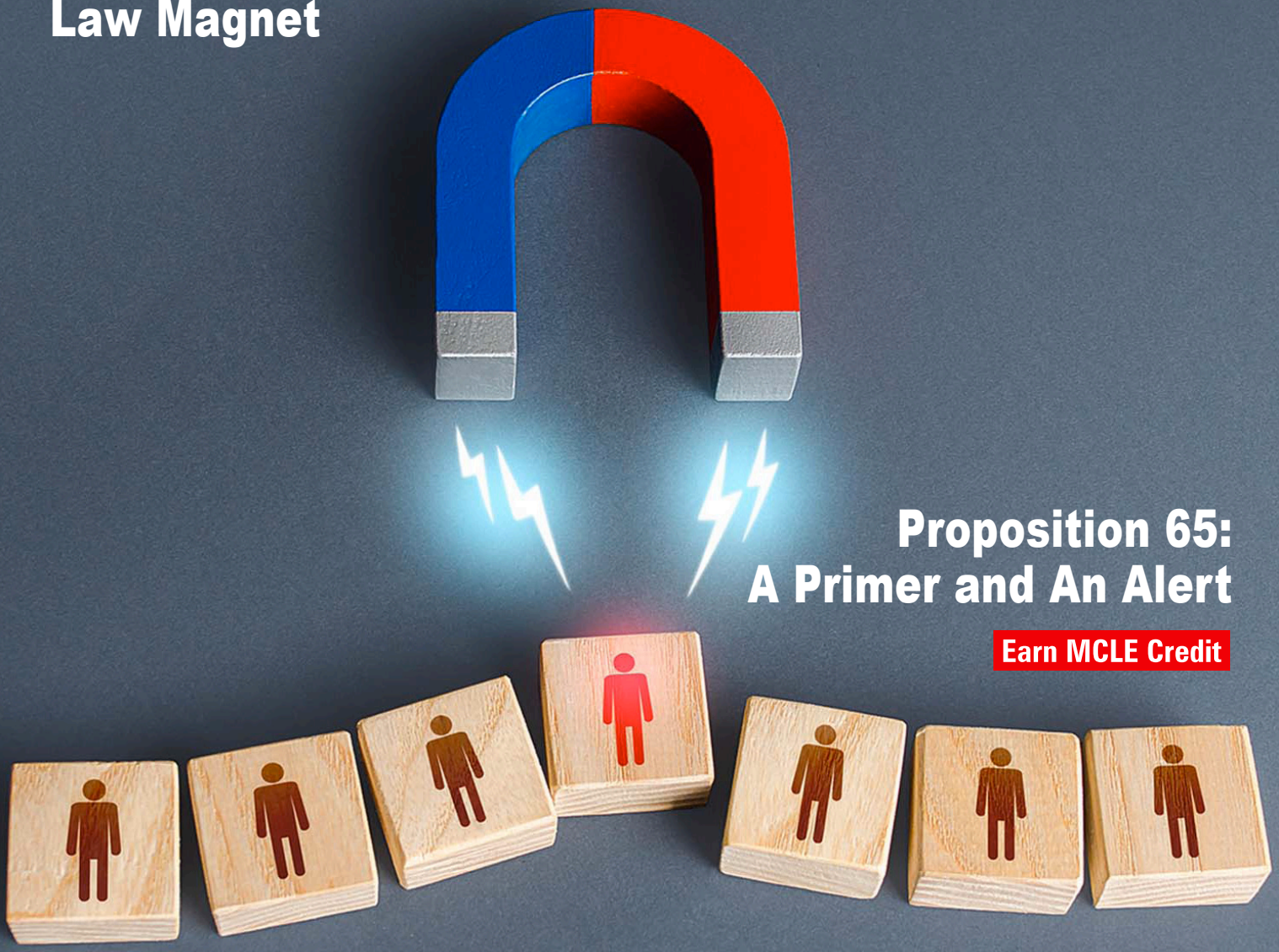
VALLEY LAWYER

APRIL 2022 • $5

A Publication of the San Fernando Valley Bar Association

Positive Attraction: The Valley's Own Law Magnet



Proposition 65: A Primer and An Alert

Earn MCLE Credit

www.sfvba.org

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

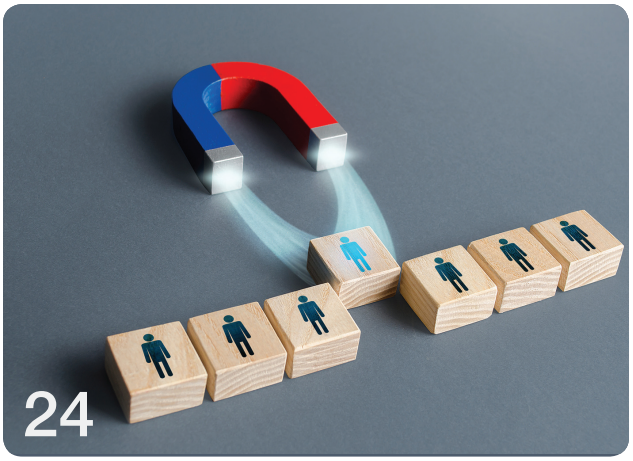
16633 Ventura Boulevard, 11th Floor
Encino, California 91436-1865

lewitthackman.com

818.990.2120

CONTENTS

VALLEY LAWYER
A Publication of the San Fernando Valley Bar Association



FEATURES

DEPARTMENTS

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

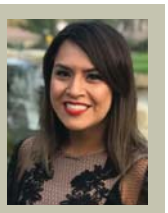
EDITOR
Michael D. White

GRAPHIC DESIGNER
Marina Senderov

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.

Moving Forward

ROSIE SOTO COHEN
Executive Director



rosie@sfvba.org

I RECENTLY HAD A CONVERSATION WITH AN attorney, a longtime member of the SFVBA and an active member of our family law section.

Her inquiry was specific to membership in the Bar's Attorney Referral Service, but the conversation itself was familiar in that many members are looking to get actively involved, grow their practice, help the community and join the conversation about the future of the organization.

In speaking with members, I feel proud and fortunate that the Bar—which is nearing its centennial anniversary in 2026—is now in a position to safely offer in-person events.

This month, the members have several events to look forward to—for instance, the Probate Section Ice Cream Social, a program, spearheaded by Nancy Reinhardt and John Rogers, that was a long time coming.

The Probate Section has a loyal group of members, including attorneys, business professionals well-known in their industries, and loyal supporters of the Bar. Delicious ice cream from Dandy Don's in the beautiful Carlton Plaza courtyard is a perfect spring afternoon, indeed to be enjoyed.

This year's 2nd Annual Mock Trial competition, spearheaded by SFVBA Trustee Kyle Ellis, who also serves as Mock Trial Committee Chair, was held remotely.

The two-day competition featured 11 teams with more than 80 participants, including volunteers, competitors, coaches, judicial officers, and sponsors. It received much hype, and its success in 2021 and this year have already paved the way for the event's future achievement.

Team K from the UC Davis School of Law won the competition with Team A from the Pepperdine Caruso School of Law coming in a very close second.

The Committee is already planning the 2023 competition as there is a lot of excitement and support for future in-person events.

The Bar's Bench Bar Committee has resumed virtual meetings, and we look forward to keeping the members abreast of courthouse activities, as well as retirements, facility updates, budgets, and how the members can help and show support for our Valley courts.

However, members are invited to reach out to the Committee Co-Chairs—Past President Caryn Sanders and Past President Yi Sun Kim—with information about your respective practice area and any concerns not related to a particular case that we, as the Bar Association, may be able to help with.

The Committee's quarterly meetings are with the local supervising judges, including Judge Virginia Keeny, Judge David Gelfound. This month we look forward to welcoming Judge Robin Miller Sloan. Visit the Bench Bar Notes page on the SFVBA website for frequent updates.

I want to personally invite all members to the SFVBA's Installation Celebration. The Programs Committee, under the direction of SFVBA Treasurer Amanda Moghaddam, has programmed a lovely Installation Celebration for the SFVBA Board of Trustees and the Valley Community Legal Foundation Board of Trustees.

On Tuesday, April 26, 2022, the Bar will celebrate the event at The Garland Hotel in Studio City from 5:30-7:30 p.m. with cocktails, appetizers, and fantastic networking opportunities, all under the stars. It's going to be a great time! Tickets are only $75, as, this year, we've planned a more modern outdoor cocktail reception rather than a more formal sit-down indoor dinner event.

Judges' Night planning is underway, and the Committee is arranging a more traditional evening to recognize this year's honorees and a celebration of the bench officers who serve our Valley community. This month, the Board will meet to vote on the event's honorees.

After a long hiatus, Installation Celebration and Judges' Night in June will be two fine events you won't want to miss.

San Fernando Valley Bar Association
founded in 1926

Sponsor

THE SFVBA'S 2ND ANNUAL MOCK TRIAL COMPETITION

April 8 & 9, 2022

Via Zoom

$750 AWARD PRESENTERS

ONLY 2 SPOTS LEFT!

Presenters appear on Zoom at Award Ceremony to Intro Themselves and Give Individual Award: Best Advocate, Best Opening, Closing, Cross or Direct Exam
Top billing on all Promotional Material

ALPERT BARR & GRANT
A Professional Law Corporation

LH
LEWITT | HACKMAN
SHAPIRO | MARSHALL | HARLAN
A LAW CORPORATION

KM KRAFT MILES
A LAW CORPORATION

$500 FIRST CHAIR SPONSORS

UNLIMITED!

Recognition at Award Ceremony Prominent Billing on all Promotional Material

LANDMARK ESCROW
MICHAEL KENDRICK
ESCROW OFFICER | MANAGER

ALLEGUEZ | NEWMAN | GOODSTEIN LLP
ATTORNEYS

$250 SECOND CHAIR SPONSORS

UNLIMITED!

Name included on all Promotional Material

FLANS & WEINER, INC.
REAL ESTATE AUCTIONEERS

BANC OF CALIFORNIA

ARC
ALTERNATIVE RESOLUTION CENTERS
A LIMITED LIABILITY COMPANY

VOLUNTEER

Practicing Attorneys and Bench Officers Needed for April 8!

EVENT INFORMATION

Sponsor the SFVBA's Second Annual Mock Trial Competition where teams from California law schools will go head-to-head to be the San Fernando Valley Bar Association's Mock Trial Champions.

