

VALLEY LAWYER

AUGUST 2022 • \$5

A Publication of the San Fernando Valley Bar Association

Insolvency:
Best Practices and
Strategic Approach

Earn MCLE Credit

Hard Work and Multitasking:
An Interview with
U.S. Bankruptcy Judge
Hon. Maureen A. Tighe

Official Sponsors of the San Fernando Valley Bar Association

KRYCLER ERVIN TAUBMAN & KAMINSKY

FULL SERVICE ACCOUNTING FIRM

CONTACT MICHAEL J. KRYCLER, CPA, FCA | SCOTT R. ERVIN, CPA

*When you need more than just numbers...
you can count on us...*

- LITIGATION SUPPORT
- EXPERT WITNESS
- FORENSIC ACCOUNTANTS
- FAMILY LAW MATTERS
- BUSINESS VALUATIONS
- LOSS OF EARNINGS
- DAMAGES

MEMBERS OF
American Institute of Certified Public Accountants
California Society of Certified Public Accountants

15303 Ventura Boulevard, Suite 1040
Sherman Oaks, California 91403

info@ketkcpa.com

t: 818.995.1040

f: 818.995.4124





Our Family Law Practice Group:

over 30 years of service in Southern California



Vanessa Soto Nellis*
Shareholder



Lynn Soodik
Shareholder



Nancy Martinez
Associate



Susan T. Goldstein
Of Counsel

*Certified Specialist in Family Law, State Bar of California Board of Legal Specialization



LEWITT | HACKMAN
SHAPIRO | MARSHALL | HARLAN
A LAW CORPORATION

**16633 Ventura Boulevard, 11th Floor
Encino, California 91436-1865**

lewitthackman.com

818.990.2120



COVERAGE THAT PROMISES TO PROTECT. BUILT WITH YOU IN MIND.

Becoming a member of Lawyers' Mutual is more than choosing an insurance provider, it's joining a community of your peers and receiving our promise to protect you.

All of our innovative policies are designed in conjunction with underwriting, claims and insurance experts who hold over 100 years of experience in the legal malpractice industry.



Member Benefits



Continuing Legal Education



Cyber Coverage

Unique programs, specialty rates, credit card payments, instant financing and exclusive member benefits are all part of your Lawyers' Mutual policy that has made us the premier provider for the past 43 years.

Protect yourself. Protect your clients. Protect your future.

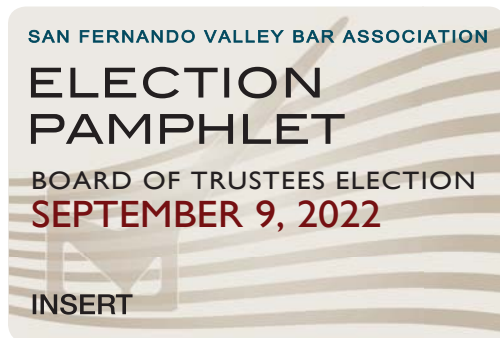
www.lawyersmutual.com



**LAWYERS'
MUTUAL**
INSURANCE COMPANY

Our strength is your insurance





FEATURES

- 10** Insolvency: Best Practices and Strategic Approach | BY JESSICA S. WELLINGTON
MCLE TEST NO. 166 ON PAGE 16.
- 18** Hard Work and Multitasking: An Interview with U.S. Bankruptcy Judge Hon. Maureen A. Tighe | BY STEVEN R. FOX AND MICHAEL D. WHITE
- 32** Social Media: Ways to Enhance Your Online Presence | BY STEFANIE M. MARRONE
- 36** Constructive Trust Claims: Are They Real in California? | BY CRAIG B. FORRY

On the cover: *U.S. Bankruptcy Judge Hon. Maureen A. Tighe*
Photo by *Elfego Casasola and Toyoimages.com*

DEPARTMENTS

- 7** Editor's Desk
- 9** Event Calendar
- 35** Bar Notes
- 41** Photo Gallery
- 45** Retrospective
- 46** Classifieds

INSERT

Election Pamphlet

WHAT ARE YOUR ADVERTISING PLANS IN 2022?

Visit www.sfvba.org for
the *Valley Lawyer* Media Kit



CONTACT (818) 227-0494 TO PLACE YOUR AD.

THERE ARE LAWYERS AND THERE ARE GREAT LAWYERS. AND THEN THERE ARE LAWYERS' LAWYERS.

nemecek-cole.com
818.788.9500



Advisement and Representation for
Lawyers and other professionals.

VALLEY LAWYER

SAN FERNANDO VALLEY BAR ASSOCIATION

20750 Ventura Boulevard, Suite 104
Woodland Hills, CA 91364
Phone (818) 227-0490
Fax (818) 227-0499
www.sfvba.org

EDITOR

Michael D. White

GRAPHIC DESIGNER

Marina Senderov

OFFICERS

President Christopher P. Warne
President-Elect Matthew A. Breddan
Secretary Heather Glick-Atalla
Treasurer Amanda M. Moghaddam
Immediate Past President David G. Jones
Executive Director Rosie Soto Cohen

BOARD OF TRUSTEES

Michael L. Cohen	Minyong Lee
Alan Eisner	Joy Kraft Miles
Anthony Ellis	Jessica Rosen
Kyle M. Ellis	Steven M. Sepassi
Gary J. Goodstein	Pravin A. Singh
Alex J. Hemmelgarn	Benjamin E. Soffer
Erin Joyce	Taylor F. Williams-Moniz
Alexander S. Kasendorf	

STAFF

Director of Education & Events Linda Temkin
Communications Manager Michael D. White
Associate Director of Miguel Villatoro
Public Services

SECTION CHAIRS – CO-CHAIRS

Bankruptcy Law	Steven R. Fox
Business Law & Real Property	Norman A. Chernin
Criminal Law	Alan Eisner
Employment Law	Susannah J. Galiano
Family Law	Vanessa Soto Nellis
.....	Gary J. Weyman
Litigation	Anthony Ellis
New Lawyers	Alex J. Hemmelgarn
.....	Amanda Marie Moghaddam
Probate & Estate Planning	John E. Rogers
.....	Nancy A. Reinhardt
Taxation Law	Hratch J. Karakachian
Workers' Compensation	Pravin A. Singh
.....	Jeffrey S. Swartz

EDITORIAL COMMITTEE CHAIR

David Gurnick

Valley Lawyer is published monthly. Articles, announcements, and advertisements are due by the first day of the month prior to the publication date. The articles in Valley Lawyer are written for general interest and are not meant to be relied upon as a substitute for independent research and independent verification of accuracy.

© 2022 San Fernando Valley Bar Association

A Look Back With a Smile

ABOUT A YEAR AGO, WE introduced a new component to *Valley Lawyer*—the 'Retrospective' page assembled every month to offer readers the opportunity to swivel in their office chairs, look out the window, and enjoy a brief, perhaps evocative, glimpse of what's gone on before not only with the SFVBA, but in the Valley many of us live and work in.

A reader, a Valley native and long-time Bar member, recently was kind enough to share with me that he was "moved" by the 'Retrospective' because, in his words, it "undammed a lake of memories" about his formative years growing up here and his successful, decades-long legal career.

Remembrances, as it were, of the experiences, feelings, and lessons learned stored in the combination time machine/repository we call 'memory.'

I was touched, not only by his eloquence, but by his unspoken understanding that, in the words of John Quincy Adams, "Who we are is what we were."

It's true.

A long time ago, someone shared

MICHAEL D. WHITE
SFVBA Communications
Manager




michael@sfvba.org

with me the inescapable fact that one cannot move forward in life without understanding, and embracing, the past, be it good, perhaps or not so much.

"It's like driving without a rear view mirror," I was told. "If you don't consider what's gone on behind you, you're going to have a load of grief with what lies ahead."

The past lays the foundation for the future; that is an inescapable fact. But, unfortunately, we live in a day and age in which many marinate comfortably and securely in the luxury of the momentary present, disillusioned with the past and terrified of the future.

Despite a present that works overtime to confound and, perhaps, disappoint, each of us have countless special moments, some perhaps insignificant, that have impacted us only to be stored away and hidden in the mists of time.

Now is a good time, perhaps, to "undam the lake" and savor them with a perhaps wry smile or a grin, and, hopefully, with no small degree of gratitude the gift that we each have the capacity to remember. 

EG

EISNER GORIN LLP

STATE AND FEDERAL CRIMINAL DEFENSE

Firm Partners:

Bar-Certified Criminal Law Specialists
UCLA and Pepperdine Law Professor
Former Senior Deputy District Attorney

RECENT VICTORIES:

- \$3 Million Fraud Case: Dismissed, Government Misconduct (Downtown, LA)
- Murder: Not Guilty by Reason of Insanity, Jury (Van Nuys)
- Medical Fraud Case: Dismissed, Preliminary Hearing (Ventura)
- Domestic Violence: Not Guilty, Jury Finding of Factual Innocence (San Fernando)
- \$50 Million Mortgage Fraud: Dismissed, Trial Court (Downtown, LA)
- DUI Case, Client Probation: Dismissed Search and Seizure (Long Beach)
- Numerous Sex Offense Accusations: Dismissed before Court (LA County)
- Several Multi-Kilo Drug Cases: Dismissed due to Violation of Rights (LA County)
- Misdemeanor Vehicular Manslaughter, multiple fatality: Not Guilty Verdict (San Fernando)
- Federal RICO prosecution: Not Guilty verdict on RICO and drug conspiracy charges (Downtown, LA)
- Murder case appeal: Conviction reversed based on ineffective assistance of trial counsel (Downtown, LA)
- High-profile defense: Charges dropped against celebrity accused of threatening government officials

Best Lawyers
BEST LAW FIRMS
USNEWS RANKINGS

Super Lawyers

Eisner Gorin LLP

877-781-1570

Immediate Response

www.EgAttorneys.com

Offices in Van Nuys and Century City

WORKERS' COMPENSATION STATE CERTIFIED SPECIALIST

William J. Kropach
william@kropachlaw.com
Chairman Workers' Comp Section
SFVBA 1987-2000
Volunteer of the Year
SFVBA 2003

Over 40 years combined experience.

REFERRAL FEES PAID—CALL
818.609.7005
WWW.WILLIAMKROPACH.COM

William H. Kropach
whk@kropachlaw.com



SAN FERNANDO VALLEY BAR ASSOCIATION
ANNUAL JUDGES' NIGHT
WEDNESDAY, AUGUST 17, 2022

MOUNTAINGATE COUNTRY CLUB

12445 MOUNTAINGATE DRIVE • LOS ANGELES, CA 90049
5:30 PM COCKTAIL RECEPTION IN THE ATRIUM • 6:15 PM DINNER IN THE BALLROOM

HONORING



U.S. BANKRUPTCY JUDGE
HON. MAUREEN A. TIGHE

Stanley Mosk Legacy
of Justice Award



SUPERIOR COURT JUDGE
HON. FIRDAUS F. DORDI

SFVBA Judge of the Year



HON. CLIFFORD L. KLEIN, RET.

Administration of
Justice Award

REGISTER NOW

<https://secure.affinipay.com/pages/sfvba/annual-judges-night-dinner>
Limited Seating!

SUPPORTED BY

PLATINUM SPONSORS

**LAW OFFICES OF
Irene Mak**



DIAMOND SPONSOR

Grant | Shenon
Smart Legal Matters

WINE SPONSOR



EMERALD SPONSOR



LEWITT | HACKMAN
SHAPIRO | MARSHALL | HARLAN
A LAW CORPORATION

COCKTAIL SPONSOR

ELLIS BAKH LLP
Trial Lawyers

GOLD SPONSOR

SIGNATURE
RESOLUTION

SILVER SPONSORS

FRIENDS OF SFVBA
Kyle Ellis



**LAWYERS'
MUTUAL**
INSURANCE COMPANY



MANUFACTURERS BANK
A MEMBER OF SMBC GROUP



BRONZE SPONSORS



SUN	MON	TUE	WED	THU	FRI	SAT
 <p>Returning Live and in Person Soon!</p>		2	3	4 ZOOM MEETING Membership and Marketing Committee	5	6
7	8	9 Board of Trustees Meeting 6:00 PM	10	11	12	13
14	15 ZOOM MEETING Mock Trial Committee Meeting 6:00 PM	16		18 MCBA Summer Reception 6:00 PM BONAVENTURE BREWING COMPANY Please RSVP to tmacellaro@macellaroLaw.com See ad on page 43	19 WEBINAR Probate Settlement Virtual Training 9:00 AM Mandatory training for Panel Probate Settlement officers. (1 MCLE Hour)	20
21	22	23	24	25	26	27
28	29	30	31			



The San Fernando Valley Bar Association is a State Bar of California MCLE approved provider. Visit www.sfvba.org for seminar pricing and to register online, or contact Linda Temkin at (818) 227-0495 or events@sfvba.org. Pricing discounted for active SFVBA members and early registration.

Sometimes numbers are the only prints left behind.

Arxis Financial is a proven forensic accounting and litigation specialist. We will examine the financial data and help you determine the "bottom line." Arxis provides financial and valuation analysis needed to resolve a variety of legal disputes from family court to civil, criminal, and probate courts. In many cases our experts can help you reach a settlement. If trial or arbitration is required we give you the support you need to win.

Chris Hamilton, CPA, CFE, CVA
805.306.7890
www.arxisfinancial.com
chamilton@arxisgroup.com

ARXIS
 FINANCIAL, INC.

FORENSIC ACCOUNTING

BUSINESS VALUATION

FRAUD ANALYSIS



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 16.

By Jessica S. Wellington

Insolvency:

Best Practices and Strategic Approach

Insolvency and insurance are two very intricate areas of the law that converge to create a complex, unique set of considerations that only attorneys well-versed in both can help to resolve.

VERY OFTEN, TWO VERY INTRICATE AREAS OF the law—insolvency and insurance—converge to create a complex, unique set of issues that only attorneys well-versed in both insolvency and insurance can help to resolve.

This article will address the insurance considerations faced when representing a debtor, or directors and officers of a debtor; the best practices for ensuring a company has adequate insurance coverage in place prior to a bankruptcy filing; strategically approaching policy proceeds; accessing available insurance proceeds for the benefit of the estate; and determining and establishing ownership of the proceeds.

