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### ON THE COVER

Dean Niels Schaumann of California Western School of Law, Dean Stephen Ferruolo of University of San Diego School of Law and Dean Rudy Hasl of Thomas Jefferson School of Law, on the pitcher’s mound at Petco Park.

San Diego Lawyer thanks the San Diego Padres for allowing us to photograph inside the park.

PHOTO BY LAUREN RADACK
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**WHO'S WHO LEGAL**
Before Scott Felixson became a lawyer, he directed films, including *Heliumhead*, which starred former television talk show host Dick Cavett.

Felixson met Cavett while shooting a public service spot, and the entertainer agreed to do the half-hour film. “Just a great guy,” says Felixson. “A treat to work with.”

After graduating from Rutgers University, Felixson spent 12 years making films and corporate videos before going on to become business news editor at *The Queens Courier*, a weekly paper in New York City. He took the LSAT as “a personal challenge,” scored well and wound up at Thomas Jefferson School of Law, where he graduated in 2010.

Felixson opened up a solo practice, Take Me To Court Legal Services, which handles both civil and criminal law. The name came after his friend sued as a pro per and lost. Felixson said to his friend, “Next time, you should take me to court,” a catchy phrase that Felixson and others loved.

It’s only natural that the license plate on his 1991 Mazda Miata reads TKME2CT.

One time, when the freeway traffic came to a stop, a car pulled alongside and a stranger rolled down the window and asked, “Are you a lawyer?” His girlfriend, Nicole Peterson, a teacher at Madison High School, was driving at the time with Felixson in the passenger seat.

Felixson’s passion for filmmaking hasn’t completely disappeared. He’s developing a bar exam prep program that uses many filmmaking techniques and concepts to reorganize the laws in a more memorable, user-friendly format than rules-based study programs. He also hopes to take his law firm name and concept nationwide. A perpetual entrepreneur, like many in his family.

Congratulations to Chris Marta, a 2012 USD Law School graduate, who spotted the DIAZLAW license plate while filling up at Costco.
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Scan with a smartphone to view Our Panel
There has never been a more exciting or more daunting time to be a lawyer. As you read in our last issue of San Diego Lawyer, we are facing some new and very real challenges to the way we practice law based on severe budget cuts for our courts. And as you also probably already know, the outlook for new law student graduates looking to work in a traditional law firm setting after graduation has become increasingly grim.

This year, we’ve talked about “Paving the Path,” and how our current status is based on the decisions of our past, the mentors we have been guided by, the organizations we have been involved in and how we each plotted our own individual courses into this profession. As President of the San Diego County Bar Association, I am privy to a great deal of conversations about a myriad of concerns across many areas of our profession, and what the future of the legal profession in San Diego will be. I’m often asked what the next steps on our collective “path” should be.

While I don’t purport to have all of the answers, I am encouraged by the positive, thoughtful and smart solutions lawyers in our community have presented, no matter what challenge we are tackling today or will tackle in our future. Make no mistake, the issues we face as a legal community are tough — but so are the lawyers who are looking to combat them.

I am proud that in this issue of San Diego Lawyer, you will learn about innovative new programs that all three of our local law schools have created in order to teach, train and empower our future generations of lawyers in ways that have never been done before, responding to the changing circumstances and demands on new lawyers. You will also learn more about each of our law schools, from some basic stats to some information you may never have seen before.

In this issue, some of San Diego’s most successful solo practitioners will share the secrets to their success, and how they deal with the challenges of “doing it all,” in our current economic climate — from running their firm to practicing law to keeping up with new technologies to everything in between.

It is my hope that through their thoughts, ideas and innovations, you will be inspired, encouraged and educated about the ins and outs of running your own practice.

The Bar, and San Diego’s legal community, will continue to grow and change. It is our hope that this issue of San Diego Lawyer, as well as future issues, captures the creativity and positive energy that we have as a community today, and prepares us to look forward to the challenges that will come our way in the future, as we work to map out the next steps on our collective and individual paths.

“Make no mistake, the issues we face as a legal community are tough — but so are the lawyers who are looking to combat them.”
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Putting Professional Development in the Classroom

Following the publication of the MacCrate Report, the CLEA Best Practices and, most recently, the Carnegie Report, the Thomas Jefferson School of Law has been a leader in the development of programs that introduce students to professional skills that ease their entry into the practice of law. Skills are introduced from the very start of a student’s career in law school and continue even after graduation, with our newly developed incubator program and with continuing education programs.

Recognizing the importance of developing practice-ready graduates, our faculty members have developed a combination of simulation experiences; externships with law firms, judges and government entities; and live client clinical opportunities. The faculty members have taken to heart the admonition in the Carnegie Report that the focus of professional training programs must be the “formation” of the new professional, integrating knowledge, theoretical foundation, practical skills, good judgment, problem solving and high ethical standards. The clinical programs provide students with the experience of modeling professional behavior with real clients.

Our programs have focused on veterans, who have hit rock bottom and are being rehabilitated through the Veterans Village of San Diego; on developing entrepreneurs among the immigrant populations in San Diego; and on artists and entertainers who need help in protecting their works and achievements.

The school has established a law clinic on the first floor of its new, elegant, award-winning facility at 1155 Island Avenue in the East Village. The entrance to the clinic is on 11th Street between Island and J streets. The space provides easy access for clients and a professional environment where faculty supervisors can model professional behavior for students and clients, and where students have individual secure workspaces, with equipment, to service the needs of the clients.

The Veterans Legal Assistance Clinic is under the supervision of Professor Steve Berenson, an experienced clinician, and the business and entrepreneurship clinic is under the supervision of Professor Luz Herrera, with the assistance of Professor Jeff Slattery, who focuses on the program for artists and entertainers. A new addition to the clinic will be an experienced California attorney, who will work directly with our students in providing valuable services to the clients.

Since the school is a relatively young ABA-approved law school, fully approved only in 2001, many of our graduates are going into small firm or solo practice settings. Recognizing the need to do something special to prepare our students and graduates for such practice settings, the faculty members have embraced a model of education that provides the strong theoretical foundation for “thinking like a lawyer,” but it also has added skills components in the more traditional courses and many opportunities to develop the essential practice skills and values that are highlighted in the MacCrate Report and the Carnegie Report.

Rudy Hasl (hasl@tjsl.edu) is Dean and President of Thomas Jefferson School of Law.
John DiCaro

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Macbeth and Sarah were editing a brief. Duncan stood at the conference room door.

“Mind if I interrupt? An ethics question in the Lancaster case.”

Macbeth looked up. “Come in.”

“You remember Ms. Lancaster. Fighting to keep that commercial building in La Jolla.”

Sarah replied, “Her company’s in bankruptcy, right?”

“That’s the one. A secured lender is about to foreclose.”

Macbeth shook his head. “That’s too bad. She’s desperate to keep the property, as I recall?”

“Obsessed.”

“What’s the ethics issue?”

“Last week she found a copy of an old lease between her company that owns the building — for now — and another company she owns. It predates the lender’s deed of trust.”

Macbeth nodded. “I see. The lender will own the building, but subject to that lease. In effect, she stays. How long?”

“Ten more years.”

“You have, shall we say, some questions?”

“She can’t find the original. But a leasing agent’s signature has the same date. So…”

“Talk to the agent?”

“No. I wanted to talk it out first.”

