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On May 16, 2012, Lawyers Club of San Diego will celebrate its 40th anniversary as a legal association. The organization was formed in 1972 by both men and women who saw a need to promote women in the law and society. At the time there was a big push to pass the Equal Rights Amendment, which would have given women a federally protected constitutional right to be treated as equal and to bar gender discrimination. But that was not the only catalyst for the formation of the association; at the time there were many barriers to women attorneys, which included the simple ability to get work. Women were finding that no matter how qualified they were, the doors to opportunity were closed based on gender. The need for change was imminent.

Although at the time the San Diego County Bar Association had a women’s group in place, it was mostly social in nature, and women attorneys were still finding it difficult to be taken seriously by the local bar and to get elected on the bar board. Thus, a new organization was formed, and the title “Lawyers Club” was determined because it was neutral; men and women could both join, and there would be no discrimination in either direction.

Decades later, the Equal Rights Amendment still has yet to be passed; however, Lawyers Club has continued to be a catalyst for change. Over the years, Lawyers Club has partnered with minority and diversity bars to promote equality and to stamp out discrimination.

Lawyers Club also annually partners with the San Diego Volunteer Lawyers Program in sponsoring the Women’s Resource Fair to help women in need reclaim their lives. Moreover, Lawyers Club has continually been involved in many community service projects over the years helping to improve the lives of women and children.

Lawyers Club is honoring three of its founding members at the 40th Anniversary Dinner. Justice Judith McConnell and the Honorable Lynn Schenk will both receive the Lawyers Club’s Icon Award for outstanding service and dedication to the organization. Additionally, Professor Hugh Friedman (who came up with the name “Lawyers Club”) will receive the prestigious Belva Lockwood Award for his contributions and dedication to the association. For more information, visit www.lawyersclubsandiego.com.

Kelly Rand (kelly.rand@sdcda.org) is President of Lawyers Club of San Diego and a deputy district attorney.

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“We must open the doors of opportunity. But we must also equip our people to walk through those doors.” — Lyndon B. Johnson

Where we are today is a direct result of where we all have been, the people who have guided us, the organizations we became involved with, and all the obstacles we had to overcome along our individual paths to this profession. At events this year, and in our publications, I have shared with each of you my own path to getting here—from the grade school teachers who saw the potential in me that I never saw in myself, to the lawyers I met throughout my journey whose work exemplified what it means to me to practice law passionately, civilly, and with true integrity, to the leadership opportunities I was able to take advantage of along the way.

Of all the things I will be privileged enough to do this year as President, I am most looking forward to the opportunities where we can collectively make an impact on the future of San Diego’s legal community, and the greater community at large, through all of our outreach programs that aid law students, and our potential future law students and lawyers, through the SDCBA’s myriad of school outreach programs.

In this issue of San Diego Lawyer, I’m proud that we are able to showcase the career paths of several of the many successful lawyers in our community and examine their inspirations, and I hope that they are able to provide some encouragement and valuable advice for the newest members of our profession. This issue also highlights just a few of the SDCBA programs that allow us to lead others, and give back as we have received—from participating in our Mentoring Circles program, to coaching, judging and scoring teams of high school students during our annual Mock Trial Competition. Because of all that I have received, I believe it is incumbent upon us as lawyers to guide others through their journeys.

This year, I hope that you seek out a meaningful way to lead and inspire. You can find opportunities to volunteer to work with our Children at Risk Committee on their Porter Readers, Conflict Resolution or other programs at www.sdcba.org/volunteer, and you can learn more about all of our school programs at www.sdcba.org/schoolprograms. Look for more profiles to come in our member publications on how we as a legal community continue to lead, guide, and pave the path for the future.
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The Value of a Legal Education

Law school is a transformative experience measured over a lifetime

As the longest-serving law school dean in the nation, having served at four ABA-Approved schools over the past 30 years, I have seen volatile swings in the demand for legal education and employment opportunities. While the current economic climate has been particularly difficult, it’s important to review what is happening in the context of the last 40 years within the profession and legal education.

Firms have adjusted to economic realities while decreasing opportunities for in-house training for young lawyers. In response, law schools are introducing more skills-oriented courses and programs that prepare graduates for small-firm and solo-practice settings. Thomas Jefferson is developing a solo-practice track and will soon be launching an incubator program.

I want to address more fundamental questions: What is the value of a legal education, and how does one measure it? Much of the criticism about legal education and of the lawsuits filed by graduates against law schools concerns the employability of graduates at graduation or a short time thereafter. I firmly believe this emphasis is wrong-headed and dangerous. Instead, examine the span of a career to determine the value of the educational experience.

I did not expect to receive numerous offers to join firms after my graduation and bar passage, even though I had done very well in law school. My classmates felt the same, but we knew that we could use our education in so many different settings. My first job as a lawyer was during the Vietnam era, handling military trials. My education had provided the fundamental skills to represent clients effectively, and I enjoyed trial work. Although I pursued positions as a trial attorney after my service obligations, I received an opportunity I could not resist: teaching new generations of lawyers.

In those early years, we did not have a career services office. The faculty and alumni worked with students to build networks that might lead to employment. And our graduates were employed. They are now the senior partners at larger firms, or they have established their own practices. Most of them experienced transition during their first few years, until they found those special opportunities they wanted to pursue. Most significant about the educational experience is that it prepared us for a profession with ever-changing expectations. I often tell students that we are preparing them to function as a lawyer when they graduate, but more importantly to be able to function at the height of their careers in 2040, when the work environment is likely to be radically different than it is in 2012.

I was a classics major, in Latin and Greek. If I were to measure that major against employability at graduation, I would be hard pressed to justify the tuition. But as I look over a life enriched by that educational experience, I believe it was invaluable and well worth the investment. My education was a transformative experience that has provided a lifetime of rewards that cannot be measured by the initial job after graduation. Whether you use your education in the traditional practice of law, in business or in political life, the unique problem-solving and communication skills that are part of the legal education process have enduring value. At Thomas Jefferson, we observe that value in the extraordinary successes of graduates like Duncan Hunter, Lillian Lim, Marc Adelman, Bonnie Dumanis, Henry Coker and Roger Benitez.

I urge you to talk with the media and others about the value of your legal education. Share your stories of success and satisfaction made possible through legal education. Don’t allow the critics to undervalue a legal education and discourage others from pursuing the dream of becoming a lawyer. The law degree is a hard-earned achievement that continues to reward throughout a professional lifetime.

Rudy Hasl (hasl@tjsl.edu) is Dean of Thomas Jefferson School of Law.
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Duncan walked into Macbeth’s office with Sarah, their newest lawyer, close behind. Duncan started. “Uncle, we have a new client.”

“Very good.”

“Actually, it’s Sarah’s client.”

“Even better.”

Sarah jumped in. “She’s a lawyer friend. She thinks she has a wrongful discharge claim against her former firm.”

“Unfortunately. But it happens.”

“There’s a catch. If she pursues her claim, she says some embarrassing confidential information about a firm client will become public. It’s at the core of her claim.”

“I see.”

“I told her to say nothing more until we talked.”

“Very wise.”

“She’d like to settle and get this behind her. But she’ll sue if she has to.”

Duncan interrupted, “That’s why we have to talk—”

“Let’s let Sarah finish, Duncan.”

“Yes, Uncle.”

Sarah went on. “I see a couple of sticky issues. For example, can she even tell us this confidential information?”

“Excellent starting point.”

“I mean, lawyers are people. Lawyers need lawyers.”

“True.”

Duncan interrupted, “But what about the firm…”

“Let’s focus on Sarah’s client, laddie. What’s your analysis, Sarah?”

“The best I could find is a case where a former in-house lawyer at a movie studio sued her former employer/client.”

“You’ve done your homework.”

“The court said she could disclose her client’s confidences to her lawyer to get advice about her wrongful termination claim. But…”

“Ah, the all-important ‘but.’”

“There, her former employer was the client. It was its confidential information. My friend’s claim is against the firm. But it’s a client’s confidential information—not the firm’s.”

