TIME OUT: How We Represent and Play in the Big Leagues

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Music to My Ears

I took the bench at a very early age. I was four years old, and it was actually a piano bench. I had to sit on two phone books to reach the keyboard, and that first piano lesson ignited my 50-year love affair with music. When I was 11, vacationing with my family at La Costa Resort, I would go into the cocktail lounge in the mornings when it was closed so that I could practice the piano. On one occasion, an older gentleman heard me play and wandered in. He listened for a few minutes and then asked if I knew “Stardust.” I didn’t know until he left that I had just dazzled the song’s composer, Hoagy Carmichael, with my rendition of his greatest hit.

Music kept me focused, studious and out of trouble through my teens. I accompanied Bob Hope at a benefit charity event; acted, played piano and sang in dozens of musical theater productions; and spent six summers studying music at the acclaimed Interlochen Center for the Arts. At 17, I took first place in a statewide piano competition, and went on to third place in the western region. During college I continued private piano lessons at the University of Arizona, and earned decent money on weekends playing private parties and at the country club. But as I was nearing college graduation, I knew that my love for music would change if I had to rely on it exclusively for my livelihood. Not knowing what else to do, I accepted my father’s offer to pay for law school.

At USD, I found a jazz band to play in as a diversion from my studies. After graduation, I passed the CPA exam and worked in litigation support and forensic accounting for a “big eight” firm, but the siren’s call of the arts world always drew me back. I spent five of the happiest years of my career as CFO and general counsel at the La Jolla Playhouse, and was later enticed out of private law practice for a similar five-year stint at the Old Globe.

Today, I run my own private bankruptcy and tax practice with offices in San Diego, Temecula and Palm Springs. But the great joy of my life has been my 25 years as artistic director and conductor of the San Diego Gay Men’s Chorus — a 140-voice organization with a $400,000 budget and three paid staff members. At our recent sold-out North Park Theater performances of “Rocket Man,” I was right back where I started 53 years ago — on the piano bench, happily fulfilled while pounding out some of the greatest pop music ever written.

Gary Holt (gary.holt@garyholtlaw.com) is a solo practitioner.
For information and scheduling, please contact Genevieve Kenizwald at Gen@adrservices.org or (619) 233-1323
Summer is here! While some might argue that in San Diego, summer is always “here,” I know that I speak for many who are glad that the season is officially upon us. In our profession, we often discuss working hard and moving forward without losing sight of what else is important to us — our families, our friends and all of the things we have to do and like to do when we are not at work.

Summer is supposed to be the time when it all slows down, when we take some time for ourselves and relax. With an active toddler at home, days of leisure are limited but I find some time each day to enjoy a book or a nice glass of wine or a chat with a good friend. I enthusiastically applaud and admire all of the attorneys in our community who prioritize and relish their own leisure time as much as their careers.

Recognizing the importance of taking time to restore is easy. Finding the time for what you enjoy is not quite as easy. Often times, there is just too much to juggle... the demands of our families, our jobs (and at times our volunteer leadership positions) are significant and real. I don’t think any of us has this art perfected, but choosing to follow your volunteer, athletic, musical or intellectual passions will never be wrong.

There is, and will always be, one more file to look over, one more email to send, one more networking or legal community event to attend and one more push to find an hour of productivity left in you at the end of a busy day. But what was important to us before we became lawyers, and what will continue to make us happy as lawyers, will never be found solely within the confines of our office.

In this issue of San Diego Lawyer, we get to look at some of our colleagues and peers from a different angle — as authors and artists, athletes and musicians, dog owners and world travelers. And we get to meet some serious attorneys who have some seriously fun clients. Ever wonder what your colleagues do when they are not burning the proverbial midnight oil at the office? Well, here is where you find out. There are so many of you interesting people — doing so many interesting things and working for so many interesting causes and organizations in our community and in our profession — and here we are able to highlight just a few.

Each summer, in our July/August issue, we focus on “leisurely pursuits,” with the hopes that you take the time this season to leave the office a bit early, come in a bit late to catch a great wave, stay up too late at a barbecue with friends, take the time to travel and also to enjoy all that San Diego summer has to offer.

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Changes on the Horizon
Legal education needs to evolve in order to build better lawyers

In my last column, I talked a bit about the changes coming to legal education and some of the obstacles that stand in the way of meaningful law school reform. Many of those obstacles are the product of entrenched professional culture; some are created by resource shortages (staff, cash and so on) and some by the accreditation requirements faced by ABA-accredited law schools, which famously have spurred some schools to purchase boxes of microfiche at exorbitant cost in order to come up with enough library “volumes” to meet the ABA’s requirements.

But much is possible despite these obstacles. In fact, the need to change, and to find creative ways to do so, will ultimately create a better law school experience and better lawyers. Competition is good for American business, and it will be good for American legal education, too.

At California Western, we have a remarkable foundation on which to build. More than 70 percent of California Western graduates participate in our rigorous clinical internship program, which places students in the field in law offices, corporations and government agencies throughout the United States. This program features not only outstanding placements, ranging from international human rights work in Vienna to working in the front office of a Major League Baseball team, but rigorous supervision of the field mentors to ensure that the student is getting a genuine educational experience. The failure by some law schools to visit placement sites is why many internship programs are of relatively low quality. It takes a lot of commitment, effort and resources to do internships right.

Of the remaining 30 percent of our graduates, the great majority participates in one of our many law clinics, including the world-renowned California Innocence Project or our two Community Law Projects, which meet the legal needs of hundreds of underserved citizens with extremely high-quality legal representation.

Or consider our Access to Law Initiative. In this program, the first “incubator” program on the West Coast, graduates who want to practice in solo or small-firm settings can launch their practice with outstanding mentorship from Initiative staff lawyers, who bring many years’ experience in small practice settings and a lot of teaching talent to the project.

And we’re far from finished. All of these programs have been in place, sometimes largely unsung and unknown for years. The lawyers who hire our graduates know, however. They know why they keep coming back to California Western for the kind of new lawyers who don’t need two or three years of hand-holding before they can do useful (and billable) work.

Still, the best is yet to come. Stay tuned for news on how we are integrating practice-based skills into doctrinal classes, how we are redesigning the law school curriculum explicitly to meet the needs of a demanding professional practice, and, most of all, about the role that you, the practicing bar, can play in ushering in the new legal education. The 19th-century roots of our education are honorable, but it is time that law school, like law practice, moves on.

Niels Schaumann is President and Dean of California Western School of Law.
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nivly, a local lawyer, joined Macbeth in the conference room. Macbeth waved to Sarah and Duncan. “Do you mind if they join us?”

“As long as the attorney-client privilege will still apply . . . ?”

“You hired our firm; you’re our client. The privilege governs all your communications with us.”

Snivly jumped in. “Great. I’m developing a new line of business. Want to make sure I’m on the ‘straight and narrow,’ as it were.”

Macbeth folded his hands on the conference room table. “Tell us about it.”

“I’m into ‘specially appearing’ — Snivly made quotation marks in the air — ‘for lawyers who’re too busy or can’t be bothered.’

‘Specially appearing’ for what?”

“Just about anything — court appearances, motion hearings, depositions, you name it.”

Macbeth glanced at Duncan and Sarah. “Interesting. What’s your concern?”

