



## Learning Objectives for MCLE: Why Are They Needed?

By Helen A. Sklar\*



idea behind this effort is to improve the quality of continuing legal education by providing its vendors with specific information about what a specialist needs to know to practice competently. Learning objectives are widely considered an effective response to the failure on the part of some MCLE programs to develop specific, achievable objectives for their education/training sessions so that participants are able to ascertain in advance what they can expect to know, and what they should be able to do, if they participate in a particular program.

learner know, feel or be able to do during a course.” Learning objectives state what participants should be able to do or say in class to indicate that they have learned and are able to perform certain tasks. In 2008, the Education Division/Center for Judicial Education and Research of the California Judicial Council published a pamphlet called “Writing Learning Objectives.” It defines learning objectives by using examples to show what they are not: “It is not a goal statement (to improve profes-

*Continued on Page 2*

**T**he California Board of Legal Specialization has begun an effort to obtain written “learning objectives” from each legal specialization area. The

### What are learning objectives?

According to the California Judicial Council, a learning objective answers the following question: “What will the

## In This Issue

<b>Riding the Wave of Success: Selecting A Certified Specialist in Admiralty and Maritime Law Made Easier</b>	<b>4</b>
<b>Lex Lingua: The Language Maven R.I.P.</b>	<b>6</b>
<b>Technical Notes from Bovitz.com: Early Impressions of Windows 7</b>	<b>8</b>
<b>2010 Judicial Service Honorees</b>	<b>9</b>
<b>Letters to the Editor</b>	<b>10</b>
<b>State Bar Report</b>	<b>10</b>
<b>2010 30-Year Certified Specialists</b>	<b>11</b>
<b>2010 20-Year Certified Specialists</b>	<b>12</b>
<b>New Legal Specialists</b>	<b>14</b>

## Homestead Amounts Increased by Legislature

By Wesley H. Avery\*

**E**ffective January 1, 2010, Assembly Bill 1046 increased California homestead exemptions by \$25,000. Although this change in the law will not benefit homeowners in the case of foreclosure under a deed of trust, it will make it more difficult for credit card companies to collect the balances owed by their cardholders.

*Continued on Page 3*



**Editorial Staff**

EDITOR-IN-CHIEF  
Wesley H. Avery  
ASSISTANT EDITOR  
James W. Talley  
EDITORIAL STAFF  
Gayle Murphy, Linda Knitter

**Board of Legal Specialization 2009-2010**

CHAIR  
Stafford S. Matthews  
VICE CHAIR  
Wesley H. Avery  
ADVISOR  
Lester J. Friedman  
MEMBERS  
Hagop T. Bedoyan  
Melbourne N. "Mickey" Gwin, Jr.  
Robert S. Havens  
David E. Holmes  
Judith Briggs Marsh  
J. Antonio Nierras  
Carol Ross-Burnett  
Helen A. Sklar

**Advisory Commission Chairs**

Philip E. Weiss  
*Admiralty & Maritime Law*  
Richard A. Levy  
*Appellate Law*  
Gregory M. Salvato  
*Bankruptcy Law*  
Stanley L. Friedman  
*Criminal Law*  
Kenneth M. Begun  
*Estate Planning, Trust and Probate Law*  
Janet L. Frankel  
*Family Law*  
Rodney R. Hatter  
*Franchise & Distribution Law*  
Grace A. Zimmerman  
*Immigration & Nationality Law*  
Peter T. Fortune  
*Legal Malpractice Law*  
Michel R. Stein  
*Taxation Law*  
Teresa R. Edrington  
*Workers' Compensation Law*

Legal Specialization Digest is published for California's Certified Legal Specialists by the California Board of Legal Specialization

Correspondence should be addressed to:  
State Bar of California  
Board of Legal Specialization  
180 Howard Street  
San Francisco, CA 94105  
(415) 538-2100  
Fax: (415) 538-2180  
Website: www.californiaspecialist.org

The views expressed in the Legal Specialization Digest are those of the authors and may not reflect the official policy of the State Bar of California, the California Board of Legal Specialization, or the Legal Specialization Digest. No endorsement of those views should be inferred unless specifically identified as the official policy of the California Board of Legal Specialization.

sional skills), a course title ("Sentencing"), or what the instructor plans to do ("explain recent legislation"). The MIT Teaching and Learning Laboratory (TLL) states that learning objectives describe "what students should know or be able to do at the end of the course that they couldn't do before. Learning objectives should be about student performance. Good learning objectives shouldn't be too abstract ("the students will understand what good literature is"); too narrow ("the students will know what a ground is"); or be restricted to lower-level cognitive skills ("the students will be able to name the countries in Africa")." A list of topics to be covered in a course is the common way of describing it in the program announcement. Sadly, the inclusion of learning objectives in program descriptions is the exception, not the rule.

**What Do Learning Objectives Do?**

Deborah Rhode, one of the country's leading legal scholars and director of the Stanford Center on the Legal Profession, has written that the fundamental problem with MCLE is its inability to ensure that educational goals are being met.<sup>1</sup> She contends that millions of hours and dollars are spent on programs of questionable value, and that MCLE persists largely because it is a good public relations gesture and a cash cow for the bar

organizations that administer them. She proposes that greater quality controls be applied to the courses; "that courses be denied credit if they bear little demonstrated relationship to performance in practice." Learning objectives are supposed to do precisely that -- establish that a course has a demonstrated relationship to performance in practice. Indeed, one of the explicit purposes of learning objectives is to build evaluation criteria into the course at the planning stage. If a learning objective is not observable and measurable, it is not written properly.

**How Do Learning Objectives Work?**

As an initial effort, two of the specialization commissions -- Appellate Law and Franchise and Distribution Law -- have drafted learning objectives for each of their multiple skill sets. They submitted their finalized sets of learning objectives to the BLS, which has approved them. The idea is for the learning objectives to be made available to providers of CLE for purposes of planning CLE courses. To illustrate the potential benefit to a seminar planner of having learning objectives available when planning the course, I searched for -- and quickly found -- seminar announcements advertising courses with headings and sub-headings that give little or no indi-



**To contribute to the Digest, please e-mail Linda Knitter at:**

**Linda.Knitter@calbar.ca.gov**

The Legal Specialization Digest is a bi-annual newsletter written by and for certified specialists, containing articles of interest to legal specialists. The Digest also contains periodic updates on the certification program, general information from the State Bar and the Board of Legal Specialization, columns from the BLS officers and members, attorney profiles, and more.

cation of the content of the individual sessions, let alone what a participant can expect to know, identify, do as a result of taking the course. A course planner with access to the learning objectives drafted by the Appellate Law Advisory Commission would know, for example, that a student learning how to preserve an appeal must know how to preserve issues in the trial court through appropriate objections, offers of proof, motions, jury instructions and other actions by trial counsel and what issues are preserved without such action.

