

VALLEY LAWYER

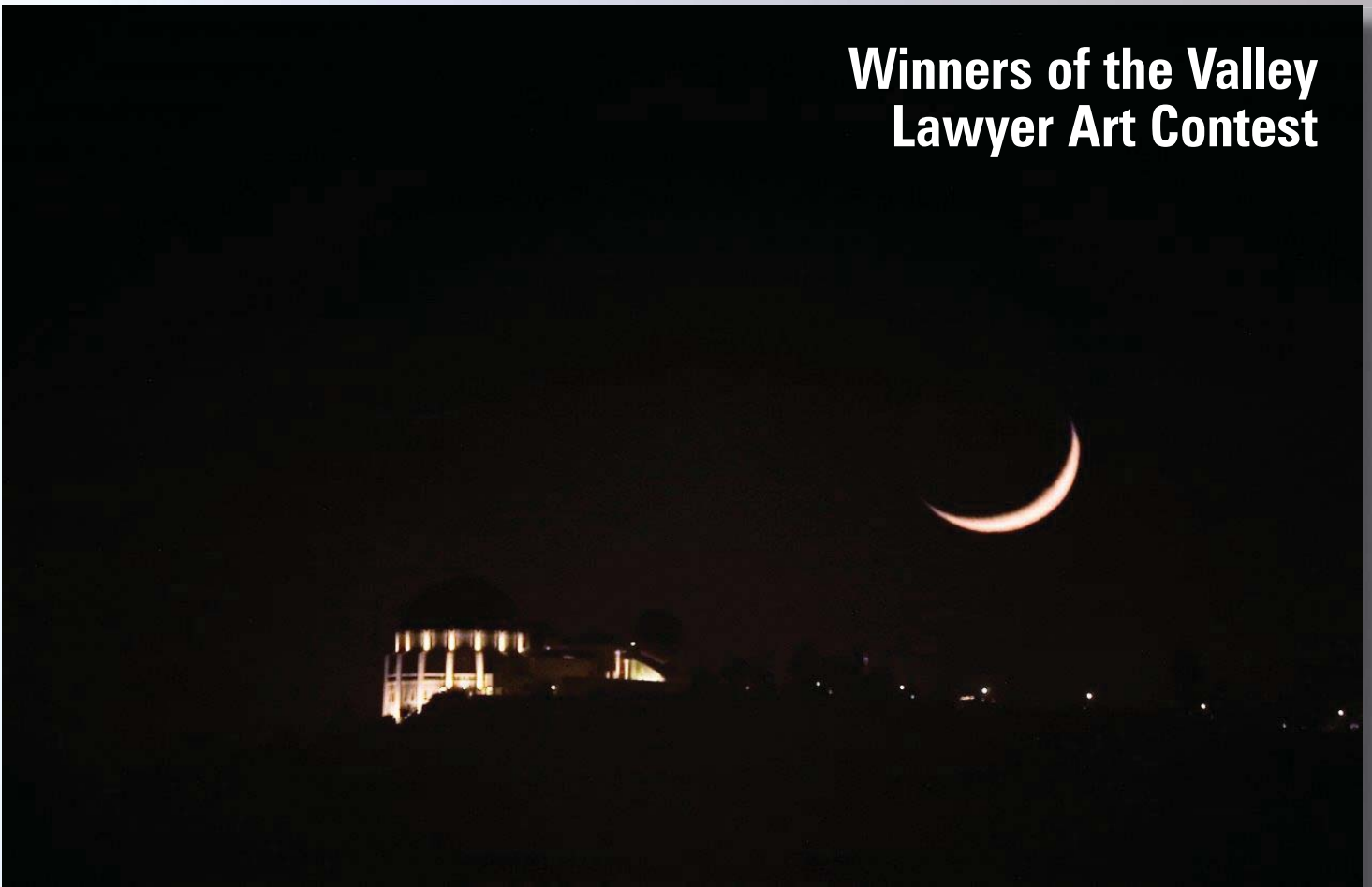
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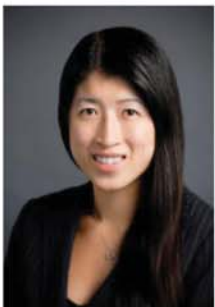
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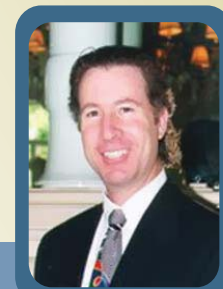


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So Many Opportunities! So Much to Do!

KIRA S. MASTELLER
SFVBA President



president@sfvba.org

IT IS THAT TIME OF YEAR AGAIN—TIME TO RENEW your SFVBA membership and get your friends and colleagues who aren't members to join. We know there are dozens of bar associations and other organizations to choose from, but we work to keep the SFVBA relevant and provide numerous opportunities for you to grow your practice, including Fastcase online research, MCLE resources, and opportunities to be published in our award winning *Valley Lawyer* magazine.

Our members are indeed fortunate because we are large enough to provide great opportunities and resources, but small enough that you can be very involved in the Bar without having to climb a tedious, hierarchical ladder. You simply jump into our events and activities! I recommend contacting a Board member or Section Leader to be introduced to others in your area of law, or in areas where you would like to meet other members, affiliates, or sponsors.

The Valley Bar Network—and other joint mixers with sponsors and professional groups—puts members in the right place at the right time to meet attorneys, accountants and other professionals in an informal setting to socialize and establish relationships that help you offer better service to your clients.

In addition, the Bar provides numerous opportunities to meet judges and dignitaries or serve on committees to support the courts, the local profession, and the rule of law. Participation in the Bar's several Sections and attendance at its timely events provide many opportunities to mentor young lawyers new to the profession and we encourage members to contact Bar staff or any Board member for a referral to an attorney mentor.

Members can rise to leadership roles in the SFVBA by taking an active part in helping organize events and programs through our Section and Committee meetings. The Bar successfully promotes diversity in the legal profession, not only through the many activities I wrote

about in last month's President's Message, but also by actively participating in the Multicultural Bar Alliance, and organizing joint mixers with other bar associations, such as the Italian American Bar Association, Armenian Bar Association, Japanese American Bar Association, Mexican American Bar Association, and others.

We encourage you to be a part of all of these important projects, events and opportunities, and look forward to seeing you at one or, we hope, both of our next events—our ice cream social on August 17 and our fall gala on October 19.




Members can rise to leadership roles in the SFVBA by taking an active part in helping organize events and programs through our Section and Committee meetings."

Promoting Access to Justice

I recently sent a letter to the San Fernando Valley's Congressional delegation requesting full funding for the Legal Services Corporation so that our local legal aid organization, Neighborhood Legal Services of Los Angeles County (NLSLA), can continue to support the community through Self Help Centers at our courthouses, its Health Consumer Center, and the Shriver Housing Project.

NLSLA's Veterans Initiative helps local veterans with physical or mental trauma related to their service reclassify their discharges so they can get their full veterans disability and pension benefits. Many veterans have received undesirable discharges for behaviors later identified as PTSD or other service-related trauma.

Last month our Board supported an ABA Resolution requesting that the Administration and Congress review the processes by which military records are corrected and discharge status petitions are considered. The Resolution directly addresses discharges related to post-traumatic stress, traumatic brain injury, and military sexual trauma, and how they correlate to the specific types of misconduct resulting in less than honorable discharges. 



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Art for Art's Sake

MICHAEL D. WHITE
SFVBA Editor



michael@sfvba.org

A COUPLE OF PEOPLE HAVE asked me why the Bar holds an annual Art Contest. After all, one said, "they're lawyers. How creative can they be?"

Needless to say, I was a bit taken aback, but the question has gotten me to think about how all of us are much more than what we do or appear to be. A train platform is transformed into the stage at Carnegie Hall as a homeless, life-worn man performs flawless Bach on a battered violin; a young sculptor with dreams of one day becoming an architect magically transforms a pile of wet sand into a charming, fantasy castle; or every Saturday afternoon, a middle-aged housewife carves time out of her hectic week to produce stained glass windows of exquisite beauty in her garage.

We are all so much more than what we appear to others we may pass on the street, stand behind in the checkout line at the local supermarket, or even hire to advocate for us in court.

But, put a camera, or a paintbrush, or a pen in someone's hand and you never know what you're going to get—breathtaking beauty, provocation, tranquility, joy. Whatever the medium, every work is, in its own way, what the 19th Century French writer and journalist Emile Zola called "a corner of creation seen through a temperament."

This year's SFVBA Art Contest winners just so happen to be, no surprise here, all involved in the legal

field...each one a very inspired legal professional who created their work and infused it with their own unique temperament.

We salute them for sharing their work with us and thank them for opening new windows on corners of creation seen through their own eyes.

Age of the Expert

There was the Pleistocene Age, the Bronze Age, the Age of Enlightenment, the Age of Nelson, the Nuclear Age, the Information Age, and—ah, the '60s—not to be forgotten, Age of Aquarius.

Now, though, it seems we live in the Age of the Expert. Everyone seems to be one on matters of just about everything and everything as bloggers blivate, twitters...twit, and YouTubers bombard the unwary with information of dubious provenance and "facts" filtered through cheesecloth.

In any event, when doing the background on the story on expert witnesses herein, it was instructional, and a bit gratifying, to learn about the due-diligence attorneys, particularly those in family and personal injury practice, put into vetting the expert witnesses they work with.

I learned a lot about both attorneys and the experts they rely on and my respect for their commitment to doing the best they possibly can in their clients' cause grew by both leaps and bounds.

Regards. 

