



BarNotes

A Publication of the
San Fernando Valley Bar Association

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WE'RE MAKING SOME LISTSERVS AND CHECKING THEM TWICE MAKE THE MOST OF YOUR SECTION MEMBERSHIPS THROUGH E-MAIL LISTS

LISA MILLER, EDITOR

What exactly is a "listserv?" Everyone has heard of them, but not all practitioners understand the power and usefulness of these electronic mailing lists.

Although e-mail lists have been around since the 1980s, many practitioners are missing the opportunity to make the most of them. And the San Fernando Valley Bar Association is here to help, with 14 listservs to help make practitioners more productive in every area of their legal lives.

"I use the SFVBA's electronic mailing lists as a regular extension of my practice," Harmon Seiff, who practices civil litigation in Encino, says. "The listservs allow me to tap into the collective wisdom of all the other lawyers on the e-mail list, and you can't beat that kind of support."

Listservs are electronic mailing lists and are a type of Internet forum. But the listservs are a special usage of e-mail: they allow widespread distribution of information to many Internet users. While the listservs are similar to traditional mailing lists and include lists of names and addresses, they also typically contemplate three well-known items: a list of e-mail addresses, the subscribers receiving mail at those addresses, and the e-mail messages sent to those addresses.

"I've been able to use the listservs to great advantage in my practice," Seiff, whose practice includes real estate law, regulatory compliance, and employment law, says. "So many practitioners are at the other end of the e-mail, willing to share their insights and experience. I've learned a lot from all of them."

One type of electronic mailing list is an "announcement list," used primarily as a one-way conduit of information. These can only receive posted messages from selected people. In the case of the SFVBA's listservs, the Bar headquarters staff posts messages of interest for Section members, including meetings and events. These arrive on subscribers' e-mail via the listserv function maintained by the Bar office.

Another type of electronic mailing list is a "discussion list." In this situation, a subscriber uses the mailing list to send messages to all the other subscribers, who then decide to reply or skip the message. In this way, discussion and information exchanges take place.

"I used the listserv to try to find an Armenian language interpreter for an important case I was handling," Barbara G. Azimov, a family law attorney in Encino, says. "I sent out a query on the listserv, and almost immediately, I started receiving a lot of terrific referrals from practitioners experienced with these professionals."

Azimov, who focuses her practice in all areas of divorce, child custody and visitation, child and spousal support, division of assets and debts, and restraining orders, often uses the listserv function to fill in knowledge gaps in a hurry. She says she is grateful to the other listserv members for their support.

Listservs are one of the more useful Internet power tools, she says. And she uses the SFVBA listserv to strategic advantage, too.

"I belong to the County Bar's listserv as well as the SFVBA's," Azimov says. "When my opponents practice over the hill, I figure they're LACBA members, so I only put my queries out on the SFVBA listserv. So it's less likely the opposing party will see my post."

The former Chair of the SFVBA Family Law Section, Azimov has an active practice in minors' counsel work. She says that it's this aspect of her practice that keeps her sharp.

At the SFVBA, on all discussion lists, every message is monitored by the staff at the Bar offices. Liz Post, long-time Executive Director of the Association, acts to keep a high quality of posts and weed out spam as she watches traffic on the listservs.

"We've been very vigilant about maintaining the integrity of the listserv processes," Post says. "I see attorneys using these e-mail lists for all sorts of individual reasons, but all focused on improving the overall levels of their practices."

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**Calendar of Events
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Civic Service

They Also Serve Justice, Who Only Stand and Wait in the Jury Room

PATRICIA L. McCABE, SFVBA PRESIDENT



Jury Service. Two words that strike terror in the hearts of many. I had never been called for jury service until recently. But I have selected juries. The eye contact, the body language, the stories told by prospective jurors: they all tell the same story – “I hope I am not picked.” I have used the services of jury consultants, attended seminars on strategies for jury selection, proper opening statement and how to interact and influence the jury. Yet nothing was more educational than the time I spent sitting in chair number 14 serving as juror 14.

I will not bore you with the details of this criminal case. Counsel assured the jurors that the matter would wrap up “in a few days.” Yet, day after day, they asked more questions, presented more witnesses, and offered more argument. After ten days of questions, witnesses, and argument, the matter was submitted to the jury for deliberations.

During those 10 days of trial, when the jury took lunches or breaks, I would sit like a fly on the wall listening to their comments. Trial is everyday work for the attorneys, but not so for the jury. One attorney consistently quoted “the code” to the jury. But the jury members, who were not taking notes, had no idea what “code” the attorney was discussing. In an attempt at levity, the other attorney would make quips, and even quote Latin. The jury was confounded by the attitude of this attorney and had no idea why such things would be said in a criminal trial.

The court was often busy with administrative issues during the trial. Paperwork was completed and the judge worked on the computer. But none of this was explained to the jury members, who often wondered aloud if the Judge was playing on his computer.

As the days wore on, and the lawyers talked on and on, they lost the jury’s attention, and like

those who are captive and cannot leave the arena, when the argument is complex and the attention is lost, the jury turns its attention to other matters. The jury had the opportunity to view and comment on the wardrobe, jewelry, shoes, briefcases and writing implements of counsel. I remembered back to my first jury trial: after a verdict in my favor, I was discussing the case with some of the jurors to learn what I could do differently and a juror commented on my shoes. I asked about my presentation of witnesses and argument. She told me she had listened but that it was too long and complicated for her and I lost her almost at the start. She then told me she noticed my shoes. To this day, when I prepare for trial, I remember that juror and prepare is if she is on my jury.

