

BarNotes

Volume 8 • Issue 6 • September 2001

A Publication of the San Fernando Valley Bar Association

*Save
the Date!*

Saturday
September 29, 2001

*Diamond
Anniversary
Gala*

See page 10 for details.

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HARRY PREGERSON HONORED WITH STANLEY MOSK AWARD



Two of California's judicial legends will be honored by the San Fernando Valley Bar Association at its Diamond Anniversary Gala & Installation Dinner Dance on September 29. Circuit Judge Harry Pregerson, a Valley icon for fifty years and the oldest active judge on the

Ninth Circuit Court of Appeals, will be presented with the Stanley Mosk Legacy of Justice Award, named after the influential associate justice of the California Supreme Court, who died June 19 after serving a record 37 years on the State's highest court.

"Justice Mosk will be remembered for his longevity, independence and the compassion he brought to the Bench," said SFVBA President-Elect Lyle Greenberg. "Judge Pregerson shares those qualities as well as Mosk's strong advocacy for the less fortunate in our society."

"It is befitting to honor Judge Pregerson at our Diamond Anniversary Gala. He is one of the most accomplished members in our Association's seventy-five year history, and remains one of the most admired."

Harry Pregerson set up his law practice in a Van Nuys store-front office with future San Fernando Valley Congressman James Corman shortly after graduating from Boalt Hall in 1950. In 1965, Pregerson was appointed to the Los Angeles Municipal Court by Governor Pat Brown and to the Superior Court in 1966. A year later, President Lyndon Johnson tapped Pregerson for a seat on the U.S. District Court, where he presided until President Jimmy Carter appointed him to the federal appeals bench in 1979. His chambers are in a Warner Center high-rise.

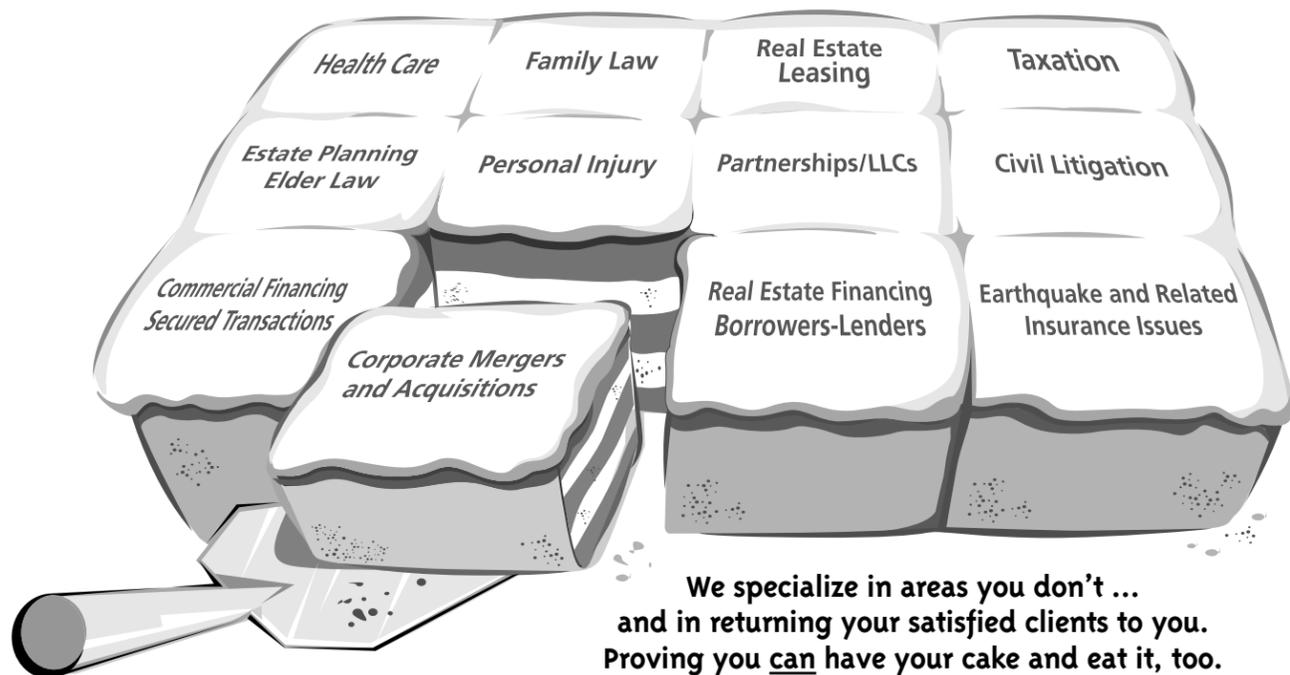
The SFVBA honored Pregerson in 1992 with the Stanley M. Lintz Award for his work in the

community. Since the 1960's, Judge Pregerson has served as an advisor to International Orphans Inc., Jewish Big Brothers, the Salvation Army, the Marine Corps Reserve Toys for Tots Program, and a number of other charities. He is a long-time advocate for the homeless and veterans. Pregerson was honored earlier this year by the U.S. Department of Veterans Affairs for his work toward improving the lives of homeless veterans. He founded the Bell Homeless Shelter in southeast Los Angeles and started the Westwood Transitional Village to provide furnished apartments for homeless families. While a U.S. District Court judge, Judge Pregerson ensured construction of 3,800 affordable housing units to replace homes removed to make way for the Century Freeway.