“Just that ethically there’s no problem.”

Sarah scribbled a note. Duncan nodded favorably.

Macbeth cautioned, “You realize that technically ‘special appearances’ are limited to challenges to personal jurisdiction?”

“Yes. But I’m using it as everyone does — appearing on behalf of the attorney of record. Any problems?”

“I’m sure you realize that by ‘specially appearing’ you create an attorney-client relationship.”

“No. With that attorney’s client.”

“Really?”

“Yes, one appellate court addressed the issue head-on. A firm appeared at a summary judgment hearing. Solely as an accommodation to the attorney of record. Wasn’t even compensated.”

“What did the court say?”

“The special appearance created an attorney-client relationship. The firm owed that client the duties of loyalty and due care. Duties every lawyer owes a client.”

“Wow!”

“With an attorney-client relationship, the ‘specially appearing’ firm could be sued for malpractice.”

“You mean just a single appearance?”

“Was enough.”

Sarah interrupted. “Then, there’s that case with lawyers hired solely to serve as trial counsel, if the case ever went to trial. They could still be liable for malicious prosecution.”

“Will that protect me?”

Macbeth cautioned, “It isn’t failsafe. But at least you’ll have the client’s written agreement to your limited role.”

“That helps, Macbeth, thanks.”

“Obviously, you still have to know enough about the case — even with a limited role — to fulfill your duties to your new client.”

“I guess that means I take on fewer ‘special appearances.’”

“But, perhaps, sleep better.”


Edward McIntyre (emcintyre@swsslaw.com) is a partner at Solomon Ward Seidenwurm & Smith and chair of the SDCBA’s Legal Ethics Committee.
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QUESTION:
How did you choose the type of law you practice?

“By realizing I did not like my former area of practice, and volunteering while doing contract work. I am now on staff as a legal assistant to the general counsel at the nonprofit where I started volunteering.”
— Samuel Mrazee, Invisible Children, Inc. (samazzeo23@gmail.com)

“I originally wanted to practice employment law after graduating law school. But then I hooked up with Galente Ganci, and now I practice solely DUI defense and I love it. Interacting one-on-one with clients and being in court frequently has been extremely rewarding and fun.”
— Hannah Kuhani, Galente Ganci, APC (hannah@gandgtriallawyers.com)

“I was once a heavy equipment operator. It’s no surprise that I became a commercial real estate lawyer (aka a ‘dirt lawyer’). I like working on big, team-oriented projects that result in tangible assets.”
— Rafael Castellanos, Solomon Minton Cardinal Doyle & Smith LLP (rc@smcdslaw.com)

“I actually did not choose my area of law; the area of law chose me. Hired as a law clerk by a small personal injury law firm, I learned personal injury from intake up to litigation. Never looked back.”
— Carlos Martinez, Law Office of Carlos M. Martinez (cmartinez@ltilaw.com)

“I specialized in appellate litigation after clerking on the Ninth Circuit because I enjoy research, strategic thinking and written and oral advocacy. I also enjoy handling a range of substantive issues — civil and criminal — rather than a single area of law.”
— Johanna Schiavoni, Law Office of Johanna S. Schiavoni (johanna@schiavoni-law.com)

Jeremy Evans (Jeremy@CSLlegal.com) is the Managing Attorney/Owner of CSLlegal.

TRAVEL
Thomas Jefferson School of Law Professor Jason Fiske appears with a copy of San Diego Lawyer in Baku, Azerbaijan, near one of the world’s largest freestanding flagpoles. With him are (from L-R) Yusif Mirzezade, Colleen Graffy and Lee Wakefield.

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On Writing
The right way to include citations
BY ROBERT LYNN

If you use a case citation in the text, the citation is enclosed in brackets or parentheses. Generally, it is more accepted to state the rule of law and follow it with a citation rather than use the case name in the text.

You only use *Ibid* in the same paragraph where the original citation appears. *Ibid* is used where it is the same exact citation. *Id.* with a page number is used when you are citing another page in the same case. When the citation appears in an earlier paragraph, use *supra*. *Ibid*, *Id.* and *supra* are always in italics.

Always pinpoint citations. A pinpoint cite is one that gives a page reference to the exact page of the case that is authority for whatever you have said. A pinpoint cite keeps the reader from having to read all of every case you cite to determine whether you’ve done so correctly. The reputations of lawyers who don’t pinpoint suffer accordingly.

Robert Lynn (rlynn@lynnlaw.sdcoxmail.com) is with the Law Offices of Robert Lynn.

On Books
BY BENITA GHURA

*Thinking Like a Lawyer: An Introduction to Legal Research* by Professor Kenneth Vandevelde of Thomas Jefferson School of Law

Professor Kenneth Vandevelde was inspired by the Socratic method in his law school torts class, where no matter what argument a student gave, the professor could always find a counter argument. Prof. Vandevelde began to think a great deal about the way in which legal concepts are structured to make this possible. After graduating, he went into legal practice, which allowed him an opportunity to test his ideas in the crucible of practice. “Ultimately, my goal in writing the book was to encourage law students and lawyers to think about how they think when they think like a lawyer,” he said.

Benita Ghura (bghura@sdlawlibrary.org) is a Reference Librarian at the San Diego Law Library.

On Technology
BY SHANNON CARTER

In both state and federal court, parties can request metadata — information on the history of an electronic document that isn’t ordinarily viewable. Some tips on requesting and using metadata:

- Send a litigation hold letter asking the opposing party to preserve documents with metadata that may be altered or destroyed under the opposing party’s document retention policy.
- Specify “metadata” or documents in “native” format in the initial document request to avoid receiving documents in a “reasonably usable” form that lacks metadata.
- Metadata may include the date a document is created or edited; the individuals creating, accessing or modifying a document; and tracked changes and comments. Use this information to restrict searching, authenticate documents, develop timelines and detect forgery or spoliation.

Shannon Carter (skenealy1@juno.com) is with Arena Pharmaceuticals and co-chairs the SDCBA’s Intellectual Property Law Section.
Doug Glass started practicing law 30 years ago. He has been a successful full-time mediator for the past 12 years and has been honored in The Best Lawyers in America® for five years running since 2008.

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Tristan Higgins’s interest in entertainment arts eventually led her to Sony Electronics where she handles a wide range of legal issues, with a particular focus on entertainment technology law.

How did you find your way to your current position?
I started at the City Attorney’s office as a prosecutor, became counsel for the Screen Actors Guild in L.A., and then moved on to run Sega’s North American operations in San Francisco. I really wanted to come home to San Diego.
My background is in entertainment law (SAG) and technology law (Sega). I saw that Sony was looking for an entertainment technology lawyer to help with a new business area, and I knew it was going to be a good fit for me. Luckily they agreed.

What drives you?
I like being able to help my business clients get deals done that do make money. And, of course, I can always highlight issues and help to steer them clear of things that will cost us money.

What is one of the biggest challenges you deal with as in-house counsel?
Making decisions quickly, without all the facts. Outside counsel are incentivized to be as thorough as possible — frequently exhausting all options before giving advice. It is almost the exact opposite for in-house counsel. I need to be able to give clear advice in a meeting — while in the room, even if I didn’t know what would be asked of me in that room. Of course, I can always correct that advice later, if needed, but we really do work on very short (or nonexistent) turnaround times.