D&O Insurance

During these uncertain economic times, the overall size and structure of a company's insurance policies become crucial, particularly for a company confronting serious financial challenges.

One important type of insurance that should be considered is Directors and Officers (D&O) insurance as claims against its directors and officers become more likely when a company is in financial distress.

In the bankruptcy context, D&O insurance is designed to protect against wrongful acts committed by a company's officers and/or directors and covers any adversarial proceedings and other possible litigation against the management of a company entering bankruptcy.

However, the interplay between bankruptcy law and procedure and coverage obligations creates a unique set of issues that can be resolved only by attorneys well-versed in both insolvency and insurance matters.

Generally, D&O insurance can be broken down into three sides—A, B, or C.

Side A benefits a company's directors and officers and covers amounts incurred by the directors and officers which are not indemnified by the company; Side B reimburses the company for its indemnification of D&Os; while Side C covers claims made directly against the company itself.

Side A coverage is especially important when a company enters bankruptcy as its limits are triggered when a company cannot indemnify its directors and officers because of, among other things, insolvency.

D&O policies are typically "claims made" policies in which means the claim needs to be made against the insured D&O and reported to the insurance carrier during the policy period.

Such policies limit an insurer's risk by restricting coverage to the policy in effect when a claim is asserted against the insured, without regard to the timing of the damage or injury.

Under a "claims made" policy, coverage is triggered not by the date of the wrongful act, but by the date the claim is made.

Accordingly, coverage does not depend on when the actual or alleged negligent act, error or omission occurs. Instead, the coverage depends on when the claim is made against the insured.

The event that triggers a "claims made" policy is the transmission of a notice of the claim, the details of which are strictly defined as the notice determines if coverage is available under such policies. The notice must be specific as to the acts and actors involved.

Specificity of the notice of the claim is critical because coverage can be lost due to inadequate notice.

For example, in *F.D.I.C. v. Caplan*, the court held that the notice was insufficient because it merely recited the language of the policy's notice provision and provided no information whatsoever regarding "the types of practices alleged to constitute 'wrongful acts,' the agents, officers, or directors alleged to be involved in wrongdoing, or the time period during which the allegedly wrongful acts took place."¹

Similarly, in *McCullough v. Fid. and Deposit Co.*, the Fifth Circuit Court of Appeals held that the insured informing the insurer that it had received a cease and desist order was insufficient notice because it did not detail the "particular subsidiary involved, the particular agents, officers, or directors involved, the time period during which the events occurred, the identity of potential claimants, and the specific unsound practices made the basis of the order."²

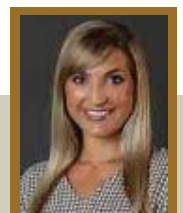
As timely notice is prerequisite to coverage, it is required that those insured must be diligent in reporting potential claims to prevent preclusion of coverage.

Alternatives

There are two other types of insurance that are common with respect to businesses—Errors & Omissions insurance for professional services, and General Liability insurance for personal injury, property damage, and advertising injury.

General Liability policies are typically "occurrence" policies, which provide coverage for any acts or omissions that arise during the policy period irrespective of when notice is given.

Attorney **Jessica S. Wellington** practices in the area of commercial bankruptcy & insolvency. Before joining BG Law in Woodland Hills, she served as a law clerk with the U. S. Bankruptcy Court for the Central District of California, San Fernando Valley Division. She can be reached at jwellington@bglaw.com.



ADR Services, Inc. Proudly Welcomes

Hon. Paul T. Suzuki (Ret.)

MEDIATOR • ARBITRATOR • REFEREE

Probate Specialist



Areas of Expertise:

- Probate of Estate Contests
- Trust Contests
- Undue Influence and Elder Abuse
- Spousal Petition Contests
- Conservatorships
- Guardianships

<https://www.adrservices.com/neutrals/suzuki-paul/>

(213) 683-1600



For more information and scheduling,
please contact Haward Cho at haward@adrservices.com

Prior to a company filing for bankruptcy protection, it is important for the debtor's counsel to plan ahead to ensure that the company has adequate insurance coverage in place.

There are a number of steps to take before this happens. These steps include, among other things:

- Conducting an insurance audit;
- Obtaining policies of the debtor's professionals, such as accountants, brokers, or attorneys;
- Identifying any claims the debtor has against its professionals;
- Studying any existing insurance policy carefully to ascertain whether the policy contains any internal time limits for the reporting of claims and for any potentially applicable exclusions; and,
- Determining whether the debtor will need additional insurance coverage.

Prior to any bankruptcy filing, the debtor should consider purchasing "tail" coverage, which serves as an extension of the D&O policy that allows insureds to continue reporting claims to the insurer after the policy expires or terminates.

While many D&O policies provide for one year of extended reporting or "tail" coverage, claims for breach of fiduciary duty often have longer statutes of limitations.

Accordingly, if management of a company believes that a bankruptcy filing is a possibility, it should consider purchasing extended coverage to cover the longer statute of limitations.

The debtor's counsel should also consider sending a "notice of circumstance" letter to the insurer.

Subsequent claims relating to those circumstances will be deemed to have been reported during the policy period in which the notice is given.

With respect to protecting the directors' and officers' interests in the event that the D&O policy is deficient, there are a few common policies that should be considered by executives prior to filing for bankruptcy protection.

For example, if the company has any independent directors, consideration should be given to purchasing independent director liability coverage.

The need for such a policy arises when litigation is filed and the company's officers use most of the coverage under the company's D&O policy, thereby exposing the independent directors to potential liability.

As another example, the company may want to consider purchasing "difference-in-conditions" insurance where the company's primary or excess policies do not respond to a particular loss, leaving individual insureds personally exposed to litigation.

LAWPAY[®]

AN AFFINIPAY SOLUTION



Member
Benefit
Provider

“I love LawPay! I’m not sure why I waited so long to get it set up.

– Law Firm in Ohio

Trusted by more than 150,000 professionals, LawPay is a simple, secure solution that allows you to easily accept credit and eCheck payments online, in person, or through your favorite practice management tools.



22% increase in cash flow with online payments



Vetted and approved by all 50 state bars, 70+ local and specialty bars, the ABA, and the ALA



62% of bills sent online are paid in 24 hours

PAYMENT
RECEIVED



YOUR FIRM
LOGO HERE

Trust Payment
IOLTA Deposit

New Case Reference

**** * 9995

TOTAL: \$1,500.00

VISA



POWERED BY
LAWPAY

eCheck

DISCOVER

PAY ATTORNEY

Get started at
lawpay.com/sfvba
866-751-8288

Data based on an average of firm accounts
receivables increases using online billing solutions.

LawPay is a registered agent of Wells Fargo Bank N.A.,
Concord, CA and Synovus Bank, Columbus, GA.

The directors and officers may also want to consider purchasing an excess Side A policy to cover losses that are above the limits of the underlying Side A policy.

If supplemental coverage is needed, the debtor's counsel should consider consulting with a broker who specializes in placing policies for distressed companies.

Bonus Provisions

Additionally, there are several provisions in a D&O policy that should be considered by debtor's counsel in connection with pre-bankruptcy planning.

Some D&O policies may contain a full severability provision, which protects innocent directors and officers where the company's financial statements are found to be fraudulently misstated.

In other words, actual knowledge of fraudulent acts on the part of one or more officers or directors are not imputed to other individuals covered under the D&O policy.

D&O policies may contain provisions related to the priority of payments, which provisions constitute an enforceable right. As a result, directors and officers should ensure that all policies have a provision that prioritizes Side A payments to the individual directors and officers prior to making payments for losses under Side B coverage.

Debtor's counsel should also review the applicable insurance policies to determine whether there is a provision relating to the allocation of both covered and potentially uncovered losses.

Policies may be silent on allocation, and in those cases, many courts have held that insurers must reimburse 100 percent of legal fees and expenses as long as they reasonably relate to covered claims, even if the defense benefits non-covered claims or non-insured defendants.

However, some policies have explicit allocation provisions that require a particular method of allocation.

One common approach to avoiding allocation disputes is to modify the policy to include a provision stating that the insurer will advance 100 percent of defense costs provided that any claim triggers the duty to defend.

Additionally, D&O policies contain many exclusions, but the most-common insolvency related exclusion is the "*insured vs. insured*" exclusion, which bars coverage for claims brought by or on behalf of one insured against another insured.

The standard exceptions for this exclusion—proceedings filed by a receiver, liquidator or Chapter 7 trustee, for example—may not be sufficient.

Accordingly, prior to filing a bankruptcy petition, the company should insist that any exception to the "*insured vs. insured*" exclusion includes claims by a debtor in possession, a Chapter 11 trustee, creditors, bondholders, and all committees and other bankruptcy constituencies.

Other exclusions relating to dishonesty, personal profit or improper gain or advantage, fraud, and criminal acts that

are typically found in D&O policies are referred to as "*conduct exclusions*."

It is important that these conduct exclusions are worded in such a way that they are triggered only upon a final adjudication as to the prohibited conduct.

This can play a critical role in minimizing a director or officer's personal liability.³

One provision that is not typically contained in a D&O policy is a choice of law provision based on the rules laid out by the forum state where the action is pending.

Even if the D&O policy contains a choice of law provision, a court may not enforce that provision if such action would subvert an important public policy of the forum state.⁴

It is important for the debtor's counsel, or counsel to a bankruptcy fiduciary, to consider the forum state's choice of law as that will impact whether claims are potentially covered.

In Nevada, for example, directors and officers are protected from liability based on breach of fiduciary duty unless their conduct involved "*intentional misconduct, fraud or a knowing violation of the law*."⁵

However, pleading intentional misconduct typically triggers one of the conduct exclusions and may preclude coverage for the claim.

It is critical for counsel to be aware of the forum's state choice of law and how best to plead a client's claims to avoid preclusion of coverage based on the exclusions laid-out in the D&O policy.

Insurance Proceeds

Insurance proceeds can be a valuable asset of a debtor's estate and are typically the largest potential recovery by a bankruptcy trustee.

Prior to a company filing for bankruptcy protection, debtor's counsel should consider whether the proceeds from a D&O policy will be treated as property of a debtor's bankruptcy estate.

Although it is well settled that an insurance policy is property of a debtor's estate, whether the proceeds from the insurance policy are likewise property of a debtor's estate typically turns on whether the debtor has a direct interest in the policy.

When a debtor has a direct interest in the proceeds as a beneficiary, for example with Side B and Side C coverage, bankruptcy courts have consistently held that the proceeds are property of the debtor's estate.

However, when the proceeds are paid only to third parties—with Side A coverage, for example—many bankruptcy courts have held that the proceeds are not property of the debtor's bankruptcy estate.⁶

The determination as to whether the proceeds of a particular insurance policy are property of a debtor's estate is made on a case-by-case basis, and is subject to a fact-intensive analysis, by the bankruptcy court.

Automatic Stay

If the proceeds are property of the debtor's bankruptcy estate, the U. S. Code mandates that proceeds will be subject to the automatic stay.⁷

Under 11 U.S.C., a bankruptcy filing stays "any act to obtain possession of property of the estate or property from the estate or to exercise control over property of the estate."⁸

This means that the insurer is not allowed to pay any insurance proceeds to any insureds without prior authorization from the bankruptcy court.

For example, in order for a director to access the proceeds for defense costs, the director would first need to obtain relief from the automatic stay from the bankruptcy court.⁹

Accordingly, when an insured files for bankruptcy during the pendency of a claim, defense counsel for the insureds should prepare a motion for a "comfort order" with the bankruptcy court to partially lift the automatic stay, thus allowing the payment of D&O insurance proceeds towards covered defense costs in that claim.

While the filing of a bankruptcy petition stays any pending litigation against the company, it does not stay pending litigation against the individual directors and officers.


In certain circumstances, a debtor may seek to extend the stay to third-party claims against directors and officers if it can be shown that the continuation of such claims could impair a company's ability to effectively reorganize.

As part of the debtor's counsel's pre-bankruptcy planning, counsel should identify any actions pending against the individual directors and officers, and assess whether policy proceeds can be used to defend those individuals in the ongoing litigation with a comfort order from the bankruptcy court.

Additionally, many D&O policies are of the "burning limits" variety, meaning that the amount spent in defense of claims reduces policy limits available for settlements or judgments, so bankruptcy trustees may be entitled to reporting as to the status of available limits.

This is typically negotiated in the context of the comfort order.

Although the intersection of D&O insurance and bankruptcy law is nuanced, the same issues tend to come up again and again.

Keeping these notes and practice tips in mind in the pre-bankruptcy planning stage can go far to ensure that executives navigate potential claims to both minimize exposure and maximize D&O insurance protections. 

¹ *F.D.I.C. v. Caplan*, 838 F. Supp. 1125, 1130 (W.D. La. 1993).

² *McCullough v. Fid. and Deposit Co.*, 2 F.3d 110, 113 (5th Cir. 1993).

³ See, e.g., *St. Paul Mercury Insurance Co. v. Foster*, 268 F.Supp.2d 1035 (C.D. Ill. 2003) (under Illinois law, the personal profit exclusion of a D&O policy required a final adverse adjudication of illegally obtained personal profit).

⁴ See *Pitzer College v. Indian Harbor Ins. Co.*, 8 Cal. 5th 93 (2019).

⁵ NRS 78.138(7)(b)(2).

⁶ See *In re MF Global Holdings Ltd.*, 469 B.R. 177, 191 (Bankr. S.D.N.Y. 2012).

⁷ 11 U.S.Code § 362.

⁸ *Id.* § 362(a)(3).

⁹ See *In re MF Global Holdings Ltd.*, 469 B.R. 177, 191 (Bankr. S.D.N.Y. 2012).

Hot Writs & Cool Appeals

Herb Fox, Esq.