“

We are all so much more than what we appear to others we may pass on the street”



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SUN	MON	TUE	WED	THU	FRI	SAT
		1 <i>Valley Lawyer</i> Member Bulletin Deadline to submit announcements to editor@sfvba.org for September issue.	2	3 Membership & Marketing Committee 6:00 PM SFVBA OFFICES	4	5
6	7  5:30 PM CHABLIS RESTAURANT TARZANA	8 Board of Trustees 6:00 PM SFVBA OFFICES	9 Multicultural Bar Alliance of Southern California's Annual Summer Networking Reception 6:00 PM TAIX FRENCH RESTAURANT LOS ANGELES See Page 29	10	11	12
						
13	14	15 Attorney Referral Service Committee 6:00 PM SFVBA OFFICES	16	17 Ice Cream Social 4:30 PM SFVBA OFFICES See Page 33	18	19
20	21	22 Editorial Committee 12:00 NOON TONY ROMA'S	23	24	25 Inclusion & Diversity Committee 8:15 AM SFVBA OFFICES	26
27	28	SFVBA Inclusion & Diversity and Membership & Marketing Committees DINNER AT MY PLACE <i>A new and fun member benefit to help members get to know each other in an intimate setting, spur referrals, and become more involved with the SFVBA!</i> August 31 • Woodland Hills  Sign up at https://members.sfvba.org/calendar The cost is just \$25 to attend one dinner.				

SUN	MON	TUE	WED	THU	FRI	SAT
LATINO HERITAGE MONTH (SEPTEMBER 15 – OCTOBER 15)						1 2
3	4  HAPPY LABOR DAY	5 Valley Lawyer Member Bulletin Deadline to submit announcements to editor@sfvba.org for October issue.	6	7 Membership & Marketing Committee 6:00 PM SFVBA OFFICES	8 SFVBA ELECTION DAY 	9
10	11  VBN VALLEY BAR NETWORK 5:30 PM CHABLIS RESTAURANT TARZANA	12 Probate & Estate Planning Section 12:00 NOON MONTEREY AT ENCINO RESTAURANT Board of Trustees 6:00 PM SFVBA OFFICES	13	14	15 Bankruptcy Law Section Tentative Opinions of the Woodland Hills' Bankruptcy Judges 12:00 NOON SFVBA OFFICES Lewis Landau leads a distinguished panel in this always popular seminar. (1.25 MCLE Hours; Bankruptcy Law Legal Specialty credit pending)	16
17	18	19 Taxation Law Section Tax Ramifications for Worker Classifications 12:00 NOON SFVBA OFFICES Former DOJ attorney Chad Nardiello leads the discussion, a must attend for all tax and employment law attorneys. (1 MCLE Hour)	20 Workers' Compensation Section 12:00 NOON MONTEREY AT ENCINO RESTAURANT	21	22	23
24	25 Family Law Section Using Technology in Custody Cases 5:30 PM MONTEREY AT ENCINO RESTAURANT Judge Harvey A. Silberman and Jonathan Verk will review the role technology plays in child custody cases. The Section will honor Judge Virginia Keeny and pay special tribute to Barry Harlan. Approved for Family Law Legal Specialization. (1.5 MCLE Hours)	26 Attorney Referral Service Committee 6:00 PM SFVBA OFFICES Editorial Committee 12:00 NOON TONY ROMA'S	27	28 Inclusion & Diversity Committee Dinner at My Place 6:30 PM WOODLAND HILLS	29 Inclusion & Diversity Committee 8:15 AM SFVBA OFFICES  Have you renewed your SFVBA membership? Renew online at www.sfvba.org	30



The San Fernando Valley Bar Association is a State Bar of California MCLE approved provider. Visit www.sfvba.org for seminar pricing and to register online, or contact Linda Temkin at (818) 227-0490, ext. 105 or events@sfvba.org. Pricing discounted for active SFVBA members and early registration.





By reading this article and answering the accompanying test questions, you can earn one MCLE credit. To apply for the credit, please follow the instructions on the test answer form on page 17.

Know How Title is Held: Probate, Medi-Cal Recovery, and Tax Implications

By Vanda J. Moheban

The way title is transferred can determine whether one's assets will be subject to the many pitfalls and exposures that probate entails. Serious tax implications and other financial mandates make it absolutely vital to assure that title is held in a manner that can assure all possible tax advantages are preserved and maximized.

THE MANNER IN WHICH TITLE TO REAL PROPERTY is held has significant legal implications as it relates to probate, one's estate planning wishes, and addressing prospective creditors, along with a whole host of potential tax implications, including income tax liability upon the sale of the property.

This article will discuss the implications as it relates to probate and the reasons to avoid probate; the new rules related to the Department of Health Services Medi-Cal recovery program; the issues related to holding title as joint tenancy with your spouse, as opposed to community property with right of survivorship; and the ways that may be available to mitigate the risk of probate, a Medi-Cal recovery claim, and certain income tax liabilities.

Probate

In order to understand the legal implications of probate, a brief understanding of probate itself is necessary. While the word "probate" can actually be used to describe various court proceedings conducted in Probate Court, one of the proceedings that will be the focus here is a probate proceeding relating to the administration of a deceased individual's estate while following either the dispositive terms of the decedent's will, or if none, the laws of intestate succession found in the California Probate Code.¹

This type of probate will be referred to as a "general probate." Note that a will by itself generally does not avoid a general probate in order to effectuate its dispositive terms.² In other words, if an individual passes away and title to any of his or her real property assets is in the deceased person's individual name, and there are no named individuals (e.g., a joint tenant or a spouse with right of survivorship) on title that will inherit the property upon the death, then the real property will go through a probate proceeding in order for title to be transferred from the deceased person on title to the rightful new owners.³

A general probate is required in many such cases, though it is not an ideal situation for such situations as all probate proceedings are public and therefore the family will not be able to preserve any privacy for themselves during the probate proceeding. In fact, initiating a general probate will require notice to be published in a newspaper of generally circulation.⁴

In addition, there are the fees and court costs related to any legal proceeding, including a general probate. These fees are set by statute and the court will approve payment of the

fees from the probate estate generally at the conclusion of the general probate.⁵

Also, a general probate can take a long time to complete, delaying the time at which prospective heirs will be able to receive their respective interests in the estate. It takes approximately one month from the filing of general probate for the court to set the initial hearing in order to appoint a party as the personal representative of the estate. If the court appoints a personal representative at the hearing, then soon thereafter the court will issue "letters" and an order, reflecting the appointment. The personal representative must then wait four months from the date letters are issued for any creditor claims to come forward.⁶

Once the claim period is over, the personal representative can file a petition for final distribution, which is generally set for a hearing in another two to three months.

In all, a general probate cannot be completed in less than seven to eight months, while many can take much longer than that, while the proceeding is public and can be very costly. In general, then, it's best to hold title to real property in such a way as to avoid probate.

New Medi-Cal Recovery Rules

It surprises many to learn that the state may attempt to recover from heirs or survivors of a Medi-Cal recipient some of the expenditures made on behalf of the deceased recipient by pursuing a claim against the decedent's estate.⁷ However, a recent change in the law mandated by Senate Bill 833 has made it easier to avoid such claims by expanding the exemptions to a Medi-Cal recovery claim.

If an individual passes away on or after January 1, 2017, the law now prohibits recovery against real property that is not subject to probate.⁸ A very simple and common way to avoid probate in this case would be to have title to real property vested in the name of a revocable living trust, with a designated successor trustee and beneficiaries.

For example, if a decedent owns a home, title to which is vested in his revocable living trust, and he passed away on December 30, 2016, that home may be subject to a Medi-Cal recovery claim. However, if he passed away on January 4, 2017, the home will not go through a probate proceeding and, thus, wouldn't be subject to a recovery claim.

In summary, a general probate exposes the estate to a creditor claim from the California Department of Health Services if the decedent received certain Medi-Cal benefits.



Vandan J. Moheban founded Moheban Law Firm in 2005 and since then has been working primarily in the areas of estate planning, elder law, probate, and trust law. He can be reached through the firm's website at www.laprobatelawfirm.com

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However, for deaths occurring on or after January 1, 2017, assets that are not subject to probate will avoid a Medi-Cal recovery claim. Therefore, it is now more important than ever to assure that title to one's real property is held in such a way so as to avoid probate and the possibility of a Medi-Cal recovery claim.

Joint Tenancy and Community Property with Right of Survivorship

Joint tenancy is a simple and common situation in which two or more people who own a single property can hold title to assure that the property will transfer to the survivors if any one of them were to pass away. It also serves to avoid probate among the individuals on title. For married couples, however, there can be a significant tax advantage to holding title as "community property, with right of survivorship," which likewise results in the property transferring to the survivor (i.e., avoiding probate), but with a significant tax advantage.

Generally, inherited assets receive a step-up in basis. In other words, a spouse inheriting one-half of a property, title to which was held as joint tenancy with his recently deceased spouse, will inherit the property on the basis of the surviving spouse's prior interest becoming the value of said interest on the date of the spouse's death.⁹

For example, assume a husband and wife own a rental home together as "husband and wife as joint tenants." The

husband bought the property for \$100,000 prior to their marriage and transferred title to his wife as a joint tenant after they were married. Moreover, the property is worth \$900,000 when the husband passed away shortly after transferring title in said manner. Lastly, the surviving spouse sells the home immediately after her husband's death.

In this example, the basis of each spouse's interest in the home is \$50,000. Therefore, the new basis of the entire home that is now 100 percent owned by the surviving spouse, is \$50,000 plus \$450,000, since the deceased spouse's share is now "stepped up" to the value on his date of death.

