Anything that connects directly to the Internet, even those newfangled refrigerators, is a potential source of attack. Network printers have been found infected with the Blaster and Sasser worms. Printers are loaded with more complex applications than ever, and run all kinds of vulnerable services.

In addition, bar associations around the country have begun addressing (albeit without consensus) "metadata," the electronic baggage which accompanies electronic documents including those attached to emails or otherwise sent out over the Internet. Metadata is frequently requested within inspection demands, and federal courts routinely uphold such discovery requests.

Yet most metadata is innocuous. Typical metadata might identify the computer system or the printer used. It might identify the name of the user, and, or, the time a given document was created, edited, or printed. Various programs are available to "scrub" metadata from a document before it is e-mailed, many of them are free.

Many documents are transmitted in PDF format ("Portable Document Format," developed by Adobe Systems) because PDFs carry very little metadata. PDFs look the same to sender and recipient, and can be made difficult to edit. Collaborators, however, often need to transmit documents which are mutually editable, not a PDF, but a word processing format such as Word or WordPerfect.

Even something as seemingly basic as choosing word processing software has



security ramifications. For instance, WordPerfect creates less metadata than Microsoft Word. Some of the differences between the two result from the divergent purposes for which each was designed. WordPerfect evolved from the dedicated word processing machines in use before personal computers. WordPerfect does word processing, nothing more.

Microsoft, on the other hand, intended Word to be the word processing tool for sharing Internet communications. Whereas WordPerfect was designed for processing text, Word was actually intended for collaboration among multiple participants. Ironically, because by design Word creates lots of metadata, superfluous formatting codes and printer information, and uses secret, undocumented formats, many argue it is not a suitable document exchange format.

Microsoft Word's *Track Changes* brings its own perils, causing more than a little embarrassment to those who do not know or understand what they are doing. Last year, in a piece entitled, "This is Not a Metadata Problem," the Connected Lawyer (theconnectedlawyer.com) wrote of a business plan which had been submitted to a venture capitalist with all of the tracked changes and comments intact. Some of the comments included: "When you talk through this point on your slides, make Chanukah jokes, he is Jewish and will get them," "I'd delete this section since we don't have these features on the roadmap and haven't figured out how to code this unless you believe the investors won't catch this," and "VCs [venture capitalists] are typically stupid when it comes to this section so be prepared for a dumb question blizzard."

One day, the majority of lawyers, whether they use *Track Changes* in Word or *Undo* in WordPerfect, will know how to separate the files containing document edits from the documents themselves; so that if they e-mail a document, the recipient cannot open it and just click "undo" to reveal its prior incarnations. (WordPerfect users should go to "Undo/Redo History" options and make sure that "Save Undo/Redo items with document" is not checked.)

Wariness pays. New "cyber-hazards" are being discovered all the time. Besides that network printers and refrigerators can be infected with worms and other malware, instant messaging also involves new security challenges. So do portable storage devices, sometimes called "thumb drives," which are so easy to hide and hold so much data that some companies have begun super-gluing USB ports shut so data cannot be downloaded at all.

Camera phones are being banned in many places thanks to YouTube. Skype and other Internet-phone services are becoming quite popular, but such consumer services do not have the security which is built into business applications.

Attorneys who use services like Google's need to be careful, or risk privacy. Google keeps track of searches run on it, as well as activity on partner Web sites that use Google ad services. Google may know every Web site typed in its "Chrome" Web browser search bar; it may have all e-mail routed through Gmail; it may know what YouTube videos are watched; it may even have transcripts of phone calls transmitted through Google Voice.

Those desiring to protect their search histories and keep from showing where they have been Web surfing ought not "log into" search engines or use search engine "tools"; they should block search engines from placing cookies; and they should not run searches using personal information (Google correlate searches run with names that are Googled).

Some Internet service providers (ISPs) have their own search engines, e.g., Comcast. Neither should those search engines be used. Since an ISP already knows its own users' IP addresses, it can correlate those IP addresses with users'

searches and build rather comprehensive profiles.

Although lawyers owe fiduciary obligations to maintain and preserve client confidences (see *People ex rel Department of Corporations v. Speedee Oil Change Systems, Inc.* (1999) 20 Cal.4th 1135; Evid. Code §950 et seq., attorney-client privilege, and Bus. & Prof. Code §6068(e), duty of attorney "to maintain inviolate the confidence, and at every peril to himself or herself, to preserve the secrets, of his or her client,") it is not likely that a malpractice claim or ethics complaint would result from the compromise of an attorney's computer security. But even if such an incident might not be professionally damaging, it would be embarrassing and most would prefer to avoid it. As Alice Kahn put it: "For a list of all the ways technology has failed to improve the quality of life, please press three. 📞"

**James Arden** works mostly on attorney malpractice, ethics and appellate matters. Based in North Hollywood, he may be reached at (818) 752-4848 or [persuade@ardenLaw.com](mailto:persuade@ardenLaw.com).



