GETTING IN THE GAME
No giant ego.
No aggressive pressure.
Instead, a skilled mediator gently and persistently keeps all parties focused on finding solutions to the problems at hand. Until resolution is reached.

Steve Kruis – calmly relentless in reaching resolution.
INDEPENDENT RETIRED JURIST
AVAILABLE FOR
DISPUTE RESOLUTION

Mediations • Arbitrations
Settlement Conferences
Trials • Discovery
Special Master References

Hon. Gerald J. Lewis (Ret.)
605 W. Broadway, Ste. 1800
San Diego, CA 92101
Phone: (619) 238-2843
Fax: (619) 696-7419

Hon. Charles W. Froehlich Jr. (Ret.)
655 W. Broadway, Ste. 1600
San Diego, CA 92101
Phone: (619) 696-6780
Fax: (619) 234-4786
info@charlesfroehlich.com

Hon. Alice D. Sullivan (Ret.)
11512 El Camino Real, Ste. 370
San Diego, CA 92130
Phone: (858) 792-1300
Fax: (858) 792-1248
ads@privatejudge.com
www.privatejudge.com

Hon. Vincent P. DiFiglia (Ret.)
101 W. Broadway, Ste. 810
San Diego, CA 92101
Phone: (619) 236-1821
Fax: (619) 236-1170
vpd@dificlia-miliken.com

Hon. Herbert B. Hoffman (Ret.)
750 B Street, Ste. 3300
San Diego, CA 92101
Phone: (619) 595-8025
Fax: (619) 595-5450
Judgehob@msn.com

Hon. James R. Miliken (Ret.)
101 W. Broadway, Ste. 810
San Diego, CA 92101
Phone: (619) 236-1821
Fax: (619) 236-1170
jrm@dificlia-miliken.com

Each jurist serves separately and independently of every other jurist listed. There is no sharing of fees or expenses, except for the cost of placement of this announcement.
FEATURES

20 A Tale of Two Wrights Old pictures lead to an exploration of two former presidents of the San Diego County Bar Association. By George W. Brewster Jr.

25 Be “Fore” Warned One golf ball was hit all the way to the California Supreme Court. By John H. Minan

32 The Career Issue Our third annual look at legal careers takes a few tips from a job-search expert, talks to notables, garners examples of unusual choices, hits the road with a traveling lawyer and discusses mentoring and unexpected turns in a career path. By Elizabeth Blust, Beverly K. Broker, Lily Ana M. Colonia, Wendy L. Dimpfl, Bruce Elder, Nicholas Goseland, Genevieve A. Suzuki, Catherine Tran and Kimm Walton

38 Service Award Winners Find out a little about those who give back, recognized by the San Diego County Bar Association with its 2008 Service Awards. Photos by Lauren Radack

FEATURE DEPARTMENTS

22 Profile: Supreme Confidence Local lawyers discuss the experience of appearing before the U.S. Supreme Court. By Dean A. Schiffman

45 Ethics: Are You a Lobbyist? The rules have changed regarding lobbying. Here’s a primer to help keep you on the right side of the law. By Gil Cabrera

DEPARTMENTS


8 President’s Page: Reaching out. By Heather L. Rosing

10 ET AL Bench appointments, awards and the comings and goings of local lawyers and judges. By Wendy Patrick Mazzarella

12 Correction San Diego Lawyer offers an apology and its appreciation.

13 Civility, Integrity and Professionalism First in a series examining the standards of our profession. By Hon. Jeffrey T. Miller

14 Mergers Taking the green path at work. By Patti Lane

16 World View Singapore shows its sky-high stuff. By S. Elizabeth Foster

18 Order Comfort food and sushi are the bill of fare. By Krista Cabrera and Gil Cabrera

52 Photo Gallery

56 Sustaining Members

58 Rewind The first woman to practice law in San Diego was also first in many accomplishments. By William J. Howatt Jr.

60 Advertisers’ Index

61 Directory of Experts and Consultants

63 Closing Photos that capture not-to-be-missed moments.
Call 1-800-282-9786 today to speak to a specialist.
A Rookie DA Learns the Ropes

Regardless of how many organizations you work for during your legal career, one thing is certain: The first job almost always has a profound effect on one’s career, either positive or negative.

I was lucky: My first legal job was as a deputy in the Los Angeles County District Attorney’s Office. My first assignment was in the Preliminary Hearing Division at the Criminal Courts Building in downtown Los Angeles. Each lawyer presented four to five preliminary hearings a day before one of nine municipal court judges.

It was great training that taught me how to read files quickly, interview multiple witnesses efficiently and think on my feet, as motions to dismiss were everywhere. It taught me the importance of court personnel; to always stand up when addressing the court; to carefully listen to the witness’ answers; and to make an accurate record (“For the record, the witness is cutting open the plastic bag of white powdery substance . . . ”).

As my tenure in the Preliminary Hearing Division lengthened, so did the seriousness of the assigned cases. One day I presented two murder cases and one violent-rape case. Inner-city crime is tough, and meeting the victims and their families can be difficult.

After six months, I was transferred to the district attorney’s Alhambra branch office, which supported five municipal courts. I was assigned a drunk-driving jury trial on my first day. The defendant was represented by a public defender, and I was picking my first jury two hours after being shown my office. The trial lasted two and a half days, and the jury was out for five hours before returning a guilty verdict. I was very happy with the result. It gave me confidence that I could learn a case on the fly and still prevail.

For the next three months, I tried one misdemeanor after another, many back-to-back. On two occasions, I had a jury deliberating while I was picking another in the same courtroom.

During my two and a half years as a rookie deputy DA, I presented hundreds of preliminary hearings and tried 40 jury trials to verdict.

This first job for me was clearly positive. It confirmed my love for the courtroom and the wonderful challenge of convincing a jury that my case should prevail.

Robert S. Brewer Jr. is managing partner of the San Diego office of McKenna Long & Aldridge LLP. rbrewer@mckennalong.com
"The mediator’s job is to listen and find where the parties’ interests converge."
Every year a new group of students begins their legal training at our San Diego law schools, eager to learn all that there is to know about justice and jurisprudence. For the next three years, these students will dedicate their lives to lectures, research and exams before joining our profession, and, for many of them, our local legal community. So what can and should we do to assist them in their educational endeavors and eventually welcome them to our ranks?

I recently met with the deans of California Western School of Law, University of San Diego School of Law and Thomas Jefferson School of Law, in the context of an SDCBA Law School Relations Committee meeting. Each dean expressed a need for more mentorship and interaction between lawyers and law students. They discussed how important it is for their students to learn by example from practicing lawyers. While the law schools can and do teach tremendous skills to their students, our legal community can also do much to contribute to the development of these future colleagues. We are uniquely situated to teach them about the things you cannot necessarily learn in a book, such as civility, professionalism, collegiality, leadership and community service, to name a few.

So, in recognition of the importance of reaching out to law students, the SDCBA has made a great effort to involve them in our organization. Our Law Student Outreach and Programming Committee, led by Michelle Mitchell and Liza Suwczinsky, offers many specially designed events for law students throughout the school year. The programs range from a Section and Committee Fair, which allows students to explore different practice areas, to seminars where they can learn about courtroom procedures and the importance of civility from the bench itself. We encourage our law student members to attend section meetings, as well as general membership networking events, and introduce themselves to our attorneys and judges.

Turning to my personal experience, I have been to many law student events this year as president of the SDCBA, and met with many law students. I have truly enjoyed every interaction and find myself looking forward to the next event. It is a pleasure to speak with law students, to learn about their career ambitions and to do my best to answer their questions. It is a mutually rewarding experience.

So please join the SDCBA in the effort to include our law students in our community and welcome them to the profession. Take a minute to ask yourself what you personally can do to help guide a local law student. It could be something as ambitious as volunteering to help plan a law student event, or something as simple as taking the time to introduce yourself to a law student at the next SDCBA meeting you attend. Whatever you decide to do, I promise you that you will find it rewarding, as will the law student!
Productivity breakthrough: Westlaw Legal Calendaring

Westlaw® Legal Calendaring automatically calculates your litigation deadlines based on the applicable federal, state and local court rules – then adds the information directly to your Microsoft® Outlook® calendar. As dates change, you can recalculate accordingly – and repopulate your calendar with the updates. In many jurisdictions, docket information can also be tracked and captured.

Know with confidence you’ll never miss key dates again – no matter how often they change. Even link directly to the relevant court rule governing any of the events on your calendar. Westlaw Legal Calendaring: a powerful tool for managing your cases, your time and your priorities. For more information, call our Reference Attorneys at 1-800-733-2889 (REF-ATTY).

Better results faster.
Moving on Up, Out and Over

Katherine Bacal, formerly of Baker & McKenzie, was appointed to the Superior Court bench. A partner in her firm since 2002, she was president of Lawyers Club of San Diego and chaired the San Diego Litigation Practice Group.

Last February, U.S. Magistrate Judge Leo Papas and U.S. Bankruptcy Court Judge Louise Adler were honored as trial judges of the year by the Consumer Attorneys of San Diego for their handling of the San Diego Catholic Diocese sexual abuse cases in which there was a settlement of nearly $200 million. The San Diego Union-Tribune published a front-page article on how the two jurists were able to achieve that result.

David Cameron Carr has been elected president of the Association of Discipline Defense Counsel, the bar association for lawyers who represent other lawyers in disciplinary proceedings before the State Bar of California.

Nadia Bermudez, an employment law and business litigation attorney with Brown Law Group, has been elected president of the Lawyers Club of San Diego for 2008-09. Nadia will serve a one-year term, overseeing all of the organization’s activities and events. She also will work with representatives from similar organizations regionally and nationally to advance the status of women in the legal profession. She has served on the board of directors since 2005.

Peter Klee, a long-time partner at Luce Forward, has been invited to join the American Board of Trial Advocates. Former Bar board member Lea Fields has become the consultant to the City of San Diego’s Public Safety and Neighborhood Services Committee. The committee’s areas of responsibility include police, fire, paramedics, neighborhood parks, recreation programs, youth services, senior services, neighborhood revitalization, code enforcement, graffiti abatement and parking regulations and enforcement.

Superior Court Judge Christine Pate retired after 20 years on the bench. She plans to join her husband, retired Judge William C. Pate, in traveling, spending time with their family and basically “doing whatever they want to do.” Bill Gentry, formerly with the San Diego County District Attorney’s Office, was appointed to the Superior Court bench and will fill the vacancy created by the retirement of Judge Pate.

Paul Johnson of Bacalski, Ottoson & Dubé LLP has been appointed an administrative law judge with the United States Department of Labor in Washington, D.C. He’ll preside over formal hearings concerning many labor-related matters, including hearings concerning black-lung benefits and longshore workers’ compensation.

Senior partner David Casey Jr. of Casey Gerry Schenk Francavilla Blatt & Penfield, LLP, is being honored for his ongoing work to promote lung health and clean air by the American Lung Association of California. Associate Jessica Klarer of the same firm has been named to the board of governors for the New Lawyers Division of the American Association for Justice.

Please send your information about comings and goings of local lawyers and judges, bench appointments, awards and significant cases and accomplishments (both legal and nonlegal) to wendy.mazzarella@sdcda.org. Photos are also welcome.
Proud To Welcome For 2008!

Michael Duckor, Esq.

- Over 37 years of legal experience.
- Over 20 years of mediation and arbitration experience.
- Mr. Duckor has mediated, arbitrated, and/or served as special master on over 1,000 matters.

Areas of Specialization

- Commercial Contracts/General Business
- Real Estate
- Insurance
- Employment
- Construction
- Professional Liability
- Environmental/Toxic Torts

For more information, please contact:

Erin Jackson, Manager
225 Broadway, Suite 1400
San Diego, California 92101

tel 619.233.1323
fax 619.233.1324

www.adrservices.org
The March/April issue of *San Diego Lawyer* magazine featured an article about women presidents of the San Diego County Bar Association. During a roundtable discussion, they talked about the past, present and future of the legal profession in San Diego. Three prominent trailblazers mentioned during the discussion were Judith McConnell, now presiding justice of the 4th District Court of Appeal, Division 1; Ann Parode, who recently retired from UCSD; and Bonnie Reading, formerly a partner of then Seltzer Caplan Wilkins & McMahon, who is deceased. Regrettably, the names of these three prominent members of the San Diego legal community were either misspelled or incorrect. The magazine accepts full responsibility for the errors and extends its deepest apologies. These errors in no way diminish our respect and admiration for the three leaders who played such an important and historic role in blazing a path for all women lawyers in the San Diego legal community. Again, we extend our deepest apologies.
After being invited to reflect on civility, integrity and professionalism, I find myself challenged to add value to, or inspire beyond, the high principles and standards articulated in codes of conduct for lawyers and judges. Numerous guidelines published by bar associations and inns of court and many panel discussions and lectures are devoted to this subject.

