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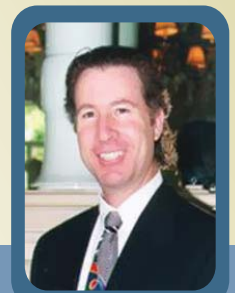
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GRAPHIC DESIGNER

Marina Senderov

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Our Heroes of Legal Camaraderie

DESPITE THE SEEMINGLY endless array of Zoom conferences, which we have been compelled to sit through during this pandemic, and likely the burnout that we all feel in sitting through some less engaging sessions, they actually do serve an important purpose.

Perhaps Desmond Tutu said it best: "We are wired to be caring for the other and generous to one another. We shrivel when we are not able to interact. I mean that is part of the reason why solitary confinement is such a horrendous punishment. We depend on the other in order for us to be fully who we are...A person is a person through other persons."

Our Bar Association thrives in serving a small but very tight-knit legal community. It has historically centered its activities on in-person interaction, strengthening our bonds, not only as members of the Association, but also as professional representatives of the San Fernando Valley's legal community.

During the COVID-19 lockdown, the heroes of maintaining this connection have been our dedicated SFVBA Section Chairs. They have organized a monthly calendar of consistently high-quality online Zoom meetings that allow our members the opportunity to maintain a sense of that critical social connection with others in their specific area of legal practice.

During the most challenging times of lockdown, those meetings

often proved to be the only outlet for some of our members to connect with their colleagues in a group setting.

Section Chairs perform the selfless duty of creatively crafting online meeting content that is both specific and valuable to their Section members. An often thankless job, they spend hours identifying interesting topics, wrangling reluctant speakers, and coordinating meeting logistics.

“
I want to personally
thank our Section
Chairs for their hard
work and commitment
to keeping our
members educated
and informed during
what has been
the most challenging
time.”

While our Sections do not operate uniformly, each brings tremendous value to our members. Every Section Chair bringing a unique approach and energy to their efforts to serve the practice-specific needs of their fellow practitioners.

These dedicated members include Valley "institutions" such

DAVID G. JONES
SFVBA President



djones@lewitthackman.com


as Steven R. Fox and Hratch J. Karakachian, who, respectively, head the Bar's Bankruptcy Law and Taxation Law Sections, and have both selflessly dedicated countless hours to their work as Section Chairs.

Seasoned veterans such as Nancy A. Reinhardt (Probate & Estate Planning Law); David S. Kestenbaum (Criminal Law); and Jeffrey S. Swartz (Workers' Compensation) are highly respected. Each of them has been practicing in the Valley for many years and is at the reins of a highly productive section.

Joining them are Christopher P. Warne and Anthony Ellis (Litigation); Vanessa Soto Nellis and Gary Weyman (Family Law); and Lauri Shahr (Business Law & Real Property); while up-and-coming sections headed by Trevor Witt and myself (Employment Law) and Alex J. Hemmelgarn and Amanda Marie Moghaddam (New Lawyers) are clearly on the rise.

I want to personally thank our Section Chairs for their hard work and commitment to keeping our members educated and informed during what has been the most challenging time.

Because of their efforts, the Bar is now seeing the possible light at the end of the tunnel and can transition to the possibility of outdoor and socially distanced in-person events in the late summer that will feature appropriate safety protocols and offer hope for future in-person social interaction.

We couldn't have done it without our Sections. Thank you. 

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From Small Things, Big Things Grow

ACCORDING TO THOMSON Reuters, the nation's small law firms "continue to face a number of significant challenges, many of which have remained consistent year-to-year."

The consultancy's annual State of U.S. Small Law Firms report was based on a survey of more than 400 small firms across the country and detailed some of the major challenges being faced by those practices.

One of the report's key findings was that "roughly 60 percent of a small firm attorney's time is spent practicing law."

"That means that 40 percent is spent elsewhere. And given that practicing law is what attorneys are paid to do, it is no surprise that 64 percent of respondents said they face a challenge from spending too much time on administrative tasks."

Particularly for small firm lawyers, the report states, "Administrative burdens can be consuming, especially in comparison to their counterparts at larger firms. Larger firms often have deeper benches of allied professionals tasked with managing tasks like IT, marketing, billing, and collections."

Time being a finite commodity, small firm lawyers "should be focused on finding efficient solutions to internal operations and management so as to optimize the amount of time they can spend practicing law."

Dealing with administrative issues was among the top challenges faced by every one of the attorneys I spoke with while putting together the cover

article for this month's issue of *Valley Lawyer*.

It is perhaps curious to note, though, that what the report recommends—

“


Dealing with administrative issues was among the top challenges faced by every one of the attorneys I spoke with...”

namely "*finding efficient solutions to internal operations and management so as to optimize the amount of time they can spend practicing law*"—is something that

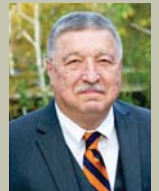
the attorneys I interviewed have found and have been implementing for years.

Each in their own way has adapted their way of practicing law to efficiently and effectively balance the responsibility of providing the best possible representation to their clients while, at the same time, dealing with the mundane administrative tasks that every business of every size deals with daily.

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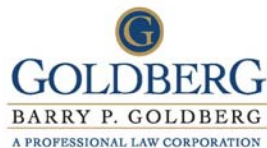
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EVENT INFORMATION

Friday, April 9

12:30 PM – 5:00 PM

Round One 1:00 PM – 3:00 PM

Round Two 3:00 PM – 5:00 PM

6:00 PM – 8:00 PM

Awards and Advancement Ceremony

Saturday, April 10

9:30 AM – 12:00 NOON

Final Competition

Sponsor the SFVBA's fully virtual Inaugural Mock Trial Competition when teams from California law schools will go head-to-head to be the San Fernando Valley Bar Association's first Mock Trial Champions. First Chairs sponsor individual awards for Best Advocate, Best Opening, Closing, Cross, and Direct Examinations.

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SUN	MON	TUE	WED	THU	FRI	SAT
 <p>4</p>	 <p>5</p>	<p>6</p>	<p>7</p>	<p>1</p> <p>ZOOM MEETING Membership and Marketing Committee 6:00 PM</p>	<p>2</p>	<p>3</p>
<p>11</p>	<p>12</p>	<p>13</p> <p>WEBINAR Probate and Estate Planning Section What Did the Courts Do To Us in 2020? 12:00 NOON Speakers Marc L. Sallus and Marshal A. Oldman will discuss Case and Legislative highlights for the year 2020 in Probate, Trust, Conservatorship, and Estate matters. (1 MCLE Hour)</p>	<p>14</p> <p>WEBINAR Litigation Law Section Zoom Depositions: Demonstrating All the Technical Details You Need to Know Sponsored by VERITEXT LEGAL SOLUTIONS 12:00 NOON Presenters: Anthony Ellis of Ellis & Bakh Trial Lawyers & the Veritext remote depo specialists. Moderator: Christopher P. Warne of the Warne Law Firm. Free to All Members. (1 MCLE Hour) See ad on page 38</p>	<p>15</p> <p>ZOOM MEETING Inclusion and Diversity Committee Meeting 12:00 NOON</p>	<p>9-10</p> <p>VIRTUAL MOCK TRIAL COMPETITION Via Zoom Friday, April 9 12:30 PM – 5:00 PM Round One 1:00 PM – 3:00 PM Round Two 3:00 PM – 5:00 PM 6:00 PM – 8:00 PM Awards and Advancement Ceremony Saturday, April 10 9:30 AM – 12:00 NOON Final Competition Leading law schools meet in the SFVBA Mock Trial Event. See ad on page 10</p>	
<p>18</p>	<p>19</p>	<p>20</p> <p>WEBINAR Taxation Law Section IRS Offers in Compromise and Installment Agreements 12:00 NOON Former IRS Counsel Attorney LaVonne Lawson will discuss how tax professionals can assist clients in preparing Offers in Compromise and Installment Agreement applications to address outstanding tax liabilities. (1 MCLE Hour)</p>	<p>21</p>	 <p>22</p>	<p>23</p>	<p>24</p>
<p>25</p>	<p>26</p>	<p>27</p>	<p>28</p> <p>WEBINAR All Members Fiduciary and Trust & Estate Banking 12:00 NOON Free to All Members. Sponsored by Manufacturers Bank, the SFVBA Silver Sponsor. Find out how the bank can help you and your clients. (1 MCLE Hour) See ad on page 26</p>	<p>29</p> <p>WEBINAR Family Law Section Child Support Services Department Changes 12:15 PM – 1:15 PM Special Family Law Webinar presented by the South Bay Bar Association and co-sponsored by the SFVBA Family Law Section. SFVBA members are invited to attend regarding updates to the Los Angeles Child Support Services Department (CSSD), including its move from CCW to Mosk in mid-April. Scheduled to speak: Terrie Hardy, Director of CSSD; Alexandra Bauer, Chief Attorney of CSSD; Royce Randall, Staff Attorney of CSSD; and the Honorable Angela Villegas. Register through the SBBA.</p>		

SFVBA COVID-19 UPDATES
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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 19.

By Karine Karadjian

In With the New: California Homestead Exemptions

On January 1, Assembly Bill 1885 became law, a piece of legislation that greatly increased the maximum and minimum rates for homestead exemptions in California, as well as the categories used for the prior exemption.







ON SEPTEMBER 18, 2020, CALIFORNIA GOVERNOR Gavin Newsom signed Assembly Bill 1885 into law, a piece of legislation that greatly increased homestead exemptions in California.

When the law took effect on January 1, 2021, several new exemptions came into effect, allowing for a minimum of \$300,000 and a maximum of \$600,000, and the categories used for the prior exemption—individuals, married couples, family units, elderly, and disabled, for example—have been removed.

Previously, homestead exemptions in California were limited to \$75,000 for individuals, \$100,000 for married couples or family units, and \$175,000 for the elderly or disabled.

Moreover, if several people are named on the title to a property, each person can claim the full amount of the exemption—in the \$300,000-\$600,000 range as it applies to their particular county—as long as it serves as their homestead.

