

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 19-21, 2007

Claremont Resort & Spa
Berkeley



STATE BAR
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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

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Courses in the MCLE Mandatory Subfields

- Elimination of Bias:** 51, 66
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Program Descriptions

Friday, January 19, 2007

8:30 A.M.-9:30 A.M.

1 [PL] Friday, January 19, 2007 8:30 a.m.-9:30 a.m.

Public Fraud and Corruption

Explore public fraud and corruption from the inside out. A survey of strategic decisions, ethical considerations and client relations in public corruption cases. MCLE: 1 Hour

2 [SS] Friday, January 19, 2007 8:30 a.m.-9:30 a.m.

Getting Paid: Alternatives to Cash and Checks

How do you get paid when your client is short of funds? Explore the ethical use of credit cards, secured liens, barter club credit, third party financing, and more. MCLE: 1 Hour; .5 Legal Ethics

3 [LPMT] Friday, January 19, 2007 8:30 a.m.-9:30 a.m.

Succession and Retirement Planning:

Developing Strategies to Secure Your Future and Your Firm's Future Before the Train Leaves the Station

All aboard! Learn how to develop strategies for retirement planning and securing your firm's future. Discover the critical role of strategic planning, plus what decisions must be made to optimize financial benefits. A well-conceived plan is essential to continued prosperity.

MCLE: 1 Hour

4 [RP] Friday, January 19, 2007 8:30 a.m.-9:30 a.m.

What Transactional Lawyers Can Learn from Litigators (and vice versa)

What do business people want out of litigation that is not achievable? What do litigators do that is not helpful to business people? How do you draft contracts that will really achieve your client's goals? Understand the perspective of your client's other lawyer.

MCLE: 1 Hour

5 [IP] Friday, January 19, 2007 8:30 a.m.-9:30 a.m.

Copyright: Year in Review

Join us as we discuss important copyright related cases decided in 2006, the status of some interesting pending copyright legislation, some of what has occurred at the U.S. Copyright office and what you need to know as practitioners.

MCLE: 1 Hour

6 [EL] Friday, January 19, 2007 8:30 a.m.-9:30 a.m.

The Nuts and Bolts of Land Trusts

Conservation Easements are increasingly viewed as a "win-win" method for preserving scenic, agricultural, historic, and sensitive habitat land. The legal issues involved with Conservation Easements include development rights, estate planning, taxation, public entity law, and real property transaction issues such as appraisals, chain of title, etc. Attend this presentation and learn the basics about Conservation Easements and the myriad of interesting and important considerations of which every legal practitioner should be aware.

MCLE: 1 Hour

9:45 A.M.-11:45 A.M.

7 [BL] Friday, January 19, 2007 9:45 a.m.-11:45 a.m.

Ethics and ADR: What Happened to Zealous Representation?

An interactive discussion for litigators focusing on cutting edge ethical issues that arise in ADR. Does a lawyer have a duty to advise clients about ADR options? How does California law reconcile the notion of zealous representation with the process of mediation? Explore these and other essential ethical questions with a seasoned panel of experts.

MCLE: 2 Hours Legal Ethics

8 [LPMT] Friday, January 19, 2007 9:45 a.m.-11:45 a.m.

Overcoming Information Overload [Managing E-mail & Paper]

With so much incoming information, we need systems to cope with overload and communicate effectively. This program demonstrates practical systems to process, organize and act on incoming paper and e-mail by creating and maintaining project, action, waiting and reading files.

MCLE: 2 Hours

9 [TX] Friday, January 19, 2007 9:45 a.m.-11:45 a.m.

Anything You Say Can and Will Be Used Against You: Practical Tips for Building a Favorable Record in Business and Estate Planning Transactions Involved in a Tax Controversy

How to respond to detailed and aggressive information document requests from state and federal taxing agencies while preserving privileges for the client. How to anticipate and respond to summonses and IDR's in light of potential litigation and serious penalties. How to protect and maintain client files and communications before and during an IRS or FTB tax controversy, for planning and transactional clients.

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

10 [LT] Friday, January 19, 2007 9:45 a.m.-11:45 a.m.

Insurance Law For Litigators

Virtually all forms of litigation—from personal injury to business litigation—have significant insurance issues. This program gives an overview of insurance law and issues to the litigator from both the policy holder/plaintiff perspective as well as the insurance company side. Excellent summary and analysis for both the expert and the newcomer to insurance law.

MCLE: 2 Hours

11 [CL/LIT] Friday, January 19, 2007 9:45 a.m.-11:45 a.m.

Jury Selection: How To Pick A Winning Jury

Discuss rhetorical theory as it applies to audience analysis of the venire. Hear practical tips for selecting the best jury, and leave with a handout of sample criminal or civil voir dire questions.

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

12 [INT] Friday, January 19, 2007 9:45 a.m.-11:45 a.m.

What CA Attorneys Need to Know About Global Privacy Protection

International IP Attorneys will present in a panel forum clients' increasing exposure under global privacy laws; how privacy laws are implemented in selected countries; and best practices for company global policies focusing on issues and solutions such as outsourcing.

MCLE: 2 Hours

13 [WC] Friday, January 19, 2007 9:45 a.m.-11:45 a.m.

