



BarNotes

A Publication of the
San Fernando Valley Bar Association

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SEPARATE AND BALANCED FOUNDATION CELEBRATES LAW DAY 2006 WITH A TOUCH OF HOLLYWOOD

BY LISA MILLER

The Valley Community Legal Foundation of the San Fernando Valley Bar Association joins the rest of the nation in celebrating Law Day USA at the Foundation's annual gala on Friday, April 28, 2006. This year's Law Day theme, "Liberty Under Law: Separate Branches, Balanced Powers," acknowledges how law and the legal process contributed to the freedoms that all Americans share.

The Foundation's gala will take place at the Woodland Hills Country Club, kicked off at 6:00 p.m. with a silent auction, followed by dinner at 7:00 p.m. The theme for the reception is Civil Rights, Flower Power and Community Activism.

"This year's theme is close to my heart," Association president Richard Lewis says. "Freedom of all people, equality under the law, and the civil rights struggle are among my own personal watchwords."

The Foundation will honor actor Kent McCord at the event. The Foundation is awarding him the Armand Arabian Law & Media prize for his positive portrayal of law enforcement since 1967. That year, he appeared in the beloved television law enforcement drama "Dragnet." In 1968, he began starring in the weekly police drama "Adam-12" as the ruggedly handsome Officer Jim Reed. The series continued for seven seasons and can still be seen in syndicated reruns.

"This year's celebration is very significant for our community," Foundation President Anne C. Adams says. "Especially considering the larger issues disputed every day in our local and national courts."

Law Day, a national day set aside to celebrate the rule of law, began in 1957, sponsored by the American Bar Association, as a special day for celebrating the American legal system. In 1958 then-President Dwight D. Eisenhower established

Law Day to strengthen America's heritage of liberty, justice, and equality under law. It was not until 1961 that May 1 was designated by joint resolution of Congress as the official celebration date.

"This year's theme is especially relevant," Association President-Elect, and Foundation past president, Patricia McCabe says. "The independence of the powerful branches of government must always be remembered and respected."



Adam-12's Kent McCord

The Association plans a number of events and activities to mark this significant date. The Association's Law Day programs are designed to help the public understand how law keeps every member of the community free and how the legal system strives to achieve justice.

"The legal system needs to always stay strong," Association

Secretary Sue Bendavid-Arbiv says. "As attorneys, we know first-hand the significance of a fair and just court system."

This year's theme helps the community understand what America's Founders intended and accomplished in creating a government of separate powers.

"Understanding Law Day focuses all of us on how the branches represent separate powers but together form a dynamic system that works for the common good," Lewis says. "The doctrine of the separation of powers was adopted to preclude the exercise of arbitrary power."

The theme is central to building an understanding of the rule of law, which has always been a primary purpose of Law Day, according to President Adams.

"Without an understanding of the interactive checks and balances of our government,

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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
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NOT JUST A WAR STORY

SUPPORT FOR LAW DAY GALA BRINGS HOPE TO THE COMMUNITY

Richard A. Lewis, SFVBA President

At the start of his epic novel "A Tale of Two Cities," Charles Dickens wrote, "It was the best of times, it was the worst of times. . . it was the spring of hope, it was the winter of despair." The month of April also symbolize the best of times and the worst of times, and a Spring of hope and a Winter of despair.

For jazz buffs, April is the best of times. In April, two of the greatest jazz singers, and arguably America's greatest composer, bandleader, and recording artist, were born.

Billie Holiday, considered one of the greatest jazz singers of all times, was born on April 7, 1915 in Baltimore. The incomparable performer Ella Fitzgerald was born on April 25, 1918 in Newport News, Virginia. On April 29, 1899 the legendary Edward Kennedy "Duke" Ellington was born in Washington, D.C.

These three notables made a lasting impact on what renowned documentary filmmaker Ken Burns called "America's Music." America's music has been described as the purest expression of American democracy: music built on

individualism and compromise, independence and cooperation.

However, April also symbolizes the worst of times for our nation.

On April 12, 1861, the American Civil War began, a conflict that tore at the very fabric of our society and whose effects can still be seen today. During that conflict, three million fought and over six hundred thousand died.

The names of the battles - Manassas, Shiloh, Gettysburg, Antietam - have been seared into our memories and become a permanent part of our collective consciousness. On April 9, 1865, General Robert E. Lee, remarking that "it would be useless and therefore cruel to provoke the further effusion of blood," surrendered to General Ulysses S Grant at the home of Wilmer McClean at Appomattox Court House, Virginia, ending the Civil War.