At the conclusion of the case, the jurors were thanked by the attorneys, the court and the court staff. I have said similar things to juries, thanking them for their time and patience. I have told juries that I knew that sitting on the jury was a difficult process and that they had served well and that our system was dependent upon their participation. I did not realize how trite that speech could sound until it was being said to me as juror 14. I simply wanted to be done and out of that box.

After 10 days of trial and 5 days of deliberations, my patience was at its limit, my office staff was screaming to have me back in the office, and my caseload was being juggled as if it were a circus act. I was not alone. Nine of the other jurors were in similar positions. Their offices had understood that they had jury duty. Now, three weeks later, after most of us spent the days in court and the evenings, nights, and weekends at our offices catching up on our workload, we were exhausted. The promise of a

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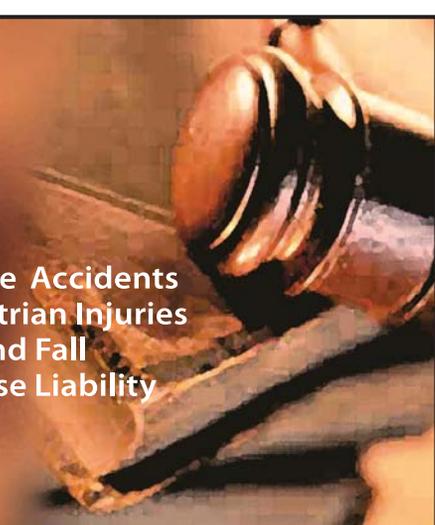
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MICHELE C. MORLEY, ASSOCIATE EXECUTIVE DIRECTOR FOR PUBLIC SERVICE

When I was a child, my family called me "Mike." That was the name they preferred and the name I loved. I still have good friends that use that name and I feel warm inside when I hear it. It brings back memories of my family and youth. Later in life, I became Michele and that is what my husband always used. So I came to like that name, too. Mike or Michele is essentially the same name.

Lawyer Referral & Information Service, Lawyer Referral Service and now, Attorney Referral Service of the San Fernando Valley Bar Association are essentially the same name. Our name is defined as providing years of service by skillful and diligent attorneys.

We are now the Attorney Referral Service of the San Fernando Valley Bar Association. You will be seeing this on new marketing pieces that we develop. This name will be helpful in improving our visibility as anyone whose name begins with A as opposed to S can appreciate.

The Valley Industry & Commerce Association (VICA) has just released the 2007 *Government Handbook*, and the Attorney Referral Service placed an advertisement in the Local Government Section of the Handbook. We have also contracted to place an advertisement in the 2008 Valley Cultural Center Concerts in the Park Program that is distributed to 150,000 attendees.

"What's in a name? That which we call a rose by any other word would smell as sweet." – Shakespeare

This past month we have provided speakers on four occasions for various organizations. We continue to receive regular requests for speakers and are always able to find attorneys who will make the presentations on the topic requested.

Marcia Kraft attended the Train the Trainers Program Seminar on Limited Scope Representation as our representative.

Limited Scope has been expanded to include general civil matters. She will be working with us and the local courts to expand our existing family law limited scope program into the new areas of practice.

We continue to admit new members to our referral service. These attorneys bring years of experience and, in several cases, fluency in Spanish. I have also had the opportunity to meet two of the panel members who have been with the referral service for decades. They joined before I became Director so I had never interviewed them. I found meeting Robert Finkle and Richard Ruben a very enjoyable experience. They have been excellent members of the panel and meeting them reminded me that many of you I know only by your positive client surveys and our brief phone conversations. I hope to personally meet all of the over 210 panel members that I have not yet met.

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Coach's Corner

Isolated Metrics

Measuring Financial Performance Through Benchmarks

BY EDWARD POLL



After focusing on billing and budgeting client engagements, what management reports do sole and small firm practitioners look at to determine how well they're doing? Much data is available, and most good financial information systems can and do produce far more information-data than an attorney can use or assimilate intelligently. But some universal benchmarks exist that every attorney should follow.

Develop a cash flow statement. Counsel should prepare a forward-looking budget of cash receipts and payments for the next 12 months, and keep that statement on a rolling 12-month cycle. As the current month concludes, the twelfth month is added to the firm's budget, adjusting all the other months if needed based on new information.

Keep an aged accounts receivable listing. Counsel should make sure this is always current, to make sure that clients are paying in accordance with their agreements. If they don't, advocates should "fire" these clients and move on. Attorneys should not let the amounts build up.

Billing rates and realization percentage are key markers of any firm's financial strength. Realization is sometimes discussed in two levels:

- Percent of billable or booked hours billed (billed to billable goal ratio).
- Percent of billed work collected (collected to billed ratio).

The goal is to have a high collected-to-billed ratio. An overall financial ratio of less than 80% to 85% is a recipe for trouble. An overall ratio of greater than 95% may mean the firm's rates are too low: clients could be paying quickly because the amounts are not burdensome to them.

There are two basic methods for keeping track of law firm financial performance: accrual versus cash accounting. Accrual records reflect income, whether cash has been collected or not. Accrual accounting reflects billings, work in progress (completed but not yet billed) and accounts receivable (work billed but not yet collected).

Cash accounting reflects only collections, never billings or work in progress. Almost all small law firms operate on a cash basis, accounting for cash as it comes in and goes out. Larger law firms maintain both cash and accrual records.

