



BarNotes

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MCLE BLOCKBUSTER SFVBA OFFERS MUST-SEE MARATHON CLASSES

Mandatory Continuing Legal Education Requirements may not be the stuff of Hollywood blockbusters, but it's a star-studded line-up of presenters at the SFVBA MCLE Marathon, scheduled for January 2006. The event runs for two days, Friday and Saturday, January 13 and 14, 9:30-4:30.

Compliance group H - M must complete all required credits by February 1, 2006. All Marathon classes will meet on the first floor of the SFVBA headquarters in Woodland Hills.

"I'm thrilled with the way the event has shaped up," SFVBA Executive Director Liz Post says. "These events provide real value to members and guests."

The SFVBAs MCLE Marathon includes the hard-to-get Ethics and Elimination of Bias classes. The SFVBA is honored to have Judge Lawrence Crispo teaching an ethics class at the Marathon. "Effective and ethical puffery is essential to settling cases," Hon. Lawrence Crispo, (ret.), known for his practical approach to dispute resolution, says.

Judge Crispo will be offering a one-hour class on Saturday at 11:30 a.m. "Thespians on a Different Stage: Effective and Ethical Advocacy in Mediation." The class will qualify for one hour of Legal Ethics under MCLE requirements. "Winning at mediation is better, for both client and counsel, than winning at trial," Crispo, who can be reached at judgcrispo@earthlink.net, says. "A successful mediation is more productive than a good trial."

Judge Crispo is engaged in private dispute resolution full-time, as an independent neutral. He is affiliated with both Alternative Resolution Centers and ADR Services. According to Crispo, because 98 percent of cases settle, good mediation skills are as important as good advocacy skills. "If a case proceeds to trial, either the lawyers or the mediator has probably failed," he says.

The Marathon will address a wide variety of developing substantive areas of the law. Judge Burton Katz (ret.) will be offering "Mediating Mold and Fungus Cases" at 10:30 A.M. on Saturday.

"Despite the often gross exaggerations made by plaintiffs, and the gross denials of the defense, there are truths and facts to be mined that will serve counsel well in making a decision whether to prosecute or defend a mold case," Judge Katz says.

Katz says that much misinformation exists about mold and the consequences of being exposed to it. He notes that the media has increased the hype by depicting it as slimy green-black substances of

gelatinous putrefaction, deadly when inhaled or touched. He points to a popular urban myth that being near mold will damage the immune system. "Mold is ubiquitous, and for the most part, harmless, unless, of course, it isn't!" he says. "Like a spider web, mold can ensnare those who are weakened and immunologically compromised, though rendered harmless by the strong and healthy."

In his presentation, Judge Katz promises that he'll tell attendees what they will need and what they must do if they are going to play in the mold arena. The Marathon offers more than just hard-to-get credits and substantive updates, however. The program will include law office management information, including switching to a paperless office. The program will be presented by Anthony D. Zinnanti, an expert in this area, on Friday at 3:30 P.M. "In September 2005, my law office went completely paperless," Zinnanti says. "The switch was the product of a carefully managed conversion."

According to Zinnanti, he tested his paperless system under the rigors of an appearance-intensive court schedule. "My paperless system yielded lightening-fast document production and the ability to employ off-site assistance," he says. "At my discretion, the system can give clients a completely transparent view of proceedings."

Taking things a step further, Zinnanti implemented web server technologies to yield web-based client interaction, which morphed into web-based client management. According to Zinnanti, this now includes web-assisted production of court forms, online accounting, secure client communication and online bill payment.

Sue Bendavid-Arbiv, of the law firm Lewitt Hackman, will be offering the critical credit "Elimination of Bias" at 9:30 A.M. on Friday. Bendavid-Arbiv is an officer of the SFVBA. "There's a lot more to this topic than many practitioners realize," she says. "Even the appearance of bias is a violation of Bar rules."

Bendavid-Arbiv specializes in litigation and counseling of employer-side clients in all employment-related areas. "It's just too easy to accidentally violate the anti-bias requirements in the crush of everyday law practice," she says. "Practitioners can all benefit from reminders and updates in this area."

More information on the MCLE Marathon can be found on page 22 of this issue. ↗



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A TIME OF REFLECTION AND CELEBRATION

Richard A. Lewis, SFVBA President

December is always my favorite time of the year because it is traditionally the time when we reflect upon and celebrate our beliefs and principals. Some will celebrate Christmas, others will celebrate the eight days of Hanukkah, the Festival of Lights, which commemorate the victory of the Maccabees over the Syrians in the year 165 B.C.E. and the reclaiming of the Temple on the 25th of Kislev, and some will celebrate the seven days of Kwanzaa, which celebrates Unity (Umojah), Self-Determination (Kujichagulia), Collective Work and Responsibility (Ujima), Cooperative Economics (Ujamaa), Purpose (Nia), Creativity (Kuumba) and Faith (Imani).

For some, December 1 will be celebrated as the beginning of the modern struggle for civil rights, for on December 1, 1955, Rosa Parks was arrested for disobeying an Alabama law requiring African-Americans to relinquish their bus seats to white passengers, an event that started the movement which culminated in the end of legal segregation in the South and other states.

For lawyers, the most important event which we should reflect on and celebrate in December is, I believe, the adoption of our Bill of Rights. For on December 15, 1791, the new United States of America adopted the first ten Amendments to our Constitution, our Bill of Rights, in order

to "prevent misconstruction or abuse of its powers," and "extending the ground of public confidence in the Government."

