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FEATURES

13 Los Angeles County Bar Foundation
The Foundation Celebrates Its 50th Year
BY NOAH GRAFF

14 Domestic Violence Project (DVP)
Advocating for Victims of Domestic Violence
BY DEBORAH A. KELLY AND STEPHEN A. KOLODNY

15 AIDS Legal Services Project (ALSP)
Representing Those Most in Need
BY LAURIE E. ARONOFF

17 Immigration Legal Assistance Project (ILAP)
At the Center of Immigration Law
BY PAMELA HARTMAN

19 Indigent Criminal Defense Appointments (ICDA)
ICDA Answers the Call
BY EZEKIEL PERLO

21 Lawyer Referral and Information Service (LRIS)
The Nation’s First
BY SETH CHAVEZ

24 LACBA Sections
How to Create Better Lawyers
BY SUSAN J. BOOTH AND TOM WALSH

25 LACBA Web Services
Tools for Litigators
BY TOM HORNE

26 Center for Civic Mediation (CCM)
Peaceful Resolutions
BY ROB KLIeger

29 Armed Forces Committee (AFC)
Honoring Our Debt
BY STEPHEN T. MORGAN

30 Amicus Briefs Committee (ABC)
LACBA’s Friend of the Court
BY RICHARD A. ROTHSCHILD

DEPARTMENTS

11 President’s Page
How well do you know LACBA?
BY RICHARD J. BURDGE JR.

12 Barristers Tips
How to get started with pro bono service
BY LAURA RILEY AND PHONG WONG

43 CLE Preview
Why LACBA makes a better Los Angeles
BY MAYOR ANTONIO R. VILLARAIGOSA
 Judge Michael D. Marcus (Ret.)

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n 1878, 22 Los Angeles lawyers formed the Los Angeles County Bar Association. The purpose of this association was to share the cost of establishing a public law library, which still exists today as the LA Law Library. This month’s issue is dedicated to our LACBA. We provide you with articles that describe the many programs that you and your colleagues volunteer for, attend, and sponsor. You will be proud to know that we spend many hours assisting the public, providing the membership with ethics guidance, and researching and providing recommendations on judicial candidates, just to name a few.

In 2012, LACBA’s Immigration Legal Assistance Project assisted more than 9,200 immigrants from all over the world, most of them indigent. This organization, headed by immigration law expert Mary Mucha, trains volunteer attorneys and law students to help clients with immigration matters. For the past 26 years, LACBA’s Domestic Violence Project has provided legal assistance to more than 150,000 victims of domestic abuse, including women, men, children, and the elderly. The 350 lawyer volunteers have represented the victims in obtaining temporary restraining orders and other similar matters.

LACBA’s Professional Responsibility and Ethics Committee has been publishing formal opinions in response to members’ inquiries since 1917. The committee has published over 500 opinions, and it is recognized as one of the oldest and most experienced in the United States. Many of the committee’s members are leading ethics and attorney malpractice experts. We are lucky to have such an august group serving our membership.

LACBA also serves members and the public in the rating of judges. LACBA’s Judicial Elections Evaluations Committee conducts exhaustive background investigations by utilizing court and online records and conducting interviews. The committee members have extensive courtroom experience and a firm understanding of the qualifications necessary to be an effective judicial officer. This committee’s ratings appear to have considerable influence among voters, and I applaud this committee on its efforts to help ensure that the courts are represented by the very best our profession has to offer.

LACBA’s Lawyer Referral and Information Service is the largest of its kind in the United States. In 2012 alone, LRIS assisted over 100,000 members of the public with referrals to lawyers and free information about basic legal issues. Members of the LRIS panel receive tens of thousands of vetted referrals every year.

We should all be proud of the volunteer mediators who give their time to the LACBA Center for Civic Mediation. For more than two decades, the Center has been at the forefront of school and community-based conflict resolution programs. The Center’s flagship peer mediation program operates in a number of Los Angeles area public schools. The Center has also resolved disputes between landlords and tenants, consumers and merchants, and employers and employees. The Center also provides other important community conflict resolution services, and the Center has served as a model for similar organizations.

From 22 lawyers to its current membership of over 21,000, LACBA has a rich tradition of service to its members and the public. To learn more about the history of LACBA, Google “LACBA Virtual Museum” to view a very interesting 18-minute 125th Anniversary video hosted by Academy Award winner Richard Dreyfuss. I hope you enjoy it as much as I did.
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How Well Do You Know LACBA?

I THOUGHT I KNEW LACBA. I served as a trustee twice. I went to events with my wife when she was president of the Barristers and later of LACBA itself. I chaired a section and committees. Even so, after I worked up the ladder to the presidency, I was continually surprised to learn of the many important, valuable contributions to the profession and community that LACBA makes. Why did I not know about them? Well, LACBA has not done a good job over the years of keeping the membership informed about all it is doing. This issue of Los Angeles Lawyer aims to make amends.

I have belonged to two sections for more than 30 years and have chaired the Litigation Section, but there are more than 25 sections, each doing exciting things that serve its members. Other than periodic solicitations for CLE programs, I received little information about what the other sections were doing. The Family Law Section, for example, works closely with the family law bench and is very active in its support of numerous CLE and pro bono programs. The Labor and Employment Law Section has remarkable programs for the plaintiff and defense bar. Commercial Law and Bankruptcy also has a variety of programs, strong connections to the bankruptcy bench, and a tradition of community service. The Entertainment Law and Intellectual Property Section reaches out to law schools. Members of the International Law Section travelled to the Middle East last year to meet with their counterparts there.

As a trustee, I watched presentations on LACBA’s projects—the Domestic Violence Project, the AIDS Legal Services Project, and the Immigration Legal Assistance Project. The scope of these projects is easy to underestimate. Each year, they serve tens of thousands of people who are in great need of legal assistance. In addition, the projects relieve tremendous pressures on the legal system by helping litigants present their cases effectively.

Like the projects, the Center for Civic Mediation should not be underestimated. The center sponsors programs designed to resolve disputes in the community and in schools, and it operates one of the largest attorney-client mediation services in the state. LACBA fulfills a critical role with these pro bono projects, but there are many, many other pro bono efforts guided by committees, sections, and individuals. New programs—like the one started by the Armed Forces Committee and Public Counsel on behalf of veterans—are adding to LACBA’s portfolio. Helping to support all these efforts financially is the Los Angeles County Bar Foundation.

The Professional Responsibility and Ethics Committee
I have been a member of the Professional Responsibility and Ethics Committee for more than 10 years, so I know what great service it provides by publishing ethics opinions that are used and commented upon across the country. But LACBA has many more committees that are doing extraordinary work. They are evaluating judicial candidates or appointees, writing amicus briefs, working for access to justice, and representing the best interests of the profession.

LACBA’s Programs
In addition to LACBA’s projects, sections, and committees, there are programs that largely go unnoticed. For example, LACBA operates the Lawyer Referral and Information Service (LRIS) and an Indigent Criminal Defense Appointments (ICDA) program. LRIS maintains a panel of attorneys who practice in 23 areas of law. Members of the public contact the LRIS by phone or electronically and are referred to panel members. Members of the public who otherwise may not find a qualified lawyer are referred to one, and lawyers find paying clients. The largest lawyer referral service in the country, LRIS assigns more than 12,000 cases a year and is growing.

ICDA operates in a different way to serve a similar need. Its panel members are appointed to represent indigent criminal defendants when the Public Defender and the Alternative Public Defender cannot. ICDA lawyers handle all kinds of criminal matters—from small violations to death penalty cases. ICDA attorneys get paid by the county after the court approves their fees. More than 300 lawyers serve on the panels, which get assigned more than 10,000 cases a year.

This issue of Los Angeles Lawyer magazine tells the story of much of what LACBA is doing, although there is not enough space to tell it all. We hope everyone who reads this special issue learns a little about LACBA. Maybe as a result you will want to become involved. If so, you may contact me, and I will connect you with the appropriate people. If nothing else, after reading this issue you will be better informed about what LACBA is doing every day, something about which each LACBA member can and should be proud.

Richard J. Burdge Jr. is the 2012-13 president of the Los Angeles County Bar Association. He can be reached at richard@richardburdgelaw.com.
How to Get Started with Pro Bono Service

RULE 6.1 OF THE MODEL RULES of Professional Conduct states that lawyers have a professional responsibility to complete at least 50 hours of pro bono work annually. This service to the public—typically representation of people of limited means either directly or through a charitable organization—is not mandated in California. But it is strongly encouraged, and for good reason.

In 2012, the Legal Services Corporation, the congressional agency that provides financial grants to nonprofit legal aid programs to deliver civil legal assistance to low-income Americans, cut its funding by over $50 million. In the same year, legal aid programs received significantly less funding from other sources as well. Nevertheless, these dedicated groups continue to provide services to the growing number of unemployed and low-income individuals who seek assistance.

People who do not or cannot receive pro bono help must fend for themselves. They must navigate the complicated legal system, and they often must do so despite mental, physical, and language limitations. As a result, they often do not have the access to justice that is promised to them in our Constitution.

The good news is that there are many opportunities for young lawyers to provide legal assistance to clients in the community. The benefit of these opportunities goes not just to the client in need but also the lawyer. In addition to the good feelings that come from doing justice-oriented work, young lawyers can increase their networking opportunities and gain practical legal experience.

A Few Considerations

There are a variety of considerations and logistics in taking on your first pro bono case. First, what are your organization’s practices relating to pro bono work? To really understand the firm’s culture regarding pro bono work, it is worth reaching out to a more senior colleague to get insight into how pro bono work is viewed internally. One important thing to know is whether the hours will be counted as billable and if there is a number or a percentage cap.

Second, what are your professional goals in taking on a pro bono case? Are you open to gaining any experience as long as it gets you exposure to parts of the litigation process? Or do you want to get specific experience in a practice area that is related to your current caseload? Is there a partner with whom you would like to work more closely and who does a lot of work in a certain area?

Third, who should you go to in order to secure a pro bono opportunity? Many large firms have a pro bono coordinator or committee. If your firm does, you should go through the pro bono contact to start your search for a case. The pro bono person should have a list of projects pending or may help you set up a project in a field of your choice. If your firm does not have a pro bono person, you could reach out to the pro bono directors of legal aid and nonprofit organizations, who can help you put your skills to work at their organizations.

Whether it is a firm or another organization that helps set up the pro bono work, the process generally involves a series of stages and items to investigate before taking on a case. Some but not all pro bono cases require limited legal knowledge in a subject area. Find out what and how much you will need to know before taking on a case, as well as the time commitment involved. Some organizations will offer free CLE trainings to get you started. Other opportunities, such as legal clinics, require limited knowledge and time commitment—for example, an afternoon or evening of limited-scope representation that could be as brief as writing a demand letter.

Many nonprofit organizations partner with firms to prescreen cases and provide support for lawyers taking on pro bono cases. These partnerships provide mentorship and substantive and technical support for the pro bono attorney. Often, these arrangements can be flexible, allowing young lawyers to be the first chair or cocounsel on a case, depending on preference and experience.

The financial cost of taking on a pro bono case from a nonprofit is usually minimal. Most clients are of low income and will qualify for a court fee waiver under Government Code Sections 68630-68640 and Rule 3.51 of the California Rules of Court. Also, transcript or deposition costs can be waived on behalf of indigent litigants through the Transcript Reimbursement Fund. (See Business and Professions Code Sections 8030.2–8030.8.) Finally, if you are still hesitant about taking on a pro bono case, most nonprofits have malpractice insurance that will act as the primary insurer to cover volunteer attorneys who take on cases for that organization.

We hope all young lawyers will look into taking on a pro bono case. Many who do so often develop the passion to continue to provide pro bono assistance. By highlighting the need for pro bono legal services, we hope to make pro bono a part of a young lawyer’s legal practice so that as a legal community, we all may help bridge the justice gap and give everyone a chance to access justice.

Laura Riley is a staff attorney at the Cancer Legal Resource Center, a joint program of the Disability Rights Legal Center and Loyola Law School. Phong Wong is the pro bono director at the Legal Aid Foundation of Los Angeles. They are the cochairs of the LACBA Barristers Pro Bono Committee.
The Foundation Celebrates Its 50th Year

The contributions of LACBA members have helped the Foundation come to the aid of 100,000 legally underserved people

SINCE 1963, the Los Angeles County Bar Foundation has distributed more than $8 million to give a lifeline to more than 100,000 disadvantaged and legally underserved women, men, and children throughout Southern California. The Foundation’s pro bono legal services have been made possible, in large part, by the support and dedication of the Los Angeles County Bar Association’s members. Accomplishment of the Foundation’s mission—to improve the administration of justice, help deliver legal services, and cultivate a positive understanding of and respect for the rule of law—depends on the support of volunteers and donations from LACBA members.

Foundation events are supported not just by LACBA members but also by state and local civic and community leaders, including Mayor Antonio Villaraigosa, Former California State Senator Sheila Kuehl, Los Angeles County Sheriff Lee Baca, Los Angeles Police Chief Charlie Beck, Assemblymember Mike Feuer, Los Angeles Superior Court Presiding Judge Lee Smalley Edmon, and President of the State Bar Pat Kelly, among many others.

