

BWL NEWSLETTER

SUMMER 2008

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PRESIDENT'S MESSAGE

AUDREA J. GOLDING, ESQ.

Greetings! It is hard to believe that we have completed our 2007-2008 bar year. Summer is finally here and BWL has had much to be thankful for this year.

We started the year in September 2007 with a successful Installation Dinner. Actress **Sheryl Lee Ralph** and **Judge Allen J. Webster** of the Los Angeles Superior Court served as Mistress and Master of Ceremonies. Judge Webster also administered the oath of office to the incoming board. During the Installation Dinner, we announced our theme for this bar year: "**Preserving the Pipeline: Promoting Partnerships for Success**". We have worked towards this goal through all of our activities this year.

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In October, BWL held its General Meeting and a Potluck Welcome Dinner for new members at the home of BWL Member, **Renee Campbell**. This meeting featured a presentation by the **Alliance for Children's Rights**, encouraging our members to become active mentors for youth in our community, particularly those emerging from the foster-care system.

In November, BWL hosted a MCLE seminar titled, "**Appellate Practice Tips for Trial Lawyers**". **Justice Candace Cooper** gave an informative presentation on the appellate process and led an insightful discussion on how to preserve issues for appeal in the course of litigation. She also gave some very valuable tips on appellate briefs and oral arguments at the California Court of Appeal. BWL thanks Justice Cooper for her ongoing commitment to the professional development of women lawyers, and the **Los Angeles County Bar Association** for providing a venue for this program.

Also in November, BWL held a Judicial Candidate Training Program hosted by Judge Ellen DeShazer. The program educated potential judicial candidates on the "real world" of judicial politics, and provided strategic advice on applying for judicial appointments. Speakers included **Judge Michael Carter, Judge Ellen DeShazer, Judge John Meigs, Judge Bobbi Tillmon, Judge Patricia Titus, Justice Candace Cooper and Roland Coleman**. A diverse audience of more than 40 people attended, and all had positive and wonderful feedback on this important program presented by BWL's Judicial Nomination and Evaluation Committee.

Finally, at the end of November, BWL hosted its annual **Thanksgiving Eve Cocktail Sip**. This event helps BWL raise money to fund our MCLE programs, mentoring activities and scholarship programs each year. The year's theme was a Night in Monte Carlo, and it was a huge success for BWL. We sincerely thank **Michelle Brathwaite and Samantha Grant**, co-chairs for the event, the sponsors of the Cocktail Sip, and all of our members and guests who came out to support this event.

In December, BWL partnered with the **John M. Langston Bar Association** to host our **Annual Holiday Party** where we welcomed sixteen new admittees to the California bar and celebrated the achievements of our members who had been promoted or elevated during the year.

In January, BWL held a two-hour MCLE on Ethics that was wonderfully presented and graciously sponsored by long-time supporters, **Bergman and Dacey Inc.** at the City Club on Bunker Hill. Members enjoyed a wonderful dinner while enjoying an informative and interactive MCLE seminar on a wide range of ethical issues that confront attorneys on a regular basis. We appreciate the wealth of knowledge and experience that Bergman and Dacey continue to share with BWL.

In February, BWL celebrated Black History Month as a Community Collaborator with the **Pan African Film Festival**. Through this collaboration, BWL co-sponsored the Festival's Closing Night festivities at the Magic Johnson Theatres in Baldwin Hills. We attended a special screening of "**When We Were Kings**" and a well-attended After Party, where BWL members met and celebrated with guests including, **Glynn and Joanne Turman** (past BWL community service

PRESIDENT'S MESSAGE

AUDREA J. GOLDING (CONTINUED FROM COVER)

honorees), comedian **Paul Mooney** and actor, **Blair Underwood**. The event was an important show of support for the arts in our community, and we look forward to supporting this event again next year.

In March, BWL held its inaugural **Justice Vaino Spencer Judicial Excellence Award Luncheon**, at the Beverly Hills Hotel in Beverly Hills, California. It brought together over 300 guests from across California, including judges, lawyers, law students, court staff, public officials, family members and friends of Justice Spencer. The luncheon concluded with the presentation of the Inaugural Justice Vaino Spencer Judicial Excellence Award by **Justice Candace Cooper**, to Justice Spencer. BWL looks forward to continuing its tradition of honoring those who have made a lasting and positive impact on the lives of women lawyers and the larger community through their service on the bench when the award is presented to future recipients.

