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Celebrating 75 Years
San Fernando Valley Bar Association
founded in 1926

BarNotes

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San Fernando Valley Bar Association

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Barry Harlan to Receive Lintz Award

The San Fernando Valley Bar Association Board of Trustees unanimously named Encino family law attorney Barry T. Harlan as this year's recipient of the Stanley M. Lintz Award. Harlan will be presented with the SFVBA's highest honor at the 22nd Annual Lintz Award & Community Recognition Dinner on June 11 at the Calabasas Inn.

The Lintz Award was created in memory of Stan Lintz, who died of cancer in 1980 while President of the SFVBA. Recipients are nominated and selected based on the measure of what they have returned to the profession and to the community. Recent recipients include Los Angeles City Controller Laura Chick, former County Supervisor Edmund Edelman, Assemblymember Sheila Kuehl, and attorneys Barbara Jean Penny, David Fleming, Gary Barr, Robert Scott, and Raquelle de la Rocha.

Barry Harlan has been practicing law for over thirty-five years and has been a partner of Lewitt, Hackman, Shapiro, Marshall, & Harlan since 1987. For many years, he has coordinated and organized the Judge Pro Tem and the Family Law Mediator programs for the Van Nuys court. He sits as a Judge Pro Tem and Mediator for the Van Nuys and San Fernando Courts as well. He is also a leader of the Valley Community Legal Foundation of the SFVBA, whose mission is to enhance community respect for the law and the professions that serve it through financial and educational support.

"Barry embodies the spirit of Stan Lintz and exemplifies what's best about our legal profession," states SFVBA President Lyle Greenberg. "He is the consummate lawyer, highly-respected among his peers and someone who has used his good fortune for the betterment of others and the community."

The Community Recognition Dinner will also honor Robert Hertzberg, Speaker Emeritus of the State Assembly, with its Jerold Krieger Memorial Public Service Award. The award has been renamed after the recently-deceased Superior Court Judge, well-admired for championing the rights of gays, minorities, and the disadvantaged. A special posthumous Media Award will also be given to the family of slain journalist Daniel Pearl, who grew up in the San Fernando Valley.

Volunteer of the Year will be awarded to family law attorney Cynthia Berman. Berman, in private practice since 1990, has worked tirelessly as a volunteer Judge Pro Tem and Volunteer Mediator with the Van Nuys and San Fernando Courts. She has devoted countless hours of pro-bono community service, serving as an attorney for the Family Violence Project of Jewish Family Services.

The annual dinner is scheduled for Tuesday, June 11, at the Calabasas Inn. A reception will begin at 5:30 p.m., followed by dinner and presentation of the awards at 6:30 p.m. Tickets for the dinner are $55 and a table of ten is $550. For reservations or for more information, call the Bar Offices at (818) 227-0490, ext. 105.

BarNotes

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President's Message

Lyle F. Greenberg

The Chatsworth Courthouse A Working Example of Freedom

We are pleased to announce that on May 13, 2002, the Chatsworth Courthouse will be dedicated. The opening of a new Courthouse is a significant event not only for our Bar, but for the attorneys that practice here in our valley, for the Judges and court personnel, and in particular, for the public that will utilize the services of the Court in the future to seek and obtain justice as well as take care of other judicial business, such as paying parking tickets.

What is so significant about dedicating a Courthouse, you might ask? In the past 75-years the population of the San Fernando Valley has dramatically increased. Bar membership has risen above 2100 members. Despite the burgeoning population, it has been almost a quarter of a century since the last courthouse was built in our valley.

Three quarters of a century ago, our Bar promoted the building of the first courthouse to serve attorneys local residents and businesses, avoiding the long trek into downtown Los Angeles. The documentary which we featured at our 75th year Anniversary celebration set forth, in part, the history of our Bar, the Courts and the growth which we have experienced since the birth of our organization. Since that time we have been involved in supporting and presenting the need for additional Court services, supporting the Courts through educational, settlement and pro tem services, as well as celebrating the dedication of each courthouse since that time.

A Courthouse is more than simply a building that houses the multitude of personnel and equipment that keeps the judicial system running smoothly. It is a symbol of truth, justice, and the right of the People of our great nation to be free from discrimination and persecution for their beliefs. It is a place where we come to seek fairness

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The First Big One

BY SEAN E. JUDGE

Sean Judge is a solo practitioner with offices in Woodland Hills. He currently handles a variety of litigated matters in the areas of personal injury, construction, and business. He can be reached at (818) 610-8799 or at sean@judgelaw.net.

A few months ago, I wrote about leaving big firm life for the uncertainties (but fun and exciting ones, nevertheless) of solo practice (*Bar Notes*, November 2001). I'd like to share a recent experience I had in settling a large plaintiff's case, and pass along some of the strategies I used to overcome the inherent problem of a small solo practitioner resolving a case with a significant verdict potential against an opponent with far superior resources.

First, the good facts in the case: The case involved a rear end auto accident that occurred at a significant rate of speed. Fortunately, the defendant had adequate insurance to cover the claimed damages.

The "not so good" facts in the case: My client was self-employed and hardly missed any time from his profession due to his injuries from the accident. Although he claimed to have suffered a memory deficit and a recurrence of numbness to his upper extremities, he was in his 60s, and had undergone a prior brain MRI with questionable findings a few years before. He also underwent cervical spinal surgery for similar injuries from an accident a few years earlier.

The disputed facts: A significant dispute arose as to whether there was any brain injury or memory deficit at all. The claim of a decreased ability to form new memory was a major issue in the case. Even if there was a memory deficit, my client was still able to work (although it took him much longer to complete routine and complex tasks). The recurrence of nerve damage and decreased hand coordination was also disputed.

The goal: Maximizing recovery by focusing on future losses due to his diminished effectiveness in his profession because of decreased cerebral function. My client also needed to keep this matter as confidential as possible so that his business and his income would not suffer additional harm from the specter of a public jury trial.

The problem: The defendant was represented by a 100+ lawyer firm that had a long-standing relationship with the insurance carrier. At various times through the case, I dealt with four different lawyers (two partners and two associates). Since they undoubtedly noted that I (a) answered my own phone calls and (b) signed my own proofs of service, they knew that our side's "resources", monetary and otherwise, were limited to "me". They could easily outspend me, and attempt to grind me until I cried "uncle". Clearly, I was going to have to face the task of convincing them to settle the case at a sufficiently high level, and of convincing them that our resolve to go to trial (and beyond) was steadfast.

I made the decision to outwork them, damn the torpedoes. In so doing, I learned a few things along the way.