Certified Appellate Law Specialist*
A Full Service Appellate Boutique



Former Research Attorney, State Court of Appeal

29 Years Experience

250+ Appeals and Writs of Record

Appeals and Writs

Petitions for Review and Certiorari

Post-Trial and Anti-SLAPP Motions

Appellate Opinion Letters

Pre-Trial, Trial, and Post-Trial Consultations

310.284.3184

HFox@FoxAppeals.com

www.FoxAppeals.com

Hourly, Flat and Contingency Fees Considered
Referral Fees Paid in Accordance with State Bar Requirements

Southern California Appellate Superlawyer®
AV® Rated / AVVO® Rating 10

*Board of Legal Specialization, Cal. State Bar



Insolvency: Best Practices and Strategic Approach

Test No. 166

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. Side A coverage of D&O Insurance is for the benefit of directors and officers and covers amounts incurred by the directors and officers which are not indemnified by the company.
☐ True ☐ False
2. Side B covers claims made directly against the company.
☐ True ☐ False
3. Side C reimburses the company for its indemnification of D&Os.
☐ True ☐ False
4. Under a "claims made" policy, coverage is not triggered by the date the claim is made, but by the date of the wrongful act.
☐ True ☐ False
5. General Liability policies are typically "occurrence" policies, which means that the policy provides coverage for any acts or omissions that arise during the policy period irrespective of when notice is given.
☐ True ☐ False
6. Tail coverage is an extension of the D&O policy that allows insureds to continue reporting claims to the insurer after the policy expires or terminates.
☐ True ☐ False
7. The need for independent director liability coverage generally arises when independent directors use most of the coverage under the company's policy, thereby exposing the company's officers to potential liability.
☐ True ☐ False
8. Actual knowledge on the part of one or more officers or directors of fraudulent acts can still be imputed to other individuals covered under a policy with a full severability provision.
☐ True ☐ False
9. With policies that are silent on allocation, most courts have held that insurers do not need to reimburse 100 percent of legal fees and expenses, even if they reasonably relate to covered claims.
☐ True ☐ False
10. One common approach to avoiding allocation disputes is to modify the policy to include a provision stating that the insurer will advance 100 percent of defense costs provided that any claim triggers the duty to defend.
☐ True ☐ False
11. Prior to filing a bankruptcy petition, the company should insist that any exception to the insured vs. insured exclusion includes claims by a debtor in possession, chapter 11 trustee, creditors, bondholders, and all committees and other bankruptcy constituencies.
☐ True ☐ False
12. Conduct exclusions include exclusions relating to dishonesty, personal profit or improper gain or advantage, fraud and criminal acts.
☐ True ☐ False
13. The most common type of provision in a D&O policy is a choice of law provision.
☐ True ☐ False
14. A court may not enforce a choice of law provision if it would subvert an important public policy of the forum state.
☐ True ☐ False
15. Prior to a company filing for bankruptcy protection, debtor's counsel should consider whether the proceeds from a D&O policy will be treated as property of a debtor's bankruptcy estate.
☐ True ☐ False
16. While the filing of a bankruptcy petition stays any pending litigation against the company, it does not stay the pending litigation against the individual directors and officers.
☐ True ☐ False
17. Many D&O policies are "burning limits" policies, meaning that the amount spent in defense of claims reduces policy limits available for settlements or judgments.
☐ True ☐ False
18. Side C coverage is especially important when a company enters bankruptcy as Side C limits are triggered when a company cannot indemnify its directors and officers.
☐ True ☐ False
19. Notice provisions in "claims made" policies must be specific as to the acts and actors involved, and coverage can be lost due to inadequate notice.
☐ True ☐ False
20. A debtor's counsel should conduct an insurance audit prior to a company filing for bankruptcy protection.
☐ True ☐ False

Insolvency: Best Practices and Strategic Approach

MCLE Answer Sheet No. 166

INSTRUCTIONS:

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

San Fernando Valley Bar Association
20750 Ventura Blvd., Suite 104
Woodland Hills, CA 91364

METHOD OF PAYMENT:

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

Credit Card Number _____

CVV code _____

Exp. Date _____

Authorized Signature _____

5. Make a copy of this completed form for your records.

6. Correct answers and a CLE certificate will be mailed to you within 2 weeks. If you have any questions, please contact our office at (818) 227-0495.

Name _____

Law Firm/Organization _____

Address _____

City _____

State/Zip _____

Email _____

Phone _____

State Bar No. _____

ANSWERS:

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

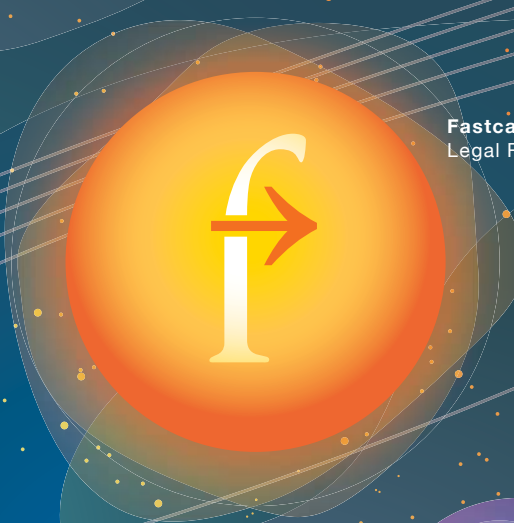
- | | | |
|-----|-------------------------------|--------------------------------|
| 1. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 2. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 3. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 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 |
| 10. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 11. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 12. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 13. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 14. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 15. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 16. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 17. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 18. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 19. | <input type="checkbox"/> True | <input type="checkbox"/> False |
| 20. | <input type="checkbox"/> True | <input type="checkbox"/> False |

A WORLD OF DIFFERENCE

Law Street Media
Legal News



Fastcase
Legal Research



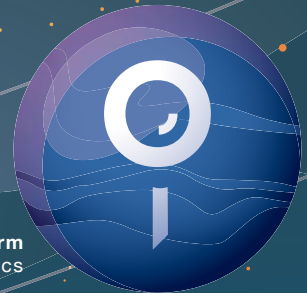
AI Sandbox
Legal Data Analysis



Full Court Press
Expert Treatises



Docket Alarm
Pleadings + Analytics



NextChapter
Bankruptcy Petitions + Filing



START YOUR JOURNEY

Fastcase is one of the planet's most innovative legal research services, and it's available free to members of the San Fernando Valley Bar Association.

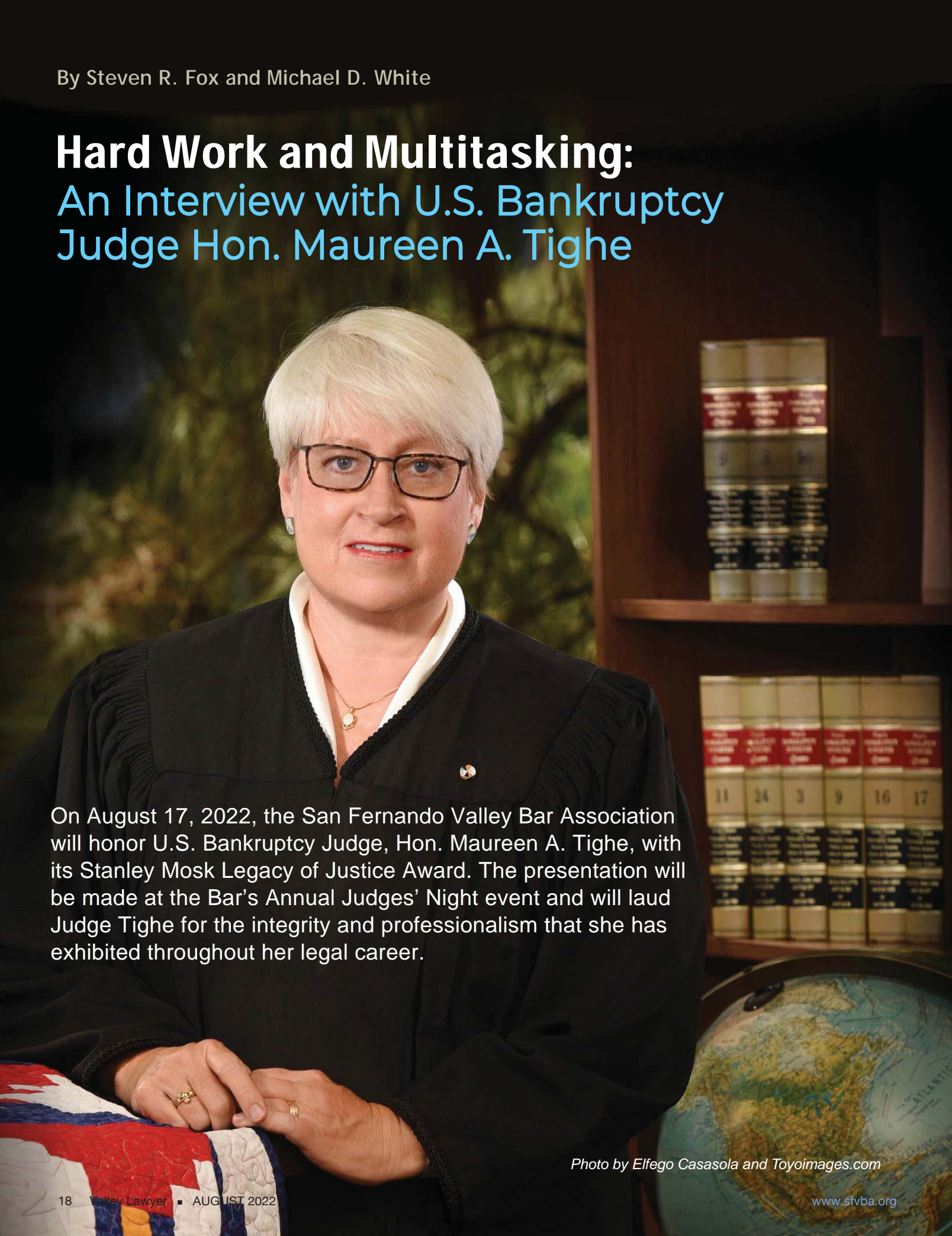
LEARN MORE AT
www.sfvba.org

DOWNLOAD TODAY



By Steven R. Fox and Michael D. White

Hard Work and Multitasking: An Interview with U.S. Bankruptcy Judge Hon. Maureen A. Tighe

A portrait of Judge Maureen A. Tighe, a woman with short white hair and glasses, wearing a black judicial robe over a white collared shirt. She is standing in front of a wooden bookshelf filled with law books. To her right, a globe is visible. Her hands are clasped in front of her, resting on a red, white, and blue patterned object.

On August 17, 2022, the San Fernando Valley Bar Association will honor U.S. Bankruptcy Judge, Hon. Maureen A. Tighe, with its Stanley Mosk Legacy of Justice Award. The presentation will be made at the Bar's Annual Judges' Night event and will laud Judge Tighe for the integrity and professionalism that she has exhibited throughout her legal career.

Photo by Elfego Casasola and Toyoimages.com

JUDGE MAUREEN A. TIGHE'S roots run all the way back to Asbury Park, New Jersey, where her grandfather served as Chief of the town's fire department.

A few years after she was born, her family moved to Rutherford, in Bergen County N.J., outside of New York City, attending elementary school and high school before enrolling at the Douglass College of Rutgers University.

"I majored in German so that I could go study abroad as I really wanted to get away from my small town. I visited Europe while in High School because my German teacher, who had a lot of influence on me, got me a scholarship to stay with a family in Germany."

Returning from Europe, she ran a student exchange program for the non-profit Council on International Educational Exchange (CIEE), which brings high school students to the U.S. from other countries. While working for CIEE, "my father took me aside and said, 'You know, you can't make \$10,000 a year scraping by in New York City your whole life. Why don't you consider going to law school?'"

"After considerable consideration she applied to Rutgers Law School, planning to attend night classes while continuing to work with the CIEE during the day. "Between the time I applied and was accepted, the management had changed dramatically in the program. I had been accepted to both day and night programs, so I decided to go full-time with the provision that if I didn't like it, I would quit. I ended up loving it."

Three years later, the future Judge Tighe received her JD degree from Rutgers Law School, where she served as Editor-in-Chief of the school's Law Review.

She was admitted to the New Jersey Bar in 1985, and both the New York and California Bars in 1988.



The future Judge Tighe, held by her grandmother

After clerking for District Judge Harold Ackerman of the U.S. District Court for the District of New Jersey, she spent two years in private practice at Sullivan and Cromwell in New York City before moving West to serve as Assistant U.S. Attorney, Office in the U.S. Attorney's office in Los Angeles, initially as the first Coordinator of the nation's first Bankruptcy Fraud Task Force, as then and the as Deputy Chief of the Office's Major Frauds Section.

Prior to her appointment to the bench in November 2003, Judge Tighe was the United States Trustee for the Central District of California between 1998 and 2003. During that

time, she did double duty at various times as the U.S. Trustee for the Districts of Northern, Southern and Eastern California, Nevada, Hawaii, Guam, and the Northern Mariana Islands.

From 2019-2021, she served as Chief Judge, Bankruptcy Court, Central District of California, and has recently been appointed as a Recalled Bankruptcy Judge.

She said that taking recall after retirement allows her to complete her cases and work more on projects to improve the administration of justice.

While on the bench, Judge Tighe has dedicated a significant amount of time to issues relating

Attorney **Steven R. Fox** has focused on bankruptcy and reorganization matters since 1988. He is based in Encino and can be reached at srfox@foxlaw.com. **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 40 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.



to self-represented litigants, including preventing fraud, encouraging pro bono advice and improving processes for all litigants.

She has been instrumental in opening self-help desks in the district, starting the first one in the San Fernando Valley Division with Neighborhood Legal Services and the support of the San Fernando Valley Bar Association and then throughout the Central District.

In addition, she is active in mentoring new attorneys, saying that, "We need to continually work on training new lawyers. Junior lawyers don't get into court enough."

Judge Tighe enjoys her adopted State of California, enjoys hiking and is looking forward to hiking along the California coast someday.

"California is just so diverse and offers so much," she says.

I UNDERSTAND YOU ARE FROM ASBURY PARK, NEW JERSEY; THAT'S BRUCE SPRINGSTEEN TERRITORY. HAS 'THE BOSS' HAD ANY INFLUENCE ON YOU?

"I guess he's sort of the soundtrack of my life. I just relate to his music in so many ways, you know, being from Jersey and growing up in similar circumstances,

and places. I played his album "Wrecking Ball" almost daily for about a year after it came out in 2012 when we were working like crazy during the Great Recession. He's somebody I really admire."