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# Q&A WITH NEW SFVBA PRESIDENT ROBERT FLAGG

By Angela M. Hutchinson

**T**HE SAN FERNANDO VALLEY BAR ASSOCIATION WELCOMES incoming President Robert F. Flagg, but the Bar will indeed miss the leadership of outgoing President Tamila Jensen.

"It has been an honor, a privilege and a great pleasure working with Tamie on the Board for many years and especially during her Presidency," says Flagg. "She has an unfailing commitment to and passion for the legal profession, the judiciary and the community. Her efforts and leadership have materially advanced the San Fernando Valley Bar Association in support of our members and all of us who live and work in the Valley."

Flagg received his Juris Doctor degree from Humphrey's College of Law, Stockton, in 1981. He currently practices civil litigation on behalf of defendants as a member of Early, Maslach & Van Dueck, in-house counsel for Farmers Insurance. He is admitted to practice before the U.S. District Courts, Central and Eastern Districts of California, the Ninth Circuit Court of Appeals and the United States Tax Court.

Flagg has served multiple terms as a Trustee and Officer of the San Fernando Valley Bar Association. He will be installed as the SFVBA's 80<sup>th</sup> President at its Installation Gala on September 26, 2009 at the Woodland Hills Hilton. *Valley Lawyer* further acquaints you with the new SFVBA President, Mr. Robert F. Flagg.



**Robert F. Flagg**

**Q: Why did you become a defense attorney?**

A: It was the opportunity to take cases to trial. I had been laid-off from the small plaintiff's personal injury law firm where I was then employed. Though I had tried a number of court trials and second-chaired a major federal criminal jury trial at a prior firm, I had not, in four years at the personal injury office, been able to take a case all the way through a jury trial on my own. Somehow, everything always settled.

The loss of my job turned out to be an opportunity, because I soon had two offers. One offer was by a solo practitioner engaged in international trade law, which sounded fascinating. The other offer was by Farmers Insurance's in-house defense department, which was then opening a new office in the Valley. I chose the latter and I've been with Farmers 18 years, finally having had the chance to try numerous cases in jury trials.

**Q: Why did you initially decide to join SFVBA?**

A: It was a suggestion by my boss at the time, Rick Rossnagel. Our new Valley office had just opened at the end of September, 1991. Rick thought it would be a good idea if I joined the local Bar Association. The condition was that I not join just to be a member, but that I become actively engaged and involved. And so I joined SFVBA in December, 1991.

**Q: How was your experience as a member prior to taking on leadership roles?**

A: As I found my way around the Bar, I gradually found ways to become involved in the Bar's activities, starting with the Litigation Section. I started by attending section meetings regularly and gradually became involved with program selection for the section. This continued until the aftermath of the Northridge earthquake of 1994, when the Bar rallied to support our local courts by organizing and training attorney volunteer settlement officers for the first V.A.S.T. (Valley Associated Settlement Teams) program. Our volunteer attorneys helped the courts in Van Nuys clear crowded civil calendars by assisting in settling hundreds of cases. And so it went.

**Q: What inspired you to want to become president?**

A: I didn't set out, when I joined, with this position in mind as a destination. In fact, when years ago one of our members, a colleague whom I have known for more than 20 years, told me he thought I would be President one day, I thought he was kidding. But I know how I got here: someone asked me to help. I agreed to help and one thing led to another.

**Q: How do you view the SFVBA services and programs?**

A: Among the eight phrases which compose our mission statement, the last reads: "Preserve and enhance the ideal of the legal profession as a service profession and its dedication to public service." This ideal, of the legal profession as a service profession, is a principal theme of my term as President. I became a lawyer to

serve. Though the practice of law is many things, including both a learned profession and a business, I firmly believe that it is first and foremost a service profession. The SFVBA exists to "serve those who serve."

**Q: What ideas do you have for the Bar to enhance community outreach?**

A: The Bar has a long-term goal to increase diversity in the legal profession. To further that goal, we are engaged on many levels and through many activities to encourage the choice of law as a career. Ultimately, this will increase the diversity of judicial officers at all levels in our community and state.

Current efforts range from participating in our elementary school plays presented around Law Day to the Association's sponsorship of a law-related Explorer post to fundraising for scholarships provided to students through the Valley Community Legal Foundation of the San Fernando Valley Bar Association. I'd like to see these efforts continue and also further efforts to reach out and become engaged with other community-based organizations throughout the Valley.

**Q: How can the SFVBA staff better serve the Bar members?**

A: I think the Bar staff is doing a terrific job serving the members. In the main, I'd just say, "Keep doing what you are doing!" That being said, there are always ways that anything we do can be improved, so I will be looking to the staff for creative ideas for new ways of enhancing the Bar's service to its members.

**Q: What changes would you like to see to enhance the Bar?**

A: I would like to see the Bar's Attorney



Referral Service (ARS) become even more of a resource for referrals among the members of the Bar and the "go to" place from which residents of our Valley can find the quality legal services they need. I have asked the Attorney Referral Service Committee and Rosie Soto, Director of Public Services, to take a new look at how the ARS functions and how the ARS' message can best reach the public and the members in a constantly changing environment.