Be bold, and justify it. Initially, I felt that the case had mid six-figure potential. At the outset, I demanded just over $1 million dollars, thinking that was being "aggressive". However, when I discussed the case a few months before mediation with a prominent plaintiff's lawyer (who had been this route many times before), he diplomatically told me that my demand was far too low. "The value in your case is a bit more than you think, but you'll never get it by demanding $1 million," he said. My work for the next six weeks was thus cut out for me: double the demand, and justify it. I simply was going to need to prepare for trial.

Being prepared for trial. I went into the mediation after having delivered one mediation notebook each to defense counsel, the claims representative, and the mediator over a week in advance of the hearing. The trial exhibits were all included, as were the expert reports. Although we were over one month before trial, the majority of trial preparation was complete. I had already substantially completed my opening statement, and most all of my witnesses were ready to go. I had fully researched the trial testimony of the defense experts, and knew of their trial opinions for the past two years. Certainly, there are exceptions to taking this approach, depending on the case, but being well prepared and showing one's opponent that you are ready to go to war, I think, has far more advantages than disadvantages in most cases.

Spend effectively. I needed strong graphics to show the relationship between the brain injury and the memory deficit. Executive Presentations did a wonderful job in preparing compelling and effective exhibits. I also made a tactical decision to prepare a mediation video, setting forth the expected trial testimony of some of my client's colleagues and family members who had not been deposed. Certainly, this could have backfired, and simply given the defense a "freebie" discovery tool at my expense. But in this case, I felt that if we were going to receive a significant settlement offer, I had to humanize my client, and show just how pervasive the changes in his life were. Law Video Consultants in Woodland Hills did a superb job on the video, and I believe that the final product we produced was as effective as any tool used in the mediation in getting the case resolved satisfactorily. Again, these were not inexpensive tactical decisions, but they were extremely effective, and should be strongly considered in the right cases.

Make it possible for the adjuster and the defense lawyer to have a well-documented file that justifies a considerable offer/settlement. I developed a sense early on that the defense was acknowledging that the case should be resolved. Obviously, our views of what was "reasonable" differed greatly. However, I believed that it was incumbent on me, as plaintiff's counsel, to put the defense counsel and claims representative in the best possible position to support their decision to offer a significant sum of money on the case. The defense lawyer and the claims representative had both received full mediation notebooks with trial exhibits, credible and supportable medical and economic reports, and a video as evidence of my client's memory problem and losses. They received a seven figure supportable demand and a comprehensive picture of my client, his life's work, and testimonials from those who knew him best. With all of this evidence, the likelihood of their decision being questioned by upper management was significantly decreased.

Be reasonable and know your target. My client and I had a target settlement in mind at the outset of mediation. I had even run through a few "demand/offer" scenarios on paper before the mediation so that I would be comfortable with where we needed to be if the offers became meaningful, and the case approached resolution. Preparing my client for the reality that mediation was not the place for vindication, but resolution, helped keep expectations realistic.

The case was ultimately resolved for a sum that truly helped my client deal with and bring closure to a difficult chapter in his life. While the preparation I put into this case is certainly not required or feasible in most cases, it proved to be extremely effective in maximizing the settlement in this case. I hope that some of these thoughts will be helpful for you in approaching the mediation process in similar cases.

San Fernando Valley Bar Association

22nd Annual

Lintz Award & Community Recognition Dinner

Honoring

Barry T. Harlan
Stanley M. Lintz Award

Cynthia Berman
SFVBA Volunteer of the Year

Assemblyman Robert Hertzberg
Jerold Krieger Memorial Public Service Award

Daniel Pearl In Memorium
Media Award

Tuesday, June 11, 2002
Calabasas Inn
23500 Park Sorrento Drive, Calabasas

Reception 5:30 p.m. Dinner 6:30 p.m.

Tickets $55 Table of Ten $550

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For further information, call (818) 227-0490, ext. 105. Fax credit card reservations to (818) 227-0499.

THE PRACTICE

a series of essays on practice of law and life

How Alive Are You?

BY DAVID R. HAGEN

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.

"How are you?
I'm fine, thank you, how are you?
I am fine, thanks."

This is a usual exchange that we must go through 20 times a day. We are not really seriously inquiring how the other person is in most cases. Rather, it is a bit of "chit-chat" that we go through before we initiate a conversation either in person or over the phone. Unfortunately, we often use this opening exchange with people we really do care about. This seems unfortunate. I recently saw an old friend at a bar meeting. I was really glad to see this old friend. We had been through much together when we worked on several bar association projects in the mid 90's. Yet, we engaged in this exact same exchange. *How are you? I am fine, thanks. How are you?* As I reviewed the evening's events on my way home, it struck me how "routine" this opening exchange had been.

It has occurred to me that a better opening exchange, if we really care about the other person, might be: "How alive are you?"

I think there are a number of reasons of why this is certainly a more meaningful way to initiate a conversation. First, how are you has become so common placed that we even ask this question of complete strangers. Certainly, it has become so common that it is no longer a phrase that indicates any sort of caring or warmth. Secondly, this question seems to generally focus us on our physical well-being. This may have been the primary issue hundreds of years ago. However, I would suggest that advances in science have been so significant that this is not the issue it once was. Rather, perhaps our first inquiry should be about our psychological, spiritual or social well-being. I would suggest that this is this is the primary focus for most us, or at least it should be!

Opening a conversation with this question raises the issue in their mind. That is, I can see that you are *living* but how *alive* are you? It is easy to go through life and remain in a healthy physical condition. However, how many of us really make an effort to *live* our lives or to live in such a way that we can say we are *"alive"*.

In fact, this is such a pointed question that maybe we ask it to ourselves each morning. When we get up every morning, we have so many things that we need to accomplish that day. There are court appearances to attend, calls to return, letters to write, and problems to solve. I think that this is especially true for the legal profession, which is driven by deadlines and positive results. We can get so caught up in these issues and the task at hand that we can often lose track of the fact that each day is to be enjoyed and lived rather than simply a series of checkmarks or items which need to be crossed off our "to do" list. This personally concerns me a great deal in that I see many, many burned out people in our profession and I do not want to become one of them. I want to try to feel alive every day.

The same is true with much of the food that we eat. Many times we taste our food to ensure that it tastes good, and then pile it on down. Even worse, we then usually divert our attention from the food by watching television or talking. How often do we take the opportunity to really appreciate (or dare I say *"be alive with"*) the food we eat? Next time you take a bite of something particularly good, make a point to close your eyes while you chew the food. This will block out many of your other senses and cause you to really appreciate and enjoy the flavor and texture of your food.