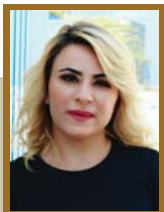
To qualify for a homestead exemption, the debtor must occupy the home and it must function as their primary residence.

The new homestead exemptions have great implications on bankruptcy law, particularly as they relate to a homeowner debtor's ability to file for Chapter 7.

The new exemptions under the California Code of Civil Procedure (CCP) require that:

- The amount of the homestead exemption is greater than the countywide median sale for a single-family home “in the calendar year prior to the calendar year in which the judgment debtor claims the exemption,” not to exceed \$600,000; or \$300,000; and,
- The amounts specified in this section “shall adjust annually for inflation, beginning on January 1, 2022, based on the change in the annual California Consumer Price index for all Urban Consumers for the prior fiscal year, published by the Department of Industrial Relations.”¹

It is important to note that the statute does not specify which exact month “in the calendar year prior to the calendar year in which the judgment debtor claims the exemption,” nor does it call for a yearly average.



Karine Karadjian is an attorney, mediator, and mediation consultant focused on bankruptcy, debt settlement, and employment law matters. She has offices in Los Angeles and Orange County and can be reached at karine@kelawfirm.com.

Thus, absent future clarification, debtors can presently use median numbers for any given month in the calendar year prior to the filing of their case.

For example, a debtor filing a case in April or May 2021 can currently use the median figures for any month in 2020.

If the median number for the debtor's county is below \$300,000, but the debtor needs to exempt \$300,000, he is able to do so because \$300,000 is the allowable base.

If the debtor is in a higher median county like Los Angeles, Orange, or Ventura, where median sale numbers are \$600,000 or more, a debtor can claim the maximum exemption of \$600,000.

Should a debtor's home be located in a county that falls between the allowable base and the maximum ceiling scale, the exemption should correspond with the median sale figures.

Determining Median Value

Attorneys should ensure that they have accurate figures for the fair market value of their client's residence. A thorough appraisal, though expensive, is usually the optimal option, although a broker price opinion can suffice at times as well.

As a practical point, it may be useful to list how the fair market value was obtained in Schedule A and to keep the valuation report handy to provide to a trustee if necessary.

Though the numbers will fluctuate, here are some approximate figures of what exemptions would look like in Southern California—Los Angeles, Orange, Ventura, and San Diego Counties: \$600,000, or close to it; San Bernardino County: \$320,000-\$370,000; and Riverside County: \$420,000-\$490,000.²

A useful tool to determine current countywide median figures is published online by the California Association of Realtors.³

Chapters 7 and 13

Those who previously did not qualify for Chapter 7 bankruptcy because the equity in their home was too high will now potentially be able to qualify under the terms of the new law.

Earlier homestead exemptions were quite low compared to the fair market value of individual homes in California.

Thus, debtors who had equity greater than could be protected in a Chapter 7 were faced with either having to

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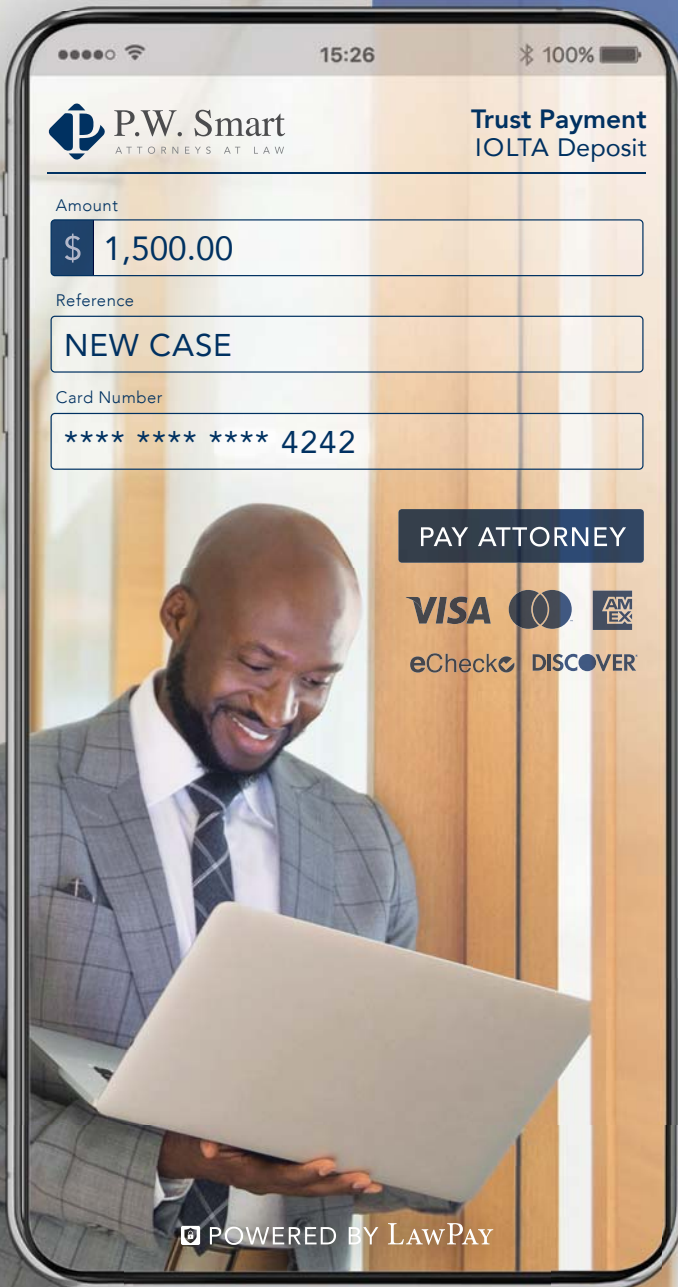
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file for Chapter 13 protection or settling out their debts. The higher homestead exemption will allow those debtors to qualify for Chapter 7.

As a result, in all likelihood, there will be a decline in Chapter 13 filings.

Some speculate, however, that those that fell behind on their mortgage payments due to COVID-19-related issues may need to file Chapter 13 to catch up on their mortgage arrears if they are unable to secure an approval of their loan modification application.

For those needing to file Chapter 13 for other reasons, such as their income being too great to qualify for Chapter 7 protection, the new homestead exemptions could result in a liquidation analysis more favorable to them. That could possibly enable them to be confirmed at a lower percentage Chapter 13 plan.

Can current Chapter 13 debtors simply convert to a Chapter 7 and claim the higher homestead exemption? No, as the exemptions that applied when the Chapter 13 was originally filed control.

Thus, a conversion from a Chapter 13 to a Chapter 7 in an effort to take advantage of the higher homestead exemption would not be effective.

If a debtor has successfully filed for Chapter 13

reorganization and was placed in such a position solely because of the equity in their home, the debtor can look into possibly having the current Chapter 13 dismissed and then refiling under Chapter 7.

In such a scenario, the debtor can utilize the newly increased homestead exemptions with the attorney taking the debtor's budget into consideration, as there would still need to be a good faith filing. Also, if the debtor has excess disposable income to pay creditors, a trustee may make an argument that the debtor belongs in a Chapter 13.

However, as changes in circumstances can often occur through the life of a Chapter 13 filing, both the debtor and their attorney will benefit from a thorough review of current income and expenses.

Things to keep in mind

It is important to remember that 11 U.S.C. § 522(p)(1) and 11 U.S.C. § 522(q)(2) apply to the newly revised exemptions.

Under 11 U.S.C. § 522(p), the exemption will be capped at \$160,375 if the property interest was acquired by the debtor less than 1,215 days prior to bankruptcy filing.⁴

If interest was transferred from debtor's previous principal residence—which was acquired prior to the beginning of the 1,215 day period—into the debtor's current principal California residence, then the new higher exemption amounts will be available.

Thus, for example, if the debtor seeks to file his bankruptcy in March 2021 and desires to claim the homestead exemption on the property purchased in November 2020, and did not roll that exemption over from the sale of his previous principal residence in the state, the exemption will be capped at \$160,375.

If, however, the previous primary residence was sold in October 2020 and had purchased that residence in March 2016, then the new homestead exemption could be claimed at the higher amount, because the previous home was purchased more than 1,215 days ago, and the interest from his previous principal California residence was transferred over into the new, current principal residence.

If, however, the interest was transferred from a different state—the debtor sold his primary residence in Nevada in October 2020 and purchased a home in California in November 2020, for example—the debtor would not be able to use the new higher homestead exemption and the cap of \$160,375 would apply.

According to 11 U.S.C., the homestead exemption will also be capped at \$160,375 if, after notice and a hearing, the court determines that the debtor has been convicted of a felony or the debtor owes a debt arising out of, for



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example, certain federal securities violations, intentional torts, fraud, or RICO violations.⁵

The exhaustive list is within the language of the statute, but one that may apply more frequently is found in 11 U.S.C. as it directly relates to debt arising from “any criminal act, intentional tort, or willful or reckless misconduct that cause serious physical injury or death to another individual in the preceding five years.”⁶

Attorneys who are faced with prospective clients who have more than \$160,375 in equity in their primary residence should thus pay special attention to those particular sections of 11 U.S.C. to avoid any potential issues for their client or any possible exposure to charges of malpractice.

Further Exemptions

In addition to the new homestead exemptions, there are also several new and significant personal property exemptions that were recently signed into law in California.

It is important for counsel to keep in mind that Section 703 exemptions cannot be mixed with Section 704 exemptions and that only one classification of exemptions should be selected.

The Section 704 exemptions listed below will be helpful in protecting personal property to a greater extent for homeowners than was previously possible.

Previous 704 exemptions, which were the only ones available to homeowners to claim their homestead, offered limited exemptions for personal property.

Below are brief summaries of some of the new 704 exemptions that took effect on January 1, 2021, and what significance they have regarding bankruptcy law.

- C.C.P. § 704.220 increases the exemption of deposit account funds to \$1,788 per person or \$3,576 if joint case.

This is tied to a California Department of Social Services standard that is based on Region One and a family size of four, regardless of the actual family size.

The number changes July 1 of every year with attorneys checking the appropriate amount and also make sure that the \$3,576 amount is used only if it is a joint case.