Is there a particular issue that is important to you as it relates to law, the practice of law, legal education, etc.?
Lesbian, gay, bisexual and transgender (LGBT) diversity is incredibly important to me. I have spent a lot of time and energy at Sony helping to make the company aware of, and to prioritize, LGBT diversity. The goal is to make sure that Sony is a company that welcomes everyone, and that people can feel comfortable being who they are here, without fear of retaliation. We are now participating in the HRC Corporate Equality Index, and scoring very well. This year will be the fourth year that Sony marches in the San Diego Pride Parade and sponsors a giant booth at the Festival.

Alidad Vakili (alidad.vakili@klgates.com) is a corporate attorney with K&L Gates LLP.

Life Notes

- Years in practice: 16
- Undergraduate: University of California, San Diego (1994)
- Law school: California Western School of Law (1997)
- Favorite quote: “Be who you are and say what you feel, because those who mind don’t matter and those who matter don’t mind.” — Dr. Seuss
- Favorite book: The Talisman by Stephen King
- Hobbies: Travel, craft beer, writing, kayaking, golf, movies, music and reading in bookstores.

Quick Facts

- Sony Electronics was founded in 1946 in Japan.
- Employees: Approximately 1,200
- Legal department: Approximately 27

Sony Electronics (SEL), headquartered in San Diego, is the U.S. sales and marketing arm of Sony’s global electronics business. It is a leading provider of audio/visual electronics and information technology products for the consumer and professional markets.
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How we Represent and Play in the Big Leagues

BY JEREMY EVANS

“I started riding at age 9 and got my first horse/started competing in small local shows at age 10. I have been involved in showing horses ever since then. As a kid I primarily showed Appaloosas and quarter horses. As an adult I have shown mostly Morgans and most recently Saddlebreds. My daughter and I compete on a national level from California to Massachusetts. I have won numerous World and Reserve World as well as National Championships.

“I ride and compete because it is both a mental and physical challenge. What I do as a lawyer is mentally challenging but mostly sedentary. By contrast, showing a horse requires that you be at the top of your game both physically and mentally, and that you combine both in a focused and successful way. You have to be adaptable because each horse is different and each class is different. It is quite different from pleasure riding in that you are always working with the horse to enhance the horse’s natural abilities. To do that in an artificial environment such as a show area and to present a horse at its full potential is a high like nothing I have ever experienced. Most athletes just have to control their own bodies. In a horse show arena, the rider is responsible for their own mental and physical responses to what is happening around them as well as the horse’s mental and physical responses. When it works … it is magical.

“I currently have eight horses that my daughter and I actively compete with. One is in San Diego. Five are outside Denver and two are in Indiana. Six are Morgans and two are Saddlebreds. I also ‘catch ride’ for other owners from time to time. Knock on wood, I have never been seriously injured. Bumps and bruises and sore muscles go with the territory.”
Outside the office, local legal community members participate in a wide range of sports and leisure activities.

**ERIC BERNSN**, of Knobbe Martens, grew up in Coronado. He prefers his home to be on a sailboat in the harbor and is a graduate of the U.S. Naval Academy. Eric loves his bike rides; his longest trip in one day was 125 miles for a race. He has done several 100 to 110-mile trips.

**SUPERIOR COURT JUDGE CHARLES ROGERS** is an avid body builder.

No longer a golfer, **SUPERIOR COURT JUDGE MAUREEN HALLAHAN** is an avid dog walker.

**SUPERIOR COURT JUDGE STEPHANIE SONTAG** religiously walks her dog Riley. “I walk about an hour every morning with my dog and, usually, a group of friends,” she says. “I live near Balboa Park and it’s very peaceful before six in the morning. When I started walking, my dog was younger and we covered several miles. He’s elderly now so we don’t walk as far, but it’s still a wonderful way to face the day.”

**DENNIS SACCUZZO**, of Applications of Psychology to Law, Inc. (Bar Secrets), is an avid chess player. In 2011, commemorating the 50th anniversary of his very first “Chess Match Challenge,” Saccuzzo pitted himself against several law student challengers. Saccuzzo is a chess expert. He studied under famed Chess Master George Koltanowski, and has played as many as 20 opponents at once.

**RICHARD WOLFE** is a Deputy Attorney General for the State of California. He played baseball at Grossmont High School and Cal Poly Pomona, as well as a few years of adult league baseball through his early 20s. Although he played softball off and on over the years, he got back into baseball in his late 50s and now plays senior baseball (55+) on the weekends.

**DIANE LETARTE**, the “Renegade Attorney,” discovered her love of motorcycles at age 16. “I got on the back of my boyfriend’s motorcycle. He scared the hell out of me. I told him that I would never do that again . . . unless I had the handlebars in my hands! I have been riding my own motorcycle since 1981, and of course I never saw that boyfriend again.” And at age 17, Letarte learned how to fly planes. “Sadly, I have not flown for years now, but I still ride my motorcycle.”

**Jeremy Evans (Jeremy@CSLlegal.com)** is the Managing Attorney/Owner of CSLlegal.

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**Q&A**

**LEN SIMON**

Len Simon is co-owner of the Lake Elsinore Storm, the Minor League Single A affiliate of the San Diego Padres. He is also of counsel with Robbins Geller Rudman & Dowd, and an Adjunct Professor at University of San Diego Law School, teaching complex civil litigation and sports and the law.

**How did you come to own a baseball team?**

I love sports. I’m too old to play and I decided to buy a team. Padres were several hundred million dollars out of my price range, so I looked in the minor leagues.

**What does a baseball owner do?**

Whatever he wants. We have a full staff on site, so the club will run fine if the two owners are busy on other stuff. But our job is to try to make things better — a better product for the community, more profitable, better for employees, whatever. We weigh in when we think it’s appropriate, especially in the off-season, when you try to fix whatever is broken and improve whatever is not. And we hire staff. Not players; the Padres do that.

**If you’re the owner, does it help to be an attorney?**

It does, because legal issues come up all the time, so I don’t need to consult with someone else if it’s in an area I understand.

**What perks does a baseball owner get?**

We have an owner’s box, we go to the (annual) Baseball Winter Meetings and we go to spring training and get a ‘backstage pass’ to watch Padres and all their minor league teams work out in Peoria.

**Ever take batting practice with the team?**

No, but it’s a nice idea. I should have thought of it 10 years ago when my reflexes were better.
Growing up, music was the center of family life. My dad played professionally in a jazz band and my mother was a wonderful piano player. Both taught private lessons. By third grade, I had played the clarinet for several years, and won the school talent show.

In 1970, at age 12, I heard a song that totally grabbed me, particularly the soaring guitar at the end: “Somebody to Love” by The Jefferson Airplane. I immediately purchased a best-of album that featured songs played in the finger-style guitar technique. I became an immediate fan and determined to learn guitar. Later I found out that lead guitarist, Jorma Kaukonen, began as a finger-style blues guitarist. By age 13, I quit the clarinet and became a guitarist.

As a student at Rowan University in New Jersey, the only genre of guitar playing you could study was classical. I would spend eight hours a day practicing, on top of a full class schedule. I also played in a rock cover band, NoseDive, which was a great escape from the structured classical music setting.