“So, where do you come out?”

“The movie studio opinion gives about as much guidance as I can find. I conclude my friend can share the former client’s confidences with us. But only what’s necessary for us to evaluate her claim.”

“I agree.”

Duncan interrupted again. “Great. We have a new client…”

“Not so fast, Duncan. Right, Sarah?”

“Yes. That court of appeal made one point very clear: It was only addressing the in-house lawyer’s consultation with her own lawyer. It was not addressing public disclosure of those confidences.”

“Your friend may bump hard against her obligation to protect client confidences.”

“What section was that again, Uncle?”

“That’s the ‘maintain inviolate’ and ‘every peril to himself’ section? I remember.”

Macbeth turned back to Sarah. “What we can do for your friend is a denser thicket. Correct, Sarah?”

“Yes. I did find a California Supreme Court decision. A former in-house lawyer sued General Dynamics.”

“Very good.”

“Obviously, if my friend can pursue her claim without publicly disclosing any confidences, she’s free to do it.”

“If course. But…”

“But if she can’t, with 6068(e)(1)’s almost-absolute prohibition, and also the warning in that General Dynamics case, I think she can’t publicly disclose the confidential information to pursue her case.”

Duncan again: “But if she has a valid claim…”

“Sadly, laddie, I agree with Sarah. O’Melveny & Myer and McDermott Will & Emery ran into similar situations.”

“Yes, I read those cases, too, Macbeth. Possibly valid claims were dismissed because the law firms said they couldn’t defend without revealing third-party client confidences.”

“We’ll hear that precise argument from your friend’s law firm if she pursues her claims in court.”

“But what about us, Uncle? Her former firm’s client isn’t our client.”

“Keen observation, Duncan. But when Sarah’s friend becomes our client, we must keep confidential everything she tells us. Including her former client’s confidences.”

Sarah nodded vigorously.

“Sarah, tell your friend we would be delighted to represent her. But she has to understand that there may be limitations on what we can do.”

As Duncan and Sarah were leaving, Macbeth looked up. “Sarah, do you have a Facebook page?”

“If course. Doesn’t everyone?”

“I see. Maybe we should have a chat about that someday.”

Edward McIntyre is a partner at Solomon Ward Seidenwurm & Smith and vice-chair of the San Diego County Bar Association Legal Ethics Committee.

The cases to which Sarah and Macbeth refer:

- Fox Searchlight Pictures, Inc. v. Paladino (2001), 89 Cal.App.4th 294
- General Dynamics v. Superior Court (1994), 7 Cal.4th 1164
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In June 1967 I was fortunate to obtain my J.D. from Loyola Law School in Los Angeles. Three years of commuting from my home in Pasadena—12 miles away but still an hour-and-a-half commute—convinced me that my fledgling legal career would have to begin somewhere else. Having spent my summers working in San Diego, I packed my car and headed south the day after graduation, without any job prospects in sight.

Within one week of my arrival I had mailed out job applications (now called CVs) to 25 to 30 local law firms big and small (most were small then). After I received not one response, a friend of a friend arranged an interview with the San Diego city attorney’s office. Mr. Edward Butler (the Honorable Edward Butler in later years) conducted the interview, along with his chief criminal deputy, Bob Fitch. I was told to show up for work as a deputy city attorney the day after I passed the California State Bar exam.

The results of the bar exam appeared in the San Diego Union in late December 1967, and my name was included, thankfully. The next day I took up residence in the city attorney’s office, criminal division, along with 10 or so other new deputy city attorneys.

As a deputy city attorney, you spent your entire day in Municipal Court litigating misdemeanor criminal matters on behalf of the city of San Diego. With less than 700 members in the local bar association, you quickly became acquainted with nearly all the trial lawyers in town. You soon came to know your fellow litigators by their first names, and most agreements were completed with a handshake.

The position of deputy city attorney in those days was anything but permanent. Many, if not promoted to the civil division, were quickly lured into private practices within a year or so by the old and new emerging litigation firms in San Diego, which probably numbered less than 50. My misdemeanor mates in the criminal division nearly all moved on to litigation firms, large and small, or started their own firms within one to two years of serving as a deputy city attorney. These included the Honorable Ned Huntington, Thomas Hendrix, William Kronberger and Bill Mudd, to name a few.

The late ’60s and early ’70s provided a fertile environment in San Diego for new lawyers, especially if you chose to work for local government entities, including the district attorney’s office as well as the newly created public defender’s office. Serving an “apprenticeship” in these offices gave you entry to the Municipal and Superior Courts and invaluable trial experience. With these experiences on your résumé, your private practice opportunities were nearly unlimited. It really was a great time to be looking for a job.

While going to work for a private law firm may result in higher initial compensation and benefits, it might take a rather long time for you to actually “get to the courthouse” if you are planning a trial practice as an integral part of your legal career. Instead, you might well consider employment at one of the many local and state governmental agencies’ legal offices, where early access to the trial court process is (at times literally) only a few steps away.

William Dougherty (douhill@aol.com) is an attorney with Dougherty & Hildre.
In the 38 years I’ve practiced law, some things have changed dramatically while others remain constant. Finding your first job as a lawyer has never been easy and has always required a lot of thought and effort. And that first job can have a dramatic effect on the career that follows. As Ray Kroc said, “The two most important requirements for major successes are: first, being in the right place at the right time, and second, doing something about it.” I was fortunate to be in the position to take advantage of that advice.

At the beginning of my second year of law school, I simply needed to work, both to gain practical experience and also because I had a family to support and economic reasons not to waste any available time. I enjoyed good grades and had taken advantage of everything the law school offered me in terms of activities and opportunities to meet others. I went through background information on local firms trying to find some connection on my résumé with lawyers in the community. When I found some overlap in interests and experiences, the name of that lawyer or firm went on my list. Ultimately I sent about 20 letters asking if they had a need. I was “in the right place at the right time” with only one firm that had recently had an internal shakeup and frankly needed some labor to get the work out the door. That $3.50-an-hour job introduced me to the practice and to a lot of people.

Based on the advice of a number of others, I sought a judicial clerkship, applying at the beginning of my third year. Perhaps the most fortunate event in my career was to be hired by the Honorable Gordon Thompson Jr. of the United States District Court. He mentored me, provided tremendous insights about what good and bad lawyers do, and gave me the opportunity to work hard to develop a love for the practice of law. Without his guidance and continuing friendship, my career would not have been as successful as it is today. To this day I reach out to him and value his advice.

Following that clerkship, many of the doors to the best firms in San Diego were open to me, and I had no difficulty finding an outstanding position. My advice to any law student embarking on a career in this profession:

+ During law school, work as hard as possible to secure the best grades you can … they make a difference to almost every prospective employer.
+ Take advantage of every opportunity to learn, expand your experience and meet people. Law review, clinics, moot court, professional organizations and social programs will make a difference.
+ Work very hard (and be efficient) on every project that comes your way.
+ Never let anything leave your desk that you are not satisfied with.
+ Find excellent mentors who will help you with the difficult decisions and assist you in finding your way. There are a host of local Bar activities that will introduce you to these people. Most senior lawyers and judges are more than willing to provide their advice.
+ Build and maintain the best reputation possible—one of integrity and honesty, coupled with the impression of being an ethical and competent attorney skilled in the areas you choose to practice. Never let a single case or client force you to take positions that you know are wrong.
+ Don’t chase dollars; they will come as the by-product of a successful practice. Build friendships and enjoy the practice.

In spite of all the changes, it is still a worthy and enriching profession for those who approach it with a professional attitude. Good luck!

Michael Weaver (mike.weaver@lw.com) is an attorney with Latham & Watkins LLP.
**1980s**

**BY SHARON LAWRENCE**

In 1987-88, when I was a third-year law student at the University of Texas and looking for a position so I could finally begin my “real” life, the hiring environment was mixed. Texas was an excellent place to find a job. In fact, I had received an offer from the corporate legal department where I clerked during my second summer. However, my plan was to graduate from law school and move to Denver. Unfortunately, Colorado was not a booming place for attorneys. An economic downturn and a major scandal had dismantled two major firms in the area, resulting in hundreds of experienced attorneys applying for the positions I coveted. Undeterred, I made several trips to Colorado to interview but received no job offers.