In our Bill of Rights our Founding Fathers (perhaps with the advice of our Founding Mothers) enumerated what they considered essential rights that must be guaranteed to all of our citizens, such as: the right to peacefully assemble, and petition the Government for a redress of grievances; the right to keep and bear arms in order to have a well-regulated Militia; the right to be secure in our person, houses and papers and effects, against unreasonable searches and seizures; the right against double jeopardy, and self-incrimination in any criminal case; the right to a speedy and public trial, and to be informed of the nature and cause of any accusation in criminal prosecutions, as well as the assistance of counsel; the right to a trial by jury when the value in controversy exceeds a set amount; and the right against excessive bail or fines, or cruel and unusual punishment.

They also enumerated constraints on our government such as: preventing the government from establishing a religion or prohibiting its free exercise; preventing the abridgment of freedom of speech and of the press; preventing the quartering soldiers in our homes without our permission.

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Off Season Giving and Receiving

Michele C. Morley, Associate Executive Director for Public Service



This is the time of year that we see so many acts of giving and kindness. What really is a blessing is that there are people who always have generosity in their hearts. Fortunately many of these people are members of the LRIS. Let me tell you about one, Ron Gold of Oldman, Cooley, Leighton, Sallus, Gold & Birnberg.

Gayle received a call from a woman whose husband recently died. We will call her Mrs. A. Both she and her step-daughter had some health issues. Based upon a questionable quit-claim deed, the step-daughter had evicted the wife from the home Mrs. A had shared with her husband. Gayle called a couple of attorneys who were not interested in the referral. Gayle also had difficulty keeping in touch with Mrs. A because she was essentially homeless and moving from place to place.

Eventually she showed up late one day at the Van Nuys Self-Help Legal Access Center. They called us and Gayle took the call. She immediately recognized Mrs. A and asked the Center staff to have her wait while Gayle made a call to Ron Gold. Ron is known to LRIS staff as an attorney who will often meet with a referral individual when other attorneys are not interested in doing so.

The Self-Help Center staff got Mrs. A on a bus to Ron's office. He met with her and when she left gave her \$10 for bus fare as Mrs. A had no money. Ron then called Gayle and told her that he thought there was something he could do for Mrs. A. During the course of his representation he loaned her \$100. He was able to obtain an agreement where the home was sold and the proceeds shared with Mrs. A and her step-daughter. He earned a legal fee and paid the LRIS almost \$5,000.

This is not an unusual case. There are so many instances where an LRIS attorney generously evaluates a case and provides immediate and basic assistance to a client. Often LRIS staff works hard for a client even when the client presents a challenge because of personality or circumstances.

I do not know about you, but it is these small acts of kindness that keep me hopeful and inspired throughout the year. Each day some small act of kindness brings me energy and life.

*I can scarcely wait until tomorrow
when a new life begins for me,
as it does each day,
as it does each day.*

Poet Stanley Kunitz

Michele Morley was recently promoted from LRIS Director to Associate Executive Director for Public Service. 🐾

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In Practice Pennies for Your Thoughts on the New Bankruptcy Law



BY STEVEN R. FOX

They're here. The amendments to the Bankruptcy Code have arrived. Some amendments were effective April, 2005, but the big changes became effective October 17, 2005. The amendments are found in the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the "amendments").

The changes are many, they are technical and they will make life harder for those attorneys practicing bankruptcy law. How do these changes affect debtors, creditors and their attorneys?

Debtors are not to be Trusted, but Certain Creditors Receive Better Treatment

For debtors, entry into bankruptcy has been significantly narrowed. The paperwork requirements are more complex and cumbersome.

For example, debtors in Chapter 7 must provide the trustee certain tax returns and information concerning pre-bankruptcy wages, called "payment advices". If the documents are not provided timely, the cases will be dismissed. The new law limits a debtor's homestead exemption if the debtor has not owned the house for long enough or if the debtor has committed certain bad acts. The list of nondischargeable debts has been increased overall.

Debtors will find it difficult to file a "Chapter 20" (first a Chapter 7 filing to discharge debts, then a Chapter 13 application to pay the mortgage arrearage or non-dischargeable taxes over time) to resolve legitimate financial and legal problems.

Creditors are treated differently. If a creditor holds a judgment for a "domestic support obligation" (support held by a former spouse, a child or a governmental unit), the claimant is

entitled to be paid monies from the estate at a priority level higher than all interested parties (except, in certain limited instances, the trustee).

If a chapter 13 debtor does not remain current in post-petition support obligations, that debtor's plan cannot

be approved. If the debtor defaults on these obligations later on, he will not receive a discharge of the pre-bankruptcy debts when the plan payments, three-to-five years later, are completed. This is a Draconian result where a debtor cannot discharge pre-

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bankruptcy obligations because of a post-bankruptcy transgression.

Circumstances in which the automatic stay applies to protect debtors and the estate is decreased, but creditors have more opportunities to get around the stay.

Another creditor, the Internal Revenue Service, came out ahead. To discharge taxes in Chapter 7, debtors must meet certain timing requirements. This includes a requirement that the debtor's files the tax return at least two years before the debtor filed the bankruptcy petition. Pre-October 17, the two-year rule did not apply in Chapter 13, so a debtor who met the other timing rules to discharge taxes, other than the 2-year rule, could file under chapter 13 and pay this income tax debt as a general unsecured debt. Under the amendments, this exception to the two-year rule has been deleted. The exception allowed taxpayers who had fallen out of the tax system to become tax filers again.

The Bankruptcy Code No Longer Exists for Unsecured Creditors

In bankruptcy, the key players usually are the debtor, the trustee, the tax agencies, the secured creditors, certain creditors holding priority claims and general non-priority

unsecured creditors. Debtors can take care of themselves. They usually choose when they will file and also can set up the pieces for the chess game before they file. Trustees have first call on the bankruptcy estate's assets. Tax agencies have a lot of power under the Code. The Code grants priorities for certain debts, e.g., employee wage claims.

