



BarNotes

A Publication of the
San Fernando Valley Bar Association

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New Board of Trustees Nominated: Bendavid-Arbiv and Jensen Compete for Treasurer



The San Fernando Valley Bar Association Nominating Committee has announced its slate of candidates for the 2004-2005 Board of Trustees. Veteran trustees Sue Bendavid-Arbiv and Tamila Jensen were each nominated for Treasurer, often the initial officer position ascending to the presidency of the SFVBA.



Jensen and Bendavid-Arbiv have each served in several leadership positions in the SFVBA. Jensen has chaired the Conference of Delegates Committee, formerly presided over the Women Lawyers Section, and represents the SFVBA on Neighborhood Legal Services Board of Directors. Bendavid-Arbiv currently co-chairs the Bar's Programs Committee and has headed the Business Law, Real Property & Bankruptcy Section and the SFVBA's Personnel Committee.

Jensen was initially appointed to the Board of Trustees in 1999 and subsequently elected to two continuous two-year terms on the Board. Jensen has practiced in the Valley as a sole practitioner for twenty years, with an emphasis on elder law and probate/conservatorships, civil appeals and real estate and business matters. "I am anxious to bring my broad background and small firm experience to continue to serve the Bar in a new leadership role," declared Jensen.

Bendavid-Arbiv has served as a trustee for four years. She represents employers in labor law matters as a partner for Lewitt, Hackman, Shapiro, Marshall & Harlan. "It is an honor to be a member of this Bar Association, to have served as trustee and is an even greater honor to be a candidate for Treasurer," says Bendavid-Arbiv. "My goals are to keep our budget balanced, increase our Association's services and to continue to keep our members' fees down."

Incumbent SFVBA Secretary Richard Lewis was nominated for President-Elect and Van Nuys social security and disability lawyer Patricia McCabe, the current Treasurer, was nominated.

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Board Amends Bylaws to Allow Affiliate Bar Associations

At its May 11 meeting, the SFVBA Board of Trustees unanimously amended the Bylaws of the San Fernando Valley Bar Association to allow Affiliate Associations. To qualify as an affiliate, a bar association must have a total membership of at least 25 and at least 60% of its membership must be members of the SFVBA. Affiliate associations with 100 or more active members will receive a seat on the SFVBA Board of Trustees. The SFVBA must also be permitted representation on the affiliate's governing body.

It is expected that the newly formed Santa Clarita Valley Bar Association will be the first affiliate approved by the Board.



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President's Message

James R. Felton

IS ANYTHING CERTAIN?

The story that I am writing about this month is just perfect for me because it shows how sports and the law can work together. Recently, one of the lawyers of the San Fernando Valley Bar Association used some broad thinking to obtain the release of a jailed alleged assailant. This lawyer, Todd Melnik, believed his client, Juan Catalan, when Juan told him that he could not have committed the murder about which he was charged because he was at a Dodger game. One would think it would be easy to obtain an alibi among 40,000 plus fans. Yet, on the other hand, how many times do you go to Dodger game and not run into a single person you recognize.

Here, Mr. Catalan did not have anyone to vouch for him. He wasn't lucky enough to catch a foul ball like Ferris Bueller, or miss one like Steve Bartman (the Cubs fan who some believe cost the Cubs the pennant by not allowing the Cubs' left fielder to catch a ball). He didn't run onto the field and try to burn the American flag, and he wasn't caught trying to kiss one of the baseball players or trying to run them down after consuming too much alcohol. No, Mr. Catalan was simply enjoying a couple of Dodger dogs and a coke with his daughter and hours later was charged with killing someone.

Mr. Catalan sat in jail for about 6 months after a witness identified him at the scene of the crime. Todd, after learning that the popular cable show "Curb Your Enthusiasm" was filming at the ballpark that night, sought permission from the show to view footage shot that night. Going to the videotape, Todd found the exculpatory evidence that set his client free - there was Mr. Catalan right on screen as an unintended extra in footage that never made it to the show.

Todd presented the tape to the court (along with cell phone records and other indicia of his client's innocence), and Mr. Catalan was released. Justice served with mustard and relish.

Certainly, kudos goes to Todd for thinking outside of the dugout. The question that I have is how did the eyewitness positively identify Mr. Catalan when he was never there? Did the eyewitness make a mistake or did he or she want to place Mr. Catalan because the victim had testified against Mr. Catalan's brother in a pending criminal case. We may never know.