These and other metrics are important. But the numbers should not obscure the basics. Above all else, the successful lawyer focuses on marketing for new work, doing the work that is brought in, and collecting that which is billed. The rest will fall into place. ♣

Ed Poll is a board-approved coach, consultant, author and speaker to the legal profession. He can be reached at edpoll@lawbiz.com or (800) 837-5880.

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CARYN BROTTMAN SANDERS, SCVBA PRESIDENT

We continue to grow and thrive as an association of attorneys. Our directory continues to be a source of referrals for the public and our members. We are seeking more opportunities to serve our community and our members. We are in the planning stages of a member discount program in coordination with local businesses; if you know of a business that might like to participate, please let me know. And we are exploring becoming an affiliate member of the Los Angeles County Bar Association.

The Conference of Delegates to the State Bar has accepted our application and we will have our own Delegate at the annual meeting. This delegate will participate in the lobbying efforts of the State Bar of California.

I hope to see many of our members at the San Fernando Valley Bar Association Law Day Gala on May 12, 2007. It benefits the Valley Community Legal Foundation and is both a great cause to support and a fun evening.

While it is not yet summer, we have begun working on our Law Day Event. Save the date: October 1, 2007. Law Day will again be held at the Hyatt Valencia and we look forward to honoring our local heroes with a record turn out. And we will be offering advertising and sponsorship opportunities. If you are interested in working on the Law Day Committee, please let me know.

Our February speaker, Dan Jordan, emphasized the importance of fun in managing stress. Keeping that in mind, we are striving to bring our members more social, fun and networking opportunities such as our past theater nights. We have set up an Events Committee to plan these get-togethers. Immediate past President Bill Lively has graciously agreed to chair the committee. If you are interested in joining the committee, or have a great idea for an event, please contact either Bill or myself.

We had a wonderfully informative March lunch meeting. Bill Baughman of Lawyers' Mutual spoke to us about our Attorney Client Trust Accounts, including what our clients can and cannot pay using a credit card, and what may and must be

put into our trust accounts. I believe that this is the third time Bill has spoken to us in as many years and we are grateful for his support of our organization and profession.

You just won your trial, now what? You have a judgment collecting dust in your file cabinet. Perhaps you have a potential contingency fee case, but are concerned you may end up with an uncollectible judgment. To learn more about this important topic, join us on May 17, 2007 at 6:00 p.m. at Marie

Callender's Restaurant for our educational programming on this issue.

Pursuant to popular demand, beginning with our June lunch presentation, our meetings will change from quarterly lunch meetings to alternate lunch and dinner gatherings. This will enable us to better serve our members who work in the area and prefer lunch meetings. Please check our website www.scvbar.org for the exact dates, times and subject matter. ♠

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Just a Hop, Skip and Jump Bar Moves Downstairs, Then Down the Block



BY LISA MILLER

Change is good! To keep up with changing needs of the members and the community, the San Fernando Valley Bar Association has just begun a two-part relocation, to be completed in late June.

The first part of the move has already been implemented. The SFVBA offices, including all staff and facilities, have moved from the second to the first floor of the same building. The SFVBA continues to offer its full range of products and services, including all member benefits, such as educational programming, meeting space and attorney referrals.

The organization's address, including suite number and phone number, remain the same. The SFVBA's new physical location is on the first floor, in the former library space, to the right as visitors enter through the double doors from the parking lot.

But this is just the beginning. The SFVBA will be moving in late June to permanent new quarters. The new location, 21250 Califa Street, will offer a modern

conference room for member and bar association use, among other amenities. The new location is just one block south of the current address. The Califa Street offices offer free parking.

"We moved downstairs while our new offices are under construction because the second floor of this building is going to undergo extensive demolition and construction for the building's new tenant," SFVBA Executive Director Elizabeth Post says of the temporary move.

"This move helps us provide seamless service to our members. We are working hard to ensure that neither attorneys nor the public perceive any changes in the quality or types of services they are used to receiving from our organization."

Post says that the new space offers more modern facilities for members and a more updated overall space.

"We're looking forward to seeing all of you at our open house celebration in late July," Post says. "I can't wait for members to see the new space." ✎

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1,200 Hours and Counting Some Mediation Musings

BY DAVID I. KARP



After more than 1,200 hours at the mediation table, and without apology for over-simplification, I share with you some of my (perhaps naive) musings about others' expectations in mediation. But a candid discussion before the mediation between lawyer and client and even between lawyer and mediator may help to manage these expectations.

Party Expectations

My lawyer must saber-rattle. In mediation, many clients expect the overt advocacy that they see on television. Parties should understand and expect that their lawyers can be more effective by toning down the advocacy.

The mediation should not take very long. Most disputants simply do not understand the process and cannot imagine the time it actually takes. Some of my mediations abruptly end without resolution due to conflicting commitments that could have been avoided if the party had been warned in advance.

Everyone is here to settle. Not true. Some social or business agendas may prevent cases from settling, and the parties should anticipate this. Even party emotions can block settlement. But this can be avoided if the mediator is given the time necessary to try to work through them.

I know I'm right, so I don't need to give concessions. Mostly, people are convinced of their own truth and that "justice" will prevail. Parties often fail to consider the risk that the judge or jury will be persuaded by the position of the other side. Counsel should address this in advance.

If I explain my position, the other side will be convinced and cave in. This just doesn't happen. If a party is prepared to realize that the other person's own perceptions will control that person's decision making, appropriate concessions on both sides may occur, resulting in settlement.