The only players who usually cannot protect their interests are the unsecured creditors. They are at the bottom of the payment scheme, they tend to be poorly organized, and the bankruptcy courts bent over backwards to solicit comments from them and to protect their interests. The Bankruptcy Code contained provisions which required that in Chapters 11 and 13 (reorganization chapters), debtors pay to the unsecured creditors at least as much as the creditors would receive if a debtor's assets were liquidated in chapter 7.

The amendments contains so many provisions assisting special interests, e.g., the holders of support obligations, the tax agencies, some credit card company claims (e.g., debt incurred on a credit card to pay certain taxes), that general unsecured creditor will have a tougher time

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If a chapter 13 debtor does not remain current in post-petition support obligations, that debtor's plan cannot be approved.

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STRESS: It's the Little Things



BY CHARLYNE GELT, PH.D.

Everyone knows that "stress" (defined as feelings of subjective strain) can be brought on by any number of challenging situations - such as a new job, marriage, divorce, birth of a child, financial problems, natural disasters, or grief due to the loss of a loved one.

What many don't pay attention to is the fact that seemingly simple, everyday situations and events can also cause stress which, for some, can be just as debilitating.

Office Stressors

Look at just about any office situation. There's always at least one person there with an unrelenting need to exert power and control over others. For example, how does one deal with a dysfunctional managing partner or a situation where the person who runs the office is either a bully or weak and inconsistent but no one wants to challenge for fear of being displaced? What stresses does that put on the people who have to practice, who believe that the logic of management is irrational, yet don't have the where-with-all to move on to "greener pastures" because of their own fear of incompetence.

Whether exerting power and control is done overtly, through explosive behaviors such as yelling, cussing, put downs, and verbal abuse - or covertly, through gentler manipulations, such as talking about a deficiency in the work yet subtly generalizing it to a deficiency about the worker, the result is the same: depression of emotional expression, tension in the body as it fights against helplessness, and negativity in the environment. A win-lose situation is created, reinforcing positions of superiority and inferiority. Whenever criticism gets thrown out in the work environment, it is internalized because work serves as our major source of identity and self worth. Who we are is often inseparable from what we do.

An employer who places impossible deadlines on an already overworked employee, or a workforce that reacts to the stress by "sitting on the work," portrays opposing poles of dominance and submission so prevalent in our everyday world. Other opposing behaviors include refusing to listen to the employee (cut-off), or refusing to acknowledge or address the frustrations of the workforce (denial). One of the most defeating stressors for a worker is when management "projects" or passes down their own frustration by criticizing an employee in public (shame). All of these stressors are common occurrences in the legal and corporate arena, which creates a top-dog/under-dog work environment. Why is it that team building and healthy interpersonal relationships are not highly valued for the mere fact that they seriously increase efficiency and productivity?

Sensitivity during any kind of confrontation can create a win-win situation for both the employer and the employee, and is a critical determinant to alleviating stress and anxiety.

"I've Got a Headache"

Is there is a correlation between anger, rage, and certain bodily symptoms? The answer is yes. The stress caused by these emotions play a central role in psychosomatic disorders, such as tension or migraine headaches, asthma, hypertension, ulcers, irritable bowel syndrome, colitis, etc. Physician and psychoanalyst Franz Alexander, one of the early pioneers of psychosomatic medicine, linked migraine headaches with tension, stress and repressed anger. Unresolved feelings of helplessness, frustration, anger, and rage make up a significant portion of what is commonly referred to as "stress." In an unhealthy job situation, where one's livelihood is dependent upon the ability to handle the stressor, symptoms can remain pushed down, dormant, accumulating over time, then during a particularly stressful occurrence, they can manifest without warning. Like a domino effect, one seemingly minor event can trigger what remained securely under wraps for years.

The Source

In psychology, family systems work shows that learned early childhood family dynamics are replicated in other environments, such as the workplace. A child who is raised by a critical, demanding, abusive, controlling, parent is likely to perpetuate the same or similar emotional environment at work as the one in which he/she was raised. A child who responded to parental negativity with submissive behavior has learned as an adult to cover his/her inadequacies (CYA) by shutting down or by being on the offensive, emotionally.

Such early top-dog/under-dog family dynamics get perpetuated in the work environment. In our fast-paced technological society the family gets caught up in focusing on achievement and on the acquisition of material goods, leaving little time and energy to tend to the family's emotional needs. Material objects are just that, objects. They offer little feedback to the child as to his/her value within that system, no coping mechanisms for stress and anxiety, and no sustenance in times of crisis. A child raised in such an environment learns to compete aggressively but has no experience with win-win.

If we are fortunate enough to grow up in a family in which we learn to feel comfortable in our own skin, we are much more likely to live fulfilling lives, take challenging risks, actualize our potential, and take our win-win attitude to work with us, which is a most definitely a blessing to everyone around us.

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Can stress-related disorders that occur in the office setting be changed? Yes! Necessity is the mother of invention, and long over-due behavioral change can emerge as a result of health related somatic concerns, or emotional breakdown, then, a breakthrough.

When driving at 45 mph holds up the flow of traffic, it is passive/aggressive behavior behind the wheel. Resolving situations such as passive/aggressive issues or an unrelenting need to exert power and control over others are fact dependent. However, the underlying need for control, even by sitting on it, can be debilitating and often comes from a sense of personal inadequacy based on early family systems dynamics.

