



**STATE BAR  
SECTION  
EDUCATION  
INSTITUTE**

The State Bar of California Section Education Institute  
A 2½ Day Premier Educational Event  
Up to 16 Hours of MCLE Credit

## **Substantive Legal Issues and Fundamental Approaches to the Practice of Law**

# **January 28-30, 2005**

*Palace Hotel*  
San Francisco



*Sponsored by:*

The Sections of the State Bar of California

Antitrust & Unfair Competition Law  
Business Law  
Criminal Law  
Environmental Law  
Family Law  
Intellectual Property Law  
International Law  
Labor & Employment Law

Law Practice Management & Technology  
Litigation  
Public Law  
Real Property Law  
Solo & Small Firm  
Taxation Law  
Trusts and Estates  
Workers' Compensation Law

# Program Spotlight (Refer to Program Descriptions for details)

## **ANTITRUST & UNFAIR COMPETITION LAW [AN]**

- 39 Recent Developments in Antitrust Law
- 58 Business and Professions Code §17200 (co-sponsored by the Litigation Section)

## **BUSINESS LAW [BL]**

- 4 Medicare Reforms, Prescription, Drug Pricing and Re-Importation
- 19 Bankruptcy: What Every Business Lawyer Needs to Know
- 42 Hottest Issues in Cyberspace
- 49 Mediation Strategies: A Business Lawyer's Guide to Successful Negotiation
- 55 Girlie Men and Manly Girls: What Corporate Lawyers Shouldn't Be Saying

## **CRIMINAL LAW [CL]**

- 16 The ABC's of Courtroom Decorum
- 56 Trial Publicity and the Ethics of Discussing Your High Profile Case
- 35 Computer Crime & Intellectual Property Offenses: When Does a Civil Case Become Criminal?
- 50 Jury Selection: Tips and Tactics in Criminal and Civil Trials (co-sponsored by the Litigation Section)
- 63 Effective Presentation of Expert Witnesses

## **ENVIRONMENTAL LAW [EL]**

- 5 The Nuts & Bolts of Land Trusts: How They Work and What They Do
- 13 Redeveloping Contaminated Sites: Is Environmental Insurance the Answer?
- 24 CEQA Compliance & Litigation: Tips for Success
- 34 New Ethical Issues in Law Practice: Environmental Law and Beyond

## **FAMILY LAW [FL]**

- 14 Substance Abuse and Family Law Practice
- 25 Road Maps of Financial Assets and Cash Flow
- 28 Between A Rock and a Hard Space: Ethical Dilemmas for the Family Law Attorney
- 61 Personal and Professional Bias in Family Practice
- 71 La Musga - It's Meaning and Effect

## **INTELLECTUAL PROPERTY [IP]**

- 3 Hollywood vs. the Heartland: Clean Flicks, Clear Play and Copyright
- 17 Initial Interest Confusion Doctrine
- 30 Search Engine Optimization and Unfair Competition
- 59 Management and Valuation within a Litigation Setting
- 64 Undoing the Test for Infringement - Satava and Beyond

## **INTERNATIONAL LAW [IL]**

- 7 Ethics and Multi-Jurisdictional Practice Issues Relating to Out of State Lawyers and Clients
- 22 Letters of Credit and Wire Transfers—A Primer for the General Practitioner
- 32 Doing Business in Mexico—An Introductory Primer
- 51 Alien Tort Statute Litigation—Current Status and Prospects
- 72 International Trade Law Issues for General Practitioners

## **LABOR LAW [LL]**

- 12 2004 in Review: Major Developments in Labor and Employment Law
- 46 Sex, Sex, Sex: Everything You Always Wanted to Know About Sex and Gender in the Workplace but Were Afraid to Ask
- 53 Alcohol and Drug Abuse in the Workplace and Beyond

## **LAW PRACTICE MANAGEMENT & TECHNOLOGY [LP]**

- 15 Current Developments in Legal Ethics
- 26 The Lawyer's Guide to Fact Finding on the Internet (or What They Never Taught You in Your Legal Research Class)
- 33 How to Run Effective and Productive Meetings
- 43 Modern Technology Tools for the Litigator
- 47 How to Increase Your Cash Flow

## **LITIGATION [LT]**

- 29 Immigration Traps and Trumps for the Trial Lawyer
- 36 Summary Judgment: A View from the Bench
- 44 Attorney Client Confidentiality Under Attack
- 58 Business and Professions Code §17200 (co-sponsored by the Antitrust & Unfair Competition Law Section)
- 50 Jury Selection: Tips and Tactics in Criminal and Civil Trials (co-sponsored by the Criminal Law Section)
- 66 California Tort Claims Act and Governmental Immunities (co-sponsored by the Public Law Section)
- 69 The Seven Habits of Highly Effective Trial Lawyers

## **PUBLIC LAW [PL]**

- 1 Bias and the Legal Profession
- 10 Government Agency Use of Religious Symbols and References
- 27 Substance Abuse and the Legal Profession
- 37 Access to State and Local Government Records
- 54 Local Government Agency Open Meetings Law (Brown Act)
- 66 California Tort Claims Act and Governmental Immunities (co-sponsored by the Litigation Section)

## **REAL PROPERTY [RP]**

- 11 Current Developments in Real Property Law
- 31 "So Your Client's Getting a Real Estate Loan..."
- 38 Entity Structures and 1031 Exchanges
- 48 Fast Forward! Ethical and Practical Considerations in the World of Unlawful Detainer Motions and Discovery
- 70 Dirt Wars: You've Crossed the Line

## **SOLO AND SMALL FIRM [SS]**

- 2 Conflicts of Interest for Small Law Firms
- 9 Advanced Negotiation Techniques for Mediation
- 57 Estate Planning: The Basics for the Solo and Small Firm Practitioner
- 62 How to Effectively Present Your Case to a Judge and Jury on a Minimal Budget
- 68 Cyber-Sleuthing: How To Get What You Need When You Need It

## TAXATION [TX]

- 6 Asset Protection—A Primer for the General Practitioner
- 23 Taxation and Intellectual Property for General Practitioners, Identify, Build & Position for Tax Savings
- 45 Income Taxation of Damages—What Every Practitioner Needs to Know
- 60 Going Solo in Your Law Practice: How to Make All the Right Moves... And Avoid the Pitfalls
- 65 Elder Abuse

## TRUST & ESTATES [TE]

- 8 Is There a Statute of Limitations for Alleged Malpractice Claims Against Estate Planning Attorneys?
- 18 Death of a Litigant
- 21 Who's The Client? Ethics for Trusts and Estate Counsel
- 41 Conservatorship for Dummies: Mental Health vs. Probate Court
- 52 Medi-Cal Planning Techniques Under the New State Regulations and Budgetary Limitations

## WORKERS' COMPENSATION [WC]

- 20 The New Workers' Compensation Law, Part I: More Alphabets in the Soup
- 40 The New Workers' Compensation Law, Part II: New Twists, Turns and Potholes in the Yellow Brick Road!
- 67 The New Workers' Compensation Law, Part III: The Care and Feeding of the Injured Worker