Judge Pregerson will be honored at the Diamond Anniversary Gala & Installation Dinner Dance on September 29 at the Universal Sheraton Hotel. The evening will also include the installation of incoming President Lyle Greenberg and the premier of the documentary *Lawyers of the Valley: A Tradition of Fellowship and Service*, narrated by Emmy Award winning actor Kelsey Grammer. The documentary looks back on the seventy-five year history of the SFVBA and features interviews with well-known alumni such as Armand Arabian, Charles Manatt, and Harry Pregerson; the SFVBA's first Executive Director, Barbara Williams; and Bar Leaders from the 30's up to the present.

More than five hundred past and current members, judges, and elected officials are expected to attend the gala event, including Judges of the California Supreme Court and the Ninth Circuit Court of Appeals. Entertainment will be provided by the Horace Heidt Orchestra and Roscoe's Rascals Swing Dancers. Tawny Little is Master of Ceremonies and U.S. District Court Judge William Rea will give the commemorative toast. Tickets are \$100. For reservations call (818) 227-0490, ext. 105.  See *Pregerson*, continued on page 12

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Christine Lyden
SFVBA President

REFLECTIONS

BY CHRISTINE LYDEN

One of my goals this year was to make an effort to meet more of our members and encourage new people to participate in our committees and sections. Along the way, I came to recognize and appreciate the extraordinary talent of the members who volunteer to serve as committee chairs and sections.

As a business litigator, I have had limited contact with the Family Law Section. Barbara Azimov and the Family Law Executive Committee welcomed me with open arms at the beginning of the year. I had the pleasure of meeting Terri Lynch, the second woman President of our association and many others on the executive committee. I learned a lot about our Association's history from the executive committee. I am truly impressed with Barbara's leadership abilities with the Family Law Section. She is a tremendous asset to our association and hope she will continue to serve in a leadership position.

While attending the Family Law Section I finally had the opportunity to get to know Barbara Jean Penney, the first woman to serve as President of the San Fernando Valley Bar Association. I had met Barbara Jean on many occasions but never had the opportunity to speak to her until this year. I greatly appreciate her advice and wisdom. She is a gracious, kind person and a wonderful role model for all women who seek leadership positions in our association.

I have tried during the year to thank and acknowledge the work of all of our volunteers. If I have fallen short I apologize because I am awed and amazed by the dedication and commitment of all of our volunteers. In particular I would like to acknowledge the hard work of Anne Adams and Patty MacCabe. Starting with last year's Installation Dinner, Anne and Patty have devoted hundreds of hours in organizing and running Monte Carlo Night, volunteering for Blanket the Homeless and running the silent Auction at the Law Day Dinner. As Co-Chair of the Marketing Committee, Anne Adams is responsible for starting a marketing internship program with students from CSUN and for helping us reach our goal of 2000 members before the end of my term. At last count we were 32 members short of that goal, but it should become a reality in the fall. Thank you to Anne and Patty for all of your hard work over this past year! I am saddened that this is Anne's last year on the Board of Trustees. Anne, you have served us well and I hope you will continue with the work you have started in the Marketing Committee.

This year I had the great pleasure of giving the Public Service Award to Robbie Stovitz and Caron Caines at the Lintz Awards Dinner in June. I have since been able to volunteer one afternoon at the Self Help Center and intend to continue to volunteer. I am impressed with Robbie and Caron's commitment. The Self-Help Center is serving a great need to members of our community. I want to thank all of the members of our association who have volunteered over the past year. Arter & Hadden has supported the program from its inception. Without the volunteers from our Association the Self Help Center would not be able to function.

The focus of this year has been on celebrating our 75th Anniversary. I have served on the Court's Improvement Committee chaired by Judge Alice Hill and Marcia Kraft. Judge Hill and Marcia have done a tremendous job in setting up a mural project at the Van Nuys, Burbank, Sylmar and San Fernando Courthouses. The committee has selected two talented muralists to work on the project. I must give recognition to all of the members who serve on this committee because through their efforts, I believe that this will be one of the truly great projects of the 75th Anniversary and will leave a lasting legacy for years to come.

The 75th Anniversary Committee is chaired by Fred Gaines, Past President, and Jim Felton, Treasurer. I thank both Fred and Jim for devoting their time and energy to this project. Our Anniversary Gala on September 29 will be an extraordinary event thanks in large part to the efforts of Fred and Jim.

See *President*, continued on page 5

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Hon. Thomas Schneider, recently retired Supervising Judge of the Northwest District, is now available for mediation, arbitration, and discovery reference appointments. Known for having exceptional knowledge of the law while on the bench, Judge Schneider also established a reputation for himself as an excellent settlement judge, particularly in real estate and construction matters.

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President, continued from page 3

I have been blessed this past year with a wonderful Board of Trustees and Executive Committee. Jim Felton, Treasurer, Co-Chaired the 75th Anniversary Committee; Steve Holzer, Secretary, was our representative to the Los Angeles County Bar Association as well as serving as Co-Chair of the Marketing Committee; and Lyle Greenberg, President-Elect, served as Personnel Committee Chair. Thanks to Lyle and the committee's efforts we were able to implement an employee manual for the Bar staff. This was a tremendous accomplishment and I thank Lyle and his committee for their efforts. Mark Blackman, Past President, was involved in basically every project of the Bar Association. Mark is an extraordinarily dedicated and committed member and due to his numerous contributions to our Associations and other volunteer efforts, I have chosen to honor him with the President's Award. I hope at that time I can thank Mark properly for all he has done for this Association.

