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Tom Turner

Outstanding Jurist
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Service to the SDCBA
Lori Mendez

Service to the Legal Profession
Lilys McCoy

Service by a New Lawyer
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A SPECIAL THANK YOU AND WELCOME

The SDCBA extends many thanks to Martin Kruming, long-time editor of San Diego Lawyer for his vision, enthusiasm and dedication to bringing lifestyle and professional stories to you through San Diego Lawyer throughout his years. Martin’s contributions to the magazine are immeasurable, and we look forward to hearing about Martin’s many adventures ahead.

While the SDCBA bids a fond farewell to Martin, we would like to give a special welcome to Alidad Vakili, the new editor for San Diego Lawyer. Alidad has made significant and positive contributions as Associate Editor of the magazine in the past, and we are excited for all that he will bring to San Diego Lawyer in this new role.

ON THE COVER
The 2014 SDCBA Service Award Winners.
PHOTOS BY LAUREN RADACK
Experienced Trust, Probate and Estate Litigation Attorneys

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Why I Belong

Dennis Seymour

Age: 58

Firm: Dennis Seymour APC


Law School: University of California, Berkeley (Boalt Hall) (J.D. 1984) and Harvard Law School during my third year as part of a still continuing annual exchange of five students; University of San Diego (Masters of Law in Taxation 2002).

Areas of practice: Family Law and occasional Family Law appeals and civil litigation.

Proudest career moment: My very first case after law school involved the dissolution of a long-term marriage in the Navajo Nation court. Husband had worked his entire career for the Bureau of Indian Affairs, but the Office of Personnel Management would not recognize an Indian court decree dividing Husband’s Civil Service pension. I pointed out the problem to various tribal lobbyists, who immediately arranged to have Congress amend 5 U.S.C. §8345(j)(3)(A) to include “any Indian court” in the definition of “court.”

Family: This year marks my twenty ninth wedding anniversary to Peggy Ann Russell, who is also my paralegal. We are blessed with two adult children.

The best thing about being an attorney is the work is almost always interesting. Every case has its own nuances and complexities. What I enjoy specifically about Family Law is advising clients during the most difficult time in their lives and helping to resolve conflict. Family Law offers a reasonable balance between litigation and transactional work.

Why do you belong to the SDCBA? To participate in its educational programs in Family Law and Civil Procedure, to join the Lawyer Referral & Information Service, for which I have served on its board, and to mentor new Family Law attorneys. The recent programs offered have been excellent, including presentations by Presiding Judge Hallahan, Judge Goldsmith, Brian Brinig, and Steve Wagner.

How does your SDCBA membership help keep you connected to the legal community? The Monday emails inform me of what specifically is happening in Family Law and other specialties. The Family Law listserv is an invaluable resource that I use daily, often to discuss newly-published case law or interesting issues presented.

What makes San Diego’s bar so special/unique? The collegiality of the SDCBA and the Family Law Bar is unmatched. Just in the past two weeks I have consulted attorneys in Family Law, Bankruptcy, Juvenile Dependency, Guardianship, and Criminal Defense, all of whom gave sage advice to my clients without charge. The SDCBA is generous and I try to reciprocate.
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THERE ARE TONS OF GREAT PROGRAMS COMING UP TOO – CHECK OUR LEGAL COMMUNITY CALENDAR AT WWW.SDCBA.ORG/CALENDAR.

ATTORNEY VOLUNTEERS COACHED STUDENTS PARTICIPATING IN THE SAN DIEGO COUNTY HIGH SCHOOL MOCK TRIAL COMPETITION.

THE SDCBA’S 2014 SERVICE AWARD WINNERS WERE RECOGNIZED AT THE ANNUAL LAW WEEK LUNCHEON & CELEBRATION OF COMMUNITY SERVICE.

THE EARL B. GILLIAM BAR ASSOCIATION MARCHED IN THE MARTIN LUTHER KING JR. DAY PARADE.

VOLUNTEERS FROM THE BENCH AND BAR STOPPED TO TAKE A “SELFIE” AFTER VOLUNTEERING TO SERVE LUNCH TO SENIOR CITIZENS.

MEMBERS OF THE ASSOCIATION OF CORPORATE COUNSEL – SAN DIEGO’S GOLF CLUB ENJOYED THEIR FIRST ROUND OF GOLF.

THE SAN DIEGO COUNTY PUBLIC LAW LIBRARY HOSTED A FAMILY LAW CLINIC FOR LAW WEEK WHERE ATTORNEY VOLUNTEERS ANSWERED LEGAL QUESTIONS FROM THE PUBLIC.

SAVE THE DATE!
TAKE A WALK ON THE WILD SIDE!
A NIGHT AT THE SDCBA 2014 LAW WEEK CELEBRATION
FRIDAY, JANUARY 17, 2014
6:00 P.M. - 10:00 P.M.

Civil Appellate Self-Help Clinic (First session for the year)
May 20, 4-6 p.m.
Along with SDCBA members, I helped welcome San Diego’s newest judicial officers at the Annual Judicial Reception.

San Diego La Raza Lawyers Association members mingled at AMISTAD!

Consumer Attorneys of San Diego helped build houses for families during their Build Day event.

Attorneys volunteered to provide free legal services at the San Diego Volunteer Lawyer Program’s 25th Annual Women’s Resource Fair.

The North County Bar Association of San Diego hosted their Annual Dinner.

The Pan Asian Lawyers of San Diego, Filipino Lawyers of San Diego and Cal Western School of Law Asian Pacific American Law Student’s Association enjoying their Taste of Asia event.

Law School Graduation Ceremonies:
California Western - May 2
Thomas Jefferson - May 17
USD - May 17

The creatures that inhabit this earth, be they human beings or animals, are here to contribute, each in its own particular way, to the beauty and prosperity of the world. — Dalai Lama XIV

Along with SRCBA members, I helped welcome San Diego’s newest judicial officers at the Annual Judicial Reception.
Everyone concerned about legal education should be paying attention to developments both at the state and national level that have the potential to innovate legal education, improve the way lawyers are trained and reduce the costs of a law degree.

In California, the Task Force on Admissions Regulation Reform (TFARR) is now working on the implementation of its three proposals for reform, most notably a competency training requirement that prospective lawyers would need to fulfill prior to admission to practice either by (1) taking at least 15 units of practice-based, experiential course work in law school or (2) doing an approved externship, clerkship or apprenticeship during or following law school, or some combination of the two. In my prior articles, I have written about the extensive clinical programs, practice-focused institutes and centers, internships and externship programs that we already offer students at USD. I remain confident that these programs will enable us to meet these new requirements effectively and consistent with the excellence that we strive for throughout our curriculum. I am also hopeful that, in considering how to implement the new requirements, the State Bar will avoid imposing additional regulatory burdens and costs on law schools and also consider how the timing and scope of, as well as the skills tested on, the bar examination should be aligned with this new emphasis on practice-based training.

As noted in TFARR’s Final Report issued last June, the implementation of the State Bar recommendations faces impediments from the Law School Accreditation Standards of the American Bar Association (ABA), such as the rule that prohibits law schools from giving academic credit for paid legal work (Rule 305). In January 2014, an ABA Task Force on the Future of Legal Education issued an encouraging report on how to innovate legal education and improve the value of a law degree. That report strongly recommended that law school accreditation standards that “increase costs without conferring commensurate benefits” be repealed or substantially moderated. These include Rule 305, as well as other restrictions on law schools courses and credits, teaching methods (distance education), facilities and faculty.

On the key issue of faculty, current ABA standards with respect to security and tenure, the proportion of courses taught by full-time faculty and the calculation of student-faculty ratios are at odds with the TFARR recommendation that more practitioners and judges participate in legal training. As the TFARR wrote: “We think… that more practicing lawyers ought to be integrated into law school faculties, perhaps by expanding the use of adjunct teaching roles.” At USD, we have been fortunate to have leading judges and practitioners – such as Justice Richard Huffman (Criminal Procedure), Rick Barton (Health Law), Scott Wolfe and Dennis Doucette (Corporate Law), Mike Attanasio (White Collar Crime) and Vickie Turner (Products Liability), to name only a few—teach as adjuncts. Providing specialized, high-quality practical training necessary for success in a competitive legal marketplace will require even greater use of experienced practitioners to complement the essential and excellent doctrinal teaching done by our highly-ranked, full-time faculty.

