



# OCKABA Newsletter

MARCH 2009 ISSUE

## WE NEED EVERYONE'S HELP!

Dear OC KABA Members and Friends,

I'll just get to the point. As you know we have roughly 20 days or so remaining for our Fourth Annual Community Law School ("CLS") event. We need all the help we can get from **all** of our members. Please do not just brush this aside as this is our signature event where most of our operating funds are generated!!

I would like all members and willing non-member volunteers to participate in this event. A lot of preparation has been done already through our officers and devoted board members. However, we still need more people to help us in doing a myriad of things, including but not limited to, guiding people into the seminar rooms, providing legal consultations, putting up banners, setting up tables, signing in people, and just being there to support other hard working members, speakers, and attendees!!

We hope everyone can join us on **Saturday, March 21, 2009 at 9:00 am sharp** at the following location: **KIA MOTORS, 111 Peters Canyon Road, Irvine, California**

Please attend our general meeting on **March 5, 2009 at 6:30 pm** at Kring & Chung, LLP, 38 Corporate Park, Irvine, CA 92606. This will be our final meeting before the CLS!

Yours truly,

Ho-EI

***P.S. For all members who have not yet paid your 2009 membership dues nor submitted your membership applications for 2009, please take notice that this will be your last newsletter, unless the completed applications and payments are received by 3/21/2009!! Thanks in advance.***

### **ABOUT US: Orange County Korean American Bar Association**

*OC KABA was established in November 2005 to promote networking among minority attorneys, to provide effective legal counsel to the local Orange County community, to serve the Korean American community's legal needs with pro bono services, to promote the appointment of Korean American judges, and to assist law students in making the transition into full-time law practice.*

*There are currently 20 attorneys on the OC KABA Board of Directors and there are about 200-250 Korean American attorneys registered in Orange County.*

## 1. KOLLABORATION 2009

On February 21, 2009, for our first social event of this year, some of our OCKABA members attended "Kollaboration 2009", an Asian talent show, consisting of mostly dancers, singers, and comedians at the Shrine Theater in Los Angeles. The show was sold out with over 6000 people packing the theater. The Korean singer sensation, "BOA" performed to close the event.

Thanks to Min's hook ups, we were able to attend the VIP after party as well. It was definitely enjoyable, especially for us lawyers who needed something different. It was also encouraging to know that there are many talented Asians out there. Move over Hollywood! Thanks to Arthur, our VP of Social Events, for organizing the group to attend this event. Below are some pictures:



(Angela, Min, Jenny)



(Arthur, Jenny, Ho-EI)



(Packed Shrine Theater)



(Ho-EI, Arthur, Angela, Min, Jenny,  
Min's Husband, Sonny Koo)

## 2. 4<sup>TH</sup> ANNUAL COMMUNITY LAW SCHOOL

D-20! CLS is almost here! In preparation for this event, a lot of individual efforts were made and as of February 28, 2009, OCKABA has raised approximately \$5,500.00! Our goal is to raise at a minimum \$10,000! So far, we have secured the following sponsorships: Rutan & Tucker, Hanmi Bank, Oswald & Yap, Kring & Chung, LLP, Wilshire State Bank, OCAABA, Fullerton Chamber of Commerce, Buus Kim Kuo and Tran, LLP, Ryul Kim, Southern CA Edison, and OCDTF. This year's CLS will be different from the past three because we have secured a great location; we have advertised this event through more mediums, including KBS TV; we have more RSVP's than ever before; we also have new topics that are more relevant to the current times, such as bankruptcy and foreclosure!! We are also providing one-on-one consultations. Therefore, it is imperative that all members participate and not disappoint the attendees and our sponsors who have high expectations from OCKABA. The success of this event will put us on the map as one of the most influential and positive legal organizations in the Korean American community! All volunteers must arrive at the location by 9:00 am, the latest! Contact Star Lopez (star.lopez@gmail.com) for more information.

Picture from Last Year's CLS



(Ho-EI, Christian, Hon. Sukhee Kang, Michelle Steel, Min, John)



*Please join us on March 5, 2009 at our general meeting (see below) to discuss further about the preparation of this event.*

### TENTATIVE SCHEDULE AND SPEAKERS

- 10:00 AM: Greetings by Special Guest  
Honorees: Jae Soo Kim, Korean Consulate General, Honorable Michelle Steel, CA Board of Equalization, Mayor Sukhee Kang, City of Irvine, Judge Tammy Ryu, CA Superior Court.
- 10:40 AM: Foreclosure & Bankruptcy Law: Jay Chiu, Scott Lee, And John Kim
- 11:10 AM: Immigration Law: Han Kim, Ja Suh, Stephanie Lee, Minghee Lee
- 11:40 AM: Corporate & Commercial Law: Min Chai, Joseph Oh
- 12:10 PM: Lunch Break
- 12:40 PM: Criminal Law: Christian Kim and Richard Lee
- 1:10 PM: Civil Litigation: Mary Kim, Lynda Kim, Ryul Kim
- 1:40 PM: Estate & Financial Planning: Sandy Hwang, Gahram Kang
- 2:10 PM: Closing Remarks

### 3. SOME NOTABLE DECISIONS OF FEBRUARY 2009

**Bankruptcy:** Debtor's single-premium annuity did not qualify as exempt property under California Code of Civil Procedure Sec. 704.100 pertaining to life insurance, because exemption does not categorically apply to single-premium annuities, and annuity was not life insurance where payments were not contingent on debtor's life and did not allow debtor to accelerate maturity date, debtor could not borrow against annuity, and annuity was in nature of investment, even though annuity contained death benefit. Single-premium annuities do not categorically qualify as private retirement accounts under Sec. 704.115, and annuity was not eligible for exemption where debtor purchased it as an individual and annuity was not established for debtor by employer. *In re Simpson* - filed February 23, 2009