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Message From LRIS Coordinator

Michele C. Morley



LRIS staff trusts that panel members have a belief that we work very hard to make the referral service an asset to your practice. We market LRIS to the extent that funds permit. In the last few months we have added advertisement in the Valley News Group publications, the Woodland Hills Chamber directory, and the Concerts in the Park program.

We have created a Limited Scope Representation Panel in the area of family law. We have produced a brochure to educate the public about limited scope representation and the LRIS program. We believe this project will increase opportunities for panel members to represent individuals that previously appeared pro per in family courts.

We engage in these activities because we want the public to have the opportunity to consult with one of our experienced panel members. However, I have observed a disturbing trend that I want to raise with you.

There has been an increase in the attorney and client speaking on the phone rather than scheduling an office appointment for the first consultation.

I know that it often seems preferable and perhaps easier to speak with the client on the telephone rather than schedule a block of office time to meet with them. However, many of the panel members seldom ask for a telephone consultation. In fact, some refuse to do so. These attorneys feel that meeting with a potential client is always an opportunity for inexpensive marketing of the attorney. Sometimes the attorney is retained at the initial office consultation; other times the client may retain them at a later date. The client may even refer a friend or family member to the attorney because they were so impressed with the attorney during this first meeting.

The LRIS markets to the public that an in-office consultation with an attorney will be provided. I understand that sometimes a telephone con-

sultation is necessary. However, the LRIS staff will follow the policy of promoting and encouraging a face-to-face meeting with referral clients as preferable to a telephone consultation. I will be happy to discuss this plan (which is also an existing LRIS rule) with anyone who wants to contact me.

We are beginning the summer season of family traveling and visiting. Most of us will have some relative stop by for a few days on their way to one of the many California vacation destinations. You may be wondering how you can entertain this company. Of course, you can contact the SFVBA for special discount packages to area attractions. There is another activity that I suggest.

Spend time talking about family histories and stories. Ask the older folks about their lives and ambitions. Ask them questions. Your children will enjoy hearing these stories, especially if stories about them are included. By the time I was old enough to think of all of the questions I wanted to ask my family, I was an orphan with no one to ask. One of my sister-in-laws who has two children and three grandchildren is going to spend time this summer talking with our mother-in-law and creating an oral history. Sounds like a wonderfully important task and a lasting gift for her children, grandchildren and all of the family. Have a good summer and enjoy the extra time spent with your families. 🏡

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Membership Has It's Priveleges!

A New Local Bar Association Is Here

BY L. ROB WERNER, PRESIDENT, SANTA CLARITA VALLEY BAR ASSOCIATION



The Santa Clarita Valley Bar Association held its kick off meeting in May with seventy attorneys in attendance. In its formation, a unique arrangement has been made with the San Fernando Valley Bar. SFVBA members may join the Santa Clarita Valley Bar for the discounted annual dues of fifty dollars. Those who do not join the San Fernando Valley Bar will be paying seventy dollars. Our two bar associations will be having some joint activities. These will include setting up MCLE programs in the Santa Clarita Valley, and having an annual joint mixer.

Members of both associations will have the benefit of being part of a large bar Association and still being involved in a community bar association that has monthly membership meetings. The Santa Clarita Valley has a great sense of community. We want to involve attorneys who either work or live in our valley. We intend to provide services to local attorneys and build good community relations via projects and press relations.

The successful establishment of this new bar association has been accomplished due to the efforts of a number of individuals. Among those helping are, Ronald Morgan, C.P.A. who volunteered his time for obtaining a non-profit status for the SCVBA, Inc., while Robert Gardner of eSCV has volunteered to set up the association's web page and a web forum.

We need additional volunteers to work on our committees. These committees include Community/ Public Relations, Meetings/Social and Education, Internet, Courts and Court Liaison, Pro Bono, Networking, Membership, Grievance and Mediation, and Fund Raising. We are also considering establishing a debate forum committee.

We are in the preliminary stages of planning a community event, "Christmas in July" which is designed to raise food, toys and school supplies for needy families. We will be having a breakfast meeting on Friday, July 9 at 7 a.m. at the Egg Plantation in Newhall; CPA Ron Morgan will address the group on tax consideration for attorneys in Estate Planning and other legal practices. We have invited Congressman Buck McKeon to address the group at our dinner meeting on Thursday, August 12 at Marie Callendar's restaurant (off Hwy 5 and Magic Mountain Parkway).