For this reason, I believe that there is a great deal at stake in supporting the ABA Task Force’s recommendations to make new standards and regulations less restrictive, as well as in ensuring that the American Association of Law Schools (where there is likely to be resistance to such changes) follows the lead of the TFARR and ABA in recognizing the need for greater flexibility and innovation in law schools. New standards and regulations must enable us to adapt our faculties and instructional methods to the changing marketplace for legal services.

This is a critical time in legal education. The entire legal community needs to rally to make sure that this urgently needed reform does not falter.

Stephen Ferruolo (lawdean@sandiego.edu) is Dean of the University of San Diego School of Law.
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Sarah and Duncan joined Macbeth in his office. A new face was already there.

Macbeth gestured: “Mulberry has an interesting issue. You might like to listen.” Mulberry pulled a thick envelope from his brief case. “This came by messenger this morning. A note’s attached.

I’m a former Widgetworks employee. I’m staying anonymous. Here’s a bunch of documents between Widgetworks and your opposing counsel. They show Widgetworks planned the fraud with his advice and help. Widgetworks hired him for that purpose. He’s been involved in the scheme from the beginning, long before the events in your complaint. These documents prove your case.

They’re yours. Good luck.


“Yes. Minority members of the LLC. Claims for fraud, breach of fiduciary duty, whole nine yards.”

Sarah asked: “Have you opened the package yet?”

“No. I didn’t know what to do. That’s why I’m here.”

Duncan smiled: “Sounds like your anonymous friend spelled out the elements of the crime-fraud exception to the attorney-client privilege. Think your source’s a lawyer? Former in-house counsel?”

Macbeth nodded: “Someone took a lot of trouble to say the documents may establish the exception to the privilege.”

Mulberry lifted the envelope: “If these documents are as good as the note says, don’t I owe my clients a duty ….”

Duncan jumped: “Of course! You have to see what they say. Use them if they help.”

Before Sarah could interrupt, Macbeth raised his hand: “Not so fast. There are competing duties at stake.”

Duncan interrupted: “Yes, but the client ….”

Macbeth continued: “The California Supreme Court made clear that a lawyer who receives inadvertently produced materials that obviously appear to be confidential or privileged must stop looking at them and immediately notify the other side.”

Mulberry looked up: “And then what?”

Macbeth nodded to Sarah.

Sarah: “If the lawyers can’t resolve it, they go to court for guidance.”

Duncan shrugged: “What’s the downside?”

Macbeth’s face darkened: “Possible disqualification. Evidentiary sanctions. Maybe discipline.”

Duncan: “But this wasn’t inadvertent. The source intended Mulberry to have them.”

Macbeth continued: “Let’s take this a step at a time.”

Mulberry: “Okay.”

Macbeth: “The note makes one thing clear. These documents were communications between the client and its lawyer.”

Duncan: “So?”

Macbeth: “On its face, they meet the ‘obviously appears’ or ‘otherwise clearly appears’ privileged part of the test.”

Duncan protested: “But, this wasn’t inadvertent.”

Macbeth: “Agreed. But that’s not the end of the analysis.” He nodded to Sarah.

“Courts have said that if the documents’ owner didn’t authorize their dissemination, that’s enough. We’re ethically barred from reading even unsolicited, intentionally delivered communications if they’re between an opponent and his client in circumstances reasonably suggesting confidential communications.”

Mulberry asked: “So what now, Macbeth?”

Macbeth: “Who’s your judge?”

Mulberry: “McClatchy.”

Macbeth: “Call your opponent. Tell him what you have. Emphasize you haven’t read them. It’s not likely he’ll agree you can read them.”

Mulberry: “So then?”

Macbeth: “The note certainly suggests the crime-fraud exception may apply. That’s something you can bring before Judge McClatchy. If he agrees, no privilege. You get the documents. Or some of them. You may even get new opposing counsel.”

Sarah: “There’s a new State Bar opinion that addresses many of your questions, Mr. Mulberry.”

Macbeth: “Sarah’s right. In fact, the opinion’s spot on.”

EDITOR’S NOTE:

Edward McIntyre (emcintyre@swsslaw.com) is a partner with Solomon Ward Seidenwurm & Smith and past-chair of the SDCBA Legal Ethics Committee.
The American Arbitration Association® (AAA®) provides access to some of the best neutrals in the business—right here in San Diego County. Neutral selection is vital to the Alternative Dispute Resolution (ADR) process. We help you select from our fully-screened, expertly trained neutrals, then work with you through scheduling, conflict checking, and collection of all funds. Learn more about Full-Service Arbitration and invaluable ADR services. Call 619.239.3051 or visit adr.org.
QUESTION:
What are the pros and cons of working in the following: solo practice, general counsel, government, large firm, alternative, and mid-sized firm?

“The pros of going solo are numerous including the freedom to budget time as you choose and working one-on-one with clients. I get a profound sense of satisfaction knowing my work directly and positively affects people. The biggest con is not being able to rely on a steady paycheck.”

– David Gibbs, Law Offices of David Gibbs
dgbibbslaw@gmail.com

“My solo practice focuses on employment and consumer law. I find this type of practice especially rewarding because I am able to choose and then work closely with clients who need and deserve strong advocacy to defend their rights. The administrative aspects of running your own practice, however, can be less than rewarding at times.”

– Hannah Bingham, Law Offices of Hannah Bingham
hannah@binghamlawoffices.com

“I work both as an author and a General Counsel. The pros include not being a slave to the clock and working on something for which I have true passion. The world of creativity is extraordinary because there are no boundaries. The world of law practice is shackled by them.”

– Vince Aiello, My Health, Inc.
aiellolaw@msn.com

“The pros of working as an attorney in Real Estate are the referrals I get from fellow real estate agents who have a client or themselves who need an attorney for various reasons. The cons of being an attorney in a small firm and working in real estate as an agent are that I am not allowed to directly market/solicit clients. An attorney must abide by the rules of professional responsibility and engaging in such activities could be an ethical violation in the eyes of the State Bar.”

– Carlos Martinez, Attorney at Law
ccmartinez@cox.net

“Benefit: As a state attorney, I litigate significant, and sometimes precedent-setting, state and federal cases that benefit the public good. I am privileged to work with talented attorneys who share my commitment to serve this state’s citizens. Difficulty: Limited resources impacts sufficient staffing to handle always increasing caseloads.”

– Peter Quon, California Attorney General’s San Diego Office
peter.quon@doj.ca.gov

“Working for a large international firm like Mintz Levin virtually guarantees one of my colleagues has previously dealt with even the most obscure issues our clients are facing. But working for a large firm does sometimes mean managing cases that are pending throughout the United States and even worldwide.”

– Eric Eastham, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
ejeastham@mintz.com

“Working as part of a large team is definitely a benefit for me. And I get experience in diverse practice areas. The work is challenging and the stakes are high — like starting off with 20 very sophisticated clients. To succeed, you have to ask the right questions and quickly get answers.”

– Naima Solomon, Solomon Ward Seidenwurm & Smith LLP
nsolomon@swsslaw.com

“Working with a small firm, you are afforded an opportunity to see a direct correlation between the time and effort you invest, and your success. You have the flexibility to dedicate the necessary attention to each individual client and their case, which is instrumental to achieving favorable outcomes. The only con: you can’t ‘clock-out.’

– Vanessa Duisters, The Law Office of Rickard L. Borg
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Q&A: Julie Buechler
General Counsel & Government Relations, Ballast Point Brewing and Spirits

This issue we had a chance to interview Julie Buechler, GC and Government Relations for Ballast Point Brewing & Spirits (“Ballast Point”). Julie joined Ballast seven months ago as the first GC of the company. She works alongside her husband who is the President of the company. When talking about her job, she is quick to point out that her husband is more the beer aficionado while she is more a connoisseur of spirits; it just so happens that her office is in the company’s spirits storeroom.

How did you find your way to your current position?
I had an inside connection...

What is something that drives you?
Working with the business to figure out a way to find solutions. I always tell the people I work with, “Come to me and tell me what you want to do and then let’s find out how to do that.” I enjoy finding solutions that benefit the business.

How do you define outside counsel’s role?
We use outside counsel for expertise in certain areas. Previously, we had all our trademarks and other IP related services provided by outside counsel. We now have an in-house attorney who handles a lot of our IP needs.