A debtor is only allowed the \$1,788 exemption if they are married but file individually.

- C.C.P. § 704.225 allows for exemptions in deposit account funds to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor.

There is no specified dollar limit. This exemption is separate from § 704.220 and can be used in addition

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as long as there is a justification for the amount necessary for the support of the judgment debtor, spouse, and dependents.

For example, if the debtor has been unemployed and has no prospects of finding a job in the foreseeable future, especially in light of a possible additional round of COVID-19 lockdowns—it could be argued that the debtor in question should be entitled to a higher exemption amount.

In such a case, an explanation in Schedule J may be helpful.

- C.C.P. § 704.230 allows for the exemption of FEMA benefits with no specified limit.

This is increasingly important in a COVID-19 climate and the full list of qualified benefits can be accessed at www.fema.gov.


- C.C.P. § 704.105 and C.C.P. § 704.140(12) relate to the exemption of Scholar Share 529 savings accounts. The exemption is unlimited if the account was funded at least 730 days prior to the bankruptcy filing.

If it was funded within the 730 day period immediately preceding the bankruptcy filing, the exemption is limited to \$15,000 per year.

Thus, funding \$15,000 in days 0-365 preceding the bankruptcy and \$15,000 in days 366-730 preceding the bankruptcy gets the exemption of \$30,000, but funding \$30,000 in a one-year period does not get a \$30,000 exemption, only the \$15,000.

The exemptions that were introduced in 2020, and passed into law on January 1 of this year, were some of the most significant changes in the area of bankruptcy law in several years, creating a favorable climate for homeowners in debt.

There may be filings that are currently in an active Chapter 13 status where it may make sense to dismiss and refile as Chapter 7—for example, in a situation where a debtor is forced into a Chapter 13 because of excess equity in their home and is struggling to make Chapter 13-mandated payments.

The exemptions are not retroactive, so converting from a Chapter 13 to Chapter 7 status will not be an option. 

¹ California Code of Civil Procedure § 704.730.

² www.car.org.

³ <https://www.car.org/en/marketdata/data/countysalesactivity>.

⁴ 11 U.S.C. § 522(p)(1).

⁵ *Id.* § 522(q).

⁶ *Id.* § 522(q)(1)(B)(iv).



In With the New: California Homestead Exemptions Test No. 150

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

1. The new California homestead exemption took effect on September 18, 2020.
☐ True ☐ False
2. The new California homestead exemption has no limit.
☐ True ☐ False
3. 11 U.S.C. § 522(p)(1) caps the homestead exemption to \$160,375 if the property interest was acquired by the debtor less than 1,215 days prior to bankruptcy filing unless it was transferred from debtor's previous principal residence (which was acquired prior to the beginning of the 1,215 day period).
☐ True ☐ False
4. C.C.P. § 704.220 became effective September 20, 2020.
☐ True ☐ False
5. The new homestead exemption is more favorable to creditors/lenders than to homeowners.
☐ True ☐ False
6. Scholar Share 529 savings accounts can have an unlimited exemption if the account was funded at least 730 days prior to the bankruptcy filing.
☐ True ☐ False
7. C.C.P. § 704.225 has a specified dollar limit.
☐ True ☐ False
8. Under C.C.P. § 704.230, FEMA benefits can be exempted with no specified limit.
☐ True ☐ False
9. Under C.C.P. § 704.220, if a debtor is married but files for bankruptcy individually, they can receive a \$3,576 exemption.
☐ True ☐ False
10. A debtor's felony conviction has no bearing on the amount of home exemption debtor gets.
☐ True ☐ False
11. Previous California homestead exemptions were limited to \$100,000 for married couples or family units.
☐ True ☐ False
12. Under the new California homestead exemption, if a debtor has \$700,000 equity in their primary residence, only \$600,000 of it can be exempted.
☐ True ☐ False
13. A debtor files Chapter 7 in 2021. The median sale for a single family home in the county in which he claims a homestead was \$250,000. He can only claim \$250,000 and not \$300,000.
☐ True ☐ False
14. 11 U.S.C. § 522(q) provides a cap to the homestead exemption.
☐ True ☐ False
15. The amounts specified in the new California homestead exemption will not adjust annually.
☐ True ☐ False
16. If a debtor in an active Chapter 13 converts to a Chapter 7, the debtor can use the new increased homestead exemption amount.
☐ True ☐ False
17. CCP § 704 exemptions can be mixed with CCP 703 exemptions in bankruptcy.
☐ True ☐ False
18. CCP § 704.220 and CCP § 704.225 can be used in conjunction with one another.
☐ True ☐ False
19. Chapter 13 bankruptcy can allow debtors to catch up on mortgage arrearages.
☐ True ☐ False
20. For a Scholar Share 529 savings account funded within the 730 day period immediately preceding the bankruptcy filing, the exemption is limited to \$15,000.00 per year.
☐ True ☐ False

In With the New: California Homestead Exemptions MCLE Answer Sheet No. 150

INSTRUCTIONS:

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

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- ☐ Check or money order payable to "SFVBA"
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5. Make a copy of this completed form for your records.
6. Correct answers and a CLE certificate will be mailed to you within 2 weeks. If you have any questions, please contact our office at (818) 227-0495.

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ANSWERS:

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

- | | | |
|-----|-------------------------------|--------------------------------|
| 1. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 2. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 3. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 4. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 5. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 6. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 7. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 8. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 9. | <input type="checkbox"/> True | <input type="checkbox"/> False |
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By Michael D. White

Growing a Small Law Firm: From Sprout to Finish

Smaller law firms and solo-practitioners have to deal with and find effective and creative ways to deal with virtually all of the same variety of practice and administrative challenges faced by larger national firms. Here's how some get it done.



IN 1834, JOHN T. STUART, a Springfield, Illinois, attorney, befriended an extremely tall, lanky young man who had impressed him with his intelligence, common sense, and drive.

Stuart “saw something in the youth” and encouraged him, as was customary at the time, to study law and lent him the necessary books.

After two years committed to long hours absorbing Blackstone’s *Commentaries*, Chitty’s *Treatise on Pleadings and Parties to Actions*, Greenleaf’s *On the Law of Evidence*, and Story’s *Commentaries on Equity Pleadings*, the young man passed an oral examination by a panel of practicing attorneys and received his law license.

Five months later, he was licensed to practice before the Supreme Court of Illinois, and moved to Springfield, where he went into partnership with Stuart, his mentor and advisor.

The young man was Abraham Lincoln, who during his career handled more than 5,000 often complicated criminal and civil cases that covered a wide swath of the law from property disputes and assault to contracts and murder.

Lincoln, it is said, actively sought clients, from farmers to railroads, handling much, if not all, of his own administrative work—with a supposed disdain for pockets, he kept notes, bills, and even legal documents stored in what would become his trademark 8-inch tall stovepipe hat.

Never practicing with a large firm, Lincoln faced, and overcame, many of the same challenges that solo and small firm attorneys encounter today.



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.

Learning to Delegate...

Steven R. Fox began his career in the ‘80s working for a small firm in downtown L.A. before forming a partnership in the Valley. Focusing on personal injury law, he went out on his own in 1994.

“Smaller practices and solo practitioners have to deal with virtually all of the problems faced by large national firms,” he says. “It’s on a different scale, and too often, unfortunately, there is a lesser ability to respond and most smaller firms don’t have the financial reserves that most larger firms have.”



“Smaller practices and solo practitioners have to deal with virtually all of the problems faced by large national firms.”
— Steven R. Fox

Early on, Fox found that delegating work has helped considerably in freeing him up to concentrate on his practice.

“I delegate a lot of both administrative and legal work,” he says. “My wife, Robin, works with me and handles a ton of the administrative work and she just completed doing all the work in getting our computers upgraded. She’s worked with the IT

people to grant limited access to our lawyers to some of our files and maintains our internet files so we can work collaboratively with other law firms. She also spends hours every year working on our insurance, as well as any employee issues that come up. She knows what she’s doing and she does it all well. That saves me a lot of time and frees me up to handle the legal work.”

On the legal side of the coin, Fox now has one attorney who works full-time for him, as well as two outside lawyers who work as needed with each doing between 20 and 30 hours per week.

In addition to his Southern California work, Fox handles a number of cases in other states, working with local attorneys.

“I’m currently working on a fairly substantial case in Connecticut and I’m working with local counsel who’s doing maybe 40 percent of the work with our firm doing the balance.”

...Or Not

Law is a second career for attorney Kim S. Millman.

An entrepreneur, she received her J.D. from Pepperdine University School of Law in 2006 after 25 years heading a family-owned, vertically-integrated company in Valencia specializing in mail-order girl’s apparel.

“I acted as the company’s interface with the legal community during mergers and acquisitions, labor issues, and real estate purchases,” she says. “I decided to go to law school after the company was sold in 2002. In school, I decided to go into transactional law, specifically estate planning.”



“As a solo practitioner, I decided that I didn’t want to have the responsibility and the liability of having a lot of people work for me.”

— Kim S. Millman

While in school, she realized that while she had extensive experience as a business owner and as a law student, she had zero experience actually being a lawyer. That led her to working with a solo practitioner in Ventura for a couple of years after passing the Bar exam.

Millman, with an office in Woodland Hills, has been a solo practitioner since 2010, focusing on estate and tax planning, estate and trust administration; charitable planning and giving; and business succession planning.

“I don’t delegate,” she says. “I am the file clerk; I am the secretary; I am the everything. In my prior life, when I was running that company, I had hundreds of employees covering all the bases. As a solo practitioner, I decided that I didn’t want to have the responsibility and the liability of having a lot of people work for me. When I was a business owner, it was like having a large family with all the attendant issues.”

It is, she says, “difficult to balance doing everything and practicing

the law. It’s really a challenge to maintain the workflow. I fall behind on the administrative side sometimes, and every month, I dedicate a day to cleaning up. I have become as paperless as possible and make sure that, for example, documents that come in and need to be scanned get handled right away. I’ve worked on making sure that everything is digitized and easily accessible. I am also my own bookkeeper so I carve out the time to make sure that it is handled promptly.”