If the surviving spouse were to sell the home for \$900,000, then she would, for tax purposes, be liable to pay capital gains tax on the difference between her basis, \$500,000, and the sales price of \$900,000, i.e., a gain for income tax purposes of \$400,000.


This tax liability could have been completely avoided if the deceased spouse had transferred title to the surviving spouse as "community property with right of survivorship." In doing so, the home would have effectively been transmuted into a community property asset. If this had been done in the example noted above, the surviving spouse would have received a "double step-up in basis."¹⁰

In other words, both the basis of her one-half interest and the one-half interest of her pre-deceased spouse would have been stepped up to the fair market value of the property upon his passing. In this scenario, the basis would have become \$900,000 upon her husband's death. And the difference between the sales price of \$900,000 and the basis of \$900,000 is zero—no tax liability.

Know How Title Is Held

It is critically important to be aware of how title to real property is held. The manner in which title is held can determine whether one's assets will be subject to the many pitfalls and exposures probate entails, as well as the possibility of serious tax implications.

In many cases, probate avoidance can be accomplished by executing a revocable trust and assuring that title to one's assets are properly vested in the name of the trust (i.e., to the trustees of the trust).

In transferring title to the trust, it is absolutely vital to assure that one is doing so in a manner that assures all possible tax advantages are preserved. 

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¹ CA Probate Code §6400.

² CA Probate Code §8200.

³ CA Probate Code §13050.

⁴ CA Probate Code §19040.

⁵ CA Probate Code §10800.

⁶ CA Probate Code §9100.

⁷ 42 U.S.C. §1396p.

⁸ Welfare & Institutions Code §14009.5 and U.S.C §1396p(b)(4)(A).

⁹ I.R.C. §1014(b)(6)(a)(1).

¹⁰ I.R.C. §1014(b)(6)(a)(6).



Test No. 106

This self-study activity has been approved for Minimum Continuing Legal Education (MCLE) credit by the San Fernando Valley Bar Association (SFVBA) in the amount of 1 hour. SFVBA certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing minimum continuing legal education.

1. If real property is held in joint tenancy by two individuals and one of the two of them passes away, then the survivor must initiate a probate proceeding in order to transfer title of the decedent individual's share to the survivor.
☐ True ☐ False
2. A probate is a private proceeding of which only the decedent's immediate family members will be notified.
☐ True ☐ False
3. A general probate proceeding requires the administrator to wait four months from the date letters are issued for any creditor claims to come forward.
☐ True ☐ False
4. Fees for a general probate are set by statute and are paid from the probate estate, subject to court approval.
☐ True ☐ False
5. A general probate is quick proceedings to transfer title from a deceased individual to heirs that can be completed in less four months.
☐ True ☐ False
6. Executing a valid will is always sufficient to avoid probate.
☐ True ☐ False
7. The state no longer attempts to recover some of the expenditures made on behalf of the deceased recipient by pursuing a claim against the decedent's estate.
☐ True ☐ False
8. For decedent's that pass away on or after January 1, 2017, the law now prohibits recovery against the decedent's real property that is not subject to probate.
☐ True ☐ False
9. Title to real property vested in the name of a revocable living trust will avoid probate when one passes away.
☐ True ☐ False
10. A step-up in basis is not allowed when inheriting separate property assets from a spouse.
☐ True ☐ False
11. A double step-up in basis is achievable between spouses as it relates to the couple's separate property upon the passing of one of them.
☐ True ☐ False
12. For decedent's that pass away on or after January 1, 2017, the law now prohibits recovery against the decedent's real property that is vested in the name of a revocable living trust.
☐ True ☐ False
13. Holding title to real property in the name of a revocable living trust is the only way to avoid a general probate upon one's passing.
☐ True ☐ False
14. A step-up in basis is a tax advantage provided to certain people when they sell real property they purchased themselves and choose to sell before they pass away.
☐ True ☐ False
15. A step-up in basis always provides the same amount of income tax savings as a double step-up in basis, upon the sale of inherited real property.
☐ True ☐ False
16. A property that is the subject of a general probate proceeding cannot qualify for a step-up in basis.
☐ True ☐ False
17. If a decedent passed away on or after January 1, 2017, the heirs should initiate probate proceeding to avoid the Medi-Cal recovery program.
☐ True ☐ False
18. Initiating a general probate will require notice to be published in a newspaper of generally circulation.
☐ True ☐ False
19. A decedent's creditors have four months from the date the probate was filed to file and bring forward any creditor claims against the decedent's estate.
☐ True ☐ False
20. If decedent's that pass away on or after January 1, 2017, the law now provides more ways to avoid the Medi-Cal recovery program than for those decedent's that passed away before January 1, 2017.
☐ True ☐ False

MCLE Answer Sheet No. 106

INSTRUCTIONS:

1. Accurately complete this form.
2. Study the MCLE article in this issue.
3. Answer the test questions by marking the appropriate boxes below.
4. Mail this form and the \$20 testing fee for SFVBA members (or \$30 for non-SFVBA members) to:

San Fernando Valley Bar Association
5567 Reseda Boulevard, Suite 200
Tarzana, CA 91356

METHOD OF PAYMENT:

- ☐ Check or money order payable to "SFVBA"
☐ Please charge my credit card for \$_____.

Credit Card Number _____ Exp. Date _____

Authorized Signature _____

5. Make a copy of this completed form for your records.
6. Correct answers and a CLE certificate will be mailed to you within 2 weeks. If you have any questions, please contact our office at (818) 227-0490, ext. 105.

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Law Firm/Organization _____
Address _____
City _____
State/Zip _____
Email _____
Phone _____
State Bar No. _____

ANSWERS:

Mark your answers by checking the appropriate box. Each question only has one answer.

- | | | |
|-----|-------------------------------|--------------------------------|
| 1. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 2. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 3. | <input type="checkbox"/> True | <input type="checkbox"/> False |
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Expert Witnesses: Who They Are and How to Vet Them

By Michael D. White



IN SIDNEY LUMET'S POWERFUL 1982 COURTROOM drama *The Verdict*, alcoholic, down-on-his-luck Boston lawyer Frank Galvin is presented with the case of his life. Approached by the family of a woman left in a coma by a botched operation, Galvin must face one of the largest, most established law firms in town and their clients, a highly-regarded hospital and two famous surgeons accused of malpractice.

He takes the case, hoping for a quick-and-easy settlement. But, over time, Galvin becomes emotionally involved and turns down a sizable offer. At trial, with pressure mounting, he enlists the help of a physician from a small Midwestern women's hospital to support his belief that the surgeons' arrogance and incompetence led to his client's death.

Ultimately, Galvin, portrayed by the late Paul Newman, wins the case after an emotional closing argument that convinces the jury to find unanimously for his client. Galvin's personal and professional life is salvaged, due in no small part to a hastily-arranged, unlikely expert witness who succinctly laid out the basics for the jury, laying the groundwork for a generous verdict.

702 Legal Requirements

In federal court, the legal requirements for an expert witness are straightforward. Federal Rule of Evidence 702 requires expert witnesses to have "knowledge, skill, experience, training, or education" which will "help the trier of fact to understand the evidence or to determine a fact in issue."

According to Rule 702, an expert "may testify in the form of an opinion or otherwise" if the "scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; the testimony is based on sufficient facts or data; the testimony is the product of reliable principles and methods; and the expert has reliably applied the principles and methods to the facts of the case."

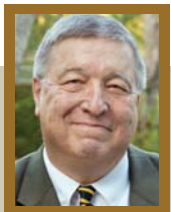
Vetting an Expert

When evaluating a potential expert witness, says Agoura Hills' attorney Steven Effres, the most important thing is to "find someone who is not only well-qualified, but credible and believable."

Effres' experience spans 34 years litigating catastrophic injury and wrongful death cases, virtually every one of which has involved issues of liability and required input from an expert witness. Finding an expert witness, he says, "has evolved over the years because of the internet, which has replaced the face-to-face referral process so common in the past."

Now, says Effres, "lawyers across the country readily share information on individuals in virtually any and all areas of expertise."

All in all, he says, "it's a lot easier now to find qualified, capable experts to address issues in the broadest possible variety of cases. Engineers, economists, forensic accountants, architects, industrial safety specialists, even certified auto mechanics and specialists in the most arcane fields, can lend credibility and weight to a case, no matter how complex it might be."



Michael D. White is editor of *Valley Lawyer* magazine. He is the author of four published books and has worked in business journalism for more than 35 years. Before joining the staff of the SFVBA, he worked as Web Content Editor for the Los Angeles County Metropolitan Transportation Authority. He can be reached at michael@sfvba.org.

Physician-Assisted Roadblocks

There are experts “to support viability, experts to address causation, and those who can address issues of damages,” says Effres. “Then there are damage experts, primarily doctors, who can address issues of medical treatment. Whether a surgeon, internist or a cardiologist, it all hinges on whether their expertise is effectively communicated and breaks down the issues in a way that can be understood by the twelve people in the jury box.”

Often, says Effres, “there are experts who we’ve gone to in the past that we go back to again because we know they’re well-qualified to address certain issue. In a catastrophic injury case, for example, it might be the treating physicians because they have the hands-on experience with the patient, while, in a death case, it might be someone who can address the issues of illness over the period of time leading up to the death.”

Sometimes, though, he adds, treating physicians aren’t comfortable getting involved in the legal process because of time constraints on their workload. “I’ve worked with many treating physicians where, if they have time restraints, we can take their deposition, videotape it and use it at trial. We’ll do that in certain circumstances because that’s far better than them not being able to testify at all because of their professional commitments.”

It’s challenging, though, to have a physician testify against another physician. “Often, the doctor who is best able to assess whether the harm was caused by malpractice or negligence may be a physician who treated the patient subsequent to the malpractice,” says Effres.

