

VALLEY LAWYER

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A Publication of the San Fernando Valley Bar Association

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Judge of the Year
Virginia Keeny**

**The Buck Stops Here:
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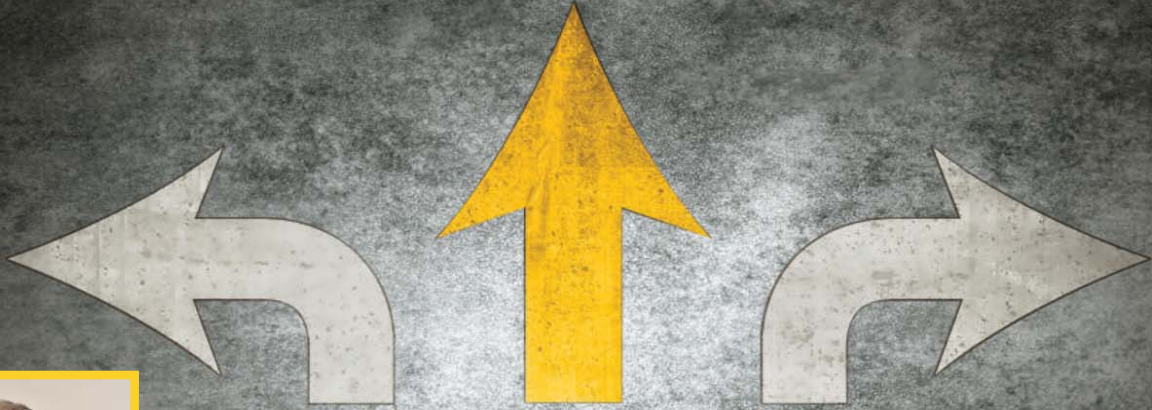
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GRAPHIC DESIGNER

Marina Senderov

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Why Aren't You Tech-Savvy?

BARRY P. GOLDBERG
SFVBA President



bpg@barrypgoldberg.com

GAVE A PRESENTATION AT THE RECENT MCLE

Marathon entitled "Technology and Your Firm." Exciting, huh? I originally wanted to do the presentation on "Easy Marketing Ideas for Solo and Small Law Firms," but I was told that in order for attorneys to receive MCLE credit, the presentation could not be on marketing.

I was the 'natural choice' to present on law firm technology because I am perceived as an 'expert' of sorts on all things tech. This is actually hyperbole at its best. Rather, I have worked hard to reasonably embrace technology in an effort to better leverage my time and remain competitive.

It has gone a long way in giving me some degree of flexibility and has freed up enough time to serve as SFVBA President.

Although California has not yet adopted a duty of tech competence in the State Bar's Rules of Professional Conduct, they do require that lawyers involved in litigation matters have competence in e-discovery or associate with consultants or counsel who do have such competence.

The Opinion cites ABA Model Rule 1.1, Comment 8, which states that "[m]aintaining learning and skill consistent with an attorney's duty of competence includes keeping 'abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology.'"

In other words, embracing technology in order to leverage time and remain competitive has always been required, especially in the practice of law.

Dial back a few short years to law school—in my case, 1984.

In any given class, there was one or two that had a laptop computer for taking notes. We marveled at the wonders of Lexis and I clerked at a downtown law firm that had a copy machine with a giant roll of paper and a fully-staffed Word Processing Department. If you lacked these tech innovations in those days, you were doing all your legal research in the library with legal pads, carbon paper, IBM Selectric typewriters, and writer's cramp.

The question is: Why do we "more seasoned" lawyers justify using those tech innovations so easily and willingly, and yet stalwartly resist new tech innovations?

Let me give you an example. For the past four years,

I have been urging, teaching and now, in effect, ordering our Board of Trustees to 'like' or 'share' SFVBA posts on social media. At our Board Retreat, I received a verbal almost 100 percent agreement to cooperate. After all, it is the awareness from Social Media that has been filling up our programs, attracting record sponsors and enticing younger lawyers to join our Association.

Check this out. On any given SFVBA post, the buy-in is no more than 25 percent with the usual few Trustees that comment or share. I am becoming convinced that a similar percentage of tech buy-in is present for seasoned Valley lawyers for other reasonable and necessary tech innovations.

Most lawyers use a handheld device and have access to their calendar and email on the go. Most, but surprisingly not all, use some advanced case management software and billing program. But, unfortunately, that is where it ends.


My MCLE Marathon presentation materials covered accounting and email marketing software, note-taking applications, cloud storage platforms, time tracking, video conferencing software and project management software, and customer service tools, all of which can make you—particularly solo and small practices—more powerful and competitive.

Especially today, solo and small practices must leverage technology to remain competitive.

This includes social media. If you are a personal injury defense attorney and failed to catch a plaintiff's latest ski trip on Facebook, would that be malpractice? I could list more examples in almost every area of solo and small firm law.

Perhaps, more importantly, social media is a type of adjunct to regular directory listings, displaying a lawyer's persona online as a critical part and parcel of getting and keeping clients. Potential new clients are looking. Why not be found?

Better yet, why not start following SFVBA on Facebook, Instagram and LinkedIn? When you simply 'like, share or comment,' you are associating your professional online persona with an organization that stresses education, leadership and charity.

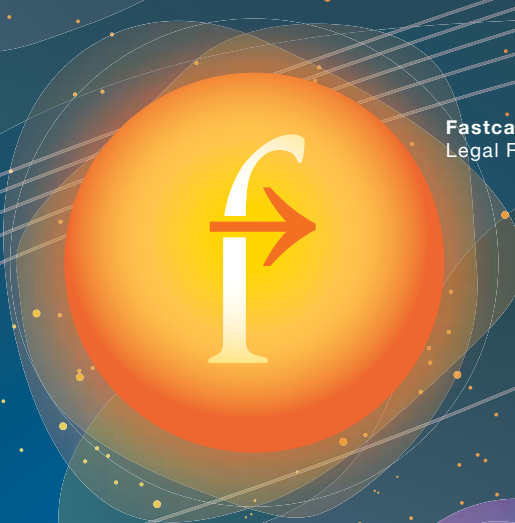
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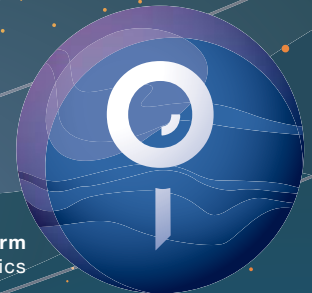
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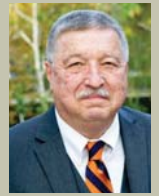
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A Hero's Backstory

MICHAEL D. WHITE
SFVBA Editor



michael@sfvba.org

READILY ADMIT THAT I HAVE always harbored a keen, lifelong interest in what the late Paul Harvey called “the rest of the story”—the often under- or even misreported backdrop of conditions, circumstances, environments, and experiences that make people who and what they are.

One significant benchmark is who, and why, an individual regards another as a hero. The reasons can tell as much about the person casting the laurels, their values, aspirations, standards, and personal goals.

During my recent interview with SFVBA's 2020 Judge of the Year, Hon. Virginia Keeny, I asked her who her hero was; who was it that most impacted her life and influenced her to pursue a career in as both a civil rights attorney and as a bench officer.

Without hesitation, she responded, “My grandfather, Sam Keeny, was my hero and my inspiration for public service.” The sheer conviction of her answer and the admiration for the subject with which it was delivered moved me to seek out Sam Keeny and, in effect, tie two-and-two together.

Spurgeon M. “Sam” M. Keeny headed the United Nations International Children's Emergency Fund (UNICEF) in Asia from 1950 to the time of his retirement in 1963. I learned that during his tenure, he touched the lives of millions through his efforts to eradicate the disease and ease the poverty that ran rampant in the years following World War II.

In 1988, the United Nations commissioned a monograph on the operations of UNICEF. In it, the writer, quoting the author of a history of the agency, stated that Keeny “possessed that

particular style of leadership and inspiration that was especially suited to the era of the mass disease campaign [particularly against malaria, yaws and tuberculosis].”

Keeny, the author wrote, “had another talent—the ability to write and speak simply and compellingly. His easily readable style and story-telling were a hallmark of his stewardship of UNICEF in Asia. He wrote a monthly report which was widely circulated and read, and which remain unsurpassed for its graphic descriptions of life in Asian villages, and of UNICEF's efforts on behalf of needy children and mothers.”

The writer added, “Some say Keeny made a greater contribution to UNICEF's practical work than any other single person in its history...He was, most certainly, the right man in the right place at the right time.”


We live in a day when many hold their ‘heroes’ to arguably low standards—how

much money they have in the bank, how pretty or ‘cool’ they are, how many points they scored in their last basketball game, how many mansions they have, or the number of Emmys or Oscars they have on their shelf.

It's been said that those worth emulating are those who have the wisdom and inclination to separate true value from superficial cost.

Sam Keeny invested his life in those things that have true value, a legacy that has positively impacted millions.

At the top of that list, could one ever be complied, would be his granddaughter, who, on her path, has committed herself to following his example of service, his commitment and his drive to do the right thing in the right place at the right time.

I have no doubt he would be very proud of her. 

