



BarNotes

A Publication of the
San Fernando Valley Bar Association

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ELECTION PROVIDES NEW LOOK FOR BOARD OF TRUSTEES

The San Fernando Valley Bar Association's Board of Trustees election culminated in a new look for the organization's governing body. More than one quarter of the nineteen-member Board of Trustees turned over as a result of term limits and the September 9 election.

Three hundred SFVBA members cast their votes in the closely contested election. Public interest lawyer Carolyn Reznik-Camras and family law attorney Jeffrey Slater were elected for the first time along with incumbents Seymour Amster, Myer Sankary and Alan Sedley. In addition, former SFVBA president David Gurnick was reelected to the Board after a ten year absence from the Bar's leadership.

"This is my 20th year of active membership," said Gurnick. "My experience provides a deep understanding of our history, trial and successes."

Entertainment and intellectual property attorney Jonathan Arnold and family law and domestic violence lawyer Irene Mak were appointed to one-year terms.

Woodland Hills' family law, probate and estate planning attorney Richard Lewis was automatically elected as President of the San Fernando Valley Bar Association. Lewis, the SFVBA's first African-American president, and the new Board of Trustees were installed at the SFVBA Installation Gala on September 24 at the Warner Center Marriott.

Social security and disability lawyer Patricia McCabe, who ran unopposed for

President-Elect, labor lawyer Sue Bendavid-Arbiv, unchallenged for Secretary, and appellate and general practitioner Tamila Jensen, the sole candidate for Treasurer, round out the Executive Committee. McCabe and Bendavid-Arbiv were the incumbent Secretary and Treasurer, respectively.

"Working with the dedicated members who volunteer to share their precious time with the Association as members of the Board of Trustees," says Lewis, "I hope to advance our goal of becoming a beacon to the community on those important legal issues which affect our profession as well as the community at large."

Lewis received his law degree from Southwestern University School of Law. Prior to embarking on his legal career, Lewis was a school teacher in the Los Angeles Unified School District, as well as a reserve officer in the United States Army Reserves, the California National Guard, and a veteran of the war in Viet Nam. He and his wife, Julie, and their son, Matthew, reside in Granada Hills.

Lewis is also a Director of the Valley Community Legal Foundation, a past Director of Neighborhood Legal Services, and a past member of the Legal Services Managing Committee of Bet Tzedek Legal Services. He sits on the executive committee of the SFVBA's Family Law Section and is Co-Chair of the LRIS' Committee. ▲

SFVBA DONATES TO HURRICANE KATRINA RELIEF FUNDS

The SFVBA Board of Trustees voted unanimously at its September 13 meeting to donate \$1,000 each to the Louisiana State Bar Association Relief Fund, the Mississippi Bar Foundation Lawyer Relief Fund and Habitat for Humanity, the nonprofit housing organization. Funds collected by the state bar associations will be used to assist lawyers with reestablishing their law offices.

"While relief organizations and FEMA are addressing the basic needs of the victims of Hurricane Katrina, the bar associations are looking to help lawyers re-open or reestablish their law offices," said Alice Salvo, SFVBA Immediate Past President.

"Donations will help lawyers provide needed legal services to their clients and restore their damaged offices and records."

Members can visit the American Bar Association's website at www.abanet.org/katrina to learn more about the ways attorneys can contribute to the relief of victims affected by Hurricane Katrina.



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Do You Notice The Compassion and Hard Work?

Michele C. Morley, LRIS Director



For the past weeks we have learned what life is like with and without actions of compassion. Many have donated time, resources and their homes to a phenomenal extent. We have been reminded that it is the small and consistent acts of kindness that move us forward in life.

While they are doing their jobs, the LRIS Referral Coordinators Gayle and Rosie perform acts of compassion and kindness on a daily basis. Their job descriptions requires processing enormous amounts of paperwork, scheduling senior centers, interacting with attorneys and keeping current on developing legal issues. However, their number one priority is to assist the public and they do this under difficult and demanding circumstances. Often the person is distraught. Often the individual is in a dangerous or difficult situation with little or no money for legal fees.

Rosie and Gayle use tremendous effort to meet the needs of every person that contacts them. They are creative in their approach to problems and in their thinking. This is reflected in the surveys we receive about their service. "Couldn't ask for better services," was a comment about Rosie. "Gayle is wonderful; she listened patiently."

Day in and day out they listen to serious problems or stories about significant legal issues. They may speak to over 60 individuals on any given day. Each person wants to tell their full story and Rosie and Gayle must use skills to focus and calm the person.