By my junior year, I realized that my music degree with a focus on classical guitar performance would likely get me a weekend job playing in the local Italian restaurant. So I decided to take the LSAT. I took a U.S. Constitutional law class and (surprisingly) got the highest grade in the class. We visited Washington, D.C., to see oral arguments at the U.S. Supreme Court, and from thereafter, I was determined to go to law school.

In 1984 I graduated from California Western School of Law second in my class. My intent was to somehow merge my music and law degrees, and practice in the entertainment field. Upon graduating I did what most young lawyers do: worked long hours. My leisure time truly love: play music. I can think of no better way to spend my leisure time.

As most lawyers confronted with Employee Retirement Income Security Act (ERISA) issues will likely attest, the area is rather dry. Retirement Income Security Act (ERISA) lawyers are also musicians. Over time several of us would get together to jam. We invited Jorma to come play with us when he visited here, which has happened on several occasions.

In January 2013, Butterfield Schechter LLP celebrated its 15-year anniversary, and Jorma performed a solo acoustic show for clients, colleagues and guests.

I was surprised to discover how many local lawyers are also musicians. Over time several of us would get together to jam. We invited Jorma to come play with us when he visited here, which has happened on several occasions.

I continued to follow Jorma’s career, seeing him perform whenever possible. He opened a “guitar ranch” in Ohio and taught private workshops, which were difficult to get into. But lucky for me a colleague contacted Jorma’s wife, and I had the honor of taking lessons directly from the master himself. We hit it off and I was invited back for many more workshops — and I was retained by Jorma to do some legal work, which led to him becoming a firm client.

I was surprised to discover how many local lawyers are also musicians. Over time several of us would get together to jam. We invited Jorma to come play with us when he visited here, which has happened on several occasions.

In January 2013, Butterfield Schechter LLP celebrated its 15-year anniversary, and Jorma performed a solo acoustic show for clients, colleagues and guests.

As most lawyers confronted with Employee Retirement Income Security Act (ERISA) issues will likely attest, the area is rather dry. But for those of us who are devoted to its practice, it is enjoyable and challenging. Most ERISA lawyers I know have hobbies to offset the dryness. I still find myself playing the guitar every evening as a release after a full workday and, when we have a chance, getting together with fellow lawyer musicians to do what we truly love: play music. I can think of no better way to spend my leisure time.

Marc Schechter (mschechter@bsllp.com) is an attorney and co-founder of Butterfield Schechter LLP.
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Wrongful Death
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Local: 619.237.3490 | Toll Free: 866.395.6792
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NOVEL APPROACHES

F or weeks leading up to the firm’s annual retreat, attorney Randall Kline could not stop wondering, “How am I going to hide this?” As he approached the Ritz-Carlton in Rancho Mirage, he still had no answer. Once he had reached the flat of the desert down the hill from Julian, he had pulled to the side of the road to lower the top in his new BMW Z3 convertible. As he spun the eye-catching white car into the circle in front of the hotel, he came to a stop in front of the valet. He jumped out of the car eagerly and popped the trunk, grabbing his roll-aboard and his hanging bag. Even though the sun was setting, it was still blisteringly hot.

He walked up to the reception desk, stood his roll-aboard up and hung his suit bag on the handle. As he waited at the counter, he noticed someone standing to his right. He didn’t look. The receptionist said, “I’m sorry, Mr. Kline. I’m not finding your reservation.” “It’s K-L-I-N-E, not K-L-E-I-N.” “Ah, here it is,” she said. As she returned his credit card, he finally glanced to his right to see Jeff Burgess, the managing partner of the firm. Kline smiled at Burgess, who looked at him awkwardly.

Finally Burgess spoke. “Glad you could make it, Randy. Your wife here?” “No, she couldn’t make it. High school reunion.” “Well, so then you can party!” Burgess chuckled. “Yeah, can’t wait.” Kline said. As Kline walked toward the elevators, Burgess walked beside him. “You doing OK? I noticed your hours were down last month.” Kline said, “Fine. Couple of the bigger cases I was working on settled, and I’m dealing with a couple of other things.” “Anything I can help with?” “No. No need.” Kline pushed the elevator button.

DUPlicity

By James Huston

JAMES HUSTON
PARTNER, MORRISON & FOERSTER

EDUCATION: University of Virginia, University of South Carolina
WRITING AWARDS: San Diego Best Novel of the Year (Fallout); First Place, Single Story, San Diego Press Club (“A Jury of His Peers” in San Diego Lawyer); New York Times Bestseller list (Price of Power); USA Today Bestseller list (various titles)
DINNER GUESTS: Marilynne Robinson, John Calvin, Herman Melville
WRITING QUIRK: I dictate all my first drafts in my car with no outline.
TRIVIA: I love reading theology; I crawled around on my hands and knees farming sorghum in high school; and I’m the lead singer in a band, Pacific Avenue.
BOOK YOU’D LIKE TO WRITE: The sequel to Falcon Seven, to find out what happened to the characters in the mountains of Pakistan.
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button. Burgess stood looking at him. As the elevator arrived, Burgess said, “We should probably talk later. I got a visit from the FBI yesterday.”

Kline’s mouth went dry. “What about?”


Just as Burgess was about to answer, Kline heard someone yell from the bar 50 feet away, “Kline!” He turned to see who it was. It was Gary Moore, the head of the San Diego litigation group. He was clearly already passing through. .1 well on his way to his usual evening .15.

Moore came running out into the hallway toward Kline carrying a drink in his hand that was spilling onto the sleeve of his sport coat. “Come join us! A bunch of us are in the bar. I’ll buy you a drink!”

“I’ll be right down. I’m just going to go drop this stuff off in my room.”

Moore smiled. “Good. Good. We’ll be here.” Moore forced his eyes to focus, looked at Burgess and then looked back at Kline. “And we need to talk.”

Kline smiled, got into the elevator, got out on his floor, walked down the emergency stairs and pulled out his valet ticket as he emerged in the desert heat.

James Huston (j huston@mofo.com) is a Partner with Morrison & Foerster.

WE HOPE YOU FINISH THE FIRST CHAPTER ASKING, “WHAT HAPPENED NEXT?” IF READERS WANT TO TRY THEIR HAND AT NOVEL WRITING, BOB PENNED ONE MORE OPENING SENTENCE: “NEVER BEFORE HAD SUCH A SHORT TEXT MESSAGE HAD SUCH A SIGNIFICANT EFFECT ON ATTORNEY JANE ROBINSON’S LIFE.” SIMPLY WRITE THE NEXT 300 WORDS AND E-MAIL THEM TO MARTIN@KRUMING.COM BY AUGUST 1. YOU MIGHT SEE YOUR WORK IN SAN DIEGO LAWYER.

A SMILE SAID HE SHOULD HAVE LISTENED

By Steven Semeraro

If Judge Kramer had known this would be the result, he never would have agreed to drive. Pervis, the bailiff, warned him.

“We’re taking ‘fast-fingers’ Lily, judge, you’re gonna want to be in the back with your ear buds.” Kramer knew Lily, but not the nickname. Her fingers moved like lightning on the stenography machine, and he wondered why they’d never before taken her to the Euclid courthouse.