We started the spring season with a renewed commitment to law students by hosting our **Law Student Fireside Chat** on March 28, 2008 at the home of member **Margot Bouchet**. The Fireside Chat brought together law students and lawyers for a candid discussion on life as a lawyer, and how to prepare before, during and after law school for a successful career in the legal profession. We look forward to continuing this important dialogue with our law student members so that we continue to be a key resource for them.

In April, we held our annual joint symposium with the Association of Black Women Physicians (ABWP). We had a lively meeting with our colleagues in the medical profession as we discussed the topic: **"Personal Relationships and Professional Women: The Good, The Bad and The Ugly."**

In May, BWL held a well-attended career development program entitled, **"LA Law - The Real Deal on The Los Angeles Legal Job Market"**. The program featured **Michelle Brathwaite** of Swan Legal Search, **Sharon Gerber** of Sharon Gerber Attorney Search, and **Merle Vaughn** of The Lucas Group. The program was very interactive and the speakers answered many questions on how to effectively use legal recruiters to advance our careers in the legal profession, compensation issues, work/life balance, and how to seek the best traditional and non-traditional legal positions. BWL thanks the law firm of **Sheppard Mullin Richter & Hampton LLP**, for hosting us for this important meeting.

Finally, in June, BWL held its last General Meeting of the year and its General Elections. This meeting also featured our last MCLE program of the year on labor and employment law, sponsored by the **State Bar of California's Labor and Employment Law Section's Diversity Committee**, and featured **Tanja Darrow** of Littler Mendelson, PC, **Wilmer Harris** of Schonbrun De Simone Seplow Harris & Hoffman, LLP and **Shelly McMillan** of McMillan and Herrell. President-Elect **Yvette Roland** served as moderator. The MCLE focused on the law and procedures relating to retaliation claims, which was very timely, given two significant decisions rendered by the United States Supreme Court in May, 2008 on retaliation claims.

As we conclude our bar year, I am grateful to have had the support of the BWL Board as we worked together to present important professional development seminars and networking opportunities for our members, to achieve our goals of Preserving the Pipeline, Promoting Partnerships for Success.



Southwestern Law School Career Day
February 2008



Pan African Film Festival
February 2008



Justice Vaino Spencer Award Luncheon,
March 2008

Register Now!!

BWL ANNUAL RETREAT 2008
August 15th -17th
Hilton La Jolla Torrey Pines
10950 North Torrey Pines Rd., La Jolla 92037
(858) 558-1500
Room Rates: \$219/night
Register at www.blackwomenlawyersla.org



Installation Dinner, September 20, 2007



Holiday Party, December 2007



General Meeting and CLE , City Club on Bunker Hill, sponsored by Bergman and Dacey, Inc.
January 2008



Fireside Chat with Los Angeles Area law students and future law students, March 2008

SPOTLIGHT ON BWL EVENTS

BWL Honors Justice Vaino Spencer (ret.) at its Inaugural Justice Vaino Spencer Judicial Excellence Award Luncheon

by Audrea Golding, Esq.



On March 1, 2008, the Black Women Lawyers Association of Los Angeles, Inc. (BWL) held its inaugural Justice Vaino Spencer Judicial Excellence Award Luncheon, at the Beverly Hills Hotel in Beverly Hills, California. The luncheon brought together over 300 guests from across California, including numerous members of the California judiciary, lawyers law students, court staff, public officials and family members and friends of Justice Spencer.

Last year, BWL announced that it would honor Justice Spencer, one of BWL's founding members, in recognition of her upcoming retirement from the California Court of Appeal and distinguished 46-year career on the bench. BWL established its Judicial Excellence Award for the event in honor of Justice Spencer and presented it for the first time to Justice Spencer. The award was named for Justice Spencer in recognition of her remarkable professional achievements, her example of judicial excellence, and contributions to the legal profession, the judiciary, the African-American community and the larger Los Angeles community. A pioneer for women and African Americans in the legal profession, Justice Spencer, served as Presiding Justice of the California Court of Appeal, Second Appellate District, Division One, before her retirement in September, 2007. She was the third African American woman in California to pass the State Bar exam. In 1961, she was appointed to the Los Angeles Municipal Court, making her California's first African American female judge, and only the third in the nation. She was appointed to the Los Angeles Superior Court in 1976, and was elevated to the California Court of Appeal in 1980. In the 1970s, she founded the Black Women Lawyers Association, and co-founded the National Association of Women Judges.