I handle overflow referrals and I know from personal experience that the work is taxing. Granted, it is exhilarating to connect that person with a lawyer you know is going to help them. It is also exciting to hear

the facts of a matter that you know will be a big case. However, it is exhausting picking up the phone to hear call after call full of trouble and woe; most of it genuine.

Rosie and Gayle do this work and they do it with kindness, compassion, patience, humor, intelligence and they come back the next day. In the last few weeks we have seen ordinary people performing extraordinary work despite the oppressive situations, chaos, and the unending needs. They are tired of what they are doing and what they are experiencing. But they are committed to helping those who need help and finding solutions for their needs. We need to thank those we see around us who do this type of challenging work each work day of every year.

Thank you, Gayle and Rosie. ✎

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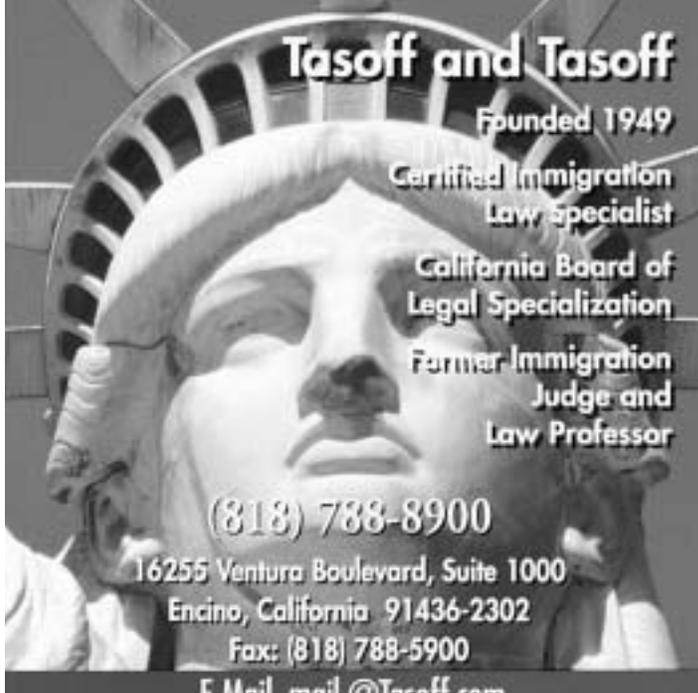
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President's Message, continued from page 3

Valley Community Legal Foundation, we can increase the number and amount of scholarships we give to students at our local high schools and colleges, as well as grants we make to worthwhile organizations such as Haven Hills and The Alliance for Children's Rights. We can also help create peer mediation programs at our middle schools so that students learn that there is better method of resolving disputes instead of the fight after school or on the school yard.

By partnering with other community organizations and bar associations, we can present seminars and forums that inform our community about the important issues that effect our profession as well as the community at large.

Finally, by volunteering to support the many programs helping our courts- from VAST to the various mediation programs by the Family Law and Probate Sections, we can again assist our community to gain greater access to justice as well as assist the courts in dealing with an overwhelming case load.

As President Kennedy said in ending his inaugural address, "the energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it and the glow from that fire can truly light the world." ✎

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A Brief History of the SCVBA

Since the Santa Clarita Valley Bar Association is in the process of its second election cycle, it is hard to give anything but a brief history of this Association. But as the outgoing President, I thought it appropriate to take this opportunity to give you what history we have.

I began the transition of my practice to the Santa Clarita Valley in 1977. At that time you could have gathered all the attorneys in the valley easily in my living room - that is if you got them together before some of them hit the bottle. In those days, the local court house was very provincial. I recall submitting a written motion at a hearing and getting the response, "we don't do things like that out here."

In 1978, an effort was made to create an organization of attorneys. Not meeting the requirements for a Bar Association, the Santa Clarita Valley Attorney's Association was formed. James Louder was its President. I was one of its charter members. However with the relatively few attorneys in town the organization could not sustain itself and soon folded.

In 2003, while attending the funeral of James Gilmartin, one of the attorneys who had been in town when I arrived, I met with a few other local attorneys, Rick Patterson, Lou Esbin and Bill Witbread. The talk came around to the need for a local Bar Association. It was suggested that since I was an old timer (when did I get that old?) I should be particularly interested in helping create an organization. Months past and nothing ever came of this gathering. However, in the back of my mind I thought, why don't you just get it done?

I thought about what it would take to have a successful organization. I recognized the nature of the attorneys in our valley. Although we have a significant number of attorneys with local offices we have many more who live here but work in other cities. We have a great sense of community and have an ideal location for a community-based bar association. But we do not have the numbers or demographics for the type of specialty section meetings put on by the SFVBA. I concluded that our two organizations could benefit each other.