The New Workers' Compensation Law, Part 1

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.

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

12:00 P.M.-1:30 P.M. LUNCHEON \$20

78 [LAP] Friday, January 19, 2007 12:00 p.m.-1:30p.m.

The Common Pitfalls of Legal Practice

An examination of the substance abuse, mental health and stress challenges commonly encountered by legal professionals and the resources that are available to address these problems.

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

1:45 P.M.-2:45 P.M.

14 [PL] Friday, January 19, 2007 1:45 p.m.-2:45 p.m.

Effective Appellate Advocacy

Effective Appellate Advocacy. A veteran appellate court staff attorney will share observations on effective appellate advocacy, including common pitfalls to avoid in the presentation of writs and appeals.

MCLE: 1 Hour

15 [TE] Friday, January 19, 2007 1:45 p.m.-2:45 p.m.

Avoiding Trusts and Estates Litigation

This session will address pre-litigation settlement of common trust and estate disputes. Particular emphasis will be placed on the role of the disinterested fiduciary and/or attorney in resolving these disputes.

MCLE: 1 Hour; .5 Legal Ethics; Legal Specialization: 1 Hour Estate Planning

16 [IP] Friday, January 19, 2007 1:45 p.m.-2:45 p.m.

Protecting Trade Secrets During Litigation

This program will cover the many pitfalls and potential malpractice traps that arise during the course of litigation involving trade secrets, including preventing accidental disclosure and related attorney liability issues.

MCLE: 1 Hour; .5 Legal Ethics

17 [FL] Friday, January 19, 2007 1:45 p.m.-2:45 p.m.

Assessing Age-Appropriate Visitation in Custody Matters

Assessing a schedule of care appropriate for a child requires assessing several facets of a child's emotional, physical, and psychological status and experience. Among these are quality of attachment to family members, the child's temperament, and the strength and weaknesses of the co-parenting relationship. This workshop will address current research regarding children's emotional and psychological development in light of the impact of separation and divorce, as well as a models and tools to assist the family law practitioner in this difficult area.

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

18 [BL] Friday, January 19, 2007 1:45 p.m.-2:45 p.m.

Hidden Franchises—Definition and Consequences

This program comprises two parts: 1. Definition and Regulatory Overview of Franchises in California (by Gerard Davey) 2. Consequences and Remedies for Non-Compliance with CFIL (by James Mulcahy)

MCLE: 1 Hour

19 [EL] Friday, January 19, 2007 1:45 p.m.-2:45 p.m.

Redeveloping Contaminated Sites:

Recent Developments, Emerging Issues and the State of Environmental Insurance Market

Contaminated properties or "brownfields" are being bought, sold, cleaned up and redeveloped with increasing frequency. The panel will review recent legislative, administrative and judicial developments as well as examine the current trend in the markets for cost cap and pollution liability policies and practical tips for using environmental insurance to smooth the way for successful brownfield redevelopment.

MCLE: 1 Hour

20 [LT] Friday, January 19, 2007 1:45 p.m.-2:45 p.m.

Recent Developments In Summary Judgment: Aguilar and Beyond

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

MCLE: 1 Hour

3:00 P.M.-5:00 P.M.

21 [LPMT] Friday, January 19, 2007 3:00 p.m.-5:00 p.m.

Avoiding Management Faux Pas in Client Relations: Effective Management for Improved Client Relations

Are you facing challenges in dealing with clients? Are you worried about the State Bar looking over your shoulder? What does your malpractice carrier think of the way you practice law? In our competitive environment, effective and ethical client relations are essential. Short cuts in law firm management may get us into "hot water." Learn from those who consult with lawyers on these issues how to be effective and still within the lines of propriety. This session will address selected ideas for improvement of client relations.

MCLE: 2 Hours Legal Ethics

22 [LIT] Friday, January 19, 2007 3:00 p.m.-5:00 p.m.

Elements of Brief Writing

Appellate specialists Jerry Clausen and Greg Ellis, along with a Justice of the Court of Appeal, discuss brief writing strategies and tactics, including dealing with "bad" facts; how standards of review and prejudice should affect framing of issues; ordering of arguments; anticipating opposing arguments; etc.

MCLE: 2 Hours

23 [TE] Friday, January 19, 2007 3:00 p.m.-5:00 p.m.

Basic Conservatorships: LPS and Probate

Confused about the differences between probate and mental health (LPS) conservatorships? Learn about the criteria for each and how to decide which one is appropriate for your facts.

MCLE: 2 Hours; .5 Legal Ethics; Legal Specialization: 2 Hours Estate Planning

24 [TX] Friday, January 19, 2007 3:00 p.m.-5:00 p.m.

Still Joined in Taxes After Divorce

The session will provide a discussion of outstanding tax liabilities and how they affect couples after a divorce. Issues which will be covered are FTB and IRS collection issues, liens, levies and the community property aspects of each, community property rights, joint and several liability. The program will consider options to resolve tax liabilities in cases where there is a divorce, such as innocent spouse defenses, offers in compromise, hardship and payment plans in bankruptcy.

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

25 [RP] Friday, January 19, 2007 3:00 p.m.-5:00 p.m.

