



BarNotes

A Publication of the
San Fernando Valley Bar Association

In This Issue

President's Message3

Message From LRIS Coordinator.....5

Trademarks and Trade Dress7

Notice to Attorneys.....8

The Practice9

Report from the Foundation11

New Members12

Avoidable Consequences

Doctrine.....14

Members in the News16

ABA News at a Glance19

Classified Ads20

Budget crisis 2004-2005: A Reality Check

By Senator Joseph Dunn

It is 2:00 p.m. on a Wednesday afternoon in October 2004, and half of the trial courts across the state are dark. Civil cases are not being heard. Clerks' offices are closed. Court staffs are reduced to part-time or have been furloughed. Morale is at an all-time low. Some did not believe it would really come to this. How could this have happened to the co-equal third branch of government?

Here's how. Let's begin with some history. California was faced with an unprecedented \$38 billion budget deficit for the budget year 2003-04, running from July 1, 2003 to June 30, 2004. Many Democrats were struggling to save critical programs and services and many Republicans were refusing to raise taxes. As a result, the ultimate budget resolution was a convoluted mix of unwelcome cuts, extensive borrowing, deferred payments and short-term fixes. It also included a continuing \$8 billion "structural deficit" – which means the state's budget would spend \$8 billion more next year than it brings in revenue.

Now, let's turn to this coming year. Start with a \$100 billion annual California state budget and the \$8 billion structural deficit going into the 2004-2005 budget, then:

✓ Subtract \$29 billion in special funds and bonds from the \$100 billion that can only be used as earmarked. For example, gas taxes go into a special fund to pay for transportation projects and cannot be used to balance the budget. Voter-approved bonds to build schools cannot be diverted to balance the budget. That leaves \$71 billion of the original \$100 billion in which \$8 billion in savings must be found.

✓ Subtract another \$32 billion from the \$71 billion for K-14 (kindergarten through community college) funding promised by

Proposition 98, a 1988 addition to the state constitution that established a minimum funding guarantee for K-14. It is political suicide for legislators to return to their districts having supported cuts to education. That leaves \$39 billion in which to find the savings.

✓ Subtract another \$13 billion in federally mandated minimums (bare bone minimum funding) from the \$39 billion for health and welfare programs, such as Medi-Cal, Healthy Families and services for the aged, blind and disabled. For every dollar we cut in these programs, the state loses between \$2 and \$3 in federal matching funds, which would only make the deficit worse. That leaves \$26 billion in which to find the savings.

✓ Subtract another \$4.5 billion from the \$26 billion, which is mandated by court order or federal requirements for developmental disabilities and mental health services, including such things as in-home care for the elderly. That leaves \$21.5 billion in which to find the savings.

✓ Subtract another \$6 billion from the \$21.5 billion for corrections, law enforcement and fire protection. It is also politically problematic for legislators to return to their districts having supported cuts to these services. That leaves \$15.5 billion that is not legally or politically obligated to be spent.

That \$15.5 billion is where the courts' budget comes from, along with many other state agencies, departments and functions. But \$15.5 billion is not the end of the story. Remember we are starting with an \$8 billion structural deficit.



continued on page 18

Calendar of Events Page 23



SEE PAGE 6

“AT YOUR SERVICE”

BUSINESS

(Transactions & Litigation)

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

CONSUMER

Family Law	Personal Injury
Tax & Estate Planning	Tax Litigation

LEWITT HACKMAN

LEWITT, HACKMAN, SHAPIRO, MARSHALL & HARLAN
a law corporation

16633 Ventura Boulevard, 11th Floor, Encino, California 91436
(818) 990-2120 • FAX (818) 981-4764
www.lewithackman.com

BarNotes

**SAN FERNANDO VALLEY
BAR ASSOCIATION**

21300 Oxnard Street, Suite 250
Woodland Hills, CA 91367
Phone (818) 227-0490
Fax (818) 227-0499
www.sfvba.org

BOARD OF TRUSTEES

President.....James R. Felton
President-ElectAlice A. Salvo
SecretaryRichard Lewis
TreasurerPatricia McCabe
Past PresidentSteven Holzer
Executive DirectorElizabeth Post

TRUSTEES

Seymour I. Amster Sue Bendavid-Arbiv
Caron Caines James E. Curry
Robert Flagg Gerald L. Fogelman
Cynthia Elkins Tamila Jensen
Donna Laurent Everett Meiners
Kevin Rex Myer J. Sankary
Alan J. Sedley Deborah S. Sweeney

STAFF

LRIS CoordinatorMichele Morley
LRIS CounselorGayle Linde
LRIS CounselorRosita Soto
Events CoordinatorLinda Temkin
Administrative AsstAileen Jimenez

SECTION CHAIRS

ADRTodd Smith
Charles Parselle
Business LawStephen M. Levine
Alan J. Sedley
Criminal LawSteve Meister
Family LawCari Pines
Health LawAlan J. Sedley
Intellectual Property, Entertainment
and Internet LawTom Speiss
Deborah Sweeney
Mishawn Yarovesky
LitigationRobert Flagg
Maria Skinner
Darryl Graver
New LawyersMichael Attar
David Bobrosky
Probate & Estate
PlanningJudith Perez
Marlene Seltzer
Small Firm and
Sole PractitionerMyer Sankary
Lilianne Chaumont
TaxationRichard Block
Jacob Stein
Workers' CompWilliam Kropach

Bar Notes 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 Bar Notes 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 & Design
Pre-press & Printing,**

Master Graphics Printing
(818) 343-0500

© 2004 San Fernando Valley Bar Association



President's Message

James R. Felton

THIS AIN'T NO EASY JOB

As many of you know, on February 19, 2004, the Bar Association will be honoring its Judge of the Year. This year, the honor goes to Supervising Judge Alice Hill from North Valley. In addition, the Bar will be recognizing Judges Kriegler and Wolfe for their work on the VAST program, as well as paying tribute to the late Judge Warren Greene.

Many of us make our living before the judges of the Valley. We all have our favorites. Ultimately, I think that most litigators simply want a fair shake; that is, they ask, much like judges ask of us, for a judge to be prepared and to make a well-reasoned decision.

Rather than droning on about what I think, I did a little research and gathered up some quotations and other comments about judges. Read them and think about them. Consider whether the words of those who have lived over the last several thousand years still ring true today.

"I am as sober as a judge." Henry Fielding (1707-1754), *Don Quixote in England*. Act iii. Sc. 14.

"It is not permitted to the most equitable of men to be a judge in his own cause." Blaise Pascal (1623-1662), *Thoughts*. Chap. iv. 1.

"He made one of Antipater's recommendation a judge; and perceiving afterwards that his hair and beard were coloured, he removed him, saying, I could not think one that was faithless in his hair could be trusty in his deeds." Plutarch (AD 46? - AD 120), *Apophthegms of Kings and Great Commanders*. Philip.

continued on page 10



JACK TRIMARCO & ASSOCIATES POLYGRAPH/INVESTIGATIONS, INC.



Jack Trimarco, President
Former Polygraph Unit Chief
Los Angeles, F.B.I. (1990-1998)

CA. P.I. #20970

Member Society of Former Special Agents
Federal Bureau of Investigation

9454 Wilshire Blvd. 6th Floor
Beverly Hills, CA 90212
(310) 247-2637

1361 Avenida De Aprisa
Camarillo, CA 93010
(805) 383-8004

email: jtrimarco@aol.com

Former Inspector General Polygraph Program
Office of Counter Intelligence
U.S. Department of Energy.

Incorporating your clients

just got easier and more affordable.



Document Filings... It's what we do!™

Corporations
Limited Liability Companies (LLCs)
Nonprofit Corporations
S-Corporation Elections
Foreign Qualifications
Amendments
Conversions
Dissolutions
Certificates of Good Standing
Document Retrieval Services
IRS Forms & Filings
Name Availability Checks
Name Reservations
Registered Agent Services
Corporate Kits & Supplies

**Incorporate a Business in
ANY STATE in 24 to 48 hours!**

For as
little as **\$99**
Plus state filing fees



\$25 Discount!

for San Fernando Valley Bar Association Members
Enter coupon code: **SBAR-25D** when ordering at our website.