## Courses in the Mandatory Subfields and Offering Legal Specialization

**Elimination of Bias:** 1, 55, 61,  
**Legal Ethics:** 2, 7, 15, 18, 21, 28, 34, 41, 43, 44, 48, 49, 56, 67, 73  
**Prevention, Detection & Treatment of Substance Abuse/Emotional Distress:** 14, 27, 74

## Courses Offering Legal Specialization:

**Criminal Law:** 16, 35, 50, 56, 63  
**Estate Planning:** 8, 18, 21, 41, 52  
**Family Law:** 14, 25, 28, 61, 71  
**Immigration Law:** 29  
**Taxation Law:** 6, 23, 45, 65  
**Workers' Compensation:** 20, 40, 67



# Section Members...

*Have you set up your State Bar Online Membership Profile?*

## If not—MAKE IT A PRIORITY!

Here are the **IMPORTANT** things you will be able to do when your profile is in place:

**Enter the Members-Only Area of any Section of which you're a member, and have immediate access to key publications, past newsletters, updates, and special offers available only to members**

**IMPORTANT NOTE: AFTER JUNE 1, 2004 YOUR ONLY ACCESS TO THE SECTIONS' MEMBERS-ONLY AREAS WILL BE VIA YOUR STATE BAR ONLINE PROFILE!**

- Participate in Section discussion boards and share ideas, tips and information with your fellow Bar members
- Update your *own* State Bar membership record quickly and easily without having to go through State Bar offices
- Designate a public email address for your public address of record, and a private email address for your State Bar correspondence
- Pay your State Bar dues online via credit card or electronic debit
- Submit MCLE compliance online



**Expanding Benefits**—The opportunities afforded by the Sections' Members Only Areas will be growing steadily, as more Sections add discussion boards and content to their sites. In the future, you will be able to sign up for distribution lists from specific Sections so you can receive important legislative alerts, practice tips, updates and notices in the form of e-communication.

### Create your Member Profile NOW!

Start by going to [www.calbar.ca.gov/members](http://www.calbar.ca.gov/members). Then, just enter your State Bar access code and follow the instructions provided. (*Note: Your access code will appear on your 2005 State Bar dues statement.*)

For more information about the State Bar Sections, go to [www.calbar.ca.gov/sections](http://www.calbar.ca.gov/sections). Join us as we continue to build our community of professionals online, and provide you with the ever-expanding resources for your practice.

# Program Descriptions

**1 [PL] Friday, January 28, 2005 8:30 a.m. - 9:30 a.m.**

## **Bias and the Legal Profession**

Respect. Fairness. Dignity. Equality. This program discusses these ideals, and helps participants to identify and address learned biases outside and within the legal profession.

MCLE: 1 Hour Elimination of Bias in the Legal Profession

**2 [SS] Friday, January 28, 2005 8:30 a.m. - 9:30 a.m.**

## **Conflicts of Interest for Small Law Firms**

Examine the unique position of the solo and small firms in attempting to satisfy their ethical obligations to spot and eliminate (or control) conflicts of interest.

MCLE: 1 Hour Legal Ethics

**3 [IP] Friday, January 28, 2005 8:30 a.m. - 9:30 a.m.**

## **Hollywood vs. the Heartland: Clean Flicks, Clear Play and Copyright**

Should consumers who wish to view Hollywood movies without allegedly gratuitous sex, profanity and violence have a right to do so? Or should directors or studios have the right to control how their movies are experienced? Prof. Tyler Ochoa of Santa Clara University will discuss the application of copyright law to companies that are providing edited versions of Hollywood movies and so-called "masking" software to consumers who are concerned about content.

MCLE: 1 Hour

**4 [BL] Friday, January 28, 2005 8:30 a.m. - 9:30 a.m.**

## **Medicare Reforms, Prescription, Drug Pricing and Re-Importation**

This session will survey recent federal and state initiatives to provide new prescription drug benefits for seniors. Intended for generalists, the program will discuss drug discount cards, the new drug benefits, why the benefits were enacted, and how as an alternative the states, including California, are looking to save money by re-importing prescription drugs.

MCLE: 1 Hour

**5 [EL] Friday, January 28, 2005 8:30 a.m. - 9:30 a.m.**

## **The Nuts and Bolts of Land Trusts: How They Work and What They Do**

Non-profit land trusts are increasingly beaming a valuable tool for the management and preservation of agricultural, historically significant, and environmentally sensitive lands. This presentation will provide attendees with the basics on how land trusts are formed and operate.

MCLE: 1 Hour

**6 [TX] Friday, January 28, 2005 8:30 a.m. - 9:30 a.m.**

## **Asset Protection—A Primer for the General Practitioner**

This program will cover: duty to counsel on asset protection, exemptions planning, fraudulent transfers, planning for inheritances, post-nuptial agreements, foreign trusts, Alaskan/Delawarean type trusts and pre-bankruptcy planning.

MCLE: 1 Hour; Legal Specialization: 1 Hour Taxation

**7 [IL] Friday, January 28, 2005 9:45 a.m. - 11:45 a.m.**

## **Ethics and Multi-Jurisdictional Practice Issues Relating to Out of State Lawyers and Clients**

This program will deal with ethical and multi-jurisdictional practice issues affecting California lawyers with foreign clients or clients doing business outside California, as well as non-California lawyers representing clients in California.

MCLE: 2 Hours Legal Ethics

**8 [TE] Friday, January 28, 2005 9:45 a.m. - 11:45 a.m.**

## **Is There a Statute of Limitations for Alleged Malpractice Claims Against Estate Planning Attorneys?**

A review of the problems faced by estate planning attorneys in California arising from an effectively unlimited statute of limitations for alleged malpractice claims, consideration of the law of other states; and possible legislative or other solutions.

MCLE: 2 Hours; Legal Specialization; 2 Hours Estate Planning, Trust & Probate Law

**9 [SS] Friday, January 28, 2005 9:45 a.m. - 11:45 a.m.**

## **Advanced Negotiation Techniques for Mediation**

A definitive course to hone your skills as a participant in mediation. New and valuable information for the practitioner to transform so-so results into great settlements.

MCLE: 2 Hours

**10 [PL] Friday, January 28, 2005 9:45 a.m. - 11:45 a.m.**

## **Government Agency Use of Religious Symbols and References**

The use of religious symbols and references within government, and the relevant constitutional principles, continues to be passionately litigated and debated. This program features a lively and informative discussion on these topics.

MCLE: 2 Hours

**11 [RP] Friday, January 28, 2005 9:45 a.m. - 11:45 a.m.**

## **Current Developments in Real Property Law**

This program overviews recent developments in California law relating to real property. Speakers will discuss topics including the past year's significant case law and statutory developments in Land Use, CEQA, Environmental Law, Takings, Premises Liability, Construction Law, Mortgages and Deed of Trust, Subdivisions, and Common Interest Associations.

MCLE: 2 Hours

**12 [LL] Friday, January 28, 2005 9:45 a.m. - 11:45 a.m.**

## **2004 in Review: Major Developments in Labor and Employment Law**

The panel will review the major developments, decisions and legislation affecting labor and employment law from both plaintiff attorney and management attorney perspectives.

