



BarNotes

A Publication of the
San Fernando Valley Bar Association

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READY, SET, GO! MCLE MARATHON IS UP AND RUNNING

Attorneys in continuing education compliance group A-G are running towards the Performing Arts Complex at Pierce College in Woodland Hills to attend the San Fernando Valley bar Association's MCLE Marathon. The event, spanning Thursday, January 11, and Friday, January 12, will provide all mandatory participatory credits.

Topics include the required educational units, in addition to many general education offerings. Some of the harder-to-find credits at the Marathon include elimination of bias, ethics and prevention of substance abuse.

"This event is one of the best ways counsel can keep abreast of the newest developments in their practice areas," Judge Lawrence W. Crispo (ret.) says. "I'm looking forward to some interesting question-and-answer exchanges with the audience."

Judge Crispo, a veteran presenter at the marathon and a busy full-time neutral with event sponsor Alternative Resolution Centers, is lecturing on Friday morning, January 12, on ethics in both the office and the courtroom. Attendees will earn one hour of ethics credit to satisfy the State Bar's requirement.

"I focus my presentation on practical applications of the ethics requirements," Crispo says. "My class provides support and guidance to attorneys in sometimes confusing situations."

The sometimes-elusive elimination of bias credit will be offered by Encino employment attorney Sue Bendavid-Arbiv on Thursday

morning, January 11. Bendavid-Arbiv's presentation will focus on sensitivity to bias and how to guard against perpetuating it. She will also touch on examples of unacceptable conduct and offensive communications. Bendavid-Arbiv's presentation at the 2005-2006 Marathon was extremely well-reviewed by attendees.

"We are extremely grateful for the support of our sponsors," Association Executive Director Liz Post says. "ARC, Grosslight Insurance, Online Security and Malibu Court Reporters all came on board to help support our members and their MCLE needs."

The mandatory elimination of substance abuse credit is also available at the MCLE Marathon. Attorney Patricia Tierney, of The Other Bar, will present *Dealing with Stress: How to Prevent Substance Abuse*. The class qualifies under State Bar rules for one hour of the prevention of substance abuse credit.

"Counsel need to hear about ways to deal with the stresses and challenges of their profession," Tierney says. "I know first-hand the pot holes that law practice can throw in front of hard-working counsel."

The Marathon costs \$125 for members and offers 12.5 hours of participatory education credits. The balance of the material can be done as 12.5 hours as self-study through the Association's complimentary tape library. Pierce College is located at 6201 Winnetka Avenue. Parking in Lot 6, adjacent to the complex, is free. 🏃

**Holiday
Open House**

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Holiday Spirit Keep it Glowing Through Community Service

PATRICIA L. McCABE, SFVBA PRESIDENT



When I was a kid, December could not come fast enough. Now the year flies by in the blink of an eye. December has always been my favorite month, perhaps because of the festive lights, the parties, the traditional foods and celebrations with friends and family. But what I like best about December is "holiday spirit." Not the kind you get from a Frank Capra film. The kind you feel when you give of yourself.

This year, the San Fernando Valley Bar Association will hold its 11th annual **Blanket the Homeless** blanket donation drive. Thanks to the dedicated work of Christine Lyden and Mark Blackman, this program continues to thrive. More than 22,000 blankets have been distributed to transitional living and domestic violence shelters in the San Fernando Valley. Each blanket costs only a few dollars, yet each one brings with it a bit of hope and dignity. The blankets are small and often quirky in color. But to those who have few or no possessions, a new blanket during one of the coldest months of the years is a gift to equal no other.

Those receiving blankets are in transition: They come from varied backgrounds, they have lost their homes, some have lost their jobs, and some have even lost their cars. Most are not living in shelters by choice, but because they have been forced from their homes because of illness, injury, unforeseen economic events or domestic violence. At L.A. Family Housing, parents and children share one small room. For youngsters at the shelter, a blanket, while it will keep them warm, isn't what they are expecting when the large cardboard box is opened at the shelter.

In joining the ranks of our other local bar associations, we are hosting our first annual toy drive. New, unwrapped items will be collected at the Bar offices and then distributed to the children in temporary residence at the L.A. Family Housing shelter and to children at Haven Hills, a center for children who have experienced domestic violence. Books, games, balls, sports equipment, electronic equipment, dolls and stuffed animals for children through age 16 will be accepted through December 13, 2006.

Many shelter residents have legal problems. Each year, the Bar provides a legal information clinic at the L.A. Family Housing family shelter. Quick answers to legal questions often can be provided, while more complex matters and representation needs are referred to the Lawyer Referral & Information Service of the Bar. I invite you to join us for Blanket the Homeless on December 16, 2006 at L.A. Family Housing to hand out a blanket, give a bit of hope, and answer a legal questions in clinic.