## Conclusion

If a CLE course announcement does not tell the prospective student what, as a result of taking the course, he or she will know and what he or she will be able to do, there is a chance that the student's efforts will be for naught. Without defined learning objectives, the impact of the course's effectiveness is difficult, if not impossible, to evaluate. Without defined learning objectives, the focus of the course (including during the planning of the course) is on what the teacher knows how to teach, rather than what the learner needs to know within a given subject area. Thus, the learning objectives that have been promulgated by the Law Advisory Commissions will serve a very important purpose, and if the planners of CLE programs incorporate them into their course offerings, the purpose should be apparent. ■

\* *Helen Sklar is a certified specialist in Immigration and Nationality Law and is a member of the State Bar of California Board of Legal Specialization.*

## Endnotes

1 See Deborah L. Rhode, *In the Interests of Justice* 157 (Oxford University Press, 2000)

---

## Homestead Amounts

*Continued from Page 1*

A deed of trust is a consensual lien to which a homestead exemption does not apply. This is because the consumer voluntarily offered his residence as collateral on the mortgage in order to get a lower interest rate. Homestead exemptions also do not apply when a residence is to be sold to pay delinquent property taxes.

On the other hand, in the case of unsecured debt such as a credit card balance, the consumer has offered the card issuer no collateral and in return pays a higher interest rate. To satisfy a judgment rendered on a credit card balance, the credit card company needs to levy through the sheriff on non-exempt property of the account debtor. If a credit card company obtains a money judgment against a cardholder for failure to pay a statement and records an abstract of judgment this is known as an involuntary lien. In order to protect homeowners against execution on money judgments, a consumer's equity in a single family residence, mobile home, boat or condo in which she is domiciled is not subject to sale to benefit a judgment creditor up to new statutory amounts.

If the judgment debtor is single, the amount that must be given back to the homeowner if her house is sold to pay a debt is \$75,000.00. If the judgment debtor is married or a head of a household, the amount is \$100,000.00. If the judgment debtor is age 65 or older, disabled or has limited income, the amount is \$175,000.

In California, a homestead exemption is automatic. However, additional rights (but not higher amounts) may be gained by a consumer filing a declared homestead before an abstract of judgment is recorded by her judgment creditor.

For example, if a single judgment debtor has a declared homestead, she can sell her home and legally protect up to \$75,000 in a bank account from execution by a judgment creditor for up to six months while she searches for a new place to live.

Some states have homestead laws much more generous than that of California. Texas, for instance, has no dollar cap on its homestead exemptions. The Texas law instead has a 10 acre exemption limit for homesteads inside of a municipality and 100 acres for those outside of a municipality. The rural acre allotment is doubled for a family: 200 acres can be shielded from judgment creditors in Texas regardless of value.

In the past, adjustments in the statutory homestead amounts were made by the Legislature to protect consumers from inflation. This increase, in contrast, comes immediately after a prolonged period of falling prices of residential real estate in California. As such, the Legislature must have had a different rationale in mind when they enacted it.

Because the homestead amounts have been increased by \$25,000 and property values have fallen on average at least 30%, the new law's immediate effect will be to greatly increase the number of residences that cannot be subject to execution to pay delinquent credit card debt. Millions of Californians will now have been made "judgment proof" and as a practical matter immune from suit, as judgment creditors will realize that any prospective judgment will not be satisfied. This in turn should stabilize property values as there will be fewer forced sales of residences. ■

\* *Wesley H. Avery is a certified specialist in Bankruptcy Law and is Vice-Chair of the State Bar of California Board of Legal Specialization.*

# Riding the Wave of Success: Selecting A Certified Specialist in Admiralty and Maritime Law Made Easier

By B. Otis Felder\*

As described long ago by Dickens, an admiralty proctor is “a sort of monkish attorney” who keeps a separate practice from the courts of law and equity. One day they are blundering through half the nautical terms discussing the *Nancy* having run down the *Sarah Jane*, and on another, deep in the evidence, pro and con. They are found in places where they play all kinds of tricks with obsolete old monsters of Acts of Parliament, which three-fourths of the world knows nothing about, and the other fourth supposes to have been dug up, in a fossil state, in the days of the Edwards. Some may say not much has changed since then in this practice area, except now finding one of these proctors in California will be easier.

Indeed maritime law has remained a selective practice in California. Unless you happen to know one of the few who refer to themselves as “Proctor in Admiralty,” or at least recall what one is, a Google search for a maritime lawyer is not a reliable way to find these specialists. Nor could one search the State Bar’s website to find such a specialist until now. To remedy this, the State Bar of California has added admiralty and maritime law to the other existing areas of certification. In doing so, the general public will now be able to search for a member who has been certified by the Bar as a maritime specialist.

If you are a member, you too can search if you need an answer to whether California’s statute of limitations applies to your client’s personal injury aboard ship. And if you are one of

these specialists, you can now be listed in this area or any of the other areas that is certified by the California Board of Legal Specialization, which is charged with administering the program. After passing the exam or otherwise qualifying, you must submit an application detailing your compliance with the rest of the certification requirements in the particular area. As discussed further below, certification aids not only the public but also the attorneys seeking to promote a specialized practice.

## Purposes of Certification

Certification under California’s rules is primarily designed to identify to the general public attorneys who specialize in and have demonstrated proficiency in an area of law. California was the first State to adopt a system of certifying attorneys who have demonstrated their experience and competence in specific areas of law. Its certification program is designed to protect the public from those who claim proficiency but cannot demonstrate it.