What advice do you have for young lawyers who are interested in working in-house?
It is really about relationships. Find an industry that interests you and build relationships in that industry. This may be less important for larger companies. But, with smaller companies, the relationship is critical.

What practice areas do you typically find yourself engaged in on a regular basis?
Mostly compliance, contracts and HR. As GC, you are really sort of a jack of all trades. A lot of what I do is compliance related (state and federal). “

Life Notes
Number of years in practice: 19 years.
Undergrad: SDSU, 1984 (B.S., Business Administration)
Favorite quote: “The secret to life is enjoying the passage of time.”
Favorite books: Suspense books.
Hobbies: Traveling with my family.

Quick Facts
► Home Brew Mart was founded in 1992 as a home brew supply shop; Ballast Point Brewing Company was founded in 1996, starting in the back room of Home Brew Mart. 22 years later, Home Brew Mart still operates out of its original location, though the Ballast Point brewery has long outgrown it.

What started in 1996 as a small group of home brewers who simply wanted to make great beer evolved into the team of adventurers known today as Ballast Point. From bringing a hoppy twist to a porter, or adding four types of malt to its amber ale, to creating a breakthrough gold-medal winning IPA, the San Diego-based company is known for adding its own touch and asking if there’s a better way. Not satisfied with just brewing great beer, they got into the distilling business to see if they could add our own spin to another centuries-old craft. Today an internationally recognized leader in the craft brewing and spirits industry, the company makes over 40 styles of beer and bottles seven spirits. For more information, visit www.ballastpoint.com.

► Employees: 192
► Legal Department: 2
► Company Awards and Accolades.
► Currently #29 largest craft brewery in the U.S. (jumped 17 spots from the year before [#46] – largest jump, by more than 10 spots, of any craft brewery);
► World Beer Cup Champion Small Brewery 2010;
► Dozens of awards for beer, including four World Beer Cup gold medals and two Great American Beer Festival gold medals;
► Operates an award-winning distillery, Ballast Point Spirits, founded in 2008. Currently bottle 10 spirits, including a single malt whiskey and a bourbon.

Alidad Vakili (alidad.vakili@klgates.com) is a corporate attorney with K&L Gates LLP.
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-Family Law Attorney, San Diego

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For young attorneys looking to generate new business, it may help to stop thinking about “Building a Book” and start thinking about just “Getting a Case.”

The “Book of Business,” a daunting, interesting phrase. Every lawyer talks about it. It is ever-present in the legal business, in any law firm. He has a big “book.” She has built a nice “book.” He has a portable “book” and is looking to make a lateral move. You need to build a “book” or you will never be a partner. I need a “book.” You need a “book,” “book,” “book,” “book.” And, so on. But, what does that mean?

The “Book” – it describes, or implies, highly successful attorneys who carry a few large loyal clients around in their pockets who generate reams of cases year after year after year. And that is the reality for some attorneys – most large firms have attorneys who have such books – insurance carriers or private clients who provide an ongoing flow of repeat work. And that is wonderful.

But, for a great many attorneys, including myself, it is not about the “Book” as defined above. Rather, it is about the ability to consistently generate work, one case at a time, from a variety of sources, year in and year out. I have a nice group of cases right now, from a variety of sources both inside and outside my firm. But, most of those cases will be gone a year, or even three months, from now, to be replaced by the next group of cases from a variety of sources. Is that a “Book of Business?” I don’t know. But, it is a flow of good work for me, for my associates and for my firm. Let’s call it a “book” I am currently reading, to be replaced with the next book when I am done reading the current one. That’s my “book!” And, I hustle all the time to keep that “book” refilled with new cases.

My “book” ebbs and flows. Sometimes, there are lots of new cases in my “book;” other times, the “book” runs low, needs to be refilled and I am awake at night worrying. There are very good years with big fat “books” (think, big hard-bound Russian novels) and there are OK years with thinner books (think, trade paperback spy novels). But, I have found that if I continue to hustle and work hard, my “book” is always there – there is always another case.

For lots of attorneys, I suspect, for most, it’s not 20 cases from one source, its 20 cases from 20 different sources. And they get those 20 cases, one case at a time! But, 20 good cases are 20 good cases, no matter where they come from.

For many attorneys, especially young attorneys, it is just too daunting, too overwhelming, to think about “building a book.” It just seems too difficult to do – so they do nothing, year after year after year. I suggest it is much better to think in terms of “getting a case.” Just get a case, sign it up, deposit the retainer, add it to your case list, pat yourself on the back – then get the next case, sign it up, deposit the retainer, add it to your case list, pat yourself on the back, – then get the next, then get the next. One case at a time, one client at a time! Next thing you know, you are keeping yourself busy with your own “book” of cases and pounding on the partnership door. Every successful rainmaker will tell you they are always hustling for the next case, then the next case, then the next case, … and so it goes.

So, for those attorneys who want to generate their own work, make partner, or build their own practices, I say: Forget “The Book,” just get a case! 🌟

Jim Crosby (jcrosby@klinedinstlaw.com) is a shareholder with Klinedinst PC.
Posts on a website may be subject to ethics rules (Rule 1-400, Advertising). And Rule 1-400’s requirements are onerous; just read them. The State Bar tried to clear some of the ethical fog surrounding social media. Here’s a quiz. Which is subject to advertising rules?

1. “Case over. Unanimous verdict! Celebrating tonight.”
2. “Another great victory today! Client delighted. Who wants to be next?”
4. “Won another personal injury case. Call for a free consultation.”
5. “Published an article on wage and hour breaks. Let me know if you’d like a copy.”

Before answering, apply a rule of thumb: Is your message “concerning the availability for professional employment…?”

Now answers:

1. Okay. A brag about victory without an offer about availability is not a Rule 1-400 “communication.”
2. First two sentences: safe. But “Who wants to be next?” crosses the Rule 1-400 line; it suggests availability for employment. Could also be guaranteeing a result — “victory” — and contains a client testimonial.
4. Easy. “Call for a free consultation.”
5. Passes muster. Tell the audience about your accomplishment — article — to interest them in a copy, or some event (a seminar or other program).

Bottom line: Use social media. Tout your accomplishments. You don’t have to tell the world you’re available. If a prospective client can’t figure that out, you don’t want that client.

1 Formal Opinion 2012-186.

Edward McIntyre (emcintyre@swsslaw.com) is a partner with Solomon Ward Seidenwurm & Smith and past-chair of the SDCBA Legal Ethics Committee.
San Diego Lawyer congratulates all of the 2014 San Diego County Bar Association Service Award winners.

The following questions were asked of the individual winners:

- Why do you serve?
- What advice would you give others to inspire them to serve?
- What is your favorite book and your favorite movie?
- List three people (living or dead) you’d invite to dinner.
- What is one item on your bucket list?
- What/who inspires you to serve?
- Considering this year’s Law Week theme, “American Democracy and the Rule of Law: Why Every Vote Matters,” what does the right to vote mean to you?

Organizations were asked about the impact of their service on the community, to provide advice for others to serve, to explain what/who inspires them to serve, and to describe what the right to vote means to them.
OUTSTANDING ATTORNEY OF THE YEAR

Thomas Turner, Jr.
Procopio, Cory, Hargreaves & Savitch LLP

UNDERGRADUATE: UCLA
LAW SCHOOL: UC, Berkeley Boalt Hall
YEARS IN PRACTICE: 32

WHY SERVE?
Three primary reasons:
1. It is simply the right thing to do;
2. I have found I am able to leverage my own community service to encourage others at Procopio and throughout the legal community to also get involved; and
3. From a very selfish perspective, it is the most personally rewarding aspect of my professional life.

ADVICE TO SERVE:
I doubt that you will be on your deathbed wishing that you had billed a few more hours. Don’t put yourself in a position of looking back and wishing you had left a stronger legacy of positive contributions.

INSPIRATIONS:
Martin Luther King, Jr.; Alec Cory; my mother.

FAVORITE BOOK:
The complete works of Robert Frost.

FAVORITE MOVIE:
“One Flew Over the Cuckoo’s Nest”

DINNER GUESTS:
Leonardo DaVinci, Mark Twain and Willie Mays.

BUCKET LIST:
Hang gliding, but it won’t be on the list long; I plan on checking it off next month.