MCLE: 2 Hours

**13 [EL] Friday, January 28, 2005 1:45 p.m. - 2:45 p.m.**

## **Redeveloping Contaminated Sites: Is Environmental Insurance the Answer?**

Contaminated sites or "Brownfields" are being recycled and then redeveloped with increasing frequency. We will discuss cost cap and pollution liability policies related to insurance written to cover environmental risk.

MCLE: 1 Hour

**14 [FL] Friday, January 28, 2005 1:45 p.m. - 2:45 p.m.**

## **Substance Abuse and Family Law Practice**

A lively program identifying common causes of substance abuse focusing on the unique stressors of family practice, including techniques for self-assessment and approaches for intervention and recovery.

MCLE: 1 Hour Prevention, Detection & Treatment of Substance Abuse; Legal Specialization: 1 Hour Family Law

15 [LP] Friday, January 28, 2005 1:45 p.m. - 2:45 p.m.

### **Current Developments in Legal Ethics**

This popular program focuses on cutting edge ethics issues as they come up in the practice of law. Large firm, government and solo lawyers' issues will all be addressed. Get practice tips to avoid malpractice.

MCLE: 1 Hour Legal Ethics

16 [CL] Friday, January 28, 2005 1:45 p.m. - 2:45 p.m.

### **The ABC's of Courtroom Decorum**

Hear practical tips on appearing in court and getting along with opposing counsel from a seasoned trial attorney. This program is geared towards those new to the practice of law and making court appearances but may be of interest to all.

MCLE: 1 Hour; Legal Specialization: 1 Hour Criminal Law

17 [IP] Friday, January 28, 2005 1:45 p.m. - 2:45 p.m.

### **Initial Interest Confusion Doctrine**

Learn how this doctrine came about, and why this speaker thinks it should be eliminated. The discussion will focus on the courts' failure to define strict guidelines (and why the leading case—*Brookfield*—is poorly reasoned and should not be followed). Learn how this doctrine impacts traditional trademark law, and more importantly, how it impacts our clients (as either plaintiffs or defendants). This presentation promises to be entertaining, informative and lively.

MCLE: 1 Hour

18 [TE] Friday, January 28, 2005 1:45 p.m. - 2:45 p.m.

### **Death of a Litigant**

Learn the procedural rules governing litigation when a party dies before or during litigation. These rules can be a trap for the unknowing or a sword for the savvy. Civil claims surviving a litigant's death may send counsel into the unfamiliar territory of probate court.

MCLE: 1 Hour Legal Ethics; Legal Specialization: 1 Hour Estate Planning, Trust & Probate Law

19 [BL] Friday, January 28, 2005 3:00 p.m. - 5:00 p.m.

### **Bankruptcy: What Every Business Lawyer Needs to Know**

This program will give an overview of bankruptcy law and issues for non-bankruptcy lawyers, including: automatic stay; effect of bankruptcy on non-bankruptcy litigation; landlord-tenant issues; objections to discharge; preferences and fraudulent transfers.

MCLE: 2 Hours

20 [WC] Friday, January 28, 2005 3:00 p.m. - 5:00 p.m.

### **The New Workers' Compensation Law, Part I: More Alphabets in the Soup**

An entry level survey of workers' compensation law; this session will address the parties' rights and liabilities involving workplace injuries and the legal requirements for obtaining benefits including the 2003 and 2004 reforms: SB 228 & AB227 and SB899 respectively. (Part II is #40, Saturday 9:45 a.m. - 11:45 a.m.) (Part III is #67 Sunday 10:15 a.m. - 12:15 p.m.)

MCLE: 2 Hours; Legal Specialization: 2 Hours Workers' Compensation Law

21 [TE] Friday, January 28, 2005 3:00 p.m. - 5:00 p.m.

### **Who's The Client? Ethics for Trusts and Estate Counsel**

A discussion of the relationship between the trusts and estates lawyer and the client, and what duties the lawyer may have to beneficiaries and family members.

MCLE: 2 Hours Legal Ethics; Legal Specialization: 2 Hours Estate Planning, Trust & Probate Law

22 [IL] Friday, January 28, 2005 3:00 p.m. - 5:00 p.m.

### **Letters of Credit and Wire Transfers—A Primer for the General Practitioner**

An introduction to law and practice relating to letters of credit and wire transfers for general and business law practitioners.

MCLE: 2 Hours

23 [TX] Friday, January 28, 2005 3:00 p.m. - 5:00 p.m.

### **Taxation and Intellectual Property for General Practitioners, Identify, Build and Position for Tax Savings**

General Practitioners learn how aspects of the client's business categorize into patent, trademark, trade secrets, and copyright categories and how to position the client for the best tax treatment for each.

MCLE: 2 Hours; Legal Specialization: 2 Hours Taxation

24 [EL] Friday, January 28, 2005 3:00 p.m. - 5:00 p.m.

### **CEQA Compliance and Litigation: Tips for Success**

This program offers a thorough review of the California Environmental Quality Act as well as in-depth tips for Environmental Law Litigation.

MCLE: 2 Hours

25 [FL] Friday, January 28, 2005 3:00 p.m. - 5:00 p.m.

### **Road Maps of Financial Assets and Cash Flow**

The experts discuss all you need to know to analyze tax returns and financials to ascertain the real issues and lead you beyond the "tips of the iceberg."

MCLE: 2 Hours; Legal Specialization: 2 Hours Family Law

26 [LP] Friday, January 28, 2005 5:15 p.m. - 6:15 p.m.

### **The Lawyer's Guide to Fact Finding on the Internet (or What They Never Taught You in Your Legal Research Class)**

Lawyers need more than legal research to succeed. They need to dig up the FACTS that will make or break a case. Authors and contributors of the ABA's "The Lawyers Guide to Fact Finding on the Internet" will show you how to find facts free on the Internet.

MCLE: 1 Hour

27 [PL] Friday, January 28, 2005 5:15 p.m. - 6:15 p.m.

### **Substance Abuse and the Legal Profession**

Substance use and abuse has consequences for the individual directly involved, clients, co-workers, employers and the legal profession as a whole. These topics will be explored in a non-judgmental educational program.

MCLE: 1 Hour Prevention, Detection & Treatment of Substance Abuse

28 [FL] Friday, January 28, 2005 5:15 p.m. - 6:15 p.m.

### **Between A Rock and a Hard Space: Ethical Dilemmas for the Family Law Attorney**

Explore a variety of ethical issues which confront Family law attorneys, such as representing the "bad parent" or the "disclosure impaired client."

MCLE: 1 Hour Legal Ethics; Legal Specialization: 1 Hour Family Law

29 [LT] Friday, January 28, 2005 5:15 p.m. - 6:15 p.m.

### **Immigration Traps and Trumps for the Trial Lawyer**

Angelo Paparelli, named for the last 13 years in *Best Lawyers in America* and in the recent Super Lawyers directory in the practice area of Immigration Law, will discuss how, today more than ever, knowledge of immigration law and early use of an immigration expert can mean the difference between a winning or losing hand in litigation. As plaintiffs, defendants and witnesses in ever larger numbers hail from outside the United States, learn how litigators can hold a winning hand with a basic knowledge of U.S. immigration law.