My position is reasonable. What one side believes is reasonable, the other believes is unreasonable. In successful mediations, people need to compromise

from their "reasonable" positions in order to meet the other side.

The other side should negotiate as I do. People really need to disabuse themselves of this misconception. Every person and every negotiation is different. Expect the unexpected.

I will give my bottom line at the outset; take it or leave it. In my experience, the mediation abruptly ends almost always when this occurs. Parties need to engage in the negotiation process so that they can "save face" or experience the "satisfaction" of "getting the best deal."

Lawyer Expectations

I should not talk with the mediator ex parte before the mediation. Nonsense. Mediators are not judges. Ex parte caucuses occur all the time in mediation.

Only the parties and their lawyers should attend the mediation. In some

cases, this makes sense. But practitioners should consider whether the additional person or people at the table will actually help the decision-making process. Many parties would not dream of deciding on a settlement without prior consultation with, and approval from, a spouse, family member or business partner. In construction disputes, I have often valued having the experts in attendance.

The mediation should not take more than three hours. I believe that this expectation has been generated by the local Court's Pro Bono Mediator program which provides mediation services without charge for the first three hours. In my experience, most successful mediations in my areas of emphasis (real estate and business) take longer than three hours, usually four to six hours, sometimes more.

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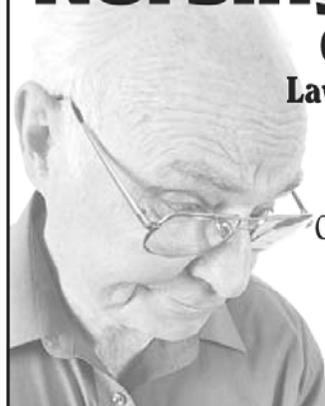
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Members in the News



Mishawn L. Nolan has joined Stone, Rosenblatt & Cha as a Principal. She will lead SRC's newly created Entertainment | NewMedia | Intellectual Property Practice and join its existing Business Transaction group. Ms. Nolan has extensive experience in corporate and intellectual property transactions, with particular emphasis in the entertainment industry. She co-chairs the Intellectual Property, Entertainment & Internet Law Section of the San Fernando Valley Bar Association.

SFVBA Past President and long-time member Edward R. Brown, 86, passed away January 12, 2007 of natural causes. He served as president of the San Fernando Valley Bar Association in 1975. He retired to Oxnard in 1993.



He served as a Lieutenant Commander in the U.S. Navy as an engineer on the USS Lardner in World War II and the USS Picking in the Korean War. He was one of Los Angeles County's earliest Eagle Scouts, earning this award at age 14 in 1935. In lieu of flowers, the family requests donations be sent in memory of Edward to Boy Scout Troop 103, Ventura County Council. 🇺🇸



Richard Lewis, Tamie Jensen, Liz Post and Sue Bendavid-Arbiv joined American Bar Association (ABA) President Karen J. Mathis of Denver and ABA President-Elect William H. Neukom of Seattle. The SFVBA officers joined some 300 other emerging leaders of lawyer organizations from across the country at the ABA's Bar Leadership Institute (BLI), March 15-17.

The BLI is held annually in Chicago for incoming officials and executives of bar associations. The seminar provides the opportunity for bar leaders to confer with colleagues in sessions on bar governance, finance, communications, and planning for a presidential term.

Fantastic 40

Save Clients from Destruction with Mastery of Some Important New Laws for 2007

BY HARMON SIEFF



The California Legislature was busy during its 2006 session. Many of the bills it enacted affect the way clients conduct their businesses. But many attorneys and clients still don't know about the most important changes, even now.

To help counsel help clients, here is a short list of some of the new laws that the California Legislature has quietly enacted, which could affect clients and their families:

- 1. Minimum Wage.** Effective January 1, 2007, the minimum wage is \$7.50 per hour; \$8.00 per hour effective January 1, 2008.
- 2. Working with Minors.** It is now a misdemeanor for registered sex offenders to fail to disclose their status if their work, paid or not, requires the touching of minors beyond an incidental or occasional nature.
Employer Alert: Most business clients are employers and need to be ever-vigilant in their hiring practices. Simple background searches are inexpensive, and the federal government's National Sex Offender Registry is available free (www.fbi.gov/hq/cid/cac/registry). At least a minimal effort to screen personnel is now considered legally and reasonably necessary to avoid what could be substantial liability for "negligent hiring."
- 3. Financial Institutions.** The legislature has expanded the list of information that a bank, credit union, or savings association must furnish to police or prosecutors investigating a crime

report alleging fraud. The institutions are now required to deliver surveillance photographs and video records of persons either accessing automated teller machines (ATM's) or visiting tellers.

- 4. Landlord-Tenant.** Owners of residential property must now provide sixty (60) days notice to terminate a rental when the tenant has resided in a dwelling for over a year. If less than a year, only thirty (30) days is required.
- 5. Civil Warrants.** A court may issue a warrant for failure to appear at a Judgment Debtor or Civil Attachment proceeding. If clients ever receive a notice or subpoena to attend such a proceeding, they should be advised to seek counsel before a warrant is issued.
- 6. Small Claims Court.** The Small Claims Court has jurisdiction in an action brought by a natural person if the amount of the demand does not exceed \$7,500.
- 7. Real Estate: Homeowners Associations.** Several technical changes have been enacted concerning redemption rights for judicial and non-judicial homeowner association foreclosures. This is important to anyone living in, or a member of, a condominium or other homeowners association.
- 8. Civil Procedure.** Statutes of limitations for filing contract, tort, or other civil actions against a deceased person, including cases

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to enforce a decedent's promise to devise an estate or distribute a trust, have changed. Deadlines will now be one year from the promisor's death, computed by including the last day of that year, unless the last day is a holiday. Then the deadline is the next non-holiday.