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| 2 |  VBN VALLEY BAR NETWORK 5:30 PM | 3 | 4 | 5 | Employment Law Section Business Owner Beware: You Can Be Personally Liable for Wage and Hour Violations 12:00 NOON SFVBA OFFICES Attorney David G. Jones kicks off the New Year as the first speaker. He will discuss Employer Liability under California Labor Code, Section 558.1 and how best to inform your clients. (1 MCLE Hour) | 6 |
| 9 | 10 | Probate and Estate Planning Section Keeping Current: What's New in Estates and Trusts 12:00 NOON MONTEREY AT ENCINO RESTAURANT Attorney Mark J. Phillips will lead the discussion. (1 MCLE Hour) Board of Trustees 6:00 PM SFVBA OFFICES | 11 | 12 | Business Law and Real Property Section Property and Business Insurance Coverage 12:00 NOON SFVBA OFFICES Sponsored by  How best to avoid exposure. Free to Current Members! (1 MCLE Hour) | 13 |
| 16 | 17 |  Presidents DAY SFVBA OFFICES CLOSED | 18 | Taxation Law Section Update on the Taxation of Cryptocurrency Transactions 12:00 NOON SFVBA OFFICES Attorney and certified taxation law specialist Michel Stein will discuss new IRS pronouncements and enforcement action regarding taxation of cryptocurrency transactions. (1 MCLE Hour) ARS Committee 6:00 PM SFVBA OFFICES Mock Trial Committee 6:00 PM SFVBA OFFICES | 19 | Workers' Compensation Section UR & IMR: What Role Does the WCAB Play? 12:00 NOON MONTEREY AT ENCINO RESTAURANT Judge Clint Feddersen leads the discussion. (1 MCLE Hour) |
| | | | | 20 | Bankruptcy Law Section 9th Circuit Case Review 12:00 NOON SFVBA OFFICES Judge Victoria S. Kaufman, Attorneys Stella A. Havkin, and Nancy Zamora discuss the pertinent cases. Approved for Bankruptcy Law Legal Specialization. (1.25 MCLE Hours) | 21 |
| | | | | | | 22 |



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See page 29

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| WOMEN'S HISTORY MONTH | | | | | | |
| 1 |  VBN VALLEY BAR NETWORK 5:30 PM | 2 All Section Retirement Plans, What's Best for You and Your Clients 12:00 NOON SFVBA OFFICES Giancarlo Hamner, of Edward Jones, will discuss the latest regarding retirement planning. Free to Current Members! (1 MCLE Hour) | 4 Membership and Marketing Committee 6:00 PM SFVBA OFFICES | 5 | 6 | 7 |
| 8 | 9 | 10 Probate and Estate Planning Section Powers of Attorney - Myths, Management, and Litigation 12:00 NOON MONTEREY AT ENCINO RESTAURANT Vivian Thoreen of Holland and Knight will be speaking on Powers of Attorney. This session will cover the scope of authority granted under powers of attorney; strategies for drafting provisions to meet your clients' specific needs and to avoid litigation; proper management and administration by agents serving under powers of attorney; and litigation relating to breaches of duties by agents. (1 MCLE Hour) Board of Trustees 6:00 PM SFVBA OFFICES | 11 | 12 Business Law and Real Property Section Advanced Strategies - Exeter 1031 Exchange 12:00 NOON SFVBA OFFICES Sponsored by  EXETER 1031 EXCHANGE SERVICES LLC Exeter Exchange sponsors once again and continues the discussion from their earlier fall seminar. Free to Current Members. (1 MCLE Hour) | 13 | 14 |
| 15  St. Patrick's Day | 16 Mock Trial Committee 6:00 PM SFVBA OFFICES | 17 Taxation Law Section International Tax Law Changes Following TCJA 12:00 NOON SFVBA OFFICES Tax attorney Bryan Kelly will provide a primer on the new tax rules that apply to organizations operating internationally including GILTI, FDII and BEAT among others. (1 MCLE Hour) ARS Committee 6:00 PM SFVBA OFFICES | 18 | 19 | 20 | 21 |
| 22 | 23 Family Law Section Minor's Counsel Update 5:30 PM MONTEREY AT ENCINO RESTAURANT Attorney Elise Greenberg and Judge David A. Rosen will discuss minor's counsel and update the group on the present application. Approved for Family Law Legal Specialization. (1.5 MCLE Hours) | 24 | 25 | 26 DINNER AT MY PLACE 6:30 PM Granada Hills  | 27 Bankruptcy Law Section Asset Sales in Chapters 7 and 11 12:00 NOON SFVBA OFFICES Judge Robert N. Kwan and attorneys Ron Bender, Krikor Meshefjian, and Ed Wolkowitz will lead the discussion on Section 1129 and asset sales in Chapters 7 and 11. Approved for Bankruptcy Law Legal Specialization. (1.25 MCLE Hours) | 28 |
| 29 | 30 | 31 | See page 16 | | | |



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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.

The Buck Stops Here: What You Owe Your Employees

By David G. Jones



The passage of California Assembly Bill 5 codified the distinction between employees and independent contractors in a manner that runs contrary to the understanding of many business owners as to appropriate independent contractor status and usage.



A KEY ROLE OF AN EMPLOYMENT LAWYER IS to advise clients of California's rapidly changing laws that impact their daily decision-making processes. The sheer volume of questions attorneys receive regarding California's employment laws from both clients and acquaintances highlight the common misperceptions that pervade the business community.

An example of this collective misperception can be seen in the major legal shift to California's gig economy brought on by the landmark *Dynamex Operations West, Inc. v. Superior Court* decision and subsequent passage of California Assembly Bill 5.¹

AB-5 codified the distinction between employees and independent contractors in a manner that runs contrary to the understanding of many business owners as to appropriate independent contractor status and usage.

Together these misperceptions leave employers vulnerable to costly lawsuits and legal exposure. That risk is especially acute for small businesses that may lean on instinct or the internet to make decisions regarding wages earned and hours worked, rather than consulting legal counsel.

A reoccurring issue in worker classification is the common misperception that business entities shield owners from individual liability.

While a primary reason for most businesses utilizing the corporate or limited liability entity structures is the protection against individual liability for their company's debts, recent legislation and case law have established a basis for the imposition of individual liability upon owners, directors, officers, and managing through the Labor Commissioner or a Private Attorneys General Act (PAGA) action.

Preventing Wage Theft

In an effort to combat what it characterized as widespread wage theft throughout the state, the California Legislature passed California Labor Code Sections 558 and 558.1.

The original bill, dubbed A Fair Day's Pay Act, was characterized in the California Senate Judiciary Committee Bill Analysis as giving the Labor Commissioner "the authority to hold individual business owners accountable for their debts to workers.

By applying an existing enforcement law to wage claims, responsible individuals can be issued citations personally. This will discourage business owners from rolling up their operations and walking away from their debts to workers and starting a new company."²



David G. Jones is a partner in the Encino firm of Lewitt Hackman. He specializes in all aspects of employment law and employment litigation and can be reached at djones@lewitthackman.com

In identifying some of the concerns that formed the foundation of the new law, the Legislature further stated that "... it is difficult and rare for workers in California to recover stolen wages. Even if a worker wins their case before the California Division of Labor Standards Enforcement (DLSE) and received a judgment, only 17 percent were able to collect any payment. This is possible "because many of the businesses that are the worst violators of our labor laws simply roll up their operations and close shop when workers try to hold them accountable, thus avoiding any responsibility for their exploitative employment practices. In fact, in over 60 [percent] of the cases where DLSE found an employer owed wages, the employer was listed as non-active, i.e., defunct."³

Without a doubt, many unsavory small businesses were playing a shell game in the two decades before the legislation was enacted. Too often, such businesses would simply reestablish themselves under a different name making it nearly impossible for employees to collect their unpaid wages.

Protecting Employee Wages

While the purported purposes of the Act are tied to abusive practices of certain employers, the ultimate tool established by Labor Code Section 558.1 has, however, proved to be a double-edged sword.

In the 2019 California Supreme Court decision *Voris v. Lampert*, the court essentially eliminated the tort of conversion as a basis for wage recovery.⁴

In Justice Mariano-Florentino Cuéllar's dissent, he explained the importance of wages under California law and expressed the importance of vindicating employees who are not paid for their labor.

In California, he wrote, "unpaid wages are not merely contractual obligations to pay a sum. This is because, as we long ago observed, 'wages are not ordinary debts.' The reason for this is practical: "because of the economic position of the average worker and, in particular, his dependence on wages for the necessities of life for himself and his family, it is essential to the public welfare that he receive his pay when it is due."

A recent study estimated that "minimum wage violations alone cost California workers nearly \$2 billion per year," he stated. "When workers cannot collect wages they are owed, they are unable to pay for food, housing, or other bills. They spend less overall, slowing local economies and decreasing tax revenue for state and local governments. And employers who fail to pay wages in full and on time create

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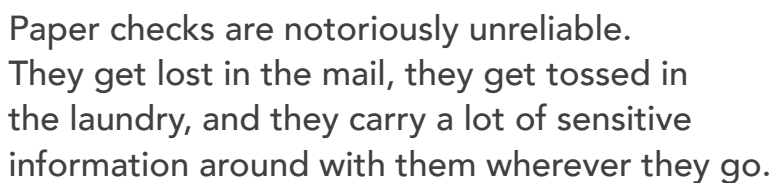
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an uneven playing field in which law-abiding businesses are unable to compete. [This], in effect, leads to a badly distorted and fundamentally unfair marketplace for both labor and consumers..."

Justice Cuéllar asserted that, "Where unpaid wages diverge from garden-variety contractual promises to pay a debt is in the fundamental importance of earned wages to workers, their families, and the public. Our case law has repeatedly highlighted and enforced that distinction.

"In *Cortez*, for example, we declared that '[o]nce earned, those unpaid wages became property to which the employees were entitled.' Indeed, they are 'as much the property of the employee who has given his or her labor to the employer in exchange for that property as is property a person surrenders through an unfair business practice.'"

Labor Code Section 558.1

According to the text of Labor Code Section 558, "Any employer or other person acting on behalf of an employer, who violates, or causes to be violated, any provision regulating minimum wages or hours and days of work in any order of the Industrial Welfare Commission, or violates, or causes to be violated, Sections 203, 226, 226.7, 1193.6, 1194, or 2802, may be held liable as the employer for such violation.

"For purposes of this section," it continues, "the term 'other person acting on behalf of an employer' is limited to a natural person who is an owner, director, officer, or managing agent of the employer, and the term 'managing agent' has the same meaning as in subdivision (b) of Section 3294 of the Civil Code."⁵

The key and defining language in subsection (b) shows that *any natural person* in a position of authority with a company can be held personally liable for certain wage and hour violations, as specified in subsection (a).

That broad list of potential judgment debtors extends to owners and even managing agents as that term is defined in the well litigated Civil Code Section 3294, reflecting the punitive damage law for the state of California.

By including the *managing agent* language, the legislature both broadened the category of responsible persons and created some measure of certainty given the breadth of legal authority on this concept in California law.

The implicated violations categorically include unpaid minimum wages, unpaid overtime, rest and meal break violations, incorrect wage statements, waiting time penalties, and unreimbursed business expenses.

Essentially, all the primary and most common wage violations are included in the types of violations for which individuals may be held personally responsible under 558.1.