Because I wanted an affiliation with the SFVBA, I contacted an old friend, Steve Holzer who was the SFVBA President. We met a few times with various representatives including Liz Post, Linda Temkin and officers and ultimately Presidents, including James Felton and Richard Lewis. Frankly, sometimes I think lawyers just talk too

much, so despite concerns that we were doing too much too early I decided to launch the new organization. A working arrangement was put in writing between our two associations and I set to gather a group of attorneys together to constitute an ad hoc committee which would ultimately become our first Board. This too went on for months trying to find out who would really be willing to put in the personal efforts to make this organization a success.

Our first Board consisted of John MacIntosh, an attorney who had been active in the old Association, William Lively, Lou Esbin, Gina McDonald, Tamiko Herron, an associate of Owen, Patterson and Owen, Jane McNamara and myself. Ultimately our first elected Board would replace McDonald and MacIntosh with Rand Pinsky and Caryn Sanders (taking over for Steven Mehta who resigned almost immediately after his election).

BY L. ROB WERNER, SCVBA PRESIDENT

We incorporated on July 7, 2004. CPA Ronald Morgan volunteered his services to obtain our non-profit status. Robert Gardner of eSCV donated his services in creating our first web page. While the page is up and running we have members Hale Antico and Rob Mansour working on establishing a new improved web site.

During my term as President we raised over \$5000 for the Food Pantry, a local food distribution center. We had a logo contest and scholarship award and adopted a logo and letterhead for the organization. We have had regular monthly meetings with increasing attendance that generally provide (thanks to the SFVBA) MCLE credit. I thought about mentioning all the programs - as they were great - but that would take another couple of pages. The success of our programs is largely due to the efforts of Jane McNamara and Caryn Sanders.

continued on page 13

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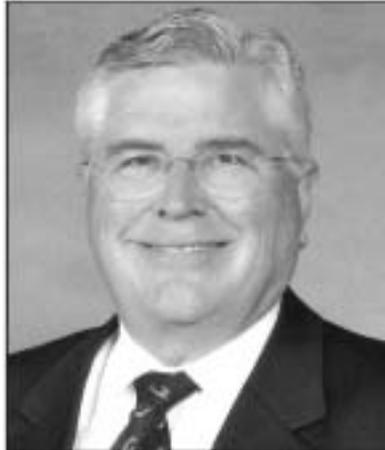


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Report From The Foundation

You Can Make a Difference



BY ANNE ADAMS, VCLF PRESIDENT

Do you believe one person can make a difference? I do. How many people have made a difference in your own life? Did anyone give you encouragement to try something new? Did a family member persuade you to stick with something a little longer that turned into a success? Was there a special teacher that helped you gain confidence in your abilities? Do you have a friend that helped you through rough times? Did you have a mentor that helped you in your career? If you think about it, probably many people have guided you during your life and helped you become the person you are today.

Many people have made a difference in my life. Some of these people made a difference in my life unintentionally by simply living their lives and through my observation of

them, I was motivated to do something. Many others intentionally gave me guidance and sometimes simply understanding when I needed it.

How many times has someone's financial support made a difference in your life? Did you participate in essay contests to win scholarships for college? Did some of your relatives give you some financial support in law school because they thought it was important to have a lawyer in the family?

Did the financial support sometimes mean more to you than the money itself?

Financial support can also show a vote of confidence in your ability to make positive changes in your life.

The Foundation provides scholarships to Monroe High School seniors, Pierce College students,

California State University, Northridge students, and University of West Los Angeles law school students. Each school prepares their own criteria for the scholarship selection process and makes recommendations to the Board. When the Board meets to award the scholarships, we are always favorably impressed with the quality of students that we assist with our scholarships. Many of our scholarship recipients have overcome a lot of obstacles to succeed.

You can make a difference in someone's life by helping us raise funds for our scholarship programs. Thank you for your support. ✎

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Secrets and Lies: The Ethics of Mediation Advocacy and Scrabble



BY JAN FRANKEL SCHAU

You wouldn't believe what the attorney told me in last week's mediation. You wouldn't and you shouldn't because it was a "big lie". What do you do when you are confronted by a scenario in which you suspect that either your client or the opposing side is lying in the name of "mediation advocacy" to gain advantage in the negotiation? When the duty of "zealous advocacy" on the one hand, attorney-client confidentiality on the other hand and ethical considerations of truthfulness in negotiation collide, how do you respond?