And please join Bar members, the Board of Trustees and the staff at the Holiday Party on December 12, 2006, 5:30 p.m. This is a perfect time to bring an unwrapped gift for the holiday toy drive, make a donation for Blanket the Homeless, enjoy the holiday food and share holiday spirit.

As this year closes, I hope the coming year is one in which peace will everywhere reign supreme; that you all have good health and prosperity, and that time doesn't fly by quite so fast.

May your holidays be filled with the holiday spirit! 🍷

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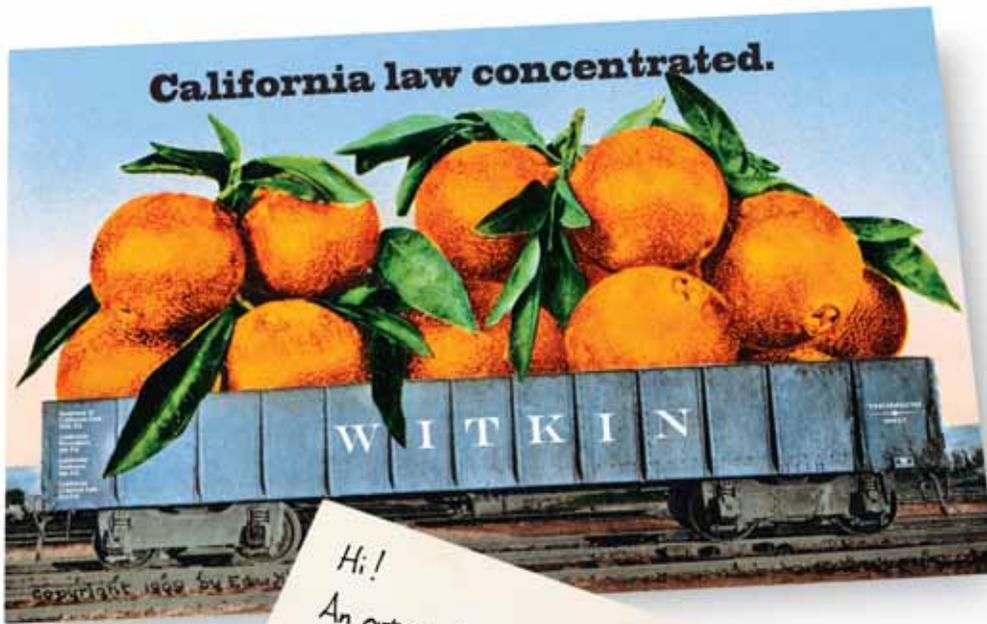
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Family is Where You Find It Thinking About Close Relationships at the Holidays

MICHELE C. MORLEY, ASSOCIATE EXECUTIVE DIRECTOR FOR PUBLIC SERVICE



I met recently with Matthew Crowley, a business transactional and intellectual property attorney, who applied for the LRIS panel. He worked for a large law firm and as in-house counsel to a technology company, but has decided to open a solo practice in Woodland Hills. I found myself talking about how supportive SFVBA members are of each other, and I offered examples of attorneys helping other attorneys. Matthew understood immediately because he had already experienced this.

At an earlier meeting of the Business Law, Real Property & Bankruptcy Section, he had met the Section Chair, Steve Fox. Steve helped Matthew network, introducing him to a networking group of professionals. Matthew spoke highly of Steve's gracious and sincere efforts to help him market his practice.

I then thought about my mother-in-law, suffering from Alzheimer's Disease. This may be the last holiday where she will have any sense of family, so the Morley extended family is gathering in Missouri to celebrate. Jo has buried two sons and her own husband, and had another son divorce, remarry, lose his wife to cancer and remarry. All of this living and dying has caused many changes in her relationships, but always Jo has been a kind and simple woman who loves nothing more than family. When her husband died, she got her own car and drove herself where she wanted to go, a new experience for her, and she savored the time spent driving. Yet even now, she can belt out "Rock of Ages" with vitality and a gleam in her eyes.

The Morley family has disagreements and even some hurt feelings, but when we think of family, we think of the many ways we help and support one another.

The LRIS has added a new member to our family: Lucia Senda (Lucy) is our new full-time and Spanish-speaking referral coordinator. She has earned a paralegal certificate and is finishing her Associate's degree.

"I do not get discouraged [when facing difficulties]; I just work and study harder," she says.

Lucia is deeply committed to mentoring children and young women.

She has many opportunities to mentor within her own family of five brothers and two sisters and a son, Charles Andrew.

"Communication is a must, and understanding each other is very important," she says. "When I was a child, I would translate from Spanish to English and vice versa. Sometimes, when I was with my parents in public, I even stopped arguments between strangers."