I have enjoyed the camaraderie and friendship of all the members of the Board of Trustees. Thank you for input, ideas and fellowship. Your time and dedication to the Bar Association is greatly appreciated. I will truly miss Anne Adams, Steve Fox, Raul Contreras and Linda Bulmash, all who are leaving the Board at the end of this year. I have enjoyed serving with you and hope that you will continue to stay in touch.

The LRIS has had a very successful year thanks to the hard work of our counselors, Gayle Linde and Valeria Ledezma, and director Michele Morley. All three of you have demonstrated your strong commitment to the Lawyer Referral Service, the panel members and the public. I thank you all for your remarkable efforts.

I also want to acknowledge our executive director, Liz Post and our events coordinator Linda Temkin. All of the events this past year have been memorable and special due to your efforts. Liz is responsible for making this association run as smoothly as it does. I thank Liz and Linda for making this year an easy one for me.

I started this year thanking three people for encouraging me to be nominated for the Executive Committee and ultimately

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President of the San Fernando Valley Bar Association. I must end the year by thinking these same three people for their continued support throughout the year. Robert Weissman, David Hagen and Mark Blackman have been true friends and mentors to me for the past ten years. Throughout this past year all three have made themselves available to listen and give advice. Words alone cannot express the gratitude I feel to all three of you for your support.

I must thank my family for their continued love and encouragement. Thank you to my sweetie, Jack Genero, for your patience, understanding and love. My life would be empty without you.

I do not need to wish Lyle Greenberg luck in this upcoming year. Lyle has already established himself as a leader as Chairman of the Woodland Hills Chamber of Commerce. I will only wish that he has as much pleasure working with and meeting the members of our association as I have over the past year. I have been truly inspired by all of you and I thank you for the great honor of serving as your President. 🦋

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LABOR COMMISSION REPEALS POSITION ON EXEMPT EMPLOYEE DEDUCTIONS

BY CYNTHIA ELKINS HOGAN

About the Author: Cynthia Elkins Hogan provides counseling for employers and practices employment litigation in Encino.

To make comments about this article, call (818) 501-8550 or send email to chogan@employer-law.com.

After being inundated with complaints regarding the May 31, 2001 Opinion Letter, the Labor Commissioner of the State of California has withdrawn his position that mandated that exempt employees be paid their full monthly salary without deductions even if they missed entire weeks of work if any work was performed during the month.

California employers may now return to relying on the weekly basis rules for deductions that were in place prior to May 30. Exempt employees may now have deductions made from their pay if they do not perform any work in a workweek.

It is still important to ensure that employees are properly classified as exempt or non-exempt (not just hourly versus salary). To be considered exempt, an employee must be either an executive or administrative employee and must satisfy a "salary" and a "duties" test.

Also, the employee must be "primarily (more than 50%) engaged" in exempt duties and receive a monthly "salary" that equals or exceeds twice the minimum wage for full time employment. Full-time employment is defined in Labor Code Section 515(c) as forty hours per week.

For the "executive exemption" the employee:

- Must have duties that involve the management of the company or department;
- Customarily and regularly directs the work or two or more other employees;
- Has the authority to hire or fire or makes suggestions/recommendations as to hiring, firing and promotion; and
- Customarily and regularly exercises discretionary powers.

For the "administrative exemption" the employee:

- Must have duties and responsibilities that involve the performance of office or non-manual work directly related to management policies or general business operations of the employer or the employer's customers;
- Customarily and regularly exercises discretion and independent judgment;
- Regularly and directly assists a proprietor or the executive or administrative employees of the business;
- Performs under only general supervision work of a specialized or technical nature requiring special training experience or knowledge; or
- Executes under only general supervision special assignments and tasks for the employer.

Inside Sales and Customer Service Representatives A common misconception is that employees who are customer service representatives or inside salespersons may be paid other than as non-exempt employees. These employees are non-exempt even if they are required to use their independent judgment and discretion in the performance of their duties since it is unlikely that these positions will meet the other requirements for exempt status.

Employers should review their employee classifications and payroll practices to ensure that their employees are properly designated as exempt or non exempt and that deductions are made only when permissible by state and federal law. 

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EXPANDED TAX BENEFITS FOR EDUCATION STARTING IN 2002

BY JEFF TAUBMAN

About the Author: Jeff Taubman is Tax Manager at Krycler, Ervin, Schreiber & Walheim. He was admitted as a Certified Public Accountant in California in 1982 and holds a Masters of Taxation.

Under the Economic Growth and Tax Relief Reconciliation Act of 2001, tax breaks will be broadened and available for more taxpayers than under prior law. Most of these new tax breaks will be available for years beginning after 2001.

Qualified Tuition Programs (aka Section 529 Plans Qualified Tuition Plans)

Under present law, qualified state tuition programs give tax breaks to taxpayers who save for college on a prepaid basis. Taxes are deferred on earnings from amounts set aside in a qualified account until the money is used for college or withdrawn. Earnings are taxed when withdrawn by the student, even though monies are used for educational purposes. The earnings become taxable to the student, which most likely will be subject to a lower tax rate than that of the parent. If money remains after the beneficiary graduates, it can be used for graduate level courses or transferred to another family member. There is no AGI limitation for donors, unlike other education tax benefits such as education IRA's and education tax credits.

