The BAR CENTER at 401
The New Hub of San Diego's Legal Community

PLU5
- Law Firm Trends & Growth
- E-filing Arrives in San Diego Courts
CALMLY PERSISTENT.

...where calm thinking leads to resolution.

“I must comment that the amount of energy & personal involvement you provided to the parties, and counsel, did not go unnoticed. I continue to consider you one of the more capable mediators in our community.”

– Email from Plaintiff’s counsel in business litigation case.

Steve Kruis: calm... thinking... resolute.
TRAUMATIC BRAIN INJURY

LEADING THE WAY

For 65 years, CaseyGerry has specialized in serious personal injury, playing a key role in high profile national and local cases. Within the past year alone, our attorneys have achieved numerous multimillion dollar recoveries for clients with traumatic brain injuries – from a devastating injury on a high school football field to injuries caused by automobile, bicycle and aviation incidents. CaseyGerry is also one of the select firms on the steering committee for the national brain injury litigation against the NFL.

The complexity of brain injury cases demands attorneys who are at the forefront of ever evolving medical issues, such as Second Impact Syndrome and Chronic Traumatic Encephalopathy. Our firm has the knowledge, experience and resources necessary to successfully represent victims of traumatic brain injury.

Inquiries regarding referrals or co-counsel arrangements are welcome.

For more information visit www.caseygerry.com/braininjury
David Casey - dcasey@cglaw.com    Frederick Schenck - fschenk@cglaw.com    Robert Francavilla - rfj@cglaw.com
110 Laurel Street, San Diego, CA 92101    619-238-1811
Features

18 Corporate Counsel
Q&A with Kelly Capen Douglas, general counsel at the University of San Diego.
By Alidad Vakili

20 Welcome Home
Take a tour of the SDCBA’s new downtown home at 401 West A Street.

25 E-filing Arrives in San Diego
The San Diego Superior Court now offers E-filing in its Central Civil Division.

26 Firm Trends
Market forces at both ends of the legal spectrum are changing the face of the legal industry.
By Debra Baker

28 A Day in the Life
One lawyer reveals what’s on her daily to-do list.
By Bridget Moorhead

30 My Role as Managing Partner
As firms grow, law firm leaders must adapt and evolve to meet new challenges.
By Thomas W. Turner, Jr.

32 Working Role Model
How one attorney helped lead the way for more part-time, flexible work schedules.
By Teresa Warren

34 Making the Leap
More young attorneys are pursuing solo/small firm dreams.
By James Crosby

36 50 Years Strong
The Foothills Bar Association celebrates its 50th anniversary.
By Keith Jones

Departments

6 Briefly
“A Night to Remember” makes lasting memories for teens with special needs.
By Rob Shields

8 President’s Page
Help identify how you, your clients and the community have been affected by recent unprecedented court budget cuts.
By Marcella McLaughlin

10 Deans
A call for law schools to welcome and celebrate a diverse student body.
By Rudolph Hasl

12 Ethics
Making the case for professional behavior both in and out of the courtroom.
By Edward McIntyre

14 Feedback
SDCBA members answer the question: How do you market your firm?

16 Tips
Quick tips on writing and technology to help bolster your practice.
By Shannon Carter, Robert Lynn and Leah Strickland

30 In Memoriam: C. Hugh Friedman

40 Leisure, Distinctions & Passings

42 Sustaining Members

43 Photo Gallery
A look at recent events in the legal community.

46 Closing
A Supreme Court Justice visits San Diego.
Photo by Barry Carlton

CORRECTION
The quote in the January/February issue attributed to Dean Niels Schaumann should have read, “More than ever, law school graduates need to be able immediately to do useful work for clients.”
We regret this error.
THE BAR HAS BEEN RAISED.
FOR INFORMATION ABOUT ADVERTISING, CONTACT THE SDCBA AT 619-231-0781.
Neutrals of ADR Services, Inc.

Congratulations

Cary Miller, Esq.    Michael Roberts, Esq.

Hon. Mac Amos (Ret.)    Robert Coviello, Esq.    Hon. Patricia Cowett (Ret.)
Hon. Edward Kolker (Ret.)    Hon. Gerald Lewis (Ret.)    Hon. Lillian Lim (Ret.)
Hon. Wayne Peterson (Ret.)    Hon. Sheridan Reed (Ret.)

For information and scheduling, please contact Genevieve Kenizwald at Gen@adrservices.org or (619) 233-1323

San Diego    Orange County    Downtown LA    Century City
(619) 233-1323    (949) 863-9800    (213) 683-1600    (310) 201-0010
Court Funding: Real World Impacts

As lawyers, we are in a unique position. The average individual or business utilizes our court system infrequently. They generally don’t wonder about whether or not the courtrooms will be staffed and available if they ever have a court case. Perhaps it is akin to thinking about how effective and well-staffed your local fire department is; not something you generally ponder, but the day your house catches on fire, you sure hope that the nearest station is full of firemen and you can get the help you need in a hurry. As lawyers, we know how the court system works, and we understand just how detrimental it can be to our community if our courts are not properly funded, hampering the ability for our citizens and businesses to get their matters taken care of in a timely fashion.

Timeliness is critical in resolving many civil court cases. For example, for a business waiting to settle a trade secret case, the inability to have a timely court date may result in a significant loss of revenue. For families with custody disputes, court delays may leave a child’s future in limbo. In order to ensure proper access to justice, we must ensure that our courts are adequately funded and can work as effectively as possible.

As many of you know, the SDCBA, through its Court Funding Action Committee (CFAC), continues to coordinate with statewide initiatives, to work with our local court leadership and to lobby our state representatives on court funding issues. In January of this year, the Governor released his proposed budget which, for the time being, contains no new cuts for the courts, but does carry forward the devastating cuts for the Judicial Branch imposed last year. In addition, funds that were supposed to be protected (such as our court construction fund, for example) have been “reallocated” for court operation expenses, which essentially act as a “de facto” further cut to the judicial branch.

In May of this year, CFAC intends to publish a first annual report on the state of the judiciary in San Diego County, highlighting the real world impacts of budget cuts to our courts and the effects on the families, women, children and small businesses in our community. We are confident that our lobbying efforts can only be enhanced by sharing compelling “real world” examples of why adequate funding for our courts is so important. Your input is vital to this effort, and insurance that our advocacy will have the impact and authenticity it truly deserves. Please share with us your stories and the real world impacts you and your clients have experienced as a result of the most recent round of court budget cuts. We have created a page on our website specifically designed to gather this information, at www.sdcba.org/CourtFundingRealWorldImpacts. We encourage you to share this information with anyone who might have a story to share, as we know that the information we gather will help to frame the messages we share with our local legislators.

Thank you in advance for your involvement with this initiative, and for your commitment to ensuring a properly funded court system and access to justice for all.
JANET LOGGED OUT BEFORE HER FORM SEARCH ENDED.

PICK UP THE PACE WITH WESTLAW FORM FINDER.

Spare yourself long-drawn-out form searches. Westlaw® Form Finder, now on WestlawNext®, is precise and quick. It searches more than 600,000 official and lawyer-tested forms, clauses, and checklists, using sophisticated technology to refine search results. In minutes or less, you’ll be ready to download and edit the form you need. Embrace the future with Westlaw Form Finder.

For more information, call 1-800-759-5418 or visit store.westlaw.com/formfinder.

© 2011 Thomson Reuters L379885/10-11
Thomson Reuters and the Kewaii logo are trademarks of Thomson Reuters.
A Renewed Call for Diversity
Law schools need to welcome and celebrate a diverse student body

The 2012 national election taught us all a very valuable and important lesson about the changing demographics of our nation. Those individuals whom we have routinely characterized as minority members of our society are increasingly becoming a majority, and constitute a powerful force that will increasingly demand a greater participation in our civic institutions.

Gains that were made in minority student enrollment in our law schools over the past 20 years have been eroded in recent years by a combination of impediments created by judicial decisions, state initiatives and institutional resistance. Efforts to achieve greater distinction in U.S. News rankings have sacrificed commitments to enroll more diverse students by relying on LSAT and GPA numbers in lieu of more holistic evaluations of candidates who are likely to do well in law school and in the profession.