Sadly, on April 14, 1865, Abraham Lincoln, arguably one of our greatest presidents, was shot and killed at Ford Theater.

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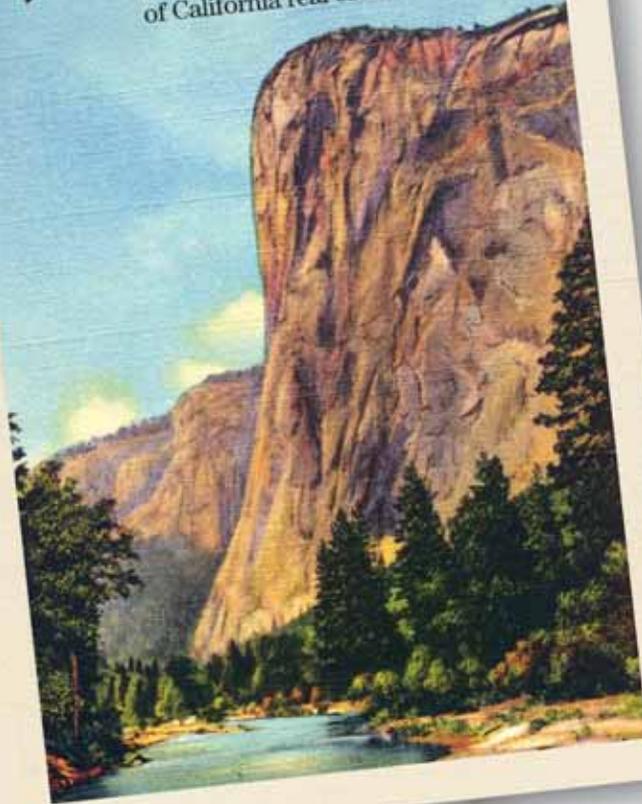
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Report From The Foundation

From The Heart

Foundation's Gala Fund-Raiser Supports the Community's Needy



BY ANNE ADAMS, VCLF PRESIDENT

Please join us! The Foundation is hosting its Law Day Gala on Saturday, April 28 at the bucolic Woodland Hills Country Club. And the event needs your support.

The evening's theme is "Celebrating the 1960's." The Foundation will present the Stanley M. Lintz Award for achievement to star athlete and social activist Rafer Johnson. The Foundation will present veteran actor Kent McCord, of the beloved television police drama "Adam-12," with the Justice Armand Arabian Law and Media Award.

This Gala is the Foundation's major fundraiser of the year. And the Board plans far in advance each year. In fact, we are now selecting award recipients for 2007.

In 2005, we provided \$22,400 in scholarships to graduating seniors from Monroe High School, Pierce College, California State University, Northridge and the University of West Los Angeles School of Law students.

The Foundation provided \$25,600 in grants to the Alliance for Children's Rights, Haven Hills, the University of West Los Angeles School of Law, the Los Angeles Free Clinic, the San Fernando Valley Bar Association's Lawyer Referral & Information

Service, the Associated Students of Los Angeles Valley College and the San Fernando Valley Drug Court program.

The Valley College grant brought volunteer attorneys onto campus to provide legal information to students. Haven Hills used the funds in its court advocate program, assisting domestic violence victims. The Alliance for Children's Rights used its grant to assist children with special educational needs.



SFVBA President Richard Lewis and Law Day Co-Chair Annie Reed

The Los Angeles Free Clinic used the funds to support its legal hotline. The University of West Los Angeles applied its money to bar exam preparation. The Lawyer Referral & Information Service educated the public regarding legal issues.

I recently attended the graduation ceremonies for the San Fernando Valley Drug Court program at the Van Nuys courthouse.

The graduates told their personal stories as part of the graduation. Their stories were moving tales of substance abuse and recovery.

The graduates described the effect drugs had on their lives, which led to their arrests. And they described how the drug court program helped them become clean and sober.

Most of the graduates had serious drug problems for many years and were unable to keep a job. Some had been homeless.

The graduates expressed gratitude for the help they received from Tarzana Treatment Center and shared with the audience their plans for the future. Incredibly, this program has achieved a success rate of almost 100 percent!

The foundation is very proud of the difference it makes in the community. The Foundation's Board members give their personal time and financial contributions to ensure the success of the Foundation's mission, most notably the Law Day Gala. But we need your support, too!