A stressful issue between employer and employee can generate positive long-term effects for both parties. Ask:

- Is it the stress generated by the employer, the employee, or the dynamic (interaction)? Refusing to listen (cut-off) to an employee or denial about workforce frustrations are based on inadequacy or fear of change. An employer who unwittingly generates this behavior is apparent in the "engineer type" who stone-walls or cuts off an employee. He/she may get a passive/aggressive response from a secretary who "forgets" to file a brief on time. The effects of the stressor (cut-off) and an

employee's reaction to it (feeling unimportant) can range from mild irritation to catastrophic results.

- For the employer, when there are deadlines to be met that can cost the firm money the solution is confrontation; however, style (how) is the critical issue.

- Separate content from process or what from how. Reactive behaviors such as sitting on the work need to be confronted. First, determine the level of threat: crises, progressive, unpredictable, or manageable. Is this a one-time crises response to being yelled at or an on-going, pathological passive-aggressive behavior that is creating serious consequences? Effective intervention strategies, rather than "like it or leave," are cost-effective and create a healthier workplace environment.

- Make "I" statements that stick to the facts and are apt to get results. "You" statements blame and shame.

- Focus on the issues, not the person, and clarify the issues without slights, put-downs or negative personal comments. Allow the employee to "be heard" then come to terms with the behavior in a supportive rather than adversarial tone. The employee then has a choice: address the behavior or leave.

- For the employee, the real confrontation is in asking the self, "Why allow myself to be put in a victim position, put-down, or remain in such an

environment"? Employment, and money, is always an issue. Allowing oneself to be de-valued, or remain low man on the totem pole is a personal choice, as is furthering one's education and training, which leads to better job opportunities, and greater self-respect. Confronting a boss who cuts-off or "stone walls" is probably unproductive.

Healthy management style seeks solutions to stressors in the workplace (cause), not just the reaction to it (blame). The side effect of healthy intervention strategies is a sense of belonging in the "office family."

In cognitive therapies, change is the goal. Intervention plans and strategies are devised according to the nature of the client's way of reacting to the stressor: thoughts, feelings, somatic expression or acting-out behaviors. All techniques are intended to produce a self-aware state and actively gain conscious control of otherwise unconscious processes.

"We are what we think. All that we are arises with our thoughts. With our thoughts we make the world." Buddha 🙏

Charlyne Gelt, Ph.D., CGP, practices in Encino and Beverly Hills. She works with individuals, couples, adolescents and groups. Dr. Gelt invites you to contact her about difficult, stressful work related situations. She can be reached at (818) 501-4123 and www.drgelt.com.



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Changes to the Local Civil Rules

The Court has adopted the following amended Local Civil Rules, effective December 1, 2005:

L.R. 7.1-1 Certification as to Interested Parties. To enable the Court to evaluate possible disqualification or recusal, counsel for all non-governmental parties shall file with their first appearance an original and two copies of a Notice of Interested Parties which shall list all persons, associations of persons, firms, partnerships and corporations (including parent corporations clearly identified as such) which may have a pecuniary interest in the outcome of the case, including any insurance carrier which may be liable in whole or in part (directly or indirectly) for a judgment that may be entered in the action or for the cost of defense.

The Notice shall include the following certification:

“The undersigned, counsel of record for _____, certifies that the following listed party (or parties) may have a pecuniary interest in the outcome of this case. These representations are made to enable the Court to evaluate possible disqualification or recusal.

(Here list the names of all such parties and identify their connection and interest.)

Signature, Attorney of Record for:”

L.R. 11-3.8 Title Page. On the first page of all documents:

(a) The name, California bar number, office address (or residence address if no office is maintained), the telephone and facsimile numbers, and the e-mail address of the attorney or a party appearing *pro se* presenting the document shall be placed commencing with line 1 at the left margin. The e-mail address shall be placed immediately beneath the name of the attorney. Immediately beneath, the party on whose behalf the document is presented shall be identified. All this information shall be single spaced. When a document is presented, the information set forth in this paragraph shall be supplied for each attorney or party appearing *pro se* who joins in the presentation of that document, and who has not previously filed a document that includes the information.

L.R. 83-5.2 Minors or Incompetents - Settlement of Claim Procedure. Insofar as practicable, hearings on petitions to settle, compromise or dismiss a claim in an action involving a minor or incompetent person shall conform to California Code of Civil Procedure Section 372 and California Rule of Court 378.

Change to the Local Criminal Rules

The Court has adopted the following new Local Criminal Rule, effective December 1, 2005:

L.Cr.R. 46-2.1 Written Consent of Surety. Any request for modification of conditions of bail, whether made by motion or by stipulation, must include the written consent of each surety to the proposed modification.

The Local Criminal Rules and Local Civil Rules are available on the Court's website at www.cacd.uscourts.gov. ↗

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Deadlines:

- December 1 for February issue
- January 1 for March issue
- February 1 for April issue
- March 1 for May issue
- April 1 for June issue
- May 1 for combined July/August Summer issue
- July 1 for September issue
- August 1 for October issue
- September 1 for November issue
- October 1 for December issue

Questions?

E-mail Lisa Miller at editor@sfvba.org.

President's Message, continued from page 3

Most important, our Forebears declared that the government shall not deprive any person of life, liberty, or property without "due process of law."

However, all of these majestic words and statements would be hollow expressions without the advocacy and efforts of lawyers.

Although Clarence Gideon believed that he had the right to an attorney, and argued this all the way to the United States Supreme Court, it was the advocacy and efforts of Abe Fortas that convinced the Court that this was a right protected by our Constitution.

My point is that although our Bills of Rights is the codification of our principles and beliefs regarding the proper role of government and the essential rights of our citizens, and we should celebrate it always, we lawyers are essential players in this Constitutional scheme. We are the warriors who help our society live up to the principles that we have enshrined in our Bill of Rights, as well as our Declaration of Independence, and the entire fabric of our Constitution.