The donor's gift qualifies for the annual exclusion even though the donor retains the right to decide when and to whom the funds are to be distributed and can reacquire the funds at any time. A special provision allows donors to contribute up to \$50,000 (\$100,000 for married couples) in one year per beneficiary, every fifth year, with no gift tax consequences, assuming no other gifts are made to the beneficiary during the five year period.

Under the new law effective in 2002, distributions from qualified state programs will be excluded from gross income to the extent they are used to pay for qualified higher education expenses, instead of the deferral under current law. In addition, qualified private institutions of higher learning will be covered under Section 529. Eligible educational institutions include colleges, universities, vocational schools or other post-secondary educational institutions. The income exclusion will not apply to private institutions until 2004. Other changes include:

- Increased room and board allowance (per Federal financial aid program limitations).
- Definition of family members expanded to include first cousins of the original beneficiary in terms of changing a designated beneficiary.
- Qualified higher education expenses will include special needs services for special needs beneficiaries.
- Hope or Lifetime tuition credit will be allowed in the same year as distributions from 529 plans, as long as the distribution is not used for the same expenses for which a credit is claimed.



- Transfers from one qualified tuition plan to another will be allowed once every 12 months.
- A 10% penalty tax will apply on the amount of distribution includible in income.

Education IRA's

Under pre-Act law, annual contributions to education IRAs for any beneficiary could not exceed \$500. Starting in 2002, the maximum annual contribution is increased to \$2,000 per beneficiary. Other changes include the following:

- Qualified educational expenses will include elementary and secondary public, private or religious school tuition and expenses, including tutoring, room and board, uniforms and special needs services. In this context, the purchase of computers and internet access will also apply.
- The phase-out amounts of AGI allowed for a contributor has been raised from \$150,000 to \$160,000 to \$190,000 to \$220,000, which is double the amount for single filers, and thereby eliminating the marriage penalty under existing law.
- Contributions can be made for beneficiaries after attaining age 18 in the case of special-needs beneficiaries who require additional time to complete their education due to physical, mental or emotional conditions. In addition, deemed distributions of education IRA balances won't occur when these beneficiaries reach age 30.
- The due date for making contributions is extended to April 15 of the following year, instead of the end of the year.
- The 10% additional tax on taxable distributions won't apply if the contributions are withdrawn before the first day of the sixth month of the year following the year of the contribution.

See Tax Benefits, continued on page 16

The San Fernando Valley Bar Association

presents our

Diamond Anniversary Gala

& INSTALLATION DINNER DANCE

Celebrating 75 Years of Fellowship and Service



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to
JUDGE HARRY PREGERSON

Installation of President
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Officers & Trustees of the San Fernando Valley Bar Association and
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by

Los Angeles City Controller
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SFVBA COMMISSIONS ARTISTS FOR COURTHOUSE MURALS

The SFVBA has commissioned two prominent artists to design and paint murals at four courthouses in the San Fernando Valley. The Mural Project, in commemoration of the SFVBA's Seventy-Fifth Anniversary, is scheduled to be completed by February of 2002.

Local artist Armando Campero was selected to create the murals inside the San Fernando and Sylmar courthouses. Born in Mexico, Campero was a student of Diego Rivera and currently resides in Arleta. He has done murals in Chicago, St. Louis, Spain, France, Mexico and Guatemala and was a political cartoonist for La Opinion, Los Angeles' Spanish-language newspaper. His works include The Kennedy Saga in Mexico City and murals at the Compton courthouse and East Los Angeles Public Library.

Oakland-based artist Horace Washington has been commissioned to design the murals at the Van Nuys and Burbank courthouses. His public art is displayed at the Metro Blue Line's Vernon Station, Oakland Coliseum, and public facilities throughout the United States.

"Our Board of Trustees wanted to commemorate our Diamond Anniversary in a way that inspires attorneys and the public for years to come," said SFVBA President Christine Lyden.

"These murals will paint a history of our profession and the San Fernando Valley," continued Lyden. "They will be something beautiful to look at for the thousands of people who visit our local courthouses, many who come for less than pleasant reasons. For instance, at the Sylmar Juvenile Court, Armando is painting a mural about the public role models of our children - teachers, judges, lawyers, law enforcement officers. It will be a mural of hope."

The SFVBA is soliciting donations to fund the Court Mural Project and other programs of the Diamond Anniversary Campaign. Members are encouraged to make a contribution.

YES, I want to make a contribution to the Diamond Anniversary Campaign. All contributions will be prominently acknowledged in the SFVBA History Book and on a plaque at the SFVBA Offices.

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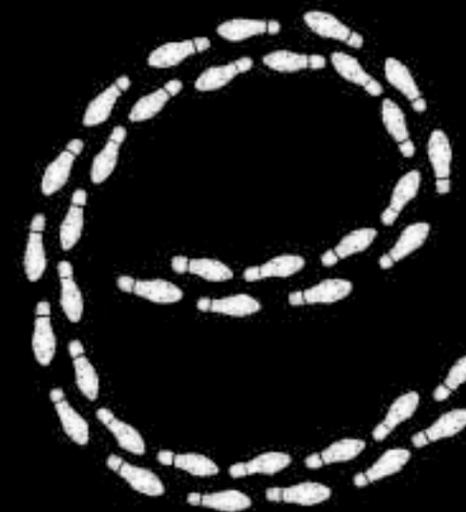
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PAYROLL AND THE INTERNET: ONE WAY OF REDUCING OVERHEAD