See you at the Gala! 🐾

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Congratulations, Hello and Good-Bye Valley Judges Honored for Service, Retirement

BY LISA MILLER, EDITOR

The San Fernando Valley Bar Association's recent Annual Judge's Night and Retirement Dinner included presentation of the Judge of the Year Award to the Honorable Kathleen Thompson of the United States Bankruptcy Court. And it was a sad bon voyage for nine retiring Valley bench officers.

Almost 400 attorneys, judges and others in the Valley legal community attended the event at the Woodland Hills Hilton Hotel on Thursday, February 16. Attendance broke Association records for the event.

"This was a signal event for the bar," Association president Richard A. Lewis said. "We are so honored to have such a supportive member base."

In a moving speech, Judge Thompson spoke about the importance of mentors and colleagues in her development as a bench officer. She said that she learned from each of them something significant about being a judge.

"The most important qualities for any judge are to listen,



President Richard Lewis presents Judge of the Year Award to Judge Kathleen Thompson.

observe and keep an open mind," she said. "I relied on the attorneys appearing before me to help me understand what the law is."

She detailed the practical joys of sitting on the bench, spurring some hearty laughter from the audience.

"I like not having to deal with time sheets," she said. "But I also enjoy the intellectual puzzles that come my way in the courtroom."



SFVBA Past President Leon Bennett, retired Justice Armand Arabian and SFVBA Past President and newly appointed Superior Court Judge Thomas Trent Lewis.

On a more serious note, Judge Thompson noted the significant challenges all jurists face on a daily basis. "Sometimes, it's hard to make decisions for other people," she said. "Sometimes, the law requires decisions that are discouraging."

But despite these heavy burdens, Judge Thompson was clear about one thing:



Presiding Judge William MacLaughlin and Supervising Judges Alice Hill and Michael Hoff congratulate the Valley's retired judges.

"This is the best job ever," she said.

Many of the Association's leadership attended and enjoyed mixing and meeting with the judges. "What an exciting night for the entire San Fernando Valley law practice community," Association President-Elect McCabe said. "I'm looking forward to working with the Valley bench next year as well."

Association Secretary Sue Bendavid-Arbiv noted the value of



More than 70 judicial officers attended Judges' Night

gathering these sterling examples of judicial insight together in one room.

"Talking with these judges tonight, I've gleaned so many practice tips," she said. "I could write a book!"

Immediate Past President Alice Salvo addressed the crowd from the dais, calling attention to the importance of strong bench-bar relations.

"Everyone benefits, most importantly the public, from a smoothly running bench-bar community," she said. "I believe the

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President's Message, continued from page 3

On April 6, 1917, after a German submarine sunk the Lusitania, and President Woodrow Wilson warned that "the world must be made safe for democracy," the United States formally declared war on Germany and entered World War I, the "War to End all Wars." Under the command of General John J. Pershing, over two million U.S. troops fought on battlefields in France.

These conflicts, though terrible, represent for me our "Spring of hope." After each conflict, our country renewed its commitment to democracy and freedom, to the rule of law.

President Lincoln implored us not to let this government "of the people, by the people, for the people" perish from the earth. President Wilson, in presenting his Fourteen Points, called for the rule of law among nations and the development of an institution that would allow all nations to live in peace and freedom.

Each example seems to reinforce the undeniable truth that democracy and freedom, and the rule of law, are inexorably intertwined. These cases demonstrate that the idea of justice and freedom, under law, is deeply ingrained in the American character. In his inaugural address, President John F. Kennedy spoke of creating a new world of law, a world in which the strong are just, the weak secure, and the peace preserved. These cases show that by supporting the rule of law, we also ensure that freedom and democracy survive.

Lawyers can support the rule of law not only through daily advocacy and advice, but also by supporting the San Fernando Valley Bar Association's Valley Community Legal Foundation. The Foundation is dedicated to promoting respect for law and its institutions.

On April 28, 2006, the Foundation holds its annual Law Day Gala at the Woodland Hills Country Club. At this event, the Foundation and Association will celebrate the rule of law, and honor our heroes in law enforcement and the positive portrayal of law in the media.

Honoring the twin themes of the 1960's and the Civil Rights Movement, the Foundation will give its Armand Arabian Law and Media Award to veteran actor Kent McCord for his positive portrayal of law enforcement in the 1960's television series "Adam-12." The Foundation will give the Stanley M. Lintz Award to super-athlete and former Olympic Decathlon champion Rafer Johnson for his longtime commitment to civil rights and tireless service to the communities of the San Fernando Valley.