Contrary to these national trends, the Thomas Jefferson School of Law has been a leader in its efforts to create a welcoming environment for students of color and to fashion a culture of inclusiveness in which individual student differences are celebrated. As a critical part of its strategy for creating such an environment, the school has recruited a very diverse faculty and staff. A visit to the school demonstrates that the diversity in our classrooms and hallways is palpable, unlike the experience in other law schools that I have visited. The commitment is evident by our being recognized in national publications as one of the most diverse law schools in the country.

The overall diversity in the student body is more than 37 percent and the diversity within the entering class in 2012 was more than 42 percent. Not only is this commitment to inclusiveness the morally right thing to do for legal education, for the legal profession and for our society, but it also makes good economic sense to produce those members of the legal profession who will take on leadership positions within the judiciary, legal profession, law firms, businesses and our political institutions. The San Diego County Bar Association has shown its commitment to diversity.

As the number of persons of color increases within our communities, there will be increased needs for lawyers of color to meet their needs and to provide high-quality legal services. Social and business relationships between our community and those in Mexico. The school has also undertaken similar efforts in its programs in China, Russia, India, France and Brazil. These are all manifestations of the recognition that diversity and inclusiveness are important values at the core of the law school.

Rudolph Hasl is Dean and President of Thomas Jefferson School of Law.
NO ONE protects your clients’ rights more aggressively or with more success than the G. Cole Casey team

San Diego's Largest and Most Respected Exclusively DUI Defense firm.

2550 5th Ave., Suite 815    San Diego, CA 92103


Law Offices of G. Cole Casey, A.P.L.C.
An Exclusive DUI Defense Practice

619.237.0384

2011 & 2012

'Top Attorneys
Best Lawyers
2011 & 2012

When your reputation requires you bring in the best DUI Defense...there is only ONE clear choice

Misdemeanor DUI • Felony DUI • DUI Vehicular Manslaughter
San Diego’s Largest and Most Respected Exclusively DUI Defense firm.

Go to www.duisandiego.com to see a sample of the successes we’ve achieved for our clients, as well as TV & Newspaper coverage of the firm.

SDPD Officer chooses G. Cole Casey for his DUI Defense SD Union Tribune 5/2/2011

DUI Attorney for Charger’s Receiver “Deserves Game Ball” SD Union Tribune 1/16/2010

Macbeth stood at the conference room door. “May I join you?” Sarah and Duncan spoke in unison, “Of course.”

Macbeth settled into a chair. “I just had lunch with Judge McGinty. He was in rare form.”

“Bad morning on the bench?” Sarah asked.

“Yes, but it’s more than that.”

“How so?”

“At this morning’s hearing, he saw correspondence that one lawyer sent to the other. Said it made him cringe.”

“That bad?” Duncan asked.

“Filled with inflammatory accusations, invective, unsupported innuendo — nothing, as he put it, any professional should write.”

“Especially if there’s a risk a court might see it,” Sarah observed.

“Precisely,” Macbeth said. “The judge says it’s become more frequent. Not just in lawyer-to-lawyer communication, but also in briefs filed in his court, and even at hearings.”

“What about our Local Rule 83.4 on professionalism?” Sarah asked.

“He said it’s as if the professionalism standards never existed. Other judges report much the same.”

“Did Judge McGinty say what he did?”

“He told the lawyer exactly what he thought of his conduct. He also warned that if the lawyer ever did it again, he’d impose sanctions.”

“I never looked at it that way,” Duncan said.

“We fail to act competently by not knowing the substantive law, or having the requisite experience. Is that much different from gratuitously engaging in obnoxious behavior when there is a risk it will affect a judge’s view, not just of us, but of the facts we present and the arguments we make?”

“Judges talk among themselves,” Sarah said. “At least they did when I clerked.”

“That was another point Judge McGinty made. The judges on our court talk when they see fine lawyering. But they also talk when they see obnoxious, unprofessional conduct.”

“So a lawyer runs the risk not only of offending one judge, but of tarring his or her reputation in the courthouse. It really does implicate the competence rule.”

“Precisely,” Macbeth said. “That’s why I thought it important to mention Judge McGinty’s comments while they’re fresh on my mind.”

EDITOR’S NOTE:
Macbeth and Sarah referred to Rule of Professional Conduct 3-110 (Failure to Act Competently); see also ABA Model Rule 4.4 (Respect for Rights of Third Persons).

Edward McIntyre (emcintyre@swsslaw.com) is a partner at Solomon Ward Seidenwurm & Smith.
PUTTING THE COLLECTION OF THE WORLD’S MOST DISTINGUISHED NEUTRALS AT YOUR FINGERTIPS

The American Arbitration Association® (AAA®) provides access to some of the best neutrals in the business—right here in San Diego County. Neutral selection is vital to the Alternative Dispute Resolution (ADR) process. We help you select from our fully-screened, expertly trained neutrals, then work with you through scheduling, conflict checking, and collection of all funds. Learn more about Full-Service Arbitration and invaluable ADR services. Call 619.239.3051 or visit adr.org.
QUESTION:
How do you market your firm?

“Our firm markets in many ways. In addition to the firm’s marketing strategies, each attorney within the firm has their own individual marketing plan. Whatever marketing plan an attorney uses to market themselves, it’s important to devise a marketing plan that you feel comfortable with and is relevant to your specific practice area.”

— Gary Barthel (barthelg@higgslaw.com) is an attorney with Higgs Fletcher & Mack, LLP.

“I have found it most helpful to give back rather than receive. I take up any opportunity where I can meet others who do not have the resources to afford my services. This means building relationships with people in the community at large. The rewards have come back to me when I least expected it.”

— Vik Monder (vik@monderlaw.com) is the managing attorney/owner of Monder Law Group, APC.

“We build loyal relationships with our industry contacts and clients. They are our best referral sources, and we understand that their success is our success.”

— Michelle Jacko (michelle.jacko@jackolg.com) is the managing attorney/owner of Jacko Law Group, APC.

“I market in mostly traditional ways. First and foremost, I provide excellent results and value to my clients (many of whom are referred by other lawyers).”

— Donald Rez (rez@sullivanhill.com) is a managing partner with Sullivan Hill Lewin Rez & Engel.

“When considering retaining an outside firm or attorney, I look for factors such as subject expertise in a location relevant to my specific issue/case, personal familiarity and trust, and solution-based thinking (both from a fee and issue/case strategy point of view). The best and most effective marketing for a person or firm I have never worked with before is conducting a CLE seminar, which will give an attorney or firm an opportunity to show off actual knowledge, expertise and strategic thinking, while also building some personal familiarity. After that, it is important to maintain a relationship and stay at the front of the mind of potential clients.”

— Shaka Johnson (shaka.johnson@am.sony.com) is a senior attorney with Sony Electronics, Inc.
THE CORRECT WAY TO ACCEPT PAYMENTS!

Trust your credit card transactions to the only merchant account provider recommended by 34 state and 48 local bar associations!

✓ Separate earned and unearned fees
✓ 100% protection of your Trust or IOLTA account
✓ Complies with ABA & State Bar Guidelines
✓ Safe, simple, and secure!

Reduce processing fees and avoid commingling funds through LawPay.

866.376.0950
LawPay.com/sdcba
TIPS BY SHANNON CARTER, ROBERT LYNN AND LEAH STRICKLAND

On Writing

Keep it simple: Less really is more

Upon completion of a draft, use your word processor’s statistics checker to find the average number of words in each sentence. If the average sentence length exceeds 20 words, you will need to revise to get the average down to no more than 18-20 words. Any longer sentence is too complicated for a reader, whether legal or lay, to grasp in one reading. The reader will have to parse the sentence into two or more parts to understand it completely. Check and repeat the process until the average meets the 18-20 goal.

Correct comma usage enhances understanding. Your eye sees commas as pauses and the introduction of a new thought, or the setting off of a parenthetical expression. Compare: “John dropping the iron shot Mary with the gun.” Or “John, dropping the iron, shot Mary with the gun.” See the difference?

For the body of briefs, case citations to authority are always given in the text, not footnotes, let alone endnotes. When a reader sees a statement of law in the text, he or she wants to see the authority for it. The citation alone tells the reader much about the authority, such as (a) binding or persuasive, (b) age, (c) reputation of the source or author and (d) where it can be found. Knowing that information is part of the analysis of your argument. Case citations to parenthetical or historical matter can appear in footnotes that contain that matter.