Law student scholarships graciously provided by the Valley Community Legal Foundation

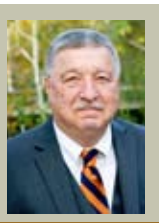
PLEASE CONTACT

Kyle Ellis (858) 373-8122 | elliskylem@gmail.com
Linda Temkin (818) 227-0495 | events@sfvba.org

VCLF

Fond Memories!

MICHAEL D. WHITE
SFVBA Communications Manager



michael@sfvba.org

ASK ANYONE ABOUT THEIR high school experience and, sometimes, a dark cloud descends like a pall on the conversation. Those years, for some, were, well, not a good time. Details are not necessary, and are probably best left to fade in the rear view mirror.

One the other side of the coin, so to speak, while assembling the components of this month's cover article on the Law Magnet program at James Monroe High School, I was bowled over by the enthusiasm and fond memories that Los Angeles Superior Court Judge David Yaraslovsky, a graduate of the program, still has for his time there.

Though some 20 years have passed, he credits his teachers and the program for helping lighten the load of law school and pave his path to the Bench.

"The curriculum was really wonderful and very interesting," he told me. "From soup to nuts, from ninth grade to 12th grade, my experience at Monroe was great, the teachers were outstanding. I loved the school so much, and I love the teachers so much. It was a truly wonderful experience."

Just as this issue of *Valley Lawyer* was 'going to press,' *the National Law Review* reported that San Diego-based craft brewer Stone Brewing, an early leader during the explosion of craft beer in the early 2000s, had won its years-long trademark battle with beer conglomerate MillerCoors—now doing business as Molson Coors.

The company had filed suit in 2018, with co-founder and executive chairman Greg Koch announcing that his company was, Goliath-like, "taking on 'Big Beer.'"

An eight-member jury unanimously awarded Stone Brewing $56 million in damages following a three-week trademark infringement trial over MillerCoors' use of the craft brewer's "stone" trademark to advertise and market the rebranded Keystone Light economy beer in 2017.

> "I was bowled over by the enthusiasm and fond memories that Los Angeles Superior Court Judge David Yaraslovsky."

Stone Brewing had asked jurors for a $216 million award for past and future losses and to cover the costs of a corrective advertising campaign "to do damage control to the consumer confusion caused by having two beers on store shelves with the name 'stone.'"

A great lead-in to Norman J. Leonard's entertaining and informative article in this issue on craft-beer names and trademark law.

The piece joins a primer MCLE on the influence and scope of Proposition 65, which became law in 1986 in an effort to educate businesses as to their responsibility to warn consumers and workers of the hazards of being unknowingly exposed to potentially toxic materials.

Plus, a run-down of California laws aimed at mitigating the impact of disasters such as wildfires and earthquakes; and a look at deal memos, particularly as they relate to the entertainment industry.

We've also got a piece on the SFVBA's Business Law and Real Property Section by the new Section Chair, Norman L. Chernin, who outlines his goals and plans to "revitalize" the group; an interesting Bar Notes column; and a Retrospective look-back at a Valley icon—the Van Nuys Drive-In Theatre.

All in all, a good read. Regards.

VALLEY COMMUNITY LEGAL FOUNDATION

SAN FERNANDO VALLEY BAR ASSOCIATION
&
VALLEY COMMUNITY LEGAL FOUNDATION

San Fernando Valley Bar Association
founded in 1926

Installation Celebration

TUESDAY
APRIL 26
5:30 PM

The Garland
4222 Vineland Avenue
North Hollywood, CA 91602

An Evening of Celebration. Short on speeches, long on socializing and fun. Gourmet appetizers and drinks. Business attire.

Ticket price: $75 per person

Supported by

PLATINUM SPONSORS

ALPERT BARR & GRANT
A Professional Law Corporation

G&B LAW

Nemecek Cole Law Firm

DIAMOND SPONSOR

LEWITT | HACKMAN
SHAPIRO | MARSHALL | HARLAN
A LAW CORPORATION

BFFs OF THE SFVBA

C&K CORNELIUS & KASENDORF, APC ATTORNEYS AT LAW

ACTS ABIR COHEN TREYZON SALO, LLP

ERIN JOYCE LAW, PC

FRIENDS OF THE SFVBA

Barry P. Goldberg, APLC | University of West Los Angeles | Nolan Heimann LLP
Glick Atalla, APLC | Kyle Ellis | Amanda Moghaddam | ADR Services, Inc.
Packer O'Leary & Corson APLC | One Legal | Judicate West

GOLD SPONSORS

THE REAPE-RICKETT LAW FIRM
DivorceDigest.com

KM KRAFT MILES A LAW CORPORATION

SILVER SPONSORS

MB MANUFACTURERS BANK
A MEMBER OF SMBC GROUP

LAWYERS MUTUAL INSURANCE COMPANY

BRONZE SPONSOR

ITSUPPORTLA

Contact events@sfvba.org for more sponsorship opportunities.

To ensure the safety of guests and staff attending the event, the Bar and venue will work with state and local health officials to implement CDC public health guidance.

Plans for the Future

NORMAN L. CHERNIN
Chair, SFVBA Business Law and Real Property Section

normanchernin@icloud.com

AS THE NEW CHAIR OF THE Business Law and Real Property Section, I want to begin by introducing myself, with a bit about my background, and then sharing my thoughts on how we can revitalize the Section.

I have been a practicing attorney in California for more than fifty years, first as a litigator and then segued into work in transactional real estate law, primarily as in-house counsel. For about half my career, I handled every aspect of real property activity, including sales and acquisitions, mortgage lending, development and leasing.

During that time, I oversaw all the legal matters related to the development of approximately nine thousand acres of land in Westlake Village, as well as all the legal issues related to the Sherman Oaks Galleria from its completion to its transfer to a joint venture.

During the second half of my career, I served as Underwriting Counsel for First American Title Insurance Company and then for the Fidelity Group of companies—Chicago Title, Commonwealth Land Title, Fidelity Title and Ticor Title.

If you represented an owner, lender or buyer of a substantial real property asset, it is likely that I was involved either directly with you or indirectly advising title officers and escrow officers concerning issues that arose in your transaction.

Since July 2018, I have been acting as a consultant to lawyers on title-related issues, and as an expert witness in related lawsuits.

Throughout my career, I have been active in the Los Angeles County Bar Association Real Property Section and the Real Property Law Section of the California Lawyers Association, which was formed several years ago to assume oversight of Sections previously part of the State Bar.

In addition, I am a former chair of the LACBA Section and a former member of, and current advisor to, the Executive Committee of the State Section.

I believe strongly in the benefits derived from active participation in law association activities. The sharing of current information, expertise and experiences with other lawyers practicing in the field has helped me repeatedly over the years, not only through participation in MCLE presentations and other programs, but also by serving as a speaker or panelist at numerous events.

My vision for a successful Section begins with such active participation. I would like to see the formation of a Section Executive Committee, particularly because the areas of practice by business and real estate lawyers is so expansive.

For that reason, I believe that we also need officers who, at a minimum, include Vice Presidents for Business Law and Real Property, respectively, as well as a Treasurer and a Secretary.

I would also like to see the Section create and promote, whenever possible, regular MCLE programs featuring speakers drawn from our membership.

And most importantly, I hope that we can interest more lawyers, especially including attorneys from diverse backgrounds, who have not been active before, to join the Section because they recognize its value.

I recognize that these proposals are challenging tasks, and know they cannot be effectively implemented without involvement by many others, yet I hope that this personal introduction and my goals for the Section will entice you to join this effort.

I want to encourage you to share your thoughts and ideas, suggestions and willingness to participate by contacting me, and I look forward to meeting and working with everyone in the SFVBA Business Law and Real Property Section as we move forward.

San Fernando Valley Bar Association
founded in 1926

SFVBA PROBATE AND ESTATE PLANNING SECTION

ice cream Social

FRIDAY, APRIL 1, 2022

4:30 PM – 5:30 PM

SFVBA Courtyard
20750 Ventura Blvd., Woodland Hills

Join us and toast each other with a homemade Dandy Don's Sundae!

Probate and Estate Planning Section Members Only!

Sponsored by

Reservations Required! RSVP events@sfvba.org or call (818) 227-0495

The SFVBA adheres to all Los Angeles County and City Public Health Guidelines. Masks are recommended for any time spent indoors, though the event will be held in the outdoor courtyard!

CALENDAR

APRIL 2022

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4 VBN VALLEY BAR NETWORK MEETING 5:30 PM SCV Bar First Annual Charity Golf Tournament THE OAKS CLUB VALENCIA See ad on Page 41	5 WEBINAR Probate and Estate Planning Section 12 *TWO TOPICS FOR THE "PRICE" OF ONE: The Shifting Paradigm of Conservatorships and Attorney Fees Post AB1194* 12:00 NOON Hon. Mary Thornton House, Ret., Hon. Kim Hubbard, and Hon. Ana Maria Luna share their insight and perspectives on the intricacies of AB-1194. (1 MCLE Hour) ZOOM MEETING Board of Trustees 6:00 PM	6	7	8–9 THE SFVBA'S 2ND ANNUAL MOCK TRIAL COMPETITION Via Zoom See ad on Page 12	
10	11		13	14 ZOOM MEETING Membership and Marketing Committee 6:00 PM	15  	16
17  	18	19 WEBINAR Taxation Law Section *IRS Penalties: Overview and Waiver Opportunities for Lack of Supervisory Approval* 12:00 NOON Professor Monica Gianni will provide an overview of the IRS penalty regime and discuss opportunities taxpayers and their advisers can use to request waiver of the penalties for lack of supervisory approval. (1 MCLE Hour) SFVBR–San Fernando Valley Bar Review *A Social Gathering!* 6:00 PM – 8:00 PM LA CORONA BAR AND GRILL VIP ROOM 16623 SHERMAN WAY VAN NUYS, CA 91406 Join this monthly gathering of Bar Leaders, attorneys, friends and associates. Each month a different locale, each month a chance to connect with old friends and new. No Host Bar. This month the San Fernando Valley Bar Review travels to Lake Balboa. Come join the ARS Associate Director Miguel Villatoro, President Elect Matthew Breddan, and members of the ARS Board.	20	21 WEBINAR Business Law and Real Property and Probate and Estate Planning Sections *How To Protect Your Estate/Conservatorship in the Real Estate Sale Now that the Probate Purchase Agreement Has Been Eliminated!* 12:00 NOON Sponsored by Dilbeck REAL ESTATE Anngel Benoun of Dilbeck Realty presents and will discuss how to navigate the pitfalls. Don't miss this timely seminar. Free to All Members! (1 MCLE Hour) See ad on Page 35 ZOOM MEETING Inclusion and Diversity Committee Meeting 12:15 PM	22  	23
24	25	26  	27	28 SCV Bar *High School Speech/ Essay Competition* 6:00 PM – 8:00 PM WEST RANCH HIGH SCHOOL Los Angeles Superior Court Judges will comprise the scoring Panel. Contact Sarah for more info (661) 505-8670.	29	30

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

By reading this article and answering the accompanying test questions, you can earn one MCLE credit. To apply for the credit, please follow the instructions on the test answer form on page 21.

