



# BarNotes

A Publication of the  
San Fernando Valley Bar Association

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## INSTALLATION GALA OFFERS MUCH FOR EVERYONE

LISA MILLER, EDITOR

The San Fernando Valley Bar Association's 2007 Installation Gala offers each attendee a personalized experience within the context of a ballroom-sized event.

Special features of the evening, scheduled for Saturday, September 15 at 6:00 p.m. at the Woodland Hills Hilton Hotel, include a wine tasting event during cocktails, award-winning wine selections during dinner, installation of the new bar and foundation presidents, and the President's Award ceremony.

"It's been a great year," outgoing bar president Patricia McCabe, principal of Van Nuys' Law Office of Patricia McCabe, says.

McCabe will be turning the reigns of leadership over to incoming president Sue M. Bendavid-Arbiv at the party. Bendavid-Arbiv is an employer-side employment litigation partner with San Fernando Valley law firm Lewitt, Hackman, Shapiro, Marshall & Harlan.

"I'm excited to begin implementing programs to further develop the bar and its offerings for both lawyers and the larger community," Ms. Bendavid-Arbiv says. "At the same time, I'm sad to see Patty go – I've learned so much from her, working with her this past year."

Bendavid-Arbiv has set out an ambitious '07-'08 agenda of bar expansion programming, including extensive focus on both member service and community outreach. She is expected to outline the particulars of her initiatives at the Gala.

The Valley Community Legal Foundation of the SFVBA will install Marcia L. Kraft as its president. She is reprising her role in this regard, as she served in the position for the past year. During Kraft's tenure as president, fund-raising was extremely successful, and the foundation was able to add a number of worthy causes to its recipient list.

Kraft, principal of Woodland Hills' Law Offices of Marcia L. Kraft, focuses her practice on trust and estate matters. She was active with the bar association for many years before assuming the lead role with the foundation.

"I plan to sharply increase fundraising efforts this coming year," Kraft says. "There are so many important charitable causes in the Valley that desperately need our help – and with the help of the bar's members, we'll be able to assist more and more of them."

*continued on page 6*

## DUAL FOCUS

### New Bar President Sue M. Bendavid-Arbiv Planning Extensive Community Outreach and Expanded Member Benefits Programs

The San Fernando Valley Bar Association has been flexing its muscles in recent years, growing its membership and adding benefits and services. And it's proud that it rivals other, significant local bar associations in size and scope.

But whether observers are on the inside or the outside, they know it's the bar's

leadership that makes the difference. Volunteer leaders bring fresh ideas and implement them through hard work each year. And in the lead is new bar President Sue M. Bendavid-Arbiv.

"I've enjoyed serving the bar in a number of capacities throughout the years,"

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## Calendar of Events Page 27

San Fernando Valley  
Bar Association  
Installation Gala  
and Wine Tasting



Saturday, September 15, 2007

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## SAN FERNANDO VALLEY BAR ASSOCIATION

21250 Califa Street, Suite 113  
Woodland Hills, CA 91367  
Phone (818) 227-0490  
Fax (818) 227-0499  
www.sfvba.org

Editor  
Lisa Miller

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# Seeing Ahead, Looking Back

PATRICIA L. McCABE, SFVBA PRESIDENT



My favorite poem is Robert Frost's *The Road Not Taken*. I read that poem for the first time in eighth grade English class: at the time, I was struck by the diverging roads and the difficulty of choice. Since then, I have kept a copy of it, in many different forms, above my desk; it is there now, as I write this column.

During this past year, the bar's executive officers and members of the Board of Trustees have faced difficult choices on behalf of the membership. I often think about the options in terms of two paths we could travel. We traveled the road that was best for the organization, and as a result, the bar is strong and healthy. It is with full confidence and a light heart that I pass the baton of leadership to incoming bar president Sue Bendavid-Arbiv and the new officers and Board members.

During the past year, this organization has grown tremendously and I am very excited about our future. We have begun to travel down that new path and I can only imagine where we are going. We have new offices, creative programs and inspired management. For more than 80 years, we have offered San Fernando Valley attorneys access to quality educational programs and interaction with each other and the bench. While we continued that time-honored tradition, we expanded our services and programs. We addressed issues facing the courts, such as diversity in the profession and jury service.

We are offering our first ever *Litigation and ADR Update* half-day seminar on November 14, hosting a new networking mixer for attorneys on October 11, working with an insurance provider to obtain multi-line insurance coverage to meet the needs of our members, publishing an attorney-to-attorney referral directory, and providing on-line internet library access for our members.

Recently, a reporter asked to discuss the San Fernando Valley Bar Association with me. This reporter covers legal entities and was familiar with the programs and services offered by our bar. He was surprised by the wide range of services we provide to our community and the large number of volunteer attorneys involved in educational programs, pro bono legal services and committee service through the bar. He commented on how atypical our bar is, given its small size and the large number of volunteers. But I've known that fact for many years. Our bar is unique in that way.

As president this past year, I have met many members who volunteer their time to our community. From trustees, officers and section chairs to those who volunteer in the self-help center at the Van Nuys courthouse; from those who accept cases pro bono as panel attorneys on the Attorney Referral Service to those who volunteer in the VAST program for the courts; from those who work to make better legislation through the

*continued on page 20*

I would like to thank the following individuals who assisted me in making this organization stronger.