How alive are you? Everyone's life only contains a certain number of minutes. Unfortunately, it is not even certain how many minutes our life may contain. What is certain is that, day-by-day, we are using up this finite resource of minutes. Are you spending your minutes wisely? Every day we should ask ourselves if we are just getting through our calendar or if we are finding a way to spend some time being *"alive."*
How alive are you today?

Impartial rotation is the standard and the rule at LRIS. LRIS is a State Bar-certified and ABA-approved referral service. The State Bar rules requires that LRIS "assure that each referral is made in a fair and impartial manner." Failure to rotate sequentially and to keep records of all referrals made to each attorney is ground for denial of recertification. LRIS uses a computer referral program that automatically rotates the panel members. Each panel is rotated separately. So when an attorney receives a referral from one panel, it does not effect the panel member's placement on other panels he or she has joined. In addition, I review all referrals made each day to verify that referrals are being made impartially. LRIS' role is to assist the public and support the panel attorneys. Impartial rotation is one of the ways we support and benefit our membership.

Alice Salvo has been practicing law since 1982. She is Chair of the SFVBA Membership Committee and serves on the Board of Trustees and LRIS Committees. She is a State Bar Certified in Probate, Estate Planning and Trust Law. In this column she shares her approach to "Cultivating Potential Clients":

Cultivating potential clients starts with creating a simple plan: (1) Identify SOURCES of new business; and (2) Identify PROCEDURES to maximize the opportunity for potential clients to engage your services and/or refer you to others.

Sources

Start with identifying areas of personal contacts in your everyday life - such as the soccer field, gas station/car wash, markets, malls, cleaners, hairdresser, social/charity events, and SFVBA section meetings. Be friendly and let the world know what you do in conversations while sitting, standing or waiting. Casually start a conversation with strangers standing next to you while waiting for a table in a restaurant or for a movie. A compliment or question is an easy way to start a conversation. Questions concerning the person's business, location of the business, travel time, travel route and job satisfaction usually inspire return questions about your business. Friends, family and acquaintances may know you are an attorney, but chances are they may not know your expertise or specialty. Tell them by sharing a heartwarming story of how you helped a client.

Identify your target market. Be creative and experiment with new sources of advertising designed to reach your target market - such as direct mail, newspaper articles/ads, radio spots, flyers, and seminars. Focus your advertising on educating potential clients and offering them solutions to their problems.

Procedures

Establish telephone etiquette for potential clients. People calling an attorney have problems and want to talk to a real person, not a machine. Answering in a friendly courteous voice relaxes the caller. Treat each caller as a potential client or potential source of referrals. Offer compassion and spend a few extra minutes listening. Promptly return calls. Telephone etiquette tells a potential client you care.

Instruct those answering the phone their job is to make appointments at convenient times for potential clients. Create a policy of offering free or low cost consultations. Offer helpful suggestions such as writing down questions to bring to the appointment. A telephone call or letter should confirm appointments made more than one week in advance.

Make potential clients feel welcome by honoring their appointment time. If you anticipate running more than 20 minutes late, call them. Apologize for your lateness. Consideration builds trust.

During appointments, patiently listen to the problems of potential clients. Answers questions directly and honestly. Use brochures, diagrams and timetables to educate potential clients and manifest professionalism. If potential clients or cases are not for your office, refer them to the LRIS. Wish them good luck. Give them your card explaining the area(s) of law you practice suggesting they call you should they have a need for your legal services in the future.

Create a database containing the names of potential clients. At least twice a year communicate by sending newsletters of interest showcasing your services.

Cultivate potential clients to become your clients and a source of referrals for you.

Why Mediation is Effective in Resolving Cross-Cultural Disputes and How to Best Facilitate Cross-Cultural Communication in a Mediation Setting

BY JAN FRANKEL SCHAU, ESQ. AND DR. RONNIE BLAKENEY

Jan Frankel Schau is a former employment litigator specializing in wrongful termination and discrimination. She is now a Private Mediator and Arbitrator in Encino. Dr. Ronnie Blakeney is an expert in cross-cultural communication and is currently a Professor of Educational Psychology at the University of Friebourg, Switzerland.

The interesting thing about Mediation in a cross-cultural or multi-cultural dispute is that the only language that is assuredly "foreign" to all parties in the room is the "legal speak" found in the courtroom. Usually, the only people who are "comfortable" in that setting are the lawyers. Therefore, particularly in cases involving parties of various cultures, the mediator has an excellent opportunity to make everyone involved more comfortable with the "format" of mediation than they would likely be at trial.

Justice in America is theoretically, by historical common consent, blind, i.e., neutral with respect to the social position of the parties, including social status, cultural context, and meaning of the behavior in question. Real world judicial practice, however, as we know, is fraught with not only irresolvable issues of "blind" justice, but also issues of contextually, culturally colored interpersonal affronts.

In this ethnically diverse city, mediation can be of great advantage in bridging the cultural divide that so often creates conflict, resulting in legal disputes. A skilled and sensitive neutral can assist the parties in communication, help to surface issues presenting unique challenges because of the "communication gap" which has informed words or conduct by the parties, and present a plausible, and often more comfortable model of conflict resolution than the alternative of a court trial or arbitration.

In a study of 700 women and men who filed charges of discrimination with the EEOC, B&B (1977) found that 85% were satisfied that a just resolution had been achieved when they felt that filing the charges resulted in "help for others in situations like theirs, 56% felt satisfied if the employer had to change his/her labor practices and only 12% of 700 respondents felt that monetary compensation alone resulted in a just resolution.

When engaged in a mediation of any cross-cultural dispute, the successful neutral should be guided by three cardinal principals: probity, sensitivity, and respectful articulation. In this way, the parties have the maximum opportunity to be "understood" by one another in a way that rarely results from a trial, where the parties can only communicate through testimony carefully elicited by trial lawyers, and never directly to one another.

The Mediator Should Probe for Cultural Biases

In mediation, the neutral has a chance to help analyze the case without accepting assumptions about juror reaction (such as a particular ethnic group not being believable in court).

One example comes to mind where the facts revealed that the Plaintiff's complaint for false arrest relied upon testimony by the clerk (from India) who was working at a convenience store that he had properly identified the Caucasian man who robbed the store. The Plaintiff's lawyers smugly maintained that the jury would not believe the Indian clerk, and the attorneys for the City believed that the Police had probable cause for the arrest based upon the clerks' eyewitness testimony. Through careful and active "listening" by the neutral, it became obvious that this Caucasian man looked nothing like the actual robber to other Caucasians, but apparently a lot like the actual robber to the clerk. It became equally apparent that the attorneys couldn't predict the jury pool or their likely cultural biases adequately to risk these types of assumptions and go to trial. Once the cultural misunderstandings were "surfaced", the dispute became much easier to resolve.