The ABA Standing Committee on Specialization has reported that although formal board certification of lawyers as specialists is a fairly recent phenomenon, there has long been widespread de facto specialization in the legal profession for some time. This appears to be true with admiralty practice even during the 19<sup>th</sup> century as described by Dickens in his *The Personal History of David Copperfield*.

More recently, telephone and other directories have listed attorneys in areas of practice, without any verification that the lawyer has actually had any

specific training. Even before certification, those practicing maritime law on a regular basis were known to themselves and a limited number of clients, mostly ship-owners, who had regular need for maritime defense counsel. The general public would be hard pressed to find such competent counsel, or be able to distinguish between proctor and proctologist. This is because in California, maritime lawyers could not hold themselves out to the general public as certified specialists.

Many state disciplinary rules have for some years prohibited lawyers from holding themselves out as specialists. The ABA Model Code of Professional Responsibility, and until August 1992, the Model Rules of Professional Conduct also recommended this approach. In California, Rule of Professional Conduct 1-400(D)(6) still provides that an attorney cannot state in a communication or solicitation that the attorney is a certified specialist unless the attorney has been certified either by the State Bar of California Board of Legal Specialization or by another certifying body that has been accredited by the State Bar. The rule also requires that the attorney state the complete name of the certifying body. Until recently, no such program existed for lawyers specializing in maritime law.

In 1993, the ABA adopted “Standards for Accreditation of Speciality Certification Programs for Lawyers and through a committee began conducting a process to accredit programs. The majority of lawyers who have since been certified, however, have done so through their state-

sponsored program administered by state supreme courts and state bar associations. State-sponsored board certification is available in a number of states, including Florida, which also has been certifying maritime specialists since 1996.

California rules now permit certified lawyers specializing in maritime law to publically assert that they are certified maritime specialists. Certification is granted only to attorneys who satisfy specific objective criteria.

For example, under the applicable rules, an applicant for certification in maritime law must demonstrate that within the three years immediately preceding the application, the applicant completed a minimum of 45 hours of approved educational activities relevant to the field of law in which certification is sought. Many in this field attend the Pacific Admiralty Seminar sponsored by the Bar Association of San Francisco, which would amount to a substantial portion of credit towards the requirement. The specific educational experience for maritime law is defined in the individual standards for this area, but the Commission considering an applicant may accept equivalent educational experience offered, including but not limited to, taking law school courses in this area of practice.

In selecting counsel, the public may rely on the fact that the certified specialists have had to demonstrate their proficiency. There is no representation that the certified specialists are the best in the field. Rather, the certification speaks to their competence and the attorneys' own decision to spend a considerable amount of practice in the particular field. Attorneys who become part of the program are further encouraged to remain competent in the area of practice, including periodic review of completion of continuing education in the specialty area.

## **Admiralty and Maritime Law Certified Specialist**

Many consider the seas of maritime practice to be rough waters. At least one federal appellate court has observed that "Admiralty Law is considered one of the most complex areas of American law." *Calhoun v. Yamaha Motor Corp., USA*, 216 F.3d 338 (3d Cir. 2000). One difficulty in understanding maritime law is that although much of it appears familiar, there remain various subtleties between shore-side practice and the applicable law at sea that can affect outcomes. See B. Otis Felder, *Get on board: Yes, maritime law is different*, 15 Business Law Today No. 4 (April 2006). California's standards for maritime are designed to determine an applicant's knowledge of and proficiency in the usual legal procedures and substantive law that should be common to lawyers in this field.

As with other areas of the law, attorneys may be proficient, and commonly recognized as leading in their fields of practice without certification. This is true in maritime law as well, where the Maritime Law Association of the United States designates a number of its members with Proctor status. The requirements from membership or public recognition, however, differ from certification.

In general, the ABA and California look to find a lawyer who devotes a substantial portion of her practice to a specialty and has been recognized by a certifying organization as having an enhanced level of experience, skill and expertise in that specialty. In California, the Board of Legal Specialization, with assistance of its advisory commission, has developed the criteria and testing for certification. In doing so, it seeks applicants to demonstrate their special training, experience, and knowledge to support the lawyer's recognition as a certified specialist is meaningful and reliable.

While initial efforts to develop legal specialist certification reflected compliance with ethical rules relating to lawyer advertising, board certification is reported as an accepted measure of professionalism and commitment to specialty practice. There appears to be ample evidence demonstrating that certification of specialists can have a beneficial impact on practicing lawyers, clients and the legal profession. It improves competence, clarifies confusion about the lawyer's skills, serves as a framework for professional development, and provides a referral source. Expanding the choices, in the area of lawyer specialty certification so as to include maritime practice, increases access to legal services by identifying specialized expertise needed by consumers. It also improves competence by a recognizing professional achievement, and provides lawyers with a credible way of making their own expertise known to other lawyers.

In short, the certification of admiralty and maritime law in California now provides an accurate compass to find these specialists to those who need it. It also provides a voluntary means for members to convey their specialty to the public and their peers.

For more information in becoming a certified specialist, visit [www.californiaspecialist.org](http://www.californiaspecialist.org/). ■

*\*B. Otis Felder is the Vice-Chair of the Admiralty and Maritime Law Advisory Commission of the State Bar of California Board of Legal Specialization.*

# Lex Lingua: The Language Maven R.I.P.

By James W. Talley\*

**W**illiam “Bill” Safire, who died last year, was one of America’s preeminent experts on the English language. He published his opinions on the proper use of the English language from his bully pulpit the “On Language” column in the New York Times Magazine.