From the perspective of the mediator, the first task would be to discern whether the "lie" is a bluff (little lie), a secret (which may become a lie if not kept strictly confidential) or a "big lie". By way of analogy, my son and I enjoy a good game of Scrabble while on vacation. Once in a while, because he's so charming and clever, I let my son get away with making a word that I've never heard of and that he can't define as he attempts to convince me that the word legitimately exists in the English language. The problem doesn't end at my son's making a false word, but with the consequence of such a word lying on the board.

Like a "lie" in a mediation, once a false word is laid down on the Scrabble board, the word can often confound and impede the progress of the game as the players cannot build upon it. Like a "lie" in a mediation, once a false word is laid down on the Scrabble board, the flow of the game or negotiation can be frustrated and even lead to an early impasse. Thus, while a secret (like a plan to set up a triple word score in Scrabble on your next turn) is an excellent tool for advocates, a "lie" (like making a nonsense word) just impedes the negotiation.

Using "Secrets" is Acceptable as a Tool for Negotiation

Most every mediation begins with the mediator's promise to maintain at least two critical types of confidential communications: undiscovered facts, and negotiating posture, which includes case valuation and limits on client authority. For example, a defendant may desire to end litigation arising out of allegations of sexual harassment "as early as possible" in order to alleviate ugly claims that might be brought to his wife's attention. Although this is surely something the mediator would not voluntarily reveal to the claimant, it serves as a critical tidbit of information to aid in her understanding of the parties' "interests" in the outcome of the litigation. It's a secret, but not a lie.

Another example of a typical "secret" that mediators should honor as confidential is a physician's urgent desire to settle a case below Medical Board reporting limits in order to avoid an investigation or reporting, even if it means paying some portion of a settlement "under the table". Any knowledge of other claims against the physician should never be revealed and are secrets, though a failure to reveal them if asked and answered in formal discovery or at trial would be tantamount to a lie.

A more common example of a "secret" communication is the lawyer's lack of faith in his own client, and the attorney's confidential intent to substitute out if the case doesn't settle at his recommended value at the mediation. This kind of "bottom line" communication is a typical "secret" that mediator's find acceptable as a tool for negotiating.

"Secrets" are not only expected, but are typically respected in a very different way than are lies. A mediator is expected to

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maintain secrets, but if she is questioned she should not lie to protect their secrecy. To do so can backfire and thwart the progress of negotiations as well as destroy the mediator's credibility at the same time. Before you agree to retain a mediator, or to reveal any confidential communications to her, make sure that you trust your mediator not to reveal your "secrets" to the opposing side.

There Is a Distinction between Useful Lies ("Bluffs") and "Big Lies"

If pushed, most professional mediators will admit that they tolerate and even expect some bluffing in the negotiation phase of a mediation. I refer to these bluffs as "lies" with a lower case "l". In fact, many mediators admit to engaging in such bluffing as a means of cajoling the parties into agreement. I'm confident you've heard your mediator say: "I feel pretty sure that if you just raise your offer by \$10,000, he'll come down under six figures." On the other hand, the "big lies" that get in the way of earnest negotiation manifest themselves when either a factual misstatement is made or the settlement posture is misrepresented.

Another typical bluff, or "lie", is evidenced in many mediations when you

reach a point where one side or the other declares (boldly, never secretly): "We're leaving if they won't take/give \$X. They're wasting our time". Most mediators understand this to be a bluff, and most of the time it is, until it is not.

Contrast that "lie" with this "big lie". The defendant informs the mediator that according to medical records, the plaintiff was found to have a pre-existing condition in her back, which looks like the same type of injury that is involved in this accident. While the statement implies a pre-existing condition based upon medical evidence, the statement is actually a "big lie" at this juncture of the lawsuit, where there is no actual diagnosis of a pre-existing condition in the same area of the Plaintiff's back in any record that the Defendant has been able to obtain.

Lying about the facts and evidence is not only unethical, but it also gets in the way of making realistic progress towards settlement, just as putting a made-up word on the Scrabble Board impedes the progress of the game. When you are confronted with this type of scenario, you may find that it is better to convert the "big lie" to a "secret" which can be hinted at, but never revealed, than to allow a

false statement to be made and then hope to work around it to achieve a settlement. From these examples, it is apparent that "lies" with a small "l" such as those based upon opinion, creative ideas and professional evaluations are "acceptable" practice, while "big lies" based upon facts that are claimed, but not substantiated by evidence, are unacceptable and should be avoided, even in the zealous advocacy of a heated mediation.