As the Foundation celebrates its 50th anniversary this year, we are at a crossroads. Because of the continued cuts to the Los Angeles Superior Court system, the legally underserved are in even greater need of help. To help address this critical need, the Foundation is becoming more heavily involved in fundraising and organizational support of LACBA’s three public service projects: the AIDS Legal Services Project, the Domestic Violence Project, and the Immigration Legal Assistance Project. Last year alone, these projects provided over $3.6 million in pro bono legal services to more than 20,000 people. The Foundation also provides support to LACBA’s Center for Civic Mediation Youth Peer Mediation and Conflict Resolution Project and LACBA’s Joint Veteran’s Pro Bono Project with Public Counsel.

More than ever, it is critically important to provide trained pro bono attorneys, volunteers, and staff who can help clients navigate the legal system at a critical point in their lives, and to help ease the legal logjam by helping clients fill out court paperwork properly to reduce delays in processing and resolving the cases. With fewer staff to help the court process the needed forms, it is even more important than before that trained LACBA volunteers make themselves available to help the courts. With pro bono help, the project’s clients may obtain justice in a timely manner.

Joselito’s Story

Each project has its share of dramatic stories, and if it were not for the support of the Foundation and volunteer attorneys, pressing legal issues might go unresolved. One story was shared by Mary Mucha, who is directing attorney of the Immigration Legal Assistance Project. Joselito was 82 years old, and he received permanent resident status through his daughter, a U.S. citizen. His one wish was to become a U.S. citizen before he died, but he would not be eligible for citizenship until 2014, when he would be 96 years old.

Fearful that he would not live that long, Joselito filed a citizenship application last year to speed up the process. However, after numerous failed attempts to speak with the U.S. Citizenship and Immigration Services (USCIS) officers about the status of his application, he approached the Immigration Legal Assistance Project for help. One of the project’s volunteer attorneys intervened with USCIS on his behalf. During World War II, Joselito was a resistance fighter serving with a guerilla unit that served with the U.S. Army against the Japanese occupation in the Philippines. Because he fought with the Allies during the war, Joselito was trying to claim U.S. citizenship through his military service, which would make him immediately eligible for citizenship.

After some diligent research, the volunteer attorney was able to find the USCIS officer assigned to the case and scheduled the citizenship interview earlier than originally anticipated. Needless to say, Joselito was very grateful that we were able to help him move the process along. He visited the project six months later, with his U.S. citizenship in hand, to thank us—and you—again.

While much has been accomplished in the community, much more work remains to be done. To increase funding for the projects, the Foundation has taken on a larger role by sponsoring a number of events, including Casino Night and the recent Armed Forces Ball, a full military dress and black-tie awards dinner and dance held to support pro bono legal services for veterans.

The projects have been recognized and supported by major corporations, including Verizon Wireless and Wells Fargo. Law firms have started to adopt services through the projects. One example is the Buchalter Nemer Victim Compensation Claim and Assistance Fund. This new program helps victims of domestic violence access financial assistance from the state of California so that they may leave their abusers. Because of innovative programs such as the Buchalter Nemer fund, we are having a positive impact on the courts and on the people who come to the projects for help.

As the Foundation celebrates its 50th anniversary, we are poised to support the projects more than ever, but we need financial and pro bono support from LACBA members to fulfill our mission for Los Angeles. We hope you will join us.

Noah Graff is the president of the Los Angeles County Bar Foundation and practices as litigation counsel at Hughes Hubbard & Reed LLP.
ANA SPOKE SO SOFTLY that her intake interviewer had to lean in close. “He hurt me again,” she said. “I was in court before—even got a restraining order.” “What happened?” “Well, he promised he’d never hit me again. I believed him.” Sunglasses did not completely hide the black eyes peeking from behind the shades. They certainly did not hide the swollen cheek, bruised in purple hues.

Like thousands before her, Ana sought help from LACBA’s Domestic Violence Project (DVP). Through the 27 years of its existence, thousands of people have turned to the project to access justice. Located inside two Los Angeles courthouses, the DVP has provided professional legal assistance to victims of domestic abuse—women, men, children, and the elderly.

Once paired with an attorney volunteer, Ana said, “Are you going to be the one to help me?” He stood, dressed in a suit and tie, to shake her hand and said yes. Ana began, “He wasn’t always like this. We were happy for years, even though he could be jealous. You know, he never let me visit my friends.” She smiled. “I thought it meant he loved me.”

One in every four women will experience domestic violence in her lifetime, according to the Centers for Disease Control and Prevention, and Ana was in that group. According to the U.S. Department of Justice, 84 percent of spousal abuse victims are female.

As Ana’s volunteer attorney continued the one-on-one interview, gleaning facts, dates, and specifics to include in her declaration to be submitted to the judge, she revealed more. The first time he was violent, she was pregnant. Her family gave her a baby shower. The room was festooned with crepe flowers and streamers. Ana was the center of attention, and the oohs and aahs over the infant clothes, bassinet, and baby toys lasted for most of the afternoon. After the guests left, she asked him to put the gifts in the car. He backhanded her across the face, leaving a stinging mark, and said, “You think it’s all about you? You this, you that? Do it yourself.” Stunned, she put her hand to her cheek to soothe herself, and lifted the gifts into the car. Ana did not call the police and kept the incident to herself.

In California, law enforcement receives more than 150,000 domestic violence-related calls per year. Criminal justice professionals believe most domestic violence incidents are unreported. As the interview continued, Ana’s eyes started to water. She said, “I prayed that he would stop. But, it’s always the same. First, he starts to get a mad for the littlest things. I try to stay out of his way. Then, he’ll push me a bit, shove me around. Then, it always got worse.”

**The Cycle**

Domestic violence follows a cycle and pattern of violence, a prescribed path to exert control. Phase one is the tension-building stage, in which minor battering and emotional abuse may occur. The victim attempts to calm the batterer by compliance or staying out of the way. Ana continued, “Then he came home from work early. ‘Bitch,’ he said to me, ‘get this house cleaned up.’ I started to straighten the living room.” “What happened next?” “When I walked by, he pulled my arm.” She paused, looked away. “And...” said her interviewer. “Then he punched me in the face. I felt blood fall from my nose.” She said she tried to get away but could not run fast enough. When he caught her, “He put his hands around my neck and squeezed. I couldn’t breathe. I tried to push him off.” It took Ana a few minutes to compose herself, and she said, “The next thing I knew, I woke up on the floor, coughing. I had urinated in my pants.”

Phase two is the acute battering phase. The harm to the victim and the children may be severe. “Did you go to the hospital?” asked the attorney. “Oh no”, she said, “he

Deborah A. Kelly is the directing attorney for the Domestic Violence Project of LACBA. Stephen A. Kolodny practices family law with Kolodny & Anteau in Beverly Hills and serves on the board of directors of LACBA Projects.
Representing Those Most in Need

Pro bono attorneys for the ALSP have won Angel Awards for representing HIV-positive clients

VERY EARLY IN THE HIV EPIDEMIC, LACBA responded to the desperate need of HIV-positive clients. Behind every statistic is a life with a compelling story of pain, survival, perseverance, and hope. Pro bono attorneys who had been volunteering at local hospices became members of the Hospice/AIDS Project. LACBA did not shy away from the challenge and did not let fear or stigma get in the way of devoting significant resources to help, even at a time when doctors routinely refused to provide medical care to AIDS patients.

Over the years the provision of pro bono legal services expanded, and the program became the AIDS Legal Services Project (ALSP). Today, the project has over 300 attorneys on its pro bono panels and works with another 60 volunteer law students and paralegals. In the last decade, the project’s volunteer attorneys have won four California State Bar pro bono awards for outstanding service and several Angel Awards from California Lawyer magazine. The project’s attorneys have engaged in litigation for prisoners, filed in state and federal court on discrimination and privacy cases, have cases pending before the Ninth Circuit and the court of appeal, are arguing a score of cases in immigration court, and have appeared before the Board of Immigration Appeals and the Appeals Council.

The ALSP has coordinated tens of millions of dollars of legal services to thousands of HIV-positive clients. Behind every statistic is a life with a compelling story of pain, survival, perseverance, and hope. In one case, a dentist refused to treat an eight-year-old, HIV-positive girl. A large firm was able to reach a favorable settlement on her behalf. In another case, the ALSP worked with the U.S. Immigration and Naturalization Service in California at providing pro bono legal services to victims of abuse like Ana. While doing so, the project also benefits children, educates police, enhances opportunities to members of LACBA, assists a beleaguered justice system, and serves the Los Angeles community. Attorneys can take part in providing these valuable services by volunteering time or making a financial donation to help victims like Ana.
case, a young woman from Guatemala was repeatedly raped by her former boyfriend, who transmitted the virus to her. With the help of a volunteer attorney, the woman gained legal permanent residency. Volunteers obtained the same result for a man who was suffering from post-traumatic stress disorder after being sexually molested by his HIV doctor, who had fled the country.

Thirty years after the start of the HIV epidemic, ALSP clients are still disenfranchised and stigmatized, and ALSP’s pro bono attorneys continue to fight for the dignity and rights of people with HIV. The ALSP costs about $110,000 a year to operate, but we generate nearly 15 times that amount in donated legal services. In the last few years ALSP’s formidable docket of successful discrimination and privacy cases has included a lawsuit against a gynecologist who refused to treat an HIV-positive disabled African American woman with ovarian cysts. Another lawsuit prevailed against a large employer that harassed and terminated a man for taking too many bathroom breaks. He had diarrhea caused by his HIV medication. ALSP volunteers also sued a Los Angeles county clinic for a breach of healthcare privacy when the clinic faxed a woman’s HIV status to her employer. ALSP’s formidable docket of successful discrimination and privacy cases has included a lawsuit against a gynecologist who refused to treat an HIV-positive disabled African American woman with ovarian cysts. Another lawsuit prevailed against a large employer that harassed and terminated a man for taking too many bathroom breaks. He had diarrhea caused by his HIV medication. ALSP volunteers also sued a Los Angeles county clinic for a breach of healthcare privacy when the clinic faxed a woman’s HIV status to her employer in response to a request for information regarding her carpal tunnel syndrome.

After nearly two years of litigation, ALSP obtained a successful settlement for a man who was severely ill with AIDS on a habitability and retaliatory eviction matter. The client had returned to his apartment after a hospitalization and surgery only to find his unit infested with bedbugs. After the landlord refused, in writing, to do anything about it, the client was forced to get rid of his bed and couch and sleep upright in a chair at night, aggravating a postsurgical infection. The client turned to the city’s Health Department for help, but the landlord promptly served him with an eviction notice. Fortunately, he was able to find a nicer, larger apartment while ALSP pro bono attorneys obtained a little justice for him.

Other Pro Bono Work

Similar to the unwavering support that LACBA has shown for the AIDS community, the new Armed Forces Committee (AFC) is devoting significant time and effort to help veterans. For example, the AFC recently participated in the Second Annual Women’s Stand Down, an event to assist homeless female veterans in overcoming barriers to employment and self-sufficiency. Members of the AFC were joined by enthusiastic members of the Family Law Section, who volunteered to provide individual consultations to women vets. A very appreciative veteran later wrote to one of the pro bono attorneys: “I am very grateful to you that you took such interest in my plight and am very appreciative for your advice—Thank you so much for supporting us, Female Veterans! We are grateful to you for volunteering your precious time and sharing your vast knowledge and expertise.” A LACBA member and military veteran also personally organized a successful clothing drive for the Stand Down and recruited nine large law firms to donate professional attire.

LACBA’s pro bono projects help not only indigent clients but also the courts. Often working closely with judicial officers and court administrators, LACBA’s section members provide thousands of pro bono hours each year—quietly, efficiently, and without a lot fanfare or staff support.

At the Second Appellate District courthouse Downtown, for example, volunteer attorneys from the Appellate Courts Section help to staff a walk-in self-help clinic. Section volunteers partner with legal service programs to provide pro bono assistance to eligible civil litigants and select about a dozen meritorious cases each year for full representation.

The Commercial Law and Bankruptcy Section also contributes by joining with a number of legal service agencies to provide free legal services to low-income debtors and self-help support to all parties in bankruptcy court. Volunteers help prepare chapter 7 petitions, provide representation in adversary proceedings, and offer counsel in reaffirmation hearings.

Another team of volunteer attorneys and law students volunteer at an evening legal workshop and clinic to help pro se litigants who are navigating Small Claims Court. These free monthly workshops are held at Southwestern Law School and assist plaintiffs and defendants in small claims actions. The workshops provide detailed information on small claims procedures, and educate litigants on what cases are appropriate for Small Claims Court; how to draft, file, and serve a complaint; and how to prepare for and persuasively present a case at trial. In 2012, this team assisted nearly 400 litigants.

LACBA also supports the courts by sponsoring a program that encourages people to find ways not to go to court. One of the largest alternative dispute resolution services in the country, the Center for Civic Mediation utilizes hundreds of volunteer attorneys and legal professionals, and in 2011 provided well over 5,000 volunteer hours to promote a more harmonious and civil society by helping people to find nonlitigious ways to resolve their disputes.