At that time, the university had a robust hiring program in which many law firms came to interview in Austin. Students would review the listings and place résumés in their chosen firms’ envelopes in hopes of being interviewed. I applied for many positions—mostly in Colorado and Texas. On a whim, I placed my résumé with two California firms. Surprisingly, both interviewed me. The first firm’s attorneys seemed to take perverse pleasure in reviewing my grades and telling me that I wasn’t qualified to work for them.

My grades weren’t stellar, but I was solidly in the “middle of the pack.” Although I had always been an excellent student, I found law school challenging. Knowing that I could not rely solely on my grades, I focused on two extracurricular activities: serving as managing editor of the *Texas International Law Journal* and participating in the Children’s Rights Clinic, where I represented foster children in court. I wish I could say that my participation in the latter was completely altruistic, but mostly I just wanted time in court.

The second California firm was interested in me, and after a series of interviews and a trip to San Diego, I had a job offer. The combination of a robust California economy, the firm’s vision to expand quickly and a lot of luck led to my hire.

The best advice I would give to current job seekers is to be flexible with respect to geographic location and type of practice—and to embrace various extracurricular activities. I hoped to live in Colorado but ended up in San Diego. I learned how to litigate at an insurance defense firm rather than the prestigious international corporation I had envisioned, and I now lead a nonprofit organization providing advocacy for foster children, which is very similar to the work I did at the clinic.

If I were doing it all over again, I would not choose the offer with the highest salary but rather the one with attorneys with whom I was most compatible. After all, once you get the job, you’ll spend more time with them than your family.

And remember, every experience—good and bad—helps create the person you are. Even in this tough economy, I am still optimistic that there are positions for everyone. They just may take a little longer to find.

Sharon Lawrence (sharonl@voices4children.com) is President/CEO of Voices for Children.
I thank you for facilitating and mediating between the parties and successfully communicating the various issues so that I could see benefit in settling.”

Hon. Victor Bianchini
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1990s

BY HEATHER ROSING

I have been with my firm for the entirety of my legal career. I graduated from Northwestern University School of Law in 1996. At that point, the job market was pretty good. There was a robust on-campus interviewing program at Northwestern in Chicago, and I interviewed with more than a dozen law firms during my second year of school. I accepted a summer clerkship with a big firm in Arizona for half of the summer. For the other half, I decided to intern at a public agency, to get that perspective. I was accepted to the internship program for the United States Attorney’s Office for the Southern District of California, an unpaid position.

My summer experience in California was so positive that I decided I wanted to move here. I therefore interviewed with San Diego, Los Angeles and San Francisco firms during my third year of law school and ultimately accepted an offer with Klinedinst PC, which has offices in San Diego, Los Angeles, Orange County and Sacramento. Though I had opportunities to go to several bigger firms in Los Angeles, I decided that the smaller firm environment would offer me more opportunities. I have now been here for 15 years and am very satisfied with the decision I made back in law school.

I am a shareholder, and I serve as the CFO for the law firm as well as its general counsel.

The job market has obviously become more difficult since the mid-1990s. That being said, I firmly believe that smart, hard-working and motivated law school graduates will still ultimately find jobs that best suit them and their talents. Given the current financial climate, it just requires extra persistence and patience.

My advice to law students is to really apply themselves in law school. The reality of the job market is that grades and rankings matter, so it is crucial to do as well as possible in your academic environment.

Also, it is never too soon to start networking. The San Diego County Bar Association, as well as many other local bar organizations, offers fantastic law school mentoring programs and networking opportunities. The prudent law student takes advantage of these opportunities and views them as an investment in his or her future.

Every law student should carry around business cards, pass them out freely and request business cards from any attorney he or she speaks with.

Every law student may not secure his or her dream job immediately. The key is to get some experience and leverage that experience into the ideal position and, ultimately, career. It is important, however, not to jump around from firm to firm or job to job too often, because that could negatively impact you in the eyes of potential employers.

I would urge all law students to remember that they are probably most marketable after they have a few years of experience. The first years out of law school may be difficult, but, again, if you work hard and take advantage of networking opportunities, the path to a successful career will become smoother and more obvious as time goes on.

Heather Rosing (hrosing@klinedinstlaw.com) is a Shareholder with Klinedinst PC.
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When I was 6 years old, I entered into an oral contract for a Barbie doll. I would like to think the successful barter resulted from my mastery of persuasion. The truth is that my friend simply wanted my Ken doll. In no way did I understand the concepts of mutual assent or consideration, or whether reasonably clear and certain terms existed. At 6, a contract was as foreign to me as *Hamer v. Sidway* was to a freshman studying biology.

Despite my short-lived success with Barbies, my distaste for contracts developed in my first semester of law school. The plethora of concepts simply did not click. During that semester I decided I would never work as a contracts attorney. In my last year of law school, I was extremely fortunate to intern with the in-house counsel department of a major medical device company. Here, I worked with brilliant, personable, enthusiastic attorneys for a year. My boss inspired me, and I was excited to begin each workday. Although I understood the position was short-lived, I remained confident the experience would open the right door for me.

With naïve confidence in the contents of my résumé, I applied to a dozen related jobs. It was not until I received 12 distinct denial letters that I decided to meet with my law school career services advisor. The advisor, who once served on his law firm’s hiring board, explained that sending out enough résumés to enough firms would eventually land me a great job. It was mere odds.

Fine-quality résumé paper: check. Pricey matching envelopes: check. Feeling encouraged, I sent 50 résumés to midsize firms in the areas of torts and healthcare. After several months passed, it was graduation time, and I still had not procured an attorney position, to my dismay. Denial letter after denial letter landed in the mailbox. While these firms sent extremely polite letters, the message was consistent: You seem great, but you’re not qualified enough to work here.

Soon enough, it was July, which meant time to tackle the California Bar exam. I found the results waiting period much more grueling than the exam itself. However, I used this time to contact everyone I knew in the legal field. I met with parents of former Sunday school students I once taught. I lunched with board members of organizations to which I was affiliated. I joined new organizations and attended seminars. And I am proud to say it paid off.

What I failed to accept at the beginning of my job search is the annoyingly accurate phrase, “Networking is everything.” Jobs are scarce in this economy. First-time bar passers cannot merely rely on accolades, as some of our predecessors in the legal field may have in the past. We need to network and throw ourselves into situations despite any discomfort. We are required to expand our parameters, no matter how much we loathed contracts as a 1L.

The end result is magnificent. I joined the Department of Defense more than a year ago, thanks to having met someone at a professional organization breakfast who knew someone who needed someone like me. I contribute to meaningful, exciting, worthwhile projects. And obviously, my Barbie negotiating skills paid off, because I work in the Contracts Department.

Hallie Tremaine Balkin (hallietremaine@gmail.com) is an attorney with the U.S. Defense Department.
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Why Mentor?

Three participants in SDCBA mentoring programs offer their outlooks on the many reasons to give—and get—guidance.

BY EDWARD CHAPIN

I participate in the mentoring program, along with another seasoned attorney, John Gomez. There are many benefits to interacting with the new lawyers (attorneys in practice for less than seven years) from the program. Seasoned attorneys gain a fresh perspective on the legal field, and life, by talking with young lawyers about their concerns, the experiences they are having and their respective cases. As mentors, we give insight into the trial of cases and into many other legal or litigation issues. The essence of mentoring is being able to provide the young lawyers with our been-there-done-that guidance and experience.

One important aspect I generally focus on with my mentees is confidence building. The young folks in the mentoring program are bright, eager, hardworking and industrious. However, as new lawyers, many of them lack confidence. As mentors, we give encouragement and help build the confidence necessary to “slay the dragon.”