Leasing Basics

The fundamentals of office and retail leasing, from both landlord and tenant perspectives

MCLE: 2 Hours

26 [LL] Friday, January 19, 2007 3:00 p.m.-5:00 p.m.

2006 In Review: Major Labor and Employment Legislative and Case Law Trends Developments

Review of recent developments in labor and employment law, including sexual harassment, wage and hour, race and gender discrimination issues, from both the plaintiff, employee and management perspectives.

MCLE: 2 Hours

27 [INT] Friday, January 19, 2007 3:00 p.m.-5:00 p.m.

Crossborder Multijurisdictional Practice Issues

This program will review California practice and ethics rules affecting representation of foreign clients in the US and US clients abroad. The program will be followed by an open session to solicit comments on current California rules of practice and potential future changes.

MCLE: 2 Hours; 1 Hour Legal Ethics

5:15 P.M.-6:15 P.M.

Roundtable Discussion

Please join us for an open session to solicit comments on current California rules of practice and potential future changes. (Registration is not necessary)

28 [PL] Friday, January 19, 2007 5:15 p.m.-6:15 p.m.

The Public Records Act

Gain practical insights into the Public Records Act including what documents must be produced, the applicable exceptions, and its usefulness as a tool in pre-litigation discovery.

MCLE: 1 Hour

29 [SS] Friday, January 19, 2007 5:15 p.m.-6:15 p.m.

Growing Your Law Practice by Developing a Special Focus

Learn how to grow your law practice and better serve your clients by developing a special focus area and complementary practice areas.

MCLE: 1 Hour; .5 Legal Ethics

30 [CL] Friday, January 19, 2007 5:15 p.m.-6:15 p.m.

Proposition 36: What Every Criminal Attorney Needs To Know

An overview of Prop 36 Law, recent legal developments, and practical approaches to common problems encountered with the application of Prop 36.

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

31 [IP] Friday, January 19, 2007 5:15 p.m.-6:15 p.m.

What Every Business Lawyer Needs to Know about Licensing

In today's economy, every business lawyer should have a basic understanding of technology licensing. Learn what licenses are, when and why they are used, and what to look out for.

MCLE: 1Hour

32 [LL] Friday, January 19, 2007 5:15 p.m.-6:15 p.m.

Update on Benefits and Retirement Pensions for the Business Generalist

General Practitioners will be taken from the most fundamental basics of pensions and benefit laws to an understanding of the effect of recent court decisions, legislation, and rulings. Awareness of these changes will enhance the practice of all attendees.

MCLE: 1 Hour

33 [AN] Friday, January 19, 2007 5:15 p.m.-6:15 p.m.

ABC's of Antitrust and Unfair Competition Law

Whether you are starting your antitrust practice or just want a general understanding of the law, this panel is geared for you with an overview of the federal and California antitrust laws.

MCLE: 1 Hour

Saturday, January 20, 2007

8:30 A.M.-9:30 A.M.

34 [PL] Saturday, January 20, 2007 8:30 a.m.-9:30 a.m.

The Administration of Justice in the 21st Century

The administration of justice in California—which has the largest court system in the nation—has evolved dramatically. This program will address significant changes to the organization, funding, and operation of our courts to meet the challenges of the 21st century.

MCLE: 1 Hour

35 [CL] Saturday, January 20, 2007 8:30 a.m.-9:30 a.m.

Ethical Considerations from Criminal Defense Attorneys

Current developments involving common ethical problems (discovery violations, Crawford issues, prosecutorial misconduct, etc.) facing criminal attorneys and practical tips to avoid the ethical problems.

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

36 [LPMT] Saturday, January 20, 2007 8:30 a.m.-9:30 a.m.

Cybersleuthing: Internet Fact Finding Strategies and Legal Research Tips

Become a superhero to your client by learning how to use the Internet to get an advantage over opposing counsel-evildoers. Go up, up, and away to learn how to use online resources, uncover information about individuals, companies, products, and more!

MCLE: 1 Hour

37 [TX] Saturday, January 20, 2007 8:30 a.m.-9:30 a.m.

Charitable Giving -

Tax Essentials and Updates for the Estate Planner

A discussion of charitable giving strategies and related tax benefits.

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

38 [LT] Saturday, January 20, 2007 8:30 a.m.-9:30 a.m.

Managing and Responding to Electronic Discovery Demands

Many challenges face attorneys and clients who must anticipate and respond to electronic discovery demands in litigation. In this program, we will discuss how California law and the new federal e-discovery rules impact your litigation strategy and your clients' business decisions, and we will provide the key points that you must know to be ahead of the curve.

MCLE: 1 Hour; Legal Specialization: 1 Hour

39 [INT] Saturday, January 20, 2007 8:30 a.m.-9:30 a.m.

Retaining Foreign National Employees— Strategic Planning with Immigration Counsel

Strategy discussion to assist corporate clients in retaining their Foreign National Employees to include: H-1B cap; PERM—A year and 1/2 later; Updates from Department of Labor on pending Labor Certifications filed pre-PERM; Retrogression issues and effect on Green Card process; Reaching maximum time on non-immigrant visas; USCIS' expansion of the premium processing program and other legislative updates.

MCLE: 1 Hour

40 [TE] Saturday, January 20, 2007 8:30 a.m.-9:30 a.m.