By Stephen T. Holzer and Steven L. Feldman

Proposition 65:
A Primer and An Alert

Enacted in 1986, Proposition 65 was enacted to warn consumers, workers, and others that they were unknowingly being exposed to harmful, cancer-causing chemicals and reproductive toxicants, and that a mechanism was needed to warn them of potential exposure.


AQUAVISTA
AQUAVISTA
AQUAVIS
COUNTRY TIME

IN 1986, CALIFORNIANS VOTED 63 PERCENT to 37 percent to add several sections—namely, 25249.5 through 25249.13—to the California Health & Safety Code, also known as the Safe Drinking Water and Toxics Exposure Act of 1986.

These statutes, commonly known as Proposition 65, were enacted because of a belief on the part of the public that consumers, workers, and others were unknowingly being exposed to cancer-causing chemicals and reproductive toxicants, and that a mechanism needed introduction to warn them of potentially harmful exposure.[1]

Proposition 65 requires California businesses employing ten or more persons to warn people if the business' product or business' working environment exposes an individual to carcinogens or reproductive toxicants.[2]

Specifically, the Health & Safety Code states:

> *"No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual…".*[3]

> "Keeping abreast of, and complying with, the regulations and their revisions over time is the best way to avoid exposure to a potentially expensive Proposition 65 claim."

The precise methods of providing "clear and reasonable" warnings are set forth in regulations promulgated by the state Office of Environmental Health Hazard Assessment, colloquially known as OEHHA.[4]

These regulations specify the text of the warnings to be given about carcinogens and reproductive toxicants and how the warnings are to be given, whether to:

- Exposed consumers;[5]
- Exposed persons in indoor environments and in outdoor environments with clearly defined entrances;[6]
- Exposed employees;[7] and,
- Persons exposed in a wide variety of other contexts such as alcoholic beverages; food; prescription drugs; dental care; wood dust; furniture products; diesel engines; vehicles; recreational vessels; parking facilities; amusement parks; petroleum products; service stations and other vehicle repair facilities; smoking areas; canned and bottled foods; hotels; residential rental property; and rental vehicles.[8]

For a business to have a warning obligation, of course, first requires a determination as to whether or not a specific chemical associated with the business is a carcinogen or a reproductive toxicant.

H & S Section 25608 specifies the method for making this determination:

> *"A chemical is known to the state to cause cancer or reproductive toxicity within the meaning of this chapter if in the opinion of the state's qualified experts it has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer or reproductive toxicity, or if a body considered to be authoritative by such experts has formally identified it as causing cancer or reproductive toxicity, or if an agency of the state or federal government has formally required it to be labeled or identified as causing cancer or reproductive toxicity."*[9]

The Governor is tasked with determining, in a publication popularly known as the "Governor's List", which chemicals are "*known to the state to cause cancer or reproductive toxicity*."[10]

As a practical matter, the Governor delegates this task to the Carcinogen Identification Committee (CIC) and Developmental Reproductive Toxicant Identification Committee (DARTIC), and the Governor just accepts these Committees' recommendations.

The list of chemicals identified as carcinogens or reproductive toxicants is by statute required to be published at least once a year and is published as often as every six months.[11] [12]

There are exceptions to listing of a chemical if the regulated business can show that the exposure at issue to the chemical "*poses no significant risk assuming lifetime exposure at the level in question for substances known to the state to cause cancer, and that the exposure will have no observable effect assuming exposure at one thousand (1000) times the level in question for substances known to the state to cause reproductive toxicity…*".[13]

Stephen T. Holzer is a former President of the San Fernando Valley Bar Association. Both he and **Steven L. Feldman** are shareholders in the firm's environmental practice group at Lewitt Hackman in Encino. They can be reached, respectively, at sholzer@lewitthackman.com and sfeldman@lewitthackman.com.

LawPay®

AN AFFINIPAY SOLUTION

+

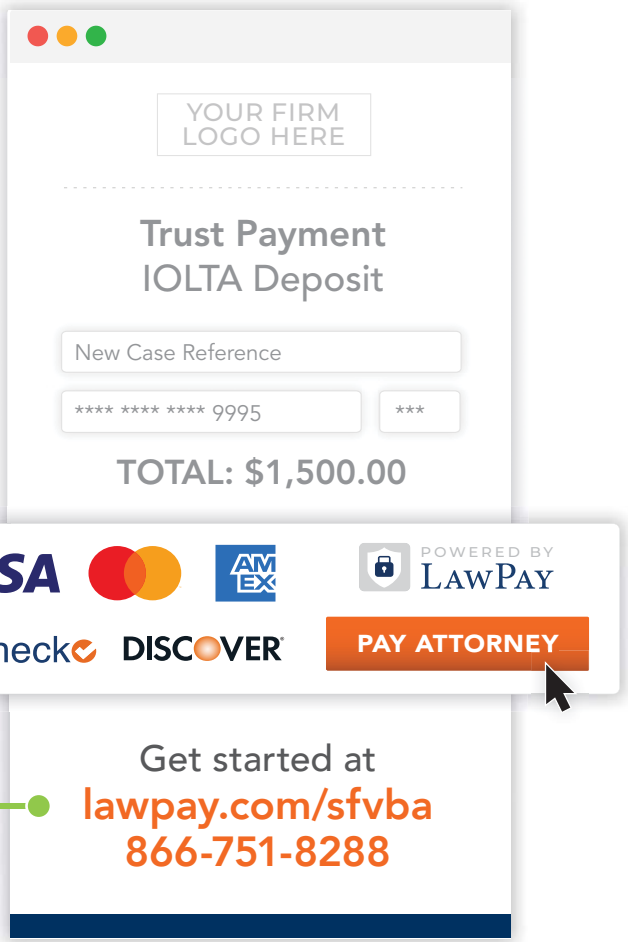
San Fernando Valley Bar Association

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**



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.

This is a very difficult burden to meet and therefore most business which receive a Notice of Violation or which face actual litigation settle rather than litigate claims that exposure to a listed chemical violates Proposition 65 because no warning has been given.[14]

Such businesses are at a significant disadvantage in litigation because the claimant can, if successful, obtain an award of attorneys' fees, whereas the businesses have no such right even if the court concludes they are not liable.

The penalty for violating the warning requirements of Proposition 65 can be up to $2,500 a day, which may be civilly enforced by the Attorney General, certain local prosecutors and, if the government does not prosecute, by a private individual acting as a "*private attorney genera*l."[15] [16]

The Short-Form Warning

Since the warning requirements under Proposition 65 are specifically governed by Title 27 of the Code of Regulations, it is important for the regulated community to keep track of changes in the regulations over time.

For example, providing a long-form warning may be difficult to place on some products' relatively small label.[17]

As a result, the regulated business may, pursuant to 27-25603 (b), opt to use a short-form warning.

A short-form warning may be provided on the product label using all the following elements—the symbol required in subsection (a)(1), and the word "**WARNING**:" in all capital letters, in bold print. For exposures to listed carcinogens, the words, "*Cancer - www.P65Warnings.ca.gov*;" for exposures to listed reproductive toxicants, the words, "*Reproductive Harm - www.P65Warnings.ca.gov*;" and , for exposures to both listed carcinogens and reproductive toxicants, the words, "*Cancer and Reproductive Harm - www.P65Warnings.ca.gov*."

Note that, additionally "*The entire short-form warning must be in a type size no smaller than the largest type size used for other consumer information on the product. In no case shall the warning appear in a type size smaller than 6-point type*."[18]

It is important to notice that the above-referenced regulations provide no size restriction on product labels.

Thus, business have taken the opportunity to use the short-form warning even where the product label is itself big enough to support the long-form label.

This concern, among others, has led to OEHHA proposing new restrictions[19] on the use of short-form labels. For example, 27-25602 (a) (4) (on short-form warnings) under the present regulations reads:

> "*A consumer product exposure warning meets the requirements of this subarticle if it complies with the content requirements in Section 25603 and is provided using one or more of the following methods…(4) A*

short-form warning on the label that complies with the content requirements in Section 25603(b). The entire warning must be in a type size no smaller than the largest type size used for other consumer information on the product. In no case shall the warning appear in a type size smaller than 6-point type."

The proposed new language, with changes, reads:

"*(4) A short-form warning on the label that complies with the content requirements in Section 25603(b). The short-form warning may only be used if: (A) The total surface area of the label available for consumer information is 12 square inches or less, and; (B) the package shape or size cannot accommodate the full-length warning described in Section 25603(a), and; (C) The entire warning is printed must be must be in a type size no smaller than the largest type size used for other consumer information on the product. In no case shall the warning appear in a type size smaller than 6- point type."*

Further, if a short-form warning is provided on a product label, a short-form warning may be used in a business' catalogues, as specified below.[20]

The new regulations also amend the short-form warnings to be given for internet and catalog their purposes pursuant to new proposed sections 27-25602 (b) and (c), which provide changes from the language of the existing regulation and /or from previous proposed iterations that:

"(b) For internet purchases, a warning that complies with the content requirements of Section 25603(a) must also be provided by including either the warning or a clearly marked hyperlink using the word "WARNING", or the words "CA WARNING:" or "CALIFORNIA WARNING:" on the product display page, or by otherwise prominently displaying the warning to the purchaser prior to completing the purchase. ~~If warning is provided using the short-form warning label content pursuant to Section 25602(a)(4), the warning provided on the website may use the same content.~~ If the warning is provided using the short-form warning label content pursuant to Section 25602(a)(4), the warning provided on the website may use the same content. For purposes of this sub-article, a warning is not prominently displayed if the purchaser must search for it in the general content of the website."