Alan Saler  
Alice A. Salvo  
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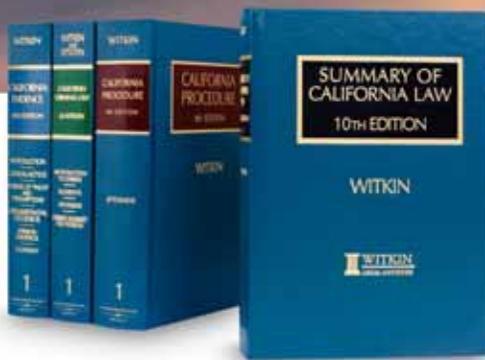
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What is valuable to you? It may be your family, your pets, your artwork, your friends, your education, your health, your profession, your philosophy, your character, or something private to you. Without question, we each have our own personal "valuables."

I hope that you consider the Attorney Referral Service valuable to your client base. It is true that we remain one of the most reasonably priced and perhaps the best value of any referral service in Los Angeles. You have paid the same referral services membership dues since 2005. In last month's column, I listed all of the benefits you have received in the ensuing years, at no additional cost to you:

- More referrals
- More income
- More marketing
- More Internet referrals
- More referral staff
- More efficient phone system
- More efficient reporting procedures
- More attention to you and your needs

And there are more benefits to come in the next few months.

Again this year, my extended family hiked together in Colorado. The air was thin, but the laughter was thick. Most hiking is great fun. And while hiking of dues is not fun, at some point it becomes necessary to cover the costs that are increasing

daily. Postage was 27 cents eight years ago and is now almost double. Insurance and supplies are constantly on an upwards march. When the time comes to ask you to provide additional membership dues to us, I hope that you will feel we have earned your support.

I have been appointed to a three-year term on the American Bar Association's Standing Committee on Lawyer Referral and Information Service. My first meeting will take place at the Lawyer Referral and Information Service Conference in New Orleans in mid-October. It is my understanding that the association will assign me to a specific committee or project; I'll let you know what that is as soon as I find out. I consider this appointment to be national-level recognition for the value that the San Fernando Valley Bar Association brings to the table.

Once again, the San Fernando Valley Bar Association, the Valley Community Legal Foundation, and the Haven Hills domestic violence program are uniting. The program is a recipient of one of the Valley Community Legal Foundation grants. Haven Hills is honoring bar member Barbara Jean Penny for her long years of work with that organization. Barbara Jean has an illustrious and industrious history of helping others, and has received the State Bar's President's *Pro Bono* Service award. In one single year, she provided more than 300 hours of *pro bono* service.

We all benefit from working together, from role models such as Barbara Jean Penny, and from organizations like the Community Legal Foundation and Haven Hills. ♠



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*Installation Gala, continued from cover*

In addition to installing Bendavid-Arbiv and Kraft into their presidential position, the bar will be bestowing the President's Award on Valley lawyer John B. Marshall. Like Bendavid-Arbiv, Marshall is a partner with Lewitt Hackman.

"I'm thrilled to be giving this recognition to John," McCabe, who, as outgoing president of the bar, will be presenting the award. "He demonstrates everything the award stands for: hard work, leadership, creativity, dedication, and the highest ethical standards."

Marshall, who has practiced law since 1969, focuses his practice on real estate, health care, corporate, and civil litigation. A name partner with the firm, he represents a number of hospitals.

"John was instrumental in the negotiation of the new lease for the bar's new offices," McCabe says. "Without his expertise, the bar would have been in a position of financial disadvantage."

Marshall is admitted to practice before the U.S. District Courts for the Northern, Eastern, Central and Southern Districts of California, and before the U.S. Supreme Court.

"This award is such an honor for me," Marshall says. "It's always such a boost when you are recognized by your peers for doing something you enjoy so much."

Marshall taught business law classes as an adjunct professor at the University of California at Los Angeles from

1975-2000. He has served as a settlement officer, arbitrator and judge pro tem for the Los Angeles Superior Court. Marshall served on the Corporations Committee of the State Bar of California, which analyzes and makes recommendations concerning legislation affecting corporations.

"I'm grateful for the broad legal and financial background I've gained through my work, studies and volunteer efforts," Marshall says. "This all helps me provide better client service in so many situations."

Marshall attended law school at Boalt Hall, University of California, Berkeley, graduating in 1969. He was elected to the Order of the Coif and named a Regents Fellow in Law by the Board of Regents of the University of California. He served as a special editorial assistant with California Continuing Education of the Bar, where he worked on the California Corporate Securities Law book.

This year the bar is offering a sponsored wine tasting event during the cocktail reception, underwritten by the Exact Staff company. Exact Staff is considered one of the premier staffing industry leaders in Southern California.

"It is through Exact Staff's generous contribution that the bar is able to offer the best of Malibu Family Wines," Executive Director Liz Post says.

Malibu Family Wines is located deep in Malibu's Santa Monica Mountains on the 1,000-acre Saddlerock Ranch. The winery has been the filming location for more than 100 movies, commercials and television shows. And the estate is home to dozens of horses and exotic animals such as llamas, emus, macaws, peacocks, camels and zebras.

"Our vineyard has 60,000 vines on 65 acres," owner Ron Semler says. "The high altitude and separation from the coast, ideal weather conditions and rich, rocky soil make the perfect environment for growing premium wine grapes."

Malibu Family Winery is a joint endeavor between the Semler and the DeJoria families. John Paul DeJoria created a well-known line of hair care products and salons. The Semler family owns Saddlerock Ranch and has lived on the site for twenty-seven years.