Avoiding Procedural Pitfalls When A Litigant Dies

When a party to litigation dies, the procedural landscape of the litigation changes. Learn about these changes, including changes to applicable statutes of limitations and procedural requirements necessary to preserve a claim when a litigant dies.

MCLE: 1 Hour; Legal Specialization: 1 Hour Estate Planning

41 [EL] Saturday, January 20, 2007 8:30 a.m.-9:30 a.m.

San Joaquin River Settlement! What It Means to You. What It Does, What It Doesn't Do

The San Joaquin River Restoration Agreement contemplates one of the largest river restoration projects ever undertaken in the United States, covering 153 miles from Friant Dam to the San Joaquin's confluence with the Merced River. This presentation will recap the legal issues that framed the dispute, explain the terms of the historic accord, and reveal how the restoration project is likely to affect California's environment.

MCLE: 1 Hour

9:45 A.M.-11:45 A.M.

42 [FL] Saturday, January 20, 2007 9:45 a.m.-11:45 a.m.

Setting Aside Family Law Judgments

Considerations to address before making application to set aside a judgment; pleadings, time limits, relationship to disclosures and fiduciary duties; and issues relating to appeals.

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

43 [SS] Saturday, January 20, 2007 9:45 a.m.-11:45 a.m.

Using Independent Contractors in Your Practice

Learn the advantages and disadvantages of using independent contractors compared to employees. Explore the requirements of classifying support staff as either independent contractors or employees.

MCLE: 2 Hours; .5 Legal Ethics

44 [LL] Saturday, January 20, 2007 9:45 a.m.-11:45 a.m.

Methamphetamines, Cocaine and Alcohol: Managing Substance Abuse in the Legal Workplace and Beyond

Managing Substance Abuse in the Legal Workplace and Beyond. Presentation by both a clinical and an organizational psychologist on the identification, impact and resolution of substance abuse in the workplace including its adverse effects on non-users and employee morale.

MCLE: 2 Hours ; 1 Hour Prevention, Detection & Treatment of Substance Abuse

45 [LT][CAC] Saturday, January 20, 2007 9:45 a.m.-11:45 a.m.

How Not to Lose Your Appeal in the Trial Court

A panel of appellate experts will explore issues to be considered in the trial court, with an emphasis on preserving the record at every stage to support an appellate argument for reversal or affirmance.

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

46 [RP] Saturday, January 20, 2007 9:45 a.m.-11:45 a.m.

Commercial Lending: Business and Legal Concerns

This program examines real property secured lending from both the business perspective of what kind of loans clients may want, and the legal perspective of how a commercial loan is structured and documented

MCLE: 2 Hours

47 [CL] Saturday, January 20, 2007 9:45 a.m.-11:45 a.m.

Procuring, Preparing & Presenting Expert Witnesses

Practical tips on how to identify the key expert issue you have, procuring the best expert for your case, preparing the witness, and presenting the expert to maximize the "storytelling" nature of your presentation."

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

48 [IP] Saturday, January 20, 2007 9:45 a.m.-11:45 a.m.

Patents, Open Source, and Other Technology Issues Business Lawyers Should Know

Before engaging specialized counsel (e.g., to evaluate patents or OS code), technology clients often cross a mine field of “gotchas” threatening to compromise enforcement, use or defense of critical IP rights. This talk focuses on tips, traps and misconceptions clients and advisors should know early on to avoid untowardly business surprises.

MCLE: 2 Hours

49 [BL] Saturday, January 20, 2007 9:45 a.m.-11:45 a.m.

Bankruptcies of the “Rich” and Famous: Individual Chapter 11 Cases

Panel discusses BAPCPA's impact on individual chapter 11 bankruptcies: What was fixed, what wasn't, and the continued use of chapter 11 for individuals.

MCLE: 2 Hours

12:00 P.M.-1:30 P.M. LUNCHEON \$20

79 [COPLI] Saturday, January 20, 2007 12:00 p.m.-1:30p.m.

Meeting New Professional Responsibilities and Challenges: Adjusting to the Electronic Environment

Practical implications—to clients and counsel—of the December 1, 2006 revisions to the FRCP for the conduct of e-discovery; working with clients who elect to manage discovery in-house, of their obligations; law firm internal electronic records obligations and exposures; new ways that cases can go south; trends and outliers in attorney liability disputes.

MCLE: 1 Hour Legal Ethics

1:45 P.M.- 3:45 P.M.

50 [SS] Saturday, January 20, 2007 1:45 p.m.-3:45 p.m.

Ethical Advocacy - Use of Influence and Persuasion

Learn how to use the new social science of influence and persuasion to manage staff and clients, negotiate deals, settle disputes and win in court.

MCLE: 2 Hours; 1 Hour Legal Ethics

51 [INT] Saturday, January 20, 2007 1:45 p.m.-3:45 p.m.

Becoming a More Effective Cross-cultural Negotiator: Practical Tips on Conducting Successful Negotiations with Chinese and Japanese Businesses

Eight major cultural differences generally impact cross-cultural negotiations. Panel discussions will include mock negotiations between U.S. and both Chinese and Japanese Business people; followed by suggestions to improve negotiation outcome based on these cultural differences.