Association members should support the Valley Community Legal Foundation and the annual Law Day Gala. Members should participate not only because it is our Foundation. Members should support the Foundation because the organization, through its good works, improves the image of lawyers and the legal profession. And all of us are under an affirmative duty to publicly affirm the rule of law and support the officers who daily risk their lives as the "the thin blue line" to ensure all of our safety.

By publicly reaffirming our belief in the rule of law and the ideal of freedom and democracy, we can help assure that our "Spring of hope" does not require another "Winter of despair." See you at the Gala! 🏃



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THE PRACTITIONER

Follow the Money

Collecting Fees without Triggering Malpractice Claims



BY MATTHEW C. MICKELSON

Dealing with clients who refuse to pay their bills is a situation that almost every lawyer will eventually face. When every effort has failed to prod a client to pay fees due and owing, litigation is often the only alternative. But before proceeding to court, every lawyer should know the advantages and disadvantages of commencing litigation to recover unpaid accounts receivable. Counsel should be aware of the special procedures that govern attorney-client fee disputes.

Pre-Litigation Concerns

Before litigation, counsel needs to review several issues to determine whether heading down that path is possible or wise. Given the significant possible downsides to commencing litigation against a client (including the risk of a malpractice cross-complaint, discussed below), counsel must ask and answer these questions before beginning litigation:

- Can the firm absorb significant accounts receivable, or is collecting a fee from this client make-or-break?
- Is the community or area of practice small and close-knit, and will other clients discover that the attorney is trying to collect unpaid bills and/or sue former clients who haven't paid?

• Does the lawyer have malpractice insurance, and will premiums increase in the case of a cross-complaint for malpractice, even a frivolous one?

• Does the client have any money, and is there a possibility of bankruptcy?

Evaluation of the Collection File

The attorney needs to evaluate the cost of litigating this matter, versus the expected return. Most critically, counsel must objectively analyze the quality of the work counsel performed.

Commencing a lawsuit where the client has a colorable claim that services rendered were of poor quality is hazardous to an attorney's practice. In addition, counsel may be ordered to disgorge fees where a conflict of interest in representation was not disclosed. (*In re Fountain* (1977) 74 Cal.App.3d 715, 719.) This possibility is a particular concern where an attorney has accepted stock or a share of a client's business or profit from a client's venture as a fee.

Counsel should analyze the retainer agreement. Generally, counsel must secure a retainer agreement in contingency and hourly fee agreements. (Business & Professions Code §§6147-6147.5) Various provisions must be set forth in the agreement, all

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of which are covered in the Code at §6147. Failure to secure a written fee agreement may entitle the lawyer only to a "reasonable" fee. (Bus. & Prof. Code §§ 6147(b), 6148(c).)

The Malpractice Threat

Any attorney suing a client for unpaid fees risks a malpractice cross-complaint. While counsel has no definitive shield against a malpractice complaint, a lawyer can limit liability exposure by skillfully employing the applicable statute of limitations.

First, the statute of limitations on attorney malpractice is one year from the date of discovery of the wrongful act or omission, or four years from the occurrence of the wrongful act or omission, whichever comes first. (Code of Civil Procedure §340.6(a).) The "discovery rule," which generally functions to toll many limitations periods until the discovery of the wrongful act, will therefore only result in a maximum tolling of four years in the attorney malpractice context.

Discovery of the wrongful act is probably obvious in certain instances, such as a judgment against the client, which should prompt any reasonable client to investigate and determine if counsel committed an act or omission. In many other situations, however, an attorney's alleged wrongful act is not obvious or apparent at all.

While the discovery rule will only toll the statute a maximum of four years, two factors toll the statute indefinitely.

The first factor is the attorney's representation of the client. The running of the statute is tolled while the attorney is still representing the client. (Code of Civil Procedure §340.6(a)(2).) Such representation will toll the period indefinitely (i.e. past the four year limit provided by C.C.P. § 340.6(a).) (*O'Neil v. Tichy* (1993) 19 Cal.App.4th 114, 119.)

Termination of the attorney-client relationship can be obvious in the context of litigation, where counsel has been substituted out or a petition to withdraw has been granted by the court. But the end of the relationship is less easy to discern in other situations. Formal withdrawal is not required for the attorney-client relationship to end and for the limitations clock to start ticking. (*Hensley v. Caietti* (1993) 13 Cal.App.4th 1165, 1172-1173.)