Another benefit of the program is the human component of the interactions. Younger lawyers sometimes hold more experienced lawyers in a special light or look at us as though we are untouchable. We aren’t untouchable; we are human beings. Just meeting us and hearing our experiences shows the mentees that everything they are experiencing is stuff we went through as well early in our careers. Hearing our experiences and how we handled certain situations gives young lawyers ideas on how to handle their own situations.

Edward Chapin (echapin@cfslawfirm.com) is an attorney with Chapin Fitzgerald Sullivan & Bottini.

BY RACHAEL CALLAHAN

There are two mentoring programs that are partially administered by the New Lawyer Division of the San Diego County Bar Association: the NLD Mentoring Circles and the NLD 3L Law Student Mentoring Program.

The NLD Mentoring Circles forms groups of new attorneys interested in specific practice areas so that these attorneys can learn from one another, share information and help each other to grow as attorneys, thus bettering the entire San Diego legal community. Each circle has at least one experienced attorney, who graciously gives his or her time to support the circle and to elevate the competence, professionalism and success of the group members. The experienced attorneys guide discussion, highlight network opportunities and contribute as much as they can, given their schedules.

To enroll in the program, both experienced and new attorneys complete a simple online application on the SDCBA website. A kickoff event initiates the program, so everyone can meet and greet. In 2011, the kickoff was at Maria Maria’s in Mission Valley in March, with a follow-up event about halfway through the year at Vin de Syrah.

The NLD 3L Law Student Mentoring Program (new in 2011) has the same format as the NLD mentoring circles and is designed to bring together law students from the different law schools and ease the transition from one mentoring program to the next. The key difference with mentors in this program is that anyone (including NLDers) with at least two years of experience can act as mentors to the law students. As with the NLD Mentoring Circles, the participants apply online. The kickoff event for this program was held at The Local downtown this past October.
With the support of the legal community, both programs continue to grow, as do the benefits to members and the community as a whole.

Rachael Callahan (rachael@rachaelcallahan.com) is a sole practitioner.

BY KEVIN MURPHY

As one of two attorneys in a firm concentrating in a niche area of the law and representing clients in both California and Nevada, I find the guidance of experienced California mentors integral to my success. As a partner at a two-person, two-state firm, I do not have access to “big firm resources” and benefit greatly from access to seasoned attorneys through the NLD Mentoring Circles.

My clients also benefit from the knowledge I acquire, including fee savings from greater efficiency and more favorable results. The NLD mentoring program allows me to build relationships with knowledgeable, professional, credible and exceptional practitioners who generously help me avoid making mistakes. Without their guidance I would have to “get burned” to acquire what seems like common sense to a seasoned attorney.

When it comes to personal and individualized substantive legal education, I believe the NLD mentors go above and beyond expectations to help their mentees. It has been my experience that in these intimate mentoring circles, the seasoned attorneys offer the NLDers (attorneys in practice for less than seven years) as much help as we want and are willing to ask for. Because of their experience, the seasoned attorneys can answer virtually any question we may have in less than five minutes—questions we might otherwise spend hours or even days trying to figure out on our own.

The relationship facilitated by the mentor circles is not just a one-way benefit to the new lawyers in the group. In fact, leaders of both circles in which I am involved (Healthcare Law mentor Janine Sarti and my PI Law mentors Ed Chapin and John Gomez) have told me the program produces a mutually beneficial symbiotic experience. NLDers benefit tremendously from the mentors’ experience and wisdom, while the mentors benefit from our enthusiasm, fresh perspective and ambitious drive. It is a wonderful opportunity for attorneys to collaborate and to reinforce the optimism and desire to make the world a better place, which caused both mentors and mentees to choose this noble profession in the first place.

In addition to participating in the mentor circles, I am an attorney mentor of the NLD 3L Law Student Mentoring Program and have been involved since I first participated as a 3L five years ago. This program offers law students access to practicing attorneys and is designed to facilitate the transition into legal practice. Lawyers share their experience of making the transition from student to attorney and provide assistance so that the transition happens successfully. The 3L program benefits the new lawyers as well, by facilitating positive networking, relationship building and camaraderie amongst newer practitioners.

I am extremely appreciative to participate in our mentoring programs, and I have personally and professionally benefited from them tremendously. I strongly encourage NLD practitioners and students to utilize these remarkable resources and to “give back” by continuing to participate in mentorship throughout our careers.

Kevin Murphy (kcm@murphyjoneslaw.com) is an attorney with Murphy Jones Law LLP.
After a season full of heated battles and nail-biters, the championship was coming down to the last matchup. I had lost the prior week, setting up a final battle between the two contestants with the top records.

At the beginning of the season, I had compared my players with those of my opponents and didn’t think I stood a chance. Upon further inspection, however, I realized I had a full arsenal at my fingertips, and it took only a few keyboard strokes and mouse clicks to put the pieces in place. Before I knew it, I was accumulating victory after victory, thanks to the extensive assortment of players I was surprisingly familiar with.

All it would take was one final victory, and the trophy (in the form of a new iPad) would be mine. Since it was the season’s last week, however, most of the obvious players who had guided me to victory in prior weeks could not be used. It was going to take some thought to dig deep into my roster.

So did I win my fantasy football championship? That’s actually a different story. But I did win my firm’s fantasy football-style business development competition and its shiny iPad trophy. More important, I shed any remaining fear of networking and business development while reestablishing and strengthening a wide variety of professional relationships.

It was a fantastic exercise, and once I made a detailed list of my professional network, I surprised myself with just how many acquaintances I actually had. The primary goal of the contest wasn’t to bring in business, per se, but to motivate people to explore and develop their professional relationships.

When business development was first discussed as something I needed to start focusing on, I dreaded the thought of attending random events and schmoozing to try to drum up business. But as I quickly discovered, business development takes many forms: taking a friend or old colleague to lunch; attending college and law school alumni functions; taking a client to a Padres game; volunteering; or attending bar association or other industry events. It doesn’t have to be a plea for business, a position with which many people are uncomfortable. Rather, the primary focus of such activities is simply developing relationships, both personally and to advance a mutual understanding of one another’s business. As it turns out, business development can actually be fun! And it pays off immediately in an attorney’s professional development and could lead to a business relationship the next week, next year or even 20 years down the road.

When I emerged from law school into a San Diego legal market fueled by the technology boom of a decade ago, clients were lining up around the block. There was no need for young associates to concern themselves with business development. As the billable hours were piling up, the sole emphasis for young attorneys was developing their legal skills and experience. I don’t even recall hearing the term “business development” until perhaps my third year, and it was not emphasized until after my fifth year, when expectations of client development began to materialize.

When the economy started crashing a few years ago, clients increasingly scrutinized legal bills, sought alternative billing formats and managed more and more legal issues in-house. Business for lawyers quickly became a lot harder to come by, and client concerns about outside legal services have yet to fully recover. Consequently, new attorneys are expected to not only have business development skills from the outset but to utilize them by attending functions and otherwise developing professional relationships. Successful first-year attorneys routinely supplement their billable work (still just as strongly emphasized) with dinner functions, industry seminars, lunch meetings and new-client outreach in order to showcase and refine their business development skills.

Even law students are being evaluated for business development potential. Law firms often craft interview questions to test whether students have characteristics that can be refined into valuable business development skills. As a result, law schools are increasingly
emphasizing the networking skills that tend to blossom into business development success, as well as the methods by which students can cultivate those skills.

Fortunately, students should already be naturally developing this competency as a part of their summer and post-graduate job search. The most important tool in that job-search arsenal is networking, and students are constantly reminded to research potential contacts and develop those relationships, both for leads to possible jobs and to gain knowledge of particular practice areas that can help guide them down the most suitable career path. Law students have a vast array of resources: reaching out to alumni; attending law school events and panels; attending local bar association mixers or CLE events; using LinkedIn and other professional networks to find new contacts; and even just discussing careers with other students.

