

VALLEY LAWYER

DECEMBER 2019 • \$5

A Publication of the San Fernando Valley Bar Association

Steven M. Sepassi
One Man's Journey
to the Law

Changes to the
Bankruptcy Code
for Small Businesses

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Photo by Ron Murray

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Make December Your Best Month!

BARRY P. GOLDBERG
SFVBA President



bpg@barrypgoldberg.com

HAVE ALWAYS LOVED

December...and with good reason!

My parents always made December the best time of the year for me. As a Jewish family growing up in the San Fernando Valley, we celebrated everything. Sure, we celebrated Hanukkah and attended holiday parties. Why not?

But Christmas was always celebrated in a big way at our house stemming from my grandfather, who was only given the Christmas holiday off. My parents picked up on this and made it great for my five siblings and me. We decorated and exchanged gifts in a big way. I have always loved the cool nights, twinkling lights, candy canes and surprises.

My birthday is also right before Christmas. Everyone used to say that I got cheated. They thought that my birthday was lost among all the other celebrations. It is true, I often received gifts with the note, "This is for your birthday and Christmas." Funny, I did not care. I always felt so lucky to have my birthday when family and friends were around and everyone was just a bit nicer and happier.

If you do not believe me, fast forward to my adulthood, Maribel and I were married in December—on my birthday—right before Christmas.

As a lawyer, December is also the proverbial time to give back. We are so blessed to be able to earn a living in a noble profession that is capable of creating so much good for our clients.

We are, indeed, the lucky ones. While there has always been suffering and need, the urgency has never been so obvious and apparent in our own San Fernando Valley. It is nearly impossible to get on a freeway, or go anywhere for that matter,

without seeing the homeless and those struggling just to survive in our own neighborhoods. We cannot just turn up the Christmas music and tune out.

Many of you will have the opportunity to give to worthy charities at work. If you do, thank you, but there is even more that can be accomplished on the front lines.

The San Fernando Valley Bar Association provides a fantastic mechanism to do some good this holiday season and to feel really great about it.

We have a program called Blanket the Homeless and your donation, however small, will help provide blankets to those in need who are sure to feel the warmth that you have provided. How great and direct is that?


You are invited to participate with the distribution of the blankets to representatives of several of the Valley's most active homeless shelters, Saturday, December 14, at the SFVBA offices. Stay tuned for more details.

Even if you cannot participate in Blanket the Homeless or other worthy programs, next time you attend a

meeting at the SFVBA offices—or any other time as well—you can drop off household and personal hygiene items for distribution by LA Family Housing and we will do the rest. Everything from paper towels and disposable diapers to toothpaste and shampoo is welcome as they are vital to the success of transitioning the homeless into homes. It all helps.

Also, be sure to mark your calendar for our annual Holiday Open House party, Tuesday, December 10, at the Bar offices in Woodland Hills. Besides seeing good friends and enjoying good cheer, you can drop off an unwrapped toy or bring a gift card to benefit the children of Haven Hills and the West Valley Food Pantry.

When you notice the cool nights, twinkling lights, candy canes and surprises, you will know, like me, that you are truly one of the lucky ones.

Valley lawyers can make a huge difference in this world and, with a little thought and a little effort, you can help those in need this December and, I hope, you can start to love December the way I do! 



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Holiday Party

MONDAY, DECEMBER 16
6:00 PM

The Sherman • 14633 Ventura Blvd, Sherman Oaks, CA

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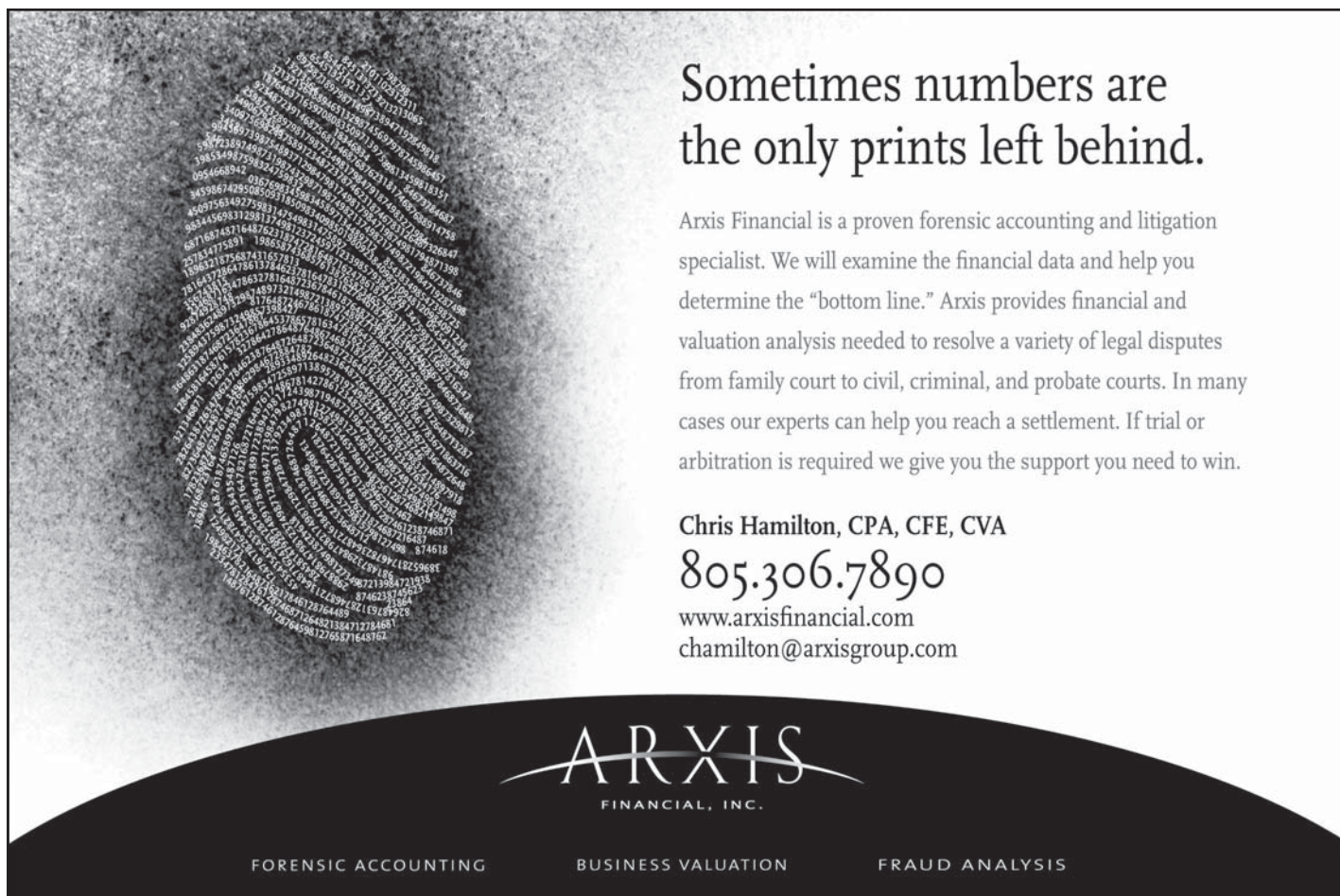
HOLIDAY OPEN HOUSE

TUESDAY, DECEMBER 10

5:30 PM | SFVBA OFFICES

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Gratitude

THIS DECEMBER, TO OUR members, I say thank you... for your membership, contributions to the Bar and Valley Community Legal Foundations (VCLF)—specifically the highly regarded Blanket the Homeless program, toy donations, volunteerism and for all that you do to make a difference, whether in the courtroom or in the community.

Speaking of contributions, for the last seven years, *Valley Lawyer* has featured the annual winner of the auction on the cover of the December issue. The auction is held in October to raise money for VCLF. The auction winner is featured in our lead story to coincide with our season of giving. As in past years, many members eagerly bid for the opportunity to be featured in *Valley Lawyer* while supporting a worthy cause.

Amongst VCLF's causes is Blanket the Homeless. Since its inception in December 1995, chronic homelessness has become a visible crisis in America, specifically in California, and notably here in the Valley. There are complex problems associated with homelessness; nonetheless, SFVBA members continue to show support and commitment to raising sufficient funds to provide enough blankets to meet every shelter's need.

Members are asked to dig deep into their hearts and wallets this holiday season to donate to Blanket the Homeless when they need it most! A donation allocated for this worthy cause through the VCLF is tax-deductible as a charitable contribution.


Members are also invited to participate in Blanket the Homeless on Saturday morning on December 14 at the SFVBA Offices. This year's legal clinic will be postponed until May to coincide with Law Day 2020.

Much gratitude goes out the Probate Settlement Committee members Nancy Reinhardt, Mark A. Lester, Kira S. Masteller, Bonnie Braiker-Gordon, William F. Kruse, Walter Hindenlang, and Alice A. Salvo, as well as Anaruth Gonzalez, Director, Region II, Family Law, Probate & Mental Health, L. A. Superior Court (LASC), and her team; Judge Clifford L. Klein; Sonia Bernal, SFVBA Member Services Coordinator; and the LASC Technology Support team, who, for the last few months has been working diligently to launch a public portal to allow the public to schedule probate-related Settlement Conferences.

The portal will be available in January 2020 at lacourt.org, on the Probate Division page, under the 'Online Services' heading as 'Schedule Settlement Conference with SFVBA.' It enables the public to register, cancel, and update settlement conferences with ease. Users will be required to create a login account.

In addition to probate settlements every Thursday, settlement sessions are being extended to guardianship matters on the last Tuesday.

A special thank you also goes out to Judge Ruth Ann Kwan, Chair of the Court Selection Commissioner Committee and Assistant Supervising Judge of the Civil Division. On Monday, November 11, Judge Kwan trekked to the Valley to answer questions from a room full of hopeful Court Commissioner applicants. Judge Huey Cotton, Supervising Judge of the Northwest District and Selection Committee member, was also on hand to answer subsequent questions. Good luck to the applicants!

We look forward to seeing you at the Bar's Open House and hope to have new law school graduates who recently passed the bar exam with us. If you know any, please invite them for a fun evening Tuesday, December 10 at our offices in Woodland Hills. 