Before addressing Mr. Safire’s English expertise (including that part of the English language relevant to lawyers), it should be noted that he was one of three speech writers for the Nixon administration in the late 60s and early 70s. In case you have forgotten, the other two members of Former President Nixon’s speech writing team were the ultra conservative Patrick Buchanan and Ray Price, the more liberal of the three, with Safire taking on the role as the centrist. After the Nixon era ended, Safire became a columnist for the New York Times Magazine and quickly established himself as America’s “Language Maven.” In addition to his columns for the New York Times Magazine, Safire published many books on the English language, including the following:

*On Language*  
*In Love with Norma Louqandi*

*Quoth The Maven*

*Coming to Terms*  
*Fumble Rules*

*Language Maven Strikes Again*  
*You Could Look it Up*

*Take my Word for It*  
*I Stand Corrected*

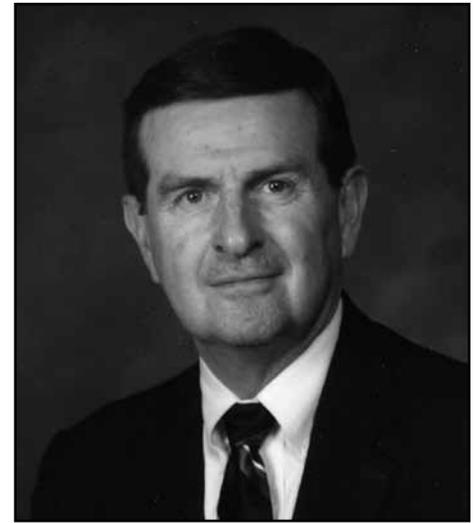
*What is the Good Word?*  
*Watching my Language*

*Spread the Word*  
*Let Simile Be Your Umbrella*

If you check the dictionary, the term “maven” is defined simply as an expert

or connoisseur. Thus, as the “Language Maven” Safire was the language expert, a title which he richly deserved. Should you be in doubt as to the etymology of the word maven, Safire provides the following: “A **Maven** is a self-proclaimed connoisseur, an enthusiastic expert, an affectionate aficionado of some usually recondite subject. This great Yiddishism has now gained a foothold in standard dictionaries, and if you have steadfastly plied through this tome, you can confidently call yourself a language maven and award yourself the secret ring and give the secret handshake.”

In one of Safire’s forays into the legal language arena, he addressed the word **sanction**. As Safire puts it, sanction is a word that appears to go in opposite directions. As a verb, sanction means “to permit, ratify, approve, or validate,” but as a noun, a sanction is a penalty or method of coercion. What gives? The word comes from the Latin *sanctus*, past participle of “to make holy” and was the root of such words as *sanctuary* and *sanctimonious*. It began as an ecclesiastical decree and the meaning split early. The verb implied approval, but the noun came to be associated with a threat contained if the church’s order was not followed. In law and ethics, sanctions can be positive as well as negative - - - inducement as well as coercion. But in international relations, the word sanction came to mean only the penalty, namely a threat to force a course of action. That’s the essence of most current usages of sanction as a noun, implying a type of pressure, threat, coercion, or penalty connoting imperialist bullying. After a detailed examination of the word **sanction**, it appears that it is, if not precisely, at least nearly, a contronym or Janus word,



James W. Talley

namely a word that has two meanings which are diametrically opposed to one another.

Safire also provided an exposition on the legal term **proviso**. Literally all reliable dictionaries define proviso as “a sentence or part of a sentence making a condition or requirement in a contract or other agreement. “Safire went on to point out that the dispute in the usage of the word proviso deals with whether it should be presented in the phrase “on the proviso that” or “with the proviso that.” The latter seems to have the greater support.

Safire struck a chord with me in his book *Language Maven Strikes Again*, where he addressed the correct terminology for that document which every professional has to provide when seeking a job or position. As Safire puts it, “first there was the **Curriculum Vitae** which comes from the Latin for ‘course of life’” which is now frequently shortened to **Vitae**. The French version of *Curriculum Vitae*, **resume**, is also well-recognized as is the modern term **bio data summary**.

Safire also had fun with words that people routinely use to mean some

things that they don't historically mean. A shining (or precisely the opposite) example is the word **peruse**. I spent the first 50 years of my life assuming that "peruse" meant to skim over or briefly review written material. As those of you English language **cognoscenti** know, the correct definition of peruse is to "read attentively or critically; to examine in detail." The word peruse, given its commonly misunderstood definition has also effectively become a **contronym** or **Janus word**.

Another example of commonly misunderstood and misused word is **decimate**. Most English speakers (myself included) have long labored under the misapprehension that decimate means to wipe out totally or render extinct. In fact, decimate, as any cursory etymological exercise on the word will disclose, simply means to eliminate every tenth part or person.

In his book *Watching My Language*, Safire includes a chapter entitled Impregnating the Pause wherein he addresses the pestiferous phrase **you know**, or as it is usually pronounced, *y'know*. As Safire puts it, "you know" *"betrays a mind whose thoughts are often so disorganized as to be unintelligible - - - a mind in neutral gear coupled to a tongue stuck in overdrive."* What he was referring to is society's habit of buying time in a conversation while the speaker searches for the appropriate word or words to come to mind. Other such phrases include "I mean," "like," and the old standbys, "uhh" and "umm." As an example, after the Judge in domestic violence court asked the husband's attorney why his client had choked and kicked his wife, the attorney, who wasn't prepared for the question, uttered the following dreadful attempt at a response. Well, your Honor, Mr. and Mrs. Jones had both umm - - - been drinking and she had like - - - uhh - - - started insulting him, y'know, calling

him names, to uhh - - - make my client mad and well - - - uhh - - - y'know - - - he just couldn't take it anymore, and he uhh - just basically y'know - - -lost it. At the heart of many of these meaningless time buying phrases is the sense that, to pause in a conversation is seen as a weakness, and allows the listener an opportunity to steal or take over the conversation. Specifically, such phrases are used to buy time for thought and other purposes. A reader responding to Safire on the subject stated that "*I think that these phrases are common now because "we have lost the art of respectful listening."* So eager are we to get in our point of view, it is very tempting to interrupt, because we can't allow pauses to go unfilled. If you grow up in a household where your paused sentences are met with an impatient, "c'mon-spit-it-out, I-have something-more important to say" inattention, you will sprinkle your discourse with enough "y'knows," "uhs," "wells" and "likes" to enable you to say what you set out to say, thus developing an unpleasant habit. They often serve, however annoyingly, as muzzles on would be butters-in. In ancient Greece, however, it was literally forbidden to interrupt a speaker, thus allowing orators such as the legendary Greek philosopher Alcibiades, to pause with dignity and aplomb during their orations.