“Many times, in surgery for example, they’ll see smoking gun evidence that will support the malpractice suit, but if they have either a direct or indirect relationship with the doctor accused of malpractice, they refuse to get involved because of the political ramifications of testifying against another doctor who may practice at the same hospital.”

According to Effres, sometimes medical facilities or hospitals won’t allow a treating physician to speak with a patient’s attorney in any legal action. “To me that’s mind-boggling because one of the first things doctors learn in medical school is the Hippocratic Oath’s pledge to ‘Do No Harm.’ I see that a lot around the country and that’s why for years, often times, lawyers would have to go outside the immediate venue to find an expert that was willing to address an issue of malpractice. It’s a shame that if a doctor familiar with the episode were to testify, he’d be looked at as a turncoat because what that does is put the interests of protecting another physician ahead of the harm done a patient.”

Family Law Experts: An Advocate for the Client

Another area of practice where experts are routinely called to provide insights and share their expertise is family law. Prepping for any case calls for “careful study of depositions or

trial testimony to see how the expert’s done in the courtroom,” says Vanessa Nellis, a family law attorney with Lewitt Hackman firm in Encino.

“That pre-trial preparation is critical,” she says. “We look for somebody who’s testified before on the specific issue at hand. Check their credentials, make sure they’re qualified, and make sure the expert you work with stacks up well against the opposing expert witness. You’ll want someone who is a genuine expert, not someone with just a general knowledge of the area in question.”

“In most of our cases we use experts either for the evaluation of real property when we need an appraiser to testify as to the value of property if it goes to trial or to give us a report that we use at a settlement conference,” says Nellis.

“We also use forensic accountants in most cases because they can value a business, determine escrow issues for support purposes, and, occasionally, if we know there’s going to be a tracing issue where somebody has separate property and it gets comingled, we’re going to need an expert to trace it all back to the separate property source,” she adds.

Certified Public Accountant Michael Krycler is a partner in the accounting, litigation and consulting firm of Krycler, Ervin, Taubman & Kaminsky in Sherman Oaks. The company has specialized in family law, business appraisals



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and litigation, and personal injury and fraud matters since the 1980s.

Accountants are “a staple of civil litigation,” says Krycler. “Unless there are custody issues, in reality, they deal with the core of the issue—the equitable portioning of money and property.”

The term forensic accountant, he says, “is a generic title as certainly some of the assignments we handle are forensic in nature,” alluding to a current case his office is handling that involves unreported income.

“We’re looking for the true income as I think everyone is familiar with the fact that tax returns aren’t always a correct and true reporting of income. Not just cash and unreported sales; it can be that expenses are overstated. That’s where we come in.”

Property and money issues aside, many family law cases take on a melancholy human side, particularly when issues of child custody are raised. Terri Asanovich is a licensed family therapist and counselor and has served as an expert witness in scores of family law cases, most involving children and the often delicate issues of custody, visitation, and other parental rights.

“I’m basically an advocate,” she says. “I have to be able to feel that I can support the person’s cause, otherwise I can’t work on the case. I’ll review facts and documents and determine if I can get behind whatever the issue is that being put forward.”

It’s vital “to get a sense of the lawyer and clarify what I will or will not testify to.”

Developing that “sense” also means “sometimes having to share things that may not be beneficial to their client. I can also meet with the client to learn more about their position and their issues and then go to the attorney and give them my impressions and what can and can’t be highlighted in court.”

Though experienced at testifying in court, Asanovich is most often involved in pre-trial evaluation of the individuals who will be involved in and impacted by the court’s ultimate decision.

“A lot of time is invested in doing background work as the expert witness and consulting roles often mesh,” says Asanovich. “I’ve actually found over the years that a lot of people don’t share certain things and pertinent facts with their attorneys because they think they’re not important or perhaps the attorney hasn’t thought to ask about it. I often get information from a client that the attorney had no idea even existed.”

According to attorney Steven Effres, “It all boils down to demeanor, hands-on, practical or theoretical experience, a passionate belief in the subject, and, most importantly, unassailable credibility because, when all is said and done, it’s the judge or the twelve folks on the jury who will be making the final decision.” 🏛️

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- David L. Fleck, Esq.



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ELECTION PAMPHLET

BOARD OF TRUSTEES ELECTION
SEPTEMBER 8, 2017

Dear SFVBA Member:

Attorney members of the San Fernando Valley Bar Association have the unique opportunity to elect their Bar Leaders by voting in our annual Board of Trustees election. By allowing members to choose from a ballot of candidates rather than a predetermined slate, our Board of Trustees is more representative of our membership.

Election Day is Friday, September 8, 2017. Ballots will be emailed to attorney members the second week of August and voting will be conducted online.

I encourage members to take a few minutes to review the following Election Pamphlet and read the candidates' statements. The nominees have contributed to the programs and success of our organization, and represent a cross-section of our Sections, areas of practice and our community.

Thank you for your support and membership this year. I appreciate you giving me the opportunity to serve you.

Kira S. Masteller

KIRA S. MASTELLER
President
San Fernando Valley Bar Association



ALAN E. KASSAN
PRESIDENT

I am honored to have been nominated for President of the San Fernando Valley Bar Association Board of Trustees.

I have faithfully served as a Trustee on the Board since 2012, and have been an active participant at Board meetings and Board events. I have also served as Chairperson of the Association's Membership Committee over the last few years. That Committee meets monthly and is always working to attract new members, and to find new ways to enhance Association membership for existing members. Last year we implemented the Valley Bar Network (VBN) Program to offer an exciting, dynamic professional networking platform as a benefit to SFVBA membership. I have also worked with the New Lawyers Section and the Technology Committee to further improve the value of membership and resources available to members.

I hope to continue my service on the Board, and my work on the Membership Committee and other committees, and ask that you support me.

I have been practicing law in the San Fernando Valley for the last 31 years. My law practice is very specialized but also service oriented. I represent employees and other insureds to help them recover benefits for life insurance, long term care insurance, long term disability insurance, and health insurance claims when they are wrongfully denied. Most of these claims are governed by the federal law of ERISA.

With your vote and support I hope to continue serving our community as a member of the Board of Trustees, and to help advance the stature of our Association.

I invite and encourage all members to become more involved in our Association, and if you have questions or ideas, email me (akassan@kantoralaw.net) or anyone else on the Board!

YI SUN KIM
CANDIDATE FOR PRESIDENT-ELECT

After several years of serving on the Board for the SFVBA, I am excited and honored to be nominated to continue to do so as President Elect for next term.

I have witnessed a growing momentum within this organization to be more inclusive and receptive to its members, provide greater and useful benefits, adjust and modernize with how business is done today, and enhance the visibility and reputation of the lawyers in the Valley. And through these efforts, the Bar has strengthened its relationships with its members and the Valley's judicial officers, elected officials, and community at large.

There is still so much more in the works, and I am eager to be part of those efforts with the Board, our committed section leaders, the dedicated volunteers in our committees, and our reputable members.

I want to make sure that members truly benefit from their membership, in terms of networking, continuing education, social activities and community involvement. I would appreciate your support so I can do so as President Elect of the SFVBA.

BARRY P. GOLDBERG CANDIDATE FOR SECRETARY



It is my honor and pleasure to humbly submit my name again to serve on the San Fernando Valley Bar Association Executive Committee, this year as Secretary. My interest in the Bar Association programs and member benefits has grown with my considerable experience. While serving for many years as the Co-Chair of the ARS Committee, I have been able to see the importance of connecting great San Fernando Valley lawyers with deserving legal consumers. Three years ago, I was elected to the Board as a Trustee and soon offered my hand in a position of leadership. Last year, I served as the Treasurer of the Association and I can assure you that every dollar is carefully accounted for and allocated all to the benefit of our members.

This year, I am offering to act as Secretary to the Executive Board in order to carry on the fine work started by outgoing President Kira Masteller and the progressive vision of the incoming President, Alan Kassan. Over the last several years, I have had the pleasure of working with Alan and I am genuinely impressed by his ability to carefully consider multiple sides of an issue and to promote cooperation all for the common good of our members. I pledge to work closely with Alan to actively engage members and to provide an ever expanding cache of benefits and services to our members.

Thank you in advance for your vote and support for my bid to become the Secretary of this fine organization.

DAVID G. JONES CANDIDATE FOR TREASURER



I am excited to be nominated for Treasurer and have the opportunity to serve on the San Fernando Valley Bar Association Board. It is a true honor to have the opportunity to be involved in a leadership position.

I genuinely believe in the importance of our Bar Association as a means for connecting the attorneys of the San Fernando Valley.

I have been practicing in various areas of civil litigation for nearly twenty years, sixteen of which have been in the San Fernando Valley, in Woodland Hills. The primary emphasis for my practice has been employment law, advice and litigation. My firm, Santiago & Jones, specializes in employment law, transactional estate work, complex probate and estate litigation disputes and general civil litigation matters.

I am an active member of the SFVBA Attorney Referral Service for employment matters, and serve as a member of the Bar's Attorney Referral Service Committee. My involvement with the Bar referrals has been very rewarding, and is a highlight of my Bar activities. Clearly, the legal guidance and support that our Bar Association provides to Valley residents in need is one of SFVBA's lasting accomplishments.

My primary focus is to increase membership and energize member participation through social functions offered by our Bar Association. I believe that the ability to network with fellow Bar members with various areas of legal expertise can prove invaluable for both new members and established attorneys in the community. Given the relationships created at such events, our Bar should strive to create member friendly events which attract new members and encourage existing members' relationships.