Sensitivity to Language: The Mediator Should "Neutralize" the Attitudes and Speech of Both Parties and Attorneys

Very often the sensitive Neutral will be privy to racially or culturally biased remarks by parties or clients in the first round of private "caucus". That can be a red flag that the dispute itself may be the result of this kind of prejudicial thinking or arise out of a reaction to those assumptions about words and conduct. The skillful neutral should echo back the prejudicial language used by the party or counsel to attempt to deflect and diffuse that kind of prejudicial thinking. Very often, the mediator may need to enlist the assistance of the party or his counsel in this effort by asking: "how can I communicate that to the other side without sounding racist or prejudiced?"

Without being disrespectful or shaming the side who immediately reveals this type of thinking, the neutral's difficult task becomes to re-frame the particular thoughts in a way directed at getting the party or his counsel to hear themselves and recognize the obstacles to resolving the conflict that their particular comment or view may create. At the very least, the neutral should seize that moment to educate both party and counsel about the limitations of this type of thinking before presenting or articulating the position to the other side.

The Neutral Must Articulate Each Sides' Position in a Culturally Sensitive Way

In the course of mediation, the Parties may reveal that they assumed guilt or liability because of conduct following an accident—when in fact the cultural norms of the particular ethnic group may have dictated the behavior and not the circumstances of the accident.

For example, a young Persian woman keeps her car window rolled up and uses her cellular phone to call her boyfriend instead of exchanging information when a Caucasian man approaches in anger after his car has been hit. She's fearful of him and his wrath—and he assumes she's being aloof or arrogant, or worse yet, trying to scam him in some way by refusing to dignify the accident with a civil exchange of information. By explaining to each side the basis for the cultural "reaction" to the accident, both sides can be readied to engage in realistic resolution of the case. In this way, the parties can look forward to leaving the mediation more satisfied than they could possibly be after a trial, where these explanations would be irrelevant and disallowed as testimony.

Another example of the benefits of mediation comes when a deaf woman can finally "be heard" by telling her former employer of all of the accommodations she required but never received at her job. Sometimes just being able to articulate those needs to people who come from the culture of the "hearing world"—in a safe, non-threatening environment can help to break down the barriers to settlement.

Finally, the notion of personal space and invasion of space varies by culture, particularly between middle easterners and westerners. In many Asian cultures it is disrespectful to look someone in the eyes. Westerners take avoiding eye contact to be evidence of "something to hide", whereas Asians take eye contact to be insolent. The question here is the cultural meaning of body language. A skilled and sensitive neutral can diffuse these cultural misunderstandings by setting the scene of the mediation appropriately to accommodate these cultural differences at the outset.

By providing a safe and culturally accommodating forum, and neutralizing the communications back and forth, the mediator can go a great distance towards helping attorneys and their clients arrive at a fair resolution of the cross-cultural or multi-cultural dispute.

Mediators in Los Angeles have a unique opportunity to help bridge the communication gap between our many diverse cultures by acting with sensitivity and neutrality. Honest and respectful communication between attorneys, parties and neutral mediators can foster the kind of safe environment where cross-cultural disputes can best be resolved.

COPYRIGHTING SOFTWARE: A Practical Guide

BY ALAN I. CYRLIN

Alan I. Cyrlin, Esq. is an associate with Wasserman, Comden, Casselman & Pearson, L.L.P. in Tarzana. He practices in the area of intellectual property. He welcomes comments regarding this article and may be reached by email, acyrlin@wccplaw.com or cyrlina@aol.com.

You're sitting at your desk when you receive a telephone call from one of your clients. She tells you that she has a simple project for you. She's developed a software program and heard that she can have it copyrighted.

"Can you get me a copyright?" she asks. *"I've heard it's really simple."*

You've heard somewhere that software may be copyrighted. *"Or, was that patented?"* you wonder. The last time that you handled a copyright application was when your brother-in-law asked you to handle one for a song he wrote. That was 20 years ago!

You want to take the case.

You want to avoid taking the case at all costs.

You consider referring her to an intellectual property specialist when the following words rush from your mouth: *"Of course I can do it you."*

With the increase in high-tech business in the San Fernando Valley, law firms in the region are increasingly facing requests for advice on how to protect their intellectual property. While there have been entire books written on copyright protection for computer software, the process of applying for a copyright is relatively straightforward. There are four steps: determine whether your client is entitled to a copyright; choose the right form; obtain information from your client; and complete and submit the application. These are discussed below.

Is the Work Entitled to Protection?

A copyright is automatically created when an original work of authorship has been created and fixed to a tangible form. Thus, in the United States, a copyright exists regardless of whether the work is registered with the United States Copyright Office – a copyright arises automatically upon creation and fixation. But, obtaining a registered copyright gives the author added protection, such as the right to file a lawsuit for copyright infringement.

As with all works, software must meet three requirements to be entitled to copyright protection. *17 U.S.C. §102.* First, it must be original. This means that the software program must represent the independent effort of the author and not be copied from someone else's code or program. There is no requirement that the entire work be the product of the author's effort, however. The author may have copied parts of the work that are in the public domain. Those parts will not be protected. Elements that were not copied, however, and are part of the independent effort of the author, are considered "original" to the author.

Second, the work must be "creative." To meet this test, the work need only have some "modicum of creativity." Feist v. Rural Telephone Publications, 499 U.S. 340 (1991). Most computer programs will pass this test easily.

Third, the work must be fixed to a tangible medium of expression. *17 U.S.C. §102.* In terms of software, this is accomplished if the work is stored on a floppy disk or a hard drive.

Thus, as a general rule, if your client created some original aspect of the computer program, it will likely be entitled to protection.

The most probable problem you will encounter concerns the "work for hire" doctrine. The law presumes that the person who actually created a work is the "author" (and thus owner) of the work. 17 U.S.C. §201(a); *Community for Creative Non-Violence v. Reid,* 490 US 730, 737 (1989). Accordingly, if your client used a consultant or programer to create the work, that consultant or program will initially be considered the author. The "work for hire" doctrine carves out an exception to this rule. A computer program (or any other work) that is created as a "work for hire" belongs to the employer (or hiring party) and not to the person who actually created the work.

When is a computer program created as a "work for hire"? 17 U.S.C. §101 provides that a "work for hire" is a work that is either (1) created by an employee within the scope of his or her employment, or (2) specially ordered or commissioned work if the parties expressly agree in a written instrument signed by them that the work shall be considered a work for hire.