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

On Technology

Lawyers new to using technology will often overuse it—for example, displaying PowerPoint slides for each point of the opening and closing statement, or entire contracts during witness exams.

But the fact finder’s attention cannot be on two things at once—so think about nixing the tech presentation when you want the fact finder’s attention on you. Instead, use technology where the technology makes your case for you. An impeaching video deposition is effective advocacy; the impeaching lawyer doesn’t have to say a word. Callouts1 on a document (instead of displaying the entire document) emphasizing a term or contradiction are effective as well. The fact finder’s attention will be on the thing presented—right where you want it to be.

1 As the term is generally used in the legal industry, a “callout” is an excerpt of a document (such as a contract or email) enlarging and highlighting key text from the document in a bordered inset or box, with the original document in the background.

Shannon Carter (shannon.carter@kmob.com) of Knobbe Martens Olson & Bear and Leah Strickland (lstrickland@swsslaw.com) of Solomon Ward Seidenwurm & Smith are co-chairs of the SDCBA’s Intellectual Property Law Section.
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

FRAGOMEN
ATTORNEYS AT LAW

WHO’SWHO LEGAL
Corporate Immigration Law Firm
Q&A: Kelly Capen Douglas

What motivates you?
I like solving problems and being an advocate. When I can use those skills in the context of an institution like USD that has a great mission—to educate our students and prepare tomorrow’s leaders—it makes it that much more gratifying to solve problems and be an advocate. And being at USD has underscored for me the importance of serving a client with a mission that is important for society.

What are you thankful for?
I have been lucky to have a career that I truly enjoy, so it really makes a difference to get up in the morning and look forward to doing what I do. If you like what you do, it makes a great difference. I would have to say I have always been grateful for the people who taught me the ropes along the way ... they have been great mentors as far as practicing law and as far as being a strong and successful professional.

What is one of the biggest challenges you deal with as General Counsel?
For any university, there is an ongoing need to stay on top of ever-changing laws that govern higher institutions. In a day when there are so many millions and billions of dollars going to higher education, there are also a lot of regulations in place. We have to constantly oversee and ensure accountability and compliance for the funding provided to universities.

What advice do you have for young lawyers who are just starting their careers?
My advice would be to do as well as you can in law school and to cast your net wide regarding opportunities that you might be interested in pursuing. I would also advise them to find mentors who can help teach them the ropes and who will care about their personal and professional development.

What advice do you have for lawyers who are looking to go in-house?
I would say before going in-house, be the best you can be in your practice and develop your niche. And take yourself outside of your comfort zone and get comfortable with other areas of practice. If you do go in-house, you will likely work in a number of different practice areas.

Life Notes
Years in practice: 20
Undergraduate: Stanford
Law school: Duke
Favorite quote: “Whatever you are, be a good one.”
Abraham Lincoln

Favorite book: To Kill a Mockingbird by Harper Lee
Hobbies: Spending time with my kids, swimming, hiking/biking/waterskiing in Montana, reading

Quick Facts
University of San Diego (founded 1949)
Student population: 7,585 (full-time equivalent) undergraduate, graduate, law and paralegal students
Employees: Approximately 2,285 (full- and part-time employees)
exceptional service

“Rick brings his invaluable experience as a litigator and his knowledge of healthcare law to our case.”

-Medical Malpractice Attorney

Rick’s Featured Practice Areas:
Healthcare Litigation, Personal Injury, Business, Administrative Law, Civil Rights, General Civil Litigation

Dispute Resolution.
It’s what we do and we take it personally.

westcoastresolution.com (619) 238-7282
Welcome HOME

Step inside the new Bar Center at 401, the hub of San Diego’s legal community in the core of San Diego’s Business District

PHOTOS BY FOUND CREATIVE AND LAUREN RADACK
Designed to be your “office away from the office,” the new Bar Center at 401 is more than just the SDCBA’s headquarters. It’s a place for members to connect with one another and the legal community in new ways. Comprised of a large conference center in Suite 120 and an expansive member space in Suite 1100, inclusive of a members-only lounge, the Bar Center at 401 offers a completely new member experience.
Take a break between meetings, grab a morning coffee, or grab a midday snack with friends in the exclusive member lounge.

The new SDCBA Conference Center seats 200 people and is equipped with state-of-the-art technology allowing us to live-stream programs via the Internet.

The Bar Center at 401 will host many of the SDCBA’s signature events and new programs.
The SDCBA has small conference rooms available to members at no charge, and large meeting rooms available for larger meetings, including our section and committee meetings. Meet with clients, witnesses and other Bar members. For more information and to reserve a meeting space, visit www.sdcba.org/barcenterat401.

Utilize free Wi-Fi, copiers and office supplies in the SDCBA’s shared workspace. Stop in to work by yourself or with colleagues between downtown meetings or court appearances.
THANK YOU

For their work on the leasing, design and furnishing of the Bar Center at 401, we would like to thank the following individuals. Their tireless efforts helped to make the SDCBA’s vision for the “new bar” a reality.

JEFFREY CHASEN

ROY DAVIES

KENNETH JONES

JEFF RADCLIFFE

Jeffrey Chasan is a full service commercial real estate expert, providing services including leasing, acquisition, and disposition of office and industrial properties. The firm also works with tenants on lease analysis, site selection, financial analysis, lease negotiations, construction management and relocation coordination. www.voitco.com

Roy Davies Architect (RDA) is committed to creative and functional design solutions. RDA works with its clients and other members of the design team to ensure quality, expertise and attention to detail. www.rdaviesarchitect.com

Kenneth Jones, shareholder with Sullivan Hill Lewin Rez & Engel, has broad experience in all phases of corporate, real estate, finance, and business law. Kenneth advises and represents clients in a wide range of real estate acquisition, development, management, sale and leasing transactions. www.shlaw.com

Jeff Radcliffe, owner of Furniture Environments, assists architects, designers, commercial brokers and clients with space planning and design of contract furniture. Furniture Environments offers sustainable solutions for new purchases with viable options for existing products. www.furnitureenvironments.com

www.sdcba.org/barcenterat401
SAN DIEGO COURT
Launches E-filing

San Diego Superior Court continues its march into the Information Age by now offering E-filing in its Central Civil Division. This move allows attorneys and the public to file documents with the court without physically coming to the courthouse. It’s a mutually beneficial service saving court users time while decreasing the court’s expenses as it faces unprecedented budget reductions. E-filing is governed by General Order No. 010313 and the court’s Electronic Filing Requirements, both of which are available for viewing at www.sdcourt.ca.gov.

Effective March 4, 2013, documents may be filed electronically in non-mandated civil cases in the Central Division where either (1) the case is first initiated on or after March 4, 2013; or (2) the case is already pending as of March 3, 2013, and has been imaged by the court.

Also beginning March 4, 2013, certain case types will be subject to mandatory E-filing, including civil class actions, some consolidated and coordinated actions, and actions that are provisionally complex under CRC 3.400-3.403 (as set forth in the Civil Cover Sheet, Judicial Council form CM-010 — but not including construction defect actions). “Complex cases” included in mandatory filing are as follows: antitrust/trade regulation, mass tort, environmental/toxic tort and securities litigation cases, as well as insurance coverage claims arising from these case types. Construction defect cases, currently being filed through the LexisNexis website, will continue to be filed through that system until further notice.

Moving some counter services to the Internet is one way the San Diego Superior Court is absorbing the $33 million in budget cuts enacted by the State Legislature. Those cuts have resulted in the reductions of more than 170 court positions and the shuttering of 20 courtrooms.

“E-filing helps the court in many ways: E-filing minimizes the amount of time our clerks spend with documents by eliminating time-consuming data entry, as well as the need to scan or ‘image’ documents into our system after being processed. It allows us to process incoming documents faster and return filed endorsed copies electronically. It also eliminates the need for our court to store paper documents in climate-controlled storage areas, further allowing us to cut expenses and reduce paper,” says Civil Supervising Judge Jeffrey Barton.

Moving to E-filing puts the San Diego Superior Court on track with other state courts such as neighboring Orange County and other courts across the country, which allow users to file documents from remote locations.