Mark S. Shipow began his career in the law with a couple of medium-sized firms after passing the Bar exam.

“In the mid-80s, went to a large firm that morphed over a period of years into a nationwide mega-firm,” he says. “Throughout, I was doing commercial litigation and then in 2007 for a variety of reasons the firm’s culture had changed and I was getting burned-out, so I decided then to try something different. At that point, though, I didn’t know exactly what I was going to do.”

Shipow’s first step was to resign from the firm, though he continued to work on a few cases as an independent contractor.

“I explored becoming a mediator, did some litigation consulting work and after about a year or so, just gravitated back toward doing commercial litigation on my own,” he says. “I did some marketing and networking and was able to get cases from a variety of sources. It’s sort of fed on itself since then.”

When he left the firm, he decided not to take on the expense of an office “just to see how things went and it’s gone on pretty well. I’ve never changed that model and have been working from my home since 2007. I will occasionally bring in a paralegal to help with documents and whatnot, but I work mostly on my own.”

Though the administrative side of operating his office can be challenging,

Shipow has been able to draw off of his past experience in office administration.

“I was always involved in that to some degree as I was the managing partner of the firm’s Los Angeles office for a number of years,” he says. “I also managed the litigation group for a few years, so I always had to deal with the administrative stuff for the firm. There were always billing responsibilities and other various and sundry things to have to deal with. It was non-billable time and had to be dealt with.”



“My time is my own, so if I want to do some administrative stuff while I’m watching TV at 8:00 at night, it’s no big deal.”

— Mark S. Shipow

On his own, he says, “There is a lot of secretarial stuff, for example. I have to generate my own envelopes, do my own court filings. But all that is part of the price you pay. It doesn’t bother me. Sometimes it’s a welcome diversion from the pressures of the practice.”

Overall, “my time is my own, so if I want to do some administrative stuff while I’m watching TV at 8:00 at night, it’s no big deal. It’s a tradeoff, but it certainly has worked for me. I love the freedom. I make my own hours. There are constraints, of course, but overall, I control how often I work, how many hours I work and the type of cases I take.”

Freedom of Choice

David H. Baum “loves being a solo practitioner.”

Now semi-retired after 43 years in practice doing family formation and probate law, Baum started out with a 35-attorney law firm, first as a clerk and then as an associate, before scaling down to a smaller, 8-member firm and then working with another attorney as his sole associate, and a partnership with three other attorneys, before going solo in 1989.

But, he’s quick to add, “I’m my own boss. Not having someone telling me how to do my job is a great advantage and, most importantly, I get to choose what I want to work on and I don’t have to answer to anybody but my client and the State Bar.”

Steven Fox concurs. “A great positive is being able to choose the clients I want to work with,” positing the example of a large company that might approach him with a case and a substantial retainer.

“I can decide not to take the case because I feel the management of the company isn’t capable of running a good business. I don’t need the problems. I don’t want the problems.”

When the COVID-19 pandemic struck, he ordered his people home and has been able to work alone in his office, sometimes starting at 5:30 in the morning and putting in eight or ten hours and “get a ton of work done. I’ve been incredibly productive.”

According to Kim Millman, one major advantage of having her own firm is “being very, very selective of what clients I choose to take on. I have a very narrow window of what I like to do and what I’m good at and have a huge network of professionals who do the things I don’t choose to do that I



“Not having someone telling me how to do my job is a great advantage and, most importantly, I get to choose what I want to work on...”

— David H. Baum

can refer people to. I don’t need to take anything that comes in the door.”

Jay A. Rose passed the Bar in 1982 after graduating from the Whittier College School of Law. He focuses on estate

planning, wills and trusts from his office in Woodland Hills.

“My first job was with a medium-sized local firm in Santa Monica,” he says. “Each of the attorneys had their own area of speciality and I was the guy who did everything they didn’t want to do. I learned a lot over the course of about a year. Then I started my own practice out in the Valley.”

What he likes best about being on his own, he says, is “having the ability to decide what I want to do and when I want to do it...the type of cases I will take and who I will represent. Over all the years, I can say there are clients that I know are going to cause problems. They’re either going to be difficult to deal with or they’re going to ask you to do a lot of work and then not pay you. Sometimes you have to handle that sort of situation.”

He also appreciates “the freedom to be able to take care of something in the middle of the day that’s not related to my practice.”

Making Your Own Rain

“Finding new clients is certainly a challenge for everyone, but I think small firms have to take a different approach to it,” says attorney Amy Cohen.

She and her husband Robert have managed their joint practice from their office in Valencia since 2013—she in the area of copyright and trademark law; he in trusts and probate work.

“Large firms often have ‘rainmakers’, attorneys who are charged with going out finding business and then passing it on to another attorney to actually do the work. In a small firm, you have to do both,” says Cohen. “You have to go out and find the work and then you have to be able to do it. We walk a fine line having to decide at what point we have enough work

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“We were able to use networking contacts that my husband and I were able to make over the years to give us the initial push.”
— Amy Cohen

to bring in an employee. If you get so much work that you can't handle it yourself, then you're worried that if you bring on an employee, you won't have enough work to keep them busy. That is perhaps a concern of any law firm regardless of the size.”

The contacts they made while they were both working for the same law firm in Woodland Hills helped significantly in their starting their own joint operation.

“We were able to use networking contacts that my husband and I were able to make over the years to give us the initial push. We were both working for the same firm in Woodland Hills, but I had created a satellite office for that firm in Valencia,” she says.

“We still have a great relationship with that firm and what we wanted to do made sense to them, so we took over the space and it made for an easy transition. We weren't starting from scratch and because of what I do, there were some clients that came with me.”

It was, she says, “a perfect storm in many ways in that when we chose to leave and the type of work that I do and

the work my husband does, it just worked out in a very easy way for us to go out on our own.”

Finding clients and marketing was the biggest challenge I faced when I started my firm,” says Kim Millman.

“I had many years as a business executive and several years working as an attorney, but I never had to sell myself. With the company, I had nothing whatsoever to do with sales or marketing. At the law firm, my mentor partner was the rainmaker,” she says. “I'm not shy, so it wasn't a matter of my not being able to do it, I had just never done it before. I had to learn how to market myself and make myself a trusted advisor, and how to convince others that I was the best attorney for the job.”

Millman has found that there are advantages to being a member of several professional groups and “groups within groups.” That, she adds, “helps greatly in my doing what I do. As an estate planner, you need to have connections with other professionals such as financial planners, CPAs, and realtors who can help you. So I need those contacts to help me grow as an attorney, as much as I need them to help grow my business.”

She also draws heavily on her past for business. “I have represented several of my law professors, fellow law students, former employees and their families. I even have clients that used to be vendors of mine when I owned my own company, so I have the advantage of having an entire professional life before I was an attorney to draw from.”

Don't Live in a Bubble

Don't start out as a solo practitioner, advises Steven Fox.

Spend some time at a firm and, he says, “observe everything administrative that goes on at that

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practice. I mean everything...what human resources does, how billing is done, how to add paper to the copy machine."

Take a lot of notes and ask a lot of questions because, he says, "it's the non-legal stuff that will trip you up. As lawyers, we're trained to handle the legal stuff, we're not trained to handle the critical administrative stuff."

According to Kim Millman, "The biggest problem being a 'solo' is that you can tend to live in your own bubble and you can't avoid making mistakes if you do that."

"When you come from a firm, you have the ability to talk to other attorneys and get advice," she says. "When you're not totally alone, you don't have that to deal with. Since I started my practice, I've belonged to a group that does similar things; some of us are solo, some of us work at small firms."

Since COVID, she says, "We've been meeting once a month on Zoom

and hash out ideas with one another so we can fill in the gaps. We've all known each other long enough so that we can, for example, ask another attorney for advice on some issues. There are always going to be issues that crop up that you need help with. Estate planning law is somewhat counter-intuitive, so that what you think may work may not necessarily provide the best result, so it's very helpful to have other attorneys to consult."

One thing that Mark Shipow benefitted from was experience and training.

"In the law firm context, I had some very good training in the areas of legal writing, dealing with clients, arguing cases, all that. Learning all that on your own right out of law school would be pretty daunting."

His advice?

"Gain as much experience as possible at a firm on both the legal




"I appreciate the freedom to be able to take care of something in the middle of the day that's not related to my practice."
— Jay A. Rose

and administrative side of the operation. Learn how pleadings get filed with the court and how the photocopier works. It all sounds silly, but it's important if you're going to be out on your own. Even if you have a secretary, you're going to wind up doing a lot of that stuff or, at least, pitch-in just in case there's some emergency. I learned a lot at the firm by just tracking what the secretary was doing."

Squelch the temptation "to take in everything that comes in the door," he says.

Recalling his days as "the guy who did everything" at his first firm in Santa Monica, Jay Rose advises gaining as much experience as possible.

"It was good to spend that year there because I had exposure to a lot and the really good thing was the opportunity to meet other attorneys and have mentoring and having a place to go to ask questions and get direction. That was invaluable. That continued after I started my practice because I had associated with a lot of attorneys and had a network of people who were willing to help me." 

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CRAB v. KRAB: A split Ninth Circuit panel recently reversed the dismissal of claims against P.F. Chang’s regarding the chain’s use of the term “krab mix” in the ingredients list for certain sushi rolls.

Plaintiff claimed he purchased P.F. Chang’s “krab mix” sushi rolls because the term “krab mix” led him to believe the rolls contained at least some real crab meat, when in fact they contained none. P.F. Chang’s countered that reasonable consumers would be tipped off by the fanciful spelling of “krab,” as well as the fact that other items on the same page of the P.F. Chang’s menu listed “crab” (spelled correctly) in their ingredients.

Accordingly, P.F. Chang’s argued, a consumer confronted with both “crab” and “krab mix” on the same page would not be misled into believing they are the same. The district court agreed, and dismissed plaintiff’s claims as implausible on their face. In doing so, the court analogized to a prior decision finding no reasonable consumer would be misled into believing “Froot Loops” contain “Fruit.”