We are dependent on your help to make this new bar association a true success. Please join us and help out on one of our committees. The co-chairs of our membership committee are Tamico Herron at tamico@owenpatterson.com and Rand Pinsky at pinskylaw@hotmail.com or you can contact me at lrobwerner@yahoo.com or call 1-800-R-LAWYER. ♣

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Announcements

Foundation Seeks Nominees for Board of Directors

The Valley Community Legal Foundation is starting its annual nominating process. The Foundation needs non-lawyers, lawyers and others in the legal community to join its Board of Directors. "The Foundation provides an opportunity for nonlawyers including accountants, educators, business owners and others to work with the legal community to accomplish our mission," said President David Gurnick.

The Foundation raises money for scholarships for careers in law related fields, and grants to support adoptions, local courts, court advocates and other programs to promote respect for law. Suggestions for nominees or self-nominations should be emailed to dgurnick@lewitthackman.com.

Members in the News

Stephen M. Levine, Of Counsel to Wasserman, Comden, Casselman & Pearson LLP and co-chair of SFVBA Business Law, Bankruptcy and Real Property Section, co-authored a just-released CEB Action Guide *Responding to a Complaint or Cross-Complaint: Evaluating Your Options*. This Action Guide explains how to determine the appropriate response to a complaint or cross-complaint by presenting the options, including whether to answer or whether to attack the complaint or cross-complaint through demurring or moving to strike. The Action Guide is available for purchase through CEB.

The dispute resolution firm of Masters & Ribakoff joined ARC (Alternative Resolution Centers) on July 1. SFVBA Members Christine Masters and Katherine Edwards will spearhead The Employment Group at ARC.





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Want a free laptop computer? (Sort of)



BY DAVID R. HAGEN

It used to be that you would receive letters every day from credit card companies that said, "Congratulations, you've been pre-approved!" Now, apparently, we will start receiving letters that say, "Congratulations, you've been pre-approved ... for a free laptop computer!"

Instead of offering miles, points or awards for credit card use, credit card companies are now beginning to offer rewards upfront. *The Wall Street Journal* reports that Universal Savings Bank is now issuing what they call their Upfront Award Platinum Visa. If you sign up, they will send you a brand-new Dell, an HP or IBM laptop computer. Apparently, the market has become so competitive that some credit card issuers found it necessary to offer rewards upfront. Further, they have now developed very splashy, and useful, awards such as a new laptop computer.

As with most things, there is a hitch. The hitch with this offer is that you must transfer an existing debt balance of \$5,000 or more to your new credit card. Further, you must agree to keep a balance of at least \$3,500 on this credit card for 18 months. (Surprisingly enough, the interest rate on this balance is only 9.99 percent per year.) You must also have a FICO score of 700 or more.

The Journal estimates that the interest that someone would pay on this account would be approximately \$525 during those 18 months. They also estimate that the retail prices of the computers that they offer are between \$800

and \$900. This, on its face, does not seem to be a deal for the credit card company; giving you a computer worth \$800 if you pay \$525 in interest. However, *The Journal* speculates that the credit card companies can obtain computers at a discount because they are buying in bulk. Further, I'm sure they anticipate that a certain number of customers will incur late fees, and keep higher balances, etc. This more than makes up for the difference.

The computers themselves are brand new. However, they are slightly stripped down or "lite" versions. They all have 2.0 GHz Celeron chips, 20 gigabytes of hard drive space, 14-inch monitors and CD drives. This is a light machine, but not a bad one. This will probably be more than sufficient for most business applications. Further, for most of us, these requirements will be more than ade-

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Report From The Foundation



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

Depending on one's politics respect for law can go too far. But freedom can't be celebrated too much. July and Independence Day are another time to celebrate, and recognize that respect for law is freedom's bedrock.

Independence Day celebrates America's defining event of 228 years ago. But law and the documents of law have an even longer history. Today, with many world problems centered in the Middle East, the cradle of civilization, it is mildly encouraging to know that the history of respect for law also has origins there.

Many ancient law codes are from the Middle East. The oldest known laws, Urukagina's Code of 2350 BC collected laws of the Mesopotamian kings and established an ancient motto associated with codified laws: "I have established freedom." Three hundred years later, Ur-Nammu's Code (2050) was part of a legal system of judges, testimony, formal judicial procedures and damages awards to victims. This set the stage for the most famous ancient code, the Code of Hammurabi, carved in stone in the 1750s BC.