Without the contributions of LACBA’s many pro bono attorneys, the administration of justice in Los Angeles courts would suffer. With that help, it is improved for all.
KNOWN FOR PALM TREES, surf, and celebrities, Los Angeles is also a city where working-class immigrants from all over the globe pursue the American dream. That Los Angeles is served by LACBA’s Immigration Legal Assistance Project (ILAP). At the project’s offices, a three-person staff and an array of volunteers assist immigrants who need help with green cards, work permits, and other immigration issues. Located in the Federal Building, which also houses U.S. Citizenship and Immigration Services (USCIS) and other federal agencies, the project functions as a hub for immigration lawyering in Los Angeles.

One recent morning, the waiting room hummed with activity. Paralegal Jeronimo Centeno fielded inquiries from the waiting clients. Among them was Cuban wrestler Luis Ibanez, who had placed fifth in his weight category at the Beijing Olympics. Ibanez arrived in Florida during the summer to train for the London Olympics, but he let his Olympic dreams die when he and another athlete decided to remain behind when the team returned to Cuba.

**Immigrants in Need**

Referred to ILAP by a friend who had also used its services, Ibanez was waiting for help in obtaining a work permit. Standing near Ibanez was a 32-year-old Israeli surfer. The project had helped him to apply for a temporary green card through his marriage to a U.S. citizen. After a denial of his permanent green card, he was back for more help. In the main office, Assistant Directing Attorney Jane McCaffrey assisted a family from Belize whose schizophrenic son had been detained and was in danger of being deported.

Last year ILAP assisted more than 9,200 immigrants from all over the world, most of them indigent. It trained 70 attorneys, paralegals, and students, held two popular training courses on immigration law fundamentals, and coordinated a volunteer law day that enabled 40 volunteer attorneys to assist more than 200 people. The project prepares applications for immigrants, but it does not represent them before the USCIS or the immigration court. ILAP refers those who need more assistance to LACBA’s Lawyer Referral and Information Service or community-based legal service organizations.

The project also assists attorneys with cases that are pending with the USCIS. It falls to McCaffrey to wade into the USCIS bureaucracy. She treks daily through the Federal Building to meet individually with USCIS officers and untangle cases. According to attorney Paul Cass, the project staff constitute a repository of information about the inner workings of the district office and how to get things done there. He says, “I know of no other city where the local bar association actually has people working in the building where USCIS has its offices, and so regularly interacting with USCIS personnel.” Cass received immigration law training from the project. He is not unusual in that regard. Practically every immigration attorney in private practice in Los Angeles learned immi-
The Heart of Immigration Practice

That recent morning when I visited, several attorneys and law students were interviewing clients and processing forms, all in one small room. Practicing attorneys dropped by to work on cases or chat about the latest in immigration law and policy. Mucha presided over the chaos, listening to several conversations at once and giving instructions when needed. The project “provides an opportunity for attorneys to experience the field and see if they want to become immigration lawyers,” says attorney Vera Weisz. “I also think that the organization has been good at keeping abreast of the day-to-day procedures to help practitioners in their daily practice.”

The project is vital to the justice system of Los Angeles. Without ILAP, many of its clients would otherwise be at the mercy of notarios, self-appointed immigration consultants who prey on immigrants. Because many immigrants are fearful of government agencies and reluctant to step out of the shadows, they often turn to the neighborhood notario for help. But notarios are not attorneys and have little understanding of the complexities of immigration law. Some charge exorbitant fees, and many file fraudulent or grossly incompetent applications, leaving immigrants in far worse legal situations than if they had done nothing. At the project, clients receive competent assistance and honest advice.

“I regularly send to ILAP people who are unwilling or unable to pay my fees, and indicate that they are inclined to do the paperwork themselves, because for an eminently reasonable fee, they can get a consultation by competent people and have applications filled out with some assurance of accuracy and completeness,” says Cass.

Founded in 1973, ILAP has helped thousands, and with comprehensive immigration reform looking likely, Los Angeles will need the project’s services more than ever.
ICDA Answers the Call

ICDA provides experienced, professional representation for defendants in every court

IN MARCH 1963, the U.S. Supreme Court unanimously decided in Gideon v. Wainwright that it is the constitutional right of an indigent defendant in a criminal case to have the assistance of defense counsel. This right is deemed to be fundamental to a fair trial. The Gideon decision led to the creation of offices of public defenders, who are criminal defense attorneys paid by the states. Los Angeles County has a large Office of the Public Defender (PD), but it is sometimes unavailable (or unable, due to a conflict of interest) to represent a particular client. To fulfill the county’s legal obligation under Gideon, the Alternative Public Defender (APD) exists to handle cases that the PD cannot. In many cases, however, another alternative is needed.

LACBA began operating the Indigent Criminal Defense Appointments (ICDA) program for the Central District in 1986, and in 1994, the Board of Supervisors approved a contract expanding ICDA. The program currently provides attorneys to represent indigent criminal defendants when the PD and the APD are unavailable or have a conflict. In 1998, LACBA contracted to provide a comprehensive system to handle indigent defendant cases.

ICDA’s mission is to create and maintain:
- A system to provide complete daily coverage of all courts in Los Angeles County by pro bono attorneys.
- Excellent representation through a system of selection, oversight, and review of ICDA’s panel of lawyers.
- Diversity in the composition of the panel.
- ICDA maintains a panel of approximately 350 private attorneys who are available to assist courts in the representation of indigent criminal defendants. ICDA provides attorneys to the 11 main and 16 satellite courts of the Los Angeles Superior Court to handle about 15,000 cases a year. Each court has, in effect, a staff attorney present to handle the cases that the PD and the APD cannot.

The ICDA panel is divided into five groups. The first group covers misdemeanors and traffic violations. The remaining groups handle progressively more serious cases.

With many cases to oversee, ICDA administrators act as liaisons between the courts and the lawyers, provide information to the courts, advise lawyers of issues raised by the courts, and otherwise act to ensure a positive relationship between the lawyers and the courts. An executive committee composed of 15 ICDA panel attorneys meets monthly and acts as a supervisory body. The committee promulgates new policies and generally monitors the workings of ICDA. A qualification committee reviews and evaluates applications for admittance to the panel as well as applications by panel attorneys for advancement to the next grade. The qualification committee also reviews the qualifications and standards of competence of existing members. It also reviews complaints of incompetence or substandard legal conduct.

A billing and discipline committee hears all complaints against any ICDA lawyer, whether the complaint comes from a judge, another lawyer, or another source. The committee reviews complaints involving excessive or inappropriate billing, violation of ICDA rules, and any other situation in which the potential standing of the lawyer is in issue.

ICDA provides Los Angeles with attorneys every day. A lawyer, referred to as the duty day lawyer, is available to any court that appoints an ICDA lawyer. A computerized rotation list for each court is set up at the beginning of the year to identify the lawyer who is responsible for each particular day and court. The duty day lawyer is not paid for his or her service.

In return for the lawyer’s pro bono appearance, the lawyer is assigned cases for which he or she is compensated according to contracted rates. All compensation is handled between the lawyer and the superior court. ICDA does not compensate any lawyer for work done. The sole function of ICDA with regard to attorney compensation is to monitor the process and investigate any alleged improprieties.

ICDA includes administration of the superior court’s capital case panel. While ICDA does not participate in the selection of the panel, the ICDA program assigns the cases on a rotating basis. In addition, ICDA recently assumed the creation of and administration of a panel of lawyers to handle sexually violent predator cases.

LACBA has every reason to be proud of ICDA’s commitment to the bench and pro bono service, as well as ICDA’s many years of success at honoring the constitutional right of indigent defendants to the assistance of defense counsel. Thanks to ICDA, indigent defendants receive quality representation, even on short notice, from experienced attorneys.

Ezekiel Perlo is the directing attorney of ICDA.

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LRIS helps thousands of callers with legal problems find attorneys

ONE WAY THAT LACBA has contributed to the legal profession is by creating the very first lawyer referral service in the United States. Seventy-five years ago, LACBA established what is now known as the Lawyer Referral and Information Service (LRIS) so that members of the public could rely on a trusted source to find the right lawyer. Now, lawyer referral services across the country serve millions of Americans. LACBA’s LRIS is the largest of its kind in United States and remains committed to providing a superior public service.

In 2012, LRIS assisted over 100,000 members of the public with referrals to lawyers and free information about basic legal issues. A large percentage of these assists included directing members of the public to the correct resource, thereby greatly improving the administration of justice and access to justice for members of the public. Members of LRIS’s panel of attorneys also enjoyed thousands of vetted referrals.

A Banner Year

During its 75th anniversary year, LRIS took giant leaps toward improving its service to the public and the profession. Since the late 1980s, LACBA has recognized the importance of technical systems to provide improved services to lawyers and to the public. In May 2012, LRIS unveiled entirely new technical systems, LACBA’s commitment to technology and this upgrade of lawyer referral systems translates into greatly enhanced services to participating lawyers and members of the public who are seeking information or a referral to an attorney.

Another major step taken by LRIS in 2012 was the geographic expansion of the service to San Bernardino County. In 2010 and 2011, in order to improve access to justice and to LACBA’s public service, LACBA’s president, Eric Webber, and Executive Director Sally Suchil backed the effort to expand the LRIS’s reach to San Bernardino County. Under California State Bar regulations, for many years LRIS was limited to referring cases only to lawyers in Los Angeles County. Although members of the public throughout California had access to the service, the limited scope of the State Bar certification meant that LRIS was useful primarily to members of the public in Los Angeles County. In October 2012, however, the California State Bar issued certification to LACBA in San Bernardino County.

After a breathtaking hit to court funding in Los Angeles County, LRIS began an effort in 2011 to assist the courts. W. Clark Brown, associate executive director and general counsel of LACBA, led a group to pursue the implementation of the so-called limited-scope representation offerings of LRIS. After several months of groundwork, the bench and the bar agreed that LACBA could have a positive impact on the courts by engaging pro se clients. In 2012, many new attorneys were added to the referral service roster to take limited-scope referrals.

At the heart of LACBA’s efforts to enhance LRIS is LACBA’s LRIS Advisory Committee. This group works closely with LRIS to advise on operations, including finance, recruitment, peer review, and qualifications standards. In recent years, under the leadership of Stephen Holzer, this committee has undertaken a considerable amount of work to advance LRIS.

The committee has gone through rules changes in 2010 and 2011, and it is looking at more adjustments to the rules in 2013. The committee also handles escalated discipline issues that are related to attorneys who receive referrals from LACBA and important adjustments to the qualifications standards required to receive referrals in particular practice areas.

Lawyers in Southern California have also been a great resource for LRIS. Some attorneys take referrals from LRIS; others benefit by referring clients to it. A good percentage of clients are referred to the service by law firms. Because LRIS reviews each lawyer who is a candidate for the service’s panel for experience, good standing, insurance, and many other professional requirements, and because the service has a strong client satisfaction review program, law firms and lawyers can refer cases to the service with confidence. Proceeds from referrals support the many good works of LACBA, including the Domestic Violence Project, the Immigration Project, and the AIDS Legal Services Project, all of which provide pro bono services to some of the most vulnerable and needy in the Los Angeles community.

LRIS has had a significant impact on the community and the profession in its 75 years of service. Since its inception, lawyer referral has become a strong public service force throughout the country. With new systems upgrades and geographic expansion, LRIS is poised to serve an even greater portion of lawyers and California residents with a service that provides appropriate access to justice.

Seth Chavez is the director of LRIS.
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LACBA HAS 26 SECTIONS that represent practice areas (e.g., Corporate Law Departments, Real Property, and Criminal Justice) and demographic groups (Senior Lawyers and Barristers). Each section has its own personality that derives from the learning and experience of thousands of Southern California lawyers over decades. LACBA’s sections and committees are the lifeblood of LACBA and a dynamic, positive force in the Los Angeles legal community and the community at large.

The sections also provide a wide variety of benefits to their members. First, they provide an opportunity for attorneys to network with fellow practitioners. This provides a space to expand personal contacts and can pave the way for future business development. Members also have many chances to access the individual and collective knowledge of their fellow practitioners regarding legal issues, best practices, and practice management.

Ultimately, the business of law, like any other, is largely about relationships. Section membership provides attorneys with exposure to up-and-coming peers, potential future employers, judicial officers, and opinion leaders. Many believe that section membership is especially beneficial for today’s newer attorneys, who are just beginning to forge a career path in a labor market that is particularly challenging. Networking and finding mentors are critical activities for those attorneys, who are looking for professional development opportunities and ways to expand and polish their skill sets.

“I speak to a lot of law students and new attorneys in my role with the Barristers section,” says Andy Dhadwal, the 2012-13 Barristers president. “I strongly encourage them to become both LACBA members and Barristers members and then get actively involved as an investment in their careers. Our activities are designed to groom our members to become the future leaders of our community.”

Members also produce and attend a large number of continuing legal education programs. On average, LACBA’s sections produce approximately 200 CLE programs annually, representing roughly two-thirds of LACBA’s total number of CLE programs. These events, which can range from simple one-hour lunch programs to full-day symposiums with multiple general sessions and breakouts, draw audiences ranging in size from 50 to more than 500 participants. The range of topics is highly diverse, reflecting the great variety of interests and viewpoints among LACBA section members.