NEW SICK LEAVE ORDINANCE: On January 26, 2021, Los Angeles County revised and extended its COVID-19 paid sick leave ordinances. Los Angeles County’s urgency ordinance took effect immediately upon approval, retroactive to January 1, 2021.

Los Angeles County’s COVID-19 supplemental paid sick leave ordinance initially took effect on April 28, 2020, expired on December 31, 2020, and only applied to private-sector employers with 500 or more employees nationally.

As revised and effective January 1, 2021, the ordinance now applies to all employers in the unincorporated areas of the county, regardless of size or number of employees. This means that employers with fewer than 500 employees previously exempt—and subject to the Families First Coronavirus Response Act (FFCRA)—must follow the local ordinance.

A covered employee includes any individual who performs any work for any employer within the geographic boundaries of the unincorporated areas of Los Angeles County. Like the original ordinance, employers may exclude employees defined as a Health Care Provider or Emergency Responder under the ordinance.

NEW RULES ON GAS EMISSIONS: The California legislature is reportedly considering legislation that would impose greenhouse gas emissions disclosure obligations on publicly traded domestic corporations and publicly traded foreign corporations.

The bill, SB 260, would amend the Health & Safety Code and therefore the definitions of these terms in the Corporations Code would not necessarily be controlling.

A corporation would be subject to the disclosure requirements only if it has annual revenues in excess of \$1 billion and is “doing business in California.”

There is a significant glitch—as presently written, the proposed bill does not attempt to define exactly what constitutes “doing business in California.”

ETHICAL RULES FOR WORKING REMOTELY:

The American Bar Association Standing Committee on Ethics and Professional Responsibility released today a formal opinion that catalogues the relevant model rules and technological considerations that lawyers should be alert to when practicing virtually.


Coming near the one-year anniversary of when most attorneys departed their offices because of the emergence of the COVID-19 pandemic, Formal Opinion 498 identifies some of the minimum requirements under ABA Model Rules of Professional Conduct and suggests several best practices to meet ethical obligations in a virtual setting.

“When practicing virtually, lawyers must particularly consider ethical duties regarding competence, diligence, and communication, especially when using technology,” the opinion said. “In compliance with the duty of confidentiality, lawyers must make reasonable efforts to prevent inadvertent or unauthorized disclosures of information relating to the representation and take reasonable precautions when transmitting such information.”

The opinion also noted that the duty of supervision requires that lawyers who supervise others “make reasonable efforts to ensure” that their direct reports comply with the model rules, particularly if these colleagues are still working virtually.

The best practices cover hardware devices and software systems; accessing client files and data; using virtual meeting platforms and videoconferencing; and virtual document and data exchange platforms, among others.





By Nicholas Kanter
and Tal Burnovski Yeyni

Just Eat It: California's Meal Break Rules

CALIFORNIA'S LAW REGARDING MEAL breaks was codified into the Labor Code over 20 years ago, but not all employers have a firm grasp on the intricacies in the law.

Guided by rulings from the California Supreme Court, the principles discussed in this article should help employers better understand their obligations when it comes to providing meal breaks to employees.

What the Code Says

Generally, the California Labor Code (CLC) prohibits employers from requiring non-exempt employees to "work ... more than five (5) hours without a meal period of not less than 30 minutes."¹

Employers who violate this rule must pay a penalty equal to one additional hour of pay at the employee's

regular rate of compensation for each work day that a compliant break is not provided.

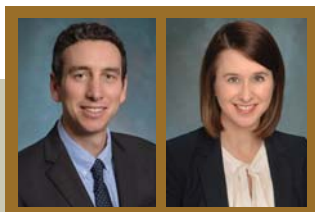
Since the codification of the Code's meal period requirement approximately 20 years ago, the California Supreme Court has issued several decisions to fine tune the meal period requirements.²

On February 25, 2021, the California Supreme Court issued its most recent decision, reiterating the importance of strict compliance with the CLC.³

Previous Supreme Court meal period decisions provide context and assist in understanding California's meal break requirements.⁴

In 2012, the state Supreme Court issued its seminal decision in *Brinker Restaurant Corp. v. Superior Court*.⁵

But, while that case provided valuable guidance on both meal and rest periods, this article will only focus on the Court's meal break holding.



Nicholas Kanter and **Tal Burnovski Yeyni** are employment defense attorneys at Lewitt Hackman in Encino. They can be reached at nkanter@lewitthackman.com or tyeyni@lewitthackman.com.

Meal Period Timing

In its ruling, the Court concluded that, absent a waiver, the Labor Code requires a first meal period no later than the end of an employee's fifth hour of work and a second meal period no later than the end of an employee's tenth hour of work.^{6,7}

The Court further clarified that an early lunch does not trigger a requirement for a second meal period in a shift shorter than ten hours, such as when there is more than five hours between the end of the meal period and the end of the shift.

Rather, the law "requires a second meal after no more than ten hours of work; it does not add the caveat 'or less, if the first meal period occurs earlier than the end of five hours of work'."⁸

Employers are not the "Meal Police"

Brinker also clarified that employers are not obligated to police meal breaks and ensure no work is performed during the break.⁹

In that case, the Court held that, "There was no textual basis in the wage order or statute to the argument that employers must ensure no work is done, and that that argument is inconsistent with the fundamental employer obligation that is associated with a meal break, which is simply to relieve employees of duty and relinquish control over employees and how they spend the time."¹⁰

The Murphy Story

A couple of years before *Brinker*, the Supreme Court weighed in on how to characterize the penalty owed to an employee when a compliant break is not provided.

As explained above, California law provides that, "If an employer fails to provide an employee a meal period or rest period...the employer shall pay the employee one additional hour of pay at the employee's regular rate of compensation."¹¹

This means that for every day an employee is prevented from taking a timely and/or full break, the employee is entitled to a premium pay equal to one additional hour of pay.

In *Murphy v. Kenneth Cole Productions, Inc.*, the Supreme Court was asked to decide if the "one additional hour of pay" mandate is a penalty subject to the one-year statute of limitations or wages subject to the three-year statute of limitations.^{12 13 14}

The Court decided that the penalty is to be considered wages for the purposes of determining the statute of limitations.

The Donohue Holding

Generally, rounding policies are permitted provided they are

used in a fair and neutral manner and that over time, they do not result in a loss to the employee.

Some employers use rounding practices to streamline the payroll process, while others use them out of habit, without questioning their dwindling benefits or increasing detriments.

In *Donohue v. AMN Servs., LLC*, the Supreme Court was asked to decide the legality of AMN's rounding practice when recording employees' meal breaks.¹⁵

For example, if an employee clocked out for lunch at 11:02 a.m. and clocked back into work at 11:25 a.m., AMN Servs.'s system would record the time punches as 11:00 a.m. and 11:30 a.m.

Although the actual meal period was 23 minutes in length, the system would have recorded the meal period as 30 minutes.¹⁶

Similarly, if an employee clocked in for work at 6:59 a.m. and clocked out for lunch at 12:04 p.m., the system would round the time punch-outs to 7:00 a.m. and 12:00 p.m.

In this case, the actual meal period started after five hours and five minutes of work, but the system would have recorded the meal period as starting after exactly five hours of work.¹⁷

The Supreme Court held AMN's rounding practices violated California's meal break law, as they may effectively result in late and short breaks.

For example:

"An employee...is provided with a 21-minute lunch from 12:04 p.m. to 12:25 p.m. Under AMN's timekeeping system, which rounded time punches to the nearest 10-minute increment, the lunch would have been recorded as a 30-minute lunch from 12:00 p.m. to 12:30 p.m. In that scenario, an employee would have lost nine of the 30 minutes—or almost a third of the time—to which he or she was entitled...Small rounding errors can amount to a significant infringement on an employee's right to a 30-minute meal period..."¹⁸

In the Supreme Court's view, these allegedly minor discrepancies can unduly burden employees as "forcing employees to work through their meal periods not only causes economic burdens in the form of extra work, but also noneconomic burdens on the employees' health, safety, and well-being...within a 30-minute timeframe, a few minutes can make a significant difference when it comes to eating an unhurried meal, scheduling a doctor's appointment, giving instructions to a babysitter, refreshing oneself with a cup of coffee, or simply resting before going back to work."¹⁹

AMN argued that the rounding policy was neutral over time because it sometimes paid employees for a few extra minutes they did not work and that, as a whole, the policy slightly overcompensated employees.

The Court rejected this argument because it did not take into account the underpayment of premium pay and thus the policy was not neutral.²⁰

In the second part of the decision, the Supreme Court held that when an employee's time records show a non-compliant meal break, it raises a rebuttable presumption of a meal period violation which imposes upon the employer the burden of proving no violation occurred.

Employers can rebut the presumption by presenting evidence that employees were compensated for noncompliant meal periods or that they had, in fact, been provided compliant meal periods during which they chose to work.²¹

Furthermore, according to the Court, the "rebuttable presumption does not require employers to police meal periods. Instead, it requires employers to give employees a mechanism for recording their meal periods and to ensure that employees use the mechanism properly."²²

The Future of Premium Pay

Does regular rate of compensation have the same meaning as regular rate of pay?

As explained above, the California Labor Code requires the payment of "one additional hour of pay at the employee's regular rate of compensation for each workday that a break was not provided."²³

The parts of the Code that govern overtime requirements state that any overtime work must be compensated at either one and one-half times or double the employee's regular rate of pay for all hours worked.²⁴

In the overtime context, the regular rate of pay, which can change from pay period to pay period, includes adjustments to the straight time rate, and reflects, among other things, shift differentials and the per-hour value of any non-hourly compensation the employee earned.²⁵

In 2019, the Court of Appeal in *Ferra v. Loews Hollywood Hotel, LLC*, decided that the term regular rate of compensation, for purposes of premium pay, was not the same as the regular rate of pay for overtime purposes.^{26 27}

In other words, any premium pay required for break violations should not include adjustments to the normal hourly rate as the regular rate of pay requires.

However, on January 22, 2020, the Supreme Court granted review regarding the meaning of the terms "regular rate of compensation" and "regular rate of pay," and the legislative intent. The matter was fully briefed and as of the writing of this article oral arguments are pending.