But let me, with the perspective of a trial judge, try to identify a few reasons why I think it is important to enhance your reputation as a litigator by practicing the highest ethical standards.

Some years ago, my revered colleague, U.S. District Court Judge William B. Enright, upon receiving one of his many honors for professionalism and distinguished service, remarked to the assembled trial lawyers that “Ours is a great and noble profession,” notwithstanding any contrary assessments of the “lay public [or] standing in the polls.”

It is at this point that I offer a possible corollary to Judge Enright’s observation. If we accept the hypothesis that many citizens judge how well their government works by what they observe in the courtroom, our “great and noble profession” has the capacity to improve not only the image of our legal profession, but the public’s confidence in government.

I have seen this theory come alive many times in jury trials, when the lawyers have combined trial skill, civility and professionalism with respect for the jury, judge and court staff.

Furthermore, these observations have been buttressed by juror feedback. I have also seen it at work during the presentation of arguments by civil, articulate, well-prepared lawyers who respect one another and each other’s cause.

As a judge, it is exhilarating to participate in such a trial or argument. I know that the public is seeing the art of advocacy practiced at a high level, and that the judicial process has been enhanced in the eyes of all who were present.

Perhaps you do not subscribe to the theory that your civility, integrity and professionalism in the courtroom will enhance the public image of the judicial process and the legal profession. But be assured that your reputation will be enhanced (or not) by the judge who presides over your hearings and trial.

Judges share their assessments of lawyers with fellow judges, just as sure as lawyers share their views of judges with their colleagues. It is so very important for lawyers and judges to appreciate that. Though we are a profession of thousands in our legal community, we are indeed a close network whose members are not separated by many degrees. A reputation is earned and travels quickly.

In sum, we are, in the words of Judge Enright, a noble profession, enriched by traditions tested over centuries and committed to transcendent causes and values.

We, judges included, honor these traditions when we commit ourselves to the highest standards, even when challenged by another’s lack of fairness, courtesy and candor.

Moreover, by so honoring these traditions and purposes, we construct our own reputation for fair dealing, civility, integrity and professionalism, while enhancing the image of our profession and government for all who witness the judicial process.

Hon. Jeffrey T. Miller is a U.S. District Court judge for the Southern District of California and a member of the San Diego County Bar Association’s Committee on Civility, Integrity and Professionalism.
Kermit the Frog may claim “It’s not easy being green,” and old habits may be hard to change. But that hasn’t stopped law firms and other businesses from embracing the challenge of becoming environmentally responsible. Public opinion supports that “going green” is the right and honorable thing to do. From a practical perspective, it makes sense in terms of saving money, natural resources and our quickly depleting landfills.

As evidence of the legal profession’s commitment to green practices, the American Bar Association joined with the U.S. Environmental Protection Agency to develop the Law Office Climate Challenge (abanet.org/environ/climatechallenge). The program encourages law firms to develop environmentally friendly practices, many of which will save money. However, some simple changes, such as those described below, will yield significant results.

Despite the electronic “paperless” age with PDFs, e-mail, etc., law firms seem to have an insatiable appetite for paper. To significantly reduce paper use, printers can be set to duplex (two-sided) for printing drafts and internal documents, and users can override the default for printing final documents. Staff and attorneys could be asked to “pause before you print” or “consider before you copy,” which could help reduce the amount of wasted printing and copying. Much of the content in legal files is duplicative, including multiple copies of e-mails. One employee should be designated to print the e-mail—assuming your firm keeps paper files. And all that paper should be at least 30 percent post-consumer content—the higher the better.

Electronic waste is threatening to overwhelm us as a result of the rapid change in technology. Many major office buildings conduct e-recycling days, which allow tenants and their employees to properly dispose of outdated computers, monitors and other e-waste. By disposing of these items properly, they can be utilized by charitable groups or sent to third-world countries for a few more years’ use.

Recycling is noble; however, we should strive to limit our waste whether it is recyclable or not. Limit use of plastic, paper and Styrofoam in favor of “real” dishes. Washing dishes is far less expensive and is more environmentally friendly. Many firms use dishes for client meetings but resort to paper or plastic for internal meetings. My grandmother always said to use my best china and silver and to treat my family “like company.” This small gesture will make your staff feel important.

Law firms should also work to reduce energy consumption. Lights should be turned off in vacant office and conference rooms, either by using an automated system or by firm policy. Computers, copiers and printers should be turned off at night and have a “sleep mode” during the day. Insist that new equipment be Energy Star–qualified whenever possible, and don’t overlook the vending machines: Some newer models use up to 40 percent less energy.

Another simple change is to use recycled toner cartridges. I recently learned of new toner that’s so environmentally friendly you can eat it. Green practices are very important—but I don’t think I’ll take it that far.

Patti Lane is legal administrator for McKenna Long & Aldridge LLP, a certified legal manager and past president of the International Association of Legal Administrators.

plane@mckennalong.com
Did your last mediation end up crumbling?

Don’t let your next mediation end in ruins.

Efficiency, compassion, enthusiasm. These qualities are what help Andrew Albert Mediation achieve results. A recognized leader in the San Diego legal community, Andy is proud to be an exclusive panelist with Judicate West.

To schedule an appointment, please call Mark Kaufman, Andy’s Judicate West case manager at (619) 814-1966. You’ll find the resolution you and your clients are looking for.

(619) 687-2550 San Diego | (760) 729-7979 North County | (619) 814-1966 Scheduling

www.albertmediation.com

©2008 Andrew Albert Mediation. All rights reserved. Not affiliated with or endorsed by Italy, the Roman Empire, or any of building owners whose ruins are depicted.
Flying into the Future: Singapore Takes Off

For the past several years, each time I passed through Singapore’s Changi Airport, I saw banners promising that Singapore Airlines would be the “First to Fly” the Airbus 380. Scale models showed a huge double-decker plane for up to 800 passengers. Thinking ahead, Singapore Airlines had ordered 25 of these jumbo jets back in 2000.

The first of the new planes arrived last October, when I was attending the International Bar Association’s annual meeting. The conference opened with a personal welcome from the founding father of modern Singapore, former Prime Minister Lee Kuan Yew, who now serves as its beloved minister mentor. He spoke of how, four short decades ago, the newly independent nation had established itself as a free-market port where English was the language of business and corruption was forbidden. This had set Singapore apart from its neighbors and on the path to a “first in Asia” status and outlook.

When the first A380 arrived, it was front-page news in Singapore. Water sprays arched over the plane in joyful welcome as it slowly taxied along the runway after a perfect landing. Its arrival seemed to symbolize how Singapore has always been ahead of the curve, carving out special niches for itself.

Singapore is sometimes described as “Asia Lite.” It has a certain familiarity for Western visitors. But just below the surface is a wonderful, exotic mixture of Malay, Chinese, Indian and numerous other cultures.

Singapore offers fantastic food options and drinking a “Singapore Sling” at the colonial Raffles Hotel is a must. The Singapore River winds its way through downtown, and a leisurely cruise in a “bumboat” is a wonderful way to see the city. From water level, gaze up at the 19th-century shop houses lining the quays as glass skyscrapers rise up behind them. Later in the evening, dine outdoors along the river and enjoy the warm, tropical night air.

Singapore has a history of evolving and reinventing itself. When low-cost manufacturing moved elsewhere, Singapore became the Asian hub for global companies. More than 1,500 U.S. companies now have offices there. Its port handles a major portion of global sea cargo. Its biotech industry attracts world-class scientists to state-of-the-art labs.

Earlier this year, I passed through Changi Airport on the opening day of its new Terminal 3, specially designed for the A380. I marveled at the soaring ceilings and glass windows, the sleek Skytrain connecting the terminals, the waterfalls, palm trees and indoor orchids. Terminal 3 features eco-friendly technology, using only natural lighting during the day and channeling water from daily tropical rains to wash the roof.

As I boarded my flight home I thought, once again, how Singapore was leading the way. I look forward to my next visit and to seeing what else is new!

S. Elizabeth Foster is a partner with Luce Forward Hamilton & Scripps LLP. She serves as an adviser to the Executive Committee of the California State Bar International Law Section and is chair of the San Diego World Trade Center. efoster@luce.com
Brinig & Company
INCORPORATED

VALUATION AND FINANCIAL CONSULTANTS

1983 - 2008

Celebrating 25 Years of Excellence

Brinig & Company is a team of dedicated professionals with experience in financial and economic analysis, damages analysis, forensic accounting, business valuation and related disciplines.

Brinig & Company, Inc.  t. (619) 687-2600  f. (619) 544-0304  w. brinigco.com  e. info@brinigco.com
Sushi and Sumptuous Comfort-Food Finds

Sushi and comfort-food dishes are some of the most popular dining trends in San Diego. Here are our favorite sushi spots, plus a bistro in La Jolla that serves the sort of comfort food one would find on a visit to the provincial French countryside. If we missed any must-go places, let us know.

Zenbu Sushi Bar & Restaurant
This La Jolla eatery offers just-caught local fish and creative preparations. We usually order sushi as an appetizer and split one of the uniquely prepared entrées.

Sushi Ota
Tucked into a Pacific Beach strip mall, Sushi Ota serves traditional sushi dishes.

Sushi Bar Nippon
A traditional sushi spot, this simply decorated venue in the Gaslamp Quarter is known for fresh sashimi.

Café Japengo
Thursday nights are perfect for people-watching and quality sushi at this UTC restaurant.

Masuo’s Sushi
When we want a selection of interesting, original sushi rolls, we visit this coastal venue in Solana Beach.

Nobu San Diego
Located within the Gaslamp’s Hard Rock Hotel, Nobu is known for great sushi. But we enjoy the non-sushi options even more. The miso black cod (either the entrée or the lettuce wraps) should not be missed.

Café Lavande
There is a hidden gem in downtown La Jolla called Café Lavande, and we think it’s high time to let the secret out. Lavande has a very simple, clean décor and features a quaint outdoor courtyard with great shade—perfect for summer. The cuisine is classic French bistro fare with lots of comfort-food dishes on the menu. Gil’s lunch favorite, the chicken blanquette, is reminiscent of a simple dish we had at a winery in Burgundy. A perfectly cooked chicken breast surrounded by wild mushrooms, pearl onions and peas in a creamy sauce is served over linguini. The soup du jour is consistently excellent as well. The salad niçoise and the hamburger royale looked amazing, but we haven’t had a chance to try them yet. The dinner menu offers more traditional dishes such as coq au vin, and the wine list features a variety of French and European wines, along with a selection of splits.

For dessert, we’ve tried the classic crêpes Suzette, drizzled with warm caramelized sugar, orange juice and Grand Marnier. Reliable sources tell us the chocolate mousse is some of the best around, though we haven’t experienced it ourselves—yet. Café Lavande is open for lunch every day and for dinner Thursday through Saturday.

Inside Tip
Ask for Urban Solace’s comforting Wisconsin Cheddar mac ’n’ cheese, with caramelized bacon and charred tomatoes, in a miniature size. Experience all of the flavor with a little less guilt.

Krista Cabrera is an attorney with Wilson Petty Kosmo & Turner. Gil Cabrera is an attorney and principal at The Cabrera Firm. Check out their food blog at whatwedig.com.
ForensisGroup®

Let the Forensis technical advantage give you an edge.

Consultants, Experts, and Expert Witnesses
Forensic Business, Construction, Engineering, Medical, Scientific, Technical

1-800-555-5422
www.ForensisGroup.com experts@ForensisGroup.com

ForensisGroup® THE EXPERT OF EXPERTS™

Experts Consulting Nationwide & Throughout California, Nevada and Arizona • Including Las Vegas, Los Angeles, Reno, Sacramento, San Diego, San Francisco
A TALE OF Two Wrights

BY GEORGE W. BREWSTER JR.