“Sensible.”

Sarah interjected, “You said bankruptcy. Did she disclose the lease in any court filing?”

“No. That’s another issue. Also, probably never disclosed it to the lender.”

Macbeth asked, “Insists on using it to avoid eviction?”

“Her only hope.”

“I think Rule 3-110 requires you to dig into its authenticity.”

“Can’t I trust our client?”

“Typically, yes…”

“But?”

“Too many questions. Unless you’re satisfied the lease is authentic, Rule 5-200 says you can’t use it.”

Sarah added, “The State Bar Act, section 6068(d), requires the same — ‘employ means only as are consistent with the truth’ … ‘never seek to mislead the judge.’”

“Where do I go from here?”

Sarah responded first. “Talk to the leasing agent? See if he signed it on the same date?”

“If I’m not satisfied?”

Macbeth shook his head. “If she won’t back down, Rule 3-700(B) requires you to withdraw.”

“But I can’t tell the court I think it’s a phony, can I?”

Macbeth and Sarah answered in chorus, “Absolutely not.”

Macbeth continued, “Rule 3-100 and section 6068(e) require you to keep her confidences and secrets inviolate. Almost without exception.”

“But if I can’t tell the court why it has to let me out, how do I withdraw?”

Sarah and Duncan turned to Macbeth.

“The Judicial Counsel has a form for a motion to withdraw. Fill in the blanks, mostly. Where it asks the reason, put ‘the Rules of Professional Conduct mandate withdrawal’ — but say no more.”

Sarah raised her eyebrows. “Will that be enough?”

“Most judges understand. But if the court wants more, you have to say that 3-100 and 6068(e) prohibit giving specifics. Then ask the court to look carefully at 3-700(B).”

“If I withdraw, can I tell her new lawyer what I know?”

“Not without her permission. Confidentiality survives the representation. Death of the client, even.”

“Thanks, Macbeth. Not an easy one.”

TWO MONTHS LATER

Duncan stopped Sarah and Macbeth in the corridor.

“Did you hear about the Lancaster trial?”

“All ears.”

“Her new lawyer introduced the lease, called her as a witness.”

Macbeth said nothing.

“Then the other side called the leasing agent.”

Sarah asked, “And…?”

“The court found the lease a sham and a fraud. Set an OSC for contempt and sanctions.”

Sarah shook her head. “Conduct does have consequences.”

Edward McIntyre (emcintyre@swsslaw.com) is a partner at Solomon Ward Seidenwurm & Smith and vice-chair of the SDCBA’s Legal Ethics Committee.
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Courtroom Technology 101

Sarah had an upcoming Markman hearing involving complex technology. She wanted a compelling image narrowly construing the patented elements of the opposing company’s technology, with an eye to using the same evidence during trial to highlight the differences between her client’s product and the patented claims.

Jim was preparing for a high-stakes personal injury trial. He needed a method to illustrate the physical setting of the multi-car highway accident that had killed his client’s 19-year-old son.

Samuel needed a good set of demonstrative exhibits for his upcoming construction defect trial. He intended to be aggressive on his labeling and argument, so he needed something that could easily be modified if the court sustained opposing counsel’s anticipated objections.

Each attorney could have used paper exhibits, overhead projectors and posters on easels. Or they could instead choose a courtroom technology that effectively expressed the information they wanted to convey, in less time and with arguably better results.

WHAT IT IS
Courtroom technology includes everything from electronic document storage to presentation methods, such as slide shows and specially designed trial presentation software; 360-degree models displayed on flat screens that can be explored by image rotation; and virtual reality presentations that bring jurors into the subject action in three dimensions.

Some technology is relatively inexpensive and simple to prepare and use, such as PowerPoint slide shows. Other technologies, such as graphical animations and virtual reality, are more expensive and may require a technical assistant who is versed in the software/hardware and troubleshooting.

All courtroom technology requires some amount of preparation in order to use it most effectively and thoughtfully. And when done so, it has the potential to create a more compelling story, shorten the trial and persuade the jury.

Many attorneys, however, are not using the available technology. According to District Judge Marilyn L. Huff, attorneys in her courtroom continue to use “old school” presentation techniques.

The reasons vary, from cost (although this continues to come down as technology improves) to fear; many attorneys are simply not comfortable using the technology. Whatever the reason, by avoiding technology, attorneys are likely doing a disservice to both themselves and their clients.

IT’S FASTER
According to a guide commissioned by the Federal Judicial Center and the National Institute for Trial Advocacy, “Estimates vary, and no scientific research has been completed, but nearly all judges who use technology agree that it cuts trial time by a significant amount.” Some estimates predict that long trials could be cut in half. These time savings are achieved through decreased down time locating paper exhibits and deposition testimony, and setting up or rearranging illustrations on an easel. Such are the potential time-savings that some courts are now requiring that attorneys adopt newer technology.

Of course, decreased down time in the courtroom leads to the need for better preparation before the trial begins — there is no time to invent on the fly when the trial is in progress.

IT’S BETTER (OR IT CAN BE)
Most judges agree that courtroom technology can help juror comprehension of complicated issues, as well as better engage individuals’ attention through eye-catching graphical elements like photos and maps.

Graphical animations can significantly impact a trial outcome, especially if the other side is not using one. In one study, where the plaintiff used an animation and the defendant did not, the verdict changed from 32 percent to 88 percent in favor of the plaintiff. Graphical elements are therefore either a potential advantage that attorneys are ill-advised to waste, or an absolute necessity if the lawyer representing the other side plans to use courtroom technology in his or her presentation.

For her Markman hearing, Sarah created a 3-D video model of the opposing company’s device that zoomed in on the device’s patented component. Later, she planned to set the image side-by-side with a 3-D model of her own client’s technology to highlight the differences between the two. Jim used a computer animation of the highway accident, supported by photographs of the scene and his expert’s testimony. Samuel created two sets of digital storyboards, one for opening and another for witness examination and closing, which he and his paralegal could modify as needed with trial presentation software.

These and other forms of courtroom technology are available at prices within most clients’ budgets, and place the attorney in a better position to persuade the jury. With all of the potential advantages, attorneys are well-advised to familiarize themselves with the available courtroom technology, and be prepared to use it in their next trial.

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

2 Id.
3 Id. at p. 53.
4 Id. at p. 44-45.
5 Id. at p. 55.
6 Id. at p. 44.
7 Id. at p. 53.
8 Meghan Dunn, Ph.D., Technology in the Courtroom: An Examination of the Effects of Computer Animation (2002).
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Going Solo: A Checklist

BY LAURA FARBER

Are you thinking about hanging out your own shingle? Here are a few tips to consider.

1. Think About Who You Are and Your Core Values
   Whether you are just starting out or have practice experience, in order to succeed as a solo, you need to think about the things that make you unique and will allow you to succeed as a solo, (i.e., did you put yourself through college working in construction or retail industries, are you developing a niche practice area, do you have language skills, business experience, etc.).

2. Plan Ahead
   Develop a business plan or some form of a budget to get you through your first year. Rule of thumb is to set aside at least six months’ (if not a year’s) worth of minimum amount of cash or revenue sources — after taking into account all the expenses you will incur to run an office — so that you have the money necessary to fund your new practice.