**ROSIE SOTO
COHEN**
Executive Director



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Friday, January 17

- ◆ 9:00 a.m.
Registration, Networking and Continental Breakfast
- ◆ 9:30 a.m.
Prevention of Substance Abuse
Douglas Ridley
The Law Offices of Douglas Ridley
1 MCLE Hour (Competence Issues)
- ◆ 10:30 a.m.
Real Estate and Construction Litigation: Preventive Measures, Rights & Remedies
Paul Bauducco and John Marshall
Lewitt Hackman
1 MCLE Hour
- ◆ 11:30 a.m.
Hot Tips Regarding Legal Malpractice
Marshall R. Cole, Nemecek Cole
1 MCLE Hour (Legal Ethics)
- ◆ 12:30 p.m.
Lunch (Inclusive for All-Day Registrants)
- ◆ 1:00 p.m.
Eliminating Harassment, Discrimination and Bias in the Workplace
Tal Yeyni and Chrystal Ferber,
Lewitt Hackman
1 MCLE Hour
(Recognition and Elimination of Bias in the Legal Profession and Society)
- ◆ 2:00 p.m.
Fiduciary Banking 101
Andre Sarkissian, Manufacturers Bank
1 MCLE Hour
- ◆ 3:00 p.m.
Employment Laws for Domestic Workers and Caregivers & Preparing Your Estate to Address Potential Exposure
Nicole Kamm and Kira S. Masteller
2 MCLE Hours

Saturday, January 18

- ◆ 9:00 a.m.
Registration, Networking and Continental Breakfast
- ◆ 9:30 a.m.
2020 Nuts and Bolts of Estate Planning
Alice Salvo
Law Offices of Alice A. Salvo
1.5 MCLE Hours
- ◆ 11:00 a.m.
Avoiding Bar Discipline
Professor Robert Barrett
2 MCLE Hours (Legal Ethics)
- ◆ 1:00 p.m.
Lunch (Inclusive for All-Day Registrants)
- ◆ 1:30 p.m.
Technology and Your Firm
Barry P. Goldberg
1 MCLE Hour
- ◆ 2:30 p.m.
Client Trust Accounting
Hratch Karakachian
1 MCLE Hour (Legal Ethics)

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<input type="checkbox"/> Friday, January 17	\$169	\$299
or		
<input type="checkbox"/> Saturday, January 18	\$149	\$279
or		
<input type="checkbox"/> Per MCLE Hour	\$40	\$69
<input checked="" type="checkbox"/> Class Attending		
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Registration Form and Membership Application

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Registration Fees: \$ _____

Total Enclosed/To be Charged: \$ _____

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A Fine Tapestry

BELIEVE THAT NOTHING EVER happens in a vacuum, or without a reason.

Every experience we treasure, or wish we could forget, is integrally interwoven into the unique fabric of who and what we are, past, present and future. I've always felt that way and, perhaps, that's why I've always been intrigued with people's biographies—not just the what, where, when and how, but the why people are the way they are.

Everybody has a story and this month's issue of *Valley Lawyer* presents two articles that detail the experiences of two SFVBA members—attorneys Steven Sepassi and Karen Karadjian—whose lives took different turns that not only challenges them, but made them better, more insightful people to the benefit of their clients and their community.

Sepassi arrived in the United States at the age of 17 from Iran and set on a course that would result in his amassing three graduate degrees, including a doctorate in engineering and a J.D., and melding highly successful careers in aerospace, real estate, and the law.

A native of Yerevan, Armenia, Karadjian came to the U.S., graduated from UCLA, and set off on a career after law school only to have her world implode with her learning—on her 30th birthday—that she was afflicted with Sjogren's Syndrome, an auto-immune disease that causes chronic pain and affects a host of basic bodily functions from joint flexibility to the ability to produce tears.

MICHAEL D. WHITE
SFVBA Editor



michael@sfvba.org

Both, in their own ways, have faced, and continue to face, bewildering challenges in reaching their life goals to willingly and eagerly face trials of another kind on behalf of their clients in San Fernando Valley courtrooms; both are brave and have lessons to teach each of us about endurance, perseverance and commitment.

Thanks to Jeremy H. Rothstein for his MCLE article on the Small Business Reorganization Act; Sheri L. Huff and Jana G. Garrotto for their joint effort on the mysteries of Medicare; and Jeffrey Armendariz of the Santa Clarita Valley Bar Association for his overview of Santa Clarita's highly successful Teen Court program. 

PLEASE NOTE: The cover article in the November issue of *Valley Lawyer* on the California Judges Association (CJA) trip mentioned a meeting in South Africa with a member of the Constitutional Court.

We would like to be clear that Judge Cotton did not meet with Justice Albie Sachs, but with Justice Mbuyiseli Russell Madlanga, LL.M., of the Constitutional Court of South Africa.

It was Justice Madlanga who told the visiting CJA group about asking Justice Albie Sachs, a founding father of the South African Constitution, to interpret the meaning of their Constitution.

As editor of *Valley Lawyer*, I sincerely apologize for any misunderstanding.

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- Murder: Not Guilty by Reason of Insanity, Jury (Van Nuys)
- Medical Fraud Case: Dismissed, Preliminary Hearing (Ventura)
- Domestic Violence: Not Guilty, Jury Finding of Factual Innocence (San Fernando)
- \$50 Million Mortgage Fraud: Dismissed, Trial Court (Downtown, LA)
- DUI Case, Client Probation: Dismissed Search and Seizure (Long Beach)
- Numerous Sex Offense Accusations: Dismissed before Court (LA County)
- Several Multi-Kilo Drug Cases: Dismissed due to Violation of Rights (LA County)
- Misdemeanor Vehicular Manslaughter, multiple fatality: Not Guilty Verdict (San Fernando)
- Federal RICO prosecution: Not Guilty verdict on RICO and drug conspiracy charges (Downtown, LA)
- Murder case appeal: Conviction reversed based on ineffective assistance of trial counsel (Downtown, LA)
- High-profile defense: Charges dropped against celebrity accused of threatening government officials



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SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3 Editorial Committee 12:00 NOON SFVBA OFFICES	4	5 All Members Economic Damages in Personal Injury and Wrongful Termination Matters 12:00 NOON SFVBA OFFICES Sponsored by 	6	7
8	9	10 Probate & Estate Planning Section Winter is Coming - Stretch Out is Going 12:00 NOON MONTEREY AT ENCINO RESTAURANT Speaker Steven Trytten. Please bring an unwrapped toy for our Giving Tree. (1 MCLE Hour)	11	This seminar will be instructive for both plaintiff and defense attorneys! Free to Current Members! (1 MCLE Hour) Membership & Marketing Committee 6:00 PM SFVBA OFFICES	13 Bankruptcy Law Section The New Small Business Act 12:00 NOON SFVBA OFFICES Special two-hour MCLE program. Panelists Judge Alan M. Ahart, Ret., attorneys Lewis Landau and Jeremy Rothstein will discuss the implications of the new Small Business Reorganization Act. (SBRA) Approved for Bankruptcy Law Legal Specialization. (2 MCLE Hours)	14 Blanket the Homeless 9:00 AM SFVBA OFFICES  See ad on page 18
 <p>Join us! HOLIDAY OPEN HOUSE TUESDAY, DECEMBER 10 5:30 PM SFVBA OFFICES</p> <p>See ad on page 8</p>				12		
15	16 VBN Holiday Party 6:00 PM THE SHERMAN See ad on page 7	17	18	19	20	21
 Happy Hanukkah	23	24		25  KWANZAA	27	28
29	30	31				



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SUN	MON	TUE	WED	THU	FRI	SAT
			 1 — HAPPY NEW YEAR — SFVBA OFFICES CLOSED 8	2 Membership & Marketing Committee 6:00 PM SFVBA OFFICES	3 10	4 11
5	6	7	 17-18 SFVBA 23RD ANNUAL MCLE MARATHON SFVBA OFFICES 20750 Ventura Blvd. Suite 140 Woodland Hills See page 10			
12	13	14 Probate & Estate Planning Section Spendthrift Trusts after Carmack and Blech - What Do We Do Now? 12:00 NOON MONTEREY AT ENCINO RESTAURANT Adam Streltzer will lead the discussion of the California Supreme Court's 2017 ruling in <i>Carmack v. Reynolds</i> . The first published Court of Appeal decision interpreting and applying (or not applying) the teachings from the Supreme Court's rulings is the recent 2019 case of <i>Blech v. Blech</i> (Second Appellate District). (1 MCLE Hour) <hr/> Board of Trustees 6:00 PM SFVBA OFFICES				
19 SFVBA OFFICES CLOSED 	20	21 Taxation Law Section Tax Controversy Matters 12:00 NOON SFVBA OFFICES Former DOJ Attorney Chad Nardiello will update the group on federal and state tax controversy matters. (1 MCLE Hour) <hr/> ARS Committee 6:00 PM SFVBA OFFICES	22	23	24	25
26 Family Law Section New Laws 5:30 PM MONTEREY AT ENCINO RESTAURANT A must-attend for all family law attorneys, Lionel Levin will give the yearly round up. Approved for Family Law Legal Specialization. (1.5 MCLE Hours)	27	28	29	30 Bankruptcy Law Section 11 U.S.C. § 523: Meeting the Bankruptcy Judge's Expectations in Non-Dischargeability Litigation 12:00 NOON SFVBA OFFICES Judge Barry Russell and attorney J. Scott Bovitz (co-editor Consumer Corner column, ABI Journal) lead the discussion. Approved for Bankruptcy Law Legal Specialization. (1.25 MCLE Hours)	31	



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 21.

Time to Reorganize: Changes to the Bankruptcy Code for Small Businesses

By Jeremy H. Rothstein

The Small Business Rehabilitation Act, or SBRA, takes effect on February 19, 2020, gives small business debtors new tools to restructure their debts while reducing the costs and burdens of filing for Chapter 11 bankruptcy and includes several changes that ease the path for small business owners to reduce and discharge debt while remaining in operation.

A rustic, weathered wooden sign hangs from a chain, featuring the text "Come In WE'RE OPEN". The sign is dark blue with white lettering. The background is a blurred interior of a restaurant or bar, with warm, bokeh-style lights and a copper-colored lamp visible on the left.