BY EDWARD POLL, J.D., M.B.A., CMC



About the Author: Edward Poll, J.D., M.B.A., CMC, is a coach for attorneys and a certified management consultant in Los Angeles who advises attorneys and law firms on how to deliver their services more effectively while increasing their profits at the same time. He is the author of *Secrets of the Business of Law: Successful Practices for Increasing Your Profits* and *The Profitable Law Office Handbook: Attorney's Guide to Successful Business Planning*; and he is the creator of *Law Practice Management Review: The Audio Magazine for Busy Attorneys*. He is also the author of the book, *Attorney & Law Firm Guide to The Business of Law: Planning & Operating for Survival & Growth*, published by the ABA, and developer of *The Tool Kit for Buying or Selling a Law Practice*. To make suggestions or comments about this article, call (800) 837-5880 or send E-mail to edpoll@lawbiz.com. You can also visit Ed Poll on the web at www.lawbiz.com.

Processing payroll can be a headache. Get it right, and no one pats you on the back. Make a mistake or be delayed because of a trial or other client obligation, and you will not be forgiven. If nothing else, employees expect to see an accurate paycheck each pay period.

Large or small, all firms have to deal with payroll. While the larger firms usually have a staff person dedicated to payroll issues and tax compliance, many smaller firms do not. In these cases, it is often the senior partner or even a spouse who manages the payroll. For some business owners, processing payroll in-house is the bane of their existence. For others, they gladly pay the higher fees for outsourcing so that they can spend billable hours on their clients. Competition for this outsource service is keen, though limited. Large companies such as ADP and Paychex provide "hard copy" services that either direct deposit payroll or deliver checks to the firm for signature and personal distribution to employees. And the Internet is now providing us with yet another choice.

Take Bill Gibson, an attorney with a solo practice and a small staff in Portland, Oregon. He juggles his time between clients, cases, trials, and managing his practice. He also serves as chair-elect of the American Bar Association's Law Practice Management Section and is often invited to speak at various legal conferences. "I knew I didn't have the time to manage the payroll myself," Gibson explains "but I had certain requirements that needed to be addressed before I would consider switching to a payroll service. I wanted the flexibility to run payroll on my timetable, or from

anywhere and at anytime, whether late at night or early in the morning. However, I wasn't interested in using a payroll software package because I didn't have time to keep up to date on all of the tax changes." If he wanted to add a bonus, change a pay rate, or simply make changes to an employee's basic information, Gibson wanted the ability to modify the information with instantaneous results.

What finally drove him to outsource his payroll was when he found a company that combined flexibility and control with the convenience and hassle-free functionality of outsourcing. Better still, the price fit into his budget. And he chose SurePayroll.com because it offered something that no other payroll company provided: a 100%, web-based, payroll service.

With a web-based payroll system, the customer decides where and when to update or view the employee's hours. "It's great," Gibson says. "I no longer need to worry that I am not in the office on payday."

By leveraging the speed and convenience of the Internet, SurePayroll.com offers a flat

fee of only \$19.95 plus \$.50 per employee per pay period. That's half the cost of many other payroll services. Each employee can log into a secure website and view his or her current pay stub, previous pay stubs, even vacation and personal time. For employees who want or need a printed check, SurePayroll.com has developed a patent-pending technology that allows the customer to print a check from the site to a local printer in their office without downloading any software or installing any hardware. This is advantageous for the firm because it can use its existing supply of checks, with continuing check numbers, for the payroll. There is a seamless stream of numbering without the need to print another supply of checks at additional cost. All the firm administrator or managing partner has to do is go to SurePayroll's website and hit "print"—the checks start flowing. And a record is maintained for the firm's accountant, as well.

There are competitors to SurePayroll: ADP (www.adp.com), Paymaxx (www.paymaxx.com), and Ceridian (www.powerpay.com). Selecting the right provider depends on a number of

See Payroll, continued on page 21

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TAXATION SECTION



SEPTEMBER 20
Thursday

I made up my mind but I made it up both ways: Influence of Casey Stengel on Estate Tax Legislation

Current Developments in Business Valuations

Speakers:

Bruce Givner, Esq. and Thomas E. Pastore, ASA, MBA

6:00 p.m. - Dinner
7:00 p.m. - Program

Calabasas Inn
23500 Park Sorrento,
Calabasas

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY		
SEP								
			<div style="border: 1px dashed black; padding: 5px;"> <p style="text-align: center; color: blue;">Information & Reservations 818•227•0490</p> <p>SIGN ME UP! SECTION _____ NAME _____ STATE BAR # _____ TELEPHONE # _____ CHARGE IT! CC # _____ EXP. DATE _____ SIGNATURE _____</p> <p>SEND CHECK TO SFVBA 21300 Oxnard St., Suite 250 Woodland Hills, CA 91367</p> <p>FOR MORE INFORMATION CALL (818) 227-0490</p> <p style="text-align: right; font-size: small;">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</p> </div>		1	2		
3	4	5	6	7	8	9		
<div style="border: 1px solid lightblue; padding: 5px;"> <p style="color: blue;">Probate and Estate Planning Section</p> <p>Topic: <i>Crossover Issues Between Family Law and Probate</i> Speaker: Marshal Oldman, Esq. Time: 12:00 noon Place: Radisson Hotel, Sherman Oaks Cost: \$25 members prepaid; \$30 at the door; \$30 non-members prepaid; \$35 at the door MCLE: 1 hour</p> <p style="color: blue;">Board of Trustees & Executive Committee Meetings</p> <p>Time: 4:30 p.m. Place: SFVBA Conference Center, Woodland Hills</p> </div>		11	<div style="border: 1px solid lightblue; padding: 5px;"> <p style="color: blue;">Women Lawyers Section</p> <p>Topic: <i>Improving Your Practice Via the Computer</i> Speaker: Andrew Reil Time: 12:00 noon Place: SFVBA Conference Center, Woodland Hills Cost: \$5 members prepaid; \$10 at the door; \$10 non-members prepaid; \$15 at the door MCLE: 1 hour</p> <p style="color: blue;">Taxation Section</p> <p>Topic: <i>I made up my mind but I made it up both ways: Influence of Casey Stengel on Estate Tax Legislation</i> <i>Current Developments in Business Valuations</i> Speakers: Bruce Givner, Esq. and Thomas E. Pastore, ASA, MBA Time: 6:00 p.m. - Dinner, 7:00 p.m. - Program Place: Calabasas Inn, Calabasas Cost: \$45 members and accountants prepaid; \$55 at the door; \$50 non-members prepaid; \$60 at the door MCLE: 2 Hours</p> <p style="color: blue;">Litigation Section and Workers' Compensation Section</p> <p>Topic: <i>Workers' Compensation Intervener: Friend or Foe</i> Speaker: Greg Johnsen Time: 6:00 p.m. Place: SFVBA Conference Center, Woodland Hills Cost: \$25 members prepaid; \$30 at the door; \$30 non-members prepaid; \$35 at the door MCLE: 1 hour</p> </div>		13	14	15	16
9	18	<div style="border: 1px solid lightblue; padding: 5px;"> <p style="color: blue;">Intellectual Property & Internet Law Section and Business Law & Real Property Section</p> <p>Topic: <i>Working Visas and Green Cards for High Tech Employees</i> Speaker: Ron Tasoff, Esq. Time: 12:00 noon Place: SFVBA Conference Center, Woodland Hills Cost: \$5 members prepaid; \$10 at the door; \$10 non-members prepaid; \$15 at the door Beverages provided! MCLE: 1 hour</p> </div>		20	21	22	23	
<div style="border: 1px solid lightblue; padding: 5px;"> <p style="color: blue;">Family Law Section</p> <p>Topic: <i>New Judges Discuss Procedure</i> Speakers: Hon. Joanne O'Donnell, Hon. Riva Goetz, and Hon. Ann Dobbs Time: 5:30 p.m. Place: Encino Glen Restaurant, Encino Cost: \$35 members prepaid; \$40 at the door; \$40 non-members prepaid; \$45 at the door MCLE: 1 hour</p> </div>		24	25	26	27	28	29	
<div style="border: 1px solid lightblue; padding: 5px;"> <p style="color: blue;">Executive Committee Meeting</p> <p>Time: 7:30 a.m. Place: Coco's Restaurant, Woodland Hills</p> </div>		<div style="border: 1px solid lightblue; padding: 5px;"> <p style="color: blue;">Diamond Anniversary Gala & Installation Dinner Dance</p> <p>Presentation of Stanley Mosk Legacy of Justice Award to U.S. Court of Appeals Judge Harry Pregerson</p> <p>Time: 6:00 p.m. Place: Universal Sheraton Hotel, Universal City Cost: \$100</p> </div>		<div style="border: 1px solid lightblue; padding: 5px;"> <p style="color: blue;">New Judge Discuss Procedure</p> <p>Speakers: Hon. Joanne O'Donnell, Hon. Riva Goetz, and Hon. Ann Dobbs</p> <p style="text-align: center;">5:30 p.m.</p> <p style="text-align: center;">Encino Glen Restaurant, Encino</p> </div>				

FAMILY LAW SECTION



SEPTEMBER 24
Monday

New Judge Discuss Procedure

Speakers:

Hon. Joanne O'Donnell, Hon. Riva Goetz, and Hon. Ann Dobbs

5:30 p.m.

Encino Glen Restaurant, Encino

Tax Benefits, continued from page 9

- Entities other than individuals (corporations, tax-exempt organizations, etc.) will be able to make contributions, without income limitations, such as the AGI limitation for individuals.

Employer-Provided Education

Under Code Sec. 127, qualified employer-provided educational assistance for undergraduate courses is excludable from income, up to \$5,250 annually, whether or not job-related. This exclusion was set to expire on

December 31, 2001. Under the new tax law, this exclusion is permanent and will also cover the cost of graduate level courses.

New Deduction for Higher Education Expenses

For tax years beginning after 2001 and through 2005, eligible taxpayers will be able to claim an above-the-line deduction for qualified higher education expenses. The deduction is subject to AGI limitations. In 2002 and 2003, the deduction is limited to \$3,000, for taxpayers with AGI not exceeding \$130,000 for joint filers, \$65,000 for singles, and is not applicable to married taxpayers filing separately. The Hope or Lifetime learning credits cannot be taken in the same year as the education expense deduction. In most cases, the credit will yield a larger overall tax benefit; however, since the phase-out levels are higher than the phase-out levels for the Hope and Lifetime learning credits, a taxpayer in between those AGI levels will most likely receive a greater benefit from the expense deduction. The AGI phase-out levels for the credits are \$80,000 to \$100,000 for married filing joint, and \$40,000 to \$60,000 for single taxpayers. In 2004 and 2005, the deduction increases to \$4,000.