MCLE: 2 Hours Elimination of Bias in the Legal Profession

52 [TX] Saturday, January 20, 2007 1:45 p.m.-3:45 p.m.

LLCs, S. Corps. Partnership—Taxation of Pass-Through Entities

A discussion of common issues relating to flow through entities including types of entities, choices of pass-through entities and the state and federal tax issues with each. State jurisdiction of pass throughs and their owners, entity level state taxes of pass throughs, state taxation of corporate owners and state taxation of individual owners will be discussed. Non resident tax issues of same will be included.

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

53 [FL] Saturday, January 20, 2007 1:45 p.m.-3:45 p.m.

Navigating the Bifurcation Triangle—FC 2040; FC 2337 and PC 5600

Given the current status of the law, bifurcations of marital status can be a minefield. Learn how to navigate through while protecting your client and yourself. Also be prepared for upcoming amendments to the code.

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

54 [EL] Saturday, January 20, 2007 1:45 p.m.-3:45 p.m.

Key Developments in Environmental Land Use, and Energy Law

Join a panel of expert academics and litigators for a lively discussion of the major, recent legal developments in the fields of environmental, land use and energy law. Recent and pending discussions from the U. S. Supreme Court will be featured.

MCLE: 2 hours

55 [RP] Saturday, January 20, 2007 1:45 p.m.-3:45 p.m.

The Redevelopment Process

Redevelopment is a powerful tool for economic change, but one that elicits strong critics and supporters. This review of the legal process, powers and constraints will serve as a primer for all stakeholders.

MCLE: 2 Hours

56 [BL] Saturday, January 20, 2007 1:45 p.m.-3:45 p.m.

Hottest Issues in Cyberspace Law

The program will cover the hottest issues in Cyberspace, including spyware, privacy and security, IP issues, and pending legislation.

MCLE: 2 Hours

57 [WC] Saturday, January 20, 2007 1:45 p.m.-3:45 p.m.

The New Workers' Compensation Law, Part 2

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.

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

4:00 P.M.-5:00 P.M.

58 [LPMT] Saturday, January 20, 2007 4:00 p.m.-5:00 p.m.

Computer Forensics in Litigation—

How to Cost Effectively Find the Other Side's Smoking Guns

This program will detail the newest trends in traditional computer forensic examination and how they are now being applied to the electronic discovery context. New forensic techniques such as full disk imaging, sector evaluation, restoration of archived data and restoration of deleted data, data filtering at the point of collection, metadata preservation and stripping and other advances in cyber discovery are making all the difference in litigation in today's world.

MCLE: 1 Hour

59 [LT/CL] Saturday, January 20, 2007 4:00 p.m.-5:00 p.m.

Experts And Ethics: Ethically Maximizing the Use of Experts as Witnesses and Consultants

Retaining professionals as either expert witnesses or as advocacy-based litigation consultants can profoundly impact your case, but also can trigger ethical responsibilities. This program will discuss selected ethical issues that arise when counsel retains a professional as either an expert witness or as a strategic litigation consultant.

MCLE: 1 Hour Legal Ethics

60 [TX] Saturday, January 20, 2007 4:00 p.m.-5:00 p.m.

Taxation and Intellectual Property for GP's Identify and Build and Position for Tax Savings

General practitioners could learn to identify how client business can be categorized into patent, trademark, trade secret and copyright categories and how to get the best tax treatment for each.

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

61 [FL] Saturday, January 27, 2007 4:00 p.m.-5:00 p.m.

What is Income for Support—The \$64,000 (or more) Question

Learn from forensic CPAs how to develop appropriate income figures for the determination of spousal and child support using tax returns, bank statements and other financial data. Learn how CPAs evaluate both current and historical financial data to arrive at a figure to be presented to the court. Different cases involving income for support will be discussed and applied to specific fact patterns that arise in family law situations.

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

62 [CL] Saturday, January 20, 2007 4:00 p.m.-5:00 p.m.

Opening Statements and Closing Arguments:

A View From the Bench

A down-to-earth judicial perspective of common errors attorneys make, and how to avoid such errors, during opening statements and closing arguments.

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

63 [IP] Saturday, January 20, 2007 4:00 p.m.-5:00 p.m.

Trademark Issue Spotting for Businesses Large and Small: Counseling Clients in Specific Industries from Apparel to Wine

This program will educate general business counsel and beginning trademark attorneys by addressing specific tips for identifying trademark issues in a variety of businesses, including retail, manufacturing, technology, publishing, agriculture, and real estate.

MCLE: 1 Hour

64 [TE] Saturday, January 20, 2007 4:00 p.m.-5:00 p.m.

Caregivers Probate Code 21350 and *Bernard v. Foley*: Can We Protect The Elderly While Not Disqualifying Good Samaritans?

This program will address many issues arising from the increasing relevance of elderly persons or non-relative caregivers. Particular attention will be paid to the recent Supreme Court decision in *Bernard v. Foley* and its effect on estate planning and probate and trust litigation.

MCLE: 1 Hour; Legal Specialization: 1 Hour Estate Planning

65 [SS] Saturday, January 20, 2007 4:00 p.m.-5:00 p.m.

Future Think: Trends Affecting Your Law Practice

Many trends will affect your law practice over the next five years. Explore the impact of demographic changes, the economy, technology, investment patterns, international issues and more on your practice.