Safire also addressed the term **oxymoron**, which in English translates roughly to a figure of speech in which words of opposite meaning are used together. In his book *Language Maven Strikes Again*, he references such oxymoronic proffered terms as military intelligence, educational television, athletic scholarship and congressional ethics, as well as jumbo shrimp, plastic glasses and original copy. Safire also noted the following oxymorons uttered by high profile utterers: The late Senator Edward M. Kennedy once denounced a Republican action as "a transparent cover up." The ABC television network

once described its year-long coverage of the Iranian hostage crisis as "nightly specials." A car manufacturer once ran an ad that in it's cars the "automatic transmission is a mandatory option." He also cited the following solecism-oxymoron published in the newsletter **Winners and Sinners** castigating the writer's statement referring to 'that generation of writers whose names - - flash like a red signal to the **casual peruser** of cartoons and ads.'" This phrase is clearly an oxymoron since, as mentioned earlier herein, the word peruse means to inspect carefully and in great detail not to just browse.

Safire noted that the prefix "oxy" refers to incongruous words put together for a purpose by a "wise fool," and also that "oxymoron" in Greek translates to sophomore. In closing on the subject, Safire states that "oxymorons must be calculated, not stumbled into, to produce harmonious contradictions." To wrap up this latest exercise in pysmatic philology, I leave you with a few more oxymoronic phrases:

*Cruel kindness*  
*Fresh frozen*  
*First final*

*Thunderous silence*  
*Constant change*  
*Long shorts*

*Deliberate speed*  
*Future prior*  
*Genuine phony*

*Alone together*  
*Out at home*  
*Intimate strangers*

*Open secret*  
*Student teacher*  
*Pretty ugly.* ■

\* James W. Talley is certified as a specialist in both Family Law (1980) and Workers' Compensation Law (1987) by the State Bar of California Board of Legal Specialization. He is a member of the editorial board of the State Bar Legal Specialization Digest. Mr. Talley can be reached at [jwttalley@sbcglobal.net](mailto:jwttalley@sbcglobal.net).

# Technical Notes from Bovitz.com: Early Impressions of Windows 7

By J. Scott Bovitz\*

**F**irst, I want to thank you for your e-cards and letters about my e-mail etiquette article. I'm glad to know so many people read the Board of Legal Specialization Digest!

I have been using Windows 7 for several months. I like it -- a lot. If you are using Vista now, the transition will be very smooth. If you are using Windows XP, you will need 30 days to find your way around. Here are my thoughts.

## You Can't Avoid Windows 7

A vocal minority of lawyers will only use Apple products. Hey, those Mac folks are "cool" and wear jeans to work. However, the vast majority of lawyers use PCs (ordinary personal computers) and Windows operating systems.

My observation is that law firms trade out their technology (including computers) every few years. If you buy a PC today (desktop or laptop), that system is almost certain to come with a Windows 7 operating system. You can't avoid Windows 7, but you won't need to.

## Transition time

For a Windows Vista user, the transition to Windows 7 is almost seamless. Everything you already know still works. Windows 7 adds some new features, but these can be learned on your own time.

For a Windows XP user, the transition to Windows 7 will be a little uncomfortable. Be sure to buy a user's book on Windows 7. You will need to refer to it on a daily basis for the first month. Then, suddenly, you will discover that you already know the basics.

## The Search Function

For the first time, the general "search programs and files" box really works. Searching is seamless and lightning fast. You can search for names of files, contents of files, and other details. On my new Alienware M17 laptop computer with 6GB of memory, there is no noticeable delay from the background indexing of files.

## Microsoft Provides a Free Anti-virus Program

Until now, I have always used a third party anti-virus and firewall system. However, "Microsoft Security Essentials" (a free download) provides effective anti-virus and anti-spyware protection. When used in conjunction with Microsoft's software firewall, there is no noticeable lag time as the anti-virus and firewall perform their job behind the scenes. (Your mileage may vary, so don't visit those bad-boy web sites and say "Bovitz said it would be fine.")

## The External USB Hardware Still Works

Whenever I upgrade an operating system, and whenever I move to a new computer with a different operation system, some external gear stops working. Usually, the gear just needs a proper driver (software interface).

First, the good news. All of my (not very) old software still works. All USB 2.0 hardware works. For fun, I plugged in a wide variety of new and legacy devices into the USB ports on my laptop. Windows 7 quickly recognized everything. Printers are also true "plug and play" devices on my Windows 7 machine.



J. Scott Bovitz

Now, the bad news. I have had a difficult time acquiring the proper drivers (software interface) for gear which plugs into non-USB ports on my computer. For example, I had difficulties with a large external monitor (HDMI connection), an external sound card/mixing board (Firewire 400 connection), and certain external hard drives (eSata connection).

More bad news. As your first line of defense, you should always look for a "compatible with Windows 7" sticker on the outside of the box for any new peripheral. However, this sticker does not guarantee that your peripheral will work with your Windows 7 64-bit machine. Before you buy any gear, go to <http://microsoft.com> and punch in "Windows 7 Compatibility Center." See if your dream hardware is listed.

In the few weeks that I have owned a Windows 7 machine, more drivers are becoming available on manufacturer websites. These drivers can often repair minor glitches. Look under "support" on manufacturers' web sites. Most downloads are free.

### **Windows 7 Graphics and Interface**

The graphics and interface on the Windows 7 machine are truly beautiful. However, if you are a curmudgeon, you can turn off the pretty stuff. If you have two or more monitors, Windows 7 navigation is easy to use. I regularly flow smoothly between 10 to 15 windows, now that I have a little practice with Windows 7.

### **Networking is Easy**

For the first time, setting up a network is child's play. This is a long way from the manually installed networks of a decade ago.

### **Don't Upgrade Your Old Technology to Windows 7**

If you are already using a Windows XP or Vista machine, don't upgrade to Windows 7. Wait until you buy a new computer (and Windows 7 will come pre-installed). Otherwise, you will face endless hours of downloading new drivers and blue screens of death. Windows XP and Windows Vista are still fine operating systems for your old machines.

### **Tell Me about Your Windows 7 Experience**

Send me a note about your experience (good or bad) with Windows

7. Perhaps I will publish your kudos, complaints, and suggestions in a future column. ■

*\*J. Scott Bovitz is the senior partner of Bovitz & Spitzer in Los Angeles. He is a certified specialist in Bankruptcy Law (State Bar of California Board of Legal Specialization) and in Business Bankruptcy Law (American Board of Certification).*

---

## **2010 Judicial Service Honorees**

The State Bar of California Board of Legal Specialization is proud to honor these certified specialists who were appointed to service as bench officers.