Hon. Veronica Simmons McBeth (Ret.), a protégé and long-time friend of Justice Spencer served as Mistress of Ceremonies for the event. Luncheon guests were treated to tributes and stories from speakers who witnessed the impact that Justice Spencer had on those whose lives she touched, the institutions in which she served, and the community. Several tributes were presented from those in the political arena, including Councilman Bernard Parks who presented a commendation from the Los Angeles City Council, Supervisor Yvonne Burke who presented a tribute on behalf of the Los Angeles County Board of Supervisors, Assemblyman Mervyn Dymally who spoke on behalf of the California State Assembly, and Congresswoman Maxine Waters who presented a tribute from her constituency. Several members of the California bench also made glowing tributes to Justice Spencer during the program, including Hon. Joan Dempsey Klein, Presiding Justice, California Court of Appeal, Second Appellate District, Division 3, who co-founded the National Association of Women Judges with Justice Spencer, Hon. Arthur Gilbert, Presiding Justice, California Court of Appeal, Second Appellate District, Division 6, Hon. Robert M. Mallano, Presiding Justice, California Court of Appeal,

Second Appellate District, Division 1, Hon. Terry Hatter Jr., United States District Court, Central District of California, and Hon. Allen J. Webster, Los Angeles Superior Court. Judge Webster presented an award on behalf of Justice Spencer's alma mater, Southwestern Law School. Los Angeles civil rights attorney and long-time friend of Justice Spencer, Leo Branton, also paid tribute to Justice Spencer recalling her groundbreaking career as a successful attorney before her elevation to the bench. The California Association of Black Lawyers and the John M. Langston Bar Association also presented Justice Spencer with tributes during the event.

The luncheon culminated with the presentation of the Inaugural Justice Vaino Spencer Judicial Excellence Award to its namesake, Justice Spencer. Justice Candace Cooper, Presiding Justice, California Court of Appeal, Second Appellate District, Division 8 presented the award on behalf of BWL while recalling the many occasions when she and other female judges met with and were encouraged by Justice Spencer over the course of her career, as Justice Spencer always made a special effort to ensure that women judges were guided and fostered while they served on the bench.

Justice Spencer made brief remarks at the end of the luncheon, thanking her colleagues and friends for honoring her with their presence at the luncheon, and in particular, BWL, for honoring her with the lasting legacy of its Judicial Excellence Award. She recalled her long associations with BWL and her colleagues on the bench with great affection. She also expressed her intention to continue working to encourage women and minority lawyers in the legal profession, and particularly to seek judicial appointments, even as she retires from the bench.

BWL will continue its tradition of honoring those who have made a lasting and positive impact on the lives of women lawyers and the larger community through their service on the bench, when the award is presented to future recipients.



For more images of the Justice Vaino Spencer Award luncheon held on March 1, 2008, visit the BWL website at http://www.blackwomenlawyersla.org/photo_gallery/index.htm

SPOTLIGHT ON BWL EVENTS (Cont'd)

BWL Honors Justice Vaino Spencer (ret.) at its Inaugural Justice Vaino Spencer Judicial Excellence Award Luncheon



SPOTLIGHT ON BWL EVENTS (Cont'd)

BWL ANNUAL THANKSGIVING EVE COCKTAIL SIP

By Michelle Brathwaite, Esq. and Samantha C. Grant, Esq.

On November 21, 2007, BWL held its 32nd Annual Thanksgiving Eve Cocktail Sip at the Millennium Biltmore Hotel. Hundreds of attendees celebrated BWL's "Monte Carlo Night," indulging in great food and BWL's Signature Martini, enjoying live jazz, trying their luck at casino games, dancing, bidding on an array of silent auction items, and purchasing the gorgeous wares of numerous local vendors. KJLH Radio personalities Guy Black and Andre Russell graciously entertained the crowd as impromptu MCs, selecting the winners of the evening's door prizes and organizing a dance competition.

All revelry aside, the Cocktail Sip is BWL's biggest annual fundraiser and this year was no exception. In fact, BWL received an outpouring of corporate sponsorship from local law firms and businesses. This money allowed BWL to carry out its 2007-2008 goals of increasing mentorship programs scholarships for law students, enhancing professional development opportunities for women lawyers, increasing access to pro bono legal services for women and underrepresented members of the community, and continuing to engage in a range of philanthropic and charitable activities. This would not have been possible without the generous donations of sponsors.

BWL would like to thank our 2007 Cocktail Sip Sponsors:

Diamond Level

The DIRECTV Group, Inc.

Dreier Stein & Kahan LLP

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Locke Lord Bissell & Liddell LLP

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Bart H. Williams, Esq.

Friend Level

Law Offices of Gary Farwell

Swan Legal Search, Inc.

TSG Reporting

Cocktail Sip Committee Co-Chairs Samantha Grant and Michelle Brathwaite would like to thank the following committee members for their dedicated hard work that made the evening such a success: Cynthia Alexander, Denise Carter, Sherri Cunningham, Syna Dennis, Darlene Gartrell, Nicole Husband, Ibiere Seck, and Tangela Terry.