3. Technology Is Imperative
   Investigate the things you need to acquire to start an effective practice, especially technology. Think about where you will have an office, sharing conference rooms and secretaries through a furnished “executive” suite, and shared office equipment. Invest in an excellent computer and scanner or copier; an accounting system with a dedicated legal system that can handle trust and general transactions; and a good smart phone. Level the playing field if you want to compete with large and midsized firms for business, and determine whether your practice is focused on litigation and/or transactional work.

4. Consider Your Source of Ongoing Financing
   Whether you will obtain loans from friends or family, use a credit card, get a formal bank or SBA loan, or use the more recent lawsuit financing options, make certain you have sources of revenue lined up — especially in the beginning of your practice when you do not yet have a sufficient number of clients to meet your regular expenses. Additionally, if you plan to litigate, be sure to include the costs that you may need to advance for clients, depending on the nature of litigation as part of your calculation for needs and expenses. Also consider accepting credit and debit cards from clients to attract a broader clientele base.

5. Plan for Malpractice Insurance as Well as General Liability Insurance
   Some lawyers start their practice going in “bare,” which is extremely risky. You do not want to risk having a client sue you for malpractice and having to worry about your personal assets to satisfy that potential judgment. If you hire staff, you should obtain workers’ compensation insurance and liability insurance, which may be useful to you for any premises liability issues or other losses (i.e., damage to equipment, etc.) if you are renting space.

6. Find Mentors
   Mentors are crucial to the solo practitioner. If you are not planning on focusing in a niche area, or do not have sufficient experience, it is extremely important to have a mentor for advice, whether it be in a substantive area of practice or just to discuss theories or ideas. Another great source of advice is the SoloSez listserv, administered by the American Bar Association’s (ABA) Solo Small Firm and General Practice Division, SoloSez is a virtual law firm where many solo practitioners post inquiries and receive all kinds of great feedback on everything from types of good billing software to whether you should take on a particular client or case. The San Diego County Bar Association’s (SDCBA) Law Practice Management & Marketing Section also has a listserv available to section members.
7. Create a Marketing Plan
Without a marketing plan, you are not likely to get business, and your practice will not survive. Put together a plan or strategy that will work for you. Consider signing up for an attorney referral service, such as the Lawyer Referral & Information Service, administered by the SDCBA, or get involved in a bar association, whether it is the SDCBA or the ABA, to meet other attorneys and potential sources of business. Other ways to market yourself: Speak at any given opportunity; write and publish on a topic; consider starting a blog; join a group in which you have a special interest (also a good way to give back to the community by getting on nonprofit boards such as the Humane Society, Rotary Club, PTA, etc.); or host a new office warming party. Also consider the importance of networking with parents, past friends, friends of parents, business acquaintances, law school and college classmates and other attorneys who might end up being a future source of business.

8. Build an Attractive Website
Think about your website. Instead of focusing on you and why you are so wonderful, consider making your website useful and informative to grab the attention of a potential client. Offer free tips in your area of practice or share articles that you have written in your area of expertise.

9. Get Involved with Social Media
Consider joining various LinkedIn groups via the ABA (the Solo, Small Firm and General Practice Division has a members-only LinkedIn referral group, Facebook, Twitter, etc.). But if you invest the energy in doing so, make use of these connections.

10. Get Involved in Your Community
Sometimes the best source of business is when you are not looking for it. Giving back to a community organization, whether it be a bar association, nonprofit or any other group, like coaching your child’s sports team, may sometimes yield clients. It is important to treat your community involvement the way you would treat a client — be responsible. If you make a commitment to provide something by a certain deadline, do so. If you are a responsible, diligent and hardworking volunteer, potential clients will translate this into an outstanding lawyer who will provide amazing client service.

11. Do Pro Bono
Many individuals react negatively to this tip. However, I have found that many attorneys who get involved in pro bono matters — and there is typically training through the bar association or legal services providers, along with malpractice insurance to cover the work — are more satisfied with their practices and can many times develop a new area to expand their practices, which can translate to more business and survival. Further, there are so many people who do not have access to our system of justice who also need your help.

12. Most Importantly, Enjoy What You Are Doing
Be sure to make time for yourself, your family, your community and your profession. That, in and of itself, will ensure your success.

Laura Farber (lfarber@hahnlawyers.com) is an attorney with Hahn & Hahn LLP and chair of the ABA’s Solo, Small Firm and General Practice Division.

76 percent of lawyers in the United States practice in law firms of five or fewer lawyers
442,297 solo attorneys in the United States
48 percent of lawyers in the United States are solo attorneys
56,769 solo attorneys in California
Q&A: On Their Own

Three local solo practitioners share their insights and advice on running your own practice.

Carolyn Brock
13 years in practice

Firm name: Law Office of Carolyn R. Brock
Year established: 2009
Practice areas: Certified specialist in estate planning, probate and trust law through the State Bar of California
Why did you go solo? I was an employee/associate attorney until 2006 when I joined another attorney in her practice as a partner, and in 2009 I made the jump to going solo. It seems to be a good fit for me.
Keys to a successful practice: Balance between client development, client work and running the business itself. In other words: organization.
What’s tough about being solo? Handling all of the business management responsibilities in addition to practicing law.
What can’t you do without as a solo? Good systems.
Your resources as a solo: CEB online; Bloomberg BNA online; PCLaw for billing; Microsoft Office 2010; myfax.com for fax and stamps.com for postage. I try to keep things as simple and streamlined as possible.

What’s terrific about being solo?
I can decide how I wish to handle billing — whether hourly or flat fee — and therefore don’t have to submit time sheets or meet billable hour requirements. I also am involved in a few different boards. I am the current president of the Foothills Bar and am the vice president of the board of trustees for the San Diego County Law Library. These activities can take me out of the office — and that is my option.

How do you unwind? I walk out the door and unless there is something time-sensitive, I try to leave work at the office. I go home and take my dog out for a nice long walk.
Trivia about yourself: I am a huge tennis fan and have been known to stream live major tennis matches on my computer.

Carolyn Brock (carolyn@crbrocklaw.com) is with the Law Office of Carolyn R. Brock.
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doug@glassmediations.com
Firm name: Wells B. Lyman, Attorney at Law  
Year established: 1972  
Practice areas: Family law, bankruptcy  
Why did you go solo? I could not find a job.  
Keys to a successful practice: Spend the first twenty minutes of your initial client appointment just listening. Prepare for a case by thinking what you would do if you were representing the other side. Don’t waste your energy getting angry. Remember this is your job. Spend less time multitasking and more time concentrating. Nurture your family, your friends and discover your spiritual essence.  
What’s terrific about being solo? I can control my time and I don’t have to answer to someone that controls my career.  
What’s tough about being solo? With modern communications, I always have to be available to my clients.  
What can’t you do without as a solo? Cell phone.  
Your resources as a solo: Other attorneys.  
How do you unwind? I always make sure to nurture and enjoy my wife and children.  
Trivia about yourself: I play guitar, pool and tennis pretty well. I still think I could surf again, if they would only make a board long enough.  
Wells Lyman (wbl@cox.net) is a solo practitioner.