Another question arises—Does premium pay give rise to derivative penalties?

Any employer that has faced a wage and hour lawsuit in California knows that minor violations can quickly result in significant liabilities.

For example, any failure to pay minimum wage, overtime, reporting time pay, etc. can lead to waiting time penalties under the rules laid out in the California Labor Code.²⁸

One hotly litigated issue in wage and hour lawsuits is whether the failure to pay a meal or rest period premium gives rise to derivative penalties under the Code for waiting time penalties and for inaccurate wage statements.²⁹

Notably, the Division of Labor Standards Enforcement (DLSE), opined in its Enforcement Manual that failure to pay meal/rest premium pay may result in waiting time penalties.³⁰

In 2019, the Court of Appeal in *Naranjo v. Spectrum Security Services, Inc.* resolved this issue in favor of employers finding that "[Labor Code] section 226.7 actions [for meal and rest break violations] do not entitle employees to pursue the derivative penalties in Sections 203 and 226."^{31 32}

As anticipated, shortly after the Court of Appeal published its decision Plaintiff filed a petition for review before the Supreme Court, which was granted. The case is fully briefed and, to date, oral arguments have not been set.

Take-Aways

As *Brinker* and *Donohue* clarified, it is important to clearly outline compliant break policies and educate employees about those policies in a variety of ways—for example, periodic email reminders about break policies; review of policies during team meetings or annual evaluations; and annual updates to the employee handbook with a request for a written acknowledgement of receipt.

Such a standard practice can be an essential element in defending meal/rest period claims.

It is also critical to be realistic about work practices and understand that emergencies, tight deadlines, and unforeseen events that can impact employee activity, can happen at any workplace and interfere with timely and/or full breaks.



Any failure to pay minimum wage, overtime, reporting time pay, etc. can lead to waiting time penalties under the rules laid out in the California Labor Code."

When such incidents occur—and they will—employers must pay the premium pay as required under the Labor Code.³³


It is good to remember that paying the premium amount when owed could save a lot of money down the road.

Employers should also periodically audit their work processes.

This could include review of time sheets to see if, for example, employees regularly clock out late for lunch or take short breaks, respond to inquiries regarding proper staffing—is one shift over/under staffed compared to others?—and monitor managerial output expectations.

While periodic internal audits may be time consuming, they are invaluable and shrink into insignificance when compared to the time and resources the employer will need to devote to wage and hour litigation.

Lastly, employee work time should be recorded to the minute.

Based on the *Donohue* decision and a previous 2018 decision, employers must adhere to an accurate time-keeping regimen. This process is a relatively pain-free, as there are various app-based or software-based time keeping programs available that can precisely record an employees' work time.³⁴ 

¹ California Labor Code Section 512 and Section 11 to various IWC Wage Orders.

² California Labor Code Section 512.

³ *Id.*

⁴ *Donohue v. AMN Services, LLC* (2021) LLC, No. S253677, 2021 WL 728871.

⁵ *Brinker Restaurant Corp. v. Superior Court*, (2012) 53 Cal.4th 1004.

⁶ California Labor Code § 512.

⁷ 53 Cal.4th at 1041.

⁸ *Id.* at 1042.

⁹ *Id.* at 1040.

¹⁰ *Id.* at 1038-1039.

¹¹ California Labor Code § 226.7.

¹² *Murphy v. Kenneth Cole Productions, Inc.*, (2007) 40 Cal.4th 1094.

¹³ California Code of Civil Procedure § 340.

¹⁴ *Id.* § 338.

¹⁵ *Donohue v. AMN Servs., LLC*, (2021) No. S253677, 2021 WL 728871.

¹⁶ 2021 WL 728871 at *1.

¹⁷ *Id.*

¹⁸ 2021 WL 728871 at *6.

¹⁹ *Id.*

²⁰ 2021 WL 728871 at *9.

²¹ *Id.* at *10.

²² *Id.* at *11.

²³ California Labor Code § 226.7.

²⁴ *Id.* § 510.

²⁵ *Alvarado v. Dart Container Corp. of California* (2018) 4 Cal.5th 542, 554.

²⁶ *Ferra v. Loews Hollywood Hotel, LLC*, 40 Cal. App. 5th 1239.

²⁷ 40 Cal. App. 5th at 1247.

²⁸ California Labor Code § 203.

²⁹ *Id.* §§ 203 and 226.

³⁰ Division of Labor Standards Enforcement Manual Section 4.3.4.1.

³¹ *Naranjo v. Spectrum Security Services, Inc.* 40 Cal.App.5th 444.

³² 40 Cal.App.5th at 474.

³³ California Labor Code § 226.7.

³⁴ *Troester v. Starbucks Corp.*, 5 Cal. 5th 829.



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By Martin R. Gladstein

Superior Court Commissioners: What They Do

THE FIRST CALIFORNIA STATE CONSTITUTION was approved by voters in 1849, a year before California was admitted into the Union as the nation's 31st state.

The first Constitution created a traditional hierarchical court system that authorized local trial courts, which were presided over by justices of the peace.

The Constitution also permitted the legislature to establish municipal courts in each county, although police courts, justice of the peace courts and small claims courts continued to exist until 1924, when a constitutional amendment gave authority to charter cities, with a minimum of 40,000 inhabitants, to establish municipal courts to take over the functions of those courts.

Next in the hierarchy of the day were county trial courts with limited jurisdiction, each with one judge and two local justices of the peace, similar to present-day Municipal Courts.

Above the county trial courts were District Trial Courts, which covered multi-county regions. These were similar to the present Superior Courts, although they exercised jurisdiction across numerous counties.

In 1850, the legislature established the position of Commissioner as a subordinate judicial officer position with limited responsibilities, including the taking of testimony and depositions, issuing subpoenas to witnesses, and administering oaths. Each District Court judge was authorized to have up to three Commissioners on staff.

Thus, the position of Commissioner was actually established many years before the establishment of the post of Superior Court Judge.



Martin R. Gladstein is a Los Angeles County Superior Court Commissioner. He was first sworn in as a Los Angeles Municipal Court Commissioner in 1999 and is currently assigned to a misdemeanor trial court at the Santa Clarita Courthouse.

Over time, the responsibilities and authority of Court Commissioners have been enhanced.

In 1863, additional powers were given to Commissioners with the enactment of the original version of California's Code of Civil Procedure.¹

The statute gave Commissioners the power to hear ex parte motions, approve bonds and take proof by reference.

Only once in history does it appear that Commissioner's powers were contracted. The 1879 Constitution restricted appointment of Commissioners only to Superior Courts, which shortly before had replaced the multi-county district trial courts.

Almost one hundred years would pass before a revision of the State Constitution, effective in 1966, gave Municipal Courts the power to appoint Commissioners.

At that time of trial court unification in Los Angeles County, there were a total of 24 separate and independent Municipal Court districts, employing 78 Commissioners, including one employed by the Municipal Court Judges Association.

Trial court unification began in 1998, and within three years, all of California's 58 counties had unified their trial court operations into single Superior Courts.

Commissioners' Powers

A court commissioner is authorized to perform "subordinate judicial duties" without a stipulation by the parties.²

Those duties include determining ex parte motions, hearing uncontested actions and proceedings, conducting criminal arraignments, hearing both small claims and infraction trials, and issuing bench warrants for a failure to appear.

The primary statutory authority governing the powers of a Commissioner is also laid out in the Code of Civil Procedure.³

Additional authority is found in various Family Code and Government Code sections and, in addition to purely court-related functions, a commissioner may perform wedding ceremonies and administer oaths and affirmations.

A Commissioner may also be appointed to act as a temporary judge. This, however, requires a stipulation from the parties involved.

Once a Commissioner is stipulated to by the parties and sworn as a temporary judge, their authority is governed by the laws and regulations that apply to judges and includes the same contempt powers as a judge. A Commissioner stipulated to as a temporary judge has full judicial powers until the final determination of the cause.

Case law has upheld issuance of contempt orders even absent an inclusion of such authority in the stipulation.

As such, authority is "inherent in the trial court's power to exercise reasonable control over its proceedings."

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The form of stipulation required for a Commissioner to act as a temporary judge is not specified in the Rules of Court or in the Constitution.

However, case law provides that the stipulation for a Commissioner to act as a temporary judge may be either express or implied.

Though many if not most Commissioner courtrooms have pre-prepared written stipulations, especially in criminal and civil trial courts, a stipulation may be implied by the conduct of the parties.

Numerous cases have held that participating in a proceeding, for which a stipulation is required, without objection, is deemed to be a de facto or tantamount stipulation.

Continuing Education

Soon after commencing their duties, a new Commissioner will attend a one-week training and orientation program, created and presented by Los Angeles Superior Court staff and bench officers.

The program, known as the Los Angeles New Judges Orientation, or LANJO, is unique in California and is modeled in part after the statewide New Judges Orientation (NJO) program run by the state's Judicial Council, which all new bench officers, judges and Commissioners alike, must attend.

Previously, attendance at the NJO, which is conducted in San Francisco, was required within six months of taking the oath of office. That time frame has been extended to 18 months.

Additionally, all new Commissioners and judges, as well as those changing their primary assignment, must complete Primary Assignment Training (PAT) within 24 months of taking the oath or changing assignments.

Also, all new bench officers must attend the two-week Judicial College program within 36 months of taking the oath of office.

The Judicial College is organized, sponsored and operated by the Judicial Council and brings bench officers from throughout the state to teach a broad array of law-related programs.

To guarantee that Commissioners stay well versed in procedure and law and remain fully capable of fulfilling their responsibilities, continuing education courses are offered throughout the calendar year with courses historically presented by the Judicial Council through the CJER (Center for Judicial Education and Research).

Classes are also available from several law schools, as well as the California Judges Association.

Most importantly for Los Angeles Commissioners, the Court has its own ongoing Judicial Education Seminars (JES) program, which was created by Los Angeles Superior Court staff and bench officers, and presented by experienced judges, commissioners and invited guest speakers who are recognized experts in various fields.