Come In
WE'RE
OPEN

LAST AUGUST, PRESIDENT DONALD TRUMP signed the Small Business Reorganization Act of 2019 into to law.¹

Known as SBRA, the Act takes effect on February 19, 2020, and will give small business debtors new tools to restructure their debts while reducing the costs and burdens of the Chapter 11 process.

The new law also includes several debtor-friendly changes that will make it easier for small business owners to reduce and discharge debt while holding onto their businesses.

Because the SBRA will make Chapter 11 a more viable, useful option for eligible debtors, all practitioners who serve small business clients and their creditors should be aware of the changes.

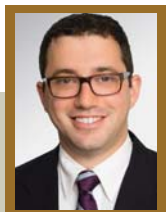
This article provides a general summary of key provisions of the SBRA for readers who may have limited familiarity with the Bankruptcy Code.²

Chapter 11 in a Nutshell

Business reorganizations are governed by Chapter 11 of the Bankruptcy Code. Broadly speaking, the purpose of Chapter 11 is to keep the debtor's business alive and restructure debts in a manner that protects the interests of creditors and other stakeholders. Filing a Chapter 11 petition immediately stays all collection efforts and litigation against the debtor and its property.³

The business may continue to operate, and management remains in place unless there is significant fraud or misconduct. A successful case generally culminates in the confirmation (meaning court approval) of a plan to restructure debts or the sale of the debtor's business to pay creditors.

Several aspects of traditional Chapter 11 make it all but impossible for small businesses to reorganize. In a traditional Chapter 11, owners generally cannot retain their ownership interest without paying in sufficient new money or an equivalent. While wiping out equity may make sense in a larger Chapter 11, it is not a solution for small businesses that are operated by the owners or their families. Also, many small businesses cannot afford a traditional Chapter 11 case, because the process imposes heavy costs and burdens.



Jeremy H. Rothstein is an associate at G&B Law, LLP, specializing in business bankruptcy and litigation. He can be reached at jrothstein@gblawllp.com.

At the same time, strict deadlines often leave small businesses without enough time to restructure. As a consequence, successful small business reorganizations have been rare, and getting rarer.⁴

Designed to reduce that trend, the SBRA adds a new Subchapter V to Chapter 11 that addresses each of the above issues for small businesses that qualify.

Eligibility for a Subchapter V Small Business Reorganization

To qualify for the new Subchapter V, debtor must meet the definition of a "small business debtor." It must have not more than \$2,725,625 in non-contingent, unliquidated debt—either secured or unsecured—as of the date of filing of the bankruptcy petition, excluding debts owed to affiliates or insiders.⁵ Debts of any of the debtor's affiliate who also file for bankruptcy will count toward the \$2.7 million limit.⁶

The \$2.7 million debt maximum may exclude many businesses, particularly since companies facing trouble tend to take on more debt before they consider bankruptcy.

Careful advance planning is critical for businesses on the brink that want to qualify for a small business reorganization. For instance, a debtor hoping to qualify for Subchapter V may be better off turning down a last-ditch loan that would put its debts over \$2.7 million.

Alternately, a business facing costly litigation might qualify at the beginning of the litigation (while the debt is contingent and unliquidated) but lose eligibility after attorney's fees pile up or judgment is entered.

In addition, fifty percent or more of a debtor's debt must have arisen from commercial or business activities, a threshold that may allow individuals with business-related debts to fit within the definition, even if their business is run as a separate entity.⁷

On the other hand, the definition excludes publicly traded companies and single asset real estate entities.⁸

Administering a Small Business Reorganization Case

In every Subchapter V case, a trustee will be appointed to supervise the case.

The trustee will be a certified public accountant or other professional with business, managerial, or consulting experience and be responsible for monitoring the case and

“
The business may
continue to operate,
and management
remains in place unless
there is significant
fraud or misconduct.”

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the debtor's property, facilitating a consensual Chapter 11 plan, examining and objecting to claims, and appearing at most hearings, among other things.^{9 10}

If the debtor confirms a Chapter 11 plan that requires the payment of its disposable income over time, the trustee will be responsible for collecting the income and making disbursements.¹¹ And if the debtor stops participating in the case or commits fraud or gross incompetence, the trustee may be granted expanded powers, including taking control of the business and investigating misconduct.¹²

The SBRA also reduces the costs of a Subchapter V case by eliminating committees of unsecured creditors, though the court may appoint one for cause.¹³

Because fees of committee professionals would be paid from the debtor's assets, this represents a major cost savings. A Subchapter V case debtor also need not pay quarterly fees to the United States trustee, an additional savings.¹⁴

As in any bankruptcy case, the debtor will have to make several disclosures about its assets, liabilities, and financial affairs upon filing and shortly thereafter.

From there, the next major milestone in a small business reorganization is the status conference, which must be scheduled within the first 60 days of the case. That deadline, though, can be extended for "circumstances for which the debtor should not justly be held accountable."

Fourteen days before the status conference, the debtor must file a status report that details all past and future efforts to attain a consensual plan of reorganization.¹⁵ For traditional Chapter 11 cases, the Bankruptcy Code authorizes more frequent status conferences with more detailed status report requirements.¹⁶

The debtor must file a proposed plan of reorganization within the first 90 days of the case, though that deadline too can be extended for "to circumstances for which the debtor should not justly be held accountable."¹⁷ It remains to be seen how the courts will interpret that language, and how long the average small business reorganization is likely to last.

The debtor has the exclusive right to file a proposed plan throughout a Subchapter V case. In a traditional Chapter 11, creditors may file competing plans after the debtor's exclusivity period expires. And once the debtor does file a plan, there is no set deadline by which it must be confirmed by the Bankruptcy Court.

Debtor-Friendly Changes for Chapter 11 Plans

To make it easier for small businesses to survive and remain in their owners' hands, the SBRA alters many of the requirements of a traditional Chapter 11 plan.

Perhaps most importantly, the debtor may maintain ownership of the business without contributing any new value. In a traditional Chapter 11, equity holders cannot

retain any interest under a Chapter 11 plan unless they make a substantial new investment or all creditors are paid in full.¹⁸ Subchapter V lets debtors opt out of that restriction, allowing owners to keep their business so long as the Chapter 11 plan is deemed fair and equitable to all classes of secured and unsecured creditors.¹⁹

A plan is fair and equitable to unsecured creditors if they receive all of the debtor's disposable income for the following three years or property worth at least the same amount.²⁰ The Bankruptcy Court may increase that payment period to no more than five years. Secured creditors' liens are protected, and they must receive the full value of their claim up to the value of their lien, though loan terms can be modified (all subject to various caveats).²¹

In a Subchapter V case, even a loan secured by the debtor's principal residence can be modified, so long as the loan was used to fund the business, not to acquire the home (a home equity line of credit, for example).²²

Under Subchapter V, disposable income is defined as "income not reasonably necessary for the maintenance or support of the debtor or a dependent, or expenditures necessary for the continuation, preservation, or operation" of the business."²³ The debtor must submit all or a portion of its income to the trustee for the term of payments,²⁴ and the trustee will distribute it to creditors. On the date of the debtor's last payment, its debts are discharged.²⁵

The SBRA also changes the treatment of so-called administrative expenses—the costs of running the business and prosecuting the bankruptcy case incurred since the filing of the petition.

Under traditional Chapter 11, those administrative expenses must be paid on the effective date of the plan, which is often a stumbling block.²⁶ But in a Subchapter V case, they can be paid through the plan over time.²⁷ That change will make it much easier for debtors to successfully adjust their debts, but those who transact with a small business debtor should know the risk of delayed or reduced payment.

An Easier Path to Plan Confirmation

In a traditional Chapter 11 filing, a debtor must go through several steps between proposing a plan and having the court approve it.

First, the debtor must develop a detailed disclosure statement with information about the business, events of the case, and the plan. The disclosure statement must be approved by the court, and it is often challenged by creditors. Once the disclosure statement is approved, the debtor must solicit votes from one or more classes of creditors.²⁸

Not all creditors need to accept the plan, but at least one "impaired" class must approve the plan for it to be imposed on the others.²⁹ The Bankruptcy Court then holds a hearing to determine whether the plan meets the various



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requirements for confirmation. That process takes months, and the debtor must often fend off repeated creditor challenges along the way.

Under the new Subchapter V, a debtor may avoid all but the final step, the confirmation hearing. The Chapter 11 plan must include a history of the debtor's business, projections, and liquidation analysis, but there is no need for a disclosure statement, unless the bankruptcy court specifically orders it. There is also no need for the debtor to solicit votes or to obtain the approval of any class of creditors, though it has the option to do so.³⁰ Instead, the Bankruptcy Court will confirm the plan if it meets the requirements of Subchapter V, with no creditor input necessary.³¹

These streamlined confirmation procedures will remove many of the pain points of a Chapter 11 case for small businesses.

Easing the Process, With Exceptions

In short, the SBRA will make it much easier for small business debtors to hold onto their businesses, and perhaps even their homes, so long as they commit their disposable income to paying creditors for three to five years. The SBRA also provides for a streamlined Chapter 11 process that should considerably reduce the cost.

However, only businesses with unliquidated, non-contingent debt totaling \$2,725,625 or less are eligible. Struggling businesses with debts near that maximum will have to plan carefully if they hope to take advantage of the new law. 

¹ Pub. L. No. 116-54, 133 Stat. 1079. The provisions of the SBRA are cited as they will be codified in the United States Code.

² 11 U.S.C. § 101, et seq.

³ See *id.* at § 362(a).

⁴ Robert J. Keach, *ABI Testifies on Family Farmers and Small Business Reorganizations*, XXXVIII *ABI Journal* 8, 8-9, August 2019, available at <https://www.abi.org/abi-journal/abi-testifies-on-family-farmers-and-small-business-reorganizations> (subscription required).

⁵ *Id.* at § 101(51D)(A).

⁶ *Id.* at § 101(51D)(B).

⁷ *Id.* at § 101(51D)(A).

⁸ *Id.* at § 101(51D)(B)(ii).

⁹ Department of Justice, *Public Notice – Solicitation of Applicants to Serve as Subchapter V Trustees*, https://www.justice.gov/ust/eo/private_trustee/vacancies/ 11*ad.*

¹⁰ See *id.* at § 1183.

