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May 2016 Newsletter

# Pardon My Blooper

By: Attorney Phil Kavesh



Our firm recently welcomed aboard a new, young attorney, straight out of law school and it got me thinking back - - what was it like when I first started out as a lawyer, some 38 years ago? (Wow, time does fly!)

You know how, sometimes, our most vivid memories are about things that went inexplicably wrong? That's where my mind immediately went when recalling my early days as an attorney.

I remember getting out of law school, eager to go, armed with lots of technical information and full of idealistic visions. But I had no clue as to how the legal system worked in "the real world" nor what would be in store for me in dealing with bosses, judges, and clients!

## How Could I Ever Forget My First Court Appearance?

At the first law firm I worked for (and the next two as well), they just stacked a lot of files and loose papers on my desk and said, "Get to work!" I had no real training and little supervision or quality review (like we do for our new associates). In other words, my marching order was simply, "Good Luck!"

One of my very first assignments was to write a "brief" arguing why the lawsuit against our firm's client should be dismissed. I spent lots of hours in the library, studiously researching all applicable cases and statutory law I could find (and that wasn't so easy back in the days before there were computers)! I thought I had assembled a novel argument and proudly handed off the brief to one of the firm's partners, who was the lead counsel in charge of the case. I didn't hear anything back - - until the morning of the hearing on this motion for dismissal. I was summarily informed I was going to court (like it or not!) to fill in for the partner and appear before the judge. Thankfully I had very little time to get nervous because I had to immediately jump in my car and drive off or, goodness forbid, I would be late!

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## Living Trust Seminars

For the public and also for our existing clients who want to bring family or friends!

### Thursday, May 26

Torrance Main Office  
9:30am  
990 W. 190th St., #500

[Register Here](#)

### Tuesday, June 7

Torrance Main Office  
9:30am  
990 W. 190th St., #500

[Register Here](#)

### Saturday, June 11

Torrance Double Tree Hotel  
9:00am  
21333 Hawthorne Blvd.

[Register Here](#)

### Thursday, June 23

Torrance Main Office  
9:30am  
990 W. 190th St., #500

[Register Here](#)

Now, there's a bit of a back story I have to share before I tell you what happened when I got to court. Little did I know all the firm's attorneys knew about this matter, which involved one of the firm's largest clients, and they all thought the matter was a certain loser, which is why none of them wanted to appear in court and be the "fall guy!" On top of that, the judge of this particular local courthouse, located in a small town nearby, didn't like to deal with "outsiders" and was renowned for being a "hanging judge" who would loudly--and in the most colorful of terms--in open court, viciously berate lawyers and their clients and throw the book at them! And to make matters worse, this particular judge had a bad taste in his mouth for that partner I was appearing on behalf of (Apparently, the partner was swamped with so many cases that he had repeatedly asked for continuances, by telephone, without even so much as showing up before the judge). So, little did I know I was about to walk into a "perfect storm."

When I entered the courthouse (which was one big open room), proceedings were already in session and I was nervous my case may already have been called. But my nerves suddenly changed to outright fright as I heard the judge scream expletives at the criminal defendant in the case before him, then pound down his gavel and shout out "10 years!" The good news was, I again didn't have much time to think, because my matter was called next!

So, rather meekly, I walked up to the podium and announced myself, who I represented and my firm, as was the court custom. As soon as I mentioned the firm name (including, of course, the scorned partner's), the judge lost it! He demanded to know "where's that so and so?" (not quite what he said, but that's all I can state here in writing)! Before I could respond, he ordered me "to my chambers, BOY!"

As we walked into his personal lair, the judge slammed the door behind us. I sat knock-kneed in a low chair in front of the desk while he half-stood behind it and leaned over, and called the firm's partner just about every name imaginable (the attorneys waiting in the courtroom later told me they had never heard so many expletives machine-gunned out in such a short time!). Then he went on and attacked the partner for not having the guts to appear himself. Finally, he asked me angrily, "What have you got to say, boy?" I was so in shock that I couldn't think of anything other than, "Nothing, your honor." It was a lucky thing I was so tongue-tied because if I had offered any excuse for the partner, he would probably have ripped into me too or jailed me for contempt of court! "You're smart and polite. I like that," he said, as he proceeded to walk us both back out into the open courtroom.

Then before I got settled again at the podium and said a word, the judge declared to all in attendance, "Motion granted!" I could hardly believe it!

