



# GBA TODAY

Glendale Bar Association

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## President's Message

"All the careful strategy in the world will be of no assistance to you unless you write clearly and forcefully. And clarity and power are above all the fruit of simplicity." -Hon. Irving R. Kaufman

Summer has been great for the GBA. The annual barbeque took place at Daniel & Yuka Kimbell's house and was a great success! Members enjoyed a refreshing cocktail while savoring tasty quesadillas and burritos that the cook made on site. We saw new faces, and not so new, sporting their favorite summer fashions! It was nice to catch up with everyone and get to know some a bit better. Special thanks to our hosts, the Kimbell's, for making our annual event, yet again, a very successful one!

The July GBA calendar was packed with great CLE speakers such as Deputy District Attorney Susan Schwartz, the prosecutor on the John Drayman case. She presented an excellent program revealing the complexities of a yearlong embezzlement investigation into John Drayman. "It was discrepancies in the reporting of pony ride proceeds at the Montrose Harvest Market that solidified our suspicions." The attendees were treated to a co-presentation by Dana Aratani, co-counsel in the case. Also joining the dinner was the lead investigator, Sgt. Miguel Porras and Detective Espie Fernandez. The dinner meeting was featured in the Glendale News-Press, you can read all about it on

GBA facebook. A special thanks to former GBA President, Lucy Varpetian, for all her efforts in making this presentation happen. There are still many events left towards the end of the summer! Members can participate in the upcoming trivia night and help the GBA compete against other organizations such as the Pasadena Bar Association and the San Fernando Valley Bar Association. All three organizations have thrown in their hats and are preparing for battle. It is requested that the GBA Members attending get lots of rest and eat well for the competition! The winner gets boasting rights and a small prize.

Our networking lunches also continue at very trendy and accessible venues. Our upcoming lunch is being held at the Red Lion Tavern in honor of the recent German victory in the World Cup! The Germans played brilliantly! Had the Germans not scored in overtime, the networking lunch was scheduled to be at "EL Morfi," a wonderful Argentinian restaurant on Brand (maybe next month for all you Lionel Messi fans!).

We also have many more upcoming networking events as well as fantastic CLE programs for the rest of the year. Please mark your calendars! Also, remember that the GBA Board welcomes suggestions and other comments on what can be done to make our organization bigger and better. Feel free to contact any one of us! We welcome your input and continued support.

Best wishes,  
**Monica R. Molina**

## CALENDAR – UPCOMING EVENTS- Save the Dates!

- July Networking Lunch  
Wednesday, July 23, 2014-  
Red Lion Tavern-Noon
- July 24, 2014-Trivia Night  
Part Deux at "The Famous"-  
GBA v. PBA-7:30-9:30 pm  
Just added: SFVBA (San  
Fernando Bar Association)  
will also be throwing their  
hats into the ring! Food will  
proudly be sponsored by  
Chase Bank
- August 6, 2014-Paul Kiesel-  
MCLE-(Lunch)-Notte Luna-  
"Tips on Law Office  
Technology."
- August 14, 2014-Karaoke  
Night at Dimples in Burbank  
6:30-8:00 pm
- August Networking Lunch  
Wednesday, August 25,  
2014-Venue-TBA-Noon
- September 4, 2014,  
Honorable Scott M. Gordon,  
Presiding Family Law Judge  
of the Los Angeles Superior  
Court-MCLE-(Dinner)-Venue  
TBA
- October 1, 2014, Marcellus  
Antonio McRae, Gibson,  
Dunn & Crutcher-Lead  
Counsel on Vergara v.  
California-MCLE-(Dinner)-  
Oakmont-Liberty Bell Night!  
Past President's Night!

*Paul Kiesel***Federal Express Bus Crash Lawsuit Filed**

Kiesel Law LLP has filed a wrongful death action on behalf of the family of Ismael Jimenez against FedEx and Volvo, the manufacturer of the FedEx truck.

Paul Kiesel stated at the May 20, 2014, news conference that the lawsuit is on behalf of Ismael Jimenez, 18, an aspiring college student and artist. Ismael and other high school seniors were headed north for a tour of Humboldt State University when the bus was struck head-on by the FedEx truck.

"Ismael sacrificed his life to save the lives of other students on the bus," noted Kiesel. "This was the Bus Full of Dreams, because these were disadvantaged children who had excelled in school and were the first in their families to attend college."

"Liability rests first and foremost with Federal Express. Federal Express owned, maintained and ran that tractor unit," said Kiesel. "By bringing this claim now, it gives the family the legal right to determine why this tragic crash happened."

Ismael Jimenez rushed to the front of the bus as it was filling with smoke, broke out a window and helped lift others to safety. Evelin Jimenez, Ismael's sister, said, "He could have saved his own life, but he put the lives of others first. He is a Hero."