¹¹ See *id.* at §§ 1183, 1190(d).

¹² See *id.* at §§ 1183(b)(2), 1183(b)(5), 1185.

¹³ See *id.* at § 1102(a)(3).

¹⁴ 28 U.S.C. § 1930(a)(6)(A).

¹⁵ 11 U.S.C. § 1188.

¹⁶ See *id.* at § 105(d).

¹⁷ *Id.* at § 1189(b).

¹⁸ See *id.* at 1129(b)(2)(B)(iii).

¹⁹ *Id.* at § 1191(b).

²⁰ See *id.* at § 1191(c)(1).

²¹ See *id.* at § 1191(c)(1).

²² See *id.* at § 1190(3).

²³ See *id.* at § 1191(d).

²⁴ See *id.* at § 1190(d).

²⁵ See *id.* at § 1192.

²⁶ See *id.* at §§ 507(a); 1129(a)(9)(A).

²⁷ See *id.* at § 1191(e).

²⁸ See *id.* at § 1125.

²⁹ See *id.* at § 1129.

³⁰ See *id.* at § 1181(b).

³¹ See *id.* at § 1191(b).



Test No. 134

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. Chapter 11 of the Bankruptcy Code governs business reorganizations.
☐ True ☐ False
2. SBRA is an acronym for Saving Businesses and Restoring America.
☐ True ☐ False
3. Unliquidated and contingent debts do not count toward the \$2,725,625 debt limit under the definition of small business debtor.
☐ True ☐ False
4. To fit the definition of a small business debtor, at least two-thirds of a debtor's debts must have arisen from commercial or business activities.
☐ True ☐ False
5. Businesses may need to plan ahead to ensure they will fit the definition of a small business debtor when they file for Chapter 11 bankruptcy.
☐ True ☐ False
6. Collection efforts and litigation against a debtor's property are not stayed until it proves it meets the definition of a "small business debtor."
☐ True ☐ False
7. If a small business debtor files for Chapter 11 bankruptcy, existing management generally remains in place.
☐ True ☐ False
8. There will be no committee of unsecured creditors in a case under Subchapter V unless the Bankruptcy Court order otherwise.
☐ True ☐ False
9. A debtor under Subchapter V need not pay quarterly Chapter 11 fees to the United States trustee.
☐ True ☐ False
10. The Bankruptcy Court must hold a status conference within the first 60 days of the case unless the debtor can show "mistake, inadvertence, surprise, or excusable neglect" meriting an extension.
☐ True ☐ False
11. If the debtor does not file a plan within the first 90 days of the case, any creditor may file a plan.
☐ True ☐ False
12. A Bankruptcy Court can require a Subchapter V debtor to make payments to creditors for more than three years.
☐ True ☐ False
13. Liens of secured creditors are protected under both traditional Chapter 11 and Subchapter V.
☐ True ☐ False
14. If a debtor under Subchapter V used a mortgage to purchase a home then used personal credit card debt to finance his or her business, and the credit card debt exceeds the mortgage debt, the mortgage may be modified under Subchapter V.
☐ True ☐ False
15. For a Subchapter V plan to be confirmed, all of a debtor's business income must be paid to creditors for at least three years.
☐ True ☐ False
16. In a Subchapter V case, the Bankruptcy Court may order the debtor to file a disclosure statement.
☐ True ☐ False
17. In a Subchapter V case, a Chapter 11 plan must include a liquidation analysis.
☐ True ☐ False
18. In a traditional Chapter 11 case, at least one "impaired" class must approve the plan.
☐ True ☐ False
19. In a Subchapter V case, a Chapter 11 plan need not be "fair and equitable" to creditors.
☐ True ☐ False
20. After a Subchapter V Chapter 11 plan is confirmed, the debtor is responsible for mailing monthly plan payments to each of its unsecured creditors.
☐ True ☐ False

MCLE Answer Sheet No. 134

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

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| 20. | <input type="checkbox"/> True | <input type="checkbox"/> False |



By Michael D. White

Steven M. Sepassi

The Fork(s) in the Road: One Man's Journey to the Law

Encino-based attorney Steven M. Sepassi, the winner of this year's *Valley Lawyer* cover auction benefitting the Valley Community Legal Foundation, first hung his shingle as a lawyer in 1995. Since then, he has parlayed his unique life experience as a graduate engineer and real estate broker into a highly successful practice as an experienced and accomplished trial attorney and a court-approved mediator.



Photos by Ron Murray

THERE IS AN OLD EXPRESSION ABOUT reaching a fork in the road of life—the moment of decision—when the voice inside says that the time has come for a major choice of options and the realization that, on whichever path we choose, the career niche we seek may well lay beyond yet another fork.

For attorney Steven Sepassi, his moment(s) of decision came as numerous forks along multiple paths that led him from pre-revolutionary Iran to the San Fernando Valley via Missouri, a seat on the SFVBA Board of Trustees, and a successful career as both an attorney and a mediator.

A Future Cast in Concrete

Arriving in the U.S. in 1975, 17-year-old Steven M. Sepassi was set on the road to obtaining an education in civil engineering and returning to his native Iran to start an engineering design and construction firm.

“That probably best explains my diverse career path later on,” he says. “I was really only following the path that my parents envisioned. ‘Go to school. Become a civil engineer. Come back here and start a business.’ So, that’s what I did as the youngest kid in the family.”

“It was PanAm from Tehran to New York and TWA from

New York to St. Louis,” he remembers with a chuckle. “My older brother and sister were going to school in Missouri, so it was just a natural move. I just knew I wanted to come to America.”

The Revolution that tore Iran apart in the late ‘70s compelled Sepassi to take another path. Enrolled at the University of Missouri, he wound up on a winding course that would lead him, eventually, to the San Fernando Valley and a career in the law.

He started questioning his ‘cast in concrete’ career plan his first semester of engineering classes. “I really wasn’t sure that I liked it and I started thinking about changing; but, change to what? I had no idea at the time.”

In his third year at Missouri, though, he enrolled in a computer programming course and, later, a computer logic class that, he says, “really captured me. I would stay up, literally, all night just to do the reading and the studying. But in order to change direction, it would have meant switching majors from civil engineering to electrical engineering. I was advised to finish what I had started.”

Three more years would garner Sepassi both Bachelor’s and Master’s degrees in civil engineering at ‘Mizzou,’ as well as learning how to water ski on the Lake of the Ozarks!



Sepassi (far left), circa 1973, with his family at the airport in Tehran, when one of his brothers was leaving to study in the United States.

Nagging Doubt

Sepassi decided to head west, arriving in Los Angeles in 1981 and earned the equivalent of a Doctorate-level degree in Structural Mechanics from the University of Southern California, while working for a small company that developed engineering software.

Sepassi remembers some people being perplexed by his accent. “They couldn’t figure out if I had a Midwestern accent or some kind of foreign accent that had gotten mixed up with a regional U.S. accent.”



Five years and a move into management at Rockwell Aerospace in Downey followed, developing and supporting CAD/CAM software systems that were used by the engineers and technicians working on the Space Shuttle program.

“The doubt of whether this was what I really wanted to do continued when I became the manager of CAD/CAM Systems,” says Sepassi. “I just kept doing what I was doing because I felt I had no other options.”

He hadn’t, in his own words, found his “niche.” “My brother was a civil engineer with Caltrans while I was at Rockwell, and he suddenly quit and went into the real estate and mortgage business in the late ‘80s when real estate was going through the roof,” he says. “So I left Rockwell when it relocated to Seal Beach, which meant an even longer



commute to Orange County from Woodland Hills, with even more time away from my family.”

A spell in the real estate and mortgage field got Sepassi thinking about going into the law. That work had brought him into contact with several lawyers. “I saw what they did and liked what I saw,” says Sepassi. “I never really had mentors to learn from along the way. I was an immigrant raised with the notion that you did what you had to do to survive, whether you liked it or not, the reality that I had no home to go back to if I failed, and the ambition born of necessity.”

The venture into real estate unraveled after a year, and that, says Sepassi, “was the trigger that got me thinking seriously about going to law school. We had a partnership dispute, it took a while to resolve and, meanwhile, my wife started her own mortgage company. We were doing okay, but I realized that that wasn’t really my thing either.”

The Law Beckons

The transition to the law, interestingly, has a thread that, he says, stretches all the way back to ‘Mizzou.’

“I had a friend whose boyfriend was going to law school in Mizzou and I’d see him carrying these huge books to and from class and, to me, it looked so prestigious, but it wasn’t anything I even dreamed about because I thought, ‘You’re crazy. You’d have to advocate and talk in front of people and

convince them. Are you kidding?’ It would be about as far away from being an engineer as you could imagine.”

A meeting with the Dean of Southwestern Law School lifted the fog. “I don’t remember exactly how the meeting was arranged, but, after I shared my feelings and where I was in my life, he was very supportive and said, ‘You are the best fit. You have an engineering background which is rooted in logic and method, and you don’t want to be someone chasing real estate agents.’”

Was the law, then, the “niche” he’d been seeking all along? “Like everything else I’ve ever done, at first I wasn’t sure and was wondering what I’d gotten myself into. My brother suggested that I go into patent law, but, by then, I’d come to the conclusion that, maybe, I shouldn’t listen that much to my brother,” says Sepassi with a chuckle. “I had decided I didn’t want to ever again fall asleep over another technical document.”

“What was really enjoyable to me, particularly in the first year, was reading about what happened to real people,” he says. “I was fascinated by the facts. I don’t know why, but each case was like a story to me.” This fascination with the facts and their effects on real people were the sources of Sepassi’s transition to mediation, which he was yet unaware of.

Four years working at his wife’s mortgage company during the day and evenings attending Southwestern meant “I had no life. It was difficult, but it was enjoyable because, for the first time, I was doing what I really wanted to do. Meanwhile, my wife was raising our two boys.” He also took on the role of the class representative in the Student Bar Association at Southwestern.

A stint at the Civil Tax Division of the U.S. Attorney’s office, and then a year of internship at the U.S. Bankruptcy Court, brought Sepassi to starting his own general law practice in the San Fernando Valley. When asked what area of the law he practiced, Sepassi—who has served as a pro-bono mediator for the Los Angeles Superior Court, the Ventura Superior Court, the Second District Court of Appeals, and the U.S. District Court, as well as a Temporary Judge—would answer with the quip, “I can tell you what areas I don’t practice in. They were family law, which can be heartbreaking, and criminal law, where you deal with people’s liberty and, sometimes, their very lives.”