"*(c) For catalog purchases, a warning that complies with the content requirements of Section 25603(a) must also be provided in the catalog in a manner that clearly associates it with the item being purchased. ~~If a short-form warning is being provided on the label pursuant to~~*

~~*Section 25602(a)(4), the warning provided in the catalog may use the same content.*~~ *If a short-form warning is being provided on the label pursuant to Section 25602(a)(4), the warning provided in the catalog may use the same content.*"[21]

Avoiding Potential Claims

As many businesses have already learned, there is a legal cottage industry focused of pursuing Proposition 65 claims against employers which have 10 or more employees.

As Proposition 65 regulations change, so do the obligations of these employers.

Defending against a Proposition 65 claim is difficult because, once the claimant shows that there is exposure to a listed carcinogen of reproductive toxicant, the burden shifts to the employer to demonstrate that the chemical poses no danger to human health.

Keeping abreast of, and complying with, the regulations and their revisions over time is the best way to avoid exposure to a potentially expensive Proposition 65 claim.

---

[1] Given the length of this article, it is not possible to survey either the entire scope of Proposition 65 or the regulatory changes that are occurring in 2022. This article is designed merely to provide the broad outline of the Proposition and to provide an example of the constantly changing Proposition 65 regulatory environment. The reader should consult Health & Safety Code 25249.5 through 25249.13 and 27 CCR Sections 25601-25607.2 for a complete explication of both the Proposition and its regulatory framework.

[2] California Health & Safety Code § 25249.11. Defined as an employer of 10 or more persons.

[3] *Id.* § 25249.6.

[4] 27 California Code of Regulations §§ 25601-25607.2.

[5] *Id.* §§ 27-25603 to 25603.3.

[6] *Id.* §§ 27-25604 to 27-25605.

[7] *Id.* §§ 27-25606.

[8] *Id.* §§ 27-2607-2607.26.

[9] *Id.* §§ 27-25608 (b).

[10] California Health & Safety Code § 25249.8 (b).

[11] *Id.* 25249.8 (a)-(c).

[12] The most recent list is dated December 31, 2021 and can be found https://oehha.ca.gov//proposition-65-list.

[13] California Health & Safety Code § 25259.10 (c).

[14] If the claim at issue is brought by a private party acting as a private attorney general, the prospective defendant must be given 60 days' notice before suit can be brought and the private party must be able to show that no specified government entity is diligently pursuing an action on account of the alleged violation. 27-25249.7 (c)-(d).

[15] California Health & Safety Code § 252499 (b).

[16] *Id.* 25249.7 (c).

[17] See 27-25603 (a) (1), which sets forth iterations of the long-form warning; e.g., the warning requires a symbol consisting of a black exclamation point in a yellow equilateral triangle with a bold black outline. Where the sign, label or shelf tag for the product is not printed using the color yellow, the symbol may be printed in black and white. The symbol shall be placed to the left of the text of the warning, in a size no smaller than the height of the word "WARNING," and the word "**WARNING**:" in all capital letters and bold print, and, for exposures to listed carcinogens, the words, "*This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer. For more information, go to www.P65Warnings.ca.gov*".

[18] 27 California Code of Regulations § 27-25602 (a) (4).

[19] *Id.* § 27-25602 (e). The revised regulation discussed herein is expected to be finalized shortly; and when finalized, businesses will have a year before the revision becomes effective.

[20] *Id.* § 27-25602 (c).

[21] For all the short-form warning revisions taking place, please review CCR §§ 27-25602, 27-25603 and 27-25607.1.

Proposition 65: A Primer and An Alert Test No. 162

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. Businesses in California must have 10 or more employees before the businesses are subject to Proposition 65 requirements?
❑ True ❑ False

2. Proposition 65 was enacted by the Legislature.
❑ True ❑ False

3. Proposition 65 is only concerned with chemicals known to cause cancer.
❑ True ❑ False

4. Proposition 65 requires warnings to people only in indoor environments.
❑ True ❑ False

5. Proposition 65 does not apply to canned foods.
❑ True ❑ False

6. The government publishes a list of chemicals which states whether they cause cancer or reproductive toxicity.
❑ True ❑ False

7. Whether a chemical is deemed to cause cancer or reproductive toxicity is determined by committees designated by the government to make those determinations.
❑ True ❑ False

8. The law requires the list of cancer-causing chemicals and reproductive toxicants to be updated at least once a year.
❑ True ❑ False

9. Once a business has been charged with failing to provide a Proposition 65 warning regarding a listed chemical, it is impossible for the business to show that the warning is unnecessary.
❑ True ❑ False

10. Only the State Attorney General is authorized to file a lawsuit against a business for violation of Proposition 65.
❑ True ❑ False

11. Violations of proposition 65 are criminal offenses.
❑ True ❑ False

12. The government provides language that the business can use to give the required warnings.
❑ True ❑ False

13. Proposition 65 does not require that businesses subject to the proposition give warnings on the business' web page.
❑ True ❑ False

14. If a business elects to sue a "short-form" warning, the size of the warning is regulate by Proposition 65.
❑ True ❑ False

15. The warning required by Proposition 65 must include a symbol.
❑ True ❑ False

16. A short-form warning can be used no matter the size of the product label.
❑ True ❑ False

17. Proposition 65 regulates warnings to be given for Internet purchases.
❑ True ❑ False

18. Businesses which violate Proposition 65 can be subject of $2,500 a day in penalties.
❑ True ❑ False

19. A business allegedly violating Proposition 65 must be given 60 days' notice by the government before being subject to government lawsuit.
❑ True ❑ False

20. The State Office of Environmental Health Hazard Assessment has not promulgated regulations regarding Proposition 65.
❑ True ❑ False

Proposition 65: A Primer and An Alert MCLE Answer Sheet No. 162

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.	❑ True	❑ False
2.	❑ True	❑ False
3.	❑ True	❑ False
4.	❑ True	❑ False
5.	❑ True	❑ False
6.	❑ True	❑ False
7.	❑ True	❑ False
8.	❑ True	❑ False
9.	❑ True	❑ False
10.	❑ True	❑ False
11.	❑ True	❑ False
12.	❑ True	❑ False
13.	❑ True	❑ False
14.	❑ True	❑ False
15.	❑ True	❑ False
16.	❑ True	❑ False
17.	❑ True	❑ False
18.	❑ True	❑ False
19.	❑ True	❑ False
20.	❑ True	❑ False

NEW SUPREME COURT JUSTICE: Judge Patricia Guerrero has been sworn-in as a Justice of the California Supreme Court following her confirmation by the California Commission on Judicial Appointments.

In recent years, Justice Guerrero served as a state Appeals Court judge in San Diego and previously worked as a San Diego Superior Court judge. The Stanford Law School graduate grew up in Southern California's Imperial Valley, and previously had worked at Latham & Watkins.

Rated as "exceptionally well qualified" by the State Bar of California's Commission on Judicial Nominees Evaluation, Justice Guerrero will fill the vacancy on the state supreme court left by Justice Mariano-Florentino Cuéllar, who stepped down from his post last year to become president of the Carnegie Endowment.

WELCOME ABOARD: Some of the world's biggest law firms have started offering lawyers jobs without interviewing them, in the latest example of the war for talent reaching new heights, according to *Law.com*.

Several major U.S., European and U.K. law firms are responding to the spike in deal work by offering roles to junior lawyers, generally those with between one and five years' post-qualification experience, on the strength of their CVs alone, according to two legal recruiters and four partners from international law firms and elite European firms.

According to one of the recruiters, the trend, increasingly visible since late summer, began after nations started easing lockdown restrictions.

The move "has been prompted by a sustained surge in mergers and acquisitions, and private equity activity that has left firms with the dilemma of either rapidly adapting their transactional teams, or turning away big ticket work and risking the loss of clients."

The total value of global M&A has already reached a record $5 trillion in 2021, more than 40 percent more than the full-year total for 2020, according to London-based industry researcher Refinitiv.

"Partners and recruiters say that law firms, especially those that cut staff or redeployed lawyers to restructuring or disputes teams during the pandemic in 2020, have been blindsided by the upsurge in activity, and are having to take unprecedented action to secure big ticket work."

CALIFORNIA CHOPS: The U.S. Supreme Court has said it would review a challenge to a California law that sets certain conditions for pork sold in the state.

The case stems from California voters' approval in 2018 of a ballot measure imposing the nation's toughest 'living space' standards for breeding pigs.

The two agricultural associations challenging the law say almost no farms satisfy those conditions.

California, the nation's most-populous state, turns out less than 2 percent of the nation's total pork output, while the state's consumers put away about 13 percent of pork produced in the country. Iowa currently holds the top spot as the U.S.' top pork producer.

The National Pork Producers Council and the American Farm Bureau Federation, the two industry groups challenging the California law, say the "massive costs of complying" with the law will "fall almost exclusively on out-of-state farmers" and that the costs will be passed on to consumers nationwide.

The law had a January 1, 2022, effective date, but California is currently allowing the continued sale of pork processed under the old rules.

DOWN A NOTCH: Harvard Law School was ranked No. 4 in law school rankings published recently by *U.S. News & World Report*, marking just the second time in more than three decades that the school was not among the top three on the magazine's annual list.

Longtime No. 1 Yale Law School still heads up the list of top-ranked schools, while Stanford kept its No. 2 spot. The University of Chicago Law School moved up one spot to supplant Harvard at No. 3, while Columbia Law School tied with Harvard at No. 4.

HARVARD LAW SCHOOL

U.S. News started ranking American Bar Association-accredited law schools in 1990, which was the only other year that Harvard, which ranked No. 5, landed outside the top 3.

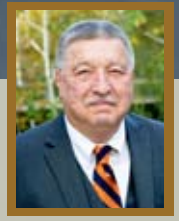
The current ranking is based on peer assessments by law faculty and ratings by lawyers and judges, as well as Law School Admission Test (LSAT) scores, undergraduate grade-point averages, employment and bar passage rates, student borrowing, and per-student expenditures, among other factors.

By Michael D. White

Positive Attraction:

The Valley's Own Law Magnet

A look at the impact and legacy of the Law and Government Magnet at James Monroe High School in North Hills, one of the most successful of the Los Angeles Unified School Districts 330 Magnet programs.



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.