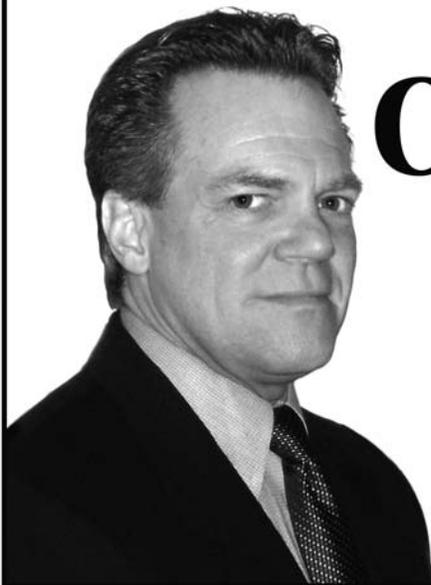
Lucia has worked as a fashion model, realtor's assistant and restaurant manager, where she advanced from hostess.

"I have now been given the opportunity to work in the field of law,

which is my dream come true," Lucia says, regarding getting the LRIS position. "I am very thankful to the San Fernando Valley Bar Association for the opportunity."

Please join us in welcoming Lucia!

Finally, I attended the National LRIS Conference in Albuquerque recently where the focus was technology. I gave a presentation on Virtual LRIS programs, and attended meetings about websites and obtaining a high ranking in the Google, Yahoo, and MSN search engines. The ABA LRIS Conference is much more focused on cutting edge approaches to marketing referral services. It gets my adrenaline flowing to learn new and effective ways to market the LRIS. I am pleased that our financial success in the last few years enables us to act on these ideas. ✎



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Coach's Corner

How to Serve Your Clients: Listen to What They Want

EDWARD POLL



Consumer Reports magazine earlier this year listed the top ten U.S. cars. None of them was made by companies traditionally thought of as the "American automakers" that for decades dominated this market. When Japanese car companies first came to the U.S., they asked American drivers about the features a car should have, and started building cars with those features. American car companies, on the other hand, grew smug, no longer listened to the public, no longer made cars with quality, and no longer cared about their long-term reputations.

Law firms also must provide quality service and work product that benefits their clients. Lawyers don't practice law, they serve clients. Without clients there is no reason for lawyers. Surveys show that the two biggest reasons for client dissatisfaction are unhappiness with law firms' service performance (not the same as legal advice), and failure to keep pace with clients' changing needs. Such law firms generally fail to communicate with their clients to learn what their clients want, how they want to receive it, and where the clients will be in the next one-to-five years so the lawyers can think proactively on behalf of the clients.

Successful lawyers interact constantly with their clients and demonstrate to the clients their very high value. Successful lawyers take the kind of customer-service approach to dealing with clients that can be found at successful shops or restaurants (businesses ultimately not much different from law firms).

Even the simplest steps to accomplish this can pay big dividends:

- Return phone calls the same day, either personally or through a staff member. Unresponsiveness remains the single most frequently registered complaint against lawyers with bar associations across the country.
- Make sure staff members know the names of the firm's clients. Give everyone the client list so that they never have to ask the spelling of a name when taking a message or appointment.
- Take the initiative to communicate regularly with clients. Send them copies of all relevant documents about them that come into the office, or provide status reports on a regular basis. Demonstrating that the firm is at work on their behalf is the best way to ensure getting paid.
- Make clients feel like they are part of the team. Seek out their opinions, ask them what they want to accomplish, explain the reasons behind the advice the firm provides.
- Visit clients at their home or business as a way to build trust and to get a better understanding of what is important to them. Don't charge for the visit - but be sure it shows up on their next statement as a "no charge" item.
- Solicit client feedback over coffee, asking, "How am I doing? Is there an issue that concerns you? Does my staff treat you courteously?" Given this opportunity, clients will answer honestly. Uncovering a problem this way can prevent an unpaid bill or a disciplinary charge. This doesn't require an elaborate questionnaire.

Ed Poll is the author of [Selling Your Law Practice: the Profitable Exit Strategy](#) and he can be reached at www.lawbiz.com.

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Community Building

Section Addresses Needs of Women Lawyers in the San Fernando Valley

BY LISA MILLER



A new and very active section of the San Fernando Valley Bar Association is already on the scene: The Women Lawyers Section. Headed by long-time Bar member and Valley practitioner Hillary Grosberg, the Section focuses on bringing women from diverse practice perspectives together for educational programming and networking.

The Section offers programs of general interest to all practitioners in the Valley, Grosberg says. The next educational meeting is slated for January 2007.

"This section was revitalized to serve the unique needs of women lawyers in the San Fernando Valley," Grosberg, who practices in Encino, says. "So many women lawyers in the Valley had no meeting place to discuss the 'law biz' and how it affects women lawyers."

Current programming on tap for the group includes:

January 25 – How to Prepare Your Case for Appeal While In Trial, presented by Horvitz & Levy appellate specialist M. C. Sungalia (addressing issues including what types of objections and responses to make to be able to raise issues on appeal if necessary, and not inadvertently waive any right to raises issues because they were not raised at trial).