But the rules for determining when withdrawal has occurred are not clear. Some courts take an objective look at when the relationship ended (*Worthington v. Rusconi* (1994) 29 Cal.App.4th 1488, 1498-1499), while others look toward the client's subjective understanding of the existence of the relationship. (*Hensley v. Caietti*, supra, 13 Cal.App.4th at 1172.) The safest path in the face of uncertainty as to whether the relationship has ended is for counsel to use the formal withdrawal procedures if available, or send a letter to the client definitively asserting that counsel has terminated the attorney-client relationship.

The second factor which can toll the statute is the client suffering actual injury. The statute is tolled until the client is actually injured, and such tolling can extend beyond the four year statute date. (Code of Civil Procedure §340.6(a)(1); *O'Neil v. Tichy*, supra, 19 Cal.App.4th at 119.)

In some situations, this is obvious. For example, a judgment rendered against a client is obvious and palpable damage. But the existence of damage is cloudier in other contexts, such as will or trust drafting. Courts in these situations determine damage by analyzing when a reasonable person would have known that something went wrong, and focus on whether damage in fact occurred, regardless of the amount of damages that have occurred at any particular time. (*Jordache Enterprises v. Brobeck, Phleger & Harrison* (1998) 18 Cal.4th 739, 743.)

Finally, counsel's willful concealment of the wrongful act tolls the statutory four-year period (Code of Civil Procedure §340.6(a)(3)), as does the client's legal or physical disability (§ 430.6(a)).

For these reasons, counsel should wait at least one year after terminating the attorney-client relationship to begin collection proceedings. Attorneys should make sure that the client has suffered damages from any purported malpractice in that time frame, and carefully consider whether any supposed act or omission is open and obvious, or that the damages suffered are evident and palpable to the client.

The Collection Process

Before or at the time of service of a complaint against a client, counsel must serve on the client a standard notice of the client's right to arbitration (Business & Professions Code §6201(a)). The form notifies clients of their right to arbitrate the matter in front of a panel in the local area, depending on the county.

If the client chooses arbitration within 30 days of receiving the notice, the process becomes mandatory for both parties. Pending litigation must be stayed until the arbitration is completed. If the client doesn't file for arbitration, the lawyer can go forward with the lawsuit in the usual manner. (Business & Professions Code §6201(a), (b).)

The arbitration is binding if both client and attorney agree. Whether the client has signed a retainer agreement requiring mandatory binding arbitration is irrelevant to this process. This is a statutory scheme totally separate from private arbitration agreements, and counsel must pursue it first. (Business & Professions Code §6204(a), *Alternative Systems v. Carey* (1998) 67 Cal.App.4th 1034.)

If the client waives arbitration, or if the arbitration was not binding, an attorney-client fee collection suit is for the most part no different than any other collection claim. Usually the claims sued upon are breach of contract, along with open book account and quantum meruit if necessary.

The statute of limitations for breach of contract causes of action is four years from the date of the last service. (*Cullinan v. McColgan* (1927) 87 Cal.App. 684, 693. On an open book cause of action, the statute is also four years from the date of the last service. (Code of Civil Procedure §337; *Iverson, Yoakum, Papiano & Hatch v. Berwald* (1999) 76 Cal.App.4th 990; but there is a possible extension of time for accrual to date where client fails to make a smaller payment if there is an agreement to pay in installments; see *R.N.C. v. Tsegetos* (1991) 231 Cal.App.3d 967, 974.)

Counsel's failure to invoice the client properly under Business & Professions Code §6148(b) (such as detailing the work counsel performed each day and the amount of time counsel spent on each item) may block the attorney from collecting on an open book account theory. Counsel's recovery would then be limited to quantum meruit, with a two-year statute of limitations. (*Iverson, Yoakum, Papiano & Hatch v. Berwald* (1999) 76 Cal.App.4th 990.)

Finally, a claim of malpractice is an affirmative defense that can offset a fee claim. (Code of Civil Procedure §431.70; *Safine v. Sinnott* (1993) 15 Cal.App.4th 614, 618.) In the vast majority of cases, the client will require expert testimony to prove that an attorney failed to meet the standard of care. (*Wilkinson v. Rives* (1981) 116 Cal.App.3d 641, 647-648.) This is a great burden on a defendant seeking an offset due to malpractice. 🐾

Matthew C. Mickelson specializes in collections, post-judgment matters and appeals. He can be contacted at (818) 382-3360 and mattmickelson@bizla.rr.com.

Stars in Your Eyes How YOU Can be a Reserve Deputy Sheriff

BY DAVID SIMON

LOS ANGELES SHERIFF'S DEPARTMENT RESERVE COMMANDER

Local newspapers widely reported attorney David Katz's stunning tackle of an armed suspect who shot member SFVBA Gerald Curry outside the Van Nuys courthouse in 2003. News reports frequently mentioned that Katz, in addition to his work as a local attorney, is a reserve deputy sheriff.