James McMillan, Principal Court Technology Consultant at the National Center for State Courts (www.ncsc.org), notes that E-filing has become a proven and powerful tool for courts that are striving to obtain greater efficiencies. “E-filing benefits can now be quantified based on research done by Manatee County in Florida,” says McMillan. “They implemented a complete electronic environment including E-filing over a period of years, and have shown that it is approximately five times less expensive than paper.”

As for court users, benefits include not having to wait in line at court or leave documents in drop boxes after hours. With E-filing, users are able to file directly to the court in a secure fashion, ensuring all documents related to the filing arrive at the court together. In addition, E-file users have the convenience of submitting documents to the court via their home or office computer, which means extra time to work on their documents without the worry of running to the court to make that 5 p.m. deadline.

Because E-filing may be new for some court users, the court’s vendor, One Legal, is providing free, MCLE-accredited training. In some cases a trainer can be dispatched to your firm or, if it is more convenient, one can participate in an online webinar.

Many lawyers have expressed a desire to assist the court as it deals with the effects caused by the budget-related staff reductions. E-filing is an excellent way to do that. While accessibility increases for the public, the processing work for the court significantly decreases. This in turn means a faster turnaround on filed documents. It is a win-win situation for the public and the court,” says Judge Barton.

The court urges users to give the service a try. By utilizing E-filing, one is helping the court modernize, create efficiencies, help the environment and deal with a challenging budget situation — all that with a click of your mouse.

March/April 2013 SAN DIEGO LAWYER
Market forces at both ends of the legal spectrum are changing the face of the legal industry, and will have a direct impact on the San Diego legal market over the coming decade.

At one end of the spectrum, a new tier of mega-rich firms is reshaping the competitive landscape of so-called “Big Law.” The average profits per partner for this small group of firms is $1.4 million more than the combined average of its closest competitors, giving them an unprecedented advantage in the market for premium legal work.

At the other end of the spectrum, solos and small firms face challenges of their own. Online companies that offer do-it-yourself legal documents and related services are targeting the estimated $97 billion legal market comprised of small businesses and consumers. LegalZoom.com, for example, reported its company now accounts for 20 percent of corporate formation filings in the state of California.

“The ability to adapt and survive 10 years from now is going to require change, regardless of what size firm you are,” says Chas Rampenthal, general counsel of LegalZoom.com.

A San Diego-based consulting firm, Legal Vertical Strategies (LVS), detailed the competitive pressures facing the legal industry in its Law Firm Performance Index. The index identifies five tiers of law firms.

### The 5 Tiers

<table>
<thead>
<tr>
<th>Tier</th>
<th>Description</th>
<th>Global</th>
<th>San Diego</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 1</td>
<td>The Mega-Rich</td>
<td>18-25</td>
<td>2</td>
</tr>
<tr>
<td>Tier 2</td>
<td>Global 100</td>
<td>75</td>
<td>19</td>
</tr>
<tr>
<td>Tier 3</td>
<td>U.S.-based firms outside the Global 100</td>
<td>122</td>
<td>16</td>
</tr>
<tr>
<td>Tier 4</td>
<td>Large local and regional footholds</td>
<td>22</td>
<td>2</td>
</tr>
<tr>
<td>Tier 5</td>
<td>Small and solo firms of less than 15 attorneys</td>
<td>NA</td>
<td>2,607</td>
</tr>
</tbody>
</table>

Source: Legal Vertical Strategies, The American Lawyer; Inside Prospects

The Rise of the Mega-Rich Firms

At the top is an evolving category of mega-rich firms that LVS predicts ultimately will include about 25 of the most profitable global firms.

Sitting under the mega-rich firms are the remaining Global 100 firms. Tier 2 firms look very much like the firms in Tier 1 and will be able to capture the remaining share of the high-value work in the global market given their size, breadth and ability to staff cross-border teams.

Rounding out the large firm market are the Tier 3 firms made up of the remaining AmLaw 200 firms. These firms have national platforms or at least a strong regional presence.

Traditionally the local model for national and international firms involved one of two things — fighting for the small amount of high-end work and pockets of niche complex work, or supporting clients outside the region from San Diego.

Kevin Alexander, managing partner of the San Diego office of Gordon & Rees — now the second largest firm in San Diego with 128 attorneys — says the local office benefits from being able to service clients in other geographic areas.

As a national firm at the lower end of the “big firm” spectrum, Alexander acknowledges the impact of the changing market on his firm’s ability to secure high-value work.

“Our goal is to move upstream, but it is challenging,” says Alexander. “Only a few firms will be able to do the Apple-Samsung type litigation. We service many...
of the same clients but do their middle-market work.”

Gordon & Rees is also following the trend of Tier 2 and 3 firms that are moving downstream to try to capture the more complex work of mid-sized clients. “Mega firms don’t fit as well in this market because their price point is so high,” he says. “We’ve filled a nice middle market niche.”

The Changing Face of Local Firms
For a mid-sized market like San Diego, local firms — Tier 4 and 5 — are the heart of the legal market. Technology, globalization and the economic downturn have created new pressures, particularly for firms in these tiers.

“It can be a tough thing for mid-sized firms to agree on a strategic direction,” says Kurt Kicklighter, the California executive partner of McKenna Long & Aldridge. McKenna Long combined with San Diego’s oldest local firm, Luce Forward, last year. “They need to decide: ‘Are you a local firm focused on serving local needs?’ or ‘Are you going to focus on larger clients with more geographic diversity and more diverse legal needs?’”

Luce Forward chose a strategy that provided local clients with a national platform. Other firms have stayed committed to their local market strategy.

“Clearly, it is not as wonderful of a time as it used to be,” says Robert Caplan, the 77-year-old managing partner of the 60-plus-attorney firm Seltzer Caplan. “But there will always be a place for local firms like ours. Larger firms represent corporate America: that’s their foundation. We represent entrepreneurs who live here and are part of the community. I would expect that would continue.”

Differentiation in the Age of Technology
The emergence of technology gives small firms the opportunity to compete with larger firms at lower rates. LegalZoom.com, for example, now offers a subscription model that incorporates free consultations with lawyers on all new matters during the course of a year, as well as discounted billing rates for other matters, all for $288-$360 per year — less than the cost of one hour of consultation for many lawyers in San Diego.

This is a real disruption in the market that will force lawyers to rethink the way they deliver services. Not all lawyers in this tier see this as a negative.

“I take commoditization and differentiation very seriously; I must if I want my practice to survive. The overall experience I offer clients by combining high-quality legal services delivered in the context of a personal relationship is built on trust and developed over the years. That's not something an online service can provide,” says Nikki Dell’Ara, a partner at SanDiegoBusinessLaw and immediate past co-chair of the Business Law Section of the San Diego County Bar Association.

Looking Ahead
For firms of every size, the imperative to think long-term has never been greater. Lawyers looking one, three, even five years out may not see the changes in the landscape as an imperative — after all, change in the legal industry tends to be slow.

Long-term thinking requires breaking down preconceived notions about how a law firm is run. Among the considerations:

- **Rethink law firm roles.** Law firms need to analyze the process that goes into the delivery of legal matters and identify ways to standardize at least a portion of what they do, and rethink the way they deliver it.

- **Technology matters.** As the Internet generation enters the business world, there will be a new comfort level with online services that lawyers cannot ignore. Offer something others can’t. The ability to stand out from the noise of a crowded legal market will be critical to survive into the coming decade. Firms must invest the time and resources it takes to understand why and develop a strategy to showcase how.

- **Be a good business mentor.** Many lawyers assume that clients know what they need when they seek out a lawyer. Most don’t. Lawyers who can help clients define their needs will have a competitive advantage.

- **Be prepared to offer alternatives to the billable hour.** There will always be a role for hourly services, but clients want options and the ability to compare services and manage cost expectations. Firms need to start thinking about how what they do will be different in the coming decade. It may be the difference between extinction and sustainability.

Debra Baker (dbaker@lvstrategies.com) chairs the Law Firm Services Division of Legal Vertical Strategies.
A Day in the Life

One lawyer reveals what’s on her daily to-do list

I am the only attorney in our San Diego office with insurance coverage expertise, so I handle every aspect of a coverage case, from drafting discovery and summary judgment motions to preparing for trial. On this day, I have several different litigation projects on my “to-do” list. In a case where our firm represents a surplus lines insurance broker who was sued for professional negligence, I prepare a trial preparation timeline chart and summary of issue to prove at trial.