As is my wont, I frequently browse through local history books looking for connections between past and present. Yes, I’m the life of any party.

I am looking now at an old photo collection of San Diego County Bar Association presidents (1924–1951) and see two photos, one atop the other: Arthur A.F. Wright (1947) and Leroy A. Wright II (1951). I am intrigued, first, by Arthur having two middle initials (I did this to my younger son), and second, by the possibility that these two Wrights were related.

They are not. But both have interesting side stories.

Arthur, an only child, came to San Diego from Illinois in 1911 and set up a general practice. He made his money during World War II, investing in a local pipe company. Arthur was able to pursue his two loves: travel and golf.

He had one child, Mary Kathryn, born on Valentine’s Day, 1935. You may know her as Mickey Wright, who shared her dad’s passion for golf and turned professional, winning her first tournament at the age of 19. She won 82 events on the LPGA tour and is the only person in tour history to hold all four major titles at the same time. She retired from golf at the ripe age of 34 and now lives in Florida. In 2000, Wright was ranked as the ninth greatest golfer of all time and the top female golfer by Golf Digest. She is a local sports legend who is pictured along the halls of the San Diego International Airport.

In Leroy’s case, it was his grandfather who was renowned. Leroy A. Wright II was Bar president in 1951, and that’s about all I know of him. His grandfather, Leroy A. Wright, was a state senator (1907–1913) and newspaper man. In 1891 he joined with Eugene Daney (the first SDCBA president, 1899) to form the firm Daney & Wright. The elder Wright was a founding member of the San Diego Historical Society and served as its president for 14 years (Wright’s papers make up the society’s largest manuscript collection).

The elder Wright’s time in office was marked by his strident opposition to the 1911 initiative for women’s suffrage and other progressive measures, such as an eight-hour workday for women.

In an article in The Journal of San Diego History, published by the San Diego Historical Society, Wright is quoted as promising to vote against suffrage, stating that it would not bring the results its advocates predicted, but that it would only provide more voters for the demagogues to deceive. He maintained that it would neither benefit society nor improve women’s conditions.

But the initiative passed (barely), and in November 1911, San Diego women were first allowed to vote on building a municipal pier at the foot of Broadway.

That is the story of two Wrights—one wrong!  

George W. Brewster Jr. is a senior deputy county counsel for the County of San Diego. sandbrews@aol.com
WE SERVE ANYTHING, ANYWHERE
STATEWIDE · NATIONWIDE · WORLDWIDE
1-800 PROCESS
1 800 process.com
"If we don't serve it, you don't pay"®
U.S.A. Only
SERVING A SINGLE PIECE OF PROCESS EVERY 2.2 MINUTES OF EVERY DAY, 365 DAYS A YEAR.
- A DIVISION OF GUARANTEED SUBPOENA SERVICE -
est. 1965
ANY STATE · ANY NATION · ANYWHERE.
- ANY STATE · ANY NATION · ANYWHERE - ANY STATE · ANY NATION · ANYWHERE
I went to the court early to watch and arrived during the first case. The lawyer was arguing without notes. I was worried until the chief justice said, “Thank you, Professor Amsterdam.”

—ROBERT MICHAEL FOSTER

I found the experience exhilarating, and I managed to avoid major embarrassment. For most of us, getting to argue a case in the court is being in the right place, at the right time, with the right issue.

—GLENN WARREN

I knew about a “secret” door to the court cafeteria, so I had a bite to eat beforehand. Arguing was awesome. The highlight came when Justice Marshall asked me if billboards were such a distraction, why not ban miniskirts?

—C. ALAN SUMPTION

I was on crutches the first time. Despite having little to stand on, I won. The next year, I was a healthy two-legged advocate and thought the argument went better. I lost. Now I understand why performers say “break a leg.”

—CHARLES M. SEVILLA

My wife, Judy Clarke, had already argued twice. So for me to get there as well was a special event in our lives together. To appear there for a person in prison with no other legal recourse than a pro bono lawyer was an honor.

—THOMAS H. SPEEDY RICE

(AND SPOUSE JUDY CLARKE)

As I walked to the podium, my 7-year-old son jumped up, hugged me and said, “Good luck, Daddy!” One justice smiled. Then Justice Scalia asked me about a 1905 opinion by Justice Holmes. It was chilling.

—JEFFREY M. SHOHET

Ignoring the marshals’ orders, my father convinced the court’s artist to sketch me as I argued. Months later my parents surprised me with the portrait. It now hangs in my office to remind me of that exciting day.

—BENJAMIN L. COLEMAN

As I approached the lectern, the chief justice called the case scheduled to follow mine. I froze, and the lawyers “on deck” panicked. The chief justice corrected himself, remarking that it was the first time he had called the wrong case.

—HARLEY DEAN MAYFIELD

Argument was the most stressful half-hour of my career, with many colleagues relying on me not to blow their hard work. The gallery behind me was full of outside counsel supporting my opponent.

—NEAL GOBAR
Chief Justice Burger called me first. I was prepared, but in less than 30 seconds the justices were arguing with each other. The whole process was incredible.

—Louis E. Goebel

It was nerve-racking beforehand, but once the argument started, it felt like arguing in any other court of review. I did manage to get Justice Scalia to shake his head in exasperation.

—Douglas P. Danzig

Arguing in the U.S. Supreme Court was a dream come true. But I also felt the pressure. Judge Jay Bloom, my second chair at the time, told me to savor the experience.

—Frederick Robert Millar Jr.

Before argument, the clerk of the court gave a humorous explanation of how to address the court. I did not expect to be able to laugh right before my argument, but I did and was better for it.

—A. Natasha Cortina

I was not looking forward to it. But I was standing before the justices in a courtroom where so much legal history had been made, the auspiciousness of the occasion made it a treasured experience.

—Michael Pancer

I was scared to death the first time. The second time was pure fun. Most interesting were the justices’ personalities. One had a sonorous voice, another loved to ask the first question, another was a bully, another funny, etc.

—Eugene G. Iredale

Aware of the small percentage of cases being argued in the court by women, I discovered in 1992 that the attorneys’ lounge had only one bathroom—a men’s room. But when I argued again in 1998, the attorneys’ lounge had been remodeled accordingly.

—Holly D. Wilkens

Additional San Diego Attorneys (unquoted):
H. Thomas Cadell, Daniel B. Macleod, Alan S. Meth, John Joseph Cleary

Those Who Are Now Judges:

Our San Diego Supreme Court attorneys invite your questions regarding their cases and issues. We apologize for any inadvertent omissions from our list. Dean A. Schiffman is a San Diego attorney and expert witness. dean@LawAndNumbers.com
JAMS IS PLEASED TO WELCOME OUR
NEWEST SAN DIEGO RESOLUTION EXPERT

Hon. Howard B. Wiener
*California Court of Appeal (Ret.) • Mediator/Arbitrator*

Justice Wiener has served as mediator or arbitrator in more than 2,200 cases since becoming a full-time neutral in January, 1994. He is highly regarded for his vast experience, creativity and excellent grasp of complex legal issues necessary for the resolution of major cases. He has mediated a variety of claims involving the Northridge earthquake, class actions, including toxic tort, wage and hour and state and federal securities matters as well as complex business/commercial, estate, environmental, insurance coverage, intellectual property and product and professional liability matters.

*Justice Wiener joins the following distinguished panelists:*

- Hon. Thomas Ashworth III (Ret.)
- Linda C. Fritz, Esq.
- Hon. J. Richard Haden (Ret.)
- Hon. William J. Howatt, Jr. (Ret.)
- Hon. Robert E. May (Ret.)
- Hon. Kevin W. Midlam (Ret.)
- Hon. Thomas R. Murphy (Ret.)
- Hon. William C. Pate (Ret.)
- John M. Seitzman, Esq.
- Hon. Raymond F. Zvetina (Ret.)

JAMS SAN DIEGO
RESOLUTION CENTER
401 "B" Street
Suite 2100
San Diego, CA 92101

619.236.1848
www.jamsadr.com
200 Full-Time Neutrals
Resolution Centers Nationwide
In June, San Diego will host the U.S. Open Golf Championship at Torrey Pines. Many in the region, especially avid golfers like me, eagerly look forward to this internationally renowned event that attracts the best athletes in the world. The greens should be fast and firm, but the rough could prove troublesome to those players who venture off the fairway.

While professionals have less difficulty in controlling their golf shots than amateurs do, most players will readily concede that the law is the last thing they want to think or worry about when playing a round of golf.

Avoiding legal entanglements, however, is not always possible. Like it or not, lawyers and judges sometimes get involved, especially when a player is injured by an errant shot. Litigation over personal injuries occurring in such situations is relatively common.

In theory, a player who is injured by another player’s misdirected golf ball may sue the offending golfer on one or more of the following theories: an intentional tort, such as assault and battery; recklessness; or negligence.

In August 2007, the California Supreme Court decided an important golf case, Shin v. Ahn. The thrust of the case is that recovery by an injured golfer on the theory of another player’s negligence is increasingly unlikely. In most cases, a ball that hits another player and causes injury, according to the court, is simply a risk that a golfer assumes when playing the game. The decision does not hold, however, that a golfer assumes the risk of injury from a fellow golfer who acts intentionally or recklessly.

Nor does the decision provide the framework for analyzing the potential liability of the owner or operator of the golf course where the injury occurred.

Shin v. Ahn

The facts giving rise to the litigation in Shin occurred on the par-4, 13th hole at the Rancho Park Golf Course, a popular public course in Los Angeles. Built in the late
1940s, the terrain is generally hilly, and the fairways are lined with mature trees.

Johnny Shin, Jeffrey Frost and Jack Ahn were playing as a threesome. After putting out on the 12th hole, Ahn headed for the tee box of the 13th hole in front of his playing companions. Shin and Frost finished putting out and followed Ahn toward the next hole. Shin took a shortcut up the hill toward the tee box, which placed him in front of Ahn and to his left.

Shin stopped to check his cell phone for messages. He was then about 25 to 35 feet from Ahn, who was getting ready to tee off. Shin was at a 45-degree angle from the intended path of Ahn’s ball.

The golf stage was set for disaster.

Ahn did not shout “fore” or sound any other warning. As golfers know, a player shouts “fore” to warn others if there is a danger of hitting them with a golf ball.

Although the exact etymology of “fore” is debatable, one view traces the term to 16th-century military operations. When an artilleryman was about to fire, he would yell “beware before,” which warned infantrymen to drop and cover to avoid being hit. Golfers have shortened the warning to “fore.”

Some material facts were in dispute. Shin claimed that Ahn saw him standing in front of him. Ahn said he didn’t. He testified that he did not see Shin either when he took his practice swing or when he actually hit his ball. Ahn said he was focused on making contact with the ball.

Whether Ahn simply mishit the ball or hooked it is not clear from the record, but the result was the same. Shin was whacked in the head by Ahn’s ball. Things went downhill from there. Shin sued Ahn for negligence, claiming “disabling, serious and permanent” injuries.

The trial court initially granted Ahn summary judgment based on assumption of the risk, but reversed itself when it determined that triable issues of fact existed. The trial court thought a jury should decide the matter. Ahn appealed on the theory that the law foreclosed his being held liable by a jury. The Court of Appeal affirmed the trial court, but it declined to apply the assumption-of-the-risk doctrine. The California Supreme Court granted review to consider the legal question of whether the primary assumption-of-the-risk doctrine applies to golf.

Under the theory of negligence, a person generally owes a duty of ordinary care not to cause an unreasonable risk of harm to another. The existence of this duty is not, however, an immutable principle of law. It can be affected by whether the injured person can be said to have assumed the risk of injury.

Prior to Shin, the California Supreme Court expressly left open the question of whether the primary assumption-of-the-risk doctrine, which provides that a defendant owes no duty to protect a plaintiff from particular harms arising from ordinary negligence, applies to noncontact sports such as golf. This necessitated the court to examine the nature of the game and the defendant’s involvement in it.
What Is the Nature of the Game?
Humorist P.J. O’Rourke captured the essentials. He has said that golf “combines two favorite pastimes: taking long walks and hitting things with a stick.” But more detail on the nature of the game is useful.