FAVORITE QUOTE:
“Reject the tyranny of the ‘or.’ Embrace the genius of the ‘and.’” — Jim Collins, Good to Great

IMPORTANCE OF VOTING:
From my perspective voting is a privilege that borders on the sacred. It is the personal physical and symbolic manifestation of everything our amazing democracy stands for. The process of preparing to vote forces us all to carefully evaluate the issues and individuals in question. There are a multitude of reasons voting is important, not the least of which is it gives you “whining rights” if it doesn’t go your way!

OUTSTANDING JURIST

Hon. Judith McConnell
California Court of Appeal, Fourth Appellate District, Division One

UNDERGRADUATE: UC, Berkeley
LAW SCHOOL: UC, Berkeley Boalt Hall
YEARS IN PRACTICE: 44

WHY SERVE?
I loved being a lawyer and the challenges of trial work. I also loved that being a lawyer gives you skills to help others in the community. I had a wonderful mentor when I began my practice. I was appointed to the Municipal Court in 1977. The change from a civil practice in Superior Court to handling mostly criminal matters in Municipal Court was dramatic but my mentor judge was Judith Keep and I treasure the advice and support she gave me.

ADVICE TO SERVE:
We should all be inspired by those who came before us and build on all the good work they have done. What has most engaged me as a lawyer and as a judge is the breadth of opportunities we have to work to improve our legal system so that our community and our children’s future can be better served.

INSPIRATION:
Presiding Justice Joan Dempsey Klein has been an inspiration to me for many years. I think she has done more than anyone to improve the status of women in the law and increase the numbers of women on the bench.

FAVORITE BOOK:
I don’t really have one favorite book but every lawyer should read Dickens’ Bleak House. It helped me get through the bar exam.

FAVORITE MOVIE:
“Singing in the Rain” and “Thelma & Louise.”

DINNER GUESTS:
Midge Costanza, Lynn Schenk and Judy Copeland and we would laugh through the entire evening.

BUCKET LIST:
I don’t have a bucket list. I am already doing all the things I want to do.

IMPORTANCE OF VOTING:
We cannot maintain our democracy unless people value it and value the opportunity to shape our government by voting. Too many Americans take our democracy and the great privileges we have without understanding their responsibility to engage in their community in many ways, including voting. It is especially important that our youth understand they are the guardians of democracy which will be lost without their commitment and participation.
DISTINGUISHED CITIZEN

Lori Boyle
Director, Alumni Affairs, California Western School of Law

UNDERGRADUATE: Boston University/Chico State
GRADUATE SCHOOL: UCLA School of Social Welfare
YEARS IN HIGHER EDUCATION: 23

WHY SERVE?
As an Alumni Director, I am truly blessed to work with the most amazing individuals. I greatly enjoy serving our alumni community and it gives me a great sense of happiness, pride, and satisfaction when they feel acknowledged, engaged, and involved. I love people and enjoy helping them find purpose and passion.

ADVICE TO SERVE:
Look inside yourself and discover your passion, whether it is through volunteerism, philanthropy, or both. When you take that step and make the commitment you will feel a sense of pride and peace that is priceless.

INSPIRATIONS:
Individuals who live their lives with integrity, inner strength, and a strong sense of self inspire me. My daughter Abigail is wise beyond her thirteen years and encompasses these traits and many more. Abigail is true to herself each and every day despite the challenges and obstacles she faces.

FAVORITE BOOK:
Tuesdays with Morrie

FAVORITE MOVIES:
“The Princess Bride,” “Shawshank Redemption,” “Runaway Jury,” “The Usual Suspects,” “Terms of Endearment,” “Funny Girl” and “Moonstruck!”

DINNER GUESTS:
Queen of England/Princess Catherine, Johnny Carson, and Lucille Ball.

BUCKET LIST:
To see 1,000 places, and more, before I die.

FAVORITE QUOTE:
“Devote yourself to loving others, devote yourself to your community around you, and devote yourself to creating something that gives you purpose and meaning.” — Mitch Albom, Tuesdays With Morrie

IMPORTANCE OF VOTING:
Voting is immensely important because it empowers us. It amplifies our voice as individuals and allows that voice to influence the policies that impact us all.

COMMUNITY SERVICE

Johanna Schiavoni
Law Office of Johanna S. Schiavoni

UNDERGRADUATE AND LAW SCHOOL: Washington University in St. Louis
YEARS IN PRACTICE: 11

WHY SERVE?
In serving others and understanding their stories, their struggles and their successes, we learn from them. That is the best return on investment I can think of.

ADVICE TO SERVE:
Imagine what you want your community to be, and then work to create it.

INSPIRATIONS:
Those who speak up and speak out when it’s unpopular to do so.

FAVORITE BOOK:
1,000 Places to See Before You Die

FAVORITE MOVIE:
“Thelma & Louise”

DINNER GUESTS:
Gloria Steinem, Michelle Obama, and Rachel Maddow. That would be a lively and lovely gathering.

BUCKET LIST:
To see 1,000 places, and more, before I die.

FAVORITE QUOTE:
“A feminist is anyone who recognizes the equality and full humanity of women and men.” — Gloria Steinem

IMPORTANCE OF VOTING:
I know you asked for my own words, but I must quote Aaron Sorkin writing for “The West Wing” on this one: “Decisions are made by those who show up.”
SERVICE TO THE SDCBA

Lori Mendez
Law Offices of Lori R. Mendez, P.L.C.

UNDERGRADUATE: UC, Santa Barbara
LAW SCHOOL: USD School of Law
YEARS IN PRACTICE: 24

WHY SERVE?
Hopefully to make a difference, and to develop a sense of balance in my life. I meet and volunteer alongside the nicest people, and teachers and students are genuinely grateful. They give you big hugs, say “thank you,” and there are rooms full of smiles. That is addicting!

ADVICE TO SERVE:
Volunteering is good for others, but is also good for the soul. Also, when volunteering with SDCBA sanctioned events, you never know who you will meet. For instance, a first year law student may be picking up trash at a beach cleanup, walking alongside a seasoned Superior Court Judge.

INSPIRATION:
My grandfather who passed away in 2010 at the age of 99 ½ still inspires me.

FAVORITE BOOKS:
James Clavell’s Tai-Pan, Noble House series, also James Michener’s Hawaii, Leon Uris’s Exodus, Amy Tan’s The Kitchen God’s Wife and The Joy Luck Club, and Daughter of Fortune by Isabelle Allende, Island of the Blue Dolphins and The Red Tent by Anita Diamant.

FAVORITE MOVIES:

DINNER GUESTS:
Senator Diane Feinstein, Jane Goodall and the current Dalai Lama.

BUCKET LIST:
Help to solve the five great gyre garbage patch problem. (http://5gyres.org)

FAVORITE QUOTE:
“Unless you’re the lead dog, the view never changes.”

IMPORTANCE OF VOTING:
Every vote sends a message. When combined, numbers speak volumes about what and who we, the people, want and don’t want.
However, voting is only one step in a democracy. We must each contribute to bettering ourselves, our neighborhoods, our communities, our nation and our world. Our personal responsibilities do not end with the vote; that is where they begin.

SERVICE TO DIVERSITY

Nadia Bermudez
Garcia, Hernández, Sawhney & Bermudez, LLP

UNDERGRADUATE: UC, Irvine
LAW SCHOOL: Stanford University Law School
YEARS IN PRACTICE: 13

WHY SERVE?
I consider myself lucky to have been given opportunities by generous people and thoughtful policies that have enabled me to have a successful and fulfilling career. If I can share those opportunities or be responsible for new ones, I have left my environment better than when I arrived.

ADVICE TO SERVE:
As a lawyer, we have plenty of short-term goals such as drafting a motion before the filing deadline or getting through the billable month. It is easy to get caught up in the day-to-day obligations of our profession. But, we should also have long-term goals in which we shape what our legacy will look like and what impact we had on the profession.

INSPIRATIONS:
Mothers and fathers who serve as excellent role models for their children.

FAVORITE BOOK:
Outliers, by Malcolm Gladwell

FAVORITE MOVIE:
“Stand By Me”

DINNER GUESTS:
Stephen Colbert, Mindy Kaling and President Barack Obama.

BUCKET LIST:
All that I really want in life is to see my son Samuel, who is two-years-old, grow and have his own family one day.