If law students are diligent in their outreach and thereby practice the skills involved in successful networking, they will have a wonderful head start when they begin their careers as practicing attorneys. They might not win a new iPad, but they may get a new job, a new client or, at the very least, a new acquaintance.

As for my fantasy football season, let’s leave that in the past. Thanks a lot, Eli Manning.

Stefan Teichert (steichert@sandiego.edu) is the IP Law Career Specialist at the University of San Diego School of Law.
Once, wearing a fanny pack was thought to be a nerdy thing to do. Now, a Bluetooth earpiece is seen by many as the new nerdy trend. My friends and colleagues joke about me being that annoying guy who is always wearing an earpiece.

The problem is that I am always driving, so I need my earpiece to talk on the phone legally. I spend almost no time in my physical office. The majority of my talking is done in the car between court appearances. Such is the life of a criminal defense attorney in San Diego.

I opened up my own office a year ago after working at a large firm here in San Diego. I graduated from Thomas Jefferson School of Law, and I handle only criminal and DUI cases. In order to be successful in this business, you need to be mobile.

In the last year I easily put more than 35,000 miles on my car. In San Diego there are five courthouses I appear in regularly: Vista, El Cajon, South Bay, downtown and Kearny Mesa. I live in North County and have offices in Vista and in Mission Valley. My day consists of appearing in court in the morning and afternoon for my clients—and driving, of course.

Many times I need to be in the Vista court at 8:30 a.m. then drive to El Cajon by 10. After court I usually rush to one of my offices to meet with current clients or a prospective client. I try to meet clients in the office that is most convenient for them. Unfortunately, it’s not always convenient for me.

Because I am a solo lawyer, I try to handle as much as I can with little or no legal staff, to keep my overhead low. That means I have to drive to courts to pick up discovery when it becomes available, file motions, meet clients in jail, drive to the scene of a crime, meet a colleague for lunch or cover a court appearance for a colleague.

A recent Friday, for instance, I had to be in court downtown for a review hearing. I drove there from my home in North County (35 miles), then I filed a motion in Santa Ana (89 miles) for a case I took out of county. I rushed back to Vista to pick up discovery for a client I was meeting later that day (62 miles). I then drove to Mission Valley (38 miles) to meet my client; while there, I was called by a reporter from San Diego 7 News to come to El Cajon (13 miles) to appear on the news that night for a story they were doing on a police officer. I then drove home to North County (39 miles) for a total of 276 miles in one day.

Now that was a busy day, but my other days are usually just as busy. I even drive to meet clients on the weekends.

I love what I do. I love being a criminal defense attorney. And I love my Bluetooth earpiece.

“Driving Ambition” This defense attorney gets a lot of mileage out of his job

BY BRADLEY CORBETT

Bradley Corbett (bradley@bradleycorbettlaw.com) is with the Law Office of Bradley Corbett.
The Mileage Log

35
North County to Downtown

89
Downtown to Santa Ana

62
Santa Ana to Vista

38
Vista to Mission Valley

13
Mission Valley to El Cajon

39
El Cajon to North County

276
total miles driven in one day
Motion from Montana
A transplant from Big Sky Country finds San Diego’s big heart

BY ABIGAIL DAYTON

When I left Missoula, Montana—home of the U of M Grizzlies, actual grizzlies and the only law school in the state—for San Diego, I arrived with no job, no friends and almost no idea what to expect. Here’s a better picture of the transition: The University of Montana School of Law graduates around 80 students a year, and the Montana Bar Association has approximately 3,500 active members. Add the fact that everyone knows everyone else (really), and all you have to do is walk out the door to have a variety of legal connections at your fingertips. My biggest hurdle in San Diego, I thought, would be finding connections as readily abundant to me as in Montana.

Coincidentally, I had a San Diego connection before I even moved. An attorney at the firm where I worked in Montana had spent the first five years of his career here. With his help, I met a local practicing attorney last spring. My Montana colleague also advised me to join the San Diego County Bar Association. From there, I discovered the Lawyers Club of San Diego and enrolled in that, too.

A few days after my arrival on October 1, I attended a speed mentoring event and met a reference librarian from the San Diego County Law Library, who recruited me to volunteer. I also met several attorneys eager to show me the ropes of being a lawyer in San Diego. In fact, every professional I met that night was energetic and helpful, offering supportive career and personal advice.

As I continued attending events, I started to see the people whose names I had previously come across. I was able to mingle with judges at the Lawyers Club reception honoring the judiciary. I even had the opportunity to sit next to a civil court judge at the SDCBA’s Bench-Bar Luncheon. In a few short weeks, I encountered many professionals eager to share job-hunting tips and advice for living and working in San Diego. I also met an attorney who knew the lawyer I had worked with in Montana. Connections were popping up at every corner, and suddenly the size of San Diego’s legal community didn’t feel so big.

Though the networking scene was buzzing, the job market was still dismal. Most recent graduates I met were working two positions, volunteering in what little free time they had between document review and clerk work. I was worried about being a new fish in a big sea. But San Diego’s welcoming attitude surprised me once again, and I found myself starting in an associate position this January, luckily.

Turning my focus from job hunter to new attorney, I look forward to developing my place in San Diego as a young lawyer, meeting new professionals, forging deeper connections with those who were such a great help when I first arrived—and finding ways I can give back to this regional bar for what it has given me.

I will miss Montana, its exceptional attorneys and, of course, the mountains, but I am excited and thankful for the San Diego legal community’s abundant resources. Those resources made Big Beach Country feel a little bit more like Big Sky Country—and a place I’m excited to now call home.

Abigail Dayton (abigail.dayton@gmail.com) is an associate at Horton, Oberrecht, Kirkpatrick & Martha.
“If we do not maintain justice, justice will not maintain us…”

-Francis Bacon

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The Crime Victims Fund
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Hannah’s House
Home of Guiding Hands
Homeless Court
International Rescue Committee
Kids Included Together
Kids Turn San Diego
La Cuna, Inc.

Labor Training and Community Development Alliance
Law Netanyahu
Legal Aid Society of San Diego
License to Freedom
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Despite occasional signs of optimism, the economic downturn has resulted in a prolonged period of stagnated growth for the law firm industry in the United States. After an era of seemingly unbounded prosperity following the dot-com crash around the turn of the millennium, law firms sank quickly in the face of the credit crisis in 2008 and have struggled to regain momentum. And yet, as I described recently to a group of San Diego managing partners, Southern California firms appear to be doing better than the country as a whole. Will they be able to retain that edge and lead the industry out of the recession? Perhaps.

The U.S. legal market is looking bleak on several fronts. Peer Monitor data, provided by the Thomson Reuters legal benchmarking service, shows that demand for legal services from law firms remains sluggish and shows few signs of a strong revival in the near future. Although demand was a bit stronger in the beginning of 2011, by summer, concerns about a European debt crisis and continuing problems in the U.S. economy started to reverse the tepid growth seen in the first part of the year—particularly in corporate and transactional practices. This continued weak demand means it has become harder for firms to grow their revenue. As total market growth remains flat, firms need to find ways to enlarge market share to continue to increase their top line revenue. This quest for growth may be one reason we are seeing an uptick in mergers and lateral hiring. Firms are also increasingly looking outside U.S. borders for growth in Asia, South America and other emerging markets.

A second issue concerns expenses. In the wake of the immediate shock of the credit crisis, many law firms took steps to cut expenses. Peer Monitor data show that expense spending bottomed out in 2010, as cuts in associate and staff ranks and...
Across the country, litigation hours have increased modestly; IP litigation, in particular, has seen a rebound. Southern California has grown substantially more in both areas than the rest of the country.

Budgets took hold. However, starting in the fourth quarter of 2010, direct expenses, in particular, have started to rise again and, as of Q4 2011, were about 5 percent higher than a year earlier. Why? One factor is certainly the fact that projects deferred in the wake of the crisis have started to come due. An organization can only put off software upgrades, etc. for so long before they start to have a measurable impact on the business. A second, and more serious, issue for expenses is the cost of leverage. As law firms have gotten more disciplined about who they allow in their equity partner ranks, the percentage of non-equity lawyers has skewed over time away from associates toward more expensive lawyers, such as counsel and income partners.