- ◆ **FAST**
- ◆ **Reliable**
- ◆ **Affordable**
- ◆ **Guaranteed**

MyCorporation.com is a document filing service and does not offer legal or financial advice.

MyCorporation.com®

Call for more information: **1-888-692-3619**

Visit our website: www.mycorporation.com

Message From LRIS Coordinator

Michele C. Morley

A new LRIS advertisement is now appearing in the new Yellow Book directory that is being distributed throughout the San Fernando Valley. Originally, this advertisement had not been included in our current fiscal year advertising budget. However, the new Valley Yellow Book is distributed to all addresses, including distribution to individuals who now rely exclusively on their cell phone as their phone service. We recognized the value in reaching this growing market, plus all households and businesses in the Valley. We adjusted the marketing budget to find the money to place this ad. In other words, the Yellow Book opportunity called and we answered.

The look of the advertisement is a departure for us. I want this to be just the beginning of even more striking and effective advertisements for LRIS. We worked with an advertising agency on this new Yellow Book advertisement. We are in the process of working on another new advertising campaign that I hope to unveil in upcoming Bar Notes.

The LRIS recently received a \$20,000 referral fee from Barry Harlan of Lewitt, Hackman, Hoefflin, Shapiro, Marshall & Harlan. This case involved a difficult and complex probate matter. Barry and others at this firm have been long time supporters and members of the SFVBA and the LRIS. Barry regularly provides training updates for LRIS staff. The firm consistently obtains good results for the clients referred from LRIS. We certainly applaud this recent effort and excellent result.

I frequently comment on the willingness of LRIS members to assist me. Once again, Lyle Greenberg was asked for his help and he unhesitatingly gave it. He never refuses to volunteer his time to assist the LRIS. Russell Bankes spent time educating me about an area of the law that I needed to know more about in order to make an accurate referral. Richard Block contacts me on a regular basis for referrals through LRIS for his clients outside his regular area of practice. I will never take for granted and will always sincerely appreciate the support and the kindnesses shown to LRIS staff by members of the referral service.

I recently heard a speaker comment that she now begins her speech-

es with poems rather than humor. I imagine she feels that there is not enough poetry in our lives or our actions. I will try to include at least a line of poetry in each column. This is from the current poet laureate of the U.S., Louise Gluck

“...in childhood, I thought/that pain meant/I was not loved./It meant I loved.”¹

LRIS Tip: If a referral client fails to keep an appointment and does not call to reschedule, call me and I will return you to the top of rotation. The State Bar confirms that this does not count as a referral.

Establish A Non-Profit Foundation For Your Client

Quickly Affordably Simply

*For whatever charitable purpose your client desires
or in memory or honor of a loved one.*

Our knowledge and experience allows us to accurately complete most applications for tax-exempt charitable status in less than a week. This enables your clients to receive their tax-exempt status within the shortest possible time frame.

If your client would like to establish a non-profit organization and thinks it may qualify, contact our office for a free initial consultation.

Marshall A. Glick
attorney at law

6345 Balboa Blvd. Ste. I-300
Encino, CA 91316

(818) 345-2223

<http://www.glicklaw.com>

San Fernando Valley Bar Association
Invites You To Attend Our Annual

JUDGES' NIGHT



Judge Alice C. Hill

Los Angeles Superior Court,
North Valley District

2004 SFVBA

Judge of the Year

**Special Recognition to Judge Sandy Kriegler and
Judge Richard Wolfe for 2003 VAST Program**

Tribute to the late Judge Warren Greene

Thursday, February 19, 2004

Woodland Hills Hilton

6360 Canoga Avenue

5:30^{pm} Reception 6:30^{pm} Dinner & Program

Please return with payment by **February 14** to:
SFVBA, 21300 Oxnard Street, Suite 250, Woodland Hills, CA 91367 • FAX (818) 227-0499
For additional information call (818) 227-0490, x105.

Name(s): _____

Firm Name: _____

Phone: _____

Please reserve

___ ticket(s) at \$55 each

___ table(s) at \$550 each*

We accept checks, Visa, MasterCard, American Express & Discover

Credit Card #: _____ Exp. Date: _____

Authorized Signature: _____

*Please allow two seats for judicial officers.
Attach a list of names of your guests.

Validated Valet Parking \$4 per car

Stretching Your Practice: Trademarks and Trade Dress



BY DAVID L HOFFMAN

Many business attorneys have heard these dreaded words from a client: "I just signed a contract; can you take a look at it and make sure its okay"? While there is still value in reviewing the agreement after it is signed, before execution is the right time to review it. Now that the Trademark Office accepts internet filings, I often receive a similar inquiry: "I just filed a trademark application. Can you look it over and make sure it is okay?" The old saying, "better late than never," applies. "Of course I'll look at it," I reply. The review process is essentially the same as pre-filing review.

The first step is to determine what is the mark that the application covers. The Trademark Office considers the mark to be the "drawing" that you must attach to the electronic submission (in "gif" or "jpeg" format). If you want to cover any form of the mark, make the drawing typed words in a plain font such as CG Times or Times New Roman. If you want to cover a specific logo, scan in the logo in the form in which it is actually used or intended for use.

You can even file an application on the way a product or its packaging looks. This is known as "trade dress." An example of trade dress is the shape of the old glass COKE®

bottle. While some recent case law may appear to make trade dress protection difficult to obtain and prove, that case law is limited to the situation where the claimed trade dress is the product design itself.

Maharishi Hardy Blechman Ltd. v. Abercrombie & Fitch Company, 2003 WL 22902576 (S.D.N.Y. 2003).

The hardest part of a trade dress application is figuring out what the minimum unique part of the trade dress is that the purchasing public considers to identify the source, rather than being necessary for the function, cost or quality of the product. Source identification is the key function of a trademark. In the Maharishi case, trade dress asserted in elements of "Snopants" (such as roll up pant legs with buttons, elasticized waist, slanted or curved pockets) varies too much in different snopants to be source identifying. Like style, color can be trade dress. While orange color for orange soda could not be covered by trade dress (as a functional or inherent quality), pink for insulation is a mark of Owens-Corning (Registration No. 2380742, issued in August 2000).

Once it is established what the mark is, check to see whether the mark is in actual use. Actual use requires more than filing a d/b/a or advertising with the mark. It requires an actual sale of the goods or actual performance of the services, in interstate commerce or use which has a substantial affect on interstate commerce. Historically trademark applications could only be filed upon actual use. Since 1989, one can file based on a good faith intent-to-use. If the application is filed claiming use, but use has not taken place, the application is fatally defective. Post filing review can do nothing.

The goods and/or services must also be identified. Generally, the broader the initial description, the better. You can narrow the description later, but you can never broaden it beyond the original (or latest amended) version. However, if there are potentially conflicting prior marks, a narrow description may be a way to distinguish over those marks. The Trademark Office makes a determination of whether or not the mark is confusingly similar to an existing registration or prior application mainly by considering the similarity of the marks themselves, whether the prior mark is strong, and the similarity of the goods or services, essentially ignoring any arguments you might make regarding your actual product or marketplace conditions.

Where difficulty distinguishing over another mark is encountered, one of the tricks of the trade is to put the marketplace conditions into the description. An example

continued on page 17

LAW OFFICES
MAZO & VIDOR
A PROFESSIONAL CORPORATION

NEIL M. MAZO & PAUL M. VIDOR
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

5170 N. SEPULVEDA BOULEVARD, SUITE 290
SHERMAN OAKS, CALIFORNIA 91403
TEL: (818) 788-1151
FAX: (818) 788-7152

Referral Fees paid within Bar Guidelines

Attention All Lawyers Need Office Help?