Based on the broad language in Section 558.1, employees now systematically name principals and involved management-level employees as defendants in private actions seeking recovery of penalties. An unfortunate and unintended result of this is that non-discriminatory lawsuits are misused

in efforts to leverage the individual owners and managers of companies.

Just What is an “Employer”?

As a general proposition, wage and hour law is encompassed in two main sources—the Labor Code and the Wage Orders issued by the Industrial Welfare Commission (IWC).

The IWC Wage Orders define the term “employer” broadly to include “any person...who directly or indirectly, employs or exercises control over the wages, hours or working conditions of any person” and further defines “employ” to mean “engage, suffer, or permit to work.”⁶

Under the IWC definition, “employ” is defined as “(a) to exercise control over the wages, hours or working conditions, (b) to suffer or permit to work, or (c) to engage, thereby creating a common law employment relationship.”⁷

The IWC definition reaches irregular working arrangements outside the common law definition of “employer” and the language “directly or indirectly” is broad enough to impose liability for wages on the actual employer and identify “straw men” and other sham arrangements.^{8,9}

The Federal Fair Labor Standards Act

The federal government’s counterpart wage and hour law, the Fair Labor Standards Act, creates liability for “any person” acting in the employer’s interest in dealing with employees.¹⁰

“Where an individual exercises control over the nature and structure of the employment relationship...that individual is an employer within the meaning of the Act, and is subject to liability.”¹¹

Federal courts have developed an “economic reality” test, which determines whether a “person” is “acting directly or indirectly in the interest of an employer” in managing the employment relationship with company employees.¹²

The courts consider the “totality of the circumstances of the relationship,” including factors such as hiring and firing, setting wage amounts, scheduling, the facilitation of payment and general control over the employee workplace.¹³

While California’s employment laws are generally consistent with their federal counterpart, there are notable exceptions.

Individual liability for unpaid wages is one such area. The conflict in the law at the state and federal levels creates a strange divergence, which creates a more favorable outcome for employees litigating claims against individual defendants in federal court.

Despite the recent employee-friendly legislative swing in California, employees might often be better served by pursuing individual defendants for large sums of unpaid wages on the federal level.

Liability and Mandatory Penalties for Violations

California’s Labor Code authorizes civil penalties under many

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statutes, but for purposes of this article the statutes of concern are Labor Code (LC) Sections 558.1, 1197.1, and 2699.

Pursuant to LC Section 558.1, the Department of Labor Standards Enforcement, through the Labor Commissioner, has the authority to impose liability on “[a]ny employer or other person acting on behalf of an employer” who causes overtime pay violations to occur.¹⁴

LC Section 1197.1 imposes individual liability on “[a]ny employer or other person acting either individually or as an officer, agent, or employee of another person” for failure to pay minimum wages.¹⁵

All wage and hour violations carry penalties and liquidated damages as a deterrent to employers who flout wage and hour laws. These penalties are mandatory on a finding of statutory liability.

Accordingly, even with effective lawyering as to unpaid wage claims, ultimately those who control the payment of wages to employees will be saddled with likely non-dischargeable penalty judgments as to claims which are converted to judgments.

Without referring specifically to the Bankruptcy Code, suffice it to say that it is incredibly difficult to discharge penalties imposed by a governmental entity in a bankruptcy situation.

Accordingly, every effort must be made to avoid exposure to these claims at the earliest possible juncture.

With the wave of Private Attorney General Act (PAGA) claims recently filed by employees, it is critical to understand the exposure for individual business owners under Labor Code Section 2699 which governs these claims.

Section 2699(a) provides that, “Notwithstanding any other provision of law, any provision of this code that provides for a civil penalty to be assessed and collected by the Labor and Workforce Development Agency or any of its departments, divisions, commissions, boards, agencies, or employees, for a violation of this code, may, as an alternative, be recovered through a civil action brought by an aggrieved employee on behalf of himself or herself and other current or former employees pursuant to the procedures specified in Section 2699.3.”¹⁶

Atempa v. Pedrazzani: A Critical Decision

In the case of *Atempa v. Pedrazzani*,¹⁷ the California Court of Appeal found personal liability for civil penalties as they applied to individuals responsible for overtime and/or minimum wage violations under PAGA.

The Court determined that employees were authorized to recover penalties as “aggrieved employees” through PAGA and affirmed the trial court’s award of section 558 civil penalties against the individual defendant.¹⁸

Pedrazzani was an owner and officer of a corporation. His employees filed wage and hour claims against him, individually,

and his corporation, seeking civil penalties for unpaid minimum wages and overtime. After the employees obtained a judgment finding that Pedrazzani and his corporation were jointly liable for civil penalties, Pedrazzani appealed and the corporation filed bankruptcy.¹⁹

The *Atempa* court first determined that an aggrieved employee seeking to recover PAGA civil penalties must proceed under...Section 2699(a).²⁰

The Court held that “personal liability can attach even if a person has no formal relationship with the corporate employer (e.g., employee, manager, officer). Rather, for overtime violations, it is sufficient that the ‘other person’ was ‘acting on behalf of the employer.’ For minimum wage violations, it is sufficient that the ‘other person’ ‘pays or causes to be paid less than the prescribed minimum wage.’”

Ultimately, the Court held that the statutes at issue “provide for an award of civil penalties against the person who committed the underlying statutory violations,” reasoning that Section 558 was broad enough to include an officer or agent of a corporate employer as an “other person” subject to civil penalties.^{21 22}

(Recognizing claim for Section 558 penalties against officer/agent of a corporate employer upon a sufficient showing that the officer/agent was responsible for the underlying wage violation).²³

Next, the court recognized not only that Section 558 authorized the Labor Commission to recover civil penalties, but that Section 2699 authorized “aggrieved employees” to seek civil penalties.²⁴

In *Ochoa-Hernandez v. Cjaders Foods, Inc.*,²⁵ the plaintiff sought leave to add a PAGA claim against individuals who allegedly took specific actions on behalf of a corporate employer to violate or cause to be violated wage and hour provisions.

The court, in that case, held that the proposed amendment was not futile, observing that “Section 2699(a) makes no reference to an ‘employer’ and contains no limitation on who can be liable for labor code violations.”²⁶

The court reasoned that “[g]iven Section 2699(a)’s silence on liability, it likely does not stretch the plain language of PAGA to find that a person who acts on behalf of an employer can be held liable if the provision to be enforced explicitly permits liability against that person.”²⁷

Consistent with *Atempa* and *Ochoa-Hernandez*, it is clear that that Labor Code Section 2699 creates potential liability for individuals who cause an underlying wage violation for purposes of PAGA penalties.

Eliminating Individual Liability for Unpaid Overtime

In *Martinez v. Combs*, the California Supreme Court held that the Industrial Welfare Commission (IWC) definition of the employment relationship applies to actions under Section 1194.²⁸

Under IWC definition, “to employ” has three alternative definitions—(a) to exercise control over the wages, hours or working conditions; or, (b) to suffer or permit to work; or, (c) to engage, thereby creating a common law employment relationship.²⁹

The California Supreme Court observed that the first IWC definition “has the obvious utility of reaching situations in which multiple entities control different aspects of the employment relationship, as when one entity, which hires and pays workers, places them with other entities that supervise the work.”³⁰

Martinez makes clear that the IWC definition of the employment relationship “does not impose liability on individual corporate agents acting within the scope of their agency.”³¹

The *Reynolds v. Bement*³² court ruled that the plain language of the IWC Wage Order No. 9 did not expressly impose liability under Section 1194 on individual corporate agents as employers under the Wage Order. Reynolds also indicated that “[u]nder the common law, corporate agents acting within the scope of their agency are not personally liable for the corporate employer’s failure to pay its employees’ wages.”^{33 34}

Reynolds found that the law was clear that “corporate agents and employees acting for and on behalf of a corporation cannot be held liable for inducing a breach of the corporation’s contract. And ‘[d]irectors or officers of a corporation do not incur personal liability for torts of the corporation merely by reason of their official position.’”³⁵

The court held that the plaintiff could not state a Section 1194 cause of action against the individual defendants.³⁶

Reynolds v. Bement explained that “[h]ad the Legislature meant in Section 1194 to expose to personal civil liability any corporate agent who ‘exercises control’ over an employee’s wages, hours, or working conditions, it would have manifested its intent more clearly than my mere silence after the IWC’s promulgation of Wage Order No. 9.”³⁷

Implications of Labor Code Section 2802

Labor Code Section 2802(a) provides that “an employer shall indemnify his or her employee for all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties, or of his or her obedience to the directions of the employer, even though unlawful, unless the employee, at the time of obeying the directions, believed them to be unlawful.”³⁸

Because the section requires the employer to defend and indemnify employees for liability incurred in the course and scope of employment, its unequivocal terms redirect responsibility to the employer.

Practically speaking, if an employer is insolvent or otherwise unable or unwilling to pay, the agent will be placed in a scenario where they are essentially jointly liable and

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forced to pursue their insolvent employer to seek recovery of their out-of-pocket settlement.

Practical Implications and Advice for Employers

Employers must always remain vigilant in their compliance with wage and hour laws.

Unfortunately, the recent influx of legislation aimed at exposing individual business owners and employees to liability raises the stakes exponentially. Where before, employers could fall back on dissolving corporate entities or consulting a bankruptcy lawyer in difficult situations where employee wages were owed, those options have been eliminated.

Employers and businesses alike are strongly advised to seek competent legal guidance to navigate through California's maze of ever-changing wage and hour laws.

As always, an ounce of prevention will be worth a pound of cure, but, perhaps an ounce of prevention can prove to be worth ten pounds of cure at the pace that California employment law is changing. 

¹ *Dynamex Operations West, Inc. v. Superior Court*, 5 Cal.5th 903 (2018).

² California Senate Judiciary Committee Bill Analysis. http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_0551-0600/sb_588_cfa_20150427_153725_sen_comm.html.

³ *Id.*

⁴ *Voris v. Lampert*, 7 Cal.5th 1141, 1167-68 (2019) (dissenting opinion, J. Cuellar).

⁵ Labor Code Section 558.1.

⁶ 8 CCR § 11140, 2(C), (F).

⁷ *Martinez v. Combs*, 49 Cal.4th 35, 64 (2010).

⁸ *Martinez v. Combs*, supra, 49 Cal.4th at 63-66 (abrogating Supreme Court's contrary holding in *Reynolds v. Bement* 36 Cal.4th 1075, 1087 (2005)).