YOU HAVE SHARED THAT YOUR FATHER INFLUENCED YOU TO TRY OUT LAW SCHOOL. HOW?

"Yes, he was a supervisor for the Bell Telephone Company back then. There weren't any lawyers in my life, but he knew a few lawyers, and that they did some interesting things. He suggested that I ought to consider it.

"He was really insightful, even though he was low level management, and worked his way up from collecting coins and payphones. I listened to his advice as it seemed like a good idea."

WHAT ELSE WOULD YOU SAY YOU LEARNED FROM YOUR PARENTS?

"How to multitask. My mom was a nurse who raised six kids, and worked almost the entire time when we were growing up. As the eldest daughter, I helped her a lot and learned how to juggle a lot of different things from her.

"She would get the house and dinner ready and run off to the 3 to 11 shift. My dad would get home in time from work

to cover the evening. They worked very much as team together. I learned the value of hard work, and juggling a lot of different things at once."

HOW WOULD YOU DESCRIBE YOUR LAW SCHOOL EXPERIENCE?

"I was pretty ignorant. When I started, I didn't even know what Law Review was. I remember somebody came up to me the first week of school wanted to know if I was going to do Law Review. I thought it was the school newspaper. I had no idea what it was. I'd never seen the 'Paper Chase,' which was quite the thing back then. It was a steep learning curve the first year. I had the most amazing study group, though, and they really helped me.

"When I was in law school, the thing I was most interested in was criminal defense work, so it's funny that I've never done that. Before law school, I had spent a few years working with Brooklyn Women's Martial Arts, working with women who had been abused and dealing with women's self-defense issues. There were not as many doctrines developed at that point on issues related to battered women, and I thought that was an area I might get into."



Judge Tighe at a recent swearing-in ceremony for new U.S. citizens



"But I ended up getting a clerkship at the U.S. District Court, which was really eye-opening. Again, a senior lawyer reached out to me and set me up with an interview with the judge because I didn't know anything about applying for a clerkship.

"That's one reason I've been involved in trying to mentor people and getting a lot of law students into externships so they can learn about clerkships. I had no idea, and it was only because of the kindness of that person who got me into the clerkship that I learned a lot more about options that were out there."

YOU WERE ABLE TO GAIN SOME EXPERIENCE IN PRACTICE WITH A PRIVATE FIRM IN NEW YORK CITY. HOW DID THAT COME ABOUT?

"My property professor had a tradition of introducing the person who had the highest grade in his property class to a partner at a large Wall Street firm who he was friends with. Most of the Rutgers students didn't really go to the big firms in Manhattan at that point.

"The partner told me that he would review my resume and give me whatever advice to try and get a top job the next summer. He mentored me to apply to firms that I'd never even known about. So, I got a summer job the next summer at a top firm and was introduced to the world of country clubs and Ivy League schools. It was fascinating and very educational."

"I also learned during my clerkship that I'd have a much better shot at getting a job with the government if I spent a few years in private practice. I had become interested in prosecuting white collar crime during the clerkship. So I went back to the firm after they made me an offer, because I knew it would set me up better later."

HOW DID YOU GET INVOLVED IN THE BANKRUPTCY SIDE?

"It's amazing to me that I ended up spending my career in bankruptcy as I never studied it in law school.

"I applied from private practice to the U.S. Attorney's Office because they prosecute white collar crime. I was interviewing at the Office in Los Angeles, but there was a national hiring freeze and they didn't know when it would end.

"The interviewers seemed to like me and told me that they wanted to consider me, but they didn't know when they'd be hiring again.

"But, they told me that there was a special position that had just been funded by the U.S. Trustee program that was outside of the hiring moratorium and was to be part of the nation's first Bankruptcy Fraud Task Force.

"At the time in L.A. there was a huge increase in bankruptcy filings and people were alleging a lot of fraud. It was amazing how little bankruptcy fraud was ever prosecuted. This was in 1987 and early 1988.

"They wanted to try to see if they could get more bankruptcy fraud prosecutions, and I was hoping to get my foot in the door. At the time, I was working on some district court litigation that arose out of an adversary proceeding in bankruptcy, which is really all I knew about bankruptcy.

"And so the interviewer asked if I was interested, and I said, 'Sure.' I knew I'd be prosecuting white collar crime. But the truth was, I didn't really know what bankruptcy was. Luckily, he handed me off to the U.S. Trustee interviewers. I used the time between interviews to get up to speed so when I interviewed the second time, I knew sort of what I was talking about.

"Miraculously, I got the job to help start the Bankruptcy Fraud Task Force in Los Angeles, which seemed like a very exciting thing to do."

WHAT IS IT ABOUT BANKRUPTCY LAW AND FRAUD THAT YOU FIND APPEALING?

"I was able to investigate a lot of other types of white collar crime because bankruptcy fraud is usually

accompanied with mail fraud or tax fraud. Sometimes it is even identity theft. I prosecuted securities fraud and generally white collar crime, but it was hard for me to switch and leave bankruptcy fraud prosecution behind, because there was so much of it. I'd also become an expert and was training people all over the country.

"I really believed in prosecuting white collar crime and still find that fraud really annoys me.

"People who have skills and have the ability to do something legally and legitimately, instead, they lie, cheat and steal to rip people off. The larger crimes often involve people with advanced degrees, who live quite nicely, but get greedy.

"Consumer fraud also rips off people in their most vulnerable state.

"Bankruptcy, generally, is a very necessary part of our economy, and does a lot of good. We have very little in the way of consumer protection in this country, really. Those protections are also very hard for people to access. And we have business failures.

"Bankruptcy gives people the opportunity to reorganize or start new businesses, if we can find a way for them to deal with their debt. It's really critical to keeping our economy going. Fighting fraud in the system is an important way to keep the bankruptcy process accepted as legitimate.

"Fraud involves people who are concealing assets, or lying and committing perjury. Legal, by-the-rules bankruptcy is legitimate and the vast majority of debtors are honest, and just need a break. The crooks give it a bad name that tarnishes everybody.

"I do feel strongly that bankruptcy fraud prosecution is a really important piece of keeping a very important legal process available to everyone."

DO YOU THINK COVID-19 HAD AN IMPACT ON THE NUMBER OF BANKRUPTCIES THAT WERE FILED AND HOW DID THE PANDEMIC AFFECT YOUR COURT?



FREE TIME, BUT WHAT DO YOU DO WITH THE DOWNTIME YOU DO HAVE?

"For all of my career, it was invested in my family, especially my daughter, but I do a lot of hiking. I used to live right off of Topanga State Park and getting out into nature every chance I get is really one of my highest priorities."

"I also did a lot of ceramics, but put that on hold while I was Chief. But I do like trying to throw clay around. It's a very good stress reducer."

WHAT IS THE ONE ACCOMPLISHMENT IN YOUR CAREER THAT YOU ARE MOST PROUD OF?

"It was starting a Self-Help Desk in the Court, the first self help desk in the district. There were only two others that I knew of at the time in the federal courts, one in Massachusetts and one in Arizona. We studied the Superior Court here to learn how they handled it."

"It was a great success. I learned that you can help so many more people with self-help than with pro bono volunteers who each take one case. We had such a huge self-represented population that we needed to do more with existing volunteers."

"The strange thing about COVID is that it really didn't increase bankruptcy filings like we thought it would as the stipends and the PPP loans, along with foreclosure and rent moratoria, helped people who were financially struggling."

"Since I was Chief Judge at the time, the difficulty of running the largest bankruptcy court in the nation was rather overwhelming. We were, fortunately, able to turn on a dime. With practitioners doing things remotely, we were still being accessible for most parties."

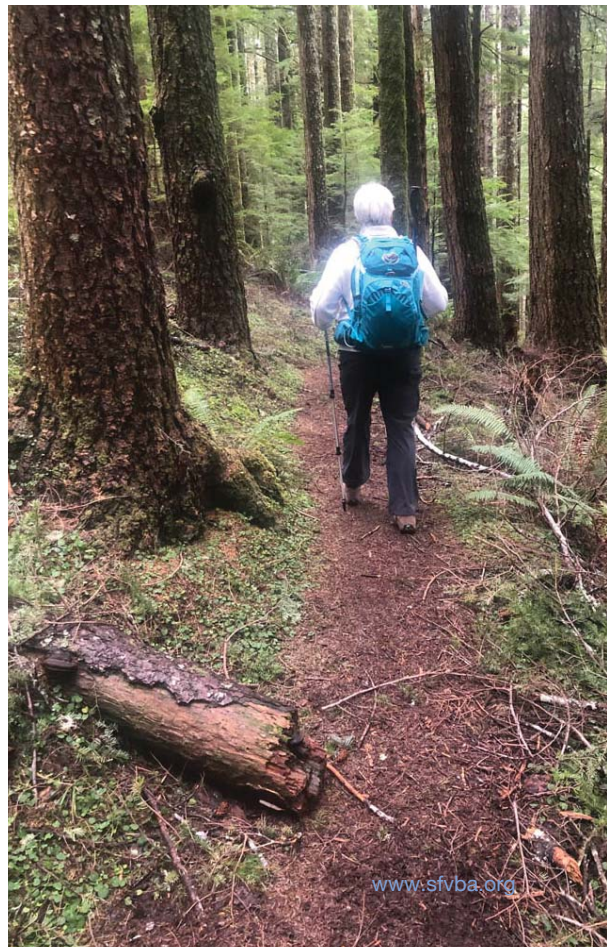
"We needed to make sure that both represented and self-represented individuals had access by reinventing a lot of procedures to allow a lot to be done remotely that had previously been done in person."

"Our staff rose to the challenge beautifully, and it was really exciting"

and amazing to work with such dedicated people. It was a round-the-clock, seven-days-a-week challenge and every time we thought it was over, we had a new wave hit us. So we developed a lot of procedures that took a lot of brainstorming and discussions on how they would comply with the law, as well as be practical in application."

"We got the word out to the Bar, which served as an essential partner the entire time I was Chief. Our regular meetings with the Bar Association's Advisory Board were critical in communicating during the initial stages. It was really such an example of working together and teamwork between the Bar and the Bench."

WITH ALL YOUR RESPONSIBILITIES, YOU PROBABLY DON'T HAVE A LOT OF



"We've had a lot of wonderful volunteers, but they were getting pretty well tapped out. You can only volunteer so much time and still make a living. With many others at the Court, I then worked with other groups to expand self-help desks to every division of the Court."

"It was a multi-year effort, but it's really made basic legal advice available to anyone who needs it."

WHAT ADVICE WOULD YOU GIVE TO PEOPLE CONSIDERING A CAREER IN THE LAW?

"Right now, I think attorneys are working way too hard. It is an amazingly stressful profession, and students get out of law school with such student loan debt, it's ridiculous. If you can get out of law school with very little debt, then do it."


"I try to steer younger students towards STEM. I think we need a lot more people going into those subjects. I'm not completely negative on the law as a career. I just think that, nowadays, it can be really problematic."

"You need to be realistic about it. If you're passionate about a particular area of some field and you're really into that, then it's worth it. The law has been a great career for me. I'd like also to get more diverse people considering a practice in bankruptcy."

"I think a lot of people don't know what it is and don't consider it. Going out to colleges and law schools to talk about what creative and wonderful practice bankruptcy is would help."

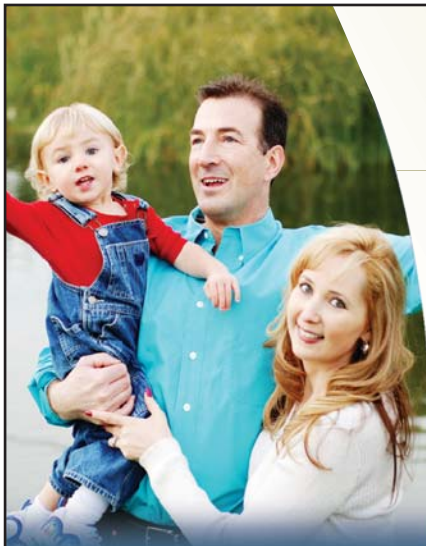
"I didn't realize that, in it, you can combine transactional work and litigation work that's really the best of both worlds, because your litigation work is usually a lot less drawn out than being a general civil litigator."

WHAT WOULD YOU TELL NEW ATTORNEYS STARTING THEIR CAREERS IN THE LAW?

"If you are honest, your reputation with other lawyers will last much longer than the result of any given case. You've got to build a practice on honesty, kindness, and professionalism, and your reputation will be made and remembered." 



Judge Tighe with her daughter, Jordan Michaelson
Photo by Elfego Casasola and Toyoimages.com



The Matloff Company has been a top insurance broker to Southern California attorneys, their firms and families for over 32 years.

RATED A+ A.M.
BEST INSURERS.

Life Insurance

Term, Universal Life, Survivorship, Estate Planning, Key-Person

Disability Insurance

Insure your most important asset—"Your ability to earn income"

Insures you in your own occupation

Benefits keep up with inflation

Long Term Care Insurance

Several quality carriers for individuals and firms

Health Insurance

All major insurance companies for individuals & firms

MC The Matloff Company

An Insurance and Financial Services Company

Phone: (800) 468-4467

E-mail: elliott@matloffcompany.com



Elliot Matloff

www.matloffcompany.com



MCLA

Mediation Center
of Los Angeles

Building Community Through Mediation

a project of
THE VALLEY BAR MEDIATION CENTER

New LA Superior Court Vendor Resource Program now available to all Civil Litigants!

- MCLA was selected by the LA Superior Court as a Civil Mediation Resource Vendor to provide reduced fee mediations by experienced lawyer-mediators.
- MCLA's panel of mediators are qualified to provide exceptional service to help settle your active case before trial, at a convenient time and place FOR YOU!
- MCLA is also an authorized provider of Online Mediation that can substantially reduce the time and expense of mediation, especially if the parties are located in different areas.
- No need to travel. Just stay in your office or home and work online. MCLA uses Zoom.us to create an online mediation experience similar to in person mediations with separate, confidential video conference rooms.

For testimonials about value of online service, call, email or go to our website to find out more information about our exclusive services and rates.