Use our free
Job Listing Form
inside this issue!
Service is Free!

Receptionist
Filing Clerk
Calendar Clerk
Document Manager
Litigation Assistant
Paralegal Secretary
Paralegal

Here's what our paralegal graduates can do after 400 hours of intensive job training . . .

- Perform legal research, legal analysis, case briefings, Shepardizing, and draft memorandums.
- Draft complaints, answers, interrogatories, special interrogatories, discovery documents and prepare responses (constructed full text pleadings as well as form pleadings).
- Draft motions, including Motion for Summary Judgment and prepare trial notebook.
- Perform initial client intake and other organizational duties pertaining to a busy law practice.
- Substantive knowledge in the areas of family law, bankruptcy procedures, transactional law (contracts, entertainment, intellectual property), employment law, and criminal/constitutional law.
- Hands-on experience in working with litigants as a result of an intensive Externship Program with local self-help legal clinics.

Teaching Opportunities

If you have an idea for a class or program that is not currently offered through the Extension Program, please contact us. We are always looking for new ideas, workshops, seminars and experienced instructors.



Los Angeles Valley College
Extension Program
5800 Fulton Avenue
Valley Glen, California 91401
(818) 947-2320 (phone)
(818) 947-2930 (fax)
Goldmaa@lavc.edu (email)
www.lavc.edu (website)

Notice To Attorneys

PROBATE LAW AND MOTION HEARINGS IN THE CENTRAL DISTRICT

All Probate Law and Motion matters filed in the Central district on and after December 22, 2003, shall be set for hearing at 10:15 a.m. Central district Probate Law and Motion matters currently set at 11:00 a.m. shall remain on the 11:00 a.m. calendar.

CHANGES TO SUPERIOR COURT FEES

The Notice to Attorneys regarding changes to Superior Court Fees effective January 1, 2004 published in January's *Bar Notes* failed to account for an additional \$5 increase in court facility fees that takes effect January 1, 2004 pursuant to §70373 of the Government Code. This change adds \$5 to the amount due for filing first papers in unlimited jurisdiction civil, probate, and family cases.

A corrected summary of the new and increased court fees are posted on the Court's website at www.lasuperiorcourt.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



THE PRACTICE

a series of essays on practice of law and life

The Director



BY DAVID R. HAGEN

One of the things I like to do in this column is stand back and look at the big picture. Last month and this month, I am looking at the big picture with respect to our bar association. I spoke last month about appreciating our bar association's sense of community. This month, I want to discuss our good fortune in having Liz Post as our bar director.

Quite frankly, most of you know that Liz is the editor of the *Bar Notes* and she is not big on tooting her own horn, if you will. As a result, it is quite possible that I will not be able to get her to print this column. If you are reading this, you should know that I had to twist her arm a great deal to get this month's column published. With that said, let me tell you what, from my perspective, she has done.

Remember that in the early 1990s, our bar association was in trouble. We had been around for many years having been established in 1926. However, the bar had grown comfortable and had not changed with the times. The membership was down to 850, we had no bar director, our offices looked old and shabby, our cash flow was negative and we were rapidly burning through our reserves. Sometimes I wonder if the only reason the leadership allowed me to sit on the board was because I was a bankruptcy attorney - perhaps thinking that they might need my services at some point soon.

I remember talking to the staff and realizing that LRIS referrals were done

on 5x7 cards and the perception was that referrals were done unevenly. It took a week and a half to send out monthly statements. There were no computers in the office. The monthly newsletter was typeset by hand each month. We were really in trouble on several fronts.

A "blue ribbon" report detailing the problems was prepared and a remedial plan put in place. It was acknowledged among the Board of Trustees that if this plan did not work, the bar might very well cease to exist. I specifically remember a clause from the report that said, "Change, or perish." This almost seems laughable considering our current success, but it is true!

A number of changes were put in place. Our offices were downsized and moved, the bar association completely computerized, making billings more efficient and referrals more even. A new attitude swept through the leadership of the Bar, believing that voluntary bars grew as a result of one thing: VALUE. Value could take the form of many things such as member-

ship benefits or a sense of community, but members needed to see value. (Most voluntary bar associations in the country have only recently come to understand this concept, only they refer to this as "relevance".)

Most importantly, we hired a new bar director. Quite frankly, we did not have the financial ability to hire a highly experienced bar director away from another bar association. Rather, we got a tip that the Los Angeles County Bar Association had an up and coming person within their ranks. That person was Liz Post.

The success of our bar since Liz came aboard has been truly unbelievable. The bar association has grown from 850 to more than 2,200 members. In fact, ABA statistics showed that during the late '90s, our association was one of the fastest growing bar associations in the entire United States. Other bar associations were contacting us wanting to know our secret to success. During this time, our bar has developed great sections. Sections such as Family Law and

continued on page 15

L.A. EXPRESS APPRAISALS

Patti Kraakevik - Licensed General Certified Appraiser

25 + years experience in real estate appraisals

Federal Estate Tax - Estate Tax Planning, including Gift Taxes

Single Family Residences - Commercial Buildings - Apartment Buildings - Condos

Located in the Encino Law Center

15915 Ventura Blvd., Suite 303, Encino, CA 91436

818/343-7802 Fax: 310/831-6954

Ca. Lic. # AG016568

President's Message ...continued from page 3

"The judge is condemned when the criminal is acquitted." Publius Syrus (42 BC), *Maxim* 407.

"An upright judge, a learned judge." William Shakespeare (1564-1616), *The Merchant of Venice*. Act iv. Sc. 1.

"Whoever undertakes to set himself up as a judge of Truth and Knowledge is shipwrecked by the laughter of the gods." Albert Einstein.

"I was married by a judge. I should have asked for a jury." Groucho Marx.

"Good judgement comes from experience, and experience--well, that comes from poor judgement." Cousin Woodman.

"A conscience without God is like a court without a judge." Alphonse De Lamartine (1790 - 1869).

"A judge is a law student who grades his own papers." H. L. Mencken (1880-1956).

"All in all I'd rather have been a judge than a miner. And what is more, being a miner, as soon as you are too old and tired and sick and stupid to do the job properly, you have to go. Well, the very opposite applies with the judges." Peter Cook (1897-1975).

"If two friends ask you to judge a dispute, don't accept, because you will lose one friend; on the other hand, if two strangers come with the same request, accept because you will gain one friend." Saint Augustine (354-430)

"Judges don't age. Time decorates them." Enid Bagnold (1889-1981).

"Judges ought to be more leaned than witty, more reverent than plausible, and more advised than confident. Above all things, integrity is their portion and proper virtue." Francis Bacon (1889-1981).

"Our Constitution was not written in the sands to be washed away by each wave of new judges blown in by each successive political wind." Hugo L. Black (1886-1971).

"To judge wisely, we must know how things appear to the unwise." George Eliot (1803 - 1882).

"The job of a judge is to figure out what the law says, not what he wants it to say. There is a difference between the role of a judge and that of a policy maker...Judging requires a certain impartiality." Clarence Thomas (1685 - 1750).

You may agree with some, many, or none of the above. Notably, the best part of these quotes is that we all continue to have the right to say them. I hope to see you on the 19th. 🏹

President James Felton can be contacted at (818) 382-6200 and jfelton@greenbass.com.



When your association membership saves you money on wireless service, it's an easy call to make.



Members of the San Fernando Valley Bar Association can save with AT&T Wireless. Choose from a range of voice and data plans and get a 5% discount on qualified wireless service charges each month. So hurry in and switch your number to AT&T Wireless today.

TO SIGN UP AND SAVE CALL: 1 800 459-6524

reachout®
on the wireless service America trusts™



Report From The Foundation



BY DAVID GURNICK, PRESIDENT, VALLEY COMMUNITY LEGAL FOUNDATION OF THE SFVBA

February and March are months when our Scholarship and Grants Committees do their most intensive work. They review and make difficult decisions on scholarship and grant candidates. If you know a Valley high school, college or law student who plans a career in a law-related field, or a worthy organization needing funds for a law oriented program, please tell our Grants Vice President Bob Kahn (Robert@kahnlaw.us), or Scholarships Vice President Christine Lyden (cclyden@aol.com).