February 22 - Effect of Tax Laws on Bankruptcy, Family Law, Estate Planning, Settlements, Judgments, Real Estate Transactions, presented by Wendy Hartmann (considering the issues that lawyers should be aware of in these areas).

March 22 - What Your Judge Really Wants in Pleadings and Argument, presented by Judge Holly E. Kendig (exploring what judges do and do not want to see and hear in the pleadings, at oral argument and in trial).

April 26 - How Appearance Affects Discrimination Against Women Lawyers, presented by Connie Gregory, certified image consultant and 20-year veteran of the insurance business (explaining the

effect of personal appearance and how to soften or strengthen it as the occasion dictates, including how dress effects others and how and what to change to obtain a desired effect).

May 24 – Partnership: What Type of Partner, How to Get There and What Will Be Expected of You, presented by Sue Bendavid-Arbiv and Valerie Fontaine (covering how to position yourself to achieve your career goals within a law firm).

June 28 - Investment Strategies for Women at Any Stage of Life, presented by Certified Financial Planner Dorothy Strackbein Koetz (explaining the types of investments that exist and what makes the most sense for women at various stages of their lives).

"Our topics are mostly law-related, as opposed to women specific," Grosberg says. "Our main outreach and 'bent' on our programs is how these issues relate to

women lawyers, if there is a difference."

Programming earlier this year has been geared to serving the needs of the broad legal community as well. The Section got off to a vigorous start, Grosberg says, with big attendance numbers right from the start. Early programming included a well-attended presentation *Differing Roles of Women Lawyers in Their Practices* (a roundtable discussion). At this meeting, Grosberg led a wide-ranging discussion of the needs and desires of women lawyers practicing in the community, to help guide development of future programming for the Section.

"While much of our programming is geared towards the requests of the women lawyers we talk with, many of the programs are for any and all lawyers," she says. "Men often attend our meetings."

One of the extremely well-attended presentations featured Judge Alice Hill



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speaking on *The Trials of Being a Woman Judge*. She offered a colorful historic trip through the development of women in the legal profession. Judge Hill spoke about her personal experiences and how judges progress and are guided by more experienced bench officers.

"We do look to women as our speakers," Grosberg says. "We are trying to get a woman lawyer's point of view."

Any smaller firm practitioner in the San Fernando Valley could have learned a thing or two from the September speaker, according to Grosberg. The Section presented Margo Milman, who offered insights on *Understanding Your Malpractice Coverage*. Milman is an insurance agent who was with AON insurance in the past. She brought an underwriter from CHUBB insurance to provide an expanded point of view. The duo commented on what is covered, what the various coverages include, how rates are determined and how to determine what coverages are best for a particular practice.

"Together, they gave a wonderful overview," Grosberg says.

The Section moved to a slightly different approach to law practice in its October seminar. The Section presented Lynne M. Azpeitia on body language, where she spoke about tools to lower stress and control situations with clients, opposing parties and in court. Azpeitia is a MFCC and has been practicing for more than 25 years. She teaches in this subject area and supervises interns.

"All of these programs were well-presented and well-received," Grosberg says. "I've been impressed with the enthusiasm attendees are showing for these presentations."

The Section will celebrate the holiday spirit with a party on December 28, 2006. No speakers are scheduled for this event, but it will offer a wonderful opportunity to connect with other practitioners and enjoy a festive mood, according to Grosberg.

"I'm really looking forward to meeting everyone in a more relaxed environment," she says.

Additional topics under consideration for future programming include:

- Building business contacts
- Treatment of employees
- Maternity leave
- Relationships with clients
- Client entertainment
- Opposing male counsel
- Large firm politics - pitfalls and power points
- Mentors - being and using
- Balance in life
- What women need to know about estate planning
- Home office v. virtual office space v. office building office
- Business travel
- Office staffing
- Software to have and to hold (library, billing, word processing, virus, etc.)
- Bookkeeping
- Use and abuse of lis pendens - filing, expunging, bonding
- Marketing for women (the who, what, when, where and how) ↗

Ideas or requests for the Women Lawyers Section of the San Fernando Valley Bar Association? Contact Hillary Grosberg at (818) 789-1593 or hillary@annhillary.com.

See the Light Business Websites Must be Accessible to the Blind



BY JAMES FELTON

A recent decision from the United States District Court in Northern California may require law firms to make their websites accessible to the blind.

In *National Federation of the Blind v. Target*, 2006 U.S. Dist. Lexis 63591, the Plaintiffs, the National Federation of the Blind, the National Federation of the Blind of California, on behalf of all of their members, and Bruce F. Sexton, on behalf of himself and all others similarly situated, brought an action against Target Corporation alleging that Target's website, Target.com, was inaccessible to the blind and thus violated federal and state laws prohibiting discrimination against the disabled.