Thanks to all of those individuals who supported the Cocktail Sip. We look forward to seeing you again on November 26, 2008 at the Millennium Biltmore Hotel.

Michelle Brathwaite is a legal recruiter at Swan Legal Search and Samantha C. Grant is a labor and employment partner at Mitchell Silberberg & Knupp LLP in Los Angeles, California.

SPOTLIGHT ON BWL EVENTS (Cont'd)

BWL ANNUAL THANKSGIVING EVE COCKTAIL SIP



PRESERVING THE PIPELINE

BWL Continues Efforts to Oppose the Release of Confidential Bar Data of Minority Bar Applicants

By Audrea J. Golding, Esq.

In November, 2007, BWL faced one of its biggest challenges to its pipeline initiatives. On November 8, 2007, I appeared before the State Bar of California's Committee of Regulations, Admission and Discipline to represent BWL and eight other bar associations and organizations, to oppose the State Bar's release of confidential bar applicant data to University of California Los Angeles (UCLA) Law Professor Richard Sanders. Professor Sanders sought to obtain certain bar applicant data from the California State Bar Committee of Bar Examiners, relating to bar applicants' race, ethnicity, gender, bar passage score, law school grades and other data, to prove his theory that "ambitious" affirmative action programs and efforts to diversify elite law schools are a disservice to minority students. In Professor Sanders' view, minority law students who benefit from affirmative action programs tend to perform at a lower level in those schools, and are generally set up to fail bar examinations. Although the Committee of Bar Examiners had previously denied this request for the private data, the State Bar Board of Governors Committee of Regulations, Admission and Discipline, on its own initiative, reconsidered the Committee's decision denying release of the confidential data at its Board Meeting held in Los Angeles on November 8, 2007.

BWL brought together some of the best legal minds in the city and some of the most prominent bar leaders in the country to prepare a legal opinion

and testimony to present to the State Bar in opposition to Professor Sanders' request. Our letter of opinion set out the state and federal law on the right to privacy as it applied to educational grades and other data relevant to professional employment, the constitutional arguments in favor of our position and raised issues relating to the flawed process for the "scientific" study. At the end of the hearing, the Committee unanimously upheld the decision of the Committee of Bar Examiners. On November 9, 2007, the full State Bar Board of Governors voted to uphold the decision of the Committee and not to release the bar data. BWL owes a debt of gratitude to the UCLA BLSA students who brought this issue to the attention of BWL last fall, and challenged us to stand up for the principles of diversity and equality of opportunity, and to all our members and partners who contributed to this successful effort.

The fight is not over. Professor Sanders has indicated that he intends to continue his efforts to obtain the data he seeks for his study through other means. It is incumbent on all bar applicants whose private data may be compromised to become involved on this issue, and join BWL's efforts to protect the bar data of our members. Please continue to visit our website at www.blackwomenlawyersla.org where we will continue to post information on this issue, and provide updates on future meetings and calls for action on this issue.

A copy of the Coalition Against the Release of Private Bar Applicant Data can be found at www.blackwomenlawyersla.org.

Audrea J. Golding, BWL's President, is an immigration attorney at Fragomen, Del Rey, Bensen & Loewy, LLP, in Los Angeles, California.

Feeding the Pipeline of Diversity: The Role of the Individual!

By Charlene L. Usher, Esq.

Feeding the pipeline of diversity is the responsibility of each individual who is currently or was previously a member of the bar and the legal profession. There are a number of ways in which you can feed the pipeline by your involvement in organizations that promote the interests of people of color in the legal profession and by your own individual actions. People who become involved can serve as the moral conscious of our communities and country and lead the way to a better America.

Many organizations have established youth outreach programs. This is an excellent and much needed step in the direction of feeding the pipeline of future attorneys of color and women. However, those programs are only effective if people participate. Make it a point to participate once per year in some program that allows you to be a role model to a child in school.

In 2008, most law schools have a Black Law Student Association (BLSA) chapter. Did you know that BLSA was founded in 1968 and is celebrating its 40th year? The purpose of BLSA remains relevant in its role of supporting and nurturing Black law students as they matriculate through law school and to prepare them for their future legal careers.

Many law students receive support from organizations such as Black Women Lawyers of Los Angeles and the Wiley Manuel Law Foundation. Both of these organizations raise money through fundraisers to support their scholarships. Collectively, they are feeding the pipeline. Each of us

should follow suit and take our place in supporting the pipeline by soliciting our friends and families to buy tables at these fundraisers to support a truly necessary cause. Those of us in the corporate world should solicit our firms and partner with our clients who believe in diversity to support these efforts.