Determining whether the work for hire doctrine applies can be complicated. Whether someone is an employee for purposes of the work for hire doctrine is determined by examining state law. Community for Creative Non-Violence, supra, at 741. Further, if your client has been treating its employees and consultants as "independent contractors" instead of employees, your client may be precluded from claiming exclusive copyright ownership in the work. Several courts have held that a worker who is treated as an independent contractor for taxes and benefits purposes should also be considered an independent contractor (and thus the author) under the "work for hire" doctrine. *Aymes v. Bonelli,* 980 F.2d 857, 863, 863 (2nd Cir. 1992) ("every case since Reid that has applied the test has found the hired party to be an independent contractor where the hiring party failed to extend benefits or pay social security taxes"); *Kirk v. Harter,* 188 F.3d 1005 (8th Cir. 1999) (Harter was an independent contractor, as a matter of law, because Pedigree treated Harter as an independent contractor for tax purposes); *Birchem v. Knights of Columbus,* 116 F.3d 312, 313 (8th Cir. 1997) (financial relationship, including tax treatment, is highly probative of employment status); *Hi-Tech Video Productions, Inc. v. Capital Cities/ABC, Inc.,* 58 F.3d 1093, 1097 (6th Cir. 1995) ("In virtually every case, a strong indication of a worker's employment status can be garnered through examining how the employer compensates the worker (including benefits provided).

Ideally, your client should have had its independent contractors sign a work-for-hire agreement before work began on the program in order to invoke the protections of the work-for-hire doctrine. Alternatively, an assignment agreement should be signed by the independent contractor or consultant assigning his or her copyright to your client.

Choose the Right Form

Once you have determined that the computer program is entitled to Copyright Protection, the next step is to fill-out the Copyright Application. There are two forms to choose from.

First, you may use Form TX. This form is used for registration of published or non-published, non-dramatic literary works, excluding periodicals or serial issues.

Second, you may use Short Form TX Short Form. To use this form, three requirements must be satisfied: (1) your client must be the **only** author and copyright owner of this work, *and* (2) the work was **not** made for hire, *and* (3) the work is completely new (does not contain a substantial amount of material that has been previously published or registered or is in the public domain). Both forms may be obtained from the Copyright Office's website (http://lcweb.loc.gov/copyright).

Gather Information From Your Client

Whichever form you use, you will need to obtain basic information from your client. Although many attorneys use written questionnaires, it is best to get this information initially verbally from your client because your client is likely to have questions. Generally, you will need the following information from your client:

- The title (name) of the computer program.
- If the program had a previous title, then the name of the previous title used.
- The name of the author of the work. The individual who actually created the work is considered to be the author *unless the work was created as a "work for hire,"* in which case the employer is the author.
- The citizenship **or** the country where the author resides.
- A brief description of the nature of the work. For example, many computer works are simply described as "computer program and text of user manual."
- The year the work was created. A work is "created" when it is fixed in a copy or phonorecord for the first time.
- If the work has been published, the nation and the date (day, month and year) of publication.
- If your client based the work on any preexisting work or works, your client must describe the preexisting work and give a brief, general statement of the material that was added to the work. For example, new material may include "revised computer program," "editorial revisions," "revisions and additional text of computer program," and "new programming text." Your client, however, should **not** refer to "debugging," "error corrections," "new functions of revised program" since these are not elements that may be copyrighted.
- Deposit requirements. Copies of most works published in the United States must be deposited with the Copyright Office. This means that your client should deposit everything that is marketed or distributed with the work, including the ROM disks, instruction manuals, and a printed version of the work that is dis tributed along with the software. The deposit must also include a printout of the program's "source code" or "object code." Your client will (or should) consider its source code to be a trade secret, however. Fortunately, the Copyright Office provides a procedure whereby a source code need not be revealed. Generally, if the source code is a trade secret, your client deposits the entire CD-ROM package, including a complete copy of any accompanying software and instruction manual, along with a copy of the source code with the trade secrets portions blacked out (redacted). The rules regarding how many pages of the source code must be deposited may be found on the Copyright Office's website.

When the application is submitted, your client will have to include a statement that the material is considered to be a trade secret. If the computer program is written in HyperCard© and other scripted languages, the script is considered the equivalent of the source code.

- Is there more than one version of the computer program? Your client may come to you seeking to register only one computer program. To obtain maximum protection, each version of the program should be registered, provided that each version contains a sufficient amount of new or revised authorship to sustain a copyright claim. Your client should be advised of this information.

Complete and Submit the Application

The final steps include completing the application, having your client carefully review and sign it, and sending the application to the Library of Congress/Copyright Office/101 Independence Avenue, S.E./Washington, D.C. 20559-6000, along with the filing fee (currently $30.00) and the deposit materials.

This article discusses only the process for obtaining a copyright for computer programs. Different procedures and forms may be required for different types of works. Protecting computer software through other laws – patents, trademarks, licenses, and trade secrets – have not been covered.

THE VALLEY COMMUNITY LEGAL FOUNDATION OF THE SAN FERNANDO VALLEY BAR ASSOCIATION

INVITES YOU TO CELEBRATE YOUR FREEDOM AT OUR

ANNUAL LAW DAY DINNER & SILENT AUCTION

HONORING HEROES IN LAW ENFORCEMENT SEARCH & RESCUE TEAM ONE

Michael Asimow and Paul Bergman
Authors of *Reel Justice: The Courtroom Goes to the Movies*
Recipients of the
The Justice Armand Arabian Law & Media Award
Presented By Erin Brockovich

Friday, May 10, 2002
6:00 p.m. Reception and Silent Auction
7:00 p.m. Dinner and Program

Warner Center Marriott
21850 Oxnard Street, Woodland Hills

Name_____ Firm_____

Address_____

Telephone_____

Please reserve _____ Ticket(s) at $100 per Person.
_____ Table(s) at $1000 per Table of Ten.

I would like to donate _____ seats for special guests and award recipients.

Please make check payable to the Valley Community Legal Foundation of the SFVBA.

Please charge $_____ (All major credit cards are accepted.)

Card No. _____ Exp. Date _____

Authorized Signature_____

Your contribution in excess of $45 per ticket is deductible as a charitable contribution. Donations in addition to the dinner ticket are deductible as permitted by law. Tax ID #95-3397344.

Please mail with payment to:
VCLF, 21300 Oxnard Street, Ste. 250, Woodland Hills, CA 91367

For further information,
call (818) 227-0490, ext. 105.
Fax credit card reservations to (818) 227-0499.

President's Message continued from page 3

and equity. At a time when world events make us reflect on the freedoms, which we as Americans enjoy, the building and dedication of this courthouse is an historic occasion. While some readers might read this last sentence and question the use of the "historic", I have had the opportunity to listen to numerous members of our Bar share their experiences and their pride at having participated in the dedication of other courthouses in our valley.