FAVORITE QUOTE:
“And in the end, the love you take is equal to the love you make” — The Beatles

IMPORTANCE OF VOTING:
A government based on one vote per person is the greatest equalizer of power. Voting is a fundamental value of this country, and we must still remain vigilant to protect this right in order to protect our democracy.
SERVICE TO THE LEGAL PROFESSION

Lilys McCoy
Director, Center for Solo Practitioners, Thomas Jefferson School of Law

UNDERGRADUATE: UC, San Diego
LAW SCHOOL: University of Arizona James E. Rogers College of Law
YEARS IN PRACTICE: 22

WHY SERVE?
My family, especially my parents and my uncle, imbued in me a sense of the importance of community service. If our family had a motto, it would be, “To whom much is given, much is expected.” In addition, I have met some of the best of the best through volunteer work. Public service tends to draw quality people to its ranks. Even if I didn’t find community service personally fulfilling (and I do), those relationships would keep drawing me back.

ADVICE TO SERVE:
Regardless of how much time and effort you invest, you get more in return.

INSPIRATIONS:
Many people inspire me. Certainly my mother has been a source of inspiration throughout my life. But also people I have never met inspire me with their stories of self-sacrifice and dedication to higher values. Anyone who chooses the more difficult path, especially in service to a higher ethical calling, has my admiration.

FAVORITE BOOK:
Bird by Bird: Some Instructions on Writing and Life, by Anne Lamott

FAVORITE MOVIE:
“The Best Years of Our Lives”

DINNER GUESTS:
I would invite a few dear friends in San Diego whom I don’t see often enough. But, that’s not really the call of the question, is it? So, in the spirit of the question: Anne Lamott, Elizabeth Warren, and Bill Moyers.

BUCKET LIST:
Visit Sweden.

IMPORTANCE OF VOTING:
Voting is a precious right. I love the single word that is defined as “giving the legal right to vote:” “enfranchisement,” because it encapsulates what it means to hold that right: you own an interest in society; you own a stake in the franchise. I always feel saddened when I read that only 20 or 30 percent of voters participated in a local election, especially when there are societies where people have no meaningful enfranchisement.

SERVICE BY A PUBLIC ATTORNEY

Rebecca Kanter
Office of the United States Attorney

UNDERGRADUATE: UC, Irvine
LAW SCHOOL: UCLA School of Law
YEARS IN PRACTICE: 11

WHY SERVE?
To make a positive, meaningful and (hopefully) lasting impact on my community.
To inspire and be inspired.
To be challenged and stimulated.

INSPIRATION:
My grandmother, Betty Kanter.

FAVORITE BOOK:
The Tempest, William Shakespeare

FAVORITE MOVIE:
“Bull Durham”

DINNER GUESTS:
John Muir, Eleanor Roosevelt, and Elizabeth Cady Stanton.

BUCKET LIST:
To summit Aconcagua, the highest peak in the Western Hemisphere.

FAVORITE QUOTE:
“An individual has not begun to live until he can rise above the narrow horizons of his particular individualistic concerns to the broader concerns of all humanity. Every person must decide, at some point, whether they will walk in the light of creative altruism or in the darkness of destructive selfishness. This is the judgment. Life’s most persistent and urgent question is, ‘What are you doing for others?’” – Martin Luther King, Jr., 1957 in Montgomery, Alabama. I also think this is great advice for those asking themselves why they should serve.
SERVICE BY A NEW ATTORNEY

Melissa Deleon
Gilliand & Burgess

UNDERGRADUATE: San Diego State University
LAW SCHOOL: California Western School of Law
YEARS IN PRACTICE: 3

WHY SERVE?
I am fortunate to have a blessed life and giving back in any way is simply the right thing to do.

ADVICE TO SERVE:
Your service will truly enhance you both personally and professionally. You will enjoy being a lawyer more if you use this specialized skill set we possess to help others.

INSPIRATIONS:
My dad, Joseph Deleon. He is the most selfless and hard-working person I know. My attorney inspiration is James “Mac” McElroy, who I am fortunate to have worked for. He dedicates much of his free time to pro bono legal work and takes on so many righteous cases. His career is extraordinary.

FAVORITE BOOK:
Oh the Places You Will Go, by Dr. Seuss

FAVORITE MOVIE:
“Grease” (I am a sucker for musicals).

DINNER GUESTS:
California Chief Justice Tani Cantil-Sakauye, Oprah Winfrey, and Mahatma Gandhi.

BUCKET LIST:
Open a dog rescue.

FAVORITE QUOTE:
“In a gentle way, you can shake this world.”– Gandhi

IMPORTANCE OF VOTING:
Your vote is your voice! It is your only opportunity to select the leaders who will represent you. Voting is the cornerstone of our democracy, and many individuals have given their lives to give us this great privilege.

DISTINGUISHED PROGRAM

San Diego Truancy Court Collaboration Team

YEAR ESTABLISHED: 2006
TEAM LEADER: Cyndi Jo Means

ATTORNEYS:
Three including Cyndi Jo Means and her staff in the DA’s Office, Deputy Public Defenders Malvina Abbott and Jeanette Day, plus one judge, Hon. Browder Willis.

STAFF:
Includes representatives from most of 42 school districts in San Diego County, the San Diego County Office of Education, Law Enforcement, Children’s Initiative, law enforcement agencies, many community-based organizations, including drug treatment and mental health services, and funding from the JJCPA.

IMPACT ON THE COMMUNITY:
The community is safer because of the program. Minors are in school rather than in the community where they may commit crimes, and/or be the victim of crimes. Non-truant, educated minors are much less likely to become delinquents and/or adult criminals. Through support and resources provided, the program changes the life-path of those involved. They are able to graduate from high school, get a job, go to college, and become contributing and productive adults and citizens.

ADVICE TO SERVE:
All are inspired knowing that the future of the participants in the program is changed because of what we all do. And because of this, the future of all of us in society is changed, too.

INSPIRATIONS:
Children are our most valuable resources. Team members have a passion for what they do.

IMPORTANCE OF VOTING:
Voting gives us a say in our lives. If we don’t vote, we let others make choices for us. Education is the key to making informed decisions about the things that affect our future.
PUBLIC SERVICE BY LAW FIRM OR AGENCY
The Professional Alliance for Children

DATE ESTABLISHED: April 1, 2011
EXECUTIVE DIRECTOR: Jim Dell
ATTORNEYS: 30
STAFF: The Alliance is a 100% volunteer organization.

IMPACT ON THE COMMUNITY:
The Alliance has helped over 100 families in our first three years by providing free legal and financial advice to families facing financial and legal challenges associated with caring for a seriously sick or injured child. Some of the many Alliance success stories include: obtaining home care for a five-year-old with autism and cystic fibrosis by successfully appealing a denial; obtaining an emergency guardianship so that a gravely ill child could receive a life-saving heart transplant; and obtaining humanitarian parole for a teen-age girl, allowing her to be with her terminally ill sister.

ADVICE TO SERVE:
These children are innocent and the help you provide to each child may provide a hundred years of good. Many of these families are struggling to survive and very much need help both legally and financially.

INSPIRATIONS:
The children.

All of the decisions by the Alliance Board and the actions of Alliance volunteers are guided by the principal of doing what is best for each child. Nothing else much matters.

In return, we have the fortune to work with children who inspire us with their courage, hope, and often a wonderful sense of humor.

HOW OTHERS CAN GET INVOLVED:
The Alliance seeks attorneys, financial planners, and other professionals to help advise families on legal and financial issues related to caring for an ill child. In addition to meeting with families, Alliance members meet once a month in our Collaboration Council (C2) to work together on figuring out how to best help each child and their family.

IMPORTANCE OF VOTING:
When voting, please support those candidates that you believe will best help those in need. The world is made better by those who help individuals and families to thrive.

Colleagues and friends joined in celebrating the good work individuals and organizations do in our community at the SDCBA’s Annual Law Week Luncheon & Celebration of Community Service on April 30. Academy Award winning actor Richard Dreyfuss spoke about the importance of civics education at the event, where the 2014 Service Award recipients were honored and Law Week Poster & Essay Contest winners were recognized. Thank you to event sponsors AHERN Insurance Brokerage, Clio and Hughes Marino.

PHOTOS BY DOUGLAS GATES PHOTOGRAPHY
Richard Dreyfuss with the 2014 Law Week Poster & Essay Contest winners

Tom Turner

Lori Mendez

Jim Dell and Jon Beyrer

Lily McCoy

Nadia Bermudez

Rebecca Knitter

Lori Boyle

Melissa Deleon

Johanna Schiavoni
Justin Nahama, Ben Wagner, Nathan Hamler of the San Diego office Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. appealed a custody order which would have instantly reunited an abusive father with his children after the father’s release from prison for the crime of raping their mother.