Firm name: The Brumer Law Firm  
Year established: 2010  
Practice areas: Consumer bankruptcy and some estate planning/administration/litigation  
Why did you go solo? I wanted to have more control over the matters I handled and how much time I spent with each client without concerns about billable hours. Having worked at firms, in-house and in my own real estate business, I had practiced law in many different ways.  
Keys to a successful practice: Knowing your limitations, engaging outside help when needed and always watching the bottom line.  
What’s terrific about being solo? The freedom to choose the matters you wish to accept and reject the ones you don’t.  
What’s tough about being solo? Creating your own support system. I share space with other solos and a small firm, so it’s more of a community atmosphere, but if you isolate yourself or work out of your home, you need to create that support network. Listservs help and the SDCBA does a great job of providing that sense of community to solos.  
What can’t you do without as a solo? My scanner and my smart phone.  
Your resources as a solo: Rutter guides and the Internet.  
How do you unwind? Cycling. I am an endurance road cyclist and a few hours in the saddle will always clear my head.  
Trivia about yourself: I was diagnosed with Type 1 diabetes (formerly called juvenile diabetes) while in law school and I’m very active in the diabetes community: raising money and awareness of this chronic incurable — but manageable — disease.  
Steven Brumer (sbrumer@brumerlawfirm.com) is with The Brumer Law Firm.
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THE RESOLUTION EXPERTS
Reaching New Clients

The following are responses from members of the SDCBA’s Law Practice Management & Marketing Section to these three questions:

1. How do you get new clients?
2. What’s your best source of clients?
3. Do you have a personalized license plate?

Debra Manduley-Holmes

1. I am a solo practitioner, family law attorney. I get new clients 95 percent of the time from referrals from other clients, family, friends and fellow attorneys in other practice areas. Sometimes I get new clients from people seeing me in action at court on other cases, and sometimes from my website. To get new clients as referrals, it is essential to be professional at all times, because you never know who is watching. Also, treat all your clients with the utmost respect, even those who cannot fully pay their bill or clients you must withdraw from or substitute out of the case. Even these clients will refer work to you. Lastly, charge a reasonable rate based on these economic times, not those of the glorious past.

2. By far, past and current clients. I have been an attorney for five years, and I could draw a “family tree” of how I obtained 95 percent of my clients through referrals from other ones.

3. No, just a regular one. But I have a license plate frame that states my alma mater, California Western School of Law.

Debra Manduley-Holmes (dmanda@sbcglobal.net) is with the Law Office of Debra Manduley-Holmes.

Marc Adelman

1. Most of my clients are either lawyers, or were referred by lawyers. There is no better way of marketing your practice than to be around or involved with other lawyers. In order to be around my colleagues, I will go to as many Minimum Continuing Legal Education (MCLE) programs as humanly possible that are even remotely related to my litigation practice. As a bonus, I always learn something new at each program. In addition, I will attend every luncheon, board, section or committee meeting I can go to. Receptions are a must-attend as well. The more people I see or connect with, the more chances I have to attract new business, see more of my colleagues and meet new friends.

2. Always follow up a meeting, conversation or greeting with an email that bears my office information and website.

3. My antique BMW has personalized California license plates that were given to me as a gift in 1984: SD AFC, which stands for San Diego America’s Finest City.

Marc Adelman (adelmanmd@aol.com) is a solo practitioner.

Kevin Murphy

1. Our law firm marketing plan is very Internet-focused and utilizes social media to increase our search engine optimization and spread relevant news to potential clients and interested professionals. I believe that an online presence is essential for all attorneys, and I work very hard as co-chair of the Law Practice Management & Marketing Section to help our members learn the skills and processes required for a successful marketing campaign.

2. The Internet.

3. No, I do not have a personalized license plate... but my partner does!

Kevin Murphy (kcm@murphyjoneslaw.com) is with Murphy Jones LLP.

The Law Practice Management & Marketing Section consists of over 200 SDCBA members. The section is co-chaired by Dan Kehr (dan@kehrlaw.com), Kevin Murphy and Kyle Yaege (key@yaegelaw.com).
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Taking ‘STEPPS’ Towards Lawyering

BY ALIDAD VAKILI

A number of years ago (and 11 years) into my legal career, I submitted a proposal to teach a class at my alma mater, California Western School of Law (CWSL). I had been supervising law students from CWSL since 1998 and frequently found that many of the students I supervised, although well-educated, bright and eager to learn, had little practical knowledge about how to work in a law firm (i.e., how to interview a client, analyze a case, draft an agreement, etc.). Many would expect this was just par for the course, that the real practice of law was learned on the job. For decades, this has been the case. Nowadays, however, with a challenging economy, many clients are no longer willing to allow young associates to work on their cases for fear of subsidizing their practical education. And with a tight legal employment market, many new law graduates are hanging out their own shingle without the experiential and practical skill sets attorneys typically develop over years of practice. So, where are law students supposed to learn the skill of lawyering if not on the job?

Enter the STEPPS Program. STEPPS, short for Skills Training for Ethical and Preventive Practice and career Satisfaction, was developed by CWSL and launched in 2008 as a year-long law school course that brings law students together in small office sections. Students attend a weekly large class discussion group as well as a small group meeting designed to simulate a law office setting where the students interact with an adjunct professor (“Supervising Attorney”) who is generally a practicing attorney. The program focuses on five main areas: professional responsibility; prevention and problem solving; legal research and writing; lawyering skills (i.e., interviewing, counseling, case planning and negotiation) and
CWSL is one of a handful of law schools in the country that are changing the way law students are taught. CWSL is in good company; the other law schools charting new territory in the approach to teaching law students how to truly “practice” law include Yale Law School, Case Western Reserve University School of Law, and Washington & Lee School of Law. Recently, Harvard and Stanford have started similar programs. The STEPPS program has been recognized by the ABA Journal and the Chronicle of Higher Education as one of a small group of schools offering practical lawyering skills and ethics training.

The STEPPS program was envisioned as a practical way to teach many of the skills so essential to successful lawyering and yet not emphasized in many law school courses. Throughout the course, students learn about professional responsibility, ethics and creative problem solving by engaging in legal projects and role-playing in a number of different practice-oriented situations, such as case analysis and evaluation, interviewing, counseling and negotiating. Students explore the skills needed to identify potential problems faced by practicing attorneys and are then provided with opportunities to address those issues in a real-world simulated environment such as an interview of a prospective client, a counseling session with a current client or a negotiation setting with opposing counsel. By using simulated cases, often times derived from actual cases, students learn the application of law to a set of facts and issues encountered by practicing attorneys. Simulated cases in a law firm setting give students the chance to gain valuable experience-by-doing without the risk of consequences to real clients; it is experiential learning within a controlled environment. Furthermore, students are able to grasp the ever-present and always essential importance of professional responsibility in every aspect of an attorney’s career, both professionally as well as personally.

A few years ago, I had the opportunity to teach a STEPPS course. The immediate impact of teaching a practice-oriented course that gives students the opportunity to experience what it’s like to practice law has been remarkable. The STEPPS program, now entering its fifth year at CWSL, has been a resounding success among the students, faculty and legal community at large. When discussing the program with attorneys in the legal community, there is instant recognition and appreciation for the course and the critical skills it teaches. The law students I have been supervising, especially those who have participated in the STEPPS program, have a much better sense of “practicing” law. As the STEPPS program continues to gain more popularity and recognition, law students will have the opportunity to develop essential lawyering skills before they start their legal career.