Numerous programs are offered on a weekly basis covering topics in all court disciplines. Several of the courses are mandatory with both Commissioners and judges required to complete and repeat them every few years.

Those courses include prevention of sexual harassment, discrimination and retaliation in the workplace, judicial ethics, recognizing and handling cases of domestic violence, and understanding unconscious bias.

L. A. County Commissioners

The unification of Commissioner activities in Los Angeles County took place on January 24, 2000 when, overnight, the Municipal Court's 78 Commissioners became Superior Court Commissioners.


The move boosted the number of Superior Court Commissioners to approximately 150. Only seven of the original 78 Municipal Court Commissioners remain active on the bench, while the Superior Court has, overall, 67 Commissioners on staff.

Commissioners are assigned to courtrooms in five court areas—civil, criminal, juvenile, family, and probate/mental health.

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Within each area of activity, Commissioners can be assigned to every variety of courtroom.

Currently, Commissioners assigned to the criminal division sit in traffic, misdemeanor arraignment and misdemeanor trial courtrooms, as well as felony arraignment courtrooms.

In Civil court assignments, Commissioners sit in both limited and general jurisdiction courtrooms, as well as juvenile dependency and delinquency, family and probate and mental health courts.

Becoming a Commissioner

Unlike judges, Court Commissioners are not constitutional officers, they are court employees with the Court, as the need arises, setting a time for receipt of applications from those interested in becoming a Court Commissioner.

During the application period, the Court often receives several hundred applications from interested attorneys.

Each applicant is subject to an extensive vetting process which includes a background check and face-to-face interviews with the judges who are members of the selection committee.

Following the vetting process, the committee draws up a list of the top applicants, which historically numbers about 25 to 35 persons. As openings arise, the list is presented to all judges in the County who vote by secret ballot to fill the vacant position or positions.

New Commissioners understand that they will be assigned to a courtroom based on the needs of the court, not necessarily on their preferences, background, or experience as a practicing attorney.

Assignments can result in the new Commissioner being required to travel some distance from home and learning, on the fly, a new area of law that may be totally unrelated to anything previously encountered in their law practice.

Service as a Los Angeles Superior Court Commissioner entails work in any one of the 39 courthouses the Court maintains from Lancaster to Long Beach and from Catalina to Pomona comprising the largest trial court system in the nation.

In addition to their judicial duties, Commissioners serve on almost all of the court's 34 committees.

Two Commissioners are elected each year by their fellow Commissioners to serve as voting members on the

Court's Executive Committee, which functions much like the board of directors of a corporation.

Their inclusion on the Court's Executive Committee is only one example of the high regard the Court has for its Commissioners.



The unification of
Commissioner activities in
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overnight, the Municipal Court's
78 Commissioners became
Superior Court
Commissioners."

The Court's Commissioners, says Superior Court Presiding Judge Eric C. Taylor, "play an integral and important part in the effective running of the judicial system in Los Angeles County. Commissioners train many new judges in their initial assignments and transfers to new assignments. In fact, this was the case for me upon joining the bench."

They currently make up approximately ten percent of the Court's judiciary and, he adds, "are some of our most experienced bench officers and are

invaluable to our operations." 

¹ Code of Civil Procedure § 259.

² Cal. Const. Art. VI. § 22.

³ Code of Civil Procedure § 259.



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By Amanda M. Moghaddam

A Haven in a Storm: Combating Domestic Violence



This article may include readings, media, and discussion around topics such as sexual assault, domestic violence, stalking, physical violence, and identity-based discrimination and harassment. We acknowledge that this content may be difficult. We also encourage readers to care for their safety and well-being. If you or someone you know is in crisis due to domestic violence locally, please contact Haven Hills in Canoga Park, or nationally, the National Domestic Violence Hotline at 1-800- 799-SAFE (7233) or www.TheHotline.org.

DOMESTIC VIOLENCE (DV) affects both men and women every day. Sadly, the statistics paint a sobering picture:

- In the United States, on average, ten million individuals every year—nearly 20 people per minute—are physically abused by an intimate partner.
- Intimate partner violence accounts for 15 percent of all violent crime nationwide. That number has been as high as 20 percent in California.
- On a typical day, local domestic violence hotlines in the U.S.

receive approximately 19,159 calls, approximately 13 calls every minute.

On a more focused and personal level:

- One in every four women and one in every nine men experience severe intimate partner physical violence, intimate partner sexual violence, and/or intimate partner stalking with victims experiencing fear, post-traumatic stress disorder (PTSD), the contraction of sexually transmitted diseases, and injury.
- One in every three women and one in every four men have

experienced some form of physical violence by an intimate partner, such as slapping, shoving, or pushing.

- One in seven women and one in 25 men have been physically injured. Only 34 percent of people injured by intimate partners receive medical care for their injuries.
- One in four women and one in seven men have been victims of severe physical violence such as beating, burning, strangling by an intimate partner in their lifetime.
- While data is unavailable on male victims, one in ten women has been raped by an intimate partner.



Amanda M. Moghaddam is a Trustee of the San Fernando Valley Bar Association and serves as Chair of its Women's Law Section and Co-Chair of the SFVBA Inclusion & Diversity Committee. She can be reached at moghaddama@lawyersmutual.com.



- One in seven women and one in 18 men have been stalked by an intimate partner during their lifetime to the point where they were fearful, believing that they or someone close to them would be harmed or killed.

It has been widely reported that the COVID-19 pandemic has led to a surge in domestic violence, which, in turn, has been referred to as a “pandemic within the pandemic.”¹

Perhaps, the most frightening fact is that calls to domestic abuse hotlines dropped by nearly 50 percent during the pandemic, not because there was a decline in violence, but because stay-at-home orders left victims trapped with their abusers.

In fact, United Nations researchers estimate that, globally, domestic violence cases have actually increased by 20 percent since the pandemic began.²

A Personal Experience

Beyond the statistics, it is highly likely that there is not one among the membership of the SFVBA who has not been personally affected by domestic violence or moved by a victim’s story.


I have and here is the account.

New in the profession, I joined a well-known Valley boutique law firm, my second position as an attorney. I had only been out of law school for a little more than a year and had a new baby at home.

After settling into my new office, filling out my tax paperwork, and being greeted by a half dozen new faces, Jane introduced herself to me.³

Jane had an amazing head of red hair and a giant smile. She asked about my family and told me she had young ones of her own.

She was working as a paralegal at the firm and, kind as she was,



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offered to answer any and all of my questions.

During my first few months at the office, we joked about pumping at work, balancing nighttime wakeups with busy schedules, baby food, and clothes.

She shared with me that she was going through a hard divorce, but was always optimistic that better days lay ahead.

She brought me unused baby clothes and food samples. I didn't know her well, but I suspected we had become friends.

One Friday, Jane did not come to work because, as we would later learn, she was dealing with threats from her estranged husband, Joseph (pseudonym), despite restraining orders.

She had received several voicemails from an obviously unhinged Joseph, making it clear that he was looking for her, that he was not afraid of the police, and that he did not care about the restraining order which prohibited him from threatening her.

Jane had several calls and in-person interactions that day with the police, who advised her not to stay at home.

In one such interaction, Jane met with officers at her home, where Joseph had been earlier that day and had used a hammer to smash a glass window in her garage door.

The police noted that Jane was very fearful for her safety and told her that if she saw Joseph, she should call them immediately and he would be arrested. Jane then decided to stay at the home of her friends, Stacey and Steve Smith (pseudonyms).

Several days later, Joseph found Jane's car outside of the Smith's house. After knocking on the door, Joseph, armed with a concealed knife, overpowered Steve, who yelled for Jane to flee.

The Smiths witnessed what appeared to be Joseph punching Jane in the stomach. They learned later that Joseph was stabbing Jane with a knife

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he had concealed. In an attempt to intervene, Steve was forced off after his hand was badly slashed.

Jane and Stacey were able to flee to the street and knock on doors for help. It was then that Stacey saw that Jane, clutching her stomach, had been stabbed, exclaiming, "He got me!"

Catching up with her, Joseph proceeded to knife Jane to death, stabbing her a total of 41 times.

Fortunately, their two children were sheltered inside of the Smith's house when the murder occurred.⁴

Joseph fled in his vehicle and was ultimately apprehended two days later at a motel in San Bernardino County.

The Los Angeles County District Attorney charged Joseph with first degree murder, assault with a deadly weapon, making criminal threats and violating a restraining order that had permitted Jane to record her conversations with Joseph on several occasions—recordings that would later be played to the jury at his month-long trial, which was held in 2015.

The jury deliberated only two hours before announcing its guilty verdict. Joseph was sentenced to life in prison without the possibility of parole and his conviction was affirmed on appeal.

Tragedy and Grief

Jane and Joseph's two children lost both parents to domestic violence.

In the weeks following her death, I learned a lot about Jane. A diligent paralegal, Jane was well-loved by all of her co-workers and was known as a kind and reliable friend.

Her death was tragic and heartbreaking and, though I did not know her well, I could see the impact she had as I observed the grief resulting from her death.

Her funeral was heartbreaking; her family was devastated, and her children motherless, left with the

bitter, inescapable knowledge that their father killed their mother.

Over time, I have learned some things about Joseph—a teacher at an LAUSD Valley elementary school. What was most striking is how ordinary their life, from the outside, must have seemed—a middle-class teacher and a paralegal with two kids and a home in the Valley.

But, we now know that Joseph was violent and that he terrorized Jane, and when she tried to leave, he couldn't handle it and eventually killed her. To him, if she was not his wife, she could not live.

Jane had done everything right to deal with the situation.

She involved the police early and often, obtaining an order permitting her to record Joseph's threatening telephone calls and messages. She alerted others to his threats and made sure friends and family were checking on her and stayed somewhere she believed Joseph couldn't find her.

Tragically, it all was not enough. I share this story with you not only to highlight the loss of an incredible human being, but also to illustrate the most dangerous time for any domestic violence victim—when he or she chooses to leave.⁵

According to the National Coalition Against Domestic Violence (NCADV), making that choice poses the scariest barrier to a victim wanting to escape an abuser.