Obviously, there are plenty of gray areas where a "lie" may not be a "big lie" and where a "secret", if taken too far, may turn into a "big lie", but tread lightly and use caution. Employing "big lies" more often derails than promotes settlement. Paraphrasing a famous Confuciousism, "Better to remain silent and be thought a fool than to speak falsely and remove all doubt!" ♣

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"We Don't Promise Anything We Can't Deliver"

*Santa Clarita Valley Bar Association,
continued from page 7*

Thanks to the efforts of John Shaffrey we have a weekly column in the local newspaper - *The Signal*. We will have had two wine tasting socials as well as a comedy club social. We have set up an e-mail page and overlying communication system to keep our membership informed. We established a court Liaison Committee chaired by James Reape, which has facilitated communications between the bench and the bar and ultimately will work on establishing a full service court in the Santa Clarita Valley. We put on what hopefully will be an annual Law Appreciation Day event on the first Monday in October honoring people in the legal community and heroes among our citizenry.

Many of the things we did were things that have to be done in setting up any organization - extra work that is part of the formation of a successful group. This includes creating by-laws and rules for membership, setting up a newsletter, flyer and e-mail publication procedure. We had to deal with such mundane issues as setting up a regular meeting place and date, creating standards for Board meetings, membership applications and renewals. I even drafted a pledge for our swearing-in ceremony.

The Law Appreciation Day event of October 3rd is the type of event that puts an organization such as ours on the map. Not many groups can muster the pull to bring Supervisor Antonovich, Sheriff Baca, District Attorney Cooley, Santa Clarita Mayor Smythe, John Boston from *The Signal* and the local heads of the Fire Department, District Attorney, Sheriff, CHP and Chamber of Commerce to the same lunch meeting. Hopefully we have started a new tradition.

No matter what we tried, there were those who would say we were not ready. I'm of the school that believes that anything is possible if you pull together the right people to make the required effort. There are whole lists of things that I presented, advocated and which are still sitting around. However, when you take on a leadership roll you can never be quite sure what will grab the interest of those who volunteer and really make things happen. Because I like results, despite the numerous people who have expressed appreciation for my role in the creation of this Association, I will leave office with some lingering frustration. Besides the traditional roles of committees which I won't mention here, the following are some of what I see in our association's future.

I hope future leaders and generations of attorneys will help accomplish some of the goals we set out to achieve. Included among these are a program first suggested by Bill Lively where we rent out the local playhouse for a combined play, dinner and fund raising program. Also, the creation of a \$10,000 annual scholarship award to a law student or prospective law student who writes at equal length arguing both sides of a major legal issue.

If you take the time to read this article I hope one or more of the following committee programs will capture your

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interest. A Community and Public Relations Committee that promotes press coverage for the numerous good deeds committed by attorneys. A membership and Membership Benefits Committee that is there to assist and show concern for our members and their families when they become ill and which has support services to cover court hearings and other short term work to maintain their practice. A Networking Committee that promotes interaction between our members among the various specialties practiced and provides and fosters fee referral agreements in accordance with State Bar rules. A Debate Forum Committee that puts on an annual debate tournament for our local high schools where the kids are compelled to debate both sides of an issue. A legal Forum run by the Internet Committee that promotes quick communications between all are members providing a means by which members can get quick opinions of anyone who wants to participate. And these are just some of the things in the back of my mind.

Now to the current business of the SCVBA. We are in an election cycle. The nominating Committee has made the nominations for officers who will face election in October and be installed at our November meeting. William Lively as President-Elect will take over as President and I will remain on the Board as the immediate past President. The Committee nominated the following people to face election: Caryn Sanders, President-Elect; Jane McNamara, CFO; Tamiko Herron, Secretary and Board Members Rand Pinsky and Thomas Coleman. Our membership has been given notice that they have until October 5, 2005 to provide nominations for others to these positions to our secretary. The nominations require a petition signed by five members. Our actual election date is October 25. Remember when you send in your ballots, you need to sign the envelopes for them to be counted.

Our Regular Meeting in October will be on the third Thursday evening, October 19 at Marie Callendar's Restaurant in Valencia, 27630 The Old Road, with sign-in and networking at 6:00 p.m. and dinner and the program at 7:00. Advance reservations can be secured at \$30 for members or \$40 for non-members. For advance reservations, you may call (661)287-3260. We will accept sign-ins at the door. Our program will be on the subject of business valuations and carry one hour MCLE credit. This will cover civil, dissolution and probate cases. Also, special attention will be given to valuation of law practices.

If you have any questions or want to express an interest in any of our activities you may e-mail me at lrobwerner@yahoo.com or our association at santaclaritavalleybar@yahoo.com

In closing, I apologize to the dozens of people who have helped our bar who I failed to mention in this article and for the numerous activities that I failed to specifically mention.