Target brought a motion to dismiss the complaint arguing that federal and state laws regarding discrimination against the disabled only relate to public accommodations, not services available through the internet. United States District Court Judge Marilyn Patel disagreed with Target's interpretation of both federal and California law and denied the motion to dismiss.

Like almost every retail outlet in America, Target operates its own website, Target.com, for the purpose of advertising its products as well as giving individuals an opportunity to buy its products online. The Plaintiffs sued Target under the Americans with Disabilities Act, 42 U.S.C. Section 12182 ("ADA"), the Unruh Civil Rights Act, Cal. Civ. Code Section 51 (the "Unruh Act"), and the Disabled Persons Act, Cal. Civ. Code Section 54.1 ("DPA"). Plaintiffs sought not only declaratory and monetary relief, they also sought a mandatory injunction requiring Target to modify its website so it could be accessible to the blind.

Rendering a website accessible to the blind can involve a variety of steps. For example, one element is to embed "alternative text" beneath the graphics. This text permits the blind user to obtain a description of a picture using words which can be read by screen reader software that vocalizes the text. There are other more substantive steps that may also require the assistance of a qualified computer technician.

The Court analyzed the applicability of the ADA to Target's website. The ADA provides, in pertinent part, that:

"[N]o individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to) or operates a place of public accommodation."

Discrimination, under the ADA, involves the denial to the disabled person the opportunity to participate in programs or services, and providing the disabled with separate, but unequal, goods or services.

The first argument raised by Target was whether Target.com is a place of public accommodation subject to the provisions of the ADA. In support of its position that Target.com was not subject to the ADA, Target argued that:

1. The ADA did not apply to "off-site" discrimination
2. The ADA would only be implicated if the Plaintiffs were denied physical access to the actual Target stores, and



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3. The ADA does not require the obligation to provide auxiliary aids or services if doing so would fundamentally change the nature of the good or service, or result in an undue burden.

The Court addressed each of these concerns and found that Target got the wrong end of the shopping cart on all of them.

First, the Court noted that the ADA applies to “services of a place of public accommodation, not services in a place of public accommodation. (See 42 U.S.C. Section 12182(a).) The Court cited to an Eleventh Circuit case entitled *Rendon v. Valleycrest Prod.*, 294 F3d 1279, 1280-81 (11th Cir. 2002) (The Court held the process for selecting contestants for “Who Wants to Be A Millionaire” that screened out disabled persons was actionable under the ADA even

though the screening process occurred outside the premises of a public accommodation (the game show set)).

Second, with reference to physical access, the Court rejected what it found to be a very narrow interpretation of the ADA. The Plaintiffs alleged that the inaccessibility of Target.com denied the blind the ability to enjoy the services of the Target stores. The Court found that the ADA protected the rights of the disabled to “the enjoyment of goods, services, facilities or privileges” that the place of accommodation provides.

Third, with reference to the third prong, whether access to the website would fundamentally change the nature of the good or service or result in undue burden, the Court also rejected Target’s contentions, at least at the motion to dismiss stage. The Court held that whether Target could provide some

other accommodation (such as telephone help) could be an affirmative defense raised by Target within its answer, but not by way of a motion to dismiss.

The Court concluded that “to the extent that Plaintiffs allege that the inaccessibility of Target.com impedes the full and equal enjoyment of goods and services offered in Target stores, the Plaintiffs state a claim and the motion to dismiss is denied. To the extent that Target.com offers information and services unconnected to Target stores, which do not affect the enjoyment of goods and services offered in Target stores, the Plaintiffs fail to state a claim under Title III of the ADA.”

The Court briefly addressed both the Unruh Act and DPA claim by finding that under both, that a violation of the ADA is, per se, a violation of both the Unruh Act and the DPA. Thus, the Court denied motions to dismiss filed pursuant to both Acts.

Finally, the Court spent some time discussing the applicability of the Dormant Commerce Clause. The Commerce Clause precludes a state from regulating commerce that takes place wholly outside of the State’s borders, even if the commerce has effects within the State. Without reviewing the Court’s exhaustive analysis on the issue, the Court held that it could not, at the motion to dismiss stage, find that the suggested interpretation of the ADA violated the commerce clause. The Court held that if Target was required to create a website specially designed for California residents, this would not necessarily invalidate the ADA under the Commerce Clause.

Under the Dormant Commerce Clause, Target argued that California cannot regulate Target.com because “the Internet requires uniform, national regulations.” Here, the Court noted the absence of any congressional action on the subject and held that “the lack of congressional action explicitly addressing accessibility requirements for private websites should not be construed to bar the extension of the protections of California statutes to these websites.” The Court punted, holding that the Commerce Clause was not triggered at this “preliminary stage.”

While not granting the motion to dismiss, the Court would not go so far as to require Target.com to modify its website through a preliminary injunction. Rather, the Court held that the disparate factual evidence presented (the Court was presented with declarations from disabled individuals who differed on the accessibility of the Target website), and that a mandatory injunction required a clear finding that the website was inaccessible.