Another benefit of section membership is the ease of communication among section members. Most of the sections have active e-mail groups, which allow members to communicate on a large scale with fellow section members. The lists provide practitioners with an opportunity to ask questions, seek advice from peers, discuss legal developments, and make referrals. Collectively, LACBA section members exchange thousands of messages, questions, and answers on an average business day.

“It’s amazing how quickly information can ripple through the county’s legal community via the listserves,” says Sally Suchil, LACBA’s executive director. “We find that they are a very active and effective method of member-to-member communication. If something major happens in the court when you’re at lunch, hundreds of section members will be aware and discussing it as a group before you finish your meal.”

LACBA’s section members give back to the profession and the citizens of Los Angeles County in a variety of ways. For some members who are already established attorneys, this involves mentoring those who are at an earlier career stage. Others give back by becoming involved in section leadership, representing the interests of their legal peers.

Every year, section members provide thousands of hours of pro bono service to the community, many via LACBA’s own Domestic Violence Project, Immigration Legal Assistance Project, and AIDS Legal Services Project. For example, the Litigation and Barristers Sections have participated in projects as part of LACBA’s recognition of National Pro Bono Week, and Barristers members serve as volunteer judges in the UCLA School of Law Moot Court Honors Program. Attorneys from the Family Law Section serve as volunteer family law settlement officers in superior court to help parties reach agreements on many issues, including child custody and spousal support. Also, every calendar call in federal Tax Court brings experienced volunteer attorneys from LACBA’s Taxation Section, who provide nearly 300 hours of pro bono assistance each year. LACBA’s president sums up what may be the greatest benefit of all. “I’ve been an active LACBA member and section member for many years,” says Dick Burdge. “I think section members as a group are very generous in sharing information. They educate each other in countless ways. Ultimately, they make each other better lawyers.”

Susan J. Booth is a partner at Holland & Knight, where she heads the West Coast Real Estate Group. She is also the 2012-13 secretary of LACBA’s Real Property Section. Tom Walsh is director of LACBA’s Events, Multimedia, and CLE Department.
Tools for Litigators

LACBA offers litigators powerful online tools for investigation, research, and trial preparation

WHETHER ATTORNEYS are just beginning their research or are about to head into court, they should be aware that LACBA provides its members with a variety of valuable litigation tools. At the beginning of a case, for example, an attorney may want to research parties and opposing counsel, and LACBA’s Searchable Civil Register (SCR) enables members to search and view court summaries from the Los Angeles Superior Court. The SCR contains data from 1997 to the present, offering information on general and limited jurisdiction civil cases from all districts (except Van Nuys, general jurisdiction, before January 8, 2001).

For each case filed, the superior court enters a brief description of all documents, decisions made, and proceedings conducted by the court. The SCR makes this information searchable, along with the type of case and its associated parties, law firms, referees, mediators, and arbitrators. Information about how a judge ruled on challenges, demurrers, and motions is entered as well as the number of trial days. The SCR is a robust tool, and it allows attorneys to search by a variety of criteria. These include party or party type, including mediator, arbitrator, referee, sole practitioner, or law firm; bench officer; specific words or phrases, such as “affidavit of prejudice,” “peremptory challenge,” and “summary judgment granted”; key words; case type; case number; and time period.

The SCR is not the only case research and monitoring tool that LACBA makes available to members. The case tracking tool sends subscribers daily alerts regarding specified criteria. The Case Watch EJert sends an e-mail to the LACBA member when any new court filing or record includes the case number. To use this service, members complete an online form. Members may have up to five free case watch alerts working at a time.

In addition, the Name Watch EJert sends an e-mail to the subscriber when any new court filing or record includes a requested name. This allows attorneys to monitor litigation by company, law firm, another attorney, or a party. LACBA members may have up to five free Name Watches operating at any time. The Case Filings EJert is a daily computer-generated list of case summaries of all general jurisdiction superior court civil cases that have been entered into the electronic docket system by the superior court clerks. It is delivered by e-mail generally within 24 hours of posting.

In addition to these research tools, LACBA members can also access searchable daily case summaries, obtain Judicial Council forms, read judicial profiles, find expert witnesses, and review and publish verdicts.

Daily EBriefs. LACBA’s EBriefs are another daily service that lawyers can use to monitor cases. One of LACBA’s most popular services, the EBriefs are summaries of decisions published over the previous 24 hours by the U.S. Supreme Court, the Ninth Circuit, the California Supreme Court, and the California Court of Appeal. Each summary includes a link to the full text of the case. EBriefs from previous days can be searched by key word or subject area on the LACBA Web site.

LexisNexis Judicial Council Smart Forms. In addition to superior court filing data and e-mail alerts, LACBA provides its members with LexisNexis California Judicial Council Smart Forms and Automated California Judicial Forms. LACBA currently has over 1,500 forms on its Web site that are available for download. These automated forms may be readily filled out and brought to court. The Web site features a video demonstration on how to use the smart forms. Detailed instructions make the experience productive.

Judicial Profiles and Judge in a Flash. Solid preparation calls for researching a judge’s past rulings and courtroom procedures. Judge in a flash and Judicial Profiles help attorneys get to know their judges and thus make better decisions on motions or courtroom tactics at the start of a case. Using Judge in a Flash, attorneys can read interviews with judges and reports on their backgrounds. This information is available on LACBA’s Web site and on a thumb drive. LACBA’s Judge in a Flash is an attorney’s best source for detailed information about judges.

Find Expert Witnesses. LACBA maintains a searchable database of more than 300 experts in a large variety of fields, enabling attorneys to find their experts quickly and easily. The areas covered range from the common to the obscure, including such fields as bankruptcy, cosmetics, elder abuse, horses, Tasers, and wood science. LACBA’s expert witness service has its own Web site, found at www.expert4law.org.

LACBA members also receive an annual publication, the Southern California Directory of Experts & Consultants, which is the most comprehensive registry of legal expertise in the region. This directory contains nearly 2,000 listings that include medical, technical, scientific, and forensic expert witnesses; litigation consultants; trial support services; alternative dispute resolution service providers; and lawyer-to-lawyer referrals.

Thompson Reuters Westlaw Jury Verdicts. LACBA has entered into an alliance with West, a Thomson Reuters business, to provide award information on California civil jury trials, bench trials, settlements, and arbitrations. LACBA members can publish their verdicts, bench decisions, settlements, and arbitrations in Trials Digest and Westlaw for free. Members can also request a full case summary for any case West highlights or features (one free per month). It will contain the same content that a summary on Westlaw and in Trials Digest contains.

For attorneys who are headed to trial or who simply want to perform a little research on a judge, party, or attorney, LACBA offers an impressive array of litigation tools.

Tom Horne is LACBA’s director of Web services and oversees the online Litigator Tools, as well as all other components of lacba.org and its affiliated sites.
Peaceful Resolutions

The facilitators of the Center for Civic Mediation help everyone from middle school students to legal professionals resolve differences.

TWO MIDDLE SCHOOL STUDENTS are horseing around during lunch, tossing food at each other. One of the students knocks the other’s lunch tray to the floor. The other student responds with a punch. Soon, the two are wrestling on the cafeteria floor, exchanging blows, intent on hurting one another. They are no longer playing.

It is not difficult to predict what happens next. A teacher breaks up the fight and sends the students to the principal’s office. At a minimum, the students are ordered to detention. If one or both has a history of misconduct, suspension or even expulsion is possible. This may not be the last altercation between the students. Next time, one of them may bring a knife or gun—rather than just fists—to the fight.

Fortunately, this altercation occurred at Charles Maclay Middle School, a public school in Pacoima, in which the Center for Civic Mediation operates a peer mediation program. The Center has selected and trained a group of students to assist their peers in resolving a wide variety of disputes, ranging from falling-out among friends to bullying to physical altercations. Rather than send the students to the principal’s office, the teacher sent them to peer mediation, where two of their fellow students facilitated a discussion about the altercation, why it happened, and how the students could repair their relationship and avoid similar fights in the future. One of the students now visits often with the program’s coordinator, and he talks through various personal and family issues. The other student has voluntarily returned to peer mediation on several occasions to resolve conflicts before they have escalated into verbal and physical altercations. The two students remain good friends.

Mediation works not just with young people but also with adults. In another example, a mother of two grown sons lies dying in a nursing facility. One of the sons suffers from bipolar disorder and has had a series of conflicts with his brother and the facility’s staff, leading to his being banned from the facility. He is desperate to see his mother one last time before she passes but is refused access to the facility.

When faced with great personal stresses and family strife, even people with no history of mental illness can behave in ways contrary to their own interests. The estranged son in this instance could have chosen to return to the facility, demanding to see his mother and creating a volatile confrontation resulting in physical violence and police intervention. Or, lacking the time, money, and wherewithal to pursue traditional legal avenues, he may have simply given up. In fact, he did neither. Instead, the estranged son turned to the Center for assistance in peacefully resolving his differences with his brother and the facility’s staff so that he could visit one last time with his dying mother. Within a few days of the first call, one of the Center’s volunteer mediators met with the estranged son, his brother, and the facility’s staff and assisted them in reaching agreement upon a set of behavioral guidelines through which he was afforded access to the facility. His mother passed away just one day after his visit.

These are just two examples of the wide array of interpersonal conflicts that the Center and its hundreds of volunteer mediators work to help resolve on a daily basis. The Center recognizes that conflict is an inevitable part of life and that differences of opinion are a part of human nature. How those differences are handled, however, is the key to a healthy, productive society. Through its youth and community mediation programs, the Center empowers individuals and organizations to see differing perspectives and to find the common ground from which they can resolve conflicts and move forward to more productive and enriching personal and civic pursuits.

Teaching Conflict Resolution

For more than two decades, the Center has been on the forefront of school and community-based conflict resolution programs. The Center’s flagship program is the peer mediation program that it operates in a number of Los Angeles area public schools. Peer mediation is an early intervention violence prevention program through which students learn to address conflict by practicing concrete, positive skills as alternatives to verbal and physical violence. Student mediators learn how to help their peers peacefully resolve disputes, ultimately contributing to safer school learning environments. These skills become integral to their experience and behavior. The Center’s staff works with school administrators to ensure that the peer mediation program supports the school’s social development and academic goals for its students, and that it is aligned with school discipline and safety protocols.

Most of the schools in which the Center operates its peer mediation program have student bodies comprised largely of high-risk

Rob Klieger practices litigation with Kendall Brill & Klieger LLP in Century City and currently serves as president of the board of directors of the Center for Civic Mediation.
youth who come from poverty-stricken families and face violence, including gang violence, in their communities and school campuses. Little or no public funding is available to redress the tremendous impediments to learning faced by these youth. The schools rely upon the Center and its programs to help foster a safer learning environment for students. The results have been palpable. Suspensions and expulsions have dramatically declined. Physical altercations are less common. Teachers and principals are able to devote more of their time to educating rather than being relegated to the role of babysitters or police. The Center has a profound and lifelong impact on the students who are involved in its programs and their families. Many of the peer mediators were on the wrong path before being selected for the programs but undergo remarkable transformations, often crediting their work with the Center for better grades, improved family relations, and a decision to pursue a college education and, in some cases, careers in conflict resolution.

The Center is equally devoted to addressing community conflict through its community mediation program. Through its hundreds of experienced volunteer mediators, the Center works to resolve conflicts in communities throughout Los Angeles County, including the cities of Los Angeles, West Hollywood, Long Beach, Pasadena, and Santa Monica. Year after year, the Center has successfully resolved disputes arising in a variety of contexts, including disputes between landlords and tenants, consumers and merchants, employers and employees, spouses and domestic partners, and other family members, as well as more complex real property, environmental, and multiparty disputes. These resolutions benefit not only the individuals and organizations directly involved in the disputes but also the public generally by reducing crime, cutting down on the number of new cases filed in the state’s already overburdened and financially strapped court system, and by promoting more peaceful communities.

The Center has established specialized conflict resolution programs in a number of areas, including elder care and LGBT mediation programs. When families have difficult decisions to make about elderly parents and relatives, it can be highly stressful and emotional, often making it difficult to discuss and resolve such issues as living arrangements, care, property, safety, and end-of-life directives. The Center’s skilled, impartial facilitators assist family members and the elder by providing a safe environment to address differing perspectives and reach a workable solution. Conflicts involving the lesbian, gay, bisexual, and transgender community also
share many similarities with interpersonal and community conflicts generally, but they often implicate a unique set of issues, biases, and perspectives. The Center provides a safe, confidential environment to work through and resolve conflicts relating to such issues as cohabitation arrangements, domestic partnership dissolution, child support, HIV/AIDS issues, and employment discrimination disputes.

In addition to its direct mediation services, the Center’s expert staff and volunteer mediators have provided training to other organizations in conflict resolution. The Center assists organizations to identify and understand causes of conflict within their environment, works with institutions and organizations to design programs and policies that integrate effective conflict prevention and resolution practices into their internal and external processes, and coaches individual and organizational leaders in specific problem-solving techniques to assist them in addressing conflicts. Among the organizations with which the Center has worked in recent years are the Saban Family Clinic, Friends of the Family, the Child Care Resource Center, the Los Angeles County Department of Children and Family Services, and the Pasadena Police Department.

