



OCKABA Newsletter

FEBRUARY 2009 ISSUE

Greetings...

Dear OC KABA Members and Friends,

Inside This Issue

- 1. Interview with Hon. Sukhee Kang
- 2. Hot off the Bar: January '09 Noteworthy Decisions
- 3. Upcoming Events
- 4. NAPABA Press Release: Call-in Briefing about Pres. Administration Jobs.
- 5. Local Entertainment: "Kollaboration 9"
- 6. Announcements

I hope everyone is doing well. It's been very chilly these days and a lot of people are getting sick. Stay safe, healthy, and warm everyone.

I would like to remind everyone that in **less than two months**, OCKABA will hold its 4th annual Community Law School. This is the event that put us on the map and where much of our funds derive from. Therefore, I would like everyone to mark **March 21, 2009** in your calendars and help out in any way possible! We need speakers, guides, registration desk help, etc. If you have sponsors for this event, or have someone in mind, please get in touch with them early and provide the information about this event as set forth in this newsletter below.

Please contact Star Lopez, or Min Chai or any of our officers if you would like to speak at the event, or help out in any way. If you are unable to donate your time for this event, you can always sponsor this event!

Let's make this CLS far more successful than the last three!

Yours truly,
Ho-El
VP of Marketing/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. INTERVIEW WITH IRVINE MAYOR, THE HON. SUKHEE KANG

OCKABA had the privilege of interviewing the new mayor of the city of Irvine, the Honorable Sukhee Kang last month. We are very proud of his success as a Korean American. Hopefully, more political leaders will spring out from our Korean American community. Here are some of the questions we asked and his responses:



1, What are your top three goals for the City of Irvine as mayor?

During the campaign, I said, "As your Mayor, I will work everyday to make sure that Irvine is America's Safest, Smartest and Greenest city."

I will keep my promise by continuing to invest in public safety excellence. This includes additional police officers with outstanding training and equipment; neighborhood "geo-policing" and prevention programs for Irvine schools - DARE anti-drug program, School Resource Officers in Irvine high schools and after-school youth activities. Public Safety is essential to the excellent quality of life that we enjoy in Irvine.

Irvine residents understand that, "smart schools" produce smart kids and that benefits all of us. As Mayor, I will continue boosting City support for all of Irvine schools by investing more in school programs.

Irvine is one of the most environmentally friendly cities in America. We have 16,000 acres of permanently preserved open space for hiking, adopted Green Building ordinance, distributed over 70,000 CFLs (compact fluorescent lightbulb), implemented Zero-Waste program, established Green Ribbon Environmental Committee and we are building the most sustainable park in 21st century, the OC Great Park.

2. How do you plan to bridge the Korean community with the mainstream?

It is a challenge and an opportunity. We need to constantly educate and explore ways on how Korean American community can work with the main stream. We need to encourage Korean American to participate in municipal activities. Irvine is changing into a thoroughly integrated community with ethnic diversity. But, we need to work harder in building a working partnership with other communities. But I would be more than willing to play as a facilitator bridging KAs to mainstream.

3. How do you see the Korean community being perceived by the mainstream before and after your term?

I think my election to Mayor represents a positive change in Irvine. As Councilmember, I worked very hard to bring about understanding of different cultures and the ability to integrate different cultures and traditions. We work very well together. Global Village Festival and the recent Tri-County 60th birthday celebration (Korea, India and Israel) are good examples of the various diversity activities. So, building upon this multi-cultural accomplishment, I am confident that I can bring people together and enjoy living, working and playing.

4. What would you like to see among the younger professionals (such as members of OC KABA) vis-à-vis community involvement and politics?

It is a critical question in my opinion. We need to identify potential individuals who are interested in politics. Being involved in politics requires time commitment and financial sacrifice. Not everybody can become a politician. You have to enjoy community service and you have to display your interests to other. KABA can become a conduit identifying those individuals. I sincerely hope that O.C. KABA would step up in playing that role.

5. How would you like to utilize and tap into younger Korean American professionals to elevate the status and/or image of the Korean American community as a whole?