⁹ *Martinez v. Combs*, supra, 49 Cal.4th at 71.

¹⁰ 29 USC § 203(d).

¹¹ *Boucher v. Shaw*, (9th Cir. 2009) 572 F3d 1087, 1091 (abrogated on other grounds).

¹² 29 USC § 203(d); see *Hale v. State of Arizona*, 993 F2d 1387, 1394 (9th Cir. 1993).

¹³ See *De Guzman v. Parc Temple LLC*, 537 F.Supp.2d 1087, 1094 (C.D. Ca. 2008); *Boucher v. Shaw*, 572 F3d 1087, 1091-92 (9th Cir. 2009).

¹⁴ Lab. C. § 558(a); *Atempa v. Pedrazzani*, 27 Cal.App.5th 809, 823-24 (2018).

¹⁵ Lab. C. § 1197.1; see *Reynolds v. Bement*, supra, 36 Cal.4th at 108 ("aggrieved employees may... maintain civil actions to recover such penalties"); *Atempa v. Pedrazzani*, supra, 27 Cal.App.5th at 824.

¹⁶ Cal. Labor Code § 2699(a).

¹⁷ *Atempa v. Pedrazzani*, 27 Cal.App.5th 809 (2018).

¹⁸ *Id.* at 831.

¹⁹ *Id.*

²⁰ *Id.* at 826.

²¹ *Id.*

²² *Id.* at 823-824.

²³ *Accord Adame v. Comtrak Logistics, Inc.*, No. 15-2232 DDP, 2016 WL 1389754,

at *7 (C.D. Cal. April 7, 2016) (holding at pleading stage that plaintiff may assert a section 558 claim against individuals but recognizing that there may be a factual question as to whether the individuals caused the alleged violations of the applicable labor laws, particularly if the individuals were not "high-level employees or otherwise satisfied the definition of 'employer' from *Martinez*"); *Ontiveros v. Zamora*, No. 08-567 LKK, 2009 WL 425962, at *6 (E.D. Cal. Feb. 20, 2009) (holding that plaintiff had adequately alleged that individual "caused" the Labor Code violations and therefore may be liable for Section 558 penalties).

²⁴ *Id.* at 826-27.

²⁵ *Ochoa-Hernandez v. Cjaders Foods, Inc.*, No. 08-2073 MHP, 2009 WL 1404694, at *4 (N.D. Cal. May 19, 2009).

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Martinez v. Combs*, 49 Cal.4th 35 (2010).

²⁹ *Id.* at 64.

³⁰ *Id.* at 59.

³¹ *Id.* at 66 (citing *Reynolds v. Bement*, 36 Cal.4th 1075, 1086 (2005)).

³² *Reynolds v. Bement*, 36 Cal.4th 1075 (2005).

³³ *Id.* at 1089, fn. 10 (abrogated on other grounds by *Martinez v. Combs* 49 Cal.4th 35, 75 (2010) (alter ego doctrine may also be utilized in wage claim actions to impose liability on controlling directors and shareholders.)).

³⁴ *Id.* at 1087.

³⁵ *Id.*

³⁶ *Id.* at 1087-88.

³⁷ *Id.* at 1088 see *Martinez*, 49 Cal.4th at 66.

³⁸ Labor Code Section 2802(a).

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The Buck Stops Here: What You Owe Your Employees

Test No. 136

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.

- California's employment laws have undergone a major shift in worker classification with the landmark *Dynamex Operations West, Inc. v. Superior Court* decision and passage of AB-5.
☐ True ☐ False
- Labor Code 558.1 codified the distinction between employees and independent contractors.
☐ True ☐ False
- Prior to the enactment of Labor Code 558.1, the California Division of Labor Standards Enforcement found that over 60 percent of cases where an employer owed wages, the employer was listed as defunct.
☐ True ☐ False
- The California Supreme Court's decision *Voris v. Lampert* created the tort of conversion as a basis for wage recovery.
☐ True ☐ False
- Labor Code 558.1 creates individual liability for owners, directors, and officers but NOT managing agents.
☐ True ☐ False
- Under Labor Code 558.1, individuals can be held personally liable for unpaid minimum wages, rest and meal break violations, incorrect wage statements, waiting time penalties, and unreimbursed business expenses.
☐ True ☐ False
- Wage and Hour law is based primarily in the Labor Code and Title VII.
☐ True ☐ False
- The IWC Wage Order definition of employer includes any person "who directly or indirectly, employs or exercises control over the wages, hours or working conditions of any person."
☐ True ☐ False
- Contrary to California law, the Federal Fair Labor Standards Act does not impose individual liability for individuals for wage and hour claims.
☐ True ☐ False
- Under the FLSA, an employee must establish a set of "economic reality" elements to determine whether a person is acting in the interest of an employer.
☐ True ☐ False
- Generally, employees are more likely to succeed in pursuing individual defendants for unpaid wages in state court versus at the federal level.
☐ True ☐ False
- Individuals responsible for controlling the payment of wages cannot be held strictly liable for penalties associated with unpaid wage violations.
☐ True ☐ False
- Wage and hour violations carry penalties and liquidated damages.
☐ True ☐ False
- Employees may bring civil actions on behalf of not only themselves, but also on behalf of other current or former employees.
☐ True ☐ False
- California courts have imposed liability to individual defendants under California's Private Attorney General Act.
☐ True ☐ False
- Atempa v. Pedrazzani* held that personal liability can only attach if a person has a formal relationship with the corporate employer.
☐ True ☐ False
- In *Reynolds v. Bement*, the court ruled that the IWC Wage Order No. 9 did not expressly impose liability under Labor Code section 1194 on individual corporate agents as employers under the Wage Order.
☐ True ☐ False
- Labor Code Section 2802(a) requires employers to defend and indemnify employees for liability incurred in the course and scope of employment.
☐ True ☐ False
- A practical implication of Section 2802(a) is that if an employer is insolvent, agents will essentially be jointly liable with insolvent employers.
☐ True ☐ False
- Martinez v. Combs* shows that the IWC definition of the employment relationship does not impose liability on individual corporate agents acting within the scope of their agency.
☐ True ☐ False

The Buck Stops Here: What You Owe Your Employees

MCLE Answer Sheet No. 136

INSTRUCTIONS:

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

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A Heritage of Service: Meet SFVBA's Judge of the Year Virginia Keeny

By Michael D. White



Photos by Ron Murray



San Fernando Valley Bar Association Board of Trustees names Los Angeles Superior Court Judge Virginia Keeny as 2020 Judge of the Year. Judge Keeny will be honored on February 27 at the SFVBA Annual Judges' Night for her work on the Bench, and her support of the Bar, Valley Community Legal Foundation (VCLF) and firm commitment to community outreach.

IT HAS BEEN AN EXCITING JOURNEY FOR SAN

Fernando Valley Bar Association 2020 Judge of the Year, Judge Virginia Keeny.

Her trek led her from her upbringing in the historic city of Washington D.C., to undergraduate school at Harvard, work and law school in the San Francisco Bay Area, to Los Angeles, where she currently serves as a Civil Court judge of the Los Angeles Superior Court.

A native of Washington, D.C., Judge Keeny earned her undergraduate degree from Harvard in 1983. After a two-year break as a researcher and writer for a series on the Vietnam War published by Time-Life and as a paralegal at Morrison Foerster in San Francisco, she received her JD degree from Stanford Law School in 1988.

After law school, from 1988 to 1989, she served as a law clerk for Judge William A. Norris in the United States Court of Appeals for the Ninth Circuit.

What followed her clerkship were stints serving as a Public Interest Fellow at the civil rights firm of Litt and Stormer, a Senior Attorney in the Los Angeles District Office of the U.S. Equal Employment Opportunity Commission, and as a partner at Pasadena-based Hadsell and Stormer Inc., and then Hadsell Stormer Richardson & Renick LLP.

"It was my experience with Hadsell Stormer, and the firm's various incarnations, working on extremely interesting and important cases that convinced me that the path I had chosen was the right one," she says. "I was able to do challenging

work that accomplished social change and got real results for our clients. I couldn't think of a more meaningful career, other than being a judge."

During her time at Hadsell Stormer, Keeny was honored by the ACLU of Southern California in 2006 with the presentation of its Pro Bono Advocacy Award.

Judge Keeny was named to the Bench by Governor Jerry Brown in May 2012. She spent her first five years as a Family Law Judge in Van Nuys before being shifted to Civil Court, where she currently sits.

An avid kayaker, gardener, and reader of novels "of any genre," Judge Keeny, along with fellow judge, Hon. Elizabeth Lippitt, is a member of the Cowboy Lawyers Association and author of an as-yet-unpublished legal fiction mystery.

We were able to spend a few minutes recently with Judge Keeny in her office in Department W at the Van Nuys Courthouse-East to learn more about her work as an attorney and judge, her concept of community service, a memorable encounter with a past litigant at a local department store, and her love of the San Fernando Valley.

Q: What would you be doing if you weren't in the law?

A: "Once I realized that I wanted to be a lawyer and got to law school, I really couldn't conceive of any



other thing I wanted to do. I have hobbies and other interests, but in terms of a profession, it's been extremely rewarding and fulfilling."

Q: Did you ever think that one day you would be sitting on the Bench?

A: "Absolutely not. My interest in law school was in doing legal services and civil rights work and I didn't see any path forward that would take me to the Bench. Then, I clerked for Judge Norris on the Ninth Circuit for a year in the Spring Street Courthouse right after law school. That gave me a



better understanding of what judges do and the important role they play. It wasn't a goal at that time, but it was an experience that made a real impression."

Q: How did your Harvard College and Stanford Law School experiences impact you?

A: "I met my future husband and many of my current close friends there and it inspired my interest in both literature and American history, which was my joint major.

"Harvard, at that time, had a very diverse student body that was very different from the fairly homogenous high school I had

gone to in Washington, D.C. That was quite profound. Some of my closest friends at Harvard were student activists who were involved in the fight against apartheid in South Africa and organizing the cafeteria staff.

"I had been in San Francisco for a year working as a paralegal before going to Stanford. It was pretty easy to adapt to the physical environment, but I was very lucky to get in. At the time I was interested in working as a public defender and Barbara Babcock, who was a professor there, reached out to me during the application process because of mutual interest in the same things. I took criminal law courses, but in the end, I decided not to do criminal law, but rather public interest or civil rights law."