I do thank you all for giving me the opportunity to initiate the SCVBA and for your efforts to sustain this organization for the benefit of future generations. 📌

A Firm-Wide Court Calendar Increases Efficiency and Reduces Malpractice Risk

BY JOSEPH C. SCOTT

Last year, the 9th U.S. Circuit Court of Appeals took pity on Boies, Schiller & Flexner LLP after that law firm missed a major deadline for a case.

A clerk at the firm thought they had 60 days to file an appeal in a case, but in reality, it was only 30 days. In an *en banc* ruling last November, the 9th Circuit Court decided the error was one of excusable neglect. But the panel split, with three judges strongly dissenting.

Fortunately for Boies, Schiller, a law firm with nearly 200 attorneys, the case only cost them time and money, plus the fallout from a public relations disaster. It didn't cost the client the case. But missing court deadlines has cost many other law firms and clients dearly. According to the American Bar Association, calendar/deadline-related errors are the leading cause of malpractice claims against attorneys.

Battling calendar-related errors can make the most ferocious courtroom opponent seem nearly tame. And it's a foe that seems almost invincible for major law firms and solo practitioners alike. But smaller firms face their own special challenges in staying on top of court calendar deadlines. Smaller firms tend to lack the dedicated support staff and IT budgets that allow the big firms to implement comprehensive, dedicated court rules-based calendaring systems.

Calling around to courthouses, double-checking dates once they have been put on the calendar and logging on to court web sites to verify holidays is also time-consuming and inefficient, not to mention error-prone. So how can your law firm develop a court calendaring system that protects your clients, your attorneys, your budget and everyone's sanity? Try this three-step process.

Develop a Firm-Wide Calendar

Of course, your firm's lawyers all have some sort of calendaring system in place. But are they all using the same system? If one attorney has his/her own calendar on a PDA, while another scribbles notes on paper, signals can get crossed and important dates will be missed.

For those firms that don't have the resources to invest in a comprehensive court rules-based software program, there are simple calendaring programs that can be put to work at a law firm—some may even be included in basic software packages. These are widely available and relatively simple to learn and operate.

Keep it current

So, you've selected one calendaring system. How do you keep it current with different court rules, changing deadlines and various state and local holidays?

That usually requires numerous phone calls to court clerks or hours scouring court web sites. And while more and more courts are going online, there is no central repository for such information, meaning someone at the law firm must look up each jurisdiction's site

individually. Then, once the information is obtained, the attorney, paralegal or administrative staffer must correctly input the data. Firms can be doomed by one incorrectly transcribed number in a single date.

Nowadays, there are Internet-based calendaring programs that tap into court rules databases for jurisdictions throughout the United States, and make them available on a pay-per-use basis. This pricing structure places these programs in the price range of even the smallest firms – especially when compared to the time and effort attorneys and staff otherwise would spend tracking down and verifying court dates and deadlines.

Another important factor to consider when generating deadlines is that changes to court dates often occur after you have conducted the initial research. Courts may issue changes in calendaring rules at any time. However, sophisticated online calendaring programs perform accurate court rules updates regularly, and you will be notified by email that there has been a rule change in a jurisdiction that has been searched.

Stick with it

Of course, a calendar no one uses is useless. Everyone must buy into the system and commit to using it, from the most senior

partners to the newest paralegals. And every attorney must take responsibility for his or her own calendar, regardless of who actually maintains it.

That issue was hammered home in the Boies Schiller case. In the majority ruling, Chief Judge Mary M. Schroeder acknowledged that delegating such tasks as calendaring may be necessary. But she stressed, "The responsibility of the error falls on the attorney regardless of whether the error was made by an attorney or a paralegal."

The dissenting judges were much less kind. "[I]t can't be a lever for ratcheting down the standard for professional competence," read the dissent in part. "If it's inexcusable for a competent lawyer to misread the rule, it can't become excusable because the lawyer turned the task over to a non-lawyer."

For California attorneys, failing to learn from the mistakes of others may mean missing a deadline. And if they are lucky, they will only hurt themselves, not their client. ⚡

Joseph C. Scott is an attorney and vice president of sales and marketing at Deadlines On Demand, the premier online legal date calculation service, located at www.deadlines.com. He can be reached at jscott@deadlines.com.

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Notice To Attorneys

Family Law Changes Judgment Policy after Mediation

Effective August 5, 2005, judgments resulting from family law mediation will be treated as collaborative law cases, rather than stipulated agreements.