Another available option is to start or become involved with your school's Black alumni group. This is an effective way to stay connected to your classmates and those alumni who have gone before you as well as those coming behind you. More importantly, having an organized and active group will allow the incoming Black students to have a pipeline of mentors and supporters who demonstrate their commitment to the future of attorneys of color and women by being available. There is no significant commitment of time to come together once per year in an effort to raise funds to support these deserving students.

The Solidarity Dinner hosted by the UCLA BLSA on an annual basis connects the current UCLA BLSA Students to their community of legal forefathers (and mothers). Whether you are a UCLA graduate or not, you should attend and support this event each year.

Hastings Black Alumni Network, national and international, raised funds to support a bar grant for a deserving 2008 graduate. Think of the relief that at least one student would experience not having to worry about having to pay for the bar exam and study expenses. If you would like to contribute to this fund, you can do so by visiting www.uchastings.edu/giving.

The number of individuals who have given their time and effort to promote the pipeline is heartening. Recently Judge John Meigs talked about the

PRESERVING THE PIPELINE (Cont'd)

role of mentoring and being a role model for elementary students to cause them to consider a career in law as another path to opportunity as he accepted an award from the National Society of Black Prosecutors in Los Angeles in February 2008. I agree with Judge Meigs that it is incumbent upon each of us to reach out to the next generation by our example to help feed the pipeline of future women and attorneys of color.

John Page, General Counsel of Golden State Foods, routinely participates in diversity roundtables and panels as the voice of the minority attorney in the corporate world, campaigning for action to follow words and promises. In his role, John Page puts his money where his mouth is, continually seeking to utilize the best and the brightest and to include women and minorities to handle the legal matters of his company. John was recently and very appropriately honored for his diversity efforts by the American Corporate Counsel Association – Southern California Chapter. While accepting the award, he also accepted a donation which he dedicated

to Black Women Lawyers of Los Angeles and Corporate Counsel Men of Color.

Let's send a message of hope to these future lawyers. Let's encourage them to reach back to the children being raised today who will be our future leaders and decision makers, those who will care for us when we are old and no longer able to care for ourselves. Will our legacy be erased from history due to apathy and blindness to the state of the union? We must accept the challenge and each do our part to make a difference. Let's use our individual influence to encourage one more person to go the distance!

Charlene L. Usher is the managing attorney of Usher Law Group, P.C., specializing in workers' compensation and employment defense in Los Angeles, California.

Unlocking the Gate: Ten Tips for Law Students Taking the California Bar Exam

By Funmi Olorunnipa, Esq.

For any graduating law student, the Bar Exam can look like a particularly daunting task. Yet, the Bar Exam is the ultimate gatekeeper to becoming a legal professional. The good news is, as a graduating law student, you hold the key to opening this gate, taking your rightful place in the profession you have chosen, and preserving the pipeline.

Last year, coming off the thrills of graduation, I, too, was faced with the sobering reality that is studying for the California Bar Exam. In reflecting upon my experience, I offer the following ten tips in hopes that you will find some or all of them helpful in your journey:

1. **Develop a Proper Mindset:** Come to terms with the fact that you are going to HAVE to study for the Bar. Perhaps more than you have ever had to study! This means preparing yourself mentally at the outset for the amount of time required and the hard work of attending bar review, learning and memorizing the law and taking practice questions in preparation for the Bar.

2. **Come Up With (And Stick To) A Study Plan:** Developing a proper study plan is your roadmap for success. While your Bar Review course may give you a generic plan, BE SURE to tailor any plan to fit your needs and address your weaknesses. Sticking to your study plan is particularly crucial. When you get up each day, your study plan should set forth what you will do that day, so all you have to do is DO IT!

3. **Know The Substantive Law:** The Bar Exam tests substantive law. Therefore, it is important that you learn the rules and how they apply in order to pass the bar. Memorization is key and in the end although you can pass the Bar without remembering every rule of law, knowing the substantive law is vital to your success.

4. **Know How to Write For The Bar Exam:** Writing for the Bar Exam may be very different from the writing style you developed in law school, especially given that the exam is timed. So, MAKE SURE that you look at sample Bar Exam answers and start modeling your writing after those answers from the beginning. At first, this may seem difficult, but after some time, with adequate practice, this style of writing will become second nature to you. By exam day, you will be writing in the simplistic, succinct style Bar Exam graders are trained to look for.