Q: With your experience in Washington, D.C., Boston and the San Francisco Bay Area, what made you decide to settle in Los Angeles and the Valley?

A: "People in Washington, D.C. spend a great amount of time disparaging Los Angeles, its lifestyle, and what they feel is the lack of intellectual substance of the people who live there. It was when I came to Los Angeles to interview for the clerkship with Judge Norris on a beautiful day in the spring of 1988. I was standing on Bunker Hill and I suddenly realized that this was the most vibrant and beautiful city that I had ever experienced. I decided to stay, and I've been here ever since."

The San Fernando Valley, in particular, she says, "has such an interesting and diverse array of communities that it has all of the cultural richness and variety of the Los Angeles 'over the hill.' It's a wonderful place to practice law because the San Fernando Valley Bar Association here is certainly the most supportive of any of the similar groups in Los Angeles County that I've come in contact with. It's extremely active, engaged, and supportive of the judicial officers who serve here.

"The Bar's sections, particularly Family Law, contribute much time to improve access to the courts for litigants. Their arbitration and mediation services and other programs are driven by the incredible commitment and energy of the Section leadership. All of that is unmatched by any other Bar Association that I'm familiar with. It's extraordinary."

Q: What makes being a judge different from being an attorney? How did you morph from one to the other?

A: "As plaintiff-side civil rights attorneys, we were advocates for people who were in very difficult situations and had been victimized by people, by the system, or their economic circumstances.

"It was often a case of *David v. Goliath* as we advocated on their behalf. As a judge, it's a completely different role where you must listen to both sides and come to a problem

with an open mind and determine the fairest resolution given the facts and the law. It's about listening, being more cautious throughout the entire process to make sure that we are fairly assessing the arguments put forward by both sides."

Q: The area of family law can be extremely taxing emotionally. How did you deal with that during the five years you sat as a family law judge?

A: "It was stressful at times and after an extremely intense restraining order hearing or custody dispute, as a judge, you can be fairly exhausted at the end of the day. I did take it home with me, not only the work, but reflecting on whether I had done a proper job, whether I'd come to the right resolution for that family."

"As a family court judge, that's something you're constantly thinking about. When you stop thinking about whether you did the right thing, you should probably move on to another assignment. You are always going to question yourself."

"On the other hand, it could also be very rewarding. The Bar was extremely supportive throughout the time I was there. Unfortunately, there tend to be a lot of repeat customers in a family law court. Sometimes couples came back to my courtroom to renew their fight, but sometimes they came back to tell me that things had worked out for them because of a custody arrangement I had devised."

I saw many parents with substance abuse problems, and after limiting their custody and requiring that they go through a treatment program, it was gratifying to see that they had recovered and so could have more time with their children. It was really rewarding to know that I had played a role in helping that family work through the problems they had been facing."

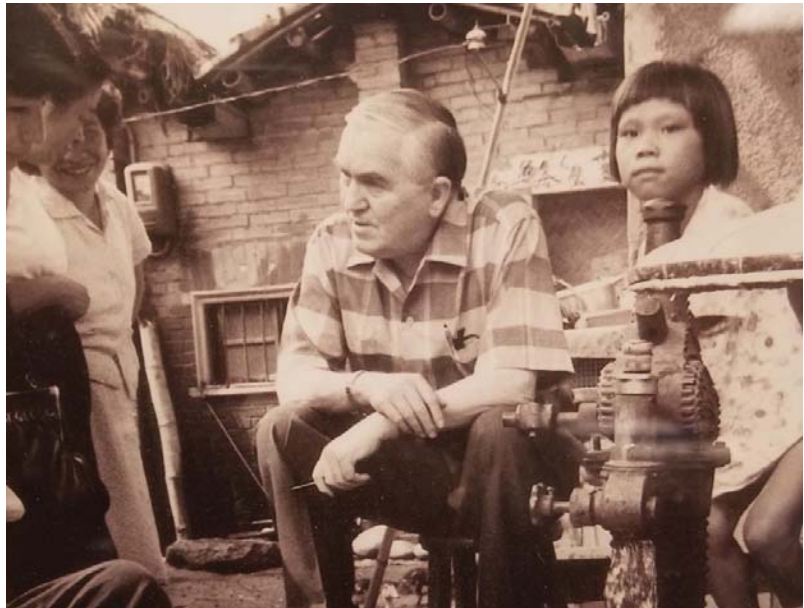
"I had a divorce case several years ago that involved several children. The issues involved were both custody and support. I was fairly strict with the mother telling her that she needed to go back to school and go back to work. At the time, she was extremely resistant to that and we had several hearings at which I explained why I felt it was in her interest and the children's interest for her not to rely completely on her husband for support. She was unconvinced, but ultimately she did get a paralegal certificate and got a job as a legal assistant."

"I recently ran into her at Bloomingdales at the local mall and she actually thanked me for my ruling that she said had turned her life around. Although we try to make decisions that impact people's lives in a positive way, you don't often get a 'thank you' and actually hear what you've done has positively affected a family."

Q: Who are the heroes that have influenced you on your career path?

A: "My grandfather, Sam Keeny, was my hero and my inspiration for public service. He worked in humanitarian relief for over 60 years, first in Siberia after World War I, in Russia during the famine in the 1920s, as Mission Chief with UNRRA in Italy after World War I, and then for many years as director of UNICEF in Asia. He spent 30 years in Asia, traveling from village to village working primarily with local women and village doctors on family planning and health issues. He retired at age 83 to live with my family in Washington."

"He was an indefatigable optimist and pragmatist. When he was called before the House Un-American Activities Committee



Grandfather Sam Keeny, director of UNICEF in Asia from 1950 to 1963.

during the McCarthy era for 'knowing too many Russians,' he explained the work he was doing fighting disease in India, and when he was done, several members of the committee donated to the cause."

"He was a true maverick, with a great sense of humor, and the ability to build bridges between policy-makers and fields workers, but he was most comfortable with the latter."

"President Obama is a hero for many reasons. Also, the partners that I worked with for most of my career...Dan Stormer and Barbara Hadsell...for the incredible work they did shaping civil rights law and mentoring and encouraging new attorneys."

Q: You described your grandfather as an "optimist and pragmatist." Is that how you see yourself?

A: "I think I'd describe myself in the same way. I'm very optimistic about the work that judicial officers perform and the role that attorneys play in our society to improve the lives of their clients. I think I'm very pragmatic about how to make change and improve society understanding that there are slow and steady steps that need to be taken to accomplish meaningful social change."

Q: Your grandfather's career centered on the public sector. Why did you decide to go into the law rather than go directly into government service?

A: "When I initially decided to become a lawyer, it was with the goal of doing law in the public service either as a public defender or through the services provided by legal aid attorneys. My initial belief was that I could contribute the most by working with under-represented communities and help give them greater access to housing, social services, public benefits and justice in terms of making available competent criminal defense.

"I did work for two years with the EEOC as a senior trial litigator prosecuting class actions against local companies that were discriminating against workers on the basis of sex and age. I was fortunate enough to establish connections with the civil rights community in Los Angeles, which I worked with for 20 or more years in private practice. But even then, the thrust of our work was to improve working conditions, jail and prison conditions, and housing conditions for large groups of people. All that is, in my opinion, in the public service."

Q: You currently serve on the Board of the Valley Community Legal Foundation (VCLF). How has that experience affected you?

A: "My work with VCLF is really what has cemented my commitment to remaining a judge in the Valley and has genuinely enriched my time here. The VCLF Board has

become very dynamic over the past few years. I serve as the VP for Scholarships and since I've been on the Board, we've seen our scholarship funding increase significantly. Currently, we're giving well over \$10,000 to local high school students.

"I was thinking about the students that we have assisted, and they are just an amazing group of young people. One of them in the most recent scholarship cycle and her family were living in a church basement through a significant portion of her high school years. Another one was responsible for raising younger siblings even while trying to handle a very challenging high school schedule and debate and other extracurricular activities.

"Another had a child when she was 15 and remained in high school. For all of these students, despite the obstacles they faced, they were able to perform incredibly well in high school and with these scholarships we were, and continue to be, able to recognize their incredible accomplishments and inspire them to continue on to college and beyond. We're very proud of the work we've done to expand scholarships."

Q: What VCLF programs are you most proud of?

A: "Last year, the VCLF started the 'Constitution & Me' program which is spearheaded by Judge Firdaus Dordi, and attorneys Kira Masteller and Joy Kraft Miles. It's a wonderful program that goes into local high schools to teach students about significant First Amendment issues by pairing a sitting judge and two attorneys from the local Bar with a high school class. For three sessions, they discuss how cases are



Kayaking in Washington State's San Juan Islands

“

My grandfather,
Sam Keeny, was my
hero and my inspiration
for public service.”



argued and how a hearing is prepared for presentation before a mock court. It's a fabulous program and teachers and students are incredibly excited about it. We are continuing it on an expanded basis this coming school year.

"In the past, we offered students the opportunity to see *'Defamation: The Play.'* We did that for several years and hope to do it again in the future. It's a fantastic stage production that exposes students to a really dynamic performance through which they explore issues like implicit bias, antisemitism, racism and their perceptions of the legal system in a larger forum with the actors.

"We've also made a significant contribution to the Anti-Recidivism Coalition to fund a legal staff position at their facility in Pacoima to help address the legal issues facing people who are coming out of prison and trying to reenter society.



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.

"In all of these ways the VCLF has challenged itself and the Bar to make ever-greater contributions to the community and it's been extremely inspiring and rewarding to serve on the VCLF Board. Our hope is that more judicial officers will join those efforts to help revitalize the interest of the SFVBA membership in this type of community-based work. I think it's important to stress the new projects that VCLF is working on and the collaboration between the Board and the Bar to meet the new goals that we have set."


Q: What can be done to improve the lines of communication between the Valley's Bench officers and the San Fernando Valley Bar Association?

A: "One avenue for that would be to create more occasions for Bench and Bar to sit down together and discuss issues that are of mutual interest. One type of program could aim at creating opportunities for judges to mentor or meet with lawyers who are interested in either improving their litigation skills or actually pursuing an interest in serving as a commissioner or as a judicial officer.