Procedures for submission of judgments emanating from mediation are as follows:

1. Parties and counsel shall follow Los Angeles Superior Court Rule 14.26.
2. The words "Mediated Case, (Name of Mediator), Mediator" shall be placed below the case number on the Judicial Council judgment form, FL-180.
3. Judgment documents shall be submitted to the supervisor of the judgment unit located at the Stanley Mosk Courthouse, 111 N. Hill Street, Room 211.
4. Documents will be reviewed for completeness within three days.
5. Completed judgments will be submitted by staff to the Family Law Supervising Judge in Department 2 for signature.
6. Signed judgments will be filed and conformed copies will be distributed to the parties and mediator.

For additional information contact Mike Braverman at (213) 974-5543.

Affective Notice Re: VIOXX Cases

The Los Angeles VIOXX Litigation has been determined to be complex litigation within the meaning of California Rules of Courts, Appendix, Division One, Standards of Judicial Administration Recommended by the Judicial Council, Section 19.

The purpose of this order is to enable the parties to allow their matters to be litigated at the earliest possible time, promote cost-effectiveness for all parties and increase court efficiency, without intending to or actually effecting the curtailment of any parties' rights with respect to the trial venue, forum non conveniences motions, or removal to or remand from federal court.

Cases filed by residents of Los Angeles County, regardless of the district of the county they reside in, must be filed in the Central Division of Los Angeles Superior Court located at 111 N. Hill Street, Los Angeles and assigned to Judge Victoria Chaney in Department 324 pursuant to Judge Chaney's anticipated Case Management Order No. 6 (Direct Filing and Adoption of Amended Master Complaint) in Judicially Coordinated action JCCP 4247, In Re VIOXX ("CMO 6").

Cases filed by California residents who reside in counties other than Los Angeles must be filed in the Central Division of Los Angeles Superior Court located at 111 N. Hill Street, Los Angeles and assigned to Judge Victoria Chaney in Department 324 pursuant to CMO 6.

The initiating pleading is to be either a Complaint or a Notice of Adoption of Amended Master Complaint. A Civil Case Cover Sheet (Form CM 0-10) and an Addendum to Civil Case Cover Sheet and Statement of Location (Form CIV 109 03-04) shall be filed with the initiating pleading. The initiating pleading shall state the following on the face of the document in bold letters: 1. "VIOXX", 2. County of Origin

(plaintiff's county of residence or the county where the alleged injury occurred) Superior Court and 3. the following language "By Order of the Honorable Victoria G. Chaney, the designated county of origin shall be deemed, and is stipulated to be, the original county in which this case was initially filed and pending for purposes of removal under 28 U.S.C. §1441 (a) and potential trial venue."

In addition, either an Add-on Petition or a Stipulation/Proposed Order for Add-On, as provided for in Case Management Order No. 3 (General Pre-Order) in Judicially Coordinated action JCCP 4247, In Re VIOXX, must be filed in Department 324. ↗



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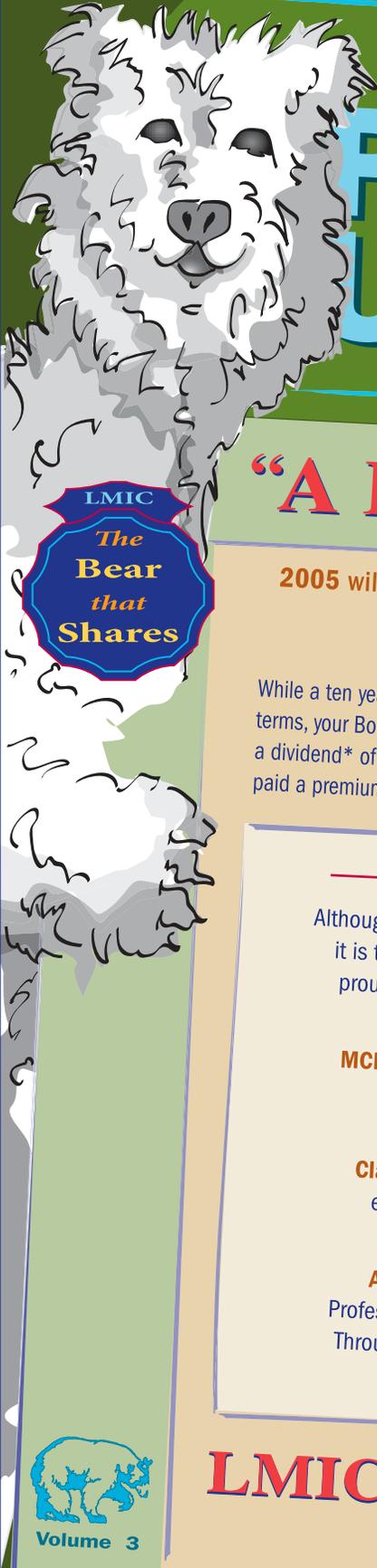
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Representation before the IRS, Franchise Tax Board, State
Board of Equalization and other government agencies in
audits and other controversies. Income and estate tax
preparation and planning, tax opinion letters, transactional
planning, and other tax related matters.
Federal and State Criminal Tax Matters.