5. **Practice Makes Perfect:** Practicing Bar questions is vital to your success. So MAKE SURE that you are doing sample Bar questions for all sections of the Bar Exam. Even more importantly, make sure you are REVIEWING the answers for the multiple choice and written portions

on the exam. Also, BE SURE you are taking practice exams under TIME CONSTRAINTS at some point so that you can practice questions as you would take them on Bar Exam day. You would never practice law on behalf of a client without preparation so do not take the Bar Exam without adequate preparation!

6. **Organization is Everything:** On the Bar Exam, how you organize a question is very important. You may even want to review and/or memorize outlines/layouts for each substantive area of law tested on the essay portion of the exam. Your job is to make your answer easy to read for the grader. Having in mind how you would layout an essay question before exam day, may help do this. Keep in mind that Bar Exam graders do not have very long to search for things in your answer, so proper organization, including the use of headings where appropriate, is KEY!

7. **Identify Trouble Areas Early:** It is really important that if you are having major problems with substantive areas of law, organization or writing skills, you identify this early. That way, you can seek outside resources such as tutors or secondary study aids when necessary or appropriate. Also, get in the habit of comparing your practice answers to model answers as a way to see where you need improvement early on. There is a lot of help available so if you realize there is a substantive problem, you can address it early!

8. **Focus on What You Don't Know:** Towards the last few weeks of Bar Exam prep, time will be running out and the pressure will be mounting. This is the time it may seem comforting to review areas of law that you are most comfortable with. HOWEVER, this is precisely the time when you should be attacking the concepts you have not mastered with renewed fervor!

9. **Take Care of Yourself:** The Bar Exam study process can be physically and psychologically tolling. Be sure to take proper care of yourself, including proper nutrition, adequate sleep and exercise. That way on Bar Exam day, you will be in good shape and ready to conquer the Bar Exam.

10. **Believe In Yourself:** You have made it this far and with only a few months to go, you are well on your way to becoming a legal professional. So BELIEVE that you can pass the bar and with hard work and a properly executed plan: YOU WILL!

Best of luck and I look forward to seeing you on the other side of the Bar!

Funmi Olorunnipa is a first year litigation attorney at Manatt, Phelps & Phillips, LLP in Los Angeles, California.

OUR COMMUNITY

BELIEVE IN GIVING BACK?

By Renee E. Becker, Esq.

We encourage you to take advantage of opportunities to assist those within our community who are in need of free legal and other services. Here are some of the upcoming opportunities:

MEV Free Legal Clinic

The Mesereau-Ephriam-Villaraigosa (MEV) Free Legal Clinic is a non-profit program of the Brookins Community Development Corporation. The clinic was founded in 2006 by Rev. Dr. Frederick O. Murph and Thomas A. Mesereau, Jr., Esq. and is supported by Public Counsel and BWL. The clinic is located at 1900 W. 48th St., Los Angeles, CA 90062, (323) 296-0187. In addition to providing free legal services and criminal record cleaning programs, the clinic will feature guest speakers Gary Farwell, Esq. presenting "Juvenile Issues" on August 2, 2008; BASTA, Inc. presenting "Tenants Rights" on August 16, 2008; Professor Marcus Tiggs who will conduct a bankruptcy workshop on August 30, 2008; Gary Olive, Esq. and Fakhrudeen Hussain, Esq. presenting "Immigration Issues" on September 13, 2008; and Compton Drug Court Judge Ellen DeShazer who will speak on September 27, 2008. The MEV Free Legal Clinic is seeking volunteers for its legal clinics for the remaining dates in 2008: July 26; August 2, 16, 30; September 13, 27; October 4, 18; November 1, 15; and December 6, 13. Please contact Sophia E. Harris, Clinic Coordinator, SHarris@MEVFreeLegalClinic.com, for further information. or www.MEVFreeLegalClinic.com.

FAME Legal Clinic

This clinic is a coordinated effort between First AME Church (FAME), Temple Isaiah, Public Counsel, and UCLA School of Law. The clinic is supported by the State Bar of California, Los Angeles County Bar Foundation, and several other local bar associations. The mission of the FAME Legal Clinic is to improve public confidence in the legal system

through the delivery of free legal services on a non-discriminatory basis to those who can least afford it. This is accomplished through giving legal advice, self-help services, referrals to government agencies, mediation services, and other fee and non-fee legal service providers. This clinic does not represent clients.

The clinic is located at 2248 S. Hobart Ave., Los Angeles, CA 90018 (323) 730-7727, and www.famechurch.org. The clinic is open on Sundays only from 10:00 a.m. to 1:00 p.m. The following are the remaining dates for 2008: July 22; August 10, 24; September 7, 21; Oct. 5, 9; Nov. 2, 23; and Dec. 7, 14.