King Hammurabi's code was set in the main temple of Babylon for all to see. (All can still see it today, in the Louvre in Paris). The Hammurabi Code had laws on accusations of crime, business, slavery, marriage, and protecting women, children and the poor. For fun, here were two of its 282 rules: anyone who charged a crime but did not prove it, was put to death (Marcia Clark and Chris Darden take note); and any judge who erred in a decision would be penalized 12 times

the defendant's fine and permanently removed from office.

Later came the Ten Commandments estimated at around 1300 BC. They include universally accepted prohibitions (murder, adultery, theft and jealousy, as examples) and some others that depend on acceptance of God (respecting God and keeping Sabbath).

Respect for law does not mean blind acceptance. Much of the ancient codes are considered unjust today. India's Laws of Manu established the caste system, classifying people by social standing. The Manu Codes prohibited abortion, adultery, homosexuality and prostitution; rules that may

soon be as anachronistic as the Code itself. In the 600s BC Greek citizen Draco wrote a code for Athens that was so severe, it gave rise to today's word "Draconian" for any harsh measures.

So the ancient laws are important not for being correct or even timeless. Even rules carved in stone could change. For us today, what is important about ancient laws is they were written to establish common standards, known and applied to all. Law was invented by humanity, long before American or even English common law.

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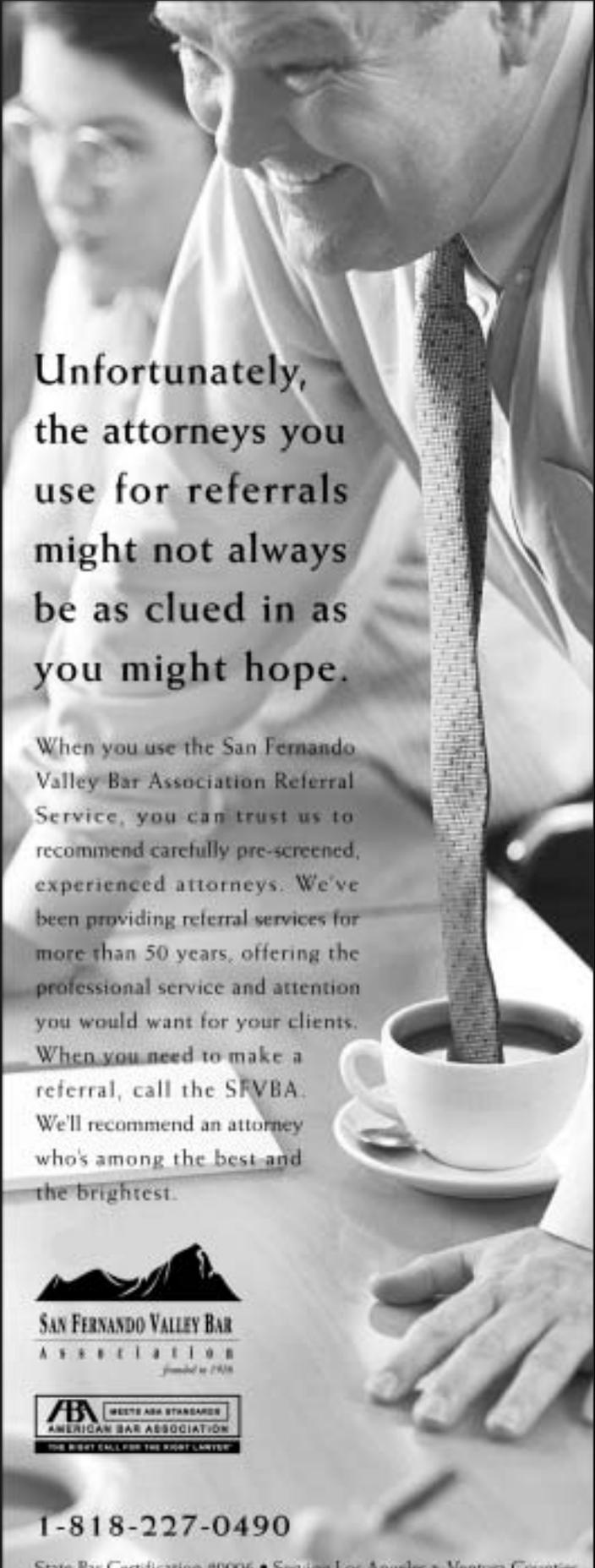
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Message From the President, continued from page 3

However, this story has to make you wonder how many other defendants, not unintended extras on television shows, may be wrongly held or convicted because of wrong witness identification. Probably no other defendant will have the opportunity to “go to the videotape” to provide a complete defense.