Everyone looks forward to our Law Day Dinner, Friday April 30 at the Warner Center Hilton. We continue the celebration of Law Day, first proclaimed by President Eisenhower and repeated by every President, every

year since. We have a special guest honoree and our plans include a silent auction and entertainment. For information about sponsorships, donations or other details about our main fund raising and celebratory event of the year, please contact our Dinner Chair and Fund Raising Vice President Anne Adams (anneadamst@aol.com).

We are exploring more fund raising ideas. One effort is our endowment program, which you will hear more about. In another new program, the third week of February, Wendy's in Woodland Hills will give us 25% of their proceeds from customers who mention the Foundation. Many thanks to Sharley Allen for organizing this, and to the franchisee owner of Wendy's in Woodland Hills, Ron Ross,

for this generous support. I visited the restaurant and can attest the staff is friendly and the food is tasty. I enjoyed a vegi sandwich. I am asking the legal community to visit Wendy's during the week of February 15 – 21 to enjoy a delicious meal and help raise money that our Foundation will return to the Valley. Bring this article or mention us, and we'll receive 25% of your guest check. It's at 22611 Ventura Blvd. (easy access, between Fallbrook and Shoup) in Woodland Hills.

Last month my report discussed the importance of the courts to our system and the need for proper court funding. The Foundation promotes respect for law and legal institutions. In this time of budget crises our Foundation will continue our support for the courts and I urge the legal community to join me in reminding the Governor and Legislature of the importance of paying our Judges fairly, and providing them staff, facilities and other resources needed to properly perform their critical role.

Respect for law depends on other institutions in our community as well. Two of these that our Foundation actively supports are law enforcement, and our schools. Law enforcement includes many different police agencies that protect our citizens, preserve the peace and enforce the laws: police and sheriffs at all government levels, enforcement attorneys (AGs and District Attorneys as examples) and the like. Our Foundation has chosen to view and support firefighters and public medical professionals as part of our community's law enforcement team.

continued on page 16

Environmental Transactions & Litigation Since 1982



STEPHEN T. HOLZER

**Parker, Milliken, Clark, O'Hara & Samuelian,
a prof. corp.**

**Phone: (213) 683-6671
E-mail: sholzer@pmcos.com**

SFVBA MEMBER BENEFITS



SFVBA rents its **Executive Boardroom** for depositions and hearings. Amenities include breakout room, beverage service, and free parking. Only \$125 per day.

SFVBA attorney members receive **free library privileges** at the University of West L.A. San Fernando Valley Campus in Warner Center. Call (818) 883-0529 for library hours.



Receive **5% monthly discount** and special equipment pricing through AT&T Wireless Services. Stop by your AT&T wireless store or call (866) 4AWS-B2B. Mention Code 50001405.

Join Southland Civic Federal Credit Union and gain access to **great interest rates** on deposits and loans, no fee traveler checks, and more. Call (800) 426-1917.



MBNA AMERICA offers members the exclusive **Platinum Plus MasterCard**. Call (800) 457-3714. Mention priority code OMKA.

Mercury Office Machines offers members discounts and flexible lease options on all Panasonic copiers, printers, and fax machines. Call (818) 782-1221.



TICKET TO RIDE! Contact the SFVBA office to receive a package of **discount coupons & membership cards** for Southern California's major theme parks and attractions.

Now Messenger Service offers members who open new accounts a **5% discount** off their current rates. Call (818) 774-9111.



CHASE Chase Manhattan Mortgage gives members **1/2 point fee discount** on fixed and adjustable rate programs. Call John Bartnicki at (818) 226-0888.

Attorney Services of Southern California offers SFVBA Members who open a new account **FREE court filing** service and guarantee to beat current process service rates. Call (818) 772-4795.



Save 20% on investigative services. Contact **J R Investigations** (818) 704-9925.

SFVBA members **save \$10** on new AAA Membership. Please also ask us about new insurance with many available discounts. Call Nell Derderian at (805) 306-8181.



To obtain **fleet pricing** on your next car, call Gina Lopez at Keyes Express at (818) 907-4168.

Membership Has It's Priveleges!

Applications For Admission

THE FOLLOWING JOINED THE SFVBA IN DECEMBER 2003:

Jacqueline Connors Appelbaum

Law Offices of Jacqueline Connors Appelbaum
14694 Deervale Place
Sherman Oaks, CA 91403
(818) 905-8502 Fax (818) 905-8013

Jay N. Applebaum

Law Offices of Jay N. Applebaum
P.O. Box 19242
Encino, CA 91416
(818) 881-1448 Fax (818) 609-7824
Applebaumlaw@earthlink.net
Commercial Transactions, Litigation

Guillermo Arevalo

7042 McLennan Ave.
Van Nuys, CA 91406
(818) 786-3482
guillermo.arevalo-farias@lls.edu

Ralph Richard Benson

4337 Park Arroyo
Calabasas, CA 91302
(818) 591-3899 Fax (818) 591-3899
ralph.benson@worldnet.att.net
General Practice

Nate Bernstein

Nate Bernstein & Associates
15760 Ventura Blvd. Suite No.700
Encino, CA 91436
(818) 995-9475 Fax (818) 995-9476
natebernstein@netzero.net

Jerold Bloom

7100 Hayvenhurst Avenue Suite 314
Van Nuys, CA 91406
(818) 360-5751 Fax (818) 360-2941
General Practice

Vernon C. Bogy

212 N. Valley Street No.12
Burbank, CA 91505
(818) 482-4331
vbogy@yahoo.com
Corporate Law, Insurance, Litigation

Aaron Borrowman

Kelly, Bauersfeld et al.
6320 Canoga Ave. Suite 1650
Woodland Hills, CA 91367
(818) 347-7900 Fax (818) 340-2859
aaron@kblk.com
Intellectual Property

Glenn Churchman

300 Esplanade Drive No. 939
Oxnard, CA 93036
(805) 981-3929 Fax (815) 981-3928
churchmanlaw@dock.net
Business Law, Estate Planning

Felise L. Cohen

Law Offices of Felise L. Cohen
4195 E. Thousand Oaks Blvd.
No.235
Thousand Oaks, CA 91362
(805) 379-8777 Fax (805) 381-1337

Jerry K. Cohen

15720 Ventura Blvd No.324
Encino, CA 91436
(818) 781-1111 Fax (775) 414-1537
jcofromusa@aol.com
Entertainment Law

David J. Cramer

Law Offices of David J. Cramer
15915 Ventura Blvd. No.203
Encino, CA 91436
(818) 995-0801 Fax (818) 981-6098
cramerlaw@yahoo.com
Criminal Law, Personal Injury

Chester Crone

5941 Rod Ave.
Woodland Hills, CA 91367
(818) 710-8521 Fax (818) 710-8521
c.crone@dynamicmaterials.com

Gary Cunial Esq.