The basic objective of the game is to hit a golf ball from the area called the “teeing ground” into a small hole in the fewest number of strokes. The distance between the teeing ground and the hole typically ranges up to 500 yards or so in length.

In the process of playing a hole, a golfer must navigate around natural, as well as man-made, obstacles. A golfer must also navigate around other golfers playing the course.

Golfers often describe the flight of the golf ball based on its trajectory. For a right-handed player, a ball that curves to the left is called a hook. One that curves to the right is a slice. For left-handed players, the hook-slice description is reversed. If the ball goes straight, amateur golfers often call it a miracle. When miracles don't occur, another player is at risk of getting hit by the errant ball.

The Rules of Golf is the official code governing how the game should be played. It is supplemented by the Decisions on the Rules of Golf, which provides answers to matters not specifically covered in the rules. Taken together, the Rules and Decisions constitute the jurisprudence of the game.

The etiquette section of the Rules contains several provisions on safety, such as shouting “fore” to warn others when the danger of hitting another exists, and not hitting until those in front of the player are out of range.

In what may be surprising to many golfers, the court reasoned that these etiquette guidelines do not create a basis for legal liability. In the words of the Supreme Court, “the sanction for a violation of a rule of etiquette is social disapproval, not legal liability.”

According to the Supreme Court, being
hit by a carelessly struck golf ball is an inherent risk of the game. Therefore, the primary assumption-of-the-risk doctrine may completely bar a plaintiff’s recovery on the theory of negligence. It reasoned that a golf ball, after being hit by a player, often has a mind of its own. Holding golfers liable for controlling their shots, in the court’s view, would encourage lawsuits and prevent players from enjoying the game.

The California Supreme Court looked to decisions in other states for support and found it. Cases from Ohio, Pennsylvania, New Jersey, Massachusetts, Texas and Hawaii confirmed that California was lining up with the judicial precedent set in these states.

Shin does not foreclose basing liability on intentional or reckless conduct. In this sense, a golfer continues to have the limited duty to refrain from conduct that creates a higher degree of risk of injury than would be created by simple negligence.

In order to prevail, Shin would have to prove to the jury that Ahn acted either intentionally or recklessly. The record was too sparse to support a finding that Ahn had acted intentionally or recklessly. On remand, the jury would have to consider the totality of circumstances surrounding the shot. Ahn should not have hit his shot without checking to see whether Shin was likely to be struck. Once having addressed the ball, however, Ahn is not required to break his concentration to check for Shin’s whereabouts.

A cause of action for negligence is based on the idea preventing an unreasonable risk of harm to another. Under the primary assumption-of-the-risk doctrine, a golfer assumes the ordinary risks inherent to the game by choosing to participate. Although a golfer may assume some risks associated with playing golf, such as being inadvertently struck by another player’s ball, other risks may not be inherent to the game. When a risk is not inherent to the game, a negligence standard will continue to apply.

John H. Minan is a professor of law at University of San Diego School of Law. jminan@sandiego.edu
Fragomen is the world’s leading global corporate immigration law firm. For more than 50 years, we have focused solely on delivering strategic immigration solutions to our clients. Our service areas include:

Temporary Work Visas ~ Intra-Company Transfers ~ Professionals & Investors ~ Entertainment and Sports Professionals
NAFTA Visas ~ Labor Certifications ~ Family Related Petitions ~ Outbound Global Immigration
Consular Processing ~ Employer Sanctions (I-9) ~ Immigration Policy Development

Gary Perl, Partner
gperl@fragomen.com

Fragomen, Del Rey, Bernsen & Loewy, LLP
11238 El Camino Real, Suite 100
San Diego, CA 92130
Phone: 1 858 793 1600
www.fragomen.com
CHOOSE A BETTER & MORE SUCCESSFUL EXPERT WITNESS

- EXPERT WITNESS DIRECTORY — CALL US FOR YOUR COPY TODAY
- APPROVED MCLE PROVIDER FOR ATTORNEYS AND LAW FIRMS
- MONTHLY CHAPTER MEETINGS AND WORKSHOPS
- ANNUAL EXPERT WITNESS SUMMIT AND CONFERENCE
- AN ASSOCIATION OF CONSULTANTS PROVIDING FORENSIC SERVICES
- ONE RELIABLE SOURCE FOR HUNDREDS OF EXPERT WITNESSES IN ALL DISCIPLINES
- EXPERT WITNESS DIRECTORY ONLINE AT WWW.FORENSIC.ORG

949.640.9903 PHONE | 888.322.3231 CA TOLLFREE | 949.640.9911 FAX | WWW.FORENSIC.org | info@FORENSIC.org

---

DAVID B. MOON, JR.
Judge of the Superior Court, Retired

PRIVATE DISPUTE RESOLUTION

Mediation — Arbitration — Settlement Conferences
Discovery and Special Master References

General and Complex Civil Litigation including:
Probate • Trusts and Wills • Real Estate • Eminent Domain • Personal Injury
Professional Malpractice • Contracts • Construction Defect • Commercial Disputes
General Business • Insurance/Coverage • Employment Law

- Superior Court Judge 23 years
  - Independent Civil Calendar 5 years
  - Probate Judge 5 years
- Instructor, Civil Mediation, National Judicial College
- Private Dispute Resolution since 2001

www.judgedavidmoon.com • Email: dbm@judgedavidmoon.com
Available throughout San Diego and Orange Counties

P. O. Box 972
RANCHO SANTA FE
CALIFORNIA 92067
(858) 759-6119
FAX: (858) 759-6127
San Diego's
#1 Bail Bondsman
as seen on TV

58 years of confidential and courteous service to San Diego County attorneys

George Stahlman, Owner

“King” Stahlman Bail Bonds
“Let Me Help You Out”

http://www.kingstahlmanbail.com/

DOWNTOWN
1140 Union Street
San Diego, CA 92101
1-800-782-4522

SOUTH BAY
563 Third Avenue
Chula Vista, CA 90910
1-800-977-4404

NORTH COUNTY
573-F Vista Way
Vista, CA 92083
1-800-520-2245

EAST COUNTY
10308 Mission Gorge Rd.
Santee, CA 92071
1-866-413-4400
Welcome to San Diego Lawyer’s third Career Issue. This year, McKenna Long & Aldridge LLP hosted two luncheon meetings for a talented group of students and career service directors from California Western School of Law, Thomas Jefferson School of Law and University of San Diego School of Law. It was during these meetings that ideas were generated for this year’s stories focusing on landing the first job.

All of us at San Diego Lawyer thank everyone who participated in this project. They include: California Western School of Law: Elizabeth Blust, Courtney Miklusak, Aaron Olsen and Genevieve Suzuki. Thomas Jefferson School of Law: Beverly Bracker, Lily Ana Colonia, Joshua Kay, Denice Menard and Wendy Dimpfl. University of San Diego School of Law: Bruce Elder, Nicholas Goseland, Cara Mitnick and Catherine Tran. McKenna Long & Aldridge LLP: Bob Brewer, Chris Humphreys and Patti Lane. Enjoy.
Whether you’re trying to figure out what to do with your law degree or you’re actively looking for a job, there’s a world of leads you can unlock with four simple words: “I couldn’t help overhearing…”

I’m always on the lookout for job opportunities for law students, so I’ve honed the art of what I call “creative eavesdropping.” In public places, I make a point of listening in on other people’s conversations. When I hear something that seems promising, I’ll wait for a break in the conversation and follow up on what piqued my interest.

Recently, I was enjoying breakfast in a Washington, D.C. restaurant. Two distinguished-looking men sat at a table nearby. They were discussing a business deal, and one of them mentioned a “condition precedent,” a term I hadn’t heard since contracts class! When the other gentleman got up to pay the bill, I looked over and said, “I couldn’t help overhearing you mention the term ‘condition precedent.’ I felt like I was a 1L all over again! Are you a lawyer?” It turns out that he’d made the transition from law into venture capital and was more than happy to talk about his job.

Whether in line at the grocery store, at Starbucks or at the dry cleaner, some of the best information you’ll ever learn can come from people you didn’t expect to meet.

These “mini-talks” can help you hone your conversational skills in a completely nonthreatening environment. After all, if the conversation falters, who cares?

But much of the time, creative eavesdropping pays off. You might even do better than finding a job you love. Years ago, my father was sitting in an airport when he noticed a beautiful woman sitting nearby, chatting with someone else. He heard her mention she was from Cleveland, where he lived at the time. At the first opportunity, he introduced himself to her and said, “I couldn’t help hearing you mention…”

As you might have guessed, he wound up marrying that beautiful woman. Though it’s my dad’s third marriage, I call her my mom.

Kimm Walton is a legal job search expert and author of several books. jobgoddess@aol.com.

Career Moments

The district attorney, a Superior Court judge and an attorney specializing in international law share their struggles and successes with three notable law students.

Bonnie M. Dumanis
(interviewed by Catherine Tran, a 2L at University of San Diego School of Law)
District Attorney, San Diego County
Early years: Brockton, Massachusetts
College: University of Massachusetts Amherst
Law school: Western State University (now Thomas Jefferson School of Law)
First job: Volunteered as a deputy district attorney during the day and worked as an investigative assistant at night before eventually being hired as a deputy district attorney.
Job search tip: In law school, find work with attorneys who will get to know you and your abilities.
Job search mistake: Dumanis was rejected a lot, but does not consider that a mistake. She says it is important to knock on every door.
Best career moment: Getting Bar results indicating that she passed. She said that every year she waits for a letter from the State Bar saying it was all a mistake.
Favorite word: Justice
As a young child, Hilary Stauffer dreamed of one day representing the United States at the United Nations. Therefore, her decision to pursue a career in international human rights law upon entering the University of San Diego was quite an easy one. The pursuit itself, however, would prove far more challenging.

“When I Googled ‘human rights jobs in San Diego,’ I didn’t get any results of substance,” says Stauffer. “I finally asked some of my law professors for suggestions, but they generally gave practical suggestions about expanding my job search to Washington or New York.”

Upon suffering similar setbacks in other conventional channels, Stauffer finally stumbled upon every job seeker’s two golden compasses—networking and pride-swallowing.

“I hate perpetuating clichés,” says Stauffer, “but it really is all about networking and being willing to take an unglamorous starting position in the hopes it will get you bigger and better things.”

Stauffer’s journey toward bigger and better things began in her third year of law school, when she was presented with a chance to travel to a human-rights conference at the United Nations. Stauffer scraped together what little money she had and set off for Geneva, Switzerland. There, she met a woman who had started her own nongovernmental organization. “She told me that she was always looking for willing volunteers and interns, and to call her if I wanted to go work for them for a three-month period after taking the Bar,” Stauffer says.

Despite her insurmountable debt and justifiable aversion to working for free upon graduating law school, Stauffer followed her own advice: She accepted the unglamorous starting job. It was not long before her three-month unpaid internship in Geneva blossomed into a yearlong paid fellowship. “I went over to Geneva in September 2005, and it was definitely the right decision,” says Stauffer. “I wasn’t making very much money—I think about $1,500 a month. But it was enough to survive, living very frugally, and the work was fascinating.”

Shortly thereafter, while attending a dinner party at a colleague’s house, Stauffer met a woman who was working at the Permanent Mission of Israel to the United Nations. Although Stauffer is not Jewish, the woman suggested she apply for an opening at the Mission as a legal adviser in the area of human rights. “I went in for an interview a few days later and got the job,” Stauffer says. She has been there ever since.

While the nameplate Stauffer currently represents may read differently than the one she once envisioned, her lifelong dream of being at the United Nations has nevertheless come to fruition. “I guess I assumed it would be for the United States, and someday it still might,” Stauffer says. “But working for Israel is complex and fascinating. And in some ways, it’s even better because I really feel Israel is my ‘client.’ I’m getting great experience both as a lawyer and a human rights advocate.”

Nicholas Goseland is a 3L at University of San Diego School of Law. nickgoseland@hotmail.com
In the field of law, mentoring can have a ripple effect that continues to impact both teacher and student. "Because I had someone who was such a good mentor to me, I want to do the same thing for other people," says Kimberly Sierra, an associate with Koeller, Nebeker, Carlson & Haluck LLP in the firm’s Phoenix, Arizona, office and a 2006 graduate of Thomas Jefferson School of Law.