We need more people like Min Chai who would take time to serve the community well. Organize events that will bring higher visibility of the Korean American community. For example, your annual Community Law School event has been very successful but it only caters to Korean people. Think about expanding that event to the entire Irvine community. Everybody needs legal advice in some fashion. So, please reach out to other communities and display the initiative. Once again, be visible to make an impact.

2. HOT OFF THE BAR: JANUARY 2009 NOTABLE DECISIONS

A. California statutes that provide that whenever a legal or contractual act is required to be performed on a holiday, that act may be performed on next business day without any adverse consequences do not apply to a national bank's credit card payment due dates; such state laws are preempted by a federal law stating that a national bank may make non-real estate loans without regard to state law limitations concerning the terms of credit; these terms include the schedule for repayment of principal and interest and the payments due. *Miller v. Bank of America, N.A. (U.S.A.)* filed January 28, 2009, Third District Cite as 2009 SOS 535

B. A furnisher of credit information has no responsibility to investigate a credit dispute until after it receives notice from a consumer reporting agency. Trial court erred by demanding as a condition for leave to amend that a party present admissible evidence sufficient to withstand summary judgment. Plaintiff's cause of action for violation of Consumer Credit Reporting Agencies Act--which paralleled federal law prohibiting anyone from furnishing incomplete or inaccurate information to a consumer credit reporting agency with knowledge such information was incomplete or inaccurate--was not preempted by Fair Credit Reporting Act, but plaintiff's remaining common law causes of action were preempted. Where trial court instructed defendants to file a noticed motion to strike plaintiff's memorandum of costs, subsequent filing of such a motion did not constitute an impermissible motion for reconsideration. *Sanai v. Saltz* filed January 26, 2009, Second District, Div. Seven Cite as 2009 SOS 456

C. Where an attorney and client entered into a contractual arbitration agreement pursuant to the California Arbitration Act, and client elected to submit subsequent fee dispute to arbitration by a local bar association pursuant to the Mandatory Fee Arbitration Act, client could not request a trial de novo after arbitration concluded and defeat attorney's motion to compel arbitration under CAA. MFAA's right to a trial de novo does not override a contractual obligation to arbitrate disputes pursuant to CAA. MFAA does not limit ability of attorneys and clients to enter into binding contractual arbitration. MFAA did not impliedly repeal CAA because each deals with differing subjects. MFAA concerns nonbinding arbitration that parties did not agree to in advance while CAA concerns binding arbitration agreed to in advance. *Schatz v. Allen Matkins Leck Gamble & Mallory LLP*

D. Where defendant identified himself to process server through intercom but never opened door and process server--while observing defendant standing behind window next to door watching him--held summons and complaint out toward window and announced in loud voice, "You are served," before placing documents on doorstep and thereafter completed proof of service form, valid service was effective under Federal Rule of Civil Procedure 4(e). District court correctly awarded damages against defendant on insurer's summary judgment motion where there was no evidentiary submission from defendant to rebut insurer's evidence that defendant owed sum contained in damage award. *Travelers Casualty and Surety Company of America v. Brenneke* filed January 9, 2009

E. Corporations Code Sec. 800--which requires plaintiff in shareholder derivative action to furnish bond of up to \$50,000 as security for defendant's anticipated expenses defending action, including attorney fees--is a bond or security statute, not an open-ended fee liability statute, and did not authorize prevailing defendant's recovery of attorney fees and costs incurred beyond bond amount. *West Hills Farms, Inc. v. RCO AG Credit, Inc.* filed January 26, 2009, Fifth District Cite as 2009 SOS 448

F. Although Corporations Code grants corporate directors an "absolute right" to "inspect and copy all [corporate] books, records and documents of every kind," including documents protected by the attorney-client privilege, a corporate director does not have a right to access documents covered by attorney-client privilege that were generated in defense of a suit for damages that director filed against corporation. *Tritek Telecom, Inc. v. Superior Court (Mak)* filed January 7, 2009, Fourth District; Div. One Cite as 2009 SOS 153