Leaving the Van Nuys Criminal Courthouse after a regular stint as a judge pro tem, Katz heard shots fired and took cover. A citizen ran past Katz saying a deputy had been shot and screamed for someone to call 911. Katz, medically trained, left cover to look for the deputy.

A nearby television cameraman pointed out the suspect, walking with his hands in his pockets right in front of Katz.

Katz immediately employed the close-quarters drill from his academy days. He judged the distance between himself and the suspect. Based on his training, Katz knew he could close the distance between himself and the suspect before the suspect could turn, draw and fire.

Katz rushed the suspect and wrestled him to the ground using a special take-down technique he learned at the academy. Katz made the arrest on the spot.

Could you—would you—have jumped in to protect the public outside the courthouse?

"Anyone who makes it through the Sheriff's academy is capable of doing the same thing I did that day," Katz says. "The training and field experience provide the judgment, ability and confidence."

Based on his action in Van Nuys that day, the department gave Katz its highest award, the Medal of Valor. The San Fernando Valley Bar Association also honored Katz for his bravery at the Association's 2004 Judges' Night.

Did this make you stop and wonder, what is a reserve sheriff's deputy? And perhaps more importantly, did you wonder if YOU could be a reserve sheriff too?

Quite a few attorneys are Los Angeles County Sheriff's Department reserve deputies. And most lawyers do well both at the academy and on the streets. Lawyers are one of the largest groups of reserves in the department.

Reserve deputies in the Los Angeles Sheriff's Department, with the proper level of training and field qualification, perform virtually all the same tasks that regular deputy sheriffs perform. Routine assignments include working one- or two-officer patrol cars, making arrests, serving search warrants, testifying in court and doing search and rescue tasks.

The Los Angeles Sheriff's Department holds reserves in high regard. Reserve uniforms, equipment and badges are identical to those of regular (full-time) deputies. Reserves are expected to function with the same level of skill and professionalism as full-time deputies.

Reserves respond to the same crime and traffic calls. They work patrol units with a regular or reserve deputy as a partner. In the field, observers can not distinguish reserves from regular deputies.

The reserve program offers many opportunities after reserve officers complete their field qualification: Detective, aero bureau (helicopters), search and rescue, boats, and rescue diver, to note just a few examples.

Why do lawyers become reserves? What is it like to be a reserve deputy? Deputy Katz first learned about reserve peace officers from a college

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"Once you complete the academy and a family member pins the star on your uniform, you'll have a new outlook on life. To find out more, visit www.lasreserve.org and attend an orientation session."

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Separate and Balanced, continued from page 1 especially our court system, individuals can not be successful advocates within their communities," she says. "Attorneys have a fundamental responsibility to share this knowledge through Law Day activities."

The Foundation expects record attendance at the event, Executive Director Elizabeth Post says.

"Registration is way ahead of last year's levels," Post says. "We're especially excited about Kent McCord's attendance. He has really helped focus everyone on the importance of this celebration."

One of America's greatest strengths is its commitment to a just and fair legal system and the protection it affords to Americans' rights and freedoms, according to Trustee Jonathan Arnold.

"Law Day draws attention to the principles of justice and the practice of law," Arnold says. "Bar associations such as the San Fernando Valley Bar play critical roles in maintaining the integrity of our legal system." 🏠

Seating for the Annual Law Day Gala is limited, so reservations are strongly suggested. For further information about the Gala, contact Linda Temkin at (818) 227-0490, ext. 105.

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(S)WORD PLAY

BY WILLIAM R. LIVELY, SCVBA PRESIDENT

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He who controls the words controls the game.

This is a favorite saying of mine. Some say the truth of this saying is so obvious, it doesn't deserve further discussion. But I submit that as a people, we do not appreciate how durable is the truth of this proposition.

As lawyers, we must vigilantly protect the integrity of the rule of law, and its progeny, the words of our legal principles. He who controls the words controls the communication of ideas, as well as the modulation of expression and the mere statement of well being.

We can think it, but we can't always say it, for a variety of reasons. The control of language as a political and social tool is often overlooked. This is especially true in a country where many take for granted that we can say whatever we like.