"Our winery started planting in 1997 with 14 acres of Cabernet and Merlot," Mr. Semler says. "Today, we have eight varieties planted: Cabernet Sauvignon, Merlot, Sauvignon Blanc, Syrah, Malbec, Grenache, Mouvedre, and Viognier."

Malibu Family Wines is best known for integrating new-world technology with old-world artistry. Hand-picked and sorted the same day, the vines are typically harvested in late September or early October. Wines are aged in a combination of premium French and American oak. The final result is considered by wine industry insiders to be complex and drinkable, a blend of fruit, tannins and structure. ⚡

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# Bench Brief: Commissioner Martin E. Green

## High-Stakes, Small Claims

### Big Issues for the Parties Doesn't Necessarily Mean Large Awards

BY M. JONATHAN HAYES



While the dollar figures are low compared to most litigated matters heard in any courtroom in Los Angeles County, the stakes for the litigants are high. And it's just another day in Small Claims Court, Commissioner Martin E. Green's favorite calendar. Commissioner Green has been a bench officer for 15 years, the last five in Chatsworth.

Commissioner Green sits in Dept F43 in Chatsworth, where he regularly hears small claims cases and unlawful detainer matters. He hears requests for Domestic Violence Orders a few times a week and deals with ex-parte matters for the limited jurisdiction judges.

"Small claims is my first love," Commissioner Green says. "I can get to the heart of the matter; keep it moving; help people get to the relevant issues."

On a typical day Green hears five to 10 unlawful detainer cases as well as five or so small claims matters in the morning. Some unlawful detainer cases are prove-ups, while some are contested matters. He typically hears ten more small claims matters each afternoon, plus a few ex parte motions.

"There are a lot of very good unlawful detainer attorneys," Commissioner Green says. "I'm fortunate to have them appear before me."

But he is not as upbeat about the encounter when attorneys who have no unlawful detainer experience come before him.

"It is often a disaster," he says. "The area is hyper-technical and the law and rules have to be followed. Attorneys with no experience should refer the case to someone or learn UD law."

Commissioner Green is astounded by how unprepared parties are for their small claims matters. They will bring no witnesses, no pictures, no medical reports to show damages – the simplest things, he says. And they make other blunders as well.

"They sue the wrong person, or they do not have proper standing themselves," he says. "But I'm patient. They have the right to try to prove their case."

Commissioner Green's motion calendar consists of discovery motions, requests for continuances, and motions to strike, and he hears exemption claims. He prefers to do his own research for the motions on his calendar, although he uses the research attorney from time to time. He occasionally gets involved in settling cases, when requested.

A graduate of the University of Southern California and Southwestern Law School, Commissioner Green became an attorney because he thought it suited his abilities. He practiced law for 17 years before joining the bench, eight of those as a public defender and nine more as a private criminal defense attorney.

According to Commissioner Green, he practice was primarily defending misdemeanor matters, where he usually dealt with someone who had made a mistake. He says they are usually not bad people. But he chafed at other aspects of his practice.

"[S]ometimes you have to take uncomfortable positions for people who are less than reputable," he says. "I did not enjoy that aspect, obviously."

Before his assignment to the Chatsworth courthouse, Commissioner Green sat in the San Fernando courthouse *continued on page 19*

*"Small claims is my first love. I can get to the heart of the matter; keep it moving; help people get their day in court efficiently."*



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# Be Nice!

## State Bar Passes Civility Guidelines



BY CYNTHIA ELKINS

Every attorney has personal “war stories” about that “so-and-so” opposing counsel whose conduct has resulted in unnecessary motions, unwarranted cancellations and delays in proceedings, frivolous and groundless objections, refusal to timely or rationally meet and confer or where opposing counsel engages in just plain obnoxious behavior.

Or even worse, many attorneys have heard of opposing counsel who file and serve Ex Parte Notice of Motions or Deposition Notices on the eve of a major holiday or when they know counsel is absent from the office for vacation simply to gain an unfair advantage or for the sake of making opposing counsel’s vacation or holiday miserable.

It is this behavior, perceived or real, that has resulted in the State Bar of California Board of Governors implementing the voluntary “Guidelines for Civility and Professionalism.” The purpose of these guidelines is to change the perception that there is an increase in abusive, unprofessional and uncivil behavior by attorneys, both in and out of court. Outgoing State Bar President Sheldon Sloan pledged to reduce what he says is a decline in civil behavior. His stated goal was to create a behavioral “gold standard” for California lawyers to follow. The new guidelines are the end result of his pledge.

The task force approved guidelines dealing with eight aspects of professionalism:

- Civility
- Professional integrity

- Personal dignity
- Candor
- Diligence
- Respect
- Courtesy
- Cooperation

The guidelines address these topics in 21 sections, summarized below. The guidelines include special additional

*“I will abstain from rude, disruptive, disrespectful and abusive behavior and will act with dignity, decency, courtesy and candor with opposing counsel, the courts and the public.” - State Bar Civility Guidelines Pledge*

provisions for family law and criminal law practitioners.

**1. Responsibilities to the Justice System.** The dignity, decorum and courtesy that have traditionally characterized the courts and legal profession of civilized nations are not empty formalities. They are essential to an atmosphere that promotes justice and to an attorney’s responsibility for the fair and impartial administration of justice.

**2. Responsibilities to the Public and Profession.** The goals of the profession include improving the administration of justice and contributing time to persons and organizations that cannot afford legal assistance. Attorneys should mentor new members of the bar in applying these guidelines.