“The mother appealed the custody order,” said Nahama, “which had no preconditions for assessing the man’s safety or the children’s best interests at that time. You don’t need a law degree to realize that someone convicted of a violent, intimate crime should not be reunited with his children without some therapy for himself, some classes or something.

The case prompted the California legislature to pass a general ban on alimony and fee awards like hers, which had forced her to pay her attacker’s attorney fees for the divorce and pay him alimony while he served time for his crime against her.

“Working with [this client] was like watching a superhero at work!” Nahama said. She was “brave and resilient” in working not only to protect herself and her own children, but to “pioneer a legislative and public awareness effort to assure that similarly situated domestic violence victims were not revictimized.”

1 Nate Hamler is now with Johnson & Weaver LLP.
Richard Carpenter, professor of tax litigation at University of San Diego School of Law (USD); Jody Swan of Arizona; and Kevan McLaughlin teamed up for a case that is “unique, especially in the tax arena where ‘unique’ doesn’t happen very often,” said McLaughlin.

The case is still ongoing, but the gist of it is whether the money accepted by a woman who donates her eggs should be taxed as income. The case started out as a typical tax audit: a woman in San Diego had received a 1099 after having donated her eggs but failed to report the income.

Her original hearing was supposed to be an “S” type election; “a ‘small potatoes’ hearing with no opportunity for appeal,” said McLaughlin. Apparently, some “heavy hitters” in Washington D.C. caught wind of the scheduled hearing and realized that if the IRS lost, it would not be able to appeal. Suddenly, the woman found herself facing a non-“S” type hearing – without a lawyer. Someone in Washington “knew about Richard Carpenter through his work with the USD tax clinic,” McLaughlin said, and encouraged the taxpayer to contact Carpenter, who brought McLaughlin and Swan on board. The case was tried before the U.S. Tax Court on January 6, 2014, and is currently being briefed. The process that follows looks something like an appeal, but is a procedure peculiar to tax court: the taxpayer’s opening brief was due in March with the IRS’s reply due in May. In an unusual turn for the U.S. Tax Court, it agreed to accept amicus briefs on this issue.

“This client has a modest background and resources,” McLaughlin said. “Had we not helped her, she would not have been able to put on anything that in any way defended her position. If she had lost, she would have been put on a payment plan including back taxes, interest and penalties. But the case also would have set a precedent. This is a case of first impression on how to tax the money a woman receives for donating her eggs.”

Carl Balediata of the Law Office of Lilia Velasquez says he got his start doing pro bono work when he became an attorney 14 years go. He volunteers regularly with the Community Law Project through California Western School of Law under executive director Dana Sisitsky. A woman who became his client came to the clinic initially to ask whether her U.S.-citizen daughter could sponsor her application for citizenship (the answer: not until the child reaches age 21). In speaking with her, though, Balediata learned that she was a victim of domestic violence who was afraid to come forward because of her legal status. Balediata helped her secure U status from U.S. Citizenship and Immigration Services, which allows her to work legally and remain in the United States and eventually receive U.S. resident status, while she cooperates with the ongoing case against her abuser.

“This law was designed specifically to help individuals such as my client to encourage them to come out and not fear their abusers because of their tenuous immigration status,” Balediata said. Getting the U-visa involved “getting certification from law enforcement to prove to immigration officials that she is truly involved in an active investigation.”

Even if the facts of this particular case had not supported the U-visa, “it’s good to give this information so that people will not be taken advantage of in the future,” Balediata said. “I try to clear up misconceptions about immigration law and educate those that I meet with so they can at least have a better understanding of their immigration situation.

“Immigrants work hard because they want to become citizens. They want to follow the rules, but if they don’t know what the rules are, it can be easy to get taken advantage of.”
Ben Aguilar volunteers regularly at the Family Justice Center, where he recently was able to help an undocumented immigrant get protection for herself and her children. The woman came in for a 30-minute consultation on getting a restraining order against her children’s father, but Aguilar realized that she needed more help than he could provide in that short amount of time.

“She had been in and out of court for a long time,” Aguilar said, “but as a self-help litigant, she didn’t know how to put together exhibits to get the message across to the judge.”

Aguilar discovered that the San Diego Police and Child Protective Services had been out to her house several times, but there was never enough evidence to prove that the father was enough of a threat to justify a restraining order. Aguilar contacted the CPS worker who was able to send a confidential letter to the court, which the judge read into the record. The woman was able to get a permanent three-year restraining order and keep her kids with her.

“The perpetrator has not attempted to contact my client or their children since the day the restraining order was granted,” Aguilar said. “I have worked with victims of domestic violence and underprivileged groups for the past 10 years and I had never seen such a serious case of violence and abuse.

“My client and her children continue to attend psychological counseling in order to cope with their trauma.” Aguilar said. “The last time we spoke, she was working and has an apartment.”

Mhairi Whitton and Kelly Vincent O’Donnell tried the first case Jones Day received through the Southern District’s Plan for the Representation of Pro Se Litigants in Civil Cases. This program, adopted in 2011, invites applications from law firms willing to accept assignment as pro bono counsel for cases that begin pro se but which the court believes require assistance of counsel for the ends of justice to be met. Whitton volunteered for this civil rights case, even though her prior pro bono work had been in employment law. The case involved an inmate in a state facility who claimed he had been sexually assaulted by a correctional officer during searches. This type of case comes under 42 U.S.C. Section 1983, for violations of civil rights under color of authority.

When the Jones Day team got involved, the inmate had litigated for over six years on his own and discovery was closed. Whitton and O’Donnell petitioned for leave to re-open discovery for limited depositions. This allowed them to depose the main defendant and other inmate witnesses and eventually led to testimony from two other defendants who the inmate claimed failed through their deliberate indifference to prevent the abuse. On the eve of trial, the court ordered a settlement conference. Armed with the defendants’ testimony and the strength of the victim’s claims, the defendants agreed to a settlement that included payment of $9,500 to the victim – an impressive amount in this type of case.

“[The victim] was extremely happy with the outcome,” Whitton said. “He believed that the settlement represented a successful resolution to more than six years of litigation. And, importantly, the main defendant now conducts searches in a different way that does not take on a sexual nature.”

Elizabeth Blust (egblust@gmail.com) is a solo practitioner.
A world of difference in business immigration

Immigration is not just one of many practice areas at Fragomen - it is our sole focus. We work with each client to understand their business and immigration priorities; monitor worldwide policy, regulations and trends; and draw on our collective experience to proactively counsel clients. See how your view of the world changes when you work with a law firm totally focused on immigration law.

Gary B. Perl, Partner
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HOW DO YOU PRACTICE?

SDCBA members tell us what makes their practice unique.

By Jeffrey Joseph, Alex Kannan and Rebecca Ritchey

Photos by Jason de Alba, Mind in the Shutter Photography
Alex Amar Kannan
Law Offices of Alex Amar Kannan

Area of Law: Immigration

Where do you spend most of your time working? SDCBA office area.

What are some everyday tools you use to manage your practice? Microsoft Word/Excel, Quickbooks, Google Calendar, folders.

Are there any apps/computer programs/new technologies that you employ regularly? Google Calendar.

What is your go-to device? Laptop.

How do you communicate with your clients primarily? Phone either through my cell phone (routed through a different number) and through my Mac laptop through Google Voice.

When and where do you meet clients? I typically will meet my clients in the SDCBA office. I also meet clients at different locations throughout the city (National City, City Heights, etc.), or sometimes at other attorneys’ offices if I am co-counseling the case.

How and where do you meet colleagues? SDCBA, or their respective offices.

How do you keep up with news and trends in your area of practice? Constant e-mail news notifications regarding immigration issues.

How do you generate new business or gather leads? Referrals from clients, some advertising, networking with other professionals.

How do you market your practice? I try to market myself via word of mouth, but that can prove challenging in starting a practice. I do some newspaper advertising and internet advertising, though that is still a test-run.

What smartphone and/or tablet apps do you use for business when you’re away from your desk? I check my e-mail, calendar, and voicemail messages on my phone.