So with this, I ask that you cast your vote for me, I will work tirelessly to bring energy and creativity to the SFVBA, in an effort to improve our Bar Association and honor your trust.

Thank you for your support and vote.

REAGAN E. BOYCE CANDIDATE FOR TRUSTEE



It is my honor to be nominated for the position of SFVBA Trustee. I believe I can contribute a unique skill set that will help the SFVBA and its members thrive.

I am a founding member of the Southwestern Law School Nickel Club, an alumni organization dedicated to the professional development of alumni in their first five years of practice. In 2012, I joined the Southwestern Law School Alumni Governing Board, a position I continue to hold and enjoy.

As a litigator at one of the largest law firms in the San Fernando Valley, I focus on matters involving large debtors and trustees in bankruptcy and reorganization. Prior to my current position, I worked with both plaintiffs and defendants to solve construction defect, medical malpractice, copyright, real property, commercial landlord/tenant, and asset purchase and sale disputes.

My diverse experience both in the practice of law and in service to the alumni governing boards of Southwestern give me the proper experience and perspective to serve you, the San Fernando Valley legal community, as a Trustee. If elected, it will be my goal to find and create more opportunities for the Bar membership to develop and grow relationships with their fellow members. I believe that strong relationships lead to a strong network of contacts which, in turn, helps us to develop as business professionals. My emphasis would be to promote opportunities for the membership to interact in a multitude of social settings based on common interests.

Thank you for your consideration and I look forward to the possibility of serving you.

MATTHEW A. BREDDAN CANDIDATE FOR TRUSTEE



First and foremost, thank you for the opportunity to serve as Trustee this past year. Becoming a Board member has allowed me to develop an enhanced understanding of how the SFVBA Board of Trustees can better serve our members and I hope to continue advocating for our members and the general public we serve.

In addition to my involvement with the Board of Trustees, this past year has allowed for continued growth within our legal community. 2017 marks my fourth year as a Shareholder at The Reape-Rickett Law Firm and nearly twenty-three years of practicing law. With offices in Calabasas, Santa Clarita, and Westlake Village, we are continuing our mission of providing outstanding family law services while serving our communities through charitable work and establishing strong community relationships.

This year also afforded me the opportunity to give back to the legal community by sitting as Judge Pro Tem and serving on the volunteer mediator panels, both of which I have done for more than half of my legal career.

I look forward to becoming even more involved in the upcoming year and hope to continue serving the community as a Board Member for the SFVBA. Your vote will allow me to continue to build upon the SFVBA's history, with the goal of enhancing the SFVBA's public outreach and diversity committees. I appreciate your continued confidence and look forward to strengthening the SFVBA for all members.

D. SHAWN BURKLEY CANDIDATE FOR TRUSTEE



I consider it an exceptional honor to be nominated for the San Fernando Valley Bar Association's Board of Trustees. Since my return to the San Fernando Valley—a place I called home from early childhood until the age of 23—I have tried to implement the same ideal that led me to redirect my career towards the law: the intrinsic value of service to the community.

To that end, I have been lucky enough to serve on the Board of the Valley Community Legal Foundation (the SFVBA's charitable arm) for the last two years. In my short time there, we have been able to redirect the Foundation to year-over-year profitability and greater integration and cooperation with the both the Trustees and the Bar's permanent administrative staff. I am proud of what we've been able to achieve with the Foundation. Still, I believe that we can accomplish even more ambitious goals by working in greater cohesion. I intend to retain my Board seat with the Foundation, thereby serving, if elected, as a bridge between the two bodies.

The dynamic changes that the Valley is undergoing in recent years has been remarkable. It is incumbent on us as lawyers, I believe, to embrace and reflect that energy in the Valley's Bar Association. There are many roles for the SFVBA to play in the Valley's evolution, including work in access to justice, anti-recidivism efforts, basic legal education for pre-college students, and mediation efforts in community disputes. There is much to be done and I look forward to serving as your Trustee should you feel that I merit your vote.

ALEXANDER (A.J.) HARWIN CANDIDATE FOR TRUSTEE



Thank you for your consideration for my third term on the San Fernando Valley Bar Association (SFVBA) Board of Trustees. Many of you know me through family, as a friend, as a colleague, as opposing counsel and/or through business. For those that I have not had an opportunity to meet, the following should provide a little background.

Like many of you, I was born and raised in the San Fernando Valley and moved over the hill post-high school to attend UCLA and then Loyola Law School. In 2004, I moved back after getting engaged to my lovely wife Sandy, who is a long-time school counselor/clinical psychologist at Birmingham Community Charter High School. Wasserman, Comden, Casselman & Pearson graciously took a chance on me out of law school, and Lewis Brisbois Bisgaard & Smith LLP (Lewis Brisbois) hired me a few years later.

As a partner at Lewis Brisbois, my practice concentrates on advising and defending employers from claims of wrongful termination, discrimination and wage/hour violations. Although I began practicing in 2003, I have attended and participated in SFVBA events since the early 1980s. After our first family home purchase, it was clear that it was both personally and professionally prudent to become more Valley-centric. As a result, I jumped at the opportunity to join the SFVBA's Board of Trustees three years ago.

On a personal level, I was attracted to the SFVBA's philanthropic endeavors and the fact that my children Logan (8) and Jacob (5) could actively participate in events such as Blanket the Homeless and in the SFVBA's award winning Inclusion & Diversity Committee. On a professional level, I strongly believe that being an active SFVBA member has significant networking value. As a Trustee, I am committed to further developing the SFVBA as an asset to Valley attorneys. One way that I can contribute to business generation is that as a partner at a large law firm, I frequently receive inquiries for attorney referrals outside my firm's practice areas. I look forward to meeting more members and learning about how we can assist each other in developing our practices. Thank you again for your support.

AMANDA M. MOGHADDAM
CANDIDATE FOR TRUSTEE

I am thrilled to have the opportunity to serve on the Board of Trustees. I feel honored to be part of such a diverse and welcoming organization that is focused on the quality of its members' interactions with one another. I have been a member of the SFVBA for four out of my six years of practice, and I recently joined the SFVBA's Membership & Marketing Committee.

I am a litigator and a lawyer for lawyers (the majority of my practice involves legal malpractice defense). I must say that I absolutely love what I do. Every day is a challenge. I am always learning and growing as an attorney by virtue of my interactions with my clients, who range from solo practitioners to large law firms. I think my practice area and experience defending lawyers has provided me with a unique understanding of what lawyers are looking for from their legal community. My goal as Trustee will be to expand the services and resources the SFVBA offers so as to meet the needs of our members in this fast-paced, rapidly evolving informational culture.

I welcome change and challenges. After college, I married my husband, packed up a U-Haul truck with our belongings, and left my hometown of Woodstock, Georgia to move to Los Angeles. We had no jobs and few ties here. Luckily we found jobs fairly quickly, I enrolled in law school, and we made our way. I have never looked back. I think that it is always worth taking calculated risks in life if there is even a chance that you will be happier in the end. I promise to bring my "can do" attitude to my service as Trustee, and to always strive to make sure the Bar is meeting your needs as a member. Thank you for your vote!

Thank you,
Amanda M. Moghaddam

GEORGE N. SEIDE, CFLS
CANDIDATE FOR TRUSTEE

I am honored to have been given the opportunity to serve as a member of the SFVBA Board of Trustees. As a member of the Executive Committee of the SFVBA Family Law Section, and as their Legislative Chair for a decade, I hope to extend my service to the SFVBA as a member of the Board of Trustees.

My keen understanding of issues effecting Bar Associations, both on the state and local level, is based upon my experience as a past Chair of the State Bar's Family Law Section Executive Committee, and as a past Chair of the State Bar Council of Sections. Additionally, I have served on the State Bar Board of Governor's Task Force on Sections.

Technology has become a vital and integral part of the practice of law, regardless of our individual practice areas. I currently serve as a member of the State Bar Law Practice Management and Technology Executive Committee. My intent is to learn how to assist the SFVBA to embrace technology and lead the way in technology education, in order to better serve our members and our clients. Finally, it is my goal to further secure additional valuable membership benefits, such as Fastcase, to encourage a continued increase in SFVBA membership. Thank you for your consideration and vote.

STEVEN M. SEPASSI CANDIDATE FOR TRUSTEE



*A*s a longtime member of the SFVBA, I am honored to have been nominated for election to the Board of Trustees. It has been a longtime goal to become more intimately engaged with the SFVBA, and to serve its members, especially the solo and small firm practitioners.

My firm, Sepassi & Tarighati, LLP, has been an active participant in the SFVBA Attorney Referral Service, and through it, we have helped residents of San Fernando Valley to navigate the rough seas of legal challenges.

I have been an active member of the Valley Bar Network, where I have enjoyed the energetic and kind leadership of people like Alan Kassan, and others like him, as well as the networking opportunities it provides.

In addition to raising a family, for the past 22 years I have practiced civil litigation for plaintiffs, as well as insured defendants, and recently as a mediator and arbitrator. All of my litigation practice has been either as a solo practitioner, or in a small firm as a senior partner. It is this experience that drives me to create more helpful and useful tools for the members through the SFVBA.

I believe solo and small firm practitioners would benefit from more networking opportunities, as well as mentoring, where they could exchange ideas, as well as actual work products, in order to gain better access to the collective experience of others, and to better serve their clients.

If I am honored to gain your vote, my focus would be to expand the membership and the collective database of experience, so the members can easily tap into it in time of need.

I look forward to garnering your support and your vote.