**3. Responsibilities to the Client and Client Representatives.** Clients are to be treated with courtesy and respect; attorneys are not to engage in abusive behavior or other conduct unbecoming a member of the bar and officer of the court; clients should not prevail upon their counsel to engage in

uncivil conduct; the guidelines should not be compromised to gain an advantage.

**4. Communications.** All communications should reflect civility, professional integrity, personal dignity and respect for the legal system.

**5. Punctuality.** Attorneys should be punctual at trials, hearings, meetings, depositions and other scheduled appearances.

**6. Scheduling, Continuances, and Extensions of Time.** Civility and courtesy in the scheduling of meetings, hearings and discovery are expected; attorneys are to consider the client’s interests, the need to promptly resolve issues, the schedules and willingness of others to grant reciprocal extensions, and other relevant factors in considering extensions of time; reasonable extensions of time should be granted if not adverse to the clients’ interests.

**7. Service of Papers.** The timing and manner of service of papers is not to be used to the disadvantage of a party receiving the papers.

**8. Writings Submitted to the Court, Counsel or Other Parties.** All writing should be factual, concise and focused on the issues to be decided.

**9. Discovery.** Early Meet and Confer conferences are encouraged to explore voluntary disclosure, including the identification of the issues, identification of the persons with knowledge and the exchange of

documents; formal discovery should be designed to fulfill the purposes of the California Discovery Act; discovery is not to be used to harass an opposing counsel, party or witness nor used to delay the resolution of a dispute.

**10. Motion Practice.** Attorneys should consider contacting opposing counsel to informally resolve and/or limit any dispute prior to filing any motion.

**11. Dealing with Non-Party Witnesses.** All dealings with non-party witnesses should exhibit the highest standards of civility.

**12. Ex Parte Communications With the Court.** No ex parte communication with a judicial officer on the substance of a case pending before the court should occur in a social setting, or otherwise.

**13. Settlement and Alternative Dispute Resolution.** Settlement and alternative dispute resolution should be explored with clients and opposing counsel in every case as soon as possible, and during the course of litigation.

**14. Conduct in Court** Attorneys should always act respectfully and with dignity in court and assist the court in the proper handling of a case to promote a positive image of the profession.

**15. Defaults.** No default of an opposing party known to be represented by counsel without giving the party advance warning should be taken.

**16. Social Relationships – Judicial Officers, Neutrals and Court-Appointed Experts.** To avoid the appearance of bias, attorneys should notify opposing counsel or an unrepresented party of any close, personal relationships between an attorney and a judicial officer, arbitrator, mediator or court appointed

expert, allowing an opportunity for objection.

**17. Privacy.** The privacy rights of parties and non-parties must be respected.

**18. Negotiation of Written Agreements.** Attorneys engaged in transactional practices have unique responsibilities because there is no judicial intervention. The negotiation and conclusion of written agreements should be done in a cooperative manner with informed authority of the client.

**19. Additional Family Law Provisions.** Attorneys in family law proceedings should seek to reduce emotional tension and trauma and encourage the parties and attorneys to interact in a cooperative atmosphere and keep the best interests of the children in mind.

**20. Additional Criminal Law Provisions.** Prosecutors are charged

with seeking justice, while defenders must zealously represent their clients in the face of overwhelming evidence of guilt. Criminal law attorneys should appreciate these roles.

**21. Court Proceedings.** Judges are encouraged to become familiar with these guidelines and support and promote them where appropriate in proceedings.

A complete transcript of these guidelines, with examples, can be found at the state bar's website at [www.calbar.ca.gov](http://www.calbar.ca.gov). ↗

*Cynthia Elkins is co-chair of the SFVBA's Resolutions Committee, which provides delegates and resolutions to the Conference of Delegates of California Bar Associations. Elkins represents employers concerning their employment law concerns. She can be contacted at (818) 598-6771 and [celkins@employer-law.com](mailto:celkins@employer-law.com).*

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# Trusting Your Gut Feelings

## How Lawyers Can Use Their Intuition to Improve Decision-Making



BY MYER J. SANKARY

Lawyers should use and trust their intuition in making decisions in negotiations as well as litigation. Intuitive decisions based on thorough preparation and analysis will serve advocates well in everything they do.

An enlightening example of intuition vs. logic is the well-known art fake that the Getty Museum recently purchased. (All references to the Getty Museum's Kouros statue and its circumstances are from Gladwell, Malcolm, "Blink; The Power of Thinking Without Thinking," Back Bay Books, 2005.)

When the world-famous Getty Museum in Los Angeles decided to purchase a Greek statute known as "Kouros," a rare and beautiful marble statue of a Greek youth, the institution relied on an expert geologist to determine the age of the statute. The museum spent huge sums on legal fees to determine its provenance. After 14 months of analysis, the Getty spent a fortune to purchase this rare statue.

Almost immediately, problems surfaced. Italian art historian Federic Zeri stared at the sculpture's fingernails, which seemed wrong. Evelyn Harrison, an expert on Greek sculpture, instantly stated that the statue was a fake.

When Thomas Hoving, the former director of New York's

Metropolitan Museum of Art, first saw it, he called the statue "fresh." Hoving had been on many digs in Sicily and found bits and pieces of this type of statute. According to Hoving, these types of statues just don't come out looking like that. He said that the Kouros looked like it had been dipped in the very best café latte from Starbucks.

George Despinis, the head of the Acropolis Museum in Athens, took one look at the Kouros and said that anyone who has ever seen a sculpture coming out of the ground could tell that this thing has never been in the ground.