Sierra sought a summer associate position with Arizona-based Tiffany & Bosco, P.A. During an on-campus interview with Frank Mead, a partner with the firm and a 2000 graduate of Thomas Jefferson, Sierra was invited to call with any concerns. She admits that she made up some questions, just to keep in contact. A mentoring relationship soon developed.

Mead provided positive support, steered her job search in the right direction and even passed along her résumé to his own contacts. Mead suggested that Sierra thank him by helping others. It’s a pay-it-forward mentality that seems to permeate the best mentoring relationships.

Sierra recently assisted a 2007 graduate of Thomas Jefferson using her connections with the Arizona Women’s Law Association. She brought her mentee along to events and introduced her to other attorneys.

Sierra says a snowball effect takes place as more people become invested in helping the mentee get established in the legal community. She doesn’t think of herself as a mentor. “It feels like I didn’t do anything other than just be a friend,” she says.

Mentoring relationships, though, take time and effort from both sides. For Sierra, the key is that “You have to feel fortunate about where you are, but don’t forget where you came from.” She meets many law students and recent graduates, but few of them ever follow up with her. Sierra’s view is that the ones who do are those who really want help. She encourages students who want a mentor to take the lead and to cultivate relationships.

Many law students and new lawyers find the mentoring programs of the Lawyers Club of San Diego and the San Diego County Bar Association tremendously helpful. However, those seeking mentors are best served if they regard everyone in the legal profession as potential advisers, and pursue those with whom they feel a connection.

Sierra still views Mead as a mentor, one who is also a friend.

Professor Susan Bisom-Rapp of Thomas Jefferson School of Law: “Do something that scares you every day.”

Attorney Micha “Mitch” Danzig: “Be true to your real self—follow your passions. Enthusiasm will show through. I was [at the] NYPD before becoming a lawyer, and the crimes that most upset me were against kids. Now a dad myself, I passionately support and serve on the board of Fresh Start Surgical Gifts, a San Diego charity that helps disadvantaged kids who need reconstructive surgery and care. I meet diverse people, not just other lawyers trying to develop business. These are people like me, dedicated to helping kids suffering from birth defects, disease, trauma or abuse. We share a passion; nothing’s contrived. At the end of the day, lawyers don’t really have ‘spare’ time, so why not network while doing something you love? And it’s a nice story to tell your kids why you missed dinner again—not for work this time, but to help give some hurting children a fresh chance at life.”

Networking Tips
Riverside attorney David Hirschl probably knows traffic patterns better than most local morning news reporters. An associate at Hanna, Brophy, MacLean, McAleer, & Jensen, LLP, he does what many law school graduates may have to do for their dream jobs: commute. "The reason why I decided to take the job in Riverside was because I was so impressed with Hanna & Brophy et al., and they did not have a San Diego office," says the 2004 graduate of University of San Diego Law School.

Hirschl leaves his Rancho Bernardo home every day at 6:45 a.m. to avoid tacking on more time to a 73-mile commute that usually lasts an hour and 20 minutes. "I have learned that leaving just three minutes later than my usual leaving time can turn into an extra 30 minutes of travel time sitting in traffic," says Hirschl, who represents employers, public entities and insurance carriers in workers’ compensation and subrogation matters.

Fortunately, the summer drives go much faster for the New Jersey native, who listens to Mets games in his Acura sedan. His case-load also requires him to travel throughout Southern California, from El Centro to Santa Barbara, at a cost of about $500 a month for gas.

Satellite radio has kept Hirschl sane while driving to and from the office. "I don’t know what I would do without my sports radio shows, 'The Dan Patrick Show' and 'The Jim Rome Show,'" Hirschl says.

Genevieve A. Suzuki is a 3L at California Western School of Law and law student editor of San Diego Lawyer. gasuzuki@cwsl.edu

Once a familiar face in San Diego’s legal community, Jonna M. Spilbor can now be seen regularly on national television. This criminal defense expert is licensed to practice in California, the District of Columbia and New York, where she now resides.

But Spilbor also works as a legal analyst, regularly appearing on MSNBC, CNN Headline News, Fox News Channel and Court TV. A 1992 Thomas Jefferson School of Law graduate, Spilbor says television work has made her a better lawyer, which, in turn, makes her a better broadcaster.

Her favorite sparring partner is Dan Abrams (of MSNBC) because he is "off-the-charts smart," according to Spilbor. She and Abrams have faced off on multiple occasions, including the case of famed attorney Dan Horowitz, whose wife was murdered in 2005.

Spilbor wasn't always so confident. The first time she was interviewed on camera, she says her voice was eight octaves too high and she struggled to make eye contact with the camera. So, how did Spilbor become a legal commentator?

The victim of an online moving scam, Spilbor was interviewed by Fox News. As she was leaving the studio, a producer approached her and asked if she would come back again in her attorney role. Spilbor said "Twist my arm," and her television career was off and running. Spilbor says her experience in criminal law has opened doors for her, since news shows often want to dissect criminal cases. Beyond that, "You need a whole lot of luck, and even then it’s tough," she says.

Wendy L. Dimpfl is a 2L at Thomas Jefferson School of Law. dimpflwl@tjsl.edu
When Micha “Mitch” Danzig entered law school, it was a relief from stress—not the usual perspective of 1L law students. He even has an optimistic outlook regarding the rigors of litigation. “Other lawyers may shoot verbal barbs at you, but they aren’t shooting bullets,” says Danzig, who earned his sense of values by literally facing gunfire.

An employment and IP litigator at Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, Danzig had long considered a career in law, ever since his elementary school teachers complained, “You love arguing so much, you should be a lawyer.” His path, however, took some unusual twists.

At 17, he was inspired to return to his native Israel, which he had left when he was 3 years old, to volunteer for service in the Israel Defense Forces. There he served as a combat conditioning and hand-to-hand combat instructor.

After returning to New York City to attend Hunter College, Danzig’s indirect path to law school continued. The New York Police Department was advertising a chance for law school scholarships after employees served on the force for a few years. Danzig missed the camaraderie from his earlier military service; so from 1989 to 1992, he became an NYPD cadet and officer, eventually serving in the Pressure Point narcotics unit.

Unfortunately, New York City’s economy entered a recession, and the chance for an NYPD scholarship to law school began to look remote. Then, another event motivated Danzig to leave New York City altogether. His wife, Denise, was physically attacked by an intruder while she was teaching in her classroom. Fortunately, she survived. But the event crystallized the pressures at the time: an expensive and crowded city; mismatched work shifts; a dangerous job; and the prospect of law school as an additional burden.

The answer was the University of Arizona in Tucson, and the contrast was stark: low rent; nice weather; no traffic; and best of all, no threat of physical violence.

Danzig’s tenacity served him well in law school and continues to do so in his legal practice today. “My combative nature really drives me to win for my clients, but at the same time I’m always aware that litigation is not life-threatening,” he says. “This makes it easier to stay focused and professional, not to take things too personally.”

Bruce Elder is a 3L at University of San Diego School of Law. belder-09@sandiego.edu

Karine Faure Wenger
(interviewed by Lily Ana M. Colonia, a 2L at Thomas Jefferson School of Law)
Attorney, Fragomen, Del Rey, Bernsen & Loewy, LLP

Early years: Tassin-la-Demi-Lune, France. She arrived in the United States when she was 12 years old.
College: University of California, San Diego
Law school: Golden Gate University
First job: Finkelstein & Krinsk, LLP, a securities litigation firm

Job search tip: Be humble and know how to spot an opportunity when it presents itself.

Job search mistakes: Not knowing how to negotiate and settling for less.

Best career moment: As an extern with the Public Defender Juvenile Division in San Diego, Wenger won a statutory rape case against a veteran attorney. When the attorney found out she was going to be the one representing the client, she pulled her own extern off the case and put herself on it. The attorney tried to use Wenger’s lack of experience to her advantage, but it was Wenger who won.

Favorite word: Baila, which is Spanish for “dance.”

The following people participated in this project.
Front row, from left: Catherine Tran, Lily Ana Colonia, Cara Mitnick, Courtney Miklusak, Denice Menard, Elizabeth Blust. Back row, from left: Beverly Bracker, Joshua Kay, Bruce Elder, Aaron Olsen, Bob Brewer, Nicholas Goelard, Chris Humphreys, Wendy Dimpfl.
The San Diego County Bar Association honored 11 individuals and organizations with its 2008 Service Awards during the Law Week Luncheon on May 2 at the SDCBA Bar Center. Congratulations to all the winners.

Photographs by Lauren Radaek

2008 SERVICE A

SERVICE TO THE SAN DIEGO COUNTY BAR ASSOCIATION

Ray Aragon
Senior Trial Attorney, County of San Diego Department of the Public Defender

Best advice: “As an attorney, your professional reputation follows wherever you go. Always strive to maintain it. Others should know that your word is your bond.”

Favorite quote: “Nothing ventured, nothing gained.” (A variation of Geoffrey Chaucer’s “He that attempts nothing will nothing achieve.”)

Favorite cuisine: “My favorite cuisines are French, Mexican and anything home-cooked and healthy.”

Favorite vacation spot: Costa Rica and Maui

Passion: “Travel and politics. My professional passion is being able to utilize the Bill of Rights to defend the public.”

Law school: University of California, Davis School of Law
E-mail: r-aragon@cox.net
DISTINGUISHED CITIZEN

Anthony Young
Councilmember
District Four, City of San Diego
Best advice: “Remember that within each second of our lives, there exists an infinite amount of opportunities.”
Favorite quote: “Politics is supposed to be the second oldest profession. I’ve come to realize that it bears a very close resemblance to the first.” (Ronald Reagan)
Favorite cuisine: “Unfortunately, all.”
Favorite vacation spot: “Any place with my wonderful family.”
Passion: “Serving the community.”
anthonyyoung@sandiego.gov

SERVICE TO LEGAL EDUCATION

Laura M. Padilla
Associate Dean for Administration and Professor of Law, California Western School of Law
Best advice: “Every action has consequences. Be mindful of your actions, and be thoughtful about the consequences.”
Favorite quote: “Respect the labor of everyone whose work enabled you to be where you are today.” (Interpreted from Buddhist principles)
Favorite cuisine: “I love food and am more focused on the quality and freshness of food and wine than a particular cuisine. With that said, my comfort food is a flour tortilla heated over a gas stove with some butter.”
Favorite vacation spot: Kauai
Passion: “My family, my work and integrity.”
Law school: Stanford Law School
E-mail: lmp@cwsl.edu
SERVICE BY A PUBLIC ATTORNEY

Terrie E. Roberts
Deputy District Attorney, District Attorney’s Office
Best advice: “Always follow your first instinct; it’s usually always right.”
Favorite quote: “Courage is fear that has said its prayers.” (Dorothy Bernard)
Favorite cuisine: “Crispy chicken tacos and chips and salsa.”
Favorite vacation spot: Maui
Passion: “My family, my work as a prosecutor, encouraging young kids to strive for excellence in school and learning something new every day.”
Law school: Arizona State University Sandra Day O’Connor College of Law
E-mail: terrie.roberts@sdcda.org

DISTINGUISHED ORGANIZATION

La Cuna, Inc.
Rachel Humphreys, Executive Director
La Cuna is a nonprofit organization in San Diego dedicated to the comprehensive needs and rights of Latino foster infants, toddlers and their siblings. La Cuna sees to it that each child is placed in one home until he or she can be reunified or adopted.
Web site: www.lacuna.org
Best advice: “Love without putting your defenses up for a braver, more rewarding life.”
Favorite quote: “Sometimes you have to take the leap and build your wings on the way down.” (Kobi Yamada)
Favorite cuisine: “Mexican, American, Italian, Ethiopian, Spanish, vegetarian, the slow-food movement and Japanese! Emphasis on the slow food movement.”
Favorite vacation spot: “My family cabin in the woods of the upper peninsula of Michigan.”
Passion: “Social justice.”
E-mail: rachel@lacuna.org
OUTSTANDING JURIST
Hon. Irma E. Gonzalez
Chief Judge, U.S. District Court, Southern District of California
Best advice: “Protect your reputation.”
Favorite quote: “Injustice anywhere is a threat to justice everywhere.” (Martin Luther King Jr.)
Favorite cuisine: “Mexican food.”
Favorite vacation spot: Cabo San Lucas, Mexico
Passion: “My immediate and extended family.”
Law school: University of Arizona School of Law
E-mail: irma_e_gonzalez@casd.uscourts.gov