When we go into court to argue our client's case, we not only affirm the right of our clients not to have their lives, their liberty, and most important, their property, taken away from them without due process of law, we also affirm their right to a speedy and public trial.

When we go to court on behalf of a client to protest a governmental regulation or statute that adversely affects our client's businesses or other interest, we are, in our own way, peacefully petitioning the government for a redress of grievances.

When we go to court to protest the use of certain evidence in a criminal trial, we are affirming the right of our client to be secure in his or her person, house, papers or effects against unreasonable search and seizure.

We could not do these things without our Bill of Rights as the basis for the protection of our clients' rights and property. For this reason, I believe that this December, while we celebrate Christmas, Hanukkah, or Kwanzaa, we lawyers should set aside some time to celebrate our Bill of Rights as the basis

of our freedoms and the principles on which our civil and criminal justice systems rests.

There is, however, a more important reason that I believe that we should take some time to celebrate our Bill of Rights. The danger to our Bill of Rights is always imminent and we need to constantly remind ourselves of that fact.

Now we can look back at the treatment of our Japanese-American citizens during World War II and see how they were denied the protections of our Bill of Rights. As a nation we have provided them with reparations as a way of saying that we are sorry for the treatment they suffered. Now, after the horrific events of September 11, 2001, we need to be sure that the rights of our Muslim-American citizens are not infringed upon in the interest of national security such as happened to Japanese-Americans during World War II. Rather than having to provide reparations and apologies as we did for our Japanese-American citizens, our goal should be to ensure that neither are needed.

In particular, we as lawyers will bear the heaviest burden in protecting the rights of our citizens. The injustices suffered by Japanese-Americans ultimately were sanctioned by our legal system in *Korematsu v. United States* (1944) in which race-based compulsory exclusion was justified. Unfortunately, it took almost forty years (in 1983) to overturn Korematsu's conviction.

While others may parade and protest and write impassioned articles to our local newspapers, it is through our advocacy and efforts that we can help ensure that the rights of our Muslim-American citizens as well as the rights of all others are protected and, as the Preamble to the Bill of Rights states, "prevent misconstruction or abuse of its (government's) powers." By ensuring, through our daily advocacy and efforts, that the protections of the Bill of Rights are extended to all of our citizens, we can "extend(ing) the ground of public confidence in the Government." 📌

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BY WILLIAM R. LIVELY, SCVBA PRESIDENT

As I write this, we are still involved in our annual elections and Board of Directors transition and reconstruction, so there's not that much more to report than in my first article, and Rob Werner's last article. I do want to thank Rob Werner again, for his contribution to both of our Bar Associations. I believe that this developing relationship between the SCVBA and the SFVBA will be of great benefit to both organizations in particular, and to the legal community in general.

I particularly would like to thank members of the SFVBA and the Antelope Valley Bar Association (AVBA) for attending our installation in mid-November. As I've stated before, it's my desire that our SCVBA would form a bridge between the SFVBA and the Antelope Valley Bar Association, which is growing by leaps and bounds, along with the rapidly increasing population of the Antelope Valley, and in keeping with the state-of-the-art multi-story courthouse, that is now up and running, with overflowing calendars, both civil and criminal.

We continue to strengthen our visibility in our community, and our relationships with other service organizations. For the Thanksgiving holidays, we formed an affiliation with our local Rotary Club, to distribute food to the hungry in our valley, through our local Food Pantry. Rotary, as a matter of tradition, distributed 250 turkeys to the Food Pantry, and our Bar Association contributed a like number of pumpkin pies.

We are also working to participate in the Constitutional Rights

Foundation's annual county-wide Mock Trial Competition. Our goal is to have a team of lawyers in every high school in our valley, in order to fully expose our youth to a realistic litigation experience.

We are also creating our own MCLE credit projects, and plan a substantial Family Law Event with certified experts and judicial bench officers. We plan to cooperate with one of our local community theater organizations, for benefit performances of the Pulitzer Prize winning play, "To Kill a Mockingbird", and we plan to be the producers and sponsors of that event. We feel this collaboration will reinforce a

communication of positive image to our community. We hope many of you will attend performances of this remarkable play. Updated information with regard to tickets, benefits and reservations will be included in future articles.

In addition, we plan to hold a golf tournament in spring 2006 at one of Santa Clarita's many local golf courses.

Therefore, we have quite a productive schedule ahead, and I look forward to reporting on our continued progress in my next letter. ♣

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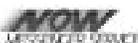
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Report From The Foundation

Donations Needed for Children's Waiting Room



BY ANNE C. ADAMS, PRESIDENT, VCLF

Imagine that you have a court hearing and the babysitter cancels at the last minute? What if you simply can't find a babysitter? This is a situation faced by some parties when they have a court appearance. Some people simply bring their children with them to court.

Judicial officers, courtroom staff, attorneys and the parties find the presence of children in a courtroom very distracting. It is not appropriate to have a party's children in the courtroom when the parent is appearing before a judicial officer. Do you think that a judge wants to sentence a defendant in a criminal case in front of their children? In family law proceedings, custody, visitation and support of the children are frequently issues presented at the hearing. Do you think the children should be present?

How many of you have had clients bring their children to your office when they have a legal consultation with you? I find it very distracting. The children are bored, and very small children have a tendency to cry sometimes. It is difficult to discuss legal matters when children are present. It is disruptive to my staff when someone leaves their children in another room and expects my staff to watch them. The courtroom is a more restrictive atmosphere than my office.

Sometimes my clients ask me about bringing children to court. I explain that they need to find a babysitter for the children while the parents are in court. If a party is appearing in pro per, the party may not know that it is inappropriate to bring children to court.