It’s time for lunch. Today I dine at my desk, but I sometimes attend Lawyers Club luncheons, moderate or attend CLE seminars for the SDCBA’s Insurance/Bad Faith Section, and meet with clients and other attorneys to network during lunch. After lunch, two banker’s boxes of project and accounting records produced by the plaintiff arrive my office. They pertain to another insurance coverage case involving a claim for employee embezzlement in which I recently filed a motion for summary judgment. I proceed to compare bank deposit records to customer payments to determine whether the plaintiff’s embezzlement claim is legitimate. In this same case, I receive the opposition to my

After a commute from Ramona to the sea, I usually arrive at Mintz Levin in Carmel Valley between 8:30 and 9 a.m., depending on traffic. The first thing I do when I arrive is greet my secretary, Linda Baker, and scan my email for any messages that require immediate attention.

BY BRIDGET MOORHEAD
motion from plaintiff’s counsel, review it and prepare a quick outline of my reply.

One other aspect of my practice is to manage counsel defending an insured of one of my excess insurer clients in asbestos personal injury cases. Today, defense counsel in Pennsylvania emailed me a pre-trial report and exposure analysis for a case scheduled to go to trial in the next 30 days, and is requesting settlement authority. I review the case materials, including medical records as I am also a registered nurse, and communicate settlement authority in the requested amount to defense counsel via email.

While I am working on litigation projects, I receive an email from another attorney in the office, stating, “We are handling a case for a client that has just been sued. Will you look at the insurance policies to determine if the claim potentially falls within coverage?” So, in addition to handling coverage litigation, I also advise our local non-insurance clients on tendering lawsuits to insurers and working with insurers when our firm has been approved as independent counsel. I then review and analyze the client’s insurance policies (assuming there is no conflict) and compare the policy language with the allegations in the complaint to advise whether the insurer has a duty to defend the lawsuit.

The last task I need to complete on this particular day is to prepare a list of appellate issues for a Court of Appeals Docketing Statement. The case involves a breach of contract dispute arising from the purchase and sale of tobacco escrows created under the Qualified Escrow Statutes — adopted as a result of the Master Settlement Agreement between the big tobacco companies and the state attorneys general of 46 states. The client is in San Diego, but the case went to trial in Richmond, Virginia, and I was part of the litigation/trial/appellate team in our Washington, D.C. office.

In between these various projects, as co-chair of SDCBA’s Insurance/Bad Faith Section, I send an email to the Section’s Advisory Board thanking them for their 2012 contributions and encouraging them to stay involved in 2013.

It’s 5:30 p.m., and I cannot forget about marketing. I am off to the Mintz Levin Monday Night Football event to greet the firm’s clients before I head home in time for dinner with my family and a “peaceful” evening getting daughter Brianna and son Blake to finish their homework and practice their instruments.

Bridget Moorhead (bamoorhead@mintz.com) is with Mintz Levin.

Multitasking and jumping from case to case is all in a day’s work.
When I joined Procopio in 2001, we had about 60 lawyers. While growth has defined the firm’s last decade, my early days as managing partner entailed one of the role’s most difficult challenges — letting good people go. But we weathered that recession, as well as another in 2008 and 2009, when we were fortunate to stay even in our head count while many firms were losing 15 to 20 percent a year.

Although we remain in the mid-sized category nationally — at 135-plus attorneys — we have become the largest San Diego law firm. The primary factor in the evolution of the managing partner role has clearly been dealing with the ramifications of expansion. While there is a great deal of inherent benefit in adding quality lawyers through strategically coherent growth, it is not without its challenges. Perhaps the greatest challenge, one in which we have had great success, is maintaining the positive, collegial, fun firm culture that had defined us for decades as a smaller firm. We work hard at avoiding complacency in all areas, but the focus on maintaining our unique firm culture comes first and foremost.

One of the key “then and now” distinctions for Procopio has been opening multiple offices. Former managing partner Steve Untiedt’s predecessor, Bob Russell, once said “Procopio will open a second office over my dead body.” With absolute respect for Bob, just a year into my tenure we opened that office in Carlsbad, later followed by establishing a presence in Phoenix, Orange County and Las Vegas. Last year, we opened full-time offices in Del Mar Heights and the Silicon Valley. The challenge of nurturing our firm culture increases as we become more dispersed geographically, but we are determined to overcome it.

Perhaps the biggest change in law firm management over the past 12 years is a helpful component in addressing the issue of geographic growth — technology. The evolution of technology has been mind-boggling, but the clear lesson is “adapt or die,” so we have been adapting like crazy. The tools currently available to assist in effective and efficient client representation are truly remarkable; we must maximize their utility.

Many of the lessons I have applied in nurturing Procopio as a mid-sized firm were not so much “how to” as “how not to” lessons learned in a big firm environment while partner at Brobeck 20 years ago. Although we certainly pay attention to big firm management developments, we continually sift through those that would have efficacious application at Procopio, and weigh the risk of unintended consequences.

There is an ongoing process of balancing the benefits of having the ability to act quickly and decisively that comes with a more centralized management model with the powerful desire to maintain the firm as a true “partnership.”

The one constant through these years of growth and technological advancement applies at all levels, in all aspects of the law firm — with our lawyers, our staff and our clients. That is, while we well recognize that the law profession is very much a business, it is one that is driven on all levels by people. Maintaining a people-first attitude not only drives the firm’s success, but it leads to the greatest satisfaction for leadership.

Call me old school, but one of the biggest challenges I see for future generations of law firm leaders is finding the proper balance between attaining maximum utilization of the beneficial attributes of technology and not losing touch with the all-important personal element. You have to keep it real.

Thomas W. Turner, Jr. (tom.turner@procopio.com) is a managing partner with Procopio.
Big firm quality without the big firm.

Call it redirection. Kathryn Karcher’s appellate leadership and experience could make a big difference for your client. Hire her, before the other side does.

karcherappeals.com | 619.565.4755
Certified Appellate Specialist, Board of Legal Specialization, State Bar of California
When an attorney decides to move to a part-time or flexible schedule, they should know that Claudette Wilson had an important role in making that possible. Wilson was a pioneer of part-time working arrangements in law firms dating back to 1986, when she was a first-time mom of twins and an associate at Luce, Forward, Hamilton & Scripps. Realizing that juggling both full-time roles was going to be extremely difficult, Wilson asked if she could work part-time. Until then few, if any, large firms had made such an accommodation.

Luce Forward, however, was receptive. Wilson, an employment law litigator, believes going part-time didn’t hurt her position. The unique arrangement even garnered some press, as she was featured on local TV news and on the cover of the National Law Journal holding her twins.

Today, being a part-time attorney is accepted at most firms. Partly due to the cost of training and retraining associates and the importance of good employment practices in recruiting quality talent, law firms have gradually allowed more schedule flexibility and work-life balance.

“When I started practicing there was still a widely held belief that if a woman had children, she couldn’t also have a career,” she reflects.

Now balancing family and career is more often a couple’s issue. At her business litigation firm, Wilson Turner Kosmo LLP, a male employee recently requested to take reduced roles to manage family responsibilities.

“I’m starting to see more circumstances where responsibilities are being shared equally by fathers and mothers,” says Wilson. While Wilson thinks there is still a stigma about men looking for work-family balance, she is delighted when she sees couples working together to make family decisions instead of this falling on just the women.

Wilson characterizes her move to part-time at Luce Forward as part of a wave of change. She notes that she was one of many women influencing such changes, including several women involved in Lawyers Club, where Wilson co-chaired a committee that looked at the issue of part-time work for women lawyers and pursued significant outreach and education on the topic.

“One of the greatest barriers to part-time lawyering, at least in litigation, has been the demanding and variable nature of the work,” says Wilson. While firms in general have accepted the concept of part-time lawyers, they are still working on creative ways to allow attorneys to contribute on a part-time basis.

“More often than not, it works very well, but we’ve had some missteps. I tell lawyers who want to take a part-time role that it is still a work in progress,” says Wilson. “Both the firm and the employee have to be flexible and honest with each other about expectations and needs, in order to create the greatest chance of success.”