Law Offices of Gary Donald Cunial
18401 Burbank Blvd. Suite 221
Tarzana, CA 91356
(818) 654-0396 Fax (818) 654-0299
Business Law, Workers' Compensation

James K. Dawson

Koppel Jacobs et al.
555 St. Charles Drive Suite 107
Thousand Oaks, CA 91360
(805) 373-0060 Fax (805) 373-0051

Deborah De Cuir

Auditable Business Solutions
11820 Hamlin Street
North Hollywood, CA 91606
(818) 761-1376 Fax (818) 763-8521
Business Law, General Practice

Martin Dworsky

27429 Revere Way
Agoura Hills, CA 91301
(818) 735-5447 Fax (818) 735-4956
martydworsky@earthlink.net

John W. Galardi

19849 Marilla Street
Chatsworth, CA 91311
(805) 390-7703 Fax (818) 718-4648
jackgalardi@hhklaw.com
Civil, Estate Planning, Probate

Richard J. Gallivan

Gallivan Law Offices
6349 Bayberry Street
Oak Park, CA 91377
(818) 735-3527 Fax (818) 735-3521
galcape@aol.com
Probate, Real Property

Mohammadreza Golestani

2165 Basswood Court
Westlake Village, CA 91361
(818) 268-6199

Susanne Amy Grant

21500 Burbank Blvd. No. 228
Woodland Hills, CA 91367
(818) 516-4029 Fax
susanneagrants@hotmail.com
Civil Litigation

Harcourt Hervey III

Law Offices of Harcourt Hervey III
2120 Huntington Drive
South Pasadena, CA 91030
(626) 441-9001 Fax (626) 441-9005
hooklaw@sbcglobal.net
Conservatorships, Elder Law, Probate,
Wills & Trusts

Ronald S. Housman

Law Offices of Ronald S. Housman
21601 Vanowen Street Suite 205
Canoga Park, CA 91303
(818) 716-7580 Fax (818) 715-9938
rshousman@justice.com
Family Law, Personal Injury

Daniel L. McConaughy

Grobstein, Horwath & Company, LLP
15233 Ventura Blvd. 9th Floor
Sherman Oaks, CA 91403
(818) 325-8418 Fax (818) 325-8518
dmconoughy@horwathcal.com
Accounting, Intellectual Property

Jon C. McNutt

Lister, Martin & Thompson
700 N. Brand Blvd. Ste. 630
Glendale, CA 91203
(818) 551-6444 Fax (818) 242-3816
jon@listermartin.com
Workers' Compensation

Gil Ostrick

Oppenheim & Ostrick CPA
4256 Overland Avenue
Culver City, CA 90230
(310) 839-3930 Fax (310) 839-3776
gil@valueaddedadvisors.com

Diana Guzman Ratcliff

Law Offices of Diana G. Ratcliff
15030 Ventura Blvd., Ste. 703
Sherman Oaks, CA 91403
(818) 906-1343 Fax (818) 906-1343
d.ratcliff@adelphia.net
Employment

Jill P. Rawal

9742 Farralone Avenue
Chatsworth, CA 91311
(818) 709-1756
jprawal@justice.com

Jerry Rothman

750 North Workman Street
San Fernando, CA 91340
(818) 361-8989 Fax (818) 361-8989
jrothman@socal.rr.com

Adam Michael Sacks

4615 Winnetka Circle
Woodland Hills, CA 91364
(818) 253-6795 Fax (818) 388-3077
adam@adamlawyer.com
Child Advocacy, Special Education

Cornelia Sterner

Law Offices of Steven M. Barry
P.O. Box 572812
Tarzana, CA 91357
(818) 414-2626
cnsterner@yahoo.com
Workers' Compensation

Alexander Tsimanis

Law Office of George Theofanis
16601 Ventura Blvd. 4th Floor
Encino, CA 91436
(818) 783-9300 Fax (818) 783-0008
tsimanis@hotmail.com
Workers' Compensation

Gregory Wilkinson

22501 Del Valle Street No.105
Woodland Hills, CA 91364
(818) 268-0718
wilkinson_law@yahoo.com

The Finest Neutrals Around.



HON. BRUCE
J. SOTTILE



HON. ARNOLD
H. GOLD



HON. DION
C. MORROW



HON. ETTA
O. GILLIVAN



HON.
REGINALD
A. DUNN



HON. ELI
CHERNOW



HON. EDWARD
Y. KAKITA



RICHARD M.
COLEMAN, ESQ.



HON. HARVEY
A. SCHNEIDER



CHARLES I.
DOLGINER,
ESQ.



HON. GEORGE
P. SCHIAVELLI



HON. IRWIN
NEBRON



GORDON
WALLACK,
ESQ.



HON. HERBERT
L. ASHBY



HON. HAIG
KEHAYAN



HON. ROBERT
H. LONDON



HON. MANEY
D. CALOF

Amy Newman,
President

310-312-6002
800-347-4512
www.arc4adr.com



CONFLICT RESOLUTION
FOR THE 21ST CENTURY

"Avoidable Consequences Doctrine" Shields Employers from Damages in Sexual Harassment Case



BY SUZANNE BENDAUID-ARBIV

Now more than ever employers should publicize, communicate and enforce written policies strictly prohibiting workplace harassment. In a long-awaited decision, the California Supreme Court ruled on whether employers can avoid liability for damages caused by a supervisor's creation of a hostile work environment when employees unreasonably fail to report problems to management pursuant to the employer's policy.

In an attempt to strike a balance between employees and employers, the Court in State Department of Health Services v. Superior Court, ruled that for hostile work environment cases, employers with strong anti-harassment policies may be spared monetary damages if the alleged victim failed to report the misconduct promptly and does not have a reasonable explanation for doing so.

The plaintiff, Theresa McGinnis, was an employee of the state Department of Health Services. She claimed she suffered years of improper touching and verbal harassment from her supervisor before lodging a complaint. An investi-

gation found harassment on the supervisor's part, who retired. McGinnis argued she did not complain earlier because she did not think the department would do anything. She pointed to other workers who reported the same problem, with no action taken by the department. The department argued it would have stopped the harassment had McGinnis come forward earlier.

Justice Joyce L. Kennard, writing for the Supreme Court, said the decision was intended to make "employers the first line of defense against sexual harassment in the workplace." By encouraging victims to come forward with their complaints, the law "can stop workplace harassment before it becomes severe or pervasive." "Prompt employer intervention not only minimizes injury to the victim but also sends a clear message throughout the workplace that harassing conduct is not tolerated," she wrote.

Under state law until now, employers were strictly liable for all damages caused by supervisor harassment even if the employer was not aware of the wrongdoing. Though there may still be a finding of liability under the new opinion, the ruling shields employers from large damage awards if employers can prove they would have stopped the harassment had the victim complained. The Court called this the "avoidable consequences doctrine."

continued on page 16

RICHARD GORDON

Expertise in Federal and California Securities Laws Compliance – Regulatory – Enforcement SEC – Department of Corporations

- former Branch Chief with the SEC in Washington, D.C.
- former Chief Regulatory Counsel in SEC/ Los Angeles Regional Office
- Arbitrator for National Association of Securities Dealers
- 20+ years private practice experience



OF COUNSEL

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

16633 Ventura Boulevard • 11th Floor • Encino • CA 91436
(818) 990-2120 • FAX (818) 981-4764
www.lewitthackman.com

Direct Dial: (818) 907-3271
RGordon@lewitthackman.com

The Practice, continued from page 9

Probate have always been strong. However, the Business and Real Estate Law section has grown in size and new sections such as Intellectual Property have been created and do well. For the first time in our bar association's history, we qualified for a delegate to the ABA. Sending Lyle Greenberg to the ABA as our delegate last year was a historic event. The leadership of our bar is strong. Our relationship with the judiciary is warm and supportive. Our sense of community is as good as it has ever been. This is a real success story of which we should be proud.

The consistent and guiding light through this amazing success has been Liz. She has quietly handled the day-to-day operations of the bar association and, at the same time, supported our leadership as it set higher and higher goals. All throughout this process, she has remained out of the limelight, many times not receiving the full credit for what was accomplished. One of the joys of being President of our organization was that Liz simply makes you look good. She ensures that the events go off smoothly, she lets you know when there is a problem that needs attention, and she makes sure that the office runs in a smooth and efficient manner. She makes the job easy for you so that you can play the role of the bigshot. (It is a great experience and I highly recommend it.)

When standing back and looking at the big picture of our bar association, we are truly fortunate and should be grateful for having Liz Post as our director for this extended period of time.

This month marks her 10-year anniversary as our Executive Director. We should not let this pass without recognizing her contribution. If you see her at a meeting or other bar function, make sure you say "hello" and thank her for all that she has done over the past ten years. She is a big reason why we currently enjoy the success we do. 🐘

Dave Hagen is a principal at Merritt & Hagen. The firm's practice focuses on representing individuals and small businesses in bankruptcy. He speaks to attorneys often on the areas of bankruptcy, the marketing of legal services, and the practice of law. He welcomes your comments to this series of essays.