Some organizations license or appoint a few individuals to speak, excluding all others. Beware any monopoly on the dissemination of

influence when used as a power tool by those selfishly seeking hegemony over others. Simple words like, "politically correct" and "lawyer," especially when spoken with a certain tone or expression, are meant to brand, to marginalize, and to wound. The result is often a thoughtless degradation of our language.

Whoever said that the pen is mightier than the sword was right.

The control of words is a part of the discipline of our profession. We must always be concerned with the protection of meanings and "things already decided." We must be concerned about those who would distort the meanings of the words. We are the guardians of the definitions of our craft. We have taken an oath to protect the integrity of the sacred meanings.

The same people who would amend our constitution every five minutes and who would seek to deny access to the courts are the same people who constantly seek to dilute the integrity of "things already decided." They seek to enlarge and change the definitions of legal principles to fit their peculiar agendas.

A state legislature has recently enacted a law, which it realizes is contrary to settled law in the country, with the expressed intention of forcing the inevitable challenge to that law all the way to the U.S. Supreme Court. It is the enacting body's stated hope that the addition of the newest associate justice to that court might result in a radical change to this settled principle. Food for thought. 🐷

Bill Lively can be contacted at (661) 287-3600 and wrlively@sbcglobal.net.

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mere thought! Specific words can also become the exclusive province of certain groups, who control when the words can be said, and by whom. This can be truer regarding how the words may be understood: sacred or profane.

Some expressions have achieved special meanings beyond their generic meanings. Moreover, the uttering of one of these special expressions, by one outside the group identified with the special meaning, can often pejoratively label the character of the speaker.

Special interests and special words then begin to achieve a careless and dangerous

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Stars in Your Eyes, continued from page 11

professor. The professor had lectured Katz's class about everyone's obligation to give back to the community. Later, the thought of being a reserve deputy really resonated with Katz after a chance meeting with a reserve deputy at a local health club.

Finding the time to pursue a part-time career as a reserve deputy is a challenge for everyone, according to Katz.

"Making the time is a matter of priorities," Katz says. "Motivated candidates put their favorite pastimes on temporary hold."

Successful candidates do what it takes to make it through training and onto patrol, search and rescue, or Sheriff's mounted posse, he says.

"Once candidates graduate from the academy, the Department offers reserves flexibility in determining when, where and how much time they put into law enforcement activities," Katz says.

Katz graduated from the Sheriff's academy as a Level II Reserve. This designation permitted him to patrol, make arrests, write traffic citations and exercise other powers of sworn peace officers.

A few years later, Katz returned to the academy for further training. He graduated with the highest reserve status, Level I. This allowed him to supervise other reserves or work a single-deputy patrol vehicle.

Reserve Deputy Katz works two different assignments with the department: Operations leader for the Malibu Search and Rescue Team, and uniformed patrol.

Katz sees law enforcement as a great way to make an important contribution to his community.

"I enjoy the challenge that law enforcement officers face every day," he says.

Katz recollects many memorable experiences from his 16 years with the department: He led a 20-mile pursuit ending in the arrest of a suspect wanted for several bank robberies. He worked on the protection team for President Clinton and the first President Bush. He has made dozens of felony arrests of suspects wanted for robbery, burglary, drug offenses and other crimes.

"You feel really good when you get those kinds of people off the streets," Katz says.

Do YOU have what it takes to become a Sheriff's Department reserve deputy? Do YOU have what it takes to wear the uniform, badge and full equipment of a sworn peace officer? Attorneys make great peace officers. It would be good to have more of YOU as members of our team. 🐾

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The first person San Fernando Valley Bar members or public callers usually speak with at our offices is Administrative Assistant Aileen Jimenez. She patiently helps Association members by locating training tapes and providing information on the continuing education hours and courses they need. She is usually juggling several phone calls at one time, while treating all callers as though they have her undivided attention.

She treats everyone graciously and courteously. Callers looking for a referral hear immediately that they are going to receive attentive and professional services, very important for the Lawyer Referral & Information Service. Aileen is always full of energy and in excellent humor.



And she keeps her positive attitude despite the demands of her work and personal life. Aileen works full-time and attends the University of Phoenix full-time, where she will graduate this year with a major in Information Technology. She will be applying for masters' programs in computer science.

Since 2002, she has been in the Navy Reserve, where she is an Operation Specialist, operating radar, navigation and communication equipment in the ship's combat information center. Her job involves working with search and rescue teams as well.

Navigation, communication, rescues: sounds like perfect cross-training for working with the Association and referral service!

In addition to all of these demands, she cares for her father, who left his job with the LAUSD in 2001 when he was diagnosed with Multiple Sclerosis. Aileen threw herself into learning about the disease and is now active with the National Multiple Sclerosis Society.