OUTSTANDING ATTORNEY OF THE YEAR
Vincent J. Bartolotta Jr.
Founding partner, Thorsnes Bartolotta McGuire
Best advice: “Never quit.”
Favorite quote: “Nobody cares how much you know, till they know how much you care.” (Theodore Roosevelt)
Favorite cuisine: “Italian.”
Favorite vacation spot: Mountains
Passion: “Trial lawyering.”
Law school: University of Pittsburgh School of Law
E-mail: bartolotta@tbmlawyers.com
COMMUNITY SERVICE

Melissa C. Diaz
Deputy District Attorney, District Attorney’s Office
Best advice: “Constantly challenge yourself, and don’t be afraid to make mistakes or fail.”
Favorite quote: “We all do ‘do re mi,’ but you have got to find the other notes yourself.” (Louis Armstrong)
Favorite cuisine: “I love to eat it all—but if I had to choose, Italian.”
Favorite vacation spot: Machu Picchu, Peru
Passion: “Traveling off the beaten path, sampling local food along the way.”
Law School: Boston University School of Law
E-mail: melissa.diaz@sdcda.org

SERVICE TO THE LEGAL PROFESSION

Elaine A. Alexander
Executive Director, Appellate Defenders, Inc.
Best advice: “Enjoy your children. Raising kids is a big responsibility, and it often is frustrating and scary, but it should also be plain fun.”
Favorite quote: “I don’t really have one, but frequently remind myself, Don’t Sweat the Small Stuff; [It’s] a book by Richard Carlson—a saying I sometimes render simply as ‘life’s imperfect.’ It does keep things in perspective.”
Favorite cuisine: “Anything vegetarian. Italian, Chinese and Indian are especially good.”
Favorite vacation spot: “My husband and I have been fortunate to travel all over the world and have loved seeing many places. One of my favorites was the island of Moorea, near Tahiti—a South Pacific paradise with wonderful snorkeling.”
Passion: “Being a good mother and [now] grandmother. Improving the legal system and the law wherever I can. Protecting animals.”
Law school: Yale Law School
E-mail: eaa@adi-sandiego.com
SERVICE TO DIVERSITY

Erika M. Hiramatsu
Deputy Attorney General, on temporary assignment, District Attorney’s Office
Best advice: “Don’t be afraid to ask for help or advice from someone who has been there and done that, because there are some answers you won’t find in a book or on the Internet.”
Favorite quote: “First and foremost, strive for excellence at what you do.” (Hon. Dana Makoto Sabraw)
Favorite cuisine: “Unfortunately, I love all the foods that are fattening and unhealthy; I also have a weakness for shellfish.”
Favorite vacation spot: “Anywhere I can clear my mind and take a worry-free, guilt-free nap—and maybe follow it up with a nice meal”
Passion: “Making a difference.”
Law school: University of San Diego School of Law
E-mail: erika.hiramatsu@doj.ca.gov

PUBLIC SERVICE BY A LAW FIRM OR AGENCY

Casa Cornelia Law Center
Carmen M. Chavez, Esq., Executive Director
CCLC is a nonprofit public-interest law firm providing quality legal services to victims of human and civil rights violations. It has a primary commitment to indigent persons within the immigrant community in Southern California. CCLC seeks to educate others regarding the impact of immigration law and policy on the community and the public good. Casa Cornelia Law Center represents persons fleeing their homeland because of past persecution or fear of future persecution on account of their race, nationality, religion, political opinion or membership in a social group targeted for prosecution.
Web site: www.casacornelia.org
Favorite quote: “We ourselves feel that what we are doing is just a drop in the ocean. But the ocean would be less because of the missing drop.” (Mother Teresa)
E-mail: cchavez@casacornelia.org
RINGLER ASSOCIATES®
SAN DIEGO • LAS VEGAS

The FIRST NAME In STRUCTURED SETTLEMENTS

Congratulates MICHAEL KIRBY, Esq. of the Law Offices of KIRBY NOONAN LANCE & HOGE LLP On Structuring $5 Million ($11,483,227.00 in Expected Future Benefits) for His Clients During the Past Year.

Manuel R. Valdez CSSC Manny J. Valdez CSSC
MValdez@ringlerassociates.com MValdez@ringlerassociates.com
CA Insurance License 0623820 CA Insurance License 0C76457
1230 Columbia Street, Suite 970, San Diego, CA 92101 877-231-3334 • 619-231-3334 • Fax 619-231-3335

www.ringerassociates.com

Judicate West is Proud to Feature Many of San Diego’s Most Respected and Talented Neutrals


ADDITIONAL TALENTED AND RESPECTED SAN DIEGO NEUTRALS AVAILABLE AT JUDICATE WEST INCLUDE....

Ronald F. Frazier, Esq. Scott Slater Markus, Esq.
Steven Kulis, Esq. Maureen Summers, Esq.

JUDICATE WEST

Results Beyond Dispute™

FOR MORE INFORMATION ON THESE NEUTRALS, PLEASE CALL (619) 614-1995 OR VISIT OUR WEBSITE AT WWW.JUDICATEWEST.ORG

DOWNTOWN LOS ANGELES • LONG BEACH • SAN DIEGO • SANTA ANA • WEST LOS ANGELES
Most lawyers assume their work done for clients is not lobbying. But recent changes to the City of San Diego’s Lobbying Ordinance may trigger registration and disclosure requirements many attorneys are unaware of. Here is a rundown of some of the key new rules.

**Who Is a Lobbyist**
Effective January 1, 2008, anyone who is hired to influence a municipal decision on a contingency or hourly basis and has at least one contact with a city official (a specific list is available at sandiego.gov/ethics) is a contract lobbyist.

Similarly, any for-profit or nonprofit organization that has paid employees who have an aggregate of 10 or more lobbying contacts with city officials within 60 consecutive calendar days is an organizational lobbyist.

Finally, any individual or entity that spends $5,000 or more in a calendar quarter on efforts designed to indirectly influence a municipal decision through public outreach and advertising is an expenditure lobbyist.
So with Apologies to Jeff Foxworthy...

If someone pays you $1 or more (or agrees to pay you $1 or more on a contingency basis) to meet with a city official to convince him or her to decide something a certain way, you are probably a lobbyist in the City of San Diego.

You are probably a San Diego lobbyist if you are paid to send a councilmember 10 or more different letters and e-mails within 60 days about an issue before the council.

If you spend $8,000 on mailers and postage encouraging citizens to contact their councilmember and voice opposition to an ordinance banning public displays of affection, you are probably a lobbyist in the City of San Diego.

There are a number of exceptions that apply to the registration thresholds discussed above. For lawyers, the important ones are: (1) speaking at public meetings or sending letters that become part of the public record; (2) communications with city employees who are not city officials (e.g., plan checkers, engineers, program managers); and (3) communications between attorneys concerning pending litigation or administrative enforcement actions. This last one only applies to actual litigation, not threatened or potential litigation. There are a few more exceptions, so you also should look at the ordinance if you think you qualify as a lobbyist.

**continued on page 48**
Brownstein Hyatt Farber Schreck

A Merger with California’s Hatch & Parent

Brownstein Hyatt Farber Schreck is pleased to announce our merger with California based Hatch & Parent. With more than 230 lawyers and legislative consultants working for clients in twelve offices across five states, the firm now includes the largest water law and policy group in the West and augments our real estate, land use, environmental and regulatory compliance, government relations, business and corporate transactions, taxation, litigation, wealth management, intellectual property and gaming.

Brownstein Hyatt Farber Schreck, LLP  bhfs.com

Kay L. Sunday, Attorney at Law
Criminal Defense

2445 Fifth Avenue, Suite 330
San Diego, CA 92101

Telephone: (619) 231-3111  Fax: (619) 656-0121

- 25 YEARS CRIMINAL DEFENSE: SAN DIEGO COUNTY
- APPROXIMATELY 100 JURY TRIALS, 15+ MURDER TRIALS
- PRESIDENT CRIMINAL DEFENSE BAR ASSOCIATION, 1991
- PRESIDENT CRIMINAL DEFENSE LAWYERS CLUB, 2000
- LECTURER, VOIR DIRE: OPENING STATEMENTS
- AV RATING MARTINDALE HUBBELL
- FOUNDING BOARD MEMBER, PRIVATE CONFLICTS COUNSEL (PCC), 1995
- ADJUNCT PROFESSOR, UNIVERSITY OF SAN DIEGO, ADVANCED TRIAL SKILLS
- CASE NUMBERS, INFO AVAILABLE

An expansive outlook:

What the legal community expects from a law school devoted to the big picture.
Vibrant, engaging graduates with perspectives for today’s legal landscape.

www.CaliforniaWestern.edu

CALIFORNIA WESTERN
SCHOOL OF LAW | SAN DIEGO
What law school ought to be.”
So You’re a Lobbyist. Now What?
Under the old rules, if you met the registration threshold, individuals had to register as lobbyists. Under the new laws, the firms and organizations who employ the lobbyists must register. The firms and organizational lobbyists are therefore now responsible for disclosing the activities of all lobbyists who work for the firm or organization. The premise here is that the public will have a better sense of the lobbying activity of these organizations if they are all in one place.

Registration is a two-part process. First, you must fill out and file a registration form. Disclosures on the form include the name of your clients (including any member of a coalition that pays $1,000 or more in fees to the firm), the municipal decisions to be influenced and the outcome sought, and campaign activities. Lobbying firms and organizations must disclose campaign activities if, during the past two years (but not prior to January 1, 2007), any of their owners, officers or lobbyists
1. fund-raised $1,000 or more in campaign contributions for current elected officials, (2) provided compensated campaign-related services to a current elected official, or (3) provided compensated services under a contract with the city.

Once filed, registration forms must be updated within 10 calendar days of any new information (such as a new client).

Second, a lobbying firm or organizational lobbyist must file quarterly disclosures (the forms most often accidentally not filed by registered lobbyists). These quarterly disclosures must include: (1) a description of the decision and outcome sought; (2) the name and department of the city official lobbied; (3) the name of each owner, officer or employee who engaged in lobbying; (4) the amount of compensation the firm became entitled to receive for lobbying (rounded to the nearest $1,000); (5) campaign contributions of $100 or more; and (6) fund-raising of $1,000 or more for any candidate or candidate-controlled ballot measure committee.

Needless to say, these new laws have expanded the likely number of people who qualify as lobbyists in San Diego and increased the disclosure requirements for registered lobbyists. Registered lobbyists also cannot give city officials gifts in excess of $10 per month. Attorneys who work with San Diego city officials on behalf of clients should carefully review the rules and seriously consider whether they should register as lobbyists.

If you have any questions regarding whether or not you qualify as a lobbyist or your registration and disclosure requirements in the City of San Diego, it is always best to check out the city’s Ethics Commission’s Web site at www.sandiego.gov/ethics, or call its offices at (619) 533-3476 and speak to staff about your specific questions.

Running for Office:
Tips to Keep You Out of Trouble
If you are running for office this fall, consider hiring a political law specialist and an experienced treasurer. These two paid consultants will keep you on the straight and narrow when it comes to following the myriad of rules candidates are faced with.
A lawyer can run for office in many jurisdictions within San Diego County, but I’ll just cover the big three: the City of San Diego, the County of San Diego and the bench.

City of San Diego
We have four council seats and two citywide races (mayor and city attorney) this election cycle, and getting information about running for office is incredibly easy. Check the Fact Sheets on the Ethics Commission's Web site at www.sandiego.gov/ethics.

A summary of some of the key rules:

Contribution Limits
• City council candidates are limited to $270 per election.
• City attorney and mayor candidates are limited to $320 per election.
• Only individuals can give. Candidates cannot accept contributions from corporations, organizations or nonprofits.
• Candidates can accept contributions for both the primary and the general election, but cannot use general election funds in the primary. Candidates who are not in the general election must refund general election contributions on a pro-rata basis.
• Candidates can make unlimited contributions to their own campaigns and can loan themselves a maximum of $100,000 at any one time.
• Candidates cannot knowingly solicit campaign contributions from city employees.