The Center's History

The Center was established in 1978 as a project of LACBA. The Neighborhood Justice Center, as the Center was first called, was one of three community mediation centers in a national pilot sponsored by the Department of Justice, and the only one that was not under the auspices of a court. In 1987, the Neighborhood Justice Center separately incorporated as Dispute Resolution Services (DRS), a nonprofit subsidiary of LACBA. DRS added school-based peer mediation programs to its repertoire of community services in 1987, pioneering these programs in Los Angeles County and establishing the organization as a national model and leader in the fields of community and youth mediation services. In 2010, DRS was renamed the Center for Civic Mediation in recognition of the vital role mediation plays in community and personal relations.

Through the tireless efforts of its volunteers and generous support of foundations, philanthropists, and other private donors, the Center is working to extend its peer mediation program to more Los Angeles area schools and to expand and enhance its Los Angeles County community mediation offerings. The Center also strives to inspire and serve as a model for similar organizations that are working to secure safe learning environments and communities elsewhere in California and throughout the nation.
ON NOVEMBER 17, 2012, the Armed Forces Committee (AFC) held its first annual Armed Forces Ball at the Millennium Biltmore Hotel. More than 200 civilians, veterans, reservists, National Guard members, active duty soldiers, sailors, airmen, and Marines gathered in dress military uniforms and tuxedos to honor the Honorable Harry Pregerson; Manatt, Phelps & Phillips, LLP; Rick Little, director of the Center for Veterans Advancement (CVA) at Public Counsel; and Cristin Zeisler, partner and director of pro bono services at Manatt, Phelps & Phillips, LLP, for their work on behalf of veterans in Los Angeles County. Proceeds from the event went to the partnership between the LACBA, AFC, and the CVA.

Although the AFC’s mission statement recognizes that there are a number of legal service organizations (including other sections and committees in LACBA) that currently provide assistance to veterans, the AFC takes particular pride in its relationship with the CVA. Memorialized in the spring of 2012 through the execution of a memorandum of understanding, the partnership of LACBA, AFC, and Public Counsel is intended to help attorneys help veterans.

An example of this partnership at work is the training session conducted last November. Held at LACBA and attended by more than 90 lawyers, the session was specifically focused on teaching attorneys how to help veterans clear traffic tickets and outstanding warrants. If left unaddressed, outstanding tickets and warrants for minor violations can be a major barrier for veterans who are trying to secure a driver’s license or employment. However, with help from pro bono counsel, veterans have found that courts can be willing to quickly remove these barriers to success. David Daniels and Nancy Wheeler, both attorneys for Public Counsel, led an outstanding block of instruction that was designed for beginners and experts alike.

Online Services
In addition, to further the growth of the partnership, the AFC is enhancing its pro bono presence on the LACBA Web site. Attorneys who want to donate their pro bono services can now find a volunteer application form and other information about pro bono services on the Web page. The application form allows those who have the necessary skills (or can acquire the necessary skills through training sessions) to volunteer their time with little or no wasted energy. After holding a Parole Hearing Boot Camp in July 2011 (attended by more than 75 attorneys), the AFC realized that attorneys in the community have a real desire to help veterans. The AFC also realized that volunteer attorneys need a means to put their time and energy to good use. The AFC’s Web presence is an important step.

It is also important to note that attorneys who cannot volunteer their time for pro bono criminal cases can help in other ways. For example, the AFC is working with the Family Law Section to recruit family law practitioners. Child support, separations, child custody, and disability claims are some of the biggest legal hurdles veterans and their families encounter.

LACBA hopes that the AFC’s first annual ball was the first of many that will continue to raise funds for the support of high-quality pro bono representation of past, present, and future service members, including reservists and members of the National Guard. The AFC recognizes the debt owed to the men and women who have served or are serving and is looking to help.

Stephen T. Morgan is a deputy district attorney for Los Angeles County, a captain in the Army Reserve JAG Corps, and the vice chair of LACBA’s Armed Forces Committee.
LACBA’s Friend of the Court

On issues affecting attorneys in the conduct of their professional activities, the ABC is a well-regarded advocate

The committee does not file amicus briefs. Instead, it recommends whether LACBA should file briefs or join somebody else’s brief. Ordinarily, however, no committee (including ours) may file a brief in its own name.

The committee consists of dozens of LACBA members—currently 41—most of whom actively participate in the votes and discussion. Though we cannot claim to be a perfect cross-section of LACBA membership, the committee includes plaintiffs and defense lawyers, prosecutors and public defenders, government and legal services attorneys, and even a married couple of law professors who occasionally cast opposing votes.

We tend to attract generalists who like learning a little bit about unfamiliar areas of the law and feel comfortable voicing their nonexpert opinions. While the committee has grown in recent years, we maintain a core of veteran members, some of whom have participated for decades. Perhaps they stay because of the intellectual challenge of our cases, or perhaps because the committee never meets. (We conduct all of our business by e-mail.)

Will LACBA File a Brief?
The committee is governed by guidelines, last revised by the Board of Trustees in 2007, that are a combination of procedural rules and substantive principles that generally dictate what type of cases LACBA will consider.

Richard A. Rothschild is the director of litigation at the Western Center on Law and Poverty and has been the chair of LACBA’s Amicus Briefs Committee since 2000.
Whether an amicus brief is likely to make a difference in a case typically depends on who the amicus is and whether the brief is saying something original, or at least making its point in an original manner. The guidelines focus particularly on the who by specifying that the Board of Trustees ordinarily will only authorize filing a brief if the issue directly affects the activities of LACBA as an association, or if the issue substantially affects attorneys in the conduct of their professional activities. Those are the issues for which a court will most likely want an amicus brief from a bar association.

The vast majority of LACBA amicus briefs focus on a core group of issues concerning lawyers as lawyers. As illustrated by *Fireman’s Fund* and *California Rural Legal Assistance*, LACBA has been in the forefront in protecting the attorney-client privilege and work product doctrine. Another area is attorney’s fees litigation, but this is more about preserving access to the courts for litigants without the means to hire attorneys than it is about making money. Thus, LACBA was an amicus in *Serrano v. Priest*, which established the private attorney general doctrine in California, and LACBA has supported an expansive reading of Code of Civil Procedure Section 1021.5, the statute that codifies that doctrine. On the other hand, LACBA has opposed fee requests that threaten to deter potentially meritorious litigation on behalf of underserved populations.

On other lawyer issues, LACBA has:

- Supported admission to the bar of an otherwise-qualified undocumented immigrant who was brought to this country as an infant.
- Opposed expansion of liability of attorneys for malpractice and other torts.
- Opposed effective pay cuts to sitting judges.
- Supported nonprofit legal services programs serving low-income people.

By contrast, LACBA is extremely unlikely to participate in any case that, for example, pits plaintiff lawyers against the defense bar, or employee against employer attorneys, or prosecutors against criminal defense attorneys.

As the juvenile death penalty case illustrates, LACBA is somewhat wary of hot-button issues that do not affect attorneys, but that caution only extends so far. The guidelines, after all, are not commandments, and LACBA is a voluntary association. Thus, LACBA has participated in the two major appellate decisions on the constitutionality of Proposition 8, in each case supporting marriage equality.

While gay marriage continues to divide voters across the country, the issue appears to be much less divisive among LACBA members. ABC’s votes on the Proposition 8 cases have been nearly unanimous.

The committee makes a substantial contribution to the presentation of issues. Highly qualified attorneys, usually with considerable appellate experience, often volunteer to represent LACBA pro bono. They make arguments that draw the attention of the courts. For example, in *Fireman’s Fund*, LACBA made one of the two winning arguments: Oral conversations among attorneys reflecting thoughts about a case are barred from discovery under the work product doctrine. Even our unsuccessful arguments are given careful consideration.

**Procedural Method**

The committee’s procedures stem from the guidelines and the practices of whoever is chair. One overriding principle is that only the Board of Trustees or its Executive Committee can speak in LACBA’s name. Every matter begins with an e-mail to the chair requesting that LACBA participate as an amicus on an issue in a pending case. The request has to feature two or three paragraphs explaining not only the legal merits but also why the issue is important to lawyers. The e-mail should attach at least one document each from opposing sides of an issue. The document can be a brief or sometimes an opinion that is being challenged.

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**KEEPING UP WITH CURRENT EMPLOYMENT LAW IS OUR JOB.**

**JAMS NEUTRALS MAKE IT THEIR BUSINESS TO STAY A STEP AHEAD.**

The **JAMS EMPLOYMENT PRACTICE** includes retired federal, state trial and appellate judges and former litigators. Selected for their substantive knowledge of employment law and skill in handling interpersonal conflict, they also receive extensive, ongoing education on ADR and developing case law. Our distinguished neutrals have years of experience resolving employment disputes ranging from discrimination, executive compensation and whistleblower claims to wage and hour class actions. For more information, visit www.jamsadr.com/employment or call 1.800.352.JAMS.

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Time permitting, I will consult with relevant sections or committees for input. The chair then briefly summarizes the issues and presents them to the committee, along with formal rule exists on when letters in support of review must be submitted, but most practitioners agree that they are most likely to be effective if received around the same time as the answer to petition for review. Usually, that means about 50 days after the court of appeal opinion is issued. If taking all these dates into account I conclude that a letter is unlikely to be considered in the decision whether to grant review, I will summarily deny the request. As required by the guidelines, however, all timely requests are submitted to the committee even if I think that there is little chance for a favorable vote.

When a legal issue under appellate review directly affects the more than 21,000 members of LACBA as an association, the committee strives to represent their common interests.

5 Id. at ¶II.B.3.
7 See, e.g., In re Conservatorship of Whitley, 30 Cal. 4th 1206 (2010) (An intense nonpecuniary interest in a result does not disqualify prevailing party from private attorney general fees); Vasquez v. State, 45 Cal. 4th 243 (2008) (Fees may be awarded in the absence of prelitigation demand letter when the prevailing plaintiffs secure a judgment on the merits); Graham v. DaimlerChrysler, 34 Cal. 4th 553 (2004) (Fees may be awarded to a plaintiff who prevails when litigation causes a defendant to voluntarily change illegal policy).
Among the key missions of LACBA is to support the administration of justice throughout the region by ensuring a qualified and competent judiciary. Judges are the linchpin of any judicial system, and LACBA plays an important role in ensuring a fair and professional judiciary. Critical to this mission is the work of the Judicial Elections Evaluations Committee (JEEC), which rates those who seek to be elected to a judicial seat. In addition, the Judicial Appointment Committee (JAC) provides the governor with a unique source of independent evaluative information on judicial candidates who are being considered for appointment. Finally, LACBA’s State Appellate Judicial Evaluations committee (SAJEC) reviews California appellate judicial candidates for nomination and for elective judicial office.

Every two years in Los Angeles, approximately 200 judges of the Superior Court reach the end of their six-year term and must either run for reelection or retire. If no one challenges a sitting judge, he or she is automatically reelected, but many judges are obliged to run against a challenger. Anyone who has been a lawyer in California for 10 years or more is entitled to run.

The JEEC
Utilizing court and other online records, the JEEC conducts an exhaustive background investigation of each candidate who runs to become a Superior Court judge. The JEEC also conducts in-depth interviews of the candidates, and the committee questions judges and lawyers with whom the candidates have worked. The purpose of the investigation is to determine each candidate’s qualifications to sit as a judicial officer. After the candidates have been given an opportunity to address their record as assembled by the JEEC, the committee issues a rating for each candidate, which is publicized for the voting public. Recent election results show that a favorable rating from the JEEC tends to correlate with electoral success, and that unfavorably rated candidates tend to lose.

The president of LACBA appoints approximately 40 members to the JEEC to evaluate candidates for contested judicial seats. The members of the committee represent a cross-section of the legal community, including lawyers from the private and public sectors; sole practitioners and members of small, medium, and large firms; prosecutors and criminal defense attorneys; and members of the plaintiff and defense bars.

Candidates for judicial office may choose not to participate in the JEEC evaluation process. A partner with Kreindler & Kreindler LLP, Gretchen Nelson is a past president of LACBA and past chair of its Litigation Section. W. Clark Brown is associate executive director and general counsel of LACBA as well as a former member of its board of directors.

For a Qualified Judiciary

Through the hard work of the judicial evaluation committees, LACBA contributes to the selection of fair and competent judicial officers.

By Gretchen Nelson and W. Clark Brown

A partner with Kreindler & Kreindler LLP, Gretchen Nelson is a past president of LACBA and past chair of its Litigation Section. W. Clark Brown is associate executive director and general counsel of LACBA as well as a former member of its board of directors.
process. If so, they still receive an evaluation, but they are not afforded subcommittee interviews. The committee takes a candidate’s decision not to participate in the evaluation process into consideration as one of several factors impacting the candidate’s judgment, character, work ethic, and temperament. Any negative reports regarding a candidate are investigated to determine the extent to which the report has any substance. The committee considers whether the report reflects broadly held opinion, is an isolated instance, or a personal reaction peculiar to the individual responding.

In their investigations, subcommittee members specifically inquire into the following attributes of the candidates:

- Integrity and character.
- Judgment and intellectual capacity.
- Fairness.
- Experience.
- Industry and diligence.
- Judicial temperament, including whether the candidate would be courteous and considerate of counsel, parties, witnesses and jurors, and whether the candidate is even-tempered.
- Professional ability and knowledge of the law.
- Health problems that might affect the candidate’s ability to serve as a judge.
- General reputation in the community.
- Civic and community activities.
- Other relevant matters of concern, including any issues relating to potential bias.