THE LOS ANGELES UNIFIED SCHOOL DISTRICT (LAUSD) unveiled its Magnet program in 1977 The program, widely considered to be one of the best of its kind in the county, was crafted in an effort to attract students to schools that are organized around a certain theme of interest such as the arts, business, technology, communications, computer science, medicine, public safety, and the law, in an effort to motivate students with "rigorous, high-quality, instruction designed to facilitate student learning and promote academic achievement."

Sometimes the themes encompass an entire school, and often serve as a program within a traditional school, and while they are open to all students living within the city, at least half of a typical magnet's student body comes from outside the school's zoned neighborhood.

The Magnet concept has proven to be immensely popular with LAUSD's Magnets currently attracting more than 87,000 students, up almost 40 percent since 2015.

There is strong focus on critical thinking, problem solving and communication, enabling students to see the connections between their classroom curriculum and the challenges of today's world.

The Lodestone Attracts

One of the most successful of the District's 330 Magnet programs is the Law and Government Magnet at James Monroe High School in North Hills.

The interdisciplinary, honors-level program gives students the opportunity to participate in activities including mock trials in a state-of-the-art courtroom on the Monroe campus, internships with Valley public and private sector agencies and businesses, trial simulations, debate, and mock trial competitions.

Los Angeles Superior Court Judge David Yaroslovsky has a special fondness for the Magnet concept, having graduated from the Law and Government Magnet program at Monroe.

Steeped in the concept of public service, the Judge, based at the courthouse in Van Nuys, is the son of former Los Angeles County Supervisor and Los Angeles City Councilman, Zev Yaraslovsky.

"I grew up and lived in the city and was interested in the law and government from a very young age," he says. "I became aware of Monroe and went to check it out, and knew I wanted to go there. So I would get on Bus 644 in the morning at Hollywood and Highland, across the street from Hollywood High School, to get to North Hills."

Like a stranger in a strange land, " I didn't know a single person before going into ninth grade," he remembers. "For the first few weeks at Monroe, I was trying to meet people and find my way."

Yaroslovsky credits his teachers for stoking his interest in pursuing a career in the law.

"From ninth grade to 12th grade, my experience at Monroe was great, the teachers were outstanding."– *Judge David Yaroslovsky*

"I had done mock trial and there had been a mock trial team in junior high school, so I went to sign up and try to participate," he says. "That's when I got to meet Kathy Graber, the Magnet speech and debate coach, she was an incredible influence on my life. Probably other than my parents, she's the person who's most responsible for me being who I am today. She's just an incredible educator and coach."

Over the course of his four years in the Monroe program, "the curriculum was really wonderful and very interesting. We'd take historical events or books that we're reading in tournament to mock trials, or do something in the courtroom. I remember learning about the Zoot Suit Riots and we had a mock trial around that, and we read *12 Angry Men* and the jury deliberations, so we created a mock trial based on the actual trial that the jury had been deliberating over. I loved that mode of education because it was creative and something that I was just really interested in."

Yaroslovsky recalls cases in which the students in the Law Magnet program would work together with those attending Monroe's Law Enforcement Magnet.

"They would do the investigations and we would handle the trial work. Sort of like on *Law & Order*, " he says, alluding to the long-running television crime drama.

Courses in forensic science, international law, and other subjects followed over the course of the program.

"From soup to nuts, from ninth grade to 12th grade, my experience at Monroe was great, the teachers were outstanding. I loved the school so much, and I love the teachers so much. It was a truly wonderful experience."

In addition to his parents and his teachers, like so many others, Yaroslavsky admits being influenced to pursue a legal career, at least in part, by the courtroom dramatics of TV attorney Perry Mason.

"I watched a lot of *Perry Mason*. And I thought that was just great. I love the courtroom; the mystery of it. I think, in retrospect, that maybe if I had been a little bit more astute, I would have wanted to have been an actor playing an attorney. But, you know, it did get me more interested in the law. My Dad was in government all my life. And so I was also very interested in public service just growing up in that house. The combination of all that moved me to think that Monroe was the best spot to learn."

Graduating from Monroe, Yaroslavsky attended the University of California–Berkeley, graduating with a degree in history and political science, before crossing the country to attend law school at NYU. He assumed his post on the bench in January 2019 after serving as a Los Angeles County Deputy District Attorney, and five years as a Litigation Associate in the L. A. office of Latham & Watkins.

"I was on the mock trial team at Monroe for the four years that I was there," he says. "We obviously did a lot of mock trials there and when I got to Cal, there was another student from Monroe who had started a mock trial team with some other people. I wanted to join, but there was no coach, so it was self-directed and entirely student-run."

It was "a phenomenal experience. I loved college mock trial. We had a lot of ownership over what we were doing and creating our cases and our presentations, and really working extremely hard on doing the best we could."

How did the Law Magnet program prepare him for law school?

"The curriculum at Monroe, integrating mock trials and studying legal concepts gave me some background in the subject matters that I would be using or studying in law school," he says. "The concepts of contracts and constitutional law, evidence and free speech, and Fourth Amendment issues were all concepts that I learned about for the first time at Monroe. So, they weren't foreign to me and it wasn't like I was being exposed to those things for the first time at NYU."

That, he adds, "if nothing else, reduced my anxiety in law school. I can't speak for any other bench officers, but I can certainly say that law school can be a stressful time for students. But for a number of reasons, for me, I'm sure in part because of my time at Monroe, the law school experience wasn't very stressful. It wasn't something that I agonized over."

For any young person in the LAUSD, either considering a career in the law or not, he says, the Law Magnet program at Monroe High School "has great value regardless of what somebody's career choice is going to be. I think that it's interesting and makes learning more fun. It develops the skills that people really ought to have and will need in whatever profession that they pursue—public speaking, forming and presenting persuasive arguments, being able to persuade people, and learning how best to do that using oral advocacy and other techniques."

Critical Link

A primary supporter of the James Monroe Law and Government Magnet is the Valley Community Legal Foundation (VCLF), the community service arm of the San Fernando Valley Bar Association.

"It is a really solid process for them to get a sense of what it means to be a lawyer…"– *Judge Firdaus Dordi*

Los Angeles Superior Court Judge Firdaus Dordi serves as Chairman of the Foundation's Education Committee and is active in helping maintain the supportive connection between the Monroe Magnet program and the VCLF.

"What we've done in the past is offer different programs to bring to the students something that would make them think critically of legal issues, expose them to role models in the community, in law, and to kind of create conversation," he says.

One major link was forged several years ago when the VCLF helped organize the presentation of a stage play—*Defamation*—to address the legal and social ramifications of defamation in a multicultural society.

"We had students from different high schools actually participate in the play by asking questions of the participants about what constitutes defamation, truth as a defense, and all of the things that brought issues of race and gender together to create a complicated legal situation. From there, we decided to actually take the same kind of critical thinking project directly to the classroom."

Another link is the *Constitution & Me* program, three one-hour classroom sessions that have volunteer bench officers and attorneys providing a factual hypothetical situation that addresses the issues of race versus genuine threats.

The program is designed to engage students in conversations about the U. S. Constitution and develop a greater understanding of how it impacts their daily lives. It also aims at honing their reading, analytical, and interpersonal skills by demonstrating active listening and cooperating with others to solve often complex problems.

"We juxtapose public safety with individual freedom and in doing so, we present a thought-provoking, factual situation that is very prescient for what the students deal with every day in the context of social media platforms and how people speak freely on them," says Judge Dordi. "They look at how there might be potential consequences to that speech, and where do we draw the boundary."

The factual scenario that is examined, he adds, is one that the U.S. Supreme Court has not yet ruled on, he adds.

"In the first session, each course is taught very Socratically, so the teachers and the volunteers judging the two lawyers, don't provide any answers to the students," says Judge Dordi.

"The idea is to get them to come up with their own answers, and to have a Socratic discussion similar to what they would experience in law school. Their answers become the talking points for the first session."

The second session involves providing the students with "a limited universe of case law and statute that applies directly to the situation at hand involving the factual scenario that we've provided them," Judge Dordi says. We go through each of the cases and ask them about their resolution. After they have had the first session, and with the facts in the second session with the cases, their teacher divides them into counsel and justices."

The program concludes with a third session in which the students participate in a mock Supreme Court argument, bringing the facts that they have assembled before the Court to resolve the as-yet unanswered U.S. Supreme Court case.

"They come up with their own answer as to how society should be organized based on the law that was given to them," he says. "It is a really solid process for them to get a sense of what it means to be a lawyer by seeing what the Supreme Court actually looks at in the context of how an issue goes from the trial court, up to the Court of Appeals, and all the way to the U.S. Supreme Court."

> "The idea is to get them to come up with their own answers, and to have a Socratic discussion similar to what they would experience in law school."

The particular factual scenario that is examined tracks a case from a state Supreme Court to the U.S. Supreme Court, "so the students see the route of an appellate case, as well, and, when the Supreme Court is answering a question and deciding a particular case, how it focuses on what that standard will mean for the rest of the country."

The experience, he says, "gives them a meaningful insight into things that they may not have thought about before, so when they hear about a case coming down, it gives them a different way to look at it, as opposed to having an opinion, without any thoughtful analysis of what went into that opinion. The experience teaches them how they can look deeper if they wish to and it really gets them focused on the consequences of their speech, as they're just about to become adults going from minority to reaching majority."

The VCLF will be presenting the *Constitution & Me* program again this spring with more than 200 students—a record number of participants—expected to take part at both James Monroe High School and another Valley high school.

"By giving them this exposure, the kids that I have met through the program from Session One to Session Three have gone through a remarkable transformation," says Judge Dordi. "Some of the kids, have received scholarships through the Foundation. I have followed their progress and several have stayed in touch with me. One in particular is a junior at UC Berkeley, majoring in political science and rhetoric, and likely will go to law school. Another went to UC Santa Barbara and is considering a career in law."

Judge Dordi, a native of India, came to the U.S. as a child with his family and ultimately settled in the San Fernando Valley. After attending the University of California – Santa Barbara, he graduated from LMU Loyola Law School in Los Angeles. He held positions in both the public and private sector, including a clerkship at the U.S. District Court for California's Central District, and founder and co-partner at Dordi, Williams, Cohen LLP, before assuming his post as a Los Angeles Superior Court judge in 2017.

Judge Dordi attended El Camino in Woodland Hills at a time when there was no program even similar to the VCLF's *Constitution & Me* presentation.

"It was difficult, unless you knew a lawyer, specifically a family friend or someone else able to help. Growing up, I didn't know any lawyers. So, I wouldn't have known anything about it, and especially having come from India, it would have never dawned on me that English not being my first language, that a career in law was even possible.