Alidad Vakili (alidad.vakili@klgates.com) is an associate at K&L Gates.
Starting a business can be a daunting task. It’s not only expensive to launch a new organization, but every start-up must jump through legal hoops to ensure that it becomes a successful entity. Thomas Jefferson School of Law’s (TJSL) latest legal clinic, the Small Business Law Center (SBLC), helps alleviate the stress by lending small organizations in San Diego a helping hand.

The SBLC started under the direction of TJSL Professor Luz Herrera, and opened its doors to the public in August 2011. The clinic assists small business owners, entrepreneurs, nonprofits and artists by providing them with legal advice and helping them acquire the tools they need to be successful. The services provided include helping individuals form a business, from property transactions, contract review and negotiation to trademark and copyright registration, among many others.

“It is like they take legalese and make it legal-ease,” says Erin Pennell, owner of Art FORM, one of the many clients who received assistance from the SBLC. Pennell is an art teacher who uses recycled materials to create art pieces, and holds creative re-use workshops for students, teachers and the community. After embracing the concept of starting her own recycling arts studio for many years, she turned to the SBLC to help her get it off the ground.

“The idea of starting a nonprofit was intimidating and I didn’t know where to begin,” she says. “I started as simply as I could, with a sole proprietorship. I knew I needed to take it to another level, but was always stymied about how to go about it.”

In spring 2011, Pennell learned of TJSL and the SBLC, and became the clinic’s first client. With the help of Herrera and TJSL graduate Britney Gallina, she began launching her idea. The clinic assisted her with all aspects of applying for California incorporation, including federal and state tax exemption, creating the bylaws and other filing paperwork.

“The help I received was tremendous,” says Pennell. “We obtained 501(c)(3) tax-exempt status in late November 2011. It was like an early Christmas present.”

Since its inception, Art FORM has found success within the San Diego community. The organization plans on providing free workshops for the underserved populations in Title 1 schools, which are schools with more than half the population with free lunch status. SDG&E also recently held a luncheon in local schools that used recycled centerpieces made by teachers and students in conjunction with Art FORM.

Gallina, who worked with Pennell, served as Professor Herrera’s research assistant while starting up the SBLC and spent two semesters working at the clinic.

“Small business owners have a passion to achieve the American dream and they really make our economy flourish,” says Gallina. “By giving them the tools they need from the beginning, the clinic helps them mold their business into something that will
Entrepreneur Melissa Rautenberg also has received help from the clinic in drafting consulting contracts as well as with the process of trademarking. She is in the process of launching Social Vines Media, a company centered on opening lines of communication between business owners and their clients on social media forums.

"SBLC is absolutely amazing," she says. "If SBLC didn't exist, it wouldn't be possible for people like myself bootstrapping their own business who can't afford legal advice. With the high expense of legal services, SBLC is essentially saving small businesses — with free education — from potential legal fees that could ruin a business in the future."

Each applicant's financial situation is evaluated in determining which businesses will receive aid from the SBLC. Preference is typically given to those who are at 200 percent of the poverty line and who are setting up businesses in economically distressed communities. According to Herrera, the SBLC may represent existing businesses with up to $100,000 in assets and nonprofits with budgets up to $150,000.

And while business owners and members of the community are benefiting from the services that law students working in the SBLC are providing, the students are also benefiting by obtaining real-world legal experience. The SBLC has been developed to give students exposure to the law practice management aspect of being a lawyer.

"When you intern you are given a project to do, but when you work in a clinic you’re given a client," Gallina says. "You not only are helping the client with a memo or recommendation, but also having to do things on the back end that you would do as a solo practitioner. It's really preparing me to be an attorney."

Each semester, students are assigned two to three clients, but the clinic provides yearlong services to the community. A project that is not completed one semester will be assigned to a different student the next semester.

"SBLC is great for San Diego because there are so many people with great ideas for nonprofits or businesses, but like me, they may not be able to obtain the help they need to bring their idea or business into fruition," says Pennell. "Thomas Jefferson School of Law helped take my dream and turn it into a reality, and hopefully this is one that can serve all."

Elisabeth Donovan (lizziedonovan@yahoo.com) is a 2012 graduate of Thomas Jefferson School of Law.

"With the high expense of legal services, SBLC is essentially saving small businesses – with free education – from potential legal fees that could ruin a business in the future."
Hidden Gem

Discovering USD’s Energy Policy Initiatives Center (EPIC)

BY PAMELA WILSON

Stories about a fractured arctic iceberg twice the size of Manhattan and global sea levels that may rise as much as 55 inches this century recently made national headlines. Closer to home, a tiny think tank at the University of San Diego School of Law is focused on the local implications of these challenges.

USD’s Energy Policy Initiatives Center (EPIC) has already demonstrated impressive achievements since it opened in 2005. Yet few San Diego lawyers know it exists. John Leslie, a partner at the San Diego office of McKenna Long & Aldridge whose practice includes energy law, notes, “I’m not sure local attorneys are aware of the capabilities EPIC has and the resources it provides.”

The center is training a new generation of lawyers who are pursuing careers in energy and climate law policy and industries. “EPIC is a gem,” agrees USD law graduate Thomas Del Monte, now president and general counsel of San Diego start-up Interra Energy. He calls EPIC’s director, Scott Anders, “a really inspirational guy … Scott has this infectious enthusiasm for the topic that seems to rub off on a lot of people. [He]

was instrumental in shaping the direction of my career. I am very thankful for that.”

Annually, EPIC sponsors two energy law courses, a practical clinic and a nationally recognized symposium. A select group of clinic students conduct in-depth analyses on a problem posed by a public agency, such as the California Energy Commission or the California Public

The key mission of EPIC is “to do good, fact-based analyses that can be used to inform policy,” Scott Anders.
Utilities Commission (CPUC). With guidance from an attorney, students present their conclusions in a face-to-face meeting at the end of the semester. “There are three to five law students in a room with 10 to 20 agency representatives posing challenging questions,” says Anders. “It’s a fascinating and rewarding aspect of EPIC’s offerings.” A public agency gets thorough research to help inform emerging public policies, while students have the opportunity to research a project extensively and interact with professionals in the field.

Study topics have included eliminating regulatory barriers to technology that captures polluting methane gas at dairy farms and converts it to renewable electricity. This year students are analyzing which government agencies could most effectively regulate the burgeoning electricity consumption of television cable boxes.

The key mission of EPIC is “to do good, fact-based analyses that can be used to inform policy,” Anders says. “We don’t have a stake in the outcome, we just try to understand the issues and do analyses in a way that is helpful to decision makers.”

In addition to the clinic’s projects, EPIC has been hired by local government agencies to help develop policies and programs related to energy and climate. Assembly Bill 32, passed in 2006, mandates development of regulations and market triggers to reduce the state’s greenhouse gas emissions to 1990s-levels, by the year 2020. Research produced by EPIC is helping local jurisdictions adopt policies to meet AB 32 targets through improved transportation efficiency and other measures. EPIC received City of San Diego funding to help it develop a climate mitigation and action plan.

Two courses developed by EPIC, “Energy Law and Policy” and “International Energy Regulation,” give students an introduction to this emerging practice area. Nilmini Silva-Send, EPIC’s senior policy analyst, teaches the international energy course each year. Leslie, who has served on EPIC’s board since its inception, cites the energy classes as a significant accomplishment. “It’s a sustaining educational opportunity being funded by EPIC,” he says.