As with anything in life, we could focus on the difficulties encountered along the way such as the budget constraints that have adversely impacted the judicial system, but I would prefer to view the dedication of a this new Courthouse as a time to celebrate that our society believes it important that our citizenry have a place to seek justice, as well as to acknowledge the monumental efforts of the following individuals who made this all possible: County Supervisor Michael Antonovich, Judges William MacLaughlin, Alice Hill and Michael Knight, and court administrator Michelle Cramton.

Please join me on this festive occasion to show our appreciation for the hard work and dedication that allowed this event to happen, and the important role this building will have in our future.

THE FOLLOWING JOINED THE SFVBA IN MARCH:

Kathryn A. Hayden
State Comp Insurance Fund
18550 Hatteras St. No. 87
Tarzana, CA 91356
(818) 291-7582
Workers' Compensation

Johanna S. Johannesson
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Environmental Law, Litigation, Product Liability

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Workers' Compensation

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Fax (818) 676-1747
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Murphy, Gold & Roberts
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jthompson@tharpe-howell.com
Litigation

Pepperdine Hiring Resource for Valley Law Firms

BY CAROL ALLEMEIER , DIRECTOR OF CAREER SERVICES

The Pepperdine University School of Law's Career Center is an ideal resource to help Valley attorneys meet your hiring needs. I would like to extend a personal, open invitation to you and your firm to come to our campus to interview students for clerk positions as well as to fax (310-506-4677) or email (solcaree@pepperdine.edu) postings for open associate positions. As visible as the large firms are, most law school graduates will work for good small- and mid-size firms. Recently, my office mailed over 800 On-Campus Interview (OCI) invitations to legal employers all over the country. These were primarily to large employers, who participate in fall interviewing programs on law school campuses. We try every year to have firms of all sizes participate in our OCI program. The goal is not only to extend the size of the program; we also want to broaden the program with a diversity of employers. We would be honored to have you join us and to help you in any way that we can.

We believe we can save you both time and money by allowing us to spread the word to our highly qualified students and alumni about your open position. As an added bonus, small firms can often qualify to hire work-study students. This program allows you to pay half the salary and the work-study program to pay the other half. Do you have a question about associate salaries or the job market in general? Call us at (310) 506-4634 -- we are happy to share with you the market trends based on firm size, location and practice area. As your neighbor, we also have information on the local salary rates.

Attorneys are very busy people. Legal work, business development, community service and family responsibilities take most of your time and all of your energy. We can make life a bit easier. Please visit our web page at http://law.pepperdine.edu/campcom/career/. We have tried to make it a destination point for our alumni who are looking for new opportunities. You can post your position directly on the web page, call and we'll fax you a form to complete or you can simply draft a notice and email it to us. Save time, save money and reach qualified candidates – post your open opportunity with Career Services.

Notice To Attorneys

Request For Entry of Default

To ensure consistency and uniformity in the processing of Limited and General Civil Requests for Entry of Default in the Los Angeles Superior Court, effective April 15, 2002, the following process will be required:

1. In order to provide better, more timely service for our customers, correct completion and submission of the following documents is required: (CCP 417.30 and CCP 585)
   a. The Request for Entry of Default. (Judicial Council form 982(a)(6), July 1, 2000)
   b. A separate proof of service for each defendant served with the summons.
   c. The original summons, if it has not already been returned to the Court.
2. To ensure a complete and accurate record in the court file, the following process will be implemented: When a Request for Entry of Default is received, it will be file-stamped as of the date received. If the default cannot be entered, only a rejection notice listing the reasons for the rejection will be given/mailed to the submitting party. The original Request for Entry of Default and all other documents filed with the default package will remain in the court file. A new Request for Entry of Default is required for all re-submissions.
3. When service of the summons is performed on a person other than the named defendant (substitute service) and the person's identity is unknown, CCP 417.10 requires the showing of the person's name in some "other manner." The Los Angeles Superior Court recommends that a physical description be included (i.e., ethnicity, height, weight, sex and age).
4. When submitting a Request for Entry of Default, the most recent versions of all applicable mandatory Judicial Council forms must be used. Using outdated forms will result in those documents being rejected.

These changes reflect the standardization of procedures for Limited Civil Jurisdiction and General Civil Jurisdiction. As the unification of Civil operations progresses, additional procedures will be standardized and notices issued.

Department 1A- Judgement Debtor Examinations

All General Civil, Limited Civil and Small Claims Judgment Debtor Examinations/Order of Appearance of Judgment Debtor (ORAP) in Central Civil are processed by the Office of Department 1A. To efficiently process your application:

- Pay the ORAP filing fee in Room 102 for General Civil, at Counter 9 in Room 426 for Limited Civil, and in Room 429 for Small Claims.
- Upon payment of the fee, drop off the original ORAP application at the Office of Dept. 1A, Room 542, together with a copy of the judgment. Failure to include the judgment will result in the rejection of the application.
- Hearings will be held only on Mondays and Wednesdays. Hearing dates will not be reserved via telephone. You may indicate a preference as to the hearing date, but pursuant to Local Rule 9.66, the clerk will select the hearing date according to the Court's calendar.
- Once the hearing date is assigned, conformed copies will be mailed to the filing party if a self-addressed, stamped envelope is provided. Otherwise, conformed copies will be placed in the appropriate attorney service box for pick-up.