Certified Tax Law Specialist, CPA
 Representation before the IRS, Franchise Tax Board, State Board of Equalization and other government agencies in audits and other controversies. Income and estate tax preparation and planning, tax opinion letters, transactional planning, and other tax related matters.

Michael D. Daniels
Certified Specialist in Taxation, Board of Legal Specialization, State Bar of California
 20700 Ventura Blvd., Ste. 227, Woodland Hills, CA 91364
(818) 227-5648



Delivering Consistent Results Through Creative Solutions

	<ul style="list-style-type: none"> -Business -Employment -Real Estate 	
<p>Hon. David Horowitz</p>	<p>Construction- Business- Complex Litigation-</p>	<p>Hon. Thomas Schneider</p>
	<ul style="list-style-type: none"> -Probate -Medical Malpractice -Family 	
<p>Hon. Robert Letteau</p>	<p>Real Estate- Personal Injury- Business-</p>	<p>Hon. James Albracht</p>
	<ul style="list-style-type: none"> -Insurance -Medical Malpractice -Real Estate 	
<p>Hon. J. Michael Byrne</p>	<p>Employment- Personal Injury- Legal Malpractice-</p>	<p>Linda Bulmash, Esq.</p>
	<ul style="list-style-type: none"> -Insurance -Business -Real Estate 	
<p>Ralph O. Williams III, Esq.</p>	<p>Entertainment- Employment- Fact Finding-</p>	<p>Joel Grossman, Esq.</p>

For more information, please contact:
Lucie Barron, President
 1900 Avenue of the Stars, Suite 250
 Los Angeles, CA 90067
 (310) 201-0010 • (310) 201-0016 - Fax
www.adrservices.org

Sexual Harrassment, ...continued from page 14

It stated:

[T]he avoidable consequences doctrine applies to damages claims under the FEHA (the Fair Employment and Housing Act) . . . [such that] a plaintiff's recoverable damages do not include those damages that the plaintiff could have avoided with reasonable effort and without undue risk, expense, or humiliation.

Viewed as good news for employers, under this doctrine, a "plaintiff's own conduct may limit the amount of damages recoverable or bar recovery entirely."

The Court made its ruling in reliance on a long list of precedents holding that an injured person cannot be compensated for damages the person could have reasonably avoided. The Court said that in sexual harassment suits, application of the doctrine would both encourage preventative action by the employer and compensate employees for harms that could not have been avoided using reasonable care.

In applying the defense to future cases, there are three elements an employer must prove. These are: (1) the employer took reasonable steps to prevent and correct workplace sexual harassment; (2) the employee unreasonably failed to use the preventive and corrective measures that the employer provided; and (3) reasonable use of the employer's procedures would have prevented at least some of the harm that the employee suffered.

From the employee's viewpoint, the Court said that its holding does not require victims to report the conduct immediately through internal procedures. The employer may lack adequate policies and procedures or the employee may reasonably fear reprisal for voicing a complaint. The Court also said that an "employee's natural feelings of embarrassment, humiliation and shame may provide a sufficient excuse for delay in reporting acts of sexual harassment by a supervisor."

In view of this decision, employers should immediately do the following:

- Circulate strongly-worded policies prohibiting harassment which explain in detail the steps employees should follow to lodge complaints and the procedures that will be taken in response;
- Policies should specifically prohibit retaliation and describe consequences (for example, possible termination of employment) against those engaging in retaliation;
- Train managers on the protocol for receiving and promptly responding to complaints of harassment;
- Take all harassment complaints seriously; and
- Carefully document investigatory steps taken to resolve complaints of harassment so that the employer can demonstrate that it consistently and in good-faith promptly responds to harassment complaints. 📌

Sue Bendavid-Arbiv specializes in employment litigation and counseling for employers at Lewitt Hackman in Encino. She can be contacted at sbendavid@lewitthackman.com.

Report from the Foundation, continued from page 11

Similarly, no institution is more important in promoting respect for law than our schools and educators. We are proud to have five educators on our Foundation's board of directors: UWLA Law School Dean Anne Arvin, CSUN Vice President William Watkins, Monroe Law Magnet High School administrators Linda Schwarz and Nikki Siercks, and now Pierce College professor and Business dept. Chair, David Braun. Teachers, teaming with parents, are the front line in instilling in our youth the culture of respect for the law, in a nation under law. We need to support and advance their work.

All who share the vision and commitment of promoting respect for law and its institutions should join the Foundation in supporting our courts, our law enforcement agencies and our educational institutions. 📌

Use this Coupon at Wendy's in Woodland Hills and Wendy's will donate 25% of sales to the Valley Community Legal Foundation.

Good only at Wendy's, 22611 Ventura Blvd.
Woodland Hills, CA

Members In The News

SFVBA Past President **David R. Hagen** has been appointed as one of eight new trustees to the panel of Chapter 7 bankruptcy trustees who administer cases in the Central District of California. The primary duties of a panel trustee include accounting for, collecting, and reducing to money all non-exempt property of the bankruptcy estate and distributing any dividends due and owing to creditors of the estate... Business and real estate sole practitioner **David I. Karp** was selected in December to receive the prestigious Silver Beaver Award of the National Council of the Boy Scouts of America. Established in 1931, the Silver Beaver Award is granted for distinguished service to youth within a BSA local council.

William J. Kropach **WORKERS' COMPENSATION** STATE CERTIFIED SPECIALIST



UCLA LAW SCHOOL, 1971

20% REFERRAL FEE PAID PER STATE BAR RULES

CHAIRMAN SFVBA WORKER'S COMPENSATION SECTION SINCE 1987

DIRECTOR VCLF OF SFVBA 1980 - 2001

FORMER TRUSTEE OF SFVBA

818-609-7005, EXT. 25

<http://home.earthlink.net/~wkropach>

Stretching your practice ...continued from page 7

from an existing registration where marketplace conditions such as buyers or users and other details and conditions in the description of goods is as follows: "Metal non-refillable and refillable calibration gas cylinders for compressed gas or liquids, sold empty or full, for use in medical laboratories."

For an application claiming use, "specimens" must be submitted. A specimen is simply an example of use of the mark, e.g., a product label, box panel, shipping label, etc. having the mark on it and also a picture or some description of the goods. Marketing materials will not normally satisfy the requirements. By contrast, for services, marketing materials showing the mark and having at least a short description of the services are required.

For logos, the logo shown on the specimen must be the same as the logo shown in the drawing. If you cannot submit specimens that match

the drawing, and the application was filed with an assertion that the mark has been used, the application is fatally defective. However, if you have filed asserting that the trademark owner intends to use the mark, you can make sure that the trademark owner's labels and/or marketing materials use a mark that matches the drawing.

One additional important requirement is that the trademark owner be correctly identified. This issue is complicated where the application is filed based on intent to use. The intended user, e.g., a company, may not even be formed yet. If you file in the name of a nonexistent company, the application is most likely void. Many practitioners file in the name of the individual or individuals who are expected to own and control the company. Technically, these individuals can still be the trademark owner even where a company is expected to use the mark. The essence of trademark ownership is control of the quality of the goods or services. That is, the party who

controls the quality of the goods or services is the trademark owner. The owner is not necessarily the person or persons who thought up, drew, or selected the mark. A trademark application that incorrectly lists the name of the owner (other than a minor typographical error or the like) is fatally defective. Sometimes post-filing review can help flush out and document the facts that support the trademark owner being the party who filed the application.

Given the many pitfalls of preparing and filing trademark applications, pre-filing review is always preferable to post-filing review. 