Expenditure Restrictions
• Expenditures from campaign funds must be reasonably related to a political, legislative or governmental purpose.
• Candidates cannot pay for their healthcare, salary or clothing from campaign funds.
• A candidate’s committee may not make expenditures of $100 or more in cash.
• Candidates must pay all vendors within 180 days of receiving an invoice or services.
• Candidates may need to contribute or loan campaign money to pay vendors within this time period.

County of San Diego
Three of the board of supervisors seats are up for reelection this year. Here is a quick rundown of the key rules in those races. The rules are contained in the county's Election Campaign Finance and Control Ordinance, located in the San Diego County Code of Regulatory Ordinances, section 32.901 et seq.

Contribution Limits
• County official candidates are limited to $500 per election. If an opposing candidate contributes in excess of $100,000 to his or her own campaign, the limit is lifted until the candidate raises an amount equal to the personal contribution.
• Contributions for the primary and general elections can be made at the same time, though general election contributions must be refunded on a pro-rata basis if the candidate does not run in the general election.
• Only individuals can give, but single shareholder corporations can also give up to the aggregated maximum for the individual.
• Lobbyists cannot give directly to candidates listed as individuals they have or will attempt to influence.

Expenditure Restrictions
If a candidate plans on spending more than $100,000 of personal funds, he or she must provide written notice of the intent and deposit the funds into the campaign checking account.

Judicial Races
In California (and other states), we elect our judges. If a judge retires before his or her term is up, any lawyer can run for the open seat. In San Diego County, we have three contested judicial races on the June 3 ballot. Rules related to judicial elections can be found in the California Election Code and Government Code.
• There are no contribution limits for judicial candidates; corporations or any other type of entity can contribute. Interestingly, this is also the only election in which sitting judges can endorse candidates.
• Candidates for judicial office should carefully review the canons on judicial ethics. They apply to judicial candidates as well as sitting judges.

Gil Cabrera is the principal of The Cabrera Firm, APC and chairman of the City of San Diego Ethics Commission. gil@cabrerafirm.com
“Agree, for the law is costly.”
-William Camden

Douglas H. Barker
Mediator and Attorney
2341 Jefferson Street
Suite 200
San Diego, CA 92110
(619) 682-4851
www.barkermediate.com

Ethics Lawyer
David Cameron Carr
- Legal Ethics Advice/Expert Testimony
- State Bar Discipline Defense
- Bar Admissions and Reinstatement


619-696-0526
www.ethics-lawyer.com

Thank you to our 2008 Bar Night at the Opera sponsors:

McKenna Long & Aldridge LLP

Pillsbury Winthrop Shaw Pittman LLP

Ringler Associates

Thank you all for an unforgettable evening.
RINGLER ASSOCIATES®
SAN DIEGO • LAS VEGAS
The FIRST NAME In
STRUCTURED SETTLEMENTS
CONGRATULATES
DAVID AULT, Esq. and LINDA ROBINSON, Esq. of the
Law Offices of
AULT & ROBINSON, APC
On Structuring $1,190,000.00
($1,428,509.00 in Expected Future Benefits)

Manuel R. Valdez CSSC  Manny J. Valdez CSSC
MValdez@ringlerassociates.com  MValdez@ringlerassociates.com
877-231-3334 • 619-231-3334 • Fax 619-231-3335 • 1230 Columbia Street • Suite 970, San Diego, CA 92101

www.ringerassociates.com

LIT.ECON LLP
Experienced Economists and Accountants
Providing Dispute Consulting Services and Expert Testimony.
We Help Trial Lawyers Achieve Their Goals!

- Economic Analysis
- Damage Analysis
- Expert Testimony
- Valuations
- Forensic Accounting
- Fraud Investigation

David S. Hanson, CPA
James F. Nelson, CPA
Robert R. Trout, PHD

120 Birmingham Drive, Suite 200
Cardiff, CA 92007
Phone 760.944.9721 • Fax 760.944.4551
www.litecon.com

Independent, Effective, Fair,
Over 30 Years Experience
• Mediation
• Arbitration
• Special Reference

Geary D. Cortes
Judge of the Superior Court, Retired

Symphony Towers
750 B Street
Suite 600
San Diego, CA 92101-8173
Phone (619) 513-4475
Fax (619) 513-8100
E-mail: judecortes@san.rr.com
www.judgecortes.com

SAN DIEGO • ORANGE COUNTY • LOS ANGELES
Celebration of Civility

PHOTOGRAPHS BY LAUREN RADACK

The San Diego Country Bar Association’s annual bench/Bar mixer, Celebration of Civility, took place April 24 at the SDCBA Bar Center. The celebration was hosted by Hon. Irma Gonzalez, Hon. Judith Haller and Hon. Kenneth So in conjunction with the SDCBA Board of Directors.

CELEBRATION OF CIVILITY
The second annual LAF-Off (Lawyers Are Funny), benefiting the San Diego Volunteer Lawyer Program, brought down the House of Blues on March 13. Once again emceed by Ken Turek, LAF-Off showcased the legal community’s hidden comedic talent. Junichi Semitsu, USD School of Law, had the last laugh as the night’s winner.

The Bernard E. Witkin Award, presented annually by the San Diego Law Library Justice Foundation to honor members of the San Diego legal community for civic leadership and excellence in the teaching, practice, enactment or adjudication of the law, was given March 6 at the El Cortez to Herbert Solomon, Hon. David Gill, Marjorie Cohn and Carol Lam. The award dinner also serves as the San Diego Law Library Justice Foundation’s annual fund-raising event.
ACLU

PHOTOGRAPHS BY WILLIAM PETTINGILL

The ACLU of San Diego & Imperial Counties celebrated its 75th anniversary on March 13 at the Hyatt Regency Mission Bay with a gala reception, dinner, silent auction, live entertainment and special tributes. Keynote speaker and constitutional scholar Erwin Chemerinsky and Tom Smothers of the Smothers Brothers entertained those in attendance.

Bar Night at the Opera

PHOTOGRAPHS BY ALISON PHILLIPS

Bar Night at the Opera featured two of opera’s greatest hits, Cavalleria Rusticana and Pagliacci. The March 28 night out included elegant food, fun, networking and a special presentation from San Diego Opera general director Ian Campbell.

ACLU  A. Bree Walker, Marti Emerald  B. Zev Kusin, Peter Adams, Philip Tencer  C. Linda Hills  D. Erwin Chemerinsky, Bree Walker, Candace Carroll, Len Simon  E. Harvey Levine, Kevin Keenan

SUSTAINING MEMBERS

The San Diego County Bar Association gratefully acknowledges its Sustaining Donation Members.

PATRON MEMBERS
Marc D. Adelman
Robert Caplan
Ezekiel E. Cortez
John G. Davies
Shawn Anthony Doan
William O. Dougherty
James P. Frantz
Louis E. Goebel
Charles F. Gorder Sr.
Stephen M. Hogan
A. Jason Kerckhoff
Genaro Lara
Harold O. McNeil
Gerald S. Mulder
William E. Nelson
David Baxter Norris
James Ellis Schneider
W. Davis Smith
Kenneth H. Stone
Thomas J. Warwick Jr.

FRIEND MEMBERS
Edward J. Babbitt
Candace Bremond
Linda Cianciolo
Vivian V. Doering
Darlene A. Dornan
David B. Dugan
Ann C. Durham
Peter L. Fagan
Charles W. Froehlich Jr.
Tina M. Fryar

BENEFACCTOR MEMBERS
Doc Anthony
Anderson III
Jedd E. Bogage
Jill L. Burkhardt
Vatche Chorbajian
Gordon D. Cruse
Teresa E. Dietz
William E. Ferguson
Douglas A. Glass
Alvin M. Gomez
Randy M. Grossman
Monty A. McIntyre
Robert M. Miller
Paul H. Neuharth Jr.
Ronald W. Noya
J. Michael Reed
John R. Sorensen
William L. Todd

BENEFACCTOR MEMBERS
Marc B. Geller
William C. George
Charles N. Guthrie
Paul Hofflund
George G. Hurst
Robert L. James
Jay W. Jeffcoat
David J. Karlin
E. Ludlow Keeney Jr.
Garrison (Bud) Klueck
Russell S. Kohn
Arthur E. Levy
Philip P. Lindsley
Steven R. Liss
R. Anthony Mahavier
William A. Markham
Carla Nasoff
Peggy S. Onstott
Kristi E. Pfister
Susan E.H. Ragsdale
Pamela J. Scholefield
Maria C. Severson
Lewis H. Silverberg
Yolanda Tabb-Gammill
Alan Wiener
Bonnie J. Wilson
Jeffrey A. Wydra
Lisa R. Zonder

WHO IS THIS PROMINENT MEMBER OF SAN DIEGO’S LEGAL COMMUNITY?

Please submit answers by June 1 to mkruming@aol.com. Your name will be entered to win a luncheon for two at Dobson’s Bar & Restaurant. Congratulations to Thomas Bunton of the Office of County Counsel, who won the March drawing by correctly identifying attorney Chuck Dick of Baker & McKenzie. Thanks to everyone who participated.
The
SAN DIEGO COUNTY
BAR FOUNDATION

invites the members of the
San Diego Legal Community
to join us for the installation of

HON. HOWARD J. BECHEFSKY  RICHARD W. SWEAT
HON. J. MICHAEL BOLLMAN  HON. DANIEL J. TOBIN
HON. JOHN S. RHODES  JOSEPH "JAY" WHEELER

to the Distinguished Lawyer Memorial
The Bar Center  May 21, 2008  5:30 – 7:30 p.m.

The Distinguished Lawyer Memorial Fund

gives special and permanent recognition to deceased lawyers and judges of the San Diego County Bar who demonstrated superior legal skills and high ethical standards throughout careers of significant length.

Distinguished Lawyers are those who have demonstrated themselves to be honest, truthful, just, fair, civil and gently mannered throughout the course of their careers. The Memorial is located in the Hall of Justice on the third floor.

The San Diego County Bar Foundation

is the charitable arm of the San Diego County legal community, and in partnership with the San Diego County Bar Association, strives to provide access to justice by investing in sustainable results and advocacy for people and communities in our region that are impacted by poverty, abuse and discrimination.

By offering an effective means for the legal community to engage in law-related philanthropy, the San Diego County Bar Foundation strengthens the profession by providing lawyers the opportunity to contribute to the quality and benefit of San Diego County. Based on the belief that justice serves as the great equalizer in our society, we ensure access to justice by investing in legal aid and public interest organizations along with expertise, leadership and advocacy. We serve as a leader in our community and a model bar foundation nationwide. We maintain the highest level of commitment to the permanence of the Bar Foundation and its work by building law-related philanthropy.

RSVP to the Bar Foundation
(619) 231-7015

DISTINGUISHED LAWYERS 1989 – 2007

Walter I. Ames  Reeve Jacques
James W. Archer  William H. Jennings
Hon. Richard Ault  James Don Keller
William G. Bailey  Frederick K. Kunzel
John Herbert Barrett  Fred E. Lindley
Paul E. Bell  Hon. F.V. Lopardo
Maurice “Red” Boudreau  Hon. Edgar Luce, Jr.
Hon. Madge Bradley  Edgar A. Luce Jr.
Prof. Darrell D. Bratton  H. Pitts Mack
Hon. Michael W. Brennan  John Wesley
Daniel T. Broderick, Ill  McElhinny
Hon. Gerald Brown  Robert Meiners
Hon. Edward T. Butler  Marcelle "Marcie" Mihaila
Hon. James Marshall Carter  Glen M. Mitchell
John H. Carter  John W. Netterblad
Hon. William Paxton Cary  Hon. Leland C. Nielsen
David S. Casey, Sr.  Hon. Paul Overtor
E. Stanley Conant  Alan Perry
John M. Cranston  Anthony T. Procopio
Jack W. Cramley  Bonnie Nelson
Jean F. DuPaul  Reading
Thomas M. Dymott  Warren Reese
E. Stanley Elledge Jr.  William Bert Ritchey
Richard F. Gerry  Ben B. Rubin
Jean F. DePaul  Emmanuel "Manny" Savitch
Thomas M. Dymott  Leon W. Scales
Evelyn F. Elledge Jr.  William J. Schall
William T. Fitzgerald  Hon. Zalman J. Scherer
Ferdinand T. Fletcher  Hon. Edward J. Schwartz
William Fletcher  Hon. Philip Sharp
Charles Hamilton Forward  Michael C. Shea
Frank A. Frey  Hon. Donald W. Smith
Richard F. Gerry  Lt. Col. Fred A. Stein
Gordon L. Gray  Jim Sullivan
Leslie Jane Hahn  Hon. James Toothaker
Dan E. Hedin  Hon. Richard Vaughn
Marie M. Herney  Hon. Andrew G. Wagner
Hon. Edgar Hervey  Richard Westbrook
James Edgar Hervey  Hon. Vincent Whelan
William Hillyer  Hon. William K. Woodward
Tom Homann  Leroy A. Wright
Daniel Bear Hunter, II  Laurens "Bill" Youmans, III
Sterling Hutcheson  Youmans, III
Dubbed the Portia of the Pacific, Foltz Was a First

Clara Shortridge Foltz was the first woman to practice law in San Diego. She and her family moved to California during the height of the late-1870s land boom.