Falling realization is the third economic issue facing U.S. law firms. Although firms have continued to raise their standard rates, clients have been less willing to pay those rates, resulting in a realization rate (collection over standard) of approximately 84 percent, a good 10 percentage points lower than rates typically seen prior to the downturn. This 10 percent decline has had a material impact on revenue, resulting in lower return on effort for billable work and putting further pressure on law firm financials.

The combination of falling realization with rising expenses and weak demand growth persists in making life difficult for law firm leaders, partners and staff. However, the data suggest Southern California firms are recovering more quickly than the rest of the country. Before I explain, let’s first take a quick look at the dataset. The Peer Monitor dataset for Southern California consists of 58 law firm offices, 36 of which are AmLaw 100 firms, 18 AmLaw second 100 firms and four “mid-sized” (i.e., not ranked in American Lawyer) firms. While clearly skewed toward larger firms, it still gives us important indicators about the health of the market overall, particularly over time.

How have Southern California firms fared? According to Peer Monitor, they are enjoying stronger demand growth than in the rest of the country. Whereas the U.S. as a whole had stable demand for 2011 over 2010, Southern California offices saw an approximately 3.5 percent increase, resulting in nearly 7 percent more fees worked (defined as worked rates times the number of hours).

What is driving this increase in demand? Across the country, litigation hours have increased modestly; IP litigation, in particular, has seen a rebound. Southern California has grown substantially more in both areas than the rest of the country, with general litigation growth around 7 percent versus about 2 percent in the nation as a whole, and IP litigation growth in Southern California around 18 percent versus less than 5 percent. Furthermore, litigation makes up 60 percent of the Southern California legal market, a substantially larger proportion than the country as a whole, where IP and general litigation are only about 38 percent of the market. This strength in litigation outweighed higher declines in the areas of structured finance and capital markets (both down over 15 percent in Southern California in 2011 versus less than 5 percent decline in the rest of the country). These two transactional areas make up only about 5 percent of the Southern California legal market for Peer Monitor firms, so those declines had a limited impact.

While the demand numbers look relatively strong for the Southern California market, SoCal firms certainly are not immune to the financial challenges facing the country’s legal market as a whole. Realization rate decline, for example, has largely kept pace with the overall market. One benefit for Southern California is that rates are somewhat higher to begin with (about $25-$35 higher per hour on a blended basis), so the collected rate is higher than in the nation in general. Furthermore, while demand increases have outpaced the rest of the country, so has the number of lawyers employed in these firms. The number of lawyers working in Peer Monitor firms in Southern California was about 3.5 percent higher than 2010, while the country as a whole remained relatively flat.

Lisa Rohrer (lr590@law.georgetown.edu) is Director of Executive Education and Research Fellow at the Center for the Study of the Legal Profession at Georgetown University Law Center.
BEYOND BORDERS

San Diego lawyers find international work inspiring

BY PAMELA WILSON
Joy Raha knew she wanted to work abroad after graduating from California Western School of Law. With no job offer, she strategically chose Geneva, Switzerland, and moved there in 2008. Her belief in and focus on her goal paid off: For the past two years she has been legal counsel at the Geneva Chamber of Commerce, administering international arbitration and mediation cases.

Licensed in New York state, Raha loves the excitement of working in Switzerland. “It’s very global,” she says. “More than 95 percent of our cases involve non-Swiss parties. And since Switzerland is in the heart of Europe, it’s easy to call China or Singapore in the morning and the U.S. in the afternoon.” Working at the chamber provides an unparalleled exposure to different cultures.

San Diego attorneys working outside the United States—whether for lengthy stays or regular visits—often have formative experiences in common. Many are first- or second-generation Americans who absorbed a love of cross-cultural experiences in childhood.

A partner at DLA Piper, Beni Surpin counsels international companies on intellectual property, technology and commercial transactions. Born in Brazil, Surpin lived in Israel as a child and moved to England with his family at 12. After studying law at Cambridge University, he worked at a London firm, Norton Rose, before moving to San Diego, his wife’s home. International experiences and connections naturally led Surpin to clients whose work takes him all over the world.

“A huge chunk of my practice is international,” the Oxford graduate says. “I go to China every three months. The next four months, I will be on a plane more often than not. London, Greece, Nairobi, Brazil … I achieve a heck of a lot more, face-to-face, than via e-mail. [For] some deals to get finalized, face-to-face goes a long way.”

Like Surpin, Raha grew up exposed to multiple cultures, living first in the United States and then in Canada. Her father was from India, her mother from England, giving Raha family ties all over the world. But it wasn’t just those connections; Raha methodically prepared for an international career from a young age. She studied Spanish in Mexico during high school, French and Italian in France and Italy during college, and she interned with a development agency in Cambodia. In law school she focused on arbitration and mediation and authored several journal articles related to domestic and international health issues.

Law students and attorneys interested in working abroad can learn from Raha’s strategies. “It helps to have a strong understanding of other countries’ laws, via international law courses,” she believes. “It is also important to focus on the type of law that interests you and then to research a city where there are opportunities in that area.” Geneva is well known as a neutral city where there are opportunities in that area. Despite a report in last November’s American Bar Association Journal that U.S. lawyers face heightened barriers to practicing abroad, many San Diegans have found their law degrees and bar licenses have opened doors to careers overseas. Most agree that fluency in at least one foreign language vastly improves an attorney’s chances of succeeding globally. Denise Pirrotti Hummel, a San Diego–based international business consultant, started foreign language study as a child. “My father was very passionate about Italy and took us there every vacation. He spoke Italian in the home, and I developed a fascination about how other people live.”

Pursuing that interest, Hummel landed a legal job based in London soon after she graduated from American University and passed the New York bar. After 13 years of practice, mostly in the United States, Hummel and her family moved to Italy for an immersion experience. A planned one-
year stay stretched to three, and lessons learned prompted Hummel to launch Universal Consensus, the consulting business that now allows her to work across the globe. It’s vital, she says, that attorneys and businesspeople “understand the underlying cultural motivations of your counterparts.”

Hummel and other lawyers who work internationally say business negotiations can be derailed if Westerners fail to adapt to local cultural expectations. “What is generally considered American initiative here has been translated as arrogance abroad,” Hummel has found. “We are taught as Americans to always convey 100 percent confidence in everything we do. [But] that general demeanor is often translated as arrogance. One of the challenges is adapting, localizing to the particular culture you are doing business in. It takes time, careful observation and training.”

Kam Li, a Hong Kong native and University of San Diego law graduate, tackles cultural differences from the other direction, encouraging lawyers licensed in China to think more like Westerners. A partner at Procopio, Cory, Hargreaves & Savitch, Li spends much of his time in Asia, managing teams of local attorneys who represent foreign companies doing business in China.

“There are significant differences in the way we embrace the practice of law,” he says. “China is a civil law country, [and attorneys are trained to] ‘go by the book,’ seldom creatively thinking.” Conversely, under U.S. and English common law systems, lawyers are taught to cite cases and apply reasoning to resolve disputes. “They do not do that in China,” Li notes. “We have to tell them, ‘You are the advocate for the client; you are no longer the advocate for the state.’” At the same time, he emphasizes, U.S. attorneys overseas must be culturally sensitive. Li says, “You have to treat [resident attorneys] very carefully.”

Mexico City native Enrique Hernandez-Pulido, also a partner at Procopio, has discerned cultural variations through his cross-border work as well. “I have clients in the U.S. I’ve never met or even spoken with on the phone. I call them my cyber-clients,” he says. In contrast, “As to my Mexican clients, there is not one I haven’t met personally before being engaged by them. It’s not enough—a phone call or even a video conference. They want to see you, look you in the eye, to establish a trust relationship.”