Kramer prided himself as hoi polloi, enjoying the circuit ride with Pervis, Marshall, his clerk, and someone from the steno pool. If he could more than tolerate the combination of flatulence, fetor oris and voluntary (so it seemed) belching that Pervis and Marshall displayed with all but apparent pride, he doubted that Lily would pose any sort of real challenge.

But the 60-ish stenographer supreme would surprise him. Lily’s mind worked incredibly hard to translate voice to steno more rapidly and accurately than anyone in the pool. The electrical impulses that flowed so efficiently from neuron to finger muscles weren’t easily turned off. Apparently, she needed a constant outlet to communicate information or her brain would electrocute itself.

Kramer knew something was up when Pervis and Marshall climbed into the backseat with iPods. The P&M boys were old-school radiomen who liked to laugh at the right-wing talkers. Kramer enjoyed their working-class banter. Why were they sealing themselves off in the backseat?

At first, he assumed that she was nervous, traveling on circuit for the first time and sitting up front with the judge, no less. But it didn’t take long for Kramer to realize that it wasn’t going to stop. As he glanced over his shoulder he caught Pervis’s smile, but not his eye. Still, it spoke as clearly as any glance could, “I told you so.”

Steven Semeraro (ssemeraro@tjsl.edu) is a Professor at Thomas Jefferson School of Law.

STEVEN SEMERARO
PROFESSOR, THOMAS JEFFERSON SCHOOL OF LAW

EDUCATION: Stanford Law School, Rutgers College

PUBLISHED WORKS: More than a dozen law review articles published in journals including the Harvard Journal of Law & Public Policy and the Thomas Jefferson Law Review

WRITING AWARDS: “The Birds They Sang at the Break of Day,” winner ABA Legal Fiction Writing Contest, published in the Journal of Legal Education

DINNER GUESTS: Umberto Eco, Thomas Pynchon, James Joyce

WRITING QUIRK: I do the noir thing without thinking about it.

TRIVIA: I play in a rock ‘n’ roll band.

BOOK YOU’D LIKE TO WRITE: A modern version of To Kill a Mockingbird, but I have no idea how I’d do it. If anyone has a plot, I’m all ears.
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Growing up, if I posed a question that stumped my father, he’d say, “Look it up.” And I would rush to his den, pull a 2,100-page, blue-colored text off the shelf, bring it to him and find the answer. This book was *The Lincoln Library of Essential Information* (15th ed., 1945).

For a commercial litigator, *Business and Commercial Litigation in Federal Courts* (West, third ed., 2011) is *The Lincoln Library*. It is a one-stop shop for all questions in this practice area. The 11-volume, 130-chapter treatise covers, as it must, civil procedure, discovery, motion, trial and post-trial practice, and appeals, as well as substantive topics from antitrust to consumer protection to executive compensation to sports and entertainment.

But it does something else: It gives the litigator a concrete point of view, in the form of chapters artfully written by lawyers and judges with distinguished careers. These authors don’t simply give the substance of the law and cites to the most recent authority; they also give insight on strategy, ethics and case management along with comprehensive checklists for ensuring all grounds are covered. If a question arose about the best way to integrate technology at her next trial, an attorney could call David Boies and pick his brain. If that option isn’t available, she could read Mr. Boies’ chapter on “Litigation Technology” instead.

A few San Diegans also contributed to the treatise. Mike Weaver, a former litigation partner at Latham & Watkins, penned “Litigation Avoidance and Prevention,” offering both general advice (“if your ‘gut’ tells you that this is a troublesome individual or company,” trust it) and specific tips (include mandatory mediation or arbitration provisions to reduce the costs of future disputes) for how to run a business while avoiding litigation.

The Hon. Jeffrey T. Miller (San Diego) and the Hon. M. Margaret McKeown (Ninth Circuit, San Diego) co-wrote “Jury Conduct, Instructions and Verdicts.” The chapter walks the reader through the juror’s experience, offering the judges’ perspectives on handling issues like juror notebooks, exhibit books, questions and instructions — and offering strategy considerations and advice for each.

Charles H. Dick, Jr., former chair of Baker & McKenzie’s North American Litigation Practice Group, wrote the lively chapter “Trial and Post-Trial Motions.” Framing the topic with an analogy to the contrasting playing styles of Joe DiMaggio and Willie Mays (perhaps also like Andruw Jones and Jim Edmonds), he gives instructions for drafting the motions, evaluating their value and strategically timing them. As he describes it, he helps put the attorney “in the right place, at the right time.”

*The Lincoln Library* called itself “an up-to-date manual for daily reference, for self-instruction and for general culture.” *Business and Commercial Litigation in Federal Courts* can claim the same ground. Editor-in-chief Robert Haig fairly calls it not just a legal reference, but “an idea book filled with nuggets of wisdom and perspective” — two things the commercial litigator could always use more of.

Curtis Carll (ccarll@cftriallawyers.com) is with Chapin Fitzgerald.

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**Legal Treatise**

**BY CURTIS CARLL**

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Access to Law Initiative, California Western School of Law

BY GRACE GARNER AND KATRINA JULIAN

California Western School of Law (CWSL) has launched the Access to Law Initiative (ALI), which provides resources and training to recent graduates in exchange for a commitment of 100 hours per year of pro bono or sliding-scale legal work.

Fred Rooney of CUNY Law School, California Western Professor Robert Seibel and attorney Robin Sassi, who is one of the original ALI participants, spoke recently about the program on CWSL Dean Emeritus Steve Smith’s podcast “Law Review with Steve Smith.” During the podcast, Rooney described the program as a space to support new lawyers while also increasing access to justice for those who normally cannot afford an attorney. The 100-hour commitment to pro bono legal services is something that makes CWSL’s program unique, according to him. Professor Seibel explained they take good aspects of a firm and replicate that in the program, but they also allow a young lawyer to develop connections directly with their client.

Currently there are 15 attorneys — some who had several years of experience and decided to go solo, and some who are recent graduates — working together through ALI. The attorneys’ offices are located in the Symphony Towers building and at 945 Fourth Avenue in downtown. There they get advice on how to run a successful law practice such as managing client files, billable hours, ethical issues and any other issue that may arise in a law office. Seibel noted that it is a significant step for California Western to play a direct role in helping spread the availability of free and low-cost legal services in the community. While there has been talk in the media about a challenging employment environment for lawyers, the fact is that the unmet need for civil legal services at reasonable costs has never been greater. ALI is an opportunity for the law school to help its graduates and the community at the same time. It builds on the school’s nationally recognized pro bono program, too.

For Sassi, the most valuable features of participating in the ALI include sharing space and experiences with her fellow new solo attorneys. She described how a sense of camaraderie develops as they learn to set up bank accounts, write checks and refer clients to other attorneys in the program who specialize in different areas of law.

The attorneys have created a support system among each other and Professor Seibel, as well as other mentors. The program lasts approximately 18 months, at which point the attorneys are sent off to work on their own and hopefully share their experience with other recent graduates.