The consensus was that the intuitive, gut reaction of the experts was correct. The analytical opinion of the geologists and all of the legal minds was mistaken – the Kouros was a fake!

What lesson can lawyers learn from this demonstration of intuition? Lawyers are indoctrinated that the only proper approach to advocacy is to rely on methodical, logical, and analytical approaches. There is a pronounced disdain for anything intuitive. Lawyers don't "feel." They think and make decisions based on hard facts and legal precedent. But lawyers should learn to use their intuitive skills in making decisions, advising clients, negotiating deals and presenting to judges and juries.

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One leading authority in the field of the science of intuition is Gary Klein, author of "Sources of Power; How People Make Decisions" (MIT Press, 1998) and "The Power of Intuition; How to Use Your Gut Feelings to Make Better Decisions at Work." (Doubleday, 2003).

Klein determined that the way military professionals make decisions was different in the field than the way decisions-making occurs in a classroom. He found that in all these situations professionals made instant decisions based on pattern recognition. Klein concluded that the sources of power needed in natural settings are usually not analytical at all – but rather the power of intuition, mental simulation, metaphor, and storytelling are used in high stakes, dynamic conditions, and time pressured decision making. Klein made the following observations about naturalistic decision making:

1. **The power of intuition** enables us to size up a situation quickly.

2. **The power of mental simulation** lets us imagine how a course of action might be carried out.

3. **The power of metaphor** lets us draw on our experience by suggesting parallels between the current situation and something else we have come across.

4. **The power of storytelling** helps us consolidate our experiences to make them available in the future, either to ourselves or to others.

The recognition-primed decision model merges two processes: 1) sizing up the situation to recognize which course of action makes sense, and 2) evaluating that course of action by imagining it.

Skilled decision-makers know that they can depend on their intuition. The same can be said about lawyers who must rely on their experience, whether in negotiating deals or trying a case. Lawyers must be prepared for any situation in which they represent a client's interest.

The best lawyers, however, use a "sixth sense" when confronted with real-time situations in which they must respond immediately to each move in the negotiation or each question asked, answered, or avoided in trial. They must recognize patterns, clues and cues to instantly respond.

Judges constantly use intuition in making decisions. When counsel recently asked a judge how he knew the best way to proceed in a mandatory settlement conference, how he determined what the case was worth, how he selected a number that he thought the parties should accept as settlement, the judge replied, "experience and intuition!" When asked how he was he able to make instant decisions during a trial concerning evidentiary motions, he admitted that he used his experience and intuition.

While relying on intuition has its drawbacks – bias based on emotion, for example - logical analysis also has its drawbacks. Wrong assumptions, faulty

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logic, missing facts, complexity, and emotional mindsets can lead lawyers to make mistakes that can be as costly as relying on intuition. The biggest problem with analysis is that it can lead to paralysis. In this situation, counsel never feels confident enough to make a decision, always desiring more information and more analysis.

The skillful lawyer knows when to use his power of analysis, but the exceptional lawyer knows when to use a sixth sense or intuition, as well as reasoning. To understand and improve intuitive skills, counsel should consider reading Gary Klein's work, in which he has analyzed this sub-cognitive aspect of our mind. His book makes this subject understandable so that lawyers can use intuition to help them make better, immediate and more spontaneous decisions. ♣

*Myer Sankary is a neutral with ADR Services, Inc. He can be contacted at (818) 325-8989 and [myerj@sankary.com](mailto:myerj@sankary.com).*

## Benchmark



Veteran bankruptcy and insolvency attorney Andrew Goodman recently opened his own law firm in Westlake Village. His clients include institutional and asset-based lenders, secured creditors,

business and consumer debtors, bankruptcy trustees and creditors' committees. Prior to launching his own firm, Goodman was a partner with Encino-based Greenberg & Bass for thirteen years, where he lead the firm's bankruptcy practice group.



Michele Morley, SFVBA Associate Executive Director for Public Services, has been appointed to the ABA's Lawyer Referral & Information Service Standing Committee for a three-year term.

The committee provides support and assistance to local public service lawyer referral programs that provide information on appropriate, quality legal services to the public. Morley has been director of the SFVBA the Attorney Referral Service since 1999. ♣



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*Dual Focus, continued from cover*

Bendavid-Arbiv, a trustee for multiple terms, says. “It’s enabled us to develop a detailed grasp of both the big picture and the tiny details of the organization, so we can see avenues to serve members and the larger Valley community.”

Bendavid-Arbiv is a long-time partner with Encino’s Lewitt, Hackman, Shapiro, Marshall & Harlan, which offers business, real estate and civil litigation services. The firm services individual entrepreneurs, start-ups, highly compensated executives, family businesses, and multi-national companies. Lewitt Hackman has long been a leader in supporting the needs of the bar and the San Fernando Valley.

“One of our targeted projects this year is working with the local courts to initiate some coordinated outreach programs,” Bendavid-Arbiv, who specializes in employer-side employment litigation and counseling, says. “We’ve developed some broadly-defined outreach programs to the community to encourage a better understanding of and respect for the judicial system, bench officers, and lawyers.”



*Bendavid-Arbiv recognized by Presiding Judge J. Stephen Czuleger*

Bendavid-Arbiv is no stranger to the courthouse experience. She has represented employers before the U.S. Equal Employment Opportunity Commission, the California Department of Fair Employment and Housing, the California Employment Development Department, the California Labor Commissioner (Division of Labor Standards Enforcement) and the U.S. Department of Labor. She is admitted before the U.S. District Court and the Ninth Circuit Court of Appeals. She has substantial experience pursuing writs, appeals and motions of all kinds, as well as trial work.