So, what does Target, Marshalls, Subway, Dominos, and any other business that sells goods or services on the Internet do in the

continued on page 16

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Harassment Among "Friends": Sexual Banter May or May Not Be Prohibited



BY CYNTHIA ELKINS

In the recent California Supreme Court decision of *Lyle v. Warner Brothers Productions* (2006) 38 Cal.4th 254, the Court found that sexual banter may NOT amount to sexual harassment. But the "social context" must be considered.

This ruling came about in a lawsuit filed by a four-month employee hired to work on the popular television situation comedy "Friends" as a comedy writer assistant. She alleged, after she was fired for poor performance, that she was subjected to hostile work environment sexual harassment because she was exposed to sexual banter and other sexually vulgar behavior by the writers. She acknowledged that none of this action was directed at her personally.

The plaintiff acknowledged that she was expressly warned when she was hired that explicit sexual discussions would occur as this was a theme in the television program. She expressly confirmed that she would have no problem with such workplace conduct.

Post-termination, the plaintiff sued for hostile work environment sexual harassment. She was unsuccessful in convincing the Court that she was the victim of any harassing conduct, however. The Court held that no reasonable jury could conclude that the plaintiff was subjected to "severe and pervasive" sexual harassment on account of her sex.

To maintain a viable claim of sexual harassment, "severe and pervasive conduct" must be established. The tests for "severity" and "pervasiveness" for a finding of hostile work environment claim were restated by the Court:

In determining the severity of harassmentthe evidence...should not be viewed too narrowly: The objective severity of harassment should be judged from the perspective of a reasonable person in the plaintiff's position, considering all the circumstances... That inquiry requires careful consideration of the social context in which the particular behavior occurs and is experienced by its target.

...Common sense, and an appropriate sensibility to social context, will enable courts and juries to distinguish between simple teasing or roughhousing...and conduct which a reasonable person in the plaintiff's position would find severely hostile or abusive." (Emphasis added). (Internal citations and quotations omitted). Supra, p.283

With respect to the pervasiveness of harassment,an employee generally cannot recover for harassment that is occasional, isolated, sporadic or trivial; rather the employee must show a concerted pattern of harassment of a repeated, routine or generalized nature....That is when the harassing conduct is not severe in the extreme, more than a few isolated incidents must have occurred to prove a claim based on working conditions.

(Emphasis added) (Internal citations and quotations omitted). Supra, p.284.

Moreover, when a plaintiff cannot point to a loss of tangible job benefits, she must make a commensurately higher showing that the sexually harassing conduct was pervasive and destructive of the working environment. (Emphasis added) (Internal citations and quotations omitted). Supra, p.284

The Court stated that while California law prohibits harassing conduct that creates a work environment that is hostile or abusive on the basis of sex, it does not outlaw sexually coarse and vulgar language or conduct that merely offends.

The decision took into account that none of the conduct was directed at the Plaintiff personally, so she was unable to

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establish that the conduct engaged in was for the purpose of making her uncomfortable or self-conscious, or to intimidate, ridicule or insult her.

In addition, the Court noted that the sexual banter present in the writer's room had a "purpose." It occurred as a means to generate jokes for the show. Allegations of sexual harassment must be viewed in the social context of the workplace. The Court stated that laws prohibiting harassment do not impose a "civility code...designed to rid the workplace of vulgarity."

Employers are cautioned not to interpret this case as permission to engage in vulgar conduct. The Court stated that it did not intend to "suggest that the use of sexually coarse and vulgar language in the workplace can never constitute harassment because of 'sex'." The context of each situation has to be examined individually.

Based on the Court's decision, employers should implement zero-tolerance policies against sexual banter, humor or vulgar language in the workplace. While isolated incidents can seem insignificant, they can cumulatively arise to hostile work environment sexual harassment.

Employers should monitor employee conduct for sexual banter, profanity or vulgar language (including e-mails!). Further, if and when a complaint is asserted, the employer must take prompt and remedial corrective action. ↗

Cynthia Elkins is a Woodland Hills-based management-side employment law attorney. She provides counseling and preventive law guidance and defends businesses against employment-related claims. She can be reached at (818) 598-6771 or celkins@employer-law.com.

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Greetings from the Santa Clarita Valley Bar Association! Allow Me to Introduce Myself

CARYN BROTTMAN SANDERS, SCVBA PRESIDENT



I am Caryn Brottman Sanders, the new President of the Santa Clarita Valley Bar Association. I'm taking some time to recharge my batteries for what will surely be an exciting upcoming year, so I'm writing this as I look out at the Cabo Marina and Pacific Ocean from my balcony. I have lived in the Santa Clarita area for 12 years and I'm proud to be following in the footsteps of L. Rob Werner and William Lively, who nurtured our fledgling group to a stable and growing association.