**Q: In this economy, what strategic efforts should the Bar pursue to recruit new members and retain current ones?**

**A:** Based on what I hear from our members, the current recession has had mixed effects on their practices. For example, the real estate and bankruptcy attorneys are extremely busy. Other members report that they are busy, but that their clients have slowed payments for legal services. Others find that their practices have really suffered as a result of the downturn in the general economy.

Most of our members practice as solos or as members of small firms. Finding new clients and developing new business is always a challenge for those members, regardless of the state of the economy. I believe the best way for the Bar to assist members and to recruit potential members is to provide a mechanism for interaction among members and with the Valley community at large. The more we can foster these interactions, the more valuable the Bar becomes to its members and attractive to potential members.

**Q: Why is it important for members to take an active leadership role in the Bar?**

**A:** An individual lawyer is not without influence and lawyers, by virtue of their education and experience, tend naturally toward leadership. If one lawyer can have extraordinary influence on the course of events, imagine what might be accomplished by 2000 lawyers. Most of us became lawyers to make a difference. Becoming a leader in the San Fernando Valley Bar Association offers an excellent opportunity to really make a difference for our profession and for our Valley community.

**Q: What advice can you give a new attorney who just joined the Bar on how to navigate effectively?**

**A:** The same advice I was given when I first joined: be involved! Find one or more of the sections that interest you and participate. Come to the networking events. For those in litigation, come to Judges Night, by all means. Most of us

have few opportunities to meet and talk with judges on an informal basis. It is an excellent away to get to know members of the local judiciary. Find a Bar activity or committee that interests you and join in. The possibilities are almost limitless.

**Q: Tell us about your most memorable moment at the Bar?**

**A:** There have been many memorable moments, but one of my fondest memories was representing Snow White, portrayed by Tamiko Herron, Past President of the Santa Clarita Valley Bar Association, in the case of *Snow White vs. the Wicked Queen*, presented by members of the Bar to a group of students at Maurice Sendak elementary school, North Hollywood, in 2008. This was a play the Bar presented in connection with our Law Day activities. The students acted as the jury.

As a group, I found the students highly engaged in the process, highly attentive, focused and interested as the case unfolded. Their comments and questions during their open deliberations made it clear how seriously they took their responsibilities as jurors in this mock trial. In many ways, winning the case for Ms. White was one of my most satisfying trials.

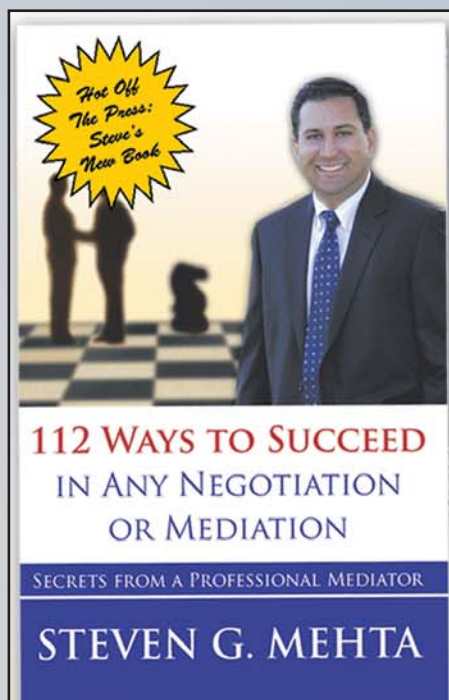
**Q: What is your favorite law-related movie?**

**A:** "My Cousin Vinny" is my favorite law-related movie, because I can really identify with Vinny's complete lack of knowledge of what he was supposed to do when he got to court for the first time. I haven't forgotten fumbling my way through oral arguments in a crowded Law and Motion department, watched by 30 lawyers waiting their turns, as a judge tore me to shreds while I heard what I imagined to be barely suppressed snickering from the audience behind me. (I found out later that most of those waiting were just glad it was me and not them. I also learned the best way to avoid a judge's ire was to be extremely well-prepared.)

**Q: Where do you see yourself/practice in 5 years?**

**A:** My initial life plan, which was to "live fast, die young and leave a good corpse," didn't work out. So I am now living Plan B: "Live forever or die in the attempt." I fully expect my plan to be in operation over the next 5 years.

As for my practice, another saying comes to mind: "Change is inevitable, growth is optional." So far, I've managed to keep growing. It is my intention to continue. Whatever my intention, I know that change will both continue and accelerate. 🐘



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# Suspended Corporations *Tips and Traps to Avoid*

By Jeffrey D. Horowitz

**C**OUNSEL HANDLING A MATTER THAT INVOLVES a corporation should always be mindful of the status of the corporation with the California Secretary of State. This is true whether the matter being handled involves litigation, anticipated litigation or if it is a transactional matter.

The first step an attorney should take when dealing with a corporate party is to check the status of the corporation on the

California Secretary of State's website, located at [www.sos.ca.gov](http://www.sos.ca.gov). On the presently configured website, click "Business Entities" located under the "Business Programs" heading. In the left hand column of the page, click "Business Search", located under the "Online Services" heading. Then, simply perform your search by entering the name of the corporation in question into the "Search" field. If the "Status" field shows that the corporation is active, counsel may proceed if it is a transactional matter. In a litigation context, it may not be the end of the inquiry, as will be explained. If the "Status" field shows that the corporation is suspended, counsel should proceed with caution.