9. **Contracts Regarding Sex Offenses.** The Code of Civil Procedure now prohibits a confidential settlement of a civil action which may also be prosecuted as a felony sex offense.
10. **Governmental Immunity.** Skateboard parks run by public entities have qualified immunity from liability to injured skateboarders over the age of 12 (the age limit used to be 14 years old).
11. **Wireless Communication Device.** It is now a crime to obstruct the use of a wireless communication device to prevent the device from summoning law enforcement assistance.
12. **Audio Recording.** The Penal Code now makes it easier to prosecute as a felony the failure to disclose the origin of a recording or an audio-visual work by reducing the required number of audio recordings involved in the offense.
13. **Wireless Telephones.** Beginning July 1, 2008, it will be a crime to use a cell phone while driving. Exceptions include using a "hands-free" device.
14. **Grease Haulers.** It is now a misdemeanor to discard grease improperly or to remove grease incompletely from a trap or interceptor.
15. **Tow Trucks.** It is now a misdemeanor for a towing company to refuse to release, immediately and unconditionally, any vehicle not yet removed from private property or in transit, or to knowingly charge a vehicle owner any fee that exceeds statutory rates. It is also a misdemeanor for a towing operator to deny a request for examination of the operator's California Highway Patrol-approved rate sheet.
16. **Amber Alerts.** It is a misdemeanor for an individual to make a false report resulting in the activation of the Emergency Alert System.
17. **Gun Dealers.** It is now a misdemeanor for a dealer to furnish false statements to the government or receive firearms from any source not specifically exempted by the government.
18. **Driving.** New technical amendments to the voluntary manslaughter law will be applied to an intoxicated driver causing a death.
19. **Free Newspapers.** It is now against the law to take more than 25 copies of a current issue of a free newspaper if the purpose is to recycle or sell them for cash or barter, or to harm a business competitor.
20. **Firearms.** It is now a public nuisance, among other things, to possess illegally any assault weapon or machine gun.
21. **Identity Theft.** It is a crime to steal personal identifying information from mail or to sell such information knowing it will be used for identity theft, or for a convicted identity thief to possess such information at all.
22. **BB Guns.** It is now a crime to fire a BB gun in a grossly negligent manner.
23. **Bribery.** It is a felony to bribe any public official. Convicted persons cannot hold public office.
24. **Animal Fighting.** It is a crime to possess an animal for exhibition fighting or to be a spectator at such an event.
25. **Hazing.** It is now a crime to engage in "hazing" even if no serious injury results.
26. **Dog Tethering.** It is now illegal to tie a dog to a stationary object for more than three hours a day.

- 27. **Emergency Vehicles.** Traffic citations will now be issued to drivers who approach a light-flashing emergency vehicle or tow truck without “due caution.”
- 28. **Police Pursuits.** It is now a serious crime to elude a pursuing peace officer by driving in the wrong direction.
- 29. **Animal Abuse.** It is now illegal to endanger the health of an animal by leaving it unattended in a vehicle.
- 30. **Internet Pornography.** It is illegal for a government employee to access “obscene” material by government computer.
- 31. **Trust Law.** A trustee can now be removed if unable to manage the trust or resist fraud. Trust distribution laws are now more like laws controlling wills.
- 32. **Will Technicalities.** A last will may now incorporate a separate writing directing disposition of limited tangible property not otherwise mentioned in the will under certain conditions.
- 33. **Vehicle Passengers.** It is now illegal to drive with a person in one’s trunk, or to ride in a trunk.
- 34. **Illegal Dumping.** Courts may now impound for up to six months a vehicle used in the illegal dumping of waste matter if the registered owner has been previously convicted. Beware exceptions and conditions.
- 35. **Drunk Driving.** Persons under 21 driving with a blood alcohol level of .01% are now guilty of a crime. Greater penalties apply for .05% or greater.
- 36. **All-Terrain Vehicles.** It is now illegal for a parent or authorized adult to allow a child under 14 to operate an all-terrain vehicle (ATV) without specific safety training and certification.
- 37. **Graffiti.** Graffiti convicts can lose their driver’s licenses for two years.
- 38. **Criminal Driving.** It is now a crime to drive unsafely and injure another.
- 39. **Trial Court Employees.** Trial courts must now allow inspection of personnel files used to determine a court employee’s qualifications.
- 40. **New Trial Judges.** There will be 50 new judgeships created pursuant to uniform criteria established by the Judicial Council. ⚡

Harmon Sieff is a sole practitioner in Encino where his practice includes business, commercial, and real estate law and civil litigation. He can be contacted at (818) 986-4563 or SieffLaw@aol.com.

Nominations Sought for SFVBA Board of Trustees

The San Fernando Valley Bar Association Nominating Committee is seeking nominations for candidates to the SFVBA Board of Trustees. The eight-member Nominating Committee will meet next month to fill six open seats on the 19-member Board. The Committee also selects the SFVBA Treasurer, Secretary, and President-Elect. The Committee can nominate up to 12 candidates for Trustee and two candidates for each officer position. Current President-Elect Sue Bendavid-Arbiv automatically becomes President on October 1.