Wilson Turner Kosmo has had success with lawyers working as little as 10 hours a week, handling limited projects, and lawyers working three days a week with complete case responsibility. One male paralegal works a reduced schedule so he can have more time at home with his children later in the
day. “Technology has been instrumental in making part-time arrangements work, but flexibility and organizational skills seem to be key components,” adds Wilson.

One hurdle that Wilson sees for flex schedules is partnership. Historically, the opportunity to become a partner is delayed or lost altogether when an attorney transitions to part-time. While some part-time attorneys are already partners, she sees part-time partners becoming more common for her firm and others in the near future. Wilson believes there are solid business reasons for keeping more women on the trial team. Corporate clients are demanding diversity and pledging to increase the use of women and minority lawyers. Wilson credits organizations like the National Association of Minority & Women Owned Law Firms (NAMWOLF) for providing companies with access to pre-vetted and accredited women and minority attorneys. Wilson Turner Kosmo, which is one of the nations largest women- and minority-owned firms, in the U.S., is an active NAMWOLF member.

Wilson recalls recently looking at a list of the trial counsel involved in a group of class actions and noting that more than half were women. “That’s a big change,” she says. “It made me smile. I feel like we met a milestone.”

Teresa Warren (twarren@tw2marketing.com) is President of TW² Marketing.
The Real World: Young Lawyers Going Small and Solo. It’s not a new TV reality show, but it is the reality for many young lawyers. Driven by tight job markets, the desire for more flexible work environments and, for many, a true entrepreneurial spirit, many attorneys are striking out on their own very early in their careers. What advice can these attorneys provide to others who are thinking about transitioning to solo or small firm practice?

**Renee Galente** is a two-year attorney and a partner in Galente Ganci APC, a two-person firm founded in October 2011. Renee says that diligence in retaining clients is critical to small firm practice. The process of retaining a client is not a “one-way street.” “If you don’t like the client, don’t take the client. You’ll make yourself miserable. Trust your gut when it says ‘run screaming.’”

She also advises that those seeking to enter small firm or solo practice hire an accountant or bookkeeper immediately because practicing law and running your own business takes a lot of time. Finally, she urges young lawyers seeking to strike out on their own to find a practice area that is specialized or unique. “You can’t market yourself against established lawyers unless you first determine why you should be hired and not them. You have to believe it and say it with confidence why you’re a better choice,” she says.

Galente can also point to a misconception many have about solo or small firm practice: She would work less running her own shop than she did at a firm. Not so, she says.

Galente’s partner, Eric Ganci, a four-year criminal defense attorney, points to specialization and “knowing your area of law backward and forward” as critical to small firm practice. On the business development side, Ganci says, “Tell people you’re good at what you do. You have to be your biggest cheerleader. If you don’t, no one else will—although it’s a fine balance between confidence and arrogance.”

**Natalie Prescott** is a partner in the two-person firm of Cross Prescott. A big firm refugee, Prescott advises that case selection is critical to the success of a solo or small firm practice. “It is very important to vet cases thoroughly. It is better to wait for a better case than to take everything that comes in the door,” she says. She also believes that in building a solo or small firm practice, reputation is everything, and notes, “A reputation takes years to build and minutes to destroy.”

Regardless of the circumstances, Prescott recommends always being courteous, ethical and civil with opposing counsel, judges and colleagues.

Prescott feels she was too worried at first about generating enough work. She laments that she should have enjoyed some of the free time she had as she transitioned to a small firm practice. “Wise people who told me not to worry and that the work will come were absolutely right,” she says.

Regardless of the day-to-day challenges, Galente, Ganci and Prescott all agree that they are happy they made the jump to solo/small firm practice. And they are not looking back.

James Crosby (jcrosby@klinedinstlaw.com) is a shareholder with Klinedinst PC.

“Tell people you’re good at what you do. You have to be your biggest cheerleader. If you don’t, no one else will, although it’s a fine balance between confidence and arrogance.”
All people deserve justice.

That's why the San Diego County Bar Foundation supports over 40 legal aid and public interest organizations in San Diego. And now is the time for you to help.

Since time is money and we know you’re busy and may not have the time to give, please consider a gift of money. An hour’s worth of your billable time… It goes a long way to bring legal services to the underserved people in our community.

To find out how you can contribute, go to our website: www.sdcbf.org

For more information, contact:

Briana Wagner, Executive Director
bwagner@sdcbf.org
619.231.7015

SAN DIEGO COUNTY BAR FOUNDATION
401 West A Street, Suite 1100 • San Diego, CA 92101
This year, the Foothills Bar Association (FBA) of San Diego County celebrates 50 years of serving San Diego’s East County. In 1963, then-attorney and later judge, the Honorable Thomas G. Duffy, and a handful of lawyers assembled a voluntary group and formulated a mission. Their aspirations included promoting professional and ethical standards in the legal profession, encouraging civility in the legal practice and advancing diversity in the geographic areas surrounding the East County Division of the San Diego Superior Court.

The FBA officially incorporated on February 2, 1972. The list of past presidents is a who’s who of East San Diego County practitioners who have achieved significant accomplishments in their law practices and were also instrumental in making San Diego County’s East County courthouse what it is today.

Judge Duffy successfully lobbied to increase the authority of the El Cajon courthouse to full-service status in 1977. Through his and other East County judges and lawyers’ efforts, some El Cajon judges were elevated from the then-lower municipal court-only status to the expanded superior court authority. Finally, East County residents could litigate serious matters, pursue divorce proceedings and try felony cases in El Cajon instead of traveling to downtown San Diego.

Former FBA president, Honorable Judge Eddie Sturgeon, presides over the El Cajon court’s remaining civil independent calendar department. Judge Sturgeon, like Judge Duffy, grew up in El Cajon and has been a longtime supporter of the FBA. Judge Sturgeon is committed to keeping a full-service court readily accessible in El Cajon for the East San Diego County community, notwithstanding the latest round of budget cuts facing the San Diego County Superior Court.

Keith Jones (kjones9001@gmail.com) is with the Law Offices of Keith A. Jones and is Vice President of the Foothills Bar Association.


Keith Jones (kjones9001@gmail.com) is with the Law Offices of Keith A. Jones and is Vice President of the Foothills Bar Association.
THE JAMS SAN DIEGO PANEL IS PLEASED TO WELCOME FAMILY LAW RESOLUTION EXPERT

COMMISSIONER JEANNIE LOWE
San Diego County Superior Court (Ret.)

Hon. Thomas Ashworth III (Ret.)  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. Selman, Esq.

THE RESOLUTION EXPERTS

JAMS San Diego Resolution Center | 619.235.1848 | www.jamsadr.com
401 B Street | Suite 2100 | San Diego, CA 92101
In Memoriam: C. Hugh Friedman

Hugh Friedman passed away on January 29, 2013, after a long and distinguished career as an attorney and educator. He served as President of the SDCBA in 1976.

A Yale University (1953) and Stanford Law School (1956) graduate, Hugh was the longest-standing faculty member at University of San Diego School of Law, having taught there since 1958. He was also a visiting professor at Loyola and American Universities, and traveled around the world to lecture.

Among Hugh’s accomplishments were his appointments to the White House’s Conference on Small Business Commission by former President Bill Clinton and another to the California State Air Resources Board by former California Governor Gray Davis. He also served as a San Diego County Bar Foundation director (2005-2011), and was a member of the American Bar Association, International Bar Association and American Law & Economics Association.

Hugh was active with many community groups including the American Red Cross, Boys Club of San Diego, Civic Light Opera Association, American Heart Association and the Eagle Scouts Alumni Association. He and his wife, former Congresswoman Lynn Schenk, were longtime members of the philanthropic group E.W. Scripps Associates, and in 2012, Scripps Institution of Oceanography named a student fellowship in his honor. Hugh also took part in bringing the San Diego Padres to Major League Baseball in 1969. Last season, he threw out the first pitch before a Padres game at Petco Park.

USD Law School Dean Stephen Ferruolo reflects, “Hugh was a trusted adviser to his clients, a great teacher and mentor, a dedicated husband, father and grandfather . . . in all a wonderfully vibrant man.”

Donald Heffner: “Hugh was one of the most intelligent people I knew. We formed the firm of Friedman Heffner Kahan and Dysart in 1973. Hugh served as head of the firm until I left in 1975. He always maintained his music and teaching while I was there.”