“The goal of our outreach program is to educate the public in a non-threatening way about the importance of jury service,” she says. “We’re trying to guide the public’s perspective so that prospective jurors develop respect for this civic duty, rather than dreading it.”

Bendavid-Arbiv’s professional work has exposed her to a variety of workplace situations involving myriad factors. She regularly assists employers with hiring and firing, wage and hour, leave, wrongful termination, harassment, discrimination and retaliation issues. And she brings a preventive law approach to her clients at every opportunity, preparing employee handbooks, policies and employment agreements. And all of this has brought her into contact with numerous impressive and diverse opposing counsel.

“We’re committed to developing and supporting programs that encourage diversity,” she says. “We’ll be working with local bars to increase diversity, both on the bench and among lawyers, to best serve the public’s interests.”

In addition to her client obligations, Bendavid-Arbiv is a busy public speaker, and she often meets Valley lawyers in the context of programming through other bars. While she sees value in networking in a larger arena, she believes that the most effective networking begins at home, right in the San Fernando Valley.

“A large part of our agenda for ’07-’08 is expanding the bar’s networking and marketing support activities,” Bendavid-Arbiv, who recently lectured to the Volunteer Center of Los Angeles on Unlawful Harassment in Employment, Sterling Education Services on Managing the Modern Workforce, and contributed to the yearly Employment Law Update, says. “There is tremendous value in getting to know fellow members at the San Fernando Valley Bar, so lawyers can get the professional guidance they might need and at the same time cross-refer business to well-qualified counsel.”

*continued on page 21*



## Are You Ready to Vote?

The San Fernando Valley Bar elections are right around the corner.

I would like to ask for your vote as a candidate for the SFVBA Board of Trustees.

Starting a solo corporate law practice from scratch after thirteen years as a big firm lawyer and in-house counsel has taught me how critical networking opportunities can be. As a member of the Membership & Marketing Committee, I recently proposed and organized a networking/pool tournament mixer for October. I hope to use the mixer as the launching point for creating a regular slate of opportunities for the SFVBA to stay in contact with their best referral source – each other.

I am also committed to leveraging my roles as Chairman of the LA Venture Association (LAVA), advisory board member for the Entrepreneur Mentor Society and regular speaker for Women In Technology International (WITI) to help expand the SFVBA’s visibility in the marketplace.

Please help me help you by lending me your support and your vote.

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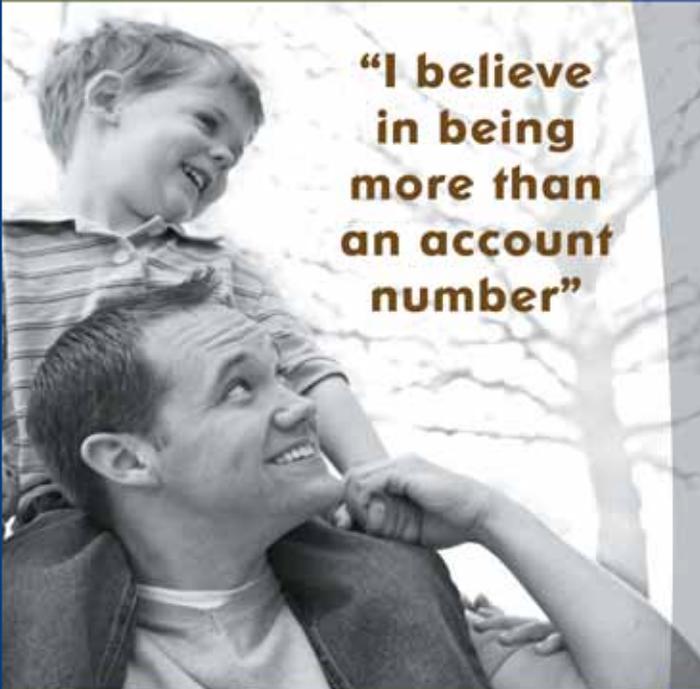


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# Above and Beyond Local Heroes Who Make a Difference



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No matter how long it's been since you graduated from school, September probably still brings a sense of a new beginning. Summer is over and it is time to dig back in, and with the beginning of the new year comes the start of the United States Supreme Court session. It is in connection with that day that the Santa Clarita Valley Bar Association will again hold its annual Law Appreciation Day.

What is Law Appreciation Day? It is a day where we provide a forum for our local Los Angeles County Sheriff, California Highway Patrol, and Los Angeles County Fire Department offices, the Los Angeles County Board of Supervisors, Los Angeles County District Attorney and our own bar association to honor local individuals who have made significant contributions to our community. On Law Appreciation Day, we will honor some of our local heroes, including law enforcement officers and fire fighters who keep us safe and maintain our sense of security. And we will honor members of the legal community who help to enforce the rule of law and all of the protections afforded to our citizens, as well as recognize local high school students who have truly made a difference.

Law Day will be held on October 1, 2007, at the Hyatt Hotel in Valencia. We look forward to honoring our local heroes with a record turn out. Advertising and sponsorships are available. Call Brian Koegle at (661) 290-2991 for more information.

Our Law Appreciation Day heroes are not the only heroes in our valley. Attorneys Rick Patterson and Anthony Zinnanti heard about a self-proclaimed pedophile making Santa Clarita one of his stomping grounds, so these two litigator-fathers sought an injunction

preventing this individual from visiting any Santa Clarita location where children congregate. Not only did they obtain the injunction, Judge Melvin Sandvig in Chatsworth expanded the scope of the injunction to cover the entire state of California.