David L. Hoffman has been practicing patent, trademark and copyright law exclusively for over 18 years. His practice includes procurement, litigation, licensing and infringement clearance. The author can be emailed at dlhpatent@sbcglobal.net

Messenger Service Discounts to SFVBA Members



20th Year of Service to the San Fernando Valley/Southern California Legal Community

- **Process Serving Per Your Exact Specifications**
- **Court Filings/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**

**"We Don't Promise Anything
We Can't Deliver"**

Bankruptcy

Refer clients with confidence

Don't get
blind-sided
by a bankruptcy
issue!
We offer
free
consultations
for all
SFVBA
members.

Merritt & Hagen

Serving the Valley continuously since 1988

Call for our free desktop reference: "The Basics of Bankruptcy for Attorneys"
(818) 992-1940 <http://www.bk-info.com>

David R. Hagen, Past SFVBA President

Budget Crisis ...continued from page 1

✓ Add \$4 billion to the deficit in lost revenue resulting from Governor Schwarzenegger's rescission of the vehicle license fee increase, also known as the "car tax." This money goes to local governments to pay for police and fire protection -- local services that are funded by state dollars. That raises the deficit to \$12 billion.

✓ Add a \$2 billion pension obligation bond that the legislature tried to borrow to pay the state's pension payments obligation, but a court recently ruled the bond needs voter approval and voided the bond. That raises the deficit to \$14 billion.

✓ Add from \$2 billion to \$11 billion in additional bonds to pay for last year's budget deficit that the courts may hold invalid. That raises the 2004-2005 budget deficit to between \$16 and \$25 billion.

Now, we have \$15.5 billion in discretionary funds, which includes the courts' and other budgets, in which to find \$16 to \$25 billion in deficits.

Where do we secure any – much less adequate – funding for the courts with a deficit this huge? Plus, not only do we have a negative balance, but what is outlined above does not include funding for state operations, the Legislature, the governor and many agencies. And remember, the courts took substantial cuts this past year and had to swallow new and increased fees to make up for the shortfall caused by the cuts.

Governor Schwarzenegger has reportedly assured the chief justice that he recognizes the importance of the judicial branch. However, there is no money on the table and let's be frank: the courts do not stand a chance of being fully funded when the alternative choice is funding fire-fighters, police officers, mental health clinics, children or the elderly.

Lawyers, judges, court employees, administrators – this is a call to arms – ignore it at your peril. We are facing a struggle for our very survival. It is going to take all of us all we can do to mitigate the coming devastation of the courts' 2004-2005 budget.

What should you do? Educate yourselves and your colleagues. Get involved; do not be complacent. Participate through your local and statewide bar and lawyer associations in forming coalitions to strongly advocate for the courts with all members of the legislature. Be there whenever you are called upon to act.

This year, when you hear the courts' budget is in serious jeopardy, think about that day next October when the courthouse doors are closed and many staff have been laid off. It could happen. It could happen soon. ⚡

State Senator Joe Dunn (D-Garden Grove) was elected in November 1998 to represent the 34th Senate District in Orange County. He is a member of the Senate Budget and Fiscal Review Committee.

When Bankruptcy May Be the Best Solution . . .

Choose a knowledgeable attorney who provides personal/timely attention
& recommends bankruptcy only when it is the best solution

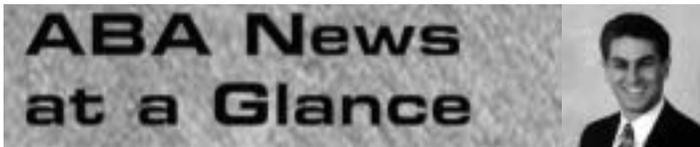


STEVEN R. FOX

ATTORNEY AT LAW
PRACTICE LIMITED TO BANKRUPTCY

Experienced & knowledgeable in Chapters 7 and 11
for both debtors and creditors
and the complexities & advantages of
Chapter 13 bankruptcies

17835 VENTURA BLVD., SUITE 206, ENCINO, CA 91316 818-774-3545



By Lyle F. Greenberg, SFVBA Delegate to the ABA House of Delegates

In anticipation of the mid-year ABA meeting taking place in San Antonio, Texas, I wanted to share with you a brief outline of the business agenda for the House of Delegates set for February 9 and 10, 2004.

At this time we have thirty matters on the agenda ranging from criminal law issues involving the videotaping of the entire custodial interrogations of crime suspects, to taxation issues, issues relative to paralegals, habeas corpus issues specifically relating to the detention of individuals at Guantanamo Bay, numerous issues relating to uniform state laws, issues relating to the large number of adults and juveniles with mental illness in the criminal and juvenile justice systems, as well as the removal of Western State University College of law from the list of ABA approved law schools.

In addition, some initiatives that were raised in prior meetings and tabled will be raised including, but not limited to, an initiative supporting the enactment and implementation of just laws to secure to each and every child growing in the womb of the mother the unalienable life and liberty right to life until natural death.

I look forward to appearing on behalf of our San Fernando Valley Bar Association and will report back to you at the completion of our meeting. Certainly if you would like a more detailed outline of the issues to be presented or the positions to be taken, do not hesitate to contact me at (818) 884-5100 or e mail me at greenbergs@earthlink.net. Thank you. ✉

California State University Northridge

COLLEGE OF BUSINESS AND
ECONOMICS CENTER FOR REAL ESTATE

FIRST ANNUAL SAN FERNANDO VALLEY REAL
ESTATE OUTLOOK FOR 2004

"TOUGH QUESTIONS - REAL ANSWERS"

WEDNESDAY, FEBRUARY 11, 2004

HILTON HOTEL, UNIVERSAL CITY
555 UNIVERSAL HOLLYWOOD DRIVE, UNIVERSAL CITY
7:00 AM – 11:45 AM

PRESENTERS:

HENRY CISNEROS – CHAIRMAN AND CEO, AMERICAN CITY VISTA
HARVEY E. GREEN – CEO, MARCUS & MILlichap

CONFERENCE FEE:

\$110 REGISTRATION AFTER 1/30/04 AND AT THE DOOR

PLEASE MAKE CHECK PAYABLE TO
CSUN FOUNDATION, 18111 NORDHOFF STREET BB3105, NORTHRIDGE, CA
91330-8381.

NEUTRAL LOCATION FOR MEDIATIONS AND DEPOSITIONS



The San Fernando Valley Bar Association, conveniently located in Warner Center, has available its executive boardroom for depositions, hearings, and mediations. The 600 square foot conference room easily accommodates 20 people. An adjoining conference room is perfect for breakout sessions and private meetings.

Amenities include:

- coffee service
- ample free parking
- table data/electrical jacks
- white board
- retractable overhead screen
- television/VCR

Our dedicated and professional staff is ready to accommodate your special needs.

Only \$125 a day for SFVBA Members.
For more information, call Rosie at
(818) 227-0490, ext. 100.



ATTORNEY TO ATTORNEY REFERRALS...

APPEALS & TRIALS

\$95/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.

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) 708-6655.

PATENT, TRADEMARK & COPYRIGHT

Over 17 years full service IP-patent and trademark procurement, infringement clearance and litigation. Many projects at fixed reasonable rates. David L. Hoffman, Esq. (661) 775-0300.

STATE BAR CERT. WORKERS COMP SPECIALIST

Over 25 years experience-quality practice. 20% Referral fee paid to attorneys per State Bar rules. Jack Goodchild, PLC (818) 380-1600.

WORKERS' COMP & SOCIAL SECURITY

DISABILITY SPECIALIST

Over 20 Years Experience. 20% Referral Fee paid to Attorneys per State Bar Rules. State Bar Certified. Robert Lee Finestone (818) 879-9950 • (805) 496-3477.

WRONGFUL TERMINATION

25% Referral Fee paid to attorneys per State Bar Rules on Wrongful Termination, Sexual Harassment, Discrimination, and Federal False Claim Cases. 20+ years experience; Heavy Jury Trial Experience. Danz & Gerber (818) 783-7300

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 (818) 986-9890 Fmr. Chair SFBA Ethics, Litigation. Phillip Feldman www.LegalMalpracticeExpt.com. StateBarDefense@aol.com

SERVICES OFFERED...