One NCADV study found in interviews with men who have killed their wives that either threats of separation by their partner or actual separations were most often the precipitating events that lead to the murder.

A victim's reasons for staying with their abusers are extremely complex and, in most cases, are based on the reality that their abuser will follow through with the threats they have used to keep them trapped: the abuser will hurt or kill them, they

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- 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)
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- Federal RICO prosecution: Not Guilty verdict on RICO and drug conspiracy charges (Downtown, LA)
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will hurt or kill the kids, they will win custody of the children, they will harm or kill pets or others, they will ruin their victim financially.

The victim in violent relationships knows their abuser best and fully knows the extent to which they will go to make sure they have and can maintain control over the victim. The victim literally may not be able to safely escape or protect those they love.”⁶

A Haven in the Valley

Domestic violence is a highly complex problem with no “one size fits all” solution, says the NCADV.

However, the Valley legal community has the opportunity to confront the problem through the SFVBA’s support of Haven Hills, an organization providing shelter and much-needed assistance to approximately 2,500 women and men every year who have vaulted the wall and left their abusive partners.

Haven Hills provides not only shelter, but crisis intervention, counseling, and economic support, and is dedicated to breaking the cycle of domestic violence by providing its residents with the empowerment tools needed to break the cycle of abuse.

In addition, Haven Hills engages in advocacy efforts targeting the social and legislative change necessary to fight domestic violence in society at large.⁷

The Women’s Law Section of the SFVBA works very closely with Haven Hills.

In September 2020, the Section adopted a family at Haven Hills, fulfilling the wish lists of both parents and children with an unprecedented outpouring of support from both members and the bench.

Sincere thanks go out to all who donated approximately \$7,000 in cash and gift cards, 16 laptop computers, furniture, bikes, toys, school supplies, gaming systems, clothing, shoes, and countless personal items.

A New Opportunity

A new opportunity to help Haven Hills has presented itself.

The Women’s Law Section is now working to supply Haven Hills with gift cards. As a result, in April, we will be collecting gift cards at the SFVBA office in Woodland Hills to deliver to Haven Hills.

In return, to thank those who graciously participate, the Women’s Law Section will be distributing purple-colored gifts as domestic violence awareness is associated with the color purple.

The first among our donors will have their choice of purple nails from Color Street or purple pens.

The Women’s Law Section is particularly excited about this partnership with Color Street Nails, which promotes the non-profit Color Street Foundation.

Established in July of 2018, the foundation encourages people to “wear your support on your fingertips” and raise awareness for worthy causes.


In support of Domestic Violence awareness, advocacy, and direct survivor support, the Color Street Foundation is pledging \$50,000 to Futures Without Violence and \$100,000 to the National Domestic Violence Hotline.

In conjunction with the donation, they have introduced a new purple glitter shade nail shade called “1 in 4” as a reminder that one in four women have been severely harmed at the hands of a partner.

While nail polish may not be for everyone, the Women’s Law Section is also sponsoring a purple pens gift in the hopes that purple ink will spark important conversations in your place of business.

Thank you gift supplies are limited, so participate early. Please, give what you can by sending your gift card to the San Fernando Valley Bar Association, Attn: Women’s Law Section, 20750 Ventura Blvd., Suite 140, Woodland Hills, CA 91364.

There is no limit to what our community of legal professionals can do and we thank you for your continued support of our efforts to have a positive impact on our community and are humbled every day by your generosity and sacrificial spirit.

If you or someone you know is in crisis due to domestic violence, locally, please contact Haven Hills in Canoga Park, or nationally, the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or www.TheHotline.org. 

¹ <https://www.nejm.org/doi/full/10.1056/NEJMp2024046>.

² <https://www.bbc.com/news/av/world-53014211>.

³ Pseudonyms are used to protect the privacy of the family and witnesses involved.

⁴ The events of that day are taken from the unpublished Court of Appeal Decision in B264639 (Cal. Ct. App. 2016).

⁵ <https://ncadv.org/why-do-victims-stay>.

⁶ *Id.*

⁷ <https://havenhills.org/who-we-are/>.

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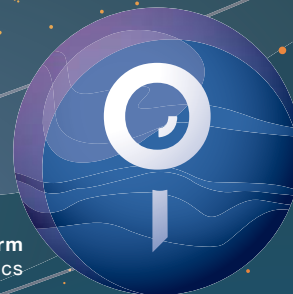
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Retrospective

40 High School Students Given Tour of Courthouse

By HARRY HUMPHREYS

The San Fernando Valley Bar Association today had taken the first step toward initiating a "High School Trial Visitation Program" for San Fernando Valley citizens, especially high school students.

Forty history and government students from Canoga Park High School visited the courthouse at 6230 Sylmar Ave., Van Nuys, to see first-hand how the criminal justice system works.

In addition to sitting in on an attempted murder case jury trial, the students also observed the trial of a defendant charged with a marijuana offense.

Address Group

Before that they heard from Van Nuys Superior Court Judges L. Thaxton Hanson and James McRoberts as well as from a deputy public defender and a deputy district attorney.

Canoga Park Atty. Bernard Grossman, chairman of the Bar Association's community relations committee, and Bruce Gleason, San Fernando Valley

Bar Association president, made a few introductory remarks.

Dale Daily, acting social studies department head and teacher of American and constitutional history at Canoga Park High School, accompanied the students.

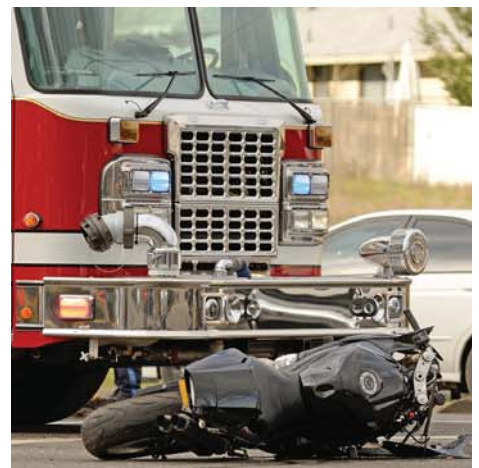
"I thought the Bar Association's program was very worthwhile. I would like to see it enlarged and expanded among the students. The students thought it was great," Daily commented.

Similar Program

To make sure the students are more fully informed and to answer any questions, Gleason will be visiting Canoga Park High School within a few days.

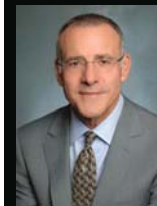
"A program similar to this has been in operation in the Beverly Hills School System, sponsored by the Beverly Hills Bar Association for the past two years and has been eminently successful. We, of the Valley Bar Association, are doing this as a community project in order to acquaint the citizens and especially the younger people with the operation of the courts," Gleason told The News.

The *Valley News* of December 8, 1970, reported on the San Fernando Valley Bar Association's work to start a court visitation program for Valley high school students interested in pursuing a career in the law. Forty history and social studies students from Canoga Park High School participated in the first program with a visit to the courthouse in Van Nuys.



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“Bob” Hertzberg Inspires the VCLF Board

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ATTORNEYS SHOULD BE SELFLESS AND professional and work to serve, says State Senate Majority Leader Robert M. Hertzberg.

How? “Avoid what makes you important. Be human when being a lawyer, how you practice law, and how you present the profession. Serve the community and take pro bono cases,” he said as he engaged the VCLF Board at its February ‘Zoom’ meeting.

Bob, as he is more familiarly known, engaged the VCLF Board at its February Board ‘Zoom’ meeting to discuss a myriad of issues including the possible recall of California Governor Gavin Newsom, the reopening of schools, teachers’ unions, eviction moratoriums and relief, homelessness and the unhoused, affordable housing, vaccines, unemployment, \$300 million for the University of California system, and the \$126 million recently allocated for the state’s budget-crunched judicial system.

Senator Hertzberg spoke passionately about working to diminish the expanding divide between the rich and the poor calling it, “Los Angeles, the Tale of Two Cities.”

One example he stated is for the state to assist Californians with homeownership. “After 30 years of paying rent, you only have triple the rent bill, but after 30 years of paying a mortgage, you have a home,” he said.

When asked how that could be accomplished, he suggested the government hold a silent second mortgage to allow first-time buyers to enter the market and still be able to afford the monthly payments.


“We cannot let people sleep on the street,” said Hertzberg, who represents nearly 1 million San Fernando Valley residents. Despite his goal and a \$13.1 billion bond and \$2.4 billion in corporate taxes aimed at the issue, local neighborhood councils have struggled to meet their deliverables.

At the time he met with the VCLF Board, Hertzberg shared that he had not yet received his COVID-19 vaccine, stressing the need for President Biden to command an aggressive inoculation rollout.

The Senator gave the Board a quick video tour of his State Capitol office—, which happens to be larger than the Oval Office in the White House. He was alone explaining that he used to make deals “on the go,” while walking to and from his office; now, though, “most everyone else is working from home. It has slowed down the process.”

After practicing law for 42 years, he said that he now enjoys writing the law. Seeing the evolution from statutes to Constitutional amendments, he can apply experience with the process to determine “the legislative intent.”

These are difficult times for so many, and the Senator reminded the VCLF Board that we are not alone in our struggles, encouraging us to remember we are not disconnected from society, but an integrated part of it. “Work to serve your community,” he said.

If you are interested in learning more about the VCLF, donating to assist our philanthropic causes, or guest attending one of our Board meetings, please contact us at thevclf.org. 



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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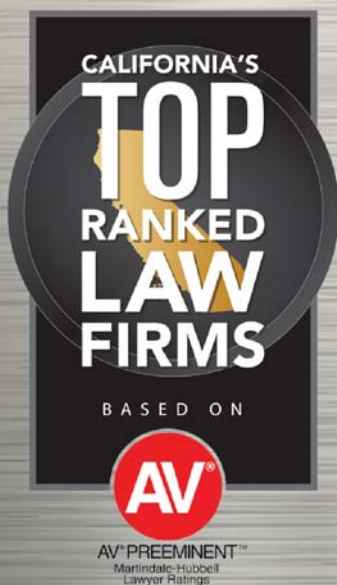
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