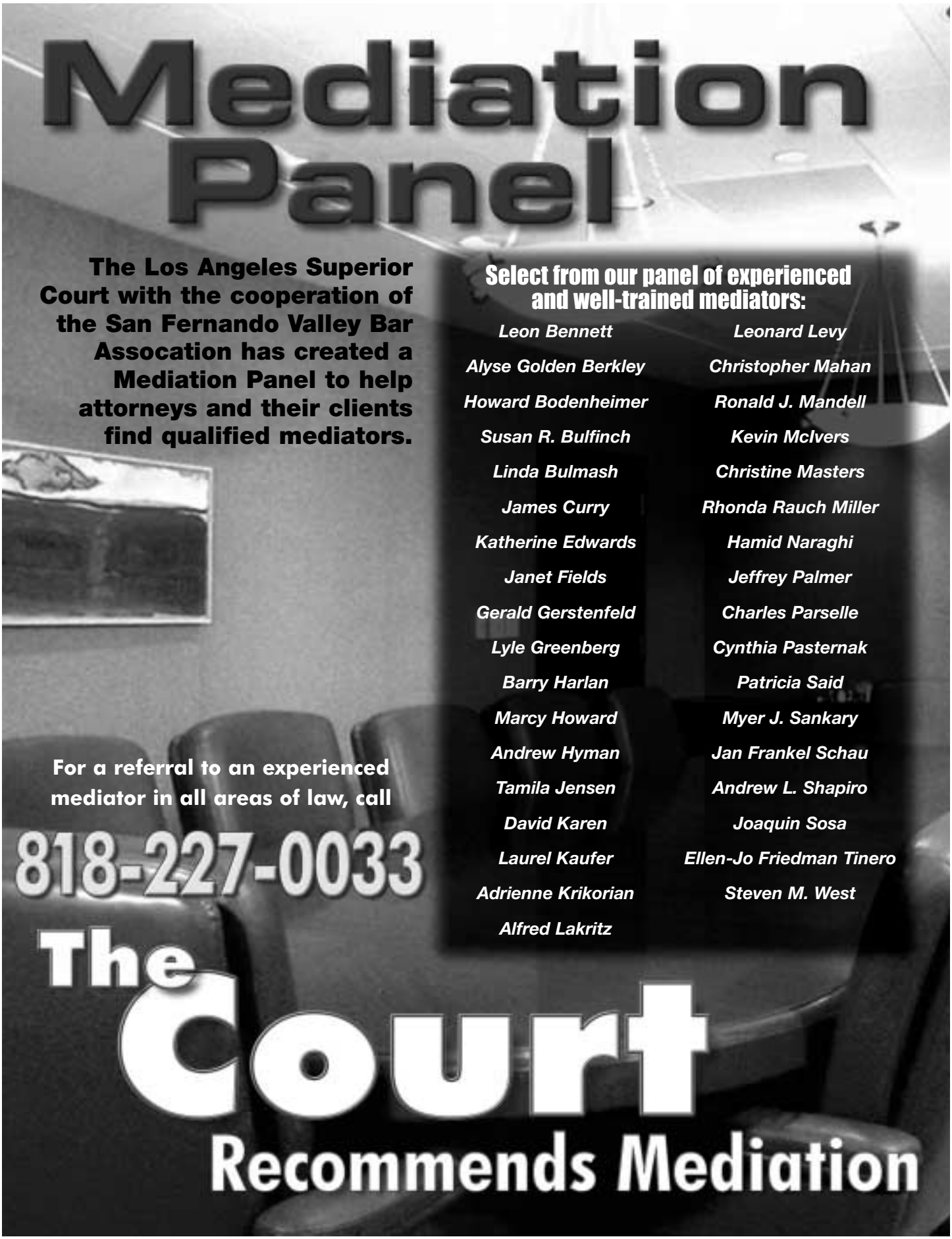
Further information may be found in Los Angeles Superior Court Local Rule 3.4. All Judgment Debtor Hearing applicants are expected to comply with the provisions of this rule. For additional information, please call (213) 974-5475.

Department 66- Pre-Judgement Writs of Attachment/Posession

All General and Limited Civil applications for writs of attachment and writs of possession (pre-judgment) in Central Civil are heard in Department 66 at 8:30 a.m., Monday through Friday. To efficiently process your application:

- Pay the filing fee for the application in Room 102 for General Civil and at Counter 9 in Room 426 for Limited Civil.
- Upon payment of the filing fee, drop off the original application in Department 66, Room 610.
- The clerk in Department 66 will review the document to ensure that all required information is provided.
- If the application is in order, the clerk will file it, schedule a hearing date, and return conformed copies of the application to the filing party.
- If there are errors or omissions on the application, the clerk will reject it and notify the filing party.

For additional information, please call (213) 974-5703.


Mediation Panel
The Los Angeles Superior Court with the cooperation of the San Fernando Valley Bar Assocation has created a Mediation Panel to help attorneys and their clients find qualified mediators.
Select from our panel of experienced and well-trained mediators:
Leon Bennett
Alyse Golden Berkley
Howard Bodenheimer
Susan R. Bulfinch
Linda Bulmash
James Curry
Katherine Edwards
Janet Fields
Gerald Gerstenfeld
Lyle Greenberg
Barry Harlan
Marcy Howard
Andrew Hyman
Tamila Jensen
David Karen
Laurel Kaufer
Adrienne Krikorian
Alfred Lakritz
Leonard Levy
Christopher Mahan
Ronald J. Mandell
Kevin McIvers
Christine Masters
Rhonda Rauch Miller
Hamid Naraghi
Jeffrey Palmer
Charles Parselle
Cynthia Pasternak
Patricia Said
Myer J. Sankary
Jan Frankel Schau
Andrew L. Shapiro
Joaquin Sosa
Ellen-Jo Friedman Tinero
Steven M. West
For a referral to an experienced mediator in all areas of law, call
818-227-0033
The Court Recommends Mediation

The Judge says he wants a copy of your motion in 10 minutes, and you left it at your downtown office.

Opposing counsel cites a case you're unfamiliar with durning the morning argument, and you want to research it before it's your turn this afternoon.

Where Do You Turn?

Visit the San Fernando Valley Bar Association

Armand Arabian Attorney Resource & Communication Centers

located in the
Van Nuys Court and
San Fernando Court Cafeterias

Immediate Access To:

• Computer Terminals • Internet
• Laser Printers • Copiers
• Dissomaster • Conference Table
• West Group Law Desk & Legal Soultions
• Facsimile (Incoming & Outgoing)

The SFVBA Armand Arabian Attorney Resource & Communication Ceters are open to SFVBA members via an electronic key card. There is a nominal charge for using the equipment. For a membership application, contact the San Fernando Valley Bar Association at (818) 227-0490, or visit our website at sfvba.org.

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 San Fernando Valley College of Law in Warner Center. Call 883-0529 for library hours.

Receive **5% monthly discount** and special equipment pricing through AT&T Wireless Services. Call Mike at (818) 371-9933 for details.

Join Southland Civic Federal Credit Union and gain access to **great interest rates** on deposits and loans, no fee traveler checks, and more. Call 1-800-426-1917.

MBNA offers members the exclusive **Platinum Plus MasterCard**. Call 1-800-457-3714. 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.

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 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 new accounts a **30% discount** off their current rates. Call (818) 772-4795.

Kelly Staff Leasing offers members a **15% discount** off the regular price of their HR support and employee administration service. Call Manny at (818) 717-1867

SFVBA members **save $10** on new AAA Membership and a discount on auto insurance. Call John Hernandez at (805) 306-8181

Save 20% on investigative services. Contact **Consumer Investigative Group** (818) 704-9925.