"There are already opportunities for that, but I think that more could be done in that area. I'm thinking of the late Barry Harlan and how his firm [Lewitt Hackman] would set up informal meetings between the family bar and judicial officers to talk about court procedures, how to improve case presentations, and improved opportunities for mediation and resolution.

I feel there should be more of that sort of opportunity to help judicial officers and practitioners communicate to everyone's advantage. There's already a very clear channel between family law practitioners and judges, and I think that such a channel could be created with the Civil Bar and the Civil Bench here [in Van Nuys]."

Q: One day you will step down from the Bench. How would you like to be remembered?

A: "I would like to be remembered as a good listener, that was fair to the people who brought their cases before me, and that my courtroom was a place where people felt that they had been heard. That I treated litigants fairly and even-handedly and remained willing to learn and to acknowledge when I didn't have enough information to render a decision. That I remained humble about the responsibilities that were given to me and that I worked with the Bar to inspire other judges and attorneys to give back to the community through groups like the Bar Association and the VCLF and its programs." 

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By James I. Ebert

Preparing An Expert for Depositions and the Courtroom

ON OCCASION, WHEN preparing a case—particularly in the areas of probate, family law, and real estate disputes—it becomes necessary to call on an appraiser or some other expert to assist in the preparation of a report on the value of a whole or partial property, or an assessment of damage to that property.

Critical as such reports are, it is vitally important that the appraiser or expert be fully prepared to appear at a deposition or trial and professionally support the findings of the report with their expertise.

The value of a prepared expert cannot be overstated. While more than 80 percent of cases typically do settle before trial appearances, often just the threat, and the costs, of that expert appearing, is enough to move the sides to settle.

When evaluating the most effective expert for a clients' needs, however,

it may not be necessary, and, in fact, may be more effective not to hire the most prominent or well-known witness or appraiser. Why? There are all least three reasons—they may not be readily available; they may be prohibitively expensive; or, their reputation may precede them, adversely.

In such situations, a lesser-known, but credible and less expensive, professional may well prove to be a better fit for the case at hand.

Pre-Trial Preparation

How can you best prepare a less-experienced local expert? A real-life timeline can provide some pointers.

Early in his career, a young expert was contacted by the client's attorney, who retained his services. He received a large packet of the necessary documents that had been couriered across town, but the attorney was so busy, a meeting could not be scheduled to discuss the case. When the neophyte

expert met at the deposition, he had only a cursory understanding of the issues, and, as a result, was left out in the cold on items that could readily have been anticipated.

As he faced the opposing attorney, he was undermined by critical details. His credibility took a very heavy hit. It did not need to happen.

In a later case, the now somewhat wiser, though still young, expert and the attorney had been able to role-play a scenario that included difficult and unusual questions specifically designed to trip him up. After 90 minutes of this exercise, both were confident in his ability to handle the tough cross-examinations they both knew were coming. At the trial, this was borne out, as he was well prepared, and his appearance was successful, even despite contrary feelings of both confidence and nervousness.

More recently, not-so-young expert was retained for a property dispute and



James I. Ebert is a practicing expert appraiser and has assisted over 800 families in legal settings. He is admitted as an expert with Her Majesty's Royal Courts in London England and specializes in architectural and historical properties. He can be reached at james@eas2.com.

had not yet begun to research the case to any depth when he received a call the next day from the retaining attorney.

Just the knowledge that the now seasoned and respected expert was in the wings, ready to appear, was enough of an incentive for the opposing side to move quickly to settle in his client's favor.

The Problematic Online Presence

When first reviewing the option of retaining a newer, younger, or less experienced expert, share with them that the opposing attorney may comb through the web, with a deep Google search, to find all they can about the expert.

By reviewing their complete online presence, unpleasant surprises and dreaded "gotchas" can be avoided while under cross-examination.

Consider a thorough review of their online activity, from activity on Facebook, LinkedIn, Google, to their Instagram, Twitter and similar accounts.

Comb through their resume on the various sites they maintain, line by line, to simplify, clarify, make sure they agree, and present a bulletproof online presence to the opposing legal team.

Simplifying a resume to include only litigation items narrows the focus to legal components and courtroom testimony. That can go a long way to avoid distractions into other fields that could well distract the judge and jury.

Preparing a Less Experienced Expert

Share with the expert your previous experience—your expert just wants to know you and how you work.

This permits action on two very important points—first, it allows the presentation of elements in their most positive light. For instance, a "lack of experience" could be presented initially as "unbiased" by bringing it up first. Second, it presents the opportunity to preempt the issue, and spoil the opposing side's planned thrust to find ways to discredit the expert's veracity.

Practice Pays Big Dividends

It is wise to carve out time to spend 30-40 minutes doing mock interrogations, first taking a friendly approach, then one from an adversarial perspective. In person, of course, is best, in an office setting similar to that of the approaching deposition.

However, due to time and financial constraints, that may not be feasible. With the wide range of digital connections available, though, an after-hours Skype, Facetime, or Zoom session could be arranged as schedules permit.

Practice some of the deposition techniques that opposing counsel might use, how to listen carefully, with continual reminders to always pause before answering. Remind them that these pauses will give you room to object, or to upset their flow, when necessary. Help them see the value of courteous responses, even when under pressure or when overwhelmed, and share with them your strategy on presenting the case. Keep in mind that it is absolutely crucial to protect your expert from being challenged on the details of an area that you did not review together.

It is also very important to help an expert build confidence in their material and their appearance. Discuss proper courtroom decorum and what is expected of them.

Also, to quell any jitters, assure them that if they tend to be overly nervous in court, you are ready to

address it early and give them time to calm down and separate their nervousness from their command of the facts in their field of expertise.


Observe and Learn

If possible, invite your expert to attend another trial, as an observer, to get a better feel for the courtroom and the process.

As your expert may not be familiar with the logistics to and from the court or deposition site, it is to your advantage to conduct a reconnaissance to review freeway routes, local parking and alternate options, and possible construction activity and the time it typically takes. When you least expect it, an elevator malfunctions and stairs may be inaccessible, backing up crowds and burning up time waiting for the only qualified maintenance worker in the building to get it operating again.

Early on, share the processes for getting their remuneration from both your team and from the opposing side. Assure them that their fee will be delivered to them either before the deposition or trial or at the beginning of the sessions.

Before every flight, every commercial pilot carefully reviews a pre-flight checklist. Similarly, the best surgeons have a pre-operation review of every detail.

Likewise, the proper care and feeding of expert witnesses can produce great rewards and winning cases. 

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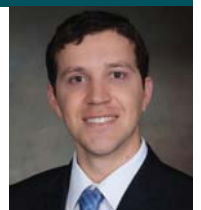
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By Martin Levy

Retaining Your Top Performers

EVERY SUCCESSFUL BUSINESS has one thing in common—key people who support critical business processes or maintain key relationships that make the business profitable.

While technology may ultimately overtake many mundane tasks, it is certain that those key people will always be essential to success.

While CEO's and founders reap significant rewards and have a vested interest in the accomplishments of their own businesses, and startups and venture-funded companies can issue options and warrants, most companies remain vulnerable to the loss of their vital all-star players.

A host of retention tools are routinely made available to *Fortune 500* and *1000* companies, but similar devices are limited for smaller companies.

So, the question is, how do companies create an environment where the bottom line is not the focus and, at the same time, retain top performers?

Conventional employee benefits—things like health insurance, 401(k)s and workplace conveniences, for example—while essential, are increasingly being seen as entitlements, while deferred compensation—that is, any promise to pay a future amount to an employee—requires significant costs to

“

Don't think for a minute that your competitors don't know who your best people are; they do.”

administer, carries some accounting challenges that may conflict with banking and owner compensation, and can create significant legal fees because promises to pay

future compensation are generally regulated by ERISA and the IRS.

The Problem—The Solution

If you are a businessperson in the real world, not much matters more than results.

In short, those who produce garner greater rewards.

As Tom Peters, the best-selling author of many books on business management, once wrote, “Some employees are worth a lot of money...some employees are worth a hell of a lot more money.”

Don't think for a minute that your competitors don't know who your best people are; they do, and, by default, also know those who are not considered part of your own “A-Team.”

Every business is vulnerable to employee poaching and, in a thriving economy, the best employees become highly sought after. While the best employees don't often pay attention to how the greater economy is doing, they understand a thriving economy offers more ‘grass is greener’ opportunities.

Technology in an Employees Market

So, What does it take to keep the best? It's simple—recognition, rewards, strategy, and commitment.

2019 marked the lowest year-long level of unemployment in U.S. history. The fact is that those people now employed are valuable assets that you have to retain to remain successful.



Martin Levy is a Certified Life Underwriter and Certified Health Underwriter. President and founder of CorpStrat, Inc., located in Woodland Hills, California, he can be reached at Marty@CorpStrat.com.

Recruiters are on prowl and technology, such as the *LinkedIn*, *ZipRecruiter* and *CareerBuilder*, make the process of benchmarking and reviewing 'better' opportunities easy.

Glassdoor.com, for example, allows candidates to see the ways individual companies both compensate and reward their employees and provides insight into the culture of your business.

Today, peers are more willing to share personal information about compensation and experiences, sometimes leading to thorny human resource issues, such as time and labor disputes or, even worse, ongoing litigation for harassment or discrimination, or class-action suits.

It's a critical time for employers in California, where employees, backed by state law, determine much of the workplace experience and environment, where one bad episode, confrontation or disciplinary action can disrupt momentum, undermine confidence or encourage employees to seek greener pastures elsewhere.

Don't Wait!

Management must act proactively because any hesitation or delay in implementing or improving the size, shape and value of whatever incentives you plan on offering, your most valuable employees won't wait while you figure it all out.

What follows is a short list of recommendations that can be

implemented in a proactive effort to retain key employees who genuinely make a difference:

- Identify who is critical to the success and growth of the company. Make a list of the employees in your company who must be retained.
- Conduct a salary survey for each position to find out what the competition is paying its people. Identify the gaps in salary and benefits that need to be closed and put a dollar amount on it position-by-position.
- Reinforce the bridges of communication and strengthen the relationships with those indispensable employees that must be kept on board. Recommended reading: *The Dream Manager* by Matthew Kelly.
- Consider the possibility of giving those essential employees an auto allowance, health insurance incentives, or additional paid vacation leave.
- If a bonus incentive plan is not already in place, consider creating one that will strengthen a bond with those employees who will feel that the extra work they do will not only benefit the company, but themselves and their families, as well.