MCLE: 1 Hour; Legal Specialization: 1 Hour Immigration Law

30 [IP] Friday, January 28, 2005 5:15 p.m. - 6:15 p.m.

### **Search Engine Optimization and Unfair Competition**

Advances in Internet search engine technology have made trademark jurisprudence as applied to the Internet (e.g.: metatags) obsolete. The market leader, Google, has developed and implemented a search engine that relies on relevant content and linking to other "credible websites" rather than metatags. In industries that rely on web traffic to generate business leads, the difference of a number 1 and a number 10 ranking could mean thousands and even millions of dollars in additional revenue. This technology appears ripe for litigation. What if a website operator uses a competitor's trademark in a fair use manner, but such fair use contributes to a higher ranking on Google? This program will cover the current state of search engine technology, the current state of the law, and how a court would resolve such an issue.

MCLE: 1 Hour

31 [RP] Friday, January 28, 2005 5:15 p.m. - 6:15 p.m.

### **"So Your Client's Getting a Real Estate Loan..."**

Representing a borrower in a real estate loan: What issues should be negotiated? What is most important to the lender? What can go wrong before and after the loan closes?

MCLE: 1 Hour

32 [IL] Friday, January 28, 2005 5:15 p.m. - 6:15 p.m.

### **Doing Business in Mexico—An Introductory Primer**

An introduction to doing business in Mexico for general and business law practitioners.

MCLE: 1 Hour

33 [LP] Saturday, January 29, 2005 8:30 a.m. - 9:30 a.m.

### **How to Run Effective and Productive Meetings**

Attorneys spend a lot of time in meetings, yet complaints about unclear purposes and wasted time are common. This workshop focuses on the elements of a productive meeting: purpose, preparation of an agenda, timing & pacing, staying on point, open discussion, and recording and follow-up on decisions.

MCLE: 1 Hour

34 [EL] Saturday, January 29, 2005 8:30 a.m. - 9:30 a.m.

### **New Ethical Issues in Law Practice! Environmental Law and Beyond**

Experienced environmental practitioners discuss ethical issues facing attorneys in today's climate of increased concerns over security and corporate governance.

MCLE: 1 Hour Legal Ethics

35 [CL] Saturday, January 29, 2005 8:30 a.m. - 9:30 a.m.

### **Computer Crime and Intellectual Property Offenses: When Does a Civil Case Become Criminal?**

Many civil lawyers come across intellectual property claims or represent a client who has been victimized by a computer hacker. Presenter, Arif Alikhan, Chief, Computer Crimes Section, U.S. Attorney's Office, Central District of California, will provide guidance on the types of cases where the federal government criminally prosecutes intellectual property offenses, such as copyright and trademark infringement, and theft of trade secrets, as well as computer crimes including computer hacking, denial of service attacks and online fraud.

MCLE: 1 Hour; Legal Specialization: 1 Hour Criminal Law

36 [LT] Saturday, January 29, 2005 8:30 a.m. - 9:30 a.m.

### **Summary Judgment: A View from the Bench**

A discussion of recent developments in summary judgment law and procedure.

MCLE: 1 Hour

37 [PL] Saturday, January 29, 2005 8:30 a.m. - 9:30 a.m.

### **Access to State and Local Government Records**

Public access to state and local government records is required by the Public Records Act. The process for obtaining government records, and which records are and are not available, will be addressed.

MCLE: 1 Hour

38 [RP] Saturday, January 29, 2005 8:30 a.m. - 9:30 a.m.

### **Entity Structures and 1031 Exchanges**

Paul Dubrasich and Mary Kay Kennedy will discuss various issues concerning the formation and structure of entities when a client intends to do a delayed or reverse 1031 exchange. Discussion will include lender issues, special purpose entities and single member LLCs. The speakers will also discuss the recent revenue ruling concerning tenant in common projects, and how to manage the often incompatible requirements of lenders financing the transactions and the requirements for tax deferral under the Internal Revenue Code.

MCLE: 1 Hour

39 [AN] Saturday, January 29, 2005 8:30 a.m. - 9:30 a.m.

### **Recent Developments in Antitrust Law**

This program will outline and explore the elements of the principal antitrust offenses, i.e. conspiracies among competitors in restraint of trade, tying arrangements, monopolization and anticompetitive mergers within the context of recent headline antitrust cases.

MCLE: 1 Hour

40 [WC] Saturday, January 29, 2005 9:45 a.m. - 11:45 a.m.

### **The New Workers' Compensation Law, Part II: New Twists, Turns and Potholes in the Yellow Brick Road!**

An entry level survey of workers' compensation law; this session will address the informal and formal procedural aspects of bringing a case to trial before the Workers' Compensation Appeals Board including the 2003 and 2004 reforms: SB 228 & AB227 and SB899. (Part I is #20 Friday, 3:00 p.m. - 5:00 p.m.) (Part III is #67 Sunday, 10:15 a.m. - 12:15 p.m.)

MCLE: 2 Hours; Legal Specialization: 2 Hours Workers' Compensation Law

41 [TE] Saturday, January 29, 2005 9:45 a.m. - 11:45 a.m.

### **Conservatorship for Dummies: Mental Health vs. Probate Court**

Keep your sanity as we wind our way through probate and mental health court procedures for conservatorship. Learn the differences and how to avoid the pitfalls.

MCLE: 2 Hours; 1 Hour Legal Ethics; Legal Specialization: 2 Hours Estate Planning, Trust & Probate Law

42 [BL] Saturday, January 29, 2005 9:45 a.m. - 11:45 a.m.

### **Hottest Issues in Cyberspace**

The panel will discuss the current issues that are attracting the most attention in Cyberlaw. Potential topics include privacy, CAN-SPAM, jurisdictional issues and Intellectual Property, including Copyright issues.

MCLE: 2 Hours

43 [LP] Saturday, January 29, 2005 9:45 a.m. - 11:45 a.m.

### **Modern Technology Tools for the Litigator**

This program will explore the new and cutting edge ethical issues imposed by the new onslaught of digital discovery and electronic communications. Litigation tools including Litigation support applications, electronic evidence processing and review tools, real-time transcription, trial presentation and graphics packages and on-line case repositories. Descriptions and live demonstrations of "mission critical" litigation technologies will be offered at this seminar.