Student-Loan Interest

Under present law, individuals can deduct up to \$2,500 per year for interest paid on qualified higher education loans. The deduction is claimed above the line, before AGI. Only interest paid during the first 60 months of the repayment period is deductible and payments must be required under the agreement. The deduction phases out between \$40,000 to \$55,000 for single taxpayers and \$60,000 to \$75,000 for married filing joint. Married filing separate taxpayers cannot claim the deduction.

Under the new law, the 60-month rule for deduction of interest is repealed, voluntary payments of interest will qualify for the deduction, and the phase-out levels increase to \$50,000 to \$65,000 for single filers and \$100,000 to \$130,000 for joint filers. 

SUPREME COURT STRENGTHENS WRITERS COPYRIGHT RIGHTS

BY DAVID GURNICK



About the Author:
David Gurnick is managing partner of the Woodland Hills office of Arter & Hadden.

Newspapers, magazines and other publishers pay independent (freelance) writers for articles. Many articles in the news, sports magazines, and other periodicals are written by freelancers. So are many stories, videos and photos on the evening news, jokes on late night television, and contributions to a range of other media.

The companies that publish these materials do more than just present them in their main publication (printed news or a broadcast tv show). Increasingly, these materials remain available to the public through other outlets, like electronic databases (such as Lexis-Nexis), the Internet, or CD-Roms. Thus, people can access news, photos, comedy and other media by visiting web sites, or subscribing to online or CD-Rom services.

In a major copyright decision, the Supreme Court ruled in June that print media publishers violated their freelancers' copyright rights by licensing their articles to electronic databases without payment to or agreement of the independent writers. (NY Times v. Tasini, June 25, 2001). The case involved well-known publications, among them the New York Times and Sports Illustrated. The writers wanted to be paid for electronic redistribution of their articles through Lexis-Nexis or on CD-ROMs, and claimed their copyrights were infringed when publishers provided their articles to the electronic databases.

The publishers conceded that the writers owned copyrights in their individual articles. The publishers noted that the Copyright Act

lets publishers "revise" entire collective works. (A newspaper or sports magazine made up of individual articles and photos is a "collective work."). The publishers, relying on their copyright ownership in the "collective works" claimed they could reproduce and distribute individual articles in "any revision of that collective work." 17 U.S.C. §201(c).

The publishers claimed the electronic databases were "revisions" of their newspapers or magazines. The publishers claimed that people who use the databases pay not for individual articles, but for search

time in databases containing compilations of numerous works. This was their basis to claim the electronic databases were "revisions" of the original newspapers or magazines. However a 7-2 majority of the Supreme Court rejected this view.

The Supreme Court found that redistribution of individual articles via electronic databases were not "revisions," but were republication of the articles, which exceeded the publishers' copyright rights when they did not have permission from the writers.

See Supreme Court, continued on page 23

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LOS ANGELES SUPERIOR COURT SEEKS APPLICANTS FOR GRAND JURY

What can 23 citizens do? Quite a bit as members of the Los Angeles County Civil Grand Jury, and you're invited to participate.

The role of a civil Grand Juror is vital to an effective, efficient and responsive county government. The Civil Grand Jury serves as a governmental watchdog, monitoring various departments and agencies. It also investigates the condition and management of public jails.

Right now, the Los Angeles Superior Court is seeking applicants for the 2002-2003 Civil Grand Jury. The requirements include being:

- A citizen of the United States;
- A Los Angeles County resident for at least one year;
- In possession of natural faculties, ordinary intelligence, sound judgment and fair character;
- In possession of sufficient knowledge of the English language; and
- Without any felony convictions or convictions of malfeasance while serving in public office.

Additionally, applicants may not be serving as a trial juror or Grand Juror in any court in California, may not have served as a Grand Juror in any court in the state within the past year, and may not be serving as an elected public official.

It is also desirable for Grand Jurors to have a general knowledge of the functions, authorities and responsibilities of county and city government; research abilities; a background in accessing and analyzing facts and experience in report writing; a background in group and/or committee work; good health, and respect and objectivity of the positions and view of others.

The most important qualification, however, is commitment. Being a Grand Juror is a full-time, low-paying job. Grand Jurors meet five days a week in the Criminal Court Building in downtown Los Angeles and are paid only \$25 a day, plus mileage. But, while the monetary compensation is low, the non-material rewards are priceless. Grand Jurors get an intimate look at how government works and make informed and valuable recommenda-

tions about possible improvements to the workings of local government.

Superior Court judges try to nominate persons representing the cultural, ethnic and diverse backgrounds and life experiences of Los Angeles County residents so the Grand Jury can reflect the many interests and concerns of the citizens. As such, it also enhances the Court's outreach to the community, according to Presiding Judge James A. Bascue.

Judge Teresa Sanchez-Gordon, who chairs the Court's Grand Juror Recruitment Subcommittee, says participation in the Civil Grand Jury is not only a rich and rewarding experience, it's "a wonderful opportunity to participate in the democratic process and make a difference in county government."

Inquiries about the Civil Grand Jury or the nomination process, or to receive an application for grand jury service, please contact: Grand Jury Coordinator, Juror Services Division, Los Angeles Superior Court, Hall of Records, 320 West Temple Street, Suite 1510, Los Angeles 90012, or call the Grand Jury Hotline at (213) 974-5333. 