(833) 476-9145 | info@mediationla.org | www.MediationLA.org

20750 Ventura Boulevard | Suite 140 | Woodland Hills, CA 91364

An IRS Approved 501(c)(3) non-profit organization

SAN FERNANDO VALLEY BAR ASSOCIATION

ELECTION PAMPHLET

BOARD OF TRUSTEES ELECTION
SEPTEMBER 9, 2022

Dear Members,

The San Fernando Valley Bar Association is a multifaceted organization. The unpaid volunteer board is made up of elected attorneys and, at the discretion of the appointment of the president, two additional attorney and one non attorney board members.

The board is responsible for overseeing a significant budget, staff, and all bar functions. Board duties include overseeing annual events, MCLEs, the Valley Bar Network, Valley Lawyer Magazine, the Attorney Referral Service, the Fee Arbitration Program, and the bar's charitable arm the Valley Community Legal Foundation.

For the past few election years, the organization has been fortunate to have more qualified candidates than open seats. Even more encouraging, for the past two election cycles the organization has had more applications for board members than openings for candidates.

The candidates below have been selected by a nominating committee assembled by the immediate past president and a group of involved bar leaders. The candidates were selected as qualified for many different reasons, and for their diverse mix of personal and professional backgrounds.

All active attorney members are eligible to vote. I ask every member to review the candidate statements below, and select a mix of individuals who you believe will bring fresh ideas and strong leadership to the organization. The last day to cast a ballot is Friday, September 9, 2022.

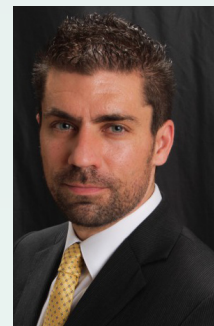
All eligible voting members will receive an email with voting access. If you have any issues with the voting portal, or need a paper ballot, please contact the office immediately. Your vote matters.

It has been an honor to serve as a board member and as the association president. With great excitement, I look forward to finding out who will be the next elected leaders, and specifically, the enthusiasm and ideas they will bring.

CHRISTOPHER P. WARNE

President

San Fernando Valley Bar Association



MATTHEW A. BREDDAN

PRESIDENT



THANK YOU TO ALL OUR SFVBA MEMBERS, LEADERSHIP, STAFF, AND SUPPORTERS for your continued dedication and service to our organization.

We are excited to continue building on the momentum and efforts of current and previous leadership in providing support and resources to members, strengthening relationships with our sponsors, and ensuring our community efforts meet the needs of those who depend on our services most.

As we emerge from unprecedented times and move into an ever evolving new “normal”, we understand that our organization will need to continually innovate and evaluate our offerings to ensure we meet our member’s diverse needs.

To achieve this goal, we are focusing this year’s agenda to providing more opportunities for our members to build their networks and businesses, enhance their professional development with timely and relevant seminars, and develop opportunities for our sponsors to engage with our organization to build value for our members.

We are excited to present the 2022-2023 Board of Trustees candidates and encourage you to learn more about your colleagues’ accomplishments, vision, and personal and professional experiences. Each candidate has the opportunity to add their skills and insight to advance the San Fernando Valley Bar Association’s mission, and your vote is instrumental in shaping the future of our organization.

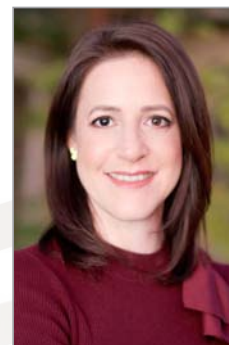
Your participation and expertise are incredibly valuable, and I would like to invite you to continue your involvement throughout the year by joining events, committees, or sections.

Together, we can strengthen our organization and ensure that all members receive the highest caliber of services and support.

I look forward to working for all our members and collaborating with our Board to serve our valued members and community in the coming year!

HEATHER GLICK-ATALLA

CANDIDATE FOR PRESIDENT-ELECT



AS I HEAD INTO MY SEVENTH YEAR OF SERVING AS A TRUSTEE OF THE SAN

Fernando Valley Bar Association and reflect on my time with the Bar, I continue to be grateful for the opportunity to represent our attorney and legal professional members.

It was a privilege serving as Secretary of the San Fernando Valley Bar Association last year, and I’m honored to be nominated to serve next year as President-Elect.

After two years of virtual events it has been wonderful to see SFVBA members in person once again, and I look forward to planning our first full year of in person programs and outreach events since the pandemic began.

My focus as President-Elect will be to provide our members with more opportunities to connect with each other, and to continue supporting the legal needs of the valley community and our court system.

If you have an idea for a program or event, or would like to become more involved with our bar association, please reach out to me and share your thoughts.

I welcome the opportunity to hear from our members directly about how the bar can better serve them and the San Fernando Valley community. Thank you for your support and your vote.

AMANDA M. MOGHADDAM

CANDIDATE FOR SECRETARY



TO MY DEAR FELLOW SFVBA MEMBERS, IT IS AN HONOR TO BE NOMINATED TO serve as next year's Secretary of this phenomenal organization. I have truly enjoyed my time serving as Trustee and Treasurer, and I could not be more excited about stepping into this new and important role.

I would like to take the opportunity to recognize our outgoing Secretary, and soon-to-be President-Elect, Heather Glick-Atalla.

I am willing to bet that the SFVBA's leadership would all agree Heather is the best Secretary in the organization's almost 100-year history. She is diligent, accurate, and knowledgeable. Her nonprofit law knowledge is unparalleled, and this organization is beyond fortunate to have had the benefit of her expertise this past year. I cannot express how big these shoes are to fill, but I am honored to have the opportunity to try.

For the next year, and in addition to serving as Secretary, I plan to continue my role as Co-Chair of the SFVBA's Inclusion & Diversity Committee, which will carry on with its engagement with valley educational institutions and hopefully unveil some exciting new programs this fall.

I will stay involved with the Membership & Marketing Committee, the Mock Trial Committee, the New Lawyers Section, and the Women's Law Section, and I hope you can join me!

I will continue to serve on the board of Valley Community Legal Foundation, the charitable arm of the SFVBA, and I think that this may be our most impactful year yet in terms of giving.

I am a former legal malpractice litigator, a Certified Specialist in Legal Malpractice Law by the State Bar of California Board of Legal Specialization, and a Claims Attorney at Lawyers' Mutual Insurance Company. I am certain that my experience advising lawyers will inform my decisions about what sort of programming and events will best benefit our membership.

I thank you for your prior faith in me when you elected me as Trustee and Treasurer, and I look forward to serving now as your Secretary.

TAYLOR F. WILLIAMS-MONIZ

CANDIDATE FOR TREASURER



TO MY FELLOW SFVBA MEMBERS, IT IS AN HONOR TO BE NOMINATED TO SERVE as next year's Treasurer of the SFVBA. I have truly enjoyed my time serving as the liaison to the Santa Clarita Valley Bar Association, and I could not be more excited about stepping into this important role.

With rising gas prices, inflation, and an uncertain economy, this has been a financially difficult year for so many of us. I intend to use my role as Treasure to ensure the continued health and stability of the SFVBA so that we can focus on all of our great work in the legal and local community.

I promise to work collaboratively with the other Bar leaders to identify, assess and manage the Bar's financial challenges while maintaining the organization's community-building objectives.

I will stay involved with the Membership & Marketing Committee, the New Lawyers Section, and the Women's Law Section, and I hope you can join me! I know we can all work together to ensure the financial stability of the SFVBA.

For those who do not know me, I am a partner at Donahoe Young & Williams LLP. Our firm has offices in Santa Clarita and Encino. I specialize in real estate litigation, estate planning, trust and probate litigation as well as general business matters. I am involved in the legal community both in the Santa Clarita and San Fernando Valleys.

I greatly enjoyed my time on the board serving as the liaison to the Santa Clarita valley Bar Association I look forward to serving now as your Treasurer.

CHRYSTAL FERBER

CANDIDATE FOR TRUSTEE



I AM SO GRATEFUL TO BE NOMINATED TO SERVE AS A TRUSTEE FOR THE SAN

Fernando Valley Bar Association.

As an employment attorney at Lewitt Hackman, I am privileged to have worked firsthand with many SFVBA Members and past Presidents over the last three years. Meeting other Members through the Association's events and my former speaking engagements, such as the MCLE Marathon, have been an honor.

If elected to serve as a SFVBA Trustee, I would be thrilled to grow our community of young attorneys. For example, I would build relationships with local law schools to increase our Members' presence at career fairs, so interested Members can more easily recruit interns and future employees, many with existing Lexis or Westlaw accounts!

I would also be thrilled to organize events for new attorneys to strengthen our young attorney membership and increase mentorship opportunities.

As someone who both lives and works in the Valley, I also care deeply about our community. As a Trustee, I would continue to build on the Association's community outreach efforts, such as the Blanket the Homeless initiative.

In particular, I would work to build partnerships with the Valley's wonderful charities to find opportunities for Members to volunteer their time with.

Thank you for your consideration. Please don't hesitate to contact me if you have any questions or would like more information on what I hope to accomplish as an SFVBA Trustee.

MELANIE GARDNER-PAWLAK

CANDIDATE FOR TRUSTEE



FELLOW SFVBA MEMBERS, IT IS AN HONOR TO BE NOMINATED TO SERVE

on the SFVBA Board of Trustees.

As a member of the SFVBA and Family Law attorney for over 20 years, I have had the privilege and pleasure of serving on the SFVBA Family Law Executive Committee for over 10 years as well as serving as its Secretary for the last several years. I have volunteered my time as a mediator for the Family Law divisions in the Van Nuys and Chatsworth courthouses.

My commitment to giving back to our valley community began two decades ago as a new lawyer volunteering at Neighborhood Legal Services. I am thankful to have been a part of many volunteer opportunities since then and to have met so many wonderful SFVBA professionals along the way.

I am proud to be a Valley Girl, having lived in the San Fernando Valley my entire life, leaving only for a few years to attend college.

If elected to serve on the Board of Trustees, I hope to bring my experience as a lawyer, an executive committee member, volunteer mediator, and self-proclaimed Valley Girl to help us find new and innovative ways to serve our members and our community. I will work to find creative solutions to the ever-changing needs of our members through interesting and cost conscious MCLE programs (both in person and online), meaningful social events to help us stay connected, and other programs of interest to our member community.

Thank you for your consideration and I look forward to the possibility of serving you and the SFVBA as a Trustee in the coming term.

ALEXANDER (AJ) HARWIN

CANDIDATE FOR TRUSTEE



THANK YOU FOR YOUR CONSIDERATION FOR MY FOURTH TERM ON THE San Fernando Valley Bar Association (SFVBA) Board of Trustees. Many of you know me through family, as a friend, as a colleague, as opposing counsel and/or through business. For those who I have not had an opportunity to get to know, I look forward to doing so soon.

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

As a partner at Lewis Brisbois, my practice concentrates on advising and defending employers from claims of wrongful termination, discrimination and wage/hour violations. Although I began practicing in 2003, I began attending and participating in SFVBA events when I was a young child in the early 1980s. After our first family home purchase, it was clear that it was both personally and professionally prudent to become more Valley-centric. As a result, I jumped at the opportunity to join the SFVBA's Board of Trustees in 2014.

On a personal level, I was attracted to the SFVBA's philanthropic endeavors and the fact that my children Logan (13) and Jacob (10) could actively participate in events such as Blanket the Homeless. Over the last few years when I was not working or coaching children's rec basketball, I became more involved in the SFVBA's award winning Inclusion & Diversity Committee organizing seminars bringing judges and attorneys to local high schools to inspire students to consider the legal profession.

On a professional level, I strongly believe being an active SFVBA member has significant networking value. As a Trustee, I will be committed to further developing the SFVBA as an asset to Valley attorneys.

One way I can contribute to business generation is that as a partner at a large law firm, I frequently receive inquiries for attorney referrals outside my firm's practice areas. I look forward to meeting more members and learning about how we can assist each other in developing our practices. Thank you again for your support.

NOLAN J. HIETT

CANDIDATE FOR TRUSTEE



I WAS ADMITTED TO PRACTICE LAW IN CALIFORNIA IN JULY 2015, AND SINCE THAT time I have devoted my practice exclusively to family law. I am a sole practitioner at Hiett Law, P.C. I was selected as a Rising Star by Super Lawyers for the years 2020, 2021, and 2022 and currently sit on the Executive Committee of the Family Law Section of the San Fernando Valley Bar Association. I have also volunteered my time as a Daily Settlement Officer and for the Judgment Assistance Program offered by the Los Angeles County Bar Association, of which I am also a member.

NANCY A. REINHARDT

CANDIDATE FOR TRUSTEE



I WOULD LIKE TO THANK THE NOMINATING COMMITTEE FOR ITS SUPPORT OF MY

desire to serve the San Fernando Valley Bar Association as a member of the Board of Trustees.

I look forward to this new opportunity to serve our Bar and its membership.

I was raised in the San Fernando Valley, having moved here from New York. I raised my family here and consider the Valley to be my home.

My primary areas of practice are probate, estate planning, and trust administration. I am active in the Trust and Probate Section, having served as speaker chair and Section Chair for almost 20 years. I also work with the Women Lawyer's Section, the Mock Trial subcommittee, the Probate Settlement Officer committee, and volunteer with the probate settlement program offered by the Los Angeles Superior Court.

I hope to bring some of our successes and growth that we have experienced in the Trust and Probate Section to the Board. If elected, I want to offer more pro bono outreach programs, which will allow our membership to give back to our community, and to encourage involvement with existing programs that provide access to attorneys who need it most.

We also have tremendous opportunities to support local schools with mock trial programs that encourage them to become the next generation of lawyers who serve our community.

I have been active with a number of professional and personal Boards and associations over the past years, and with both the San Fernando Valley and Woodland Hills Tax and Estate Planning Councils, having served as an officer and director of both organizations for a number of years. Being part of these groups has given me invaluable insight into effective team-building.

I would be honored to receive your vote and support for my candidacy for the Board of Trustees.

JESSICA WYNETTE ROSEN

CANDIDATE FOR TRUSTEE



IT HAS BEEN AN HONOR TO SERVE AS TRUSTEE FOR THE SAN FERNANDO VALLEY

Bar Association these last two years, and to again be nominated to serve for two more years.