I am looking forward to working with our new board: Tamiko Herron, President-Elect; John Grannis, Secretary; Jane McNamara, Treasurer; William Lively, Past President; and Board Members Rand Pinsky, Robert Mansour and Tom Coleman and SFVBA Representative Steve Holzer. We are a great team, capable of great things. My goals for the upcoming year are to continue to provide quality MCLE opportunities, networking possibilities, social events, and increase membership and community awareness and service.

We held our second annual Law Appreciation Day Event on October 16 and it was a great success. As the event Chair, I was honored to be a part of a celebration honoring "heroes" in our community, who have committed their lives to making our lives better. We live in one of the safest communities in the country with one of the highest qualities of life, and the people we honored are just a few of the many who help to keep it that way.

We were introduced to a fire fighter, Chief Gary Burden, who saves lives; California Highway Patrol officers Michelle Esposito and Jacob Johnson, and a sheriff's deputy Artie Thompson, who try to make our world a safe place to live and raise our families; a probation deputy, Doug Young, working with the kids in our community that may have gotten off the right track; two members of the District Attorney's office, Barbara Buccallo and Rosabella Reyes, that work behind the scenes and in open court to

try to keep criminals off our streets; and Michael Ewart, one brave young man significantly burned in a fire, who is trying to make a difference through a foundation he started to provide every home with smoke detector. William Lively received the Santa Clarita Valley Bar Association's Lawyer of the Year Award for his outstanding service.

These honorees were presented by our featured speakers: Michael Antonovich, County Supervisor; Steve Cooley, District Attorney; Laurene Weste, Mayor of Santa Clarita; Chief E. Matt Gil of the Los Angeles County Fire Department; Lieutenant Mark Odle of the CHP; and Acting Captain Mike Dunkle of the Los Angeles County Sheriff's Department. I hope that our third annual "Law Day" will be an even bigger success.

I wish everyone the happiest and healthiest of holidays! 🍷

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United States District Court Central District of California Notice from the Clerk

Changes to Local Civil Rule 16 and the Form for Final Pretrial Conference Order

The Court has adopted revisions to Local Civil Rule 16 and the appendices to that rule, including the form of the Final Pretrial Conference Order effective December 1, 2006.

The revised Local Civil Rule 16 and the form of the Final Pretrial Conference Order shall govern in all proceedings in civil cases thereafter commenced and, insofar as just and practicable, all proceedings then pending.

The revised Local Civil Rule 16 and the form of the Final Pretrial Conference Order are available from attachments below. ↗

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Report From the Foundation

'Tis the Season

Now is the Time to Give Generously to Your Foundation

MARCIA L. KRAFT, VCLF PRESIDENT



December is a month of monumental importance: It is the end of both the calendar and tax years. And we celebrate Christmas, Kwanza and Hanukkah. December is a time of giving. You can do an act of charity by giving money to the Foundation that will help a needy student, a battered spouse or a small child with a special need. Take time to consider this and then consider being generous.

Each person reading this column has two reasons to donate to the Valley Community Legal Foundation. First, the donation is 100 percent tax deductible as a charitable donation. Secondly, this is the month in which to give generously. The December holiday season prompts us to think of all we have and what we have to give to others. Please think about all your bounty, and make a donation to our Foundation to help others.

I want to introduce two more important members of the Foundation who volunteer their valuable time. Steve Holzer is the chair of the Environmental Law Department of Lewitt, Hackman, Shapiro, Marshall & Harlan. He began his career in the mid-1970's with Parker, Milliken, Clark, O'Hara & Samuelian. He represents clients regarding the following issues: toxic tort defenses, Superfund problems, violations of health and safety and fish and game codes, underground storage tank legal compliance, and toxic mold and Brownfields redevelopment.

Steve graduated from Yale Law School in 1974, where he worked on the Law Journal. He was president of the San Fernando Valley Bar Association from 2002-2003 and in 2004 chaired the Woodland Hills Chamber of Commerce. He is currently the Bar's representative to the Santa Clarita Valley Bar Association. Steve has taught environmental law at UCLA extension, Learning Tree Annex and Valley College. Steve is the author of a web log, <http://environmentallegal.blogs.com/sholzer>.

Steve is the Vice-President for Scholarships for the Foundation, where he supervises the committee that selects scholarship recipients and how much each receives. Last year, for the first time, the Foundation distributed scholarships at a reception that included sponsors. Steve is a valued Board member and Foundation officer.

Sharley Allen is Secretary of the Foundation. She worked for the Honorable Meredith Taylor from 1978 until 1985, when Judge Taylor ascended to the bench. Sharley worked for the Family Law Center, a joint project of Neighborhood Legal Services of Los Angeles County and the San Fernando Valley Bar Association from 1985 until 1992, when it became an NLS project with the support of the Bar. She was the Volunteer Advocate Coordinator and managed the Pro Bono Project for Family Law and Domestic Violence.