Grace Garner (gegarner@law.cwsl.edu) and Katrina Julian (katrina.julian@gmail.com) are students at California Western School of Law.
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Please contact Courtney Miklusak, Esq. at (619) 515-1557 or cmiklusak@cwsl.edu
Thomas Jefferson School of Law’s Center for Solo Practitioners offers support to recent graduates who enter the legal profession as solo attorneys. The program helps new lawyers develop the necessary tools to run their own practices while providing them with low-cost workspace and training on client development and law office management.

In exchange for providing new attorneys with these resources, participants agree to serve clients who otherwise would not be able to afford a private attorney. They do this by offering income-sensitive fee structures to potential clients and by volunteering to provide limited advice and counsel to victims of domestic violence at the Family Justice Center on a pro bono basis.

“Despite all the headlines about law schools producing ‘too many lawyers,’ there is a growing need for lawyers who offer more affordable services,” says Professor Luz Herrera of Thomas Jefferson School of Law. “Developing a program for new attorneys to build their practices doing some low-bono work for those not already being served is a way to address the needs of both new lawyers and legal-service consumers who have a difficult time paying market rates for legal service.”

The attorneys practice in areas including family law, immigration, criminal law, business consulting and formation, personal injury, and estates and trusts.

The program is modeled after the Incubator for Justice at CUNY Law School in New York, directed by Fred Rooney. With Rooney’s help, a group of faculty and staff at Thomas Jefferson School of Law flushed out the concept and hired Lilys McCoy to direct the effort.

McCoy, an experienced litigator and former president of Lawyers Club of San Diego, also oversees the Solo Practice Concentration at TJSL. The Solo Practice Concentration offers students the opportunity to complete two semesters of coursework geared toward helping them learn the essentials of solo practice. The first semester focuses on the general skill set, such as how to set up their office, market their firm and network to obtain clients. The second semester offers instruction on specific practice areas such as bankruptcy law and family law.

Professor Steven Semeraro, who played an integral role in structuring the Solo Practice Concentration, says students enrolled in this specialized track are taught by a team of eight or nine solo practicing attorneys, who range from recent graduates to lawyers who’ve been practicing more than 20 years.

“The Incubator is similar to a structured law firm world where someone who wants to be a solo practitioner can go and won’t have to be alone,” he says.

During June 2013, the attorneys in the program also provided legal help to community members at no cost, thanks to Councilman David Alvarez, who provided funds for the Center for Solo Practitioners to hold pro bono legal clinics open to District 8 citizens. The clinics, held at the Otay Mesa-Nestor Library, Sherman Heights Community Center and San Ysidro Senior Center, helped individuals with a wide range of issues, from criminal law to family law.

For more information, visit www.tjsl.edu/tjsl-alumni/incubator-program.

Elisabeth Donovan (edonovanlaw@gmail.com) is a solo practitioner.
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Colleagues Across Continents

San Diego and São Paulo’s legal communities are partnering together for mutual support

BY ELISABETH DONOVAN

The San Diego legal community has established a close link with attorneys and judges in Brazil. Over the past few years, San Diego attorneys have worked with members of the São Paulo Bar Association to promote ties within the communities and educate lawyers in both about each country’s respective legal system.

On January 25, 2013, SDCBA Executive Director Ellen Miller-Sharp and George Niaradi, Counsel for International Affairs of the São Paulo Bar Association, signed a cooperation agreement, which states that both institutions will support each other in the legal field.

“There are many synergies in our regions,” says SDCBA’s Miller-Sharp. “We are proud to help expand São Paulo’s programming and our own as we work together to address issues of common concern to both of our memberships and to citizens of both San Diego and São Paulo. This is an exciting time for our organization, and we look forward to exploring all of the opportunities this new partnership brings.”

“The opportunity for both countries to learn about the other’s respective legal systems could result in a greater knowledge base and ability to implement some changes in each legal system.”

Some of the main goals of the agreement include: helping improve the legal services provided to the citizens of each city, educating members about each country’s culture and legal system, and improving ethics in both systems. The organizations will meet from time to time to exchange ideas as to how to meet these goals.

The cooperation agreement was established shortly after the inception of the Legal Education and Exchange Program (LEEP) at Thomas Jefferson School of Law (TJSL), which initially helped both bar associations connect. LEEP began in summer 2011, and the program brings attorneys from the Brazilian legal community to San Diego to study the American legal system for two weeks at the law school. During the time that they participate in the program, the attorneys take courses in English and Portuguese, which include torts, contracts, civil procedure and mediation. TJSL hosts LEEP twice a year, and expects to send its law students to Brazil next summer.

William Byrnes, TJSL’s Associate Dean for Graduate & Distance Education Programs, and Carla McEwin, Director of Brazilian Programs, started LEEP. A criminal defense attorney who holds a law degree from Brazil and an LLM from Thomas Jefferson School of Law, McEwin is determined to continue the fruitful relationship that has been established between the bar associations. She recently was appointed to be the California Correspondent to the São Paulo Bar Association, and will represent the entire state when working with the organization.

“This is a way to cross cultural bridges,” McEwin says. “LEEP and the cooperation agreement between both bar associations aim to minimize the stress of cross-cultural differences.”

U.S. Magistrate Judge Jan Adler, who has held seminars for the LEEP attorneys, also has roots with Brazil. Adler was an exchange student in São Paulo while in high school, and recently returned from a trip to Brasilia, the federal capital of Brazil.

He spoke at the Centro Universitário de Brasilia about the history of mediation in the United States. He also met with many of Brazil’s judges and discussed the country’s need for utilizing mediation in its legal system. According to Adler, the Economist called the Brazilian Supreme Court the “busiest court in the world.”

“Brazil is a litigious society, and has a very expansive constitution that provides so many rights to its citizens, so they are not hesitant to bring lawsuits,” Adler says. “Because there are so many lawsuits on file, the system is overwhelmed, and that’s why they should institute alternative dispute resolution.”

Adler also attended dinners with the Brazilian judiciary and members of the Brazilian Supreme Court, where he was able to hear different viewpoints about Brazil’s need for mediation.

“The opportunity for both countries to learn about the other’s respective legal systems could result in a greater knowledge base and ability to implement some changes in each legal system,” Adler says.

According to McEwin, she will be meeting with representatives from the São Paulo Bar Association in November to set up new seminars and educational events.

“With globalization on the horizon, we have a duty to broaden our knowledge to best serve our clients,” McEwin says. “As we enlarge our international knowledge, the better we will fulfill our duties as lawyers.”

Elisabeth Donovan (edonovanlaw@gmail.com) is a solo practitioner.
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The SDCBA’s Diversity Fellowship Program is working to promote diversity in the legal community

The latest census concludes that by 2043, the minorities combined will be the majority in the United States. As our society becomes more multicultural, it is important that the growing legal community reflect this diversity. It has been shown that clients traditionally are able to relate and communicate better with lawyers with similar backgrounds, and the SDCBA recognizes a shortage of diverse attorneys in San Diego’s legal community.

More corporate clients are requiring their legal staff be diverse because their customers are diverse. The SDCBA actively encourages law firms and corporate legal departments to undertake efforts to promote diversity through its own sponsored Diversity Fellowship Program (DFP), an internship program designed to place first-year students in legal departments to give them a foot in the door where it might otherwise not exist.

San Diego Lawyer interviewed local law firms and legal departments about why they participate in this program; their responses below illustrate the program’s success.