“I’ve done a lot in different areas of the law over the years and it’s only over the past seven years or so that we’ve reduced our areas of practice to insurance defense and plaintiffs work. I’ve been doing mediations for years, but it is becoming more and more a larger part of my practice.”

A Niche Discovered

There comes a point, says Sepassi, “when you look at all of the experience you’ve gained and see if it helps you to do what you choose to do better. The litigation experience as

a defense counsel, as well as representing plaintiffs, helps greatly in working with both sides of an issue and has given me insights in mediation that I otherwise would not have,” says Sepassi. “I can weigh both sides and come up with a strategy that means reaching a fair and equitable settlement.” He now considers himself the “village elder,” the sage that helps the parties resolve their issues.

The “beauty of resolving a dispute is circumventing the lengthy and emotionally draining process of litigation and the uncertainty of a trial. I’ve been there; I know what it feels like to win and I know what it feels like to lose.”

Many lawyers who wind up in litigation, he says, “don’t understand the end game, the trial, because they haven’t done many of them, perhaps none. They haven’t taken a case

“

The heart of mediation is that it’s the single legal opportunity for both parties to be in control and they can decide what’s going to happen with the case.”


all the way through a trial to see how they have to convince a bench officer or 12 people in the jury box. When a case goes all the way through trial, there's no way to know what's going to happen and smart, astute trial attorneys know that."

The heart of mediation, he says, "is that it's the single best opportunity for the parties to be in control; they can decide what's going to happen with the case. At trial, they have no control over the outcome; they may think they're in control because they think they have all the facts, the best experts, and the best attorney, but even then, you still don't know how the judge or the jury will decide."

The goal is to come to an equitable resolution and "stop the bleeding," says Sepassi. "There is a right time for everything. The parties must have been allowed to gather the

facts, develop a strategy and then see their position. What is most helpful in a mediation is the certainty that the parties know where they stand, know what they have and know what they need."

That makes it a lot easier to get them to come "to a common understanding and resolution" of the case, he says, considering the nexus between engineering and the law.

The two are not that far apart, says Sepassi. "When I was at Rockwell, we were supporting the people who were building systems and plotting vehicle entry and re-entry modes that astronaut crews depended on for their lives. That's part of what I've carried over into my mediation practice. You have to pay attention to the details in cases that have a direct impact on people's lives." 



By Sheri L. Huff and Jana G. Garrotto

ATTENDING



MEDICARE

What Clients Need to Know



ACCORDING TO THE CENSUS Bureau, by 2030, for the first time, the United States will have more 65-and-older residents than children with all boomers and 1-in-5 American residents having reached the traditional retirement age of 65.

The Centers for Medicare and Medicaid Services (CMS) in Woodlawn, Maryland, estimate there will be 81 million beneficiaries in 2030, or about a 33 percent increase compared to the present.

Medicare: Basics of A Most Challenging Law

Medicare alone currently serves 59 million people in the United States with the courts describing the Medicare Act as “among the most completely impenetrable texts within human experience,” requiring “dense reading of the most tortuous kind.”^{1 2}

Whether retired or still working, understanding the nuances of Medicare is critical when turning 65.

There are three major areas of confusion in the program to especially watch out for:

- If one does not enroll in Medicare on time, there will be a monthly penalty. Many baby boomers don't know if or when they are required to enroll in Medicare. But the timing rules are strict. Most health plans pay secondary to Medicare, but anyone covered by a retiree health plan, an individual policy, or small employer group plan must enroll in Medicare when they turn 65 or be subject to late-enrollment penalties.
- Clients who do not get the correct private insurance to



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go with Medicare are likely to pay too much in premiums and out-of-pocket costs. The need for private insurance to go with Medicare surprises most people. Most people think Medicare covers everything. But that is far from true. For prescription drug coverage and other out-of-pocket expenses, private insurance is essential.

- People who don't plan for higher health care costs in retirement can run out of money or not get the care they need. The probability of higher future health care costs must be factored into any retirement budget.

The only people exempt from enrolling in Medicare at age 65 are workers and spouses who are in an employer group plan that covers 20 or more employees. Their time comes later.

What Clients Need to Know About Medicare

Medicare was enacted in 1965 as a federal health insurance program primarily for those age 65 and older.³

It is also available to people under 65 with a qualifying disability or people of any age who are diagnosed with ALS (Lou Gehrig's disease) or end-stage renal disease.

The program has several parts—Parts A and B, which are known as Original Medicare.

Part A helps cover some hospitalization costs, while Part B helps cover some medical services expenses, such as doctor visits, procedures, and diagnostic tests.

Bills for Parts A and B go first to Medicare. The government pays the portion set by law, such as 80 percent of the doctor bill. The beneficiary is billed the deductible and any remaining amount.

Part D helps cover part of the cost of prescription drugs. It is offered

through private insurers that contract with Medicare. There are many drug plans to choose from. Each has its own drug list and offers slightly different coverage at differing prices.

A key part to enrolling in Medicare is shopping for prescription drug plans and finding one that offers the medications needed at a cost one can afford.

An enrollee who doesn't take prescription drugs when they first sign up for Medicare should still sign up for a Part D drug plan because if they delay drug coverage for very long, they could face a penalty when they finally do enroll.

How Much Medicare Costs

Many people think Medicare is free. It is not.

Part A may be free if the beneficiary or their spouse paid into Medicare for more than ten years. But "free" refers only to monthly premiums. If hospitalized, one pays a deductible before Medicare pays its share. If hospitalization exceeds 60 days, the beneficiary is accountable for all or part of the daily rate. Part B is not free for anyone, except those considered indigent.

Medicare charges a monthly premium that is deducted from one's monthly Social Security check. Anyone not receiving Social Security benefits receives a bill from Medicare, while individuals considered high-income pay an extra amount above the base premium.

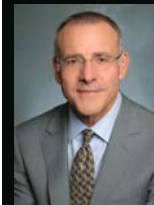
An annual deductible that the beneficiary or their supplemental insurance must pay before Medicare pays its share is also levied in addition to the monthly premium. And because Medicare pays only part of the bill, the beneficiary or their insurance pays the rest.

The out-of-pocket expenses that one may be required to pay under Medicare are not limited. This is one reason why most people seek private supplemental insurance.



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Medicare subsidizes drug coverage through payments to insurers offering Part D prescription drug plans. Still, one will likely have to pay a monthly premium to the drug plan insurer.

In addition to the monthly premium, annual deductibles and copayments or coinsurance are possible each time a prescription is filled. Terms and premiums vary among drug plans.

How Clients Enroll in Medicare

Contrary to conventional wisdom, Medicare enrollment is not automatic, unless an enrollee is receiving Social Security when they turn 65. Those not already receiving Social Security must proactively sign up for Medicare at least three months before their 65th birthday. The government does not send alerts or reminders.

Enrolling in Medicare through the Social Security Administration takes care only of Parts A and B, while enrollment for Part D requires that one must select a prescription drug plan and then enroll through their private insurer or through Medicare.

Clients who don't enroll in Medicare during the official enrollment period may face a late-enrollment penalty when they finally do enroll.

There are two main enrollment periods for Parts A and B. The initial enrollment period is for anyone when they turn 65 with the exception of everyone who is not remaining in a 20-or-more-employee group coverage plan.

The initial enrollment period starts three months before turning 65 and lasts for seven months.

The special enrollment period applies to those with an employer group plan that covers 20 or more employees that entitles them to sign up later. To avoid any coverage gaps, it is wise to enroll in Medicare before the group coverage ends. Part B late-enrollment penalties can be avoided by enrolling before the end of the seventh month after the group coverage ends.



Clients who don't enroll in Medicare during the official enrollment period may face a late-enrollment penalty when they finally do enroll.”

Clients who miss the initial or special enrollment period, may enroll in Medicare during the general enrollment period, which is January 1 to March 31 of each year. If they sign up in this period, their Medicare coverage starts July 1 and late enrollment penalties may be added.

For clients with a Health Savings Account (HSA) and High Deductible Health Plan (HDHP), enrolling in

Medicare causes HSA contributions to cease. By law, contributions to an HSA may be made after age 65 only for those not enrolled in Medicare.

If an employer plan covers fewer than 20 employees, a client needs to enroll in Medicare at 65 and stop contributing to the HSA. If their plan covers 20 or more employees, they may wait to enroll in Medicare and keep contributing to the HSA. If they want to continue contributing to the HSA, they should not enroll in Medicare Part A or Part B.⁴

Regarding Part D, clients have several choices depending on their other insurance. If a retiree plan will serve as their supplemental insurance, and that plan includes creditable prescription drug coverage, they probably won't sign up for Part D during their initial or special enrollment period.


However, if that coverage ends, they must sign up for Part D within 63 days or pay a late-enrollment penalty. Clients should keep the annual statement from their insurance company saying their drug coverage is creditable. Medicare will ask for it, and if it cannot be provided, a late-enrollment penalty may be assessed.

How to Get Supplemental Insurance

So many out-of-pocket costs are associated with Medicare that the enrollment process should also incorporate a search for suitable private plans. This should be done well before the effective date so that coverage by both Medicare and the supplemental insurance start at the same time.

Medicare supplemental insurance, also known as Medigap, covers gaps in coverage that Medicare does not deal with such as some deductibles, co-payments, and coinsurance amounts for Medicare-approved services.


There are many choices. If signing up during the initial or special enrollment period, one cannot be denied coverage regardless of health status. Policies are standardized, with all policies



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designated by the letters A through N offering the same benefits.

For example, Plan F is the most comprehensive and offers the same benefits no matter which insurance company is the provider. This makes price and service key issues when choosing supplemental insurance.

If an employer offers retiree coverage, the client may not need supplemental insurance. Their existing retiree plan may offer better coverage at a lower price, but the client may still need to enroll in Medicare Parts A and B.

Medicare Advantage Plans

These plans offered by private insurers provide another way to get Medicare. The Medicare Prescription Drug Improvement and Modernization Act of 2003 (MMA), for example, made the biggest revisions to Medicare in the past 38 years.