The Honorable Steven Clifford Bailey

The Honorable Angel Barnes

The Honorable Michael Ernest Dellostritto

The Honorable Karen L. Dixon

The Honorable Susan Marie Gill

The Honorable Craig Alan Glass

The Honorable Jorge C. Hernandez

The Honorable Paige S. Levy

The Honorable Jennifer L. Thurston

# Letters to the Editor

1. “I just read your article, “Lex Lingua: Legalese: From Chicane to Arcane.” Brilliant! Brilliant! Brilliant! I enjoyed it so much. I love this stuff and how you write about it. Have you thought of putting your series of Articles into a book? Myron S. Greenberg, Larkspur, California.

2. James Talley, aka Lex Lingua, is a rare breed. I have often asked myself how he finds the time to learn all of these words? After all, he’s a busy lawyer! Then I asked myself, does he know that no one else knows what the heck he is saying? However, it seems that he’s content in his world of words, words, words, and doesn’t need any participants. Then, a couple of weeks ago, my children had an event at school where they were required to dress like a “vocabulary word.” Suddenly his column flashed through my mind like a ray of light and I immediately contacted Mr. Talley or the “Word Dude” as I like to call him, and asked him to think of a challenging vocabulary word for my daughters to use. He immediately flexed his super word powers for me and my two girls. As a result, my children dressed for vocabulary day as **ailurophiles**, with dozens of little cat pictures and the like, pinned to their shirts. **LEX LINGUA** saved the day! Pamela L. Bradford, Certified Legal Specialist-Family Law, Vista, California. ■

# State Bar Report

**By Gayle Murphy,  
Senior Executive, Admissions**

I wanted to take this opportunity to introduce myself and give you a status report on the various activities related to the Legal Specialization program. This December I will have worked at the State Bar for thirty years, the past five as the Senior Executive, Admissions for the State Bar of California. In addition to oversight of the regular admissions program, which includes administration and grading of examinations, moral character application processing and law school regulation, several years ago I was assigned the senior management role for the Legal Specialization department. At the time, Phyllis Culp was the director for the department; as most of you know, she retired this past December. Since that time, I have had the opportunity to get to know the Legal Specialization program in much more depth – and I am very impressed! The dedication and commitment of all those involved, volunteers and staff alike, is monumental. On behalf of the State Bar staff, I would like to thank you for the work that you do and the significant number of volunteer hours that you spend on this very important State Bar function.

As many of you know, Kimberly Knealing, who previously coordinated the production of the *Digest*, left the State Bar in February. Linda Knitter, Senior Administrative Assistant, has assumed many of her duties, which include, in addition to providing administrative support to the Director for Legal Specialization, coordinating the meetings and logistics for the Board of Legal Specialization (BLS), processing travel reimbursement requests for all volunteers and production of the *Digest*.

The BLS has met three times so far this year. During the course of those meetings, in addition to taking care of the regular business of the Board, it has taken several actions that relate to the various legal specialization areas. These include such things as approving a change in the Program Rules to permit an extension of the deadline by which applicants seeking an alternative to the examination for the “new” Legal Malpractice Law specialty can file an application. The extension of the deadline to August 7, 2011 will provide an additional eight months for the applicants to submit their applications, which has been done in the past for other areas of specialization.

Also this year, the BLS approved proposed amendments to the Immigration and Nationality Law Standards, which were recently approved by the Board of Governors (BOG). The Immigration and Nationality Law Advisory Commission had recommended the amendments to the Standards with the hope that by doing so, the number of specialists will increase in this area. Sections 2.1 and 2.1.2 were revised so those who specialize in employment based immigration will be able to meet the requirements for certification. Section 4.1 was also clarified.

Following circulation for public comment (during which time no comments were received), proposed amendments to the Standards for Certification in Admiralty and Maritime Law regarding the alternative to the examination requirement were approved by the BLS and the BOG. The amendments became effective immediately following final action on the item by the Board.

The BLS recently asked the BOG during its July 2010 meeting to approve the establishment of a Trademark Law Consulting Group to study whether in this particular area of law specializa-



**Natalie Leonard**

tion should be pursued, and if so, to develop standards for certification as

a legal specialist in that practice. The BOG approved the request and members of the consulting group will be recommended by the BLS to the BOG during its next meeting.

For those of you attending the September BLS and Advisory Commission meetings on September 23, which will be held in conjunction with the State Bar's Annual Meeting in Monterey, I look forward to meeting you there and also introducing you to the new Director for Legal Specialization, Natalie Leonard. Natalie will be joining the State Bar staff on August 23. Natalie attended Princeton University and obtained an MBA from the University of North

Carolina – Chapel Hill. She spent the first part of her career in marketing, consulting to consumer products companies and working at The Coca-Cola Company. Natalie graduated magna cum laude from UC Hastings College of the Law and has practiced labor and employment law for the last several years. She served on the BALIF Board until she joined the State Bar staff. Natalie looks forward to serving our current and future legal specialists. If you are attending the State Bar's Annual Meeting, please be sure to introduce yourself to Natalie at the Legal Specialization booth or during one of the other meetings or events. ■

---

## 2010 30-Year Certified Specialists

The State Bar of California Board of Legal Specialization congratulates the following distinguished attorneys and is proud to honor them for continuously maintaining their certification for 30 years.