For the last several years, I have worked with SFVBA members, committee chairs, trustees, and past presidents, to bring services, events, and mentorship to the legal community in the San Fernando Valley and surrounding communities.

Though challenging at times due to the Covid pandemic, I had the pleasure of organizing and overseeing virtual and in-person MCLE and networking events, and community programs, including bringing resources to local high schools in the SFV.

If elected for a second term, my focus is and continues to be outreach to new members and retention of current members, and promoting diversity, equity, and inclusion among our members and the Los Angeles legal community at large as Co-Chair of the Inclusion & Diversity Committee.

I am grateful to the SFVBA community placing their trust in me to serve as Trustee for these last two years and I look forward to continuing my work for an additional two years if elected.

PRAVIN A. SINGH

CANDIDATE FOR TRUSTEE



WISH WE TALKED MORE. REALLY, I DO. YOU SEEM LIKE A COOL PERSON, AND I COULD see us calling each other for advice once in a while.

Hopefully at the next Installation Gala or Meet the Experts, we could get to know each other.

Actually, let's shoot for earlier. One goal we can set for ourselves this year would be to have more social or networking events.

I've been fortunate to have made some great friends at fun events, and honored to have been referred cases by my colleagues. If I am elected trustee, I promise to mix business and pleasure.

Take care, and see you soon.

When Bankruptcy May Be the Best Solution...

Choose an experienced & knowledgeable attorney who provides personal & timely attention and recommends bankruptcy only when it is the best solution.

Law Offices of Steven R. Fox
Bankruptcy & Related Matters

Debtor and Creditor Representation
Chapter 11 Reorganization
Bankruptcy Litigation
Developing and Rebuilding Companies



17835 Ventura Blvd., Suite 306
Encino, CA 91316 ■ (818) 774-3545
srfox@foxlaw.com

By Stefanie M. Marrone

Social Media: Ways to Enhance Your Online Presence



PEOPLE OFTEN ASK ME HOW they can become stronger social media marketers both for themselves and their companies.

I always say that it's not hard to do if you are committed, consistent and resourceful.

Anyone can be successful on social media if they utilize their content marketing and visual assets more strategically.

It also involves a significant time commitment to stay top of mind with clients, prospects and other key influencers to strengthen your brand and to generate real business. This doesn't mean you need to post every day but it doesn't mean that you need to be consistent.

The algorithms on all social media platforms rewards those who post

regularly, and posting consistently enables you to build a strong personal brand. Once you get the hang of it, you won't be spending a lot of time creating content.

You'll also set up processes that will make you more efficient in your contact marketing efforts, such as creating a contact calendar and repurposing your high-performing posts.

If you're willing to do those two things, mastering the techniques is easy. Now let's get to work!

Reuse and repurpose everything. Think headshots, practice area images, previously published client alerts and articles. Every single image and piece of content you have can be used multiple times.

For example, you can pull out an interesting statistic, create a word

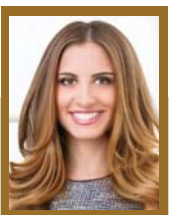
cloud, use icons or big numbers to bring important points to life, a quote or just tell the story in a different way, and voilà, it's a different piece of content! Use an editorial calendar to help you track and manage the posts.

Hitting the Target

Create once, publish everywhere, but adjust the message for the medium.

Delving deeper into the point above, while you should leverage the social platforms most frequently used by your clients and prospects, don't post the same exact content and image to LinkedIn that you would post to Twitter or Facebook or Instagram.

It's very important that you demonstrate to your target audiences that you have mastery of the social media platforms that you are utilizing or else you are committing social media suicide. Incorrectly using a



Stefanie M. Marrone is a New York City-based social media, marketing and business development strategist and serves as Director of Marketing and Communications at Phillips Nizer LLP. She can be reached at stephanie@stephaniemarrone.com.

particular platform shows your audience that you lack critical social media skills.

Also, while it's great if your firm has thousands of followers on LinkedIn and Twitter and the like, don't forget that you also need to tap into the critical social networks of your lawyers to have maximum engagement. Ensure that your lawyers are properly trained on how to effectively use LinkedIn to share and like content or else you will miss out on reaching their powerful networks!

Develop a visual content strategy. I am a firm believer that you should post nothing to social without an image—trust me on this.

Why? Because content with images gets noticed more. Anyone can incorporate visuals into their social media strategy, you just need to be creative and resourceful. You can easily reuse and repurpose images that you already have. Ask your employees to take photos at every event—iPhones actually take great quality photos.

Show vs. Tell

Every piece of content you post should be value-added, helpful and client-centric. Don't just tell your clients why you are the very best lawyers, show them.

Always write with this in mind. Remember that most often, your clients are not lawyers. Always put yourself in their shoes. Throw the legalese out the window. Clients want to know who you are and how you can help them. Think about how to demonstrate that you are a leader in your field versus telling someone. It's that simple.

Use evergreen content to your advantage—think holidays, timeless client alerts, spotlights on case studies, practices and lawyers, professional development and careers programs, etc.

This is what I like to call your “what you say when you have nothing to say” content strategy – or perhaps better put, evergreen content/owned media.

A strong owned media strategy will build your brand, lead to new business and the bonus – it will make your lawyers very happy. This is especially important for those who work at smaller firms where it may be harder to get top-tier press on a regular basis. We created a campaign for Women's History Month where we highlighted the women at the firm and their backgrounds (using visuals, of course) that was very successful.

Another firm at which I worked had a large population of veterans and saluted them using pictures of them in uniform on Veterans Day.

You could do the same for just about any holiday—Lunar New Year, Fourth of July, New Year's Day, Thanksgiving, Administrative Professionals Day—you name it.

Get Creative

Use free online tools to gain a competitive edge. Working

WE SPECIALIZE IN: MURPHY'S LAW

- Ransomware & Cybersecurity Protection
- Legal Practice Management Support
- Disaster Recovery Planning
- Network Configuration
- VoIP and Internet
- 24/7 Help Desk
- Office Moves
- Office 365
- Backup



ITSUPPORTLA

www.itsupportla.com
6047 Tampa Ave, Suite 305
Tarzana, CA 91356 | (818) 805-0909



MANUFACTURERS BANK
A MEMBER OF SMBC GROUP



Banking for Fiduciaries and Attorneys

Dedicated Expert Bankers, assigned to your accounts, will work with you and your clients to:

- Simplify account opening procedures
- Make accommodations for out-of-state signers
- Open accounts with court order requirements
- Secure accounts with expanded FDIC Insurance*
- Provide Online Banking, ATM/Debit card, Duplicate Statements, Wire/ACH Services, Remote Deposit**



Alvin Burrell
Vice President
213-588-4518
aburrell@manubank.com



Ronna Lubash
Vice President
213-910-5455
rlubash@manubank.com



* Placement of customer funds through the ICS service is subject to terms, conditions and disclosures set forth in the agreements that a participating institution's customer enters into with the institution, including the ICS Deposit Placement Agreement. Limits and customer eligibility criteria apply. Program withdrawals are limited to six per month when using the ICS savings option. ICS, Insured Cash Sweep, and CDARS are registered service marks of Promontory Interfinancial Network, LLC. **RDC is subject to qualification requirements.

LIFE INSURANCE IS ONE OF THE MOST IMPORTANT FINANCIAL PLANNING INSTRUMENTS YOU OWN.

IS YOUR
LIFE INSURANCE
POLICY A

TICKING TIME BOMB?

WE'RE WILLING TO BET YOUR POLICY
IS **NOT** WHAT YOU THINK IT IS!

The Life Insurance Audit™
Thinking you are covered
is not the same as knowing



The **Life Insurance Audit™** is a proven, objective system, which ensures clients have the best possible insurance solution available in the market today. Most people have no idea of the negative impact to their policies. **We'll figure it out!**

If you want
to know the facts,
call us at 1.800.914.3564
LifeAudit@CorpStrat.com
We'll tell you!



CorpStrat

INSURANCE • EMPLOYEE BENEFITS • HR • PAYROLL

CA Lic. #0635793

at a mid-size firm with a limited budget, I often have to get resourceful.

During my talk, I spoke about the free tools that I use, such as *hashtagify.me*, which gives you the top trending hashtags associated with a particular topic. Utilize *canva.com*, *Picstitch* and free photo resizing tools to help you create visually arresting images to bring your social media posts to life.

Also, set up Google searches on your top clients and prospects. These are free and give you great insights into your clients. Arm yourself with as much information as you can and you will have an advantage over your competitors and demonstrate to your clients how much you care about their business.

Maximize every event and networking opportunity. Don't just attend an event and run back to the office. Instead immerse yourself in the conference experience and differentiate yourself as a subject-matter expert by making yourself part of the conversation on social media—engaging on Twitter using the conference's hashtag—or writing an article on the top takeaways that you learned from it.

You could also interview your favorite speakers and write an article. Easily transcribe the interview using your iPhone and another one of my favorite tools, the cheap online transcription tool Otter.

Don't forget to connect with those speakers and key attendees on LinkedIn afterwards to continue the relationship offline.


I have many more tips on how to maximize every conference at which you attend and speak.¹

Think of every professional activity—such as attending a conference or event—as a way to build your personal brand. Do more than your peers and you will shine brighter.

Connect online now. LinkedIn is the most important social media channel for law firm business development and professional networking. It enables you to quickly build and grow relationships, build your brand and stay top of mind with key individuals in your professional network.

So, use it smartly and use it often. I have never seen it directly lead to new business more than I have in the last year. Use the notifications section to give you reasons to be in touch with VIP contacts in your network—information is power here.

For all firms and lawyers, the goal of marketing is lead generation and business development. How you get there is by building targeted relationships, staying top of mind, providing helpful content and consistently adding value.

If you think of yourself and your lawyers as legal solution providers, and you remain true to your authentic self, you will always be on the right track. 

¹ *How to Maximize Every Conference and Event You Attend (and Build Your Professional Brand)* | Stefanie Marrone Consulting – JDSupra, January 29, 2018.



CHIEF JUSTICE TO RETIRE: California Supreme Court's Chief Justice Tani Gorre Cantil-Sakauye has announced that she will not seek a second 12-year term in November and will conclude her current term of office on January 1, reports the *Associated Press*.

The announcement by will give Gov. Gavin Newsom, a Democrat, his third opportunity to appoint a justice to the seven-member high court, and his first to pick a new chief justice.



Cantil-Sakauye was sworn in to office in January 2011 after she was nominated by former Republican governor Arnold Schwarzenegger and was elected in the November 2010 general election.

She is the first Asian-Filipina American and the second woman to serve as the state's chief justice.

She said in a statement that Newsom *"will have a diverse pool of exceptionally well qualified jurists and legal professionals to choose from, and I believe the judiciary, the courts, and access to justice in California will be in good hands."*

The Sacramento native was appointed to Sacramento Municipal Court by then-Gov. George Deukmejian in 1990 and to the Sacramento County Superior Court by then-Gov. Pete Wilson in 1997, where she created and presided over the county's first court dedicated to handling domestic violence cases.

Then-Gov. Arnold Schwarzenegger nominated her for the Third District Court of Appeal in Sacramento in 2005 before tapping her for the Supreme Court to succeed retiring Chief Justice Ronald George.

NEW PLASTICS LAW: A new law has taken effect that requires a reduction in the amount of plastic produced and used in California.

The law calls for a 25 percent reduction of plastics in single-use products, including single-use plastic bags, in California by 2032. The reductions are projected to eliminate approximately 23 million tons of single-use plastics over the next decade.

It also requires 30 percent of plastic to be recycled by 2028, increasing to 65 percent by 2032. If producers are unable to meet the required recycling rates, plastic will be banned entirely.

The law further requires the plastics industry to create a \$5 billion fund over the next decade to help low-income communities impacted by the effects of plastic pollution.



Finally, the law transfers the cost of recycling from taxpayers to the plastics industry. This policy, called Extended Producer Responsibility (EPR), is already law in Oregon, Maine, Colorado, Canada, and the European Union.

UBER DECISION: A California District Court has ruled that Uber's refusal to provide electric wheelchair accessible vehicles (WAV) does not violate the Americans with Disabilities Act (ADA).

Under the ADA, private transportation entities cannot discriminate based on disability.

According to *The Jurist*, private transporters must make *"reasonable modifications in policies, practices, or procedures...unless the entity can demonstrate that making such modifications would fundamentally alter the nature"* of services provided.

The plaintiffs were three disabled individuals from Louisiana and Mississippi, who claimed that Uber failed to make reasonable modifications to their operations by providing WAVs and that Uber screened disabled people from enjoying its transportation services.



Uber argued that implementing a WAV modification in the Plaintiffs' cities would *"fundamentally alter its business"* because it *"would need to use a commercial fleet operator"* that would be a substantial deviation from its business model.

The court reasoned that providing the would not constitute a *"reasonable modification."* The cost per ride, anticipated wait times and service only at certain times per day made the proposed modification unreasonable.

Thus, the court concluded, Uber is not required to provide WAVs under the ADA.

AND PIGS FLY: California Fish & Game Code Section 45 defines *"fish"* to mean *"a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals."*

In *Almond Alliance of Cal. v. Fish & Game Commission*, 2022 WL 1742458, the Third District Court of Appeal has reportedly interpreted the above definition of *"fish"* so as to include bumblebees and other terrestrial invertebrates.



According to the *National Law Review*, the case arose from a challenge to the Fish & Game Commission's decision to designate the bumblebee as a *"candidate species"* under consideration for listing as an *"endangered species."*

SIMPLE WORDS OF TIMELESS WISDOM: *"Success is dependent on effort."*— Sophocles

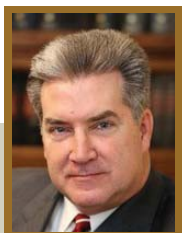
By Craig B. Forry

Constructive Trust Claims: Are They Real in California?