FAMILY LAW

Family Law attorney available for contract work. Will meet all needs from Declarations to Trial Briefs and court appearances. Five years of experience. Reasonable rates. Linda F. Lydon, Esq. (818) 315-0823 or (818) 416-0341.

SPACE AVAILABLE...

ENCINO

Premium Encino executive suites include receptionist, conference room, tax library, kitchen. Photocopying, underground parking available. 15821 Ventura Blvd Suite 275. Call T. Ball. 818.990.6363

Window office, penthouse suite with secretarial space, copier, fax, kitchen, reception area. 16633 Ventura Blvd., Ste. 1400. Call Alan or Rich (818)990-5777.

TARZANA

\$1,000/mo. for window office w/secretarial on Ventura Blvd. with view, conference room, etc. Contact Jill at (818) 708-6655.

VAN NUYS

Adjacent to Van Nuys courthouse. Window offices (3) available. Includes receptionist, conference room, copier and fax. Reasonable rent. Call Dianne Myers (818) 947-0118.

WOODLAND HILLS

Spectacular view office in Attorney Suite, which includes receptionist and all amenities. Contact: Stan Freeman at (818) 884-4100.

\$1,100 WdInd Hls Offc space in 5 attorney suite (\$1,450 w/ secretarial). Conf rm, library, copier, storage, kitchen, parking, cleaning service. Karen (818)340-4479.

Terrific penthouse on Ventura Blvd. in Warner Center with great views. One 18x18 exec. and 3 11x14 available. Secretarial bay, kitchen, large conference rooms, library, full amenities. Must see. Call Jean (818) 716-7200 x150.

Sizeable window office in legal suite, includes secretary space, access to copier, conference room, kitchen and reception areas. Free parking for clients. Call (818) 999-6698.

Office space available: 11x13 office in campus building, suite of 6 lawyers. Conf. room, library and secretarial space available. \$860. Contact Mike Booser (818) 610-8787 or Sean Judge (818) 610-8799.

\$1,150, 11th floor window office in Warner Center. Reception, conf. room, kitchen, secretarial avail. Levin & Levin. Dean or Nancy

Law suite has 4 window offices for lease. Receptionist, conf. room, library, kitchen. All with gorgeous views. \$1,250-\$2,500. Call Jean (818)716-7200 x150.

Ventura Blvd. penthouse suite. Incredible "Partner" executive office available. Huge 18x18 with 18x19 secretarial bay. Full amenities. Unobstructed view of entire Valley. Call Jean (818)716-7200 x150.

SUPPORT SERVICES...

COURT REPORTERS

Boutique Service • Worldwide Coverage • Malibu Court Reporters, 35 years' service • All litigation support • DepoSpan network • SFVBA Associate Member • (800) 848-5838 • "You don't have to paddle it alone!"

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

Is A Malpractice Insurance Crisis Looming In Your Horizon? Are You Ready?

Over 15 ~~#~~ carriers have withdrawn from the California market. Will your carrier be next?

The changes in the marketplace are troubling. It is an unknown future.

Non-renewals are commonplace. Some carriers can't secure sufficient reinsurance to operate their professional liability programs.

A major carrier was recently declared insolvent. Other carriers have been downgraded by A.M. Best. Severe underwriting restrictions are now being imposed. **Rates are not certain.**

It's all very unsettling.

Be prepared. Be informed.

Lawyers' Mutual Policyholders are . . .

. . . and have been for the past **25** years

Secure Your Future.

Insure With Lawyers' Mutual.



Investigate Lawyers' Mutual.

Call us directly at **(800) 252-2045.**

Find us at **www.lawyersmutual.com**

Email us at **lmic@lawyersmutual.com**





MICHELMAN & ROBINSON, LLP

a full service law firm

Areas of Practice:

- Banking and Premium Financing
- Commercial and Employment Litigation
- Corporate, Securities, and Business Transactions
- Healthcare and Medical Law
- Insurance Litigation/Coverage
- Intellectual Property, Unfair Competition and Trade Secrets
- Legislative and Administrative Advocacy
- Real Estate and Commercial Leasing

m&r

MICHELMAN & ROBINSON, LLP

ATTORNEYS AT LAW

Los Angeles Office
15760 Ventura Blvd, Suite 500
Encino, California 91436
Tel: 818-783-5530
Fax: 818-783-5507

Orange County Office
4 Hutton Centre, Suite 300
Santa Ana, California 92707
Tel: 714-557-7990
Fax: 714-557-7991

www.mrllp.com



January Events

calendar and MCLE event listings

Probate & Estate Planning Section

Topic: Recent Developments in Trust Creation and Administration

Speaker: Mark Phillips, Goldfarb, Sturman & Averbach

Date: February 10

Time: 12:00 Noon

Place: Encino Glen Restaurant, Encino

Cost: \$30 members prepaid; \$35 at the door;
\$35 non-members prepaid; \$40 at the door

MCLE: 1 Hour

New Lawyers Section

Topic: Litigation Basics & Technology for New Litigators

Speakers: Adam Long and Rudy DeFelice

Date: February 17

Time: 12:00 Noon

Place: SFVBA Conference Room, Woodland Hills

Cost: \$15 members prepaid; \$20 at the door;
\$20 non-members prepaid; \$25 at the door

MCLE: 1 Hour

Workers' Compensation Section

Topic: Check out the SFVBA Website for Details!

Date: February 18

Time: 12:00 Noon

Place: Encino Glen Restaurant, Encino

Cost: \$30 members prepaid; \$35 at the door;
\$35 non-members prepaid; \$45 at the door

MCLE: 1 Hour

Intellectual Property, Entertainment Law & Internet Law Section

Topic: Formation of a New Business and the Valuation of the I.P. Assets

Speakers: Michael Homier, Olga Karasik and Thomas Speiss

Date: February 20

Time: 8:30 a.m.

Place: Michelman & Robinson, LLP, Encino

Cost: \$10 members prepaid; \$15 at the door;
\$15 non-members prepaid; \$20 at the door

MCLE: 1 Hour

Family Law Section

Topic: New Judges and New Laws

Speakers: Judicial Bench Officers

Date: February 23

Time: 5:30 p.m.

Place: Encino Glen Restaurant, Encino

Cost: \$38 members prepaid; \$45 at the door;
\$45 non-members prepaid; \$50 at the door

MCLE: 1 Hour

Business Law Section

Topic: Mediating a Complex Business Case: Practical or Impossible?

Speakers: Laurel Kaufer, Esq. and Myer Sankary, Esq.

Date: February 25

Time: 12:00 Noon

Place: SFVBA Conference Room, Woodland Hills

Cost: \$25 members prepaid; \$30 at the door;
\$30 non-members prepaid; \$35 at the door

MCLE: 1 Hour

Litigation Section

Topic: Cognitive Dysfunction

Speaker: Barry Ludwig, M.D.

Date: February 26

Time: 6:00 p.m.

Place: SFVBA Conference Room, Woodland Hills

Cost: \$30 members prepaid; \$35 at the door;
\$35 non-members prepaid; \$40 at the door

MCLE: 1 Hour

SIGN ME UP!

SEND CHECK TO
SFVBA
21300 Oxnard St.,
Suite 250
Woodland Hills, CA
91367

SECTION _____
NAME _____
STATE BAR # _____
TELEPHONE # _____
CHARGE IT! _____
CC # _____ EXP. DATE _____
SIGNATURE _____

FOR MORE INFORMATION
CALL (818) 227-0490 EXT. 105

Food and beverages served at every MCLE event!

* Please note that no credit will be given unless notice of cancellation is provided 48 hours before scheduled event



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



21300 Oxnard Street, Suite 250
Woodland Hills, CA 91367

PRESORTED
STANDARD
U.S. POSTAGE PAID
CANOGA PARK, CA
PERMIT NO. 348

Change Service Requested