**February 2014 Release of Religious Orders Files**

After eleven years of litigation and a six year battle over the release of files, the more than 600 victims of

clergy sexual abuse have secured for publication, additional confidential files which reveal a painful history of cover-up and betrayal by the Catholic Church. The confidential files were turned over to the victims as part of global settlement with the Archdiocese by the Benedictine Fathers of Sacred Heart Mission, Inc. aka St. Gregory's Abbey, the Missionary Sisters of the Sacred Heart of Jesus aka The Cabrini Sisters, the U.S Province of the Missionary Oblates of Mary Immaculate, Inc., the Oblate Fathers Western Province, Inc., the Marianist Province of the United States and the Sisters of St. Joseph of Carondelet. "In the six years since the historic settlement was reached, our firm never wavered in our commitment to see that these secret files would be released to the public" said attorney Paul Kiesel.

**Jenni Rivera: Paul Kiesel Interviewed by CNN**

On the one year anniversary of the plane crash that took the lives of Jenni Rivera and six others, CNN has done an investigative report on the new details that have emerged about what might have caused the plane to plunge 28,000 feet into a mountainous area of northern Mexico. Attorney Paul R. Kiesel, who represents the four families involved in the lawsuit, said he expects it will be "a couple of years" before a trial date will be set for the lawsuit.

"As for the case, we're continuing with the underlying investigation as to why the plane fell out of the sky. Was it pilot error? Mechanical failure? We're now taking depositions from individuals who chartered the plane to find out more," Kiesel said. When CNN asked how the victims' families were coping as the anniversary of the plane crash approaches, Kiesel said his clients are staying out of the spotlight citing a significant amount of media intrusion over the past year.

**Judge Rules on Jenni Rivera Case**

In a major ruling, Superior Court Judge Holly Kendig rejected a motion by Starwood Management Inc., the company that operated the doomed Learjet, calling for the case to be dismissed in California and moved to Mexico.

Rivera, a Mexican-American superstar musician, and six other people were killed in the Dec. 9 crash in northern Mexico. Kiesel Law represents the families of Jennie Rivera's publicist, Arturo Rivera; makeup artist, Jacobo Yebale; lawyer Mario Macias and hair stylist, Jorge Sanchez.

Attorney Paul Kiesel, said the plane was registered in the U.S. and Starwood is incorporated in Nevada. He also said investigators from the National Transportation Safety Board were having the plane's wreckage examined in the U.S. and assisting Mexican authorities.

Rivera, 43, died as her career was peaking. She was the queen of grupero style of singing, and had moved into acting and reality television.

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### **Ground Breaking Decision Reached by Jury in Trial**

Paul Kiesel and Thom Peters of Kiesel Law LLP, won a major victory for clients Nathaniel T. and Gary R. when their two week trial concluded with a first in the nation decision by the Superior Court jury in Riverside, California. The 12 person jury unanimously decided that a magazine clearing house, Atlantic Circulation Inc., was the employer of Nathaniel and Gary, who traveled from town to town knocking on doors selling magazines for the exclusive benefit of the magazine clearing house. This finding is believed to be the first verdict in the history of the industry where a clearing house has been found to be the employer of the sales personnel.

Prior to this trial, magazine clearing houses in California and across the country enjoyed all the benefits of the employee/employer relationship without any of the responsibilities of the relationship. These magazine clearing houses employ thousands of young men and women working up to 12 hours a day exclusively selling magazine subscriptions on behalf of the clearing houses. In the case of Atlantic Circulation, Inc., the company decided where the sales people could sell, decided which magazines they could sell, decided which sales pitch would be used, and prohibited sales of competitors' products.

Atlantic Circulation Inc. greatly benefited from this employer/employee relationship, but when Nathaniel and Gary were seriously injured during their work for Atlantic Circulation, injuries that resulted in multiple compound fractures and devastating permanent brain damage, the company refused to provide any benefits, medical or otherwise, to these two young men. Instead, Atlantic Circulation insisted that the young men were, at most, independent contractors who were not entitled to any compensation at all.

"Atlantic was convinced that no jury would find our clients to have been Atlantic's employees because the boys had signed independent contractor agreements," said Thom Peters, "but when we put all of the evidence before the jury, they concluded that Atlantic was indeed the boys' employer, with all of the obligations that relationship entails. "

"Thanks to the outstanding decision reached by this jury, magazine clearing house corporations will be held accountable when young men and women are injured during the course and scope of their employment for that company", according to Paul Kiesel. "This is not only a big, life altering decision for our two brave clients, who were so seriously injured, but is a victory for all people who were, until now, in a relationship with corporations where the company held all the control and benefits, without any of the potential liability to those who worked for them".