West Angeles Community Development Corporation

Four times a year the West Angeles Community Development Corporation has a "Law Day" during which they provide free legal services to the community. This event is geared toward the promotion of justice. Please notify them if you are able to participate by contacting Karen Downard at (323) 751-3440 ext. 10 or by email kdownard@westangelescdc.org.

VolunteerMatch.org

Also, if you are looking for opportunities to get involved in non-legal volunteer opportunities, but do not know where your talents can be best utilized, try searching VolunteerMatch.org. VolunteerMatch.org offers online services to bring together nonprofit organizations, volunteers and business leaders committed to civic engagement. You can search for volunteering opportunities by location and area of interest. The service claims access to more than 50,000 nonprofit organizations nationwide with which you can become involved.

Believe in giving back? Place a call to one of these organizations and see how you can get involved.

Renee E. Becker is a corporate securities attorney at Manatt, Phelps & Phillips, LLP in Los Angeles, California.

OUR LIVES

FAMILY LAW ATTORNEY....not just needed at the time of divorce

By Thanayi Lindsey, Esq.

"No one ever told me that if I add her name on the house I purchased before marriage, I would run the risk of her saying.. "It's community and it should be divided 50/50."

"I did not know that if I placed my pay check with the funds I inherited, I could run the risk of my spouse claiming a community property share of the inherited funds."

"Wow! You mean the marital money used to improve the property that I owned prior to marriage opens the door for my spouse to be reimbursed?"

These are just common scenarios of how the way one manages her assets during marriage could have an adverse effect at the time of divorce.

A family law attorney is not just needed during a divorce. All married couples need to seek the legal advice and counsel of a family law attorney as they manage their marital assets and debts during their marriage. This article focuses on agreements.

Many couples fail to seek a family law attorney when the marriage is still in tact. Most clients seek a family law attorney upon dissolution of marriage.

Married people can enter into three types of agreements (prenuptial, postnuptial, and marital settlement agreement for dissolution.).

Prenuptial agreements are not just for the rich... they are for a prospective spouse in contemplation of marriage. The terms will become effective upon marriage. The terms can determine how property is to be divided upon dissolution. Full disclosure of assets and their values coupled with adequate time for each spouse to seek legal counsel are key.

Post-Nuptial agreements are agreements between married couples in treating or managing assets and debts (separate or community). The agreements are binding if there is full disclosure of value and showing full consent to enter into the agreement.

Marital Settlement Agreements are agreements between spouses who are divorcing or filing for a legal separation. The agreements determine the disposal of property (community and/or separate property).

Family law attorneys can, at the minimum, render legal advice and counsel. At the most, they can draft the necessary agreements contemporaneously with the transaction.

So, the next time a CEO or corporate executive talks about the "hottest" business deal, ask them if they have considered the most important business deal of their lives.... the management of their own assets and debts. If they look at you strangely, refer them to a family law attorney.

Thanayi Lindsey is a family law attorney practicing in Long Beach California.

OUR LIVES (Cont'd)

ARE TAXES A TAXING MATTER? AN IRS INSTALLMENT AGREEMENT MAY PROVIDE RELIEF

By LaVonne Lawson, Esq.

Taxes can at times be a particularly taxing matter. What do you do if you owe federal income tax but don't have the means to pay it? Well, all is not lost. The important thing is to not ignore the matter, as when it comes to tax debt, time is, in fact, money. The accrual of interest (and penalties) adds up quickly. A taxpayer should, rather, learn what she can about the liability and about her options. A good publication to review is IRS Publication 594: "The IRS Collection Process," which can be found at the IRS website: www.irs.gov.

One option is to full pay the account balance upon demand for payment. If a taxpayer cannot pay the balance immediately, she will often, upon contact, be asked to pay the liability within a short period. But this is not always a viable option. If not, alternatives for addressing the debt include installment agreements (or payment plans) and offers in compromise. For some, bankruptcy may ultimately be a choice. While each of these vehicles will not be appropriate in all instances, one of these may be right for the problem at hand. Payment plans are common.

An installment agreement is often appropriate where a taxpayer cannot full pay the liability immediately, but would have the ability to full pay over time. In that instance, monthly payments are a way to manage the debt. (As discussed below, even if the taxpayer cannot full pay the liability through an installment agreement, a partial payment installment agreement may still be appropriate.) The criteria for payment plans vary with the amount of the debt and the taxpayer's circumstances.