What does your physical working space say about the type of lawyer you are? I try to stay as organized and efficient as I can since I am working hard to build my practice. I carry the files I need for that day in a rolling bag. As I am always running around to different places or looking to gather leads at different locations, my office thus moves around with me. I have clients from Chicago, IL to El Centro, CA so I need to be mobile. If I am not working in the office, I am in another part of the city networking and looking for creative and new ways to build my business.

What is your biggest challenge currently? Being able to forecast how much income I will earn next month.

What is the most rewarding thing about your practice? The flexibility and freedom to build my practice while learning how to be the best and most effective advocate I can be.
Jeffrey Joseph
Joseph Mediations


Where do you spend most of your time working? All mediations are conducted at Esquire Reporting. Otherwise, I am completely mobile and work from anywhere. There is a printer in the home office. My daughter works as an assistant in Las Vegas where she does the correspondence and saves to a cloud program. She can also print from Las Vegas to the San Diego home office.

What are some everyday tools you use to manage your practice? It is a paperless office. All briefs are received as PDF documents, which can be marked up in iAnnotate on my iPad and saved to Dropbox. All faxes are sent and received as electronic documents using Ring Central. Using the iPad and iPhone, I correspond using email where documents can be received and sent as attachments.

Are there any apps/computer programs/new technologies that you employ regularly? iAnnotate (on the iPad) is used to mark up briefs and other documents, which can then be saved in Dropbox. iAnnotate also permits word searches and emailing of an entire document or just a page out of a PDF document (very useful for people participating by phone).

Skype and Facetime to allow videochats with people who cannot be at the mediation. I have done 16 mediations and one arbitration using Skype and it makes a big difference.

Google Earth is used to identify locations in either aerial view or street view.


Docs to Go. I dictate notes using Siri and save in Word documents using Docs to Go.

State Farm Pocket Agent is sometimes used to draw diagrams of auto accidents.

Scanner Pro. Allows taking a picture of a document with the iPhone and saving/emailing as a PDF.

CamCard. Will scan any business card, save the image and place the information into your contacts.

Wunderlist. Simple but effective “To Do” list that is cloud based so it can be accessed by any of my devices.

YouMail. A voicemail system that identifies the caller, not just the phone number.

Online Calendar (on my website). The greatest time saver I have ever discovered. No more calls asking for “dates.” People just go online on my calendar and select a date/time and email me.

Calvetica. The best calendar app for the iPhone on the market, I believe.

Safari. Basic internet browser which can bring up any published decision as well as countless other websites that might be useful in a mediation.
What is your go-to device? iPad. The principal device used for mediations using the apps above.

iPhone. Just a smaller version of the iPad and it has a phone.

Mac Air (11”). Sometimes you need a real computer for composing complex settlement agreements as well as other documents and working in Excel (which manages all my cases). The 11” Mac Air is very light and can be slipped into my bag without a lot of extra weight.

How do you communicate with your clients primarily? Email and text. The telephone frequently results in “phone tag” and it doesn’t permit communicating with multiple persons at once. Email also eliminates the need to mail documents.

When and where do you meet clients? All mediations are conducted at Esquire Reporting.

When and where do you meet colleagues? Anywhere, really, but primarily at the San Diego County Bar Center.

How do you keep up with news and trends in your area of practice? Twitter, particularly the ABA feed. McIntyre’s Civil Alert for keeping up on new decisions. No one does it better than Monty! I am also near the County Law Library where I have complete access to all Rutter Group publications.

How do you generate new business or gather leads? I do not make an effort to generate new business.

What smartphone and/or tablet apps do use for business when you’re away from your desk? Same as above – iPad, iPhone and Mac Air. I read books on the Kindle app and magazines in Newsrack. I use Map My Ride to track my bike riding, MLB.com to follow baseball, Flipboard as an all-purpose magazine, Slacker and Pandora for music and Netflix for movies.

What does your physical working space say about the type of lawyer you are? You can do most of the administrative aspects of my job from anywhere. That said, the whole idea of being mobile is not exactly revolutionary (e.g. Doctors Without Borders). The greatest asset I or any mediator has is what’s between our ears and that goes with us everywhere.

What is your biggest challenge currently? Trying to create a better work/life balance. I would like to use my experience as Deputy Chief Counsel for Caltrans and Associate Dean at Thomas Jefferson School of Law to serve on City or County Boards or Committees. I found my work on the San Diego County Bar Association Board of Directors very rewarding. We were able to sell an old building that need a lot of repairs and move into a beautiful new space near the new courthouse.

What is the most rewarding thing about your practice? Helping the people who come into mediation. Some mediators derive satisfaction from settling large multi-party business cases and that is gratifying. However, I enjoy even the smaller cases and would never give them up. Lay people come in a little nervous and unsure of the process. I try to put them at ease and guide them through the process based on my extensive experience as a mediator and trial lawyer. They seem so relieved when a case settles.

Rebecca Ritchey
Scales of Justice, LLP

Area of Law: Family Law

Where do you spend most of your time working? I spend most of my time working in my office because I need to have a place where I know I can be productive. However, now that I have an Associate working for me, I’ve been spending more time out of the office, either in Court or setting up meetings with other professionals who will help me grow my business.

What are some everyday tools you use to manage your practice? Almost all of my tools are electronic, with the exception of a few practice guides. I manage the practice with everything from my Desktop to my iPad/iPhone. Everything from our case management, bookkeeping, and filing system is stored on the cloud so anyone in the office can access it from anywhere there is internet access.
Are there any apps/computer programs/new technologies that you employ regularly? The Quickbooks app makes it easy to enter deposits while I’m waiting at the bank, so I don’t forget to do it. MyCase also has a really easy to use app where I can check my calendar, check off tasks, or look up client/case information while in Court. I use Google Voice to manage our San Diego and LA offices from one location and when clients leave a voice message, it gets transcribed and sent to my email. I also love Dropbox, I have a login for the office and one for personal files.

What is your go-to device? My go-to device is my iPad mini. I am amazed at how productive I can be on that little device. Just the other day I created an entire PowerPoint presentation just using the mini. I can also fill out Judicial Council Forms, e-sign documents, and keep track of email and MyCase.

How do you communicate with your clients primarily? I communicate with my clients via MyCase or email, primarily. My clients love that they have the MyCase interface to track what is going on in their case. I can share hearing dates, deadlines, and even when I speak with Opposing Counsel. Plus, I upload all their documents to the system, which allows them to get copies of Orders or Discovery without calling the office.

When and where do you meet clients? I keep meetings with clients to business hours at my office. Technology makes us much more accessible to our clients, but I still feel it is important to draw a line between work hours and hours dedicated to my family. Neither time should be interrupted by the other unless it’s urgent.

When and where do you meet colleagues? I am much more flexible in meeting colleagues. Often times, early morning coffee or later evening drinks is my only free time to connect and build productive relationships with other attorneys or business professionals who also dedicate business hours to clients.

How do you keep up with news and trends in your area of practice? The Internet has a plethora of data relating to news and trends for Family Law, including blogs and journals. However, probably the most reliable source is publications from the ABA, SDCBA, or our Family Law Listserv; which are all fortunately online.

How do you generate new business or gather leads? Most of my business comes from referrals; either by former clients or trusted colleagues. However, almost all of my cold leads come from YELP or someone who stumbled across our blog or website. About two years ago, we had a client comment on our positive YELP reviews and when we realized that was a source most people reference in their search for an attorney, we reached out to our former clients to give a review.

How do you market your practice? We market almost solely by word of mouth. We strike up conversations with people at events or even just while out to dinner and hand out our cards. We attend networking groups and I belong to a referral networking group with attorneys and non-attorney professionals that refer clients to me. We haven’t done any paid advertising yet, but maybe someday.

What smartphone and/or tablet apps do use for business when you’re away from your desk? I use Quickbooks, MyCase, GoDaddy for email, Google Voice, DissoMaster to calculate support and I use our bank’s app to make mobile deposits whenever I can. I also use Pages to edit documents and I have FastCase for quick case research and an app with all the Family Law Rules for reference in Court.

What does your physical working space say about the type of lawyer you are? My desk is generally cleared off and organized; at least by the end of the day, because clutter is extremely distracting for me. I will put bills, briefs, and other items that need my attention that day on the corner of my desk so that I don’t forget about them. However, I don’t generally leave my office until I have attended to them and cleared them away for the night.