TONI M. VARGAS CANDIDATE FOR TRUSTEE



I have had the great pleasure to serve as a member of our Board of Trustees for the past three years. Those years have only increased my admiration for the attorneys who serve on the Board and who work so hard to improve the legal profession serving the San Fernando Valley. Through the Board's work, our community has a strengthened legal profession and in return, our community has the commitment of the Bar Association to meeting their needs.

I have served on the Membership & Marketing Committee as well as the Attorney Referral Service Committee.

My legal career has been devoted to public interest law. I have worked for Neighborhood Legal Services of Los Angeles for the past 14 years as a member of the Health Consumer Center. The focus of my work is on the legal problems affecting the members of our community who are unable to access health care.

I hope you will consider electing me to serve another term as one of your Trustees. Thank you.

CHRISTOPHER P. WARNE CANDIDATE FOR TRUSTEE



The SFVBA faces the same challenges of all modern clubs and organizations: Budget and Attendance. Growing attendance and participation of bar members is key to the SFVBA's success.

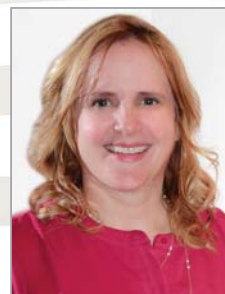
I have a unique experience among the current candidates—I have served as both an MCLE section leader as well as a Trustee. I appreciate feedback from members on what they would like us to provide, what kinds of events they would attend, and what is a reasonable cost.

My mission will be to expand the social, networking, and education opportunities for members. While there are numerous ways to get generic MCLEs, we are still a unique opportunity for professional development and face to face time with colleagues in the valley.

We are currently developing what I hope will be a new annual social event for the bar, and I am excited to release the details soon.

I am thankful for the business and personal relationships I have made from the SFVBA. I want all members to enjoy the same positive experience I have had.

VIVIAN YOCHELSON CANDIDATE FOR TRUSTEE



It's my pleasure and an honor to be nominated to the Board of Trustees. I was born and raised in the San Fernando Valley and I speak fluent Spanish due to being raised in a bilingual family of Chilean descent.

I am located in Woodland Hills and my practice for the past 20 years has focused solely on advocating for injured plaintiffs. Additionally, I am a licensed real estate broker and a notary public.

I enjoy being involved in organizations where I can grow personally and professionally while making a difference. Currently, I am a member of a bilingual Toastmasters Club where we practice public speaking in Spanish and English; and I am the President of The Encino Lawyers Association, a non-profit group that meets monthly to provide MCLE to other attorneys in Los Angeles.

I would like to be on the Board of the SFV Bar Association so that I can give back to the local community by volunteering my time and by bringing my leadership and advocacy skills to this organization.

I am looking forward to working with the Board and the Members to meet and exceed the goals of SFVBA. Thank you for your consideration!



Please Join Us for
Multicultural Bar Alliance of Southern California's

Annual Summer Networking Reception

Wednesday, August 9, 2017
6:00 p.m. – 8:00 p.m.

Taix French Restaurant

1911 W. Sunset Blvd., Los Angeles, CA 90026, tel. (213) 484-1265
(just east of Alvarado St. in Echo Park)

MCBA's Annual Summer Networking Reception offers a unique opportunity for members of our local diverse bar associations to network and forge new relationships around issues of common concern to our communities. Plus, this year's program will feature an exclusive

Conversation with
Honorable Kevin C. Brazile
Assistant Presiding Judge, Los Angeles Superior Court

Complimentary hors d'oeuvres ✧ No-host bar

Admission is **FREE** for all members of MCBA bar associations
\$20.00 for non-members (cash or check payable to "MABA" accepted)

Discounted valet parking for \$2.50 in Taix parking lot

Please r.s.v.p. by Monday, August 7, 2017 to elbra@ashourilaw.com.



The Multicultural Bar Alliance of Southern California (MCBA) is:

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Armenian Bar Association
Asian Pacific American Bar Association of Los Angeles County (APABA)
Asian Pacific American Women Lawyers Alliance (APAWLA)
Black Women Lawyers Association of Los Angeles (BWL)
Iranian American Lawyers Association (IALA)
Italian American Lawyers Association (IALA)
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Korean American Bar Association (KABA)

Latina Lawyers Bar Association (LLBA)
LGBT Bar Association of Los Angeles
Mexican American Bar Association (MABA)
Philippine American Bar Association (PABA)
South Asian Bar Association of Southern California (SABA)
Southern California Chinese Lawyers Association (SCCLA)
Thai American Bar Association (TABA)
Women Lawyers Association of Los Angeles (WLALA)
and Associate Member
San Fernando Valley Bar Association (SFVBA)

Roundtable: THE CURRENT STATE OF LEGAL EDUCATION

In an age where many feel there are too many lawyers and too few jobs, questions swirl around what law schools are doing to close the gap between the legal academic environment and the realities of market demand.

Valley Lawyer has sought out opinions on the current state of legal education from three sources: the president and CEO of a State Bar-accredited law school, a recent law school graduate, and an experienced attorney who is noted for mentoring young lawyers just starting out in the field.



Robert W. Brown
President and CEO
*University of
West Los Angeles
School of Law*

The School View

Legal education has hit a crossroads. For the past five years, the realm of legal education has seen enrollments plummet. In 2009, there were 171,514 LSAT takers; in 2015, there were 101,689 LSAT takers. That is an approximate 40 percent decline, with a commensurate decline in overall law school enrollments. What do law schools need to do to attract more students to the legal profession?

The millennial students are often unreceptive to the notion of deferred gratification. They want to see instant returns on their educational investment. This becomes critical as tuition increases and the burden of student debt become overwhelming for many students.

When I attended law school it was heresy to suggest that students might need academic support. Except at perhaps the most elite universities, this notion is no longer questioned and academic assistance has become an accepted essential for most law school students.

How does this translate to education reform for law schools? First, we must make certain that students not only are successful in traversing their law school educations, they must be armed with the value added skills that immediately translate to an increase in earning power in the employment market. Alternatively,

that skill set must enhance the student's entrepreneurial skills should they choose to practice on their own.

Of course there is always the challenge of improving a student's capability to pass the bar. Passing the bar must be a foremost priority for law school educators. To that end, we have made certain that our curriculum and the learning experience for our students embrace the ability to overcome the specific challenges of writing essays and solving multiple choice questions so that they can be successful on the California Bar Exam.

Some would criticize this departure from the traditional Socratic methodology and classic approach to law school education. However, the primary aim of the Socratic methodology is to teach students to think like lawyers. But what does that really mean? I believe that when you boil it down, all that we are talking about is a student's ability to reason like a lawyer—training the student to critically reason using deductive as opposed to inductive methods, in addition to other principles of the critical reasoning process to achieve balanced fair-minded conclusions.

But why not confront this directly by having formal critical reasoning courses, so that students can really understand what it means to engage in critical reasoning and how to apply

it? There are some who would say that this should have occurred prior to a student embarking on graduate education. But the sad fact is that our high school and secondary schools are often derelict in their lack of emphasis and focus on such subjects as critical reasoning and other more technical skills.

Obviously law school education must continuously evolve to make certain that it is relevant and effective in achieving its mission and purpose. This becomes an even greater imperative in these very challenging and dynamic times when

the rule of law is being challenged with increasing attacks on our democracy.

Rising cost and financial demands on students dominate much of the educational equation. We must constantly examine the efficacy of what is happening in our law schools to insure that legal education is not only cost effective, but empowers students to achieve their goals of becoming legal professionals and provides quality ethical legal representation to our society.

Robert W. Brown is the President and CEO of the University of West Los Angeles. He has been an attorney in the Los Angeles area for forty years. The UWLA is accredited by the State Bar of California and operates out of campuses in West Los Angeles and the San Fernando Valley. He can be reached at rbrown@uwla.edu.



Shay Aboutalebi, JD

A Recent Graduate's View

First and foremost, it is important to recognize that legal education is a cultivator and body of knowledge that is critical to our nation's societal structure and well-being. However, the unfortunate truth is that the recent decline in law school enrollment has not only affected the numbers of law school graduates, but the legal education system.

This could be, in part, because of the complexity of the Law School Admissions Test (LSAT) and the competitive nature of law school itself, or the impracticality of the State Bar exam.

Although it is arguable that the American Bar Association, as well as all state accredited law schools, have a duty of producing as many educated, responsible, and competent attorney's as they can, this is an argument that will remain at a crossroads.

However, as with every worthy endeavor, practice makes perfect, but, unfortunately, the legal education system does not practice that concept. Knowing the rules of the game is very important and essential; however, getting on the field, into the game and actually having the chance to play is just as important.

Elevating the training of law students in the practical day-to-day challenges faced by those in the profession can have nothing but a positive impact on those new attorneys about to enter the real world. Far too much weight is given to testing and not enough to other dimensions that can go a long way to determine an individual's potential for success.

It is fundamental to have a system that evaluates not just academic success, but also places value on life skills, personal experience, personal achievement, and integrity. Such an approach would, undoubtedly, result in a more favorable healthy balance across the moral, professional, and academic domains.

A student's potential should not be ranked by a system where a single chance—a final exam at the end of the semester—is offered to prove one's worthiness. There are no graded activities that I know of that enable students to demonstrate proficiencies in essential life and professional skills. Having these additional, graded activities would allow educators to focus on different student's weaknesses and strengths on an individual basis and improve the student's overall law school experience.

In summary, every student is different; every student requires individual training that meets their basic needs. Improving the quality of legal education in the United States is a key factor in satisfying these needs as well as the financial hardship students endure, all while trying to stay afloat.

The single most meaningful issue that law schools should consider to better the legal education system is the incorporation of an educational model that puts students in collaborative, cross discipline, and problem-solving situations similar to those they are sure to encounter in real life practice.