I remember feeling so horrible (and literally still shaking) as I returned to the office, that even though I was greeted as a conquering hero because I had won the case, I vowed I would never go to a court appearance for that firm again! In fact, it was shortly after that I decided litigation wasn't for me and to instead become an estate planner!

## The Execution

So I wound up going back to law school for an extra year to get my Master's Degree (LL.M.) in taxation and to learn to be an estate planner. However, in school they never teach you how to handle clients and client meetings. I had to learn that the hard way, by trial and error (And, wow, did I have a few screw ups before I figured it out).

The next law firm I joined (after my Master's Degree) put me to work right away on the estate plan for one of the firm's biggest and oldest clients, a stern 93 year old widow. I was warned that, while discussing her plan with her, I should never mention the word "death" as she was morbidly fearful of it, so I was very careful to use terms like, "when you're gone," "after you've passed," and "when you're not around." I met with her several times before diligently preparing all the necessary, detailed paperwork. Then, the day came for her document signing.

As I arrived in the meeting room, several firm partners and associates were solemnly seated at a large conference table in imperious, high-backed leather chairs, while the elderly lady client sat all the way at the far end of the table, expressionless. The room was filled with tension, as they all dreaded dealing with the forbidden "D" word. I walked in with a huge stack of documents under my left arm, and looking to break the ice, I blurted out, "Mrs. Green, are you ready for the execution?" and then banged down the documents! All the attorneys' jaws dropped and all eyes immediately turned to her, fearing her reaction. A few seconds went by (which, to me, felt like an eternity) and finally her stern expression morphed into a loud laugh, a side of her none of us had ever seen! I survived even though, afterward, I was known in that firm as "the executioner!"

## If That Wasn't Bad Enough, Then I Met Nick

After less than a year I moved to another law firm (before forming my own). I was confident by then that I had mastered the estate planner "client routine" pretty well. That is, until I met with Nick. Again, I was dealing with one of the firm's biggest clients who was notoriously demanding and tough, and again, I was barely prepared for what would occur.

I knew Nick had a large business empire and ran it with his daughter, to whom he intended to pass it down. I understood that's why I was meeting with him. What I didn't know was that he had recently remarried, so when he introduced himself and a much younger lady in the lobby, I assumed she was his daughter--to which he angrily responded, "NO, this is my wife!" (Oops, I was in big time trouble already, before I even got them into my office!)

When we went into my office things got even colder. Nick did all the talking, dictating the way his estate plan was going to work. Very little was to be set aside for his wife, and with lots of conditions attached. Every time I tried to engage his wife's participation, he cut me off. I already insulted him and, knowing he was a major firm client, I decided to just remain quiet and subservient. I managed to get through the meeting and summed up the plan that I would document. I asked Nick, "Is this what you want?" to which he retorted, "Yes!" Then I turned and asked his wife, "Is that what you want?" but received no answer. There was heavy silence as she stared at me without a re-

## Long-Term Nursing Care Planning Seminar

Thursday, June 9

Torrance Main Office  
9:30am  
990 W. 190th St., #500

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Tuesday, June 14

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sponse for almost 30 seconds. Finally, she shouted with disdain, "What I really want is a divorce!" and jumped out of her chair and ran screaming down the hallway (past the senior partner's office) and out through the crowded lobby!

I thought, for sure, I had lost my job, but it turned out that later the same day, Nick called and thanked the senior partner because what he really wanted was a divorce too! I did get to keep my job, but thereafter I was forever "Nick"-named by the firm's attorneys "The Homewrecker!"

### **So Be Nice (and Forgiving) to Jennifer!**

I could write about a lot more "horror stories" from my early days as an estate planning attorney, but how is that relevant to you (other than perhaps, as entertainment)? Here's how...

We'd like to introduce you to our firm's newest attorney:

#### **Jennifer Nakamoto.**



She's a terrific person and we assure you, you'll really enjoy meeting and working with her! That's because in order to avoid my early career experiences, we developed and had Jennifer attend a rigorous, in-house, new attorney training program, not only on the technical aspects of estate planning, but also on how to successfully hold client meetings (including observing other attorneys' meetings and using detailed meeting checklists and client interview forms - - all the stuff I wasn't trained on or equipped with). Plus, all Jennifer's estate plans are reviewed by our senior paralegal who has been with us for over 20 years, as well as another attorney of our firm who is a State Bar Certified Estate Planning Specialist, so you'll know the job will get done right!