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- 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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Golden Handcuffs – Wrap Them Up

'Golden Handcuffs' is an accurate way to describe a fine-tuned plan that addresses an annually funded, specially-designed mechanism designed to retain and reward a key employee—or class of employees—and, over time, restrict access by the competition.


In general, Golden Handcuffs are a selective executive accumulation plan customized to selected key corporate employees...a benefit over and above those provided to all employees through a qualified retirement plan or any other employee benefit plan.

These types of plans typically take the form of a non-qualified arrangement (that is, non-ERISA) between a corporation/entity and selected set of key executives in which the entity promises to pay the executive a specified benefit at a specified period of time, generally annually, with a restriction on the employees' access to or vested interest in the accumulated asset. Most plans also have a survivor benefit available to the individual's family.

The employee receives an annual statement showing their accumulated/ vested account balances, and generally has some interest in the workings of the plan by virtue of paying either a nominal tax on some of the contributions that are funded, or some level or economic benefit they may receive presently while waiting for their vested account to mature.

Employers may retain these assets on their ledgers or may restrict access to an employee-owned instrument via a lien or assignment that vests control to the employer over a specified period, and then releases interest to the employee.

Finally, because the receipt of benefits depends on the executive's continued employment with the entity, Golden Handcuffs can serve as a long-term incentive plan designed to cement the loyalty of your most valued key employees.

As industrialist Andrew Carnegie once said, "Take away my factories, my plants; take away my railroads, my ships, my transportation; take away my money; strip me of all of these, but leave me my men and in two or three years, I will have them all again." 



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VBN is dedicated to offering organized, high quality networking for SFVBA members.

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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.



Herb Fox



Law School: Golden Gate University School of Law

Area(s) of Practice: Civil appeals and writ petitions

Years in Practice: 33

Firm: Solo practitioner, Los Angeles and Santa Barbara

What do you do in your free time?

"I have a daily meditation practice and four dogs that need to be walked two at a time, all of which takes place after making breakfast for my wife."

What's your favorite food? Why? "All of the ethnic food I loved as a kid growing up in Brooklyn that my cardiologist has now placed on the forbidden list."

Did you have a childhood hero? Who? Why? "I grew up reading and emulating New York journalists who were not afraid to write the truth as they saw it like Nat Hentoff, Pete Hamill, and Jack Newfield. They set me off on a journalism career that eventually collided with law school and a new career that still allows me to write and advocate, but for a different audience."

Name a place you've always wanted to go, but have never visited? "I would, if I could, go anywhere for a 90-day meditation retreat as long as there was no cell phone service, but I could still make breakfast for my wife and walk the dogs every day."

A certified appellate law specialist, Herb Fox was raised in Brooklyn and the Bronx "before the boroughs were chic."

Fox wrote his first published feature article [an interview with singer/songwriter Don McLean] at the age of 18, and "thereafter, wrote another dozen or so feature articles about pop and rock stars all before the age of 21."

His first job after passing the Bar Exam was serving as a Chambers Attorney for Justice Arthur Gilbert of the Second Appellate District, Division Six, who, says Fox, "taught me how to think like an appellate court judge."

Memorable professional accomplishments include "appearing on a panel discussion on appellate law at an annual meeting of the California State Bar. As it turned out, it was the last such meeting of the State Bar, which I hope had nothing to do with my presentation."

Fox currently serves on the Appellate Courts Committee of the California Lawyers Association's Litigation Section.

Richard T. Miller



Law School: Southwestern Law School

Area(s) of Practice: Real estate, contracts, personal injury defense, probate, aviation-related law

Years in Practice: 29

Firm: Law Offices of Richard T. Miller, Van Nuys

Favorite subject in high school? "English."

What actor would you want to play you in a film about your life? Why? "Jack Lemmon because of his seriously wry sense of humor and persistent intensity."

What is your favorite Valley restaurant? Lulu's at Roscoe and Balboa. It's where our Greater Van Nuys Rotary Club meets on Thursdays at noon."

What was your most memorable vacation? Why? "Buenos Aires, Argentina. I visited there in conjunction with the 2000 International Rotary Convention."

Attorney Richard T. Miller enrolled at Kansas State University immediately following his discharge from the Army in 1974.

"I joined right after high school and didn't care at the time about furthering my education," he recalls. "I was discharged with a sense of responsibility and discipline that has served me well over the years. The biggest benefit [of service in the Army] was giving me the ability to focus on the rest of my life."

After a year at KSU, Miller transferred to Rutgers University, where he received his Bachelor's degree in political science in 1980. He moved west to Los Angeles and graduated from Southwestern Law School in 1991 and was admitted to the California State Bar in December of the same year.

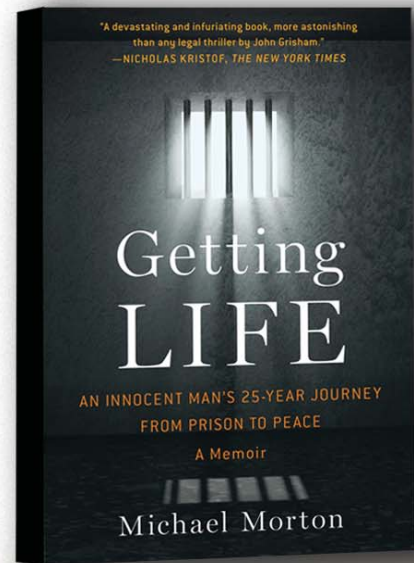
In addition to his active participation in the SFVBA's Attorney Referral Service program, Miller is active in a number of other professional organizations including the the Los Angeles County Bar Association, Toastmasters International, as well as Rotary International. He is also affiliated with Phi Delta Phi, the international legal honor society.

An avid private pilot, he is also active in the N.T.S.B. Bar Association, Angel Flight, the Aircraft Owners & Pilots Association, the Experimental Aircraft Association, the Aviation Crime Prevention Institute, and the Lawyer-Pilots Bar Association.

By Randi R. Geffner

Getting Life

Justice Delayed, Justice Denied



IT IS BEST TO BEGIN THIS REVIEW with a warning—do not start reading this book unless you have a full day to devote to it.

Although *Getting Life* is an unusual type of mystery because we know the ending even before beginning the book, the story of Michael Morton's wrongful arrest, incarceration, and eventual exoneration is so gripping that it is nearly impossible to put the book down.

Getting Life is at once a personal memoir, a crime story, an indictment of the weaknesses in the criminal justice system, and an inspirational tale of a man who seemingly lost everything, yet survived against all odds.



Randi R. Geffner is Senior Associate Attorney at Esensten Law in Los Angeles, focusing her practice on all types of civil litigation including real estate disputes, bankruptcy and probate litigation, entertainment law, and tort cases. She can be reached at rgeffner@esenstenlaw.com.

On the evening of his 32nd birthday in August 1986, Michael Morton was a happy man, celebrating at a dinner with his wife Christine and their toddler, Eric, who was born with serious cardiac issues, and had survived and flourished following surgery.

Life was indeed good for the Mortons.

At home, after their birthday dinner, Michael felt a little frisky, but Christine, not so much. In a moment that Michael lived to regret for the next 25 years, he wrote a note to his sleeping wife expressing his hurt over the way the evening ended. Closing the note with an affectionate, "I love you," Michael left it for Christine in the bathroom.

Christine never saw the note because, after Michael left for work the following morning, she was brutally bludgeoned to death in her sleep. Her body was found later by police, after a neighbor worried when she saw three-year-old Eric wandering alone in the front yard.

Although the law enforcement response to the horrific and terrifying murder was swift, Michael details in his book how in the days following the murder, while processing the unthinkable loss, he struggled to put one foot in front of the other while caring for Eric and the local police missed multiple items of evidence, witness information, and sources of investigation.

The police almost immediately centered their investigation on Michael.

The theory hypothesized by the police and adhered to by the prosecution, despite the absence of any supporting evidence, was that Michael had brutally beaten Christine to death because she refused to have sex with him on his birthday.

While concentrating their investigation solely on Michael as the lone suspect, law enforcement all but ignored critical exculpatory evidence that included a bloody bandana found by Christine's brother at a construction site near the Morton home; the possible use of Christine's missing credit card in a jewelry store in another part of Texas; and the statements of neighbors that a strange man had repeatedly parked a van on the street behind the Mortons' home and had been seen walking into the wooded area where the bandana had been found.

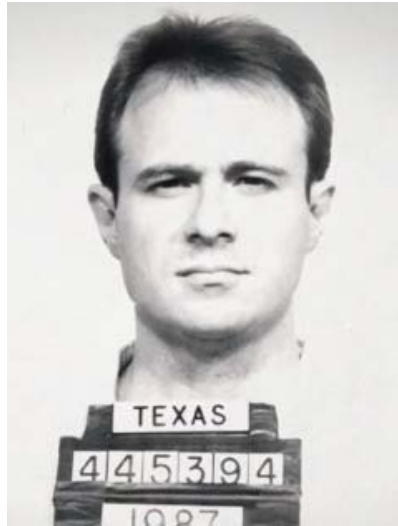
Even more shocking was the decision by the police and prosecution to ignore the statement made by three-year-old Eric to his grandmother, in which he described the crime scene and murder in detail, stating that the murderer was not his father but a "monster" whom he described, and that his Daddy was not home when Christine was murdered.

Morton was arrested and charged with the murder of his wife. Exculpatory evidence was never shared with the defense and, when the trial judge ordered all investigative reports be turned over to defense counsel, the evidence concerning Eric's eyewitness account, the presence of the van near the Mortons' home, and the use of Christine's missing credit card after her death were all absent from the records that were turned over. Despite the absence of witnesses or physical evidence tying Morton to the crime, on February 17, 1987, he was convicted of murder and sentenced to life in prison.

Eric, the center of Morton's broken life, was pulled screaming and crying from his father's arms as he was led off

to serve his sentence. In the ensuing years, Christine's family, who took custody of Eric, painted Michael as the monster who had murdered their beloved sister and daughter.

Getting Life details the decades that Morton spent in the Texas prison system.



Michael Morton

Completely unfamiliar with the penal system and the regimen of mind-numbing and demoralizing routine, which became his life for 25 years, he learned by necessity to navigate the prison social structure, and to keep from becoming the

target of attack by guards or inmates. He read voraciously, started a prison book club, completed the academic work toward a bachelor's degree, and, in a testament to his strength and spirit, adjusted reluctantly to the heartless and cold realities of prison life.