A California corporation can be suspended for two main reasons. First, pursuant to Corporations Code §2205, a California corporation will be suspended if it fails to file the Statement of Information required under Corporations Code §1502 for an applicable filing period, has not filed the Statement of Information during the prior 24 months, and was certified for penalty for these failures under Corporations Code §2204. Second, pursuant to Revenue & Taxation Code §23301, a California corporation will be suspended if it fails to timely pay any tax, penalty, interest or liability that is due to the State.

When a California corporation is suspended pursuant to Corporations Code §2205 for failing to file the Statement of Information, except for filing an application for exempt status, amending the articles of incorporation to either perfect the application for exempt status or to set forth a new name, or to finally file the Statement of Information, "the suspended corporation may transact no business of any kind." *Leasequip, Inc. v. Dapeer* (2002) 103 Cal.App.4th 394, 402. The "corporate powers, rights and privileges of the corporation are suspended." Corporations Code §2205(c).

Since a corporation suspended for failing to file a Statement of Information "may transact no business of any kind", transactional attorneys should be sure to check the status of every corporate client on the Secretary of State's website prior to handling work for any corporate client. The



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same holds true for a litigator. The Court of Appeal in *Palm Valley Homeowners Association, Inc. v. Design MTC* (2000) 85 Cal.App.4th 553, 560, held that “a corporation suspended for failure to file a required statement under Corporations Code section 1502 is...disabled from participating in any litigation activities.”

When a California corporation is suspended pursuant to Revenue & Taxation Code §23301 for its failure to pay taxes, penalties, interest or liabilities, except for filing an application for exempt status, or amending the articles of incorporation to either perfect the application for exempt status or to set forth a new name, “the corporate powers, rights and privileges of a domestic taxpayer may be suspended, and the exercise of the corporate powers, rights and privileges of a foreign taxpayer in this state may be forfeited....” So, “except for filing an application for tax-exempt status or amending the articles of incorporation to perfect that application or establish a new corporate name, a suspended corporation is ‘disqualified’ from exercising any right, power or privilege. (Rev. & Tax. Code, §23301.)” *Grell v. Laci Le Beau Corporation* (1999) 73 Cal.App.4th 1300, 1306.

“During the period that a corporation is suspended for failure to pay taxes, it may not prosecute or defend an action (citation omitted), appeal from an adverse judgment (citation omitted), seek a writ of mandate (citation omitted), or renew a judgment obtained prior to suspension (citation omitted.) The purpose of Revenue and Taxation Code section 23301 is to prohibit the delinquent corporation from enjoying the ordinary privileges of a going concern (citation omitted) , and to pressure it to pay its taxes (citation omitted.)” *Grell v. Laci Le Beau Corporation* (1999) 73 Cal.App.4th 1300, 1306.

A trap for the unwary that both transactional and litigation counsel should be conscience of is Revenue & Taxation Code §19719, which makes it a crime for any person to attempt or purport “to exercise the powers, rights and privileges of a corporation that has been suspended pursuant to Section 23301 or who transacts or attempts to transact intrastate business in this state on behalf of a foreign corporation, the rights and privileges of which have been forfeited pursuant to the section....”

Any person who so attempts or purports to exercise the powers, rights and privileges of a corporation suspended for failing to pay its taxes, penalties, interest or liabilities has committed a misdemeanor, punishable by a fine of at least \$250 but not more than \$1,000 or by imprisonment not to exceed 1 year, or both. Though no case has been found detailing the prosecution of an attorney under this code section, the Court of Appeal case *Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.* (2006) 136 Cal.App.4th 212, 220-221 recognizes the penal nature of section 19719. It would behoove any attorney to be aware of section 19719 and to make sure one does not run afoul of its provisions. The simple way to do so is to check the Secretary of State’s website before performing any work, litigation or otherwise, on behalf of any corporation.

It is important to note that Revenue & Taxation Code §19719 has an exception. Subdivision (b) of this statute allows any insurer or counsel retained by an insurer on behalf

of a suspended corporation to provide a defense for a suspended corporation, or to defend or prosecute subrogation, contribution or indemnity rights in the name of the suspended corporation. However, the insurer and any counsel it retains will be exempt from criminal prosecution only if the insurer participates in the litigation as a party by intervening in the lawsuit to protect the rights of its insured. Section 19719(b) does not allow the insurer and its counsel to defend litigation in the name of the suspended corporation. *Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.* (2006) 136 Cal.App.4th 212, 221-222.

Interestingly, Revenue and Taxation Code §19719 only makes it a crime to assist in exercising the powers, rights and privileges of a corporation suspended for the failure to pay taxes. There is no penal sanction for assisting a corporation suspended for the failure to file its Statement of Information. Nevertheless, it would be unwise for counsel to handle any matters for a corporation suspended for its failure to file a Statement of Information.