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### **Kiesel Technology Articles**

Paul Kiesel was named one of "America's 12 Techiest Lawyers" by the ABA Journal and takes pride in the fact that the firm's technological advancements allow its attorneys to travel the world and still never lose touch with their clients. Paul prides himself on being "the easiest lawyer to reach in America because no matter where I am in the world, I get the message."

***Come meet and join Paul Kiesel on August 6, 2014 (11:45 a.m.-1:30 p.m.) at Notte Luna for his CLE presentation: "Tips on Law Office Technology." RSVP at [info@glendalebar.com](mailto:info@glendalebar.com)***

## State Bar Updates

### State Bar

#### **Justice Scalia to speak at the Annual Meeting:**

Registration has opened for the State Bar's upcoming Annual Meeting in San Diego, which will mark only the second time the event has featured a U.S. Supreme Court justice. Among the highlights of the four-day event will be the State Bar luncheon on Thursday, Sept. 11, featuring a conversation between Professor Bryan Garner and Justice Antonin Scalia, the longest-serving justice on the Supreme Court. Attendees of the luncheon will receive a copy of Scalia and Garner's book, "Reading Law: The Interpretation of Legal Texts." A book signing will follow the lecture. Those who would like to attend are encouraged to buy their tickets early, as spaces are limited. For additional information click on this link:

<http://www.calbarjournal.com/July2014/TopHeadlines/TH7.aspx>

#### **Craig Holden elected President of the State Bar:**

Also elected Friday and assuming office in September: Heather Linn Rosing, 42, of Klinedinst PC in San Diego, as vice president; and Michael Colantuono, 42, of Colantuono & Levin PC of Penn Valley, as treasurer.

**Help Us Celebrate:** The State Bar of California Office of Legal Services cordially invites you to attend the AWARDS RECEPTION honoring the recipients of the 2014 Loren Miller Legal Services Award, President's Pro Bono Service Awards, and the Jack Berman. Chief Justice Tani G. Cantil-Sakauye will present the awards on Friday, September 12, 2014 between 5:30 p.m. – 7:30 p.m. at the Grand Hyatt San Diego, 1 Market Place. You need not be registered for the State Bar annual meeting to attend the reception. [Click here to RSVP](#)

#### **2014 Benjamin Aranda III Access to Justice Award:**

Congratulations are in order for **Sue Alexander**, Commissioner with the Superior Court of Alameda County, recipient of the 2014 Benjamin Aranda III Access to Justice Award.

You are invited to attend the awards ceremony honoring Commissioner Alexander and six other award recipients. Event details: Distinguished Service Awards Ceremony, Thursday, August 21, 2014, 4:30 p.m. – 6:00 p.m., Milton Marks Conference Center Auditorium, Judicial Council of California, 455 Golden Gate Avenue, San Francisco. Please let **Frank Monti** know if you plan to attend the awards ceremony at [Frank.Monti@calbar.ca.gov](mailto:Frank.Monti@calbar.ca.gov) no later than Wednesday, July 23, 2014.

#### **Task Force on Admissions Regulation Reform (TFARR):**

The proposed elements would include 15 units of practice-based competency training in law school, 50 hours of pro bono or reduced fee legal services during and after law school and 10 hours of competency training MCLE (Minimum Continuing Legal Education) in the first year of practice. The task force is scheduled to meet again July 28 the Los Angeles office of the State Bar. More information may be found [here](#).

### Other Legal Organizations

#### **San Fernando Valley Bar Association:**

Congratulations to the bar's CEO, Liz Post for being selected as one of this year's recipients of the Armand Arabian Leaders in Public Service Award, an award for exceptional leadership on behalf of the public interest. The award will be presented this October 2<sup>nd</sup> by the Encino Chamber of Commerce. Congrats Liz!!!

#### **Sandra Day O'Connor film wins Emmy Award:**

A video about "fair and free courts" by the National Association of Women Judges won an

Emmy Award. The 4:28 minute video can be accessed via Bar Association of San Francisco's blog at <http://blog.sfbar.org/2014/06/23/national-association-of-women-judges-kicks-off-civics-education-awareness/>. A groundbreaking partnership formed by California judicial leaders and Hollywood has won an Emmy Award for the National Association of Women Judges (NAWJ). The film "Fair and Free," conceived, written and produced by award-winning television writer and producer Jonathan Shapiro (The Blacklist, Life,

Boston Legal, The Practice), featured former U.S. Supreme Court Justice Sandra Day O'Connor.

The film is the centerpiece of the NAWJ effort to combat civics education illiteracy and is part of a long-standing and ongoing effort by the California judiciary to educate the public about what courts do and why they matter. To view "Fair and Free," or to get more information, visit [www.ivp.nawj.org](http://www.ivp.nawj.org)

## Lawyer Referral Program

The Glendale Bar Association (GBA) lawyer referral services is a lawyer nonprofit referral service certified by the State Bar of California serving Glendale, Burbank, Pasadena and neighboring communities in Los Angeles. To become a member of the GBA LRS, please contact any of the current board members.