Worse, if possible, than the heartbreak that wrongfully put Michael behind bars, was the unimaginable heartbreak he endured when, in the earlier years of Morton's sentence, his son Eric barely remembered or recognized him on his twice-yearly visits to the prison.

When Eric was a teen and old enough to make his own decisions, he chose to cut all contact with his father, even changing his last name to sever all ties to the man who he was led to believe had brutally murdered his mother.

Against all odds, Morton never lost faith and never ceased to hope.

He maintained his innocence, all to no avail. His life forever changed yet again in 2005 when the New York-based Innocence Project, headed by famed O.J. Simpson defense attorney Barry Sheck, filed a motion requesting additional DNA testing on items of evidence from the crime scene.

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Five years later, the motion was granted, enabling DNA testing on the bloody bandana. The bandana contained evidence of Christine's blood and the DNA of an unknown male.

On October 4, 2011, Michael was released and officially exonerated two months later after spending nearly 25 years in prison.

Based largely on the DNA evidence that had been hidden and withheld by the prosecution, Christine Morton's murderer, Mark Alan Norwood, was finally convicted in 2013.

In an unprecedented act, the Texas Supreme Court ordered a Court of Inquiry to determine whether prosecutorial misconduct had occurred in Morton's trial.

As a result of the findings of the Court of Inquiry, prosecutor Kenneth Anderson, who had been named to a district court judgeship, pled guilty to criminal contempt, served a short jail

sentence, resigned his judicial position and surrendered his license to practice law for five years.

According to media sources, Morton married in 2013, reconnected with his son, and, under Texas law, was

“

Christine's family, who took custody of Eric, painted Michael as the monster who had murdered their beloved sister and daughter.”


deemed eligible to receive a lump sum based on the 25 years he served in prison, plus a lifetime annual annuity of \$80,000, job training and educational aid.

Getting Life reads like a movie as Michael Morton is adept at putting events, people, and emotions into words that paint a vivid picture of decades of a life stolen from him.

If there is any criticism to be had, it is that, as a litigator reading the book, it lacks what would be interesting details of the trial itself and subsequent legal motions and maneuvers.

Due in large part to Morton's facility with words and endless optimistic attitude reflected in the book, it is easy for the reader to forget that the events he shares are not the stuff of fiction.

This real-life saga of one man's journey to hell, and his struggle back again, is heartrending, powerful and, ultimately, genuinely inspiring.

I highly recommend sending a day curled up on the couch with *Getting Life*. 



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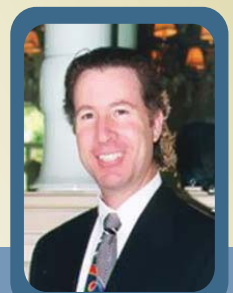


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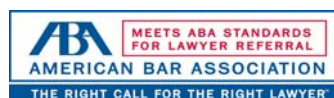
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The majority of inquiries received by ARS come through phone calls and emails from potential clients in desperate need of legal assistance. ARS is successful in servicing the public with resources, and when appropriate, referrals to eligible, experienced, and vetted San Fernando Valley attorneys.

But, not only does the Service bring value to our community, it also helps attorneys with a unique stream of income.

"The ARS has a good screening process and sends me only those types of matters that I want and can profitably handle, says Carol L. Newman, SFVBA Past President, who has served as a member of the Service since 1994. "If I don't want to handle a matter for whatever reason after I have reviewed it, the ARS accepts my decision and doesn't apply any pressure."

According to Newman, the ARS counselors "are knowledgeable and very friendly. It's always a pleasure to speak with them. They try their hardest to make good connections between the lawyer and the prospective client. Our firm is very proud and happy to be a longtime member of the ARS."

MIGUEL VILLATORO

ARS Associate Director
of Public Services




miguel@sfvba.org

Robin E. Paley, a sole practitioner and member of the Service since 1994, appreciates the referrals he has received from the ARS. "I can always count on the Attorney Referral Service to help me bring in a moderate source of money," he says. "One thing that I appreciate a lot is the help with the intake."

The intake process, he says, "takes a lot of time and effort. By the ARS handling the intake, it makes it much easier for me to help the client. I like the fact that the ARS will call me ahead of time to talk to me about the case and client expectations. As a result, I have more time to focus on the client's needs and what I can do to help."

ARS member Richard T. Miller, "I have been a member of SFVBA and on the ARS panel for at least 20 years now. I have always found the ARS staff to be very pleasant to communicate with. They are able to refer potential clients, in our office practice areas, on a continuous basis. This helps with our case management flow to a great extent. We look forward to continuing our strong relationship with ARS and sincerely thank the staff for all their efforts in helping clients in need."

Excellent customer service is the number one goal of the ARS as we strive every day to provide quality service to both clients and attorneys.

If you are interested in joining the ARS team, please contact me at (818) 227-0498 or by email at miguel@sfvba.org. 

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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.



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THE LEGAL PROFESSION CAN BE ADVERSARIAL—opposing counsel, petitioning the courts for relief, and sometimes even pleading with our clients for payment. It can be isolating and feel like we are Sisyphus in the never-ending uphill plight.

Conversely, when you pursue a greater mission of doing good, you feel more connected to your community, you manifest goodwill for your business, and you become more attractive to current and potential clients, referral sources, colleagues and employees.

In essence, that massive boulder that you have been shouldering is lighter and momentum gains as the terrain levels off.

The Valley Community Legal Foundation (VCLF) serves as the charitable arm of the San Fernando Valley Bar Association (SFVBA).

As a collective of attorneys, judges, commissioners, and community members, our greater mission is to promote education in the law, provide scholarships to qualified students pursuing law-related studies, support the courts, increase access to justice and to assist families and victims of domestic violence with their legal needs.

This year, SFVBA has focused on the crisis of homelessness and transitional living for families, whereby we are donating special items each month at SFVBA office so it can be delivered to LA Family Housing, along with contributing to Blanket the Homeless. VCLF provides a tax-deductible method to make donations for these causes championed by SFVBA, as well as its own charitable missions.

Since joining VCLF, I have become connected to the broader legal community, working together with lawyers, judges and community stakeholders in a common mission. We award students with stipends for college and academic excellence, as well as contributing to SFVBA's Blanket the Homeless initiative, and the Van Nuys Court's Settle-O-Rama program for the family law litigants.


Along the way, I have given and gained referrals from colleagues in other fields of law, I have become counsel for some and sought professional advice from others. I have developed friendships with members of the bench, whom I

would otherwise not have the opportunity to know, and have gained greater understanding of the relationship between the bench and the bar.

For example, with the Constitution and Me, a high school curriculum about the First Amendment written by Judge Firdaus Dordi, and co-taught with me, to attorneys and judges who volunteer time in our local classrooms, I have found inspiration and commonality, even from lawyers who have been highly adversarial in the courtroom setting or judges who seem stern on the bench.

Together, we have made pushing Sisyphus's boulder that much easier.

Philanthropy is not just something you do because it is suggested by the bar or because it is nice. Philanthropy should be a core value of your legal practice because it will produce revenue far beyond what you invest—financially, emotionally and professionally.


If you are interested in joining VCLF, volunteering at any of our programs, or donating to any of our causes, please feel free to contact us at www.thevclf.org. We welcome you! 

“

Since joining VCLF,
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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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A New Board and a Great Year Ahead

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THE SANTA CLARITA VALLEY Bar Association is excited to announce its new board—Claudia J. McDowell, Immediate Past President; Lucas E. Rowe, Treasurer; Christine Reynolds Inglis, Secretary; Samuel R. W. Price, San Fernando Bar Association Liaison; and myself as President; Members-at-Large Jeffrey D. Armendariz and Cody Patterson, and new Board members, Corey A. Carter and Robert F. Castillo.

Corey became an attorney in 2010, beginning his practice representing debtors in bankruptcy court. He then worked with small business and assisting them with their corporate and small business needs. But, he missed the courtroom and after diligent study and participation in a trial program offered by the local bar association, Corey conducted his first trial.

From that point forward, Corey endeavored to represent clients at trial. He now focuses his practice on civil rights and police misconduct, as well as general civil and business litigation and is admitted to practice in all State of California courts, the United States District Court for the Central District of California, and the United States Tax Court.

Robert grew up in Fontana, moved to Los Angeles in 2000 and is dedicated to helping local residents ease their post-workplace injury burdens by

pursuing their workers' compensation claims.

He received his undergraduate degree in Philosophy from the University of California, Los Angeles and his Juris Doctorate in 2016 from Glendale University College of Law. He currently serves as an Associate in the Law Offices of Wax & Wax in Glendale.

SCVBA is also excited to host its 8th Annual High School Speech Competition on Tuesday, April 16, 2020, at Canyon High School's Performing Arts Center.


“
8th Annual High School Speech Competition on April 16.”

The prompt this year is open-ended allowing the participants a great breadth of creativity in their response to the question: “If you could travel back in United States history to personally witness an event or series of events, leading to the enactment of legislation, what event/s would that be, and why is it meaningful to you?”

SCVBA is looking forward to hosting the Speech Competition and area high school students are encouraged to participate.

Sponsorship opportunities are available for both the Competition and the SCVBA's Scholars and Bench Night, which celebrates the top three winners of the Competition and hosts several distinguished bench officers.

We would love to have members of the SFBVA come watch the Competition as well as attend our Scholars and Bench Night.

For more information, please reach out to Sarah Hunt at info@scvbar.org. 



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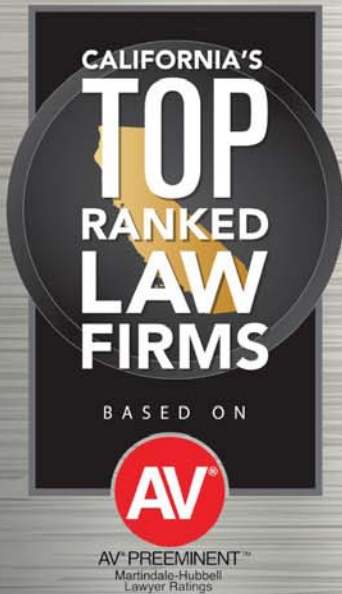
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