In *Palm Valley Homeowners Association, Inc. v. Design MTC* (2000) 85 Cal.App.4th 553, the Court of Appeal upheld the trial court’s imposition of sanctions against counsel for its bad faith conduct in participating in litigation and conducting discovery for a corporate client suspended for its failure to file a Statement of Information. The court noted: “the firm suspected its client was disabled from litigation, but deliberately concealed this fact from the court and the other parties, and continued to litigate vigorously, even seeking summary proceedings to terminate the case before the corporation’s suspended status was discovered.” *Palm Valley*, 85 Cal.App.4th 553, 563.

The court further stated: “In our view, participating in discovery on behalf of a suspended corporation, knowing that the corporation is suspended, and having reason to know or suspect that such suspension disabled the corporation from participating in the litigation, qualifies as conduct abusive of the discovery process, and thus sanctionable.” *Palm Valley*, 85 Cal.App.4th 553, 563-564.

Counsel who finds him or herself in the position of discovering in the middle of litigation that its corporate client is suspended for failing to file its Statement of Information, should, per *Palm Valley*, inform opposing counsel and the court and should immediately advise the client to file its Statement of Information. Once the Statement of Information is filed, the corporation will be relieved from suspension (Revenue & Taxation Code §2205(d)), and can continue with the litigation. The better practice would be to check the client’s or potential client’s corporate status immediately upon being hired or during the initial client or potential client interview and to have the client correct the problem prior to making an appearance as counsel in any pending or impending litigation.

A corporation suspended for the failure to pay taxes can also be revived, pursuant to Revenue & Taxation Code §23305. The suspended corporation can apply to the Franchise Tax Board for relief from suspension, and at the same time, file all required tax returns, and pay all taxes, penalties, interest and any other amounts due. Unless counsel

is familiar with handling tax matters, counsel should refer the client to its CPA or to a tax attorney for assistance in clearing up the matter with the Franchise Tax Board, and should explain to the client the urgency of the matter. Once the outstanding tax issues have been cleared up, the Franchise Tax Board will issue (and counsel should have the client specifically ask for) a Certificate of Revivor which states that the corporation is relieved of suspension or forfeiture and is now in good standing with the Franchise Tax Board. Shortly thereafter, the corporation's status will reflect "active" on the Secretary of State's website. The Franchise Tax Board will also provide a Certificate of Relief from Contract Voidability. (A contract entered into by a suspended corporation is voidable. *Performance Plastering v. Richmond American Homes of California, Inc.* (2007) 153 Cal.App.4th 659, 669.)

Finally, counsel should be aware that though the obtaining of a Certificate of Revivor will revive the legal rights of a suspended corporation, and will provide the corporation relief from contract voidability, the revival will only validate procedural steps taken by the corporation while it was suspended. The revival will not reinstate substantive rights that lapsed during the period of suspension.

"Procedural acts in the prosecution or defense of a lawsuit are validated retroactively by corporate revival. Most litigation activity has been characterized as procedural for purposes of corporate revival." *Benton v. County of Napa* (1991) 226 Cal.App.3d 1485, 1490. "However, substantive defenses

accruing during corporate suspension may not be applied to the benefit of the now-revived corporation. (Citation omitted.) For example, the statute of limitations is regarded as a substantive defense, not a procedural right. Revival cannot be given retroactive effect so as to permit the filing of an action at a time of incapacity to toll the running of the statute of limitations." *Benton v. County of Napa* (1991) 226 Cal.App.3d 1485, 1491.

The statute of limitations can cause a very serious problem for a suspended corporation. This is why it is advisable for counsel to check into the corporate status of any corporate client or potential client at the earliest possible moment. It may take time for the corporation's accountant or tax attorney to clear up the tax problem with the Franchise Tax Board. In addition, even when the matter is cleared up, the Franchise Tax Board may not be able to issue a Certificate of Revivor immediately.

One may only be able to get a Certificate of Revivor expedited by the Franchise Tax Board by showing that there is litigation pending. But what if the suspended corporation is facing an imminent statute of limitations? The codes set forth above prohibit the filing of an action, so filing to protect the statute is not appropriate. Even if one did file to try to protect the statute, it would do no good. In *Sade Shoe Company, Inc. v. Oschin & Snyder* (1990) 217 Cal.App.3d 1509, the Court of Appeal upheld the trial court's granting of summary judgment in favor of a defendant which was based on the statute of limitations running out after the complaint was filed, but while the plaintiff's corporate status was suspended for its failure to pay taxes, penalties and interest. The court stated: "If the statute of limitations runs out prior to revival of a corporation's powers, the corporation's action will be time-barred even if the complaint would otherwise have been timely." *Sade Shoe Company*, 217 Cal.App.3d 1509, 1513.