After the subcommittees gather information, they present their reports and recommended rating for each candidate to the full committee for discussion, and the full committee makes a tentative evaluation of each candidate. Each candidate receiving a tentative evaluation of Qualified or Not Qualified (instead of Well Qualified or Exceptionally Well Qualified) is advised in writing of the tentative rating and of the right to appear before the committee to discuss the evaluation. When candidates appear, they are given the opportunity to address the reasons given for the tentative evaluation, to present facts and letters and other documents, and to answer questions from the committee. Following each candidate’s discussion, the committee reaches a final evaluation, which is sent to each candidate before publication.

The Rankings

The committee’s ratings are described as follows:

- Exceptionally Well Qualified candidates possess qualities and attributes considered to be of remarkable or extraordinary superiority so that, without real doubt, the candidate is deemed fit to perform the judicial function with distinction.
- Well Qualified candidates possess qualities and attributes considered to be worthy of special note as indicative of a superior fitness to perform the judicial function with a high degree of skill and effectiveness.
- Qualified candidates possess qualities and attributes considered sufficient to perform the judicial function adequately and satisfactorily.
- Not Qualified candidates possess less than the minimum qualities and attributes considered necessary to perform the judicial function adequately and satisfactorily.

These standards necessarily contemplate a quantitative and qualitative evaluation. The JEEC ratings collectively represent hundreds of hours of work over nearly three months. This time investment is made to ensure a quality evaluation and represents a commitment by LACBA and the JEEC to the administration of justice.

The JAC

Another piece of LACBA’s mission to support the administration of justice is accomplished quietly every year by its JAC, which reviews the qualifications of judicial candidates who have been nominated by the governor. The committee uses the same rating system as the JEEC.

The JAC consists of at least 15 and no more than 42 people who are appointed by LACBA’s president. The terms of all JAC members is three years, and approximately one-third of the committee is newly appointed each year. The president appoints a single chairperson two years and vice chairpersons for one year. The president appoints well-respected lawyers who are willing to make the time commitment essential for a quality evaluation. Like the JEEC, the JAC seeks a broad cross-section of the bar.

The JAC chairperson appoints a subcommittee of three to conduct an investigation of the qualifications of each nominee. Each JAC member is provided with questionnaires and background documentation from the governor’s appointments secretary. The subcommittees inquire into the same attributes of the candidates as in the JEEC process. After investigation, the committee meets to evaluate the nominee. If, during the discussion of the nominee, a third of the members present believe that an in-person interview would assist the committee, the final evaluation is delayed until the next meeting, which the nominee is invited to attend.

Once the committee’s report is issued to the governor, the committee’s opinion of a candidate is final and nonappealable. The committee does not inform any prospective appointee of the committee’s final opinion, nor does the committee confirm or deny any information that the governor may release about the committee’s opinion of a candidate. In this quiet manner, the JAC conducts its goal of informing the governor of the bar’s view of potential gubernatorial judicial appointees.

The SAJEC

The SAJEC assists the governor in reviewing appellate judicial candidates for nomination. This committee also assists the public in electing qualified appellate candidates. The SAJEC either coordinates with the governor’s office to conduct a discrete investigation of a potential appellate judicial appointee or seeks to educate the public on the degree of suitability of each appellate judicial candidate for elective office.

In keeping with Article 6, Section 16 of the California Constitution, the SAJEC evaluates the qualifications of candidates for election to the Supreme Court and the Court of Appeal of the Second Appellate District who have filed a declaration of candidacy or who have been nominated by the governor. Following the review of qualifications, the committee reports its evaluations. The SAJEC’s procedures are like those of the JEEC.

If the committee decides that a candidate should be tentatively rated Not Qualified, the chair prepares a statement of reasons for the rating. The statement is forwarded to the candidate in confidence, and the candidate is given an opportunity to meet with the committee, or prepare a written response to the statement of reasons, or do both. After that, the committee may reconsider its tentative ratings. If the committee continues to rate the candidate as Not Qualified, it issues that rating, along with the statement of reasons and the written response, if any, in the report. Next, the committee’s final report is approved by the LACBA Board of Trustees and disseminated to the public.

At the request of the governor, the SAJEC also evaluates the qualifications of prospective appellate appointees. The committee tenders in confidence its evaluations of prospective appointees to the governor or the governor’s judicial appointments secretary. That report constitutes the opinion of the committee, and, once submitted to the governor’s office, the committee’s opinion is final and nonappealable. The committee does not inform any prospective appointee of the committee’s final opinion, nor does the committee confirm or deny any information that the governor may release about the committee’s opinion of any candidate.

These committees provide some of the most direct support to our justice system. Thanks to the dedicated effort of the members of these committees, LACBA contributes to the selection of fair and competent judicial officers to provide justice to California’s citizens.
Ethical Guidance for Attorneys

Since 1917, the Professional Responsibility and Ethics Committee has helped lawyers with ethical questions

IF A FORMER CLIENT posts false and negative comments about you on a blog about lawyers, what can you do about it without violating your ethical obligations? A recent opinion from LACBA’s Professional Responsibility and Ethics Committee (PREC) answers that question.

What are your ethical responsibilities as an attorney when hiring paralegals, legal assistants, and legal secretaries who may be in possession of confidential information regarding one of your firm’s cases? Formal Opinion No. 524, available at www.lacba.org/opinions, answers that question.

Other issues that PREC has addressed include a fee dispute that arises with a client during the representation as well as possible ex parte communications on a listserv or Internet chat room to which local judges also have access.

Since 1917, PREC has been publishing formal opinions in response to inquiries made by members. During its 95-year history, PREC has published over 500 opinions. It is one of the most experienced legal ethics committees in the United States. The committee consists of LACBA members, some of whom have served for decades and others who have joined recently. Collectively, PREC’s 40 members have over 350 years of experience on the committee. PREC is a large committee, and its membership is highly diverse, with members from many different areas of legal practice including litigators, criminal law specialists, immigration lawyers, mediators, lawyers from the State Bar, and lawyers from public interest groups. The strength of the committee stems its diversity. PREC’s membership is representative of large and small law firms, solo practitioners, and government attorneys.

The committee is graced by the likes of Harry B. Sondheim, inaugural recipient and namesake of the State Bar’s Harry B. Sondheim Professional Responsibility Award. This award was established in 2010 to recognize his outstanding long-term contribution to the advancement of attorney professional responsibility standards in California.

Sondheim does not stand alone on PREC in his commitment or expertise. Many of the committee’s long-term members are leading ethics and attorney malpractice experts. For example, Stanley W. Lamport specializes in land use and legal ethics. Robert L. Kehr is another committee member with an exemplary record of service to the ethics community. Ellen A. Pansky, a former State Bar prosecutor, now specializes in the defense of attorneys. Diane L. Karpmann’s firm provides ethics counsel to law firms and in-house legal departments. Michael Marcus, a former judge of the State Bar Court, is now a mediator and arbitrator. James Ham specializes in defending lawyers and lecturers on legal ethics at USC’s Gould School of Law. PREC members also include three members of the Rules Revision Commission, numerous former members and chairs of the State Bar’s Standing Committee on Professional Responsibility and Conduct (COPRAC), two past presidents of the Association of Professional Responsibility Lawyers, and LACBA’s current president, Richard J. Burdge Jr.

Ethics Opinions

PREC’s primary purpose is to provide ethics opinions regarding matters of general concern to LACBA members on questions concerning ethical duties and professional responsibilities and to respond to specific inquiries from LACBA members regarding such matters. The formal opinions published by PREC are advisory only and not binding on any court or the State Bar. However, the comments to Rule 1-100 Rules of Professional Conduct state: “[O]pinions of ethics committees in California should be consulted by members of the California bar for guidance on professional conduct.” In addition, the courts consider published ethics opinions and often follow them.

For example, in interpreting Rule 3-300, the courts in both Shopoff v. Hyon, 167 Cal. App. 4th 1489 (2008) and Fletcher v. Davis, 33 Cal. 4th 61 (2004) took note of Formal Opinion No. 496 suggesting that Rule 3-300 did not apply to a contingent fee arrangement coupled with a lien on the client’s prospective recovery in the same matter. More recently, the court of appeal in Plummer v. Day/Eisenberg, LLP, 184 Cal. App. 4th 38 (2010), answered the question left open in Shopoff and Fletcher, holding that “[t]he inclusion of a charging lien in the initial contingency fee agreement does not create an “adverse interest” to the client within the meaning of rule 3-300.”

Another example is Formal Opinion No. 519, which addresses whether there is a self-defense exception to the attorney-client privilege in order to permit the attorney to defend against third-party claims. The opinion concludes that there is no such exception under California law but notes that several federal district and appellate courts have acknowledged a self-defense exception. This tension between California law and federal law played out in the matter of Qualcomm Inc. v. Broadcom Corporation, 548 F. 3d 1004 (Fed. Cir. 2008), in which the magistrate rejected the self-defense exception for the attorneys defending against an order to show cause regarding sanctions for alleged discovery abuses. However, after the corporation criticized the services and advice of counsel, the district court found that the attorneys were not prevented from defending their conduct by the attorney-client privilege and remanded to the magistrate. On the other hand, in McDermott Will & Emery v. Superior Court, 83

Joan Mack is chair of LACBA’s Professional Responsibility and Ethics Committee.
The court of appeal expressly rejected the application of the federal authorities on the grounds that the strict principles set forth in the California Evidence Code preclude any judicially created exceptions to the attorney-client privilege.

In addition to authoring the formal ethics opinions that courts cite, PREC reviews and comments on proposed rules or amendments to the California Rules of Professional Conduct. During the last decade, the State Bar’s Rules Revision Commission undertook the Herculean task of analyzing and incorporating the American Bar Association’s ethics standards into California’s Rules of Professional Conduct. The commission circulated the proposed new rules for public comment. PREC members spent many hours reviewing and providing comments. The proposed new rules are currently pending approval by the California Supreme Court.

The committee also reviews and comments on draft ethics opinions from the California State Bar’s Standing Committee on Professional Responsibility and Conduct. PREC also monitors and comments upon proposed legislation, proposed rules, and other matters concerning professional responsibility and conduct, including the rules and procedures of the State Bar Court and disciplinary system.

PREC sponsors, and assists other LACBA committees in providing, CLE programs on professional responsibility and ethics. Each December or January (in time for the MCLE reporting deadline) PREC members present a four-hour CLE program addressing topical ethical issues. PREC members also are available to provide an ethics portion to programs offered by other groups.

Every month, a PREC member authors an article for publication in the County Bar Update, a publication of LACBA. These articles, expressing the opinions of the individual author and not the committee, provide practice pointers with a focus on ethics. Past topics have included everything from informed consent for aggregate settlements to lawyers as witnesses. The committee welcomes new inquiries from LACBA members regarding ethical issues or concerns about professional responsibilities. The identity of the inquirer is kept confidential within the committee. The committee, however, does not publish formal opinions that are the subject of any pending litigation involving the inquirer.

The law continues to evolve. Whether a legal ethics issue involves something as new as online comments or as old as a lien, it is thanks to PREC that LACBA members can obtain the opinions, education, and advice needed to stay up-to-date on ethical issues affecting the practice of law.
Keeping Attorney-Client Disputes Out of Court

For more than 30 years, ACMAS has changed opinions about the Los Angeles legal community for the better

LACBA’s Attorney-Client Mediation and Arbitration Services (ACMAS) program provides dispute resolution services to the legal community through arbitration and mediation. Many attorneys are unaware that ACMAS exists until they are notified by a representative of ACMAS that a former client or party has requested assistance in resolving a dispute.

ACMAS is the oldest program of its kind in California. For more than 30 years, it has played a significant role in resolving attorney-client fee disputes. After taking part in mediation and arbitration, people often express that their feelings about the entire legal community have changed for the better because they have been treated with respect. Arbitration under ACMAS can serve as a means to resolve fee disputes rather than going to court. Cutbacks in the courts will be causing more delays for litigants, making the ACMAS program more vital than ever.

ACMAS provides several services to the legal community and consumers. The primary program is mandatory fee arbitration conducted under the auspices of California Business and Professions Code Sections 6200-6206. This program is utilized when a client seeks to arbitrate a dispute with counsel over fees. This arbitration program is mandatory for attorneys but voluntary for clients. The parties may also request mediation of the dispute along with arbitration.

ACMAS also conducts a fee dispute program called the Attorney-Client Arbitration Program (ACAP). The types of disputes eligible for this service are those in which the parties have either exhausted their arbitration rights under the Business and Professions Code 6200 mandatory fee arbitration program or in which the parties have agreed to arbitrate in accordance with ACAP rules.

ACAP was created as an alternative to a trial de novo, which can occur subsequent to an arbitration under Business and Professions Code 6200 if either party is unsatisfied with the result and the initial arbitration was non-binding. This program was created after a recent California Supreme Court ruling that provided that the trial de novo allowed by the mandatory fee arbitration program could also be a binding arbitration if the parties agree to it or if their fee agreement so provides.