June Hersam Adler  
Leonard Alexander  
Hugh Ormiston Allen  
Ronald Willis Anteau  
Don Mike Anthony  
Arthur Victor Azevedo  
Richard Frederic Barry  
Nicholas Paul Barthel  
Hal David Bartholomew  
James K. Batchelor  
James Russell Benoit  
Thomas Andrew Bernauer  
Marc Harvey Berry  
James Thomas Bialson  
Jerome Arthur Blaha  
Lorin Bruce Blum  
Thomas Charles Brayton  
Steven Ernest Briggs  
Sandra Mary Brownfield

Lawrence C. Buchanan  
Sally K. Callahan  
Robert Harris Cashman  
Robert Hunt Christensen  
Bruce Archer Clemens  
Carroll Jeremiah Collins  
Robert Austin Concolino  
Allan Edward Cone  
Michael J. Connich  
Donald Frederick Conviser  
William L. Dok  
Richard Lyle Dombrow  
G. Neil Farr  
William Thomas Ferchland  
Michael R. Flicker  
Manley Freid  
Robert Jay Friedman  
John Kenzo Fukasawa  
Robert James Fulton

Errol Jay Gordon  
Sherry Elaine Grant  
Carol Hassie Haffner  
Leslie James Hait  
Rory Allan Hanson  
Robert Henry Harmssen  
Donald Glen Haslam  
Gary S. Jacobs  
Daniel Jay Jaffe  
Jonathan Edwin Johnson  
Robert Neal Kipper  
Stephen A. Kolodny  
David R. Lane  
Alexandra Leichter  
Larry M. Lipke  
Peter George Loewenstein  
Bruce Wayne Love  
S. Michael Love  
Malcolm Alison Mackenzie

Alexander Edward Macksoud	Diana E. Richmond	James Warren Talley
John Sterling May	Seymour Merton Rose	Brian David Thiessen
Edward Irving Mears	Frank Salz	Edward John Thomas
John Ellis Miller	Robert Leslie Sanders	Joan Mann Thomas
Lincoln Adams Mitchell	Anne-Marie Saunders	Huch Talbert Thomson
Christopher Minor Moore	Brian Geoffrey Saylin	Suzie S. Thorn
Joseph Carl Morehead	Robert Lewis Schibel	Michael C. Tobriner
Leslie John Morgan	John Russell Schilling	A. Peter Trombetta
David Jay Morgan	Barry Alan Schneider	Sorrell Trope
Sandra Joan Morris	Scully Glendalee	Terry James Viele
Gerald S. Mulder	Carroll Preston Shackelford	Sharron Voorhees
Elizabeth Bradstreet Mulford	Philip Henry Shecter	Kenneth Robert Warner
Sterling Edward Myers	Bruce Stanly Silverman	Dennis Mathew Wasser
Allen Irwin Neiman	Philip Salvatore Silvestri	Samuel Rice Wasserson
Alan L. Nobler	Thomas Lindon Simpson	David C. Weinberg
Gary Leroy Olimpia	Beatrice Larsson Snider	William F. Whiting
Rolland Dennis Orrock	Judith Leslie Soley	Arthur M. Wilkof
John Howard Paulsen	Thomas Pierce Stabile	Eric E. Woodman
Lee Carl Pearce	John Fredric Staley	Timothy Charles Wright
Gerald Joseph Phillips	Janis Kay Stocks	Robin Yeamans
Salomon Quintero	Lowell H. Sucherman	W. Herbert Young
Charles William Richardson	Ronald Melin Supancic	Marshall S. Zolla

---

## 2010 20-Year Certified Specialists

The State Bar of California Board of Legal Specialization congratulates the following distinguished attorneys and is proud to honor them for maintaining their certification for 20 years.

Russell Glenn Allen	Robert Keith Bolt	John Kevin Donovan
Eric Arthur Ashton	Dennis Neal Brager	Frank John Doti
Steven F. Barnes	Edward V. Brennan	Francis Burton Doyle
Joan Steinfeld Bauman	Christine Brigagliano	John Alexander Duncan
Barbara Ann Beck	George N. Buffington	Charles Alden Elias
Donna Lynn Becker	Garrick Allen Byers	Robert Bruce England
Anthony C. Beller	Dorothy Ann Cole	John Robert Foster
Frederick Bell Benson	Francis Joseph Collin	Kenneth Michael Klug
Kenneth Robert Berman	David Michael Delehant	Randall Gary Knox
Leah Margaret Bishop	Jeffrey A. Dennis-Strathmeyer	David Michael Kramer
Marsden Scoot Blois	Michael George Desmarais	Melvin Joseph Kreger

Teodoro Torres Laguatan	Helen Yuen Hui	Gary Mitchell Ruttenberg
Judith Marie Law	Jacqueline Morgan Jensen	Robert Alexander Schlesinger
Joan Annette LeBlanc	John A. Joannes	Philip Schmidt
James Stuart Leigh	Stanwood Cleveland Johnson	Milton Berry Scott
Nancy Levin	John P. Kelley	Sussan Hermina Shore
Philip Martin Levin	Dennis Jay Kershek	Robert Louis Sommers
Lily L.S. Louie	Kenneth Michael Klug	Randy Marvin Spiro
Deanna Down Lyon	Randall Gary Knox	Clare H. Springs
James R. Mayo	David Michael Kramer	Edward Herman Stone
John Lawrence McDonnell	Melvin Joseph Kreger	David Niel Strand
Christopher Minor Moore	Teodoro Torres Laguatan	Steven Ronald Striker
Michael Austin Morris	Judith Marie Law	Robert L. Sullivan
Lawrence Alan Moskowitz	Joan Annette LeBlanc	John William Sunnen
Joseph Edward Mudd	James Stuart Leigh	John Howard Tannenber
Peter LeBreton Muhs	Nancy Levin	Richard Joel Tasoff
Linda Marie Nakamura	Philip Martin Levin	Edward Stephen Temko
K. Bruce Friedman	Lily L.S. Louie	Albert William Thews
Paul Norman Frimmer	Deanna Down Lyon	Joseph William Tillson
Jon Joseph Gallo	James R. Mayo	Herman A. Trutner
James Hervey Garrett	John Lawrence McDonnell	Alan Stephen Watenmaker
Jack C. Glantz	Christopher Minor Moore	Pamela Jennifer Webb
Douglas Earl Godbe	Michael Austin Morris	Leonard David Weiler
John Peter Golden	Lawrence Alan Moskowitz	Jordan Peter Weiss
Martin Barry Goldman	Joseph Edward Mudd	Robert George Werner
Laurence Ralph Goldman	Peter LeBreton Muhs	James Allen Willett
Judith Vogel Gordon	Linda Marie Nakamura	Nancie Yomtov
Frieda Gordon	David Arthur Nearon	Stuart David Zimring
Richard Alfred Gorini	Terence Seamus Nunan	Gregory Lynn Zumbunn
Michael Earl Graham	Mark Francis Ornellas	
C. Clay Greene	Nancy Perkovich	
James William Hargreaves	John David Pettker	
John Alan Hartog	James Jackson Phillips	
Richard Michael Hawkins	James Vernon Quillinan	
Daniel Willard Henry	Mark Samuel Rapaport	
David Hirson	David Lee Rice	
Barbara N. Horn	Paul H. Roskoph	
Neil Fisher Horton	Bruce Shields Ross	
Harvey Allen Howard		