Lawrence Kahan: “Hugh was probably the smartest guy I’ve known — ever. He had a way with words that was incredible.”

Dick Shaw: “Hugh had a unique ability to grasp the essence of law, successfully promote changes in the corporate and securities system, and, as a professor, inspire young lawyers to become better lawyers in our community.”

San Diego Lawyer appreciates the contributions of USD Law School’s In Memoriam by Ashley Vitale.
“I AM READY.”

Clinical programs offer real-world experience in many areas of law

Agustín Peña ’12
Office of the San Diego County District Attorney

INDEPENDENT / INNOVATIVE / INSPIRING

Learn more about Agustín at www.cwsl.edu/IamReady

CALIFORNIA WESTERN SCHOOL OF LAW | San Diego

Judicate West Has Moved Upstairs

We are very pleased to announce that we have expanded our Downtown San Diego office within the same building and relocated to Suite 2400.

Our new location affords all the amenities to help ensure Results Beyond Dispute, including:

- Expanded conference rooms for all your A/V needs
- Wireless internet access throughout
- Client business center areas including private workstations complete with computer, printer, fax, scanner and telephone
- Furnished outdoor seating areas with spectacular views
- Guest lounge large flat screen TV, comfortable seating and a snack & beverage center

For scheduling or to arrange a time to see the new office, call Mark Kaufman at (619) 814-1966

www.judicatwest.com

Judicate West San Diego | Emerald Plaza, 402 W Broadway, Ste. 2400, San Diego, CA 92101 | 619-814-1966
**Distinctions**

- Senior Associate **BENJAMIN HOWARD** of Neil Dymott was sworn in as the 2013 President of San Diego Defense Lawyers (SDDL) during the 29th Annual Installation Dinner on January 26. **STEPHEN SIGLER**, Neil Dymott shareholder, was sworn in as SDDL Treasurer for 2013, and Neil Dymott associate **M. TODD RATAY** will serve on SDDL’s 2013 Board of Directors.

- San Diego **SUPERIOR COURT JUDGE EDDIE STURGEON** was recently honored by the Cuyamaca College Academic Senate with the 2013 Award for Teaching Excellence for his work as a part-time professor at the college. Judge Sturgeon has taught law classes at Cuyamaca College since 1992.

- The late **ROBERT GERBER** of Sheppard Mullin Richter & Hampton LLP was honored posthumously with the Roberto Alvarez Award by the American Constitution Society’s San Diego Chapter at its Fourth Annual Reception on February 28.

- **ATTORNEYS MARLENE STANGER AND TEODORA PURCELL** of Fragomen, Del Rey, Bernsen & Loewy were recently recognized with the Wiley W. Manual Award for their pro bono work with the Casa Cornelia Law Center, where they provided services for the preparation of Violence Against Women Act immigrant petitions.

- **SAN DIEGO CITY ATTORNEY JAN GOLDSMITH** was recently announced as the University of San Diego’s (USD) Author E. Hughes Career Achievement Award recipient. He will receive the award at the 18th Annual Alumni Honors celebration, which recognizes USD alumni for career achievement, contributions to humanitarian causes, extraordinary athletic success, and exemplary service to USD, on April 27.

**Passings**

- **Stephen Kelly**, clerk/administrator for the California Court of Appeal, Fourth Appellate District, passed away on February 5. In 2010, he received the SDCBA’s Service to the Legal Profession Award for his outstanding service to the administration of justice. He held his position with the court for 25 years. Learn more about Stephen at www.courts.ca.gov.

- **Harvey Levine**, attorney and USD Law School professor, passed away on February 5 after over 30 years of practicing law Harvey was inducted into the California State Bar’s Trial Lawyer Hall of Fame in 2007, and received the YMCA PRYDE Program Volunteer of the Year award for selfless service to youth in 2000. Read about Harvey at www.sandiego.edu.

**Travel**

**Alidad Vakili** (alidad.vakili@klgates.com) of K&L Gates recently visited **Thailand** with a copy of **San Diego Lawyer**.

- If you’re traveling on vacation or business, take a copy of **San Diego Lawyer** along and you could win a Starbucks gift card. Send a photo of yourself with the magazine to martin@kruming.com. Don’t forget to tell us where the photo was taken and who took it. Deadline for the May/June issue is April 15.

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

ADR Services ................................................................. 7
Ahern Insurance .......................................................... 48
American Arbitration Association ............................... 13
California Mediation Group ......................................... 31
California Western School of Law ................................. 39
CaseyGerry ............................................................... 41
G. Cole Casey ............................................................ 11
Craig Higgs ................................................................. 28, 29
Eyewitness Expert Testimony ...................................... 41
Fragomen, Del Rey, Bernsen & Loewy, LLP... 17
Gomez lagmian Trial Attorneys ................................. 5
JAMS ............................................................... 37
Judicate West ............................................................. 39
Kathryn Karcher .......................................................... 31
Kruis Mediation .......................................................... 2
LawPay ................................................................. 15
Lawyer Referral & Information Service ................. 33
San Diego County Bar Foundation ......................... 35
SDCBA ............................................................... 47
Thomson Reuters ........................................................ 49
West Coast Resolution Group ................................. 19

100 PERCENT CLUB 2013

The San Diego County Bar Association’s 100 PERCENT CLUB is a special category of membership that indicates an outstanding commitment to the work done through SDCBA programs and services in the legal profession and the community. The following firms (five or more lawyers) are members of the 100 PERCENT CLUB for 2013, having 100 percent of their lawyers as members of the SDCBA.

Andrews Lagasse Branch & Bell LLP
Atkinson, Andelson, Loya, Ruud & Romero
Austin, Brownwood, Cannon & Santa Cruz
Baldetti Potocic & Holmes
Basse & Fritz
Beamer, Lauth, Steinley & Bond, LLP
Belsky & Associates
Bender & Gritz
Bernstein Litowitz Berger & Grossman LLP
Best Best & Krieger, LLP
BioMed Realty Trust, Inc.
Blackmar, Princke & Schmelter APC
Blanchard Kraemer & French
Bonnie R. Moss & Associates
Brierton, Jones & Jones, LLP
Brown Law Group
Buchanan Ingersoll & Rooney PC
Butz Durr & DeSantis APC
Casey Gerry Schenk Francavilla Blatt & Penfield, LLP
Caufield & James LLP
Chapin Fitzgerald LLP
Christensen & Spath LLP
Circuit McKellog Kinney & Ross, LLP
Cohelan Khoury & Singer
Coughlin, Semmer, Fitch & Pott
Cozen O’Connor
Dietz, Gilmor & Chazen
District Attorney’s Office
Dostart Clapp & Coveney, LLP
Duckor Spradling Metzger & Wynne
Endeman, Lincoln, Turek & Healer, LLP
English & Glover APC
Eppsteiner & Forisca Attorneys, LLP
Epsten Grinnell & Howell, APC
Farmer Case Hack & Feder
Fenn & Britton, APC
Fischer & Van Thiel, LLP
Fox Johns Lazar Pekin & Wesler
Fragomen, Del Rey, Bernsen & Loewy, LLP
Freidinckson, Mazzela & Grant, LLP
Freeland McKinley & McKinley
Gatloe Dillon & Ballance LLP
GCRL, LLP
Goodwin Brown Gross & Lovelace LLP
Graham Hollis APC
Grant & Zeko APC
Green Bayton & French, LLP
Greenman, Lacy, Klein, O’Harra & Heffron
Grimm, Vranjes & Greer, LLP
Henderson, Caverly, Pumb & Chamney LLP
Hiden, Rott & Oertle, LLP
Higgs Fletcher & Mack LLP
Hooper, Lundy & Bookman, PC
Horton, Oberrecht, Kirkpatrick & Martha, APC
Hughes & Pizzuto
Juckins, Galt & Hulme LLP
Keeny, Wate & Stevens APC
Kehr Law
Kennedy & Souza, APC
Kirby & McGuinn APC
Kirby Noonan Lance & Hoge LLP
Klinedinst PC
Konoiske Akiyama / Brust
Krause Kallayan Benink & Slavens LLP
Latham & Watkins LLP
Laughin, Falbo, Levy & Moresi LLP
Law Offices of Beatrice L. Snider, APC
Legal Aid Society of San Diego, Inc.
Lincoln Gustafson & Cerco LLP
Litler Mendelson PC
Lopez & Wilmert, LLP
Lorber, Greenfield & Polito, LLP
Marks, Finch, Thornton & Baird, LLP
McKenna Long & Aldridge LLP
McLeod Law Group, APC
Miller, Monson, Peshe, Polack & Horshaw
Moore, Schulman & Moore, APC
Moris, Sullivan & Lemkul LLP
Muick, Feeler & Garrett LLP
Neil, Dymott, Frank, McFall & Trelax APLC
Nicholas & Butler LLP
Oils Riviere Coates and Bagula
Olive and Associates, ALC
Paul, Plevin, Sullivan & Connaughton LLP
Pettit Kohl Inggrassia & Lutz PC
Pope, Berger & Williams, LLP
Procopio, Cory, Hargreaves & Savitch LLP
Pyle Sims Duncan & Stevenson APC
KJS Law – The Law Offices of Ronson J. Shamoun, APC
Rosener, Barry & Babbitt, LLP
Rowe Allen Mullion LLP
Ryan Mercaldo LLP
Sandler, Lasry, Laube, Byer & Valdez LLP
Schwarz Semerdjian Ballard & Cauley LLP
Seltzer Caplan McMahon Vitek
Sheppard, Mullin, Richter & Hampton LLP
Siegel, Morgan & Stetler, APC
Simpson Delmore Greene LLP
Smith, Steiner, Vanderpool & Wax, APC
Solomon, Grindle, Silverman & Wintringer, APC
Solomon Minton Cardinal Doyle & Smith LLP
Solomon Ward Seidenwurm & Smith, LLP
Steel River LLP
Stokes Roberts & Wagner, ALC
Stutz Ariano Shinfeld & Holtz
Sullivan Hill Lewin Rez & Engel
 Summers & Shives, APC
The Gomez Law Firm
Thorsness Bartoliota McGuire
Walsh McKea Furculo, LLP
Ward & Hagen LLP
White, Oliver, Amundson & Gallagher, APC
Wilson Elser Moskowitz Edelman & Dicker LLP
Wilson Tucker Kosmo LLP
Winet, Patrick & Weaver
Wingert Gribbing Brubaker & Juskie LLP
Wright & E’Strange
Yehman & Associates
Zeidles & Haeggquist, LLP
MEMBERS