For a litigator, merely checking the Secretary of State's website may not suffice. Hypothetically, assume that a corporation files suit when suspended, days before the statute of limitations runs, and a Certificate of Revivor is quickly obtained, but not until after the statute runs. By the time the complaint is served, and defense counsel is hired, the plaintiff comes up as "active" on the Secretary of State's website. The defendant would have a statute of limitations defense without realizing it. This may be avoided by contacting the Secretary of State and obtaining a Certificate of History for the corporation. In this manner, counsel can examine more about the corporation in question than just the minimum information found on the Secretary of State's website. 📌

**Jeff Horowitz** is the principal of Jeffrey D. Horowitz & Associates, Attorneys at Law in Sherman Oaks. He has been practicing law for nearly 19 years and has had his own practice for almost 7 years. Mr. Horowitz' practice consists mainly of construction, surety and real estate litigation, though he also handles some insurance and personal injury matters. He can be reached at [jhorowitz@ssmlaw.com](mailto:jhorowitz@ssmlaw.com).



## ABOVE THE LAW, By Marc Jacobs





# MCLE Test No. 14

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. Failing to pay state taxes, interest or penalties is the only reason a corporation in California may be suspended  
True  
False
2. A suspended corporation can effectively protect a statute of limitations if it files suit before the statute runs, as long as it obtains a Certificate of Revivor prior to the time the defendant files its responsive pleading.  
True  
False
3. A corporation's corporate status can be verified by checking the Department of Corporation's official website.  
True  
False
4. It is a misdemeanor to assist a corporation suspended for its failure to pay taxes to exercise its corporate rights, powers and privileges.  
True  
False
5. It is a misdemeanor to assist a corporation suspended for its failure to file a Statement of Information to exercise its corporate rights, powers and privileges.  
True  
False
6. A formerly suspended corporation that obtains a Certificate of Revivor can enforce contracts it entered into while its corporate status was suspended.  
True  
False
7. A suspended corporation may not transact business of any kind.  
True  
False
8. A suspended corporation may not participate in the discovery process in litigation.  
True  
False
9. Counsel that participates in the discovery process in litigation on behalf of a suspended corporate client may be subject to sanctions for abuse of the discovery process.  
True  
False
10. A suspended corporation is disabled from participating in any litigation activities.  
True  
False
11. A corporation suspended for the failure to pay taxes may still file an application for exemption from taxes.  
True  
False
12. There is no good reason for an attorney representing a corporate defendant to check the client's corporate status on the Secretary of State's website until after the responsive pleading is filed.  
True  
False
13. Counsel retained by an insurer of a suspended corporation will not run afoul of Revenue & Taxation Code §19719 if he or she files an answer in the name of the suspended corporation.  
True  
False
14. An insurer faced with a suit against its insured who is a suspended corporation should become a party to the litigation by filing a motion to intervene.  
True  
False
15. Once a corporate client that has been suspended for failure to file its Statement of Information has been sued, there is nothing that can be done to restore the corporation's active status.  
True  
False
16. Once a corporation that has been suspended for its failure to pay taxes has cleared up all matters with the Franchise Tax Board, counsel should instruct the client to quickly ask the Franchise Tax Board to provide it with a "Certificate of Good Standing."  
True  
False
17. Obtaining a "Certificate of Revivor" will validate all procedural steps taken by the corporation while it was suspended.  
True  
False
18. There is never any reason to go farther than checking the Secretary of State's website for a corporate party's status.  
True  
False
19. Only litigators need be mindful of a corporate client's status with the Secretary of State.  
True  
False
20. A suspended corporation may renew a judgment obtained prior to suspension.  
True  
False

## MCLE Answer Sheet No. 14

### INSTRUCTIONS:

1. Accurately complete this form.
2. Study the MCLE article in this issue.
3. Answer the test questions by marking the appropriate boxes below.
4. Mail this form and the \$15 testing fee for SFVBA members (or \$25 for non-SFVBA members) to:

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### 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
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## Hard Work, Good “Market” Placement and Luck – A Good Combination



STEPHEN T.  
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**T**HE VALLEY COMMUNITY Legal Foundation of the SFVBA enters its next fiscal year on October 1, 2009 in the midst of a severe recession that has regrettably taken its toll on many non-profit organizations. Fortunately, however, in the midst of these challenging times, the Foundation enters the new year in good financial shape.

While it is always difficult to gauge why some non-profits are faring better than others, the elements of hard work, “market” placement and pure luck likely have a lot to do with the issue. The Foundation delightfully seems to have benefitted from all three elements.

**Hard work.** The annual Law Day Gala is the Foundation's main fundraiser. This year, as usual, our board members generously gave of their time and effort. We started preparation for the gala very mindful that present economic conditions would make the task of putting on a successful gala much more challenging than in 2008 (when the event had a record year); in fact, to say that we were apprehensive may be a bit of an understatement.

Nevertheless, the board wholeheartedly pitched in, remaining undeterred in the face of potential sponsors who could no longer help as they had done in previous years. The result was a gala that, while not setting a record in fundraising, did raise sufficient funds to enable the Foundation to confidently push forward with its grants and scholarship programs in the coming fiscal year.

I cannot even begin to list, in the space afforded by this column, all of the many board members who contributed to this success, so I will just single out for mention our Gala Chair, Jodi Berman-Levine, who worked tirelessly

and always in good humor to pull the event together. Thanks, Jodi!