THIS ISSUE OF FIRST impression was decided in the recent case of *Shoker v. Superior Court of Alameda County*—a writ proceeding—wherein Devinder S. Shoker and Rajwant K. Shoker seek relief from the trial court’s order expunging their notices of *lis pendens*.¹

The appellate court granted writ relief because the trial court erred in concluding that the Shokers’ constructive trust claim was not a real property claim under the Code of Civil Procedure.²

A *lis pendens*—also called a notice of pendency of action—is a document filed with a county recorder that provides constructive notice of a pending lawsuit affecting the real property described in the notice. Any party may record a *lis pendens* when the lawsuit involves a “real property claim.”



Attorney **Craig B. Forry**, based in Mission Hills, has practiced for 38 years in the areas of family, divorce and real estate law. He can be reached at forrylaw@aol.com.

The Code defines a real property claim to mean “*the cause or causes of action in a pleading which would, if meritorious, affect . . . title to, or the right to possession of, specific real property.*”³

A *lis pendens* gives notice that the judgment will be binding on persons later acquiring an interest in that property.

The Complaint

In their complaint, the Shokers alleged that defendant Sukhjinder Singh Ghuman lured them into investing \$1.5 million in an unidentified technology company.

Ghuman did so by befriending the Shokers, becoming familiar with the real properties they owned (and rented for income), and then promising the Shokers returns far exceeding those that they were receiving on their rental properties.

Ghuman told the Shokers that time was of the essence and that, to take advantage of this investment opportunity, they needed to immediately advance

substantial funds to him. He advised the Shokers to immediately invest any liquid assets and to also sell their rental properties so that they could invest the proceeds from those sales.

Relying on his advice and representations, the Shokers first provided Ghuman with \$1.5 million and then sold 10 of their rental properties to a purported cash buyer identified by Ghuman—Jasbir S. Phangureh.

Ghuman handled the real estate negotiations and transactions, acting as the Shokers’ agent. Based on his representation that they would split returns 50/50, the Shokers also authorized Ghuman to act as their agent in all communications with the unidentified technology company and to hold the Shokers’ investment on their behalf.

At Ghuman’s direction, ten of the Shokers’ rental properties, which are specifically identified in their complaint,

were sold in stages. A few days separated each sale.

After the sale of each property closed, the Shokers followed Ghuman's instructions and paid him the proceeds for investment in the technology company.

Ghuman promised that he was investing the Shokers' money, which totaled over \$6 million after the real property sales were complete, in the technology company.

In reality, however, Ghuman was not investing on the Shokers' behalf in any technology company. Instead, Ghuman allegedly conspired with Phangureh to transfer the Shokers' own money to Phangureh so that they could obtain the Shokers' 10 rental properties without paying for them.

Several years later, after Ghuman claimed the technology investment had not been successful and told the Shokers that their former rental properties were producing rental income of over \$350,000 per year, the Shokers started to doubt Ghuman's honesty.

Ghuman offered to sell 50 to 60 percent of the properties back to them for approximately \$5 million.

Causes of Action

The Shokers pled eight causes of action against Ghuman, Phangureh, or both—breach of fiduciary duty; aiding and abetting the breach of fiduciary duty; intentional misrepresentation; concealment; conspiracy; acting as a real estate broker without a license; unjust enrichment; and, constructive trust.

In their prayer, the Shokers sought damages, an order declaring that Ghuman and Phangureh hold the Shokers' rental properties in trust for the Shokers, and an order compelling Ghuman and Phangureh to convey the properties back to the Shokers.

Almost two years after they filed their complaint, the Shokers recorded a notice of *lis pendens* for each of the 10 rental properties.

Phangureh moved to expunge the *lis pendens*, arguing that the Shokers

did not assert a "real property claim" and that, even if they alleged such a claim, they could not prove the claim's probable validity.

The trial court granted the motion, accepting Phangureh's first argument.

Although the trial court recognized the Shokers may be entitled to an interest in the properties if they win on the merits, the court concluded that none of the four causes of action asserted against Phangureh were "real property claims."

The trial court also awarded Phangureh \$2,760 in attorney's fees and costs, pursuant to the Code of Civil Procedure.⁴

A Writ of Mandate

The Shokers filed a petition for writ of mandate which automatically stayed the effectiveness of the trial court's expungement order.

Because writ review is the exclusive method for reviewing an order expunging a *lis pendens* and the Shokers' petition suggests a need to clarify this complicated area of the law, we issued an order to show cause.

The Shokers argued that the trial court erred by concluding that their constructive trust claim—which seeks reconveyance of the Shokers' 10 rental properties—is not a real property claim. The appellate court agreed that the trial court erred.

A court shall order a notice of *lis pendens* expunged if it determines that:

- The pleading on which the notice is based does not contain a real property claim;
- The claimant has not established, by a preponderance of the evidence, the probable validity of a real property claim; or
- Adequate relief can be secured by an undertaking. Although Phangureh raised both of the first two grounds for expungement in his motion, the trial court addressed only the first.

ERISA LAWYERS

**LONG TERM DISABILITY,
LONG TERM CARE, HEALTH,
EATING DISORDER, AND LIFE
INSURANCE CLAIMS**

**WE HANDLE BOTH
ERISA & BAD FAITH
MATTERS**

- California Federal and State Courts
- More than 20 years experience
- Settlements, trials and appeals

**Referral fees as allowed
by State Bar of California**

**Handling matters
throughout California**

818.886.2525

**KANTOR
& KANTOR LLP**

www.kantorlaw.net

**Dedicated to helping people
receive the insurance
benefits to which they
are entitled**

Unlike most motions, the party opposing a motion to expunge bears the burden to show the existence of a real property claim.

In considering whether the burden has been met, the court engages in a demurrer-like analysis. The trial court and the reviewing court both review the complaint to determine if a real property claim has been properly pled.

Here, the operative question was whether the Shokers' claim for constructive trust was a real property claim—that is, a cause of action that would, if meritorious, affect title to, or the right to possession of, specific real property.

Some actions present easy questions under the statute. A buyer's suit seeking specific performance of a real property purchase and sale agreement is obviously a real property claim.

On the other hand, an action for money damages alone is not a real property claim—even if it involves real property in some way.

Clarity Lacking

Despite the statute's straightforward language, it has never been entirely clear if a claim that seeks to impose a constructive trust on real property affects title to or possession of real property.

A constructive trust is an equitable remedy that compels a wrongdoer—one who has property or proceeds to which he is not justly entitled—to transfer same to its rightful owner.

These cases prove difficult, in part, because a constructive trust may be an appropriate remedy in a wide variety of circumstances. A constructive trust cause of action is not based on the establishment of a trust, but consists of the fraud, breach of fiduciary duty, or other act that entitles the plaintiff to some relief.

Two early cases held that an action supports a *lis pendens* if the plaintiff seeks a constructive trust or an equitable lien on specific real property.

The plaintiffs in both of those cases sought to impose constructive trusts against real properties that they had not previously owned and to which they did not claim title other than as a means to recover money wrongfully taken.

Many courts have since limited or rejected those cases, concluding that a plaintiff's request for a constructive trust should not be considered a real property claim, within the meaning of the Code, when the trust is sought only to secure payment of a debt.⁵

The appellate court viewed this later line of cases, which it referred to as the Urez line, as holding that allegations of equitable remedies, even if colorable, will not support a *lis pendens* if, ultimately, those allegations act only as a collateral means to collect money damages.

Reasoning Extended

One particular case from the Urez line of cases—BGJ Associates—is worth discussing in detail because it extends that reasoning one step further and supports the trial court's decision in this case.

In BGJ Associates, a group of partners formed a joint venture to buy real property.

Plaintiff partners sued other partners, and a third party, when the defendant partners usurped for themselves the partnership's opportunity to purchase one particular property.

The BGJ Associates court assumed the plaintiffs would be entitled, if their suit was meritorious, to a constructive trust remedy that would require the defendants to convey title to the plaintiffs.

Accordingly, the constructive trust claim appeared to meet the statutory definition of a real property claim: a cause of action that would, if meritorious, affect title to, or the right to possession of, specific real property.

The court also recognized that plaintiffs, by seeking to be awarded title to specified real property, presented

different circumstances from those at issue in the other Urez cases. Unlike those cases, plaintiffs were not seeking a constructive trust remedy solely as collateral for money damages.

Nonetheless, citing cases in the Urez line, the court rejected a literal interpretation of the statute.

A narrower approach was necessary, it reasoned, to avoid the potential for abuse of a *lis pendens*, which places a cloud on the property's title and would give unscrupulous attorneys undue leverage. The court therefore looked past the plaintiffs' real property claim to the broader “*substance*” of the dispute.

Because the plaintiffs' complaint also contained nine causes of action—out of a total of 11—that sought compensatory and punitive damages on fraud and tort theories, the court concluded that the case was essentially a fraud action seeking money damages, to which constructive trust allegations were merely appended.

The Analogy Rejected

The court rejected plaintiffs' analogy to specific performance claims, reasoning that the cases plaintiffs cited were distinguishable because they involved actions solely for specific performance.

The court concluded that plaintiffs who combine a real property claim with claims seeking money damages are not entitled to maintain a *lis pendens* on real property pending trial.

The danger is too great that a *lis pendens*, which effectively renders the property unmarketable, will have coercive effects.

The appellate court agreed with the Shokers that the BGJ Associates court's approach has since been discredited.

Even before BGJ Associates was decided, the Legislature revised the statutory scheme, in 1992, to curb potential abuse. It added as section to the Code, which requires a court to expunge a *lis pendens* if a plaintiff is unable to establish the “*probable*

validity” of her real property claim by a preponderance of the evidence.⁶

It replaced an earlier provision which only required the recording party to show the action was filed for a proper purpose and in subjective good faith.

The Code provides another route to expungement even if a real property claim has probable validity—so long as the moving party shows that adequate relief can be secured by a monetary undertaking.⁷

Another section changed the law by requiring—as opposed to merely authorizing—a court to award attorney’s fees and costs to the party prevailing on a motion to expunge, unless the other party acted with substantial justification or other circumstances would make such an award unjust.⁸

Abuse Discouraged

The Legislature intended these revisions to discourage abuse and make it easier to remove a recorded *lis pendens* before trial.

Although the Legislature did not alter the definition of “*real property claim*” in 1992, the legislative history explicitly recognized the conflicting case law and noted that the definition of “*real property claim*” neither includes nor excludes claims of constructive trust or equitable lien.

Our Supreme Court, in Kirkeby, relied on these changes to the statutory scheme to implicitly discredit the approach employed by BGJ Associates.

Kirkeby concerned a fraudulent conveyance claim by which the plaintiff hoped to regain title to specific real property. The court noted this claim by definition will affect title to or possession of real property.

The fact that the plaintiffs asserted 27 total causes of action, most of which sought damages, made no difference.

The court rejected the notion that, given the potential for abuse, it should look past the fraudulent conveyance claim to discern the plaintiffs’ overarching purpose.

A motion under the Code limits the court’s review to the pleadings to determine whether the allegations state a real property claim as defined by another section.^{9 10}

Kirkeby explained that it could not ignore the statute’s plain language and that the concern over misuse was diminished by the 1992 amendments.

If the definition of a real property claim proves problematic, “*it is up to the Legislature—and not this court—to change the law.*”

Kirkeby is not on all fours with this case, as it involved a fraudulent conveyance claim—a cause of action the Shokers have not alleged.

The Kirkeby court also emphasized that it was not addressing the question before us—whether a claim that seeks to impose a constructive trust may support a *lis pendens*.

Two Courts Erred

However, the appellate court was compelled by the Supreme Court’s reasoning to conclude that both the trial court and the BGJ Associates court erred.


The Shokers’ causes of action against Phangureh allege that he wrongfully acquired their properties via a conspiracy with Ghuman involving fraud and breach of fiduciary duties. The Shokers further allege that they are entitled to a constructive trust returning those same real properties to them.

As in Kirkeby, the Shokers’ claim falls squarely within the plain language of the statute: it “*would, if meritorious, affect...title*” to real property.

To the extent that the trial court dismissed the import of this real property claim by looking beyond it, in apparent reliance on BGJ Associates, the trial court erred.

Kirkeby rejected the argument that a court may disregard a well-pled real property claim simply because the plaintiff also seeks money damages.

Moreover, the Code of Civil Procedure does not restrict a *lis pendens* to actions where a real



**112 WAYS TO SUCCEED
IN ANY NEGOTIATION
OR MEDIATION**

SECRETS FROM A PROFESSIONAL MEDIATOR

STEVEN G. MEHTA

Steven G. Mehta is one of California’s premier, award-winning attorney mediators, specializing in intensely-difficult and emotionally-charged cases.

Steve’s book, **112 Ways to Succeed in Any Negotiation or Mediation**, will turbo-charge your negotiation skills regardless of your experience.

To schedule your mediation or order a copy of Steve’s new book, call **661.284.1818** or check with your local bookseller, preferred online retailer, or online at:

www.112ways.com or www.stevemehta.com

Locations in Los Angeles & Valencia
Mediations throughout California

property claimant only seeks title to, or possession of, specific real property.¹¹

In fact, it defines a real property claim to mean the cause or causes of action in a pleading which would, if meritorious, affect title to, or the right to possession of, specific real property.

Like the Kirkeby court, we decline to narrow the statute under the guise of judicially supplementing the Legislature's remedies for potential abuse of *lis pendens*.

This result serves the statute's aim to preserve the status quo during litigation while also recognizing a plaintiff's right to plead alternative remedies.

A trial court has additional ways to ferret out abuse—by reviewing the evidence supporting the real property claim or requiring an undertaking—which would also provide a more complete record for an appellate court to review.¹²

13

Two subtypes Identified

In reaching this conclusion, we note that we need not decide the continuing validity of the other cases in the Urez line. The case law distinguishes between two subtypes of constructive trust claims.

First, there are constructive trust claims that are akin to fraudulent conveyance claims because they seek a constructive trust on real property that was itself wrongfully taken and, if successful on the merits, the plaintiffs would regain title to or possession of the same property.

On the other hand, there are claims seeking a constructive trust or equitable lien on different property, merely as a means to secure collection of a debt.

Here, we are dealing with the former type of constructive trust claim—the Shokers claim a present right to title in the same real properties they claim were wrongfully obtained by Phangureh.

When legal title has been acquired through fraud any number of remedies are available and appropriate, including making legal title holder constructive trustee for benefit of defrauded equitable titleholder.