His love of teaching, in part, "helps cultivate the program, as well as the relationship created between the courts, the bar association, and the Magnet program," he says. "It has given other lawyers and judges who feel the same way the opportunity to take those interests and share them with the next generation."

By William Simonsick

Disaster Law:

New Bills Put California in the Lead

WITH MORE THAN THAN IT'S FAIR SHARE OF experience responding to earthquakes, wildfires, mudslides, and even tsunamis, California has become a national leader in disaster law.

As global warming increases, the frequency and severity of certain types of disasters—including extreme heat events and power shutoffs—the state legislature, both the Senate and the Assembly, have increased the speed with which they have introduced and passed laws to address and mitigate the impact of disasters on the states.

This article will give a brief overview of a select number of disaster bills that have been chaptered in the 2021-2022 cycle, and point out several notable bills in disaster response and climate change mitigation still pending in the State Capitol.

Chaptered Bills

Public Safety Power Shutoffs—when power is shut off during high fire risk conditions—can result in power outages that last for days, posing significant risk for low-income and elderly people. Losing food that has spoiled in the

Attorney **William Simonsick** serves as Staff Attorney for the NLSLA Disaster Assistance Project in Los Angeles. A graduate of Marquette University School of Law, he earned his LLM from Leiden University in The Netherlands. He can be reached at williamsimonsick@nlsla.org.

refrigerator is an inconvenience for most, but a crisis for a family, particularly one living on the margins, and the elderly and disabled who depend on powered medical devices and could quickly find themselves in a life-threatening emergency.

Local governments can play a significant role in protecting these vulnerable populations during a planned power shutoff, and a new bill will incentivize them to do just that.

It is SB 52 which authorizes local government reimbursement of many expenses related to Public Safety Power Shutoffs, and allows local governments to recoup the money they spend in mitigating harm to their residents.

Communications and Utilities

Telecommunication service is frequently disrupted during these events, leaving telephone dead zones that can make it impossible for people to get help during shutoffs.

California Senate Bill 341 requires providers of telecommunication services to include a backup electrical supply capable of providing at least 72 hours of telecommunication service in disasters or power shutoffs.

And since power shutoffs can impact water and sanitation services—especially in low-income rural communities with more limited backup power supplies—SB 708 adds power shutoffs to the list of circumstances that allow a public water service provider to declare a water shortage emergency without first holding a public hearing.

To minimize the frequency of these events, SB 533 requires utilities to identify circuits that are frequently de-energized, as well as steps to reduce the future need to de-energize, in their wildfire mitigation plans, while Assembly Bill (AB) 242 makes claims for damages in fires that are deemed the utility's fault—by court adjudication as well as by a court-approved settlement—eligible for funds from the Wildfire Fund.

Energy resiliency is crucial as extreme weather threatens the supply of electricity in California, with an increased risk due to climate change.

SB 423 requires the state Energy Commission to report on electrical resources that have high availability during extreme weather events, and as well as easy integration towards zero-carbon energy generation by the end of 2023.

Reducing Wildfire Risk

There has been a substantial increase in wildfire activity in California, with multiple areas in Los Angeles County alone still in their recovery phase—a slow, costly process that creates housing insecurity and instability.

SB 63 requires the state Director of Forestry and Fire Protection to identify moderate and high fire hazard severity zones, and extends fire protection building standards currently covering only "*very high*" fire hazard severity zones to some of these newly identified regions.

It also clarifies that defensible space modifications at the 100 feet point may only be required across property lines under state or local law or ordinance as well as with the written consent of the adjacent landowner, and adds vegetation management to fire prevention local assistance grant programs administered by the DFFP, among other changes.

The public resources trailer bill, SB 155, makes the Climate Catalyst Revolving Loan Fund continuously appropriated, requires the Natural Resources Agency to create a report on their wildfire and forest resilience programs, continuously appropriates $200 million to the DFFP for fire prevention programs, makes $150 million available for extreme heat mitigation upon appropriation by the Legislature among other tentative appropriations for coastal resources. It also requires the Office of Planning and Research (OPR) to establish a grant program for mitigating extreme heat events, among other things.

As discussed later in this article, several more bills tackling extreme heat are currently pending, crucial as extreme heat is already costing lives and the increase in these events due to climate change threatens many more, especially elderly and disabled individuals.

AB 1570, the public resources omnibus bill, requires the DFFP to assist local governments with fuel management, among other items. AB 697 restructures the laws authorizing the Good Neighbor Authority Fund, requiring the Natural Resource Agency to create a program for ecological restoration and fire resiliency on national forest lands, including usage of prescribed fire, with these projects intended to mitigate invasive plants and animals and use ecologically-appropriate resiliency efforts.

Fire resiliency and fuel management is crucial as they reduce wildfire risk, and thus decrease the likelihood of disasters and loss of life.

Previously covered in this journal is AB 73, which includes wildfire smoke events as a health emergency and agricultural workers as essential workers for personal protective equipment (PPE) purposes, and requires the Personal Protective Equipment Advisory Committee to include labor representatives.

It also mandates that CalOSHA and the Department of Industrial Relations review and update wildfire smoke trainings and make them publicly available in an accessible form on their website.

Somewhat similar is AB 1103, which authorizes counties to establish an agricultural pass system for livestock producers or managerial employees to access ranches following disasters. Wildfire smoke is very hazardous to the health of individuals, particularly those in agriculture who are at the highest risk.

> Both the Senate and the Assembly, have increased the speed with which they have introduced and passed laws to address and mitigate the impact of disasters.

Weatherization

Some clarifications to water and utility supplies outside of PSPS events were chaptered in this session.

Under SB 756, the threshold for home weatherization funds under the Energy Savings Assistance Program was increased to 200 percent of the federal poverty level (FPL) for the first six months of 2022, and then increases to 250 percent FPL.

This increases the number of eligible individuals for weatherization funds, as it is frequently those of limited financial means which are most heavily impacted by extreme weather events. Small water providers will be required to create drought plans under SB 552, while counties will be required to create drought task forces for drought preparedness purposes.

AB 148, the general Assembly public resources bill, authorizes some state agencies to provide grants and direct expenses for relief from droughts or drought-related impacts under a state of emergency declared under the California Emergency Services Act to, among other goals, avoid the consumption of unsafe drinking water or potential harm to wildlife.

With drought conditions looming over California, water scarcity is a serious issue with a disproportionate impact on low-income individuals, as backup water supplies are expensive and subject to increased costs during disasters and shortage events.

Pending Bills

Extreme heat events pose a significant risk to low-income communities throughout Los Angeles County, and the San Fernando Valley is especially vulnerable.

As a result, there are several bills addressing this issue that are currently pending before the state legislature.

AB 2597 would require residential dwellings maintain adequate cooling under building standards for human habitation.

Currently, there is no obligation for landlords to provide adequate cooling, leaving many low-income renters in danger as temperatures climb.

AB 2076 would establish the Extreme Heat & Community Resilience Program (EHCRP) to coordinate state efforts to mitigate the effects of extreme heat and reduce related public health risks.

This includes a competitive grant process administered by the Office of Planning and Research (OPR), the appointment of a Chief Heat Officer, and the formation of a hospitalization and death reporting system.

AB 2238 would create an extreme heat event ranking system, accompanied by proposals for protections that would be triggered at different levels of extreme heat, as well as a report on related insurance costs.

SB 1261 would require the State Energy Resources Conservation and Development Commission to work with the Natural Resources Agency to develop a grant program for residential extreme heat mitigation and weatherization.

SB 1044 would prohibit employers from retaliating against employees for refusing to work in evacuation zones, and prevent them from blocking telecommunications access in these situations. There has been a significant issue in the state of low-income workers being forced to continue working in potentially hazardous conditions.

Because outdoor workers are at high risk of wildfire smoke inhalation and heat illness—each of which substantially reduces life expectancy and increases medical costs—AB 2243 would require CalOSHA to promulgate an ultra-high heat protective standard for outdoor workers and create a new standard that lowers the level of wildfire smoke necessary before masks and respirators become mandatory.

By Jonathan Arnold

DEAL MEMOS: THE DOS AND DON'TS

LIKE THE SIGN PERCHED HIGH in the hills of Los Angeles, Hollywood seems to be something that most people would not readily associate with the San Fernando Valley.

However, a virtual journey down Ventura Boulevard alone demonstrates that the Valley has been for years, and continues to be, the backdrop of iconic entertainment production.

Start in Burbank for a quick view of some of the major studios including Disney and Warner Brothers.

Continue further west to the aptly named Studio City and you come to Encino—the folks at Gray • Duffy, it can be said, work in what was *Murphy Brown*'s building, while on the next block stands the Encino Hospital—the fictional Lanford Memorial Hospital of *Roseanne* fame.

Head west towards the Sepulveda Basin and Tarzana and you arrive at many of the settings for HBO's classic drama series, *Six Feet Under*. Finally, travel out to the Chatsworth hills and you will find yourself standing where innumerable Westerns were shot in the Golden Age of film and television.

All of these locations have at least one thing in common—the majority of the agreements covering production in the Valley of these projects utilized deal memos—words that strike terror into the hearts of most practitioners who are genetically disposed to disfavor them.

However, the reality of the business is that deal memos are the engine of entertainment production and can do current, and future, clients a major disservice if they are rejected out of hand.

The good news is that there are several ways to tranform deal memos into more solid agreements, reducible into a few correlative do's and don'ts. Do a risk analysis with your client.

The success of both practitioners and clients will derive far more from assisting a client in obtaining a string of appropriate employment than in

Jonathan Arnold is a practicing Valley-based attorney versed in the academic, commercial, entertainment, insurance, international, outside counsel, technology, telecommunications and UCC law fields. He can be reached at arnoldandassocs@gmail.com.

spending an inordinate amount of time perfecting just one or two deals.

Accordingly, the very first thing that needs to be done when representing anyone working in the entertainment industry—whether in theater, motion pictures, television, radio, the internet, new media and so on—is to ask how important it is for the client to be working on the instant project. The most common answer: "very."

It is strongly advisable to not kill an otherwise operable deal with weeks of negotiating over hyper-technicalities, while keeping in mind the fundamental requirements of a binding agreement for the provision of services, or the creation and later assignment of intellectual property, such as a treatment or script, and work to make sure these terms are spelled out in the deal memo.