Interested Members can download the SFVBA’s *Policy Statement Re: Board of Trustees Responsibilities* at www.sfvba.org/about/boardoftrustees.htm. Applications must be submitted to SFVBA Nominating Committee, 21300 Oxnard Street, Woodland Hills, CA 91367, by Friday, May 18.

“We are looking for candidates who are committed to the future of the SFVBA,” announces SFVBA President Patricia McCabe. “We want leaders who represent the diversity of our membership: sole practitioners, members of large firms, barristers, in-house counsel, public sector attorneys, lawyers from all areas of law and background.”

The Committee must issue their report to the Secretary of the Association by June 10. Nomination by the Committee is not the only way for a member’s name to be placed on the ballot. Additional nominations for any office (except that of President or President-Elect) or for Trustee may be made by filing a written nomination with the SFVBA Secretary, Tamila Jensen, signed by at least twenty active members of the SFVBA, no later than July 25. Ballots are mailed to attorney members in August and Election Day is September 10. ⚡

2007 Election Deadlines

- **May 18**
Written nominations must be received by 5:00 p.m.
- **June 10**
Nominating Committee issues Report to Secretary
- **July 1**
Nominating Committee Report mailed to members
- **July 25**
Additional nominations signed by 20 active members must be received by the Secretary by 5:00 p.m.
- **August 25**
Ballots mailed to members by that date
- **September 10**
Board of Trustees Election

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Listsers, continued from cover

The Bar, through Post and other Bar leadership, has developed a short but effective set of rules to preserve the usefulness of the listservs. All participants in Bar listservs must be members of the section or group sponsoring the listserv before they can join that list. All section members are automatically enrolled in its corresponding listserv. Joining a mailing list is generally called "subscribing" and leaving a list is called "unsubscribing."

"Only members of a particular listserv can send messages to that list; communications should be brief, in good taste, and contain no attachments, unless part of SFVBA business; and users must include signature tags including name, location and email address," Post says. "I encourage attorneys to only send messages to the entire list when they contain information from which everyone can benefit."

Post cautions that, regarding Bar Association listservs, using the reply button in your e-mail application will automatically send responses to the entire list. To reply directly to a member of the list, subscribers should use their email applications' forwarding option and type or copy the e-mail address of the individual to whom they want to respond. She notes that the Bar's listserv rules do not allow commercial advertising, notices of events unrelated to the SFVBA or the Courts, notices prepared by vendors, and political notices.

Steven C. Peck, who practices in Van Nuys, has had some positive experiences using the e-mail listserv functions of his Bar Section. The listserv came in especially handy when he was handling a complex matter involving a lawsuit against a healthcare provider for elder abuse, negligence and wrongful death.

"The issue was the statute of limitations for wrongful death," Peck says. "The conflict was between the one-year and two-year statutes of limitation on wrongful death."

Peck sent out a query on the listserv asking for other practitioners' input on which statute of limitations was appropriate and why, requesting any case law with which other lawyers might be readily familiar. He says he was overwhelmed with how helpful his colleagues were and how useful the information was that they offered.

"The Statute of Limitations issue was critical to the path of the case," Peck says. "The materials I received through the listserv will really have an impact on the ultimate disposition of the matter."

The SFVBA currently sponsors the following listservs: ADR Section; Business Law, Real Property & Bankruptcy Section; Criminal Law Section; Family Law Section; Intellectual Property, Entertainment & Internet Law Section; Attorney Referral Service; Litigation Section; Probate & Estate Planning Section; Board of Trustees; Section Chairs and Co-Chairs; Small Firm & Sole Practitioner Section; Valley Community Legal Foundation Board of Directors; and Workers' Compensation Section.

While the word "listserv" is now often used as a generic term for any e-mail-based mailing list application of that kind, L-Soft International, Inc. has a registered trademark for the term, and argues that it is not legal to use the term commercially except in reference to the L-Soft product. However, using the word in the generic sense is not a trademark infringement. The standard generic terms are "electronic mailing list" or "e-mail list."

"It's tough for smaller firm practitioners to stay on top of every aspect of every issue that might possibly rear its head in every matter for every client," Seiff, who has been in practice 30 years, says. "But when we join our group experiences together through the listserv function, we can expand our capabilities exponentially. And what client wouldn't be well-served by that effort?" 

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Some Mediation Musings, continued from page 9

The mediation can proceed with someone available "by phone." I like to look the decision-maker in the eye. Resolution is much more likely if every party and decision-maker is at the table experiencing the process first-hand with me. And personal attendance tells the other side that the mediation is being taken seriously. Many times people are "insulted" that the other side did not expend the effort or have the interest to attend in person.

Briefs are not necessary. Certainly a mediator can pick up the essential facts from joint or private caucuses. A timely brief tells the mediator, though, that the attorney is taking the mediation seriously and has given thought to making the mediation session productive.

Interpreters are an extra expense and unnecessary. In one mediation, a Korean party brought his teenage daughter to interpret. She only summarized. My words and meaning were not conveyed accurately or at all. Worse, I had to ask the party about subjects he would never discuss with his daughter. The case did not settle. A different attorney recently brought a professional interpreter to mediation. The simultaneous translation was useful to everyone. The client fully understood what was occurring around him as well as the settlement itself.

The outcome at mediation will be determined by law. Although lawyers learn the law and expect that law should govern the outcome, the parties' expectations may be altogether different. Based upon their cultural backgrounds or views, the parties may apply a completely different set of rules or values.