Loren Freestone is an attorney with Higgs Fletcher & Mack LLP and is co-chair of the Diversity Fellowship Program Committee.

FERRIS & BRITTON

Why does your firm/company support this program?

We support the program for three reasons. First, we believe that diversity is good for the legal profession generally and for our firm specifically in making us better able to serve our clients, who themselves operate in and deal with a diverse society. Second, we believe we can contribute to achieving diversity in the profession by providing an opportunity and training to law students with diverse backgrounds. Finally, and most importantly, we have gotten and continue to get first-rate law clerks through the program because the program requires law students to go through a comprehensive application and interview process, including the preparation of writing assignments specific to the program, and then vets those applicants to select the most qualified. This process is in addition to their law school course work and, as a result, only applicants who are motivated and have superior skills make it through. Put another way, the program does a better job at selecting candidates than our small law firm experienced before we participated in the program.

How does the DFP fit in with your firm/company’s diversity programs and goals?

We are a small firm with fewer than 10 lawyers and do not have a formal diversity program with goals. We have always been committed to providing opportunities for women in our firm, but it seems we have not...
been as successful outside the DFP program in finding other types of diversified candidates. We believe we can better serve our clients by becoming more diverse ourselves. The Diversity Fellowship Program is just one small way to work toward achieving this end and, at the same time, to give back to the profession by providing opportunities to others. It has been a no-brainer for us because every summer law clerk who has been placed with us has been outstanding. The program is a win-win.

**What other diversity programs/initiatives do you participate in?**
In March 2013 our firm attended the MCLE program and conference in San Diego sponsored by the Minority Corporate Counsel Association.

**HIGGS FLETCHER & MACK LLP**

**Why does your firm/company support this program in particular?**
Higgs can give back to our community and also support diversity in our legal community by bringing in a diverse student as part of Higgs’ summer intern program.

**How does the DFP fit in with your firm/company’s diversity programs and goals?**
We have an established intern program (spring, summer and fall) that allows college and law students the opportunity to work in a large law firm setting and to be exposed to a variety of practice areas and work experiences. This program is one way Higgs gives back to the community.

**What other diversity programs/initiatives do you participate in?**
In addition to the DFP, Higgs’ attorneys actively participate in several minority bar organizations, seek minority applicants for firm positions, provide mentoring that fosters minority retention, and focus on work/life balance. Higgs is an ongoing sponsor of minority bar group events, including Lawyers Club of San Diego, Tom Homann LGBT Law Association, Earl Gilliam Bar Association, Jackie Robinson Y, PALSD/FALSD and the Iranian American Bar Association.

Higgs established a $10,000 Diversity Scholarship at the University of San Diego School of Law in 2010, which is provided to one student to help lessen the financial burden of law school during the academic year. The scholarship is awarded to a student who has demonstrated commitment to serving diverse communities. Individual attorneys at Higgs and the firm itself fund this scholarship. In 2013, Higgs expanded its efforts and created a Diversity Scholarship at the California Western School of Law — awarding a $3,500 scholarship to a deserving student.

**MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, P.C.**

**Why does your firm/company support this program in particular?**
Mintz Levin has long been committed to programs that support the concept of a pipeline to mentorship and sponsorship.

Ideally the pipeline begins very early in the career of diverse professionals, but the reality is that diverse professionals do not have early access to this experience. Developing contacts, networking and an individual’s personal board of directors needs to happen as early as possible in one’s career. We are happy to be able to provide this opportunity after the first year of law school but prior to the intensive following years when the job search does dominate the law student’s life.

**How does the DFP fit in with your firm/company’s diversity programs and goals?**
While Mintz Levin is very proud of what it has achieved from a diversity perspective among its lawyers across all of its offices, the firm strives to focus on diversity in its recruiting, promotion and retention. Being part of creating the pipeline for diverse professionals completely dovetails with those goals because it not only gives the firm access to diverse candidates it might not otherwise have the opportunity to meet or consider for full-time employment, but it also gives the firm’s attorneys the opportunity to be people of influence for a diverse candidate’s career. That is very rewarding for our attorneys.

**What other diversity programs/initiatives do you participate in?**
The firm’s Sponsor and Retention Program for attorneys of color pairs partners of influence as sponsors with diverse associates for purposes of creating opportunities for the associate, which focus very individually on an associate’s career. Ultimately the sponsor is charged with helping the diverse associate to raise his or her profile within the firm, which hopefully will result in career success. In addition, the Richard Mintz Diversity Scholarship is awarded to a diverse law student, who is invited to participate in the firm’s summer program.

“BEING PART OF CREATING THE PIPELINE FOR DIVERSE PROFESSIONALS . . . NOT ONLY GIVES THE FIRM ACCESS TO DIVERSE CANDIDATES . . . BUT IT ALSO GIVES THE FIRM’S ATTORNEYS THE OPPORTUNITY TO BE PEOPLE OF INFLUENCE FOR A DIVERSE CANDIDATE’S CAREER.” —JENNIFER RUBIN OF MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, P.C.
Finally, the firm was very pleased to launch this past year its Do1Thing initiative — which asks every partner, associate and employee at the firm to simply do one thing that supports diversity and inclusion in our profession. The firm then publicizes testimonials regarding these successes as a way to model for everyone in the firm just how easy it is to participate in the initiative.

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Why does your firm/company support this program in particular?
This is the perfect chance to provide a meaningful career experience to someone who might not otherwise have the opportunity. We have thoroughly enjoyed all our diversity fellows and they have in turn truly enriched our firm culture.

How does the DFP fit in with your firm/company’s diversity programs and goals?
Perfectly. It is a readily available, virtually cost-free and tangible way to support diverse law students.

What other diversity programs/initiatives do you participate in?
We also have a Native American internship, through our very active Native American practice group. We are active in the California Minority Counsel Program, have a robust AWS program and, through our diversity committee, are always looking for ways to foster diversity at the firm.

SEMPRA ENERGY

Why does your firm/company support this program in particular?
It is an integral part of our law department’s efforts to improve legal diversity. We host a reception for all of the DFP candidates and participating employers. We invite two fellows to work for us each summer. We particularly value the DFP because our headquarters is located in San Diego and the program focuses on San Diego law schools and law students. We really appreciate how well-organized the DFP is, especially with regard to the thorough vetting of the candidates prior to placement with employers. The DFP provides participating employers with very well-qualified, high-performing fellows.

SONY ELECTRONICS

Why does your firm/company support this program in particular?
The Sony Electronics law department recognizes the importance of supporting diverse law students in the San Diego community. As a responsible member of the local legal community, we relish the opportunity to provide a diverse group of students experience in a corporate law department environment. The Diversity Fellowship Program has proven to be a successful method of creating these opportunities.

How does the DFP fit in with your firm/company’s diversity programs and goals?
Sony Electronics is committed to diversity. The mission statement of our corporate diversity program encourages departments to enter into mutually beneficial internal and external partnerships that allow us to fully leverage the Sony brand and further our connection with our diverse employees, customers and suppliers. Participation in the DFP allows Sony to build upon its external partnerships to further its diversity initiatives.