Some courts have opened a children's waiting room at the courthouse so parents have a safe place to leave their children while they are in court. Many people would like to have a children's waiting room at the Van Nuys court.

The Foundation has agreed to work with the Van Nuys court to create a children's waiting room. We need your financial support. It takes money to rehab a room at the courthouse to make it suitable for a children's waiting room. The court needs \$50,000 from the community to start the rehab project for the children's waiting room. The Los Angeles County Board of Supervisors has agreed to pay the remaining expenses for the physical rehab of the room after the community contributes \$50,000. The court is responsible for the day to day operating expenses of the children's waiting room after it opens.

We need your support to raise the first \$50,000 for the children's waiting room at the Van Nuys court. The Foundation is accepting donations for the Van Nuys Court Children's

Waiting Room from individuals, law firms, businesses, elected officials and community organizations. The Foundation is a 501(c) (3) corporation. This is an opportunity for lawyers to make a real difference in their community. We are your foundation.

Please make your check payable to "Valley Community Legal Foundation" and write "Children's Waiting Room" in the memo part of the check or send us a note stating that this particular contribution is to be used strictly for the Children's Waiting Room. Please send your checks to Valley Community Legal Foundation of the SFVBA, 21300 Oxnard Street, Suite 250, Woodland Hills, CA 91367. Thank you for your support. 🐾

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New Bankruptcy Law, continued from page 8

receiving any distribution in any bankruptcy chapter. Perversely, the “means test”, which has attracted a lot of attention, when strictly applied, will decrease money distributions to unsecured creditors.

Clients are the Enemy

The amendments are rife with new requirements for attorneys, e.g., how to advertise, but just as disturbing are the requirements that make attorneys guarantee clients’ honesty. Attorneys who trust their clients do so with extreme risk. When filing a voluntary petition for a Chapter 7 debtor, the attorney must certify under penalty of perjury that the information in the

*An introductory seminar on
The New Bankruptcy Code will be
presented at the Ninth Annual
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bankruptcy petition, schedules and statement of financial affairs is true and correct. This means that the attorney must do an independent investigation to verify a client’s information. The attorney who does not do a sufficient investigation will be sanctioned. This is a tough burden. Attorneys will have to investigate their clients. This is scary stuff.

And it gets worse. Suppose the attorney relies on a debtor’s information concerning a debtor’s income and expenses. The client lies to the attorney, the attorney files a Chapter 7 petition for the client, the trustee files a motion to convert the case to Chapter 13 as a “substantial abuse”, and the motion is granted. The debtor’s attorney will pay the trustee’s attorney’s fees for prosecuting the motion to convert. ⚡

Steven R. Fox is a bankruptcy attorney practicing in the San Fernando Valley. He can be contacted at (818) 774-3545.

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from 1990 to 1996,

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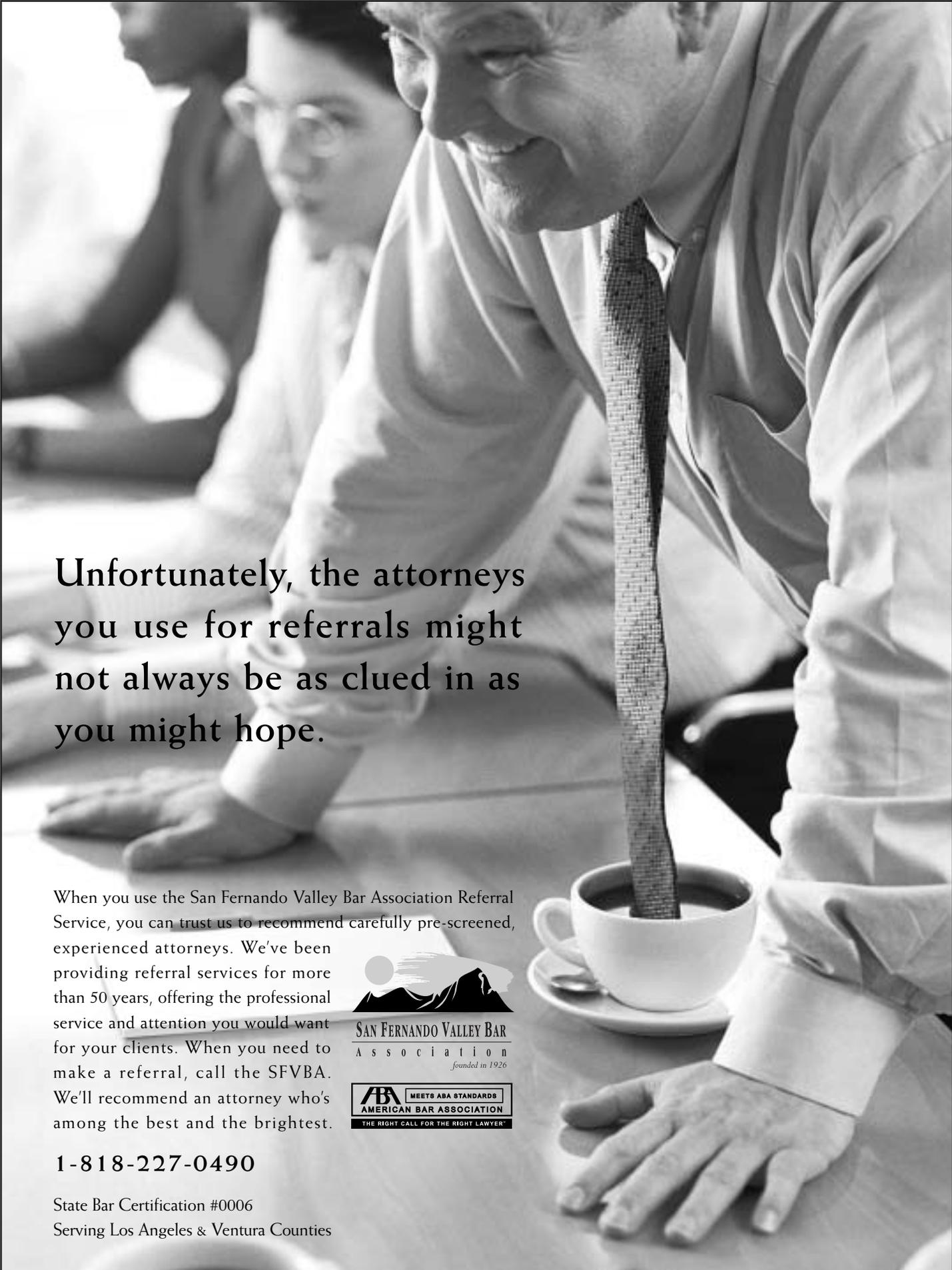
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Policyholder Update

