

NEWSLETTER

SF To Conduct Evaluation of San Francisco Judges

the week of June 24 the Bar Association of San Francisco will mail questionnaires to local litigators asking them to evaluate the performance of San Francisco Superior and Municipal Court judges, arbitrators and referees. This will be the first SF evaluation since 1977. The questionnaires received concerning each judge will be given only to him/her by the appropriate presiding judge. The results of the survey will not be made

available. Respondents will be asked to evaluate the judge on the basis of the judge's knowledge of the law, objectivity, ability, temperament and courtesy of the judge and commissioner using a scale from one (poor) to ten (excellent). Specific comments are encouraged. Completed questionnaires will be mailed to the Bar Association, Box 1605, Los Altos, California and will be retrieved by the research firm

that will tabulate the results. No completed questionnaires are to be mailed to the Bar Association of San Francisco.

Surveys are being mailed to members of local trial lawyers and minority bar associations and committees and San Francisco City Attorneys, District Attorneys and Public Defenders. BASF Sponsor firms will be asked to distribute surveys to their litigators. Copies of the surveys will be available at the BASF offices at 685 Market Street, Room 700; City Hall; the Hall of Justice; and Suite 1040 of One Maritime Plaza. Anyone who wishes to participate and who does not receive a survey may request one from Joan Firestone, BASF Deputy Director, 764-1600. To prevent the possibility that any attorney might submit multiple evaluations respondents are asked to put their State Bar numbers on the return envelopes.

LRS Attorney Carries The Ball

Lawyer Referral Service Committee Chair Roger Meredith accepted a check for \$29,360.00 from panel attorney Cary Lapidus at last month's LRS Committee meeting. This amount represents the forwarding fee for a case referred to Mr. Lapidus on the Business Law Panel.

The client was a former professional football player whose sports agent was also acting as his financial adviser. This agent advised him to invest \$100,000 for part ownership in an aircraft company as a tax shelter. Due to injuries, the client's career as a football player was short-lived, and his lack of other skills resulted in his taking a position as a security guard, with a resulting loss in income. At the point when the client called LRS, the company was demanding that he pay the balance he owed on the investment, but he was unable to do so. He called LRS for a referral to an attorney to review the investment contracts, and we referred him to Mr. Lapidus.

Mr. Lapidus found that the agent was liable for not advising the client of the negative aspects of this investment as a tax shelter. In addition, a stock broker involved in the transaction had falsified information about the client's income in

order to qualify him for the investment in the first place. Mr. Lapidus initiated arbitration proceedings in 1987, and the case went to arbitration a year later. The brokerage company settled with the client after three days, but the proceedings against the sports agent continued until the client won an award in arbitration. The agent appealed the award, and the appeal was successfully defended by Mr. Lapidus, who was awarded attorney's fees for defending the appeal. The client's final award totaled \$286,000.00.

Cary Lapidus is a former Staff Attorney with the U.S. Securities and Exchange Commission's Division of Enforcement and Division of Market Regulation. Since entering private practice, he has represented both plaintiffs and defendants in numerous securities cases, as well as representing individuals in cases involving investment advisers and limited partnerships. Mr. Lapidus has been on the Business Law Panel of the Lawyer Referral Service since 1986. We are happy to have him as a member, and hope he continues to provide his valuable services to our clients for a long time.

in The Lawyer Referral Service