G. Trustee in a nonjudicial foreclosure sale does not contract with purchaser for sale of foreclosed property but performs ministerial acts which, when properly executed, result in a transfer of title to purchaser; thus, trial court erred in finding a contract between trustee and purchaser, and imposing statutory default interest rate chargeable after a breach of a contract that does not stipulate an interest rate. Where trustee did not properly execute ministerial acts set forth by statute resulting in a void sale requiring trustee to return purchase price plus interest to purchaser, applicable interest rate was seven percent per annum as set forth in California Constitution. *Pro Value Properties, Inc. v. Quality Loan Service Corp.* filed January 23, 2009, Second District, Div. Five Cite as 2009 SOS 433

3. UPCOMING OCKABA EVENTS

A. GENERAL MEETING!

Please don't forget to attend our general meeting scheduled for February 5, 2009 at 6:30 PM at Taco Rosa restaurant, 13792 Jamboree Rd, Irvine, CA - (714) 505-6080. **We will brainstorm about the Community Law School. Please RSVP with Min Chai (min.chai@oswald-yap.com) by no later than February 3, 2009.**

B. BREAKFAST ROUNDTABLE

We will hold our second Breakfast Roundtable at Pacific Whey/ Crystal Cove Promenade @ 8:30 a.m. on Saturday, February 7, 2009. The cost is \$10/ member; \$15/ non-member. As we did last time, we'll discuss various issues and topics that we face during our practice and other matters of concern. Don't forget to bring a list of questions! Please RSVP to Min Chai at min.chai@oswald-yap.com by no later than February 5, 2009.

C. LA CLIPPERS GAME!

OCKABA will hold its first social event of 2009! We had an opportunity to book an event suite at Staples Center for Sunday, March 15th at 6:30pm. The Clippers will be playing the New Jersey Nets that night. There is a cap of 20 people in the suite, and each member will only have to pay a discounted rate of \$50 (\$100 value), but you will be responsible for parking and food. If you would like to attend, please RSVP with Arthur Kim (akcal00@yahoo.com) by no later than February 2, 2009.

D. Community Law School

OCKABA will hold its Fourth Annual Community Law School Day on March 21, 2009, from 10:00 a.m. to 2:30 p.m. at KIA Motors, 111 Peters Canyon Road, Irvine, CA . Following is a tentative program schedule:

PROGRAM SCHEDULE

<u>TIME</u>	<u>TOPICS</u>
10:00	Introductions
10:40	Foreclosure & Bankruptcy Law
11:10	Immigration Law
11:40	Corporate Law
12:10	Lunch
12:40	Criminal
1:10	Civil Litigation
1:40	Estate & Financial Planning
2:10	Closing Remarks

Special Guests:

1. Mayor Sukhee Kang/ City of Irvine
2. Hon. Michelle Steel/ Board of Equalization
3. Jae-Soo Kim/ Korean Consul General
4. Judge Tammy Ryu/ CA Superior Court

If you are interested in speaking at the event, or volunteer in any other way, please contact Star Lopez at star.lopez@gmail.com or Min Chai at min.chai@oswald-yap.com

4. NAPABA PRESS RELEASE: Call-in Briefing about Pres. Administration Jobs

"Dear Affiliate Presidents and Committee Chairs:

Please let your members know about this opportunity to join NAPABA and the Asian American Justice Center for a phone briefing about appointments in the Presidential Administration. This call will focus on appointments for lawyers that do not require Senate confirmation. The briefing will not cover appointments of Judges or United States Attorneys.

Ginger Lew, a team leader on an agency review team for the Obama-Biden Transition, and Mark Perriello, a Director in the White House Office of Presidential Personnel, will discuss the appointments process and answer your questions.

WHEN: Friday, February 6 at 9:00 AM PST / noon EST

CALL IN NUMBER: 1-888-387-8686, access code 4144229

LIVE: Join us at the NAPABA office, 1612 K Street NW, Suite 1400, Washington D.C. You must RSVP to Mariko Tsuji at mtsuji@napaba.org because space is limited.