Sustaining Members

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

PATRON
Marc D. Adelman
Ezekiel E. Cortez
William O. Dougherty
James P. Frantz
Natalie Zalina Galashty
Allen D. Haynie
Van E. Haynie
Rhonda J. Holmes
Richard A. Huver
Gerald S. Mulder
William E. Nelson
David Baxter Norris
Hon. Leo S. Papas (Ret.)
J. Michael Reed
Todd F. Stevens
Thomas J. Warwick Jr.
Andrew H. Wilensky

BENEFACtor MEMBERS
Doc Anthony Anderson III
Jedd E. Bogage
Alexander Isaac Dychter
Douglas A. Glass
Alvin M. Gomez
Randall E. Kay

FRIEND MEMBERS
Steven Barnes
Edward V. Brennan
Linda Cianciolo
David B. Dugan
Susan K. Fox
William C. George
Kenneth J. Gosselin
Kenneth N. Greenfield
Ajay K. Gupta
J. William Hinchy
Philip P. Lindsley
Marguerite C. Lorenz
Antonio Maldonado
Peggy S. Onstott
Anthony J. Passante Jr.
Ann Perry
Kristi E. Pfiste
James D. Scott
Kimberly A. Stewart
Stuart H. Swett
Victor Manuel Torres

NAME THAT BUILDING
Please submit answers by April 15 to martin@kruming.com. Your name will be entered in a drawing to win lunch for two at Dobson’s Bar & Restaurant in downtown San Diego. Congratulations to Deputy District Attorney Brent Neck, whose name was drawn from those who correctly identified the South Bay Regional Center in Chula Vista. Photo by Eric Ganci.

STU’S VIEWS © www.stus.com All Rights Reserved

They’re case books. We once used them for legal research.

How barbaric!

Win a Free Lunch!
OPEN HOUSE
PHOTOS BY LAUREN RADACK
On February 6, the SDCBA welcomed members to view their new downtown home at 401 West A Street.
PHOTO GALLERY

HIGH SCHOOL MOCK TRIAL COMPETITION
PHOTOS BY KEITH BARNES AND LAUREN RADACK
The SDCBA and San Diego Superior Court hosted the seventh annual San Diego County High School Mock Trial Competition on February 27-28 and March 2.

ABA BAR LEADERSHIP CONFERENCE
SDCBA President Marcella McLaughlin and President-Elect Jon Williams visited Chicago for the American Bar Association’s Bar Leadership Institute conference in March.

FBA 50TH ANNIVERSARY CELEBRATION
PHOTOS BY KIM MARIE STARÓN
The Foothills Bar Association gathered at the La Mesa Community Center on January 23 for its Annual Dinner.
Volunteer judges and attorneys served lunch to senior citizens at the Gary and May West Senior Center on March 19.

SDCBA AND SÃO PAULO BAR ASSOCIATION
Recognizing that many initiatives and programs of the SDCBA mirror those of the São Paulo Bar Association, the two organizations recently signed an agreement to work together to address issues of common concern to both cities’ citizens.
JUDICIAL LEGEND

Associate Justice Ruth Bader Ginsburg (left) of the U.S. Supreme Court was the featured speaker during a luncheon sponsored by the Association of Business Trial Lawyers on February 8. Here she appears with Judge Margaret McKeown of the U.S. Ninth Circuit Court of Appeals.

Photo by Barry Carlton

Barry Carlton (bjcarlton@cox.net) is a Supervising Deputy Attorney General with the California Attorney General’s office.
ARE YOU A NEW ATTORNEY?

The SDCBA’s Member Benefit program offers savings on practice related products and services specifically for newer attorneys including:

Preferred Providers

AHERN INSURANCE BROKERAGE

Structured settlement experts, Manuel and Manny Valdez provide SDCBA members with high level counsel.

GEICO

One of the nation’s largest private-passenger auto insurers offers SDCBA members an exclusive discount.

TERIS

Special services and discounts are available solely to SDCBA members, including a 10% discount on your first TERIS service order and a free workflow analysis.

TORREY PINES BANK

Take advantage of the newly created Juris InterAct Checking Account and Services at a reduced cost and with fewer banking maintenance fees.

verizon

Verizon Wireless plan holders may qualify for various service, plan and equipment discounts.

THOMSON REUTERS
WESTLAW

Westlaw offers preferential member pricing on various products and a new cloud-based Time and Billing solution, powered by eBilling.

Additional SDCBA Benefit Providers Offering Savings Include:

Clio
Javelin Web & Media
San Diego Magazine

LawPay
Ace Parking
Voit Real Estate Services

FedEx
TelePacific
ABA Books

San Diego Business Journal
Hertz/Avis

To learn more, visit www.sdcba.org/benefits.
Endorsed Protection designed for SDCBA members

Don’t just protect your law practice — strengthen it with a complete insurance plan from the only professional liability program endorsed by San Diego County Bar Association— available exclusively through Ahern Insurance Brokerage.

Singular Focus.
AHERN’s team comprises over 200 years of specialized expertise and outstanding service and support. Through our partnership with XL Group, we deliver top-quality protection backed by the solid financial strength of a global insurance leader.

Unmatched Coverage.
Our comprehensive professional liability coverage includes:
• Exclusive Premium Discount for SDCBA members
• $50,000 Additional Defense Expenses
• Free Retirement and Disability ERP options (subject to policy conditions)
• Free risk management support services
• Insured input on Defense Counsel selection

Unlimited Possibilities.
Drive your business capabilities with an insurance protection package built just for the legal profession: SDCBA-endorsed AHERN Professional Liability Insurance.

Power Your Practice

Available exclusively through

AHERN INSURANCE BROKERAGE
1-800-282-9786
WWW.AHERNINSURANCE.COM

Coverage provided by

XL Group is the global brand used by XL Group plc’s insurance subsidiaries. Coverages underwritten by the following XL Group plc insurance companies: Greenwich Insurance Company and Indian Harbor Insurance Company.
Ahern License 0004825