Complying With Applicable Agreements

If it looks as if a client will be working on a project subject to one or more guild/union agreements, the client should be advised to comply with the due requirements.

There is some good news here as most of the industry guilds—the Directors Guild of America, and WGA, for example—have websites where ready-to-go forms that will place your client in compliance can be easily accessed.

Consider the Low Budget Agreement—a Director Deal Memorandum—which is subject to the DGA Basic Agreement.[1]

This morphs a particular deal memo into a short-form contract that is directly tied into the operative collective bargaining agreement, which contains very aggressive dispute resolution mechanisms that will definitely inure to a client's benefit.[2]

Ask For Copies of Agreements

For the run-of-the-mill motion picture production there are generally four key parties involved—the producer, the lender, the distributor(s), and the completion bond company.

Ask the client to obtain a copy of those contracts. With larger productions, there is often a document called an Inter-Party Agreement that restates most of the obligations between those four primary players, and, if necessary, others.

The benefit of obtaining the agreements, the antedate of the client's deal memo, is that a window will be opened as to which antecedent obligations will fund some or all of the client's compensation, should the client end up not getting paid as previously agreed.

Asking for, obtaining, these contracts will work not only as a clear warning to the project paymasters should the client not get paid, but will also provide a ready heads-up as to who to proceed against should things take a turn for the worse.

Take Advantage of the Internet

Internet search engines can be utilized to find out the basics of a particular production.

Also research specific state sites to discover more pertinent production information.

It is advisable to take advantage of *California's Business Portal* to discover if an LLC or corporation has been formed for the production the client seeks to work on.

Also, prudent practitioners in the entertainment field who represent lenders know that with the complexities of financing nowadays, it is best to register and record any copyrights in the Copyright Office.

In addition, file Uniform Commercial Code (UCC) financing statements in all of the states where the borrowers—production companies, for example—are located and/or anticipate doing business.

It is also wise to check if there have been state UCC filings in

connection with perfecting security interests in copyrights and consult the Copyright Office's various search engines for applicable fillings such as copyright assignments and/or copyright mortgages.

Take Advantage of Useful Clauses

An audit clause gives both parties the right to audit each other's books should specific circumstances arise.

For productions subject to union/guild agreements, this is not usually an issue as production companies subject to guild rules must deposit specified amounts of money with the appropriate guild to cover both a guild's insurance coverage for its members, as well as the non-payment of wages.

Accordingly, an audit clause may come in handy with non-union productions where some—or, possibly all—payment may be contingent upon the producers first obtaining distribution and/or sales for the completed production. An escrow clause requiring that the producers deposit the client's anticipated income with a third party might also help.

> "It is advisable to take advantage of California's Business Portal to discover if an LLC or corporation has been formed."

With regard to deal memos that just cannot be fleshed out as much as they should, one of the most useful things in an attorney's arsenal is to include language requiring that the parties to the deal memo will subsequently negotiate *open* terms in good faith, while being mindful that the legal rebuttal just creates an agreement to agree, and is thus unenforceable.

However, "*[a] contract to negotiate the terms of an agreement is not, in form or substance, an 'agreement to agree.' If, despite their good faith efforts, the parties fail to reach ultimate agreement on the terms in issue the contract to negotiate is deemed performed and the parties are discharged from their obligations. Failure to agree is not, itself, a breach of the contract to negotiate. A party will be liable only if a failure to reach ultimate agreement resulted from a breach of that party's obligation to negotiate or to negotiate in good faith*."[3]

This case concerned a well-known, Southern California-based ice cream company, but it is directly applicable to entertainment industry contracts as securing production financing is a multi-stage process where the amount of money a producer—or, more typically, producers—can raise grows in direct proportion to the quality of the production and talent team.

Accordingly, producers first acquire the property rights—for example, the script—then acquire the talent, then retain a production crew, and then attempt to ink one or more distribution deals.

Typically, the actual sequence of events does not follow that exact pattern, but the ultimate contours of most entertainment deals do not gel until, as the saying goes, "the final cut is in the can."[4]

Finally, remember an important maxim—"the greatest risk is not taking one."

---

[1] Available at *www.dga.org/-/media/Files/Employers/Deal-Memos-2017/DGA_DealMemo2017- BA_LowBudget_DR.pdf.*

[2] *See, e.g.*, DGA Basic Agreement of 2017, § 2- 101.

[3] *Copeland v. Baskin Robins U.S.A.*, 117 Cal. Rptr.2d 875 (2002).

[4] *See, e.g., Harold L. Vogel, Entertainment Industry Economics,* 2d ed., p. 128, Cambridge Univ. Press (1990).

EXCLUSIVE **FREE** MCLE OFFERS FOR SFVBA MEMBERS

San Fernando Valley Bar Association
founded in 1926

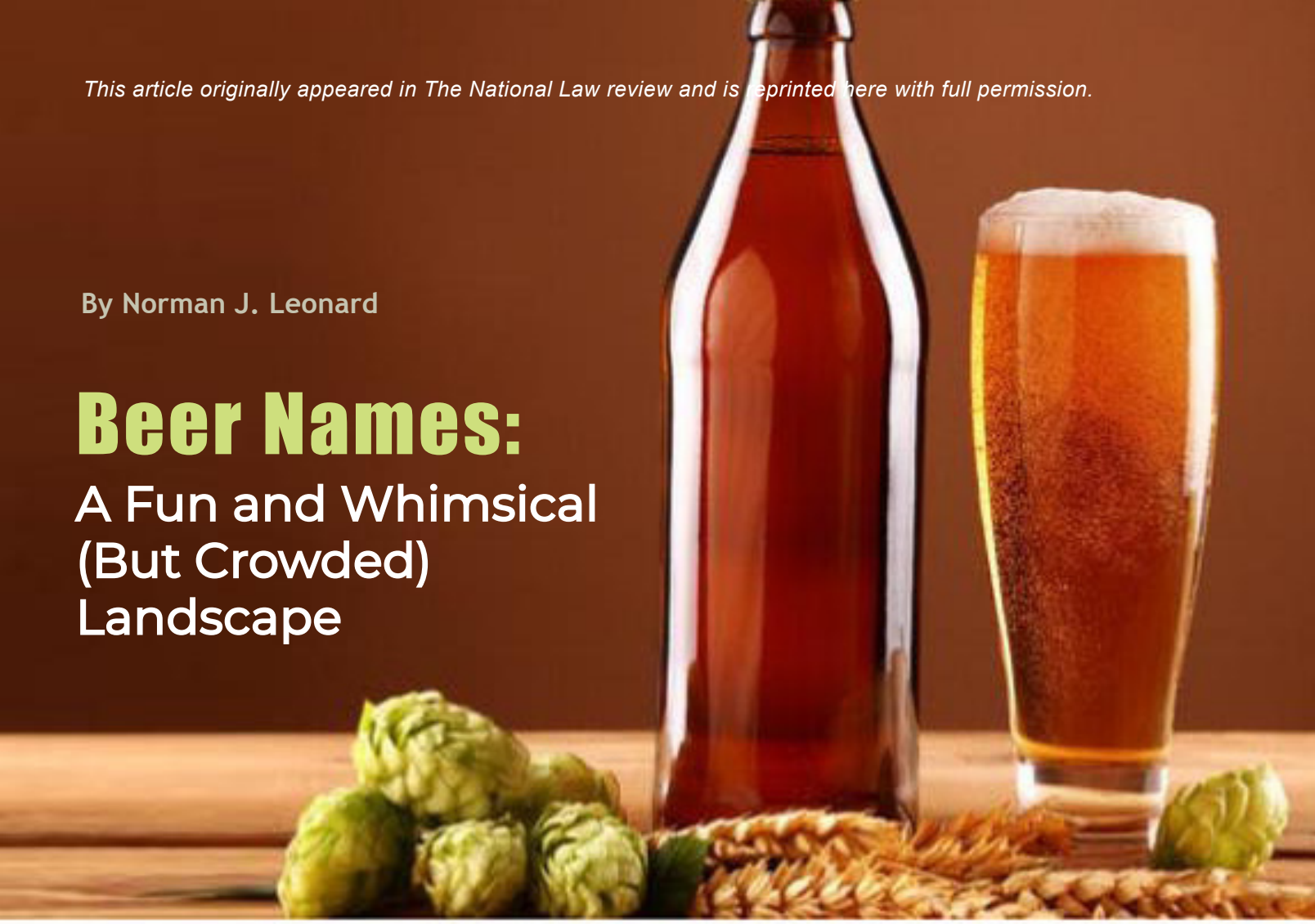
OPPORTUNITY TO RECEIVE
FREE
MCLE ANNUALLY WITH SFVBA MEMBERSHIP

1. **8+ FREE** sponsored live **MCLE seminars** per year
2. **1 FREE** self-study hour **MCLE audio MP3 seminars**—including specialty credit of your choice—with early renewal
3. **1 FREE** self-study hour **MCLE audio CD**—including specialty credit of your choice—at Member Appreciation Dinner
4. **FREE Fastcase webinars**
5. Purchase **MCLE Marathon** in a box! **12.5 MCLE hours** for low purchase price! CD or audio download! Includes specialty credits!
6. And admission to low-cost seminars, webinars, and ***Valley Lawyer* MCLE articles**

THE SFVBA MAKES EARNING YOUR MANDATORY MCLE CREDITS SIMPLE AND EASY!

Find more member benefits at **www.sfvba.org**

This article originally appeared in The National Law review and is reprinted here with full permission.



By Norman J. Leonard

Beer Names:

A Fun and Whimsical (But Crowded) Landscape

IN ADDITION TO ALL ITS NATURAL beauty and opportunities for outdoor recreation, western North Carolina has more lately become known for its abundance of excellent craft breweries.

For residents and visitors who enjoy good beer, heading to a local brewery after a day of hiking, biking, or floating the river is standard.

Craft breweries have become part of the landscape and lifestyle, and many of us have special affinities for our favorite ones. We're friends with the staff, we sport their t-shirts and hats, and we delight in all the whimsical names they use to distinguish their beers.

On that last note, what about all those whimsical names? It seems like there was a time–perhaps before many readers were of legal drinking age—when a brewery's name and logo, and some indication of the beer style, were sufficient to sell the beer.

Certain beer styles were more likely to have interesting names, but they were less common than the ubiquitous—and often unnamed—pale ale and porter. In any case, there is no denying that today's craft beer landscape is different. Brewery menus bless us with a wide variety of offerings, each with its own fun or interesting name.