The institute also received funding from the National Science Foundation to work on a climate change education project in collaboration with academics at Scripps Institution of Oceanography and Cal State University San Marcos. The project, Silva-Send explains, is studying the most effective ways to inform key regional decision makers on the likely effects of climate change in the coming decade.

Initial seed money for EPIC came from a fraction of a settlement in which Duke Energy paid more than $200 million to resolve claims it overcharged for wholesale electricity during the state’s energy crisis of 2000-01. Local agencies have asked EPIC to analyze the impact of renewable energy and greenhouse gas laws and policies. “EPIC has been recognized as a neutral, disinterested party that provides unbiased analysis of the issues,” Leslie observes.

USD graduate Del Monte conceived the idea for his start-up company while working on the clinic project studying dairy farm methane capture. Interra Energy is currently ramping up technology to convert biomass, such as yard waste, to a form of charcoal used as a plant nutrient in gardening. Del Monte likens it to “coal mining in reverse” because the process creates gas that can be cleanly burned to generate electricity, and the charcoal produced returns carbon to the earth that would otherwise pollute the atmosphere. “I learned in law school to develop the roll-out strategy to be in harmony with the regulations instead of in conflict.”

A second former student whose career path was fundamentally altered by discovering EPIC is Tracy Logan, currently a lead program analyst at the U.S. Department of Energy in Washington, D.C.

Logan majored in economics as an undergrad, then worked full-time in SDG&E’s accounting department while studying law in USD’s evening program in the mid-2000s. A lunch meeting with EPIC director Anders was the beginning of Logan’s exploration of how work experience and a law degree could apply to a career in energy policy.
“It’s like a powerhouse,” Logan says of EPIC. “They have three staff and some researchers but what they are able to accomplish is incredible.” Logan enrolled in the energy courses and was hired as a student researcher, tracking all pending state legislation and summarizing and posting laws pertaining to energy on EPIC’s website. This data helps the public and decision makers stay informed on proposed regulations. “I had the utility background, but I had never looked at legislation or considered policy-related legal work,” Logan says of her work at EPIC. “A focus on policy is appreciated on the East Coast, but it’s rare on the West Coast to have an institution like EPIC. It fills a great gap and is something I am very proud of as an alum of the law school.”

Although she misses the Southern California weather she enjoyed growing up, Logan’s policy-focused job makes it worth enduring the sweltering heat of D.C. summers. At DOE, Logan helps federal agencies facilitate development of wind, solar and other renewable energy projects on agency lands. Under the federal Energy Policy Act of 2005, 7.5 percent of the energy consumed by federal departments in fiscal year 2013 must come from renewable sources.

Back at EPIC, Anders, Silva-Send and their students are managing another study with potentially far-reaching implications. EPIC was selected to manage a neutral analysis of California’s net metering law, which requires utilities to credit, and in some instances pay, ratepayers for energy they generate on-site through rooftop solar panels and other technologies. This year a coalition of utilities lobbied the CPUC to scale back the program, citing costs. That proposal was rejected, but the CPUC called for more study of the economic and policy implications of net metering laws. “Our mission and focus is to do analysis and present the best information we can regardless of the topic or the parties,” says Leslie. “Regarding the net metering study, stakeholders on all sides of the issue were happy with EPIC being selected to manage it.”

On November 9, EPIC will host its fourth annual symposium, co-sponsored by USD’s Journal of Climate and Energy Law and the SDCBA. Panels will focus on the law of distributed energy, including distributed generation, which is the production of electricity from many small sources distributed throughout a community, such as rooftop solar and mini-wind turbines. This emerging mode of electricity production is compelling significant change in the business and regulatory models of established utilities that historically drew power from massive gas or coal-burning plants located far from consumers. Anders says the program also will cover energy storage and energy efficiency. “We have a good lineup of speakers,” he adds. Paid registration is open to the public. <p>Pamela Wilson (pwilson@pamelawilsonlawyer.com) is with the Law Office of Pamela Lawton Wilson.</p>
It is and was very reassuring to me that you listened to my explanation, viewpoints and perspectives about the situation with the other side and could see the positive and negative aspects to the varied circumstances. I would never have expected it and I have shared very positive things about this experience with a number of people.”

– Defense Attorney

Hon. Victor Bianchini
(Retired)

During his tenure on both the state and federal benches, and as a private mediator, Judge Bianchini has mediated more than 3,500 cases. His settlements include many multi-million dollar agreements in highly complex matters ranging from patent cases to class actions. Judge Bianchini is known to be an advocate of the mediation process and uses a warm and caring approach with his clients. Clients praise him for not giving up and exploring every possible avenue for settlement.

For scheduling and inquiries, call Mark Kaufman at (619) 814-1966 or visit: www.mediationjudge.com

Certified Appellate Specialist, Board of Legal Specialization, State Bar of California
# Fact Check: Local Law Schools

<table>
<thead>
<tr>
<th>School of Law</th>
<th>Year Founded</th>
<th># of Students</th>
<th># of States Represented</th>
<th>Countries Represented</th>
<th>Farthest Distance a Student Has Traveled</th>
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<tbody>
<tr>
<td>California Western School of Law</td>
<td>1924</td>
<td>850</td>
<td>49</td>
<td>Approximately 13, including Saudi Arabia, Turkey, Iran, India, Brazil and Ukraine.</td>
<td>Two current students who arrived on campus after living overseas, one in China and one in Finland.</td>
</tr>
<tr>
<td>Thomas Jefferson School of Law</td>
<td>1969</td>
<td>1,050</td>
<td>46</td>
<td>Approximately 42, including Afghanistan, Belarus, Colombia, Malaysia and Vietnam.</td>
<td>Students have traveled from as far as Moldova and Afghanistan.</td>
</tr>
<tr>
<td>University of San Diego School of Law</td>
<td>1954</td>
<td>1,084</td>
<td>50</td>
<td>Alumni live and work in 58 countries, including Mexico, Russia, India, China, South Africa, Australia and Brazil.</td>
<td>USD School of Law has welcomed students from countries as far as India, Uzbekistan and Ethiopia.</td>
</tr>
<tr>
<td>U.S. Supreme Court Justices Who Have Visited the Campus</td>
<td>Some School Trivia</td>
<td>About the Dean</td>
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</table>
| Hon. Anthony Kennedy, Hon. John Roberts and Hon. Antonin Scalia | The historic classroom building at 350 Cedar Street was built in 1929 by the Beneficent and Protective Order of Elks to serve as their lodge headquarters. It later served as San Diego's first DMV office and as the lodge headquarters for the Freemasons and Scottish Rite of San Diego before they moved to their current facility in Mission Valley. California Western School of Law moved from Rohr Hall — on what is now the campus of Point Loma Nazarene University (then California Western University) — to its current campus in downtown San Diego in 1975. | Dean Niels B. Schaumann  
Start date: August 2012  
College and law school: SUNY College at Plattsburgh (B.A., Music), Fordham Law School (J.D.)  
Area of research: Copyright law  
Hobbies, interests: Playing the drums, stamp collecting  
Best law school course (when you attended): Remedies  
Most interesting country visited: Greece  
Interesting fact: I collect images and carvings of pigs. |
| Hon. Ruth Bader Ginsburg and Hon. Antonin Scalia | The school dug up the skeleton of a mammoth on the campus that bears Thomas Jefferson’s name, which is ironic because of Jefferson’s fascination with the bones of these creatures. The solar panels on the roof of the school produce enough energy to power 32 homes. | Dean Rudy C. Hasl  
Start date: July 2005  
College and law school: New York University School of Law (LL.M.), Saint Louis University School of Law (J.D.)  
Areas of research: Legal education, trial practice and evidence  
Hobbies, interests: Competitive sailboat racing, gardening and architecture  
Best law school course (when you attended): Contracts  
Most interesting country visited: Zimbabwe  
Interesting fact: I served 31 years as a dean of an ABA-approved school, making me the most senior dean of an ABA-approved law school in the country. |
| Hon. Antonin Scalia, Hon. John Paul Stevens (Ret.), Hon. Clarence Thomas and Hon. Sandra Day O’Connor (Ret.) | USD’s distinguished alumni include two current U.S. House of Representatives members: 2012 USD School of Law Commencement speaker Rep. David Camp, ’78 (R-Mich.), who is also Chairman of the House Ways and Means Committee; and Rep. Shelley Berkley, ’76 (D-Nev.), who is running for a seat in the U.S. Senate in 2012. If elected, Berkley will be the first USD School of Law alum to hold a seat in the U.S. Senate. In addition, Lynn Schenk, ’70 (D-Calif.) served one term in the U.S. House of Representatives, from 1993 to 95. | Dean Stephen C. Ferruolo  
Start date: August 2011  
College and law school: Wesleyan University (A.B.), Oxford University (M.Phil.), Princeton University (M.A., Ph.D.), Stanford University (J.D.)  
Areas of research: Biotech law; law firms and legal practice  
Hobbies, interests: Travel, history, cooking, golfing, swimming and watching baseball and soccer  
Best law school course (when you attended): Securities regulation with Joe Grundfest  
Most interesting country visited: Israel  
Interesting fact: My first visit to San Diego was in 1985, when, as a history professor at Stanford, I gave a lecture on chivalry at the opening of a medieval armor exhibit at the Museum of Man. |
The South Asian Bar Association of San Diego (SABA-SD) is proud to be celebrating its 10th anniversary this year.