MCLE: 2 Hours; 1 Hour Legal Ethics

**44 [LT] Saturday, January 29, 2005 9:45 a.m. - 11:45 a.m.**

### **Attorney-Client Confidentiality Under Attack**

For over 120 years, California required strict adherence to attorney-client confidentiality. Now, both the attorney-client privilege and the time-honored duty of confidentiality are under attack. In 2003, the Legislature amended Business & Professions Code Section 6068(e). The American Bar Association, the Securities and Exchange Commission, and others are promoting more inroads on attorney-client confidentiality. Changes in federal corporate sentencing guidelines and DOJ directives exacerbate the problems. How can you protect your clients and yourself in this changing environment? MCLE: 2 Hours Legal Ethics

**45 [TX] Saturday, January 29, 2005 9:45 a.m. - 11:45 a.m.**

### **Income Taxation of Damages—What Every Practitioner Needs to Know**

This course will give an overview for the general practitioner of the basics of taxation of damages, including potential planning techniques in drafting and settling cases to maximize tax benefits. MCLE: 2 Hours; Legal Specialization: 2 Hours Taxation

**46 [LL] Saturday, January 29, 2005 9:45 a.m. - 11:45 a.m.**

### **Sex, Sex, Sex: Everything You Always Wanted to Know About Sex and Gender in the Workplace but Were Afraid to Ask**

The panel will discuss recent developments in sexual harassment, gender and transgender legislation, sexual discrimination, privacy and internet use in the workplace. MCLE: 2 Hours

**47 [LP] Saturday, January 29, 2005 1:45 p.m. - 3:45 p.m.**

### **How to Increase Your Cash Flow**

Lawyers must be concerned about their cash flow and their profits in order to better serve their clients, to preserve trust accounts, and to provide sustenance for their own families. This session will address selected ideas for improvement of profits and cash flow! MCLE: 2 Hours

**48 [RP] Saturday, January 29, 2005 1:45 p.m. - 3:45 p.m.**

### **Fast Forward! Ethical and Practical Considerations in the World of Unlawful Detainer Motions and Discovery**

Parties that do an unlawful detainer must conduct discovery and motion practice according to an accelerated and often unforgiving timetable. Panelists will share tips for effective and ethical representation. MCLE: 2 Hours; 1 Hour Legal Ethics

**49 [BL] Saturday, January 29, 2005 1:45 p.m. - 3:45 p.m.**

### **Mediation Strategies: A Business Lawyer's Guide to Successful Negotiation**

This session lays out a strategic approach to effective mediation advocacy in business disputes. Actual case examples provide context. Business lawyers, sharpen key skills. Learn "how to" chart a suitable negotiation strategy, pick the right mediator, prep clients, set the desired tone in an opening statement, use counter hardball tactics, resist the magnetic pull of an opening offer, and break impasse. Ethical issues such as confidentiality, the meaning of "zealous advocacy" in mediation, and the duty to advise clients of dispute resolution options are also explored. An Interactive discussion led by a panel of experienced neutrals and hands-on litigators. MCLE: 2 Hours; 1 Hour Legal Ethics

**50 [LT] [CL] Saturday, January 29, 2005 1:45 p.m. - 3:45 p.m.**

### **Jury Selection: Tips and Tactics in Criminal and Civil Trials**

Rhetorical theory is applied to audience analysis of the venire. Practical tips to assist counsel in selecting the best jury for your criminal or civil case. Sample criminal and civil voir dire questions provided in a comprehensive handout. MCLE: 2 Hours; Legal Specialization: 2 Hours Criminal Law

**51 [IL] Saturday, January 29, 2005 1:45 p.m. - 3:45 p.m.**

### **Alien Tort Statute Litigation—Current Status and Prospects**

A review of the current status and anticipated future of U.S. litigation under the Alien Tort Claims Act (whereby US companies can be sued by foreign plaintiffs in US courts for certain types of tort committed abroad), following the US Supreme Court's recent decision in *Sosa v Alvarez-Machain*, including potential liabilities for US companies manufacturing, outsourcing or otherwise doing business abroad, as well as current and anticipated future implications for domestic and foreign litigators. MCLE: 2 Hours

**52 [TE] Saturday, January 29, 2005 1:45 p.m. - 3:45 p.m.**

### **Medi-Cal Planning Techniques Under the New State Regulations and Budgetary Limitations**

This program will review the recent changes implemented and proposed in the Medi-Cal program and relate them to changes in the Medi-Cal program involving eligibility, share of cost, and the recovery system, and explain how these changes impact the planning techniques available to practitioners. MCLE: 2 Hours; Legal Specialization: 2 Hours Estate Planning, Trust & Probate Law

**53 [LL] Saturday, January 29, 2005 1:45 p.m. - 3:45 p.m.**

### **Alcohol and Drug Abuse in the Workplace and Beyond**

The panel includes a psychologist and labor and employment law counsel discussing personnel policies, the law, and the psychological impact of substance abuse in the workplace and other issues that might affect law firms and their employees when alcohol and substance abuse problems arise. MCLE: 2 Hours

**54 [PL] Saturday, January 29, 2005 4:00 p.m. - 5:00 p.m.**

### **Local Government Agency Open Meetings Law (Brown Act)**

Public access to local government agency meetings and decisions is required by the Brown Act. This program addresses how that access is accomplished and which government bodies are subject to the law. MCLE: 1 Hour

**55 [BL] Saturday, January 29, 2005 4:00 p.m. - 5:00 p.m.**

### **Girlie Men and Manly Girls: What Corporate Lawyers Shouldn't Be Saying**

The role of gender bias and discrimination for lawyers outside the courtroom: how to recognize it, how to prevent it and how avoiding it can enhance your practice. MCLE: 1 Hour Elimination of Bias in the Legal Profession

**56 [CL] Saturday, January 29, 2005 4:00 p.m. - 5:00 p.m.**

### **Trial Publicity and the Ethics of Discussing Your High Profile Case**

You have now been retained—or have been assigned—a high profile case that the media is interested in. Based on case law and the Rules of Professional Conduct, learn what you can and cannot say about the case before, during, and after trial. MCLE: 1 Hour Legal Ethics; Legal Specialization: 1 Hour Criminal Law

**57 [SS] Saturday, January 29, 2005 4:00 p.m. - 5:00 p.m.**

### **Estate Planning: The Basics for the Solo and Small Firm Practitioner**

Estate planning issues affect all lawyers. Many Practitioners don't know the nuances of estate planning law and as such cannot properly represent their clients. Learn what every lawyer needs to know about estate planning, and what every estate planning lawyer needs to keep up on to make sure they are properly planning for their clients. MCLE: 1 Hour

**58 [LT] [AN] Saturday, January 29, 2005 4:00 p.m. - 5:00 p.m.**

### **Business and Professions Code §17200**

Discuss recent trends and developments under Business and Professions Code §17200. MCLE: 1 Hour

59 [IP] Saturday, January 29, 2005 4:00 p.m. - 5:00 p.m.

### **Management and Valuation within a Litigation Setting**

How is the quantification of economic damages determined in the case of intangible asset and IP infringement? What are the factors and assumptions that go into this valuation determination? What are the common analytical methods used to value these assets and which methodology should be used when? The goal of this presentation is not to make you financial experts but to give you a summary overview of what's involved in the valuation process so that you are better informed to advise your clients on how to proceed in Litigation cases. You will also be in a better position to judge the appropriateness and thoroughness of your expert's work product. The presenter will be Bob Schweihs, a managing director for Willamette Management Associates and co-author of the textbook, "Valuing Intangible Assets."

MCLE: 1 Hour

60 [TX] Saturday, January 29, 2005 4:00 p.m. - 5:00 p.m.