**Bankruptcy:** Student's financial arrangement with university allowing her to defer tuition payments until end of each semester constituted a nondischargeable educational loan under 11 U.S.C. Sec. 523(a)(8). *McKay v. Ingleson* - filed February 23, 2009

**Civil Procedure:** E-mail notice to attorneys that judgment had been entered and was available to be viewed online did not trigger 60-day period following mailing or service of Notice of Entry in which to appeal. *Insyst, Ltd. v. Applied Materials, Inc.* - filed January 30, 2009, Sixth District

**Civil Procedure:** Where plaintiffs explicitly notified defendants prior to trial that their expert witness would go beyond his deposition testimony and offer a causation opinion at trial, and such testimony was plaintiffs' only evidence of causation, trial court committed reversible error in striking expert's causation testimony. *Easterby v. Clark* - filed February 5, 2009, ordered published February 26, 2009, Second District, Div. One

**Criminal Law and Procedure:** A bank is a direct victim, entitled to victim restitution, when a person forges checks drawn on that bank and bank absorbs loss. *People v. Bartell* - filed February 4, 2009, Third District

**Family Law:** Trial court always has power to modify an existing child support order either upward or downward notwithstanding parties' agreement to contrary. Where a party receives recurring gifts of money, trial court has discretion to consider that money as income for purposes of statewide uniform child support guidelines. *In re Marriage of Alter* - filed February 26, 2009, Sixth District

**Real Property:** Where landlord sued commercial tenant for declaratory relief based on tenant's alleged wrongful appropriation of portions of common parking areas behind tenant's store for tenant's exclusive use by placing storage containers in areas, trial court did not err in concluding tenant's use of loading dock area for additional storage during holiday season was not at issue. Where lease permitted tenant to use parking area for "loading and unloading of merchandise," but tenant left items that were undisputedly used for loading and unloading items, delivering items to store, or packing items up for repair and recycling in parking spaces beyond any time associated with the actual loading and unloading of merchandise, tenant's actions wrongfully appropriated parking spaces to exclusion of anyone else and was not permissible under lease. *Muzzi v. Bel Air Mart* - filed January 28, 2009, ordered published February 23, 2009, Third District

### 4. UPCOMING EVENTS.

#### A. GENERAL MEETING!

Please don't forget to attend our general meeting scheduled for March 5, 2009 at 6:30 PM at Kring & Chung, LLP, 38 Corporate Park, Irvine, CA. **We will have our final discussion about planning for our Community Law School. Everyone is advised to attend.**

#### B. PRO BONO CONSULTATIONS

Jointly with OC KCC, OCKABA intends to hold our first pro bono consultation of 2009 on April 11, 2009. Please save this date on your calendars if you are interested in giving out legal consultations. Please contact Min Chai, Esq. for more information. [min.chai@oswald-yap.com](mailto:min.chai@oswald-yap.com)

## 5. ANNOUNCEMENTS

### A. Day-Light Savings

Day light savings begin on March 8, 2009. Please add one more hour to your clocks/watches.

### B. Need volunteers for newsletter!

We are looking for few volunteers who are willing to contribute their time for our monthly newsletters. Please contact Ho-El if interested at [hoelpark@gmail.com](mailto:hoelpark@gmail.com). Ho El Park's term ends May of 2009.

### C. Membership Application and Dues

If you have not yet submitted the OCKABA membership application for 2009 and your dues, please do so ASAP. For all those who became attorneys within the past 0-5 years (regardless of which state), the fee is \$50. For everyone else, the fee is \$100. If you are a law student, there is no fee; however, you must fill out an application. Also, whether or not you are a new member, all OCKABA members must fill out a membership application each year. All checks should be made payable to "OC KABA"

**Please mail your completed application and membership fees to:  
HCC Surety Group, 9841 Airport Blvd., Ninth Floor, Los Angeles, CA 90045  
(Attention "John C. Yi"; RE: 2008 OC KABA Membership Application)**

For a copy of the *membership application*, please email Jennifer Kim at [jkim@rutan.com](mailto:jkim@rutan.com)

If no fees and application are received by **March 21, 2009**, your OCKABA rights and privileges (including this newsletter) will be forfeited. This is our last notice.

### D. Do you want to be published?

The California Lawyer Magazine has asked us to submit an article in their In Pro Per section. Please contact Min Chai @ [mkc@oswald-yap.com](mailto:mkc@oswald-yap.com) or 949-788-8900 for more information.

### E. Get Published Here!

If you can't get published in the California Lawyer magazine, you still have an opportunity to get published in our very own newsletter. Please share your success/horror stories with your fellow members. We want to know more about each of our members and their experiences as an attorney. Advice and tips are greatly appreciated to help our members become better attorneys. Let us know and we'll add your stories and thoughts in our next newsletter. Contact: Ho-El Park [hoelpark@gmail.com](mailto:hoelpark@gmail.com).

### F. Questions and Comments

We're here for you! Any and all ideas/comments/ criticisms are all appreciated. Please email/call any of our board members and officers for any questions/comments. Thank you. If you find any errors in this newsletter, please email me at [hoelpark@gmail.com](mailto:hoelpark@gmail.com)