In 2001, the South Asian Bar Association of Southern California expanded its reach into San Diego and recruited a small group of local South Asian attorneys. Upon recognizing the growing number of South Asian-American attorneys in San Diego and the need for a local chapter, these attorneys decided to form their own chapter in 2002. Since then, SABA-SD has steadily grown in number and visibility in San Diego.

SABA-SD strives to promote the professional and academic development of its members; increase the opportunities for South Asian-American legal professionals to participate in and lead civic and public affairs; support efforts to increase diversity in the legal profession; raise the South Asian-American community’s awareness of relevant legal issues affecting their interests; support public interest associations providing pro bono legal services and other grassroots community organizations serving the South Asian-American community; and serve as a resource and an advocate for both South Asian-American legal professionals and the South Asian-American community.

Over the last 10 years, SABA-SD has grown its membership to more than 100 members, and is recognized throughout San Diego as an active minority bar association with accomplished members in all areas of the legal community, ranging from government attorneys to partners at major law firms to in-house counsel at multinational corporations. SABA-SD has been an active participant in San Diego County Bar Association events, and is regularly sought for judicial endorsements in the community.

In addition to the various networking events hosted throughout the year, SABA-SD hosts events such as Chai Chat, which provides an opportunity for members to meet with a sitting member of the judiciary in an informal setting; a mentor-mentee event, which gives law students an opportunity to network with various attorneys in diverse areas of practice; and its signature event, the SABA-SD Annual Gala Dinner.

This year’s Gala Dinner will be held on October 13 at the San Diego Natural History Museum in Balboa Park. Please contact Sabina Clorfeine (sclorfeine@sempra.com) for more information about this event.

Rekha Chiruvolu (rchiruvolu@butzdunn.com) is an associate with Butz Dunn & DeSantis.
An expansive outlook:

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— Arthur Miller, Death of a Salesman

Hon. Norbert Ehrenfreund (Ret.) and attorney Peter Hughes have 104 years of legal experience between them, yet neither dreamed of being a lawyer. Here are their stories.

Journeys

BY GEORGE BREWSTER JR.

Hon. Norbert Ehrenfreund (Ret.) and attorney Peter Hughes have 104 years of legal experience between them, yet neither dreamed of being a lawyer. Here are their stories.

Photos by Barry Carlton
In high school (class of 1939), Norbert Ehrenfreund wanted to be a journalist, and wrote for his hometown paper, the New York Evening Star in Peekskill, N.Y. But he caught the acting bug and first performed during high school in a production of Room Service, based on a Marx Brothers movie. He continued this dual track of media and acting in college, obtaining a bachelor's in journalism from the University of Missouri, calling sports play-by-play for a local radio station and fine-tuning his acting skills in various college productions.

He was probably Broadway-bound, but for the war. He served in the Army, including combat in France, Germany and Austria, and left as a Captain, decorated in 1945 with a Bronze Star (Battle of the Rhine). After his service, he stayed in Europe having landed a job with The Stars & Stripes. During this time he covered some of the Nuremberg trials (21 defendants in the dock for the main trial), and sat 30 feet away from Hermann Goering, number-two man to Hitler. (Goering was convicted but committed suicide the night before he was to be hung for his war crimes.)

He met his first wife overseas, and he left Stars & Stripes to live on the Mediterranean island of Mallorca, Spain, to work on a novel. The novel was a love story (but not loved by agents), so he and his wife came back to the States where he returned to his dual career; journalism and acting.

From 1955 to 56, he appeared off-Broadway in two productions, including Macbeth. Ehrenfreund suffered no injuries during the war, but was injured in a stage sword fight with Macbeth, and still has the scar on his right hand to prove it. While in New York, he finished a novel, which was not published; at that point, with newspaper work too mundane to stay with as a career, he decided to go to law school.

He got a job with the San Francisco office of the Wall Street Journal in 1957, and attended Stanford Law School, graduating in 1959. The faculty chose him as the graduate with the most promise of bringing honor to the profession of law and gave him a $1,200 prize. He bought a car with the money and drove around the state looking for work, having in mind he wanted to defend the poor in criminal cases. Hitting the southern end of the state, Ehrenfreund decided that working for the district attorney would provide valuable trial training, and he was hired by Don Keller as a deputy DA in San Diego.

San Diego's various theaters (The Old Globe, Mission Valley Playhouse and Coronado Playhouse, among them) provided Ehrenfreund with food for his artistic soul. The Old Globe gave him its Best Actor award for his role in Incident at Vichy. He continued acting, even while assuming his role as judge, including a portrayal of Williams Jennings Bryant in Inherit the Wind, Stanley Kowalski in A Streetcar Named Desire, Willy Loman in Death of a Salesman and the old coach in That Championship Season, the last when he was 80 years old. He performed in live theater only, and loved every minute of it.

Gov. Jerry Brown appointed Ehrenfreund to the bench in 1975, and soon thereafter he was featured in the February 1976 issue of the San Diego County Bar Association's DICTA. As he stated then, and confirms now, a trial attorney's main asset is sincerity. In practice, Ehrenfreund was with the DA's office for eight years, and then the chief trial attorney for Defenders, Inc. for seven years; when appointed, he started with the family law court, then as its only judge for the entire county (now there are 23). Ehrenfreund had never set foot in family law before, and had one day to learn it — and quickly realized that having attorneys argue for only four or five minutes to decide the fate of children mired in custody battles was wrong. He brought in a psychologist to listen to the arguments and advise him, which soon evolved into a private conference between the parents and the psychologist, leaving the lawyers out of the discussion. Ehrenfreund was encouraged by the high rate of agreements reached over custody using this approach, and expanded it into the mandatory mediation program that flourishes statewide to this day. He also was the first to allow restraining orders based on battered woman's syndrome in spousal abuse cases.

