



PRESIDENT'S PAGE

TODD G. FRIEDLAND

The OCBA's Impressive New Board Members Tee Off to a Great Year

This issue kicks off our introduction of “Who’s Who” in the Orange County legal community. This month, we are focused on the OCBA’s leadership, including its new Board members.¹

Each year, the OCBA is blessed with a wonderful Board of Directors. OCBA Board members volunteer on committees,² attend section meetings, promote the OCBA Charitable Fund, and guide the OCBA in fulfilling its mission. They also take the laboring oar in addressing important issues.

In 2016 we are fortunate to have five new Board members covering a broad spectrum of legal specialties. In this issue you can learn more about Andra Greene, Michelle Philo, Dan Robinson, Mei Tsang, and Christina Zabat-Fran. Two are in-house counsel making an impact early in their legal careers, one is managing partner of a fast-growing intellectual property firm, one serves on the executive committee of a large law firm and previously led the OCBA’s Masters Division, and one is a partner in a law firm focusing on catastrophic injuries that once litigated over exploding Ford Pinto automobiles. Our Board and Executive Committee are now majority female, and with these folks added to our already diverse Board, there is no doubt in my mind they all will bring interesting and important perspectives to the work we do.

A recent example of the Board’s efforts pertains to the ABA’s proposed “Law Connect” program. The ABA had planned to partner with Rocket Lawyer, a for-profit referral service. The stated purpose of Law Connect was to, in part, “explore innovative approaches to help small businesses find easily accessible and affordable legal services.”³ The OCBA reviewed the ABA’s proposal and, while the goal was admirable, the implementation was deemed troublesome. Among other things, there were concerns over (1) the ABA’s partnership with a for-profit entity; (2) the selection process for attorneys to be included in the program; (3) attorney eligibility requirements; (4) ethical issues; and (5) conflicts between this profit-related venture and ABA-accredited lawyer referral and information services.

Given the foregoing, we felt Law Connect was worth a closer look. Without hesitation, multiple OCBA Board members rose to the task. Scott Garner, Brad Erdosi, Kirsten Kreymann, and Jesse Bolling led our working group.⁴ After significant analysis, while the ABA’s attempt to be innovative was laudable, we felt the program was fraught with too many downsides to be adopted at this time. A letter was drafted to the ABA explaining some of those concerns.⁵ See ocbar.org/ABA. They include: Since Rocket Lawyer is not regulated by the California State Bar, client protections afforded by the ethical rules would not exist; the program did not appear to address

issues that can arise with restricted scope representations; and the apparent lack of minimum eligibility requirements. In one example, our investigation found that one Rocket Lawyer attorney listed relevant practice areas as personal injury, automobile accidents, elder abuse, and medical malpractice. It was unclear what steps, if any, had been taken to verify that this attorney was qualified to give a small business legal advice on business issues.

In addition, existing ABA-sanctioned referral services are designed to “assist persons who are able to pay normal attorney fees but whose ability to locate appropriate legal representation is frustrated by a lack of experience with the legal system, a lack of information about the type of service needed, or a fear of the potential costs of seeing a lawyer.” Indeed, the OCBA runs such a service, and there was concern about the potential conflict between the two services. In the end, the ABA heard the voices of the objectors and cancelled the Law Connect experiment.

In other news, the OCBA Charitable Fund held the annual Judge Kenneth Lae Charity Golf Scramble on March 31, 2016. I will try to paint you a picture of this wonderful event: It was a beautifully sunny day with a slight breeze rolling in off the Pacific. Over 144 golfers⁶ chatted over breakfast in the morning before embarking on a golfing journey through the natural wonders present at Pelican Hill.⁷ An elegant reception and awards presentation on the patio finished the day. The foursome led by Todd Friedland managed first place due, in large part, to Mr. Friedland’s amazing short game and hole-in-one on a par 5.⁸ Thank you to all of the sponsors and attendees for supporting the OCBA Charitable Fund.

ENDNOTES

(1) This is the first endnote I have used in my President’s Pages. I am a user (or abuser) of parentheses (see, I just did it) (oops, I did it again), but I like dashes and endnotes as well. I previously had steered clear of endnotes to avoid encroaching on Justice Bedsworth’s turf—after all, he knows how to use a hockey stick. But I noticed Ashleigh used some last year, and she appears to be healthy enough to go to the OC Fair.

(2) In fact, most Board members are active members of at least three committees or task forces.

(3) On its face, I support this purpose. There is no civil *Gideon*, and too many small businesses are unable to fund litigation.

(4) That means they spent numerous non-billable hours reviewing Law Connect and crafting the OCBA’s position.

(5) Numerous associations objected to the program including the Bar Association of San Francisco and the Pennsylvania State Bar Association.

(6) That includes me—although it is rare for anyone to refer to me as a golfer.

(7) Such wonders as the wooded gullies where I generally lose my ball.

(8) I know, this is getting out of hand. The reality is that I am writing this page on February 22 because our editor, Gialisa Gaffaney, demands it in time to go to print. The tournament won’t actually happen for another six weeks. But it is sold out, and I hope it turns out this way (and that we raise a golf cart full of money for the Charitable Fund).



Todd G. Friedland is the 2016 OCBA President and a business litigator. He used all of his space on endnotes, so there is no more room for biographical information here. Email him at heyodd@ocbar.org.