MCLE: 1 Hour

Sunday, January 21, 2007

9:00 A.M.-10:00 A.M.

66 [IP] Sunday, January 21, 2007 9:00 a.m.-10:00 a.m.

Achieving Diversity in the Legal Profession—Addressing the Challenges and the Solutions

A discussion of the current status of diversity in the legal profession, the common barriers faced in diversifying the legal profession, and recommended best practices and solutions aimed at diversifying the legal profession.

MCLE: 1 Hour Elimination of Bias in the Legal Profession

67 [LPMT] Sunday, January 21, 2007 9:00 a.m.-10:00 a.m.

“Emotionally Intelligent Attorney” is not an Oxymoron

Lawyer jokes aside, the successful practice of law requires a high degree of emotional intelligence (EI) both on a daily basis and while navigating the various stages of career development. See how EI contributes to effectiveness, profitability, and satisfaction.

MCLE: 1 Hour

68 [RP] Sunday, January 21, 2007 9:00 a.m.-10:00 a.m.

Public Access to Private Property

When does a property owner have to allow groups or individuals onto private property to promote a message? How do evolving law, property design, and other considerations affect the analysis?

MCLE: 1 Hour

69 [PL] Sunday, January 21, 2007 9:00 a.m.-10:00 a.m.

Intellectual Property for the Non-IP Attorney

Get an overview of intellectual property law, including patents, trademarks, copyrights, and trade secrets. This presentation is tailored to non-IP attorneys to assist them in identifying intellectual property issues and avoiding common myths and misconceptions.

MCLE: 1 Hour

70 [INT] Sunday, January 21, 2007 9:00 a.m.-10:00 a.m.

International Law and Cross Border Insolvencies; Inbound and Outbound

The current status of cross border insolvencies in the context of UNCITRAL Guidelines and Model Law and new chapter 15 of the U.S. Bankruptcy Code. Under what circumstances can the foreign headquartered debtor invoke probdebtor U. S. chapter 11? Does the Center of Main Interest (COMI) now limit the foreign debtor? The Yukos chapter 11 analysis of Judge Letitia Clark and the subsequent chapter 15.

MCLE: 1 Hour

71 [EL] Sunday, January 21, 2007 9:00 a.m.-10:00 a.m.

A New Day for Solar Power in California

An already hot market for solar power in California is about to heat up even further. In January 2006, the California Solar Initiative goes into effect as the California Public Utilities Commission and the California Energy Commission implement a multi-billion program to install 3,000 megawatts of new solar energy systems over the next 10 years. This course will survey the principal legal and business issues that project developers will have to solve to participate in this ambitious program.

MCLE: 1 Hour

10:15 A.M.-12:15 P.M.

72 [BL] Sunday, January 21, 2007 10:15 a.m.-12:15 p.m.

2007 Legislative and Business Developments for California Corporate Counsel

Program will highlight the key legislative and business developments that will shape the activities of California law departments in 2007. Areas to be covered include corporate law, commercial law, intellectual property and cyberspace, privacy, employment law, finance and insolvency. Panelists will identify each of the important issues that in-house counsel will need to know in order to advise management and train personnel.

MCLE: 2 Hours; 1 Hour Legal Ethics

73 [FL] Sunday, January 21, 2007 10:15 a.m.-12:15 p.m.

Domestic Violence

This class will assist attorneys in understanding the causes of domestic violence; the effects on victims and children and the ethical representation of litigants, whether they are the Petitioner or Respondent. Having more knowledge about the complex dynamics of domestic violence and the range of options available to your clients will assist you in handling these cases with sensitivity, cultural competency and safety in mind. This class will address both legal and mental health aspects of DVPA orders and their impact on custody, visitation and support orders in Family Court.

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

74 [LT] Sunday, January 21, 2007 10:15 a.m.-12:15 p.m.

Creating Winning Trial Strategies

Join G. Christopher Ritter, Esq. of The Focal Point LLC as he discusses how jurors deliberate and what you can do to provide them with the tools they need to do so in your favor.

MCLE: 2 Hours

75 [LL] Sunday, January 21, 2007 10:15 a.m.-12:15 p.m.

Where are the Unions? The Status of Unionization in California

Discussion and status report from both an employer and union representative about the state of labor organizing in California including a brief introduction to the history and development of traditional labor relations in the United States.

MCLE: 2 Hours

76 [TE] Sunday, January 21, 2007 10:15 a.m.-12:15 p.m.

Long Term Care Strategies Under New Federal and California Law and Regulations

An overview of California's Medi-Cal program after the 2005 Deficit Reduction Act emphasizing what has been adopted by California's Department of Health Services and what remains to be implemented, with suggested planning strategies for single and married persons based on current and expected regulatory changes.

MCLE: 2 Hours; Legal Specialization: 2 Hours Estate Planning

77 [WC] Sunday, January 21, 2007 10:15 a.m.-12:15 p.m.

The New Workers' Compensation Law, Part 3

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.

MCLE: 2 Hours; 1.5 Legal Ethics; Legal Specialization: 2 Hours Workers' Compensation

General Information/Ticketed Events

HOTEL INFORMATION

DEADLINE: December 28, 2006

Claremont Resort & Spa, located at 41 Tunnel Road, Berkeley, CA, 90401, is headquarters to the Section Education Institute.