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MARK NOVEMBER 1, 2005 ON YOUR CALENDAR

While a ten year anniversary can be thought of in traditional (tin/aluminum) or more modern (diamond jewelry) terms, your Board has voted to mark this occasion in the most stable and recognizable way it knows: by issuing a dividend* of 8% of your total policy premium to all policyholders of record as of November 1, 2005 and who paid a premium during the 12-month period prior to 11/1/04.

COOL HOLIDAY WISHES

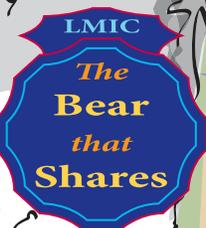
Although your check will not arrive until the December holidays, we certainly don't think it is too early to wish you healthy and prosperous thoughts. And while we can now proudly declare a "**Decade of Dividends**", it is worth remembering that LMIC has been a provider of professional liability for decades . . .

MCLE! As a State Bar of California approved MCLE provider, we are pioneers in loss prevention education and offer a range of seminars and self-study programs exclusively for our members at little or no cost.

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LMIC . . . it pays to stick around!



Volume 3

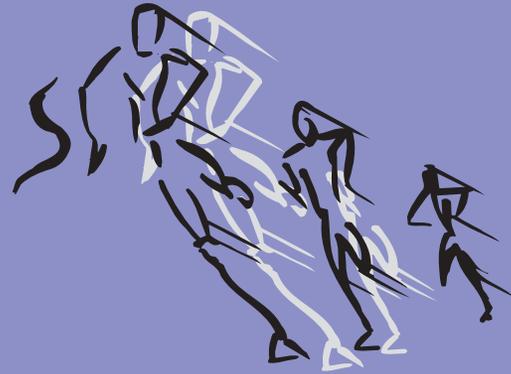
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* Dividends are paid at the sole discretion of the Company's Board of Directors, and past dividends do not guarantee the payment of future dividends.

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January 13 and 14, 2006

San Fernando Valley Campus of University of West Los Angeles School of Law
21300 Oxnard Street Woodland Hills, CA

Co-sponsored by:



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JANUARY 13, 2006

9:30 a.m. – 10:30 a.m.
Elimination of Bias
Sue Bendavid-Arbiy, Esq.
Lewitt Hackman et al.
1 Hour MCLE (Elimination of Bias)

10:30 a.m. – 12:30 p.m.
**Ethical Advocacy Using the Science of
Persuasion in Negotiating Deals**
Myer Sankary, Esq.
2 Hours MCLE (Legal Ethics)

LUNCH ON OWN

1:30 p.m. – 2:30 p.m.
The New Bankruptcy Code
Andrew Goodman, Esq.
Greenberg & Bass
1 Hour MCLE

2:30 p.m. – 3:30 p.m.
Bar Discipline Prevention
Prof. Robert Barrett, UWLA
1 Hour MCLE (Legal Ethics)

3:30 p.m. – 5:00 p.m.
**Progressing Toward Paperless: The Latest
News and Rules Regarding Fax and E-Filing**
Anthony D. Zinnanti, Esq.
1.5 Hours MCLE

**No cancellations after January 6.
Reservations at the door not guaranteed.**

**Mail registration form and payment to:
SFVBA, 21300 Oxnard Street, Suite 250,
Woodland Hills, CA 91367**

JANUARY 14, 2006

9:30 a.m. – 10:30 a.m.
How to Tell When the Client is Lying
Jack Trimarco
1 Hour MCLE

10:30 a.m. – 11:30 a.m.
Mediating Mold and Fungus Cases
Hon. Burton Katz, Ret., ARC
1 Hour MCLE

11:30 a.m. – 12:30 p.m.
Ethical Behavior
Hon. Lawrence Crispo, Ret., ARC
1 Hour MCLE (Legal Ethics)

LUNCH ON OWN

1:30 p.m. – 2:30 p.m.
Prevention of Substance Abuse
Patricia Tierney, The Other Bar
1 Hour MCLE (Prevention of Substance Abuse)

2:30 p.m. – 4:30 p.m.
**Domestic Partnerships: The Probate and
Family Law Perspective**
Diane Goodman, Esq.
Wendy Hartmann, Esq.
Caren Nielsen, Esq.
2 Hours MCLE

REGISTRATION FORM

Name _____
Firm _____
Address _____
City, State, Zip Code _____
Phone _____
Fax _____
E-Mail _____
State Bar No. _____
Bar Admission Date _____

	Member	Non-member
<input type="checkbox"/> 2-Day Seminar	\$125	\$345
OR		
<input type="checkbox"/> Friday, January 13	\$80	\$185
<input type="checkbox"/> Saturday, January 14	\$80	\$185
<input type="checkbox"/> Individual Class	\$20	\$40
<input checked="" type="checkbox"/> Class Attending		
<input type="checkbox"/> Late Registration Fee	\$35	\$50

(Pre-Registration Deadline is January 6)

SFVBA Membership Dues (Join today!)