And hopefully, Jennifer will steer clear of the kind of bloopers I made!

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5850 Canoga Avenue, 4th Floor  
Woodland Hills, CA 91367

Orange Office  
333 City Drive West 17th Floor  
Orange, CA 92868

Newport Beach Office  
5000 Birch Street Suite 8000  
Newport Beach CA, 92660



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## FEATURED ARTICLE



### ***Estate Planning Advice Inspired by Prince***

An article from [Nasdaq](#), published May 2, 2016 at 12:00 AM.

Written by Kiplinger

Prince's musical legacy to the world is irrefutable; his financial legacy is far less certain. The tragedy of losing Prince Rogers Nelson on April 21 is exacerbated by his reported lack of a will and proper estate planning.

In some ways, it's understandable that he had not taken the time to outline his wishes in the event of his death. After all, he was a young 57 years old, with no spouse or children, when he passed--and his rock star status made him seemingly immortal. Then again, Michael Jackson, another shining music star taken too soon at the age of 50, managed to create a pretty smart estate plan before he died.

Given the size of Prince's estate--reported to be somewhere around \$250 million and \$300 million and rising as his music sales have spiked posthumously--he should have invested a little time to dictate what will become of it all. Since he leaves behind no obvious heirs, the future of his estate is especially unclear.

***[Click here](#) for the full article and detailed advice on each tip.***

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Learn from Prince's estate-planning mistakes. Some of the contributing financial experts for our [Wealth Creation Channel](#) offer the following advice:

1. **Plan for your death.**
2. **Do last-minute planning if severe medical issues arise.**
3. **Choose your heirs.**
4. **Talk about your plans.**
5. **Be sure your will is accessible.**
6. **Consider your final resting place.**
7. **Keep your beneficiary forms up to date.**
8. **Name an executor of your estate.**
9. **Create terms of endearment.**
10. **Establish appropriate trusts.**
11. **Pick a low-tax state for your trusts.**
12. **Consider hiring an estate planning attorney.**
13. **Do it now.**
14. **Regularly review your plans.**

***[Click here](#) for the full article and detailed advice on each tip.***

## QUOTE OF THE MONTH

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“ *No matter how long the winter, spring is to follow.* ”

Proverb

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# RECIPE OF THE MONTH

## Glazed Salmon & Rice Bowl

4 servings (1 fillet & 1/3 cup of rice), total cooking time: 30 minutes

### Ingredients

3 tablespoons lower-sodium soy sauce

3 tablespoons rice vinegar, divided

2 tablespoons honey

4 (6-ounce) skin-on salmon fillets

Cooking spray

1 (8.5-ounce) pouch precooked brown basmati rice (such as Uncle Ben's)

### Garnish

1/2 cup (1-inch) pieces green onions

1 tablespoon toasted sesame seeds

### Optional for radish mixture

1 cup very thinly sliced radishes

2 teaspoons sugar

### DIRECTIONS

1. Combine soy sauce, 1 tablespoon vinegar, and honey in a bowl, stirring with a whisk. Place half of honey mixture in a bowl; reserve. Place remaining half of honey mixture and fish in a large zip-top plastic bag; seal. Refrigerate 15 minutes.

2. \*\*\*OPTIONAL STEP: for radish mixture\*\*\* Combine remaining 2 tablespoons vinegar, radishes, and sugar in a bowl. Let stand 20 minutes; drain.

3. Remove fish from marinade; discard marinade. Heat a grill pan over medium-high heat. Coat pan with cooking spray. Add fish to pan, flesh side down; cook 3 minutes on each side or until desired degree of done-ness. Remove fish from pan.

Prepare rice according to package directions. Combine [optional] radish mixture and rice in a bowl. Divide rice mixture among 4 shallow bowls; top evenly with fish. Drizzle reserved half of honey mixture evenly over fish. Sprinkle with green onions and sesame seeds for garnish.



*A recipe from Cooking Light Magazine via [myrecipes.com](http://myrecipes.com).*

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## A SPECIAL “THANK YOU”

Here is a very special THANK YOU to all of our clients who have referred family and friends, or forwarded our newsletter to them! If you are part of a group or club and you would be interested in having us speak to the members on important estate planning topics of interest, please contact us at [info@kaveshlaw.com](mailto:info@kaveshlaw.com).



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