What is your biggest challenge currently? My biggest challenge currently is balancing my various job positions; as a manager of the firm and as an attorney for my clients. Managing the everyday work flow of a business is a fulltime job, including bookkeeping, bill paying, marketing, and maintaining a presence in the community. However, being an attorney and billing enough hours to maintain a steady flow of income is also a fulltime job.

What is the most rewarding thing about your practice? The whole reason I chose to practice this area of law was to help someone build a new future. I can’t fix the past, but it is very rewarding to help someone build a new future.
THINKING OF BRINGING ON A LAW CLERK OR HIRING A NEW LAWYER?

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Please contact Courtney Miklusak, Esq. at (619) 515-1557 or cmiklusak@cwsl.edu
Martha and her husband, Greg, shared physical custody of their three daughters. When one of their daughters told Martha that Greg had sexually abused her, Martha was able to get the appropriate documents to file for sole custody while Greg retained an attorney. With no financial resources to hire counsel, Martha was accepted under San Diego Volunteer Lawyer Program’s Shriver Representation Program. She succeeded in obtaining temporary orders for sole custody while Child Welfare Services investigated.

SDVLP assists thousands of clients every year who, like Martha, cannot afford to hire legal counsel, but desperately need assistance. Each day, SDVLP staff attorneys and volunteers, and legal aid attorneys throughout California help families in all types of situations. However, for every person that receives assistance, four more are left to fight alone because there are not enough resources.

The State Bar of California’s Legal Services Trust Fund Program has been a bulwark in ensuring that people like Martha have access to legal assistance by providing grants to legal aid organizations like SDVLP. LSTFP funding is now at unprecedented risk, due in large part to plummeting interest rates. The same financial crisis that caused the drop in revenue created unprecedented need for free legal services. California’s poverty population has grown by almost 700,000 people since 2000, while revenue for the LSTFP has dropped more than 75 percent from its peak.

Donations to the State Bar’s Justice Gap Fund make a significant impact on the ability to help ensure that hundreds of thousands of clients like Martha, will have access to a legal aid lawyer when they have nowhere else to turn. You can make a donation when you pay your annual State Bar dues, or at any time during the year online. There are also other ways to help.

Every year, hundreds of attorneys and law students who volunteer with SDVLP give the gift of time and expertise to thousands of San Diegans. As a SDVLP volunteer you have the ability to change a life. Even a relatively small amount of time can make a difference. Many lawyers say that volunteering is the most satisfying aspect of their careers.

As for Martha, with SDVLP’s assistance a stipulation was negotiated which allowed Martha to retain sole physical custody.

Amy Fitzpatrick is the executive director of San Diego Volunteer Lawyer Program.

In one afternoon or one minute you can make a difference

By Amy Fitzpatrick
Thinking about buying or selling a home?

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REAL ESTATE, MONEY MANAGEMENT & WEALTH BUILDING

Sold over 500 San Diego area homes since 2004

LK Realty Center for Conflict Resolution: Gary Laturno, mediator and arbitrator, has been resolving civil disputes since 2001

Counseled over 2000 homeowners in financial distress since 2006

In 2013, authored “Three Steps to Wealth & Financial Security – All That Glitters Isn’t Gold”; available at amazon.com/books

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Update on “Up to Code”

Photos by Barry Carlton

In the March/April 2014 issue of San Diego Lawyer, we inadvertently ran an outdated photo of Josh Gruenberg’s office in his story “Up to Code.”

Here are some photos of what Josh’s building looks like today.

Fun facts:

• Josh keeps the building’s carbon footprint incredibly low by using technology like photo-sensor-controlled blinds that rotate with the sun to filter light and minimize heat gain.

• A 65-foot koi pond was built along part of the building to provide a tranquil setting while helping keep the office cool.

• Josh built this new office next door to a building he purchased in 1997 known as the Nason House – a 1902 Colonial Revival property and City of San Diego Historic Landmark.

Protecting the elderly throughout Southern California... one elder abuse/neglect case at a time.

Berman & Riedel, LLP, continues to accept referrals and co-counsel involvement from members of our legal community on complex elder abuse/neglect cases, nursing home cases and dependent adult abuse/neglect cases.

Over $25 million in elder abuse/neglect case settlements and verdicts in the past 5 years alone.*


*Many significant referral fees paid for cases involving claims of elder abuse/neglect cases against nursing homes, residential care facilities, in-home care companies, and other facilities that serve the elderly and dependent adults. All Referral Fees are paid consistent with the requirements of California Rule of Professional Conduct 2-200.
EYEWITNESS EXPERT TESTIMONY:

45 years of forensic psychology experience with pretrial consultations and frequent court testimony regarding factors known to influence the validity of eyewitness report. Pretrial consultation can include choosing foils for live lineups and selecting jurors. Trial testimony includes charts to explain the results of scientific research demonstrating factors known to influence eyewitness identification accuracy. Thomas R. MacSpeiden, Ph.D., (619) 294-4044, fax: (619) 295-4113, e-mail: macspeidenphd@nethere.com

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ATTORNEY LOUNGE RENOVATION

The Attorney Lounge on the third floor of the Hall of Justice was recently renovated by members of the SDCBA Bar History Committee. The Attorney Lounge was last updated in the 1990s when it was located at 220 West Broadway. The furniture and historic photos of the San Diego legal community are in place thanks to the generosity of the San Diego Law Library and the SDCBA.

There is still room in the Attorney Lounge for a bookcase, sofa, reception chairs and end table. If you have any furniture you would like to donate, please e-mail photos to George Brewster (george.brewster@sdcounty.ca.gov) or Bob Gaglione (gaglione@pacbell.net).

DISTINCTIONS

◆ Attorney Greg Bruck was one of eight volunteers who recently received a “Standout Award” from the San Diego Lawyer Volunteer Program.

◆ Mary Cataldo, attorney with Procopio, Cory, Hargreaves & Savitch, was recently appointed to the San Diego Volunteer Lawyer Program’s board of directors.

◆ Attorney James Peterson of Higgs Fletcher & Mack LLP was elected to the board of directors for Make-A-Wish San Diego.

◆ David Casey, Jr., managing partner with Casey Gerry Schenk Francavilla Blatt & Penfield LLP, was recently appointed to serve on the board of directors for the International Academy of Trial Lawyers.

Hon. Charles R. Hayes (Ret.)
Judge of the San Diego Superior Court

Discovery Referee • Mediator • Arbitrator
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24 years as a Superior Court Judge, 15 years presiding over civil trials.

Judge Hayes is “very pragmatic and a problem solver.”

He “has a nose for getting at the crux of an issue. He understands very well the dynamics of lawyer-to-lawyer interactions.”

He “has gone over and above what is required of a mediator in following up with the parties to see that these things get resolved.”

- Daily Journal Judicial Profile, August 17, 2012

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That’s why the San Diego County Bar Foundation supports more than 40 local legal aid and public interest organizations. And now is the time for you to help. We are asking you to please “Give An Hour” and donate the equivalent dollar amount of one hour of your billable time. Since time is money and we know you’re busy and may not have the time to give, please consider a gift of money.

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*List complete as of April 15, 2014.

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The San Diego County Bar Association’s 100 PERCENT CLUB is a special category of membership that indicates an outstanding commitment to the work done through SDCBA programs and services in the legal profession and the community. The following firms (five or more lawyers) are members of the 100 PERCENT CLUB for 2014, having 100 percent of their lawyers as members of the SDCBA.

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BAR FOUNDATION DISTINGUISHED LAWYER MEMORIAL
Photos by Douglas Gates Photography
On March 26, the San Diego County Bar Foundation hosted its annual Distinguished Lawyer Memorial to give special and permanent recognition to deceased judges and lawyers from San Diego County.
PHOTO GALLERY

LAW WEEK POSTER & ESSAY CONTEST JUDGING
Photos by Barry Carlton
Volunteers gathered at the SDCBA Conference Center on April 10 to judge submissions from K-12 graders for the Law Week Poster & Essay Contest.

ETHNIC RELATIONS & DIVERSITY COMMITTEE SPRING MIXER
SDCBA members mingled at the Higgs Fletcher & Mack offices during the SDCBA Ethnic Relations & Diversity Committee’s Spring Mixer on April 24.
Whether you practice in a firm with one attorney or 100 attorneys, your firm can benefit from big savings. Put the power of your SDCBA membership to work for you and check out the exclusive SDCBA member savings offered through our member benefit partners.

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