(Includes written materials and refreshments)
Total Enclosed: \$ _____

If paying by credit card:

_____-_____-_____-
Credit Card # _____
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Signature _____

December Events

Probate & Estate Planning Section

Topic: No Contest Clauses
Speaker: Marshall Oldman and Mark Sallus of Oldman Cooley et al.
Date: **MONDAY, December 12**
 *** New day for this month***
Time: 12:00 p.m.
Place: Encino Glen Restaurant, Encino
Cost: \$30 members prepaid; \$35 at the door
 \$35 non-members prepaid; \$40 at the door
MCLE: 1 Hour

ADR Section

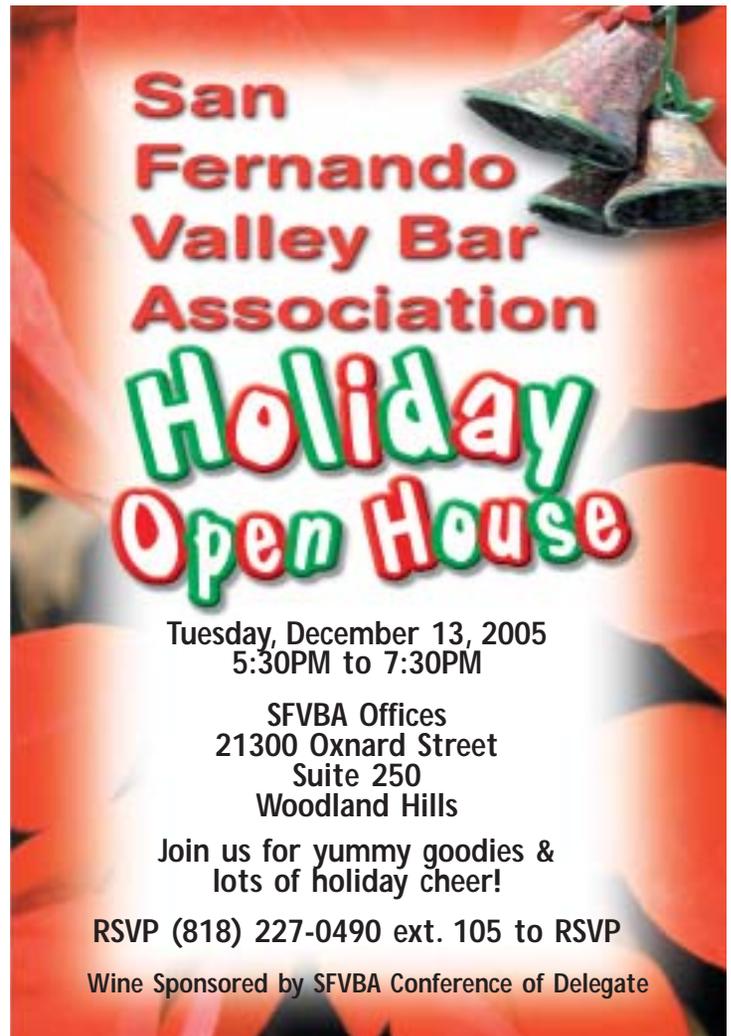
Topic: Mediating Entertainment Disputes
Speaker: Jonathan Arnold
Date: December 14
Time: 5:00 p.m. "Non-alcohol Happy Hour"
Place: SFVBA Conference Room, Woodland Hills
Cost: \$20 members prepaid; \$25 at the door
 \$25 non-members prepaid; \$30 at the door
MCLE: 1 Hour

Intellectual Property, Entertainment & Internet Law Section

Topic: The IP Year in Review
Panel: Roundtable Discussion
Date: December 16
Time: 8:30 a.m. Breakfast Meeting
Place: Greenberg & Bass, 16000 Ventura Blvd. Ste. 1000, Encino
Cost: \$20 members prepaid; \$25 at the door
 \$25 non-members prepaid; \$30 at the door
MCLE: 1 Hour

ABA/Los Angeles County Bar Association Real Property Section Community Outreach Program Co-Sponsored by SFVBA

Topic: Ethics/Opinions/Letters
Date: December 7
Time: 6:30 p.m. - 8:00 p.m.
Place: LACBA LexisNexis Conference Center, 281 S. Figueroa St., Los Angeles
Cost: Free; Light refreshments will be served
MCLE: Provided by ABA
RSVP: For further information email Trudi Lesser at tlesser@sswesq.com or Tom Quilling at thomas.quilling@hklaw.com.



San Fernando Valley Bar Association
Holiday Open House
 Tuesday, December 13, 2005
 5:30PM to 7:30PM
 SFVBA Offices
 21300 Oxnard Street
 Suite 250
 Woodland Hills
 Join us for yummy goodies & lots of holiday cheer!
 RSVP (818) 227-0490 ext. 105 to RSVP
 Wine Sponsored by SFVBA Conference of Delegate

SIGN ME UP!

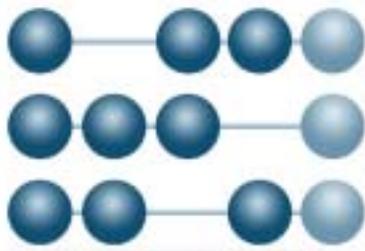
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 SIGNATURE _____

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

Food and beverages served at every MCLE event!

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



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