He retired officially in 1995, but continued working with the courts (with the same staff) for another 10 years, and received the award of “Judge of the Year” in 2000 at the ABA National Conference of State Judges. And as icing on the cake, the Norby Award is presented locally to a family law attorney each year, named in Ehrenfreund's honor. Now, heading into his 91st year, Ehrenfreund is back to writing, currently a book of short stories. He has already succeeded in publishing three books: The Nuremberg Legacy, You Be the Judge and You’re the Jury, as well as several short stories.

“I always had these conflicts of what I wanted to be — a writer, an actor, a lawyer. Maybe if I had concentrated on one I’d have been more successful,” he says. The evidence, however, speaks for itself.

Peter Hughes

When you walk into Peter Hughes’ downtown office, you immediately see on display the gun, handcuffs and sheriff’s badge of Hughes’ great-grandfather, who was the undersheriff for Santa Barbara County at the turn of the last century. Framed nearby is a copy of a San Diego Tribune page from August 1991, showing Hughes next to a sports car, which he was then racing at speeds of 120 mph. The Yin and the Yang.

As a kid in Los Angeles, he surfed, boxed and did a lot of street racing in the Culver City area (think American Graffiti). His interest in racing developed in grammar school, when his father, who was in real estate development, accepted a midget race car as down payment for a house. From that moment on, Hughes saved his money until he was able to buy a 1937 Ford convertible while in high school, although his father did not live to see it.

Hughes’ plan after high school (class of 1947) was to get a master’s from Stanford, but in his last year he took a few law classes, and ended up with a bachelor’s in pre-law science, followed by a J.D. from Stanford (class of 1953). He was admitted to the California Bar in 1953, and sought an appointment to the Army Judge Advocate General Corps; they lost his physical and in the meantime, Hughes was drafted to the regular Army. While at Ft. Ord, the JAG commission came in and Hughes was sent to various commands, including the Pentagon to work in the Government Appellate Division of the Army JAG, trying cases before the Military Court of Appeals. He met his wife, Doris, at this time, and they married in 1956. (They now have four...
Hughes wanted to come back to California after his Army stint, and arranged for an interview with the L.A. office of the U.S. Attorney. His roommate in D.C., who worked for the U.S. Attorney General’s office, told him he’d see what he could do to help out. As it turned out, his roommate got the Attorney General himself, William Rogers, to write a personal note of recommendation to the L.A. office. An office was set aside for Hughes when he arrived, no interview necessary.

An opening in San Diego occurred in 1958, and Hughes was reluctant to travel south to that little Navy town and doorstep to Tijuana. Yet, he did and found himself, at 28, the Chief Federal Prosecutor for the U.S. Attorney General (San Diego/Imperial). A year later, after seeing what he thought were too many harsh sentences handed down for minor offenses, he left prosecution and started his career as a criminal defense attorney.

To Hughes, the law (and life) has been about people. Camaraderie is the central theme of his social and legal career. Racing cars, which he renewed in 1976 and continued until 2002 at the age of 74, was more than mechanics and speed — it was a team endeavor with his pit crew; the law, likewise, is more than the application of guidelines and trial technique.

Hughes, now nearly 84, continues his practice and remains a visible symbol of and vocal advocate for civility. He was on the founding board of the San Diego chapter of the American Board of Trial Advocates (started in 1962), President of Barristers (1961-62), elected (with Lawyers Club of San Diego’s strong endorsement) to the State Bar of California Board of Governors (1976-79) and a fellow with the American College of Trial Lawyers since 1977, to name a few of his achievements.

“There is something special about San Diego,” says Hughes, who finds within the San Diego community that a lawyer’s word is his or her bond and that “this is not mirrored in other counties.”

Hughes, an admirer and friend of Judge Norbert Ehrenfreund, was never similarly involved in the arts. “As a kid, I was assigned to sing in the choir, and after we started a song, the nun leaned over to me and said ‘It’s OK if you just hum.’” Hughes has been humming along ever since, and enjoying the ride.

George Brewster Jr. (sandbrews@aol.com) is Chief Deputy County Counsel with the Office of County Counsel.
Construction continues on the new Federal Courthouse downtown, across from the Hall of Justice.

Barry Carlton (bjcarlton@cox.net) is a Supervising Deputy Attorney General with the California Attorney General’s office.
TRAVEL: CHANGE OF VENUE

Hon. Leo S. Papas (Ret.) took a copy of San Diego Lawyer to Times Square during a visit to New York City in August. His wife, Bev, took the photo.

If you’re traveling on vacation or business, you could win a Starbucks gift card by snapping a photo of yourself and the magazine and sending it to martin@kruming.com. Don’t forget to tell us where the photo was taken. Deadline for the November/December issue is October 1.
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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.

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**NAME THAT BUILDING**

Please submit answers by October 1 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 Pieter O’Leary of Burdman & Ward, whose name was drawn from those who correctly identified the Ramona branch of the San Diego Superior Court, known as the Ramona Community Resource Center.

*Photo by Christine Pangan (cipangan@yahoo.com) of San Diego Legal Aid Society.*

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**CORRECTION**

In the July/August 2012 issue, David Seto should have been listed as the photographer for the Tom Homann LGBT Law Association annual Awards Dinner. *San Diego Lawyer* apologizes for the error.
PHOTO GALLERY

SEX, DRUGS & SOCIAL MEDIA

PHOTOGRAPHS BY ERIC GANCI

Journalists, attorneys and judges participated in a panel discussion about how new technology can make or break a case on June 20 at the Bar Center.
SERVING SENIORS
PHOTOGRAPHS BY BARRY CARLTON
Members of the bench and bar served lunch on June 19 at the Gary & May West Senior Wellness Center as part of the SDCBA and San Diego Superior Court’s Bench Bar Community Outreach joint service project.

INDEPENDENCE DAY
PHOTOGRAPHS BY ERIC GANCI
Criminal defense attorneys gathered in front of the U.S. District Courthouse downtown to celebrate the anniversary of the Declaration of Independence by reading the document.

COMICS AND THE LAW
PHOTOGRAPHS BY DAVID SETO
On July 9, the San Diego County Law Library sponsored its third annual Law & Comics panel discussion.
The 28th annual Red Boudreau Dinner was held August 10 at the US Grant downtown. Co-sponsors included the SDCBA; Association of Business Trial Lawyers-SD; American Board of Trial Advocates-SD; San Diego Defense Lawyers; Consumer Attorneys of San Diego; The Enright, San Diego, Todd and Wallace chapters of the American Inns of Court.
Giving Back
Attorney Tim Nader joined SDCBA members and San Diego Superior Court judges who served lunch on June 19 at the Gary & May West Senior Wellness Center. They’ll return on November 29 at noon.
Photo by Barry Carlton.
Barry Carlton (bjcarlton@cox.net) is a Supervising Deputy Attorney General with the California Attorney General’s office.
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