By the way, I am not suggesting that the District Attorney's office did anything wrong. It probably placed great emphasis on the testimony of the alleged eyewitness. Without eyewitness testimony, probably thousands of true criminals would go free. Yet, there is an inherent frailty that we all must be extremely careful about.

Is there a moral to the story? There are probably a few. Certainly, the next time that a criminally charged defendant argues that he was “at the ballgame”, the authorities may actually subpoena tapes themselves before they discount the story.

In the end, one man has rightfully gone free, and the authorities have to start over in finding the actual killer. Who knows, the apprehension of the real killer may still be based upon witness identification.

One thing is for certain, the next time Mr. Catalan goes to a baseball game, the song “Take Me Out To the Ballgame” will take on entirely new meaning. ♣

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

Foundation Report, continued from page 11

English common law's focal origin is the Magna Carta of 1215. Negotiated and forced on the King by overtaxed barons to avoid a revolt, the Magna Carta established basic rights, like church freedom, fair taxation, controls over imprisonment (habeas corpus) and a right of merchants to travel freely. The King accepted the premise that he too was subject to law (as “Winston Churchill later wrote: “here is a law above the King, which even he must not break”), and sheriffs across England were ordered to read the Great Charter aloud in public.

In American these charters of law were followed by the Charters of the Virginia, Massachusetts Bay and Connecticut Colonies, the Mayflower Compact and, well, the rest is history that led to the July 4 Declaration of Independence, a basis for the American Constitution, including the Bill of Rights, and the laws that followed.

Freedom and respect for law need not be considered entirely modern or even purely American. While no people have given greater homage to a society under law than Americans, on this American Independence Day, the world would do well to note that the American tradition which has brought so much good to so many, also has deep roots in the cultures of the world. ♣

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The Practice, continued from page 9

quate for word processing, email and legal research. If you want a stronger machine, you can upgrade for an additional fee. For example, to upgrade to include a DVD player costs \$69.

Universal Savings Bank has begun sending out 10 million solicitations. I am sure that one will come your way soon. However, if you want to push the matter, call (888) 728-3037 to get in on the action. They also have a website at www.4mythinkpad.com.

Remember, this is a heck of a deal if you have a balance on a credit card that you can transfer. You are going to pay the interest anyway, so why not get a free laptop computer? Even if you do not have a balance on a credit card, it is not a bad deal to be able to get your hands on a fairly decent laptop by paying \$525 in interest.

Finally, if you have more than one account with a \$5,000 balance, you are paying an awful lot of interest, may be getting ripped off, or possibly headed for financial ruin. Believe me, I know, I spend a substantial part of my day helping people get out of their financial jams which usually involves credit card debt. Stay away from credit card debt. Resist! If you are tempted by these slick promotions (except the free laptop offer) you may want to call my office and get a copy of my CD entitled "Five Sneaky Secrets that Credit Card Companies Don't Want You to Know" to listen to how to minimize your risk in incurring credit card debt.

So what is the message of this month's column? First, get a free laptop! Play this system. Benefit from spending some time each month reading this column. You never know what I might talk about. Second, the credit card industry is getting more clever (and desperate?) in their attempts to attract new customers. Third, this business must be very lucrative to the credit card industry if they can give away laptop computers. And finally, letting debt pile up on credit cards is usually a bad idea.

If you take the bank up on this offer, drop me an email at drh@forbankruptcy.com and let me know how it worked out. I would absolutely love it if a couple hundred of my friends from the bar got free laptop computers from a credit card company! 📧

Dave Hagen is a principal at Merritt & Hagen. The firm's practice focuses on representing individuals and small businesses in bankruptcy. David Hagen can be contacted at (818) 992-1940.

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Trustee Election

All members will receive ballots for the election of new Trustees for the San Fernando Valley Bar Association within the next few weeks.



I have been actively involved in the SFVBA since I became a member of the Personnel Committee, along with Trustee Sue Bendavid-Arbiv and Trustee Cindy Hogan. I have worked with our bar association on many activities which assist those living and working in the San Fernando Valley. This includes support for the Blanket The Homeless program and acting as a mediator for the VAST program which reduced the case load in the Valley Superior Courts.