### **Going Solo in Your Law Practice: How to Make All the Right Moves... And Avoid the Pitfalls**

This program will cover practical insights of starting your own practice such as dealing with administration, isolation, clients and the ups and downs of cash flow. The speakers will also discuss marketing, business plan, business compliance issues, collecting fees, setting price points for professional tax services and other aspects of establishing the solo practice.

MCLE: 1 Hour

61 [FL] Sunday, January 30, 2005 9:00 a.m. - 10:00 a.m.

### **Personal and Professional Bias in Family Practice**

Learn to identify how your biases and those of Judges and other practitioners affect family practice, including discussion about cultural, sexual preference, and gender biases that regularly impact our practices.

MCLE: 1 Hour Elimination of Bias in the Legal Profession; Legal Specialization: 1 Hour Family Law

62 [SS] Sunday, January 30, 2005 9:00 a.m. - 10:00 a.m.

### **How to Effectively Present Your Case to a Judge and Jury on a Minimal Budget**

Every lawyer knows that if you can't convince the trier of fact, all the work up will have been wasted. Learn how to effectively present your case, while making sure that every dollar is maximized. This class will prove an invaluable tool to help you in doing just that.

MCLE: 1 Hour

63 [CL] Sunday, January 30, 2005 9:00 a.m. - 10:00 a.m.

### **Effective Presentation of Expert Witnesses**

Practical pointers on the selection, preparation, and presentation of a variety of expert witnesses counsel typically employ in criminal and civil cases.

MCLE: 1 Hour; Legal Specialization: 1 Hour Criminal Law

64 [IP] Sunday, January 30, 2005 9:00 a.m. - 10:00 a.m.

### **Undoing the Test for Infringement—Satava and Beyond**

The 9th Circuit in Satava took the defenses of merger and scenes-a-faire off the backline and put them on the front line as a defense against an allegation of infringement. Satava, Kalpakian and its progeny have been read to suggest that a second standard—virtual identity—can be applied arbitrarily by the court. Courts have used this standard to not find infringement by holding that there is no infringement if the infringing copy is not an "exact, virtual copy" of the protected work. The virtual identity standard only applies if there is only one way to express an idea or the level of creativity of expression is minimal. This irrational approach turns the traditional test of access plus substantial similarity on its head, should be narrowly applied and dissuaded, and I will tell you why.

MCLE: 1 Hour

65 [TX] Sunday, January 30, 2005 9:00 a.m. - 10:00 a.m.

### **Elder Abuse**

The speakers will discuss what lawyers should be aware of and how it affects your practice.

MCLE: 1 Hour; Legal Specialization: 1 Hour Taxation

66 [PL] [LT] Sunday, January 30, 2005 9:00 a.m. - 10:00 a.m.

### **California Tort Claims Act and Governmental Immunities**

This program is an overview of the California Tort Claims Act and the immunities of government agencies and their officials. Both substantive and procedural aspects of the law will be examined.

MCLE: 1 Hour

67 [WC] Sunday, January 30, 2005 10:15 a.m. - 12:15 p.m.

### **The New Workers' Compensation Law, Part III: The Care and Feeding of the Injured Worker**

An entry level survey of workers' compensation law; this session will offer practical advice, including ethical considerations, on various aspects of handling injured workers and their claims, and supporting and educating the employer to the workers' compensation environment. (Part I is #20, Friday 3:00 p.m. - 5:00 p.m.) (Part II is #40, Saturday 9:45 a.m. - 11:45 a.m.)

MCLE: 2 Hours; 1 Hour Legal Ethics; Legal Specialization: 2 Hours Workers' Compensation Law

68 [SS] Sunday, January 30, 2005 10:15 a.m. - 12:15 p.m.

### **Cyber-Sluething: How To Get What You Need When You Need It**

An updated and practical approach to using the internet for private investigation, discovery, research and gathering important information for your cases and practice.

MCLE: 2 Hours

69 [LT] Sunday, January 28, 2005 10:15 a.m. - 12:15 p.m.

### **The Seven Habits of Highly Effective Trial Lawyers**

No matter their individual styles, highly effective trial lawyers not only share certain common habits but also certain specific ways of approaching and trying their cases. Joel Ben Izzy and G. Christopher Ritters, Esq., of the Focal Point LLC, which specializes in developing winning trial strategy and graphics, discuss what these habits are and how every lawyer can improve by adopting some or all of them.

MCLE: 2 Hours

70 [RP] Sunday, January 30, 2005 10:15 a.m. - 12:15 p.m.

### **Dirt Wars: You've Crossed The Line**

This program discusses a number of common boundary problems that arise between neighbors. The speakers will discuss title insurance, easements, encroachments, water boundaries, the law applicable to trees and how these types of disputes are generally resolved.

MCLE: 2 Hours

71 [FL] Sunday, January 30, 2005 10:15 a.m. - 12:15 p.m.

### **La Musga—It's Meaning and Effect**

Proponents and opponents engage in a lively discussion about the meaning and future of move-away cases and La Musga, including the controversial legislation to overturn the decision and its impact.

MCLE: 2 Hours; Legal Specialization: 2 Hours Family Law

72 [IL] Sunday, January 30, 2005 10:15 a.m. - 12:15 p.m.

### **International Trade Law Issues for General Practitioners**

An issue-spotting introduction to international trade law for general and business law practitioners, including laws affecting inbound and outbound trade transactions.

MCLE: 2 Hours

# General Information/Ticketed Events

## AIR TRAVEL

United Airlines offers discounts up to 10% off regular coach fares and 5% off discounted fares. Mileage Plus credit does apply. To reserve your flights, book now by calling the United Convention Desk at (800) 521-4041 and mention account #550QX.

## HOTEL INFORMATION

**DEADLINE: December 30, 2004**

The Palace Hotel, located at 2 New Montgomery Street, San Francisco, California 94105, is headquarters to the Section Education Institute.

Reserve accommodations before the **December 30, 2004** deadline.

A block of rooms has been reserved at the Palace Hotel at the rate of \$189 single or double occupancy plus tax per night. Be sure to mention The State Bar of California Section Education Institute to get the group rate. Reservations must be made by December 30, 2004. Reservations made after December 30 will only be accepted on a space-available basis.

Room reservations are accepted by call-in only. To make reservations call (800) 325-3589.

## PARKING

Parking at The Palace Hotel is available at \$40 per day. Parking rates are subject to change.

## REGISTRATION/PROGRAM CHANGES

**Advance registration deadline is January 17, 2005.**

Fees are \$295 Section members; \$350 Non-section members; After January 17 and on-site registration is \$375 (Late and onsite fee does not include section membership) Registration and/or ticket refund requests must be in writing and received by January 17, 2005, and are subject to a \$50 service charge.

Occasionally changes in the programs are made in response to speaker availability, participant demand or unforeseen circumstances. We will do everything we can to insure participant satisfaction. The State Bar of California Office of Section Education & Meeting Services is a State Bar of California approved MCLE provider.

## QUESTIONS

For registration information please call (415) 538-2508. For program content/section information or Special Assistance call (415) 538-2223.