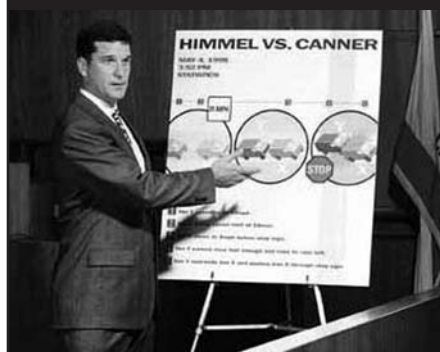
**“Market” placement.** The Foundation continues to occupy a unique niche in the Valley charitable universe. We are the only non-profit organization whose endeavors are focused on assisting (by way of grants and scholarships) institutions and students in endeavors related to the law. Thus, we are essentially able to appeal to our Valley legal community to lend further support to causes related to our very own profession.

**Luck.** This can never be underestimated. In the midst of worrying about whether our gala would produce a return to enable us to continue our

charitable mission at previous years' levels, the Foundation was fortunate to receive a major contribution which, when combined with our gala proceeds, actually brought our donations approximately up to last year's record gala earnings.

Through a combination of hard work, unique placement in the Valley non-profit arena and good luck, I am happy to report to the legal community that your Foundation is well poised to continue its vigorous charitable work as the organization enters the new fiscal year. On behalf of the Board of Directors, I take this opportunity to thank you for your continued support in these challenging economic times. 📈

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# Santa Clarita Valley Bar Association

## Fifth Annual "Law Appreciation Day"

**O**N FRIDAY, OCTOBER 2, 2009 the Santa Clarita Valley Bar Association will host its 5<sup>th</sup> Annual Law Appreciation Day at the Hyatt Hotel in Valencia. The event will be held from noon until 1:30 p.m. Last year, the event was attended by approximately 250 people.

The luncheon program will honor local heroes, as well as the men and women who join the members of the bar association in their commitment to democracy and justice. Invited guests include Supervisor Michael Antonovich, District Attorney Steve Cooley, Sheriff Lee Baca, State Senator George Runner, Assemblyman Cameron Smyth, Congressman Howard "Buck" McKeon, Santa Clarita Mayor Frank Ferry, the Los Angeles County Fire Department, California Highway Patrol and other dignitaries.

Law Appreciation Day is the Santa Clarita Valley Bar Association's way of supporting the heroes within the Santa Clarita community, while fostering communication and teamwork within Santa Clarita's various community, legal and law enforcement entities.

SCVBA invites you to attend this special event. In addition to individual tickets, a limited number of sponsorships are available on a first-come, first-serve basis. There will also be opportunities to advertise your law practice or law-related business in the program booklet.

Last year, the SCVBA received numerous community nominations for local heroes. These nominations were considered carefully by the Bar Association and several were selected to be honored at the annual event.

Those honored included Captain Gary Dellamalva of the Los Angeles County Fire Department, as well as Fire Station 73, for their heroic response to last year's Interstate-5 truck route tunnel collision and explosion in the Newhall

area. Many lives were saved through Captain Dellamalva's quick response and expertise.

David Dunkel, a Valencia High School student, was honored for his amazing leadership and achievements as a cadet in the Air Force Junior ROTC program. Also honored was Edward Cole for his dedication to our community's charitable organizations, and to his selfless acts and fundraising activities to assist "Flying Mike Brown" who suffered life threatening injuries in a serious motorcycle crash.

Officer Adrian Garcia of the CHP was honored for saving the life of a woman attempting to commit suicide by jumping off a bridge railing on the northbound I-5 freeway. Dale Gerstel was honored for his countless hours and dedication for our deployed troops and wounded serviceman; Mr. Gerstel has co-founded Prayer Angels for the Military, the largest military support group in our area.

Lisa Hernacki was honored for her significant and inspiring contributions to music in the Santa Clarita Valley. Ms. Hernacki designs and presents a grand-scale free concert titled "Celebrate Music" each year, where students and children are exposed to the joys of music, and can even visit an instrumental "petting zoo." Detective Richard Welch was honored for his courage and investigative work which keeps our Valley safe. Detective Welch led the operation which resulted in the arrest of an attempted kidnapper in Canyon Country.

This year, the SCVBA anticipates another full house of attendees and honorees. If you are interested in tickets, sponsorship opportunities or advertising, please call (661) 287-3260 or send an email to [lawday@scvbar.org](mailto:lawday@scvbar.org). Please visit [www.scvbar.org](http://www.scvbar.org) for more information as well. 🐾



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| <ul style="list-style-type: none"><li>• Supreme and Appellate Cases for all 50 States</li><li>• All Federal Circuit Courts</li><li>• Federal District Courts</li><li>• Federal Bankruptcy Courts</li></ul> | <ul style="list-style-type: none"><li>• Board of Tax Appeals</li><li>• Tax Court Memorandum Decisions</li><li>• U.S. Customs Court</li></ul> |
|--|--|



Fastcase is a member benefit of The San Fernando Valley Bar Association.