In addition to external initiatives, we encourage and sponsor active diverse networking groups internal to the company, including ChiSpa (Core Hispanic Sony Professional Alliance), Equality Alliance (LGBT), WAVE (Women of Action, Vision and Empowerment) and BEACN (Black Employees Community Network), to name a few. The objective in establishing these
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SHARING KNOWLEDGE
The Law Library and local bar associations team up to give free legal information to those in need  BY JOHN ADKINS

In celebration of Law Week, the Law Library partnered with the San Diego County Bar Association, the North County Bar Association and the Foothills Bar Association to provide free legal clinics at three of our locations.

Attorney volunteers in different practice areas were available for 15-minute consultations to provide general guidance and give researchers and potential litigants tips on how to retrieve the information they need to move forward in the legal process. As a side note: Consulting with an attorney at these clinics did not establish an attorney-client relationship. Whew!

At our downtown San Diego location, 14 lawyers served 26 people, and in El Cajon, 10 Foothills Bar volunteers served 24 folks. Finally, in North County/Vista, 17 volunteer attorneys served 22 attendees but with a total of 30 consultations. It was interesting to find that immigration issues were discussed only at this location.

We extend many thanks to the hardworking lawyers who answered our call for help. Law Library patrons depend upon local bar support to help them beyond the abilities of our amazing reference librarians, who are often degreed and practicing but are forbidden from crossing the line into legal advice.

On Tuesday, July 16, the San Diego Law Library will host its fourth annual Law & Comics program, “Censorship: From 1950s Superheroes to Today’s Manga,” from noon to 1 p.m. The featured guest is Charles Brownstein, executive director of the Comic Book Legal Defense Fund (CBLDF).

The talk will follow the history of comic book censorship. The attempts have ranged from Fredric Wertham’s book Seduction of the Innocent, which helped spark a U.S. Congressional hearing into the comic book industry in the early 1950s, to arrests of retailers in the early 1970s, to challenges to comic books in library collections today.

The class will also discuss the case of a United States citizen travelling to Canada who was arrested for images on his laptop. With the assistance of the CBLDF, all criminal charges were dismissed.

Join us July 16 for more on the intersection of the First Amendment and comic books. To learn more about this and other upcoming events, visit www.sandiegolawlibrary.org.

John Adkins (jadkins@sdlawlibrary.org) is Director of Libraries for the San Diego Law Library.

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The San Diego County Bar Association has released a report on the State of the Judiciary in San Diego County. The report provides the first ever snapshot of the current state of San Diego’s courts and urges the legislature to reinvest in the judicial branch.

Over the last five years, California’s Judicial Branch’s budget has been cut by nearly $1.2 billion, almost 30 percent of its former operating budget. This is considerably disproportionate to other entities funded through the state budget process, and the report explains why it is critical that funds are “reinvested.” The budget cuts have led to court closures, staff layoffs and furloughs, and case backlogs, adversely impacting the ability for individuals and businesses to resolve their legal disputes in a timely manner.

“If an individual or business is denied prompt access to their ‘day in court,’ or if justice is delayed, then ultimately, the citizens and businesses in this state suffer the consequences,” says Jon R. Williams, Co-Chair of the SDCBA’s Court Funding Action Committee (CFAC) and the primary author of the report. “As a result of the continued budget cuts, our courts are lacking the staff and other resources needed to process cases and administer justice in a timely and effective manner.”

The State of the Judiciary in San Diego County report gives an overview of the operational effects of court funding cuts, and also details the “real world impacts” of funding cuts, with real examples of how court budget cuts have had a direct effect on San Diego families and businesses.

“The recent recession has only increased the demand for court services — to address rising unemployment; home foreclosures; landlord-tenant, business and family law disputes,” says Richard Huver, CFAC Co-Chair. “Those same difficult economic conditions have led to cuts to the courts’ annual operating budget, delaying and eliminating essential court services when individuals and businesses in our community need them the most.”

For more information on the SDCBA’s Court Funding Action Committee’s efforts, contact CFAC Co-Chairs Richard Huver (rhuver@huverlaw.com) or Jon Williams (williams@bwlawllp.com).

DISTINCTIONS & PASSINGS

Distinctions

◆ San Diego Superior Court JUDGE STEVEN DENTON retired on June 21, after serving 12 years on the bench. Presiding Judge Robert Trentacosta said this of Judge Denton: “His experience, breadth of legal knowledge, decisiveness and practicality were evident to all who were fortunate enough to appear before him. He has been both a friend and colleague and I will miss him.”

◆ KEVIN LANE has been named the new court clerk for the 4th District Court of Appeal, succeeding Steve Kelly, who passed away in February. Lane had been the assistant court clerk for the past nine years and has been the acting clerk since Kelly’s death. “His nine years of experience as assistant clerk/administrator and his intimate knowledge of the appellate court system made him an excellent choice to replace Steve,” says Administrative Presiding Judge Judith McConnell.

◆ Higgs Fletcher & Mack partner CYNTHIA MORGAN was elected board chair of Civic San Diego, formerly the Centre City Development Corporation and Southeastern Economic Development Corporation.

◆ ROD BETTS, partner with Paul, Plevin, Sullivan & Connaughton, LLP, was recently elected as a Fellow by the College of Labor and Employment Lawyers. Fellows are elected by colleagues for their sustained outstanding performance as labor and employment lawyers, exemplifying integrity, dedication and excellence.

Passings

Ross Pyle, who practiced since 1958, died on April 23. From 1975 to 1985 he served as a Bankruptcy Judge for the Southern District of California. He was with Jennings, Engstrand & Henrikson after leaving the bench and later founded Pyle, Sims, Duncan & Stevenson in 1993.

To submit information regarding honors of a community or civic nature, or passings in the legal community, email bar@sdcba.org.
PHOTO GALLERY

ANNUAL LAW WEEK LUNCHEON
PHOTOS BY LAUREN RADACK
The SDCBA hosted its Law Week Luncheon & Celebration of Community Service, sponsored by Jurisco, Torrey Pines Bank and VideoTrak, at the Westin San Diego on April 30. In addition to celebrating the great work attorneys do in our community, the 2013 SDCBA Service Award winners were also recognized. This year’s recipients were Gregory Knoll, Hon. George “Woody” Clarke (awarded posthumously), Dean Rudolph Hasl, Nory Pascua, Frank Barone, Cindy Marten, George Cary Loyd IV, Renée Galente, the San Diego Volunteer Lawyer Program, and law firm Sullivan Hill Lewin Rez & Engel.
An expert panel of reporters, judges and attorneys discussed how they would handle a high-profile case during “Spotlight on San Diego: What to Do When National News Converges on Our Town,” presented by the San Diego Superior Court, the SDCBA and the Society of Professional Journalists, on June 12 at the Bar Center at 401.
LAWYERS CLUB DINNER
PHOTOS BY JIM BLUST
On May 16, the Lawyers Club of San Diego held its annual dinner, “Writing the Next Chapter” at the US Grant Hotel.

PHOTO GALLERY

SDCBA WILLS FOR HEROES
PHOTOS BY SUSAN METER
Volunteer attorneys gathered at the Ramona Fire Station #62 to help draft estate planning documents for firefighters and their spouses on June 8. Butterfield Schechter LLP provided the supplies for the event.
The San Diego County Bar Association gratefully acknowledges its Sustaining Members.

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