She had substantial lifetime achievements, including being the first woman admitted to the State Bar of California; the first woman to clerk for the State Judiciary Committee; the first woman appointed to the State Board of Charities and Corrections; the first woman notary public and the first woman deputy district attorney in California. She also founded and published the San Diego Daily Bee newspaper and was the first woman to run for governor of the state.

Among all of these remarkable milestones, perhaps two efforts ring clearer and more significant than any of the others: The Woman Lawyer’s Bill and Foltz v. Hoge et al. (1879) 54 Cal. 28.

In 1878, the California Code of Civil Procedure read:

Any white male citizen, or white male person, resident of the State . . . of the age of twenty-one years, of good moral character . . . is entitled to admission as attorney and counselor in all Courts of this State.

The right to practice law then, as now, is a privilege. Originally, this privilege was extended only to white males.

Foltz brought a bill to the California State Legislature that changed this right in two very significant ways. Her “Lady Lawyer Bill” simply changed the phrase “white male person” to “person.”

This minor word change would have tremendous consequences. Not only did this change allow women to be admitted to the practice of law in California, it also eliminated a racial barrier.

Foltz was sworn in as the first woman lawyer in California on September 5, 1878, by Santa Clara Superior Court Judge Francis E. Spencer.

Foltz, in pro per, sought a writ of mandamus in the California Supreme Court to require her admission. The Supreme Court then granted Foltz’s Writ of Mandate, holding that “[f]emales are entitled, by law, to be admitted as attorneys and counsellors in all courts of this State, upon the same terms as males. The College was founded for the purpose of affording instruction to those who desire to be admitted, as well as those who have been admitted, to practice as attorneys and counsellors . . . and the same general policy which admitted females as student of the University, opened to them as well the doors of the College of Law.” (54 Cal., at p. 35)

Foltz was thereafter admitted and graduated from Hastings College of the Law.

Clara Shortridge Foltz was a woman of grit and wit. Her steadfast belief in the equality of women became the crusade of her life. She forged the trail for all those women lawyers who followed in her footsteps.

William J. Howatt Jr. recently retired as presiding judge of Family Law Court.
Thomas E. Sharkey, Esq.

Mediator  Arbitrator  Discovery Referee  Special Master

More than 45 years as an active trial lawyer in state and federal courts in a wide variety of cases
Twenty years experience as a mediator and arbitrator
Expertise in the following areas:
- Aviation
- Business/Commercial
- Complex Litigation
- Construction Defect
- Employment Law
- Insurance/Coverage/Bad Faith
- Intellectual Property
- Personal Injury/Wrongful Death
- Product Liability
- Professional Malpractice
- Real Estate
- Securities/Investment Disputes

San Diego  Orange  Los Angeles  Riverside  San Bernardino  Imperial

(619) 814-1966

To schedule, contact:
Mark Kaufman
Case Administrator
Judicate West
402 West Broadway, Suite 2000
San Diego, California 92101

Private Dispute Resolution from a Name You Know and a Reputation You Trust

---

UC San Diego Extension
Paralegal Training & Legal Education Programs

Mandatory Continuing Legal Education (MCLE)
As a California State Bar Approved MCLE Provider, we strive to bring the best
and brightest minds together to offer a variety of courses throughout the year.

CLA Exam Preparation Course
Go the extra mile and become a Certified Paralegal, adding credibility and
professionalism to your name. Review key topics tested in the two day exam,
including: analytical ability, legal research, terminology and ethics.

Intellectual Property Certificate
Learn essential and timely concepts in patents, trademarks, property law and
copyrights, and choose a specialization area of your choice.

Master's Degree in Health Law
This unique program from UCSD and Cal Western Law School equips legal
and healthcare professionals with essential skills to improve policy and practice
where the professions overlap. hlaw.ucsd.edu

For more info:
Julia Dunlap, Esq.
(858) 882-8008

extension.ucsd.edu/law
ADVERTISERS’ INDEX

ADR Services 11
Ahern Insurance 5
Albert, Andrew S. 15
Barker, Kouns & Olmsted 50
Bond Services of California 28
Brinig & Co. 17
Brownstein Hyatt Farber Shrik, LLP 47, 56
Bucher Real Estate, John 64
Cal Western School of Law 47
Carr, David Cameron 50
CastleLyons Corporation 61
Cortes, Geary, Hon. 51
Ed Fox Consulting 61
Ernst Financial Services 61
Eyewitness Expert Testimony 61
First Pacific Bank 48
Forensic Expert Witness 30
Forensis Group, Inc. 19
Fragomen, Del Rey, Bernsen & Loewy 29
Gold Card Jurist 3
Golemb, Daryl B., CPA 61
Guaranteed Subpoena 21
Higgs, Fletcher & Mack (Craig Higgs ad) 26-27
JAMS 24
Judicate West 44
King Stahlman 31
Kruis Mediation 2
Lawyer Referral Information Services 60
LexisNexis 62
Lit. Econ LLP 51
Mayer, James 49
Moon, David B., Hon. 30
Moore, Lewis, Schulman & Moore 28
Ringler Associates 44, 51
S.A.F.E. Secure Archived Files Elect. 61
The San Diego County Bar Foundation 57
Sharkey, Thomas 59
Sullivan Hill Lewin Rez & Engle 46
Sunday, Kay 47
Thomson West 9
UCSD Extension 59
Wied, Colin 7
DIRECTORY OF EXPERTS AND CONSULTANTS

EYEWITNESS EXPERT TESTIMONY: 39 years of forensic psychology experience with pretrial consultations and frequent court testimony regarding factors known to influence the validity of eyewitness report. Pretrial consultation can include choosing foils for live lineups and selecting jurors. Trial testimony includes charts to explain the results of scientific research demonstrating factors known to influence eyewitness identification accuracy. Thomas R. MacSpeiden, Ph.D. 619-291-4808, Fax 619-291-4426; e-mail: macspeidenphd@nethere.com

PLUMBING AND MECHANICAL: Ed Fox Consulting provides over 35 years of plumbing and mechanical expertise with witness and consulting services for construction defect and personal injury claims, including investigation, mediation, arbitration and trial testimony, UPC and UMC codes, standard of care, construction, responsibility allocation and repair recommendations. CA licensed—ICBO/IAPMO Certified Plumbing and Mechanical Inspector; Registered Construction Inspector. Contact: Ed Fox. Toll free 1-800-286-3123; San Diego 760-782-3224 / Fax 760-782-3225; www.edfoxconsulting.com

ESTATE AND TRUST TAX OUR SPECIALTY: We solve your biggest estate and trust tax problems. We find out what you might not know and protect you from potential liability. Compliance research, preparation of returns, administration. www.golembcpas.com 619-497-1800; e-mail daryl_golemb@golembcpas.com

THE PERENNIAL PROBATE PROBLEM—SOLVED: Your client is in probate, inheriting or administering real estate but short on reserves to settle estate debts and cover costs. Typical mortgage lenders require that the probate be fully closed first. This creates a classic “Catch 22” situation that can tie up a probate indefinitely. With over 28 years of specialized mortgage banking experience, we routinely fund mortgage requests (even while in probate) that lenders typically refuse to consider. At Ernst Financial Services, my personal goal is to help you expedite the closure of your client’s probate with the best rates and services in the mortgage industry. 760-634-6800 www.ErnstFinancialServices.com

SECURED ARCHIVED FILES ELECTRONICALLY: We can convert your archived paper files into digital data. The password-protected and encrypted files are readily available to print, fax, e-mail or view either in black and white or color, even if the paper is colored, the signatures are in blue ink or colored pictures are part of the file, including double-sided pages. Phone: 619-795-7091 www.securearchivedfiles.com Fax: 619-294-6520

REAL ESTATE EXPERT WITNESS SERVICES: 37 years experience in the residential development industry. Substantial entitlement, land development and homebuilding résumé. MBA from USC, California Contractor’s and Broker’s licenses. Areas of expertise include: joint venture and partnership disputes, due diligence evaluation, entitlement issues, homebuilder and broker disputes, standard of care issues, to name a few. Please refer to Web site for more information, www.castlelyons.net or contact Michael K. Ryan, President, at 619-787-5988.

FOR ADVERTISING INFORMATION, CONTACT 619-231-0781

ADVERTISEMENT
Q: What’s the best surfing spot for a California lawyer?

A: California Forms of Pleading and Practice.

It’s the place to be for attorneys who need to deal with all the complexities of California law.

As a California lawyer, you know that the waters aren’t always clear. With so many laws on the books, and emerging areas of law popping up all the time, you need the kind of research tool that makes you smarter, stronger, tougher and better. With California Forms of Pleading and Practice, you’re up-to-date and ahead of the curve.

With so much more than just forms, it provides today’s critical analysis from the most authoritative practitioners in their fields. You’ll find checklists, forms, legal background and research guides all integrated into one convenient source. With more updates than the competition, you’ll not only know your facts cold, but get better coverage of new topics.

Also experience the confidence of relying on the California Official Reports, from LexisNexis, the Official Publisher.

www.lexisnexis.com/carightsolution
This photo, shot from the Hall of Justice, shows an area south of Broadway between Union and State streets where an addition to the U.S. District Courthouse will be built. The San Diego Hotel was once located there. Barry Carlton is a Deputy Attorney General and photo editor of San Diego Lawyer. barry.carlton@doj.ca.gov
SAN DIEGO COUNTY BAR FOUNDATION

PROVIDING ACCESS TO JUSTICE SINCE 1979.

Supported by the generosity of the legal community, the San Diego County Bar Foundation ensures access to justice for the underserved by making grants to qualified legal aid and public interest non-profits.

Our founders believed investing in the community is so important that 29 years ago they began an endowment to guarantee the Foundation’s mission will live on. We commend the dedication and vision of those lawyers and law firms who have helped to create this legacy.

left to right: Briana Wagner, Executive Director; Colin Murray, President; Meredith Brown, President-Elect; and John Bucher, Endowment Chair

GRANT RECIPIENTS INCLUDE:
The Access Center of San Diego • Access, Inc. • Becky’s House • Casa Cornelia Law Center • Catholic Charities • Center for Community Solutions • Children at Risk • The Community Resource Center • The Crime Victims Fund • Elder Law and Advocacy • Employee Rights Center • Hannah’s House • Home of Guiding Hands • Homeless Court • International Rescue Committee • Kids Included Together • Kids Turn San Diego • Las Valientes • Legal Aid Society of San Diego • Parkinson’s Association of San Diego County • Peninsula Family YMCA • Saint Clare’s Home • San Diego Advocates for Social Justice • San Diego Coastkeeper • San Diego Family Justice Center • San Diego Justice Foundation • San Diego Superior Court • San Diego Teen Court, Inc. • San Diego Volunteer Lawyer Program • Second Chance • Southwest Center for Asian Pacific American Law • Thomas Jefferson School of Law • Voices for Children • Volunteers in Parole of San Diego County • Women’s Resource Fair • YMCA of San Diego County • YWCA of San Diego County

1333 7th Avenue, Suite 101, San Diego, CA 92101 • 619.231.7015 • www.sdcbf.org

Advertising space donated by John Bucher of John Bucher Real Estate Company, Inc.