Shaghayegh "Shay" Aboutalebi and her family emigrated from Iran when she was seven years old. After earning her undergraduate degree in Political Science from CSUN, Aboutalebi enrolled at the University of West Los Angeles School of Law, graduating with the class of 2016. She recently sat for the July California Bar Exam.



Barry P. Goldberg
Loyola Law School,
1984

The Mentor's View

Not to sound too dated, but today's law school grad is quite a bit different than when I graduated in 1984. The biggest difference is that most recent grads are very confident that they can perform legal work right away and at a high level. The law schools are doing a good job of convincing students that they can do anything.

In truth, I find that the grads are slightly over-confident. The legal profession and litigation, in particular, are highly nuanced and it takes years of apprenticeship to learn how to effectively practice law.

I notice that in contrast to today's very practical law school education, my experience was one that made us more aware of the legal profession's higher responsibility, that is, a commitment to serve the public and a willingness to work long hours as an "apprentice" for their first couple of years after law school.

I understand the pressing need of today's graduates to make money—and lots of it—right away. Student debt is overwhelming and has created a very hungry group of graduates. Unfortunately, the need for money has relegated the honor of the profession and the desire to help the public into a distant second place. Many new legal graduates went to law school simply to become entrepreneurs willing to take risks!

To complicate matters, a much higher percentage of graduates are going out on their

own right after graduating from law school. It's interesting to note here that these young lawyers are actually quite skilled at attracting clients based on their knowledge of internet marketing and social media. But, unfortunately, many of these young lawyers lack the nuanced skill of communicating with clients, not just charging them for specific services. To that point, their level of expertise is simply not present to effectively deliver quality legal services.

Finally, I think that law schools would be well served to offer a course on how law firms do business. Students should learn right from the start how to effectively network with other professionals and why and how to join professional organizations and young lawyers divisions. Also, students would be well served to learn about law firm finance, proper internal policies, and standard procedures—even if today's graduates can figure out how to attract and serve clients and make account for the money their work produces.

Today's law schools do a great job of teaching the law students how to practice law as soon as the ink on their diplomas is dry. But, practically speaking, it would be helpful to also teach the students the responsibility of being a lawyer and how to be successful in operating a law business once they are out in the working world.

Barry P. Goldberg received his B.A. from UCLA and J.D. from Loyola Law School and has practiced in the area of personal injury law for the past 30 years. He currently serves as Treasurer of the San Fernando Valley Bar Association and acts as a mentor and advisor to recent law school graduates and new attorneys. He can be reached at bpg@barrypgoldberg.com.



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NEW MEMBERS

The following new members joined the SFVBA in May and June 2017:

Susan Diane Barney
Los Angeles
Certified Public Accountant

Shirin Buckman
Los Angeles
Criminal Law

Mitchel E. Burman
Sacramento
Law Student

Kevin Michael Gerrity
Chatsworth
Paralegal, Real Property

Ruhandy Glezakos
Los Angeles
Labor and Employment Law

Joseph Goldberg
Home Care Assistance
Beverly Hills
Associate Member

Danette Julene Gomez
Office of District Attorney
Compton
Criminal Law

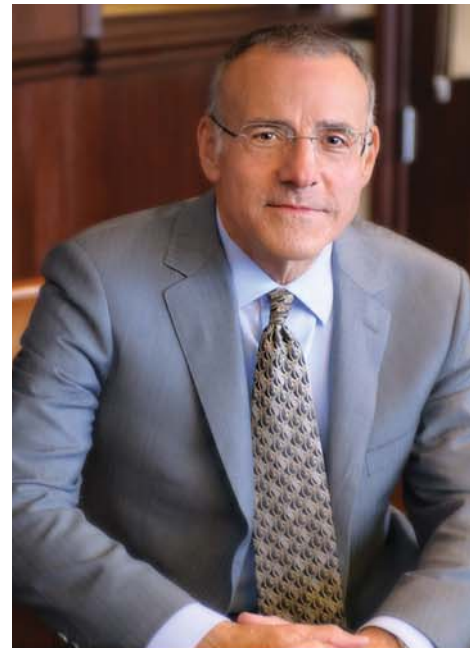
Sophie E. Haimof
Kraft, Miles & Miller, LLP
Woodland Hills
Estate Planning, Wills and Trusts

Katherine Hight
Encino
Civil Litigation

Lisa Marie Morrison
Simi Valley
Associate Member, Real Property

Guy W. Murray
Nipomo
Estate Planning, Wills and Trusts

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Thousand Oaks
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ART *of* THE BAR

Winners of the Valley Lawyer Art Contest

For the third consecutive year, the August issue of *Valley Lawyer* features the results of the Bar's annual Art Contest. The judges are still struck by the level of talent displayed by members who entered their works of photography, painting, writing and calligraphy. Perhaps, that impression led directly to a curious, first-time development—a five way tie for second place honors. The following pages feature those whose work so impressed the judges and, we're sure, will move you, as well.



1ST PLACE

Moon On a String

Susan J. Cooley



ARTIST'S INSPIRATION

"The photograph is of the Griffith Observatory and the new moon as it set for the night. The photo was taken from the balcony of my house. It was edited by Alex McConahay who is an astro photographer. Over the years, I've seen the juxtaposition of the moon and the observatory on many evenings. I finally decided to capture the scene by digital photography. The moon looks to me like it is hanging on a string next to the observatory. Thus, I named the photo Moon on a String."

SUSAN J. COOLEY has been practicing probate and trust law in the San Fernando Valley since 1982. She is a named partner in the firm, Oldman Cooley Sallus Birnberg Coleman & Gold, LLP. In addition to many honors over the course of her career, she recently received the Clay Award presented by the Los Angeles Daily Journal which recognized her as an Attorney of the Year for Extraordinary Achievement.



2ND PLACE (TIE)

Bridge—Cumberland Mountain State Park, Tennessee

Arthur Paul Berg



ARTIST'S INSPIRATION

"For almost 30 years as a semi-serious photographer, I've tried to take images that captured the natural beauty I see in my travels around the United States. I love the challenge of photography. Unlike a painter, I can shoot only what is there, not what I would like to see. I refuse to use filters or Photoshop; bad weather just becomes part of the image, not something to circumvent. The curves of this stone bridge, together with the reflections in the water, spoke to me. It is one of the few photos I've taken that has a structure in it."



ARTHUR PAUL BERG practiced personal injury, products liability, insurance coverage, and bad faith law for almost 40 years before taking up semi-retirement in a small town in Indiana. He currently writes trial and appellate court briefs for several prominent Los Angeles firms.

2ND PLACE (TIE)

Calligraphy—Oak on the Mountain Summit

Tina Dow

ARTIST'S INSPIRATION

"This poem is by Mary Baker Eddy, the founder of Christian Science and creator of the Christian Science Monitor. This particular poem is found in her book titled Miscellaneous Writings. At the time I penned this work, I had two young boys, and my father-in-law and husband were raising money for the new campus of Berkeley Hall School at the top of Mulholland Drive. At the entry of the new campus is a circular drive, which rounds a large beautiful oak tree. I thought this poem was so fitting that I decided to practice my calligraphy on this rather large project."



KRISTINA "TINA" DOW is a paralegal at the law firm of Brutzkus Gubner in Woodland Hills and has more than 40 years of extensive experience working with attorneys and bankruptcy trustees.

THE OAK ON THE MOUNTAIN'S SUMMIT

*Oh, mountain monarch, at whose feet I stand, —
Clouds to adorn thy brow, skies clasp thy hand, —
Nature divine, in harmony profound,
With peaceful presence hath begirt thee round.*

*And thou, majestic oak, from yon high place
Guard'st thou the earth, asleep in night's embrace, —
And from thy lofty summit, pouring down
Thy sheltering shade, her noonday glories crown?*

*Whate'er thy mission, mountain sentinel,
To my lone heart thou art a power and spell;
A lesson grave, of life, that teacheth me
To love the Hebrew figure of a tree.*

*Faithful and patient be my life as thine;
As strong to wrestle with the storms of time;
As deeply rooted in a soil of love;
As grandly rising to the heavens above.*

2ND PLACE (TIE)

Guitar

KC Marie Knox

ARTIST'S INSPIRATION

"Being a partner in a law firm, a mother to two wonderful elementary school aged children, a wife to a very patient husband, and just someone who likes to be busy, I needed to find a way to sit still for more than 20 minutes and relax. I took a painting class and loved it! When I sit and paint, I can put everything else out of my mind and focus on just what's in front of me and truly create something from just three simple primary colors, and black and white, of course."



KC MARIE KNOX is a partner at Hymes, Schreiber & Knox, LLP, a law firm in Woodland Hills focusing on business, real estate and wealth protection. She received her JD the University of San Diego School of Law and has spoken on various topics for the National Business Institute, and has served as an adjunct professor at Abraham Lincoln School of Law.



2ND PLACE (TIE)

After the Storm—Malibu

Alan E. Kassan



ALAN E. KASSAN is a plaintiff's Bad Faith/ERISA insurance lawyer with the firm of Kantor & Kantor. He received his law degree from the University of San Diego, and, with more than 30 years in practice, has served as a Judge Pro Tem, a volunteer mediator, and in leadership positions with a number of professional and non-profit organizations.

ARTIST'S INSPIRATION

"The problem with going to the beach to create landscape images in Southern California is that you almost always find people there who, invariably, like to walk right in front of your camera just as you are taking the picture. The secret? Go on a rainy day. Even better if it looks like the rain will clear by the time the sun sets, which is what it looked like on this day. I arrived at this beach, north of Zuma, in the late afternoon when it was still drizzling... I waited, got lucky, and hit it just right!"