## TICKETED EVENTS

The following special optional ticketed events are offered. Sign up for these events on your registration form. Space is limited, reserve early.

### FRIDAY LUNCHEON PROGRAM

**12:15 p.m. - 1:30 p.m.**

*Sponsored by the Committee on Professional Liability Insurance*

#### **Avoiding and Getting Out of Water**

This program will review major recent professional liability decisions, suggest preventive measures, and offer insights into available insurance protection for lawyers and how it applies to various claims.

MCLE: 1 Hour Legal Ethics

*Select ticketed event #73. \$38 per person.*

### SATURDAY LUNCHEON PROGRAM

**12:15 p.m. - 1:30 p.m.**

*Sponsored by the Lawyers Assistance Program*

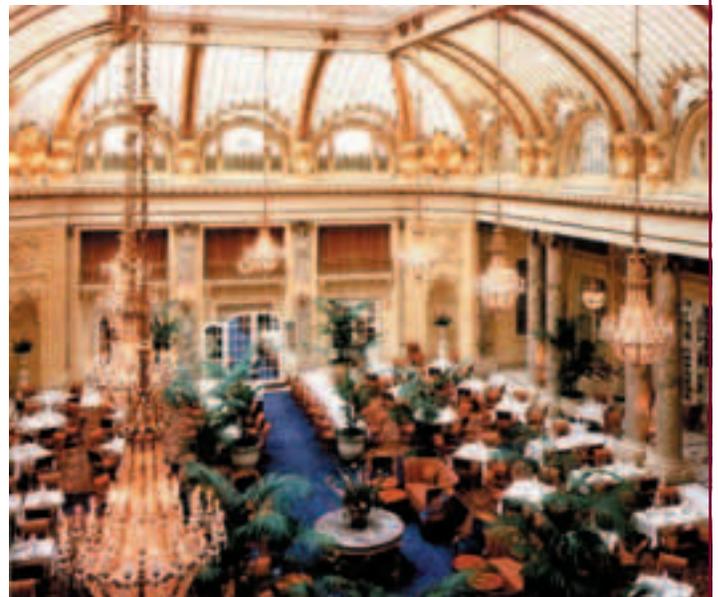
#### **Stress, Depression, Drugs, Alcohol—Assistance for Attorneys in California**

What should you do when you or an attorney close to you is suffering from stress, depression, substance abuse or other mental health issues? Learn about the latest approaches to addressing these problems and the resources available to legal professionals in California.

Presented by Janis Thibault

MCLE: 1 Hour Prevention, Detection and Treatment of Substance Abuse

*Select ticketed event #74. \$38 per person.*



# Register Online at [www.calbar.ca.gov/sei](http://www.calbar.ca.gov/sei)

## REGISTRATION FORM

## SIGN ME UP

Registration Fee includes admission to all courses except Ticketed Lunches. Up to 16 hours of MCLE credit available for one low registration fee. Ticketed events are an additional fee and offer an extra 2 hours of MCLE credit.

For advance registration, complete this Registration Form and the Course Selector. Keep a photocopy for your records and mail or fax before the January 17, 2005, deadline.

Use a separate form for each registrant.

### ONLINE AT:

[www.calbar.ca.gov/sei](http://www.calbar.ca.gov/sei)

### BY FAX:

415-538-2368. Credit card registrations only. If registration form is faxed, do not mail original form. Fax registrations cannot be confirmed by telephone but you will receive written confirmation. Please keep a copy of your forms.

### BY MAIL:

Program Registrations/SEI, State Bar of California,  
180 Howard Street, San Francisco, CA 94105

### REGISTRATION:

Please print or type name as it should appear on name badge.

CA State Bar Number \_\_\_\_\_

First Name or Nickname as you wish it to appear on badge \_\_\_\_\_

Last Name \_\_\_\_\_

E-mail \_\_\_\_\_

Telephone \_\_\_\_\_

Fax Number \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Your name may be released to other attendees/sponsors/exhibitors.

If you don't want your information released, check here.

For registration information call (415)538-2508. For Special Assistance please call (415)538-2223.

Non-Lawyer Spouse/Guest Name \_\_\_\_\_

(If your spouse/guest is not an attorney, registration is complimentary. If your spouse/guest is an attorney he or she must complete a separate form and pay the registration fee.)

### FEES

(Check one. After January 17 and On-site registration will be \$375; Does Not Include Section Membership)

- Section Member \$295  
 Non-Section Member \$350\*

Total Registration Fee = \_\_\_\_\_

\*Non-Section Member fee includes discounted enrollment in one Section for the year 2005. Select below:

- |  |  |
|--|--|
| <input type="checkbox"/> Antitrust & Unfair Competition (AN) | <input type="checkbox"/> Law Prac. Mgmt. & Tech (LP) |
| <input type="checkbox"/> Business Law (BL)                   | <input type="checkbox"/> Litigation (LT)             |
| <input type="checkbox"/> Criminal Law (CL)                   | <input type="checkbox"/> Public Law (PL)             |
| <input type="checkbox"/> Environmental Law (EN)              | <input type="checkbox"/> Real Property (RP)          |
| <input type="checkbox"/> Family Law (FL)                     | <input type="checkbox"/> Solo & Small Firm (SS)      |
| <input type="checkbox"/> Intellectual Property(IP)           | <input type="checkbox"/> Taxation (TX)               |
| <input type="checkbox"/> International Law (IN)              | <input type="checkbox"/> Trusts and Estates (TE)     |
| <input type="checkbox"/> Labor Law (LL)                      | <input type="checkbox"/> Workers' Comp (WC)          |

Enrollment in additional Section(s):

Check above boxes \_\_\_\_ @ \$55 per new section = \_\_\_\_\_

### TICKETED EVENTS

#### Friday, January 28, Luncheon/Program #73

MCLE: 1 Hour Legal Ethics

\_\_\_\_\_ @ \$38 per person = \_\_\_\_\_ (73)

#### Saturday, January 29, Luncheon/Program #74

MCLE: 1 Hour Prevention, Detection & Treatment of Substance Abuse

\_\_\_\_\_ @ \$38 per person = \_\_\_\_\_ (74)

### TOTAL AMOUNT ENCLOSED OR TO BE CHARGED FOR REGISTRATION FEES, SECTION ENROLLMENTS & TICKETED EVENTS

= \$ \_\_\_\_\_

Registration and/or ticket refund requests must be in writing and be received by the State Bar by January 17, 2005 and are subject to a \$50 service charge. Refunds are not available after January 17.

### PAYMENT METHOD

Registration fees may be paid by check, VISA or MasterCard (no other credit cards will be accepted.) Make checks payable to the State Bar of California.

VISA \_\_\_ or MasterCard \_\_\_

Account Number \_\_\_\_\_ Exp. Date \_\_\_\_\_

Cardholder's Name \_\_\_\_\_

Cardholder's Signature \_\_\_\_\_

## Deadline: January 17, 2005

# Course Selector

Your Name \_\_\_\_\_

Your Bar Number \_\_\_\_\_

Check appropriate boxes below for the programs you wish to attend. Retain a copy for your records. Sign up for the ticketed event programs on Registration Form.