Under the MMA, private health plans approved by Medicare became known as Medicare Advantage Plans. These are sometimes called Part C plans. Insurers offering Medicare Advantage plans contract with Medicare and receive a per-capita amount from Medicare. They are responsible to deliver all care under Parts A and B, while most also offer Part D prescription drug coverage.

An enrollee in a Medicare Advantage plan may get extra services such as vision or wellness programs in addition to their Medicare gap coverage. Clients must enroll in Parts A and B *and pay Part B premiums*, along with any premiums charged by the Medicare Advantage plan. Medicare Advantage plans are distinct from Medigap policies. A client who has a Medicare Advantage plan may not apply for Medigap coverage.

What About Long-term Care & Medicaid?

When considering Medicare, it

is critical for clients to take the possibility of long-term care into consideration. The reason is simple. When it comes to long-term care, Medicare doesn't provide it and doesn't cover it.

Many people are surprised to find out that if they or their parents ever need help with the routine activities of daily living, like bathing and dressing, or if someone in their family needs supervision because of cognitive decline, Medicare will not pay for it.

In 1965, Congress created Medicaid through Title XIX of the Social Security Act.⁵

Medicaid created a partnership between federal and state governments to provide healthcare and health related services for certain individuals and families with low incomes and, in some cases, limited resources. Each state sets its own Medicaid eligibility requirements based on federal guidelines. California's Medicaid program is known as Medi-Cal.⁶

Advance planning for long-term care needs can help avoid having to spend down assets in order to qualify for Medicaid.

It is important to remember that Medicaid is a state-run welfare program that pays for care for those who have little or no money. But that means an individual must spend down assets to less than \$2,000 to qualify, essentially rendering oneself destitute.

Medicaid covers needed services that Medicare does not, such as long-term care in nursing homes and the community. Medicaid also helps make Medicare affordable by covering Medicare premiums and/or cost-sharing, which can be high for individuals with low or fixed incomes.

Dual Eligible Beneficiaries

Generally describing beneficiaries eligible for both Medicare and Medicaid, the term includes



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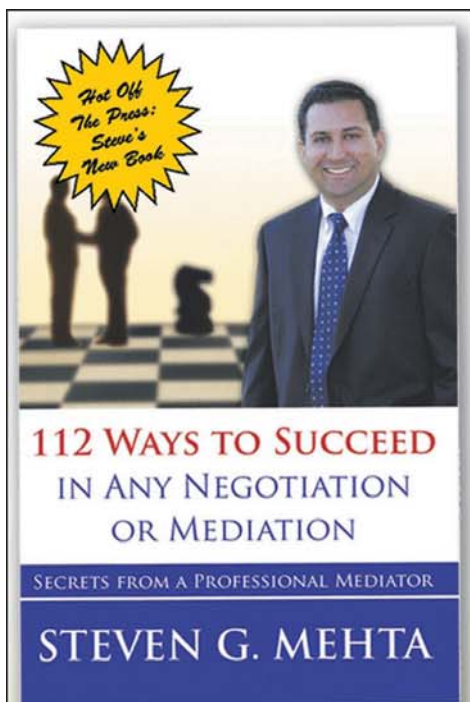
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beneficiaries enrolled in Medicare Part A and/or Part B and receiving full Medicaid benefits and/or assistance with Medicare premiums or cost sharing through one of the Medicare Savings Program (MSP) categories.

Medicare pays covered medical services first for dual eligible beneficiaries and, by law, is considered to be the payer of last resort. If another insurer or program has the responsibility to pay for medical costs incurred by a Medicaid-eligible individual, that entity is generally required to pay all or part of the cost of the claim prior to Medicaid making any payment. This is known as third party liability, or TPL.⁷

Third parties that may be liable to pay for services include private health insurance providers, Medicare, employer-sponsored health insurance programs, settlements from a liability insurer, workers' compensation, long-term care insurance, and other State and Federal programs, unless specifically excluded by Federal statute. Third-party payers are not responsible to reimburse Medicaid for services not covered under the Medicaid State plan.

Medicaid may cover medical costs that Medicare may not cover or partially covers. They may include nursing home care, personal care, and home- and community-based services.

Certain legal devices allow a public benefits recipient to maintain their personal assets without requiring them to be reduced to financial eligibility requirements.


A Special Needs Trust, sometimes called a Supplemental Needs Trust or SNT, is a legal arrangement in which a person or organization, Bank or Pooled Special Needs Trust manages assets for a person with a disability. The person with the disability is called the beneficiary and the person who is managing the assets is the trustee.

Many kinds of assets can be put in a trust, such as cash, stocks, bonds and real estate.

An SNT provides for those needs (goods and services) of a person with a disability that are not already provided by a public benefit program. The assets that are in the Special Needs Trust will not result in a reduction or loss of benefits from programs such as Supplemental Security Income (SSI), Medi-Cal, In-Home Support Services (IHSS) and HUD housing assistance. Assets in a Special Needs Trust won't be counted toward the SSI, Medi-Cal and IHSS eligibility limit of \$2,000 per individual.

In general, there are two types of Special Needs Trust: a first party trust and a third party trust. The primary difference is whether the beneficiary owns or has a right to own the trust assets. There are also special rules that apply when the beneficiary dies and Medi-Cal exercises its claim to reimbursement from the trust's assets.

Since rules governing Special Needs Trusts are complicated, one should consult a professional regarding its use in any particular situation.

In short, clients who are informed about Medicare, know the rules and timing requirements for enrollment, understand how the program meshes with state programs and insurance, are best positioned to enjoy the range of benefits available through Medicare. By combining Medicare with supplemental insurance that is best tailored to their needs will help clients avoid unnecessary costs and anxiety. 

¹ CMS/Office of Enterprise Data & Analytics/Office of the Actuary, August 2018.
www.cms.gov/fastfacts/.

² *E.g., Prime Healthcare Servs. v. Humana Ins.* 298 F.Supp.3d 1316 (C.D.Cal. 2018).

³ 42 U.S.C. §§ 1395 et seq.

⁴ www.irs.gov/publications/p969#en_US_2018_publiclink1000204063.

⁵ 42 U.S.C. §§ 1396-1 et seq.

⁶ See *e.g., Hunt v. Superior Court* (1999) 21 Cal.4th 984, 994 (Discussing history of the Medi-Cal program).

⁷ www.cms.gov/Regulations-and-Guidance/Legislation/DeficitReductionAct/downloads/tpl.pdf.

Member Focus

Without its individual members no organization can function. Each of the San Fernando Valley Bar Association's 2,000-plus members is a critical component that makes the Bar one of the most highly respected professional legal groups in the state. Every month, we will introduce various members of the Bar and help put a face on our organization.



Alexis D. R. James



Law School: Lewis & Clark College—Northwestern School of Law

Area(s) of Practice: Employment Law

Years in Practice: 15

Firm: WorkWise Law, Calabasas

Your first car...what can you tell us about it? "My first car was 'Pearlie,' a two-door Ford Thunderbird, who got me through college and law school across the country."

Your favorite vacation spot? "Florence, Italy."

If you weren't a lawyer, what would you be doing? "I went to school to be a primatologist. I thought I would be the next Jane Goodall."

What is your favorite book? Why? "*Sarah's Key* by Tatiana de Rosnay; a hauntingly beautiful story that connects the life of a ten-year-old girl hiding out in France during World War II and a woman who buys the apartment where she hid. As the grand-daughter of a Holocaust survivor, I was very moved by this story."

Alexis D. R. James has practiced employment law in California for more than fifteen years, on both sides of the equation.

In her litigation practice, she has successfully taken cases involving discrimination, harassment, wrongful termination, and retaliation through arbitration and trial.

In 2017, Alexis and her partner, Renee Noy, opened their boutique firm, WorkWise Law, PC to counsel and represent small businesses in California with employment and labor matters.

A large part of what they focus on is compliance, performing internal HR audits, drafting policies and procedures and training managers to avoid risk.

James earned her bachelor's degree in public policy at Duke University in North Carolina and completed law school with honors. She earned her mediation certificate from the Straus Institute for Dispute Resolution at Pepperdine University.

Both James and Noy provide educational content to a variety of groups across the state of California, including the HR Star Conference, the Southern California Association of Healthcare Risk Management, and the National Association of Women Business Owners.

Jason G. Eisenberg



Law School: Southwestern School of Law

Area(s) of Practice: Personal Injury Litigation

Years in Practice: 4

Firm: Law Offices of Gary C. Eisenberg, Calabasas

Who was your childhood hero?

"My childhood heroes were my two grandfathers, Seymour and Ralph. Growing up, they set an incredible example. Seymour and Ralph showed me what it meant to be the patriarch of a family and how to show love and respect to everyone they encountered."

What is Your Favorite Pastime? "Currently, I'm really enjoying playing roller hockey. I also really enjoy hiking, riding my bicycle along the coast, and traveling with my wonderful wife."

Who Influenced You to Go Into Law? "My father, Gary, certainly had a big influence on me in my decision to go into law. My father worked extremely hard when we were kids and built himself a successful law practice. I always enjoyed watching the way my father interacted with his clients."

What is Your Favorite Music Genre? "I'm really enjoying older alternative rock bands now such as Sublime, 311, and Red Hot Chili Peppers. I hate to admit it, but I also really enjoy Drake and Justin Bieber as well."

"I grew up in Calabasas and spent most of my time as a kid playing roller hockey, ice hockey, and golf on travel teams," says attorney Jason G. Eisenberg. "My family was very close, and we spent nearly every Sunday at my grandparents' house barbecuing and spending time together. My father, brother, and I played golf together several times per week, sometimes every day. My mother was also very involved in our lives, always volunteering to drive carpool and to take us to our sporting events."

Educated in the Valley, he attended Indiana University in Bloomington, Indiana, graduating with a degree in political science and business.

Shortly thereafter, Eisenberg received a scholarship to Southwestern Law School and was fortunate enough to work on Mayor Villaraigosa's legal team in City Hall. From there, I went on to begin practicing and have come to concentrate on personal injury litigation."

When the Storm Strikes: Endure, Persevere & Hope

By Michael D. White

JUST AS THERE IS A difference between temporary Hallmark-style happiness and long-term contentment, there is also a distinction between being able to simply bear what life throws at us and a genuine commitment to endure, persevere and hope.