Reserve accommodations before the **December 28, 2006** deadline.

A block of rooms has been reserved at the Claremont Resort & Spa at the rate of \$170 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 28, 2006. Do not wait to book your reservations. The hotel block may sell out before the December 28 deadline. Once the block has been filled, prevailing rates will be offered based on availability. Reservations made after December 28 will only be accepted on a space-available basis.

Room reservations are accepted by call-in only.

To make reservations call 1 (800) 551-7266.

PARKING

Parking at The Claremont is \$19, plus applicable taxes, per vehicle per day for overnight guests; \$24 for day use. Parking is limited for day use drivers. We highly encourage the use of Public Transportation.

REGISTRATION/PROGRAM CHANGES

Advance registration deadline is January 8, 2007.

Fees are \$325 Section members; \$380 Non-section members; After January 8 and on-site, registration is \$400 (Late and onsite fees do not include section membership)

Registration and/or ticket refund requests must be in writing and received by January 8, 2007, 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 ensure 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 \$25

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

#78 The Common Pitfalls of Legal Practice

An examination of the substance abuse, mental health and stress challenges commonly encountered by legal professionals and the resources that are available to address these problems.

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

(Sponsored by the Lawyers Assistance Program)

SATURDAY LUNCHEON PROGRAM \$25

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

#79 Meeting New Professional Responsibilities and Challenges: Adjusting to the Electronic Environment

Practical implications—to clients and counsel—of the December 1, 2006 revisions to the FRCP for the conduct of e-discovery; working with clients who elect to manage discovery in-house, of their obligations; law firm internal electronic records obligations and exposures; new ways that cases can go south; trends and outliers in attorney liability disputes.

MCLE: 1 Hour Legal Ethics

(Sponsored by the Committee on Professional Liability Insurance)



Register Online at www.calbar.ca.gov/sei

REGISTRATION FORM

SIGN ME UP

Registration Fee includes admission to all courses. 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 on the back. Keep a photocopy for your records and mail or fax before the January 8, 2007, deadline.

Use a separate form for each registrant.

REGISTER ONLINE AT:

www.calbar.ca.gov/sei

BY FAX:

415-538-2368. Credit card registrations only. If advance 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 _____

Name _____

Firm _____

Address _____

City, State, Zip _____

Phone Number _____

Fax Number _____

E-mail (Required for e-mail confirmation) _____

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

If you do not wish for your name to be released, check here.

For registration information call (415) 538-2508. For Special Assistance please call (415) 538-2523.

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 8 and On-site registration will be \$395; Does Not Include Section Membership)

- Section Member \$325
 Non-Section Member \$380*
 After January 8 and on-site \$395

Total Registration Fee = _____

*Non-Section Member fee includes enrollment in ONE Section for the year 2007. Select below:

- | | |
|--|--|
| <input type="checkbox"/> Antitrust & Unfair Competition (AN) | <input type="checkbox"/> Law Prac. Mgmt. & Tech (LPMT) |
| <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 (EL) | <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 (INT) | <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 _____ @ the discounted rate of \$55 per new section = _____

TICKETED EVENTS

Friday, January 19, 2007 Luncheon Program

[78] The Common Pitfalls of Legal Practice

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

_____ @ \$25 per person = _____

Saturday, January 20, 2007 Luncheon Program

[79] Meeting New Professional Responsibilities and Challenges: Adjusting to the Electronic Environment

MCLE: 1 Hour Legal Ethics

_____ @ \$25 per person = _____

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 8, 2007 and are subject to a \$50 service charge. Refunds are not available after January 8.

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 _____
(Visa or MasterCard only)

Cardholder's Name _____

Cardholder's Signature _____

Deadline: January 8, 2007

Course Selector

Your Name _____

Your Bar Number _____

FRIDAY, JANUARY 19, 2007

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

- 1 [PL] Public Fraud and Corruption
- 2 [SS] Getting Paid: Alternatives to Cash and Checks
- 3 [LPMT] Succession and Retirement Planning: Developing Strategies to Secure Your Future and Your Firm's Future Before the Train Leaves the Station
- 4 [RP] What Transactional Lawyers Can Learn from Litigators (and vice versa)
- 5 [IP] Copyright: Year in Review
- 6 [EL] The Nuts and Bolts of Land Trusts

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

- 7 [BL] Ethics and ADR: What Happened to Zealous Representation?
- 8 [LPMT] Overcoming Information Overload [Managing E-mail & Paper]
- 9 [TX] Anything You Say Can and Will Be Used Against You: Practical Tips for Building a Favorable Record in Business and Estate Planning Transactions Involved in a Tax Controversy
- 10 [LT] Insurance Law For Litigators
- 11 [CL/LIT] Jury Selection: How to Pick a Winning Jury
- 12 [INT] What CA Attorneys Need to Know About Global Privacy Protection
- 13 [WC] The New Workers' Compensation Law, Part 1