Courtroom Xpress Graphics offers **20% discount** on large-format prints. Free pick-up and delivery. Call (818) 780-2177, ext. 304.

To obtain **fleet pricing** on your next car, call Gina Lopez at Keyes Express at (818) 907-4490.

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Workers' Comp claims with construction, product liability, and other third party actions: Workers' Compensation Claims and/or UEF Claims Referral Fee, 20 years Exp. Edward J. Howell, ALC. (818) 906-1976.

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Legal Malpractice Expert, Preventative Law. Brd. Cert. Specialist Prof Negligence Legal ABPLA/ABA. Former State Bar Prosecutor, former Judge Pro Tem. B.S., M.B.A., J.D., C.A.O.C., A.S.C.D.C. 33 years exp., fmr. Chair SFVBA Ethics; Litigation. Law Offices of Phillip Feldman (818) 986-9890. www.legalmalexpert.com

SPACE AVAILABLE...

CANOGA PARK

Congenial office space. Amenities, possible overflow (wills, trust, estate planning). Contact Ron at (818) 340-3116.

One 14'x16' window office and/or one 10'x11' interior office available. Amenities, possible overflow, free parking. Call Garry Williams at (818) 715-9212.

ENCINO

View office with secretarial area in congenial attorney suite. A-rated building, receptionist, DSL, digital copier, conference room, kitchen, storage. Available immediately. (818) 905-6088.

Office and secretarial space located in the ENCINO LAW CENTER. Law libraries and conference rooms on each floor. One parking space included with lease. Contact George at (818) 788-3651.

WOODLAND HILLS

Beautiful penthouse in Warner Center with great views. Window offices with secretarial bays, large conference rooms, full amenities included. Call Jean (818)716-7200x150.

Conference Rooms available for mediations or special meetings. Donna (818) 593-6300 ext. 207.

Unique and professional office setting. Offices available or sections of the suite. Temporary office space also available incl. conference room. Call (818) 593-6300, ext. 207.

Executive offices with secretarial area, common reception, conference, library, free client parking. Ventura Blvd. at Winnetka. Contact Mike Booser (818) 610-8787.

2 Large Warner Center window offices in 4 attorney suite. Secretarial,conference, free parking. Shared amenities. Available 11/01. Call Stan or Larry (818) 719-9000.

Ventura Blvd. Window office in 4 office lawyers' suite, includes secretary bay, phone system. 2nd office with 2nd secretary bay possible. (818) 884-9994

Window office on Ventura Blvd. near Warner Center in estate planning attorney's office. Available furnished. $575/mo. Contact Jackie at (818) 225-1760.

VAN NUYS

Possible space for attorney time arrangement. Two window office(s) in attorney suite, CA library, conference room, breakroom, reception. Telephone ans., copy and fax available. Free parking. Art (818) 895-8234.

SUPPORT SERVICES...

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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

FREE MONTHLY RETAINER
Valley-based attorney service offers free court filing with minimum process service. SFV Bar Associate member. 22 yrs. In the Valley. Excellent references. Daily pick-up. Call for free copy of Court Filing Requirements. (818) 772-4795. www.processnet1.com

WORD PROCESSING
Full Legal word processing service available days, evenings, weekends; 24-hour fax, remote dictation, e-mail capabilities; 20 years legal experience, reasonable rates. Call Sheila (818) 788-6693.

3 Windowed Offices with adjacent secretarial bays available.

Size (17X12) (14X12) (11X14). Offices rented together or individually. CAL-FED Bank Building in Sherman Oaks. Use of conference room, library, photocopy, kitchen and reception area.

Contact Steven S. Loeb at (818) 783-6473 for details.

May Events

calender and MCLE event listings

Law Day Dinner
Date: May 10
Time: 6:00 p.m. Reception and Silent Auction
7:00 p.m. Dinner and Program
Place: Warner Center Marriott, Woodland Hills
Cost: $100/Ticket

Probate and Estate Planning Section
Topic: **The View From the Bench**
Speaker: Judge Richard Kolostian
Date: May 14
Time: 12:00 Noon
Place: Radisson Hotel, Sherman Oaks
Cost: $25 members prepaid; $30 at the door
$30 non-members prepaid; $35 at the door
MCLE: 1 Hour

Workers' Compensation Section
Topic: **Results of Rand Judicial Study**
Speaker: Nick Pace, Project Director Rand Corp.
Judge Linda Morgan, WCAB
Date: May 15
Time: 12:00 Noon
Place: Encino Glen Restaurant, Encino
Cost: $25 members prepaid; $30 at the door
$30 non-members prepaid; $40 at the door
MCLE: 1 Hour

Litigation Section and Intellectual Property and Internet Law Section
Topic: **Through the Napster Lens: Bringing IP and Antitrust Laws Into Focus**
Discussion of the convergence of IP and antitrust law with one of the principal attorneys in the Napster case.
Speaker: Craig Holden, Esq., Mitchell, Silberberg & Knupp
Date: May 16
Time: 6:00 p.m.
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

Family Law Section
Topic: **Too Many Problems, Too Few Solutions In Family Law**
S. David Rosenson will discuss the effectiveness of mediation and pertinent issues regarding family law garnered from his 38-years as a trial attorney.
Speaker: S. David Rosenson, CFLS, LASC Mediator
Date: May 20
Time: 5:30 p.m.
Place: Encino Glen Restaurant, Encino
Cost: $35 members prepaid; $40 at the door
$40 non-members prepaid; $45 at the door
MCLE: 1 Hour

Healthcare Law Section
Topic: **Hot Legislative Topics**
Speaker: Assemblyman Keith Richman, MD
Date: May 23
Time: 6:00 p.m. Dinner and program
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

Barristers Section
Topic: **Lunch with Supervising Judge Paul Gutman**
Join us for this informal session, the first in our series of lunches with the Valley Judges
Date: May 22
Time: 12:00 p.m.
Place: Van Nuys Superior Court, 2nd floor Judges' Lounge
Cost: $15 members prepaid; $20 at the door
$20 non-members prepaid; $25 at the door
MCLE: 1 Hour

Business Law & Real Property Section
Topic: **Do's and Don'ts of Creating Employee Manuals**
Speaker: David Jones, Esq.
Date: May 29
Time: 12:00 Noon Lunch and Program
Place: SFVBA Conference Room, Woodland Hills
Cost: $20 members prepaid; $25 at the door
$25 non-members prepaid; $30 at the door
MCLE: 1 Hour

Information & Reservations 818•227•0490

SIGN ME UP!

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

FOR MORE INFORMATION CALL (818) 227-0490

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

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

Celebrating 75 Years

SAN FERNANDO VALLEY BAR
Association
founded in 1926

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