Under the Business and Professions Code Section 6200 program, a fee is charged the petitioner that covers all aspects of the arbitration itself. There is no separate fee for the arbitrators, who all serve as pro bono volunteers for the first two days, which almost always are all that is needed. Administered by LACBA, the ACAP program is conducted pursuant to California Code of Civil Procedure Sections 1284 et seq., and the participants have a role in the selection of the arbitrator. In the program, the arbitrators are subject to the mandatory disclosure rules set forth in the California Rules of Court.

Law Practice Mediation

A third program operated by ACMAS is the law practice mediation program, which is intended to promote the consensual resolution through mediation of any and all types of law practice disputes that may arise in connection with the regular or daily operation of a law office—including, but not limited to, private law firms, partnerships, in-house counsel, legal services organizations, offices of the district attorney or public defender, and other agencies.

Frank G. Blundo Jr. is chair of LACBA’s ACMAS Committee and former chair of the State Bar’s Mandatory Fee Arbitration Committee. He practices general civil law in Encino.
The intent of this program is to resolve disputes involving partners, associates, staff attorneys or support staffing. Disputes may concern allocation of fees, firm names, partnership dissolutions, firm breakups, retirements, disputes between firms, and all other types of attorney-attorney and attorney-client disputes. These may also include malpractice, ethics, file ownership, or any other performance issues. This mediation program is separate from the mandatory fee arbitration program.

The ACMAS Panel

Currently, there are over 400 attorney and lay arbitrators who are members of the ACMAS volunteer panel. In some cases, a sole arbitrator is appointed to hear a matter, and that arbitrator must be an attorney. In other cases exceeding $25,000 in value, a three-member panel is appointed consisting of two attorneys and one lay arbitrator. Each arbitrator must attend a training session conducted by LACBA through the ACMAS program, or through the State Bar mandatory fee arbitration program of a minimum of three hours. Every attorney volunteer in the program must have been admitted to practice at least five years prior to their application. Lay arbitrators who are members of the ACMAS arbitration program are those taken from the community and one lay arbitrator. Each arbitrator must have substantial experience in arbitrating ACMAS cases. These attorneys have demonstrable understanding of such matters as attorney-client fee disputes, legal malpractice, and conflicts of interest.

Differences between ACMAS and ACAP

The ACMAS arbitration program is restricted by statute to disputes over fees. No affirmative relief may be granted for any alleged malpractice, although evidence of malpractice may be introduced to determine the reasonable value of the services that have been rendered to the client. In contrast, in the ACAP program affirmative relief may be sought for malpractice in addition to disputes over fees. Hence, the ACAP panel members have more experience and training as well as substantial experience in arbitrating ACMAS cases.

The mediators who handle ACMAS and law practice mediation cases have completed at least a 30-hour minimum training session, which is required for mediators to be certified in California. Additionally, the mediators have to have substantial experience in mediating cases of all kinds prior to admission to the mediation panel for either the ACMAS or law practice mediation programs.

All these programs operate as part of LACBA and with the oversight of an executive committee. That committee, which is composed of attorneys and lay people, creates and updates the rules for each of the programs as necessary. The rules for the ACMAS program must be approved by the State Bar Board of Governors, because the program operates under the authority of the State Bar of California pursuant to Business and Professions Code Section 6200. The ACAP and law practice mediation programs operate independently of the State Bar. One of the primary tasks of the executive committee is to make certain that every arbitration award issued by ACMAS volunteers satisfies the State Bar requirements as set forth in the code and the rules promulgated by the State Bar Mandatory Fee Arbitration Committee.

The State Bar has the authority, pursuant to the Business and Professions Code, to enforce awards against attorneys that require a refund or payment by the attorney to the former client of fees. However, this requires awards to be prepared in a certain fashion in order for the State Bar Court to enter an enforcement action, which may result in involuntary inactive enrollment of an attorney until the award has been satisfied pursuant to the code. As such, vice chairs of the executive committee review each award to make certain that it is in compliance with the State Bar rules in the event enforcement action is necessary. The executive committee also conducts the training sessions for new arbitrators as well as the refresher training for experienced arbitrators who are already on the volunteer panel.

The Program’s Popularity

The ACMAS program conducts more arbitrations than any other program within California, including the state bar’s own program. Each year, ACMAS conducts in excess of 400 arbitrations under Business and Professions Code Section 6200. As such it must maintain high standards for its arbitration panels, stay current on all developments in the law, and maintain a rigorous oversight over program management.

ACMAS performs vital services to clients and to attorneys. It allows fee disputes to essentially remain confidential and provides an economical resolution of fee disputes. The intent of the legislature in enacting the statutory authority for mandatory fee arbitration was to accomplish those goals. ACMAS strives to do that with every case.
Helping the Bottom Line

Being a member of the largest local voluntary bar has its benefits, including discounts on products and services

LACBA’s Affinity Programs allow members to take advantage of discounted products and services from highly regarded companies, and the savings can substantially offset the cost of the annual membership dues. Affinity partners often participate in relevant CLE events by providing content and sponsorship. In some cases, purchases result in royalties invested back into LACBA.

Case resources available to members include court reporting, conference rooms, interpreters, video, video synchronization, video conferencing, and text and video streaming from Hutchings Court Reporters. Hutchings can also help attorneys with complex case management tools, EnCase-Certified forensic data acquisition, e-discovery, large case repositories, and trial presentation technology. Jonnell Agnew Litigation Support Services is another company that offers members court reporting, videography, video conferencing, interpreting, and transcription.

West, a Thomson Reuters business, provides award information on California civil jury trials, bench trials, settlements, and arbitrations. LACBA members can publish their verdicts, bench decisions, settlements, and arbitrations in Trials Digest and Westlaw for free and can request one free full case summary per month for any case West highlights or features. LACBA members are also eligible for 50 percent off the retail price of West's official Judicial Council and county forms.

LACBA members can also receive free California Judicial Council Smart Forms through LexisNexis. Members can access and download up-to-date Judicial Council forms directly to their computers. Forms can then be filled out and saved for future use.

Another benefit is a free LA Law Library borrower card, for which the $140 deposit is waived. The card affords access to over one million volumes in digital and print formats, public computers with access to legal databases—including Lexis and Westlaw, E-Delivery Service—and access to conference rooms, office space, and an enhanced technology training center. (This offer is available to new borrowers only.)

Casemaker's full-text legal research system includes case law from all 50 states and federal courts as well as codes from all 50 states and the U.S. code. California's administrative code, attorney general opinions, court rules, and jury instructions are also available, along with the capability to perform full-text searching or browsing directly to a case or code section. An optional cite verification tool, CaseCheck+, is available to determine the validity of cases.

The Metropolitan News Company publishes eight California newspapers covering the counties of Los Angeles, Riverside, San Bernardino, San Diego, and Sacramento. Its flagship, the Metropolitan News-Enterprise, founded in 1901, is a Los Angeles daily newspaper focusing largely on law and the courts. LACBA members receive discounts on subscriptions to the Metropolitan News Company newspapers and Rules of Court. Newspaper subscribers, in turn, are eligible for more discounts on other products and services.

Financial Services

In addition to professional services, LACBA’s affinity programs include credit cards, credit union membership, and other financial services. The LACBA Platinum Plus MasterCard with WorldPoints rewards from Bank of America allows members to earn points on purchases that can be redeemed for items such as cash back, travel, or gift certificates from top retailers. Southland Credit Union, a full-service financial institution, offers LACBA members everything from savings accounts to home loans.

Wealth Consulting Group can assist with investments, annuities, retirement planning, estate analysis, and other financial services. Members receive discounts on fee-based investment management, most qualified plan fees (including 401Ks), and fee-based financial planning.

LACBA members are able to obtain a LawPay Merchant Account through the LACBA Member Benefit Program. The LawPay Program is the only payment solution recommended by over 70 state and local bar associations because it complies with ABA and state requirements for managing client funds. Unlike traditional merchant accounts, it correctly handles earned and unearned fees. This allows attorneys to accept credit and debit card payments from clients for services rendered or retainers. LACBA members save up to 25 percent off processing fees by accepting credit cards through the LawPay Program.

Insurance

Another popular affinity program is professional liability, term life, and health insurance. A large majority of attorneys turn to LACBA for discounted rates on their professional liability insurance, business insurance programs, workers’ compensation, general liability and property, and employment practices liability plans. Ahern Insurance Brokerage is one of the largest and most respected independent insurance in the country specializing in insurance for law firms.

LACBA has located a National Discount Prescription Drug Program for our members that can save them 22 percent per prescription from more than 60,000 retail pharmacies nationwide and 50 percent by mail order. They can save 10 percent at a CVS Minute Clinic. Savings are also available on pet medications.

Major medical, accident and disability, long-term care, and term life insurance plans...

Lisa Pandolfini is LACBA’s marketing director.
and umbrella liability plans at discounted rates are administered through ISI Pacific, a subsidiary of Insurance Specialists, Inc. ISI offers plans underwritten by top-rated carriers, and most coverage is extended to spouses, employees, and eligible family members.

Multi-life Disability Income and Long-Term Care Insurance Plans can be facilitated by Wealth Consulting Group Los Angeles. WCGLA offers discounts up to 25 percent on individual and multilife disability income insurance and up to 35 percent on multilife long-term care insurance. This offer extends to direct family members.

Auto and Homeowners Insurance through Mercury offers LACBA members up to a 10 percent discount on auto insurance. Mercury already offers its customers up to 15 percent off when they combine auto and homeowner’s policies.

**Law Office Services**

FedEx provides members discounts on the timely, reliable, trackable delivery and return of legal documents. FedEx makes it easy for attorneys to create a return label and include it with legal documents that need to be signed and returned. Alternatively, attorneys can e-mail clients a password-protected fedex.com URL that they can access to print a return label.

LACBA members with Verizon Wireless calling plans of $34.99 or higher may qualify for a discount on a firm’s wireless monthly access fees, with five wireless lines required to qualify. One line must be the firm’s line (federal tax ID required), and it receives a 22 percent discount, but other lines may be for employees or family, and they receive an 18 percent discount. There are additional discounts on equipment. Existing Verizon Wireless customers are not required to extend their contract to receive the discount.

In]sperity, a trusted adviser to America’s best businesses for over 26 years, provides business solutions designed to help improve business performance. Solutions include payroll processing, outsourced human resource back office, tier-priced recruiting and out placement, performance review, employment screening, government compliance, out-of-state employees, short- and long-term cost containment, protection of net profits, expense management, and handbooks. In]sperity works with America’s top businesses with 10 to 5,000 employees and serves more than 100,000 businesses with over 2 million employees, LACBA members receive a 15 percent discount on the enrollment fee.

LACBA members can take advantage of special pricing for GoToMeeting—the simple way for people to collaborate online. GoToMeeting comes with high-definition video conferencing, unlimited meetings with up to 15 participants per session, and integrated audio conferencing via VoIP and phone. LACBA members receive one month free and 15 percent off the standard monthly rate. Members can save even more if they prepay for an annual plan. This offer is available for individual and multiple user accounts.

A wide range of HP business products, including printers, notebooks, desktops, tablets, servers, storage, networking, and much more are available discounted to members. Free U.S. ground shipping is available (not including the U.S. Virgin Islands or Guam, and weight restrictions apply), flexible financing and leasing options, assistance from solutions specialists, and award-winning service and support.

LACBA members can use the OfficeMax Partner Advantage Program to enjoy substantial savings from 31 to 88 percent off the manufacturers’ list price for frequently purchased items. This discount is available online, via phone or fax, and at OfficeMax stores. This program offers exclusive member pricing, customer service, returns, and free delivery on in-stock orders over $50.

Clio offers a 10 percent lifetime discount on Clio in addition to a free 30-day trial, a free data migration, and unlimited access to live customer support and training. This Web-based legal practice management system is optimized to meet the needs of sole practitioners and small firms. Users of any device (Mac, PC, pad, or smart phone) can access practice data securely through an encrypted Web browser.

LACBA members receive up to a 20 percent discount from New Horizons Computer Learning Centers of Southern California, the world’s largest independent training company, delivering a full range of technology and business skills training from basic application and desktop productivity tools to high-end technical training for IT professionals. Popular courses cover desktop applications software (including Windows and Microsoft Office); business skills (including project management, effective presentations, and time management); technical systems, hardware, and software (including Microsoft, Cisco, Citrix); and graphics, Web design, and desktop publishing (Acrobat, HTML, Illustrator, Dreamweaver, Photoshop).

The LACBA Career Center is a valuable search and recruitment resource for legal professionals and employers in Los Angeles. The LACBA Career Center offers simple and easy-to-use tools to make searching for career opportunities and finding qualified professionals fast, efficient, and successful.

**Research Tools**

Judge in a Flash provides detailed information about judges in Los Angeles Superior Court. It is powered by LACBA’s Searchable Civil Register (SCR), another exclusive LACBA product, and it is a great source of detailed information.

LACBA’s Know Your Judges feature allows members accurate information about how judges and commissioners expect matters to be conducted in their individual courts, their expectations of the lawyers who appear before them, as well as their general views about various aspects of trial practice. Approximately 350 bench officers have completed personal profiles consisting of biographical information as well as court practices and expectations. LACBA members are able to review quality information about superior court judges and commissioners.