Q&A FORMAT: Questions may be submitted before the call and in real time during the call by emailing napaba.national@gmail.com. A facilitator will present all questions to the speakers.

Ginger Lew was a most recently a member of the Obama-Biden Transition Team as co-leader for Small Business Administration Review. She continues to advise the Administration as a member of the Economic Review Team working on TARP and the Stimulus Package. She is currently CEO of the Three Oaks Investments, and is a venture partner with Amplifier Venture Partners. Under the Clinton Administration, Ms. Lew served as Deputy Administrator and COO of the Small Business Administration. She served as the General Counsel at the Department of Commerce where she supervised 375 lawyers. She was unanimously confirmed by the US Senate for both positions. She has practiced law for more than 20 years as a partner in a Washington DC law firm, and as Chief Counsel for the Department of Energy. She is a graduate of Boalt Hall School of Law and UCLA.

Mark Perriello is Director of Priority Placement in the White House Office of Presidential Personnel. Mr. Perriello previously served as Director of Strategy and Planning at the Gay and Lesbian Victory Fund & Leadership Institute, as a Senior Associate at Scott+Yandura, and as Associate Director for the PAC at the Human Rights Campaign. He is a graduate of Rhodes College in Memphis, Tennessee with a B.A. in Religious Studies."

***** Please take note of my new cell phone number *****

Tina R. Matsuoka

Executive Director

National Asian Pacific American Bar Association

1612 K Street, NW, Suite 1400

Washington, DC 20006

Phone: (202) 775-9555

Cell: (202) 465-6041

Fax: (202) 775-9333

5. LOCAL ENTERTAINMENT: KOLLABORATION 9

LOS ANGELES, CA -- Since its inception over eight years ago, Kollaboration has launched an array of talent shows which provided a much needed platform for countless aspiring artists in music, dance, poetry, and other creative expressions. Having garnered a creditable reputation for delivering striking performances unexampled elsewhere, Kollaboration has been able to help turn up the volume of many Asian Pacific Islander (API) American voices in 24 shows in 5 cities so far. This year, Kollaboration 9 will take center stage on February 21st, 2009 at the Shrine Auditorium, Los Angeles for its 25th show. The show will be offering special guest performances by MTV's America's Best Dance Crew's Kaba Modern and Fanny Pak. Also performing is Comedy Central's Jo Koy, whose new show premieres this year. The historical and iconic venue's 6,300 seats will be filled by an eager audience, as the show's line-up of competing performers are composed of the most listened-to independent artists of today:

- * Jane Lui award-winning songwriter and performer with her rich and soulful voice
- * Paul Dateh hip hop violinist
- * David Choi Warner Chappell songwriter and David Bowie award-winning songwriter and performer.
- * Kenichi Ebina the only two-time Grand Champion of Showtime at the Apollo; actor and choreographer of the Japanese drama Manhattan Diaries
- * Jazmin the four-sister pop-group finalists of MTV's Top Pop Group and NBC's America's Got Talent
- * Kina Grannis Interscope Record's singer and songwriter
- * Lilybeth Evardome Concerto protg of Andrew Robinson of the Los Angeles Philharmonic

This year's panel of guest judges include Moon Bloodgood (Actress of the upcoming Terminator: Salvation, Eight Below, Street Fighter 4), James Kyson Lee (Actor of NBC's Heroes), James Ryu (Editor-in-Chief of KoreaAm Journal and Audrey magazine), Welly Yang (director of Asian Excellence Awards), and Teddy Zee (Producer of The Pursuit of Happyness, Hitch). For more information, please go to <http://www.kollaboration.org>. Tickets are \$20 and \$40 for VIP. CONTACT: Alicia Um P: 310.926.7913 F: 310.558.4206 aliciayumium@gmail.com

6. ANNOUNCEMENTS

A. 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

If no fees and application are received by February 7, 2009, your OCKABA rights and privileges (including this newsletter) may be forfeited.

B. 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