This story is about a young attorney whose life story is one of just such a commitment—not a narrative on the details of her condition, but the story of how her journey taught her wisdom, to do her best to change what she can and to accept what she cannot, and, above all, gratitude.

Introduction

Karine Karadjian emigrated at a young age from Yerevan, Armenia and credits her parents for teaching her strength and perseverance. Watching them start their lives over in a new country from scratch, in their 40s, leaving their successful careers behind, was, she says, “an inspiration.”

Through financial struggles, health issues and the unexpected death of her young brother, Karadjian’s mother “always remained positive and strong in front of my brother and me. She taught me to be resilient, to look past dark

times and challenges, and to find my inner strength.”

An inner strength that helped her navigate the challenges of undergraduate studies at the University of California, Los Angeles and earning her J.D. and Master in Dispute Resolution degree from Pepperdine University School of Law.

A sole practitioner focusing on bankruptcy law, debt settlement and mediation, Karadjian worked at a bankruptcy firm in the San Fernando Valley before she opened up her own practice in July 2015 with offices in Van Nuys, Irvine, and Glendale.

A Storm Builds On the Horizon

In the fall of 2015, struggling with debilitating pain for weeks, she visited a rheumatologist. A battery of tests followed and on September 4—her 30th birthday—the storm struck with a blow that would test her already-tested “inner strength.”

“The good news is you don’t have lupus or lymphoma. Yet,” the doctor said. “The bad news is that you have Sjogren’s Syndrome. You may want to consider freezing your eggs, as your health will be unpredictable moving forward. Oh, and by the way, happy birthday.”





Images courtesy of Karine Karadjian.



A chronic auto-immune condition that puts its sufferers at high risk for lupus, rheumatoid arthritis, and retinal damage, Sjogren's Syndrome causes the body's immune system to attack its own healthy cells that produce saliva and tears. The Syndrome also carries the threat of possible corollary damage to the eyes, teeth, joints, and the thyroid gland, as well as the kidneys, liver, lungs, and nerves.

What followed, says Karadjian, were months of despair, self-pity, countless doctor appointments, second and third opinions, denial, and finally, acceptance.

"Two months prior to my diagnosis, I had given my notice at a law firm and had ventured out on my own. In the midst of an unexpected personal health crisis, I had to figure out how to manage my law practice without compromising the integrity of my work."

She struggled with excruciating pain for weeks leading up to her diagnosis. "My primary physician could not figure out the cause," Karadjian recalls. "I found myself nearly sedentary, lethargic, and unable to walk without knee braces. Once I was diagnosed, I was given a disease-modifying medication which I was told would improve my pain levels and regulate the auto-immune condition to a degree, lessening my chances of developing lupus or other more serious auto-immune conditions."

The medication was considered "relatively safe, except for a very small percentage of people who can develop irreversible retinal toxicity and permanently damage their vision as a side effect. I was being monitored by an ophthalmologist, rheumatologist, and a periodontist every four months," says Karadjian.

Her first two years on the medication went by smoothly with her pain becoming much more manageable as her lupus markers went down and her overall blood results improved.

"At 32, I underwent the painful and expensive journey to freeze my eggs," she says. "However, shortly after the two-year mark, I started developing vision problems. My performance on visual field exams kept getting worse and

worse, and I experienced batches of text disappearing before my eyes when texting or emailing. I underwent a brain MRI to rule out a tumor, which was ruled out, and my ophthalmologist decided that I was likely in that small percentage of people at risk for retinal toxicity and took me off the disease-modifying medication.”

A rock-and-a-hard-place scenario ensued as Karadjian’s rheumatologist was reluctant, because stopping the medication would mean an increased risk of developing lupus.

“I essentially had to decide between possibly losing my vision and possibly developing lupus,” she says. “I chose to save my vision. I have been off medication for the past two years and, fortunately, my vision has reverted back to normal. But, unfortunately, my lupus markers have increased, and I’m clinically positive for it now. My rheumatologist is reluctant to put me on a higher risk medication, so for now I’m being closely monitored until another medication obtains FDA approval.”

Balance on the Professional Front

The focus of telling her story, says Karadjian, “is not in the details of my condition, but in my journey toward building and maintaining a successful law practice as I was undergoing all of these changes. It took time to reach a work-life balance that works, but ultimately, it was possible, and I’m grateful for having been able to achieve it. I know I’m not alone in my struggle. I hope that this somehow helps my colleagues who are going through something similar.”

The most difficult part in achieving a work-life balance, she says, was controlling stress.

“With my condition, as with most auto-immune conditions, stress is the biggest trigger for my body to start attacking itself,” she says, accentuating her discovery that “stress-control is essential to my health. It was certainly a challenge to exercise stress control while juggling doctor appointments with client

“
I essentially had to
decide between
possibly losing my
vision and possibly
developing lupus.”

—Karine Karadjian

appointments, paying out of pocket for medical specialists without the comfort and stability of a steady paycheck, and managing client expectations and court appearances.”

Also important was the realization that she couldn’t manage alone.

“Putting my ego aside, opening myself up to being vulnerable, and accepting the help others were graciously offering me was the key to me overcoming my struggles,” all the while building a team of “reliable, genuine, knowledgeable professionals I could trust to refer cases to. During flare-ups with my condition, I referred out my cases to these individuals, knowing my clients would be in good hands. I sent equally reliable and knowledgeable appearance attorneys to those hearings I could not attend.”

Her clients? “I kept them in the loop so they would not feel abandoned. They were all understanding. I reached out to my SEO team and I explained my situation. The owner was beyond understanding and cut my monthly fees in half for six months. I rented a virtual office and kept my overhead as low

as possible. Low overhead meant less stress, and less stress meant fewer health problems.”

Karadjian credits a good case management system, an answering service, the automation of certain tasks, and learning to more efficiently manage her time further decreased her stress levels.

“I owe a lot of my success to efficient time management and networking. I’m an introvert by nature, and feel uncomfortable at large-scale networking functions. What has worked for me has been networking one-on-one. Oddly enough, social media has been instrumental in this.”

Over the past three years, Karadjian says she has met dozens of amazing attorneys and other professionals via Facebook, and building genuine connections “through lunch, dinner, or networking get-togethers. Creating a steady source of referrals has decreased the stress of constantly having to advertise to gain business. Additionally, having a reliable database of fellow professionals I can confidently refer cases out to has been a significant help.”



Balance on the Personal Front

The legal profession “has alarmingly high rates of suicide, stroke, and heart attacks, but change starts on an individual level,” says Karadjian.

“We are attorneys, but we are humans with feelings, and our mental and physical health is of utmost importance. We need to share our struggles, our coping mechanisms, and create a support system for each other.”

Karadjian is happy to report that four years later, her law practice is thriving.

She has found a work-life balance to accommodate her health and she hopes that by sharing her story, she will help colleagues who are similarly challenged.

“We, as attorneys, are expected to always present a strong face, and there is a stigma in showing what will possibly be interpreted as a sign of weakness by discussing health issues, whether mental or physical. This creates a perpetual cycle of attorneys keeping their struggles to themselves, afraid that if they share their story they will be vulnerable. I seek to change that. I challenge you to invest in some self-care.”

Some Suggestions:

■ **Yoga**—“Yoga was one of the few exercises my doctor allowed me when I was first diagnosed because it is gentle on the joints. Yoga has helped me immensely with joint pain, but more importantly, it has helped my mental health. If nothing else, yoga essentially forces me to escape work for 75 minutes and focus my energy on the class. Admittedly, I was a skeptic for the first several classes, but am now an avid fan.”

■ **Meditation**—“I still struggle with this at times, but I try because it is helpful, especially in our profession. I have

found useful apps on smartphones for meditation when short on time. When possible, I try to meditate in nature, at a hike or by the ocean. I find the sound of the waves to be particularly soothing. I always leave refreshed and in a better mental state.”

■ **Adult Coloring Books**—“My best friend bought me a set of adult coloring books and coloring pencils as part of a care package when I was first diagnosed and really struggling mentally. Silly as it may sound, focusing on coloring the patterns turns my mind off of work and health, and allows me some mental clarity afterwards.”

■ **Counseling**—“I cannot stress this point enough. A psychologist was crucial to me overcoming crippling anxiety attacks following my diagnosis. I still have some anxiety attacks from time to time, but a psychologist helped immensely. Our physical health is so often impacted by our mental health, yet we often ignore our mental health.”

■ **Daycations/Staycations/Weekend Getaways**—“This was something I could not financially do guilt-free for the first year of my practice. As my practice progressed and finances allowed it, I made a decision that I would have some sort of ‘mini-vacation’ planned at least once every two-three months to recharge. I often plan the trips on the weekdays I don’t have hearings. Sometimes I do some work on these trips, but even then, I always come back in a better mental state and ready for a productive workweek ahead.”

■ Avoiding a Killer Work Schedule—

“One of the reasons I left a law firm job was because I wanted flexibility in my work schedule. I am a solo attorney because I enjoy this flexibility. I have found that through time blocking and efficient scheduling, I can avoid going to the office two-three days a week. This may not work for everyone. My preference is to alternate heavy workdays with light, work-from-home days.”

■ Gratitude, Gratitude, Gratitude—

“As cliché as it sounds, I have learned that gratitude is the key to making the best of situations beyond our control. We cannot control certain things that happen to us, but we can control how we react to them. I realize that in our profession, success comes with a certain image and certain expectations. Attorneys are often striving for six- or seven-figure verdicts, a luxurious large office, a huge staff, and a certain lifestyle. In no way am I suggesting that striving for these is negative.

“On the contrary, drive makes for great advocates. However, not at the expense of our health and our happiness. If what it takes to achieve this sought-after lifestyle is an 80-hour workweek, crippling anxiety, depression, or a serious health condition, perhaps it makes sense to reassess. Take it from someone who essentially stressed herself to the point of a chronic auto-immune condition. It is not worth it. Keep your drive, keep your enthusiasm, set goals, but be mindful of your health and practice gratitude. There are always small things to be grateful for, every single day.” 🏠

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.