Last year I was appointed as a Trustee and, as a Valley resident, I want to continue representing you in the planning and implementation of these and other programs for the benefit of all of us in the San Fernando Valley.

I request your support in the SFVBA election as one of your Trustees.

Everett F. Meiners
Parker, Milliken, Clark, O'Hara & Samuelian

SFVBA Accepting Applications for Committees

The SFVBA offers members the opportunity to contribute to the legal profession and the public by volunteering to serve on one of twenty-three committees. President-Elect Alice Salvo is currently issuing appointments for the new Bar year commencing October 1. Members are encouraged to participate in the following committees: Bench-Bar, Conference of Delegates, LRIS, Government Affairs, Membership & Marketing, Personnel, Programs/Special Events, Community Service, and the Executive Committees of the twelve sections. Any member wishing to serve on a committee can email Alice Salvo at salvolaw@pacbell.net or call (818) 887-3333.

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New Board, continued from Cover
nated for Secretary. Alice Salvo will automatically assume the Presidency at the SFVBA Installation Gala on September 18, 2004.

The Committee nominated nine candidates to fill six open seats on the Board. Six sitting Trustees are seeking reelection: Caron Caines, James Curry, Robert Flagg, Everett Meiners, Deborah Sweeney and Mishawn Yarovesky. Other members nominated are civil litigator Nate Bernstein, Business Law Section Co-Chair Stephen Levine, and attorney/mediator and former ADR Section Co-Chair Jan Frankel Schau.

SFVBA President James Felton comments, "The Nominating Committee did a terrific job of selecting candidates who have each contributed to the growth and success of

our organization. They represent a cross-section of our sections, areas of practice, and our community."

In accordance with the SFVBA by-laws, additional nominations for trustee or any office, except that of President or President-Elect, may be made by filing with the SFVBA Secretary Richard Lewis a written nomination, signed by at least twenty active members of the Association in good standing. Petitions must be received by July 25.

Ballots will be mailed to all attorney members in mid-August. The results of the election will be announced September 10. The new Board of Trustees will be sworn in at the Installation Dinner on September 18 at the Woodland Hills Hilton. ♣

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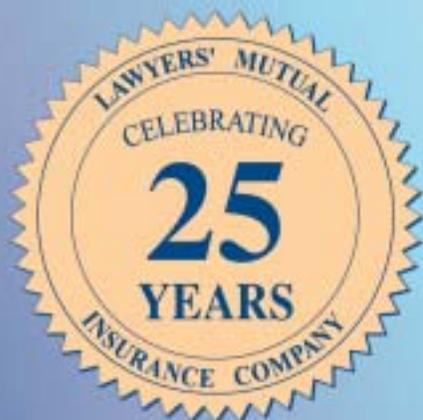
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ALL SECTION MEETING AND MIXER Hosted by Intellectual Property, Entertainment & Internet Law Section

Topic: Marketing Yourself Using Your Own Creativity
Speakers: Next Level Marketing
Date: July 15, 2004
Time: 5:00 P.M.
Place: BJ's Brewery, 6424 Canoga Avenue, Woodland Hills
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Cost: \$10 Members prepaid; \$15 at the door
 \$15 Non-members prepaid; \$20 at the door

UNITED STATES TRUSTEE

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Topic: Top 10 List of Common Errors Made in Chapter 7 Filings

Speakers: Brad Krasnoff, Esq. and Paul Winkler, Esq.
Date: August 10, 2004
Time: 12:00 Noon
Place: Office of U.S. Trustee
 21051 Warner Center Lane, Woodland Hills
Cost: Free
MCLE: 1 Hour

For questions concerning this program, call (818) 610-2376.

SAVE THE DATE! 2004 INSTALLATION GALA

Date: September 18, 2004
Time: 6:00 p.m. Cocktails; 7:00 p.m. Dinner and Program
Place: Woodland Hills Hilton, 6360 Canoga Avenue
Cost: \$80 per person/\$800 Table of 10

SIGN ME UP!

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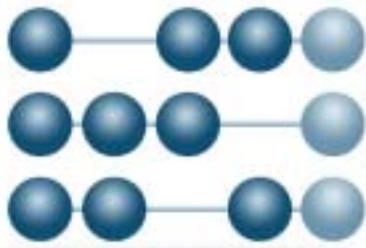
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