Sharley was President of the San Fernando Valley Legal Secretary's Association from 1980 through 1981, awarded life membership in 1989. From the San Fernando Valley Bar Association, Sharley has received The President's Award, Volunteer of the Year and the Stanley Lintz Award. Sharley received the Woman of Honor award from Haven Hills in 2004.

I value all their efforts and thank them both for their commitment. I am fortunate to have people of their caliber and humanity participating in our organization.

If you know Steve, Sharley or any other members of the Foundation Board and you would like to make a donation or inquire about working on or with the Foundation, contact anyone on the Foundation board or call me at (818) 883-1330.

I still have t-shirts that are yours for a \$100 donation to the Foundation. The Foundation mug can be sitting on your desk for a \$50 donation. Before the end of this year, do a good deed. Please send your donation to the "VCLF," care of the Bar office before the end of 2006 or call me and we will make arrangements to pick it up. Several Bar members have already received t-shirts: David Gurnick, Richard Lewis, Seymour Amster and Everett Meiners.

As a special offer for the holidays, we are offering white aprons for \$25. BE THE FIRST IN YOUR NEIGHBORHOOD TO HAVE THIS LOVELY ITEM!!! It can be a holiday present that will also be a worthwhile charitable donation. You can get any of these items by contacting me. Please try to help.

Next month I will be telling you about one of our past Scholarship recipients. Until then, remember generosity counts!!! ↩

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See the Light, Business Websites Must be Accessible to the Blind, continued from page 10

aftermath of this decision? Almost certainly, the issue will be appealed to the Ninth Circuit, and perhaps to the United States Supreme Court. Currently, the decision is not published, and thus not precedent, which could change at any time.

If the Target case becomes law, even for some limited period, every business that sells goods on a website could be subject to an ADA violation. Moreover, under the ADA, violations carry statutory monetary violations as well as the availability of attorney's fees. Much like the lawsuits against restaurants whose compliance with the ADA is substantial but not perfect, the Target case could spawn another wave of similar lawsuits.

While website review and compliance will certainly cost a little money on the front end, fixing the situation up front will be substantially less than the cost of litigation for ADA violations that carry \$4,000 per violation fines, plus attorney's fees. The costs of the fix appear to be a better deal than being a defendant on the wrong end of an ADA lawsuit. ▲

James Felton is an attorney with the Encino law firm of Greenberg & Bass. Greenberg & Bass and a Web development firm have created a comprehensive website compliance program analyzing whether websites comply with relevant law and regulation and recommend or implement specifics to achieve ADA compliance, each reviewed by legal counsel. Felton can be reached at (818) 382-6200 and jfelton@greenbass.com.

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The State Bar's Board of Governors appoints approximately 150-200 new members every year, and strives to make appointments that will achieve diversity and broad representation of the California Legal profession. The Board also makes annual appointments to three other entities – the ABA House of Delegates, the Judicial Council, and the Commission on Judicial Nominees Evaluation (JNE Commission).

The application deadline is February 1, 2007. For more information, call the Appointments Office at (415) 538-2299. Visit the State Bar's website at www.calbar.ca.gov to use the online application. ☞

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December Events

Probate & Estate Planning Section

Topic: Problems with Naming Siblings as Trustees

Speaker: Geraldine A. Wyle of Luce, Forward,
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Date: December 12

Time: 12:00 noon

Place: Monterey at Encino Glen Restaurant, Encino

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

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

MCLE: 1 Hour

Small Firm & Sole Practitioner Section

Topic: Keys to Operating Your Practice/Hiring
Landmines

Speaker: Jonathan Arnold, Esq.

Date: December 13

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 Elimination of Bias

Santa Clarita Valley Bar Association

Topic: How to keep Your New Year's Resolutions: Be
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Speakers: Mike Brown, Advanced Document Solutions
Brett Miller, NextClient

Date: December 14

Time: 11:45 a.m.

Place: Marie Calendar's, 27630 The Old Road, Valencia

Cost: \$30 prepaid; \$40 at the door

MCLE: 1 Hour

Business Law, Real Property & Bankruptcy Section

Topic: Specific Performance Actions

Speaker: Tamila Jensen, Esq.

Date: December 19

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

Women Lawyers Section

Topic: Networking Holiday Party

Date: December 28

Time: 12:00 noon

Place: SFVBA Conference Room

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

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



San Fernando Valley Bar Association Holiday Open House

Tuesday, December 12, 2006

5:30PM to 7:30PM

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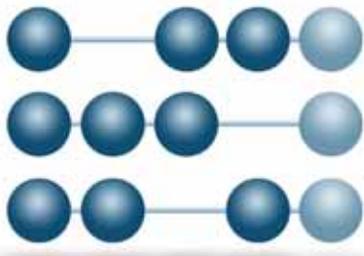
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