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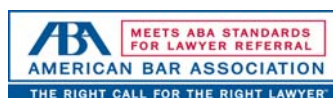
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IN A BLINK OF AN EYE THE Jolly Season has arrived and the beanies and scarfs begin to slowly roll out to protect you from the slight temperature drop. It is a season meant to be merry, but it may not be so for too many families and individuals in the San Fernando Valley.

It is a fact that rent costs have exponentially increased throughout the Los Angeles area in the last few years displacing many from their homes and causing a region-wide increase in homelessness, with others often being forced to choose between paying their monthly rent and having enough money for their everyday sustenance. Unfortunately, many are forced to opt for the latter alternative.

Recently, there has been considerable discussion concerning implementing state regulations to protect Los Angeles renters from eviction or having their rents increased to unreasonable levels. As a result of the outcry, regulations such as AB 1482 were recently passed and will become law on January 1, 2020.

However, despite efforts to protect renters, many landlords are taking action against their tenants before the law takes effect by increasing the rents prior to being restricted by a cap percentage.

While this is a much-needed, positive step, according to the *Los Angeles Times*, it needs to be understood that AB 1482 is limited, as it provides protection that was not previously implemented, it still requires the tenant to sue the landlord for each violation. Because many tenants lack the financial resources, ability or knowledge of the law to take landlords to court, proceeding with legal action will continue to be an uphill battle.

Luckily, this was not the case for San Fernando Valley resident, Melanie Griffin (a pseudonym), who was served with an unlawful detainer action earlier this year after being unable to pay a rent increase of more than ten percent.

It was her determination to fight for her rights, and the rights of others in similar circumstances, which motivated her to contact several local resources and follow through until she spoke to someone who would listen.

Enter SFVBA's Attorney Referral Service. Speaking with Griffin, our ARS consultant's reassured her that there were several ARS-qualified attorneys more than capable of helping her, and, after an initial interview with ARS staff, ARS Panelist Stanley Silver immediately made contact with Griffin to get ahead of the situation.

The case is currently ongoing. 

“Recently, there has been considerable discussion concerning implementing state regulations to protect Los Angeles renters...”

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SHARE YOUR LEGAL EXPERIENCE

1. Be a part of the legal team that will engage high school students in thinking about constitutional issues concerning free speech.
2. A bench officer and two attorneys will moderate discussions over three class sessions between February and April 2020, ending in a student mock appellate argument. An Essay Contest will follow where students can receive scholarship awards.

EDUCATING OUR KIDS BEGINS WITH YOU

The Valley Community Legal Foundation of the SFVBA Needs Attorneys to Work With Judges and High School Students in the Classroom!

“The Constitution and Me”

True Threats v. Pure Speech: Drawing the Line between Safety and Freedom

CONTACT:

Laurence Kaldor at laurencenkaldorlaw@gmail.com or Anngel Benoun at anngel4RE@earthlink.net to volunteer. Training will be provided.

Whether or not you volunteer, please make a tax deductible donation to VCLF to support this and other scholarship programs presented to San Fernando Valley students throughout the year.

Go to: thevclf.org/donate.



Encouraging and Inspiring Through Scholarships

SOME OF OUR BEST students, even those with extraordinary accomplishments on their record, struggle to afford college. The Valley Community Legal Foundation (VCLF) is dedicated to easing that burden.

For many years, VCLF has provided scholarships to local high school seniors who have demonstrated success in academics, extracurricular activities and community service. Past recipients of VCLF scholarships have attended Berkeley, UCLA, Mt. Holyoke, Smith, and many other excellent colleges and universities. All are committed to pursuing careers in the legal field or in law enforcement and many plan to return to the Valley upon graduation to begin their careers.

Many of our recipients have overcome daunting obstacles and yet excelled in school to earn the praise of both teachers and peers.

One recent recipient, who was unable to speak until he was seven years old due to severe ADHD, went on to win second place in the statewide speech and debate competition in high school. Another recipient was homeless during much of high school and charged with looking after her younger siblings. When most other students would be focusing on homework or social life, she, nonetheless, managed to excel in academics and to participate in her school's Decathlon team.

One of last year's recipients revitalized his school's Black Student Union by turning it into a tutoring and honors club, while, at the same time,

playing varsity sports, excelling in academics and mentoring mock trial students.

“
VCLF intends to increase its impact in the community through the creation of a scholarship for Valley students attending local law schools.”

Each in their own way has demonstrated extraordinary determination, work ethic and leadership.

A recent recipient from John Burroughs High School summed up the personal qualities many of them share—“drive,

self-reliance, passion, self-confidence, and integrity.” One scholarship recipient described their mission as “advocating for others and changing hearts and minds”—a summation that captures the vision that animates them all.

Students applying for a VCLF scholarship are asked to write an essay, describing a significant accomplishment and how they intend to contribute to the legal community or to law enforcement.

All of those awarded scholarships have demonstrated a unique ability to lead others by example and a keen desire to improve their communities through action.

Typical scholarships are set at \$1,000, \$2,000 or \$3,000 and are awarded to students recommended by their respective high school teachers and counselors. VCLF's Scholarship Committee then evaluates students

KIRA S. MASTELLER
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NEW MEMBERS

The following joined the SFVBA in September and October 2019:

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Los Angeles
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Kevin Joshua Chroman
Sherman Oaks
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Matthew J. Chung
Reape-Rickett, APC
Valencia
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Neda Dorafshani
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Certified Public Accountant

Samantha Essayan
Reape-Rickett, APC
Valencia
Family Law

Chrystal L. Ferber
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Encino
Workers' Compensation

Jana Garrotto
Lewitt Hackman
Encino
Estate Planning, Wills and Trusts

Linda Haim
Rodeo Realty
Reseda

Alexis Danielle James
WorkWise Law, PC
Calabasas
Labor and Employment Law


Ksenya G. Kogan
Brot-Gross-Fishbein-LLP
Sherman Oaks
Family Law

Ronna L. Lubash
Woodland Hills
Family Law

Ashod Mooradian
Law Office of Ashod Mooradian,
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based on personal essays, academic performance, and other accomplishments. The Committee also considers the students' demonstrated commitment to social justice and community service, as well as their interest in law related fields.

VCLF intends to increase its impact in the community through the creation of a scholarship for Valley students attending local law schools. Still in its nascent stages, this scholarship program will enable talented members of our community to realize their dream of obtaining a law degree, while defraying some of the costs.

With these and existing scholarships, VCLF is committed to nurturing advocates and leaders who will work for positive change throughout our San Fernando Valley community. 

ABOUT THE VCLF OF THE SFVBA

The Valley Community Legal Foundation is the charitable arm of the San Fernando Valley Bar Association, with the mission to support the legal needs of the Valley's youth, victims of domestic violence, and veterans. The Foundation also provides scholarships to qualified students pursuing legal careers and relies on donations to fund its work. To donate to the Valley Community Legal Foundation or learn more about its work, visit www.thevclf.org.



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SCV Teen Court: A Diversionary Program for Minors

WHILE THERE ARE OPTIONS available for minors who commit criminal offenses in the Los Angeles County juvenile system, these options, whatever they may entail for the offending minor, require the imposition of formal court proceedings and attendance before a Superior Court judge or commissioner.

However, for the communities of the Santa Clarita Valley, there is a special program—the Santa Clarita Valley Teen Court.

Similar to other Teen Court programs in Southern California, the SCV Teen Court has been in operation for over 21 years, functions under the auspices of the City of Santa Clarita and serves as a diversionary program that allows certain first-time, low-level, offending minors to participate in a fairly informal courtroom-like proceeding.

Those minors who successfully complete the program will have neither an arrest nor conviction appear on their record.

Designed as a second chance for minors who desire a low-stress environment, the program is also structured for parents who not only want their child to earn a dismissal of their offense, but also want to instill an clear understanding in their child that certain actions can have profound consequences on both their short- and long-term future.

In practice, the offending minor is vetted by Los Angeles County Sheriff's Department detectives before being allowed to participate in Teen Court. The list of eligible offenses includes drug and alcohol possession and abuse, many

theft-related offenses, crimes of violence such as battery and some assault with deadly weapon offenses, threat offenses (422 PC), and vandalism, and take into consideration whether or not they occur on a school campus.

Absent very unique and compelling circumstances, minors who commit felony offenses are not considered eligible for a hearing in Teen Court.

During the period of time that the minor is placed on probation to the Teen Court, he/she will have regular meetings with, and provide progress reports to the Teen Court Coordinator at his office. The meetings provide an opportunity for the Coordinator to measure and evaluate the progress of the minor.

If the minor is progressing in a positive manner, then the probationary period will be allowed to conclude in due course. If the minor is not doing well on probation, the Coordinator can refer the matter back to the Teen Court for remedial action, depending on the circumstances.

Every effort is made to ensure that the terms of probation do not interfere with the minor's school work.

JEFFREY ARMENDARIZ
SCVBA
Community Outreach Chair




info@scvbar.org

Significantly, the minor's coursework, schedule and grades are also routinely evaluated by the bench officer during the Teen Court process to address any problems, such as failing grades or under-achieving work habits.

Finally, it is the mission of the SCV Teen Court to assist and support the minor's efforts in successfully completing the assigned terms of probation, and earn a dismissal of the case.

The impressive success of the Teen Court program is reflected in the fact that the recidivism rate of those participating minors is less than ten percent.

SCV Teen Court is held on the last Thursday of every month, except during the summer months when school is not in session. The sessions begin promptly at 3:30 p.m. and are conducted in the Council Chambers of the City of Santa Clarita City Hall. Each session usually lasts up to two hours, depending on the nature of the cases under consideration. 

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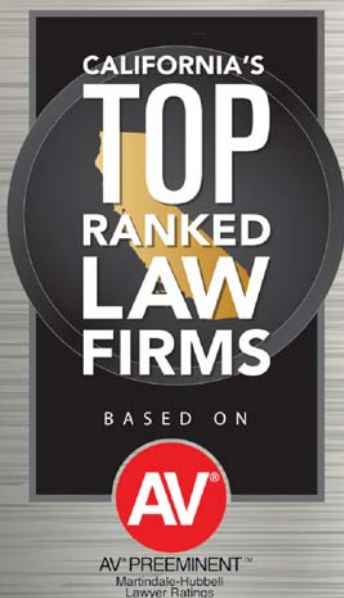
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