**The Board of Legal Specialization Would Like to Congratulate and Welcome  
the Following Certified Specialists to the Legal Specialization Program**

*(Certification Dates: August 20, 2009 through July 7, 2010)*

**Appellate Law**

Deborah B. Caplan	Sacramento	Kristen E. Caverly	Rancho Santa Fe
Paul J. Killion	San Francisco	Frederick W. Dorband	Lafayette
Kira L. Klatchko	Indian Wells	Laurence P. Dugoni	San Mateo
Amelia A. McDermott	La Jolla	Jeffrey P. Geida	Los Angeles

**Bankruptcy Law**

James R. Selth	Los Angeles	James A. Gorton	Pasadena
		Debra L. Graynom-Daly	San Marino
		Myron S. Greenberg	Larkspur
		Kyle A. Krasa	Pacific Grove
		Tim H. Lan	Pasadena
		Dennis B. Lippitt	Santa Cruz
		Michele M. Matsumura	Pleasanton

**Criminal Law**

Brian C. Andritch	Fresno	David R. Morris	El Dorado Hills
Scott D. Baly	Fresno	Lowell H. Orren	Pasadena
Lani L. Biafore	Sacramento	Mark E. Powell	Irvine
Scott N. Cameron	Sacramento	Samuel D. Shapiro	Los Angeles
Michael A. Cavalluzzi	Los Angeles	Barbara L. Taaff	Westlake Village
Eric A. Dumars	Merced	Janet L. Tallett	Palo Alto
Jeffrey D. Dupras	Fresno	John G. Yphantides	Escondido
Christopher T. Gularte	Fresno	Mark A. Ziebold	Newport Beach

Nathan J. Lambert	Fresno
Roberto Longoria	Montebello
Irene A. Pai	Santa Ana
Stanley R. Switzer	Roseville
Richard P. Van Zandt	Woodland
Brian A. Vogel	Ventura
Timothy E. Warriner	Sacramento

**Family Law**

Wendy W. Benjamin	Santa Cruz
Carrie S. Block	Irvine
Angelique G. Bonanno	Rancho Cucamonga
Scott H. Finkbeiner	San Diego
Myra C. Fleischer	Del Mar
Christopher E. Funtall	El Cajon
Abbas Hadjian	Sherman Oaks
Carl W. Hart	Bakersfield
George R. Horrigan	Bakersfield
Deirdre M. Kraft	El Cajon
Larry R. Laborde	Santa Barbara
Meredith G. Lewis	Del Mar

**Estate Planning, Trust and Probate Law**

Sondra J. Allphin	San Jose
Elizabeth S. Andersen	Oakland
Jeffrey T. Antonchuk	San Francisco
Frank R. Bailey	Santa Rosa
Gregory A. Broiles	San Jose
Karen M. Brown	Upland

Robin J. Lozoya Sherman Oaks  
H. Craig Miller Rocklin  
Michael R. Norton Stockton  
Kenneth U. Reyes Los Angeles  
Alan R. Silverman San Francisco  
Jordon P. Steinberg Newport Beach  
Leea K. Summerville Newport Beach  
Trevor C. Thorpe San Francisco  
David K. Wilkinson San Diego  
David Y. Yamamoto Torrance  
Mark E. Zeller San Francisco

**Franchise & Distribution Law**

Antony E. Buchignani Los Angeles  
Gerard P. Davey Newport Beach  
Don M. Drysdale Newport Beach  
Martin D. Fern Los Angeles  
Jeffrey M. Hamerling Walnut Creek  
Rodney R. Hatter Newport Beach  
David E. Holmes San Luis Obispo  
Lori M. Lofstrom Long Beach  
Paul A. Maas Gallatin  
Stafford S. Matthews San Francisco  
Nicola J. McDowall Monarch Beach  
Michael F. Millerick San Diego  
Al Mohajerian Los Angeles  
James M. Mulcahy Irvine  
Margaret E. Narodick Long Beach  
Dawn Newton Oakland  
Robert L. Purvin San Diego  
Jonathan D. Rapore Santa Monica  
Phyllis A. Truby Los Angeles  
Mary E. Warman San Ramon

**Taxation Law**

Peter A. Muzinich Santa Barbara  
Thomas F. Ogden Pasadena

**Workers' Compensation Law**

Diana Balabanian El Segundo  
Alan M. Bober Santa Ana  
David F. Boettcher Oakland  
Linda P. Bryan Santa Ana  
Gregory J. Cameron Goleta  
Danielle C. Cervantes Fresno  
William K. Dietz San Diego  
Michael J. Easley Walnut Creek  
Geraldine E. Diaz Sacramento  
Kenneth J. Discenza Rancho Cucamonga  
Jeffrey N. Estey Bakersfield  
Nanci Freeman Los Angeles  
Ian Fyvie Santa Ana  
Colin Gallagher San Francisco  
Tammy J. Hamrock Long Beach  
John D. Herrera San Jose  
Marguerite L. Jonak San Diego  
Sandra M. Klimaszewski Rocklin  
Kenneth A. Martinez Ontario  
Soraya G. Minty Glendale  
Craig E. Morrison Sacramento  
Liliana C. Naficy Novato  
Kimberly R. Ogata Irvine  
Jeana B. Pipkin Sacramento  
Denise L. Sanchez San Diego  
Kristin L. Siemens Fresno  
David T. Ungar Bakersfield  
Stephen L. Waterman Brea

# Where You Will Most Likely Find A Certified Legal Specialist

(Data as of July 2010)



## Where We Are By County

Los Angeles	1,069	Sacramento	203
San Diego	477	Alameda	179
Orange	419	Contra Costa	131
San Francisco	291	Ventura	100
Santa Clara	234	Fresno	107

---

### *Legal Specialization Digest*

Board of Legal Specialization  
State Bar of California  
180 Howard St.  
San Francisco, CA 94105

Pre-Sorted  
Standard Mail  
US Postage  
PAID  
San Francisco, CA  
Permit No. 4078