The name may seek to give the consumer a laugh, or it may project an idea or image the consumer will otherwise find appealing.

Accordingly, craft beer enthusiasts have come to expect a certain amount of entertainment and whimsy at their local brewery, in addition to the great beer.

So, with the explosion of craft breweries over the last decade, in North Carolina and beyond, have you ever wondered how a brewer's rights

Attorney **Norman J. Leonard** practices in the area of creditors' rights and intellectual property matters. His work also involves drafting a wide variety of contract, loan, and settlement documents. He can be reached at njl@wardandsmith.com.

in those names are protected and enforced?

The answer is trademark law.

Trademarks Generally

Trademarks may consist of words, phrases, symbols, designs, or any combination of those things, identifying and distinguishing the source of the goods or services of one seller from the goods or services of another.

Trademarks can include all of the elements that constitute a "*brand*." Technically, the term "*trademark*" is the precise term for a mark used for goods such as beer, while "service mark" is precise for a mark used for services. The term "*trade name*" is used for a mark describing the company selling the goods or services. Trademarks, service marks, and trade names are very similar, and the terms are often used interchangeably as simply "trademarks."

That can or bottle of your favorite brew may bear any number of distinct trademarks. They include the names of the specific beer and brewery that made it, but they may also include the taglines, logos, artwork, and other designs associated with the specific beer and brewery.

Sometimes even the packaging itself may be distinctive enough to qualify for trademark protection. The distinctive shape of a Coca-Cola bottle is one such example. This is known as "*trade dress*" protection.

To qualify for trademark protection, a beer name must meet certain criteria. One criterion is that the name be considered distinctive under trademark law. To be distinctive, consumers must be likely to perceive the name as distinguishing the *source* of the beer rather than perceive it as describing a quality or characteristic of the beer.

Descriptive terms, which are not entitled to trademark protection—at least not right away—may include, for example, terms that describe the ingredients, style, flavor, or geographical origin of the beer.

A brewery can sometimes acquire trademark rights in a descriptive term—most commonly geographical terms—but it requires long-term exclusive use of the term by the brewery. Even then, some terms are so descriptive as to never be protectable as trademarks.

For example, the word "*hoppy*" is such a common and necessary descriptor of beer flavor that no single brewery could ever claim the exclusive right to its use.

How Trademark Rights are Acquired

A brewery may acquire trademark rights to a distinctive beer name in different ways. Often, the brewery that is the first to adopt a name, and thereafter continuously and exclusively use it to sell beer, will acquire so-called common law trademark rights to the name.

Because such rights are based solely on the use of the name in commerce, the rights are geographically limited to the localities where the beer has been sold.

Another way to acquire trademark rights is through registration. Registration of a beer name can be sought at the state or federal level, depending on the scope of legal protection sought. An application for registration can be filed after the brewery has already begun use of a beer name or, if filing at the federal level, as soon as the brewery has conceived of the name and formed an intention to use it.

The latter type of application—called an intent-to-use trademark application—is a valuable tool because it allows a brewery to temporarily reserve a name while they are planning, brewing, and doing whatever else is necessary to bring the beer to market.

Although seeking trademark registration for a beer name is not required, the principal benefits of being a trademark owner are limited without registration. In addition to being geographically limited, a brewery seeking to enforce common-law trademark rights against someone in court has the burden to establish their

actual prior use of the beer name in the disputed sales territory.

By contrast, the owner of a federal trademark registration is entitled to a presumption of nationwide trademark rights in the name registered. A federal trademark registration has other legal benefits as well, so it can be a very valuable asset to a brewery.

What's in a name? Beer names can be funny, creative, and whimsical. But with the growing popularity of craft brewing, it's becoming increasingly difficult to come up with a name that isn't already taken.

Selecting Trademarks: A Crowded Field

A primary goal of trademark law is to prevent consumer confusion about the source of goods and services in the marketplace.

To that end, trademark law protects the trademark owner against uses of identical or confusingly similar marks by others that are likely to cause consumers to falsely believe there is an affiliation between the trademark owner and the other user or confusion as to the owner's potential sponsorship or approval of the other user's goods or services.

For this reason, the U.S. Patent and Trademark Office (USPTO) will reject a federal trademark application for a beer name that presents a likelihood of consumer confusion with trademarks that are already registered on the federal trademark register.

The test used to determine whether a new mark, such as a beer name, creates a likelihood of confusion with a preexisting trademark requires consideration of a number of different factors. But the essential inquiry is whether the marks are confusingly similar to each other, in terms of sound, appearance, and meaning, when used in the context of the goods or services sold under the marks.

Most brewers would probably agree that it is getting more and more difficult to find legally-available beer names.

According to data published by the Brewers Association, the number of breweries in the United States has increased from 1,813 in 2010 to a whopping 8,884 in 2020.

So it may come as no surprise to learn there are approximately 32,000 active registrations and pending applications for trademarks covering beer on file with the USPTO.

Of course, not all of those are for the names of beers and breweries. They also include the taglines, logos, and designs mentioned above. But this still only scratches the surface of the challenges faced by a brewer when attempting to select and protect a beer name.

The USPTO has historically considered many beverages, including ciders, wines, liquors, and even energy drinks, to be goods that are closely related to beer. This is because, for the large national brands, at least, these products are often produced or distributed by the same companies, and they may appear near to one another on restaurant menus or grocery store shelves.

As a result, the USPTO often refuses trademark applications for beer names based on an alleged likelihood of confusion with prior registrations and applications for names covering these other beverages.

Worse yet, the USPTO sometimes refuses beer names based on prior registrations or pending applications for the names of bars and restaurants, under the theory that a significant cross-over between these industries exists. When you start to add up all the goods and services that the USPTO considers closely related to beer, the number of potentially conflicting trademark registrations and pending applications is probably well over 100,000.

Given the high number of goods and services the USPTO considers closely related to beer, it's a wonder

that any beer names can still be registered at all!

Finally, further increasing the risk and complexity for craft brewers are the many breweries, wineries, and other beverage makers who use product names on an unregistered basis but may have prior common law trademark rights to a name in a particular geography.

For example, a North Carolina brewery might expend time and resources to federally register a beer name only to discover they cannot sell beer under that name in Nashville, Tennessee due to a local brewery that has been selling beer there under a similar name but was unknown to the North Carolina brewery until a conflict arose.

Given the realities of today's market, one can hardly blame a small brewery for not registering each and every one of their beer names. It is a fact that many brewery menus change frequently. A small brewer may introduce a beer on a test basis, without any immediate plans to package or distribute it. It may thereafter become a mainstay, only a seasonal offering, or be permanently discontinued within a few months if unsuccessful.

By contrast, it is currently taking six months or more for many federal trademark applications to receive an initial review by the USPTO.

A small brewer might wonder why they should spend the time and money to file a federal trademark application for a beer name that might be discontinued before the application is even reviewed. Yet, carefully considering trademark availability and registration, even for seasonal names, often reveals important issues that a brewery of any size would want to consider.

Fortunately, brewers pride themselves on being people who, though competitors, are willing to help each other out in a pinch and can usually resolve conflicts in a cooperative manner. This attitude has historically extended to conflicts over beer names and other trademarks. While some noteworthy conflicts have escalated to litigation and made the news, the vast majority are still resolved amicably, brewer-to-brewer, despite the crowded market.

> Craft breweries have become part of the landscape and lifestyle, and many of us have special affinities for our favorite ones.

Of course, conflicts may still arise with parties outside the brewing industry, who may not be so collegial. Moreover, even amicable resolutions are typically going to be more favorable to the party that had the superior and better-documented trademark rights from the outset.

The bottom line is that due diligence is advisable when selecting any trademark. How much time and resources should be invested in that due diligence, and any legal protection sought, really depends on the brewer's plans for the product and the level of legal risk they are willing to accept.

But if the brewer plans to invest substantial time and money to develop and build value in a particular brand, it's worthwhile in the long run to also invest in thoroughly vetting and protecting the associated trademarks.

Doing so will decrease the risk of a trademark infringement issue arising that could cause the loss of the brewer's investments in the brand, or even worse, liability to someone else for infringing their mark.

Perhaps even more important, doing so will provide legal benefits to the brewery as it develops its unique, and yes, whimsical, brand.

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

CASA for Children · Haven Hills · Boys & Girls Clubs of San Fernando Valley · PESA Parents Educators/Teachers & Students Inaction · the Y West Valley Family YMCA · Comfort For Court Kids, Inc. · The Ken Project · Boys & Girls Clubs of Greater Los Angeles · Blanket the Homeless

RECENT SCHOLARSHIP RECIPIENTS INCLUDE STUDENTS AT

UWLA University of West Los Angeles · Pierce College · Southwestern Law School · James Monroe High School Law & Government Magnet

Valley Community Legal Foundation

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

San Fernando Valley Bar Association founded in 1926

Retrospective

Long-time Valley residents can remember the massive marquee of the Van Nuys Drive-In Theatre, featuring a caballero on a rearing horse with the San Fernando Mission in the background.

Located on the south side of Roscoe Blvd, several blocks west of Van Nuys Blvd., the theatre originally could park 890 cars.

After a remodel in 1983, the theatre was enlarged to a three screen facility with a capacity of 1,400.

The Drive-In opened for business on July 30, 1948, and closed on September 2, 1996.

Ironically, a local auto dealership used the Theatre to store cars for two years before it was demolished in 1988 to make way for a school.

The Theatre was the last drive-in operating in the San Fernando Valley.

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

Attorney Referral Service

San Fernando Valley Bar Association

MEETS ABA STANDARDS FOR LAWYER REFERRAL
AMERICAN BAR ASSOCIATION
THE RIGHT CALL FOR THE RIGHT LAWYER

Certified Lawyer Referral Service

(818) 340-4529

www.SFVBAreferral.com

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

Ekerling & Doherty is hiring a licensed family law attorney with two years of experience. Send resume and cover letter for consideration to ekerlinganddoherty@gmail.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.

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 Offces 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!

LH

LEWITT | HACKMAN

SHAPIRO | MARSHALL | HARLAN

A LAW CORPORATION

CALIFORNIA'S TOP RANKED LAW FIRMS

BASED ON

AV® PREEMINENT™
Martindale-Hubbell
Lawyer Ratings

16633 Ventura Boulevard, Eleventh Floor
Encino, California 91436

lewitthackman.com
818.990.2120