"I was not only overwhelmed with the diagnosis," Aileen says. "I was not sure of what this disease was or how it would affect him."

We all have read about the ordeals associated with the new Medicare and Medicaid rules. Aileen has spent weekend time on the phone with pharmacies and other providers trying to keep in place, without interruption or significant change, the medicine and supplies that her father needs daily.

Anyone who has worked with a personal care attendant knows the turmoil that results when an attendant is scheduled for a visit and does not appear. Finding and training staff is physically and emotionally draining and requires tremendous patience. Aileen works hard to insure that her father can remain at home, and she has no brothers or sisters to assist with these responsibilities.

Aileen has so many challenges, but she still moves through life with style and smiles. Aileen knows the meaning of service better than most and we are so fortunate to have her at the Association.

Aileen, we salute you! 🇺🇸

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Congratulations, Hello and Good-Bye, continued from page 7

Association has achieved that here in the Valley."

First-year Trustee Jonathan Arnold offered that this type of event is especially important for the smaller-firm practitioners.

"We're proud to be able to offer these types of events to our members," he said. "Access to the bench in this type of semi-formal setting is invaluable to all of us."

Trustee David Gurnick offered that the event was an opportunity for the bar to impress the bench with counsel's dedication to the overall judicial system.

"It's great to be able to get away from the advocate's role sometimes," he said. "It's valuable to be able to join with the bench in saluting the overall legal system."

Trustee Myer J. Sankary, who will be offering in May an exclusive negotiating seminar in the San Fernando Valley, "Principles of Persuasion," especially enjoyed gleaning tips from the bench regarding settling cases.

"This type of inside-baseball experience base is invaluable for any attorney who needs to be able to resolve cases," he said. "These judges have seen, heard and done it all." ↗

Members in the News

Westlake Village litigator **Richard ("Tag") Hoefflin** was elected Chairman of the Board for the Alliance for the Arts, the official nonprofit fundraising arm of the Thousand Oaks Civic Arts Plaza. His election was featured in the local newspaper, The Acorn. An Alliance board member since 2000, Hoefflin was also elected to the Performing Arts Center Board of Governors and to the Civic Art Plaza Foundation.



Oxnard attorney **David Laufer** is teaching a four-evening class at the University of California Santa Barbara Ventura Center on *Current Legal Mediation Practice Issues* for Lawyers and Mediators from April 20 to May 11. The course reviews arbitration, litigation and mediation procedures, discussing the advantages and disadvantages of each. ↗





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April Events

Probate & Estate Planning Section

Topic: Presenting Probate Appeals to Justices who are not Probate Experts!

Speaker: Justice Sandy Kriegler,
2nd District Court of Appeal

Date: April 11

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

Family Law Section

Topic: Meet the Family Law Bench Officers of the San Fernando Valley Special Tribute to Sharley Allen

Speakers: Panel of Bench Officers

Date: April 24

Time: 5:30 p.m.

Place: Encino Glen Restaurant

Cost: \$40 members prepaid; \$45 at the door
\$45 non-members prepaid; \$50 at the door

MCLE: 1 Hour

Small Firm & Sole Practitioner Section

Topic: Collecting Fees

Speaker: TBA

Date: April 12

Time: 12:00 noon

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

Intellectual Property, Entertainment & Internet Law Section

Topic: Successfully Defending Software Audits

Speaker: Rob Scott

Date: April 21

Time: 12:00 noon

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

Workers' Compensation Section

Topic: Case Law Update

Speaker: Hon. Mark Kahn, Associate Chief Judge,
Dept. of Industrial Relations

Date: Wednesday, April 19

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

Business Law, Real Property & Bankruptcy Section

Topic: Uniform Commercial Code

Speaker: Jonathan Hayes, Esq.

Date: May 3

Time: 12:00 noon

Place: SFVBA Conference Room

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

MCLE: 1 Hour

Litigation Section

Topic: Hospital Litigation: The Landmines and Procedures

Speaker: Sharon Oxborough, Kaiser Permanente

Date: April 20

Time: 5:00 p.m. "Non-Alcohol Happy Hour"

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

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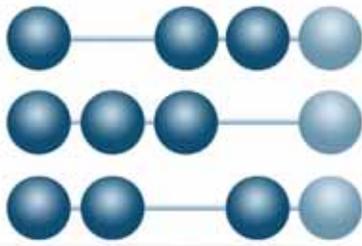
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