A LACBA exclusive, the SCR contains up-to-date docket sheet information about general and limited jurisdiction civil cases from all state courts in Los Angeles County from 1997 to the present. It can be searched by a variety of criteria, including case number, party or lawyer name, law firm, judge, referee, as well as topic or case type. The fee schedule may be found online.

The Daily Case Filings EAlert is a daily computer-generated list of case summaries of all general jurisdiction superior court civil cases that clerks have entered into the electronic docket system. Each Filings EAlert is delivered by e-mail, generally within 24 hours of posting by the clerks, and it provides information on the parties, types of cases, and counsel involved in newly filed superior court cases.

The Daily Case Type EAlert is a daily e-mail that includes a listing of all new cases filed within a particular practice area. Subscribers may choose to receive alerts from 12 practice areas. Each daily message includes a listing of all new cases. Similarly, the Name Watch EAlert sends a message to the subscriber when any new court filing or record includes a requested name. Subscribers may search by company, law firm, another attorney, or a party. LACBA members may have up to five free name watch searches operating at any one time.

The Case Watch EAlert sends e-mail notice to a LACBA member when any new court filing or record includes a selected case number. Members may have up to five free Case Watches operating at any one time.

**CLE and Publications**

LACBA provides easy access to CLE credit with a wide array of program topics, live and remote access to program content, and easily accessible personal transcripts. LACBA members receive discounts on live programs and prerecorded programs. Programs are also available in one of the following conve-
nient options: Web casts, video on demand products, prerecorded programs on audio CD, and self-study articles in Los Angeles Lawyer magazine.

Each year, LACBA develops a 25-hour audio CLE program to assist members to meet all of their mandatory CLE requirements, including ethics, prevention of substance abuse, and elimination of bias (self-study and participatory). CLE-in-a-Box is available on CD and on demand online.

When members purchase a CLE+ membership, they pay one low annual fee and receive free or substantially reduced-cost LACBA CLE programs. With over 200 live programs a year, members can enjoy a plethora of specific subjects in which to obtain CLE.

Los Angeles Lawyer Magazine, published 11 times annually, is written by lawyers for lawyers. Each issue contains a designated CLE article that allows members to earn CLE credit. The magazine is also available online in a fully word-searchable format.

The Southern California Directory of Experts & Consultants is an annual directory of legal experts in the region. The directory contains nearly 2,000 listings (medical, technical, scientific and forensic expert witnesses, litigation consultants, trial support services, alternative dispute resolution service providers, and lawyer-to-lawyer referrals). The directory is published in late February.

Expert4law is an online directory of expert witnesses, legal consultants, litigation support, DRP providers, and other vital resources for the legal professional. You can utilize it as a searchable Internet resource or list your own expertise.

More frequent publications include the Daily EBriefs, which is sent by e-mail to LACBA members daily. This notification includes summaries of decisions published over the previous 24 hours by the U.S. Supreme Court, the Ninth Circuit, the California Supreme Court, and the California Court of Appeal. Each summary includes a link to the full text of the case. EBriefs from the previous days can be searched by keyword or subject area.

LACBA This Week is a fast, convenient, easy-to-read listing of LACBA events in one weekly e-mail. Readers can easily view (and register for) upcoming programs for the current week and up to four weeks in advance.

The County Bar Update is a monthly e-newsletter that serves as one of LACBA’s principal sources of information regarding all aspects of LACBA membership. It includes the newest member benefits and promotions, listings of featured events and CLE programs, practice pointers, and a job board. For more information about LACBA’s affinity programs, visit www.lacba.org/benefits.
SAVE THE DATE!
May 21-22, 2013
The Westin Bonaventure Hotel  ■  Los Angeles
**Immigration Law Training Course**

STARTING ON THURSDAY, MARCH 21, the Immigration Legal Assistance Project (ILAP) will host a two-day training course designed for attorneys who are new to the field of immigration law or who have been practicing in the field for less than one year. Led by Frederick B. Benson, Ally Bolour, Paul D. Cass, Stuart I. Folinsky, J. Craig Fong, Carlos R. Juelle, Mary L. Mucha, Linda M. Nakamura, Warren M. Winston, and Judith L. Wood, the training will focus on the legal concepts and procedures as well as the practical aspects of immigration law, including Immigration Court policies in the Los Angeles district office. Those who attend must be a law school graduate or attorney. The program will take place at the Los Angeles County Bar Association, 1055 West 7th Street, 27th floor, Downtown. Parking is available at 1055 West 7th and nearby lots. On-site registration will begin at 8 A.M. both days, with the program continuing from 8:30 A.M. to 4:30 P.M. on the first day and 8:30 A.M. to noon on the second. The registration code number is 011888.

$250—Immigration Section member
$350—all others
13 CLE hours

**California Rules of Evidence: TAP Seminar Series**

ON SATURDAY, MARCH 16, Trial Advocacy and the Litigation Section will host the first part of a two-part course, with the second part scheduled for April 13. The course teaches an innovative and practical seven-step method for analyzing the admissibility of potential evidence. Participants receive a written summary of key rules of evidence, including key definitions and evidentiary presumptions, a user-friendly outline for raising and responding to hearsay objections, and a clear and concise summary of the complex rules regarding the admissibility of character evidence and evidence of specific instances of conduct. Written course materials will be distributed via e-mail prior to the first class, so a correct e-mail address at the time of registration is needed. The course will take place at the Los Angeles County Bar Association, 1055 West 7th Street, 27th floor, Downtown. Parking is available at 1055 West 7th and nearby lots. On-site registration will begin at 8 A.M., with the program continuing from 8:30 A.M. to 12:30 P.M. The registration code number is 011859.

$250—LACBA member
$350—all others
7.5 CLE hours

**LACBA Domestic Violence Project Volunteer Training**

ON WEDNESDAY, MARCH 6, the Domestic Violence Project (DVP) will host a volunteer training program led by Judge Lee S. Edmon, Deborah Kelly, Jessica Lopez, Sara Rondon, and Stephanie Shadowens. Volunteers provide a valuable service to a vulnerable population and gain expertise in the area of family law. No previous experience is required. Attorneys, legal professionals, and law students can volunteer for two three-and-a-half-hour sessions per month for seven months. This training provides a very comfortable learning atmosphere with a great opportunity for open dialogue with the presenters. Program attendees will receive substantial materials, and dinner is included.

DVP volunteers make a difference every day when they assist victims of domestic violence. Last year, LACBA’s DVP helped more than 9,000 persons. During the course of a shift, a volunteer can help as many as three victims seek protection from their abusers. Volunteers interview victims on a one-on-one basis, gathering information with which to complete complicated legal documents. This allows the victims to file for restraining orders with professionally prepared petitions. The training will take place at the Los Angeles County Bar Association, 1055 West 7th Street, 27th floor, Downtown. Parking is available at 1055 West 7th and nearby lots. On-site registration will begin at 5:30 P.M., with the program continuing from 6 to 9:15. The registration code number is 011897.

$85—LACBA member
$100—all others
$175—non-volunteer
3 CLE hours
WHEN I BECAME MAYOR, I invited Angelenos to dream with me about a better future and to join together in making those dreams come true. After almost eight years, and despite the most devastating economic downturn since the Great Depression, LACBA and its members can take pride in the transformational progress we have made together.

As the region’s largest group of attorneys, LACBA is the single most important voice for the legal services community of Los Angeles. During my tenure, I made it a point to stay connected with your respected, nonpartisan organization. Along with affiliated bar associations, local civil rights organizations, and legal services providers, LACBA keeps Los Angeles lawyers connected with one another and the community at large. LACBA’s sections and committees provide vital insights and continuing legal education to its members. And the LACB Foundation’s service projects deliver critical aid to the most needy among us. I have been especially proud to join LACBA in the fight to preserve access to justice by restoring adequate court funding.

I like working with lawyers because they understand key civic building blocks like civil rights, fairness, respect, opportunity, and responsibility. I especially appreciate good lawyers because they not only provide sage advice but also help get things done, and mayors are all about getting things done.

We have done much together. First, we made public safety a priority. Since I took office, homicides in Los Angeles have decreased almost 40 percent, and gang crime has dropped by a similar amount. Last year alone, Los Angeles experienced a 10.5 percent reduction in gang crime and an 8.2 percent drop in violent crime. Today, Los Angeles is the safest big city in the country. We are safer than at any time since 1952, primarily because we put more than 10,000 cops on the street and implemented a successful gang injunction program.

I would like to thank lawyers who advocated for constitutional, community-based policing, and who supported reforms implemented by Bill Bratton and Charlie Beck. These vitally important reforms improved trust and cooperation between the LAPD and the communities it serves.

Second, we fostered an urban and transportation renaissance. Vital business districts are now more closely linked to residential hubs. Lawyers can walk from their offices on Bunker Hill to lunch or dinner on Spring or Main Streets or head to L.A. Live or the Arts District. Many more lawyers and other professionals choose to live Downtown or in Hollywood, enjoying these diverse, vibrant, and now much safer communities. Overall, Los Angeles is cleaner and greener. Lawyers involved in land use, real estate development, and finance have been at the forefront of these developments.

This urban renaissance will perpetuate itself as transit-oriented development takes root along an extended network of mass transit rail lines. Los Angeles is doubling the miles of its rail network. New carpool lanes and express lanes, along with 1,600 miles of new bike paths, are also improving Los Angeles. The result will be an easier commute and a greater quality of life.

Third, we changed practice and policy to lay the foundation for long-term economic growth. Unprecedented infrastructure investments in transit projects, LAX, and the Port of Los Angeles will boost new jobs, trade, and tourism. We made Los Angeles more attractive to new businesses by reducing taxes and cutting red tape. The legal services industry now employs about 50,000 people and will grow as the economy improves. As we attract new technology and creative ventures to Silicon Beach, for example, we will increase demand for intellectual property lawyers, among others.

Tomorrow’s robust economy requires a skilled work force. Unfortunately, when I took office, too many poor students were condemned to failing schools. More than half of these students dropped out before finishing high school. Improving education is an economic imperative and the civil rights issue of our time. Fortunately, we made enormous progress. With help from attorneys, we challenged both tenure and seniority rules that hurt kids and teacher and principal evaluations that fail to consider student progress. The number of successful schools—those with scores meeting or exceeding the state performance target of 800 on the Academic Performance Index—has more than doubled. We also reduced failing schools—those with API scores of 650 and below—from 1 in 3 to less than 1 in 10. Parents have more and better school choice. We tripled the number of charter schools. LAUSD now has the most of any district in the country. We have increased ninefold the number of charters with API scores over 800. I formed an innovative nonprofit to take control of 22 of the schools with the greatest need, serving nearly 16,000 students. If those schools formed their own district, it would be the state’s most improved district serving 3,500 or more students.

By doubling the rail network, cutting crime to 1950s levels, and investing in long-term economic prosperity, we are creating a more livable Los Angeles. But there is always more work to be done, and much of that work will be done by lawyers. Whoever the next mayor is will need your help. Your prowess and understanding is still needed to right injustice and improve the community. I am rooting for you.

Antonio R. Villaraigosa is the mayor of Los Angeles.
CONGRATULATIONS

American Arbitration Association

AND

INNOVATIVE NEW PRESIDENT

India Johnson

A New Era in Global Conflict Management Begins...

To schedule your Mediation, Arbitration or other ADR process with Reg Holmes, please contact:

For American Arbitration Association administered matters:
Michael R. Powell (PowellM@adr.org) — 213.622.6619

For independently administrated matters:
rholmes@theholmeslawfirm.com

For Resolute Systems, LLC administered matters:
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The Holmes Law Firm

Engineering Just Resolutions

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California • Chicagoland • New York Metro • Atlanta
January 23, 2013

Jack Trimarco
Jack Trimarco & Associates
9454 Wilshire Blvd., Sixth Floor
Beverly Hills CA 90212

Dear Jack:

Wade Bughman was acquitted of all charges in a 14-count child molestation case in Pasadena. While most cases are decided by the facts, there are cases where a polygraph exam can play a crucial role in the outcome. Five victims accused my client of sexual misconduct, at different periods during his 18 years as an elementary school teacher. There seemed little chance of convincing a jury that he was innocent of all the charges. That is where your expertise came into play.

My client was examined by Dr. Wesley Maram, a forensic psychologist who had testified on behalf of the government for over 20 years as an expert in pedophilia. He concluded that Mr. Bughman was not a pedophile, and was willing to testify to that at trial. However, before doing so, he wanted Mr. Bughman to pass a polygraph exam to determine if he had tried to manipulate any of the tests given, and if he had honestly answered all questions and performed all tests openly. He also wanted the defendant tested on the ultimate issue of guilt or innocence.

We needed a well respected polygraph examiner whose findings would be beyond question, so we again turned to you. Dr. Maram was willing to accept your results as sufficient evidence of my client’s innocence to allow him to testify on his behalf. The result of you exam was that Mr. Bughman was not deceptive, and that played no small part in his eventual acquittal.

Thank you again for your expertise and thoroughly professional conduct in dealing with the case in general, and Mr. Bughman in particular. I look forward to working with you again in the future.

Sincerely,

Leonard Levine