



OCKABA Newsletter

MAY 2009 ISSUE

Greetings

Dear OC KABA Members,

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I hope everyone is keeping safe in the midst of the swine flu virus scare. Remember to wash your hands and try to avoid public places, if all possible. Let's hope this will go away soon.

On a brighter note, please join us in our monthly meeting scheduled for May 7, 2009 at 6:30 pm at Oswald & Yap LLP, 16148 Sand Canyon Ave, Irvine, CA 92618. Please note that the venue has changed from our usual location (Kring and Chung, LLP).

At the meeting, we'll discuss our upcoming election, fund raising activities (including a potential poker/golf tournament), summer barbeque event, among others. Every member is welcome and encouraged to attend!

Yours truly,

*Ho-EI
VP of Marketing and Communications.*

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. PRO BONO CONSULTATIONS, APRIL 11, 2009

Jointly with OC KCC, OCKABA held its first pro bono consultation of 2009 on April 11, 2009. The following members have volunteered for this event: Ken Chung, Ja Suh, Sandy Hwang, Christian Kim, Ho El Park, Peter Kim, and Min Chai. Thanks everyone for volunteering!

2. LA KABA ANNUAL INSTALLATION DINNER, APRIL 16, 2009

On April 16, 2009, some of our members have attended LAKABA's annual installation dinner, where approximately 200 to 300 fellow attorneys gathered. The following members have represented OCKABA: Sonny Koo, Angela Pak, Star Lopez, Sandy Hwang, Richard Lee, Roberto Hong, Peter Kim, and Paul Kim.

Elizabeth Chun Kelly, the Mistress of Ceremonies, gave the welcome speech. Joanna H. Kim, the outgoing president made some remarks and Professor Bill Hing of UC Davis King Hall School of Law gave the Keynote Address. Thereafter, a presentation for scholarship and fellowship awards were made and the recipients were: Randi Arasaki (the Honorable Kenneth B. Chang Fellowship), Cindy Juhyun Park (the President's Scholarship), and Jason Wu (the Lim Ruger Foundation Scholarship). Also, an introduction and installation of 2009 Officers and Board of Governors were made. Finally, Paul S. Park, the incoming President gave the closing remarks.

3. SOME NOTABLE DECISIONS OF APRIL 2009

Civil Procedure: Labor Code prevents an employer from withholding wages concededly due to employee to coerce a settlement of a disputed amount. When a bona fide dispute exists over amounts due to employee, the dispute can be voluntarily settled by a release and a payment. Where name plaintiff in a class action voluntarily settled her claim against defendant, plaintiff could not appeal denial of class certification by asserting an economic interest in class certification in terms of a right to shift her attorney's fees to the class if successful. *Watkins v. Wachovia Corporation* - filed April 16, 2009, Second District, Div. Three.

Civil Procedure: A defendant who seeks costs under Rule 3.1700 of the California Rules of Court after a plaintiff's voluntary dismissal is not required to file a proposed judgment in addition to a memorandum of costs. *Fries v. Rite Aid Corporation* - filed April 22, 2009, First District, Div. Three.

Civil Procedure: Trial court erred in granting summary judgment on ground that opposition statement was filed one day late where there was no need to file opposition statement because no material facts were in dispute. Grant of summary judgment as a sanction for mere procedural violation was an abuse of discretion. Party opposing a summary judgment is not obligated to present evidence where there is no material fact in dispute, even where moving party erroneously contends that such a dispute exists. *Teselle v. McLoughlin* - filed April 22, 2009, Third District.

Criminal Law and Procedure: Ten-year mandatory minimum sentence for discharging a firearm in connection with a violent or drug trafficking crime under 18 U.S.C. Sec. 924(c)(1)(A) applies if a gun is discharged whether on purpose or by accident and requires no separate proof of intent. *Dean v. United States* - filed April 29, 2009.

Individual Rights: Where plaintiff alleged that he had visited a public accommodation and was deterred from visiting that accommodation in the future by accessibility barriers, plaintiff had standing to sue. District court abused its discretion in issuing sanctions based on premise that plaintiff had filed suit knowing he lacked standing. *Wilson v. Kayo Oil Company* - filed April 24, 2009.

Labor and Employment Law: A provision in a collective-bargaining agreement that clearly and unmistakably requires union members to arbitrate age discrimination claims is enforceable as a matter of federal law. *14 Penn Plaza LLC v. Pyett* - filed April 1, 2009.

Trusts and Estates: Time limit for admitting new or competing wills to probate under Probate Code Sec. 8226(c) does not apply to proponent of a will who did not receive notice of the petition for letters of administration. *Kelly v. Human Rights Campaign, Inc.* - filed April 1, 2009, Third District.

Torts: Where plaintiff posted comments on publicly accessible Web site, and defendant republished those comments in a newspaper, those comments could not be considered private, and plaintiff could not state a claim for invasion of privacy. Persons, such as family members, who allege that they suffered injury as a result of an invasion of another person's privacy lack standing to sue for such alleged injury. *Moreno v. Hanford Sentinel, Inc.* - filed April 2, 2009, Fifth District.

Real Property: In breach of contract action relating to real property transaction, summary judgment for defendant on ground that plaintiff had acted as an unlicensed real estate broker was error where there was evidence that at least some of the services provided by plaintiff did not require a broker's license. Licensed real estate sales person employed by licensed broker may not recover for services rendered where such services required a broker's license and defendant contracted with sales person, not employing broker, to perform the services. *Venturi & Company LLC v. Pacific Malibu Development Corp.* - filed April 10, 2009, Second District, Div. Eight.

4. UPCOMING EVENTS.

A. UCI Pre-Law Society Seminar, May 19, 2009.

The University of California, Irvine's pre-law society will host a seminar open to students seeking career in law on May 19, 2009 (Tuesday) at 5:30 p.m. For those who are interested in signing up for this event as speakers please email Star Lopez (star.lopez@gmail.com) or Gahram Kang (gahramkanglaw@gmail.com) for more information.

B. Save the Dates!

Please save the dates for the following events (details to follow after our May 7th Meeting; or contact Min Chai for more information at Min.Chai@oswald-yap.com):

1. "Transformers" Movie on the Lawn at the Orange County Great Park (May 30, 2009).
2. NAPABA Regional Conference in Los Angeles (June 19-20, 2009).
3. IAKL Conference in Jeju Island, South Korea (October 23-25, 2009).
4. NAPABA Conference in Boston (November 18-21, 2009)

5. ANNOUNCEMENTS

A. ELECTIONS!

In June, OCKABA will hold its annual elections to elect new officers and board members. Details of the nomination and election process will be discussed and disclosed to all members after our May 7th meeting. Please let us know if you are interested in a position or have someone in mind. If you are interested in learning about what the roles of each officer are, please email our current officers for more information.

B. Public Law Center is Seeking Volunteers

Public Law Center, located in Santa Ana, CA is seeking volunteer attorneys to take on some cases on a pro bono basis. If you are interested, please email our member Peter Kim at pkim@publiclawcenter.org. Please click on the following link to see the type of cases you can work on: <http://www.publiclawcenter.org/files/case-list.pdf>. Information on this organization can be found in <http://www.publiclawcenter.org/>.

C. 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. Ho El Park's term ends May of 2009.

Also, anyone is welcome to contribute any articles to our monthly newsletter as well! 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.

D. Koream Journal

As a member, you are qualified to receive one-year free subscriptions to Koream Journal (www.koreamjournal.com). Please contact Min Chai for more information (Min.Chai@oswald-yap.com).

E. 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