Mediation should occur before the parties spend a lot of money on attorneys. Sometimes early mediation is a good idea, sometimes not. The parties genuinely may need some discovery to learn about the case, to educate the other side or simply to create leverage. Or the parties might need to pummel one another with depositions first to make litigation avoidance a preferred value.

There's nothing wrong with picking the same experienced mediator repeatedly from the Pro Bono Panel. According to the website of the Los Angeles Superior Court, "[t]he Pro Bono Panel consists of trained Neutrals who have not yet gained the experience to qualify for the Party Pay Panel and experienced Neutrals who make themselves available pro bono." I am one of the latter.

To me, "pro bono" means providing mediator services without fee or expectation of fee to either (a) persons who are indigent or of limited means or (b) charitable, religious, civic, community, governmental, and educational organizations in matters designed primarily to address the economic, health, and social needs of persons who are indigent or of limited means. See, Bus. & Prof. Code § 6072(d); A.B.A. Model Rules of Professional Conduct, Rule 6.1(a)(1), 6.1(a)(2).

I recognize that many cases assigned from the Pro Bono Panel do not fit this

definition. But keep in mind that everyone at the table needs to feel appreciated and valued, even the mediator. An experienced mediator may feel abused if repeatedly chosen from the Pro Bono Panel, rather than from the Party Pay Panel or privately, by the same lawyer or law firm for disputes of clients who are not indigent or of limited means. ▲

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President's Message, continued from page 3

"few days of jury service" was hollow. I believe that counsel should have indicated that the matter would last 7-10 days of trial so that people could plan. While we make the information simple for juries to understand, we often underestimate them.

May 14-18, 2007 is Juror Appreciation Week in the California courts. If you argue before a jury, I ask that you treat the jury as you yourself were a member. If you have the opportunity to serve on a jury, please do so; I believe it will be an eye-opening experience for you. Too often, when called for jury service, we focus on trying to eliminate the obligation.

My jury service was an invaluable experience. As an officer of the court, I have an obligation to serve and I would willingly serve again. I learned more from those days with those 13 people than I have from any seminar, jury consultant or mock trial experience. Nothing can substitute for the real thing. I learned about the size and quality of exhibits and how difficult is to see them from seat 14. I learned that "objection" and the argument that follows is the moment that all ears perk up. I learned that when counsel fiddle with pens or tap their feet or tug on shirt sleeves, it will be noticed, along with that stain on the tie after lunch. After all, I noticed that I, too, when the argument became too long, looked at counsel's shoes. ⚡

U.S. Bankruptcy Court Central District of California Public Notice Re: Amendments to Official Forms

On April 1, 2007, automatic adjustments to the dollar amounts stated in various provisions of the Bankruptcy Code and one provision of Title 28 of the U.S. Code will become effective. **The amended dollar amounts will apply to cases filed on or after April 1, 2007.** Seven of the Official Bankruptcy Forms contain references to several of the affected dollar amounts and have been revised.

- Official Form 1, Voluntary Petition
- Official Form 6C, Schedule of Property Claimed as Exempt
- Official Form 6E, Schedule of Creditors Holding Claims Entitled to Priority
- Official Form 7, Statement of Financial Affairs
- Official Form 10, Proof of Claim
- Official Form 22A, Statement of Current Monthly Income and Means Test Calculation (Chapter 7)
- Official Form 22C, Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income (Chapter 13)

The new forms are available on the Court's web site www.cacb.uscourts.gov, under Petition Forms and Court Forms. The forms will be made available in printed format at the copy services at each division, and the Intake Section of the Northern Division. Those using bankruptcy form related software must update to a version that includes changes to these forms. ⚡

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Valley Community Legal Foundation Spring Has Sprung Come Celebrate at the Gala!

MARCIA L. KRAFT, VCLF PRESIDENT



Spring is here again and the weather is warming up. The flowers are peeping up from the ground. Now is the time to appreciate the goodness of your world. Focus on how fresh the day is, how beautiful the new buds are on the trees. All in all, a time of the earth's new beginning is upon us. When you stop to consider how wonderful everything is, be sure to remember those less fortunate than you.

The Foundation supports programs that assist those in our community who need help. By donating to our Foundation you can be generous to those who are experiencing hard times.

On Saturday night, May 12, 2007 at 6:00 p.m., the Foundation is holding its fundraising Gala at the Marriott Hotel in Woodland Hills. It will be a fun-filled evening. If you can attend, please try to do so. Call the Bar office for further information.

I am pleased to announce that this year, at the Gala, I am presenting the President's Award to California Assemblyman Michael N. Feuer and his wife, Judge Gail Ruderman Feuer of the Los Angeles Superior Court. This modern couple has participated in the public interest arena most of their professional lives, advocating for social and environmental concerns for many years.

Assemblyman Feuer was a member of the Los Angeles City Council and was, for many years, Director of Bet Tzedek, a legal service organization for the aged, disabled and indigent. They have two teenage children. I feel proud that their lifestyle and goals are commensurate with the mission and values of the Foundation. The President's Award will be presented at the Gala. Please join us for this special moment.

The Foundation will also be presenting the Armand Arabian Law and Media Award to Bill Chais, the producer of the law-themed television show "Shark." Mr. Chais is an attorney who at one time practiced in the San Fernando Valley. He will be bringing clips from the show for Gala attendees to view. Former Supreme Court Justice Armand Arabian will be making this presentation.