Michael D. Daniels

*Certified Specialist in Taxation, Board of Legal Specialization,
State Bar of California*

20700 Ventura Blvd., Ste. 227, Woodland Hills, CA 91364

(818) 227-5648



LAWYERS' MUTUAL INSURANCE COMPANY

Policyholder Update

*"Integrity is what we do,
what we say, and
what we say we do."
- Don Galer*

"A Decade Of Dividends"

2005 will mark the 10th straight year of Dividend Payments to our policyholders!

MARK NOVEMBER 1, 2005 ON YOUR CALENDAR

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

COOL HOLIDAY WISHES

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

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

Claims-Free Longevity Credits can start after the first year and you may be eligible for "Preferred" status after just 4 consecutive years - resulting in a 15% (or more) Premium Credit.

A.M. Best's Rating of "A" (Excellent) . . . we are insurance specialists. Professional Liability coverage for California lawyers is the only product we offer. Through sound and disciplined underwriting, our Standard Program rates have been the same for over 15 years . . . imagine that!

LMIC . . . it pays to stick around!



Volume 3

Visit us at — www.LMIC.com or call (800) 252-2045

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



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October Events

Probate & Estate Planning Section

Topic: The Los Angeles Public Guardian's Office - Present and Future

Speaker: Lucille Lyons, Los Angeles County Public Guardian's Office

Date: October 11

Time: 12:00 p.m.

Place: Encino Glen Restaurant, Encino

Cost: \$30 members prepaid; \$35 at the door
\$35 non-members prepaid; \$40 at the door

MCLE: 1 Hour

Small Firm & Sole Practitioner Section

Topic: Managing Your Office

Speaker: Richard Lewis, Esq.

Date: October 12

Time: 12:00 Noon

Place: SFVBA Conference Room, Woodland Hills

Cost: \$20 members prepaid; \$25 at the door
\$25 non-members prepaid; \$30 at the door

MCLE: 1 Hour

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

Dates: October 5 (Buy and Sell – Commercial Real Estate)

October 12 (Residential Disputes)

October 19 (Commercial Real Estate Financing)

October 26 (Commercial Real Estate Leasing)

Time: 6:30 p.m. - 8:00 p.m.

Place: LACBA LexisNexis Conference Center, 281 S. Figueroa St., Los Angeles

Cost: Free; Light refreshments will be served

MCLE: Provided by ABA

RSVP: For further information email Trudi Lesser at tlessar@sswesq.com or Tom Quilling at thomas.quilling@hkllaw.com

Workers' Compensation Section

Topic: Use of AMA Guides for Impairment Ratings
Re: Internal Medicine, Toxicology, Heart and Lung Disease

Speaker: Nachman Brautbar, M.D., FACP

Date: October 19

Time: 12:00 Noon

Place: Encino Glen Restaurant, Encino

Cost: \$30 members prepaid; \$35 at the door
\$35 non-members prepaid; \$45 at the door

MCLE: 1 Hour

Litigation Section

Topic: Preparing Yourself and Your Client for VAST

Speaker: Los Angeles Superior Court, Northwest District Judge

Date: October 20

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

Place: SFVBA Conference Room, Woodland Hills

Cost: \$20 members prepaid; \$25 at the door
\$25 non-members prepaid; \$30 at the door

Family Law Section

Topic: New Options in Counseling for Children and Adults

Panel: Richard Abbey, M.S.T.; Lisa Hacker, M.S.T.;
Silvia Leidig, LCSW

Date: October 24

Time: 5:30 p.m.

Place: Encino Glen Restaurant, Encino

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

MCLE: 1 Hour

SIGN ME UP!

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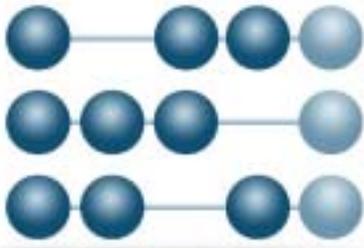
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**FOR MORE INFORMATION
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Food and beverages served at every MCLE event!

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



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