Hernandez-Pulido graduated from law school in Mexico City, worked in tax and finance agencies and then entered the International Tax Program at Harvard on a government scholarship. Upon his return to Mexico, he was recruited to that country’s equivalent of the FDIC. There he helped liquidate failed banks, “similar to what happened here just a few years ago.” When that project was complete, Hernandez-Pulido thought seriously about his next career move and ultimately decided he wanted to work in the private sector.

“Procopio made the best and most intriguing offer,” he recalls, “practicing international tax planning.” But it came with a catch. “One minor issue, in my offer letter, that I didn’t pay too much attention to: They wanted me to pass the California bar.” With self-deprecation, he now says, “[I thought] ‘How hard can that be?’ It took two years! I had to study while working and raising a family here. But it was a wise decision.”

Licensed in Mexico and California, Hernandez-Pulido regularly helps clients in both jurisdictions. “Sometimes I’m in Mexico, and while there I am usually giving advice on U.S. law. While I am here, I often speak and advise on Mexican legal issues.” He also has clients who have business in China and has been hired by Chinese clients with business in Mexico. “Once you start working in this [international arena], it just broadens, and some of your skills are transferrable to other jurisdictions.”

San Diego academics also find scholarly experiences abroad valuable. Professor Linda Keller of Thomas Jefferson School of Law (TJSL) is currently a visiting professional at the International Criminal Court (ICC) in The Hague, Netherlands. Keller will spend six months as a research attorney for a presiding judge in the pre-trial criminal division. This January, her chambers issued decisions...
charging four Kenyan leaders with crimes against humanity, arising from violent clashes after Kenya’s 2007 presidential election that left more than 1,000 people dead and 600,000 displaced.

At the ICC, Keller has “the chance to work on important cases with an amazing array of lawyers from across the world.” She looks forward to bringing her experiences back here. “Students in my international criminal law class and other classes will benefit from my greater understanding of how the ICC actually works. I expect it will also contribute to my scholarship on international criminal law.”

Since 2002, Professor William Slomanson, also at TJSJL, has spent summers in the Republic of Kosovo as a visiting professor at Pristina University. Funded by the Netherlands government, the program supports educational reform in former Yugoslavian republics that were devastated by war and ethnic violence in the 1990s. The work is a perfect fit for Slomanson, who first became interested in post-conflict societies during his Navy service. Now in his 30th year of teaching, Slomanson is currently preparing the seventh edition of his textbook, *Fundamental Perspectives on International Law*.

For students and attorneys considering work overseas, Slomanson has practical advice. “Major in a foreign language or history. Take the civil service exam, or go into JAG [the Judge Advocate General’s Corps]. Join the international sections of the San Diego County Bar Association and the World Trade Association.” Opportunities can be found in the military, intelligence agencies, diplomacy or the State Department. Private-sector options are also expanding. “An increasing percentage of law firms have international practices,” he says. With eight U.S. states adjacent to Mexico, firms are “doing more and more cross-border work.” Slomanson is a devoted advocate for cross-cultural experiences and maintains a listing of global legal career resources at www.tjsl.edu/slomansonb/career.html. “The greatest value I have derived from my international work over the years—teaching abroad, dealing with foreign diplomats and educators—has been the mutual exchange of ideas and values, which suggests that the perceived differences are far greater than actual differences,” he says. “At the end of the day, we are all members of the same family.”

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The SDCBA’s International Law Section is co-chaired by Karla Pinckes (karla.pinckes@kenblanchard.com) and Lamia Dalichaouch (idalichaouch@gmail.com).
Large law firms dissolve, leaving hundreds of lawyers to fend for themselves in an extremely competitive legal market. Other firms lay off, fire or give performance-related notice to numerous associates. What do you do if you are one of those laid-off or fired lawyers?

First, take a deep breath.

Law firms’ and corporations’ supposed rationales for terminating their lawyers differ greatly, depending whether you speak to management or read the law blogs. Although some firms are candid and say that staffing cuts stem from a lack of business or internal issues caused by volatile financial markets, others insist discharges are performance-based and not motivated by budgets.

If you’re given notice by your employer, does it matter to you whether you’ve been downsized or fired? It should, since the story you tell during your next interview will be influenced by the reasons you are no longer working for that employer.

For example, if you previously worked for an imploded firm, a potential employer won’t presume that you individually contributed to the demise of the firm—and therefore, you shouldn’t have to explain your current unemployment. On the other hand, if you were fired or given performance-based walking papers you feel were inaccurate, you need to prepare a brief, reasonable explanation, indicating that your previous reviews were good until the firm decided to downsize.

**NO NEGATIVES**

Whatever you decide to say about why you are no longer employed, it is important to avoid negative comments about your former workplace. No employer wants to be exposed to another’s dirty linen. A prospective employer also won’t want the impression that if you are hired and your relationship with the new job sours, you might soon be airing sordid stories about this firm, too.

No matter how valid your complaints are about your previous work or employer, an outsider hearing those complaints may wonder if you didn’t share in or even create the difficulty. This can become especially problematic, because if a negative
If you’re given notice by your employer, does it matter to you whether you’ve been downsized or fired? It should, since the story you tell during your next interview will be influenced by the reasons you are no longer working for that employer.

perception is planted in the interviewer’s mind, any related issue occurring later may be filtered through that perception. And complaints about a former employer often are viewed as excuses, not facts.

Instead, evaluate beneficial aspects of your previous employment: what you learned, what responsibilities you were given, what successes you had, what depth or breadth of expertise you developed. Select remembered quotes from any positive performance reviews. This gives you the ability to make some promotional comments when speaking about your former position.

CHANGING FIELDS

What if your practice area is one in which work has dried up? How do you get a potential employer in another field to interview you in this tight market? One way to make yourself more marketable is to examine the tasks you have performed and analyze the skills used.

You may find, as did one of my clients who was downsized as business fizzled during the past several years, that your skills and knowledge base are transferable to a burgeoning field. Ray (not his real name) had been doing big-ticket mergers and acquisitions when his entire department was laid off for lack of work. Our analysis of his skills and experience indicated he would both enjoy doing and have the background for corporate restructuring, a booming practice area because of the financial meltdown. The only initial downside for Ray: His new job paid substantially less. But he knew that within a few years his income would increase.

Because of the similarities between his previous work and his new field, Ray’s transition was relatively painless. But what if your skills and knowledge don’t segue quite as smoothly into a currently viable practice area? Once you find a practice area you’d like to pursue, try to find someone who works in that area and either volunteer or ask to work as an independent contractor for that person or firm in order to get relevant, current experience for your résumé.

CREATE YOUR JOB

One proactive method for securing work is to solicit or create a job. A client I’ll call Shelly had a background in mergers, securities and litigation. She consistently read the business journal in her city, and whenever she saw an article about a company that had a problem in her areas of expertise, she would write the CEO of that company, suggesting that she had ideas that might contribute to a solution.

Shelly was successful in securing appointments with several CEOs. Some just wanted free advice, but a few were impressed with her ideas and knowledge and engaged in serious discussions about how they could work together. She eventually accepted a job as in-house counsel for one of those CEOs. This resourceful tactic initially impinging upon Shelly’s unpaid time and energy, but it resulted in a productive outcome.

Some of my clients are using their suddenly available free time for an in-depth evaluation whether they want to continue to practice law. A number of them have moved into new careers, including development work for a non-profit organization, becoming a licensed therapist, working as a risk manager for a hospital, doing sales for a CLE provider, starting a small business and working in a law firm as a legal recruiter/professional development manager. Perhaps this would be a good time for you, too, to consider where you see yourself in five or 10 years. Your layoff or firing might be used as a catalyst for changing direction to one of more interest to you.

Once you decide what field (in or out of law) you want to pursue, it is crucial to analyze the skills used in your previous work and discover how they would be applicable to the new area. If need be, take education courses in your preferred area to help you sound knowledgeable when you interview. You might also join a relevant professional association so that you can meet others in your new field and read, in the association’s publications, about important issues in that field.