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

- 14 [PL] Effective Appellate Advocacy
- 15 [TE] Avoiding Trusts and Estates Litigation
- 16 [IP] Protecting Trade Secrets During Litigation
- 17 [FL] Assessing Age-Appropriate Visitation in Custody Matters
- 18 [BL] Hidden Franchises—Definition and Consequences
- 19 [EL] Redeveloping Contaminated Sites: Recent Developments, Emerging Issues and the State of Environmental Insurance Market
- 20 [LT] Recent Developments In Summary Judgment: Aguilar and Beyond

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

- 21 [LPMT] Avoiding Management Faux Pas in Client Relations: Effective Management for Improved Client Relations
- 22 [LIT] Elements of Brief Writing
- 23 [TE] Basic Conservatorships: LPS and Probate
- 24 [TX] Still Joined in Taxes After Divorce
- 25 [RP] Leasing Basics
- 26 [LL] 2006 In Review: Major Labor and Employment Legislative and Case Law Trends Developments
- 27 [INT] Crossborder Multijurisdictional Practice Issues

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

- 28 [PL] The Public Records Act
- 29 [SS] Growing Your Law Practice by Developing a Special Focus
- 30 [CL] Proposition 36: What Every Criminal Attorney Needs To Know
- 31 [IP] What Every Business Lawyer Needs to Know about Licensing
- 32 [LL] Update on Benefits and Retirement Pensions for the Business Generalist
- 33 [AN] ABC's of Antitrust and Unfair Competition Law

SATURDAY, JANUARY 20, 2007

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

- 34 [PL] The Administration of Justice in the 21st Century
- 35 [CL] Ethical Considerations from Criminal Defense Attorneys
- 36 [LPMT] Cybersleuthing: Internet Fact Finding Strategies and Legal Research Tips
- 37 [TX] Charitable Giving—Tax Essentials and Updates for the Estate Planner
- 38 [LT] Managing and Responding to Electronic Discovery Demands
- 39 [INT] Retaining Foreign National Employees—Strategic Planning with Immigration Counsel
- 40 [TE] Avoiding Procedural Pitfalls When A Litigant Dies
- 41 [EL] San Joaquin River Settlement! What it Means to You. What it Does, What it Doesn't Do

SATURDAY, JANUARY 20, 2007 (cont.)

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

- 42 [FL] Setting Aside Family Law Judgments
- 43 [SS] Using Independent Contractors in Your Practice
- 44 [LL] Methamphetamines, Cocaine and Alcohol: Managing Substance Abuse in the Legal Workplace and Beyond
- 45 [LT] How Not to Lose Your Appeal in the Trial Court
- 46 [RP] Commercial Lending: Business and Legal Concerns
- 47 [CL] Procuring, Preparing and Presenting Expert Witnesses
- 48 [IP] Patents, Open Source, and Other Technology Issues Business Lawyers Should Know
- 49 [BL] Bankruptcies of the "Rich" and Famous: Individual Chapter 11 Cases

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

- 50 [SS] Ethical Advocacy—Use of Influence and Persuasion
- 51 [INT] Becoming a More Effective Cross-cultural Negotiator: Practical Tips on Conducting Successful Negotiations with Chinese and Japanese Businesses
- 52 [TX] LLCs, S. Corps. Partnership—Taxation of Pass-Through Entities
- 53 [FL] Navigating the Bifurcation Triangle—FC 2040; FC 2337 and PC 5600
- 54 [EL] Key Developments in Environmental Land Use, and Energy Law
- 55 [RP] The Redevelopment Process
- 56 [BL] Hottest Issues in Cyberspace Law
- 57 [WC] The New Workers' Compensation Law, Part 2

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

- 58 [LPMT] Computer Forensics in Litigation—How to Cost Effectively Find the Other Side's Smoking Guns
- 59 [IT/CL] Experts and Ethics: Ethically Maximizing the Use of Experts as Witnesses and Consultants
- 60 [TX] Taxation and Intellectual Property for GP's Identify and Build and Position for Tax Savings
- 61 [FL] What is Income for Support—The \$64,000 (or more) Question
- 62 [CL] Opening Statements and Closing Arguments: A View from the Bench
- 63 [IP] Trademark Issue Spotting for Businesses Large and Small: Counseling Clients in Specific Industries from Apparel to Wine
- 64 [TE] Caregivers Probate Code 21350 and *Bernard v. Foley*: Can We Protect the Elderly While Not Disqualifying Good Samaritans?
- 65 [SS] Future Think: Trends Affecting Your Law Practice

SUNDAY, JANUARY 21, 2007

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

- 66 [IP] Achieving Diversity in the Legal Profession—Addressing the Challenges and the Solutions
- 67 [LPMT] "Emotionally Intelligent Attorney" is Not an Oxymoron
- 68 [RP] Public Access to Private Property
- 69 [PL] Intellectual Property for the Non-IP Attorney
- 70 [INT] International Law and Cross Border Insolvencies; Inbound and Outbound
- 71 [EL] A New Day for Solar Power in California

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

- 72 [BL] 2007 Legislative and Business Developments for California Corporate Counsel
- 73 [FL] Domestic Violence
- 74 [LT] Creating Winning Trial Strategies
- 75 [LL] Where are the Unions? The Status of Unionization in California
- 76 [TE] Long Term Care Strategies Under New Federal and California Law and Regulations
- 77 [WC] The New Workers' Compensation Law, Part 3

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