Guaranteed Agreement

If the amount of the tax is \$10,000 or less, the taxpayer is guaranteed an installment agreement where the following criteria are met:

- (1) she has filed all tax returns and paid the tax for the five years prior to the year of the liability,
- (2) she cannot full pay the liability upon demand (as a policy matter, guaranteed agreements are available even if the taxpayer is able to full pay the liability when it is due),
- (3) she agrees to full pay the liability within three years,
- (4) she agrees to file the required returns and pay the applicable tax during the period of the agreement, and
- (5) she has not had an installment agreement during the prior five-year period.

Streamlined Agreement

If the unpaid balance (tax, penalties and interest) is \$25,000 or less, the taxpayer may qualify for a streamlined installment agreement. A streamlined installment agreement (like the guaranteed agreement) does not require a financial analysis of the taxpayer. The account balance would be required to be fully paid under the installment agreement within the earlier of 60 months (five years) or the end of the collection period. Again, the taxpayer must have filed all tax returns due prior to entering into the installment agreement. As with the guaranteed agreement, the

taxpayer may be granted a streamlined installment agreement, even if she would be able to full pay the account balance upon demand, if the full balance will be paid during the term of the agreement. As discussed below, however, if the taxpayer can pay the liability upon demand, while it may take some maneuvering, it may be better in the long run.

A nice aspect of the guaranteed and streamlined installment agreements is that they are fairly painless to obtain. They are processed quickly and do not require financial analysis or managerial review. The IRS Online Payment Agreement application is available for many liabilities of \$25,000 or less. Outside of the guaranteed or streamlined processes, things can get a bit more complicated.

Non-Guaranteed, Non-Streamlined

If a guaranteed or streamlined agreement does not apply, the taxpayer will often be asked to complete a collection form to enable financial review of assets, income and expense items. A financial analysis will generally have to show that the taxpayer cannot pay the amount due (or not without significant burden), but that the account could be paid over time.

For these purposes, expenses are not assessed solely with respect to a person's subjective needs. Certain expenses are fully credited where they are considered reasonable and necessary (e.g.: childcare expense, healthcare expenditures, and current tax payments). National and local standards tables are applied for other expenditures (such as food, housing and transportation); and some expenses will not be credited at all. For those who are interested, the collection financial standards can also be found at the IRS website. (These same collection standards are typically used for purposes of evaluating IRS offers in compromise.)

While the goal of the installment agreement is to effect full payment of the tax, a taxpayer may obtain a partial payment installment agreement, which is an agreement for a monthly payment amount that would not, at that rate, result in full payment of the account balance. This can happen where the financial analysis indicates that the monthly payment determined is all that the taxpayer can pay. Such an agreement would be subject to subsequent financial review, however, in order to determine if the taxpayer's finances had improved sufficiently to increase the monthly payment amount.

Getting In, Staying In, Making Payment

The necessary returns must be filed and there should not be any outstanding tax debt that is not addressed under the payment plan. Some agreements will call for subsequent financial review. In order to stay in the installment agreement, the taxpayer must avoid default, which will result from the failure to make timely payments under the agreement or from the failure to pay subsequent taxes during the term of the agreement.

Payments can be made as follows: (1) by check or money order, (2) through the Electronic Federal Tax Payment System (EFTPS), (3) via direct debits out of the checking account, (4) by payroll deductions, or (5) by credit card. One must be prepared, as well, to pay the associated fees. In addition to the monthly payments, there are user fees for entering into a payment plan, as well as for reinstating a payment plan. This information, as well, can be found at the IRS website.

OUR LIVES (Cont'd)

The Benefits and The Burdens

The benefits are evident. The liability is addressed, and collection activity halts during the installment agreement. Despite the payment plan, however, the IRS may decide to file a notice of federal tax lien in order to protect its interests. Payments under the agreement will be applied in the best interests of the government – typically the oldest tax period with a balance is paid off first. And refunds will be applied to the account balance during the term of the installment agreement.

A burden is the impact of time on the account balance. Interest continues to accrue until the liability is paid, and a failure-to-pay penalty (up to a certain ceiling) will apply to the outstanding liability. Therefore, while stretching the payments out will reduce current discomfort, the total will be greater. For some, this will not make a difference; it will still be the better, if not the only, option. But for those with a choice (e.g., persons who could borrow under more advantageous terms), a

financial comparison can help to evaluate the proper course of action. After crunching the numbers, many will conclude that it is in their best interests to effect full payment as soon as possible.

So, what do you do if you owe federal income tax but don't have the means to pay it? An installment agreement may be the answer.

LaVonne Lawson is a tax attorney in Los Angeles, California. This discussion does not constitute legal or tax advice, and this discussion is not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein.

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