If you decide to stay in law, it can be productive to cultivate networking contacts. Obtain a copy of the alumni list from your law school (even if you went to school outside of San Diego—people move here from all over) and check in what fields those alumni practice. Contact those in your preferred area. Also contact lawyers you knew when you did practice, as they are good references and may know relevant contacts in new specialties.

Make yourself visible by becoming active in your local bar association, especially in the sections or the practice areas in which you are interested. To make good contacts, go to the meetings and talk to the practitioners. To get yourself noticed, write an article on your topic of interest for the relevant bar section publication (this can also be done for a non-law publication, if you decide on a job outside of law).

Whether you stay in law or leave, don’t overlook the people you meet through your children’s school, your church or synagogue, your activities and your clubs, because some of these people might work in your preferred field or know others who do. More than 70 percent of jobs are obtained through word of mouth (rather than from advertisements or websites), so the more people with whom you interact, the more information you glean.

NETTING WORK

Some job seekers successfully use the Internet for their job hunt. There are numerous websites listing openings in every field, including legal positions. If you are interested in an in-house position or a non-law job with a corporation, don’t just check the want ads; also go to the websites of companies where you might like to work—they often list their openings.

Federal government jobs can be accessed at usajobs.gov. For each state, county, city and town, you can locate a job-listing website. Also check with friends who work for a governmental entity; often, news about an opening is passed around within agencies before it becomes public.

Trying to find a new job in this tight market is generally neither fun nor easy, but with perseverance and creativity, a number of my clients have made effective and satisfying transitions. You can, too. Just remember to take that first deep breath.

Hindi Greenberg (hindi@lawyersintransition.com) is President of Lawyers in Transition.
THE BRIGHT STUFF

The annual San Diego County High School Mock Trial Competition lets students shine in a courtroom setting

BY ALICE SOLOVAY

Photographs by Barry Carlton, Steve Silva and Michelle Chavez
On February 11, after nearly four months of preparation with attorney coaches and teachers guiding students through legal tactics and courtroom protocol, more than 300 students gathered at the San Diego Superior Courthouse to argue their cases in the 2012 San Diego County High School Mock Trial Competition. The Bishop’s School was ultimately chosen as the winner of the competition and will go on to the state rounds in Sacramento, March 23-25, yet all of the students, teachers and attorney volunteers who participated in the program were true champions for the importance of our justice system.

This marks the sixth year San Diego has participated in the program, and the competition has grown tremendously in that time. This year’s contest attracted 19 schools, six more than in 2011. The participating schools come from all over San Diego County, representing all economic levels. Student participants enjoy fun and competition at the Mock Trials; some even find the inspiration to go to college with the intent of becoming lawyers.

“I have thought about this outstanding competition numerous times since I judged the final round, and I am still blown away that these were high school students. Many of them were better than law school finalists in moot court competitions,” says Harvey Berger, attorney volunteer competition scorer. “Just today I was talking about them at lunch and thinking what great lawyers these kids could be.”

What culminated with a final round of arguments in Judge David Gill’s courtroom all began last fall when schools throughout California received the same criminal hypothetical from the Constitutional Rights Foundation. From that time, teachers and volunteer attorney coaches worked with the students on a weekly basis to prepare for the competition at the downtown Superior Court.

The competition, held in several courtrooms before Superior Court judges and commissioners, involved three rounds of mock trials. Law school students and JusticeCorp members (students attending UCSD and Cal State San Marcos) served as courtroom monitors. About 100 volunteer attorneys scored the mock trials, with a large crowd observing the competition.

The competition “has given students an outlet they didn’t have before, for team-building debate skills, for showing how the justice system functions and for interacting with attorneys,” says Julie Myres, program manager of the Superior Court’s Student Outreach and Education Program. “The kids step up and shine. That moment makes me cry every time . . . that moment when the winner is announced and the room explodes with congratulations. The kids are so gracious and enthusiastic.”

The Mock Trial Competition is a partnership of the San Diego County Bar Association, the San Diego County Superior Court, the San Diego County District Attorney’s Office and the Constitutional Rights Foundation. Attorneys interested in participating in next year’s competition can contact LRIIS Director Michelle Chavez at mchavez@sdcba.org.

Alice Solovay (alice@solovay.net) is an attorney in Ocean Beach.
To comment on the wonderful article about Dutch Higgs and John Holt:

I joined Higgs, Fletcher & Mack straight out of law school in 1981 and had the GREAT privilege of working around, and sometimes with, Dutch, for at least 10 good years. He was, indeed, a giant in his own way, beloved and esteemed by everyone who knew him.

And of course, Craig has been my partner, office next-door-neighbor and great friend now for 30 years, and he embodies much of the best of his dad.

Best story—well, best professional story—I ever heard about Dutch, from a colleague who was working with him on a big antitrust case at the time, was that Dutch was involved in a big mediation. The other side had a Big Shot Antitrust Lawyer from L.A., some guy who essentially “wrote the book,” or whatever…

The mediation is getting down to business, and Mr. Big Shot Antitrust Lawyer says: “Mr. Higgs, let me tell you, I know antitrust law, and this is a case that you cannot win at trial.”

And Dutch, not missing a beat, says: “Well, let me tell you, Mr. Smith [or whatever], I know San Diego juries, and this is a case that you cannot win.”

The case settled on very favorable terms for our client.

Anyway, mostly just wanted to say thanks for the effort, and for the kindly portrayal of dear old Dutch.

John Morris
San Diego Lawyer is tracking the construction of the new Federal Courthouse. This photo was taken in February 2012. Barry Carlton (bjcarlton@cox.net) is a supervising deputy attorney general with the California Attorney General’s office.
The San Diego County Bar Association gratefully acknowledges its Sustaining Members.

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NAME THAT BUILDING
Please submit answers by April 16 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 Lisa Cooney of Lewis Brisbois Bisgaard & Smith LLP, whose name was drawn from those who correctly identified the Hall of Justice in the January/February issue.
On January 20, members of San Diego’s legal community gathered at the U.S. District Court for a ceremony and reception recognizing the Passing of the Gavel.
INNS OF COURT DINNER
PHOTOGRAPHS BY BARRY CARLTON
San Diego’s Inns of Court held their joint annual dinner on January 23 at the Hilton San Diego Resort & Spa.

PALSD/FALSD INSTALLATION
PHOTOGRAPHS BY BARRY CARLTON
Pan Asian Lawyers of San Diego and Filipino American Lawyers of San Diego held their 34th annual dinner and installation of officers on January 26 at the Westin Emerald Plaza.
AN EVENING WITH JOSH GROBAN

PHOTOGRAPHS BY BARRY CARLTON

Josh Groban, Senior Advisor to Governor Brown for Policy and Appointments, provided insights about the judicial appointments process during an event on February 16 at the Bar Center, co-sponsored by the San Diego County Bar Association and the Tom Homann LGBT Law Association and in cooperation with the Association of Corporate Counsel, La Raza Lawyers Association, the Lawyers Club of San Diego and the South Asian Bar Association.

SD DEFENSE LAWYERS

PHOTOGRAPHS BY JESSICA FRASER

On January 28, San Diego Defense Lawyers held their annual installation dinner at the New Children’s Museum.
The gavel was passed from the outgoing chief judge to the incoming chief judge during a ceremony on January 20 at the U.S. District Court. More photos on page 43.
Get the most of your SDCBA membership in 2012 by reviewing all the benefits of your membership. Check www.sdcba.org/benefits for the most up-to-date listing of benefits available to you and then tackle the following checklist.

**2012 Law Firm Checklist**

- **Get covered with AHERN Insurance Brokerage (AIB).** Let SDCBA Preferred Provider AIB review your rates and compare your current policy with their current offerings to make sure you are getting the most for your money. AIB offers a full line of coverage for your practice at a discounted rate working with XL Insurance. The Hartford and Carolina Casualty to give you all the insurance coverage you need.

- **Discover structured settlement options.** Consult Manuel and Manny Valdez for top expertise on structured settlement for your clients. SDCBA Preferred Providers Manuel and Manny are easily accessible to SDCBA members seeking high-level counsel on structured settlements.

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