The logo and website the Foundation has developed will be unveiled at the Gala. Special thanks to the hard work and efforts of Marketing Co-Chairs, Mark Blackman and Adam Grant and their committee. Through the kindness of Tracy Beavers, a Board member and President of Cooper Beavers, Inc., a marketing strategy and promotion company, the Foundation Board reviewed four logos her company developed

and decided on the one to be used on the website, letterhead, and other related business items. Big thanks to Tracy.

The Foundation has raised and tendered \$50,000 for the Children's Waiting Room at the Van Nuys Superior Courthouse. We anticipate that this facility will be open and operating in the near future, and will be

a valuable asset to the community. Litigants and others utilizing court services will be able to leave their children in a safe, secure and happy environment.

I am pleased to be a part of all of these accomplishments and urge you to also participate by attending this month's Gala on May 12. 🐌

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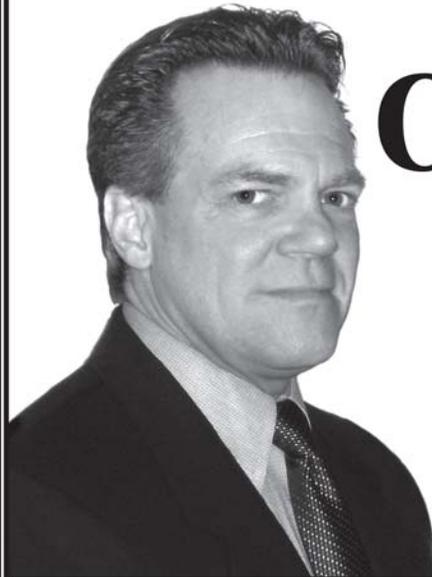
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What's In a Name?, continued from page 5

The Attorney Referral Service has purchased a new phone system that will allow us to directly transfer callers to attorneys' offices to speak with the attorney or staff. We will use this option when it will expedite the referral or will be useful for the attorney and referral client. The phone system will be installed in the next month or so.

By summer, we will have the ability to process status reports, dues and percentage fee payments, and provide attorney profiles on-line. This is a service that many of the attorneys have been asking us to provide, and we now will be able to do so. If you currently do not have an e-mail address, it would be helpful for you to obtain one so you can avoid the paper that we send you. You will receive an e-mail that it is time to update your status reports, and you can quickly do so using the program that three referral services, including this one, have been involved in designing. We are committed to making this a quick and user-friendly system that will make it easy for you to report and make payments.

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May Events

Probate & Estate Planning Section

Topic: Alternative Ways to Contest a Will
Speaker: Lyn Hinojosa, Hinojosa & Wallet
Date: May 8
Time: 12:00 noon
Place: Monterey at Encino Restaurant, Encino
Cost: \$35 members prepaid; \$45 at the door
 \$45 non-members prepaid; \$55 at the door
MCLE: 1 Hour

Small Firm Section

Topic: Malpractice Insurance
Panel: Panel Discussion
Date: May 9
Time: 12:00 noon
Place: SFVBA Conference Room, 21300 Oxnard St.
 GROUND FLOOR
Cost: \$25 members prepaid; \$30 at the door
 \$30 non-members prepaid; \$35 at the door
MCLE: 1 Hour

Criminal Law Section

Topic: DNA and the Testing Process
Speaker: Blaine Kern, Human Identification Technologies
Date: May 17
Time: 6:00 p.m.
Place: Uncle Chen's Restaurant, Encino
Cost: \$35 members prepaid; \$45 at the door
 \$45 non-members prepaid; \$55 at the door
MCLE: 1 Hour

Workers' Compensation Section

Topic: The State of PD and Apportionment via the
 Legislators and Supreme Court
Speaker: G. Ronald Feenberg
Date: May 16
Time: 12:00 noon
Place: Monterey at Encino Restaurant, Encino
Cost: \$35 members prepaid; \$45 at the door
 \$45 non-members prepaid; \$55 at the door
MCLE: 1 Hour

Santa Clarita Valley Bar Association

Topic: Collecting Judgments
Speaker: Joshua Friedman, Esq.
Date: May 17
Time: 6:00 p.m.
Place: Marie Callender's, Valencia
Cost: \$30 members prepaid; \$40 at the door
MCLE: 1 Hour

Family Law Section

Topic: How to Use Tax Returns and Loan
 Applications in Family Law Matters
Speaker: David Frankel, CPA
Date: May 21 (one week early due to Memorial
 Day holiday)
Time: 5:30 p.m.
Place: Monterey at Encino Restaurant
Cost: \$45 members prepaid; \$55 at the door
 \$55 non-members prepaid; \$65 at the door
MCLE: 1 Hour

Women Lawyers Section

Topic: Partnership: How to Get There and What
 Will the Expectations Be?
Speaker: Sue Bendavid-Arbiv and Valerie Fontaine
Date: May 24
Time: 12:00 noon
Place: Lewitt Hackman et al.
 16633 Ventura Blvd., Ste. 1100, Encino
Cost: \$25 members prepaid; \$30 at the door
 \$30 non-members prepaid; \$35 at the door
MCLE: 1 Hour

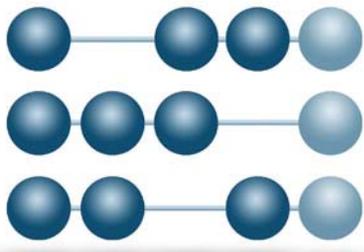
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