"Thank you," Rick Patterson and Anthony Zinnanti; you are truly

deserving of the title of local hero, and "thank you," Judge Sandvig, for your foresight and commitment to the children of this state.

### Meeting Recap

Do you watch CSI, Bones, Law & Order, or any other forensic-based television shows? I have to admit that I

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#### ARC's San Fernando Valley Panel Also Includes:

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watch them all. Our July 19 program on this topic was outstanding.

Judge Craig Richman; Bob Wachsmuth, retired homicide detective, now a cold-case investigator for the Los Angeles County Sheriff's Dept.; and Robert Kiel, Senior Criminalist and Firearm's Examiner with the Los Angeles County Sheriff's Dept. led an informative and interesting discussion on the realities of forensic investigations and jury expectations. The three speakers brought an invaluable mix of experience to the subject. The program was both educational and enjoyable.

#### Coming Up

E-Filing required! Learn all you need you know about the new mandatory e-filing requirements in federal court for both criminal and civil cases from a representative of the United States District Court. If you practice in federal court or may do so in the future, don't miss this opportunity to learn about the new requirements and process at our September 20 dinner meeting.

Our October 18 lunch meeting will be a panel discussion about Homeowner's Associations, including rights and obligations of the residents and the associations and the enforcement of those rights.

Please check our website at [www.scvbar.org](http://www.scvbar.org) for updates on our events and our association. 📧

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## Valley Community Legal Foundation

### New Year, New Beginning

### Looking Ahead to a Year of Continuing Support for Local Projects

MARCIA L. KRAFT, VCLF PRESIDENT



This month, the foundation begins its new year, and we will install our new board members at the San Fernando Valley Bar Association's Installation Gala on Saturday night, September 15, at the Woodland Hills Hilton. All board members will be present and sworn in that night.

This year, we have several new board members: Judges Wendy Kohn and Susan Speer; attorneys David Rand, Vahid Naziri, Irene Mak and Jeffrey Vallens; and businessman Bill Farrar. They have all committed to support the foundation and we are

deeply grateful for their assistance and look forward to a very successful year.

And we are thankful to retiring board members, many after years of faithful service to our foundation. Thanks again to all who participated last year. The foundation distributed \$44,000 this year in scholarships and grants.

But we continue to seek funding to underwrite a Children's Waiting Room at both the San Fernando and Van Nuys courthouses. Donations should be mailed to the bar association office, designated "Children's Waiting Room."

Call me with any questions about this project at (818) 883-1330.

Don't forget that you can donate \$20 to the Valley Community Legal Foundation on your bar association dues notice, in addition to your yearly dues. Your charitable donation helps the local valley community. And we are already planning next year's fundraising event, so watch for further information in future *Bar Notes*. We appreciate the support of the bar association.

And remember: *Generosity counts!* 🐘

## Applications For Admission

### THE FOLLOWING JOINED THE SFVBA IN JUNE AND JULY 2007:

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### Bench Brief, continued from page 7

hearing misdemeanor arraignments for several years. He says that was a good job.

"I don't care for jury trials, at least from the bench side - there is just not enough action," he says. "As an attorney, I enjoyed it, trying to get the job done right."

At the beginning of each year, Commissioner Green spends a half day with other bench officers in a seminar reviewing the new changes in the law. Commissioners undergo 30 hours of judicial education every three years. He recently attended an all-day seminar in Los Angeles on civil cases. But his heart belongs in Chatsworth.

For enjoyment Green reads, studies and collects works of classical art, and travels. He has been on eight cruises and has traveled to Europe four times.

"I hope my future is here in Chatsworth - I enjoy the people here," he says, "I enjoy the assignment." 🐘

*M. Jonathan Hayes is a 1976 graduate of Loyola Law School. His practice is primarily in the area of bankruptcy. He can be contacted at (818) 710-3656 and jhayes@polarisnet.net.*

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310.201.0016 Fax[www.adrservices.org](http://www.adrservices.org)*Seeing Ahead, Looking Back, continued from page 3*

Conference of Delegates to those who coordinate and provide our continuing education programs - our attorney's give countless hours of service to our members, the public and the courts.

All the attorneys who volunteer their services make a difference in the lives of others. As we do our pro bono work, we travel a path not typically chosen. I am proud to be associated with an organization that is so unusually dedicated to serving our profession and others.

I am again standing at a fork in the road, seeing where two roads diverge. I can only see each road for a short distance, and must take a leap of faith to decide which road to travel. But I know, based on experience, that I will take the path less-traveled and see what it may bring me in the coming year.

I thank my officers, Board of Trustees and bar staff, who have been with me during this past year. For the new president, officers, trustees, section chairs, staff and members of this dynamic organization, I wish a journey that makes all the difference. ♣

**San Fernando Valley  
Bar Association  
Litigation Section & ADR Section****3-Hour MCLE  
Litigation and ADR Update****November 14, 2007  
5:30 p.m. – 9:00 p.m.  
Sportsmen's Lodge, Studio City****Top Ten Mistakes made by Lawyers in Court  
and Other Updates from the Bench – 2007**

Judge Bert Glennon

**Discovery Laws Update**

Jill McDonnell

Discovery laws have changed dramatically since the new re-codification in 2006; learn about all the new changes in the discovery rules and the new cases relating to discovery as well as valuable tactics and strategies in enforcing discovery.