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– Jan Champion, Esq.
California Lawyer Magazine, Oct 2000

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MESSAGE FROM LRIS COORDINATOR

MICHELLE C. MORLEY

This has been a surprisingly busy summer for LRIS and SFVBA staff. The office refurbishing and the 75th Anniversary celebration preparation and projects have required staff to expend additional time and effort beyond our usual responsibilities. We have enjoyed the challenges and we think the membership will be pleased with the results. During all of this we are also having a successful year for our LRIS members. In future columns I will give you the numbers and the statistics.

Now is the time to thank the LRIS attorneys and Gayle and Valeria for working so hard and being so professional. The client surveys continue to positively comment on the quality of the service provided by LRIS staff and the panel attorneys. When an unusual request comes in, I am comfortable calling an attorney and asking for guidance or assistance. I am always given the help needed. It is a pleasure to work with and to know such outstanding professionals and I am grateful for the opportunity and the experience.

I do want to mention that we have made approximately eighty referrals through out Internet program, iLawyer. We have received almost \$1,000 in fees in the last couple of weeks from these referrals. I am told by iLawyer that currently our iLawyer referral percentage is higher than other Associations, which includes the San Francisco, Beverly Hills, and New York City Bar Associations. Because of the increased quantity and quality of iLawyer referrals, panel members should establish procedures for checking their e-mails. We do send out fax notices of referrals at the same time we send out e-mail notices. However, we have experienced problems with the faxed notices not being promptly received. By the way, we are also receiving favorable comments about our services from our iLawyer referral clients.

If you are a member of LRIS and have not yet signed up for iLawyer referrals or the Speaker Service, please contact me. Our Speaker Service has given presentations to twenty-two groups and each time the group, the attorney, and the LRIS were pleased with the results.

The great and gentle writer Eudora Welty recently died. I pulled down several of her books from my bookcase and began to reread favorite books and short stories. I came across these lines in her book, *One Writer's Beginnings*. "As you have seen, I am a writer who came of a sheltered life. A sheltered life can be a daring life as well. For all serious daring starts from within." 

MEDIATION PANEL

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Steven M. West

Payroll, continued from page 12

factors. Here is a checklist to use as a starting point:

Checklist for Picking an Internet-based Payroll Provider

- What is the cost for your service for one year, including W-2 forms?
- If I need to change some basic employee information such as address or pay rates, how quickly do the changes take place? What is the procedure?
- Is your system simple to use, or do I need specific training?
- Does it cost extra to file taxes for multiple states?
- How do I enter my payroll data?
- Does the basic service include tax filing and payment, direct deposit, printed checks, and quarterly reports?
- How can you ensure accuracy of the data? Do you offer a payroll preview before submission?
- Can you track vacation and sick days for each employee?
- Do you offer department codes?
- Do you guarantee no IRS penalties—as long as the information provided is accurate?

Advantages of Outsourcing Web-based Payroll

For most law firms, the number one reason to outsource payroll is the time saved. This allows them to spend billable hours on their clients and not on managing the office. Outsourcing also makes sense if you do not have time to keep up to date with the changing tax laws and other payroll issues. Many small businesses find themselves faced with stiff IRS penalties as a result of mistakes or delays. Accurate tax reporting and payment is usually guaranteed with payroll companies.

Another convenience of outsourcing Internet-based payroll is delivery. For legal professionals who may not come into the office every day—whether it's because they are on trial, at a document review, or simply working at a separate location—the hassle of delivering pay checks and direct deposit stubs can be eliminated. Employees simply log on to the secure website at any time and from any location to view or print their pay stub.

The legal profession is being altered by the Internet in so many ways. This is another area to review for streamlining and reducing the cost of operating your practice. 

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The Valley Community Legal Foundation of the SFVBA issued the following Report of The Nominating Committee on August 9, 2001 for its 2001-2002 Board of Directors:

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NEW POLICY FOR LOS ANGELES SUPERIOR COURT

Effective immediately, motions to disqualify bench officers in general civil cases will be randomly reassigned in the courthouse where the motion is filed, Presiding Judge James A. Bascue has announced. Lancaster, which has only two general civil courts, will be the exception. The random reassignments will not apply to trial-ready cases being sent out for trial.

This new policy has been praised by attorney groups. "Judge Bascue should be commended for his leadership and effort in making the Superior Court more user friendly," said Los Angeles County Bar Association President Roland Coleman. "This new policy directive on random reassignments demonstrates that the Court leadership is trying to be responsive to the needs of the lawyers and clients served by the Court." 

Supreme Court, continued from page 17

The Tasini decision sets a new limit on publishers (not just print media, but also owners of internet web sites and other publications) seeking to resell articles written by independent contractors. Without the author's permission, publishers may not make works available via databases or other electronic reproduction. The decision thus strengthened rights of authors concerning redistribution of their writings. It also strengthened the distinction between print rights and electronic rights for articles and other works. For example, many past copyright licenses may not mention electronic rights, especially if the licenses were granted before electronic rights were conceived. There may now be questions about the scope of the rights owned by licensees.

As a result of the Tasini decision, lawyers advising clients who use or receive material from freelance or independent authors, should consider whether the client wants to also be able to use the material in new forms, and whether to include language in the license to address possible types of delivery and media now known or later developed. Lawyers advising independent authors should assess whether to expressly reserve to their client any new technologies and new markets that will develop in the future. 

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