With the exception of BGJ Associates, the Urez line of cases deals with the latter use of constructive trust—where the plaintiff seeks to impose a constructive trust or equitable lien on real property only as a means to secure a debt.

Because constructive trusts arise in a wide variety of factual circumstances, courts should decide these cases on a case- by-case basis.

To the extent any cases within the Urez line can be read as holding that a constructive trust claim can never constitute a real property claim under the Code, the appellate court respectfully disagreed.¹⁴

Phangureh's suggestion—that a constructive trust claim can never be a real property claim because constructive trust is a remedy and not a cause of action—is also unpersuasive.

After all, no one doubts that an action seeking specific performance supports a *lis pendens*.

And specific performance is a remedy for breach of contract. Indeed, the statutory definition of a real property claim is based, in part, on the remedy—how a successful cause of action would “affect” title or possession of a property.

The trial court erred by granting Phangureh's motion to expunge the *lis pendens*.¹⁵


Because the probable validity motion and any award of fees should be decided by the trial court in the first instance, it did not need to address the Shokers' additional arguments.

Lessons Learned

A *lis pendens*—also called a notice of pendency of action—is a document filed with a county recorder that provides constructive notice of a pending lawsuit affecting the real property described in the notice.

Any party may record a *lis pendens* when the lawsuit involves a “real property claim,” and, unlike most motions, the party opposing a motion to expunge bears the burden to show the existence of a real property claim.

In considering whether the burden has been met, the court engages in a demurrer-like analysis with both the trial court and the reviewing court both reviewing the complaint to determine if a real property claim has been properly pled.

Lastly, because constructive trusts arise in a wide variety of factual circumstances, courts should decide these cases on a case- by-case basis. 



Robert Graf
DRE# 01469117

- Will provide all vendors necessary to prepare any property for sale.
- Attorney references provided upon request.
- Serving greater Los Angeles, Ventura, and Orange County areas.

PROBATE . TRUST . STANDARD SALES
O: 818.368.6265 | M: 818.399.9455 | E: bob@RobertGraf.com
www.RobertGraf.com | 11141 Tampa Ave., Porter Ranch, CA 91326



¹ *Shoker v. Superior Court of Alameda County*, Cal: Court of Appeal, 1st Appellate Dist., 5th Div., 2022.

² Code of Civil Procedure § 405.4.

³ *Id.*

⁴ *Id.* § 405.38.

⁵ *Id.* § 405.4.

⁶ *Id.* § 405.32.

⁷ *Id.* § 405.33.

⁸ *Id.* § 405.38.

⁹ *Id.* § 405.31.

¹⁰ *Id.* § 405.4.

¹¹ *Id.*

¹² *Id.* § 405.32.

¹³ *Id.* § 405.33.

¹⁴ *Id.* § 405.4.

¹⁵ *Id.* § 405.31.

A Night to Remember

OUR MEMBER APPRECIATION SUMMER PARTY was a great success! Sincere thanks go out to all SFVBA members for their support in making the July 14 event at the Woodland Hills Country Club a memorable experience for everyone in attendance.

We are very grateful to this year's sponsors who were at the Party to spotlight their wide range of services—ARC, Alternative Resolution Centers; Monique Bryher, Eurisko;

@teamlogicit_whca Arti Dutt, Team Logic IT; Terri Asanovich, Marriage and Family Therapist; BRG, Berkeley Research Group; UBS Financial Services, Barry Pinsky; and White Zuckerman Warsavsky Luna Hunt, CPAs.

A very special thanks also go out to the Bar's leadership, Events Committee, and staff, each of whom helped orchestrate the evening! 🏛️





VALLEY COMMUNITY LEGAL FOUNDATION OF THE SAN FERNANDO VALLEY BAR ASSOCIATION

CHARITY BEGINS WITH YOU

THE SAN FERNANDO VALLEY LEGAL COMMUNITY

CHARITABLE ARM OF THE SFVBA

SUPPORTING LEGAL NEEDS OF VALLEY
YOUTH, DOMESTIC VIOLENCE VICTIMS,
AND VETERANS

WORKING WITH JUDGES AND OTHERS
IN THE VALLEY LEGAL COMMUNITY

SPONSORING TEEN COURT CLUBS
AND LAW MAGNETS AT 9 VALLEY HIGH
SCHOOLS

PROVIDING EDUCATIONAL GRANTS FOR
LEGAL CAREERS

SUPPORTING LAW-RELATED PROJECTS
IN THE VALLEY

ASSISTING VALLEY RESIDENTS IN NEED

FUNDED BY DONATIONS FROM PEOPLE LIKE YOU

VCLF SUPPORTS THE FOLLOWING ORGANIZATIONS



RECENT SCHOLARSHIP RECIPIENTS INCLUDE STUDENTS AT



To donate to the VCLF or to learn more, visit
www.thevclf.org
and help us make a difference in our community





MCBA

2022 Summer Reception

Thursday, August 18, 2022

6:00 p.m. - 9:00 p.m.

Bonaventure Brewing Company
404 South Figueroa Street, 4th floor
Los Angeles, CA 90071

Network with colleagues in an outdoor setting and learn about the LASC Judicial Mentor Program

Speakers – Judge Helen Zukin and Judge Kimberley Guillemet

Members of MCBA Organizations: Free

Members of Judiciary: Free

Non-members: \$35

(No credit card payments will be received at the door)

Includes food and cash bar

RSVP by 08/12 via email to

tmacellaro@macellaroLaw.com

MULTICULTURAL
BAR ALLIANCE
OF SOUTHERN CALIFORNIA

MCBA SO CAL MEMBERS

- Arab American Lawyers Association of Southern California
- Armenian Bar Association
- Asian Pacific American Bar Association
- Asian Pacific American Woman Lawyers Alliance
- Black Women Lawyers of Los Angeles
- California Women Lawyers
- Iranian American Lawyers Association
- Irish American Bar Association
- Italian American Lawyers Association
- Japanese American Bar Association
- John M. Langston Bar Association
- Korean American Bar Association of Southern California
- Korean Community Lawyers Association
- Latina Lawyers Bar Association
- LGBTQ+ Lawyers Association of Los Angeles
- Mexican American Bar Association
- MABA-PAC
- Philippine American Bar Association
- San Fernando Valley Bar Association
- Santa Barbara Women's Lawyer Association
- South Asian Bar Association
- Southern California Chinese Lawyers Association
- Ventura County Asian American Bar Association
- Women Lawyers Association of Los Angeles

WE WANT YOU...TO WRITE FOR **VALLEY LAWYER**!



Do you have an idea for a magazine article? Have you always wanted to be published in an award-winning publication? Here's your chance to share your valuable hard-earned professional experience.

Plain and simple: **We want you to write for *Valley Lawyer* magazine.**

Suggested topics include product liability, probate and estate planning, cannabis law, elder abuse, tenant litigation, age discrimination, ERISA, patents and trademarks, litigation, and more.

Interested? Contact Michael White at (818) 227-0493 or michael@sfvba.org.

Referring the Best Attorneys Since 1948

The Attorney Referral Service of the SFVBA is a valuable service, one that operates for the direct purpose of referring potential clients to qualified attorneys. It also pays dividends to the attorneys involved. Many of the cases referred by the ARS earn significant fees for panel attorneys.

Programs

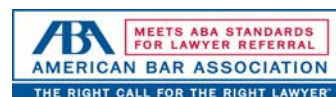
- Senior Citizen Legal Services
- Modest Means Program
- Speaker Bureau
- Family Law Limited Scope Representation

Hablamos Español



San Fernando Valley Bar Association

(818) 340-4529



www.SFVBArefferal.com

Retrospective



It was June 5, 1964 and Wallich's Music City invited the public to the party celebrating the debut of its new record shop at the Topanga Plaza shopping center in Woodland Hills.

The party was hosted by disc jockey Bill Ballance, who broadcasted the event from the KFWB 'Top 40' radio booth located at the new store.

Door prizes galore included a Magnavox color TV, a Magnavox stereo system, an Audion home organ, a Fender electric Stratocaster guitar, and hundreds of record albums.

Wallich's Music City was one of the first music stores in the country to seal record albums in cellophane and put them in display racks for customers to browse.

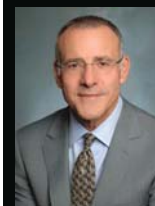
The racks were tabletop height trapezoid-shaped browser boxes that allowed the covers they contained to be viewed like a card index without damaging the sleeves.

The store was also the first to have demonstration booths for listening to records.



PERSONAL INJURY PRACTICE GROUP

(nearly 40 years of service in the Valley)



ANDREW L. SHAPIRO
Chair & Shareholder
ashapiro@lewitthackman.com



THOMAS CECIL
Shareholder
tcecil@lewitthackman.com



DAVID B. BOBROSKY
Shareholder
dbobrosky@lewitthackman.com

lewitthackman.com
(818) 990-2120



LEWITT | HACKMAN
SHAPIRO | MARSHALL | HARLAN
A LAW CORPORATION

Referral fees subject to California Bar rules.

CLASSIFIEDS

ATTORNEY-TO-ATTORNEY REFERRALS

STATE BAR CERTIFIED WORKERS COMP SPECIALIST

Over 30 years experience-quality practice. 20 percent referral fee paid to attorneys per State Bar rules. Goodchild & Duffy, PLC. (818) 380-1600.

SPACE AVAILABLE ENCINO

Encino Office in Class A Bldg. Appx. 14'x16' office w/floor to ceiling windows & 180° view of Valley in shared 1,100 ft 10th Fl Suite w/room for asst. Call Richard (818) 788-8900.

SHERMAN OAKS SUBLEASE

Large executive office (22'x18') with views of hills (btw. Woodman and Hazeltine). \$950/month. Secretary space available. Contact David (818) 907-9688.

SHERMAN OAKS

Single Office Space w/Secretarial Bay in Comerica Bldg. Professional suite with CPAs and Tax attorneys in the Sherman Oaks Galleria, 10th fl., 12 mo. lease. Amazing views. Relaxed atmosphere. First month & deposit due upon entry. Call (818) 995-1040.

WOODLAND HILLS SUBLET

Window Offices (apprx. 10'x14'), Class A Bldg, Ventura & DeSoto, unfurnished, secretarial bay avail, use of two conf rooms, copier/scanner. Call or text (805) 953-6747.

SUPPORT SERVICES PROFESSIONAL MONITORED VISITATIONS AND PARENTING COACHING

Family Visitation Services • 20 years experience offering a family friendly approach to high conflict custody situations • Member of SVN • Hourly or extended visitations, will travel • visitsbyllene@yahoo.com • (818) 968-8586/(800) 526-5179.

HIRING

The Reape-Rickett Law Firm seeks an Associate Attorney with 4-7 years of Civil Litigation or Family Law experience. Send resume and cover letter to scobos@reaperickett.com.

BURNED BY YOUR STOCKBROKER?

SECURITIES LAW CLAIMS AGAINST STOCKBROKERS

Stock Market Losses Caused by:

- Excessive Trading in Account
- Unsuitable Investments • Misrepresentation
- Variable Annuities • Breach of Fiduciary Duty
- Reverse Convertible Bonds

LAW OFFICES OF JONATHAN W. EVANS & ASSOCIATES

45 Years of Experience

Highest Avvo rating – 10.0 out of 10.0

FINRA Arbitrator

No Recovery - No Fee
Free Initial Consultation

Select by peers as
SECURITIES LITIGATION SUPERLAWYER
2007-2013 & 2015-2021

Call today for an appointment

(213)626-1881 • (800)699-1881

(818)760-9880

www.stocklaw.com

SFVBA Inclusion & Diversity and Membership & Marketing Committees

DINNER AT MY PLACE

*A member benefit to help
members get to know each
other in an intimate setting
and spur referrals.*



SFVBA MCLE

Seminars on Audio

COULDN'T ATTEND AN IMPORTANT SFVBA SEMINAR?

Most SFVBA
seminars since 2013
available on
audio CD or MP3.

Stay current and
earn MCLE credit.



Versatape

Who is Versatape?

Versatape has been
recording and marketing
audio copies of bar association
educational seminars to
California attorneys since 1983.

www.versatape.com
(800) 468-2737



PRESIDENT'S CIRCLE

WE RECOGNIZE THE FOLLOWING PRESIDENT'S CIRCLE MEMBERS FOR THEIR DEDICATION TO THE SFVBA AND THE COMMUNITY.

Alpert Barr & Grant APLC
Brot • Gross • Fishbein • LLP
Brutzkus Gubner Rozansky Seror Weber LLP
G&B Law, LLP
Kantor & Kantor LLP
Kraft Miles ALC
Law Offices of Gerald L. Marcus
Lewitt Hackman Shapiro Marshall
& Harlan ALC
Neighborhood Legal Services
of Los Angeles County
Nemecek & Cole
Oldman Cooley Sallus Birnberg
& Coleman
Stone | Dean
The Reape-Rickett Law Firm

- SFVBA membership for every firm attorney and paralegal
- Prominent listing in *Valley Lawyer* and firm logo on President's Circle page of SFVBA website
- Recognition and 5% discount on tables at Bar-wide events, including Judges' Night
- Invitations to President's Circle exclusive events with bench officers, community leaders and large firms

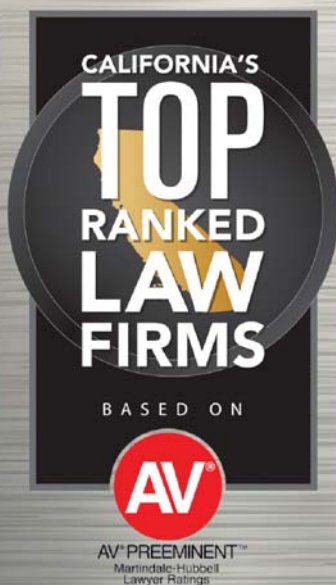
Contact SFVBA Executive Director Rosie Soto Cohen at (818) 227-0497 or rosie@sfvba.org to sign up your firm today!



LEWITT | HACKMAN

SHAPIRO | MARSHALL | HARLAN

A LAW CORPORATION



16633 Ventura Boulevard, Eleventh Floor
Encino, California 91436

lewitthackman.com
818.990.2120