**ADR Update**

Eleanor Barr

Many new cases have come down in 2006 and 2007 regarding ADR. There are several cases before the Supreme Court. Learn about these new cases and changes and make sure that your Settlement language sticks.

**Civil Procedure/Law & Motion and Trial Update**

Sue Bendavid-Arbiv

Learn about new developments in civil procedure and law and motion practice as well as new law affecting how you try a case. Get new valuable litigation strategies.

- \$55** Member price if reserved by **October 14**
- \$65** Member price if reserved by **November 10**
- \$75** Member price at the Door
- \$20** Additional for non-members

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*Dual Focus, continued from page 14*

According to Bendavid-Arbiv, activities that build camaraderie benefit lawyers in a number of important ways, so she is supporting programs that increase the social aspects of the bar. She hopes to continue the concerts in the park program, and she supports the newer social offerings of the bar, including a billiards mixer that will be occurring October 11. But she sees lawyers in a larger context as well.

"While networking is an important aspect of every attorney's professional life, continuing education is even more significant," she says. "We'll be working closely with the bar to ensure that we continue to offer high-quality section meetings and seminars to our members and guests."

She added that a primary focus on member benefits includes providing library access, noting that last year bar members lost their law library privileges at the University of West Los Angeles. A study by the bar revealed that this is a highly valued member benefit, one that is sorely missed.

"The bar already has several plans in the works to provide meaningful library access to members," she says. "I am aware that a lot of attorneys used this service in the past and I understand how important it is to our members."

Bendavid-Arbiv is thankful to outgoing president Patricia McCabe for developing momentum to support expansion of the bar and its programs.

"Patty worked hard this past year and accomplished so much," Bendavid-Arbiv says. "I'm grateful that she is going to stay involved and offer her continued leadership."

Bendavid-Arbiv, named one of the Top 25 Lawyers of the Valley (*San Fernando Valley Business Journal*) and a Super Lawyer (L.A. Magazine), won the Women Who Mean Business award from the *San Fernando Valley Business Journal*. She is a judge in the National Moot Court Competition and a volunteer mediator for the Valley Associated Settlement Team.

"Sue cares deeply about the legal profession in general and the Valley legal community in particular," Lewitt, Hackman managing partner Keith T. Zimmet says.

According to Zimmet, Sue is a dedicated professional with vast knowledge of employment law. And her calm personality and friendly disposition provides comfort to management when dealing with difficult and stressful employment law matters.

"I'm confident that Sue will bring that same dedication, friendliness, and expertise to her new position as president of the San Fernando Valley Bar Association," he says.

In addition to her client matters and volunteer work, Bendavid-Arbiv is a prolific writer, authoring numerous scholarly pieces for the legal print media. Her published works include "Got Lunch? California Supreme Court Expands Employer Liability for Missed Meal and Rest Periods," "How to Handle When the Labor Commissioner Visits," "Minimum Wage Hike Guidelines," "Decision Puts Strict Rule on Pay of Temp Workers," and "From the Mouths of Babes: Deposing Children in Civil Suits."

"I'm especially looking forward to working with Liz Post and the entire bar staff," Bendavid-Arbiv says. "They are invaluable!"

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# September Events

## Probate & Estate Planning Section

**Topic:** What PVP Attorneys are Doing Right and Wrong: Can It Be Better?

Speaker: Commissioner Reva Goetz

Date: September 11

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

## Workers' Compensation Section

**Topic:** Vocational Expert Testimony to Determine Diminished Future Earning Capacity

Speaker: Albert Rivas, Vocational Guidance

Date: September 19

Time: 12:00 noon

Place: Monterey at Encino Restaurant

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:** Mandatory e-filing Requirements in Federal Court

Speaker: Representative of the United States District Court

Date: September 20

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:** Wage Assignments: Child Support Services Department and SDU

Panel: Commissioner Michael Convey  
Michelle Short-Nagel, Esq.

Date: September 24

Time: 5:30 p.m.

Place: Monterey at Encino Restaurant, Encino

Cost: \$45 members prepaid; \$55 at the door  
\$55 non-members prepaid; \$65 at the door

MCLE: 1 Hour

## Business Law, Real Property & Business Law Section

**Topic:** Collection Law Issues and Debt Payment Restructuring

Panel: Stephen Dem, Esq. and Eric Shaw, principal of New York Credit

Date: September 26

Time: 12:00 noon

Place: SFVBA Conference Room  
21250 Califa Street, Suite 113,  
Woodland Hills

Cost: \$30 members prepaid; \$40 at the door  
\$40 non-members prepaid; \$50 at the door

MCLE: 1 Hour

## Women Lawyers' Section

**Topic:** Understanding FICO Scores for Attorney and Client

Speaker: Les Berman, EB Financial

Date: September 27

Time: 12:00 noon

Place: SFVBA Conference Room  
21250 Califa Street, Suite 113, Woodland Hills

Cost: \$25 members prepaid; \$35 at the door  
\$35 non-members prepaid; \$45 at the door

MCLE: 1 Hour

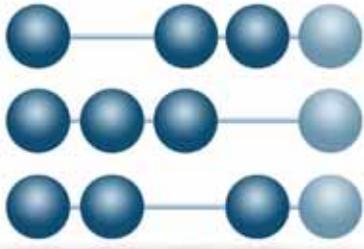
## Networking and Pool Party!

**Thursday, October 11  
6:00 p.m. - 8:30 p.m.**

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