Join Us on Facebook & LinkedIn



## Networking Lunches

*Be ready to eat and network!*

*We look forward to seeing more of you!*

*The GBA had its fifth monthly networking lunch on June 25<sup>th</sup>, at Brand 158, where members discussed many recent topics and also got to enjoy some World Cup group Stage matches!*

*What's the best way to meet a group of attorneys to whom you can refer clients with confidence? Come to the monthly networking lunches! Meet your fellow GBA attorneys, learn about their practice areas, and get to know them. As an added bonus, if you want, the GBA will assign you to a small, 3-4 person group or "Troika," which will allow you to form an even better relationship with your fellow members. (Troikas change every month) In honor of the 2014 World Cup Champions, we are enjoying German cuisine in July! Join us for the sixth lunch of the year on Wednesday, July 23, 2014, from 12:00 p.m. to 1:30 p.m. at*

the Red Lion Tavern located at 2366 Glendale Blvd., Los Angeles, CA 90039. *Don't forget to bring your business cards!*



Prost!



Glückwünsche

## CLE Events



Thank you to our City Attorney, Michael J. Garcia for a fantastic June CLE presentation on legal issues in the City of Glendale.



### Drayman Prosecution

**Presentation:** Lead Investigator, Sgt. Miguel Porras, Deputy District Attorney, Dana Aratani, Deputy District Attorney, Susan Schwartz Also pictured: Sr. Assistant City Attorney, Lucy Varpetian, Monica R. Molina, Gina Hogtanian, and Mike Zuckerman.

## Clark Magnet High School's Mock Trial Team seeks Mentors

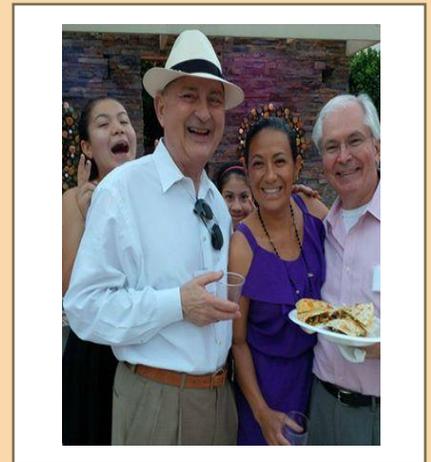
The aspiring lawyers of Clark Magnet High School's Mock Trial Team are currently seeking the assistance of individuals willing to provide contributions to enable the team of students to participate in the Mock Trial Competition beginning in November of this year.

The school has participated in the **CRF National Mock Trial Competition** for the past eight years. The purpose of the Mock Trial Program is to help students gain a working knowledge of the judicial system, develop communication skills, and obtain an understanding of their responsibilities as citizens. Each year, the students are presented with a hypothetical criminal case and spend time both in and out of school conducting legal research, preparing our arguments, and rehearsing our roles as courtroom characters.

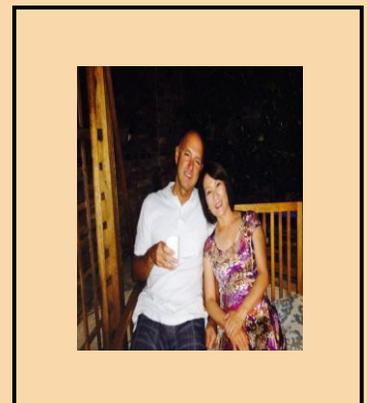
The students participate in mock prosecution and defense under the tutelage of Honorable Judge O'Gara. Last year, five of the team members were recognized for their hard work and demonstration of courtroom proceedings. The students currently seek the help of experienced attorneys who are willing to lend their time and expertise in helping them better comprehend the law and advise on making objections, cross-examining witnesses, and formulating arguments.

Additionally, the students seek financial assistance to ease the cost of team registration, the rent of our meeting venue, and bus transportation both to and from the Los Angeles Courthouse on competition dates. Both financial and mentoring contributors will be recognized on their [Facebook page](#). . If you do not have time to volunteer your services the school is also looking for financial sponsors for the event. **The Glendale firm of Knapp, Petersen and Clarke has graciously agreed to be one of the team sponsors.** The students are grateful for any assistance that you can offer to the team. Should you have any questions, feel free to contact: [maya.ramamurthy97@gmail.com](mailto:maya.ramamurthy97@gmail.com) or (818) 484 6031

## Past Events



David DiJulio,  
Monica Molina &  
Barry Ross-  
Annual GBA BBQ



Special thanks to our generous and gracious hosts of this year's barbeque, Dan & Yuka Kimbell



Wilton Robinson, Arbella Azizian & John Jacobson