2ND PLACE (TIE)
Afternoon Clouds
Ken Tennen



**ARTIST'S
INSPIRATION**

"I serve on the board of directors of a nonprofit foundation in Upper Ojai, California. The foundation owns this land. I took this picture near the entrance of the foundation's land. After so many months of drought, I was thrilled to see that the recent rains had allowed the ground cover to become lush, so I took the shot."



KEN TENNEN received his undergraduate degree from the Universidad Americas in Puebla, Mexico, and his JD from the University of La Verne College of Law. Based in West Hills, Tennen practices probate law and was admitted to the California State Bar in 1996.

SFVBA STAFF WORKS



Nagoya Castle at Sunset
Michael D. White
SFVBA Communications Manager



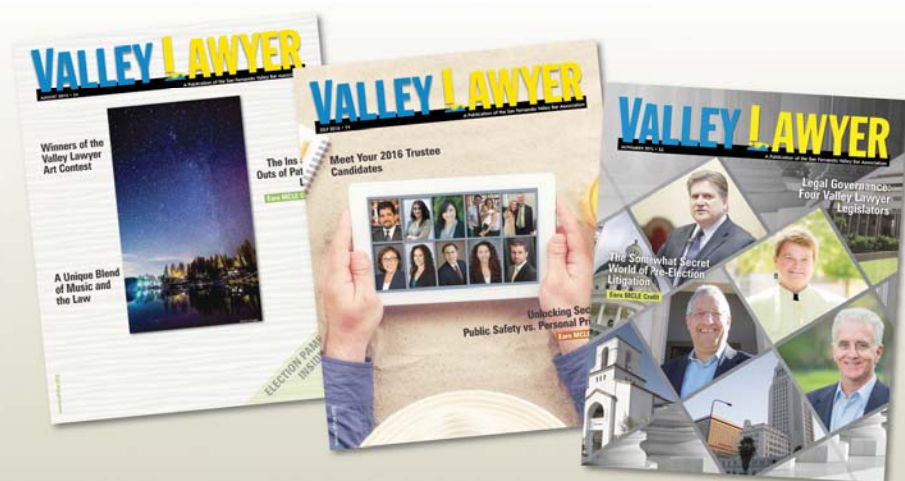
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Supporting Future Legal Scholars

DUE TO YOUR SUPPORT, THE Valley Community Legal Foundation (VCLF) of the San Fernando Valley Bar Association was fortunate with the opportunity to honor three remarkable scholarship recipients this year. Each one of these extraordinary students deserves our accolades and our support, as they are truly inspirational.

Angela Jimenez of James Monroe High School Law & Government Magnet is the latest of our 2017 VCLF Legal Scholarship recipients. Born and raised in the San Fernando Valley, Angela's day-to-day life was a struggle exacerbated by having to attend a school located in a gang-infested neighborhood with a large homeless encampment just a few hundred yards away.

"Too many students at my school faced the uncertainty of where their next meal might come from, whether their parents would be drunk or abusive that day, or if they'd make it home safely," she says, reflecting on "the harsh realities that distract many students from learning and cause them to contemplate dropping out."

Angela is thrilled that despite their own limitations and cultural inhibitions, her parents are supportive and proud

LAURENCE N.
KALDOR
President



phenix7@msn.com

of her achievements. Angela's father emigrated from Mexico when he was eight years old, and although he attended school in the United States for a few years, he was forced to drop out in eighth grade to help support his family. Her mother emigrated from Honduras with a high school education with her undocumented status inhibiting her advancement, as well.

Angela chose to attend James Monroe High School Law & Government Magnet, with the goal

of eventually pursuing a legal career. Named her graduating class' valedictorian, she found that competing on the Mock Trial team for four years taught her to think on her feet, trust her instincts, and "be a sponge—absorbing everything



being practiced," while other Magnet program activities such as acting as lead prosecution attorney in a tenth grade trial, serving as a judge over her junior-year law class's trial, and writing a 14-page legal brief for the petitioner's side in a hypothetical Supreme Court case further whet her appetite.

Aside from her academic prowess, Angela has become an influential driver within her student community. "As

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Secretary of Leadership at my school, I've tried to focus our efforts on the students' lives, as much as the school activities we sponsor," she says. "As a member of the Mayor's Youth Council, I helped raise the issue of homelessness and worked on a project called 'Hearts for Humanity,' which addressed the problem of youth homelessness across the city."

Angela explained that she wants to become an attorney so that she can address social problems like these on a more substantial level. She believes a great deal of her success "is owed to those who believe in me, support me, and encourage me to pursue my goals, no matter how big or small they may be," expressing her, "deepest appreciation and gratitude" to the San Fernando Valley Bar Association and the entire VCLF Board.

Aside from the monetary value, says Angela, the scholarship "has enhanced my confidence as a female from a minority background and it is because of the SFVBA and the VCLF that I have the opportunity to further pursue my aspirations of becoming a lawyer someday."

As an aside, Angela has said that she plans on waiting to deposit the scholarship check until the time comes to pay for her textbooks, tuition and living expenses at the University of California, Berkeley this fall.

"Thank you so much for believing in me and for recognizing the needs that exist

among high achieving students," she says. "It is foundations like yours that help college be possible. I hope to serve as an investment and a prime candidate deserving of this award and I can't wait to give back to the San Fernando Valley community." 

“

Too many students at my school faced the uncertainty of where their next meal might come from, whether their parents would be drunk or abusive that day, or if they'd make it home safely,”

About the VCLF of the SFVBA

The Valley Community Legal Foundation is the charitable arm of the San Fernando Valley Bar Association. The Foundation's mission is to support the legal needs of the youth, victims of domestic violence, and veterans of the San Fernando Valley. The VCLF also provides educational grants to qualified students pursuing legal careers. The Foundation relies on donations to fund its work. To donate to the VCLF or to learn more, visit www.thevclf.org and help us make a difference in our community.

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catherine@sfvba.org

MARRIAGE AND DIVORCE ARE NOT SUPERFICIAL concepts, as both carry considerable weight and consequence in the eyes of the law. While marriage is the union of assets and financial responsibility between two people, divorce is the division of assets accumulated during the marriage along with the separation of the financial responsibility. Before anyone signs a marriage certificate or a divorce agreement, they must really consider what it means.

Louis' (pseudonym) ex-wife came to understand the harsh finality of divorce in 2015 when, after 44 years of marriage, she filed for dissolution of marriage, citing irreconcilable differences. A friend told Louis to contact the ARS for a referral to an experienced attorney and he was referred to ARS panel member Stanley Silver, who has practiced in criminal, family, personal injury, and landlord/tenant issues in California since 1971.

Surveys from clients who have worked with Silver over the years indicate a high degree of satisfaction with his work, with several, including Louis, returning to hire Silver for other legal issues.


Divorce is usually seen as the ultimate solution for an accumulation of festering arguments and resentments.

Either explosive—with each party bitterly arguing to keep the majority of the possessions—or indifferent—with either party impatient to never see the other again—very rarely does the party who filed want to seek a reconciliation, a particularly sad situation if children are involved.

Even though divorce is common, Louis's case turned out to be exceptional as his now ex-wife actually changed her mind about the divorce after she filed for it.

"I can use the saying 'be careful what you seek' in this case because she was the one who wanted a divorce," says Silver. "I believe that she just simply realized that she still wanted to be cared for and have him handle all the details. And he believed that he had had more than enough during the marriage, including irreconcilable differences that he just wanted to go his separate way."

The divorce itself was simple. There were assets and property that needed to be divided equally and spousal support to be calculated. "So it wasn't difficult," says Silver. "It was just a matter of doing the math."

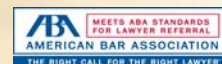
Louis married his ex-wife 44 years ago and planned to continue with the union through thick and thin. His ex-wife, though, decided to end the union, only to regret it later on. Be careful what you seek indeed. 

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Dear Phil

Joining the Old Guard

Dear Phil,

*I've just been hired by a major firm
that's been around a long time.
How do I work into the firm's
deeply-rooted environment
without stigmatizing myself
as pushy or disrespectful?*

*Sincerely,
Newbie*



Illustration by Gabriella Soderos

DEAR NEWBIE: THERE IS NO magic solution to integrating yourself into the Old Guard of an established law firm. The best advice here is that you want to do as much as possible their way. There is a reason that the law firm has been around a long time. They do things a certain way.

You need to learn those ways and accept them. If everyone comes into the office at a certain time, you come in at that time. If everyone works on Saturday, you work on Saturday. You will impress your employers and be on their radar if you excel at what tasks they give you. In short, get your work done impeccably and make certain you meet all your billable requirements. No exceptions.

Socially, it's a little more complicated. You need to figure out how to become involved in client meetings, social events and other firm functions. The most important thing is to offer your services to make your bosses

look good. For example, offer to attend a client meeting and take notes for a partner.

Socially, I highly recommend playing on a firm's softball or basketball team. Believe it or not, this means a lot to the partners and senior associates and always attend firm-related functions. The partners want to see you there early and dressed appropriately.

Finally, against this established backdrop, you'll have to distinguish yourself. Not an easy task. For well-established law firms, they will be looking for younger lawyers to innovate, particularly with technology and social media, so you should jump at any opportunity to serve on a technology committee or social media panel.

Good luck!

Phil

Dear Phil is an advice column appearing regularly in *Valley Lawyer Magazine*. Members are invited to submit questions seeking advice on ethics, career advancement, workplace relations, law firm management and more. Answers are drafted by *Valley Lawyer's* Editorial Committee. Submit questions to editor@sfvba.org.

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