## San Fernando Valley Bar Association

### 2009 Installation Gala

**Saturday Night**  
**September 26, 2009**  
Woodland Hills Hilton Hotel

*6:00 p.m. Cocktail Reception*

*7:00 p.m. Dinner and Installation Ceremony*

Special Presentation of  
SfVBA Stanley M. Lintz Award to  
Pearl F. Vogel, in Memoriam

Presentation of President's  
Award by Outgoing President  
Tamila Jensen to Matthew S. Crowley



Tickets are \$90 per person and \$900 for a table of ten.

Multi-level sponsorships and advertising opportunities are available. For further information, please contact Linda at (818) 227-0490, ext 105.

## Probate & Estate Planning Section Buy Sell Agreements

SEPTEMBER 8  
12:00 NOON  
MONTEREY AT ENCINO RESTAURANT  
ENCINO

Chris Hamilton of Arxis Financial will discuss Buy Sell Agreements from a business valuation standpoint.

<b>MEMBERS</b>	<b>NON-MEMBERS</b>
<b>\$35 prepaid</b>	<b>\$45 prepaid</b>
<b>\$45 at the door</b>	<b>\$55 at the door</b>
1 MCLE HOUR	

## All-Section Meeting Sponsored by Deadlines on Demand and Wells Fargo Insurance Services Malpractice Avoidance!

SEPTEMBER 10  
12:00 NOON  
SfVBA CONFERENCE ROOM

Joseph Scott, an attorney and Vice President of Deadlines on Demand, and Terri Peckinpugh, Vice President, Wells Fargo Insurance Services, will discuss common attorney errors and keeping yourself far from malpractice pitfalls.

<b>MEMBERS</b>	<b>NON-MEMBERS</b>
<b>\$20 prepaid</b>	<b>\$30 at the door</b>
<b>\$30 at the door</b>	<b>\$40 at the door</b>
1 MCLE HOUR	LEGAL ETHICS

## Criminal Law Section Gang Trials

SEPTEMBER 15  
6:00 PM  
UNCLE CHEN RESTAURANT  
ENCINO

Attorney Jeff Yanuck will walk attendees through the intricate steps involved in preparing for a gang trial.

<b>MEMBERS</b>	<b>NON-MEMBERS</b>
<b>\$35 prepaid</b>	<b>\$45 prepaid</b>
<b>\$45 at the door</b>	<b>\$55 at the door</b>
1 MCLE HOUR	

## Workers' Compensation Section Case Law Update

SEPTEMBER 16  
12:00 NOON  
MONTEREY AT ENCINO RESTAURANT  
ENCINO

Hon. Mark Kahn, Associate Chief Judge of the Division of Workers' Compensation, will discuss the latest changes in case law.

<b>MEMBERS</b>	<b>NON-MEMBERS</b>
<b>\$35 prepaid</b>	<b>\$45 prepaid</b>
<b>\$45 at the door</b>	<b>\$55 at the door</b>
1 MCLE HOUR	

## Santa Clarita Valley Bar Association Hiring and Firing Employees – The "Right" Way to Do It!

SEPTEMBER 16  
6:00 PM  
TOURNAMENT PLAYERS CLUB  
VALENCIA

Brian Koegle of Poole & Shaffery will discuss what attorneys need to know about employment law.

<b>MEMBERS</b>	<b>NON-MEMBERS</b>
<b>\$40 prepaid</b>	<b>\$50 at the door</b>
<b>\$50 at the door</b>	
1 MCLE HOUR	

## Litigation Section Collegiality both Inside and Outside the Court

SEPTEMBER 17  
6:00 PM  
SfVBA CONFERENCE ROOM

What effect does civil behavior have on the outcome of your case? Judge Michael Mink and attorney Keith Gregory will discuss civility among attorneys, their clients and the Bench.

<b>MEMBERS</b>	<b>NON-MEMBERS</b>
<b>\$35 prepaid</b>	<b>\$45 prepaid</b>
<b>\$45 at the door</b>	<b>\$55 at the door</b>
1 MCLE HOUR	

## Family Law Section Parenting Plans

SEPTEMBER 21  
(ONE WEEK EARLY DUE TO HOLIDAYS)  
5:30 PM  
MONTEREY AT ENCINO RESTAURANT  
ENCINO

Judge Thomas Trent Lewis is scheduled to discuss age appropriate parenting plans for both younger and teenage children. Custody dispute resolution strategies will be highlighted as well.

<b>MEMBERS</b>	<b>NON-MEMBERS</b>
<b>\$45 prepaid</b>	<b>\$55 prepaid</b>
<b>\$55 at the door</b>	<b>\$65 at the door</b>
1 MCLE HOUR	

**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@sfvba.org](mailto:events@sfvba.org).**





*Sheryl Mazirow, CCIM  
Tenant Advocate*

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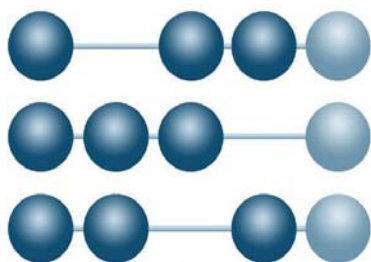
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