## FRIDAY, JANUARY 28

### 8:30 a.m. - 9:30 a.m. (1 Hour)

- 1 [PL] Bias and the Legal Profession
- 2 [SS] Conflicts of Interest for Small Law Firms
- 3 [IP] Hollywood vs. the Heartland
- 4 [BL] Medicare Reforms
- 5 [EL] The Nuts and Bolts of Land Trusts
- 6 [TX] Asset Protection

### 9:45 a.m. - 11:45 a.m. (2 Hours)

- 7 [IL] Ethics and Multi-Jurisdictional Practice Issues
- 8 [TE] Is There a Statute of Limitations for Alleged Malpractice Claims
- 9 [SS] Advanced Negotiation Techniques for Mediation
- 10 [PL] Government Agency Use of Religious Symbols & References
- 11 [RP] Current Developments in Real Property Law
- 12 [LL] 2004 in Review: Labor and Employment Law

### 1:45 p.m. - 2:45 p.m. (1 Hour)

- 13 [EL] Redeveloping Contaminated Sites
- 14 [FL] Substance Abuse and Family Law Practice
- 15 [LP] Current Developments in Legal Ethics
- 16 [CL] The ABC's of Courtroom Decorum
- 17 [IP] Initial Interest Confusion Doctrine
- 18 [TE] Death of a Litigant

### 3:00 p.m. - 5:00 p.m. (2 Hours)

- 19 [BL] Bankruptcy
- 20 [WC] The New Workers' Compensation Law, Part I
- 21 [TE] Who's The Client? Ethics for Trusts and Estate Counsel
- 22 [IL] Letters of Credit and Wire Transfers
- 23 [TX] Taxation and Intellectual Property
- 24 [EL] CEQA Compliance and Litigation
- 25 [FL] Road Maps of Financial Assets and Cash Flow

### 5:15 p.m. - 6:15 p.m. (1 Hour)

- 26 [LP] The Lawyer's Guide to Fact Finding on the Internet
- 27 [PL] Substance Abuse and the Legal Profession
- 28 [FL] Between A Rock and a Hard Space
- 29 [LT] Immigration Traps and Trumps for the Trial Lawyer
- 30 [IP] Search Engine Optimization and Unfair Competition
- 31 [RP] "So Your Client's Getting a Real Estate Loan..."
- 32 [IL] Doing Business in Mexico—An Introductory Primer

## SATURDAY, JANUARY 29

### 8:30 a.m. - 9:30 a.m. (1 Hour)

- 33 [LP] How to Run Effective and Productive Meetings
- 34 [EL] New Ethical Issues in Law Practice!
- 35 [CL] Computer Crime and Intellectual Property Offenses
- 36 [LT] Summary Judgment: A View from the Bench
- 37 [PL] Access to State and Local Government Records
- 38 [RP] Entity Structures and 1031 Exchanges
- 39 [AN] Recent Developments in Antitrust Law

## SATURDAY, JANUARY 29

### 9:45 a.m. - 11:45 a.m. (2 Hours)

- 40 [WC] The New Workers' Compensation Law, Part II
- 41 [TE] Conservatorship for Dummies
- 42 [BL] Hottest Issues in Cyberspace
- 43 [LP] Modern Technology Tools for the Litigator
- 44 [LT] Attorney-Client Confidentiality Under Attack
- 45 [TX] Income Taxation of Damages
- 46 [LL] Sex, Sex, Sex: Everything You Always Wanted to Know About Sex and Gender in the Workplace

### 1:45 p.m. - 3:45 p.m. (2 Hours)

- 47 [LP] How to Increase Your Cash Flow
- 48 [RP] Fast Forward! Ethical and Practical Considerations
- 49 [BL] Mediation Strategies
- 50 [LT][CL] Jury Selection
- 51 [IL] Alien Tort Statute Litigation
- 52 [TE] Medi-Cal Planning Techniques
- 53 [LL] Alcohol and Drug Abuse in the Workplace and Beyond

### 4:00 p.m. - 5:00 p.m. (1 Hour)

- 54 [PL] Brown Act
- 55 [BL] Girlie Men and Manly Girls
- 56 [CL] Trial Publicity and the Ethics of Discussing Your High Profile Case
- 57 [SS] Estate Planning: The Basics for the Solo and Small Firm Practitioner
- 58 [LT][AN] Business and Professions Code § 17200
- 59 [IP] Management and Valuation within a Litigation Setting
- 60 [TX] Going Solo in your Law Practice

## SUNDAY, JANUARY 30

### 9:00 a.m. - 10 a.m. (1 Hour)

- 61 [FL] Personal and Professional Bias in Family Practice
- 62 [SS] How to Effectively Present Your Case to a Judge and Jury
- 63 [CL] Effective Presentation of Expert Witnesses
- 64 [IP] Undoing the Test for Infringement
- 65 [TX] Elder Abuse
- 66 [PL][LT] California Tort Claims Act and Governmental Immunities

### 10:15 a.m. - 12:15 p.m. (2 Hours)

- 67 [WC] The New Workers' Compensation Law, Part III
- 68 [SS] Cyber-Sluething: How To Get What You Need When You Need It
- 69 [LT] The Seven Habits of Highly Effective Trial Lawyers
- 70 [RP] Dirt Wars: You've Crossed The Line
- 71 [FL] La Musga—It's Meaning and Effect
- 72 [IL] International Trade Law Issues for General Practitioners

# State Bar Education Foundation

Section Education Institute  
180 Howard Street  
San Francisco, CA 94105-1639

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## Why You Should Join Us

- One low registration fee gives full choice among all concurrent workshops and programs (Ticketed Events require an additional Fee).
- Earn up to 16 hours of credit in one weekend.
- Receive a collection of comprehensive written materials and up-to-date information on the latest issues and trends in the law.
- Earn legal specialization credit in Criminal Law, Estate Planning, Family Law, Immigration Law, Taxation, and Workers' Compensation Law.
- Get fresh ideas, current tips, and techniques in communications, management issues, and technology.
- Renew and expand your network of colleagues. Receive guidance and advice from noted practitioners.
- Have your learning environment serve as the perfect weekend getaway for you, your family, and friends.

### GROUP 1 (A-G)

Period: 2/1/01-1/31/04  
Deadline: 02/01/2004

### GROUP 2 (H-M)

Period: 2/1/03-1/31/06  
Deadline: 02/01/2006

### GROUP 3 (N-Z)

Period: 2/1/02-1/31/05  
Deadline: 02/01/2005

### "REGULAR" MCLE REQUIREMENT

Total Hours Required - **25** hours  
(maximum of 12.5 hours self-study)

Special Requirements within the total hours required  
(may be taken as participatory or self-study)

- Legal Ethics - **4** hours required
- Detection/Prevention of Substance Abuse - **1** hour required
- Elimination of Bias in the Legal Profession - **1** hour required

Join us in San Francisco for an extensive selection of quality CLE programs and special events offered by the Sections of the State Bar of California.

**January 28-30, 2005**

*Palace Hotel*  
San Francisco

